

# Idaho Court of Appeals

*Right and Justice . . . Without Delay*

In order to fulfill the requirement in the Idaho Constitution that state courts administer “right and justice . . . without delay,” the Idaho Court of Appeals was established in 1980. The Court of Appeals was created to alleviate significant backlog that had developed within the Supreme Court as the result of rapid population and appellate caseload growth in Idaho during the 1970’s.

The Court began operation with three judges in 1982 and, on the first day of operation, was assigned 206 appeals from the Idaho Supreme Court. The Supreme Court may assign any type of appeal to the Court of Appeals with the exception of claims against the state, extraordinary writs, capital punishment cases, and appeals from the Industrial Commission or the Public Utilities Commission. Within the first three years, the Court of Appeals helped to reduce the average length of time it took to process appeals by ten months.

## ***The Court of Appeals Responds to Growth in Caseloads***

Throughout the 1990’s, appeals assigned to the Court of Appeals grew from an average of approximately 200 per year to more than 300 per year. By 2007, that number had risen to over 500. Consequently, in 2007, the Idaho Supreme Court appointed a “Task Force on Idaho’s Court of Appeals: The Next Quarter Century and Beyond.” The Task Force was directed to make recommendations regarding staffing, facility needs, technology, and operations. As a result, a fourth judge was added and took office in 2009. The Court moved into facilities in the Idaho Supreme Court building, with design flexibility for expansion. The addition of a fourth Court of Appeals judge has resulted in a nearly twenty percent reduction in the time necessary to process an appeal. In FY2013 the Court of Appeals was assigned over 600 appeals. That number is expected to continue to grow over the years, and the need for a fifth Court of Appeals judge will need to be addressed.

In addition, photocopied “clerk’s records” have been replaced with electronic copies. In the past, trial courts photocopied much of the record to send for appellate review. What started in 2009 with a few test cases became a workable option in 2011, when the trial courts were provided with the option of scanning appellate records instead of photocopying. Today more than half of all appellate records are electronic, saving approximately 135,000 photocopies annually. The Court of Appeals, taking advantage of efficiencies through technology, accepts electronic briefs in sentence review appeals. Public access to Court of Appeals’ opinions has also been greatly enhanced by the posting of all opinions on the Judicial Branch website.

## ***The Court of Appeals Reaches Out to the Community***

The Court of Appeals has continued and expanded its participation in legal and community programs. The Court continues to travel to other parts of the state to hear oral arguments. Members of the Court participated in new student orientation at the University of Idaho and Concordia Law Schools. In May, as part of Law Day celebration, the Court conducted an oral argument at Renaissance High School with approximately 100 high school students in attendance. The Court of Appeals judges have taken on an increasing leadership role in judiciary committees and programs, including judicial recruitment, technology, language access, and juries.

The Court of Appeals is dedicated, through all of its efforts, to the administration of “right and justice . . . without delay” as provided in the Idaho Constitution.

***Report to Governor C.L. “Butch” Otter  
and the 2nd Regular Session of the 62nd Idaho Legislature***

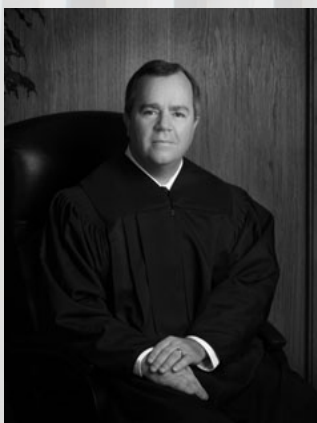




### ***Chief Judge Sergio A. Gutierrez***

Judge Gutierrez earned a Bachelor of Arts degree, cum laude, in Elementary Education from Boise State University and a Juris Doctor degree from the University of California, Hastings Law School. As a young lawyer, Judge Gutierrez practiced in southwest Idaho.

In November of 1993, Governor Cecil D. Andrus appointed him as a district judge. He was then twice elected to retain this position by the voters and also served as Administrative District Judge in the Third Judicial District. Governor Dirk Kempthorne appointed Judge Gutierrez to serve on the Idaho Court of Appeals beginning in January 2002, and he subsequently has been elected to serve two full terms.



### ***Judge David W. Gratton***

Judge Gratton was born and raised in Emmett, Idaho. He attended Boise State University, graduating in 1982 with a B.A. degree in Political Science. Judge Gratton received a Juris Doctor degree from the University of Idaho College of Law in 1985.

He served as an intern law clerk for Ninth Circuit Judge J. Blaine Anderson in 1984 and law clerk to United States District Court Judge Harold L. Ryan from 1985 to 1987. Judge Gratton joined the law firm of Evans Keane LLP in 1987, becoming a partner in 1993, until his appointment to the Idaho Court of Appeals in 2009, by Governor C.L. "Butch" Otter. Chief Judge Gratton and his wife, Robin, have three children, John (deceased), Kevin and Breanne.



### ***Judge Karen L. Lansing***

Judge Lansing is a native Idahoan. She received a B.A. degree in Political Science from the University of Idaho in 1972. She was employed by the Idaho Personnel Commission as a personnel analyst in 1972 and 1973, and served as a planner in the Idaho State Planning Agency from 1973 to 1975.

Judge Lansing received a Juris Doctor degree from the University of Washington in 1978. She served as an assistant city attorney for the City of Boise in 1978 and 1979. She joined the Boise-based law firm of Hawley, Troxell, Ennis & Hawley in 1979, becoming a partner in 1985. She practiced law in that firm until her appointment to the Court of Appeals in June 1993.



### ***Judge John M. Melanson***

Judge John M. Melanson is a 1978 graduate of Idaho State University (B.B.A.), and a 1981 graduate of the University of Idaho College of Law (J.D.). He practiced law in Buhl, Idaho, from 1981 through 1994. He received the Idaho State Bar Pro Bono Publico Award in 1994.

In 1995, he was appointed magistrate judge for Lincoln County, a position in which he served until December 2000 when he was appointed district judge for the Fifth Judicial District with chambers in Minidoka County. He was elected to that position in 2002 and reelected 2006. The Idaho Supreme Court appointed him presiding Judge of the Snake River Basin Adjudication in 2003. In 2009, he was appointed to the Idaho Court of Appeals by Governor Otter.

