

THE STATE OF IDAHO  
SUPREME COURT



JIM JONES  
JUSTICE

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**RESPONSE OF JUSTICE JIM JONES TO ACCUSATIONS MADE AGAINST THE  
IDAHO JUDICIARY**

This statement responds to campaign materials circulated by John Bradbury, a candidate for election to the Supreme Court. The candidate's materials make inaccurate accusations against the Idaho judiciary. As a member of the court, it is appropriate to address these misstatements because they cast the Idaho judiciary in a false light. A candidate for judicial office may put forth whatever proposals he may wish to improve the judicial system, but has no right to make unfounded claims that tarnish the courts. The accusations and correcting responses are as follows:

Accusation: "In the last three years, twenty-two district and appellate judges retired early so their successors could be appointed and avoid an election."

Facts: Since January 1, 2007, (over three years) twenty district and appellate judges have left office before the expiration of their terms. Two died, four resigned to accept other judicial positions, one resigned to pursue private employment, and thirteen retired for a variety of reasons, including health. As the Idaho Constitution provides, their successors were appointed by the Governor to complete the unexpired terms of office, at which time they must stand for election. All judges in Idaho must stand for election every four or six years. The judiciary does not have the power to prevent judges from resigning or retiring, or to specify when they may do so.

Accusation: "Does the Idaho Judiciary discriminate? Of the twenty-two judges appointed, only one was a woman."

Facts: The Idaho judiciary does not appoint judges. The Idaho Constitution gives that power to the Governor, subject to procedures provided by the Legislature. In 2008, the Supreme Court created a Judicial Recruitment Committee, co-chaired by Chief Judge Karen Lansing and Judge Sergio Gutierrez of the Idaho Court of Appeals. The Committee is seeking ways to increase the numbers of applicants for judicial positions, including women and minorities.

Accusation: "The forty-nine 'senior' judges who work 36 days a year can make almost the same pay as if they work full time."

Facts: "Senior" judges are judges who have retired and continue working part-time. There are currently ten senior district or appellate judges who have agreed to work 35 days a

year for five years in order to receive enhanced retirement benefits. They do not receive any additional pay for those 35 days a year. The remaining 38 senior judges have chosen to supplement their retirement incomes by continuing to work. They are paid at a rate set by the legislature only for the days they work. The senior judge program provides judges to decide cases promptly at substantially less cost to the taxpayers than adding new judges in those areas of the state where population increases have strained judicial resources.

Accusation: “The Supreme Court refused to consider night court so you wouldn’t have to decide between a day’s pay and your day in court.”

Facts: The Supreme Court has never been asked to consider night court. Any trial judge in the state who wants to create a night court can do so, with the consent of county officials because the county’s taxpayers must bear the increased cost of providing the court facilities and staff for night court. Night courts have been tried in Lewiston, Boise, and Twin Falls, but they were discontinued because the public did not utilize them. And, in fact, many judges presently conduct drug and mental health courts after hours (which works for problem-solving courts because attendance is not optional).

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