

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTIES OF ADAMS,
CANYON, GEM, OWYHEE, PAYETTE AND WASHINGTON

IN RE: TRANSCRIPT OF CLOSED
PRELIMINARY HEARING

ADMINISTRATIVE ORDER

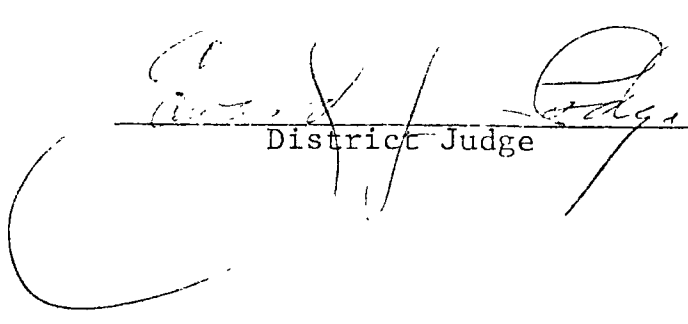
When a Judge of the Magistrate Division orders a Preliminary Hearing closed, pursuant to statute, the transcript of said hearing will be sealed.

When preparing the transcript of a Preliminary Hearing and the supervisor of the transcription department ascertains the hearing was closed to the public, said supervisor will place the court transcript in a sealed envelope before placing in the court case file.

Under no circumstances will the seal be broken except by order of a District Judge.

Copies of said transcript provided counsel are to be used by counsel solely for purposes of preparing for trial and/or other legal proceedings and are to be kept confidential until otherwise ordered or provided by Court order.

Dated this 20th day of May, 1981.


District Judge

PROCEDURE FOR PROCESSING TRANSCRIPTS
OF CLOSED PRELIMINARY HEARINGS

Attached is a copy of an Administrative Order issued by Judge Edward J. Lodge on May 20, 1981, relating to the sealing of transcripts of preliminary hearings which have been closed by order of court. The following procedure will be followed in implementing the Order:

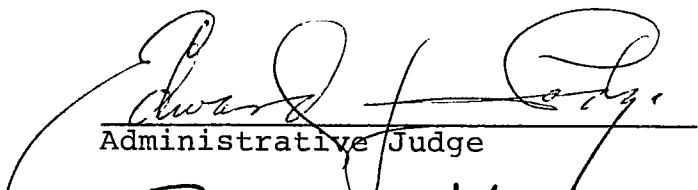
When a Magistrate orders a preliminary hearing closed, the Magistrate Court Clerk will, immediately upon leaving court, send a written notice to the Trial Court Administrator advising that the hearing has been closed, and will attach to the outside of the file a prominent notice that the hearing was closed. The tapes of that hearing will be turned over to no one except the Trial Court Administrator or his designee.


When a District Judge then orders that the transcript of the hearing be prepared, the Court Clerk serving that District Judge will deliver to the Trial Court Administrator a copy of the Judge's Order or a copy of the Minutes of the proceeding at which the transcript was ordered. (In other words, the District Court Clerk will follow the same procedure as followed with regard to all transcripts.)

The Trial Court Administrator will notify the supervisor of word processing, in writing, that the hearing was closed.

When the transcript is completed, the supervisor of word processing will place the original and copies in sealed envelopes. On the envelope containing the original will be placed a notice that the envelope contains the original transcript and that it has been sealed by order of court and cannot be opened by anyone without an order signed by a District Judge. On the envelopes containing the copies for counsel will be attached notices containing the name of the attorney who can pick up the copy and containing advice that the original transcript has been sealed by order of court and that the copies are to be used by counsel for the sole purpose of preparing for trial and/or other legal proceedings and are to be kept confidential until otherwise ordered by a District Judge. The supervisor of word processing shall also seal the tapes with a prominent seal or mark.

The sealed envelopes containing the transcripts and tapes will then be delivered to Barbara Stamm, or in her absence to Mary Carpenter, and the envelope containing the original transcript will be file stamped to show that the preliminary hearing transcript has been filed.


Administrative Judge


Clerk of the District Court


Manager, General Services

May 21, 1981