

# An Introduction to the Idaho State Court System

For over 125 years, the Idaho court system has served the citizens of Idaho. Territorial courts were established in 1863 and were the beginnings of our judicial system of today. The state court was founded in 1890 when Idaho became the 43<sup>rd</sup> state to join the union.

## Structure of the Idaho Court System

The Idaho State Court is made up of three levels: The Trial Courts, called the "District Courts", (which include the Magistrate Division); The Court of Appeals, and the highest court in the State – the Supreme Court.



### The Supreme Court

Idaho has a very efficient court system, administered by the Idaho Supreme Court. The court establishes statewide rules and policies for the operation of the entire court system. Over half a million criminal and civil cases are filed in Idaho's state court system each year! The Chief Justice and four Associate Justices on the Supreme Court are the final voice in the appeals from the District Court.

### The Court of Appeals

The Court of Appeals consists of a Chief Judge and two Associate Judges. The court was founded in 1981 to relieve the caseload of appeals from the District Court. The Court of Appeals hears cases assigned to it by the Idaho Supreme Court.

### District Judges

District Judges hear serious criminal cases, called felonies, which are punishable by a fine or imprisonment in the penitentiary, or by the death penalty, as well as civil disputes when the amount of money involved is over a specified amount. District Judges also hear appeals from the Magistrate Division. There are seven judicial districts within the state of Idaho and 39 District Judges. As few as four, and as many as nine, District Judges have been appointed to each judicial district, depending on the population of the district.

### Magistrate Division

Magistrate Judges hear criminal cases punishable by a fine or imprisonment in the county jail, called "misdemeanors", and civil cases where the amount of money involved is less than a specified amount. Magistrate Judges also handle juvenile cases, family law cases, and cases about wills and estates, called "probate" cases. And, Magistrate Judges handle all original small claims disputes. These cases are civil disputes where a relatively small amount of money is in question. They are informal, without the use of attorneys, which allows people an inexpensive means to settle minor claims. Most often, citizens come in contact with a Magistrate Judge because of traffic citations. Each county has at least one Magistrate Judge, and larger counties have more judges, to try to hear all the cases in a timely manner. There are 83 Magistrate Judges.

### The Federal Court System

The Federal Court System, made up of District Courts, a Court of Appeals and the U.S. Supreme Court also plays a role in the judicial process in Idaho. Cases related to the United States constitution or federal issues, such as civil rights actions, immigration matters, federal tax cases, and disputes between citizens of different states about money in the amount of \$75,000 or more, are resolved in the federal court system. All other cases are handled in the state courts.

## Idaho's Courtrooms and Court Personnel

A courthouse is located in the county seat of each of Idaho's forty-four counties. Counties with a larger population have two or three facilities that house the courtrooms. Some of the courthouses around our state have a high level of security, for the safety of all citizens, as well as to protect the judges, clerks and other court personnel.



The offices of court personnel, including the judge and court clerk, are usually located in the courthouse. All court records and information are kept in the office of the Clerk of the District Court. Each court has a bulletin board or display case where the court calendar is posted to show the daily case schedule. The clerk's office also has the schedule for each day, which lists the day, date and time each case will be called. Some offices may also have a computer terminal, which you can use to look up your case.

Each courtroom has a **spectator's area** where interested parties can watch court hearings and trials, and where you can wait for the judge to call your case. Most hearings are open to the public, though a few are closed, due to the sensitivity of particular cases. Remember, yours will be among a number of cases that will be heard at that time, so it is important to be prompt and patient during the process.

Whether you filed a case, or have a complaint filed against you, once the case is called, you will sit at a **counsel table** with your attorney, if you choose to use one.

The **"well"** is the area that separates the judge's bench from the counsel table. The court clerk and court reporter (if one is present), sit in this area.

The **witness box** is next to the judge's bench and provides a place for you or the witness to sit while testifying on the case.

The **judge's bench** is set apart, in the front (or to the side) of the courtroom. The judge who presides in your county, and who will hear your case, will be seated at the bench.

If the courtroom has a **jury box**, it is located to the side of the room. It is placed on the same side as the witness box, so if there are jurors involved, they can hear the testimony clearly when deciding a case.

There will also be a **clerk** in the courtroom to assist the judge. The clerk is responsible for assisting with the judge's calendar, swearing in witnesses, and maintaining the papers and court documents needed for each case.

The **bailiff** provides security to the courtroom, and is responsible for maintaining order in the court as well as escorting witnesses into and out of the courtroom.

For most courts, a **court reporter or a court clerk** will create an official record of the proceedings. The record (or "transcript") of your case may be available to you for a fee upon request.

**Court interpreters** are available if the parties or their witnesses have difficulty speaking or understanding English.

## The Role of Court Personnel

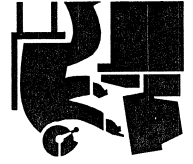


Court personnel in Idaho are committed to providing a fair and efficient hearing of your case. To make sure this happens, it is necessary for both parties to understand the role of the judge and other court personnel.

The judge has a responsibility to hear both sides of a case, and to make a decision on the outcome without bias. Court personnel, the judge and the court clerks, work on court cases daily, and from this experience they have a very good understanding of how the courts work. Basic information about court procedures and practices can be provided by these individuals. There are, however, certain things court personnel are prohibited from providing to the individuals involved in a case.

For instance, court personnel cannot provide legal advice or legal research. Even though the information you are requesting may seem to be minor, and possibly helpful to your case, it is the responsibility of you or your attorney (if you choose to be represented by one) to provide this kind of legal research.

A judge can never meet or talk with you alone outside of the courtroom. They are prohibited from doing so by judicial ethics. This is because "ex parte communication", (which means: "*communication that occurs without both parties present*"), will disrupt the process and hinder the fairness of the proceedings. After all, court personnel must remain impartial, in order to provide the same level of service and information to both parties, and to insure that the outcome of your case is as fair as possible to everyone involved.



**Idaho Supreme Court**  
 Phone: (208) 334-2246/48  
 Fax: (208) 334-2146

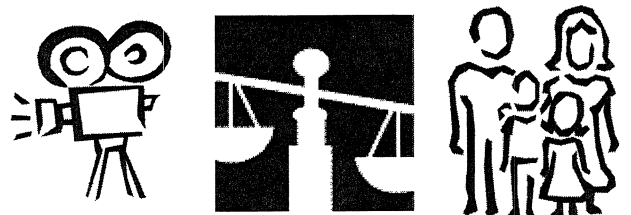
**Idaho State Law Library**  
 Phone: (208) 334-3316

Court Assistance Offices serve as a one-stop clearinghouse to access legal services and other resources for litigants involved in civil matters. Court Assistance Offices are located in selected court houses throughout the state. Please call the Clerk in your county to learn about the Court Assistance Office nearest to you.

The phone numbers and addresses of the Clerks in each county are published on the Supreme Court web page [www.state.id.us/judicial/](http://www.state.id.us/judicial/). You can also find this information in your local phone book.

*Court Resources*

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The purpose of this video is to provide information about the Idaho State Court System. The viewer will become familiar with the court's history, structure, courtrooms and court personnel.

**Idaho Council on Domestic Violence**  
 PO Box 83720  
 Boise, ID 83720-0036  
 Phone: (208) 334-6512  
 Fax: (208) 332-7353  
 Email: [theadv@icdv.state.id.us](mailto:theadv@icdv.state.id.us)

**University of Idaho – Legal Aid Clinic**  
 Moscow, ID 83844-2321  
 (208) 885-4628

**Idaho Legal Aid**  
 310 N. 5<sup>th</sup>  
 Boise, ID 83701  
 Phone: (208) 345-0106  
 Fax: (208) 342-2561  
 Email: [ilasboise@imci.net](mailto:ilasboise@imci.net)

**Idaho Volunteer Lawyers Program**  
 PO Box 895  
 Boise, ID 83701-0895  
 Phone: 1-800-221-3295  
 Fax: (208) 334-4515

**Idaho State Bar Lawyer Referral Service**  
 PO Box 895  
 Boise, ID 83701  
 Phone: (208) 334-4500  
 Fax: (208) 334-4515  
[www.state.id.us/isb](http://www.state.id.us/isb)

*Other Resources*

Please copy this brochure if the information will be helpful to you in the future!

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