

REPORT OF SENIOR JUDGE WORK GROUP

The senior Judge work group is made up of the following members: Justice David Wiggins, Judge Marlita Greve, Judge Arthur Gamble, Judge Michael Shubat, Judge Richard Davidson, Judge Lucy Gamon, Judge Deborah Minot, Senior Judge Larry Eisenhauer, Senior Judge Brian Michaelson, David Boyd, Scott Hand, and Leesa McNeil.

The work group has concluded that the senior judge program is an invaluable program of the judicial branch. The senior judge program allows judges to continue to bring their skill and knowledge to the branch after retirement. The program allows our court system to provide the services a court system needs to be the best in the country. There is no question that the senior judge program has provided these services in a cost effective way.

The judicial branch has not done a comprehensive review of the senior judge program since its inception in 1979. The work group believes that with certain changes the court can make the senior judge program even better. The following are the preliminary recommendations the work group considered.

1. After reviewing the number of judges who may be eligible for the senior judge program, the group is concerned that at some point in time the number of senior judges may be disproportionate to the needs of the judicial branch or become cost prohibitive. The group considered setting a cap on the number of senior judges in the state or in a district. The group decided that the judicial branch could not apply a cap in an equitable manner. Furthermore, a cap may leave the branch with a shortage of senior judges. In lieu of a cap, the work group believes the following changes will go a long way in solving this problem.

a. Making the minimum age a judge can seek senior status at either 60 or 62 years of age. Some members of the group thought that 62 years of age might be better because it coincides when a judge is eligible for social security.

b. Cap the time of service as a senior judge to six years. This will allow a senior judge to vest for insurance and increased stipend, and at the same time make room for others to serve the branch.

c. Change the maximum age for a senior judge from 80 years of age to 78.

d. Allow retired judges to continue to perform extra judicial duties such as wedding ceremonies.

2. Allow senior judges to work across district lines when another district needs a judge to provide service to our citizens.

3. Have the districts assign senior judges to specialty courts or limited dockets.

4. Have the supreme court and district court assign senior judges to non-adjudicative duties. These assignments can be within a district or statewide. Examples, of these non-adjudicative duties include:

a. To the court administrator's office for special projects such as technology, education, writing the Bench Book, or writing statewide template orders.

b. To the court to assist them in their administrative and rule making duties.

c. Conducting settlement conferences.

d. Mentoring and evaluating less experienced judges.

5. The work group also recommends making the following changes to the application process.

a. Remove the requirement of the plebiscite and have the chief judge and the court administrator after consultation with the other judges in the district make a recommendation to the supreme court regarding a senior judge's application.

b. Clarify the rules so a senior judge must be a resident of Iowa to serve.

c. Right now a judge will not know if he or she will be accepted into the senior judge program before actual retirement. The court should change the rules so a judge knows whether the court will accept him or her as a senior judge before making that retirement decision. In connection with this change, the chief judge or other person to whom the judge is assigned should discuss with the judge the scope and parameters of the senior judge's service. The senior judge should also be made aware of the fact that the senior judge may from time to time be assigned to other duties as needed by the court.

d. Allow the state court administrator to order a fitness exam of any senior judge at any time during his or her service.

6. The assignment and use of a senior judge should be done within each district according to the district's need. However, the supreme court

should require the chief judges and the court administrators of the districts to meet on a regular basis to discuss the utilization of senior judges in order for each district to best utilize their senior judges.

7. Make no changes to the resources devoted to our senior judges. The districts are doing a good job of providing senior judges with resources commensurate with the resources it provides the other judges in the district.

The work group then took these preliminary recommendations to our judges and the judges association in order to receive feedback on these recommendations. After doing so, the work group met. The work group did not receive any negative feedback and it appears our judges support the proposals.

The only thing the work group recommends is that any changes made to the present program have sufficient grandfathering so that judges who have a present right, not an expectation, under our present rules are not adversely affected by any changes.