

FILED
 A.M. 1:00 P.M.
 NOV-11-1991
 J. KERR, CLERK
 J. BUCKLEY
 DEPUTY CLERK

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
 THE STATE OF IDAHO

IN RE: AMENDMENT OF THE)
 DISTRICT COURT RULES FOR)
 THE THIRD JUDICIAL DISTRICT)

Administrative)
 Order)
 91-13)

WHEREAS, the Court having determined that it would be advisable and would promote efficiency to change the manner in which District Court civil cases are set for trial and to have name changes heard in the magistrates division,

IT IS HEREBY ORDERED that the District Court Rules of the Third Judicial District as they appear in the Idaho State Bar Desk Book are amended by amending District Court Rule 2 and Magistrate Court Rule 5(A)b to read as follows:

DISTRICT COURT RULES

2. Civil Trial Settings. District Court civil cases will be 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 the 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 the Administrative Judge in Chambers in 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,)	Civil No. _____)
)	REQUEST FOR TRIAL)
vs.)	AND/OR)
)	PRETRIAL SETTING)
Defendant,))

1. Type of action _____
2. Court or jury case _____
3. Jury timely demanded according to Rule 38(b) I.R.C.
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 the case:

8. If jury case, have parties agreed on less than 12 jurors?

If yes, how many? _____

9. Pretrial requested? _____

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

10. Comments _____

DATED this _____ day of _____, 19 ____.

(Name of Attorney)

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 the Administrative Judge 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. _____
)	RESPONSE TO
vs.)	REQUEST FOR TRIAL
)	AND/OR
)	PRETRIAL SETTING
Defendant.)	

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 _____.

Trial dates **NOT** available to responding counsel

_____.

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

DATED this _____ day of _____, 19 ____.

(Name of Attorney)

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.~~

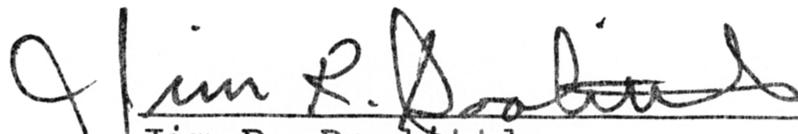
A stipulation of counsel for all parties, containing all pertinent information required by the above request and response may be filed and served in lieu of said request and response.

MAGISTRATE COURT RULES

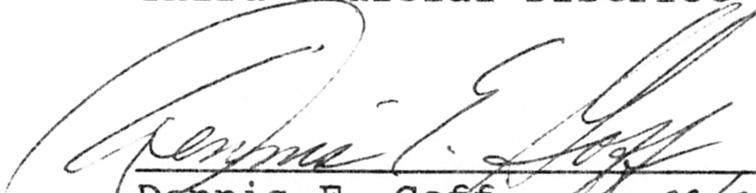
5(A) All Lawyer Magistrates are hereby assigned the additional jurisdiction as permitted by Rule 82(c), Idaho Rules of Civil Procedure as follows:

- a. Civil actions where the amount of damages or value of the property claimed does not exceed \$5,000.
- 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, and all actions for change of name.
- c. All proceedings for divorce, separate maintenance and annulment, including Order to Show Cause hearings and issuance of restraining orders; 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 divorces at their discretion.
- d. All proceedings to establish paternity pursuant to Chapter 11, Title 7, Idaho Code.
- e. All proceedings under the Uniform Child Custody Jurisdiction Act, Chapter 10 of Title 5, Idaho Code.

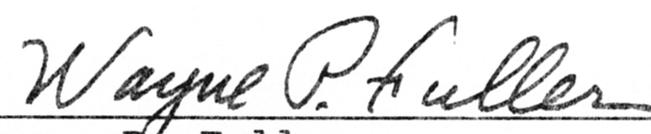
Dated this 28 day of October, 1991.



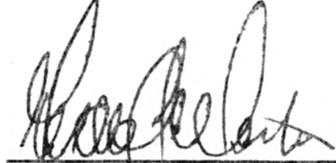
Jim R. Doolittle
Administrative District Judge
Third Judicial District



Dennis E. Goff
District Judge



Wayne P. Fuller
District Judge



Gerald L. Weston
District Judge