

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO)
RULES FOR ELECTRONIC FILING)
AND SERVICE)
_____)

ORDER

The Court, having reviewed a recommendation to amend the Idaho Rules for Electronic Filing and Service, and being fully informed:

IT IS ORDERED that the Idaho Rules for Electronic Filing and Service are amended as follows:

Rule 5. Exceptions to Electronic Filing of Documents

(h) Motion to Redact or Seal a Document. A motion to redact or seal a document by court order pursuant to Idaho Court Administrative Rule 32(i) and the document that is the subject of the motion (~~which is treated as sealed until the court rules on the motion~~), must may be filed conventionally. ~~After a court has ordered documents sealed they may be electronically filed as part of or exhibits to subsequent pleadings. Electronic submissions that include documents sealed by the court must comply with Rule 6(b)(2)(B)~~ If filed electronically, the motion must comply with Rule 7.

Rule 6. Format and Size of Documents Filed Electronically

(b) Supplemental attachments.

(1) Subject to the exceptions in (2) below, a document that includes attachments must be submitted as a unified single PDF file to the extent practicable. An electronic filing submitted under this section that exceeds 50 megabytes must comply with subsection (a) of this rule.

(2) The documents listed below should be filed as a separate document. A filer submitting separate documents under this subsection must include in the Filing Description field a description that clearly identifies each document. For each separate document submitted, the detailed caption title, filing description in the electronic filing system, and .pdf file title must be substantially identical.

(A) A proposed order, judgment, or other document that requires court signature must be submitted as a separate document.

(B) An attachment that is exempt from public disclosure, ~~or was previously ordered sealed, or is the subject of a motion to seal~~ must be submitted through the electronic filing system as a separate document. ~~A filer submitting a document must identify the document in the "Comments to Court" field as confidential and must otherwise comply with Rule 7.~~

(C) An application for fee waiver must be submitted as a separate document.

Rule 7. Motions to Redact or Seal and Sealed and Confidential Documents

~~If a filer identifies a document as "confidential," in the "Comments to Court", the court will verify that designation and after review may modify the designation of any document incorrectly identified as "confidential." Once the designation as "confidential" is confirmed, the document will not be accessible to the public, but will be accessible to court staff and, where applicable, to certain governmental entities as authorized by law, court rule, or court order.~~

(a) Motions to Redact or Seal by Court Order. Motions to redact or seal records under Idaho Court Administrative Rule 32(i) may be filed electronically only as follows:

(1) The filer must select the Filing Code "Motion to Redact or Seal Newly Filed Records" or "Motion to Redact or Seal Previously Filed Records," as appropriate, when submitting the motion.

(2) If the motion requests the redaction or sealing of records that have not previously been filed in the action, the filer must submit those records for review. The records must be submitted as a separate document in the same envelope as the motion or, if necessary due to file size, in multiple envelopes in compliance with Rule 6. The filer must select the Filing Code "Subject Document-Motion to Redact or Seal Newly Filed Records" when submitting the document or documents that are the subject of the motion to redact or seal.

(3) Filers should be aware that while previously unfiled records that are the subject of a motion to redact or seal and are submitted with that motion will be temporarily sealed as provided in Idaho Court Administrative Rule 32(i)(2), the motion will be publicly accessible.

(b) Confidential Documents. Documents that are filed as attachments and are "confidential" as defined by Rule 2(j), including any document previously ordered sealed by the court, may be filed electronically only as follows:

(1) The document must be submitted as a separate document in the same envelope as the pleading or motion to which it pertains or, if necessary due to file size, in multiple envelopes in compliance with Rule 6.

(2) When submitting a confidential document, the filer must select the Filing Code "Confidential Document-IREFS 2(j)." When filed, the document will not be accessible to the public, but will be accessible to court staff and, where applicable, to certain governmental entities as authorized by

law, court rule, or court order. The court will verify that documents submitted with this Filing Codes are confidential and, if they are not, the court may make the documents publicly accessible.

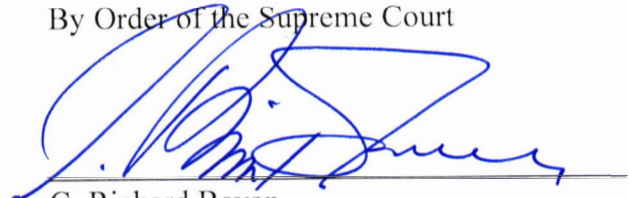
IT IS FURTHER ORDERED that this order and these amendments shall be effective January 1, 2025.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Rules for Electronic Filing and Service.

IT IS FURTHER ORDERED, that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

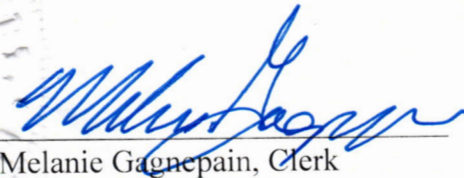
DATED this 18th day of December, 2024.

By Order of the Supreme Court



G. Richard Bevan
Chief Justice, Idaho Supreme Court

ATTEST:



Melanie Gagnepain, Clerk