

2013 MAGISTRATE JUDGES CONFERENCE
May 6 – 8, 2013
The Riverside Hotel—Boise
2900 Chinden Boulevard, Boise, ID

Monday, May 6

- 7:30 **Registration Desk opens**
- 8:00 – 8:30 **Conference Registration/Catered Breakfast**
- 8:30 – 8:45 **Welcome**
Hon. Sergio Gutierrez, Chief Judge, Idaho Court of Appeals
- 8:45 – 9:45 **Search and Seizure of Computers and Digital Evidence**
What Judges Need to Know When Issuing Computer-Based Search Warrants
Marcus Lawson, JD—Global Compusearch LLC, Spokane, WA
- [PowerPoint Presentation](#)
 - [Chism Opinion](#)
 - [Sample IP Requirement Affidavit](#)
 - [Sample State Court Order for CP Cases](#)
 - [Sample Subpoena Duces Tecum](#)
- 9:45 – 10:00 **Break**
- 10:00 – 11:15 **Misdemeanor Sentencing Practices and Misdemeanor Sentencing Advisory Team (MSAT) Update**
Review of Misdemeanor Sentencing Tools (Evaluations, PSI's and Access to Treatment)
Hon. James Cawthon, Ada County Magistrate Judge, Kerry Hong, Community & Family Justice Services Director, Idaho Supreme Court, Hon. Jay Gaskill, Nez Perce County Magistrate Judge, Hon. Michael Oths, Ada County Magistrate Judge, Michael Moser, Jail and Alternative Programs Manager, Ada County Sheriff's Office
- [Adult Misdemeanor Presentence Report](#)
 - [Order for Presentence Report and Evaluations](#)
 - [Mini-PSI Rights Advisory](#)
- 11:15 – 11:45 **Panel—Best Practices in Misdemeanor Cases**
How Review Hearings, Community Coordination, and Restorative Practices Reduce Recidivism
Hon. James Cawthon, Moderator, Hon. Theresa Gardunia, Ada County Magistrate Judge, Hon. Roger Cockerille, Boise County Magistrate Judge, Hon. Mark Ingram, Lincoln County Magistrate Judge
- [PowerPoint Presentation](#)

- Noon – 1:00 **Catered Luncheon—Technology Update**
The New ISTARs and Future of E-Filing—Why Judges Should Embrace Both
Kevin Iwersen, Chief Information Officer, Idaho Supreme Court, and Hon. Dave Day, Ada County Magistrate judge
- [IT Strategic Plan](#)
- 1:00 – 2:30 **Emotional Intelligence**
How Emotional Intelligence Affects and Enhances Decision-Making
Julie Binter, Organizational Development Consultant in the Office of Human Resources at Arizona State University
- [PowerPoint Presentation](#)
 - [Handout](#)
- 2:30 – 2:45 **Break**
- 2:45 – 4:00 **Advancing Justice—Preliminary Time Standard Recommendations and Implementation Plan**
Status and Scope of Time Standards for Cases Heard by Magistrate Judges
Hon. Barry Wood, Senior District Judge/Governmental Relations, Hon. Theresa Gardunia, Ada County Magistrate Judge, Hon. Rick Carnaroli, Bannock County Magistrate Judge
- [Handout](#)
- 4:00 **Magistrate Judges’ Association Meeting**
Hon. Rick Bollar, President, presiding
- 6:00 **No Host Reception**
- 6:30 **Catered Dinner**
Speaker—Hon. Stephen S. Trott, Senior Judge for the United States Court of Appeals for the Ninth Circuit

Tuesday, May 7

- 8:00 – 8:30 **Catered Breakfast**
- 8:30 – 10:00 **Evidence – Hearsay Issues**
Discussion, Update, and Application of Rules of Evidence Dealing with Hearsay
Merlyn Clark, Hawley, Troxell, Ennis & Hawley, Hon. Karen Lansing, Idaho Court of Appeals
- [Handout](#)
- 10:00 – 10:15 **Break**

10:15 – 11:15 **Evidence –Hearsay Issues** (*continued*)

11:15 – 11:45 **Victims' Rights**

Evolution and Analysis of Victims' Rights in Criminal Cases

Hon. James Cawthon, Ada County Magistrate Judge, Roger Bourne, Chief Deputy Prosecuting Attorney, Ada County

- [Grant Opinion Sample](#)
- [Hansen Opinion Sample](#)
- [Victims' Rights – Constitution](#)
- [Victims' Rights – In Idaho](#)

Noon – 1:00 **Catered Lunch—Update on Judicial Performance Evaluations**

How Judicial Performance Evaluations Can Make You a Better Judge

James D. Carlson, Executive Director, Idaho Judicial Council, Hon Rick Bollar, Minidoka County Magistrate Judge, Hon. Greg Kalbfleisch, Nez Perce County Magistrate Judge, Hon. Michael Oths, Ada County Magistrate Judge

1:00 – 2:00 **How to Spot a Guardianship and Conservatorship Going Bad: Effective Damage Control and Useful Remedies**

How to Identify, Review, or Remedy Financial Abuse or Exploitation

Richard T. Vanderheiden, JD NCG, Scottsdale, AZ

- [PDF of PowerPoint Presentation](#)
- [PDF of PowerPoint Presentation with Notes Section](#)

2:00 – 2:30 **Panel—Best Practices in Guardianship and Conservatorship Cases**

Hon. Chris Bieter, Ada County Magistrate Judge, Hon. Scott Hansen, Bingham County Magistrate Judge, Hon. John Judge, Latah County Magistrate Judge,

2:30 – 2:45 **Break**

2:45 – 3:30 **Underage Drinking and the Justice Community**

Patterns and Risks of Underage Drinking and Evidence-Based Sentencing Techniques

Hon. Ronald E. Bogle, Retired Superior Court Judge, Raleigh, North Carolina

- [PowerPoint Presentation](#)

3:30 – 4:00 **Panel—Best Practices in Dealing with Underage Alcohol Cases**

Hon John Varin, Senior Magistrate Judge and Juvenile Justice Director, Idaho Supreme Court, Hon. Mark Ingram, Lincoln County Magistrate Judge, Hon. Charles L. Roos, Custer County Magistrate Judge. Hon. John Judge, Latah County Magistrate Judge

Wednesday, May 8

8:00 **Catered Breakfast**

- 8:30 – 8:45 **Univ. of Idaho College of Law Externship program – Services Available to Magistrate Judges**
Having Your Own Law Clerk!
Katherine Ball, University of Idaho College of Law, and Hon. John Hawley, Ada County Magistrate Judge
- [Magistrate Judge Research Assistance Program](#)
 - [Pro Bono Review Form](#)
 - [Decision Example](#)
- 8:45 – 9:00 **New Legislation Affecting Appointment of Counsel in Criminal Cases**
Analysis and Implementation of Legislation Affecting Appointment of Counsel by Magistrate Judges
Michael Henderson, Legal Counsel, Idaho Supreme Court, Hon. Gaylen Box, Senior Magistrate Judge, Hon. John Varin, Senior Magistrate Judge and Juvenile Justice Director, Idaho Supreme Court
- 9:00 – 10:00 **Civil Case Law Developments**
Update of Idaho Appellate Cases Impacting Magistrate Judges
Michael Henderson, Legal Counsel, Idaho Supreme Court, and Kim Halbig-Sparks, Deputy Legal Counsel, Idaho Supreme Court
- [Handout](#)
- 10:00 – 10:15 **Break**
- 10:15 – 11:15 **Final Judgments**
Requirements for Entry of Final Judgments—How to Avoid Remands!
Hon. Dave Gratton, Judge, Idaho Court of Appeals
- [PowerPoint Presentation](#)
- 11:15 – 11:45 **Ada County Pilot Family Law Program**
New Family Law Procedural Rules and How They Work
Hon. Michael Dennard, Senior Magistrate Judge, Senior Manager of Court Services for Families and Children, Idaho Supreme Court, Hon. Dave Day, Ada County, Magistrate Judge, Hon. Russell Comstock, Ada County Magistrate Judge
- [Order for the 4th District Pilot Project](#)
 - [Amendments Handout](#)
- 11:45 AM **Adjourn**