



Report to Governor
C.L. "Butch" Otter
and the 1st Regular
Session of the 63rd
Idaho Legislature

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The Idaho Supreme Court's Budget Priorities for the 2015 Legislative Session

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

In light of the 2014 Legislature's extraordinary support of the Idaho Judiciary's budget requests, the Supreme Court limited its FY2016 budget priorities to the minimum required to meet its constitutional and statutory responsibilities to resolve disputes fairly and within established time standards by well qualified and trained judges.

STRENGTHENING JUDICIAL RECRUITMENT BY INCREASING COMPENSATION FOR JUSTICES AND JUDGES REMAINS A PRIORITY

The Judiciary does not present a specific compensation proposal for FY2016 in light of the enactment of Senate Bill 1394 in 2014. However, the recruitment and retention of highly qualified judges remains essential to the Court's constitutional mission to provide timely, fair, and impartial justice. Because low salaries have been repeatedly cited as the primary impediment to judicial recruitment, this issue is critical to the Judiciary. With the passage of Senate Bill 1394, Legislative Majority Leadership also expressed its desire to revisit this issue in 2016 and address recruitment, compression, and compensation of the entire Judiciary including magistrate judges. The Court will continue to assess its needs and will make its proposal in the fall of 2015 for the 2016 legislative session.

\$ 0 General Fund

To attract and retain well qualified court personnel in the Judicial Branch, the Court seeks 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 for state employees.

The following have been identified as the Court's budget priorities for the 2015 legislative session:

1. COURT TECHNOLOGY: PROVIDING BETTER ACCESS, GREATER CONVENIENCE, AND IMPROVED INFORMATION

The Legislature has long supported a statewide approach to court technology, beginning with appropriations in FY1989, the creation of the Court Technology Fund (I.C. § 1-1623) in 1997, a subsequent increase to the fund in FY2006, and most recently, the funding provided in FY2014, allowing the Court to begin the transition to Odyssey as outlined in the 5-year technology business plan. The business plan is to 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.

Twin Falls County will serve as the pilot site and is scheduled to “go-live” in May of 2015, followed by Ada County in the fall of 2015. Following these two installations, three regional implementations will occur to complete the installation statewide. During the transition, the Supreme Court is also faced with the additional challenge of operating while the Courts transition to the new technology solution, which requires maintaining the current ISTARs system, securing the necessary band-width, and implementing the system across 44 counties.

To fund this generational shift in technology, two different sources of revenue are required: The first is multiple one-time appropriations from the Legislature. At the suggestion of the 2014 JFAC, the \$21.6 million estimated one-time appropriations for the Court’s technology initiatives were spread over 5 years, of which the Legislature appropriated \$4.85 million in FY2015 to fund software licenses, professional services, maintenance, infrastructure and electronic court record systems. The Judiciary is seeking the second of five, one-time appropriations in the amount of \$2.18 million to further fund the Court’s 5-year technology plan.

The second source is an increase in revenues to the Court Technology Fund which was accomplished by House Bill 509 (2014). The Court continues to monitor these revenues carefully, since they fluctuate due to variables which are beyond the Court’s control (i.e., the number of case filings).

Assuming the Court Technology Fund revenues and one-time appropriations meet the original projections, the Judiciary remains confident it can replace its 25-year-old statewide computerized case management system with the modern web-based case management system and the necessary infrastructure as planned.

\$2,180,000 General Fund

2. OCCUPANCY COSTS OF IDAHO LAW AND JUSTICE LEARNING CENTER AND UPGRADE SPACE IN THE SUPREME COURT BUILDING

The approximate seven year, \$6.2 million dollar renovation of the Capitol Annex (formerly the Ada County Court-house) is nearing completion and is scheduled to be occupied in the summer of 2015. The new facility is known as the Idaho Law and Justice Learning Center (ILJLC). The University of Idaho College of Law will be the primary tenant, but the building will also serve as a permanent home for the State Law Library, as well as a place for public outreach and education for the Idaho Supreme Court. In FY2016 the Court will incur tenant improvements, equipment and furniture costs associated with this occupancy of \$151,300 in one-time costs.

The Supreme Court is also seeking \$549,000 in one-time funds to upgrade space in the 44-year-old Supreme Court building. The elevators are currently being replaced and the building is scheduled for an air-handler replacement requiring significant renovation of the basement in the spring of FY2015. The Court is working with Facilities Services to capitalize on the scheduled alterations and repairs in order to provide usable space in the basement for its Court Information Division. This space, which has been used as book and file storage for 44 years, will also coincide with the relocation of the Law Library to the ILJLC.

\$700,300 General Fund

3. ADD JUDICIAL RESOURCES WHERE THE NEEDS ARE THE GREATEST TO ENSURE COURT CASES ARE HEARD TIMELY AND FAIRLY

The need for additional judicial resources continues to increase. While the number of case filings fluctuate, caseloads are increasingly complex, and other related challenges such as an increase in self-represented litigants and challenges associated with providing language access continue to place increased burdens on the courts. The Supreme Court meets the need for additional resources in two ways: one is to seek new judgeships, and the other is to use senior judges. While the Court asked for and received five new judgeships in 2013 for FY2014 (three district judges and two magistrate judges), it had deferred requests for nine new judgeships over several years, while working with the Idaho Legislature to address the significant economic challenges faced by the state.

For FY2016, the Court received requests for six new judgeships. 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 one new magistrate judge in the First Judicial District, chambered in Kootenai County, where a new magistrate judge position has not been added in at least 25 years. The anticipated hire date of October 1, 2015 will correspond with the county's fiscal year. The cost of the new magistrate judgeship for Kootenai County with a beginning date of October 1, 2015 (3/4ths of the fiscal year) is \$118,500. The Court will continue to monitor the need for judicial resources in other areas, and will likely request these new positions in FY2017.

The Supreme Court also requests \$163,100 in on-going funding for senior judge days to help resolve disputes fairly and within established time standards in those counties where increasing workloads do not yet rise to the need for new judgeships. Senior judges are one of the Legislature's great success stories. Specifically, for at least the last 15 years the use of well-trained, flexible, and temporary judicial resources has helped fill the gap where the needs are the greatest, at significant cost savings to the state. In addition to savings to the state's General Fund, senior judges provide cost savings to the counties because they do not require new facilities or full-time staff. Senior judges are paid the statutory rate of 85% of the daily rate of a full-time active judge, a rate significantly below what they would be paid as a full-time judge.

As the need for senior judge resources has increased, the Court has been able to fund additional senior judge days through one-time savings, including vacancy savings. Because those savings are no longer available, this requested funding is needed to maintain the existing senior judge program at its current level.

\$281,600 General Fund

ADDITIONAL BUDGET MATTERS FOR THE 2015 LEGISLATIVE SESSION

1. *Judicial Education*

Judicial education programs are provided annually for all judges from the time they first take the bench through completion of senior judge service, and are critical to the Court meeting its constitutional mandate to provide fair, timely, and impartial justice for users of Idaho's courts. The Court strives to provide the highest quality judicial education programs to keep judges current on the law and other related disciplines that intersect with the law, as well as to provide opportunities to build collegiality and network with other judges throughout the state.

There are three core judicial education conferences offered each year: one specific to Idaho's 45 district judges; one specific to Idaho's 89 magistrate judges; and the annual Judicial Conference for all appellate and trial judges, trial court administrators, and others. General Funds of \$80,300 are requested to continue and enhance these important programs by ensuring judges are educated by high quality faculty and that they continue to receive education while serving as senior judges.

The Supreme Court's Judicial Performance Evaluation Committee proposes the establishment of a Judicial Excellence and Education Program to enhance judicial excellence, education and wellness throughout a judge's service by administering self-improvement surveys on a regular basis and providing appropriate education, in part by trained facilitator judges. The evaluation process is expected to utilize court observation, video-taping, education, and mentoring. The Judicial Performance Evaluation Committee was able to utilize grant funding to design the overall program, as well as the survey to be administered. Because this is a significant judicial improvement initiative which needs to be sustained into the future, the Supreme Court is seeking \$294,200 in on-going General Funds.

\$374,500 General Fund

2. 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 \$40,000. 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. Idaho's CASA programs report that in FY2014 427 children went unserved by a GAL volunteer. In 2014, JFAC appropriated \$40,000 toward increasing the number of children assisted by a qualified GAL. The FY2015 request will continue to help in serving abused and neglected children by providing funding to programs in the seven judicial districts for the recruitment and training of additional GAL volunteers.

\$ 40,000 General Fund

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