

STATEMENT OF PURPOSE

RS30562 / S1148

This legislation addresses the filling of judicial vacancies and changes the term of appointment of judicial council membership from six (6) years to four (4) years.

In addition, it does the following: (1) It changes the way the members of the Judicial Council are chosen. Currently the Idaho State Bar appoints three lawyers to the Council, with no review from the Governor's office, comprising half of the Council's membership. This legislation changes that process so the Bar recommends a slate for two positions, from which the Governor will appoint those two members to the Council, with consent of the senate. The Governor retains authority to appoint the other half of the Council who are non-lawyers, with consent of the senate. (2) It changes the membership from seven (7) members to nine (9) members to add an additional public member and a magistrate judge as a permanent member of the Council and allows both the magistrate and district judge positions to be appointed by the Governor from a slate nominated by the Supreme Court, and still confirmed by the senate. Currently, the Idaho State Bar also nominates the district judge position. (3) This legislation also allows the Governor ask the Judicial Council to augment a slate of nominees provided by the Judicial Council to fill a judicial vacancy. (4) It makes public information concerning the applicants to fill a judicial vacancy who are on a slate of applicants provided to the Governor for appointment. (5) It allows applicants to see survey comments which are solicited from Idaho State Bar members and the public, which previously were withheld from applicants, but provides that comments are not public. Providing comments to applicants can increase accountability for comments submitted in support or opposition of applicants. (6) It removes the ballot information that gives incumbency an advantage in contested elections.

FISCAL NOTE

This legislation should have little or no fiscal impact to the state or local governments. If a slate of candidates for appointment to the Council is rejected by the Governor, an additional recruitment and evaluation process will be necessary but that should be covered without the need for additional funds for the Council.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).