

IDAHO JUDICIAL COUNCIL

STATE OF IDAHO



**Answers to Common Questions
on the Function, Jurisdiction
and Procedures
of the
Idaho Judicial Council**

1. I believe a judge in the State of Idaho has violated the Code of Judicial Conduct. Where do I register a complaint?

You may register a complaint with the:
Idaho Judicial Council
P.O. Box 1397
Boise, Idaho 83701

2. What is the Idaho Judicial Council?

The Idaho Judicial Council was created by the legislature in 1967 to investigate and act on allegations of a judge's misconduct or disability. It is composed of three citizen members, two attorneys, one district judge and the Chief Justice of the Idaho Supreme Court, who review and act on all complaints made against judges.

3. Must I fill out forms to register my complaint?

No specific format is required, but you must put your complaints in writing, which may be in letter form. The letter should identify the judge and specify the conduct or action you believe was improper. Also identify by name and address any witnesses. Any documents or correspondence that may substantiate your allegations should be included. The letter or complaint must be verified and notarized. If more information is needed, you will be contacted.

4. What is judicial misconduct?

Judicial misconduct is any violation of the Code of Judicial Conduct which may include, but not limited to, the following:

- Failure to perform duties impartially and diligently
- Failure to dispose promptly of the business of the court
- Conflict of interest
- Conduct prejudicial to the administration of justice that brings the office into disrepute.

5. Is my complaint confidential?

Yes. By statute, complaints and the identity of complainants are confidential. If the Council conducts a preliminary investigation, the judge will receive a copy of your complaint. When a Council recommendation is filed with the Supreme Court, it becomes a public document which can be reviewed in the Supreme Court Clerk's Office.

6. Who finally decides whether a judge has committed misconduct?

The Supreme Court has disciplinary authority and reviews any recommendation from the Council for censure, suspension, removal of a judge for misconduct or retirement of a judge for disability seriously interfering with the performance of judicial duties. The Supreme Court is not required to follow the Council's recommendation.

7. What will the Council do with my complaint?

When a complaint is received it is reviewed to determine that it is within the Council's jurisdiction and a confidential inquiry or preliminary investigation may be made to verify allegations. The Council carefully reviews all allegations. If an allegation involves legal issues or for some other reason is not within the Council's jurisdiction, it will be dismissed.

When the Council believes it has sufficient evidence to proceed it will require the filing of a formal complaint and hold a fact-finding hearing. At such a hearing, the judge has the right to defend against the charges and be represented by a lawyer. Witnesses and documents may be subpoenaed. If no violation is found, the complaint will be dismissed. If a violation of the Code of Judicial Conduct is found or a disability which is seriously interfering with the judge's ability to perform judicial duties, the Council may take the following actions:

- Recommend a remedial course of action and require the judge's acquiescence
- Require a personal appearance before the Council
- Recommend that the Supreme Court retire, discipline, or remove the judge.

8. Does the Council have jurisdiction over legal matters?

The Council does not have the authority to act as a court of review, determining the legal or factual validity of any judge's decision. This must be pursued through the legal process.

9. Can I get a judge off my case if I make a complaint against the judge?

No. An allegation of judicial misconduct is not a substitute for legal remedies.

10. Should I delay appeal until my complaint of judicial misconduct is concluded?

No. You must proceed with whatever remedy is available to you within the court system to correct any judicial errors you believe were committed in your case. Your complaint of judicial misconduct is a matter totally independent of your litigation.

11. How long does it take to resolve a complaint of judicial misconduct?

The Council's final disposition may take several months, depending on the complexity of the matter.

12. Specifically, over what positions does the Council have jurisdiction?

- Justices of the Supreme Court
- Judges of the Court of Appeal
- Judges of the District Court
- Judges of the Magistrate Division of the District Court
- Members of the Industrial Commission

13. Does the Council give legal advice?

The Council cannot give legal advice to citizens or represent clients.

The Idaho Judicial Council appreciates your concern in helping Idaho maintain its quality judiciary. You may be assured that all complaints will be handled in an appropriate and thorough manner.