

# SENIOR JUDGES: AN IDAHO SUCCESS STORY



Report to  
Governor C.L. "Butch" Otter  
and the 2nd Regular Session of  
the 61st Idaho Legislature

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## In FY2011, 5 Senior Judges donated a total of 34 days

In FY2011, Idaho's senior judges continued to play an important role in the Judiciary's efforts to reduce its budget in light of the State's economic downturn. 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, which is of paramount concern in the current economy. 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 three magistrate judgeships vacant in FY2011 in Adams, Bear Lake, and Fremont Counties. Retired judges residing in these counties are 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. Two additional judgeships will become vacant in FY2012, in Valley County and Teton County. The former will be held vacant for a period of three months and the later will be held vacant until the economic situation improves, resulting in additional savings.

## 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. In FY2011, eight "Plan B" senior judges served a total of 315 days with virtually no fiscal impact on the General Fund.

## Senior Judges help fill the gap during challenging times

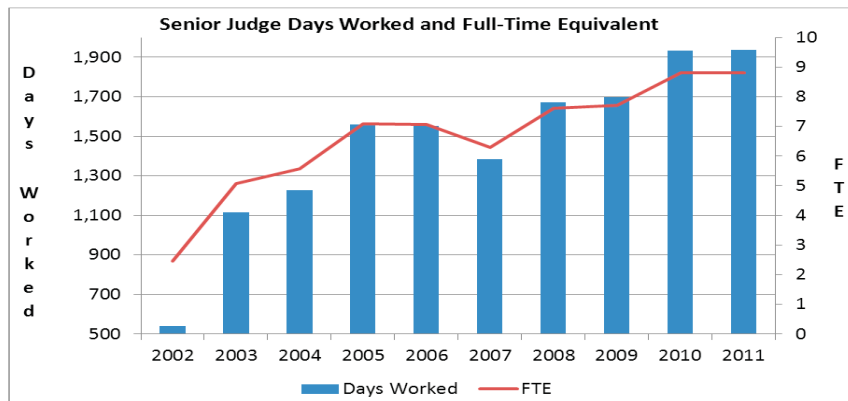
During difficult economic times, crimes are still committed, children are abused and neglected, and families face crises requiring court intervention. Caseloads remain high, particularly in Idaho's most populous counties and in those counties that have experienced recent growth. In the short term, senior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

In FY2011:

- 27 senior magistrate judges worked 1,282 days
- 11 senior district judges worked 337 days
- 5 appellate level senior judges worked 124 days
- 8 Plan B judges worked 193 days (beyond each of their 35 Plan B days)

## Senior Judges help fill the gap during challenging times (continued . . .)

Senior judges worked a total of 1,936 days in FY2011, which is the equivalent of almost nine 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 25% over the past five years, an indication of Idaho's greater reliance on senior judges during challenging economic times.



## Senior Judges help the Idaho Judiciary 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 time-lines, 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 guardianship and conservatorship, children and families, juvenile justice, judicial wellness, and caseload management. As an example, Senior District Judge Barry Wood recently volunteered to head up Advancing Justice, a statewide effort to actively engage judges and other court personnel in the process of identifying and addressing unnecessary sources of court delay to ensure that cases are resolved fairly and as early as possible.

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.



## The Commitment of the Idaho Judiciary

*As the Third Branch of Government, the Idaho Judiciary is committed to providing access to justice through the timely, fair, and impartial resolution of cases.*

*The Idaho Courts stand for:*

*Integrity  
Fairness  
Independence  
Respect  
Excellence  
Innovation*

*The Idaho Courts strive to:*

**Provide Timely, Fair,  
Impartial Case Resolution**

**Ensure Access to Justice**

**Promote Effective, In-  
novative Services**

**Increase Public Trust  
and Confidence in  
Idaho Courts**

Approved by the  
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