

CHAPTER 9

IDAHO'S COURT SYSTEM: THE THIRD BRANCH OF GOVERNMENT

Idaho has a unified court system, which means that all state courts are administered and supervised by the Idaho Supreme Court. The source of this authority is Article 5, Section 2 of the Idaho State Constitution, which states: "The courts shall constitute a unified and integrated judicial system for administration and supervision by the Supreme Court." Just as the Governor is the head of the executive branch of government, the Idaho Supreme Court is the head of the judicial branch of government. However, the courts are unique in that they are funded in part by the state of Idaho and by counties and, in some cases, cities. As an example, judges and court reporters are paid by the state while deputy court clerks are county employees paid by the county.

IDAHO SUPREME COURT

In addition to its duty to administer the judicial system, the Supreme Court hears appeals of decisions from district courts, the State Public Utilities Commission, and the Industrial Commission. While appeals of criminal cases often attract press coverage, most appeals decided by the Supreme Court are civil disputes involving sums of money, determinations of rights relating to contractual arrangements or family relationships. The Supreme Court also hears appeals in certain cases involving child custody directly from the magistrate division.

There are five justices of the Supreme Court who are elected to six-year terms. The Chief Justice is elected by the justices for a four-year term.

The Idaho Supreme Court hires and directs the Office of the Clerk of the Court. The Clerk's Office processes all appellate filings for the Idaho Supreme Court and the Idaho Court of Appeals. The Office is also responsible for maintaining appellate court dockets and publishing and distributing appellate court opinions. The distribution of opinions includes publishing Idaho Reports and providing a summary of each published Supreme Court and Court of Appeals opinion to the trial judges in the court e-news.

All orders from the Supreme Court and Court of Appeals are issued by the Clerk's Office. The Office also processes all orders for disqualification pursuant to IRCP 40(d) (5), as well as change of venue, IRCP 40(e). In addition, all orders involving the Idaho State Bar, including licensing and discipline, are distributed by the Clerk's Office. The Clerk of the Court administers the oath of admittance to incoming attorneys.

The Clerk's Office is the repository of records for the Idaho Supreme Court. The Office maintains copies of all rules adopted by the Supreme Court, including civil, criminal, and administrative rules.

IDAHO COURT OF APPEALS

The Idaho Court of Appeals began deciding cases on January 4, 1982. The Court consists of four judges who sit in three-judge panels to decide cases assigned to the Court of Appeals by the Supreme Court.

The Court of Appeals has jurisdiction to hear all cases assigned to it by the Supreme Court. However, the Supreme Court may not assign cases involving claims against any state, extraordinary writs, appeals from the imposition of capital punishment, nor appeals from the Industrial Commission or Public Utilities Commission.

While an appellant may petition the Supreme Court to rehear a Court of Appeals decision, the Supreme Court is not required to grant such a petition.

JUDICIAL DISTRICTS

Idaho's trial courts are divided into seven judicial districts established by the Legislature. The districts consist of the following counties:

First District: Benewah, Bonner, Boundary, Kootenai, and Shoshone

Second District: Clearwater, Idaho, Latah, Lewis, and Nez Perce

Third District: Adams, Canyon, Gem, Owyhee, Payette, and Washington

Fourth District: Ada, Boise, Elmore, and Valley

Fifth District: Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls

Sixth District: Bannock, Bear Lake, Caribou, Franklin, Oneida, and Power

Seventh District: Bingham, Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton

DISTRICT COURTS

District court judges have jurisdiction over civil and criminal cases. They decide cases involving the felonies—crimes punishable by death or a sentence to the Board of Correction—and typically hear civil cases where the amount of money in dispute exceeds \$10,000. Civil damage actions usually involve personal injury, such as negligence cases, and contractual disputes between parties. District judges may also hear domestic relations cases, such as divorces and child custody matters, but in most counties, such cases are handled by magistrate judges. District judges also hear post-conviction relief actions, in which a defendant is challenging a felony conviction or sentence. District judges also hear appeals from decisions made by magistrate judges.

There are 45 district judge positions throughout the state. District judges are elected by the voters in their districts for four-year terms.

Magistrate Division: Magistrate judges hear less serious criminal matters, known as misdemeanors, and can handle civil cases where the amount of money involved does not exceed

\$10,000. Magistrate judges also hold preliminary hearings to determine whether to bind over and send a defendant to the district court for trial on a felony charge. Magistrate judges may also issue warrants of arrest and search warrants. Magistrate judges handle habeas corpus proceedings, probate cases (wills and estates), juvenile cases, and domestic relations cases, such as divorce, alimony, child support, and child custody.

Magistrate judges also sit as judges in the "people's court," the Small Claims Department. Small claims involve civil disputes where no more than \$5,000 is in question. These cases are heard informally without attorneys being present and without the involvement of juries. A person can appeal a small claims decision made by a magistrate judge to another magistrate judge. Small claims court trials are designed to be quick and relaxed, to allow consumers and business people an inexpensive method of settling minor claims. Any person over eighteen years of age can file a suit in the Small Claims Department.

The greatest number of cases handled by magistrate judges is misdemeanor and infraction cases. Infractions are civil public offenses punishable by a fine of no more than \$100, plus court costs. Typically, they involve traffic offenses. Infraction cases constitute the largest share of the total trial court caseload. Infraction and misdemeanor cases come to the court system most frequently in the form of a traffic citation or "ticket" issued by law enforcement to the defendant.

There are 89 magistrate judge positions throughout the state. Magistrate judges stand for retention elections by the voters in their respective counties every four years.

JUDICIAL VACANCIES

When a vacancy occurs in a Supreme Court, Court of Appeals, or district judge position during the justice's or judge's term, the Judicial Council receives and reviews applications for the position. The Judicial Council consists of three lawyers, one of whom is a district judge, who are appointed by the Board of Commissioners of the Idaho State Bar with the consent of the Senate; three non-attorney members appointed by the Governor with the consent of the Senate; and the Chief Justice, who chairs the Judicial Council. The Judicial Council submits the names of at least two and not more than four qualified applicants to the Governor, who appoints the person who will fill out the term of the justice or judge.

There is a District Magistrate Commission in each of the state's seven judicial districts. The Administrative District Judge serves as the chairman. Each Commission consists of the chairman of the Board of County Commissioners of each county in the district, or a member of each Board designated by the chairman; the mayors of three cities, one of whom must be from a city with population of more than 10,000, who are appointed by the Governor; two qualified electors residing in the district, who are appointed by the Governor; two attorneys nominated by the District Bar Association of the district and appointed by the Idaho State Bar; and a magistrate judge in the district, who is appointed by the Administrative District Judge. When a vacancy occurs in a magistrate judge position, the District Magistrate Commission accepts and reviews applications and appoints a replacement. A magistrate judge initially serves an 18-month probationary term, during which he or she may be removed from office by a majority vote of the

voting members of the District Magistrates Commission.

JUDICIAL ADMINISTRATION

The Supreme Court is the ultimate authority for supervising and administering the Idaho court system. The court establishes statewide rules and policies for the operation of its internal functions and that of the trial courts.

ADMINISTRATIVE OFFICE OF THE COURTS

The Administrative Office of the Courts (AOC) provides leadership, and administrative and operational support to all Idaho courts, other branches of government and the general public. The AOC is led by the Administrative Director of the Courts who is hired by and reports directly to the Chief Justice and the Idaho Supreme Court. The AOC consists of the following divisions:

- Community and Family Justice Services Division
- Court Information Division
- Court Management Division
- Finance and Operations Division
- Human Resources Division

The **Administrative Director of the Courts** is responsible for assisting the Supreme Court in meeting its constitutional responsibility to administer a unified, integrated court system. The Administrative Director meets regularly with the Supreme Court at Oral Conference and is responsible for many of the day-to-day administrative and support operations of the Judiciary. These responsibilities include intergovernmental relations with the Executive and Legislative branches of state government.

The AOC encourages input from judges and court personnel throughout the state whether through regular direct contact, court committees or the Administrative Conference in order to enhance services provided by the Courts. The AOC, with Supreme Court oversight, sets the leadership agenda of the Court and the Administrative Conference. The Administrative Conference provides an important governance role and is made up of the administrative district judge and trial court administrator from each of Idaho's seven judicial districts, Supreme Court Justices and Chief Judge of the Court of Appeals, administrative staff, and officers of the judges' associations.

The AOC and the Administrative Conference take part in long-term strategic planning activities to meet the goals and objectives of the Court and to support the mission statement and values of the Court. As part of the long-term planning process, the AOC and Administrative Conference review current budgets, staffing and resources and determine what resources will be needed to meet the Court's goals and objectives in the future.

Through public outreach, the AOC strives to improve the public's trust and confidence in the Judiciary. AOC staff serves as liaison with other branches of government to promote

coordination of services to the public and the success of court operations. The AOC is responsible for communicating with and responding to all inquiries from the media.

ADMINISTRATIVE DISTRICT JUDGES

Each judicial district has an administrative district judge (ADJ) chosen by the other district judges in the district. The administrative judge, assisted by a district trial court administrator, manages court operations in the district, assigns judges to cases, and works with the clerks of the district court in their court-related duties. This regional structure is designed to delegate authority to the trial judges and to ensure their participation in policy decisions while maintaining uniform statewide rules and procedures.

TRIAL COURT ADMINISTRATORS

Under joint supervision of the administrative district judge and the administrative director of the courts, the trial court administrator assists in the overall management of district court operations. The trial court administrator (TCA) may assist in preparing budgets for court facilities and county-funded support staff, such as clerical personnel, bailiffs, and probation officers. The administrators may work with jury commissioners in establishing the proper number of jurors to be called and impaneled, as well as assuring that statutory standards for jury duty are followed. Additional responsibilities may be delegated to the trial court administrator, and as a result, the responsibilities of the trial court administrators differ from district to district.

While most of the statewide court information reports are prepared by district court clerk offices, with the assistance of the electronic case management system, the trial court administrators are responsible for the analysis of the monthly reports, prepared by the Supreme Court, to pinpoint cases requiring immediate disposition and to attempt to maintain balance in judicial caseloads. The administrators perform non-judicial public information duties, answering complaints, and disseminating information concerning the trial courts. For liaison purposes with law enforcement and other public officials, they may attend designated public meetings as the court's representative.

Under the general direction of the administrative district judges, the trial court administrators may assign cases and perform calendar management functions. They maintain personnel records for state judicial employees in the district, including sick leave, vacation leave, and attendance at judicial education programs. The trial court administrators are a valuable resource to the clerks of the district court in records management, courthouse security, personnel management, and courthouse facility design.

Administrative district judges and trial court administrators meet quarterly with the Supreme Court to discuss caseload and procedural problems and to improve court rules and operations.

ELECTED CLERKS OF THE DISTRICT COURT

As an elected county official, the clerk of the district court serves as a pivotal link between the state judiciary and county government. In addition to responsibilities in the court, the elected clerk of the district court also serves as ex officio auditor and recorder. The elected clerks and their deputies provide crucial services to the district judges and the magistrates judges, including but not limited to the receipt and filing of all court documents, calendaring of cases, the receipt and accounting of all fees and fines, taking in-court minutes of court hearings, and day-to-day management of court records, both hard-copy and electronic maintained. The elected clerk of the district court is the hiring authority for deputy court clerks. In addition, the clerks' offices are the first point of contact for citizens seeking access to court services. As a result, the elected clerk of the district court and their deputies greatly influence the perception of many people regarding Idaho's court system.

The ADJ is vested with the power to supervise the Clerks of the District Courts in the discharge of the clerical functions of the district courts. The Court retains inherent powers as described in *Crooks v. Maynard*, 112 Idaho 312, 732 P.2d 281 (1987) and *Talbot v. Ames Construction*, 127 Idaho 648, 902 P.2d 560 (1995).

SUPPORTING IDAHO'S JUDICIAL SYSTEM

While the state provides for the salaries of district judges, magistrate judges, court reporters, and district wide managers who provide court services across the counties in that district, much of the responsibility for supporting Idaho's trial courts lies with the counties. Idaho Code § 1-1613 states, "Each county in the state shall provide suitable and adequate facilities for the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff, personnel, supplies, and other expenses of the district court." Similarly, Idaho Code § 1-2217 states, "Each county in the state shall provide suitable and adequate quarters for the magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies, and other expenses of the magistrate's division." The district judges in a judicial district may also, by majority vote, order a city to provide quarters for the magistrate's division of district court, including facilities, equipment, personnel, supplies and other expenses. Idaho Code § 1-2218.

In 1976, a district court fund was created in each county for the purpose of helping to support trial court operations. The fund is supported by filing fees and court costs. In addition, the Board of County Commissioner may levy a special tax upon all taxable property to support the fund. Money in the fund may be used for all court expenditures except courthouse construction and remodeling. Balances in the fund may be accumulated from year to year, but the balances shall not exceed 60% of the total budget for court functions for the current year.

In 1994, each Board of County Commissioners was given authority to create a county court facilities fund to be used for the planning, remodeling, and construction of court facilities. This fund is supported by a \$10.00 fee charged for the filing of each civil case.

The Supreme Court, the trial courts, and the Administrative Office of the Courts seeks to work closely with County Commissioners and the Idaho Association of Counties to address local needs and provide support for Idaho's trial courts to ensure access to the courts and speedy justice for all. The courts have been particularly concerned with formulating policies and procedures for "district court personnel" who are paid by the county but serve court functions (for example: bailiffs, probation officers, court clerks, etc.). In this connection, it should be noted that the state has assumed liability for county employees who perform court functions. Idaho Code § 1-1613A provides as follows:

(1) For the purposes of the Idaho tort claims act, as set forth in sections 6-901 et seq., Idaho Code, any county official or employee, including any elected or appointed county official, while acting in the course and scope of performing clerical, judicial and other administrative functions and duties of the district court, shall be considered an employee of the state of Idaho.

(2) For the purposes of this section only, the term "district court" includes all district courts and magistrates divisions thereof, administrative judges of each district, and all district and magistrate judges in the judicial districts of the state of Idaho.

The Idaho courts annually report on a variety of court service areas including child protection, children and families, court assistance, domestic violence, felony sentencing alternatives, guardianship and conservatorship, juvenile justice, language access, problem-solving courts, senior judges, and technology. The reports can be found online at www.isc.idaho.gov/courtservicesannualreports.

PUBLIC DEFENDER

The United States Supreme Court held that in the absence of a knowing and intelligent waiver, no person may be incarcerated in a jail or prison for any offense, whether classified as petty, misdemeanor or felony without being offered the right to be represented by counsel [U. S. Constitution, 6th Amendment, Gideon v. Wainwright, 372 U.S. 335 (1963) and Argersinger v. Hamilton, 407 U.S. 25 (1972)]. Idaho's Constitution and law also provide for this right (Article I, Section 13 and Idaho Code Sections 19-848 through 19-872).

The state of Idaho has delegated to the board of county commissioners the responsibility to provide for counsel for indigent defendants. The commissioners must provide for this counsel through the creation of an office of the public defender, joining with other counties to create the office, by contract with an existing office of public defender or by contract with a defending attorney (19-859). However, the use of "flat fee" contracts is prohibited (19-859). The appointment of a public defender must also be made pursuant to the uniform post-conviction procedure act (19-4901 through 19-4911). The determination of whether a person is an indigent defendant is made pursuant to the factors set forth in Section 19-854.

A board of county commissioners must adequately fund the public defender system it has adopted (19-861 and 19-862). A court may order a person who receives defending attorney services

provided by a county to reimburse the county for a portion or all of those services; unless the reimbursement requirement would impose a manifest hardship on the defendant (19-854).

In 2014, the Idaho Legislature provided for the creation of a Public Defense Commission consisting of seven persons (19-849). The Public Defense Commission is created to address issues of education and training, contracts, qualifications, reporting and other standards related to public defender services. The Public Defense Commission also is obligated to report and recommend to the Idaho Legislature any suggested changes to Idaho's system.

Boards of county commissioners should thoroughly review all statutes relevant to the operation of Idaho's public defender system. (Idaho Code Sections 19-848 through Idaho Code 19-872). These laws apply to public defenders in both the adult and juvenile systems.

Capital Crimes Defense Fund: In 1998, Idaho's counties were authorized to create a capital crimes defense program in order to fund the costs of criminal defense for death penalty cases (19-863A). Membership in the fund is voluntary and is authorized through the creation of a joint powers agreement and resolution by each participating board of county commissioners. The fund is comprised of contributions from participating counties, court fees, designated funds and legislative appropriations and is overseen by a board of directors created by the joint powers agreement (19-863A). A seven-member board of directors who are county commissioners oversees the current program. The board sets the policy for contributions as well as the policy for payment of capital crime defense costs. Current administrator of the Idaho Capital Crimes Defense Fund is the Idaho Association of Counties. Specific information concerning administration of the program can be obtained by contacting IAC.

State Appellate Public Defender: In order to encourage counties to participate in the Capital Crimes Defense Program and to provide a central office for felony appeals, the Idaho Legislature at the same time created the office of state appellate public defender (19-867 through 19-872). This office handles all felony appeals for defense in the same way that the Idaho attorney general handles all felony appeals for the prosecution. In order to access the services of the state appellate public defender, a county must participate in the Capital Crimes Defense Program (19-870).