

In the Supreme Court of the State of Idaho

RE: REMOTE COURT PROCEEDINGS)
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Order
January 6, 2023

Over recent years Idaho’s courts have developed the infrastructure and expertise to expand the use of technology as a resource to allow parties to appear remotely for court proceedings. As the use of remote proceedings has expanded, courts have found remote proceedings enhance litigants’ access to justice by reducing travel time, reducing some litigation costs, increasing victim safety, increasing participation by certain individuals, and generally increasing efficiency in many proceedings. There are also challenges and costs to providing remote access including the technical capacity of some participants, the lack of sufficient internet connections for others, and the value of in-person appearances for certain types of proceedings.

In order to fully consider the benefits and limitations of remote court proceedings, as well as to develop court rules which facilitate the continued use of remote proceedings in appropriate circumstances, the Court has determined that a thorough review of court rules and procedures is necessary. This Court is undertaking an assessment of potential changes to the current Idaho court rules related to remote proceedings. A vital part of this assessment will be an opportunity for public comment regarding any such proposed rule changes. The assessment of rules and the public comment process is expected to take some time.

In order to allow Idaho’s courts and users of those courts the opportunity to continue experiencing the convenience and efficiencies associated with the use of remote proceedings during the assessment and comment period, this Court orders the following:

1. **Remote Court Proceedings:** Other than jury trials, court rules which prohibit hearing any case or part thereof remotely are suspended during the effective term of this order. Subject to the approval of each district’s Administrative District Judge, an assigned judge has the discretion to hold proceedings in person or remotely, i.e. with all participants utilizing remote technologies including teleconferencing and video conferencing, pursuant to the following conditions and requirements:
 - a. All trials on a petition to terminate parental rights shall be held in person.
 - b. All felony sentencing hearings in which the crime the defendant is being sentenced for carries a possible sentence of life and the assigned judge has not previously agreed to impose a sentence of less than life, shall be held in person with the defendant and counsel present in the courtroom.
 - c. All felony sentencing hearings in which the crime the defendant is being sentenced for carries a maximum sentence of less than life imprisonment or in which the assigned judge has previously agreed to impose a sentence of less than life, may be held remotely only if: