

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

**In Re**

**CONTINUED COURT OPERATIONS  
IN RESPONSE TO CORONAVIRUS  
(COVID-19) AND IDAHO  
GOVERNOR'S GUIDELINES FOR  
REOPENING IDAHO**

**GENERAL ORDER NO. 367**

On April 16, 2020, General Order 365 was issued in response to the outbreak of Coronavirus (COVID-19). It impacted certain provisions of General Order 362. Specifically, it closed the courthouses in Pocatello and Coeur d'Alene and the Court-occupied floors in the McClure Courthouse in Boise until May 11, 2020, except for essential hearings. It further ordered the suspension of all grand juries through May 31, 2020, absent an order by the chief judge. Civil and criminal petit jury trials were continued until after May 31, 2020, absent an order by the presiding judge.

The Court finds that the current guidance of State and National public health officials and the declarations of Governor Little and President Trump require the Courthouses to remain closed. The Court now adopts its previous findings on this matter contained in the prior general orders. The Court further finds that the pandemic continues worldwide and indeed may not yet have reached its peak in the United States. Likewise, the Court notes that there are over 2,000 positive cases of

Covid-19 in the State of Idaho, with 67 deaths, indicating community transmission in many locations. Nonetheless, State and National public health officials have found that the practice of “social” or physical distancing is reducing the spread of the virus but advise that the practice must continue for the foreseeable future.

Governor Little has introduced a staged approach for reopening Idaho. Currently, Idaho is in Stage 1 until at least May 15, 2020. In that stage, employees are to continue teleworking where feasible, and gatherings of any kind should be avoided. Once Idaho moves into Stage 2, which is currently anticipated to happen on May 16, 2020, employees are encouraged to telework where feasible, and, if necessary, to return to work in phases. Gatherings larger than 10 persons should be avoided. When Idaho moves into Stage 3, which is anticipated to happen on May 30, 2020, gatherings larger than 50 people should be avoided. Finally, when Idaho moves into Stage 4, which is anticipated to happen on June 13, 2020, gatherings of any size can occur, and worksites will be unrestricted as to the return of employees. In all phases, physical distancing should continue and cloth face coverings/mask are encouraged. The District of Idaho concurs with the State’s staged approach.

IT IS THEREFORE ORDERED, that the Coeur d’Alene and Pocatello Courthouses and the fourth, fifth, and sixth floors of the James A. McClure Federal Building and the United States Courthouse in Boise, shall remain closed to the

public except for essential hearings. The determination of which hearings are essential will be left to the presiding judge. Any hearing deemed essential will be conducted with the least number of persons as possible in the actual courtroom, as determined by the presiding judge. Video and telephonic means will be utilized to the extent possible.

Once Idaho moves into Stage 2, the Courthouses will remain closed to the public except for those people who are attending hearings. Courts may conduct in-person hearings with no more than a total of 10 persons in the courtroom. Any family, friends, and public members who wish to attend a criminal hearing must provide at least 24 hours advance notice to the defense lawyer who must then notify the court within the same timeframe so that the names of those persons can be provided to security. Otherwise, family, friends, and public members will not be allowed into the courthouse. If there are ten persons in the courtroom, any family, friends, and public members who wish to listen to the proceedings may do so on the hearing's teleconference line which will be published on the judge's calendar docket, accessible on the court's website at <https://id.uscourts.gov>. Any person seeking to attend, in person, a courtroom proceeding otherwise closed to the public under this General Order based upon rights provided in the Crime Victim Rights Act, 18 U.S.C. § 3771, *et seq.*, should make a request to attend the proceeding directly to the Clerk of the Court and provide information about how to be

contacted un response to their request. Such persons may also contact the office of the United States Attorney for the District of Idaho for further information about their rights under the Crime Victims Rights Act. No jury trials will be held in Stage 2.

Once Idaho moves into Stage 3, the Courthouses will open to the public and jury trials will resume. Steps will be taken to adhere to the guideline that there be no more than 50 people in a gathering.

Until further notice, all persons in the public areas of the courthouses and the courtrooms must wear cloth face covering/masks for the protection of others and themselves. The presiding judge will decide whether witnesses testifying on the witness stand will wear a cloth face covering/mask. Additionally, physical distancing of at least six feet must be observed. Offsite facilities may be utilized at the discretion of the presiding judge to accommodate the need for physical distancing during jury selection.

IT IS FURTHER ORDERED that all grand juries are suspended through May 31, 2020, absent an order by the chief judge.

The Court continues to find that, due to the current inability to obtain an adequate spectrum of jurors and the effect of the above public health situation on the availability of witnesses, counsel and Court staff to be present in the courtroom, the time period of the continuances implemented by this General Order

will be excluded under the Speedy Trial Act, as the Court finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. §3161(h)(7)(A).

All provisions of General Order No. 362 remain in effect until further notice, except as otherwise noted herein.

DATED: 11<sup>th</sup> day of May, 2020.



David C. Nye  
Chief Judge  
United States District Court



Joseph M. Meier  
Chief Judge  
United States Bankruptcy Court