

Criminal Caseflow Management Plan for Idaho’s Fourth Judicial District

Statement of Purpose

This caseflow management plan will be administered consistently with Idaho’s Statewide Caseflow Management Plan.

The purposes of this plan are to ensure fair, just, and timely case resolution in the courts of the Fourth Judicial District by:

1. Preventing unnecessary delay in case processing.¹
2. Ensuring that each case receives individual attention proportional to need in order to ensure a just result in each case.
3. Promoting judicial leadership and instituting continuous court oversight over the progression of cases from filing to disposition.
4. Creating consistency and predictability for users of the court system.
5. Setting reasonable and mutually understood clear expectations for judges, litigants, the Bar, and the public.
6. Ensuring that judges, court clerks, and trial court administrators have consistent, meaningful case management information to inform their efforts.

Section 1: Assignment of Judges in the Fourth Judicial District

The administrative district judge in each judicial district is responsible for the overall assignment of judges and caseloads to ensure effective caseflow management. Each administrative district judge considers carefully the number and types of judges available within the district, as well as the availability of senior judges. Other considerations include population density, distribution and mix of caseloads, number of counties, geography and driving distances, the feasibility and desirability of specialization of caseloads, and societal and workload trends. The administrative district judge and trial court administrator continually monitor the assignment of judges and the effective use of existing resources.

All magistrate judges are assigned matters specified in Idaho Code § 1-2208 and Chapter 23, Title 1, Idaho Code. Magistrate judges handle the “on call” requests for search warrants, 24 hours a day, 7 days a week. At any given time, one magistrate is on call. If that person is not available, the prosecutor may elect to call any other magistrate. If the prosecutor is forced to call a backup magistrate, the law enforcement officer is charged with recording the proceedings. The on-call rotation changes every seven days. The on call procedure is different for Valley County, Elmore County, and Boise County.

Judge Watkins presides over a specialty court for misdemeanor DUI offenses. Judge Minder and Judge Hawley preside over a specialty court for domestic violence.

¹ According to Article I, section 18 of the Idaho Constitution, “justice shall be administered without...delay.” According to the American Bar Association’s *Standards Relating to Court Delay Reduction*, delay is “any elapsed time other than reasonably required for pleadings, discovery, and court events.”

All district judges in the Fourth Judicial District are assigned criminal cases. In the district court, Judge Owen is assigned all felony cases in Boise County. Judge Medema is assigned all felony cases in Elmore County. Judge Scott is assigned all felony cases in Valley County.

Four problem-solving courts are handled by district judges in the Fourth Judicial District. There are two drug courts in Ada County, presided over by Judge Norton and Judge Greenwood. There is a drug and DUI court in Elmore County presided over by Judge Copsey. Judge Hansen presides over veterans' court and Judge Hippler presides over mental health court.

Additional matters may be assigned by the administrative district judge pursuant to Idaho Code § 1-907. In addition, the Idaho Supreme Court may, by rule, specify additional categories to magistrate judges pursuant to Idaho Code § 1-2210.

Section 2: Management of Criminal Cases

Section 2.1: Idaho Time Standards for Processing Criminal Cases

Idaho Court Administrative Rule 57 establishes time standards for case processing for individual case types. Pursuant to ICAR 57, the time standards applicable to criminal cases are:

Felonies:

Magistrate Div.	30 days from first appearance to order holding the defendant to answer in the district court or discharging the defendant
District Court	150 days from first appearance in district court

Misdemeanors: 90 days from first appearance

The revised time standards that have been approved by the Idaho Supreme Court for piloting to begin sometime in 2015 are:

Felonies:

Magistrate Div.	50% within 21 days 75% within 45 days 90% within 60 days Measured from filing of complaint to order holding the defendant to answer in the district court or discharging the defendant
District Court	75% within 90 days 90% within 150 days 98% within 365 days Measured from date of order holding the defendant to answer in district court to entry of judgment.

Misdemeanors: 75% within 90 days
90% within 120 days
98% within 150 days
Measured from the filing of the complaint to entry of judgment

Section 2.2: Assignment of Cases

The purposes of a case assignment policy are 1) to establish for the district the process by which cases will be assigned (individual case assignment or an alternative calendar system), 2) to identify cases in which continuity of judicial attention is important, 3) to designate the instances in which cases involving the same defendant will be assigned or consolidated for adjudication by the same judge, and 4) to put in place case assignment processes that ensure the public that the assignment of cases to judges within the Fourth Judicial District is not susceptible to control or manipulation by parties or attorneys.

The new Tyler Odyssey case management system defines a “criminal case” as follows: The defendant and all misdemeanor and felony charges resulting from a single incident are counted as a single case. Infractions must be filed separately, but may be consolidated [See IIR 3(d)]. If multiple citations or complaints arise from a single incident, involving a single defendant, filed at the same time, misdemeanor and felonies associated with that incident are included in a single case. If the charging document contains multiple defendants involved in a single incident, a separate case will be created for each defendant, so that each defendant is counted as a single case.

The Fourth Judicial District employs the following case assignment process for criminal cases:

The following cases involving the same criminal defendant may be assigned or reassigned to a single magistrate and to a single district judge as provided in Local Rule 11.2 of the Local Rules of the District Court and Magistrate Division of the Fourth Judicial District:²

1. Felony and probation violation charges arising out of the same incident.
2. Felony, misdemeanor, infraction, and probation violation charges arising out of the same incident that are filed at the same time and prosecuted by the same entity.
3. Felony, misdemeanor, infraction, and probation violation charges arising out of the same incident in the same county that are filed at the same time but prosecuted by different entities.
4. Felony charges added to a misdemeanor/infraction/probation violation charge, or a group of misdemeanor/infraction/probation violation charges, at a time after the filing of the original misdemeanor/infraction/probation violation charges.
5. Felony charges (and their associated misdemeanor/infraction/probation violation charges) filed subsequent to a pending felony charge (and its associated misdemeanor/probation violation charges) arising out of a different incident but committed within the same county.

² Local Rule 11.2. provides: **11.2 Criminal Cases.** Motions to consolidate pending criminal actions shall be presented to and ruled upon by the judge to whom the lowest numbered case or first filed case has been assigned among those matters sought to be consolidated. Notice shall be given to all parties in each action involved and a copy filed in each case involved. If a motion to consolidate is granted, all further action with regard to the consolidated cases shall be heard by the judge assigned to the lowest numbered case or first filed case involved.

6. Felony charges (and their associated misdemeanor/infraction/probation violation charges) filed subsequent to a pending felony charge (and its associated misdemeanor/infraction/probation violation charges) out of a different incident but committed in different counties within the same district pursuant to I.C.R. 20 or 21.
7. Felony charges (and their associated misdemeanor/infraction/probation violation charges) filed subsequent to a pending felony charge (and its associated misdemeanor/infraction/probation violation charges) out of a different incident but committed in different counties and different districts in Idaho pursuant to I.C.R. 20 or 21.
8. Misdemeanor criminal cases are randomly assigned to the presiding magistrate by a computer.

The Fourth Judicial District adheres to the provisions of ICR 25 in responding to recusals, disqualifications, and the need for additional judges to handle lengthy trials by assigning cases to other sitting judges or senior judges assigned to the district. Plan B judges and senior judges are regularly employed to preside over jury trials. This use of Plan B and senior judges is critical to ensuring that trials can go forward as scheduled.

Each district judge presiding over an individual calendar controls and sets his or her own calendar. The only restriction on this is the assignment of a criminal day in Ada County. Due to limited courtroom space in the Ada County Courthouse, as well as the needs of the transport team and Sheriff's deputies, each district judge is assigned a criminal day and all criminal matters should be heard – to the extent feasible – on that particular day. Mondays are assigned to Judge Hippler and Judge Bail. Tuesdays are assigned to Judge Greenwood. Wednesdays are assigned to Judge Copsey, Judge Owen and Judge Hansen. Thursdays are assigned to Judge Norton and Judge Hoagland. Fridays are assigned to Judge Scott and Judge Moody. The district judges assigned to Valley, Elmore, and Boise county calendar their criminal cases in a manner that works best to meet the needs of the Valley, Elmore, and Boise county courthouses, while coordinating with the district judges' schedules in Ada County.

In the Ada County Magistrate Division, eight judges are assigned to hear criminal cases: Judge Steckel, Judge Swain, Judge Hawley, Judge Gardunia, Judge Cawthon, Judge Watkins, Judge Oths, and Judge Irby. Judge Irby and Judge Hawley each handle half of a criminal calendar resulting in a single criminal magistrate position between those two judges. Each full-time criminal magistrate (with the exception of Judge Watkins, who handles a DUI specialty court) has a "jury trial" week once every three weeks. The remaining two weeks include pre-trial conferences, bond arguments, preliminary hearings, motion hearings, arraignments, court trials, court trial conferences, sentencing hearings, and other miscellaneous matters. Each judge has flexibility in scheduling his/her hearings; however, they must be scheduled on the days designated for these matters by the trial court administrator's office and the clerk's office. The criminal calendar is managed and coordinated between the trial court administrator's office and the clerk's office responsible for calendaring.

In the Valley County Magistrate Division, Judge Berecz is assigned to hear criminal cases.

In the Elmore County Magistrate Division, Judge Epis and Judge Hicks are assigned to hear criminal cases.

In the Boise County Magistrate Division, Judge Cockerille is assigned to hear criminal cases.

Section 2.3: Proactive Case Management

All cases and calendars are set in such a way to prevent unnecessary delay in case processing, while balancing the effective use of the time of parties, victims, judges, attorneys, and court personnel. The presiding judge adopts a scheduling policy that accomplishes this and reduces the likelihood of scheduling conflicts requiring rescheduling of events. The judge maintains early and continuous control of all cases from initiation through post-disposition proceedings by the use of:

1. Appropriate case assessment;
2. Scheduling orders and conferences, as needed, for purposes of resolving the case fairly and efficiently;
3. Management of discovery and motion practice;
4. Realistic setting of firm trial dates and time limits for discovery;
5. Court control of continuances for the prompt and fair resolution of the case.

Ongoing review of cases is necessary to ensure that a future action or review date has been set by the court in every case. Each month, the Idaho Supreme Court sends out a status report for each judge. This status report lists the judge's assigned cases by case name, case number, the most recent event in this case, and any scheduled future hearing. Judges review the status report to ensure that each case is operating on schedule. In this way, judges can ensure that scheduling complies with the time standards adopted by the Idaho Supreme Court.

Section 2.4: Early and Continuous Assessment, Scheduling of Events, Calendar Management, and Calendar Setting

Early and Continuous Assessment

The amount of court time and resources devoted to a case and the pace at which a case progresses depends on the individual needs of that case. Some cases can be resolved quickly with little court involvement while other cases require more time, court appearances, and judicial oversight to reach resolution.

When determining the most appropriate plan for a criminal case, the court considers at least the following (not in order of importance):

1. Nature of the charge(s)/number of counts
2. Custody status of defendant(s)
3. Number of co-defendants
4. The potential penalty
5. Anticipated pretrial motions
6. Need for expert witnesses and how financed;
7. Consideration of victims' rights
8. Need for forensic testing
9. Complexity of factual and legal issues

10. Likelihood of case going to trial/estimated length of trial
11. Whether the defendant has cases pending in other counties
12. Whether mental health or other evaluations of the defendant might be needed
13. Whether a problem-solving court might be an option for the defendant

Scheduling of Events

Meaningful case events: (a) move a case toward disposition and (b) prompt the attorneys and parties to take necessary action. All scheduled case events are meaningful events. Monitoring the effectiveness and timeliness of interim case events between filing and disposition can aid in the efficient resolution of cases.

The following have been identified as key interim case events in criminal cases ³ that will be tracked in the case management system and monitored for informational and case management purposes:

District Criminal	Mag. Felony	Mag. Misdemeanor
Initiating event: order binding case over to district court	Initiating event: Filing of complaint	Initiating event: Filing of complaint
Filing of Information	Initial appearance	Arraignment
Arraignment	Arraignment	Pre-trial
Pre-trial conference	Preliminary hearing	Entry of Plea
Order for ADR/mediation	Ending event: order binding case over to district court or dismissing felony charges	Start of trial
Entry of plea		Ending event: Entry of judgment
Start of trial		
Filing of pre-sentence investigation		
Ending event: entry of judgment		

In criminal cases:

1. Hearings and trials are scheduled in a manner that minimizes delay and reduces the potential need for continuances.

³ Another key interim event in any criminal case not listed among those set forth in the current caseflow management plan is an evaluation of a defendant’s mental condition pursuant to I.C. § 18-211 when there is reason to doubt his/her fitness to proceed. If the defendant is subsequently committed to the custody of the director of the department of health and welfare for a period of time pursuant to I.C. § 18-212, the resultant suspension of the criminal case could result in a potential lengthy delay in the proceedings without explanation.

2. Every event (including the arraignment) is a meaningful opportunity for disposition.
3. Future action dates (based on interim case events) are always assigned and deadlines for those dates are enforced with the understanding that continuances can serve a meaningful purpose.
4. Requests for continuances are considered pursuant to Section 2.10 of this plan.

Every judge needs to hold attorneys accountable for not being prepared for scheduled hearings. While continuances can be unavoidable because of circumstances outside of the control of the parties, judges are responsible for holding to firm trial dates and discouraging unnecessary delay. Judges are expected to confer with each other to discuss system problems that create unnecessary delay. Depending on the problem to be addressed, judges are expected – under the guidance of the ADJ - to develop a realistic plan to address the problem.

Calendar Setting

For judges presiding over an individual calendar, counsel contacts the clerk of the presiding judge to calendar a matter for a time certain. In jurisdictions using alternative calendars, matters are scheduled by the clerk's office or at the direction of the presiding judge, as necessary. All calendar settings are made within the applicable time standards. Settings outside of an applicable time standard are made only upon a showing of good cause and upon order of the presiding judge.

Criminal cases are set for trial at the time of entry of plea unless otherwise ordered by the court, consistent with a defendant's right to a speedy trial.

The Fourth Judicial District follows these practices to avoid scheduling conflicts for counsel, interpreters, and witnesses in criminal cases:

1. A written request for an interpreter is submitted to the Interpreter Coordinator as soon as the need is known in order to insure the availability of an interpreter at all court proceedings.
2. The prosecuting attorney has calendars for officers/witnesses at the preliminary hearing in order avoid potential scheduling conflicts.

The Fourth Judicial District follows these additional practices to maximize the efficient use of the time of judges, court staff, attorneys, victims and witnesses, law enforcement officers, and criminal defendants and their families:

1. In Ada County, at the preliminary hearing stage, the court conducts a morning calendar call around 9:30 a.m. to determine which cases have resolved or do not otherwise require a hearing. If the defendant has agreed to waive his/her preliminary hearing, the paperwork is filed to transfer the case to the district court. If a case does require a preliminary hearing, it is continued to 1:30 p.m. for the preliminary hearing. Between the end of the morning calendar call and the 1:30 p.m. preliminary hearing, witnesses are able to call the prosecutor's office to find out if they are required to appear. By weeding out those cases in which witnesses will not be required to appear, this system saves all witnesses valuable time.

The Fourth Judicial District maximizes the certainty that a trial will commence on the date set by:

1. Scheduling further pre-trials or status conferences as needed to address matters requiring additional attention.
2. Using plan B and senior judges or other sitting judges when available as back up, in the event a judge has scheduled trials proceeding on the same day.
3. Sanctioning, monetarily or otherwise, a party who has unreasonably contributed to delay in a case.
4. Holding firm to trial deadlines and denying motions to continue the jury trial unless absolutely necessary.

Section 2.5: Appointment of Counsel

Early appointment of counsel is important not only to protect the legal rights of the accused but also to facilitate the earliest resolution of criminal charges.

Appointed counsel is available in Idaho pursuant to I.C. § 19-851(4), ICR 5 and 10 and IMCR 6 and should be appointed as described in I.C. §§19-852 and 19-854.

The process for appointing counsel in the Fourth Judicial District is as follows:

1. Written request for appointment of counsel is completed as early in the case as possible. The Ada County jail has forms for defendants to fill out to request the appointment of counsel. In this manner, a defendant accused of a felony crime may request the appointment of counsel before even seeing his/her district judge for the first time.
2. The judge confirms that all information contained in the request is true, accurate and sworn. The Ada County jail provides the inmates with a notary for this purpose. The jail's notary service also reduces the number of hearings / transport requests, where the hearings are for the sole purpose of having the defendant placed under oath to testify to the truth of his/her public defender application.
3. Appointed counsel promptly requests discovery from the prosecuting attorney to prepare for trial as scheduled and to insure that any potential pre-trial motions are timely addressed.
4. Each district judge in Ada County is assigned a criminal defense "team," generally consisting of three attorneys. These three public defenders (and their counterparts from the prosecuting attorney's office) appear before the same judge week after week. The district judge assigned to a criminal case will therefore dictate which deputy public defender is assigned – it will be a member of that particular judge's team. The Ada County Public Defender's Office may deviate from this approach on a rare basis. For example, a triple homicide may be assigned to a more experienced public defender who is not a regular team member for the assigned district judge. The Ada County Prosecuting Attorney's Office may also deviate from this approach under similar circumstances.
5. In those cases where a defendant requests a continuance to retain private counsel, the court may grant a reasonable period of time so the defendant may retain and meet with counsel before the next scheduled hearing. However, barring exceptional circumstances, any continuance to retain private counsel will not change the scheduled trial date. In addition, if private counsel does appear for defendant or files a notice of substitution, s/he is expected to be prepared to move forward with the case at the first scheduled hearing.

Section 2.6: Motion Practice

The substance and need for motions varies widely. Motions are generally classified as dispositive or non-dispositive. Because motions can significantly impact the time and expense necessary in any case, management of motions is an essential component of an effective and efficient case management plan. Requiring compliance with the motion deadlines eliminates a significant potential for unreasonable delay. Courts do not allow the parties to modify discovery deadlines set forth in the scheduling order by stipulation without authorization of the court. The Court permits modifications of the scheduling order as necessary to advance justice and, if possible, without disturbing firm trial dates.

The court should adhere to the following general guidelines when creating scheduling orders:

1. Motions which affect the introduction of evidence at trial, i.e., motions in limine, motions to strike witnesses or exhibits, etc., are often filed late in the process. Scheduling orders account for this and require such filings to occur early enough to give the court sufficient time to carefully consider the same without impacting the trial date.
2. Clerks are given careful guidelines in the scheduling of motions. Parties do not control the hearing schedule, and hearings are set so as to allow for meaningful review but timely resolution.
3. Courts diligently consider and rule on motions, in compliance with the requirements of the Idaho Constitution and the Idaho Criminal Rules to prevent unreasonable delay.
4. Telephone conferences are a tool for addressing non-dispositive motions.

In criminal cases:

1. Motions are generally governed by ICR 12, which sets forth the timing requirements for filing and hearing pretrial motions. The court adheres to these requirements to avoid delay.
2. Because motions to suppress can be dispositive, and have substantial potential for causing delay, courts may specifically address such motions in the scheduling/trial order, with the expectation that they will be filed and ruled on in a timely manner. Often, defense counsel are aware by the time of the Defendant's first appearance in district court that the case is appropriate for a suppression motion. In that event, the judge may use the arraignment date to schedule a suppression hearing, and deadlines for filing any briefs.

Each judge sends out a scheduling order that contains the procedures and deadlines for filing and arguing dispositive motions. These scheduling orders may be modified or supplemented by oral rulings in court as needed.

Section 2.7: Discovery Practice

Discovery is a significant portion of the litigation time and expense in both civil and criminal cases. Therefore, management of discovery is also an essential component of an effective and efficient case management plan. This management is done in an early scheduling order. Such orders manage

the nature and scope of discovery according to the needs of each case, consistent with applicable rules. The scheduling order manages the time and expense devoted to discovery, while promoting just dispositions at the earliest possible time.

In criminal cases:

1. In Ada County, on felony cases, all discovery within the possession of the prosecutor is provided to defense counsel – at the latest – at the preliminary hearing. Some files, such as audio recordings and reports by law enforcement, are provided to the public defender’s office electronically. For private defense counsel, the audio recordings are provided by the prosecutor’s office by CD. Some discovery is not available at the time of the preliminary hearing, such as fingerprint analysis, DNA, and other laboratory analysis. The prosecuting attorney supplements with this discovery immediately, as soon as it is available to the prosecutor.
2. Discovery in criminal cases is generally governed by ICR 16. Appropriate discovery deadlines may be reflected in scheduling/trial orders for automatic disclosures, including I.R.E. 404(b) evidence. Deadlines may also set for the submission of written discovery requests outlined by ICR 16(b) and (c). The parties and the court adhere to all deadlines. Courts do not allow the parties to modify discovery deadlines by stipulation without authorization of the court. Courts permit modification when necessary and preferably without disturbing firm trial dates.
3. Compliance with the response times set forth in ICR 16(f) is expected and the imposition of sanctions allowed by this rule is used to curb abuses of the discovery process.

Section 2.8: Early Case Resolution Processes

All structured settlement processes conform to the governing court rule or statute applicable to a specific case. The parties and court review applications for mediation as early as practical in every case to govern the appropriateness of mediation and settlement in order to foster efficiency, early resolution, and effective case management.

IRE 507, as administered by the authorizing court, governs the confidential nature of mediations to foster settlement in all such cases as deemed appropriate.

Early resolution of criminal cases benefits the courts, the parties, victims, witnesses, and the public. It reduces the costs of pretrial confinement. Judges and attorneys use every court appearance as an opportunity to settle criminal cases.

The parties are afforded an opportunity to mediate the case, if timely requested. Idaho Criminal Rule 18.1 allows mediation in criminal cases. The participation of the state and defense in mediation in criminal cases is governed by these rules, subject to the oversight of the authorizing court.

The court and attorneys in the Fourth Judicial District adhere to the following practices to obtain the earliest possible resolution of criminal cases:

1. At the time of a scheduled status conference, the parties and the court will review any requests for mediation, if an application has been received.

Administrative district judges are encouraged to use alternative judge panels pursuant to Idaho Criminal Rule 25 (a)(6) to prevent delays associated with judge-shopping. In the Fourth Judicial District, a list of alternate judges who may be assigned to preside at the trial of a criminal case is included in the scheduling order.

Section 2.9: Pretrial Case Management

Implementation of standard pretrial management practices, such as holding meaningful pretrial conferences, is the most effective mechanism for (a) promptly resolving cases before trial and (b) ensuring that cases going to trial are adjudicated without unnecessary delay. Successful pretrial management of cases requires both the court and counsel to attend the pretrial conference prepared to discuss the matters identified in the court's scheduling order, ICR 18, and any other issues or concerns unique to each case.

In criminal cases:

1. Pretrial conferences are usually set at least 14 days before a trial.
2. All pretrial motions should be filed in a timely manner, and in felony cases, pretrial motions should be heard on or before the date of the pretrial conference. This requirement is subject to constitutional considerations that may require some flexibility.
3. A list of witnesses, exhibits and requested jury instructions should be filed according to the scheduling order. Each criminal scheduling order is crafted to accommodate the needs of the Court, the witnesses, the parties, and any victim. Dates for disclosing witnesses, exhibits, and for requesting jury instructions may vary according to the individual case.
4. Scheduling orders provide guidance for the matters to be discussed at the pre-trial conference so that the parties can prepare for the hearing.

Checking the Status of Pending Case Matters

Judges understand that decisions must issue promptly, pursuant to Article V, section 17 of the Idaho Constitution. In light of this goal:

- When additional briefing or materials are necessary before the judge considers the matter under advisement, the judge sets clear deadlines for submission of the briefing or materials.
- If the judge takes a matter under advisement at the conclusion of oral argument, the judge clearly states the same on the record.
- In criminal cases, judges will often issue oral rulings on the record, as opposed to written decisions. Judges do this because almost all criminal cases are on a quick trial schedule and the parties need to know the Court's evidentiary rulings (including decisions on motions to suppress) to prepare for trial. Using this approach, the parties are not hindered in preparing for trial by waiting for a written ruling.
- If a judge does need to take a criminal matter under advisement, a proper notation of that fact is entered in the court's case management system. The judge's legal assistant and/or in-court clerk can assist in keeping track of the cases under advisement at any given time, to include the date on which the case was taken under advisement.

When parties to a case inquire about the status, the in-court clerks and/or legal assistants advise the parties that the matter is still pending, the scheduled timing of future events, or that the decision has been issued.

Section 2.10: Continuances

A continuance, for the purposes of this section, is when a party requests the postponement of a scheduled hearing or trial date. Courts exercise discretion in determining whether to grant or deny a requested continuance. While courts employ the legal standards to reduce unnecessary delay, they remain mindful that some delays are necessary and warranted to effectuate justice or to facilitate effective resolution of cases.

A joint or stipulated motion for a continuance is not binding on the court (See ICR 27).

The factors the court considers in determining whether to grant a motion to continue include but are not limited to:

1. The reason for the request and when the reason arose.
2. Whether the reason for the request was within the control of counsel or was otherwise reasonably foreseeable.
3. Whether granting or denying the motion would unfairly prejudice either party.
4. The number of continuances previously granted.
5. The age of the case.
6. The days remaining before the trial date.
7. Whether all of the named parties agree to the continuance.
8. The length of the postponement that would be required if the motion were granted.
9. Whether there has been a substitution of counsel.
10. Difficulties associated with obtaining forensic evidence.
11. Whether the defendant has applied for acceptance into a problem-solving court.
12. The defendant's constitutional right to a speedy trial.
13. Whether the defendant is in custody.

Taking all of the above factors – and any case-specific factors – into account, Fourth Judicial District judges determine whether to grant or deny a continuance. Judges recognize that continuances are not favored and require a showing of, *at least*, good cause before granting a continuance. Whether a particular judge requires a showing of more than good cause will vary, depending on the circumstances.

Section 2.11: Management of Trials

Whenever possible, criminal trials are always scheduled to proceed on consecutive days from commencement to conclusion, whether the trial will be conducted to a jury or to the bench. Trials are conducted so as to make the most effective use of the time of jurors, victims, witnesses, interpreters, judges, attorneys, and court staff.

Jury deliberations should adhere to the provisions of ICAR 65(b).

The judges of the Fourth Judicial District adhere to practices to minimize trial duration and inconvenience to jurors and witnesses. Judges are aware of the costs associated with jury trials, including, but not limited to: the costs of sheriff's deputies, transport staff, attorney time, juror costs (including any meals and per diem), and use of courtroom resources. Judges seek to reduce these costs where possible, but nevertheless prioritize both parties' right to a fair trial, victims' constitutional rights and due process of law. These practices further those goals:

- All judges decide pre-trial motions before trial begins.
- In the event that a judge has two criminal trials set to begin on the same day, the judge's in-court clerk contacts the Trial Court Administrator, who requests the assistance of a plan B or senior judge to preside over one of the jury trials. This is done at least several days before trial, and usually a week before trial. The judge and/or the judge's in-court clerk will advise the parties in advance of trial which criminal trial the sitting judge will handle, and which criminal trial will be handled by the plan B or senior judge.

Section 2.12: Post Plea or Verdict Case Management

A considerable portion of the time required to resolve a criminal case occurs after a defendant enters a plea of guilty or is found guilty at trial. Idaho courts work with their justice system partners (particularly the Idaho Department of Correction) to minimize the delays associated with presentence reports. The court timely prepares the judgment and commitment orders. Presentence investigations are governed by ICR 32 and I.C. § 19-2524. Court clerks transmit PSI orders to IDOC District Offices immediately after they are entered, initiating the PSI process.

Each judge in the Fourth Judicial District takes those steps within that judge's control to streamline the process of preparing presentence reports including, where appropriate, waiving updated presentence reports for a probation violation disposition hearing.

Section 2.13: Post-conviction Proceedings

A petition filed pursuant to the Uniform Post-Conviction Procedure Act is civil in nature, is governed by the Rules of Civil Procedure and is entirely distinct from the underlying criminal action. However, the claims in the petition arise from the underlying criminal case, thus requiring a simultaneous review of both the civil and criminal case filings. The Fourth Judicial District takes the following steps to ensure the fair and timely resolution of post-conviction proceedings:

1. Post-conviction cases are, where possible, assigned to the judge who handled the original criminal case.
2. The appointment of post-conviction counsel, when requested, is governed by the provisions of the Uniform Post-Conviction Procedure Act, I.C. § 19-4901, *et seq.*, and applicable case law.

Section 2.14: Probation Revocation Proceedings⁴

The court, the prosecution, the defense, and the Idaho Department of Correction devote substantial time in an ordinary criminal case to the filing, processing, and resolution of probation revocation motions. Management of offenders sentenced to probation is an important part of achieving the goals of sentencing: punishment, rehabilitation, deterrence, and protection of the community. The processing of probation revocations can be complicated by concurrent prosecution of the probationer for subsequent criminal conduct which forms in whole or in part the basis of the revocation petition.

The Fourth district takes the following steps to maximize the effective use of the resources of the courts, prosecution, defense and IDOC in resolving probation revocation matters:

- Probation officers make recommendations to the Court in their reports of claimed probation violations. Probation officers recommend continuing probation, retaining jurisdiction (sometimes for a second time), imposing the underlying prison sentence, or enrollment in a problem solving court. If a probation officer is not in a position to make a specific recommendation (for example, the case was recently transferred to his/her caseload), the probation officer provides the reason for the lack of recommendation.
- Where appropriate, judges set status conferences in advance of the evidentiary hearing on the alleged probation violation. The prosecution and defense confer in advance of the status hearing and, at the status conference, advise the Court if the matter can be resolved without an evidentiary hearing. This process reduces the number of unnecessary subpoenas issued and conserves witness, court, and attorney time.
- If the parties agree on the appropriate disposition, and the agreed-upon disposition appears appropriate to the judge, the judge has the ability to waive the preparation of an updated PSI report and proceed to disposition on the same day the Court takes the admissions to the probation violation. When employed, this option may reduce a Defendant's time in custody and the associated costs.
- After a judge hears evidence on a motion for probation violation, the judge will rule from the bench, if possible. If not possible, and the matter is taken under advisement, the judge issues a written decision as quickly as possible.
- Dispositions on admissions to probation violations are scheduled as quickly as possible after the admissions are taken in court. Because the parties often do not need an updated PSI, disposition hearings can be scheduled as soon as one week after the admissions are taken. To facilitate a quick turnaround time, judges in the Fourth Judicial District share PSI's from their criminal cases with the judge presiding over the probation violation.

Section 2.15: Effective and Consistent Monitoring of Case Management Reports

Caseflow management necessitates the regular production of case management information from an automated system. Case management reports provide a means of identifying and preventing delay in the processing of individual cases and the buildup of a case backlog that can result in an overall delay in the processing of all cases. They also provide information about potential sources of delay.

⁴ Significant policy changes pertaining to felony probation are being implemented per SB1357 and monitored per SB1393 (Justice Reinvestment Initiative), passed by the Idaho Legislature in 2014. Modification to this section of the case district caseflow management plans will be necessary to accommodate future policy and/or procedural changes.

The production of case management information is not sufficient in and of itself, however, to ensure effective caseload management. Equally important is the utilization of this information, as follows:

1. Judges consistently and effectively monitor their case management reports and take appropriate action to ensure that meaningful events are set for all cases, that case processing goals are being met, and that potential sources of unnecessary delay are identified so that they may be addressed through case management.
2. Administrative district judges and trial court administrators closely monitor reports for their districts to identify cases that are nearing or exceeding applicable time standards, areas where backlog may be developing, potential sources of systematic delay, and changes in overall caseloads and inequities that may be developing in caseload distributions that may require changes in judicial assignments.

It is the responsibility of individual courts to ensure that data entry practices are consistent with statewide uniform business practices thus resulting in accurate and reliable case management information.

Section 2.16: Special Considerations for District Plans

Language Access Services

Federal and state law requires judges to ensure parties, witnesses, and other interested individuals have meaningful access to the courts. Language access services are provided in all civil and criminal cases pursuant to Idaho Code § 9-205. Professional court interpreters are appointed pursuant to ICAR 52. Determining the need for services is done in a number of ways, including the following:

- For spoken languages, self-identification by the non-English speaker (or companion). For the deaf or hard of hearing, through an ADA request for accommodation.
- A judge finds there is a need for language access services.
- Court personnel may receive notice directly from the public, attorneys, guardians, probation officers, law enforcement and other participants.
- Outside agencies, such as social workers, law enforcement or correctional facilities notify the court about a LEP individual's need for auxiliary services for an upcoming event.

The Fourth Judicial District adheres to the following practices to ensure the most efficient use of available certified and non-certified interpreter resources:

1. The Interpreter Coordinator provides oversight and coordination of available interpreters to ensure their availability as needed.
2. The Interpreter Coordinator works on-site in the Ada County Courthouse and facilitates interpreters' appearances in court. The Interpreter Coordinator also coordinates appearances of interpreters by phone; for example, when the target language is relatively rare and no interpreters are available locally.
3. The Interpreter Coordinator coordinates with in-court clerks and the jury commissioner's office to ensure that interpreters appear on schedule in court.
4. Whenever possible, judges call cases assigned to an interpreter before any other case on the calendar. By prioritizing cases assigned to an interpreters, judges are aware that they save money, as well as the interpreter's time (who may be needed in another courtroom).

Jury Operations

Jury service is an important civic and community duty. The justice system cannot work fairly unless jurors perform their duties properly. Obtaining juror compliance with summonses, qualification questionnaires, court schedules, and other court requirements is important for the integrity of the jury process. In the Fourth Judicial District, the administrative district judge or the presiding judge in each case follows I.C. § 2-217 and I.C.A.R. 62 and 63 in excusing or postponing jury service, managing instances where a juror fails to respond to a proper jury summons, and using discretion to encourage appropriate jury service.

The Fourth Judicial District recognizes that it could not function without the jurors who appear to serve; thus, many of its policies are directed to ensuring that jury service is as pleasant and convenient as possible. Toward that end, the Fourth Judicial District adheres to the following practices:

1. Where appropriate, the Jury Commissioner provides oversight and coordination over those called to jury duty to ensure their availability as needed.
2. The Jury Commissioner is in constant communication with judges' in-court clerks, to ensure that cases are proceeding to jury trial and that the Jury Commissioner is not unnecessarily requiring a jury panel.
3. If a case settles at the last minute on the morning of trial, after a jury panel has been summoned from the community, the Jury Commissioner will often invite the presiding judge to speak to the members of the jury panel, to explain what happened. Judges are aware that this open line of communication with the jurors is important to ensure continued confidence in the court process.
4. The Jury Commissioner contacts non-appearing jurors, and, if appropriate, the Jury Commissioner may even use law enforcement to track down a non-reporting juror.
5. Jurors in the Fourth District have the option of donating their per diem funds to a general juror account. The Jury Commissioner oversees this account and uses it to assist jurors who may have special needs as a result of their service, including, but not limited to child care, elder care, pet or animal care, bus passes, taxi fares and counseling services.

Self-Represented Litigants

The Idaho Judiciary is committed to ensuring access to justice for self-represented litigants (SRLs). Consistency and predictability are vital to meeting this goal. Self-represented litigants may lack the expertise to manage their cases effectively. There are key points in a case where SRLs can unintentionally stall the progress of a case. The Judiciary's commitment to ensure fair and timely case resolution requires that these and other SRL concerns be addressed. All solutions will look toward effective practices that will not become obstacles to SRLs but will instead facilitate proper notification and access to information for SRLs so that they can more effectively navigate the court system.

It is rare that there are self-represented litigants in felony criminal matters. When that happens, the courts are careful to advise the defendant of his/her right to counsel and his/her ability to get court-appointed counsel. Often appointment of "standby" counsel is employed to ensure that the self-represented litigant is adequately advised.

Media Relations

The Idaho courts have a manual for judges on media relations and the handling of notorious cases. These issues are addressed in ICAR 45 and 46. In addition, ICAR 32 addresses public requests for court records, which includes media requests.

Administrative district judges establish effective relations between the court and the media, by scheduling forums or other opportunities for discussion with the media, and by providing general information to the media about the courts, the law, and court procedures and practices, to the extent permitted by the Idaho Code of Judicial Conduct.

Each judge in the Fourth Judicial District follows these standard procedures in dealing with requests for video coverage of criminal matters including, in some instances, referral of media requests to the administrative district judge or office of the trial court administrator.

Media representatives requesting video coverage are instructed to submit the standard application form as contained in Court Administrative Rule 45 to the presiding judge's secretary or clerk at least 24 hours in advance of the proceeding, unless court scheduling deadline present 24 hours advance notice.

Telephonic and Other Remote Appearances

IRCP 7(b)(4) and ICR 43.1 authorize the use of telephone conferencing to conduct hearings. Allowing parties, witnesses, interpreters, probation officers and attorneys to make court appearances without appearing personally in court can result in significant efficiencies and are allowed when they do not compromise the rights of a party. Stipulating to remote appearances by forensic testing personnel can reduce backlog in forensic testing requests.

In the Fourth District, remote appearances are allowed at the discretion of the presiding judge and are routinely granted. The procedures for arranging a remote appearance are to file a motion to the court or to simply contact the in-court clerk or legal assistance to make the necessary arrangements.

Section 2.17: Maintaining the Fourth Judicial District Case Management Plan

Once the Statewide and District caseload management plans are established, keeping the plans relevant will be a priority. Therefore, outreach and collaboration will be ongoing. Both at the state and at the individual judicial district levels, collaborative planning procedures will be maintained to promote regular and ongoing communication, problem solving and adaptation of caseload management processes to the ever-changing needs of the justice system and the communities it serves.

Major sources of future changes will be the deliberations and conclusions of the Advancing Justice Committee's work group on uniform business processes and the Judges Associations' efforts to develop uniform forms for all Idaho case types.

The Fourth Judicial District will maintain the criminal caseflow management plan by, among other things, having periodic meetings of the criminal caseflow management team to address any changes or improvements to the plan as they are brought to the attention of any team member. In addition, the criminal caseflow management plan could be a topic of ongoing discussion at bench/bar luncheons.