

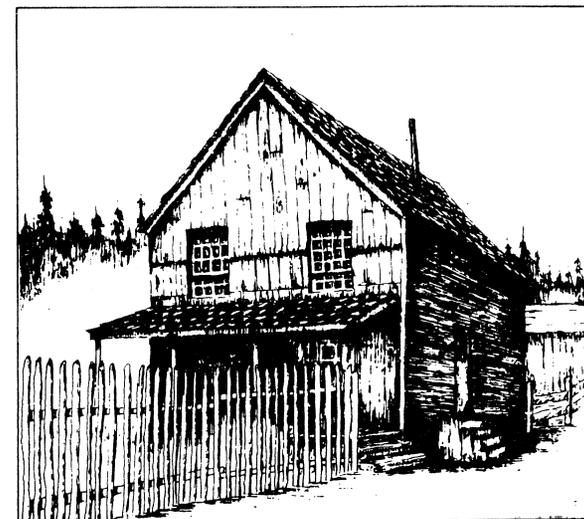
This Pocket Guide to the Idaho Courts was prepared by the Idaho Courts Press Guide Committee, a bench-press committee formed to increase public information and education about the courts. The Pocket Guide was originally printed and made available to the public through funds provided by the Idaho Law Foundation

For additional copies, call or write

Supreme Court Building
451 West State Street
P. O. Box 83720
Boise, ID 83720-0101
(208) 334-2248

Idaho Supreme Court
451 West State Street
Boise, ID 83720-0101
(208) 334-2248
Fax: (208) 334-2146

A Pocket Guide To The Idaho Courts



*Idaho Courts Press Guide Committee
Idaho Law Foundation*

Supreme Court

The Idaho Supreme Court is the highest court in the state. It hears appeals of decisions from the court of appeals and the district courts, as well as from orders of the Public Utilities Commission and the Industrial Accident Commission. It may hear claims against the state and issue writs and orders. The cases coming before the Supreme Court are handled in a different fashion from other courts in the state, since there are no witnesses, juries, or testimony. Instead there are presentations by attorneys on legal issues the Court must decide.

The decisions of the Supreme Court serve as precedent or a model for all other courts in the state to follow. After a decision by the Idaho Supreme Court, a case can be appealed only to the United States Supreme Court in Washington, D.C. For the convenience of citizens and attorneys, the Idaho Supreme Court is one of the few "circuit-riding" Supreme Courts in the country and holds terms of court in Boise, Twin Falls, Pocatello, Lewiston, and Coeur d'Alene.

The Supreme Court also is responsible for the administration and supervision of the trial courts and the State Law Library. The Court admits attorneys to practice law in the state courts, approves the rules governing the operation of the Idaho State Bar, and disciplines lawyers and judges.

Located in the Supreme Court Building in Boise, the Supreme Court has five Justices, who review cases as a panel. The Justices are elected to six-year terms on a non-partisan contested ballot.

Court of Appeals

The Idaho Court of Appeals hears appeals from the district courts which are assigned by the Supreme Court. While decisions of the Court of Appeals may be appealed to the Supreme Court, the Supreme Court is not required to grant the appeal. In most cases, decisions by the Court of Appeals are final.

The Court of Appeals has three judges, who review cases as a panel. While chambered in Boise, the judges may hear appeals arguments anywhere in the state.

District Courts

There are seven judicial districts in Idaho, each serving from four to ten counties. In each of Idaho's 44 counties, there is established a district court, in which all trials and special proceedings are held. Some cases are heard by district judges, some by magistrates, depending upon the seriousness of the charge in criminal matters or the amount of money involved in civil actions. Cases which are to be decided by district judges are called "district court" cases.

Certain cases must be heard by a district judge. Serious criminal cases -- "felonies" -- and civil cases in which the amount of damages involved is more than \$10,000, go to district judges.

In addition, district judges can make decisions in family law cases (divorces, child custody), and in challenges to being held in custody or to prior criminal convictions. District judges also have the responsibility to hear appeals of decisions from some agencies and commissions, as well as appeals from the magistrates divisions. Appeals are heard by a single district judge.

There are a total of 37 district judges, who are elected to four-year terms on a non-partisan, contested ballot.

Magistrates Division

In each county, there is a magistrate division of the district court. The magistrate divisions are not a separate court -- the same support staff serves the district courts and the magistrate divisions, in the same court building.

"Magistrate division" cases are heard by judges of the magistrates division -- Idaho's limited jurisdiction judges. While district judges decide "district court" cases and magistrate judges hear "magistrate division" cases, it is one integrated court.

Magistrate Judges can decide less serious criminal cases -- "misdemeanors" -- limited to incarceration in the county jail and a fine. Judges of the magistrate division can hear civil cases in which the amount of money involved is not greater than \$10,000. Magistrate judges also may hear cases involving family law, probate (wills and estates), mental commitments, juvenile cases (delinquency, child neglect), and arrest and search warrants.

There are a total of 82 full-time magistrate judges in Idaho, most of whom are also lawyers. Judges of the magistrates division are appointed by local commissions, and thereafter are elected for four-year terms on the uncontested ballot for retention.

Small Claims Departments

Each county has a small claims department, which is actually part of the magistrate division of the district court. Small claims departments are not separate courts, but are just informal hearings held by judges of the magistrates division to decide civil disputes involving amounts of money up to \$3,000. No attorneys are allowed in small claims actions, and the use of juries is prohibited. Either party may appeal a decision of the small claims department. The appeal will be heard by a lawyer magistrate, in the magistrate division, as a new trial.