



The Idaho Judiciary

2013 Annual Report ~ Executive Summary

As the Third Branch of Government, we provide access to justice through the timely, fair, and impartial resolution of cases.



Chief Justice Roger S. Burdick

First, I would like to express sincere thanks to Governor Otter and to the Idaho Legislature for their leadership in bringing the Justice Reinvestment Initiative (JRI) to Idaho. The goal of the project is to employ research and evidence-based practices to reduce crime and corrections costs by more effectively rehabilitating offenders in Idaho's criminal justice system.

In another collaborative effort among the three branches of government, the Public Defense Reform Interim Committee is conducting an analysis of Idaho's public defense system to determine how to best ensure that Idaho is meeting its constitutional and statutory obligation to provide adequate legal counsel to indigent criminal and juvenile defendants and civil defendants in Child Protection Act and civil commitment cases.

Over the next three years, Idaho's Judiciary will be transitioning to a new, statewide case management system called Odyssey, and to a statewide e-filing system. The benefits that come with this important change are many—time savings for the public, judges, clerks, and attorneys; enhanced access to court data and documents; an improved ability to exchange information with outside agencies; and the ability for litigants and attorneys to work with official electronic court records rather than relying on paper records.

Finally, great work is underway to enhance protections for some of Idaho's most vulnerable citizens. Under the leadership of Ada County Magistrate Judge Chris Bieter, the Guardianship and Conservatorship Committee is developing a comprehensive monitoring system to protect against financial exploitation, abuse and neglect and to ensure that guardians and conservators understand and fulfill their duties and responsibilities.

Highly-Qualified Judges Essential to Timely, Fair, and Impartial Justice

The recruitment and retention of highly-qualified judges is essential to the Judiciary's constitutional mandate to provide timely, fair, and impartial justice. The primary impediment to recruitment has been repeatedly identified as insufficient compensation, followed by the potential for a contested election and the selection process. As a result of the two debilitating economic recessions since 2000, judicial salaries have not kept pace with other professions, negatively affecting recruitment, particularly of district judges.

The judicial recruitment situation is exacerbated by at least two other factors. First, 60% of Idaho's district judges and 8 of the 9 appellate judges will be eligible to retire within the next five years. Of even more immediacy, 12 district judges and 7 appellate judges are eligible to retire now. Secondly, nowhere else in state government does the unique challenge exist of trying to recruit highly-qualified professionals into a new career path who are otherwise already in their mid-to-late working careers and well-established in their positions. All of this amounts to a dire need to recruit highly-qualified judges.

The Idaho Supreme Court and the Idaho Judicial Council are taking steps to recruit highly qualified district judge candidates. Judicial recruitment workshops are being held across the state to inform Idaho attorneys about the benefits and realities of being a judge and to encourage them to consider applying for vacant positions. In addition, the Judicial Council has adopted a policy stating that judicial positions will be reopened if a minimum of four candidates do not apply. The judiciary will continue to develop new strategies for ensuring judicial vacancies are filled with highly competitive, experienced, and dedicated candidates.

Court Highlights for Fiscal Year 2013

HIGHLIGHTS FROM CHILDREN AND FAMILY SERVICES

- The Ada county Domestic Violence Court was one of only three courts in the nation chosen by the Department of Justice's Office on Violence Against Women for the new Mentor Court Initiative. This court will serve as a role model for, and disseminate proven strategies to other courts across the nation, assisting with the implementation of best practices, improving procedures, and building overall capacity of state court systems to respond effectively to these difficult cases.

VALUES OF THE IDAHO COURTS

Integrity . Fairness . Independence . Respect . Excellence . Innovation

Complete annual report available on our web site: www.isc.idaho.gov/annual2013

Court Highlights for Fiscal Year 2013

HIGHLIGHTS FROM CHILDREN AND FAMILY SERVICES CONTINUED...

- Under the leadership of Hon. Russell A. Comstock and Hon. David E. Day, the 4th Judicial District is piloting the Idaho Rules of Family Law Procedure (IRFLP). The IRFLP are intended to save parties' time and money, enable self-represented litigants to better navigate court processes and procedures, increase efficiency for attorneys, and allow for the identification of issues early in the court process to enhance case management practices.
- The Idaho Legislature took a significant step toward protecting the rights of Idaho's most vulnerable children by passing legislation requiring that children and youth be represented by attorneys in child protection cases.
- Idaho clerks of the court submitted 2,831 annual conservatorship reports for review reflecting nearly \$375 million of assets under the care of a conservator, an increase of 15% over last year.

HIGHLIGHTS FROM PROBLEM-SOLVING COURTS AND SENTENCING ALTERNATIVES

- The Idaho Legislature passed HB 149 which substantially changes the legal representation requirements of juvenile offenders. The new legislation limits the ability of juveniles to waive their right to be represented by counsel and specifies the processes that must be followed in cases where the juvenile does choose to waive this right.
- Idaho's three Veterans Treatment Courts are now firmly established in Ada, Canyon, and Bannock counties. 60 veterans were served, bringing the total to 94. In FY2013, 3 veterans graduated.

HIGHLIGHTS FROM THE INFORMATION DIVISION

- The Court Technology Committee (CTC) adopted a new IT Strategic Plan calling for improved access to court data for all stakeholders, enhanced integrations with the Court's justice partners, and maximized efficiency and effectiveness in business processes. Over the next five years the focus will be on modernizing the case management systems for trial and appellate courts; transitioning to electronic filing; expanding the use of videoconferencing; and leveraging a statewide network infrastructure.
- The final roll-out of "Court Pay" was accomplished in early 2013, finishing a multiple year deployment of online payment services for all 44 counties.

Recognition, Awards, and New Developments

- Patti Tobias received the Warren E. Burger Award for Excellence in Court Administration. This award is presented by the National Center for State Courts to an individual who has made a significant contribution to the field of court administration through management and administration, education and training, or research and/or consulting.
- Judge John Stegner, district judge in Idaho's 2nd Judicial District, received the Granata Award and Viki Howard, Children and Families Services Manager for the Administrative Office of the Courts, was the recipient of the Kramer Award. Both awards are given annually to recipients who have made significant contributions to the Idaho Judicial System.
- The Idaho Legislature approved three new district judgeships, to be chambered in the 3rd, 4th, and 7th Judicial Districts and two new magistrate judgeships to be chambered in Ada county. The effective date for all five new judgeships is October 1, 2013.
- Kevin Iwersen was hired as the Idaho Supreme Court's new Chief Information Officer after a national recruitment. In this position, Kevin is responsible for the completeness, accuracy and integrity of the information on which the Idaho Judicial Branch depends and the Judicial Branch's information sharing with other governmental entities, the bar, and the public.



Guardianship, Conservatorship, Mental-Commitment cases Rise, while many other cases Decline

- A total of 1,049 appeals were filed with the Idaho Supreme Court, including 194 civil appeals and 783 criminal appeals. Civil appeals were down by 11% and criminal appeals increased 6% over last year.
- Guardianship cases have been rising steadily over the past few years. Last year 633 cases were filed, which is a 24% increase since 2008 and a 9% increase over last year. Conservatorship cases are also increasing; they have risen 14% over the last five years.¹
- Mental commitment cases continue to be filed in record high numbers. Last year 4,585 cases were filed, which is 82% higher than five years ago.
- Child abuse and neglect cases continue to decline, decreasing by 19% over the last five years.
- Juvenile delinquency filings have dropped significantly, decreasing by 12% over last year and 25% over 2008 filing numbers.

