



# The Idaho Supreme Court Budget and Legislative Priorities for the 2014 Legislative Session

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

The following have been identified as the Court's budget and legislative priorities for the 2014 legislative session:

## **1. Strengthen Judicial Recruitment By Increasing Compensation For Justices And Judges.**

A full 60%, or 27 of the 45 District Judges, and 88% or 8 of the 9 Appellate Judges, are eligible to retire within the next 5 years. Of even more immediacy, 12 District Judges and 7 Appellate Judges are eligible to retire now. From 2000 to the present, the Governor has appointed 43 District Judges, but has only received a full slate of 4 candidates 30% of the time; and has received the minimum 2 candidates 26% of the time. Low salaries have been repeatedly cited as the primary impediment to judicial recruitment.

The recruitment and retention of highly qualified judges is essential to the Court's constitutional mission to provide timely, fair, and impartial justice. A significant compensation increase is required for Idaho to be able to effectively recruit highly-qualified judges, and in particular district judges, as well as address judicial salary compression. A comprehensive study on compensation and the challenges associated with recruiting sufficient numbers of highly qualified applicants for district judges, together with suggested remedies and impacts on the Judges Retirement Fund, is underway and a report will be available to assist the Governor and the Legislature in their deliberations.

To attract and retain well qualified court personnel in the Judicial Branch, the Judiciary must also seek 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 continue to address adequate compensation increases for state employees.

## **2. Court Technology: Providing Better Access, Greater Convenience, and Improved Information**

The Court's aging statewide computerized case management system (ISTARS) has been declared by its vendor to be at "end of life." The Supreme Court submits a 5 year business plan and proposes funding alternatives to accomplish the necessary transition and move to a modern 24/7 web-based case management system together with electronic financial payment capabilities, electronic filing and service of court case documents by parties and lawyers, electronic records access by the public and court personnel, video conferencing, and required new equipment. With the assistance of the Governor and the Legislature, the time to act is now.

Idahoans need and deserve a modern efficient court system and a robust economic development environment demands that all court cases are resolved fairly, timely, and efficiently.

The Legislature has long supported a statewide approach to court technology, beginning with appropriations in FY1989, the creation of the Technology Fund (I.C. § 1-1623) in 1997, and a subsequent increase to the fund in FY2006. Through this dedicated funding, the Courts are able to process almost ½ million cases a year and also collect and disburse over \$50 million dollars annually to the State, Counties, Cities, and other entities.

Recognizing the inevitable end of the existing system, and the need for significant "due diligence", the Supreme Court established a Court Technology Committee which is chaired by the Chief Justice and includes judges, clerks, attorneys, and administrators. With the assistance of three nationally recognized court technology experts and a

**Report to Governor C.L. "Butch" Otter  
and the 2nd Regular Session of the 62nd Idaho Legislature**

Design and Implementation Committee, the Court undertook a careful analysis of the available options and concluded that a move to a modern, web-based case management system would best serve Idahoans for the next generation. Through an extensive RFP process, modern case management software known as Odyssey by Tyler Technologies has been selected as the most cost effective system. Tyler is a proven software company with 10 statewide court implementations and over 500 county court implementations across the country.

The Supreme Court is faced with the additional challenge of operating the Courts “between now and then,” which requires the maintenance of the current ISTARs while the Courts transition to the new technology solution, secures the necessary band-width, and implements the system across 44 counties. To efficiently and effectively address these realities, a comprehensive 5 year business plan has been developed with timelines, deliverables, and budgets.

One-time costs over 5 years are \$21.6 million which includes:

- \$11.4 million for the new case management software, the necessary infrastructure, and new electronic court records equipment;
- \$5.6 million to replace courthouse computers, printers, and outdated digital recording software; and
- \$4.6 million to provide video conferencing to all courthouses.

On-going annual costs of \$5.9 million, includes:

- electronic filing and service for all parties; and
- maintenance and support, telecommunications fees, necessary technical personnel, and software subscription costs.

Recognizing the various challenges and opportunities, the Court has devised a variety of funding alternatives to accomplish the 5 year technology strategic plan. Options identified to-date include seeking one-time funding in FY15, along with either a \$30 or graduated increase in the Court Technology Fee, or alternatively a \$10-12 increase in the Court Technology Fee and a redirection of the filing fees already being collected by the Courts and deposited into the State’s General Fund. Whether one of these identified options or some other alternative is crafted, the Court looks forward to working with the Governor and the Legislature to secure the right approach to provide the necessary funding to accomplish the strategic plan.

## ***ADDITIONAL BUDGET MATTERS FOR THE 2014 LEGISLATIVE SESSION***

### ***1. On-going Spending Authority Request For The Guardianship Pilot Project Fund.***

The Guardianship Pilot Project Fund (I.C. §31-3201G) was established to improve reporting and monitoring systems and processes for the protection of persons and their assets when a guardian and/or conservator has been appointed. Idaho Courts now have over 6600 active guardianship and conservatorship cases with over \$374 million dollars in assets being monitored by Court personnel. A \$125,000 increase in on-going spending authority is sought from the Fund to build on the success of the asset monitoring and to establish an on-site program in selected judicial districts to track the wellbeing of the most vulnerable individuals through on-site visits. Volunteer opportunities will also be established in communities across the state to assist in these important efforts.

### ***2. On-going Spending Authority Request For The Drug Court, Mental Health Court And Family Court Services Fund.***

The Court seeks \$371,100 in on-going spending authority in the Drug Court, Mental Health Court and Family Court Services Fund (I.C. §1-1625) to meet the ever increasing and unmet needs to promote timely resolution and improve outcomes for court cases involving children and families in all counties across the state; provide risk screenings and



other direct services such as mediation, supervised visitation and parent education for difficult family law cases; and expand and improve the delivery of court assistance services to the increasing numbers of citizens who are involved in a court case but who do not have a lawyer to help them. Access to the courts is mandated by Idaho's Constitution and is significantly enhanced by the use of court assistance services which include explanations and instructions on rules and process, forms, workshops, and other legal information to guide those who are not represented by a lawyer. These funds will also improve court practices for domestic violence and all problem solving courts, including Veteran's Courts, Mental Health Courts, Juvenile Drug Courts, and DUI Courts by convening the multidisciplinary teams together to explore the latest research and examine best practices.

**3. *Additional Guardian Ad Litem Funding For Abused And Neglected Children.***

The Court requests the existing appropriation for Guardian ad Litem (GAL) funding be increased by \$262,500. I.C. §16-1614 provides that in any proceeding under the Child Protective Act (CPA), the court shall appoint a GAL for any child under the age of twelve years and may appoint a GAL for children twelve years or older. GALs conduct independent factual investigations and advocate for the best interests of the child at each stage of the court proceedings. Last year, it is estimated there were 376 abused and neglected children who were not served by a volunteer GAL in CPA court proceedings. This request will help close this gap in serving abused and neglected children by providing funding to the seven judicial district's programs for the recruitment and training of additional GAL volunteers.

**4. *Transfer Of IDHW Treatment Funds For Misdemeanor Offenders.***

The Courts seek Legislative approval to accept a transfer of \$704,000 from IDHW General Fund Substance Abuse Treatment appropriations to the Supreme Court's General Fund Substance Abuse Treatment account for the treatment of misdemeanor offenders in problem solving courts, including Domestic Violence Courts, together with the requisite increase in one-time spending authority. IDHW requested the Court to seek this transfer.

**5. *Support the Department of Administration's FY15 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.

**For further information, contact Patricia Tobias ([ptobias@idcourts.net](mailto:ptobias@idcourts.net))  
or Senior Judge Barry Wood ([bwood@idcourts.net](mailto:bwood@idcourts.net)) or call 208-334-2246**



# ***Mission Statement of the Idaho Courts***

*Adopted by the Supreme Court on October 31, 2011*

***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***

### **GOAL 1 - To 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.

### **GOAL 2 - 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.

### **GOAL 3 - 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.

### **GOAL 4 - 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.

