

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO

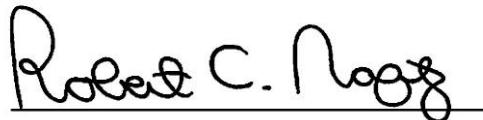
IN RE: AMENDMENT OF THE SIXTH)
JUDICIAL DISTRICT LOCAL RULES) Administrative Order 2021-06
)

WHEREAS, the Local Sixth Judicial District Rules are in need of amendment to update certain Local Rules and reflect changes in judicial officers and district personnel.

Therefore, pursuant to the authority provided in I.R.C.P. 1(c) and I.C.R. 2(c), the District Judges hereby amend the “Local District Court Rules” of the Sixth Judicial District, effective when approved by the Idaho Supreme Court. The amended Local Rules are attached hereto and incorporated herein.

IT IS SO ORDERED

DATED this 5th day of March, 2021.



Robert C. Naftz
Administrative District Judge

CC: All Judges of the Sixth Judicial District
Kerry Hong, Sixth Judicial District Trial Court Administrator
Sara Thomas, Administrative Director of the Courts
Idaho Supreme Court

Sixth Judicial District

www.bannockcounty.us/courts

ADMINISTRATIVE JUDGE

Hon. Robert C. Naftz

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Bannock County Courthouse,
Pocatello, Idaho

The Sixth Judicial District

Designation of Presiding District Judges. District Judges Rick Carnaroli, Javier L. Gabiola, and Robert C. Naftz are the presiding district judges in Bannock County. Hon. Javier L. Gabiola is the presiding district judge in Oneida County. Hon. Mitchell W. Brown is the presiding district judge in Bear Lake, Caribou, and Franklin Counties. Hon. Rick Carnaroli is the presiding judge in Power County.

Scheduled District and Magistrate Court Calendars:

Law and Motion Days. Law and Motion Days for District Judges are established for each County as follows:

Bannock County Civil Proceedings

Judge Brown.....	1st and 3rd Fridays at 9:00 a.m.
Judge Carnaroli.....	Each Monday at 1:30 p.m.
Judge Gabiola.....	Each Monday at 2:00 p.m.
Judge Naftz.....	Each Monday at 2:00 p.m.

Criminal (Arraignments and other criminal proceedings)

Bannock County:

Judge Carnaroli.....	Each Monday at 8:30 a.m.
Judge Gabiola.....	Each Monday at 9:30 a.m.
Judge Naftz.....	Each Monday at 9:00 a.m.

Bear Lake County.....1st and 3rd Thursdays at 9:00 a.m.

Caribou County.....2nd and 4th Fridays at 9:00 a.m.

Franklin County.....2nd, 4th and 5th Thursdays at 9:00 a.m.

Oneida County.....3rd Friday of each month at 9:30 a.m.

Power County.....4th Friday of each month at 9:30 a.m.

General Law and Motion and Criminal Arraignments for Magistrate Courts are scheduled as follows:

Bannock County	<p>Civil: Mondays @ 9:00 a.m. Criminal: Daily @ 1:30 p.m.</p> <p>Special Proceedings – 2nd and 4th Tuesdays at 9:00 a.m.</p> <p>Contact the Magistrate's Deputy Clerk to schedule any other hearing.</p> <p>Juvenile Proceedings</p> <p>Mondays: 8:30 a.m.: Arraignments for county, OSC's and probation reviews.</p> <p>1100 a.m.-130 p.m.: Family Treatment Court.</p> <p>Tuesdays: 1:15 p.m.: Arraignments 4:00 p.m.: Juvenile Drug Court 4:30 p.m.: Truancy Court 4:45 p.m.: Behavior Court</p> <p>Wednesdays: 8:15 a.m. – 10:30 a.m. Pre-trials scheduled 2 every 15 minutes</p> <p>Thursdays: 8:30 a.m.: OSC's and probation reviews.</p> <p>All other available times: (Monday afternoon, Tuesday morning, Wednesday afternoon, Thursday afternoon, Friday). we schedule Civil cases, Child Protection cases and other juvenile hearings.</p> <p>Civil: Tuesdays @ 10 a.m. Criminal: Wednesdays @ 9:30 a.m. Juveniles: 2nd and 4th Fridays</p>
Bear Lake County	<p>Hon. R. Todd Garbett</p>

Caribou County	<p>Criminal: Wednesdays</p> <p>Civil: Mondays and Thursdays, 1st and 3rd Fridays</p> <p>Juveniles: Wednesdays @ 2:00 p.m.</p>
Franklin County	<p>Criminal: Wednesdays @ 9:00 a.m.</p> <p>Civil: Scheduled throughout the week.</p> <p>Juveniles: Thursdays @ 1:00 p.m.</p> <p>Small Claims: Second Tuesday of the Month (Judge Hooste).</p>
Oneida County	<p>Criminal: Tuesdays and Thursdays @ 9:00 a.m.</p> <p>Civil: Scheduled as needed on Tuesdays, Thursdays or Fridays.</p> <p>Small Claims: First Monday of the Month 10:00 a.m. (Judge Hunn).</p>
Power County	<p>Mondays: @ 9:00 a.m. to 12:00 p.m. & 1:30 p.m. to 4:00 p.m.; General Civil 12:00 p.m. – 1:30 p.m.; Arraignments.</p> <p>Tuesdays & Wednesdays: Misdemeanors & Prelims.</p> <p>Wednesday: @ 1:30 p.m. Juvenile proceedings</p> <p>1st, 2nd, 3rd, & 4th Thursdays: Bannock County</p> <p>1st & 3rd Fridays: Bannock County and Small Claims</p> <p>2nd & 4th Fridays: Jury & Court Trials</p>

ADMINISTRATIVE ORDER ADOPTING RULES AND ASSIGNING JURISDICTION FOR THE DISTRICT AND MAGISTRATE JUDGES OF THE SIXTH JUDICIAL DISTRICT

The District Judges of the Sixth Judicial District, consolidate prior orders, clarify jurisdictional assignments, refine the rules of the District Court and the rules for the Magistrates Division:

Now, therefore, it is hereby ordered:

District Trial Court Administrator. The Trial Court Administrator shall be responsible for caseload management, assignment of Magistrates, supervision of the Clerk's Deputy Clerks in the discharge of clerical functions of the Courts, supervising the jury system and District Courts' budgets along with other duties set forth by the Administrative District Judge and the Administrative Director of the Courts.

Assignment of Cases in Bannock County. In Bannock County, all cases assigned to the Sixth District Court shall at the time of filing, be assigned by the Clerk to a specific judge on a rotating basis. Nothing in the preceding shall prevent the assignment of civil and criminal cases in any County to any judge as the said judges might determine is necessary to expeditiously handle the caseload.

Special Case Assignments in Bannock County.

All cases in Bannock County involving mental hearings; Juvenile Corrections Act; proceedings under the Child Protection Act, termination of Parental rights; contested adoptions arising from the Prosecutor's office and/or the Department of Health and Welfare; guardianship/conservatorships cases arising from Child Protection Act actions; and any drug, alcohol and misdemeanor charges for youth under age 18 (**ADO 09-6**), shall be heard by **Hon. Bryan K. Murray**.

Special proceedings, which include private adoptions, petitions to compromise a minor's claim, and general guardianship and conservatorships, shall be heard by **Hon. David R. Kress**. All calendaring for Judge Kress' special proceedings shall be made by calling Deputy Clerk Brandy Peck at (208) 236-7379.

Hon. Scott E. Axline and Hon. Aaron N. Thompson shall hear estate and probate matters.

Hon. Thomas W. Clark shall preside over all misdemeanor charges of domestic violence, and stalking. He shall also preside over all preliminary hearings involving charges of felony domestic violence, stalking, and attempted strangulation. In addition, all domestic violence civil protection hearings shall be heard by Judge Clark every Wednesday *at* 1:30 p.m. unless otherwise assigned.

Hon. Eric S. Hunn shall hear all petitions for protection orders filed pursuant to I.C. 18-7907 every Tuesday *at* 9:00 AM unless otherwise assigned.

1. Motions for Civil and Criminal Cases. Unless ordered otherwise by the court, each motion and response to such motion, other than a routine or uncontested matter, must be accompanied by a separate memorandum not to exceed twenty-five (25) pages, containing all of the reasons and points and authorities relied upon by moving party.

1.1 The moving party may submit a reply brief, not to exceed fifteen (15) pages, as provided by the rules, no later than 3 days before the hearing, unless otherwise ordered by the court or as required by I.R.C.P. and I.C.R.

2. Jurisdiction of Attorney Magistrates. Jurisdiction is hereby granted and the following classes or categories of cases are hereby assigned to all Attorney Magistrate Judges of the Sixth Judicial District:

2.1 All matters designated in Idaho Court Administrative Rules Part I or I.C. § 1-2208 as being within the jurisdiction or assignable to attorney magistrates.

2.2 Small Claims Department. Pursuant to the provisions of § 1-2301, Idaho Code, there is hereby created a Small Claims Department of the Magistrates Division which shall have jurisdiction only in cases for the recovery of money where the amount of each claim does not exceed \$ 5,000.00.

2.3 All drug forfeiture cases filed pursuant to IC § 37-2744, regardless of value, shall be heard in the Magistrate Division of the District Court. (ADO 15-2)

3. Mandatory Pretrial Conferences in Bannock County. A mandatory pretrial conference will be held for every proceeding under the Idaho Traffic Infraction Act and all misdemeanor actions in which a plea of not guilty has been received. Notice of the time and place of the pretrial conference and the Judge assigned to preside will be given upon entry of the not guilty plea.

3.1 Pretrial conferences in Bannock County for all misdemeanor cases (excluding domestic violence & stalking) shall be set on Thursday of each week. (ADO 14-4).

4. No Joint Petitions for Divorces shall be accepted in the Sixth Judicial District.

4.1 Proceedings to Modify Decree of Divorce. All proceedings to modify a decree of divorce shall be commenced in accordance with Idaho Family Law Rule (IFLR) 201.

5. Mediation. Pursuant to IFLR 601 mediation will be seriously considered when child custody and visitation issues are involved. Mandatory attendance at a parenting education course is required in Bannock County for all parties filing divorces that involve children under age 18 and for all proceedings that involve child custody issues. Judges in other counties within the Sixth Judicial District may order this class.

5.1 Mediation in all civil cases filed with district court is strongly encouraged and may be mandatory at the court's discretion.

5.2 Mediation in criminal cases is available pursuant to ICR 18.1. Those interested in criminal mediation should review the Criminal Mediators Roster maintained by the Idaho Supreme Court to determine the availability of qualified mediators in the Sixth Judicial District.

6. Entry of Default Judgments. No clerk or deputy clerk shall sign any judgment. All proposed judgments shall be forwarded to the judge assigned the case for review and signature. (ADO 92-8)

6.1 Attorney Fees Guidelines on Default Judgements

Except for good cause shown: in any civil case where the claim does not exceed \$10,000.00 attorney fees may not exceed the amount of the principal at filing up to a maximum of \$500.00. In claims exceeding \$10,000.00 attorney fees will be granted in an amount not to exceed 10% of the principal at filing.

7. Reduction of Felonies. All felonies reduced to misdemeanors in the district court shall be remanded to the magistrate who presided over the preliminary hearing. If the magistrate was from outside of Bannock County then the case will be assigned to the Arraignment Court to be heard by the next available magistrate. (ADO 12-4)

7.1 Change of Plea on Felony Reduction to a Misdemeanor. If the District Court takes a plea of guilty at the time of reduction of the charge the Defendant shall complete a "Certificate of Rights" form prior to entry of the plea.

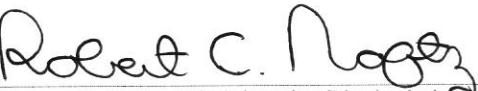
8. Change of Plea. All defendants must complete a Guilty Plea Questionnaire, Agreement of Supervision, and PSI face sheet forms prior to entry of a change of plea for a felony in district court. Completed forms shall be provided to the court at least 24 hours prior to the hearing. Forms at: www.bannockcounty.us/courts/criminal/

9. Pretrial Release Program. The Courts of the District will participate in the Bannock County Pretrial Release Court Services Program as administered under guidelines established by ADO 16-5.

10. Request and use of Electronic Recordings of Court Proceedings. All requests for and use of electronically recorded court proceedings must be in compliance with IAR 27 (d) & (e) and ADO 08-3.

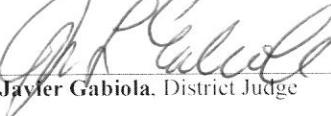
11. Criminal Caseload Management Plan. The District Judges of the Sixth Judicial District adopt and hereby incorporate into these local rules those Caseload Management Plans as adopted by the Sixth Judicial District Judges and approved by the Idaho Supreme Court. The Plans approved as of this date are the Felony Criminal, Child Protection, and Family Law Caseload Management Plan. The plans may be accessed at: www.bannockcounty.us/courts/

This order supersedes all prior orders of the court referring to the matters contained herein and is effective upon approval from the Idaho Supreme Court.


Robert C. Naftz, Administrative District Judge


Mitchell W. Brown, District Judge


Rick Cannaroli, District Judge


Jayler Gabiola, District Judge