



# HANDOUTS

## Judicial Dist. & Judicial Resources Study Committee

July 1, 2004

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**Final Report of the Supreme Court Advisory Committee on Judicial Branch Redistricting  
Supreme Court Advisory Committee**

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## A. THE BACKGROUND FOR JUDICIAL BRANCH REDISTRICTING

### 1. An Historical Perspective

From 1913 to 1967, Iowa had 21 judicial districts. In 1963, the legislature directed that an interim commission comprised of legislators, lawyers and judges make a detailed and comprehensive study of the administration, organization and structure of the Iowa court system, and redistricting of the judicial districts with particular emphasis upon utilization of court personnel. (Chapter 376, section 2, 1963 Iowa Acts.) The commission recommended that a uniform formula based on case load and population be adopted for determining prospectively the number of judgeships for each district and that the number of judicial districts be reduced substantially from the then 21 districts. (1967 Iowa Legislative Court Study Commission Report, Part III, at 17-18.) In 1967, the legislature adopted a formula for determining the number of district judges to which each judicial district is entitled and reduced the number of judicial districts from 21 to 18. (Chapter 399, 1967 Iowa Acts.)

In December 1968, Justice Harvey Uhlenhopp of the Iowa Supreme Court published an article in the *Drake Law Review* (Volume 18, No. 1) entitled “Judicial Redistricting in Iowa”. Justice Uhlenhopp urged the legislature to come to grips with the second part of the 1967 commission’s recommendation: substantially reducing the number of judicial districts. (Page 49). He observed that the basic issue is whether Iowans will be able to picture the state as a whole, rather than as little autonomous subdivisions. (Page 49).

Justice Uhlenhopp noted that there are two objectives in redistricting:

- (1) To develop districts which will assure adequate, accessible and frequent court service and
- (2) To create districts which will assure efficiency for the taxpayers who are footing the bill. (Page 50).

Justice Uhlenhopp outlined guidelines for modern judicial districts:

- An urban area should be joined with a rural area to provide a fair mixture.
- District size should be related to today’s methods of travel and designed to achieve the best judicial service at the lowest cost.
- Districts should be rounded out and not have a panhandle.

- Larger cities should be as near the middle of the districts as possible.
- There should be equality of travel. Travel cannot be equalized exactly among all districts, but fairness and esprit de corps dictate that an effort be made to make it as equitable as possible. (Pages 54-58).

Justice Uhlenhopp warned that there would be resistance to redistricting.

“Lawyers joke among themselves that they really favor redistricting – except for their own district. . . . The legal profession identifies the present districts with the present individuals therein and finds it difficult to view redistricting objectively. Since lawyers in each district know their fellow lawyers and the judges, the thought of even partial intermixing with other lawyers and judges seems to be disturbing, even though they may have attended law school together in earlier years and all read law out of the same books.” (Page 63).

Effective January 1, 1972, the number of judicial districts<sup>1</sup> was reduced from 18 to 8, and the number of judicial election districts<sup>2</sup> was reduced from 18 to 13. (See Figure A.1) [Chapter 261, 1971 Iowa Acts included as Iowa Code section 602.18 (1973)].<sup>3</sup> This Code section (602.18(4)) specified that a vacancy occurring in those districts having more judges than the number of judgeships authorized by the judgeship formula would not be filled. Those districts having fewer judges, or the same number of judgeships specified by the formula, were permitted to fill the vacancies as they occurred. (Section 602.18(5)).

The judgeship formula established by the 1967 legislature has not been amended substantively since it was established, with two exceptions. First, in 1975 the judicial formula was modified to authorize judgeships based on population or filings, rather than requiring that filings and population be given equal weight in the judgeship formula. The legislation also increased the number of filings per judge, created four population categories, and linked the filing factor to the size of the largest county rather than the presence of a city of 50,000 population or more in the judicial election district. (Chapter 1233, 1976 Iowa Acts.) In 1986, the legislature returned to the original formula based on giving equal weight to population and filings. (Chapter 1148, 1986 Iowa Acts.) Second, in 1990, the formula was amended to add an additional judgeship for the location of the Iowa State Penitentiary in Fort Madison (judicial election district

<sup>1</sup> A judicial district is a geographical area established for administrative purposes. Each judicial district has a district court administrator, a chief juvenile court officer, a finance and personnel officer and various assistants.

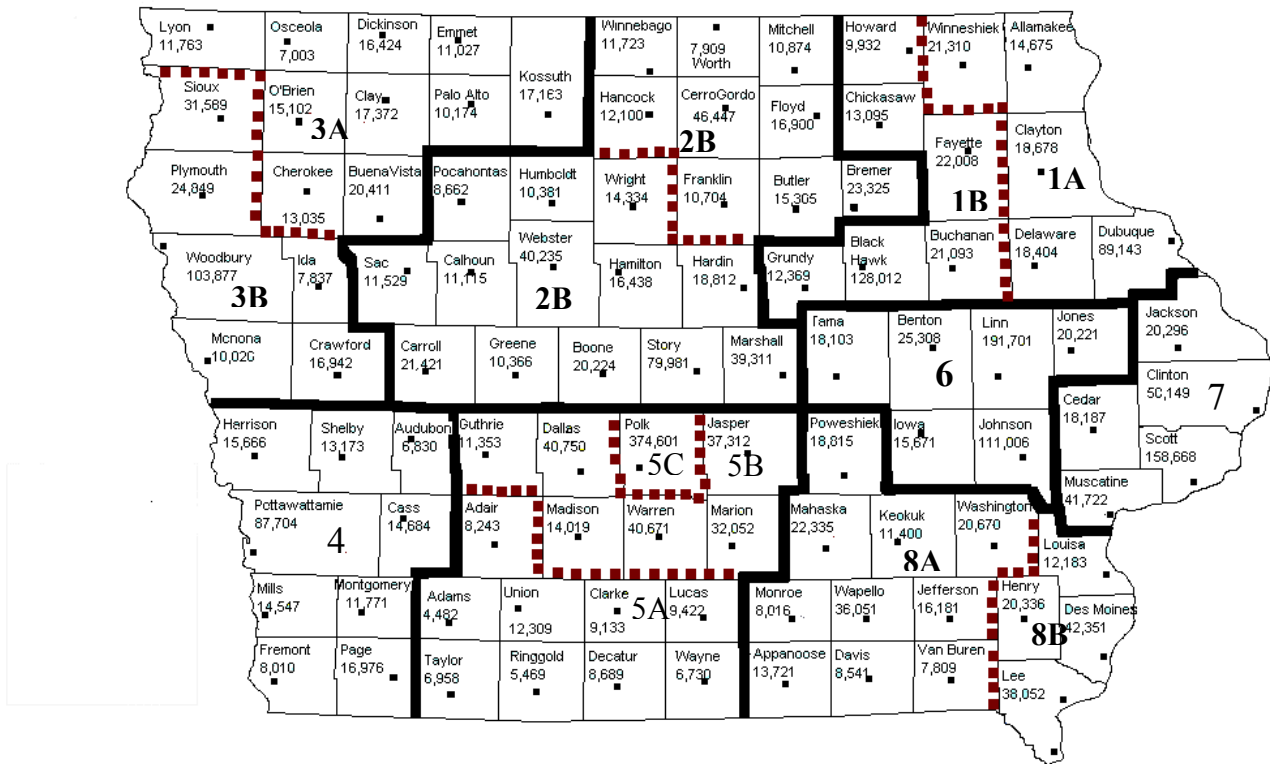
<sup>2</sup> A judicial election district or election district is a geographical area established for the nomination, appointment and retention of judges.

<sup>3</sup> The 14<sup>th</sup> election district was added in 1984 when Polk County was removed from election district 5A and became its own election district, 5C.

8B). (Chapter 1055, 1990 Iowa Acts, included as a part of Iowa Code section 602.6201(3)(b) (1991)).

**Figure A.1**

**Current 8 Judicial Districts and 14 Judicial Election Districts Created by the State Legislature, Effective Since 1972**



**Solid black lines:** Judicial district boundaries. **Dotted lines:** Judicial election district boundaries.

Since the formula was established, the number of formula judgeships has increased more rapidly than the number of actual resident judges, and at the present time; there are 133 formula judgeships, but only 116 actual resident district judges. In all likelihood, this disparity occurred because of lack of funding for additional district judgeships. The situation has been exacerbated by the fact that, perhaps due to political considerations, the legislature at times has allocated district judgeships to judicial election districts that have been less in need of additional district judges under the existing formula than other judicial election districts.

In 1996, the Commission on Planning for the 21<sup>st</sup> Century established by the Iowa Supreme Court issued a report entitled *Charting the Future of Iowa's Courts*. Some participants

in the 1996 study expressed concerns that the current judicial district boundaries established in 1973 (sic) result in districts that “have greatly disproportionate workloads, (and) vary too drastically in the geographical territory covered . . .” (Commission Report at pages 71-72). The commission recommended that the State Court Administrator “periodically evaluate the administrative effectiveness of judicial district boundaries so that the Supreme Court may recommend legislative changes, when appropriate.” (Commission Report at page 71).

In response to this report, the Iowa Supreme Court established the Judicial Boundaries Workgroup (Workgroup), which issued its report in November 1999. The Workgroup considered minor changes in judicial district boundaries, but deadlocked on whether to recommend changes to the Supreme Court. The Workgroup recommended that the Supreme Court revisit the issue of judicial district boundaries in three or four years.

In 2000, the Iowa Supreme Court requested the National Center for State Courts (NCSC) to perform a judicial workload assessment study to measure the workload of the Iowa state court system. The NCSC completed the study and submitted the final report to the Supreme Court in June 2002. The report found significant disparities between the supply of full-time equivalent (FTE) judicial officers from one judicial district to another. Four judicial districts had an excess of FTE judicial officers while the other four districts had a shortage of judicial FTE judicial officers. The difference was from an excess of 32 percent to a shortage of 19 percent, for a range of 51 percentage points. The chart in Figure A.2 on the next page illustrates these key findings.<sup>4</sup>

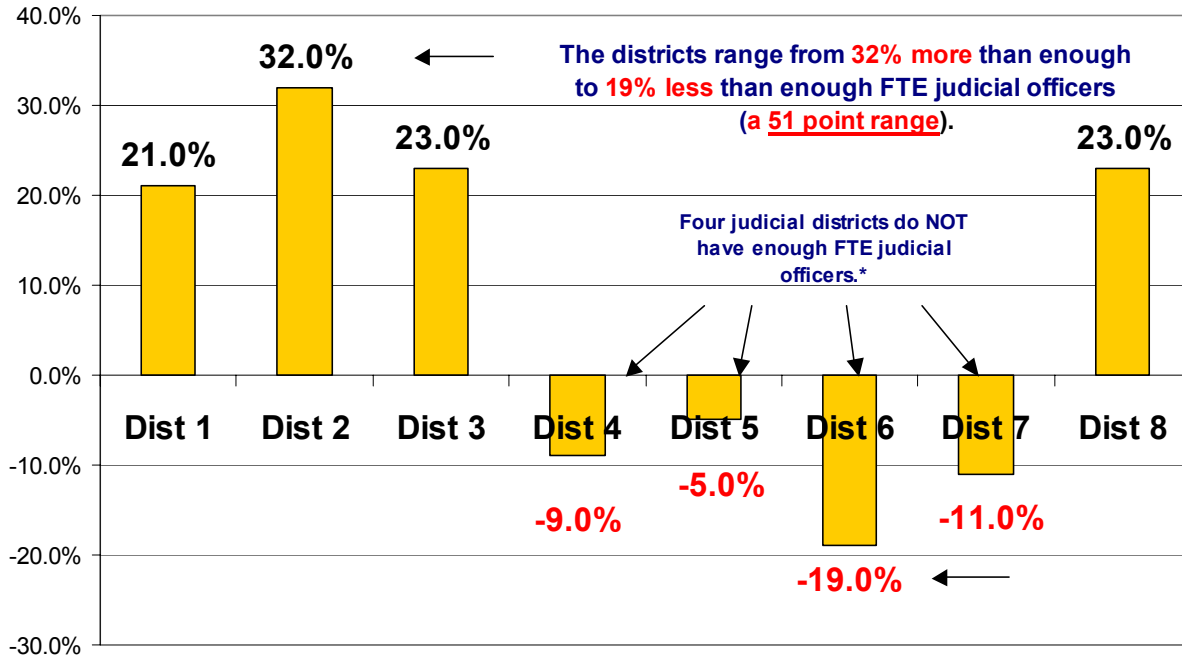
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<sup>4</sup> The NCSC’s report is available on the judicial branch’s web site at: [www.judicial.state.ia.us/orders/reports/](http://www.judicial.state.ia.us/orders/reports/)

Figure A.2

**Adequacy of FTE Judicial Officers for the Workload in the Current Judicial Districts**

This graph shows the percentage that FTE judicial officer supply exceeds or is below the weighted caseload demand for FTE Judicial Officers in the district\*



\*Based on a weighted caseload analysis conduct by the National Center for State Courts in 2000. Judges are full-time; magistrates are 25% of an FTE judicial officer. The actual shortage or surplus of FTE judicial officers in each district is: Dist. 1 = +4.24; Dist. 2 = +7.44; Dist. 3 = +4.21; Dist. 4 = -1.21; Dist. 5 = -1.93; Dist. 6 = -4.34; Dist. 7 = -1.98; Dist. 8 = +3.63.

The NCSC study provided new evidence, not available to the Judicial Boundaries Work Group in 1999, that there were significant disparities in judicial workloads among the judicial districts. Motivated by the desire to more equitably allocate judicial resources among the districts, the Iowa Supreme Court established the Advisory Committee on Judicial Branch Redistricting in August 2002. The Advisory Committee was directed to examine a range of relevant factors and to recommend a redistricting plan that reduced the number of judicial districts to six or fewer and to realign the judicial election districts.

## **2. Population Trends, 1970 - 2000**

Much of the media focus on Iowa's challenging population issues has focused on the state's rank in the Midwest and nationally. No state experienced a slower rate of growth in the 20th century than did Iowa. The size of Iowa's delegation in the U.S. House of Representatives has dwindled from 11 in 1900, to six in 1970 and five following the 1990 census. It will drop to four after the 2010 census barring a miraculous population increase.

Iowa continues to change within its borders in ways that receive less media attention. For instance, from 1995 to 2025, Iowa's elderly population is projected to increase by more than 50 per cent, inhibiting growth in state government resources while placing great demands on state services. Iowa is also experiencing a steady and increasing migration within the state--with people moving from smaller, rural counties to larger, urban and suburban counties.

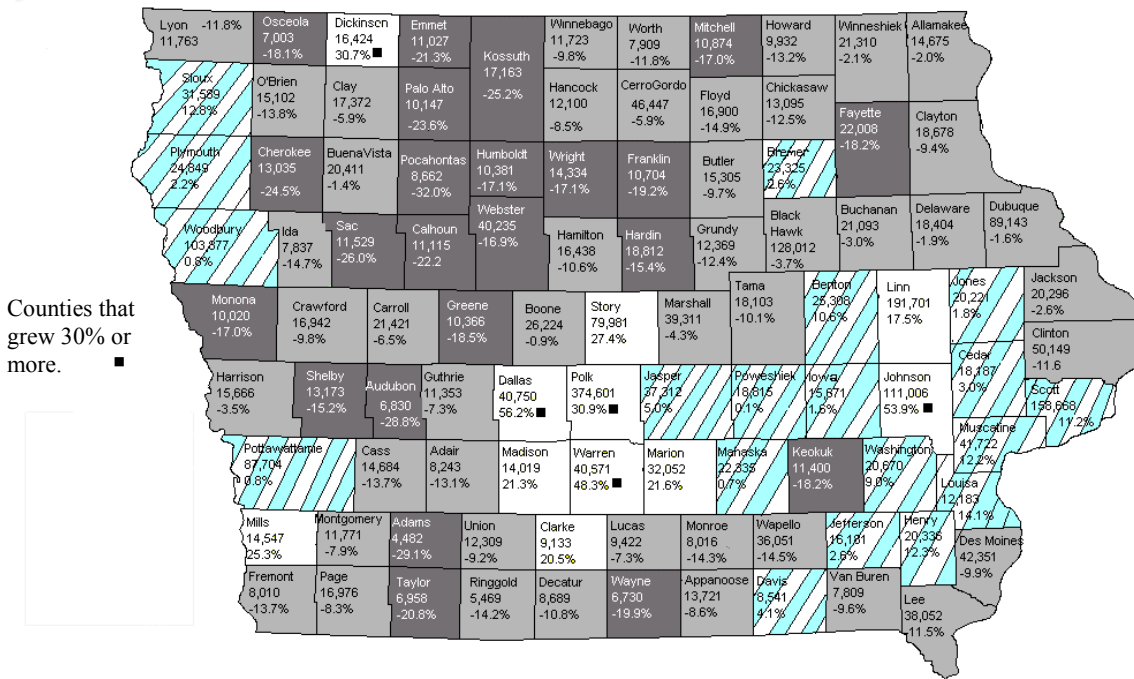
From 1970 to 2000, there were dramatic shifts in Iowa's population. The map in Figure A.3 below graphically shows these trends:

- 10 counties, 10 per cent of the total, lost 20 per cent or more of their population base.
- 13 Iowa counties lost between 15 and 20 per cent of their population.
- An additional 19 counties lost between 10 and 15 per cent of their population, for a total of 42 counties losing 10 per cent or more of their people in a generation.
- Some 27 counties lost up to 10 per cent of their population.
- A total of 69 Iowa counties, over two-thirds, lost population in the 30-year period.

On a positive note, one-third of Iowa counties (30) experienced some population growth from 1970 to 2000, with a third of them (11 counties) growing by 15 per cent or more. Some 23 of the 30 counties experiencing population growth (and 9 of the 11 fastest growing counties) are located in a large quadrant roughly bordered by Interstate 35 and Highway 30. Demographers at Iowa State University expect this pattern of migration and population shifts to continue at least through the end of the decade.

**Figure A.3**

**Population Trends in Iowa, 1970 – 2000**



**Key:** **Dark Gray:** population decline of at least 15%; **Light Gray:** population decline of .1 to 14.9%; **Striped:** population increase of .1 to 14.9%; **White:** population increase of 15% or more.

It is particularly interesting that the map in Figure A.3 shows that the regions with the greatest increase in population tend to be in the Des Moines metro area (which is primarily the northern half of Judicial District 5) and the Cedar Rapids-Iowa City metro area (which are the most populous counties in Judicial District 6). (See the current Judicial District map in Figure A.1 on p. 3) These are also the areas that have the most significant shortages of FTE judicial officers according to the NCSC’s study. (See Appendix 3.)

In addition, the regions that have experienced the greatest decline in population – especially north central and some of northwest Iowa (Judicial Election Districts 2A, 2B and 3A) – happen to be the areas that currently have the greatest surplus of FTE judicial officers according to the NCSC study. (See Figure A.1 on p. 3 and Appendix 3.) Although the reasons for the correlation between the population shifts in Iowa and the disparities in the allocation of judicial resources are not clear, the information examined in this section supports a serious consideration of judicial redistricting.



## **B. THE ADVISORY COMMITTEE'S WORK AND OUTREACH PROCESS**

The Advisory Committee on Judicial Branch Redistricting held five meetings in an 11-week time frame to successfully complete its work.<sup>5</sup> Each meeting was characterized by lively discussions of the issues. Because there were so many factors to consider, the Committee organized sub-committees to enable a more thorough review of the issues on a timely basis.

The Committee also made an important decision at the beginning of its process to create opportunities for public dialogue on the topic of redistricting. The Committee agreed to hold a series of evening "town meetings" to afford Iowans the opportunity to learn of the existence and work of the Committee and to discuss and question issues and ideas surrounding the topic of redistricting.

Originally a schedule was proposed for three public meetings to be held in West Des Moines, Cedar Rapids and Carroll--with Iowa Communications Network (ICN) video links to six other locations. The ICN two-way video link footprint was extended, and a total of 13 community sites were linked to the originating sites over three evenings during the week of November 11. The number of meeting sites was expanded so that all Iowans would be within approximately 60 miles of one of the meeting sites. At least 200 Iowans participated in the town meetings. A summary of the main themes that surfaced at the town meetings is included in Appendix 6 of this report. Those themes were thoroughly discussed at the Advisory Committee meeting following the town meetings.

The Committee's desire to listen to and learn from Iowans was also manifest in these other outreach actions:

- Distribution of press releases to Iowa media setting forth the Committee's purpose and work plans. Committee Co-chairs were interviewed by Iowa print and electronic media at various times during the fall.
- Correspondence by the Committee Co-chairs to Iowa judges, legislators, county attorneys, county bar association presidents and others who have a stake in redistricting decisions.
- Discussions by the Co-chairs with Iowa Bar Association leadership
- Presentations by the Co-chairs to the Trial Judges Forum and by Committee member David Wiggins to a meeting of the Iowa Trial Lawyers Association

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<sup>5</sup> Minutes of each Redistricting Advisory Committee meeting are available at the Iowa Supreme Court.

- Presentations by Co-chairs Oman and Remley to the Polk County and Linn County Bar Associations respectively
- Two presentations by Committee member Cynthia Moser to the Board of Governors of the Iowa State Bar Association
- Discussions by the Co-chairs with legislative leadership to keep them posted on the progress of the Committee
- Responses to several dozen letters received by the Committee from concerned Iowans and the addition of those peoples' names to the distribution list for the final report
- Information on the Committee and its work was posted on the Iowa Judicial Branch web site.
- The Iowa State Bar Association published the minutes from the Advisory Committee meetings and other information about redistricting in *The Iowa Lawyer* and distributed notices to its members via email about the public meetings conducted by the Advisory Committee.

### **C. THE ADVISORY COMMITTEE’S RECOMMENDATIONS FOR REDISTRICTING**

The Advisory Committee, having been instructed by the Supreme Court to propose a plan for redistricting that includes no more than six judicial districts, recommends three possible maps for redistricting: one with three judicial districts, one with four, and one with five. Unlike the current judicial districts, where four districts do not have enough FTE judicial officers to handle their caseload, all the districts in each of the three recommended maps have enough FTE judicial resources to handle the current workload, according to the NCSC’s data and analysis. The maps and supporting information are presented below in sections C.2 through C.4. Before proceeding to a detailed analysis of the recommended maps for redistricting, it is important to understand the factors considered -- and the process utilized by -- the Advisory Committee in the development of the maps.

#### **1. Evolution of the Proposed Maps for Redistricting**

During the first meeting of the Advisory Committee on September 20, 2002, John Goerdt, the Judicial Branch Planner for the Iowa Supreme Court, presented an overview of a report submitted by the National Center for State Courts (NCSC) to the Supreme Court in June, 2002: *State of Iowa Judicial Workload Assessment Study, Final Report* (hereafter, NCSC Study). Over one-half of all Iowa judges and judicial magistrates participated in this weighted caseload

study in the fall of 2000. (A summary of the NCSC Study methodology is set forth in this report in section C.3, at page 17.) The NCSC Study found that four of the current eight judicial districts had excess full-time equivalent (FTE) judicial officers, while four districts did not have enough FTE judicial officers. The judicial districts with the greatest shortage of FTE judicial officers in the NCSC Study are generally the same districts that have the greatest shortage of district judges based on the formula for district court judges found in Iowa Code section 602.6201. (See Appendix 4A.)

In order to facilitate the drafting of maps, the chairpersons of the Committee appointed a subcommittee on map drafting (subcommittee). This subcommittee was composed of Tom Betts, Curt Campbell, Naomi Christensen, Shirley Faircloth, Susan Flander, Tom Kierski, David Oman, Carolee Philpott, the Honorable David Remley, the Honorable Annette Scieszinski, Robert Waterman, and David Wiggins. The subcommittee requested John Goerdts to assist. Tom Betts and David Wiggins were named co-chairs of the subcommittee.

The following principles for drafting maps were adopted by the subcommittee:

1. Natural alliances between counties, cities, and areas should be reflected in the maps.
2. Commuting patterns and the development of new highways should be reflected in the maps.
3. The maps should reflect population and judicial workload trends.
4. Judges should be selected from all parts of the state.
5. Judicial election districts should be determined first and then combined into judicial districts.
6. Each judicial district should have a sufficient number of FTE judicial officers to meet projected workload demand.
7. When combining judicial election districts into judicial districts, it is important to surround those election districts with a shortage of FTE judicial officers with election districts with an excess of FTE judicial officers. Judicial officers in an election district with excess FTE judicial officers should then serve as needed – and if logistically practical – in an adjoining election district with a shortage of FTE judicial officers located in the same judicial district.
8. Because judges are nominated through local judicial nominating commissions, it is necessary that Polk County remain a separate judicial

election district. Otherwise, any election district containing Polk County would have most, if not all, judges nominated from Polk County.

9. Judges should work primarily within travel friendly judicial election districts.
10. Improvements in highways since 1972 facilitate the creation of a smaller number of judicial districts than presently exist.
11. Improvements in communication and information management technologies will facilitate creation of a smaller number of judicial districts than currently exist and reduce the need to travel to a courthouse for the following reasons:
  - (1) More proceedings will be conducted by telephone or fiber optic video;
  - (2) E-mailing of documents will allow electronic filing with the clerk and the ability to instantaneously provide a judicial officer with a copy of a document during a hearing; and
  - (3) Paperless court files will permit the review of a court file from a remote location.

The subcommittee met between September 20, 2002 and October 11, 2002 and examined at least 12 maps. Persons on the Committee submitted approximately one-half of the maps while persons outside of the Committee submitted the remaining maps. A statistical analysis was done on each map using the same data and statistical analysis techniques employed in the NCSC Study. Nine maps were voted out of the subcommittee to be presented to the Committee. The maps rejected by the subcommittee were those maps that did not have sufficient FTE judicial officers in at least one judicial district.

At the meeting on October 11, 2002, the co-chairs divided the Committee members into three groups based upon geographical regions: west, central and east. Each group was to identify counties with natural ties that should be included with each other in any new redistricting plan. A designated member for each geographical region took notes. The Committee reconvened and directed the subcommittee to present new maps taking into consideration the geographic, economic, and transportation ties between communities. The Committee directed that sufficient FTE judicial officers be located in each judicial district to meet projected workload demand. The Honorable J. C. Irvin and Curt Campbell were added to the subcommittee.

Between the October 11 and November 1 meetings, five maps were prepared, and each map contained 16 judicial election districts. The maps ranged from two judicial districts to five judicial districts with each judicial district having sufficient FTE judicial officers to meet the needs of the district. The five maps were also analyzed under the statutory formula for the appointment of district court judges. This analysis confirmed all five maps provided a more equitable allocation of district court judges under the existing statutory formula than the allocation of district court judges in the present eight-district map. These five maps were presented to the Committee at the November 1 meeting.

At the November 1 meeting, Curt Campbell presented seven additional six-district maps prepared by the chief judge and court administration staff in the Eighth District. The Committee discussed the maps presented by Curt Campbell and the five maps presented by the subcommittee. The Committee decided to present the maps proposed by the subcommittee at the public hearings to be held on during the week of November 11.

After receiving comments from the public meetings held on three dates in 16 locations, a map containing six judicial districts was presented to the Committee at its meeting on November 25, 2002. The comments from the public meetings regarding the proposed alignment of counties into judicial election districts and the proposed alignment of judicial election districts into judicial districts were considered by the Committee at its November 25th meeting. The Committee made changes to the maps based on public input and voted to recommend three maps in its final report: one with three judicial districts, one with four and one with five.

In addition to the general principles set forth above, the following specific factors were considered in recommending the three maps:

1. Existing judicial election districts were kept together, when possible.
2. The counties contiguous to Polk County needed to be in the same judicial district as Polk County to provide sufficient FTE judicial officers for the judicial district containing Polk County. This necessitated placement of Boone, Story, and Marshall County in the same judicial district as Polk.
3. Existing ties between Marshall, Hardin, Tama, and Poweshiek Counties should be maintained by including these counties within the same judicial election district.
4. Existing ties between Linn and Johnson Counties should be maintained by including these counties in the same judicial election district.

5. Existing and planned highways, including:
  - a. The opening of the four-lane highway between Polk and Marshall Counties.
  - b. Highway 141 between Polk and the counties northwest of Polk.
  - c. Highway 163, which travels southeast from Polk County.
  - d. Interstates 80, 380, 29 and 35.
  - e. Highway 20, which may have four lanes across the state.
  - f. Highway 151, which will have four lanes from Cedar Rapids to Dubuque within three years.
  - g. The Avenue of the Saints, which will soon have four lanes from the Missouri border to Mason City.
  - h. Highway 30, which has four lanes in central Iowa and parts of eastern Iowa.

The Committee respectfully recommends the three redistricting maps that follow for consideration by the Supreme Court.

## **2. Three Recommended Maps for Redistricting**

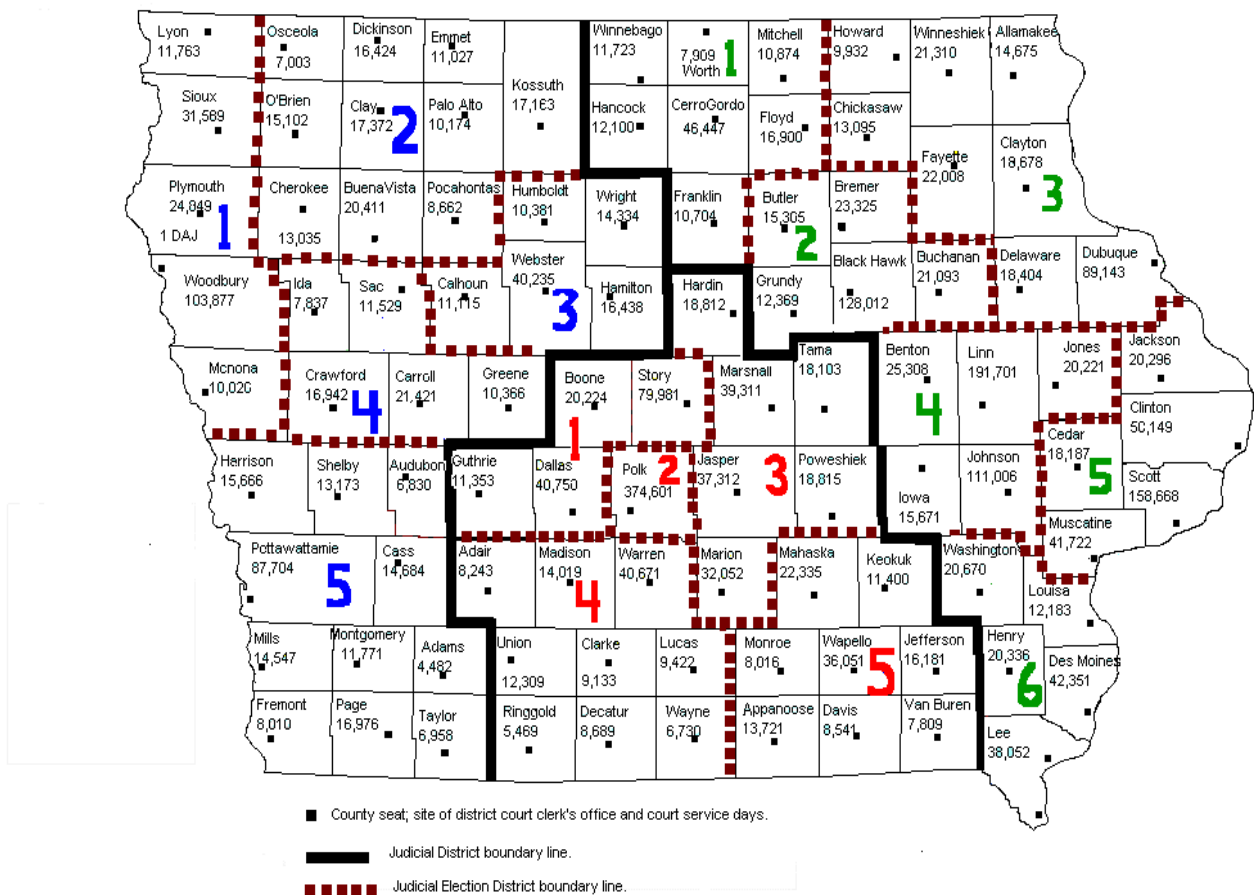
The Supreme Court instructed the Advisory Committee to propose a plan for redistricting that included six or fewer judicial districts and new judicial election districts. After analysis and consideration of numerous proposed maps, the Advisory Committee recommends these three maps for consideration by the Supreme Court. Map 1 has three judicial districts; Map 2 has four judicial districts; and Map 3 has five judicial districts.

As indicated above, the Committee developed these maps “from the ground up.” First, it attempted to group counties with natural economic, transportation, and other ties in the same election district. This process led to the creation of a map with 16 judicial election districts. The Committee then grouped the election districts to create scenarios with two to six judicial districts. Each map was analyzed using the NCSC’s data and statistical analysis strategy to determine whether each judicial district had enough FTE judicial officers to handle the current workload. Each of the recommended maps meets this threshold criterion. Some of the judicial

election districts do not have enough FTE judicial officers, according to this analysis. However, each judicial election district that has a shortage of FTE judicial officers has one or more adjoining judicial election districts within its judicial district that has “excess” FTEs that can be utilized to meet the workload demand within the judicial district.

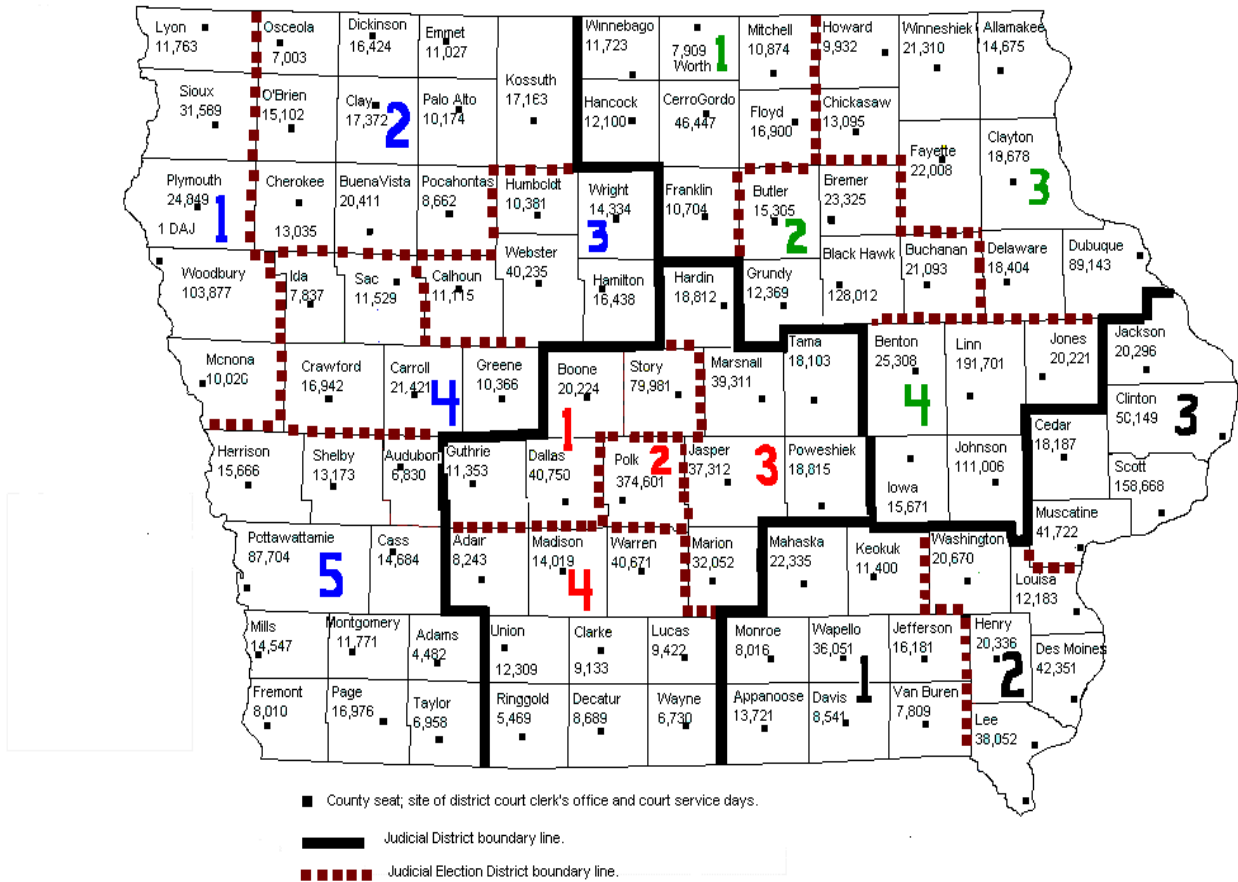
## Map 1

### 3 Judicial Districts & 16 Judicial Election Districts



# Map 2

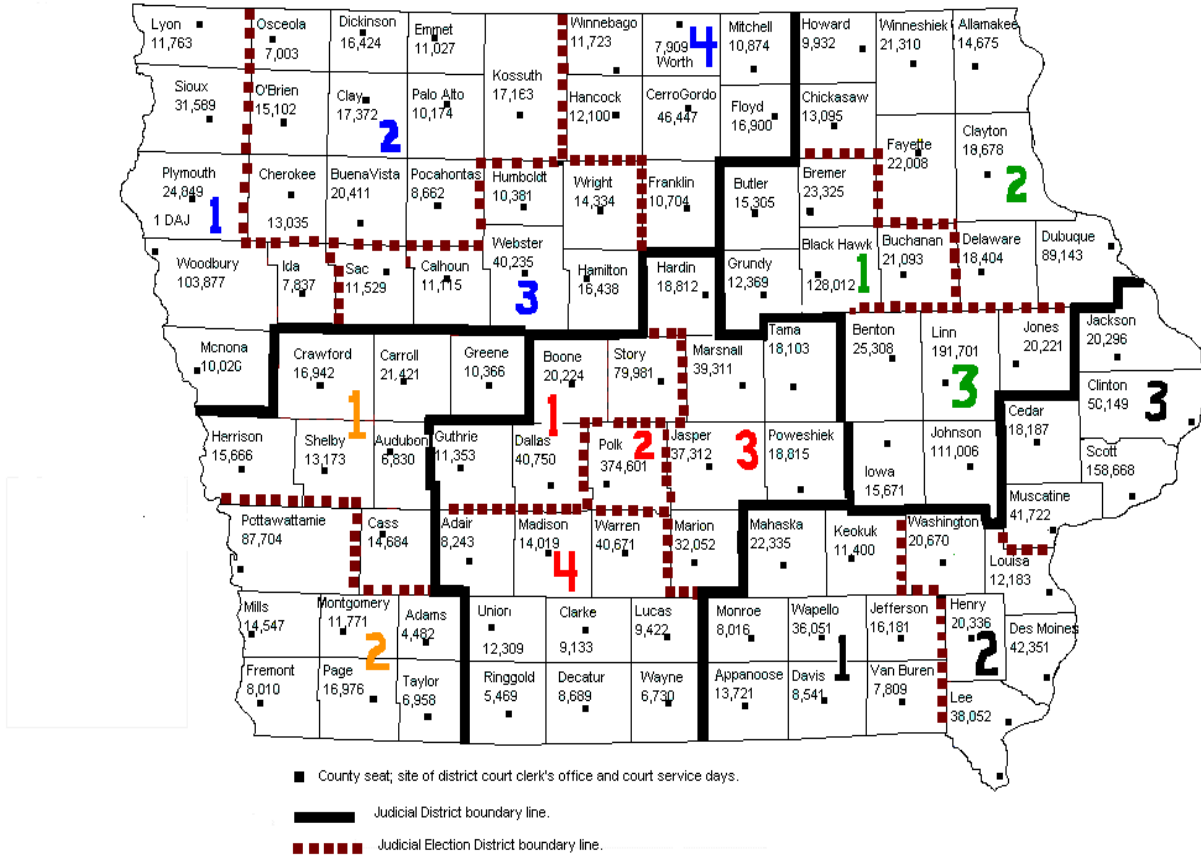
## 4 Judicial Districts & 16 Judicial Election Districts





# Map 3

## 5 Judicial Districts & 16 Judicial Election Districts



### **3. Explanation of the Analysis Used By the Committee to Evaluate the Maps**

#### **a. Overview of the NCSC's Statistical Analysis Technique**

Part of the Supreme Court's motivation for creating the Advisory Committee derived from the findings of the NCSC Study, which concluded that the Iowa district courts had enough judicial officers to handle the caseload, but that the judicial officers were not equitably allocated. Four districts had excess judicial officers and four districts had an insufficient number of judicial officers. As the Advisory Committee commenced its development of the proposed maps, it relied on the NCSC's data and weighted caseload analysis techniques to assess whether each district in the proposed maps had enough FTE judicial officers to handle the workload within the district. This became a threshold question for evaluating the numerous maps evaluated by the Committee.

The following section includes tables that show the various components of the statistical analysis used by the Committee to evaluate the three proposed maps. Before moving to that section, however, it is necessary to provide a brief explanation of the steps in the statistical analysis.

#### *(1) Background on the NCSC*

The Iowa Supreme Court employed the NCSC to perform the district court workload assessment and develop a weighted caseload formula for determining the need for judicial officers in the district court. The NCSC is widely known and respected in the areas of research and consulting in the field of court administration. It has conducted many weighted caseload studies in state court systems throughout the U.S., including Minnesota, Wisconsin, Nebraska, South Dakota, New Mexico, Washington, and others.

#### *(2) NCSC's Research Strategy*

The NCSC met with a steering committee of judges to develop the forms used to collect the data during the study. More than half of all district and district associate judges and magistrates in the state volunteered to participate in the study, which required them to keep detailed records of the time they spent on cases over a two-month period in the fall of 2000. The NCSC indicated that this is a very high participation rate compared to other similar studies they have done in state courts, so they are confident that the sample is representative of all judges in the state.

### *(3) Calculating "Judgeship Demand"*

The NCSC entered and analyzed all the data received from the judges. They calculated the total amount of time (in minutes) that judges and magistrates spent on each case type during the study period, then divided the time by the number of cases disposed for each respective case type. The result of this calculation is the "case weight" – which is the average amount of time (in minutes) judges spend on a respective case type.

NCSC staff determined the total number of cases filed for each case type during year 2000. They multiplied the number of filings by the respective case weights in each judicial election district to estimate the total number of minutes of judge time that would be required to handle that number of filings in the election district. (This is the "Workload in Minutes;" see Appendices 4 and 5.)

With the assistance of the steering committee, the NCSC determined that judges typically work 212 days per year, after subtracting time for holidays, vacation, sick leave, and conferences/education programs. This translates into 95,400 minutes of work by judges per year. The NCSC divided the Workload in Minutes by 95,400 minutes (the typical work time for a full-time judge) to determine the "Predicted FTE Judgeship Demand." (See Appendices 4 and 5.)

### *(4) Calculating "Judgeship Supply"*

NCSC staff determined the total number of district court judges and all associate judges (district, juvenile, and probate) in each election district. Each is a full-time judge. In addition, the NCSC identified the number of judicial magistrates, who are part-time judicial officers. The NCSC examined the work-time data received from the participating magistrates and determined that the total number of minutes they reported on judicial activity amounted to 25 percent of the available work time during the study period. Therefore, magistrates are treated as .25 of an FTE judicial officer for purposes of determining the "FTE Judgeship Supply." (See Appendices 4 and 5.) The "Actual Judicial Positions (FTEs)" equals the number of district and associate judges -- plus -- the number of magistrates multiplied by .25. After determining the total actual number of FTE judicial officers, the NCSC subtracted the amount of time (calculated as FTE judicial positions) that judges and magistrates in each election district spent on travel and other non-case-specific activities (e.g., meetings, reading appellate court opinions, general administration and management time, and public outreach activities with community groups). Subtracting time spent on these matters results in the "Net FTE Judgeship Supply." (See Appendices 4 and 5.)

#### *(5) Difference Between Judgeship Supply and Demand*

This is the “bottom line” for evaluating the maps. The Committee sought to create maps that would provide each judicial district with at least enough FTE judicial officers to handle the current workload. As the tables in Figure C.1 (below) indicate, each of the three proposed maps achieves this goal.

#### *(6) Final Note on the Statistical Analysis*

Appendix 5 includes detailed tables that assess the adequacy of judicial resources in each district for each of the recommended maps. The tables examine the proposed redistricting maps using the same data and analysis technique used by the NCSC (outlined above); the county-based data have simply been reorganized into the proposed new judicial districts and judicial election districts. The critical table that summarizes the findings from the NCSC study is included in Appendix 4; it can be used to compare the findings in the tables in Appendix 5 and in the summary table below.

**Note:** The NCSC’s report is available on the judicial branch web site at: [www.judicial.state.ia.us/orders/reports](http://www.judicial.state.ia.us/orders/reports)

### **4. Assessment of the Allocation of Judicial Officers in the Three Proposed Maps**

#### **Map 1**

Figure C.1 below shows that for Map 1 each of the three districts has enough FTE judicial officers, with a range from 3.1% more than enough in the Eastern Judicial District to 8.4% more than enough in the Western Judicial District. In the Western Judicial District, election district 5 (the group around Pottawattamie County) has a deficit of 1.6 FTEs, but election district 4 to the north (surrounding Carroll County) has a surplus of 2.1 FTEs. So election district 4 should be able to assist with the workload in election district 5. In the Central Judicial District, election district 2 (Polk County) has a deficit of 4.6 FTEs. However, it adjoins election district 1 (Guthrie, Dallas, Boone, and Story Counties) which has a surplus of 4.9 FTEs. Coordination of judicial assignments between these two election districts should help alleviate the workload demands in Central election district 2. In the Eastern Judicial District, two of the

**Figure C.1**

**Assessing the Supply of -- and Demand for -- Judicial Officers  
in the 3 Proposed Maps for Redistricting\***

<b>MAP 1</b>																
Judicial Districts -->	Western District					Central District					Eastern District					
Election Districts-->	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	6
<b>Supply is X% more or less than Demand</b>	12%	35%	-16%	67%	-12%	74%	-15%	-11%	43%	26%	32%	26%	21%	-15%	-11%	7%
Supply of -- minus Demand for -- FTE Judicial Officers equals:	1.2	2.4	-0.9	2.1	-1.6	4.9	-4.6	-1.0	2.4	1.8	1.9	3.2	2.0	-3.2	-2.0	0.6
<b>Total Surplus:</b>	<b>3.3 FTEs; 8.4%</b>					<b>3.6 FTEs; 6.1%</b>					<b>2.4 FTEs; 3.1%</b>					

<b>MAP 2</b>																
Judicial Districts -->	Western District					Central District				N.E. District				S.E. District		
Election Districts-->	1	2	3	4	5	1	2	3	4	1	2	3	4	1	2	3
<b>Supply is X% more or less than Demand</b>	12%	35%	-16%	67%	-12%	74%	-15%	-11%	43%	32%	26%	21%	-15%	26%	7%	-11%
Supply of -- minus Demand for -- FTE Judicial Officers equals:	1.2	2.4	-0.9	2.1	-1.6	4.9	-4.6	-1.0	2.4	1.9	3.2	2.0	-3.2	1.8	0.6	-2.0
<b>Total Surplus:</b>	<b>3.3 FTEs; 8.4%</b>					<b>1.8 FTEs; 3.5%</b>				<b>3.8 FTEs; 7.7%</b>				<b>.4 FTE; 1.1%</b>		

<b>MAP 3</b>																
Judicial Districts -->	N.W. District				Central District				N.E. District			S.E. District			S.W. Dist	
Election Districts-->	1	2	3	4	1	2	3	4	1	2	3	1	2	3	1	2
<b>Supply is X% more or less than Demand</b>	17%	35%	-18%	32%	74%	-15%	-11%	43%	26%	21%	-15%	26%	7%	-11%	30%	-7%
Supply of -- minus Demand for -- FTE Judicial Officers equals:	1.8	2.4	-1.1	1.9	4.9	-4.6	-1.0	2.4	3.2	2.0	-3.2	1.8	0.6	-2.0	1.5	-0.8
<b>Total Surplus:</b>	<b>5.0 FTEs; 17%</b>				<b>1.8 FTEs; 3.5%</b>				<b>1.9 FTEs; 4.5%</b>			<b>.4 FTE; 1.1%</b>			<b>.7 FTE; 4.4%</b>	

\*Based on the data and analysis methods used by the National Center for State Courts in its report: *State of Iowa Judicial Workload Assessment Study, Final Report* (June 2002). Based on year 2000 filings.

\* See **Appendix 5** for detailed statistical tables that show data on each map.

five election districts also have a deficit of FTEs. Election district 4 (the group surrounding Linn County) has a deficit of more than 3 FTEs and election district 5 (current judicial district 7) has a deficit of 2 FTEs. The adjoining judicial election districts to the north – Eastern election districts 2 and 3 (essentially the current First Judicial District) – have surplus FTEs that should help alleviate the deficits in election districts 4 and 5.

### **Map 2**

Map 2 includes four judicial districts. Each judicial district in Map 2 has more than enough FTE judicial officers to handle the workload. (See Figure C.1.) The judicial districts range from a surplus FTEs of 1.1% in the Southeast Judicial District (the current 7<sup>th</sup> and 8<sup>th</sup> Judicial Districts) to a surplus of 8.4% in the Western Judicial District. Because this map is based on the same 16 judicial election districts found in Map 1, Map 2 has the same patterns of election districts with surpluses and deficits. The election districts in the Western, Central, and Eastern Judicial Districts that have deficits remain next to other election districts with sufficient surpluses to help with the workload where there is a deficit. In the Southeastern Judicial District, however, election district 3 (the current 7<sup>th</sup> Judicial District) has a deficit of 2 FTEs, but is next to only one other election district within the Judicial District, and that election district (S.E. #2) – the current sub-district 8B – has a surplus of only .57 FTEs. The other judicial election district (S.E. #1) in the Judicial District might not be able to conveniently assist with the workload in S.E. #3.

### **Map 3**

In Map 3, the five-district model, all judicial districts have sufficient FTE judicial officers to handle the workload. The surpluses range from 1.1% in the Southeastern Judicial District to 17% in the Northwestern Judicial District. (See Figure C.1.)

The Committee based this map on Map 2, but divided the large Western District into the Northwestern and Southwestern Judicial Districts. In addition, the election district surrounding Cerro Gordo County – which is in the Northeastern Judicial District in Map 2 – was moved to the Northwestern District in Map 3. To create two reasonable districts in the Western half of the state, the Committee altered the configuration of counties in the five judicial election districts in

these two judicial districts. The Central and Southeastern Judicial Districts are the same as those found in Map 2.

In the Northeastern, Southeastern, and Central Judicial Districts the concerns about balancing the surpluses and deficits of FTEs among the election districts remain the same as in Map 2. In the Northwestern Judicial District in Map 3, election district 3 (surrounding Webster County) has a deficit of about 1 FTE. However, the two election districts to its north (election districts 2 and 4) have more than enough surplus FTEs to assist with the workload in election district 3.

In the Southwestern Judicial District, election district 2 (surrounding Pottawattamie County) has a small deficit of FTEs, while its neighboring election district (#1) has a surplus. These two election districts should be able to work together to meet the workload demand.

#### **D. BEYOND THE MAPS: THE COMMITTEE'S OTHER RECOMMENDATIONS**

The Committee received many suggestions pertaining to matters outside the literal charge of the Supreme Court Order that established the Committee. The Committee created a subcommittee to consider those suggestions and propose a list of other recommendations – not related to judicial district boundaries – for discussion by the full Committee. The Committee believes the following recommendations are important in any debate about the future operation of the Judicial Branch and respectfully forwards them to the Iowa Supreme Court:

1. District Court and Magistrate Court should continue to be held in all 99 counties.
2. An adequately staffed clerk of court's office should be kept open in all 99 counties on a full-time basis.
3. Legislation should be adopted authorizing the Supreme Court to move a district judge vacancy in one judicial election district to another judicial election district based on objective workload measures.
4. Legislation should be adopted to accomplish reallocation of judicial officers through voluntary transfers. Specifically, the Supreme Court should be empowered to approve the voluntary transfer of a District court judge or district associate judge (and the position held by that judge) from one judicial election district to another judicial election district based on objective workload measures and subject to the transfer candidate's

eligibility based on a specified minimum years of service as a judicial officer. However, voluntary transfer should not be permitted into any existing vacancy.

5. Any judge who, in fact, works a significant amount of time in a county outside the judge's judicial election district during the judge's term of office should be certified onto the retention ballot of the additional county or counties served.
6. The Supreme Court should establish an advisory committee to examine the subject matter jurisdiction of Iowa's judicial officers – district judges, district associate judges of all types, and magistrates – and to recommend changes, if necessary, to improve the effective utilization of judicial officers and, thereby, the delivery of court services in Iowa.
7. Each judicial election district should be represented by a judge on the Judicial Council.
8. Best practices should be identified and implemented both district-wide and statewide.
9. The configuration of judicial districts and judicial election districts and the allocation of judges and other resources should be reviewed every ten years based on objective measures, including workload.
10. Any re-mapping of judicial districts and judicial election districts should be based on a bottom-up approach, which facilitates an efficient and cost-effective delivery of services, and takes into account natural ties among counties, travel logistics and other relevant factors.
11. The legislature should consider the establishment of judicial districts and/or judicial election districts that share common boundaries with executive branch agencies with which the judicial branch interacts on a regular basis. For example, judicial branch boundaries that are made compatible with Department of Correctional Services districts, Department of Human Services districts, etc. will foster inter-branch cooperation and capture operational efficiencies.
12. If the legislature establishes new judicial districts and judicial election districts, there should be sufficient transition time allowed so that current working relationships with other levels of government and agencies may be salvaged and adapted. Special transition planning will be necessary with the Department of Correctional Services, which will be significantly affected by judicial redistricting.



13. If the Supreme Court creates a Court Administration Advisory Committee, Judge Annette Scieszinski should be appointed as a member to help follow through on appropriate recommendations offered in this section.

## **E. RESPONSE TO SUGGESTED ALTERNATIVES TO REDISTRICTING**

It has been suggested that statutory authority already exists for equalizing disparity in judicial workload between judicial districts. Iowa Code section 602.6108 authorizes the Chief Justice of the Supreme Court to assign judicial officers from one judicial district to another, on a continuing basis if necessary, in order to handle the judicial business in all districts promptly and efficiently at all times. Although this statute is primarily used to temporarily assign a judge from one district to another district when all of the judges of the receiving district have a conflict of interest on a given case, it has also been used recently to provide short-term relief to the Fifth District and the Sixth District. It is not a viable long-term solution, because the disparities that presently exist are more or less permanent and would require long-term reassignment of a district judge from one district to another. It is problematic that under current law a reassigned judge would not be subject to a retention vote in the receiving district, but would be subject to a retention vote in the judge's district of residence, even though a substantial portion of the judge's term of office may be spent outside the judge's district of residence.

Reassignment of senior judges by the Chief Justice of the Supreme Court pursuant to authority granted by Iowa Code section 602.9206 has been suggested as an alternative to redistricting. Senior judges work 13 weeks per year in exchange for nominal compensation, but are not entitled to appoint a court reporter unless specifically authorized by the Supreme Court. The number of senior judges per judicial district ranges from one to eight. The NCSC Study does not include the availability of senior judges in each judicial district as an additional judicial resource. With the exception of the Fifth Judicial District, those judicial districts that are most in need of additional judicial resources according to the NCSC Study have only one senior judge each, while those judicial districts that have an excess of FTE judicial officers according to the NCSC Study have from three to eight senior judges each. Inclusion of senior judges in the NCSC Study analysis, therefore, would further increase the disparity between those districts with excess FTE judicial officers and those districts with a shortage of FTE judicial officers.

Although the reassignment of senior judges from one district to another would provide short-term assistance, as would the reassignment of full-time district judges from one district to

another, senior judges do not have court reporters, and there are no available funds to hire reporters for senior judges. Most judicial districts are struggling to provide reporters for full-time judges on a daily basis. The unavailability of a court reporter for a reassigned Senior Judge limits the ability of the senior judge to provide significant help. In addition, reassignment of senior judges to another judicial district would be a disincentive for judges to participate in the senior judge program.

Another suggested alternative to redistricting is the transfer of district judge or district associate judge vacancies by attrition upon the retirement, resignation or death of a district judge or district associate judge who resides in a judicial election district which has more FTE judicial officers than needed to meet predicted demand in that judicial election district. The Committee obtained data from the State Court Administrator's Office on judicial retirements. During the past 13 years, the number of retirements of district judges and district associate judges, exclusive of associate juvenile and associate probate judges, ranged from one to six per year, with an average of 3.6 per year. As of September 25, 2002, only five district judges are subject to mandatory retirement in the next five years, and only two of these five judges reside in judicial districts that have an excess of FTE judicial officers over predicted demand according to the NCSC Study. There is one district associate Judge who is subject to mandatory retirement within the next five years, and that judge resides in a district that has an excess of FTE judicial officers over predicted demand according to the NCSC Study.

Within the next five years, 19 district judges will have attained 25 years of service and will be eligible for full retirement benefits. This does not include two district judges who have already attained 25 years of service, but continue to work full-time. Of these 19 district judges, only seven reside in judicial districts that have an excess of FTE judicial officers over predicted demand according to the NCSC Study. In the next five years, five district associate Judges will attain 25 years of service and will be entitled to full retirement benefits. This number does not include one district associate Judge who has already attained 25 years of service, but continues to work full-time. Only one of these district associate judges resides in a judicial district that has an excess of FTE judicial officers over predicted demand according to the NCSC Study. There may be some judges retiring in the next five years who will not be subject to mandatory retirement or have completed 25 years of service. However, the stock market decline of the past three years is likely to delay previously planned early retirement of some judges. Therefore, the movement of judicial vacancies by attrition would provide some long-term relief to the disparity that presently

exists according to the NCSC Study, and would be a valuable method of maintaining parity once parity is achieved, but it will not provide immediate relief.

The voluntary transfer of judges from districts that have excess FTE judicial officers to districts that have a shortage of FTE judicial officers based upon objective workload measures has also been suggested. This approach, like attrition, would provide some long-term relief to the existing disparity and would assist in maintaining parity once parity is achieved. However, any such voluntary transfers should be subject to a requirement of a specified minimum number of years of service as a judicial officer before becoming eligible to transfer; a prohibition against a voluntary transfer into any existing judicial officer vacancy in the receiving district and Supreme Court approval of the request for voluntary transfer.

It has been suggested that an alternative to redistricting at this time is further study and time to develop case load statistics that are more accurate than those used by the NCSC Study in 2000 (which were compiled manually by clerks of district court). A recent review of the case filings for 2002<sup>6</sup> (which were compiled by the court system's new automated caseload statistics program) suggests that there has been a very modest increase in total filings from 2000 to 2002; but there have been unusually large increases in some case categories. For example, seven of the 17 case type categories increased from 20.2 to 67.6 percent, while the filings of another case type fell by 89.7 percent. If the latest analysis of 2002 filings is accurate, there might be no "surplus" – and there could be a statewide shortage – of FTE judicial officers, whereas the NCSC Study estimated that there was a surplus of about 10 FTE judicial officers in 2000.<sup>7</sup> At this point, however, there is no satisfactory explanation for the substantial changes in filings for the eight case type categories mentioned above. If state court administration staff can resolve concerns about the 2002 statistics, they could apply the NCSC's weighted caseload analysis to obtain updated information on the demand for judicial officers without delaying action on proposed redistricting.

Finally, it has been suggested that an implementation of best practices statewide, and a greater accountability for the efficient use of resources from district to district, could result in more productive use of existing judicial resources. For example, some judges refuse written arraignments (otherwise authorized by Iowa Rule of Criminal Procedure 2.8 (1)); consequently,

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<sup>6</sup> State Court Administration staff compiled information on year 2002 filings from January through September then projected those filings to the end of 2003 – assuming the same rate of filings as occurred in the first nine months.

<sup>7</sup> See Appendix 4 for the NCSC's weighted caseload analysis of year 2000 filings and judgeship supply and demand.

criminal defendants and their counsel are required to participate personally in an arraignment record. It is also reported that some judges mandate periodic personal appearances by criminal defendants and counsel for on-the-record "status conferences" in all cases. These types of practices---whether or not they skew statistical data among the districts---are viewed by some as an inefficient use of judicial branch resources and unnecessarily increasing the costs to all. Without a candid, statewide examination of disparate court administration and management practices, these and other similar issues cannot be addressed. They are beyond the scope of this Committee.

By the time the legislature convenes in January 2003, it will have been 31 years since the last judicial redistricting. Those persons who oppose judicial redistricting have criticized the NCSC Study methodology and the accuracy of the case filing statistics that were used in the NCSC Study model. Although the method of counting case filings has evolved over the past 31 years, this same method of counting cases has been relied upon annually in applying the judgeship formula set out in Iowa Code section 602.6201(3). The public also must not lose sight of the fact that the NCSC Study is not the only measure of predicted demand for judges. The district judge formula has been in use for more than the past 31 years. Application of that formula to the filings and population of the 14 judicial election districts reveals a workload disparity between the various judicial districts and judicial election districts. A table showing the most current application of the formula was released in February 2002. It shows that the judicial election districts with the greatest shortages of district judges are the same election districts that have the greatest shortage of FTE judicial officers in the NCSC Study. (See Appendices 3, 4 and 4A.)

During the public meetings, it was strongly suggested that the Committee should not rely solely upon the NCSC Study in making its recommendations. The Committee was urged to take into account the human factor. In 1996, some of the participants in the information gathering process of the Iowa Supreme Court's Commission on Planning for the 21<sup>st</sup> Century expressed concerns that judicial districts "have greatly disproportionate workloads."<sup>8</sup> Current anecdotal information received supports the immediate need for additional judges in those judicial districts shown to be most in need under both the existing district judgeship formula and the NCSC Study. The lack of parity between judicial districts with respect to available judicial resources

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<sup>8</sup> See, *Charting the Future of Iowa's Courts*, at pages 71-72.

and current demand for judicial resources needs to be resolved now rather than later in the interests of fairness and esprit de corps.

## **F. FISCAL IMPACT OF REDISTRICTING**

Redistricting will have a financial impact. Creating fewer judicial districts than the current eight may result in some costs savings, depending on the number of judicial districts. The Committee has recommended three separate plans for five, four or three judicial districts. Some of the savings could occur at the time of redistricting; others may need to wait until the court system can evaluate the full effects of redistricting, not known at this time.

The immediate effect of fewer judicial districts would be a reduction in the number of chief judges and district court administrators. The average salary and benefits differential between a chief judge and a district judge is \$4,660. The average salary and benefits for a district court administrator is \$98,898.

It is difficult to determine before redistricting if further staff reductions are possible. The districts may need the same number of positions as they have now. However, it is possible that there could be fewer chief juvenile court officers and finance managers. There is one of each in the eight districts. With fewer districts, each district will be larger geographically and have more personnel. If the court system is able to function with only one chief juvenile court officer and one finance manager in each new district, the reduction could take place through staff turnover and attrition. The average salary and benefits for a chief juvenile court officer is \$91,566. The average salary and benefits for a finance manager is \$71,836.

There are eight administrative secretary positions in the eight district court administration offices and another eight such positions in the eight juvenile court service offices. Some of these positions have changed over time with advances in computer technology and reorganization following the recent budget cuts. The court system will need to continue to review these and other positions after the transition period following redistricting. Staff reductions could take place as vacancies occur.

Over time and with fewer districts, the judicial branch may become more productive, accomplishing more with fewer personnel. The most significant cost savings have already been realized as a result of the catastrophic funding cuts in judicial branch budget over the past three years. These cuts have resulted in a large reduction in staff that has adversely impacted service to the public. The cost savings achieved by reducing administrative expenses should be

redirected to the delivery of court services to the public in all 99 counties by providing adequately staffed clerk of court offices that are open to the public on a full-time basis.

## **G. STATUTES AFFECTED BY THE COMMITTEE'S RECOMMENDATIONS**

Changes in configuration of judicial districts and judicial election districts

- 602.6107 Changes in judicial districts
- 602.6109 Changes in judicial election districts
- 46.3-.4 Appointment and election of district judicial nominating commissioners. See Chapter 261, sections 2-5, inclusive, 1971 Iowa Acts for transitional legislation adopted for redistricting, effective January 1, 1972.

Transfer of district judge vacancies by attrition

- 602.6201 Add subsection
- 602.6201(2)

Voluntary transfer of district judges and district associate judges

- 602.6201 Add subsection
- 602.6201(2)
- 602.6301 Add subsection
- 602.6305(3)
- 602.7103B Add subsection
- 602.7103C(3)

Changes in retention voting

- 46.20
- 46.21

Changes to Judicial Council

- 602.1202

Periodic review of configuration of judicial districts and judicial election districts

- 602.6107 Add subsection
- 602.6109 Add subsection

## **H. ACKNOWLEDGEMENTS**

The Advisory Committee could not have completed its difficult mission in such a short time frame without the hard work and high quality contributions of others. The Committee wishes to extend special recognition to John Goerdt, the Judicial Branch Planner for the Supreme Court, and Jerry Beatty, Executive Director of Judicial Branch Education Programs, for their outstanding contributions in doing research and analysis, drafting maps and other materials for the Committee, and coordinating many aspects of each meeting. In addition, Cheryl Thrailkyl made a significant contribution in managing and distributing in a timely manner to all Committee members the substantial number of public comments received via email. Jane Elben assisted by taking, transcribing and editing minutes at some of the meetings. We extend our gratitude to Professor Willis Goudy, from Iowa State University, for his excellent analysis and presentation of information on population trends in the U.S. and Iowa. Staff members at the Iowa Communication Network provided expert assistance at each of the town meetings and greatly contributed to the nearly flawless management of the technical details of those meetings. We also want to thank the facilitators and reporters at the 16 public meeting sites who ensured that the Committee received a complete report of the discussion during each meeting. Finally, the Advisory Committee wishes to thank the Iowa Farm Bureau Federation for its hospitality and use of its meeting rooms in West Des Moines.