



Annual Report
OF THE IDAHO SUPREME COURT
2015





Message from the Chief Justice

One of the characteristics that we see from one end of the state to the other, from the austere atmosphere of the Supreme Court building to the most hectic traffic court, the stressful domestic court, or the high stakes trial of a district court, is a commitment of judges to their communities. I have always known outstanding judges, but the depth today is the strongest it has ever been.

The judges of today know that they must be able to manage caseloads that would have been considered insurmountable not too many years ago and then must extend further to meet current social needs that require additional time, education, and insights. Concepts of gang violence, meth addicts, babies born with drugs in their little bodies, sexual predators reaching out through electronics – these are not things that have always been prominent on the judicial plate or even known on that plate. They come on top of the traditional fare that the courts have always and will always deal with – a fare that expands constantly as our population grows and the complexity of issues grows.

The Idaho courts, together with the legislature and the governor, are focusing a vision of the 21st century which will mean that the judges will increasingly add to their growing caseloads problem solving functions – expanded alternative dispute resolution, expanded drug and mental health courts, family courts and juvenile courts, expanded need for understanding of the special problems of a growing and diverse population, expanded use of technology to do things promptly and well.

The state of the Idaho judiciary – it is committed. Our judges know this is a wonderful state with exceptional people who do incredibly progressive things when given the opportunity. Most people are good, but even good people must at times go to court to resolve their differences. The doors must be open promptly so they can do their legal business and get back to planting, growing, building, whatever adds to life. Other people are bad or perceived to be bad. Again, the courts must clean up whatever mess is left in the aftermath of their conduct. They must do so promptly and fairly.

The Idaho judiciary is performing with broad-ranging knowledge, specialized expertise, a proper degree of patience, and a basic sense of justice, committed to the highest degree of service to those we serve.

GERALD F. SCHROEDER
Chief Justice



2005 Judicial District Highlights

1st Judicial District

- ⚖ Bonner County Magistrate Judge Debra Heise was this year's recipient of the George G. Granata Award, which is presented annually to Idaho judges in recognition of their professionalism.
- ⚖ Karlene Behringer was hired as the First District's Trial Court Administrator.
- ⚖ Kootenai County completed installation of digital recording and then the entire district received new state of the art computer equipment from the Supreme Court.

2nd Judicial District

- ⚖ Magistrate Judge Randy Robinson rose to the bench in Clearwater County.
- ⚖ A Mental Health Court began in Clearwater County. Judge John Bradbury deserves much credit for the effort. Judge Randy Robinson is presiding over the new court.
- ⚖ Nez Perce County developed a Family Dependency Court plan which was instrumental to the County obtaining federal funding to send a team to three Drug Court Planning Initiatives.
- ⚖ The District was successful in obtaining a \$200,000 Adult Drug Court Enhancement Grant from the Department of Justice and has begun implementation of those grant activities.

3rd Judicial District

- ⚖ The Third Judicial District has experienced an explosive caseload increase over the past year. Despite the significant increase in caseloads, the judges in this district have managed to process the vast majority of cases within applicable Idaho Supreme Court case processing guidelines.

- ⚖ Canyon County opened a new courtroom early in 2005 which was built specifically for the purpose of providing workspace for senior and visiting judges. The new facility has allowed local court officials to schedule significant amounts of senior judge time to assist with the caseload in Canyon County.
- ⚖ The Honorable Gordon W. Petrie returned to his magistrate judge duties in Gem County on November 28, 2005 after serving nearly 18 months of active duty including a year in Iraq with Idaho's 116th Combat Brigade. The District is indebted to both Judge John Dutcher and Judge Richard Grant for their assistance in Gem County during Judge Petrie's absence.
- ⚖ Owyhee County's ASSET (Alternative for Students Suspended Expelled or Truant) program which operates under the direction of the Owyhee County Juvenile Probation Department served 182 juveniles over the past year. The program has been awarded an expansion grant from the Idaho Department of Juvenile Corrections.

4th Judicial District

- ⚖ The Ada County Mental Health Court was implemented July 1, 2005. Seventy-four clients graduated from county Drug Courts in 2005.
- ⚖ The Grand Opening of the new court facility in Valley County took place in June of 2005. The courthouse addition consists of three floors, two of them for the court, with Judge's chambers, jury rooms, and conference rooms occupying the remainder of the space.



2005 Judicial District Highlights (cont.)

5th Judicial District

- ⚖ Jerome County completed a new courthouse in 2005 with occupancy planned for early 2006.
- ⚖ A Legislator/Judge dinner was held in August this year in Albion, Idaho. Most of the district's judges and more than half of the area's legislators attended. A program on Family Court Services was presented.
- ⚖ A Mental Health Court was started in November in Twin Falls County, with Judge Richard Bevan presiding as the Mental Health Court Judge.
- ⚖ Judge Wood, Administrative District Judge for the Fifth Judicial District, is the 2005 recipient of the Kramer Award for Excellence, which is presented annually to recognize exemplary work in the administration of Idaho's judicial system.

6th Judicial District

- ⚖ The Sixth Judicial District has two new Clerks of the District Court. After decades of hard and dedicated work, Joan Eborn, the Bear Lake County Clerk, retired from her post. Bear Lake County Commissioners selected Kerry Haddock as her replacement. In Bannock County, longtime Elected Clerk, Larry W. Ghan, left that post to become the newest Bannock County Commissioner. Bannock County Commissioners selected Dale Hatch as his replacement.
- ⚖ After several months of analysis, design, and training, Bannock County is ready to implement a felony Mental Health Court, with Judge Ronald E. Bush presiding.
- ⚖ Bannock County will be ready to implement a Domestic Violence/Battery Court in 2006. The Honorable Rob C. Naftz, with the assistance of a domestic violence case manager,

will lead a year long pilot project to centralize, under one judge, all hearings a defendant has relating to domestic battery or assault, including the initial arraignment or the preliminary hearing.

7th Judicial District

- ⚖ Teton and Jefferson Counties began the planning process during 2005 for new Courthouses in Rigby and Driggs respectively. Both counties hope to reside in the new facilities before the end of 2006.
- ⚖ Butte and Custer Counties sent a local Drug Court team to national training and initiated a misdemeanor Drug Court in September 2005. With the addition of the misdemeanor drug court in Butte/Custer Counties, the Seventh Judicial District now has a combination of felony, misdemeanor, juvenile, family/child protection, and mental health courts in eight counties, with fourteen judges presiding.
- ⚖ The Felony Mental Health Court under the guidance of Judges Brent Moss and Richard St. Clair, in conjunction with additional ACT services from District Seven Health and Welfare, has expanded Mental Health Court to the upper valley including Jefferson, Madison, and Fremont Counties. Judge Linda Cook has initiated plans to expand the mental health misdemeanor diversion court to over 50 participants in Bonneville County.
- ⚖ Lemhi County/City of Salmon was the only County/Court/City in Idaho to be selected to receive a grant to implement an integrated community based problem solving initiative addressing the drug problems in Lemhi County, including adolescent and adult issues, from enforcement to treatment, prevention, education, and adjudication.

Idaho Courts Mission Statement

Provide equal access to justice,
promote excellence in service, and increase
the public's trust and
confidence in the Idaho courts.

Goal 1

Increase Access and Service to the Public

Goal 2

*Improve the Fast and Fair Resolution
of Court Cases*

Goal 3

*Promote Excellence in Service by Expanding
Educational Opportunities*

Goal 4

*Increase the Public's Trust and Confidence
in Idaho Courts*

IDAHO SUPREME COURT 2005

New Judges, Retirements, and Transitions in 2005

New Judges In 2005

4th Judicial District

Honorable Aaron Bazzoli
Magistrate Judge
Elmore County
July 2005

Honorable Cathleen MacGregor Irby
Magistrate Judge
Ada County
June 2005

5th Judicial District

Honorable Roger Harris
Magistrate Judge
Twin Falls County
October 2005

Judge Changes In 2005

4th Judicial District

Honorable John Sellman
Magistrate Judge
Elmore County
Retired June 2005

Honorable Charles Hay
Magistrate Judge,
Ada County
Retired May 2005

5th Judicial District

Honorable Charles Brumbach
Magistrate Judge
Twin Falls County
Retired September 2005



Recognition and Awards

Justice Trout Receives NCSC Award

Justice Linda Copple Trout was awarded the prestigious "Distinguished Service Award" for 2005 by the National Center for State Courts.

Judge Gutierrez Receives BSU Award

The Silver Medallion is Boise State's highest recognition of service to the university and is awarded at the discretion of the President of Boise State University. During the Winter Commencement ceremony, Judge Sergio A. Gutierrez was honored with this award.

Judge Smith: "Statesman of the Year"

Sixth District Judge Randy Smith received Idaho State University's prestigious Statesman of the Year award. The recognition, presented for the 24th time by the university, was extended to Judge Smith in Pocatello.

Domestic Violence Conference Honors Senior Judge Castleton

Senior Judge Lowell Castleton received the Silver Star Award from the Idaho Council on Domestic Violence and Victim Assistance during the 2005 "Three Days in June Conference." Judge Castleton was nominated by Fourth District Administrative Judge Darla Williamson for his tireless dedication to victims and children at risk in domestic violence civil protection cases, family law cases, and criminal cases of domestic violence.

Bar Has New President

Bannock County Magistrate Judge Rick Carnaroli was named President of the Idaho State Bar at its annual summer meeting. For the second time in recent history, an Idaho judge is serving as President of the State Bar. Congratulations, Judge Carnaroli!

Professionalism Award to Robert Hamlin

The Idaho State Bar Association's Professionalism Award was given to Robert G. Hamlin, Executive Director of the Idaho Judicial Council.

Judge Bryan Murray Receives Award

Judge Murray received a Hero Award at Recovery Fest held in Pocatello for his exceptional work in helping children with addiction problems through juvenile drug court.

Judge Culet Provides Early Childhood Learning Leadership

Third District Judge Gregory Culet has, during the past two years, provided critical leadership in Idaho on the complex and critical issues of early childhood development. He receives widespread praise for the role he has played in bringing focus to the issues of quality child care, brain development and the importance of medical care for all children.

Judge Horton Recognized

Fourth District Judge Joel Horton was recognized at a reception and dinner in honor of the Legal Services Corporation Board of Directors. On behalf of the Supreme Court, Justice Trout recognized his outstanding service as Chair of the Access Committee and presented a plaque in appreciation.

Judge Wood Receives Kramer Award

Fifth District Judge Barry Wood of Gooding has been recognized by the Idaho Judiciary for his skill and innovation in judicial administration. Judge Wood, Administrative District Judge for the Fifth Judicial District, is the 2005 recipient of the Kramer Award for Excellence, which is presented annually to recognize exemplary work in the administration of the Idaho's judicial system.

Bonner County Magistrate Receives Granata Award

Bonner County Magistrate Judge Debra A. Heise has been honored by the Idaho Judiciary for her professionalism. Judge Heise is this year's recipient of the George G. Granata Award, which is presented annually to an Idaho judge in recognition of his or her professionalism.

Drug Court Leadership Awards Given

Senator Denton Darrington, long-time chairman of the Idaho Senate Judiciary and Rules Committee, was honored with the first Idaho "Drug Court Leadership Award," presented by Chief Justice Gerald Schroeder at the Annual Drug Court Institute. Representative Debbie Field, Chair of the House Judiciary, Rules, and Administration Committee, was presented the leadership award at a fall conference.

Judges Form Legal History Society

The history of Idaho's legal system, judges, and attorneys is a vital part of the state's rich and interesting story. Judge Ron Bush and U.S. District Court Judge Lynn Winnill are co-chairing an effort to give Idaho's legal history the attention it deserves. A working group of approximately 20 individuals from around the state have been meeting to develop plans to preserve and celebrate the state's legal history.

Governor Establishes Criminal Justice Commission

Governor Dirk Kempthorne signed an Executive Order in 2005 establishing the Criminal Justice Commission to help solve critical problems within the state's criminal justice system. The Commission will focus its attention on several key areas, including: continued growth in the state's incarcerated offender population; the continuing fight against the plague of methamphetamine abuse, manufacturing and trafficking; and creating partnerships and collaborative efforts to protect communities against gang activity.

Judges appointed to the Commission are: Chief Justice Gerald Schroeder, Justice Daniel Eismann, Judge Sergio Gutierrez, Judge Randy Smith, and Judge John Stegner.

Drug, Mental Health Courts Prove Effectiveness

Idaho drug courts and mental health courts continue to be both a positive and cost-effective sentencing alternative.

Idaho now has 44 drug and mental health courts. Legislative support in 2005 provided funding to continue the mental health courts in Bonneville and Kootenai counties, and to add four new mental health courts located in Ada, Clearwater, Twin Falls, and Bannock counties. New funding to the Department of Health and Welfare also provided eight additional mental health professionals for Assertive Community Treatment (ACT) teams to deliver the necessary mental health services. In addition, a misdemeanor drug court was implemented to serve Butte and Custer counties.

Drug courts and mental health courts supervised a total of 1,498 offenders, including those who were under supervision at the start of the year plus new participants who entered a drug court or mental health court during the year. Collectively, mental health courts and adult and juvenile drug courts supervised an average of 806 offenders each month. There were 387 graduates from Idaho drug and mental health courts during the past year, up from 347 graduates in 2004. A total of 1,363 offenders have graduated from drug and mental health courts since they were established in 1998.

Idaho Receives Recovery Grant

The State of Idaho has been awarded a federal Access to Recovery (ATR) grant designed to improve access to substance abuse treatment and recovery support services and to improve treatment outcomes through recovery support follow-up services, while allowing the client to choose their provider.

Idaho will receive nearly \$23 million over the next three years. Additional treatment and recovery support services, for juvenile, DUI, family law, child protection, and criminal cases (including drug courts) is available.





State Court / Tribal Court Forum Reconvened

Idaho's Tribal Court/State Court Forum reconvened during 2005. This Forum was first established in 1994. Its purpose is to bring together representatives of Idaho state courts and Idaho's tribal courts to discuss common areas of interest and intersystem disputes that may arise from concurrent and conflicting jurisdiction of state and tribal courts.



Among the topics discussed at the meeting were domestic violence and the federal Violence Against Women Act; criminal jurisdiction in Indian country; memorandums of understanding; Indian probate reform; and the Indian Child Welfare Act.

This was the first formal meeting of the Forum since 2001.



Partnership with Idaho Association of Counties Continues

During the 2005 Legislative Session, the Tort Claims Act was amended to provide that certain county employees performing court functions shall be considered employees of the state. The purpose of the Ad hoc County/Courts Shared Employee Committee is to: "address the management, liability and appointment of juvenile detention officers, juvenile probation officers and other shared employees and to develop model agreements and consider any legislation that would provide structure and guide conduct regarding the management, liability, and appointment of shared employees."

Work products completed to date are available on the [IAC website](#). Work will continue in 2006 to establish statewide training programs for bailiffs, court security officers, and misdemeanor probation officers.

Family Court Services Help Idahoans

In 2005, over 74,500 Idahoans received coordinated services through court assistance officers, family court service coordinators, parent education, mediation and other direct services. These services are designed to promote access to the courts, reduce conflict, protect children, and increase positive outcomes for families. Magistrate judges continue to hear an increasing number of court cases involving children and families with thousands of cases proceeding without attorneys. The leadership, dedication and innovation, coupled with coordinated family services, court assistance offices and other court improvement efforts, such as grants from the Rocky Mountain Quality Improvement Center and the State Justice Institute, have strengthened the court's capacity to respond to the increasing challenges of cases involving children and families.

The Court Assistance Office Project (CAOP) is a state-wide effort with services available in all 44 Idaho counties and on the Internet. The [Court Assistance Office](#) website allows on line access to CAO services statewide, including referral to attorneys.

Seven judicial districts benefit from Family Court Services. Six districts have a Family Court Services Coordinator (FCSC). Idaho's judicial districts offer a broad range of pilot projects and specialized services to families. In the First District, new models are developing for resolving family disputes that revolve around non-adversarial proceedings. The First, Fourth, Sixth and Seventh Districts have developed specialized case coordination and management practices for early case screenings which focus on problem-solving approaches by crafting solutions that promote long-term stability for children and families.

In Ada County, a Family Violence Court was implemented under the direction of Senior Judge Lowell Castleton. The court is devoted to strengthening families who struggle with multiple issues through early intervention strategies and a single judge for case management and case coordination.

Technology Plans Outlined

As a result of legislation and appropriations expanding the ISTARS technology plan, and the success of its implementation, more ambitious technology plans were outlined for Idaho courts in 2005. According to a plan prepared by John Peay, Director of Information Systems for the Idaho Supreme Court in June 2005, "Future technology efforts will be focused outward, helping to improve the way the courts serve the public and help improve public safety. During the next decade, the following areas will be addressed with effective technological solutions which will continue Idaho's leadership in effective court management":

- ⚖ **Data Sharing** – Efforts are underway to make sharing of conviction information and ISTARS data between agencies across the state a reality. Also the Supreme Court will be considering access to electronic data that balances privacy issues and the public's right to know.
- ⚖ **Convenience of the Courts** – Technology can make the courts more convenient in a variety of ways. The ability of a citizen to pay a citation on-line or select a time on the court calendar to contest a traffic ticket, as well as the ability of attorneys to file their court papers electronically, even after hours, is being researched and may become a reality.
- ⚖ **Stretching Resources** – Video teleconferencing is being reviewed as a means of reducing the need for judges, attorneys, and litigants to travel between jurisdictions for hearings. Training can also be delivered more efficiently.
- ⚖ **Saving Trees** – Idaho courts will follow the lead of Federal Courts with electronic filing of court proceedings and scanning court documents. The electronic files will be indexed for searching and will be readily available to authorized users. When a case is finished, the paper documents can be easily transmitted to the Historical Society for storage and the electronic files maintained by the court having jurisdiction. Paper and valuable floor space will be saved.
- ⚖ **Pulling Back the Veil** – Judge Michael Dennard is leading an effort to de-mystify the courts by providing an online method for litigants to determine if they qualify to submit documents to the court, and provide a means for the documents to be completed online and submitted to the court.

Senior Judges

In 2005, 29 senior judges worked 1300 days, a vast majority of which were in Judicial Districts 1, 3, and 4. Senior judges have filled the gap for almost 8 years, during which time, no new judgeships have been requested.

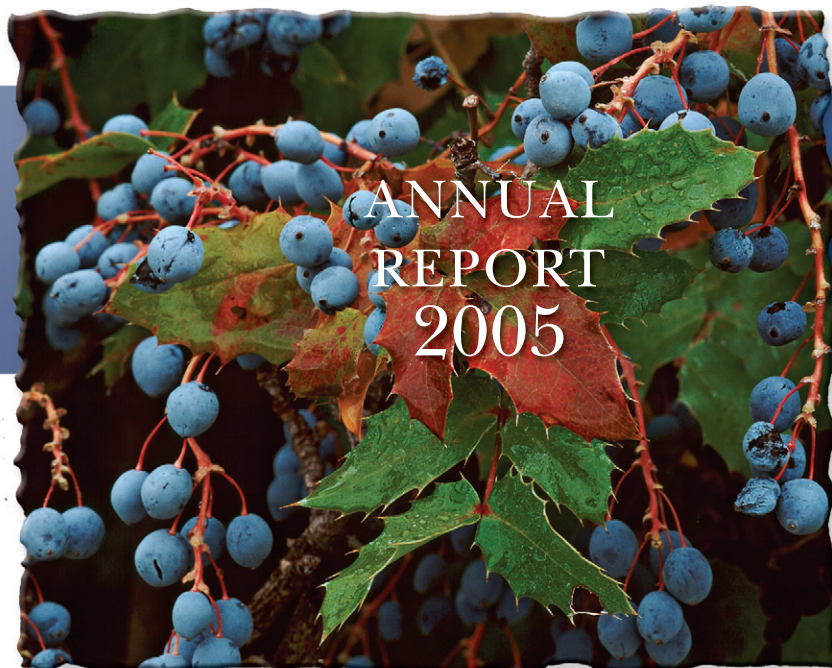
Idaho Code defines a senior judge as "...a Justice or Judge who leaves office or retires and is designated a Senior Judge of the State of Idaho by the Supreme Court..." Each senior judge assigned by the Supreme Court has all the judicial powers and duties, while serving under the assignment, of a regularly qualified judge of the court to which he is assigned.



E-Records Committee Established

Supreme Court Justice Linda Copple Trout was detailed during 2005 to head a new committee that will draft and recommend rules regarding access to court records which are available electronically.

Justice Trout said her committee, which was appointed in September, will get to work immediately on its recommendations. Committee members include judges, media representatives, attorneys, and court administrators.



ANNUAL REPORT 2005



JUSTICE GERALD F. SCHROEDER
Chief Justice



JUSTICE LINDA COPPLE TROUT
Vice Chief Justice



JUSTICE DANIEL T. EISMANN
Justice



JUSTICE ROGER S. BURDICK
Justice



JUSTICE JIM JONES
Justice

2005 Administrative District Judges

Hon. Charles Hosack, 1st Judicial District
Hon. John Stegner, 2nd Judicial District
Hon. James C. Morfitt, 3rd Judicial District
Hon. Darla Williamson, 4th Judicial District
Hon. Barry Wood, 5th Judicial District
Hon. Randy Smith, 6th Judicial District
Hon. James C. Herndon, 7th Judicial District

2005 Trial Court Administrators

Karlene Behringer, 1st Judicial District
Steven Caylor, 2nd Judicial District
Dan Kessler, 3rd Judicial District
Larry Reiner, 4th Judicial District
Linda Wright, 5th Judicial District
Suzanne Johnson, 6th Judicial District
Burton Butler, 7th Judicial District

Contributing to the Report:

Patricia Tobias, Administrative Director of the Courts
John Peay, Director of Information Systems
Corrie Keller, Director of Court Services
Shirley Throop, Executive Assistant

Senior Justice Wayne Kidwell of the Idaho Supreme Court has graciously supplied the majority of the photographs that appear in the Court's 2005 Annual Report. In addition, John Peay's courthouse photos appear on pages 7, 8, and 9. And photos by Shirley Throop appear on pages 5, 11 and 12.



Caseload Highlights 2005

- ⚖ For the first time in Idaho's history, over 1,000 appeals were filed with the Idaho Supreme Court. For calendar year 2005, a total of 1,057 new appeals were filed, up 6.6% over the number filed in 2004.
- ⚖ The total number of district court cases filed also hit record levels during 2005. Overall, a total of 20,683 cases were filed in the district courts of Idaho, an increase of 1.5% from 2004 and a 29.3% increase from ten years ago.
- ⚖ The deluge of drug cases into Idaho's district courts continued in 2005, with 4,744 felony drug cases being filed. The record number reported in 2005 is up 6.7% from 2004. To put this dramatic increase in perspective, only ten years ago 1,436 felony drug cases were filed.
- ⚖ Perhaps reflecting the rebounding economy, civil filings in the district court were down when compared to the previous two years, when they remained virtually unchanged. Statewide, there were 346 fewer civil cases filed in 2005 than there were in 2004.
- ⚖ During 2005, 621 felony DUI cases were filed, the second highest number filed during a calendar year since the new DUI laws were established. Compared to 2004, there was a 1.6% increase in felony DUI case filings.
- ⚖ For the second year in a row, new domestic violence petitions for a protection order dropped. In 2005 5,407 new domestic violence petitions were filed, which is 7% less than the previous year.
- ⚖ Misdemeanor DUI filings were up slightly when compared to 2004. Last year a total of 9,852 misdemeanor DUI cases were filed in the magistrate division which represent a 1% increase over the number filed during 2004.
- ⚖ During 2005, fewer small claims cases were filed than in 2004. Across Idaho, 19,953 small claims cases were filed, representing a 7.1% decrease from 2004.
- ⚖ Juvenile cases were up for the second year in a row. There were 12,991 juvenile petitions filed, which is up 1.3% over the previous year.
- ⚖ The number of infraction citations filed during 2005 showed a slight decrease of 0.3% from the number filed the year before. In Idaho, 215,841 infraction citations were filed during 2005.

District Court Cases Filed

	1998	1999	2000	2001	2002	2003	2004	2005	% Change 2004-2005	% Change 1998-2005
Civil	5,566	5,909	5,881	6,759	7,274	7,198	7,107	6,761	-4.9%	+21.4%
Criminal	11,510	11,126	11,118	11,262	11,245	12,227	12,591	13,208	+4.9%	+14.7%
Special	360	465	378	550	590	594	660	714	+8.1%	+98.3%
TOTAL	17,436	17,500	17,377	18,571	19,109	20,019	20,358	20,683	+1.5%	+18.6%

Magistrate Division Cases Filed

	1998	1999	2000	2001	2002	2003	2004	2005	% Change 2004-2005	% Change 1998-2005
Civil	67,829	69,809	72,797	74,503	79,780	83,137	85,374	79,943	-6.4%	+17.8%
Criminal	155,709	151,048	144,637	136,594	128,691	126,462	127,937	127,546	-0.4%	-18.1%
Infractions	231,764	227,315	235,453	243,295	231,894	221,848	216,406	215,839	-0.3%	-6.9%
Juvenile	14,856	13,725	13,831	13,725	12,508	12,379	12,819	12,991	+1.3%	-12.6%
Special	13,635	14,731	15,009	15,179	15,353	15,671	16,307	16,550	+1.4%	+21.3%
TOTAL	483,793	476,628	481,727	483,296	468,226	459,497	458,843	452,869	-1.4%	-6.4%

