

## MINUTES

# ADMINISTRATIVE CONFERENCE

*Tuesday and Wednesday, July 16-17, 2013 // Coeur d'Alene, Idaho*

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The Administrative Conference was called to order on Tuesday, July 16, 2013, at 1:10 pm PDT by Chief Justice Roger Burdick. Administrative District Judges in attendance included: Hon. Lansing Haynes, Hon. Jeff Brudie (for Hon. John Stegner), Hon. Tom Ryan, Hon. Michael Wetherell (for Hon. Timothy Hansen), Hon. Richard Bevan, Hon. Stephen Dunn, and Hon. Jon Shindurling. Trial Court Administrators present included: Hon. Jay Gaskill (acting), Dan Kessler, Larry Reiner, Linda Wright, and Suzanne Johnson.

Other members joining for all or part of the Conference included: Justice Daniel Eismann; Justice Joel Horton; Justice Warren Jones; Court of Appeals Chief Judge Sergio Gutierrez; Hon. Juneal Kerrick, President – District Judges Association; Hon. Rick Bollar, President – Magistrate Judges Association; Hon. Ryan Boyer, Past-President – Magistrate Judges Association; Hon. Michael Oths – Secretary/Treasurer; Magistrate Judges Association; Roland Gammill; Janica Bisharat; Andrea Patterson; Kevin Iwersen; Taunya Jones; Michael Henderson; Cathy Derden; Steve Kenyon; Kirk Grothaus; Senior Judge Barry Wood, and Patti Tobias.

The Mission Statement, Values, and Strategic Goals and Major Objectives of the Idaho Courts and ICAR 43A were reviewed.

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**A. Approval of Minutes of the April 18-19, 2013 Administrative Conference**

IT WAS MOVED BY JUDGE HAYNES AND SECONDED BY DAN KESSLER TO APPROVE THE MINUTES OF THE APRIL 18-19, 2013, ADMINISTRATIVE CONFERENCE. THE MOTION PASSED UNANIMOUSLY.

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

Chief Justice Burdick reviewed action taken by the Supreme Court, including:

1. The recommendation to approve a short-term commendable in the same amount across the board for non-judicial employees was approved by the Court, with some exceptions.
2. The proposed FY14 Senior Judge and Active Judge allocations were approved by the Court.
3. The recommendation to adopt the IT Strategic Plan as proposed by the Court Technology Committee and the recommendation to pursue an RFP for the case management system were approved.
4. The proposed FY14 budget allocations were approved by the Court, including 14 District Court full-time positions (FTPs).
5. The suggested protocol when a judge is charged with a crime has been updated and included in the Administrative District Judges Manual and added to KM.
6. Rule Amendments effective July 1, 2013, were all adopted as presented, including:
  - a. The proposed new civil rule relating to written statements made under oath or affirmation
  - b. The recommendation to approve proposed amendments to MCR 9.4 and provide a uniform form
  - c. The recommendation to approve the ex parte communication rule as it relates to guardianship and conservatorship cases (ICAR 54.1)
  - d. The order re: adoption of new criminal rules

7. The District Magistrates Commission Manual was finalized, provided to all judicial districts, and will be maintained on KM. Trial court administrators were encouraged to acquaint commission members with the new provisions. The Judicial Council will also review the Manual.

Chief Justice Burdick noted the Judicial Council will also review its internal rules and forward recommendations to the Supreme Court.

### **C. Legislative and Budget Matters**

1. FY15 Preliminary Budget, Revenue, and Legislative Priorities
  - a. Recruitment of highly qualified judiciary: compensation related issues.
  - b. Ensure access to the Courts through improving technology: funding mechanisms.
  - c. Improve access to Behavioral Health treatment for offenders to reduce recidivism and improve public safety.
  - d. Examine the need for additional resources to Advance Justice.
  - e. Expand Veterans Courts; other problem-solving courts; examine potential revenue options
  - f. Strengthen felony probation as evidence-based sentencing alternative.

Roland Gammill reviewed the FY15 summary of budget requests. The Conference was asked to consider the list and determine at least preliminarily what the budget priorities should be for the next legislative session. Roland noted that for FY15 the Division of Financial Management has asked state agencies and departments to budget a place holder for a Change in Employee Compensation of 1%. The dedicated revenues in the Drug Court / Mental Health / Family Court Services fund are projected to increase by 2-3%. Revenue sources other than liquor sales are either holding steady or declining, so an analysis will be provided for the potential use of available cash for one-time requests in FY15. Finally, new revenue streams for various dedicated funds may need to be discussed and explored.

Judge Wood referred to his addendum to the budget request summary, noting two critical priorities: (1) compensation for all judicial and non-judicial personnel, and (2) technology funding for the new case management system to replace ISTARs. Judge Wood reviewed efforts to date to develop a comprehensive plan to improve judicial compensation and recruitment, including work during the recent legislative session and the recent recruitment workshops held in the Third and Fourth judicial districts. Once more information is available regarding the political and economic realities for the next session, a comprehensive proposal will be developed for consideration by the Conference.

Following a discussion of potential priorities and strategies for presenting information to the legislature, the Conference requested further analysis and recommendations in October regarding the following priority areas:

- Judicial and non-judicial compensation
- Funding for the new case management system
- Problem-solving court capacity: treatment, testing, and personnel
- Additional judicial positions and senior judge days requested
- State funding of law clerks / staff attorneys
- Guardianship monitoring project
- Enhanced training and education
- Language access
- Family Court Services, Domestic Violence Services, and Court Assistance

Action Item

- The FY15 budget and legislative proposals will continue to be developed and analyzed, with final proposals to be presented for consideration at the October Administrative Conference.

2. Providing Legislative Updates in each Judicial District

Patti Tobias thanked the districts for the opportunity to meet in person, as she, Senior Judge Wood, and Michael Henderson (and sometimes Cathy Derden joined by phone) traveled to all seven judicial districts to review legislation of interest, court rule changes, and implementation issues. Highlights of their meetings included:

- a. SCR 128: A legislative interim committee was appointed to study the criminal justice system, in conjunction with the Council of State Government and the Justice Center; an initial analysis was included in the Conference materials. The June 18 kickoff meeting will be followed by meetings on August 29 and October 30. It is anticipated judges will have an opportunity to express their views and observations for the committee during the September Judicial Conference. The preliminary priorities of the Felony Sentencing Committee were also included in the Conference materials. A final report from the interim committee is expected in December. Judge Wood noted he attended a recent forum in Atlanta, and a list of lessons learned from other states engaged in this process was included in the Conference materials.

During the discussion about the legislative interim committee dealing with SCR 128, it was noted that LSI reports are not being received by the 4<sup>th</sup>, 5<sup>th</sup>, or 6<sup>th</sup> judicial districts.

Action Items

- The Court will continue to work with IDOC to ensure PSI reports include all information needed by district judges to inform sentencing.
  - The January 2014 District Judges Conference will include a session on the LSI.
- b. HCR 26: A public defense legislative interim committee was appointed. Based on initial work by the Idaho Criminal Justice Commission and recommendations of the Public Defense Subcommittee, three bills were enacted by the legislature, effective 7-1-13 (House Bills 147, 148, and 149). Chief Justice Burdick has been asked to make initial remarks to the interim committee on August 15. He would appreciate any observations or suggestions for his remarks. The Conference also discussed counties who have received public records requests from the ACLU related to indigent defense.

Action Item

- Any observations or suggestions should be forwarded to Chief Justice Burdick in advance of his initial remarks to the public defense legislative interim committee on August 15.
- c. Uniform business practices to address HB147, HB 148, HB149, HB256, HB274(1-1-14), HB648 (3-1-13), SB1016, SB1119, SB1122, and SB1151. Patti Tobias thanked the numerous committees, workgroups, as well as Supreme Court personnel for their significant work to develop this document. In the future, it is intended for this report to be distributed well in advance of the July 1 effective date. This year was complicated by some complex legislation in the area of indigent defense. Members of the Conference offered some suggestions relating to the public defender application form and HB 648. It was suggested that an attorney waiver form be developed for CP cases. Janica Bisharat noted this is a draft and once the judges' uniform business practice teams have had a chance to review the material, a final document will be distributed statewide.

Action Item

- A final Report to Idaho Courts: Uniform Business Practices to Implement Legislative and Rule Changes will be distributed statewide by September 1.
- d. Office of Performance Evaluations (OPE) studies: The Conference will be kept apprised of the progress of the OPE studies relating to the death penalty and juvenile justice (evaluation of community-based alternatives and reentry programs that may reduce the confinement rates of juveniles in Idaho).
- e. Legislative 2013 interim committee assignments were included in the materials for reference.
3. Maintaining effective relationships with legislators / Legislative “Road Trips” planned  
Judge Wood and Patti Tobias are tentatively planning visits to key legislators in August and September, followed by additional trips in November and December once the budget and legislative priorities have been set. Administrative District Judges and Trial Court Administrators will be kept apprised of all schedules, and invited to join as available. The Conference also discussed recent district efforts to thank legislators for efforts last session, as well as to invite them to participate in upcoming opportunities.
4. Review status of other legislative matters of interest / requests  
In preparation for the October Administrative Conference, members were asked to review the legislative inventory and consider what matters should be a priority for the Judiciary during the next legislative session. Some items were highlighted and discussed from the current Inventory of 2012-13 Potential Legislation, including:
- Expansion of I.C. §19-2604
  - Expungement proposal (HB344-2013)
  - Legislative inquiry on whether jurisdiction of magistrate judges should be increased beyond \$10,000
  - Court security officers and bailiffs
  - JRF transition to PERSI

Action Item

- Administrative Conference members were invited to forward any additional legislative matters of interest to Michael Henderson or Judge Wood prior to the October Administrative Conference.
5. Review Protocol for Establishing and Maintaining Effective Relationships with Local Officials  
At the February 2013 Administrative Conference, the Trial Court Administrators were asked to develop a proposed Protocol for Establishing and Maintaining Effective Relationships with Local Officials. The Counties/Courts Committee also reviewed the document at its May 2013 meeting. The Administrative Conference was asked to discuss the draft proposal included in the materials for review.

Administrative District Judges also suggested: (1) it would be helpful for the Administrative District Judges and Trial Court Administrators to meet with local officials about the various employee agreements and whether or not agreements should be adopted; and (2) following the example of Judge Dunn and Suzanne Johnson meeting with local officials with a criminal justice focus, that other judicial districts consider appointing a local criminal justice group to meet periodically to discuss strategies to reduce recidivism, etc.

IT WAS MOVED BY JUDGE DUNN AND SECONDED BY JUDGE GASKILL TO APPROVE THE AMENDMENTS TO THE PROPOSED PROTOCOL FOR ESTABLISHING AND MAINTAINING EFFECTIVE RELATIONSHIPS WITH LOCAL OFFICIALS, WITH AMENDMENTS AS NEEDED. THE MOTION PASSED UNANIMOUSLY.

Action Item

- The Protocol for Establishing and Maintaining Effective Relationships with Local Officials will be finalized, distributed to ADJ's and TCA's, and maintained on KM.

At 4:15 pm PDT, the Administrative Conference adjourned for the day.

On Wednesday, July 17, 2013, the Administrative Conference reconvened at 8:30 am PDT.

- **Additional Agenda Item 1**

Patti Tobias reported that a celebration in honor of Judge Edward Lodge's 50<sup>th</sup> year on the bench has been planned for July 31, 2013, and that Judge Juneal Kerrick (one of his former law clerks) has been asked to make remarks on behalf of the state courts. Judge Kerrick plans to include such things as a favorite saying of his was "pick up the pace counsel," and invites everyone to send her similar, light hearted remembrances, as well as examples of his great leadership and credibility. In addition, it was suggested that a resolution from the Idaho Judiciary be presented to Judge Lodge.

IT WAS MOVED BY PATTI TOBIAS AND SECONDED BY JUDGE WETHERELL THAT A RESOLUTION FROM THE IDAHO JUDICIARY BE PRESENTED BY JUDGE KERRICK TO JUDGE EDWARD LODGE AT THE JULY 31, 2013 CELEBRATION OF HIS 50<sup>TH</sup> YEAR ON THE BENCH. THE MOTION PASSED UNANIMOUSLY.

Action Items

- A resolution from the Idaho Judiciary honoring Judge Edward Lodge's 50<sup>th</sup> year on the bench will be provided to Judge Juneal Kerrick for presentation at the celebration on July 31, 2013.
  - Everyone is invited to submit anecdotes (especially humorous ones) to Judge Juneal Kerrick, for inclusion in her presentation at the July 31, 2013 celebration for Judge Lodge.
- **Additional Agenda Item 2**  
First Judicial District Administrative District Judge Lansing Haynes reported that an extensive child pornography case was successfully mediated by District Judge Jeff Brudie, and thanked him for his considerable work in resolving this criminal case.

**D. Achieving the Court's Strategic Goals and Objectives**

1. Provide Timely, Fair, and Impartial Case Resolution / Advance Justice by Resolving Cases as early as possible, while guaranteeing the rights of the parties

Senior Judge Barry Wood updated the Conference on recent developments and upcoming plans and invited the ongoing thinking and recommendations of the Conference to guide the efforts.

- a. A specific emphasis on proposed time standards, interim events, and reporting formats was presented to the Conference, asking for approval of the recommendations and the proposed plans for implementing the standards.

Senior Judge Wood reviewed the recommendations of the Advancing Justice Committee and other court committees relating to the modification of time standards for case processing. Once the new case management system is in place, it is suggested the modified standards be

piloted for a period of time and reevaluated prior to finalization. Judge Wood encouraged the Conference to consider adopting shorter time standards to start, knowing they can be readily extended if need be.

Following discussion, IT WAS MOVED BY JUDGE DUNN AND SECONDED BY LARRY REINER TO ADOPT THE TIME STANDARDS APPROVED BY THE ADVANCING JUSTICE COMMITTEE FOR PURPOSES OF THE PILOT PROJECT, WITH ONE MODIFICATION TO DISTRICT COURT CIVIL CASES FROM 75% WITHIN 240 DAYS TO 75% WITHIN 180 DAYS. THE MOTION PASSED UNANIMOUSLY.

Action Item

- The recommendations of the Advancing Justice Committee relating to pilot time standards for case processing and implementation plans will be forwarded to the Court for its consideration.
- b. Plans for development of both a statewide case management plan and individual district wide plans were included in the materials. Judge Wood thanked Judge Dunn and others for their work in this regard. These plans will be discussed further at subsequent conferences.
2. Status of sitting judge allocations

Judge Stegner had requested a review of certain recommendations made at the April Administrative Conference relating to the Second Judicial District's assignment of magistrate judges to assist the Fourth Judicial District. A conference call was held with the 2<sup>nd</sup> and 4<sup>th</sup> districts to discuss concerns and strategies for moving forward.

In Judge Stegner's absence, Judge Gaskill referred the Conference to the FY14 active judge allocations approved by the Administrative Conference and the Court. He reported the Fourth District has done a good job with making assignments, and reiterated the Second District's position against the underlying philosophy of active judge assignments and the statistical method used to determine active judge allocations. The Second District's position is that a comparison of filings per judge alone is not sufficient to determine allocations, that consideration should be given to the differences between single magistrate judge counties and more urban counties with magistrate judges who specialize in specific types of cases, and that the allocation process does not take into account the loss of personal time among Second District magistrate judges.

The Idaho courts have a history of judges displaying a remarkable desire to accomplish the work that needs to be done and a willingness to serve where the needs are greatest. Some suggestions were made about how to make improvements in this regard, including: (1) to allow urban judges to volunteer to hear cases in rural areas to better understand the significant cultural and other needs/demands of a single county magistrate judge, (2) to consider increasing the senior judge allocation to alleviate the need for active judge allocations, and (3) to explore pairing different districts together within the active judge allocation (i.e. the First/Second Districts rather than the Second/Fourth Districts). A comment was also made with respect to the value in traveling judges and sharing with the legislature the variety of ways the Court works to manage caseloads.

Following discussion, Janica Bisharat was asked to schedule a conference call with the trial court administrators in the 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> judicial districts to explore potential solutions. Administrative District Judges and Trial Court Administrators were reminded that all assignments for active judge allocations must be agreed to in writing and requests submitted for assignment orders.

Action Items

- Janica Bisharat will schedule a conference call with TCA's in the 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> judicial districts to explore potential solutions and resolve active judge allocations / senior judge allocations in those districts.
- Trial court administrators will send requests for active judge assignment orders to Janica Bisharat.

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

Chief Justice Burdick and Kevin Iwersen were invited to update the Conference on recent developments to fulfill the IT Strategic Plan. 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.

Chief Justice Burdick thanked Kevin Iwersen, Senior Justice Linda Copple Trout, and the members of the Design and Implementation Team for their hard work to bring this project forward in such a short period of time. Justice Eismann remarked on the work to improve the IT infrastructure. He also commented that because JSI will no longer be supporting the current version of ISTARs, and with the Idaho Judiciary's move to e-filing, the RFP for a new system was necessary. Justice Eismann described some of the functionality of Tyler Technologies software applications and how it aligns well with the Court's IT strategic plan.

Kevin Iwersen reported that the extensive RFP for a comprehensive IT solution was developed by a broad group of stakeholders and reviewed from a national perspective by National Center for State Court consultants John Greacen and Tom Clarke. The RFP was released nationwide, resulting in three responses. He briefly described the evaluation process conducted by the Design and Implementation Team. Tyler Technologies was the clear successful bidder in the evaluation process. The recommendation of the Design and Implementation Team and the Court Technology Committee to pursue a contract with Tyler Technologies was unanimous. If approved, contract negotiations with Tyler Technologies are expected to be completed within 45 days, and the project is expected to take three years to complete.

IT WAS MOVED BY JUDGE BOLLAR AND SECONDED BY SUZANNE JOHNSON THAT THE SUPREME COURT AUTHORIZE NEGOTIATIONS WITH TYLER TECHNOLOGIES BASED ON THEIR RESPONSE TO THE RFP. THE MOTION PASSED UNANIMOUSLY.

Action Item

- The recommendation of the Court Technology Committee to authorize contract negotiations with Tyler Technologies will be considered by the Court. Given that four justices were present, Chief Justice directed that negotiations begin.
4. Review revised Idaho Judicial Branch Personnel Policy Handbook, including EEO & Diversity Plan  
Phase I of an extensive rewrite of the Idaho Judicial Branch Personnel Policy Handbook has been completed and the Administrative Conference was asked to provide its feedback.

Patti Tobias described the extensive rewrite of the Personnel Policy Handbook, including EEO information and the diversity plan. Andrea Patterson highlighted some of the major changes, including:

- more rationale underlying a policy is included, putting the policy in a more useful context for employees

- welcoming and inviting employees to ask questions or convey concerns about any aspect of their employment
- materials that can be utilized for the orientation of new employees
- an updated, organized, and more comprehensive table of contents
- clarifying “at will” employees
- simplification of the non-judicial code of conduct
- clarification about writing letters of recommendation or serving as a reference
- the pro bono policies adopted by the court
- a more explicit section on FLSA and how employees are classified

Andrea also noted areas still under development, including IT policies, refined training policies, a review of policies regarding moving, and reviewing the three current senior judge policy manuals to see if they can be consolidated. She noted that county employees performing court work are not covered by this manual. It was suggested the non-judicial code of conduct be provided to law clerks, as well as deputy clerks, and that this would be a good topic for the February 2014 Clerks/Judges Conference.

It is hoped that all revisions can be made to the Personnel Policy Handbook in the next 60 days so that a final review and adoption will be possible at the October Administrative Conference.

#### Action Items

- Andrea Patterson will complete revisions to the Personnel Policy Handbook for a final review and adoption at the October Administrative Conference. All judges and personnel are invited to submit suggestions.
- The non-judicial code of conduct will be added to the agenda for the February 2014 Clerks and Judges Conference.

#### 5. Security Update and Recommendations

Roland Gammill and ISP Officer Kirk Grothaus were asked to provide a security update and recommendations to the Administrative Conference.

ISP Officer Kirk Grothaus, who has been assigned to the Idaho Judiciary for 5+ years, provided the Conference with a security update and shared information gathered from his recent participation in a national court security training held in Arizona. Following are issues highlighted in his report:

- 50 percent of incidents are case related (typically associated with family court cases)
- Setting up security barriers and moving them outside the building (this is often where the first line of violence occurs)
- Trends include seeing more sovereign nations and constitutionalists and more copycats (e.g. bomb threats)
- Examples of issues experienced recently in Idaho (e.g. estate sales/Craig’s list, Spokeo to find out where you live, and credit card scam)
- Discussion of threats vs. inappropriate contact
- Work on proposed legislation to better define threat / harassment of a public employee or members of the judiciary; discuss the idea of misdemeanor versus felony for threatening a judge
- Identifying training needs for judges and court personnel
- Visited counties around the state, conducted risk assessments, documented areas of concern, and will begin to strategize how issues can be addressed
- Security at the workplace vs. the residence (Utah study indicates work security is improving, but there is increased concern regarding residence and family safety)

- Bailiff/court security issues
- Security policies and practices (e.g. background checks for building maintenance or construction workers)
- Consideration being given to creation of a Court Security Committee
- Reminder for judges and court personnel, following an incident, to complete the security incident report form and e-mail it to Kirk

In regard to the Supreme Court Building, some suggestions under consideration include:

- Active Shooter Training
- Re-evaluate Emergency Evacuation Plans for Supreme Court Employees
- Implement a “one call” notification system
- Background screening of all outside contractors, subcontractors, and their employees who provide services to the Supreme Court
- Screening must be implemented on days of oral arguments
- Review procedures for mail entering the building

#### Action Items

- The summary information regarding security in county facilities will be included on the next Trial Court Administrators agenda.
- Security training will be provided at a future judicial conference (including protections for a residence and other pro-active precautions).
- Kirk Grothaus will periodically provide reports to the Administrative Conference on security incidents across the state.

#### 6. Felony Sentencing Committee

Justice Horton provided updates to the Conference on recommendations from the committee and significant developments, including:

- a. Sentencing data: IDOC collected 5.5 years of initial sentences by district, broken down further by frequencies by district, case type, crime type, LSI-R classification, district by crime type, district by sentence type, and district by LSI. The resulting summary of information provided overviews of all seven judicial districts, which the Felony Sentencing Committee will discuss in further detail. Patti Tobias noted that IDOC will be making a presentation at the upcoming Judicial Conference.

#### Action Item

- The Conference asked that the sentencing data slides be emailed to the members. Judges may contact Scott Ronan to request their individual sentencing data.
- b. Replication of the Wood Pilot Project in another district: The Executive Summary of an examination of the Wood Pilot Project was included in the Conference materials, and Judicial Districts 5 and 6 indicated their interest in replicating the Wood pilot project, while District 3 is interested in serving as a retained jurisdiction re-entry court with enhanced services.
  - c. Proposed revisions to probation statutes, rules, and IDOC policies were discussed at the July 16 Administrative District Judges meeting.

7. Performance Measures

The Administrative Conference earlier adopted nine measures to guide the Idaho Courts. Taunya Jones reported that a workgroup of judges, a trial court administrator, and Supreme Court personnel conducted a critical assessment of existing performance measures in the context of the High Performance Court Framework, a theoretical framework developed by staff at the National Center for State Courts (NCSC) that advocates a “balanced” approach to performance measurement in which measures are equally distributed across four performance areas: efficiency, effectiveness, procedural satisfaction, and productivity. The recommendations of the workgroup were also considered by trial court administrators. Taunya outlined the recommendations included in the materials and indicated that implementation of the new measures would be aligned with that of the new case management system.

IT WAS MOVED BY JUDGE DUNN AND SECONDED BY DAN KESSLER TO RECOMMEND THE SUPREME COURT ADOPT THE REVISED PERFORMANCE MEASURES AS OUTLINED. THE MOTION PASSED UNANIMOUSLY.

Action Item

- The recommendation to adopt the revised performance measures will be forwarded to the Court for its consideration.

**E. Other Business**

1. JRF/PERSI Update: Andrea Patterson and Michael Henderson referenced the letter of June 19, 2013 to Attorney General Wasden. They are waiting to receive a response from the AG’s Office. A new development is that a district judge recently applied for benefits and was informed last week by PERSI he is ineligible. The Administrative Conference will be kept apprised of the status of all efforts in this regard.
2. Update on Performance Evaluations: The Court appointed a Blue Ribbon Committee to guide efforts in this area. A copy of the State Justice Institute (SJI) application to strengthen Idaho’s Judicial Performance Evaluations was included in the materials, and Patti Tobias reported that SJI recently awarded Idaho the grant. Chief Justice Burdick, chair of the committee, noted the Judicial Council has been in contact with the grant makers, and that a focus group is planned during the September Judicial Conference to garner input from judges. It is anticipated the project will be completed by mid-2014.
3. Evidence Handling – Proposed Rule: Cathy Derden and Michael Henderson researched federal statutes and state court rules on evidence handling and developed a proposed rule for consideration by the Administrative Conference. The proposed amendments were expanded to include weapons, drugs, biological material, and other dangerous or sensitive material. During their July 16 meeting, the Administrative District Judges also discussed this subject and how it pertains to ICR 16, ICAR 32, and ICAR 71.

IT WAS MOVED BY JUDGE DUNN AND SECONDED BY JUDGE BEVAN THAT THE RULE AMENDMENT RECOMMENDATIONS DEALING WITH EVIDENCE HANDLING BE APPROVED BY THE ADMINISTRATIVE CONFERENCE AND FORWARDED TO THE SUPREME COURT FOR ITS CONSIDERATION. THE MOTION PASSED UNANIMOUSLY.

Action Item

- The recommendation to approve the proposed amendments relating to evidence handling will be forwarded to the Court for its consideration.

4. Senior judges and mediation: Judge Shindurling and Burt Butler have asked the Judicial Council for an opinion on senior judges who also have a private mediation practice, and the potential conflict of interest. They cited examples of judges conducting mediation in the courthouse, giving them a financial advantage over other mediators who are unable to use the courthouse; and also question judges conducting mediation who are not on an approved list. Patti Tobias reported this issue is still pending with the Judicial Council, and the Conference will be updated when an opinion is released.
5. IAR 13.5 relating to the non-judicial reversal of a district court final judgment: Cathy Derden circulated a proposal non-judicial reversal of a district court final judgment to the Conference, and the resulting three options to amend IAR 13.5 were included in the materials for review.

Following discussion, IT WAS MOVED BY JUDGE DUNN AND SECONDED BY JUDGE RYAN TO ADOPT OPTION 1 AS AMENDED. THE MOTION WAS AMENDED BY JUDGE DUNN AND SECONDED BY JUDGE RYAN TO DELETE RULE 13.5. THE MOTION PASSED UNANIMOUSLY.

Action Item

- The recommendation to delete Idaho Appellate Rule 13.5 will be forwarded to the Court for its consideration.
6. Pardons-Parole Board: Judge Brudie had asked Michael Henderson to consider proposals to include information concerning pardons in the register of actions for criminal cases. A draft memo to court clerks, deputy clerks, and judges was included in the materials, describing the proposed procedures for pardons granted by the State of Idaho Commission of Pardons and Parole.

Action Item

- The draft procedures for processing pardons in ISTARs will be finalized and distributed statewide via the *Court E-News*.
7. Leadership Institute: Judges Kerrick and Bollar attended a Leadership Institute sponsored by the National Judicial College. The experience was very valuable and one they felt could be adapted and replicated in Idaho. The Conference was provided with a draft curriculum for an Idaho Judicial Leadership Institute and asked to provide any feedback.

Action Item

- Judge McLaughlin and Judge Heise will work to finalize the proposed curriculum for an ongoing Idaho Judicial Leadership Institute.
8. Law Clerks: Andrea Patterson reviewed a summary of the Idaho Supreme Court Classification and Compensation of law clerks/staff attorneys document which was prepared with the help of the trial court administrators and Judge Kerrick's collection of information from district judges. In addition to being a helpful resource for the districts, Andrea welcomes any questions about the information or suggestions of items to be included in the summary.
  9. Criminal Justice meetings: Sixth District Administrative District Judge Dunn described the new criminal justice meetings he and Suzanne Johnson, the Trial Court Administrator, have undertaken to reach out to county stakeholders in their district. They reported that by meeting at least once a year, the process has increased good relationships, giving the county officials a chance to feel appreciated, and they highly recommend other judicial districts try this approach.

**F. Discuss Proposed agenda for October 17-18, 2013 Administrative Conference**

- CFCC Strategic Plan and Objectives
- Magistrate Judge retention elections and voter information
- Pre-trial release strategies
- Misdemeanor probation developments
- Medical O.R.
- Strengths Finder 2.0
- Harvard Executive Session publications

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

October 2013 / Boise

Thursday, October 17 (morning)..... Administrative District Judges Meeting  
 Wednesday, October 16 (all day)..... Trial Court Administrators 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

Prior to adjournment, Patti Tobias thanked Judge Boyer for his participation with the Administrative Conference, as he finishes his term as the past-president representative for the Magistrate Judges Association (MJA). Judge Oths will become MJA president this fall, and Judge Bollar will become the MJA past-president.

**IT WAS MOVED BY JUDGE DUNN and seconded by JUDGE GASKILL TO ADJOURN**, and the Administrative Conference concluded at 12:10 pm PDT.