

In the Supreme Court of the State of Idaho

IN RE: IDAHO SUPREME COURT)
RESPONSE TO COVID-19 EMERGENCY)
_____)

AMENDED ORDER

On March 13, 2020, Governor Brad Little entered a Proclamation and declared a State of Emergency in response to the novel coronavirus (COVID-19) emergency in the State of Idaho. The Idaho Supreme Court, in light of this measure and to protect the health and safety of court employees, elected officials, and the general public, and under Article V, Section 2 of the Constitution and the inherent powers of the Supreme Court, hereby provides the following guidance to judges and ORDERS the following measures to be implemented from Wednesday, March 25, until further order of this Court:

1. With the exception of emergency matters, child protection hearings, domestic violence hearings, and evidentiary hearings in criminal cases, all in-person appearances for civil and criminal dockets shall be excused. Judges are encouraged to use telephonic or video technology for all necessary hearings, including arraignments and mental health hearings.
2. All civil trials, hearings, and motions should be postponed and rescheduled for a later date unless the assigned judge finds the proceedings can be held and adequately recorded through telephonic or video means and placed into the official court record. Any civil trial or hearing currently in progress shall be continued or completed at the discretion of the presiding judge.
3. No jury panels shall be called during the pendency of this Amended Order. All criminal jury trials currently scheduled to be held on March 25, 2020 through April 30, 2020 shall be continued no less than thirty days from the date of the trial's original starting date. This order prohibiting the calling of juries shall be deemed good cause to deny a motion to dismiss a criminal case based upon the time requirements set forth in section 19-3501, Idaho Code. *See* Idaho Criminal Rule 28.

4. With the exception of emergency matters, adoption proceedings, and hearings statutorily or by Court Rule required to be held, small claims, eviction, juvenile, probate, contested infraction, and guardianship cases shall be continued. Uncontested infraction cases may proceed including those in which the charging authority has entered or enters an amended charge.
5. In civil cases, courtroom attendance should be limited to required court personnel, attorneys, parties, necessary witnesses. In criminal hearings, not including trials, courtroom attendance should be limited to required court personnel, attorneys, parties, victims, and necessary witnesses. Access by the media and the public to individual proceedings may be requested, but will be permitted at the discretion of the presiding judge.
6. A case involving an attorney, party, victim, necessary witness, or required court personnel who is ill, or in a high-risk category as identified in paragraph 14 of this Amended Order, shall be rescheduled. In custody defendants who are symptomatic of the virus shall not be transported to the courthouse.
7. Unless public safety compels otherwise, Judges shall issue summonses in lieu of bench warrants or notices of failure to appear.
8. All show cause dockets for payment of fines and court costs scheduled within this timeframe shall be continued for 60 days.
9. The 21-day preliminary hearing requirement for out-of-custody defendants under ICR 5.1 is waived during the effective dates of this Order.
10. New juror orientations shall be suspended.
11. Existing grand jury panels, at the discretion of the court that summoned the grand jury, may be extended for 60 days from the date of this order.
12. By Court rule, attorneys are already required to use e-Filing.

13. Local Elected Clerks are urged to consider establishing using drop boxes for conventionally filed documents if available.
14. Signage shall be posted at all public entry points advising individuals not to enter courtrooms or court services offices if they have:
 - a. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
 - b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
 - c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
 - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
 - e. Been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19; or
 - f. A fever, cough or shortness of breath.
15. Individuals attempting to enter in violation of these protocols, or who appear to be ill, shall be denied entrance by anyone designated for courthouse security by the Administrative District Judge.
16. All court personnel shall discourage congregating outside courtroom doors and encourage social distancing inside the courtroom.
17. Individuals with legitimate court business who are ill, caring for someone who is ill, or in a high-risk category as identified in paragraph 14 of this Amended Order are advised to stay home and request a continuance by calling the local Court Clerk. Elected Court Clerks are urged to appoint one (or more as necessary) point persons to process these requests and notify the presiding judge and involved attorneys.
18. Local Courts are encouraged to provide sanitation materials (such as hand sanitizer or bleach wipes) at all courtroom entrances and counsel tables.

19. Idaho Criminal Rule 25(a) and Idaho Rule of Civil Procedure 40(a), which permit disqualification of a judge without cause, are suspended for all new case filings during the effective term of this Amended Order.

Nothing in this Amended Order shall preclude the Administrative District Judges from implementing additional local restrictions not in conflict with this Amended Order and as needed. This Amended Order shall be effective from March 25, 2020, until further Order of this Court.

DATED this 23rd day of March, 2020.

By Order of the Supreme Court

Roger S. Burdick

Roger S. Burdick, Chief Justice

ATTEST:

Karel A. Lehrman
Clerk

I, Karel A. Lehrman, Clerk of the Supreme Court/ Court of Appeals of the State of Idaho, do hereby certify that the above is a true and correct copy of the Amended Order entered in the above entitled cause and now on record in my office.

WITNESS my hand and the Seal of this Court 3-24-20

KAREL A. LEHRMAN

Clerk

By: William J. ... Chief Deputy