

# JUSTICE IN THE BALANCE

THE IMPACT OF BUDGET CUTS ON JUSTICE

IOWA JUDICIAL BRANCH

NOVEMBER 19, 2009

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*“Even in good economic times, the administration of justice is difficult to fulfill given the sheer volume and complexity of the problems Iowans bring to their courthouses. Now, because of the effects of the nation’s economic downturn, people will need access to justice more than ever.”*

Chief Justice Marsha Ternus  
Iowa Supreme Court  
2009 State of the Judiciary

There is much more to the work of the courts than the occasional high-profile case that attracts public attention. The bulk of our work involves everyday problems that affect ordinary Iowans.

### **Abused and Neglected Children**

Our courts play a life-altering role in the lives of abused and neglected children. They decide whether to:

- Remove a child from a parent
- Place a child in foster care
- Reunite a child and parent or terminate parental rights
- Allow adoption of a child

In 2008, Iowa's courts presided over:

- 4500 Child in Need of Assistance cases
- 1800 Termination of Parental Rights

### **Troubled Youths**

Iowa's juvenile court officers, staff and judges continuously work with thousands of troubled youths to:

- Ensure community safety
- Hold young people accountable for their conduct
- Change their negative behavior

In 2008, JCS worked with nearly 37,000 youths to address their conduct without formal delinquency charges. In addition, the juvenile court handled:

- 6000 juvenile delinquency cases

### **Victims Seeking Protection**

By issuing no-contact and protective orders, Iowa's courts help shield victims of violence, abuse and harassment from further harm. In 2008, Iowa judges granted:

- 8900 no-contact orders in criminal cases
- 150 civil protective orders in dissolution cases
- 8360 civil protective orders in civil domestic abuse cases

Clerks of court notify local law enforcement officials and the department of public safety of each and every order.

### **Families in Crisis**

The problems of families in crisis demand a significant amount of court time and resources. In 2008, Iowa's courts handled:

- 14,700 dissolutions and modifications, more than half of which involved children
- 6900 administrative child support cases (DHS)
- 6500 paternity cases
- 6000 civil domestic abuse actions

## Civil Justice

Iowans from every walk of life rely on the courts to resolve their civil legal problems. In 2008, Iowa's courts handled:

- 100,000 small claims cases
- 7,545 liens
- 13,537 collection of private debt cases
- 1,286 commercial contract cases
- 8000 other law and equity matters
- 3670 tort claims
- 2300 judicial review of agency action cases

## Housing Problems

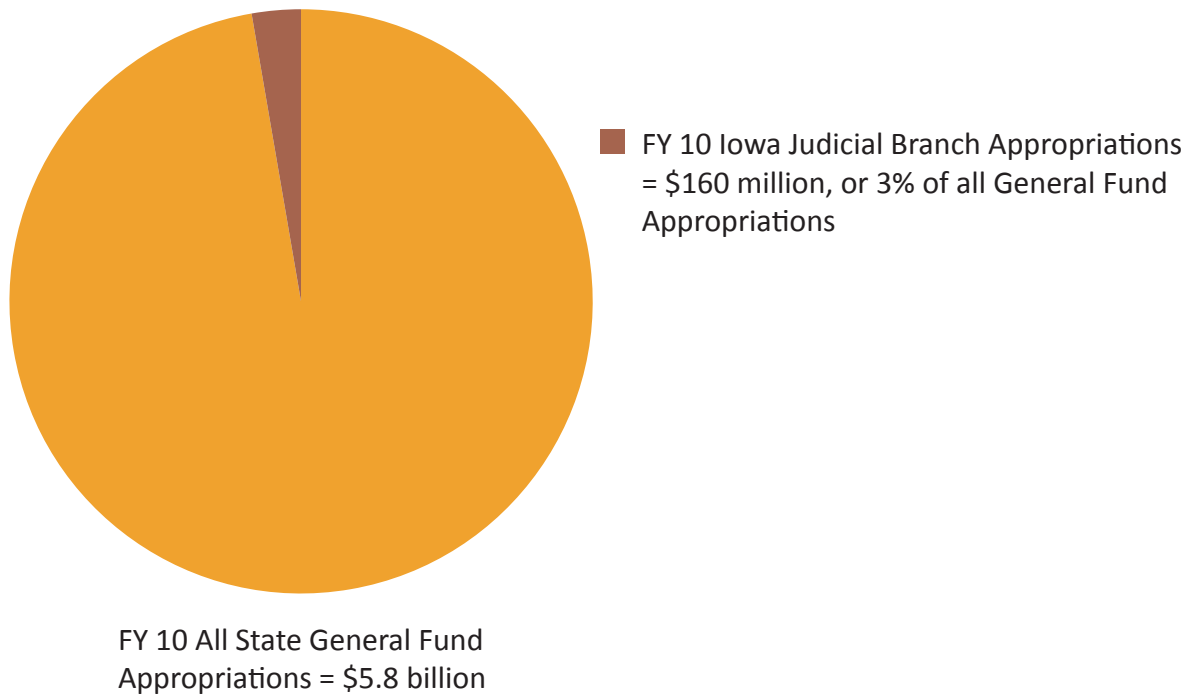
Courts are where tenants and landlords, and lenders and homeowners assert and protect their rights. In 2008, Iowa's courts disposed of:

- 16,185 landlord/tenant cases
- 10,851 foreclosures

## Criminal Justice

Criminal cases dominate court time and resources. Iowa judges and court staff spend more time on criminal cases than on any other type of case. In 2008, Iowa's courts disposed of:

- 21,500 felony charges
- 40,000 aggravated and serious misdemeanor cases
- 21,000 OWI cases
- 650,000 simple misdemeanors and scheduled violations
- 1200 probation revocations

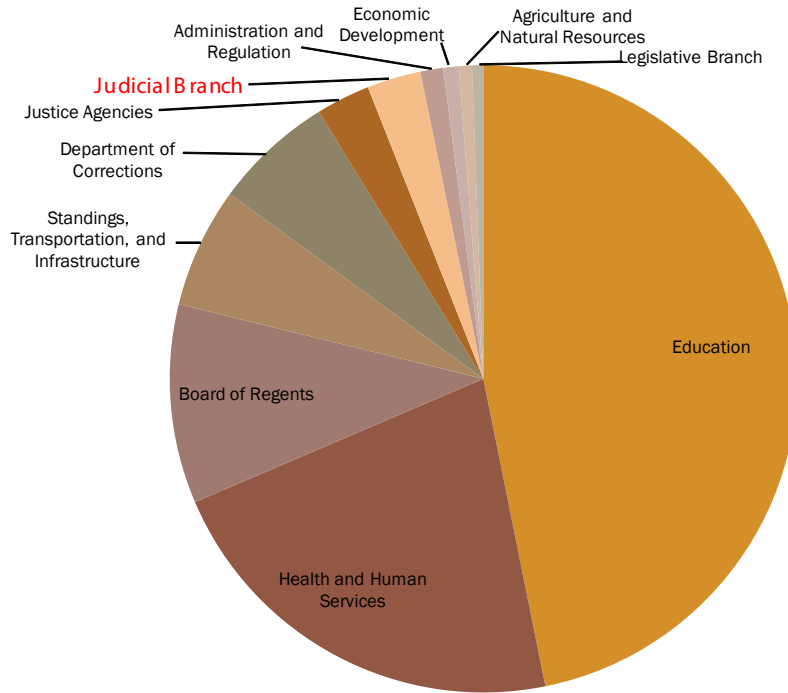
**Iowa General Fund Appropriations (FY 2010)\***

*“Many institutions of government can make a case for why their work is important to Iowans but how many can claim their work is indispensable to the function of governing? By the function of governing I mean the reasons we have government in the first place. Certainly expenses for recreational trails, historical exhibits, cultural performances, economic development, historic preservation and library enhancements enrich the quality of life in our communities. . . . But are these items as fundamental and critical as ensuring civil justice, social order and public safety? No, they are not. They are, I’m sorry to say, frills we probably cannot afford as we face a situation that is being called the worst financial crisis since the depression.”*

Chief Justice Marsha Ternus  
Iowa Supreme Court

\*This chart has not been revised to reflect the FY 2010 mid-year cuts.

**Iowa General Fund Appropriations (FY 2010)\***



|  | (dollars in millions) |
|--|-----------------------|
| Education  | \$2,701.2             |
| Health and Human Services                        | \$1,254.1             |
| Board of Regents                                 | \$591.6               |
| Standings, Transportation & Infrastructure       | \$357.8               |
| Department of Corrections                        | \$356.5               |
| Justice Agencies: A.G., D.P.S., S.P.D., & others | \$160.8               |
| Judicial Branch                                  | \$160.2               |
| Administration and Regulation                    | \$67.8                |
| Economic Development                             | \$45.5                |
| Agriculture and Natural Resources                | \$39.4                |
| Legislative Branch                               | \$33.4                |
| <b>Total</b>                                     | <b>\$5,768.3</b>      |

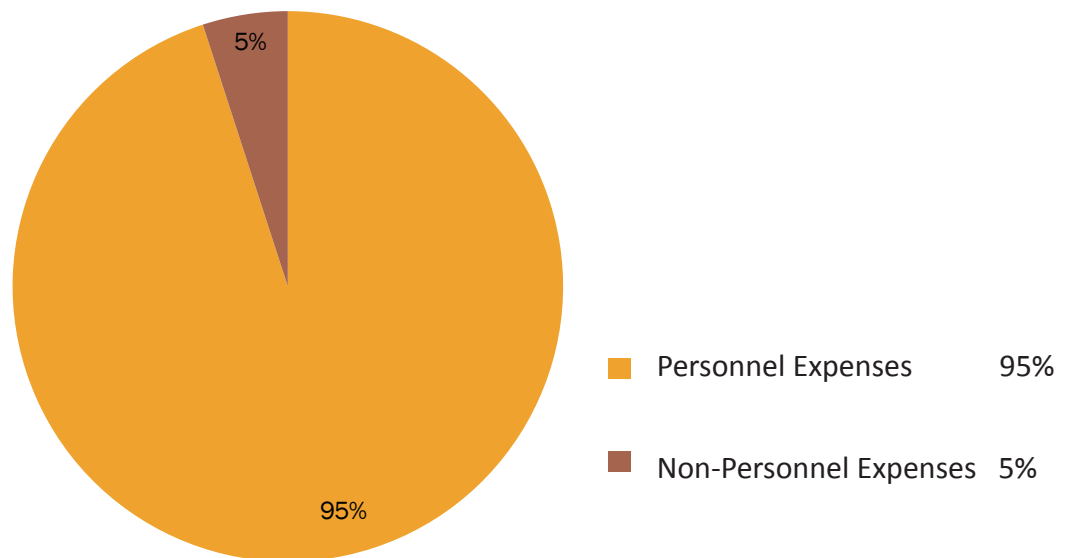
\*This chart has not been revised to reflect the FY 2010 mid-year cuts.

## Courts Raise Revenue

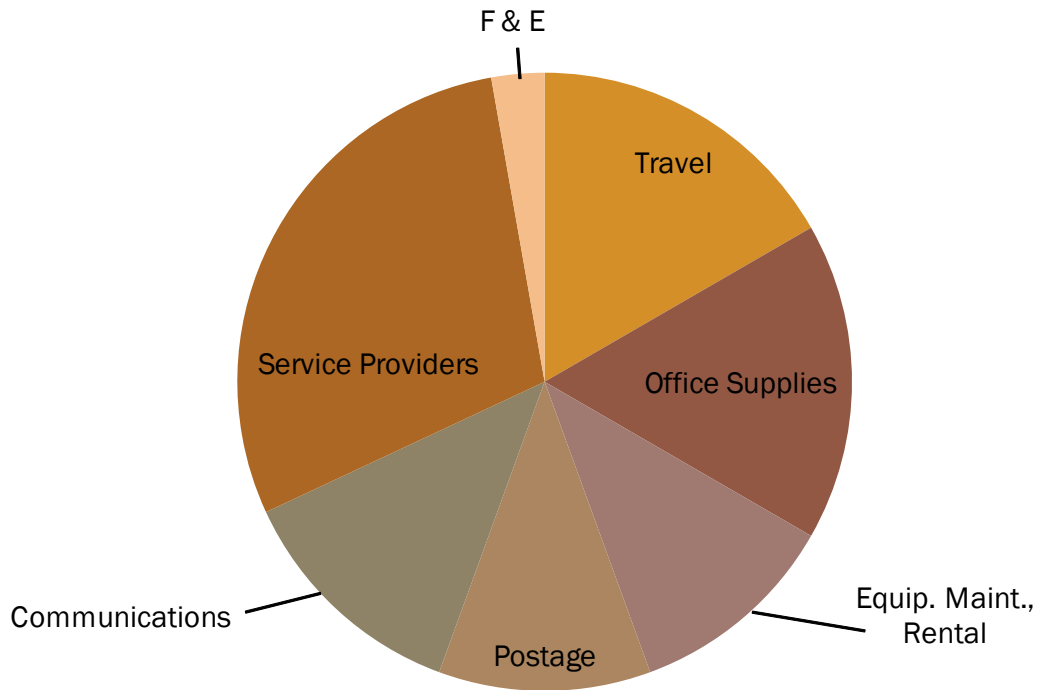
Each year, with the aid of several state agencies and local government officials, Iowa's courts collect millions of dollars in fines and fees that directly benefit state and local government. In FY 2009, Iowa's courts generated:

- \$131 million for the state
- \$12 million for cities and counties

## Judicial Branch Expenses



**Judicial Branch Non-Personnel Costs**

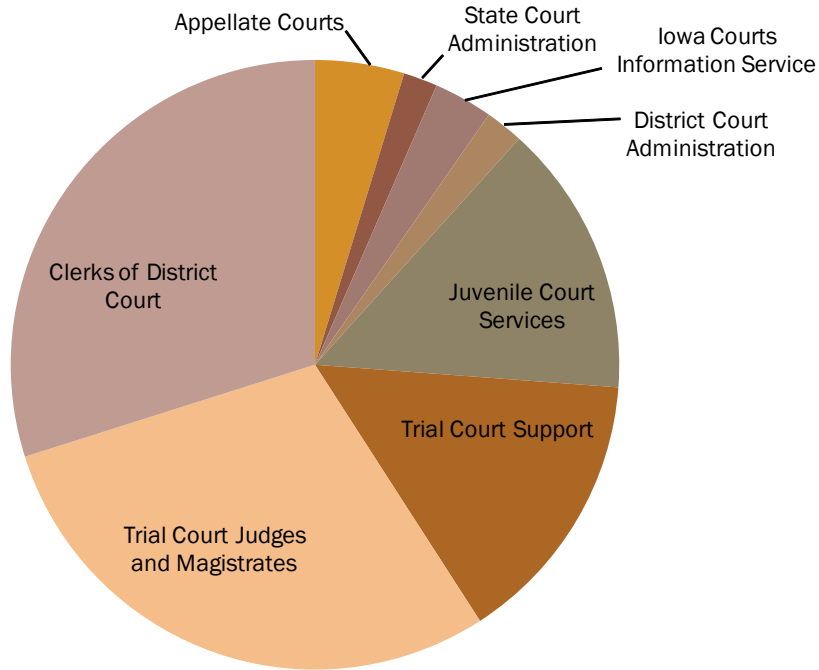


|                               | (7/1/09)                        | (11/12/09)           |
|-------------------------------|---------------------------------|----------------------|
| Service Providers*            | <del>\$2.2 million</del>        | \$2.1 million        |
| Travel**                      | <del>\$1.2 million</del>        | \$1.2 million        |
| Office Supplies               | <del>\$1.3 million</del>        | \$1.2 million        |
| Communications                | <del>\$1.0 million</del>        | \$0.9 million        |
| Equipment Maintenance, Rental | <del>\$0.8 million</del>        | \$0.8 million        |
| Postage                       | <del>\$0.9 million</del>        | \$0.8 million        |
| Training & Education          | <del>\$0.3 million</del>        | \$0.0 million        |
| Furniture & Equipment (F&E)   | <del>\$0.2 million</del>        | \$0.2 million        |
| <b>Total</b>                  | <del><b>\$7.9 million</b></del> | <b>\$7.2 million</b> |

\*Payments to state agencies such as the state auditor and the department of administrative services and to other service providers.

\*\*Travel expenditures are primarily to provide judicial and Juvenile Court Services to 99 counties

**Judicial Branch Personnel Costs**



|                                    | (7/1/09)                          | (11/12/09)             |
|------------------------------------|-----------------------------------|------------------------|
| Clerks of District Court           | <del>\$46.6 million</del>         | \$42.9 million         |
| Trial Court Judges and Magistrates | <del>\$44.0 million</del>         | \$42.0 million         |
| Trial Court Support Staff*         | <del>\$22.7 million</del>         | \$21.1 million         |
| Juvenile Court Services            | <del>\$22.7 million</del>         | \$20.8 million         |
| Appellate Courts                   | <del>\$7.3 million</del>          | \$6.8 million          |
| Iowa Court Information Service     | <del>\$5.0 million</del>          | \$4.5 million          |
| District Court Administration      | <del>\$3.1 million</del>          | \$2.9 million          |
| State Court Administration         | <del>\$2.8 million</del>          | \$2.6 million          |
| <b>Total</b>                       | <b><del>\$154.2 million</del></b> | <b>\$143.6 million</b> |

\* Trial court support staff includes court reporters, court attendants, law clerks and case schedulers

### Clerks of Court

- ~~739~~ 661 clerks of court and staff

### Trial Court Judges & Magistrates

- 116 district judges
- 58 district associate judges
- 12 associate juvenile judges
- 1 associate probate judge
- 152 magistrates
- 39 senior judges (part-time)

### Trial Court Support Staff

- ~~170~~ 151 court reporters
- ~~98~~ 70 court attendants
- ~~32~~ 29 case coordinators/schedulers
- ~~12~~ 10 law clerks

### Juvenile Court Services

- ~~277~~ 238 juvenile court officers, and support staff

### District Administration

- ~~35~~ 33 employees (among eight districts: administrators, secretaries, assistant district court administrators, finance/personnel managers, and auditors)

### Appellate Courts

- ~~49.5~~ 43 staff
- 9 Court of Appeals Judges
- 7 Supreme Court Justices
- 6 senior judges (part-time)

### State Court Administration

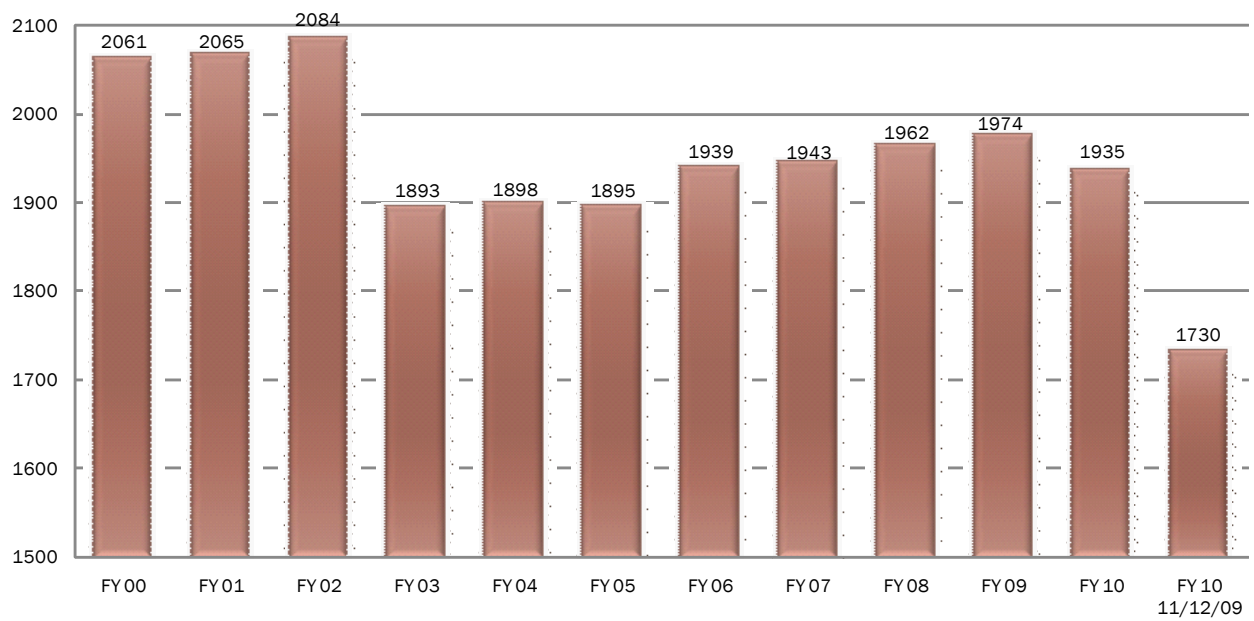
- ~~18~~ 16 employees

### ICIS (technology)

- ~~57~~ 50 employees

All personnel numbers constitute budgeted FTEs, including vacant positions, before and after November 12, 2009.

**Judicial Branch Staffing Levels**  
*16% Drop FY 2000 to Present*



**Budget Cuts: FY 1992**

- Reduced funds for hospitalization referee expenses and shifted work to clerks of court\*
- Cut 1 of 2 annual training conferences each for clerks of court and JCOs\*
- Reduced out-of-state travel
- Reduced furniture and equipment

**Budget Cuts: FY 2002**

- Eliminated all hospitalization referee and alternate DAJ positions\*
- Reduced court staff (10% workforce reduction)\*
- Laid-off 107 clerk and court attendant employees
- Reduced position and pay of 79 supervisors (clerk staff and JCS)
- Cut hours of 67 employees
- Cut 20 vacant miscellaneous positions
- Cut one of two annual judicial education conferences
- Stopped reimbursement for certain travel expenses\*
- Reduced in-state and out-of-state travel
- Cut juvenile victim restitution funds\*
- Cut CASA funds and transferred program to executive branch\*
- State reduced contribution to judicial retirement fund for a number of years

**Budget Cuts: FY 2005**

- 8 days of court closures and unpaid leave

**Budget Cuts: FY 2009**

- 5 days of court closures and unpaid leave

**Budget Cuts: FY 2010 (6/1/09)**

- 12.5 clerk and court attendant vacant positions eliminated\*
- 13 court reporters laid-off and positions eliminated; 2 court reporters' hours reduced\*
- 1.19 vacant juvenile tech positions eliminated\*
- 50 staff vacancies held open at any given time
- Some judicial vacancies will be held open\*\*
- Reduced non-personnel expenses such as postage, supplies and equipment

\* Permanent cuts—programs and items never restored to budget

\*\* Up to 180 days

**Budget Cuts: FY 2010 (mid-year)**

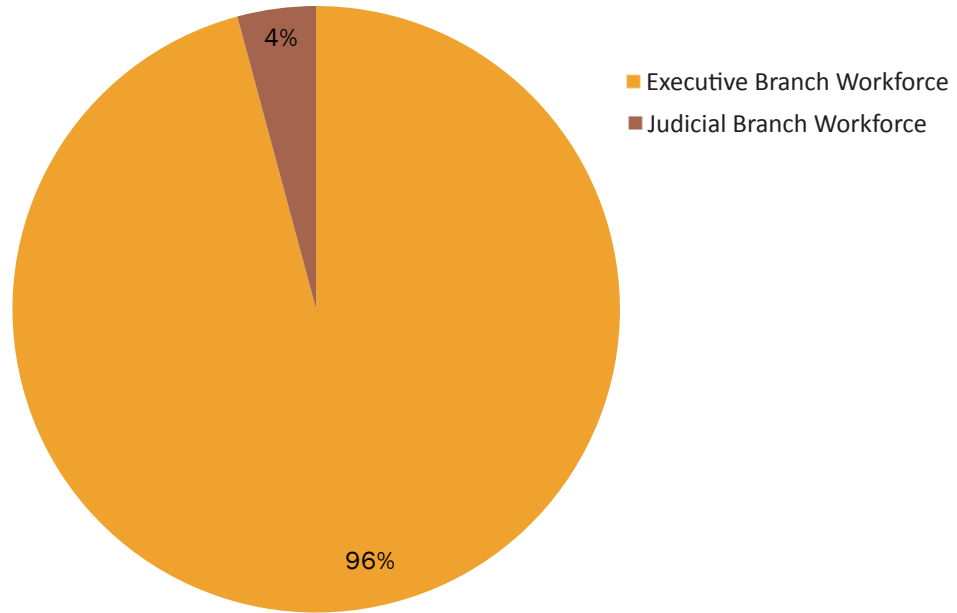
- 9.3% reduction in force: 105 employees laid off, 73 vacant positions eliminated, 58 employees with reduced hours
- 10 days of court closures and unpaid leave
- Reduced non-personnel expenditures by \$.7 million

**Reduction in Force – All Employees Affected  
November 12, 2009**

| Department                          | Layoffs    | Vacant Positions Eliminated | Retirements | Reduced Hours | Total      |
|-------------------------------------|------------|-----------------------------|-------------|---------------|------------|
| Appellate Courts                    | 1          | 5                           | 0           | 5             | 11         |
| State Court Administration and ICIS | 5          | 4                           | 0           | 0             | 9          |
| District 1                          | 11         | 9                           | 3           | 8             | 31         |
| District 2                          | 7          | 8                           | 7           | 8             | 30         |
| District 3                          | 14         | 7                           | 6           | 7             | 34         |
| District 4                          | 16         | 0                           | 2           | 6             | 24         |
| District 5                          | 22         | 16                          | 1           | 6             | 45         |
| District 6                          | 12         | 10                          | 4           | 3             | 29         |
| District 7                          | 11         | 6                           | 3           | 3             | 23         |
| District 8                          | 6          | 8                           | 1           | 12            | 27         |
| <b>Grand Totals</b>                 | <b>105</b> | <b>73</b>                   | <b>27</b>   | <b>58</b>     | <b>263</b> |

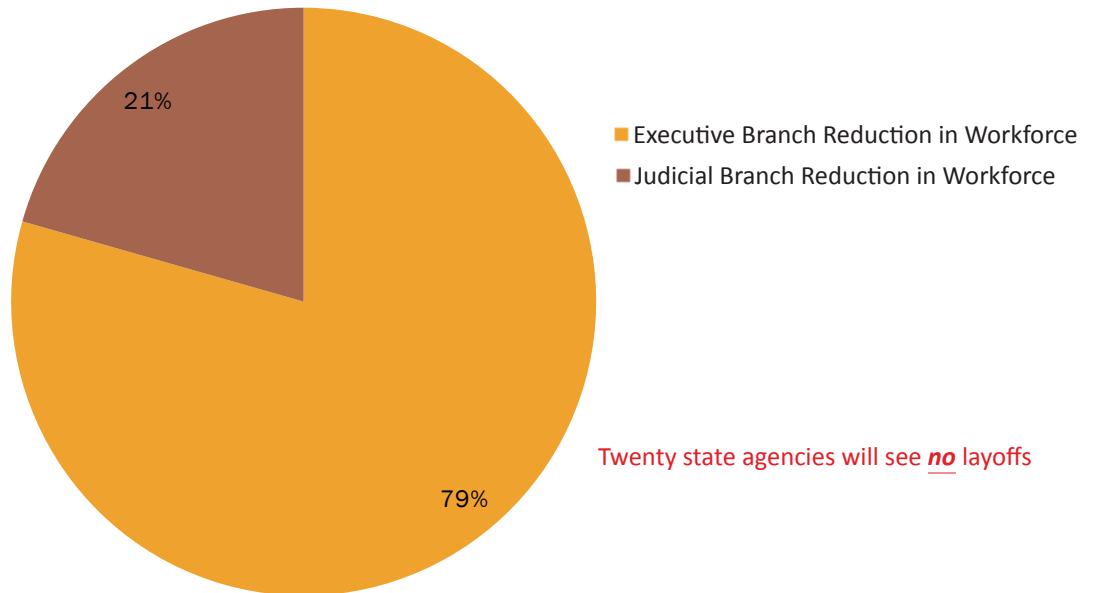
### Executive Branch and Judicial Branch Workforce

Based on budget figures available prior to the October 8, 2009.



### Executive Branch and Judicial Branch Reduction in Workforce

This chart assumes fewer layoffs in the Executive Branch if AFSCME members who are Executive Branch employees agree to mid-contract changes to reduce layoffs.



## Impact of Budget Cuts on Iowans

### Cuts impact children and families

- Slows down processing of child support payments
- Delays notice to law enforcement of protective orders
- Delays cases, including contempt actions to enforce orders
- Delays setting temporary and permanent support and custody/visitation orders

### Cuts may impact juveniles and children

- Delays in processing juvenile restitution
- Delays responding to inquiries from school officials, law enforcement and families
- JCOs have less time to visit with juvenile clients
- Federal funds in jeopardy

### Cuts impact estate matters

- Delays distributions to beneficiaries
- Delays transfer of estate properties
- Delays closure of estates

### Cuts impact business and real estate transactions

- Delays entering judgment lien information needed by abstractors
- Delays processing garnishments
- Delays filing liens
- Slows down resolution of small claims cases

### Cuts impact criminal cases

- Delays for probation revocation hearings
- Delays for criminal hearings
- Delays of warrant updates
- Delays in processing scheduled violations
- Delays entering no-contact orders

### Cuts impact cities and counties

- Prisoners may sit in jail longer, and thus, increase county jail costs
- Decreases in fine collection activities will decrease county and city revenue
- Delays in judicial review of condemnation cases and civil infractions
- Delays processing mental health and substance abuse commitments so respondents stay longer in local hospitals

### Cuts slow down data transfers to criminal justice agencies:

- Criminal case history to Department of Public Safety
- Traffic conviction information to Department of Transportation
- Criminal and juvenile case data to Criminal and Juvenile Justice Planning
- Domestic abuse protection orders to Department of Public Safety

*“There are some things that only government can do—and these things it must do well. . . . The determination of guilt and innocence, property rights and parental rights, and legal privileges and power are judgments only government can make. . . . We must ensure that the fundamentals of governing our state, including the administration of justice, are strong, especially in tough times such as these.”*

Chief Justice Marsha Ternus  
Iowa Supreme Court  
2009 State of the Judiciary

## Mission & People

Our courts have a vital constitutional mission:

**to administer justice according to law equally to all people.**

To accomplish our mission, we rely on judges, judicial magistrates and court employees who work in unison to handle hundreds of thousands of court cases and to provide a broad range of court-related services.

**Judges and magistrates** serve the public by using their legal skills and knowledge to impartially interpret and apply laws.

**Clerks of Court** and their employees manage and maintain all court records, collect and process fines, fees and restitution, transmit court orders and information to litigants and government agencies, process child support payments, and manage the processing of calling lowans to jury duty.

**Juvenile Court Officers** and their staff work directly with troubled youths. Among other things, they monitor a young person's compliance with restitution and community service and arrange for services needed by young people.

**Court Administrators** and their staff help schedule trials and manage the business side of the courts such as human resources, accounting, purchasing, information technology, and training and education.

**Court Attendants** assist with jury management, provide clerical and reception support to judges and assist clerk of court offices.

**Law Clerks** assist judges by conducting legal research and analysis, drafting routine court orders and performing other law-related duties.

**Court Reporters** keep a record of trials and hearings and provide clerical support to judges.

In addition, many other court employees work to serve the public and to fulfill the mission of the courts.

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