

FOR IMMEDIATE RELEASE: April 5, 2021

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## Keeping Idaho's Courts Open Amid COVID-19

*The following commentary is provided on behalf of Idaho Supreme Court Chief Justice G. Richard Bevan.*

My fellow Idahoans,

Every day, members of our communities visit our local courthouses. Some are there to make or defend a legal claim or perhaps to pay a ticket. Others come to serve as witnesses or jurors. In addition, I cannot overlook the dedicated employees who work in these buildings as courthouse staff and judges.

Our courthouses have faced the same challenges during the pandemic as other places where the public gathers. How do we maintain court operations while protecting those who enter our doors? Two things make our situation unique. First, many of the visitors to our facilities are legally required to be there — they do not have a choice. Second, Idaho's Constitution requires that courts be open to secure the rights and remedies that the law affords.

Since the early days of the COVID-19 pandemic, the Idaho Supreme Court has had to make tough decisions about how to mitigate risks and promote safety while keeping the courts open to the public. Every decision we make on this topic requires us to balance the interests of all concerned. We have considered the concerns of those worried about the potential risks of congregating in close proximity within confined spaces — as during a court hearing — while also considering the aversion that some feel about wearing a mask.

This has not been easy, particularly as guidance on the risks of the coronavirus and how to mitigate those risks has evolved. Our emergency orders have attempted to balance competing needs and legal requirements, and were made after careful deliberation and compromise, all relying on the best information available at the time.

Some question the ongoing need for protective measures. But as the coronavirus-driven recess of the Idaho Legislature and recent increase in hospitalizations across parts of the state have reminded us, we must remain vigilant.

While we continue to learn more about the virus and its variants, there is consensus in the medical community that the greatest risk occurs when individuals are in close quarters, especially indoors, with limited air circulation for long periods of time. There

is also consensus that a few key steps — properly worn face masks, social distancing, careful hygiene and cleaning — can help manage the risk of transmission, either by blocking respiratory and aerosol droplets, minimizing the chance of them reaching another person, or removing infected particles from our skin and the things around us.

Abraham Lincoln said that “[t]here are few things wholly evil or wholly good. Almost everything, especially of government policy, is an inseparable compound of the two, so that our best judgment of the preponderance between them is continually demanded.” Our efforts are intended to protect all who come to our courthouses, no matter their views on the pandemic. Thus, the safeguards that we have in place in all 44 counties and at the Idaho Supreme Court will continue as a temporary measure until they are no longer prudent.

Rest assured that the Supreme Court is steadfastly monitoring the situation moving forward, with an eye to easing these restrictions as soon as possible. Until then, your support for these precautions when visiting your local courthouse will help ensure the courts remain open. Thank you.

*Idaho Supreme Court Chief Justice G. Richard Bevan was appointed to the Court in 2017 and assumed his leadership role on Jan. 1, 2021. To read the Supreme Court’s COVID-19 orders, please visit [isc.idaho.gov](http://isc.idaho.gov).*

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