

Judicial Branch Submits FY 2007 Budget

When the Iowa Legislature convenes in January, it will be “déjà vu all over again.” While legislators finally got a reprieve from cutting budgets last session, budget cuts loom again. Ironically, state revenue projections look healthy. But the state’s built-in operating expenses for fiscal year 2007 will easily exceed projected revenue. In other words, get ready to re-tighten your belts.

State Court Administrator David Boyd says state departments and agencies will be lucky to receive a status quo budget. He adds that legislators believe that last session they provided adequate funds to take care of the judicial branch’s needs for awhile; consequently, the courts won’t be a high funding priority this session.

Add election year politics, a narrow margin in the Iowa Senate, and a gubernatorial campaign into the mix—and shake.

“With all of these factors in mind, the Iowa Supreme Court decided to submit a relatively modest budget request for FY 2007,” says Boyd.

For fiscal year 2007, the court recommends a slight funding increase for state court operations—only 1.3%. This increase would fund two district associate judges (one for district 5 and another for district 6) and support staff, the anticipated expense of monitoring juvenile sex offenders required by House File 619, four more FTEs for ICIS, including two staff positions dedicated to support for judges, an additional amount for judicial branch education and training programs, and a

small increase in the furniture and equipment line.

In addition, the court recommends the state fully fund its annual contribution to the judicial retirement fund, which is 23.7% of judicial salaries. In recent years, the legislature has reduced the state’s contribution, causing its unfunded liability to grow. With an increase in operations and judicial retirement, the total requested funding increase is 3.6% above the current year budget.

This judicial branch request does not include the cost of any salary increases for next fiscal year. This is because the legislature always waits for the governor to submit his salary bill for all of state government. Once the legislature hears from the governor, it typically considers one bill that addresses raises, if any, for all state officials and employees and appropriations to cover the expense. This usually occurs near the end of the session.

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Judicial Branch Awards

The Awards Committee will soon begin seeking nominations for the annual Judicial Branch Awards. Everyone knows a co-worker who goes the extra mile at work, helped create an innovative program, or serves a variety of branch committees. Nominating that person for a branch award would be a perfect way to recognize his or her efforts.

Look for an announcement of the nomination process to be posted in a few weeks on the judicial branch website at www.judicial.state.ia.us.



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Visit the Iowa Judicial Branch web site at:
www.judicial.state.ia.us

Judicial Branch: 2006 Legislative Bill Requests

Each year, the Iowa Judicial Branch recommends a number of statutory changes to improve the administration of justice. This article summarizes the bills submitted to the legislature for consideration this coming session.

Appointments

- Provide the chief judge of a district, rather than the majority of judges, with the authority to appoint and remove clerks of court and chief juvenile court officers.
- Allow a person who is not a resident of Iowa to be considered for the position of clerk of court; if appointed the person must become a resident of Iowa within 90 days.
- Eliminate the sunset provision and the time limit on the procedure that allows the chief justice to delay the filling of a vacant judgeship for budgetary reasons.

Miscellaneous Procedures

- Authorize the supreme court to adopt rules that expedite appeals of interlocutory orders arising from child in need of assistance and termination of parental rights cases.
- Clarify the extent of the clerk's duty to send a copy of a domestic abuse protective order so that the clerk must send a copy to the sheriff in the county where the order is entered and to the sheriff's dispatcher.
- Streamline the process for paying the recorder fee for transfer of title to real estate arising from a judgment or order.
- Extend the period of time for executing a judgment from 70 days to 120 days.
- Allow more time for the court to set the hearing on a petition for FED.
- Establish a procedure for ensuring that a satisfaction of a foreclosure is recorded in a timely manner.
- Eliminate the requirement that a clerk must send a copy of a presentence investigation report to certain authorized officials.

Substance Abuse Commitments

- Amend chapter 125 so that under certain circumstances the court may proceed with a substance abuse commitment hearing without the presence of the examining physician.

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Legislative Bill Requests

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Court Interpreters

- Amend section 232.141 to include the compensation of a court interpreter used in juvenile court in the county base formula.

Court Fees

- Authorize the court to assess a filing fee to a person ordered to pay child support pursuant to an enforcement action.
- Increase the fee for filing a hospital lien from \$10 to \$20, the amount charged for other types of liens.
- Increase the cap on the enhanced court collections fund that is used to finance court technology programs.
- Establish a fee for filing a transcript of judgment in a civil case.
- Eliminate fees charged for an assortment of probate services and replace them with a filing fee.
- Raise the amount collected up front for postage for mailing a small claims petition.

Charitable Contributions

- Repeal the procedure that authorizes a court to order a defendant to make a donation to a charity in lieu of the defendant's community service obligation.

District Associate Judges

- Update the population-based formula for district associate judges so that it provides for larger population centers and future growth.
- Establish a new procedure that would enable a district to exchange a vacant or new district associate judgeship for three magistrates.

Chapter 225—State Psychiatric Hospital

- Amend the procedure for admitting public patients to the University of Iowa Psychiatric Hospital and paying for their care by eliminating all court involvement in the process.

Iowa Judicial Branch: FY 2007 Budget Request

FY 2006 Base (general operations)		\$123,237,410
FY 2007 Additions (operations)		
Fund judicial branch expenses for implementation of H.F. 619 (Sex Offender legislation) as it pertains to juveniles under the jurisdiction of juvenile court services.	\$650,532	
Fund 4 additional IT staff: 2 will provide training and technical support directly to judicial officers; 1 manager for EDMS project; and 1 additional specialist to provide hardware support in the central portion of the state.	\$277,721	
Fund 2 district associate judges, 2 court reporters and 2 court attendants. This package requires passage of judicial branch proposal to amend the statutory formula for district associate judgeships found in Iowa Code section 602.6301.	\$412,470	
Fund additional education and training for all judicial branch personnel as recommended in report from the Supreme Court Advisory Committee on Judicial Branch Education.	\$150,000	
Sub-total Additions (operations)		<u>\$1,662,723</u>
Total Operations: Base + Additions		\$124,900,133
% increase FY 07 over FY 06		1.3%
FY 2006 Base (judicial retirement)		\$2,039,664
FY 2007 Additions (judicial retirement)		
Fully fund state share for judicial retirement system at the statutory rate of 23.7% of covered salaries.	\$3,235,937	<u>\$3,235,937</u>
Total Judicial Retirement: Base + Additions		\$5,275,601
Total Judicial Branch Request: Operations + Judicial Retirement		\$130,175,734
% increase FY 07 over FY 06		3.9%

Source: State Court Administrator's Office

Date: December 12, 2005

2006 Session Time Table

January 9	First day of session. (Iowa Code Sec. 2.1)
March 3*	Final date for House bills to be reported out of House committees (and Senate bills out of Senate committees) (Joint Rule 20)
March 6-10	House considers only House bills and unfinished business (Senate considers only Senate bills and unfinished business) (Joint Rule 20)
March 13-24	Debate not limited by rule.
March 24*	Final date for Senate bills to be reported out of House committees (and House bills out of Senate Committees). (Joint Rule 20)
March 27-31	House considers only Senate bills and unfinished business (Senate considers only House bills and unfinished business). (Joint Rule 20)
April 3	House amendments need not be filed on the day preceding floor debate. (House Rule 31.8)
April 3	Only the following bills are eligible for consideration: (Joint Rule 20) <ul style="list-style-type: none"> • Appropriations Bills • Ways and Means Bills • Government Oversight Bills • Legalizing Acts • Cosponsored by majority and minority leaders • Companion bills sponsored by House and Senate Majority Leaders • Conference Committee Reports • Bills Passed by both Houses in different forms • Concurrent or Simple Resolutions • Bills on the Veto Calendar (Joint Rule 23) • Administrative Rules Review Committee Bills • Committee bills related to delayed administrative Rule (Iowa Code Sec. 17A.8(9)) • Unfinished Business
April 18	100th calendar day of the session (Iowa Code Sec. 2.10(1)) (Per diem expenses end)

**The March 3 and March 24 committee deadlines do not apply to Appropriations Bills, Ways and Means Bills, Government Oversight bills, Bills co-sponsored by Majority and Minority Leaders of one House, Companion Bills sponsored by the Majority Leaders of both Houses after consultation with the respective Minority Leaders, Conference Committee Reports, Concurrent or Simple Resolutions, Joint Resolutions nullifying Administrative Rules, Legalizing Acts, Administrative Rules Review Committee Bills, and Committee bills related to delayed Administrative Rules (Iowa Code Section 17A.8(9))

Senior Judge Vern Robinson Receives Judges Award of Merit

Senior Judge Vern Robinson, Iowa City, received the 2005 Award of Merit from the Iowa Judges Association at the Association's business meeting last month. Judge Robinson retired from the bench earlier this year, but remains active as a senior judge. The award of merit honors a judge who exemplifies the best qualities of a jurist, is a role model for new judges, and has made extraordinary contributions to the Iowa Judges Association.

"Judge Robinson volunteers for difficult assignments; treats everyone with patience and courtesy; works to enhance public understanding of the court system; volunteers to help law students; and provides extraordinary support to judges and their families during times of need," said Court of Appeals Judge Van Zimmer, who presented the award.

"Judge Robinson is admired throughout the legal community for his integrity and sound judgment; his succinct, thoughtful, and scholarly opinions; and his appreciation for the rule of law," said Judge Zimmer. "He truly loves the law and



Court of Appeals Judge Van Zimmer (left) presents Award of Merit to Judge Vern Robinson.

his work."

Judge Robinson is a graduate of Grinnell College and Iowa Law School. Following his graduation from Iowa, he worked in the private practice of law in northern Iowa and then later he worked for legal services. He established a law firm in 1973. In 1980, Governor Ray appointed Robinson to the district court.

Judge Robinson served on many committees during his career. He was a member of the rules of civil procedure committee, the Johnson County coalition against domestic violence, and a variety of committees of the Iowa Judge's Asso-

ciation. He was a member of the committee that developed uniform jury instructions now used throughout the state. He served on the committee for eleven years, including three years as committee chair.

"Judge Robinson played a significant role in making the instructions easier to understand by writing them in plain English. Judges, lawyers, and the public have benefited significantly from the revision of the jury instructions," said Judge Zimmer.

Recently, the University of Iowa Law School recognized Judge Robinson with its Distinguished Alumni Award.

New Faces

Supreme Court: **Erin Ross-Johnson**, *Des Moines*, Appellate Court Clerk.

District 1: **Robert Canney**, *Waterloo*, **Shirley Luckiesch**, *Waterloo*, Court Attendants.

District 2: **Somer Gillett**, *Nevada*, Court Reporter; **Kathy Skinner**, *Ames*, Magistrate.

District 5: **Jake Schulz**, *Des Moines*, Juvenile Court Officer; **Keli Bougher Countryman**, *Des Moines*, **Stacey Fuqua**, *Des Moines*, **Gayla Jones**, *Des Moines*, *Des*

Moines, **Shenelle Simpson**, *Des Moines*, **Hilary Powell**, *Des Moines*, **Karen Weese**, *Des Moines*, **Tammy Morton**, *Des Moines*, **Tina Carpenter**, *Des Moines*, Judicial Clerks; **Virginia Cobb**, *Adel*, **Kevin Parker**, *Indianola*, District Associate Judges; **Melanie Nelson**, *Des Moines*, **Julie Moon**, *Des Moines*, Court Reporters; **Bobbie Fuller**, *Osceola*, **Connie Kalbus**, *Des Moines*, **Ashley Thilges**, *Des Moines*, **Marilyn Brommel**, *Indianola*, Judicial Clerks.

District 7: **Theresa Finney**, *Davenport*, Court Attendant; **Holly Kraft**, *Davenport*, **Michelle Elmendorf**, *Davenport*, Judicial Clerks.

District 8: **Jill Wynn**, *Mahaska/Wapello*, **Sheila Jones**, *Wapello*, Judicial Clerks; **Jessica James**, *8A*, Law Clerk.

New Judge Orientation



Training for new judges was held early in November in Des Moines. Participating judges were (left to right) **Lawrence Jahn**, DAJ, Story County; **Mitchell Turner**, District Judge, Linn County; **Gary Strausser**, DAJ, Muscatine County; **David Baker**, District Judge, Linn County; **Kevin Parker**, DAJ, Warren County; **Kelly Ann Lekar**, District Judge, Black Hawk County; **Gregory W. Steensland**, District Judge, Pottawattamie County; **Virginia Cobb**, DAJ, Dallas County.

Milestones: Service Anniversaries

25 Years

Alan Allbee, Associate Probate Judge/Juv, *Fayette County*.

Richard Morr, Senior Judge, *Lucas County*.

Roxann Repstien, Trial Court Supervisor, *Linn County*.

Robert Curnan, Senior Judge, *Dubuque County*.

Larry Conmey, Senior Judge, *Jones County*.

Joni Rickels, Court Reporter, *Jones County*.

30 Years

Thomas Mott, District Associate Judge, *Jasper County*.

Vickie Hentges, Administrative Secretary, *Cerro Gordo County*.

District Four



Judge Smith administers the oath to Gregory Steensland, newly appointed District Court Judge in the Fourth District.

IOLTA Grant Applications

The Iowa Supreme Court Lawyer Trust Account Commission is accepting applications for grants under the interest on lawyer trust account (IOLTA) program for the upcoming grant period, which runs from July 1, 2006 through June 30, 2007.

Grants under the IOLTA program are made to projects providing legal services to the poor in civil cases, law-related education and other public purpose projects related to improving the administration of justice in Iowa.

All grant applications must be completed and received by the Commission no later than **4:30 P.M., Friday, March 10, 2006**. The Commission will review the applications and seek approval of the Iowa Supreme Court for awarding the grants. Announcement of the grants awarded is expected in late May or early June of 2006.

The Lawyer Trust Account Commission was created by the Iowa Supreme Court, effective July 1, 1985, to receive interest on lawyers' pooled trust accounts and use these funds primarily to provide legal services to the poor in civil cases. Lawyers' pooled trust accounts hold clients' funds that are so small in amount or held for such a brief period that it is

not possible for the funds to economically benefit the individual clients. Previously, attorneys' trust accounts earned no interest. In June, 1986, the first grants awarded under the IOLTA program were made. Since the court first awarded grants in June, 1986, it has awarded grants totaling over \$17,600,000.00.

Organizations wishing to submit grant requests may obtain application forms in one of two ways:

The Commission encourages applicants to submit their grant requests in electronic form. A complete application set is available from the Commission by electronic mail or at the Commission's web page: <http://www.judicial.state.ia.us/regis/iolta.asp>

Or you may contact:

Lawyer Trust Account Commission
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Telephone number (515) 725-8029

Keeping Healthy at Home and Work

By Leesa McNeil

With flu season upon us and the rising concerns of a potential pandemic with the “bird flu,” it is time to consider tips that can help keep us healthy. At work do not share phones or writing instruments—if you must, be sure to wipe them off with a disinfectant after others have used them. Take your own pen to the doctor’s office, sharing such items is a good way to spread the germs! Avoid close contact with people who are sick. If you are sick, see your health care provider and stay at home so you can rest, get healthy and do not spread the condition to others. Flu and colds are caused by viruses that infect the nose, throat, and lungs. It spreads from person to person when an infected person coughs or sneezes. This makes it especially important to cover your mouth and nose when coughing or sneezing. Washing your hands frequently and avoid touching your eyes, nose and mouth is also recommended.

The Center for Disease Control has many helpful tips for preventing the flu, tools for employees and other useful information at www.cdc.gov

At home be sure you cook all poultry and poultry products (including eggs) thoroughly, ensuring the cooking temperature reaches 180 degrees Fahrenheit. All utensils and surfaces



that come into contact with raw poultry should be cleaned carefully with water and soap immediately after each use. The World Health Organization has developed food safety procedures as a result of the situation in Asia — <http://www.who.int/foodsafety/micro/avian/en/>.

Projects in Progress

By Leesa McNeil

The Eighth Judicial District Small Claims Court Mediation Program began in January of 2000. A group of trained volunteers in Henry County presented informational programs to a variety of community groups—service clubs, community agencies, ministerial groups, law enforcement agencies, attorneys' organizations, and court personnel. With the support of the Henry County Magistrates, they began Small Claims Court mediation in Henry County at that time. Through an outreach program, supported by an \$8000 Supreme Court Technology Fund Grant, they established Small Claims Court Service in Des Moines County, Jefferson County, and Lee County (North).

In April 2003 they trained volunteers and began a Small Claims Court Mediation Program in Mahaska County. In May 2003 Mediator-Trainers from the Iowa Peace Institute began a program in Poweshiek County. Preparations for the Washington County Program were initiated in February 2004, and that program is operating independently now. Currently, of the fourteen counties in the Eighth Judicial District, seven have mediation services in their Small Claims Courts.

Cases are mediated immediately before the case goes into court at no cost to the parties.

There is an overall resolution rate across programs of about 70 percent. Ninety-three percent of the parties to mediation who respond to post mediation evaluation forms mark "strongly agree" or "agree" to the statement, "I am satisfied with the mediation experience as a whole." The volunteers have received strong judicial support for the Small Claims Court mediation programs. When court dockets are crowded, mediation services allow citizens more rapid access to conflict resolution. Parties have time to be fully heard and feel more satisfied with their court experience when they voluntarily agree to the outcome. Many judges have noticed that the parties who decide to continue into court rather than resolving in mediation are more settled and prepared to proceed.

The volunteers, in addition to mediating, provide scheduling, record-keeping, liaison with courts and communities, training for potential volunteer mediators, and community informational presentations. For more information contact Deb Dice, District Court Administrator at 1-800-684-6502

CJIS Implementation

In 2004 Governor Vilsack, Chief Justice Lavorato, Director (or designee) of the Dept. of Administrative Services Mollie Anderson and State Court Administrator David K. Boyd signed a Memorandum of Understanding to enhance public safety and improve efficiency of criminal justice agencies by establishing a statewide integrated criminal justice information system that would enable and facilitate the automated exchange of criminal justice information among local, state, and federal criminal justice agencies. A 17 member Advisory Committee (CJIS) representing many different organizations in the criminal justice community was appointed and has completed an extensive planning project which culminated in the development of a CJIS Plan. This Plan provides the State with a five-year schedule for the development of an integrated justice information system. This system, when completed, will provide for the automated, real-time, exchange of information within and between the various segments of the criminal justice community at the state, federal, and local level.

Fully implementing CJIS in Iowa according to the recommendations in the Plan will require an investment of financial resources on behalf of the

State. It is anticipated that over the five-year implementation cycle that between \$6.1 and \$11.9 million will be required. The exact amount will be determined by the CJIS Advisory Committee as specific technological decisions are made. Additionally, the amount of recurring annual expenses will also depend on the architectural solution chosen. The entire 240 page report may be viewed at http://www.state.ia.us/dhr/cjip/cjis/cjis_plan_final.html.

For additional information contact: David Meyers, Justice Information Systems

Committee to Design Self-Help Forms and Instructions for Family Law Cases

Iowa has lagged behind other states in developing programs to assist pro se litigants. But this will change next year. The Iowa Supreme Court has established a new committee to develop easy-to-use forms and instructions to facilitate pro se litigation in family law cases. Among other things, the committee will be responsible for designing forms and instructions for dissolution of marriage petition (with and without children), petition for custody, petition to modify child support, and petition to modify custody.

Judge Patrick Grady, 6th District, and Attorney Dan Bray, Iowa City, will serve as committee co-chairs. Previously, Judge Grady and Dan Bray were co-chairs of the Joint Iowa Judges Association-Iowa State Bar Association Task Force on Pro Se Litigation. The task force examined how the Iowa courts can manage the challenges

presented by pro se litigation. Among other things, the task force recommended the judicial branch develop and adopt forms and instructions to facilitate pro se litigation in family law matters.

“It is my belief that the proliferation in self representation is taxing the court system’s most valuable resource: time,” said Judge Grady. “Hopefully, with the development of Iowa specific forms with clear directions that self represented litigants can access on the Iowa Supreme Court’s web page, rather than from Wal-Mart or other web sites, fewer questions will need to be asked of court personnel, fewer proceedings interrupted due to incorrect or incomplete pleadings and fewer disappointed litigants will be turned away.”

Judge Grady added, “There are many good forms that are used in different parts of

the State. The real challenge will be in developing directions for filling out the forms. I am hopeful that we will have something for the Court to look at in the late spring.”