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208-947-2015

keevin.wang@ubs.com

William L. Vasconcellos, CIMA®, CRPC™

Senior Vice President - Wealth Management

Financial Advisor

208-947-2000

william.vasconcellos@ubs.com

Michael Spiedel, CRPC™

Senior Vice President - Wealth Management

Financial Advisor

208-947-2017

michael.spiedel@ubs.com

Adam Olivas, CEPA®, AAMS™

Senior Vice President - Wealth Management

Financial Advisor Associate

208-947-2009

adam.olivas@ubs.com

Nick Harris, CEPA®, CPWA®

Senior Vice President

Private Wealth Advisor

208-947-2007

nicholas.harris@ubs.com



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On the Cover



This issue's featured article by Susie Headlee, discusses the "range wars," shorthand for clashes between cattle and sheep ranchers, which were never a single war. They were a patchwork of local feuds, territorial standoffs, and sometimes deadly confrontations that shaped the region's culture, economy, and land-use patterns. The cover image offers a glimpse into the landscape of that time.

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The Potential Future of Legal Services in Idaho

Frederick Joseph "FJ" III Hahn

As I enter my final year on the Board of Commissioners of the Idaho State Bar as President, I'm both grateful and humbled to serve the members of the Idaho State Bar. Over the course of the past two years, I've had the opportunity to meet with other bar leaders throughout the country and my takeaway is that our Bar and Bar staff stacks up with any other Bar in the nation, and that we face the same challenges that virtually every other Bar is dealing with in this fast-paced and changing legal landscape. One of the obvious challenges we face is the impact of Artificial Intelligence on the practice, but also the growing need to meet the legal needs of our state with a population which is now more than two million people with a bar that numbers only 7,411, of which only 4,138 are active and reside in Idaho.

Increasingly, Idahoans are forced to show up in courtrooms without counsel. This gap in access to justice is even more pronounced in our rural communities. National data collected by the Self-Represented Litigation Network shows that in most states, up to 75 percent or more of divorce, custody, child support, guardianship, and landlord-tenant cases involve at

least one party without a lawyer. Idaho is not an outlier, and as hourly rates for attorneys continue to increase, this gap continues to widen. The reasons are familiar to every practicing member of the Bar: the cost of hourly representation, a shortage of attorneys in rural counties, and the sheer number of people whose legal needs fall between "can afford a lawyer" and "qualifies for legal aid."

Over the last decade, a growing number of state supreme courts have responded to this gap the same way the medical profession responded to a shortage of primary care physicians: by creating a licensed, regulated practitioner who is not a lawyer, but is trained, examined, supervised by rule, and authorized as a paraprofessional, who is able to provide defined legal services—including, in most programs, the right to charge a fee. Bar leaders in several of these states have explicitly invoked the physician assistant and nurse practitioner analogy to explain the reform to their members. Six states have now implemented such programs, several more are actively studying them, and our Supreme Court and Bar may find it useful to understand the range of models already in operation before a similar conversation begins here in Idaho.

Washington: The First Program in the Nation

Washington created the nation's first limited license program in 2013, the Limited License Legal Technician (LLLT), which was authorized under Washington Admission and Practice Rule 28. LLLTs were trained specifically in family law; required a paralegal degree and roughly 1,500 hours of supervised substantive law-related work experience; and a specialty examination LLLTs and were permitted to advise clients, help complete and file court documents and forms, and negotiate on a clients' behalf. LLLTs were not authorized to appear in court on behalf of clients. Even so, the Washington Supreme Court voted in 2020 to stop accepting new LLLT applicants, citing the small number of candidates relative to the cost of administering the program; existing LLLTs were grandfathered in. Washington's experience is frequently cited on both sides of the debate, as proof either that the concept can work, or that it is hard to sustain at scale.¹

Utah: Licensed Paralegal Practitioners

Utah's program was created by Utah Supreme Court Rule of Professional Practice 4-802 and the accompanying Rules Governing Licensed Paralegal

Practitioners (Chapter 15 of the Utah Court Rules), and grew out of a 2015 Utah Supreme Court task force.² It authorizes Licensed Paralegal Practitioners (LPPs) to represent clients in three defined areas: certain family law matters (temporary separation, divorce, parentage, cohabitant abuse, custody and support), residential eviction (unlawful detainer), and small-claims-level debt collection. LPPs may associate with attorneys and own a non-controlling interest in a firm with attorneys.

Within the designated areas of practice, an LPP may interview clients, give advice on the use of court forms, prepare and file pleadings, explain opposing documents, and negotiate settlements on behalf of clients. LPPs are barred from appearing in contested court hearings and from charging contingency fees. However, they may charge flat or hourly fees. LPPs are required to maintain client trust accounts, must complete continuing education, and are subject to a distinct LPP Rules of Professional Conduct enforced by the Office of Professional Conduct. There are roughly three dozen licensed LPPs in Utah.

Arizona: Legal Paraprofessionals with Courtroom Authority

Arizona went further. Under Arizona Code of Judicial Administration §7-210, adopted by the Arizona Supreme Court, effective January 2021, following a statewide access to justice task force, Arizona created the Legal Paraprofessional (LP) program. LPs may practice in four “endorsed” areas of practice: family law and civil practice, criminal law, and administrative law. Unlike Utah’s LPPs, Arizona’s LPs may appear in court with clients. Licensure requires an ABA-approved paralegal degree or equivalent experience, and passage of both a core examination and a subject-area examination covering substantive law, ethics, and client communication.

Arizona paired the LP rule with a separate, and arguably more sweeping, reform: elimination of the ethical rule that barred nonlawyers from holding an economic interest in a law firm or sharing legal fees. That change created “Alternative Business Structures” that can employ both lawyers and LPs.³ The two reforms are often discussed together, but they are legally and structurally distinct, and a

bar considering paraprofessional licensure is not obligated to adopt fee-sharing or outside ownership provisions.

Minnesota and Oregon: Pilot Projects in Housing and Family Court

Minnesota’s Legal Paraprofessional Pilot Project, authorized by the Minnesota Supreme Court in 2020 and effective in 2021,⁴ allows approved paraprofessionals to advise and represent clients in landlord-tenant and family law matters. They may appear in court so long as they operate under the supervision of a licensed Minnesota attorney under the Rules Governing the Paraprofessional Project and Supervised Practice Rule 12. The court’s own order noted that roughly 95 percent of parties in Minnesota family law and eviction cases were appearing without counsel, a statistic that may sound familiar to anyone who has observed most any Idaho magistrate law and motion day.

Oregon’s program was approved by its Supreme Court in July 2022 after a multi-year study by the Oregon State Bar’s Futures Task Force. It licenses paralegals (LPs) to practice in family law and landlord-tenant matters after they complete 1,500 hours of substantive supervised paralegal work and pass licensing examinations administered through the Bar.⁵

Newer Pending Programs

Colorado⁶ and New Hampshire⁷ approved limited-license paraprofessional programs in 2022 and 2023, both centered initially on family law. At least five additional states — including South Carolina, North Carolina, New Mexico, Connecticut, and Tennessee — have working groups, task forces, or pending court orders actively studying similar proposals. This past year the Tennessee Supreme Court solicited public comment on paraprofessional licensure, among other admission-reform questions such as alternative attorney licensing issues.

What does this Mean for Idaho

With 1.4% annual population growth, Idaho is reported as second fastest growing state in the country,⁸ second only to South Carolina. Idaho’s Bar simply cannot keep up with Idaho residents’ legal needs. Idaho currently regulates

non-lawyer legal work similar to most states under Idaho Rule of Professional Conduct 5.3. Paralegals and other non-lawyer assistants must work under a supervising attorney’s direct responsibility. However, they cannot give independent legal advice, and have no separate licensing track or authority to appear on behalf of clients. There is no Idaho equivalent to Utah’s LPP, Arizona’s LP designation, or Minnesota’s Legal Paraprofessional Program. The above-surveyed programs set out several structural choices our Court may consider in seeking to expand access to justice in our state and to mitigate our expanding “legal deserts.” Perhaps the most glaring needs to confront are the practice areas to authorize first (family law and landlord-tenant are the near-universal starting point, reflecting where the access to justice gap is largest); what education, examination, and supervised-experience thresholds to require; whether paraprofessionals may appear in contested hearings or are limited to advice and document preparation; how fees, trust accounting, and malpractice-equivalent liability are handled; and who investigates and disciplines a paraprofessional who falls short. Will a future program require a new office, or will the Bar’s existing disciplinary framework through Bar Counsel extend to a new class of licensee?

The Idaho Supreme Court holds the same inherent constitutional authority to regulate the practice of law by rule, just as the Utah, Arizona, Oregon, and Minnesota courts relied on to create their programs by rule. Whether that authority should be exercised is, appropriately, a question for the Idaho Supreme Court and the Bar’s membership. Filling the access to justice gap is a live question in a growing number of jurisdictions, and one our Bar is well positioned to study based on the strength of nearly a decade rulemaking, experience, and hard-won lessons by other states.



F.J. Hahn is currently a commissioner serving the Sixth and Seventh Districts of the Idaho State Bar. He attended the University of Idaho College of Law and works in Idaho Falls.

Endnotes

1. Although studies showed that the Washington LLLT program was successful in representing clients in domestic relations, the Washington Supreme Court sunset the program in 2020. See Stanford Law School Center on Legal Profession: LLLT-White-Paper-Final-5-4-21.pdf.

2. The Utah LPP program was initially developed through a Utah Supreme Court task force in 2015. A program overview and requirements can be found at <https://www.utcourts.gov/en/about/miscellaneous/legal-community/lpp.html>.

3. Arizona Code of Judicial Administration 7-209.

4. As of January 2025, the Minnesota Legal Paraprofessional Program was made permanent and expanded the LP's scope of representation to ten defined areas: landlord tenant, family law, criminal expungement, conciliation court, consumer debt collection, petty misdemeanor, probate and estate, and certain administrative hearings. See <https://mncourts.gov/help-topics/Legal-Paraprofessional-Program>.

5. The specifics concerning the Oregon LP program can be found at: chrome-extension://efaidnbmnnnib-pcapijpcglclefindmkaj/https://www.osbar.org/_docs/rulesregs/orpc-lp.pdf

6. Colorado program details can be found at: <https://www.coloradolegalregulation.com/aboutus/pals/>.

7. New Hampshire program details can be found at: <https://www.courts.nh.gov/rules-supreme-court-state-new-hampshire/rule-35-appearances-court-eligible-paraprofessionals>.

8. <https://www.census.gov/newsroom/press-releases/2026/population-growth-slows.html>.



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Executive Director's Report

Maureen Ryan Braley

Hello! By the time you read this, it will be September. I hope you had a fun and relaxing summer! I am excited to share this report on the great work we are doing at the Idaho State Bar and the Idaho Law Foundation.

New Bar Commissioners

We recently welcomed two new Bar Commissioners to the Idaho State Bar Board of Commissioners. Taylor Mossman-Fletcher is from Boise and represents the Fourth District, and Matthew Wolfe is from Twin Falls and represents the Third and Fifth Districts. Serving as a Bar Commissioner requires dedication and a considerable time commitment. I appreciate Taylor and Matthew's willingness to serve and look forward to working with them over the next three years.

Kristin Bjorkman (Boise) and Judge Robert Jackson (Payette) recently completed their terms on the Board of Commissioners.

I am thankful for their leadership, and I cherish the friendships we formed along the way.

Contested Judicial Election Survey

In April 2026, the Idaho State Bar surveyed Bar members regarding the candidates in contested judicial elections in several judicial districts around the State. The candidates are limited in their ability to speak, the public wants to know more, and lawyers and judges have unique information about the candidates. At least seven news articles addressed the survey results.

Strategic Planning

The Idaho State Bar Board of Commissioners completed a strategic planning exercise in May 2026. The Board set two strategic goals for the next two years: 1) implement an attorney management system to modernize and improve our members' digital interactions with the Bar; and 2) improve financial stewardship through non-dues revenue optimization, expense man-

agement, and informed budgeting to support a healthy financial position. The Idaho Law Foundation Board of Directors will be conducting a strategic planning exercise later this year. It is exciting to work with Bar leaders to set our course for the next few years.

2026 Annual Meeting

The Annual Meeting was held in Boise on June 17, 2026. The one-day event featured five hours of CLE programming, the Idaho Law Foundation Annual Meeting and Service Awards Luncheon, and the Distinguished Lawyer, Outstanding Young Lawyer, and Milestone Reception. It was wonderful to network with and celebrate so many amazing lawyers from around our State. I was especially inspired by the videos honoring our 2026 Outstanding Young Lawyer, Kate Wheeler-Peterson, and our 2026 Distinguished Lawyers, Reed Larsen and Bill Wellman. Plans are already underway for the 2027 Annual Meeting in Coeur d'Alene.

NextGen Bar Exam

Idaho and eight other jurisdictions administered the NextGen Bar Exam for the first time on July 28-29, 2026. This new bar exam is the first wholesale revision to the bar exam since the Multistate Bar Examination (MBE) launched in 1974. We are excited to be among the first wave of jurisdictions utilizing this exam, which is designed to better reflect the knowledge and skills that new lawyers need in today's legal profession.

Resolution Process

I am looking forward to the fall 2026 Resolution process and Roadshow meetings. The Board of Commissioners is preparing resolutions recommending changes to the Idaho Bar Commission Rules and the Idaho Rules of Professional Conduct. The seven statewide meetings will also feature 30-minute CLE programs and honor recipients of the Bar's Professionalism,

Denise O'Donnell Day Pro Bono, and Retiring Judge awards. I enjoy traveling around our beautiful State and meeting our members in their communities.

2027 IOLTA Awards

The Idaho Law Foundation will approve 2027 IOLTA funding awards in October 2026. The Foundation's IOLTA funds have benefitted from higher interest rates over the past few years. In 2026, the Foundation distributed \$900,000 in IOLTA funds to support programs and organizations that provide legal aid to the poor, law-related education to the public, law school scholarships, and improvements to the administration of justice. The Board foresees distributing \$900,000 again for 2027 IOLTA funding awards.

New Faces at the Bar

In 2026, we welcomed several new and talented staff members to our team. It

is invigorating to have fresh and different perspectives at the Bar. Please reach out to us with any questions. We are excited to work with you.



Maureen Ryan Braley is the Executive Director of the Idaho State Bar and the Idaho Law Foundation. Maureen is a "double Zag," having earned her undergraduate degree in history and her law degree from Gonzaga University. She clerked for Chief Justice Gerald F. Schroeder of the Idaho Supreme Court and practiced law for six years in Boise before joining the Idaho State Bar staff in 2011 as the Director of Admissions. In 2024, she became the Executive Director.

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Range Wars in Idaho: A Long Shadow Across the Open West

Susie Headlee

Author's Note

This article is written in memory of Ivan Doig. I have read nearly every book he wrote and own most of them. Doig had a rare gift: he treated the landscape as a character, weaving together history, memory, and place into something that felt authentic rather than staged. His work has shaped my perspective on the West, and this piece carries a thread of that influence. In that sense, I've always considered him the patron saint of place-based Western storytelling.

Across Idaho's high-desert plateaus, basalt canyons, and wind-shaped rangelands, the story of the American West is written not only in pioneer journals and mining claims but also in the long, bitter fight over grass. The "range wars"—short-hand for clashes between cattle and sheep ranchers—were never a single war. They were a patchwork of local feuds, territorial standoffs, and sometimes deadly confrontations that shaped the region's culture, economy, and land-use patterns.

Idaho's conflicts were among the most intense in the West. From the 1880s through the early 1900s, the state's rapid settlement, rugged terrain, and competing ideas about land use created a volatile mix. Families were displaced, livestock were slaughtered, and entire drainages were off-limits, depending on who held the upper hand that season. The echoes of those tensions still surface today in debates over grazing rights, public land management, and rural Idaho's identity.

The Roots of Conflict: Land, Law, and Livelihood

In the late 19th century, Idaho's rangelands were largely unfenced and governed by a "first-come, first-served" ethos. Cattle ranchers, who had arrived earlier and often wielded political influence, viewed the open range as theirs by right—an extension of their herds and their identity as the West's characteristic stockmen.

Sheep ranchers and herders, many of them Basque immigrants, arrived later, though their significance and power grew correspondingly. Sheep were mobile and efficient, able to graze land

cattlemen considered "theirs," including higher elevations and more fragile forage. Cattle and sheep ranchers collided, both factually and politically, setting the stage for conflict.

Long before the violence peaked, Idaho courts were already being asked to resolve disputes. In *McGinnis v. Friedman*,¹ the Idaho Supreme Court (then known as the Idaho Territorial Supreme Court) addressed an early example of cattle-sheep conflicts that reached the judiciary. The Court held that because the cattle rancher had no property rights, having failed to show prior possession or a claim of right to title, an injunction was inappropriate. Therefore, lacking "any clear legal or equitable right to the pastures grown upon the said lands," the Court affirmed the lower court's dissolution of the injunction previously asserted against the sheep rancher.

Cattle ranching was woven into the mythology of the West—cowboys, roundups, and the open range. Sheep herding, by contrast, often carried a stigma. A common belief was that sheep "ruined" grazing land. Some with that view had ecological roots: sheep

graze closer to the ground and can clip plants down to the crown, especially in overstocked areas. By contrast, however, others argued that cattle, heavier and less nimble, tend to concentrate near water sources, compacting soil and potentially damaging riparian zones.

In truth, both species can degrade land under poor management—but in different ways. In the late 19th century, ecological nuance coupled with economic and political power created conflict. The cattlemen's ecological argument became a political tool, reinforcing their claim to priority use.

Flashpoints: Idaho's Most Notorious Range Conflicts

Between the 1890s and the early 1910s, the Salmon River and Cassia County areas experienced some of Idaho's most intense range conflicts. Sheep herds were burned or driven out of entire drainages. Camps were destroyed. Herders were threatened or assaulted. Some families packed wagons at night and left before trouble could catch up, leaving behind cabins and equipment and sometimes burying valuables in haste.

Basque immigrants played a central role in Idaho's sheep industry. They brought expertise and endurance, but they also became targets. During the height of the range wars, Basque herders were harassed, threatened, and sometimes attacked. Their camps were burned, their sheep slaughtered, and their movements restricted by informal "deadlines"—invisible borders that cattlemen enforced with rifles.²

Some Basque families hid valuables in remote canyons before fleeing the violence, leaving behind countless tales of buried treasure that still echo through Idaho folklore.

The violence and vigilante "deadlines" eventually pushed Idaho lawmakers to act. Late in the 19th century, the legislature enacted "sheep-segregation" laws that made it a misdemeanor for sheep to graze on land previously used by cattle.³ These laws did not fully resolve the conflict, but they did, to some extent, codify the cattlemen's

advantage. What had been enforced with rifles was now backed by a statute intended to limit or eliminate the violence.

Violence on the Range: The Deep Creek Murders and Diamondfield Jack

If one story captures the lawlessness of Idaho's range wars, it is the saga of Jackson Lee "Diamondfield Jack" Davis, a hired range detective whose name became synonymous with the era's violence.

In 1896, two Mormon sheepherders—Daniel Clay Cummings (others have spelled it Cummins in family background), and John Carruthers Wilson—were found shot to death near Deep Creek in southern Idaho. The killings occurred in a region where cattlemen had drawn a hard "deadline" forbidding sheep from entering cattle country. Suspicion quickly fell on Diamondfield Jack, who worked for cattle interests and had a reputation for intimidation.

His trial became a public catharsis—a way for the community to believe the violence could be contained if only the right men were punished. Years later, two other men, James Bower and Jeff Gray, confessed to the killings, and the foundation of the conviction crumbled. Diamondfield Jack's eventual pardon exposed how fragile justice had been in a landscape where intimidation, loyalty, and land-use politics shaped so many decisions. Diamondfield Jack wasn't the cause of the conflict; he was its creation—a product of a world where the line between frontier vengeance and formal law was perilously thin.

As violence escalated, lawmakers repeatedly stepped into the fray. A pair of cases, *State v. Horn*⁴ and *State v. Omaechevarria*,⁵ involved sheep ranchers charged under Idaho's "sheep-segregation statute." In *Horn*, the Court expressly evaluated constitutional and other arguments against the statute, found it constitutional, and held that the legislature was free to choose cattle-ranching interests over sheep-ranching interests.

Notably, the Idaho Supreme Court in *Horn* compared the clash of interests between cattle and sheep ranching with the clash between sheep ranching and



Diamondfield Jack. Nevada Magazine Archive Photo.

farming—both in Idaho and in England during the reign of Henry VIII.⁶ With the dramatic influx of sheep in England at the time, the farming industry suffered—resulting in laws that “no person shall have or keep on lands not their own inheritance more than 2,000 sheep.”⁷ This analysis led the Court to recognize and confirm the legislature's authority to subordinate one industry to another through its police power. *Id.*

In 1918, the U.S. Supreme Court affirmed the *Omaechevarria* decision, holding that: 1) the state's police power extends over the federal public domain at least where Congress has not legislated; 2) segregating sheep from cattle was intended to preserve the peace and was not an unreasonable or arbitrary exercise of police power; 3) the statute did not violate the Equal Protection Clause; 4) the statute's enforcement did not violate due process; 5) the statute did not conflict with laws preventing unlawful occupancy of the public lands; and 6) the statute did not conflict with any rights of citizens of the United States.⁸

The rulings did not end the conflicts, but they formalized some of the power dynamics that had fueled the range wars, embedding them in Idaho's legal landscape. Although the legislation and related case law were designed to limit violence and codify the legal framework underlying the range wars, disputes and sometimes violence persisted for a time.

The Aftermath: Law, Land, and Legacy

By the early 20th century, the federal government began asserting greater control over public lands. The creation of the U.S. Forest Service in 1905 and the Taylor Grazing Act of 1934 introduced grazing permits, allotments, and enforcement mechanisms that further reduced, though never fully eliminated, disputes on the open range.⁹ Generally, the era of vigilante deadlines gave way to paperwork, maps, and administrative appeals.

In Idaho, the range wars left deep cultural grooves. Cattle and sheep ranchers remember the range wars, particularly the violence and the challenges their families weathered. All parties to the wars faced hardships to their livelihoods, herds, and sometimes their personal safety. Basque families and sheep ranchers remember the discrimination their ancestors endured—the burned camps, the threats, the long nights spent listening for hoofbeats that might signal trouble. Cattle families and cattle ranchers also faced threats, challenges, and lawlessness, even when some of the laws should have prevented it.

Tales of hidden treasure, abandoned wagons, and midnight escapes still flicker around kitchen tables and at branding fires. And through it all rides the legend of Diamondfield Jack—his name drifting through Idaho folklore

like a ghost rider skimming the rim of the Snake River Canyon.

Today, conflicts rarely involve gunfire, yet the themes remain familiar. Ranchers still clash with federal agencies over grazing permits and land-use restrictions. Environmental groups challenge grazing practices to promote habitat restoration and wildfire prevention, often pushing back against development they believe threatens the long-term health of public lands. Debates over predators, water rights, and the health of public lands flare up with the same intensity that once fueled standoffs on the open range.

Beneath every hearing, lawsuit, and community meeting lies the same unresolved question that haunted Idaho a century ago: who belongs on the land? Who claims the land, who must yield, and who gets to decide?

Conclusion

Idaho's range wars were never just about cattle and sheep. They were about culture, power, belonging, and the fragile ecology of the high desert. They led to violence and displacement and, eventually, statutes and legal decisions that still influence land-use policy today.

The range wars remind us that the West was never as open as the myth suggests—and that the struggle over grass, water, and identity continues to shape Idaho's story. Today, the conflicts are guided more by the courts and statutes than by

gunfire, but the rule of law now bears the burden of keeping the peace and determining who gets to do what on the land.

Thanks to Douglas A. Werth, Lead Deputy Attorney, Office of the Attorney General, who had the concept for this article.



Susie Headlee retired in July 2026 after more than eleven years as Director of Recruiting & Legal Services at Parsons Behle & Latimer. Prior to joining Parsons, she held positions within the U.S. Federal Judiciary at the Ninth Circuit Court of Appeals and the U.S. District Court for the District of Idaho. She is a founding member of the ILHS and served twelve years as its Secretary | Treasurer.

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Left: Kootenai County Courthouse, Rathdrum. Circa 1908. Photo Courtesy of Museum of North Idaho, RAT-10-019. Right: Kootenai County Courthouse Centennial Celebration, July 3, 2026. Photo courtesy of Courtney E. Beebe.

A Tale of Two Courthouses and a Time Capsule: How Oscar F. Canfield and a Cornerstone Anchored Kootenai County to Idaho's Justice System

Courtney E. Beebe

Introduction

William D. Canfield and his family trekked the Oregon Trail through Southern Idaho and arrived at the Whitman Mission near Walla Walla, Washington in October 1847.¹ A month later, on November 29, 1847, William and his nine-year-old son Oscar were the only two male survivors of the Whitman Mission after the Tragedy at Waiilatpu.² As young Oscar escaped with his father to Sacramento, California, he could not anticipate that he would eventually cement his legacy in Kootenai County by setting a time capsule in the cornerstone of the Kootenai County Courthouse. This act permanently anchored Kootenai County to a place of its own and to a century of building justice.

Northern by Nature

Kootenai County's history bears little resemblance to that of Southern and Central Idaho, and is more than arms length from the colorful narratives of

the Palouse and the Silver Valley. Lewis & Clark did not journey with Sacajawea through Kootenai County in 1805.³ Fur traders like Pierre Tevanitagon and Andrew Henry favored the Tetons and Snake River in the 1810s, ignoring the potential for beaver fur in the North.⁴ Trading routes extended west, not north, from the Snake River Plain to the Oregon Coast in the 1820s, enticing Jim Bridger, Kit Carson, and William Ashley to build forts and conduct annual fur trading rendezvous.⁵

In the 1830s, missionaries like Father DeSmet and the Whitmans pushed missionary activities further into Southern Idaho, Washington, and Montana, but did not yet see potential for expanding Christianity into North Idaho.⁶ Settlers, like the Canfield family, traveled the Oregon Trail to claim land from Salmon to Boise to Lewiston in the 1840s and 1850s. Notably, in 1841, Jim Bridger sent his daughter, Mary Ann Bridger, along the Oregon Trail to live at the Whitman Mission. Unlike Oscar, Mary Ann Bridger would ultimately not survive the 1847 Tragedy at Waiilatpu.⁷

The Latter Day Saints pioneers also made their way to Southern Idaho, founding Idaho's first town, Franklin, in 1860.⁸ The Saints also did not set their sights on isolated North Idaho, content to claim land in Utah and Nevada.

In comparison, exploration and settlement in Kootenai County stagnated for decades at a time. Hot on the heels of Lewis & Clark, explorer David Thompson and his fur-trading Iroquois companions arrived on the Rathdrum Prairie from Canada passing by Lake Pend Oreille in 1809.⁹ The Northwest Trading Company somewhat successfully traded with the Kootenay (River People) and established a number of trading "houses" in the vicinity, including the Kootenay Haus in British Columbia. However, the fur trading economy in what would be Kootenai County remained a tough market. In fact, the Northwest Trading Company and the Iroquois were so dismayed by the sharp trading skills of the Salish speaking Schitsu'umsh (Discovered People), that they named them the Coeur d'Alene, translating to "heart of the awl" after the sharp point of a leather making tool.¹⁰

It took another three decades before Father DeSmet traveled through Western Montana to the Coeur d'Alene River in 1842. The Jesuits worked with the Coeur d'Alene people to build the Cataldo Mission and began the process of combining the Catholic faith with traditional spiritual practices.¹¹ Despite their ministerial successes in the chain lake valleys of the Coeur d'Alene River's pay, a general lack of interest in establishing settlements and building roads in North Idaho continued.

Nearly twenty more years passed before Captain John Mullan of the U.S. Army finished the Mullan Road on July 4, 1861, at a North Idaho mountain pass, forever connecting Fort Walla Walla and Fort Benton.¹² Even though the first Idaho courthouse was built in 1861 in Pierce in the southern part of what was then Shoshone County, settlers favored homesteading the Palouse farmland instead of forging north to Kootenai County.¹³

Sixteen years and one civil war later, the U.S. Army arrived under the command of the Union Army General William Tecumseh Sherman.¹⁴ The creation of Fort Sherman on Lake Coeur d'Alene in 1878 offered potential settlers protection and economic opportunity. Oscar F. Canfield, now a businessman with a family in California, was waiting for an opportunity to increase his fortune, and General Sherman, a distant relative of Mary Canfield (Oscar's wife), convinced the couple to relocate to North Idaho in 1883.¹⁵ The Canfields homesteaded a flat, fertile, protected area at the base of a treed butte on the edge of the Rathdrum Prairie between Hayden Lake and Lake Coeur d'Alene. The Canfields obtained contracts to sell wood, hay, meat, and dairy products to Fort Sherman, and are considered the first non-U.S. Army residents of Coeur d'Alene. In their honor, General Sherman named the treed butte Canfield Mountain.¹⁶

Bordering on the Ungovernable

When President Lincoln established the Idaho Territory in 1863, the general North Idaho area was referred to as Kootenai County after the Salish-speaking

Plateau tribe. But, the Euro-American population was widely dispersed and Kootenai County's borders remained informal and unorganized, changing with the four seasons.

The Oregon Territory claimed Kootenai County as Clackamas County in 1853, but ten years later the Washington Territory claimed it as Spokane County.¹⁷ Idaho's Territorial Legislature asserted a sort of "jurisdiction" over all the land between the Canadian border, Spokane, the Fourth of July Pass, and present-day Latah County, offering residents the opportunity to organize Kootenai County on December 22, 1864.¹⁸ Only 81 residents of record lived in the vast swath of land, and they expressed no interest in forming a county government. Comparatively, the citizens of remote Owyhee County successfully organized in 1863,¹⁹ and neighboring Shoshone County organized on February 4, 1864.²⁰

The Idaho Territorial Legislature extended Nez Perce County into present-day Kootenai County, but this exercise was short lived.²¹ The few Euro-American settlers of the Rathdrum Prairie and Lake Coeur d'Alene remained unorganized and ungoverned between 1864 and 1881.

In the late 1870s, the town of Westwood began to grow economically and in population on the Rathdrum Prairie. Westwood established itself as an agricultural community that connected Lake Coeur d'Alene to Spokane to Lake Pend Oreille. In 1881, Kootenai County finally organized²² just in time for the Northern Pacific Railroad to extend from Spokane to Westwood. As part of this formalization, the town of Westwood was renamed Rathdrum after a small town in Ireland.²³

When Oscar F. Canfield arrived in 1883 and became one of Kootenai County's first county commissioners, Kootenai County stretched from what is now Benewah County to the Canadian border.²⁴ The town of Coeur d'Alene, then known as "Slabtown" or "Sudsville," was not the hub of economic activity or settlement. The Harrison, a small lumber town on the east side of Lake Coeur d'Alene named after President Harrison, became the first Kootenai County seat.²⁵

This designation was short lived, when the county seat was moved to Rathdrum.²⁶

Another Courthouse, Not My Own

In no particular rush to establish county offices, Kootenai County funded the construction of a small jail in Rathdrum in 1882,²⁷ and "a session of the district court was held in Coeur d'Alene that year, Judge Norman Buck presiding."²⁸ Kootenai County expanded the building in 1891, after Idaho achieved statehood in 1890. The Romanesque-style building constructed of locally made red brick and stone masonry served as a jail, county offices and included a courtroom, with the Kootenai County sheriff residing in the upper floors.²⁹

The first week of March 1892, "district court convened at Rathdrum,"³⁰ with:

Judge J. Hollman presiding with a full quoto (sic) of officers and attorneys in attendance. The call of the panel for Grand Jury showed all present. They were empaneled without any objections and charged by the judge as to their duties. The calendar was then called and cases set for argument on law questions.³¹

First District Court was held regularly between 1897 and 1908 in what was now referred to as the "Rathdrum courthouse," with local judges presiding from a desk in a room shared with the county recorder, treasurer, assessor, and the sheriff.

At the same time, settlers finally discovered opportunities to homestead, mine for silver and gold, and work in the white pine lumber industry. The Kootenai County population grew 148%, from 4,108 residents in 1890 to 10,216 residents in 1900.³² The settlers arrived in Rathdrum on trains owned by local rail magnates Fredrick Blackwell and D.C. Corbin, and then traveled to Coeur d'Alene to catch J.C. White's Red Collar Line steamboats to Harrison or St. Maries.

Despite Rathdrum's designation as the county seat, economic activity and wealth ultimately concentrated in the

town of Coeur d'Alene. Recognizing the opportunity to improve Coeur d'Alene's standing and promote the tourism industry on Lake Coeur d'Alene, local business leaders, including Oscar F. Canfield, formed the Coeur d'Alene Commercial Club in 1903.³³ Between 1903 and 1908, the Club's primary goal was to incorporate Coeur d'Alene and become the seat of Kootenai County.

In 1905, the Idaho Legislature passed, and Governor Frank Gooding signed, Senate Bill 64, the "Spaulding Bill," named after Senator Henry H. Spaulding of Lapwai. This bill, physically carried by Senator Herman Taylor from Sandpoint to Boise,³⁴ abolished Kootenai County and created two new counties: Lewis County with Coeur d'Alene as the county seat, and Clark County with Sandpoint as the county seat.³⁵

Kootenai County officials in Rathdrum asserted that the Idaho Legislature did not have the authority to abolish Kootenai County, much less name the new counties after explorers who did not set foot near Lake Coeur d'Alene. On March 3, 1905, the Rathdrum Tribune reported that Kootenai County officials would challenge the Spaulding Bill, under the headline: "*The Constitutionality of the Division Bill, Proceedings to Test the Question, Have Begun. Rathdrum raises money for the purpose. The Legal Firm of Wood and Wilson of Boise have been employed.*"³⁶ Ultimately, it was the Idaho Supreme Court that declared the Spaulding Bill unconstitutional in *McDonald v. Doust*, 11 Idaho 14, 81 P. 60 (1905), holding that the Idaho Legislature could not abolish a county.³⁷

Undeterred, the Coeur d'Alene Commercial Club expressed a sudden interest in formalizing and stabilizing county governance as a reason to move the county seat to Coeur d'Alene, arguing that county officials could not possibly govern from Rathdrum's 14-year-old "outdated courthouse."³⁸ The City of Coeur d'Alene incorporated in 1906 and city council members negotiated with the Kootenai County commissioners to share public facilities, on the condition that Coeur d'Alene was designated the county seat.³⁹

On February 21, 1907, the Idaho Legislature passed the "Bonner County

Division Bill," creating Bonner County from the northern half of Kootenai County.⁴⁰ Governor Gooding signed the bill on February 22, 1907 and the border change reinvigorated the Coeur d'Alene Commercial Club's efforts to relocate the county seat.⁴¹ However, the City of Coeur d'Alene did not own public buildings that would house both city and county offices, and Kootenai County owned a public building in Rathdrum.

The City of Coeur d'Alene remedied this minor deficiency by building a new City Hall at Fifth Street and Sherman Avenue on June 9, 1908.⁴² The Coeur d'Alene Commercial Club thereafter successfully gathered 6,000 signatures in favor of moving the county seat to Coeur d'Alene.⁴³ After a campaign of ballot stuffing and arm twisting, on November 3, 1908, a majority of voters selected Coeur d'Alene as the seat of Kootenai County. Kootenai County moved into the Coeur d'Alene City Hall in 1909, abandoning the county owned building in Rathdrum.⁴⁴

Kootenai County and the City of Coeur d'Alene jointly operated out of the Coeur d'Alene City Hall, but it appears the arrangement was intended to be short lived. The local papers reported that county commissioners C.M. Trigg and V.W. Waitman traveled to Washington and Montana in 1909 to "inspect courthouses" as possible models for a new Kootenai County courthouse.⁴⁵

In contrast, most of Idaho's counties had constructed county courthouses, including First District counties Bonner County in 1907-1908 and Shoshone County in 1907.⁴⁶ In 1908 Senator Borah, working with the Coeur d'Alene Commercial Club, worked with Senator Heyburn to secure funding for a federal courthouse in Coeur d'Alene (instead of Moscow) and eventually succeeded in 1912.⁴⁷ It appeared that the surrounding counties and federal government were outpacing Kootenai County's progress.

Meanwhile, Judges William Wells Woods and A.V. Chamberline occasionally held court in Coeur d'Alene's City Hall.⁴⁸ William McNaughton, John P. Gray, and a few other attorneys practiced throughout the First Judicial District.

By 1914, the people of St. Maries at the south end of Lake Coeur d'Alene recognized that "the trade and commerce of the inhabitants of this territory naturally flow southward and . . . includes no territory that is a tributary to any city or town in Kootenai County . . .".⁴⁹ On November 3, 1914, the citizens of Kootenai County voted in favor of the creation of "Benwah (sic) County," advising the Idaho Legislature to divide the southern end of Kootenai County. On January 23, 1915, the Idaho Legislature once again changed Kootenai County's boundaries by creating Benewah County, named after a Coeur d'Alene chief. Never mind that the act divided the 1891 Coeur d'Alene Reservation, locating portions in both Kootenai and Benewah Counties.

Eight years later, Benewah County hired Meyers & Telender architect Julius Zittel of Spokane to build a three-story Classical Revival courthouse building that was completed in St. Maries in 1924.⁵⁰ Kootenai County, however, continued to operate out of the Coeur d'Alene City Hall, and remained without a courthouse or county-owned facilities.

A "Fireproof" Courthouse

Kootenai County ran its first public bond election on May 16, 1925, seeking \$120,000 to build a "fireproof" courthouse designed by Julius Zittle.⁵¹ The design selected was a buff-colored brick, Georgian Revival building design that featured an elegant portico, supported by Doric columns and arched second-floor windows adorned with terracotta ornamentation.⁵²

The bond passed, and Kootenai County Commissioners J.W. McCrea, Frank A. Morris, and Hans Johnson, purchased land at the intersection of Government Way and Northwest Boulevard in Coeur d'Alene. Construction began in the Fall of 1926, and Oscar F. Canfield was tasked with laying a time capsule in the building cornerstone on April 26, 1926.

Each of the Kootenai County newspapers contributed an issue dated in April 1926 to the time capsule. *The Post Falls Advance*, *Harrison Searchlight*, *Spirit Lake Herald*, and *Coeur d'Alene*



Oscar Canfield laying cornerstone at Kootenai County Courthouse. Dated April 26, 1926. "Photo provided by Museum of North Idaho, KC-01-015.

Evening Press ran articles about the new courthouse; *The Rathdrum Tribune* did not mention the event. Other items in the time capsule included a magazine about Coeur d'Alene, a page of signatures from each elected county official, a copy of the Coeur d'Alene High School student paper, records from banks and the school district, and a copy of the 58th Annual 1925 Communication of the Grand Lodge of Idaho A.F. & A.M. (Masonic Lodge).

A crowd gathered before 88-year-old Oscar F. Canfield as he stood on an elevated platform and placed the sealed copper box in the shiny gray cornerstone located some ten feet above the ground. Oscar reminisced about:

The great advancements since he first looked on what is now Kootenai County 42-years-ago. At the time, there were but two white women in the county, and it was hard to find enough people to properly organize it.⁵³

It was sealed with cement, and the outside inscribed with the names of the current Kootenai County Commissioners.

District Judge William F. McNaughton also spoke, opining about the importance of public education:

In the many year that he has been on the bench he has noticed that of the hundreds of people he has sentenced... there have not been many high school graduates. . . . and were sent into the world undeveloped and unsettled in their convictions and too easy fall victim to the seduction of crime.⁵⁴

The Grand Lodge of Idaho A.F. & A.M. performed a Masonic ceremony to consecrate and "inter the casket." Interning the time capsule was the last public act Oscar F. Canfield performed, as he passed away a few months later on October 8, 1926. In December 1926, the Kootenai County Courthouse opened for business.

Retrieving History from a Cemented Legacy

The Kootenai County Courthouse was listed on the National Register of Historic Places in 1977, and the beautiful buff brick remains unchanged

since 1926. Like many historic public buildings, however, modernization efforts have drastically altered the interior to accommodate modern uses, disability access, and security needs. When I worked at the building for a short time I found the modifications aesthetically inconsistent and thoughtless, resulting in a cramped, noisy, inconvenient, and difficult to navigate workplace.

Local architect Jon Mueller, however, has a great appreciation for the building's design and led the Kootenai County Historic Preservation Commission (KCHPC) on a two-year mission to celebrate the Kootenai County Courthouse's centennial anniversary. Along with the other members of the KCHPC, I began researching the building's history in earnest. While at the Idaho Historical Society Archives in Boise, I came across an advertisement from 1986 that dropped a clue about the existence of a time capsule in the building cornerstone. Jon Mueller and local historian Stephen Sheppard ultimately confirmed the time capsule's existence and location. Retrieving the time capsule provided these two life-long Coeur d'Alene residents with a meaningful, personal connection to Oscar F. Canfield and their shared history in Kootenai County.

On June 3, 2026, the sealed copper box was extracted and opened by museum professional Elizabeth Boutin (who kindly let me put on some gloves and assist!). Prying back the copper top, we revealed a stack of perfectly preserved documents, and two very decomposed rubber bands. On July 3, 2026, in celebration of America's 250th anniversary, Idaho's 136th statehood anniversary, and the building's centennial, the KCHPC displayed photos of the time capsule contents and celebrated Kootenai County at a public event with 450 citizens. Following the example of Oscar F. Canfield and Judge McNaughton, Idaho Supreme Court Justice Cynthia Meyer (a long-time resident and former First District Judge) joined Jon Mueller at the lectern, as the Grand Lodge of Idaho A.F. & A.M. performed a consecration ceremony over a new, 2026 time capsule.



Time Capsule extracted from Kootenai County Courthouse cornerstone and held by Jon Mueller on June 3, 2026. Photo courtesy of Laurie Harris Mauser.

Epilogue

Similar to the Canfield family, five generations ago my ancestors made their way to Southeastern Idaho in the 1860s and 1870s, and our clans have stuck solidly to the Teton Valley and Snake River Plain. To me, the “romance in her name” means ranches, high arid peaks, potato fields, and rivers. Even so, like 60% of the Kootenai County population, I moved to North Idaho within the last twenty years.

Most Kootenai County “transplants” followed Oscar F. Canfield’s path from California to North Idaho. They are curious and wish to connect to Kootenai County’s values of freedom, independence, and opportunity. I enjoy sharing a “new to me” Idaho story when I guide the recently relocated on walking tours or host lectures for the Museum of North Idaho. Introductions invariably begin with the attendees asking if I am from Idaho, and I have the privilege of saying that “I am a fifth-generation Idahoan.” Still, I am not comfortable giving the impression that I have a connection to North Idaho’s history, so I qualify the statement with “...but from Southeastern Idaho.”

Long-time Kootenai County residents lament the loss of their historic buildings,

and neighborhoods, as well as the loss of space and land. Constant construction and boundary changes are visible from the top of Canfield Mountain where the panoramic view of the Rathdrum Prairie and Lake Coeur d’Alene stretches between pine trees and cell phone towers. Roads crisscross over ever shrinking patches of farmland, like arms reaching out to touch hands between subdivisions on the edges of Post Falls, Rathdrum, and Hayden. The view also extends over the western horizon, where the Washington state line is unidentifiable in the constant stream of traffic flowing to and from Spokane Valley on I-90.

The view from the peak of Canfield Mountain reflects the imminent connection of municipal boundaries that will ultimately limit Kootenai County’s influence. Arguably, though, Kootenai County’s geographical borders have always seemed to lack meaning to the residents as they comingled their lives and economies across lakes, mountain ranges, prairies, and state lines. Instead, for the foreseeable future, Kootenai County will retain its meaning and remain anchored in history through the gray cornerstone in a century old building at the center of Coeur d’Alene.



ALJ Courtney E. Beebe is a fourth generation Idaho lawyer, certified professional mediator, and a Lead ALJ for the State of Washington OAH. She has a B.A. in history from the University of Montana, a Certificate of Museum Studies from University of Washington, and attended the University of Idaho College of Law. ALJ Beebe also volunteers as a public historian and operates Beebe Mediation, PLLC in Idaho.

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Financial Advisor
batesk@stifel.com | (208) 401-2033

Tracy Druzisky

Senior Registered Client Service Associate
druziskyt@stifel.com | (208) 401-2021

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Richard H Johnson "Iggy" Johnson Catherine (Ashdown) Johnson Idaho State Capitol. The photo is property of the Johnson, Nixon and Daly families and resides in a private collection of antique photographs in their home.

From Territory to Statehood: Richard Z. Johnson, Founder of the Idaho State Bar Association, Early Author of the Idaho Code, and Legislative Sponsor of the Boise Independent School District

Mark Daly

Travel back in time to the late 1800s. Imagine you are standing in an office containing the massive personal law book collection, numbering 4,000 volumes, neatly shelved in the law office of Richard Zena Johnson – prominent jurist, legal scholar, prolific author, orator, and civic leader. Before your eyes appear, row upon row of leather-bound legal volumes, featuring each inside cover signed in distinctive, legible handwriting: *Richard Z. Johnson*.

The spine of each book reveals subject, dates and author containing case law and other contents dating back to 1650. The private collection reminds visiting judges, attorneys, and guests of a time when the source of legal precedent, opinions, and judicial rulings resided in these volumes, not in digital files domiciled in some

remote corner of the country. The legal library contains proceedings and rulings from the U.S. Supreme Court, the Idaho Supreme Court, appellate courts, district courts and writings of numerous legal scholars. Highlights include *Blackstone's Commentaries* and complete volumes of Idaho territorial law.

Each volume, leather bound, has affixed a small, personalized label that reads "Johnson," "Johnson & Johnson," and "Johnson & Nixon," representing three generations of family members who practiced from 1885 to 1980. R. Z. Johnson had a son, Richard H. Johnson, also Yale educated like R. Z., who joined his father in the practice of law after graduation. The law office building and its contents survive intact after 140 years of continuous ownership by one family –

a unique chapter in Idaho history, and a story worth telling.

Carey H. Nixon, Richard H. Johnson's son-in-law who married Kathrina Johnson, was the last lawyer and relative to occupy the building. Carey Nixon hailed from a small town in Iowa and the two met at Stanford University. Nixon was a prominent attorney in Boise, passing the bar exam in 1921, and had built a diversified practice in corporate law, water rights and general business.

Tents to Towers: The History of the Practice of Law in Idaho (2025) contains at least fifteen printed mentions of Richard Z. Johnson.¹ Only Governor James H. Hawley is mentioned more frequently (26). On page 33, the featured sidebar shows the father sitting across the desk from his son, Richard H.

Johnson, with the private book collection in the background. The photo is the most recognized image in the public domain, which was provided by the family to the Idaho State Historical Society. History buffs and preservationists will be delighted to learn that dozens of photos, artifacts, and personal belongings survive, remain in storage, and are cataloged for later display.

In the October 2010 issue, *The Advocate* published “The First 50 Men in Idaho Law.”² Johnson did not make the top 25, despite significant contributions during his 30-year legal career. Not everyone is a born politician, and R. Z. Johnson was no exception. His legacy suggests satisfaction in toiling in the background, applying impeccable wit, logic and critical thinking to problem solving, which was perhaps his greatest skill and most valuable contribution. His name does not appear on the lists of judges, magistrates, and governors in *Tents to Towers*.³ Johnson’s list of accomplishments involved “doing” - an advocate, joiner, appointee and implementer, thereby earning respect from colleagues and adversaries alike.

The original single-room Johnson Law Office, built in 1885, is one of Boise’s earliest constructed and oldest surviving professional buildings. “It was easily the finest such building in the city,” wrote Arthur A. Hart, Director of the Idaho Historical Museum, in the *Idaho Statesman* on February 18, 1974.⁴ Hart continued that “[t]he law library was long hailed as the finest collection in the state.” The construction suggests a commitment to Boise’s downtown development, including Johnson’s personal residence at the corner of Sixth and Main Streets, currently a law firm parking lot, plus apartments constructed on the Johnson Block eastward to Fifth Street.

The Idaho Architecture Project says architect James C. Paulsen, who hailed from Montana, designed the Old City Hall, Columbia Theater and Natatorium pool complex on Warm Springs Ave.⁵ The Johnson Block was conceived as covering the entire block, but a fire and economic slump curtailed further construction. The former Davies Reid import business,

now occupied by Ocho’s Patio and Dance Studio, “feature[s] two octagonal towers in the façade with picturesque dormers set at either end.” This structure is the only surviving building designed by Paulsen and still standing in Boise.

The Johnson Law Office Building is located within the Capitol Boulevard Design Overlay District, specifically in the Downtown Corridor, one of four district subareas. The corridor includes both sides of Capitol Boulevard from the centerline of Front Street north to the centerline of State Street.⁶ The Johnson Law Office is afforded consideration and protection from future surrounding development. Constructed by local stonemasons, the foundation features irregular sandstone blocks quarried from the nearby Boise foothills according to records kept by the Johnson family. The red bricks were possibly manufactured by the Pullman Brick Co., formerly located on E. Warm Springs Ave. according to Kelly Troutner, local brick expert with extensive knowledge of historic structures. These “sand” style rough finish bricks feature prominently on three sides of the structure. “If not heated and kiln fired properly, the front pops off the brick, and they disintegrate when exposed to water,” according to Troutner.

Higher quality “fancy bricks” front the west side facing Sixth Street, and present a more modern, stylish look. The bricks are glazed with a liquid coating prior to firing, creating a gloss finish. The building’s Greek Revival design creates a rectangular footprint on the property, and shotgun-style interior. One can view the interior length from the entrance on Sixth Street to the carriage house (now serving as a short-term vacation rental).

Five prominent large windows, arched using keystones, face north. Two matching windows on Sixth Street feature arched openings and tiny carved horse head keystones at the apex. Hand-built mortise-and-tenoned jointed window screens cover the interior operating window frames, which utilize sash cord attached to counterweights. This allows for ease when raising and lowering the imperfect “wavy” glass windows of the period.

Birth, Education, and Law School

Richard Zena Johnson was born in Akron, Ohio, in 1837 and received his early education in Ohio, Minnesota, and New York.⁷ He later attended the United States Military Academy before pursuing studies at Yale Law School, where he graduated with a law degree in 1859.

After completing his law degree, Johnson was admitted to the bar in Minnesota and began practicing law in the Midwest. Johnson moved to Silver City in 1865 and practiced for a decade before relocating to Boise in 1878. Richard was a member of the Idaho Territorial Council (1880-1890) before running as a legislator representing Ada County in 1881. In 1885 he led a committee to revise the Idaho statutes and served as Territorial Attorney General (1887-1890). Johnson became the first voluntary State Bar Association president and worked tirelessly for a self-regulating legal profession. As a legislator Johnson sponsored the bill creating the Boise Independent School District and later accepted an appointment to the Boise School Board and as commissioner of the Board of Trustees, a position he held for fifteen years.

Practice of Law and Professional Achievements

R. Z. Johnson was considered influential by his clients and peers, beginning at an early age. His diligence and meticulous recordkeeping are borne out by his personal collection housed in the Idaho State Archives Manuscript Collection.⁸ Billable time, to the quarter hour, is listed and recorded in ornate covered journals. Johnson possessed strong mathematical skills in algebra and geometry. Drawings of early mining claims, mostly irregular in shape and size, contained detailed geometric calculations, use of sine and cosine, summation of angles, and computation of total area.

Early legal work began in Ruby City during the height of the region’s mining boom. There he gained a reputation for handling dozens of mining claims, complex assay calculations, and the frequent property line disputes, many

activities that supported the local economy courtesy of miners laboring beneath gold and silver claims in the Owyhee mountains.

Silt, Sweat, and Coal Smoke

Certain volumes in the front office section incurred water damage from multiple Snake River Ferry crossings during the move from Silver City to Boise. My mother, Catherine Nixon Daly,⁹ would flip through several pages of water-stained volumes for visitors and note the authentic “Snake River” silt contained between the pages. Whether dirt, silt, or coal dust, it made for entertaining explanations and vivid descriptions for curious guests.

R. Z. Johnson was well versed in federal law and served on multiple committees that sought alignment of the Idaho Code and territorial statutes with the more established code sections of the United States. Johnson drafted procedural rules for the U.S. District Court and helped organize the Idaho State Bar Association, serving as president in 1899 and later as bar commissioner. His published orations appeared in the *Owyhee Avalanche*, *Idaho Daily Statesman*, and annual speeches to the Bar Association.¹⁰

Sweat

The Hon. Robert H. Johnson, R. Z.’s father, moved his family to Owatonna, Minnesota, in 1865.¹¹ Robert H. Johnson served as the mayor of the City of Owatonna, Minnesota, and thus began the family’s long tradition of public service. Robert’s business career began in sawmills and lumber production, then further evolved into leather shoe and boot manufacturing.

R. Z. Johnson married Katherine Broeg of Lindau, Bavaria, Germany, and together they had one son, Richard H. Johnson, a second-generation lawyer also educated at Yale, who later joined his father in the practice of law, creating the firm named Johnson and Johnson.

R. H. Johnson married Catherine M. Ashdown; their daughter Kathrina married Carey Harold Nixon, who also studied law, and attended Stanford

University. Years later the law firm of Johnson & Nixon was formed thereby creating the third and final generation of lawyers to occupy the historic structure. Two daughters, Catherine Nixon Daly and Betty Nixon Brown, represented the fourth generation of continuous family ownership.

The fifth generation is represented by owner Mark Daly and his wife Vickie, with a sixth generation close behind represented by daughter Anna M. Daly, a local journalist and college professor. A robust collection of exhibits and artifacts remains a fitting legacy to the family’s history and sixth-generation ownership of the building.

The current tenant is onion broker Flavor’s, originally from Caldwell and Parma, Idaho. Previous tenants include Scandia Down, Fritchman’s Art Gallery, Yate’s Gallery, Cherished Images photographers and Amil Myshin, Attorney-at-Law.

Coal Smoke

The coal-burning stove located in the front entrance office left a lasting reminder: a heat scorched outline of the original burner above the pine floor, a remnant of a common heat source of the period. A thin layer of coal dust and soot infiltrated every built-in bookshelf and migrated under four layers of flooring. The most unusual material was a jute-backed linoleum product from the early 1900s installed with hundreds of small tacks, quite a job to remove, sand and finish! A marvelous surprise awaited underneath, clear, tongue and groove pine boards placed over large floor beams six feet on center, now finished with reddish tint tung oil stain.

My maternal grandparents, Carey and Kathrina (Johnson) Nixon, would travel throughout the State, visiting legislators in their home districts. Nixon was well regarded in water law as water rights and adjudication of the precious resource gained prominence in the 1900s. Carey and Kathrina had two daughters and two sons. When Carey Nixon passed in 1980, he left the office to Catherine Nixon Daly and Betty Nixon Brown. The

sisters co-managed the building until their deaths in 2024 and 2008, respectively.¹² Nixon’s two sons were Harvey, a mortician, and Arnold, a career employee of the Idaho State Liquor Dispensary.

Extensive Journaling, Entries, and Articles

Johnson saved articles and excerpts from famous speeches dating from the founding of the United States in 1776. His collection included Washington’s Inaugural Address, Lincoln’s Inaugural Address, arguments for and against slavery, the right of the U.S. Treasury to issue sovereign debt authored by Secretary of the U.S. Treasury Salmon P. Chase, and many other speeches and essays.

Johnson’s personal journals and notebooks exist in the family collection. His personal journal shows in detail each expense and material used during law office construction. His 1891 fee ledger, showing time logged to the quarter hour from Silver City, shows entries of \$2 to \$8 per day, averaging eleven clients – \$42 for a day’s work.

Johnson was fascinated by the murder trial of Harry Orchard and co-conspirator William D. “Bill” Haywood, charged with the assassination of then Gov. Frank Steunenberg.¹³ The article noted that Judge Fremont Wood overruled the defense motion against a “Rule of Particulars” on procedural grounds. However, the judge did excuse juror Ben F. Eastman’s absence to attend a trap and skeet shooting tournament that same day.

Johnson admired Clarence S. Darrow, lead attorney for the 11-man defense, despite believing in Haywood’s guilt and labor’s contribution to the heinous act. He also admired the prosecution, a who’s who of the Idaho profession, including James A. Hawley, Owen M. Van Duyn, W.A. Stone, and then Senator William Borah. Haywood was acquitted and Judge Wood retired after severe criticism of jury instructions that may have contributed to Haywood’s acquittal.¹⁴

Johnson was fascinated with the British monarchy.¹⁵ His private papers contain the complete listing of kings, queens, and royalty since 1066, starting

with the reign of William I and continuing through William and Mary in 1689. His final entry suggests Queen Victoria was one of England's finest rulers.

Johnson, showing excellent handwriting skills in cursive style, weighed in on moral issues of the day. "The State shall provide that bigamy, polygamy and unlawful cohabitation shall forever be unlawful within the State of Idaho. All persons guilty of said offenses shall be disenfranchised and disqualified to hold any public office within the State."¹⁶

Johnson later testified for the defense before the Idaho Supreme Court during the "Idaho Test Oath" appeal that prevented church members from voting without first swearing off the practice of bigamy and polygamy. According to *Tents to Towers*, Johnson argued the law "curtailed religious freedom by outlawing a religious belief," but his argument failed to convince the justices.¹⁷ The U.S. Supreme Court ruled that church members' voting rights would not be curtailed for religious beliefs but could be curtailed for certain religious practices.

R. Z. Johnson was often quoted as saying, "[a] lawyer's time is his stock and trade" when asked to provide pro bono legal advice or when engaged in casual conversation about the law. As president of the Idaho State Bar Association, Johnson's February 5, 1901, annual address included the following: "It is true of most lawyers, as has been well said, he works hard, lives well and dies poor." *The Idaho Statesman*

described Richard Z.'s written oration, "as critical of those who opposed the forming of or participating in the bar association." *Tents to Towers* documents the ISBA's slow start plus early difficulties recruiting members, collecting dues, encouraging attendance, and offering improved language in statutes and codes.

In another oration before the Bar Association, R. Z. Johnson expressed frustration with the sad state of the early Idaho Code.¹⁸ Johnson usually offered substitute language for improvement rather than face charges as a chronic complainer. R. Z. offered solutions to vanquish ambiguity and add clarity to final versions of statutes enacted by the legislature.

Johnson's unique legal and political career spanned three decades. In addition to his fifteen years of service as a Board of Education member, he was named one of the first regents to the University of Idaho Board of Trustees and was awarded an Honorary Doctor of Law degree by the University.

Johnson dabbled with a small horse ranch along the Payette River, but eventually his growing law practice and political involvement caused him to sell the ranch. According to the *Idaho Statesman* in 1880, "Johnson had too extensive a law practice to give his attention to raising horses."

After his withdrawal from public life and the active practice of law, Johnson retired in 1910 and moved permanently to a villa in Lindau, a Swiss German border

town near the shores of Lake Constance. The couple traveled Europe extensively during Johnson's few remaining years prior to his death in 1913.

"I am proud of the fact that even my enemies employ me."¹⁹ The words of my humble and outgoing great-great-grandfather remain relevant today. R. Z. Johnson could make both sides of an argument with equal force, enthusiasm, and conviction. But times were volatile in the Wild West as frontier justice eventually gave way to rules of law and order. It may also explain why Richard carried a small, .41-caliber Deringer pistol in his vest pocket!

William Faulkner wrote in *Requiem for a Nun* (Random House 1951): "The past is never dead. It's not even past."²⁰ The Johnson, Nixon and Daly families have felt the past. The current generation lives because of the past, not bound by it, for we are guided, shaped and molded by our ancestors, and the lives of those who went before us. Faulkner continues "we pursue images perceived as new but whose provenance...are themselves but ripples of consequence echoing down the generations."



Mark Daly is an Executive Coach and retired financial advisor. After acquiring the Johnson Nixon Law Building from his relatives and siblings, he and his wife Vickie began



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a restoration project to protect and preserve the historic structure in the Old Boise section of downtown. Mark is a member of the ISB Historic Section, a fifth generation Idahoan, and enthusiastic preservationist.

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Environmental/Water | Boise
nsemanko@parsonsbehle.com



Robert J. Couch
Corporate | Idaho Falls
rcouch@parsonsbehle.com



Paul Evans
Corporate and IP | Rexburg
pevans@parsonsbehle.com



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Chief Justice Chats¹

Hon. Jessica Lorello

This year has been filled with celebrations for the 250th anniversary of the signing of the Declaration of Independence. The importance of the rule of law is central to the Declaration's meaning and purpose. As lawyers, we must be steadfast in upholding the core principles reflected in the oath we have taken to support the rule of law, including the Constitution of the United States and the Constitution of the State of Idaho. As the executive head¹ of Idaho's unified judiciary, Idaho's Chief Justices are stewards of that shared commitment.

Article V, section 6 of the Idaho Constitution provides that the Idaho Supreme Court's Chief Justice "shall be selected from among the justices of the

Supreme Court by a majority vote of the justices" and shall serve a term of four years. As of this writing, there have been 43 Chief Justices of the Idaho Supreme Court, six of whom I interviewed for this article. Even though the names have changed over time and will continue to change in the future, the mission has stayed the same—protecting and preserving the rule of law.

Robert Bakes – 36th Chief Justice (1989-1993)

Although I never had the opportunity to appear before Justice Robert Bakes while he was a member of the Idaho Supreme Court, I had the pleasure of interviewing him by telephone for this article. The day we arranged to talk was

the same day as the 2026 Idaho State Bar annual meeting at Jack's Urban Meeting Place (JUMP) in downtown Boise. Serendipitously, Justice Bakes was being recognized at the evening reception for his 70 years of service to the Idaho State Bar. From one of the rooftop patios at JUMP, I learned about some of the highlights of Justice Bakes's distinguished career.

Justice Bakes's path to the Idaho Supreme Court was unique. After graduating first in his class from the University of Idaho College of Law, Justice Bakes moved to another "I" state where he was a professor of law at the University of Illinois College of Law.² After that, Justice Bakes returned to Idaho and practiced law for several years before being appointed to the Idaho Supreme Court in 1971. Justice Bakes served on the Court for



Justice Bakes and his wife, Lurleen, who Justice Bakes says, "was and still is [his] life support." Photo provided by Justice Bakes.

more than twenty-one years, including a term as Chief Justice just prior to his retirement in 1993. During his time on the Idaho Supreme Court, Justice Bakes advocated for a fundamental change in Idaho's judiciary, and a change close to my heart: the creation of the Idaho Court of Appeals in 1980, which began operations in 1982. Justice Bakes was also active in Bar Association activities, serving as Chairman of the Appellate Judges Conference of the American Bar Association, and as President of the Idaho Law Foundation.

Justice Bakes's tenure with the Idaho Supreme Court was also marked by tragedy. One of Justice Bakes's colleagues on the Court, Justice Charles Donaldson, died in 1987 after suffering a heart attack while swimming.³ Another colleague, Justice Allan Shepard, died less than two years later in 1989.⁴ Justice Bakes reminisced that he and Justice Shepard played in a makeshift band together when the Court travelled to Eastern Idaho. Shepard played the drums and Bakes played the banjo. Joined by a local trumpet player, a local piano player, and Justice Shepard's wife, Donna, the group would "jam" until about 11:00 at night. At Donna's request, Justice Bakes gathered the musicians he and Justice Shepard played with and performed *When the Saints Go Marching In* at Justice Shepard's funeral.

After retiring from the Idaho Supreme Court, Justice Bakes returned to

private practice where his work focused on mediation and arbitration. Justice Bakes's interest in this area started while he was on the Court and he and Justice Byron Johnson started an Idaho Supreme Court mediation program. In this program, Justices Bakes and Johnson would mediate cases prior to resolving the case through the normal appellate process. For his part, Justice Bakes successfully mediated all nine cases assigned to him. Justice Bakes noted that he found a great deal of satisfaction in mediating disputes among family members. He described one of his most memorable cases which involved family members who began the process unable to be in the same room at the outset of mediation, but ultimately embraced after the case was resolved.

Talking to Justice Bakes was a true pleasure and an important reminder that we should all take the opportunity to learn about the members of our shared profession every chance we get.

Linda Copple Trout – 38th Chief Justice⁵ (1997-2004)

I had the privilege of sitting down for an interview with Linda Copple Trout on a spring afternoon in June of this year. Justice Trout was the first former Chief Justice I interviewed for this article, which seemed fitting since she was also the first Idaho Supreme Court Justice to question me during my maiden oral argument before the Court in 2005. As we sat down to visit more than twenty years later, in the more relaxed environment at Roast & Vine, I was excited to learn more about Justice Trout and her path to the judiciary.

Linda Copple Trout was not only the first woman to serve on the Idaho Supreme Court; she was also Idaho's first female Chief Justice. Justice Trout began her legal career in Lewiston, Idaho after graduating from the University of Idaho College of Law.⁶ After six years in private practice at the law firm Blake, Feeney and Clark, Justice Trout ascended to the bench as a magistrate judge.⁷ From there, Justice Trout successfully ran for a district judge position.⁸ Not long after, in

August 1992, Justice Trout was appointed to the Idaho Supreme Court by Governor Cecil Andrus.

Five years into Justice Trout's tenure on the Idaho Supreme Court, her fellow justices selected her to serve as the Chief Justice to succeed Justice Charles McDevitt.⁹ Justice Trout's term as Chief began February 1, 1997,¹⁰ and she served two consecutive terms in that role. For many, Justice Trout's term as the first female Chief Justice was historically significant. Indeed, the title change led to one attorney asking her if he should refer to her as "Chief," the same as he would for Justice Trout's male predecessors. The answer was "yes." Although the title had only been held by men, both the title and the role are gender neutral.

As with any individual serving as a justice, life experiences and background necessarily inform one's perspective, but for Justice Trout being Idaho's first female Justice and then Chief Justice had no impact on applying the rule of law in the cases before the Court. While those outside the Court may have watched the change in leadership closely, inside the Court, the change was merely representative of a natural transition based on the general tradition of allowing all justices the opportunity to serve in that role.

Notable changes occurred in Idaho's judiciary during Justice Trout's tenure as Chief. In 2001, the Idaho Legislature enacted the Idaho Drug Court Act, which marked the beginning of the first statutorily authorized treatment courts in Idaho.¹¹ Although a self-described introvert, Justice Trout made it a priority to visit all 44 counties during her time as Chief Justice. Justice Trout noted the importance of visiting with deputy court clerks across Idaho to learn how the Court could better meet their needs. This work ultimately resulted in the creation of court assistance offices, a critical component of our modern judicial system.

In addition, Justice Trout took particular interest in families and children in the court system, including children placed in foster care in child protection cases. In those cases, Justice



Justice Linda Copple Trout, taken in Boise in front of Table Rock. Photo provided by Justice Linda Copple Trout.

Trout was struck by the then-practice of placing a child's belongings in a garbage bag when the child was removed from the home. In response, Justice Trout worked to find a way to start a new program that would provide backpacks for those children. Justice Trout noted that her special interest in foster children was inspired by her own experience in foster care. After Justice Trout was born at Tokyo Army Hospital in Japan, the doctor asked another physician colleague (B.I. Copple) if he knew anyone who would be interested in adopting a baby girl. After consulting with his wife, Copple said he and his wife would. The Copples served as foster parents to Justice Trout until they officially adopted her when she was two and one-half years old. Justice Trout describes her parents as "wonderful" and credits them as inspirational figures in her life.¹²

Justice Trout remained on the Court for about three years after the conclusion of her second term as Chief Justice. When Justice Trout retired from the Court in 2007, she continued to serve the judiciary in other capacities. As a senior judge, Justice Trout participated in cases for the Court on a pro tem basis and handled administrative matters for the judiciary. The administrative piece became the focus of Justice Trout's work for the Court between 2014 and 2016 when Justice Trout became the Interim Administrative Director of the Courts—

bridging the gap between the prior director, Patti Tobias, and the current director, Sara Omundson. Justice Trout's experience at all levels of the judiciary gave her a unique perspective in this role. As the interim director, Justice Trout was tasked with a variety of duties ranging from fiscal operations to making recommendations for improvements to the judicial system.

Justice Trout's impact on the Idaho judiciary cannot be overstated. She has been a trailblazer in ways big and small and she has been an extraordinary public servant and a leader both on and off the bench. I have long admired her intellect and still wish I could have matched it when fumbling through my answers to her questions back in 2005....

Gerald Schroeder –39th Chief Justice (2004-2007)

Justice Gerald Schroeder and I met at Bardenay in Garden City on a sunny Friday afternoon in June. Despite the warm weather, Justice Schroeder was wearing what I consider one of his signature corduroy sport coats. Justice Schroeder was, as he has always been, generous with his time.

Justice Schroeder began his judicial career as a probate judge where he was responsible for managing the entire probate system, acting as the judge, administrator, human resources officer (hiring and managing approximately 18 staff members), and even acting as clerk when the probate clerks were out with health issues. Justice Schroeder recounted that, for about one month, he would return to the courthouse after dinner and work from 6:00 p.m. to 10:00 p.m. doing probate clerk work. Justice Schroeder's responsibilities also included juvenile detention and probation. After about two years in that position, Justice Schroeder became a magistrate judge. Then, in 1975, he was appointed as a district judge in the Fourth Judicial District where he spent thirteen years as the Administrative District Judge. After twenty years on the district court bench, Justice Schroeder was appointed to serve on the Idaho Supreme Court in 1995. In

2004, Justice Schroeder was selected to serve as Chief Justice. Justice Schroeder's administrative experience both in the probate court and the district court prepared him well for the Chief Justice's administrative role.

As Chief Justice, Schroeder viewed his primary responsibility as "keeping things internally cohesive" and ensuring "internal harmony." It was important to him to be prepared and to take his role seriously. He endeavored to present the judiciary in the best light and he always wrote his own address for the annual State of the Judiciary presentation to the Idaho Legislature. One of the most significant changes during Justice Schroeder's time as Chief Justice related to advancements in computerization of court records.

Although Justice Schroeder retired from the Idaho Supreme Court in 2007, he has continued to support the judiciary in a variety of capacities, including serving pro tem on the Court's cases, and presiding over jury trials in district court. Justice Schroeder has also taken his appellate skills to the district court, handling numerous intermediate appeals from the magistrate court. But Justice Schroeder notes his most rewarding court-related work since retiring from the Idaho Supreme Court was as a



Justice Schroeder and Morley.

hearing officer for Snake River Basin Adjudication claims from 2007 to 2010. Justice Schroeder commented that the “quality of issues and lawyering” he experienced during that time was “outstanding.”

When asked what he would like his legacy to be, Justice Schroeder answered that he never felt the need to establish a legacy. Even so, Justice Schroeder hopes his time as Chief Justice resulted in harmony on the Court and opinions that provided clarity and could be relied on by future jurists and litigants.

On a personal note, my earliest memory of Justice Schroeder was from my first Idaho Supreme Court oral argument in 2005...yes, that same oral argument when Justice Trout was also on the Court. Whether it was the result of mercy or something else, Justice Schroeder rescued me from my fumbling answers with the pointed question: “Isn’t this just harmless error?” That sounded like a good resolution to me. Cheers, Justice Schroeder!

Roger Burdick – 41st Chief Justice¹³ (2011-2015; 2017-2021)

There is a famous American sitcom that ran for 11 seasons (from 1982 to 1993) that you may remember from watching it when it originally aired, watching it in syndication, or seeing clips of one of its iconic recurring scenes.¹⁴ The sitcom is *Cheers* and the scene is when the character Norm Peterson (played by George Wendt) entered the Boston bar to the enthusiastic greeting: “Norm!” This greeting was, of course, symbolic of the chorus from the show’s theme song *Where Everybody Knows Your Name* by Gary Portnoy, which comforts the listener with the idea that there is a place “Where everybody knows your name and they’re always glad you came.”¹⁵

What does this have to do with Roger Burdick? For me, Justice Burdick is Idaho’s Norm Peterson. The similarities include a background in numbers (Burdick was a bank examiner before becoming a lawyer and Norm was an accountant before becoming a house painter); the curly hair; the easy smile;

and the good humor.¹⁶ While I suspect there are many venues across the state that could operate as a version of *Cheers* for Justice Burdick, he introduced me to one when we arranged a time to meet – Ansots¹⁷ in the Pioneer Building on Main Street in Boise. There we enjoyed coffee (Burdick), cappuccino (me), and the most divine kouign amann fresh out of the oven. It was a place where everyone knew Justice Burdick’s name: “Roger!”

I could fill an entire issue of *The Advocate* recounting Justice Burdick’s stories about his career in the judiciary; for now, I will hit a few of the highlights. After working seven years in private practice, Justice Burdick was selected as a magistrate judge in Jerome County. As a magistrate judge, Justice Burdick saw the need to teach parents involved in child protection and termination of parental rights proceedings how to develop the skills needed to reunify with their children. Justice Burdick noted: “Everyone wants to be a good parent,” they just might not have learned the skills to do so. To address this issue, Justice Burdick identified a funding source for support services. Justice Burdick also focused on juveniles in the court system and found innovative ways to help them during the process.

After twelve years on the magistrate bench, Justice Burdick was appointed to the district court bench in the Fifth Judicial District. Justice Burdick’s time on the district court bench included an appointment to preside over the Snake River Basin Adjudication, a meaningful assignment for him because of his interest in history generally and water rights in particular.

The next stop in Justice Burdick’s judicial journey was the Idaho Supreme Court. Justice Burdick was appointed to the Court in 2003, after which he served a four-year term as Vice Chief Justice from 2007 to 2011, followed by a four-year term as Chief Justice from 2011 to 2015. Justice Burdick was selected by his fellow justices for a second term as Chief following Justice Jim Jones’s retirement at the end of 2016.¹⁸

Justice Burdick’s second stint as Chief Justice was from 2017 until his



Justice Roger Burdick.

retirement in 2021. Managing Idaho’s judiciary through COVID defined much of Justice Burdick’s last years on the Court and was his most significant challenge as Chief Justice. He described the challenges of COVID as requiring the “creation of a court system from the ground up with only two to three weeks’ notice.” Justice Burdick explained that, during that time, he “didn’t care about the noise,” he focused on protecting the courthouses and reducing risk to court staff and those who had court business. Justice Burdick also credited the judges across Idaho for their part in promoting and maintaining this unifying theme during turbulent times.

Beyond the courtroom, Justice Burdick has participated in the judicial selection process dating back to his time as a magistrate judge. He was the first magistrate member of the Idaho Judicial Council and was involved in the selection of magistrate judges when he was the Administrative District Judge in the Fifth Judicial District. In addition to being the first magistrate member of the Judicial Council, Justice Burdick was also a member of the Council when he was a district judge and was the ex-officio chair of the Council when he was Chief Justice.

Justice Burdick describes his involvement in the selection of judges as one of his most important roles as a member of the judiciary. He predicts that, in total, he has been involved in the process responsible for selecting over 70 judges in Idaho... this author included.

Notwithstanding Justice Burdick's protestations against describing what he hopes is his legacy, I persuaded him to tell me how he would like to be remembered. His answer: that he "tried to get better every day and told the truth." As for his advice for future Chief Justices, Justice Burdick said: "Be proud of the fact that you are a member of an independent and equal branch of government."

One final note. At one point during our conversation, Justice Burdick commented: "I am the luckiest guy in whatever room I am in." That morning at Ansots, I felt the same.

Jim Jones – 42nd Chief Justice (2015–2016)

I met with Jim Jones for coffee at Dawson Taylor¹⁹ on a sunny late spring morning. I could spend hours talking to Justice Jones about his storied life and career, but I did my best to stay focused on the task at hand - discussing Justice Jones's time as Justice and Chief Justice of the Idaho Supreme Court. Other than a few deviations to have him autograph my copy of his book *Vietnam...Can't Get you Out of My Mind* and to talk logistics for a speaking engagement for Constitution Day, I hopefully stayed on task.

Justice Jones was elected to the Idaho Supreme Court in 2004 and re-elected for a second term in 2010.²⁰ In 2015, Justice Jones's fellow justices selected him to serve as Chief Justice.²¹ Justice Jones served in that role from August 1, 2015, to December 31, 2016; he was succeeded by Justice Roger Burdick.²² Although Chief Justice terms are generally four years, Justice Jones's time as Chief Justice was shortened due to his retirement beginning in 2017.²³ However, during his tenure as Chief, Justice Jones thought it was important to "set the tone" for the role of the Court and the rule of law. Justice Jones also brought administrative

experience and lessons learned during his service as Idaho Attorney General to the administrative responsibilities of the Chief Justice. This experience included an understanding of the political environment in which the judiciary operates.

Justice Jones also brought his experience as a litigation practitioner to contribute to improving discovery procedures in state courts. In furtherance of this goal, Justice Jones participated in the formation of a committee that was tasked with "bringing discovery procedures into the 21st century." Justice Jones's inspiration was, in part, the product of seeing cases languish during discovery, which significantly increased attorney fees. One improvement Justice Jones thought particularly important was implementation of a rule requiring initial disclosures.

If you have followed Justice Jones's work after retirement from the Court, you know that he has devoted much of his time to significant and sometimes controversial legal issues related to voting and public-school funding. What you may not know is that, on January 13, 2017, less than two weeks into his retirement, Justice Jones was diagnosed with pancreatic cancer. Knowing Supreme Court Justice Ruth Bader Ginsburg faced the same diagnosis and successfully completed treatment gave Justice Jones hope that he could do the same. And, the same he did, while also sharing that hope with others who later received the same diagnosis.

Having interacted with Justice Jones on a handful of occasions since his diagnosis and recovery, it seems it never slowed him down in pursuing meaningful and important work on behalf of others. As just one example, Justice Jones established the Equal Justice Committee to advocate for refugees and help them become established in Idaho. This work is just one example of Justice Jones's amazing legacy.

As for his legacy on the Court, Justice Jones hopes he is remembered, in part, for writing opinions, sometimes concurring opinions, in a way that encouraged lawyers to "use ingenuity



Justice Jim Jones.

to better handle a case." In his view, if a court opinion closed one door, that did not mean the opinion should serve as a roadblock to a different type of solution to a problem. Justice Jones also wouldn't mind his legacy including the fact that he was the first (and so far only) Justice to include the phrase "butt load of money" in an Idaho Supreme Court opinion.²⁴

G. Richard Bevan – 43rd Chief Justice (2021–2026)

When the Idaho Legal History Section Chair sent a "call for articles" email in April, I made a semi-formed proposal to write something loosely described as "a historical retrospective on Idaho's Chief Justices," primarily inspired by Chief Justice G. Richard Bevan's retirement announcement that same month. The chair accepted my proposal (thank you, Christopher Graham!) and, well, you're nearly through my current contribution to history!

I first met Justice Bevan when he was a district judge in the Fifth Judicial District. At that time, Justice Bevan was presiding over a post-conviction case, which included a week-long evidentiary hearing in Twin Falls.²⁵ My experience

there was consistent with what many have observed: Justice Bevan is a role model for thoughtful decision-making and judicial temperament. As a member of the Fifth District Bench, Justice Bevan shared those qualities in Mental Health Court and Veteran's Treatment Court, and he applied his leadership skills as the Administrative District Judge for eight years.

After nearly fourteen years on the district court bench, Justice Bevan was appointed to the Idaho Supreme Court in 2017. In 2021, the justices selected Justice Bevan to succeed Justice Burdick as Chief Justice. The impacts of COVID were still present for the judiciary when Justice Bevan took over the reins as Chief. Following the lead of his predecessor, Justice Bevan continued to consult experts on best practices with respect to distancing restrictions in the context of court operations. This required Justice Bevan to issue additional COVID-related orders as required, including the final order lifting all restrictions, which was issued in January 2023.

But COVID did not mark the end of challenging times for the judiciary. One challenge was presented by the need for the judiciary to move all of its stored data to the cloud, which required significant collaboration with all of Idaho's counties. The transition was, however, a critical step toward protecting a vast amount of information, both confidential and public, from increased cyberattacks targeting the courts. As Chief Justice, Bevan also oversaw growth on the administrative side, including expansion related to security, treatment courts, and budgeting requirements.

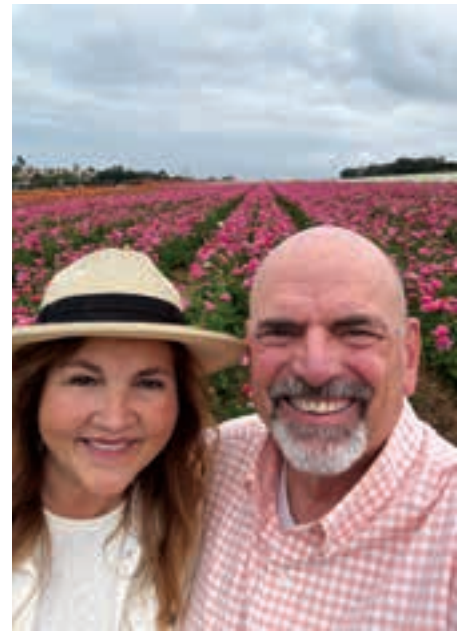
During Justice Bevan's tenure as Chief Justice, the Idaho Supreme Court also heard several cases involving controversial topics. These cases included challenges related to the Idaho parental choice tax credit,²⁶ the State Public Defender's Office,²⁷ legislative redistricting,²⁸ voter registration laws,²⁹ abortion rights,³⁰ and grandparent visitation rights.³¹ Idaho was also not immune from attacks on the rule of law similar to those seen at the national level. As Chief Justice, Bevan led the judiciary

in responding to those attacks and educating stakeholders and members of the public about the importance of the rule of law.

As with other Chief Justices, Bevan served as the ex-officio chair of the Idaho Judicial Council, which is responsible for interviewing and nominating candidates for judicial office for the district courts, the Idaho Court of Appeals, and the Idaho Supreme Court. Notably, I am writing this article in the wake of the interviews conducted by the Council for Justice Bevan's replacement when he retires on October 30, 2026.

As the ex-officio chair of the Council, Justice Bevan has participated in conducting interviews for numerous judicial vacancies, although the number of applicants for those vacancies has decreased in recent years.³² During COVID, the Council conducted interviews via Zoom, which not only allowed the Council to satisfy distance restriction requirements, but also allowed interested members of the public to watch the interviews online. Streaming judicial interviews continued post-COVID, making the process more accessible statewide. Even so, Justice Bevan noted his view that having the Council members conduct interviews in the community where the judicial vacancy exists is an important tradition worth continuing. It is also a point of pride for Justice Bevan that, although the enabling law for the Council references rules related to political affiliation,³³ the selection process during his service on the Council was entirely non-partisan.

Reflecting on his career on the Idaho Supreme Court and as Chief Justice, Bevan hopes he is remembered as a "servant leader, not simply a presiding officer." He strove to be collaborative, both as a justice and a leader, and to be "more open and accessible as the Chief Justice." Justice Bevan's advice for future Chief Justices is to "delegate where you can" and to find a way to filter issues because not everything needs to be approached like you're John Wayne. He also emphasized the importance of having a life outside of work. As I admired the photo on Justice Bevan's



Justice Bevan and wife, Pam.

desk of his smiling family, including his many grandchildren, it wasn't hard for me to conclude that his is a life well-lived. Thank you for your service, Chief.



Judge Jessica M. Lorello is an Idaho native who graduated from Boise High School. She received a master's degree in health care administration and her Juris Doctor degree

from the University of North Carolina at Chapel Hill. After law school, she worked in private practice until 2004 when she joined the Criminal Law Division of the Idaho Attorney General's Office. Governor Otter appointed Judge Lorello to the Idaho Court of Appeals in 2017. Judge Lorello is also an adjunct professor at the University of Idaho College of Law, is a member of the Law Related Education Committee of the Idaho Law Foundation and is a founding member of Attorneys for Civic Education.

Endnotes

1. Unless otherwise noted, the substance of this article is based on interviews with the Chief Justices featured.
2. Idaho Const. art. V, § 6.
3. https://en.wikipedia.org/wiki/Robert_E._Bakes
4. https://en.wikipedia.org/wiki/Charles_R._Donaldson
5. https://en.wikipedia.org/wiki/Allan_Shepard

6. The 37th Chief Justice who bridged the term between Justices Bakes and Trout was Justice Charles McDevitt. McDevitt served as Chief Justice from 1993 to 1997. Justice McDevitt retired from the Court in 1997 and died in 2021 at the age of 89. https://www.idahostatejournal.com/news/local/former-idaho-chief-justice-charles-mcdevitt-dies-at-89/article_6ffa4729-8f3f-511c-8ac3-752ecb482903.html

7. <https://idahobusinessreview.com/2016/11/17/2016-lifetime-achievement-award-linda-copple-trout-justice-idaho-supreme-court-in-boise/>

8. *Id.*

9. *Id.*

10. See 128 Idaho v.

11. 129 Idaho v.

12. Idaho Code § 19-5601, *et seq.* The Idaho Drug Court Act was amended in 2005 and redesignated as the Idaho Drug Court and Mental Health Court Act. *Id.* (am. 2005, ch. 358, § 2, p. 1130). As of 2026, Idaho's treatment-court programming has expanded to include DUI court, veterans treatment court, and domestic violence court. <https://isc.idaho.gov/about-the-courts/treatment-courts>.

13. <https://idahobusinessreview.com/2016/11/17/2016-lifetime-achievement-award-linda-copple-trout-justice-idaho-supreme-court-in-boise/>

14. Justice Daniel Eismann served as the 40th Chief Justice, filling the role between Justices Schroeder and Burdick. Justice Eismann won his bid for election to the Idaho Supreme Court in 2000 and was Chief Justice from

2007 to 2011. Justice Eismann retired in 2017 and died in 2024 at the age of 77. https://en.wikipedia.org/wiki/Daniel_T._Eismann.

15. <https://www.britannica.com/topic/Cheers>

16. <https://genius.com/Gary-portnoy-where-everybody-knows-your-name-cheers-theme-lyrics>

17. https://en.wikipedia.org/wiki/Norm_Peterson

18. Ansots is another jewel in Idaho's rich Basque heritage. They make a variety of chorizos and Basque bacon and offer catering services. <https://ansots.com/>. The food is amazing and so are the people. James Beard agrees. <https://www.eater.com/dining-out/951811/2026-james-beard-awards-restaurant-chef-finalists> (including Ansots as a national finalist for "Outstanding Hospitality").

19. https://judicialcouncil.idaho.gov/pdf/council/Burdick_biography.pdf

20. For any "old-timers" reading this, I consider the coffee scene at Dawson Taylor the caffeine version of the historic Interlude Bar & Grill where my grandmother used to tend bar and make me a Shirley Temple when my mother took me there. If you have been around Boise long enough, or at least since before 2003, you may remember the Interlude as the original hotspot on 8th Street in downtown Boise. Cheers to its long and storied history.

21. https://ballotpedia.org/Jim_Jones

22. *Id.*

23. 158 Idaho v.; 159 Idaho v.

24. https://ballotpedia.org/Jim_Jones

25. *J.R. Simplot Co. v. Bosen*, 144 Idaho 611, 620, 167 P.3d 748, 757 (2006) (Jones, J. dissenting).

26. See *Johnson v. State*, 156 Idaho 7, 319 P.3d 491 (2014).

27. *Comm. to Protect & Pres. the Idaho Const., Inc. v. State by & through Idaho State Tax Comm'n*, 176 Idaho 912, 583 P.3d 837, 841 (2026).

28. *Doe v. Doe* (2025-36), No. 53137, 2026 WL 1291839, at *1 (Idaho May 12, 2026) (relating to whether the State Public Defender has any obligation to pay costs for preparation of record and transcripts on appeal in a case involving private termination of parental rights); *State v. Blazeck*, 587 P.3d 201, 203 (Idaho 2024) (relating to obligation to pay costs for transcript for indigent defendants); *Tucker v. State of Idaho*, Docket No. 51631-2024 (regarding whether the creation of the State Public Defender's Office cured alleged constitutional deficiencies in public defense).

29. *Durst v. Idaho Comm'n for Reapportionment*, 169 Idaho 863, 867, 505 P.3d 324, 328 (2022).

30. *BABE VOTE v. McGrane*, 173 Idaho 682, 687, 546 P.3d 694, 699 (2024).

31. *Planned Parenthood Great Nw. v. State*, 171 Idaho 374, 390, 522 P.3d 1132, 1148 (2023).

32. *Nelson v. Evans*, 170 Idaho 887, 890, 517 P.3d 816, 819 (2022).

33. Perhaps most notably, there were only four applicants for Justice Bevan's vacancy: Stephen Adams, Leslie Hayes, District Judge Jason Scott, and District Judge Cynthia Yee-Wallace. https://judicialcouncil.idaho.gov/pdf/council/candidates/Bevan-06-List-of-Candidates-for_Appt.pdf.

34. See I.C. § 1-2101.



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Highlights of Rule Amendments for 2026

Lori Fleming
Senior Staff Attorney
Idaho Supreme Court

The following is a summary of rule amendments approved by the Idaho Supreme Court between June 2025 and July 2026. Unless otherwise indicated, all amendments were effective July 1, 2026. The orders amending these rules can be found on the Idaho Supreme Court website at <https://isc.idaho.gov/rules-procedure/recent-amendments>. Be sure to check the Idaho State Bar's weekly email publication, *The Weekly Brief*, for your chance to comment on proposed amendments and new rules before they are adopted.

Idaho Appellate Rules

On the recommendation of the Idaho Appellate Rules Advisory Committee, chaired by Chief Justice G. Richard Bevan, the Idaho Supreme Court adopted a number of amendments to the Idaho Appellate Rules. Perhaps the most significant changes for appellate practitioners are the revisions to Rules 34 and 36, governing the length and formatting of appellate briefs. Those revisions, along with the other amendments, are discussed below.

Rule 5. Judgment on attorney fees in original actions. Idaho Appellate Rule 5 governs special writs and original proceedings in the Supreme Court. The rule has been amended to include a new subsection providing that, if the Court awards costs (which may include attorney fees) in connection with an original proceeding, the order will be accompanied by a judgment that may be recorded and enforced in the trial courts in the same manner as any other money judgment.

NEW Rule 6.1. Consolidation. This new rule allows the Court, on its own motion or on the motion of a party, to consolidate two or more appeals for any or all purposes, including preparation of the record and transcripts, briefing, oral argument, and issuance of an opinion.

Rule 11. Appealable orders and judgments. Idaho Appellate Rule 11 identifies the district court and administrative agency orders and judgments that are appealable to the Supreme Court as a matter of right. Subsection (a)(7) of the rule, addressing orders made after final judgment civil actions, has been amended in two respects. First, the amended rule excludes orders setting aside or vacating a judgment from the post-judgment orders that are appealable as a matter of right. Second, it clarifies that, if the judgment is a partial judgment that has been certified as final under Idaho Rule of Civil Procedure 54(b), the only post-judgment orders that may be appealed are those that relate to or arise from the Rule 54(b) judgment.

Subsection (f) of Rule 11, which addresses appeals from decisions on judicial review of agency actions, has also been amended. Previously, the rule broadly allowed appeals “[f]rom any final decision or order of the district court on judicial review of an agency decision.” The amendment replaces that language with two, more specific categories of appealable orders: (1) a final judgment as defined by Idaho Rule of Civil Procedure 54(a); and (2) any order entered after final judgment, except an order granting a petition for rehearing. The change aligns the appellate rule with Idaho Rule of Civil Procedure 84, which requires entry of a judgment in judicial review proceedings.

NEW Rule 11.3. Transfer of appeal taken to wrong court. This new rule establishes procedures for transferring appeals from magistrate court judgments when they are taken to the wrong court. Most magistrate court judgments must be appealed to the district court. However, if the magistrate court judgment is one that grants or denies a petition for termination of parental rights or a petition for adoption, the appeal from that judgment must be taken directly to the Supreme Court. See I.A.R. 11.1(a). Under New Rule 11.3, if a party files a timely notice

of appeal to the Supreme Court from a magistrate court judgment or order that is not appealable to the Supreme Court under Rule 11.1(a), the Court may transfer the appeal to the district court, and the appeal will thereafter proceed as though it were originally taken to the district court. Conversely, if a party files a timely notice of appeal to the district court from a magistrate court judgment or order that must be appealed to the Supreme Court under Rule 11.1(a), the district court clerk must forward the notice of appeal to the Supreme Court, and the Supreme Court may order the appeal transferred. If the Court orders a transfer, the appeal will thereafter proceed as though it were originally taken to the Supreme Court.

Rule 13. Stay of proceedings on appeal.

The amendments to Idaho Appellate Rule 13 primarily clarify and reorganize the rules governing stays pending appeal and the authority retained by the district court and Supreme Court during an appeal. Most significantly, the amendments add express standards for obtaining a stay of a non-money judgment or injunction. Under amended Rule 13(b)(8) and (14), a district court may grant a stay—either on motion of a party or on its own motion—only if the applicant demonstrates both a likelihood of success on the merits of the appeal and a likelihood of irreparable harm absent a stay. Similar standards were added to Rule 13(g), governing stays issued by the Idaho Supreme Court. The amendments now expressly distinguish between stays of non-money judgments and stays of money judgments, with the latter continuing to be governed by the supersedeas bond provisions in Rule 13(b)(15). In addition, new subsections in Rule 13(g) separately address the criteria for stays, conditions of stays, and the effect of Supreme Court stay orders.

Rule 17. Technical amendment. The amendment to Rule 17(h), governing transcript requests on appeal, modernizes the rule by making electronic transcripts the default format. Previously, if the

appellant did not specify a preferred format within 21 days of filing the notice of appeal, the transcript would be provided in hard copy. Under the amended rule, the default is now an electronic copy of the transcript.

Rule 23. Filing fees and waiver. This rule has been amended to streamline the process for obtaining a waiver of appellate filing fees. Under the amended rule, an appellant seeking a waiver must file a motion and indigency declaration with the notice of appeal, and the district court or administrative agency must enter an order recommending whether the waiver should be granted. The amendments also eliminate the prior “lodging” procedure in the Supreme Court. The Supreme Court reviews the waiver request without additional briefing unless otherwise ordered, and if the waiver is denied, the appellant has 21 days to pay the filing fee or the appeal will be dismissed. In addition, the amendments expand automatic filing fee waivers to parties represented by specified legal aid and volunteer attorney programs, and they add appeals of vexatious litigant designations under Idaho Court Administrative Rule 59 to the list of appeals exempt from filing fees.

Rule 24. Transcript format and waiver. Rule 24 has been amended to require that transcripts of separate proceedings be prepared in separate volumes in accordance with new Rule 26(a), I.A.R. The amendments also revise the procedure for waiver of reporter’s fees to align with the updated appellate filing fee waiver procedures under Idaho Appellate Rule 23.

Rule 26. Preparation and arrangement of transcripts. This rule has been reorganized and amended to clarify the formatting, arrangement, pagination, and preparation requirements for appellate transcripts. The amendments add a new requirement that each transcribed proceeding be prepared as a separate transcript volume, clarify that binding requirements apply only when a hard copy transcript is requested, and eliminate page limits for hard copy transcripts.

Rule 27. Waiver of Clerk’s Record fee. The amendments to Idaho Appellate Rule 27(e) clarify the procedure for requesting a waiver of the clerk’s record fee. The rule now expressly requires that a request to waive the clerk’s record fee be filed with the notice of appeal and provides that the request will be processed in the same manner as a request to waive the appellate filing fee under Idaho Appellate Rule 23(c) and (d).

Rule 28. Clerk’s or agency’s record and new requirement for electronic transcript record. Idaho Appellate Rule 28 has been amended to add a new requirement that, after all transcripts are lodged, the clerk must compile an electronic transcript record. The rule requires that the transcripts be arranged chronologically by hearing date, that the transcript record contain electronic bookmarks that link to each transcript, and that the transcript record be numbered consecutively at the bottom of each page. The amendments to Rule 28 also remove outdated provisions relating to preparation of paper clerk’s and agency’s records and clarify that, while requested hard copy records must be prepared in volumes containing no more than 200 pages each, the electronic clerk’s or agency’s record must be prepared as a single volume, regardless of the number of pages.

Rule 34. Length of briefs. Idaho Appellate Rules 34 and 36 (discussed below) were amended to significantly alter the preparation and formatting requirements for appellate briefs. Under prior Rule 34, appellate briefs were subject to maximum page limits. As amended, the rule replaces page limits with word-count limits and requires the filing party to certify compliance with the applicable word-count requirement. A party’s first brief is generally limited to 14,000 words and reply briefs are limited to 7,000 words, with expanded limits for capital cases on unitary review. The amendments retain page limits for handwritten prisoner briefs.

Rule 36. Preparation of briefs. Rule 36 was amended to replace outdated formatting requirements designed for

paper briefs with updated formatting requirements intended to improve the readability and consistency of electronically prepared briefs. The amendments establish new standards governing page size, spacing, margins, pagination, typeface, and font size. Under the amended rule, briefs generally must use proportionally spaced 14-point Times New Roman or Century Schoolbook font with one-inch margins and double-spaced text, although headings, footnotes, and block quotations may be single spaced. The amendments also create separate formatting provisions for typewritten briefs filed by unrepresented parties and for handwritten briefs filed by prisoners.

Idaho Court Administrative Rules

Rule 2. Removal of magistrate judge without cause. Effective July 1, 2025, Idaho Court Administrative Rule 2 was amended to substantially reorganize and modernize the procedures governing the removal of a magistrate judge without cause during the first 18 months after appointment. The amendments clarify that the rule applies to administrative personnel review or removal proceedings, expressly provide that the Idaho Rules of Evidence do not apply, and state that subpoenas are unavailable in proceedings under the rule. The amendments also clarify procedures for personnel review meetings, notice requirements, removal hearings, confidentiality of proceedings and records, issuance and service of removal orders, and the voting requirements for removal by a magistrates commission.

Rule 4. Pro tempore trial judge by agreement. Effective July 1, 2025, Rule 4 was amended to make extensive stylistic and organizational revisions and to clarify procedures governing pro tempore trial judges. The amendments clarify that appointment of a pro tempore judge is subject to the discretion and approval of the administrative district judge, specify procedures for reassignment or removal of a pro tempore judge, and clarify the scope of a pro tempore judge’s authority. The amendments also add requirements that the parties and pro tempore judge enter

into a written compensation agreement and expressly provide that the pro tempore judge serves as an independent contractor rather than a court employee.

Rule 7. Enlargement of cases assignable to magistrate judges. Effective August 1, 2025, Rule 7 was amended primarily to make stylistic and organizational changes. The amendments modernize terminology and clarify that an administrative district judge may enlarge categories of civil or criminal cases assignable to magistrate judges, either district-wide, by county, or as to specific magistrate judges within the judicial district.

Rule 32(c) and (d). Access to exempt court records. Effective August 20, 2025, Rule 32(c) was amended to specifically identify the categories of exempt court records that parties and their attorneys may not access unless permitted by court order. In addition, subsection (d) was amended to clarify that access to court records through the Supreme Court's case management system is subject to the limitations of that system.

Rule 32(g). Exempt court records. In 2026, Rule 32(g) was amended to include three new categories of exempt records. Effective January 1, 2026, the rule was amended to exempt certain court technology and cybersecurity records, including computer programs, technical and user manuals, and records concerning the nature, location, configuration, or function of cybersecurity devices, programs, and systems used to protect court technology, communications, and data from cyberattacks or unauthorized access. The January 1 amendments also added an exemption for non-case-file court records involving safety or security where disclosure would reasonably jeopardize people or property, including emergency evacuation plans, security plans, courthouse blueprints, vulnerability assessments, security staff work schedules, and similar records. Finally, effective February 5, 2026, the rule was amended to exempt rough or preliminary transcripts of court proceedings generated by automated speech-to-text software.

Rule 32(k). Cost of copying records. Effective August 26, 2025, Rule 32(k)(6) was amended to remove the provision requiring a person requesting a court record in digital form to provide the necessary storage media to the court.

Rule 40. Appellate court records. Effective August 26, 2025, Rule 40 was repealed and replaced with a new, comprehensive rule governing appellate court records. The new rule specifies the contents of appellate case files, establishes retention periods for permanent and non-permanent records, authorizes destruction of paper records after electronic preservation, and requires copies of appellate briefs to be provided to designated law libraries after a case is closed.

Rule 45. Cameras in the courtroom. Effective July 1, 2026, Rule 45 was repealed and replaced with a new rule governing cameras in the courtroom. The new rule establishes procedures and standards for audio and visual coverage of court proceedings, including requirements for advance approval by the presiding judge, limitations on coverage, restrictions on photographing jurors and certain confidential proceedings, rules governing pool camera arrangements, and operational guidelines for photographers and videographers in the courtroom.

Rule 52. Court interpreters. Effective February 5, 2026, Rule 52 was amended to replace references to the "Intro to Court Interpretation class" with "an AOC-approved court interpretation introduction class" in the definitions for certified interpreters, certified master-level interpreters, conditionally approved interpreters, and registered interpreters.

Rule 59. Vexatious litigation. Effective April 23, 2026, subsection (i) of this rule was amended to clarify that a presiding judge's order granting or denying a vexatious litigant's request for leave to file new litigation is final.

Rule 101. Persons with neurocognitive disorders, protective custody without a hearing. Effective July 1, 2025, Rule 101

was amended to make both stylistic and substantive changes governing temporary protective custody proceedings involving persons with neurocognitive disorders. Consistent with the 2025 amendments to Idaho Code section 56-1904, the amendments to Rule 101 revise the standard for protective custody by replacing references to a person with a neurocognitive disorder being "likely to injure" themselves or others with language requiring that the person be "imminently dangerous" to themselves or others.

NEW Rule 76. Qualifications of child custody mediators. Effective January 1, 2026, new Idaho Court Administrative Rule 76 establishes statewide qualification standards for child custody mediators. The rule provides that a roster of approved mediators will be compiled and maintained by the Administrative Office of the Courts and establishes the qualifications and training requirements necessary for placement on and continued inclusion on the roster. The rule sets requirements for professional credentials, mediation training, continuing education, and proof of compliance. It also establishes minimum training hours and required instruction in areas such as child custody, family dynamics, domestic violence, mediation ethics, and conflict resolution.

Idaho Criminal Rules

The Idaho Criminal Rules Advisory Committee is chaired by Justice Cynthia K.C. Meyer.

Rule 32. Information in Presentence Investigation Reports ("PSI Reports" or "PSI"). Effective January 15, 2026, Idaho Criminal Rule 32 was amended to make numerous formatting, stylistic, and substantive changes to the rule governing presentence investigations and reports. The substantive amendments include a new provision stating that, if a defendant is committed to the Idaho Department of Juvenile Corrections ("I.D.J.C.") under a blended sentence pursuant to Idaho Code section 19-2601A, the PSI Report (1) must be available to the I.D.J.C. while the

defendant is committed to or supervised by the I.D.J.C., and (2) may be retained by the I.D.J.C. until the defendant is discharged from commitment or supervision.

The amendments also added a new subsection establishing procedures for correcting PSI Reports. The new provisions require that requests to correct a PSI Report be made by the sentencing hearing, that any court-ordered change be included in an “Order Correcting Presentence Report” attached to the sealed PSI, and that both the order and PSI be served on the Idaho Department of Correction. The amendments also establish procedures for challenging PSI corrections or service issues, requiring such challenges to be raised in the district court within 14 days after entry of judgment to preserve the issue for appeal.

NEW Rule 76A. Removal of child custody mediators from roster. Effective February 3, 2026, new Idaho Court Administrative Rule 76A establishes procedures for investigating complaints against child custody mediators on the Idaho Supreme Court’s roster and for removing mediators from the roster for misconduct or noncompliance. The rule identifies grounds for removal, creates complaint, investigation, and hearing procedures, authorizes interim suspension during investigations, and details reinstatement and confidentiality requirements.

Idaho Juvenile Rules

The Juvenile Justice Advisory Committee is chaired by Judge Victoria Olds.

NEW Rule 4. Juvenile Corrections Act petition. Effective January 1, 2026, new Idaho Juvenile Rule 4 establishes the required form and contents of petitions filed under the Juvenile Corrections Act (“J.C.A.”). The rule requires petitions to be titled “In the interest of [name of juvenile], a juvenile under (eighteen) 18 years of age,” and specifies the information that must be included under oath, including the alleged facts bringing the juvenile within the purview of the J.C.A.,

identifying information for the juvenile, and the names and residences of parents, guardians, custodians, or nearest relatives. The rule also permits amendment of a petition before the prosecution rests so long as no additional or different offense is charged and the juvenile’s substantial rights are not prejudiced.

Rule 15. Evidentiary hearing (J.C.A.). Effective January 1, 2026, Idaho Juvenile Rule 15 was amended primarily to make stylistic and organizational changes to procedures governing J.C.A. evidentiary hearings. Substantively, the amendments add a new provision expressly allowing the juvenile or the court to move for dismissal after the close of the prosecution’s evidence or all evidence. The new provision states that the court must enter an order of dismissal if the evidence is insufficient to sustain a finding that the juvenile committed acts bringing the juvenile within the purview of the J.C.A. If dismissal is granted, the State may move the court to consider whether the evidence is sufficient to support an included offense.

NEW Rule 17B. Effective January 1, 2026, new Idaho Juvenile Rule 17B establishes detailed procedures governing predisposition inquiries and reports in J.C.A. proceedings. The rule authorizes courts to order a predisposition report and specifies the required contents of the report. The rule also permits the use of evidence-based screening tools and requires recommendations tailored to the juvenile’s rehabilitation and supervision needs. It further provides that the rules of evidence do not apply at disposition hearings, allowing reliable hearsay and other otherwise inadmissible information to be considered.

In addition, Rule 17B establishes procedures governing disclosure and confidentiality of predisposition reports. The rule requires disclosure of the report to the juvenile, parent or guardian, counsel, and prosecutor at least 48 hours before disposition, while also authorizing courts to withhold limited sensitive information under specified circumstances. The rule further designates predisposition reports

as sealed court records and strictly limits disclosure to certain agencies, evaluators, victims, treatment court personnel, appellate courts, and other approved third parties under controlled conditions. Violations of the rule are punishable as contempt of court.

Rule 23. Right to bail (J.C.A.). Until recently, Idaho Juvenile Rule 23 broadly stated that there was no right to bail for a juvenile in a J.C.A. proceeding. Effective January 1, 2026, the rule was amended to clarify that there is no right to bail for a juvenile under the age of 18; for persons over the age of 18 who are charged with an offense under the J.C.A., Idaho Criminal Rule 46 applies.

Rule 31. Emergency (pretrial) removal of a child under the Child Protective Act (“C.P.A.”). Effective July 1, 2025, Rule 31 was amended to align emergency removal procedures with new legislation allowing courts to remove an allegedly offending parent or custodian from the home—rather than removing the child—through an “order to prevent removal.” The rule previously referred to removal of either a child or an alleged offender. As amended, it now focuses only on removal of the child and identifies the four procedures by which a child may be removed before adjudication. References to pretrial removal of an alleged offender were deleted because those procedures are now governed

Rule 32. Notice of emergency removal (C.P.A.). Effective July 1, 2025, Idaho Juvenile Rule 32 was amended to revise the notice requirements following an emergency removal. The amendments removed the provision requiring notice when an alleged offender is removed from the home and also revised the Appendix A notice form by deleting references to alleged offender removal and updating advisements regarding the right to counsel.

Rule 33. Summons (C.P.A.). Effective July 1, 2025, Rule 33 was amended to incorporate the new statutory “order to prevent removal” procedure into the summons process. The rule now expressly references the “Order to Prevent

Removal,” and the revised Appendix A summons form includes new language advising parties that the court may exclude an alleged offending parent, legal guardian, or custodian from the child’s residence, prohibit their contact with the child, and impose distance restrictions pending further order of the court.

New Rule 34A. Effective July 1, 2025, the Supreme Court adopted new Idaho Juvenile Rule 34A, which establishes the procedural framework for obtaining and enforcing an Order to Prevent Removal. Consistent with 2025 House Bill 129, the rule authorizes a prosecutor or the attorney general to seek an order excluding an allegedly offending parent, legal guardian, or custodian from the residence when there is reasonable cause to believe the child can safely remain with another parent or custodian. The rule governs affidavits, ex parte proceedings, after-hours applications, electronic signatures, service requirements, and hearings to continue the order. It also adopts a new standardized Order to Prevent Removal form, which is included in Appendix A to the Idaho Juvenile Rules.

Rule 40. Effective July 1, 2025, Idaho Juvenile Rule 40 was amended to make several stylistic and organizational changes regarding notice and participation rights in C.P.A. proceedings. The amendments clarify that foster parents, preadoptive parents, and relatives providing care for a child in the custody of the Department of Health and Welfare must receive notice of, and an opportunity to be heard at, hearings concerning the child, while also clarifying that those individuals are not parties to the proceeding.

The amendments also revise provisions governing participation by children and youth. The rule now clarifies procedures for participation in writing by children age eight and older, including filing and service requirements, and confirms that the child’s written statement must be considered by the court. The amendments further clarify that youth age twelve and older must attend review and permanency hearings unless excused under specified circumstances.

Additional amendments update notice procedures, clarify that the Department is responsible for providing and confirming notice to the court, and make various wording and terminology changes throughout the rule.

Rule 45. Review hearings (C.P.A.). Effective July 1, 2025, Idaho Juvenile Rule 45 was amended to make organizational, wording, and clarification changes concerning review hearings in C.P.A. proceedings. Substantively, the amendments clarify that the court must hold a review hearing within six months after entry of the court’s order taking jurisdiction and every two months thereafter. In addition, the amendments revise the provisions governing combined review and permanency hearings by requiring the Department and guardian ad litem to file reports no later than five days before hearings required by Idaho Code section 16-1622(1)(a).

NEW Rule 48A. Consent to termination of parent child relationship (C.P.A.). Effective July 1, 2025, the Idaho Supreme Court adopted new Idaho Juvenile Rule 48A governing consent to termination of the parent-child relationship in C.P.A. proceedings. The new rule allows a parent to voluntarily consent to termination of parental rights when the Department of Health and Welfare has filed a termination petition involving a child in the Department’s legal custody. The rule establishes requirements for the form of consent, specifies how in-state and out-of-state consents must be witnessed or authenticated, and provides that a hearing on the termination petition is not required if a signed consent has been filed.

Rule 59. Transition to successful adulthood plan and extended foster care (C.P.A.). Effective July 1, 2025, Idaho Juvenile Rule 59 was amended to implement 2025 House Bill 245 and to make various stylistic changes throughout the rule. Substantively, the amendments extend the maximum period of extended foster care by allowing foster care to continue until a youth’s twenty-third birthday, rather than the youth’s twenty-first birthday as previously provided by the rule.

Idaho Rules of Civil Procedure

The Civil Rules Advisory Committee is chaired by Justice Robyn Brody.

Rule 10.1. Automatic waiver of filing fee. Effective April 23, 2026, the automatic filing fee waiver provision of this rule was amended to remove the reference to the Concordia University School of Law Housing Clinic and to clarify that automatic fee waivers remain available for parties represented through specified legal aid and volunteer attorney programs.

Rule 77. Class actions – disposition of residual funds. Effective January 1, 2026, this rule was amended to add a new provision governing the disposition of residual funds in class action cases. The new provision defines “residual funds” as money remaining after payment of approved class claims, expenses, litigation costs, attorney fees, and other court-approved disbursements, or funds that cannot feasibly or economically be distributed to class members. It further provides that, unless otherwise directed by statute or jointly requested by the parties, residual class action funds must be disbursed to the Idaho Law Foundation to support legal services and access to justice programs for low-income Idaho residents.

Idaho Rules for Electronic Filing and Service

Rule 5. Exceptions to electronic filing. Effective July 1, 2025, Rule 5 of the Idaho Rules for Electronic Filing and Service was amended to add “orders to prevent removal” under new Idaho Juvenile Rule 34A to the list of documents that may be conventionally filed after hours, on weekends, or on holidays because of the emergency nature of those proceedings.

Rule 9. Electronic signatures. Also effective July 1, 2025, Rule 9 was amended to authorize alternative electronic signature procedures for emergency juvenile orders to prevent removal issued after hours, on weekends, or on holidays. The amendments also modernize and clarify

provisions governing electronic signatures, signature blocks, and retention of conventionally signed originals.

Idaho Rules of Family Law Procedure

The Children and Families in the Courts Committee is chaired by Judge Diane Walker.

Rule 110. Substitution of attorney. Effective January 1, 2026, Rule 110 was amended to clarify that the rule governing substitution of attorneys applies only when one licensed attorney is replacing another licensed attorney.

Rule 120. Student loan proceeds as potential income under Idaho Child Support Guidelines. Effective July 1, 2025, Rule 120(e)(3) was amended to allow courts to count student loan proceeds as potential monthly income only if those proceeds are actually distributed to the parent-student and are used for expenses other than education.

Rule 509. Joint Preliminary Order and discretionary orders. Effective January 1, 2026, Rule 509 was amended to reorganize and simplify the rule governing preliminary and discretionary orders in family law actions. The amendments rename the rule, expressly authorize courts to issue a joint preliminary order in the form approved by the Idaho Supreme Court, and permit courts to issue additional discretionary orders when justice requires.

Rule 602. Mediation of child custody and visitation disputes. Effective January 1, 2026, Rule 602 was amended to reorganize and expand the procedures governing mediation of child custody and parenting time disputes. The amendments clarify that all family law actions involving disputes over custody or parenting time of a minor child are subject to mediation by a mediator qualified under newly adopted Idaho Court Administrative Rule 76. The rule also now expressly distinguishes child custody mediation under Rule 602 from mediation of other family law matters under Rule 603.

The amendments significantly revise the mediation referral and selection process. Rather than requiring mediation whenever the court finds it in the child's best interests, the amended rule gives courts broader discretion to order mediation in several circumstances, including on motion of a party, at a Rule 701 conference, upon request for trial setting, or on the court's own initiative after notice to the parties. The amendments also establish a procedure for selecting mediators, giving parties 28 days to agree on a mediator before the court appoints one from the statewide roster maintained by the Administrative Office of the Courts.

The rule further adds new procedural requirements governing mediation sessions, mediator compensation, confidentiality, reporting, and mediator duties. Among other changes, the amendments require the initial mediation session to be scheduled within 14 days after selection or appointment of the mediator; require

mediators to explain the mediation process, confidentiality rules, costs, and the role of independent legal counsel; require agreements reached during mediation to be reduced to writing; and require mediators to submit periodic status reports and a final report to the court.

In addition, the amendments remove the mediator qualification provisions from Rule 602 and relocate them to newly adopted Idaho Court Administrative Rule 76, which creates statewide standards for approval, training, continuing education, and roster maintenance for child custody mediators.

Rule 706. Taking testimony. Effective January 1, 2026, Rule 706 was amended primarily to make stylistic and organizational changes to the rule governing the taking of testimony. Substantively, the amendments expressly authorize the court to permit testimony in open court through the use of video conferencing.

Idaho Rules for Treatment Courts

Rules 19 and 20. Order stopping participant fees on graduation or neutral discharge from treatment court. Effective June 3, 2025, these rules were amended to provide that, upon a treatment court participant's graduation or neutral discharge from treatment court, the treatment court judge will enter an "Order Stopping Participant Fees."

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September 25, 2026
at the Mountain America Center
in Idaho Falls &

October 9, 2026
at the Boise Centre in Boise

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G. Richard Bevan

Justices
Robyn M. Brody
Gregory W. Moeller
Colleen D. Zahn
Cynthia K.C. Meyer

Regular Spring Term for 2027

Boise January 8, 13, 15, and 22
Boise February 3, 5, 8, and 12
Boise (University of Idaho) February 10
Boise April 2, 14, and 16
Moscow (University of Idaho) April 7
Lewiston April 8
Boise May 5, 7, 10, 12, and 14
Boise June 2, 4, 7, 9, and 11

By Order of the Court
Melanie Gagnepain, Clerk

NOTE: The above is the official notice of the 2026 Spring Term for the Supreme Court of the State of Idaho, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

OFFICIAL NOTICE COURT OF APPEALS OF IDAHO

Chief Judge
Michael P. Tribe

Judges
Jessica M. Lorello
Theodore Fleming
Gene A. Petty

Regular Fall Term for 2026 07/08/2026

Boise September 8, 10, 22, and 24
Boise October 6, 8, 20, and 22
Boise November 3, 5, 17, and 19
Boise December 3, 15, and 17

By Order of the Court
Melanie Gagnepain, Clerk

NOTE: The above is the official notice of the 2026 Spring Term for Court of Appeals of the State of Idaho, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

OFFICIAL NOTICE SUPREME COURT OF IDAHO

Chief Justice
G. Richard Bevan

Justices
Robyn M. Brody
Gregory W. Moeller
Colleen D. Zahn
Cynthia K.C. Meyer

Regular Fall Term for 2026 2nd Amended June 24, 2026

Boise August 14 and 19
Boise September 9 and 11
Coeur d'Alene September 16
Boise October 2, 7, and 9
Idaho Falls October 14
Pocatello October 15
Boise November 2, 4, 6, and 9

By Order of the Court
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**Idaho Supreme Court
Oral Arguments for September 2026**

8/12/2026

Wednesday, September 9, 2026 - Boise

8:45 a.m. *Cheung v. Pena*..... #52986
10:00 a.m. *D.L. Evans Bank v. Sallee*..... #52535
11:15 a.m. *Arboretum at Barber Station v. Pentalon*..... #52905

Friday, September 11, 2026 - Boise

8:45 a.m. *Targee Storage B v. Targee Storage*..... #53074

Wednesday, September 16, 2026 - Coeur d'Alene

8:45 a.m. *Lantrip v. Barton*..... #52816
10:00 a.m. *Concerned Citizen v. ID Dept. of Lands*..... #53234
11:15 a.m. *ID State Board Land Comm v. Sempel*..... #5297

**Idaho Court of Appeals
Oral Arguments for September 2026**

8/12/2026

September 22, 2026 - Boise

10:30 a.m. *State v. Norton*..... #52537
1:30 p.m. *State v. Crossett*..... #51221

September 24, 2026

10:30 a.m. *State v. Wood*..... #51971
1:30 p.m. *State v. Sturgeon*..... #51968

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CASES IN ALPHABETICAL ORDER BY CATEGORY – JULY 2026

CIVIL APPEALS

Capital Post-Conviction

Whether the district court erred by holding that the U.S. Supreme Court's opinion in *Shinn v. Ramirez*, 596 U.S. 366 (2022), constituted a "triggering event" that restarted the 42-day period for seeking post-conviction relief under I.C. § 19-2719(5).

Hairston v. State
Docket No. 52147
Supreme Court

Constitutional law

Whether Article IX, section 1 of the Idaho Constitution and/or the 5th and 14th Amendments of the United States Constitution require that when a school district offers a second-half day kindergarten, that second-half day of instruction must be free.

*Gifford v. West Ada
Joint Sch. Dist. No. 2*
Docket No. 53345
Supreme Court

Costs/Attorney Fees

Whether the district court abused its discretion by finding that Defendant was the prevailing party and awarding her costs, despite Plaintiffs having obtained a money judgment in their favor.

Richards v. Paoli
Docket No. 53498
Supreme Court

Divorce/Custody

Whether the district court erred by affirming the magistrate court's custody modification order and partially reversing and remanding for consideration of additional evidence and modification of the custody decree.

Ray v. Ray
Docket No. 53255
Supreme Court

Post-Conviction

Whether the district court erred by summarily dismissing Petitioner's claim that trial counsel rendered ineffective assistance by failing to preserve a hearsay objection to the admission of the victim's Snapchat messages.

Oberg v. State
Docket No. 52495
Court of Appeals

Whether the district court erred in summarily dismissing Petitioner's claims that trial counsel rendered ineffective assistance by failing to adequately investigate and failing to file a motion to suppress Petitioner's statements.

Gardner v. State
Docket No. 52124
Court of Appeals

Whether the district court erred by concluding that the withheld evidence that the State compensated a key witness for his testimony was not material under *Brady v. Maryland*.

Temple v. State
Docket No. 52462
Court of Appeals

Whether the district court abused its discretion by denying Petitioner's request under I.R.C.P. 60(b) for relief from a judgment dismissing his petition because Petitioner, not his appointed counsel, filed the request.

Roman-Lopez v. State
Docket No. 52337
Supreme Court

Procedure

Whether the district court erred in dismissing the amended complaint under I.R.C.P. 12(b)(6) for failure to state a claim upon which relief could be granted.

HMEL Enter., LLC v. Tryce
Docket No. 53687
Court of Appeals

Quiet Title

Whether the district court erred by finding that the divorce decree contained a latent ambiguity and then considering extrinsic evidence to determine ownership of the manufactured home.

Allen v. Carlson
Docket No. 53785
Court of Appeals

Relief From Judgment

Whether the district court abused its discretion by denying Defendant's motion to set aside the default judgment under I.R.C.P. 60(b) after concluding that Defendant failed to establish grounds for relief.

Teton Motors, Inc. v. Sacco
Docket No. 53622
Court of Appeals

Standing

Whether the district court erred by concluding that the corporate Plaintiff had standing to bring suit despite its prior dissolution, granting partial summary judgment in Plaintiff's favor, and denying Defendants' motion for reconsideration.

Imam Hussain Islamic Ctr., Inc. v. Alassadi
Docket No. 53256
Court of Appeals

Summary Judgment

Whether the district court erred by concluding that Idaho's natural servitude doctrine barred Plaintiff's claims and that no genuine issues of material fact existed regarding the alleged diversion of surface water, septic contamination, or breach of the parties' prior settlement agreement.

Ginter v. Wilkins
Docket No. 53383
Supreme Court

Whether the district court erred by granting summary judgment dismissing Plaintiff's claims for breach of contract and bad faith, arising out of a dispute regarding amounts allegedly owed under an automobile insurance policy, because Plaintiff failed to provide adequate evidence that her injuries were caused by the accident giving rise to the insurance claim.

*Freeman v. State Farm Automobile
Insurance Co.*
Docket No. 53465
Supreme Court

CRIMINAL APPEALS

Evidence

Whether the district court abused its discretion by allowing the officer to testify about Defendant's refusal to consent to a warrantless blood draw.

State v. Kuschnick
Docket No. 52038
Court of Appeals

Jury Instructions

Whether the district court erred by refusing to instruct the jury regarding self-defense because Defendant was charged with felony murder committed in the commission of a robbery.

State v. Gallegos
Docket No. 52086
Supreme Court

Limitation On Closing Argument

Whether the district court abused its discretion by sustaining the State's objection to defense counsel's closing argument regarding the State's failure to call logical witnesses.

State v. Ortiz
Docket No. 52467
Court of Appeals

Motion In Limine

Whether the district court abused its discretion by denying a motion in limine, which requested the exclusion of recorded jail calls because the calls were allegedly not timely disclosed under Idaho Criminal Rule 16.

State v. Basart
Docket No. 52264
Court of Appeals

No-Contact Orders

Whether the district court abused its discretion when it denied Defendant's motion to modify the no-contact order to permit him to have contact with his biological son.

State v. Reed
Docket No. 52578
Court of Appeals

Whether the district court abused its discretion when it denied Defendant's request to include an exception in the no-contact order that would permit him to have contact with his biological daughter.

State v. Morales
Docket No. 52678
Court of Appeals

Whether the district court abused its discretion when it entered a no-contact order prohibiting Defendant from having contact with all minor children, without exception, for 50 years.

State v. Robinson
Docket No. 52804
Court of Appeals

Search And Seizure

Whether the district court erred by affirming the magistrate court's denial of Juvenile's motion to suppress evidence obtained during a school search.

State v. Doe (2025-06)
Docket No. 52662
Supreme Court

Whether the district court erred by denying Defendant's motion to suppress and finding that the officer had reasonable suspicion to conduct the traffic stop based on a turn signal violation.

State v. Coe
Docket No. 52711
Court of Appeals

Whether the district court erred by denying Defendant's motion to suppress and finding that the officer's request to search Defendant's person for "anything illegal" did not unlawfully extend the traffic stop.

State v. Cannon
Docket No. 52236
Court of Appeals

Sentence Review

Whether the district court erred by denying Defendant's motion for credit for time served on the ground that Defendant's court-ordered furlough to a private inpatient treatment facility did not constitute incarceration.

State v. Holmes
Docket No. 52913
Court of Appeals

Whether the district court abused its discretion by refusing to consider the results of the court-ordered polygraph at sentencing.

State v. Field
Docket No. 52393
Court of Appeals

Whether the district court abused its discretion by concluding that it lacked authority to reduce Defendant's sentence at the time it relinquished jurisdiction.

State v. Sweat
Docket No. 52867
Court of Appeals

Statutory Interpretation

Whether private property can be a "public way" for purposes of Idaho Code section 18-8329(1)(b), prohibiting persons required to be registered as sex offenders from loitering on a public way within 500 feet of a school or daycare.

State v. Franks
Docket No. 52395
Court of Appeals

Sufficiency Of The Evidence

Whether there is sufficient evidence to support Defendant's conviction for unlawful possession of a firearm.

State v. Parker
Docket No. 52557
Court of Appeals

Summarized by:

Andrew Wake
Supreme Court Staff Attorney
(208) 334-2246

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William Laidlaw Bird 1935 – 2026



William "Bill" Laidlaw Bird was born January 5, 1935, in Red Hill, New Mexico, and passed away July 8, 2026, after a life of faith, family, and service.

The fifth child of Eldred Holloway Bird and Edith Marie Laidlaw Bird, Bill grew up during the Great Depression. His father died when Bill was seven. Those years shaped his work ethic and motto: "Whatever it takes."

After graduating from Sugar City High School, Bill served three years in the U.S. Army during the Korean War era, then a two-year mission for The Church of Jesus Christ of Latter-day Saints in the Central States Mission.

Bill married Janice Lynne Hall on October 9, 1959, beginning 66 years together. He earned a two-year degree from Ricks College, a Bachelor of Science from Brigham Young University, and his law degree from the University of Idaho.

Bill served as a Los Angeles County Sheriff's deputy and later devoted his career to law, including private practice, the Idaho Attorney General's Office, Bannock County prosecutor, and tribal attorney for the Sho-Ban Attorneys Office. In 2023, he received a plaque from the Idaho State Bar recognizing 50 years of membership.

In his mid-fifties, Bill discovered running and completed seven marathons.

Bill was beloved by 13 children, 35 grandchildren, and 40 great-grandchildren. He was preceded in death by two sons and his parents.

Proud of his service and Scottish heritage, Bill was laid to rest with military honors and a Scottish bagpiper.

Rest well, Bill. You gave your best effort every day of your life.

Terry Kent Martin 1956 – 2026



Terry Kent Martin was born in 1956 and passed away in Caldwell, Idaho, on May 10, 2026.

Born in San Francisco, Terry was brought

home to Caldwell at two days old by his parents, Roy and Jennie Martin, and raised on the family farm on Red Top Road, where he learned the values of hard work and perseverance alongside his father and brother.

Terry attended Vallivue School District before earning a master's degree in public Affairs from Boise State University, following studies at Northwest Nazarene University. He went on to earn his law degree and doctorate at Whittier College. Terry was admitted to the Idaho State Bar on April 25, 1986, and built a long and distinguished legal career, serving in the OIG office and the Mayor's Office, earning numerous awards and the respect of colleagues throughout his career.

A gifted athlete from a young age, Terry excelled in football, baseball, and track, eventually earning an athletic scholarship.

Though proud of his professional accomplishments, Terry treasured most his roles as husband, stepfather, and uncle. He was devoted to his stepsons, Cody and Dillon, and shared a close bond with his niece and nephew and their children. He will be remembered for his intelligence, strong will, generosity, and humor.

Terry is survived by his wife, Renea Martin; stepchildren Cody and Dillon Woeller; brother Allen Martin and sister-in-law Meliah Martin; nephew Chad Martin, his wife Ashley, and their children Paisley, Layney, and Easton; and niece Janine Blank, her husband Rob, and their children Brody and Colby.

Brian Neville 1976 – 2026



Brian Patrick Neville passed away peacefully at home in Boise, Idaho, on April 17, 2026.

Born in Santa Clara, California, Brian grew up in Boise, Columbia, Maryland, and Virginia Beach before his family returned to Boise in 1987. He graduated from Borah High School in 1994. A gifted athlete, he excelled at soccer and was invited to the Olympic Developmental Program Regional Camp at age 15.

Brian's life changed profoundly with the birth of his daughter, Rylee, in 1999. In 2005, the two moved to Moscow, Idaho, where Brian earned his Juris Doctor from the University of Idaho College of Law in 2008. He was admitted to the Idaho State Bar and went on to practice criminal defense, family law, and immigration law throughout Southwest Idaho. Before law school, he led youth sports programming with the Treasure Valley YMCA. Known for his compassion and humor, Brian was deeply committed to helping clients through difficult moments, including guiding individuals along the path to citizenship.

Brian shared many years with his partner, Tina Walsh, and together they welcomed a son, Ryker, in 2017.

He is survived by his children, Rylee and Ryker; his parents, Thomas and Naty Neville; siblings Charina (Dustin Newell), Christine (Donie Comstock), and Daniel (Eva); and several nieces and nephews.

Gary Charles Randall 1939 – 2026

Gary Charles Randall, born December 13, 1939, known to three decades of Gonzaga University Law students as "Professor Randall", passed away on June 30, 2026, in the presence of his wife, Sharon, and their children, Joe and Margie.

Gary considered his greatest achievements his 50-year marriage to Sharon and his upbringing in Wallace, Idaho. He was admitted to the Idaho State Bar on October 2, 1964. Beginning in 1973, he spent nearly three decades teaching Taxation and Community Property at Gonzaga Law School, becoming known for lively, unconventional teaching methods. He was known to climb onto classroom furniture to make a point about "stepped-up basis." Many former students credit him with steering them toward successful tax practices via LLM degrees. In 2016, Gary received the Gonzaga Law Medal for distinguished work in the practice of law.

Gary had a deep love of the outdoors, organizing annual hikes and fishing trips with family and friends on the St. Joe River. In retirement, he and Sharon split their time between Hawaii, their cabin on the St. Joe River, and Lake Coeur d'Alene. He

will be remembered for his generosity, humility, brilliance, humor, and faith, along with his love of Gonzaga basketball and a good glass of chardonnay.

Gary is survived by his wife, Sharon; son Joseph Randall; daughter Margaret Randall Chase; Nicki Prevou (Kevin); grandchildren Alex, Max, Carman, Paul, Jake, and others; and brother Clay Randall. He was preceded in death by his parents and grandson, Timothy Prevou.

A funeral Mass will be held July 24 at St. Aloysius Catholic Church in Spokane, with a reception at Gonzaga University. Memorial donations may be made to the Gary Randall Scholarship Fund at Gonzaga Law School.

Susan P Roy **1948 – 2026**

Susan P. Roy was born November 3, 1948, and passed away on May 29, 2026, in Jerome, Idaho.

Susan earned her law degree from the University of California, Hastings College of Law, and was admitted to the Idaho State Bar on September 24, 1976, when she began her legal career. She became a partner at the Twin Falls firm of Webb, Burton, Carlson, Pedersen and Paine. In 1985, she formed a new partnership with Robert Paine and Brent Nielson under the name Paine, Roy and Nielson, a firm that evolved over the years into Roy, Nielson, Barini-Garcia and Platts, and today continues as Roy, Nielson, Platts and McGee.

Susan became a prominent family law attorney, serving on the Idaho State Bar committee that created the Idaho State Child Support Guidelines. An AV-rated attorney early in her career, she received the 5th District Professionalism Award in 2019 and was widely regarded as one of Idaho's premier family law attorneys.

Susan lived an active life, enjoying birding, biking, tennis, and golf. She is survived by her husband, Ken Roy, and her two sons, Kent and Eric.

John Sellman **1943 – 2026**



Johnny "John" Rae Sellman passed away peacefully on May 23, 2026, in Boise, Idaho, surrounded by his family, at age 83, following a 14-year struggle with a rare form of polymyositis.

John was born in Boise on February 3, 1943, to Lillian and Chet Sellman Sr. He spent his early years in Glenns Ferry before his family settled on a ranch in the Bruneau Valley, where his adventurous spirit was evident from a young age including a tending bar at the family's Chet's Pastime at age eight.

John graduated from Bruneau High School, then attended Idaho State University and the University of Idaho College of Law. After being drafted into the Army during the Vietnam War, his mother had him elected Owyhee County Public Defender in absentia so he could return home to serve. He was admitted to the Idaho State Bar on September 27, 1968, and later established a law practice in Mountain Home, where he met his wife of 54 years, Sherliyn "Sher" Godschaalx Sellman. John went on to serve roughly 30 years as magistrate judge for Idaho's Fourth Judicial District, known for his fairness, integrity, and humility — perhaps most famously presiding over Idaho's "you can't kill a decoy deer" case.

John and Sher raised three children and volunteered with 4-H, later spending winters together in Palm Springs. He was known for his wit, humor, and love of puns and crossword puzzles.

He is survived by his wife, Sher; daughter Angela (Peter) Morgan; son Jake Sellman; grandchildren Macarius, Theodoros, Dorothea Morgan, James and Harrison Sellman, and Dane Durham; siblings and extended family. He was preceded in death by his daughter, Alison, and his parents.

Stephen Hammon Telford **1955 – 2026**



Stephen Hammon Telford, 70, passed away on May 24, 2026, at his home in Nampa, Idaho.

He was born November 5, 1955, in Bountiful,

Utah, to Don Richard and Josie Hammon Telford. The family moved to Idaho Falls in 1960, with later moves to Soda Springs and Firth, Idaho, where Steve graduated high school with honors and excelled in football, baseball, and basketball.

Steve attended Ricks College (BYU-Idaho), then served a two-year mission for The Church of Jesus Christ of Latter-day Saints in Nova Scotia, Canada. He later earned a finance and business degree from Brigham Young University before pursuing his Juris Doctorate at the University of Idaho in Moscow.

Steve founded Telford Law & AP Consultants, renowned for tailored estate plans and asset protection structures. A member of the Idaho State Bar and the Shoshone-Bannock Tribal Bar Association, he was affiliated with the Offshore Institute, served in leadership roles for the Eastern Idaho Estate Planning Council, and was a frequent lecturer. He practiced law for over 40 years and was recognized as one of the top 20 attorneys in Idaho.

Steve had a deep love for the outdoors, especially Yellowstone, and was an expert skier, fisherman, and canoeist who passed that passion on to his children. He cherished traveling the world with his family, with the Cook Islands among his favorite destinations. Above all, Steve treasured his role as a father and grandfather, always engaged in his children's sports and activities.

He was preceded in death by his parents and brother-in-law, Scott Halverson. He is survived by siblings Rick (Patty), Dave (Cindy), and Wayne (Cindy) Telford, and Vicky Halverson; children Jared (Nikki) and James (Phoebe) Telford and Elizabeth Johnston (Daniel); stepchildren Cameron and Kylie; and grandchildren Jolene Josie Telford, Atlas Ekko Johnston, and Amelia Charlotte Telford.

Kevin Francis Trainor 1944 – 2026



Kevin Francis Trainor was a beloved husband, father, grandfather, Marine, attorney, and river runner. He passed away suddenly on May 29, 2026. He was born April 23, 1944, in Washington, D.C.

Kevin earned an NROTC scholarship to Dartmouth College, graduating in 1966, then was commissioned as a Second Lieutenant in the U.S. Marine Corps. He became a Naval Flight Officer and served in Vietnam from 1968–1969, flying more than 200 combat missions and earning multiple Air Medals for heroism. He was honorably discharged in 1970.

Kevin then headed west to Idaho, where he met the love of his life, Linda Wirth, in Sun Valley. They married in 1972. Kevin graduated from the University of Idaho College of Law in 1975 and was admitted to the Idaho State Bar on September 30, 1975, soon establishing a respected law practice in Twin Falls, known for his compassion and dedication to clients and community.

An avid outdoorsman, Kevin spent countless days backpacking, skiing Idaho powder, and bird hunting with friends. A licensed lead boatman, he guided river trips on the Middle Fork of the Salmon, Main Salmon, Hells Canyon stretch of the Snake, Selway, Grand Ronde, and Bruneau rivers, and rowed the Grand Canyon three times. He also piloted single-engine airplanes, flying his Bellanca Scout well into his 80s, and loved riding motorcycles with friends.

Kevin devoted himself to his community in the Magic Valley. A 44-year member of the Twin Falls Rotary Club and a Paul Harris Fellow, he organized youth international exchanges and hosted multiple exchange students, sponsored educational scholarships in Panamá, volunteered driving veterans to VA appointments in Boise, and served on the Airport Advisory Commission. In the early 1990s, he could often be found cheering for the Bruins in the gym and pulling chains on the football field. In recent years he was active with Veterans for Idaho Voters.

Kevin is survived by his wife, Linda; daughters Meghan and Whitney and their husbands, Greg and Antoine; and grand-

children Mara, Lucie, Grant, and Flora. He was preceded in death by his brother, Michael.

Robert John Williams 1954 – 2026

It is with deep sadness that we share the passing of Robert John Williams, "Bob," born August 15, 1954, on May 21, 2026, in Garden City, Idaho.

Bob earned his law degree from the University of Idaho College of Law and was admitted to the Idaho State Bar on September 28, 1984. He was a dedicated father, grandfather, friend, and attorney who cared deeply for his family, friends, clients, and community. He is remembered for the love, wisdom, humor, and support he gave throughout his life, and will be greatly missed by all who knew him.

He is survived by his sister, Carol Gibbs; his daughter, Laura Brown; his son, Nathan Williams; his niece, Lisa Gibbs; and his granddaughter, Zenora Brown.

Memorial service information will be shared on the family's Facebook page once plans are finalized.



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Keeping Track

Despite our best efforts, there are times when the Idaho State Bar is not informed of a member's death. Upon learning of a fellow attorney's death, please feel free to contact Calle Belodoff with the information at cbelodoff@isb.idaho.gov. This will allow us to honor the individual with details in "In Memoriam."



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Attorney, Tecla Druffel, Receives Bankruptcy Award



LEWISTON—Tecla Druffel was honored with the Champion of Consumer Rights Award at the National Association of Consumer Bankruptcy

Attorneys annual conference in Boston this April. The award recognizes individuals for extraordinary service in protecting American consumers and preserving the rights of consumer debtors in need of bankruptcy relief.

Morrow & Fisher Welcomes New Attorney Rylee Dolven



N A M P A — M o r r o w & Fischer is pleased to announce Rylee Dolven has joined the firm as an attorney. Rylee previously

clerked in state and federal courts and practiced with two well-known civil litigation firms. Her current practice blends business and transactional law with civil litigation involving real property, construction defects, first and third-party insurance claims, and contract disputes. Rylee serves clients in Idaho and Oregon.

Idaho Employment Lawyers Welcomes New Attorney Laegan Meyers



BOISE—Idaho Employment Lawyers is pleased to announce that Laegan Meyers has joined the firm. She has a strong background representing

employers in employment law and complex civil litigation, with experience guiding clients through every stage of litigation, from discovery and motion practice to depositions, dispute resolution, and trial preparation. She is passionate about helping employers navigate challenging workplace issues. Her dedication to advocacy, thoughtful legal analysis, and client service make her a strong addition to our team.

Miller Nash Deepens Its Roots with New Downtown Boise Office



BOISE—After more than five years serving the Boise market, and with attorneys who have called Idaho home far longer, Miller

Nash LLP is deepening its roots. The premier, regional law firm announces the relocation of its Boise presence to the heart of downtown, marking the next step in its commitment to Idaho's business and legal communities.

Miller Nash's new Boise office is located in U.S. Bank Plaza at the crossroads of W Main St. and S Capitol Blvd., placing the firm in the center of the city's business, civic, and cultural activity. Steps from downtown restaurants, shops, museums, and green spaces, the office offers a dynamic setting for attorneys to collaborate with clients and stay connected to the momentum driving Boise's continued growth. The new office address is **101 S Capitol Blvd, Ste 900**.

Deputy Boise City Attorney Appointed to the Ada County Bench

BOISE—The Fourth Judicial District Magistrates Commission has selected John Cortabitarte to serve as the next Ada County Magistrate Judge for Idaho's Fourth Judicial District. Mr. Cortabitarte will fill a vacancy created by the retirement of the Honorable Teresa Gardunia.

The appointment follows an extensive recruitment and evaluation process conducted by the Magistrates Commission. Applicants were reviewed based on their professional qualifications, legal experience, judicial temperament, community involvement, and demonstrated ability to uphold the rule of law. Finalists participated in interviews with the Commission July 24, 2026, before the selection was made.

"Selecting a magistrate judge is one of the most important responsibilities entrusted to the Magistrates Commission," said Judge Steven Hippler Commission Chair. "The Commission carefully evaluates each candidate to ensure

that those selected have the experience, impartiality, and character necessary to fairly administer justice and maintain the public's confidence in our courts."

Magistrate judges serve a vital role in Idaho's judicial system, as they preside over a wide range of cases that directly affect individuals, families, businesses, and communities.

As judicial officers, magistrate judges are responsible for applying the law fairly and independently, ensuring that every person who appears before the court is treated with dignity, respect, and equal justice under the law. Their decisions have a meaningful impact on the lives of Idahoans and contribute to the efficient and effective administration of justice throughout the state.

Mr. John Cortabitarte graduated from Boise State University with a degree in Political Science and a Minor in Basque Studies in 2010. He earned his law degree from the University of Idaho, College of Law in 2015. Prior to his appointment, Mr. Cortabitarte served the public for six years as a Deputy Ada County Prosecutor in both the Criminal and Civil Divisions and for four and a half years as an Attorney Ill, Deputy Prosecutor for the City of Boise. During his time with the County and the City, Mr. Cortabitarte demonstrated a firm commitment to the rule of law, fairness, and public service and brings over a decade of trial and litigation experience to his new role.

Mr. Cortabitarte is a proud lifelong Boisean. "I am honored and humbled to serve the community. It is the honor of my lifetime to be appointed to the bench in the very community that raised me," said Mr. Cortabitarte. He has been married for ten years and is the proud father of two.

EOIR Announces Jeffrey L. Phillips, Immigration Judge, Concord Immigration Court

STATEWIDE—Jeffrey L. Phillips was appointed as an immigration judge to begin hearing cases in July 2026. Judge Phillips earned a Bachelor of Science in 2011 from Idaho State University and a Juris Doctor in 2015 from the University of Minnesota. From June 2022 to July 2026, he was an associate judge for the Nez Perce Tribe in

Lapwai, Idaho. From June 2022 to July 2026, he also served as a deputy prosecuting attorney at Payette County, Idaho, taking a leave of absence during which he was an associate at Jacques Law PLLC from December 2023 to September 2024. From July 2019 to May 2022, he served as the elected prosecuting attorney for Owyhee County, Idaho. From July 2017 to July 2019, he served as a deputy prosecuting attorney in Canyon County, Idaho, and from September 2015 to July 2017, as an assistant tribal prosecutor. Judge Phillips is a member of the Idaho State Bar.

EOIR Announces Matthew D. "Matt" Pember, Immigration Judge, Concord Immigration Court

STATEWIDE—Matthew D. "Matt" Pember was appointed as an immigration judge to begin hearing cases in July 2026. Judge Pember earned a Bachelor of Arts and a Bachelor of Science in 1996 from the College of Idaho and a Juris Doctor in 2004 from the University of Idaho College of Law. From July 2025 to July 2026, he was the interim manager/felony attorney for the Idaho State Public Defender, Jerome office. He has served as a prosecuting attorney for most of his career, including being the elected prosecutor of Gooding County, Idaho. He has also served as an attorney advisor for the Department of the Navy and the Small Business Administration. Judge Pember is a member of the Idaho State Bar.

American Academy of Estate Planning Attorneys Names David K. Cahoone as Director of Education



San Diego, CA—The American Academy of Estate Planning Attorneys is pleased to announce that David K. Cahoone, J.D., LL.M., has joined the organization as its new Director of Education.

Cahoone specializes in estate planning, charitable planning, and tax strategy. He earned his J.D. from Western New England University School of Law and his LL.M. in Taxation from the University of Florida College of Law.

Prior to joining the Academy, Cahoone served as Senior Partner at the Dorsey Law Firm, Director of Philanthropic Strategies and Planned Giving at Brown University, and co-founded Esperti Peterson & Cahoone, PA. He holds an AV Pre-eminent rating from Martindale-Hubbell, a 10.0 Avvo rating, and has co-authored several legal publications, including *Protect and Enhance Your Estate* (McGraw-Hill).

Farewell and Thank You to Carissa Carns

BOISE—It is with a mix of celebration and sadness that the Idaho State Bar announces Carissa Carns' departure, as she pursues an exciting opportunity to serve her church, Compass Bible Church Treas-

ure Valley. Carissa has been a valued member of the ISB/ILF team for over five years. This new role is a wonderful opportunity for her to give back both professionally and personally.

We are incredibly grateful for Carissa's dedication, her sense of humor, and the kindness and friendship she has brought to our organization every day. It has been a joy to watch her grow during her time here, and we thank her for everything she has poured into her work. Please join us in thanking her for her years of service and congratulating her on this exciting new chapter. We will miss you, Carissa!

"You miss 100% of the shots you don't take." – Wayne Gretzky – Michael Scott – Carissa Carns

2026 Resolution Process

STATEWIDE—The Idaho State Bar cannot take positions on legislative matters or propose changes to court rules or substantive rules governing the Bar without first submitting such matters to the membership for a vote through the Resolution Process.

Idaho Bar Commission Rule 906 governs the Resolution Process. Resolutions for the 2026 Resolution Process must be submitted by 5:00 p.m. MDT on September 25, 2026. If you have questions about the process or are interested in submitting a resolution, contact Maureen Ryan Braley at mryanbraley@isb.idaho.gov or (208) 334-4500.

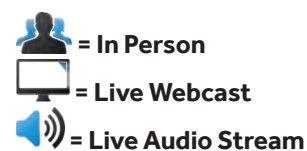
2026 Resolution Schedule

District	District Bar President	Meeting Date	Meeting Location	Meeting time
First District	Makenzie Crawford	Wednesday Nov. 4	The Coeur d'Alene Resort Coeur d'Alene	11:30 a.m.
Second District	Brennan A. Wright	Thursday Nov. 5	ICCU Alumni Center – University of Idaho, Moscow	5:30 p.m.
Third District	Tyler Rounds	Tuesday Nov. 10	Indian Creek Steakhouse Caldwell	11:30 a.m.
Fourth District	Yecora Daniels	Tuesday, Nov. 10	Jack's Urban Meeting Place (JUMP) Boise	5:30 p.m.
Fifth District	Qiva Dinuri	Wednesday Nov. 18	Blue Lakes Country Club Jerome	5:30 p.m.
Sixth District	Elisheva Patterson	Wednesday Nov. 18	The Purpose Center Pocatello	11:30 a.m.
Seventh District	Benjamin Ritchie (V.P.)	Tuesday Nov. 17	Hilton Garden Inn Idaho Falls	5:00 p.m.

CONTINUING LEGAL EDUCATION



September



8 2026 Ethics Update Part 1
1.0 Ethics credit



9 2026 Ethics Update Part 2
1.0 Ethics credit



10 *The Appellate Journey: Practice, Perspective, and Legacy*
University of Idaho College of Law- Boise
2.25 CLE credit including 0.75 Ethics – NAC Approved



16 *Professionalism for the Ethical Lawyer*
1.0 Ethics credit



25 *US Courts Bench & Bar Conference*
Mountain America Center – Idaho Falls



29 *US Courts Bench & Bar Conference*
The Law Center & Live Webcast
2.0 CLE credits including 0.5 Ethics



October

1-3 2026 Estate Planning Conference
The Grove Hotel - Boise
10.5 CLE credits including 0.5 Ethics



6 2026 Bench & Bar CLE & Reception:
Celebrating the Constitution and Honoring Judicial Excellence
JUMP - Boise & Webcast
1.5 CLE credits



8 2026 Annual Health Law Seminar
University of Idaho College of Law- Boise & Webcast



23 2026 Fall New Attorney Program
Boise Centre - Boise
4.0 CLE credits including 1.0 Ethics



26 *Annual Bellwood Lecture*
University of Idaho College of Law- Moscow & Webcast



26 *Communicating in Opposing Counsel and the Courts: Professionalism and Ethics*
1.0 Ethics credit



29 *Joint Representations, Part 1: Civil Litigation Focus*
1.0 Ethics credit



30 *Joint Representations, Part 2: Civil Transaction Focus*
1.0 Ethics credit



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A professional portrait of an older man with grey hair, wearing a dark blue suit, white shirt, and a patterned tie. He is standing against a dark blue background.

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