

Budget Relief in Sight for FY 2006

After five long years of fiscal austerity, relief is finally in sight for the state's overtaxed court system. The General Assembly approved an increase of just over \$12 million for state court operations for fiscal year 2006, including sufficient funds to cover raises for judges and employees next fiscal year. This amount is very close to the funding level requested by the Iowa Supreme Court prior to the beginning of the legislative session.

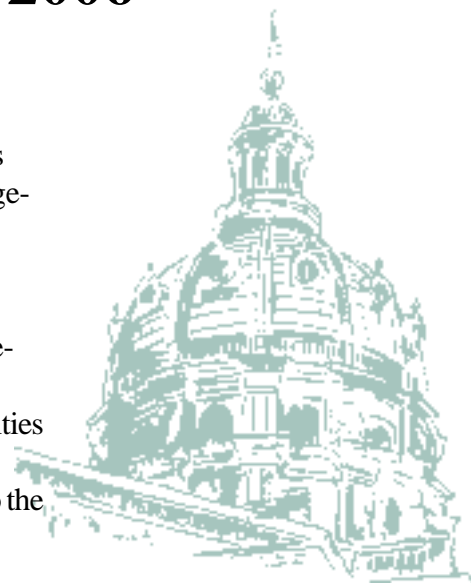
"The funds are long overdue and come just in time. Without this increase we faced having to make radical changes in the state court system. I want to commend the legislature for heeding our concerns," said Chief Justice Louis Lavorato.

Although it's too soon to know the specific details of next year's budget, court officials announced some long-awaited good news. "We'll definitely avoid furloughs and lay-offs next fiscal year," State Court Administrator David Boyd noted. "Authorized vacant positions will be filled in a timely manner. Additionally, the new money will allow us to add critical staff justified by our

staffing formulas, as well as three district associate judgeships and fifteen additional judicial magistrates."

Boyd and his staff will carefully evaluate all budget options, policies, and priorities so that he can present a budget recommendation to the Supreme Court in June.

Said Chief Justice Lavorato, "The past five years tested, but did not break our resolve. Court employees and judges struggled, sacrificed, and worked their hearts out to keep the courts running as smoothly as possible. I'm immensely proud of their efforts and dedication."



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7th District Appoints New Court Administrator

Howard Thomas, Davenport, will take over as the District Court Administrator for the Seventh Judicial District in June upon the retirement of Tom Betts. Thomas, who earned an undergraduate degree from Drake University and a law degree from the University of Iowa, worked for H.E.L.P. Legal Assistance of Davenport from 1975

through 2004. He served as the organization's director for eleven years.

Under the direction of the chief judge the Court Administrator is responsible for the operations, programs, policies and personnel of the district, which includes the counties of Scott, Clinton, Muscatine, Cedar and Jackson.



Howard Thomas



Leesa McNeil, DCA for District 3, speaks about Tom Betts' career in court administration for over 30 years.



Tom was presented with a plaque and clock by the District Court Administrators for his retirement.

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2005 Legislative Session in Review

Legislators worked at an unprecedented pace this session. They got off to a slow start... accelerated to a crawl... and stumbled toward adjournment. But it's the final product not the pace that counts. Here's a review of legislation of interest to the courts, including bills that passed and some that did not.

Among the bills filed but *not* approved:

- No gay marriage or anything resembling it.
- Mandatory parenting plans for divorcing parents
- Restore voting rights of felon
- Every kind of tort reform imaginable, and then some
- Redefining criminal possession
- One-year suspension of the statute of limitations on sex abuse civil actions
- Prohibiting prosecutors from amending traffic charges filed by law enforcement
- More grandparent visitation
- Brain injury surcharge
- Prohibiting charitable contributions as part of a criminal sentence
- Permit DAJ to temporarily exercise jurisdiction of district judge
- Increase hourly fee for court appointed counsel for indigent defense
- Changes to IPERS and judicial retirement
- Raises ceiling on DAJ formula
- Mental health advocates to be judicial branch employees

Bills Approved

The list that follows includes bills of interest to the courts that the legislature approved and sent to the governor. You can find the full text of a bill as well as bill history under "Bill Book" at www.legis.state.ia.us. Use the bill number, e.g. *HF 807*, to conduct your search. A more detailed legislative summary will be published in the next issue of the Bench Press.

Appropriations

- Supplemental (*SF 342*)
- Judicial Branch Appropriation (*HF 807*)
- Justice Systems Appropriations (*HF 811*)
- Uniform Mediation Act (*SF 323*)

Clerks

- City/county agreements to collect parking fines; effective 7/1/07 (*SF 340*)
- Bad addresses, miscellaneous fees, E-PSI (*HF 807*)

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Criminal

- Underage possession of alcohol (*HF 275*)
- Rental theft (*HF 745*)
- Time limit for mental competency hearing (*HF 771*)
- Assault on law enforcement and bodily fluids (*HF 777*)
- No contact orders for forcible felons (*SF 370*)
- Meth precursors (*SF 169*)
- Spam (*HF 610*)
- Spyware (*HF 614*)
- Civil penalty for deferred judgment and increase criminal penalty surcharge (*HF 682*)
- Revoke license for 2nd gas theft (*HF 440*)
- Sex offender registry database in DAS (*HF 619*)
- Attorney for parole violations and 600A cases (*HF 683*)
- Speed limit, fines and fees (*HF 826*)
- Support Bush court nominees (*HR 33*)

Domestic Relations

- Child support order suspension by CSRU (*SF 350*)
- ISBA family law changes and parenting plans for shared physical custody (*SF 330*)

Juvenile

- Child advocacy disclosures – foster care review board (*SF 352*)
- Notification of threats by juveniles (*HF 753*)
- Child ID/restrictions on fingerprints (*HF 685*)
- Decat (*HF 616*)

Mental Health

- Children with mental health issues (*HF 538*)

Miscellaneous

- Open meetings/open records violations enforcement (*HF 772*)
- DAS – technology, etc (*HF 776*)
- Attorneys and real estate auctions (*SF 210*)
- Open records costs (*SF 403*)

Probate

- ISBA probate changes (*SF 379*)

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Programs Commemorate Law Day; Honor American Jury

To commemorate the day, lawyers, judges and court employees around the state participated in Law Day programs and events.

Teams of judges and clerk of court staff in Woodbury County visited five area public high schools to engage government students in a dialogue about the jury system. The program reached 428 high school students.

The Woodbury County Bar Association provided coffee and donuts to jurors during the first week of May as recognition of their important role in our democracy.

Governor Vilsack, the Iowa Supreme Court, the Iowa House of Representatives, and the Iowa Senate each issued resolutions proclaiming May 1 as Law Day and honoring juries.

On May 7, judges and employees welcomed visitors to the third annual Judicial Branch Building

public open house. About 325 people attended the event, which ran from 10 am to 2 pm.

The main areas of the building, including the courtrooms, ICIS office, and clerk of court office, were open to the public. Justices visited with guests in the supreme court courtroom and gave guided tours of the Supreme Court offices. Several district judges, Annette Scieszinski, Thomas Mott, and Eliza Ovrom, were on hand to greet visitors to the court of appeals courtroom. Entertainment during the event included a high energy dance performance by the Isiserettes Drum and Drill Corp, and the delightful voices of Octangle, an a capella group.



District Associate Court Judge Thomas Mott greets visitors in the court of appeals courtroom.

Iowa Judicial Branch Award Recipients

The Iowa Judicial Branch has announced the recipients of the Iowa Judicial Branch Awards. The awards recognize outstanding contributions to the administration of justice.

“We’re immensely proud of our award recipients,” said Chief Justice Louis Lavorato, Iowa Supreme Court. “They epitomize the best qualities of our judges and employees—they are hardworking, dedicated public servants who make extraordinary efforts in the name of justice.”

The recipient of the **Amicus Curiae Award** is **Sandy Bine**, Belle Plaine. The Amicus Curiae Award was established to recognize persons who have made a significant contribution to the administration of justice or who have contributed to building public support for the judiciary. Ms. Bine was recognized for her volunteer efforts in the Iowa County Clerk of Court Office. Although Ms. Bine retired from the clerk’s office in 2002, she continues to help the office two days a week without pay.

“The fact that she is willing to volunteer a substantial amount of her time shows how dedicated she is to the court,”

said Clerk of Court Sheryl Neal. “My staff deeply respects her and is very appreciative of her volunteer work.”

Juvenile Court officer **Ezra Sillas**, Des Moines, is the recipient of the **Distinguished Service Award** this year. This award was established to recognize a court employee who has at least ten years of service in the court system, has exemplified a sustained level of exceptional service to the courts, has demonstrated a strong commitment to public service, and has continuously initiated efforts to improve the administration of justice in Iowa. Mr. Sillas worked as a juvenile court officer for 32 years before retiring in March this year.

“His reputation for toughness and strict accountability for youth has been coupled with unconditional caring and warmth,” wrote Kathleen McDonnell, who nominated Mr. Sillas for the award. Ms. McDonnell praised Mr. Sillas for his “years of doggedly determined effort to reach, guide and nurture each youth under his supervision.”

The Court Innovation Award was established to honor persons who have demonstrated leadership in the development and implementation of an innovative program or process that has improved the delivery of court services, public access, or the administration of justice. This year, the **Polk County Juvenile Drug Court** and the **Polk County Model Court Team** share the **Court Innovation Award**.

The Polk County Model Court, established in 2000, is one of 25 programs across the country selected to participate in the Model Court Team Project through the Federal Child Victims Act Model Court Project. The primary goal of the project is to improve outcomes for families and children in the juvenile court child welfare system through coordinated community efforts. The program has been responsible for implementing an alternative dispute resolution in child welfare cases, developing specialized continuing education programs for child welfare

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Award Recipients

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professionals, and the annual Adoption Saturday program in Des Moines.

The Polk County Juvenile Drug Court, established in 1999, was the first juvenile drug court in Iowa. The program seeks to help offenders overcome their drug addiction and other negative behaviors through intensive supervision and treatment, backed by a strong support system. Each client has a case manager, who works with the client daily and is on call and available anytime the client needs help. Since its inception, the program has served 180 clients. Eighty-one percent of those who have completed the program have not re-offended since their discharge.

The **Meritorious Service Award** was created to honor court personnel who have maintained a consistent level of high service to the public and to the courts. There is one Meritorious Service Award for each of the following court components: part-time judicial officers, administration, juvenile court services, clerk of court offices, and court reporters.

Magistrate Bruce Goddard, Iowa City, is the recipient of the Meritorious Service Award for part-time judicial officers. Magistrate Goddard has served as a judicial magistrate for 22 years in one of the busiest courthouses in Iowa. As a member of the Iowa Magistrate's Association he has worked to improve the delivery of justice in Iowa. Goddard has been closely involved in adapting computer technology into magistrate court procedures. "He's handled many high-profile cases with aplomb," wrote attorney Ross Hauser.

Sylvia Silva, Davenport, is the recipient of the Meritorious Service Award for court administrative staff. Ms. Silva has served as a court attendant in Scott County since 1983. In her position, Ms. Silva assigns court attendants in the district court. She implemented a procedure to facilitate the data entry and processing of traffic tickets. "Sylvia provides knowledgeable and courteous assistance to the public on the questions they have about the court system," wrote District Court Administrator Tom Betts.

"She speaks fluent Spanish, interpreting for the public in noncourtroom settings."

The Meritorious Service Award for juvenile court services was awarded posthumously to **John Weber**, Dubuque. Mr. Weber worked as a juvenile court officer in the First Judicial District of Iowa for 28 years. He retired November 4, 2004, shortly before losing his life to cancer. He was active in the Iowa Juvenile Court Officer's Association, and served as the association's treasurer for 8 years. "He was well respected by law enforcement agencies," wrote his colleagues, who nominated him for the award. "John was very proud of the work he did as a juvenile court officer and whenever possible provided a strong guidance to the juveniles and families he worked with."

Judy Henry, Waterloo, is the recipient of the Meritorious Service Award for clerk of court personnel. Ms. Henry has worked for the Black Hawk County Clerk of Court Office for 40 years. While her primary assignment is processing probate

records, she occasionally assists with juvenile court records. According to Clerk of Court Waynette Saul, Ms. Henry is "dependable and conscientious" and "determined to perform her job to the best of her ability."

Susan Griffith, Iowa City, is the recipient of the Meritorious Service Award for court reporters. Ms. Griffith has served as an official court reporter since 1975. "She takes great pride in our decisions being professionally and efficiently prepared, and is willing to put in extra time to ensure that our rulings are filed promptly," wrote Judge Vern Robinson, who nominated Ms. Griffith for the award. "She frequently volunteers to assist other reporters and is always willing to fill in with another judge when needed." Judge Robinson added "she's a goodwill ambassador for the third branch of government."

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2004 Court Innovation Award (Members of Polk County Model Court Team)

Honorable Constance Cohen - Associate Juvenile Court Judge - Lead Judge
Honorable Karla J. Fultz - Associate Juvenile Court Judge
Honorable Robert B. Hanson - District Judge
Honorable Carol S. Egly - District Associate Judge
Dale Schmitz - Des Moines Service Area, Service Area Manager (retired 1/31/05)
Mary Ellison - Des Moines Service Area, Service Area Administrator (co-leader)
Denise Hotopp - Polk County DECAT Coordinator
Gail Barber - Iowa Court Improvement Project, Director
Vee Ann Cartwright - Polk County CASA Coordinator
Elizabeth J. Baldwin - District Court Administrator (co-leader)
Vicky Lattimer - Juvenile Case Coordinator
Marilyn Lantz - Chief Juvenile Court Officer, JCS
Kathleen McDonnell - Juvenile Court Officer IV, JCS
Lois Leary - Polk County Clerk of Court
Ray Blasé - Supervisor Juvenile Division Polk County Attorney's Office
Kathryn Miller or designee - Polk County Juvenile Public Defender
Mike Sorci - Youth Law Center Executive Director
Karnale Manuel - Middleton Center for Children's Rights Director
Maggie Conrad - Juvenile Court School Liaison, Des Moines Public Schools
Lynda O'Meara - DHS School Liaison, Des Moines Public Schools
Carol Behrer - Youth Policy Initiative
Edward W. Bull - Private Attorney
Kristen Park - Private Attorney (she is not in the legal directory)
Janice Lance - Cornerstone
Gladys Alvarez, Des Moines Child Guidance Center
Havey Schneider - Mediator

2004 Court Innovation Award (Members of Polk County Juvenile Drug Court)

Honorable Karla J. Fultz - Associate Juvenile Court Judge
Faye A. Jenkins - Assistant County Attorney Juvenile Division
Christine Bisignano - Public Defender (she is not in the legal directory)
Lee Williams - Juvenile Court Officer III
Sean Marvin - Case Manager
Aaron Henry - Case Manager
Josh Kennedy - Case Manager
Luci Collins - Case Manager

40 Years



Chuck Finders (left), Marshalltown, recently retired after serving more than 40 years as a court reporter in District 2. He received the Meritorious Service Award for court reporters in 2004. Chuck has worked for District Court Judge Carl Baker (right) since 1982.

30 & 25 Years



Susan Fisher (left), court reporter, 30 years and Cathi Currie, Washington County clerk's office, 25 years, were honored at the Washington County courthouse for their years of service to the Judicial branch.

Moving On



Lori McClanahan, internal auditor for the judicial branch, recently moved to a position as I3 program manager for the State Accounting Enterprise. Lori worked in State Court Administration-Finance and Personnel for eight years.

New Faces

Court of Appeals: **Andy Teas**,
Des Moines, Law Clerk.

Court Administration: **Theresa Garrison**,
Des Moines, Acct/Auditor.

District 1: **Carol Beckley**,
Dubuque, Court Attendant;
Kristina Walthart, *Independence*,
Judicial Clerk.

District 2: **Tonya Gerke**,
Marshalltown, Court Reporter;
Aaron Fultz, *Nevada*, Law Clerk;
Debra Bausman,
Hampton, Clerk of Court.

District 3: **De Linda Leu**,
Spencer, **Jessica Anderson**,
Sioux City, **Carin Eckhoff**,

Sioux City, Court Reporters;
Jill McLain, *Spencer*, Legal Assistant.

District 5: **Vanne Daggett**, *Des Moines*,
Lori Van Zee, *Newton*,
Laura Gitchel, *Des Moines*,
Benjamin Pogue, *Des Moines*,
Judicial Clerks; **Kristi Dodson**,
Knoxville, **Jack Gibbons**, *Des Moines*,
Juvenile Court Officer;
Anne Sheeley, *Des Moines*,
Asst. District Ct Administrator;
Jessica Cloyd, *Des Moines*,

Court Reporter; **Darla Egli**, *Des Moines*,
Court Attendant.

District 6: **Alison Kempf**, *Iowa City*,
Wendy Chase, *Iowa City*,
Anne Ogden, *Iowa City*,
Judicial Clerks; **Jeremy Linsenmeyer**,
Toledo, Judicial Court Officer.

District 7: **Maggie Challis**,
Tipton, **Kimberly Miller-Monty**,
Davenport, Judicial Clerks.

District 8: **Janet Hall**,
Ottumwa, Judicial Assistant;
Laura Murphy, *Albia*, Court Reporter.

Milestones: Service Anniversaries

25 Years

Jeanne Jacobs, Court Reporter,
Scott County.

Steven Ferguson, Juvenile Court Officer,
Grundy County.

Sandra Dusil, Judicial Clerk,
Clinton County.

Patricia Hendrickson, Juvenile Court Officer,
Scott County.

Gwen Lewis, Juvenile Court Officer,
Polk County.

Candi Walton, Judicial Clerk,
Buchanan County.

Judith Mann, Judicial Clerk,
Benton County.

John DeBolt, Juvenile Court Officer,
Carroll County.

Norma Jean Clark, Magistrate,
Appanoose County.

Janietta Criswell, Clerk of Court,
Poweshiek County.

Emma Hill, Judicial Clerk,
Lee County North.

Gloria Ward, Clerk of Court,
Dallas County.

30 Years

Susan Fisher, Court Reporter,
County.

Gaila Conklin, Case Coordinator,
Polk County.

Thomas Buchanan, Judicial Magistrate,
Iowa County.

Sherry Day, Judicial Clerk,
Jefferson County.

Barbara Bigelow, Trial Court Supervisor,
Johnson County.

40 Years

Judy Henry, Judicial Clerk,
Black Hawk County.

Division of Latino Affairs Proposes Rules on Interpreter Qualifications

by John Goerd

For many years, the Division of Latino Affairs (Division), in the Department of Human Rights, has been required, under 216A.15(9) of the Iowa Code, to provide a list of qualified Spanish interpreters to the courts and other agencies. The Division has maintained this list, but there have never been any clear standards for attaining placement on the list. Last year, the legislature authorized the Division to submit proposed rules to establish criteria and a process for determining the qualifications of Spanish interpreters in Iowa.

After obtaining input from many interested individuals and organizations, including the courts, the Division submitted its proposed rules for public comment in February. In general, the Division's proposed rules provide a useful framework and process for determining which Spanish interpreters will attain placement on the Division's list of qualified interpreters.

Under the proposed rules, to get on the list, an interpreter would have to:

- 1) Complete at least 150 contact hours (about 10 college credit hours) in an "approved interpreter training program," which must include training on several explicit topics pertinent to the provision of interpreting services;
- 2) Complete 30 hours of supervised interpreting; and
- 3) Pass a "comprehensive exit evaluation."

Interpreters could go beyond this basic training program and take an additional 80 contact hours and 30 hours of supervised interpreting in an "approved interpreter training program" in a specialized field of interpreting (e.g., court or medical interpreting).

One portion of the proposed rules generated much criticism, and consequently, will be revised. The original version of the proposed rules would grant people who complete the basic training program the title of "certified" general language interpreter. Those who complete the additional training in a specialized field

would be called "certified (special area, e.g., court) interpreters." Several key organizations, including the state court administrator's office, objected to the proposed use of the term "certified" because the term is typically reserved for those interpreters who have passed a rigorous, criteria-based performance test. The use of the term "certified" in the proposed rules would dilute its meaning, cause unnecessary confusion among users of services regarding the level of expertise of "certified" interpreters in Iowa, and establish a lower standard for "certified" interpreters than is required in the Iowa Court Rules.

The state court administrator's office contacted Bill Hewitt, a senior court consultant at the National Center for State Courts and director of the National Consortium for State Court Interpreter Certification. Hewitt also objected to the Division's use of the title "certified"

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Interpreter Qualifications

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interpreter. He was so concerned, in fact, that he traveled to Des Moines – without cost to the judicial branch – to meet with the Division’s director and speak at the final public hearing on the proposed rules. In addition, Hewitt submitted written comments to the Division as well as to Representative George Eichhorn, chair of the administrative rules committee. With his broad range of knowledge about interpreter standards throughout the United States, Hewitt played a key role in persuading the Division to amend the proposed rules.

As agreed, the Division will revise its proposed rules to provide for a “registry” of Spanish interpreters. Those who complete the basic interpreter training program and evaluation will attain placement on the registry as “registered general interpreters,” rather than “certified general interpreters.” Those who complete the additional training in a special field will be called “registered court (or medical) interpreters.”

To attain placement on the Division’s registry as a “certified court (or medical) interpreter,” a person will have to pass a criteria-based performance test on simultaneous, consecutive, and sight interpretation. This change will make the Division’s rules consistent with the requirements for certified court interpreters in the Iowa Court Rules and with standards for certified interpreters throughout the nation.

How will the new rules on interpreters affect the courts?

The judicial branch has a substantial interest in these rules because Spanish interpreters are involved in approximately 75% of the court cases in which an interpreter is needed. The Division’s rules should serve as a catalyst for Spanish interpreters to complete at least the basic interpreter-training program so they can attain placement on the Division’s registry of interpreters. This training program should significantly improve the knowledge, skill, and professionalism of Spanish interpreters – which should help improve the

quality of Spanish interpreters in Iowa’s courts. However, it will be a few years before a significant number of Spanish interpreters complete the basic or specialized (e.g., court) interpreter-training program envisioned by the Division.

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