

**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. 419

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 General Order No. 419

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 was 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 policies and protocols were not directly tied to the Governor's staged approach. Instead, they outlined three risk levels which determined the manner in which the Court operates during the pandemic – Red Level, Yellow Level, and Green Level. The Court then issued General Order No. 411 outlining and explaining the new protocols and procedures. However, a few weeks after the Court issued General Order No. 411, the CDC made some significant changes to its guidelines. The Court's COVID-19 Committee responded by updating the Court's policies and procedures, and the Court issued General Order No. 412 adopting those updated policies and procedures.

The CDC recently made some additional changes to its guidelines, and the Court's COVID-19 Committee has now updated the Court's policies and procedures to reflect those changes, which are outlined below.

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

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1. Red Level:

- a. The CDC Community Level shows “high” for the county¹ in which the courthouse is located, **AND**
- 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 Level shows “medium” or “high” 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.

¹ 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 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.

3. Green Level:

- a. The CDC Community Level shows “low” 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;
- 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. Occupancy in the courtrooms is at the discretion of the presiding judge, and there are no occupancy limits in other court-occupied spaces;
- b. Unless otherwise ordered by the Chief District Judge and Chief Bankruptcy Judge, face coverings/masks are not required in common areas and private areas of the courthouse, but face coverings/masks are at the discretion of the presiding judge in his/her courtroom;
- c. Criminal proceedings may be conducted virtually or in-person at the discretion of the presiding judge;

- d. Civil and bankruptcy cases and proceedings may be conducted in-person or virtually at the discretion of the presiding judge;
- e. 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;
- f. Jury trials are permitted at the discretion of the presiding judge, and safety precautions are at the presiding judge's discretion on a case-by-case basis;
- g. Grand jury proceedings will proceed with appropriate safety precautions unless otherwise ordered by the Chief District Judge;
- h. Naturalization and name change ceremonies may be conducted indoors with safety precautions at the discretion of the presiding judge; and
- i. In-person ceremonies and employee events may be conducted indoors subject to appropriate safety precautions and in accordance with the Court's COVID-19 policies and protocols.

3. Green Level:

- a. General public access to the courthouses is allowed with precautionary measures;
- b. No occupancy limitations;

- c. Face coverings/masks are not required in common areas and private areas of the courthouse, but face coverings/masks are at the discretion of the presiding judge in his/her courtroom;
- 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, and safety precautions are at the presiding judge's discretion on a case-by-case basis;
- 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 appropriate precautions as determined by the presiding judge; and
- j. In-person ceremonies and employee events may proceed indoors subject to 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 Chief Judges regarding changes to the risk level, and the current risk level for each

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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.

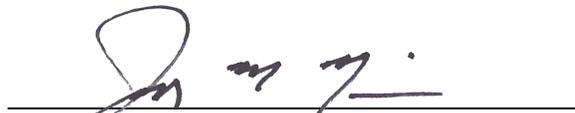
IT IS FURTHER ORDERED that some protocols and procedures outlined by the COVID-19 committee apply only to employees of the District of Idaho. Employees shall follow those protocols and procedures notwithstanding anything stated in this General Order.

IT IS FURTHER ORDERED that this General Order supersedes General Order No. 412.

DATED this 28th day of September 2022.



David C. Nye
Chief United States District Judge



Joseph M. Meier
Chief United States Bankruptcy Judge



Raymond E. Patricco, Jr.
Chief United States Magistrate Judge