

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO

ORDER RE:
POSTPONEMENT OF JURY TRIALS AND
MANDATORY SAFETY PROTOCOLS
FOR THE SECOND JUDICIAL DISTRICT -
WEEK OF DECEMBER 13-17 and
December 20-31, 2021

ADMINISTRATIVE ORDER
2021-11

Gregory FitzMaurice, Administrative District Judge of the Second Judicial District hereby finds and orders as follows:

WHEREAS, on November 23, 2021 the Idaho Supreme Court issued an “EMERGENCY ORDER REGARDING COURT SERVICES”. Said Order contained the following requirements and prohibitions:

2. **Administrative District Judges Authorized to Issue Orders Regarding Courthouses and Courtroom Risk Reduction Protocols in Their Districts:** If a county’s seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 is 24.9 or lower, and the county is not located within a public health district subject to an active declaration of Idaho’s crisis standards of care, the Administrative District Judge is responsible for ensuring adequate measures are in place in each courthouse to reduce the risk of transmission of the coronavirus to all persons participating in a court proceeding or doing court business. Adequate measures may include, but are not limited to, requiring social distancing, masking, and the use of remote proceedings. In determining adequate measures, the Administrative District Judge should consider local conditions including, but not limited to, the COVID-19 incidence rate of the county as reflected in the weekly incidence report.

Presiding judges in a courtroom, or assigned judges in grand jury proceedings may, in the exercise of discretion, require appropriate social distancing and/or the wearing of masks **covering** the nose and mouth of any individual or group of individuals during a proceeding if the court participant is immunocompromised or other circumstances warrant such protocols.

If the county is located within a public health district in which Idaho’s crisis standards of care are currently activated, or if, a county’s seven-day moving average incidence rate of **confirmed** cases of COVID-19 is 25.0 or greater per 100,000 population, **the Administrative District Judge shall enter an administrative order defining the safety protocols that will be required in the county’s courthouse.** The order will, at a minimum, require all persons entering the courthouse to do court business to wear a mask that covers the nose and mouth and maintain six feet of social distance from anyone that does not live in their household.

and;

7. **Jury Trial Postponements:** Jury proceedings, including jury trials, and grand jury proceedings, may commence anytime during a calendar week unless:
- a. the county in which the jury trial is to be held is located in a public health district in which Idaho’s crisis standards of care are activated; or
 - b. the Administrative District Judge has determined that the County in which the prospective juror has been summoned to attend court has a seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 of 25.0 or greater per 100,000 population as reflected on the cases by County page of the Idaho Department of Health and Welfare’s COVID-19 Data Dashboard available at <https://public.tableau.com/app/profile/idaho.division.of.public.health/viz/DPHIdahoCOVID-19Dashboard/Home>

and;

8. **Other Postponements Authorized by Administrative District Judge:** Notwithstanding the conditions set forth in paragraph 7, an Administrative District Judge may, in the exercise of discretion, enter an order **prohibiting** the commencement of jury trials or the empanelment of a grand jury in a county where there are circumstances beyond the previously published incidence rates which pose a substantial increase in the health or safety risks to participants. Such an order shall be in writing and contain the factual basis for determination and shall upon entry be submitted via email to the Administrative Office of the Courts.

and;

WHEREAS, we are experiencing increased COVID-19 cases and hospitalizations in the counties listed below and our seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 greater than **25.0 as of December 8, 2021**, are:

Clearwater	47.3
Lewis	33.5
Nez Perce	26.9

and;

WHEREAS, in addition to the seven-day moving average and in accordance with paragraph number 8, the five counties in the Second Judicial District are very closely interlinked. Many of our rural counties have very low vaccination rates including some of the lowest in the state. Three of our four rural hospitals in the Second District feed directly to Kootenai Health in Kootenai County. With crisis standards of care still active in the panhandle, the Second District will continue to monitor our rural hospitals dealing with staffing shortages. If we become unable to transfer patients to Kootenai Health due to capacity issues, we may be forced to take further actions to restrict jury trials.

IT IS HEREBY ORDERED as follows:

1. Jury Trials are suspended for the weeks of December 13-17 and December 20-31, 2021, for the following counties:

Clearwater	47.3
Lewis	33.5
Nez Perce	26.9

2. Unless otherwise directed by the Administrative District Judge, the assigned judges have the discretion to hold proceedings/sentencings in person or remotely, i.e. with all participants utilizing remoted technologies.

IT IS FURTHER ORDERED that all persons entering Clearwater, Lewis, or Nez Perce Counties' operations area to do court business shall be subject to and maintain the following protocols:

3. All persons are required to wear a mask while in the court operations areas on court business.
4. All persons, not of the same household, must observe a minimum of six feet of social distancing from other persons.

IT IS FURTHER ORDERED that all persons entering county court operations areas in the Second Judicial District not under COVID-19 restrictions are instructed to follow the guidance as listed below:

- a. Anyone entering county operation areas to do court business are encouraged to wear masks and practice social distancing, but not required.
- b. Anyone entering courtrooms, facemasks and social distancing are at the discretion of the presiding judge.
- c. Strongly advise individuals not to enter courtrooms or approach court services areas if they:
 - i. have been asked to self-isolate by any doctor, hospital, or health agency;
 - ii. have been diagnosed with, but have not yet recovered from COVID-19; or
 - iii. are experiencing any signs or symptoms of illness including: fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, or new loss of taste or smell.

This Order is to remain in effect until further direction by administrative order.

IT IS SO ORDERED.

DATED 12/9/2021 2:43:29 PM



Honorable Gregory FitzMaurice
Administrative District Judge
Second Judicial District

cc:

2nd Judicial District Elected Clerks
2nd Judicial District Jury Commissioners
2nd Judicial District Magistrate & District Judges
2nd Judicial District Court Reporters
2nd Judicial District Lead Court Clerks
Roland Gammill, Trial Court Administrator
Sara Omundson, ADOC, Idaho Supreme Court