In the Supreme Court of the State of Idaho

IN RE: AMENDMENT TO SIXTH JUDICIAL DISTRICT LOCAL RULES) **ORDER**

The District Judges of the Sixth Judicial District having amended the Local Rules of the District Court and Magistrate Division for the Sixth Judicial District and having submitted the amendment to the Court for its consideration and approval;

NOW, THEREFORE, IT IS HEREBY ORDERED that the amended Local Rules of the District Court and Magistrate Division for the Sixth Judicial District be, and the same are hereby, adopted in the form attached to this order.

IT IS FURTHER ORDERED that said Order shall be effective upon signature.

IT IS FURTHER ORDERED that said Order shall be sent to the trial court administrator of the Sixth Judicial District for publication and dissemination.

IT IS FURTHER ORDERED that the Sixth Judicial District is hereby authorized to submit the Order to the editors of *The Advocate* for publication and inclusion in the *Idaho State Bar Desk Book.*

DATED this 23 day of April, 2015.

By Order of the Supreme Court

R. Burdick

Roger S. Burdick
Chief Justice

ATTEST: Stephen Kenyon
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 4/27/15

Clerk

By: Chief Deputy

SIXTH JUDICIAL DISTRICT

www.bannockcounty.us/courts

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624 E. Center, Room 302
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HON. ROBERT C. NAFTZ
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HON. THOMAS W. CLARK
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BEAR LAKE COUNTY

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The Sixth Judicial District

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, and Franklin Counties. Hon. Robert C. Naftz is the presiding judge in Oneida County.

Scheduled District and Magistrate Court Calendars:

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

Bannock County Civil Proceedings

Judge Naftz.....Each Monday at 1:30 p.m.
Judge Nye.....Each Monday at 2:00 p.m.
Judge Dunn.....Each Monday at 2:00 p.m.
Judge Brown.....1st and 3rd Fridays at 9:00 a.m.

Criminal (Arraignments and other criminal proceedings)
Bannock County:

Judge Nye.....Each Monday at 8:30 a.m.
Judge Naftz.....Each Monday at 9:00 a.m.
Judge Dunn.....Each Monday at 9:30 a.m.

Bear Lake County.....1st and 3rd Thursdays at 9:00 a.m.
Caribou County.....2nd and 4th Fridays at 9:00 a.m.
Franklin County.....2nd, 4th and 5th Thursdays at 9:00 a.m.
Oneida County.....3rd Friday of each month at 9:30 a.m.
Power County.....2nd Thursday of each month at 9:30 a.m.

General Law and Motion and Criminal Arraignments for Magistrate Court are scheduled as follows:

Bannock County Hon. Scott E. Axline Hon. Rick Carnaroli Hon. Thomas Clark Hon. Steven A. Thomsen Hon. Bryan K. Murray	**Civil:** Mondays @ 9:00 a.m. **Criminal**: Daily @ 1:30 p.m. Special Proceedings – 2nd and 4th Tuesdays at 9:00 a.m. Contact the Magistrate's Deputy Clerk to schedule any other hearing. **Juvenile Proceedings** **Mondays:** 8:30 a.m.: Arraignments for county, OSC's and probation reviews. 1100 a.m.-130 p.m.: Family Treatment Court. **Tuesdays:** 1:15 p.m.: Arraignments 4:00 p.m.: Juvenile Drug Court 4:30 p.m.: Truancy Court 4:45 p.m.: Behavior Court **Wednesdays:** 8:30 a.m. – 10:20 a.m. Pre-trials scheduled 2 every 10 minutes **Thursdays:** 8:30 a.m.: OSC's and probation reviews. All other available times available (Monday afternoon, Tuesday morning, Wednesday afternoon, Thursday afternoon, Friday), we schedule Civil cases, Child Protection cases and other juvenile hearings.
Bear Lake County Hon. R. Todd Garbett	**Civil:** Tuesdays @ 10 a.m. **Criminal**: Wednesdays @ 9:30 a.m. **Juveniles:** 2nd and 4th Fridays
Caribou County Hon. David R. Kress	**Criminal**: Wednesdays **Civil**: Mondays and Thursdays, 1st and 3rd Fridays **Juveniles**: Wednesdays @ 2:00 p.m.
Franklin County Hon. Eric S. Hunn	**Criminal**: Tuesday @ 9:15a.m. **Civil**: Scheduled throughout the week. **Juveniles**: Tuesdays and Thursdays after school.
Oneida County Hon. David L. Evans	**Criminal**: Tuesdays and Thursdays @ 9:15 a.m. **Small Claims:** First Monday of the Month 10:00 a.m. **All Other Civil**: Tuesday and Thursday afternoons. **Juveniles**: Tuesdays and Thursdays after school.
Power County Hon. Paul S. Laggis	**Mondays:** @ 9:00 a.m. to 12:00 p.m. & 1:30 p.m.to 4:00 p.m.; General Civil. 12:00 p.m. – 1:30 p.m.; Arraignments. **Tuesdays & Wednesdays:** Misdemeanors. & Prelims. **Wednesday:** @ 1:30 p.m. Juvenile proceedings **2nd & 4th Fridays:** Jury & Court Trials. **3rd Friday:** Small Claims

ADMINISTRATIVE ORDER ADOPTING RULES AND ASSIGNING JURISDICTION FOR THE DISTRICT AND MAGISTRATE JUDGES OF THE SIXTH JUDICIAL DISTRICT

The District Judges of the Sixth Judicial District, consolidate prior orders, clarify jurisdictional assignments, refine the rules of the District Court and the rules for the Magistrates Division;

Now, therefore, it is hereby ordered:

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.

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.

Special Case Assignments 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 **(ADO 09-6)**, 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.** 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. Rick Carnaroli 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 hearing shall be heard by Judge Clark unless otherwise assigned. Civil Protection hearings are held every Wednesday @ 9:00 a.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.

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 Established. A pretrial release program is established in Bannock County under the supervision of the Administrative District Judge operated by the Court Services Division under guidelines established by **ADO 94-1.**

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 January 1, 2015.

Stephen S. Dunn, Administrative District Judge

David C. Nye, District Judge

Mitchell W. Brown, District Judge

Robert C. Naftz, District Judge