

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO)
RULES OF CIVIL PROCEDURE (I.R.C.P.) ORDER
_____)

The Court having received a recommendation to amend the Idaho Civil Rules of Procedure, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Rules of Civil Procedure, as adopted by order dated March 1, 2016, be and hereby are amended as follows:

1. That Rule 2 be, and the same is hereby, amended as follows:

Rule 2. Form of Documents; Caption; Name of Parties; Language; Abbreviation; and Numbers

(a) Form, Caption and Name – Generally. The following requirements apply to all documents filed with the court:

- (1) they must be printed in black ink using a computer printer, word processor or typewriter on 8 ½” by 11” white paper, except that:
 - (A) prisoners incarcerated or detained in a state prison or county jail may file documents under this rule that are legibly hand-printed in black ink; and
 - (B) forms approved by the Supreme Court or the Administrative District Judge or distributed through the Court Assistance Office in the county where the action is pending may be completed by legibly hand-printing in black ink or by typing;
- (2) they must contain a caption setting forth the names of the parties, the title of the court, the case number, the title of the document;
- (3) the title of the court must commence not less than 3 inches from the top of the first page;
- (4) the name, address, phone number, email address and currently valid Idaho State Bar Number of the attorney appearing of record or, if unrepresented, the address, phone number and email address (if any) of the self-represented party, must

appear above the title of the court in the space to the left of the center of the page and beginning at least 1.2 inches below the top of the page;

- (5) if an attorney is representing a party pro bono, this may be indicated immediately below the attorney's bar number with the words "pro bono" and an indication of any program sponsoring the pro bono appearance, such as Idaho Volunteer Lawyers Program, Idaho Legal Aid Clinic, or a law school clinic;
 - (56) the body of the document must be printed with double line spacing or one-and-one-half (1 1/2) line spacing with a sans-serif font of not less than 11-point size and with margins of not less than 1.2 inches at the top and sides and not less than 1 inch at the bottom unless slightly smaller margins will allow a document to fit on a single page;
 - (67) the title of the document must appear at the bottom of each page;
 - (78) all attached exhibits must be clearly legible;
 - (89) all handwritten exhibits must be accompanied by a machine-printed duplicate;
 - (910) the nature of the document, filing fee category, and filing fee prescribed by Appendix "A" to these rules, must be stated if the document requires a filing fee; and
 - (1011) the title of the action in the complaint must include the names of all of the parties, but in subsequent pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of the other parties.
- (b) **Language of Pleadings.** Pleadings must be in the English language.
- (c) **Abbreviations and Numbers.** Common abbreviations may be used, and numbers may be expressed by words or numerals.

2. That Rule 54 be, and the same is hereby, amended as follows:

Rule 54. Judgments; Costs

(b) Partial Judgment Upon Multiple Claims or Involving Multiple Parties.

- (1) *Certificate of Partial Final Judgment as Final.* When an action presents more than one claim for relief, whether as a claim, counterclaim, crossclaim, or third-party claim, or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay. Otherwise, any judgment order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities. In the event the trial court determines that a partial

judgment should be certified as final under this Rule 54(b), the court must execute a certificate which must immediately follow the court's signature on the partial judgment and be in substantially the form found in Appendix B.

- (2) *Jurisdiction if Appealed After Rule 54(b) Certificate.* If a Rule 54(b) Certificate is issued on a partial judgment and an appeal is filed, the trial court loses all jurisdiction over the entire action, except as provided in Rule 13 of the Idaho Appellate Rules.
- (3) *Offsetting Judgments.* If any parties to an action are entitled to judgments against each other such as on a claim and counterclaim, or upon cross-claims, the judgments must be offset against each other and a single judgment for the difference between the entitlements must be entered in favor of the party entitled to the larger judgment.

3. That Filing Fee Schedule sections B.2., H.2.f., and K.2. found in **Appendix A** be, and the same are hereby, amended as follows:

B. 1. Divorce

State portion includes additional \$20 displaced homemaker fund and additional \$20 domestic violence fund

district court fund includes \$5.00 taken from the State General Fund fee, which shall be separately identified and deposited in the District Court Fund, for establishing a uniform system of qualifying counselors in domestic violence cases. I.C. § 31-3201A(q)

- a. With minor children
 - b. Without minor children
2. ~~Motion~~ Petition or stipulation to reopen or modify divorce
- a. With minor children
 - b. Without minor children

H. Case filings with no fee

1. In District Court

- a. Petition for sterilization
- b. Judicial consent for abortion petitions
- c. Post-conviction act proceedings*
- d. Stipulation for entry of judgment*
- e. Court initiated contempt*

2. In Magistrate Division

- a. Cases brought under Ch. 3, Title 66, I.C. for commitment of mentally ill persons
- b. Demand for bond before personal representative is appointed.
- c. Petition to compromise minor's claim
- d. Petition for civil protection order or to enforce foreign CPO pursuant to Ch. 63, Title 39, I.C. pleadings
- e. Post-conviction act proceedings*
- f. Stipulation for entry of judgment after initial case filing or reopening fee paid

K. Special Filings

1. Order granting change of venue (pay to new county).
2. Petition, motion or stipulation to reopen a case after no activity for one year

4. That the form found in **Appendix B** be, and the same is hereby, amended as follows:

Rule 54(b) Certificate of Final Partial Judgment

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above partial judgment it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above partial judgment is a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED this _____ day of _____, 20_____.

(Signature - District Judge)

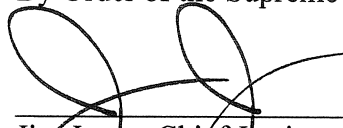
IT IS FURTHER ORDERED, that this order and these amendments shall be effective the first day of July, 2016.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Rules of Civil Procedure.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of The Advocate.

DATED this 27th day of April, 2016.

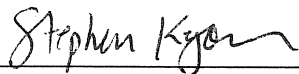
By Order of the Supreme Court



~~i, Stephen W. Kenyon, Clerk of the Supreme Court 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 4.27.16

ATTEST:



Clerk


Clerk

By: 
Deputy