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✓ A.M. P.M. LEWISTON, IDAHO
BY CMB Schenck

IN THE DISTRICT COURT OF THE SECOND JUDICIAL
DISTRICT OF THE STATE OF IDAHO

ADMINISTRATIVE ORDER NO. 2015-02

IN THE MATTER OF AMENDMENT TO THE RULES OF COURT MANAGEMENT
FOR THE SECOND JUDICIAL DISTRICT

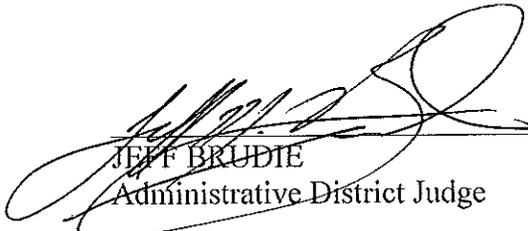
WHEREAS, the Idaho Supreme Court has adopted Rules of Court Management for the Second Judicial District effective February 1, 2006; and

WHEREAS, the Second Judicial District has submitted amendments to the Rules of Court Management for the Second Judicial District:

IT IS HEREBY ORDERED that the Rules of Court Management for the Second Judicial District shall be implemented as modified effective 1/2/2015 or as soon thereafter as approved by the Idaho Supreme Court as outlined on Attachment A, attached hereto.

IT IS SO ORDERED.

Dated this 28 day of January, 2015.


JEFF BRUDIE
Administrative District Judge

**SECOND DISTRICT RULES FOR COURT MANAGEMENT
AND JURISDICTION OF MAGISTRATE JUDGES**

Effective Date – January _____, 2015

1. Authority. These Rules are promulgated under the authority of Idaho Rule of Civil Procedure 1(c) and Idaho Criminal Rule 2.

2. Administrative Assignments.

A. District Judges. Those duties that are necessary for the efficient trial of cases and the efficient operation of the district court in each county shall be assumed by the resident district judge(s), provided that the district courts in Clearwater and Lewis Counties will be administered by the resident district judge in Idaho County.

B. Magistrate Judges. Those duties that are necessary for the efficient trial of cases and the efficient operation of the magistrates divisions of the district courts in each county shall be assumed by the resident magistrate judge(s) in that county.

C. Presiding Judges. The judge assigned to a proceeding shall have primary responsibility for motions and trials relating to that proceeding.

D. Administrative Judge. The Administrative Judge shall be selected for a three year term by majority vote of the district judges of the District, during the last quarter of the final year of the term. The term of office shall begin the first day of the following year. When a vacancy occurs mid-term, an interim Administrative Judge shall be selected by majority vote of the district judges to serve the remainder of the term. Should an Administrative Judge receive a 'no-confidence' vote of a majority of the district judges of the district, that Administrative Judge shall immediately resign the Administrative Judgeship and a new Administrative Judge shall be selected for the remainder of the term.

3. Magistrate Jurisdiction. The Magistrate Judges of the 2nd Judicial District are given jurisdiction over all matters designated in Idaho Code §1-2208 and Idaho Code §1-2210, in Idaho Rules of Civil Procedure 82(c)(1) and IRCP 82(c)(2), in Idaho Criminal Rule 2.2, and as may be now or subsequently authorized by Idaho statutes or Supreme Court rules or orders. District Judges have concurrent jurisdiction over all cases assignable to Magistrate Judges.

4. Requests for Trial Settings. The form attached as Exhibit 1 to these rules shall be used for a request for trial setting pursuant to IRCP 40(b).

5. Continuances. If it appears that a continuance in a case is necessary, the request for continuance should be promptly directed to the Presiding Judge in that case.

6. Trial Assistance. If at any time any District Judge or Magistrate Judge cannot schedule any matter for trial because of prior settings, disqualifications, or any other reason, the judge shall so notify the Administrative District Judge (or designee) in writing. Such notice shall give the name of the case, the names of the parties and their attorneys, the nature of the action, whether a court or jury trial, and the estimated length of trial. The Administrative District Judge (or designee) shall then assign the case to another judge for trial.

7. Caseflow Plans. All cases filed in the 2nd Judicial District will be subject to Caseflow Plans as adopted by the 2nd Judicial District and approved by the Idaho Supreme Court. This includes:

- Criminal Caseflow Management: Effective 1/2/2015 or as soon as approved by the Idaho Supreme Court. (See Exhibit 3).
- Child Protection Caseflow Management: Scheduled to be effective April 1, 2015.
- Misdemeanor Criminal Caseflow Management: Effective date TBA.
- Family Law Caseflow Management: Effective date TBA.

8. District Court Law and Motion Days

Clearwater County

Tuesdays CALL CLERK TO SCHEDULE
Civil matters including probate, estate, default divorces, etc

Idaho County

Thursdays & Fridays CALL CLERK TO SCHEDULE
9:00 a.m.

Latah County

Monday CALL CLERK TO SCHEDULE
9:30 a.m. Civil
1:30 p.m. Criminal
4:00 p.m. Civil and Criminal

Lewis County

Tuesdays CALL CLERK TO SCHEDULE
1:30 p.m.

Nez Perce County

Criminal Matters CALL CLERK TO SCHEDULE
Thursdays - 1:15 p.m. Judge Gaskill
Wednesdays - 9:00 a.m. Judge Brudie

Civil Matters

Tuesdays - 9:00 a.m. Judge Gaskill
Thursdays - 10:00 a.m. Judge Brudie

9. Magistrate Division Law and Motion Days

Clearwater County

Civil matters including probate, estate, default divorces, etc

Idaho County

Wednesdays

CALL CLERK TO SCHEDULE

Probate, Defaults, including Divorces, Orders to Show Cause, etc.

Latah County

Mondays

1:30 pm

CALL CLERK TO SCHEDULE

Probate & Default, including Divorces.

All Motions and Orders to Show Cause.

Lewis County

Thursdays

CALL CLERK TO SCHEDULE

Probate, Default, including Divorces, Motions, Orders to Show Cause, Reciprocal Support Cases.

Nez Perce County

Thursdays

CALL CLERK TO SCHEDULE

9:00 a.m.

Judge Kalbfleisch: Civil matters including probate, estate,
unlawful detainers

10:00 a.m.

Judge Evans: Civil matters, including probate, estate,
unlawful detainers

11:00 a.m.

Judge Merica: Civil matters, including probate, estate
unlawful detainers.

1:00 p.m.

Default Divorces

1:15 p.m.

Name Changes and Adoptions

1:30 p.m.

Domestic Violence Protection Order Hearings

10. Lengthy Hearings. Any motion or hearing which is expected to require more than 30 minutes must be set for a time certain by application made to the Presiding Judge.

11. Separate Form of Order. On a written motion or stipulation, the form of proposed order granting the motion or approving the stipulation shall be submitted as a separate document.

12. Mandatory Rule 16j Orientation

(A) Attendance. Within 45 days of service of process upon the respondent in all domestic relations cases involving minor children, the parties shall attend a court-sponsored orientation program intended to assist them in minimizing the negative impact of the divorce on their children, unless specifically exempted by the Court.

(B) Verification. A verification or certification of a party's completion of the program shall be included in the case file.

- (C) Exemptions. Exemptions may be granted by the Court only upon proof of
- (1) prior attendance at the Court's program, which may be shown by a verification or certificate of completion in the case file.
 - (2) prior attendance at an equivalent program, which shall be shown by affidavit or sworn testimony; or
 - (3) substantial hardship, which shall be shown by affidavit or sworn testimony.

(D) Reattendance. The Court may order the parties to attend or reattend the program if the Court believes it to be in the best interests of the children.

13. Supplemental Order Regarding Parental Responsibilities. Unless otherwise ordered by the Court, all divorce decrees or temporary orders involving child custody, visitation, support, or alimony will incorporate by reference the supplemental order attached as Exhibit 2 to these rules. A copy of this supplemental order will be attached to each divorce decree or temporary order when presented to the Court for signing.

14. Hours of Operation. District Court offices in each county are open for the conduct of the court's public business Monday through Friday (except as provided in I.C. §1-1607 and §73-108) at the following times:

Clearwater County		8:30 a.m. to 5:00 p.m.
Idaho County		8:30 a.m. to 5:00 p.m.
Latah County	M W	8:30 a.m. to 5:00 p.m.
	T Th F	8:00 a.m. to 5:00 p.m.
Lewis County		9:00 a.m. to 5:00 p.m.
Nez Perce County		8:00 a.m. to 5:00 p.m.

15. Attorney Fee Awards in Default Judgments. Before a default judgment may be obtained, if any attorney's fees are sought, the attorney shall present an affidavit stating the nature of the services performed, the number of hours spent, the attorney's hourly rate, a statement of the level of

experience and expertise of the attorney, and a statement that the number of hours spent and the hourly rate charged are fair and reasonable according to the standards of the local community. Failure to comply with this rule shall result in a denial of attorney's fees.

16. Effective Date. The effective date of these rules (following approval and publication by the Supreme Court) shall be January 2, 2015, at which time all prior rules of the District Court of the Second Judicial District are rescinded. A copy of this Order will be published in the Idaho State Bar Desk Book, shall be filed by the Clerk of Court in each County with such other Administrative Orders of the Court, and shall be prominently posted in a public place in each courthouse.

**BY ORDER OF THE DISTRICT JUDGES
OF THE SECOND JUDICIAL DISTRICT**

Exhibit 1

Certificate of Readiness for Trial and Request for Trial Setting

In the District Court of the Second Judicial District of the State of Idaho,
In and for the County of _____

Plaintiff,
vs.

Defendant.

Case No. _____

CERTIFICATE OF READINESS FOR
TRIAL AND REQUEST FOR TRIAL SETTING

1. Type of action
2. Court or jury case
3. Jury trial timely demanded according to I.R.C.P. 38(B)
4. Names and addresses of opposing counsel
5. Estimated trial time
6. Trial dates not available to counsel requesting setting
7. Name of member of firm or associate who will try case
8. If jury case, have parties agreed on fewer than 12 jurors?
9. Pretrial Requested
10. Has all discovery been completed by the undersigned?

I certify that this case is at issue as to all parties and that this request was served on opposing counsel on the ____ day of _____, 20____, and I ask that this case be set for trial.

Dated: _____

Name of Attorney
Attorney for _____
Address, _____

Exhibit 2
Supplemental Order Regarding Parenting Responsibilities
Effective Date: _____

In the District Court of the Second Judicial District of the State of Idaho,
In and for the County of _____

_____)	
Petitioner)	Case No. _____
vs.)	
)	Supplemental Order Regarding
_____)	Parenting Responsibilities
Respondent)	

1. INTRODUCTION

Specific questions as to your rights and duties regarding custody, support, visitation, personal conduct or other matters should always be answered first by looking at the terms of your Divorce Decree and/or Child Custody Order. The following general rules are intended to give you guidance when your decree or custody order is silent, or unclear. Keep in mind that children need as much continuing contact with both parents as is reasonably possible under the circumstances. If either parent tries to improperly deny, diminish or discourage the custody or visitation rights that the court has set up in your decree or custody order (or in these supplemental provisions), it can be taken into consideration by the court at any future hearings.

2. GENERAL RULES OF CARE AND SUPERVISION

When you have the care and supervision of your children, you will provide them with a reasonable standard of living, taking into account your resources and financial abilities. When your children are present, or if you are corresponding with them, do not refer to the other parent in a disrespectful or insulting way, nor permit anyone else to do so.

3. VISITATION, CORRESPONDENCE, & CUSTODY

(A) Reasonable Visitation Rights. If you have been given "reasonable" visitation rights, you may visit the children at such times and places as does not unreasonably interfere with the normal activities of the children *and* the custodial parent. What is "reasonable" may depend upon the age of the children, where you and your ex-spouse live, the mental and physical health of everyone in the family, and other factors of proper concern to you, the other parent, the children, *or the court*. Failure to provide child support does *not* by itself cancel visitation rights.

(B) Alternative Visiting Sites. If a custodial parent asks the visiting parent to find a place to hold visits outside of the custodial home, the visiting parent must find a suitable place to do so. If a visiting parent wants to take the children to activities away from the custodial home, the custodian will have the children ready, clothed and equipped for the planned activities. (Such a request should not require the custodial parent to make extraordinary purchases.)

(C) Schedule Conflicts. If a child wants to do something which could interfere with a parental visit, the custodial parent must obtain the visiting parent's approval before encouraging

or permitting the conflicting activity. The visiting parent, however, should not unreasonably withhold consent to the child's activities. Both parents are to be flexible in working out arrangements, and in the event of conflicts in scheduling, they should not adhere rigidly to the arrangements set forth in the Decree or Custody Order. If the visiting parent is unable to visit at a certain scheduled time or the children cannot be available, then every effort must be made to work out a compromise so that the visiting parent can still spend time with the children to assure the frequent continuing contact anticipated by the custodial arrangement.

(D) Correspondence. The noncustodial parent may correspond with the children, and the custodian shall not censor such correspondence.

(E) Joint Physical Custody. Where the court has awarded joint *physical* custody it means that the children should spend a significant amount of time living with or under the care and supervision of *each* of the parents.

(F) Joint Legal Custody. Where the court has awarded joint *legal* custody, both parents share decision-making rights, responsibilities, and authority for the health, education, and general welfare of their children.

4. CHILD SUPPORT PAYMENTS

Payments may be made by check, cashier's check, or money order **payable to the Department of Health and Welfare** and should include the name of the recipient, the county, and the case number in order to assure that proper credit is given and to avoid delays in processing the payment. Child support payments must be sent to: State of Idaho, Child Support Receiving, Post Office Box 70008, Boise, ID 83707

5. NOTICE OF LIEN & AUTOMATIC IMMEDIATE INCOME WITHHOLDING

The support order is enforceable by a lien which arises automatically upon a child support delinquency, pursuant to Title 7, Chapter 12 of the Idaho Code and by automatic and immediate income withholding under Title 32, Chapter 12 of the Idaho Code. The automatic and immediate withholding order shall be issued by the Department of Health and Welfare or other obligee to your employer or other person who pays your income without additional notice to you.

6. MEDICAL, DENTAL AND OPTICAL NEEDS OF THE CHILDREN

Unless otherwise specified in the decree or custody order, both parents are jointly responsible for the medical, dental and optical needs of their child(ren) until each child reaches 18 years of age (or 19 if enrolled full time in high school.) The parent paying child support shall obtain medical insurance for the child(ren), if available at a reasonable cost, which will ordinarily be the case for employment-related group health insurance. The Court may issue a Qualified Medical Child Support Order or other order if necessary. Each parent will pay their share of medical costs over and above what insurance will pay. Any health care expense which would result in an out-of-pocket cost of \$500 or more to the parent who did not incur the expense must be approved beforehand in writing by both parents, or by order of the Court, except under extraordinary circumstances. The Court may subsequently divide this expense in its discretion between the parents. Consent for treatment must not be requested or withheld unreasonably.

7. NOTICE OF MEDICAL SUPPORT ORDER

Failure to provide medical insurance coverage may result in the direct enforcement of a medical support order by either the obligee or the Department of Health and Welfare. A national medical support notice will be sent to your employer, requiring your employer to enroll the child in a health benefit plan as provided by Sections 32-1214A through 32-1214K, Idaho Code, and applicable rules of the department."

8. INTERFERENCE

Neither parent will intrude upon the privacy of the other or interfere with the other parent's rights under the decree or any other order of the court. Neither parent is to say or do anything which undermines or questions the other parent's authority and right to discipline the children in a reasonable manner. Neither parent is to make insulting or critical statements about the other parent, or that parent's family and friends, nor are they to imply anything derogatory about the other parent.

9. DOMESTIC VIOLENCE

If either parent or the children are victims of domestic violence (that is, physical injury, sexual abuse, or forced imprisonment, or threats thereof) the parent can ask the prosecuting attorney to file a criminal complaint. A parent may also have the right to file a petition in Magistrate Court requesting an order for protection from domestic abuse. The forms needed to obtain that protection order are available from the Clerk of the District Court.

10. CONTEMPT

Violation of any of the orders of the court, including the Decree of Divorce, any subsequent orders, or this order, may be considered contempt of court, and is punishable by fines and/or jailing.

11. ENFORCEMENT

Either parent having knowledge of a violation of this order, or the Decree, or Custody Order may ask the court, under oath, to hold the other parent in contempt. The parent who makes the claim may need to present evidence of the violation to the court. A parent who makes a frivolous or bad faith claim can be punished. For these reasons, among others, it is preferable that such claims be made through an attorney.

**BY ORDER OF THE DISTRICT COURT
OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO**

EXHIBIT 3

Criminal Caseflow Management Plan for Idaho's Second District

Effective Date: 1/2/2015

Statement of Purpose

This caseflow management plan will be administered consistently with Idaho's Statewide Caseflow Management Plan.

The purposes of this plan are to ensure fair, just, and timely case resolution in the courts of the Second District by:

1. Preventing unnecessary delay in case processing.¹
2. Ensuring that each case receives individual attention proportional to need in order to ensure a just result in each case.
3. Promoting judicial leadership and instituting continuous court oversight over the progression of cases from filing to disposition.
4. Creating consistency and predictability for users of the court system.
5. Setting reasonable and mutually understood clear expectations for judges, litigants, the Bar, and the public.
6. Ensuring that judges, court clerks, and trial court administrators have consistent, meaningful case management information to inform their efforts.

Section 1: Assignment of judges in the Second District

All magistrate judges are assigned matters specified in Idaho Code 1-2208 and Chapter 23, Title 1, Idaho Code. Additional matters may be assigned by the administrative district judge pursuant to Idaho Code 1-907. In addition, the Idaho Supreme Court may, by rule, specify additional categories to magistrate judges pursuant to Idaho Code 1-2210.

Backup judge coverage may be provided in instances of scheduling conflicts, judicial conferences, vacations, illness, etc., by assignment to both senior and sitting judges, as available.

The administrative district judge in each judicial district is responsible for the overall assignment of judges and caseloads to ensure effective caseflow management. Each administrative district judge considers carefully the number and types of judges available within the district, as well as the availability of senior judges. Other considerations include population density, distribution and mix of caseloads, number of counties, geography and driving distances, the feasibility and desirability of specialization of caseloads, and societal and workload trends. The administrative district judge and trial court administrator continually monitor the assignment of judges and the effective use of existing resources.

Judicial assignments for the hearing of criminal cases in the Second District are set forth in the Idaho State Bar Desk Book and are modified from time to time. They are also included in local

¹ According to Article I, Section 18 of the Idaho Constitution, "...justice shall be administered without...delay." According to the American Bar Association's *Standards Relating to Court Delay Reduction*, delay is "any elapsed time other than reasonably required for pleadings, discovery, and court events."

Section 2: Management of Criminal Cases

Section 2.1: Idaho Time Standards for Processing Criminal Cases

Idaho Court Administrative Rule 57 establishes time standards for case processing for individual case types. Per the rule, the time standards “are adopted as guidelines for judges, trial court administrators, lawyers, and litigants to assist them in determining the length of time it should take to conclude a case in the trial courts.” Time standards establish reasonable, mutual expectations for the courts, attorneys, and the public and can be an effective way of boosting public confidence in the Idaho courts.

When monitored regularly, time standards serve as a tool to assist courts with managing caseloads, preventing backlog, and assessing progress towards case processing goals. In short, they are a tool for ensuring that Idaho Courts are meeting their goal to provide timely case resolution as reflected in the Mission Statement of the Idaho Judiciary and as mandated in the Idaho Constitution. The identification and monitoring of processing times for key interim case events for each case type is an additional tool to assist with case management efforts, allowing for the identification of specific areas of delay in the case process.

Judges, clerical staff, and trial court administrators consistently monitor time standard reports each month and use the information to take action in particular cases and to adjust processes and reallocate resources to meet case processing goals.

Pursuant to ICAR 57, the time standards applicable to criminal cases are:

Felonies:

Magistrate Div.	30 days from first appearance to order holding the defendant to answer in the district court or discharging the defendant
District Court	150 days from first appearance in district court

Misdemeanors: 90 days from first appearance

The revised time standards that have been approved by the Idaho Supreme Court for piloting to begin in 2015 are:

Felonies:

Magistrate Div.	50% within 21 days 75% within 45 days 90% within 60 days Measured from filing of complaint to order holding the defendant to answer in the district court or discharging the defendant
District Court	75% within 90 days 90% within 150 days 98% within 365 days Measured from date of order holding the defendant to answer in district court to entry of judgment.

Misdemeanors: 75% within 90 days
90% within 120 days
98% within 150 days
Measured from the filing of the complain to entry of judgment

Section 2.2: Assignment of Cases

The purposes of a case assignment policy are (1) to establish for the district the process by which cases will be assigned (individual case assignment or an alternative calendar system), (2) identifying cases in which continuity of judicial attention is important, (3) to designate the instances in which cases involving the same defendant will be assigned or consolidated for adjudication by the same judge, and (4) to put in place case assignment processes that ensure the public that the assignment of cases to judges within the Second District is not susceptible to control or manipulation by parties or attorneys.

The Second District employs the following case assignment process for criminal cases:

Cases involving the same criminal defendant are assigned or reassigned to a single magistrate and to a single district judge in the following manner:

1. Felony and probation violation charges arising out of the same incident are assigned to the judge with the prior probation.
2. Felony, misdemeanor, and probation violation charges arising out of the same incident that are filed at the same time and prosecuted by the same entity trail the Felony assignment as set forth in (1) above.

Note the definition of a "criminal case" adopted for use with the new Tyler Odyssey case management system:

The defendant and all misdemeanor and felony charges resulting from a single incident are counted as a single case. Infractions must be filed separately, but may be consolidated [See IIR 3(d)]. If multiple citations or complaints arise from a single incident, involving a single defendant, filed at the same time, misdemeanor and felonies associated with that incident are included in a single case. If the charging document contains multiple defendants involved in a single incident, a separate case will be created for each defendant, so that each defendant is counted as a single case. Idaho Criminal Rules and Misdemeanor Criminal Rules provide some exceptions:

- (a) Two or more defendants can be joined in a single case pursuant to I.C.R. 8(b).
- (b) Offenses based on two or more acts or transactions connected together or constituting part of a common scheme or plan may be consolidated pursuant to M.C.R. 3(e).

3. Felony, misdemeanor, and probation violation charges arising out of the same incident in the same county that are filed at the same time but prosecuted by different entities are assigned in the same manner as (1) above.

4. Felony charges added to a misdemeanor/probation violation charge, or a group of misdemeanor/infraction/probation violation charges, at a time after the filing of the original misdemeanor/infraction/probation violation charges if incurred at the same time are assigned as set forth in (1) above.
5. Felony charges (and their associated misdemeanor/probation violation charges) filed subsequent to a pending felony charge (and its associated misdemeanor/probation violation charges) arising out of a different incident but committed within the same county go to the same judge assigned the pending felony charge.
6. Felony charges (and their associated misdemeanor/probation violation charges) filed subsequent to a pending felony charge (and its associated misdemeanor/infraction/probation violation charges) out of a different incident but committed in different counties within the same district are assigned to the judge(s) in the respective counties where they occurred.
7. Felony charges (and their associated misdemeanor/probation violation charges) filed subsequent to a pending felony charge (and its associated misdemeanor/infraction/probation violation charges) out of a different incident but committed in different counties and different districts in Idaho are assigned to the judge(s) in the counties where they occurred absent a Supreme Court Order reassigning (out of District) or an Order of the Administrative District Judge (in District).

Other cases are assigned to judges using the following procedure: If more than one Magistrate/District Judge in the County then by random alternate assignment.

The Second District adheres to the provisions of ICR 25 in responding to recusals, disqualifications, and the need for additional judges to handle lengthy trials by assigning cases to other sitting judges or senior judges assigned to the district.

Section 2.3: Proactive Case Management

All cases and calendars are set in such a way to prevent unnecessary delay in case processing, while balancing the effective use of the time of parties, victims, judges, attorneys, and court personnel. The presiding judge adopts a scheduling policy that accomplishes this and reduces the likelihood of scheduling conflicts requiring rescheduling of events. The judge maintains early and continuous control of all cases from initiation through post-disposition proceedings by the use of:

1. Appropriate case assessment;
2. Scheduling orders and conferences for purposes of achieving date certainty;
3. Management of discovery and motion practice;
4. Realistic setting of trial dates and time limits;
5. Court control of continuances for purposes of fostering timely and just voluntary resolution of most cases and achieving trial date certainty for those cases that are resolved by trial.

Ongoing review of cases is necessary to ensure that a future action or review date has been set by the court in every case. Scheduling complies with the time standards adopted by the Idaho Supreme court.

Each judge presiding over an individual calendar controls and sets his or her own calendar. In jurisdictions using alternative calendar systems, the calendar is managed and coordinated between the judges and trial court administrator's office or clerk's office responsible for calendaring.

Section 2.4: Early and Continuous Assessment, Scheduling of events, Calendar Management, and Calendar Setting

Early and Continuous Assessment

Idaho judges continuously assess cases to ensure that every case receives individual attention and to make sure that the amount of individual attention is proportional to need. The amount of court time and resources devoted to a case and the pace at which a case progresses depends on the complexity and individual needs of that case. Some cases can be resolved quickly with little court involvement while other cases require more time, court appearances, and judicial oversight to reach resolution. Through an early and ongoing assessment process, the judge manages the progress of a case in a manner that will result in the most timely and just resolution possible, given the individual circumstances of that case.

When determining the most appropriate plan for a criminal case, the court considers at least the following:

1. Nature of the charge(s)/number of counts
2. Custody status of defendant(s)
3. Number of co-defendants
4. The potential penalty
5. Anticipated pretrial motions
6. Need for expert witnesses and how financed; need for independent resource judge
7. Consideration of victims' rights
8. Need for forensic testing
9. Complexity of factual and legal issues
10. Likelihood of case going to trial/estimated length of trial
11. Whether the defendant has cases pending in other counties
12. Whether a problem-solving court might be an option for the defendant

Note: not listed in order of importance

The Second District follows these practices in developing case management plans for individual criminal cases:

Scheduling of Events

All scheduled case events are meaningful events, defined as events that (a) move a case toward disposition and (b) prompt the attorneys and parties to take necessary action. Monitoring the effectiveness and timeliness of interim case events between filing and disposition helps to prevent unnecessary delay. The following guidelines are used to ensure that case events are meaningful.

The following have been identified as key interim case events in criminal cases that will be tracked in the case management system and monitored for informational and case management purposes:

District Criminal	Mag. Felony	Mag. Misdemeanor
Initiating event: order binding case over to district court Filing of Information Arraignment Pre-trial conference Order for ADR/mediation Entry of plea Start of trial Filing of pre-sentence investigation Ending event: entry of judgment	Initiating event: Filing of complaint Initial appearance Arraignment Pre-Preliminary Hearing (Nez Perce County) Ending event: order binding case over to district court	Initiating event: Filing of complaint Arraignment Pre-trial Entry of Plea Start of trial Ending event: Entry of judgment

In criminal cases:

1. Hearings and trials are scheduled in a manner that minimizes delay and reduces the potential need for continuances.
2. Every event (including the arraignment) is a meaningful opportunity for disposition.
3. Future action dates (based on interim case events) are always assigned and deadlines for those dates are enforced with the understanding that continuances can serve a meaningful purpose within the Court’s discretion.
4. Requests for continuances are considered pursuant to Section 2.10 of this plan.

The Second District follows these practices to ensure that all scheduled events are meaningful:

Calendar Setting

For judges presiding over an individual calendar, counsel contacts the clerk of the presiding judge to calendar a matter for a time certain. In jurisdictions using alternative calendar systems, matters are scheduled by the clerk’s office or at the direction of the presiding judge, as necessary. All calendar settings are made within the applicable time standards. Settings outside of an applicable time standard are made only upon a showing of good cause and upon order of the presiding judge.

Criminal cases are set for trial at the time of entry of plea unless otherwise ordered by the court, consistent with a defendant’s right to a speedy trial.

The Second District follows these practices to avoid scheduling conflicts for counsel, interpreters, and witnesses in criminal cases:

- (1) All trial dates for felonies are set in conjunction with the attorneys to minimize resetting of cases.
- (2) All misdemeanor trial settings are set on pre-trial days so that attorneys know in advance of the setting to minimize resetting based on calendaring conflicts.

The Second District follows these additional practices to maximize the efficient use of the time of judges, court staff, attorneys, victims and witnesses, law enforcement officers, and criminal defendants and their families:

1. The use of pre-preliminary hearings (Nez Perce County);
2. The use of Final Pre-trial conferences in both misdemeanor and felony cases; and
3. Pre-scheduling for all pretrial motion hearings.

The Second District maximizes the certainty that a trial will commence on the date set by the judges making sure that any continuances are necessary and appropriate in any given case.

Section 2.5: Appointment of counsel

Early appointment of counsel is important not only to protect the legal rights of the accused but also to facilitate the earliest resolution of criminal charges.

Appointed counsel is available in Idaho pursuant to I.C. Section 19-851(4), ICR 5 and 10 and IMCR 6 and should be appointed as described in I.C. 19 852-854.

The process for appointing counsel in the Second District, is as follows:

1. All defendants are provided with a Rights form and Public Defender questionnaire prior to their initial appearance.
2. If qualified, all defendants are provided with a public defender at the time of their initial appearance.
3. Public Defenders are promptly provided notice of appointment so they can be prepared for the next appearance or to deal with any interim matters.
4. Any request for continuance or for removal and replacement of counsel will be accompanied by an affidavit and set for hearing if the judge is not satisfied with filed material.

Section 2.6: Motion Practice

The substance and need for motions varies widely. Motions are generally classified as dispositive or non-dispositive. Because motions can significantly impact the time and expense necessary in any case, management of motions is an essential component of an effective and efficient case management plan. This management is best done in an early scheduling/trial order. Requiring compliance with the motion deadlines eliminates a significant potential for unreasonable delay. Courts do not allow the parties to modify discovery deadlines set forth in the scheduling order by stipulation without authorization of the court. The Court permits modifications of the scheduling order as necessary to advance justice and, if possible, without disturbing firm trial dates.

The court should adhere to the following general guidelines when creating scheduling orders:

1. Motions which affect the introduction of evidence at trial, i.e., motions in limine, motions to strike witnesses or exhibits, etc., are often filed late in the process. Scheduling orders account for this and require such filings to occur early enough to give the court sufficient time to carefully consider the same without impacting the trial date.

2. Clerks are given careful guidelines in the scheduling of motions. Parties do not control the hearing schedule, and hearings are set so as to allow for meaningful review but timely resolution.
3. Courts diligently consider and rule on motions, in compliance with the requirements of the Idaho Constitution, and to prevent unreasonable delay.
4. Informal methods should be adopted for consideration and resolution of motions, such as conducting hearings of non-dispositive motions by teleconferencing.

In criminal cases:

1. Motions are generally governed by ICR 12, which sets forth the timing requirements for filing and hearing pretrial motions [see ICR 12(d)]. The court adheres to these requirements to avoid delay.
2. Because motions to suppress can be dispositive, and have substantial potential for causing delay, courts specifically address such motions in the scheduling/trial order, with the expectation that they will be filed and ruled on in a timely manner.

Section 2.7: Discovery Practice

Discovery is a significant portion of the litigation time and expense in both civil and criminal cases. Therefore, management of discovery is also an essential component of an effective and efficient case management plan. This management is done in an early scheduling order. Such orders manage the nature and scope of discovery according to the needs of each case, consistent with applicable rules. The scheduling order manages the time and expense devoted to discovery, while promoting just dispositions at the earliest possible time.

In criminal cases:

1. Discovery in criminal cases is generally governed by ICR 16. Appropriate discovery deadlines are firmly set in scheduling/trial orders for automatic disclosures, including I.R.E. 404(b) evidence, required by ICR 16(a). Deadlines are also set for the submission of written discovery requests outlined by ICR 16(b) and (c). The parties and the court adhere to all deadlines. Courts do not allow the parties to modify discovery deadlines by stipulation without authorization of the court. Courts permit modification when necessary and preferably without disturbing firm trial dates.
2. Compliance with the response times set forth in ICR 16(f) is expected and the imposition of sanctions allowed by this rule are used to curb abuses of the discovery process.

The Second District follows these procedures to facilitate the exchange of discovery materials in criminal cases:

Discovery dates will be set forth in a pre-trial order and not modified absent court approval.

Section 2.8: Early case resolution processes

All structured settlement processes conform to the governing court rule or statute applicable to a specific case. The parties and court review applications for mediation as early as practical in every

case to govern the appropriateness of mediation and settlement in order to foster efficiency, early resolution, and effective case management.

IRE 507, as administered by the authorizing court, governs the confidential nature of mediations to foster settlement in all such cases as deemed appropriate.

Early resolution of criminal cases benefits the courts, the parties, victims, witnesses, and the public. It reduces the costs of pretrial confinement. Judges and attorneys use every court appearance as an opportunity to settle criminal cases.

The parties are afforded an opportunity to mediate the case, if timely requested. Idaho Criminal Rule 18.1 allows mediation in criminal cases. The participation of the state and defense in mediation in criminal cases is governed by these rules, subject to the oversight of the authorizing court.

Administrative district judges are encouraged to use alternative judge panels pursuant to Idaho Criminal Rule 25 (a)(6) to prevent delays associated with judge-shopping.

Section 2.9: Pretrial Case Management

Implementation of standard pretrial management practices, such as holding meaningful pretrial conferences, is the most effective mechanism for (a) promptly resolving cases before trial and (b) ensuring that cases going to trial are adjudicated without unnecessary delay. Successful pretrial management of cases requires both the court and counsel to attend the pretrial conference prepared to discuss the matters identified in the court's scheduling order, ICR 18, and/or any other issues or concerns unique to each case.

In criminal cases:

1. Pretrial conferences are set at least 14 days before a trial.
2. All pretrial motions are filed in a timely manner, and in felony cases, pretrial motions are heard on or before the date of the pretrial conference. This requirement is subject to constitutional considerations that may require some flexibility.
3. A list of witnesses, exhibits and requested jury instructions are filed at least seven days before trial in felony cases and 48 hours before trial in misdemeanor cases.
4. Scheduling orders reference ICR 18 and inform attorneys they are to be prepared to discuss such matters at the pretrial conference. The judge has a checklist of topics ready to discuss with counsel at the pretrial conference.

Checking the Status of Pending Case Matters

Judges understand that decisions are to be issued in a timely way, pursuant to Art. V, Sec. 17 of the Idaho Constitution. Therefore, judges willingly accommodate requests by attorneys and/or parties seeking the status of matters under advisement or other pending case matters, without negative consequence to those seeking that status report. To assist the attorneys and/or parties in this regard, judges follow these practices:

- When additional briefing or materials are necessary before the judge considers the matter under advisement, the judge sets deadlines for submission of the briefing or materials clear to the attorneys and/or parties.
- If the judge considers the matter under advisement at the conclusion of oral argument, the judge clearly states the same on the record.
- If a matter is under advisement a proper notation of that fact is entered in the court's case management system.
- Every written decision contains a statement as to when the court considered the matter under advisement.
- Attorneys and/or parties are advised that they are free to contact the court's clerk to inquire about the status of any case, proceeding, or pending decision 30 days after the matter is under advisement, without consequence. Clerks are trained to willingly accept requests for the status of a case, proceeding or pending decision, although their report should necessarily disclose only that the matter is still pending, the scheduled timing of future events, or that the decision has been issued.

Section 2.10: Continuances

A continuance, for the purposes of this section, is when a party requests the postponement of a scheduled hearing or trial date. Courts exercise discretion in determining whether to grant or deny a requested continuance. While courts employ the legal standards to reduce unnecessary delay, they remain mindful that some delays are necessary and warranted to effectuate justice or to facilitate effective resolution of cases.

A joint or stipulated motion for a continuance is not binding on the court (See ICR 27).

The factors the court considers in determining whether to grant a motion to continue include but are not limited to:

1. The reason for the request and when the reason arose.
2. Whether the reason for the request was within the control of counsel or was otherwise reasonably foreseeable.
3. Whether granting or denying the motion would unfairly prejudice either party.
4. The number of continuances previously granted.
5. The age of the case.
6. The days remaining before the trial date.
7. Whether all of the named parties agree to the continuance.
8. The length of the postponement that would be required if the motion were granted.
9. Whether there has been a substitution of counsel.
10. Difficulties associated with obtaining forensic evidence.
11. Whether the defendant has applied for acceptance into a problem-solving court.
12. The defendant's constitutional right to a speedy trial.

Section 2.11: Management of Trials

Whenever possible, criminal trials are always scheduled to proceed on consecutive days from commencement to conclusion, whether the trial will be conducted to a jury or to the bench.

Trials are conducted so as to make the most effective use of the time of jurors, victims, witnesses, interpreters, judges, attorneys, and court staff.

Jury deliberations should adhere to the provisions of ICAR 65(b).

Section 2.12: Post plea or verdict case management

A considerable portion of the time required to resolve a criminal case occurs after a defendant enters a plea of guilty or is found guilty at trial. Idaho courts work with their justice system partners (particularly the Idaho Department of Correction) to minimize the delays associated with presentence reports. The court timely prepares the judgment and commitment orders. Presentence investigations are governed by ICR 32 and I.C. Section 19-2524. Court clerks transmit PSI orders to IDOC District Offices immediately after they are entered, initiating the PSI process.

The Second District takes the following additional steps to streamline the process of preparing presentence reports:

1. The Pre-sentence Investigation is assigned a due date at the time of the plea. The defendant is ordered to contact Probation and Parole immediately after court to set appointment times. Failure of the defendant to make all appointments may result in a Warrant for Arrest to ensure timely compliance.

Section 2.13: Post-conviction proceedings

Though technically civil cases, post-conviction challenges to a conviction or judgment are, in reality, a continuation of the original criminal proceedings.

The Second District takes the following steps to ensure the fair and timely resolution of post-conviction proceedings: In District post-conviction cases will be handled by the judge in the county as assigned by the Administrative District Judge.

Section 2.14: Probation revocation proceedings²

A substantial part of the time of the court, the prosecution, the defense, and the Idaho Department of Correction personnel in an ordinary criminal case is devoted to the filing, processing, and resolution of probation revocation motions. Management of probation sentences both by the IDOC and the courts is an important part of both the punishment of and the treatment and rehabilitation of persons convicted of crimes, and well as protection of the community from further wrongdoing. Probation revocation is complicated by concurrent prosecution of the probationer for subsequent criminal conduct which forms in whole or in part the basis of the revocation petition.

The Second District takes the following steps to make the most effective use of the resources of the courts, prosecution, defense, and IDOC in resolving probation revocation matters:

² Significant policy changes pertaining to felony probation are being implemented per SB1357 and monitored per SB1393 (Justice Reinvestment Initiative), passed by the Idaho Legislature in 2014. Modification to this section of the case district caseflow management plans will be necessary to accommodate future policy and/or procedural changes.

Probation Violation admit/deny hearings will be generally scheduled at the next available Criminal Court date for the assigned Judge.

Section 2.15: Effective and Consistent Monitoring of Case Management Reports

Caseflow management necessitates the regular production of case management information from an automated system. Case management reports provide a means of identifying and preventing delay in the processing of individual cases and the buildup of a case backlog that can result in an overall delay in the processing of all cases. They also provide information about potential sources of delay.

The production of case management information is not sufficient in and of itself, however, to ensure effective caseflow management. Equally important is the utilization of this information, as follows:

1. Judges consistently and effectively monitor their case management reports and take appropriate action to ensure that meaningful events are set for all cases, that case processing goals are being met, and that potential sources of unnecessary delay are identified so that they may be addressed through case management.
2. Administrative district judges and trial court administrators closely monitor reports for their districts to identify cases that are nearing or exceeding applicable time standards, areas where backlog may be developing, potential sources of systematic delay, and changes in overall caseloads and inequities that may be developing in caseload distributions that may require changes in judicial assignments.
3. Court clerks monitor case management reports regularly to ensure that all pending cases are scheduled for meaningful events through disposition.

It is the responsibility of individual courts to ensure that data entry practices are consistent with statewide uniform business practices thus resulting in accurate and reliable case management information.

The Second District uses these procedures to ensure effective use of data reports for monitoring the progress of criminal cases: Reports for each Judge will be reviewed by that Judge's clerk and then by the Judge. The TCA shall review summaries of all Judges in the District to determine any policy problems.

Section 2.16: Special Considerations for District Plans

Language Access Services

Federal and state law require judges to ensure parties, witnesses, and other interested individuals have meaningful access to the courts. Language access services are provided in all civil and criminal cases pursuant to Idaho Code 9-205. Professional court interpreters are appointed pursuant to ICAR 52. Determining the need for services is done in a number of ways, including the following:

- For spoken languages, self-identification by the non-English speaker (or companion). For the deaf or hard of hearing, through an ADA request for accommodation.
- A judge finds there is a need for language access services.
- Court-personnel may receive notice directly from the public, attorneys, guardians, probation officers, law enforcement and other participants.

- Outside agencies, such as social workers, law enforcement or correctional facilities notify the court about a LEP individual's need for auxiliary services for an upcoming event.

The Second District adheres to the following practices to ensure the most efficient use of available certified and non-certified interpreter resources:

Certified interpreters will be used when possible. They will be live in court if practicable or by video or telephonic link if necessary.

Jury Operations

Jury service is an important civic and community duty. The justice system cannot work fairly unless jurors perform their duties properly. Obtaining juror compliance with summonses, qualification questionnaires, court schedules, and other court requirements is important for the integrity of the jury process. In the Second District, the administrative district judge or the presiding judge in each case follows I.C. § 2-217 and I.C.A.R. 62 and 63 in excusing or postponing jury service, managing instances where a juror fails to respond to a proper jury summons, and using discretion to encourage appropriate jury service.

Self-Represented Litigants

The Idaho Judiciary is committed to ensuring access to justice for self-represented litigants (SRLs). Consistency and predictability are vital to meeting this goal. Self-represented litigants may lack the expertise to manage their cases effectively. There are key points in a case where SRLs can unintentionally stall the progress of a case. The Judiciary's commitment to ensure fair and timely case resolution requires that these and other SRL concerns be addressed. All solutions will look toward effective practices that will not become obstacles to SRLs but will instead facilitate proper notification and access to information for SRLs so that they can more effectively navigate the court system.

The Second District adheres to the following practices to ensure that criminal proceedings in which defendants waive their right to counsel proceed in the most fair and efficient manner possible:

Each self-represented litigant will be included in a status/scheduling conference once a matter is at issue. At said conference the SLR will be made aware of services available through Court Services and any other relevant services which may be available in a given situation.

Media relations

The Idaho courts have a manual for judges on media relations and the handling of notorious cases. These issues are addressed in ICAR 45 and 46. In addition, ICAR 32 addresses public requests for court records, which includes media requests.

Administrative district judges establish effective relations between the court and the media, by scheduling forums or other opportunities for discussion with the media, and by providing general information to the media about the courts, the law, and court procedures and practices, to the extent permitted by the Idaho Code of Judicial Conduct.

Telephonic and other remote appearances

IRCP 7(b)(4) and ICR 43.1 authorize the use of telephone conferencing to conduct hearings. Allowing parties, witnesses, interpreters, probation officers and attorneys to make court appearances without appearing personally in court can result in significant efficiencies and are allowed when they do not compromise the rights of a party. Stipulating to remote appearances by forensic testing personnel can reduce backlog in forensic testing requests.

In the Second District, remote appearances are allowed as follows:

The judge shall be liberal in allowing appearances by telephone for parties in non-evidentiary hearings. The appearance of non-parties shall be granted where circumstances allow and where the other party's rights will not be compromised.

The procedures for arranging a remote appearance are:

Contact the assigned Judge's clerk for the appropriate procedure.

Section 2.17: Maintaining the Second District case management plan

Once the Statewide and District caseflow management plans are established, keeping the plans relevant will be a priority. Therefore, outreach and collaboration will be ongoing. Both at the state and at the individual judicial district levels, collaborative planning procedures will be maintained to promote regular and ongoing communication, problem solving and adaptation of caseflow management processes to the ever-changing needs of the justice system and the communities it serves.

Major sources of future changes will be the deliberations and conclusions of the Advancing Justice Committee's work group on uniform business processes and the Judges Associations' efforts to develop uniform forms for all Idaho case types.

The Second District maintains the case management plan through the following process:

Regular bench/bar meetings will be scheduled to address and resolve caseflow management challenges and regular judge meetings will be held to maintain consistency in practices within the District.