



Idaho Supreme Court

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❖ *Recommended by the Administrative Conference and adopted by the Supreme Court on August 21, 2014* ❖

Building Productive Legislative – Judicial Relationships:

A Protocol for All Judges

Under the overall direction of the Supreme Court and Administrative District Judges, and consistent with the *Code of Judicial Conduct (2002)* (for example, *Canons 4.C.1, and 4.C.2*) district and magistrate judges are encouraged to build effective, working relationships with legislators. This may occur in a number of ways, including the following activities:

1. Participate in judiciary-sponsored dinners, lunches, and other opportunities for judges and legislators to meet informally. At least annually, each Judicial District plans an opportunity to meet with legislators in their geographical area.
2. Invite legislators to join individual judges for a “Day in Court” so that legislators have an opportunity to spend time in courtrooms, view court proceedings, and meet with the trial judge who provides additional explanations about the cases on the calendar that day. Invite legislators to attend drug or mental health court graduations and/or to serve as graduation speakers; invite legislators to Adoption Days and other court events. Invite legislators to attend the interviews for judicial positions in their district.
3. Hand-deliver packets of information to legislators. Typically the packet of materials identifies the judiciary’s legislative and budget priorities for the coming session. Annually, each Administrative District Judge designates a judge or other person to hand-deliver or transmit a packet of information to communicate the Judiciary’s priorities, defects in the law, etc. to legislators.
4. Analyze the impact of drafted legislation being proposed. At least one district judge and one magistrate judge from each Judicial District participates as a member of a legislative review team, analyzing all legislation that could potentially have an impact on the court system. Broad participation is encouraged. Currently, we have three legislative review teams, consisting of district judges, magistrate judges, and magistrate judges who focus especially on juvenile justice issues, or child protection issues.
5. At the request of the Administrative Director of the Courts or the Administrative District Judge, provide testimony to legislative committees in support of legislation proposed by the Judiciary, or provide information describing the impact of certain legislation,
6. Assist in the preparation of judicial impact statements on legislation of significant interest or impact to the Judiciary.
7. When responding to drafted proposed legislation:
 - a. provide specific language suggestions when possible,
 - b. articulate the practical positive and negative impacts on the Courts, and
 - c. if appropriate, comment on the fiscal note.

8. Respond to legislator inquiries regarding the impact of bills, making sure before response that the judge is aware of the Judiciary's formal or informal position on such legislation. All judges are asked to coordinate responses to inquiries with the Administrative District Judge or the Administrative Director of the Courts. The response should be limited to the individual judge's experience with the issue at hand and not an expression of policy on behalf of the entire Judiciary.
9. Advise the Administrative Director of the Courts of relationships between the judge and individual legislators, and apprise of contacts with legislators or ADJ regarding proposed legislation or other matters of interest to the Judiciary.
10. Judges are encouraged to follow legislative proceedings in any of the following ways:
 - a. listen and view all legislative and committee proceedings via the internet at Idaho in Session, www.idahoptv.org/insession/.
 - b. read the Legislative News segment of the weekly *Court E-News*,
 - c. follow the legislative bill tracker/bills of interest on the legislative website at: www.legislature.idaho.gov/.
11. Write "Thank You" letters and notes to Legislators following the session.
12. Conduct district visits to new legislators, and participate in judiciary-sponsored orientation sessions for new legislators
13. Identify "Defects in the Law" pursuant to Article V, Section 25 of the Idaho Constitution, and report all such defects to the Supreme Court by September 1st of each year.
14. Identify possible legislation to improve the administration of the state court system, and forward such recommendations to the Administrative Director of the Courts for consideration by the Administrative Conference, and the Supreme Court.
15. This protocol is intended to outline the many ways in which judges may contribute to building positive legislative-judicial relationships. While it applies to all judges, it is especially intended to acquaint new judges with the basic principles, ethical issues, and practical considerations that guide the Judiciary's interaction with legislators. It is not intended to inhibit any judge, but rather to describe the various activities that may occur from time to time, and to let new judges know that Idaho judges have found it productive to deliberate with "many voices" but speak "one message" regarding legislative and budget priorities of the Courts. We hope you find this outline useful, and invite any comments, criticisms, or suggestions for improvement.

Note:

"*A Manual for Judges and Court Managers about Judicial Involvement in Legislative Processes*" was developed with the support of the State Justice Institute, and is available via the McGeorge School of Law website: http://www.mcgeorge.edu/documents/centers/government/ccglp_pubs_a_manual_for_judges_and_court_managers.PDF)