

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

**In Re: UPDATED COURT  
OPERATIONS DURING THE  
COVID-19 PANDEMIC**

**GENERAL ORDER NO. 411**

On March 17, 2020, the Court issued General Order No. 360 in response to the worldwide outbreak of COVID-19. General Order No. 360 stated that the District of Idaho courthouses (Boise, Pocatello, and Coeur d’Alene) would remain open subject to certain precautions to protect the health and safety of court employees and the public. On March 25, 2020, Idaho Governor Brad Little issued a statewide Order to Self-Isolate directing all Idaho citizens to self-isolate at their place of residence until April 15, 2020. In response to that order, and in line with recommendations from the Centers for Disease Control and Prevention (“CDC”) and other health authorities, the Court issued General Order No. 362 closing the federal courthouses to the public through April 15, 2020. That order expired on April 15, 2020, but the Court issued General Order No. 365 essentially extending General Order No. 362 through May 11, 2020.

On May 11, 2020, the Court issued General Order No. 367 in response to Idaho Governor Brad Little’s staged approach for reopening Idaho during the COVID-19 pandemic. General Order No. 367 outlined Court operations during that reopening process which were tied to the Governor’s staged approach. The State of Idaho and the Court advanced through those reopening stages, with some back and forth between

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stages. During that time, the Court issued several subsequent General Orders revising and updating Court operations during the pandemic (General Order Nos. 376, 384, 388, 391, 396, and 402).

As it became clear to the Court that the pandemic would likely continue for the foreseeable future, the Court created a COVID-19 Committee to develop policies and protocols for continued court operations going forward. The purpose of the policies and protocols is to provide a structure for safe and efficient operations in each of the District of Idaho’s three courthouses during the COVID-19 pandemic. The policies and protocols were developed based primarily upon CDC guidelines and consultation with a local epidemiologist. The new policies and protocols are not directly tied to the Governor’s staged approach. Instead, they outline three risk levels which determine the manner in which the Court operates during the pandemic – Red Level, Yellow Level, and Green Level.

The following metrics will generally determine the risk level for a courthouse in the District of Idaho:

1. Red Level:

- a. The CDC Community Transmission Map<sup>1</sup> shows “high”<sup>2</sup> community transmission for the county<sup>3</sup> in which the courthouse is located, **AND**

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<sup>1</sup> CDC Community Transmission Map: <https://covid.cdc.gov/covid-data-tracker/#county-view>

<sup>2</sup> “High” community transmission is defined by the CDC as 100 or more new cases per 100,000 persons in the past 7 days OR when the percentage of positive NAATs tests is greater than or equal to 10% during the past 7 days. If the two indicators suggest different transmission levels, the higher level is selected.

<sup>3</sup> The specific courthouses in the District of Idaho serve multiple Idaho counties and select jurors from multiple counties in the State of Idaho. Court operations may be affected by the COVID-19 virus spread to counties where the courthouse is not physically located. Thus, the Committee will monitor activities

- b. COVID-19 vaccines and/or boosters are not readily available or effective at preventing hospitalization and death from COVID-19, **OR**
- c. The health district in which the courthouse is located is operating under crisis standards of care (in accordance with IDAPA 16.02.09), **OR**
- d. There is significant spread of COVID-19 within the specific courthouse.

2. Yellow Level:

- a. The CDC Community Transmission Map shows “substantial”<sup>4</sup> or “high” community transmission for the county in which the courthouse is located, **AND**
- b. COVID-19 vaccines and/or boosters are readily available and effective at preventing hospitalization and death from COVID-19, **AND**
- c. The health district in which the courthouse is located is not operating under crisis standards of care (in accordance with IDAPA 16.02.09), **AND**
- d. There is no significant spread of COVID-19 within the specific courthouse.

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reported by the CDC and various health agencies in these other counties and make assessments beyond the data reported in Ada, Bannock and Kootenai Counties. This assessment may require the particular courthouse to move or remain in a risk level different from that reported in the respective county where the courthouse is located.

<sup>4</sup> “Substantial” community transmission is defined by the CDC as between 50 and 99 new cases per 100,000 persons in the past 7 days OR when the percentage of positive NAATs tests is between 8 – 9.99% during the past 7 days. If the two indicators suggest different transmission levels, the higher level is selected.

3. Green Level:

- a. The CDC Community Transmission Map shows “low”<sup>5</sup> or “moderate”<sup>6</sup> community transmission for the county in which the courthouse is located, **AND**
- b. COVID-19 vaccines and/or boosters are readily available and effective at preventing hospitalization and death from COVID-19, **AND**
- c. The health district in which the courthouse is located is not operating under crisis standards of care (in accordance with IDAPA 16.02.09), **AND**
- d. There is no significant spread of COVID-19 within the specific courthouse.

Court operations during the three risk levels are as follows:

1. Red Level:

- a. Public access to the courthouses is strictly limited to those individuals with specific business, e.g., those attending a hearing or visiting their probation officer;
- b. Occupancy is limited to 15 individuals or less in the courtrooms and other court-occupied spaces;

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<sup>5</sup> “Low” community transmission is defined by the CDC as less than 10 new cases per 100,000 persons in the past 7 days OR when the percentage of positive NAATs tests is less than 5% during the past 7 days. If the two indicators suggest different transmission levels, the higher level is selected.

<sup>6</sup> “Moderate” community transmission is defined by the CDC as between 10 and 50 new cases per 100,000 persons in the past 7 days OR when the percentage of positive NAATs tests is between 5 – 7.99% during the past 7 days. If the two indicators suggest different transmission levels, the higher level is selected.

- c. Face coverings/masks and social distancing are required;
- d. Criminal proceedings may be conducted virtually or in-person at the presiding judge's discretion;
- e. Unless the presiding judge determines that a particular case or proceeding can be conducted in person while following all other face coverings/mask, social distancing, and limited occupancy requirements listed in b and c above, civil and bankruptcy cases and proceedings may only be conducted virtually (audio or video);
- f. Only mandatory persons may attend in-person hearings. Mandatory persons include the Judge, the parties, counsel for both parties, interpreter, witness(s), and marshal(s) or other necessary security personnel;
- g. Jury trials are not permitted;
- h. Grand jury proceedings will proceed with appropriate safety precautions unless otherwise ordered by the Chief District Judge;
- i. Naturalization and name change ceremonies may only be conducted outdoors; and
- j. In-person ceremonies and employee events are suspended.

2. Yellow Level:

- a. Public access to the courthouses is strictly limited to those individuals with specific business, e.g., those attending a hearing or visiting their probation officer;

- b. Occupancy is limited to 50 individuals or less in the courtrooms and other court-occupied spaces;
- c. Face coverings/masks and social distancing are required;
- d. Criminal proceedings may be conducted virtually or in-person at the presiding judge's discretion;
- e. Civil and bankruptcy cases and proceedings may be conducted in-person or virtually at the discretion of the presiding judge;
- f. Mandatory and discretionary persons may attend in-person hearings. Mandatory persons include the Judge, the parties, counsel for both parties, interpreter, witness(s), and marshal(s) or other necessary security personnel. Discretionary persons include court reporter, courtroom deputy, law clerk, probation officer, and members of the public;
- g. Jury trials are permitted at the discretion of the presiding judge;
- h. Grand jury proceedings will proceed with appropriate safety precautions unless otherwise ordered by the Chief District Judge;
- i. Naturalization and name change ceremonies may only be conducted outdoors; and
- j. In-person ceremonies and employee events may be conducted indoors subject to the 50-person room capacity, social distancing, and other appropriate precautions.

### 3. Green Level:

- a. General public access to the courthouses is allowed with precautionary measures;
- b. No occupancy limitations;
- c. Face coverings/masks and social distancing are required;
- d. Criminal proceedings may be conducted in-person;
- e. Civil and bankruptcy cases and proceedings may be conducted in-person;
- f. All persons may attend in-person hearings;
- g. Jury trials will proceed;
- h. Grand jury proceedings will proceed with appropriate safety precautions unless otherwise ordered by the Chief District Judge;
- i. Naturalization and name change ceremonies may be conducted indoors subject to social distancing and other appropriate precautions as determined by the presiding judge; and
- j. In-person ceremonies and employee events may proceed indoors subject to social distancing and other appropriate precautions.

Each courthouse (Boise, Pocatello, and Coeur d'Alene) may operate at a different risk level at any given time. The District of Idaho COVID-19 Committee will meet weekly to review the risk levels and assess whether any changes are necessary. The assessment will include analysis of CDC and health district information from counties served by the respective courthouses. The Committee will make recommendations to the General Order No. 411

Chief Judges regarding changes to the risk level, and the current risk level for each courthouse will be reflected on the Court's website here:

<https://id.uscourts.gov/clerks/Welcome.cfm> Accordingly,

IT IS HEREBY ORDERED that the above outlined policies and protocols are adopted by the District of Idaho.

IT IS FURTHER ORDERED that some protocols and procedures outlined by the COVID-19 committee apply only to employees of the District of Idaho. Employees shall follow those protocols and procedures notwithstanding anything stated in this General Order.

IT IS FURTHER ORDERED that this General Order supersedes the previous general orders issued by the Court in response to the pandemic (General Order Nos. 360, 362, 365, 367, 376, 384, 388, 391, 396, and 402).

DATED this 8th day of February 2022.



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David C. Nye  
Chief United States District Judge



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Joseph M. Meier  
Chief United States Bankruptcy Judge



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Candy W. Dale  
Chief United States Magistrate Judge