



HANDOUTS

Judicial Dist. & Judicial Resources Study Committee

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Synopsis of Surrounding States Judicial Officer Allocation Laws
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Synopsis of Judicial Redistricting in States Surrounding Iowa

Wisconsin

Wisconsin has a unified trial court system consisting of ten judicial districts and 69 circuit court districts. The last weighted caseload study was completed in 2001. The study has not resulted in redistricting. The last time Wisconsin redistricted was in 1979.

There are 72 counties in Wisconsin but only 69 circuits. When an additional judgeship is added, the circuit will increase branches. A branch is a judgeship position. There are currently 241 trial judgeship positions or branches in Wisconsin. The 2001 weighted caseload study stated that there should be 278 judgeships based on need but there are currently 241 judgeships filled. The General Assembly prescribes the number of judicial districts, by county lines. A term is six years.

There are ten judicial districts. These boundaries define administrative areas of the Court rather than judicial areas where cases are heard. State Court Administrators work with the counties and the judges on issues within these district lines.

Minnesota

Minnesota does not have a unified trial court system. There are ten judicial districts that cover 87 counties. They are defined in the Minnesota State Code, 2.722. There are currently 292 authorized trial court judgeships in Minnesota but only 257 are filled. The term of a district court judge is six years. The ten judicial districts are used for administrative purposes. Counties with large populations usually comprise one district, while in less-populated areas there are several counties in the district. The last time that Minnesota redrew its judicial district lines was in 1959.

The last weighted caseload study was just completed in August 2003. The Minnesota Judicial Branch will use the study in conjunction with the Sunset and Transfer Statute (Minnesota State Code, 2.722, subdivision 4), which allows the Supreme Court to fill vacancies. Whenever a judgeship vacancy occurs, the Supreme Court decides whether to move a current judge to fill the vacancy in the present district or move the vacancy to another district and hire a new judge.

Judgeships have also been moved through attrition. Once the Judicial Branch determines whether the vacancy should be moved to another county, a public hearing is held in the affected county. Once that is complete, a Supreme Court Order is issued and the move is made. The Minnesota General Assembly updates the general statute in the next legislative session to reflect the number of districts and the number of judges but that is the only involvement the Legislature has in this process. However, the Minnesota General Assembly does determine the cap on the number of judgeships. The weighted caseload study is also used to allocate senior judges.

South Dakota

South Dakota adopted a unified trial court system in 1975. At that time, there were nine circuits covering 66 counties. In 1976, South Dakota reduced the number of circuits to eight; and in 2001, the circuits were again reduced to the current number of seven. The

counties in each judicial circuit are defined in the South Dakota Code, 16-5-1.2. There are 38 authorized judgeships and they are listed in the South Dakota Code, 16-6-1.

The National Center for State Courts did a weighted caseload study of South Dakota in 1997. The Supreme Court internally adopted this formula, which includes case filings, mileage, and administrative time. Mileage and case weights do not change from year to year but the case filing numbers are updated. The formula was just updated by the Court in May of 2003. The updated case weight formula is used by the Supreme Court as a factor in the reallocation of judgeships. If the Supreme Court decides to reallocate a judgeship, there is a public hearing held in the circuit affected, and then a Supreme Court Order is issued. The Supreme Court can transfer a judge from one circuit vacancy to another circuit vacancy. The General Assembly is not involved in determining the filling of the Judicial Branch vacancies. However, the number of judges in each circuit is codified in the South Dakota Code (16-6-1) and does need to be updated by the General Assembly.

Currently, South Dakota circuit judges do not stand for retention. Instead, someone can challenge a specific judge and an election is held. Judges are elected to an eight-year term. This fall, the people of South Dakota will vote on whether or not to amend the South Dakota Constitution to have circuit court judges stand for a retention election.

Nebraska

Nebraska adopted a Unified Trial Court System in 1972. This was a year of major court re-organization and the first year that the Court received State funding. In 1993, the judicial districts were reduced from 16 to 12. The current 12 Judicial Districts in Nebraska serve all 93 counties. There are 55 district court judges that serve in these judicial districts. Nebraska had a study done in 1996, by the National Center for State Courts, entitled, "Determining the Need for Judgeships in Nebraska".

Nebraska has a Judicial Resources Commission, which was established by statute in 1995 (Nebraska State Code, 24-1205 and 24-1206). Each year, the Commission meets to determine whether an increase or decrease in judgeships is appropriate, or if the judicial district boundaries or the number of judicial districts should be changed for the district or county courts. The Commission examines current caseload statistics, addresses whether litigants have adequate access to the Courts, examines the population of the Judicial District, and various other factors to make the appropriate recommendations for a more balanced use of judicial resources. A report of the hearing and any recommendations is filed with the General Assembly, the Governor, and the Supreme Court on or before December 31 of each year. No new judgeships are created by the General Assembly without the recommendation of the Judicial Resources Commission.