

TENTATIVE AGENDA

~~ *Administrative Conference* ~~

Thursday and Friday, April 18-19, 2013  
Lincoln Room, Idaho Supreme Court // Boise, Idaho

**DRAFT: as of 04-03-13**

**Thursday, April 18, 2013**

*Location: Lincoln Room*

**1:30 pm** ~~ **Welcome** by Chief Justice Roger Burdick

- New Administrative District Judge, 1<sup>st</sup> Judicial District, Judge Lansing Haynes

~~ **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 February 4-5, 2013 Administrative Conference** .....Page 3

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

1. The senior judge orientation checklist was adopted and is included in the materials. ....Page 19
2. The recommendations of the Administrative Conference to adopt rule amendments to the Civil, Criminal, Child Protection, and Children and Family rules were forwarded to the Court for its consideration. The Court approved the rule amendments, as follows:.....Page 89
  - Civil Rules Committee recommendations
    - New Rule 7(d): permit a written affidavit under oath (pending adoption of HB30)
    - New Rule 7(b)(5): video teleconferencing for mental commitment hearings
    - New Rule 28(3): implementation of the Uniform Unsworn Foreign Declarations Act
    - Amend Rule 11: signing of pleadings, motions, and other papers; sanctions (with clarification of the Administrative District Judges)
    - Amend Rule 69: execution
  - Felony Sentencing Committee recommendations: amend Criminal Rule 32
  - Child Protection Committee
    - Amend Rule 33: Summons (CPA)
    - Amend Rule 39: Shelter Care Hearing (CPA)
    - Amend Rule 41: Adjudicatory Hearing (CPA)
    - Amend Rule 44: Case Plan Hearing – Permanency Plan Hearing
    - Amend Rule 45: Review Hearings (CPA)
    - Amend Rule 46: Annual Permanency Hearings
    - Amend Rule 51: Application of Idaho rules of Evidence (CPA)(JCA)
  - Children and Family Committee proposed rules: Parenting Time Evaluation
3. The recommendation to adopt the broad policy objectives of the Hay Study as outlined at the February 2013 Administrative Conference were forwarded to the Court for its consideration. The Court has now adopted Phase I of the recommendations. ....Page 21
4. Administrative Conference recommendations to appoint a Jury Committee and a Language Access Committee were approved by the Court. ....Page 27

**C. Legislative and Budget Matters**

1. FY13, FY14, and FY15 Budgets .....Page 32  
 The Administrative Conference will discuss the status of the FY13 and FY14 budgets, and make any necessary adjustments, plans, and decisions. One-time FY13 employee compensation recommendations are included for your consideration.
  - a. FY14 Budgets (General and Dedicated Funds, Millennium Fund, Permanent Building Fund) .....Page 45
  - b. FY15 Budget preparation plans and timelines .....Page 68
  - c. The 2012 COSCA Budget Survey is included for your information. ....Page 69
  
2. Review 2013 Legislative Session / Budget and Legislative Priorities
  - a. The 2013 Budget and Legislative Priorities are included for your review, along with other court legislation of interest. Judge Wood will highlight legislative action taken, or not. ....Page 70
  - b. Copies of the relevant bills will be included in the Legislative Summary (C.3.b.).
  
3. Other Legislation of interest to the Courts / Discuss where follow-up action is necessary.
  - a. The legislative “tracking report” is included for review. ....Page 79
  - b. A copy of the Legislative Summary will be distributed at the Conference to review in detail. .... *HANDOUT*
  - c. SCR128: CSG Justice Reinvestment regarding criminal justice interim committee.....Page 82
  - d. HCR26: Public Defender Interim Committee.....Page 85
  - e. A list of legislative implementation issues will be distributed at the Conference to discuss. .... *HANDOUT*
  
4. FY15 Preliminary Budget and Legislative Priorities.....Page 88
  - a. Recruitment of highly qualified judiciary
  - b. Ensure access through improving technology
  - c. More Behavioral Health treatment for offenders
  - d. Examine the need for additional resources to Advancing Justice.
  
5. Providing Legislative Updates in each Judicial District  
 Patti Tobias, Senior Judge Wood, and Michael Henderson would appreciate the opportunity to meet with the judges in all judicial districts to review legislation of interest and court rule changes. Each district will be asked to schedule a review before July 1<sup>st</sup>. A tentative schedule will be distributed at the Conference..... *HANDOUT*
  - a. Legislative reports
  - b. New court rules effective July 1, 2013: Highlights of Rule Changes will be distributed at the Conference .....Page 89
  
6. Other Legislative “Road Trips”  
 Judge Wood and Patti Tobias are tentatively planning visits to key legislators in August and September. Administrative District Judges and Trial Court Administrators will be kept apprised of all schedules, and invited to join as available.

7. Review Protocol for Establishing and Maintaining Effective Relationships with Local Officials  
 At the February 2013 Administrative Conference, the Trial Court Administrators were asked to developed a proposed Protocol for Establishing and Maintaining Effective Relationships with Local Officials. The Administrative Conference will be asked to discuss the proposal, and the draft protocol is included in the materials for review..... *HANDOUT*
8. Review proposed new draft of the District Magistrate Commission Manual  
 The Conference will be asked to adopt the revisions to the District Magistrate Commission Manual. ....*SEPARATE DOCUMENT*
9. Magistrate Judge Retention Elections  
 At the February 2013 Administrative Conference, the Trial Court Administrators were asked to discuss magistrate judge retention elections and public inquiries for information to inform voters. Their recommendations are included in the Conference materials..... *HANDOUT*
10. Judges Retirement Fund .....Page 92
  - a. An HB660 transition team will be appointed.
  - b. Judge Stegner also requested an opportunity to discuss his concerns about Plan B Service.
11. Maintaining effective relationships with legislators  
 Administrative District Judges and Trial Court Administrators are asked to write each legislator, thanking them for support. A template is included for your use. .... *HANDOUT*

6:00 pm ~~ Administrative Conference adjourns for the day // [discuss potential dinner plans]

**Friday, April 19, 2013**

*Location: Lincoln Room*

- 8:30 am**      **D. Achieving the Court’s Strategic Goals and Objectives** .....Page 1
1. Ensure Access to Justice / Enhance the ability to efficiently conduct court business by .....Page 107  
developing technologies, especially electronic filing of all court documents.
    - a. Chief Justice Burdick and Kevin Iwersen will update the Conference on recent developments. 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 recommends adoption of a strategic plan and approves the recommendation to pursue an RFP and timelines for a case management system.
    - b. The important role of the respective judges associations in developing uniform best practices and the status of activities will be discussed. (Judge Juneal Kerrick, Judge Rick Bollar, and Janica Bisharat). ....Page 150
  2. “Best Practices: Powers and Duties of Administrative District Judges” will be updated for a final review at the April Administrative Conference .....Page 152  
 Administrative District Judges and Trial Court Administrators have developed a guide to best practices to review and discuss.
  3. Senior Judges  
 Mediation for pay; potential conflict of interest. [Judge Shindurling’s request] .....Page 156

4. Cross-branch Collaboration  
 What can we learn from the collaboration between the courts and the Division of Youth Services in Missouri? This new paper is the 7<sup>th</sup> in the series.....Page 157

**E. Other Business**

1. Productivity Strategies: The Conference will receive an update on the status of productivity strategies adopted by the Conference, including judicial education and laptops (pilot).
2. Status of the SLRA and other rosters  
 Current court rosters available and active unless otherwise noted are:
  - Capital Defense Counsel
  - Child Custody Mediator
  - Civil Case Mediator
  - Criminal Case Mediators
  - Domestic Assault Evaluators
  - Domestic Violence Court Coordinators
  - Parenting Coordinators
  - Private Civil Litigation Evaluators
  - Small Lawsuit Resolution roster is being rebuilt (4-2-13); formerly 135 individuals.
3. Reports and Status – Rule 25: A copy of the quarterly reports are included. A recent inquiry pursuant to ICR 25(a)(12) is also included. ....Page 173
4. Proposed Protocol: Administrative District Judges requested a protocol to guide the district in the event a judge is arrested. ....Page 183
5. EEO and Diversity Plan: The Administrative Conference will be asked to approve this plan. ....Page 185
6. Performance Evaluations: Judge Stegner will report on the Council’s efforts to upgrade the performance evaluation system for self-improvement and discuss concerns he has about performance problems and how best to address this.
7. Rules: Judge Bevan asks if digital media should have a special rule, given the strict federal rules that govern this evidence. ....Page 189
8. JRF/PERSI Update: Andrea Patterson and Michael Henderson will update the Conference. ....Page 190
9. Pro Hac Vice Admission Fee Increase: Diane Minnich, Executive Director of the ISB, has written a letter advising of the amendment to Rule 227.....Page 191
10. Amendment to Misdemeanor Criminal Rule 9.4: The proposed format of Rule 9.4 reports is included for your consideration. ....Page 195
11. Guardianship and Conservatorship Committee: The committee will be meeting April 12 and considering a rule relating to ex parte communications. A draft is included for review. ....Page 202

**F. Discuss Proposed agenda for July 16-17 , 2013 Administrative Conference**

- Proposed Leadership Institute (FY14 and ongoing)
- Medical O.R.
- Pardons (Parole Board) – Judge Brudie
- Pre-trial Release Programs
- Provide timely, fair, and impartial case resolution / Advancing Justice recommendations
- Felony Sentencing Committee (DJT, Probation Rules, PSI Reports)

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

**July 2013 / Coeur d’Alene**

- Tuesday, July 16 (morning) ..... Administrative District Judges Meeting
- Tuesday, July 16 (morning) ..... Trial Court Administrators Meeting
- Tuesday, July 16 (afternoon) ..... Administrative Conference
- Wednesday, July 17 (morning) ..... Administrative Conference
- Wednesday, July 17 (afternoon) ..... Start of ISB’s Annual Meeting (runs through Friday, July 19)  
*[Judges should plan to register for the Bar meeting.]*

**October 2013 / Boise**

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

**February 2014 / Boise**

- Monday, February 3 (morning)..... Clerks/Judges Conference
- Monday, February 3 (afternoon)..... Administrative Conference
- Tuesday, February 4 (morning) ..... Administrative Conference

12:30 pm     ~~ **Adjournment**