

Iowa Judicial Branch

**Administrative Directive of the State Court Administrator
2009-3**

In the Matter of Apportionment of Judicial Magistrates

Pursuant to Iowa Code §602.6401(4), the state court administrator apportions magistrates to each county according to the attached memorandum and table.

This directive is effective immediately.

Dated this 15th day of April, 2009.

By



David K. Boyd

State Court Administrator

cc: Chief Judges
Clerks of District Court
Members of the Iowa Supreme Court
District Court Administrators
Deputy State Court Administrator
Counsel to the State Court Administrator
Director of Finance and Personnel

Iowa Judicial Branch
Office of the State Court Administrator

Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Phone: (515) 281-5241

Fax: (515) 242-0014

Memorandum

TO: Chief Judges, District Court Administrators, and District Court Clerks
FROM: David K. Boyd, State Court Administrator
DATE: April 14, 2009
RE: 2009 Magistrate Apportionment

Pursuant to Iowa Code section 602.6401(4), you are hereby notified of the 2009 magistrate apportionment. The 2009 apportionment makes a significant change in the current distribution of magistrates among the counties. (See attachment: *2009 Apportionment of Judicial Magistrates to Each County*.) I want to briefly explain the formula used to determine the 2009 apportionment.

State law requires the state court administrator to apportion the current 206 judicial magistrate positions among Iowa's 99 counties every four years. As required by Iowa Code §602.6401(3), each county receives at least one magistrate position. The challenge is to determine which counties will receive two or more magistrate positions. Iowa Code §602.6401(2) directs the state court administrator to consider caseload, population, and geographical area when allocating additional magistrate positions, but there is no explicit formula. To determine which counties should receive two or more magistrate positions, a weighted caseload formula developed by the National Center for State Courts (NCSC) based upon its study of the workload of Iowa judges and magistrates during 2008 was utilized. More than 90 percent of all magistrates participated in that study. Using data from the study in 2008, the NCSC developed case weights for 22 case types in Iowa's district courts. (A case "weight" is the average time judicial officers spend on a particular case type from filing through disposition). Consistent with the NCSC's formula for assessing judgeship needs, the most recent two-year average number of filings of the cases types handled by magistrates was multiplied by the case weight for each of those cases types. This calculation provides an estimate of the total number of judicial hours required to handle the magistrate workload in each county. The number of judicial work hours determines the number of full-time equivalent (FTE) judicial magistrates needed in each county.

In the 2009 apportionment, a county receives a second magistrate position when the weighted workload formula indicates the need for .35 of an FTE judicial officer to handle the workload. A county receives additional magistrate positions for each additional .40 of an FTE judicial workload. For example: a county receives a third position when the FTE workload reaches .75 FTE; a fourth position at 1.15 FTE; etc.

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Application of this magistrate allocation formula to the magistrate caseload in each county indicates that Iowa needs a total of 229 magistrate positions statewide, but there are only 206 positions to apportion (23 fewer than needed). In addition, eight counties — Kossuth, Emmet, Grundy, Wright, Hamilton, Dickinson, Mahaska, and Warren — receive one more magistrate position than they should receive under the allocation formula. The state court administrator is unable to move these positions at this time because each of these counties previously exchanged one or more of its magistrate positions to obtain one district associate judgeship (DAJ). (Iowa Code §602.6302 allows three (part-time) magistrate positions to be exchanged for one (full-time) DAJ, upon approval by a majority of the district court judges in the judicial election district.) [Note: If a DAJ position created through an exchange of magistrates involving one of these counties becomes vacant, the state court administrator may eliminate that judgeship position and reallocate the magistrate positions in accordance with the 2009 magistrate allocation formula.]

The statewide shortage of 23 magistrate positions, combined with the eight magistrate positions that have been “locked in” through previous exchanges for full-time DAJs, means several counties must absorb a total shortfall of 31 magistrate positions. Under the 2009 apportionment, 15 counties (14 of them are among the 20 most populous counties in the state) absorb the shortfall of 31 magistrate positions by receiving fewer magistrate positions than they need according to the formula. Sixteen counties that previously had two magistrate positions lose one magistrate position each. These 16 magistrate positions are allocated among 10 counties that have a greater magistrate workload under the weighted caseload formula. However, according to the formula, nine of these 10 counties will still have a shortage of magistrates even after receiving the additional magistrate positions.

Each district court clerk should promptly inform the chairperson of the county’s Magistrate Appointing Commission regarding this notification and, upon completion of the appointment process, certify to this office the names and addresses of the magistrate appointees. Guidelines and procedures for selecting magistrates are governed by Iowa Code sections §602.6403 and §602.6404. The *Magistrate Appointing Commission Handbook*, previously distributed, may also be helpful.

Thank you for your assistance.

c: Members of the Iowa Supreme Court
Deputy State Court Administrator

Attachment: *2009 Allocation of Judicial Magistrates to Each County*

