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Mr. Chairman and Members of the Committee,

My name is Hyrum Erickson. I'm an attorney with Rigby Andrus & Rigby in Rexburg ID. I am testifying in opposition to House Bill 782.

There are several problems with the bill. I will point out a few and then focus one.

First -- Page 1 Lines 30 through 35. Most attorneys in Idaho are general practitioners. Meaning we handle a wide variety of matters – civil cases, family law, criminal law, and represent both plaintiffs and defendants. This is especially true in rural areas. This section, by itself makes most Idaho attorneys ineligible to sit on the Council.

Second -- Page 3 lines 5 through 16. This moves the number of applicants the Council must submit to the Governor from two to three. That may not seem like a problem, but there are times when there are not three qualified applicants for an open position. It is a mistake to require the Council to submit the name of an applicant it does not feel is qualified.

Third -- Page 3 lines 17 through 23. This allows the Governor to reject an initial slate of applicants and requires the submission of an entirely new set. Remember that at times there are not three qualified applicants for an open position. Outside of Boise, it is unusual to have 6. Sometimes you may not even have 6 total applicants – qualified or not.

Lastly and most importantly -- Page 3 lines 30 through 37. When a district or appellate judgeship needs to be filled, a survey is sent to the Bar. It asks a series of questions – Have you seen this attorney's work? Do they write well? Are they honest? etc. Obviously, we can only respond for attorneys we know. So I rarely respond for applicants west of Pocatello. However, I have worked with many attorneys who apply for positions in the 6th and 7th Districts. I take the surveys seriously and put time into answering them accurately. Other attorneys do as well.

This bill makes those responses available to the applicants. Not just the aggregated data and not just the comments -- but the responses with the respondent's name. I cannot overstate the chilling effect this will have on the information available to the Council. The Idaho bar is small. The east Idaho bar even more so. We know each other. I know almost every attorney I work with. I have worked with them before, and I will again. I practice regularly in front of every District Judge in the 7th District. It is not realistic to expect attorneys to provide useful responses if the applicant can read what they say and identify who said it. The participation rate on the surveys will drop precipitously and the candor of the responses that are provided will be severely limited. Those surveys are very useful to the Council. Their accuracy is entirely dependent on the source of the comments being confidential.

This bill was introduced on March 16<sup>th</sup> and there has been no time for real input from the Bar or the judiciary. It is a mistake. Please hold it in committee.

**Hyrum Erickson**

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