



Senior Judges

An Invaluable Resource for Idaho

In FY2013, Idaho's senior judges continued to play an important role in the Judiciary's mission to provide fair and timely access to justice. Senior judges permit Idaho courts to resolve an ever increasing number of cases timely and to do so at less cost to Idaho's citizens. Senior judge days provide a cost-effective alternative to new judgeships with maximum flexibility to temporarily allocate resources where needed. In addition to the savings to the General Fund, senior judges provide cost savings to the counties as they do not require new county staff or facilities.

As part of an extraordinary effort to meet budget shortfalls, the Idaho Supreme Court held four magistrate judgeships vacant in Adams, Bear Lake, Fremont, and Teton Counties for an extended period of time. Retired judges residing in these counties were assigned to these calendars on a part time basis, helping to minimize the impact of the vacancies and making this significant budget reduction a possibility. The vacancies in Adams, Bear Lake, and Fremont Counties were filled in FY2013. The Teton County vacancy will be filled in FY2014.

What is a Senior Judge

The Supreme Court assigns senior judges upon determining there is a need and the assignment will promote the efficient administration of justice. A senior judge has all the judicial powers and duties of a regularly-qualified judge of the court to which the senior judge is assigned. Senior judges are compensated only for the days that they actually serve and receive 85% of the daily salary of an active judge. Compensation for senior judges is paid from the General Fund. Judges or justices who leave office or retire can apply to the Supreme Court for designation as a senior judge under Idaho Code §1-2221 (Magistrate Judges) or §1-2005 (Justices, Court of Appeals Judges, and District Judges).

As an alternative to the traditional senior judge service, retired Justices, Court of Appeals Judges, and District Judges have the option of serving as a "Plan B" senior judge under I.C. §1-2001(2)(b). "Plan B" senior judges serve for 35 days per year for five years in exchange for increased retirement benefits from the Judges' Retirement Fund and a small contribution towards health benefits during the Plan B service. They serve at no compensation cost to the General Fund, aside from travel and per diem expenses.

Senior Judges Help Fill the Gap During Challenging Times

During difficult economic times, crimes are still committed, children are abused and neglected, and families face crises requiring court intervention. Caseloads remain high, particularly in Idaho's most populous counties and in those counties that have experienced recent growth. In the short term, senior judges fill the gap between existing judicial resources and increasing caseloads until workloads require or the economy allows additional judgeships.

In FY2013:

- 35 senior magistrate judges worked 1,724 days
- 18 senior district judges worked 683 days
- 3 appellate level senior judges worked 108 days
- 10 Plan B judges worked 294 days (beyond each of their 35 Plan B days)

Senior judges worked a total of 2,809 days in FY2013, which is the equivalent of more than twelve additional judgeships and translates into a remarkable savings to the citizens of Idaho and to the General Fund. The number of senior judge days worked has increased by nearly 70% over past five years, an indication of the increasingly important role of senior judges.

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

Senior Judges Help Idaho Judiciary to Meet New Challenges

In addition to the challenge of meeting time standards and other case management requirements, judges are faced with increasingly complex case types as the result of federal mandates and nationally accepted best practices for trial courts. Demand on limited judicial resources grows, even in the absence of rising caseloads, and more judicial resources are being allocated to handle complex litigation. Senior judges provide a quick, effective response to increasing demands on the

Judiciary. Often times, a senior judge that has an expertise and an interest in specific areas can be assigned to fill a specialized need in a particular jurisdiction. Part of the advantage of senior judges is that they are flexible, filling in whenever and wherever they are most needed.

The emergence of problem-solving courts and other specialized courts has changed the way that courts approach certain types of drug cases, domestic violence cases, and cases involving defendants with mental illness, requiring a greater time commitment from judges presiding over these courts. Many senior judges with an expressed interest in these specialized areas have made themselves available to preside over drug courts, mental health courts, and domestic violence courts in their judicial districts.

Child protection is another area of law that has changed dramatically in the past decade, greatly impacting the workload of magistrate judges as judicial responsibilities in abuse and neglect cases have expanded. In some of Idaho's busiest courts, senior judges have been essential to ensuring that child protection cases are heard within established timelines, guaranteeing more timely permanency for children in foster care.

Senior Judges Provide Leadership in Innovation

Some of the Judiciary's greatest leaders and innovators are senior judges who work on special projects in their area of expertise at the statewide level. A number of senior judges are actively involved in program and policy development in a variety of areas, including caseload management, children and families, guardianship and conservatorship, judicial education, juvenile justice, judicial wellness, court technology, and problem-solving courts and community sentencing alternatives. As an example, former Chief Justice Linda Copple Trout has been leading the efforts of the Court Technology Committee's Design and Implementation Team. The Team is responsible for designing and planning implementation of the Court's new case management system over the next several years.

Senior judges also play a major role in Idaho's judicial mentoring program. Currently, one senior magistrate judge and one senior district judge provide mentoring for each new judge that is appointed. This has shown to be an effective training tool and support system for new judges who are transitioning to the bench.

