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**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE**

IN THE ADMINISTRATIVE MATTER OF:

THE SECOND JUDICIAL DISTRICT COURT'S  
RESPONSE TO CORONAVIRUS DISEASE  
(COVID-19) –

**ENDING TRIAL FLIGHT JURY TRIAL  
SETTING – CRIMINAL DOCKET.**

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**ADMINISTRATIVE ORDER 2022-10**

**ENDING DISTRICT-WIDE TRIAL FLIGHT JURY TRIAL SETTING - CRIMINAL DOCKET]**

**[DIRECTING TRIALS BE SET AND CONFIRMED ON INDIVIDUAL  
DEPARTMENT CALENDARS FOR DATES CERTAIN]**

WHEREAS the Second Judicial District Court (“District Court”) Chief Judge has  
authority to make administrative decisions pertaining to the business of the court. WDCR  
2(2), NRS 3.025(2)(c);

WHEREAS on March 12, 2020, Governor Steve Sisolak (“Governor Sisolak”) issued  
a Declaration of Emergency in Nevada to facilitate response to the Coronavirus Disease  
(COVID-19);

WHEREAS as the result of the Declaration of Emergency for COVID-19, Governor  
Sisolak issued subsequent Directives governing activities in Nevada;

1           WHEREAS the Declaration of Emergency for COVID-19, and all Directives issued,  
2 are available at: [https://gov.nv.gov/News/Emergency\\_Orders/Emergency Orders](https://gov.nv.gov/News/Emergency_Orders/Emergency_Orders) (last  
3 visited 6/19/2022);

4           WHEREAS in response to the COVID-19 pandemic, then Chief Judge Scott N.  
5 Freeman entered Administrative Orders (singular “AO” and plural “AOs”) to manage Second  
6 Judicial District Court (“SJDC”) business and proceedings;

7           WHEREAS in response to the continued COVID-19 pandemic, current Chief Judge  
8 Lynne K. Simons (“Chief Judge”) entered AOs to manage SJDC business and proceedings;

9           WHEREAS all SJDC AOs are available at [https://www.washoecourts.com/  
10 Main/AdminOrders](https://www.washoecourts.com/Main/AdminOrders) (last visited 7/7/2022);

11           WHEREAS in response to the COVID-19 pandemic and resulting emergency health  
12 circumstances and concerns, members of the bar were appointed to working groups to  
13 investigate, report and make recommendations on recommencing criminal and civil jury  
14 trials (“the WG Recommendations”). These working groups provided the SJDC with  
15 significant information and assisted the District Court in refining its plan for conducting trials  
16 and the public’s return to the District Court courthouse(s) to serve as jurors and participants  
17 in jury trials with public access;

18           WHEREAS after review and consideration of the WG Recommendations, the SJDC  
19 established a standing working group, comprised of members of the judiciary and members  
20 of the initial working groups, to further address resumption of jury trials (“the Standing Jury  
21 Trial WG”). The Standing Jury Trial WG, the SJDC bench and Court Administration  
22 continued to develop a working plan for conducting in person jury trials during the COVID-  
23 19 pandemic;

1 WHEREAS the SJDC determined commencement of jury trials should occur on a  
2 staged basis. The identified stages, as set forth in AO 2020-02(D) are:

- 3 • Jury trials involving criminal charges asserted against in-custody defendants  
4 who have invoked their Constitutional rights to a speedy trial.
- 5 • Jury trials involving criminal charges asserted against out-of-custody  
6 defendants who have invoked their Constitutional rights to a speedy trial.
- 7 • Jury trials involving criminal charges asserted against in-custody defendants  
8 who have waived their Constitutional rights to a speedy trial.
- 9 • Jury trials involving criminal charges against out-of-custody defendants who  
10 have waived their Constitutional rights to a speedy trial.
- 11 • Jury trials involving civil claims for relief with statutory or rule-based priority.
- 12 • Jury trials involving civil claims for relief.

13 (“Identified Stages”);

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16 WHEREAS utilizing the Identified Stages, and pursuant to its inherent authority to  
17 control its docket, the SJDC established a trial flight (“TF”) system to safely conduct criminal  
18 trials during the COVID-19 pandemic while adhering to priority by the Identified Stages and  
19 and precluding significant backlog. Maheu v. Eighth Jud. Dist. Ct., 89 Nev. 214, 217, 510  
20 P.2d 627, 629 (1973).

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23 WHEREAS TFs were set at four (4) week intervals with the first TF commencing on  
24 September 21, 2020. By subsequent AO, district-wide prioritization was ordered for each  
25 TF. TF dates have been set through 2023. Prioritization has occurred through TF 25 which  
26 commences on July 25, 2022;

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1 WHEREAS the SJDC has been conducting trials in all departments utilizing staged  
2 jury venire reporting times and appropriate sanitizing measures;

3 WHEREAS on May 18, 2022, Governor Sisolak entered the Proclamation  
4 Terminating Declaration of Emergency Related to COVID-19. [https://gov.nv.gov/News/  
5 Proclamations/2022/Proclamation\\_Terminating\\_Declaration\\_of\\_Emergency\\_Related\\_To\\_  
6 Covid-19](https://gov.nv.gov/News/Proclamations/2022/Proclamation_Terminating_Declaration_of_Emergency_Related_To_Covid-19); and,  
7

8 WHEREAS the Chief Judge intends to enter separate and subsequent AOs  
9 applicable to General Jurisdiction civil matters, Family Division matters, and Specialty Court  
10 Program dockets.  
11

12 **Accordingly, after review, and good cause appearing therefor, this AO 2022-10**  
13 **issues:**

14 The intent of this AO is to be consistent with the Proclamation Terminating  
15 Declaration of Emergency Related to COVID-19 Declaration of Emergency in Nevada.  
16

17 The intent of this AO is also to effectuate a sequential return to all in person  
18 proceedings while recognizing the COVID-19 status and statistics in Washoe County,  
19 Nevada, including cases, seven-day moving average and reported positive testing rates.  
20 [https://www.washoecounty.gov/health/programs-and-services/ephp/communicable-  
21 diseases-and-epidemiology/educational-materials/COVID-19.php](https://www.washoecounty.gov/health/programs-and-services/ephp/communicable-diseases-and-epidemiology/educational-materials/COVID-19.php) (last visited 7/7/2022).  
22

23 Criminal Jury Trials. Trials Set in TF 25 [July 25, 2022] have been confirmed on the  
24 Motion to Confirm hearing docket held on July 6, 2022. **COMMENCING WITH TF 26**  
25 **[August 22, 2022] ALL TRIALS WILL BE RESET ON INDIVIDUAL DEPARTMENTS'**  
26 **CALENDARS FOR DATES CERTAIN.**  
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1           **Trials currently set in TFs 26 through TF 30, shall be reset in the TF four (4)**  
2 **week interval in which they were originally set.** In other words, if a trial is presently set  
3 for TF 26 which commences August 22, 2022 (and ends September 28, 2022), trial must be  
4 reset during those four (4) weeks. Trials for which a defendant has invoked his or her  
5 speedy trial right, will be set accordingly. If a date certain has been previously set, due to  
6 special circumstances, trial will remain on that date set. For TF 30 and any subsequent  
7 TFs, trial may be set in the TF four (4) week interval or on another date. Within ten (10)  
8 days of the entry of this AO, counsel shall contact the judicial assistant in the assigned  
9 judicial department for all trials currently set in TF 26 and subsequent trial flights and reset  
10 the matters for a trial date certain. The assigned department will decide any requests for  
11 continuance.  
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14           **To facilitate attendance of sufficient veniremembers for trials, when trials are**  
15 **reset to a date certain on individual departments' calendars, a motion to confirm**  
16 **("MTC") hearing will also be set and heard in the assigned department not later than**  
17 **three (3) weeks before the set trial date.** If the trial date is not confirmed at the MTC,  
18 counsel will contact the judicial department within twenty (20) days to reset the matter for  
19 trial, unless the presiding judge in the judicial department grants relief from this requirement.  
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22           Jury veniremembers for the individual departments will continue to report on  
23 staggered reporting intervals as designated by the Chief Judge, Court Administrator and  
24 Jury Commissioner. **Trial start times will be governed by available jury veniremember**  
25 **reporting times.** The Chief Judge will determine department start times.  
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1 If an assigned department has more than one criminal trial confirmed to start on the  
2 same date, other departments, and senior judges, will be polled for availability. The Chief  
3 Judge will reassign trials accordingly.  
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5 Hearings, Special Set Hearings and Settlement Conferences in Criminal  
6 Proceedings. Scheduled SJDC hearings and settlement conferences in criminal  
7 proceedings, except the weekly dockets established by AO 2022-08(A), shall be conducted  
8 in the discretion of and manner directed by the presiding judge in the judicial department.  
9 Hearings and Settlement Conferences may proceed in person, by audiovisual platform, or  
10 decided on the papers as determined by the presiding judge in the judicial department, or as  
11 directed by the Chief Judge. Parties may request hearings occur by audiovisual platform  
12 and hearings will occur in that manner if the request is granted by the judicial department.  
13 All matters heard by audiovisual platform shall be conducted in accordance with the Nevada  
14 Supreme Court Rules Governing Appearance by Audiovisual Transmission Equipment, Part  
15 IX.  
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18 Transports of in-custody defendants shall occur accordingly.

19 All judicial officers and appearing parties and attorneys are directed to review the  
20 policies and procedures set forth in the Nevada Supreme Court Rules Governing  
21 Appearance by Audiovisual Transmission Equipment, Part IX.  
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23 This AO does not apply to Specialty Court proceedings.

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1           The Court finds the ends of justice and public health concerns are best served by this  
2 AO and the following sequential AOs which will address proceedings not addressed here.  
3 All provisions of AOs not amended by this AO shall remain in full force and effect, except as  
4 specifically modified or supplemented by this or other subsequent AOs.  
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6           IT IS SO ORDERED.

7           DATED this 8th day of July, 2022.



LYNNE K. SIMONS  
CHIEF JUDGE

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