

TENTATIVE AGENDA

~~ *Administrative Conference* ~~

Tuesday and Wednesday, July 10-11, 2012

**Boise, Idaho**

**Tuesday, July 10, 2012**

**12:00 Noon**     **Buffet Lunch available in the Laurel Room**

**1:00 pm**     ~~     **Welcome** by Chief Justice Roger Burdick

- Welcome Judge Stephen Dunn, soon-to-be Administrative District Judge for the 6<sup>th</sup> Judicial District

~~     **Mission Statement, Values and Strategic Goals and Objectives of the Idaho Courts** .....Page 1  
The Administrative Conference reviews the court’s Mission Statement and ICAR 43A regarding the role and responsibilities of the Administrative Conference at each meeting.

**A. Approve Minutes of the April 12-13, 2012 Administrative Conference** .....Page 5

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

**1. FY13 Budgets**

- a. The recommendation to rescind budget holdback policies effective FY13 was submitted to the Court for its consideration and approved.
- b. The recommendations relating to the additional compensation for non-judicial personnel was submitted to the Court for its consideration and approved.
- c. The detail allocations by district were circulated to the Administrative Conference and, with some adjustments, will be considered by the Court on June 28.

**2. Advancing Justice: Idaho’s Caseflow Management Initiative**

The recommendation to appoint an Advancing Justice Committee will be forwarded to the Court for its consideration. [Pending – Judge Wood]

**3. Enhance the ability to efficiently conduct court business by developing technologies, especially electronic filing of all court documents**

The recommendation to appoint a Court Technology Committee was forwarded to the Court for its consideration. A committee has since been appointed, with the first meeting held June 1, 2012. A complete report will be made later in this meeting.

**4. Strengthening the Role of Administrative District Judges**

The strategies to strengthen the role of Administrative District Judges will be forwarded to the Court for its consideration. [Pending – Judge Wood]

**5. Increase Awareness of the Importance of the Jury System** .....Page 21

The recommendation to appoint a Jury Committee will be forwarded to the Court for its consideration this fall. [Pending – Janica Bisharat]

**6. Senior Judges Education and Orientation** .....Page 22

The proposed policies for senior judge education and orientation upon initial assignment will be forwarded to the Court by the Judicial Education Committee for its consideration, following the June Judicial Education Committee meeting.

7. Proposed Supreme Court Rule Amendments
  - a. Proposed amendments to court rules relating to criminal and civil mediation were forwarded to the Court for its consideration and adopted.
  - b. The proposed amendments to the Idaho Rules of Civil Procedure and the Idaho Juvenile Rules were forwarded to the Court for its consideration and adopted.
  - c. Recommendations relating to ICAR 32 exempting records in family law cases involving children from public disclosures were forwarded to the Court for its consideration and adopted.
  - d. A summary of all rule amendments effective July 1 are included in the materials.....Page 25

8. Court Rules Regarding Email Notices of Hearings  
 Proposed rule amendments regarding emailing notices from clerks’ offices statewide were posted with the Bar for comment. After significant comments were received, it was determined that the proposals should be considered by the newly appointed Technology Committee.

**C. Legislative and Budget Matters**

1. FY13 Budgets  
 The Administrative Conference will discuss:
  - a. Professional development recommendations for judges and justices will be included on the July 2012 Administrative Conference agenda for further review and discussion.
  - b. A recommendation relating to the reinstatement of district conferences, or not, will be included on the July 2012 Administrative Conference.
  - c. The question of whether or not a one-time commendable can be applied to a deferred compensation account will be discussed on the July agenda.
  - d. The FY13 budget will be discussed at the Conference:
    - District-by-district detailed allocations.....Page 31
    - The status of the Hay Study
    - DHW/Court plans regarding treatment dollars for misdemeanor offenders
    - Effective evidence-based community supervision reduces recidivism and will favorably impact prison costs
2. FY14 Budget Plans and Timelines / Preliminary Priorities
  - a. Roland Gammill will summarize the FY14 requests received. ....Page 35
  - b. Judge Wood will recommend and the Administrative Conference will set preliminary priorities for FY14 at the July meeting, addressing the Emergency Surcharge, Advancing Justice, new judgeships, compensation, technology, district court personnel, and facilities.....Page 85
  - c. Factors impacting judicial caseloads: Taunya Jones will complete the additional analysis of factors impacting judicial caseloads for the July Administrative Conference.
  - d. Final analysis and budget and legislative priorities will be set in October.
3. Other Legislation of Interest
  - a. Last session, the Court proposed a study of the fragmented collections system. A summit on court collections is contemplated and the Conference will be invited to provide feedback at its July meeting.....Page 88
  - b. The May 15 elections will be discussed, including an assessment of the impact of the Closed Primary on judicial elections.
  - c. The status of proposed legislation regarding domestic violence protection orders regarding stalking will be discussed (HB528).
  - d. Correspondence relating to Legal Aid legislation will be discussed (HB640).
  - e. The 19-2524 Pilot Project will be reviewed (HB 648). ....Page 101

4. Legislative Inventory  
The Inventory of Potential Legislative Ideas, as maintained by Michael Henderson, will be reviewed at the July Administrative Conference. ....Page 103
5. Looking to the Future: The Importance of Court-Legislative Relationships .....Page 118  
Judge Wood will make recommendations to strengthen court-legislative relationships.

6:00 pm ~~ Administrative Conference adjourns for the day

→ **NOTE:** *A dinner is planned for the Administrative Conference with the State Bar Commissioners and Executive Director Diane Minnich.*

## Wednesday, July 11, 2012

8:00 am ~~ **Buffet Breakfast in the Aspen Room**

8:30 am **D. Achieving the Court's Strategic Goals and Objectives**

1. Advancing Justice: Idaho's Caseload Management Initiative
  - a. Judge Wood will provide an update on Advancing Justice efforts, including recent education programs.
  - b. Population and caseload trends by district. ....Page 120
  - c. Develop "best practices" for the assignment and effective use of senior judges, including the matters listed below, and bring back recommendations to the October Administrative Conference.
    - Performance Evaluations (see agenda item E.1.)
    - Training and orientation regarding local district practices, case management, and local legal culture
    - Communications / expectations
    - Review and update the Senior Judge Manual, including Plan B rules
    - Assess existing assignment practices and how districts are gauging effectiveness
  - d. BJA Criminal Courts Training and Technical Assistance Project (Kootenai, Jerome, and Washington counties); materials for review. ....Page 124
2. Enhance the Ability to Effectively Conduct Business by Developing Technology, Especially Electronic Filing of All Documents  
A team of national consultants (John Greacen – Greacen Associates / Tom Clark and Paul Embley – NCSC) prepared an assessment of court technology. The Court appointed a Technology Committee, which held its first meeting on June 1, 2012. Chief Justice Burdick – Chair, and others will report on progress and any recommendations at each Administrative Conference. A copy of the order appointing the committee, the technology assessment, and other committee materials are included for your reference. ....Page 144
3. Strengthening the Role of Administrative District Judges .....Page 194  
Other aspects of strengthening the role of Administrative District Judges will be discussed at the July meetings with the Administrative District Judges and Trial Court Administrators.

**E. Other Business**

1. Senior Judges: Proposed performance evaluations for senior judges will be discussed at the July Administrative Conference. The potential adaptation of current “evaluation” systems will be considered. ....Page 204
  - Idaho Judicial Council – candidates
  - 18-month District Magistrate Commission evaluation
  - Idaho Judicial Council “voluntary” performance evaluation
  - There are also national models that can be considered.
  
2. Judge Stegner letter dated March 29, 2012, requesting the Court to rescind ICR 25(a) and IRCP 40 (d)(1). Judge Stegner was unable to attend the April meeting, so the matter was deferred until this Conference. ....Page 212
  
3. Proposed rule from the Media/Courts Committee: Following the Media/Courts Committee, the proposed rule will be brought back to the July Administrative Conference. . ....Page 221
  
4. Ideas relating to general election days and other ways to deal with the holiday: Due to time constraints at the April Administrative Conference, the item relating to general election days was postponed to the July Administrative Conference. ....Page 237
  
5. District Court Personnel  
 There has been a recent decision of interest in Canyon County and three actions filed relating to District Court personnel and budgets in Kootenai County. Michael Henderson will update the Conference on these matters:
  - a. Hemenway v. Canyon County – District court decision granting summary judgment on wrongful termination to former juvenile probation officer whose employment was terminated by the county commissioners without consultation or agreement from the ADJ or TCA. ....Page 245
  
  - b. Watson v. Mitchell – Petition by Kootenai County Sheriff for writ of prohibition and writ of mandate regarding authority to hire and supervise court security officers; dismissed by Idaho Supreme Court on June 21, 2012. ....Page 266
  
  - c. Hayes v. Mitchell – Petition by Kootenai County sheriff for writ of prohibition and writ of mandate regarding supervision of certain personnel performing court functions. ....Page 319
  
6. District Magistrate Commission – Applications Process.....Page 363  
 Burt Butler suggests that a uniform application process be adopted, addressing a difference of practices relating to letters of reference and writing samples.
  
7. Problem-Solving Protocol .....Page 378  
 A need has been identified to make available a very simple protocol to address different situations encountered by court personnel in the performance of their duties. The Conference will be asked to revise the draft included in the materials.

**F. Discuss Proposed agenda for October 11-12 , 2012 Administrative Conference**

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

**October 2012**

- Thursday, October 11 (morning) .....Administrative District Judges Meeting
- Thursday, October 11 (morning) .....Trial Court Administrators Meeting
- Thursday, October 11 (afternoon).....Administrative Conference (Boise)
- Friday, October 12 (morning).....Administrative Conference (Boise)

**February 2013**

- Monday, February 4 .....Clerks/Judges Conference (Boise)
- Tuesday, February 5 .....Administrative Conference (Boise)

**April 2013**

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

**12:00 Noon   ~~ Adjournment**

***NOTE: The State Bar Annual Meeting begins Wednesday, July 11.***