

State of the Judiciary
Chief Justice W. Ward Reynoldson, Iowa Supreme Court
Address to the Legislature
January 17, 1985

Mr. President, Mr. Speaker, Governor Branstad, Senators, Representatives, State Officials, Justices and Judges, and fellow Iowans:

Your statutory request that brings us here for the seventh time to report on the condition of Iowa's judicial branch of government is not viewed as a duty, but a high honor and a rich opportunity to visit with both new and long-standing friends. We raise and pass another landmark today. With the understanding concurrence of Governor Branstad, we submit our judicial budget request, contained in a separate Addendum to this message, directly to this legislature, without the executive branch first reviewing it. We consider this courtesy by the legislative and executive branches an affirmation of the commitment we all share to the concept of three separate and co-equal branches of government.

There is a temptation in presenting these messages, accounting as we should for our stewardship, to dwell on our appreciation for the forward-looking efforts of past General Assemblies. The tendency is great because the Iowa Legislature has been great, and surely as public spirited and unselfish as any in the nation.

You will recall that as you grappled with the court reorganization and funding bill now incorporated in Iowa Code chapter 602, I cautioned you that court reform would not necessarily invoke thunderous applause or garner landslide votes. In view of favorable media and public comments, that prediction may have been unwarranted. It is nonetheless true that you acted strictly in the public interest and continued down that progressive path with the necessary funding.

Your leadership is all the more impressive because it has come at a time when the courts are still taking criticism for the size and complexity of our modern caseload. The truth is that the staggering work load of the courts is largely dictated by factors beyond our control. Today many of the old ties and community restraints are gone: Too often we are a massed collection of strangers, who want to remain strangers but who nonetheless are totally dependent upon each other for every basic necessity. Tensions mount and litigation follows, now frequently involving multiple parties.

The supreme court decisions in the early Iowa Reports unfold a nostalgic and fascinating history. Smith sues Jones on a simple promissory note. A train ends the blissful career of a prize bull. A plaintiff is injured by a team of runaway horses, frightened by a newfangled automobile. Today the advances of science and technology provide us new and insidious means of harming each other, and create strange and complex legal issues. Although we still struggle with many recurring questions, the frontiers of the law are advancing with blinding speed. Today courts, like legislatures, confront questions concerning the contaminations of our environment, the pollution of our groundwater, the genetic engineering that results in new forms of life, the

random conception of babies in a dish, and the withholding of life support systems for the terminally ill. Small wonder that our decisions become more numerous and more complex.

Your effort to strengthen Iowa's justice system must have been based on your faith that people would continue to use Iowa courtrooms as the place to resolve their differences and answer their concerns. While civil case filings above the small claims level are down slightly from the historic peak we reached in 1981, the combined district court civil and criminal filings increased 67 percent in the ten-year period from 1974 to 1984. In the same ten-year period appeals have nearly doubled to a new high in 1984, and the workload for each appellate justice or judge has climbed nearly 20 percent.

Despite this increase, we cannot, and should not, ignore those to whom the courtroom doors in civil cases have long been closed. In our 1982 message we noted that the unrepresented poor have access to the courts in the same manner that early Christians in the Roman arenas had access to the lions. Commendably, the Iowa State Bar Association recently proposed a plan to pool small, idle trust funds, and utilize the interest, otherwise lost, to provide legal services to the poor. Last month the supreme court adopted the Interest on Lawyer's Trust Account (IOLTA) proposal, with slight modifications, and the plan has been set in motion.

Some might be alarmed by our swelling tide of court litigation. We view it as a healthy sign that a remarkably civilized society is finding a way to resolve the differences that are bound to arise among people who truly are free. If our major disputes are not to be resolved in the calm and orderly atmosphere of the courtroom, then where? And how?

Perhaps in times past, before judicial services were so widely available, the need for those services was more apparent. The pioneers who set up our government not only established the judiciary as a separate branch of government, but they also created a seat of government in each county, centering it in what they called, not a government house, but a courthouse.

We are a litigious society. We always have been and so long as we are free, will always continue to be. Surely all of our joint planning must be designed to meet the long-range requirements of Iowans for effective, efficient, and just court services.

Today we report that the state of the Iowa judiciary is good and, with the implementation of chapter 602 state funding, getting even better. Much credit for the improvement belongs to Iowa's hardworking district judges and district associate judges. In 1984 they disposed of over 90,000 civil and criminal cases. They handled 16 percent more civil and criminal cases than they did five years ago and 41 percent more cases than in 1974—the first full year after unification of the state court system. We feel justified pride in the distinguished Iowans who have chosen a judicial career. Usually appointments are taken at financial sacrifice to the judge and to the judge's family as well.

Pursuant to chapter 602, we are in transition to state funding and state monitoring of the Iowa judicial system. The state assumed the expense of jury fees October 1, 1963, witness fees and court reporters July 1, 1984, and bailiffs (now called "court attendants") January 1, 1985. At the same time, the state has received from the counties an additional 20 percent each year of court-collected revenues. Bringing these staff components into the state judicial system as state

employees makes good, Iowa, common horse sense. We believe this “new family” is healthy and happy.

Although there are inevitable growing pains, we have committed our continuing efforts to positive, open communications with, and support of, these new employees. In this we have had invaluable advice on policy decisions from knowledgeable court personnel in the field. These include those who serve on the Supreme Court's Advisory Committee on Court Reporters, Advisory Committee on the Administration of Juvenile Court Offices, Advisory Committee on the Administration of District Court Clerks' Offices, and the Advisory Committee on Judicial Information Systems.

We have worked hard with the juvenile court officers in anticipation of their becoming state employees on July, 1 of this year. We look forward to welcoming the foal personnel component, the district court clerks and their staffs, on July 1, 1986. Each day demonstrates more need for all these units to be functioning as a team. For just one example, last December 24 a number of the district court clerks' offices were dosed, observing a county holiday, while the district court judges – state officers all – were attempting to hold court.

We share the legislature's basic commitment to the taxpayers, to the counties and to these court components: We must maintain decentralized administration of this restructured court system. A walk through our administrative offices here in the Capitol Building will show a strong but lean staff, for although policy is made at the state level pursuant to constitutional mandate, most of the management and administrative functions remain where they rightly belong: with the eight judicial districts.

For this reason, it is critical that judicial districts be provided with adequate administrative staff to carry out district responsibilities. Many of you will recall that when the state assumed the expense of the district court administrators' offices in 1981, it cut the operating budgets of those offices by 40 percent. The system still suffers from that shortfall, particularly in the Fifth and Seventh Judicial Districts. The key to meeting financial and personnel requirements in transferring hundreds of employees from county to state payroll is a budget officer for each of the eight districts. The budget we submit today requests less than you originally projected for state court funding administration expense, but it does include funding for four district budget officers to join the four already functioning. We make no request for additional assistance in the office of the state court administrator, William O'Brien, although his duties, of course, have multiplied.

The requested budget we file today reflects as top priority the continued implementation of the court-restructuring legislation. Our requests are pared to the core. We believe we are the first full state supreme court ever to sit through days of budget submission and reviews. We cut proposed funding for some services we recognized were truly needed, slashing \$3,000,000 in fiscal year 1986, and \$2,400,000 in fiscal year 1987. We did so in recognition of the severe revenue concerns you face. We thought long and hard about the priorities you will find reflected in our proposals, and we are convinced they are sound.

Public administration in the 80's requires effective management of information and communications. You have recognized the arrival of the age of computerized technology as a

management tool. To follow your lead and to get the most from available tax dollars, we have requested funds for a statewide study of current and future computer capability, and the requirements of a state computerized judicial information system. We are faced with a compelling need to implement the use of computers as our capabilities necessarily are expanded to schedule cases, generate jury lists, process child support payments, compute caseload statistics, supplement current research practices, speed the production of jury instructions and judicial opinions, and perform various recordkeeping and accounting procedures in finance and personnel administration. Without a systematic state plan to achieve efficiencies, large sums of public money may be squandered in the purchase and development of incompatible hardware and programs.

The need for initial and continuing training of professional employees and support staff is a good investment that is recognized universally in both public and private sectors. In recognition of the fact that good judges are made, not born, this budget incorporates funds for continuing annual judicial training sessions. These sessions are designed not only to discuss new developments in substantive and procedural law but to assist judges and magistrates in developing and utilizing the attributes and traits necessary for even handed justice. Last year our judicial training included child custody, child sexual abuse, children in jail, victim rights, utility rates, debtor-creditor problems, comparative negligence, computers and modern technology, mediation and judicial writing. This spring juvenile judges and referees will attend a special conference on permanency planning for children, and another workshop will examine the social, economic and legal issues associated with drunken driving.

Training programs and materials are also integral functions of our judicial education and planning office, under the capable guidance of Dr. Jerry Beatty. Thus our requested supreme court appropriations include basic funding to train both the current court-supporting staff and those coming on line during the biennium.

Although the state's shouldering of the state judicial system cost will lift a great burden from the farmers and other real property owners who traditionally have paid 75 percent of this expense, the impact on the state budget will be relatively small. This year the total judicial branch appropriation comprises only 1 percent of the total state appropriations of approximately \$2,289,000,000. We estimate that in fiscal year 1988 when court reorganization is fully implemented by state assumption of indigent defense costs, the judicial branch share of the total state budget will be approximately 2.7 percent. After allowances for court-collected revenues diverted to the State, it will be approximately 1.6 percent.

We must not waver in our joint commitments toward state court funding, decentralized administration, and an equitable allocation of resources for the judicial system. It is an opportunity for Iowa citizens that should not be jettisoned in the politics of the moment or the frugalities of shortsightedness. Governor Branstad continues his steadfast support of this legislation, and has indicated he will provide for its implementation in his budget. We are confident of your continued wisdom in this clear public interest.

This is an appropriate time to recognize the chief judges of our eight judicial districts, all of whom are here today. It has been a privilege to work with this dedicated group in the judicial council. They tackle tough and challenging problems in court administration. Along with

countless other tasks, they are studying the troublesome area of attorney compensation for the defense of indigents in criminal cases, attempting to devise conservative but reasonable statewide standards before the state takes over that obligation in fiscal year 1988. Last June the council launched a study of case processing in Iowa's courts to determine whether we meet the national time standards recently formulated by the National Conference of State Court Administrators, and endorsed by the National Conference of Chief Justices. Despite our all-out efforts, and the assistance you have provided over the years with district court law clerks and administrators, more than one-half of our dissolution cases, and one-fourth of all other cases, do not meet the recommended standards. Although further ease-processing efficiencies will be achieved when chapter 602 brings all of the components of Iowa's justice system together, the question of additional judges, which I have raised over the years, remains.

The present statutory formula for adding judges as caseload and population builds seems to lack credibility. Because of past legislative freezes on the operation of that statute, Iowa now has 26 fewer judges than called for by the formula. We now propose that a joint court-legislative committee be formed and charged with the responsibility of reexamining the issues of numbers and allocation of judicial officers, taking into account the support you have furnished and the present judicial needs of Iowa citizens. This committee might utilize new and helpful national studies in which the National Conference of State Legislatures has played a role.

Our past joint studies have increased the efficiency of the judicial branch and made it more responsive to the need of Iowans for judicial services. In midpassage of a year as President of the Conference of Chief Justices, I have compared notes with my judicial colleagues across the nation. Always I return to Iowa with a sense of pride in Iowa's legislative and executive branches and their sensitive cooperation in building a better justice system. We look forward to working with you on the study we now propose.

Two years ago we undertook together a task of vast and lasting significance. Few generations of public leaders are given the unique responsibility and opportunity to reconstruct one of the three branches of state government. The reconstruction we began with such high hopes is now well underway. A solid foundation is in place. With the blueprints you drafted in chapter 602, we have built on that foundation and we have kept faith with you and the public by the efforts we have described.

In all of this, you have looked beyond the next election to the next generation. We salute you, for the new judicial branch of Iowa government will one day stand as a monument to your unselfish vision.