

Administrative Order Adopting Rules and Assigning Jurisdiction for the District Judges and Magistrates of the Sixth Judicial District

The District Judges of the Sixth Judicial District, consolidate prior orders, clarify jurisdictional assignments, re-set law and motion days for the respective counties and refine the rules of the District Court and the rules for the Magistrates Division;

Now, therefore, it is hereby ordered:

1. Designation of Presiding District Judges. District Judges David C. Nye, Stephen S. Dunn and Robert C. Naftz are the presiding district judges in Bannock County. Hon. Stephen S. Dunn is the presiding district judge in Power County. Hon. Mitchell W. Brown is the presiding district judge in Bear Lake, Caribou, Franklin Counties. Hon. Robert C. Naftz is the presiding judge in Oneida County.

2. Assignment of Cases in Bannock County. In Bannock County, all cases assigned to the Sixth District Court shall at the time of filing, be assigned by the Clerk to a specific judge on a rotating basis. Nothing in the preceding shall prevent the assignment of civil and criminal cases in any County to any judge as the said judges might determine is necessary to expeditiously handle the caseload.

3. Law and Motion Days. Law and Motion Days for District Judges are established for each County as follows:

Bannock County Civil Proceedings

- Judge Nye Each Monday at 9 a.m.
- Judge Dunn Each Monday at 2:00 p.m.
- Judge Naftz..... Each Monday at 1:30 p.m.
- Judge Brown 1st Friday at 9 a.m.

Criminal (Arraignments and other criminal proceedings)

Bannock County:

- Judge Naftz..... Each Monday at 9:00 a.m.
- Judge Dunn.....Each Monday at 9:30 a.m.
- Judge Nye.....Each Monday at 1:30 p.m.

Bear Lake County1st and 3rd Thursdays at 9:00 a.m.

Caribou County2nd and 4th Fridays at 9:00 a.m.

Franklin County2nd and 4th Thursdays at 9:00 a.m.

Oneida County4th Friday of each month at 9:30 a.m.

Power County2nd Thursday of each month at 9:00 a.m.

4. General Law and Motion and Criminal Arraignments for Magistrates. General Law and Motion days and criminal arraignments for Magistrates are scheduled as follows:

Bannock County Hon. Gaylen L. Box Hon. Rick Carnaroli Hon. Thomas W. Clark Hon. Bryan K. Murray Hon. Steven A. Thomsen	Civil – Mondays at 9:30 a.m. Criminal – daily at 1:30 pm Special Proceedings-2 nd & 4 th Tues. at 9:00 a.m.
Bear Lake County Hon. O. Lynn Brower	Civil-Tuesdays at 10 a.m. Criminal – Wed at 9:30 a.m. in Montpelier
Caribou County Hon. David R. Kress	Criminal-Wednesdays Civil-Mondays and Thursdays
Franklin County Hon. Eric S. Hunn	Criminal-1 st and 3 rd Fridays at 9 a.m. Civil-scheduled throughout the week
Oneida County Hon. David L. Evans	Criminal-Tuesday at 9:15 a.m. Civil – scheduled throughout the week
Power County Hon. Paul S. Laggis	Arraignment – Monday at Noon Juveniles on Wednesday at 1:30 p.m. Civil – scheduled throughout the week

5. Special Proceedings in Bannock County. All cases in Bannock County involving mental hearings; Juvenile Corrections Act; proceedings under the Child Protection Act, termination of parental rights; contested adoptions arising from the Prosecutor's office and/or the Department of Health and Welfare; guardianship/conservatorships cases arising from Child Protection Act actions; and any drug, alcohol and misdemeanor charges for youth under age 18, shall be heard by Hon. Bryan K Murray. Special proceedings, which include private adoptions, petitions to compromise a minor's claim, and general guardianship and conservatorships, shall be heard by Hon. David R. Kress and Hon. Ronald L. Hart. All calendaring for Judge Kress and Judge Hart's special proceedings shall be made by calling Deputy Clerk Laurie Hernandez at (208) 236-7355. Hon. Gaylen L. Box and Hon. Rick Carnaroli shall hear estate and probate matters. Hon. Steven A. Thomsen shall hear City of Pocatello misdemeanor cases assigned to the public defender. Hon. Gaylen L. Box shall hear City of Chubbuck, Bannock County and Idaho State Police misdemeanor cases assigned to the public defender.

6. Supplemental Proceedings. All supplemental proceedings are assigned to the judge assigned to the case.

7. Jurisdiction of Attorney Magistrates. Jurisdiction is hereby granted and the following classes or categories of cases are hereby assigned to all Attorney Magistrate Judges of the Sixth Judicial District:

A. All matters designated in Rule 82(c)(1)(A) and 82(c)(2)(A)(B)(C) and (E) of the Idaho Rules of Civil Procedure or section 1.2208, Idaho Code, as being within the jurisdiction or assignable to attorney magistrates.

8. Small Claims Department. Pursuant to the provisions of section 1-2301, Idaho Code, there is hereby created a Small Claims Department of the Magistrates Division which shall have jurisdiction only in cases for the recovery of money where the amount of each claim does not exceed \$5,000.00.

9. Mandatory Pretrial Conferences in Bannock County. A mandatory pretrial conference will be held for every proceeding under the Idaho Traffic Infraction Act and all misdemeanor actions in which a plea of not guilty has been received. Notice of the time and place of the pretrial conference and the Judge assigned to preside will be given upon entry of the not guilty plea.

10. Proceedings to Modify Decree of Divorce. All proceedings to modify a decree of divorce shall be commenced by a motion to modify the decree in the form of a complaint that reopens the court file under the same number of the original pleading. The motion requesting modification shall be served on the opposing party along with a summons as provided by Rule 4 of these rules.

11. Pretrial Release Program Established. A pretrial release program is established in Bannock County under the supervision of the Administrative Judge operated by the Court Services Division under guidelines established by Administrative Order 94-1, which is available through the Trial Court Administrator's Office.

12. Jury Service. The assignment of jurors to Courts, postponing and excusing of individual jurors in Bannock County shall be under the direction of the Jury Commissioner to be appointed and subject to the supervision of the Administrative Judge or his designee.

13. Jury Selection. Except as otherwise ordered by the Court in a specific case, all juries will be selected by the Struck Jury System in accordance with Rule 47(I) of the Idaho Rules of Civil Procedure. The initial panel will be selected by drawing a total number of jurors equal to the number which will sit on the case, plus alternates (if any), plus the total number of peremptory challenges. The courts will first voir dire the initial panel. The attorney for the plaintiff will first have the opportunity to voir dire the panel. However he must finish the entire panel before the attorney for the defendant proceeds.

Either attorney may voir dire the panel in gross or individually or some combination thereof. However, when the plaintiff and the defendant have completed their questioning, they must pass the entire panel for cause. Any jurors excused for cause during voir dire will be replaced by a new venireman who will move directly into the seat of the juror excused. After all peremptory challenges have been exercised, the jurors sitting in the lowest number of seats equal to the number of jurors plus alternates, who will sit on the case, will constitute the jury panel.

14. Mediation. Pursuant to Idaho Rules of Civil Procedure 16(C)12 mediation will be seriously considered when child custody and visitation issues are involved. Mandatory attendance at a parenting education course is required in Bannock

County for all parties filing divorces that involve children under age 18 and for all proceedings that involve child custody issues. Judges in other counties within the Sixth Judicial District may order this class.

15. Service on Non-Resident Judge. If the office of a presiding judge or magistrate is outside the county in which an action is pending, the parties shall comply with the requirement of Rule 5(d)(3) of the Idaho Rules of Civil Procedure with respect to the additional lodging of briefs, motions, notices of hearing, orders to show cause and proposed instructions with the presiding judge in the county where he or she resides. Failure to comply with ICRP 5(d)(3) shall, in the Court's discretion, result in the postponement of any scheduled hearings or other proceedings to be held in the action.

16. District Trial Court Administrator. The Trial Court Administrator shall be responsible for caseload management, assignment of Magistrates, supervision of the Clerk's Deputy Clerks in the discharge of clerical functions of the Courts, supervising the jury system and District Courts' budgets along with other duties set forth by the Administrative District Judge and the Administrative Director of the Courts.

17. Filing Court Documents by Fax. The Idaho Supreme Court has adopted rules which allow filing and service of documents by FAX in civil and criminal cases, as well as appeals. These rules became effective on January 1, 1990. The clerk shall stamp the FAXED copy as the original and the signature of the attorney on the FAXED copy shall constitute compliance with the rule requiring all pleadings to be signed by an attorney. Documents may only be filed by FAX if no filing fee is required, only during normal working hours and only if there is a FAX machine in the office of the filing court clerk. There is a ten page maximum for faxing court documents. The FAX copy of the document will serve as the original. The FAX numbers of courthouses within the Sixth Judicial District are as follows:

Bannock Court Record's Office	(208) 236-7013
Bear Lake County Courthouse	(208) 945-2780
Caribou County Courthouse	(208) 547-4759 - Magistrate (208) 547-2147 - District
Franklin County Courthouse	(208) 852-2926
Oneida County Courthouse	(208) 766-2990
Power County Courthouse	(208) 226-7612

This order supersedes all prior orders of the court referring to the matters contained herein and is effective from and after the 14th day of January, 2010.

David C. Nye, Administrative District Judge
Stephen S. Dunn, District Judge
Mitchell W. Brown, District Judge
Robert C. Naftz, District Judge
Suzanne H. Johnson, Trial Court Administrator