

ANNUAL REPORT
2009

Message from the Chief Justice

I would like to express gratitude to the legislature for helping us provide an excellent judiciary for all Idahoans. To that end, I'll highlight some of the legislative action that has laid the foundation upon which Idaho's judiciary is "excellent."

Idaho's court system began, as did most states, with several disconnected and individualized courts. At statehood, Idaho's courts consisted of a supreme court, district courts, probate courts, and justices of the peace. Later, as towns grew, police courts were added. The justices of the peace and police court judges had no formal legal training.

In the 1960's, the legislature in its foresight began making the constitutional and statutory changes necessary to transform courts within our state into a modern, streamlined judicial system. The legislature proposed, and the voters approved, a constitutional amendment that enabled the Idaho judiciary to become a state court system serving citizens throughout Idaho, rather than simply a variety of courts operating in separate counties and judicial districts.

In my opinion, establishing a unified court system with accompanying administrative support and creating the magistrate division whose judges are now all attorneys are the two legislative achievements that are most responsible for ensuring that Idaho provides high quality justice to those who come into our courts.

As our state population grew, so did court caseloads, including appeals to the Supreme Court. The legislature responded by creating the Idaho Court of Appeals, which began hearing cases in 1982. The number of appeals has steadily increased over the years, and the Court of Appeals has been essential to having appeals decided timely.

In the 1980's, the legislature funded the Idaho Statewide Trial Court Automated Records System, commonly known as ISTARs, which was the first case management system in the nation that included every trial court case filed in the state. Our ability to use technology has dramatically increased the efficiency of the judiciary.

Twice in 2009, Idaho received national recognition that highlights the excellence of the Idaho judiciary and affirms the legislature's dedication to ensuring justice.

The first award was for justice system innovation and improvement from the Justice Management Institute. Five key innovations were recognized that assist Idahoans, especially those residing in rural areas.

The second national recognition was by the National Association of Drug Court Professionals. Each year since 2003, its members throughout the nation have elected one or two nominees nationwide for induction into the Association's hall of fame. In 2009, I was inducted into the hall of fame. That award was really earned by all of those who have worked to improve problem-solving courts in our state. It demonstrates that Idaho is a national leader in effectively addressing substance abuse and mental illness in the criminal justice system. National studies show that drug courts save taxpayers from \$4,000 to \$12,000 per offender, and those savings do not include reduced recidivism or the priceless value of restored families and saved lives.

These accomplishments are a direct result of the legislature's work with the courts to bring justice to Idahoans. On behalf of the court, I thank the legislature for its role in building a judicial system in which litigants can have confidence that their cases will be heard timely and decided fairly according to the law.



Chief Justice Daniel T. Eismann

Budget Cuts in the Courts

The Idaho Supreme Court continues to take extraordinary steps to reduce its budget in light of declining state revenues. The Court is committed to working with Governor Otter, the legislature, and the citizens of Idaho to the maximum extent possible, without jeopardizing its constitutional and statutory responsibilities.

The Court fully participated in Governor Otter's Executive Order 2009-16, contributing a 2.5% holdback, or \$745,600. This holdback is in addition to the FY2009 reductions of nearly \$2-million. Idaho judges voluntarily agreed to a two-day salary reduction in FY2009. To meet the budget shortfalls, the Court is continuing its hiring freeze for all general and dedicated fund positions and upholding stringent holdback policies that have been in place since December 2008. Of necessity, the Court will also exhaust all dedicated fund balances this year through shifts of personnel costs from the general fund to dedicated funds, supporting technology and problem-solving courts.

During tough economic times, crimes are still committed; abuse and neglect of children continues to occur; and many families face crisis.

Civil and business disputes are being filed in greater numbers than ever before. Particularly in bad economic times, Idaho's courts are absolutely necessary to ensure that civil and business disputes are heard in a timely manner. There have been significant increases in the number of district court civil cases filed in FY2009 (over FY2008) in Idaho's largest counties:

Kootenai County	an increase of 15%
Ada County	an increase of 21%
Canyon County	an increase of 31%
Statewide.....	an increase of 14%

The need to address court cases fairly and timely is critical to the citizens of this state and to Idaho's economic recovery. Due to the state budget constraints, however, the Supreme Court is not requesting any new judgeships this year. But an emergency surcharge is proposed to support the continued operations and services of Idaho courts.

The State of Idaho is fortunate to have a streamlined and efficient court system with outstanding judges and court personnel to meet the challenges of these turbulent times.



**The administration of
justice is the firmest
pillar of government.**

~George Washington

Mission Statement of the Idaho Courts

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

- Enhance and expand Court Assistance Office services, and increase public awareness of Court Assistance Office services.
- Continue the development of interactive court forms in English and Spanish on a redesigned Court Assistance Office website.
- Expand the recruitment, training and certification of court interpreters, and increase the availability and use of certified Spanish language interpreters.
- Complete the implementation of the criminal ISTARS in the Ada County criminal justice system (March 2008).
- In partnership with the Idaho State Bar, develop options for legal representation for persons of limited means where legal representation is desirable.
- Provide public access to appropriate court information by way of the Internet.
- Encourage use of E-citations to be filed with the court, and accept Internet payment of fines, fees, and court costs.

Goal 2: Improve the Fast and Fair Resolution of Court Cases

- Enhance Family Court Services in each district to promote early, non-adversarial, and effective resolution of all cases involving children and families.
- Evaluate new and emerging research on domestic violence calendars, courts, evaluations, offender treatment and victim support to improve court practices.
- Evaluate effective approaches for handling cases involving mentally ill parties.
- Increase case dispositions and shorten the time to disposition through the expanded use of senior judges, traveling judges and the use of video conferencing.
- Establish case management and ADR training institutes and develop new strategies to ensure all cases are resolved timely.
- For cases for which time standards apply, resolve 90% of those cases within the time standards.
- Develop understandable, accurate, and relevant reports for all judges, Administrative District Judges, and Trial Court Administrators, to assist judges in meeting the time standards and improving court practices.
- In the area of child protection, strengthen and support local guardian ad litem programs and improve the timeliness and effective resolution of child protection cases.

Goal 3: Promote Excellence in Service

- Plan a Law Learning Center in coordination with the University of Idaho Law School and others to promote legal and judicial education, relocate the Law Library, and offer an expanded 3rd year law school program.
- Strengthen education and training of judges and court personnel by upgrading electronic resources with a knowledge management system, and expand technology-based instruction.
- As funding allows, continue to enhance educational programs to court reporters, court interpreters, court security officers, jury commissioners, Court Assistance Officers, misdemeanor and juvenile probation officers, juvenile detention officers, Drug Court and Mental Health Court Coordinators, Family Court Services Coordinators and other court-related personnel.
- Sponsor annual multi-disciplinary training institutes, involving children and families, substance abuse, mental health, domestic violence and other social concerns confronting the judiciary.
- In partnership with the Idaho State Bar, explore establishing standards for attorneys practicing in child protection, juvenile justice, and guardianship and conservatorship cases.

Goal 4: Increase Public Trust and Confidence in Idaho Courts

- Evaluate the effectiveness of community-based alternatives for juvenile offenders such as youth courts, truancy courts, drug courts, mental health courts, status offender programs, and community accountability boards.
- Expand the capacity of drug courts, mental health courts and other problem-solving courts, and continue to evaluate their effectiveness.
- Update existing court security and emergency plans, including a coordinated response with appropriate governmental entities.
- Encourage availability of effective sentencing alternatives statewide to reduce recidivism of felony, misdemeanor, and juvenile offenders.
- Refine court performance evaluation systems and fully implement them to improve the responsiveness and performance of all judges and the Idaho courts.
- Implement the guardianship/conservatorship pilot monitoring program in six counties, establish standards of practice for guardians and enforce court orders and annual accountings.
- Increase public awareness of the importance of the jury system and the participation of the public in that system, and develop strategies to improve services and appreciation of all jurors.
- Encourage a misdemeanor probation system comparable to the juvenile and felony probation systems.
- Promote the performance and productivity of the judiciary by better helping judges and court personnel with a range of issues, addressing wellness, job satisfaction and productivity, medical/mental health, substance abuse and addiction, aging, and more.
- Increased the efficiency and effectiveness of the Court of Appeals by adding a 4th Judge to expedite the issuance of opinions, and increased the use of technology, and other innovations, as recommended by the Appellate Task Force.
- Conduct public surveys and outreach to improve the performance of the judiciary and hold Idaho courts accountable to the public by publishing regular reports of performance.
- Establish, monitor, and publish regularly court performance measures relating to access and fairness, clearance rates, time to disposition, age of active pending caseload, trial date certainty, reliability and integrity of case files, collection of monetary penalties, the effective use of jurors, and court employee satisfaction.

Highlights from Idaho's Judicial Districts

1ST JUDICIAL DISTRICT

- Kootenai County acquired the Federal Building in Coeur d'Alene. With two court rooms, the building will accommodate growth in court operations.
- Family Court Services received a grant to conduct *Focus on the Children* classes in Benewah County, and developed a dedicated website: www.firstdistrictfamilycourtservices.org.
- The *Focus on the Children* class in the 1st District had 639 individuals participating, with 98% of the participants surveyed stating that the class was helpful.
- Kootenai County Adult Drug Court celebrated its 201st graduation from their program.

2ND JUDICIAL DISTRICT

- As part of a five year grant for problem-solving courts, outcome evaluations were conducted on the Clearwater, Nez Perce, and Latah County Felony Drug Courts. The results were encouraging, with an average rate of 74% "no further re-arrest or re-convictions" for these courts, as measured over nearly a four year follow-up period.
- The Nez Perce County Drug Court and Mental Health Courts remain at capacity and each has started an alumni group, providing education in the Lewiston schools and fundraising for client rewards.
- Nez Perce County Court Services is widely considered a "gem" of Idaho in terms of its proactive approach to community justice services.

3RD JUDICIAL DISTRICT

- The Gem County Drug Court held its first two graduation ceremonies and the Canyon County Mental Health Court held its first graduation ceremony.
- Canyon County held its second annual Adoption Day in November, and five adoption proceedings were conducted.
- A criminal case flow management project was completed in Canyon County under the auspices of the American University and the Bureau of Justice Assistance.

4TH JUDICIAL DISTRICT

- Boise County Community Justice launched a Community Resolution Court pilot program and Valley County Court Services obtained a grant for juvenile diversion/crime prevention programs.
- The Ada County Drug Court celebrated 10 years, 60 graduates in 2009 and 622 in 10 years.
- The Ada County Mental Health Court reports a noteworthy 100% non-recidivism rate for all of its graduates to date.
- In the Ada County Juvenile Court, 77% of the youth petitioned did not recidivate. (The national range is 40 to 60%.)
- Ada County Juvenile Court Judges effectively managed the continuous increase of mental health cases, from 830 to 930 (12%), without delaying the juvenile justice process.
- Across the district, court interpreters provided language services for 3,778 court hearings in a total of 42 different languages.



Shoshone County Courthouse

Highlights from Idaho's Judicial Districts

5TH JUDICIAL DISTRICT

- An underage Tobacco/Alcohol Citation pilot program (TACC) was launched in three counties: Minidoka, Cassia and Twin Falls. The program diverts those who plead guilty and volunteer for the program to be assessed and placed in appropriate educational programs.
- Twin Falls County Court opened a treatment and recovery center in Twin Falls. The center is licensed for treating both juveniles and adults for drug and alcohol addiction. The center also offers drug testing throughout the county.
- The Truancy Court expanded to the Mini-Cassia area with Judges Hodges and Bollar, and to the Twin Falls program with Judge Harris.

6TH JUDICIAL DISTRICT

- Family Court Services impacted 717 children in 2009. This program provides services to parents, including mediation and child custody evaluations, to help solve problems in high conflict domestic cases.
- The Silver Linings divorce education workshop was attended by 202 children between the ages of six and 17. The workshop provides tools to help deal with the emotions and challenging situations that commonly occur with divorce.
- The Bannock County Court Assistance Office assisted with 200 domestic-related referrals that involved 313 children.

7TH JUDICIAL DISTRICT

- Teton County moved into its new courthouse in October.
- Fremont County Court celebrated its centennial anniversary.
- Bonneville County was the recipient of a two-year, half million dollar grant to implement an intensive treatment Domestic Violence Court to hold high risk offenders accountable and to implement an Early Criminal Case Resolution Program for misdemeanor and felony arrestees.



Highlights from the Yearly Reports to the Governor and Legislature

CHILDREN & FAMILIES IN THE COURTS

Due to extraordinary legislative and financial support for Idaho's family court system, more resources and services are available to families and children. Idaho courts have a higher capacity to promote respectful, collaborative, and timely problem solving of family court cases as a result of the support and commitment of magistrate judges and family court services.

Partly as a result of the Courts' assistance to self-represented litigants and innovative programs aimed at protecting children and families, the Justice Management Institute has recognized the Idaho Supreme Court with the 2009 award for justice system innovation and improvement. The award recognizes the Court for its innovative programs that enhance access to courts and improve the delivery of court services to rural Idaho, as well as leadership in improving justice in rural areas. The Justice Management Institute "singled out Idaho as being at the forefront of states that have recognized problems that affect the public in rural areas" and noted that "Idaho courts have initiated an array of innovative programs aimed at protecting children and families including domestic violence courts, parent education classes and mediation programs."

While the number of divorce and post-divorce filings has remained relatively consistent at around 13,500 filings each year for the last three years, magistrate judges are hearing more complex and increasingly challenging cases that impact children. For example, judges and attorneys report an increase in cases involving children with special needs, parents with substance abuse, mental health issues, and domestic violence concerns. In 2009, Idaho saw a 7% increase in civil protection order filings from 2008.

FY2009 Highlights in Family Court

- Family court services delivered over 42,000 resources, information and services to parents impacting 10,600 children.
- The number of parents who received early case screening increased 70% since 2006. Early case screening helps families access mediation early in the case and provides case management information, referrals, and resources to families in need of domestic violence and substance abuse interventions.
- Developed a Unified Family Court Model in the 1st Judicial District.
- Ordered a record number of cases to mediation, with mediators reporting an increase in cases reaching agreement from 70% over previous years to 76% in 2009.



**The care of human
life and happiness,
and not their
destruction, is the
first and only object
of good government.**

~ Thomas Jefferson

Highlights from the Yearly Reports to the Governor and Legislature

PROBLEM-SOLVING COURTS

In FY2009, 1,492 of the adult offenders participating in drug courts were charged with felony offenses and faced a potential prison sentence, if not supervised in the community. Of these felony defendants, 1,293 (87%) either remained in drug court or mental health court or successfully completed all requirements and graduated prior to the end of the year. This represents a significant number of offenders who were managed in the community rather than being sentenced to prison, which resulted in significant cost savings to Idaho taxpayers. Idaho drug and mental health courts continue to demonstrate the viability of community-based sentencing alternatives that combine effective treatment and community accountability, and encourage the development of other options through inter-agency and inter-branch collaborations.

Idaho drug courts are now at or above their funded capacity, as are some mental health courts, while community demand continues to grow. Treatment and court-related funding is presently fully allocated and the current economic situation means the development of new drug court and mental health court locations will be delayed. Any further reductions in funding for substance abuse or mental health treatment would threaten the capacity in these successful courts, leaving limited options for offenders outside of jail or prison.

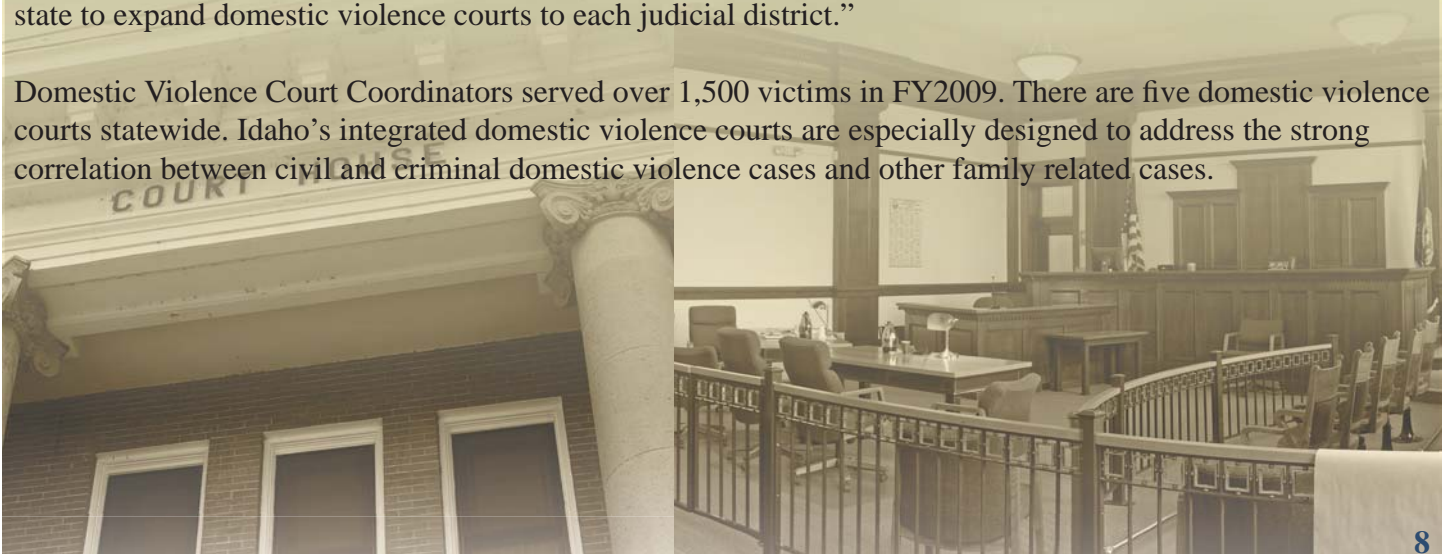
COURT ASSISTANCE SERVICES

Demand for Court Assistance Services sharply increased in FY2009. Court Assistance Officers responded to nearly 50,000 requests for information, court forms, and referrals in fulfilling the legal mandate to provide help to parties without legal representation in order to ensure meaningful access to the courts to all Idahoans. The numbers represent an increase of 29% over the 38,207 requests in FY2008. The increase in family-related cases coincided with the early months of the economic recession, suggesting that more Idahoans must now consider representing themselves in court without the benefit of an attorney. Nearly 83% of those requesting help have an income of less than \$40,000 and 55% are at 125% of the federal poverty guidelines. As the result of a highly successful technology grant, the use of Idaho's Interactive Court Forms remains high. There are now 32 guided interviews available to help individuals select and complete all of the required forms for several different types of proceedings where the level of self-representation is high.

DOMESTIC VIOLENCE COURTS

With the exceptional support of the legislature, legislation was passed allowing for the expansion of domestic violence courts effective July 1, 2009. The legislature found that, "Domestic violence courts have proven effective in reducing recidivism and increasing victim safety. It is in the best interests of the citizens of this state to expand domestic violence courts to each judicial district."

Domestic Violence Court Coordinators served over 1,500 victims in FY2009. There are five domestic violence courts statewide. Idaho's integrated domestic violence courts are especially designed to address the strong correlation between civil and criminal domestic violence cases and other family related cases.



GUARDIANSHIP AND CONSERVATORSHIP MONITORING AND PILOT PROJECTS

There were nearly 1,200 new guardianship and conservatorship filings in Idaho in FY2008, up slightly from the previous year. Idaho courts have seen an increasing number of these cases in recent years as the result of both an aging population and a rise in the number of children being raised by grandparents. In guardianship and conservator cases, a third party is appointed to assume physical care-taking and/or asset management for an elderly person, minor, or otherwise incapacitated person. Once a guardian or conservator is appointed, the need for this appointment could continue for months or even years.

In 2005, the legislature approved legislation increasing fees in guardianship and conservatorship matters to fund a pilot project to evaluate and improve the monitoring of guardianship and conservatorship cases. The monitoring programs have resulted in conservators being more compliant in filing accounting required under the law and in a greater ability to detect fraud or misuse of property and funds. In recognition of the great success of the Guardianship and Conservatorship Monitoring Pilot Projects, the 2009 legislature passed HB103, deleting the sunset clause for the project fund.

CHILD PROTECTION COMMITTEE

For the past decade, the Idaho Supreme Court's 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 for Idaho's abused and neglected children means, in part, ensuring that they have permanent placement in a timely manner. In the past decade, much has been accomplished in the area of child protection. However, much remains to be done.

In FY2009, the Child Protection Committee focused its efforts on identifying and supporting the implementation of evidence-based best practices in local child protection courts and effective engagement of children, youth and foster parents in child protection hearings. Among the accomplishments are:

- Validation of case management data which will be used to provide reports to judges on the timeliness of child protection hearings;
- National recognition of the highly effective collaborative working relationship between the courts and the Idaho Department of Health and Welfare; and
- Support for and evaluation of the effectiveness of efforts in five Idaho child protection courts to engage children, youth and foster parents in child protection hearings.



Fremont County Courthouse

Highlights from the Yearly Reports to the Governor and Legislature

JUVENILE COURT

Idaho's magistrate judges continue to provide exemplary leadership in their efforts to improve the administration of juvenile justice in Idaho. In 2008, these judges ensured that the 14,809 juvenile petitions filed were handled fairly and expeditiously.

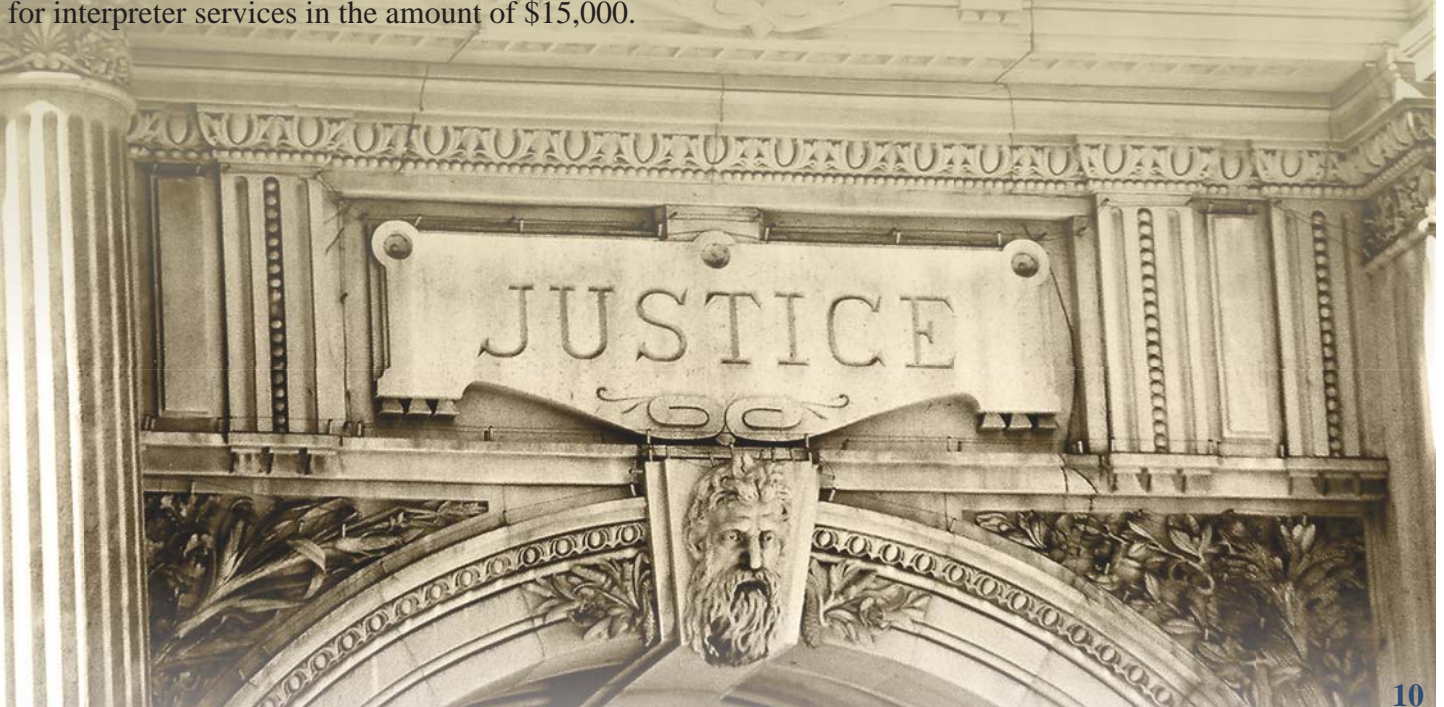
The number of juvenile petitions filed in Idaho has increased steadily in recent years. The increase in felony petitions is especially noteworthy. While the total number of juvenile petitions increased by 19% between 2004 and 2008, the number of felonies increased 68% during this same period. The most dramatic rise occurred during the past year with a 44% increase in felony filings.

Idaho courts strive to resolve cases as quickly as possible in order to ensure the swift administration of justice. Some might argue that timely dispositions are particularly important when dealing with youthful offenders, who are at times detained and often awaiting treatment. In Idaho, the goal is that at least 90% of juvenile cases will be disposed of in 90 days or less. Idaho's juvenile judges come very close to meeting this goal, despite the recent increase in juvenile filings. It is especially noteworthy that courts have continued to resolve juvenile felony cases in a timely manner given the dramatic increase in such cases, which tend to be more complex and demand more court time.

LANGUAGE ACCESS IN THE COURTS

Every day, non-English speaking, deaf or hard-of-hearing citizens seek access to the courts. Idaho courts have an obligation to ensure equal access to justice and due process of law. Judges must ensure that parties, witnesses, and other interested individuals are able to communicate in the English language. If they are unable, a professional interpreter must be appointed.

The 2009 Trial Court Financing Report shows that total court interpreter expenses statewide were \$666,555. This figure includes full-time and part-time staff interpreter positions and contracted services. This figure does not necessarily include the number and salary of all bilingual court personnel across the state that also provide interpretation services as an added job responsibility. The Idaho Supreme Court provided additional funding for interpreter services in the amount of \$15,000.



In 2008, the Supreme Court conveyed to the Legislative Property Tax Interim Committee its willingness to assume responsibility for certain district court personnel to the extent the legislature provides funding for such personnel. Court interpreters are one such category of personnel.

SENIOR JUDGES

A senior judge is a justice or judge who leaves office or retires and is approved by the Supreme Court for designation as a senior judge under Idaho Code 1-2221 or Idaho Code 1-2005.

The Supreme Court assigns senior judges upon determination of need and if the assignment will promote the efficient administration of justice. A senior judge has all the judicial powers and duties of a regularly-qualified judge of the court to which the senior judge is assigned. For each day served, senior judges receive 85% of the daily salary of an active judge. Compensation for senior judges is paid from the state General Fund.

Retired Justices, Court of Appeals Judges, and District Judges have the option of serving as a “Plan B” senior judge under Idaho Code 1-2001(2)(b). “Plan B” senior judges serve for 35 days per year for five years in exchange for increased retirement benefits from the Judges’ Retirement Fund and annual health benefits during the “Plan B” service. They serve at no compensation cost to the General Fund, aside from travel and per diem expenses.

Senior judge days provide a cost-effective alternative to new judgeships with maximum flexibility to temporarily allocate resources where needed. Senior judges fill the gap between existing judicial resources and increasing caseloads until such time as caseloads require new judgeships. They also provide cost savings since senior judges do not require new county staff or facilities. Moreover, and of paramount concern in the current economic environment, funding senior judges permits Idaho courts to resolve an ever-increasing number of cases timely and to do so at less cost to Idaho’s citizens.

In FY2009, 41 senior judges worked 1,523 days plus 175 “Plan B” days. This is the equivalent of almost eight additional judgeships. Of the 41 senior judges who worked, 21 were senior magistrate judges, 16 were senior district judges, and 4 were senior judges at the appellate level.



**Justice denied
anywhere diminishes
justice everywhere.
~Martin Luther King, Jr.**

Criminal Justice Mental Health Leadership Initiative

The Chief Justice's Criminal Justice Mental Health Leadership Initiative brought together a broad representative group of stakeholders in June, 2009. The group was convened to identify strategies to improve legal outcomes for persons with mental illness in the criminal justice system. The current system was analyzed in three broad categories. The categories represent points at which individuals might be "intercepted" and appropriate interventions performed. These interventions with mentally ill persons could significantly minimize negative impacts, improve outcomes, and reduce costs and other burdens to the system.

Future plans include requesting feedback from stakeholder groups regarding the proposed strategies. Those strategies will be further studied and an action plan will be developed by a subcommittee appointed by the Statewide Drug Court and Mental Health Court Coordinating Committee.

Staff and some committee members have participated with another mental health advocacy group called "Community Conversation" to continue exploring potentially positive approaches to the needs of persons with mental illness in the criminal justice system. Efforts are also underway to begin a collaborative effort with the Veteran's Administration to significantly expand the linkages between the VA and the Idaho justice system for those with mental illness and/or addiction.

Improving Management of Misdemeanor Offenders

Another priority for Idaho is to support and foster improvements in the management of misdemeanor cases to avoid these offenders further penetration into the felony system. A three-year grant has been secured to work intensively with the misdemeanor probation system in Idaho. The grant will work with Idaho's 44 counties to implement cost-effective risk assessment of misdemeanor offenders, develop and implement a curriculum to train misdemeanor probation officers, and develop and encourage implementation of evidence-based and consistent misdemeanor probation standards and policies and procedures across the state. In addition, this misdemeanor effort will provide significant input to the development of an improved system for assessing and intervening with the DUI offender in Idaho.



Recognition and Awards

The Idaho Supreme Court was selected by the Justice Management Institute (JMI) as the recipient of the 2009 Award for Justice System Innovation and Improvement. The JMI award recognized the Court for its implementation of several significant innovative programs that enhance access to courts and improve the delivery of court services as well as its leadership in improving justice in rural areas.

The National Association of Drug Court Professionals, representing over 2,300 drug courts across the United States, presented its highest honor, the Stanley M. Goldstein Hall of Fame Award, to Idaho Supreme Court Chief Justice Daniel T. Eismann. Chief Justice Eismann was acknowledged for his personal commitment and state and national leadership in advancing the expansion and effectiveness of drug courts.

The 2009 Idaho Judiciary Awards were presented at the Fall Judicial Conference. Idaho Court of Appeals Judge Darrel Perry was named the recipient of the Kramer Award and Kootenai County Magistrate Judge Barry Watson was selected as the Granata Award recipient. The recipients are chosen annually by virtue of their significant contributions to the Idaho judicial system.

Patricia Tobias, Administrative Director of the Idaho Courts, was honored nationally with the Ernest C. Friesen Award of Excellence in recognition of her vision, leadership, and sustained commitment to the achievement of excellence in the administration of justice. Patricia Tobias was also appointed to serve on the Council of State Governments Justice Center Board of Directors.

Idaho Court of Appeals Chief Judge Karen Lansing received the YMCA Service to Youth Award in 2009. Chief Judge Lansing chairs the YMCA Youth Government Statewide Committee. The award was presented by retired Supreme Court Chief Justice Charles McDevitt.

Chief Justice Eismann issued a proclamation during 2009 to honor the volunteers who dedicate their time and resources to protect Idaho's children through the Court Appointed Special Advocate Program, (CASA). By signing the proclamation, Chief Justice Eismann publicly recognized the citizens appointed as Guardian Ad Litem volunteers. Through their service to the CASA program, the volunteers represent the interests of abused and neglected children who are involved in child protection cases.



Twin Falls County Courthouse

Update from the Court of Appeals

In 2007, a Blue Ribbon Task Force was appointed to assess the needs of the Court of Appeals for the next quarter century and beyond. In 2008, the Legislature approved a recommendation of the committee, enacting legislation to add a fourth judge to the Court of Appeals. For the first time in 39 years, the Supreme Court building was renovated, adding space for the expanded Court of Appeals and relocating the Law Library to the 4th floor of the Key Bank Building.

On January 30, 2009, Judge David Gratton was sworn in as the new fourth judge for the Court of Appeals, joining Judges Darrel Perry, Karen Lansing, and Sergio Gutierrez. Since that time, Judge Darrel Perry retired in September 2009, and Judge John Melanson was appointed as his replacement. In 2009, the Honorable Karen Lansing was appointed Chief Judge of the Court of Appeals for a term of two years.

Significant Court Technology Efforts Continue

Idaho's technology initiatives have felt the impact of budget holdbacks. Calendar year 2009 was slated as the year when hardware upgrades to desktop computers, printers and servers would commence. In response to budget holdbacks, those upgrades have been postponed for at least one year.

Work continues on efforts to enhance the collection of unpaid court obligations. The Supreme Court, working closely with the Idaho State Tax Commission, piloted a state tax refund intercept program in Twin Falls and Payette counties during the second half of 2009. Individuals who had unpaid court obligations in excess of \$50 would be eligible to have their state tax refund intercepted and forwarded to the court where that money was due. Statutory authority to intercept tax refunds was provided by the legislature several years ago. With the system tested in the pilot counties, the remainder of unpaid obligations from all other Idaho counties will be transmitted to the Tax Commission beginning in January of 2009.

On-line payment of court fines was also piloted during 2009. Bannock County was selected as the test county for Idaho CourtPay, a web-based system that citizens can use to pay their court fines 24 hours a day, 7 days a week. Payments made through CourtPay are electronically transmitted to the court, where the fees are deposited and the court's electronic case record is automatically updated. This service expands public access to the courts, while reducing the amount of clerical time required to process these records.

Finally, a number of local law enforcement agencies, along with the Idaho State Police, secured local or federal grant funds to implement electronic citation systems. This technology is already well-tested in a number of existing law enforcement agencies and has proven to reduce the time required by the officer to write the ticket during a traffic stop. That data is then electronically transferred to the courts, bypassing the bulk of clerical data entry. It is hoped that many more law enforcement agencies will elect to implement electronic citations in the future.



Statewide Caseload Highlights

FOR CALENDAR YEAR 2009

- 1,013 new appeals were filed with the Idaho Supreme Court during 2009, an 8% increase over the previous year.
- While District Court civil case filings have been rising steadily over the past several years, this growth has been particularly notable in the past two years, during which there was a 27% increase statewide. This trend, which is likely related to the economic downturn, has especially impacted Idaho's larger, urban courts.
- After remaining relatively stable between 2005 and 2008, domestic relations cases increased by 6% during 2009.
- Civil domestic violence filings also rose by 6% during 2009, reflecting a reversal in recent domestic violence caseload trends and a likely outcome of the current economic challenges facing Idaho families.
- Despite the economic recession, child protection filings continued their gradual decline last year, marking a 2% reduction from the previous year and a 14% reduction since 2005.
- There has been a substantial increase in DUI filings in the past five years, particularly at the District Court level. Felony DUI cases have nearly doubled since 2005, while misdemeanor DUI filings rose by 20% during this same period.
- Felony drug cases, on the other hand, have decreased by 41% since 2005, though 2009 filings remain nearly unchanged from the previous year.
- While juvenile filings had been on the rise for several years prior to 2009, last year, magistrate courts experienced an 8% decline in juvenile caseloads.
- Infraction filings rose to their highest level in ten years during 2009, representing a 3% increase since the previous year and a 9% increase since 2005.

Ten Year Caseload Statistics

DISTRICT COURT CASES FILED

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Civil	6,794	7,652	8,228	8,018	7,883	7,564	7,875	8,188	9,558	10,365
Criminal	6,776	8,009	9,363	10,821	11,825	12,480	12,252	11,453	10,485	10,454
Total	13,570	15,661	17,591	18,839	19,708	20,044	20,127	19,641	20,043	20,819

MAGISTRATE DIVISION CASES FILED

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Civil	89,650	89,683	95,655	99,321	101,589	96,727	99,914	95,872	96,567	96,160
Criminal	93,322	93,393	98,380	100,582	102,488	104,676	110,279	109,394	113,920	110,630
Infractions	217,292	219,690	223,394	225,406	218,399	220,916	226,419	236,321	232,776	240,293
Juvenile	11,538	11,925	11,230	12,034	12,416	12,587	13,640	14,843	14,803	13,578
Total	411,802	414,691	428,659	437,343	434,892	434,906	450,252	456,430	458,066	460,661

Court Performance Measures Adopted by the Idaho Supreme Court

The National Center for State Courts (NCSC) has developed ten court performance measures designed to help state courts assess how effective current programs and activities are at achieving intended goals and outcomes. The measures provide a means of establishing benchmarks in a variety of areas and monitoring performance over time. In May of 2009, the Idaho Supreme Court adopted nine of these ten court performance measures with the intent that they “will be established, monitored, and published regularly.” The nine measures that were adopted are:

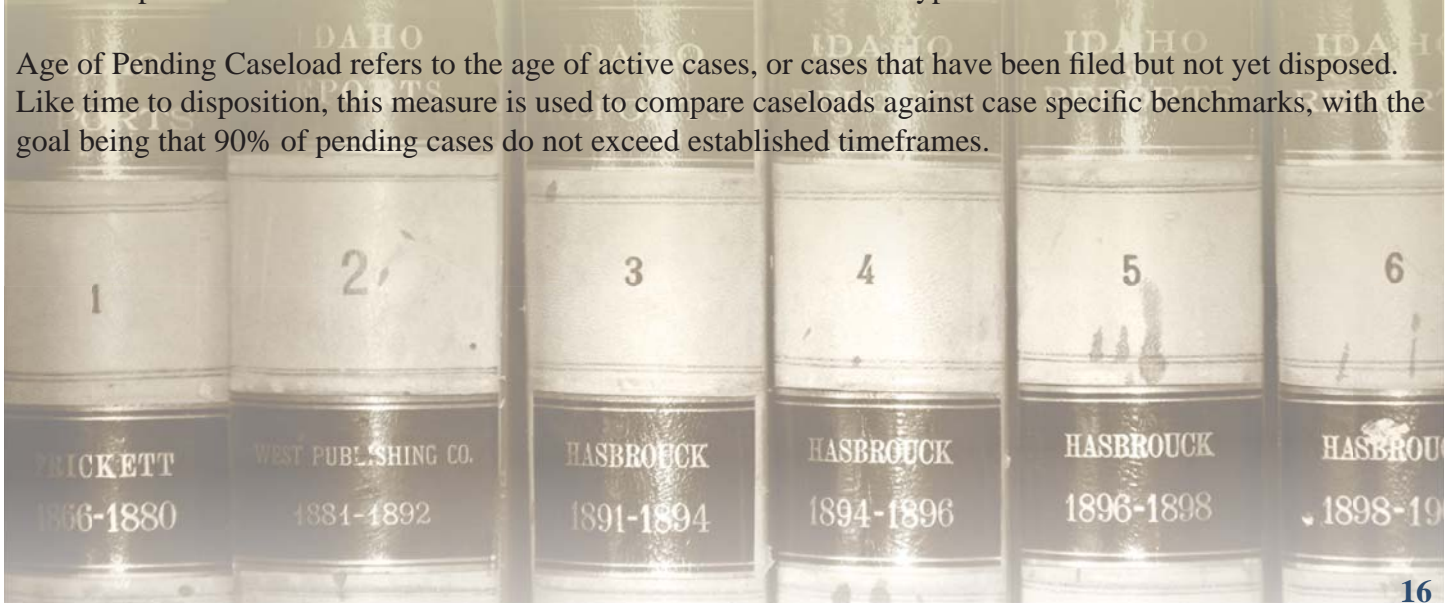
- Access and Fairness
- Clearance Rates
- Time to Disposition
- Age of Active Pending Caseload
- Trial Date Certainty
- Reliability and Integrity of Case Files
- Collection of Monetary Penalties
- The Effective Use of Jurors
- Court Employee Satisfaction

Three of these measures—clearance rates, time to disposition, and age of pending caseload—have been implemented and performance data is being included in the Annual Report this year for the first time.

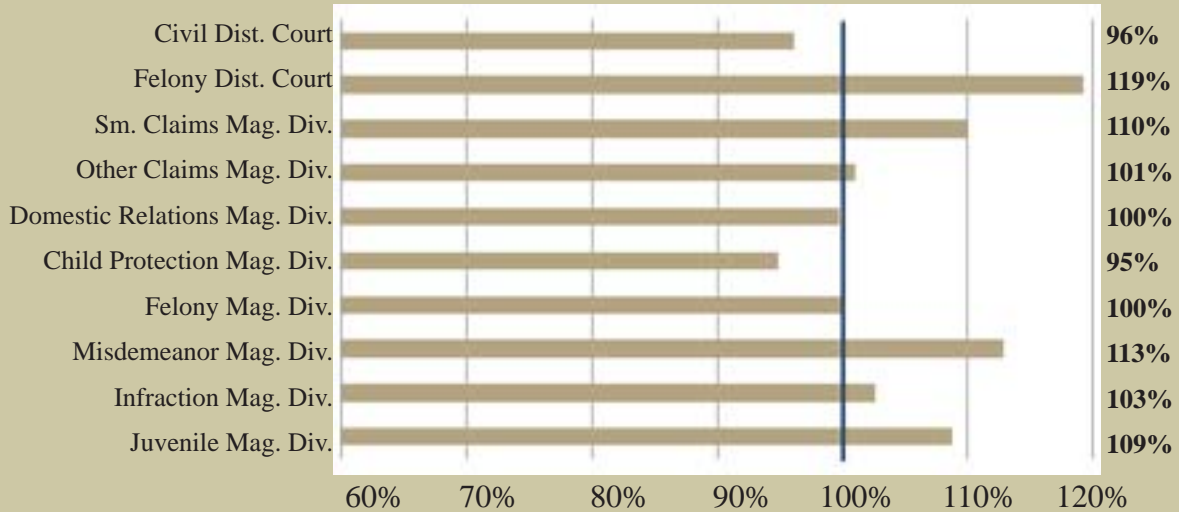
A Clearance Rate, or the number of outgoing cases as a percentage of the number of incoming cases, is a tool that helps courts determine how well they are keeping up with their incoming caseloads. The goal is for courts to dispose of at least as many cases as have been filed or reopened, that is, to maintain a clearance rate of at least 100% for each case type.

Time to Disposition measures the length of time it takes courts to process cases. It is used to compare actual case processing time against pre-determined benchmarks. Idaho courts strive to ensure that at least 90% of cases are processed within the times frames established for each case type.

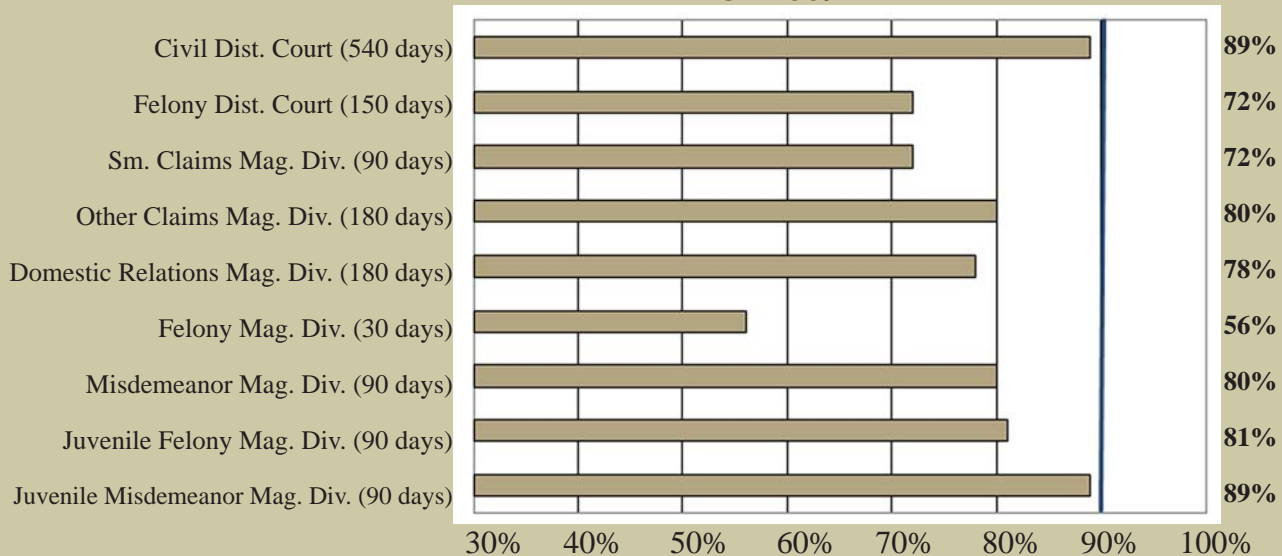
Age of Pending Caseload refers to the age of active cases, or cases that have been filed but not yet disposed. Like time to disposition, this measure is used to compare caseloads against case specific benchmarks, with the goal being that 90% of pending cases do not exceed established timeframes.



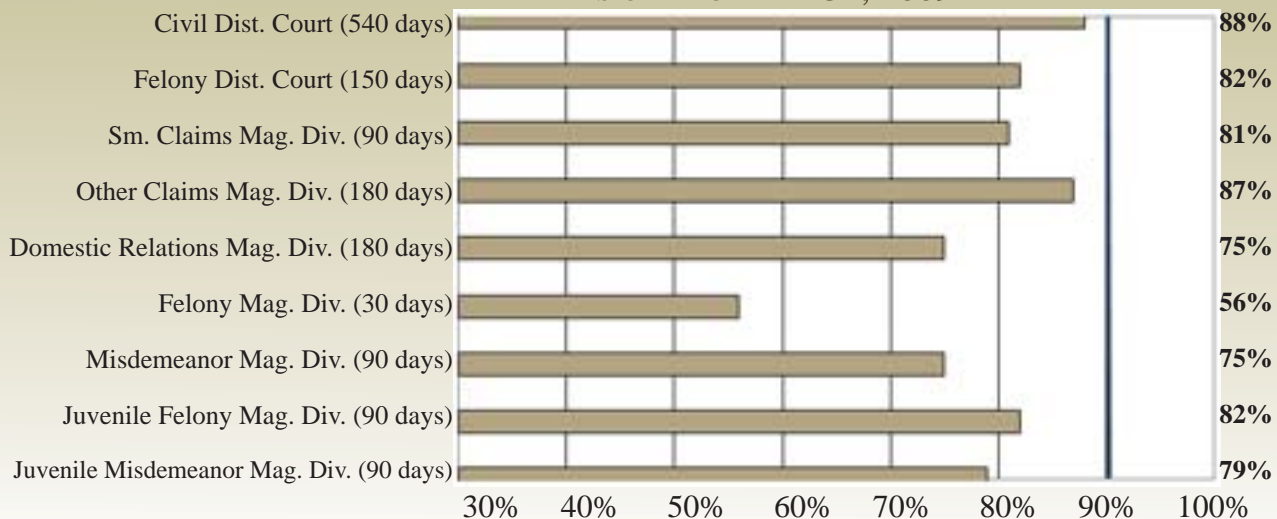
STATEWIDE CLEARANCE RATES FOR CY2009



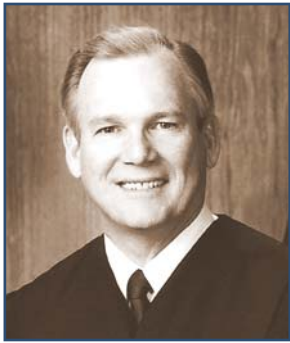
STATEWIDE PERCENTAGE OF DISPOSED CASES MEETING TIME STANDARDS CY2009



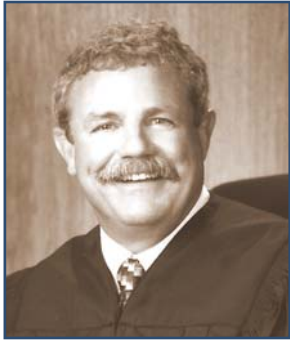
STATEWIDE PERCENTAGE OF PENDING CASES MEETING TIME STANDARDS AS OF DECEMBER 31, 2009



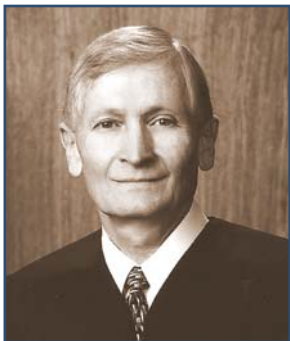
COURT OF APPEALS	
Honorable John Melanson Judge of the Court of Appeals October 2009	Honorable Darrel Perry Judge, Court of Appeals Retired September 2009
1ST JUDICIAL DISTRICT	
Honorable Ben Simpson District Judge January 2010	Honorable Charles Hosack District Judge Retired December 2009
Honorable Robert Caldwell Magistrate Judge, Kootenai County January 2009	Honorable Eugene Marano Magistrate Judge, Kootenai County Retired January 2009
3RD JUDICIAL DISTRICT	
Honorable Bradly Ford District Judge April 2009	Honorable Gordon Petrie District Judge Resigned January 2009
Honorable Brian Lee Magistrate Judge, Payette County October 2009	Honorable William Dillon Magistrate Judge, Payette County Retired September 2009
Honorable Dayo Onanubosi Magistrate Judge, Canyon County August 2009	Honorable Bradly Ford Magistrate Judge, Canyon County Became District Judge April 2009
Honorable Susan Wiebe District Judge October 2009	Honorable Stephen Drescher District Judge Retired September 2009
4TH JUDICIAL DISTRICT	
Honorable Richard Greenwood District Judge January 2009	Honorable Kathryn Sticklen District Judge Retired January 2009
5TH JUDICIAL DISTRICT	
Honorable Eric Wildman District Judge January 2010	Honorable Barry Wood District Judge Retired December 2009
Honorable Jonathan Brody District Judge December 2009	Honorable John Melanson District Judge Became Court of Appeals Judge October 2009
6TH JUDICIAL DISTRICT	
Honorable Richard Naftz District Judge October 2009	Honorable Peter McDermott District Judge Retired August 2009
Honorable David Kress Magistrate Judge, Caribou County July 2009	Honorable Ronald Hart Magistrate Judge, Caribou County Retired June 2009
Honorable Thomas Clark Magistrate Judge, Bannock County December 2009	Honorable Richard Naftz Magistrate Judge, Bannock County Became District Judge October 2009
7TH JUDICIAL DISTRICT	
Honorable Gregory Moeller District Judge April 2009	Honorable Brent Moss District Judge Retired March 2009



Chief Justice Daniel T. Eismann



Justice Roger S. Burdick



Justice Jim Jones



Justice Warren E. Jones



Justice Joel D. Horton

Annual Report of the Idaho Supreme Court

2009 ADMINISTRATIVE DISTRICT JUDGES

Hon. John Mitchell - *1st Judicial District*
 Hon. Jeff Brudie - *2nd Judicial District*
 Hon. Juneal Kerrick - *3rd Judicial District*
 Hon. Michael Wetherell - *4th Judicial District*
 Hon. Richard Bevan - *5th Judicial District*
 Hon. David Nye - *6th Judicial District*
 Hon. Jon Shindurling - *7th Judicial District*

2009 TRIAL COURT ADMINISTRATORS

Karlene Behringer - *1st Judicial District*
 Hon. Jay Gaskill (Acting) - *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 of the Courts*
 John Peay - *Deputy Director, District Court Leadership*
 Shirley Throop - *Executive Assistant*
 Taunya Jones - *Research Analyst*
 Camille Nelson - *Technical Writer/Information Design*

PHOTO CREDITS

Center image of cover by Hon. Justice Wayne Kidwell; right image of cover by Shirley Throop; image on page 2 by Camille Nelson; images on pages 14 and 16 by Hon. Michael Dennard.

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.