

In the Supreme Court of the State of Idaho

IN RE THE APPROVAL OF JUDICIAL
DISTRICT COURT RULES

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)

ORDER APPROVING DISTRICT
COURT RULES

Upon application of the district judges of the various judicial districts for the approval of district court rules,

NOW, THEREFORE, IT IS HEREBY ORDERED That the district court rules of each of the seven judicial districts be and the same are hereby rescinded.

IT IS FURTHER ORDERED That the District Court Rules of the First, Second, Third, Fourth, Sixth and Seventh Judicial Districts, in the form attached hereto and incorporated herein by this reference, are hereby approved.

IT IS FURTHER ORDERED That at the request of the district judges of the Fifth Judicial District, there shall be no district court rules of the Fifth Judicial District.

IT IS FURTHER ORDERED That this Order and the attached District Court Rules shall be effective from and after the 1st day of December, 1976.

IT IS FURTHER ORDERED That the Clerk cause this Order to be published in two consecutive issues of The Advocate and submitted to the Idaho State Bar, together with the attached District Court Rules, for publication in the Idaho State Bar Desk Book.

IT IS FURTHER ORDERED That hereinafter any changes in district judges, magistrates, or court personnel, or changes in law and motion days, terms of the district court, calendar call, or assignment of jurisdiction to magistrates, may be submitted to the Idaho State Bar for publication by the administrative district judge of a judicial district, with the approval of a majority of the district judges of the judicial district, without prior approval by the Supreme Court.

ENTERED this 29th day of October, 1976.

Joseph J. Madden
Chief Justice

ATTEST:

Judy E. Cizmich
R. H. Young, Clerk
By Judy E. Cizmich, Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTIES OF ADAMS, CANYON, GEM,
OWYHEE, PAYETTE AND WASHINGTON

DISTRICT COURT RULES

1. Law and Motion days are fixed in each county as follows:

Adams	Each first Tuesday at 10:00 a.m.
Canyon	Each Friday at 10:00 a.m.
Gem	Each second Monday at 10:00 a.m.
	Each fourth Monday at 10:00 a.m.
Owyhee	Each second Friday at 10:00 a.m.
Payette	Each first Friday at 10:00 a.m.
	Each third Friday at 1:30 p.m.
Washington.	Each first Monday at 10:00 a.m.
	Each third Friday at 10:00 a.m.

2. CALL OF CALENDARS; The District Court criminal calendars will be called in open court on the opening day of each term in each county. The District Court civil calendars will be called and cases set as follows:

On the third Monday of each month all of the judges of the District Court of the Third Judicial District of the State of Idaho shall meet in chambers in Caldwell, Canyon County, Idaho, and at said time consider for trial and/or pretrial setting all civil cases ready for trial and/or pretrial which are pending in Adams, Canyon, Gem, Owyhee, Payette and Washington Counties of the State of Idaho.

A party desiring to have a cause placed on the trial calendar and set for trial and/or pretrial shall, at least 15 days prior to said third Monday, file with the Clerk of the Court in which the cause is pending, and serve on adverse counsel and Judge Robert B. Dunlap in Chambers at Caldwell, Idaho, either personally or by mail a request for trial and/or pretrial setting in the following form:.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Plaintiff)
 vs)
Defendant) Civil No. _____
 Request for Trial and/or Pretrial Setting

1. Type of action _____
2. Court or Jury case _____
 (Court) (Jury)
3. Jury timely demanded according to Rule 38(b) I.R.C.P. _____
 (Yes) (No)
4. Name and address of opposing counsel _____

5. Estimated trial time _____ days.
6. Trial dates NOT available to counsel requesting setting _____

7. Name of member of firm or associate who will try case _____

8. If Jury case, have parties agreed on less than 12 jurors? _____
 (Yes) (No)
If yes, how many? _____
9. Pretrial requested _____
 (Yes) (No)

The undersigned certifies that the above-entitled case is at issue as to all parties, ~~_____~~
~~_____~~ that a copy hereof was served on Judge Robert B. Dunlap, (personally) (by mail) on the _____ day of _____ 19____, and opposing counsel (personally) (by mail) on the _____ day of _____ 19____, and requests that same be set for (trial) (pretrial).

10. Comments _____
Dated this _____ day of _____ 19____
Attorney for _____
Residing at _____
_____ Idaho.

If adverse counsel concur with the statements contained in said request, no further action need be taken and the case will be considered for setting by the Court as requested. In the event adverse counsel do not concur in the statements contained in said request or desire to advise the Court of trial and/or pretrial dates unavailable to them, said adverse counsel shall, within 5 days of the service of the request upon them, file with the clerk and serve upon requesting counsel and Judge Robert B. Dunlap at Chambers in Caldwell, Canyon County, Idaho, a response to request for trial and/or pretrial setting in the following form;

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF

Plaintiff) Civil No. _____
vs)
Defendant) Response to Request for Trial and/or Pretrial Setting

1. The undersigned does not concur in the statements contained in the Request for Trial and/or Pretrial Setting heretofore filed and served herein for the following reasons and in the following particulars _____
2. Name of members of firm or associate who will try case if set for Trial and/or Pretrial _____
3. Trial dates NOT available to responding counsel _____

The undersigned certifies that a copy hereof was served on Judge Robert B. Dunlap (personally) (by mail) on the ____ day of _____, 19____.

Dated this ____ day of _____ 19____

Attorney for _____

Residing at _____

Idaho.

Convenience of counsel will not be considered by the Court in setting of cases if the data concerning unavailability of trial dates is not furnished. If all pertinent data called for by the above forms is not furnished, the request and/or response will not be considered by the Court.

Cases shall be set for trial in chronological order according to date of mailing or delivery of the copy of the request to the Court.

In the event any request for setting is not timely filed or served for consideration by the Court on any third Monday or is not set for trial and/or pretrial by the Court because of unavailability of trial dates, such request will be considered by the Court on the ensuing third Monday and no new request need be filed or served, except to keep the Court advised of unavailable trial dates.

A stipulation of counsel for all parties, containing all pertinent information required by the above request and response may be filed and served in lieu of said request and response.

3. PRESENCE OF COUNSEL UPON CALL OF CALENDAR. In view of the provisions of Rule 2, only the criminal calendars will be called in open court at the opening day of each term and counsel concerned only with civil cases need not attend. Counsel with cases on the criminal calendar must attend.

MAGISTRATE COURT RULES

1. In addition to the Magistrate Division Courts established at the County Seats of each county in this District, the following additional facilities for the following purposes are hereby established:

NAMPA SECTION

120 9th Avenue South, Nampa, Idaho. Filing and hearing of traffic, misdemeanors and small claims only;

PARMA IDAHO

City Hall. Misdemeanors, traffic and small claims only. Court available for filings and hearings on Wednesdays only of each week at 2:00 o'clock p.m. All jury trials arising in Parma, Idaho will be held at the Nampa, Idaho Court;

HOMEDALE IDAHO

All matters assigned to Magistrates except probate, adoption, guardianship, cases re mentally ill and juvenile proceedings;

In addition to the above, qualified bond personnel may be provided in Nampa, Caldwell, Parma, Homedale, Murphy, Emmett, Payette, Weiser, Council and New Meadows, Idaho, to accept written appearances, waivers of trial, pleas of guilty, collection of fines and forfeitures and to set bail in accordance with provisions of Idaho Rules of Criminal Procedure.

2. All Magistrates of Canyon, Gem and Owyhee Counties shall meet together at the call of the Senior Canyon County Lawyer Magistrate for the purpose of allocation of their workload, assignment and setting of cases for trial, arrangements of the court calendars and for the purpose of holding any necessary conferences relative to procedure or other problems affecting the operation of the Magistrate Courts.

3. All Magistrates of Adams, Washington and Payette Counties shall meet together at the call of the Senior Washington County Lawyer Magistrate for the purpose of allocation of their workload, assignment and setting of cases for trial, arrangement of the court calendars and for the purpose of holding any necessary conferences relative to procedure or other problems affecting the operation of the Magistrate Courts.

4. Procedure for cases brought on for trial shall be the same as District Court Rule No. 2, except that copies of Requests for Trial for Canyon, Gem and Owyhee Counties shall be furnished to the Senior Lawyer Magistrate at Caldwell, Idaho, and that copies of Requests for Trial for Adams, Washington and Payette Counties shall be furnished to the Senior Lawyer Magistrate at Weiser, Idaho.

5. All Magistrates of the Third Judicial District are hereby assigned the matters specified in Idaho Code 1-2208 and Chapter 23, Title 1, Idaho Code and all additional matters as permitted by Rule 82(c)(1)(a).

Non Lawyer Magistrate Charles J. Jurries of Owyhee County and Alfred O. Perry of Gem County, are hereby assigned jurisdiction to handle all proceedings under Idaho Code, Title 15, Chapters 16 and 18 as heretofore authorized by the Supreme Court.

6. Jurisdiction to hold the hearings required by Idaho Code 32-202 to determine if minors are sufficiently developed mentally and physically to assume full marital duties is hereby assigned to all District Court Magistrates within this District and petitions for such hearings may be filed at any Magistrate Court facility except those established for special purposes as set forth above in Rule 1, Magistrate Rules.

7-1-79
6(a). All Lawyer Magistrates are hereby assigned the additional jurisdiction as permitted by Rule 82(c)(2) Idaho Rules of Civil Procedure as follows:

a. Civil actions where the amount of damages or value of the property claimed exceeds \$1,000.00 and does not exceed \$2,500.00.

b. All adoption proceedings pursuant to Chapter 15, Title 16 Idaho Code, and all termination of parent-child relationships pursuant to Chapter 20, Title 16 Idaho Code.

c. All proceedings for divorce, separate maintenance, and annulment, including Orders to Show Cause hearings and issuance of Restraining Orders, except trials on the merits of contested divorce, separate maintenance, and annulment actions and except any Petitions for Modification of decrees entered in said actions. All proceedings pursuant to the Revised Uniform Reciprocal Enforcement of Support Act and Idaho Code Section 32-710A. District Judges may also hear and determine default divorces at their discretion in the event of unavailability of Lawyer Magistrates.

7. The Lawyer Magistrates for Canyon County are hereby assigned, with concurrent jurisdiction, all cases in Gem, Canyon and Owyhee Counties which are within the exclusive assigned jurisdiction of Lawyer Magistrates.

8. The Lawyer Magistrate for Washington County is hereby assigned all cases in Adams, Payette and Washington Counties which are within the exclusive assigned jurisdiction of Lawyer Magistrates.


9. Each Magistrate in this District is assigned power and jurisdiction to handle any matter in any county of this District within his jurisdiction in the event any of the resident Magistrates is ill or for any other reason unable or unavailable to attend to such matters.

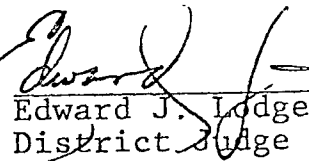
10. The Senior Lawyer Magistrate in Canyon County, Idaho, shall be responsible for all caseload management within the counties of Canyon, Gem and Owyhee.

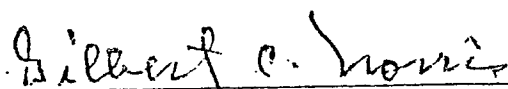
11. The Senior Lawyer Magistrate in Washington County, Idaho, shall be responsible for all caseload management within the counties of Adams, Payette and Washington.

12. The terms of the Magistrate Courts shall coincide with the District Court terms.

These rules shall take effect on the 1st day of November, 1975.


Robert B. Dunlap
Administrative District Judge


Edward J. Lodge
District Judge


Gilbert C. Norris
District Judge