CHAPTER 602

JUDICIAL BRANCH

Referred to in §12F.2, §12H.2, §70A.30, §97D.5, §331.424, §453A.2, §564A.2, §564A.3

Iowa District Court, ch 602, Code 1983, repealed by
83 Acts, ch 186, §10201, 10203

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ARTICLE 1
JUDICIAL BRANCH

PART 1
DEFINITIONS AND COMPOSITION

602.1101 Definitions.

As used in **this chapter**, unless the context otherwise requires:

1. *"Book", "record"*, or *"register"* means any mode of permanent recording, including but not limited to, card files, microfilm, microfiche, and electronic records.
2. *"Chief judge"* means the district judge selected to serve as the chief judge of the judicial district pursuant to **section 602.1210**.
3. *"Chief justice"* means the chief justice of the supreme court selected pursuant to **section 602.4103**.
4. *"Chief juvenile court officer"* means a person appointed under **section 602.1217**.
5. *"Court employee"* or *"employee of the judicial branch"* means an officer or employee of the judicial branch except a judicial officer.
6. *"District court administrator"* means a person appointed pursuant to **section 602.1214**.
7. *"Judicial officer"* means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, an associate juvenile judge, an associate probate judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by **section 602.1612** or **602.9206**.
8. *"Magistrate"* means a person appointed under **article 6, part 4** to exercise judicial functions.
9. *"Senior judge"* means a person who qualifies as a senior judge under **article 9, part 2**.
10. *"State court administrator"* means the person appointed by the supreme court pursuant to **section 602.1208**.

83 Acts, ch 186, §1101, 10201, 10202; 96 Acts, ch 1153, §2; 98 Acts, ch 1047, §31, 32
Referred to in **§9B.17**, **§99D.2**, **§99F.1**, **§607A.3**, **§720.7**

602.1102 Judicial branch.

The judicial branch consists of all of the following:

1. The supreme court.
2. The court of appeals.
3. The district court.
4. The clerks of all of the courts of this state.
5. Juvenile court officers.
6. Court reporters.
7. All other court employees.

83 Acts, ch 186, §1102, 10201; 98 Acts, ch 1047, §33
Referred to in **§8A.101**, **§423.13A**

PART 2
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602.1201 Supervision and administration.

The supreme court has supervisory and administrative control over the judicial branch and over all judicial officers and court employees.

83 Acts, ch 186, §1201, 10201; 98 Acts, ch 1047, §34

602.1202 Judicial council.

A judicial council is established, consisting of the chief judges of the judicial districts, the chief judge of the court of appeals, and the chief justice who shall be the chairperson. The council shall convene not less than twice each year at times and places as ordered by the chief justice. The council shall advise the supreme court with respect to the supervision and administration of the judicial branch.

83 Acts, ch 186, §1202, 10201; 98 Acts, ch 1047, §35

Referred to in §231E.4

602.1203 Personnel conferences.

The chief justice may order conferences of judicial officers or court employees on matters relating to the administration of justice or the affairs of the judicial branch. For judges and other court employees who handle cases involving children and family law, the chief justice shall require regular training concerning mental or emotional disorders which may afflict children and the impact children with such disorders have upon their families.

83 Acts, ch 186, §1203, 10201; 95 Acts, ch 182, §28; 98 Acts, ch 1047, §36

602.1204 Procedures for judicial branch.

1. The supreme court shall prescribe procedures for the orderly and efficient supervision and administration of the judicial branch. These procedures shall be executed by the chief justice.

2. The state court administrator may issue directives relating to the management of the judicial branch. The subject matters of these directives shall include, but need not be limited to, fiscal procedures, the judicial retirement system, and the collection and reporting of statistical and other data. The directives shall provide for an affirmative action plan which shall be based upon guidelines provided by the Iowa state civil rights commission. In addition, when establishing salaries and benefits the state court administrator shall not discriminate in the employment or pay between employees on the basis of gender by paying wages to employees at a rate less than the rate at which wages are paid to employees of the opposite gender for work of comparable worth. As used in **this section** *"comparable worth"* means the value of work as measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of work.

3. The supreme court shall compile and publish all procedures and directives relating to the supervision and administration of the internal affairs of the judicial branch, and shall distribute a copy of the compilation and all amendments to each operating component of the judicial branch.

4. The supreme court shall accept bids for the printing of court forms from both public and private enterprises and shall attempt to contract with both public and private enterprises for a reasonable portion of the court forms.

83 Acts, ch 186, §1204, 10201; 98 Acts, ch 1047, §37; 2003 Acts, ch 35, §43, 49; 2003 Acts, ch 145, §271

Referred to in §602.1208, §602.1209, §602.1401

602.1205 Procedures for courts.

1. The supreme court shall prescribe procedures for the orderly and efficient administration of the judicial business of the courts. These procedures shall be executed by the chief justice.

2. Procedures for the district court shall provide for a court session at least once each week in each county to be fixed in advance and announced in the form of a printed schedule. However, court sessions may be at intervals other than once each week if in the opinion of the chief judge more efficient operations in the district will result. The procedures shall also provide for additional sessions for the trial of cases in each county at a frequency which will promptly dispose of the cases that are ready for trial.

83 Acts, ch 186, §1205, 10201

602.1206 Rules for judges and attorneys.

1. The supreme court shall prescribe rules as necessary to supervise the conduct of attorneys and judicial officers. These rules shall be executed by the chief justice.

2. Supreme court rules shall be published as provided in **section 2B.5**.

83 Acts, ch 186, §1206, 10201; 92 Acts, ch 1163, §109

602.1207 Report of the condition of the judicial branch.

The chief justice shall communicate the condition of the judicial branch by message to each general assembly, and may recommend matters the chief justice deems appropriate.

83 Acts, ch 186, §1207, 10201; 98 Acts, ch 1047, §38

602.1208 State court administrator.

1. The supreme court, by majority vote, shall appoint a state court administrator and may remove the administrator for cause.

2. The state court administrator is the principal administrative officer of the judicial branch, subject to the immediate direction and supervision of the chief justice.

3. The state court administrator shall employ staff as necessary to perform the duties of the administrator, subject to the approval of the supreme court and budget limitations. The administrator shall implement the comparable worth directives issued under **section 602.1204, subsection 2** in all court employment decisions.

4. All judicial officers and court employees shall comply with procedures and requests of the state court administrator with respect to information and statistical data bearing on the state of the dockets of the courts, the progress of court business, and other matters reflecting judicial business and the expenditure of moneys for the maintenance and operation of the judicial system.

83 Acts, ch 186, §1208, 10201; 98 Acts, ch 1047, §39

Referred to in **§602.1101**

602.1209 General duties of the state court administrator.

The state court administrator shall:

1. Manage the judicial branch.

2. Administer funds appropriated to the judicial branch.

3. Authorize the filling of vacant court employee positions, review the qualifications of each person to be employed within the judicial branch, and assure that affirmative action goals are being met by the judicial branch. The state court administrator shall not approve the employment of a person when either the proposed terms and conditions of employment or the qualifications of the individual do not satisfy personnel policies of the judicial branch. The administrator shall implement the comparable worth directives issued under **section 602.1204, subsection 2** in all court employment decisions.

4. Supervise the employees of the supreme court and court of appeals, and the clerk of the supreme court.

5. Administer the judicial retirement system as provided in **article 9**.

6. Collect and compile information and statistical data, and submit reports relating to judicial business, including juvenile court activities and other matters relating to the judicial branch.

7. Formulate and submit recommendations for improvement of the judicial system, with reference to the structure of the judicial branch and its organization and methods of operation, the selection, compensation, number, and tenure of judicial officers and court employees, and other matters as directed by the chief justice or the supreme court.

8. Call conferences of district court administrators as necessary in the administration of the judicial branch.

9. Provide a secretary and clerical services for the board of examiners of shorthand reporters under **article 3**.

10. Act as executive secretary of the commission on judicial qualifications under **article 2**.

11. Act as custodian of the bonds and oaths of office of judicial officers and court employees.

12. Issue vouchers for the payment of per diem and expenses from funds appropriated for purposes of **articles 2**, **3**, and **10**.

13. Collect and account for fees paid to the board of examiners of shorthand reporters under **article 3**.

14. Collect and account for fees paid to the board of bar examiners under **article 10**.

15. Distribute notices of interest rates and changes to interest rates as required by **section 668.13, subsection 3**.

16. Prescribe practices and procedures for the implementation of the preapplication screening assessment program referred to in **sections 125.74** and **229.5A**.

17. Perform other duties as assigned by the supreme court, or the chief justice, or by law.

83 Acts, ch 186, §1209, 10201; 87 Acts, ch 157, §2; 89 Acts, ch 19, §2; 98 Acts, ch 1047, §40; 2012 Acts, ch 1079, §16; 2013 Acts, ch 130, §54

Referred to in **§602.1215**, **§602.1402**

602.1210 Selection of chief judges.

Not later than December 15 in each odd-numbered year the chief justice shall appoint chief judges of the judicial districts, subject to the approval of the supreme court. The chief judge of a judicial district shall be appointed from those district judges who are serving within the district. A chief judge shall serve for a two-year term and is eligible for reappointment. The supreme court, by majority vote, may remove a person from the position of chief judge. Vacancies in the office of chief judge shall be filled in the same manner. An order appointing a chief judge shall be filed with the clerk of the supreme court, who shall mail a copy to the clerk of the district court in each county in the judicial district.

83 Acts, ch 186, §1210, 10201

Referred to in **§602.1101**

602.1211 Duties of chief judges.

1. In addition to judicial duties, a chief judge of a judicial district shall supervise all judicial officers and court employees serving within the district. The chief judge shall by order fix the times and places of holding court, and shall designate the respective presiding judges, supervise the performance of all administrative and judicial business of the district, allocate the workloads of district associate judges and magistrates, and conduct judicial conferences to consider, study, and plan for improvement of the administration of justice.

2. A chief judge shall not attempt to direct or influence a judicial officer in a judicial ruling or decision.

3. A chief judge may appoint from among the other judicial officers of the district, excluding the magistrates, one or more assistants to serve throughout the judicial district. A chief judge may remove a person from the position of assistant. An assistant shall have administrative duties as specified in court rules or in the order of appointment. An appointment or removal shall be made by judicial order and shall be filed with the clerk of the district court in each county in the judicial district.

4. A chief judge may designate other public officers to accept bond money or security under **section 232.23** or **811.2** at times when the office of the clerk of court is not open.

83 Acts, ch 186, §1211, 10201; 85 Acts, ch 17, §1; 96 Acts, ch 1153, §3; 97 Acts, ch 126, §43

Referred to in **§811.2**

602.1212 Judges for public utility rate cases.

1. The supreme court shall designate at least one district judge in each judicial district in the state who shall be subject to assignment by the chief justice to preside as necessary in this state in judicial review proceedings referred to in **section 476.13, subsection 1**. Designations shall be made on the basis of qualifications and experience, and shall be for the purpose of developing a pool of district judges who will have the knowledge and experience needed to expedite judicial review proceedings in those cases.

2. Upon receipt of notice from a district court clerk under **section 476.13, subsection 2**,

the chief justice of the supreme court shall assign one of the district judges selected under **subsection 1** to preside at the judicial review proceeding under **section 476.13**.

83 Acts, ch 127, §43
Referred to in **§476.13**

602.1213 District judicial conferences.

1. The judicial officers within a judicial district, excluding the magistrates, may convene as an administrative body as necessary to:

a. Prescribe local court procedures, subject to the approval of the supreme court.

b. Advise the chief judge respecting supervision and administration of the judicial district.

c. Exercise other duties, as established by law or by the supreme court.

2. A district judicial conference shall act by majority vote of its members.

83 Acts, ch 186, §1212, 10201; 96 Acts, ch 1153, §4
Referred to in **§633.18**

602.1214 District court administrator.

1. The chief judge of a judicial district shall appoint a district court administrator and may remove the administrator for cause.

2. The district court administrator shall assist the chief judge in the supervision and administration of the judicial district.

3. The district court administrator shall assist the state court administrator in the implementation of policies of the judicial branch and in the performance of the duties of the state court administrator.

4. The district court administrator shall employ and supervise all employees of the district court except court reporters, clerks of the district court, employees of the clerks of the district court, juvenile court officers, and employees of juvenile court officers.

5. The district court administrator shall comply with policies of the judicial branch and the judicial district.

6. The supreme court shall establish the qualifications for appointment as a district court administrator.

83 Acts, ch 186, §1213, 10201; 85 Acts, ch 67, §59; 98 Acts, ch 1047, §41
Referred to in **§602.1101**

602.1215 Clerk of the district court.

1. Subject to the provisions of **section 602.1209, subsection 3**, the district judges of each judicial election district shall by majority vote appoint persons to serve as clerks of the district court within the judicial election district. The district judges of a judicial election district may appoint a person to serve as clerk of the district court for more than one but not more than four contiguous counties in the same judicial district. A person does not qualify for appointment to the office of clerk of the district court unless the person is at the time of application a resident of the state. A clerk of the district court may be removed from office for cause by the chief judge of the judicial district, after consultation with the district judges of the judicial election district. Prior to removal, the clerk of the district court shall be notified of the cause for removal.

2. The clerk of the district court has the duties specified in **article 8**, and other duties as prescribed by law or by the supreme court.

3. The clerk of the district court shall assist the state court administrator and the district court administrator in carrying out the rules, directives, and procedures of the judicial branch and the judicial district.

4. The clerk of the district court shall comply with rules, directives, and procedures of the judicial branch and the judicial district.

83 Acts, ch 186, §1214, 10201; 92 Acts, ch 1115, §1; 98 Acts, ch 1047, §42; 2003 Acts, ch 151, §29; 2014 Acts, ch 1031, §1
Referred to in **§602.8101**, **§602.11101**
Appointment of clerk subject to approval of state court administrator; 2006 Acts, ch 1174, §3
Subsection 1 amended

602.1216 Retention of clerks of the district court.

A clerk of the district court shall stand for retention in office, in the county of the clerk's office, upon the petition signed by eligible electors residing in the county equal in number to at least ten percent of all registered voters in the county to the state commissioner of elections, at the judicial election in 1988 and every four years thereafter, under **sections 46.17 through 46.24**. The petition shall be filed in the office of the state commissioner not later than one hundred twenty days before the general election. A clerk who is not retained in office is ineligible to serve as clerk, in the county in which the clerk was not retained, for the four years following the retention vote.

83 Acts, ch 186, §1215, 10201; 89 Acts, ch 136, §74; 2001 Acts, ch 56, §37
Referred to in **§46.20**

602.1217 Chief juvenile court officer.

1. The chief judge of each judicial district, after consultation with the judges of the judicial district, shall appoint a chief juvenile court officer and may remove the officer for cause.

2. The chief juvenile court officer is subject to the immediate supervision and direction of the chief judge of the judicial district.

3. The chief juvenile court officer, in addition to performing the duties of a juvenile court officer, shall supervise juvenile court officers and administer juvenile court services within the judicial district in accordance with law and with the rules, directives, and procedures of the judicial branch and the judicial district.

4. The chief juvenile court officer shall assist the state court administrator and the district court administrator in implementing rules, directives, and procedures of the judicial branch and the judicial district.

5. A chief juvenile court officer shall have other duties as prescribed by the supreme court or by the chief judge of the judicial district.

83 Acts, ch 186, §1216, 10201; 98 Acts, ch 1047, §43; 2006 Acts, ch 1118, §1
Referred to in **§232.2**, **§602.1101**

602.1218 Removal for cause.

Inefficiency, insubordination, incompetence, failure to perform assigned duties, inadequacy in performance of assigned duties, narcotics addiction, dishonesty, unrehabilitated alcoholism, negligence, conduct which adversely affects the performance of the individual or of the judicial branch, conduct unbecoming a public employee, misconduct, or any other just and good cause constitutes cause for removal.

83 Acts, ch 186, §1217, 10201; 98 Acts, ch 1047, §44

PART 3

BUDGETING AND FUNDING

602.1301 Budget and fiscal procedures.

1. The supreme court shall prepare an annual operating budget for the judicial branch, and shall submit a budget request to the general assembly for the fiscal period for which the general assembly is appropriating funds.

2. *a.* As early as possible, but not later than December 1, the supreme court shall submit to the legislative services agency the annual budget request and detailed supporting information for the judicial branch. The submission shall be designed to assist the legislative services agency in its preparation for legislative consideration of the budget request. The information submitted shall contain and be arranged in a format substantially similar to the format specified by the director of management and used by all departments and establishments in transmitting to the director estimates of their expenditure requirements pursuant to **section 8.23**, except the estimates of expenditure requirements shall be based upon one hundred percent of funding for the current fiscal year accounted for by program, and using the same line item definitions of expenditures as used for the current fiscal year's budget request, and the remainder of the estimate of expenditure requirements prioritized

by program. The supreme court shall also make use of the department of management's automated budget system when submitting information to the director of management to assist the director in the transmittal of information as required under **section 8.35A**. The supreme court shall budget and track expenditures by the following separate organization codes:

(1) Iowa court information system.
(2) Appellate courts.
(3) Central administration.
(4) District court administration.
(5) Judges and magistrates.
(6) Court reporters.
(7) Juvenile court officers.
(8) District court clerks.
(9) Jury and witness fees.

b. Before December 1, the supreme court shall submit to the director of management an estimate of the total expenditure requirements of the judicial branch. The director of management shall submit this estimate received from the supreme court to the governor for inclusion without change in the governor's proposed budget for the succeeding fiscal year. The estimate shall also be submitted to the chairpersons of the committees on appropriations.

3. The state court administrator shall prescribe the procedures to be used by the operating components of the judicial branch with respect to the following:

a. The preparation, submission, review, and revision of budget requests.
b. The allocation and disbursement of funds appropriated to the judicial branch.
c. The purchase of forms, supplies, equipment, and other property.
d. Other matters relating to fiscal administration.

4. The state court administrator shall prescribe practices and procedures for the accounting and internal auditing of funds of the judicial branch, including uniform practices and procedures to be used by judicial officers and court employees with respect to all funds, regardless of source.

83 Acts, ch 186, §1301, 10201; 85 Acts, ch 262, §7; 86 Acts, ch 1245, §121; 88 Acts, ch 1271, §10; 89 Acts, ch 316, §19; 90 Acts, ch 1268, §10; 91 Acts, ch 267, §414; 98 Acts, ch 1047, §45; 2003 Acts, ch 35, §45, 49

602.1302 State funding.

1. Except as otherwise provided by **sections 602.1303**, **602.1304**, and **602.8108** or other applicable law, the expenses of operating and maintaining the judicial branch shall be paid out of the general fund of the state from funds appropriated by the general assembly for the judicial branch. State funding shall be phased in as provided in **section 602.11101**.

2. The supreme court may accept federal funds to be used in the operation of the judicial branch, but shall not expend any of these funds except pursuant to appropriation of the funds by the general assembly.

3. A revolving fund is created in the state treasury for the payment of jury and witness fees, mileage, costs related to summoning jurors by the judicial branch, costs and fees related to the management and payment of interpreters and translators in judicial branch legal proceedings and court-ordered programs, and attorney fees paid by the state public defender for counsel appointed pursuant to **section 600A.6A**. The judicial branch shall deposit any reimbursements to the state for the payment of jury and witness fees and mileage in the revolving fund. In each calendar quarter the judicial branch shall reimburse the state public defender for attorney fees paid pursuant to **section 600A.6B**. Notwithstanding **section 8.33**, unencumbered and unobligated receipts in the revolving fund at the end of a fiscal year do not revert to the general fund of the state. The judicial branch shall on or before February 1 file a financial accounting of the moneys in the revolving fund with the legislative services agency. The accounting shall include an estimate of disbursements from the revolving fund for the remainder of the fiscal year and for the next fiscal year.

4. The judicial branch shall reimburse counties for the costs of witness and mileage fees and for attorney fees paid pursuant to **section 232.141, subsection 1**.

83 Acts, ch 186, §1302, 10201; 85 Acts, ch 197, §11; 87 Acts, ch 152, §2; 95 Acts, ch 207, §23; 98 Acts, ch 1047, §46; 2002 Acts, ch 1175, §43; 2003 Acts, ch 35, §45, 49; 2005 Acts, ch 107, §6, 14; 2005 Acts, ch 165, §2; 2014 Acts, ch 1141, §15

Referred to in **§622A.3**, **§622A.4**

Local court property devoted for use of judicial branch; **§602.11107**

Subsection 3 amended

602.1303 Local funding.

1. A county or city shall provide the district court for the county with physical facilities, including heat, water, electricity, maintenance, and custodial services, as follows:

a. A county shall provide courtrooms, offices, and other physical facilities which in the judgment of the board of supervisors are suitable for the district court, and for judicial officers of the district court, the clerk of the district court, juvenile court officers, and other court employees.

b. The counties within the judicial districts shall provide suitable offices and other physical facilities for the district court administrator and staff at locations within the judicial districts determined by the chief judge of the respective judicial districts. The county auditor of the host county shall apportion the costs of providing the offices and other physical facilities among the counties within the judicial district in the proportion that the population of each county in the judicial district is to the total population of all counties in the district.

c. If court is held in a city other than the county seat, the city shall provide courtrooms and other physical facilities which in the judgment of the city council are suitable.

2. A county shall pay the expenses of the members of the county magistrate appointing commission as provided in **section 602.6501**.

3. A county shall pay the compensation and expenses of the jury commission and assistants under **chapter 607A**.

4. A county shall provide the district court with bailiff and other law enforcement services upon the request of a judicial officer of the district court.

5. A county shall pay the costs incurred in connection with the administration of juvenile justice under **section 232.141**.

6. A county shall pay the costs and expenses incurred in connection with grand juries.

7. A county or city shall pay the costs of its depositions and transcripts in criminal actions prosecuted by that county or city and shall pay the court fees and costs provided by law in criminal actions prosecuted by that county or city under county or city ordinance. A county or city shall pay witness fees and mileage in trials of criminal actions prosecuted by the county or city under county or city ordinance.

8. A county shall pay the fees and expenses allowed under **sections 815.2** and **815.3**.

9. If a county board of supervisors, with the approval of the supreme court, elects not to maintain space for the district court, the county may enter into an agreement with a contiguous county in the same judicial district to share the costs under **subsections 1 through 8**. For the purposes of **this subsection**, two counties are contiguous if they share a common boundary, including a corner.

83 Acts, ch 186, §1303, 10201; 84 Acts, ch 1301, §14; 85 Acts, ch 197, §12; 86 Acts, ch 1108, §6; 87 Acts, ch 192, §1; 92 Acts, ch 1164, §2

Referred to in **§331.361**, **§602.1302**, **§602.6105**, **§602.11101**

Certain bailiffs employed as court attendants; **§602.11113**

602.1304 Revenues — enhanced court collections fund.

1. Except as provided in **article 8** and **subsection 2** of **this section**, all fees and other revenues collected by judicial officers and court employees shall be paid into the general fund of the state.

2. *a.* The enhanced court collections fund is created in the state treasury under the authority of the supreme court. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. Notwithstanding **section 8.33**, moneys in the fund shall not revert to the general

fund, unless and to the extent the total amount of moneys deposited into the fund in a fiscal year would exceed the maximum annual deposit amount established for the collections fund by the general assembly. The initial maximum annual deposit amount for a fiscal year is four million dollars. Notwithstanding **section 12C.7, subsection 2**, interest or earnings on moneys in the collections fund shall remain in the collections fund and any interest and earnings shall be in addition to the maximum annual deposit amount.

b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to **section 8.22A, subsection 3**, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to **section 602.8108A**, the court technology and modernization fund pursuant to **section 602.8108, subsection 8**, and the road use tax fund pursuant to **section 602.8108, subsection 9**, and the remainder shall be the judicial collection estimate. In each quarter of a fiscal year, after revenues collected by judicial officers and court employees equal to that quarterly amount are deposited into the general fund of the state, after the required amount is deposited during the quarter into the Iowa prison infrastructure fund pursuant to **section 602.8108A**, into the court technology and modernization fund pursuant to **section 602.8108, subsection 8**, and into the road use tax fund pursuant to **section 602.8108, subsection 9**, the director of the department of administrative services shall deposit the remaining revenues for that quarter into the enhanced court collections fund in lieu of the general fund. However, after total deposits into the collections fund for the fiscal year are equal to the maximum deposit amount established for the collections fund, remaining revenues for that fiscal year shall be deposited into the general fund. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees.

c. Moneys in the collections fund shall be used by the judicial branch for the Iowa court information system; records management equipment, services, and projects; other technological improvements; electronic legal research equipment, systems, and projects; and the study, development, and implementation of other innovations and projects that would improve the administration of justice. The moneys in the collection fund may also be used for capital improvements necessitated by the installation of or connection with the Iowa court information system, the Iowa communications network, and other technological improvements approved by the judicial branch.

83 Acts, ch 186, §1304, 10201; 95 Acts, ch 207, §24; 96 Acts, ch 1034, §55; 96 Acts, ch 1216, §29; 97 Acts, ch 205, §23; 98 Acts, ch 1047, §47; 2003 Acts, ch 145, §286; 2005 Acts, ch 165, §3; 2005 Acts, ch 179, §137; 2006 Acts, ch 1030, §74; 2006 Acts, ch 1166, §4; 2007 Acts, ch 215, §64

Referred to in **§602.1302**

Use of enhanced court collections funds; reporting; 2009 Acts, ch 172, §1; 2010 Acts, ch 1185, §1; 2011 Acts, ch 135, §1, 7; 2012 Acts, ch 1137, §1; 2013 Acts, ch 133, §1, 7; 2014 Acts, ch 1137, §1

Section not amended; internal reference change applied

602.1305 Distribution of revenues of the district court.

All fees, costs, forfeited bail, and other court revenues collected by the district court shall be distributed as provided in **article 8**.

83 Acts, ch 186, §1305, 10201

PART 4

PERSONNEL

602.1401 Personnel system.

1. The supreme court shall establish, and may amend, a personnel system and a pay and benefits plan for court employees. The personnel system shall include a designation by position title, classification, and function of each position or class of positions within the judicial branch. Reasonable efforts shall be made to accommodate the individual staffing and management practices of the respective clerks of the district court. The personnel system, in the employment of court employees, shall not discriminate on the basis of race, creed, color, sex, national origin, religion, physical disability, or political party preference. The supreme court, in establishing the personnel system, shall implement the comparable worth directives issued by the state court administrator under **section 602.1204, subsection 2**. The personnel system shall include the prohibitions against sexual harassment of full-time, part-time, and temporary employees set out in **section 19B.12**, and shall include a grievance procedure for discriminatory harassment. The personnel system shall develop and distribute at the time of hiring or orientation, a guide that describes for employees the applicable sexual harassment prohibitions and grievance, violation, and disposition procedures. **This subsection** does not supersede the remedies provided under **chapter 216**.

2. The supreme court shall compile and publish all documents that establish the personnel system, and shall distribute a copy of the compilation and all amendments to each operating component of the judicial branch.

3. *a.* The state court administrator is the public employer of judicial branch employees for purposes of **chapter 20**, relating to public employment relations.

b. For purposes of **chapter 20**, the certified representative, which on July 1, 1983, represents employees who become judicial branch employees as a result of 1983 Iowa Acts, ch. 186, shall remain the certified representative when the employees become judicial branch employees and thereafter, unless the public employee organization is decertified in an election held under **section 20.15** or amended or absorbed into another certified organization pursuant to **chapter 20**. Collective bargaining negotiations shall be conducted on a statewide basis and the certified employee organizations which engage in bargaining shall negotiate on a statewide basis, although bargaining units shall be organized by judicial district. The public employment relations board shall adopt rules pursuant to **chapter 17A** to implement **this subsection**.

4. The supreme court may establish reasonable classes of employees and a pay and benefits plan for the classes of employees as necessary to accomplish the purposes of the personnel system.

5. The pay and benefits plan shall set the compensation and benefits of court employees within the funds appropriated by the general assembly.

6. The benefits plan established by the supreme court may provide for benefits to court employees not covered under a collective bargaining agreement entered into pursuant to **chapter 20**, notwithstanding any contrary provision of **section 70A.1** or **70A.23**, consistent with benefits provided to court employees covered under a collective bargaining agreement entered into with the state court administrator pursuant to **chapter 20**.

83 Acts, ch 186, §1401, 10201; 85 Acts, ch 117, §1; 91 Acts, ch 116, §6; 92 Acts, ch 1086, §4; 98 Acts, ch 1047, §48; 2000 Acts, ch 1057, §6 – 9; 2013 Acts, ch 30, §261

Referred to in **§602.1502**

602.1402 Personnel control.

The employment of court employees within an operating component of the judicial branch is subject to prior authorization by the supreme court, and to approval by the state court administrator under **section 602.1209**.

83 Acts, ch 186, §1402, 10201; 98 Acts, ch 1047, §49

Referred to in **§602.8101**

PART 5

COMPENSATION OF JUDICIAL OFFICERS AND COURT EMPLOYEES

602.1501 Judicial salaries.

1. The chief justice and each justice of the supreme court shall receive the salary set by the general assembly.
2. The chief judge and each judge of the court of appeals shall receive the salary set by the general assembly.
3. The chief judge of each judicial district and each district judge shall receive the salary set by the general assembly.
4. District associate judges shall receive the salary set by the general assembly.
5. Full-time associate juvenile judges and full-time associate probate judges shall receive the salary set by the general assembly.
6. Magistrates shall receive the salary set by the general assembly, subject to **section 602.6402**.

83 Acts, ch 186, §1501, 10201; 99 Acts, ch 93, §5; 2003 Acts, ch 151, §30

602.1502 State court administration salaries.

1. The supreme court shall set the compensation of the state court administrator. The salaries of other employees of the judicial branch shall be set pursuant to the judicial branch's pay plan established under **section 602.1401**.
2. Court reporters who are employed on an emergency basis in the district court shall be paid not more than their usual and customary fees, while employed by the court. Payments shall be made at least once each month.
3. Court reporters shall be paid compensation for transcribing their notes as provided in **section 602.3202**, but shall not work on outside depositions during the hours for which they are compensated as a court employee.

83 Acts, ch 186, §1502, 10201; 91 Acts, ch 116, §7; 98 Acts, ch 1047, §50

602.1503 through 602.1507 Repealed by 91 Acts, ch 116, §23. See §602.1502.

602.1508 Compensation of referees.

Referees and other persons referred to in **section 602.6602** shall receive a salary or other compensation as set by the supreme court.

83 Acts, ch 186, §1508, 10201

602.1509 Expenses.

1. When a judicial officer, court employee, or other person providing professional services to the courts is required to travel in the discharge of official duties, the person shall be paid actual and necessary expenses incurred in the performance of duties, not to exceed a maximum amount established by the supreme court. The supreme court shall prescribe procedures to establish the maximum amount, terms, and conditions for reimbursement of the expenses.
2. The supreme court may authorize juvenile court officers to receive a monthly allowance for use of an automobile in the discharge of official duties in lieu of receiving an expense reimbursement based on mileage.

83 Acts, ch 186, §1509, 10201
Referred to in **§602.1511**, **§602.1512**, **§602.4305**, **§602.5205**, **§602.9206**, **§622.69**

602.1510 Bond expense.

The cost of a bond that is required of a judicial officer or court employee in the discharge of duties shall be paid by the judicial branch.

83 Acts, ch 186, §1510, 10201; 98 Acts, ch 1047, §51

602.1511 Board of examiners for shorthand reporters.
Members of the board of examiners for certified shorthand reporters appointed under **article 3** shall receive actual and necessary expenses pursuant to **section 602.1509** and per diem compensation for each day actually engaged in the discharge of duties.
83 Acts, ch 186, §1511, 10201
Referred to in **§602.1513**

602.1512 Commission on judicial qualifications.
The members of the commission on judicial qualifications established under **section 602.2102**, other than the judicial member, shall receive per diem compensation for each day that they are actually engaged in the performance of duties. All of the members shall be reimbursed for actual and necessary expenses pursuant to **section 602.1509**.
83 Acts, ch 186, §1512, 10201
Referred to in **§602.1513**

602.1513 Per diem compensation.
The supreme court shall set the per diem compensation under **sections 602.1511** and **602.1512** at a rate per day not exceeding the rate specified in **section 7E.6**.
83 Acts, ch 186, §1513, 10201; 90 Acts, ch 1256, §53

602.1514 Judicial compensation commission. Repealed by 2008 Acts, ch 1156, §53, 58.

PART 6

GENERAL PROVISIONS

602.1601 Judicial proceedings public.
All judicial proceedings shall be public, unless otherwise specially provided by statute or agreed to by the parties.
83 Acts, ch 186, §1601, 10201

602.1602 Sunday — permissible acts.
A court shall not be opened on Sunday and judicial business shall not be transacted on Sunday, except to:
1. Give instructions to a jury then deliberating on its verdict.
2. Receive a verdict or discharge a jury.
3. Exercise the powers of a magistrate in a criminal proceeding.
4. Perform other acts as provided by law.

83 Acts, ch 186, §1602, 10201
Analogous or related provisions, **§626.6**, 639.5, 643.3, and 667.3

602.1603 Judge to be attorney.
A person is not eligible for, and shall not hold the office of supreme court justice, court of appeals judge, district judge, or district associate judge unless admitted to the practice of law in this state.
83 Acts, ch 186, §1603, 10201

602.1604 Judges shall not practice law.
While holding office, a supreme court justice, court of appeals judge, district judge, or district associate judge shall not practice as an attorney or counselor or give advice in relation to any action pending or about to be brought in any of the courts of the state.
83 Acts, ch 186, §1604, 10201; 2003 Acts, ch 151, §31

602.1605 Special conditions for magistrates.
1. A magistrate shall not accept any compensation, fee, or reward from or on behalf of

anyone for services rendered in the conduct of official business except the compensation provided by law.

2. If a magistrate who practices law appears as counsel for a client in a matter that is within the jurisdiction of a magistrate, that matter shall be heard only by a district judge or a district associate judge. A disqualification under **this section** shall be had upon motion of the magistrate or of any party, either orally or in writing, and the clerk of the district court shall reassign the matter to a proper judicial officer.

83 Acts, ch 186, §1605, 10201

602.1606 Judicial officer disqualified.

1. A judicial officer is disqualified from acting in a proceeding, except upon the consent of all of the parties, if any of the following circumstances exists:

a. The judicial officer has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

b. The judicial officer served as a lawyer in the matter in controversy, or a lawyer with whom the judicial officer previously practiced law served during that association as a lawyer concerning the matter, or the judicial officer or such lawyer has been a material witness concerning the matter.

c. The judicial officer knows that the officer, individually or as a fiduciary, or the officer's spouse or a person related to either of them by consanguinity or affinity within the third degree or the spouse of such a person has a financial interest in the subject matter in controversy or in a party to the proceeding, or has any other interest that could be substantially affected by the outcome of the proceeding.

d. The judicial officer or the officer's spouse, or a person related to either of them by consanguinity or affinity within the third degree or the spouse of such a person, is a party to the proceeding, or an officer, director, or trustee of a party, or is acting as a lawyer in the proceeding, or is known by the judicial officer to have an interest that could be substantially affected by the outcome of the proceeding, or is, to the judicial officer's knowledge, likely to be a material witness in the proceeding.

2. A judicial officer shall disclose to all parties in a proceeding any existing circumstances in **subsection 1, paragraphs *"a"* through *"d"*,** before the parties consent to the judicial officer's presiding in the proceeding.

83 Acts, ch 186, §1606, 10201; 2013 Acts, ch 30, §183

602.1607 Court employees shall not practice law.

A full-time court employee shall not practice as an attorney or counselor of law.

83 Acts, ch 186, §1607, 10201

602.1608 Salaries exclusive.

Court employees shall not accept any compensation, fee, or reward for services rendered in connection with duties of court employment except the compensation provided by law.

83 Acts, ch 186, §1608, 10201

602.1609 Compliance with ethics law.

Judicial officers and court employees shall comply with rules prescribed by the supreme court with respect to ethical conduct including the acceptance and receipt of gifts and honoraria, interests in public contracts, services against the state, and financial disclosure. In prescribing rules, the supreme court shall include any appropriate provisions and limitations contained in **chapter 68B**. Violations are subject to the imposition of criminal and civil penalties in the manner provided by law.

83 Acts, ch 186, §1609, 10201; 92 Acts, ch 1228, §30

602.1610 Mandatory retirement.

1. Judicial officers shall cease to hold office upon reaching the mandatory retirement age.

a. The mandatory retirement age is seventy-five years for all justices of the supreme court and district judges holding office on July 1, 1965.

b. The mandatory retirement age is seventy-two years for all justices of the supreme court, judges of the court of appeals, and district judges appointed to office after July 1, 1965.

c. The mandatory retirement age is seventy-two years for all district associate judges, associate juvenile judges, associate probate judges, and judicial magistrates. However, the mandatory retirement age does not apply to an associate juvenile judge or associate probate judge who is seventy-two years of age or older on July 1, 1996.

2. The mandatory retirement age for employees of the judicial branch is as provided in **section 97B.46**.

83 Acts, ch 186, §1610, 10201; 96 Acts, ch 1153, §5; 98 Acts, ch 1047, §52
Referred to in **§46.16**

602.1611 Judicial retirement programs.

1. Judges of the supreme court and court of appeals, district judges, and district associate judges are members of the judicial retirement system established in **article 9**, part 1, and are not members of the public employees' retirement system established in **chapter 97B**, except as provided in paragraphs "*a*" and "*b*".

a. District associate judges who exercised the election under **section 602.11115, subsection 1**, are members of the public employees' retirement system and are not members of the judicial retirement system. District associate judges who exercised the election under **section 602.11115, subsection 2**, are members of the judicial retirement system and are inactive members of the public employees' retirement system.

b. District associate judges appointed after June 30, 1984, judges of the supreme court and court of appeals, and district judges, who were vested members of the public employees' retirement system at the time they became members of the judicial retirement system, and whose contributions in the public employees' retirement system were not refunded to them prior to the repeal of **section 97B.69**, are members of the judicial retirement system and are inactive vested members of the public employees' retirement system until they become qualified to receive retirement benefits from the judicial retirement system and become retired members of the public employees' retirement system or voluntarily withdraw their contributions from the public employees' retirement system.

2. Magistrates shall be members of the Iowa public employees' retirement system unless the magistrate elects out of coverage under the Iowa public employees' retirement system as provided in **section 97B.42A**.

3. Commencing July 1, 1998, associate juvenile judges and associate probate judges, who are appointed on a full-time basis, are members of the judicial retirement system established in **article 9**, part 1, and are not members of the public employees' retirement system established in **chapter 97B**, except as provided in **section 602.11116**.

83 Acts, ch 186, §1611, 10201; 84 Acts, ch 1285, §26; 86 Acts, ch 1243, §34; 98 Acts, ch 1183, §72, 100, 104; 2003 Acts, ch 151, §32

602.1612 Temporary service by retired judges.

1. Justices of the supreme court, judges of the court of appeals, district judges, and district associate judges who are retired by reason of age or who are drawing benefits under **section 602.9106**, and senior judges who have retired under **section 602.9207** or who have relinquished senior judgeship under **section 602.9208, subsection 1**, may with their consent be assigned by the supreme court to temporary judicial duties on a court in this state if the assignment is deemed necessary by the supreme court to expedite the administration of justice.

2. A retired justice or judge shall not engage in the practice of law unless the justice or judge files an election to practice law with the clerk of the supreme court. Upon electing to practice law, the justice or judge is ineligible for assignment to temporary judicial duties at any time.

3. While serving under temporary assignment, a retired justice or judge shall be paid the compensation and expense reimbursement provided by law for justices or judges on the court to which assigned, but shall not receive annuity payments under the judicial retirement system and a district associate judge covered under **chapter 97B** shall receive

monthly benefits under that chapter only if the district associate judge has attained the age of seventy years.

4. A retired justice or judge may be authorized by the order of assignment to appoint a temporary court reporter, who shall receive the compensation and expense reimbursement provided by law for a regular court reporter in the court to which the justice or judge is assigned.

5. An order of assignment shall be filed in the office of the clerk of the court on which the justice or judge is to serve.

83 Acts, ch 186, §1612, 10201; 90 Acts, ch 1271, §1511
Referred to in §4.1, §46.16, §602.1101, §602.9206, §602.9208, §602.11114

602.1613 Court employee retirement.

Court employees are members of the Iowa public employees' retirement system under **chapter 97B**, except as otherwise provided in **chapter 97B** or **this chapter**.

83 Acts, ch 186, §1613, 10201; 84 Acts, ch 1285, §27

602.1614 Acceptance, distribution, and retention of electronic records by the judicial branch.

1. As used in **this section**, *"governmental agencies"* means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

2. Notwithstanding **section 554D.120**, the supreme court may prescribe by rule whether and to what extent the judicial branch will accept, process, distribute, and retain electronic records and electronic signatures from litigants, governmental agencies, and other persons, and to what extent the judicial branch will create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

3. If the supreme court prescribes rules relating to electronic records and electronic signatures under **subsection 2**, the rules may include but are not limited to the following:

a. Defining terms.

b. The manner and format in which an electronic record is created, generated, sent, communicated, received, filed, recorded, and stored.

c. Establishing the information process system to create, generate, send, communicate, receive, file, record, and store an electronic record.

d. How a traditional written signature will relate to an electronic signature.

e. The criteria establishing when an electronic document must be electronically signed.

f. The type of electronic signature required.

g. The manner and format in which an electronic signature is associated with an electronic record.

h. Who can create an electronic signature.

i. The criteria and procedures to follow when filing an electronic document, including who is allowed to file electronically, how notice is given, and electronic service of process.

j. Establishing processes and procedures to ensure adequate preservation, integrity, security, disposition, and audit worthiness of the electronic records.

k. Establishing the criteria for the retention of paper documents when deemed necessary to promote the integrity of electronic records.

l. Establishing the appropriate level of public access to differing classes of electronic records and other court records to ensure the confidentiality of any records that are required by law to be confidential.

m. Establishing any other process or procedures attributable to creating, generating, communicating, storing, processing, and using electronic records and electronic signatures, and how these electronic records and electronic signatures will relate to nonelectronic court records.

4. Rules prescribed pursuant to **this section** shall prevail over any other laws or court rules that specify the method, manner, or format for sending, receiving, retaining, or creating paper records relating to the courts. The supreme court may limit the applicability and scope of any

rules prescribed pursuant to **this section** to single offices, courts, judicial election districts, or by specific case types for the purpose of testing and implementing an electronic information processing system. Temporary rules prescribed pursuant to **this section** for the purpose of testing an electronic information processing system are not subject to the requirements of **section 602.4202**.

5. An electronic record that complies with the rules prescribed under **this section** shall prevail over any law that requires a written record, and an electronic signature that complies with the rules prescribed under **this section** shall prevail over any law that requires a written signature. An electronic record or signature that complies with rules prescribed under **this section** shall not be denied legal effect or enforceability based solely because of the record's or signature's electronic form. The determination of an electronic record's or signature's legal consequence is determined by **this chapter**, applicable law, and court rules.

2006 Acts, ch 1174, §5

ARTICLE 2

DISCIPLINE AND REMOVAL OF JUDICIAL OFFICERS

Referred to in **§602.1209**, **§602.9207**, **§602.9208**

PART 1

SUPREME COURT ACTION

Referred to in **§602.9113**

602.2101 Authority.

The supreme court may retire, discipline, or remove a judicial officer from office or may discipline or remove an employee of the judicial branch for cause as provided in this part.

83 Acts, ch 186, §3101, 10201; 92 Acts, ch 1228, §31; 98 Acts, ch 1047, §53

602.2102 Commission on judicial qualifications.

1. A seven-member "Commission on Judicial Qualifications" is established. The commission consists of one district judge and two members who are practicing attorneys in Iowa and who do not belong to the same political party, to be appointed by the chief justice; and four electors of the state who are not attorneys, no more than two of whom belong to the same political party, to be appointed by the governor, subject to confirmation by the senate. The commission members shall serve for six-year terms, are ineligible for a second term, and except for the judicial member shall not hold any other office of and shall not be employed by the United States or the state of Iowa or its political subdivisions. Members appointed by the chief justice shall serve terms beginning January 1 of the year for which the appointments are made and members appointed by the governor shall serve staggered terms beginning and ending as provided by **section 69.19**. Vacancies shall be filled by appointment by the chief justice or governor as provided in **this subsection**, for the unexpired portion of the term.

2. If the judicial member is the subject of a charge before the commission, the chief justice shall appoint a district judge of another judicial district to act as the judicial member of the commission until the person charged is exonerated, or for the unexpired portion of the term if the person charged is not exonerated. If the judicial member is a resident judge of the same judicial district as the judicial officer who is the subject of a charge before the commission, the chief justice shall appoint a district judge of another judicial district to act as the judicial member during that proceeding.

3. The commission shall elect its own chairperson, and the state court administrator or a designee of the state court administrator is the executive secretary of the commission.

83 Acts, ch 186, §3102, 10201

Referred to in **§602.1512**

Confirmation, see **§2.32**

602.2103 Operation of commission.

A quorum of the commission is four members. Only those commission members that are present at commission meetings or hearings may vote. An application by the commission to the supreme court to retire, discipline, or remove a judicial officer, or discipline or remove an employee of the judicial branch, or an action by the commission which affects the final disposition of a complaint, requires the affirmative vote of at least four commission members. Notwithstanding **chapter 21** and **chapter 22**, all records, papers, proceedings, meetings, and hearings of the commission are confidential, but if the commission applies to the supreme court to retire, discipline, or remove a judicial officer, or to discipline or remove an employee of the judicial branch, the application and all of the records and papers in that proceeding are public documents.

83 Acts, ch 186, §3103, 10201; 92 Acts, ch 1228, §32; 98 Acts, ch 1047, §54

602.2104 Procedure before commission.

1. Charges before the commission shall be in writing but may be simple and informal. The commission shall investigate each charge as indicated by its gravity. If the charge is groundless, it shall be dismissed by the commission. If the charge appears to be substantiated but does not warrant application to the supreme court, the commission may dispose of it informally by conference with or communication to the judicial officer or employee of the judicial branch involved. If the charge appears to be substantiated and if proved would warrant application to the supreme court, notice shall be given to the judicial officer and a hearing shall be held before the commission. The commission may employ investigative personnel, in addition to the executive secretary, as it deems necessary. The commission may also employ or contract for the employment of legal counsel.

2. In case of a hearing before the commission, written notice of the charge and of the time and place of hearing shall be mailed to a judicial officer or an employee of the judicial branch at the person's residence at least twenty days prior to the time set for hearing. Hearing shall be held in the county where the judicial officer or employee of the judicial branch resides unless the commission and the judicial officer or employee of the judicial branch agree to a different location. The judicial officer shall continue to perform judicial duties during the pendency of the charge and the employee shall continue to perform the employee's assigned duties, unless otherwise ordered by the commission. The attorney general shall prosecute the charge before the commission on behalf of the state. A judicial officer or employee of the judicial branch may defend and has the right to participate in person and by counsel, to cross-examine, to be confronted by the witnesses, and to present evidence in accordance with the rules of civil procedure. A complete record shall be made of the evidence by a court reporter. In accordance with its findings on the evidence, the commission shall dismiss the charge or make application to the supreme court to retire, discipline, or remove the judicial officer or to discipline or remove an employee of the judicial branch.

3. The commission has subpoena power, which may be used in conducting investigations and during the hearing process. A person who disobeys the commission's subpoena or who refuses to testify or produce documents as required by a commission subpoena may be punished for contempt in the district court for the county in which the hearing is being held or the investigation is being conducted. Costs related to investigations and to the appearance of witnesses subpoenaed by the designated prosecutor shall be paid by the commission. Commission subpoenas may be issued as follows:

a. During an investigation, subpoenas shall be issued by the commission, at the request of the person designated to conduct the investigation, to compel the appearance of persons or the production of documents before the person who is designated to conduct the investigation. The person designated to conduct the investigation shall administer the required oath.

b. During the hearing process, subpoenas shall be issued by the commission at the request of the designated prosecutor or the judicial officer or employee of the judicial branch.

83 Acts, ch 186, §3104, 10201; 92 Acts, ch 1228, §33; 93 Acts, ch 85, §1, 2; 98 Acts, ch 1047, §55

602.2105 Rules.

The commission shall prescribe rules for its operation and procedure.

83 Acts, ch 186, §3105, 10201

See Iowa Ct. R., ch 52 in the publication "Iowa Court Rules"

602.2106 Procedure before supreme court.

1. If the commission submits an application to the supreme court to retire, discipline, or remove a judicial officer or to discipline or remove an employee of the judicial branch, the commission shall promptly file in the supreme court a transcript of the hearing before the commission. The statutes and rules relative to proceedings in appeals of equity suits apply.

2. The attorney general shall prosecute the proceedings in the supreme court on behalf of the state, and the judicial officer or employee of the judicial branch may defend in person and by counsel.

3. Upon application by the commission, the supreme court may do any of the following:

a. Retire the judicial officer for permanent physical or mental disability which substantially interferes with the performance of judicial duties.

b. Discipline or remove the judicial officer for persistent failure to perform duties, habitual intemperance, willful misconduct in office, conduct which brings judicial office into disrepute, or substantial violation of the canons of judicial ethics. Discipline may include suspension without pay for a definite period of time not to exceed twelve months.

c. Discipline or remove an employee of the judicial branch for conduct which violates the code of ethics prescribed by the supreme court for court employees.

4. If the supreme court finds that the application should be granted in whole or in part, it shall render the decree that it deems appropriate.

83 Acts, ch 186, §3106, 10201; 92 Acts, ch 1228, §34; 98 Acts, ch 1047, §56

Referred to in **§602.9207**, **§602.9208**

602.2107 Civil immunity.

The making of charges before the commission, the giving of evidence or information before the commission or to an investigator or legal counsel employed by the commission, and the presentation of transcripts, extensions of evidence, briefs, and arguments in the supreme court are privileged in actions for defamation.

83 Acts, ch 186, §3107, 10201; 92 Acts, ch 1228, §35

PART 2

OTHER PROCEEDINGS

602.2201 Impeachment.

Judicial officers may be removed from office by impeachment pursuant to **chapter 68**.

83 Acts, ch 186, §3201, 10201

PART 3

APPOINTMENTS — DELAY

602.2301 Judicial officer appointment — delay.

1. Notwithstanding **section 46.12**, the chief justice may order the state commissioner of elections to delay, for budgetary reasons, the sending of a notification to the proper judicial nominating commission that a vacancy in the supreme court, court of appeals, or district court has occurred or will occur.

2. Notwithstanding **sections 602.6304**, **602.7103B**, and **633.20B**, the chief justice may order any county magistrate appointing commission to delay, for budgetary reasons, publicizing the notice of a vacancy for a district associate judgeship, associate juvenile judgeship, or associate probate judgeship.

3. Notwithstanding **section 602.6403, subsection 3**, if a magistrate position is vacant due to a death, resignation, retirement, an increase in the number of positions authorized, or to the removal of a magistrate, the chief justice may order any county magistrate appointing commission to delay, for budgetary reasons, the appointment of a magistrate to serve the remainder of an unexpired term.

4. Any delay authorized by the chief justice pursuant to **this section** shall not exceed one year in duration, and not more than eight delays authorized by the chief justice shall be in effect at any one time.

2011 Acts, ch 78, §2

ARTICLE 3

CERTIFICATION AND REGULATION OF SHORTHAND REPORTERS

Referred to in **§272C.1**, **§602.1209**, **§602.1511**, **§602.6603**

PART 1

CERTIFICATION

602.3101 Board of examiners.

1. A five-member board of examiners of shorthand reporters is established, consisting of three certified shorthand reporters and two persons who are not certified shorthand reporters and who shall represent the general public. Members shall be appointed by the supreme court. A certified member shall be actively engaged in the practice of certified shorthand reporting and shall have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. Professional associations or societies composed of certified shorthand reporters may recommend the names of potential board members to the supreme court, but the supreme court is not bound by the recommendations. A board member shall not be required to be a member of a professional association or society composed of certified shorthand reporters.

2. The supreme court shall appoint the administrator of the board.

83 Acts, ch 186, §4101, 10201; 2006 Acts, ch 1129, §4; 2010 Acts, ch 1159, §8

602.3102 Terms of office.

Appointments shall be for three-year terms and each term shall commence on July 1 of the year in which the appointment is made. Vacancies shall be filled for the unexpired term by appointment by the supreme court. Members shall serve a maximum of three terms or nine years, whichever is less.

83 Acts, ch 186, §4102, 10201

602.3103 Public members.

The public members of the board may participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

83 Acts, ch 186, §4103, 10201

602.3104 Meetings.

The board of examiners shall fix stated times for the examination of the candidates and shall hold at least one meeting each year at the seat of government. A majority of the members of the board constitutes a quorum.

83 Acts, ch 186, §4104, 10201

602.3105 Applications.

Applications for certification shall be on forms prescribed and furnished by the board and the board shall not require that the application contain a photograph of the applicant. An applicant shall not be denied certification because of age, citizenship, sex, race, religion, marital status, or national origin although the application may require citizenship information. The board may consider the past felony record of an applicant. Character references may be required, but shall not be obtained from certified shorthand reporters.

83 Acts, ch 186, §4105, 10201; 89 Acts, ch 296, §80

602.3106 Fees — appropriation.

1. The supreme court shall set the fee for certification examinations. The fee shall be based on the annual cost of administering the examinations and upon the administrative costs of sustaining the board, which shall include but shall not be limited to the cost for per diem, expenses, and travel for board members, and office facilities, supplies, and equipment.

2. The fees collected are appropriated to the judicial branch and shall be used to offset the expenses of the board, including the costs of administering the examination.

83 Acts, ch 186, §4106, 10201; 93 Acts, ch 85, §3; 2013 Acts, ch 45, §1

602.3107 Examinations.

The board may administer as many examinations per year as necessary, but shall administer at least one examination per year. The scope of the examinations and the methods of procedure shall be prescribed by the board. A written examination may be conducted by representatives of the board. Examinations in theory shall be in writing and the identity of the person taking the examination shall be concealed until after the examination papers have been graded. For examinations in practice, the identity of the person taking the examination also shall be concealed as far as possible. Applicants who fail the examination once may take the examination at the next scheduled time. Thereafter, the applicant may be allowed to take the examination at the discretion of the board. An applicant who has failed the examination may request in writing information from the board concerning the examination grade and subject areas or questions which the applicant failed to answer correctly, and the board shall provide the information. However, if the board administers a uniform, standardized examination, the board is only required to provide the examination grade and other information concerning the applicant's examination results that is available to the board.

83 Acts, ch 186, §4107, 10201

PART 2

REGULATION

602.3201 Requirement of certification — use of title.

A person shall not engage in the profession of shorthand reporting unless the person is certified pursuant to **this chapter**, or otherwise exempted pursuant to **section 602.6603, subsection 4**. Only a person who is certified by the board may assume the title of certified shorthand reporter, or use the abbreviation C.S.R., or any words, letters, or figures to indicate that the person is a certified shorthand reporter.

83 Acts, ch 186, §4201, 10201; 89 Acts, ch 296, §81

602.3202 Transcript fee.

Certified shorthand reporters are entitled to receive compensation for transcribing their official notes as set by rule of the supreme court, to be paid for in all cases by the party ordering the transcription.

83 Acts, ch 186, §4202, 10201

Referred to in **§602.1502**

Fees; see R.App.P. 6.803(4, 5)

602.3203 Revocation or suspension.

A certification may be revoked or suspended if the person is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of shorthand reporting, or engaging in unethical conduct or in a practice that is harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony. A copy of the record of conviction or plea of guilty is conclusive evidence.
6. Fraud in representations relating to skill or ability.
7. Use of untruthful or improbable statements in advertisements.

83 Acts, ch 186, §4203, 10201; 89 Acts, ch 296, §82

Referred to in §272C.3, §272C.4

PART 3

PENAL PROVISIONS

602.3301 Misuse of confidential information — penalty.

1. A member of the board shall not disclose information relating to the following:

a. Criminal history or prior misconduct of the applicant.

b. The contents of the examination.

c. Examination results other than final scores except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate information referred to in **subsection 1**, or a person who willfully requests, obtains, or seeks to obtain information referred to in **subsection 1**, is guilty of a simple misdemeanor.

83 Acts, ch 186, §4301, 10201

602.3302 Violations punished.

A person who violates any provision of **this article** is guilty of a simple misdemeanor.

83 Acts, ch 186, §4302, 10201

ARTICLE 4

SUPREME COURT

Referred to in §602.5110

PART 1

GENERAL PROVISIONS

602.4101 Justices — quorum.

1. The supreme court consists of seven justices. A majority of the justices sitting constitutes a quorum, but fewer than three justices is not a quorum.
2. Justices of the supreme court shall be nominated and appointed and shall stand for retention in office as provided in **chapter 46**. Justices of the supreme court shall qualify for office as provided in **chapter 63**.

83 Acts, ch 186, §5101, 10201; 98 Acts, ch 1184, §1, 4

602.4102 Jurisdiction.

1. The supreme court has appellate jurisdiction only in cases in chancery, and constitutes

a court for the correction of errors at law. The jurisdiction of the supreme court is coextensive with the state.

2. A civil or criminal action or special proceeding filed with the supreme court for appeal or review may be transferred by the supreme court to the court of appeals by issuing an order of transfer. The jurisdiction of the supreme court in the matter ceases upon the filing of that order by the clerk of the supreme court. A matter which has been transferred to the court of appeals pursuant to order of the supreme court is not thereafter subject to the jurisdiction of the supreme court, except as provided in **subsection 4**.

3. The supreme court shall prescribe rules for the transfer of matters to the court of appeals. These rules may provide for the selective transfer of individual cases and may provide for the transfer of cases according to subject matter or other general criteria. A rule shall not provide for the transfer of a matter other than by an order of transfer under **subsection 2**.

4. A party to an appeal decided by the court of appeals may, as a matter of right, file an application with the supreme court for further review.

a. An application for further review in an appeal from a child in need of assistance or termination of parental rights proceeding shall not be granted by the supreme court unless filed within ten days following the filing of the decision of the court of appeals.

b. In all other cases, an application for further review shall not be granted by the supreme court unless the application was filed within twenty days following the filing of the decision of the court of appeals.

5. The court of appeals shall extend the time for filing of an application if the court of appeals determines that a failure to timely file an application was due to the failure of the clerk of the court of appeals to notify the prospective applicant of the filing of the decision.

6. The supreme court shall prescribe rules of appellate procedure which shall govern further review by the supreme court of decisions of the court of appeals. These rules shall contain, but need not be limited to, a specification of the grounds upon which further review may, in the discretion of the supreme court, be granted.

83 Acts, ch 186, §5102, 10201; 98 Acts, ch 1115, §7, 21; 2003 Acts, ch 25, §2; 2006 Acts, ch 1129, §5

Referred to in **§602.5103**, **§602.5106**

602.4103 Chief justice.

The justices of the supreme court shall select one justice as chief justice, to serve during that justice's term of office. The chief justice is eligible for reselection. The chief justice shall appoint one of the other justices to act during the absence or inability of the chief justice to act, and when so acting the appointee has all the rights, duties, and powers of the chief justice.

83 Acts, ch 186, §5103, 10201

Referred to in **§602.1101**

602.4104 Divisions — full court.

1. The supreme court may be divided into divisions of three or more justices in the manner it prescribes by rule. The divisions may hold open court separately and cases may be submitted to each division separately, in accordance with these rules.

2. The supreme court shall prescribe rules for the submission of a case or petition for rehearing whenever differences arise between members of divisions or whenever the chief justice orders or directs the submission of the question or petition for rehearing by the whole court.

3. The supreme court shall prescribe rules to provide for the submission of cases to the entire bench or to the separate divisions.

83 Acts, ch 186, §5104, 10201; 85 Acts, ch 197, §13

602.4105 Time and place court meets.

The supreme court shall hold court at the seat of state government and elsewhere as the court orders, and at the times the court orders.

83 Acts, ch 186, §5105, 10201

602.4106 Opinions — reports.

1. The decisions of the court on all questions passed upon by it, including motions and points of practice, shall be specifically stated, and shall be accompanied with an opinion upon those which are deemed of sufficient importance, together with any dissents, which dissents may be stated with or without an opinion. All decisions and opinions shall be in writing and filed with the clerk, except that rulings upon motions may be entered upon the announcement book.

2. The records and reports for each case shall show whether a decision was made by a full bench, and whether any, and if so which, of the judges dissented from the decision.

3. The supreme court may publish reports of its official opinions, or it may direct that publication of the opinions by a private publisher shall be considered the official reports.

4. If the decision, in the judgment of the court, is not of sufficient general importance to be published, it shall be so designated, in which case it shall not be included in the reports, and no case shall be reported except by order of the full bench.

83 Acts, ch 186, §5106, 10201

Referred to in **§602.5111**

602.4107 Divided court.

When the supreme court is equally divided in opinion, the judgment of the court below shall stand affirmed, but the decision of the supreme court is of no further force or authority. Opinions may be filed in these cases.

83 Acts, ch 186, §5107, 10201

602.4108 Attendance of sheriff of Polk county.

The court may require the attendance and services of the sheriff of Polk county at any time.

83 Acts, ch 186, §5108, 10201

PART 2

RULES OF PROCEDURE

602.4201 Rules governing actions and proceedings.

1. The supreme court may prescribe all rules of pleading, practice, evidence, and procedure, and the forms of process, writs, and notices, for all proceedings in all courts of this state, for the purposes of simplifying the proceedings and promoting the speedy determination of litigation upon its merits.

2. Rules of appellate procedure relating to appeals to and review by the supreme court, discretionary review by the courts of small claims actions, review by the supreme court by writ of certiorari to inferior courts, appeal to or review by the court of appeals of a matter transferred to that court by the supreme court, and further review by the supreme court of decisions of the court of appeals, shall be known as "Rules of Appellate Procedure", and shall be published as provided in **section 2B.5**.

3. The following rules are subject to **section 602.4202**:

a. Rules of civil procedure.

b. Rules of criminal procedure.

c. Rules of evidence.

d. Rules of appellate procedure 6.101 through 6.105, 6.601 through 6.603, and 6.907.

e. Rules of probate procedure.

f. Juvenile procedure.

g. Involuntary hospitalization of mentally ill.

h. Involuntary commitment or treatment of persons with substance-related disorders.

83 Acts, ch 186, §5201, 10201; 92 Acts, ch 1163, §110; 98 Acts, ch 1115, §8, 21; 2009 Acts, ch 41, §165; 2011 Acts, ch 121, §60, 62; 2012 Acts, ch 1023, §83, 158

Referred to in **§125.94**, **§229.40**, **§232.152**, **§602.4202**, **§633.18**

602.4202 Rulemaking procedure.

1. The supreme court shall submit a rule or form prescribed by the supreme court under **section 602.4201, subsection 3**, or pursuant to any other rulemaking authority specifically made subject to **this section** to the legislative council and shall at the same time report the rule or form to the chairpersons and ranking members of the senate and house committees on judiciary. The legislative services agency shall make recommendations to the supreme court on the proper style and format of rules and forms required to be submitted to the legislative council under **this subsection**.

2. A rule or form submitted as required under **subsection 1** takes effect sixty days after submission to the legislative council, or at a later date specified by the supreme court, unless the legislative council, within sixty days after submission and by a majority vote of its members, delays the effective date of the rule or form to a date as provided in **subsection 3**.

3. The effective date of a rule or form submitted during the period of time beginning February 15 and ending February 14 of the next calendar year may be delayed by the legislative council until May 1 of that next calendar year.

4. If the general assembly enacts a bill changing a rule or form, the general assembly's enactment supersedes a conflicting provision in the rule or form as submitted by the supreme court.

83 Acts, ch 186, §5202, 10201; 85 Acts, ch 197, §14; 98 Acts, ch 1115, §9, 21; 2003 Acts, ch 35, §44, 49

Referred to in **§2.42**, **§2A.4**, **§232.8**, **§602.1614**, **§602.4201**, **§813.4**

Exception for electronic information system temporary rulemaking procedure, see **§602.1614**

PART 3

ADMINISTRATION

602.4301 Clerk of supreme court.

1. The supreme court shall appoint a clerk of the supreme court and may remove the clerk for cause.

2. The clerk of the supreme court shall have an office at the seat of government, shall keep a complete record of the proceedings of the court, and shall not allow an opinion filed in the office to be removed. Opinions shall be open to examination and, upon request, may be copied and certified. The clerk promptly shall announce by ordinary or electronic mail to one of the attorneys on each side any ruling made or decision rendered, shall record every opinion rendered as soon as filed, shall send by ordinary or electronic mail a copy of each opinion rendered to each attorney of record and to each party not represented by counsel, and shall perform all other duties pertaining to the office of clerk.

3. The clerk of the supreme court shall collect and account to the state court administrator for all fees received by the supreme court.

4. The clerk of the supreme court shall give bond as provided in **chapter 64**.

83 Acts, ch 186, §5301, 10201; 2007 Acts, ch 33, §2

602.4302 Deputy clerk — staff.

1. The clerk of the supreme court may appoint a deputy clerk of the supreme court. In the absence or disability of the clerk, the deputy shall perform the duties of the clerk.

2. The clerk of the supreme court may employ necessary staff, as authorized by the supreme court.

83 Acts, ch 186, §5302, 10201

602.4303 Supreme court fees.

1. The supreme court shall by rule prescribe fees for the services of the court and clerk of the supreme court.

2. If any of the fees are not paid in advance, execution may issue for them, except for fees payable by the county or the state.

83 Acts, ch 186, §5303, 10201; 98 Acts, ch 1115, §10, 21

Fee schedule, R.App.P. 6.702(1)

602.4304 Supreme court staff.

1. The supreme court may appoint attorneys or graduates of a reputable law school to act as legal assistants to the justices of the supreme court.

2. The supreme court may employ other professional and clerical staff as necessary to accomplish the judicial duties of the court.

83 Acts, ch 186, §5304, 10201; 98 Acts, ch 1115, §11

602.4305 Limitation on expenses.

A justice of the supreme court may choose whether to reside at the seat of government or elsewhere. The court administrator may approve necessary travel and actual expenses, incurred by a justice of the supreme court for attendance at oral arguments and judicial conferences, not to exceed the maximum amount established by the supreme court pursuant to **section 602.1509**.

83 Acts, ch 186, §5305, 10201

ARTICLE 5

COURT OF APPEALS

PART 1

GENERAL PROVISIONS

602.5101 Court of appeals.

The Iowa court of appeals is established as an intermediate court of appeals. The court of appeals is a court of record.

83 Acts, ch 186, §6101, 10201

602.5102 Judges — quorum.

1. The court of appeals consists of nine judges; three judges of the court of appeals constitute a quorum.

2. Judges of the court of appeals shall be nominated and appointed and shall stand for retention in office as provided in **chapter 46**. Judges of the court of appeals shall qualify for office as provided in **chapter 63**.

3. A person appointed as a judge of the court of appeals must satisfy all requirements for a justice of the supreme court.

4. The court of appeals may be divided into divisions of three or more judges in a manner as it may prescribe by rule. The divisions may hold open court separately and cases may be submitted to each division separately in accordance with rules the court may prescribe. The rules shall provide for submitting a case or petition for rehearing or hearing en banc at the direction of the chief judge or at the request of a specified number of judges designated in the rules. The court of appeals shall prescribe all rules necessary to provide for the submission of cases to the whole court or to a division.

83 Acts, ch 186, §6102, 10201; 83 Acts, ch 204, §11, 12; 98 Acts, ch 1184, §2, 4

602.5103 Jurisdiction.

1. The jurisdiction of the court of appeals is coextensive with the state. The court of appeals has appellate jurisdiction only in cases in chancery, and constitutes a court for the correction of errors at law.

2. The court of appeals has subject matter jurisdiction to review the following matters:

a. Civil actions and special civil proceedings, whether at law or in equity.
b. Criminal actions.
c. Postconviction remedy proceedings.
d. A judgment of a district judge in a small claims action.

3. The jurisdiction of the court of appeals with respect to actions and parties is limited to those matters for which an appeal or review proceeding properly has been brought before the supreme court, and for which the supreme court pursuant to **section 602.4102** has entered an order transferring the matter to the court of appeals.

4. The court of appeals and judges of the court may issue writs and other process necessary for the exercise and enforcement of the court's jurisdiction, but a writ, order, or other process issued in a matter that is not before the court pursuant to an order of transfer issued by the supreme court is void.

83 Acts, ch 186, §6103, 10201

602.5104 Sessions — location.

The court of appeals shall meet at the seat of state government and elsewhere as the court orders, and at the times specified by order of the court.

83 Acts, ch 186, §6104, 10201; 99 Acts, ch 144, §6

602.5105 Chief judge.

1. At the first meeting in each odd-numbered year the judges of the court of appeals by majority vote shall designate one judge as chief judge, to serve for a two-year term. A vacancy in the office of chief judge shall be filled for the remainder of the unexpired term by majority vote of the judges of the court of appeals, after any vacancy on the court has been filled.

2. The chief judge shall supervise the business of the court and shall preside when present at a session of the court.

3. If the chief judge desires to be relieved of the duties of chief judge while retaining the status of judge of the court of appeals, the chief judge shall notify the chief justice and the other judges of the court of appeals. The office of chief judge shall be deemed vacant, and shall be filled as provided in **this section**.

4. In the absence of the chief judge, the duties of the chief judge shall be exercised by the judge next in precedence. Judges of the court of appeals other than the chief judge have precedence according to the length of time served on that court. Of several judges having equal periods of time served, the eldest has precedence.

83 Acts, ch 186, §6105, 10201

602.5106 Decisions of the court — finality.

1. The court of appeals may affirm, modify, vacate, set aside, or reverse any judgment, order, or decree of the district court or other tribunal which is under the jurisdiction of the court, and may remand the cause and direct the entry of an appropriate judgment, order, or decree, or require further proceedings to be had as is just. If the judges are equally divided on the ultimate decision, the judgment, order, or decree shall be affirmed.

2. A decision of the court of appeals is final and shall not be reviewed by any other court except upon the granting by the supreme court of an application for further review as provided in **section 602.4102**. Upon the filing of the application, the judgment and mandate of the court of appeals is stayed pending action of the supreme court.

83 Acts, ch 186, §6106, 10201; 2006 Acts, ch 1129, §6
Referred to in **§602.5108**

602.5107 Rules.

The court of appeals, subject to the approval of the supreme court, may prescribe rules for the conduct of business of the court of appeals. Rules prescribed shall not abridge, enlarge, or modify a substantive right.

83 Acts, ch 186, §6107, 10201

602.5108 When decisions effective.

A decision of the court of appeals shall be in writing, and shall be effective, except as provided in **section 602.5106, subsection 2**, when the decision of the court is filed with the clerk of the supreme court.

83 Acts, ch 186, §6108, 10201

602.5109 Process — style — seal.

1. Process of the court of appeals shall be styled: "In the Court of Appeals of Iowa".

2. The supreme court may adopt a seal for the court of appeals. Upon adoption, the clerk of the supreme court shall file a facsimile and description of the design in the office of the secretary of state. Judicial notice shall be taken of the official seal of the court of appeals.

83 Acts, ch 186, §6109, 10201

602.5110 Records.

The records of the court of appeals shall be kept by the clerk of the supreme court, and at the same place as, but segregated from the records of the supreme court. Records of the court of appeals shall be maintained in the same manner as records of the supreme court under **article 4**.

83 Acts, ch 186, §6110, 10201

602.5111 Publication of opinions.

The state court administrator shall cause the publication of opinions of the judges of the court of appeals in accordance with rules prescribed by the supreme court. **Section 602.4106** applies to decisions of the court of appeals. The state court administrator shall cause the publication of abstracts of all decisions for which written opinions are not published.

83 Acts, ch 186, §6111, 10201

602.5112 Fees — costs.

Costs to be collected and awarded in the court of appeals shall be as prescribed from time to time by the supreme court. Fees and costs may be awarded to a party to the appeal in the discretion of the court of appeals. A fee shall not be charged for the docketing of a matter in the court of appeals upon transfer from the supreme court.

83 Acts, ch 186, §6112, 10201

PART 2

ADMINISTRATION

602.5201 Clerk of court.

1. The clerk of the supreme court or a deputy of that clerk shall act as clerk of the court of appeals. The clerk of the court of appeals shall keep a complete record of the proceedings of that court, shall collect the fees and costs prescribed by the supreme court, and shall account for all receipts and disbursements of the court of appeals.

2. The clerk of the supreme court, subject to the approval of the supreme court, may employ additional staff for the performance of duties relating to the court of appeals.

83 Acts, ch 186, §6201, 10201

602.5202 Secretary to judge.

Each judge of the court of appeals may employ one personal secretary.

83 Acts, ch 186, §6202, 10201

602.5203 Law clerks.

The court of appeals may employ attorneys or graduates of a reputable law school to act as legal assistants to the court.

83 Acts, ch 186, §6203, 10201; 83 Acts, ch 204, §13; 97 Acts, ch 128, §1

602.5204 Physical facilities.

The state court administrator shall obtain suitable facilities for the court of appeals at the seat of state government. To the extent practicable, the court administrator shall utilize existing supreme court facilities.

83 Acts, ch 186, §6204, 10201

602.5205 Limitation on expenses.

1. Each judge of the court of appeals shall be provided personal office space and equipment, and facilities for a secretary and law clerk at the seat of state government only. Each judge may choose whether to reside at the seat of government or elsewhere. The court administrator may approve necessary travel and actual expenses, incurred by a judge of the court of appeals for attendance at oral arguments and judicial conferences, not to exceed the maximum amount established by the supreme court pursuant to **section 602.1509**.

2. Offices may be provided for court of appeals judges or employees at any place other than the seat of state government with the approval of the supreme court within the funds available to the judicial branch.

83 Acts, ch 186, §6205, 10201; 94 Acts, ch 1127, §1; 98 Acts, ch 1047, §57

ARTICLE 6
DISTRICT COURT

PART 1
GENERAL PROVISIONS

602.6101 Unified trial court.

A unified trial court is established. This court is the "Iowa District Court". The district court has exclusive, general, and original jurisdiction of all actions, proceedings, and remedies, civil, criminal, probate, and juvenile, except in cases where exclusive or concurrent jurisdiction is conferred upon some other court, tribunal, or administrative body. The district court has all the power usually possessed and exercised by trial courts of general jurisdiction, and is a court of record.

83 Acts, ch 186, §7101, 10201

602.6102 Appeals and writs of error.

The district court has jurisdiction in appeals and writs of error taken in civil and criminal actions and special proceedings authorized to be taken from tribunals, boards, or officers under the laws of this state, and has general supervision thereof, in all matters, to prevent and correct abuses where no other remedy is provided.

83 Acts, ch 186, §7102, 10201

602.6103 Court in continuous session.

The district court of each judicial district shall be in continuous session for all of the several counties comprising the district.

83 Acts, ch 186, §7103, 10201; 92 Acts, ch 1164, §3

602.6104 Judicial officers.

1. The jurisdiction of the Iowa district court shall be exercised by district judges, district associate judges, associate juvenile judges, associate probate judges, and magistrates.

2. Judicial officers of the district court shall not sit together in the trial of causes nor upon the hearings of motions for new trials. They may hold court in the same county at the same time.

83 Acts, ch 186, §7104, 10201; 99 Acts, ch 93, §6

602.6105 Places of holding court — magistrate schedules.

1. Courts shall be held at the places in each county maintaining space for the district court as designated by the chief judge of the judicial district, except that the determination of actions, special proceedings, and other matters not requiring a jury may be done at some other place in the district with the consent of the parties. For the purposes of **this subsection**, contiguous counties which have entered into an agreement to share costs pursuant to **section 331.381, subsection 16**, paragraph *"b"*, shall be considered as one unit for the purpose of conducting all matters except as otherwise provided in **this subsection**.

2. In any county having two county seats, court shall be held at each, and, in the county of Pottawattamie, court shall be held at Avoca, as well as at the county seat.

3. *a.* The chief judge of a judicial district shall designate times and places for magistrates to hold court to ensure accessibility of magistrates at all times throughout the district. The schedule of times and places of availability of magistrates and any schedule changes shall be disseminated by the chief judge to the peace officers within the district.

b. (1) The chief judge of a judicial district shall schedule a magistrate to hold court in a city other than the county seat if all of the following apply:

(a) Magistrate court was regularly scheduled in the city on or after July 1, 2001.

(b) The population of the city is at least two times greater than the population of the county seat or the population of the city is at least thirty thousand.

(c) The city requests the chief judge to schedule magistrate court.

(2) In addition to paying the costs in **section 602.1303, subsection 1**, the city requesting the magistrate court shall pay any other costs for holding magistrate court in the city which would not otherwise have been incurred by the judicial branch.

83 Acts, ch 186, §7105, 10201; 92 Acts, ch 1164, §4; 2003 Acts, ch 151, §33; 2013 Acts, ch 30, §261

602.6106 Sessions not at county seats — effect — duty of clerk.

When court is held at a place that is not the county seat, all of the provisions of the Code relating to district courts are applicable, except as follows: All proceedings in the court have, within the territory over which the court has jurisdiction, the same force and effect as though ordered in the court at the county seat, but transcripts of judgments and decrees, levies of writs of attachment upon real estate, mechanics' liens, lis pendens, sales of real estate, redemption, satisfaction of judgments and mechanics' liens, and dismissals or decrees in lis pendens, together with all other matters affecting titles to real estate, shall be certified by the clerk's designee to the clerk of district court at the county seat who shall immediately enter them upon the records at the county seat.

83 Acts, ch 186, §7106, 10201; 90 Acts, ch 1233, §36

Referred to in **§602.8102(87)**

602.6107 Reorganization of judicial districts and judicial election districts.

1. The supreme court shall, beginning January 1, 2012, and at least every ten years thereafter, review the division of the state into judicial districts and judicial election districts in order to determine whether the composition or the total number of the judicial districts and judicial election districts is the most efficient and effective administration of the district court and the judicial branch.

2. If the supreme court determines that the administration of the district court and the judicial branch would be made more efficient and effective by reorganizing the judicial districts and judicial election districts, which may include expanding or contracting the total number of judicial districts and judicial election districts, the supreme court shall develop and submit to the general assembly by November 15 a plan that reorganizes the judicial districts and judicial election districts. The legislative services agency shall draft a bill embodying the plan for submission by the supreme court to the general assembly. The general assembly shall bring the bill to a vote in either the senate or the house of representatives within thirty days of the bill's submission by the supreme court to the general assembly, under a procedure or rule permitting no amendments by either house except those of a purely corrective nature. If both houses pass the bill, the bill shall be presented as any

other bill to the governor for approval. The bill shall take effect upon the general assembly passing legislation, which is approved by the governor including an effective date for the reorganization of the judicial districts and judicial election districts.

3. The composition of the judicial districts in **section 602.6107, Code 2003**, and judicial election districts in **section 602.6109, Code 2003**, shall remain in effect until a new division of the state into judicial districts and judicial election districts is enacted.

4. It is the intent of the general assembly that the supreme court prior to developing a plan pursuant to **this section** consult with and receive input from members of the general public, court employees, judges, members of the general assembly, the judicial departments of correctional services, county officers, officials from other interested political subdivisions, and attorneys. In submitting a plan pursuant to **this section**, the supreme court shall also submit to the general assembly a report stating the reasons for developing the plan and describing in detail the process used in developing the plan.

5. Nothing in **this section** or other provision of the Code shall be construed to preclude the general assembly or the judicial branch from proposing or considering a plan reorganizing the judicial districts and judicial election districts at any time.

83 Acts, ch 186, §7107, 10201; 2003 Acts, ch 35, §46, 49; 2003 Acts, ch 151, §34
Referred to in **§602.6109**

602.6108 Reassignment of personnel.

The chief justice of the supreme court shall assign judicial officers and court employees from one judicial district to another, on a continuing basis if need be, in order to handle the judicial business in all districts promptly and efficiently at all times.

83 Acts, ch 186, §7108, 10201
Referred to in **§602.6201**, **§602.6305**, **§602.6404**, **§602.7103C**, **§633.20C**

602.6109 Judicial election districts and judgeships.

1. The reorganized judicial election districts established pursuant to **section 602.6107** shall be used solely for purposes of nomination, appointment, and retention of judges of the district court.

2. If the judicial election districts are reorganized under **section 602.6107**, the state court administrator shall reapportion the number of judgeships to which each judicial election district is entitled. The reapportionment shall be determined according to **section 602.6201, subsection 3**.

83 Acts, ch 186, §7109, 10201; 2003 Acts, ch 151, §35

602.6110 Peer review court.

1. A peer review court may be established in each judicial district to divert certain juvenile offenders from the criminal or juvenile justice systems. The court shall consist of a qualified adult to act as judge while the duties of prosecutor, defense counsel, court attendant, clerk, and jury shall be performed by persons twelve through seventeen years of age.

2. The jurisdiction of the peer review court extends to those persons ten through seventeen years of age who have committed misdemeanor offenses, or delinquent acts which would be misdemeanor offenses if committed by an adult, who have admitted involvement in the misdemeanor or delinquent act, and who meet the criteria established for entering into an informal adjustment agreement for those offenses. Those persons may elect to appear before the peer review court for a determination of the terms and conditions of the informal adjustment or may elect to proceed with the informal or formal procedures established in **chapter 232**.

3. The peer review court shall not determine guilt or innocence and any statements or admissions made by the person before the peer review court are not admissible in any formal proceedings involving the same person. The peer review court shall only determine the terms and conditions of the informal adjustment for the offense. The terms and conditions may consist of fines, restrictions for damages, attendance at treatment programs, or community service work or any combination of these penalties as appropriate to the offense or delinquent act committed. A person appearing before the peer review court may also be required to serve as a juror on the court as a part of the person's sentence.

4. The chief judge of each judicial district which establishes a peer review court shall appoint a peer review court advisory board. The advisory board shall adopt rules for the peer review court advisory program, shall appoint persons to serve on the peer review court, and shall supervise the expenditure of funds appropriated to the program. Rules adopted shall include procedures which are designed to eliminate the influence of prejudice and racial and economic discrimination in the procedures and decisions of the peer review court.

89 Acts, ch 262, §1; 97 Acts, ch 126, §44; 98 Acts, ch 1100, §77

602.6111 Identification information filed with the clerk.

1. Any party, other than the state or a political subdivision of the state, filing a petition or complaint, answer, appearance, first motion, or any document filed with the clerk of the district court which brings a new party into a proceeding shall provide the clerk of the district court with the following information when applicable:

a. An employer identification number if a number has been assigned.

b. The birth date of the party.

c. The social security number of the party.

2. Any party, except the child support recovery unit, filing a petition, complaint, answer, appearance, first motion, or any document with the clerk of the district court to establish or modify an order for child support under **chapter 236**, **252A**, **252K**, **598**, or **600B** shall provide the clerk of the district court with the date of birth and social security number of the child.

3. A party shall provide the information pursuant to **this section** in the manner required by rules or directives prescribed by the supreme court. The clerk of the district court shall keep a social security number provided pursuant to **this section** confidential in accordance with the rules and directives prescribed by the supreme court.

93 Acts, ch 171, §18; 94 Acts, ch 1171, §49; 98 Acts, ch 1170, §17; 2003 Acts, ch 151, §36

Referred to in **§232.101A**, **§232.104**, **§252B.24**

602.6112 Regional litigation centers — prohibition.

The judicial branch shall not establish regional litigation centers.

2003 Acts, ch 151, §37

602.6113 Apportionment of certain judicial officers — substantial disparity.

Notwithstanding **section 602.6201**, **602.6301**, **602.6304**, **602.7103B**, or **633.20B**, if a vacancy occurs in the office of a district judge, district associate judge, associate juvenile judge, or associate probate judge, and the chief justice of the supreme court makes a finding that a substantial disparity exists in the allocation of such judgeships and judicial workload between judicial election districts, the chief justice may apportion the vacant office from the judicial election district where the vacancy occurs to another judicial election district based upon the substantial disparity finding. However, such a judgeship shall not be apportioned pursuant to **this section** unless a majority of the judicial council approves the apportionment. **This section** does not apply to a district associate judge office authorized by **section 602.6302** or **602.6307**.

2011 Acts, ch 78, §3

PART 2

DISTRICT JUDGES

602.6201 Office of district judge — apportionment.

1. District judges shall be nominated and appointed and shall stand for retention in office as provided in **chapter 46**. District judges shall qualify for office as provided in **chapter 63**.

2. A district judge must be a resident of the judicial election district in which appointed and retained. Subject to the provision for reassignment of judges under **section 602.6108**, a district judge shall serve in the district of the judge's residence while in office, regardless of

the number of judgeships to which the district is entitled under the formula prescribed by the supreme court in **subsection 3**.

3. The supreme court shall prescribe, subject to the restrictions of **this section**, a formula to determine the number of district judges who will serve in each judicial election district. The formula shall be based upon a model that measures and applies an estimated case-related workload formula of judicial officers, and shall account for administrative duties, travel time, and other judicial duties not related to a specific case.

4. For purposes of **this section**, a vacancy means the death, resignation, retirement, or removal of a district judge, or the failure of a district judge to be retained in office at the judicial election, or an increase in judgeships under the formula prescribed in **subsection 3**.

5. In those judicial election districts having more district judges than the number of judgeships specified by the formula prescribed in **subsection 3**, vacancies shall not be filled.

6. In those judicial election districts having fewer or the same number of district judges as the number of judgeships specified by the formula prescribed in **subsection 3**, vacancies in the number of district judges shall be filled as they occur.

7. In those judicial districts that contain more than one judicial election district, a vacancy in a judicial election district shall not be filled if the total number of district judges in all judicial election districts within the judicial district equals or exceeds the aggregate number of judgeships to which all of the judicial election districts of the judicial district are authorized by the formula in **subsection 3**.

8. An incumbent district judge shall not be removed from office because of a reduction in the number of authorized judgeships specified by the formula prescribed in **subsection 3**.

9. During February of each year, and at other times as appropriate, the state court administrator shall make the determinations specified by the formula prescribed in **subsection 3**, and shall notify the appropriate nominating commissions and the governor of appointments that are required.

10. Notwithstanding the formula for determining the number of district judges prescribed in **subsection 3**, the number of district judges shall not exceed one hundred sixteen during the period commencing July 1, 1999.

83 Acts, ch 186, §7201, 10201; 86 Acts, ch 1012, §1; 86 Acts, ch 1148, §1, 2; 90 Acts, ch 1055, §1, 2; 95 Acts, ch 207, §25; 96 Acts, ch 1216, §30; 97 Acts, ch 130, §1; 97 Acts, ch 205, §24; 99 Acts, ch 202, §22; 2003 Acts, ch 151, §38, 39; 2007 Acts, ch 86, §4 – 7

Referred to in **§602.6109**, **§602.6113**, **§602.11110**

602.6202 Jurisdiction.

District judges have the full jurisdiction of the district court, including the respective jurisdictions of district associate judges and magistrates. While exercising the jurisdiction of magistrates, district judges shall employ magistrates' practice and procedure.

83 Acts, ch 186, §7202, 10201

Referred to in **§657A.11**

602.6203 Repealed by 93 Acts, ch 70, §15.

PART 3

DISTRICT ASSOCIATE JUDGES

602.6301 Number and apportionment of district associate judges.

There shall be one district associate judge in counties having a population of more than thirty-five thousand and less than eighty thousand; two in counties having a population of eighty thousand or more and less than one hundred twenty-five thousand; three in counties having a population of one hundred twenty-five thousand or more and less than one hundred seventy thousand; four in counties having a population of one hundred seventy thousand or more and less than two hundred fifteen thousand; five in counties having a population of two hundred fifteen thousand or more and less than two hundred sixty thousand; six in counties having a population of two hundred sixty thousand or more and less than three hundred

five thousand; seven in counties having a population of three hundred five thousand or more and less than three hundred fifty thousand; eight in counties having a population of three hundred fifty thousand or more and less than three hundred ninety-five thousand; nine in counties having a population of three hundred ninety-five thousand or more and less than four hundred forty thousand; ten in counties having a population of four hundred forty thousand or more and less than four hundred eighty-five thousand; and one additional judge for every population increment of thirty-five thousand which is over four hundred eighty-five thousand in such counties. However, a county shall not lose a district associate judgeship solely because of a reduction in the county's population. If the formula provided in **this section** results in the allocation of an additional district associate judgeship to a county, implementation of the allocation shall be subject to prior approval of the supreme court and availability of funds to the judicial branch. A district associate judge appointed pursuant to **section 602.6302** or **602.6307** shall not be counted for purposes of **this section** and the reduction of a district associate judge pursuant to **section 602.6303** also shall not be counted for purposes of **this section**.

83 Acts, ch 186, §7301, 10201; 94 Acts, ch 1127, §2; 96 Acts, ch 1068, §1; 98 Acts, ch 1047, §58; 98 Acts, ch 1115, §12; 2003 Acts, ch 151, §40; 2006 Acts, ch 1060, §1

Referred to in **§602.6113**, **§602.6304**

602.6302 Appointment of district associate judge in lieu of magistrates.

1. The chief judge of the judicial district may designate by order of substitution that a district associate judge be appointed pursuant to **this section** in lieu of magistrates appointed under **section 602.6403**, subject to the following limitations:

a. The county in which the district associate judge is to be appointed, or the counties in which the district associate judge is to be appointed in combination, must have an apportionment of three or more magistrates.

b. The substitution must not result in a lack of a resident district associate judge or magistrate in one or more of the counties.

c. The substitution must be approved by the supreme court.

d. A majority of district judges in that judicial election district, or in the case of an appointment involving more than one judicial election district in the same judicial district, a majority of the district judges in each judicial election district, must vote in favor of the substitution and find that the substitution will provide more timely and efficient performance of judicial business within that judicial election district.

2. An order of substitution shall not take effect unless a copy of the order is received by the chairperson of the county magistrate appointing commission or commissions no later than May 31 of the year in which the substitution is to take effect. A copy of the order shall also be sent to the state court administrator.

3. For a county in which a substitution order is in effect, the number of magistrates actually appointed pursuant to **section 602.6403** shall be reduced by three for each district associate judge substituted under **this section**. However, if the substitution order is for a district associate judge appointed to more than one county, the reduction of three magistrates shall be as provided in the order of the chief judge of the judicial district. Upon a subsequent reduction in the apportionment of magistrates to the county or counties, the magistrate appointing commission shall further reduce the number of magistrates appointed.

4. *a.* Except as provided in **subsections 1 through 3**, a substitution shall not increase or decrease the number of magistrates authorized by **this article**.

b. A substitution shall not be made where the apportionment of magistrates to a county is insufficient to permit the full reduction in appointments of magistrates as required by **subsection 3**.

5. If an apportionment by the state court administrator pursuant to **section 602.6401** reduces the number of magistrates in the county or counties to less than the number required to be apportioned to allow a substitution order pursuant to **subsection 1**, or if a majority of the district judges in the judicial election district or districts determines that a substitution is no longer desirable, then the substituted office shall be terminated. However, a reversion pursuant to **this subsection**, irrespective of cause, shall not take effect until the substitute

district associate judge fails to be retained in office at a judicial election or otherwise leaves office, whether voluntarily or involuntarily. Upon the termination of office of that district associate judge, appointments shall be made pursuant to **section 602.6403** as necessary to reestablish terms of office as provided in **section 602.6403, subsection 4**.

83 Acts, ch 186, §7302, 10201; 86 Acts, ch 1015, §1 – 3; 89 Acts, ch 114, §1
Referred to in **§602.6113**, **§602.6301**, **§602.6304**, **§602.6402**, **§602.6403**

602.6303 Appointment of magistrates in lieu of district associate judge.

1. The chief judge of the judicial district may designate by order of substitution that three magistrates be appointed pursuant to **this section** in lieu of the appointment of a district associate judge under **section 602.6304**, subject to the following limitations:

a. The substitution shall not result in the judicial district receiving more magistrates than are authorized under the magistrate formula in **section 602.6401**.

b. The substitution shall be approved by the supreme court.

c. A majority of district judges in that judicial election district, or in the case of an appointment involving more than one judicial election district in the same judicial district, a majority of the district judges in each judicial election district, must vote in favor of the substitution and find that the substitution will provide more timely and efficient performance of judicial business within that judicial election district.

2. An order of substitution shall not take effect unless a copy of the order is received by the chairperson of the county magistrate appointing commission or commissions no later than May 31 of the year in which the substitution is to take effect. The order shall designate the county of appointment for each magistrate. A copy of the order shall also be sent to the state court administrator.

3. For a county in which a substitution order is in effect, the number of district associate judges actually appointed pursuant to **section 602.6304** shall be reduced by one for each substitution order in effect.

4. Except as provided in **subsections 1 through 3**, a substitution shall not increase or decrease the number of district associate judges authorized by **this article**.

5. If a majority of the district judges in a judicial election district determines that a substitution is no longer desirable, then all three magistrate positions shall be terminated. However, a reversion pursuant to **this subsection** shall not take effect until the terms of the three magistrates expire. Upon the termination of the magistrate positions created under **this section**, an appointment shall be made to reestablish the term of office for a district associate judge as provided in **sections 602.6304** and **602.6305**.

2006 Acts, ch 1060, §2
Referred to in **§602.6301**, **§602.6401**, **§602.6403**

602.6304 Appointment and resignation of district associate judges.

1. The district associate judges authorized by **sections 602.6301** and **602.6302** shall be appointed by the district judges of the judicial election district from persons nominated by the county magistrate appointing commission. In the case of a district associate judge to be appointed to more than one county, the appointment shall be from persons nominated by the county magistrate appointing commissions acting jointly and in the case of a district associate judge to be appointed to more than one judicial election district of the same judicial district, the appointment shall be by a majority of the district judges in each judicial election district.

2. In November of any year in which an impending vacancy is created because a district associate judge is not retained in office pursuant to a judicial election, the county magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December 15 of that year the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the

statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

3. Within thirty days after a county magistrate appointing commission receives notification of an actual or impending vacancy in the office of district associate judge, other than a vacancy referred to in **subsection 2**, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in **this subsection**, a vacancy is created by the death, retirement, resignation, or removal of a district associate judge, or by an increase in the number of positions authorized.

4. Within fifteen days after the chief judge of a judicial district has received the list of nominees to fill a vacancy in the office of district associate judge, the district judges in the judicial election district shall, by majority vote, appoint one of those nominees to fill the vacancy.

5. A district associate judge who seeks to resign from the office of district associate judge shall notify in writing the chief judge of the judicial district as to the district associate judge's intention to resign and the effective date of the resignation. The chief judge of the judicial district, upon receipt of the notice, shall notify the county magistrate appointing commission and the state court administrator of the actual or impending vacancy in the office of district associate judge due to resignation.

6. The supreme court may prescribe rules of procedure to be used by county magistrate appointing commissions when exercising the duties specified in **this section**.

83 Acts, ch 186, §7304, 10201; 86 Acts, ch 1015, §4; 98 Acts, ch 1115, §13; 2003 Acts, ch 151, §41, 64

Referred to in **§602.2301**, **§602.6113**, **§602.6303**

602.6305 Term, retention, qualifications.

1. District associate judges shall serve initial terms and shall stand for retention in office within the judicial election districts of their residences at the judicial election under **sections 46.16 through 46.24**.

2. A person does not qualify for appointment to the office of district associate judge unless the person is at the time of appointment a resident of the judicial election district in which the vacancy exists, licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age seventy-two. An applicant for district associate judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission.

3. A district associate judge must be a resident of the judicial election district in which the office is held during the entire term of office. A district associate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under **section 602.6108**.

4. District associate judges shall qualify for office as provided in **chapter 63** for district judges.

83 Acts, ch 186, §7305, 10201; 86 Acts, ch 1015, §5; 89 Acts, ch 114, §2; 89 Acts, ch 212, §2; 89 Acts, ch 296, §83; 2003 Acts, ch 151, §42; 2004 Acts, ch 1101, §83, 99, 102; 2011 Acts, ch 78, §4

Referred to in **§602.6303**

602.6306 Jurisdiction, procedure, appeals.

1. District associate judges have the jurisdiction provided in **section 602.6405** for magistrates, and when exercising that jurisdiction shall employ magistrates' practice and procedure.

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed ten thousand dollars; jurisdiction over involuntary commitment, treatment, or hospitalization proceedings under **chapters 125** and **229**; jurisdiction of indictable misdemeanors, class "D" felony violations, and other felony arraignments; jurisdiction to enter a temporary or emergency order of protection under **chapter 235F** or **236**, and to make court appointments and set hearings in criminal matters; jurisdiction to enter orders in probate which do not require notice and hearing and to set hearings in actions under **chapter 633** or **633A**; and the jurisdiction provided in **section 602.7101** when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

3. When a district judge is unable to serve as a result of temporary incapacity, a district associate judge may, by order of the chief judge of the judicial district enrolled in the records of the clerk of the district court, temporarily exercise any judicial authority within the jurisdiction of a district judge during the time of incapacity with respect to the matters or classes of matters specified in that order.

4. Appeals from judgments or orders of district associate judges while exercising the jurisdiction of magistrates shall be governed by the laws relating to appeals from judgments and orders of magistrates. Appeals from judgments or orders of district associate judges while exercising any other jurisdiction shall be governed by the laws relating to appeals from judgments or orders of district judges.

83 Acts, ch 186, §7306, 10201; 86 Acts, ch 1012, §2; 91 Acts, ch 108, §7; 94 Acts, ch 1122, §1; 96 Acts, ch 1131, §2; 2002 Acts, ch 1110, §1; 2006 Acts, ch 1030, §75; 2014 Acts, ch 1107, §20

Referred to in **§331.307**, **§364.22**

Subsection 2 amended

602.6307 Appointment of district associate judge in lieu of full-time associate juvenile judge.

1. The chief judge of a judicial district may designate by order of substitution that a district associate judge be appointed pursuant to **this section** in lieu of a full-time associate juvenile judge appointed under **section 602.7103B**, subject to the following limitations:

a. An existing full-time juvenile court judgeship has become vacant or is anticipated to become vacant within one hundred twenty days of an order of substitution.

b. The supreme court approves the substitution upon a determination that the substitution will provide a more timely and efficient performance of judicial business within that judicial election district without diminishing the efficiency and performance of the juvenile court.

2. If a district associate judge is substituted for a full-time associate juvenile judge pursuant to **this section**, the judicial district shall make every effort to grant the juvenile court docket priority over other dockets including granting the highest scheduling priority to juvenile court proceedings involving child custody, termination of parental rights, and child in need of assistance cases.

3. If the chief judge determines the substitution order is no longer desirable, then the order shall be terminated. However, a reversion pursuant to **this subsection**, irrespective of cause, shall not take effect until the substitute district associate judge fails to be retained in office at a judicial election or otherwise leaves office, whether voluntarily or involuntarily, and the office becomes vacant.

2006 Acts, ch 1060, §3

Referred to in **§602.6113**, **§602.6301**

PART 4

MAGISTRATES

Referred to in §4.1, §602.1101

602.6401 Number and apportionment.

1. Two hundred six magistrates shall be apportioned among the counties as provided in **this section**. Magistrates appointed pursuant to **section 602.6303** or **602.6402** shall not be counted for purposes of **this section**.

2. By February of each year in which magistrates' terms expire, the state court administrator shall apportion magistrate offices among the counties in accordance with the following criteria:

a. The existence of either permanent, temporary, or seasonal populations not included in the current census figures.

b. The geographical area to be served.

c. Any inordinate number of cases over which magistrates have jurisdiction that were pending at the end of the preceding year.

d. The number and types of juvenile proceedings handled by district associate judges.

3. Notwithstanding **subsection 2**, each county shall be allotted at least one resident magistrate.

4. By March of each year in which magistrates' terms expire, the state court administrator shall give notice to the clerks of the district court and to the chief judges of the judicial districts of the number of magistrates to which each county is entitled. If the state court administrator does not give the notice as required in **this subsection** by March of each year in which magistrates' terms expire, the existing magistrate apportionment in effect shall remain in effect through the succeeding magistrates' terms, and any apportionment performed pursuant to **subsection 2** is void until such succeeding terms expire.

83 Acts, ch 186, §7401, 10201; 2000 Acts, ch 1057, §10, 11; 2005 Acts, ch 171, §3; 2006 Acts, ch 1060, §4; 2006 Acts, ch 1129, §7; 2009 Acts, ch 179, §221, 222

Referred to in §602.6302, §602.6303, §602.6402, §602.6403

602.6402 Additional magistrate allowed.

In those counties which are allotted one magistrate under **section 602.6401** or which are restricted to one magistrate by **section 602.6302**, the county magistrate appointing commission may, by majority vote, decide to appoint one additional magistrate. If a county appoints an additional magistrate under **this section**, each of the two magistrates shall receive one-half of the regular salary of a magistrate.

83 Acts, ch 186, §7402, 10201

Referred to in §602.1501, §602.6401, §602.6403

602.6403 Appointment, qualification, and resignation of magistrates.

1. By June 1 of each year in which magistrates' terms expire, the county magistrate appointing commission shall appoint, except as otherwise provided in **section 602.6302**, the number of magistrates apportioned to the county by the state court administrator under **section 602.6401**, the number of magistrates required pursuant to substitution orders in effect under **section 602.6303**, and may appoint an additional magistrate when allowed by **section 602.6402**. The commission shall not appoint more magistrates than are authorized for the county by **this article**.

2. The magistrate appointing commission for each county shall prescribe the contents of an application, in addition to any application form provided by the supreme court, for an appointment pursuant to **this section**. The commission shall publicize notice of any vacancy to be filled in at least two publications in all official county newspapers in the county. The commission shall accept applications for a minimum of fifteen days prior to making an appointment, and shall make available during that period of time any printed application forms the commission prescribes.

3. Within thirty days following receipt of notification of a vacancy in the office of magistrate, the commission shall appoint a person to the office to serve the remainder of

the unexpired term. For purposes of **this section**, vacancy means a death, resignation, retirement, or removal of a magistrate, or an increase in the number of positions authorized.

4. The term of office of a magistrate is four years, commencing August 1, 1989. However, the terms of all magistrates in a county are deemed to expire if a substitution under **section 602.6302** or the allocation under **section 602.6401** results in a reduction in the number of magistrates in a county where the magistrates hold office.

5. The commission shall promptly certify the names and addresses of appointees to the clerk of the district court and to the chief judge of the judicial district. The clerk of the district court shall certify to the state court administrator the names and addresses of these appointees.

6. Before assuming office, a magistrate shall subscribe and file in the office of the state court administrator the oath of office specified in **section 63.6**.

7. Before the commencement of the term of a magistrate, the members of the magistrate appointing commission may reconsider the appointment. Written notification of the reasons for reconsideration and time and place for the meeting must be sent to the magistrate appointee and the clerk of the district court. The commission may reconvene and decertify the magistrate appointee for good cause. Notice of the decertification and a statement of the reasons justifying the decertification shall be promptly sent to the clerk of the district court, the chief judge of the judicial district, and the state court administrator.

8. Annually, the state court administrator shall cause a school of instruction to be conducted for magistrates, and each magistrate shall attend prior to the time of taking office unless excused by the chief justice for good cause. A magistrate appointed to fill a vacancy shall attend the first school of instruction that is held following the appointment, unless excused by the chief justice for good cause.

9. A magistrate who seeks to resign from the office of magistrate shall notify in writing the chief judge of the judicial district as to the magistrate's intention to resign and the effective date of the resignation. The chief judge of the judicial district, upon receipt of the notice, shall notify the county magistrate appointing commission and the state court administrator of the vacancy in the office of magistrate due to resignation.

83 Acts, ch 186, §7403, 10201; 89 Acts, ch 114, §3, 4; 89 Acts, ch 212, §3, 4; 90 Acts, ch 1168, §59; 98 Acts, ch 1115, §14, 15; 2003 Acts, ch 151, §43, 64; 2006 Acts, ch 1060, §5

Referred to in **§602.2301**, **§602.6302**, **§602.8102(89)**

602.6404 Qualifications.

1. A magistrate shall be a resident of the county of appointment or a resident of a county contiguous to the county of appointment during the magistrate's term of office. A magistrate shall serve within the judicial district in which appointed, as directed by the chief judge, provided that the chief judge may assign a magistrate to hold court outside of the county of appointment for the orderly administration of justice. A magistrate is subject to reassignment under **section 602.6108**.

2. A person is not qualified for appointment as a magistrate unless the person files a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission. A person is not qualified for appointment as a magistrate if at the time of appointment the person has reached age seventy-two.

3. A magistrate shall be an attorney licensed to practice law in this state. However, a magistrate not admitted to the practice of law in this state and who is holding office on April 1, 2009, shall be eligible to be reappointed as a magistrate in the same county for a term commencing August 1, 2009, and subsequent successive terms.

83 Acts, ch 186, §7404, 10201; 87 Acts, ch 115, §76; 89 Acts, ch 114, §5; 89 Acts, ch 212, §5; 96 Acts, ch 1153, §6; 2009 Acts, ch 179, §145; 2011 Acts, ch 78, §5

602.6405 Jurisdiction — procedure.

1. Magistrates have jurisdiction of simple misdemeanors regardless of the amount of the fine, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. Magistrates have jurisdiction to determine the disposition of livestock or another animal, as provided in

sections 717.5 and **717B.4**, if the magistrate determines the value of the livestock or animal is less than ten thousand dollars. Magistrates have jurisdiction to exercise the powers specified in **sections 556F.2** and **556F.12**, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. Magistrates have jurisdiction over violations of **section 123.49, subsection 2**, paragraph "*h*". Magistrates who are admitted to the practice of law in this state have jurisdiction over all proceedings for the involuntary commitment, treatment, or hospitalization of individuals under **chapters 125** and **229**, except as otherwise provided under **section 229.6A**; nonlawyer magistrates have jurisdiction over emergency detention and hospitalization proceedings under **sections 125.91** and **229.22**. Magistrates have jurisdiction to conduct hearings authorized under **section 809.4**.

2. *a.* Magistrates shall hear and determine violations of and penalties for violations of **section 453A.2, subsection 2**.

b. Magistrates shall forward copies of citations issued for violations of **section 453A.2, subsection 2**, and of their dispositions to the clerk of the district court. The clerk of the district court shall maintain records of citations issued and the dispositions of citations, and shall forward a copy of the records to the Iowa department of public health.

3. The criminal procedure before magistrates is as provided in **chapters 804**, **806**, **808**, **811**, **820** and **821** and rules of criminal procedure 2.1, 2.2, 2.5, 2.7, 2.8, and 2.51 to 2.75. The civil procedure before magistrates shall be as provided in **chapters 631** and **648**.

83 Acts, ch 186, §7405, 10201; 84 Acts, ch 1275, §7; 87 Acts, ch 99, §7; 88 Acts, ch 1092, §1; 90 Acts, ch 1251, §54; 91 Acts, ch 108, §8; 92 Acts, ch 1231, §53; 94 Acts, ch 1103, §5; 96 Acts, ch 1133, §46; 2000 Acts, ch 1105, §8; 2010 Acts, ch 1140, §23

Referred to in **§602.6306**

PART 5

MAGISTRATE APPOINTING COMMISSIONS

602.6501 Composition of county magistrate appointing commissions.

1. A magistrate appointing commission is established in each county. The commission shall be composed of the following members:

a. A district judge designated by the chief judge of the judicial district to serve until a successor is designated.

b. Three members appointed by the board of supervisors, or the lesser number provided in **section 602.6503, subsection 1**.

c. Two attorneys elected by the attorneys in the county, or the lesser number provided in **section 602.6504, subsection 1**.

2. The clerk of the district court shall maintain a permanent record of the name, address, and term of office of each commissioner.

3. A member of a magistrate appointing commission shall be reimbursed for actual and necessary expenses reasonably incurred in the performance of official duties. Reimbursements are payable by the county in which the member serves, upon certification of the expenses to the county auditor by the clerk of the district court. The district judges of each judicial district may prescribe rules for the administration of **this subsection**.

83 Acts, ch 186, §7501, 10201; 84 Acts, ch 1219, §36

Referred to in **§331.424**, **§602.1303**, **§602.8102(88)**

602.6502 Prohibitions to appointment.

A member of a county magistrate appointing commission shall not be appointed to the office of magistrate, and shall not be nominated for or appointed to the office of district associate judge, office of associate juvenile judge, or office of associate probate judge. A member of the commission shall not be eligible to vote for the appointment or nomination of a family member, current law partner, or current business partner. For purposes of **this section**, "*family member*" means a spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law,

brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

83 Acts, ch 186, §7502, 10201; 2007 Acts, ch 86, §8

602.6503 Commissioners appointed by a county.

1. The board of supervisors of each county shall appoint three electors to the magistrate appointing commission for the county for six-year terms beginning January 1, 1979, and each sixth year thereafter. However, if there is only one attorney elected pursuant to **section 602.6504**, the county board of supervisors shall only appoint two commissioners, and if no attorney is elected, the board of supervisors shall only appoint one commissioner.

2. The board of supervisors shall not appoint an attorney or an active law enforcement officer to serve as a commissioner.

3. The county auditor shall certify to the clerk of the district court the name, address, and expiration date of term for all appointees of the board of supervisors.

83 Acts, ch 186, §7503, 10201

Referred to in **§331.321**, **§331.502**, **§602.6501**

602.6504 Commissioners elected by attorneys.

1. The resident attorneys of each county shall elect two resident attorneys of the county to the magistrate appointing commission for six-year terms beginning on January 1, 1979, and each sixth year thereafter. An election shall be held in December preceding the commencement of new terms. The attorneys in a county may elect only one commissioner if there is only one who is qualified and willing to serve and if there are no resident attorneys in a county or none is willing to serve as a commissioner, none shall be elected.

2. A county attorney shall not be elected to the commission.

3. An attorney is eligible to vote in elections of magistrate appointing commissioners within a county if eligible to vote under **sections 46.7** and **46.8**, and if a resident of the county.

4. In order to be placed on the ballot for county magistrate appointing commission, an eligible attorney elector shall file a nomination petition in the office of the clerk of court on or before November 30 of the year in which the election for attorney positions is to occur. **This subsection** does not preclude write-in votes at the time of the election.

5. When an election of magistrate appointing commissioners is to be held, the clerk of the district court for each county shall cause to be mailed to each eligible attorney a ballot that is in substantially the following form:

BALLOT

County Magistrate Appointing Commission

To be cast by the resident members of the bar of ..... county.

Vote for (state number) for ..... county judicial magistrate appointing commissioner(s) for term commencing .....

.....

.....

To be counted, this ballot must be completed and mailed or delivered to clerk of the district court, ..., no later than December 31, ... (year) (or the appropriate date in case of an election to fill a vacancy).

83 Acts, ch 186, §7504, 10201; 86 Acts, ch 1119, §3; 2000 Acts, ch 1058, §64

Referred to in **§602.6501**, **§602.6503**

602.6505 Vacancy.

A vacancy in the office of magistrate appointing commissioner shall be filled for the unexpired term in the same manner as the original appointment was made.

83 Acts, ch 186, §7505, 10201

PART 6

DISTRICT COURT ADMINISTRATION

602.6601 Court attendants.

1. The district court administrator of each judicial district shall employ and supervise court attendants as authorized by the chief judge.

2. A court attendant shall assist judicial officers during proceedings in court and shall perform other duties as prescribed by the supreme court or by the chief judge of the judicial district.

83 Acts, ch 186, §7601, 10201
Referred to in **§602.11101**, **§602.11113**
Certain bailiffs employed as court attendants; **§602.11101**, 602.11113

602.6602 Referees and special masters.

A person who is appointed as a referee or special master, or who otherwise is appointed by a court pursuant to law or court rule to exercise a judicial function, is subject to the supervision of the judicial officer making the appointment.

83 Acts, ch 186, §7602, 10201
Referred to in **§602.1508**

602.6603 Court reporters.

1. Each district judge shall appoint a court reporter who shall, upon the request of a party in a civil or criminal case, report the evidence and proceedings in the case, and perform all duties as provided by law.

2. Each district associate judge may appoint a court reporter, subject to the approval of the chief judge of the judicial district.

3. If a chief judge of a judicial district determines that it is necessary to employ an additional court reporter because of an extraordinary volume of work, or because of the temporary illness or incapacity of a regular court reporter, the chief judge may appoint a temporary court reporter who shall serve as required by the chief judge.

4. If a regularly appointed court reporter becomes disabled, or if a vacancy occurs in a regularly appointed court reporter position, the judge may appoint a competent uncertified shorthand reporter for a period of time of up to six months, upon verification by the chief judge that a diligent but unsuccessful search has been conducted to appoint a certified shorthand reporter to the position and, in a disability case, that the regularly appointed court reporter is disabled. An uncertified shorthand reporter shall not be reappointed to the position unless the reporter becomes a certified shorthand reporter within the period of appointment under **this subsection**.

5. Except as provided in **subsection 4**, a person shall not be appointed to the position of court reporter of the district court unless the person has been certified as a shorthand reporter by the board of examiners under **article 3**.

6. Each court reporter shall take an oath faithfully to perform the duties of office, which shall be filed in the office of the clerk of district court.

7. A court reporter may be removed for cause with due process by the judicial officer making the appointment.

8. If a judge dies, resigns, retires, is removed from office, becomes disabled, or fails to be retained in office and the judicial vacancy is eligible to be filled, the court reporter appointed by the judge shall serve as a court reporter, as directed by the chief judge or the chief judge's designee, until the successor judge appoints a successor court reporter. The court reporter shall receive the reporter's regular salary and benefits during the period of time until a successor court reporter is appointed or until the currently appointed court reporter is reappointed.

83 Acts, ch 186, §7603, 10201; 85 Acts, ch 197, §15, 16; 89 Acts, ch 110, §1; 2000 Acts, ch 1057, §12
Referred to in **§602.3201**

602.6604 Dockets.

1. The clerk of the district court shall furnish a magistrate, district associate judge, or district judge acting as a magistrate, with a docket in which the officer shall enter all proceedings except small claims. The docket shall be indexed and shall contain for each case the title and nature of the action, the place of hearing, appearances, and notations of the documents filed with the judicial officer, the proceedings in the case and orders made, the verdict and judgment including costs, any satisfaction of the judgment, whether the judgment was certified to the clerk of the district court, whether an appeal was taken, and the amount of any appeal bond.

2. The chief judge of a judicial district may order that criminal proceedings which are within the jurisdictions of magistrates and district associate judges be combined into centralized dockets for the county if the chief judge determines that administration could be improved by this procedure. When so ordered, a centralized docket shall be maintained in lieu of individual dockets, and the clerk of the district court shall compile a centralized docket in the manner prescribed for an individual docket. The chief judge may assign actions and proceedings on centralized dockets to judicial officers having jurisdiction as the chief judge deems necessary.

83 Acts, ch 186, §7604, 10201

Referred to in **§602.8102(90)**

602.6605 Funds, reports. Repealed by 2006 Acts, ch 1129, §15.

602.6606 Administrative reports. Repealed by 2006 Acts, ch 1129, §15.

602.6607 Control of records — vacancies.

Whenever a magistrate, or a district associate judge or district judge acting as a magistrate, leaves office, all funds, dockets, and records relating to the vacated office shall be delivered by the judicial officer to the clerk who issued the docket.

83 Acts, ch 186, §7607, 10201

602.6608 Child support referee.

1. The chief judge may appoint and may remove for cause with due process a referee to preside over child support proceedings.

2. Qualifications for a referee appointed under **this section** include, at a minimum, all of the following:

a. The referee shall be an attorney currently licensed to practice law in the state.

b. The referee shall have at least five years of experience in the practice of law.

c. The referee shall have at least two years of experience in the practice of family law, including experience in the area of child support, in the state of Iowa.

3. Duties of the referee are limited to presiding over child and medical support proceedings which are delegated to the referee by the chief judge or jointly by the chief judges of the affected judicial districts if the referee is authorized to preside over proceedings in more than one judicial district.

4. The compensation of the referee shall be established by the court.

93 Acts, ch 79, §30

PART 7

SPECIAL PROVISIONS

602.6701 Circuit court records.

1. The district court shall succeed to and have jurisdiction over the records of the circuit court, and may enforce all judgments, decrees, and orders of the circuit court in the same manner and to the same extent as it exercises jurisdiction over its own records, and, for the purposes of the issuance of process and any other acts necessary to the enforcement of the

orders, judgments, and decrees of the circuit court, the records of the circuit court shall be deemed records of the district court.

2. Transcripts and process from the judgments, decrees, and records of the circuit court shall be issued by the clerk of the district court, and under the seal of the clerk's office.

83 Acts, ch 186, §7701, 10201

602.6702 Counties bordering on Missouri river.

The jurisdiction of the courts of the state in all civil and criminal actions and proceedings, shall extend in counties bordering on the Missouri river to the boundary of the state as provided in the compact with the state of Nebraska, and to all lands and territory lying along the river which have been adjudged by the United States supreme court or the supreme court of this state to be within the state of Iowa, and to the other lands and territory along the river over which the courts of this state have exercised jurisdiction.

83 Acts, ch 186, §7702, 10201

602.6703 Declaratory judgment to adjudicate constitutional nexus issues regarding taxation.

1. District courts have original jurisdiction over civil actions seeking declaratory judgment when both of the following apply:

a. The party seeking declaratory relief is a business that is any of the following:

(1) Organized under the laws of this state.

(2) A sole proprietorship owned by a domiciliary of this state.

(3) Authorized to do business in this state.

b. The responding party is a government official of another state, or political subdivision of another state, who asserts that the business in question is obliged to collect sales or use taxes for such state or political subdivision based upon conduct of the business that occurs wholly or partially within that state or political subdivision.

2. A business meeting the requirements and facing the circumstances described in **subsection 1** shall be entitled to declaratory relief on the issue of whether the requirement of another state, or political subdivision of another state, that the business collect and remit sales or use taxes to that state, or political subdivision, in the factual circumstances of the business' operations giving rise to the demand, constitutes an undue burden on interstate commerce within the meaning of the Constitution of the United States.

2005 Acts, ch 140, §68

ARTICLE 7
JUVENILE COURT

Referred to in **§602.8102(42)**

PART 1
THE COURT

602.7101 Juvenile court.

1. A juvenile court is established in each county. The juvenile court is within the district court and has the jurisdiction provided in **chapter 232**.

2. The jurisdiction of the juvenile court may be exercised by any district judge, and by any district associate judge who is designated by the chief judge as a judge of the juvenile court.

3. The chief judge shall designate one or more of the district judges and district associate judges to act as judges of the juvenile court for a county. The chief judge may designate a juvenile court judge to preside in more than one county.

4. The designation of a judicial officer as a juvenile court judge does not deprive the officer of other judicial functions. Any district judge may act as a juvenile court judge during the absence or inability to act, or upon the request, of the designated juvenile court judge.

5. The juvenile court is always open for the transaction of business, but the hearing of a matter that requires notice shall be had at a time and place fixed by the juvenile court judge.

83 Acts, ch 186, §8101, 10201

Referred to in §232.2, §600A.2, §602.6306

602.7102 Court records.

1. The juvenile court is a court of record, and its proceedings, orders, findings, and decisions shall be entered in books that are kept for that purpose and that are identified as juvenile court records.

2. The clerk of the district court is the clerk of the juvenile court for the county.

3. The clerk shall, if practicable, notify a convenient juvenile court officer in advance when a child is to be brought before the court.

83 Acts, ch 186, §8102, 10201

602.7103 Associate juvenile judge — jurisdiction — appeals.

1. An associate juvenile judge shall have the same jurisdiction to conduct juvenile court proceedings, to issue warrants, nontestimonial identification orders, and contempt arrest warrants for adults in juvenile court proceedings, and to issue orders, findings, and decisions as the judge of the juvenile court. However, the chief judge may limit the exercise of juvenile court jurisdiction by the associate juvenile judge.

2. The parties to a proceeding heard by an associate juvenile judge are entitled to appeal the order, finding, or decision of an associate juvenile judge, in the manner of an appeal from orders, findings, or decisions of district court judges. An appeal does not automatically stay the order, finding, or decision of an associate juvenile judge.

83 Acts, ch 186, §8103, 10201; 88 Acts, ch 1095, §1; 89 Acts, ch 296, §84; 92 Acts, ch 1124, §4; 94 Acts, ch 1172, §39; 96 Acts, ch 1134, §5; 99 Acts, ch 93, §7; 99 Acts, ch 208, §60

602.7103A Part-time associate juvenile judge — appointment — removal — qualifications.

The chief judge may appoint and may remove for cause with due process a part-time associate juvenile judge. The part-time associate juvenile judge shall be an attorney admitted to practice law in this state, and shall be qualified for duties by training and experience.

99 Acts, ch 93, §8

602.7103B Appointment and resignation of full-time associate juvenile judges.

1. Full-time associate juvenile judges shall be appointed by the district judges of the judicial election district from persons nominated by the county magistrate appointing commission. In the case of a full-time associate juvenile judge to be appointed to more than one county, the appointment shall be from persons nominated by the county magistrate appointing commissions acting jointly and in the case of a full-time associate juvenile judge to be appointed to more than one judicial election district of the same judicial district, the appointment shall be by a majority of the district judges in each judicial election district.

2. In November of any year in which an impending vacancy is created because a full-time associate juvenile judge is not retained in office pursuant to a judicial election, the county magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as full-time associate juvenile judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December 15 of that year the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants, the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

3. Within thirty days after a county magistrate appointing commission receives notification of an actual or impending vacancy in the office of full-time associate juvenile judge, other than a vacancy referred to in **subsection 2**, the commission shall certify to the

chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as full-time associate juvenile judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants, the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in **this subsection**, a vacancy is created by the death, retirement, resignation, or removal of a full-time associate juvenile judge, or by an increase in the number of positions authorized.

4. Within fifteen days after the chief judge of a judicial district has received the list of nominees to fill a vacancy in the office of full-time associate juvenile judge, the district judges in the judicial election district shall, by majority vote, appoint one of those nominees to fill the vacancy.

5. A full-time associate juvenile judge who seeks to resign from the office of full-time associate juvenile judge shall notify in writing the chief judge of the judicial district as to the full-time associate juvenile judge's intention to resign and the effective date of the resignation. The chief judge of the judicial district, upon receipt of the notice, shall notify the county magistrate appointing commission and the state court administrator of the actual or impending vacancy in the office of full-time associate juvenile judge due to resignation.

6. The supreme court may prescribe rules of procedure to be used by county magistrate appointing commissions when exercising the duties specified in **this section**.

99 Acts, ch 93, §9, 15; 99 Acts, ch 208, §61; 2003 Acts, ch 151, §44, 64

Referred to in **§602.2301**, **§602.6113**, **§602.6307**

602.7103C Full-time associate juvenile judges — term, retention, qualifications.

1. Full-time associate juvenile judges shall serve terms and shall stand for retention in office within the judicial election districts of their residences as provided under **sections 46.16 through 46.24**.

2. A person does not qualify for appointment to the office of full-time associate juvenile judge unless the person is at the time of appointment a resident of the county in which the vacancy exists, licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age seventy-two. An applicant for full-time associate juvenile judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission.

3. A full-time associate juvenile judge must be a resident of a county in which the office is held during the entire term of office. A full-time associate juvenile judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under **section 602.6108**.

4. Full-time associate juvenile judges shall qualify for office as provided in **chapter 63** for district judges.

99 Acts, ch 93, §10, 15

602.7104 Physicians and nurses.

1. In a county having a population of one hundred twenty-five thousand or more, the judges of the juvenile court may appoint a physician and a nurse, prescribe their duties, and remove them.

2. Appointees shall receive salaries and shall be reimbursed for expenses incurred in the performance of duties, as prescribed by the supreme court.

83 Acts, ch 186, §8104, 10201

PART 2

PROBATION AND COURT SERVICES

602.7201 Administration and supervision.

1. Probation and other juvenile court services within a judicial district shall be administered and supervised by the chief juvenile court officer.

2. The juvenile court officers and other personnel employed in juvenile court service offices are subject to the supervision of the chief juvenile court officer.

3. The chief juvenile court officer may employ, shall supervise, and may remove for cause with due process secretarial, clerical, and other staff within juvenile court service offices as authorized by the chief judge.

83 Acts, ch 186, §8201, 10201

602.7202 Juvenile court officers.

1. Subject to the approval of the chief judge of the judicial district, the chief juvenile court officer shall appoint juvenile court officers to serve the juvenile court. Juvenile court officers may be required to serve in two or more counties within the judicial district.

2. Juvenile court officers shall be selected, appointed, and removed in accordance with rules, standards, and qualifications prescribed by the supreme court.

3. Juvenile court officers have the duties prescribed in **chapter 232**, subject to the direction of the judges of the juvenile court. A judge of the juvenile court shall not attempt to direct or influence a juvenile court officer in the performance of the officer's duties.

4. A juvenile court officer has the powers of a peace officer while engaged in the discharge of duties.

83 Acts, ch 186, §8202, 10201

Referred to in **§232.2**, **§801.4**

602.7203 Juvenile victim restitution.

The judicial branch shall administer the juvenile victim restitution program created in **chapter 232A**.

90 Acts, ch 1247, §19; 98 Acts, ch 1047, §59

ARTICLE 8

CLERK OF DISTRICT COURT

Referred to in **§602.1215**, **§602.1304**, **§602.1305**

602.8101 Office of the clerk of the district court.

1. The office of clerk of the district court is an appointive office, as provided in **section 602.1215**.

2. A person appointed to the office of clerk shall qualify by taking the oath of office as provided in **section 63.10** and giving bond as provided in **chapter 64**.

3. The clerk may employ staff when authorized under **section 602.1402** and when authorized by the chief judge of the judicial district. The clerk is responsible for the acts of these employees. The clerk shall designate one or more employees who shall give bond as provided in **chapter 64**.

83 Acts, ch 186, §9101, 10201; 2004 Acts, ch 1120, §3

602.8102 General duties.

The clerk shall:

1. Keep the office of the clerk at the county seat.

2. Attend sessions of the district court.

3. Keep the records, papers, and seal, and record the proceedings of the district court as provided by law under the direction of the chief judge of the judicial district.

4. Upon the death of a judge or magistrate of the district court, give written notice to

the department of management and the department of administrative services of the date of death. The clerk shall also give written notice of the death of a justice of the supreme court, a judge of the court of appeals, or a judge or magistrate of the district court who resides in the clerk's county to the state commissioner of elections, as provided in **section 46.12**.

5. When money in the amount of five hundred dollars or more is paid to the clerk to be paid to another person and the money is not disbursed within thirty days, notify the person who is entitled to the money or for whose account the money is paid or the attorney of record of the person. The notice shall be given by certified mail within forty days of the receipt of the money to the last known address of the person or the person's attorney and a memorandum of the notice shall be made in the proper record. If the notice is not given, the clerk and the clerk's sureties are liable for interest at the rate specified in **section 535.2, subsection 1**, on the money from the date of receipt to the date that the money is paid to the person entitled to it or the person's attorney.

6. On each process issued, indicate the date that it is issued, the clerk's name who issued it, and the seal of the court.

7. Upon return of an original notice to the clerk's office, enter in the appearance or combination docket information to show which parties have been served the notice and the manner and time of service.

8. When entering a lien or indexing an action affecting real estate in the clerk's office, enter the year, month, day, hour, and minute when the entry is made. The clerk shall mail a copy of a mechanic's lien to the owner of the building, land, or improvement which is charged with the lien as provided in **section 572.8**.

9. Enter in the appearance docket a memorandum of the date of filing of all petitions, demurrers, answers, motions, or papers of any other description in the cause. A pleading of any description is considered filed when the clerk entered the date the pleading was received on the pleading and the pleading shall not be taken from the clerk's office until the memorandum is made. The memorandum shall be made within two business days of a new petition or order being filed, and as soon as practicable for all other pleadings. Thereafter, when a demurrer or motion is sustained or overruled, a pleading is made or amended, or the trial of the cause, rendition of the verdict, entry of judgment, issuance of execution, or any other act is done in the progress of the cause, a similar memorandum shall be made of the action, including the date of action and the number of the book and page of the record where the entry is made. The appearance docket is an index of each suit from its commencement to its conclusion.

10. When title to real estate is finally established in a person by a judgment or decree of the district court or by decision of an appellate court or when the title to real estate is changed by judgment, decree, will, proceeding, or order in probate, certify the final decree, judgment, or decision under seal of the court to the auditor of the county in which the real estate is located.

11. Refund amounts less than three dollars only upon written application.

12. At the order of a justice of the supreme court, docket without fee any civil or criminal case transferred from a military district under martial law as provided in **section 29A.45**.

13. Reserved.

14. Maintain a bar admission list as provided in **section 46.8**.

15. Monthly, notify the county commissioner of registration and the state registrar of voters of persons seventeen and one-half years of age and older who have been convicted of a felony during the preceding calendar month or persons who at any time during the preceding calendar month have been legally declared to be a person who is incompetent to vote as that term is defined in **section 48A.2**.

16. Reserved.

17. Reserved.

18. Reserved.

19. Keep a book of the record of official bonds and record the official bonds of magistrates as provided in **section 64.24**.

20. Carry out duties relating to proceedings for the removal of a public officer as provided in **sections 66.4** and **66.17**.

21. Reserved.

22. Reserved.

23. Carry out duties relating to enforcing orders of the employment appeal board as provided in **section 88.9, subsection 2**.

24. Certify the imposition of a mulct tax against property creating a public nuisance to the auditor as provided in **section 99.28**.

25. Carry out duties relating to the judicial review of orders of the elevator safety board as provided in **section 89A.10, subsection 2**.

26. With sufficient surety, approve an appeal bond for judicial review of an order or action of the department of natural resources relating to dams and spillways as provided in **section 464A.8**.

27. Docket an appeal from the fence viewer's decision or order as provided in **section 359A.23**.

28. Certify to the recorder the fact that a judgment has been rendered upon an appeal of a fence viewer's order as provided in **section 359A.24**.

29. Reserved.

30. Approve bond sureties and enter in the lien index the undertakings of bonds for abatement relating to the illegal manufacture, sale, or consumption of alcoholic liquors as provided in **sections 123.76**, **123.79**, and **123.80**.

31. Destroy all records and files of a court proceeding maintained under **section 135L.3** in accordance with **section 135L.3, subsection 3**, paragraph "*o*".

32. Reserved.

33. Furnish to the Iowa department of public health a certified copy of a judgment relating to the suspension or revocation of a professional license.

34. Reserved.

35. Send notice of the conviction, judgment, and sentence of a person violating the uniform controlled substances laws to the state board or officer who issued a license or registered the person to practice a profession or to conduct business as provided in **section 124.412**.

36. Reserved.

37. Reserved.

38. Reserved.

39. Refer persons applying for voluntary admission to a community mental health center for a preliminary diagnostic evaluation as provided in **section 225C.16, subsection 2**.

40. Reserved.

41. Carry out duties relating to the involuntary commitment of persons with mental impairments as provided in **chapter 229**.

42. Serve as clerk of the juvenile court and carry out duties as provided in **chapter 232** and **article 7 of this chapter**.

43. Submit to the director of the division of child and family services of the department of human services a duplicate of the findings of the court related to adoptions as provided in **section 235.3, subsection 7**.

44. Reserved.

45. Reserved.

46. Carry out duties relating to reprieves, pardons, commutations, remission of fines and forfeitures, and restoration of citizenship as provided in **sections 914.5** and **914.6**.

47. Record support payments made pursuant to an order entered under **chapter 252A**, **252F**, **598**, or **600B**, or under a comparable statute of a foreign jurisdiction and through setoff of a state or federal income tax refund or rebate, as if the payments were received and disbursed by the clerk; forward support payments received under **section 252A.6** to the department of human services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in **section 252A.13**.

47A. Accept a check, share draft, draft, or written order on a bank, savings and loan association, credit union, corporation, or person as payment of a support obligation which is payable to the clerk, in accordance with procedures established by the clerk to assure that such negotiable instruments will not be dishonored. The friend of court may perform the clerk's responsibilities under **this subsection**.

47B. Perform the duties relating to establishment and operation of a state case registry pursuant to **section 252B.24**.

47C. Perform duties relating to implementation and operation of requirements for the collection services center pursuant to **section 252B.13A, subsection 2**.

48. Reserved.

49. Enter a judgment based on the transcript of an appeal to the state board of education against the party liable for payment of costs as provided in **section 290.4**.

50. Certify the final order of the district court upon appeal of an assessment within a secondary road assessment district to the auditor as provided in **section 311.24**.

50A. Assist the state department of transportation in suspending, pursuant to **section 321.210A**, the driver's licenses of persons who fail to timely pay criminal fines or penalties, surcharges, or court costs related to the violation of a law regulating the operation of a motor vehicle.

51. Forward to the state department of transportation a copy of the record of each conviction or forfeiture of bail of a person charged with the violation of the laws regulating the operation of vehicles on public roads as provided in **sections 321J.2** and **321.491**.

52. Reserved.

53. If a person fails to satisfy a judgment relating to motor vehicle financial responsibility within sixty days, forward to the director of the state department of transportation a certified copy of the judgment as provided in **section 321A.12**.

54. Approve a bond of a surety company or a bond with at least two individual sureties owning real estate in this state as proof of financial responsibility as provided in **section 321A.24**.

55. Carry out duties under the Iowa motor vehicle dealers licensing Act as provided in **sections 322.10** and **322.24**.

56. Carry out duties relating to the enforcement of motor fuel tax laws as provided in **sections 452A.66** and **452A.67**.

57. Reserved.

58. Upon order of the director of revenue, issue a commission for the taking of depositions as provided in **section 421.17, subsection 8**.

58A. Assist the department of administrative services in setting off against debtors' income tax refunds or rebates under **section 8A.504**, debts which are due, owing, and payable to the clerk of the district court as criminal fines, civil penalties, surcharges, or court costs.

59. Reserved.

60. With acceptable sureties, approve the bond of a petitioner for a tax appeal as provided in **section 422.29, subsection 2**.

61. Certify the final decision of the district court in an appeal of the tax assessments as provided in **section 441.39**. Costs of the appeal to be assessed against the board of review or a taxing body shall be certified to the treasurer as provided in **section 441.40**.

62. Certify a final order of the district court relating to the apportionment of tax receipts to the auditor as provided in **section 449.7**.

63. Carry out duties relating to the inheritance tax as provided in **chapter 450**.

64. Deposit funds held by the clerk in an approved depository as provided in **section 12C.1**.

65. Carry out duties relating to appeals and certification of costs relating to levee and drainage districts as provided in **sections 468.86 through 468.95**.

66. Carry out duties relating to the condemnation of land as provided in **chapter 6B**.

67. Forward civil penalties collected for violations relating to the siting of electric power generators to the treasurer of state as provided in **section 476A.14, subsection 1**.

68. Certify a copy of a decree of dissolution of a business corporation to the secretary of state as provided in **section 490.1433**.

69. With acceptable sureties, approve the bond of a petitioner filing an appeal for review of an order of the commissioner of insurance as provided in **section 507A.7**.

70. Certify a copy of a decree of dissolution of a nonprofit corporation to the secretary of state and the recorder in the county in which the corporation is located as provided in **section 504.1434**.

71. Carry out duties relating to the enforcement of decrees and orders of reciprocal states under the Iowa unauthorized insurers Act as provided in **section 507A.11**.

72. Reserved.

73. Certify copies of a decree dissolving a credit union as provided in **section 533.503, subsection 5**.

74. Refuse to accept the filing of papers to institute legal action under the Iowa consumer credit code, **chapter 537**, if proper venue is not adhered to as provided in **section 537.5113**.

75. Receive payment of money due to a person who is absent from the state if the address or location of the person is unknown as provided in **section 538.5**.

76. Carry out duties relating to the appointment of the department of agriculture and land stewardship as receiver for agricultural commodities on behalf of a warehouse operator whose license is suspended or revoked as provided in **section 203C.3**.

77. Reserved.

78. Certify an acknowledgment of a written instrument relating to real estate as provided in **section 9B.10** or **558.20**.

79. Reserved.

80. With acceptable sureties, endorse a bond sufficient to settle a dispute between adjoining owners of a common wall as provided in **section 563.11**.

81. Carry out duties relating to cemeteries as provided in **section 523I.602**.

82. Carry out duties relating to liens as provided in **chapters 249A**, **574**, **580**, **582**, and **584**.

83. Reserved.

84. Carry out duties relating to the dissolution of a marriage as provided in **chapter 598**.

85. Carry out duties relating to the custody of children as provided in **chapter 598B**.

86. Carry out duties relating to adoptions as provided in **chapter 600**.

87. Enter upon the clerk's records actions taken by the court at a location which is not the county seat as provided in **section 602.6106**.

88. Maintain a record of the name, address, and term of office of each member of the county magistrate appointing commission as provided in **section 602.6501**.

89. Certify to the state court administrator the names and addresses of the magistrates appointed by the county magistrate appointing commission as provided in **section 602.6403**.

90. Furnish an individual or centralized docket for the magistrates of the county as provided in **section 602.6604**.

91. Serve as an ex officio jury commissioner and notify appointive commissioners of their appointment as provided in **sections 607A.9** and **607A.13**.

92. Carry out duties relating to the selection of jurors as provided in **chapter 607A**.

93. Carry out duties relating to the revocation or suspension of an attorney's authority to practice law as provided in **article 10** of **this chapter**.

94. File and index petitions and municipal infraction citations affecting real estate as provided in **sections 617.10 through 617.15**.

95. Designate the newspapers in which the notices pertaining to the clerk's office shall be published as provided in **section 618.7**.

96. With acceptable surety, approve a bond of the plaintiff in an action for the payment of costs which may be adjudged against the plaintiff as provided in **section 621.1**.

97. Issue subpoenas for witnesses as provided in **section 622.63**.

98. Carry out duties relating to trials and judgments as provided in **sections 624.8 through 624.20** and **624.37**.

99. Collect jury fees and court reporter fees as required by **chapter 625**.

100. Reserved.

101. Carry out duties relating to executions as provided in **chapter 626**.

102. Carry out duties relating to the redemption of property as provided in **sections 628.13**, **628.18**, and **628.20**.

103. Record statements of expenditures made by the holder of a sheriff's sale certificate in the encumbrance book and lien index as provided in **section 629.3**.

104. Carry out duties relating to small claim actions as provided in **chapter 631**.

105. Carry out duties of the clerk of the probate court as provided in **chapter 633**.

105A. Provide written notice to all duly appointed guardians and conservators of their liability as provided in **sections 633.633A** and **633.633B**.

105B. Facilitate the collection of court debt pursuant to **section 602.8107**.

106. Carry out duties relating to the administration of small estates as provided in **chapter 635**.

107. Carry out duties relating to the attachment of property as provided in **chapter 639**.

108. Carry out duties relating to garnishment as provided in **chapter 642**.

109. With acceptable surety, approve bonds of the plaintiff desiring immediate delivery of the property in an action of replevin as provided in **sections 643.7** and **643.12**.

110. Carry out duties relating to the disposition of lost property as provided in **chapter 556F**.

111. Carry out duties relating to the recovery of real property as provided in **section 646.23**.

112. Endorse the court's approval of a restored record as provided in **section 647.3**.

113. Reserved.

114. Carry out duties relating to the issuance of a writ of habeas corpus as provided in **sections 663.9**, **663.43**, and **663.44**.

115. Accept and docket an application for postconviction review of a conviction as provided in **section 822.3**.

116. Report all fines, forfeited recognizances, penalties, and forfeitures as provided in **section 602.8106, subsection 4**, and **section 666.6**.

117. Issue a warrant for the seizure of a boat or raft as provided in **section 667.2**.

118. Carry out duties relating to the changing of a person's name as provided in **chapter 674**.

119. Notify the state registrar of vital statistics of a judgment determining the paternity of a child as provided in **section 600B.36**.

120. Enter a judgment made by confession and issue an execution of the judgment as provided in **section 676.4**.

121. With acceptable surety, approve the bond of a receiver as provided in **section 680.3**.

122. Carry out duties relating to the assignment of property for the benefit of creditors as provided in **chapter 681**.

123. Carry out duties relating to the certification of surety companies and the investment of trust funds as provided in **chapter 636**.

124. Maintain a separate docket for petitions requesting that the record and evidence in a judicial review proceeding be closed as provided in **section 692.5**.

125. Furnish a disposition of each criminal complaint or information or juvenile delinquency petition, alleging a delinquent act which would be a serious or aggravated misdemeanor or felony if committed by an adult, filed in the district or juvenile court to the department of public safety as provided in **section 692.15**.

125A. Forward information that a person has been disqualified from possessing, shipping, transporting, or receiving a firearm pursuant to **section 724.31** to the department of public safety.

126. Carry out duties relating to the issuance of warrants to persons who fail to appear to answer citations as provided in **section 805.5**.

126A. Upon the failure of a person charged to appear in person or by counsel to defend against the offense charged pursuant to a uniform citation and complaint as provided in **section 805.6**, enter a conviction and render a judgment in the amount of the appearance bond in satisfaction of the penalty plus court costs.

127. Provide for a traffic and scheduled violations office for the district court and service the locked collection boxes at weigh stations as provided in **section 805.7**.

128. Issue a summons to corporations to answer an indictment as provided in **section 807.5**.

129. Carry out duties relating to the disposition of seized property as provided in **chapter 809**.

130. Docket undertakings of bail as liens on real estate and enter them upon the lien index as provided in **section 811.4**.

131. Hold the amount of forfeiture and judgment of bail in the clerk's office for ninety days as provided in **section 811.6**.

132. Carry out duties relating to appeals from the district court as provided in **chapter 814**.

133. Reserved.

134. Notify the director of the Iowa department of corrections of the commitment of a convicted person as provided in **section 901.7**.

135. Carry out duties relating to deferred judgments, probations, and restitution as provided in **sections 907.4** and **907.8**, and **chapter 910**.

135A. Assess the surcharges provided by **sections 911.1**, **911.2**, **911.2A**, **911.3**, and **911.4**.

135B. Reserved.

136. Carry out duties relating to the impaneling and proceedings of the grand jury as provided in rule of criminal procedure 2.3, Iowa court rules.

137. Issue subpoenas upon application of the prosecuting attorney and approval of the court as provided in rule of criminal procedure 2.5, Iowa court rules.

138. Issue summons or warrants to defendants as provided in rule of criminal procedure 2.7, Iowa court rules.

139. Carry out duties relating to the change of venue as provided in rule of criminal procedure 2.11, Iowa court rules.

140. Issue blank subpoenas for witnesses at the request of the defendant as provided in rule of criminal procedure 2.15, Iowa court rules.

141. Carry out duties relating to the entry of judgment as provided in rule of criminal procedure 2.23, Iowa court rules.

142. Carry out duties relating to the execution of a judgment as provided in rule of criminal procedure 2.26, Iowa court rules.

143. Carry out duties relating to the trial of simple misdemeanors as provided in rules of criminal procedure 2.51 through 2.75, Iowa court rules.

144. Serve notice of an order of judgment entered as provided in rule of civil procedure 1.442, Iowa court rules.

145. If a party is ordered or permitted to plead further by the court, serve notice to attorneys of record as provided in rule of civil procedure 1.444, Iowa court rules.

146. Maintain a motion calendar as provided in rule of civil procedure 1.431, Iowa court rules.

147. Provide notice of a judgment, order, or decree as provided in rule of civil procedure 1.453, Iowa court rules.

148. Issue subpoenas as provided in rules of civil procedure 1.715 and 1.1701, Iowa court rules.

149. Tax the costs of taking a deposition as provided in rule of civil procedure 1.716, Iowa court rules.

150. With acceptable sureties, approve a bond filed for change of venue under rule of civil procedure 1.801, Iowa court rules.

151. Transfer the papers relating to a case transferred to another court as provided in rule of civil procedure 1.807, Iowa court rules.

152. Reserved.

153. Reserved.

154. Carry out duties relating to the impaneling of jurors as provided in rules of civil procedure 1.915 through 1.918, Iowa court rules.

155. Furnish a referee, auditor, or examiner with a copy of the order of appointment as provided in rule of civil procedure 1.935, Iowa court rules.

156. Mail notice of the filing of the referee's, auditor's, or examiner's report to the attorneys of record as provided in rule of civil procedure 1.942, Iowa court rules.

157. Carry out duties relating to the entry of judgments as provided in rules of civil procedure 1.955, 1.958, 1.960, 1.961, and 1.962, Iowa court rules.

158. Carry out duties relating to defaults and judgments on defaults as provided in rules of civil procedure 1.972, 1.973, and 1.974, Iowa court rules.

159. Notify the attorney of record if exhibits used in a case are to be destroyed as provided in rule of civil procedure 1.1014, Iowa court rules.

160. Docket the request for a hearing on a sale of property as provided in rule of civil procedure 1.1221, Iowa court rules.

161. With acceptable surety, approve the bond of a citizen commencing an action of quo warranto as provided in rule of civil procedure 1.1302, Iowa court rules.

162. Carry out duties relating to the issuance of a writ of certiorari as provided in rules of civil procedure 1.1401 through 1.1412, Iowa court rules.

163. Carry out duties relating to the issuance of an injunction as provided in rules of civil procedure 1.1501 through 1.1511, Iowa court rules.

164. Carry out other duties as provided by law.

83 Acts, ch 96, §159, 160; 83 Acts, ch 186, §9102, 10201; 85 Acts, ch 21, §45, 46; 85 Acts, ch 82, §2; 85 Acts, ch 178, §10, 11; 85 Acts, ch 195, §53; 85 Acts, ch 197, §17 – 19; 85 Acts, ch 201, §3; 86 Acts, ch 1108, §7; 86 Acts, ch 1112, §12; 86 Acts, ch 1140, §2; 86 Acts, ch 1220, §40; 87 Acts, ch 41, §1; 87 Acts, ch 115, §77, 78; 87 Acts, ch 157, §3; 88 Acts, ch 1134, §102 – 104; 88 Acts, ch 1158, §97; 89 Acts, ch 50, §13; 89 Acts, ch 83, §80; 89 Acts, ch 178, §6; 90 Acts, ch 1035, §2; 90 Acts, ch 1081, §3; 90 Acts, ch 1205, §61; 90 Acts, ch 1236, §52; 91 Acts, ch 86, §2; 91 Acts, ch 116, §8; 91 Acts, ch 267, §415; 92 Acts, ch 1163, §111 – 114; 93 Acts, ch 70, §8, 9; 93 Acts, ch 79, §52; 93 Acts, ch 110, §7; 93 Acts, ch 180, §51; 94 Acts, ch 1046, §25; 94 Acts, ch 1124, §1; 94 Acts, ch 1169, §62; 94 Acts, ch 1173, §39; 95 Acts, ch 67, §46; 95 Acts, ch 91, §3; 95 Acts, ch 124, §22, 26; 95 Acts, ch 143, §10; 95 Acts, ch 191, §26; 96 Acts, ch 1129, §103, 113; 97 Acts, ch 23, §75; 97 Acts, ch 126, §45; 97 Acts, ch 173, §16; 98 Acts, ch 1071, §1; 98 Acts, ch 1073, §10; 98 Acts, ch 1115, §16; 98 Acts, ch 1170, §14, 18; 98 Acts, ch 1185, §9; 99 Acts, ch 96, §49; 99 Acts, ch 103, §46; 99 Acts, ch 151, §84, 89; 2000 Acts, ch 1145, §23; 2001 Acts, ch 168, §1; 2002 Acts, ch 1119, §107; 2002 Acts, ch 1134, §112, 115; 2003 Acts, ch 44, §114; 2003 Acts, ch 82, §20; 2003 Acts, ch 145, §272, 286; 2003 Acts, ch 151, §45, 46; 2004 Acts, ch 1049, §189, 191, 192; 2004 Acts, ch 1052, §4; 2004 Acts, ch 1107, §28, 30; 2004 Acts, ch 1119, §2, 3; 2004 Acts, ch 1120, §4; 2005 Acts, ch 3, §102, 115, 118; 2005 Acts, ch 19, §117; 2005 Acts, ch 107, §7, 14; 2005 Acts, ch 128, §70; 2005 Acts, ch 167, §58, 66; 2006 Acts, ch 1129, §8, 9; 2006 Acts, ch 1132, §1, 16; 2006 Acts, ch 1185, §124; 2007 Acts, ch 134, §6, 28; 2007 Acts, ch 174, §97; 2008 Acts, ch 1088, §136; 2008 Acts, ch 1172, §24; 2010 Acts, ch 1050, §5; 2010 Acts, ch 1178, §3, 19; 2012 Acts, ch 1017, §26, 28; 2012 Acts, ch 1019, §137; 2012 Acts, ch 1050, §54, 60; 2012 Acts, ch 1105, §26 – 28; 2012 Acts, ch 1138, §13; 2013 Acts, ch 54, §1; 2013 Acts, ch 130, §33, 35; 2014 Acts, ch 1097, §2

Referred to in **§598.22**

2007 amendment to subsection 106 applies to estates of decedents dying on or after July 1, 2007; 2007 Acts, ch 134, §28

2012 amendment to subsection 82 takes effect January 1, 2013; mechanics' liens filed prior to that date shall remain with the clerk of district court of the county in which the building, land, or improvement charged with the lien is situated; notice provisions contained in 2012 Acts, ch 1105, relating to residential construction apply only to material furnished or labor performed after January 1, 2013; 2012 Acts, ch 1105, §27, 28; 2012 Acts, ch 1138, §13

2013 amendment striking subsections 36 and 37 takes effect July 1, 2014; 2013 Acts, ch 130, §35

Subsections 36 and 37 stricken

Subsection 135A amended

602.8102A Notices returned for unknown address — resending.

Notwithstanding any other provision of the Code to the contrary, and subject to rules prescribed by the supreme court, if the clerk of the district court sends a mailing or notice to a person or party and the mailing or notice is returned by the postal service to the clerk of the district court as undeliverable, the clerk is not required to send a repeat or subsequent mailing or notice unless the clerk receives an updated mailing address.

2005 Acts, ch 171, §4

602.8103 General powers.

The clerk may:

1. Administer oaths and take affirmations as provided in **section 63A.1**.

2. Reproduce original records of the court by any reasonably permanent legible means including, but not limited to, reproduction by photographing, photostating, microfilming, computer cards, and electronic digital format. The reproduction shall include proper indexing. The reproduced record has the same authenticity as the original record. The supreme court shall adopt rules to provide for continued evaluation of the accessibility of records stored or reproduced in electronic digital format.

3. After the original record is reproduced and after approval of a majority of the judges of the district court by court order, destroy the original records including, but not limited to, dockets, journals, scrapbooks, files, and marriage license applications. The order shall state the specific records which are to be destroyed. An original court file shall not be destroyed until after the contents have been reproduced. As used in **this subsection** and **subsection 4**, "*destroy*" includes the transmission of the original records which are of general historical interest to any recognized historical society or association.

4. Destroy the following original records without prior court order or reproduction except as otherwise provided in **this subsection**:

a. Records including but not limited to journals, scrapbooks, and files, forty years after final disposition of the case. However, judgments, decrees, stipulations, records in criminal proceedings, probate records, and orders of court shall not be destroyed unless they have been reproduced as provided in **subsection 2**.

b. Administrative records, after five years, including but not limited to warrants, subpoenas, clerks' certificates, statements, praecipes, and depositions.

c. Records, dockets, and court files of civil and criminal actions heard in the municipal court which were transferred to the clerk, other than juvenile and adoption proceedings, or heard in justice of the peace proceedings, after a period of twenty years from the date of filing of the actions.

d. Original court files on dissolutions of marriage, one year after dismissal by the parties or under rule of civil procedure 1.943, Iowa court rules.

e. Small claims files, one year after dismissal with or without prejudice.

f. Uniform traffic citations in the magistrate court or traffic and scheduled violations office, one year after final disposition.

g. Court reporters' notes and certified transcripts of those notes in civil cases, ten years after final disposition of the case. For purposes of **this section**, "*final disposition*" means one year after dismissal of the case, after judgment or decree without appeal, or after procedendo or dismissal of appeal is filed in cases where appeal is taken.

h. Court reporters' notes and certified transcripts of those notes in criminal cases, ten years after dismissal of all charges, or ten years after the expiration of all sentences imposed or the date probation is granted, whichever later occurs. For purposes of **this subsection** "*sentences imposed*" includes all sentencing options pursuant to **section 901.5**.

i. Court files, as provided by rules prescribed by the supreme court, ten years after final disposition in civil cases, or ten years after expiration of all sentences in criminal cases. For purposes of this paragraph, "*purging*" means the removal and destruction of documents in the court file which have no legal, administrative, or historical value. Purging shall be done without reproduction of the removed documents. For purposes of this paragraph, "*civil cases*" does not include juvenile, mental health, probate, or adoption proceedings.

j. Court reporters' notes and certified transcripts of those notes in mental health hearings under **section 229.12** and substance abuse hearings under **section 125.82**, ninety days after the respondent has been discharged from involuntary custody.

k. Complaints, trial informations, and uniform citations and complaints relating to parking violations under **sections 321.236**, **321.239**, **321.358**, **321.360**, and **321.361**, one year after final disposition.

5. Invest money which is paid to the clerk to be paid to any other person in any of the following:

a. A savings account of a supervised financial organization as defined in **section 537.1301, subsection 45**, except a credit union operating pursuant to **chapter 533**. The provisions of **chapter 12C** relating to the deposit and investment of public funds apply to the deposit and investment of the money except that a supervised financial organization other than a credit union may be designated as a depository and the money shall be available upon demand. The interest earnings shall be paid into the general fund of the state, except as otherwise provided by law.

b. An open-end management investment company organized in trust form registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., and operated in accordance with 17 C.F.R. §270.2a-7,

the portfolio of which is limited to obligations of the United States of America or agencies or instrumentalities of the United States of America and to repurchase agreements fully collateralized by obligations of the United States of America or an agency or instrumentality of the United States of America if the investment company takes delivery of the collateral either directly or through an authorized custodian.

6. Establish and maintain a procedure to set off against amounts held by the clerk of the district court and payable to the person any debt which is in the form of a liquidated sum due, owing and payable to the clerk. The procedure shall meet all of the following conditions:

a. Before setoff, the clerk shall provide written notice to the debtor of the clerk's claim to all or a portion of the amount held by the clerk for the debtor and the clerk's right to recover the amount of the claim through the setoff procedure, the opportunity to request in writing, that a jointly or commonly owned right to payment be divided among owners, and the opportunity to give written notice to the clerk of the district court of the person's intent to contest the amount of the claim. The debtor must file a notice of intent to contest the claim within fifteen days after the mailing of the notice of claim by the clerk or, if the notice of claim was provided by the clerk at the time the debtor appeared in the clerk's office to claim payment, within fifteen days of that date.

b. Upon the request of the debtor or the owner of a jointly or commonly owned right to payment, the clerk of the district court shall divide the payment. Unless otherwise stated in a judgment or court order, any jointly or commonly owned right to payment is presumed to be owned in equal portions by joint or common owners.

c. Upon timely filing of a notice of intent to contest the setoff, the matter shall be set for hearing before a judge or magistrate. The clerk shall notify the debtor in writing of the time and date of the hearing.

d. If the claim is not contested or upon final determination of a contested claim authorizing a setoff, the clerk shall set off the debt against any amount the clerk is holding for payment to the debtor and pay any balance of the amount to the debtor. The amount set off shall be applied by the clerk of the district court according to the order of priority set out in **section 602.8107, subsection 2**.

83 Acts, ch 186, §9103, 10201; 88 Acts, ch 1030, §1, 2; 89 Acts, ch 160, §1; 94 Acts, ch 1070, §1; 96 Acts, ch 1019, §2 – 4; 97 Acts, ch 128, §2; 99 Acts, ch 144, §7; 2002 Acts, ch 1119, §106; 2007 Acts, ch 71, §2; 2013 Acts, ch 90, §169; 2014 Acts, ch 1092, §193
Subsection 5, paragraph b amended

602.8103A Transmission of record on appeal.

1. *a.* The clerk of the district court shall be solely responsible for transmitting the record on appeal to the clerk of the supreme court in civil and criminal proceedings. The clerk of the district court shall only transmit the record to the clerk of the supreme court upon the request of the appellee, appellant, the attorney for the appellee or appellant, or the appellate court.

b. The requirements of paragraph "*a*" shall not be delegated to another party. The appellee, appellant, the attorney for the appellee or appellant, or any agent of the appellee or appellant shall not transmit any part of the appellate record to the clerk of the supreme court.

2. For purposes of **this section**, the record on appeal consists of the original documents and exhibits filed in district court, transcripts of the proceedings, and a certified copy of the docket and court calendar entries prepared by the clerk of the district court in the case under appeal. Exhibits of unusual size or bulk are not required to be transmitted by the clerk of the district court unless requested by the appellee, appellant, the attorney for the appellee or appellant, or the appellate court.

3. If a request is made pursuant to **subsection 1**, the clerk of the district court shall transmit any of the remaining record to the clerk of the supreme court within seven days of the filing of the final briefs in the appeal.

2013 Acts, ch 6, §1; 2014 Acts, ch 1092, §132
Subsection 3 amended

602.8104 Records and books.

1. The records of the court consist of the original papers filed in all proceedings.

2. The following books shall be kept by the clerk:

a. A record book which contains the entries of the proceedings of the court and which has an index referring to each proceeding in each cause under the names of the parties, both plaintiff and defendant, and under the name of each person named in either party.

b. A judgment docket which contains an abstract of the judgments having separate columns for the names of the parties, the date of the judgment, the damages recovered, costs, the date of the issuance and return of executions, the entry of satisfaction, and other memoranda. The docket shall have an index containing the information specified in paragraph "*a*".

c. A cash journal in which is listed in detail the costs and fees in each action or proceeding under the title of the action or proceeding. The cash journal shall also have an index containing the information specified in paragraph "*a*".

d. An encumbrance book in which the sheriff shall enter a statement of the levy of each attachment on real estate.

e. An appearance docket in which the titles of all actions or special proceedings shall be entered. The actions or proceedings shall be numbered consecutively in the order in which they commence and shall include the full names of the parties, plaintiffs and defendants, as contained in the petition or as subsequently made parties by a pleading, proceeding, or order. The entries provided for in this paragraph and paragraphs "*b*" and "*c*" may be combined in one book, the combination docket, which shall also have an index containing the information specified in paragraph "*a*".

f. A lien book in which an index of all liens in the court is kept.

g. A record of official bonds as provided in **section 64.24**.

h. A hospital lien docket as provided in **section 582.4**.

i. A book in which the deposits of funds, money, and securities kept by the clerk are recorded as provided in **section 636.37**.

j. A record book of certificates of deposit, not in the clerk's name, which are being held by the clerk on behalf of a conservatorship, trust, or estate pursuant to a court order as provided in **section 636.37**.

83 Acts, ch 186, §9104, 10201; 85 Acts, ch 67, §60; 91 Acts, ch 116, §9, 10; 97 Acts, ch 23, §76; 2004 Acts, ch 1120, §5; 2005 Acts, ch 128, §71; 2009 Acts, ch 21, §9, 10

Referred to in **§631.2**

602.8105 Fees for civil cases and other services — collection and disposition.

1. The clerk of the district court shall collect the following fees:

a. Except as otherwise provided in **this subsection**, for filing and docketing a petition, one hundred eighty-five dollars. In counties having a population of ninety-eight thousand or over, an additional five dollars shall be charged and collected to be known as the journal publication fee and used for the purposes provided for in **section 618.13**.

b. For filing and docketing a petition pursuant to **chapter 598** other than a dissolution of marriage petition, one hundred dollars.

c. For filing and docketing an application for modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification, one hundred dollars.

d. For entering a final decree of dissolution of marriage, fifty dollars. It is the intent of the general assembly that the funds generated from the dissolution fees be appropriated and used for sexual assault and domestic violence centers.

e. For filing and docketing a petition for adoption pursuant to **chapter 600**, one hundred dollars. For multiple adoption petitions filed at the same time by the same petitioner under **section 600.3**, the filing fee and any court costs for any petition filed in addition to the first petition filed are waived.

f. For filing and docketing a small claims action, the amounts specified in **section 631.6**.

g. For an appeal from a judgment in small claims or for filing and docketing a writ of error, one hundred eighty-five dollars.

h. For a motion to show cause in a civil case, fifty dollars.

i. For filing and docketing a transcript of the judgment in a civil case, fifty dollars.

j. For filing a tribal judgment, one hundred dollars.

2. The clerk of the district court shall collect the following fees for miscellaneous services:

a. For filing and entering any other statutory lien, fifty dollars.

b. For a certificate and seal, twenty dollars. However, there shall be no charge for a certificate and seal to an application to procure a pension, bounty, or back pay for a member of the armed services or other person.

c. For certifying a change in title of real estate, fifty dollars.

d. For filing a praecipe to issue execution under **chapter 626**, twenty-five dollars. The fee shall be recoverable by the creditor from the debtor against whom the execution is issued. A fee payable by a political subdivision of the state under this paragraph shall be collected by the clerk of the district court as provided in **section 602.8109**. However, the fee shall be waived and shall not be collected from a political subdivision of the state if a county attorney or county attorney's designee is collecting a delinquent judgment pursuant to **section 602.8107, subsection 4**.

e. For filing a praecipe to issue execution under **chapter 654**, fifty dollars.

f. For filing a confession of judgment under **chapter 676**, fifty dollars if the judgment is five thousand dollars or less, and one hundred dollars if the judgment exceeds five thousand dollars.

g. For filing a lis pendens, fifty dollars.

h. For applicable convictions under **section 692A.110** prior to July 1, 2009, a civil penalty of two hundred dollars, and for applicable convictions under **section 692A.110** on or after July 1, 2009, a civil penalty of two hundred fifty dollars.

i. Other fees provided by law.

3. The clerk of the district court shall pay to the treasurer of state all fees which have come into the clerk's possession and which are unclaimed pursuant to **section 556.8** accompanied by a form prescribed by the treasurer. Claims for payment of the moneys must be filed pursuant to **chapter 556**.

4. The clerk of the district court shall collect a civil penalty assessed against a retailer pursuant to **section 126.23B**. Any moneys collected from the civil penalty shall be distributed to the city or county that brought the enforcement action for a violation of **section 126.23A**.

83 Acts, ch 186, §9105, 10201; 83 Acts, ch 204, §14; 85 Acts, ch 175, §11; 85 Acts, ch 195, §54; 85 Acts, ch 197, §20 – 23; 86 Acts, ch 1011, §1; 86 Acts, ch 1238, §24; 87 Acts, ch 98, §5; 87 Acts, ch 234, §312; 88 Acts, ch 1258, §1; 89 Acts, ch 83, §81; 89 Acts, ch 207, §1; 89 Acts, ch 287, §7; 91 Acts, ch 48, §1; 91 Acts, ch 116, §11 – 13; 91 Acts, ch 218, §21 – 24; 91 Acts, ch 219, §15, 16; 92 Acts, ch 1240, §20; 94 Acts, ch 1074, §5; 95 Acts, ch 91, §4; 95 Acts, ch 124, §23, 26; 2000 Acts, ch 1188, §3; 2002 Acts, ch 1126, §1; 2003 Acts, ch 44, §102; 2004 Acts, ch 1127, §2; 2005 Acts, ch 15, §5, 14; 2005 Acts, ch 171, §5; 2006 Acts, ch 1052, §1; 2006 Acts, ch 1144, §7, 8; 2007 Acts, ch 71, §3; 2007 Acts, ch 196, §8; 2009 Acts, ch 119, §44; 2009 Acts, ch 179, §54 – 60, 72; 2010 Acts, ch 1159, §9; 2011 Acts, ch 34, §135; 2013 Acts, ch 90, §170

Referred to in **§126.23B**, **§582.4**, **§602.9104A**, **§626A.5**, **§626C.6**, **§626D.3**, **§674.10**, **§692A.110**

602.8106 Collection of fees in criminal cases and disposition of fees and fines.

1. The clerk of the district court shall collect the following fees:

a. Except as otherwise provided in paragraphs "*b*" and "*c*", for filing and docketing a criminal case to be paid by the county or city which has the duty to prosecute the criminal action, payable as provided in **section 602.8109**, one hundred dollars. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city which has the duty to prosecute the criminal action to the extent necessary for reimbursement for fees paid. However, the fees which are payable by the county to the clerk of the district court for services rendered in criminal actions prosecuted under state law and the court costs taxed in connection with the trial of those actions or appeals from the judgments in those actions are waived.

b. For filing and docketing of a complaint or information for a simple misdemeanor and a complaint or information for a nonscheduled simple misdemeanor under **chapter 321**, sixty dollars.

c. For filing and docketing a complaint or information or uniform citation and complaint

for parking violations under **sections 321.236**, **321.239**, **321.358**, **321.360**, and **321.361**, eight dollars, effective January 1, 2004. The court costs in cases of parking meter and overtime parking violations which are contested, and charged and collected pursuant to **section 321.236, subsection 1**, or pursuant to a uniform citation and complaint, are eight dollars per information or complaint or per uniform citation and complaint effective January 1, 1991.

d. For court costs in scheduled violation cases where a court appearance is required, sixty dollars.

e. For court costs in scheduled violation cases where a court appearance is not required, sixty dollars.

f. For an appeal of a simple misdemeanor to the district court, seventy-five dollars.

g. For a motion to show cause in a criminal case, the fee shall be the same amount as the fee for filing and docketing a complaint, information, or citation for the underlying criminal case from which the motion arises.

h. For a probation revocation, the fee shall be the same amount as the fee for filing and docketing a complaint, information, or citation for the underlying case from which the revocation arises.

2. The clerk of the district court shall remit ninety percent of all fines and forfeited bail to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed. The remaining ten percent shall be submitted to the state court administrator.

3. The clerk of the district court shall remit all fines and forfeited bail for violation of a county ordinance, except an ordinance relating to vehicle speed or weight restrictions, to the county treasurer of the county that was the plaintiff in the action, and shall provide that county with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed. However, if a county ordinance provides a penalty for a violation which is also penalized under state law, the fines and forfeited bail collected for the violation shall be submitted to the state court administrator.

4. The clerk of the district court shall submit all other fines, fees, costs, and forfeited bail received from a magistrate to the state court administrator.

83 Acts, ch 186, §9106, 10201, 10204; 83 Acts, ch 204, §15, 16; 85 Acts, ch 195, §55, 56; 85 Acts, ch 197, §24, 25; 89 Acts, ch 293, §17; 90 Acts, ch 1170, §4; 91 Acts, ch 116, §14; 91 Acts, ch 218, §25; 91 Acts, ch 219, §17; 92 Acts, 2nd Ex, ch 1001, §502; 93 Acts, ch 47, §18; 94 Acts, ch 1074, §6; 95 Acts, ch 143, §11; 2003 Acts, ch 151, §47; 2004 Acts, ch 1120, §6; 2005 Acts, ch 165, §4; 2006 Acts, ch 1166, §5; 2007 Acts, ch 180, §2; 2009 Acts, ch 21, §11; 2009 Acts, ch 179, §61, 72; 2010 Acts, ch 1061, §75

Referred to in **§321.236**, **§331.307**, **§364.22**, **§453A.3**, **§602.8102(116)**, **§602.8107**, **§602.9104A**, **§805.6**, **§805.11**, **§805.12**

602.8107 Collection of court debt.

1. *Definition.* As used in **this section**, *"court debt"* means all fines, penalties, court costs, fees, forfeited bail, surcharges under **chapter 911**, victim restitution, court-appointed attorney fees or expenses of a public defender ordered pursuant to **section 815.9**, or fees charged pursuant to **section 356.7** or **904.108**.

2. *Clerk of the district court collection.* Court debt shall be owed and payable to the clerk of the district court. All amounts collected shall be distributed pursuant to **sections 602.8106** and **602.8108** or as otherwise provided by this Code. The clerk may accept payment of an obligation or a portion thereof by credit card. Any fees charged to the clerk with respect to payment by credit card may be paid from receipts collected by credit card.

a. If the clerk receives payment from a person who is an inmate at a correctional institution or who is under the supervision of a judicial district department of correctional services, the payment shall be applied to the balance owed under the identified case number of the case which has resulted in the placement of the person at a correctional institution or under the supervision of the judicial district department of correctional services.

b. If a case number is not identified, the clerk shall apply the payment to the balance owed in the criminal case with the oldest judgment against the person.

c. Payments received under **this section** shall be applied in the following priority order:

(1) Pecuniary damages as defined in **section 910.1, subsection 3**.

(2) Fines or penalties and criminal penalty and law enforcement initiative surcharges.

(3) Crime victim compensation program reimbursement.

(4) Court costs, including correctional fees assessed pursuant to **sections 356.7** and **904.108**, court-appointed attorney fees, or public defender expenses.

d. The court debt is deemed delinquent if it is not paid within thirty days after the date it is assessed. An amount which was ordered by the court to be paid on a date fixed in the future pursuant to **section 909.3** is deemed delinquent if it is not received by the clerk within thirty days after the fixed future date set out in the court order. If an amount was ordered to be paid by installments, and an installment is not received within thirty days after the date it is due, the entire amount of the court debt is deemed delinquent.

3. *Collection by centralized collection unit of department of revenue.* Thirty days after court debt has been assessed, or if an installment payment is not received within thirty days after the date it is due, the judicial branch shall assign a case to the centralized collection unit of the department of revenue or its designee to collect debts owed to the clerk of the district court for a period of one year. In addition, court debt which is being collected under an installment agreement pursuant to **section 321.210B** which is in default that remains delinquent shall also be assigned to the centralized collection unit of the department of revenue or its designee for a period of one year. If a county attorney has filed with the clerk of the district court a full commitment to collect delinquent court debt pursuant to **subsection 4**, the court debt in a case shall be assigned after sixty days to the county attorney as provided in **subsection 4**, if the court debt in a case has not been placed in an established payment plan by the centralized collection unit. For all other delinquent court debt not assigned to a county attorney pursuant to **subsection 4**, the delinquent court debt shall be assigned to a private collection designee as provided in **subsection 5**, after one year, if the delinquent court debt in a case has not been placed in an established payment plan by the centralized collection unit.

a. The department of revenue may impose a fee established by rule to reflect the cost of processing which shall be added to the debt owed to the clerk of the district court. Any amounts collected by the unit shall first be applied to the processing fee. The remaining amounts shall be remitted to the clerk of the district court for the county in which the debt is owed. The judicial branch may prescribe rules to implement **this subsection**. These rules may provide for remittance of processing fees to the department of revenue or its designee.

b. Satisfaction of the outstanding court debt occurs only when all fees or charges and the outstanding court debt is paid in full. Payment of the outstanding court debt only shall not be considered payment in full for satisfaction purposes.

4. *County attorney collection.* The county attorney or the county attorney's designee may collect court debt sixty days after the court debt is deemed delinquent pursuant to **subsection 2**. In order to receive a percentage of the amounts collected pursuant to **this subsection**, the county attorney must file annually with the clerk of the district court on or before July 1 a notice of full commitment to collect delinquent court debt for all cases assigned to the county for collection by the court. The annual notice shall contain a list of procedures which will be initiated by the county attorney.

a. **This subsection** does not apply to amounts collected for victim restitution, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under **subsection 5** or under **section 8A.504**, or fees charged pursuant to **section 356.7**.

b. Amounts collected by the county attorney or the county attorney's designee shall be distributed in accordance with paragraphs "*c*" and "*d*".

c. (1) Forty percent of the amounts collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county if the county attorney has filed the notice required by **this subsection**, unless the county attorney has discontinued collection efforts on a particular delinquent amount.

(2) The remaining sixty percent shall be paid to the clerk of the district court each fiscal year for distribution under **section 602.8108**. However, if such amount, when added to the amount deposited into the general fund of the county pursuant to subparagraph (1), exceeds

the following applicable threshold amount, the excess shall be distributed as provided in paragraph *"d"*:

(a) For a county with a population greater than one hundred fifty thousand, an amount up to five hundred thousand dollars.

(b) For a county with a population greater than one hundred thousand but not more than one hundred fifty thousand, an amount up to four hundred thousand dollars.

(c) For a county with a population greater than fifty thousand but not more than one hundred thousand, an amount up to two hundred fifty thousand dollars.

(d) For a county with a population greater than twenty-six thousand but not more than fifty thousand, an amount up to one hundred thousand dollars.

(e) For a county with a population greater than fifteen thousand but not more than twenty-six thousand, an amount up to fifty thousand dollars.

(f) For a county with a population equal to or less than fifteen thousand, an amount up to twenty-five thousand dollars.

d. Any additional moneys collected by an individual county after the distributions in paragraph *"c"* shall be distributed by the state court administrator as follows: forty percent of any additional moneys collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county where the moneys were collected; twenty percent of the remaining sixty percent collected by the county attorney or the person procured or designated by the county attorney shall be deposited with the office of the county attorney that collected the moneys; and the remainder shall be paid to the clerk of the district court for distribution under **section 602.8108** or the state court administrator may distribute the remainder under **section 602.8108** if the additional moneys have already been received by the state court administrator.

e. (1) A county may enter into an agreement pursuant to **chapter 28E** with one or more other counties for the purpose of collecting delinquent court debt pursuant to **this subsection**.

(2) Notwithstanding paragraph "c", if a county subject to the threshold amount in paragraph "c", subparagraph (2), subparagraph division (e) or (f) enters into such an agreement exclusively with a county or counties subject to the threshold amount in paragraph "c", subparagraph (2), subparagraph division (e) or (f), the threshold amount applicable to all of the counties combined shall be a single threshold amount, equal to the threshold amount attributable to the county with the largest population.

f. Beginning July 1, 2010, and every fiscal year thereafter, amounts collected and distributed pursuant to **this subsection** shall be equal to or greater than twenty-five thousand dollars for each county or twenty-five thousand dollars in the aggregate for counties that have entered into an agreement pursuant to **chapter 28E**. If a county, or counties that have entered into a **chapter 28E** agreement, fails to meet the minimum threshold established in this paragraph, the county, or counties under the **chapter 28E** agreement, shall be ineligible to participate in the county attorney collection program the following fiscal year. In the event a county is ineligible to collect under this program, the county may apply to the state debt coordinator established in **section 421C.1*** to reenter the program following the fiscal year of ineligibility.

g. A county participating in the county attorney collection program shall file an annual collection report with the state debt coordinator established in **section 421C.1**.* Counties that have entered into a **chapter 28E** agreement to participate in the county attorney collection program may file one report, detailing collections in each county that is a party to the agreement.

5. *Assignment to private collection designee.*

a. The judicial branch shall contract with a private collection designee for the collection of court debt one year after the court debt in a case is deemed delinquent pursuant to **subsection 2** if the county attorney is not collecting the court debt in a case pursuant to **subsection 4**. The judicial branch shall solicit requests for proposals prior to entering into any contract pursuant to **this subsection**.

b. The contract shall provide for a collection fee of up to twenty-five percent of the amount of the court debt in a case deemed delinquent. The collection fee as calculated shall be added to the amount of the court debt deemed delinquent. The amount of the court debt deemed

delinquent and the collection fee shall be owed by and collected from the defendant. The collection fee shall be used to compensate the private collection designee. The contract may also assess the private collection designee an initial fee for entering into the contract.

c. The judicial branch may consult with the department of revenue and the department of administrative services when entering into the contract with the private collection designee.

d. Subject to the provisions of paragraph *"b"*, the amounts collected pursuant to **this subsection** shall be distributed as provided in **subsection 2**. Any initial fee collected by the judicial branch shall be deposited into the general fund of the state.

e. The judicial branch or the private collection designee shall file with the clerk of the district court a notice of the satisfaction of each portion of the court debt to the full extent of the moneys collected in satisfaction of the court debt. The clerk of the district court shall record the notice and enter a satisfaction for the amounts collected.

6. *Write off of old debt.* If any portion of the court debt in a case remains uncollected after sixty-five years from the date of imposition, the judicial branch shall write off the debt as uncollectible and close the case file for the purposes of collection pursuant to **this section**.

7. *Reports.* The judicial branch shall prepare a report aging the court debt. The report shall include the amounts collected by the private collection designee, the distribution of these amounts, and the amount of the fee collected by the private collection designee. In addition, the report shall include the amounts written off pursuant to **subsection 6**. The judicial branch shall provide the report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the legislative services agency, and the department of management by December 15 of each year.

93 Acts, ch 110, §8; 94 Acts, ch 1023, §118; 94 Acts, ch 1142, §2, 3; 95 Acts, ch 169, §6 – 8, 10; 96 Acts, ch 1219, §72; 97 Acts, ch 128, §3; 98 Acts, ch 1047, §60; 98 Acts, ch 1116, §2; 2001 Acts, ch 168, §2; 2002 Acts, ch 1119, §96; 2003 Acts, ch 145, §273, 286; 2004 Acts, ch 1101, §84; 2004 Acts, ch 1119, §4; 2004 Acts, ch 1175, §199, 200; 2007 Acts, ch 196, §9 – 11; 2008 Acts, ch 1172, §25; 2009 Acts, ch 41, §263; 2009 Acts, ch 119, §45; 2010 Acts, ch 1146, §16 – 21; 2012 Acts, ch 1063, §4; 2013 Acts, ch 90, §171

Referred to in **§96.11**, **§321.11A**, **§321.40**, **§321.210A**, **§321.210B**, **§331.756(5d)**, **§602.8102(105B)**, **§602.8103**, **§602.8105**, **§901.5B**, **§907.7**, **§907.9**

Surcharges, see **chapter 911**

Victim compensation fund, see **§915.94**

Processing or collection fee for court debt imposed, assessed, or deemed delinquent prior to July 1, 2008, to be added to court debt and collected under this section as amended; 2008 Acts, ch 1172, §32

*Former **chapter 421C**, establishing the office of state debt coordinator, is repealed effective January 1, 2014; corrective legislation is pending

Section not amended; subsection headnote added

602.8108 Distribution of court revenue.

1. The clerk of the district court shall establish an account and deposit in this account all revenue and other receipts. Not later than the fifteenth day of each month, the clerk shall distribute all revenues received during the preceding calendar month. Each distribution shall be accompanied by a statement disclosing the total amount of revenue received during the accounting period and any adjustments of gross revenue figures that are necessary to reflect changes in the balance of the account, including but not limited to reductions resulting from the dishonor of checks previously accepted by the clerk.

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in **subsections 3, 4, 5, 6, 8, 9, 10, and 11**, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under **this section**.

3. The clerk of the district court shall remit to the state court administrator, not later than the fifteenth day of each month, ninety-five percent of all moneys collected from the criminal penalty surcharge provided in **section 911.1** during the preceding calendar month. The clerk shall remit the remainder to the county treasurer of the county that was the plaintiff in the action or to the city that was the plaintiff in the action. Of the amount received from the clerk,

the state court administrator shall allocate seventeen percent to be deposited in the victim compensation fund established in **section 915.94**, and eighty-three percent to be deposited in the general fund.

4. The clerk of the district court shall remit all moneys collected from the drug abuse resistance education surcharge provided in **section 911.2** to the state court administrator for deposit in the general fund of the state and the amount deposited is appropriated to the governor's office of drug control policy for use by the drug abuse resistance education program and other programs directed for a similar purpose.

5. The clerk of the district court shall remit all moneys collected from the assessment of the law enforcement initiative surcharge provided in **section 911.3** to the state court administrator no later than the fifteenth day of each month for deposit in the general fund of the state.

6. The clerk of the district court shall remit all moneys collected from the assessment of the human trafficking victim surcharge provided in **section 911.2A** to the state court administrator no later than the fifteenth day of each month for deposit in the human trafficking victim fund created in **section 915.95**.

7. The clerk of the district court shall remit all moneys collected from the county enforcement surcharge pursuant to **section 911.4** to the county where the citation was issued for deposit in the county general fund no later than the fifteenth day of each month.

8. A court technology and modernization fund is established as a separate fund in the state treasury. The state court administrator shall allocate one million dollars of the moneys received under **subsection 2** to be deposited in the fund, which shall be administered by the supreme court and shall be used to enhance the ability of the judicial branch to process cases more quickly and efficiently, to electronically transmit information to state government, local governments, law enforcement agencies, and the public, and to improve public access to the court system.

9. The state court administrator shall allocate all of the fines and fees attributable to commercial vehicle violation citations issued by motor vehicle division personnel of the state department of transportation to the treasurer of state for deposit in the road use tax fund.

10. The state court administrator shall allocate fifty percent of all of the fines attributable to littering citations issued pursuant to **sections 321.369**, **321.370**, and **461A.43** to the treasurer of state for deposit in the general fund of the state and such moneys are appropriated to the state department of transportation for purposes of the cleanup of litter and illegally discarded solid waste.

11. The clerk of the district court shall remit to the treasurer of state, not later than the fifteenth day of each month, all moneys collected from the sex offender civil penalty provided in **section 692A.110** during the preceding calendar month. Of the amount received from the clerk, the treasurer of state shall allocate ten percent to be deposited in the court technology and modernization fund established in **subsection 8**. The treasurer of state shall deposit the remainder into the sex offender registry fund established in **section 692A.119**.

83 Acts, ch 186, §9108, 10201; 91 Acts, ch 116, §15; 94 Acts, ch 1074, §7; 96 Acts, ch 1216, §31; 96 Acts, ch 1218, §38, 39, 71; 98 Acts, ch 1047, §61; 98 Acts, ch 1090, §73, 84; 98 Acts, ch 1212, §8; 2000 Acts, ch 1222, §15; 2001 Acts, ch 168, §3; 2001 Acts, ch 182, §10; 2002 Acts, ch 1175, §44; 2003 Acts, ch 35, §45, 49; 2004 Acts, ch 1111, §3; 2004 Acts, ch 1119, §5; 2005 Acts, ch 3, §103; 2005 Acts, ch 143, §1, 2; 2005 Acts, ch 165, §5, 6; 2005 Acts, ch 179, §138; 2006 Acts, ch 1030, §76; 2006 Acts, ch 1087, §2, 3; 2006 Acts, ch 1166, §6 – 8; 2006 Acts, ch 1182, §64; 2007 Acts, ch 215, §65; 2009 Acts, ch 119, §46, 47; 2014 Acts, ch 1097, §3, 4

Referred to in **§321.210B**, **§331.427**, **§364.3**, **§602.1302**, **§602.1304**, **§602.8107**, **§602.8108A**, **§602.11101**, **§625.8**, **§631.6**, **§633.20**, **§633.31**, **§692A.110**, **§907.14**, **§911.1**, **§911.2**, **§911.2A**, **§911.3**, **§911.4**

Use of court technology and modernization fund; reporting; 2009 Acts, ch 172, §1; 2010 Acts, ch 1185, §1; 2011 Acts, ch 135, §1, 7; 2012 Acts, ch 1137, §1; 2013 Acts, ch 133, §1, 7; 2014 Acts, ch 1137, §1

Subsection 2 amended

NEW subsection 6 and former subsections 6 – 10 renumbered as 7 – 11

602.8108A Prison infrastructure fund.

1. The Iowa prison infrastructure fund is created and established as a separate and distinct fund in the state treasury. Notwithstanding any other provision of **this chapter** to the contrary, the first eight million dollars and, beginning July 1, 1997, the first nine million

five hundred thousand dollars, of moneys remitted to the treasurer of state from fines, fees, costs, and forfeited bail collected by the clerks of the district court in criminal cases, including those collected for both scheduled and nonscheduled violations, collected in each fiscal year commencing with the fiscal year beginning July 1, 1995, shall be deposited in the fund. Beginning July 1, 2009, the treasurer of state shall certify to the judicial branch the annual amount of funds necessary to be remitted for deposit into the fund for that fiscal year and such moneys shall be remitted to the treasurer of state from fines, fees, costs, and forfeited bail collected by the clerks of the district court in criminal cases, including those collected for both scheduled and nonscheduled violations, for debt payments expected to be paid from the fund. Interest and other income earned by the fund shall be deposited in the fund. However, beginning with the fiscal year beginning July 1, 1998, all fines and fees attributable to commercial vehicle violation citations issued after July 1, 1998, shall be deposited as provided in **section 602.8108, subsection 9**. The moneys in the fund are appropriated and shall have priority and precedence for the purpose of paying the principal of, premium, if any, and interest on bonds issued by the Iowa finance authority under **section 16.177**. Any remaining moneys not otherwise appropriated for purposes of paying the principal, premium, and interest on the bonds issued by the Iowa finance authority pursuant to **section 16.177** shall be available and appropriated to the treasurer of state pursuant to **section 12.80**. Except as otherwise provided in **subsection 2**, amounts in the funds shall not be subject to appropriation for any purpose by the general assembly, but shall be used only for the purposes set forth in **this section**. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the department of corrections including the automatic disbursement of funds pursuant to the terms of bond indentures and documents and security provisions to trustees and custodians. The treasurer of state is authorized to invest the funds deposited in the fund subject to any limitations contained in any applicable bond proceedings. Any amounts remaining in the fund at the end of each fiscal year shall be transferred to the general fund of the state.

2. If the treasurer of state determines that bonds cannot be issued pursuant to **this section** and **sections 12.80** and **16.177** or if there are any remaining moneys at the end of a fiscal year after the appropriations are paid pursuant to **sections 12.80** and **16.177**, the treasurer of state shall deposit the moneys in the prison infrastructure fund into the general fund of the state.

94 Acts, ch 1196, §21; 95 Acts, ch 202, §12; 96 Acts, ch 1216, §32; 98 Acts, ch 1212, §9; 2008 Acts, ch 1179, §57

Referred to in **§12.80**, **§16.177**, **§602.1304**

Section not amended; internal reference change applied

602.8109 Settlement of accounts of cities and counties.

1. A city or a county shall pay court costs and other fees payable to the clerk of the district court for services rendered upon receipt of a statement from the clerk disclosing the amount due.

2. The clerk of the district court shall deliver a statement to the county auditor no later than the fifteenth day of each month disclosing all of the following:

a. The specific amounts of statutory fees and costs that are payable by the county to the clerk for services rendered by the clerk or other state officers or employees during the preceding month in connection with each civil or criminal action, and the total of all of these fees and costs.

b. Any amounts collected by the clerk of the district court during the preceding month as costs in an action when these amounts are payable by law to the county as reimbursement for costs incurred by the county in connection with a civil or criminal action, and the total of all of these amounts.

3. If the amount owed by the county under **subsection 2**, paragraph *"a"* for a calendar month is greater than the amount due to the county under **subsection 2**, paragraph *"b"* for that month, the county shall remit the difference to the clerk of the district court no later than the last day of the month in which the statement under **subsection 2** is received.

4. If the amount due to the county under **subsection 2**, paragraph *"b"* for a calendar month is greater than the amount owed by the county under **subsection 2**, paragraph *"a"* for that

month, the clerk of the district court shall remit the difference to the county treasurer no later than the last day of the month in which the statement under **subsection 2** is delivered.

5. The clerk of the district court shall deliver a statement to the city clerk no later than the fifteenth day of each month disclosing all of the following:

a. The specific amounts of statutory fees and costs that are payable by the city to the clerk of the district court for services rendered by the clerk or other state officers or employees during the preceding month in connection with each civil or criminal action, and the total of all such fees and costs.

b. Any amounts collected by the clerk of the district court during the preceding month as costs in an action when such amounts are payable by law to the city as reimbursement for costs incurred by the city in connection with a civil or criminal action, and the total of all such amounts.

6. If the amount owed by the city under **subsection 5**, paragraph "*a*", for a calendar month is greater than the amount due to the city under **subsection 5**, paragraph "*b*", for that month, the city shall remit the difference to the clerk of the district court no later than the last day of the month in which the statement under **subsection 5** is received.

7. If the amount due the city under **subsection 5**, paragraph "*b*", for a calendar month is greater than the amount owed by the city under **subsection 5**, paragraph "*a*", for that month, the clerk of the district court shall remit the difference to the city clerk no later than the last day of the month in which the statement under **subsection 5** is delivered.

8. Amounts not paid as required under **subsection 3, 4, 6, or 7** shall bear interest for each day of delinquency at the rate in effect as of the day of delinquency for time deposits of public funds for eighty-nine days, as established under **section 12C.6**.

83 Acts, ch 186, §9109, 10201; 2007 Acts, ch 196, §12 – 14; 2011 Acts, ch 34, §136
Referred to in **§331.506**, **§602.8105**, **§602.8106**

ARTICLE 9

JUDICIAL RETIREMENT

Referred to in **§8F.2**, **§12B.10**, **§12B.10A**, **§12B.10B**, **§12B.10C**, **§509A.13A**, **§602.1209**, **§602.1611**, **§602.11115**, **§602.11116**

PART 1

JUDICIAL RETIREMENT SYSTEM

602.9101 System created.

A retirement system is hereby created and established to be known as the "Judicial Retirement System", hereinafter called the "system".

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §605A.1]
83 Acts, ch 186, §10202(2)
CS83, §602.9101

602.9102 Administered by court administrator.

The court administrator shall be vested with authority to administer the system and related reports and may promulgate rules therefor not inconsistent with the provisions of **this article**.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §605A.2]
83 Acts, ch 186, §10202(2)
CS83, §602.9102

602.9103 Repealed by 86 Acts, ch 1243, §44.

602.9104 Deductions from judges' salaries — contributions by state.

1. *a.* A judge to whom **this article** applies shall be paid an amount equal to the basic salary of the judge as set by the general assembly reduced by an amount designated as the judge's

required contribution to the judicial retirement fund. The amount designated as the judge's required contribution shall be paid by the state in the manner provided in **subsection 2**.

b. The state shall contribute annually to the judicial retirement fund an amount equal to the state's required contribution for all judges covered under **this article**.

2. The amount designated as the judge's required contribution to the judicial retirement fund shall be paid by the department of administrative services from the general fund of the state to the court administrator for deposit with the treasurer of state to the credit of the judicial retirement fund. Moneys in the fund are appropriated for the payment of annuities, refunds, and allowances provided by **this article**, except that the amount of the appropriations affecting payment of annuities, refunds, and allowances to judges of the municipal and superior court is limited to that part of the fund accumulated for their benefit as provided in **this article**. The corpus and income of the fund shall be used only for the exclusive benefit of the judges covered under **this article**, their survivors, or an alternate payee who is assigned benefits pursuant to a domestic relations order.

3. A judge covered under **this article** is deemed to consent to the reduction in basic salary as provided in **subsection 1**.

4. As used in **this section**, unless the context otherwise requires:

a. "*Actuarial valuation*" means an actuarial valuation of the judicial retirement system or an annual actuarial update of an actuarial valuation, as required pursuant to **section 602.9116**.

b. "*Fully funded status*" means that the most recent actuarial valuation reflects that the funded status of the system is at least one hundred percent, based upon the benefits provided for judges through the judicial retirement system as of July 1, 2006.

c. "*Judge's required contribution*" means an amount equal to the basic salary of the judge multiplied by the following applicable percentage:

(1) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, seven and seven-tenths percent.

(2) For the fiscal year beginning July 1, 2009, and ending June 30, 2010, eight and seven-tenths percent.

(3) For the fiscal year beginning July 1, 2010, and for each subsequent fiscal year until the system attains fully funded status, nine and thirty-five hundredths percent.

(4) Commencing with the first fiscal year in which the system attains fully funded status, and for each subsequent fiscal year, the percentage rate equal to forty percent of the required contribution rate.

d. "*Required contribution rate*" means that percentage of the basic salary of all judges covered under **this article** equal to the actuarially required contribution rate determined by the actuary pursuant to **section 602.9116**.

e. "*State's required contribution*" means an amount equal to the basic salary of all judges covered under **this article** multiplied by the following applicable percentage:

(1) For the fiscal year beginning July 1, 2008, and for each subsequent fiscal year until the system attains fully funded status, thirty and six-tenths percent.

(2) Commencing with the first fiscal year in which the system attains fully funded status, and for each subsequent fiscal year, the percentage rate equal to sixty percent of the required contribution rate.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §605A.4]

83 Acts, ch 186, §10202(2)

CS83, §602.9104

86 Acts, ch 1243, §35; 91 Acts, ch 116, §16; 94 Acts, ch 1183, §82; 2000 Acts, ch 1077, §112 – 114; 2003 Acts, ch 145, §286; 2006 Acts, ch 1091, §12; 2008 Acts, ch 1171, §54, 55

Referred to in **§602.9104A**, **§602.9108**, **§602.9116**, **§602.11115**, **§602.11116**

Legislative intent regarding contribution rates when system attains fully funded status; notification, study, and report regarding adequate financing of system when fully funded status achieved; 2000 Acts, ch 1077, §117

602.9104A Moneys deposited in the judicial retirement fund — limitations — intent.

1. As used in **this section**, unless the context otherwise requires, "*court revenues*" means any court costs, fees, fines, penalties, surcharges, forfeited bail, or similar charges collected by the court, or interest on such amounts.

2. Notwithstanding **section 602.8105**, **602.8106**, or **631.6**, or any other provision of law to

the contrary, court revenues shall not be deposited in the judicial retirement fund established in **section 602.9104**. If a provision of law provides for the deposit of court revenues in the judicial retirement fund, those court revenues shall be deposited in the general fund.

3. The judicial retirement fund shall consist of the contributions specified in **section 602.9104**, as well as the corpus and income of the fund as provided in **section 602.9104**.

4. It is the intent of the general assembly that the judicial retirement system be funded from contributions based upon the basic salary of the judges covered by **this article**, rather than from court revenues.

94 Acts, ch 1183, §83

602.9105 Rollovers of judges' accounts.

1. As used in **this section**, unless the context otherwise requires:

a. *"Direct rollover"* means a payment by the system to the eligible retirement plan specified by the judge covered under **this article** or the judge's surviving spouse.

b. (1) *"Eligible retirement plan"* means either of the following that accepts an eligible rollover distribution from a judge covered by **this article** or a judge's surviving spouse:

(a) An individual retirement account in accordance with section 408(a) of the federal Internal Revenue Code.

(b) An individual retirement annuity in accordance with section 408(b) of the federal Internal Revenue Code.

(2) In addition, an *"eligible retirement plan"* includes an annuity plan in accordance with section 403(a) of the federal Internal Revenue Code, or a qualified trust in accordance with section 401(a) of the federal Internal Revenue Code, that accepts an eligible rollover distribution from a judge covered by **this article**.

c. *"Eligible rollover distribution"* means all or any portion of a judge's account, except that an eligible rollover distribution does not include any of the following:

(1) A distribution that is one of a series of substantially equal periodic payments, which occur annually or more frequently, made for the life or life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or made for a specified period of ten years or more.

(2) A distribution to the extent that the distribution is required pursuant to section 401(a)(9) of the federal Internal Revenue Code.

(3) The portion of any distribution that is not includible in the gross income of the distributee, determined without regard to the exclusion for net unrealized appreciation with respect to employer securities.

(4) A distribution of less than two hundred dollars of taxable income.

2. Effective January 1, 1993, a judge covered by **this article** or a judge's surviving spouse may elect, at the time and in the manner prescribed by the state court administrator, to have the system pay all or a portion of an eligible rollover distribution directly to an eligible retirement plan, specified by the judge or the judge's surviving spouse, in a direct rollover. If a judge or a judge's surviving spouse elects a partial direct rollover, the amount of funds elected for the partial direct rollover must equal or exceed five hundred dollars.

94 Acts, ch 1183, §84; 2013 Acts, ch 30, §261

602.9106 Retirement.

Any person who shall have become separated from service as a judge of any of the courts included in **this article** and who has had an aggregate of at least four years of service as a judge of one or more of such courts and shall have attained the age of sixty-five years or who has had twenty years of consecutive service as a judge of one or more of said courts and shall have attained the age of fifty years, and who shall have otherwise qualified as provided in **this article**, shall be entitled to an annuity as hereinafter provided.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §605A.6]

83 Acts, ch 186, §10202(2)

CS83, §602.9106

2006 Acts, ch 1091, §13

Referred to in **§602.1612**, **§602.9112**, **§602.9203**

602.9107 Amount of annuity.

1. *a.* The annual annuity of a judge under this system is an amount equal to three and one-fourth percent of the judge's average annual basic salary for the judge's highest three years as a judge of one or more of the courts included in **this article**, multiplied by the judge's years of service as a judge of one or more of the courts for which contributions were made to the system. However, an annual annuity shall not exceed an amount equal to a specified percentage of the highest basic annual salary which the judge is receiving or had received as of the time the judge became separated from service. Forfeitures shall not be used to increase the annuities a judge or survivor would otherwise receive under the system.

b. "*Specified percentage*", for purposes of **this section**, means as follows:

(1) For judges who retire and receive an annuity prior to July 1, 1998, the specified percentage shall be fifty percent.

(2) For judges who retire and receive an annuity on or after July 1, 1998, but before July 1, 2000, the specified percentage shall be fifty-two percent.

(3) For judges who retire and receive an annuity on or after July 1, 2000, but before July 1, 2001, the specified percentage shall be fifty-six percent.

(4) For judges who retire and receive an annuity on or after July 1, 2001, but before July 1, 2006, the specified percentage shall be sixty percent.

(5) For judges who retire and receive an annuity on or after July 1, 2006, the specified percentage shall be sixty-five percent.

2. *a.* A judge shall not receive under **this article** in any calendar year an annuity benefit which, if received in the form of a straight life annuity with no ancillary benefits, exceeds the lesser of the following:

(1) A dollar limitation of ninety thousand dollars adjusted each January 1 to the dollar limitation determined by the federal commissioner of internal revenue pursuant to section 415(d) of the United States Internal Revenue Code, as amended.

(2) A compensation limit of one hundred percent of the average compensation paid to the judge during those three consecutive calendar years as a judge of one or more of the courts included in **this article** which give the highest average.

b. The limitations of **this subsection** do not apply to an annuity benefit which is less than ten thousand dollars.

3. *a.* The limitations in **subsection 2** shall be adjusted as follows:

(1) If the annuity begins prior to the sixty-second birthday of the judge, the dollar limitation shall be equal to an annual annuity benefit which is equal to the actuarial equivalent of an annuity benefit commencing on the sixty-second birthday of the judge, but not below seventy-five thousand dollars.

(2) If the annuity begins after the sixty-fifth birthday of the judge, the dollar limitation shall be equal to an annual annuity benefit which is the actuarial equivalent of an annuity benefit commencing on the sixty-fifth birthday of the judge.

(3) If the annuity begins prior to the judge having ten years of creditable service, the dollar limitation, the one hundred percent of average compensation limitation, and the exception for an annuity benefit which is less than ten thousand dollars, shall be reduced by a fraction, the numerator of which is the total years and months of creditable service, and the denominator of which is ten.

b. For purposes of the limitations of **this subsection**, the actuarial equivalent shall be determined from actuarial tables using the 1983 group annuity table for males and five percent interest compounded annually. The value of the joint and survivorship feature of an annuity shall not be taken into account in applying the limitations of **this section**.

4. **This section** is intended to meet the requirements of section 415 of the United States Internal Revenue Code and shall be construed in accordance with that section, and shall, by this reference, incorporate any subsequent changes to that section which apply to the judicial retirement system.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §605A.7]

83 Acts, ch 186, §10202(2)

CS83, §602.9107
86 Acts, ch 1243, §36; 98 Acts, ch 1183, §101; 2000 Acts, ch 1077, §115; 2002 Acts, ch 1135, §54; 2006 Acts, ch 1091, §14 – 16; 2013 Acts, ch 30, §261
Referred to in §602.9115A, §602.9204, §602.9208

602.9107A Optional retirement and decreased annuity. Repealed by 2006 Acts, ch 1091, §25. See §602.9106.

602.9107B Minimum annuity benefit.
A judge, or a survivor of a judge, who retired before July 1, 1977, and who is receiving an annuity pursuant to **this article**, shall, commencing with an annuity paid on or after July 1, 1998, be paid a minimum monthly annuity payment of five hundred dollars.
98 Acts, ch 1183, §102

602.9107C Iowa public employees' retirement system — service credit.
1. A judge under this system who has at least four years of service as a judge of any of the courts included in **this article** and who was a member of the Iowa public employees' retirement system as provided in **chapter 97B**, but who was not retired under that system, upon submitting verification of membership and service in the Iowa public employees' retirement system to the court administrator, including proof that the judge has no further claim upon a retirement benefit from that public system, may make contributions as provided by **this section** to the system either for the entire period of service in the other public system, or for partial service in the other public system in increments of one or more calendar quarters, and receive credit for that service under the system.
2. The contributions required to be made for purposes of **this section** shall be in an amount equal to the actuarial cost of the service purchase. For purposes of **this subsection**, the actuarial cost of the service purchase is an amount determined by the court administrator in accordance with actuarial tables, as reported to the court administrator by the system's actuary, which reflects the actuarial cost necessary to fund an increased retirement annuity resulting from the purchase of additional service.
3. A judge eligible for an increased retirement annuity because of the payment of contributions under **this section** is entitled to receipt of retroactive adjustment payments for no more than six months immediately preceding the month in which the judge pays contributions under **this section**.
4. The court administrator shall ensure that the judge, in exercising an option provided in **this section**, does not exceed the amount of annual additions to a judge's account permitted pursuant to section 415 of the Internal Revenue Code.
2002 Acts, ch 1135, §55; 2006 Acts, ch 1091, §17

602.9108 Individual accounts — refunding.
The amount designated as the judge's contribution to the judicial retirement fund in **section 602.9104** and all amounts paid into the fund by a judge shall be credited to the individual account of the judge. If a judge covered under **this article** becomes separated from service as a judge before the judge completes an aggregate of four years of service as a judge of one or more of the courts, the total amount in the judge's individual account shall be returned to the judge or the judge's legal representatives within one year of the separation. If a judge, who is covered under **this article** and who has completed an aggregate of four years or more of service as a judge of one or more of the courts, dies before retirement, without a survivor, the total amount in the judge's individual account shall be paid in one sum to the judge's legal representatives within one year of the judge's death. If an annuitant under **this section** dies without a survivor, and without having received in annuities an amount equal to the total amount in the judge's individual account at the time of separation from service, the amount remaining to the annuitant's credit shall be paid in one sum to the annuitant's legal representatives within one year of the annuitant's death.
[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §605A.8]
83 Acts, ch 186, §10202(2)

CS83, §602.9108
86 Acts, ch 1243, §37; 2006 Acts, ch 1091, §18
Referred to in §602.9115A

602.9109 Payment of annuities.

Annuities granted under the terms of **this article** are due and payable in monthly installments on the last business day of each month following the month or other period for which the annuity has accrued and shall continue during the life of the annuitant; and payment of all annuities, refunds, and allowances granted under **this article** shall be made by checks or warrants drawn and issued by the director of the department of administrative services. Applications for annuities shall be in such form as the director of the department of administrative services may prescribe.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §605A.9]
83 Acts, ch 186, §10202(2)
CS83, §602.9109
85 Acts, ch 197, §28; 89 Acts, ch 228, §8; 2003 Acts, ch 145, §286
Referred to in §602.9204

602.9110 Other public employment prohibited.

No annuity shall be paid to any person, except a survivor, entitled to receive an annuity hereunder while the person is serving as a state officer or employee.

However, **this section** does not prohibit the payment of an annuity to a senior judge while serving as provided in **section 602.9206**.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §605A.10]
83 Acts, ch 186, §10202(2)
CS83, §602.9110

602.9111 Investment of fund.

1. So much of the judicial retirement fund as may not be necessary to be kept on hand for the making of disbursements under **this article** shall be invested by the treasurer of state in any investments authorized for the Iowa public employees' retirement system in **section 97B.7A** and subject to the requirements of **chapters 12F** and **12H**, and the earnings therefrom shall be credited to the fund. The treasurer of state may execute contracts and agreements with investment advisors, consultants, and investment management and benefit consultant firms in the administration of the judicial retirement fund.

2. Investment management expenses shall be charged to the investment income of the fund and there is appropriated from the fund an amount required for the investment management expenses. The court administrator shall report the investment management expenses for the fiscal year as a percent of the market value of the system.

3. For purposes of **this section**, investment management expenses are limited to the following:

a. Fees for investment advisors, consultants, and investment management and benefit consultant firms hired by the treasurer of state in administering the fund.

b. Fees and costs for safekeeping fund assets.

c. Costs for performance and compliance monitoring, and accounting for fund investments.

d. Any other costs necessary to prudently invest or protect the assets of the fund.

4. The state court administrator and the treasurer of state, and their employees, are not personally liable for claims based upon an act or omission of the person performed in the discharge of the person's duties concerning the judicial retirement fund, except for acts or omissions which involve malicious or wanton misconduct.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §605A.11]
83 Acts, ch 186, §10202(2)
CS83, §602.9111
84 Acts, ch 1180, §10; 96 Acts, ch 1187, §109; 2001 Acts, ch 68, §18, 24; 2007 Acts, ch 39, §13; 2011 Acts, ch 82, §13

602.9112 Voluntary retirement for disability.

Any judge of the supreme, district or municipal court, including a district associate judge, or a judge of the court of appeals, who shall have served as a judge of one or more of such courts for a period of four years in the aggregate and who believes the judge has become permanently incapacitated, physically or mentally, to perform the duties of the judge's office may personally or by the judge's next friend or guardian file with the court administrator a written application for retirement. The application shall be filed in duplicate and accompanied by an affidavit as to the duration and particulars of the judge's service and the nature of the judge's incapacity. The court administrator shall forthwith transmit one copy of the application and affidavit to the chief justice who shall request the attorney general in writing to cause an investigation to be made relative to the claimed incapacity and report back the results thereof in writing. If the chief justice finds from the report of the attorney general that the applicant is permanently incapacitated, physically or mentally, to perform the duties of the applicant's office the chief justice shall by endorsement thereon declare the applicant retired, and the office vacant, and shall file the report in the office of the court administrator, and a copy in the office of the secretary of state. From the date of such filing the applicant shall be deemed retired from the applicant's office and entitled to the benefits of **this article** to the same extent as if the applicant had retired under the provisions of **section 602.9106**.

[C66, 71, 73, 75, 77, 79, 81, §605A.12]
83 Acts, ch 186, §10202(2)
CS83, §602.9112
2006 Acts, ch 1091, §19
Referred to in **§602.9207**

602.9113 Retirement benefits for disability.

An adjudication as to permanent physical or mental disability under the provisions of **article 2, part 1** shall entitle the judge to the same retirement benefits as provided for voluntary retirement for such cause.

[C66, 71, 73, 75, 77, 79, 81, §605A.13]
83 Acts, ch 186, §10202(2)
CS83, §602.9113

602.9114 Forfeiture of benefits — refund.

If a judge covered under this part is removed for cause other than permanent disability the judge and the judge's survivor shall forfeit the right to any retirement benefits under the system but the total amount in the judge's individual account shall be returned to the judge or the judge's legal representatives within one year of the removal.

[C66, 71, 73, 75, 77, 79, 81, §605A.14]
83 Acts, ch 186, §10202(2)
CS83, §602.9114
86 Acts, ch 1243, §38

602.9115 Annuity for survivor of annuitant.

The survivor of a judge who was qualified for retirement compensation under the system at the time of the judge's death, is entitled to receive an annuity of one-half of the amount of the annuity the judge was receiving or would have been entitled to receive at the time of the judge's death, or if the judge died before age sixty-five, then one-half of the amount the judge would have been entitled to receive at age sixty-five based on the judge's years of service for which contributions were made to the system. The annuity shall begin on the judge's death or upon the survivor's reaching age sixty, whichever is later. However, a survivor less than sixty years old may elect to receive a decreased retirement annuity to begin on the judge's death by filing a written election with the state court administrator. The election is subject to the approval of the state court administrator. The amount of the decreased retirement annuity shall be the actuarial equivalent of the amount of the annuity otherwise payable to the survivor under **this section**.

For the purposes of **this article** *"survivor"* means the surviving spouse of a person who was a judge, if married to the judge for at least one year preceding the judge's death.

If the judge dies leaving a survivor but without receiving in annuities an amount equal to the judge's credit, the balance shall be credited to the account of the judge's survivor, and if the survivor dies without receiving in annuities an amount equal to the balance, the amount remaining shall be paid to the survivor's legal representatives within one year of the survivor's death.

[C73, 75, 77, 79, 81, §605A.15]
83 Acts, ch 186, §10202(2)
CS83, §602.9115
84 Acts, ch 1285, §29; 86 Acts, ch 1243, §39
Referred to in **§602.9115A**, **§602.9209**

602.9115A Optional annuity for judge and survivor.

In lieu of the annuities and refunds provided for judges and judges' survivors under **sections 602.9107**, **602.9108**, **602.9115**, **602.9204**, **602.9208**, and **602.9209**, judges may elect to receive an optional retirement annuity during the judge's lifetime and have the optional retirement annuity, or a designated fraction of the optional retirement annuity, continued and paid to the judge's survivor after the judge's death and during the lifetime of the survivor.

The judge shall make the election request in writing to the state court administrator prior to retirement. The election is subject to the approval of the state court administrator. The judge may revoke the election prior to retirement by written request to the state court administrator, but cannot revoke the election after retirement.

The optional retirement annuity shall be the actuarial equivalent of the amounts of the annuities payable to judges and survivors under **sections 602.9107**, **602.9115**, **602.9204**, **602.9208**, and **602.9209**. The actuarial equivalent shall be based on the mortality and interest assumptions set out in **section 602.9107, subsection 3**.

If the judge dies without a survivor, prior to retirement or prior to receipt in annuities of an amount equal to the total amount remaining to the judge's credit at the time of separation from service, the election is null and void and the refunding provisions of **section 602.9108** apply.

If the judge dies with a survivor prior to retirement, the election remains valid and the survivor is entitled to receive the annuity beginning at the death of the judge.

If the judge dies with a survivor and the survivor subsequently dies prior to receipt in annuities by both the judge and the survivor of an amount equal to the total amount remaining to the judge's credit at the time of separation from service, the election remains valid and the refunding provision of **section 602.9115** applies.

86 Acts, ch 1243, §40; 92 Acts, ch 1236, §402, 403; 2006 Acts, ch 1091, §20

602.9116 Actuarial valuation.

1. The court administrator shall cause an actuarial valuation to be made of the assets and liabilities of the judicial retirement fund at least once every four years commencing with the fiscal year beginning July 1, 1981. For each fiscal year in which an actuarial valuation is not conducted, the court administrator shall cause an annual actuarial update to be prepared for the purpose of determining the adequacy of the contribution rates specified in **section 602.9104**. The court administrator shall adopt actuarial methods and assumptions, mortality tables, and other necessary factors for use in the actuarial calculations required for the valuation upon the recommendation of the actuary. In addition, effective with the fiscal year beginning July 1, 2008, the actuarial valuation or actuarial update required to be conducted shall include information as required by **section 97D.5**. Following the actuarial valuation or annual actuarial update, the court administrator shall determine the condition of the system, determine the actuarially required contribution rate for each fiscal year which is the rate required by the system to discharge its liabilities, stated as a percentage of the basic salary of all judges covered under **this article**, and shall report any findings and recommendations to the general assembly.

2. The cost of the actuarial valuation or annual actuarial update shall be paid from the judicial retirement fund.

[C81, §605A.18]

83 Acts, ch 186, §10202(2)

CS83, §602.9116

94 Acts, ch 1183, §85; 2006 Acts, ch 1091, §21; 2007 Acts, ch 22, §102; 2008 Acts, ch 1171, §56

Referred to in §602.9104

PART 2

IOWA SENIOR JUDGE ACT

Referred to in §602.1101

602.9201 Short title.

This part may be cited and referred to as the *"Iowa Senior Judge Act"*.

[C81, §605A.21]

83 Acts, ch 186, §10202(2)

CS83, §602.9201

602.9202 Definitions.

As used in this part unless the context otherwise requires:

1. *"Retired senior judge"* means a senior judge who has been retired from a senior judgeship as provided in **section 602.9207**.

2. *"Roster of senior judges"* means the roster maintained by the clerk of the supreme court under **section 602.9203, subsection 3**.

3. *"Senior judge"* means a supreme court judge, court of appeals judge, district court judge, district associate judge, full-time associate juvenile judge, or full-time associate probate judge, who meets the requirements of **section 602.9203** and who has not been retired or removed from the roster of senior judges under **section 602.9207** or **602.9208**.

4. *"Senior judge retirement age"* means seventy-eight years of age or, if the senior judge is reappointed as a senior judge for an additional one-year term upon attaining seventy-eight years of age, and then to a succeeding one-year term, pursuant to **section 602.9203**, eighty years of age.

5. *"Twelve-month period"* means each successive one-year period commencing on the date a retired judge becomes a senior judge and while the judge continues to be a senior judge.

[C81, §605A.22]

83 Acts, ch 186, §10202(2)

CS83, §602.9202

2002 Acts, ch 1135, §56; 2008 Acts, ch 1191, §149; 2012 Acts, ch 1021, §106; 2012 Acts, ch 1138, §75

Referred to in §595.10

602.9203 Senior judgeship requirements — appointment and term.

1. A supreme court judge, court of appeals judge, district judge, district associate judge, full-time associate juvenile judge, or full-time associate probate judge, who qualifies under **subsection 2** may become a senior judge by filing with the clerk of the supreme court a written election in the form specified by the supreme court. The election shall be filed within six months of the date of retirement.

2. A judicial officer referred to in **subsection 1** may be appointed, at the discretion of the supreme court, for a two-year term as a senior judge if the judicial officer meets all of the following requirements:

a. Retires from office on or after July 1, 1977, whether or not the judicial officer is of mandatory retirement age.

b. Meets the minimum requirements for entitlement to an annuity as specified in **section 602.9106**. However, a judge who elects to retire prior to attaining the age of sixty-five and

who has not had twenty years of consecutive service, may serve as a senior judge, but shall not be paid an annuity pursuant to **section 602.9204** until attaining age sixty-five.

c. Agrees in writing on a form prescribed by the supreme court to be available as long as the judicial officer is a senior judge to perform judicial duties as assigned by the supreme court for an aggregate period of thirteen weeks out of each successive twelve-month period.

d. Submits evidence to the satisfaction of the supreme court that as of the date of retirement the judicial officer does not suffer from a permanent physical or mental disability which would substantially interfere with the performance of duties agreed to under paragraph "*c*" of **this subsection**.

e. Submits evidence to the satisfaction of the supreme court that since the date of retirement the judicial officer has not engaged in the practice of law.

3. The clerk of the supreme court shall maintain a book entitled "Roster of Senior Judges", and shall enter in the book the name of each judicial officer who files a timely election under **subsection 1** and qualifies under **subsection 2**. A person shall be a senior judge upon entry of the person's name in the roster of senior judges and until the person becomes a retired senior judge as provided in **section 602.9207**, or until the person's name is stricken from the roster of senior judges as provided in **section 602.9208**, or until the person dies.

4. The supreme court shall cause each senior judge on the roster to actually perform judicial duties during each successive twelve-month period.

5. *a.* A senior judge may be reappointed to additional two-year terms, at the discretion of the supreme court, if the judicial officer meets the requirements of **subsection 2**.

b. A senior judge may be reappointed to a one-year term upon attaining seventy-eight years of age and to a succeeding one-year term, at the discretion of the supreme court, if the judicial officer meets the requirements of **subsection 2**.

[C81, §605A.23]

83 Acts, ch 186, §10202(2)

CS83, §602.9203

85 Acts, ch 94, §1, 2; 89 Acts, ch 162, §1; 95 Acts, ch 145, §1, 2; 2002 Acts, ch 1135, §57; 2006 Acts, ch 1091, §22; 2008 Acts, ch 1191, §150; 2011 Acts, ch 78, §6 – 8

Referred to in **§602.9202**, **§602.9204**, **§602.9206**

602.9204 Salary — annuity of senior judge and retired senior judge.

1. *a.* A judge who retires on or after July 1, 1994, and who is appointed a senior judge under **section 602.9203** shall be paid a salary as determined by the general assembly.

b. A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in **section 602.9109**, but computed under **this section** in lieu of **section 602.9107**, as follows:

(1) The annuity paid to a senior judge or retired senior judge shall be an amount equal to the applicable percentage multiplier of the basic senior judge salary, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under **this article**, for which contributions were made to the system, except the annuity of the senior judge or retired senior judge shall not exceed an amount equal to the applicable specified percentage of the basic senior judge salary used in calculating the annuity.

(2) However, following the twelve-month period during which the senior judge or retired senior judge attains senior judge retirement age, the annuity paid to the person shall be an amount equal to the applicable percentage multiplier of the basic senior judge salary cap, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under **this article**, for which contributions were made to the system, except that the annuity shall not exceed an amount equal to the applicable specified percentage of the basic senior judge salary cap.

c. A senior judge or retired senior judge shall not receive benefits calculated using a basic senior judge salary established after the twelve-month period in which the senior judge or retired senior judge attains senior judge retirement age.

d. The state shall provide, regardless of age, to an active senior judge or a senior judge with six years of service as a senior judge and to the judge's spouse, and pay for medical insurance until the judge attains senior judge retirement age.

2. As used in **this section**, unless the context otherwise requires:

a. *"Applicable percentage multiplier"* means as follows:

(1) For a senior judge or retired senior judge who retired as a judge and received an annuity prior to July 1, 2006, three percent.

(2) For a senior judge or a retired senior judge who retired as a judge and received an annuity on or after July 1, 2006, three and one-fourth percent.

b. *"Applicable specified percentage"* means, for a senior judge or retired senior judge, the specified percentage, as defined in **section 602.9107, subsection 1**, that applied on the date the judge was separated from full-time service.

c. *"Basic senior judge salary"* means the highest basic annual salary which the judge is receiving or had received as of the time the judge became separated from full-time service, as would be used in computing an annuity pursuant to **section 602.9107** without service as a senior judge, plus seventy-five percent of the escalator.

d. *"Basic senior judge salary cap"* means the basic senior judge salary, at the end of the twelve-month period during which the senior judge or retired senior judge attained senior judge retirement age, of the office in which the person last served as a judge before retirement as a judge or senior judge.

e. *"Escalator"* means the difference between the current basic salary, as of the time each payment is made up to and including the twelve-month period during which the senior judge or retired senior judge attains senior judge retirement age, of the office in which the senior judge last served as a judge before retirement as a judge or senior judge, and the basic annual salary which the judge is receiving at the time the judge becomes separated from full-time service as a judge of one or more of the courts included in **this article**, as would be used in computing an annuity pursuant to **section 602.9107** without service as a senior judge.

[C81, §605A.24]

83 Acts, ch 186, §10202(2)

CS83, §602.9204

86 Acts, ch 1243, §41; 89 Acts, ch 162, §2; 92 Acts, ch 1201, §73, 76; 92 Acts, 2nd Ex, ch 1001, §116; 94 Acts, ch 1183, §86, 90; 95 Acts, ch 145, §3, 4; 99 Acts, ch 200, §22; 2000 Acts, ch 1077, §116; 2002 Acts, ch 1135, §58; 2006 Acts, ch 1091, §23, 24; 2008 Acts, ch 1191, §151, 152

Referred to in **§602.9115A**, **§602.9203**, **§602.9208**

Interpretive memorandum by the Iowa Supreme Court filed July 22, 1982

602.9205 Practice of law prohibited.

A senior judge shall not practice law.

[C81, §605A.25]

83 Acts, ch 186, §10202(2)

CS83, §602.9205

602.9206 Temporary service by senior judge.

Section 602.1612 does not apply to a senior judge but does apply to a retired senior judge. During the tenure of a senior judge, if the judge is able to serve, the judge may be assigned by the supreme court to temporary judicial duties on courts of this state without salary for an aggregate of thirteen weeks out of each twelve-month period, and for additional weeks with the judge's consent. A senior judge shall not be assigned to judicial duties on the supreme court unless the judge has been appointed to serve on the supreme court prior to retirement. While serving on temporary assignment, a senior judge has and may exercise all of the authority of the office to which the judge is assigned, shall continue to be paid the judge's annuity as senior judge, shall be reimbursed for the judge's actual expenses to the extent expenses of a district judge are reimbursable under **section 602.1509**, may, if permitted by the assignment order, appoint a temporary court reporter, who shall be paid the remuneration and reimbursement for actual expenses provided by law for a reporter in the court to which the senior judge is assigned, and, if assigned to the court of appeals or the supreme court, shall be given the assistance of a law clerk and a secretary designated by the court administrator of the judicial branch from the court administrator's staff. Each

order of temporary assignment shall be filed with the clerks of court at the places where the senior judge is to serve.

A senior judge also shall be available to serve in the capacity of administrative law judge under **chapter 17A**, and the supreme court may assign a senior judge for temporary duties as an administrative law judge. A senior judge shall not be required to serve a period of time as an administrative law judge which, when added to the period of time being served by the person as a judge, if any, would exceed the maximum period of time the person agreed to serve pursuant to **section 602.9203, subsection 2**.

[C81, §605A.26]

83 Acts, ch 186, §10202(2)

CS83, §602.9206

88 Acts, ch 1109, §30; 90 Acts, ch 1271, §1512; 98 Acts, ch 1047, §62; 98 Acts, ch 1202, §43, 46

Referred to in **§4.1**, **§602.1101**, **§602.9110**

602.9207 Retirement of senior judge.

1. A senior judge shall cease to be a senior judge upon completion of the twelve-month period during which the judge attains senior judge retirement age. The clerk of the supreme court shall make a notation of the retirement of a senior judge in the roster of senior judges, at which time the senior judge shall become a retired senior judge.

2. A senior judge is subject to retirement under **article 2**, part 1 for the causes specified in **section 602.2106, subsection 3**, paragraph *"a"*. A senior judge may request and be granted retirement in the manner provided in **section 602.9112**. When a senior judge is retired as provided in **this subsection** the clerk of the supreme court shall make a notation of the retirement of the senior judge in the roster of senior judges, at which time the senior judge shall become a retired senior judge.

[C81, §605A.27]

83 Acts, ch 186, §10202(2)

CS83, §602.9207

2008 Acts, ch 1191, §153

Referred to in **§602.1612**, **§602.9202**, **§602.9203**

602.9208 Relinquishment of senior judgeship — removal for cause — retirement annuity.

1. A senior judge, at any time prior to the end of the twelve-month period during which the judge attains senior judge retirement age, may submit to the clerk of the supreme court a written request that the judge's name be stricken from the roster of senior judges. Upon the receipt of the request the clerk shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge. A person who relinquishes a senior judgeship as provided in **this subsection** may be assigned to temporary judicial duties as provided in **section 602.1612**.

2. A senior judge is subject to removal under the provisions of **article 2**, part 1 for any of the causes specified in **section 602.2106, subsection 3**, paragraph *"b"*. When a person is removed from a senior judgeship as provided in **this subsection** the clerk of the supreme court shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge.

3. A person who relinquishes a senior judgeship in the manner provided in **subsection 1** or who is not reappointed shall be paid a retirement annuity that commences on the effective date of the relinquishment or the date of the completion of the term or appointment and shall be based upon the number of years the person served as a senior judge. A person who serves six or more years as a senior judge shall be paid a retirement annuity that is in an amount equal to the amount of the annuity the person is receiving on the effective date of the relinquishment or the date of the completion of the term or appointment in lieu of an amount determined according to **section 602.9204**. If the person serves less than six years as a senior judge, the person shall be paid a retirement annuity that is in an amount equal to an amount determined according to **section 602.9107** added to an amount equal to

the number of years the person served as a senior judge, divided by six, multiplied by the difference between the amount of the annuity the person is receiving on the effective date of the relinquishment and the amount determined according to **section 602.9107**. A person who is removed from a senior judgeship as provided in **subsection 2** shall be paid a retirement annuity that commences on the effective date of the removal and is in an amount determined according to **section 602.9107** in lieu of **section 602.9204**, and any service and annuity of the person as a senior judge is disregarded.

[C81, §605A.28]
83 Acts, ch 186, §10202(2)
CS83, §602.9208
84 Acts, ch 1234, §1; 95 Acts, ch 145, §5; 2008 Acts, ch 1191, §154
Referred to in **§602.1612**, **§602.9115A**, **§602.9202**, **§602.9203**, **§602.9209**

602.9209 Survivor's annuity.

1. A survivor of a senior judge, a retired senior judge, or a person who relinquished a senior judgeship under **section 602.9208, subsection 1**, shall be paid an annuity in lieu of that specified in **section 602.9115**, which is equal to one-half the amount of the annuity the senior judge, retired senior judge, or person who relinquished a senior judgeship was receiving at the time of death, provided the survivor is qualified under **section 602.9115** to receive an annuity.

2. A survivor of a person whose name is stricken from the roster of senior judges because of removal from a senior judgeship under **section 602.9208, subsection 2**, shall be paid an annuity equal to one-half of the amount the person was receiving at the time of death, provided the survivor is qualified under **section 602.9115** to receive an annuity.

[C81, §605A.29]
83 Acts, ch 186, §10202(2)
CS83, §602.9209
84 Acts, ch 1234, §2
Referred to in **§602.9115A**

ARTICLE 10
ATTORNEYS AND COUNSELORS

Referred to in **§252J.8**, **§261.126**, **§272D.8**, **§556.2C**, **§556.11**, **§602.1209**, **§602.8102(93)**

See also Iowa Ct.R., ch 31 – 45

602.10101 Admission to practice.

The power to admit persons to practice as attorneys and counselors in the courts of this state, or any of them, is vested exclusively in the supreme court which shall adopt and promulgate rules to carry out the intent and purpose of **this article**.

[C97, §309, 315; S13, §315; C24, 27, 31, 35, 39, §**10907, 10918;** C46, 50, 54, 58, 62, 66, 71, 73, §610.1, 610.12; C75, 77, 79, 81, §610.1]
83 Acts, ch 186, §10202(2)
CS83, §602.10101
Referred to in **§96.3**
See Iowa Ct.R., ch 31 in the publication, "Iowa Court Rules"

602.10102 Qualifications for admission.

Every applicant for such admission shall be a person of honesty, integrity, trustworthiness, truthfulness and one who appreciates and will adhere to a code of conduct for lawyers as adopted by the supreme court. The applicant shall be an inhabitant of this state, and shall have actually and in good faith pursued a regular course of study of the law and shall have graduated from some reputable law school. The application form shall not contain a recent photograph of the applicant. An applicant shall not be ineligible for registration because of age, citizenship, sex, race, religion, marital status or national origin although the application form may require citizenship information. The board may consider the past record of guilty

pleas and convictions of public offenses of an applicant. Character references may be required; however, such references shall not be restricted to lawyers.

[C51, §1610; R60, §2700; C73, §208; C97, §310; S13, §310; C24, 27, 31, 35, 39, §**10908;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.2]

83 Acts, ch 186, §10202(2)

CS83, §602.10102

602.10103 Board of law examiners.

There is established a board of law examiners which shall consist of five persons admitted to practice law in this state and two persons not admitted to practice law in this state who shall represent the general public. Members shall be appointed by the supreme court. A member admitted to practice law shall be actively engaged in the practice of law in this state.

[S13, §311-a; C24, 27, 31, 35, 39, §**10910;** C46, 50, 54, 58, 62, 66, 71, 73, §610.4; C75, 77, 79, 81, §610.3]

83 Acts, ch 186, §10202(2)

CS83, §602.10103

602.10104 Examinations.

Every applicant shall be examined by the board concerning the applicant's learning and skill in the law. The sufficiency of the education of the applicant may be determined by written examination or in such other manner as the board shall prescribe. The board shall hold at least one meeting each year at the seat of government. Examinations shall be given as often as deemed necessary as determined by the court, but shall be conducted at least one time per year. All examinations in theory shall be in writing and the identity of the person taking the examination shall be concealed until after the examination papers have been graded. For examinations in practice, the identity of the person taking the examination shall also be concealed as far as possible.

An applicant who fails the examination once shall be allowed to take the examination at the next scheduled time. Thereafter, the applicant shall be allowed to take the examination at the discretion of the court. An applicant who has failed the examination may request in writing information from the court concerning the applicant's examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the court administers a uniform, standardized examination, the court shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the court.

[C97, §311; S13, §311; C24, 27, 31, 35, 39, §**10909;** C46, 50, 54, 58, 62, 66, 71, 73, §610.3; C75, 77, 79, 81, §610.4]

83 Acts, ch 186, §10202(2)

CS83, §602.10104

602.10105 Term of office.

Appointments shall be for three-year terms and shall commence on July 1 of the year in which the appointment is made. Vacancies shall be filled for the unexpired term by appointment of the supreme court. Members shall serve no more than three terms or nine years, whichever is less.

[S13, §311-a; C24, 27, 31, 35, 39, §**10911;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.5]

83 Acts, ch 186, §10202(2)

CS83, §602.10105

602.10106 Oath — compensation.

The members thus appointed shall take and subscribe an oath to be administered by one of the judges of the supreme court to faithfully and impartially discharge the duties of the office. The members shall, in addition to receiving actual and necessary expenses, set the per diem compensation for themselves and the temporary examiners appointed under **section 602.10107** at a rate not exceeding the per diem specified in **section 7E.6** for each day actually

engaged in the discharge of their duties. The duties shall include the traveling to and from the place of examination, the preparation and conducting of examinations, and the reading of the examination papers. The per diem authorized under **this section** shall be reasonably apportioned in relation to the funds appropriated to the board.

[S13, §311-a; C24, 27, 31, 35, 39, §**10912;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.6]

83 Acts, ch 186, §10202(2)

CS83, §602.10106

90 Acts, ch 1256, §54

602.10107 Temporary appointments — expenses.

The supreme court may appoint from time to time, when necessary, temporary examiners to assist the board, who shall receive their actual and necessary expenses to be paid from funds appropriated to the board.

The members of the board authorized to grade examinations shall make the final decision on passage or failure of each applicant, subject to the rules of the supreme court. The board shall, also, recommend to the supreme court for admission to practice law in this state all applicants who pass the examination and who meet the requisite character requirements. The supreme court shall make the final decision in determining who shall be admitted.

[S13, §311-a; C24, 27, 31, 35, 39, §**10913;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.7]

83 Acts, ch 186, §10202(2)

CS83, §602.10107

Referred to in **§602.10106**

602.10108 Fees — appropriation.

1. The supreme court shall set the fees for examination and for admission. The fees for examination shall be based upon the annual cost of administering the examinations. The fees for admission shall be based upon the costs of conducting an investigation of the applicant and the administrative costs of sustaining the board.

2. Fees shall be collected by the board and are appropriated to the judicial branch and shall be used to offset the costs of administering **this article 10**.

[S13, §311-b; C24, 27, 31, 35, 39, §**10914;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.8]

83 Acts, ch 186, §10202(2)

CS83, §602.10108

2010 Acts, ch 1159, §10; 2013 Acts, ch 45, §2

602.10109 Practitioners from other states.

Any person who is a resident of this state, and has been admitted to the bar of any other state in the United States or the District of Columbia, may, in the discretion of the court, be admitted to practice in this state without examination or proof of a period of study. The person, in the application for admission to practice law in this state, in addition to all other requirements stated in **this chapter**, shall establish that the person has practiced law for five full years under license in such jurisdiction within the seven years immediately preceding the date of application and still holds a license to practice law. The teaching of law as a full-time instructor in a recognized law school in this state or some other state shall for the purpose of **this section** be deemed the practice of law. Any person who has discharged actual legal duties as a member of the armed services of the United States shall be deemed to have practiced law for the purposes of **this section** if certified to as such by the judge advocate general of the service. The court may charge an investigation fee based upon the cost of conducting the investigation as determined by the court.

[C97, §313; S13, §313; C24, 27, 31, 35, 39, §**10916;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.10]

83 Acts, ch 186, §10202(2)

CS83, §602.10109

See Iowa Ct.R. 31.12 and 31.13

602.10110 Oath or affirmation.

All persons on being admitted to the bar shall take an oath or affirmation, as promulgated by the supreme court, declaring to support the Constitutions of the United States and of the state of Iowa, and to faithfully discharge, according to the best of their ability, the duties of an attorney.

[C51, §1613; R60, §2703; C73, §208; C97, §314; C24, 27, 31, 35, 39, §**10917;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.11]

83 Acts, ch 186, §10202(2)

CS83, §602.10110

2005 Acts, ch 179, §76, 89

602.10111 Nonresident attorney — appointment of local attorney.

Any member of the bar of another state, actually engaged in any cause or matter pending in any court of this state, may be permitted by such court to appear in and conduct such cause or matter while retaining the attorney's residence in another state, without being subject to **this article**; provided that at the time the attorney enters an appearance the attorney files with the clerk of such court the written appointment of some attorney resident and admitted to practice in the state of Iowa, upon whom service may be had in all matters connected with said action, with the same effect as if personally made on such foreign attorney within this state. In case of failure to make such appointment, such attorney shall not be permitted to practice as provided in **this section**, and all papers filed by the attorney shall be stricken from the files.

[C51, §1612; R60, §2702; C73, §210; C97, §316; S13, §316; C24, 27, 31, 35, 39, §**10919;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.13]

83 Acts, ch 186, §10202(2)

CS83, §602.10111

2009 Acts, ch 133, §173

See Iowa Ct.R. 31.14

602.10112 Duties of attorneys and counselors. Repealed by 2005 Acts, ch 179, §79, 89.

602.10113 Deceit or collusion.

An attorney and counselor who is guilty of deceit or collusion, or consents thereto, with intent to deceive a court or judge or a party to an action or proceeding, is liable to be disbarred, and shall forfeit to the injured party treble damages to be recovered in a civil action.

[C51, §1615; R60, §2705; C73, §212; C97, §318; C24, 27, 31, 35, 39, §**10921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.15]

83 Acts, ch 186, §10202(2)

CS83, §602.10113

602.10114 Authority.

An attorney and counselor has power to:

1. Execute in the name of a client a bond, or other written instrument, necessary and proper for the prosecution of an action or proceeding about to be or already commenced, or for the prosecution or defense of any right growing out of an action, proceeding, or final judgment rendered therein.

2. Bind a client to any agreement, in respect to any proceeding within the scope of the attorney's or counselor's proper duties and powers; but no evidence of any such agreement is receivable, except the statement of the attorney in person, the attorney's or counselor's written agreement signed and filed with the clerk, or an entry thereof upon the records of the court.

3. Receive money claimed by a client in an action or proceeding during the pendency thereof, or afterwards, unless the attorney or counselor has been previously discharged by the

client, and, upon payment thereof, and not otherwise, to discharge the claim or acknowledge satisfaction of the judgment.

[C51, §1616; R60, §2706; C73, §213; C97, §319; C24, 27, 31, 35, 39, §**10922;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.16]

83 Acts, ch 186, §10202(2)

CS83, §602.10114

602.10115 Proof of authority.

The court may, on motion of either party and on the showing of reasonable grounds therefor, require the attorney for the adverse party, or for any one of the several adverse parties, to produce or prove by the attorney's own oath, or otherwise, the authority under which the attorney appears, and, until the attorney does so, may stay all proceedings by the attorney on behalf of the parties for whom the attorney assumes to appear.

[C51, §1617; R60, §2707; C73, §214; C97, §320; C24, 27, 31, 35, 39, §**10923;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.17]

83 Acts, ch 186, §10202(2)

CS83, §602.10115

602.10116 Attorney's lien — notice.

An attorney has a lien for a general balance of compensation upon:

1. Any papers belonging to a client which have come into the attorney's hands in the course of professional employment.

2. Money in the attorney's hands belonging to a client.

3. Money due a client in the hands of the adverse party, or attorney of such party, in an action or proceeding in which the attorney claiming the lien was employed, from the time of giving notice in writing to such adverse party, or attorney of such party, if the money is in the possession or under the control of such attorney, which notice shall state the amount claimed, and, in general terms, for what services.

4. After judgment in any court of record, such notice may be given, and the lien made effective against the judgment debtor, by entering the same in the judgment or combination docket, opposite the entry of the judgment.

[C51, §1618; R60, §2708; C73, §215; C97, §321; C24, 27, 31, 35, 39, §**10924;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.18]

83 Acts, ch 186, §10202(2)

CS83, §602.10116

Attorney as surety; §621.7, 636.5

602.10117 Release of lien by bond.

Any person interested may release such lien by executing a bond in a sum double the amount claimed, or in such sum as may be fixed by any district judge, payable to the attorney, with security to be approved by the clerk of the supreme or district court, conditioned to pay any amount finally found due the attorney for the attorney's services, which amount may be ascertained by suit on the bond.

[C51, §1619; R60, §2709; C73, §216; C97, §322; C24, 27, 31, 35, 39, §**10925;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.19]

83 Acts, ch 186, §10202(2)

CS83, §602.10117

602.10118 Automatic release.

Such lien will be released, unless the attorney, within ten days after demand therefor, files with the clerk a full and complete bill of particulars of the services and amount claimed for each item, or written contract with the party for whom the services were rendered.

[C73, §216; C97, §322; C24, 27, 31, 35, 39, §**10926;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.20]

83 Acts, ch 186, §10202(2)

CS83, §602.10118

602.10119 Unlawful retention of money.

An attorney who receives the money or property of a client in the course of the attorney's professional business, and refuses to pay or deliver it in a reasonable time, after demand, is guilty of a theft and punished accordingly.

[C51, §1627; R60, §2717; C73, §224; C97, §330; C24, 27, 31, 35, 39, §**10927;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.21]

83 Acts, ch 186, §10202(2)

CS83, §602.10119

Referred to in **§602.10120**

602.10120 Excuse for nonpayment.

When the attorney claims to be entitled to a lien upon the money or property, the attorney is not liable to the penalties of **section 602.10119** until the person demanding the money proffers sufficient security for the payment of the amount of the attorney's claim, when it is legally ascertained. Nor is the attorney in any case liable as aforesaid, provided the attorney gives sufficient security that the attorney will pay over the whole or any portion thereof to the claimant when the claimant is found entitled thereto.

[C51, §1628, 1629; R60, §2718, 2719; C73, §225, 226; C97, §331; C24, 27, 31, 35, 39, §**10928;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.22]

83 Acts, ch 186, §10202(2)

CS83, §602.10120

602.10121 Revocation of license.

The supreme court may revoke or suspend the license of an attorney to practice law in this state.

[C51, §1620; R60, §2710; C73, §217; C97, §323; C24, 27, 31, 35, 39, §**10929;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.23]

83 Acts, ch 186, §10202(2)

CS83, §602.10121

602.10122 Grounds of revocation.

The following are sufficient causes for revocation or suspension:

1. When the attorney has been convicted of a felony. The record of conviction is conclusive evidence.

2. When the attorney is guilty of a willful disobedience or violation of the order of the court, requiring the attorney to do or forbear an act connected with or in the course of the attorney's profession.

3. A willful violation of any of the duties of an attorney or counselor as hereinbefore prescribed.

4. Doing any other act to which such a consequence is by law attached.

5. Soliciting legal business for the attorney or office, either by the attorney or representative. Nothing herein contained shall be construed to prevent or prohibit listing in legal or other directories, law lists and other similar publications, or the publication of professional cards in any such lists, directories, newspapers or other publication.

[C51, §1621; R60, §2711; C73, §218; C97, §324; C24, 27, 31, 35, 39, §**10930;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.24]

83 Acts, ch 186, §10202(2)

CS83, §602.10122

602.10123 Proceedings.

The proceedings to remove or suspend an attorney may be commenced by the direction of the court or on the petition of any individual. In the former case, the court must direct some

attorney to draw up the accusation; in the latter, the accusation must be drawn up and sworn to by the person making it.

[C51, §1622; R60, §2712; C73, §219; C97, §325; S13, §325; C24, 27, 31, 35, 39, §**10931;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.25]

83 Acts, ch 186, §10202(2)

CS83, §602.10123

93 Acts, ch 85, §4

602.10124 Costs.

If an action is commenced by direction of the court, the costs shall be taxed and disposed of as in criminal cases; provided that no allowance shall be made in such case for the payment of attorney fees.

[S13, §325; C24, 27, 31, 35, 39, §**10932;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.26]

83 Acts, ch 186, §10202(2)

CS83, §602.10124

602.10125 Attorney general — appropriateness of procedure — order for appearance.

If an action is commenced on the petition of an individual, the court shall notify and refer the matter to the attorney general. The attorney general, within thirty days of the referral, shall submit a report to the court concerning the appropriateness of bringing the action under **this chapter**. The court shall not proceed with consideration of the merits of the complaint until the report from the attorney general is received. If the court deems the accusation sufficient to justify further action, the court shall determine whether the complaint is more appropriately pursued under **this chapter** rather than the procedures established under Iowa court rules, ch. 35. If the court finds that proceeding under **this chapter** is more appropriate, it shall cause an order to be entered requiring the accused to appear and answer in the court where the accusation has been filed on the day fixed in the order, and shall cause a copy of the accusation and order to be served upon the accused personally.

[C51, §1623; R60, §2713; C73, §220; C97, §326; C24, §10933; C27, 31, 35, §10934-b1; C39, §**10934.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.27]

83 Acts, ch 101, §122; 83 Acts, ch 186, §10202(2)

CS83, §602.10125

93 Acts, ch 85, §5; 2006 Acts, ch 1010, §153

602.10126 Copy of accusation — duty of clerk.

The clerk of the district court shall immediately certify to the clerk of the supreme court a copy of the accusation.

[C27, 31, 35, §10934-b2; C39, §**10934.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.28]

83 Acts, ch 186, §10202(2)

CS83, §602.10126

602.10127 Notice to attorney general — duty.

Thereupon the chief justice of the supreme court shall notify the attorney general of such accusation and cause a copy thereof to be delivered to the attorney general, and it shall thereupon become the duty of the attorney general to superintend either through the attorney general's office, or through a special assistant to be designated by the attorney general, the prosecution of such charges.

[C27, 31, 35, §10934-b3; C39, §**10934.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.29]

83 Acts, ch 186, §10202(2)

CS83, §602.10127

602.10128 Trial court.
The supreme court shall designate three district judges to sit as a court to hear and decide such charges.
[C27, 31, 35, §10934-b4; C39, §**10934.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.30]
83 Acts, ch 186, §10202(2)
CS83, §602.10128

602.10129 Time and place of hearing.
The hearing shall be at such time as the chief justice of the supreme court may designate, and shall be held within the county where the accusation was originally filed.
[C27, 31, 35, §10934-b5; C39, §**10934.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.31]
83 Acts, ch 186, §10202(2)
CS83, §602.10129

602.10130 Determination of issues.
The determination of all issues shall be heard before the said judges selected by the supreme court as herein provided for.
[C27, 31, 35, §10934-b6; C39, §**10934.6;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.32]
83 Acts, ch 186, §10202(2)
CS83, §602.10130

602.10131 Record and judgment.
The records and judgment at such trial shall constitute a part of the records of the district court in the county in which the accusations are originally filed.
[C27, 31, 35, §10934-b7; C39, §**10934.7;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.33]
83 Acts, ch 186, §10202(2)
CS83, §602.10131

602.10132 Pleadings — evidence — preservation.
To the accusation, the accused may plead or demur and the issues joined thereon shall in all cases be tried by said judges so selected and all of the evidence at such trial shall be reduced to writing, filed and preserved.
[C51, §1624; R60, §2714; C73, §221; C97, §327; C24, §10934; C27, 31, 35, §10934-b8; C39, §**10934.8;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.34]
83 Acts, ch 186, §10202(2)
CS83, §602.10132

602.10133 Costs and expenses.
The court costs incident to such proceedings and the reasonable expense of the judges in attending the hearing after being approved by the supreme court shall be paid as an expense authorized by the executive council from the appropriations addressed in **section 7D.29**.
[C27, 31, 35, §10934-b9; C39, §**10934.9;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.35]
83 Acts, ch 186, §10202(2)
CS83, §602.10133
2011 Acts, ch 131, §38, 158

602.10134 Plea of guilty or failure to plead.
If the accused plead guilty, or fail to answer, the court shall proceed to render such judgment as the case requires.
[C51, §1625; R60, §2715; C73, §222; C97, §328; C24, 27, 31, 35, 39, §**10935;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.36]
83 Acts, ch 186, §10202(2)
CS83, §602.10134

602.10135 Appeal.

In case of a removal or suspension being ordered, an appeal therefrom lies to the supreme court, and all the original papers, together with a transcript of the record, shall thereupon be transferred to the supreme court, to be there considered and finally acted upon. A judgment of acquittal by a court of record is final.

[C51, §1626; R60, §2716; C73, §223; C97, §329; C24, 27, 31, 35, 39, §**10936;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.37]

83 Acts, ch 186, §10202(2)

CS83, §602.10135

602.10136 Certification of judgment.

When a judgment has been entered in any court of record in the state revoking or suspending the license of any attorney at law to practice in the said court, the clerk of the court in which the judgment is rendered shall immediately certify to the clerk of the supreme court the order or judgment of the court in said cause.

[S13, §329-a; C24, 27, 31, 35, 39, §**10937;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §610.38]

83 Acts, ch 186, §10202(2)

CS83, §602.10136

602.10137 Renewals.

The right to practice law in this state shall be renewed in multiyear intervals by the supreme court upon such conditions as the court shall determine. Any moneys received from those persons admitted to practice law and which are designated for a client security fund or similar fund created by the supreme court shall be separately retained and administered by said court in accordance with rules promulgated by it.

[C75, 77, 79, 81, §610.45]

83 Acts, ch 186, §10202(2)

CS83, §602.10137

602.10138 Client security fund not an insurance company.

A client security fund established by the supreme court is not an insurance company and the insurance laws of this state and the rules of the commissioner of insurance are not applicable to such a client security fund.

[C75, 77, 79, 81, §610.46]

83 Acts, ch 186, §10202(2)

CS83, §602.10138

See Iowa Ct.R. 39.3

602.10139 Officers.

The board shall organize following its appointment and shall elect a chairperson and vice chairperson.

[S13, §311-a; C24, 27, 31, 35, 39, §**10910;** C46, 50, 54, 58, 62, 66, 71, 73, §610.4; C75, 77, 79, 81, §610.47]

83 Acts, ch 186, §10202(2)

CS83, §602.10139

602.10140 Public members.

The public members of the board shall be allowed to participate in the administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers. The public members shall participate in the determination of whether or not each applicant meets the requisite character requirements.

[C75, 77, 79, 81, §610.48]

83 Acts, ch 186, §10202(2)

CS83, §602.10140

602.10141 Disclosure of confidential information.

1. A member of the board shall not disclose information relating to the following:

a. Criminal history or prior misconduct of the applicant.

b. Information relating to the contents of the examination.

c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

[C75, 77, 79, 81, §610.49]
83 Acts, ch 186, §10202(2)
CS83, §602.10141
2013 Acts, ch 30, §261

ARTICLE 11

TRANSITION PROVISIONS

602.11101 Implementation by court component.

1. The state shall assume responsibility for components of the court system according to the following schedule:

a. On October 1, 1983, the state shall assume the responsibility for and the costs of jury fees and mileage as provided in **section 607A.8** and on July 1, 1984, the state shall assume the responsibility for and the costs of prosecution witness fees and mileage and other witness fees and mileage assessed against the prosecution in criminal actions prosecuted under state law as provided in **sections 622.69** and **622.72**.

b. Court reporters shall become court employees on July 1, 1984. The state shall assume the responsibility for and the costs of court reporters on July 1, 1984.

c. Bailiffs who perform services for the court, other than law enforcement services, shall become court employees on January 1, 1985, and shall be called court attendants. The state shall assume the responsibility for and the costs of court attendants on January 1, 1985. **Section 602.6601** takes effect on January 1, 1985.

d. (1) Juvenile probation officers shall become court employees on July 1, 1985. The state shall assume the responsibility for and the costs of juvenile probation officers on July 1, 1985.

(2) Until July 1, 1985, the county shall remain responsible for the compensation of juvenile court referees. Effective July 1, 1985, the state shall assume the responsibility for the compensation of juvenile court referees.

e. (1) Clerks of the district court shall become court employees on July 1, 1986. The state shall assume the responsibility for and the costs of the offices of the clerks of the district court on July 1, 1986. Persons who are holding office as clerks of the district court on July 1, 1986, are entitled to continue to serve in that capacity until the expiration of their respective terms of office. The district judges of a judicial election district shall give first and primary consideration for appointment of a clerk of the district court to serve the court beginning in 1989 to a clerk serving on and after July 1, 1986, until the expiration of the clerk's elected term of office. A vacancy in the office of clerk of the district court occurring on or after July 1, 1986, shall be filled as provided in **section 602.1215**.

(2) Until July 1, 1986, the county shall remain responsible for the compensation of and operating costs for court employees not presently designated for state financing and for miscellaneous costs of the judicial branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. Effective July 1, 1986, the state shall assume the responsibility for the compensation of and operating costs for court employees presently designated for state financing and for miscellaneous costs of the judicial branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff.

However, the county shall at all times remain responsible for the provision of suitable courtrooms, offices, and other physical facilities pursuant to **section 602.1303, subsection 1**, including paint, wall covering, and fixtures in the facilities.

(3) Until July 1, 1986, the county shall remain responsible for the compensation of and operating costs for probate referees and judicial hospitalization referees and their staffs. Effective July 1, 1986, the state shall assume the responsibility for the compensation of and operating costs for probate referees and judicial hospitalization referees and their staffs.

(4) Until July 1, 1986, the county shall remain responsible for necessary fees and costs related to certain court reporters. Effective July 1, 1986, the state shall assume the responsibility for necessary fees and costs related to certain court reporters.

f. The county shall remain responsible for the court-ordered costs of conciliation procedures under **section 598.16**.

2. *a.* For the period beginning July 1, 1983, and ending June 30, 1987, the provisions of division I of 1983 Iowa Acts, ch. 186, articles 1 through 10 of this chapter, take effect only to the extent that the provisions do not conflict with the scheduled state assumption of responsibility for the components of the court system, and the amendments and repeals of divisions II and III of 1983 Iowa Acts, ch. 186, take effect only to the extent necessary to implement that scheduled state assumption of responsibility. If an amendment or repeal to a Code section in division II or III of 1983 Iowa Acts, ch. 186, is not effective during the period beginning July 1, 1983, and ending June 30, 1987, the Code section remains in effect for that period. On July 1, 1987, 1983 Iowa Acts, ch. 186, takes effect in its entirety.

b. However, if the state does not fully assume the costs for a fiscal year of a component of the court system in accordance with the scheduled assumption of responsibility, the state shall not assume responsibility for that component, and the schedule of state assumption of responsibility shall be delayed. The delayed schedule of state assumption of responsibility shall again be followed for the fiscal year in which the state fully assumes the costs of that component. For the fiscal year for which the state's assumption of the responsibility for a court component is delayed, the clerk of the district court shall not reduce the percentage remittance to the counties from the court revenue distribution account under **section 602.8108**. The clerk shall resume the delayed schedule of reductions in county remittances for the fiscal year in which the state fully assumes the costs of that court component. If the schedules of state assumption of responsibility and reductions in county remittances are delayed, the transition period beginning July 1, 1983, and ending June 30, 1987, is correspondingly lengthened, and 1983 Iowa Acts, ch. 186, takes effect in its entirety only at the end of the lengthened transition period.

3. The supreme court shall prescribe temporary rules, prior to the dates on which the state assumes responsibility for the components of the court system, as necessary to implement the administrative and supervisory provisions of 1983 Iowa Acts, ch. 186, and as necessary to determine the applicability of specific provisions of 1983 Iowa Acts, ch. 186, in accordance with the scheduled state assumption of responsibility for the components of the court system.

83 Acts, ch 186, §10201, 10301; 84 Acts, ch 1301, §15; 85 Acts, ch 197, §29 – 31; 86 Acts, ch 1108, §8; 86 Acts, ch 1111, §1; 98 Acts, ch 1047, §63, 64; 2007 Acts, ch 126, §100; 2013 Acts, ch 90, §172; 2014 Acts, ch 1026, §127, 143

Referred to in **§602.1302**, **§602.11102**
Code editor directive applied
Subsection 2, paragraph a amended

602.11102 Accrued employee rights.

1. Persons who were paid salaries by the counties or judicial districts immediately prior to becoming state employees as a result of **this chapter** shall not forfeit accrued vacation, accrued sick leave, or longevity, except as provided in **this section**.

2. As a part of its rulemaking authority under **section 602.11101**, the supreme court, after consulting with the state comptroller, shall prescribe rules to provide for the following:

a. Each person referred to in **subsection 1** shall have to the person's credit as a state employee commencing on the date of becoming a state employee the number of accrued vacation days that was credited to the person as a county employee as of the end of the day prior to becoming a state employee.

b. Each person referred to in **subsection 1** shall have to the person's credit as a state employee commencing on the date of becoming a state employee the number of accrued days of sick leave that was credited to the person as a county employee as of the end of the day prior to becoming a state employee. However, the number of days of sick leave credited to a person under **this subsection** and eligible to be taken when sick or eligible to be received upon retirement shall not respectively exceed the maximum number of days, if any, or the maximum dollar amount as provided in **section 70A.23** that state employees generally are entitled to accrue or receive according to rules in effect as of the date the person becomes a state employee.

c. Commencing on the date of becoming a state employee, each person referred to in **subsection 1** is entitled to claim the person's most recent continuous period of service in full-time county employment as full-time state employment for purposes of determining the number of days of vacation which the person is entitled to earn each year. The actual vacation benefit, including the limitation on the maximum accumulated vacation leave, shall be determined as provided in **section 70A.1** according to rules in effect for state employees of comparable longevity, irrespective of any greater or lesser benefit as a county employee.

d. Notwithstanding paragraphs "*b*" and "*c*", for the period beginning July 1, 1984, and ending June 30, 1986, court reporters who become state employees as a result of **this chapter** are not subject to the sick leave and vacation accrual limitations generally applied to state employees. However, court reporters are subject to the maximum dollar limitation upon retirement as provided in **section 70A.23**.

83 Acts, ch 186, §10201, 10302; 85 Acts, ch 195, §57; 85 Acts, ch 197, §32

602.11103 Life, health, and disability insurance.

Persons who were covered by county employee life insurance and accident and health insurance plans prior to becoming state employees as a result of **this chapter** shall be permitted to apply prior to becoming state employees for life insurance and health and accident insurance plans that are available to state employees so that those persons do not suffer a lapse of insurance coverage as a result of **this chapter**. The supreme court, after consulting with the state comptroller, shall prescribe rules and distribute application forms and take other actions as necessary to enable those persons to elect to have insurance coverage that is in effect on the date of becoming state employees. The actual insurance coverage available to a person shall be determined by the plans that are available to state employees, irrespective of any greater or lesser benefits as a county or judicial district employee.

Commencing on the date of becoming a state employee, each person referred to in **this section** is entitled to claim the person's most recent continuous period of service in full-time county or judicial district employment as full-time state employment for purposes of determining disability benefits as provided in **section 70A.20** according to rules in effect for state employees of comparable longevity, irrespective of any greater or lesser benefit as a county or judicial district employee.

83 Acts, ch 186, §10201, 10303; 85 Acts, ch 197, §33

602.11104 Repealed by 84 Acts, ch 1301, §17.

602.11105 Hiring moratorium.

1. Commencing one year prior to each category of employees becoming state employees as a result of 1983 Iowa Acts, ch. 186, new employees shall not be hired and vacancies shall not be filled, except as provided in **subsection 2**, with respect to any of the following agencies or positions:

a. Offices of the clerks of the district court.

b. District court administrators.

c. Juvenile probation offices.

d. Court reporters.

e. Any other position of employment that is supervised by a district court judicial officer or by a person referred to or employed in an office referred to in paragraph "*a*", "*b*", "*c*", or "*d*".

2. A new employee position or vacancy that is subject to **subsection 1** may be filled upon approval by the chief judge of the judicial district. The employer seeking to fill the new position or vacancy shall submit a request to the chief judge in the form prescribed by the supreme court, and shall be governed by the decision of the chief judge. The chief judge shall obtain the advice of the district judges of the judicial district respecting decisions to be made under **this subsection**.

83 Acts, ch 186, §10201, 10305; 2014 Acts, ch 1092, §133
Subsection 1, unnumbered paragraph 1 amended

602.11106 Employee reclassification moratorium.

Commencing one year prior to county employees becoming state employees as a result of 1983 Iowa Acts, ch. 186, the county employees shall not be promoted or demoted, and shall not be subject to a reduction in salary or a reduction in other employee benefits, except after approval by the chief judge of the judicial district. An employer wishing to take any of these actions shall apply to the chief judge in a writing that discloses the proposed action, the reasons for the action, and the statutory or other authority for the action. The chief judge shall not approve any proposed action that is in violation of an employee's rights or that is extraordinary when compared with customary practices and procedures of the employer. The chief judge shall obtain the advice of the district judges of the judicial district respecting decisions to be made under **this section**.

83 Acts, ch 186, §10201, 10306; 2014 Acts, ch 1092, §134
Section amended

602.11107 Court property.

1. Commencing on the date when each category of employees becomes state employees as a result of 1983 Iowa Acts, ch. 186, public property referred to in **subsection 2** that on the day prior to that date is in the custody of a person or agency referred to in **subsection 3** shall not become property of the judicial branch but shall be devoted for the use of the judicial branch in its course of business. The judicial branch shall only be responsible for maintenance contracts or contracts for purchase entered into by the judicial branch. Upon replacement of the property by the judicial branch, the property shall revert to the use of the appropriate county. However, if the property is personal property of a historical nature, the property shall not become property of the judicial branch, and the county shall make the property available to the judicial branch for the judicial branch's use within the county courthouse until the court no longer wishes to use the property, at which time the property shall revert to the use of the appropriate county.

2. **This section** applies to the following property:

a. Books, accounts and records that pertain to the operation of the district court.

b. Forms, materials, and supplies that are consumed in the usual course of business.

c. Tables, chairs, desks, lamps, curtains, window blinds, rugs and carpeting, flags and flag standards, pictures and other wall decorations, and other similar furnishings.

d. Typewriters, adding machines, desk calculators, cash registers and similar business machines, reproduction machines and equipment, microfiche projectors, tape recorders and associated equipment, microphones, amplifiers and speakers, film projectors and screens, overhead projectors, and similar personal property.

e. Filing cabinets, shelving, storage cabinets, and other property used for storage.

f. Books of statutes, books of ordinances, books of judicial decisions, and reference books, except those that are customarily held in a law library for use by the public.

g. All other personal property that is in use in the operation of the district court.

3. **This section** applies to the following persons and agencies:

a. Clerks of the district court.

b. Judicial officers.

c. District court administrators.

d. Juvenile probation officers.

e. Court reporters.

f. Persons who are employed by a person referred to in paragraphs "*a*" through "*e*".

4. **Subsections 1 through 3 and 5** do not apply to electronic data storage equipment, commonly referred to as computers, or to computer terminals or any machinery, equipment, or supplies used in the operation of computers. Those counties that were providing computer services to the district court shall continue to provide these services until the general assembly provides otherwise. The state shall reimburse these counties for the cost of providing these services. Each county providing computer services to the district court shall submit a bill for these services to the supreme court at the end of each calendar quarter. Reimbursement shall be payable from funds appropriated to the supreme court for operating expenses of the district court, and shall be paid within thirty days after receipt by the supreme court of the quarterly billing.

5. Personal property of a type that is subject to **subsections 1 through 3** shall be subject to the control of the chief judge of the judicial district commencing on the date when each category of employees becomes state employees as a result of 1983 Iowa Acts, ch. 186. On and after that date the chief judge of the judicial district may issue necessary orders to preserve the use of the property by the district court. Commencing on that date, the chief judge, subject to the direction of the supreme court, shall establish and maintain an inventory of property used by the district court.

83 Acts, ch 186, §10201, 10307; 98 Acts, ch 1047, §65; 2014 Acts, ch 1092, §135
Subsections 1 and 5 amended

602.11108 Collective bargaining.

A person who becomes a state employee as a result of **this chapter** is a public employee, as defined in **section 20.3, subsection 9**, for purposes of **chapter 20**. The person may bargain collectively on and after July 1, 1983, as provided by law for a court employee. However, if the person is subject to a collective bargaining agreement negotiated prior to July 1, 1983, the person is entitled to the rights and benefits obtained by the person pursuant to that contract after July 1, 1983, until that contract expires. If the person is subject to a collective bargaining agreement negotiated by a public employer other than the state court administrator on or after July 1, 1983, the person is not entitled to any rights or benefits obtained by the person pursuant to that contract after becoming a state employee.

Commencing one year prior to each category of employees becoming state employees as a result of **this chapter**, the state court administrator shall assume the position of public employer of those employees of that category for the sole purpose of negotiating a collective bargaining agreement with those employees to be effective upon the date those employees became state employees as a result of **this chapter**.

83 Acts, ch 186, §10201, 10308; 85 Acts, ch 197, §34

602.11109 Repealed by 85 Acts, ch 195, §67.

602.11110 Judgeships for election districts 5A and 5C.

As soon as practicable after January 1, 1985, the supreme court administrator shall recompute the number of judgeships to which judicial election districts 5A and 5C are entitled. Notwithstanding **section 602.6201, subsection 2**, the seventeen incumbent district judges in judicial election district 5A on December 31, 1984, may reside in either judicial election district 5A or 5C beginning January 1, 1985. The supreme court administrator shall apportion to judicial election district 5C those incumbent district judges who were appointed to replace district judges residing in Polk county or who were appointed to fill newly created judgeships while residing in Polk county. The incumbent district judges residing in Polk county on January 1, 1985, who are not so apportioned to judicial election district 5C shall be apportioned to judicial election district 5A but shall be reapportioned to judicial election district 5C, in the order of their seniority as district judges, as soon as the first vacancies occur in judicial election district 5C due to death, resignation, retirement, removal, or failure of retention. Such a reapportionment constitutes a vacancy in judicial election district 5A for purposes of **section 602.6201**. Notwithstanding **section 602.6201, subsection 2**, the seventeen incumbent district judges in judicial election district 5A on December 31, 1984, shall stand for retention in the judicial election district to which the district judges

are apportioned or reapportioned under **this section**. Commencing on January 1, 1985, vacancies within judicial election districts 5A and 5C shall be determined and filled under **section 602.6201, subsections 4 through 8**. For purposes of the recomputations, the supreme court administrator shall determine the average case filings for the latest available three-year period by reallocating the actual case filings during the three-year period to judicial election districts 5A and 5C as if they existed throughout the three-year period.

83 Acts, ch 186, §10201, 10310; 85 Acts, ch 197, §35

602.11111 Judicial nominating commissions for election districts 5A and 5C.

The membership of district judicial nominating commissions for judicial election districts 5A and 5C shall be as provided in **chapter 46**, subject to the following transition provisions:

1. Those judicial nominating commissioners of judicial election district 5A who are residents of Polk county shall be disqualified from serving in election district 5A on January 1, 1985, and their offices shall be deemed vacant. The vacancies thus created shall be filled as provided in **section 46.5** for the remainder of the unexpired terms.

2. After January 1, 1985, the governor shall appoint five eligible electors of judicial election district 5C to the district judicial nominating commission for terms commencing immediately upon appointment. Two of the appointees shall serve terms ending January 31, 1988, two of the appointees shall serve terms ending January 31, 1990, and the remaining appointee shall serve a term ending January 31, 1992, as determined by the governor. At the end of these terms and each six years thereafter the governor shall appoint commissioners pursuant to **section 46.3**.

3. After January 1, 1985, elective judicial nominating commissioners for judicial election district 5C shall be elected as provided in **chapter 46** to terms of office commencing immediately upon election. One of those elected shall serve a term ending January 31, 1988, two shall serve terms ending January 31, 1990, and two shall serve terms ending January 31, 1992, as determined by the drawing of lots by the persons elected. At the end of these terms and every six years thereafter elective commissioners shall be elected pursuant to **chapter 46**.

83 Acts, ch 186, §10201, 10311

602.11112 Fifth judicial election district.

The provisions of **section 602.6109, Code 2003**, relating to the division of the fifth judicial district into judicial election districts 5A, 5B, and 5C take effect January 1, 1985.

83 Acts, ch 186, §10201, 10312; 2004 Acts, ch 1086, §97

602.11113 Bailiffs employed as court attendants.

Persons who were employed as bailiffs and who were performing services for the court, other than law enforcement services, immediately prior to the effective date of **section 602.6601**, shall be employed by the district court administrators as court attendants under **section 602.6601** on the effective date of that section.

83 Acts, ch 186, §10201, 10313

602.11114 Temporary service by certain retired judicial magistrates.

Persons who retired before January 1, 1981, and who were judicial magistrates at the time of retirement and who meet the qualifications of a district associate judge are considered to be district associate judges for the purposes of **section 602.1612**.

83 Acts, ch 186, §10201, 10314

602.11115 District associate judges' retirement.

If a full-time judicial magistrate who became a district associate judge on January 1, 1981, pursuant to statute or a person who was appointed a district associate judge between January 1, 1981, and June 30, 1984, is a member of the Iowa public employees' retirement system on June 30, 1984, the district associate judge may elect, by informing the state court administrator by June 30, 1984, one of the following retirement benefit options to be effective July 1, 1984:

1. To remain covered under the Iowa public employees' retirement system pursuant to **chapter 97B**.

2. To commence coverage under the judicial retirement system pursuant to **article 9**, part 1, effective July 1, 1984, but to become an inactive member of the Iowa public employees' retirement system pursuant to **chapter 97B** and remain eligible for benefits under **sections 97B.49A through 97B.49H** for the period of membership service under **chapter 97B**.

3. To commence coverage under the judicial retirement system pursuant to **article 9**, part 1, retroactive to the date the district associate judge became a district associate judge or a full-time judicial magistrate, whichever was earlier, and to cease to be a member of the Iowa public employees' retirement system, effective July 1, 1984. The department of personnel shall transmit by January 1, 1985, to the state court administrator for deposit in the judicial retirement fund the district associate judge's accumulated contributions as defined in **section 97B.1A, subsection 2** for the judge's period of membership service as a district associate judge or full-time judicial magistrate, or both. Before July 1, 1986, or at retirement previous to that date, a district associate judge who becomes a member of the judicial retirement system pursuant to **this subsection** shall contribute to the judicial retirement fund an amount equal to the difference between four percent of the district associate judge's total basic salary for the entire period of service before July 1, 1984, as a district associate judge or judicial magistrate, or both, and the district associate judge's accumulated contributions transmitted by the department of personnel to the state court administrator pursuant to **this subsection**. The district associate judge's contribution shall not be limited to the amount specified in **section 602.9104, subsection 1**. The state court administrator shall credit a district associate judge with service under the judicial retirement system for the period of service for which contributions at the four percent level are made.

84 Acts, ch 1285, §28; 98 Acts, ch 1183, §73, 82; 2003 Acts, ch 145, §286; 2004 Acts, ch 1086, §98

Referred to in **§602.1611**

602.11116 Associate juvenile judges and associate probate judges — retirement.

If a full-time associate juvenile judge or full-time associate probate judge is a member of the Iowa public employees' retirement system on June 30, 1998, the associate juvenile judge or associate probate judge shall elect, by informing the state court administrator by June 30, 1998, one of the following retirement benefit options to be effective July 1, 1998:

1. To remain a member under the Iowa public employees' retirement system pursuant to **chapter 97B**.

2. To commence membership under the judicial retirement system pursuant to **article 9**, part 1, effective July 1, 1998, but to become an inactive member of the Iowa public employees' retirement system pursuant to **chapter 97B** and remain eligible for benefits under **sections 97B.49A through 97B.49H**, as applicable, for the period of membership service under **chapter 97B**.

3. To commence membership under the judicial retirement system pursuant to **article 9**, part 1, retroactive to the date the associate juvenile judge or associate probate judge became an associate juvenile judge or associate probate judge, and to cease to be a member of the Iowa public employees' retirement system, effective July 1, 1998. The department of personnel shall transmit by January 1, 1999, to the state court administrator for deposit in the judicial retirement fund the associate juvenile judge's or associate probate judge's accumulated contributions as defined in **section 97B.1A, subsection 2**, for the judge's period of membership service as an associate juvenile judge or associate probate judge. Before July 1, 2000, or at retirement previous to that date, an associate juvenile judge or associate probate judge who becomes a member of the judicial retirement system pursuant to **this subsection** shall contribute to the judicial retirement fund an amount equal to the difference between four percent of the associate juvenile judge's or associate probate judge's total salary received for the entire period of service before July 1, 1998, as an associate juvenile judge or associate probate judge, and the associate juvenile judge's or associate probate judge's accumulated contributions transmitted by the department of personnel to the state court administrator pursuant to **this subsection**. The associate juvenile judge's or associate

probate judge's contribution shall not be limited to the amount specified in **section 602.9104, subsection 1**. The state court administrator shall credit an associate juvenile judge or associate probate judge with service under the judicial retirement system for the period of service for which contributions at the four percent level are made.

98 Acts, ch 1183, §103, 104; 2003 Acts, ch 145, §286; 2005 Acts, ch 3, §104
Referred to in **§602.1611**