

Cheers & Jeers: Goliath's helpers

JEERS ... to the Idaho Supreme Court. It just tipped the scales of justice even more in favor of people and corporations with deep pockets.

As the high court just decreed, anyone who loses a lawsuit in Idaho will pay not only his own attorneys' fees, but those on the opposing side as well.

That's bad news for any ordinary person or small business in the Gem State who gets in an accident, buys a defective product or has a property dispute.

Would you rather eat your losses or run the risk of paying the other side's legal team as well as your own? That's easy. You're going to walk away from the fight.

For decades, Idaho was in the legal mainstream, authorizing judges to impose attorneys' fees on parties that abused the system by waging frivolous lawsuits or making claims without merit.

But now, the Supreme Court wants to stick David with paying Goliath's legal bills "when justice so requires."

What does that mean?

"Ask 10 attorneys 'when justice so requires' and you get 10 different answers," Idaho Legal Aid Services associate Director Howard Belodoff told the Spokesman-Review's Betsy Russell.

What could compel such a drastic change?

Not the law. This is the court reinterpreting an ambiguous 40-year-old measure based on legislative intent language - which is binding on no one.

Not the Constitution. The separation of powers doctrine empowers the courts to invalidate statutes they find to be contrary to the administration of justice.

Not even a compelling national legal precedent. Idaho is in a first-in-the-nation posture by the narrowest 3-2 Supreme Court margin.

You'd expect conservatives such as Justices Daniel Eismann and Joel Horton to take this approach. But why would Chief Justice Jim Jones join them? He's already on record in another case bemoaning how an 87-year-old northern Idahoan got nailed with \$185,000 in legal fees over a case involving a \$1,600 dispute.

Not to worry, the court says. It will wait to implement its ruling until March 1, giving the Idaho Legislature plenty of time to fix things.

Of course, this is the same Legislature that passed the "ag-gag" law, strangling the free speech rights of animal rights protesters in favor of the state's agriculture lobby. It's the same Legislature that would rather help polluters conceal their activities from the public.

Who are they kidding?

CHEERS ... to U.S. Sens. Mike Crapo and Jim Risch, R-Idaho. In a recent survey about which members of Congress spend the most time speaking on the floor, they got the worst scores.

Good for them.

C-SPAN went over the record for the 2015-16 term and found Risch spoke on four days.

That makes him the quietest man in the Senate.

Crapo spoke on nine days. In terms of most talkative, he's in 99th place.

Elsewhere in the Senate, Washington Democrat Maria Cantwell spoke on 53 days, ranking her 41st, and Patty Murray took the floor on 82 days, for a ranking of 16th.

In the House, U.S. Rep. Raul Labrador, R-Idaho, spoke on five days, ranking him at 430th. Rep. Mike Simpson, R-Idaho, picked up the microphone on 19 days, putting him in 288th place. And Rep. Cathy McMorris Rodgers rose to speak on 23 days, making her the 242nd most vocal member of the body.

Some of this is unavoidable. People in leadership, committee chairmen or floor managers are going to speak more often. That's why Senate Majority Leader Mitch McConnell and Minority Leader Harry Reid are ranked No. 1 and No. 2 respectively.

But a lot of this talk is just plain self-aggrandizement - members playing to the cameras and speaking to an empty chamber.

Did Rep. Sheila Jackson Lee, D-Texas, really need to speak up on 164 days? What compelled Rep. Joe "you lie!" Wilson, R-S.C., to flap his gums on 128 occasions?

Besides, if your member of Congress is showboating on the floor, he's not working in committee, button-holing votes or meeting with constituents. That's where he should be.

JEERS ... to Northwest Children's Home Chief Executive Officer Brian Pope. Set aside the allegations contained in an Idaho Department of Health and Welfare investigation of the children's home. Presumably, the veracity of those claims - and the future of the NCH itself -will be litigated in a licensing revocation hearing and possibly a courtroom.

But why does NCH respond to this series of troubling allegations by blaming the messengers?

Pope has characterized Health and Welfare Licensing Program Specialist Kelle Johnson as having a "personal agenda or vendetta."

"All these allegations have come from one person, one licensing agent," Pope told the Tribune's Joel Mills. "We asked for another licensing agent to come in as an impartial reviewer to give us a fair shake, and that was denied."

But Idaho is not awash with space for all the troubled children who need it. Why would Johnson - or her superiors at Health and Welfare - arbitrarily take any step that could leave them with even fewer placement options?

Then at the last minute, Pope and NCH Chief Operating Officer Bruce Grimoldby withdrew their offer to go over Johnson's report in a face-to-face interview with the Tribune. Instead, they issued a two-page statement.

They conveyed the usual justification about following the advice of their attorney.

But the children's home is not a bank.

It's not a utility.

It's not a used car lot.

The NCH holds a place of trust in its community. Providing sanctuary for kids who are vulnerable and have suffered from neglect and abuse is important work. With that comes an obligation to explain: What's being done to safeguard those kids? How is the children's home working to protect people living nearby in the neighborhood?

There has to be more to this story than complaints about a biased inspector and a canned news release.

CHEERS ... to Mountain View School Board member Jeremy Harris of Grangeville.

He's pushing against the idea of arming school personnel.

"I still have a lot of reservations on our policy," Harris said Monday. "I just simply don't agree with it."

He's right to be skeptical. Educators are trained to teach students. Police are trained to respond to emergencies. These are not transferable skills - and they require constant attention.

Other than remote Garden Valley, you don't see schools in Idaho rushing to adopt this kind of policy. They've got to know the odds of something going wrong are much greater than the odds of something going right. - M.T.