

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 07, 2018

TIME: 1:30 P.M.

PLACE: LINCOLN AUDITORIUM and Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Lee, Senators Hagedorn, Lakey, Anthon, Foreman, Potts, Burgoyne, and Nye

**ABSENT/
EXCUSED:** None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Lodge** convened the meeting of the Joint Senate and House Judiciary and Rules Committees at 1:30 P.M.

PRESENTATION: **Senior Judge Barry Wood** from the Administrative Office of the Courts introduced the judges tasked with presenting their section of the presentation. He briefly discussed the breakdown and assignment of judicial districts. He commented on the judicial schedule of some of the judges. (Attachment 1)

Administrative District Judge Susan Wiebe with the Third Judicial District presented the "Structure of the Districts, Role of the TCAs, Role and Duties of the ADJ - Challenges and Successes" segment of the presentation. She commented on the unified and integrated judicial system and challenges. She noted how the Administrative District Judges (ADJs) assumed administrative tasks while maintaining a full docket of cases.

Judge Wiebe elaborated on her experience working with jails, prosecutors and expeditious challenges in moving the cases through the docket. She commented on the numerous tasks the ADJs are presented with each day e.g. budget, security of the courthouse, spokesperson representation with the media outlets and appointment of magistrate judges. She also explained the Trial Court Administrators (TCAs) tasked with overseeing various issues dealing with individual courthouse operations.

DISCUSSION: **Senator Lakey** inquired regarding meetings with county commissioners. **Judge Wiebe** responded that she recently concluded her first meeting with the Canyon County Commission and received positive feedback. She noted those relationships require solid personal skills.

Chairman Lodge inquired regarding how the courts identify and work on problem solving. **Judge Wiebe** responded that the various courts are doing great work.

PRESENTATION:

Administrative District Judge Eric Wildman presented the "Update on iCourt and Odyssey Implementation" segment of the judicial presentation. **Judge Wildman** explained the implementation of electronic document filing with the various counties by way of eliminating the Idaho Repository. He described the various elements involved in capturing and resolving issues once the software was adopted and broadcast live. He noted the deployment of the software added much value to what could be learned from implementing it more efficiently in other counties. He elaborated on future deployments which will involve training of staff and appropriate assistance in gauging when issues arise. He noted the key target was the implementation of the HelpDesk feature aiding the resolution of issues.

Judge Wildman noted the iCourt software is presently available in 14 counties. He noted the success of the first wave of the software. He explained that once the second wave is rolled out it will include ten additional counties. He noted the complexity of live configuration roll-outs from the back end. He mentioned the courtrooms will have the availability of "war rooms" to assist with smooth deployment and on-site assistance.

Judge Wildman elaborated on the future system component which will involve e-filings in the appellate court. He noted the third phase of the software roll-out would involve adopting a case manager system reporting with regard to pre-trial supervision. He noted that two counties have been selected to use the supervision module. He noted there would also be a juror module to assist in real-time jury selection. This segment is scheduled to broadcast live for the end of 2018.

Judge Wildman stated the Odyssey application will be broadcast live in all counties once the system is upgraded. This application is unique in that there are no additional costs for future new versions of the product roll-out. He noted the user-friendly accessibility will also be forthcoming. He remarked that the e-filing component was a great improvement for all the counties. He commented on the electronic files being not only cost effective, as no additional scanning is involved, but also aiding in elimination of the voluminous papers that judges were presented with.

DISCUSSION:

Senator Hagedorn asked how iCourt software worked with the Idaho Repository. **Judge Wildman** responded when counties broadcast live the Idaho Repository will be eliminated. Each county's portal will have similar functionality as that of the Idaho Repository. He commented that eventually the Idaho Repository will no longer be in existence.

Senator Hagedorn asked if the Idaho Repository will be transferred into the Odyssey application. **Judge Wildman** responded that was the goal.

Representative Wintrow inquired regarding issues with HelpDesk. **Judge Wildman** responded that the issues will be triaged and prioritized as they arise. He noted the goal is to utilize the HelpDesk so all issues can be monitored accordingly. He asked Sara Thomas, Administrative Director of the Idaho Supreme Court, to respond. **Director Thomas** responded that in preparation for the system to broadcast live, the courts added 17 new positions to assist with facilitation. She noted each county will have resources available locally. **Representative Kerby** inquired regarding allocating cases by jurisdiction or disposition to acquire fiscal impact data. He asked if such data would be available. **Judge Wildman** responded that more robust data searches were the benefit of the new system. **Director Thomas** interjected that data grabs will be available once the software

goes live. The data searches can be requested via e-mail. She noted that Odyssey will add benefits to agencies throughout the State.

Vice Chairman Lee asked regarding experiences in rolling out of the iCourts software and how the counties were responding. **Judge Wildman** responded there will be some period of adjustment and to date no complaints were received. He noted, once more individuals were on the supervision module, there may be issues that transpire however none noted to date.

Senator Potts asked if the software had capability to send notifications to individuals who were not showing up for their court scheduled dates. **Judge Wildman** responded that was the objective. **Senator Potts** asked if the Tyler module offered by Odyssey was a separate module. **Director Thomas** responded that Tyler (also known as Tyler Technologies) is piloting in Texas and will be part of Odyssey.

Representative Dayley asked regarding security of data. **Director Thomas** responded that the goal is to prevent the hacking of the system at all costs and will be a priority.

Senator Potts asked if the data was hosted via the court's server or a certified data center. **Director Thomas** responded the courts host the data. Optional cloud storage is considered however poses a security risk for the courts.

PRESENTATION:

Honorable Judge Jay Gaskill, Second Judicial District, presented "Judicial Performance Evaluations" segment. **Judge Gaskill** presented updates on judicial performance and the expectations by way of funding. He commented on the history of the judicial evaluations program. He described the first wave of judges evaluated in 2017 and its protocol. He noted that a total of 46 judges were evaluated and received feedback. Judges were also asked to evaluate the scope of the evaluations. **Judge Gaskill** noted the new evaluation survey used a different approach from the prior years. He noted the benefit of the open-ended questions. He requested the amount of \$153,000 appropriation for this program. He commented on future goals and areas of improvement.

Senator Hagedorn asked regarding areas of improvement. **Judge Gaskill** responded that to an extent resources were available to meet certain improvements.

Judge Mitchell Brown, Sixth Judicial District, presented "Courthouse facilities, Security, ADA Compliance" segment of the presentation. **Judge Brown** discussed the dilapidated state of some of the historic State Buildings in southwest counties of Idaho. He elaborated on the lack of appropriate facilities and courtroom design specifications needed to accommodate disabled individuals.

Representative Ehardt inquired regarding the volume of courtrooms needing updating and if this could somehow be allocated to balance the need. **Judge Brown** responded if the regional courthouses are the way to approach it then those conversations need to be had. He noted each county operates each county's courthouse. He noted that he was unsure how that would work within the unified court system for each county.

PASSED THE GAVEL: **Chairman Lodge** passed the gavel to **Vice Chairman Lee**.

**DOCKET NO.
11-0301-1801**

Rules Governing Alcohol Testing presented by Major Charles Spencer, Idaho State Police. **Major Spencer** noted the rule pertained to an updated list of alcohol testing products.

Vice Chairman Lee introduced this temporary rule and presenter Major Spencer. **Major Spencer** invited the Committee to the forensic lab for a tour. He noted this rule will update the rule of incorporation by reference. He explained Idaho State Police forensic services oversees the approval of breath alcohol instruments used by law enforcement in Idaho. The instruments must be listed on the National Highway Traffic and Safety Administration (NHTSA) conforming products list. NHTSA oversees the products list and posts updates seeking compliance from the ISP. This rule recognizes the newest posting to the federal register by the NHTSA. **Major Spencer** noted this was a temporary rule change during the legislative moratorium period and ISP will proceed through the rule-making process for the next legislative session.

Senator Hagedorn commented that the rules are changed by the federal government and it will not be known; he proposed noting a date when the rule becomes effective. **Major Spencer** responded that ISP would make the change.

MOTION:

Senator Anthon moved to approve **Docket No. 11-0301-1801**. **Senator Lakey** seconded. The motion passed by **voice vote**.

**DOCKET NO.:
21-0101-1701**

Rules Governing Admission, Residency and Maintenance Changes in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure. Tracy Schaner, Deputy Administrator for the Division of Veteran Services appeared to present this docket.

Chairman Lodge noted that the docket was erroneously assigned to the Senate Judiciary and Rules Committee. She commented the rules should be re-assigned to the Commerce and Human Resources Committee. **Vice Chairman Lee** noted that the rule was also in Senate Health and Welfare Committee. **Chairman Lodge** noted Dennis Stevenson was contacted to move this docket.

Dennis Stevenson explained that the Office of Administrative Rules Coordinator (OARC) proposes rules to the Legislative Services Office (LSO) and the proposed rule is prepared for publication in the bulletin. The LSO prepares an analysis of the proposed rule. The analysis is sent to the Senate Judiciary and Rules Committee and House Commerce Committee. He noted the OARC does not control where the rule is directed. The OARC only follows up with the committee receiving the rule. He noted if the chairman wished to have the rule transferred to the Commerce and Human Resources Committee then that agreement would be reached between the two Chairmen.

MOTION:

Senator Anthon moved to hold **Docket No.: 21-0101-1701**. **Vice Chairman Lee** seconded. The motion passed by **voice vote**.

RS25964

Relating to Civil Actions Amending Idaho Code Revising Provisions Regarding Claims for Damages and Plaintiffs' Claims for Damages.

Barbara Jorden, Executive Director of Idaho Trial Lawyers Association presented this Routing Slip (RS). **Ms. Jorden** explained this RS changes Idaho Code § 7-1503 to increase the limit of \$25,000 to \$35,000 respecting the Small Lawsuit Resolution Act passed in 2001. She noted that much time elapsed from when the Act was passed that is why the limit needed to be raised. She noted the same limit change in Idaho Code § 12-120 was proposed with this RS as it has not been raised for several decades.

MOTION:

Senator Anthon moved to print **RS 25964**. **Senator Hagedorn** seconded. The motion passed by **voice vote**.

ADJOURNED:

There being no other business, **Chairman Lodge** adjourned the meeting at 3:10 P.M.

Senator Lodge
Chair

Anna Wroblewski-Jones
Secretary