

Subcommittee on Judicial Redistricting
of the
Standing Judiciary Committees

December 19, 1969

Iowa Legislative Council
c/o Legislative Service Bureau
State House
Des Moines, Iowa

Gentlemen:

This is in the nature of a report on the activities of the joint subcommittee on judicial redistricting of the Judiciary Committee of the House and the Senate. This subcommittee has had two meetings, and considers its work completed so far as it can go prior to the legislative session.

The first of the two meetings was devoted to a discussion of the proposal by the Iowa State Bar Association to change the formula on which judges are allotted to the various districts so that the number of the judges in the district could be based either on population or on case load, rather than on both factors. A rather extensive discussion was had with completely inconclusive results because of the lack of complete information. At this time, requests for information were made from the Bar Association on the total cost of such change in the formula, the number of judges added, whether or not additional authority for the Chief Justice of the Supreme Court was necessary for good judicial administration, etc.

At the second meeting, the State Bar Association presented the committee with some additional data. This indicated that the number of additional judges would be rather high, and the Bar Association presented another alternative to change the formula under which the districts would remain as they presently are, except that each district would have the same number of judges that it had prior to the 1965 adoption of the formula unless both case load and population factors had increased to the point where an additional judgeship was indicated, or both had decreased to show the loss of a judge. It was further developed that the Chief Justice of the Supreme Court now had authority to recall retired judges, and to assign presently active judges from one district to another, and in the opinion of the Bar Association had adequate authority to provide for good judicial administration if that authority were to be used. There was some indication that the previous Chief Justice either was too busy, or was reluctant to use this authority in many cases.

The new proposal was also fully discussed. The consensus was that this was probably a stopgap measure which would work to relieve the growing crisis. It was generally felt, however, that some redistricting was going to be inevitable. The further feeling was expressed that this was an extremely difficult matter politically since most of the members of the Bar Association, and many of the members of the Judiciary were strongly opposed to any redistricting. It was, therefore, proposed that a further investigation be made by the Judiciary Committees of the House and Senate into the possibility of delegating the authority and the responsibility of setting up efficient judicial districts to the Supreme Court of Iowa. It was proposed that guidelines as to the minimum number of districts and the minimum number of judges might be written into the statutory enactment, and that requirement should be made that the court take into account such factors as geography, population, case load, and such other factors as might be pertinent.

Should this report be approved by the Legislative Council, the undersigned as Chairman of the Senate Judiciary Committee, would propose to appoint an active subcommittee to follow up on this matter by personal contact with members of the Supreme Court and others to determine both the feasibility and the acceptability of such a proposal.

Respectfully submitted,

s/Lucas J. De Koster,
Chairman

LDK:avw