

2008

Annual Report of the
Idaho Supreme Court



MESSAGE FROM THE CHIEF JUSTICE

Even in challenging times the state of the Idaho judiciary is strong and we continue a tradition of innovation, collaboration, and service to Idaho.

Over the last year, with the help of the Idaho Legislature and Governor Otter, we have made an important addition to the Idaho Court of Appeals with the addition of one more judge to help with its increasing caseload. Judge David Gratton was appointed by Governor Otter to fill that important new position.

In addition to their regular caseloads, Idaho judges continue to devote countless hours presiding over problem-solving courts, which include adult felony and juvenile drug courts, DUI courts, and adult and juvenile mental health courts. Their efforts are producing positive results. Idaho has 54 problem-solving courts that supervised 1,983 offenders in 2008, an increase of 9% from the prior year. A recent statewide evaluation of adult drug courts showed significant reductions in recidivism for participating offenders compared to a matched comparison group who received traditional management of probation.

Idaho has four Child Protection Drug Courts, which handle child abuse and neglect cases in which the abuse or neglect is related to the parents' substance abuse. A national study of similar courts elsewhere has shown that when parents participated in such a court, their children spent less time in out-of-home placement and, when returned to parental custody, were less likely to be abused and removed again. We can expect similar results in Idaho. Two of Idaho's Child Protection Drug Courts are part of a national initiative by the Administration for Children and Families and will be extensively evaluated through Idaho State University over the next four years.

There are seven domestic violence courts in Idaho, in which defendants are forced into treatment and held accountable through enhanced judicial monitoring, including regular "face-to-face" meetings with the judge. An assessment of domestic violence courts in eastern Idaho has shown that a domestic violence court can significantly reduce violations of no contact orders and civil protection orders by offenders in that court. Legislation will be introduced during the 2009 session to strengthen domestic violence courts statewide.

Because of the emotions involved, some of the more challenging court cases are domestic relations actions involving minor children. Judges throughout the state participate in parent education classes during which they introduce families to the court process and explain the variety of tools available to assist them in resolving child custody issues. In a statewide exit survey, parents who attended such classes gave the judges high marks, stating that the information was helpful and that it was reassuring to know they were being served as individuals. Over ninety percent of those parents said they would make a stronger effort to reduce parental conflict for the sake of their children's long-term best interests.

We continued during 2008 to increase the number of forms available online all in the interest of assisting Idahoans with access to the courts. For some of the more complex types of cases, such as domestic relations cases involving minor children, forms can be completed through an online interactive interview to make it easier for the pro se litigants. Five of the interactive interviews are also in Spanish. These online forms have been used by litigants in all forty-four Idaho counties. Of all states, Idaho has the third highest number of forms available online for pro se litigants. Of course, online forms cannot replace an attorney, but they provide an essential resource for the many citizens who cannot afford counsel to represent them.

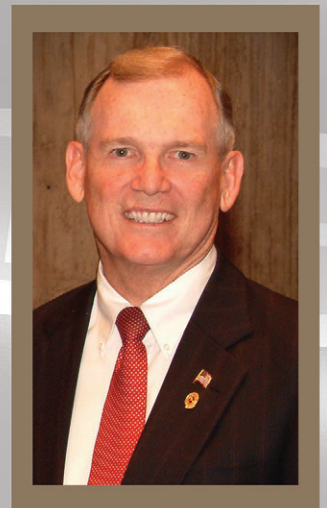
Last year we also began providing online access to a data repository through which Idahoans can check the register of actions of cases in the trial courts of every county in the state. There are about 60,000 hits per day on the repository.

It does not appear that the recent economic downturn will result in a decrease in cases filed in Idaho courts. When the last seven months of 2008 are compared to the last seven months of 2007, we see a three to four percent increase in cases filed in the district courts and magistrate courts. Some types of cases have increased dramatically, with civil filings in the district courts increasing almost eighteen percent and felony DUI's increasing thirty-four percent.

The Idaho courts have been able to provide adequate judicial resources only through the use of senior judges. Paying retired judges at a daily rate to preside over cases costs taxpayers less than increasing the number of judges in those parts of the state where the population has increased significantly faster than judicial positions.

The recent economic downturn certainly presents challenges for the judiciary. For years we have endeavored to keep the judicial budget for operating expenses and administrative personnel at the lowest level possible to provide the resources and services necessary for the judiciary to provide equal access to justice, the expeditious resolution of cases, and the training and support necessary for judges to utilize innovative techniques to address some of the most difficult problems in our society. We look forward to working with the legislature to find ways to insure that the citizens of Idaho can continue to have trust and confidence in their judiciary.

DANIEL T. EISMANN
Chief Justice of the Idaho Supreme Court



Chief Justice Daniel T. Eismann

BUDGETS CHALLENGE IDAHO COURTS

General Fund

The Idaho courts participated fully in the Fiscal Year 2009 holdback requested by Governor C.L. "Butch" Otter, despite the unique constraints of the judiciary's General Fund budget.

The Supreme Court cut its original budget request by over \$900,000, deferred many necessary requests, and limited its General Fund annual budget request to senior judge days to ensure increasing court caseloads are heard timely. At the same time, in an unprecedented move, Idaho judges voluntarily agreed to work two days without compensation during the current budget situation in order to ensure that increasing court caseloads are handled as promptly as possible and to provide that the unique role of the courts in our society is maintained for all Idahoans. The holdback plan also includes a two-day unpaid furlough for all non-judicial employees, a statewide hiring freeze, dramatic cuts in Law Library operations and hours, and deep reductions in statewide court operations.

Millennium Fund

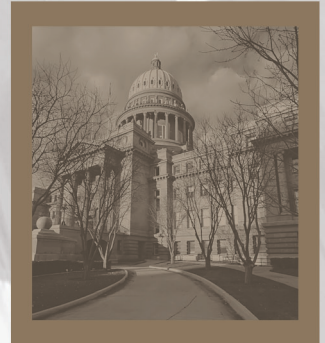
The Court urged the Millennium Fund Committee to provide evidence-based intervention services for juvenile offenders in alcohol and tobacco cases through youth courts, status offender services, and expanded juvenile intervention strategies to reduce recidivism and protect our communities. The courts, in partnership with the state and county juvenile justice systems, can provide the necessary leadership to match the most effective intervention to the needs of the young offender and their family. Research indicates that early use of tobacco and alcohol affects development and increases risk for further law violations. Last year 1,181 at-risk youth and 1,056 family members in 24 counties benefitted from intervention services with positive outcomes. Thousands more can benefit in the years ahead.

Permanent Building Fund

In June 2008, the Supreme Court submitted a Capital Budget Request to continue planning for a Law Learning Center with the University of Idaho Law School and others to enhance legal and judicial education in Idaho, to provide law-related educational outreach to all Idaho communities and other colleges and universities, and to provide a permanent location for the State Law Library, among other important goals. The proposed Idaho Law Learning Center would include a Law Library shared by the College of Law, its faculty and students, the Supreme Court, and its law clerks and court staff, legislators, members of the bar and the general public. The Law Learning Center would also include education and training classrooms for shared use by the College of Law, courts, libraries, and other public groups to incorporate state-of-the-art distance learning and on-line learning capabilities, faculty and staff offices, work centers and requisite office, gathering, and storage spaces.

Senior Judges Stretch Budgets

In FY2008, 39 senior judges worked 1,533 days plus 105 Plan B days. This is the equivalent of more than 7 additional judgeships — at about half the cost! Of the 39 senior judges who worked, 22 were senior magistrate judges, 13 were senior district judges, and 4 were senior judges at the appellate level.



Fremont County Courthouse

REPORTS TO GOVERNOR C.L. "BUTCH" OTTER AND THE IDAHO LEGISLATURE

Court Assistance

The number of Idahoans who receive court assistance services remains high. In 2008, over 38,000 persons obtained help directly from court assistance officers at county courthouses throughout Idaho.

The Court's Self-Help Website was accessed 2,127,510 times by 229,128 different users between July 1, 2007 and June 30, 2008. Most users were accessing court forms for family law cases. The number of Idahoans turning to the court for help in understanding how to seek an effective resolution to their legal disputes reflects not only the success of this program, but also the great need for these types of services.

The full text of the Court's report to the Governor and the Legislature can be found at: <http://www.isc.idaho.gov/links/Court%20Assistance-FINAL.pdf>

Guardianship Pilot Projects

As the result of both an aging population and a rise in the number of children being raised by grandparents, Idaho courts have seen a substantial increase in the number of active guardianship and conservatorship cases. There are currently over 7,000 "active" guardianship and conservatorship cases in Idaho, and over 1,500 new cases are being filed annually. The Court's ISTARS case management system has been augmented with tracks to facilitate more effective monitoring of reports filed with the courts.

While much progress has been made toward improving reporting and monitoring in guardianship and conservatorship cases, the Guardianship and Conservatorship Committee has additional work to do in order to accomplish the mandates of HB 131 in full. The Committee intends to work toward improving reporting and monitoring practices, among other important goals.

The full text of the Court's report to the Governor and the Legislature can be found at: <http://www.isc.idaho.gov/links/Guardianship-Conservatorship-FINAL.pdf>

Children & Families

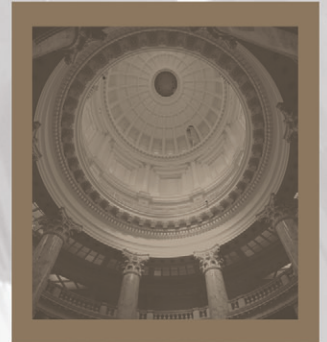
Idaho courts continue to lead the way in innovative efforts that protect children and families by reducing the adversarial process in divorce and child custody matters. There were significant reductions in domestic violence filings and in violations of criminal and civil orders of protection in 2008. More than 53,160 families and children benefited from Idaho courts' innovation and improvement efforts in family law cases in 2008. This is a 15% increase over 2007 and a 52% increase since 2005. In 2008, 8,122 parents attended a parent education class, an 11% increase over last year and a 27% increase since 2006. There was a 24% increase in the number of parents who received early case screenings, which help families that are in need of domestic violence and substance abuse interventions.

The full text of the Court's report to the Governor and the Legislature can be found at: <http://www.isc.idaho.gov/links/Children&Families-FINAL.pdf>

Juvenile Justice

Idaho's juvenile court judges continue to provide exemplary leadership in their efforts to improve the administration of juvenile justice in Idaho, in addition to assuring the 14,817 juvenile petitions filed in 2007 were handled fairly and expeditiously. Substance abuse and mental health assessments and treatment prove to be an important resource for judges in addressing the needs of juvenile offenders. Simplifying the transfer of juvenile cases between counties was another accomplishment this year. Also, funds were allocated by the Idaho Legislature for county juvenile detention facilities to obtain a clinician to help evaluate the mental health status of incoming juveniles, work with incoming juveniles with mental health concerns, and help families find appropriate services for juveniles with mental health needs.

The full text of the Court's report to the Governor and the Legislature can be found at: <http://www.isc.idaho.gov/links/Juvenile%20Justice-FINAL.pdf>



Drug & Mental Health Courts

Idaho Drug Courts and Mental Health Courts reduce recidivism, save money, and protect Idaho communities. A recent national study of drug courts reveals Idaho felony drug courts achieved statistically significant reductions in recidivism for participating offenders. DUI Court outcomes show very high compliance and graduation rates. Of 95 total terminations from the 12 Idaho DUI courts, 91 (90%) were graduations. Legislative support in 2008 provided funding to extend misdemeanor drug courts and DUI courts by an additional 150 offenders at any given time. The number of drug and mental health court participants increased throughout 2008, with a total of 1,983 offenders. This represents a 9.1% increase from 2007.

The full text of the Court's report to the Governor and the Legislature can be found at: <http://www.isc.idaho.gov/links/D&MHCourts-FINAL.pdf>

Domestic Violence Courts

Idaho's seven integrated Domestic Violence Courts are currently reducing the number of protective order violations and serving more than 1,350 victims. Since the inception of these courts, there has been enhanced judicial monitoring of cases leading to increased victim safety and offender accountability. An independent evaluation of domestic violence courts in the 6th and 7th Judicial Districts shows a decrease in criminal and civil protection order violations since the courts were started in 2006, believed to be directly attributable to judicial monitoring and the efficiency and effectiveness of domestic violence courts and their community partnerships. For example, under the direction of Magistrate Judge Mark Riddoch, Bonneville County has seen a 37.5% decrease in criminal no-contact order violations and almost a 48% decrease in civil protection order violations.

The full text of the Court's report to the Governor and the Legislature can be found at: <http://www.isc.idaho.gov/links/Domestic%20Violence%20Courts-FINAL.pdf>

Child Protection

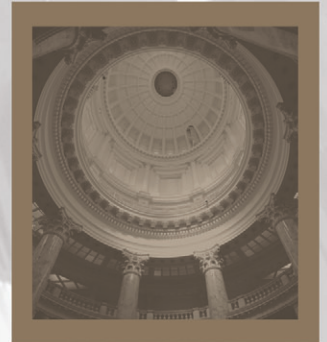
For the past decade, the Idaho Supreme Court Child Protection Committee has worked diligently to develop recommendations to strengthen and enhance the court's role in the child protection process and improve outcomes for Idaho's most vulnerable children. Improving outcomes means ensuring children are permanently placed in a timely manner whether that means a return home, adoption, or placement with family members or others. Although the number of child protection petitions has remained relatively constant since 2004, the number of children in foster care has risen steadily.

The Idaho Supreme Court has again been awarded "Court Improvement" grants which will be used to expand the committee's efforts in training and technology. Approximately 260 judges, prosecutors, public defenders, caseworkers, and supervisors from state and local agencies attended an annual Children and Families Institute. The institute provided training on topics important to improving the outcome for victim children.

Five counties have agreed to participate in a pilot project which will include a review of current practices in each county, explore options for enhancing the usefulness of ISTARS, implement Idaho Juvenile Rule 40 and implement best practices.

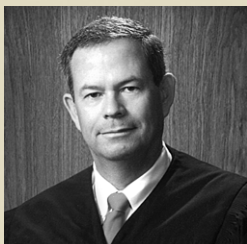
Key stakeholders in child protection issues will continue to convene to discuss issues and make recommendations for improving legal representation for the Department of Health and Welfare in child protection cases.

The full text of the Court's report to the Governor and the Legislature can be found at: <http://www.isc.idaho.gov/links/Child%20Protection-FINAL.pdf>

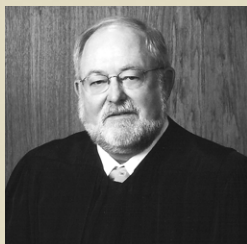


STATEWIDE JUDICIAL ELECTIONS HELD

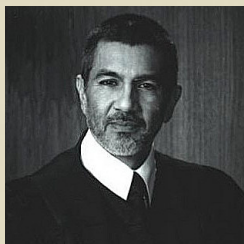
In the May 2008 primary election, Idaho Supreme Court Justices Joel Horton and Warren Jones and Court of Appeals Judge Sergio Gutierrez were re-elected by the citizens of Idaho.



Justice Joel Horton



Justice Warren Jones



*Court of Appeals Judge
Sergio Gutierrez*

COURT OF APPEALS TASK FORCE MAKES RECOMMENDATIONS

In early 2008, the Supreme Court accepted the report and recommendations of the task force it appointed to assess the Idaho Court of Appeals for "the next quarter century and beyond." The task force, chaired by University of Idaho College of Law Dean and former Court of Appeals Judge Don Burnett, addressed personnel, technology and space needs, among other challenges facing the Court of Appeals.

The task force report noted that over the last quarter century, the caseload of the Court of Appeals had increased dramatically, but the number of members of the Court – three judges – had not changed. Twenty-five years ago the Court handled approximately 200 cases per year. Today it is charged with deciding more than 500 cases annually.

According to the report, "...the time has arrived for renewed attention to the needs of Idaho's appellate court system. The progress stimulated by the successful innovation of 1982 – the creation of an assignment-based, caseload-sharing Court of Appeals – is now endangered...the Court as an institution is under stress, striving to prevent erosion of quality and timeliness under relentless caseload pressure." The complete task force report is available online at: <http://www.isc.idaho.gov/legislat.htm>

The 2008 session of the Idaho Legislature approved the relocation of the Idaho State Law Library and, at the same time, approved the addition of a fourth judge to the Idaho Court of Appeals and endorsed the relocation of the Court of Appeals to the space previously occupied by the library.

GRATTON APPOINTED TO COURT OF APPEALS

Idaho Governor C.L. "Butch" Otter appointed David W. Gratton of Boise to the fourth position on the Idaho Court of Appeals. The appointment was effective January 1, 2009.

In a news release, Governor Otter said: "Heavy caseload and the complexity and magnitude of cases being handled by our judiciary prompted the Legislature to add a judge to the Court of Appeals. Dave Gratton's experience, temperament, and perspective make him a solid choice for this important position."



David Gratton

In response to his appointment, Mr. Gratton stated: "I'm very honored and humbled to have been selected. The Judicial Council sent four highly qualified applicants to the Governor. I appreciate the Governor's confidence in me and my legal abilities, and I look forward to serving the people of Idaho for many years."

Gratton holds a bachelor's degree from Boise State University and a law degree from the University of Idaho. He was a partner in the law firm of Evans Keane LLP in Boise, has been a lecturer and course instructor for courses in product liability and real property law, and has authored several publications.

**HIGHLIGHTS
OF
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DISTRICT COURT CASES AVAILABLE ONLINE

A data repository is available to the public that provides information on the status of all district court cases in the state of Idaho. As of May 2008, case information is available for examination from all 44 Idaho Counties. The service is made available by the Idaho Supreme Court as a public service. There is no charge for its use.

Electronic records are available from 1995 forward, although some information for older cases may also be available. All case information determined by court rule or court order to be a matter of public record is displayed on the site. The database, which is updated nightly to reflect changes made to the record during the previous working day, can be accessed at: <https://www.idcourts.us/repository/start.do>

LAW LIBRARY RELOCATED

The Law Library opened in its new location on April 14, 2008.

Idaho State Law Library Location:

4th Floor, (Key Bank Building)
702 W. Idaho Street
Boise, Idaho

Contact Numbers

Front Desk: 208-334-2117
FAX: 208-334-2467

Reduced Library Hours:

10:00 a.m. – 4:00 p.m.
Monday through Friday

Web Site:

<http://www.isll.idaho.gov>

WELLNESS COMMITTEE ORGANIZED

Former Chief Justice Linda Copple Trout moved quickly to start the work of the Idaho Supreme Court's Wellness Committee. The Supreme Court formed the committee to "implement strategies to help judges and their families with a wide range of issues and needs" related to the professional and personal demands of service in the judiciary.

"The Supreme Court has recognized that there are concerns that need to be addressed and is very eager to develop recommendations and strategies to move ahead in this area," Justice Trout said.

She said she was very pleased by the talented and diverse make-up of the Wellness Committee, which includes Justice Roger Burdick, Magistrate and District Judges, and spouses of judges. "It is an excellent group representing a variety of perspectives, which will help us determine goals and priorities," said the former Chief Justice.

In the order establishing the Committee, the Supreme Court said: "The Committee's charge is broad, encompassing not only issues related to judicial stress, burnout, substance abuse, and health, but also to preventative measures as well. Issues involving aging and retirement, marital and family health, and physical improvement, among others, are incorporated within the Committee's charge to examine, identify, and promote assistance to Idaho's judges."



FELONY SENTENCING COMMITTEE APPOINTED

In May 2008, the Idaho Supreme Court formed the Felony Sentencing Committee to address sentencing policies and practices statewide. Fourth District Judge Michael McLaughlin was selected to chair the 12 member committee.

The Felony Sentencing Committee will collect and analyze data on who is sentenced to prison, how that decision is made, how long individuals are imprisoned, and who is paroled. It will also review relevant research on evidence-based correctional practices, sentencing policies, and sentencing alternatives. The committee will develop methods to improve the timeliness and quality of information available to judges at sentencing.

Additionally, the committee will review a sentencing model from Missouri that uses five categories of crime and classifies offenders into five different levels. The model also weighs risk factors such as lack of education and substance abuse. "Add it all up, and you have a good picture of sentencing," explains Judge McLaughlin. "Through information and education, our goal is to bring more consistency statewide to sentencing," he said.

INTERIM TAX PANEL REPORT

House Concurrent Resolution 45 established an interim committee whose purpose was to study the property tax system, including whether some of the expenditures of property tax revenues might more reasonably be covered from other revenue sources, and to make recommendations to provide property tax relief while furthering "the improved administration of the state's criminal justice, juvenile justice, and court systems."

After hearing reports and presentations over the summer, the committee concluded:

- ⚖ That the Legislature consider that the state provide for the financing of costs associated with county law clerks;
- ⚖ That the relevant germane committees review the public defender report to be published in March 2009 and that the committees consider uniform standards for determining defendant indigence;
- ⚖ That the Legislature review the report that the counties provided to the Committee regarding expenditures for the courts and criminal and juvenile justice systems... In addition to providing expenditures on a statewide basis, the survey reflects... expenditure information by judicial district;
- ⚖ That the Legislature review the recommendations of the Supreme Court's Administrative Conference which provided that the Court is willing to assume responsibility for certain district court personnel to the extent the Legislature provides funding;
- ⚖ That the Legislature review a study authored by the Council of State Governments which will review the state's collection of court fines and other court-ordered obligations and which will provide recommendations for possible improvements in such collections; and
- ⚖ That legislation be considered by the relevant germane committees regarding dealing with county expenditures associated with extraordinary criminal cases.

The full text of the committee's report can be viewed at: http://www.legislature.idaho.gov/sessioninfo/2008/interim/tax_final.pdf



**HIGHLIGHTS
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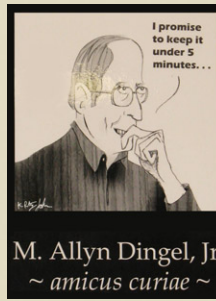
ATTORNEY ALLYN DINGEL HONORED

In recognition of his outstanding contributions in advancing, promoting, and improving the administration of justice in the State of Idaho, the Judges of the 4th Judicial District dedicated a courtroom in the name of long-time Boise attorney M. Allyn Dingel.

In a July 1st ceremony, Courtroom 400 at the Ada County Courthouse was formally dedicated in Dingel's honor to acknowledge his 30 plus years of pro bono contributions to the Idaho judicial system. More than thirty judges attended the ceremony, including four Idaho Supreme Court Justices, all three Court of Appeals judges and two federal judges. Administrative District Judges Barry Wood (5th Judicial District) and Greg Culet (3rd Judicial District), Administrative Director of the Courts, Patti Tobias and over 100 hundred attorneys were also in attendance.

Darla Williamson, Administrative District Judge of the 4th Judicial District said, "This Courtroom is fitting recognition of Allyn Dingel's exemplary professional and personal dedication to the legal community as well as his public service and his service to the Idaho judiciary. We extend our sincere thanks to Mr. Dingel."

Explained Judge Williamson, "Allyn Dingel's voluntary contributions and dedication to the Idaho Judiciary include his unwavering support for the judiciary's legislative priorities; whether seeking to make judicial salaries more competitive, adding new judgeships to better manage the increasing caseloads, or innovations to ensure Idaho courts continue as one of the top court systems in the nation."



HIGHLIGHTS OF 2008



ISP Officer Kirk Grothaus

ISP OFFICER ASSIGNED TO IDAHO JUDICIARY

In July 2008, the Idaho State Police assigned a full-time uniformed trooper at the Idaho Supreme Court building. The Idaho State Police (ISP) now plans and provides protective services for the Idaho Supreme Court Justices and their immediate families. The ISP also provides a uniformed presence during court proceedings at the Supreme Court building in Boise and in any other areas the Justices are required to travel, and investigates and documents all threats directed toward the Supreme Court Justices, Court of Appeals Judges, District Judges, and Magistrate Judges. The Idaho Judiciary is very grateful for the many services provided by the State Police.

MEDIA GUIDE UPDATED

The 2008 update to the Idaho State Judiciary Media Guide to the Idaho Courts is now available on the Idaho Supreme Court Web site.

The Web version is available at <http://www.isc.idaho.gov/mguide/>. A PDF version is also available at http://www.isc.idaho.gov/mguide/ISC_2008_MG.pdf. It can be downloaded to a computer or printed for reference.

The Media Guide continues as an important tool to promote public understanding of the courts, and to help the media provide accurate and complete coverage of court proceedings.



IDAHO SELECTED FOR JUSTICE CENTER INITIATIVE

In a press release on October 2, the Council of State Governments and the Idaho Supreme Court announced that Idaho's Supreme Court had been selected to participate in a major national criminal justice/mental health initiative.

"The Council of State Governments (CSG) Justice Center has announced that Idaho's Supreme Court will participate in the Chief Justices' Criminal Justice/Mental Health Leadership Initiative, a national project in its second year designed to assist state supreme court chief justices, together with state leaders, in developing strategic plans to improve responses to people with mental illnesses involved in the justice system."

Idaho is one of four states selected to participate from a field of 13 state applicants. Idaho will be joined by Wisconsin, New Hampshire, and Delaware. Over the next year, Chief Justice Eismann will convene a statewide task force to examine ways to improve outcomes for people with mental illnesses engaged with the criminal justice system.

"Chief Justice Eismann has demonstrated his commitment to addressing the needs of people with mental illnesses, and we are pleased to be able to invite Idaho to participate," said Judge Steven Leifman, Special Advisor on Criminal Justice/Mental Health to the Florida Supreme Court and co-chair of the advisory board that reviewed the submissions. "The application process was very competitive, and we are confident that Idaho's task force will design and implement successful strategies."

Chief Justice Eismann said in the press release: "The frequency with which people with mental illnesses enter our courts, jails and prisons remains a critical problem; we need to improve treatment options and—when appropriate—help these individuals avoid contact with the criminal justice system. Doing so not only will improve their quality of life but will lead to increased public safety and more efficient use of taxpayer dollars."

STATE COURT TECHNOLOGY ENHANCEMENTS CONTINUE

The Supreme Court Clerk's office successfully implemented the new, FullCourt Enterprise Web-based, case management system developed by Justice Systems Incorporated. All data from the legacy system (which was first introduced before most of the court's law clerks were born) was converted into the new system. Steve Kenyon, Clerk of the Supreme Court and Court of Appeals, and his staff are to be commended for their tireless efforts over the course of 18 months for making this project a success.

The criminal module of the trial court case management system (ISTARS) was installed in Idaho's most populous county in the state, Ada County. ISTARS, which replaces a county criminal justice system, enables all trial courts in Idaho to use the same case management system. With all data from the county system converted into the ISTARS database, this project was a success due to the extraordinary cooperation between county and state personnel.

Idaho's Knowledge Management System (IKMS) project was initiated during 2008. Utilizing the KM Knowledge Management product, judicial work products can now be shared in a secure working environment within the judiciary. Other resources such as the Judge's Benchguide and the Clerk of District Court Manual will also be supported by IKMS. It is envisioned that judges will be able to share reference materials, checklists, and resources, searchable by all judges statewide.

2008 marked the completion of a major project to upgrade every courtroom in Idaho from analog court recording equipment to digital recording systems. While a few large counties had already moved to digital systems prior to this project, the vast majority of counties benefitted from this project. In addition to the digital equipment, all wiring and microphones in all courtrooms were upgraded as well.



**HIGHLIGHTS
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2008 JUDICIAL DISTRICT HIGHLIGHTS

As submitted by Trial Court Administrators

1st Judicial District

- ⚖ Kootenai County installed the Idaho Supreme Court's ISTARS Jury System and was selected as one of the Idaho Supreme Court Child Protection Committee's pilot project sites.
- ⚖ Kootenai County Magistrate Judges Robert Burton and Eugene Marano retired this year. James Stow and Robert Caldwell were selected to replace the vacancies, respectively.
- ⚖ Magistrate Judge Barry Watson became Kootenai County's new Juvenile Judge and Judy Morbeck became the new CASA Director for the 1st Judicial District.

2nd Judicial District

- ⚖ The Nez Perce County Mental Health and DUI Courts had their first graduates. Both courts commenced operations in 2007.
- ⚖ Nez Perce County will begin occupying its newly constructed 156-bed jail in mid-December. New videoconferencing equipment installed in the facility will reduce the frequency of prisoner transports.
- ⚖ Latah County Magistrate Judge William Hamlett announced his retirement. Moscow attorney John Judge was selected to replace him.
- ⚖ Steven Caylor, the Trial Court Administrator, accepted a newly created position at the Supreme Court as Knowledge Management System Coordinator. Due to the current hiring freeze, Nez Perce County Magistrate Judge Jay Gaskill has been named the Acting Trial Court Administrator.

3rd Judicial District

- ⚖ Canyon County hosted its first annual Adoption Day on November 13, 2008 as part of National Adoption Week activities. Nine adoption proceedings were conducted by Judge Lynne Krogh and Judge J.R. Schiller.
- ⚖ The Washington County Magistrate Division began operating out of its new facilities in June, 2008 after an extensive renovation of the clerk's office and courtroom.
- ⚖ Steve Jett, Southwest Idaho Juvenile Detention Center director, was installed as President and named Member of the Year of the National Juvenile Detention Association at its annual symposium in Pittsburgh, Pennsylvania on October 5, 2008.
- ⚖ The Canyon County Mental Health Court reached full capacity in 2008. The court expects to graduate its first class in February or March, 2009.
- ⚖ The Gem County Drug Court began operations as a stand-alone drug court in June, 2008. Previously, Gem County was part of the Quad County Drug Court operating out of Payette.

JUDICIAL DISTRICT HIGHLIGHTS



Valley County Courthouse

4th Judicial District

- ♣ With the appointment of Judge Timothy Hansen as a District Judge, Monty Berecz was sworn in as an Ada County Magistrate Judge. Following the retirement of Judge Richard Schmidt, Daniel Steckel became an Ada County Magistrate Judge.
- ♣ Boise County Community Justice started a Strengthening Families Program and offered a free step parenting class.
- ♣ Ada County Felony Drug Court moved to a new 11,000 square-foot treatment center in December.
- ♣ Ada County Juvenile Court implemented a Fast Track Court that expedites low level offenders through the system. The average daily population and length of stay in detention did not increase; demonstrating judges are utilizing less expensive, effective programs while ensuring the community is protected.
- ♣ District wide, Family Court Services tracked, recorded, and encouraged compliance for an estimated 469 mediation orders affecting 726 children.
- ♣ The Guardianship Monitoring Program was recognized by National AARP and the American Bar Association as having best practices in monitoring in two national studies that were released in early 2008.

5th Judicial District

- ♣ Following Judge Michael Crabtree's appointment as a district judge, Mick Hodges was sworn in as the Cassia County Magistrate Judge.
- ♣ The 5th Judicial District piloted a project that evaluated programs dealing with first-time alcohol/tobacco citations. Nancy Kunau, a district wide TACC coordinator, was hired to facilitate the project. Funding was provided by the Millennium Fund.
- ♣ District 5 was awarded a grant to develop a Child Protection Drug Court. To date, six families have been accepted into the court.
- ♣ All courtrooms in the 5th Judicial District are now capable of FTR digital recording, to capture the record of all proceedings.

JUDICIAL DISTRICT HIGHLIGHTS



Twin Falls County Courthouse

6th Judicial District

- ⚖ District Judge Don L. Harding and Power County Magistrate Judge Mark Beebe retired, while District Judge Ronald L. Bush was appointed to the federal bench as a U.S. Magistrate. Mitchell Brown, Paul Laggis, and Stephen Dunn were appointed to replace the departing judges, respectively.
- ⚖ This past spring, Judge McDermott signed an administrative order allowing Bannock County to implement a "Pay it Forward Dental Program." This allows past methamphetamine abusers, who are financially unable to afford dental care, an opportunity to receive adequate dental care. The dental care is paid for by the Drug Court Fund, funded by participant fees. Once the client becomes successful in finding and keeping a job, the client regularly pays obligations owed to the courts, child support, bills, and in this case the Drug Court Fund for dental services received.
- ⚖ The Bannock County Juvenile Drug Court had 14 graduates in 2008. The Child Protection Drug Court commenced operations and has about 10 families participating. Bannock County Juvenile Justice began using the blue print program, Parenting With Love and Limits, with great success.
- ⚖ Bannock County implemented a GPS electronic monitoring program and supervised 63 offenders to date. This program provides another tool for judges to use as an alternative to incarceration.

7th Judicial District

- ⚖ Teton County broke ground on a new courthouse in 2008 and should be ready for occupancy in the fall of 2009.
- ⚖ At the end of 2008, the "JoAn Wood Alternative Sentencing Pilot Project" will result in over 400 juvenile and adult offenders participating in problem-solving courts. All 18 judges in the 7th Judicial District preside over problem solving courts in 8 out of the 10 counties in the district.
- ⚖ Bingham County opened its second transition house under the management of the Adult Misdemeanor Probation director. The 16-bed facility provides temporary housing for 30 to 90 days, allowing offenders time to prove their ability to stay in treatment, secure a job, and develop a permanent housing plan.
- ⚖ Following Judge Michael Kennedy's retirement, Robert Crowley, Jr. was sworn in as the Jefferson County Magistrate Judge.
- ⚖ The pilot juvenile mental health court, or Juveniles Making Progress (JMP court), presided over by senior judge Michael Kennedy, supervised 30 juveniles from Bonneville, Jefferson, Madison, and Fremont Counties in 2008.

JUDICIAL DISTRICT HIGHLIGHTS



Elmore County Courthouse

NEW JUDGES, RETIREMENTS, AND TRANSITIONS IN 2008

New Judges in 2008

Court of Appeals

Honorable Dave Gratton
Judge of the Court of Appeals
(New Position)
January 2009

1st Judicial District

Honorable James Stow
Magistrate Judge, Kootenai County
February 2008

Honorable Robert Caldwell
Magistrate Judge, Kootenai County
January 2009

2nd Judicial District

Honorable John Judge
Magistrate Judge, Latah County
October 2008

4th Judicial District

Honorable Daniel Steckel
Magistrate Judge, Ada County
February 2008

Honorable Lamont Berez
Magistrate Judge, Ada County
July 2008

5th Judicial District

Honorable Mick Hodges
Magistrate Judge, Cassia County
February 2008

6th Judicial District

Honorable Mitchell Brown
District Judge
July 2008

Honorable Paul Laggis
Magistrate Judge, Power County
June 2008

7th Judicial District

Honorable Stephen Dunn
District Judge
October 2008

7th Judicial District
Honorable Robert Crowley, Jr.
Magistrate Judge, Jefferson County
January 2008

NEW JUDGES RETIREMENTS TRANSITIONS

Judges Leaving Office in 2008

1st Judicial District

Honorable Robert Burton
Magistrate Judge, Kootenai County
Retired January 2008

Honorable Eugene Marano
Magistrate Judge, Kootenai County
Retired January 2009

2nd Judicial District

Honorable W. C. Hamlett
Magistrate Judge, Latah County
Retired September 2008

4th Judicial District

Honorable Richard Schmidt
Magistrate Judge, Ada County
Retired January 2008

Honorable Timothy Hansen
Magistrate Judge, Ada County
Became District Judge
January 2008

6th Judicial District

Honorable Don Harding
District Judge
Retired June 2008

Honorable Mark Beebe
Magistrate Judge, Power County
Retired January 2008

7th Judicial District

Honorable Ronald Bush
District Judge
Became a Magistrate Judge,
U.S. Courts-District of Idaho
October 2008

7th Judicial District

Honorable Michael Kennedy
Magistrate Judge, Jefferson County
Retired January 2008



RECOGNITION AND AWARDS

2008 Granata Award Goes to District Judge Wilper

4th Judicial District Judge Ronald Wilper was named the recipient of the 2008 Granata Award for his outstanding service and professionalism as a trial judge.

Fourth Judicial District's Administrative District Judge Darla Williamson nominated Judge Wilper for his considerable contributions to the Ada County Drug Court – the court over which he currently presides.

"Judge Wilper has tireless enthusiasm for the advancement of the drug court. He is an inspiration to drug court defendants to make positive changes in their lives," said Judge Williamson.



Judge Wilper



Burt Butler (right), with Administrative District Judge Brent Moss (left).

Burt Butler Awarded 2008 Kramer Award

7th Judicial District Trial Court Administrator Burton Butler was selected as the 2008 Kramer Award recipient. The award is given to the person who best exemplifies excellence in judicial administration, by character and action.

Seventh Judicial District Administrative District Judge Brent Moss nominated Judge Burton. "I am not aware of anyone who has worked harder to improve the administration of justice than he has or who has exhibited more passion to improve the delivery of services provided by the judicial system," said Judge Moss.

Representative JoAn Wood Recognized

State Representative JoAn Wood of Rigby received the 2008 Patricia Kempthorne Award for her tireless efforts to educate her peers in the legislature about the importance of treatment and rehabilitation for those in the criminal justice system.

Substance Abuse Advisory Council Recognitions

The Region VII Substance Abuse Advisory Council recognized Trial Court Administrator Burt Butler for his compassion, ethics, and vision in improving both the judicial and human services system throughout all areas of the 7th Judicial District.

The Region VI Substance Abuse Advisory Council recognized Barry Jones for his determination and commitment to help those seeking to find a life in substance abuse recovery as well as for his longstanding advocacy of services for those struggling with addiction.



Rep. JoAn Wood and District 7 Trial Court Administrator Burt Butler were honored for their work on substance abuse treatment.

**RECOGNITION
AND AWARDS**



CASELOAD HIGHLIGHTS – CALENDAR YEAR 2008

- 938 new appeals were filed with the Supreme Court during 2008, an increase of just two filings from the number reported during 2007.
- Civil filings in the district court were up substantially during 2008, likely due to the economic challenges that emerged during the year. Over all, civil filings were up by 18% over the year before.
- Felony DUI filings continued their sharp rise. When compared to 2007, felony DUI filings were up by 15%. Since 2001, felony DUI filings have doubled.
- In contrast, felony drug filings were at their lowest level since 2000. During 2008, 2,705 felony drug cases were filed in the district court, which is 28% decrease from the year before.
- Continuing a decline that began in 2003, the number of domestic violence case filings dropped 5% or 241 cases when compared to 2007.
- Misdemeanor DUI filings increased to their highest level in 10 years. For 2008, a total of 11,499 misdemeanor DUI cases were filed in the magistrate court, which represents a 2% increase over 2007.
- During 2008, small claims filings increased to their highest point since 2004. Overall, small claims filings were up by 4% from the number reported during 2007.
- Juvenile case filings were virtually unchanged from 2007. Overall, there were 17 fewer juvenile cases filed during 2008 when compared to the previous year.
- Infraction filings increased to their highest point since 2001, with 233,544 infractions being filed across Idaho during 2008.



CASELOAD HIGHLIGHTS

LAW
CASES

LAW
CASES

LAW
CASES

10 YEAR CASELOAD STATISTICS

District Court Cases Filed

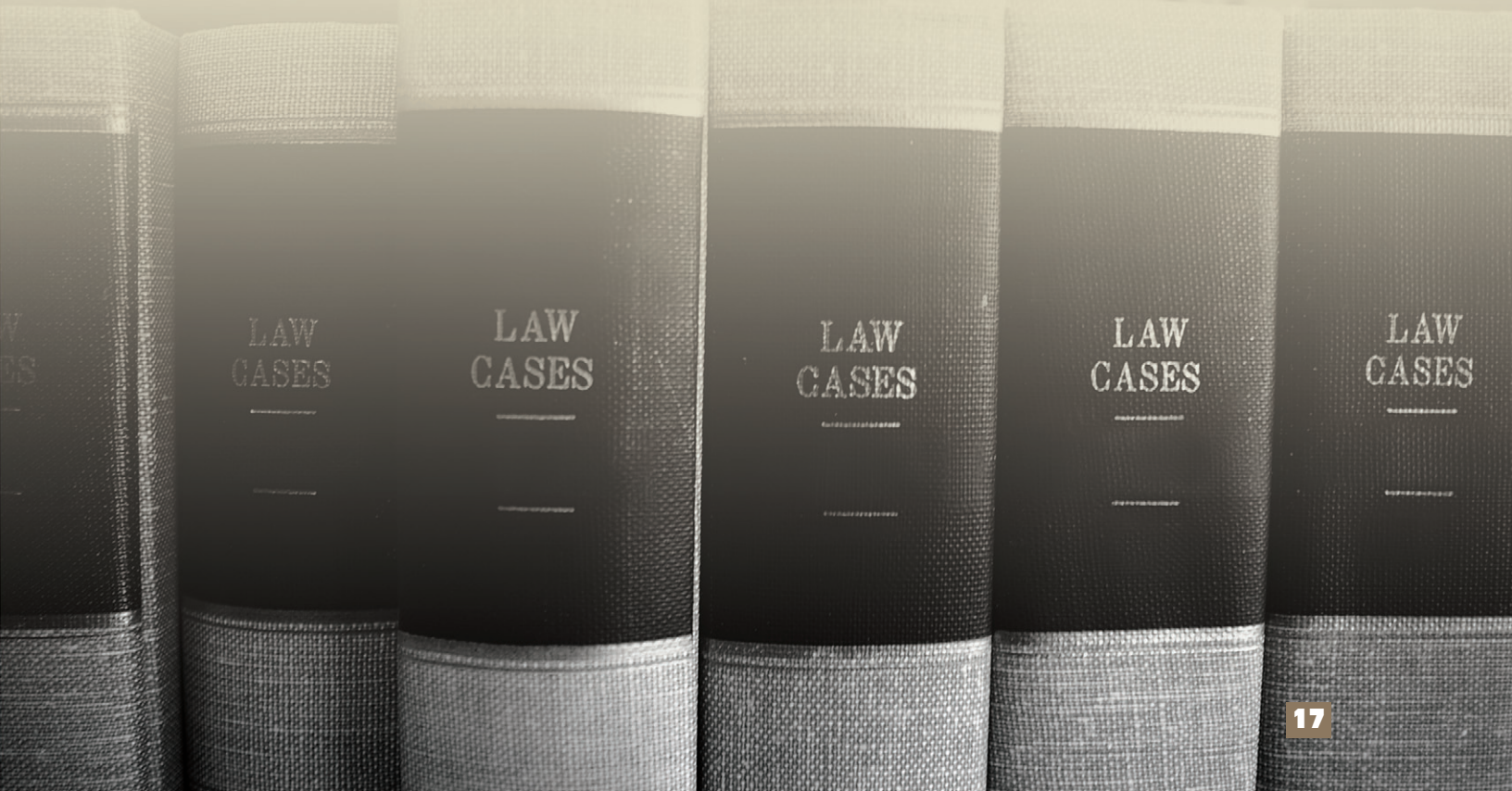
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Civil	6,373	6,258	7,260	7,784	7,602	7,727	7,438	7,791	8,092	9,537
Criminal	11,127	11,119	11,212	11,123	11,895	12,631	13,245	13,201	12,241	10,938
Total	17,500	17,377	18,472	18,907	19,497	20,358	20,683	20,992	20,333	20,475

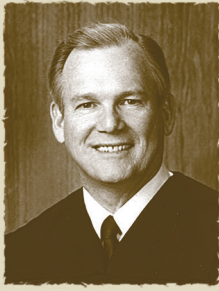
Magistrate Division Cases Filed

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Civil	84,540	87,806	89,575	95,133	98,807	101,681	96,493	99,773	95,891	96,571
Criminal	151,048	144,637	145,658	128,691	126,462	127,937	127,545	136,760	138,685	122,863
Infractions	227,315	235,453	243,327	231,894	221,848	216,406	215,841	221,276	232,456	233,544
Juvenile	13,725	13,831	13,720	12,508	12,379	12,819	12,991	13,669	14,817	14,800
Total	476,628	481,727	492,280	468,226	459,496	458,843	452,870	471,478	481,849	467,778

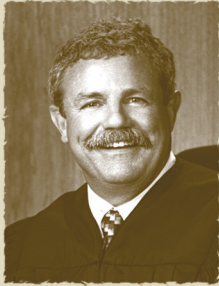
Notes: In previous years, a case type category entitled "Special Proceedings" was displayed. For 2008, "Special Proceedings" cases are now included in the civil case category.

During 2008, the processing of criminal cases in Ada County was converted to the statewide case management system ISTARs. It has been determined that for misdemeanor cases the legacy county system counted each charge as a new filing. ISTARs counts charges filed for a single event as a single case. This change in case counting is responsible for a large portion of the decline in criminal filings reported in the magistrate division.





Chief Justice Daniel T. Eismann



Justice Roger S. Burdick



Justice Jim Jones



Justice Warren E. Jones



Justice Joel D. Horton

2008 ADMINISTRATIVE DISTRICT JUDGES

Hon. John Luster - 1st Judicial District
 Hon. Carl Kerrick - 2nd Judicial District
 Hon. Gregory Culet - 3rd Judicial District
 Hon. Darla Williamson - 4th Judicial District
 Hon. Barry Wood - 5th Judicial District
 Hon. Peter McDermott - 6th Judicial District
 Hon. Brent Moss - 7th Judicial District

2008 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
 Corrie Keller - Deputy Administrative Director
 John Peay - Deputy Director, District Court Leadership
 Shirley Throop - Executive Assistant

PHOTO CREDITS

Center image of cover by Shirley Throop

The Idaho Heritage Trust has significantly contributed to this publication by providing courthouse images by photographer Jan Boles.

The Idaho Heritage Trust was created by Idaho's Centennial Legislature to help preserve the historic fabric of Idaho for the state's Bicentennial in 2090. Fifty cents from each standard Idaho plate goes into an endowment fund. The interest from the fund, in partnership with money from local communities, helps to preserve historic buildings, sites and artifacts throughout Idaho. To date, the Trust has helped more than 300 organizations and has funded projects and architectural, engineering and conservation assistance in every county in Idaho.

One of the decisions made by the Idaho Heritage Trust's Board of Trustees is to document the historic buildings of Idaho in our time as a gift for the coming generations. This year, in addition to photographing Trust projects throughout Idaho, the Idaho Heritage Trust has asked photographer Jan Boles of Caldwell to document the state's courthouses and the Trust is proud to share a few of those photographs with the Idaho Supreme Court for this report.

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