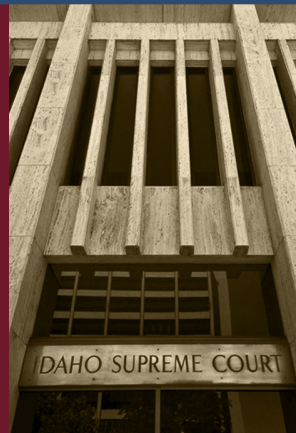




# Idaho State Judiciary



2010 ANNUAL REPORT



## *Message from the Chief Justice*

As with other state agencies, the Judicial Branch has experienced significant budget cuts. Even when presented with such challenges, the Idaho judiciary has been able over the last year to fulfill its constitutional responsibilities to the people of Idaho.

Idaho's tradition of judicial excellence is well known beyond our state's borders. During 2010, judges in Idaho continued to be recognized nationally. The Idaho Legislature was the first in the nation to adopt legislation authorizing the establishment of Domestic Violence Courts statewide. Last year, a team from the Ada County Domestic Violence Court was highlighted at a national conference for its work, progress, and innovation.

Domestic violence courts are just one type of problem-solving courts where Idaho continues to lead with innovation and results. Idaho currently has 56 drug and mental health courts, which include both adult and juvenile drug and mental health courts and DUI courts. These courts are currently at capacity but have proven their effectiveness in reducing recidivism. We are also working on the formation of a veteran's court in Ada County to deal more effectively with veterans struggling with substance abuse, post-traumatic stress, traumatic brain injury, or other mental health issues. Idaho judges continue to explore other innovations, including attendance courts, which have resulted in increased school attendance where they have been implemented.

We recognize that many Idahoans who need access to our courts cannot afford legal counsel, particularly in domestic relations cases. Throughout Idaho, our court assistance offices provide legal forms, instructions for filling them out, and information about court procedures. Last year, almost 55,000 people requested assistance from an Idaho court assistance office. Our courts also collaborate with Idaho Legal Aid Services to provide a nationally recognized project to provide online assistance through an interactive interview to complete 160 court-approved forms. Those forms have been filed in all of Idaho's counties, with an average of 182 forms being filed every month.

Not surprisingly, technology continues to play a critical role in the delivery of fair and timely justice. Our statewide case management system – ISTARS – is nationally recognized and not only assists our judges in managing cases, but also helps decrease costs to state agencies by using electronically transferred information instead of repetitive data entry. ISTARS also identifies those people who owe more than \$50 and sends that information electronically, along with identifying information, to the Idaho Tax Commission. Last year, the Commission intercepted over \$3.2 million dollars in income tax refunds to pay past due restitution to crime victims, fines, and unpaid court costs in over 16,000 cases statewide.

The courts continue to work with law enforcement, including the Idaho State Police, to develop and implement electronic citations, or e-citations. Officers use a computer to generate a printed citation, and the data is transmitted to the courts electronically, eliminating the need for manual data entry. This process reduces the average traffic stop time from 12 minutes to 3 minutes.

We continue to plan for the implementation of electronic filing of documents in trial courts, allowing attorneys and private citizens to file documents using the Internet and reducing the court's reliance on paper records. We also continue to explore video conferencing technologies that can reduce the need for judges to travel to handle various matters.

It is important to acknowledge the many Idaho judges who work evenings and weekends to keep up with increasing caseloads and senior judges play a critical role in enabling the Idaho judiciary to dispose of cases in a timely manner. During 2010, the days worked by senior judges were the equivalent to almost nine judicial positions and that translates into significant savings for the citizens of Idaho.

Idaho judges and court personnel appreciate the outstanding working relationship we have with the other branches of government who are partners with us in providing quality service and impartial, timely justice to the citizens of Idaho.



*Chief Justice Daniel T. Eismann*

## *Keeping the Courthouse Doors Open*

It is often said that our courts have become the emergency room of society. All of society's problems — drug addiction, mental illness, child abuse and neglect, domestic violence, business failures, marriages falling apart — eventually make their way to courthouses across Idaho.

The challenging economic times facing Idaho and most other states have made the simple, but essential, priority of the Idaho Courts to “keep the courthouse doors open.”

Recognizing the severe financial constraints facing state government, the Idaho Courts have requested no General Fund enhancement in Fiscal Year 2012. At the same time, the Court voluntarily contributed 1% of its general fund budget in the spirit of “sharing the burden” with the rest of state government.

The Court has taken extraordinary steps to reduce its budget and has appreciated the budget flexibility and support, including an emergency surcharge to generate revenue to balance the Fiscal Year 2011 budget, and beyond that has been provided by the Executive and Legislative branches.

In the coming year, the Court will continue to stretch its already depleted judicial resources by maintaining a hiring freeze for all court personnel and cutting court services wherever possible. Additionally, a number of judge positions remain vacant in the interest of cost savings, while Idaho's sitting judges continue to display an extraordinary commitment to the needs of all Idahoans by working even longer hours each day. The Court has not replaced a single General Fund non-judicial position in 24 months, excluding law clerks. There are now 19 positions vacant statewide. To put this in context – the hiring freeze has reduced the Court's workforce and service to the public by 16% (excluding judges and law clerks). Existing personnel are making extraordinary efforts to minimize impacts to Idahoans.

On the technology side of judicial operations, the replacement of over twenty-seven hundred (2700) ISTARS computers and printers in all 44 counties was delayed for over 2 years. Almost half of the counties are running on servers 7+ years old. Whether a server is down for an hour or a day, it is devastating to court operations and to the businesses, law enforcement officers, and others who rely on the courts on-line repository of ISTARS records – which receives over 75,000 hits a day.

From top to bottom, a complete systems review is underway. Each judge, in each county, and all court personnel and county officials across the state are being asked for any new ideas on how to provide timely justice. We know that judicial leadership will be the key to our success.

The tough economic times are not over, but Idaho's Courts are dedicated to keeping the courthouse doors open and continuing to provide all of our citizens justice without delay, as required by Idaho's Constitution.



*Twin Falls County Courthouse*



# *Highlights from Idaho's Judicial Districts*

## 1ST JUDICIAL DISTRICT

- Problem-solving courts in the 1st Judicial District are proving their effectiveness by reducing recidivism and saving taxpayer money. The district will be establishing a domestic violence problem-solving court soon.
- The Kootenai County Juvenile Justice Center opened and now houses the Juvenile Probation Department and Juvenile Diversion Department.
- Renovation of an additional court room continues at the Bonner County Court House.
- The district opened two additional courtrooms and a child protection waiting room in the Juvenile Justice Center.

## 2ND JUDICIAL DISTRICT

- The Nez Perce County Drug, Mental Health, and DUI courts remain at capacity. Both the Mental Health and Adult Drug Courts have created an alumni program for education and fundraising purposes.
- Nez Perce County Court Services received "private provider" status through the state of Idaho and Behavioral Psychology Associates to provide adolescent/adult drug and alcohol addiction treatment.
- Nez Perce County Court Services performed a "cost-effectiveness" survey which determined the average daily cost associated with probation was \$1.46 per client versus \$107.50 for county jail incarceration.
- The Information Technology department implemented video court arraignment in the jail thereby eliminating the need for daily transport of inmates to and from court.

## 3RD JUDICIAL DISTRICT

- New domestic violence, restorative justice, and misdemeanor DUI courts were launched in Canyon County.
- Canyon County received a \$98,000 Byrne/JAG grant to fund a coordinator position and operating expenses for the new misdemeanor DUI court.
- A specially designed children's waiting room was constructed in the Canyon County Courthouse.
- Owyhee County received a Homeland Security grant to upgrade courthouse security.
- Pro se workshops for individuals in Payette and Washington counties have been made available by the Idaho Volunteer Lawyers Program.
- The Canyon County Court Assistance Office is conducting forms workshops for pro se litigants filing family court actions in Canyon County.

## 4TH JUDICIAL DISTRICT

- The Guardianship Monitoring Program developed an internship program with Boise State University using accounting students to audit guardianship and conservatorship reports, and social work students to perform court visits.
- A Focus on Children Class was offered to 3,004 parents, of which 90% felt the class was helpful. The Focus Class is for parents in the 4th Judicial District who are going through a divorce, custody case, or modifying a court order.
- Additionally, Family Court Services began conducting Family Needs Assessments designed to help parents resolve their differences and reach a resolution on parenting issues.
- The courts processed 3,451 interpreter requests for case-related appearances involving 40 different languages.
- Ada County Felony Drug Court celebrated its 11th year. There have been 685 graduates since its inception.
- Ada County Mental Health Court celebrated its 5th anniversary and based on the best data available, maintained a recidivism rate of zero new felony charges for any graduate of the program.





## 5TH JUDICIAL DISTRICT

- The underage, first-time Tobacco/Alcohol Case Coordination citation program (TACC) was expanded to three more counties in the district, creating a total of six counties in this program.
- The district hosted court interpreter training quarterly for interpreters within the district, as well as two certification training sessions.
- As a Child Protection Pilot Project county, the phased case planning has started with the Department of Health and Welfare.
- This district is working to establish a domestic violence court in Minidoka and Cassia county courts.
- A 1.5 day deputy clerk training was completed in September, with a total of 64 attending the sessions.

## 6TH JUDICIAL DISTRICT

- Bannock County received a two-year \$399,000 federal grant from the Office on Violence Against Women to improve victim services, increase offender accountability, and launch training initiatives.
- Court Assistance served 6,956 individuals, a 17% increase from the previous year.
- Ten drug-free babies were born as a result of the problem-solving court in the 6th Judicial District.
- Court Assistance implemented weekly workshops in Bannock County to assist parents with divorce or child custody modifications.

## 7TH JUDICIAL DISTRICT

- Court Assistance began weekly divorce workshops in Bonneville County to address the high demand for form review appointments.
- A regional High-Risk Intensive Treatment Domestic Violence Court for felons and misdemeanor offenders was implemented using Byrne grant funding. The court has grown to 20 participants from three counties.
- Child custody mediations increased 25%. The 7th Judicial District leads Idaho with a 76% success rate in the mediation of custody cases.
- Multiple counties implemented video conferencing systems for arraignments and other court hearings between the adult jails, juvenile detention centers, Behavioral Health Center, and the courtrooms.

## 2010 Changes within the Judiciary

NEW JUDGES	JUDICIAL CHANGES
<b>1st Judicial District</b>	
Honorable Ben Simpson, District Judge January 2010	Honorable Charles Hosack, District Judge Retired December 2009
Honorable Clark Peterson, Magistrate Judge, Kootenai County March 2010	Honorable Ben Simpson, Magistrate Judge, Kootenai County Became District Judge January 2010
<b>2nd Judicial District</b>	
Honorable Michael Griffin, District Judge January 2011	Honorable John Bradbury, District Judge Retired December 2010
<b>3rd Judicial District</b>	
Position held vacant, per current Budget Holdback Policy	Honorable James Peart, Magistrate Judge, Adams County Retired December 2010
<b>5th Judicial District</b>	
Honorable Nicole Cannon, Magistrate Judge, Twin Falls County March 2011	Honorable Howard Smyser, Magistrate Judge, Twin Falls County Retired January 2011
<b>6th Judicial District</b>	
Position held vacant, per current Budget Holdback Policy	Honorable O. Lynne Brower, Magistrate Judge, Bear Lake County Retired March 2010
<b>7th Judicial District</b>	
Position held vacant, per current Budget Holdback Policy	Honorable Keith Walker, Magistrate Judge, Fremont County Retired December 2010
Honorable Steven Gardner, Magistrate Judge, Bonneville County January 2011	Honorable Linda Cook, Magistrate Judge, Bonneville County Retired December 2010
Honorable Dane Watkins, District Judge January 2011	Honorable Gregory Anderson, District Judge Retired December 2010

# *Highlights from the Yearly Reports to the Governor and Legislature*

## CHILD PROTECTION

For over a decade, the Idaho Supreme Court's Child Protection Committee has worked diligently to develop recommendations to strengthen and enhance the Court's role in the child protection process and improve outcomes for Idaho's most vulnerable children. While much has been accomplished in the area of child protection, much remains to be done.

In 2010, the number of child protection petitions filed statewide climbed to 875, a 9.2% increase from the previous year. Despite this overall increase, the number of children placed in foster care by Children and Family Services declined for a third straight year and the cost of foster care declined for the second year in a row.

Volunteers with court appointed special advocates (CASA) continue to play an important role in protecting Idaho's children. Local communities donated 26,759 hours of advocacy while pro-bono attorney work increased by 113 hours.

### *2010 Accomplishments*

- Ongoing development and testing of case management reports for judges.
- Collaboration with the Idaho Department of Health and Welfare to develop standardized reports essential to courts prior to hearings.
- Statewide multidisciplinary training to ensure every involved agency has the tools to assess child safety.
- Completed an assessment which identified best practices for preparing youth to participate in the child protection case hearings.

## COURT ASSISTANCE AND SELF-HELP CENTER

With the continued downturn in the state's economy the number of Idahoans seeking court and legal information continues to rise. The number of requests for court assistance climbed 9.3% to 54,503. Most of these requests are for court forms, information about court procedure, legal referrals, hotlines, mediators, and family court services. The greatest demand continues to be in family related cases that include divorce, custody, and child support.

To meet this demand, the Court Assistance and Self-Help Center redesigned its Web site. The Web site, which received over three million hits last year, contains all the forms and instructions approved for statewide use, including links to all available interactive forms. Educational videos about the court system, as well as instructional videos designed to provide assistance to self-represented parties are also available.

### *2010 Accomplishments*

- Reduced traveling expenses by 76% in the 7th Judicial District through increased use of video-conferencing technology.
- Legal Services Corporation, an independent reviewer, determined Idaho's nationally recognized Interactive Court Forms Project to be a success. This program allows court approved forms to be completed through an interactive online interview. Throughout the state, an average of 182 interactive forms is being filed each month.



## LANGUAGE ACCESS IN THE COURTS

The Idaho courts have an obligation to ensure equal access to justice and due process of law. Judges must ensure that parties, witnesses, and other interested individuals are able to communicate in the English language, regardless of the reason they are accessing the courts.

During CY2009, in Ada, Canyon, and Twin Falls counties 8,913 proceedings required an interpreter. This number is expected to increase. In addition, the U.S. Department of Health and Human Services reports an increase of 1,231 refugees arriving in Idaho in 2009. While 2010 census data is not yet available this number is expected to rise as well. To meet these demands, interpreters speaking 48 different languages have been appointed by the courts.

The Trial Court Financing Report shows the total court interpreter expenses statewide is \$774,355. The Supreme Court also provided \$60,000 for staff interpreter positions in the 3rd and 4th Judicial Districts and \$10,000 is available to the 5th, 6th and 7th Districts to assist with the expense of certified court interpreter services.

## GUARDIANSHIP AND CONSERVATORSHIP

In guardianship and conservator cases, a third party is appointed to assume physical caretaking and/or asset management for an elderly person, minor, or otherwise incapacitated person. There were just over 1,200 new guardianship and conservatorship filings in Idaho in FY2010. Idaho counties (excluding Ada County because they have an internal review process) have submitted 853 annual reports for review by the Administrative Office of the Courts. There is nearly \$95 million dollars being managed by conservators for incapacitated persons in the state of Idaho.

### *2010 Accomplishments*

- Development of an online training course for guardians and conservators based upon the standards of practice applicable to Idaho. In FY2011, clerks and judges will be apprised of this online training.
- Continued the third-party review of annual reports and follow-up.

## DOMESTIC VIOLENCE COURTS

The National Council of Juvenile and Family Court Judges, Family Violence Department and the Center for Court Innovation found that Idaho was the first state in the nation to adopt legislation authorizing the establishment of domestic violence courts statewide. Not only is Idaho's provision regarding statewide domestic violence courts legislatively distinctive, the creation and support of a domestic violence court coordinator is innovative and is currently the only such legislation in the country.

Domestic violence court coordinators assisted over 1,500 victims and domestic violence courts monitored over 1,000 offenders through 3,038 judicial review hearings in FY2010.

### *2010 Accomplishments*

- Idaho Domestic Violence Court Policies and Guidelines were developed to articulate best practices and essential elements for domestic violence courts.
- A mission statement, goals, and objectives for Idaho's domestic violence courts were established.



“The care of  
human life and  
happiness, and not  
their destruction,  
is the first and only  
object of good  
government.”

~ Thomas Jefferson



# *Highlights from the Yearly Reports to the Governor and Legislature*

## CHILDREN AND FAMILIES IN THE COURTS

Idaho courts saw a 7% increase in divorce and child custody modification filings from the previous year. Statewide, Family Court Services met with parents in over 2,700 cases to help with age-appropriate parenting plans and case resolutions. In addition, Family Court Services responded to over 50,000 requests for information and services. And 63% of parents who access the courts are 125% below the federal poverty guidelines.

There are several effective resolution conflict tools but one in particular has been parent education classes. More than 11,300 of Idaho's children benefited from over 9,000 parents attending education classes that are designed to help parents learn ways they can reduce a child's exposure to parental conflict. Over 95% of parents reported this class to be useful. Family Court Services also provided classes to over 850 children, giving them information about their changing family and how to better cope with evolving family dynamics.

### *2010 Accomplishments*

- Collaborated with universities to provide supervised, graduate level interns to work with Family Court Services.
- Implemented assessment and fact-finding services to improve parental understanding of issues related to mental health, substance abuse, and domestic violence and the impact on children.
- Expanded the use of the Informal Custody Trial, which allows parties to speak directly to the court and is designed to keep the testimony child-focused.
- A Domestic Violence Court was implemented in the City of Nampa, Canyon County.
- The 7th Judicial District received a grant to develop and implement a high-intensity domestic violence court in Bonneville County.

## MISDEMEANOR PROBATION SERVICES

Misdemeanor probation services are a critical component of protecting communities and ensuring effective community-based sentencing alternatives for Idaho. As of February 2010 16,328 misdemeanants were supervised by 110 misdemeanor probation officers throughout 42 of Idaho's 44 counties.

Misdemeanor probation services typically cost less than incarceration. A 2010 analysis by the Kootenai County Misdemeanor Probation Department shows that an offender can be supervised in the community for 365 days for about the same cost as a 13-day jail sanction.

Grant funding has been secured to coordinate efforts across Idaho among courts, counties, and the Department of Correction. The Idaho Misdemeanor Probation Development Project is a three year grant that funds a full time project manager. The goals of the project are:

- Development of a training academy for misdemeanor probation officers.
- Development and implementation of statewide misdemeanor probation standards and professional responsibilities.
- Implementation of the Level of Service Inventor, Revised (LSI-R) risk/needs assessment statewide for misdemeanor offenders.
- Enhancing automated case management system (ISTARS) for misdemeanor offenders.



## SENIOR JUDGES: AN IDAHO SUCCESS STORY

During difficult economic times, crimes are still committed, children abused, and families face crises requiring court intervention. In the short term, senior judges fill the gap between existing judicial resources and increasing caseloads until workloads require additional judgeships and economic conditions permit.

The Supreme Court assigns senior judges after determining that there is a need and that the assignment will promote the efficient administration of justice. Senior Judges have all the judicial powers and duties of a regular judge but are only compensated for the days they actually serve and receive 85% of the daily salary of an active judge.

As an alternative to the traditional senior judge program, retired justices, Court of Appeals judges, and district judges have the option of serving as Plan B judges. Plan B judges serve at no compensation cost to the General Fund, aside from travel and per diem expenses. They serve for 35 days per year for five years in exchange for increased retirement benefits from the Judges' Retirement Fund and annual health benefits during their service.

The number of senior judge days worked in FY2010 is the equivalent of almost nine additional judgeships, which translates into a remarkable savings to the citizens of Idaho and to the General Fund.

### *2010 Accomplishments*

- Ten Plan B senior judges served a total of 360 days with virtually no fiscal impact on the General Fund.
- 41 senior judges and 10 Plan B judges worked a total of 1,935 days. This marks a 14% increase in days served over last year.
- One senior magistrate judge and one senior district judge continue to provide mentoring for each new judge that is appointed.

## DRUG COURTS AND MENTAL HEALTH COURTS

In FY2010 all drug and mental health courts combined to supervise a total of 2,316 felony, misdemeanor, and juvenile offenders. This is a 3.2% increase from the previous year. During FY2010 there were 641 graduates from Idaho drug and mental health courts, up from 576 graduates in FY2009.

Community-based sentencing alternatives continue to reduce prison growth. In FY2010, 1,498 adult felony offenders participated in the drug and mental health courts. Of these offenders 1,258 (84%) either remained in drug or mental health court or had successfully completed all requirements and graduated at the end of the year. This represents a significant number of offenders who were managed in the community rather than being sentenced to prison, resulting in significant cost savings to Idaho taxpayers.

### *2010 Accomplishments*

- Completed required planning to establish a DUI court in Canyon County, and Drug Courts in Shoshone and Elmore counties.
- Four child protection drug courts served 85 parents.
- 30 babies were born to clean and sober women bringing the total to 228 drug-free births since the beginning of Idaho's problem solving courts.
- A total of 191 juveniles participated and 42 participants graduated from Idaho's seven juvenile drug courts.
- 80% of participants graduated from DUI court.



*Fremont County Courthouse*



# *Highlights from the Yearly Reports to the Governor and Legislature*

## JUVENILE JUSTICE

The Idaho Legislature enacted the Juvenile Corrections Act of 1995 as a way to ensure juvenile cases are handled justly, effectively, and efficiently. For the second year in a row, juvenile filings have decreased with judges handling 13,186 cases in FY2010. This represents the fewest number of cases filed since FY2006. While there is no empirical data to explain this decline, judges report strong local programs and the solid partnerships between the counties, the courts, and the State as major factors in this trend.

### *2010 Accomplishments*

- Established a successful new diversion process for minors in possession of alcohol and tobacco cases in the 5th District. Of the 71 juveniles seen by the judge, 51 completed successfully, 3 were unsuccessful, and 17 were still in the process at the end of the year.
- The Juvenile Justice Advisory Team continued to provide advice on the processes and procedures designed to improve juvenile justice. This includes work in juvenile competency and the authority of courts over parents of juvenile offenders.
- Sustained volunteer efforts from Juvenile Justice Advisory Team judges and other members to work within their communities to encourage better communication and collaboration between the juvenile justice system partners.

## COURT TECHNOLOGY

Technology continues to play an essential and progressive role in the efficiency, cost, and convenience of Idaho's courts. The statewide court case management system, ISTARS, has been nationally recognized as the best statewide system of its kind in the country.

ISTARS is able to coordinate and provide other state agencies with electronic court information much more timely than traditional methods that required a hard copy and repetitive data entry. This method is also being used by law enforcement officers who can now issue electronic citations reducing the average traffic stop from 12 minutes to three minutes. Information is then forwarded to the courts which eliminates redundant data entry. As a further convenience, the courts are testing a system called CourtPay that allows people to pay their tickets online.

ISTARS also results in very high collection rates by identifying individuals who owe the court more than \$50 and sending that information to the Idaho State Tax Commission. Last tax year, the first year of the program, over \$3,200,00 were collected involving over 16,000 cases statewide.

Court Technology is working towards reducing the traditional paper-intensive work environment through video and phone conferencing, electronic filing, and the implementation of web-based self help systems.

Funding for these efforts is provided by court users who pay \$10 per criminal disposition and civil filing.





## *Recognition, Awards, and New Developments*

### **OLSON AND CASTLETON RECEIVED TOP JUDICIAL HONORS**

Bonneville County Mental Health Court Coordinator, Eric Olson, was presented with the 2010 Kramer Award and the Director of Judicial Education for the Idaho Supreme Court and former Magistrate Judge, Lowell Castleton, was selected as the 2010 Granata Award recipient. The recipients are chosen annually by virtue of their significant contributions to the Idaho judicial system. Both awards were presented in September in Idaho Falls.

### **JUDGE AWARDED SOCIAL JUSTICE AWARD**

In September, the Catholic Charities of Idaho Marie D. Hoff Social Justice Achievement Award was given to Judge Michael R. McLaughlin, District Judge, of the Ada County Mental Health Court. The Marie D. Hoff award recognizes a person or organization that seeks to call forth and engage people in order to transform social structures that perpetuate injustice and poverty and lives out their faith through following the principles of Catholic social teaching.

### **JUDGE BRYAN MURRAY HONORED**

The Idaho State Planning Council on Mental Health gave its 2009 Judicial Award to the Honorable Bryan Murray, a 6th District Magistrate Judge. The award was presented in February 2010, and recognizes individuals who are advocates of improved mental health treatment and have had a major impact on the improvement of mental health issues within Idaho.

### **HONORARY DEGREE CONFERRED AT COMMENCEMENT**

During Northwest Nazarene University's spring commencement, the Honorable Sergio Alberto Gutierrez was awarded an honorary Doctor of Law degree. Judge Gutierrez, the first Latino judge in Idaho, was selected by NNU's Honorary Degree Committee for his professional contributions and recognition as a model for current and future students of NNU.

### **DOMESTIC VIOLENCE COURT DRAWS NATIONAL ATTENTION**

The Ada County Domestic Violence Court received national attention at the Association of Family and Conciliation Courts (AFCC) 47th Annual Conference in Denver. AFCC is an interdisciplinary association of professionals dedicated to improving the lives of children and families through the resolution of conflict. The conference was attended by judges and professionals from around the country as well as Israel, New Zealand, and England.

### **OPENNESS AND ACCOUNTABILITY EXPANDED THROUGH WEB SITE**

Idaho courts promote openness and accountability through the use of its Web site by making opinions, case information, self-help forms, and Supreme Court committee information available online. The judiciary continues to strive to make information on the Internet as accessible as possible.

### **NATIONAL MEDIA AWARD HONORED IDAHO DRUG COURTS**

4th Judicial District Judge Ron Wilper was recognized in August with a national media award at the National Association of Drug Court Professionals conference in Boston. The award was given for developing a public service announcement in support of drug courts in Idaho.



**“The administration  
of justice is the  
firmest pillar of  
government.”**

**~George Washington**

## *Recognition, Awards, and New Developments*

### PROBLEM-SOLVING COURTS REFERENCED AT NATIONAL SYMPOSIUM

Judge Bryan Murray, Norma Jaeger, and Michelle Carney presented “Child Protection Drug Courts: A Model for Collaboration” at a national symposium in Alexandria, Virginia in July. In addition, Norma Jaeger was asked to participate in a multi-disciplinary focus group on dissemination of available evidence-based practices in this field. Throughout the conference, the success of the problem-solving court model was widely referenced from jurisdictions across the nation.

### ADOPTION DAY HELD AT THE IDAHO SUPREME COURT

On November 1 the Idaho Supreme Court honored Adoption Day: a day set aside to recognize the importance of giving children permanent, safe, and loving families through adoption. The morning started with six Ada County adoptions, followed by lunch with adoptions from Canyon County and surrounding areas in the afternoon. Each family was given a “Happy Adoption Day” book, balloons, a fuzzy bear, and a cake donated by Angel Cakes Charity.

### IDAHO STATE TAX COMMISSION INTERCEPTS UNPAID FEES AND FINES

Beginning in 2010 Idaho Code Section 1-1624 authorized the use of state tax refunds to pay delinquent court fees and fines. If a taxpayer has unpaid court costs, fees, or fines, the State Tax Commission may intercept any state tax refund due to the individual up to the amount owed to the court and will transmit those funds to the court to satisfy the overdue obligation.

### NEW “CHILD PROTECTION” WEB SITE LAUNCHED

The Idaho State Judiciary launched a new “Child Protection” Web site that provides a comprehensive source of information for judges, attorneys, child protection stakeholders, and the public. Resources include case law, statutory authority from the state and federal levels, bench guides, and collateral pieces designed to educate and inform.

### MAGISTRATE JUDGE CLERKSHIP ASSISTANCE PROGRAM UPDATE

The Magistrate Judge Clerkship Assistance Program continues to be successful and continued operating during the summer months through the University of Idaho College of Law. During the school year, ten students worked in the program under the supervision of Senior Judge Darrel Perry. Magistrate judges throughout the state who have used the program report high satisfaction in the quality of the research and writing.

### JUDICIAL COUNCIL CHANGES

The Idaho Judicial Council selected James Carlson as its new Executive Director, effective January 1, 2011. Mr. Carlson has tried more than 160 jury trials in state and federal courts and has handled over 20 cases on appeal before the Idaho Supreme Court, the Ninth Circuit Court of Appeals and the United States Supreme Court. Robert Hamlin, who retired as Executive Director, was honored for his outstanding service to the Idaho Courts at the Idaho Judicial Conference.

### IDAHO LAW LEARNING CENTER FINDS A HOME AND FUNDING

The University of Idaho, in collaboration with the Idaho Supreme Court, will develop an Idaho Law Learning Center at the historic Ada County Courthouse in Boise. The Center will house an enhanced Idaho State Law Library as well as Boise programs of the College of Law, while also providing a distinctive venue for continuing judicial education and law-related civic education for the public. The Joint Finance and Appropriations Committee approved an initial \$500,000 to get started with the renovation.



## Statewide Caseload Highlights

### FOR CALENDAR YEAR 2010

- 1,017 new appeals were filed with the Idaho Supreme Court in 2010. While there was little change in the total number of appeals filed over last year, there was a 13% increase in civil appeals and an 11% decrease in criminal appeals.
- There has been a dramatic rise in District Court civil filings in the past few years; statewide, new filings have increased by 31% since 2006. The greatest change has occurred in the last two years and is likely due to the economic decline.
- District Court criminal filings were also up in 2010, increasing 14%, over the previous year.
- Most notably, felony DUI filings have been steadily on the rise, increasing by 25% this past year and by nearly 100% since 2006.
- Misdemeanor cases, on the other hand, decreased 11% in 2010.
- While small claims filings have dropped substantially in recent years, declining by 19% in just one year, other civil claims in Magistrate Court rose by 15% in 2010.
- Domestic relations cases continue to be filed in higher than average numbers. There was a 5% increase in 2010 and a 9% increase since 2006.
- Child protection filings leveled off in 2010 after a steady decline of 12% over the past five years.
- Juvenile cases have declined steadily over the past few years; filings were down by 4% last year.

## Ten Year Caseload Statistics

### DISTRICT COURT CASES FILED

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Civil	7,652	8,228	8,018	7,883	7,564	7,875	8,188	9,558	10,365	10,277
Criminal	8,009	9,363	10,821	11,825	12,480	12,252	11,453	10,485	10,454	11,884
Total	15,661	17,591	18,839	19,708	20,044	20,127	19,641	20,043	20,819	22,161

### MAGISTRATE DIVISION CASES FILED

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Civil	89,683	95,655	99,321	101,589	96,727	99,914	95,872	96,567	96,160	100,068
Criminal	93,393	98,380	100,582	102,488	104,676	110,279	109,394	113,920	110,630	101,787
Infractions	219,690	223,394	225,406	218,399	220,916	226,419	236,321	232,776	240,293	225,738
Juvenile	11,925	11,230	12,034	12,416	12,587	13,640	14,843	14,803	13,578	13,071
Total	414,691	428,659	437,343	434,892	434,906	450,252	456,430	458,066	460,661	440,664



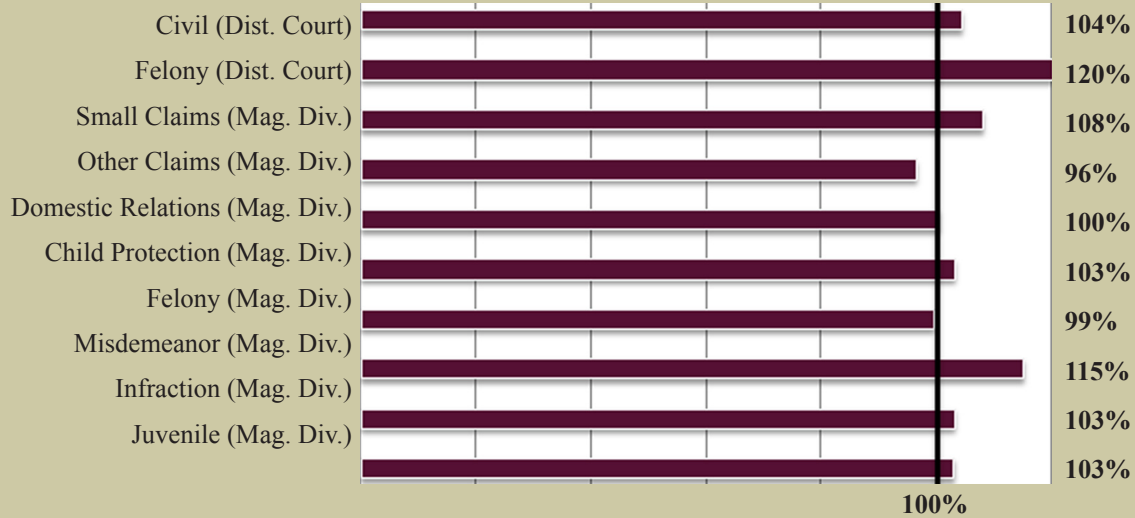
## *Update on Court Performance Measures*

In May 2009, the Idaho Supreme Court adopted nine court performance measures developed by the National Center for State Courts and ordered that they be “established, monitored, and published regularly.” Five of the nine court measures are now being implemented—Clearance Rates, Time to Disposition, Age of Pending Caseload, Access and Fairness, and Court Employee Satisfaction.

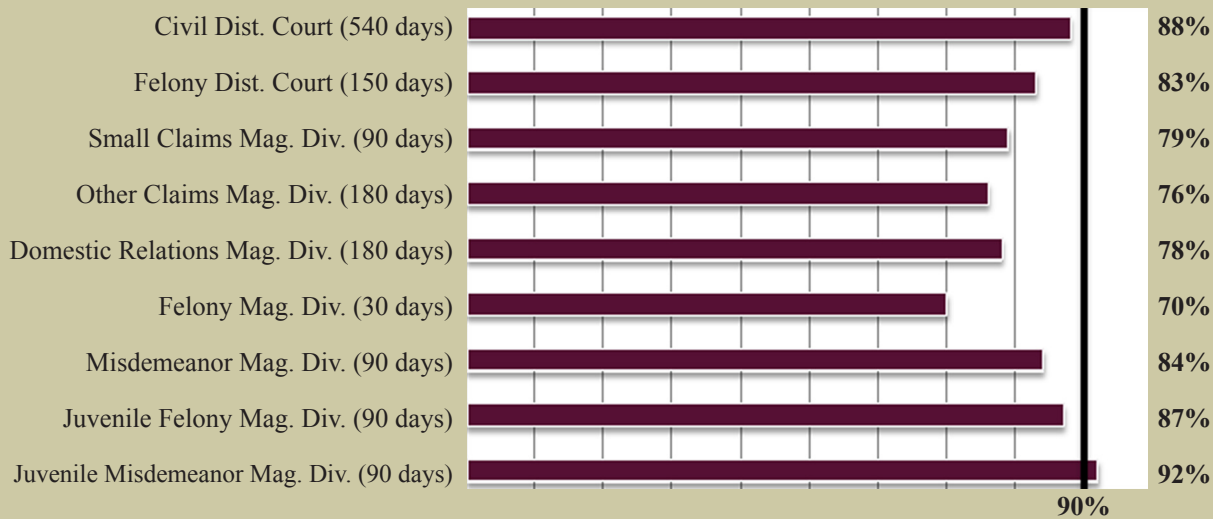
- A **Clearance Rate** is the number of outgoing cases as a percentage of the number of incoming cases. The Court’s goal is to dispose of at least as many cases as have been filed or reopened. In 2010, eight of ten case types met that goal.
- **Time to Disposition** measures the length of time it takes courts to process cases. It is used to compare actual case processing times against pre-determined benchmarks, with the goal that at least 90% of each case type meets the established timeframes. Though in 2010, just one case type met this goal, there was an increase in the percentage of cases resolved within timeframes for six of nine case types.
- **Age of Pending Caseload** refers to the age of active cases, cases that have not yet been disposed. Like time to disposition, this measure is used to compare actual caseloads against benchmarks, and Idaho courts strive to meet the standard in 90% of cases. At the end of 2010, courts had not quite met this goal; however, there was an increase in the percentage of cases meeting the standard for four of nine case types.
- The **Access and Fairness** survey was administered to court users in Boundary and Bonner Counties (both in the 1st Judicial District) in August 2010. The survey provides court users such as litigants, family members of litigants, jurors, witnesses, and attorneys, an opportunity to provide feedback on several dimensions of court accessibility and fairness. The survey results in these two counties are overwhelmingly positive, particularly with respect to accessibility. Over 90% of respondents in both counties report that they were treated with courtesy and respect, that court staff paid attention to their needs, and that they felt safe at the courthouse.
- The Idaho Judiciary’s first **Employee Satisfaction** survey was administered in 2010. The survey is designed to assess the quality of the work environment within the Judiciary and to facilitate positive organizational change and development. Overall, the results of the 2010 survey are very encouraging. Over 90% of personnel surveyed report that they are satisfied working for the Judiciary. The results also show that most personnel have a positive perception of supervision and management within the organization and that organizational and interpersonal relationships are strong within the Judiciary.



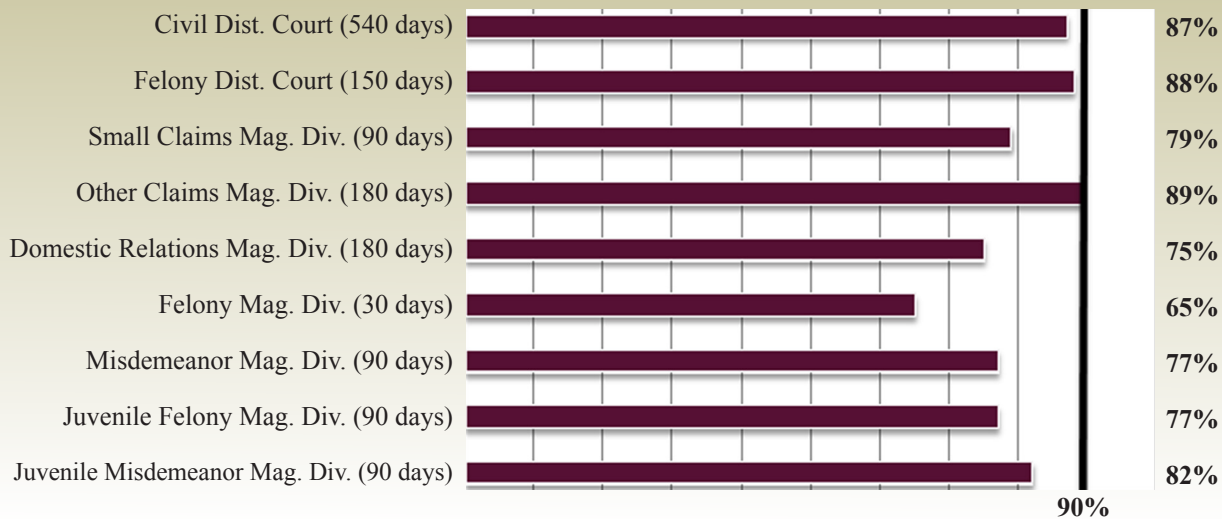
STATEWIDE CLEARANCE RATES:  
CY2010



STATEWIDE PERCENTAGE OF DISPOSED CASES MEETING TIME STANDARDS:  
CY2010



STATEWIDE PERCENTAGE OF PENDING CASES MEETING TIME STANDARDS:  
CY2010





# Mission Statement of the Idaho Courts

Provide equal access to justice, promote excellence in service, and increase the public's trust and confidence in the Idaho courts.

## GOAL 1: INCREASE ACCESS AND SERVICE TO THE PUBLIC

- Enhance and expand Court Assistance Office services, and increase public awareness of Court Assistance Office services.
- Continue the development of interactive court forms in English and Spanish on a redesigned Court Assistance Office website.
- Expand the recruitment, training and certification of court interpreters, and increase the availability and use of certified Spanish language interpreters.
- Complete the implementation of the criminal ISTARS in the Ada County criminal justice system (March 2008).
- In partnership with the Idaho State Bar, develop options for legal representation for persons of limited means where legal representation is desirable.
- Provide public access to appropriate court information by way of the Internet.
- Encourage use of E-citations to be filed with the court, and accept Internet payment of fines, fees, and court costs.

## GOAL 2: IMPROVE THE FAST AND FAIR RESOLUTION OF COURT CASES

- Enhance Family Court Services in each district to promote early, non-adversarial, and effective resolution of all cases involving children and families.
- Evaluate new and emerging research on domestic violence calendars, courts, evaluations, offender treatment, and victim support to improve court practices.
- Evaluate effective approaches for handling cases involving mentally ill parties.
- Increase case dispositions and shorten the time to disposition through the expanded use of senior judges, traveling judges and the use of video teleconferencing.
- Establish case management and alternative dispute resolution training institutes and develop new strategies to insure all cases are resolved timely.
- For cases for which time standards apply, resolve 90% of those cases within the time standards.
- Develop understandable, accurate, and relevant reports for all judges, Administrative District Judges, and Trial Court Administrators, to assist judges in meeting the time standards and improving court practices.
- In the area of child protection, strengthen and support local guardian ad litem programs and improve the timeliness and effective resolution of child protection cases.

## GOAL 3: PROMOTE EXCELLENCE IN SERVICE

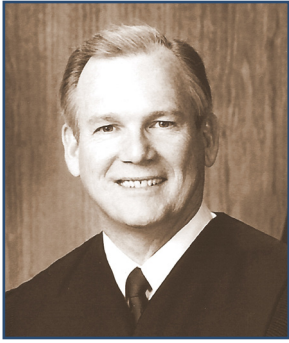
- Plan a Law Learning Center in coordination with the University of Idaho Law School and others to promote legal and judicial education, relocate the Law Library, and offer an expanded third year law school program.
- Strengthen education and training of judges and court personnel by upgrading electronic resources with a knowledge management system, and expand technology-based instruction.
- As funding allows, continue to enhance educational programs to court reporters, court interpreters, court security officers, jury commissioners, Court Assistance Officers, misdemeanor and juvenile probation officers, juvenile detention officers, Drug Court and Mental Health Court Coordinators, Family Court Services Coordinators, and other court related personnel.
- Sponsor annual, multi-disciplinary training institutes, involving children and families, substance abuse, mental health, domestic violence, and other social concerns confronting the judiciary.
- In partnership with the Idaho State Bar, explore establishing standards for attorneys practicing in child protection, juvenile justice, and guardianship and conservatorship cases.

## GOAL 4: INCREASE PUBLIC TRUST AND CONFIDENCE IN IDAHO COURTS

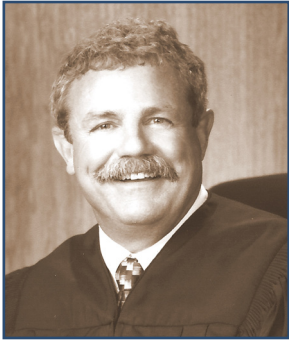
- Evaluate the effectiveness of community-based alternatives for juvenile offenders such as youth courts, truancy courts, drug courts, mental health courts, status offender programs, and community accountability boards.
- Expand the capacity of drug courts, mental health courts and other problem-solving courts, and continue to evaluate their effectiveness.
- Update existing court security and emergency plans, including a coordinated response with appropriate governmental entities.
- Encourage availability of effective sentencing alternatives statewide to reduce recidivism of felony, misdemeanor, and juvenile offenders.
- Refine court performance evaluation systems and fully implement them to improve the responsiveness and performance of all judges and the Idaho courts.
- Implement the guardianship/conservatorship pilot monitoring program in six counties, establish standards of practice for guardians and enforce court orders and annual accountings.
- Increase the public awareness of the importance of the jury system and the participation of the public in that system, and develop strategies to improve services and appreciation of all jurors.
- Encourage a misdemeanor probation system comparable to the juvenile and felony probation systems.
- Promote the performance and productivity of the Judiciary by better helping judges and court personnel with a range of issues, addressing wellness, job satisfaction and productivity, medical/mental health, substance abuse and addiction, aging, and more.
- Increase the efficiency and effectiveness of the Court of Appeals by adding a fourth judge to expedite the issuance of opinions and by increasing the use of technology, and other innovations, as recommended by the Appellate Task Force.
- Conduct public surveys and outreach to improve the performance of the judiciary and hold Idaho courts accountable to the public by publishing regular reports of performance.
- Establish, monitor, and publish regularly court performance measures relating to access and fairness, clearance rates, time to disposition, age of active pending caseload, trial date certainty, reliability and integrity of case files, collection of monetary penalties, the effective use of jurors, and court employee satisfaction.



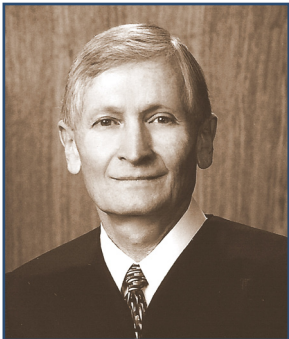




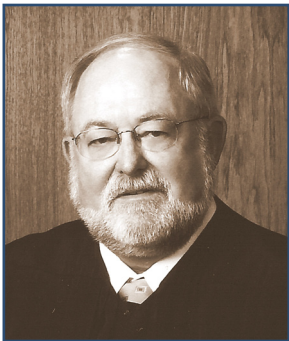
*Chief Justice Daniel T. Eismann*



*Justice Roger S. Burdick*



*Justice Jim Jones*



*Justice Warren E. Jones*



*Justice Joel D. Horton*

# *Annual Report of the Idaho State Judiciary*

## **COURT OF APPEALS**

Chief Judge David W. Gratton | Judge Sergio A. Gutierrez  
Judge Karen L. Lansing | Judge John M. Melanson

## **2010 ADMINISTRATIVE DISTRICT JUDGES**

Hon. John Mitchell - *1st Judicial District*  
Hon. Jeff Brudie - *2nd Judicial District*  
Hon. Juneal Kerrick - *3rd Judicial District*  
Hon. Michael Wetherell - *4th Judicial District*  
Hon. Richard Bevan - *5th Judicial District*  
Hon. David Nye - *6th Judicial District*  
Hon. Jon Shindurling - *7th Judicial District*

## **2010 TRIAL COURT ADMINISTRATORS**

Karlene Behringer - *1st Judicial District*  
Hon. Jay Gaskill (Acting) - *2nd Judicial District*  
Dan Kessler - *3rd Judicial District*  
Larry Reiner - *4th Judicial District*  
Linda Wright - *5th Judicial District*  
Suzanne Johnson - *6th Judicial District*  
Burton Butler - *7th Judicial District*

## **CONTRIBUTING TO THE REPORT**

Patricia Tobias - *Administrative Director of the Courts*  
Corrie Keller - *Deputy Administrative Director of the Courts*  
John Peay - *Deputy Director, District Court Leadership*  
Shirley Throop - *Executive Assistant*  
Taunya Jones - *Research Analyst*  
Camille Nelson - *Technical Writer/Information Design*

## **PHOTO CREDITS**

*The Idaho Supreme Court building image on cover by Senior Justice Wayne Kidwell, the image on page 2 by Camille Nelson, and the image on page 16 by Judge Michael Dennard.*

*The Idaho Heritage Trust has significantly contributed to this publication by providing courthouse images by photographer Jan Boles.*

*The Idaho Heritage Trust was created by Idaho's Centennial Legislature to help preserve the historic fabric of Idaho for the state's Bicentennial in 2090. Fifty cents from each standard Idaho plate goes into an endowment fund. The interest from the fund, in partnership with money from local communities, helps to preserve historic buildings, sites and artifacts throughout Idaho. To date, the Trust has helped more than 300 organizations and has funded projects and architectural, engineering and conservation assistance in every county in Idaho.*

*One of the decisions made by the Idaho Heritage Trust's Board of Trustees is to document the historic buildings of Idaho in our time as a gift for the coming generations. This year, in addition to photographing Trust projects throughout Idaho, the Idaho Heritage Trust has asked photographer Jan Boles of Caldwell to document the state's courthouses and the Trust is proud to share a few of those photographs with the Idaho Supreme Court for this report.*