

MINUTES
JOINT MEETING
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
SENATE JUDICIARY & RULES COMMITTEE**

DATE: Wednesday, February 07, 2018

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium

MEMBERS: Chairman Luker, Vice Chairman Malek (Patano), Representative(s) Perry, Dayley, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Ehardt, Gannon, McCrostie, Wintrow

Chairman Lodge, Vice Chairman Lee, Senators Hagedorn, Lakey, Anthon, Foreman, Potts, Burgoyne, Nye

**ABSENT/
EXCUSED:** Representative(s) Perry, McDonald, Zollinger, McCrostie

GUESTS: Jay Gaskill, Idaho Courts; Susan Wiebe, Idaho Courts; Lansing Haynes, Idaho Courts; Barry Wood, ISC; Sara Thomas, ISC; Karlene Behringer, ISC; E. Jones, ISC; Michael W. Brown, ISC; Melissa Moony, ISC; Shelli Tubbs, ISC; Patrick Denton, OAG/ISP; Janica Bigharat, ISC; Dan Forman, Senate J&R; Michelle Crist-Agular, ISC; Burt Butler, 7th Judicial District; Linda Wright-Hartgen, Public; Andnu Petterson, ISC; Greg Hodges, IFRM; Tawnya Jones, ISC; Linsmoz, ISC; S. Barnes, Ada County; Melinda Merrill, Idaho Bail Coalition; Jaime Hansen, Family Advocates; Audrey Kenney, ITLA; Charlie Spencer, ISP; M. Kane, ISA; Matthew Gamette, ISP; Woody Richards, Ins Cos; Barbara Joeden, ITLA

Chairman Lodge called the meeting to order at 1:30 p.m.

Judge Barry Wood, Idaho Supreme Court, began the presentation by the Administrative District Judges with a brief overview of the Idaho Judiciary. He explained the Judicial Branch is comprised of Appellate Courts and Trial Courts. Appellate Courts are comprised of Supreme Court, Chief Justice, four Justices, Court of Appeals, Chief Judge and three Judges. Trial Courts are comprised of a District Court, forty-five Judges, Magistrate Court and ninety-two Judges. Judge Wood introduced the judges.

Administrative District Judge Susan Wiebe, Third Judicial District, structure of the Judicial Districts, Role and Duties of the Administrative District Judge, and Role of Trial Court Administrator. Judge Wiebe explained Idaho is divided into seven judicial districts. Each district encompasses four to ten counties. The Constitution of Idaho mandates a unified and integrated judicial system for administration and supervision by the Supreme Court. Challenges in adhering to the concept of being unified and integrated vary by region depending on the unique problems and needs of the districts within each region. The regional structure allows each judicial district authority over issues unique to that particular district and is set up to ensure each district's participation in policy decisions while maintaining uniform, statewide rules and procedures. Each district has an administrative district judge and a trial court administrator. Administrative District Judges (ADJ) manage court operations in the district, assigns judges to cases and coordinates activities of the clerks of the district courts. ADJ's are elected by a majority of the district judges within the district for a three-year term, subject to re-election. The ADJ assumes the administrative duties for the entire district while maintaining an active case load. The position is a leadership role developing working relationships with all people and entities

that interact with the courts. The ADJ is responsible for case management to ensure expeditious and efficient processing of all cases with equitable division of case loads among judges. ADJ oversees development and preparation of the annual budget. The ADJ acts as spokesperson for the courts within the district and is charged with establishing effective relations between the courts and the media; is responsible for insuring the security of courthouses and courtrooms; chairs the Magistrate Commission which selects and appoints magistrate judges; and, provides supervision and direction to the trial court administrator with the administrative director of the courts.

Trial Court Administrator (TCA) for each district is selected by the administrative district judge and the administrative director of the courts for each district to assist the administrative district judge in managing district court operations, overseeing judicial staff employees, working on budgetary issues, handling media contact with court personnel and judges. The TCA insures senior judge coverage when judges are sick or on vacation, when judges have multiple cases proceeding to trial or double settings in different courts. TCA assigns court reporters, schedules and coordinates meetings between local officials and administrative District Judges, works with court clerks monitoring status of court dockets and calendars, is responsible for appointing judges in the event a judge is disqualified, coordinates and manages court services including: problem solving courts, family and children services, language access, and court assistance offices. The TCA also works with the administrative director carrying out policy directives of the Idaho Supreme Court.

Administrative Judge Eric Wildman, Fifth Judicial District, and **Sara Thomas**, Administrative Director of the Courts, Idaho Supreme Court IT manager, update on iCourt and Odyssey Implementation. Project pilot in Twin Falls, Idaho went live June 22, 2015 case management scanning and financial management components presented challenges delaying mandatory electronic filing six months following go live. Ada County go live occurred August 8, 2016 with smoother deployment. Mandatory electronic filing three months following go-live due to adoption of training protocol, lessons learned during the project pilot in Twin Falls, and on-site assistance for counties. The addition of a "help desk" tracking system along with other steps has resulted in 96% of issues being resolved since go-live. iCourt is now live in fourteen counties. Smoother transition and mandatory electronic filing within thirty days following go-live is expected with the remaining wave one deployment in seven counties in fifth district; three counties in the fourth district; and Owyhee and Canyon counties from the third district. Go-live in remaining thirty counties will be accomplished in two additional waves.

Wave two will include ten counties across districts one and two, plus an additional four counties from the third district, which are scheduled to go-live on April 9, 2018. The Appellate case-manager component of go-live is scheduled for May 21st, 2018. Wave three is scheduled go-live on October 9th, 2018 and will include sixteen counties across the sixth and seventh judicial districts, with anticipated thirty-day mandatory e-filing.

The supervision module allows a system for tracking individuals on pretrial or misdemeanor supervision and problem solving courts and Kootenai and Lewis counties elected not to use. The Jury Module allows counties to manage the jury process, including identification and notification of jurors, jury selection, and it communicates in real time with jurors via text messages regarding the current status of their need in court. Initial go-live will occur by the end of 2018. The New Portal Version is scheduled for update the summer of 2018 and will

allow public access to the software. The Software upgrade of Odyssey is at no additional cost. Once live in all 44 counties, work will begin on upgrading to the newest version. They are unable to configure software to utilize full capacity until all counties are on line.

Benefit highlights include: more robust data collection; e-filing convenience; elimination of paper files; and eliminating travel by allowing judges to prepare cases remotely as well as ability to sign orders remotely. Public access will be better than ISTARs, and will ease access to court calendars by trial court administrators.

Administrative Judge Jay Gaskill, Second Judicial District, reported that Judicial Performance Evaluations (JPE) in the year 2000 were a voluntary survey. By 2011, only thirty-three of judges were participating. In 2014, the Court obtained a grant from national experts to assist in creating an evidence-based JPE's. In 2016, the legislature partially funded the program to get JPE's. In 2018, evaluations of forty-six judges were completed, all new judges were evaluated at nine and eighteen months. All judges will be evaluated every three years. A request for FY2019 appropriation of \$153,500 to train and implement 16 mentor/facilitator judges to follow up and expand on JPE's.

Administrative District Judge Mitchell Brown, Sixth Judicial District, Courthouse Facilities, Security and ADA Compliance. Judge Brown explained Article 1- Section of the Constitution of the State of Idaho reads "Courts of Justice shall be open to every person, and a speedy remedy afforded for every injury of person, property or character, and right and justice shall be administered without sale, denial, delay or prejudice". Both United States Code Title 42- The Public Health and Welfare and Chapter 26- state no qualified individual with a disability shall, by reason of such disability, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. Advances in technology like video remote interpreting and assistive listening systems have significantly improved accessibility to court services for the hearing impaired and for non-english speaking individuals. The Bearlake County Court House, built in 1885, has undergone multiple renovations over the last 130 years. However, the facility continues to have ADA challenges.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 3:02 p.m.

Representative Luker
Chair

Karen Westen
Secretary