



# FINAL REPORT

## Judicial District and Judicial Resources Study Committee

February 2006

### MEMBERS

Senator Keith Kreiman, Co-chairperson  
Senator Pat Ward, Co-chairperson  
Dennis Anderson  
Megan Antenucci  
Jackie Armstrong  
Mike Bollard  
Curt Campbell  
Tom Drew  
Barbara Edmondson  
Shirley Faircloth  
Judge Duane Hoffmeyer  
Fred James  
Julie Johnson  
Gayle Kelm  
Jeff Lipman

Representative O. Gene Maddox,  
Co-chairperson  
Representative Don Shoultz  
Joanne Lorence  
Rick L. Lynch  
John McClintock  
Leesa McNeil  
Randy Osborn  
Carolee Philpott  
Don Redfern  
Judge David Remley  
Judge James Richardson  
Marty Ryan  
Judge Annette Scieszinski  
Justice Marsha Ternus  
William D. Werger

### AUTHORIZATION AND APPOINTMENT

In June 2003, the Legislative Council established the Judicial District and Judicial Resources Study Committee pursuant to a request contained in the 2003 Iowa Acts, H.F. 694, (ch. 151), sec. 66. The 31-member study committee was charged to study judicial district and judicial election district redistricting, the allocation of Judicial Branch resources, and various specific elements of these topics listed in legislation. The legislation provided for various organizations and interests to have membership slots and the Legislative Council provided a process for submission of nominations. The study committee was authorized in 2003 to hold six meetings for the 2003 Interim and met at the Statehouse on October 7, November 12, and December 17. The study committee was authorized for one additional meeting in the 2004 Interim and met at the Statehouse on November 9, 2004. The study committee was authorized for another additional meeting in the 2005 Interim and met at the Statehouse on November 3, 2005.

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## Judicial District and Judicial Resources Study Committee

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### **I. Public Membership Affiliations.**

Mr. Dennis Anderson, representing the Iowa State Sheriffs and Deputies Association  
Ms. Megan Antenucci, representing the Iowa Defense Counsel Association  
Ms. Jackie Armstrong, representing the Iowa Trial Lawyers Association  
Mr. Mike Bollard, representing the Iowa Recorders Association  
Mr. Curt Campbell, representing the Judicial District Department of Correctional Services  
Mr. Tom Drew, representing the Iowa Trial Lawyers Association  
Ms. Barbara Edmondson, representing the Iowa County Attorneys Association  
Ms. Shirley Faircloth, representing the Juvenile Court Officers' Association  
Judge Duane Hoffmeyer, representing the Iowa Judges Association  
Mr. Fred James, representing the Iowa Trial Lawyers Association  
Ms. Julie Johnson, representing the Iowa Clerks of Court Association  
Ms. Gayle Kelm, representing the Iowa Court Reporters Association  
Mr. Jeff Lipman, representing the Iowa Association of Magistrate Judges  
Ms. Joanne Lorence, representing the Iowa State Bar Association  
Mr. Rick L. Lynch, representing the Iowa State Bar Association  
Mr. John McClintock, representing the Iowa Academy of Trial Lawyers  
Ms. Leesa McNeil, representing District Court Administrators  
Mr. Randy Osborn, representing the Iowa Clerks of Court Association  
Ms. Carolee Philpott, representing AFSCME - Iowa  
Mr. Don Redfern, representing the Iowa Supreme Court  
Judge David Remley, representing the Iowa Supreme Court  
Judge James Richardson, representing the Iowa Judges Association  
Mr. Marty Ryan, representing the Iowa Civil Liberties Union  
Judge Annette Scieszinski, representing the Iowa Judges Association  
Justice Marsha Ternus, representing the Iowa Supreme Court  
Mr. William D. Werger, representing the Iowa State Bar Association

### **II. November 3, 2005, Meeting.**

Mr. David Boyd, State Court Administrator, provided a review of the Committee's work the two previous years and provided a review of the Supreme Court's Commission on Planning for the 21st Century. He commented the current statutory formulas are too rigid. Mr. John Goerdt, Judicial Branch Planner, provided a review of the National Center for State Courts' weighted workload formula being utilized by the Judicial Branch. He noted that under the current statutory formula, the state is short 29 district court judges. He suggested the formula for district associate judges be made more rational. He stated there is a bill pending (S.F. 380) which would make a county eligible for a district associate judge for every 45,000 people in the county. Justice Marsha Ternus commented the preference from the Court's perspective is to have more flexible judgeship formulas. She further commented that if the Judicial Branch has more leeway in implementing any new judgeship formulas, the General Assembly should still maintain final approval of any changes proposed by the Court through its ultimate authority to fund judicial positions.



### III. Recommendations.

The Committee adopted the following recommendations to the General Assembly:

A. That the Supreme Court draft a new flexible judicial officer allocation formula pursuant to guidelines to be approved by the General Assembly.

B. That the General Assembly provide full and adequate funding of the Judicial Branch.

C. That the Supreme Court and the Department of Human Services work together to determine better ways to implement the department's child welfare redesign so that judicial resources are not detrimentally affected and services to children are not delayed or reduced, and report the results of their collaboration to the Committee.

D. That a person must be admitted to the practice of law in this state to be appointed magistrate, but any nonlawyer magistrate presently serving as magistrate may continue to serve in that position.

E. That an applicant for a magistrate position may be a resident of another county so long as the applicant is a resident of the county of appointment or is a resident of a county contiguous to the county of appointment within 30 days of appointment.

F. That legislation be enacted providing that if the Chief Justice finds a substantial disparity exists in the allocation of district associate judges between judicial election districts, the Chief Justice may reallocate a vacant district associate judgeship to another judicial election district if a majority of the Judicial Council approves the reallocation.

G. That legislation be enacted providing that the Chief Justice may authorize a voluntary permanent transfer of a district associate judge to another judicial election district if a substantial disparity exists in the allocation of district associate judges between judicial election districts and a majority of the Judicial Council approves such a transfer.

H. That the General Assembly and local governments provide funds to implement modern courthouse security standards throughout the state.

I. That the General Assembly encourage the implementation of drug courts on a statewide basis.

J. That the Legislative Council reauthorize the Committee to meet during the 2006 Legislative Interim.

### IV. Materials Filed With the Legislative Services Agency.

The listed materials were distributed at or in connection with the Committee's deliberations in 2005, are filed with the Legislative Services Agency, and may be accessed from the "Additional Information" link from the Committee's Internet page:

<http://www.legis.state.ia.us/asp/Committees/Committee.aspx?id=58>.

Additional materials from the Committee's activities in prior years are also posted.

1. Table 1 – 2005 Update of the NCSC's Weighted Workload Formula for Assessing Judgeship Needs in Iowa

2. S.S.B. 3100



## Judicial District and Judicial Resources Study Committee

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3. S.F. 380

4. Committee presentation by Judicial Branch

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