

State of the Judiciary  
Chief Justice W. Ward Reynoldson, Iowa Supreme Court  
Address to the Legislature  
January 16, 1986

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

We first were invited here eight years ago to report on the condition of Iowa's judicial branch of government. Today I feel more comfortable, for I see in this chamber the faces of so many friends: senators and representatives I have grown to know, to respect, and to admire. We think the information we bring today will help you this session in reaching several decisions that will determine the pace and quality of justice our mutual constituents shall experience for years to come.

If you will indulge one of the oldest persons in the room in offering unsolicited advice, this will be a session when you might listen less to the doomsayers. History and experience can teach us much about times like these—including the wisdom of always using our heads while not entirely ignoring our hearts.

I am an Iowan not by birth, but by deliberate choice. During all of my "teen" years, my farm family suffered the depression of the '30s and Nebraska's long searing drought. When we left, the bank owned the farm my grandfather homesteaded. I shall never forget, however, my first and lasting impressions of beautiful Iowa: rich soil, with green grass in the roadside ditches instead of tumbleweeds, ears of corn as long and heavy as a man's forearm hanging over the fences, a friendly people with a strong work ethic and solid values. Those great and irreplaceable resources – strong people and rich land – are still here, and with reasonable care and attention, shall remain.

It is true that we gather in a time of temporary traumatic social and economic change, when the future and fortunes of many Iowans ride on our trial dockets (a 6.3 percent increase in 1985), and when violence and threats of violence make it imperative that troubled people have ready access to, and the opportunity to be promptly heard, in our courts.

It is a time when this legislature and the Governor agree that the executive branch must be streamlined and reorganized. We can relate to that, because the judicial branch is already well along with the reorganization you so carefully and wisely charted for us. Your study by three successive joint interim committees resulted in the 1983 adoption of the court reorganization that is now contained in Iowa Code Chapter 602.

Among other improvements, this bill brings together and coordinates, over a five-year period ending in fiscal year 88, the several components serving the justice system. The now-expanded goal of making all state governments more effective and responsive underscores the recommendation of the Governor, and many of you individually, that the restructuring of the judicial branch continue in accordance with your 1983 blueprint.

The sound reasons that supported court reorganization are recorded in your interim committee reports, but let us explore just one dimension of the problem Chapter 602 was designed to solve. The judicial branch began keeping caseload statistics in 1956. An examination of these statistics from 1956 through 1985 dramatically demonstrates the growth of litigation. In this 29-year period probate filings increased 52 percent, civil cases 135 percent, juvenile cases 243 percent, and criminal cases 570 percent. During the same period, the number of district judges increased from 70 to 99, a 41 percent increase.

How have we collectively sought to cope with it all: increases in judicial business of 52 percent, 135 percent, 243 percent, and 570 percent?

First, we observe that Iowa's trial judges have worked, and continue to work, longer and harder, despite the fact that inflation has drained the purchasing power of their salaries 47 percent in the last eight years.

Second, you have responded by providing some personnel support for the judicial districts, including law clerks for pure research, court administrators, case coordinators, and other professional managers. This permits the judges more time for judging. Your innovative efforts also have provided a small cadre of experienced part-time senior judges.

Your reorganization action in 1983 overhauled an archaic and inefficient support structure originally designed to serve county courts, which were abolished in 1868.

Under this progressive legislation, jury fees have been paid by the state since October 1, 1983. Shorthand reporters became a part of the judicial department July 1, 1984; court attendants January 1, 1985; and juvenile court officers July 1, 1985. Each year the state has reallocated from the counties additional court-generated revenues. Through the current fiscal year this reallocation will generate a substantial net gain for the state general fund.

Your Chapter 602 blueprint calls for the state to assume the expenses of the offices of the clerks of the Iowa District Court, and to consolidate the personnel of those offices into the state judicial system, on July 1, 1986. This will permit the third branch to keep and train professional persons to accelerate the paper flow and the case management demanded by its staggering case load. It will eliminate the conflicting tax source considerations that have resulted in costly and artificial barriers between the functions of recordation, money collections, jury management, and court administration.

The judicial system and the clerks' offices have worked hard together in preparation for this transition. Budgets have been finalized with the invaluable aid of the district fiscal officers. Job descriptions have been developed, along with explanations of benefits. Three judicial districts held elections for bargaining representation on December 19. Collective bargaining efforts between the organized clerks' offices and the judicial department are ongoing and are aimed at July 1, 1986. The hiring moratorium you statutorily fixed is currently in effect for the clerks.

The clerks, individually and through their association, continue to support your reorganization legislation. The necessity to phase in the restructuring of the judicial branch has made it difficult, because many financially hard-pressed counties have lost interest in these offices. Last fall, in judicial district budget submissions before the Supreme Court, we learned that the clerks were

governmental orphans, that broken equipment had not been replaced and personnel vacancies had not been funded. We ask only for some indispensable equipment in this budget, but a failure to continue the reorganization at this point would further demoralize these persons and hamstring vital court operations.

In keeping its commitment on July 1, 1986, the state will send two important messages:

First, it will tell the farmers, homeowners, and main street merchants that the burden of the state's court system will no longer ride on their backs, but will be carried by all Iowans who, in the final analysis, have the benefits of its protection and the right to utilize its services.

Second, the state will make the point that government reorganization does not always mean pushing unavoidable expenses down to a lower governmental unit and a narrower tax base, a "solution" now so prevalent at the national level: Rather, the concept of reorganization involves a rational reexamination and restructuring of basic governmental functions to arrive at the model that generates the highest overall economy and effectiveness for Iowa's citizens.

The \$56 million budget for the coming fiscal year that we submit today thus includes funding for the offices of the clerks of court and the expenses of the state judicial officers, at a combined cost of \$22.9 million. Through careful budgeting and scrutiny, this figure is \$2.5 million below our tentative estimates submitted last year. The budget includes expenditures for the other components, already brought in by the reorganization, that are over \$1 million less than the total approved by your justice system appropriations subcommittee in the 1985 session. This is the result of increased experience, effective management of the more recently acquired components, and a careful scrutiny by staff and judicial officers.

Maintaining Chapter 602 on course will bring in anticipated additional revenues of \$2.4 million in fiscal year 87. Thus far, during implementation of Chapter 602, new court-generated revenues for the state general fund have exceeded expenditures for state court reorganization by \$20 million. When we add fiscal year 87 and the assumption of clerks' office costs, such receipts will still exceed expenditures by \$5.4 million during the four-year period. In the first two years under court reorganization, court-generated revenues remitted to the state soared 470 percent, from \$3.7 to \$21.3 million, and are expected to reach \$29.3 million in fiscal year 87. After assumption of the clerks' offices, third branch personnel will comprise only about 4.3 percent of the state's employees. The judicial system budget will total only about 2.5 percent of the total state budget.

In summary, your judicial branch reorganization generates more and speedier judicial production on less judge power. Continued this year, it will provide tax relief for hard-pressed farmers, whose largest single farm expenditure may well be their real estate tax bill.

We also have submitted, pursuant to your directions, a supplemental request for \$600,000 for current fiscal year 86.

Following those frantic Closing hours of the 1985 session, there appeared in these halls large campaign-type buttons carrying the words, "I think I survived the 1985 session." The judicial

branch did not quite make it, a fact that we promptly reported to leadership on both sides of the aisle when we finished counting our casualties.

As a result of the 7 percent cut we sustained late in the session, only four of our budget categories – judicial branch salaries, travel, communications, and jury and witness fees – total 97 percent of the present reduced fiscal year 86 appropriation. The balance is wholly insufficient for law books, office supplies, equipment maintenance, and all the other essentials. Without our supplemental asking, the courtroom doors necessarily will close for some Iowans, a chilling prospect that will reverse our long-standing objective of taking the courts to the people. We are confident you will respond, as you have in the past, to the state's need for full court services for the balance of this fiscal year.

Those of you who have worked with him must share our admiration for state court administrator William O'Brien, whose talents were nationally recognized this year by his election as president of the Conference of State Court Administrators. His national office has given him an additional perspective on state court operations. He can verify that Iowa's legislative and executive branches have been leaders in responding to today's demands for judicial services. Other states continue to adopt state court funding of their court systems, most recently California in October 1985.

Two recurring topics should not be overlooked merely because they are so familiar. During this interim you have studied the judgeship allocation formula and judicial retirement. We ask you to proceed carefully and thoughtfully on these issues, for ultimately the state is nothing less than the quality of justice in Iowa.

This need is not new. In approximately 350 B.C., the great Greek philosopher, Plato, writing about magistrates who "should [be] trained in the habits of law, and be well educated, that they may have a right judgment," added that even the best of statutes can be made "ridiculous and useless" by unsuitable judges.

Assessing these needs for a quality judiciary and an efficient court structure will not be easy for you in these stressful times when organized, articulate, and strong constituencies compete for your attention. You do not need me to tell you the cause of justice has no organized constituency. The thousands of Iowans served by the judicial branch are not organized. No one speaks for them. They are at arm's length with one another. Most never expected to be in court, and all hope never to return. Still, providing the full measure of justice they require – now more than ever – is a special trust placed in your keeping, not by the clamor of political forces, but by the awesome appropriation power delegated to you in the Iowa Constitution.

We are proud of Iowa's trial judges, represented in these chambers today by the chief judges of the eight judicial districts. These chief judges will meet this afternoon as the judicial council considers, among other matters, appointment of district committees of judges, lawyers, and lay persons to devise means to implement the case disposition time standards adopted as a goal by the supreme court on August 22, 1985.

Our pride in the district court includes the district associate judges and magistrates, and the clerks of court. Together, they disposed of more than 800,000 simple misdemeanors, small claims, and scheduled violations in 1985.

On the appellate level, our six-person Iowa Court of Appeals broke all prior records of disposing of 637 cases in 1985 and they deserve Iowa's commendation.

Beyond its adjudicatory function, Iowa's supreme court has sought to combine its assigned constitutional duty of supervising and administering the judicial branch with the progressive leadership demanded by changing times. Our goals always have been the delivery of quality justice without delay, and the protection of Iowans who utilize, or may utilize, legal and judicial services. In this we have had the unfailing cooperation and assistance of Iowa's lawyers and judges.

Additionally, we somehow have found time to attend a myriad of responsibilities not involving immediate litigation. For example, we are cooperating with executive branch agencies in addressing common problems relating to children and families: with the Department of Human Services regarding child placement initiatives and studies; with the Iowa Criminal and Juvenile Justice Planning Agency on proposals to strengthen juvenile court processes and avoid, if possible, the dangers of child prisoners in county jails. We have been engaged in a continuing endeavor with Drake University Law School's Iowa Center for Law-Related Education to install in Iowa's school systems instructional units designed to teach respect for the law and its contribution to civilized society. Next month, on February 7, we will cosponsor with the center and others a law-related education conference that will be attended by educators from across the state.

Following an exciting recommendation in the final report of the Child Placement Study Advisory Committee, the judicial branch is seeking private funding for a pilot project, to be launched in one judicial district, to link each child in the juvenile court system with a volunteer lay person advocate. This not only will assure that a single concerned adult is tracking the child's progress at all times, it will save money to the extent these volunteers can provide nonlegal services that a court-appointed attorney might otherwise perform. The concept has been legislated in other states and our pilot project should demonstrate that it can be successful in Iowa.

Further, today we offer to explore with the Commission on Children, Youth, and Families and other interested parties avenues that will lead to a coordination of efforts, an exchange of information, and an effective design of services in which the court and its professionals are involved, for our goal can be and is nothing less than the best interests of our children.

Before closing, we want to mention two historical landmarks, now in view on our time horizon, in which you may also have an interest.

First, you may recall that in 1984, as we celebrated the centennial birthday of this Capitol, I mentioned in our message that the courtroom was not dedicated until June 8, 1886. We suspect, of course, but cannot prove, that it was a problem of judicial appropriations! In any event, on or about June 8 of this year, we will celebrate the 100th anniversary of the dedication of the State Capitol's Courtroom. A statewide planning committee, including Senator Tom Mann and

Representative Betty Jean Clark, funded by the Iowa State Bar Foundation, is in place. You will be invited to join us as we go back to our judicial “roots” for further inspiration to face Iowa’s future, which, I suggest, soon will be much brighter than many now envision.

Second, you may be aware that in 1987 the whole nation will be recognizing the bicentennial of the United States Constitution. The Iowa judicial branch intends to contribute to, and participate in, the birthday celebration for this fundamental law that looms so large in our daily deliberations.

Although occasionally the oath we take to follow the constitution compels us to reach unpopular decisions, it is the beacon that guides America's way to the freedoms enjoyed by no other people on earth, and it undergirds the liberty we so often take for granted.

The centennial of our own courtroom and the bicentennial of our national constitution remind us of the long tradition of justice under law. It has been said that government touches people more closely in the courtroom than at any other point in their lives. Iowans have always demanded, as well they should, that all courtroom encounters be just ones, for justice is, as Daniel Webster said, “The ligament which holds civilized beings and civilized nations together.”

Together, we have accomplished much. Together still, we should be about the business of providing Iowans an ever-improving quality of justice through their courts.

Thank you very much.