I.R.C.P. 16.n. Registration of Private Civil Litigation Evaluators.

Idaho Rules of Civil Procedure Rule 16(n). Registration of Private Civil Litigation Evaluators.

1. Application For Registration as a Private Civil Litigation Evaluator. The Administrative Director of the Courts will compile a list of private civil litigation evaluators. Persons interested in being placed on this list must submit an application to the Administrative Director of the Courts on a form prescribed by the Supreme Court. Applicants shall furnish, in addition to information, proof that the applicant possesses the qualifications for registration on the Supreme Courtís list of private civil case evaluators as set forth in this rule. An applicant shall also be required to identify his or her area(s) of legal expertise and experience.

2. Qualifications of Private Civil Litigation Evaluators. In order for a person to be placed on the Supreme Courtís list of private civil litigation evaluators, a person must certify by application that he or she is an active member of the Idaho State Bar in good standing and has held such membership for a minimum period of seven (7) years; or is a justice or judge who has retired from the Idaho judiciary or who has been designated a senior judge by the Idaho Supreme Court pursuant to Section 1-2005 or 1-2221, Idaho Code.

In addition, an applicant must be familiar with the Small Lawsuit Resolution Act (Section 7-1501 et seq., Idaho Code) and the rules, practice and procedures of the Idaho Supreme Court governing proceedings in the district courts of the State of Idaho; and have the background experience and training to fairly, impartially and competently evaluate a civil case pursuant to the provisions of the Small Lawsuit Resolution Act.

3. Roster of Civil Litigation Evaluators. The Administrative Director of the Courts shall maintain a roster of civil litigation evaluators who meet the requirements of this rule. The roster shall indicate, in addition to other information, the county or counties in which evaluators will accept appointments. The Administrative Director shall publish a copy of the roster, including information relating to the evaluator, on the Idaho Supreme Courtís website.

4. Oath of Evaluator. In each case, prior to undertaking an evaluation, a private civil litigation evaluator must sign a written oath that he or she will faithfully and impartially discharge the obligations and duties of an evaluator in a timely manner as prescribed by law, and to represent that he or she does not have a conflict of interest regarding the parties or the subject matter of the dispute that would prevent him or her from rendering a fair and impartial opinion in the conflict.

The oath of the evaluator shall be substantially in the following form:

I,_____, hereby accept appointment as evaluator in the above-captioned case. I certify that I

meet the qualifications and shall fulfill the obligations of an evaluator, including the impartial and timely discharge of the duties of an evaluator. I have been informed of the identities of the parties to the case and the subject matter of the dispute and I have no conflict of interest nor any bias that would prevent me from rendering a fair and impartial opinion in the conflict.

_____

Signature

SUBSCRIBED AND SWORN to before me this _____day of _____.

_____

Signature

(Adopted July 1, 2002, effective July 1, 2002 as IRCP Rule 16(m);amended April 22, 2004, effective July 1, 2004.)

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