

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, January 17, 2024

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Foreman, Senators Lee, Anthon, Ricks, Hart, Hartgen, Wintrow, Ruchti

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Lakey** called the meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

NOTE: The Gubernatorial Appointment presentations for R. Todd Garbett and Jason Kreizenbeck were switched due to technical difficulties with the zoom program being used for Mr. Garbett.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Jason Kreizenbeck of Boise, Idaho, to the Judicial Council**, for a term commencing July 1, 2023 and expiring July 1, 2026. **Mr. Kreizenbeck** stated he was a contract lobbyist, CEO, President and Owner of the firm Lobby Idaho in Boise. His interest in this position was founded in a strong belief that fair, competent and impartial judges were critical to the health of the judicial system. **Mr. Kreizenbeck** said that he had looked for an opportunity to serve the public and felt this was a good match. He indicated that his role as the public lay person on the Council could provide fellow council members with perspective on judicial candidates and disciplinary matters from someone who did not regularly spend time in court. In addition, the public members of the council could help keep public confidence in the Judiciary because of the way they saw the candidates. He stated he felt his work experience and background working in Idaho government for about 30 years could benefit the council.

DISCUSSION: **Senator Hart** asked how many members were on the Judicial Council and if there was a requirement that some be from the Republican party and others from the Democratic party. **Mr. Kreizenbeck** responded there were nine members on the Judicial Council, two members of the bar, two judges, four members of the public, and the Chief Justice. There were no political affiliations.

Senator Ruchti asked if the process of choosing an applicant was similar to a job interview. **Mr. Kreizenbeck** responded the applications for judges were lengthy and had a great deal of material to review. He indicated there were good members on the Council who could read the material and determine whether the applicants had the necessary qualifications.

Senator Wintrow asked what characteristics were needed by someone who was going to be on the Council. **Mr. Kreizenbeck** added that it was extremely important to have a competent attorney who knew how to write. Demeanor was very important. It was valuable to have a judge demonstrate patience and a willingness to listen to all sides making sure everyone had the opportunity to feel they had been heard and there was no conflict. **Mr. Kreizenbeck** commented he often asked a question which caught candidates off guard and caused them to demonstrate what reservations they had about pursuing these positions.

Senator Lee asked how Mr. Kreizenbeck chose judges that reflected the views and values of their communities, in addition to balancing the requirement for the positions to be elected but also independent. **Mr. Kreizenbeck** responded the role of the Council was to fill vacancies when they arose, and for many, their calendars were overwhelming. Filling the vacancies was important. The bar surveys provided necessary information about the applicants and the Council members had a certain amount of familiarity with the people in the areas. He added it was important to have a minimum of three names for the Governor's consideration.

Chairman Lakey questioned why the number of applicants for these positions was dropping. **Mr. Kreizenbeck** stated that in his opinion, some of the cause may be related to the way the public currently viewed the Judiciary. He added the pay, tied to the cost of the education in order to apply, may be another factor. He did not think there was enough recruitment by the Judiciary to promote interest in these types of positions.

**GUBERNATORIAL
APPOINTMENT:**

Committee Consideration of the Gubernatorial Appointment of R. Todd Garbett of Montpelier, Idaho, to the Judicial Council, for a term commencing July 1, 2023 and expiring July 1, 2026. **Judge Garbett** introduced himself stating he was a Magistrate Judge in Bear Lake County in the Sixth Judicial District. He became very interested in the position when the legislature made the Magistrate Judge member a full voting member of the Council. He appreciated all judges he had served with and practiced in front of and felt strongly that Idaho maintain a strong judiciary. He added that part of the position on the Judicial Council was to select names to submit to the Governor for appointment. **Judge Garbett** wished to continue to serve on the Judicial Council. **He** worked as a law clerk and had practiced in front of judges whom he considered mentors. He had been on the magistrate bench for over 11 years giving him added experience for the position. **Judge Garbett** felt his years of experience as a lawyer and a judge would help him be a good fit for this position.

Senator Lee asked how Judge Garbett would balance the constitutional requirement for election, with allowing the judiciary to be independent. **Judge Garbett** expressed he was pleased with the framework that was constitutionally and statutorily in place in Idaho which placed judges above the political fray keeping them impartial, independent and unbiased. He added the candidates were chosen because they were qualified and chosen on a merit based system.

Chairman Lakey questioned what characteristics were important for someone in this position and how did his own characteristics match up. **Judge Garbett** commented that the Council needed people with integrity, people who could be impartial, and people who could be independent. **Judge Garbett** stated that when he was involved in making judicial decisions he tried to be independent, weigh the facts, look at the resumes and evidence, and make decisions based upon those factors just as he did in his courtroom work.

Senator Ruchti asked if Judge Garbett had ever heard comments about a judge being an isolating career choice. **Judge Garbett** responded that it was very isolating, and that was not something he had anticipated before he became a judge. It was essential that one did not show favoritism to anyone. In small towns where everyone knows everyone else, people could be suspicious about why the judge was talking to one person or having lunch with another person. This was an issue that caused some people to resist applying for judicial positions.

**GUBERNATORIAL
REAPPOINTMENT
VOTE:**

Senator Anthon moved to send the Gubernatorial Reappointment of Eric Fredericksen as the State Public Defender to the floor with a recommendation that he be confirmed by the Senate. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL
APPOINTMENT
VOTE:**

Senator Ruchti moved to send the Gubernatorial Appointment of John Bush to the Idaho Judicial Council to the floor with a recommendation that he be confirmed by the Senate. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL
REAPPOINTMENT
VOTE:**

Senator Ruchti moved to send the Gubernatorial Reappointment of Liz Chavez to the Idaho Judicial Council to the floor with a recommendation that she be confirmed by the Senate. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business to come before the Committee, **Chairman Lakey** adjourned the meeting at 2:10 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary