

In the Supreme Court of the State of Idaho

IN RE: ORDER AMENDING LOCAL RULES)
OF THE THIRD JUDICIAL DISTRICT)

ORDER

The Administrative Judge of the Third Judicial District, having submitted a proposal to amend the local rules pursuant to Rule 1(c) of the Idaho Rules of Civil Procedure to include the Family Law Criminal Caseflow Management Plan that was previously approved by this Court on May 25, 2017, and the Court having approved that proposal;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the local rules of the Third Judicial District be amended to include the approved Family Law Caseflow Management Plan, attached to this order, and the amended local rules are hereby approved and adopted.

IT IS FURTHER ORDERED, that the amended local rules of the Third Judicial District shall become effective immediately.

IT IS FURTHER ORDERED, that said amendments to the Local Rules of the Third Judicial District of the state of Idaho shall be sent to the trial court administrator of the Third Judicial District for publication and dissemination.

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

Dated this 15 day of August, 2018.

By Order of the Supreme Court

R. Burdick

Roger S. Burdick, Chief Justice

ATTEST:

Karel A. Lehrman
Clerk

I, Karel A. Lehrman, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
certify that the above is a true and correct copy of
the Order
entered in the above entitled cause and now on
record in my office.

WITNESS my hand and the Seal of this Court 8-15-18

KAREL A. LEHRMAN

Mark L. ... Clerk

By: Mark L. ... Chief Deputy

Family Law Caseflow Management Plans

3rd District

District Order Amending Local Rules

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

IN RE: AMENDMENT OF THE LOCAL)
RULES OF THE THIRD JUDICIAL)
DISTRICT TO ADOPT A FAMILY LAW)
CASEFLOW MANAGEMENT PLAN)
_____)

ORDER

WHEREAS, it appears that the Idaho Supreme Court approved the Family Law Caseflow Management Plan for Idaho's Third District on or about May 25, 2017; and


WHEREAS the Idaho Supreme Court's December 7, 2015 Amended Order Regarding Caseflow Management Plans provides that each district caseflow management plan "shall be adopted by local rule, subject to the approval and publication by the Supreme Court, in accordance with I.R.C.P. (1)(c) or I.C.R.(2), prior to their effective date;"

NOW, THEREFORE IT IS ORDERED:

Pursuant to the Idaho Supreme Court's December 7, 2015 Amended Order Regarding Caseflow Management Plans and the authority granted by I.R.C.P. 1(c), the District Court Judges of the Third Judicial District hereby amend the Third Judicial District local rules by adopting and adding the attached "Family Law Caseflow Management Plan for Idaho's Third District."

This Order amends and revokes any existing inconsistent order or orders dealing with the same subject matter, shall govern all family law proceedings in the Third Judicial District, and shall be effective upon approval and publication by the Idaho Supreme Court, as provided in I.R.C.P. 2(c). This Order shall be posted in a conspicuous place in the Clerk's Office of each county in the Third Judicial District, shall be published in the Idaho State Bar Desk Book, and shall be posted on the Third Judicial Court website located at: <http://www.the3rdjudicialdistrict.com>.

Dated this 25th day of August 2017.



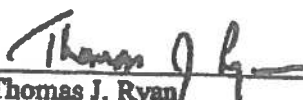
Hon. Bradley S. Ford
Administrative District Judge



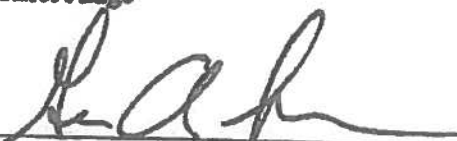
Hon. Christopher S. Nye
District Judge



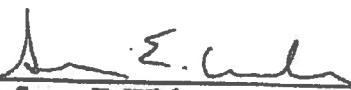
Hon. Gene A. Petty
District Judge



Hon. Thomas J. Ryan
District Judge



Hon. George A. Southworth
District Judge



Hon. Susan E. Wiebe
District Judge



Hon. Davis VanderVelde
District Judge

Family Law Caseflow Management Plan for Idaho's Third Judicial District

Statement of Purpose

This caseflow management plan will be administered consistently with Idaho's Statewide Caseflow Management Plan. It applies to the management of the following types of cases: divorce with children, divorce without children, child custody, legal separation, annulments, paternity, child support, de facto custodian, and modifications of any of the aforementioned case types.

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

All magistrate judges are assigned matters specified in Idaho Code 1-2208 and Chapter 23, Title 1, Idaho Code. 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.

Backup judge coverage may be provided in instances of scheduling conflicts, judicial conferences, vacations, illness, etc., by assignment to both senior and sitting judges, as available.

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.

Judicial assignments for the hearing of family law cases in the Third Judicial District are set forth in the Idaho State Bar Desk Book and are modified from time to time.

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."

Section 2: Management of Family Law Cases

Section 2.1: Idaho Time Standards for Processing Family Law Cases

Idaho Court Administrative Rule 57 establishes time standards for case processing for individual case types. Per the rule, the time standards “are adopted as guidelines for judges, trial court administrators, lawyers, and litigants to assist them in determining the length of time it should take to conclude a case in the trial courts.” Time standards establish reasonable, mutual expectations for the courts, attorneys, and the public and can be an effective way of boosting public confidence in the Idaho courts.

When monitored regularly, time standards serve as a tool to assist courts with managing caseloads, preventing backlog, and assessing progress towards case processing goals. In short, they are a tool for ensuring that Idaho Courts are meeting their goal to provide timely case resolution as reflected in the Mission Statement of the Idaho Judiciary and as mandated in the Idaho Constitution. The identification and monitoring of processing times for key interim case events for each case type is an additional tool to assist with case management efforts, allowing for the identification of specific areas of delay in the case process.

Judges, clerical staff, and trial court administrators consistently monitor time standard reports each month and use the information to take action in particular cases and to adjust processes and reallocate resources to meet case processing goals.

Pursuant to ICAR 57, the current time standard for family law cases (new filings only) is 180 days from the filing of the petition to disposition. The revised time standards that have been approved by the Idaho Supreme Court for piloting to begin in 2015 are:

New Cases	75% within 120 days 90% within 180 days 98% within 365 days Measured from filing of the petition to disposition (entry of judgment)
Modifications	75% within 120 days 90% within 180 days 98% within 270 days Measured from the filing of the petition to modify to disposition (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) identifying cases in which continuity of judicial attention is important, 3) to designate the instances in which cases involving the same parties or members of the same family (regardless of case type) 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 Third Judicial District is not susceptible to control or manipulation by parties or attorneys.

The Third Judicial District employs the following case assignment process for family law cases:

All judges work on an individual calendar basis and are responsible for the cases assigned to them.

Cases are assigned to judges using the following procedure:

All family law cases in one-judge counties are assigned to that resident magistrate judge. In multiple judge counties, new family law cases are randomly assigned upon filing among the judges who are designated to receive family law cases.

The Third Judicial District adheres to the provisions of IRFLP 110 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.

All recusals and disqualifications are referred to the office of the trial court administrator for reassignment to another judge. In one-judge counties, the trial court administrator assigns the case to a judge from another county. In multiple judge counties, the new judge is selected randomly by the computerized case management system.

Section 2.3: Service, Joinder of Issues and Engagement of Counsel

Delay in, or failure of, service of process, joinder of issues, and engagement of counsel often lead to long delays in the commencement of a family case or to a case's dismissal for failure to take action. Problems with service of process and joinder of issues are particularly likely to arise in cases where the petitioner is self-represented. It is important for respondents to have an adequate opportunity to consult or retain counsel not only to protect their legal rights but also to facilitate the earliest resolution of civil cases. However, persistent failure to obtain counsel is also a cause of unnecessary delay.

The Third Judicial District follows these practices in helping self-represented litigants to complete service of process:

Court assistance office services are available in each county in the judicial district. Those offices are able to direct litigants to forms for use in service of process and explain how to accomplish service of process.

The Third Judicial District follows these practices in helping self-represented respondents to complete the preparation and filing of an answer and obtain counsel in a timely manner:

The Third Judicial District has court assistance office resources available to each county in the judicial district to provide assistance to self-represented litigants. In addition to providing walk in office hours, the court assistance office has weekly pre-filing workshops in Canyon County, a post-filing workshop for self-represented litigants with cases where child custody is an

issue and also a free monthly clinic where an attorney is available on a first come first served basis to provide advice to self-represented litigants.

The Third Judicial District carefully follows the provisions of IRFLP 120 in dismissing civil cases for failure to take action and in allowing their reinstatement.

Although most clerk's offices in the district are routinely monitoring caseloads to identify cases that are inactive and subject to dismissal, the trial court administrator also conducts monthly audits of case reports for all counties in the district in an effort to identify cases that appear to need particular attention or cases that are simply inactive and subject to dismissal.

Section 2.4: Proactive Case Management/Early and Continuous Assessment

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 District adopts a proactive case management approach that monitors the progress of all family cases and proactively intervenes in every case that is not progressing satisfactorily. Idaho judges continuously assess cases to ensure that every case receives individual attention and to make sure that the amount of individual attention is proportional to need. The amount of court time and resources devoted to a case and the pace at which a case progresses depends on the complexity and 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. Through an early and ongoing assessment process, the judge manages the progress of a case in a manner that will result in the most timely and just resolution possible, given the individual circumstances of that case.

The court maintains early and continuous control of all cases from initiation through post-disposition proceedings by the use of:

- Assessment of the need for interpretive services;
- Case assessment to determine the most appropriate plan for managing a case, including referral to family court resources and services;
- Scheduling orders and conferences for purposes of achieving date certainty;
- Management of discovery and motion practice in accordance with the Idaho Rules of Family Law Procedure;
- Realistic setting of trial dates and time limits;
- Court control of continuances for purposes of fostering early voluntary resolution of most cases and achieving trial date certainty for those cases that are resolved by trial.

Ongoing review of cases is necessary to ensure that a future action or review date has been set by the court in every case.

Differentiated Case Management (DCM) is an effective case management tool that involves formally screening cases at initiation and assigning them to a predefined "case track" that is proportionate to the needs of that case. Districts have the option of employing a DCM process. If used, judges have the discretion to move a case from its assigned path to one that is more appropriate, given the developments in the case.

The court uses the following criteria when utilizing differential case management or otherwise proactively managing a family case:

- Whether there are pending child protection, juvenile delinquency, guardianship, or other cases involving the same family including criminal histories;
- Number of parties;
- Whether the parties are represented by counsel;
- Whether the issues in the case will be contested;
- Whether the case involves minor children; cases involving younger children may need special attention;
- The length of the marriage or whether the parties were never married;
- Whether a party is in the military and/or out of state;
- A history of, or evidence of the existence of, domestic violence, substance abuse, child abuse, or mental health issues;
- Complexity of factual and legal issues, for example, the amount of and nature of property involved in the case, children's behavioral issues, children's special needs, or the level of parental conflict; and
- Likelihood of going to trial/informal custody trial and estimated length of trial.

The Third Judicial District uses the following processes to ensure that family law cases are assessed early and managed proactively and on an ongoing basis:

Cases that require an interpreter are flagged in the computerized case management system as interpreter cases upon filing and file jackets are prominently marked on the outside to indicate that an interpreter is required for the case. This is done in order to prevent proceedings from being vacated or continued due to the unavailability of an interpreter.

Cases are immediately referred to the assigned judge's clerk or secretary upon the filing of a responsive pleading. In cases that involve child custody issues, an order is issued that requires the submission of a stipulated parenting plan agreement or in the alternative the parties must submit to mediation. Scheduling notices are sent setting the case for a pretrial conference and trial in some instances. Some judges are not setting trial dates until the pretrial conference has been held and there is no resolution of the case.

All active and related cases should be assigned to one judge.

A status/scheduling conference should be set within 45 days after the filing of a responsive pleading. A standard scheduling order template should be used that covers the following matters: identification of issues related to child custody and property, mediation, experts and other witnesses, required evaluations, interpreters, brief focused assessments and available resources to assist in the adjudication of issues.

Idaho Courts are committed to resolving family cases through the combined efforts of the courts, the family, and community services—in ways that are least adversarial and intrusive. Therefore, a continuum of services and inter-disciplinary professional collaboration with the court is needed. There are finite resources available to Courts and families for case resolution. Further, one size does not fit all families.

The Third Judicial District uses the following process for assigning cases to Family Court Services or other appropriate services:

Each judge exercises discretion and may sua sponte or upon request of a party or parties to the action refer the matter to Family Court Services for financial assistance in accessing mediation or supervised access services or for the completion of an brief focused assessment or other appropriate evaluation as order by the court.

Teleconferencing and video conferencing are permitted by IRFLP 118 and are used as a means of reducing delay and expense.

Section 2.5: Calendar Setting and Scheduling of Events

Calendar Setting

Most family case hearings are initiated by the court, based on the results of its monitoring the progress of the case. Each judge presiding over an individual calendar controls and sets his or her own calendar. For judges sitting on a master calendar docket, the calendar is managed and coordinated between the judges and trial court administrator's office or clerk's office responsible for calendaring.

When an attorney or party determines that a hearing is warranted, for judges presiding over an individual calendar, the party or counsel contacts the clerk of the presiding judge to calendar a matter for a time certain. For judges sitting on a master calendar docket, matters are scheduled for a time certain 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; setting outside of an applicable time standard are made only upon showing of good cause and upon order of the presiding judge.

Scheduling complies with the time standards adopted by the Idaho Supreme court.

Family cases are set for trial at the time of the scheduling conference unless otherwise ordered by the court.

The process used for setting family cases for trial is:

At the time a responsive pleading is filed, the case file is sent to the judge's clerk/secretary for purposes of a scheduling conference being set. The scheduling conference is set within 45 days after the filing of the responsive pleading. Pretrial dates and, at the discretion of the judge, trial dates are set at the scheduling conference.

The Third Judicial District follows these practices to avoid scheduling conflicts for parties, counsel, interpreters, and court reporters in family cases:

The scheduling conference is utilized to clarify schedules and to avoid scheduling conflicts.

The Third Judicial District follows these additional practices to maximize the efficient use of the time of judges, court staff, attorneys, and expert and lay witnesses:

Judges require strict adherence to the provisions of the pretrial order.

Scheduling of Events

All scheduled case events are meaningful events, defined as events that (a) move a case towards disposition and (b) prompt the attorneys and parties to take necessary action. Scheduling and conducting events that are not meaningful creates unnecessarily long lapses, having potentially negative impacts on the families. Monitoring the effectiveness and timeliness of interim case events between filing and disposition helps to prevent unnecessary delay.

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

Service of summons	Mediation completed
Completion of co-parent education or waiver	
Filing of responsive pleading	Assessment/evaluation ordered
Case screening	Assessment/evaluation completed
Scheduling order	Discovery cutoff date
Motion for temporary order	Filing of dispositive motion
Order on motion for temporary order	Pre-trial conference
Ordered to mediation	Start of trial

The following guidelines are used to ensure that case events are meaningful.

- A scheduling conference is set by the court clerk or a scheduling order is issued shortly after an answer is filed [see IRFLP 701].
- A trial date is set at the scheduling conference. Attorneys are responsible for maintaining their availability for the trial date set.
- Attorneys come to the scheduling conference prepared to provide a list of available dates and reasonable estimates of the time necessary to a) prepare for trial and b) actually try the case.

- The judge controls the calendar. Requests for continuances are considered by judges in accordance with Section 2.10 of this plan.
- Scheduling orders and discovery will conform to IRFLP. Mediation is encouraged in every appropriate family case and the deadline for completion of mediation is included in a court order.

The Third Judicial District follows these practices to ensure that all scheduled events in family cases are meaningful:

At the scheduling conference, the judge emphasizes that attorneys and parties will be held to the provisions in the resulting scheduling order.

Section 2.6 Motion Practice

Motion practice conforms with Idaho Rules of Family Law Procedure, Chapter V.

The substance and need for motions varies widely and are most likely to be filed by attorneys rather than self-represented parties. Since 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. This management is best done in an early scheduling/trial order. Requiring compliance with the motion deadlines eliminates a significant potential for unreasonable delay.

Courts do not allow the parties to modify discovery deadlines set by court rule or court order by stipulation without authorization of the court and permit modification only as necessarily and, if possible, without disturbing firm trial dates.

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

- Dispositive motions are filed pursuant to IRFLP Chapter V but can and should be set earlier in the case.
- 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.
- 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.
- Courts diligently consider and rule on motions, in compliance with the requirements of the Idaho Constitution, and to prevent unreasonable delay.
- Informal methods should be adopted for consideration and resolution of motions, such as conducting hearings of non-dispositive motions by teleconferencing.

The court should adhere to the following general guidelines and rules when considering motions:

Deadlines for the filing of motions should be included in the pretrial order. All motions should be heard at least 30 days in advance of the trial date. Affidavits accompanying motions must contain sufficient detail to allow the judge to know what specific issues must be resolved.

The Third Judicial District follows these procedures for the filing, hearing, and disposition of motions in family law cases in a timely manner:

The pretrial order should be specific in setting deadlines for the filing of motions. Motion hearings should be limited to oral argument with supporting evidence presented by affidavit. Judicial calendars have consistent slots available in which to set motion hearings. Status conferences are set for cases in which there is a setting for temporary orders so that the parties and the judge have an opportunity to negotiate a settlement for temporary orders.

Section 2.7: Discovery Practice

Discovery is a significant portion of the litigation time and expense. 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 case management order manages the time and expense devoted to discovery while promoting just dispositions at the earliest possible time.

- Discovery in civil cases is generally governed by IRFLP Chapter IV.
- Courts have the authority to manage discovery as justified, pursuant to IRFLP 402, and do so in scheduling/trial orders consistent with the guidelines set forth above.
- Discovery deadlines are firmly set in scheduling/trial orders and adhered to by the parties and the Court. However, judges do not allow the deadlines contained in scheduling/trial orders to be used as a basis for failing to timely respond to or supplement properly served discovery, including requests for disclosure of trial witnesses and/or exhibits. Courts do not allow the parties to modify discovery deadlines by stipulation without authorization of the court and permit modification when necessary, preferably without disturbing firm trial dates.
- Motions to compel discovery responses strictly comply with IRFLP 443, requiring parties to make every reasonable effort to resolve discovery disputes without court intervention.
- Court sanctions, pursuant to IRFLP 443-448, are used to curb abuses of the discovery process, including deliberate delay.

The Third Judicial District follows these procedures to facilitate the exchange of discovery materials in family cases:

A cutoff date at least 30 days before trial is established in the pretrial order for the exchange of discovery materials. Exhibit information is exchanged within 5 days following the discovery cutoff date. Telephone conferences and/or informal chamber conferences are allowed in an attempt to resolve disputes over discovery issues. When necessary, judges offer informal opinions on issues related to discovery to assist in the resolution of those issues.

The Third Judicial District follows these procedures to assist self-represented petitioners and respondents with discovery issues:

The same options offered to attorneys are offered to self-represented parties. Parties are also made aware of the services available through the court assistance office.

Section 2.8: Early/appropriate case resolution processes

All structured dispute resolution processes conform to the governing court rule or statute applicable to a specific case. Appropriate dispute resolution in family law cases is governed by IRFLP, Chapter IV. Settlement conferences are governed by IRFLP 701. As early as practical, the court shall in every case consider the appropriateness of all forms of dispute resolution, including education, mediation, or settlement conferences, 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 resolution in all such cases as deemed appropriate.

Mediation is encouraged in every civil case and the deadline for completion of mediation is included in the scheduling order.

IRFLP 603 authorizes mediation of “[a]ll civil cases other than child custody and visitation disputes.” IRFLP 602 governs mediation “regarding issues of custody, visitation, or both” in “[a]ll domestic relations actions involving a controversy over custody or visitation of minor children at the pre-trial, trial and post-decree stages.” All mediation is conducted in conformance with the *Uniform Mediation Act*, Idaho Code §9-801, *et. seq.*, or as amended and ordered by the authorizing court.

The Third Judicial District has established the following programs to facilitate the earliest possible resolution of family cases:

An order to attend the Focus on Children class is entered in all cases at the time of filing when child custody is an issue. This applies not only to new cases but also to cases reopened by modification motions. Upon the filing of a responsive pleading, parties are ordered to either submit a parenting plan agreement or the parties are ordered into mediation.

Section 2.9: Pretrial Case Management

Implementation of standard pretrial management practices for cases that are very likely to proceed to trial, 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, IRFLP 704, and/or any other issues or concerns unique to each case.

The following guidelines are used for pretrial case management:

- Consider the need for interpretive services.

- Final pretrial conferences and any pretrial submissions ordered by the presiding judge are required at least 14 days before a trial.
- In complex cases, an initial pretrial conference is set at least 30 days before trial.
- Deadlines are set for dispositive motions and motions in limine. Dispositive motions are filed early enough that they are heard by the court at least 60 days before the pretrial conference, allowing the court to make a ruling before the final pretrial conference. Motions in limine are filed early enough that they are heard by the court no later than the date of the pretrial conference.
- Scheduling orders reference IRFLP 702 and inform attorneys that they are to be prepared to discuss such matters at the pretrial conference.
- Disclosure of witnesses, pursuant to IRFLP 401, occurs 42 days before trial.
- Participation of children, pursuant to IRFLP 119, including motions to allow child testimony are filed 28 days prior to trial.

The Third Judicial District follows these procedures as part of its management of the pretrial stage of family cases:

At the pretrial conference held 30 days before trial, the court determines what issues will be tried and what issues have been resolved by stipulation so that the focus at trial can be on unresolved issues. Any matters resolved by stipulation must be incorporated into a written stipulation. Pretrial conferences for cases in which the parties are represented may be held off the record in chambers. Pretrial conferences for cases involving unrepresented parties must be held in open court and on the record. The judge must take the time to explain to unrepresented parties the basic rules and processes that will be followed during the trial. Unrepresented parties should be referred to the court assistance office at least 10 days prior to the pretrial conference so that their pleadings can be reviewed and corrected or revised as necessary.

The Third Judicial District follows these procedures to ensure the time allotted for trial is appropriate:

The court should be thorough in the preparation of both the scheduling and pretrial orders so that parties have participated in the trial setting and have a clear understanding of the amount of time allowed for trial.

Section 2.10: Continuances

Subject to IRFLP 104.F, continuances are requested by a written motion setting forth the basis of the motion. The motion also sets forth all prior continuances requested in the action. If a basis for the continuance is a conflict in a schedule, a copy of the court notice constituting the conflict is attached to the supporting affidavit. Any motion for a continuance of a trial date is signed by the litigant as well as by counsel.

A party objecting to the requested continuance may, but is not required, to file a written objection to the motion.

In accordance with IRFLP 104, a party may request oral argument on a motion for continuance. In its discretion, the court may deny oral argument. A joint or stipulated motion for a continuance is not binding on the court (IRFLP 104.F).

In family law cases, the factors the court considers in determining whether to grant a motion to continue include but are not limited to:

- The reason for the request and when the reason arose;
- Whether the reason for the request was within the control of counsel or was otherwise reasonably foreseeable;
- Whether granting or denying the motion would unfairly prejudice either party;
- The number of continuances previously granted;
- The age of the case;
- The days remaining before the trial date;
- Whether the case can be tried in the time allotted; and
- Whether all of the named parties agree to the continuance.

The judges of the Third Judicial District have adopted the following policy governing continuances in family law case:

Continuances are not generally favored, and will be granted only out of necessity and upon a showing of good cause

Section 2.11: Management of Trials

Family law hearings and trials are scheduled to proceed on consecutive days from commencement to conclusion. Trials are conducted so as to make the most effective use of the time of witnesses, interpreters, judges, attorneys, and court staff.

The judges of the Third Judicial District adhere to the following practices to minimize the amount of time and resources required to conduct family trials, and to minimize the inconvenience to parties and witnesses, consistent with constitutional principles of fairness and due process of law:

Trials requiring more than one day to complete are scheduled when feasible on consecutive days. Stipulations are encouraged for the entry of certain evidence into trials in order to preserve trial time for contested issues. Counsel and parties are notified of the priority of trials ahead of the trial date. Exhibits should be filed in accordance with the scheduling order approximately 30 days before trial. Although the Rules of Family Law Practice allow all evidence to be introduced at trial, the judge will decide what evidence is relevant and will be admitted at the trial.

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

Strict adherence to the pretrial order is required in all cases. Parties are notified prior to the scheduled trial date of the priority of trials if there are multiple trial settings. Scheduling deadlines continue in place for cases delayed or extended to future dates for completion.

Section 2.12: Preparation and Entry of Judgment

A considerable portion of the time required to resolve a family case occurs after the case has been resolved. This is particularly true in cases in which both parties are self-represented.

The Third Judicial District takes the following steps to ensure timely presentation of a judgment in family cases involving an attorney or attorneys:

The attorney for the prevailing party is ordered to submit a judgment within fourteen (14) days of the completion of trial and counsel for the opposing party must submit any objection to the proposed judgment within 5 days of the proposed judgment having been submitted to the court. Absent an objection being filed, the judgment may be entered 7 days after submission to the court. The judge's clerk/secretary calendars the timelines either in Outlook or in the computerized case management system as a reminder so that the judgment is timely entered.

The Third Judicial District takes the following steps to ensure timely presentation of a judgment in family cases in which no attorney is involved:

The same timelines as outlined above for cases involving attorneys are imposed on non-represented parties. The non-represented parties are informed that the court assistance office has judgment forms that comply with current court rules.

The Third Judicial District takes the following steps to ensure timely preparation of an order of protection:

Protection orders in this judicial district are in all cases always completed by the judge at the time of the hearing on the forms approved by the Supreme Court.

Section 2.13 – Contempt Motions

Rule 822 of the Idaho Rules of Family Law Procedure confirms that contempt motions and proceedings are still governed by Rule 75 of the Idaho Rules of Civil Procedure. Frequently, post judgment proceedings in family law cases involve allegations of contempt of the court's orders concerning delivery of property, payments of debts, payment of child support, and/or child custody and visitation. Contempt motions may be filed before or during modification proceedings. Courts should consider joint trials of simultaneously pending contempt and modification motions.

The Third Judicial District takes the following steps to ensure timely disposition of contempt proceedings in family cases that also involve a pending motion or petition to modify child custody, visitation, and/or child support:

In those cases where there is a contempt motion and there are other pending proceedings, the individual charged with contempt must first be arraigned but subsequent proceedings can be consolidated upon motion and heard on the same date as long as the proceedings are bifurcated.

The Third Judicial District takes the following steps to ensure timely disposition of contempt proceedings in family cases that do not also involve a motion or petition to modify child custody, visitation, and/or child support:

At the mandatory arraignment proceeding, a scheduling/status conference is set. The scheduling order cannot contain any discovery deadline since the alleged contemtor has the right to remain silent.

Section 3: 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.

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

- 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.
- 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.
- Court clerks monitor case management reports regularly to ensure that all pending cases are scheduled for meaningful events through disposition.

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.

The Third Judicial District uses these procedures to ensure effective use of data reports for monitoring the progress of family law cases:

The trial court administrator conducts a monthly audit of all case management reports for the Third Judicial District and notifies court support staff, or the judge when appropriate, if individual cases appear to need attention or if a trend develops that reflects a caseflow management issue

Section 4: Checking the Status of Pending Case Matters

Judges understand that decisions are to be issued in a timely way, pursuant to Art. V, Sec. 17 of the Idaho Constitution. Therefore, judges willingly accommodate requests by attorneys and/or parties seeking the status of matters under advisement or other pending case matters, without negative consequence to those seeking that status report. To assist the attorneys and/or parties in this regard, judges follow these practices:

- When additional briefing or materials are necessary before the judge considers the matter under advisement, the judge sets deadlines for submission of the briefing or materials clear to the attorneys and/or parties.

- If the judge considers the matter under advisement at the conclusion of oral argument, the judge clearly states the same on the record.
- If a matter is under advisement a proper notation of that fact is entered in the court's case management system.
- Every written decision contains a statement as to when the court considered the matter under advisement.
- Attorneys and/or parties are advised that they are free to contact the court's clerk to inquire about the status of any case, proceeding, or pending decision 30 days after the matter is under advisement, without consequence. Districts should consider a local rule implementing this protocol.

Clerks will receive training to fulfill requests for the status of a case, proceeding or pending decision, although their report should necessarily disclose only that the matter is still pending, the scheduled timing of future events, or that the decision has been issued.

Section 4: Special Considerations for District Plans

Language Access Services

Federal and state law require 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 Third Judicial District adheres to the following practices to ensure the most efficient use of available certified and non-certified interpreter resources:

A full-time certified court interpreter is employed by the court as the district's language access coordinator. The primary function of that position is to schedule interpreters for court proceedings and to handle all language access issues in the courts of the district.

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.

The Third Judicial District adheres to the following practices to accommodate the needs of self-represented litigants in obtaining information about their legal rights, about legal processes, and about court proceedings; in obtaining access to legal forms appropriate to their needs and in completing those forms:

The Third Judicial District has a robust court assistance office program. A full-time court assistance officer is employed to coordinate those services throughout the judicial district. In addition to the availability of walk in hours to speak with the court assistance officer, the program also provides pre-filing and post-filing workshops for non-represented litigants.

The Third Judicial District adheres to the following practices to accommodate the needs of self-represented litigants in the courtroom:

Please refer to the preceding paragraph concerning court assistance office resources.

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.

In the Third Judicial District, judges follow these standard procedures in dealing with requests for video coverage of family law proceedings:

In the Third Judicial District, judges follow these standard procedures in dealing with requests for media coverage of proceedings: Media representatives requesting coverage are instructed to submit the standard request 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 deadlines prevent 24 hours of advance notice.

Telephonic and other remote appearances

IRFLP 118 authorizes the use of telephone conferencing to conduct hearings. Allowing parties, witnesses, interpreters, 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

In the Third Judicial District, remote appearances are allowed as follows:

Requests for remote appearances must be made in the form of a written motion to the presiding judge and are granted at the discretion of the judge depending upon the circumstances of the case.

The procedures for arranging a remote appearance are:

Upon approval of a motion for a remote appearance, the judge's clerk or secretary must be contacted in order for the necessary logistical arrangements to be made.

Other circumstances unique to the Third Judicial District: None

Section 5: Implementing and Maintaining the Family Law Caseflow Management Plan for the District

Once the District Caseflow Management Plans are established, implementing the plans and keeping them 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 caseflow management processes to the ever-changing needs of the justice system and the communities it serves.

Major sources of potential future changes include rule amendments, efforts of the Advancing Justice and Children and Families in the Courts Committee to identify and promote effective practices, and efforts of the Judges Associations to develop uniform forms for all Idaho case types.

The Third Judicial District will utilize the following processes to ensure the Family Law Caseflow Management Plan is implemented as intended:

After the Plan is adopted, a CLE will be organized to allow attorneys practicing in the district to become familiar with the plan and to become aware of the expectations being placed upon them by various provisions in the plan.

The Third Judicial District maintains the case management plan through the following process(es):

The magistrate judges of the Third Judicial District regularly meet on a quarterly basis to discuss administrative issues or other matters of concern. Those meetings can provide a forum to review compliance with the plan and to discuss any changes in the plan that may be justified.