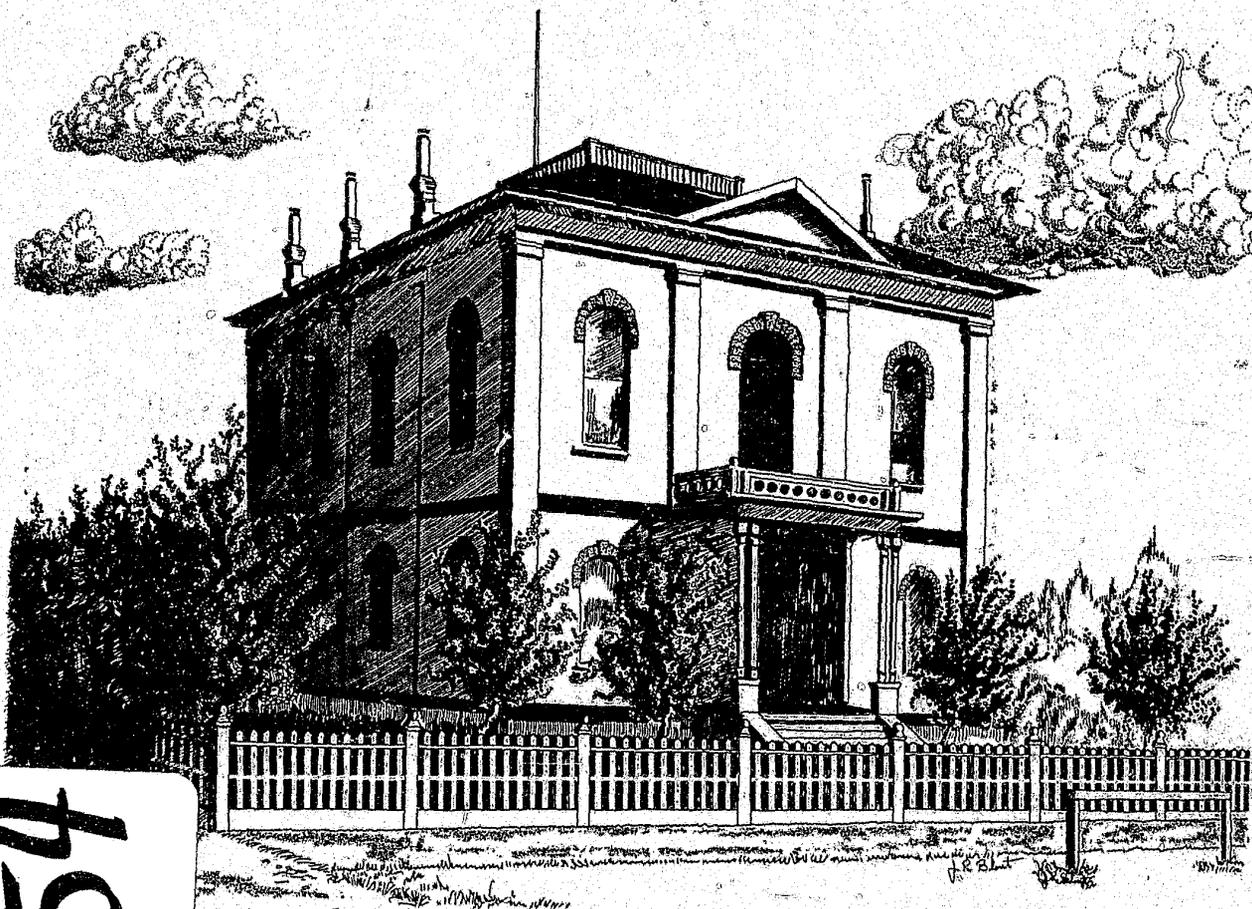


1976 ANNUAL REPORT THE IDAHO COURTS



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ON BEHALF OF THE SUPREME COURT OF IDAHO

Joseph J. McFadden, Chief Justice

Charles R. Donaldson, Justice

Allan G. Shepard, Justice

Robert E. Bakes, Justice

Stephen Bistline, Justice

BY THE ADMINISTRATIVE OFFICE OF THE COURTS

Carl F. Bianchi
Administrative Director of the Courts

ON THE COVER: Bear Lake County Courthouse, about the turn of the Century.

Cover ink drawing and all graphs and charts in this report were drawn by John Blout of the Administrative Office of the Courts.

IDAHO COURTS ANNUAL REPORT MCJRS

FOR 1976

MAY 25 1979

ACQUISITIONS

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A separate Appendix to the 1976 Courts Annual Report is available upon request. The Appendix contains detailed case statistics from all courts in the state, with individual district and county summaries.

INTRODUCTION

THE EVOLUTION OF A MODERN JUDICIARY

by John Corlett

The judiciary is a co-equal in the triumvirate of Idaho's state government, but its place among the executive and the legislative branches is not well described in the history books and the general literature of political development.

The Idaho judicial system stands apart — as probably it should — and yet it has as great, if not greater, impact on the people and the development of Idaho as the executive branch and the legislature. Consider, for example, that in all the courts each year there is filed one case for every three Idahoans. The new cases filed each year are in the hundreds of thousands.

The popular description of a judicial system is that it interprets the laws and the constitution. The judiciary which, along with the legal profession, uses and works with a complex lexicon, does far more than interpret. The judiciary umpires and decides disputes of incalculable variety, assuring that each decision is made within the due process of law. The judicial system brings criminals to justice. This is a system of a civilized society to settle disputes without violence, and to limit lawlessness under a stringent code that justice and fairness shall prevail.

The growth of population, the changing mores, and the increasing problems engendered by an on-rushing technology add burdens on the judiciary at an ever increasing rate. The more automobile accidents, the more lawsuits and traffic citations. The increasing number of divorces increase the caseload in the courts. New technologies create the need for new regulations. They also create societal changes that demand judicial action. The Idaho legislature adds new laws and amends old ones at the rate of more than 300 a year. All of the new laws regulate in some form and in the public interest the lives of all Idahoans. The judicial system is asked in those hundreds of thousands of cases to make sure that justice does prevail in any dispute or difference of opinion about those regulations.

Unlike many states, Idaho has developed a judicial system with administrative procedures that can handle the ever-growing caseload. Judicial reform, seldom experienced in such completeness, came to Idaho beginning in 1971. Probate, justice of the peace, and municipal courts were consolidated into a magistrate division under the jurisdiction of the district courts. Sixty-six magistrates by 1976 replaced more than 250 justices of the peace, probate and police judges. The fewer judges handle the heavier caseload more efficiently.

The Idaho judicial system has become a model for other states. It has taken more than just establishing a two-tiered court system — supreme court and district courts with their magistrate division — to become that model. The emphasis since 1971 has been on administration. The administrative office of the courts, serving under the supreme court, was created. Trial court administrators were created in each of the state's seven judicial districts. A judicial council was established. It nominates lawyers for appointment by the governor to fill district and supreme court vacancies. It investigates complaints against judges and may recommend discipline against them and removal or retirement.

The judicial changes did not come overnight. It took almost 20 years before the 1969 legislature enacted the reforms, which became effective January 11, 1971.

Some changes took place before the concentrated reform effort of the Idaho Bar Association in the 1950's and 1960's. Originally supreme court and district court judges were nominated and elected on a partisan political basis. In 1933 the legislature provided that judges shall be elected on non-partisan ballots.

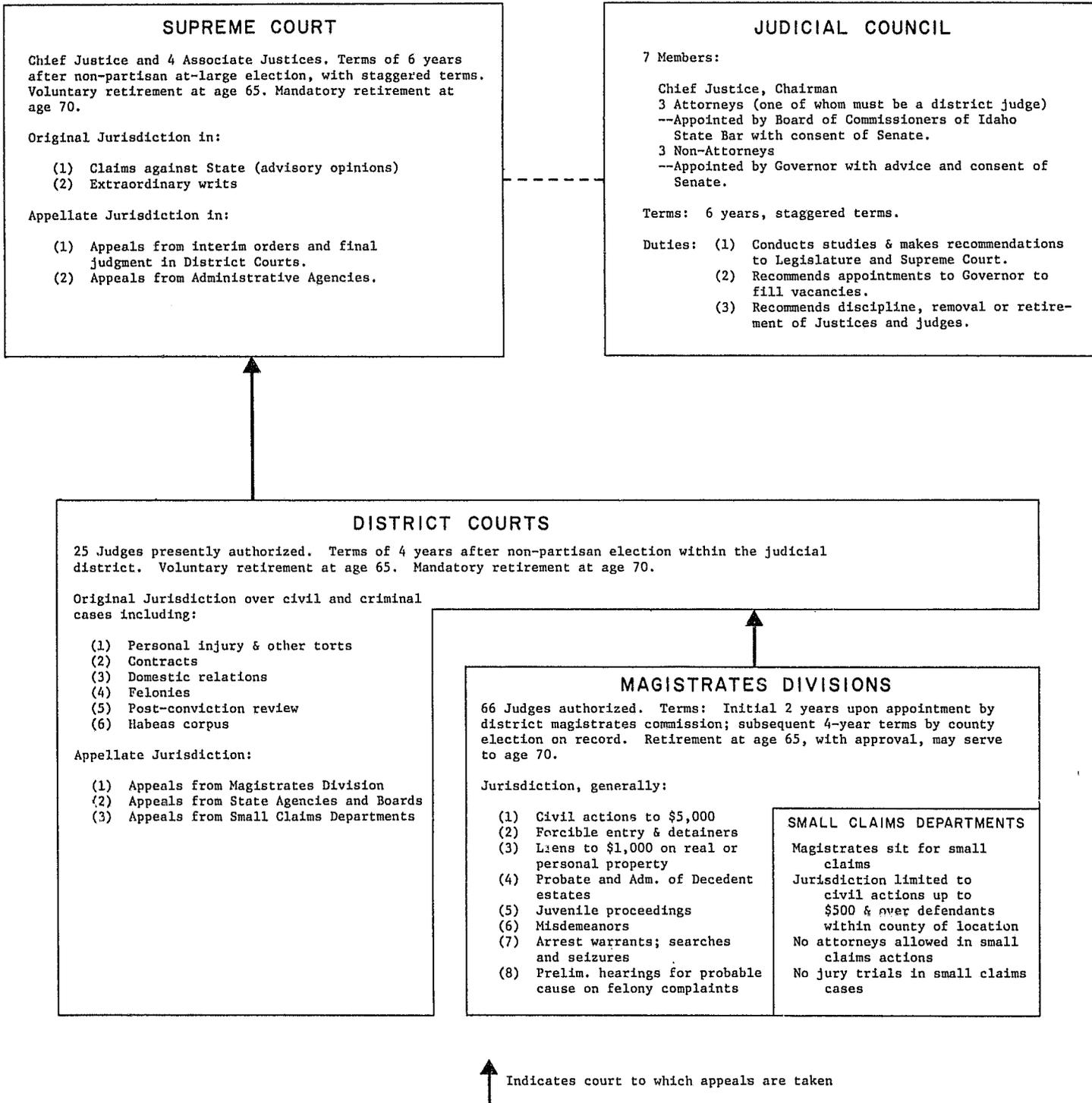
One of the most far-reaching changes was the establishment of seven judicial districts in the state. The constitution created five judicial districts in 1890, but allowed the number to be changed by the legislature. By 1966 the number of districts had been increased to 13. They were unequal in service. Two districts were created, for example, in Bonneville County. Greater equality was provided by establishing the seven districts both in caring for caseload and in administration of the courts. There are now 25 district judges in the seven judicial districts.

As long ago as 1908, the people approved a constitutional amendment that would have eliminated probate courts and placed their duties with the district courts. The Idaho Supreme Court in 1909 said the amendment was not constitutional because it included six separate changes in the judiciary. Not until 1962 did the people again approve elimination of not only the probate court but the justice of peace courts as well, and direct the legislature to establish inferior courts below the district courts. One of the amendments also provided that "the courts shall constitute a unified and integrated judicial system for administration and supervision by the supreme court." Efforts were taken in 1955 to move slowly into the court reform area by lessening the powers of probate and justice of the peace courts, but it became apparent as time went on that the answer was to eliminate those courts and allow the legislature to provide what became a "unified and integrated judicial system." The electorate obviously agreed by approving the necessary constitutional amendments.

The next steps were to enact the laws needed to provide the unified judicial system, and to make additional amendments to the constitution to establish a method for nominating judges, to fill vacancies to be appointed by the governor, and to provide a means for discipline, retirement, and removal from office of justices and judges.

The 1965 legislature created a legislative council interim committee on courts. The committee developed a series of bills to provide the reforms and they were introduced and passed by the 1967 legislature. The package was vetoed by then governor Don Samuelson. Two constitutional amendments proposed by the 1967 legislature to provide the means for nominating and disciplining judges were approved by the voters at the 1968 general election. The 1969 legislature again passed the court reform package with minor changes to meet Samuelson's objections. The governor signed the bills, and they became effective January 11, 1971. With the signing of those bills, almost fifty years of court reform efforts were rewarded with the genesis of one of the most modern court systems in the nation.

IDAHO JUDICIAL SYSTEM



The Idaho Courts Today

Model for Other States

Idaho's court system today is recognized as a model for other states. Constitutional amendments in the early 1960s gave the Idaho Supreme Court management authority over the trial courts, firmly establishing the Supreme Court's rule-making powers and providing a method of supervising trial court operations. The judicial reform efforts which culminated January 11, 1971, streamlined Idaho's trial courts by consolidating the various probate, justice and municipal courts into a general jurisdiction District Court, with a division for special types of actions. Thus unified, Idaho's "two-tiered" court system is one of the nation's most modern in design.

The Supreme Court

The Supreme Court of Idaho is the State's court of last resort. The Court hears appeals from final decisions of the District Court, as well as from orders of the Public Utilities Commission and the Industrial Accident Commission. It has original jurisdiction to hear claims against the state and to issue writs of review, mandamus, certiorari, prohibition and habeas corpus, and all writs necessary to complete exercise of its appellate jurisdiction. For the convenience of litigants, the Idaho Supreme Court is one of the few "circuit-riding" supreme courts in the country, and holds twelve terms of court: four in Boise, two in Twin Falls, two in Pocatello, two in Lewiston, and two in Coeur d'Alene. The Court hears additional appeals in Boise during special "expedited calendar" days.

The Supreme Court is also responsible for the administration and supervision of the trial courts, as well as the operations of the Administrative Office of the Courts, the Supreme Court Clerk's Office and the State Law Library. These latter operations are located, along with the Justices' offices and courtroom, in the Supreme Court Building in Boise.

The Supreme Court consists of five justices who are elected at large, on a non-partisan ballot, for a term of six years with their terms being staggered so continuity on the Court will be maintained. A candidate for justice must be a qualified elector and a duly qualified attorney-at-law. The elected justice having the shortest term to serve is designated chief justice, with the responsibility of presiding over court activities during his term. During 1976, Justice Joseph J. McFadden served as Chief Justice.

The Trial Courts

The district court is the trial court of general jurisdiction. A magistrate division exercises limited jurisdiction. The magistrate division, in turn, has a small claims department. While individual judges may serve either in district court cases or magistrate division cases, it is one integrated court.

The district court judges have original jurisdiction in all cases and proceedings. They may issue extraordinary writs, and may also hear appeals from the magistrate division, and certain agencies and boards. There are 25 district court judges (see appendix exhibit A), who sit in each of the 44 counties. They are Idaho attorneys, elected by non-partisan ballot within the judicial district in which they serve. Each district court judge is served by a court reporter who makes a record of all proceedings and testimony in a case.

Judges of the magistrate division may hear civil cases where the amount of damages requested does not exceed \$5,000; proceedings in forcible entry, forcible detainer and unlawful detainer; for the limited enforcement and foreclosure of common law and statutory liens on real or personal property; proceedings in the probate of wills and the administration of estates of decedents and incapacitated persons; juvenile proceedings; criminal misdemeanor offenses; proceedings to prevent the commission of crimes; may issue warrants for the arrest or for searches and seizures, and may conduct preliminary hearings to determine probable cause on felony complaints. In some judicial districts, lawyer magistrates also may hear domestic relations and support cases.

There are 66 magistrates (see appendix exhibit A), with at least one resident magistrate appointed for each county. Additionally, six district trial court administrators are appointed as judges of the magistrate division and assist with judicial duties. Several magistrates in more rural areas serve on a part-time basis. Approximately 40% of Idaho's magistrates are not lawyers, relying on substantial practical experience in legal matters.

Magistrates may also handle small claims cases. These are minor civil actions where less than \$500 is involved. The small claims department is designed to provide a quick, inexpensive solution to such claims. No attorneys are allowed in small claims cases, nor are there jury trials. Appeals from small claims decisions are taken to the district court proper.

The Judicial Council

The Idaho Judicial Council is empowered by statute to nominate to the Governor persons for appointment to vacancies in the Supreme Court and district courts. It may make recommendations to the Supreme Court for the removal, discipline and retirement of judicial officers. It is comprised of seven members: the chief justice of the Supreme Court, who is chairman, a district court judge and two lawyers appointed by the governing board of the Idaho bar with the consent of the state senate and three non-attorney members appointed by the governor with the consent of the senate. Since its creation in 1967, the council has nominated lawyers for appointment by the governor to fill vacancies on the Supreme Court and district courts, as well as conducted studies resulting in recommendations for improvements of the judicial system. Sitting in its disciplinary capacity, the Council may investigate complaints against justices or judges of the supreme or district courts, and in appropriate cases it may recommend to the Supreme Court the removal, discipline or retirement of a justice or judge.

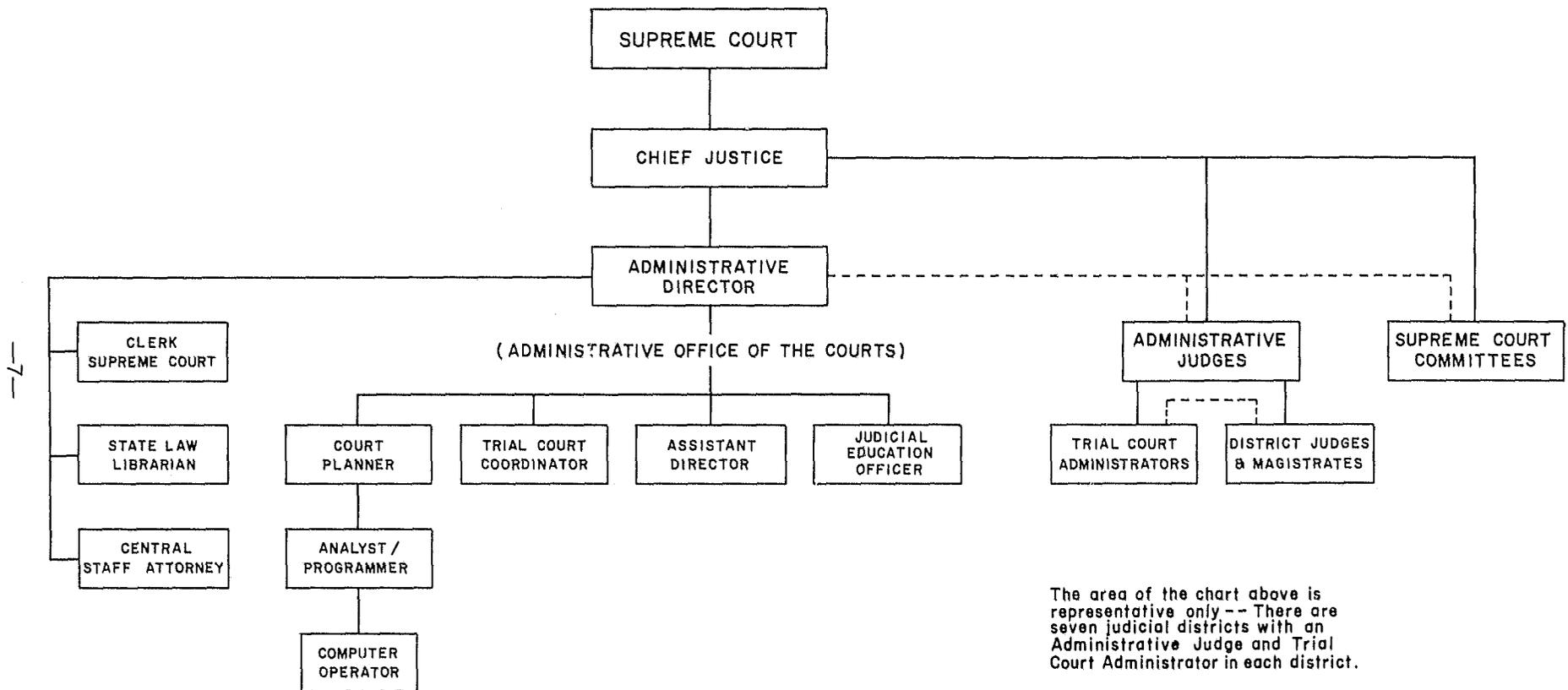
Philosophy for Idaho Court Operations

Working with the trial judges, the Supreme Court has identified six major goals for the Idaho court system:

- Increasing the accessibility and improving the service of courts to the public.
- Eliminating delays in case processing, while maintaining the quality and justice of legal decisions.
- Protecting the confidentiality of personal, private information concerning individuals involved in court actions, while allowing free access to court information that is of public record.
- Maintaining the independent nature of the courts as a separate branch of government and allowing the Supreme Court to fulfill its constitutional authority and responsibility to manage the affairs of the judiciary.
- Strengthening and increasing the unification of the Idaho judicial system through centralized standards and rules, regionalized implementation of operations, and a greater communication with individual judges of the goals of unification.
- Increasing the level of professional excellence of all court personnel.

Each year the Supreme Court and the trial courts establish planned objectives designed to achieve these goals.

IDAHO JUDICIAL SYSTEM
ADMINISTRATIVE STRUCTURE



The area of the chart above is representative only -- There are seven judicial districts with an Administrative Judge and Trial Court Administrator in each district.

— indicates direct authority
- - - indicates delegated authority

Judicial Administration

Regional Administrative Structure

As shown in the chart on page 7, opposite, the Supreme Court has the ultimate authority for supervising and administering the Idaho court system. The court establishes statewide rules and policies for the operation of its internal functions and of the trial courts, with the administrative office of the courts carrying out much of the day-to-day administrative duties of the statewide court system.

The state is divided into seven judicial districts, with an administrative judge in each district. An administrative judge, assisted by a trial court administrator, is responsible for managing court operations in the district, for arranging case calendars and assigning judges to cases and for supervising the clerks of the district courts. This regional administrative structure is designed to delegate a great deal of authority to the trial judges and insure their participation in policy decisions, while still maintaining uniform statewide rules and procedures.

The Administrative Office of the Courts

The Administrative Office of the Courts was created by statute and assists the Supreme Court in its constitutional responsibility to supervise and administer the Idaho court system. The director of the administrative office supervises the administrative staff of the judiciary, as well as the operations of the supreme court clerk's office and the state law library. The office monitors the operations of the district courts, performs planning functions for the Supreme Court and implements recommendations for the improvement of the judicial system. The office also prepares the annual appropriations request for the judiciary and supervises expenditures under the unified judicial budget. Judicial conferences and training seminars are developed and conducted by the administrative office, and the office obtains and supervises federal grants on behalf of the court. The administrative director develops and administers personnel standards for judicial employees, directs the activities of the district trial court administrators, and acts as liaison for the state judiciary with the Idaho Legislature and other public agencies.

Trial Court Administration

The administrative judge in each district is chosen for this office by the other district judges, and performs one of the most important functions in the court system. The administrative judge is responsible for the administration of the district courts and magistrate divisions within the judicial district. The administrative judge assigns all cases and insures that the court calendars remain current. Final recommendations for local court budgets and facilities are made by the administrative judge, as well as personnel decisions for the district. Local rules of practice and procedure are recommended to the Supreme Court by the administrative judge with the concurrence of the other district judges, and the administrative judge also supervises the clerical staff of the district courts. The administrative judge additionally serves as chairman of the district magistrates commission, a representative body of county commissioners, mayors, and private attorneys which appoints judges to the magistrate division to their initial terms.

There is a trial court administrator in each of the seven judicial districts (see appendix exhibit B). Under the supervision of the administrative judge for the district, the trial court administrators assist in the overall management of court operations within the judicial district, with particular emphasis on the magistrate division. Each of the trial court administrators assists in preparing budgets for court facilities and county-funded support staff, such as clerical personnel, bailiffs, and probation officers. The administrators work with jury commissioners in establishing the proper number of jurors to be called and impaneled, as well as assuring that statutory standards for jury duty exemptions are followed. While most of the statewide court information reports are prepared by district court clerk offices, the trial court administrators supervise this reporting function, as well as analyze the statistical reports that are produced by the administrative office of the courts to pinpoint cases that require immediate disposition and to maintain uniformity in caseloads for individual judges.

The trial court administrators perform non-judicial public information duties, answering complaints and disseminating information concerning the trial courts. For liaison purposes with law enforcement and other public officials, they may attend designated public meetings as court representatives. Under the general direction of the administrative judge, they also assign cases and perform calendaring functions. They maintain personnel records for state judicial employees in the district, including sick leave, vacation leave and attendance at judicial education programs.

Six of the trial court administrators also are appointed as judges of the magistrate division and perform judicial duties in addition to their administrative functions.

The administrative judges and trial court administrators meet regularly with the Supreme Court to discuss caseload and procedural problems and to develop improvements in court rules and operations.

Supreme Court Clerk's Office

The office of the clerk of the Supreme Court performs a variety of important tasks for the judiciary. The office manages the legal and clerical functions of the Supreme Court, including the preparation of calendars, maintenance of the docket, assuring proper flow of cases and distribution of final opinions. The publication of the Idaho Reports is coordinated by the supreme court clerk's office. The office handles all filings of legal papers and petitions which are under the jurisdiction of the Supreme Court and provides technical services for official ceremonies, including admissions of new attorneys and memorial services. During 1976, the Supreme Court Clerk's office began using a computerized management reporting system to help monitor procedural steps in Supreme Court appeals.

State Law Library

The Idaho State Law Library was established in 1869 under an Idaho territorial statute. It is operated by the state law librarian, under the supervision of the administrative director of the courts. The law library is used by the judiciary, public officials, lawyers, and is widely used by students, research personnel and the general public.

The law library contains over 89,000 bound volumes and thousands of pamphlets and unbound publications. The state law library is also a depository for U.S. government publications. The library is primarily a research facility. Photocopy service is available, for patrons, for a fee.

The bound volume collection includes the reported cases of all federal and state courts of last resort, the statutes and session laws for each of the 50 states together with some statutes and case reports of other English-speaking peoples. The collection of federal law includes the reported cases of the federal courts, most of the federal administrative board decisions, federal statutes and regulations, the debates of the federal congress, some of the congressional hearings, and a wealth of U.S. legislative history. In addition, the state law library contains legal periodicals, digests, citators, encyclopedias, treatises of law, and English case reports. A card catalog is maintained for the convenience of patrons.

District Court Clerks

The district court clerks and their deputies in each of the 44 counties provide essential support services to the district judges and magistrates. In addition to county auditor and recorder duties, under the supervision of the administrative judge, the district clerks handle all case filings and insure smooth civil and criminal case processing. They also file reports on all cases with the administrative office of the courts to help compile the courts' management reports. The district court clerk offices are the entry point for citizens seeking access to court services, and thus serve an important public information service for the courts. Using statutory formulas, they are responsible for distributing court fees and fines to a number of state and county funds. As an elected county official, the district court clerk serves as one of the pivotal links between the state judiciary and county government.

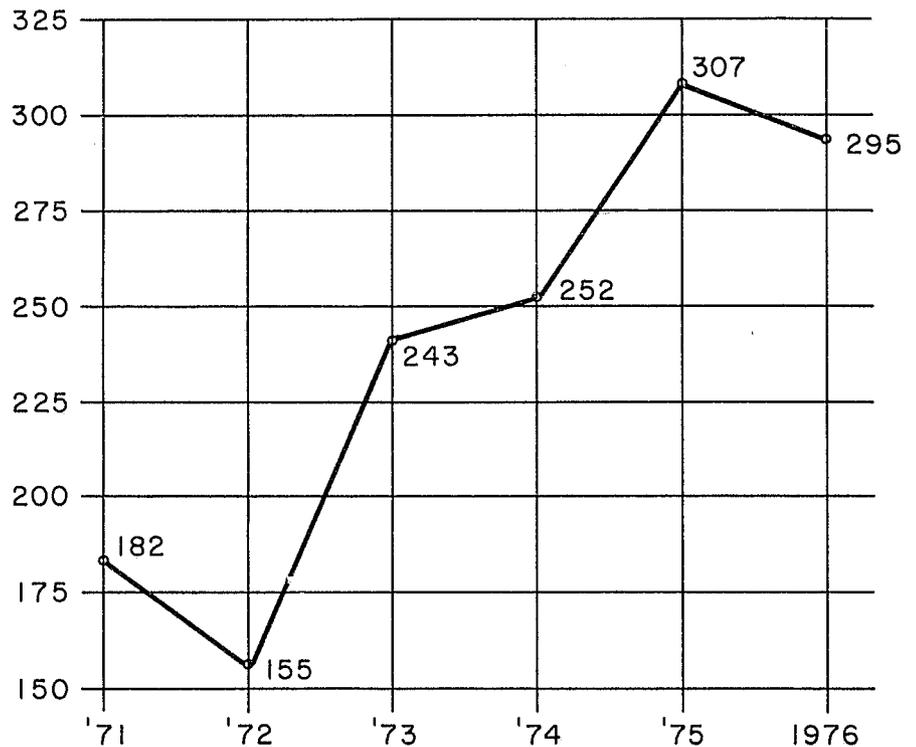
Supreme Court Committees

From time to time, the Supreme Court has appointed committees to examine and make recommendations on important court issues and procedures. Composed at various times of judges, attorneys in private law practice, prosecutors, public defenders, court administrative and clerical staff and private citizens, these committees have made important contributions to the judiciary, often at loss of personal income and leisure time for committee members. Most recently, a Supreme Court committee recommended sweeping changes in the civil rules of procedure, while other committees have completed a bench manual for trial judges and a judges' sentencing manual. A Supreme Court committee has been appointed to study judicial education, and during 1976 one committee completed a project to revise the rules governing appeals to the Supreme Court, while another made recommendations for a new ethics code for judges. In 1976, also, the Supreme Court appointed a committee to consider and recommend changes in the Criminal Rules of Procedure, and a committee to advise the court on the use of withheld judgments in the magistrate division.

Supreme Court Caseload

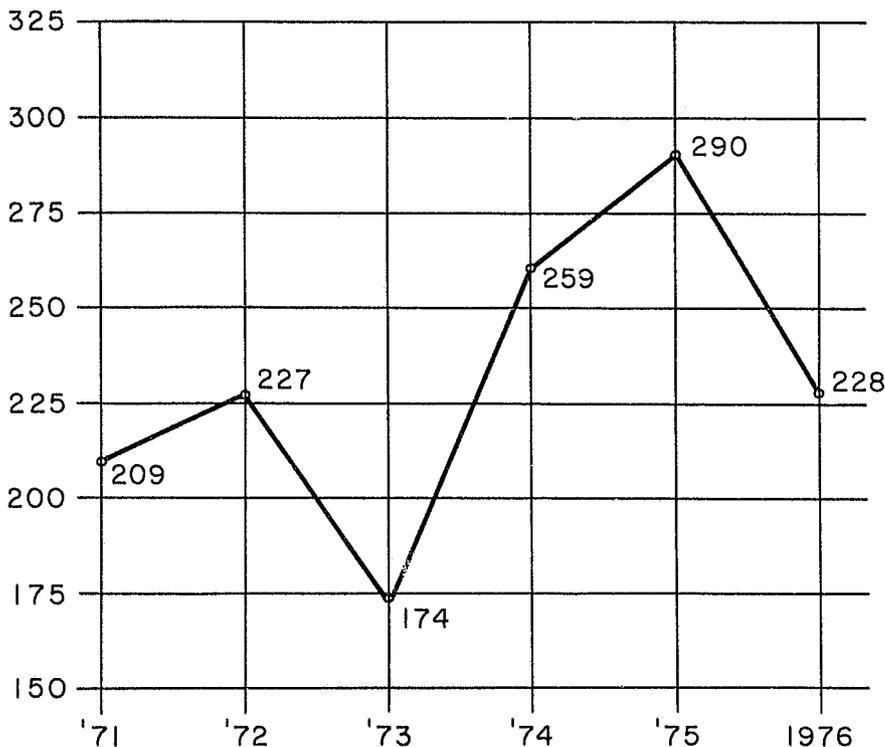
NEW APPEALS FILED IN SUPREME COURT

The number of new appeals filed with the Supreme Court declined in 1976, for the first time in four years. But the 1976 total of 295 new appeals still was second only to the 1975 record total of 307, and brought scant relief to an overburdened court.



Petitions and motions continued to comprise a major activity of the justices. During 1976, 823 petitions and motions were filed with the Court, of which the Justices dealt finally with 794. The number of new petitions and motions during 1976 was a 6.5 per cent decrease over the 1975 record total of 880. Also filed with the Court during the year were 32 original proceedings and 5 attorney discipline matters.

APPEALS DISPOSED OF BY SUPREME COURT



The first change in court membership since 1971 had an effect on case dispositions during 1976. Justice Henry McQuade retired from the Court early in the year to accept a federal government executive position, and it was several months before the Court's newest member, Justice Stephen Bistline, was selected and could take his place on the Court on a full-time basis. Primarily as a result of problems created by this transition period, the Justices disposed of 62 fewer appeals — 228 — than in 1975, when a record 290 appeals were completed.

As part of the effect of the transition, the number of majority written opinions also declined in 1976. The Supreme Court issued 136 majority opinions, a 23 per cent decline from the 1975 total of 176.

SUPREME COURT MAJORITY OPINIONS

Calendar Year	Opinions
1976	136
1975	176
1974	182
1973	115
1972	123
1971	125
1970	92
1969	110
1968	119

Assisting the Supreme Court during 1976 were several district judges, who served as temporarily appointed justices during the transition period and when there were disqualifications: Hon. Charles Scoggin, Hon. Alfred C. Hagan, Hon. Arnold T. Beebe, Hon. W. E. Smith, Hon. Robert B. Dunlap, Hon. John H. Maynard, and Hon. Boyd R. Thomas.

The continued high level of new appeals, coupled with the lessening dispositions, caused the number of pending appeals to rise sharply. On December 31, 1976, there were 379 pending appeals, a 21 per cent increase over the number — 312 — before the Court on January 1, 1976.

Expedited Calendar Procedure

The steadily increasing caseload and the growing complexity of appeals, led the Supreme Court to announce in August of 1976, new procedures designed to speed the processing of cases appealed to the Court. Chief Justice Joseph J. McFadden, speaking for the Supreme Court, stated:

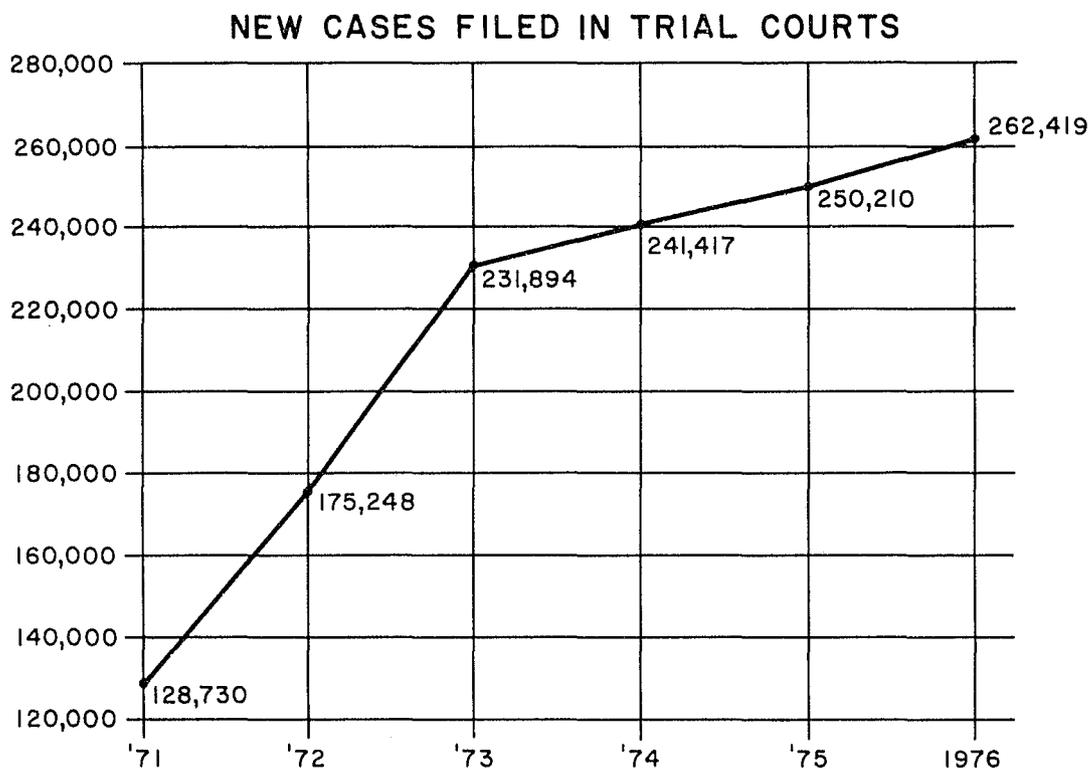
The number of cases being appealed each year to the Supreme Court has continued to grow and is creating a backlog of cases awaiting decision. The volume of litigation has reached the point where some cases which are ready for argument cannot be calendared by the Court for six to eight months. Idaho citizens will begin to suffer the same time delay problems in litigation which has plagued the judicial systems of other states unless affirmative action is taken immediately.

Under the new procedures, the Court will earlier examine the cases in which the written briefing has been completed to determine those which are qualified for a speeded up process. The Court will then calendar those qualified cases for special hearing dates once a month in Boise. Through this mechanism, the Court is hearing oral argument in a great many more cases than could ordinarily be scheduled. The Court is seeking to decide and issue opinions on some 50 to 75 more cases a year than could be disposed of under the usual process, in order to prevent delays of months in at least part of the cases which are appealed.

During the 1976 legislative session, the Court recommended a constitutional amendment to authorize increasing the membership of the Court to seven members, or statutes authorizing an intermediate appellate court. Neither proposal has as yet received legislative approval. The last increase in Supreme Court membership was in 1921, when the constitution was amended to increase the Court membership from three to five justices.

Trial Courts Caseload

Caseloads in the trial courts continued to rise during 1976, primarily due to large gains in the magistrate division. A total of 262,419 new cases were filed in both the district court and magistrate division, an increase of 4.9 per cent over the 1975 total. Since 1971, when the integrated district court and magistrate division were created, case filings have increased by 104 per cent. While a number of factors influence court caseload increases, two of the most important contributing factors in the increase in the trial court caseload seem to be the growth of Idaho's population and the increased number of attorneys admitted to practice. Between 1970 and 1975, the state population has increased by 107,785 people, and the number of attorneys in Idaho has grown from 762 in 1970 to 1,172 by the end of 1976.



As reported by the district court clerk offices throughout the state, case filings in the district court proper increased slightly from 12,625 new cases filed in 1975 to 12,903 new cases in 1976. This filing increase occurred despite the transfer of a significant number of new cases — primarily domestic relations — which have been handled by district judges, to the magistrate division.

New case filings in the magistrate division jumped sharply from 237,585 cases in 1975 to 249,516 new cases in 1976, a 5 per cent increase. Increases were recorded in both civil and criminal cases.

The trial judges continued to maintain a high level of case dispositions. District court judges and judges of the magistrate division increased their disposition of all cases by 4.7 per cent over 1975, disposing of 257,054 cases during the past calendar year, as compared with 245,433 cases in 1975. However, the increase in new cases caused a 13.2 per cent increase in the number of pending cases at the end of 1976, as compared with 1975. The backlog of pending cases on December 31, 1976 was 36,892 cases.

The average number of new cases filed for each district judge in the state in 1976 was 516 cases, while the average for judges of the magistrate division was 3,514 new cases. This compares with new case filings in the prior year of 526 new cases for district judges and 3,394 new cases for magistrates. The district court judges disposed of an average of 460 cases per judge during the year, while judges of the magistrate division averaged 3,458 dispositions per judge.

Of the civil cases which received final judgment in the trial courts in 1976, 12,925 or 41 per cent received court or jury trials. On the criminal side, 97 per cent of the cases were disposed of through pleas or dismissals, with 6,658 or 3 per cent of the total disposed of receiving court or jury trials.

While 1975 had witnessed a 15 per cent decrease in the number of complaints charging defendants with driving under the influence of alcohol, 1976 saw those complaints begin to increase once more. In 1976, a total of 7,047 alcohol related driving complaints were filed with the courts, a 5.7 per cent increase from 1975. During calendar 1976, the trial courts disposed of 6,939 cases involving defendants charged with driving under the influence of alcohol.

The number of drug abuse complaints, including those petitions filed against juveniles, filed in Idaho rose by 30.2 per cent during the year, from 2,345 complaints in 1975 to 3,053 complaints in 1976. The trial courts disposed of 34.4 per cent more drug abuse cases in 1976 than in 1975, making final judgments in 3,039 cases in 1976, as compared with 2,261 cases in 1975.

In special proceedings, the magistrate division completed 7,025 petitions under the Youth Rehabilitation Act, a 5.8 per cent increase over the 1975 total of 6,641. The number of new Youth Rehabilitation Act petitions — 7,493 — filed with the courts during the year was an 8.9 per cent increase over 1975.

Appeals from the magistrate division continued to occupy a significant amount of time for Idaho's district court judges. In most cases, appeals from the magistrate division are heard by a district judge based on a certified record of the proceedings in the magistrate division, although in small claims cases, district judges may hear appeals on the basis of a new trial, or trial *de novo*. During 1976, 217 appeals in the magistrate division were filed in district courts throughout the state, with district judges disposing of a total of 161 appeals by the end of the year.

(A more detailed summary by case, type of filings, dispositions and pending cases for the district court and magistrate division statewide, by district and by county, is shown in the appendix to this report, which is available upon request.)

During calendar 1976, the Administrative Office of the Courts began measuring the average number of days it takes from when a case is filed to the time when that case is finally disposed. In 1976, the average number of days for disposition of a civil case in the magistrate division was 124, while criminal cases excluding traffic took an average of 48 days. In the district court, it took an average of 261 days to dispose of a civil case, while an average of 84 days were required in criminal cases.

Increase in Small Claims Jurisdiction

On July 1, 1976, the jurisdiction of the small claims departments was increased from the maximum of \$300 to \$500. It was predicted that this jurisdictional increase would cause an increase in the number of cases filed in the small claims departments, and while the increase did materialize, it was not as dramatic as had been feared. In the first month of the expanded jurisdiction, the number of small claims cases filed around the state jumped by 50 per cent over the filings in that month for the prior year. But as the last half of 1976 ended, the caseload increases in the small claims department had begun to level off to a statewide increase of about 100 cases per month. Overall, the number of small claims cases filed in the magistrate division increased by 12 per cent during the year, with 10,130 new cases filed as compared with the 1974 total of 9,045 filings. Judges of the magistrate division disposed of 9.5 per cent more small claims in 1976 than 1975, with a total of 9,670 small claims cases receiving final judgment during the year. However, the increase in dispositions was not enough to completely offset the large increase in filings, and by the end of the year, 2,200 small claims cases were still pending, a 4.3 per cent increase over uncompleted cases in 1975.

Decrease in Child Protective Act Petitions

While the last several years have seen increased attention being given to child neglect and abuse, the last two years have seen a steady decrease in the number of Child Protective Act cases which are coming before the courts. Just as the 1975 total of 631 Child Protective Act cases was a decrease from 1974, the 1976 Child Protective Act case filings dropped even further, to 436. Of the cases of neglect and abuse coming before the courts in 1976, the courts dealt finally with 489 such cases. Whether the continued decrease in Child Protective Act cases is due to a lessening activity on the part of local authorities concerned with this area of law, or whether it is because of successful education and preventive efforts on behalf of those same officials, is not certain.

Number of Judges

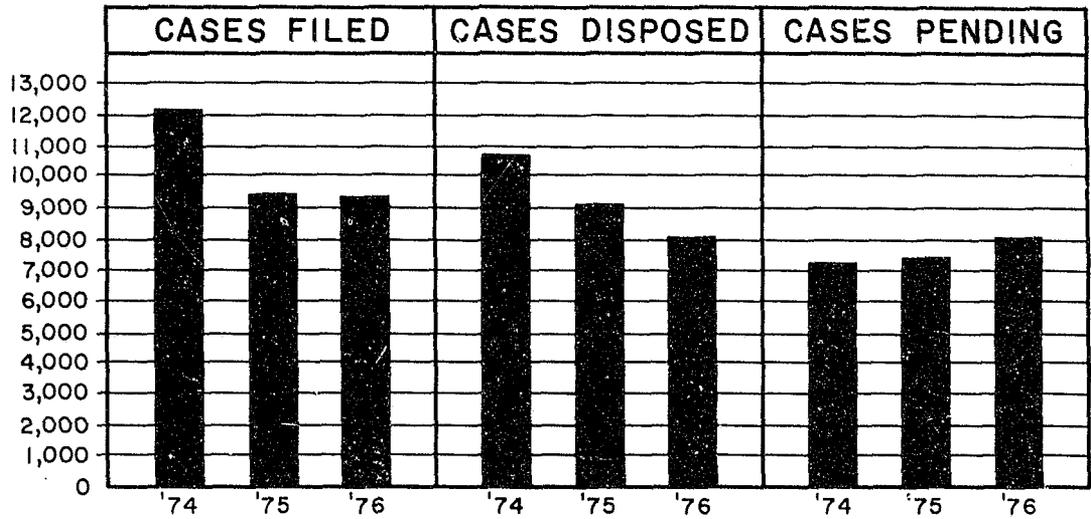
During 1976, the first additional district judge was added to the court system since court reorganization. A new district judge position was created in the Fourth Judicial District, with resident chambers in Elmore County, although the services of that new judge have been divided almost equally between Elmore County and Ada County. Also during 1976, additional lawyer magistrate positions were added in the Fifth and Sixth Judicial Districts, with the new magistrates' resident

chambers established, respectively, in Cassia and Caribou Counties. There was a continued trend during the year to change from non-attorney magistrates to lawyer judges, as retirements occurred. Canyon County alone accounted for two such changes, with changes from non-attorney to attorney magistrates taking place also in Fremont, Lemhi, and Bonneville Counties. There are now 38 lawyer magistrates and 28 non-attorney magistrates.

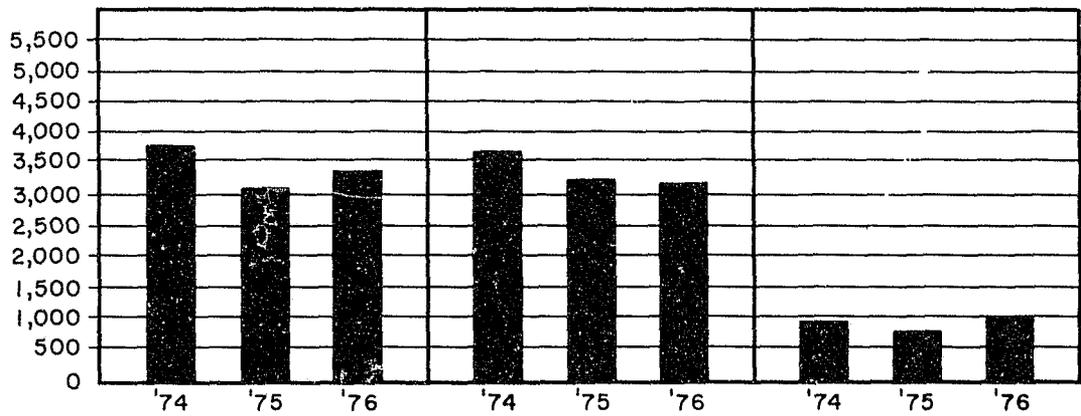
Because of continued population and caseload increases in Canyon County and other areas in the Third Judicial District, the Supreme Court will request that the 1977 Idaho Legislature create an additional district judge office in the Third Judicial District.

DISTRICT COURT CASES

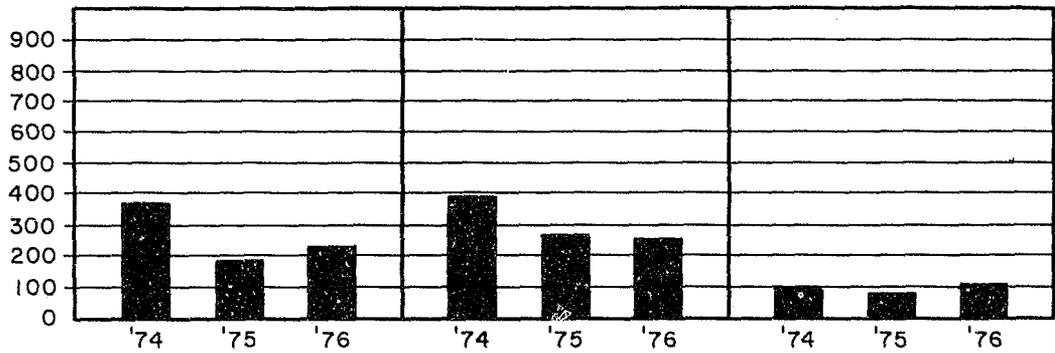
**CIVIL
CASES**



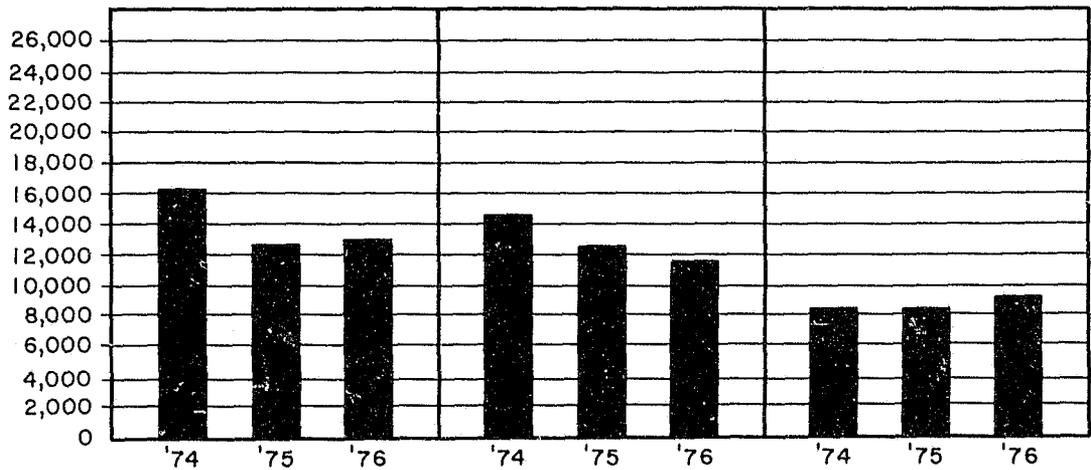
**CRIMINAL
CASES**



**SPECIAL
PROCEED-
INGS**

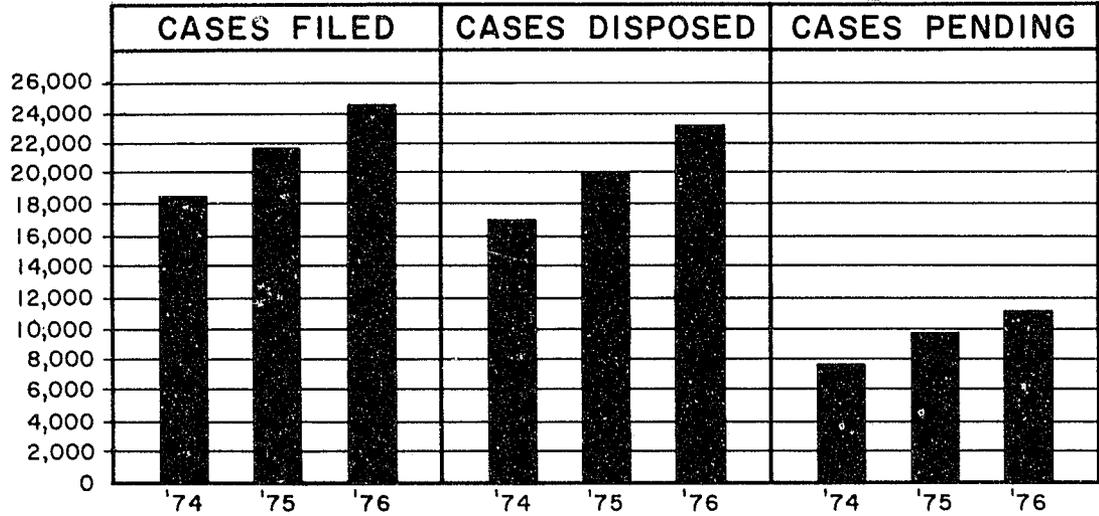


**TOTAL
CASES**

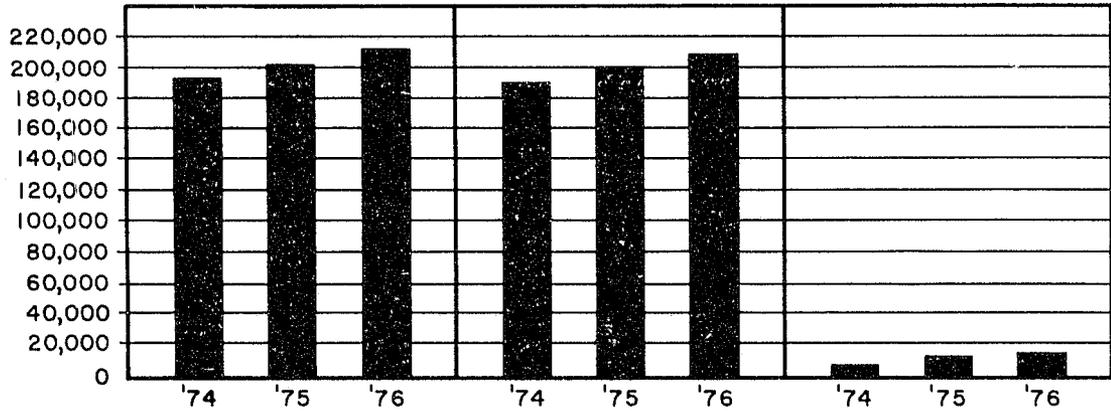


MAGISTRATE DIVISION CASES

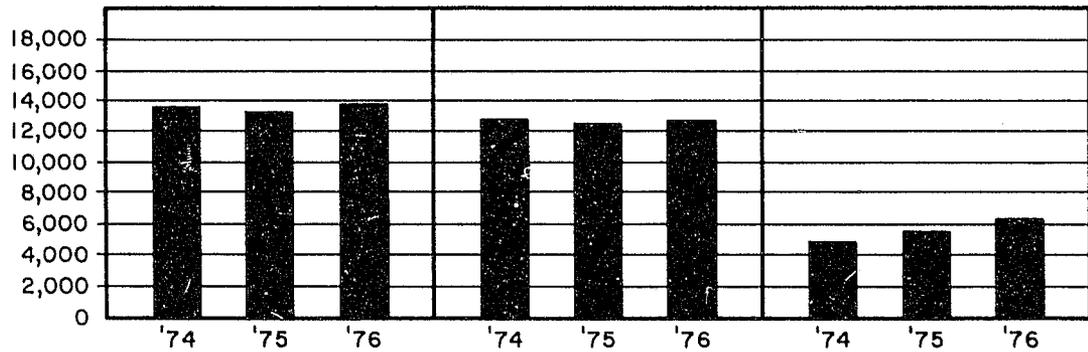
CIVIL CASES



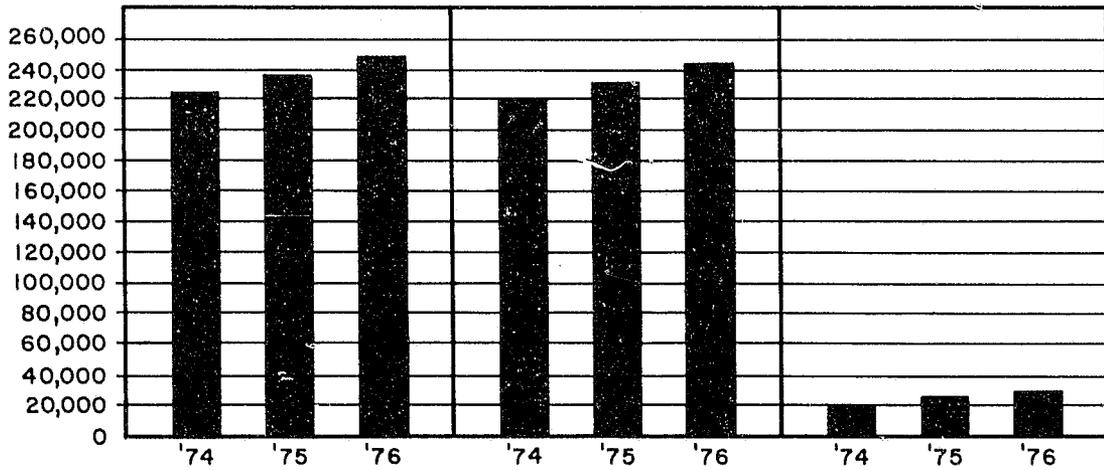
CRIMINAL CASES



SPECIAL PROCEEDINGS



TOTAL CASES



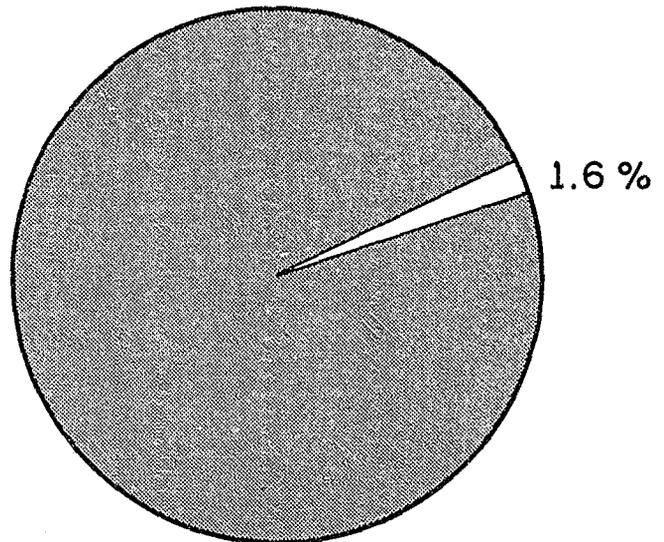
The Cost of Operating the Courts

Idaho's courts are financed by a combination of state, county and municipal expenditures. State general fund moneys finance the salaries and travel expenses of all judges, state administrative staff, and court reporters, as well as the cost of Supreme Court operations, including administrative offices, the Idaho Judicial Council, and the state law library. The state also finances judicial training programs. The counties and larger municipalities contribute to the costs of district court facilities: courtrooms, judges' offices, equipment and law libraries.

The administrative office of the courts manages the fiscal operations of the state judiciary, including payroll operations, travel expense reimbursements, accounts payable operations, capital expenditures and employee benefit operations. The annual appropriation request to the legislature is prepared by the administrative office, and the office monitors state judicial expenditures throughout the fiscal year.

State expenditures for fiscal 1976 on behalf of the courts totaled \$3,787,300. An idea of the proportion of state expenditures for courts as compared with total state expenditures can be gained from the following diagram:

**JUDICIAL EXPENDITURES
AS A PERCENTAGE OF
TOTAL STATE
EXPENDITURES
FISCAL YEAR 1976**



The trial courts generate revenues from filing fees, court costs and fines. Revenues derived from civil case filing fees are distributed to the state and counties, with a portion going to the judges' retirement fund and code commission funds. During fiscal 1976, the Administrative Office of the Courts estimates that \$757,148 was collected from filing fees, with \$204,430 going to the state, \$219,573 going to the counties, \$212,001 to the judges' retirement fund, and \$121,144 to the code commission fund (see appendix exhibit C).

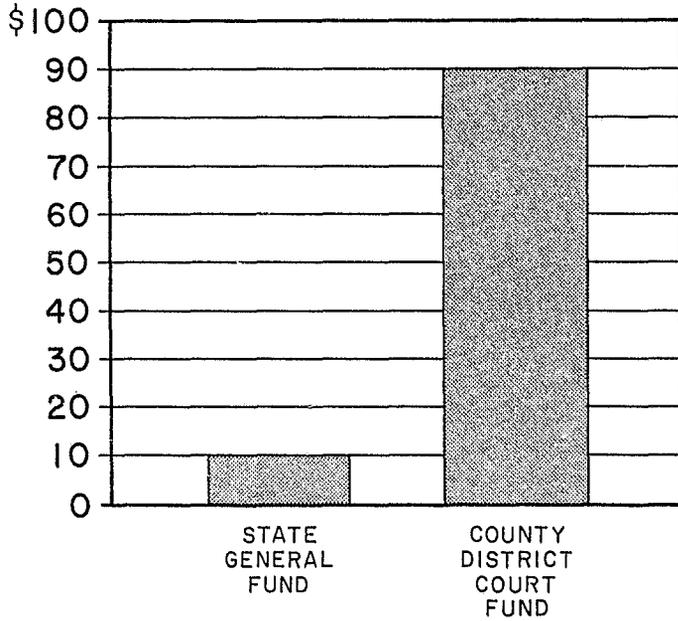
Criminal court costs and fines are distributed to state, county, and municipal governments by a complicated formula, as illustrated on the following page. During 1976, the Idaho Legislature created a "district court fund," into which the county share of court costs and fines are channeled. Previously these monies had been allocated to the county current expense funds. The new law places the responsibility for development of trial court budgets and monitoring of expenditures on the administrative judge and trial court administrator in each judicial district.

Beginning July 1, 1974, cities which provide magistrate court facilities began receiving \$3.75 of every \$7.50 court cost fee which is assessed by law upon a finding of guilty in a criminal prosecution.

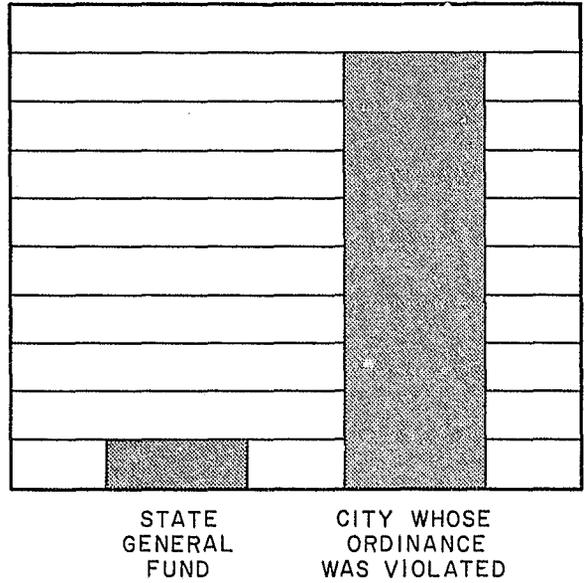
It is estimated that over three and three quarter million dollars was assessed by the trial courts as fines and costs during 1976 (figures on the amount of fines and costs actually collected are not available, since there presently is no statutory requirement for their compilation, and since records concerning collections are kept in a variety of state and county offices), with proportionate amounts allocated to the state, counties, and cities.

AVERAGE DISTRIBUTION OF \$100.00 IN FINES

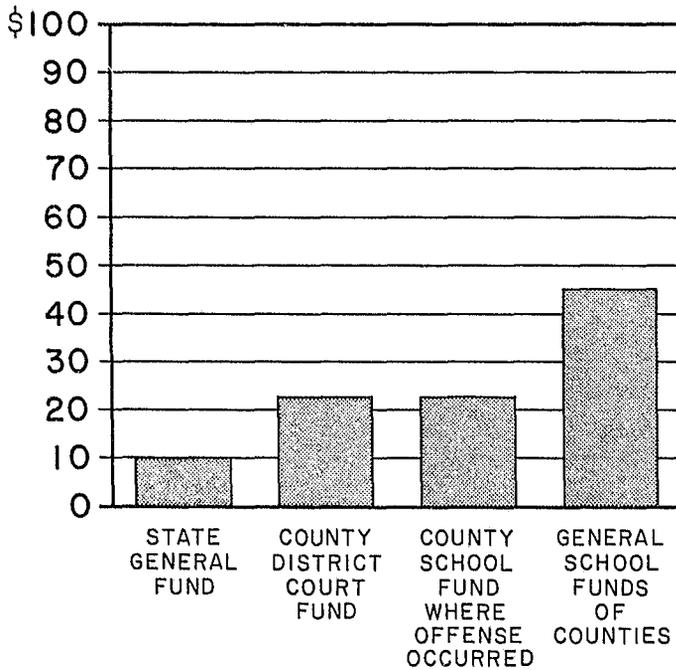
GENERAL STATE LAWS AND COUNTY ORDINANCES



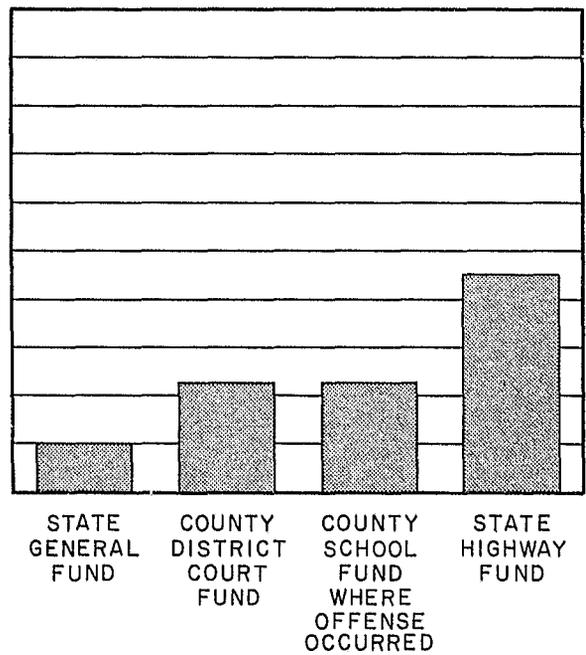
CITY ORDINANCE



FISH AND GAME LAWS



STATE MOTOR VEHICLE LAWS



New Programs and Developments

Beginning in 1973, the Idaho Supreme Court reorganized its administration to apply modern management techniques to the Idaho courts. A personnel system was implemented, and a computerized information system was overhauled. A trial court administration program was defined, and periodic meetings with Administrative Judges and Trial Court Administrators were inaugurated by the Supreme Court to help manage trial court operations. A comprehensive judicial education program was started, utilizing in-state seminars on Idaho laws and procedures and out-of-state resources such as the National College of the State Judiciary and the American Academy of Judicial Education. Federal grant applications were filed and federal funds were received for a number of court projects. A courts newsletter and legislative bulletin became regular references for judges, a Judges Sentencing Manual was published, and a pamphlet, "How to File a Suit in the Idaho Small Claims Departments" is now being distributed to all citizens who seek to use the small claims courts. By the end of 1976, the Idaho court system was operating smoothly, and the Idaho Supreme Court was able to focus greater attention on improving court programs.

Today, the Idaho judiciary is making its presence felt beyond the State's borders. District Judges Sherman Bellwood and Watt Prather, and Magistrate Alan Schwartzman were invited to serve as faculty members at the National College of the State Judiciary, in Reno, Nevada. Members of the Supreme Court and its administrative staff are serving on executive or advisory boards of the following national organizations: The Appellate Judges Conference, the American Judicature Society, the Council of State Government's Court Planning Project, the Small Claims Project of the National Science Foundation, the 11-State Judicial Information Systems Project, the American Bar Association Judicial Administration Division Court Administration Committee, the National Appellate Clerks Conference, and the Council of State Court Representatives of the National Center for State Courts. Idaho's courts are building a national reputation of which the State's citizens can be proud.

Court Planning

While studies have found that planning is largely undeveloped in other state court systems, the Idaho judicial system has utilized planning as an effective management tool since 1973. The Supreme Court annually prepares a comprehensive plan, setting long and short range goals and objectives for courts, and judicial personnel work throughout the year to achieve those goals and objectives. The annual plan also contains district goals and objectives developed by the administrative district judge and trial court administrator for each of the seven judicial districts in Idaho. Once approved, the plan serves as a basic policy guide for administrative operations, and is distributed to the administrative judges and trial court administrators who manage the day-to-day operations of the trial courts, as well as to other state government agencies and branches which work in cooperation with the courts.

New Appellate Procedure Rules

During 1976 the Idaho Supreme Court Appellate Rules Committee completed the drafting of an entirely new set of proposed rules of appellate procedure for the state of Idaho. These proposed rules have been submitted to the Supreme Court and at the date of the printing of this report are under active review by the Supreme Court.

The new proposed Appellate Rules modernize and simplify substantially the procedure in taking appeals from the district courts and the administrative agencies to the Supreme Court, and should result in a substantial shortening of the appellate process and eliminate many of the technicalities contained in the old Appellate Rules.

Continuing Judicial Education

The Administrative Office of the Courts began employment of a judicial education officer in 1976. This new position was created in recognition of the need for a full-time person to coordinate in-state and out-of-state judicial education seminars for Idaho judges, and to develop legal reference works and manuals for the trial bench and supporting personnel. Among new projects being planned: a videotape and audio cassette library for Idaho judges.

During 1976 the United States Supreme Court determined in a Kentucky case that a non-lawyer judge could hear a criminal trial if a new trial before a lawyer judge is an automatic right — a right that does not exist, automatically, in Idaho. While the decision does not have technical application beyond the Kentucky laws involved, many jurists feel that the U. S. Supreme Court's decision contains implied restrictions on the use of non-lawyer magistrates in other states. In response to this decision, the Idaho Supreme Court plans to implement a training and certification program for all non-attorney magistrates in the state. Non-attorney judges will attend a two-week residential seminar during 1977, following which there will be a certification of those who are qualified to handle criminal cases where incarceration is a possibility.

Modernization of Criminal Rules

In 1976 the Idaho Supreme Court appointed a Criminal Rules Committee which was directed to review all of the criminal rules related to the District Court and the Magistrate Division with the idea of consolidating all criminal rules, both trial and appellate, in one volume. The rapidly changing constitutional standards as applied to criminal procedure necessitated, in the opinion of the Supreme Court, a complete revision of the entire criminal rules. It is anticipated that the work of the committee will not be completed until approximately January 1, 1978. The committee membership includes the following: Justice Robert E. Bakes, Chairman; Lon F. Davis, Reporter; Hon. Alfred C. Hagan, Boise; Hon. Roy C. Mosman, Moscow; Hon. Robert M. Rowett, Mountain Home; Hon. Douglas D. Kramer, Hailey; Hon. Craig C. Kosonen, Coeur d'Alene; Hon. G. D. Carey, Boise; Thomas Dial, Pocatello; Larry R. Duff, Rupert; Ellison M. Matthews, Boise; Ben Cavaness, American Falls; Jim R. Dolittle, Caldwell; Gordon S. Thatcher, Rexburg; Thomas B. Campion, Ketchum; Gary M. Haman, Coeur d'Alene.

Legal and Procedural Manuals

During 1976, the Idaho Supreme Court published and distributed the first Idaho Trial Judges Manual, to provide judges with a comprehensive bench book and orientation training manual. The Idaho Trial Judges Manual is the second in a series of legal references, following publication of the Idaho Judges Sentencing Manual in 1975.

During the year also work was begun on a District Court Clerks Manual, through a committee of district court clerks and judges, chaired by August C. Bethke, Clerk of the District Court for Minidoka County. Projected to be completed during 1977, the District Court Clerks Manual will provide procedural guidance for court clerical staff in processing court fees and fines, setting and acceptance of bond, use of microfilm equipment, office procedures, records management, and general court related duties.

Supreme Court Computer Operations

During 1976, the Supreme Court installed its own computer, a Burroughs 1726 mini-computer. The computer was purchased with federal funds supplied by the United States Law Enforcement Assistance Administration, and allows the Supreme Court to expand its computerized systems applications beyond the basic trial court caseload monitoring system which has been in effect since 1973.

Late in 1976, a new Supreme Court appeals management system was completed and put into use. The appeals management system will allow the Supreme Court to monitor all pending appeals, and to print out daily notices of all documents and records that are due to be filed in connection with active cases. A portion of the system also monitors the production of transcripts by district court reporters. The new appeals management system is one of only a handful of operational systems of its kind in the country.

Other Developments

Among other important developments during 1976 were:

- Four bills recommended by the Court were passed during the 1976 Legislature to improve the operation of the Youth Rehabilitation Act. The Court recommended minimum standards for juvenile detention facilities, but not enough interest was generated in this subject to obtain legislative enactment.
- A uniform standard was established for the satisfaction of minimum jury requirements, eliminating conflicting practices on release from jury service in various counties.
- A more sound actuarial base for the Judges' Retirement Fund was achieved through the passage of legislation which provided for increased employer and employee contributions, as well as an appropriation from surplus to the Judges' Retirement Fund.
- An additional district judge for the Fourth Judicial District was obtained through statutory enactment.

- Revisions in the statewide bail bond schedule were completed, incorporating changes requested by the Public Utilities Commission and required by recodification of Idaho's Fish and Game laws.
- The Administrative Office's central registry for withheld judgments became an important resource for sentencing judges, and notifications were sent to judges whenever a second withheld judgment was received by a defendant.
- Results of a judicial resources questionnaire were compiled, and administrative judges and trial court administrators were notified of deficiencies in judicial libraries.
- The Administrative Director of the Courts continued to press for the creation of a 30-day residential evaluation program for juveniles charged under the Youth Rehabilitation Act, and by year's end, at least two groups were seeking federal funds for such an experimental program.
- A Supreme Court committee of judges, prosecuting attorneys, public defenders and representatives of the State Department of Health and Welfare presented a final recommendation to the Supreme Court for the first comprehensive revision of the juvenile rules of procedure since court reorganization.
- A Supreme Court committee, chaired by Justice Charles R. Donaldson, developed proposed sentencing standards for the use of withheld judgments in the magistrate division.
- A district judges seminar was held in May of 1976 on topics including use of probation services, standards of judicial conduct, and impact decisions of the United States Supreme Court.
- The Legislative Bulletin was published on a weekly basis during the 1976 Legislative Session, and proved to be an invaluable resource to judges.
- The Idaho judiciary sponsored, concurrently, a Western Regional Appellate Conference, a Western Court Administration Conference, and a Five-State Conference for Trial Judges, in Coeur d'Alene.
- The Judicial Personnel Manual was revised, effective August 1, 1976, to include new personnel positions established and revisions in the judicial pay schedule, as well as the addition of political activity guidelines and employee benefit descriptions.
- Videotaped training sessions on judicial demeanor were held for newly appointed judges of the magistrate division, and an institute for non-attorney magistrates was held to study legal research, mental commitments, search and arrest warrants, and evidence.

1976 Legislation Affecting the Courts

The second session of the 43rd Idaho Legislature saw the first successful attempt to provide actuarially sound financing for the Judges Retirement Fund since that fund was created in 1947. The financing plan combined a direct appropriation by the Legislature with a permanent employer contribution to the Judges Retirement Fund and an increase in the rate of contribution to the fund from the individual justices and district judges. A \$1,500 salary increase was provided to justices and district judges to offset the increased contribution rate.

Four statutes amending the Youth Rehabilitation Act which had been recommended by the Supreme Court were enacted. State coordination of plans for regional detention centers was created, in the event that funding for such centers is obtained. The juvenile laws were clarified to allow waivers of certain juveniles to be processed in the adult courts, and certain traffic, watercraft and fish and game violations were removed from the Youth Rehabilitation Act. Persons liable for the support of a juvenile are now required to pay counties for the cost of court-appointed attorneys.

For the first time since court reorganization, an additional district judge was added to the state court system, in the Fourth Judicial District. A bill to make it easier for district judges to serve temporarily after retirement was enacted: Senate Bill 1370 eliminated the social security penalty which had been suffered by retired district judges providing service during illnesses, vacations, and disqualifications.

A controversial bill, House Bill 535, was enacted to change the manner in which county funds are allocated to trial court support services. The new law creates a district court fund into which court costs and fines are channeled, replacing the old system of allocating those monies to the county current expense fund. The new law places the responsibility for development of trial court budgets and monitoring of expenditures on the administrative judge and trial court administrator of each judicial district.

A bill passed in the final days of the legislature, House Bill 617, removed the authority of judges to order the county sheriff to provide facilities for the court, and instead provides that the county shall provide suitable and adequate facilities for the district courts — a change generally welcomed by trial judges.

Effective July 1, 1976, the jurisdiction of the small claims departments was increased from \$300 to \$500.

Other legislation which was enacted during the 1976 legislative session which affects the courts includes:

- HB 346 — Adopts the Interstate Compact on Placement of Children; establishes rules and regulations for adoption of children in Idaho and establishes conditions necessary for placement and penalties for illegal placement. 1976 S.L., Ch. 189, effective 7/1/76.
- HB 348 — Requires insurance companies to report to Department of Insurance data on medical malpractice claims and suits filed. 1976 S.L., Ch. 115, effective 7/1/76.
- HB 350 — Defines criminal trespass and sets penalties. 1976 S.L., Ch. 154, effective 3/17/76.
- HB 357 — Requires persons gainfully employed in Idaho to get driver's licence regardless of length of residency in state. 1976 S.L., Ch. 52, effective 7/1/76.
- HB 361 — Provides for civil penalties for trespass. 1976 S.L., Ch. 155, effective 3/17/76.
- HB 387 — Eliminates requirement that persons involved in accident must make report to Department of Law Enforcement and provides that accident reports filed by law enforcement officers are not privileged or confidential. 1976 S.L., Ch. 55, effective 7/1/76.
- HB 401 — Provides no automobile medical payment insurance contract can limit recovery to costs incurred in less than three years after injury is sustained. 1976 S.L., Ch. 102, effective 7/1/76.
- HB 403 — Prohibits reproduction of a sound recording for sale. 1976 S.L., Ch. 112, effective 7/1/76.
- HB 411 — Delays until Jan. 15, 1977, implementation of the Alcoholism and Intoxication Treatment Act passed last year. 1976 S.L., Ch. 98, effective 7/1/76.
- HB 414 — Redefines the word "violation" as used by the Department of Law Enforcement in the revocation and suspension of driver's license to mean a *final* conviction on a charge involving a moving traffic violation. 1976 S.L., Ch. 53, effective 7/1/76.
- HB 472 — Authorizes qualified medical technologist to draw blood for alcoholic content tests. 1976 S.L., Ch. 92, effective 7/1/76.
- HB 475 — Provides that 30-year extraordinary limitation for filing of ionizing radiation claims shall not apply to professional malpractice suits. 1976 S.L., Ch. 184, effective 3/19/76.
- HB 506 — Provides that after a complaint has been filed by a landlord for possession of property, the Court shall schedule trial within 12 days (rather than 7) after service of the summons. 1976 S.L., Ch. 71, effective 7/1/76.

- HB 517 — Requires the Board of Trustees of a school district to give *written* notice to the parents or guardian of a student to be expelled; provides the notice shall provide for a hearing with right of counsel for the student and the right to produce witnesses; provides that the notice will be delivered within a reasonable time before the hearing; authorizes the Board of Trustees to utilize written contracts in the employment of principals. 1976 S.L., Ch. 86, effective 7/1/76.
- HB 518 — Recodifies Idaho fish and game laws. 1976 S.L., Ch. 95, effective 1/1/77.
- HB 538 — Defines "deadly weapon or instrument" to include any firearm, though unloaded or so defective that it cannot be fired. 1976 S.L., Ch. 144, effective 7/1/76.
- HB 542 — Provides that when any city or county ordinance provides a lower penalty for a criminal act than does the state law, the state law shall prevail; provides that the maximum penalty for violation of a city ordinance shall not exceed \$300 and/or six months imprisonment. 1976 S.L., Ch. 145, effective 7/1/76.
- HB 571 — Lessens the penalty for inattentive driving as compared to reckless driving; provides that inattentive driving is a misdemeanor and must take place upon a public highway. 1976 S.L., Ch. 201, effective 7/1/76.
- HB 599 — Authorizes a court to appoint a "partial" guardian, for a mentally retarded person, whose authority would extend only to that necessitated by the individual's actual mental and adaptive limitations; provides for a hearing before the court to determine a person's capabilities; establishes provisions for the eligibility of guardians and expresses preference for an individual rather than an agency; establishes the civil rights of persons confined to an institution. 1976 S.L., Ch. 134, effective 7/1/76.
- HB 616 — Allows the property owner or bondsman putting up bail money 20 days in which to apprehend and get the defendant into court before the bond is forfeited. 1976 S.L., Ch. 137, effective 7/1/76.
- HB 618 — A revision and updating of the laws relating to indecency and obscenity. 1976 S.L., Ch. 81, effective 7/1/76.
- HB 620 — Recodifies the obscenity laws to more clearly define nuisances, moral nuisances and provide remedies for injunction, abatement and the admissibility of evidence. 1976 S.L., Ch. 82, effective 7/1/76.
- HB 640 — Creates a new Child Protective Act. 1976 S.L., Ch. 204, effective 7/1/76.
- HB 654 — Grants immunity from civil damages to any person or persons, including volunteer ambulance attendants, who offers and administers first aid or emergency medical attention unless it can be shown the person is guilty of gross negligence in the treatment offered or administered. 1976 S.L., Ch. 186, effective 3/19/76.
- SB 1245 — Repeals state motor vehicle inspection law. 1976 S.L., Ch. 59, effective 7/1/76.
- SB 1258 — Allows State Board of Correction to delegate to hearing officer charges that prison inmates shall have revocation or forfeiture of credit for good conduct. 1976 S.L., Ch. 32, effective 7/1/76.
- SB 1286 — Banning sale of beer by any person, partnership, association or corporation which conducts or permits live entertainment, showing of films, still pictures, electronic reproductions or other visual reproductions depicting certain acts or simulated acts or any sexual acts which are prohibited by law. 1976 S.L., Ch. 156, effective 3/18/76.
- SB 1291 — Provides that all motor vehicles shall be registered in 10 registration periods instead of 12 and such registrations shall expire in month designated by last digit of license plate. 1976 S.L., Ch. 4, effective 2/9/76.
- SB 1317 — Provides that if a misdemeanor is committed in a city which is located in two counties, the jurisdiction may be in either county. 1976 S.L., Ch. 24, effective 7/1/76.
- SB 1378 — Authorizes officers to order removal of illegally stopped vehicles and provides officers with authority to remove disabled vehicles when the driver has been incapacitated and removed from the scene. 1976 S.L., Ch. 168, effective 7/1/76.
- SB 1484 — Exempts certain advertising and promotions from definition of a lottery. 1976 S.L., Ch. 174, effective 7/1/76.
- SB 1411 — Removes limitations on attorney's fees with respect to consumer loans.
- SB 1351 — Provides that the penalty for violation of any of the various Sections of the Sunshine Law shall be a civil fine rather than criminal. 1976 S.L., Ch. 227, effective 7/1/76.
- SB 1269 — Enacted as amended. Permits peace officers to inspect premises where beer or wine is sold at retail. 1976 S.L., Ch. 236, effective 7/1/76.
- SB 1433 — Increases the charges for furnishing written transcripts of court proceedings from \$1.25 to \$1.75 per page. 1976 S.L., Ch. 239.
- SB 1522 — Requires owner of motor vehicle to continuously provide liability insurance. 1976 S.L., Ch. 247, effective 4/1/76.

- HB 474 — Governs disclosure to the jury of the amount of damages sued for in civil actions. 1976 S.L., Ch. 275, effective 7/1/76.
- HB 478 — Creates a new act regarding medical malpractice, expert testimony and the proof required. 1976 S.L., Ch. 277, effective 3/31/76.
- HB 489 — Provides for a hearing panel for prelitigation consideration of medical malpractice claims against hospitals and physicians. 1976 S.L., Ch. 278, effective 7/1/76.
- HB 541 — Authorizes a magistrate to continue or postpone a preliminary hearing. 1976 S.L., Ch. 282, effective 7/1/76.
- SB 1477 — Authorizes a judge to award reasonable attorney's fees to the prevailing party in civil actions. 1976 S.L., Ch. 349, effective 7/1/76.
- SB 1432 — Increases the salaries of district court reporters from \$14,500 to \$16,000 per year. 1976 S.L., Ch. 356, effective 7/1/76.
- HB 738 — Provides for 24-hour detention by police under certain circumstances. 1976 S.L., Ch. 365, effective 7/1/76.
- HB 403 — Makes it unlawful to reproduce for sale or offer for sale any sound recording without consent of owner of the master recording. 1976 S.L., Ch. 112, effective 7/1/76.
- HB 562 — Provides that when a state governmental entity is subject to liability for damages for acts of its employees, the governmental entity must provide a civil defense for the employees. 1976 S.L., Ch. 309, effective 4/1/76.
- HB 602 — Amends shelter home licensing act. 1976 S.L., Ch. 311, effective 7/1/76.
- HB 702 — Provides that authorization for refusal or consent for emergency treatment shall be governed by provisions of Idaho Code on medical consent. 1976 S.L., Ch. 318, effective 7/1/76.

Index to Exhibits

- Exhibit A: IDAHO JUDGES
- Exhibit B: ADMINISTRATIVE JUDGES AND TRIAL COURT ADMINISTRATORS
- Exhibit C: FILING FEES SUMMARY
- Exhibit D: DISTRICT COURT CASES
- Exhibit E: MAGISTRATE DIVISION CASES
- Exhibit F: SUPREME COURT CASELOAD

Exhibit A

IDAHO JUDGES

District Court Judges

JUDICIAL DISTRICT ONE

The Honorable Watt E. Prather, Administrative Judge
The Honorable James G. Towles
The Honorable Dar Cogswell

JUDICIAL DISTRICT TWO

The Honorable John H. Maynard, Administrative Judge
The Honorable Roy E. Mosman
The Honorable Roger Swanstrom

JUDICIAL DISTRICT THREE

The Honorable Robert B. Dunlap, Administrative Judge
The Honorable Gilbert C. Norris
The Honorable Edward J. Lodge

JUDICIAL DISTRICT FOUR

The Honorable Gerald F. Schroeder, Administrative Judge
The Honorable Alfred C. Hagan
The Honorable J. Ray Durtschi
The Honorable W. E. Smith
The Honorable Robert M. Rowett

JUDICIAL DISTRICT FIVE

The Honorable Douglas D. Kramer, Administrative Judge
The Honorable Theron W. Ward
The Honorable James M. Cunningham
The Honorable Sherman J. Bellwood

JUDICIAL DISTRICT SIX

The Honorable Arthur P. Oliver, Administrative Judge
The Honorable George W. Hargraves
The Honorable Francis J. Rasmussen

JUDICIAL DISTRICT SEVEN

The Honorable H. Reynold George, Administrative Judge
The Honorable Boyd R. Thomas
The Honorable Arnold T. Beebe
The Honorable Willard C. Burton

Judges of the Magistrate Division

JUDICIAL DISTRICT ONE

The Honorable Sam M. Irvine (Retired 11-30-76)
The Honorable Ralph J. Mills
The Honorable Quentin Harden
The Honorable Craig C. Kosonen
The Honorable Lennis McLeod
The Honorable Virginia R. Balsler
The Honorable Albert H. Parisot, Jr.
The Honorable Donald F. Gumaer
The Honorable Don L. Swanstrom*

JUDICIAL DISTRICT TWO

The Honorable Ralph H. Haley
The Honorable Andrew Schwam
The Honorable Robert T. Felton
The Honorable Martin V. Huff
The Honorable D. K. Worden, Jr.
The Honorable William M. Smith*

JUDICIAL DISTRICT THREE

The Honorable Robert W. Whiteman
The Honorable Lloyd C. McClintick
The Honorable Jack D. Swafford
The Honorable Milton Birnbaum
The Honorable C. Marvin Cherin
The Honorable Alfred O. Perry
The Honorable Charles J. Jurries
The Honorable William D. Jordan
The Honorable Frank H. Joseph
The Honorable Vincent F. Derig

JUDICIAL DISTRICT FOUR

The Honorable G. D. Carey
The Honorable Alan M. Schwartzman
The Honorable L. Alan Smith
The Honorable Robert Newhouse
The Honorable Lewis W. Woods
The Honorable Gordon W. Lamm
The Honorable Wayne P. Willis
The Honorable Patricia P. Gillespie
The Honorable William McDougall
The Honorable John Sellman
The Honorable Richard Schmidt
The Honorable Frank T. Elam
The Honorable Warren H. Gilmore*

JUDICIAL DISTRICT FIVE

The Honorable Daniel L. Alban
The Honorable Charles W. Packham
The Honorable George G. Granata, Jr.
The Honorable Russell C. Shaud
The Honorable Nancy M. Haddock
The Honorable Jerry L. Wegman
The Honorable Daniel B. Meehl
The Honorable Reed P. Maughan
The Honorable Paul T. Smith
The Honorable Roy C. Holloway
The Honorable Charles C. Shaw*

JUDICIAL DISTRICT SIX

The Honorable Dell W. Smith
The Honorable Robert W. Bennett
The Honorable George R. Phillips
The Honorable William W. Woodland
The Honorable Willis J. Ward
The Honorable Genevieve Young
The Honorable Ann P. Davis
The Honorable Ralph W. Hadfield
The Honorable James W. Haeger
The Honorable Richard F. Hammond*

JUDICIAL DISTRICT SEVEN

The Honorable Wilbert Cammack
The Honorable Robert C. Brower
The Honorable Linda J. Cook
The Honorable Glenn A. Phillips
The Honorable Mildred R. McClure
The Honorable Arthur A. Wright
The Honorable Jerry D. Reynolds
The Honorable Michael J. Donohoe, Jr.
The Honorable Milton A. Slavin
The Honorable Harold S. Forbush
The Honorable Willis Moffat
The Honorable William W. Black*

*Trial Court Administrator who also serves as Magistrate.

Exhibit B

ADMINISTRATIVE JUDGES AND TRIAL COURT ADMINISTRATORS

Administrative Judges

The Honorable Watt E. Prather, Administrative Judge	District 1
The Honorable John H. Maynard, Administrative Judge	District 2
The Honorable Robert B. Dunlap, Administrative Judge	District 3
The Honorable Gerald F. Schroeder, Administrative Judge	District 4
The Honorable Douglas D. Kramer, Administrative Judge	District 5
The Honorable Arthur P. Oliver, Administrative Judge	District 6
The Honorable H. Reynold George, Administrative Judge	District 7

Trial Court Administrators

The Honorable Don L. Swanstrom, Trial Court Administrator	District 1
The Honorable William M. Smith, Trial Court Administrator	District 2
Mrs. Helen M. Powell, Trial Court Administrator	District 3
The Honorable Warren H. Gilmore, Trial Court Administrator	District 4
The Honorable Charles C. Shaw, Trial Court Administrator	District 5
The Honorable Richard F. Hammond, Trial Court Administrator	District 6
The Honorable William W. Black, Trial Court Administrator	District 7

Exhibit C

Reported Filing Fees, Fines and Costs Summary Fiscal Year 1975

Filing Fees Collected

Code Commission Fund	\$121,144
Judges' Retirement Fund	212,001
State General Fund	204,430
County	219,573
TOTAL FILING FEES	757,148

Exhibit D

Judicial Management Information System (District Court)

TOTAL CASE LOAD AND DISPOSITION SUMMARY

SPC-400

IDAHO JUDICIAL MANAGEMENT INFORMATION SYSTEM

CASE FILINGS AND DISPOSITION SUMMARY

* STATEWIDE REPORT *		JANUARY 1 THRU DECEMBER 31, 1976				STATE DC	
* DISTRICT COURT *		**** TYPE DISPOSITIONS ****				CASES	
TYPE-OF-CASE	DESCRIPTION	CASE FILINGS	W/O TRIAL	WITH TRIAL	UN- KNOWN	TOTAL DISP.	PENDING
11	DOMESTIC RELATIONS	4210	1611	1777	21	3409	2309
12	PERSONAL INJ / PROP. DAMAGE.	934	584	188	6	778	1232
13	SUPPORT PROCEEDINGS	785	594	88		682	659
14	OTHER COMPLAINTS & PETITIONS	3386	2223	938	11	3172	3841
15	SMALL CLAIMS	20	11	8		19	15
**	TOTAL - CIVIL CASES **	9335	5023	2999	38	8060	8056
* DISTRICT COURT APPEALS *		118	45	29	12	86	124
21	FELONIES - DRUG	446	334	52	24	410	147
21	FELONIES - D.W.I.	174	117	10	21	148	70
21	FELONIES - ALL OTHER	2000	1482	241	170	1893	704
23	TRAFFIC - OTHER THAN DWI . . .	1	2			2	3
24	MISDEMEANORS - DRUG	416	373	36	9	418	43
24	MISDEMEANORS - D.W.I.	20	21	3		24	2
24	MISDEMEANORS - ALL OTHER . . .	278	248	29	11	288	31
**	TOTAL - CRIMINAL CASES **	3335	2577	371	235	3183	1000
* DISTRICT COURT APPEALS *		65	36	10	3	49	58
30	Y.R.A. PROCEEDINGS - DRUG . . .	0					
30	Y.R.A. PROCEEDINGS - D.W.I. . . .	0					
30	Y.R.A. PROCEEDINGS - OTHER . . .	0	1			1	1
31	CHILD PROTECTIVE ACT CASES . . .	1		1		1	1
32	ADOPTION - TERM.PARENT PROC.	4	1	10		11	2
34	GUARDIANSHIP OF MINORS	2	1	3		4	2
35	GUARDIANSHIP- INCAP. PERSONS	1		2		2	1
36	INFORMAL ESTATE PROCEEDINGS	16	4	59		63	10
37	FORMAL ESTATE PROCEEDINGS . . .	7	1	9		10	5
40	HABEAS CORPUS PROCEEDINGS . . .	147	92	21		113	62
41	ALL OTHER SPECIAL HEARINGS . . .	55	26	35		61	31
**	TOTAL - SPEC. PROCEEDINGS **	233	126	140		266	115
* DISTRICT COURT APPEALS *		34	17	8	1	26	25
** TOTALS OF ALL CASES **		12903	7726	3510	273	11509	9171
* DISTRICT COURT APPEALS *		217	98	47	16	161	207

Exhibit E

Judicial Management Information System (Magistrate Division)

TOTAL CASE LOAD AND DISPOSITION SUMMARY

SPC-400

IDAHO JUDICIAL MANAGEMENT INFORMATION SYSTEM

CASE FILINGS AND DISPOSITION SUMMARY

* STATEWIDE REPORT * JANUARY 1 THRU DECEMBER 31, 1976 STATE MD

* MAGISTRATE DIVISION * **** TYPE DISPOSITIONS **** CASES PENDING

TYPE-OF-CASE DESCRIPTION	CASE FILINGS	W/C TRIAL	WITH TRIAL	UN-KNCWN	TOTAL DISP.	CASES PENDING
11 DOMESTIC RELATIONS	4049	2131	2349	16	4496	1665
12 PERSONAL INJ / PROP. DAMAGE.	550	358	69	1	428	437
13 SUPPORT PROCEEDINGS	1610	969	343	4	1316	933
14 OTHER COMPLAINTS & PETITIONS	8300	5147	2026	15	7188	5815
15 SMALL CLAIMS	10130	4530	5139	1	9670	2200
** TOTAL - CIVIL CASES **	24639	13135	9926	37	23098	11050
21 FELONIES - DRUG	679	645	23		668	82
21 FELONIES - D.W.I.	236	242	2		244	33
21 FELONIES - ALL OTHER	3951	3584	130	5	3719	1311
23 TRAFFIC - OTHER THAN DWI . . .	177336	173362	3684	84	177130	3804
24 MISDEMEANORS - DRUG	1300	1215	100	19	1334	186
24 MISDEMEANORS - D.W.I.	6614	5756	648	117	6521	1173
24 MISDEMEANORS - ALL OTHER . . .	20945	18279	1700	210	20189	3828
** TOTAL - CRIMINAL CASES **	211061	203083	6287	435	209805	10417
30 Y.R.A. PROCEEDINGS - DRUG . . .	212	114	94	1	209	64
30 Y.R.A. PROCEEDINGS - D.W.I. . .	3	1	1		2	1
30 Y.R.A. PROCEEDINGS - OTHER . . .	7278	3662	3092	59	6813	1940
31 CHILD PROTECTIVE ACT CASES . . .	436	202	285	2	489	252
32 ADOPTION - TERM.PARENT PROC.	574	357	583	1	941	240
34 GUARDIANSHIP OF MINORS	197	36	114		150	188
35 GUARDIANSHIP- INCAP. PERSONS	201	45	120		165	195
36 INFORMAL ESTATE PROCEEDINGS	2591	1067	1038	3	2108	1883
37 FORMAL ESTATE PROCEEDINGS . . .	1231	464	689	7	1160	1221
40 HABEAS CORPUS PROCEEDINGS . . .	8	6	2		8	6
41 ALL OTHER SPECIAL HEARINGS . . .	685	217	379	1	597	264
** TOTAL - SPEC. PROCEEDINGS **	13816	6171	6397	74	12642	6254
** TOTALS OF ALL CASES **	249516	222389	22610	546	245545	27721

Exhibit F

SUPREME COURT CASE LOAD REPORT

COMPARATIVE SUMMARY STATUS OF THE CALENDAR FOR THE YEAR ENDING DECEMBER 31, 1976	Total Pending At Beginning Of Year	Added/ Transferred	Disposed Of	Total Pending At End Of Year	Difference Pending At Beginning And End— Number	Difference Pending At Beginning And End— Percentage
APPEALS BY TYPE:						
District Court — Civil						
a. Auto Negligence	11	2	7	6	-5	
b. Other Negligence	10	2	8	4	-6	
c. Tax Appeals	8	7	5	10	2	
d. Domestic Relations	18	11	13	16	-2	
e. YRA/CPA	2	0	1	1	-1	
f. Environment/Zoning	4	1	2	3	-1	
g. All Other Civil	134	138	86	186	52	
Total District Court — Civil	187	161	122	226	39	21%
District Court — Criminal						
a. Judgments	66	68	53	81	15	
b. Post-Conviction Relief	8	3	5	6	-2	
c. Habeas Corpus Appeals	14	6	12	8	-6	
d. All Other Criminal	7	11	4	14	7	
Total District Court — Criminal	95	88	74	109	14	15%
Agency Appeals						
a. Workmans Compensation	20	43	28	35	15	
b. Public Utilities Commission	10	3	4	9	-1	
c. All Other Agency	0	0	0	0	0	
Total Agency Appeals	30	46	32	44	14	47%
TOTAL APPEALS	312	295	228	379	67	22%
PETITIONS AND MOTIONS:						
Extensions of Time	426	418				
Motion To Dismiss	106	103				
For Rehearing	11	11				
Other	280	262				
Total Petitions and Motions	823	794				
ORIGINAL ACTIONS:						
Mandamus	1	10	7	4	3	
Prohibition	2	8	8	2	0	
Habeas Corpus	0	2	1	1	1	
Other	0	12	4	8	8	
Total Original Actions	3	32	20	15	12	400%
DISCIPLINARY PROCEEDINGS:						
Suspensions or Disbarments	0	4	1	3	3	
Other	0	1	0	1	1	
Total Disciplinary Proceedings	0	5	1	4	4	

END