

State of the Judiciary  
Chief Justice Louis A. Lavorato, Iowa Supreme Court  
Message to the Legislature  
January 15, 2003

Mr. Speaker, Madam President, Members of the General Assembly, Governor Vilsack, Lieutenant Governor Pederson, distinguished guests, and friends. On behalf of the Iowa Judicial Branch, thank you for the invitation to speak here today. Before I begin, I would like to invite you to join us downstairs in our courtroom for coffee and conversation following my remarks.

I would also like to extend a warm welcome to the new members of the General Assembly, and to acknowledge the newest member of the Iowa Judicial Council, Judge Michael Walsh, Chief Judge of the Third Judicial District, which encompasses most of northwest Iowa. No doubt you will encounter many challenges in your new roles, especially this year. But that's what public service is all about-finding solutions to challenges facing our society.

### **Dr. Martin Luther King**

It's appropriate to take a moment to acknowledge the birthday of Dr. Martin Luther King, Jr., which is today. Challenges did not deter Dr. King and his followers. They encountered hostile, often violent opposition to their peaceful efforts to end racial segregation and discrimination, and yet they persevered, helping bring the promise of the Constitution to all Americans.

Dr. King once said: "The ultimate measure of man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." Although the present challenges we face in Iowa are much different from those Dr. King confronted, his example and words can serve to inspire us as we work through our present difficulties.

We are concerned, as you are, about the state's fiscal problems. I'm here to report that notwithstanding continuing financial hardships and unprecedented cuts in court operations, the Judicial Branch is managing to perform its basic responsibilities. All credit for this belongs to our judges and court staff. We're immensely proud of them.

I will discuss the condition of our day-to-day operations later in my remarks. But first, some encouraging news about progress we've made in the midst of these most trying times.

### **Termination of Parental Rights: Appellate Rules**

Like you, we regard our work with troubled families, especially children, as one of the most important things we do, and we are always searching for new strategies to address their needs. One of our most notable accomplishments this year has been our continuing effort to move children out of foster care and into permanent homes faster by speeding up the process in termination of parental rights cases.

The 1997 federal Adoption and Safe Families Act, and subsequent state action, sought to reduce the amount of time children spend in foster care and to bring permanency to their lives as quickly as possible. Immediately following the adoption of the Act, our trial courts made great strides

fulfilling its spirit, but the appellate process, which the Act did not address, continued to be slow in termination of parental rights cases. We sought to correct this.

Last year we adopted new court rules that simplified appellate procedures and cut the time for appeal by more than half for these cases. A process that used to drag on for about 13 months, now takes about four months. That means children can be adopted sooner, or in some cases, families wait less time before they're reunited.

The longer a case continues, the more stress on the families and children involved. Children in these situations routinely need more therapy to cope with the uncertainty of waiting for the process to conclude. Our new rules ease the strain of families and children. As Judge Stephen Clarke so aptly said, "One of the primary goals of the new rules is to let children have a childhood." Our new procedures are helping us do this. The new rules have also helped ease the workload of juvenile judges, social workers, juvenile court officers, court-appointed attorneys, and county attorneys.

Many people deserve credit for this success. The new procedures were the brainchild of our Iowa Court Improvement Project Task Force. The General Assembly and the Governor also deserve praise for your part in this success story. A simple, but important, statutory change that you approved in 2001 helped make the expedited procedures possible. We're grateful for your assistance.

Our new appellate rules are the first of their kind and a model for other states.

Now we're ready to expand the rules to children in need of assistance cases, and again, we need your help to do so. We urge you to pass legislation, which we have submitted to you, that would allow us to expedite more of these important cases.

### **[iowacourtsonline.org](http://iowacourtsonline.org)**

Perhaps our most significant advancements in the past few years have come through the use of information technology. The Internet is increasingly becoming the place where government business is conducted. According to a recent study, citizens' use of the Internet to access government services increased in the US from 24% to 43% in 2001.

Last February, we took a giant step by starting [iowacourtsonline](http://iowacourtsonline.org), a service that enables anyone with Internet access to search court records in all counties and the appellate courts. Before this, people had to travel to each clerk of court office to search for the information. Now it's at their fingertips. A person can search the records by typing in a name or case number. And the basic service, which provides important information such as criminal charges, restitution, child support payments, and criminal sentences, is free. This site has been very popular, attracting 12,000 to 15,000 hits each day.

In September last year, we expanded the service by offering more detailed case information for a monthly subscription fee of \$25. This feature is popular with lawyers, abstractors, insurance companies, and state and local government agencies.

### **E-Pay**

Before long, we'll be adding another feature: e-pay. E-pay will allow people to pay their fines and court costs online. We hope the convenience of paying online will encourage people to pay their fines promptly.

The benefits of our online services are two-fold: they serve as convenient tools for citizens, and they ease the burden on clerks' offices. The time that clerks' offices used to spend retrieving records has been freed up for other priorities.

### **Online Access: Deferred Judgment Records**

Recently, we began a new program that provides direct online access to the state's deferred judgment docket for authorized users such as judges, clerks, and county attorneys. This program places confidential deferred judgment information into the hands of county attorneys and judges faster. With your help we can improve the process even more.

We recommend that you pass legislation authorizing access to deferred judgment records by corrections officers. These officers need this information to complete sentencing reports. Online access to the records would facilitate their work. We have submitted a bill to you to accomplish this.

### **Technology Funds**

Clearly, the public is enjoying the fruits of our advances in technology. The online services I mentioned were accomplished through planning, hard work, and the dedication of resources. Many years ago, you astutely recognized that innovations of this magnitude would require a reliable and continuous funding stream, and you wisely earmarked funds for court technology. Now your foresight is paying off. Despite our present financial crisis, we're harnessing information technology to bring court services to the people, and we can do more.

We have plans to revolutionize the way in which we gather, store, and retrieve court records through electronic filing and electronic data management. The demand for this type of service is growing. But it will take a substantial investment of resources to put this technology in place. We recommend you take two steps to ensure further advancements in public service through technology: (1) transfer our on-going technology operating budget from earmarked funds to the general fund; and (2) raise the cap on the Enhanced Court Collections Fund from \$4 million to \$6 million.

### **Court Generated Revenue**

The Enhanced Court Collections Fund is derived from court-generated revenue from fines and fees that exceed the projections of the Revenue Estimating Conference. We view the collection of fines and fees as an integral part of enforcing court orders.

The diligent efforts of our judges and staff produced a 6% increase in court-generated revenue last fiscal year. This was certainly a bright note in an otherwise gloomy revenue picture for the state.

### **New Judicial Branch Building**

I would be remiss not to mention and thank you for our most visible symbol of progress this year-the new Judicial Branch Building. Although the project has taken longer than originally anticipated, we are extremely pleased with the results, and we hope you are too. We are expecting to move into our new quarters later this spring, and that will free up most of our Capitol space for the General Assembly's use.

I must admit that, when legislative leaders approached the Court in 1998 about moving out of the Capitol, we were reluctant to even talk about the idea. After all, our three branches of government have worked together in the same building for over a century. On the other hand, the new building will allow us to house all of our offices together in one facility, and its strong, identifiable civic presence reflects the independent status of the judicial branch of government.

Not only is the building capable of meeting present day needs, it has been designed to meet future demands. It was planned to handle the anticipated growth in our workload; it is wired for extensive use of electronic technology, including audio and video communications; and it was built to last as long as the Capitol. In short, it will serve the public well, and it is a solid investment.

We're pleased to report that the building has already received two honors. The American Institute of Architects recently recognized our architects, DLR Group and Kaplan/McLaughlin/Diaz, for the building's design. In addition, the American Council of Engineering awarded its 2003 Engineering Excellence Award to Pulley & Associates for the building's mechanical, electrical, and lighting systems.

As Sir Winston Churchill wisely recognized in 1943 when debating the reconstruction of the House of Commons after it had been destroyed in the blitz: "We shape our buildings, and afterwards, our buildings shape us." Iowa's new Judicial Branch Building, designed with that principle in mind, will support the mission of the Judicial Branch for years to come.

### **Judicial Branch Mission**

Which brings me back to the primary reason we are gathered here today, to take stock of the mission of the Judicial Branch. For the benefit of the new members of the General Assembly, I would like to briefly review our mission, which is administering justice under the law equally to all people by providing independent and accessible forums for the fair and prompt resolution of disputes.

We rely on our judges and staff, who are committed to excellence, to fulfill this critical mission. Judges serve the public by using their legal skills and knowledge to impartially interpret and apply the laws you pass. Their role is crucial, but their ability to perform this role effectively in today's complicated and litigious society requires the assistance of support staff. A team of indispensable specialists-clerks of court, court attendants, court reporters, juvenile court officers, secretaries, administrators, computer programmers, law clerks, and others-work closely with our judges, helping them coordinate the disposition of hundreds of thousands of cases from beginning to end.

Iowans have many reasons to be proud of their top-rate court system. According to a national survey, Iowa is rated as one of the top five states for creating a fair and reasonable litigation

environment. The survey, which was released early last year, ranked Iowa high in treatment of class actions, timeliness of summary judgments and dismissals, judges' impartiality, and judges' competence.

The fine quality of Iowa's judicial system is, in part, a result of your backing. The General Assembly and the Governor have a history of recognizing the importance of fair compensation for judges and court staff.

### **Budget Cuts and Making Ends Meet**

Our achievements over the past year, though important, are only part of the whole picture, however. We must not lose sight of the fact that these are the most difficult times we've ever faced. The cost-cutting measures we put in place last year to help address the state's fiscal problems have taken a heavy toll on every facet of court operations.

Last year, after unprecedented staff reductions, about sixty clerk of court offices cut back their public hours so that they could focus on processing court files and data entry without interruption. Many offices are sharing staff with each other to cover for vacation and sick leave, or sometimes to help with training.

Presently, we have 14 clerks who are managing more than one office. While sharing managers works better in some offices than in others, we think it is a sound policy that would help us reallocate some resources. We recommend a statutory change that would allow us to continue this practice on a permanent basis, while maintaining a clerks' office in each county.

Our judges and employees are doing all they can to make ends meet. And many people are pitching in whenever and however they can. Here are a few more examples.

Court reporters such as Brook Davis, Mark Sturgeon, and Kathy Gray are helping clerks with jury management duties, updating law libraries, and purging files. Other court reporters such as Deb Bergman, Jodi Krueger, and Cheryl Smith are performing case scheduling and court attendant duties.

When budget cuts gutted funding for juvenile services, resourceful juvenile court officers and others found ways to continue services at minimal cost to the state. For example, Juvenile Court Officers Annette Peterson and Patty Redmond started a skill-building program for troubled young people, with the support of local community organizations. The program offers classes on topics such as teen pregnancy, anger management, and victim empathy. Annette and Patty work long hours to attend the life-skills classes, not because they must, but because they care.

In the past, the state's juvenile restitution fund paid wages to juveniles doing community service work so that they would have money to pay their victim restitution obligations. After the funds were cut, a number of juvenile court offices, and state and local agencies, worked with Peggy Sullivan, our Director of Finance and Personnel, to keep the restitution program alive through a patchwork of other funding sources.

On-going education and training for judges and staff are an essential investment for a first-rate court system. Regrettably, for the time being, all of our state-funded education programs are on

hold. But we're always searching for alternative resources to fill the gap, and we've had some success with that.

Our Court Improvement Program has provided some federal funds for several juvenile law conferences. Also, thanks to the efforts of Jerry Beatty, our Director of Education, federal traffic safety funds are available to cover the cost of a judges' program. In addition, Jennifer Juhler, our Domestic Abuse Coordinator, with the help of a substantial federal grant, has developed a web-based training program for judicial magistrates. This innovative program will serve as a model for future efforts.

Unquestionably, we have a duty to the taxpayers to carefully manage the resources you provide us, and to that end, we are doing everything in our power to operate as efficiently as possible and to channel available resources to meet our most pressing needs. Certainly, we want to be part of the solution, but the quick fixes and band-aids will not sustain the courts indefinitely. We need to implement lasting solutions, and we must do so now. Otherwise we will be unable to fulfill our mission to the people.

### **Searching for Solutions**

The Judicial Branch must take full advantage of the benefits of state funding-system uniformity, economies of scale, and shifting resources to areas where they are most needed. Along that line, we have embarked on an ambitious effort to examine every component of our trial court operations to identify best practices, streamline procedures, develop or update staffing formulas, and achieve uniformity throughout the state, as much as possible.

The Supreme Court has established four committees to spearhead this effort. The committees are composed of court employees, judges, and attorneys-the people who are actually doing the work. There are two separate studies underway involving the operations of clerk of court offices: one to update the clerks' staffing formula, and another to identify management strategies and best business practices aimed at improving the operation of the clerks' offices within the current statutory framework and funding levels. Another committee is studying similar issues concerning the operation of our juvenile court offices. Shortly, a fourth committee will study the operation of district court administration. We look forward to receiving their recommendations for efficiencies and improvements.

### **Legislative Solutions: Streamlining the Courts**

Although the judicial branch is an independent and separate branch of government, we do not work in a vacuum. By constitutional design, the three branches of government, in differing roles, contribute to the administration of justice. Our role is to promptly but carefully decide cases according to law, equally to all people. But it is up to you, the legislature and the governor, to provide the tools and resources we need to carry out these enormous responsibilities.

As you can see, we are doing our part to watch expenses and operate within our budget constraints. With your help, we can do more. We have many sound ideas for statutory changes that would reduce costs, improve services, and enable us to do more with our existing resources. These include allowing one clerk of court to manage more than one office, realigning district

court judges through attrition, delaying the filling of judicial vacancies for budgetary reasons, eliminating outdated statutory duties, and streamlining a multitude of procedures.

We suggested most of these changes to you last year, but you did not approve them. Clearly in times such as these we should not cling to the status quo. We urge you to reconsider these ideas, which have been submitted as prefiled bills. The benefits are too great to pass up.

### **Reorganization of Judicial Districts**

One of the statutory changes we seek would establish a process for regularly reviewing and adjusting the configuration of the judicial districts. The organization of the districts has not changed for thirty years.

The court views the general concept of redistricting as a valuable tool in any comprehensive plan to effectively manage judicial resources. It has the potential to give us greater flexibility in the equitable distribution of judicial staffing power throughout our state. Given the severe budgetary constraints facing us as an institution, we cannot afford to ignore the administrative efficiencies redistricting offers.

Last month, the Court received the report of its advisory committee on judicial branch redistricting. In response to its charge, the committee proposed alternative administrative structures to address changes in demographics and judicial workload that have affected court services since our current eight-district structure was established. We commend the committee, and especially its chairs, Chief Judge David Remley and businessman David Oman. Their thoughtful analysis, enhanced by their initiative in seeking public comment, deserves our appreciation.

As our Commission on Planning for the 21st century said in its 1996 report, the Court should periodically evaluate the administrative effectiveness of the district boundaries and suggest legislative changes when appropriate. We feel it's appropriate now. After careful consideration, the court has decided to recommend legislation for redrawing judicial district boundaries. Due to the complexity of implementing such changes, we anticipate that the new boundaries would become effective no sooner than July 1, 2004.

Moreover, we do not view redistricting as an isolated or short-term solution. To be truly effective, any redistricting plan must be complemented by other important initiatives, some of which I have mentioned.

### **Impact of Legislation on Court**

There is another way you can help. The courts are charged with the responsibility of deciding cases brought before them. We have no control over the number of cases presented. Nor should we. Though well-intentioned, legislation nearly always adds to our workload. We ask that when debating new laws, you carefully consider the impact your actions have on the court system. More responsibilities without commensurate resources sometimes make for poor results.

### **Conclusion**

I began this report talking about achievements and challenges-we have our share of both.

We are heartened by recent accomplishments that bolster our efforts to serve the people of Iowa. Our new procedures to expedite appeals of termination of parental rights cases are a huge benefit to troubled children and families, reducing the period of uncertainty in their lives. Technology is an enormous help to us, making us more efficient and accessible, bringing the courts closer to the people. Our achievements are cause for optimism in these otherwise gloomy times.

Certainly, we face many challenges. The greatest challenge, for all of us, will be to continue performing our constitutional responsibilities to the people despite Iowa's present fiscal hardships. While the problem is serious, it is not insurmountable. We must find lasting solutions to our problems. We have offered you many ideas for sensible changes that would help us place scarce resources where we need them most, enabling us to deliver affordable and high-quality judicial services to the citizens of Iowa, now and in the future. We cannot act unilaterally; these changes require your approval. Although we as citizens know of the demands being made upon you, we trust you will respond to the needs of the justice system. It is in the public interest to do so.

And finally, we are grateful for our dedicated judges and court employees, whose collective talents, resourcefulness, and perseverance, enable the courts to make progress and to pursue our mission with vigor. The ultimate measure of these dedicated public servants is being proven over and over again in these times of great challenges.

Thank you.