I.A.R. 108. Assignment of Cases

Idaho Appellate Rule 108. Assignment of Cases.

(a) Cases Reserved to Supreme Court. The Court of Appeals shall hear and decide all cases assigned to it by the Supreme Court; provided that the Supreme Court will not assign the following cases:

(1) Proceedings invoking the original jurisdiction of the Idaho Supreme Court;

(2) Appeals from imposition of sentences of capital punishment in criminal cases;

(3) Appeals from the Industrial Commission;

(4) Appeals from the Public Utilities Commission;

(5) Review of the recommendatory orders of the Board of Commissioners of the Idaho State Bar;

(6) Review of recommendatory orders of the Judicial Council.

(b) Assignment of Cases to Court of Appeals. Generally, cases which involve consideration of existing legal principles will be assigned to the Court of Appeals. In assigning cases to the Court of Appeals, due regard will be given to the workload of each court, and to the error review and correction functions of the Court of Appeals. In assigning cases to the Court of Appeals, the Supreme Court may order that the appeal is to be submitted upon the briefs without oral argument, in which case any party may file a written objection to the order for submission on the briefs within twenty-one (21) days of the date of the order, setting forth the reasons for which the party desires oral argument. Any such objection to submission on the briefs shall be determined without oral argument.

(1) Cases in which there is substantial public interest;

(2) Cases in which there are significant issues involving clarification or development of the law, or which present a question of first impression;

(3) Cases which involve a question of substantial state or federal constitutional interpretation;

(4) Cases raising a substantial question of law regarding the validity of a state statute, or of a county, city, or other local ordinance;

(5) Cases involving issues upon which there is an inconsistency in the decisions of the Court of Appeals or of the Supreme Court.

(c) Transfer of Assigned Cases. The Supreme Court may order transfer of a case from the Court of Appeals to the Supreme Court when a case concerns an issue of imperative or fundamental public importance.

(Adopted April 17, 1981, effective July 1, 1981; amended March 1, 2000, effective July 1, 2000.)

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