



## STATE COURT ADMINISTRATION

Iowa Judicial Branch Building  
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TODD NUCCIO  
State Court Administrator

**To:** Senator Mark Chelgren, Representative Gary Worthan and Legislative Fiscal Bureau  
**From:** Todd Nuccio, State Court Administrator  
**Date:** October 19, 2017  
**Subject:** SF508 New Policies and Procedures Report

Section 14 of SF508 provides notwithstanding language to various code sections and authorizes the supreme court to implement any new policies and procedures in order to efficiently and effectively administer justice throughout the state. The following new policies and procedures have been established:

- Iowa Code section 602.2301 authorizes the Chief Justice of the Iowa Supreme Court to delay, for budgetary reasons, the filling of judicial officer vacancies. The code section limits the number of vacancies to eight at any given time and the length not to exceed one year. In order to balance the budget, the court has decided to continue rebalancing staffing levels and resizing the judicial branch primarily through vacancies. For FY 18, the judicial branch will hold judicial officer positions vacant for the remainder of the fiscal year, but not hold more than one district court judge vacancy per election subdistrict. Currently, there are ten judicial vacancies; one of those vacancies has been held for more than one year. There will be seven additional retirements during the remainder of this fiscal year.
- Iowa code section 602.6301 provides for the number and apportionment of district associate judges. The code section requires the apportionment of district associate judges by population: two district associate judges in counties with a population of 80,000 or more and less than 125,000. Dallas County now has a population of more than 80,000, but has not received an additional district associate judge due to lack of funding.
- Iowa code section 602.6603 provides for the appointment of court reporters. The code section requires district judges to appoint court reporters for reporting proceedings. On September 7, 2017, the state court administrator issued an administrative directive authorizing the use of digital recording equipment to keep the record for district court proceedings in certain situations. A copy of that directive is attached. Currently, there are eleven court reporter vacancies; some of these vacancies have been vacant for two or more months.

I would welcome the opportunity to meet with you to discuss the Judicial Branch Budget should your schedules allow. Thanks for your consideration.

**Iowa Judicial Branch**  
**Administrative Directive of the State Court Administrator**  
**2017-5**  
**Authorizing Use of Digital Recording Equipment to Keep the Record for**  
**District Court Proceedings**

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**A. Rationale:** Currently there are 11 vacant court reporter positions in Iowa's district courts. The Fifth Judicial District alone has five vacant positions. Multiple judicial districts have had one or more vacant court reporter positions for two or more months. This situation is due to a regional shortage of court reporters that is very likely to continue for the foreseeable future. The shortage of certified court reporters increases the likelihood of scheduling delays and continuances of court proceedings, which increase the cost of litigation and diminish public trust and confidence in Iowa's courts.

**B. Guidelines:** To address concerns about the shortage of certified court reporters and the need to reduce delays that result from that shortage, the state court administrator (SCA) may authorize use of digital recording equipment to make the record of district court proceedings that are not within a magistrate's jurisdiction when:

1. At least one full-time certified court reporter position has been vacant in a judicial election district for at least 90 days,
2. The district court administrator (DCA) has been unsuccessful in obtaining a certified freelance court reporter(s) to meet the need for court reporting services, and
3. Due to the conditions identified in B.1 and B.2, one or more proceedings have been or will have to be continued to a later date.

When the SCA determines that criteria B.1 through B.3 have been met, the SCA may authorize the use of digital recording equipment for making the record for any juvenile court proceeding and other types of high volume proceedings that have a low incidence of appeal.

The SCA will periodically reevaluate the need for and terms of this administrative directive at least every three years.

*Comment:* Authorizing the use of digital recording equipment is not intended to replace certified court reporters. Rather, it helps to maximize the use of their skills when there is a shortage of certified court reporters by assigning them to proceedings where the chief judge of

a judicial district believes they are most needed. It is also recognized that court reporters are not only the source of verbatim records, but are very often the sole administrative support for a judge in a courtroom.

This administrative directive is effective immediately.

Dated this 7<sup>th</sup> day of September, 2017.



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David K. Boyd  
State Court Administrator

cc: Chief Judges of the Judicial Districts  
District Court Administrators  
Deputy State Court Administrator  
Legal Counsel, State Court Administration  
Court Reporters