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## **Lack of judges backs up courts, racks up costs**

*Funding shortage hurts timely judicial hearings, adds to crowding at jail*

**By Tom Pantera**

Editor

CLINTON - On a single recent day, here's what happened - or, perhaps more accurately, didn't happen - in Clinton County District Court:

Only one judge was available, and he was tied up with a civil trial, so a number of criminal cases could not be heard;

That meant a prisoner scheduled for sentencing had his hearing postponed for a week, sending him back to the county jail;

A probation revocation hearing had to be postponed for 30 days;

No plea hearings were conducted;

A crime victim took a day off work to attend a sentencing, as did members of the defendant's family, but the sentencing was delayed, causing everyone who traveled here to take a day off work for no reason;

And the county had to forfeit bed space that had been reserved for an offender at a residential correctional facility.

Clinton County officials say the inaction is the result of a judge shortage caused by inadequate state funding for the judicial system.

According to the state court system's website, 12 judges are available for the 7th Judicial District, which includes Clinton, Jackson, Cedar, Muscatine and Scott counties.

But on any given days, seven of those judges are detailed to Scott County, the most populous in the district. Two are scheduled for each Clinton and Muscatine counties, and one serves both Cedar and Jackson counties.

But another section of the website says that the Legislature did not increase the budget for courts in the current state budget, putting them \$5 million short of the money needed to maintain their level of service. District court officials took several actions to cut costs, including a hiring freeze and not filling vacancies.

But the cut that has most affected outlying counties is a 10 percent reduction in the court district's travel budget. That means that even counties scheduled to have two judges often have only one, since the district won't pay the travel costs for two.

## **Travel limits hurt**

Seventh District Court Administrator Kathy Gaylord, who is based in Davenport, said that before that travel restriction was put in place, counties could get as many judges as they needed in any given day.

Most of the district's judges are based in Davenport, which accounts for 60 percent of the district's caseload. And judges can't even be moved around, because under court rules judges must be based in the county where they spend 50 percent or more of their time, Gaylord explained.

If a judge must travel to another county, the district must pay mileage to both that judge and the court reporter, she said.

"When we were asked to cut [travel] another 10 percent, the only way we could cut it was the travel throughout the counties" where judges were not based.

In Clinton County, the judge shortage has caused backups in the court system and at the jail.

"It impacts our office significantly," Clinton County Attorney Mike Wolf said.

Days like that recent one are "not an everyday occurrence," he explained, "but since they imposed this travel restriction it has been considerably more difficult to feel like you have got access to get these cases resolved.

"We're really tight on if we want to try a case," the prosecutor said. "We're limited to one trial. If we have two trials scheduled, they get bumped. People who are expecting us to go ahead with these trials, the cases are being bumped."

## **Expensive delays**

It's difficult to estimate the actual cost of the delays, but Wolf said among the judicial district, the jail, and lost time for people who traveled to the courthouse, it was probably more than \$2,100 for that single day. Some days, costs are increased because a lack of judges in Clinton County means cases must be transferred to Scott County, causing additional travel costs for the local court system.

Despite all that, Wolf says budgetary savings from the travel restriction have been estimated at \$6,000 for the entire 7th District, and "in just one day, in one county, that effect is almost wiped out."

At the Clinton County Jail, the lack of judges means that inmates are having to be housed for longer periods.

Sheriff's Lt. Craig Eberhart, the jail administrator, said that on the day all those things did not happen in Clinton County District Court, his jailers had already traveled to other counties to bring prisoners back here for court appearances. While jail officials try to keep on top of the judges' schedule here, they found out about the delayed hearings only after they had brought the prisoners back for their appearances in court.

Thus, he had to pay for a deputy to travel to Muscatine County, and "there was no reason for that trip."

But even if the jail finds out ahead of time that action on a case has been delayed, there are other problems.

After an inmate pleaded guilty or was convicted, a sentencing date usually was set for 30 days later. But not these days.

"We're starting to see these cases being set up for 45 days and beyond," Eberhart said. "We have these people just sitting here and taking up bed space, where if the proceedings had been scheduled [earlier],

they would've been gone."

That contributes to jail crowding, forcing inmates to be sent to other counties at a cost of about \$50 a day for each inmate, he said.

### **Appeal to legislators**

The lack of judges, and the attendant backup in the court system, was one of the issues local officials hoped to discuss with legislators on Tuesday when they traveled to Des Moines for Clinton County Day.

Clinton County Supervisor Dan Srp, one of those who went to Des Moines, said it was uncertain whether the situation would get any better after this year's legislative session.

He said that with the Legislature trying to come up with more than \$100 million in cuts to the current budget, there might be no money available to increase money for courts.

And the court system already appears to be low on the list of problems to be addressed, with matters like education and mental health funding getting more attention.

"The feedback that I got [from legislators] is this is a relatively new issue," Srp said.

Still, there might be some action on the issue if the pressure is kept up. Srp said Lt. Gov. Kim Reynolds - who is in line to be governor when Gov. Terry Branstad becomes U.S. ambassador to China - told him she would put him in contact with a staff member for more information on the situation.

"That backlog has been created," Srp says, "so we have to react to it."

Gaylord, the district court administrator, said the situation isn't likely to get any better in the short term.

"The judicial branch received \$5 million less than what was requested for fiscal year '17," she said. "[Last] week we were informed we were de-appropriated another \$3 million we have to come up with between now and July 1. It's clearly not going to get any better between now and July 1.

"It's very frustrating for the court. The judges, myself, the attorneys, I don't think there's anyone that doesn't believe the state of Iowa deserves a full-time court system."