

MINUTES

ADMINISTRATIVE CONFERENCE

Tuesday and Wednesday, July 21-22, 2015 // Continental Room, Sun Valley Inn, Sun Valley, Idaho

The Administrative Conference was called to order on Tuesday, July 21, 2015, at 12:30 pm MDT by Chief Justice Roger Burdick. Administrative District Judges in attendance included: Hon. Lansing Haynes, Hon. Jeff Brudie; Hon. Bradley Ford, Hon. Timothy Hansen, Hon. Richard Bevan, Hon. Stephen Dunn, and Hon. Darren Simpson. Trial Court Administrators present included: Karlene Behringer, Hon. Jay Gaskill (acting), Dan Kessler, Larry Reiner, Linda Wright, Suzanne Johnson, and Burt Butler.

Others joining for all or part of the Conference included: Interim Administrative Director of the Courts Justice Linda Copple Trout; Hon. Barry Wood, Interim Deputy Administrative Director of the Courts; Court of Appeals Chief Judge John Melanson; Hon. John Butler, President – District Judges Association; Hon. Michael Oths, President – Magistrate Judges Association; Hon. Kent Merica – Vice President – Magistrate Judges Association; Hon. Rick Bollar, Past-President – Magistrate Judges Association; Roland Gammill; Janica Bisharat; Andrea Patterson; Kerry Hong; Kevin Iwersen; Michael Henderson; Cathy Derden; and Steve Kenyon.

Chief Justice Burdick congratulated Linda Wright, Fifth Judicial District Trial Court Administrator, on her retirement at the end of September, and presented her with a Ward Hooper print of the Supreme Court building signed by those present. He noted that she began her career with the courts as a jury commissioner, later winning an election as the elected clerk, and ultimately becoming the Fifth Judicial District's trial court administrator. Linda was awarded the Kramer Award in 2014, and was known for her remarkable personality, strong when she needed to be, always calm, the personification of professional. Congratulations and thank you, Linda!

A. Mission Statement, Values and Strategic Goals and Objectives of the Idaho Courts and ICAR 43A

- At each meeting, the Administrative Conference reviews the Court's strategic goals and objectives and ICAR 43A regarding the role and responsibilities of the Administrative Conference.
- Discuss the timing / frequency of the evaluation process for Administrative Conferences. To ensure the Administrative Conference is accomplishing the necessary work for the judiciary, a survey had been taken of Administrative Conference members following meetings. In the interest of time, there was no discussion about the evaluations, but the timing/frequency of the evaluation process will be on the agenda for discussion at a future conference.

B. Approval of Minutes of the April 16-17, 2015 Administrative Conference

IT WAS MOVED BY BURT BUTLER AND SECONDED BY STEVE KENYON TO APPROVE THE MINUTES OF THE APRIL 16-17, 2015 ADMINISTRATIVE CONFERENCE. THE MOTION PASSED UNANIMOUSLY.

C. Supreme Court Action on April 2015 Administrative Conference Recommendations and Other Supreme Court Updates by Chief Justice Burdick

1. The recommendation for the FY16 senior judge allocations was forwarded to the Supreme Court and approved.
2. The FY16 proposed budgets for the Drug Courts/Mental Health Courts, Family Court Services, Court Assistance, Domestic Violence, Guardianship/Conservatorship Program, court interpreters, and guardian Ad Litem (subject to committee approval) were approved by the Supreme Court.
3. The employee compensation recommendation was forwarded to the Supreme Court and approved.
4. The amendment to IRCP 54(a) was forwarded to the Supreme Court for its consideration and approved. The Court also approved the Administrative Conference recommendation to leave 54(b) as it is.
5. The amendments to the Idaho Rules of Family Law Procedure and IJR 37 were forwarded to the Supreme Court and approved.
6. The amendment to ICR 33(c) was forwarded to the Supreme Court and approved.
7. The proposed amendments to ICAR 32 were forwarded to the Supreme Court and approved.

D. Legislative and Budget Matters1. Legislative Updates Provided in each Judicial District

Justice Trout, Judge Wood, and Michael Henderson met with judges in all seven judicial districts to address matters of concern or suggestions to improve the administration of justice, review legislation of interest, court rule changes, and implementation issues. Judge Wood reported they appreciated the opportunity to visit with judges, and that they came away with a few ideas about potential new legislation.

- a. *Summary of 2015 Legislation of Interest to the Judiciary* was previously circulated.
- b. *Summary of Rule Changes* was included in the conference materials for information.
- c. *Uniform Business Practices* was included in the conference materials, published in the *Court E-News* on July 10, 2015, and all elected clerks have received the final version.

2. FY15 Budget (ending June 30, 2015)

Roland Gammill reported that FY15 general funds were fully expended, with the exception of \$36,869 for the Judicial Council which reverted back to the state General Fund. The Technology Fund rolled \$4,150,932 of spending authority into FY16 because a large portion of Tyler deliverables will not be completed until the first quarter of FY16. In the Drug/Mental Court Family Court Services fund, overall one-time measures taken in FY15 to preserve cash balances for FY16 included utilizing General Fund salary savings to cover costs of senior judge days, and the under-utilization of SUDS treatment dollars used to cover FY15 drug testing costs. As a result, the Court was able to retain \$1,075,858 in this fund to present the case balance for FY16.

Roland reported that FY15 revenues were down again across all dedicated funds. The civil filing fee revenues associated with HB509 and the emergency surcharge continue to be monitored closely each month. After 11 fiscal months of HB509 revenues, the projections for FY16 are nearly \$500,000 below the original second year revenue projections for HB509. For FY16 the necessary expenditure adjustments are being made to compensate for the \$500,000 projected decrease in revenues

As for cash balances, reported on page 49 of the materials, technology fund balance at \$2.8 increased by nearly \$2 million mostly due to the Tyler deliverables and some hardware purchases mentioned above that carried forward from FY15 to FY16. Those dollars will be fully expended in FY16. In regards to the Drug/Mental/Family Court services fund, the FY15 ending balance of \$2.2 million is almost the exact ending balance from FY14. As mentioned above, the one-time opportunity to cover costs of senior judge days and drug testing expenditures out of the General Fund salary savings and underutilized SUDS dollars helped to prevent the courts from significantly depleting cash reserves and reducing the cash balance in the Drug/Mental/Family Court Services fund by nearly \$1 million dollars.

3. FY16 Budget (ending June 30, 2016)

Roland Gammill presented the FY16 General and Dedicated Fund budgets and revenues for:

- a. Technology Fund Revenues ([I.C. § 1-1623](#))
- b. Drug & Mental Health Courts / Family Court Services Fund Revenues ([I.C. § 1-1625](#))
- c. Other Dedicated Funds

The Court approved the FY16 budget enhancements and budget allocations at its June conference. Because of payments made in FY15, the approved Supreme Court budget for FY16 leaves \$1.3 million on the table in the Court Technology fund, and \$956,100 on the table in the Drug/Mental/Family Court Services fund to preserve cash and to keep the budgeted expenditures as close to the projected revenues as possible. If revenues exceed projections, the Court will review providing additional funding if needed. However, if revenues continue to decline, the Court may need to reduce program spending before the end of FY16 to maintain the necessary minimum cash balances. The major concerns for FY16 are the continued monitoring of the HB509 civil filing fee revenue numbers on a monthly basis, the emergency surcharge revenues, and to ensure revenue projections will meet budgeted expenditures.

4. Preliminary FY17 Legislative and Budget Matters

a. Appropriations priorities discussion and recommendations to the Court.

Judge Wood recounted that prior to the last series of economic downturns, the Administrative Conference's budget recommendations for the Court would be formulated at its July meeting. But in the last few years with the economic downturn and the state's unstable revenues, reliable information was not available for the July Administrative Conference. This postponed the Administrative Conference's budget recommendations until the October meeting, which delayed preparations of reports and materials needed for the legislative session.

A recent report from the Division of Financial Management shows the state's revenues are ahead of projections, although there are lingering questions about the effect of this year's drought and fire-fighting costs on the state's budget. This year the Administrative Conference is being asked to make budget recommendations at its July meeting, making it possible for the Court to vote on the recommendations at its August or September Oral Conference.

All budget requests from the respective judicial districts were outlined in the materials and reviewed by each district's representatives. The requests for the Court of Appeals, Clerk of the Supreme Court/Court of Appeals, and Administrative requests were also reviewed.

Following the reviews, the discussion focused on the following budget recommendations (see chart on page 5 of these minutes):

- Case Management System Odyssey, Year 3 of 5 (\$2,000,000)

Justice Trout noted the concern about filings running under projections, causing a shortfall in the revenue stream. Concern was raised whether the number of filing fee waivers have increased, causing this shortfall. But until the Odyssey system is fully implemented, this type of information is not currently available.

Following discussion, IT WAS MOVED BY JUDGE DUNN AND SECONDED BY DAN KESSLER TO SUPPORT THE GENERAL FUND REQUEST FOR YEAR THREE OF FIVE OF THE ODYSSEY PROJECT, FOR CONSIDERATION BY THE COURT. THE MOTION PASSED UNANIMOUSLY.

- Possibilities to restore General Fund expenditures to FY10 levels

All items under this category were reviewed, with a special note that the expansion of problem-solving courts without additional probation support is very questionable.

Following discussion, it was moved by Judge Butler and seconded by Karlene Behringer to support moving senior judge days to the general fund (\$865,000) and the elimination of the cooperative welfare fund transfer (\$257,800) for consideration by the Court.

THE MOTION WAS AMENDED TO INCLUDE AT A MINIMUM SENIOR JUDGE DAYS (\$865,000) AND THE ELIMINATION OF THE COOPERATIVE WELFARE FUND TRANSFER (\$257,800) TOTALING \$1,122,800, AS WELL AS SOME OR ALL OF THE OTHER ITEMS LISTED IN THE SECTION TOTALING \$2,839,000 FOR CONSIDERATION BY THE COURT. THE AMENDED MOTION PASSED UNANIMOUSLY.

- Compensation, recruitment and retention of 145 Judicial Officers

Following discussion, IT WAS MOVED BY JUDGE BUTLER AND SECONDED BY KARLENE BEHRINGER TO SUPPORT THE GENERAL FUND REQUEST FOR A 4% SALARY INCREASE FOR SUPREME COURT JUSTICES (RESULTS IN 5% FOR MAGISTRATE JUDGES). THE MOTION PASSED UNANIMOUSLY.

- Judicial Excellence and Education Program (JEEP)
Following discussion, IT WAS MOVED BY JUDGE DUNN AND SECONDED BY JUDGE FORD TO SUPPORT THE GENERAL FUND REQUEST FOR THE JUDICIAL EXCELLENCE AND EDUCATION PROGRAM (JEEP), FOR CONSIDERATION BY THE COURT. THE MOTION PASSED UNANIMOUSLY.
- I.C.A.R. 52 – statewide Language Access Services manager position
It was moved by Dan Kessler and seconded by Karlene Behringer to support a General Fund request to provide additional funding for language access services across the state. This motion was subsequently withdrawn.

Following further discussion, IT WAS MOVED BY JUDGE DUNN AND SECONDED BY JUDGE MERICA TO SUPPORT THE GENERAL FUND REQUEST FOR THE TOTAL AMOUNT LISTED IN ITEMS A THROUGH F, FOR THE COURT TO USE STATEWIDE FOR LANGUAGE ACCESS SERVICES, FOR CONSIDERATION BY THE COURT. THE MOTION PASSED UNANIMOUSLY.

- Staff attorneys funding
Following discussion, IT WAS MOVED BY JUDGE FORD AND SECONDED BY JUDGE BUTLER TO SUPPORT INCLUDING STATE FUNDING FOR STAFF ATTORNEYS IN THE GENERAL FUND REQUEST, FOR CONSIDERATION BY THE COURT. THE MOTION PASSED (2 nays – Judge Hansen and Larry Reiner).

Action Item

The Administrative Conference recommends the Court consider the following items for the FY17 budget priorities:

- A GENERAL FUND REQUEST FOR YEAR THREE OF FIVE OF THE ODYSSEY PROJECT,
- A GENERAL FUND REQUEST FOR AT A MINIMUM SENIOR JUDGE DAYS (\$865,000) AND THE ELIMINATION OF THE COOPERATIVE WELFARE FUND TRANSFER (\$257,800), AS WELL AS SOME OR ALL OF THE OTHER ITEMS LISTED IN THE SECTION (\$2,839,000) FOR A GRAND TOTAL OF \$4,061,800 FOR CONSIDERATION BY THE COURT,
- A GENERAL FUND REQUEST FOR A 4% SALARY INCREASE FOR SUPREME COURT JUSTICES (RESULTS IN 5% FOR MAGISTRATE JUDGES),
- A GENERAL FUND REQUEST FOR THE JUDICIAL EXCELLENCE AND EDUCATION PROGRAM (JEEP),
- A GENERAL FUND REQUEST FOR THE TOTAL AMOUNT LISTED IN ITEMS A THROUGH F, FOR THE COURT TO USE STATEWIDE FOR LANGUAGE ACCESS SERVICES, and
- INCLUDING STATE FUNDING FOR STAFF ATTORNEYS IN THE GENERAL FUND REQUEST.

Upon review of all requests made, the following items were recommended for the FY17 budget priorities:

- 1. Court management System Odyssey, Year 3 of 5 \$2,000,000
- 2. Possibilities to restore General Fund expenditures to FY10 levels from DC,MHC, FCS Fund
 - a. Senior Judge days (approximately 2,000 days) \$ 865,000*
 - b. TCA salaries – 7 positions \$1,036,400**
 - c. Legal Staff salaries – 2 positions \$ 273,900**
 - d. Division Director salaries \$ 573,800**
 - e. Miscellaneous Committee / Education costs \$ 89,900**
 - Total needed to restore General Fund expenditures to FY10 levels \$2,839,000

Recommended for FY17:

- f. Move Senior Judge days to GF (approximately 2,000 days) ... \$865,000*
- g. Eliminate cooperative welfare Fund transfer DC, MHC \$257,800*
- Total recommended for FY17 \$1,122,800

* The restoration of these expenditures will align revenues to expenditures in the DC,MHC, and FCS Fund.

** The restoration of some or all of these expenditures would allow expansion of needed services and programs in the Problem-Solving Courts.

- 3. Compensation, recruitment, and retention of 145 Judicial Officers – by operation of I.C. § 59-502, the percentage increase applied to a Supreme Court Justice results in an increasing percentage to the other levels of judgeships, with the largest % increase going to MJs)
 - a. 4% salary increase to Supreme Court Justice (results in 5% for MJs) \$1,168,000
- 4. Judicial Excellence and Education Program (JEEP) \$294,200
- 5. ICAR 52 – Statewide Language Access Services Manager position
 - a. Salary & Benefits \$ 95,100
 - b. Operations \$ 20,900
 - c. Continuing Education \$ 2,500
 - d. CLAC Representative \$ 2,500
 - Total cost of the Language Access Services Manager position \$121,000
 - e. District 3 increase of language access funds \$ 30,000
 - f. District 4 increase of language access funds \$ 67,500

Requested district increases for FY17 \$97,500

These requests would help the Court come into compliance with Title II of the American with Disabilities Act and Title VI of the Civil Rights Act, provisions dealing with language access.

Total Dedicated and General Fund impact \$7,642,500

(1) Recommendations from the Magistrate Judges Retirement Enhancement Work Group:

Judge Bollar reported that he is a member of the Magistrate Judges Retirement Enhancement Work Group, which also includes Judges Stanford, Axline, Watson, Boyer, Wayman, and Epis. He noted their focus was on enhancement of retirement benefits, and that they also worked with Justice Trout, Andrea Patterson, and Don Drum from PERSI.

The work group's report was included in the materials, with the summary noting some long-term recommendations for study:

- Unifying the retirement system: recommend the Court study the feasibility of moving incoming magistrates into the JRF with a tiered benefit structure.
- Average Wage: Currently, an employee's average wage for use in the PERSI formula is determined by averaging the highest consecutive 42 months of service. Applying the actual wage at retirement could be addressed.
- Spousal benefits: Don Drum of PERSI advised the state's firefighters are currently proposing a change in PERSI retirement for themselves that would increase the amount received by their surviving spouses. This work group would recommend that such changes be more fully examined for possible similar application.
- Insurance Allotment: Currently, senior judges receive an insurance allotment of \$200 per month for every year they work at least 35 days. This work group recommends for the Court to examine the efficacy of increasing that allotment possibly by lifting the limitation of the unused sick leave maximum.
- Vacation Leave: Currently, state employees are limited to 42 days of vacation leave. This work group recommends that the feasibility, or legality, of that limitation being lifted or increased to be examined.

The Magistrate Judges Association work group concluded that due to concerns about a lack of support for their proposals by the PERSI Board, the legislature, and other groups, it would be ill-advised to pursue separate pension enhancements at this time. At the October Administrative Conference, they will instead pursue a recommendation to include magistrate judges in the Judges Retirement Fund instead of asking for a third tier in PERSI.

Action Item

- The Magistrate Judges Association will continue to develop a recommendation to include magistrate judges in the Judges Retirement Fund and bring that forward for consideration by the October 2015 Administrative Conference.

(2) Seventh Judicial District's request for a new magistrate judge

Janica Bisharat reported the Trial Court Administrators are working to develop a recommendation for standard criteria to be used for the analysis of requests for new judicial resources. The intent in this regard is to ensure the Administrative Conference has an opportunity to define what information is most helpful to receive when considering these types of requests. When the TCAs have completed this work, a recommendation will be brought forward for consideration by the conference.

Action Item

- Trial Court Administrators will develop a recommendation for consideration by the Administrative Conference related to the standard criteria to be used for the analysis of requests for new judicial resources.

b. Proposed Legislative Priorities and Defects

Judge Wood discussed the proposed legislative priorities for the 2016 Legislative Session and invited discussion. The proposed legislative initiatives discussed included:

- **Judicial salaries:** In 2014, SB 1394 was enacted which increased judicial salaries and addressed the issue of salary compression. As part of the agreement by which that bill was adopted, it was agreed that judicial salaries would not be addressed again until 2016. Accordingly, judicial salaries will be the subject of a proposal in 2016, with an emphasis on the salaries of magistrate judges.
- **Priority of payments:** Approaches will be considered to addressing the priority given to certain court ordered payments over fees that are essential to court operations, including misdemeanor probation supervision fees and problem-solving court fees.
- **Minor's compromise:** The Court may advance a proposal to amend I.C. § 15-5-409a, regarding minors compromises, to permit a person other than a parent to compromise a minor's claim against a third party and to present the settlement to the court.

Committees will be addressing legislative proposals in two other areas:

- **Jury statutes:** The statutes regarding the penalties to be imposed on jurors and prospective jurors for failing to appear are confusing and appear to be in conflict. This area may be considered by the Jury Committee and there may be proposals to rectify this situation.
- **Child protection:** The Child Protection Committee is drafting and considering amendments to the Child Protective Act and the Termination Act to reflect changes in federal law.

Possible bills to correct defects in the law were also discussed. Judges were reminded they can still propose corrections of defects.

c. Inventory of 2015-15 Potential Legislation

The Legislative proposals will be discussed further and recommendations will be made at the October Administrative Conference.

At 4:30 pm MDT on Tuesday, July 21, 2015, the Administrative Conference recessed for the day.

At 8:30 am MDT on Wednesday, July 22, 2015, the Administrative Conference reconvened.

E. Achieving the Court's Strategic Goals and Objectives

1. Ensure Access to Justice / Enhance the ability to efficiently conduct court business by developing technologies, especially electronic filing of all court documents.

Chief Justice Burdick and Kevin Iwersen were invited to update the Conference on recent developments to fulfill the IT Strategic Plan.

Kevin Iwersen reported the first Odyssey transition took place with the June 22nd "Go Live" event in Twin Falls County, which was preceded by three weeks of training, and followed up with three weeks of intense go-live support. Judges Bevan and Campbell were the first Idaho judges to preside over a fully electronic courtroom on the first day during the first hour. Judge Bevan reported that he is excited about this move, he likes it a lot better than paper files, and that he's "Odyssey's #1 cheerleader." Trial Court Administrator Linda Wright reported she was really, really impressed with the professionalism of the team working on the

go live event and how well they interacted with the Twin Falls staff during the changeover. Tyler conveyed to Kevin this was one of the smoothest go-live events they have seen, and Chief Justice Burdick commented that Kevin's leadership has a lot to do with those results, that he is doing a remarkable job. Kevin reiterated that the go-live in Twin Falls was a full team effort across the Supreme Court and district court personnel, including employees from other counties who assisted with this project. Other items of note included:

- a May 2014 order outlining specific extended users access to certain court information is under review
- the online bond payment function has not been turned on yet
- other attorney of record access needs to be worked on
- work is underway for the Ada County deployment
- the appellate project is being studied with respect to timing of the Ada County project
- equipment upgrades are coming; all judges will receive a laptop, either replacing one they have or replacing their desk top
- recent challenges with the Repository are being managed
- training plans are underway; lessons learned from the Twin Falls deployment will be paid forward to future deployments

Justice Trout reiterated that the success of the Twin Falls deployment would not have happened without the tremendous leadership of Kevin Iwersen and the project team – thank you very much!

2. Provide Timely, Fair, and Impartial Case Resolution / Advance justice by resolving cases as early as possible, while guaranteeing the rights of the parties.

Senior Judge Barry Wood and Administrative District Judge Stephen Dunn updated the Conference on efforts to develop district caseflow management plans, as well as on rule changes under consideration by the Advancing Justice Rules Subcommittee:

- a. Efforts to develop district caseflow management plans continue.
- b. Recommendations from the Advancing Justice Committee on individual district felony case flow management plans were listed in the conference materials. The revised plans will be reviewed again by the Advancing Justice Committee and forwarded to the Court for final approval. Upon approval, each district will need to amend its local rules accordingly.
- c. Some civil and criminal rule changes have been recommended by a rules subcommittee, chaired by Judge Greg Moeller, and are under consideration by the Advancing Justice Committee. The most significant rule amendments under consideration deal with civil rule 4a and 4c regarding rules of process and inactivity dismissals.
- d. The child protection and family plans are being reviewed by a subcommittee.
- e. The misdemeanor plan template has been approved by the Advancing Justice Committee and distributed to the districts, asking for plans to be submitted by the end of 2015.
- f. The civil plan will be postponed until next year.

Judge Dunn noted that through this, some good processes surfaced in other districts, and he urged the districts to review plans from other districts for ideas that may assist in your own plans. He also reiterated that he is determined to see these efforts through to fruition.

3. PERSI Eligibility

Andrea Patterson noted that this item will remain on Administrative Conference agendas until all issues are resolved because of its impact on district judge recruitment and retention, and matters of broad interest to Idaho courts. Efforts to resolve the matter through systemic changes have been deferred due to a district judge's appeal of PERSI's denial of benefits. A PERSI hearing officer is scheduled to review the matter in July and August. The Administrative Conference will be kept apprised of this matter.

4. Revised Judicial Policy Manual

The Administrative Conference was asked to reconsider the revised Judicial Policy Manual, following input received from district and magistrate judges at their respective conferences.

Andrea Patterson reported that after a draft of the Judicial Policy Manual was discussed at the July 2014 Administrative Conference, concerns regarding the administrative leave provisions were reviewed at the October 2014 Administrative Conference. The resulting revised Judicial Policy Manual was presented to district judges and magistrate judges at their respective conferences in early 2015. Andrea reviewed details of the recent revisions to the Judicial Policy Manual, including:

- Section 3.5.8 – Administrative Leave: adding a definition of “willful misconduct”
- Section 3.6 – Professional Development: clarifies that reporting professional development is an opportunity for judges to make recommendations on future topics or presenters. It also helps the Judicial Education Committee become aware of potential presenters or trainers on certain topics.
- Section 3.3 – Retirement: language added to request that justices and judges provide a six month notice of retirement to allow for the lengthy recruitment, selection, and appointment process to take place.
- Section 3.5.1 – Vacation Leave: Language was added to reflect that Supreme Court Justices will no longer accrue vacation leave and that any magistrate, district or Court of Appeals judge, upon taking office as a Supreme Court Justice, will be compensated for their unused vacation leave.
- Mission, Values, Goals: Updated with the most recent version of the Mission, Values, and Goals of the Idaho Courts, effective June 16, 2014.

Following discussion, IT WAS MOVED BY JUDGE GASKILL AND SECONDED BY JUDGE MELANSON TO RECOMMEND THE REVISED JUDICIAL POLICY MANUAL DATED JULY 6, 2015 TO THE COURT FOR ITS CONSIDERATION. THE MOTION PASSED UNANIMOUSLY.

Action Item

- The revised Judicial Policy Manual dated July 6, 2015 will be forwarded to the Court for its consideration.

5. Amendments to District Magistrate Judge Commission Manual

Andrea Patterson presented the proposed amendments to the District Magistrate Judge Commission Manual to reflect changes for magistrate judges as a result of Senate Bill 1170, including:

- Rule 20 relating to the selection process of magistrate judges
- Appendix C: Pertinent statutes and Supreme Court rules relating to the Magistrates Commission and the appointment and retention of magistrate judges
- Appendix D: Form 1 - Notice of Recruitment; Form 2 - Application

Based on additional feedback from Trial Court Administrators, the application has also been updated to limit the number of letters of recommendation to five, and to add a line on the signature page for applicants to print their name.

IT WAS MOVED BY DAN KESSLER AND SECONDED BY JUDGE FORD TO RECOMMEND THE CHANGES TO THE IDAHO DISTRICT MAGISTRATES COMMISSION MANUAL DATED JULY 1, 2015 TO THE COURT FOR ITS CONSIDERATION. THE MOTION PASSED UNANIMOUSLY.

Action Item

- The revised Idaho District Magistrates Commission Manual dated July 1, 2015 to the Court for its consideration.

6. Proposed Evidence Rule Amendments

The Conference reviewed proposed amendments from the Evidence Rules Advisory Committee, which are in accord with recent changes to the Federal Rules of Evidence.

IT WAS MOVED BY JUDGE GASKILL AND SECONDED BY JUDGE BOLLAR TO RECOMMEND THE PROPOSED AMENDMENTS FROM THE EVIDENCE RULES ADVISORY COMMITTEE TO THE COURT FOR ITS CONSIDERATION. THE MOTION PASSED UNANIMOUSLY.

Action Item

- The proposed amendments from the Evidence Rules Advisory Committee will be forwarded to the Court for its consideration.

F. Other Business

1. Discuss the use of electronic recordings: Judge Dunn asked the Conference about practices in their districts regarding requests for copies of audio recordings. It was noted that the recordings are not an official transcript, some districts label the recordings as “not evidence,” and there was a discussion about what is charged for copies of the audio recordings.

2. Discuss addresses on declarations of judicial candidacy

Michael Henderson addressed the issue of listing home addresses on declarations of judicial candidacy. Some judges had expressed concern about public disclosure of their home addresses as a result of listing those addresses on a form that is available to the public. Michael said that he had discussed this with Tim Hurst of the Secretary of State’s Office, and Mr. Hurst said that judicial candidates must list their home addresses on the declaration of candidacy, but can list an office address or P.O. box as their mailing address. He also said that when a public records request is made for the declaration of candidacy, the home address of the judge is redacted from the copy that is made available. Some of the judges present stated that they had been told by the Secretary of State’s Office that it was not necessary to list their home addresses on the declaration of candidacy. Michael said that he would again check with Mr. Hurst and would report back to the Administrative Conference.

Action Item

- Michael Henderson will check again with the Secretary of State’s Office about the need to list home addresses on the declaration of candidacy, and will forward his findings to judges via email or in the *Court E-News*.

3. Discuss resident chambers legislation issue (*WITHDRAWN by Judges Brudie and Haynes*)

4. Judicial Council update: Chief Justice Burdick noted that Jim Carlson has retired, effective July 31, 2015, and that the Council is in the process of finding a new executive director. The Judicial Council office will continue to be staffed, and arrangements have been made for coverage until a new director has been selected.

G. Items for the October 15-16 Administrative Conference in Boise

- Discuss amending the Idaho Rules of Family Law Procedure defining Brief Focused Assessments (as proposed by the Children and Families in the Courts Committee)
- Discuss proposed amendments to ICAR 42 as discussed at the July 21, 2015 Administrative District Judges Meeting.

H. Upcoming Dates of Importance to the Administrative Conference

October 15-16, 2015 / Boise

- Thursday, October 15 (morning)Administrative District Judges Meeting
- Thursday, October 15 (morning).....Trial Court Administrators Meeting
- Thursday, October 15 (afternoon).....Administrative Conference
- Friday, October 16 (morning).....Administrative Conference

February 2016 / Boise

- Tuesday, February 2Clerks/Judges Conference
- Wednesday, February 3.....Administrative Conference

April 2016 / Boise

- Thursday, April 14 (morning)Administrative District Judges Meeting
- Thursday, April 14 (morning)Trial Court Administrators Meeting
- Thursday, April 14 (afternoon).....Administrative Conference
- Friday, April 15 (morning).....Administrative Conference

July 2016 / Boise [dates still to be determined by ISB]

October 2016 / Boise

- Thursday, October 13 (morning).....Administrative District Judges Meeting
- Thursday, October 13 (morning).....Trial Court Administrators Meeting
- Thursday, October 13 (afternoon).....Administrative Conference
- Friday, October 14 (morning).....Administrative Conference

I. Adjournment

Noting that this was Justice Burdick’s last Administrative Conference as Chief Justice, Judge Hansen remarked that he enjoyed working with Justice Burdick during his time as Chief Justice, that he had done very good job taking on a lot of difficult tasks.

Chief Justice Burdick commented that this was Judge Bollar’s last Administrative Conference as a representative of the Magistrate Judges Association, and thanked him for doing a great job as that group’s liaison with the Conference.

Justice Trout again thanked Linda Wright for her years of service as the Fifth Judicial District’s Trial Court Administrator.

IT WAS MOVED BY JUDGE DUNN AND SECONDED BY JUDGE HANSEN THAT THE ADMINISTRATIVE CONFERENCE ADJOURN AT 10:37 am MDT. THE MOTION PASSED UNANIMOUSLY.