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NEBRASKA SUPREME COURT
COURT APPEALS

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 Nebraska Supreme Court continues to carefully monitor 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, 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 to other persons already infected by it;

WHEREAS, conditions in the State of Nebraska at this time require precautions to limit the spread of COVID-19;

WHEREAS, persons who have an elevated risk of transmitting COVID-19 include anyone who:

- Has tested positive for or has had contact, as contact is defined in the current Directed Health Measures, with anyone who has tested positive for COVID-19 within 14 days of 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; or
- Is exhibiting the 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 Center for Disease Control and Prevention guidelines for the COVID-19 disease. Per the current Directed Health Measure definitions, close contact with a person who exhibits the above symptoms,

but who tests negative for COVID-19 or receives an alternative diagnosis (influenza, allergies, or other chronic condition), does NOT constitute close contact.

IT IS HEREBY 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 Center 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 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, and implement to the best of the court's ability, a written plan outlining adequate measures to limit 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 adequate measures to limit the transmission of COVID-19 to staff, counsel, parties, and other participants as outlined in paragraph 7 above. Such plans shall be submitted to the Administrative Office of the Courts and Probation.

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, and June 30, 2020, Administrative Orders are superseded by this Order. This Order shall remain in effect until otherwise ordered by the Nebraska Supreme Court.

Dated this 6th day of November, 2020.

BY THE COURT

Michael G. Heavican, Chief Justice