FIFTH JUDICIAL DISTRICT
Administrative Office
State of Idaho

MAY 09 2017

By

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

IN RE: BAIL BOND PLEADINGS	ADMINISTRATIVE ORDER 2017-21

WHEREAS, Idaho has promulgated Statewide Guidelines for the Uniform Administration of Bail provide information and guidance on the procedures to be followed with regard to bail; and

WHEREAS, the Guidelines are based upon best practices and upon the law as set forth in the Idaho Constitution, statutes, court rules, applicable rules or regulations, and case law; and

WHEREAS, Idaho Criminal Rule 12(d) requires the "name, address and telephone number of the attorney, or person appearing in propria persona, above the title of the court in the space to the left of center of the page and beginning at least two

(2) inches below the top edge thereof"; and

WHEREAS, Idaho Code § 3-402 makes it unlawful for any person, without having become duly admitted and licensed to practice law within the State of Idaho, to engage in the practice of law.[1] Moreover, the Idaho Supreme Court noted in *Weston v. Gritman Memorial Hospital,* "We recognize the inherent right of a natural person to represent himself *Pro Se,* but this right does not extend to the representation of other persons **or corporations.**"[2] Thus, the drafting and filing of legal motions on behalf of a separate legal entity, such as a bail bond company and/or surety amounts to the practice of law; and

WHEREAS, the Idaho Supreme Court adopted Statewide Bail Guidelines for the Uniform Administration of Bail and Bail Bonds in all Trial Courts of the State of Idaho, effective April 1, 2012; and

WHEREAS, with regard to the surrender of a defendant prior to forfeiture by court order, Section 11E(3) of the Statewide Bail Guidelines provides that in addition to the Certificate of Surrender, the *party posting bail shall file* with the court a Motion and Order for Exoneration; and

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1 *In re Matthews*, 58 Idaho 772, 79 P.2d 535 (1930)

2 *Weston v. Gritman Memorial Hospital*, 99 Idaho 717, 720, 587 P.2d 1252 (1978) (emphasis added).

WHEREAS, the Magistrate and District Judges of the Fifth Judicial District have been surveyed and they uniformly support the law and analysis of this Administrative Order.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1) Pleadings with regard to bail and bonds shall be filed in accordance with Idaho Criminal Rule 12(d), Idaho Code § 3-402 and the Statewide Bail Guidelines for the Uniform Administration of Bail and Bail Bonds in All Trial Courts of the State of Idaho, as stated above.

2) Where the bail agent is mandated to file a Motion and Order for Exoneration pursuant to Section 11E(3), such filings will continue to be accepted in the Fifth Judicial District. In all other cases, no bail agent or other employee of a bonding company or surety may file motions and proposed orders unless that agent or employee is an attorney licensed to practice law in the state of Idaho.

IT IS SO ORDERED.

DATED this 9th day of May, 2017.

Administrative District Judge

c: All Judges of the Fifth District
All Clerks of the District Court
Registered Bail Agents for the 5th Judicial District