

State of the Judiciary
Chief Justice Mark S. Cady, Iowa Supreme Court
Message to the Legislature
January 11, 2017

Mister president, madam speaker, distinguished members of the Iowa General Assembly, Governor Branstad, Lieutenant Governor Reynolds, state officials, colleagues, family, friends, and all Iowans.

As the chief justice, I come before you this morning on behalf of the judicial branch to report on the State of Iowa's justice system. I do so knowing this is a time of scarce financial resources. My hope is my message will be heard in a way that leaves you, and all Iowans, better informed about the critical services the Iowa court system performs for Iowans and the importance of investing in those services.

Let me begin with a personal story. My mother was a well-read person. She had a proverb for every occasion and always expressed it. Her central message was for life to be lived and for the potential of people to be recognized and achieved. She was cautious by nature but understood the importance of reaching out to find newer and richer experiences in life. For my slightly older brother, her message resonated in a way that led him to a life as a national expert on headache care and the physician instrumental in developing a breakthrough drug for those who suffer migraine headaches. After enduring a childhood of my brother's constant and often dangerous scientific experiments, some with rather spectacular results that may have included brushes *with* the law, I found my mother's message more suitable to a life *in* the law and to be part of a justice system devoted to finding newer and richer justice for all.

But, as my mother would say, no person is an island. My brother needed the support of a business willing to make an investment in an idea and willing to take the risk for his idea to succeed. It did, and countless people have benefited. To complete my mom's poetic expression, for whom does the bell toll, it tolls for thee. In the same way, Iowa's court system needs a renewed investment so the bell can, once again, toll for all Iowans. Each year, you make an investment in our court system, and we respond by providing the services Iowans demand and need. Each year, the level of your investment determines the level of services we provide. So, let me share with you some information about the work we are doing and the benefits our court system provides to Iowans.

Our judges work hard to deliver justice through the decisions they make to resolve disputes Iowans bring into the courts. But, our court system advances justice in far more profound ways by the way we improve the process of justice, or as my mom would put it, by the way we treat people. In the area of our civil justice system, we are improving the process of justice by maximizing efficiencies, using the latest technology, reducing litigation costs, developing judicial expertise, and addressing other needs of Iowans. In the area of criminal justice, we are improving the process of justice by treating the offenders who enter the system in new ways. The results we are seeing, the results Iowans are achieving, are providing a significant return on your investment and drawing us closer to our collective goal of justice for all. Let me explain, beginning with the area of criminal justice and the changes we have made in the way we work with children who need our help because they had started to engage in criminal conduct.

The first priority of our courts is to protect all of Iowa's children. As you know, the judicial branch is responsible for handling criminal complaints against juveniles and providing services to juvenile offenders. Eight years ago, our juvenile court officers developed and integrated a new risk- assessment analysis to provide targeted services to our moderate and high-risk youthful offenders. A few years later, you gave us additional funding to increase the number of juvenile court officers who can sit and talk face to face with troubled youth. More recently, our juvenile court officers have adopted a new model of interacting with youthful offenders that reduces criminal thought patterns and introduces a type of thinking that leads to better decision-making. This model gives juveniles the tools needed to confront life-changing challenges.

Now, each of these three events alone may not seem significant, but look at what is happening in Iowa. Since we started to make these important changes in 2009, the number of criminal offenders under the age of 21 entering Iowa's adult prison system has been cut in half. This means 329 fewer young adults went to prison last year. This is true, measureable progress. It is the type of progress that has renewed hope and optimism in our juvenile court officers. It is the type of progress that has given opportunity to more children and families. It is a return on investment in our shared commitment to protect Iowa's children.

New programs are also helping our low-risk juvenile offenders. One is the prearrest diversion program for misdemeanor juvenile offenders. These court-led programs divert youthful offenders into community programs that bring together juvenile court officers, school officials, police, community providers, and parents to correct youthful decision-making before bad decisions lead to a pattern of more serious criminal behavior. Once juveniles enter the criminal justice system, they are at risk of never leaving and are often impeded in life by a criminal record. The recidivism rates confirm the success of this program. In 2015, the Davenport program, for example, diverted 177 of the 227 youth charged with simple misdemeanor crimes, and 84% of the offenders have not reoffended. In 2016, every youth in the city charged with a simple misdemeanor was diverted and 93% have not reoffended. These outcomes far exceed those of juveniles formally charged and dealt with in a traditional court setting. As my mom would say, an ounce of prevention is worth a pound of cure.

This high success rate is primarily due to two factors. The first is that diversion classes promote family participation, focusing on an evidence-based, corrective-thinking curriculum. It is leading to new and beneficial conversations and positive interactions within families. The second factor is that this program is less confrontational, and juveniles see it as fair. The program promotes positive adolescent brain development at an important time in life and helps eliminate negative attitudes towards the law and authority figures that can be imprinted for life. This program is keeping youthful offenders out of the criminal justice system, giving them a second chance with an opportunity for a clean slate, and it is working.

Other programs across the state are making similar contributions. In Waterloo, juvenile court officers created a program to provide positive male role models for at-risk African-American male youth to help them make better choices when faced with issues such as gangs, violence, drugs, bullying, incarcerated parents, and grief. The program is called "Tomorrow's Leaders" and operates in five Waterloo schools with thirty students participating in each school. Just as other communities are asking for prearrest diversion programs for their children, other area

schools want this popular program expanded. The successes achieved in one community should be experienced by children in all communities.

We also continue to improve our adult criminal justice system consistent with our priority to protect all Iowans by implementing components into our courts that lead to problem solving instead of incarceration. The judicial branch invests in 47 specialty courts that seek to address and resolve problems of drug addiction, mental health, and domestic abuse, as well as problems veterans may face upon return from war. These courts take on the name of the problem that lies behind the criminal conduct. They are drug courts, mental health courts, domestic abuse courts, and veterans' courts. These courts often use the leverage of incarceration but work to solve underlying issues through treatment teams that include a judge, substance abuse treatment professionals, attorneys, and private agency providers.

Like the new juvenile court processes, these courts are helping to keep individuals who are committed to overcoming the cause of their criminal acts from entering prison. Instead of going to prison, graduates leave with a job, a support system, and a far greater opportunity to succeed in life.

I also want to report on the continued success of family treatment courts. In the past 9 years, our 12 family treatment courts across the state have reunited 860 families who were on the brink of being shattered by the termination of parental rights. We have kept 1,667 children together with their parents and given these parents the tools to provide children with opportunities they never thought existed.

All of these improvements to the process of justice enhance the quality of life in Iowa by expanding opportunities for success and transforming more people into productive citizens. The stories of individual success confirm the value of our efforts and inspire us to do more. But there is also another benefit we do not talk about enough—a financial benefit. Consider the savings from avoiding the high cost of incarceration. When 329 fewer young adults go to prison, taxpayers save more than \$11 million. Likewise, when our juvenile court officers provide early treatment of youthful offenders, taxpayers save \$5.8 million. The services provided by our family treatment courts can avoid an additional \$4.9 million in costs per year to the state's general fund. These three programs alone generate close to a \$22 million annual return on investment. But, this data is really only the tip of the iceberg. Other programs, such as adult drug courts, provide even more savings. Just think, the demands on the state's budget are reduced, and all Iowans benefit when, instead of going to prison, our programs pave the way for these Iowans to go to work every day, earn paychecks, support families, and contribute to communities.

The judicial branch also continues to address the needs of Iowans with your investment in the civil justice system. As a part of our priority to provide faster and less costly resolution of legal disputes, we assembled a family law task force to identify better statewide practices for resolving difficult divorce and child custody matters. We are implementing several recommendations, including uniform temporary custody hearings and a pilot project for an informal family law trial process. As with our highly successful expedited civil action process, we anticipate that the informal family law trial pilot project will resolve cases faster and more efficiently while saving Iowans expenses and legal fees.

In addition, we recently established a permanent state commission dedicated to expanding access to civil justice for Iowans. This commission will foster collaboration among legal services providers and seek to find new and innovative ways to promote access to justice for those Iowans who cannot afford an attorney or those who choose to represent themselves. The courthouses across this state and in your communities must always be available to protect the fundamental right of all Iowans to seek redress for legal disputes. Access to justice could not be more important to our way of life, and we must work to help ensure all Iowans have access to courts when the need for our services arises.

Like the criminal justice system, the improvements we are making to the civil justice system do not just benefit court users. These improvements also benefit the overall economic development in Iowa. A fair and efficient court system gives businesses confidence to invest and to provide for the well-being of their employees. Today, your Iowa civil justice system is recognized by businesses across the country to be one of the very best in the nation. The U.S. Chamber of Commerce ranks it as the fourth best in the country, with consistently high rankings in the categories of judges' impartiality and competence. Iowa's own business leaders have stressed the importance of a fair and efficient court system to their business development. They believe courts are a key infrastructure component necessary for the growth and survival of any Iowa business. An investment in the civil justice system is an investment in the economic security of this state.

The Iowa Judicial Branch first introduced business practices into the administration of justice 45 years ago in an effort to improve the delivery of legal services to Iowans. The judicial branch now incorporates the best business practices available into our venerable principles of law to deliver justice in far better ways than in the past. Over the last 14 years, this system of court administration has been led by State Court Administrator David K. Boyd. Over his career, David has helped six chief justices lead Iowa in modernizing our courts, providing services to Iowans, and advancing justice. After 40 years of service to Iowans, David will be retiring in September. Thank you, David, for your invaluable service.

The success of any organization comes from having the right people, the right vision for future success, and the right investment.

The Iowa court system has the right people in place. Every day in all 99 counties judges, magistrates, court reporters, clerks, court attendants, juvenile court officers, IT staff, and other dedicated professionals strive to provide Iowans the services needed from their court system. You know some of these people because they are your neighbors and constituents. Each believes deeply in justice for all and is committed to helping the court system find innovative ways to serve more and more Iowans.

The Iowa court system has the right vision for future success. Our vision is not only to administer justice, it is to advance justice. Our vision is not just to reduce the number of young adults going to prison, it is to expand juvenile diversion courts to every county. Our vision is not just to operate 47 specialty courts, it is to operate as many specialty courts as Iowans call for to meet all their needs. Our vision is not just to leverage advances in technology, it is specifically to improve and upgrade our jury management system for the 21st century, to build an online conservatorship reporting system with auditing safeguards that will protect the assets of our most

vulnerable populations, and to build disaster recovery protection for our first-in-the-nation online court filing system. Our vision is not just to recognize judges and magistrates for their work, it is to provide them with regular salary increases in line with the practices followed by other successful businesses. Our vision is not just to increase courthouse security, it is to ensure the safety of all Iowans in every courthouse and public building. Our vision is not just to continue constructive approaches to reducing implicit bias and racial disparity, it is to eliminate them—it is to find ways for all Iowans to be treated justly, fairly, and equally under law.

Finally, the Iowa Judicial Branch needs the right investment. It needs a commitment to invest in the court system to maintain full services to Iowans and continue to provide a positive return on investment. It needs a financial commitment to maintain its positive impact in driving a climate of success for our economy. Your investment in the judicial branch over the last several years has contributed to the successes I have shared with you today, and it is critical for continued success into the future.

I look to the future because that is where the positive change we seek today will continue to be found. But, this future is closely tethered to the ability of the judicial branch to continue to deliver services to Iowans, and problems are beginning to emerge. In just the last few months, Iowans have begun to experience a disruption in court services. The state's investment in the court system for the current fiscal year is not allowing the judicial branch to sustain the current level of service to Iowans. This signals that our successes cannot be maintained. It means delays will return. It means efficiencies may be lost. It means specialty courts may be eliminated. It means our troubled youth will see less of our juvenile court officers. It means part-time hours may return for courthouses. It means additional costs may be added to the state's budget. It means less opportunity for Iowa's children.

I have relied on lessons from my mom, and my brother, to illustrate the services provided by Iowa's judicial branch. I do so because those lessons are common guideposts woven into all our lives. They are lessons available to us, too, as we continue to work together to map the future of our state and to govern as one.

The most powerful component of success comes from the will to succeed. Where there is a will, there is a way. The judicial branch has the will. It is woven from the understanding of what our services can truly do for the future of this state and all Iowans. But our will alone cannot take us to that future.

I am sure it was not easy for my parents to invest in my brother's insatiable curiosity for science. I know it tested their patience at times and scared the dickens out of me most of the time. But difficult times can also stiffen the will to succeed.

The way ahead may be hindered by limited resources, but the will of Iowans for a fair and impartial justice system that meets their needs could not be stronger. So, now is not the time to minimize expectations for the future but to build upon them. It is the time to build the future with an investment that affirms the work of the judicial branch, and affirms the lives of families, children, business owners, employees, and all Iowans. It is the time to build a future united by one will to achieve success for all.

Our lasting achievements as a state come from the grand ideals of our founders, with new ideas built on the lessons of our life experiences. What we have learned from the past is that there is a spirit for justice in each of us. It is a spirit seen across the state. It is a spirit that has brought us this far. It is a spirit that is ready to take us even further. So, for whom does the bell toll? It tolls for thee. It tolls for all Iowans.

Thank you.