

**OPEN LETTER TO ATTORNEYS/LITIGANTS REGARDING CONDUCT IN FIFTH
JUDICIAL DISTRICT**

MARCH 25, 2020

Earlier this morning, Lyon County adopted its Emergency Public Health Order requiring all persons within Lyon County to stay at home or place of residence except as allowed in the order. I expect that Chase County will likely adopt similar measures.

As Chief Judge of the District, I have issued several administrative orders regarding emergency operations by court personnel. These have been posted on our website along with Supreme Court Administrative Orders. Contemporaneously with this message, I will be issuing our Administrative Order 2020-18 which is designed to make clear what activities will be undertaken by the courts in this district in order to be consistent with the directives of the Lyon County stay home order. This order applies equally to the courts in both Chase and Lyon Counties. This order is supplemental to previous orders and does not automatically replace prior directives.

Although I believe the administrative order to be self-explanatory, I suggest that you review it as well as the Supreme Court and prior local administrative orders in detail prior to making any inquiries.

We previously took steps to reduce the number of staff working in offices. However, there will likely be further reductions of those deemed essential and required to be in the office. This will undoubtedly impact the response times to inquiries as well as the processing of even routine filings. Therefore, I ask the following of you:


--Do NOT call or email the clerk or court numbers for any non-emergency matters. While we have been attempting to re-schedule many hearings, the uncertainty of when we will resume operations has to be taken into consideration and we will not now be processing continuances except under emergency circumstances. You all are aware that deadlines have been tolled and many matters will not be heard for some time now. It is NOT necessary to call and check to see if something has been continued.

--While the electronic filing system is fully functional, please LIMIT filings as much as possible consistent with the intent of our current circumstances.

I would also like to point out that until further notice, service of all non-essential or non-emergency summons, subpoenas, notices, writs, or orders has been suspended. In most instances you will find those currently unserved to be returned unserved.

In addition, please note that supervised exchanges and visitations may not be available. Make every effort to convince those with exchange or visitation issues to be reasonable and flexible in approach to new restrictions or unavailability of these services. I am quite sure that in future court hearings, the willingness of the parties to cooperate and make sacrifices for the benefit of the children during these times will be strongly considered.

ABOVE ALL, please make sure your practices are in compliance with our new rules and any emergency health orders.


Merlin G. Wheeler, Chief Judge