

# Statewide Caseflow Management Plan for the Idaho District Courts

## Section 1: Statement of Purpose and Goals of a Statewide Caseflow Management Plan

The mission of the Idaho Judiciary is to “provide access to justice through the timely, fair, and impartial resolution of cases.” The Advancing Justice Committee, established to assist the Judiciary in carrying out its mission, is directed by the Supreme Court to “identify best practices in the area of caseflow management” and to “develop a statewide caseflow management plan and assist with the development of caseflow management plans for individual judicial districts.”

The Judiciary’s Statewide Caseflow Management Plan helps ensure fair and timely case resolution by:

1. Preventing unnecessary delay in case processing.<sup>1</sup>
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 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.
7. Assisting judicial districts in developing, implementing, and sustaining district caseflow management plans.

Nothing in the statewide or district plans should be construed to create a substantive right.

The Statewide Caseflow Management Plan establishes a set of expectations and a general framework within which each judicial district shall develop individual caseflow management plans. The processes, rules, and expectations included in district caseflow management plans are, at a minimum, as stringent as those outlined in the statewide plan, but are adapted to the Local Rules, Administrative Orders, practices, and judicial assignments. District plans will be adopted by local court rule.

Independence in judicial decision-making is of the utmost importance in ensuring fair and timely case processing. At the same time, uniformity in business practices assists with case management efforts by allowing the courts to more fully leverage technology to realize maximum efficiency in case processing, achieve increased accuracy in reporting, improve the allocation of limited resources, and provide a consistent justice process for litigants and other participants in court processes throughout the state. The Idaho courts are committed to increasing standardization in business practices and use of forms where doing so contributes to the effective and efficient administration of justice, recognizing that in certain circumstances this may not be feasible.

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<sup>1</sup> 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.”

The Idaho Supreme Court's Information Technology Strategic Plan supports efforts to develop uniform business practices by improving access to information, integrating information with judicial partners, and maximizing the efficiencies of the judicial process. Automated information systems are designed to meet the needs of both small and large trial courts, enabling all of Idaho's courts to function consistently across the state while providing for the ability to scale the functionality of the systems to meet specific court needs.

## **Section 2: Idaho Time Standards for Case Processing**

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.

## **Section 3: Calendar Setting and Judge Assignments**

### 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 calendar systems, 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.

Only those civil matters which have been scheduled for hearing by the clerk's office and noticed for hearing pursuant to Rules 5 (a) and 7 (b), IRCP, are heard by the court. Prior to the filing of any notice of hearing pursuant to IRCP, counsel contacts the clerk of the presiding judge or the clerk's office to acquire a date and time certain for a hearing.

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.

### Judge Assignments and Backup

All magistrate judges are assigned matters specified in Idaho Code 1-2208 and Chapter 23, Title 1, Idaho Code. Additional matters may be permitted by IRCP 82(c)(1) and (2) and 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.

### **Section 4: 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, in accordance with Section 10 of this plan, 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 for purposes of achieving date certainty;
3. Management of discovery and motion practice;
4. Realistic setting of trial dates and time limits;
5. Court control of continuances for purposes of fostering ~~early~~ early and just 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. Scheduling complies with the time standards adopted by the Idaho Supreme Court.

Each judge presiding over an individual calendar controls and sets his or her own calendar. In jurisdictions using alternative calendar systems, the calendar is managed and coordinated between the judges and trial court administrator's office or clerk's office responsible for calendaring.

## **Section 5: Early and Continuous Assessment and Scheduling of Events (Scheduling Orders and Scheduling Conferences)**

### Early and Continuous Assessment

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 Children and Families in the Court Committee has piloted a more structured form of case assessment referred to as differentiated case management, in which multiple procedural paths are defined based on case type and an evidence based screening tool to match appropriate service options to the needs of the family. Judges have the discretion to move a case from its assigned path to one that is more appropriate, given the developments in the case. 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 ADR Services and multi-disciplinary professional collaboration with the court is needed. Case Screening and differentiated case management (DCM) for referral to the most appropriate resource is an effective case management tool.

### Civil

When determining the most appropriate plan for a civil case, the court considers at least the following:

1. Number of parties
2. Number of causes of action
3. Anticipated pretrial motion practice
4. Need for expert witnesses
5. Need for forensic testing
6. The relief or remedy sought
7. Complexity of factual and legal issues
8. Likelihood of going to trial/estimated length of trial
9. Jury trial or bench trial

### Criminal

When determining the most appropriate plan for a criminal case, the court considers at least the following:

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; need for resource judge
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

Note: Above criteria are not listed in order of importance.

### 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. Monitoring the effectiveness and timeliness of interim case events between filing and disposition helps to prevent unnecessary delay. The following guidelines are used to ensure that case events are meaningful.

### Civil Cases

1. A scheduling conference is set by the court clerk or a scheduling order is issued shortly after an answer is filed [see IRCP 16(a)].
2. A trial date is set at the scheduling conference. Attorneys are responsible for maintaining their availability for the trial date set.
3. A scheduling conference/status conference is set no later than five months after a complaint is filed in multi-defendant cases where not all defendants have been served.
4. 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.
5. The judge controls the calendar. Requests for continuances will be considered by judges in accordance with Section 10 of this plan.
6. Scheduling orders will contain a reasonable discovery cutoff date, a dispositive motion deadline, timeline for expert disclosures (if needed), and a reminder to send courtesy copies to non-resident judges. Deadlines are set in consultation with counsel so that dates realistically reflect the needs of the particular cases—that they provide sufficient time to resolve or prepare the case for trial in light of the characteristics of the case but do not unnecessarily prolong the process or exceed applicable time standards.
7. Mediation is encouraged in every civil case and the deadline for completion of mediation is included in the scheduling order.

### Criminal Cases

1. Hearings and trials are scheduled in a manner that minimizes delay and reduces the potential need for continuances.
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 within the Court's discretion.
4. Requests for continuances are considered pursuant to Section 10 of this plan.
5. Cases are assessed for complexity by the court in consultation with state and defense counsel.

6. Scheduling orders are based on the complexity of the case, case processing time goals, and include specific discovery plans.
7. Dispositive motions are disposed in a timely manner.
8. Criminal cases are set for trial at the time of entry of plea unless otherwise ordered by the court, consistent with the defendant's right to a speedy trial.

## **Section 6: Motion Practice**

### General

The substance and need for motions varies widely. Motions are generally classified as dispositive or non-dispositive. 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 forth in the scheduling order by stipulation without authorization of the court. The Court permits modification 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 to prevent unreasonable delay.
4. Informal methods should be adopted for consideration and resolution of motions, such as conducting hearings of non-dispositive motions by teleconferencing.

### Civil Cases

1. Motions are governed by a variety of civil rules. The filing of non-dispositive motions is generally governed by IRCP 7(b)(3). The court requires compliance with the deadlines established by the rule.
2. Teleconferencing and video conferencing are permitted by IRCP 7(b)(4) and are used as a means of reducing delay and expense.
3. Dispositive motions are generally governed by IRCP 56. Dispositive motions are filed pursuant to IRCP 56(a), but can and should be set earlier in the case. The hearing and briefing requirements of IRCP 56(c) are not extended absent compelling circumstances. When dispositive motions are denied, courts identify facts which are undisputed and issues which can be ruled on as a matter of law, pursuant to IRCP 56(d), to streamline the evidence to be admitted at trial and the disposition of the case.
4. IRCP 56(f) motions are often avoided through proper discovery deadlines.

### Criminal Cases

1. Motions in criminal cases are generally governed by ICR 12, which sets forth the timing requirements for filing and hearing [see ICR 12(d)]. The court adheres to these requirements to avoid delay.
2. Since motions to suppress can be dispositive, and have substantial potential for causing delay, courts specifically address such motions in the scheduling/trial order, with the expectation that they will be filed and ruled on in a timely way.

## **Section 7: Discovery Practice**

### General

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 constructing a case management plan the court:

1. Designs a discovery plan for each case in consultation with counsel through an early scheduling conference or joint counsel submissions.
2. Adopts informal methods for the resolution of discovery disputes, such as teleconferencing prior to the filing of discovery motions and requiring compliance with “meet and confer” rules.

### Civil Cases

1. Discovery in civil cases is generally governed by IRCP 26-37.
2. Courts have the authority to manage discovery as justified, pursuant to IRCP 26(b)(1), and do so in scheduling/trial orders consistent with the guidelines set forth above.
3. 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.
4. Motions to compel discovery responses strictly comply with IRCP 37(a)(2), requiring parties to make every reasonable effort to resolve discovery disputes without court intervention.
5. Court sanctions, pursuant to IRCP 37, are used to curb abuses of the discovery process, including deliberate delay.

### Criminal Cases

1. Discovery in criminal cases is generally governed by ICR 16. Appropriate discovery deadlines are firmly set in scheduling/trial orders for automatic disclosures, including IRE 404(b) evidence, required by ICR 16(a). Deadlines are 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.

2. Compliance with the response times set forth in ICR 16(f) is expected and the imposition of sanctions allowed by this rule are used to curb abuses of the discovery process.

## **Section 8: Use of Mediation/ADR**

### General

All mediation conforms 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.

### Civil Cases

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

IRCP Rule 16 addresses pretrial procedure. IRCP Rule 16(j) addresses mediation in child custody and visitation disputes. IRCP Rule 16(k) addresses mediation in civil lawsuits. 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.

### Criminal Cases

Early resolution of criminal cases benefits the courts, the parties, victims, witnesses, and the public. It reduces the costs of pretrial confinement. The parties are afforded an opportunity to mediate the case, if timely requested.

Idaho Criminal Rule 18.1 and Idaho Juvenile Rule 12.1 allow mediation in criminal and juvenile cases. The state and defense participation in mediation in criminal cases are governed by these rules, subject to the oversight of the authorizing court.

## **Section 9: Pretrial Case Management**

### General

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, IRCP 16(b), ICR 18, and/or any other issues or concerns unique to each case.



### Civil Cases

1. Final pretrial conferences and any pretrial submissions ordered by the presiding judge are required at least 30 days before a trial.
2. In complex cases, an initial pretrial conference is set at least 60 days before trial.
3. 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 final pretrial conference, allowing the court sufficient time 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 final pretrial conference.
4. Any requested jury instructions are filed before the final pretrial conference.
5. Scheduling orders reference IRCP 16(b) and inform attorneys that they are to be prepared to discuss such matters at the pretrial conference.

### Criminal Cases

1. Pretrial conferences are set at least 14 days before a trial.
2. All pretrial motions are filed in a timely manner, and in felony cases, pretrial motions are 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 are filed at least seven days before trial in felony cases and 48 hours before trial in misdemeanor cases.
4. Scheduling orders reference ICR 18 and inform attorneys they are to be prepared to discuss such matters at the pretrial conference. The judge has a checklist of topics ready to discuss with counsel at the pretrial conference.

### 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:

1. 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.
2. If the judge considers the matter under advisement at the conclusion of oral argument, the judge clearly states the same on the record.
3. If a matter is under advisement a proper notation of that fact is entered in the court's case management system.
4. Every written decision contains a statement as to when the court considered the matter under advisement.
5. 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 are trained to willingly accept 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 10: Continuances**

### General

A continuance, for the purposes of this section, is when a party requests the postponement of a scheduled hearing or trial date by the court. 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.

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. The defendant's constitutional right to a speedy trial, in criminal cases.

In civil cases:

1. Subject to the exceptions in IRCP 7(b)(1), 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.
2. A party objecting to the requested continuance may, but is not required, to file a written objection to the motion.
3. In accordance with IRCP (7)(b)(3) a party may request oral argument on a motion for continuance. In its discretion, the court may deny oral argument.

## **Section 11: Management of Trials**

Whenever possible, trials are 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 minimize the amount of time and resources required to conduct civil trials, and to minimize the inconvenience to jurors and witnesses, consistent with constitutional principles of fairness and due process of law.

## **Section 12: 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:

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.
3. Court clerks should 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, resulting in accurate and reliable case management information.

## **Section 13: 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:

1. 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.
2. A judge finds there is a need for language access services.
3. Court-personnel may receive notice directly from the public, attorneys, guardians, probation officers, law enforcement and other participants.
4. 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.

### 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. 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.

### 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.

### 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.

### 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.

## **Section 14: Judge Meetings/Consultation with the Bar and Other Justice System Participants**

Each participant in the justice system brings a unique perspective in evaluating the factors most important in ensuring fair and timely resolution of cases. The most effective caseflow management plans are developed and maintained through a collaborative process that involves all stakeholders in the processing of cases of a particular type, in formulating common goals and specific processes for meaningful, workable, and sustainable caseflow management plans that result in the timely, fair, and impartial resolution of that category of cases. Creating an organizational structure to support such collaboration – both in the development of a caseflow

management plan and in its evaluation and regular improvement – is a critically important step in the planning process.

#### Statewide Plan

Because the Statewide Caseflow Management Plan establishes general policies and uniform procedures applicable to all courts throughout the state, it is essential that it reflects a systems-wide perspective. Input is sought from both inside and outside the established court structure. Within the courts, contributions are sought from standing Idaho Supreme Court Committees, the District Judges and Magistrate Judges Associations, trial court administrators, administrative district judges, the Administrative Conference, and subject matter experts within the Administrative Office of the Court. In addition, the sections of the Idaho State Bar, practicing attorneys, Executive Branch agencies, and other stakeholders are involved.

#### Judicial District Plans

At the district level, more nuanced plans will be crafted to address the unique challenges of an individual court, county or district. Examples include the assignment of judicial resources, calendaring of cases to accommodate the needs of attorneys who practice throughout a large district, and the transportation of inmates from county jails.

Given the numerous issues and varied challenges faced by the respective localities, planning efforts involve a broader and more diverse group of stakeholders, including judges, clerks and other county staff, the practicing bar, law enforcement, county commissioners, Executive Branch agencies, and treatment providers. Because local residents are those who are most affected and are asked to support the system, they are also involved as stakeholders in the district planning process.

#### On-going Planning Process.

Once the respective plans are established, keeping the plans relevant will be a priority. Thus outreach and collaboration structures and processes will be ongoing. Both at the state and at the individual judicial district levels, collaborative planning structures will be maintained for the purposes of 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.