

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

ORDER RE:  
POSTPONEMENT OF JURY TRIALS  
AND MANDATORY SAFETY  
PROTOCOLS IN THE SECOND  
DISTRICT COURT FACILITIES  
9/17/2021-10/30/2021

ADMINISTRATIVE ORDER  
2021-07

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

WHEREAS, on June 24, 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, as reflected in [the Weekly Publication of COVID-19 Incidence Rates], a county’s seven-day moving average incidence rate of confirmed presumed 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. **Weekly COVID-19 Incidence Rate Jury Trial Postponements:** Jury proceedings, including jury trials and grand jury proceedings, may commence anytime during a calendar week unless 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 [www.coronavirus.idaho.gov](http://www.coronavirus.idaho.gov).

and;

8. **Other Postponements Authorized by the 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 impanelment of a grand jury in a county where there are circumstances beyond the acceptable 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 the determination and shall upon entry be submitted via email to the Administrative Office of the Courts.

and;

WHEREAS, the seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 as of Monday September 13, 2021,

Nez Perce County	<u>100.4</u>
Clearwater County	<u>140.3</u>
Lewis County	<u>178.7</u>
Idaho County	<u>83.1</u>
Latah County	<u>54.5</u>

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. Nez Perce County is the economic, education, and social hub of the area and is experiencing high infection rates. The Second District has infection rates higher than the 25.0 in all five counties. Many of our rural counties have extremely low vaccination rates including some of the lowest in the state. After speaking with the North Central District Health, we were informed we can expect to see infection rates in our district continue to climb through the middle October. Hospitalizations have spiked sharply in northern Idaho. We are now under “Crisis Standards of Care” for the first time in the state’s history. Many of our smaller rural hospitals are dealing with staffing shortages and are now unable to transfer patients to the larger communities due to capacity issues. In addition, many of our courthouses in the Second District are antiquated and small and do not lend themselves to social distancing or have adequate ventilation.

IT IS HEREBY ORDERED as follows:

1. Jury Trials in all five counties of the Second Judicial District are suspended from September 17, 2021 through October 30, 2021.
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 Nez Perce, Latah, Clearwater, Lewis and Idaho County Courthouses 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.

**This Order is to remain in effect until October 30, 2021.**

IT IS SO ORDERED.

Dated 9/14/2021 10:32:45 AM.



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Honorable Gregory FitzMaurice  
Administrative District Judge  
Second Judicial District

cc:

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