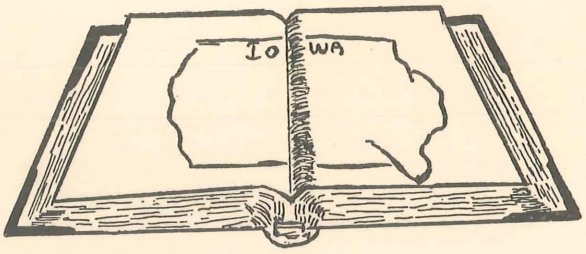
IOWA LEGISLATIVE COURT STUDY COMMISSION

Report

- Letter of Transmittal
- Part I. Court Structure
- Part II. Court Administration
- Part III. Court Redistricting

Submitted to the Sixty-Second General Assembly of Iowa
January, 1967



WILLIAM C. STUART, JUSTICE
CHARITON, IOWA

Supreme Court

STATE OF IOWA

DES MOINES

To The Governor, Lietenant Governor, Speaker of House and Members of the 62nd General Assembly:

The 60th General Assembly, by Senate Joint Resolution 18, created a commission "to study the court system of Iowa with a view to reorganization of the court structure to secure the maximum utilization of personnel for the efficient handling of litigation". The Joint Resolution provided for a commission of thirteen members consisting of three members of the Senate appointed by the Lieutenant Governor; three members of the House of Representatives appointed by the Speaker; three members of the Iowa State Bar Association appointed by the President of the Association; three district court Judges and one Supreme Court Justice, appointed by the Supreme Court. The resolution required the commission to "make a detailed and comprehensive study of the court system of this state concerning the administration, organization and structure of the Iowa court system, redistricting of the judicial districts with particular emphasis on utilization of court personnel, justices of the peace, municipal and superior court systems, and the methods of handling minor litigation."

A report was submitted to the 61st General Assembly, which took no action on any of the recommendations. However, the legislature by Senate Joint Resolution 26, Chapter 484 of the Laws of the 61st General Assembly, continued the commission for two additional years. The report submitted herewith is the result of the further activities of this commission.

The broad scope of this charge covered three major areas. (1) Court structure and Minor Litigation, (2) Judicial Administration, (3) Redistricting and Court Personnel. Consequently the commission was divided into three subcommittees in an effort to accomplish as much as possible in all areas in the limited time allotted. A member from each classification of appointees was placed upon each subcommittee and the three district judges were named as subcommittee chairmen. The membership of each subcommittee was as follows:

1. Court Structure and Minor Litigation
   Judge Harvey Uhlenhopp, Hampton, Chairman
   Senator Tom Riley, Cedar Rapids
   Representative Paul E. Kempter, Bellevue
   Mr. Eugene Davis, Des Moines

2. Judicial Administration
   Judge Bennett Cullison, Harlan, Chairman
   Senator William F. Denman, Des Moines
   Representative Maurice E. Baringer, Oelwein
   Mr. Henry J. TePaske, Orange City

3. Redistricting and Court Personnel
   Judge Edwin O. Newell, Burlington, Chairman
   Senator Eugene M. Hill, Newton
   Representative Lee H. Gaudineer, Jr., Des Moines
   Mr. Howard M. Remley, Anamosa.

This commission had the advantage of the information compiled by its predecessor and used its work and report to the 61st General Assembly as a starting point. Seven members had served on the first commission. Additional information was obtained from the American Bar Association, the American Judicature Society, the Institute of Judicial Administration and many other sources. Interested groups were invited to file written reports expressing their ideas and comments. Questionaires were submitted to the district court judges. They were all returned and proved a valuable source of information.

We wish to acknowledge the fine cooperation of the Iowa State Bar Association. The bar committee on Judicial Administration furnished many valuable services, suggestions and comments. A grant of $10,000 from the Iowa Bar Foundation made it possible for the bar association to plan and sponsor regional meetings to give the commission the opportunity to present its tenative conclusion to interested persons over the state. Meetings at Iowa City, Dubuque, Mason City, Sioux City and Creston were attended by approximately 800 legislators, lawyers, judges and laymen. Many beneficial suggestions and comments were received which have been incorporated into our report.

We wish to give special credit to Clarence Kading the Judicial Department Statistician and Wilma Carter, his secretary. Without their full cooperation and the information available in the statistician's office, the report would not have been possible. The Legislative Research Bureau extended full cooperation when called upon and the services of Wayne Faupel, Assistant Code Editor, were invaluable in preparing recommended legislation.

The report is divided into three parts based upon the reports of the subcommittees referred to above. Also included are the bills and court rules which are necessary to put the recommendations of the committee into form for appropriate action. Our recommendations can be briefly summarized as follows:

I. Court Structure - We adhere to the principle of a unified trial court founded on our present district courts. To achieve this end we recommend:

A. All courts below the district court, except municipal courts, be abolished as of January 1, 1969 and be replaced by:

1. District Court Commissioners who shall be:

   a. Law trained.

   b. Appointed by judges of the district sitting en banc.

   c. Either part time or full time as the local situation seems to demand.

   d. Salaried by the state on a sliding scale based on population.

   e. Vested with the same jurisdiction as justices of the peace except they will have no civil jurisdiction. They may serve in any county of the district.

2. Traffic Violations Office:

   a. In the office of the Clerk of the District Court

   b. Statewide uniform numbered traffic summons.

   c. Statutory schedule of minimum fines for non-aggravated offenses.

   d. Provision for accused to mail fine if agreeable to officer.

   e. Either officer or accused may demand appearance before commissioner.

3. A procedure for the informal and expeditious handling of claims under $300.

B. Municipal Courts must be incorporated into the Unified trial court system. The commission was unable to decide upon the best method of accomplishing this objective. We therefore recommend that:

1. The commission be continued to study this particular problem.

2. A statute be enacted prohibiting the establishment of any new municipal courts or judgeships.

3. The 1969 legislature incorporate the functions of the municipal court into the unified court.

II. Court Administration - Our purpose is to make courts more efficient by strengthening the authority of the Supreme Court and the Chief Justice and by providing an administrative system within the district.

A. Provide for chief judge in each district appointed by the Chief Justice.

B. Provide for additional personnel and equipment for proper administration.

C. Repeal terms of court and provide for weekly court sessions in every county of the district and trial assignments when necessary.

D. Empower district court judges to sign orders and perform judicial acts over the entire state rather than within his district.

E. Empower the chief justice to temporarily transfer judges from their own district to districts in which the workload is heavier.

F. Create a judicial council composed of chief judges to study of administrative problems.

III. Redistricting and Court Personnel.

At the present time there is a wide disparity in both the size of judicial districts and the workload per judge. Efficient court administration requires districts of such size that the work will require at least four, and preferably more, judges in each district. In attempting to determine the largest practical districts the commission gave consideration to population, population trends, modern transportation and highway development plans, workload and trends in workload, natural affinities and the preferences of those acquainted with the problem. Wherever possible, a large city, which is the center of litigation, was placed in a district.

We recommend:

A. The establishment of twelve judicial districts with boundaries shown on the map appearing on page 23 of Part III of this report.

B. The determination of the number of judges for each of the new districts on the basis of the formula which considers population and civil and criminal cases filed.

The drawing of new judicial district lines is as traumatic as establishing new school or legislative districts. There is a natural tendency to look at the larger districts under our present method of conducting legal business. A true picture can be seen only in the light of the changes in court structure and court administration which are proposed. It is our belief that the lawyers in both metropolitan areas and rural areas will receive better service and the public will receive better and more prompt justice under the proposed changes.

The commission will be pleased to assist the legislature in any manner requested on all matters relating to our study and the implementation of the recommendations.

Respectfully submitted,

IOWA COURT STUDY COMMISSION

By W. C. Stuart, Chairman.

REPORT OF
IOWA COURT STUDY COMMISSION

Part I

Court Structure

January, 1967

Part I

C O N T E N T S

PART I

COURT STRUCTURE REPORT

Under S. J. R. 26 of the 61st General Assembly, the Iowa Court Study Commission continued to examine three aspects of court reorganization: (1) court structure, (2) court administration, and (3) court redistricting. This report pertains to court structure.

GENERAL CONSIDERATIONS

In its 1965 report, the Commission explained the present three-level Iowa court structure and pointed out the advantages of a modern two-level structure such as Illinois has achieved. The 62nd General Assembly is referred to the 1965 report for details.

To summarize that report, present Iowa court structure consists of a supreme court for appeals, a district court for trials, and a number of minor courts for small cases. The structure of the supreme and district courts is fundamentally sound and efficient, but the minor courts leave considerable to be desired. They consist of the justice of the peace, mayors, police, superior, and municipal courts.

The principal infirmity in the minor courts is that they do not ordinarily possess sufficient prestige to attract superior type judges. Moreover, many of them are manned by judges who are untrained in law--yet they are law givers. A number of minor court judges are allowed to keep part of the costs, and this gives them a financial stake in acquiring litigation and undermines public confidence in the judicial system. Minor courts, founded on the town and township, were necessary because of poor transportation a century ago, but this reason for their existence no longer exists.

Municipal courts have law-trained, salaried judges, but they were created in the day when rural areas were isolated from the cities, giving some justification for separate city courts. Today the city-country dichotomy is disappearing, and separate courts for urban areas and for rural areas are no longer warranted.

We have two main kinds of municipal courts in Iowa, and both kinds have shortcomings. On the one hand, since municipal courts are minor courts of limited jurisdiction, they too are often unattractive to superior-type judges. As a result, in some places lawyers complain about their municipal courts and endeavor to get their cases into district court. On the other hand, where a dedicated lawyer of ability does accept a municipal court judgeship, a waste of human talent and time often results. Since the court's jurisdiction is limited to $2,000 civilly and to misdemeanors criminally, the judge's hands are tied to grant complete relief in many cases although it may be perfectly clear to him what should be done. The judge is legally trained and his inability to use his full legal training results in waste of human talent. In addition, in some places the judge's limited jurisdiction means that he is not fully occupied, resulting in waste of human time at taxpayers' expense. Yet if municipal courts were given unlimited jurisdiction they would completely duplicate the district court: we would have two courts of general jurisdiction with two sets of judges, reporters, clerks, inforcement officers, juries, files, buildings, and what not. Actually we already have this duplication, but it is somewhat concealed by the limited jurisdiction of the municipal courts.

These considerations led the Commission to the conclusion in 1965 that Iowa should change from a three-level to a two-level court structure, consisting of our present supreme court for appeals and a unified trial court founded upon our district court for all trials. In 1967 the Commission adheres to that view.

ORGANIZATION OF UNIFIED TRIAL COURT

Establishment of a unified trial court in Iowa will require discontinuance of all courts below the district court, and expansion of the district court itself in three main respects.

DISTRICT COURT COMMISSIONERS. With small claims procedure which the Commission proposes, district judges will be able to handle the civil work in the unified trial court. But they will not be able to handle the numerous

minor criminal cases taken over from the minor courts. The Commission therefore proposes that district court commissioners (akin to federal court commissioners) be appointed by the district judges to handle nonindictable misdemeanors, as an "arm" of the district or unified court. These commissioners will be law-trained and in such numbers and locations that they will be readily accessible for small criminal actions. The office will be part-time, unless the particular location requires full-time. Commissioners will also handle search warrant proceedings and preliminary hearings. They will be salaried officials of the State, with their compensation varying in amount depending on population from a low of $2,400 to a high of $7,200. Under unusual circumstances of high caseload, the salary can be increased, but the ceiling will be $12,000 in any event. An appeal from a commissioner will be to a district judge on error, with further appeal to the supreme court.

TRAFFIC VIOLATIONS OFFICES. The ordinary traffic law violator is not a criminal. He is an ordinary citizen who has run afoul the traffic rules in some respect, and he merely wants to pay his fine and have the offense noted on his record. Thus the judicial officer is freed to devote additional time to more serious traffic offenses. Actually the main penalty to the ordinary violator is having the violation on his driving record. For cases involving nonhazardous offenses, traffic violations offices are needed, where penalties for admitted offenses can be paid according to a uniform schedule of minimum fines. Several cities now follow this practice in a roundabout way by means of a uniform bail schedule and forfeiture of bail. Instead, the matter should be handled by way of the front door.

The Commission therefore recommends that the office of each clerk of district court be constituted a traffic violations office as well, where minimum fines can be paid in person or by mail. The problem of the nonresident motorist apprehended at night will be handled by permitting him to mail the fine to the traffic violations office in the officer's presence. It is also proposed that a fee of $2 be added in each traffic violations office case, to offset the expense of the commissioner system. Traffic violations offices will greatly alleviate the work of district court commissioners, as most small cases are traffic violations and most of these are admitted.

SMALL CLAIMS PROCEDURE. As the dollar has declined in purchasing power the lot of the small litigant has worsened. The cost of litigation over small sums often exceeds the amount involved. To meet this situation, the Commission proposes a new division to the Rules of Civil Procedure under which civil cases not exceeding $300 will be commenced and heard by district judges using simple, expeditious, and inexpensive small claims procedure. Unless ordered by a judge, no formal pleadings will be required. The technical rules of evidence will not apply, but all judgments will have to be founded on substantial evidence.

Thus the univied trial court will be manned by district judges possessing the full jurisdiction of the court and by commissioners having jurisdiction of nonindictable misdemeanors, and the court will have traffic violations offices and small claims procedure. Proposed statutes and rules which will accomplish these improvements are contained in the appendix.

TRANSITION TO UNIFIED COURT

Transition to the unified trial court involves discontinuance of the present minor courts so that we will have one trial court. However, the municipal courts presently have 22 salaried judges. Consequently the problem of discontinuing the municipal courts is somewhat different from discontinuing the other minor courts.

MUNICIPAL COURTS. Since the Commission proposes a unified court, thespecific question regarding the municipal courts is not as to those courts themselves, for they will be discontinued. The question is one of personnel. What is to be done about the 22 incumbent municipal court judges?

The Commission adheres to the ultimate objective of a unified trial court and the abolition of separate municipal courts. The problem is how and when to accomplish this objective. As ways and means of accomplishing this objective the Commission recommends:

1. That the 1967 General Assembly enact a statute prohibiting the establishment of any more municipal courts and the addition of any more municipal court judgeships.

2. That the 1967 General Assembly also adopt a joint resolution continuing the Iowa Court Study Commission two more years.

3. That the 1969 General Assembly enact legislation incorporating the present functions of the municipal courts into the unified trial court and discontinuing municipal courts as separate courts at the same time.

OTHER MINOR COURTS. The Commission proposes that all other minor courts be discontinued by the General Assembly in 1967, effective January 1, 1969. This will give time for readying the district court as a unified trial court.

Proposed legislation to accomplish these changes is contained in the appendix. Certain technical and coordinating amendments to the code made necessary by the proposed changes have not been included.

DISTRICT COURT CLERKS

The clerks of district court should have the duties that their name implies--the clerical officers of the district, or unified, court. Over the years however various statutes have cast on the clerks a number of functions which have no relation to the court. Maintaining birth and death records constitutes an example. The Commission recommends that by statute all non-court functions be taken out of the clerks' offices and be placed in other offices. Such action would partially offset the additional work load imposed on the clerk's office by the proposed changes in court structure.

DIVISION I

DISTRICT COURT COMMISSIONERS

Section 1. Appointment and Termination. The judges of the district court of each district, sitting en banc, shall, by majority vote, appoint commissioners of the district court. Such number of commissioners shall be appointed as is necessary to perform the commissioners' duties promptly. Similarly, such judges may terminate the appointment of any commissioner and appoint commissioners to fill vacancies. Upon the request of the judges, the Judicial Department Statistician shall furnish to them written data to assist them in determining the number, location, and compensation of commissioners required for the county or area involved. At least one commissioner shall be appointed for each county unless the judges find that two or more counties or parts thereof can be served by another readily accessible commissioner or commissioners of the district. The commissioners appointed initially shall take office January 1, 1969. Commissioners shall be officers of the State of Iowa.

Before assuming office, a commissioner shall subscribe and file in the office of the clerk of the district court of the county of his residence his oath of office to uphold and support the Constitutions of the United States of America and State of Iowa, the laws enacted pursuant thereto, and the laws and ordinances of the political subdivisions of the State of Iowa.

Sec. 2. Qualifications, Age. A commissioner shall be an elector of the judicial district of appointment, shall be a member of the bar of Iowa, shall be under 72 years of age, and shall cease to hold office upon attaining that age.

Sec. 3. Salary, Expenses. The district court judges appointing a commissioner shall determine and certify to the State Comptroller the salary to which he shall be entitled. In the absence of a finding by such judges of unusual circumstances or conditions, a commissioner serving a county or area having a population not exceeding 20,000 shall be not less than $2,400.00; a population between 20,000 and 30,000, not less than $3,600.00; a population

between 30,000 and 40,000, not less than $4,800.00; a population between 40,000 and 50,000, not less than $6,000.00; and a population of 50,000 or over, not less than $7,200.00. Upon making such finding, the judges may certify a salary in excess of the foregoing amounts, but in no event greater than $12,000.00. The population of cities having municipal courts shall be excluded in making the computation.

In addition, commissioners shall receive from the State of Iowa their actual and necessary expenses in the performance of their duties, subject to the limitations contained in Section 605.2.

Sec. 4. Jurisdiction, Venue. Commissioners shall have jurisdiction of nonindictable misdemeanors including traffic and ordinance violations, preliminary hearings, and search warrant proceedings. They shall also have the powers specified in Section 748.2, Code 1966. They shall have power to act at any place within the judicial district of their appointment. Their venue shall be the same as that of the district court.

Sec. 5. Places of Holding Court. Commissioners shall hold court at the county seat in facilities provided by the board of supervisors and at such other places as the district judges may designate; provided, that if court is held in a city or town outside the county seat such city or town shall furnish suitable facilities and a bailiff. Commissioners may be assigned by a district judge of the district to hold court at any place in the district where district court may be held.

Sec. 6. Procedure. The procedure before commissioners shall be as provided in Chapters 751, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 765, 766, and 768, Code 1966. Jury trials may be held wherever district court trials may be held. An official report of a trial or hearing before a commissioner shall be made upon the demand of a party made at the commencement of the proceedings. Such party shall provide a reporter at his expense, whose stenographic notes shall be filed with the commissioner. The parties may, by agreement, cause the proceedings to be officially reported electronically. Unless the proceedings are reported officially by a reporter or electronically, the commissioner shall, on the trial of an action, make a summary in his docket of the testimony of each witness and of the commissioner's rulings and orders.

He shall append to, or otherwise preserve for, the record, all exhibits offered in evidence. A party may supplement the record as provided in Rule of Civil Procedure 241.

Sec. 7. Docket, Judgments, Costs. The clerk of the district court of each county in which a commissioner is appointed to act shall furnish a docket to be kept by the commissioner. Such docket shall be indexed and shall contain, as to each case, the title and nature of the action, place of hearing, appearances, notations of the documents filed with the commissioner, notations of the proceedings in the case and orders made, of the verdict and judgment including costs, of any satisfaction of the judgment, whether the judgment was certified to the clerk of the district court, whether an appeal was taken, and the amount of the appeal bond. Costs shall be those in the district court in criminal cases. If the judgment and costs are not fully satisfied forthwith, the commissioner shall promptly certify a copy of the judgment to the clerk of the district court indicating thereon the portion unsatisfied. The clerk shall index and file the judgment, whereupon it shall be a judgment of the district court without recording.

Sec. 8. Appeals. Appeals from judgments of commissioners may be taken either orally at the conclusion of the trial or by filing with the commissioner a written notice of appeal within 20 days after the judgment is rendered. The commissioner shall promptly file with the clerk of the district court a transcript of the entries in his docket and cause all exhibits offered in evidence to be delivered to the clerk. Within 20 days thereafter, unless extended by order of the district court or by stipulation of the parties, either party may file with the clerk a transcript of the official report, if any. In the event the official report was made electronically, the tape or other medium upon which the proceedings were preserved shall be certified as part of the record. A judge of the district court shall promptly hear the appeal on error, upon the record thus filed and without further evidence. The judge shall decide the appeal without regard to technicalities or defects which have not prejudiced the substantial rights of the parties, and may affirm, reverse, or modify the judgment but shall not increase the punishment. In the event of the reversal of a judgment of acquittal, there shall be no remand or conviction. Execution on a judgment of conviction by a commissioner shall be stayed if the defendant files with the clerk of the district court an appeal bond with surety approved by the clerk in the sum specified in the judgment.

Appeal may be taken to the Supreme Court from the judgment entered by the district judge, under the statutes and rules governing appeals to that court in criminal cases.

Sec. 9. Funds, Reports. Each month each commissioner shall file with the proper clerk of the district court a sworn, itemized statement, by case, of all funds received and disbursed, and shall remit at least monthly to the persons entitled thereto all funds received by him. Fines and forfeited bail shall be remitted to the city or town which was plaintiff, or to the county if the State was plaintiff. All fees and costs not thus disposed of shall be remitted monthly by the commissioner to the proper clerk of the district court to be disposed of by the clerk pursuant to Sections 606.15, 606.16, and 606.17, Code 1966.

Sec. 10. Courts Abolished, Transition. All mayors' courts, justice of the peace courts, police courts, and superior courts, and the offices connected therewith, are abolished as of January 1, 1969. Promptly after December 31, 1968, each such official shall file all documents and books pertaining to his office with the clerk of the district court of his county. A district judge shall assign each pending criminal case to a commissioner and such case shall then be pending before that commissioner. All pending civil cases shall be pending in the district court of the county, and the clerk shall within 30 days give written notice of that fact by ordinary mail to the parties or their attorneys of record at their last known addresses.

Sec. 11. Commissioners Not Holding Office. When a commissioner ceases to hold office, his docket and all records relating to his office shall be promptly deposited with the clerk of the district court issuing the docket.

DIVISION II

TRAFFIC VIOLATIONS OFFICES

AND MINIMUM TRAFFIC FINES

Section 12. Uniform Summons. The Iowa commissioner of public safety shall adopt, obtain, and distribute at cost to state and local law enforcement agencies a uniform, combined traffic charge and summons, which shall be used for charging all traffic violations in Iowa under state law or municipal ordinance, unless the defendant is charged by information or section 19 of this division is applicable. Each summons shall be serially numbered and shall be in quadruplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, a copy to the defendant, and a copy to the law enforcement agency of the officer. The summons shall contain, among other things, spaces for the parties' names and for the information required by section three hundred twenty-one point four hundred eighty-five (321.485), subsection two (2), paragraph "a", Code 1966; a place where the defendant may sign the promise to appear referred to in section three hundred twenty-one point four hundred eighty-six (321.486); a list of the minimum fines prescribed by Section 14 of this division, either separately or by groups; a brief explanation of sections 13 and 15 of this division; and a space where the defendant may sign an admission of the violation when such section 15 is applicable. Every summons shall require the defendant to appear before a court at a specified time and place. Notwithstanding section three hundred twenty-one point four hundred eighty-five (321.485), subsection two (2), the officer may arrest the defendant although a summons is used to charge the violation, if authorized by section seven hundred fifty-five point four (755.4).

Sec. 13. Traffic Violations Offices. Each district court clerk shall by virtue of his office constitute a traffic violations office of the district court.

Sec. 14. Scheduled Violations. The minimum fine for all convictions of the following violations, whether of state law or municipal ordinance, shall be:

1. Violation of school or other stop sign or of traffic signal, $10.00.

2. Failure to yield right of way, $10.00.

3. Illegal parking, except violations covered by Section 19 hereof, $2.00.

4. Registration card or license plate violation, $4.00.

5. Improper lights, $10.00.

6. Prohibited turn, $10.00.

7. Improper muffler, $10.00.

8. Other defective equipment, $10.00.

9. Excessive speed up to 10 m.p.h., $10.00.

10. Excessive speed 10 to 20 m.p.h., $20.00.

11. Improper turning, $15,00.

12. Following too closely, $10.00.

13. Motor running unattended, $10.00.

14. Driving illegal direction, $10.00.

15. Failure to dim lights, $10.00.

16. Violation of restricted license, $10.00.

17. Failure to give half of way, $15.00.

18. Failure to signal passing or turning, $10.00.

19. Stopping on traveled portion, $20.00.

20. Violation of height, length or width, $20.00.

Such violations shall be called scheduled violations.

Sec. 15. Admission of Scheduled Violations.

(1) In cases of scheduled violations, the defendant, before the time specified in the summons for appearance before the court, may sign the admission of violation on the summons and deliver or mail the summons, together with the minimum fine for the violation, plus $2.00 costs, to a traffic violations office in the county, which shall, if the offense is a moving violation, forward a copy of the summons and admission to the Iowa commissioner of public safety as required by section three hundred twenty-one point two hundred seven (321.207). Thereupon the defendant shall not be required to appear before the court. Such an admission shall constitute a conviction.

(2) A defendant charged with a scheduled violation by information may obtain two copies of the information and, before the time he is required to appear before the court, deliver or mail such copies, together with the admission, fine, and $2 costs, to a traffic violations office in the county. The procedure, fine, and costs shall be the same as when the charge is by summons, but the admission and the number of the defendant's operator's or chauffer's license shall be placed upon the information.

(3) When sections 14 and 15 of this division are applicalbe but the officer does not deem it advisable to release the defendant and no readily accessible traffic violations office or court in the county is in session:

a. If the defendant wishes to admit the violation, the officer may release the defendant upon observing him mail the summons, admission, and minimum fine, together with $2 costs, to a traffic violations office in the county, in an envelope furnished by the officer; or

b. If the defendant does not comply with subsection (a), the officer may release the defendant upon observing him mail to a court in the county the summons and twice the minimum fine together with $2 costs (which may be by way of a bail form approved by the Iowa commissioner of insurance) together with the following statement signed by the defendant:

"I agree that either (1) I will appear pursuant to this summons, or (2) if I do not so appear that I hereby admit the violation charged in the summons and consent to entry of judgment of conviction for twice the minimum fine together with $2 costs and to application of the enclosed funds (or bail) in satisfaction of such fine and costs."

c. If the defendant does not comply with subsection (a) or (b), or in any event when section 755.4 is applicable, the officer may arrest and confine the defendant if authorized by such section 755.4, and proceed with him according to chapter 757 or 758 as the case may be.

(4) Any defendant although he admits a scheduled violation may appear before the court. The procedure, costs, and penalty (without suspension) after the hearing shall be the same as in the traffic violations office.

(5) A defendant charged with a scheduled violation who does not fully comply with subsection one (1), two (2), or three (3) of this section before the time required to appear before the court must, at that time, appear before the court. If such defendant admits the violation or is found guilty, the procedure and the penalty (without suspension) after the hearing shall be the same before the court as before the traffic violations office (with regular court costs) without prejudice, when applicable, to proceedings under section three hundred twenty-one point four hundred eighty-seven (321.487) or to other proceedings.

Sec. 16. Required Court Appearance. Section 15 of this division shall not apply:

(1) When the officer charges that the violation was aggravated (as because of highway conditions, visibility, traffic, injuries, repetition, or other circumstances); or

(2) When the officer charges that the defendant when apprehended did not have his license with him or had no license.

In such cases, the defendant shall appear before the court and regular procedure shall apply. If an information is used, the officer shall endorse thereon, "Not for Traffic Violations Office." If a summons is used, the officer shall strike out the space in which the defendant may admit the violation before a traffic violations office.

A summons or information containing a charge under subsection one (1) or two (2) shall not itself constitute substantive proof of such charge.

Sec. 17. Other Penalties. When section 15 of this division does not apply to a scheduled violation or when the defendant denies a scheduled violation, if the defendant is found guilty the penalty shall be the minimum fine prescribed in section 14 of this division (plus regular court costs) unless it appears that the violation was aggravated, in which event the punishment shall be increased accordingly.

Sec. 18. Disposition of Traffic Fines and Costs. Fines collected for all traffic violations shall be remitted to the treasurer of the city or town which was the plaintiff, or to the treasurer of the county if the state was the plaintiff. Costs collected by traffic violations offices shall be divided equally between the county and the state. One half shall be remitted to the county treasurer as provided in Section 606.16 and one half shall be remitted to the Treasurer of the State of Iowa monthly.

Sec. 19. Parking Meter Violations. Section three hundred twenty-one point two hundred thirty-six (321.236), Code 1966, is amended by adding the following:

> "Parking meter violations which are denied shall be charged and proceed before a court the same as other traffic violations.
>
> "Parking meter violations which are admitted:
>
> "1. May be charged upon a simple notice of a fine not exceeding five dollars payable to the city or town clerk, if authorized by ordinance; or
>
> "2. Notwithstanding any such ordinance, may be charged and proceed before a traffic violations office or a court, as the case may be, the same as other traffic violations."

Sec. 20. Venue of Traffic Violations. Section seven hundred fifty-three point two (753.2), Code 1966, is amended by adding the following:

> "Traffic violations committed by a defendant while a peace officer is in fresh pursuit may be prosecuted in any county through which pursuit was made, irrespective of where committed. Upon written consent of the

defendant and the officer who apprehended him, traffic violations may be prosecuted in any county in the state irrespective of where committed, and in such event the documents in the case shall be sent to the court or traffic violations office designated by the defendant and the officer."

Sec. 21. Repealer, Effective Date. Lines 15 through 22 of section 321.207, Code 1966, are repealed. The second sentence of section 321.208, Code 1966, is repealed. A defendant shall not be permitted to satisfy a traffic charge by forfeiting bail, but shall remain liable to prosecution. Sections 12 to 21, inclusive, of this Act shall take effect on January 1, 1969.

DIVISION III

SMALL CLAIMS PROCEDURE: Rules 373 to 383, inclusive, shall take effect January 1, 1969.

Rule 373. Commencement, Docket. Civil actions in which the amount in controversy in money or value is less than $300, exclusive of interest and costs, shall be known as small claims. All such actions shall be commenced by the filing of an original notice with the clerk and by the mailing by the clerk of a copy of same to each defendant at his last known address, as stated in the original notice, by restricted, certified mail, return receipt to the clerk requested. Instead of such mailing, the plaintiff may, after filing the original notice with the clerk, cause a copy of same to be served on all or some defendants in the manner provided in Division III of these rules, whereupon rules 48 and 49 shall be applicable as to the defendants to be so served. The clerk shall maintain a book known as the samll claims docket, which shall contain as to small claims the matters contained in the combination docket as to regular civil actions.

Rule 374. Original Notice. The original notice must be mailed or otherwise served not less than 10 days prior to the hearing date. The original notice and copies shall be signed by the plaintiff, either in person or by attorney, and shall be in substantially the following form:

IN THE DISTRICT COURT OF IOWA IN AND FOR _____COUNTY

_____)
Plaintiff(s))
)
_____)
Address of each plaintiff)
)
vs.) SMALL CLAIM NO._____
)
_____)
Defendant(s))
)
_____)
Address of each Defendant

ORIGINAL NOTICE

To the above named defendant(s):

YOU ARE HEREBY NOTIFIED that the above named plaintiff(s) demands of you_____
(1. If demand is for money, state amount; 2. If de-

_____
mand is for something else, state briefly what is demanded and its

_____
value in money; 3. If both money and something else are demanded,

_____ based on _____
state both 1 and 2) (state briefly the basis for the

_____
demand)

_____

and that unless you appear and defend before the above named court at_____*in _____*, Iowa, at _____*
(Place) (City or Town)

o'clock____*. M. on the ____* day of _____*, 19___*,-judgment will be rendered against you for the relief demanded, together with interest and court costs.

* To be completed by Clerk of District Court.

_____
Plaintiff(s)

Rule 375. Function of Clerk. The clerk shall furnish forms of original notice. At the time of filing, the clerk shall enter on the original notice and the copies to be served the file number and the time and place of hearing, which shall be a time when small claims are scheduled to be heard not less than 10 nor more than 20 days after the date on which the notice will be mailed or otherwise served. The clerk shall mail a copy of the original notice to each defendant by restricted, certified mail, return receipt to the clerk requested, except for defendants whom the plaintiff wishes to serve under Division III of these rules.

Rule 376. Fees, Costs. Fees and costs shall be one-half of fees and costs in regular civil actions in district court.

Rule 377. Pleadings. Except as provided in rules 374 and 378, there shall be no written pleadings or motions unless the court in the interest of justice requires them, in which event they shall be similar in form to the original notice.

Rule 378. Joinder, Counterclaim, Cross Claim, Intervention.

(a) Division II of these rules and rule 75 shall be applicable to small claims actions, except that rule 29 shall not apply to actions originating as small claims actions.

(b) In small claims actions, if a party joins a small claim with one which is not a small claim, the court shall (1) order the small claim to be heard under this division and dismiss the other claim without prejudice, or (2) as to parties who have appeared or are existing parties, either (a) order the small claim to be heard under this division and the other claim to be tried by regular procedure or (b) order both claims to be tried by regular procedure.

(c) In small claims actions, a counterclaim, cross claim or intervention in the amount of a small claim shall be in writing and similar in form to the original notice, and shall be entitled Original Notice of Counterclaim, of Cross Claim, or of Intervention, as the case may be. A copy shall be filed for each existing party. New parties may be brought in without order and shall be served with notice as provided in rules 373 and 374; and if notice is to be served by

mail the clerk shall collect the cost of mailing before filing the pleading. The clerk shall furnish forms of such pleadings. No counterclaim is necessary to assert an offset arising out of the subject of the plaintiff's claim.

(d) In small claims actions, a counterclaim, cross claim, or intervention not in the amount of a small claim shall be in the form of a regular pleading. A copy shall be filed for each exixting party. New parties, when permitted by order, may be brought in under rule 34 and shall be given notice under Division III of these rules. The court shall either (1) order such counterclaim, cross claim, or intervention to be tried by regular procedure and the other claim to be heard under this division, or (2) order the entire action to be tried by regular procedure.

(e) In regular actions, when a party joins a small claim with one which is not a small claim, regular procedure shall apply to both unless the court transfers the small claim to the small claims docket for hearing under this division.

(f) In regular actions, a counterclaim, cross claim, or intervention in the amount of a small claim shall be pleaded, tried, and determined by regular procedure, unless the court transfers such small claim to the small claims docket for hearing under this division.

(g) Pleadings which are not in correct form under this rule shall be ordered amended so as to be in correct form; but a small claim which is proceeding under this division need not be amended although in the form of a regular pleading.

(h) Copies of any papers filed by the parties which are not required to be served, shall be mailed or delivered by the clerk as provided in rule 82.

Rule 379. Proof of Service. At the time for hearing the court or clerk shall first determine that proper notice has been given a party before proceeding further as to him, unless he has appeared or is an existing party, and also that the action is properly brought as a small claim.

Rule 380. Default. Unless good cause to the contrary appears, (1) if the parties fail to appear at the time of hearing the claim shall be dismissed without prejudice by the court or clerk; (2) if the plaintiff fails to appear but the defendant appears, the claim shall be dismissed with prejudice by the court or clerk; and (3) if the plaintiff appears but the defendant fails to appear, judgment shall be rendered against the defendant by the court, or by the clerk if the relief to be granted is readily ascertainable. The filing by the plaintiff of a verified account, or an instrument in writing for the payment of money with an affidavit the same is genuine, shall constitute an appearance by plaintiff for the purpose of this rule. At the request of either party, the court shall grant such party one continuance to a day certain.

Rule 381. Hearing. The time for appearance shall be the time for hearing, unless a continuance has been granted under Rule 380. The hearing shall be to the court, shall be simple and informal, and shall be conducted by the court itself, without regard to technicalities of procedure; but the decision must be based on substantial evidence. The court shall swear the parties and their witnesses, and examine them in such way as to bring out the truth. The parties may participate, either personally or by attorney. The court may continue the hearing from time to time if justice requires. The proceedings shall not be reported unless a party provides a reporter at his own expense or the parties by agreement cause the proceedings to be electronically reported, but there shall be no delay for such purpose.

Rule 382. Judgment, Minutes.

(a) The judgment shall be entered in a space on the original notice first filed, and the clerk shall immediately enter the judgment in the small claims docket and district court lien book, without recording. Such relief shall be granted as is appropriate. The court may enter judgment for installment payments to be made directly by the party obligated to the party entitled thereto; and in such event execution shall not issue as long as such payments are made, but execution shall issue

for the full unpaid balance of the judgment upon the filing of an affidavit of default. When entered on the small claims docket and district court lien book, a small claims judgment shall constitute a lien to the same extent as regular judgments entered on the district court judgment docket and lien book; but if a small claims judgment requires installment payments, it shall not constitute a lien for any amount until an affidavit of default is filed, whereupon it shall constitute a lien for the full unpaid balance of the judgment.

(b) Unless the hearing is reported, minutes of the testimony of each witness and of any stipulations of the parties shall likewise be entered on the original notice first filed; and the exhibits or copies thereof shall be attached to such original notice or be filed, until released by the court.

Rule 383. Other Statutes and Rules. Small claims shall be commenced, heard, and determined in district court in accordance with this division, but this division shall only be applicable to district court. Other statutes and rules relating to civil proceedings shall apply, but only insofar as not inconsistent with this division. Service of original notice according to rule 56 or 373 supersedes the need of its publication, whether the party served is or resides within or without Iowa. Small claims on file for 90 days and not determined shall be dismissed without prejudice unless prior thereto a party secures an order of continuance to a date certain after notice and hearing, upon a ground stated in rule 215.1. Actions in probate involving the amount of a small claim shall be heard and determined under this division and may be commenced hereunder; if commenced as a regular civil action or under the statutes relating to probate proceedings, they shall be transferred to the small claims docket and proceed accordingly. Civil actions coming within this division but commenced as a regular action shall not be dismissed but shall be transferred to the small claims docket and proceed accordingly. Civil and probate actions not coming within this division but commenced hereunder shall be dismissed without prejudice except for defendants who have appeared, as to whom such actions shall be transferred to the combination or probate docket, as appropriate, and proceed accordingly.

DIVISION IV

DISTRICT COURT JUDGES AND JURIES

Section 22. Jurisdiction. Section six hundred four point one (604.1), Code 1966, is amended by striking from lines four (4) to eight (8) inclusive, the words "except in cases where exclusive or concurrent jurisdiction is or may hereafter be conferred upon some other court or tribunal by the constitution and laws of the state.".

District judges shall possess the full jurisdiction of the district court and the jurisdiction of district court commissioners. While acting as district court commissioners, district judges shall be deemed commissioners, may hold court at any place in the district where a commissioner may do so, and shall employ commissioners' procedure, except that all entries shall be made in the regular district court records and appeals shall be to the supreme court under the statutes and rules governing appeals to that court.

Sec. 23. Places of Holding Court. Section 604.9, Code 1966, is amended by striking from lines 5 and 6 thereof the words, ", by consent of the parties herein,".

Sec. 24. Juries. In counties containing a city having a population in excess of 50,000 according to the latest decennial census, petit jury panels shall be drawn six times annually to serve for the following two months, and in other counties they shall be drawn four times annually to serve for the following three months. The number of jurors on a panel shall be ordered by a judge of the district. Sections 609.18, 609.20 and 609.22, Code 1966, are amended accordingly.

DIVISION V

MUNICIPAL COURTS

Section 24. Nonexpansion. Notwithstanding sections 602.1 to 602.6, inclusive, Code 1966, no municipal courts shall be established and no municipal court judgeships shall come into existence after the effective date of this act.

DIVISION VI

JOINT RESOLUTION

A JOINT RESOLUTION

TO CONTINUE THE INTERIM COMMITTEE

TO STUDY THE COURT SYSTEM OF IOWA

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF IOWA:

Section 1. The Iowa Court Study Commission, created by Chapter 376 of the Acts of 60th General Assembly, is continued in existence until the convening in regular session of the 63rd General Assembly.

Section 2. Vacancies occurring in the commission shall be filled in the manner the original appointments were made.

Section 3. The sum of $_____ or so much thereof as is necessary is appropriated for the expenses of the commission.

REPORT OF
IOWA COURT STUDY COMMISSION

Part II

Judicial Administration

January, 1967

Part II

CONTENTS

PART II

JUDICIAL ADMINISTRATION

Preliminary Considerations

Iowa presently has twenty-one judicial districts and seventy-five judges. Geographically the districts are as small as one county with two court houses and two judges and as large as nine counties with ten court houses and five judges. There are two one-county districts with only two judges and one with as many as eight judges. There are two districts composed of two counties and three districts composed of three counties. A one-county district is, in fact, a county court for all practical purposes. Legally speaking it is a district court only in the sense that the judges exercise the general jurisdiction which the constitution commits to the district court. Nevertheless, its geographical jurisdiction is coterminous with county lines.

In addition to this there are thirteen municipal courts with twenty-two municipal judges. These courts are also county courts in that their geographical jurisdiction is also coterminous with county boundaries. They are, however, courts of less than general jurisdiction

and are not constitutional courts.

The wide diversity of case load per judge which presently exists is pointed out in another part of this report, but the foregoing considerations also indicate why an efficient use of judicial personnel has not been possible in Iowa. The wide variation in case load between the urban and rural centers suggests that a combination of both in any administrative plan would permit greater flexibility and greater efficiency the same as a consolidation of county functions is now looked upon as the modern trend in county administration and further, when urban areas reach beyond city limits and in some cases beyond single county limits, the need for larger districts becomes more apparent.

At present we have no court administration in Iowa, except in the sense that each judge is his own administrator in the counties in which he serves, and even then he administers in only one or at the most two counties at the same time. This concept embedded in our statutes is based on two fundamental outmoded assumptions which require him to hold one term each year in each place of holding court in the district. This in effect imposes the county concept of place and time on the judicial work of each judge. It

is a wholly unrealistic concept. As hereafter pointed out, the county and its court house is a basic unit of judicial service but only to the extent that the work load requires the time of the judge at that place. Beyond this the judge's time should be devoted to the places where there is work to be done. Terms of court in the sense we now think of them have long since become obsolete. Flexibility in use of judicial personnel requires some central control in each district and movement of judges throughout the district and when necessary among the various districts throughout the state. This presupposes fewer districts of larger geographical areas, a responsible manager in each district and a responsible manager over all the districts in the state. Regional autonomy should be preserved and enlarged beyond the geographical area of one or a few counties, judicial personnel should be assigned to the counties where there is work to be done in proportion to the need for judicial service and finally there should be reasonable uniformity throughout the state and reasonable flexibility over all of Iowa.

I.

Regional Autonomy

It is certain that for the foreseeable future the counties will remain the basic units of judicial service. For judicial purposes this presents a fractionating influence. The ideal conditions should permit a broad and frequent exchange of experience, communication and discussion among lawyers and judges of varied background and experience, both urban and rural, over a wide area. Law practice and administration of justice is a communicative art. Frequent and wide association over a wide area serves to strengthen both the lawyers and judges in their professional capacities and presents a countervailing force against the tendency toward provincalism and parochialism, whether urban or rural.

At the same time there must be substantial room for regional autonomy. A group of judges thoroughly acquainted with the area which they cover can best formulate and execute the detailed plans and programs which are essential to an efficient court administration. There are too many variables in the management problems which arise from day to day and month to month to permit a strictly formalized categorical method of judicial administration from a

central state agency. These factors suggest that judicial districts should be large enough, both in area and population, to require the services of several judges of varied experience, background, outlook and, undoubtedly, various capabilities. The data in Iowa indicates that a present juidicial district with eight judges can function with fair efficiency and it is probable that with some modernization beyond what the statutes now permit a district with considerably more than this number of judges would not be unmanageable. Geographical compactness of a district does not seem to have much effect on the dispatch of judicial business. This has been demonstrated in other states. Minnesota is a nearby example.

The plans for re-districting submitted by the commission gives effect to the considerations mentioned. Almost without exception each district includes a fair proportion of urban and rural area and the case load per judge for the suggested number of judges in each district is comparatively even throughout the state. The reduction in the number of districts from the present twenty-one to eight or twelve suggests a more unified, integrated and cohesive influence in court administration which should go a long way in counteracting any trend or tendency toward

the localism which a large number of geographical divisions invariably encourages. Comparative statistics seem to support the hypothesis that a large geographical district with a mixture of urban and rural populations is more efficient.

II.

Efficient Use of Judicial Manpower

Court business may be divided into broad categories for the purposes of administration and must be so divided for a prompt, orderly and expeditious disposition of the business. We have no way of knowing how much business in terms of cases or case load a judge in Iowa working under an ideal administrative set-up should be able to effectively dispose of annually. Data from other states is available but not on controlling value for detailed comparative purposes for various reasons. The idea of terms of court in the sense that judges must be tied down to a certain geographical area at certain stated terms, whether there is substantial business to be done or not, is obsolete. New ways of doing business, the changes that have taken place in the work lawyers are required to do, the shifting emphasis on the kind of work many of them prefer to do and the unprecedented changes in communication and transportation

have had tremendous impact on the work which confronts the judges in every court house.

Judicial work not directly related to terms of court, including contested matters of less than one day duration, occupies a great deal of the judges' court time. This seems to be a matter of common observation among judges and is borne out by inquiry from judges in each of the present twenty-one districts in Iowa. Every case filed, estate opened, juvenile petition filed, adoption petition presented; virtually every paper filed in the clerk's office will eventually require a part of some judge's time. The great bulk of this business is generally thought of as routine, and much of it is, but it would be a mistake to overlook the fact that a great deal of it presents problems which require diligent thought, careful consideration and quite often some extensive research. Much of this work is in areas in which precedent is lacking and is disposed of on an ad hoc basis. Also included in this category are the pleadings, motions, applications, temporary orders, and preliminary questions which precede the actual trial in litigated cases. This is the preliminary or motion part of the business. Statistical sampling in other states indicates that the major delay in litigation occurs in this area.

The statistical fact that only eight to ten per cent of cases filed are actually tried is likely to be misleading. Obviously, cases actually tried require judge time. Statistically, in Iowa, the average number of trials in civil and criminal cases is forty-two plus per judge, with an additional thirty-seven or thirty-eight juvenile hearings per judge annually. There is no statistical information available to indicate the number of days or weeks spent in actual litigation nor the time spent on litigation which was disposed of before actual trial.

The emphasis on terms of court which is the present basic concept of court administration whereby a judge becomes attached to one or two counties for a stated period of time, presumably for the purpose of disposing of the cases there pending, overlooks the present actualities that the preliminary proceedings before trial, as well as the business in the juvenile and probate parts, cannot be handled on a term basis. What is needed is a schedule of frequent court sessions of one or more days or parts of days duration at stated intervals sufficient to transact all of the preliminary part of the business, including juvenile cases (except long trials of more than one day expected duration). These court sessions should

occur frequently, preferably each week, on a fixed and stated schedule, published long in advance in each district and a sufficient number of judges assigned to this work to see to it that it is carried out and the preliminary part of the docket, including juvenile cases, is kept current. The initiative with respect to the accumulated business in these sessions must rest with the judge. Litigation when actually ready for trial should then be placed on the trial list by the judge in charge of the preliminary part, or by the clerk, and assigned for trial far enough in advance so that all parties can be ready.

Under this kind of arrangement the trial terms would depend on the trial business ready to be disposed of in the various counties and arranged to meet the need promptly on an ad hoc basis. Cases would be fully prepared and ready for trial before being placed on the trial calendar and scheduled far enough in advance to assure a minimum of conflict in lawyers' commitments and a corresponding saving of judge time now wasted by postponement of cases after the trial list is made up.

Changes such as suggested will require a repeal of present statutes requiring terms of court. Schedules for periodic weekly sessions of one or more court days should

be provided for by statute if necessary, but preferably by court rule. Statutes which are related to terms of court will need to be changed to relate to definite calendar times.

The flexibility needed for an efficient use of judicial manpower will require provision for housekeeping within each district and throughout the state. It is quite obvious, but frequently overlooked, that the district rather than the county must be the basic administrative unit and the administration, direction and co-ordination of the business within this unit must be by an administrative or chief judge. A chief judge in each district should be selected by the chief justice. In addition to his regular duties as a judge his responsibility will be to co-ordinate the work of the district, supervise the arrangement of schedules for each county, arrange for trial sessions and assign judges as needed to dispose of routine as well as special cases. He should also be charged with the responsibility of supervising the collection of such statistical data as may be useful in formulating schedules and procedures for the efficient administration of the business in the district and throughout the state. He must have administrative authority within the district under the supervision of the chief justice to require information from clerks, judges and all court officials and personnel within each county in the district;

to collate and co-ordinate the necessary information and direct the disposition of the business in each of the counties by arranging court sessions, assigning judges and allocating the work among the judges and such other officials as are connected with or responsible to the courts in the district. He must also have authority to supervise the work of all district court commissioners and municipal court judges within his district. He must not, however, be authorized to exercise any judicial function for or on behalf of any other judge or commissioner or direct the manner of its exercise.

He must keep accurate records of the business done in the various courts in each of the counties and of the work of all of the officials under his supervision. He must be empowered to employ such clerical assistance and provide such quarters, equipment, and supplies as necessary for the purpose of his office, and allocate the expense thereof to the counties in proportion to the judicial business of each, payable from the court fund on his authorization.

While final authority under the supervision of the chief justice must remain in the chief judge, it is not here suggested that he act as a martinet or dictator, but as the result of conferences with his colleagues and others under his supervision, much the same as is the present practice among the judges. He must be

authorized and required to call conferences of judges, district court commissioners, clerks and other court officials on the request of his colleagues and at such other times as he deems necessary for the effective administration of justice. Local directives which are necessary for the management of the business in the district should emanate from the conferences of judges within the district and be promulgated by the chief judge with the approval of the chief justice. The chief judge shall receive the same salary as other judges of the district court.

III.

Reasonable Uniformity Throughout the State and Provisions for a Continuing Review and Re-examination of Administrative Methods.

Present law, Code Section 684.21, in keeping with modern trends in court administration invests the supreme court with power to "adopt and enforce rules for the orderly and efficient administration of the courts inferior to the supreme court" and provides that such rules shall "be executed by the chief justice." The

statutes also provide that judges may interchange and the chief justice can assign judges or on petition of the requisite number of attorneys (5 or more) shall assign a temporary judge from another district.

Currently the practice of assigning judges is made dependent on a request emanating from the judges within the district. It is a cumbersome procedure. Difficulties in quickly finding an available judge are present due to the fact that judges are tied to terms of court in their own districts. Recently enacted statutes make provision for a recall of retired judges to active duty. Suitable administrative arrangements in the districts should facilitate the exercise of this authority more expeditiously and it may be expected that this authority will need to be more widely used in the future. District judges are officers of the whole state and should be given express authority to exercise judicial functions throughout the state, irrespective of district lines and divisions.

Some method must be provided whereby the supreme court can exercise continuing oversight, which the statute implicitly commands. Logically, as well as practically, this power should be delegated <u>by rule</u> to the chief justice with authority on his part to select an assistant from

among the members of his court. This is clearly within the statutory mandate.

Effective oversight on the part of the supreme court must necessarily depend on a continuing communication with the judges in the districts, a continuing search for more adequate administrative methods and procedures and a continuing re-examination of accepted methods. Uniformity throughout the state is desireable but not entirely essential. In the area of management there must be a continuing re-assessment and revision. This is an area where precedent is of less importance than experience and continuing experiment. Administrative procedures should be definite and certain, within reasonable limits, but more importantly they must be flexible and viable. A continuing communication and reconsideration of administrative methods can be accomplished by a judicial council composed of the chief judge from each district and the chief justice or a member of the supreme court selected by him.

Such a judicial council should be created. This organization should meet not less than twice annually and oftener if necessary. It must be its responsibility to discuss, consider and formulate such directives and

propose such methods as are best suited for the management and direction of the administration of the courts throughout the state. Such directives as are formulated by it and promulgated by the supreme court will then apply uniformly in the courts in each of the districts. A district court divided into twelve districts or less will mean a judicial council of not over thirteen members thoroughly acquainted with the problems in each area of the state and alert to the changing needs as they develop. It will, at the same time, preserve a regional autonomy without the tendency presently manifest towards the provincialism of a purely local court system. This council should be required to convene often enough to assure a continuing communication among the districts in the state and re-examination of administrative procedures and directives. The methods of judicial administration should be subject to a continuous revision in the light of future experience in Iowa, as well as proven experience in other states.

The judicial council should not be a part of the present or any future judicial conference as constituted under Section 684.20, but concern itself solely with court administration. It is essentially a conferring and communicating agency. The judicial conference as now constituted

may be concerned with or interested in judicial administration from time to time, but its basic purpose is of much greater reach and will become much broader in the future as new techniques are developed. (1)

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(1) Some consideration might be given to the judicial conference. Our statute provides that the chief justice may "order conferences of members of the courts", Section 684.20. There is some question whether this permits the chief justice to call a conference of less than all judges. At least there does not seem to ever have been a conference called of fewer than all judges. Such authority should be specifically provided for. As an example, it should be possible to call in some judges to sit with the supreme court or its committees in developing or re-examining rules of practice. The chief justice should also make use of a conference of some judges to assist in formulating long-range plans and detailed programs for the semi-annual judicial conferences. This work is essential and of high priority for a continuing survelliance, reconsideration and improvement of the whole judicial system and the quality of work done by both trial and appellate courts. Finally, there does not now seem to be any way in which the chief justice can compel attendance at the meetings of the semi-annual conferences. Some thought might be given to this. Attendance has generally been good, but substantially less than perfect.

IV.

Conclusion

Submitted herewith are model drafts of a suggested statute and the basic rules required to activate the proposed changes. They are necessarily broad in scope with little or no provision for detailed administrative rules or directives. Other states have accumulated rules and administrative directives which may be consulted as the reorganization in Iowa progresses. Furthermore, there are a great many local rules now in force in the various districts in Iowa which may be adapted to a statewide basis. In other states the administration of the courts through a chief judge or his equivalent is mostly by directives which develop into more formalized procedures. On the other hand, such directives as are found to be unworkable or unsatisfactory can easily be abandoned.

Detailed drafts of bills necessary to co-ordinate these proposals with existing law will be submitted to the General Assembly.

RECOMMENDED PROVISION FOR PRORATING EXPENSES

Section 684.21, Code 1966 now provides:

> "The supreme court shall adopt and enforce rules for the orderly and efficient administration of the courts inferior to the supreme court, which rules shall be executed by the chief justice. Such rules shall be adopted in the manner provided in section 684.19."

The adoption of rules under this section providing for a chief judge in each judicial district would require statutory authority for prorating the expenses of his office. The following is suggested:

> "The chief judge in each judicial district, as so designated by the chief justice, shall be furnished such clerical assistance, office quarters, equipment and supplies as may reasonably be necessary to carry out his duties. The cost thereof shall be paid from court funds of the counties in the district on an equitable prorata basis as determined by the chief judge."

PROPOSED RULES FOR COURT ADMINISTRATION

Rule 1. Purpose of Rules. The purpose of all rules for court administration shall be to provide for the administration of justice in an orderly, efficient and effective manner and in accordance with the highest standards of justice and judicial service.

Rule 2. Supervision of Courts. The chief justice shall exercise a continuing supervision for the supreme court over all courts in the state and over the judges and other personnel thereof. He shall have superior authority to make any order which a chief judge may make.

Rule 3. State Rules of Administration. The chief justice may make such orders from time to time as may be necessary or useful to achieve the purposes stated in Rule 1. Such orders shall provide for the temporary recall of eligible retired judges for active service and the transfer of active judges and other court personnel

from one judicial district to another, on a continuing basis, if need be, in order to provide a sufficient number of judges to handle the judicial business in all districts promptly and efficiently.

Rule 4. Appointment of Chief Judges. The chief justice shall appoint one of the district judges in each judicial district as a chief judge for administrative purposes, who shall hold office at the pleasure of the chief justice.

Rule 5. Duties and Powers of Chief Judges. In addition to their ordinary judicial duties, chief judges shall exercise continuing supervision within their respective districts over all courts, and judges and officials and employees thereof, for the purposes stated in Rule 1. They shall provide, by order, for the fixing of times and places of holding court and designate the respective judges to preside thereat; they shall prescribe the work of judges and other court personnel; they shall supervise and direct the performance of all judicial business, including the operation of traffic bureaus; they may conduct judicial conferences of the judges of the district to consider, study and plan for the improvement of the administration of justice within the district, and may make all such orders as may be necessary for the administration of the courts of the district. The powers herein provided are to be exercised for court administration purposes only; chief judges shall not direct or influence any judge in any ruling or decision in any proceeding or matter.

Rule 6. Office and Clerical Assistance. Chief judges are hereby empowered to employ such clerical assistance as is needed to properly discharge their administrative duties and functions as chief judges. They shall be provided with the necessary office space in the county of residence, and the necessary office supplies and equipment. The cost of such clerical assistance, office, supplies and equipment shall be paid by the counties of the district in proportion to the amount of judicial business in each county, as determined by the chief judge.

Rule 7. Court and Trial Sessions. Chief judges shall by order provide for sessions of court in each county of the district as follows:

(a) A court session by a district judge at least once each week in each county of the district, announced in advance, of sufficient length to achieve the purposes stated in Rule 1, and in no event less than one-half of a court day.

(b) Additional sessions for the trial of cases in each county of such length and frequency as will promptly dispose of pending cases which are ready for trial, in accordance with the purposes stated in Rule 1.

Rule 8. Judicial Council. There is hereby created a judicial council composed of all chief judges in the State and the chief justice, or his designee, who shall be the chairman. The council shall convene not less than twice each year, at such times and places as the chairman shall order. The council shall confer, consult and consider together all court administration rules, directives and regulations for the achievement of the purposes stated in Rule 1. The council may propose to the supreme court all such rules of administration as may be appropriate to achieve said purposes.

SUGGESTED AMENDMENT TO THE IOWA RULES OF CIVIL PROCEDURE

Rule 117. Paragraph (a), of rule 117 of the Rules of Civil Procedure is amended by striking the word "judges" from line one thereof, and inserting in lieu thereof the words "chief judges."

Rule 181. Amend Rule 181 by striking the first sentence in the last paragraph thereof and substituting the following in lieu thereof:

Adverse parties shall have twenty days after the date said copy is mailed or delivered as aforesaid within which to make and file a like certificate or file objections to the certificate previously filed, stating therein the reasons why he is unable with reasonable diligence to certify.

Rule 181.2. Repeal first sentence of Rule 181.2, paragraph (a), and substitute the folliwing in lieu thereof:

On each court day in each county or at such other times as the chief judge shall order the judges shall examine the cases on the ready calendar list which have been certified by one of the parties for a period of twenty days and rule on all objections permitted under Rule 181. In the event an examination of the papers in the case discloses that a case is ready for trial and the matters certified in the ready certificates have been done and completed, he shall place the case on a trial list for disposition at the next trial session to be held in that county. Notice shall be given to attorneys that said case is subject to trial at any time thereafter.

By oral or written agreement of the parties the chief judge may especially assign a case for trial on a day certain. In the event said agreement is oral, the order assiging said case for trial shall so state.

Repeal the last sentence of said paragraph (a) and substitute the following:

Trial lists shall be made up by the judges of the municipal courts in a like manner.

Repeal all of paragraphs (b) and (c), substituting the following:

The chief judge shall designate trial sessions in the various counties in the district at such times as the business in such county shall require and shall assign a judge to try such cases as are placed on the trial list or assigned for trial under the provisions of this rule. The designation of trial sessions shall be as long in advance as is compatible with a speedy and efficient administration of justice and a minimum of conflict with previous commitments of time of parties, witnesses, attorneys and court personnel. Notice of the trial session so designated shall be given to attorneys of record. The notice may state the order in which cases on the trial list will be tried.

Rule 215.1 Amend Rule 215.1 by striking from line 4 of paragraph 2 thereof the word "term" and substitute in lieu thereof the words "trial session". Strike from line 14 of paragraph 2 thereof the word "term" and substitute the words "trial session" in lieu thereof.

Rule 324. Amend Rule 324 by striking from line 5 thereof the word "promptly" and substituting in lieu thereof the word "conveniently".

Rule 372. Amend Rule 372 by striking the word "superior" from line 2 thereof, by striking from lines 2 and 3 thereof the words "by action of a majority of its judges" and substitute "by order of the chief judge" and by adding following the word "practice" in line 10 thereof, the words "by order of the chief judge".

REPORT OF
IOWA COURT STUDY COMMISSION

Part III

Redistricting and Personnel

January, 1967

Part III

CONTENTS

PART III

REDISTRICTING AND PERSONNEL

This section of the report relates to the phase of the Iowa Court Study Commission assignment dealing with Redistricting and Court Personnel.

The two overall factors which have a direct bearing on both redistricting and personnel are (1) the population of the area, and (2) the type and volume of the judicial services performed by the judges.

HISTORICAL BACKGROUND

As a background for the consideration of the matters involved there should be a preliminary statement as to the establishment and boundaries of the present districts. Originally, under Territorial Law, the state was divided into three judicial districts, with court sessions, respectively, presided over by one of the three supreme court justices. After Iowa became a state, and with the growth in population and increase in the volume of court matters, the number of districts and judges were gradually increased until 1886 when the legislature established 18 judicial districts with 44 district court judges. (Laws 21st G.A., Chapter 134).

In 10 of these 18 districts (Nos. 3, 5, 7, 8, 9, 12, 13, 14, 16 and 18) the boundaries so established in 1886 continue unchanged. In one, No. 5, the number of judges so designated in 1886, is unchanged.

Otherwise, since 1886 there have been changes and additions, as follows:

In 1894 Dubuque County was taken from the 10th District, and established as District 19, with two judges; the 10th District continuing with the present four counties, also with two judges. (Laws 25th G.A., Chapter 66).

In 1896 Marshall County was transferred from the 11th to the 17th District. (Laws 26th G.A., Chapter 122.)

Also in 1896 the 20th District was established with three counties: Des Moines transferred from the 1st, Henry from the 2nd and Louisa from the 6th; and providing that thereafter District 1 have one judge, District 2, four judges, District 6, three judges, and the 20th, two judges.

In 1900 Harrison County was transferred from the 4th to the 15th District, leaving the 4th with all counties now included in the 4th and 21st Districts. (Laws 28th G.A., Chapter 8).

In 1913 the present 21st District was established, leaving the 4th District with the present two counties. (Laws 35th G.A., Chapter 27).

Since 1913 there have been no changes in Judicial District Boundaries.

From 1886 to 1913 the number of judges was increased from 44 to 59; by 1931 there were 70, which continued until 1957, with later increases to 75, the present number.

(Note) The 8th District, as established in 1886, had but one judge, which continued until 1915 when the number was increased to two; the 1st District, established in 1896, had but one judge until 1911 when a second was authorized; the 17th District, with two counties, Benton and Tama, had but one judge until 1896, when, with the addition of Marshall County, two judges were authorized.

POPULATION

With the factor of population, consideration should be given to the state changes in relation to the gradual increase in the number of judges. For the period from 1890 to 1965 the records show:

Population	Total Number of Judges	Population per Judge
1890 - 1,900,000	44	43,181
1910 - 2,224,771	59	37,708
1920 - 2,404,021	64	37,562
1930 - 2,470,939	70	35,298
1940 - 2,538,268	70	36,261
1950 - 2,612,598	70	37,322
1960 - 2,757,537	75	36,767
1965 - 2,768,800 (Est)	75	36,917

(Note) The 4th and 21st Districts, as now constituted, were established in 1913; but are shown under 1910 population.

In 1961 the 10th and 14th Districts each received an additional judge, but this increase is shown under 1960 population.

Comparing the figures for the period since 1910, during which time the state increase in population has been approximately 550,000, the population per judge has remained and continued fairly constant. However, these population increases have not been reflected proportionately in the several judicial districts or within the counties of a district. This is shown by the fact that while the statewide average per judge on the basis of the 1965 estimated population is 36,900, the range per judge in the districts is from a high of over 50,000 (11th District), to a low of fewer than 22,000 (1st and 3rd Districts). Accordingly, if the district plan and the number of judges were determined entirely by population, the adoption of the high figure would indicate 55 judges could do the work, but if the low figure is applied 129 would be required. An examination for the census years from 1910 to 1960, on the basis of the population per judge in the districts, shows:

Year	High	Low
1910	60,423	18,351
1920	61,397	19,838
1930	45,340	20,634
1940	45,721	20,537
1950	50,879	21,501
1960	50,664	22,103

Thus the range per judge between the districts has existed for more than fifty years; but it has only been during the past twenty years when, due to very rapid population increases in some areas, and substantial decreases in others, that the disparity has been particularly marked.

These population changes on a statewide basis, and within the judicial districts, have resulted in a disruption of the balance from the standpoint of the volume of services provided by the district courts. To some extent, through the years, the several increases in the number of judges, have partially remedied the balance of the work in the districts with substantial population gains, but at the same time there has been no reduction in such personnel in the districts with more or less comparable population decreases.

Further, this pattern of population changes shows a "trend", which in the future may or may not continue in the same proportions as in the past. This not only presents difficulties now, but must have consideration in establishing district boundaries for the future. All of this information as to population and population changes from 1910 to 1965 is taken from official state records.

JUDICIAL SERVICES

The judicial services performed by district court judges include principally 1) civil litigation, 2) criminal prosecutions, 3) probate matters, and 4) juvenile cases. For the years commencing with 1956, to and including 1965, the Judicial Department records provide separate and detailed data for each of these categories. Sections 685.6 - 685.10, Code of Iowa, 1966. However, for the general purpose of determining and equalizing work loads, the Commission believes that actually, for comparison among the districts, the total civil and criminal cases filed will provide a fair criterion of judicial services. The volume of these services is significant and important. Again, referring to the judicial records, and on the basis of the present 21 districts and 75 judges, the statewide data shows the 1965 average for "civil and criminal cases filed" per judge is 489, but the range per judge in the districts is from a high of 761 to a low of 235. Thus, if the total number of judges is determined on the basis of the high figure some 49 could do the work, but applying the low figure 155 would be required.

Comparing the application of both population figures, and total civil and criminal cases filed, to the present number of judges, on both a statewide and district basis, there is a marked difference in the results. In using the high figures, the number of required judges - 55 and 49 - does not vary substantially; but with the low figures, some 26 more judges would be required on a work volume basis, than for population.

There is no proportionate uniformity among the districts between population and the volume of judicial services as measured by total civil and criminal cases filed. Applying the average civil and criminal cases filed for the years 1963-65, and the 1965 population, this range per 1000 population is from a high of 22 per judge in the 9th District, to a low of 5.7 in the 19th District. This lack of uniformity extends to the individual counties, but not in the same ratio, as in the present districts. The county range is from a high of 22 to a low of 4, and in several instances the filing on a population basis is higher in the predominately rural counties.

It clearly appears that the problems of redistricting and personnel require consideration of both population and total civil and criminal cases filed, and in such proportions as will reasonably equalize work loads.

A comparative district tabulation is set out on the following page, and the county data is readily available from the Judicial Department records.

Present Districts	1965 Population	Present No. of Judges	Population per Judge	Total Civil & Criminal Cases Filed per Judge: Aver. 1956-62	Total Civil & Criminal Cases Filed per Judge: Aver. 1963-65	Average Civil & Criminal Cases Filed per 1M 1965 Population
I	43,250	2	21,625	298	331	15.
II	115,250	4	28,813	370	374	13.
III	64,100	3	21,367	227	219	10.3
IV	120,100	4	30,025	512	484	16.1
V	105,450	3	35,150	395	471	13.4
VI	109,350	3	36,450	374	427	11.8
VII	234,300	6	39,050	503	490	12.5
VIII	78,500	2	39,250	294	338	9.
IX	269,200	8	33,650	692	739	22.
X	181,050	4	45,263	500	656	14.5
XI	206,300	4	51,575	492	564	10.9
XII	162,550	4	40,638	450	460	11.3
XIII	115,150	3	38,383	333	382	10.
XIV	130,600	4	32,650	363	378	11.6
XV	200,900	5	40,180	439	493	12.2
XVI	98,350	3	32,783	310	333	10.5
XVII	81,050	2	40,525	415	453	11.
XVIII	182,900	4	45,725	598	708	15.4
XIX	86,150	2	43,075	281	247	5.7
XX	72,700	2	36,350	292	330	9.
XXI	111,600	3	37,200	268	281	7.5
Statewide:	2,768,800	75	36,917		474	13.

Statewide Average Civil & Criminal Cases filed 1963-1965 - 35,609

These statements and comparisons as to population and work load, effectively pinpoint and emphasize the lack of equitable distribution of the 75 judges among the present districts, and the resulting difficulties. The judges themselves recognize this maldistribution. In response to questionnaires submitted by the Commission in 1966 more than half of the 75 judges stated that additional work could be performed; with only those in the districts with top heavy population and workload stating otherwise. There are other problems bearing directly on the volume of work which likewise present difficulties. These include the increased need for judicial services, changing litigation patterns, and the effect of recent U. S. Supreme Court decisions. The extent of these and other factors cannot be accurately forecast or measured.

Four maps, as described below, are shown on pages 12 to 15. These exhibits visually evidence some of the more important considerations embraced in population, workload, and bearing on all factors involved.

Exhibit "A" shows the population trend of Iowa Counties for the period 1956-1965.

Exhibit "B" shows the present judicial districts with combined civil and criminal filings per judgeship during 1965, the estimated population in 1965, and the residence of the present district judges.

Exhibit "C" shows combined civil and criminal filings in each county as a three year average (1962-64), and during 1965. It also shows the estimated population of each county in 1965 with changes since 1960.

Exhibit "D" shows the present and future highway developments planned by the Iowa State Highway Commission.

IOWA POPULATION CHANGES, 1956 — 1965

Exhibit A

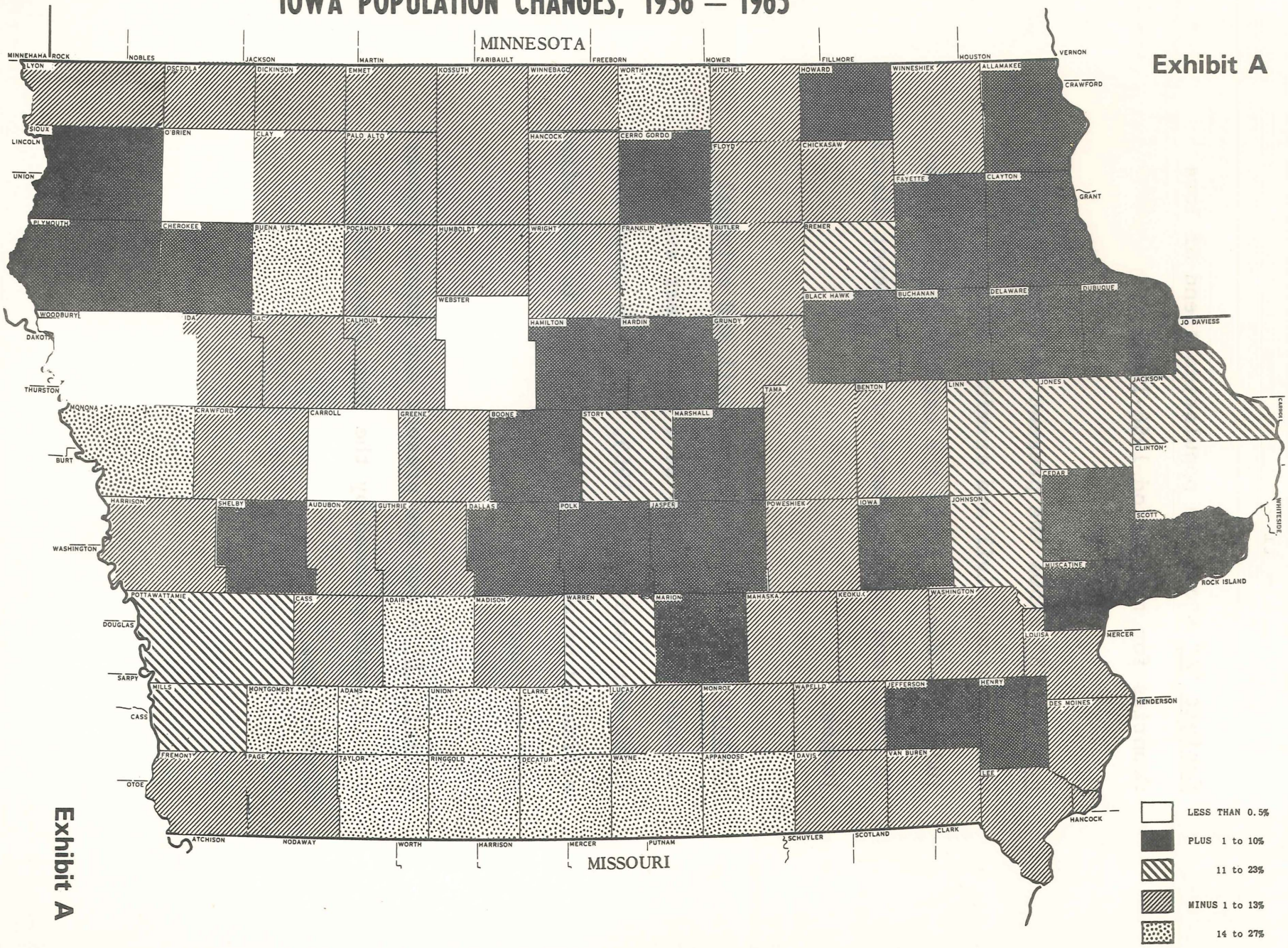


Exhibit A

PRESENT 21 JUDICIAL DISTRICTS
Civil and Criminal Cases Filed Per Judge - 1965

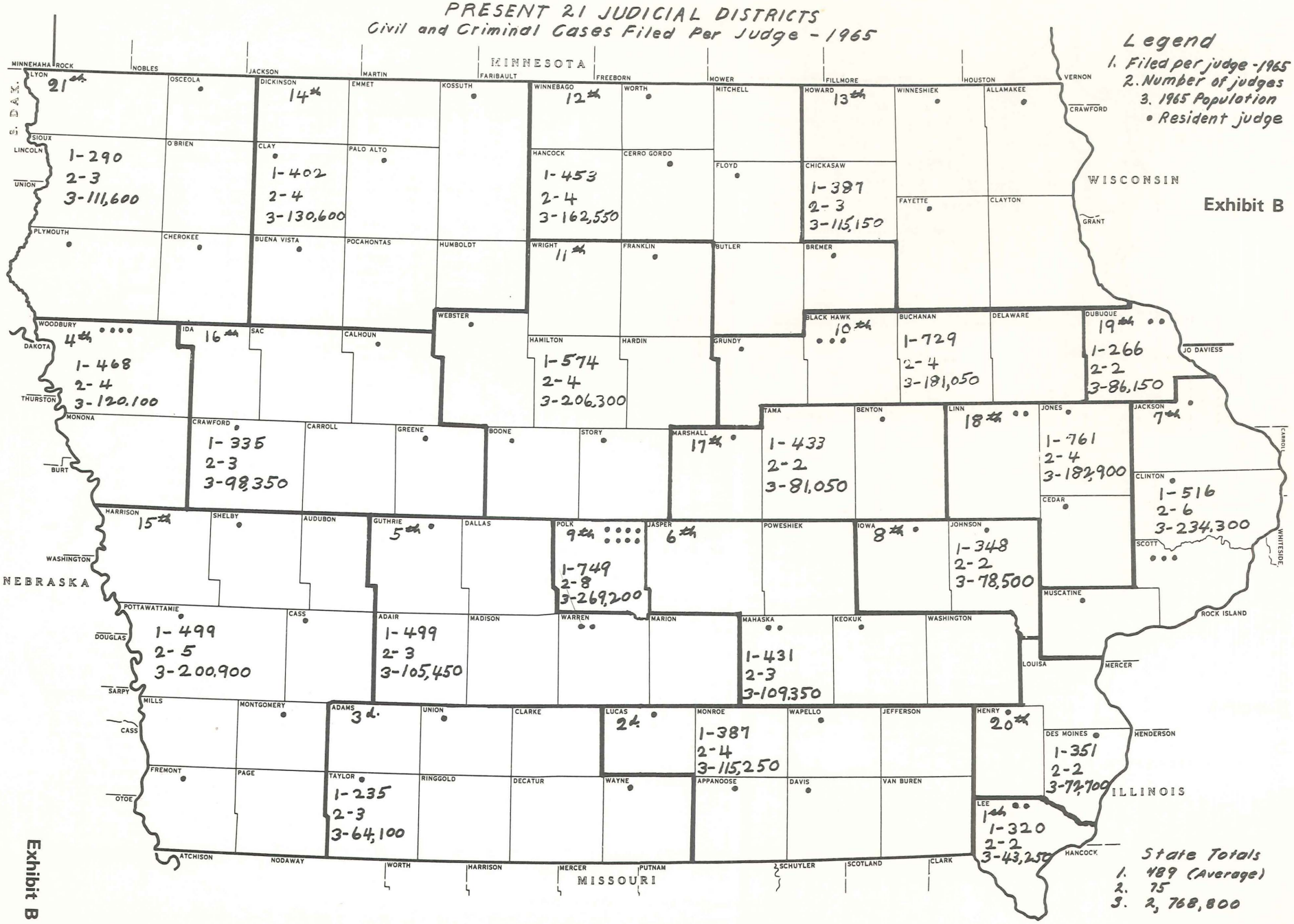
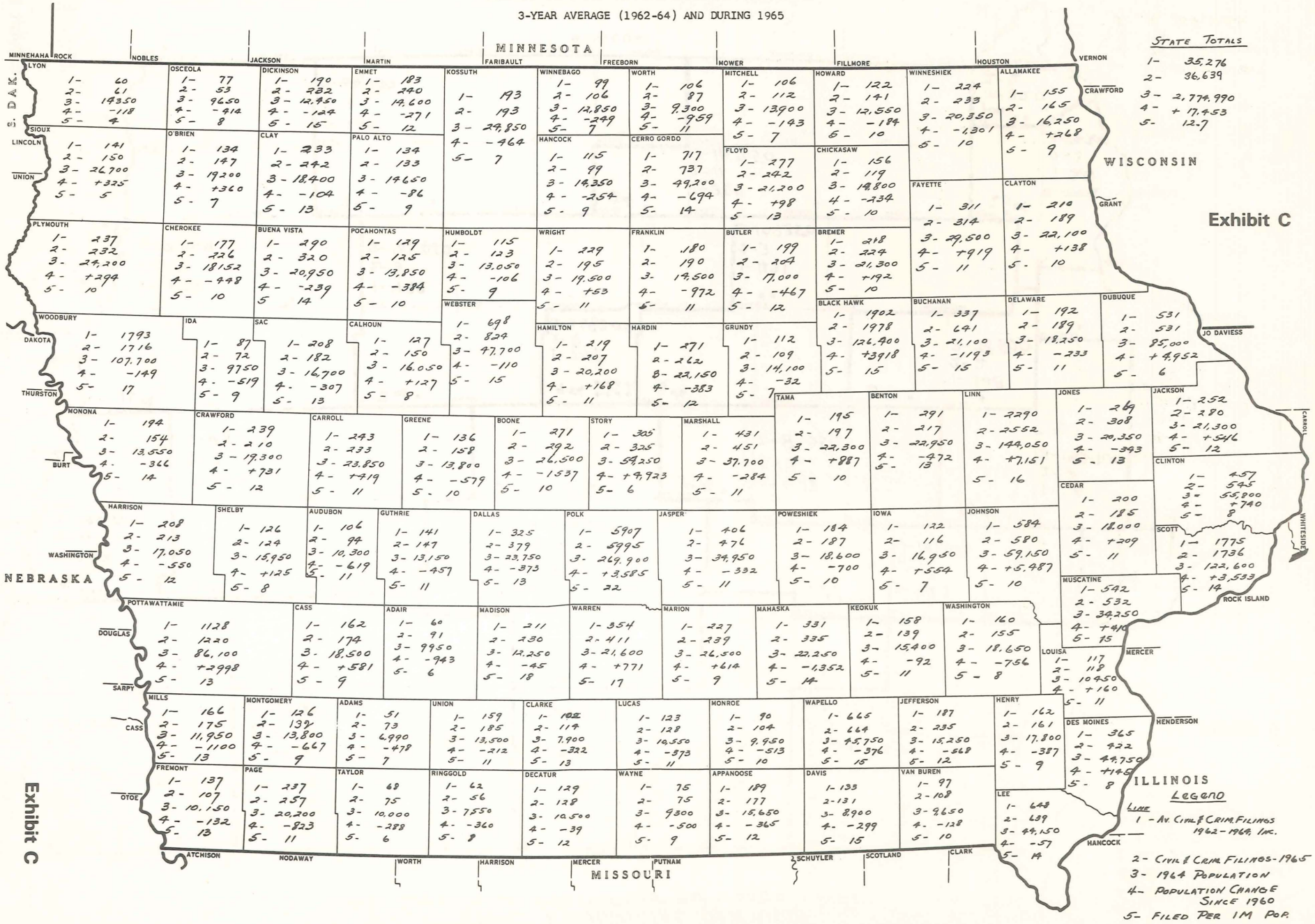


Exhibit B

COMBINED CIVIL AND CRIMINAL FILINGS IN EACH COUNTY

3-YEAR AVERAGE (1962-64) AND DURING 1965



STATE TOTALS

1- 35,276
2- 36,639
3- 2,774,990
4- + 17,453
5- 12.7

Exhibit C

LEGEND

LINE
1 - Av. Civil & Crim. Filings 1962-1964, Inc.
2 - Civil & Crim. Filings-1965
3 - 1964 Population
4 - Population Change Since 1960
5 - Filed Per 1M Pop.

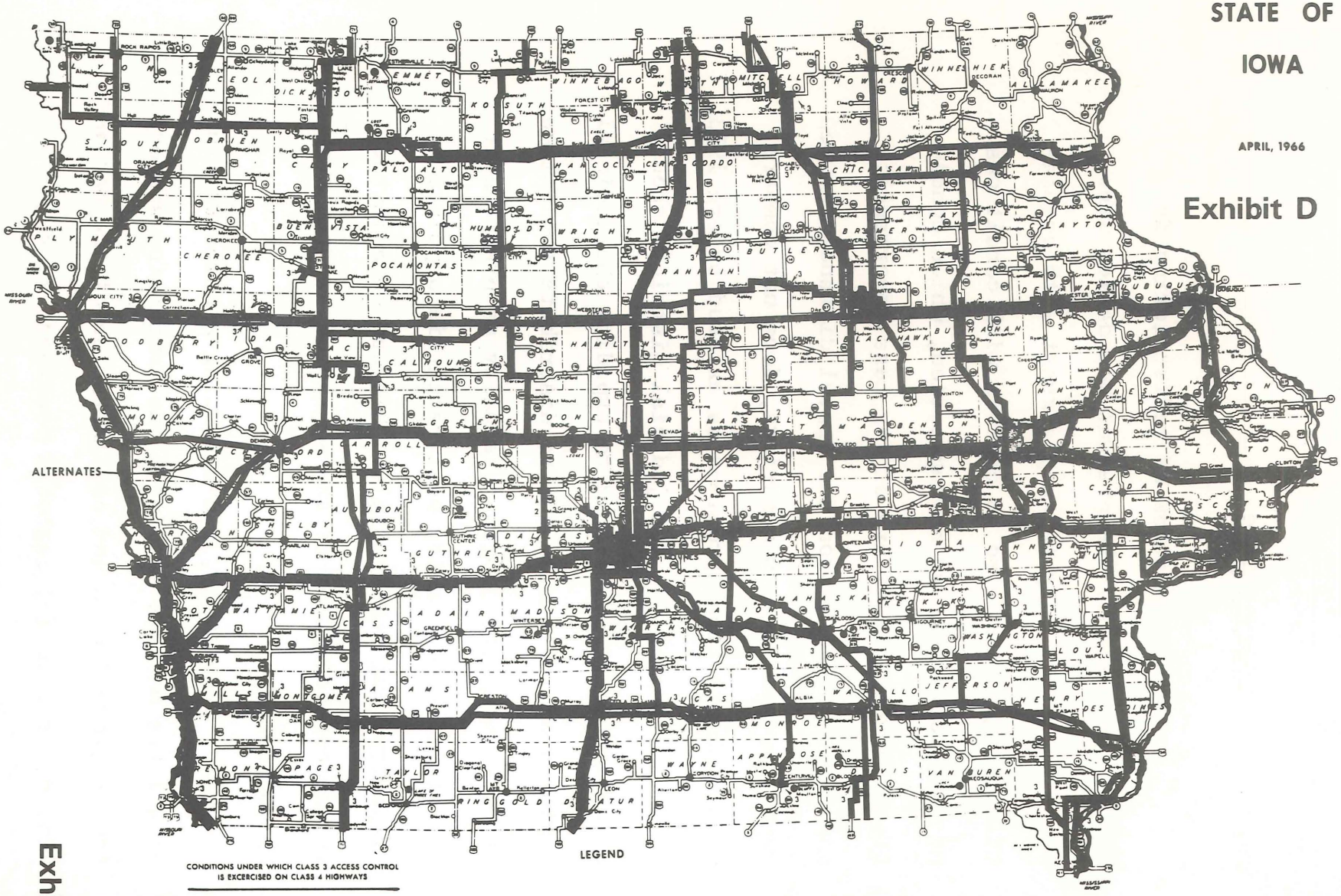
Exhibit C

PRIMARY ROAD CLASSIFICATION FOR ACCESS CONTROL

STATE OF IOWA

APRIL, 1966

Exhibit D



LEGEND

CONDITIONS UNDER WHICH CLASS 3 ACCESS CONTROL IS EXCERCISED ON CLASS 4 HIGHWAYS

1 — CITIES OF 25000 & OVER POP—5 MILES FROM CITY LIMITS IF TRAFFIC AVERAGES 3000 V.P.D. FOR 5 MILES

2 — TOWNS OF FROM 3000 & OVER POP—2 MILES FROM CITY LIMITS IF TRAFFIC AVERAGES 3000 V.P.D. FOR 2 MILES

3 — ½ MILE ON EACH LEG OF CLASS 4 ROAD WITH 1000 V.P.D. ON EITHER OR BOTH LEGS INTERSECTING CLASS 1,2 OR 3 ROADS

Exhibit D

REDISTRICTING

On the question of redistricting it fairly appears that the present boundaries were established not only to keep abreast with population changes, but also to conform with conditions of transportation and communication, which conditions 75 years later are of far less importance; and for the same reason the travel distance between counties, and between districts, does not compare with such practical problems as existed before 1913.

Logically, the judicial districts should be defined and established to expedite the judicial business of the state, and to distribute the volume of work among the judges as equally as practicable. Any district boundaries will result in population disparity, but substantially this can be adjusted in the consideration of the workloads and the number of judgeships.

Previously, and following a complete study of all the matters involved, the Commission approved for presentation to and consideration of the bar and public, at five (5) regional meetings, four (4) redistricting possibilities, each showing on a

district basis the total 1965 civil and criminal filings, the 1965 estimated population and the residence of present district judges. Map No. 1 of the plans proposed, containing twelve (12) districts, had the preference of the majority of those attending the meetings, as well as the members of the Commission. This Map No. 1 is attached to this report.

PERSONNEL

The question of personnel must be considered in the light of the proposals as to "Court Structure and Minor Litigation" and "Judicial Administration", presented in Parts I and II of this submission. Upon approval of the unified trial court plan, and the adoption of the administrative proposals for chief judges, a judicial council, the elimination of "terms of court", the statewide jurisdiction of the judges, the required weekly attendance of a judge in every county of the state, it reasonably may be assumed that trial judges will have additional duties, but the extent of this cannot be accurately estimated.

The Commission recognizes that even with redistricting there will be 75 district court judges for several years. It is only as vacancies occur that changes can be made. Upon consideration of all the factors involved the Commission has approved and submits the determination of the number of judgeships in any proposed and established district, for an equalization of the workload, shall be made as follows:

In districts containing a city with a population of 50,000 or more, equal consideration be given to 550 civil and criminal cases filed annually, and 40,000 population, or the major fractions thereof, per judgeship; and

In all other districts equal consideration be given to 450 civil and criminal cases filed annually, and 40,000 population, or the major fractions thereof, per judgeship.

Additionally, the proposed new district, No. 5, containing the seat of State Government, shall have one judgeship over the number determined by the application of population and civil and criminal case formula.

Initially the total annual civil and criminal filings shall be determined by taking an average for the years 1963, 1964 and 1965, as shown by the records of the Judicial Department Statistician; and the population as shown for 1965 by the estimated figures provided by the Department of Health, State of Iowa.

In the event of a vacancy in any district containing a city with a population of 50,000 or more, and where the average combined civil and criminal filings during the preceding three calendar years was less than 550 per judgeship and the population per judgeship based on latest available figures was less than 40,000, or the major fractions thereof, the vacancy shall not be filled; but otherwise a new appointment shall be made as provided by law.

And if there is a vacancy in any district which does not contain a city with 50,000 population; and where the average combined civil and criminal filings during the preceding three calendar years was less than 450 per judgeship, and the population based on latest available figures was less

than 40,000, or the major fractions thereof, the vacancy shall not be filled; but otherwise a new appointment shall be made as provided by law.

In the event of a vacancy in any district of the state, and it is then determined that because of such number of average civil and criminal filings, and the population per judgeship, the vacancy cannot be filled; a new appointment shall be made in another district which does not have the requisite number of resident judges as provided by the initial determination; and in case there are two or more of such districts, the appointment shall be made in the particular district where such excess in the filings and population, per resident judge, is greatest.

For convenient reference the chart attached to this section shows from the standpoint of each of the "Proposed 12 Judicial Districts" (Map No. 1), the 1965 population, the average civil and criminal cases filed for the years 1963-65, the application of the formula in determining the number of judges, and the proposed number for each of the several districts.

A bill to adopt the proposals on Redistricting and Personnel recommended herein will be submitted to the General Assembly.

From the standpoint of the findings heretofore detailed and upon consideration of all present conditions, the Subcommittee believes and respectfully submits that the proposals made will fairly define district boundaries, and make equitable distribution of the judgeships.

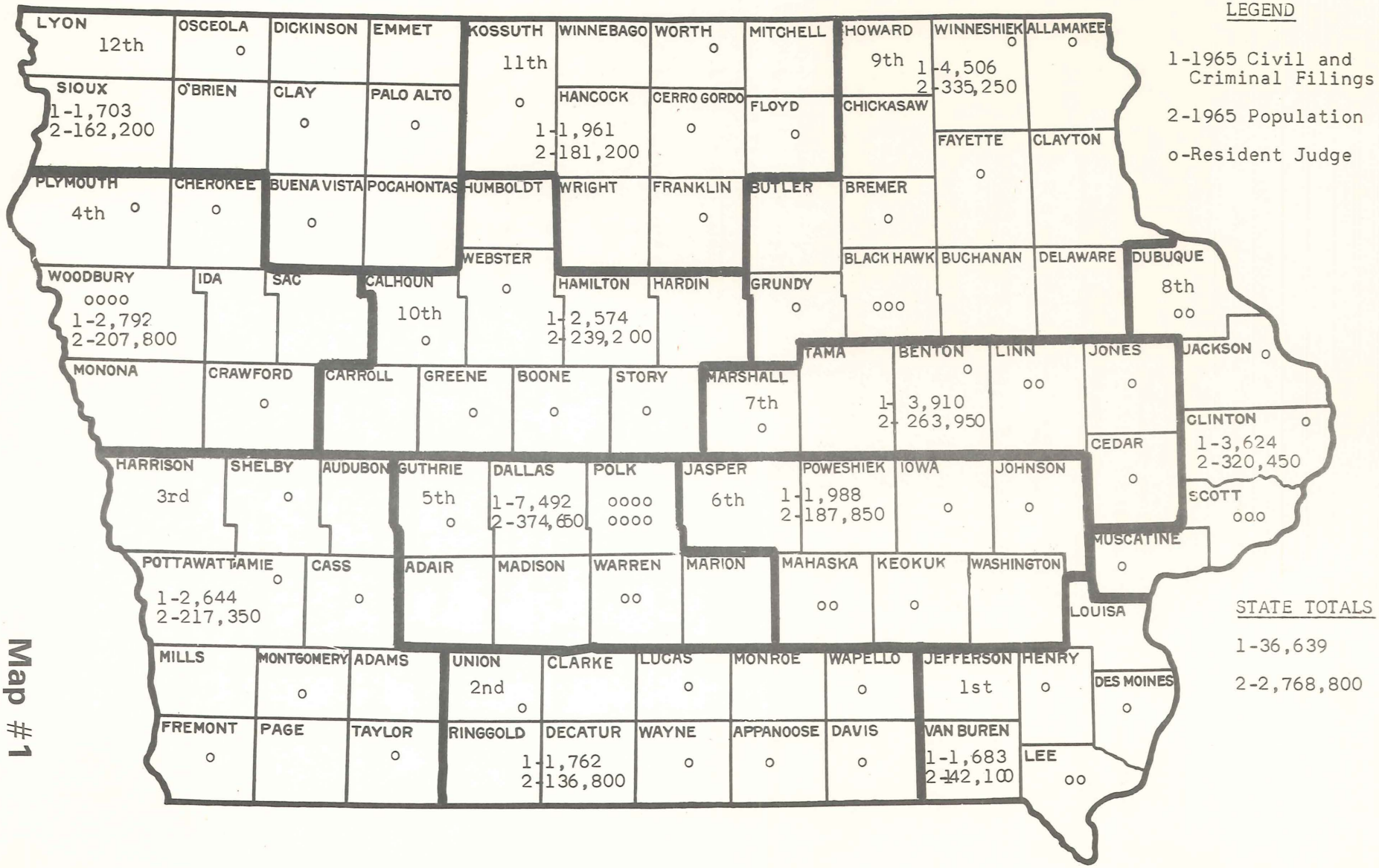
Proposed Districts	1965 Population	Total Average Civil & Crim. Cases Filed 1963 - 1965	Population and Civil & Crim. Cases Filed Applied to Proposed Districts	Proposed No. of Judges
I	142,100	1631	3.58	4
II	136,800	1722	3.62	4
III*	217,350	2591	5.07	5
IV*	207,800	2859	5.2	5
V*	374,650	7331	11.35	12**
VI	187,850	1996	4.57	5
VII*	263,950	3737	6.70	7
VIII*	320,450	3443	7.14	7
IX*	335,250	4188	7.99	8
X	239,200	2460	5.72	6
XI	181,200	2027	4.52	5
XII	162,200	1624	3.83	4
Statewide Totals	2,768,800	35,607		72

* Indicates Districts containing a city with a population of 50,000 or more.

** Indicates one additional judgeship in district containing seat of government.

12 JUDICIAL DISTRICT PROPOSAL

Map #1



LEGEND

1-1965 Civil and Criminal Filings

2-1965 Population

o-Resident Judge

STATE TOTALS

1-36,639

2-2,768,800

Map #1