



March 10, 2022

Joint Legislative Oversight Committee
Senator Mark Harris, Co-Chair
Representative Illana Rubel, Co-Chair

Dear Co-Chairs,

Like many states in America, Idaho has created a court system under the Idaho Supreme Court that has grown to meet the needs of the local communities and regions throughout the state. As Idaho continues to search for efficiencies and effectiveness in its Court system, we believe now is the time to review the effectiveness of our system and consider opportunities for improvements.

Idaho Court Background

Idaho's judicial system is considered a unified court. It includes a Supreme Court, a Court of Appeals, and Trial Courts, which consist of a District Court and a Magistrate Division of the District Court.

The Magistrate Division deals with:

- Misdemeanor offenses and
- preliminary hearings for felony cases
- Civil Disputes less than \$10,000
- Family law: All divorce, child custody proceedings, adoptions, guardianships, parental termination trials
- Small claims matters
- All involuntary mental commitment proceedings
- Any matters under the Juvenile Corrections Act
- All matters under the Child Protection Act especially child protection cases and parental termination trials
- Litigation of estates (with no jurisdiction dollar limit)
- Domestic Violence Protection Act: protection orders, no-contact order proceedings

The District Courts of Idaho are responsible for:

- All felony offenses once bound over to the District Court from the Magistrate court
- Civil cases where the dollar value exceeds \$10,000

- District Courts are also responsible for hearing appeals from decisions made by the Magistrate Division.

Consolidated Trial Courts

The qualifications to serve as a District Judge or a Magistrate Judge in Idaho are the same. While Idaho has divided its Trial Courts into two levels, in many other states, District Judges handle most of the responsibility Idaho has assigned to its Magistrate Division. Many other states also have a unified or consolidated trial court. Allowing one structure for our courts recognizes the skills and judicial experience across all of the trial courts, and could serve to improve efficiency throughout the state. In addition, since many of our judges travel long distances to handle matters throughout a judicial district, reallocating court services and judicial expertise based on case need, rather than type of judge, could be an innovative and cost-effective way to increase access to courts throughout Idaho.

In addition to the challenges inherent in changing an established system, there are significant differences in compensation, retirement benefits and staffing resources between the District Judges and the Magistrate Division; these differences, and many others, would need to be addressed.

OPE Study Request

We ask the Office of Performance Evaluation to investigate the advantages and disadvantages of creating a consolidated trial court system, as well as what steps Idaho would need to take if such a transition were approved. In addition, we would also like to specifically understand:

- The potential impact on judicial compensation, benefits and retirement, given that magistrate judges are currently in a separate retirement system
- The change in the appellate structure if there were a consolidated trial court system
- The constitutionality and accountability to the public of senior judges, and how they are used to fill gaps in the system. *Senior judges, also referred to as Plan B Judges do not stand for retention or election following their early retirement.*
- What types of judicial compensation might improve the ability to recruit judges, including a comparison to judicial salaries in other states
- Any additional efficiencies of a unified trial court system
- Impacts on the election process for judges
- Any potential cost savings, specifically the benefits to local property tax relief

Thank you for your consideration of this request.

Sincerely,

Senator Abby Lee

Representative Caroline Troy