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JOINT SUBCOMMITTEE ON APPORTIONMENT OF JUDGES AND MAGISTRATES OF THE SENATE STANDING COMMITTEE ON JUDICIARY AND HOUSE STANDING COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Report to the Members of the

First Session of the Sixty-sixth General Assembly

State of Iowa

1975

Legislative Service Bureau
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F I N A L R E P O R T

JOINT SUBCOMMITTEE ON THE APPORTIONMENT OF JUDGES AND MAGISTRATES

House Concurrent Resolution 133, introduced during the 1974 Session of the Sixty-fifth General Assembly, requested the creation of an interim study committee to review the present formulae for the apportionment of district judges and magistrates, and to submit a report and bill drafts to the 1975 General Assembly. A copy of that resolution is attached hereto. The Legislative Council created a joint subcommittee of the Senate Standing Committee on Judiciary and the House Standing Committee on Judiciary and Law Enforcement to accomplish this study.

The joint subcommittee held its first of five meetings on August 28, 1974. The subcommittee was composed of the following persons:

Senator Lucas J. DeKoster
Senator Gene W. Glenn
Senator Richard R. Ramsey
Representative Rollin C. Edelen
Representative Philip B. Hill
Representative Charles H. Poncy

Representative Hill and Senator DeKoster were elected Chairman and Vice Chairman, respectively.

At the first meeting the subcommittee considered H.C.R. 133, and discussed the various criticisms which had been directed at the operation of the district court system since the enactment of the Unified Trial Court Act. Based upon this discussion, the subcommittee determined to hold public hearings respecting the following general issues:

1. Are changes needed in any of the formula by which are apportioned judges, full-time magistrates, or part-time magistrates?

2. Can caseloads be equalized without formula changes?

3. Are the courts utilizing the temporary assignment provisions to equalize caseloads between districts?

4. Can ideal caseloads for judicial officers be established?

5. Are judges and magistrates available to parties, counsel, and law enforcement agencies when needed?

6. Is there inequality of workload between part-time magistrates across the state?

Subsequent meetings were held on September 19, October 11, and November 7, 1974, at which commentary was received from district judges, magistrates, county attorneys, and attorneys in private practice, and representatives of the Iowa Department of Public Safety, the Polk County Legal Aid Society, the League of Women Voters, the Iowa Highway Patrol, and the court administrator's office. Various proposals were presented and statistical information was distributed respecting the general issues posed by the subcommittee. On December 3, 1974, the subcommittee held its fifth and final meeting and adopted several changes to be recommended to the General Assembly.

The information presented at the meetings and the determinations of the subcommittee respecting the various problems or proposals are discussed in the following paragraphs. The commentary included is a narrative summary which may be augmented by referring to the minutes of the subcommittee meetings.

1. Changes in the apportionment or utilization of judges.

a. CASELOADS. One of the first issues touched upon by the subcommittee, and one which recurs in most discussions of the apportionment or utilization of district judges is that of the "proper" caseload. It was suggested by some observers that current statistics are not adequate to determine efficient caseloads, and that revisions in record keeping are necessary, but no suggestions were made respecting how to determine the proper caseload. Several factors affecting caseloads, and the efficient disposition thereof, were brought to the attention of the subcommittee, and are summarized below:

(1) Current formulae are inadequate to the extent that case filings are credited to a district judge when in fact the case is assigned to some other judicial officer for disposition.

(2) The recent changes in the jurisdiction of associate judges and full-time magistrates may have some affect on the workload of district judges, but current statistics do not reflect these changes. Offsetting a predictable decrease arising from those statutory changes are the new enactments relating to the commitment of alcoholics and the mentally ill which create additional types and numbers of proceedings to be disposed of by district judges.

(3) The use of continuances by counsel and judges may be a problem in some areas of the state. In counties where there is no resident judge, judicial efficiency demands orderly dispatch of matters assigned to a judge's calendar, and the granting of continuances where other matters cannot be readily called up for hearing causes time losses which cannot be regained. There is disagreement on whether or not this is a specific problem.

(4) The rule issued by the Iowa Supreme Court requiring the trial of criminal cases within 60 days after indictment unless specifically waived by the defendant has resulted in some delays for pending civil matters. It is believed by some persons that the present system can function only if the majority of criminal defendants continue to waive the right to a speedy trial. In addition, representatives of judicial election district 5B assert that the number of criminal proceedings being handled there, together with a shortage of judicial manpower, result in a greater number of dismissals for failure to comply with the 60-day rule, and a greater amount of plea bargaining.

(5) Case backlogs for district judges are not uniform across the state. The 1973 Report of the Court Administrator indicates a range of from 1,084 more dispositions than filings in district 5, a decrease in backlog, to 660 more filings than dispositions in district 6, an increase in backlog. Statewide, there was for 1973 an average increase in backlog per district of approximately 77 cases.

According to the court statistician, backlogs of cases over 1 year old have decreased greatly under the unified trial court system. Because of the recent conversion from the old system, however, statistics are not available to accurately reflect all categories of judicial business under the old and new systems. To compound this problem, recent amendments also have changed the jurisdiction for certain types of cases, as noted in paragraph (3), and long-term records under the new system are not available. The subcommittee was cautioned that the results of suggested changes in the judgeship formula cannot be predicted accurately because the currently used 3-year average filing figures will show changes caused by past amendments, even without a formula change.

(6) Another factor affecting caseloads which received considerable comment was the rural or urban nature of the various districts. Several district judges and other persons advised the subcommittee that metropolitan areas manifest proportionately greater case filings and litigation than more rural areas of equal population. In metropolitan areas, resident judges can dispose of a proportionately greater number of cases than can commuting judges in rural areas, given the same number of working hours. District Judge James Denato of district 5A proposed to the subcommittee a new formula which purported to take into consideration differences in filing density and relative outputs of rural and urban courts.

District Judge Paul Hellwege of district 2B advised the subcommittee that another consideration respecting caseloads is the fact that where two or more judges simultaneously sit in one county, the number of dispositions per judge is proportionally greater than for judges sitting alone. District Judge L. E. Plummer commented that where a judge is required to travel between counties, his work output is further decreased because of the

absence of well-known facilities, adequate and familiar research material, and necessary court files.

A further factor which distinguishes urban from rural court facilities is the number and quality of court personnel. The subcommittee was reminded of the fact that a metropolitan county usually has referees, probation service personnel, higher paid court personnel and law clerks for the judges. In rural counties each of the tasks which would be performed by these support personnel is performed in whole or in part by the judge, thus resulting in a loss of time for research and the writing of opinions.

In summary, the caseloads and case dispositions for district judges across the state vary considerably, and are subject to numerous variables. The present formula recognizes only two levels of workload: for districts containing a city of 50,000 or more population, it provides one judgeship per 550 filings. In all other districts it provides for one judgeship per 450 filings. The formula change proposed by the subcommittee would recognize four levels of workload and provide for one judgeship per 725, 625, 525, and 475 filings, respectively. These categories tend to recognize to a greater extent the relative differences in urban, semi-urban, and rural courts.

b. TRAVEL OF JUDGES.

The subcommittee inquired into the relative travel required of the judges of the various districts. Utilizing travel voucher claims as a basis, the subcommittee determined that in general there is a relatively wide variation in travel. Several representatives of district 5B indicated that because of the extensive travel by judges in that district, the level of court service is considerably lower there than in other districts. Magistrate Oliver Over of Pottawattamie County suggested that judicial efficiency decreases as travel time increases, and that the subcommittee should attempt to reduce the travel of judges to a minimum. It was suggested that some judges may spend twelve hours away from home in a day, and that long hours are not conducive to a high quality of justice.

The proposal by Judge Denato, mentioned above, would have decreased the total number of judgeships in the state. Several individuals cautioned against such a move, noting that even under the present formula several districts have an inadequate number of district judges, and that travel time would be increased by such a reduction.

Both Judge Hellwege and Judge Plummer suggested to the subcommittee that judges in rural areas anticipate a relatively large amount of occupation-related travel. It was pointed out that extensive travel may work a hardship on the younger judges with families, but that it is a necessity. It was further suggested that judges in rural areas often perform more services outside of

their offices than do urban judges because they are commuting more often.

It was brought to the attention of the subcommittee that the administrative policies respecting travel in the various districts differ, thus possibly accounting for some of the mileage differences recorded. Some districts require the rotation of judges between counties within the districts, and it was suggested that some districts do not authorize a judge to stay away from home overnight.

In general, members of the subcommittee expressed concern about the travel of judges only as it tended to reduce the availability of judges for court service. It was commented that the travel problem is not subject to elimination unless and until the number of courthouses is reduced. To the extent that the proposed formula adds judges, necessary travel should be reduced.

c. POPULATION FACTOR IN THE JUDGESHIP FORMULA.

Criticism was often directed at the practice of keying judicial personnel to population. The present judgeship formula gives equal weights to population and case filings. Several members of the subcommittee commented that the population factor was originally used in the formula to limit the total number of judgeships, noting that a strict case filing basis would produce approximately 100 formula judgeships.

It was generally agreed, however, that the current population base is inadequate. Many commentators suggested that the population of the largest county in the district is a better indicator of the population density of the district, and that converting to a largest county base would produce better results.

Several individuals remarked that population should not be eliminated from the formula. It was observed by the subcommittee that every person is entitled to a certain minimum amount of judicial service, and that case filings alone do not provide for this need. One attorney appearing before the subcommittee remarked that for adequate service every county needs at least one resident judge. Members of the Lucas County Bar Association presented an association resolution to the effect that each election district should have not less than 1 judge for every 3 counties.

The subcommittee retains in its proposal the population factor. However, given the disproportionate relationship between population and the number of filings, and given the travel time factor, the subcommittee recommends that population not be given equal weight. As proposed, the formula would key upon the most populous county in the election district, and would prescribe a different number of case filings per judgeship depending upon the relative population of the most populous county.

d. CURRENT COURT SERVICE PROBLEMS.

Representatives of judicial election districts 3A, 4, 5B and 8A expressed to the subcommittee the need for additional judicial manpower in those districts. Several statistical indicators were distributed to the members of the subcommittee which emphasized the difficulties in those districts. Common problems indicated by the comments were above average travel for the judges in those districts, a larger number of courthouses to service, the lack of availability of judges to parties and counsel, and the absence of the capacity to schedule both criminal and civil matters for prompt attention.

The difficulties in districts 3A and 5B are caused, it was suggested, by the fact that each of those districts had been overstaffed according to the formula, and that each had lost or would be losing judges through retirements. No formula vacancy exists to replace those losses.

Spokesmen for the Pottawattamie County Bar Association raised an additional problem respecting the distribution of judgeshiips within districts. It was stated that the practice in district 4 is to evenly distribute judgeships which results in the City of Council Bluffs having only 1 resident judge, and which further results in that city having between 2 and 3 times as many residents per judge as any other Iowa city having a population of over 40,000 people. These individuals expressed the opinion that court service is adequate in other counties in the district, and that an additional resident judge is needed in Pottawattamie County. As an alternative to a new judge for the district, it was suggested that Pottawattamie County be isolated into a new election district 4B, leaving the other 8 counties as election district 4A.

The subcommittee concluded that court service in those four election districts is below standard, and that the problem would be rectified by a formula change which would recognize the now ignored factors of geographical area, number of court service centers, and district wide distribution of population and case filings. The proposed formula which includes these changes was unanimously agreed to by the subcommittee.

e. TEMPORARY ASSIGNMENT OF JUDGES.

The subcommittee gave attention to the current Code provisions which authorize the temporary assignment of district judges to districts other than that of their residence. The subcommittee considered the question of whether or not the use of this administrative technique is a practical alternative to increasing the total number of judges. Various persons from districts citing the need of additional judicial personnel commented upon the administrative transfer of judges. It was stated that temporary assignments in the past have been used infrequently, typically only for substitutions during vacations, and that temporary assignments cannot relieve the need for full-time

personnel. It also was observed that temporary assignments decrease the judicial output of the home district during the period for which assigned.

Another concept was introduced; the establishment of so-called "free-floating judges" who would be subject to temporary assignment by the Supreme Court on a need basis only. This concept was stated to have several inherent problems, such as continuous travel, and the subcommittee determined that these problems would make the concept unworkable.

The subcommittee concluded that the temporary assignment provisions are not being utilized to the extent possible, but that the pressing need for additional court service justified an increase in the total number of judgeships.

f. DISTRICT COURT ADMINISTRATORS.

The subcommittee received testimony relative to the advisability of providing for a court administrator in all districts. Mr. William Garretson, Administrator for the Fifth Judicial District described his role in that district, and some of the benefits resulting from the increased administrative supervision. Judge Hellwege and Judge Plummer commented upon the experience of district 2 with its court administrator, suggesting that in districts composed of predominantly rural areas the court administrator concept had not proven to be very effective. They indicated, however, that planning was underway to attempt to establish a workable program for that district. Mr. Garretson also explained that much of his workload involves overseeing the operations of magistrates and their record keeping. He suggested that court administrators do play a valuable role in relieving chief judges of administrative burdens.

The subcommittee did not take action or make recommendations respecting district court administrators.

g. LEGISLATIVE VS. JUDICIAL FUNCTIONS.

The subcommittee considered in some depth the respective roles of the courts and the legislature in the administration of justice. The subcommittee recognized the present statutory and inherent authority of the Supreme Court and the district court chief judges to administratively assign and review the workloads of district judges. Written communications by Justice Mark McCormick emphasized the role of the judicial council in formulating judicial management policies.

Various members of the subcommittee commented respecting the need for open communications between the legislature and the courts, and it was generally agreed that legislative inquiry, even into administrative matters, was a useful tool for eliciting commentary and criticism about the judicial system as a whole. Various individuals, both subcommittee members and others, stated

that problems often will be brought to the attention of legislators, but not to the attention of judges, even though the problems are primarily administrative in nature.

Justice McCormick expressed the personal opinion that no increase in the number of judges was warranted, but he also recognized that there was reluctance on the part of chief judges to assign district judges across election district lines. Judge Plummer observed that it is better in terms of the quality of justice to have an excessive number of judges than an insufficient number.

The subcommittee determined that an increase in the number of district judges is warranted in order to solve apparently pressing needs in election districts 3A, 4, 5B and 8A.

h. DISTRICT JUDGESHIP FORMULA CHANGE.

The subcommittee recommends the adoption of LSB 404 which is attached to this report. The subcommittee believes that the increased number of population categories and the consequently greater recognition of work capacity more accurately reflect the differences between the workloads of the 13 judicial election districts. At the same time, the overriding provision for not less than 1 judgeship per 40,000 residents within a district tends to maintain what is believed to be a minimum acceptable level of judicial availability and service.

2. Changes in the apportionment or utilization of full-time magistrates.

The subcommittee also solicited and received commentary respecting the apportionment of full-time magistrates and the utilization of these judicial officers. It should be noted that full-time magistrates and district associate judges have identical subject matter and geographic jurisdictions with one exception. The exception is that a district associate judge may exercise the jurisdiction of a district judge by special appointment during a temporary absence of a district judge.

a. SELECTION AND APPOINTMENT.

One of the most often voiced criticisms of the present system is that full-time magistrate appointments are too much a product of county politics. A representative of the League of Women Voters recommended that full-time magistrates be selected by the procedure that is used to select district judges.

Another problem cited was the fact that full-time magistrates are apportioned solely on a population basis. Justice McCormick suggested that caseload should be the single or predominant consideration in the apportionment formula. He further suggested that every election district should have at least one full-time magistrate, thereby providing greater accessibility and judicial service in the counties of smaller population.

Several individuals also suggested that full-time magistrates be redesignated as district associate judges for the reason that they have the jurisdiction, responsibility and legal training of judges, and therefore deserve recognition as a judge.

The subcommittee considered each of these proposed changes, but declined to make any recommendation at this time.

b. JURISDICTION.

Several persons appearing before the subcommittee recommended that full-time magistrates be given additional jurisdiction, which would include limited authority in domestic relations and probate proceedings prior to final hearings.

A problem area relating to jurisdiction was brought to the subcommittee's attention; that of the apparent failure to utilize full-time magistrates district-wide as provided by the Code. Justice McCormick noted that both the district associate judges and the full-time magistrates tend to preside only in the counties of their residence, and that very little rotation or district-wide assignment is evidenced. He concluded that if the legislative intent was that these personnel be rotated, additional legislative expression of the intent is in order.

The subcommittee declined to make any recommendations in this area.

c. CONVERSION TO ALL FULL-TIME MAGISTRATES.

Because of numerous criticisms of the present part-time magistrate system, the subcommittee solicited comments on a suggestion that part-time magistrates be eliminated in favor of full-time legally trained magistrates. Several individuals responded that in general retention of the part-time magistrate concept also retains much that was undesirable under the old justice of the peace system. Note was made on several occasions of the potential conflict of interest problems faced by attorney-magistrates.

Justice McCormick and other individuals brought to the subcommittee's attention the recent California decision in the case of Gordon v. Justice Court, wherein it was held that as a matter of due process a criminal misdemeanant is entitled to a hearing before a legally trained judge. If the United States Supreme Court were to adopt this proposition as a federal constitutional right, the Iowa part-time magistrate system would have to be modified substantially, or eliminated altogether.

The subcommittee expressed concern about the effects of such a decision, and it was agreed that the existing part-time magistrate concept would be destroyed by such a ruling. The

subcommittee discussed the difficulty of obtaining and keeping part-time attorney-magistrates because of low salaries, the lack of available time, and conflicts of interest. The League of Women Voters and others expressed support for the use of full-time magistrates only.

The subcommittee noted the detailed information which would be necessary to make such a conversion, and declined to make a recommendation on the subject.

d. USE OF THE 1-FOR-3 SUBSTITUTION PROVISION.

As an alternative to a conversion to full-time magistrates, the subcommittee discussed section 11 of H.F. 1470 (1974 Session) which created the authority to substitute 1 full-time magistrate for 3 part-time magistrate allotments to a single county. The subcommittee was advised that Dickinson and Polk Counties had made use of this provision for the 1974 appointments.

The subcommittee made inquiry of representatives of these areas, and the responses indicated the changes were producing benefits. Captain Dennis Ballard of the Ankeny Police Department offered some criticism of the substitution provision, stating that because of the substitution in district 5A, magistrate service for ordinance violations is less adequate than it was when part-time magistrates were available.

Members of the subcommittee expressed concern that because of the reduction in the number of judicial officers in a county where the substitution is put into effect, a reduction of judicial service might result. It was suggested that this would be a particular problem during periods when the substitute full-time magistrate was temporarily absent from duty, such as during the magistrate's vacation. Representative Edelen stated that Dickinson County had experienced this problem.

It was suggested by Justice McCormick and others that the substitution concept be expanded to permit adjoining counties to pool their part-time allotments in order to make use of the substitution provision, thus sharing the use of a full-time magistrate.

The subcommittee noted another problem which may cause a reduction in the availability of magistrates. Under present law, the total number of part-time magistrates is fixed at one hundred ninety-one, and ninety-two of which are subject to be reapportioned between the ninety-nine counties each two years, depending on need. Where the substitution provision is utilized, three part-time magistrate allotments are exchanged for one full-time magistrate position. The substitute full-time magistrate has a fixed term of four years, and a reduction in the number of part-time allotments does not affect this term.

The problem arises because the term of the substitute is twice as long as that of the part-time magistrate. Since there is a part-time magistrate reapportionment halfway through the term of the substitute, it is theoretically possible for the number of part-time allotments to be reduced below the number needed to maintain the substitution. However, the law provides that the county for which the substitution is in effect must be credited with three part-time allotments during the entire four-year term. The result is that the county retains more allotments than it is entitled to, thus reducing the total number of available magistrate positions for apportionment to other counties.

The subcommittee considered the problems which would have to be resolved in expanding the usage of full-time magistrates, and declined to make any recommendations.

3. Part-time magistrate apportionment and utilization.

a. AVAILABILITY.

The various members of the subcommittee suggested that much of the criticism of the unified district court system was specifically directed at the part-time magistrate level. The subcommittee thus made specific inquiry about the effectiveness of part-time magistrate court service.

In general the responses indicated that part-time magistrates are not as available as were justices of the peace and other local court officers under the old system. Several individuals stated that court service is inadequate at night and on weekends.

Representatives of the Iowa Highway Patrol and county attorneys' offices suggested that much of the problem is caused by the lack of familiarity of individuals with the new system, and by the differences in procedures for part-time magistrates in different counties. They agreed, however, that unavailability is a problem at times.

Justice McCormick commented that the legislature made a conscious choice to sacrifice some availability in favor of a higher quality of justice, and suggested that the experience of time will result in fewer complaints.

b. INEQUALITY OF WORKLOAD.

Another criticism leveled at the part-time magistrate system was the inequality of workload between magistrates. Statistical information was received by the subcommittee indicating there is a variation in hours worked by the various magistrates, and commentators noted that whereas in some districts the hours of part-time magistrate are set by the chief judge, in others the hours are left to the discretion of the magistrate.

Mr. William O'Brien, court administrator, reviewed the caseload statistics for part-time magistrates, noting the unreliability of the January 1974 statistics, and the resulting 1974 legislative freeze of allotments at December 1973 levels. Mr. O'Brien stated that subsequent data establish the wisdom of that legislative action, and suggested that the 1975 allotments to counties should alleviate some of the inequality of workload. Justice McCormick noted that the statutory prescription of not less than 1 part-time magistrate per county will tend to cause some inequality, even given a reapportionment of magistrate positions.

c. SALARIES.

The subcommittee considered the possibility of adjusting salary levels of part-time magistrates to reflect inequalities of workload. Several members expressed the viewpoint that the number of hours worked depends to a great extent upon the work habits of the individual involved. Note was also made of the amendment to section 2A.4 of the Code by H.F. 1470 which requires the salary review committee to review all judicial officers' salaries. Generally, the subcommittee was in agreement that no workable alternative to the present salary scheme was presently available.

d. INTER-COUNTY UNIFORMITY.

Commissioner Charles Larsen of the Department of Public Safety recommended that the subcommittee make 3 adjustments in the part-time magistrate system; codify bonding procedures to create uniformity between counties, define "nearest available magistrate" by statute, and increase the minimum number of magistrates per county to 2. The subcommittee discussed these matters with Commissioner Larsen, who agreed that some administrative adjustments by the courts might solve most of the problems.

In summary the subcommittee generally agreed that part-time magistrate problems are caused in great part by lack of familiarity with the system, and that administrative adjustments by the courts could resolve many other difficulties. The subcommittee declined to make recommendations respecting these subject areas.

4. Court administrator's recommendations.

Pursuant to chapter 685 of the Code, the court administrator presented recommendations to the subcommittee for improvements in judicial administration. These proposals, and the subcommittee's recommendations are as follows:

a. Amend section 602.50 of the Code by striking the requirement that magistrates be given a comprehensive examination by the court administrator.

The subcommittee concluded that since the examination as presently prescribed serves no useful screening or elimination purposes it is of no practical value, and therefore the subcommittee recommends that the requirement be removed.

b. Amend section 602.57 of the Code to delete subsections 2 and 5 from the criteria used by the administrator in allotting magistrates.

The subcommittee concluded that since subsection 2 directs attention to seasonal variations in population while not specifically fixing those figures as a factor, and since seasonal population variations are apparent in the Iowa lakes region, the criterion is of some value. The subcommittee recommends that subsection 2 be retained.

The subcommittee concluded that subsection 5 calls attention to the fact that juvenile proceedings when handled by district associate judges and full-time magistrates do influence the workload of part-time magistrates. The subcommittee recommends that subsection 5 be retained, and that it be amended by inserting the phrase "and full-time magistrates" after the word "judges" in line 2 of that subsection.

c. Amend section 602.18, subsection 2, of the Code, to delete from the combined filing figures used to determine formula judgeships those civil actions for money judgment where the amount in controversy does not exceed $3,000, when such actions are in fact assigned to associate judges or magistrates.

The subcommittee concluded that the combined filings are for the purpose of reflecting actual district judge workloads and that the inclusion in this total of cases which are assigned to other judicial personnel distorts the statistical accuracy of the combined filings figures. The subcommittee recommends that the proposed amendment be adopted.

d. Amend sections 602.57, unnumbered paragraph 1, 602.57, unnumbered paragraph 3, and 602.18, subsection 8, to make the months of reporting by the administrator 1 month later, respectively.

The subcommittee concluded that the administrator is in need of additional time in which to compile information and make those reports, and that the proposed changes will not adversely affect any other procedures. It therefore recommends that the proposed amendments be adopted as shown in the attached bill draft.

CONCLUSION

The subcommittee submits bill drafts LSB 403 and LSB 404 which contain the legislative proposals as adopted. LSB 403 contains the recommendations of the court administrator as amended and adopted. LSB 404 contains the proposed judgeship formula change as adopted. These bills are attached to this report.

HOUSE CONCURRENT RESOLUTION 133

By Hill, Knoke, Doyle, Anderson, Jesse, Small, Nielsen, Stanley, Edelen, Crawford, Hargrave, Rapp, Howell, Newkirk, Oakley, Logue, Hennessey, West, Roorda, Branstad, Strothman, Woods, Crabb and Poncy

Whereas, Iowa judicial districts were reapportioned in 1971 to provide for equalization of caseloads throughout Iowa, and caseloads may have substantially changed during the subsequent years; and

Whereas, the Unified Trial Court Act assigned full-time magistrates to counties on a formula based on population without regard for caseload; and

Whereas, statistics on the caseload of part-time magistrates for the first six months of operation under the Unified Trial Court Act were incomplete and may not have accurately reflected the amount of time magistrates must devote to these part-time positions; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is urged to create an interim study committee to review the present formulas for apportionment of district court judges and magistrates; and

Be It Further Resolved, That the study committee be composed of members of both houses representing both political parties and the study committee shall make a report to the legislative council and to the general assembly meeting in the year 1975, accompanied by bill drafts designed to carry out the recommendations of the study committee.

BY JOINT SUBCOMMITTEE ON
APPORTIONMENT OF JUDGES AND
MAGISTRATES.

December, 1974

DRAFT 1

Passed House, Date_____ Passed Senate, Date_____

Vote: Ayes_____ Nays_____ Vote: Ayes_____ Nays_____

Approved_____

A BILL FOR

An Act amending the duties of the court administrator.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. _____ H.F. _____

Section 1. Section six hundred two point eighteen (602.18), subsection two (2), Code 1975, is amended to read as follows:

2. The number of judgeships to which each of the judicial districts shall be entitled shall be determined from time to time according to the following formula, giving equal weight to cases filed and population: In districts containing a city of fifty thousand or more population, there shall be one judgeship per five hundred fifty combined civil and criminal filings and forty thousand population, or major fraction of either; in all other districts there shall be one judgeship per four hundred fifty combined civil and criminal filings and forty thousand population, or major fraction of either; provided, the seat of government shall be entitled to one additional judgeship. The filings included in the determinations to be made under this subsection shall not include small claims or nonindictable misdemeanors filed after June 30, 1973, ~~and~~ nor shall they include either civil actions for money judgment where the amount in controversy does not exceed three thousand dollars or indictable misdemeanors , which were assigned to district associate judges and judicial magistrates ~~after June 30, 1973~~ as shown on their administrative reports, but they shall include appeals from decisions of judicial magistrates, district associate judges, and district judges sitting as judicial magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the state department of health computations.

Sec. 2. Section six hundred two point eighteen (602.18), subsection eight (8), Code 1975, is amended to read as follows:

8. During ~~January~~ February of each year, and at such other times as may be appropriate, the supreme court administrator shall make the determinations required under this section, and shall notify the nominating commissions involved and the governor of any appointments that may be required as a result

thereof.

Sec. 3. Section six hundred two point fifty (602.50), subsection six (6), Code 1975, is amended to read as follows:

6. OATH AND INSTRUCTION. Before assuming office, a judicial magistrate shall subscribe and file in the office of the clerk of the district court of the county of his residence his oath of office to uphold and support the Constitutions of the United States of America and state of Iowa, the laws enacted pursuant thereto, and the law and ordinances of the political subdivisions of the state of Iowa. Annually, the supreme court administrator shall cause a school of instruction to be conducted for judicial magistrates, ~~which shall include a comprehensive examination over the material presented~~, and ~~which~~ each judicial magistrate appointed as provided in this chapter prior to the time he takes office shall attend unless excused by the chief justice for good cause. A judicial magistrate appointed under this section to fill a vacancy shall attend the first school of instruction held following his appointment unless excused by the chief justice for good cause.

Sec. 4. Section six hundred two point fifty-seven (602.57), unnumbered paragraphs one (1) and three (3), Code 1975, are amended to read as follows:

Except as provided in section 602.58, there shall be a total of one hundred ninety-one Iowa judicial magistrates to be appointed pursuant to section 602.50. During ~~January~~ February of ~~1975~~ 1977 and every two years thereafter, the supreme court administrator shall apportion the number of judicial magistrates to be so appointed among the counties in accordance with the following criteria:

During ~~February~~ March of ~~1975~~ 1977 and during ~~February~~ March of every two years thereafter, the supreme court administrator shall notify the clerk of the district court of each county and the chief judge of the appropriate judicial district, of the number of magistrates to which the county

is entitled.

Sec. 5. Section six hundred two point fifty-seven (602.57), subsection five (5), Code 1975, is amended to read as follows:

5. The number and types of juvenile proceedings handled by district associate judges and full-time magistrates.

EXPLANATION

This bill modifies certain duties of the court administrator as follows:

Sec. 1. excludes from combined filing figures, and thus from the calculation of the number of judgeships, those civil actions for money judgment which are assigned to associate judges or magistrates.

Sec. 2. enables the administrator to report judgeship entitlements in February rather than January, thus giving him an additional 28 days to receive, compile and report the required statistical information.

Sec. 3. deletes the requirement that the administrator give to newly appointed magistrates a comprehensive examination at the conclusion of the prescribed course of instruction.

Sec. 4. delays the deadlines for the apportioning of part-time magistrates and for the sending of notifications thereof for a period of one month.

Sec. 5. amends the criteria used by the administrator in apportioning magistrates to reflect the amendment which permitted full-time magistrates to be assigned to juvenile proceedings.

LSB 403
lb/rh/31

BY JOINT SUBCOMMITTEE ON APPORTIONMENT OF JUDGES AND MAGISTRATES.

December, 1974

DRAFT 1

Passed House, Date_____ Passed Senate, Date_____

Vote: Ayes_____ Nays_____ Vote: Ayes_____ Nays_____

Approved_____

A BILL FOR

An Act relating to the number of judgeships in judicial election districts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. _____ H.F. _____

Section 1. Section six hundred two point eighteen (602.18), subsection two (2), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

2. The number of judgeships to which each of the judicial election districts shall be entitled shall be determined from time to time according to the following formula:

a. In an election district wherein the largest county contains two hundred thousand or more population, there shall be one judgeship per seven hundred twenty-five combined civil and criminal filings or major fraction thereof; provided, the seat of government shall be entitled to one additional judgeship.

b. In an election district wherein the largest county contains eighty-five thousand or more population, but less than two hundred thousand, there shall be one judgeship per six hundred twenty-five combined civil and criminal filings or major fraction thereof.

c. In an election district wherein the largest county contains forty-five thousand or more population, but less than eighty-five thousand, there shall be one judgeship per five hundred twenty-five combined civil and criminal filings or major fraction thereof.

d. In an election district wherein the largest county contains less than forty-five thousand population, there shall be one judgeship per four hundred seventy-five combined civil and criminal filings or major fraction thereof.

e. Notwithstanding paragraphs a, b, c, or d of this subsection, each election district shall be entitled to not less than one judgeship for each forty thousand population or major fraction thereof contained in the election district. The court administrator shall determine both the number of judgeships for each election district based upon this paragraph, and the number of judgeships for each election district based upon paragraph a, b, c, or d of this subsection. If the number for any election district determined under this

paragraph exceeds the number determined under paragraph a, b, c, or d, that election district shall be entitled to the number of judgeships determined under this paragraph.

f. The filings included in the determinations to be made under this subsection shall not include small claims or nonindictable misdemeanors filed after June 30, 1973, nor shall they include either civil actions for money judgment where the amount in controversy does not exceed three thousand dollars or indictable misdemeanors, which were assigned to district associate judges and judicial magistrates as shown on their administrative reports, but they shall include appeals from decisions of judicial magistrates, district associate judges, and district judges sitting as judicial magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the state department of health computations.

EXPLANATION

This bill modifies the formula which is used to determine the number of judgeships for each of the thirteen judicial election districts. Whereas the present formula recognizes two population categories, i.e., election districts which contain a city of 50,000 population and those which do not, this proposal divides election districts into four population categories, and uses the most populous county as the base. The net result is that election districts 3A, 4, 5B, and 8A each are entitled to an additional judgeship. Generally speaking, these four districts have a greater number of court locations to be serviced and relatively wider geographic distributions of population and case filings than do the remaining nine election districts. As a result, the Joint Subcommittee on Apportionment of Judges and Magistrates concluded that court service in these four districts resulting from the use of the present formula was below standard.

A second change from the present formula is that civil

actions under $3,000 will not be included, under the proposal, in the combined filing figures if those cases were assigned to other than district judges. Without this change, the actual workload of judges as measured by case filings may be distorted because those cases actually may be heard by other than a district judge.

The third and final change deletes the phrase "after June 30, 1973" which referenced cases assigned to district associate judges and magistrates. Since those cases could not have been assigned prior to that date, the language is surplus and adds nothing to the meaning of the sentence.

LSB 404
lb/rh/31

FORMULA RECOMMENDED BY JUDICIARY SUB-COMMITTEE

Based on (1) 3-year Average Combined Filings, with existing exclusions, divided by population of the largest county in the Election District classified as in footnotes a,b,c, and d, or (2) one judge for each 40,000 or major fraction of population of entire Election District - whichever results in the largest number of judges.

Judicial Election District	Number Based on (1) Above	Number Based on (2) Above	Judgeships Allowed	Judgeships Present Formula
1A[c]	1,950 (3.12)	174,200 (4.36)	4	4
1B[c]	4,417 (7.07)	225,000 (5.63)	7	7
2A[b]	2,621 (4.99)	175.300 (4.38)	5	5
2B[b]	4,957 (9.44)	334,600 (8.37)	9	9
3A[a]	2,323 (4.89)	163,200 (4.08)	5 +1	4
3B[c]	3,671 (5.87)	199,800 (5.00)	6	6
4[c]	3,474 (5.56)	207,200 (5.18)	6 +1	5
5A[d]	11,128 (15.35)	442,800 (11.07)	15+1[e]	15+1[e]
5B[a]	1,348 (2.84)	81,900 (2.05)	3 +1	2
6[c]	5,834 (9.33)	320.100 (8.00)	9	9
7[c]	4,399 (7.04)	284,300 (7.11)	7	7
8A[a]	2,823 (5.94)	176,700 (4.42)	6 +1	5
8B[b]	2,174 (4.14)	118,800 (2.97)	4	4
State Totals	51,119	2,903,900	86+1[e]	82+1[e]

a. 0 to 45,000 population - one judgeship per 475 filings or major fraction.

b. 45,000 to 85,000 population - one judgeship per 525 filings or major fraction.

c. 85,000 to 200,000 population - one judgeship per 625 filings or major fraction.

d. Over 200,000 population - one judgeship per 725 filings or major fraction.

e. One additional judge for seat of state government.