

In the Supreme Court of the State of Idaho

IN RE: ORDER AMENDING LOCAL RULES)
of the FIFTH JUDICIAL DISTRICT)

ORDER

The Administrative Judge of the Fifth Judicial District, having submitted a proposal to amend the local rules pursuant to Rule 1(c) of the Idaho Rules of Civil Procedure and Rule 2(c) of the Idaho Criminal Rules, and the Court having approved that proposal:

NOW, THEREFORE, IT IS HEREBY ORDERED, that the local rules of the Fifth Judicial District be amended, and that the amended local rules attached to this order are hereby approved and adopted.

IT IS FURTHER ORDERED, that the amended local rules of the Fifth Judicial District shall become effective immediately.

IT IS FURTHER ORDERED, that the amendments to the Local Rules of the Fifth Judicial District of the State of Idaho shall be sent to the trial court administrator of the Fifth Judicial District for publication and dissemination.

IT IS FURTHER ORDERED, that the Fifth Judicial District is hereby authorized to submit the amendments to the editors of *The Advocate* for publication and inclusion in the *Idaho State Bar Desk Book*.

DATED this 9th day of April, 2019.

By Order of the Supreme Court

R. Burdick

Roger S. Burdick, Chief Justice

ATTEST:

Clerk

I, Karel A. Lehrman, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
certify that the above is a true and correct copy of
the Order
entered in the above entitled cause and now on
record in my office.
WITNESS my hand and the Seal of this Court 4-10-19

KAREL A. LEHRMAN

Clerk

By: [Signature]

Chief Deputy

**Local Rules for the District Court and Magistrate Division
for the Fifth Judicial District**

Rule 1. Authority for the Rules. These local rules are promulgated under the authority of Rule 1(c), I.R.C.P., and Rule 2(c), I.C.R. and they will govern the procedures of the District Court including procedures for setting the time and place for the trial of actions and the hearing of all other proceedings and motions. These local rules apply unless in conflict with I.R.C.P., I.C.R., or I.R.F.L.P.

Rule 2. Amending Local Rules.

Rule 3. Calendars and Calendaring Matters. Each judge shall control and set his or her own calendar. To schedule or re-schedule any court hearing or proceeding, counsel must contact the calendaring clerk of the presiding judge to arrange a time certain. Contact information may be located on the Fifth Judicial District website under the "Counties" tab. <http://www.5thjudicialdistrict.com/>

Rule 4. Clerk's Office Hours of Operation.

I.C.R. 41.1 provides for the Administrative District Judge to prescribe the hours of operation for transaction of business in the offices of the clerk of the district court for each county within the Fifth Judicial District. Excluding legal holidays and such other days and times as may be ordered by the Idaho Supreme Court or the Administrative District Judge, hours of operation may be located on the Fifth Judicial District Website under the "Counties" tab. <http://www.5thjudicialdistrict.com/>

Rule 5. Jurisdiction of Attorney Magistrates.

The Magistrates of the Fifth Judicial District are given jurisdiction over all matters designated in I.C. §§1-2208 and 1-2210 in I.C.A.R. 5 and 5.1, and as may be now or subsequently authorized by Idaho statutes or Supreme Court rules or orders. District Judges have concurrent jurisdiction over all cases assignable to Magistrate Judges.

Rule 6. Small Claims Department. Pursuant to the provisions of I.C. §1-2301, there is hereby created a Small Claims Department of the Magistrates Division which shall have jurisdiction only in cases for the recovery of money where the amount of each claim does not exceed \$5,000.00.

Rule 7. Court Filings in Felony Criminal Cases.

7.1 The information and any Motions to Revoke Probation will be filed with the court and served no later than seven (7) calendar days before Arraignment. The Clerk of the Court will not place a case on the calendar for Arraignment or Admit/Deny hearing until either the Information or Motion to Revoke has been filed with the court.

7.2 Pursuant to I.C.R. 45, all written motions and any supporting affidavit(s), including motions for bond reduction will be filed and served not later than seven (7) calendar days before the time set for the hearing. Opposing affidavits must be filed not less than one (1) calendar day before the hearing as provided by I.C.R. 45.

7.3 Any documentation regarding a felony sentencing or disposition, including, but not limited to presentence investigation reports, including all addenda, psychological or behavioral assessments, GAIN assessments, court compliance reports, letters in aggravation or mitigation of sentencing, problem solving court orders, and any other document pertaining to a sentencing or disposition will be filed no later than seven (7) calendar days before the time set for the sentencing or disposition hearing.

7.4. If either party desires to call a witness or witnesses at any hearing, including sentencing or disposition, the party will file a written notice thereof with the court, and serve the same upon counsel for the opposing party not later than seven (7) calendar days before the time set for the hearing. Individuals, including victims, making informal statements at sentencing or disposition are considered witnesses under this provision.

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Rule 8. Caseflow Management Plans. The Fifth Judicial District hereby adopts the following Case Management Plans to insure the just, speedy and inexpensive determination of every action and to secure simplicity in procedure, fairness in administration, and elimination of unjustifiable expense and delay. See I.R.C.P. 1(c) and I.C.R 2(c).

8.1 Felony Caseflow Management Plan. The District Judges of the Fifth Judicial District adopt and hereby incorporate into these local rules the Criminal Caseflow Management Plan as approved by the Fifth Judicial District Judges. The plan may be accessed at: <http://www.5thjudicialdistrict.com/>

8.2 Child Protection Caseflow Management Plan. The District Judges of the Fifth Judicial District adopt and hereby incorporate into these local rules the Child Protection Caseflow Management Plan as approved by the Fifth Judicial District Judges. The plan may be accessed at: <http://www.5thjudicialdistrict.com/>

8.3 Family Law Caseflow Management Plan. The District Judges of the Fifth Judicial District adopt and hereby incorporate into these local rules the Family Law Caseflow Management Plan as approved by the Fifth Judicial District Judges. The plan may be accessed at: <http://www.5thjudicialdistrict.com/>

8.4 Misdemeanor Caseflow Management Plan. The District Judges of the Fifth Judicial District adopt and hereby incorporate into these local rules the Misdemeanor Caseflow Management Plan as approved by the Fifth Judicial District Judges. The plan may be accessed at: <http://www.5thjudicialdistrict.com/>

Rule 9. Consolidation of Cases. Motions to consolidate shall be presented to and ruled upon by the judge assigned to the case with the lowest case number. Provided, however, if the cases sought to be consolidated consist of a case within the Magistrate Court and one in the

District Court, the motion to consolidate will be presented to and ruled upon by the judge assigned to the District Court case, regardless of whether the District Court case is the newest case. The motion to consolidate shall be served on all parties in each action involved and shall be filed in each case involved. The proposed Order to Consolidate shall only be filed in the lead case.

Rule 10. Newspaper Designation for Name Change Proceedings. I.C. §7-803 provides for newspaper designation for the publication of notices of hearing in name change proceedings and directs the Court to designate a newspaper as most likely to give notice in the county where the person whose name is proposed to be changed resides. The following list of newspapers shall be the designated newspapers for the counties of the Fifth Judicial District:

Blaine County: Idaho Mountain Express,
Ketchum Idaho

Camas County: The Courier News, Fairfield,
Idaho

Cassia County: Times-News, Twin Falls, Idaho

Gooding County: Times-News, Twin Falls, Idaho

Jerome County: Times-News, Twin Falls, Idaho

Lincoln County: Times-News, Twin Falls, Idaho

Minidoka County: Times-News, Twin Falls, Idaho

Twin Falls County: Times-News, Twin Falls,
Idaho

Rule 11. Administration of Drug Testing at Juvenile Detention Centers. All juveniles who are admitted to a juvenile detention center within the Fifth Judicial District shall be required to submit to a drug screening test. Information obtained in such drug screening tests cannot be used for purposes of proof of any pending or potential charge, unless there is a pre-existing order requiring the juvenile to submit to testing. Juveniles whose drug screening tests indicate a presumptive positive for the presence of a controlled substances or alcohol shall have his or her parents/guardians notified of the results of the test and provided

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information on how and where to obtain appropriate services, if any.

Rule 12. Bond on Felony Probation Violation. Unless a bond has been previously established by means of a warrant, bond for a felony probation violation shall be set at \$75,000 by the presiding magistrate.

Rule 13. Bail Bond Pleadings. Pursuant to I.C. §3-420 and the Idaho Statewide Guidelines for the Uniform Administration of Bail, the Magistrate and District Judges of the Fifth Judicial District have been surveyed and uniformly support the following:

13.1. Pleadings with regard to bail and bonds shall be filed in accordance with the I.C. §3-420 and the Statewide Bail Guidelines for the Uniform Administration of Bail Bonds in All Trial Courts of the State of Idaho.

13.2. Where the bail agent is mandated to file a Motion and Order for Exoneration pursuant to Sections 11E(3), such filings will continue to be accepted in the Fifth Judicial District. In all other cases, no bail agent or other employee of a bonding company or surety may file motions and proposed orders unless that agent or employee is an attorney licensed to practice law in the state of Idaho.

Rule 14. Solicitation of Bail Business in Courthouses. Bail agents are prohibited from soliciting clients within any courthouse or court facility in the Fifth Judicial District. This prohibition extends to offices, courtrooms, lobbies, hallways or corridors in any courthouse.

Rule 15. Electronic Recordings of Certain Court Proceedings. Presiding district judges of the Fifth Judicial District may, at their discretion in the unanticipated or anticipated absence of a court reporter, order the electronic recording of any or all district court proceedings, in

accordance with I.C.A.R. 27(c), as the official court record.

Rule 16. Weapons and Conduct in Court Related Buildings.

16.1 For purposes of this rule, the term "court facilities" shall be defined as any building in the Fifth Judicial District in which a state court judge presides in a courtroom.

16.2 All persons entering any court facility, including but not limited to court, county or state employees, are subject to screening and/or search of their persons, clothing and bags or carrying cases of any kind.

16.3 All persons entering any court facility are prohibited at all times from uttering loud, threatening, vulgar or abusive language, or otherwise engaging in any disorderly or disruptive conduct, at any place within said building, or committing any acts which would impede, disrupt, or disturb the orderly conduct of any judicial or court related process.

16.4 Subject to the persons exempted set forth below, all persons entering any court facility are prohibited from carrying or having on their persona at any place inside a court facility, any firearm, pistol or revolver of any kind, any knife exceeding 2 ½ inches in length other than knives contained in any break room within a judicial facility, any explosive or explosive device, incendiary device, ammunition, Taser or related device, pepper spray or any related substance, or any other device that could be considered a weapon.

16.5 Persons exempted, except as otherwise provided:

i. Persons who, with the prior written approval of the Administrative Judge of the Fifth Judicial District of the State of Idaho, or their designee, upon a showing of good cause for the necessity of the possession of such an item.

ii. Idaho State Court Judges.

iii. Official designated court attendants, such as deputy sheriffs/court bailiffs/marshals.

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iv. Officers of the court such as attorney law clerks/staff attorneys for judges of the Fifth Judicial District, including all senior judges serving in this District.

v. Any sworn uniformed Idaho Peace Officer with a service weapon holstered in a Level 3 holster.

vi. Those persons who have been identified and approved by the sheriff's department in each county, which approval may vary depending on the building at issue, subject to the review and approval of the Administrative District Judge. Such exempted persons may, but are not required to, include elected county officials and county prosecutors of the county where the courthouse is located, if their office is located within a court facility. It may also include "peace officers" as defined in Idaho Code §19-5101, so long as those officers have satisfactorily completed the peace officer standards and training academy. Each sheriff's department shall maintain an approved list of such exempted persons for each designated court facility, and may add to or delete from said list as necessary for safety purposes from time to time as required, but at least once every year, again subject to the review and approval of the Administrative District Judge.

vii. However, the presiding judge in any courtroom of any court facility may limit the presence of any weapons into that courtroom while that judge presides there, except for those weapons carried by officially designated court attendants and uniformed sworn Idaho Peace Officers with a service weapon holstered in a Level 3 holster.

16.6 No person, including elected county officials, county prosecutors, deputy sheriffs, court bailiffs, marshals and "peace officers", shall enter any court facility with any weapon while attending personal court proceedings not pertaining to his or her official duties.

Rule 17. Operation of Video, Audio or Photographic Equipment at Courthouses, Annexes or Court Facilities. I.C.A.R. 45 governs the use of audio/visual coverage in Idaho's courts. I.C.A.R. 45(e) directs the administrative district judge to promulgate rules governing the operation of audio/visual coverage outside the actual courtroom of courthouses, annexes or court facilities. Therefore:

17.1 Subject to the exception noted hereafter, no filming, photography or broadcast of any portion of the interior of any courthouse, annex or court facility, outside the courtroom, may be made without the approval of the Administrative District Judge.

17.2 Documents posted on public bulletin boards within any public area of a courthouse, annex or other court facility may be photographed or broadcast without further court approval.

17.3 No filming or pictures of court proceedings, litigators, parties, or court personnel shall be permitted through courtroom doors or windows.

17.4 No equipment, including, but not limited to video or camera, shall be set up or used in such a way as to impede the free flow of traffic throughout the hallways, entrances or exits of the courthouse or other court facility. Furthermore, no such equipment shall create a burden upon courthouse security, as determined at the sole discretion of the supervising court security officer.

17.5 No person under the age of eighteen (18) may be filmed or broadcast, inside or outside the courthouse, or as that juvenile is being transported to or from the courthouse, unless that person is answering to charges as an adult.