

Counsel,

Due to the recent situations with COVID-19 there have arisen a number of concerns and questions. I want to send a communication out to help address a number of items which will temporarily affect the way justice is administered in the District Courts of Cheyenne, Kimball, Banner, Garden and Deuel Counties.

1. CRIMINAL CASES- As of now I have decided that all persons in custody and being housed outside of the County in which their charges arise will appear for most hearings via video and/or tele conferencing. Attorneys will need to make arrangements to accommodate the needs of their clients prior to any hearings. This is done in an effort to limit contact and exposure to the detainees and the jail workers while transporting detainees and to avoid any cross-contamination concerns. Exceptions to this rule will be made on a case-by-case determination.
2. COURTROOM RESTRICTIONS- As of now we are asking all attorneys to visit with their clients regarding in-person hearings. We are immediately implementing limited public access to the courtroom to those who have official business here which would include attorneys, litigants and parents of minors involved in litigation and when requested members of the press.
3. HEARINGS: All hearings both civil and criminal which can efficiently and effectively be done via telephone will be conducted in that manner. This will require counsel to discuss the matter prior to the hearing to determine whether it may be conducted in such a manner. To the extent necessary, counsel may contact me to discuss such determination.
4. SELF-REPORTING OF ATTORNEYS: As indicated by the Chief Justice's administrative order of March 12, 2020 attorneys are required to self-report when certain

conditions are met. The process for that reporting was not stated. In Cheyenne, Kimball, Garden, Deuel and Banner Counties, all attorneys who are required to self-report and have not done so as of March 19, 2020 must send an email to me and Judge Roland, as needed. A response will then be provided to the attorney within 24 hours to determine the best course of action based on the individual circumstances.

5. REPORTING FOR CLIENTS: The Chief Justice's March 12, 2020 order additionally placed a requirement on all attorneys to make the Court aware of any potential COVID-19 situations for clients. The process to follow for this reporting is to email the presiding Judge in each such case to make a decision on how best to proceed. This will include witnesses who are required to travel from areas designated as high risk areas by Panhandle Public Health website, <http://www.pphd.org/>
6. CRIMINAL OUT-OF-CUSTODY ARRAIGNMENTS/PRELIMINARY HEARINGS- At this time the County Court and District Court will be accepting written waivers of arraignment and preliminary hearings for all represented defendants who wish to proceed in this fashion. The written waiver must be filed prior to the defendant's scheduled court appearance and in district court notification of the filing of said waiver given to me via email for scheduling purposes. The written waiver comply with Neb. Rev. Stat §29-4206. A form is provided in the statute for attorneys to reference.
7. TEMPORARY HEARINGS: Any hearings needed for temporary matters at this time will be conducted via telephone. The affidavits (hard copy) will need to be submitted to the Court prior to the hearing.

8. UNCONTESTED MATTERS- Any matters that are not contested and can be done via stipulation and order are to be done in this manner. This would include requests to continue hearings and trials.
9. TESTIMONY OF WITNESSES TELEPHONICALLY- To the extent permissible by statute, attorneys are encouraged to have witnesses testify via telephone and/or videoconferencing. Testimony of witnesses can be done by telephone and/or video by stipulation of the parties. We are working on making arrangements to ensure our courtrooms can technologically accommodate these stipulations.
10. JURY TRIALS- I will update attorneys as further information becomes available on the status of jury trials.
11. E-Filing-To the extent attorneys are not currently accessing online e-filing services we encourage you to do so to help reduce in-person contact for filings. Judges can sign orders via a proposed order e-filed.

The overall theme of this message is to let you all know that if a hearing can be conducted via videoconference or telephone, at this time I will try to make accommodations to allow the hearing or trial to be conducted in this manner.

Please know that continued access to the courts remains my top priority for all who seek access to justice. I intend to provide that access in as safe and healthy fashion as possible for all courthouse staff, attorneys and litigants. As the situation evolves I will continue to update attorneys on access to the courthouse and the courts in general.

A handwritten signature in blue ink, appearing to read 'Derek C. Weimer', with a long horizontal line extending to the right.

Derek C. Weimer

District Judge - 12th Judicial District

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