

**IN THE UNITED STATES DISTRICT AND BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

In Re:

**Court Operations in Response to
Coronavirus (COVID-19)**

GENERAL ORDER NO. 360

This General Order is being issued in response to the recent outbreak of Coronavirus (COVID-19). The President of the United States has declared a national public health emergency, and the Governor of the State of Idaho has declared a public health state of emergency in the State of Idaho, caused by the threat of the worldwide 2019 novel coronavirus pandemic.

The Centers for Disease Control and Prevention (“CDC”) and other health authorities have advised people to take precautions to reduce the exposure to COVID-19 and to slow the spread of the disease. One important recommendation by these health authorities is that people avoid groups whenever possible and that people participate in social distancing. To that end, the CDC strongly recommends that employers minimize exposure between employees and the public, and to consider the public health and safety when scheduling group or public events. The daily functioning of a federal courthouse involves regular interaction between large and small groups of people, all of which need to be managed and limited in a sensible and appropriate manner so that recommended

precautions against the spread of COVID-19 can be implemented for the protection of court employees and members of the public. Accordingly,

IT IS HEREBY ORDERED: The consolidated United States District Court and Bankruptcy Court for the District of Idaho shall remain open subject to the following conditions until further order of the Court:

1. The fourth, fifth and sixth floors of the James A. McClure Federal Building and United States Courthouse in Boise, Idaho, which are the floors occupied by the federal courts, are closed to the public, except for those persons who have court business as a party, counsel, witness, or victim. The Coeur d'Alene and Pocatello courthouses are closed to the public, except for those persons who have court business as a party, counsel, witness, or victim;
2. The staff of the Clerk's Office and the Probation and Pretrial Services Office shall implement social distancing procedures to include telework. However, staff in the Clerk's Office will be available by telephone, mail will be received, and intake counters for receiving court filings will remain open. Electronic filing in CM/ECF remains mandatory for all filers, excepting only pro se litigants;
3. The Court will post signs at the entrance of its three courthouses listing advisories and restrictions for entering the courthouses;
4. All grand jury proceedings scheduled to commence before May 11, 2020 are suspended unless otherwise ordered by the Chief District Judge. If,

because of the suspension of grand jury proceedings in the District of Idaho, an individual charged with a felony in the District of Idaho but as to whom no information or indictment charging such individual with the commission of such offense is filed within 30 days from the date on which the individual was arrested or served with a summons in connection with such charges because of the suspension of the grand jury proceedings, the period of time for filing of the indictment shall be extended an additional 30 days pursuant to 18 U.S.C. 3161(b);

5. The COVID-19 pandemic and the measures being undertaken to control the spread of the illness collectively make it unfeasible and inadvisable to summons potential jurors for jury trial proceedings. Therefore, all jury trials scheduled to begin on or before May 11, 2020 are continued until further order of the Court. All time delay caused by the continuation of any such trial in a criminal case is deemed excludable time under the Speedy Trial Act, 18 U.S.C. § 3161 (h)(7)(A) because the ends of justice served by ordering these continuances outweighs the best interest of the public and each defendant's right to speedy trial. Each trial will be reset individually in separate orders;
6. All in-person meetings involving members of the public or the Bar scheduled to occur on or before May 11, 2020 at one of the Idaho federal courthouses, such as local rules committee meetings, shall be rescheduled or conducted by video conference or teleconference;

7. FOR ALL BANKRUPTCY CASES AND ADVERSARY PROCEEDINGS

THE FOLLOWING SHALL APPLY: Until further notice, NO in-person bankruptcy case hearings or proceedings will be conducted unless otherwise ordered by the presiding judge. All pending and future court hearings will either be continued or scheduled for video or telephone proceedings on a case-by-case basis. The parties shall contact the courtroom deputy to obtain the call-in information for any telephone hearing;

8. FOR ALL CIVIL CASES IN THE DISTRICT COURT THE

FOLLOWING SHALL APPLY: Until further notice, NO in-person civil case hearings or proceedings will be conducted unless otherwise ordered by the presiding judge. All motions will be decided on the briefs unless all parties join in a request for a hearing, in which case the hearing will be conducted by video or telephone proceedings on a case-by-case basis. The parties shall contact the courtroom deputy to obtain the call-in information for any telephone hearing;

9. FOR ALL CRIMINAL CASES IN THE DISTRICT COURT THE

FOLLOWING SHALL APPLY:

- a. All preliminary felony and post-conviction proceedings conducted by a Magistrate Judge will be conducted by telephone or video conference unless the personal appearance of the defendant or others is necessitated by circumstances or required by rule, statute or

constitutional provision. In all such proceedings, the courtroom procedures will adhere to precautionary measures in response to the COVID-19 pandemic, the details of which may be found and updated periodically in the sections of the Court's website for each individual judge;

- b. All change of plea hearings, suppression hearings, and sentencing hearings currently scheduled before a District Judge will be continued until after May 11, 2020, and any such proceedings not yet scheduled will be set for a hearing after that date. Counsel will be notified of the continuance/scheduling and provided the opportunity to object if delaying the hearing will negatively impact the substantive rights of the defendant, witnesses, or victims. The Court will then conduct a telephonic hearing to consider the objection and determine whether an in-person hearing must be held before May 11. If the Court determines that the hearing must be conducted before that date, it will be held with only the attorneys, the defendant, court personnel, and security personnel present;

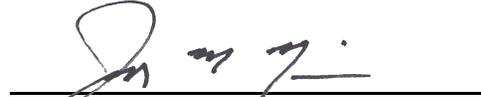
- 10. The Court will provide hand sanitizer outside courtrooms with a sign requiring use of the sanitizer by anyone entering the courtroom, requiring that everyone sit at least six feet apart unless they live in the same

household, and precluding entry to the courtroom for anyone with COVID-19 symptoms such as shortness of breath, cough, or fever.

DATED this 17th day of March, 2020.



David C. Nye
Chief District Judge



Joseph M. Meier
Chief Bankruptcy Judge