

F I N A L R E P O R T
JUDICIARY STUDY COMMITTEE

December, 1985

CREATION

The Judiciary Study Committee was created by the Legislative Council and charged with the task of identifying existing gaps in Iowa's judicial system and developing recommendations to correct them. The members serving on the Study Committee were:

Senator Charles Miller, Co-chairperson
Representative Kay Chapman, Co-chairperson
Senator Donald Doyle
Senator Tom Mann, Jr.
Senator Lee Holt
Senator Richard Drake
Representative Don Knapp
Representative Jack Holveck
Representative Ruhl Maulsby
Representative Marvin Diemer
Judge Ralph McCartney
Ms. Iris Muchmore
Mr. John Fitzgibbons

MEETINGS OF THE STUDY COMMITTEE

The Judiciary Study Committee was authorized three meeting days. The Committee met at the State House on September 18, 1985, October 30, 1985 and December 6, 1985.

FIRST MEETING

The Committee used its first meeting for general discussion on the issues and to receive oral and written testimony from the Judicial Department. Speaking on behalf of the Department were State Court Administrator William O'Brien, Deputy State Court Administrator David Boyd, and Director of Judicial Education and Planning Jerry Beatty. Written materials submitted on behalf of the Department included Senate Concurrent Resolution 27, talking paper "The Iowa Court System," 1984 Annual Statistical Report of the Judicial Department, and the proposed Judicial Department recommendation for a new judgeship formula.

The Committee also heard from Iowa magistrates Kathleen Seamans, Joseph Hanson, and Anthony Capaldo.

At the conclusion of its first meeting, the Committee made the following requests for its second meeting:

1. Compilation of information on:
 - a. Judicial workloads, including copies of a document entitled "Assessing the Need for Judicial Resources."
 - b. Copies of, and all available information relating to, House File 95 (fees of services to probationers and parolees).
 - c. Response to the question of why certain counties had not opted to trade magistrates for a district associate judge, as authorized by the Code.
2. Drafting of the following proposals:
 - a. The Judicial Department's recommendation for a new allocation formula, calling for 107 district judges.
 - b. Allowance of cross-county trading in of magistrates for district associate judges.
 - c. Raising the criminal jurisdiction of district associate judges to class "D" felonies.

SECOND MEETING

The Committee used its second meeting to receive and review information follow-ups of the first meeting and discussed the drafted legislative proposals.

Additional information received from the Judicial Department's representative, Executive Assistant to the Chief Justice Nancy Shimanek, included documents outlining the actual and estimated court-generated revenue for FY 84-87, cost estimates on proposed judgeship formulas, and cost estimates per judicial officer.

During consideration of LSB 7153S (judicial allocation formula), the Committee considered and passed amendment 7153S.301. The amendment modified the proposal by clarifying the intent of the draft, requiring an average of two quotients or major fraction thereof to be used in the calculation in the number of judgeships to which a judicial district is entitled, and by eliminating the removal of the 99 district judge limitation on the present judicial allocation formula.

The Committee also reviewed LSB 7150S (allowing appointment of a district associate judge in lieu of cross-county magistrates) and LSB 7149S (raising criminal jurisdiction of district associate judges to "D" felonies).

At the close of its second meeting, the Committee requested that the drafted proposals, as amended, be brought back before the Committee and that additional information be provided, including:

1. Categories of data which the Judicial Department can collect and which would be more indicative of judicial workloads in the future.
2. Estimates from the Judicial Department regarding House File 95, with additional information to be forwarded by Representative Diemer and Representative Knapp.
3. Information on the effect which mediation centers could have on crowded judicial dockets.
4. Actions by the Iowa State Bar Association on the issue of crowded judicial dockets and frivolous lawsuits.

THIRD MEETING

At its final meeting the Committee heard follow-up testimony from Mr. Beatty and Ms. Shimanek. During their testimony, the following materials were distributed on behalf of the Judicial Department:

1. Document entitled "What Data Could the Judicial Department Collect That Would Identify Various Factors Indicative of District Court Workload."
2. Report of Iowa Court Study Commission Part III - Court Redistribution and Personnel.
3. Report of the Advisory Committee to Review the Weighted Caseload System.
4. "The Daily Record" - a compilation of data collection and research - working papers for measuring Iowa district court workload.

Following the Judicial Department's morning review, the Committee turned to discussion of proposals on the agenda. During discussion on LSB 7150S (An Act relating to the appointment of district associate judges in lieu of magistrates), the Committee reviewed the concerns expressed by the Department of Public Safety. With unanimous consent, the Committee amended the bill, page 1, line 12, by adding the words ". . . and the designation shall not be made if the designation would result in the lack of a resident district associate judge or magistrate in one or more of the counties." Relating to the same proposal, unanimous consent was also given to adding the words "of the same judicial district" to clarify the intent to allow cross-election district trade-ins.

During discussion of LSB 7149S (An Act relating to the jurisdiction of district associate judges), the Committee reviewed several offered amendments, and adopted amendment 7149S.301 (increasing the civil jurisdiction from \$3,000 to \$5,000).

The Committee again reviewed House File 95 (fees for service) and the additional information provided by Representative Diemer, Representative Knapp, the Iowa Corrections Association, and the Judicial Department.

The Committee also reviewed the impact which mediation centers might have on judicial backlog, the proposed rules relating to abusive practices being considered by the court, and the documents of the Iowa Bar Association relating to a recent study of civil litigation in Iowa district courts.

FINAL RECOMMENDATIONS OF THE JUDICIARY STUDY COMMITTEE

1. That the Judicial Department be requested to prepare and implement a survey of the district judges, district associate judges, and judicial magistrates of the state in an attempt to compile more refined data on judicial workloads and available alternatives in meeting judicial needs.

2. That subject to full funding of the number of judgeships called for and the consequent removal of present statutory limitations, LSB 7153S (revised judicial allocation formula, as amended) be adopted and recommended for passage.

3. That LSB 7150S (cross-judicial election district trade-ins of magistrates for district associate judges, as amended) be adopted and recommended for passage.

4. That LSB 7149S (increasing the jurisdiction of district associate judges, as amended) be adopted and recommended for passage.

5. That a full study be prepared and implemented to determine the extent and effect of payments and legal obligations required of criminal offenders.

6. That the Committee's concern relating to the actual and possible use of funds generated by the criminal surcharge provisions of chapter 911 be noted and that the Legislative Council be apprised that the Study Committee has requested that the Legislative Fiscal Bureau collect additional data on the subject for distribution to the Justice System Subcommittee of the Committees on Appropriations.

7. That the Committee's review of the constitutional amendment relating to raising the level of fines for nonindictable crimes be noted.

8. That the Committee's review of the issue of lowering the present requirements for qualification for the Senior Judge Program be noted.

Copies of the Committee's final draft proposals are attached hereto and made a part of this final report.

SENATE/HOUSE FILE _____
BY JUDICIARY STUDY COMMITTEE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the judgeship formula for the apportionment of
2 district judges.

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

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1 Section 1. Section 602.6201, subsection 3, Code 1985, is
2 amended to read as follows:

3 3. ~~The number of judgeships to which each of the judicial~~
4 ~~election districts is entitled is determined according to the~~
5 ~~following formula:~~

6 a. ~~In an election district where the largest county~~
7 ~~contains two hundred thousand or more population, there is one~~
8 ~~judgeship per seven hundred twenty-five combined civil and~~
9 ~~criminal filings or major fraction thereof. A judicial~~
10 election district containing a city of fifty thousand or more
11 population is entitled to the number of judgeships equal to
12 the average, rounded to the nearest whole number, of the
13 following two quotients, each rounded to the nearest
14 hundredth:

15 (1) The combined civil and criminal filings in the
16 election district divided by five hundred fifty.

17 (2) The election district's population divided by forty
18 thousand.

19 However, the seat of government is entitled to one additional
20 judgeship.

21 b. ~~In an election district where the largest county~~
22 ~~contains eighty-five thousand or more population, but less~~
23 ~~than two hundred thousand, there is one judgeship per six~~
24 ~~hundred twenty-five combined civil and criminal filings or~~
25 ~~major fraction thereof. All other judicial election districts~~
26 are entitled to the number of judgeships equal to the average,
27 rounded to the nearest whole number, of the following two
28 quotients, each rounded to the nearest hundredth:

29 (1) The combined civil and criminal filings in the
30 election district divided by four hundred fifty.

31 (2) The election district's population divided by forty
32 thousand.

33 ~~or--In an election district where the largest county~~
34 ~~contains forty-five thousand or more population, but less than~~
35 ~~eighty-five thousand, there is one judgeship per five hundred~~

1 twenty-five-combined-civil-and-criminal-filings-or-major
2 fraction-thereof-

3 d--In-an-election-district-where-the-largest-county
4 contains-less-than-forty-five-thousand-population, there-is
5 one-judgeship-per-four-hundred-seventy-five-combined-civil-and
6 criminal-filings-or-major-fraction-thereof-

7 e--Notwithstanding-paragraph-"a,"-"b,"-"c,"-or-"d,"-each
8 election-district-is-entitled-to-not-less-than-one-judgeship
9 for-each-forty-thousand-population-or-major-fraction-thereof
10 contained-in-the-election-district-

11 f c. The filings included in the determinations to be made
12 under this subsection shall-include-juvenile-court-filings
13 after-July-17-1985, shall not include small claims or
14 nonindictable misdemeanors, and shall not include either civil
15 actions for money judgment where the amount in controversy
16 does not exceed three thousand dollars or indictable
17 misdemeanors, which were assigned to district associate judges
18 and judicial magistrates as shown on their administrative
19 reports, but shall include appeals from decisions of judicial
20 magistrates, district associate judges, and district judges
21 sitting as judicial magistrates. The figures on filings shall
22 be the average for the latest available previous three-year
23 period and when current census figures on population are not
24 available, figures shall be taken from the state department of
25 health computations.

26 EXPLANATION

27 This bill modifies the judgeship formula for the appor-
28 tionment of district judges by providing for one judgeship per
29 550 filings and 40,000 population in judicial election
30 districts with a city of at least 50,000 population, and one
31 judgeship per 450 filings and 40,000 population in all other
32 judicial election districts. Juvenile court filings are
33 excluded from the formula.

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SENATE/HOUSE FILE _____
BY JUDICIARY STUDY COMMITTEE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the appointment of a district associate judge
2 in lieu of magistrates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 602.6302, subsection 1, Code 1985, is
2 amended to read as follows:

3 1. ~~In a county having an apportionment of three or more~~
4 ~~magistrates, the~~ The chief judge of the judicial district,
5 subject to the limitations of this section, may designate by
6 order that a district associate judge be appointed pursuant to
7 this section in lieu of magistrates appointed under section
8 602.6403. However, the designation shall not be made unless
9 the county in which the district associate judge is to be
10 appointed, or the counties in which the district associate
11 judge is to be appointed in combination, have an apportionment
12 of three or more magistrates and the designation shall not be
13 made if the designation would result in the lack of a resident
14 district associate judge or magistrate in one or more of the
15 counties. The order of substitution may be made only upon the
16 affirmative vote of a majority of the district judges in that
17 judicial election district, or in the case of an appointment
18 involving more than one judicial election district of the same
19 judicial district a majority of the district judges in each
20 judicial election district, and only upon a finding by a
21 majority of those district judges that the substitution would
22 provide more speedy and efficient performance of judicial
23 business within that judicial election district. An order of
24 substitution shall not take effect unless a copy of the order
25 is received by the chairperson of the county magistrate
26 appointing commission or commissions no later than the thirty-
27 first day of March of the year in which the substitution is to
28 take effect. A copy of the order also shall be sent to the
29 state court administrator.

30 Sec. 2. Section 602.6302, subsection 2, Code 1985, is
31 amended to read as follows:

32 2. For a county in which a substitution order is in
33 effect, the number of magistrates actually appointed pursuant
34 to section 602.6403 shall be reduced by three for each
35 district associate judge substituted under this section.

1 However, if the substitution order is for a district associate
2 judge appointed to more than one county, the reduction of
3 three magistrates shall be as provided in the order of the
4 chief judge of the judicial district. Upon a subsequent
5 reduction in the apportionment of magistrates to the county or
6 counties, the magistrate appointing commission shall further
7 reduce the number of magistrates appointed.

8 Sec. 3. Section 602.6302, subsection 4, Code 1985, is
9 amended to read as follows:

10 4. If an apportionment by the state court administrator
11 pursuant to section 602.6401 reduces the number of magistrates
12 in the county or counties to less than three the number
13 required to be apportioned to allow a substitution order
14 pursuant to subsection 1, or if a majority of the district
15 judges in the judicial election district or districts
16 determines that a substitution is no longer desirable, then
17 the substituted office shall be terminated. However, a
18 reversion pursuant to this subsection, irrespective of cause,
19 shall not take effect until the substitute district associate
20 judge fails to be retained in office at a judicial election or
21 otherwise leaves office, whether voluntarily or involuntarily.
22 Upon the termination of office of that district associate
23 judge, appointments shall be made pursuant to section 602.6403
24 as necessary to reestablish terms of office as provided in
25 section 602.6403, subsection 4.

26 Sec. 4. Section 602.6304, subsection 1, Code 1985, is
27 amended to read as follows:

28 1. The district associate judges authorized by sections
29 602.6301, 602.6302, and 602.6303 shall be appointed by the
30 district judges of the judicial election district from persons
31 nominated by the county magistrate appointing commission. In
32 the case of a district associate judge to be appointed to more
33 than one county, the appointment shall be from persons
34 nominated by the county magistrate appointing commissions
35 acting jointly and in the case of a district associate judge

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1 to be appointed to more than one judicial election district of
2 the same judicial district, the appointment shall be by a
3 majority of the district judges in each judicial election
4 district.

5 Sec. 5. Section 602.6305, subsection 3, Code 1985, is
6 amended to read as follows:

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

12 EXPLANATION

13 This bill amends the current section of the Code which al-
14 lows for the substitution of a district associate judge in
15 lieu of three judicial magistrates to allow the appointment of
16 the judge to be for more than one county of the judicial
17 district, with corresponding changes to the minimum required
18 number of apportioned magistrates, eventual reduction of
19 magistrates for the counties affected, and nomination and
20 retention processes.

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SENATE/HOUSE FILE _____
BY JUDICIARY STUDY COMMITTEE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the jurisdiction of district associate judges.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 602.6201, subsection 3, paragraph f,
2 Code 1985, is amended to read as follows:

3 f. The filings included in the determinations to be made
4 under this subsection shall include juvenile court filings
5 after July 1, 1985, shall not include small claims or
6 nonindictable misdemeanors, and shall not include either civil
7 actions for money judgment where the amount in controversy
8 does not exceed three five thousand dollars or indictable
9 misdemeanors or class "D" felonies, which were assigned to
10 district associate judges and judicial magistrates as shown on
11 their administrative reports, but shall include appeals from
12 decisions of judicial magistrates, district associate judges,
13 and district judges sitting as judicial magistrates. The
14 figures on filings shall be the average for the latest
15 available previous three-year period and when current census
16 figures on population are not available, figures shall be
17 taken from the state department of health computations.

18 Sec. 2. Section 602.6306, subsection 2, Code 1985, is
19 amended to read as follows:

20 2. District associate judges also have jurisdiction in
21 civil actions for money judgment where the amount in
22 controversy does not exceed three five thousand dollars,
23 jurisdiction of indictable misdemeanors, and class "D"
24 felonies, and the jurisdiction provided in section 602.7101
25 when designated as a judge of the juvenile court. While
26 presiding in these subject matters a district associate judge
27 shall employ district judges' practice and procedure.

28 EXPLANATION

29 This bill increases the civil jurisdiction of a district
30 associate judge to \$5,000 and increases the criminal juris-
31 diction of a district associate judge to include class "D"
32 felonies and provides that these increased jurisdiction cases
33 assigned to district associate judges will not be included in
34 the filings used for judgeship formula purposes.

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