

November 25, 2025

The Honorable Brad Little
Governor of the State of Idaho
Boise, Idaho 83702
VIA HAND DELIVERY

Re: Defects in the Laws

Dear Governor Little:

Under article V, section 25 of the Idaho Constitution, on or before December 1st of each year, the Supreme Court shall submit to the Governor, for transmission to the Legislature, such defects and omissions in the laws as the Court may find to exist. In keeping with this constitutional provision, I submit the following defect in the law submitted to the Court by the trial bench.

1. **Suggest eliminating the inaccurate reference to an Idaho rule of civil procedure in the statute prohibiting certain reports from mediators to courts [I.C. § 9-807(2)(d)]:**

I.C. § 9-807 sets forth what information a mediator may report to a court. Specifically, subsection (2)(d) of the statute references mediations “governed by Idaho rule of civil procedure 16(j)” and permits mediators to communicate to a court the information permitted under that rule. Due to amendment and renumbering of the court rules, Idaho rule of civil procedure 16 no longer pertains to mediations. As a result, subsection (2)(d) of the statute should be stricken to remove the inaccurate reference to Idaho rule of civil procedure 16(j).

Very truly yours,


IDAHO SUPREME COURT

G. RICHARD BEVAN
Chief Justice

Cc: President Pro Tem
Speaker of the House
Administrative Director of the Courts