

Media Background Information: The Idaho Judiciary*

The Idaho judiciary has three levels of courts--a Supreme Court, a Court of Appeals, and a District Court. Judges of these courts – except for magistrate judges -- are chosen in nonpartisan elections, in which judicial candidates may not be nominated or endorsed by a political party, appear on a party ticket, or list a party affiliation on the ballot.

When a judge leaves office in the middle of his term, the governor is authorized to fill the vacancy from a list of names submitted by the **Idaho Judicial Council**. The governor must choose an appointee from the list.

The Idaho Judicial Council has seven members, including the Chief Justice of the Idaho Supreme Court who serves as chairperson. Three members are lawyers (at least one must be a district judge) selected by the Board of Commissioners of the Idaho State Bar with the consent of the Idaho State Senate. The Governor, with the consent of the State Senate, chooses three non-lawyer members. No more than three of the appointed members may belong to the same political party. Members serve six-year terms.

Between 1968 and 1998, the governor made ten consecutive appointments to fill vacancies on the Idaho Supreme Court.

Current Methods of Judicial Selection

	Supreme Court	Court of Appeals	District Court
Number of judgeships	5	3	39
Number of districts/circuits	1	1	7
Geographic basis for selection	statewide	statewide	district
Method of selection (full term)	nonpartisan election*	nonpartisan election*	nonpartisan election*
Length of term	6 yrs	6 yrs	4 yrs
Method of retention	reelection	reelection	reelection
Length of subsequent terms	6 yrs	6 yrs	4 yrs
Method of filling interim vacancies	gubernatorial appointment through Idaho Judicial Council	gubernatorial appointment through Idaho Judicial Council	gubernatorial appointment through Idaho Judicial Council
When interim judges stand for appointment/election	hold office for remainder of unexpired term	hold office for remainder of unexpired term	hold office for remainder of unexpired term
Selection of chief judge/justice	peer vote	chief justice	peer vote
Term of office for chief judge/justice	4 yrs	2 yrs	determined by judges in district
Qualifications	30 yrs of age; U.S. citizen; state resident at least 2 yrs; 10 yrs practice of law in Idaho	30 yrs of age; U.S. citizen; state resident at least 2 yrs; 10 yrs practice of law in Idaho	30 yrs. of age; U.S. citizen state resident at least 2 yrs; resident of judicial district at least 1 yr; 10 yrs practice of law

**If no candidate in the primary election wins a majority of the vote, the top two vote getters compete in a runoff election in the general election.*

Idaho judges **may be removed** in one of two ways:

- The Idaho Judicial Council investigates complaints against Idaho judges and may recommend to the Idaho Supreme Court the discipline, removal, or retirement of judges. The Idaho Supreme Court may review the recommendation of the Idaho Judicial Council and take additional evidence. The Court may then reject the recommendation of the Idaho Judicial Council, or order discipline, removal, or retirement of the judge.
- Judges may be impeached by a majority vote of the Idaho House of Representatives and convicted by a two-thirds vote of the Idaho Senate.

Method of selection and term lengths for justices of the Idaho Supreme Court and judges of the District Courts are prescribed in the **Idaho Constitution**. Method of selection and term lengths for judges of the Idaho Court of Appeals are prescribed by statute.

The Idaho Constitution also gives the governor the authority to fill vacancies on the Idaho Supreme Court, and the governor has statutory authorization to fill vacancies on the Idaho Court of Appeals and District Courts. The Idaho legislature prescribes the process for filling vacancies.

An amendment to the Idaho Constitution must be passed by two thirds of the members of both houses of the state legislature and by a majority of the voters.

Formal Changes Since Inception

1890

Under Idaho's original Constitution, judges of the Idaho Supreme Court were elected by the people to six-year terms. Judges of the District Courts were elected by the people to four-year terms.

1934

Amendment providing for nonpartisan election of judges approved by 67% of voters.

1967

Idaho Judicial Council created; empowered to nominate candidates for interim vacancies and to make recommendations to the Idaho Supreme Court for the discipline, removal, or retirement of judges.

1980

Idaho Court of Appeals created. Judges chosen in nonpartisan elections for six-year terms.

1982

Amendment allowed selection of Idaho Supreme Court Chief Justice by other Justices. (The current Chief Justice, Gerald Schroeder, was selected by his peers in September of 2004. The former Chief Justice, Linda Copple Trout, served in that capacity for the previous eight years.)

2003

Law requires third parties involved in political campaigns to report any last-minute expenditures exceeding \$1,000 within 48 hours. The law was recommended by a task force created after the 2002 judicial primary elections to look into the role that money plays in the election of Idaho judges. In the Chief Justice race, an independent group spent nearly \$174,000 on a last-minute advertising blitz aimed at unseating the incumbent Chief Justice.

**excerpted from American Judicature Society Website: www.ajs.org/js*