

2015

State of the Judiciary



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The cover design is a collage of images from the Iowa Supreme Court historic courtroom, the Iowa Senate Chamber, the Iowa House Chamber, and the Judicial Branch Building. The design represents Chief Justice Mark Cady's statement:

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but we collectively work as one for the benefit of every Iowan.*

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Madam President, Mr. Speaker, distinguished members of the Iowa General Assembly, Governor Branstad, Lieutenant Governor Reynolds, state officials, colleagues, family, friends, and all Iowans:

The assembly of the leadership of all three branches of government in this magnificent chamber underscores the value and success of our shared form of government. It joins with the promise of a new year and stirs a deep respect and reverence for the responsibilities we fulfill together on behalf of the people of Iowa. The three separate branches of government may work in very different ways, but we collectively work as one for the benefit of every Iowan.

My job today as chief justice is to inform you and all Iowans of the condition of the Iowa Judicial Branch. The judicial branch is accountable to do its work so that Iowans can see the value of its fair and impartial courts. It is accountable every day for the resources it is given and the important responsibilities with which it has been entrusted. We best meet these obligations by becoming the best court system we can be. I am honored to report the progress the judicial branch has made towards becoming the best court system in the nation and the value of this progress for all Iowans.

Both my grandfathers were carpenters. Like others who build with their hands, they could look at their work at the end of the day and see progress since the beginning of the day. Building Iowa's court system consistent with its goals may not reveal progress at the end of every day as easily as the work of a carpenter. It is a long, careful process that requires the hands of many, working every day. But, certain days do come along when progress can be seen and our goals are closer within reach. Again this year, the goals of the judicial branch are to:

- Protect Iowa's children;
- Provide full-time access to justice;
- Operate an efficient, full-service court system;
- Provide faster and less costly resolution of legal disputes;
- Remain open and transparent; and
- Provide fair and impartial justice for all.

Let me share with you some specific days of this past year when progress toward achieving our goals could be seen with the clarity of a carpenter at the end of the day.

I. Protecting Iowa's Children

Two days last year stand out to best describe our progress in protecting Iowa's children. One day in July, I visited with each juvenile court officer in the Iowa City district office. These skilled and devoted professionals shared stories of progress children are making under their supervision, stories told with an enthusiasm that promises greater success for more children. Just a few years ago, the stories told were of caseloads so great that our juvenile court officers could not meet face-to-face with most first-time offenders. With your support of additional juvenile court officers, coupled with the implementation of our risk-assessment and evidence-based practices, we are truly making a difference. Since 2012, the number of juveniles with criminal complaints filed against them has dropped by 2896, a 20% decrease. During this same time, the number of juveniles charged with felony crimes has dropped by 331, a 20% decrease. Today, there are 10% fewer young adults entering the adult correctional system.

These statistics demonstrate real progress. Now, our juvenile court officers have the time to give troubled children the specialized services they need while holding them responsible for their actions. Now, our communities are safer. Now, more children avoid a criminal record that too often impedes their future education, employment, or other opportunities for success as young adults. Now, more children have a better opportunity for a better future.

In a different but equally powerful way, progress was revealed on a day last September when I happened to run into Tom Southard, the chief juvenile court officer in the second judicial district. I casually asked him how things were going. He paused and gave the most profound response. Drawing on the full measure of his 32 years of service, he expressed his belief that we are providing the best services to children and families ever. His words captured what I had seen in Iowa City two months earlier. They captured the value of helping our children in need and the true value to this state of those who commit their careers to help its children.

Juvenile court officers are just one component of the judicial branch's positive interactions with Iowa's children and families. Every day judges decide cases regarding child welfare, adoption, and family reunification. Our Children's Justice Initiative, chaired by Justice Brent Appel of Ackworth, collaborates with the department of human services, department of education, attorneys, judges, service providers, and other stakeholders to find the best ways to serve children and families. This work is essential to the process of protecting our children, and we continue to develop new data-driven approaches for our judges to use to benefit more and more families across Iowa.

Overall, these coordinated efforts give our courts the best opportunity for progress in protecting Iowa's children.

II. Protecting Iowa's Families

Last year, again with your support, we expanded our family treatment courts into every judicial district in the state. We now operate 14 family treatment courts and will continue to add family treatment courts to help even more families in need. As you may recall, last year I shared with you a story of a single mother of two children who had recently graduated from a family treatment court in Sioux City. I read a letter her teenage son wrote to her that expressed how proud he was of her for keeping the family together by overcoming her addictions and putting her life in order with the help of a family treatment court team. After recalling the struggles he faced before his mother entered family treatment court, he wrote, "You have become the mom I've always wanted. I love that you are devoted and willing to change a lot to become the sober, loving, and caring mother you are today." I followed up with the family in November, and I am pleased to report the mother remains committed to her sobriety, maintains stable employment, and has purchased a car. The younger sister is thriving in kindergarten, and the courageous teenager who inspired all of us with his powerful letter to his mother is earning A's and B's at his high school. While this story could not be more compelling and meaningful, many more stories of success could be told this morning, and even more are yet to unfold. But, that November day was the day that could not have better told all of us how family treatment courts change lives for the better—one family, one parent, one child at a time.

III. Transforming the Civil Justice System

We are also committed to transforming our broader civil litigation system to better meet the needs of litigants and attorneys. Two years ago, Justice Edward Mansfield of Des Moines chaired a committee to study reforms to discovery procedures in civil litigation and the feasibility of a special docket to process civil claims in less time and at less expense to all parties. Twelve days ago, on January 2, a new era in civil litigation in Iowa began. We now have new court rules that should help reduce the time and expense associated with discovery in all civil cases. We also have a new expedited track for civil lawsuits of \$75,000 or less that will enable them to be completed, from start to finish, within one year. While January 2 was just the start, that was the day when the judicial branch launched a new model of judicial efficiency to give more Iowans more access to justice.

Three additional reforms to our civil justice system are underway that will improve the delivery of justice to Iowans. First, our business court is in the second year of a three-year pilot project and continues to show promise. Justice Daryl Hecht of Sloan has been instrumental in developing and monitoring this project. As part of the effort to improve our business court, in April I met with Secretary of Agriculture Bill Northey and a group of agricultural leaders to discuss new and emerging issues that the business court should be prepared to tackle. We are committed to integrating special expertise into our court system to meet the needs of court users.

Second, we are convening a commission of experts to review existing guardianship and conservatorship laws and procedures. The goal is to develop improvements and new safeguards for the services provided to vulnerable adults and children who need help making decisions regarding their personal care, safety, or finances. Right now our court system oversees more than 22,000 active guardianship or conservatorship cases. Each person in each case deserves the best care possible. The project is under the leadership of Justice Bruce Zager of Waterloo, and the task force will include faculty from Iowa's two outstanding law schools.

Finally, we are assembling a task force chaired by Justice Thomas Waterman of Davenport to make recommendations for greater consistency, efficiency, and transparency in the resolution of family law cases. These cases are a big portion of our workload, and now is the time to make sure Iowa's court system provides the best possible practices and outcomes for families who need our courts during difficult times.

These three projects reflect our efforts to improve the legal system in areas important to all Iowans. They also build on our practice of solving problems with civility and fairness and our practice of listening to the needs and expectations of Iowans. We know we must be willing to listen, measure twice, and try new approaches to provide the best services possible for all Iowans. Together, these projects make today a day when the judicial branch can assure all Iowans that we have been listening and will continue to listen as we build the best court system in the nation.

IV. Combating Racial Disparities in the Criminal Justice System

Let me turn to the area of criminal law. As I mentioned last year, the criminal justice system in Iowa and across the nation is marked by racial disparities. There is an overrepresentation of African Americans and other minorities in the criminal justice system—from arrest to incarceration. For example, Iowa incarcerates 9.4% of its adult African American males, which is the third highest percentage in the nation. This is a difficult problem, but its complexity must not deter us from

finding a solution. This past year the judicial branch began to take steps to better understand and address the persistence of racial disparities.

Let me tell you about two days that best describe the steps we have taken and the commitment of this branch to combat the problem. The first day was in July when I met in Iowa City with Judge Deborah Minot, school officials, members of the police department, and community leaders. They are finding new ways to address the racial disparities in the Johnson County juvenile justice system by reducing the number of juvenile complaints in a fair way that holds youths accountable without compromising community safety. Racial disparity is found in this statistic: 10% of all youth living in Johnson County are African American, but African American youths make up 54% of Johnson County school arrests. With training and resources from Georgetown University, the Iowa City community is seeking to reduce racial disparities and its consequences by implementing pilot projects to reduce school referrals to juvenile court and divert low-risk teenagers into community supervision to avoid formal charges. The data-driven approach has invigorated the schools, police department, juvenile judges, juvenile court staff, and community providers with the promise of all that can be achieved by its success. It separates those teenagers who have just not yet grown up from those who need more intense services, giving both a better opportunity for a better future. The collaborative effort began in August, and we await the results of its first year of operation.

The second day was in November when I attended a judicial training session with more than 100 judges, where representatives of the NAACP presented data on racial disparities in the criminal justice system and its impact on society. We are gathering information and searching for ways to bring the promise of equal justice to everyone. The training the judicial branch provides to all staff, including new judges and magistrates, will now include education on recognizing implicit biases that may often contribute to the disparities. We will continue this training and will continue to work with others to do what we can to eliminate racial disparities in the criminal justice system.

Iowa may be a leader in the nation in the statistics showing racial disparities in its criminal justice system, but those two days were days that showed Iowa can also lead the nation in finding solutions to end racial disparities.

V. Serving Iowans and Leading the Nation with Technology

Let me turn to the day last year that may best describe our progress in providing Iowans with an efficient, full-service court system that utilizes technology to its greatest advantage. During

the last four years, we have been building and implementing a completely paperless court system, known as EDMS. December 4 was the day when the four-millionth legal document was electronically filed in our court system. We now have more than one million electronically filed cases. December 4 was also the day when I was informed that EDMS will be operational in all 99 counties by June 30 of this year, six months ahead of schedule. Iowa will be the first court system in the nation to have a totally electronic, paperless process for all cases at every level. Justice David Wiggins of West Des Moines and Appellate Clerk of Court Donna Humpal have been instrumental in implementing the appellate EDMS process and bringing the appellate courts into the 21st century. Today, all the cases of an appellate judge are contained in a 6-inch by 9-inch tablet. Truly transformational events have come along infrequently in our history, and this age of technology is one of them, but we have only begun to scratch the surface. For example, we are looking to integrate mobile technology into our court system that will simplify access to court information for jurors, judges, attorneys, and all Iowans. December 4 did not signal the end of a project but the beginning of a new era filled with new transformational innovations that will improve the delivery of justice and even justice itself.

VI. Enhancing Courthouse Safety and Security

While some days can be used to mark milestones of progress, other days may deliver problems, even tragedy. One such day was September 9, when there was a shooting in the Jackson County Courthouse. Our county courthouses across the state hold a proud and dignified stature in our communities. But, courthouse business, both court and other county services, can at times be adversarial and give rise to the fear of violence, and even violence itself. Every courthouse employee and visitor in this state deserves to feel safe and be safe. While courthouse security is a problem involving state and local governments, the judicial branch has joined hands with the Iowa State Association of Counties to take the steps necessary to make every courthouse in Iowa safer and more secure. We have completed surveys to determine the current levels of security in each courthouse and have started to provide training to those who work in our courthouses and other state and county buildings. We will broaden our efforts and look forward to working with all segments of state and local government to make all public buildings safe. While the day of the Jackson County shooting was a tragedy, that was the day when tragedy was turned into an unwavering commitment to do everything possible to make sure every place of justice is a place of safety.

VII. The Promise of Justice for All

Finally, let me place the progress of the judicial branch in context. The progress in building a better court system is only accomplished with the help of the judges across this state, judges who must find the time each day to carefully decide the difficult and important issues the people of Iowa bring into our courtrooms. The judges and magistrates of this state do this work today with the honor and conviction of the best judges that preceded them and with all the wisdom we could ever hope would be found in a justice system. It is these judges—my six colleagues on the supreme court, the judges of the court of appeals, and all judges and magistrates in this state—who are making this progress possible and the promise of justice for all inevitable.

I have relied on only a handful of days to describe the progress the judicial branch has made during the past year to build a better court system. I have turned to a few days to describe some of the work yet to be accomplished. Fair and impartial justice for all is our mission. Everyone deserves to see the court process as fair and just, even if some will not see the justice in the results in the same way at the same time. While each day may not reveal our progress to all, each day is our opportunity to bring justice to Iowans through the work of judges and court staff. The architects of our grand government left for those who would follow to be the builders and carpenters. The blueprints bestowed challenge us to innovate and inspire us to do our best. It is today that the judicial branch continues to build the system of justice envisioned by its architects to benefit all people, so that one day the arc that bends towards justice and equality will be inscribed full circle to become but a point, a single point where we all stand, a point seen and felt by all with the clarity of a carpenter.

Thank you.