

REVISED PLAN FOR TRANSITIONING BACK  
FROM THE COVID-19 HEALTH CARE EMERGENCY

5/14/2020

The purpose of this memo is to advise you of what to expect from our Courts in the coming months.

It is our intention to start slowly having more in-person hearings in the coming weeks, with the hope of returning to full-time court sometime in June or July. Phone and video hearings will still be provided in appropriate cases if requested and all parties agree.

Chairs are to be positioned and maintained in the courtroom at least 6 feet apart. Attorneys are directed to talk to your clients prior to court. Notepads and pens will be provided at counsel table to assist with consultation with your clients during court—please request a recess if you need more private conversations during court proceedings.

Hand sanitizer will be provided at each counsel table. Masks and/or gloves will be provided (**if available to us**) for your use if you choose. All persons in the courtroom will not be required to wear masks unless good cause is shown prior to court and this decision is made on a case-by-case basis.

All persons coming to court are required to abide by the rules of the Administrative Order of the Chief Justice of the Nebraska Supreme Court, which is attached.

No more than 10 persons shall be allowed in the courtroom at any one time at the present time.

This plan will be adjusted as conditions warrant going forward.

Please advise the Court if you have concerns or suggestions as we move forward in this transition and we will do our best to address them. Thank you for your assistance during this challenging time.



Anne M. Paine, County Judge

IN THE SUPREME COURT OF THE STATE OF NEBRASKA

IN RE NOVEL CORONAVIRUS )  
AND COVID-19 DISEASE ) ADMINISTRATIVE ORDER  
) OF THE CHIEF JUSTICE OF  
) THE NEBRASKA SUPREME COURT  
)

The Court is carefully monitoring the evolving circumstances presented by the spread of the novel coronavirus and the COVID-19 disease. Pursuant to the authority vested in the Chief Justice of the Nebraska Supreme Court under Neb. Const. art. V, § 1 and Neb. Rev. Stat. § 25-2221, the following general administrative order regarding procedures of the judicial branch with respect to the novel Coronavirus and COVID-19 disease is required for the following reasons:

WHEREAS, a public health emergency has been declared in the United States, and guidance from public health officials suggests that one of the most effective ways to protect against the spread of this disease is to limit exposure, particularly to persons at higher risk of developing serious COVID-19 illness;

WHEREAS, conditions in the State of Nebraska at this time do not warrant limiting court or probation operations. However, this order may be updated as conditions change;

IT IS THEREFORE ORDERED, that persons who have an elevated risk of transmitting the novel coronavirus that causes COVID-19, includes anyone who:

- has traveled outside the United States within 14 days of this order, or lives or has close contact with someone who has;
- Persons who have been asked to self-quarantine by any health care provider or public official;
- Persons who have been diagnosed with, or have had contact with anyone who has been diagnosed with COVID-19; or,
- Persons who are presently exhibiting the symptoms of an infectious respiratory illness, which includes fever, cough, or shortness of breath.

IT IS FURTHER ORDERED that

1) any attorney or party shall promptly notify opposing counsel and the court if they reasonably suspect that a participant in any scheduled hearing, trial, conference, deposition, or other proceeding may come within any of the categories listed above;

2) any attorney or party shall notify the court and opposing counsel if any proceedings relating to the litigation of cases pending before the court would require travel or other actions contrary to guidance set forth by the Centers for Disease Control and Prevention or other foreign or domestic public health officials;

3) to the extent possible, counsel shall affirmatively inquire of their clients and witnesses whether they come within any of those categories;

4) no person who falls within any of those categories shall attend any hearing, trial, conference, deposition, or other proceeding without prior authorization from the court;

5) any probationer, problem solving court participant, or individual under presentence/predisposition investigation who falls within any of those categories shall notify the probation or supervision officer prior to having in-person contact and follow the officer's directives for the duration of the declared public health emergency and continue to comply with all conditions of probation or supervision unless otherwise directed.

IT IS FURTHER ORDERED that no court shall close unless or until the Chief Justice of the Nebraska Supreme Court has issued an order declaring a nonjudicial day. However, courts and probation offices shall devise and implement emergency preparedness plans to carry out mission essential functions.

Dated this 12th day of March, 2020.

BY THE COURT



Michael G. Heavican, Chief Justice