In the Supreme Court of the State of Idaho

IN RE: EMERGENCY REDUCTION IN COURT SERVICES AND LIMITATION OF ACCESS TO COURT FACILITIES	)))))	**ORDER**

On March 25, 2020, for public safety and to mitigate the spread of the COVID-19 virus, Idaho Health and Welfare Director Dave Jeppesen, at the direction of Governor Bradley J. Little, issued an Order to Self-Isolate for the State of Idaho. Effective immediately, and pursuant to Idaho Court Administrative Rule 48, all State of Idaho court facilities shall conduct reduced operations through April 15, 2020. Minimum operating personnel for each court facility shall include one front desk deputy clerk and one courthouse security officer limiting access to court facilities. If a hearing is scheduled, an additional deputy clerk and one magistrate or district judge is required. If an in-court hearing must be held in person, at least one additional court security officer in the courtroom is required.

1. During this time of reduced operations, only emergency hearings will be conducted, including in-custody arraignments, in-custody preliminary hearings, civil protection order hearings, emergency guardianship proceedings, child protection proceedings, termination of parental rights hearings, adoptions, juvenile detention hearings, civil mental commitment proceedings, civil proceedings addressed in Idaho Rule of Civil Procedure 65, proceedings under Idaho Rules of Family Law Procedure 507 and 508, and eviction actions where the basis for eviction is that the unlawful delivery, production or use of a controlled substance is taking place on the premises. To the extent possible such matters shall be conducted telephonically or through video teleconferencing, using applications which are compatible with recording or transcribing the proceeding for placement in the official court record.

2. Treatment Court and Domestic Violence Court proceedings may continue at the discretion of the presiding judge to the extent such matters can be conducted telephonically or through video teleconferencing, using applications which are

compatible with recording or transcribing the proceeding for placement in the official court record.

3. In civil cases, courtroom attendance should be limited to required court personnel, attorneys, parties, and necessary witnesses. In criminal hearings, courtroom attendance should be limited to required court personnel, attorneys, parties, victims, and necessary witnesses. Access by the public to individual proceedings may be requested, but will be permitted at the discretion of the presiding judge.

4. No jury panels shall be called during the pendency of this order. All criminal jury trials currently scheduled to be held on March 26, 2020 through April 30, 2020 shall be continued for a period of not 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.

5. Existing grand jury panels, at the discretion of the court that summoned the grand jury, may be extended until May 22, 2020.

6. The 21-day preliminary hearing requirement for out-of-custody defendants under ICR 5.1 is waived during the effective dates of this Order.

7. Processing of non-emergency matters. During the pendency of this order, all courts will continue to accept new pleadings and filings in all cases.

    a. Deadline extension and rescheduling of hearings. In the event a deadline has been set by court order or rule and the last day for filing any document, holding any hearing, or doing any other thing or matter in any court falls on or between March 26, 2020 and April 15, 2020 when courts are reducing operations, the time for filing or doing any other thing in any court shall be extended until April 16, 2020. This includes the filing of responsive pleadings, notices of appeal, and petitions for post-conviction relief. In the event a hearing has been scheduled to occur during the effective date of this order, the date for the hearing shall be reset by the presiding judge to occur after April 16, 2020.

    b. Processing of motions without a hearing. After giving notice to the parties in accordance with Idaho Rule of Civil Procedure 7(b)(3)(F), a presiding judge may,

without conducting a hearing, decide any motion where briefing has been completed or the deadline for completing briefing expired prior to the entry of this Order. This provision shall not apply to motions filed pursuant to Idaho Rule of Civil Procedure 56 (summary judgment), 59 (motion for new trial or motion to amend judgment), 74 (writs of mandate or prohibition), 75 (contempt) and 84(e)(1)(C) (de novo review of agency actions). Administrative District Judges are authorized to enter administrative orders adopting this provision and eliminating the need for the presiding judge to give notice to the parties that no hearing will be conducted.

c. This Order does not prohibit parties from continuing to process cases to the extent their work can be done in compliance with Director Jeppesen's Order to Self-Isolate.

8. THIS ORDER DOES NOT EXTEND ANY DEADLINE FOR A PARTY TO COMPLY WITH A NON-PROCEDURAL ORDER OR JUDGMENT OF A COURT. By way of illustration only, if a party has been previously ordered to produce discovery, pay child support, comply with a parenting time schedule, or transfer title to property, the party must comply with that deadline. If the party cannot comply with the order or judgment for reasons related to Director Jeppesen's Order to Self-Isolate or for any other reason, the party must seek relief from the issuing court by filing a motion. Administrative District Judges are authorized to enter administrative orders extending deadlines to comply with substantive orders or judgments of the court such as deadlines to comply with community service requirements.

9. THIS ORDER DOES NOT EXTEND ANY STATUTORY PERIOD TO FILE A COMPLAINT, COUNTERCLAIM, OR CROSS CLAIM, OR INITIATE ANY OTHER CLAIM FOR RELIEF.

10. Local Elected Clerks are urged to consider establishing and using drop boxes for conventionally filed documents if feasible.

11. Idaho Criminal Rule 25(a), Idaho Rule of Civil Procedure 40(a), and Idaho Rule of Family Law Procedure 107, each of which permit disqualification of a judge without cause, are suspended for all new case filings during the effective term of this order.

12. Signage shall be posted at all public entry points advising individuals not to enter courtrooms or court services offices if they have:

    a. Traveled within the previous 14 days internationally or domestically within the United States where COVID-19 has sustained widespread community transmission;

    b. Resided with or been in close contact with someone who has traveled as described above within the previous 14 days;

    c. Been asked to self-quarantine by any doctor, hospital, or health agency;

    d. Been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19; or

    e. A fever, cough or shortness of breath.

13. 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.

14. All court personnel shall discourage congregating outside courtroom doors and encourage social distancing inside the courtroom.

15. Individuals with legitimate court business who are ill, caring for someone who is ill, or in a high-risk category as identified in paragraph 12 of this 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.

16. Local Courts are encouraged to provide sanitation materials (such as hand sanitizer or bleach wipes) at all courtroom entrances and counsel tables.

17. All Supreme Court hearings scheduled during the month of April 2020 will be vacated and the cases submitted on the briefs without oral argument, provided any party may send a written objection to the order for submission on the briefs within seven (7) days of the date of this order, setting forth the reasons for which the party desires oral argument. Any such objection to submission on the briefs may be made via an email to: Karel Lehrman,

the Clerk of the Idaho Supreme Court at Klehrman@idcourts.net, and will be determined without oral argument.

This order supersedes this Court's Order addressing the COVID-19 crisis entered March 13, 2020, and the Amended Order addressing the COVID-19 crisis entered March 23, 2020. In addition, the administrative orders entered by Idaho's Administrative District Judges and identified on Attachment A to this order are superseded by this order.

IT IS SO ORDERED.

DATED this 26th day of March, 2020.

Roger Burdick,
Chief Justice, Idaho Supreme Court

ATTEST:

Clerk

1st District:

Kootenai County Administrative Order H20-KOO.1 (03/13/20)

Kootenai County Administrative Order H20-KOO.2 (03/17/20)

Kootenai County Administrative Order H20-KOO.3 (03/18/20)

Bonner County Administrative Order H20-BON.1 (03/18/20)

Boundary County Administrative Order H20-BOU.1 (03/18/20)

Boundary County Public Notice Regarding County Office Restrictions (03/20/18)

2nd District:

Administrative Order No. 2020-02 (03/16/20)

Temporary Suspension of Criminal Trials in the Second District Order No. 2020-03 (03/20/20)

Arrests on Warrants in the Second Judicial District Order No. 2020-04 (03/20/20)

Amended Administrative Order No. 2020-04; Arrests on Warrants (03/23/20)

3rd District:

Administrative Order 2020-1; Enlargement of Magistrate Assignments (03/18/20)

Administrative Order 2020-2; Courthouse Safety and Corona Virus (03/19/20)

Extension of Time to Complete SILD Order 2020-3 (03/19/20)

Amended Administrative Order 2020-4; Suspending Work Release (03/20/20)

Administrative Order 2020-5; Temporarily Suspending Jury Trials (03/23/20)

Administrative Order 2020-6; Time to Complete Owyhee County Jail (03/24/20)

4th District:

Admin Order 20-03-13; Reduction in Courthouse Services – Access (Ada) (03/13/20)

Admin Order 20-03-13-01; Reduction in Courthouse Services - Access (Ada) (03/13/20)

Admin Order 20-03-13-02; Reduction in Courthouse Services – Access (Boise) (03/13/20)

Admin Order 20-03-13-03; Reduction in Courthouse Services – Access (Elmore) (03/13/20)

Admin Order 20-03-13-04; Reduction in Courthouse Services – Access (Valley) (03/13/20)

Admin Order 20-03-14-01; Reduction in Courthouse Services – Access (Ada) (03/14/20)

Admin Order 20-03-14-02; Reduction in Courthouse Services – Access (Boise) (03/14/20)

Admin Order 20-03-14-03; Reduction in Courthouse Services – Access (Elmore) (03/14/20)

Admin Order 20-03-14-04; Reduction in Courthouse Services – Access (Valley) (03/14/20)

Admin Order 20-03-16; Order Suspending Court Reporter Requirement (03/16/20)

Admin Order 20-03-23; Arraignment on Indictment or Information (03/23/20)

5th District:

Admin Order 20-02; Temporary Suspension of Criminal Trials in the Fifth District (03/18/20)

Admin Order 20-03; Reduction in Court Facility Services (Blaine) (03/20/20)

Admin Order Amended 20-03; Reduction in Court Facility Services (Blaine) (03/23/20)

Admin Order 20-04; Reduction in Court Facility Services (Camas) (03/23/20)

Admin Order Amended 20-04; Reduction in Court Facility Services (Camas) (03/23/20)

6th District:

Admin Order 2020-02; Suspension of Court Operations for March 16th (03/13/20)

Admin Order 2020-03; Preliminary Hearings (03/16/20)

Admin Order 2020-04; Closure of Bannock County Courthouse (03/18/20)

Admin Order 2020-05; Attendance of Court Reporters (03/18/20)

7th District:

Admin Order 2020-02; Suspension of Court Operations for March 16th (03/14/20)

Admin Order 2020-03; Temporary Suspension of Criminal Trials (03/19/20)