

THE IDAHO SUPREME COURT BUDGET AND LEGISLATIVE PRIORITIES FOR THE 2013 LEGISLATIVE SESSION



As the Third Branch of Government, we provide access to justice through the timely, fair, and impartial resolution of cases.

Report to Governor
C.L. "Butch" Otter and
the 1st Regular Session
of the 62nd Idaho
Legislature

Idaho Judiciary

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The following have been identified as the Court's budget and legislative priorities for the 2013 legislative session:

- 1. To continue providing access to justice through the timely, fair, and impartial resolution of cases, consider removing the June 30, 2013 emergency surcharge sunset by amending I.C. § 31-3201H.** Keeping the courthouse doors open and providing access to justice, in all counties, continues to be our number one priority. In these times of continuing economic challenges, the Courts have been able to discharge this constitutional responsibility with the help of the emergency surcharge, enacted by HB 687, effective April 15, 2010. Because these economic challenges continue, the Court needs to ask the Legislature to lift the June 30, 2013 sunset provision contained in the surcharge legislation in order to adequately meet the ongoing needs of the Judiciary. The Court continues to monitor the emergency surcharge revenues very closely to compare them to their projected levels of financing at the time the surcharge was enacted. The surcharge was originally predicted to raise \$4.3 million dollars in dedicated funds annually. The highest it has generated is \$4.01 million in FY12, and it is projected to collect \$4.05 million in FY13 and \$4.09 million in FY14.

Of the four magistrate judge positions which had been held open in response to the fiscal challenges, two have been filled, plans are underway to recruit for the third one in early 2013, and the fourth is scheduled for recruitment in September, 2013. Numerous court employee positions still remain vacant statewide, and significant reductions have been made in all court operations. On a positive note, the Court has been able to continue such beneficial programs as drug courts, mental health courts, and family court services. Further, the use of technology continues to be maximized in all courthouses to achieve efficiencies. However, these programs cannot be maintained at their present levels without the continued support from the emergency surcharge.

- 2. Address compensation for justices, judges, and court employees.** The recruitment and retention of highly qualified judges, as well as other court personnel in the Judicial Branch, is essential to the Court's constitutional mission to provide timely, fair, and impartial justice. As economic conditions permit, and in order to attract and retain well qualified personnel, the Judiciary must address compensation by seeking an increase in non-judicial employee compensation at the same percentage level as other state employees may receive. The Court has included a 1% salary increase in its budget, pursuant to the statewide budget instructions from the Division of Financial Management, and lends its full support to the other branches of government to begin to address adequate compensation increases for state employees.

Recruiting and retention challenges persist, especially for district judges, and a significant compensation increase is required. A comprehensive report on compensation and the challenges associated with recruiting highly qualified district judges is underway and will be available to assist the Legislature in its deliberations.

- 3. Advancing Justice by meeting the need for additional judicial resources.** The need for additional judicial resources continues to increase across the State. Over the last few years, the Court deferred requests for 9 new judgeships. For FY14, the Court again received requests for 9 new judgeships: 5 magistrate judges and 4 district judges.

Since FY1999, or in the last 13 years, only 7 new judgeships have been added despite significant increases over this same period of time in both the numbers and complexity of cases filed in the District Court and the Magistrate Division. After assessing where the need was the greatest based upon caseload trends, population growth and the complexity of court workloads, the Court determined it must request three new district judge positions in the 3rd, 4th and 7th Judicial Districts, and two new magistrate judge positions to be chambered in Ada County. The anticipated hire date is October 1, 2013 to correspond with the county's fiscal year. The Court will continue to monitor the need for new judgeships in the 1st, 3rd, 4th, and 5th Judicial Districts and report on the status in the FY15 budget request. An annual review of the need for the 5th Court of Appeals Judge should also be made. The Court is again deferring a request for this position as well.

OTHER POLICY MATTERS AND FUTURE LEGISLATIVE TOPICS OF INTEREST FOR THE 2013 LEGISLATIVE SESSION

The Supreme Court wishes to update the Legislature on a number of policy matters and future Legislative topics of importance to all Idahoans.

- 1. It is time to transition from Idaho's aging computerized case management system.** The Court's computerized case management system, or *Idaho Statewide Trial Court Automated System (ISTARS)*, is based upon outdated programming code, software licenses which are becoming non-renewable, and an operating platform which is not Internet-based. Maintenance of the current system is no longer cost-effective. The Idaho Courts require a modern web-based case management system in order to readily exchange information with justice partners and state and county agencies.

The Supreme Court undertook a careful analysis of the available options. With the assistance of three nationally recognized court technology experts, the determination has been made to move to a modern, web-based case management system, utilizing software named *FullCourt Enterprise*. Idaho will call this new system *ISTARS Enterprise*. In addition to the case management system, e-filing or electronic filing and storage of all court records is the second component of modernizing the business of the Courts. Once fully implemented and operational, significant cost savings to the courts, the counties, the litigants, and the public will occur. The Court has established a Court Technology Committee which is chaired by the Chief Justice and includes judges, clerks, attorneys, and administrative staff. A plan to transition from the current ISTARS to *ISTARS Enterprise* has been formulated and is underway.

While the full cost of this transition is still being determined, and will necessarily have to be amortized over the next several years, potential new revenue sources are being examined and will be brought forward in the 2014 legislative session.

- 2. Improving the public defender system.** The defendant's right to counsel in criminal cases is explicitly established both by the Sixth Amendment to the United States Constitution, which provides that in "all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense"; and by Article I, Section 13 of the Idaho Constitution, which states that "the party accused shall have the right . . . to appear and defend in person and with counsel."



The provision of competent defense counsel in criminal cases is essential, not only to ensure the meaningful enforcement of the defendant’s constitutional right to counsel, but to provide fair trials and to avoid the necessity of retrying cases where convictions have been reversed because of ineffective assistance of counsel. Providing fair trials, and avoiding the retrying of cases, also serves to protect the rights of victims, preserve judicial and law enforcement resources, save taxpayer dollars at both the state and local levels, and promote public confidence in the judicial system.

Improvements in the public defense system for indigent defendants and the adoption of consistent procedures throughout the state of Idaho for ensuring the right to counsel are best achieved through the involvement and cooperation of a wide range of persons who are familiar with the criminal justice process and who make the important decisions regarding funding of the judicial system, including judges, prosecutors, defense counsel, state legislators, and county officials. The Public Defense Subcommittee of the Criminal Justice Commission has brought together such individuals to develop new and effective approaches to the provision of indigent defense services. The Supreme Court commends the work of the Public Defense Subcommittee, and specifically expresses its support of the Committee’s recommendation for the formation of a Public Defense Commission to address, on a continuing basis, critical issues relating to defense of indigent defendants, including education and training, reporting of data, performance standards, and caseload and workload standards. The Court further supports the Committee’s recommendation for the formation of a legislative interim committee to evaluate the Public Defense Commission’s proposed model, and to also evaluate additional proposals to ensure competent defense counsel for indigent defendants in criminal cases.

3. Support the Department of Administration’s FY14 Capitol Budget request to the Permanent Building Fund.

The Court continues to support efforts to renovate the Capital Annex, and to refurbish the building’s infrastructure to make occupancy of the historic building possible for the Idaho Law Learning Center. The primary purposes of the Idaho Law Learning Center are to provide a location in Boise for legal education and programs for the University of Idaho College of Law, a permanent home for the State Law Library, a venue for continuing judicial education, and a distinctive venue for law-related public education and outreach.

4. Improve the collection of court fees, fines, and other obligations. The Court urges that all three branches of government continue the work approved by the Criminal Justice Commission to help inform the legislature when it considers proposals to add new fees, fines, and other obligations. The effort will examine the existing statutory scheme relating to the collection of fees in criminal cases to clarify:

- (a) whether each of the current fees is to be assessed for each case or for each count or charge within a case;
- (b) the priority of how payments are to be applied to the various fees, fines and restitution when the payment received is insufficient to pay the entirety of the court ordered obligations; and
- (c) best practices for the collection of fees, including a clearer definition of the role of probation officers in these collections.

The transition to *ISTARS Enterprise* will support this important work and the proper accounting of millions of dollars in court ordered obligations.

5. Address public financing of Idaho Legal Aid Services (ILAS). Since December 2006, the Idaho Supreme Court has supported the concept of public financing of ILAS to better allow ILAS to provide legal representation in specified state court case types, and to provide meaningful access to the state courts, particularly in these economically challenging times. Representatives from the Bar, the courts, the counties, and ILAS met in 2011 to develop a proposal that will provide public financing of ILAS to assist that organization in its efforts. The Court continues to urge this targeted approach to meet the legal needs of low-income Idahoans. The Court is also willing to act as a “pass through” of these funds as contemplated by the proposal.



MISSION STATEMENT OF THE IDAHO COURTS

AS THE THIRD BRANCH OF GOVERNMENT, WE PROVIDE ACCESS
TO JUSTICE THROUGH THE TIMELY, FAIR, AND IMPARTIAL
RESOLUTION OF CASES.

VALUES OF THE IDAHO COURTS

INTEGRITY	FAIRNESS	INDEPENDENCE
RESPECT	EXCELLENCE	INNOVATION

STRATEGIC GOALS AND MAJOR OBJECTIVES OF THE IDAHO COURTS

I. Provide Timely, Fair, and Impartial Case Resolution

- Advance justice by resolving cases as early as possible, while guaranteeing the rights of the parties.
- Resolve cases involving children and families through the combined efforts of the courts, the family, and community services in ways that are least adversarial and intrusive.
- Improve the safety and well-being of children and families involved in child protection cases.

II. Ensure Access to Justice

- Strengthen and expand both Court Assistance Office services and options for legal representation for persons of limited means while increasing the public's awareness of these services.
- Enhance the ability to efficiently conduct court business by developing technologies, especially electronic filing of all court documents.

III. Promote Effective, Innovative Services

- Assure the highest level of service by recruiting highly-qualified judges and court personnel and advancing their professional development through educational opportunities.
- Enhance court programs and services by actively working with the legislative and executive branches of state government, counties, cities, and stakeholders to foster the necessary resources to meet the evolving needs of Idahoans.
- Provide long-term resolution of cases through effective application of the principles of problem-solving justice.

IV. Increase Public Trust and Confidence in Idaho Courts

- Protect communities, reduce recidivism, and hold offenders accountable through evidence-based sentencing practices.
- Increase awareness of the importance of the jury system—as well as the public's participation in that system—and develop strategies to improve jury service and appreciation.

