



## **I.C.A.R. 2. Removal of magistrates without cause**

### **Idaho Court Administrative Rule 2. Removal of Magistrate Judge Without Cause.**

(a) **Statement of Intent.** This rule is adopted under Idaho Code § 1-2207(3) to govern a magistrates commission's removal of a magistrate judge during their first 18 months in office.

(1) **Application.** The rule applies to a magistrate judge who is subject to a personnel review meeting or removal proceeding.

(2) **Administrative proceeding.** Removal under this rule is an administrative personnel proceeding. It is not adversarial or judicial in nature. The Idaho Rules of Evidence do not apply.

(3) **Information gathering.** This rule does not limit a magistrates commission's ability to gather information.

(b) **Time and method of removal.** A magistrates commission may remove a magistrate judge within 18 months of appointing them. Removal requires a majority vote of the voting members.

(c) **Grounds for removal.** A magistrate judge may be removed under this rule without cause or statement of the reason.

(d) **Personnel review meeting.** A magistrates commission must shall hold a personnel review meeting to determine if a removal hearing should be held.

(1) **Who can call.** The personnel review meeting may be called by:

(A) the administrative district judge (ADJ);

(B) ADJ's designee; or



(C) on written request of three magistrates commission members to the ADJ.

### (2) **Meeting notice.**

(A) The magistrates commission members must receive reasonable notice.

(B) The magistrate judge does not have to receive notice of the personnel review meeting.

(3) **Removal hearing.** The magistrates commission must set a removal hearing at the demand of three voting members.

(e) **Notice of removal hearing.** A magistrate judge may be removed at a regular or special magistrates commission meeting.

(1) **Who must receive notice.** Magistrates commission members and the magistrate judge must receive at least 14 days written notice of the removal hearing.

### (2) **How notices served.**

(A) *Notice to magistrate judge.* The magistrate judge must receive notice by personal service or as prescribed by the ADJ. Proof of service must be lodged with the ADJ.

(B) *Notice to magistrates commission members.* Notice to magistrates commission members must be served by regular mail or personal delivery.

### (3) **Content of notice.**

(A) *Magistrate judge notice.* The notice must provide that a purpose of the meeting is to consider the magistrate judge's removal under Idaho Code §1-2207, and that the magistrate judge may attend those parts of the meeting as permitted by the magistrates commission.



(B) *Magistrates commission notice.* Notice to the members of the magistrates commission must:

(i) inform the member that a purpose of the meeting is to consider the removal of the magistrate judge; and

(ii) that the magistrate judge can only be removed by a majority vote of the voting members of the magistrates commission.

(4) **Procedure.** The magistrates commission may permit the magistrate judge to testify and produce evidence. Procedural conduct of the meeting must be determined by a majority vote of the voting members present at the removal hearing.

(f) **Confidentiality.**

(1) Proceedings for the removal of a magistrate judge must be closed to the public and kept confidential.

(2) Records from removal proceeding are confidential and exempt from public disclosure as provided in Idaho Court Administrative Rule 32(d).

(g) **Subpoena power.** Subpoenas cannot be used for proceedings under this rule.

(h) **Order of removal.**

(1) In general. If a magistrates commission decides to remove a magistrate judge, it must:

(A) issue a written order of removal, signed by the chair of the magistrates commission, that provides the termination is effective immediately;

(B) have the order personally served on the magistrate judge or sent by certified mail to the



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magistrate's judge's judicial chambers or home address; and

(C) file the order with the clerk of the district court.

(2) The ADJ must have the order mailed to the Administrative Office of the Courts.

(i) **Removal for cause.** This rule does not prevent the Judicial Council or the Idaho Supreme Court from removing a magistrate judge for cause under Idaho Code § 1-2103A.

(Adopted December 27, 1979, effective July 1, 1980; amended May 1, 1990, effective July 1, 1990; amended June 14, 1999, effective September 1, 1999; Amended June 30, 2025, effective July 1, 2025.)

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