

Corey R. Steel
State Court Administrator



Deborah A. Minardi
State Probation Administrator

March 19, 2020

Larry Dix, Executive Director
Nebraska Association of County Officials
1335 H Street
Lincoln, NE 68508

Dear Mr. Dix:

The Judicial Branch is carefully monitoring the evolving circumstances presented by the novel coronavirus and COVID-19 disease. The Chief Justice issued an administrative order asking local courts and probation offices to devise and implement emergency preparedness plans to carry out mission-essential functions to remain open while protecting against the spread of this disease (see attached order). The Order further ordered that no court shall close unless or until the Chief Justice of the Nebraska Supreme Court has issued an order declaring a non-judicial day.

At this time, no such non-judicial day has been declared. Therefore, in order to provide access to the courts, court offices must, at a minimum, be able to operate. We have asked local courts to postpone trials and hearings, limit participants in the courtrooms, and restrict those persons who may pose a health risk from our courtrooms and offices. However, we have not closed courts and there must remain some minimal access to the court offices in each county.

The Nebraska court system is an essential part of government and therefore we must provide access to the courts, even in a limited fashion. Nebraska counties are required by law to provide courthouses and office facilities for district, county, and separate juvenile courts, see, Neb. Rev. Stat. §§ 23-120 and 24-515 and 43-2,113. Nothing in these statutes gives any one official in county government the authority to close these facilities completely if the courts must remain open and accessible. Therefore, if a county building which houses a court office needs to be closed for some reason, it is the responsibility of the county to ensure that alternative accommodations and arrangements are made to provide access to the courts and court services. Local judges and court staff should work collaboratively with county officials to ensure that access to the courts is provided in some form, and a notice of change in court accessibility is adequately posted.

In short, no one except the Judicial Branch can control when the courts are open, except as otherwise provided by § 25-2221, and even under that statute the court has the discretion to be open if it so chooses. See, *Rhodes v. Star Herald Printing Co.*, 173 Neb. 496, 500-501 (1962).

If it is necessary to "close" the courthouse due to an emergency, arrangements must be made and notice must be posted to permit a user, whether that be law enforcement, the county attorney, or the public, to contact either a judge or court staff if essential business must be done on a day the courthouse is closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey R. Steel". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Corey R. Steel
State Court Administrator