

TENTATIVE AGENDA

~~ *Administrative Conference* ~~

Monday and Tuesday, February 4 and 5, 2013  
Lincoln Room, Idaho Supreme Court // Boise, Idaho

DRAFT: as of 01-25-13

**Monday, February 4, 2013**

*Location: Lincoln Room*

**3:00 pm** ~~ **Welcome** by Chief Justice Roger Burdick

- Welcome Chief Judge Sergio Gutierrez, and thank you former Chief Judge Dave Gratton
- Welcome soon-to-be Administrative District Judge Lansing Haynes (1<sup>st</sup> Judicial District)

~~ **Mission Statement, Values and Strategic Goals and Objectives of the Idaho Courts and ICAR 43a** .....Page 1

At each meeting, the Administrative Conference reviews the Court’s Mission Statement and ICAR 43A regarding the role and responsibilities of the Administrative Conference.

**A. Approve the Minutes of the October 11-12, 2012 Administrative Conference and the Special Meetings/Conference Calls held on December 20, 2012 and January 8, 2013** .....Page 3

**B. Supreme Court Action on Administrative Conference Recommendations and other Supreme Court Updates by Chief Justice Burdick**

1. All recommendations relating to the FY14 legislative and budget priorities as described in the Administrative Conference minutes were forwarded to the Court for its consideration. A copy of the approved priorities were distributed. ....Page 27

2. The recommendation to encourage every Idaho judge to participate in the voluntary performance evaluation program offered by the Judicial Council was forwarded to the Court. The Administrative Conference recommendation stands. Chief Justice Burdick will update the Conference on activities underway.

3. The recommendation to approve the Rules of Family Law Procedure for the counties in the 4th Judicial District for purposes of a pilot project was forwarded to the Court and approved, effective January 1, 2013. The rules can be located online at: <http://www.isc.idaho.gov/irflp>. ....Page 31

4. The July 2012 Administrative Conference recommendation relating to the disqualification of judges, as discussed at the October Conference, was forwarded to the Court for its consideration. After discussion, the Court voted to take no action on the recommendations.

5. The recommendation to adopt the rule regarding electronic devices in court facilities as proposed by the Media/Courts Committee was forwarded to the Court for its consideration. The Court adopted ICAR 49, effective January 1, 2013. A copy of the order is included in the materials.....Page 35

6. The amendments to Appellate Rules as outlined for the Administrative Conference were approved and are included in the materials.....Page 37

7. The amendments to Criminal Rules were approved and are included in the materials.....Page 47

8. The proposed order for the formation of a Jury Committee will be forwarded to the Court for its consideration when the proposed committee membership is completed. Judge Gratton has agreed to chair the committee. [February 21, 2013 Court Oral Conference]
9. The recommendation from the team attending the Language Access Summit to appoint a Language Access Committee will be forwarded to the Court when the proposed committee membership is completed. Judge Gutierrez will chair the committee. [February 21, 2013 Court Oral Conference]
10. MCR 9.4 recommendations were forwarded to the Court and approved. One change was made before submission. A copy of the order is included in the materials. ....Page 50
11. Canon 3B7(h) was amended, as follows: “(h) If a judge receives an unauthorized ex parte or other prohibited communication bearing upon the substance of the matter, the judge shall promptly notify the parties of the substance of the communication and provide the parties with an opportunity to respond. If the communication was in writing, the judge shall promptly provide a copy to all parties.”
12. Recommendations relating to a targeted 5% provider rate reimbursement for problem-solving court treatment providers were approved by the Court, effective January 1, 2013.

**C. Legislative and Budget Matters**

1. FY13 Budget.....Page 53  
 The Administrative Conference will discuss the status of the FY13 budget, and make any necessary adjustments. None are recommended at this time. Revenues from the emergency surcharge and other fund sources will also be reviewed.
  - a. *State of the State* address .....Page 61
  - b. *State of the Judiciary* address .....Page 69
  - c. JFAC Budget Presentation
  - d. A national publication on “Funding Justice: Strategies and Messages for Restoring Court Funding” is included in the materials. ....Page 74
  - e. Office of Performance Evaluation – report on state employee compensation and turnover. ....Page 98
2. Court Legislative Priorities
  - a. The status of the Court’s legislative priorities will be discussed and input obtained. ....Page 27
  - b. Recommendations from the December 20, 2012 and January 8, 2013 Special Meetings/Conference Calls relating to the recruitment of highly qualified judges and compensation are included in the materials. Another meeting will be convened at a future date.....Page 99
3. Other Legislation of interest to the Courts .....Page 116  
 Other legislation of interest to the Courts will be discussed and input obtained. A current status report will be distributed the day of the Conference.
4. Defects in the Law .....Page 120  
 A letter describing the defects in the law has been included in the conference materials.
5. Legislative – Court Relationships .....Page 122  
 Thank you for your dedicated efforts to establish relationships with legislators. Senior Judge Wood will update the Conference on work in this regard.

6. Legislative Review Teams .....Page 124  
 The Legislative Review Teams have been updated. Thank you to those judges who are willing to serve on the teams.

7. 2012 Yearly Court Reports  
 a. The reports were distributed to legislators on January 7, and are posted on the Court’s Web site. Copies for county commissioners will be available at the February Conference for court administrators to take home and distribute.  
 b. Trial Court Administrators are developing recommendations for building effective relationships with local elected officials for the April Administrative Conference.

8. Inviting Legislators to Judicial Interviews  
 Chief Justice Burdick invited legislators to recent Judicial Council interviews in Sandpoint. Administrative District Judges and Trial Court Administrators are asked to invite legislators to District Magistrate Commission interviews.

5:15 pm 9. Improving Public Defense in Idaho.....*Separate Document*  
 A panel consisting of Judges Stegner, Box, and Varin and Michael Henderson are invited to update the Conference on recent developments, legislative proposals, and suggested rule changes.

6:00 pm ~~ Administrative Conference adjourns for the day  
 → **Administrative Conference members are encouraged to arrange dinner or breakfast meetings with legislators.**

**Tuesday, February 5, 2013** *Location: Lincoln Room*

8:30 am **D. Achieving the Court’s Strategic Goals and Objectives** .....Page 1

1. Provide Timely, Fair, and Impartial Case Resolution / Advance justice by resolving cases as early as possible, while guaranteeing the rights of the parties. .....Page 126  
 Senior Judge Barry Wood will update the Conference on recent developments and upcoming plans and invite the ongoing thinking and recommendations of the Conference to guide the efforts, with a specific emphasis on district court time standards, interim events, and reporting formats.

2. Ensure Access to Justice / Enhance the ability to efficiently conduct court business by .....Page 132 developing technologies, especially electronic filing of all court documents.  
 a. The new Chief Information Officer (CIO) Kevin Iwerson will be introduced to the Conference. Chief Justice Burdick and Kevin will update the Conference on developments including the status of laptops/pilot project.  
 b. The Administrative Conference will be kept apprised of the Court Technology Committee’s actions, as well as the work of the Design and Implementation Committee. The Committee will recommend adoption of a strategic plan and an e-filing framework at the April Conference.  
 c. The important role of the respective judges associations in developing uniform best practices will be discussed. (Judge Juneal Kerrick, Judge Rick Bollar, and Janica Bisharat).

3. Senior Judges: Trial Court Administrators and Janica Bisharat will provide recommendations relating to the orientation and training of senior judges. ....Page 159
  4. “Best Practices: Powers and Duties of Administrative District Judges” will be updated for further review at the February Administrative Conference.....Handout  
Administrative District Judges and Trial Court Administrators have developed a guide to best practices to review and discuss.
  5. District Magistrate Commission Manual.....*Separate Document*  
The Conference is asked to review recent proposed revisions to the Manual.
  6. Magistrate Judge Retention Elections  
Questions have been asked about how the judiciary can provide better information to the public during elections. The Conference will be asked to discuss the issue.
  7. Evidence-Based Pre-trial Release.....Page 161  
A white paper on best practices has been released by the Conference of State Court Administrators. A pilot project is being explored in Ada County. Administrative District Judge Hansen and Larry Reiner will be asked to update the Conference on the effort.
- E. Other Business**
1. Civil Rules Committee: The Civil Rules Committee is recommending three new rules and two amendments. ....Page 180
  2. Felony Sentencing Committee: Justice Horton, chair, will present the committee’s recommendations and reports relating to ICR 32, standards conditions of probation, and the status of PSI enhancements. ....Page 190
  3. Child Protection Rules: The committee recommendations will be considered by the Conference. ....Page 237
  4. Criminal Mediation Rules: The Mediation Committee met recently and addressed a number of recommendations. The Conference will be asked for its recommendation. ....Page 264
  5. Hay Study: Andrea Patterson will report on the status of recommendations.....Page 269
  6. Judicial Performance Evaluations: Judge Stegner provided a copy of an article to improve survey processes and measurements. The Judicial Council has established a subcommittee in this regard.....Page 293
  7. Evaluation of Clerks/Judges Conference.....Page 305  
The Administrative Conference will be invited to share their observations and experience and make recommendations to strengthen relationships and the conference overall.
  8. Hayes vs. J. Mitchell lawsuit: Michael Henderson will update the Conference. ....Page 306
  9. Productivity Strategies: The Conference will receive an update on the status of productivity strategies adopted by the Conference, including judicial education and laptops (pilot).
  10. District Judges Association Meeting: Request for DOC updates. ....Handout

**F. Discuss Proposed agenda for April 18-19 , 2013 Administrative Conference**

- Quarterly 19-2524 District Meetings (Courts, DOC, DHW) convened by Administrative District Judge Shindurling (Felony Sentencing Committee)
- Felony Sentencing Committee – sentencing data
- Protocol if a judge is arrested
- Family Court Services update
- “Sitting” Judges: Recommendations relating to developing best practices for the assignment and effective use of sitting judges will be discussed. (Janica Bisharat, Trial Court Administrators)
- Senior Judges (Janica Bisharat / Trial Court Administrators): a. Recommendations relating to developing best practices for the assignment and effective use of senior judges will be presented. b. Trial Court Administrators recommendations relating to performance evaluations of senior judges will be discussed.
- Communications Protocol: The role of the Judicial Council, Administrative District Judges, and Trial Court Administrators regarding complaints about senior judges or sitting judges will be discussed.

**G. Discuss plans for Upcoming Dates of Importance to the Administrative Conference**

**April 2013 / Boise**

Thursday, April 18 (morning).....Administrative District Judges Meeting (Boise)  
 Thursday, April 18 (morning).....Trial Court Administrators Meeting (Boise)  
 Thursday, April 18 (afternoon) .....Administrative Conference (Boise)  
 Friday, April 19 (morning) .....Administrative Conference (Boise)

**July 2013 / Coeur d’Alene**

Tuesday, July 16 (morning) ..... Administrative District Judges Meeting (Coeur d’Alene)  
 Tuesday, July 16 (morning) ..... Trial Court Administrators Meeting (Coeur d’Alene)  
 Tuesday, July 16 (afternoon) ..... Administrative Conference (Coeur d’Alene)  
 Wednesday, July 17 (morning) ..... Administrative Conference (Coeur d’Alene)

**October 2013 / Boise**

Thursday, October 17 (morning) .... Administrative District Judges Meeting (Boise)  
 Thursday, October 17 (morning) .... Trial Court Administrators Meeting (Boise)  
 Thursday, October 17 (afternoon) .. Administrative Conference (Boise)  
 Friday, October 18 (morning) ..... Administrative Conference (Boise)

**12:30 pm     ~~ Adjournment**