

SIXTH JUDICIAL DISTRICT

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Bannock County Courthouse, Pocatello, Idaho

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**. All calendaring for Judge Kress' special proceedings shall be made by calling Deputy Clerk Brandy Peck at (208) 236-7379.

Hon. Scott E. Axline and Hon. Aaron N. Thompson shall hear estate and probate matters.

Hon. Thomas W. Clark shall preside over all misdemeanor charges of domestic violence, and stalking. He shall also preside over all preliminary hearings involving charges of felony domestic violence, stalking, and attempted strangulation. In addition, all Civil Protection hearings shall be heard by Judge Clark unless otherwise assigned. Civil Protection hearings are held every Wednesday @ 1:30 p.m.

1. Motions for Civil and Criminal Cases. Unless ordered otherwise by the court, each motion and response to such motion, other than a routine or uncontested matter, must be accompanied by a separate memorandum not to exceed twenty-five (25) pages, containing all of the reasons and points and authorities relied upon by moving party.

Magistrate Division: All drug forfeiture cases filed pursuant to IC § 37-2744, regardless of value, shall be heard in the Magistrate Division of the District Court. (ADO 15-2)

1.1 The moving party may submit a reply brief, not to exceed fifteen (15) pages, as provided by the rules, no later than 3 days before the hearing, unless otherwise ordered by the court or as required by I.R.C.P. and I.C.R. **2.**

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:

2.1 All matters designated in Rule 82(c)(1) and 82(c)(2) of the Idaho Rules of Civil Procedure or § 1-2208, Idaho Code, as being within the jurisdiction or assignable to attorney magistrates.

2.2 Small Claims Department. Pursuant to the provisions of § 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.

3. 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.

3.1 Pretrial conferences in Bannock County for all misdemeanor cases (excluding domestic violence & stalking) shall be set on Thursday of each week. (ADO 12-4)

4. No Joint Petitions for Divorces shall be accepted in the Sixth Judicial District.

4.1 Proceedings to Modify Decree of Divorce. All proceedings to modify a decree of divorce shall be commenced in accordance with Idaho Family Law Rule (IFLR) 201.

5. Mediation. Pursuant to IFLR 601 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.

5.1 Mediation in all civil cases filed with the district court is strongly encouraged and may be mandatory in the court's discretion.

5.2 Mediation in criminal cases is available pursuant to ICR 18.1. Those interested in criminal mediation should review the Criminal Mediators Roster maintained by the Idaho Supreme Court to determine availability of qualified mediators in the Sixth Judicial District.

6. 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 in addition to complying with IRCP 5(d), shall provide the non-resident judge with a copy of all documents filed with the court at the judge's resident county. Failure to comply with this requirement shall, in the Court's discretion, result in the postponement of any scheduled hearings or other proceedings to be held in the action.

7. Filing Court Documents by Fax. If filing by facsimile all litigants are required to follow the requirement of IRCP 5(e)(2).

8. Entry of Default Judgments. No clerk or deputy clerk shall sign any judgment. All proposed judgments shall be forwarded to the judge assigned the case for review and signature. (ADO 92-8)

8.1 Attorney Fees Guidelines on Default Judgments. Except for good cause shown; in any civil case where the claim does not exceed \$10,000.00 attorney fees may not exceed the amount of the judgment up to a maximum of \$500.00. In claims exceeding \$10,000.00 attorney fees will be granted in an amount not to exceed 10% of the judgment.

9. Reduction of Felonies. All felonies reduced to misdemeanors in the district court shall be remanded to the magistrate who presided over the preliminary hearing. If the magistrate was from outside of Bannock County then the case will be assigned to the Arraignment Court to be heard by the next available magistrate. (ADO 12-4)

9.1 Change of Plea on Felony Reduction to a Misdemeanor. If the District Court takes a plea of guilty at the time of reduction of the charge the Defendant shall complete a "Certificate of Rights" form prior to entry of the plea.

10. Change of Plea. All defendants must complete a "Guilty Plea Questionnaire" and "Standard Terms & Conditions of Probation" forms prior to entry of a change of plea for a felony in district court. Completed forms shall be provided to the court at least 24 hours prior to the hearing.

11. Pretrial Release Program. The Courts of the District will participate in the Bannock County Pretrial Release Court Services Program as administered under guidelines established by ADO 16-4.

12. Request and use of Electronic Recordings of Court Proceedings. All requests for and use of electronically recorded court proceedings must be in compliance with IAR 27 (d) & (e) and ADO 08-3.

13. Criminal Caseflow Management Plan. The District Judges of the Sixth Judicial District adopt and hereby incorporate into these local rules the Criminal Caseflow Management Plan as approved by the Sixth Judicial District Judges. The plan may be accessed at: www.bannockcounty.us/courts/

This order supersedes all prior orders of the court referring to the matters contained herein and is effective March 1, 2018.

Mitchell W. Brown, Administrative District Judge

Rick Carnaroli, District Judge

Stephen S. Dunn, District Judge

Robert C. Naftz, District Judge