I.R.C.P. 81.o. Procedure on Appeal.

Idaho Rules of Civil Procedure Rule 81(o). Procedure on Appeal.

In the de novo trial of a small claims judgment appeal to an attorney magistrate the following procedures shall apply:

(1) When a notice of appeal is filed, the clerk of the magistrates division wherein the small claim was filed shall assign a district court file number of the magistrates division to the appeal and cause it to be assigned to an attorney magistrate in accordance with the assignment procedures of the county and serve copies of the notice of assignment on the parties or their attorneys by mail.

(2) The appeal shall be conducted as a trial de novo as a civil case of the magistrates division of the district court of the county where the small claim was filed.

(3) Except as expressly hereinafter provided in this rule, the I.R.C.P. shall apply to the trial of an appeal of a small claim judgment as a trial de novo except when the attorney magistrate determines that such procedure is not appropriate with the concept of the small claim procedure.

(4) The attorney magistrate in his discretion may permit or require the filing of amended or additional pleadings.

(5) Discovery as provided by the I.R.C.P. shall be allowed only by written leave of the attorney magistrate and then only within such limitations as prescribed in the order granting leave to make such discovery.

(6) The presiding attorney magistrate in an appeal of a small claim may be disqualified in the manner prescribed by the I.R.C.P.

(7) A request for a jury in a de novo trial of a small claim appeal in the magistrate's division of the district court, must be made within fourteen (14) days of service of the notice setting the appeal for

a hearing. The jury shall consist of six jurors or a lesser number as agreed to by the parties.

(Adopted April 11, 1979, effective May 1, 1979; amended March 23, 1983, effective July 1, 1983; amended March 20, 1985, effective July 1, 1985; amended March 30, 1994, effective July 1, 1994; amended March 29, 2001, effective July 1, 2001.)

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