

IN THE COUNTY COURTS OF THE EIGHTH JUDICIAL DISTRICT OF NEBRASKA

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)  
) ADMINISTRATIVE ORDER  
) (RE: COURT PROCEDURES AND THE  
) CORONAVIRUS/COVID-19  
) STATE OF EMERGENCY)

NOW ON THIS 19<sup>th</sup> day of March, 2020, this matter comes before the judges of the County Courts of the 8<sup>th</sup> Judicial District on the Court’s own motion to determine procedures to be utilized during the current state of emergency. Being fully advised in the premises, and in an effort to maintain judicial operations and access to the court system, while mitigating exposure to, and the spread of COVID-19, the Court finds and orders as follows:

On March 12, 2020, Nebraska Supreme Court Chief Justice Michael G. Heavican issued an administrative order regarding procedures to be followed in Nebraska’s trial and appellate courts in response to the public health emergency caused by the novel coronavirus and the COVID-19 disease.

On March 13, 2020, President Donald J. Trump declared that the COVID-19 outbreak in the United States is a national emergency. That same day Governor Pete Ricketts declared that a state of emergency exists within the State of Nebraska as a result of the COVID-19 outbreak.

Since Nebraska’s first reported case, community transmission of COVID-19 has occurred within the State of Nebraska, and will likely spread statewide. In response to this disease, the Centers for Disease Control and Prevention (CDC) and the Nebraska Department of Health and Human (NEDHHS) services have established guidelines to reduce the risk of contracting or spreading COVID-19.

In conformity with the Chief Justice’s administrative order, the federal and state emergency declarations, and the guidance from the CDC and the NEDHHS, court procedures in the County Courts of the 8<sup>th</sup> Judicial District should be modified.

Due to the emergencies declared by the President of the United States and the Governor of the State of Nebraska, as well as the guidelines established by the CDC and the NEDHHS, and in the Court’s efforts to protect the health, safety, and welfare of the parties, attorneys, court staff, judges, and the general public, the Court finds good cause to exclude the following time periods from the speedy trial/adjudication computation in all criminal, traffic, and juvenile cases, which are currently pending before the Court or which will be filed during such periods. See, Neb. Rev. Stat. §§ 29-1207(4)(f), 43-277, and 43-278.

IT IS THEREFORE ORDERED that, effective immediately, and until further order of the Court:

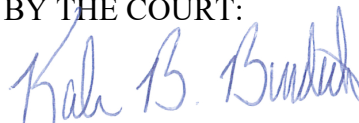
1. All in-person hearings for civil and probate cases which are not emergent in nature, and which do not involve statutorily mandated time limits, are hereby continued until further order of the Court, unless scheduled as set forth in paragraph 5. Cases considered to be emergent, or which involve statutory time limits (i.e. protection orders, landlord-tenant cases, adoptions, etc.) will be scheduled accordingly.
2. All in-person hearings for criminal and traffic cases are hereby continued for at least sixty (60) days, unless scheduled as set forth below or in paragraph 5.
  - a. The period of time between a defendant's currently scheduled court date and the date upon which the defendant's next court date is scheduled shall be excluded in computing the time for trial, pursuant to the Court's finding of good cause under Neb. Rev. Stat. § 29-1207(4)(f).
  - b. Bond review hearings shall be conducted via telephone or videoconference. Any defendant or counsel requesting a bond review hearing shall contact the Court to have such hearing scheduled. Bond reviews without a hearing may be conducted by the agreement of the parties, with the approval of the Court.
  - c. Settlement agreements involving a joint recommendation for a sentence of a fine may be handled by written waiver, with the approval of the Court. Parties should contact the Court to obtain approval and a waiver form.
3. All in-person hearings in juvenile cases are hereby continued for at least sixty (60) days, unless scheduled as set forth below or in paragraph 5, or otherwise ordered by the Court.
  - a. The period of time between a juvenile's/parent's currently scheduled court date and the date upon which the juvenile's/parent's next court date is scheduled shall be excluded in computing the time for trial, pursuant to the Court's finding of good cause under Neb. Rev. Stat. §§ 29-1207(4)(f), 43-277, and 43-278.
  - b. Detention/protective custody hearings will be conducted as required by statute. Such hearings will be conducted in-person, or via telephone or

videoconference, at the discretion of the Court in consultation with the parties.

- c. Juvenile review and permanency hearings in which there are no objections to the case plan/court report shall be conducted upon the written stipulation of the parties. Upon the filing of a written stipulation, the Court will enter the appropriate orders.
4. In all case types, the use of written filings is encouraged to keep cases progressing (e.g. written denials/not guilty pleas, written requests for a preliminary hearing, written waiver of a preliminary hearing, stipulations and agreements, etc.).
  5. Cases of any type may be scheduled as follows:
    - a. Any non-evidentiary hearings may be heard via telephone or videoconference upon the request of any party, with the approval of the Court. Any party requesting a telephonic or videoconference hearing shall be responsible for scheduling such hearing with the Court.
    - b. Evidentiary hearings may be heard via telephone or videoconference upon the agreement of all parties, with the approval of the Court. The stipulation of the parties to conduct an evidentiary hearing via telephone or videoconference shall be filed with the Court prior to scheduling such hearing. The parties shall be responsible for obtaining the Court's approval for such hearing, and for scheduling such hearing with the Court.
    - c. In-person evidentiary hearings may be ordered and heard at the discretion of the Court. Only the parties, their attorneys, and the witness testifying will be allowed in the courtroom. All other witnesses shall remain outside of the courtroom until called. No spectators will be allowed in the courtroom.
  6. Expanded news media coverage will be allowed pursuant to court rule. However, the Court may limit the number of news media personnel.

SO ORDERED this 19th day of March, 2020.

BY THE COURT:



Kale B. Burdick, Presiding Judge

