

In the Supreme Court of the State of Idaho

**IN RE: ORDER AMENDING LOCAL RULES)
OF THE SEVENTH JUDICIAL DISTRICT)
_____)**

ORDER

Pursuant to Rule 1(c), Idaho Rules of Civil Procedure (IRCP), the District Judges of the Seventh Judicial District, by majority vote on June 27, 2017, adopted the following with respect to local rules, internal case management, and procedures, and further by majority vote on November 28, 2018, amended the local rules to add Rule B6:

A. That all prior local rules are rescinded.

B. The following local rules are hereby adopted as follows:

1. To schedule any court hearing or proceeding, counsel must contact the clerk of the presiding judge to arrange a time certain. In the absence of a special request, all matters shall be set for a fifteen minute hearing. Unless otherwise excused by the presiding judge, counsel requesting a hearing shall promptly file a notice of hearing with copies to all parties.
2. Motions to consolidate pursuant to Rule 42, IRCP shall be heard by the judge assigned to the case with the lower filing number. However, if the cases sought to be consolidated consist of a case within the Magistrate division and one in the District Court division, the motion to consolidate will be heard by the judge assigned to the District Court case, regardless of whether the District Court case is the newest case. (2) Notice of a motion to consolidate shall be given to all parties in each action involved and copy shall be filed in each case involved. (3) In the event a motion is granted, the order shall specify the case number under which all future papers shall be filed, which shall be the lowest of the case numbers involved. Thereafter, that number shall be used exclusively for all papers filed only in the designated case filed. (4) If a motion to consolidate is granted, the case shall be heard by the judge who is assigned to the lowest numbered of the cases involved. However, if the consolidated cases

involved a matter within the Magistrate Court and one within the District Court, the District Court may keep the consolidated matter or request that the ADJ assign the matter to the Magistrate Court.

3. Destruction of exhibits shall be subject to Idaho Court Administrative Rules 37 and 38. To the extent not in conflict with those Rules, exhibits will be disposed of as follows. In civil cases, disposal or destruction of exhibits shall be ordered after two (2) months have expired from final disposition of the case and no appeals have been filed or a request for new trials or re-hearings have been made. In criminal cases, disposal or destruction shall be ordered one (1) year after the expiration of the time for appeal. The court clerk in charge of exhibits shall send a notice of intent to dispose of the exhibits to counsel. Unless the exhibits are recovered by counsel or unless a written objection is filed within 14 days from the date of the notice, the clerk shall dispose of the exhibits. Disposition of exhibits will be as follows:

- a. Contraband shall be given to the law enforcement agency which confiscated it accompanied by an order for destruction issued by the court directing the agency to destroy the contraband and furnish the Court with a certificate of destruction.

- b. Weapons shall be given to the sheriff or law enforcement agency which confiscated them to be disposed of in accordance with Idaho law. The agency receiving the weapons shall furnish the court with a receipt.

- c. Property having value shall be returned to its owner or, if unclaimed, shall be given to the sheriff of the county or other law enforcement agency to be sold in accordance with Idaho law. The agency receiving the property shall furnish the Court with a receipt.

- d. Property having no value shall be destroyed by the clerk.

4. To the extent possible, all civil and criminal matters shall progress pursuant to the case flow management plans, as developed by the 7th Judicial District and promulgated and directed by the Idaho Supreme Court. The following Seventh Judicial District case flow management plans for our ten counties can be found at:

<http://www.co.bonneville.id.us/index.php/courtsjustice-system/jd7>

Felony
Family Law
Child Protection
Juvenile (awaiting approval by Supreme Court)
Misdemeanor
Civil (not yet completed)

5. Individuals seeking a name change are required to publish notice pursuant to statute in the newspaper most likely to give notice of name changes in their county of residence. Therefore, based upon an individual's county of residence, publication of notice shall be in the designated newspapers:

Bonneville County – The Post Register
Madison County – The Rexburg Standard Journal
Fremont County – The Rexburg Standard Journal
Jefferson County – The Jefferson Star
Clark County – The Jefferson Star
Lemhi County – The Recorder Herald
Teton County – The Teton Valley News
Butte County – The Arco Advertiser
Custer County – The Challis Messenger
Bingham County – The Morning News

6. In the interest of judicial economy and efficiency, the District Judges of the Seventh Judicial District approve and establish notice of the jurisdictional assignments of Magistrate Judges in the Seventh Judicial District by local rule, rather than Administrative Order, as follows:
 - a. All matters enumerated in Idaho Court Administrative Rule 5(b) and (c).
 - b. All matters enumerated in Idaho Court Administrative Rule 5.1(a) and (b).
 - c. All proceeding under Title 15, Idaho Code (The Uniform Probate Code).
 - d. In those counties in the Seventh Judicial District where there is not a resident District Judge, or the resident District Judge is absent, Attorney Magistrate Judges may:
 - a. Enter orders authorizing service of process pursuant to ID §5-508.
 - b. Enter defaults and default judgments pursuant to I.R.C.P. 55 in all civil matters regardless of the nature of the action or the dollar value of any claim.

- e. In civil proceedings in BUTTE, CLARK, CUSTER, FREMONT, LEMHI and TETON Counties, where the damages do not exceed \$25,000, the undersigned Administrative District Judge hereby directs that all new civil cases from the date of this order where the amount of damages or value of property claimed does not exceed \$25,000 automatically be assigned by the District Court Clerk's Office to the Magistrate Judge(s) presiding in BUTTE, CLARK, CUSTER, FREMONT, LEMHI and TETON Counties.

- f. In civil proceedings in BONNEVILLE, BINGHAM, JEFFERSON and MADISON Counties, where the damages do not exceed \$10,000, the undersigned Administrative District Judge hereby directs that every new civil action where the amount of damages or value of the property claimed does not exceed \$10,000 automatically be assigned by the District Court Clerk's Office to the Magistrate Judges presiding in those Counties.

- g. Each Magistrate Judge in the Seventh Judicial District is assigned to handle any matter, provided herein, in any County of the Seventh Judicial District.

IT IS SO ORDERED.

Dated this 13 day of March, 2019.

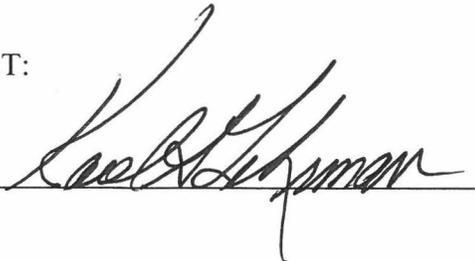
By Order of the Supreme Court



Roger S. Burdick, Chief Justice

ATTEST:

Clerk



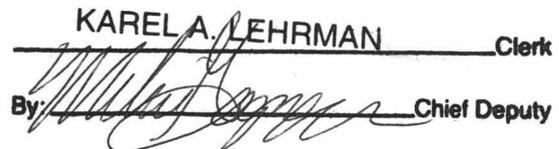
I, Karel A. Lehrman, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
certify that the above is a true and correct copy of
the Order
entered in the above entitled cause and now on
record in my office.

WITNESS my hand and the Seal of this Court 3-13-19

KAREL A. LEHRMAN

Clerk

By:



Chief Deputy