
CHARTING THE FUTURE
.....
OF IOWA'S COURTS



REPORT OF THE
IOWA SUPREME COURT
COMMISSION ON PLANNING
FOR THE 21ST CENTURY



CHARTING THE FUTURE OF IOWA'S COURTS

REPORT OF THE IOWA SUPREME COURT COMMISSION ON PLANNING FOR THE 21ST CENTURY

JUNE 1996

This project was financed with funding from the State Justice Institute, the Iowa General Assembly, and corporate and private donations. Points of view expressed are those of the Commission and do not necessarily represent the official position or policies of the contributing agencies, organizations or individuals.

COMMISSION MEMBERS



Judge Bobbi Alpers	Ginny Hancock	Don C. Nickerson
Sherry Barrett	Janet M. Harris	Glenn L. Norris
Professor Patrick B. Bauer	Mark Haverland	William J. O'Brien
Jerry Beatty	Dr. Norma J. Hirsch	Charles M. Palmer
David D. Beckman	Nan M. Horvat	Judge Donna L. Paulsen
Jim Benson	Judge Robert A. Hutchison	Judge Charles H. Pelton
David J. Blair	Ted M. Hutchison	Dr. Terry L. Penniman
Bruce Braley	Rep. Libby Jacobs	Michael W. Rickert
Ann Brenden	Dwight W. James	Robert D. Ross
C. Gregory Buntz	Ann Jorgensen	Mark E. Schantz
Rebecca Colton	Bruce G. Kelley	Carolyn Scholl
Gregg C. Compton	Sen. Mary Kramer	Linda M. Schulte
Lt. Governor Joy Corning	Stephen P. Lacina	Annette J. Scieszinski
Charles R. Coulter	Patricia J. Martin	Midge Slater
Linda Del Gallo	Debra McDonough	MacDonald Smith
Professor Laurie K. Doré	Professor Linda McGuire	Justice Bruce M. Snell, Jr.
Professor John D. Edwards	Wayne H. McKinney, Jr.	Roger T. Stetson
Nancy Draper	Judge E. Richard Meadows, Jr.	Janelle L. Swanberg
Cynthia Eisenhauer	James A. Mullins	Justice Marsha K. Ternus
Loren L. Fligg	Stephen M. Morain	Judge William L. Thomas
Merry C. Ford	Larry Murphy	Miriam Tyson
Michael J. Gartner	Arthur A. Neu	Thomas N. Urban
Ann Hailey	Mary Lynn Neuhaus	Sen. Thomas J. Vilsack
Sally Chandler Halford	Justice Linda K. Neuman	Dean David S. Walker

Project Administrator—Kate Corcoran

Project Consultant—Steven C. Ames

June 12, 1996

To the Chief Justice and Members of the Iowa Supreme Court:

Your Commission on Planning for the 21st Century is pleased to present the following report outlining our vision for the future of the judicial branch in Iowa.

In your charge to the Commission, you asked that we develop a long-range plan that would do three things: clearly articulate the mission of the Iowa judiciary, assess the courts' capacity for providing services, and propose strategies aimed at delivering the highest quality of justice to the citizens of Iowa. We chose to accomplish these tasks by means of a "visioning" process.

First we studied, and attempted to articulate, the principles that have guided and grounded the judicial branch since its founding. We then examined how business is currently conducted in the courts throughout our state. Through on-site visits, personal interviews, surveys, group discussion, public hearings, and statistical analysis, we sought to understand the strengths and weaknesses of the system as it exists. We then went about the hard work of visualizing an ideal judicial branch for the year 2020, and the even harder work of proposing realistic ways to achieve that vision in harmony with our core values.

By its very nature, the report we submit is at once idealistic and realistic in tone. Its realism reflects the diverse backgrounds represented in the commission you appointed—farmers, lawyers, health professionals, community activists, teachers, clerks, judges, and business people. The report's idealism stems from the commissioners' shared belief that the judicial branch, co-equal and independent, must command the respect and support of every citizen if it is to maintain its vital role in our democracy into the 21st Century and beyond.

We extend our thanks to you for challenging us to face the future; to the public and private organizations and individuals who gave us the resources to pursue our mission with zeal; to the citizens whose care and concern for justice inspired our work; and to all those who are willing to embark on the course we have charted.

Linda K. Neuman

Justice Linda K. Neuman
Commission Chair

Table of Contents

Chapter One: Introduction and Overview	2
Chapter Two: Historical Profile of Iowa's Courts	12
Chapter Three: Iowa's Courts Today	22
Chapter Four: Emerging Trends and Issues	32
Chapter Five: Delivery of Justice: Access and Quality	
Vision Statement	42
Recommendations	43
Multi-Option Justice	43
Access to Justice	47
Quality of Justice	51
Legal Representation	56
Summary of Recommendations	60
Chapter Six: Administration	
Vision Statement	62
Recommendations	64
Organizational Culture	64
Organizational Structure	66
Human Resources	75
Physical and Technical Resources	80
Summary of Recommendations	86

Chapter Seven: Technology

Vision Statement	88
Guiding Principles	89
Recommendations	90
Use of Technology	90
Data and Information	93
Court Infrastructure	98
Summary of Recommendations	102

Chapter Eight: Funding

Vision Statement	104
Recommendations	106
Sources of Funding	106
Resource Management and Budgeting ...	112
Communication/Constituency Building ..	118
Summary of Recommendations	124

Chapter Nine: Planning and Public Education

Vision Statement	126
Recommendations	127
Judicial Branch Planning	127
Data and Information Gathering	133
Education	135
Summary of Recommendations	142

Acknowledgments:

Commission	i
Contributors	v
Focus Group Participants	ix
Public Hearing Attendees	xiv

Introduction and Overview

THE CHALLENGE OF CHANGE

As we approach the beginning of the 21st Century, Iowa's courts stand at a crossroads. Behind them lies a rich and distinguished past, marked by a tradition of innovation and service to the people of Iowa. Surrounding them is a host of contemporary issues—escalating court caseloads, inadequate facilities, uncertain funding—and the new pressures these concerns have placed on judges, court administrators and employees. Ahead looms a highly uncertain future—at once, both challenging and foreboding.

"The art of progress is to preserve order amid change, change amid order."

—Alfred North Whitehead

Amid headlines dominated by a rapidly changing population, economic restructuring, technological advances, and new social concerns, scholars and futurists agree that our society is entering a fundamentally new era in its history. The American justice system is deeply implicated in this environment of accelerated change—and Iowa's courts are no exception. Perhaps the greatest challenge facing the future of our courts is to maintain a sense of purpose and direction in the midst of such turbulence. It is for this reason that the Iowa Supreme Court Commission on Planning for the 21st Century was formed.

COMMISSION FORMATION AND STRUCTURE

First established in August 1994, the Commission on Planning for the 21st Century was charged with assembling citizens from both the public and private sectors to bring their knowledge, expertise and insights to bear upon the subject of the future of Iowa's courts in order to ensure the continued delivery of equal, affordable and accessible justice to all Iowans. Its specific mission was to develop a long-range plan that would:

- clearly articulate the court system's mission;
- assess its capacity for providing services; and
- propose an enduring, future-oriented service strategy that would deliver the highest quality of justice to the citizens of Iowa.

To oversee this mission, the Supreme Court appointed a Steering Committee of twelve members representing the courts, the bar, the Legislature, business and industry, labor, and low income Iowans. Committee activities were guided by a designated chair, staffed by a full-time project director, and advised by a long-range planning consultant funded, in part, through a grant from the State Justice Institute.

The project could not have been completed without seed money from the Iowa Legislature. In the spirit of its public/private roots, however, a majority of the Commission's budget was raised through the contributions of private businesses and corporations, professional organizations and individual citizens throughout the state. Numerous in-kind contributions of facilities and services were also made by other organizations and individuals, including the Iowa Judicial Branch.

Members of the Steering Committee

Chair:
Linda K. Neuman

David D. Beckman
Rebecca Colton
Mark Haverland
Ted M. Hutchison
Dwight W. James
Mary Kramer*
William J. O'Brien*
Donna L. Paulsen
Robert D. Ross
MacDonald Smith
Bruce M. Snell, Jr.
Janelle L. Swanberg
Marsha K. Ternus
Thomas N. Urban*

*until May 1995

Ultimately, the Steering Committee convened a broadly representative group of 60 citizens to undertake the actual work of the Commission. This group was specifically directed to:

- examine social, economic, political and technological trends;
- identify current and future issues confronting the courts; and
- assess the resources needed to establish a foundation for strategic management and organizational innovation.

Based on its findings, the Steering Committee was to develop a long-range plan for the Judicial Branch and to report its findings and recommendations to the Supreme Court in June 1996.

MAJOR COMMISSION ACTIVITIES

In order to launch this ambitious undertaking, the Commission initially divided into five separate subcommittees or "teams," each chaired by members of the Steering Committee. Individual teams were directed to investigate five specific target areas of concern regarding the future of the courts:

- Delivery of Justice: Access and Quality
- Administration
- Technology
- Funding
- Planning and Public Education

The time frame for team investigations extended from the present to the year 2020. This 25-year period was considered to be consistent with the purpose and functions of a long-range plan: to provide an overall direction and long-term goals for attainment by the court system.

At the same time, the Steering Committee acknowledged that strategic action plans encompassing a much shorter time frame (e.g., 1-5 years) would ultimately need to be developed in order to realize the longer-term directions charted by the Commission. Such strategic plans were seen as the purview of

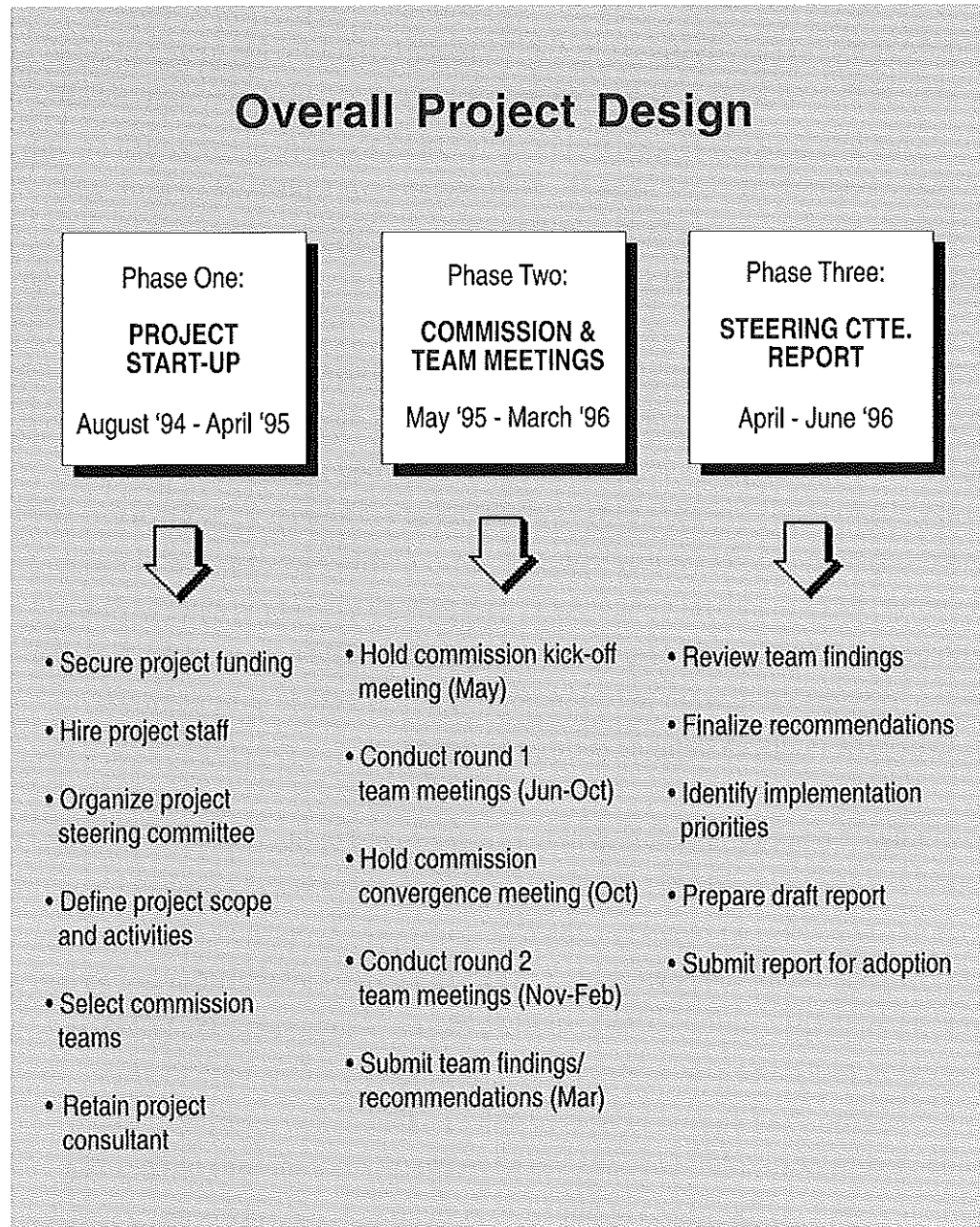
the Supreme Court and Judicial Branch, but were specifically addressed in recommendations developed by the Planning and Public Education team. (See Chapter Nine).

Over the course of the next year, the Commission engaged in an elaborate participatory process designed to chart a preferred future for Iowa's courts. In May 1995, a kick-off conference was held at Iowa State University, featuring presentations by the Chief Justice, Iowa Judicial Branch personnel, and an internationally recognized futurist. At this event, the full Commission was briefed on the importance of its mission, the state of Iowa's courts, and the considerable challenges facing us.

Following this event, Commission teams launched separate but parallel planning efforts. Meeting monthly, each team considered Iowa's court history, analyzed current court conditions, identified emerging trends and issues, explored future scenarios, and ultimately drafted a preliminary vision and recommendations for its respective area. During the course of these meetings, team members visited local courthouses across the state to meet with judges, court administrators and employees. These encounters added a human dimension to team investigations and impressed upon them the reality of the many challenges facing the courts.

In October 1995, Commission members came together again for a "convergence" conference to share their findings to date. In a series of intensive sessions over the next two days, the five teams presented their draft visions and recommendations, participated in an interactive vision forum involving cross-team polling and feedback, revised their recommendations based on this input, and met again to share their proposed revisions with the full Commission. In addition to these activities, a panel of experts from other court systems around the country reviewed team findings and offered suggestions based on their own planning experiences. Computers and technology, too, played a role in the conference, as Commission members viewed information on state-of-the-art court technology applications and explored information on court futures via the Internet.

Overall Project Design



PUBLIC INVOLVEMENT FORUMS

Following the conference, Commission teams met individually over the next five months to refine their findings and recommendations, and to consider additional information collected by the Commission. During this period, the Commission designed and implemented three distinct types of participatory “forums” to solicit information, ideas and feedback from the public-at-large and specific court “stakeholder” groups.

- In January 1996, the Commission released the results of an extensive public opinion survey. Conducted on behalf of the Commission by the University of Iowa Social Science Institute, this scientific survey based on a random sample of more than 800 Iowans provided highly reliable indicators of the general public’s knowledge, experience and opinions regarding the courts. The survey results were both reassuring and provocative. (See Chapter Three.)
- In January and February, the Commission conducted a series of professionally facilitated “focus groups” for key court stakeholder groups, including judges, juvenile court officers, state and district court administrative staff, clerks of court, court reporters, and attorneys. These sessions, held throughout the state, provided specific insights into the concerns of court stakeholders regarding current court and justice system conditions, as well as their hopes for the future. (See Chapter Three.)
- In April the Commission conducted six public hearings in strategic locations across Iowa for members of the public-at-large to share concerns, ideas and suggestions they might have regarding the future of Iowa’s courts. Though attendance was somewhat limited, the thoughtfulness and personal involvement of the people testifying was impressive, even moving. (See Chapter Three.)

The results of these forums provided additional information to augment the Commission’s own investigations and findings. Results were considered by

individual teams and the Steering Committee and shared with other court groups, including the Supreme Court and Judicial Council.

COMMISSION REPORT

By March of 1996, the draft visions and recommendations of the five Commission teams, along with related information, were submitted to the Steering Committee for its final review and consideration. What followed was a lengthy and painstakingly careful process of reconciliation and refinement to produce a final slate of recommendations for submission to the Supreme Court. This report includes a complete summary of those findings. (See Chapters Five through Nine.)

In addition to visions and recommendations, each team report includes in-depth “rationale statements” for every recommendation, as well as implementation priority ratings and related recommendations of other teams. Implementation priorities are defined as the time frame during which implementation of a particular recommendation would commence—and potentially but not necessarily—be completed. The base date for the Commission’s overall implementation time frame is July 1, 1996. Five categories of possible implementation priorities are included:

- Ongoing (recommendations already under implementation in some form)
- Short-term (1-2 year implementation time frame, beginning July 1, 1996)
- Medium-term (3-5 year implementation time frame, beginning July 1, 1998)
- Long-term (6+ year implementation time frame, beginning July 1, 2001)
- Short/medium/long-term (beginning immediately and continuing indefinitely).

Each team report also includes examples of specific initiatives already underway in Iowa’s courts, called “Success Stories,” considered to be highly compatible with that team’s recommendations.

The Commission wishes to emphasize that its five visions and accompanying recommendations do not purport to cover the entire breadth and depth of possible issues or concerns facing the future of Iowa's courts. There are a number of reasons for this.

To begin, the future is a vast, dynamic and unpredictable domain. It is virtually impossible to know all of the emerging issues or concerns that may confront the courts five, ten or 25 years down the road. That is precisely why an entire section of the Commission's recommendations is focused on establishing an ongoing planning function within the Judicial Branch. (See Chapter Nine.) Planning for the future can and must be an ongoing—as opposed to one-time—activity. The findings of this Commission are seen as just the beginning of planning for the future of the courts.

At the other end of the spectrum are those issues or concerns that are highly immediate in their impact. Focusing the Commission's recommendations on such issues would be to deny its mission and charge. To the extent that an issue facing the courts is a matter of urgency or even crisis, it necessarily lies beyond the scope of this report.

Finally, and somewhere in between, are those issues that may have long-term implications for the courts but which, in themselves, are already the subject of discrete studies or investigations. The Supreme Court has engaged a number of formal task forces or committees to explore contemporary issues facing the courts—such as domestic violence, gender/racial bias, and child welfare—and to make recommendations for change. Out of respect for such efforts, the Commission has largely left these subjects to the findings and recommendations of those respective groups.

NEXT STEPS

Throughout the Commission's tenure and underlying all its work has been a concern for the issue of "follow-up." The visions and recommendations contained in this report represent the ideals and proposals of hundreds of Iowans—Commission members and court personnel among them—who shared their thoughts and concerns in the hope that someone would listen and take action. As the Commission disbands, it is mindful of the risk that its recommendations may go partially or wholly unrealized. Yet the Commission is certain this is not an outcome envisioned, or desired by, the Iowa Supreme Court.

Many of the recommendations contained in this report call for updated technology, organizational change, new procedural rules and—occasionally—statutory revision. Although the ultimate responsibility for implementing these recommendations will rest with the Supreme Court, members of the Commission stand ready to help forge new alliances, and strengthen existing ones, in the interest of securing the visions expressed in the report. The Planning and Public Education Team specifically recommended that the Court form a Planning Advisory Committee to provide leadership and expertise to support the Court's ongoing planning efforts. (See Chapter Nine.) To the extent the committee is drawn from members of this Commission, continuity of purpose and direction will be ensured.

SUMMARY

For the members of the Commission on Planning for the 21st Century, envisioning the future of justice in Iowa has been a revealing, even transforming experience. Never before has the Iowa Judicial Branch embarked on such a far-sighted planning process—nor one that has so openly invited the ideas and concerns of the people of this state. While this effort has been long and involved, it is clearly just the beginning of what promises to become an ongoing system of anticipating and planning for change. The next step—turning these visions and recommendations into reality—will most certainly require further collaboration, persistence and resolve.

In the meantime, this report exists to provide inspiration and guidance for the long-term future of Iowa's courts. While it was never intended to dictate specific strategies for change or authorize immediate courses of action, it will certainly be available to inform and strengthen the planning, budgeting and legislative activities of the courts as they—indeed the entire Judicial Branch—move into a dynamic and changing future.



Historical Profile of Iowa's Courts

As the Commission for Planning on the 21st Century embarked on a comprehensive study of Iowa's court system, its 72 members met for the first time at a two-day conference held at Iowa State University. The centerpiece of the event was a thought-provoking and challenging presentation by Dr. James Dator, professor of political science, director of the Hawaii Research Center for Futures Studies at the University of Hawaii, and a consultant to national court-related organizations.

In a somewhat surprising observation, Dator asserted that the "personnel, intellect and concern" of state court systems make them more able and inclined than other institutions to think creatively about the future. The first step in that process, Dator said, is to look to the past:

It's very important to have a clear understanding of the history of the court system. To say it needs to be changed is not to condemn it or deny its nobility or the good intentions of those who established it. It is to say that that was then, this is now, and what about tomorrow? If you have a good understanding of the past, you invariably see that it was someone's brilliant vision of the future.

As the Commission looked back over the 158-year history of Iowa's Judicial Branch, it saw an institution guided by core values of fairness, integrity and quality. In early cases involving fundamental human rights, Iowa's courts demonstrated legal foresight, courage and common sense. (See "Iowa's Pioneering Cases" in this chapter.) To examine this history is to understand the implicit vision that has, from the very beginning, guided the courts of this state.

TERRITORIAL GOVERNMENT

Congress enacted legislation in 1838 that formed the Territorial Government of Iowa, dividing it from the Territory of Wisconsin. The Act vested executive power in a governor, provided for a legislative assembly, and established a judiciary that consisted of a supreme court, district courts, probate courts, and justices of the peace.

The first Iowa Supreme Court consisted of a chief justice and two associate justices who served four-year terms and were appointed by the president of the United States. The three justices of the Supreme Court, who held court annually, also served as district (trial court) judges. The Territory of Iowa was divided into three judicial districts, with one Supreme Court justice residing in each district. Each judicial district also employed justices of the peace having general jurisdiction except in boundary disputes or when the sum in controversy exceeded fifty dollars.

Congress vested the territorial courts with the same jurisdiction in all cases arising under the Constitution and laws of the United States as exercised by federal courts. Hence, the Iowa territorial district courts reserved the first six days of every term for trial of issues arising under the Constitution and federal law. Writs of error and appeals from final decisions of the district courts were made to the Supreme Court of the Iowa Territory. When the amount in controversy exceeded one thousand dollars, writs of error and appeals from final decisions of the Territory's Supreme Court were taken to the U.S. Supreme Court.

STATEHOOD

Iowa joined the Union as the twenty-ninth state in 1846. The Iowa Constitution of 1846 divided the powers of the state government into three separate "departments"—the legislative, the executive and the judicial. The 1846 Constitution vested judicial power in a supreme court, four district courts, and such other inferior courts as established by both houses of the state's General Assembly.

Under the Constitution of 1846, the Iowa Supreme Court consisted of a chief justice and two associate justices who were elected to six-year terms by a joint vote of both houses of the General Assembly. While serving on the Supreme Court, justices were ineligible to hold any other office. Supreme Court justices were given supervisory control over all lower judicial tribunals in the state and were entrusted with conserving the peace throughout the state.

During the first legislative session held in the new state, the General Assembly divided the state into four judicial districts. District courts judges were popularly elected to five-year terms by voters of the district in which they resided.

Iowa's Pioneering Cases: A Rich History of Protecting Human Liberties

Iowa's first reported case, **In the Matter of Ralph (a Colored Man) (1839)**, concerned a slave who moved to Iowa to work in the Dubuque lead mines, but failed to pay his owner, as promised, \$500 plus interest for his freedom. The Iowa Supreme Court found that Ralph should pay his debt but, for the nonpayment, "no man in this territory can be reduced to slavery." The court rejected the argument that Ralph was a fugitive slave, reasoning that by allowing him to leave Missouri and reside in a free state, the master could no longer exercise any right of ownership over him in this territory.

The **Ralph** decision provided important precedent for Justice Benjamin R. Curtis's dissent in the *Dredd Scott* case decided 18 years later by the U.S. Supreme Court. Again, the issue was whether a slave became free by residing in a free territory—a question not settled until the Civil War.

Clark v. The Board of Directors (1868), involving a 12-year-old girl denied admission to her neighborhood school, concerned the issue of whether a school's board of directors could "require colored children to attend a separate school." The Iowa Supreme Court examined legislative sentiment on the subject and held in favor of equal access to public schools, regardless of race or nationality. To do otherwise, the court held, would violate the spirit of our laws and perpetuate unnecessary racial strife.

At the federal level, the concept of "separate but equal" was not struck down until *Brown v. Board of Education*, nearly a century later.

Coger v. The North Western Union Packet Co. (1873) centered on the denial of first-class accommodations and meals to a woman of partial African descent traveling on a Mississippi steamer from Keokuk to Quincy, Illinois. Although a fellow passenger purchased Coger an unrestricted meal ticket, she was forcibly removed from the dining cabin. The Iowa Supreme Court ruled without regard to the ancestry of the "blood that flowed in her veins," holding that Coger was entitled to the same rights and privileges possessed and exercised by white passengers.

The same conclusion was not reached by the U.S. Supreme Court until *Heart of Atlanta Motel, Inc. v. United States*, a case that followed passage of the 1964 Civil Rights Act.

CONSTITUTION OF 1857

The Iowa Constitution of 1857 endures to the present day, securing for the citizens of Iowa a free and independent government. Consistent with the constitution it replaced, judicial power was vested in a supreme court, district courts, and such lower courts as established by the General Assembly. As more of the state was settled and new counties were formed, the need for additional judicial districts grew. In 1857 the number of judicial districts increased from four to eleven, with a provision that allowed the General Assembly to reorganize the districts after 1860 and every four years thereafter.

A new provision in the 1857 Constitution provided for statewide, popular election of Supreme Court justices to staggered, six-year terms, with one judge elected every two years. The three justices of the Supreme Court shared the responsibility of presiding as chief justice by serving six-month terms on a rotating basis.

TWENTIETH-CENTURY REFORMS

Over the next 100 years, few major changes occurred in Iowa's Judicial Branch. Beginning in the 1970s, however, the U.S. Supreme Court, under the leadership of Chief Justice Warren E. Burger, initiated efforts at the national level to improve administration of the federal courts. Like many states, Iowa responded by instituting reforms of its own. The next 20 years would see structural and administrative changes designed to modernize and professionalize the state's Judicial Branch.

Merit Selection of Judges (1962)

The first major change actually occurred in 1962 when, in order to remove partisan politics from judicial selection and promote professional qualifications among judge candidates, Iowa established a merit selection system for appellate judges and general jurisdiction (district court) judges. Under the system, the State Judicial Nominating Commission selects nominees for the

Supreme Court and Court of Appeals; District Nominating Commissions, one for each judicial election subdistrict, select nominees for district court judgeships. Appointees are chosen by the Governor from a list of finalists submitted by the commissions.

The commissions are nonpartisan bodies composed of lawyers elected by their colleagues and lay members appointed by the Governor. Membership is, by law, gender balanced. The senior justice of the Supreme Court serves as chair of the state commission. For purposes of nomination and appointment of district judges, five of the eight judicial districts have been subdivided, resulting in a total of 14 judicial election districts; the commission for each is chaired by its senior judge. Iowa was the second state in the nation to adopt judicial merit selection.

Establishment of State Court Administration (1971)

The Iowa General Assembly established an administrative office of the Judicial Branch in 1971. Directing this office is the state court administrator, who reports to the Supreme Court. Administrative duties at the district level are carried out by district court administrators, one of whom serves in each of the state's eight judicial districts.

Overall, the state court administrator is responsible for managing the Judicial Branch and administering funds appropriated to it. The state court administrator prescribes the practices and procedures to be used for the following Judicial Branch operations: preparation, submission, review and revision of budget requests; accounting, auditing, allocation and disbursement of funds; and purchase of supplies and equipment. Additional duties include formulating and submitting recommendations for improvement of Judicial Branch organization and operation; collecting and compiling court information and statistical data; working with district court administrators on administrative and fiscal matters; administering the judicial retirement system; and supervising Supreme Court, Court of Appeals and Supreme Court clerk staff members. The duties and functions of the state court administrator's office have expanded gradually over the years as additional support services,

including more advanced information systems, have been required by the Supreme Court and the districts.

Consolidation of Judicial Districts (1972)

Under legislation that took effect in 1972, the 18 judicial districts established in 1969 were consolidated into eight judicial districts, a number that survives to the present day. The chief justice, with the approval of the Supreme Court, appoints the chief judge of each district to a two-year term. Together, the eight chief judges (and later the chief judge of the Iowa Court of Appeals) and the chief justice of the Supreme Court make up the Judicial Council, which advises the Supreme Court on court administration.

Trial Court Unification (1973)

With passage of the Unified Trial Court Act of 1973, the Iowa General Assembly reformed the state court system by establishing a unified trial court known as the "Iowa District Court." This legislation abolished over 500 justice of the peace courts, 899 mayor's courts, 14 municipal courts, and 34 police courts.

The new system granted district judges statewide and general jurisdiction, with authority to handle all types of civil, criminal, juvenile and probate cases. Supplementing the system are judges of limited jurisdiction, including magistrates, district associate judges, associate juvenile judges and probate judges.

The Act eliminated the fee system that funded the elective justices of the peace, and created part-time magistrate positions, ranging from one to six per county. Magistrates are not required to be law-trained, but lawyers are given "first consideration" by the appointing commissions. (In 1996, approximately two-thirds were licensed attorneys.) Magistrates issue search warrants and emergency hospitalization orders, hold preliminary hearings and preside at trials of small claims (money judgments of \$4,000 or less), simple misdemeanors, and forcible entry and detainer actions.

District associate judges, formerly known as full-time magistrates, have the same jurisdiction as part-time magistrates with the addition of indictable misdemeanors, operating-while-intoxicated felonies, civil trials up to \$10,000, and some juvenile cases. Associate juvenile judges devote all their time to juvenile matters, including delinquency proceedings, children in need of assistance, and termination of parental rights. Only Polk County uses the services of a probate judge.

Creation of Iowa Court of Appeals (1976)

To ease an overcrowded Iowa Supreme Court docket, the General Assembly in 1976 established a five-member intermediate appellate court. (A sixth member was added in 1983.) The Iowa Court of Appeals has appellate jurisdiction in all civil and criminal cases except those involving apportionment, lawyer discipline and judicial conduct. Its docket is assigned by the Supreme Court, which screens all appeals for submission or transfer to the Court of Appeals. Decisions of the Court of Appeals are final unless the Supreme Court grants further review on application of either party. Court of Appeals judges have supervisory and administrative duties only in relation to their own court, which frees them to concentrate on deciding a high volume of cases.

State Responsibility for Court Funding (1983)

Until 1983, the Judicial Branch was largely funded with property taxes allocated by the state's 99 county governments. The Court Reorganization Act of 1983 removed that burden from the counties and placed it with the State General Fund. Over a period of four years, the State assumed the cost of jury and witness fees and mileage, court reporters, court attendants (formerly called bailiffs), referees, juvenile court officers, and clerks of court and staff. The Act removed clerks of court from partisan elective politics, and made them accountable to the chief judge of each district. Salaries and benefits comparable to those in place for other state employees were also mandated by the 1983 Act. However, it has remained the responsibility of

Iowa's counties to provide and fund the court system's physical facilities, maintenance and custodial services.

Establishment of Iowa Court Information System (1987)

With the assistance of the National Center for State Courts, the Judicial Branch in 1987 undertook an ambitious project to link electronically the court administrators and clerks of court in all 99 counties. The Iowa Court Information System (ICIS) was designed to automate case scheduling and court data-processing throughout the state. At this writing, the system has been implemented in 55 counties—roughly two-thirds of Iowa's most populous counties. Full implementation will not only further facilitate case management, but could enable the Judicial Branch to interface with other departments, such as Corrections, Public Safety, Revenue and Finance, and Transportation.

TODAY'S JUDICIAL BRANCH

In 1996, the nine justices of the Iowa Supreme Court oversee and administer a court system that employs approximately 1,900 persons, including 354 judicial officers, and provides services at 147 locations around the state. (See "Judicial Branch Personnel at a Glance" in this chapter.) In addition to its adjudicative role as a court of last resort for approximately 400 cases per year, the Supreme Court functions as the "board of directors" of the Iowa Judicial Branch.

Not only does the Supreme Court exercise supervisory and administrative control over the trial courts, it has responsibility for rule-making in the areas of civil and criminal procedure, evidence, appellate procedure, probate, involuntary hospitalization of the mentally ill, involuntary commitment or treatment of substance abusers, district court practice, professional conduct and admission to the bar. The Court controls the licensing of lawyers and oversees the Client Security and Disciplinary Fund, the Continuing Legal Education Commission, and the Interest on Lawyer Trust Accounts (IOLTA) program. The Court also appoints and supervises committees, commissions and boards in existing areas of responsibility, and when new issues emerge.

Judicial Branch Personnel at a Glance

Judicial officers

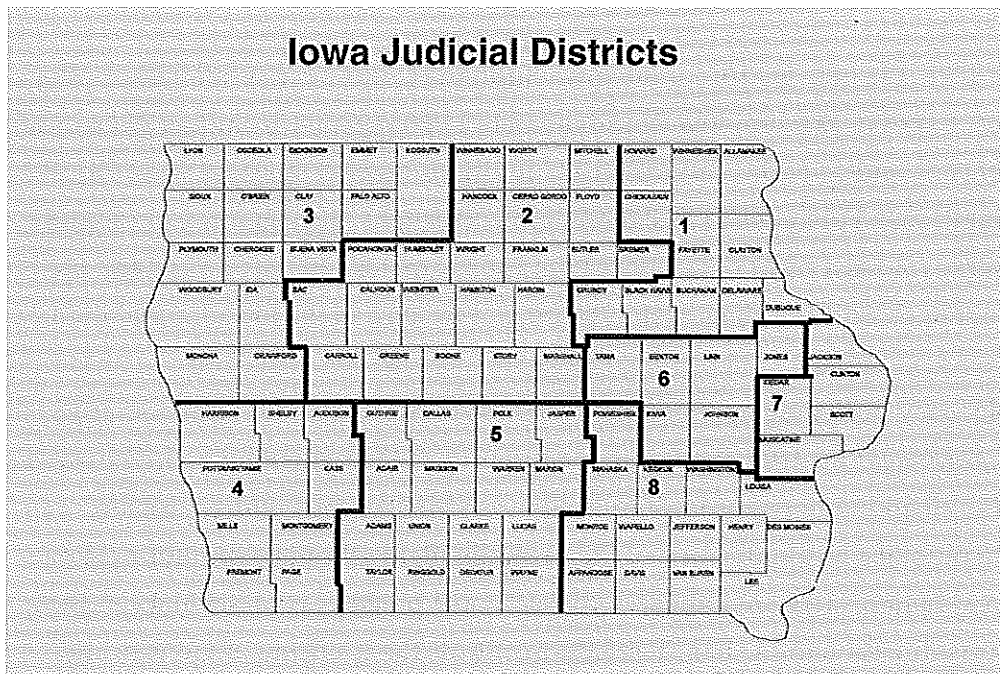
- 9 Supreme Court justices
- 6 Court of Appeals judges
- 108 district court judges
- 54 district associate judges
- 12 associate juvenile judges
- 1 associate probate judge
- 28 senior judges
- 136 magistrates

Non-judicial personnel

- 823 clerks of court and staff
- 269 juvenile court officers and staff
- 206 in district court administration
- 172 court reporters
- 65 in state court administration
- 17 Supreme Court staff
- 10 Court of Appeals staff

ADMINISTRATION AND FUNDING

Iowa is divided into eight judicial districts ranging in population from 184,130 (Fourth District) to 576,610 (Fifth District), and in size from five counties (Seventh District) to 22 counties (Second District).



Administering the system from the state level are the state court administrator, a deputy, department heads for personnel, finance, human resources, education, and information systems, and support staff.

In July and August each year, budget requests for the following fiscal year are prepared by each of the eight districts, as well as the other components of the Judicial Branch. At the end of September, the court administrator and chief judge of each district meet with the nine members of the Supreme Court to discuss their budget needs. Afterward, in consultation with the state court administrator and staff, the Supreme Court prepares the Judicial Branch budget and submits it to the Governor for inclusion in the Governor's proposed budget, which is presented to the General Assembly when its session begins each January.

The legislative subcommittee that reviews the Judicial Branch budget is the Justice Systems Joint Appropriations Subcommittee, which also considers the budget requests of the Attorney General, the departments of Corrections, Public Safety and Public Defense, the Parole Board, and the Law Enforcement Academy.

SUMMARY

To examine this history is to understand the decades of tradition and change that have gone into creating today's courts in Iowa. From its simple beginnings to its now complex administrative system, Iowa's Judicial Branch is a venerable institution that has continually adapted and evolved to serve the people of this state. This realization underscored the seriousness of the Commission's charge, and reinforced its attempt to honor such history and tradition as it considered how the Judicial Branch might adapt to the future.



Iowa's Courts Today

Once the Commission on Planning for the 21st Century had examined the history of Iowa's Judicial Branch, it looked at the present—where the courts are today. The Commission began by identifying the major strengths and weaknesses of the court system. It then articulated a mission statement and statement of core values. Fact-finding activities—such as a public opinion survey, focus groups and public hearings—were undertaken to obtain evaluations of the courts from those inside and outside the system. Commission members used the information to assess Judicial Branch performance—an assessment which would inform their vision for Iowa's courts as well as the recommendations intended to move the courts forward over the next twenty-five years.

Mission Statement

The Iowa Judicial Branch shall administer justice according to law equally to all people, providing independent and accessible forums for the fair and prompt resolution of disputes.

From June 1995 to March 1996, the Commission's five teams held monthly day-long meetings around the state. Team members toured courthouses in urban centers as well as in more rural areas, meeting with judges, clerks of court, court administrators, court reporters, attorneys and litigants. Among the sites visited were court facilities in Black Hawk, Des Moines, Johnson, Marshall, Muscatine, Polk, Scott and Tama counties. At meetings held in the State Capitol in Des Moines, presentations were made by central administrative staff and outside specialists on court budgeting and finance, information systems, personnel, and education. To gain direct experience with the use of remote video technology, the Steering Committee and Technology Team held meetings over the Iowa Communications Network (ICN), the state fiber-optics system.

Statement of Core Values

The Iowa Judicial Branch is an institution within the greater framework of the state's democratic government. Its values are common to all democracies, but also reflect the unique role and contribution made by the courts to our society. The Commission believes the following statements represent the core values of Iowa's courts.

- **Equal Justice**—Iowa's courts view all people equally before the law.
- **Quality of Justice**—Iowa's courts provide quality dispute resolution services that are just, predictable and in conformity with the law.
- **Fairness and Impartiality**—Iowa's courts treat all people with respect, fairness and impartiality.
- **Protection of the Individual**—Iowa's courts vigorously guard the rights of the individual and the public order.
- **Independence**—Iowa's courts form an autonomous branch of government, equal to and independent from the other two branches.
- **Freedom from Partisan Politics**—Iowa's courts are free from and do not engage in any form of partisan politics.
- **Integrity**—Iowa's courts serve the interests of the public, rather than personal or private gain.
- **Accountability**—Iowa's courts are open to public scrutiny and accountable to the people.
- **Public Trust**—Iowa's courts seek and rightfully deserve the public's trust, confidence and respect.
- **Accessibility**—Iowa's courts are open, convenient and accessible to all people.
- **Affordability**—Iowa's courts strive to make justice affordable to all people.
- **Timeliness**—Iowa's courts resolve disputes and enforce the law in a timely manner.
- **Fiscal Responsibility**—Iowa's courts are responsible stewards of the public funds allocated for operation of the judicial system.
- **Excellence**—Iowa's courts are staffed by well-trained and hard-working personnel committed to excellence.

STRENGTHS AND WEAKNESSES

Early on, the teams assessed the current performance of Iowa's Judicial Branch and identified its major strengths and weaknesses. Among the key court system strengths identified by the Commission were:

- The integrity and fairness of the system
- A unified statewide court system
- A high quality of justice for court users
- Competent judges and court employees
- Public respect for the system
- Judicial independence
- The accessibility of courthouses
- Professionalism and civility pervading the system
- Judicial merit selection
- Willingness to promote alternative forms of dispute resolution

Key weaknesses of the state court system identified by the Commission included:

- Insufficient resources to deal with legislative and constitutional mandates
- Inadequate education and training for judges and court employees
- High cost of litigation
- System ill-equipped to deal with juvenile and family problems
- Absence of long-range planning
- Inadequate application of new technologies
- Lack of a defined constituency
- Insufficient information to evaluate court system performance
- Public's lack of understanding of the system
- Burgeoning caseloads and insufficient case management

FACT-FINDING ACTIVITIES

Further fact-finding was a key ingredient of the Commission's study of the Judicial Branch. Using several methods, it gathered empirical data and anecdotal information on how Iowa's court system actually works, how it is perceived by the public, and how it might be improved. In large part, the fact-finding investigations undertaken by the Commission confirmed the Commission's initial assessment, and served as a further "reality check" on the state of Judicial Branch operations.

Public Opinion Survey

The Commission was interested in determining the level of knowledge, experience and evaluation of the court system among a representative cross-section of Iowa adults. To this end, the Commission engaged the Iowa Social Science Institute (ISSI) at the University of Iowa to conduct a public opinion survey on the state court system. Between September 12 and October 6, 1995, staff members at ISSI conducted 20-minute telephone interviews with 803 Iowans age 18 and older.

The Commission hoped the survey results would provide some guidance on possible changes in the court system that would improve the delivery of justice. The survey also was expected to produce a baseline measurement against which future survey results could be compared. In drafting questions for the survey instrument, ISSI staff drew on input from a number of earlier surveys that had been conducted in other states, several academic sources on public attitudes toward the courts, and suggestions from Commission members.

Knowledge—The survey indicated that the public's knowledge of the courts has increased in recent years. For example, a comparable study conducted by the Judicial Branch in 1981 found that 54 percent of Iowans understood that a defendant is presumed innocent until proven guilty; the Commission's 1995 survey found that 61 percent of respondents understood that fundamental concept. In response to a series of questions probing knowledge of the

courts, 43 percent of respondents demonstrated a high level of knowledge, 40 percent had a medium level, and only 17 percent had a low level of knowledge. Forty percent of respondents indicated that television news was their most important source of information about the courts, a significant increase over the 18 percent found in the 1981 survey.

Experience—Public experience with the court system is quite high in Iowa. Survey results showed that about one-quarter of the respondents have served as jurors, and nearly half have been to a courthouse to use court services during the past three years. (A surprising result was the finding that those who have been jurors are no more positive in their evaluation of the courts than those who have never been jurors.) Two-thirds of respondents said they had sought legal advice at one time or another, almost exclusively (94 percent) from private attorneys.

Only 16 percent of survey respondents had settled a dispute by using some form of alternative dispute resolution (ADR) such as arbitration or mediation. However, satisfaction with ADR decisions was very high; some 74 percent of respondents involved with such proceedings were satisfied with the outcome.

Evaluation—Evaluations of the courts were mixed. Sixty-five percent of respondents approved of the job the Iowa courts are doing. Further, when compared to other federal and state governmental institutions, Iowa's courts ranked very high. Yet, slightly less than half of survey respondents said they trust the courts. While most thought they would be treated fairly by the system, they also perceived the courts as giving preferential treatment to the rich, powerful and celebrities.

Respondents were more positive toward some parts of the justice system, such as the Iowa Supreme Court, than toward others, such as lawyers or the prison system. They also were more positive about the core values of the courts, such as the guarantee of a fair trial. They were less positive about specific details of how the state courts operate, such as providing speedy trials or treating all groups equally.

Most survey respondents endorsed a number of policy changes aimed at improving court operations, such as increasing the use of ADR and extending court hours into the evening and on weekends. A majority of survey respondents, however, opposed both reducing the number of sites where local court services are offered and replacing judges with computers to handle certain cases.

Particularly interesting was the finding that those who frequently followed the highly publicized O.J. Simpson trial (underway in Los Angeles during the survey period) were no more or no less positive toward the Iowa courts than those who never followed the trial. Indeed, all of the different measures that were included in the survey to determine if the Simpson trial had any effect on evaluations of the courts and broader justice system in Iowa revealed no impact.

Focus Groups

During January and February 1996, the Commission conducted a series of 11 focus groups of court stakeholders to solicit their ideas on how Iowa's courts could be improved and to seek their reactions to the major themes that had emerged from the project. The focus groups included a broad and geographically diverse mix of Judicial Branch personnel and members of the bar; participants were promised confidentiality and urged to be frank about their opinions and concerns. In total, 142 people participated in the focus groups, including 23 clerks of court and staff, 25 legislators, 21 trial attorneys, 19 juvenile court officers and staff, 16 judges, 16 court reporters, 13 district administrators and staff, and 9 Statehouse staff. Focus group sessions were held at court facilities in Burlington, Cedar Rapids, Council Bluffs, Davenport, Des Moines, Fort Dodge, Ottumwa, Sioux City, and Waterloo.

Both oral and written comments were solicited from focus group members. Participants brainstormed current trends affecting Iowa's courts, as well as the strengths and weaknesses of the system. They discussed and rated ten preliminary recommendations (two from each team), and offered their suggestions on how the court system could be improved. They also responded to the question: "What is the ONE thing you would change tomorrow to improve the state courts in Iowa?"

**Focus Groups:
What ONE thing would you change?**

"Drive the funding of the system by an assessment of the work to be done."

"Better education among the public, youth and adults about the mission and responsibility of the court system."

"Would be more efficient if districts were more evenly drawn and they operated somewhat the same way. Right now each district more or less does their own thing. Operations need to be more consistent statewide."

"We need an ear and action in the Supreme Court."

"Change our name—from "Department" to "Branch"—to foster organizational identity and assert our status as a co-equal branch of government. 'Department' is a misnomer . . . how we refer to ourselves influences how others see us."

"Continue to seek out information from the public and court employees. Input from all parties is very important to make the necessary changes as we go into the 21st century. Thank you for the opportunity to be heard."

Throughout all the sessions, focus group members expressed delight at being asked to share their opinions with the Commission, and seemed encouraged by a court-initiated process that actively sought their views. Their oral and written responses, taken together, provide a wealth of information on the courts. The focus groups also validated the major themes that had become evident during the project.

Focus Groups—Major Themes

Administration/Management Issues

- Overworked and inadequate staffing
- Growing caseloads
- Lack of training for judges and court personnel
- Antiquated court facilities with poor security
- Burgeoning pro se litigation
- Frequency of litigants' legal questions
- Need for greater diversity among judges and other court personnel
- No definition of unauthorized practice of law by clerk staff

Communication concerns

- Lack of horizontal and vertical communication within the system
- No access by "front-line" employees to policy makers
- Little, if any, public education on court issues
- Growing inability to attract jurors
- Uninformed pro se litigants
- Need for better relationships/communications with allied agencies

Morale issues

- Highly committed and hard-working employees
- Frustration with shrinking/static resources
- Expanding duties, stagnant pay, no depth in staffing
- Inadequate training
- Barriers to serving public
- No recognition of positive job performance
- Perceived lack of advocacy for court employees
- Lack of security at court facilities

Needs for Additional Funding

- Judges and other court personnel
- Technology, equipment and supplies
- Juvenile services
- Training and education
- Facilities and security

Legislative Concerns

- Domestic violence litigation
- Unfunded mandates
- Court responsibility for solving social ills
- Increased criminalization of behavior
- Reduced judicial discretion in sentencing

Public Hearings

During the spring of 1996, Iowa citizens had the opportunity to share their vision of the state court system with Commission members at public hearings held in Bettendorf, Cedar Rapids, Ottumwa, Des Moines, Mason City and Sioux City. Four of the hearings were held in county courthouses; two were held in school buildings. Some 100 persons attended the two-hour sessions, and among those, 51 presented their views in oral or written form. Local court reporters volunteered their time to record oral testimony. Overall, the public comments echoed the concerns voiced in the focus groups and reaffirmed the Commission's earlier assessment of strengths and weaknesses.

Public hearing participants expressed interest in the work of the Commission and spoke passionately about their court system. Many were complimentary, suggesting Iowans are rightfully proud of the integrity, independence and excellence of the state courts. Others expressed dismay at the limited resources devoted by the Legislature to court-related issues, such as family violence or juvenile delinquency. Their public comments covered a broad spectrum of concerns.

Public Hearings: Concerns of Iowa Citizens

- A desire for less adversarial methods to resolve disputes
- Need for comprehensive approach to family law issues
- Lack of security at courthouses
- Not enough regular public input
- Delay in implementation of new technology
- Outdated records management policies
- Need for standardized procedures and practices
- Weak public/court relations
- Need for creative solutions to relieve understaffing

SUMMARY

At least two important lessons emerged from the Commission's outreach to court personnel, court users, and the public at large. First, it learned that the process of gathering information—taking the time to listen to citizens—may be as valuable as any conclusions ultimately drawn from what has been heard. Second, there is an untapped resource out there, a constituency for Iowa's courts that believes the Judicial Branch is an institution worth preserving and strengthening. And that constituency is concerned about what the future holds.

