

20-247

IN THE SUPREME COURT OF THE STATE OF NEBRASKA

IN RE NOVEL CORONAVIRUS
AND COVID-19 DISEASE

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ADMINISTRATIVE ORDER
OF THE CHIEF JUSTICE OF
THE NEBRASKA SUPREME COURT

FILED

MAY 21 2021

NEBRASKA SUPREME COURT
COURT APPEALS

The Nebraska Supreme Court continues to carefully monitor the evolving circumstances presented by the spread of the novel coronavirus and the COVID-19 disease, including monitoring updated guidelines from the Centers for Disease Control and Prevention (CDC) and state and local Directed Health Measures from the Nebraska Department of Health and Human Services. 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, the national emergency declared as a consequence of the COVID-19 pandemic remains in effect;

WHEREAS, guidance from public health officials suggests that it is important to continue to mitigate the risk to the most vulnerable;

WHEREAS, the Chief Justice acknowledges decreasing numbers of COVID-19 cases and hospitalizations and an increase in vaccinated persons, but recognizes there may be conditions in the State of Nebraska at this time that affect the functions of the courts;

WHEREAS, persons who have an elevated risk of transmitting the novel coronavirus that causes COVID-19, include anyone who:

- Has tested positive for, or has had contact with anyone who has tested positive for COVID-19, as contact is defined in the current Directed Health Measures, within 14 days this order, or within 14 days of any scheduled court proceeding, or;
- Has been asked to isolate or self-quarantine by any health care provider or public official;



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- Is exhibiting symptoms of an infectious respiratory illness, which includes a fever of 100.4 degrees Fahrenheit or above, cough, shortness of breath, loss of taste or smell, body aches, or any other symptoms as identified by the (CDC) guidelines for the COVID-19 disease.

IT IS 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 actions contrary to guidance set forth by the CDC 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 notification to and 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;

6) persons shall be familiar with all court orders and notices from the judicial district in which they have any pending matter;

7) if a court is holding in-person proceedings, the court shall adopt a written plan outlining minimum measures to prevent the

transmission of COVID-19 to staff, counsel, parties, and other participants, including but not limited to use of telephonic or videoconferencing hearing options as allowed by statute, social distancing or spacing requirements, use of masks, providing hand sanitizer, and sanitizing highly touched surfaces and areas where court services and proceedings are occurring. Such plans shall be submitted to the Administrative Office of the Courts and Probation;

8) judges in each judicial district are encouraged to consult with each other and devise a uniform plan regarding minimum measures to prevent the transmission of COVID-19 to staff, counsel, parties, and other participants as outlined in paragraph 7. Such plans shall be submitted to the Administrative Office of the Courts and Probation;

9) judges in each judicial district are further encouraged to consult with each other and devise a uniform recovery plan to move towards normal court operations in accordance with CDC guidelines and state and local Directed Health Measures. Such plans shall be submitted to the Administrative Office of the Courts and Probation;

10) it is no longer necessary for self-represented litigants to file documents with the courts by email as set out in the Chief Justice's Administrative Order dated April 23, 2020.

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 continue to implement emergency preparedness plans to carry out mission-essential functions. The March 13, April 6, June 30, and November 6, 2020, Administrative Orders are superseded by this Order. This order shall remain in effect until otherwise ordered by the Nebraska Supreme Court.

Dated this 21st day of May, 2021.

BY THE COURT



Michael G. Heavican, Chief Justice