

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO  
RULE OF CIVIL PROCEDURE 77

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ORDER

The Court, having received a recommendation to amend Idaho Rule of Civil Procedure 77, and the Court being fully informed:

IT IS ORDERED that Idaho Rule of Civil Procedure 77 be amended as follows:

## **Idaho Rules of Civil Procedure Rule 77. Class Actions.**

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### (i) Disposition of Residual, Funds in Class Action Cases.

#### (1) "Residual Funds" are:

(A) the funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted, or

(B) if it is impossible or economically impractical to distribute the settlement or judgment funds to the class at all, the funds remaining after the payment of all approved expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted.

Nothing in this rule is intended to limit the trial court from approving a settlement or order that does not create residual funds.

(2) Any order entering a judgment or approving a proposed compromise or settlement of a class action certified under this rule that establishes a process for identifying and compensating members of the class, or where such process is impossible or economically impractical, may provide for the disbursement of residual funds. In matters where residual funds remain and are not subject to statutory directives, unless the parties jointly direct otherwise, the residual funds shall be disbursed to the Idaho Law Foundation for use, in accordance with judicial

instructions for the award, toward the provision of legal services and access to the justice system for low-incomes residents of Idaho.

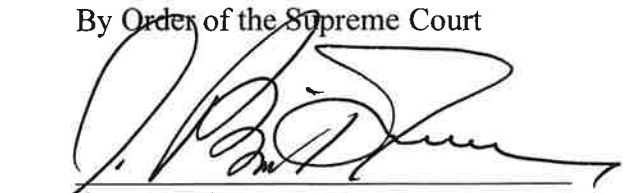
IT IS FURTHER ORDERED that this amendment shall be effective as of January 1, 2026.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rule by lining through them, and the designation of the addition of new portions of the Rule 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 notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 22<sup>nd</sup> day of December, 2025.

By Order of the Supreme Court

  
G. Richard Bevan  
Chief Justice, Idaho Supreme Court

ATTEST:

  
Melanie Gagnepain, Clerk

I, Melanie Gagnepain, 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 12-22-2025  
Melanie Gagnepain, Clerk

By Lera Miles Deputy