

CAO CvPi INSTRUCTION 9-3
FILING A MOTION TO CORRECT A CLERICAL ERROR IN A JUDGMENT, ORDER
OR DECREE UNDER RULE 60(a) OF THE IDAHO RULES OF CIVIL PROCEDURE

If a clerical mistake has been made in a judgment, order, or other part of the court's record, Rule 60(a) of the Idaho Rules of Civil Procedure explains how you can request the court to correct that clerical error.

Rule 60(a). Relief from judgment or order - Clerical mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the Supreme Court or the district court, as the case may be, and thereafter while the appeal is pending may be so corrected. (Amended March 26, 1992, effective July 1, 1992.)

To request the correction of a clerical mistake under Rule 60(a) you should:

Step 1. Talk to an Attorney, if Possible.

WARNING: When you represent yourself in a court case you are held to the same standard as an attorney. This applies to your preparation of paperwork and your conduct at all hearings and/or trial. Your lack of legal knowledge may cause you to make serious errors in handling your case. These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee that your rights are protected or that you will be satisfied with the result. You should always talk to a lawyer about your legal problems before filing any legal paperwork. Even if you do not hire a lawyer to appear in your case, you may be able to find a lawyer to review your paperwork or give you more information about your rights. Call the Idaho State Bar (208-334-4500) to provide you with the name of an attorney who handles this type of case. Contact the Court Assistance Office for information about resources for low-income people, or visit the Idaho Supreme Court's Self-Help Center at <http://www.courtselfhelp.idaho.gov/>.

Step 2: Obtain the proper forms. Obtain the forms you need either from the Supreme Court's Self-Help Center Website at <http://www.courtselfhelp.idaho.gov/> or from your local court assistance office at the county courthouse. You will need the following forms:

CAO Cv 9-3 Motion to Correct Clerical Error
CAO CvPi 4-2x Generic Notice of Hearing (if required)
CAO CvPi 4-4x Generic Order

Step Two: Complete the Required Forms. Fill in the forms by typing or by printing neatly and legibly in **black ink**.

- **At the top left-hand corner of page 1 of each form**, fill in your full legal name, mailing address and telephone number.
- **The Caption.** Fill in the names of the plaintiff and defendant and case number exactly as they appeared in the caption in the original case.
- **The Motion.** In the first paragraph of the Motion, check the box to indicate if you are the plaintiff or the defendant and then insert a description of the judgment, order or decree to be corrected and the exact date it was entered. In the second paragraph, check the box and insert a complete description of error you want corrected and then describe how the corrected language should read. In the final paragraph, check the box if you are submitting a copy of a proposed form for the

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corrected order or judgment. Sign and date the Motion. Serve all parties in your case with a copy of the Motion and complete the Certificate of Service indicating how each party was served.

- **The Notice of Hearing.** Whether a hearing will be held is up to the judge assigned to decide the Motion. The judge may not require a hearing based on the type of correction requested. You will need to check with the clerk of the court to determine whether a hearing will be required. If so, complete form CAO CvPi Generic Notice of hearing just as you completed the Motion. Insert the date the court clerk gives you for the date of the hearing.
- **Order for Correction.** There is no specific form for an Order for Clerical Correction under Rule 60(a), so you will need to use the generic form for an order which is form CAO CvPi 4-4x. Complete this form as you have the others, leaving the section for the judge's decision and the signature line blank for the judge to sign.
- **Amended or Corrected Judgment, Order or Decree.** You will also need to prepare an Amended or Corrected Judgment, Order or Decree for the judge to sign if your Motion is granted. You may prepare a proposed version and submit it with your motion, or wait until the judge has made a decision. You can use a copy of the original judgment, order or decree to prepare a new version which contains the correction authorized by the judge. In the caption, add the language "Corrected" or "Amended" to the title of the judgment, order or decree. Leave the signature and date line blank for the judge to complete.

Step Three: File the forms with the court clerk. Take and file the completed forms with the court clerk in the county where the judgment, order or decree was entered.

- Provide the clerk a stamped, addressed envelope for you and all other parties in the case, along with three extra copies.
- The clerk will mail out copies of the Order and the Corrected/Amended Judgment, Order or Decree once they have been signed by the judge.