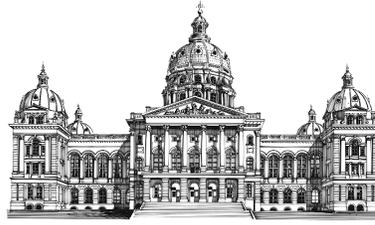


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## Judicial Branch: A Brief Description

(Updated January 2001)

### ISSUE

This **Issue Review** is a description of Judicial Branch organization and identification of major issues, including funding and staffing trends, caseloads, technology changes, and collection of fines, fees, and other charges.

### AFFECTED AGENCIES

Judicial Branch

### CODE AUTHORITY

Chapter 602, Code of Iowa

### BACKGROUND

Iowa has a court system consisting of the Supreme Court (the highest court), the Court of Appeals, and the District Courts. There is a total of 333 judicial officers. The major components are described as follows:

- The **Supreme Court** consists of one Chief Justice and six Justices. The Court has general appellate jurisdiction for criminal and civil cases and exercises supervisory and administrative control over the court system pursuant to Article V, Constitution of Iowa. Appeals are made directly to the Supreme Court in Iowa. The Iowa Supreme Court has original jurisdiction or authority to hear evidence in a limited number of cases. The Iowa Supreme Court may transfer a case to the Iowa Court of Appeals for consideration. The Supreme Court retains cases involving:
  - Substantial constitutional questions as to the validity of a statute, ordinance, or court or administrative rule.
  - Substantial issues in which there is, or is claimed to be, a conflict with a published decision of the Court of Appeals or Supreme Court.
  - Substantial issues of first impression or an issue that has never been formally interpreted by the Supreme Court.

- Fundamental issues of broad public importance requiring prompt or ultimate determination by the Supreme Court.
- Discipline of attorneys.
- Substantial questions of enunciating or changing legal principles.

The Supreme Court also determines the rules for admission to the bar and disciplinary procedures for licensing attorneys, for continuing education for attorneys and judges, and for regulating appellate practice and procedure for the trial and appellate courts.

- The **Court of Appeals** hears cases referred by the Supreme Court. Litigants may request further review of the rulings of the Court of Appeals by the Supreme Court. The Court of Appeals consists of a Chief Judge and eight Associate Judges.
- Iowa has a unified trial court system, referred to as the **District Court**. The District Court handles all types of civil, criminal, juvenile, and probate cases. The State is divided into eight judicial districts. Each district is headed by a Chief Judge that exercises administrative supervision within that district. There are five types of judgeships with differing levels of responsibilities. They are:
  - Magistrates who issue search warrants and emergency hospitalization orders, hold preliminary hearings and preside at trials of small claims (\$4,000 or less), simple misdemeanors, and forcible entry and detainer actions. Magistrates are not required to be lawyers as are the other judges. There are 134 full-time and part-time Magistrates.
  - District Associate Judges who have the same jurisdiction as magistrates in addition to hearing indictable misdemeanors, civil actions involving \$10,000 or less, Operating While Intoxicated (OWI) felonies, and some juvenile cases. There are 54 District Associate Judges.
  - Associate Juvenile Judges who handle only juvenile matters, including delinquency proceedings, children in need of assistance, abuse and neglect, and termination of parental rights proceedings. There are 12 Associate Juvenile Judges.
  - District Judges who have general trial court jurisdiction (civil, criminal, domestic relations, and probate). There are 116 District Court Judges.
  - Associate Probate Judges who handle probate issues. The State has one Associate Probate Judge, located in Polk County.

State and district court administrators are responsible for managing the daily activities of the Judicial Branch and administering appropriated funds. Administrative functions include preparing, submitting, and revising budget requests; accounting and disbursement of funds; purchase of supplies and equipment; collecting information and statistical data; administering the Judicial Retirement System; and providing support staff at all levels. The Iowa Court Information System (ICIS) is located within the State Court Administration Office. ICIS is a computerized network that links all 99 counties and is designed to automate case scheduling and court data-processing throughout the State.

## CURRENT SITUATION

Some of the major issues for the courts include:

- **Number of District and District Associate Judges.** There are currently 116 District Court Judgeships. The number of District Court Judges is prescribed by a formula in Section

602.6201, Code of Iowa, but capped statutorily at 116 (Section 602.6201(10), Code of Iowa). The formula is based on population and the number of civil and criminal filings. If the formula were used exclusively, there would be 138 judgeships.

There are 54 District Associate Judgeships. The number of judges is determined in two ways. First, Section 602.6301, Code of Iowa, provides a formula based on county population. Second, Section 602.6302 allows for the conversion of three judicial magistrate judgeships into one district associate judgeship. Of the 54 District Associate Judgeships, 34 resulted from the formula, 19 resulted from conversions, and one was created by Chapter 207, Section 7(f), 1995 Iowa Acts.

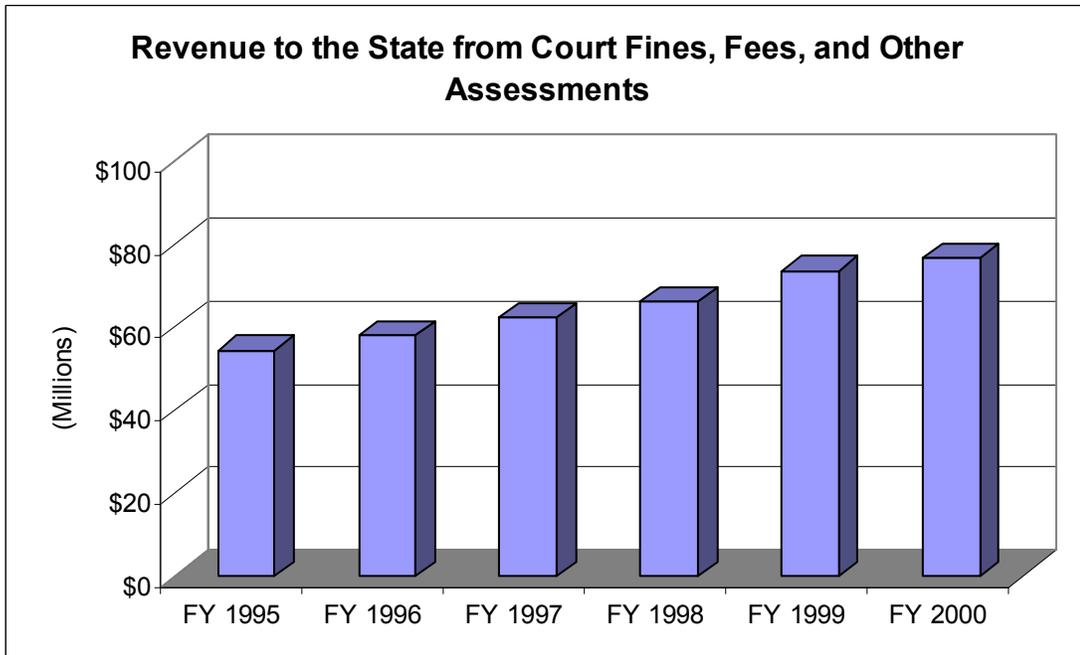
- **Increasing caseloads.** In 1999 there were a total of 1.1 million filings in district courts. The types of filings were distributed as follows:

	Number of 1999 Filings	Percent of Total	Number of 1989 Filings	Percent Increase Since 1989
Scheduled Violations	544,519	49.61%	467,542	16.46%
Simple Misdemeanors	286,536	26.11	272,642	5.10
Criminal	92,465	8.43	55,888	65.45
Small Claims	78,221	7.13	67,024	16.71
Civil	67,310	6.13	49,588	35.74
Probate	18,593	1.69	23,569	-21.11
Juvenile	9,846	0.90	7,088	38.91
Total	<u>1,097,490</u>	<u>100.00%</u>	<u>943,341</u>	<u>16.34%</u>

- **Adaptation to new technology.** In 1983, the General Assembly enacted legislation converting the court system to State funding. Prior to that time, most of the expenses of the court system were paid by the counties, primarily through property taxes. The legislation also transferred the revenue generated by the court system to the State General Fund. At the time of the reorganization, most of the work by the county clerk offices was done manually. The Judicial Branch recognized the need to automate.
  - Iowa Court Information System (ICIS): In FY 1988, the Department received the first appropriation for the development of the ICIS. In September 1997, the ICIS completed connecting all counties to the System. Capital costs over the decade required for installation of the ICIS System totaled \$19.2 million. Current annual operating costs are approximately \$3.0 million. The System is intended to provide for compilation of management information and statistical data for the Courts System and other governmental agencies.
  - Criminal Justice Information Network (CJIN) Project: The CJIN is a local area communications network that connects the databases of many criminal justice entities. The system provides judges with up-to-date information about a defendant's criminal history and the availability of jail space. CJIN systems are currently operating in Polk, Linn, Scott, and Story Counties.
  - Iowa Judicial Branch Web Site: The Judicial Branch web site began operation in June 1998. The web site covers court procedures, the structure and history of the Courts, schedules and opinions of the Iowa Supreme Court and the Iowa Court of Appeals and has biographies of all the justices, judges, and judicial magistrates. ([www.judicial.state.ia.us](http://www.judicial.state.ia.us))
  - Juvenile Court Officer Enhancement: The Judicial Branch is implementing a new program to enhance the efficiency of the State's juvenile court officers. Each juvenile court officer will be provided a laptop

computer which the officer can use in court or on the road. The ICIS juvenile court software module will be modified to allow downloading and uploading to a central server.

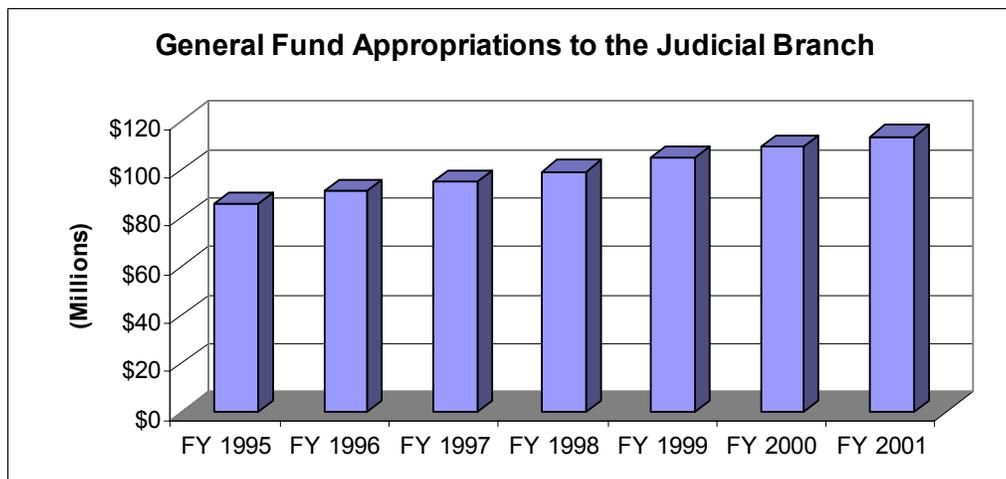
- Fines, fees, and surcharges collected.** In total, the Courts received \$76.6 million in revenues for the State of Iowa in FY 2000. Not all of these moneys are deposited in the General Fund. The Prison Infrastructure Fund receives \$9.5 million annually to pay for the construction of prisons and community-based corrections residential facilities. The Court Technology Fund receives \$1.0 million annually. The following table shows the total revenues generated for the State since FY 1995.



- Uncollected Fines, Fees, and Surcharges.** Approximately 30.0%, a total of \$32.5 million in FY 2000, of Court fines, fees, and surcharges remain uncollected annually.

**BUDGET IMPACT**

The following chart shows the General Fund appropriations for the Judicial Branch for recent years. Between FY 1995 and FY 2001, the General Fund appropriation to the Judicial Branch has increased by \$28.1 million (32.8%) to a total of \$113.7 million.



The following table shows the FTE count for non-judicial staffing in the Judicial Branch over the last three years. There have been 26.3 FTE positions added, a 1.6% increase, to the non-judicial staffing for the Judicial Branch between 1999 and 2001.

<b>Judicial Branch Non-Judicial FTE Count FY 1999-FY 2001</b>			
	<u>FY 1999</u>	<u>FY 2000</u>	<u>FY 2001</u>
Supreme Court & Admin.	114.25	128.5	128.5
District Court Admin	221.88	224.88	224.88
Court Reporters	179.56	183.56	183.56
Juvenile Court Services	286.54	289.34	289.34
Clerks of District Court	877.1	879.17	879.17
Total FTE Positions	<u>1,679.13</u>	<u>1,705.45</u>	<u>1,705.45</u>

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