

Administration

VISION STATEMENT

In the 21st Century, Iowa has a court system that inspires public confidence and incorporates values of integrity, professionalism and fairness. Those who administer the system employ a management style that encourages teamwork and the highest ethical standards. Our court system celebrates valued traditions that promote respect for the institution, while being open to new ideas that serve the interests of all who seek justice.

Iowa's court system has clearly defined judicial and administrative responsibilities developed by or under the auspices of the Supreme Court. Professionally trained court administrators discharge clearly defined responsibilities within the organizational structure and have systems in place to facilitate communications horizontally and vertically at all levels. The span of authority is clearly defined, and allows flexibility for court system employees to make decisions at their level of authority.

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The organizational structure is responsive to changing conditions—as reflected by the culture and values of Iowa's citizens—and accommodates alternative dispute resolution options. The Iowa Supreme Court oversees, monitors and assures the accountability of court system administration. The structure allows the judiciary to focus primarily on judicial matters, leaving administration to the administrative unit.

Highly skilled, culturally diverse court personnel provide information and services to the public. They understand what is expected of them, are mutually supportive, and are successful because they are sustained by continuous training, current technology, a healthy environment and flexible work options. This team-working environment

stimulates the exchange of ideas, best practices, and responsiveness to emerging issues at all levels of the system. Staff members have all the tools and resources needed to appropriately respond to the tasks and demands of their particular units.

A periodic review process determines the boundaries of the judicial districts, based on criteria specific to the demands made upon the system. The jury management system provides for economical, efficient and diverse jury selection, as well as the environmental and physical needs of jurors. Regular surveys are solicited from system users and the results are incorporated into the process to enhance the quality of the judicial process.

The Judicial Branch has a management system that fosters personal responsibility and collaborative problem-solving. Human resource policies provide rewards for continuous improvement, opportunities for advancement and compensation reflective of productivity. Human resources are allocated according to accurate work load data. Performance evaluations of all personnel, including judges, foster professional growth and development, and are tailored to job expectations.

Iowa has a paperless court system that allows for ready access to court services, court records, and other data through state-of-the-art technology. All court documents are filed, maintained and retained electronically. Historical records have been adequately preserved. Judges have easy access to court files in any court, and court data is electronically shared with other governmental agencies. All court personnel have access to legal research materials through libraries or electronic means. Judges are readily accessible to all citizens, either in person, as needed, or via electronic technology.

The Judicial Branch has established standards for court facilities and regularly monitors these to ensure that the public conducts its legal business in surroundings which enhance respect and confidence in the justice system. Court personnel and juries are housed in facilities that have adequate space; are modern, healthy, and safe; are appropriately equipped with audio and video equipment; are accessible to those with physical handicaps, hearing and visual impairments, and language barriers; and are appropriate to the importance of the proceedings conducted in them. Court services are provided in non-traditional manners and settings using state-of-the-art technology to enhance efficiency, economy and access.

“New frameworks are like climbing a mountain—the larger view encompasses, rather than rejects, the earlier, more restricted view.”

—Albert Einstein

RECOMMENDATIONS

ORGANIZATIONAL CULTURE

1.1 Internalize Core Values — The Judicial Branch should promote adherence to its core values, including ethical conduct, fairness, professionalism, and responsiveness by all personnel and users of the court system.

Rationale: As noted in the Commission’s statement of values, a number of core values guide the courts in the fulfillment of their mission. These values are common to all democracies, but also reflect the unique role and contributions made by the courts in society. In Iowa, they include equal justice, quality of justice, fairness and impartiality, protection of the individual, independence, freedom from partisan politics, integrity, accountability, public trust, accessibility, affordability, timeliness and excellence.

Ethical conduct, fairness, professionalism and responsiveness should be hallmarks of the Iowa court system. Those involved in administration of the courts, as well as those directly involved in adjudication, can promote these values through their day-to-day approach to management. To the extent that this becomes an explicit expectation for administrators, and to the extent that they are held accountable for it, they will be more likely to do it. In addition, all users of the court system—including litigants, parties and their representatives—should be held to the same standards of conduct.

- **Implementation priority:** Short/medium/long-term
- **Related recommendations:** Delivery of Justice 3.2; Planning and Public Education 3.1

1.2 Assess Public Confidence in Courts — The state court administrator should establish a system to regularly monitor public confidence in the court system and the degree to which its operations are consistent with core court values, including fairness, integrity and professionalism.

Rationale: Public confidence in the courts and their ability to operate in concert with core values are essential for effective operation. Without public

confidence, the mission and functioning of the courts will be compromised. The Commission's public opinion survey showed that public perceptions of the courts, while generally favorable, vary somewhat regarding adherence of court operations to certain core values.

For example, while 69 percent of survey respondents agreed or strongly agreed that Iowa's judges serve the public as opposed to personal interests, only 40 percent agreed or strongly agreed that the courts do not let politics influence their decisions. While 79 percent agreed or strongly agreed that the courts in Iowa guarantee everyone a fair trial, the same percentage believed that celebrities, wealthy people, big business and politicians are treated better than other people by the courts.

This snapshot offers valuable insights that should help the courts assess their success in adhering to core values. However, in order to be truly useful, the courts must institutionalize the systematic gathering of such feedback. Similarly, public input should regularly be sought on how court procedures should be maintained, modified, eliminated or replaced in order for the court system to adhere to its core values.

Making regular institutional self-assessment part of the organizational culture of the courts and informing various constituencies that this is being done will increase public confidence and lead to continuous improvement in the administration of justice in Iowa.

The organizational culture of the Judicial Branch is just as important to court administration as its structure, personnel, and physical and technical resources. Symbols and traditions are elements of culture, and like other more tangible administrative factors, they should be regularly assessed. "Because we've always done it that way" should never be the sole rationale for continuing any practice.

- **Implementation priority:** Medium-term
- **Related recommendation:** Planning and Public Education 3.3

ORGANIZATIONAL STRUCTURE

2.1 Clarify Judicial and Administrative Responsibilities — The Supreme Court should clearly define and distinguish between judicial and administrative responsibilities and delegate appropriate policy and management authority accordingly throughout the state court system.

Rationale: In recent years, a growing managerial burden has forced the Iowa judiciary to spend an inordinate amount of time handling administrative matters, leaving less time for performing its core judicial duties. During the Commission’s focus groups, a number of judges expressed concern that they had less and less time to decide cases.

In order to partially address this problem, and to ensure that the state’s judiciary has sufficient time to perform the core duties with which it is charged, the Supreme Court should define and delineate judicial and administrative roles and responsibilities, and delegate appropriate policy and management authority accordingly. Essentially, judicial and administrative functions should be separated, with the primary mission of administration being to serve the judiciary and court users in the most productive and effective manner possible.

During the Commission’s interviews and focus groups with district court judges, district associate judges, magistrates, attorneys, court administrators, clerks of court, court reporters, and juvenile court officers, specific improvements were suggested that would address this problem. They are:

- Clearly defined responsibilities and delegation of authority from the Supreme Court to the state court administrator and throughout the state court administration system.
- Freeing up the judiciary to focus primarily on judicial matters, assisted by a strong court administrative system. Routine administrative matters, including human resources management, should be handled by court administrators.

- Procedural uniformity, with reasonable flexibility for local requirements, while encouraging the adoption of best practices, whether developed centrally or locally.
- Improved training and education, supplemented by improved communication throughout the system.

The court administration function should be under the direction of a strong state court administrator. The organizational structure should provide for the delegation of responsibilities from the Supreme Court to the state court administrator to the district court administrators. At each management level, from the state court administrator to the district court administrators, additional reporting responsibility should be directed to the appropriate judiciary member or body receiving administrative service to assure that timely, quality service is being provided.

The Supreme Court should remain the policy-making body for all administrative matters within the court system. Annual or semi-annual meetings should be conducted for court administrators to improve communication and to review and implement uniform procedures and best practices.

- **Implementation priority:** Medium-term

2.2 Redefine Role of Judicial Council — The Judicial Council should serve as the liaison between the Supreme Court and judicial officers throughout the state, focusing its attention on policies and procedures which will enhance the adjudicative function of the courts.

Rationale: Iowa's Judicial Council is composed of the chief judge of the Court of Appeals and each of the state's judicial districts, and is chaired by the chief justice of the Supreme Court. By statute, the Judicial Council advises the Supreme Court "with respect to the supervision and administration of the department." (See Iowa Code section 602.1202 (1995).) The chief justice bi-annually appoints chief judges based on their years of experience, leadership abilities, and demonstrated respect among their peers.

In recent years, as the administrative responsibilities and burdens placed upon Iowa's judiciary have increased, so too has the focus of the Judicial Council widened. Increasingly, the Council has been drawn into administrative and technical matters that extend far beyond the core duties of the judiciary. This ever-widening focus has blurred the role of the Council and reduced its effectiveness as an advisory body.

In order to address this issue, the current statute should be amended to redirect the focus of the Judicial Council to the courts' adjudicative function, leaving administrative issues to professionally trained administrators and the newly formed Administrative Council. (See Administration Recommendation 2.3 .)

The Judicial Council should assume its rightful role as both supervisor and advocate for the judicial officers serving in Iowa's eight judicial districts.

As a group, the Judicial Council is uniquely qualified to advise the Supreme Court on matters directly affecting the quality of the courts' adjudicative function, such as working conditions, caseloads, substantive educational needs, and interpersonal relations. Freed from the burden of routine court administrative assignments and personnel matters, the Judicial Council should assume its rightful role as both supervisor and advocate for the judicial officers serving in Iowa's eight judicial districts.

- **Implementation priority:** Medium-term

2.3 Establish Administrative Council — The Supreme Court should establish an Administrative Council, consisting of the Chief Justice or designee, the state court administrator, representation from all levels of the court system, and lay persons to provide overall guidance for the continuous improvement of court administration.

Rationale: Court administration is a significant and important responsibility of the Supreme Court. However, in an era of growing demands on the courts and increasing managerial complexity, the Supreme Court needs a more effective mechanism for delegating administrative authority and providing guidance in the overall administration of the courts. An Administrative

Council would serve as such a mechanism providing general policy and oversight for the administration of Iowa's courts.

The Administrative Council should be responsible for developing a mission, setting goals, and developing action plans for promoting continuous improvement in the court administration system. In addition, the Administrative Council should approve standards of performance, develop methods of monitoring and measuring performance, and resolve conflicts while maintaining a working environment within the court system that provides both the structure and flexibility to foster innovation and change where needed.

The Administrative Council should be composed of representatives from every area and level of court administration and the judiciary, as well as lay persons, to assure a balance of available perspectives and expertise. It should meet on at least a quarterly basis and additionally as deemed necessary.

- **Implementation priority:** Medium-term
- **Related recommendation:** Funding 3.5

2.4 Establish Task Force on Trial Court Structure — The Supreme Court should appoint a task force to study the existing trial court structure and recommend any changes that would enhance the delivery of court services.

Rationale: With the passage of the Unified Trial Court Act of 1973, the Iowa Legislature reformed the state court system by establishing a unified trial court known as the "Iowa District Court." Under this system, district court judges have general jurisdiction and are authorized to handle all types of civil, criminal, juvenile and probate cases. However, the system continues to include judges of limited jurisdiction, namely, magistrates, district associate judges, associate juvenile judges and probate judges.

The 1973 Act created part-time magistrate positions, ranging from one to six per county. Although a license to practice law is not required, the appointing commission must first consider licensed attorneys. Magistrates hold preliminary hearings and hear small claims (money judgments of \$4,000 or less),

simple misdemeanors, county and city infractions, lost property actions, emergency hospitalizations, and search warrant proceedings.

The Act also provided for 30 full-time magistrates. In 1981, these full-time magistrates were renamed district associate judges. The jurisdiction of district associate judges is the same as magistrates with the addition of indictable misdemeanors, operating-while-intoxicated felonies, civil cases up to \$10,000, and juvenile cases, if designated by the chief judge of the district. Finally, associate juvenile judges handle juvenile matters, including proceedings on delinquency, children in need of assistance, and termination of parental rights, and probate judges handle probate matters.

Clearly, the Iowa District Court remains a somewhat less-than-unified system. The time has come to address this fact by refining the overall structure of the trial court. There is, however, a genuine divergence of opinion as to how to proceed: by making the system more flexible or by instituting greater specialization. In one scenario, a more unified trial court system would allow for more flexibility because a larger pool of judges could exercise jurisdiction over all cases. In the other, additional specialized courts akin to Iowa's juvenile and probate courts with their own judges would be established. Regardless of which direction might be taken, the future delivery of court services depends on the clear delineation of the roles and responsibilities of every type of judicial officer.

Because the scope of such an undertaking is broad and requires the input of judicial officers and court users such as litigants, attorneys and law enforcement authorities, a task force would be best suited to bring together these different perspectives and identify ways in which court services could more effectively and efficiently be delivered. Options that might be considered include, but are not limited to, converting some or all judicial officers to district court judges, creating specialized courts, increasing the jurisdiction of magistrates and/or district associate judges, moving traffic matters to an administrative forum, using special masters for some matters, requiring that all magistrates be licensed to practice law, and providing more flexibility with respect to the geographical boundaries within which judicial officers must reside and perform their duties.

Focus group participants voiced a concern that substantial inequities existed among magistrates with respect to caseload and the number of hours worked. Any task force appointed to examine the trial courts should consider options that would remove such inequities.

- **Implementation priority:** Medium/long-term
- **Related recommendation:** Funding 2.5

2.5 Evaluate District Boundaries — The state court administrator should periodically evaluate the administrative effectiveness of judicial district boundaries so that the Supreme Court may recommend legislative changes, when appropriate.

Rationale: For all judicial purposes other than the selection of trial court judges, Iowa’s ninety-nine counties are divided into eight judicial districts. The selection of trial court judges occurs within fourteen judicial election districts encompassing all or part of each judicial district. Judicial officers and court employees can be assigned by the chief justice of the Supreme Court from “one judicial district to another, on a continuing basis if need be, in order to handle the judicial business in all districts promptly and efficiently at all times,” but district judges otherwise serve in the district of the judge’s residence while in office. District judgeships are allocated between judicial election districts on the basis of a formula which includes population, filings, and the locations of the seat of government and the state penitentiary. Vacancies are not filled if the number of judges in a district is greater than the number which the formula provides.

The initial establishment of judicial district boundaries may have reflected a range of relevant factors. With the passage of time, some of those factors (e.g., population, quantity and quality of case load) might change in ways which detract from the continuing utility of existing boundaries. Conversely, other factors (e.g., working relationships within and between bench and bar, nature and extent of travel required as of date of judge’s initial appointment) may evolve in ways which reinforce the importance of maintaining current boundaries. Some participants in the focus groups expressed concern that current district boundaries result in districts that have greatly disproportion-

Focus groups expressed concern that current judicial district boundaries result in greatly disproportionate work loads.

ate work loads, vary too drastically in the geographical territory covered, and do not coordinate well with the districts used by executive agencies with which the courts interact.

Accordingly, the various considerations that might support or oppose any changes in district boundaries ought to be evaluated through some established procedure at regular intervals (e.g., every ten years). The procedure should include input from all interested persons and groups (e.g., judicial personnel, county bar associations, court administrators) and result in a full assessment of the costs and benefits of current boundaries and those alternatives which might be possible either presently or at some future point in time.

- **Implementation priority:** Medium/long-term
- **Related recommendations:** Delivery of Justice 2.1, 2.2; Funding 2.5

2.6 Improve Jury-Calling System — The state court administrator should identify how the process of summoning (or “calling”) jurors could be improved and made more efficient, and should implement improvements in a reasonable time frame.

Rationale: By and large, Iowa’s current jury-calling system is outmoded, inefficient and ineffective. In many clerk of court locations across the state, the jury-calling process continues to be highly labor intensive. Manual procedures requiring repetitive steps—typing letters and envelopes, stuffing envelopes, preparing checks—continue to be the norm in most courts. These procedures take time and labor that could be devoted to other tasks. By reviewing the entire jury selection process, current practices could be streamlined.

A few courts in Iowa have automated the tedious process of jury calling with measurable success. Black Hawk County, for example, has automated its entire jury management system, from selection, to mailing of notices, to check writing and accounting. The new Black Hawk County jury-calling process is estimated to take one-tenth the amount of time as the old one, and was implemented at a very low cost. Tasks that once took weeks under the

manual system now take only a few hours. Overall benefits have been significant.

An effective jury-calling system should be implemented in other courts. Automated and uniform jury management systems could provide significant cost- and time-savings statewide. More efficient jury selection is also likely to increase diversity, making juries more representative of Iowa's population as a whole, as called for in 1993 by the Supreme Court's Equality in the Courts Task Force.

- **Initiate implementation:** Short-term
- **Related recommendations:** Delivery of Justice 3.5; Planning/Public Education 3.3

2.7 Establish Administrative Review Process — The Judicial Branch should establish a mechanism for periodic review of trial court, appellate court, and administrative practices, procedures, rules, programs, and organizational structures to identify changes that improve the quality of service, control costs, streamline procedures, and promote access.

Rationale: Efficient utilization and internal reallocation of resources will become critical in the future. The courts should create mechanisms for: (1) ongoing self-evaluation of the system to find ways to improve the quality of service, control costs, and streamline procedures; (2) continuing reassessment of priorities, methods, practices and procedures; and (3) reallocating resources to priorities. Change should be viewed as creating opportunities to improve service. Engaging in organizational change should become a feature of court administration.

Rules of procedure should be reviewed not only from a legal viewpoint, but also to look for system efficiencies.

The Judicial Branch should take full advantage of the benefits of state funding—system uniformity, economies of scale, and shifting resources to areas where they are most needed. This should be done on a statewide, not just district-wide basis. Leadership for these changes should come from the

Supreme Court and from chief judges, as well as from state and district administrators.

- **Implementation priority:** Medium-term

2.8 Analyze Work Loads — The State Court Administrator should conduct periodic work load analyses to determine that task responsibilities are specific and clearly assigned in order for the court system to operate in the most efficient and effective manner.

Rationale: Current lines of authority and responsibility need to be re-evaluated and made more efficient. For example, should clerks of court report to their district court administrator rather than their chief judge? Should court reporters report to individual judges or be available for assignment to any judge when they are not involved in work for their principal judge?

Current work load analysis is not uniformly administered and does not properly reflect the complexity of various types of situations. Uniform measurement procedures should be designed, and regularly updated, to reflect complexity and provide accurate work load data. This information should then be used as a guide in assigning work and measuring performance for both judicial and administrative personnel.

- **Implementation priority:** Medium-term
- **Related recommendation:** Funding 2.5

2.9 Institute Best Practices — The state court administrator should identify the best administrative procedures and should have the authority to implement such procedures statewide.

Rationale: Procedures, including purchasing, record storage and retrieval, and collection of fees and fines, could be made uniform throughout the system while still empowering employees at the local level to be flexible in meeting the needs of court users.

Teams established to look at best practices should be empowered to design forms and to simplify and standardize court processes and systems in ways that will benefit all system stakeholders.

- **Implementation priority:** Short-term
- **Related recommendation:** Funding 2.6

HUMAN RESOURCES

3.1 Promote Workforce Development and Diversity — The Judicial Branch should recruit and retain a highly-skilled, culturally-diverse work force, and explore nontraditional labor sources.

Rationale: If the court system is to thrive as a service-oriented system, its providers must be highly skilled in their jobs and paid a salary commensurate with their skills. The existence and potential for developing skills applicable to a particular job should be identified and sought in the application process. After a provider has been hired, the development of those skills through ongoing training and educational opportunities should be a priority.

The Equality in the Courts Task Force called for gender and racial diversity in court personnel. The same need was identified in some of the focus groups. Recommendations to increase diversity implemented by the Supreme Court in response to the Equality in the Courts Task Force should be continued.

Non-traditional labor sources should also be tapped, including persons who have the requisite skills to perform necessary duties but who may not be able to work traditional hours or in traditional locations; i.e., caretakers of children at home, ill or disabled workers, and persons who have retired from active practice, business, or other job services. The option of flexible hours, suggested by focus group participants, may also attract persons who could not work a traditional schedule.

- **Implementation priority:** Short/medium/long-term

3.2 Encourage Participatory Management — The Judicial Branch should encourage participatory management at all staff levels.

Rationale: The current organizational structure of the Judicial Branch must change dramatically by 2020 to meet the increasing demands and higher expectations of court users. The current top-down organizational management structure based on the industrial model (one-worker, one-task) should be replaced with a flattened organization of multi-talented workers.

The adoption of participatory management will allow the Judicial Branch to become more flexible and proactive, addressing problems as challenges and

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seeing successful results. This environment encourages appropriate involvement of all levels of staff in the decision-making process.

Accountability is the key. Thus, responsibility should be placed with the people doing the job. Managers should spend more time coaching and assisting and less time controlling. With participatory management in place, self-directed work groups can operate at all levels of the Judicial Branch.

The quality of court management, court performance and court system responsiveness can also be improved by allowing those who receive court services, as well as those who provide court services, to participate in the decision-making process, when appropriate. The

Administrative Council called for in Administration Recommendation 2.3 is an example of this model of management.

- **Implementation priority:** Short-term
- **Related recommendations:** Planning and Public Education 1.6, 1.7

3.3 Foster Innovation Through Training — The Judicial Branch should encourage workplace innovation by providing all personnel with training designed to ensure access to current and emerging trends in judicial functions, court administration, and related technology.

Rationale: Many of the practices and procedures currently used in the Judicial Branch were developed decades ago in an environment fundamentally different from that experienced by court personnel and users today. Although court personnel often recognize the need for change, the burden of

daily work leaves no opportunity for innovative ideas to blossom. This recommendation recognizes that those involved in case adjudication, court administration and related technology must have access to best practices and new ideas as the Iowa judicial system responds to new challenges. To facilitate innovation, the Judicial Branch must provide training and development opportunities to all employees. Such opportunities would acquaint employees with standard and more effective ways to do business, including developments in technology and management systems. Training and education of court personnel would also have the beneficial side effects of improving efficiency and morale and fostering professional growth.

- **Implementation priority:** Short/medium/long-term
- **Related recommendations:** Delivery of Justice 3.4; Funding 2.6; Planning and Public Education 1.7

3.4 Evaluate Employee Performance — The Judicial Branch should maintain a performance evaluation system for all court personnel, including judges.

Rationale: Properly developed systems for performance evaluation should help to ensure the effectiveness of the court system in all respects. More importantly, performance evaluations should help all court personnel to become aware of ways in which they might be able to discharge their responsibilities more proficiently.

Both of these functions require the collection of information that is fair and accurate and used in constructive ways. Court personnel perform a range of complicated tasks that are not easily measured, and many of those tasks produce outcomes which may cause one or another of the participants to be substantially displeased. While these circumstances must be reflected in any appropriate system of performance evaluations, they should not stand as an absolute barrier to the collection of relevant information which quite appropriately might include the views of various persons who use or are directly affected by the court system (e.g., attorneys, civil litigants, criminal defendants, witnesses and jurors).

Evaluations of the performance of judges will have to be carefully structured to preserve judicial independence and fairness. The relevant measures of a judge's performance do not include popularity, and social and professional customs properly constrain some of the channels through which judges might learn about the quality and consequences of their official actions. Reliable and appropriate avenues of feedback, however, may enable judges to perform their duties in ways which will increase the effective functioning of the court system.

An employee evaluation system promotes professional growth, ensures that employees understand and remain focused on established procedures and expectations and on set goals and objectives, thereby enabling court administration to accomplish its mission. Consistent with this purpose, the components and results of performance evaluations should be treated as confidential information that would ordinarily be available only to the person being evaluated and the person responsible for preparing the evaluation.

- **Implementation priority:** Medium-term
- **Related recommendation:** Delivery of Justice 3.2

3.5 Promote Job Satisfaction — The Judicial Branch should adopt personnel policies that are sensitive to the needs of employees and encourage personal growth, individual responsibility, teamwork, and a high level of productivity.

Rationale: It is a recognized fact in business and other professional services that the level of job satisfaction experienced by service providers will be reflected positively in the quality and quantity of their services. Job satisfaction is generally measured in terms of the degree to which an employee's needs are identified and recognized, the employer's responsiveness to those needs, and opportunities for growth and reward within a particular job. Growth and reward can encompass many factors: monetary compensation (raises); enhancement of job position (promotions); increased levels of responsibilities commensurate with job expectation; educational opportunities (including participation as both a student and teacher); committee memberships; and other non-monetary rewards.

Safe, efficient and modern workplaces play an important part in keeping employees productive. The Judicial Branch should set standards and methods to provide good work environments. The courts should work cooperatively with other officials in this area. (See Administration Recommendation 4.1.)

- **Implementation priority:** Short-term
- **Related recommendations:** Delivery of Justice 3.4; Planning and Public Education 1.6, 1.7, 2.2

3.6 Reward Employee Performance — The Judicial Branch should examine ways to reward good service by all court personnel.

Rationale: Dedicated and hard-working judges and staff are one of the greatest strengths of the court system. Competitive compensation is key to the recruitment and retention of top-quality personnel.

Judicial salaries are set by the Legislature. The Judicial Compensation Commission makes recommendations to the Legislature concerning the compensation of judges. However, the Legislature does not have to set compensation at the levels recommended by the commission.

State law requires that salaries of state employees be based on the concept of comparable worth. The Judicial Branch has an employee pay plan that sets a range of compensation for each type of position based on comparable worth studies.

State government should offer new ways to reward judges and employees who are not eligible for merit increases. Bonuses, extra vacation days, educational opportunities and sabbaticals are a few examples of the rewards that could be used to recognize good service.

- **Implementation priority:** Medium/long-term
- **Related recommendation:** Delivery of Justice 3.4

PHYSICAL AND TECHNICAL RESOURCES

4.1 Develop Standards for Court Facilities — The state court administrator should develop reasonable standards to ensure that all trial court facilities include adequate office space for judges, staff and court users, have security for the personal safety of court users and personnel, and have comfortable and appropriately furnished facilities for jurors and participants. All facilities should reflect the dignity and importance of the proceedings.

Rationale: Facilities for judges, staff and jurors vary appreciably from county to county, creating a disparity in the quality of justice delivered dependent upon location. Juries are an essential element of the judicial system. Jurors who are attentive and comfortable during trial will be better able to perform their fact-finding function. Further, adequate courtroom facilities and office space for judges and their staff will better enable judges to maintain a uniform standard of delivery of justice, consistent with the expectations of parties and the public who seek a high quality of justice. To this end, the Judicial Branch, in consultation with the counties, should develop reasonable minimum standards for court facilities.

Focus group participants frequently identified inadequate facilities as a weakness of the court system that should be addressed.

- **Implementation priority:** Medium/long-term
- **Related recommendations:** Delivery of Justice 2.5, 3.5; Technology 3.2, 3.3

4.2 Study Central Administration Space Needs — The Supreme Court should study its long-term, central administration space needs and make recommendations to the Legislature to ensure that all personnel are housed in adequate facilities.

Rationale: State-level functions of the Judicial Branch are currently housed in separate facilities. The Supreme Court, the Court of Appeals, the clerk of the Supreme Court, the state court administrator and part of the state court administrative staff are located in the State Capitol. The administrative staff responsible for the technological needs of the Judicial Branch was recently

moved from the Capitol to an office building north of the downtown business district. The staff for the Supreme Court Commission on Continuing Legal Education, the Client Security Fund and the Grievance Commission is located in separate facilities a few blocks west of the Capitol. It is apparent that any additions to the state court administrator's office or the Court of Appeals will require the Judicial Branch to locate additional personnel outside the Capitol complex. No long-term study of the space needs of the state-level functions of the Judicial Branch has been undertaken in recent years. Space needs are addressed on an ad hoc basis.

In addition to the lack of a convenient, integrated physical facility for the Judicial Branch, the space devoted to the Judicial Branch in the Capitol is inadequate. Although offices for the Supreme Court justices as well as the courtroom and conference room are ample, other needs remain unmet. Some offices for the Court of Appeals judges lack privacy. No office space exists for Supreme Court judicial law clerks, resulting in inefficient productivity during court week when all clerks are in Des Moines. Adequate space for the Supreme Court law library is a problem; the Court recently boxed all case reporter systems predating 1975. The remaining books are scattered throughout two floors and more than 13 different rooms, making research unduly time-consuming.

- **Implementation priority:** Short/medium-term

4.3 Develop Records Management System — The state court administrator should develop and implement a consistent, statewide plan for records management and retention, including a review of and recommendations regarding statutory requirements relating to this problem.

Rationale: The court system collects and generates a wide range and immense volume of documentary materials. Focus group participants repeatedly cited problems in the storage of these materials. Tours of county courthouses and interviews of court personnel confirmed the inadequacy of current storage practices. The state court administrator's examination of record retention and storage should include consideration of the form in which documents are stored as well as the location in which they are stored.

Court documents have historically been generated and retained on paper. Some effort has recently been made to transfer court records to other media (e.g., microfilm, CD) for purposes of long-term storage. With evolving technologies, however, both the generation and retention of judicial records increasingly may be accomplished through various electronic means.

Some of these materials are essential to the processing of open matters but of little consequence thereafter. Others may be of some ongoing importance for an extended period of time after a matter has been concluded, but eventually can be safely discarded. Still other materials are of permanent importance and ought to be retained indefinitely.

Because it historically was county-based, the court system presently holds its records in or near county courthouses and retains them under standards and through means which may vary in practice from place to place. Although this arrangement sometimes has the advantage of allowing relatively quick access to extremely old records, it frequently involves either the occupation of precious space within county courthouses or the use of sometimes unsuitable off-site locations. The existing diversity of approaches to records management also complicates attempts to obtain information from existing records or to develop more efficient systems for their generation, use, and retention. Finally, although the present arrangement generally has an understandable and often appropriate preference for retention, the development and implementation of appropriate standards for the elimination of unnecessary records is greatly complicated by differences between the individual circumstances of the various counties.

Serious consideration should be given to the establishment of a central facility for the maintenance of materials from concluded matters that need to be retained for any substantial period of time. Centralizing the preservation of judicial records would immediately address issues of storage space and retention standards, and also may eventually lead to increased levels of coordination in ways in which such records are initially generated and actively used.

If central record storage is implemented, the elimination of unnecessary materials at the county level prior to transfers to the central facility and any additions to or subsequent elimination of materials by the central facility should only occur in accordance with protocols that have been developed in consultation with representatives of the various users of judicial records (e.g., law enforcement and correctional agencies, tax authorities and credit agencies, individuals and entities interested in real estate and probate matters, historians and genealogists). Furthermore, although some increase in cost and delay in time may be unavoidable, efforts should be made to preserve reasonable access to materials that must be retrieved from the central facility.

- **Implementation priority:** Short/medium/long-term
- **Related recommendations:** Technology 2.1, 2.6

4.4 Enhance Access to Legal Research — The Judicial Branch should make maximum use of limited legal research resources through the use of new technologies and strategic location of access points to legal research materials. The state court administrator should provide all judges and law clerks electronic access to legal research materials.

Rationale: Iowa's trial courts have primarily depended on county law libraries for legal research materials. Maintenance of law libraries is not specifically mentioned in the Iowa Code sections that set out court funding responsibilities of the state and counties. (See Funding Recommendation 1.1.) Recent constraints on county budgets have caused some counties to reduce or eliminate spending on county law libraries. In addition, problems exist at both the trial and appellate court level with respect to adequate storage for books.

Partnerships between state and local bodies should be encouraged because local officials depend on up-to-date legal research materials to competently perform their duties. Cooperative efforts would help avoid duplication of research materials, encourage sharing, and control costs.

The State Law Library should be included in these efforts. The State Law Library has an extensive collection of legal research materials not available in

county law libraries and so is central to coordinating the delivery of legal information. Although the State Law Library is an invaluable resource for the public, one of its primary missions should be to serve judges and other government officials.

As caseloads grow and disputes become more complex, judges will need faster access to a wide range of legal information. In addition to the efforts discussed above, judges and their law clerks will benefit from electronic access to legal research materials. Establishing electronic access will ensure that all judicial officers have convenient access to high-quality reference materials and will reduce the need to maintain storage facilities for books.

Success Story: Electronic Legal Research

By the end of August 1996, judges and law clerks throughout Iowa will access electronic legal research via CD-ROM towers installed in each judicial district and at the State Capitol. This new system, which takes advantage of Iowa Court Information System e-mail to link judges to the towers, was piloted in the Sixth Judicial District. Training for personnel in other locations will begin in June 1996.

County law libraries have traditionally served as a resource for the legal community and sometimes for the general public. To the extent that economic resources are focused on electronic legal research, the quality and quantity of materials available to the legal community and the public in county law libraries may diminish. The Supreme Court should establish a task force to study the feasibility of providing the legal community and the public with convenient access to publicly funded legal research materials.

- **Implementation priority:** Short/medium/long-term
- **Related recommendation:** Technology 2.4

4.5 Encourage Use of Communication Technology — The Supreme Court should encourage the use of audio and video technology to safely, efficiently and effectively conduct court proceedings without sacrificing the due process rights of litigants. Current methods of recording and transcribing court proceedings should be studied to determine the most cost-effective and efficient means to ensure a prompt and reliable record.

Rationale: Court time and resources can be more efficiently used by encouraging parties to make use of current technology to conduct hearings of routine matters. For example, a 15-minute dispositional review hearing of a Davenport teenager in a residential facility in Sioux City could be held by telephone rather than having a court officer or Department of Human Services worker spend 12 hours transporting the juvenile to and from the hearing site. Telephone hearings would also enable professionals such as psychologists and teachers to participate without leaving their offices, resulting in a savings of both time and money.

In selected counties video proceedings have been successfully implemented, allowing for bond review hearings, initial appearances, pre-trial conferences and arraignments without the security risks of having to transport jailed defendants. Conducting proceedings by video also lessens law enforcement time and travel.

As technology expands and improves, ways of recording proceedings should become more cost-efficient and reliable. Any adjustments to or changes in how court proceedings are recorded should make appropriate adaptations in the responsibilities of affected personnel.

- **Implementation priority:** Medium-term
- **Related recommendations:** Technology 1.1, 1.4, 3.1, 3.5



SUMMARY OF TEAM RECOMMENDATIONS

TEAM RECOMMENDATIONS		IMPLEMENTATION PRIORITIES				OTHER TEAMS' RELATED RECOMMENDATIONS
		Ongoing	Short Term (1-2 yrs.)	Medium Term (3-5 yrs.)	Long Term (6+ yrs.)	
1.	Organizational Culture					
1.1	Internalize Core Values		✓	✓	✓	Delivery 3.2; Planning 3.1
1.2	Assess Public Confidence			✓		Planning 3.3
2.	Organizational Structure					
2.1	Clarify Judicial and Admin. Responsibilities			✓		
2.2	Redefine Role of Judicial Council			✓		
2.3	Establish Administrative Council			✓		Funding 3.5
2.4	Establish Task Force on Trial Court Structure			✓	✓	Funding 2.5
2.5	Evaluate District Boundaries			✓	✓	Delivery 2.1; Planning 3.3
2.6	Improve Jury Calling System		✓			Delivery 3.5; Planning 3.3
2.7	Establish Administrative Review Process			✓		
2.8	Analyze Work Loads			✓		Funding 2.5
2.9	Institute Best Practices		✓			Funding 2.6

3. Human Resources						
3.1	Promote WorkForce Dev. and Diversity		✓	✓	✓	
3.2	Encourage Participatory Management		✓			Planning 1.6, 1.7
3.3	Foster Innovation Through Training		✓	✓	✓	Delivery 3.4; Funding 2.6; Planning 1.7
3.4	Evaluate Employee Performance			✓		Delivery 3.2
3.5	Promote Job Satisfaction		✓			Delivery 3.4; Planning 1.6, 1.7, 2.2
3.6	Reward Employee Performance			✓	✓	Delivery 3.4
4. Physical and Technical Resources						
4.1	Develop Standards for Court Facilities			✓	✓	Delivery 2.5, 3.5; Technology 3.2, 3.3
4.2	Study Central Administration Space Needs		✓	✓		
4.3	Develop Records Management System		✓	✓	✓	Technology 2.1, 2.6
4.4	Enhance Access to Legal Research		✓	✓	✓	Technology 2.4
4.5	Encourage Use of Communication Tech.			✓		Technology 1.1, 1.4, 3.1, 3.5

Technology

VISION STATEMENT

In the 21st Century, Iowa's courts, due to expanded use of technology, are more accessible and user-friendly with more legal matters made routine. Users are able to access information and file documents 24 hours a day, which has greatly increased the speed of the legal process. Electronic access to public data and codified law, court rules and decisions, along with explanations, is gained from homes, offices, schools and public-access kiosks in the courthouse and other public facilities. Technology allows courts to more efficiently and reliably locate and notify parties, witnesses, heirs, jurors and other participants; it also has facilitated pro se access to court services.

Courthouses, which continue to be important visual symbols of justice and self-government, have been retrofitted for technology. Clerk of court offices provide kiosks for routine access to the law and records, and assist pro se litigants and other users. Round-the-clock access to law and records is available by remote computers and kiosks. Courtrooms are used for trials, fact-finding hearings, alternate dispute resolution, and as down-link sites for community education and other functions.

Judges' offices are used to present orders in person, to present orders electronically to judges located elsewhere, and to allow judges to be "telepresent" in other counties.

Technology has dramatically improved court administration in Iowa, significantly benefiting all participants in the judicial process. Accelerated scheduling facilitates equal access and speedy resolution of disputes. Lawyers and litigants have electronic access to dockets to follow their cases better. Automation has enhanced time standards for handling cases, with processing and disposition accomplished within acceptable time frames. Automated notification facilitates the dissemination of essential documents to court participants. Court administrative staff members are able to compile detailed statistical information on the nature and disposition of cases.

Team Members

Co-Chairs:

David D. Beckman
Mark Haverland

Charles R. Coulter
Nancy Draper
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Merry C. Ford
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Norma Hirsch
Larry Murphy
Glenn L. Norris
Charles H. Pelton
Midge Slater

Communication between lawyers and judges has improved because of instantaneous video conferencing.

Security for court users and personnel has been increased while maintaining the dignity of the courts. The security and integrity of electronic information are essential elements of the system, and since key security concerns for records have been addressed, there is greater openness in the court system, and citizen owners enjoy greater access.

Routine functions of the law practice and court administration have been automated, allowing judges to devote more time to fact finding and dispositive decision-making, and lawyers more time to advocate in court, mediate client problems, and counsel clients. Judges and lawyers have become better students of the law because of their improved ability to pinpoint applicable law electronically. Cases involving undisputed facts are handled through user-friendly electronic kiosks, freeing up judicial time. The cost of legal services has been reduced. Lawyers have access to better sources of electronic information in support of innovative theories and solutions, and judges have improved their ability to evaluate them. Judges and lawyers have developed new skills to make better use of available technology.

GUIDING PRINCIPLES

We seek a system in which . . .

- Court users are active participants in the judicial process.
- Local court access is enhanced, not curtailed.
- Courts are responsive to users, their needs, and desires.
- Technology is proven and reliable.
- Technology emphasizes quality, not quantity, of information.
- Technology honors but does not destroy tradition.

We also recognize that technology . . .

- enhances but does not replace
- prepares but does not decide
- simplifies the routine, but not the unusual
- and shackles as much as it frees.

RECOMMENDATIONS

USE OF TECHNOLOGY

1.1 Establish Court Technology Advisory Committee — The Supreme Court should establish a Court Technology Advisory Committee, drawn from both the public and private sectors, to advise the court on an ongoing basis on the application of technology to operations throughout the Judicial Branch.

Rationale: With increasing caseloads and limited resources, Iowa's courts will continue to look to new technology for solutions. At the same time, the incredibly rapid rate of change in technology will place great pressure on the system to remain up-to-date. Iowa's Judicial Branch needs to tackle technological issues in an open, informed manner; therefore, input and advice from outsiders are critical necessities.

Members of the Court Technology Advisory Committee should be appointed by the Supreme Court and selected for their experience, expertise or special interest in technological issues. They should be drawn from both the public and private sector, including the Judicial Branch, other state agencies, national court organizations, businesses, and information technology groups. Some members should be thoroughly familiar with the technologies used by the Judicial Branch, others should represent competing and innovative technological solutions. The membership should be changed regularly.

The Committee should conduct regular reviews of the technological progress of the Judicial Branch and report its findings directly to the Supreme Court. Committee members should be free to praise or to criticize the technology used by the courts, as well as to make suggestions for the implementation of new technologies, where appropriate. Judicial Branch employees should be encouraged to communicate with Committee members.

- **Implementation priority:** Short-term
- **Related recommendations:** Administration 4.5; Funding 3.5

1.2 Conduct Ongoing Evaluation of ICIS — The Court Technology Advisory Committee should conduct an ongoing evaluation of the Iowa Court Information System to determine its suitability for current needs and adaptability to future demands for a comprehensive electronic court information system, including data filing, storage, sharing and linkages identified as necessary by this Commission.

Rationale: If the court system is to provide adequate services to the public, ready access to information currently stored in various forms and databases will be a necessity. Court records should be easily accessible in electronic form by court personnel and the public. The common thread among these goals is the need for a solid, uncomplicated, adaptable database system.

During the Commission's focus groups, current users of Iowa Court Information System (ICIS) software commented that the current system has severe limitations in its ability to provide access to meaningful information. These users also complained about the lack of a user's manual and "bugs" in the system. A determination should be made relatively quickly as to whether (1) the current software is adequate to serve immediate needs, and (2) the current program has been constructed so as to be adaptable to advances in technology and increased expectations of its function.

The Court Technology Advisory Committee should also explore the viability of public access to court data by means of web browsers in Hyper Text Markup Language (HTML—the "language" of the World Wide Web).

- **Implementation priority:** Short/medium/long-term

1.3 Allocate Adequate Technology Funding — The Legislature should appropriate adequate funding for court technology in a timely manner to ensure the efficient and effective implementation of new capabilities. Should projects not be fully and timely funded, the Judicial Branch should redesign them consistent with available funding.

Rationale: If technology is going to be a help, not a hindrance, to the Judicial Branch as it copes with the dramatic increase in court caseloads projected into

the 21st Century, adequate funding must be available.

In order for the court system to use technology effectively, it must take advantage of technological windows of opportunity.

Moreover, in order for the court system to use technology effectively, it must take advantage of technological windows of opportunity in a timely fashion. Technological projects generally are not scaleable. Therefore, should the Legislature fail to fully appropriate the funds necessary for a court technology project—or defer funding to a later date—the project must be re-evaluated and redesigned in light of the fiscal realities. Different technologies and/or vendors may be more appropriate if the original project cannot be fully funded. Likewise, if the deferment period is significant, the project should be redesigned to utilize the technologies that will be available at the later date and that fit with the new budget.

- **Implementation priority:** Short/medium/long-term
- **Related recommendation:** Delivery of Justice 3.3

1.4 Evaluate Impact of Technology — The Judicial Branch should carefully evaluate the impact of technology on the delivery of justice and establish appropriate policies to promote the optimal use of these technologies consistent with due process.

Rationale: It would be easy to use technology to greatly increase the efficiency of Iowa's courts. However, justice and fairness might be sacrificed in the process. For that reason, standards are necessary to protect the rights of all who participate in the judicial system. Following consultation with the Court Technology Advisory Committee and the commissioning of appropriate studies, the Judicial Branch should establish standards for the use of technology during court proceedings and in courtrooms.

Some members of this Commission believe that the use of video technology for remote court proceedings in criminal cases could favor the prosecution. Standards should be set for such details as the size and resolution of video monitors, audio quality, and the layout of the courtroom or transmission site. Provision must be made to permit defendants in all such settings to communicate privately with their attorneys.

A determination should be made as to which, if any, criminal hearings or proceedings are suitable for remote technology, and standards set accordingly. Whereas many members of the Commission thought that remote video technology could be appropriately used for the signing of court orders, initial hearings, post-conviction proceedings, and parole revocation hearings, they expressed concern about its use in trials—particularly jury trials—because it is their belief that the constitutional protections offered by the “confrontation clause” require that defendants have the right to confront their accusers in person and face-to-face.

- **Implementation priority:** Short/medium/long-term
- **Related recommendations:** Administration 4.5; Planning and Public Education 2.1

DATA AND INFORMATION

2.1 Evaluate Public Records Retrieval — The Judicial Branch should carefully evaluate and respond to the impact of technology on the retrieval of public records, particularly with regard to cost, ease of access, and due process.

Rationale: By 2020, public records throughout Iowa that once were hidden away in courthouse storerooms likely will be readily available on-line. The information sharing that will result from such access will dramatically affect the everyday lives of citizens, influencing their ability to borrow money, obtain insurance, buy a home or get a job.

Given this reality, after thoroughly studying the law and the records under its control, the Judicial Branch should develop guidelines for the classification of public records and those for which privacy must be preserved.

During the Commission’s focus groups, a recurring question asked by clerks of court was “What constitutes a public record?” Therefore, once guidelines have been developed, clerks of court and other appropriate court personnel will need training to help facilitate access to public records and to avoid confusion over whether a record is public or not. All documents determined

to be public records should be made available to anyone who comes to the clerk's office, operates a kiosk, or seeks the information on-line.

- **Implementation priority:** Medium-term
- **Related recommendation:** Administration 4.3

2.2 Participate in Development of Statewide Database — The Judicial Branch should participate in the development of a comprehensive, statewide database encompassing court records, Iowa statutory law, regulations, court decisions and other information relevant to users of the Iowa court system.

Rationale: Members of the public who seek basic court and court-related information are often required to visit courthouses and/or state agencies in person or contact them by mail. The use of technology could provide the opportunity for access to and retrieval of a broad range of court and legal information for which a variety of sources now have to be consulted.

Development of a comprehensive court database would allow, for example, statewide on-line searches for information (such as judgments and liens), as opposed to the separate examination of records in all 99 counties. Such a database needs to be prepared in a common, non-proprietary format so as to accommodate other systems and any changes in technology and/or vendors. The format should store for retrieval both the text and the image of documents.

Electronic access to court information could save users significant time and energy; however, appropriate guidelines must be formulated to protect legitimate security considerations if the information falls within a protected category.

- **Implementation priority:** Medium-term
- **Related recommendation:** Planning and Public Education 1.4

2.3 Share Database with State Agencies — The Judicial Branch should develop a coordinated database that can be shared electronically with state agencies.

Rationale: As a co-equal branch of government, it is important that the Judicial Branch be networked with state agencies, many of whom court personnel interact with on a daily basis. At present, court records and related information (e.g., criminal and corrections records, support payment records, other agency records) are maintained by various state entities at different locations. As a result, judges, particularly at the district court level, often are forced to make decisions without the opportunity for access to all pertinent information on parties appearing before them. Development of a database of court and court-related information that is available electronically will ensure that courts—prior to making decisions—can review relevant information.

- **Implementation priority:** Short/medium/long-term.
- **Related recommendation:** Funding 3.3

Success Story: Criminal Justice Information Network

A project is underway in Iowa's Fifth Judicial District to provide district associate judges with ready, electronic access to information on criminal defendants who appear before them. The Criminal Justice Information Network (CJIN) will link the scheduling and case management databases of the Iowa Court Information System with those of the Department of Corrections and county jails. Judges will be able to obtain up-to-date information on a defendant's status, including charges, warrants, bail, probation and release.

2.4 Create 24-Hour Court Information Retrieval System — The Judicial Branch should develop an information retrieval system accessible to the general public and specific users of the courts 24 hours a day from multiple access points throughout the state and other remote locations.

Rationale: Currently, Iowans get access to most court information and records by going to a courthouse. As the future brings increased public expectation and demand for greater and easier access to public records, more

and more citizens will want the ability to obtain court information and records—at any hour of the day—from their homes, businesses, law offices, schools, remote kiosks and other access points outside the courthouse. Establishment of an information retrieval system accessible around the clock could enable users, for example, to check the status of a case, including the schedule and docket, or find out when they are to report for jury service. The Judicial Branch must be ready to provide court users with the enhanced access they seek.

Such electronic access should reduce the number of people who visit clerks' offices, and partially relieve the lack of staffing at those locations. However, just as automatic teller machines have not replaced financial institutions, kiosks and remote access will not replace clerks' offices. There will be individuals who will be unable to access public records electronically, just as there will be information not suitable for electronic access. In such instances, a visit to the clerk's office will still be necessary.

- **Implementation priority:** Medium-term
- **Related recommendations:** Delivery 2.1, 4.3; Administration 4.4; Funding 1.6; Planning and Public Education 3.6

Success Story: Electronic Bulletin Board

The Iowa Supreme Court has installed an electronic "bulletin board" to make appellate opinions immediately available to publishers, media, and the public. As opinions are released, Iowa Court Information System staff download them into a computer dedicated for this purpose and accessible by modem at (515) 281-9769. ICIS staff see this as a first, but important, step in making court documents available on-line while preserving the confidentiality of work in progress.

2.5 Authorize Electronic Filing — The Supreme Court should authorize electronic filing and establish standards for the receipt and acceptance of electronic documents and signatures consistent with the standards of other state and federal governmental entities.

Rationale: At present, the filing of most documents with the court entails a trip to a clerk of court's office. The advent of facsimile machines, which can be found in all of Iowa's clerk of court offices, has made remote filing of

documents possible. However, facsimile filing is prohibited by Supreme Court order except in certain circumstances. With technologies currently available to ensure the security and veracity of documents in digital form, electronic filing could provide Iowans with enhanced access to their courts without undermining the integrity of documents.

To this end, the Judicial Branch should establish a system of uniform electronic filing standards that addresses the issues of security, origin of filing, receipt and acceptance, and signature verification. Once such standards have been established, facsimile filing should be authorized. Facsimile filing should be an interim step that will lead to electronic or digital filing. To provide for filing and document transfer to locations outside the state court system, Iowa's electronic filing standards should be compatible with those used by other states.

- **Implementation priority:** Short-term
- **Related recommendations:** Delivery of Justice 2.1, 2.2

2.6 Implement Electronic Storage of Documents — The Judicial Branch should implement electronic storage of all documents, both new and existing, in a uniform, standard format.

Rationale: Courthouses in Iowa today are overflowing with documents, a fact made more compelling by the limited storage space in most court facilities and the fiscal constraints under which many county governments operate. These documents are stored in a variety of forms (e.g., microfiche) rather than any uniform format, and cannot be searched electronically. Concerns about the problem of document storage were raised repeatedly by focus group participants.

Technology can be used for record storage, with the result that it will also relieve overcrowded court facilities and enhance access to public records. To accomplish this, the Judicial Branch must set statewide standards for the uniform electronic storage of court documents. All documents should be stored in a form that assures ease of access for the public and court employees. The format selected should be capable of storing both the image and the

text of documents. It also should be non-proprietary and readily available; that way, as computers change, the format can remain the same.

- **Implementation priority:** Short/medium-term
- **Related recommendation:** Administration 4.3

COURT INFRASTRUCTURE

3.1 Promote Internal Electronic Communication — The Supreme Court should encourage and support ongoing technological innovation projects within the Judicial Branch, such as electronic mail and teleconferencing.

Rationale: At present, communication within the Judicial Branch is poor and usually occurs in a very formal manner. Lack of communication (both vertically and horizontally) was identified by all of the focus groups as a significant weakness of the court system. There is also a lack of technology to promote easy communication among court employees.

Teleconferences should be used for internal meetings of court staff. Another technology that would significantly improve internal Judicial Branch communication would be the use of electronic mail (e-mail). E-mail capability is currently to be found only in clerk of court offices in which the Iowa Court Information System has been installed; its use by clerks should be encouraged. Institution of e-mail among *all* court employees would allow those within the Judicial Branch to communicate informally, share ideas and information, and discuss common issues. Anecdotal information from other state court systems supports the widespread benefits of a simple e-mail system for judges and other court employees. It could help promote a more participatory style of management, in contrast to the Judicial Branch's current top-down organizational management structure. (See Administration Recommendation 3.2.) E-mail would also provide an efficient means to disseminate information on important issues, such as legislation, to employees at all levels of the court system.

Any e-mail capability should be designed to connect with the outside world. That way, following internal implementation, Iowans will be able to commu-

nicate directly with Judicial Branch employees by means of e-mail, making the court system more responsive to citizens.

- **Implementation priority:** Short-term
- **Related recommendations:** Administration 4.5; Planning and Public Education 1.6

3.2 Retrofit Existing Facilities — The Judicial Branch and the counties, as appropriate, should retrofit existing court facilities to take advantage of new technologies.

Rationale: Aging and crowded courthouses were identified as a crucial weakness by participants in the focus groups conducted by the Commission. Currently, court facilities are not compatible with contemporary needs and security concerns, let alone wired for the “information highway.”

Courthouses have long served as a symbol of justice in Iowa. In order for them to be of use in 2020, they must be retrofitted with new technologies. Standards must be set so that the dignity of the courtroom is maintained; monitors, cabling and keyboards should not be prominent. Special attention should be paid to making court facilities accessible to those with disabilities and/or language barriers. Following retrofitting, the status of facilities should be monitored and upgraded on an ongoing basis to embrace new technologies.

- **Implementation priority:** Short/medium/long-term
- **Related recommendations:** Delivery of Justice 2.1; Administration 4.1; Funding 1.1

Success Story: Video Conferencing

Under a legislative “technology fund” established in 1996, the Iowa Supreme Court has authorized pilot testing of video conferencing in Linn County District Court. Representatives of the Judicial Branch are working with Iowa Communications Network staff to plan and implement the project. Expected to be particularly useful for post-conviction litigation, video conferencing promises to solve problems of expense and security inherent in transporting prison inmates to hearing sites.

3.3 Employ Advanced Security Measures — The Judicial Branch should take advantage of new technologies to protect court personnel and the public and to assure the full and impartial hearing of disputed court matters.

The potential for violence and a concern for safety are daily facts of life for those who work in and use the court system.

Rationale: For Iowa’s justice system to work properly, it is essential that courthouses provide a forum for the peaceful resolution of disputes. However, as repeatedly raised by focus group participants, the potential for violence and a concern for safety are daily facts of life for those who work in and use the court system. At present, the only full-time use of metal detectors in Iowa’s courts occurs at the Polk County Courthouse. In some counties, certain criminal proceedings, such as arraignments, are being conducted by means of remote video in some districts.

Advanced security methods must be employed to ensure the safety of court users and employees. Improvements should be made by using technologies that do not limit access, unnecessarily invade the privacy of individuals, or interfere with the use of courtrooms.

Security could be enhanced by metal detectors and other security devices, electronic identification systems, more secure judicial chambers and other advanced technologies. Voice-recognition technology or other advanced personal identification systems could be used to limit access to certain areas. By 2020, advanced security measures are likely to be imbedded in door frames and capable of reliably checking for weapons and explosives while at the same time maintaining the dignity of the judicial process.

- **Implementation priority:** Short/medium-term
- **Related recommendations:** Delivery of Justice 2.4; Administration 4.1

3.4 Facilitate Simple Legal Proceedings — The Judicial Branch should use technological innovations to streamline the disposition of simple and uncontested legal matters.

Rationale: Using a kiosk or computer at sites remote from the courthouse, members of the public should be able to initiate and dispose of simple proceedings such as document requests, name changes, payment of fines and

fees, and undisputed traffic matters. The court system should explore providing these services on a Hyper Text Markup Language (HTML) web browser, which could be accessed either by means of the Internet or through a private "Intranet" within the Judicial Branch. Such use of technology would enhance access and save time and money. Furthermore, it would free clerk of court personnel to focus on more complicated matters. Given the lack of depth in court system staffing, this will continue to be an important consideration.

- **Implementation priority:** Medium/long-term
- **Related recommendations:** Delivery of Justice 2.1, 4.3; Planning and Public Education 3.2

3.5 Develop Interactive Court Network — The Judicial Branch should create a telecommunications network accessible by judges and lawyers to replace some formal and informal hearings and conferences.

Rationale: The judicial system has historically been based on a same time/same place paradigm, whereas many hearings and conferences in which testimony is not taken could be held electronically. By means of technology, people in the legal process could meet and participate in legal proceedings at different times and different locations. Pre-trial conferences, motion hearings, initial appearances and the signing of orders could be held electronically with the judge and the parties located at different sites. The use of video arraignments, currently employed in some districts, is one example of remote courtroom use. Given this technology, rules that allow legal proceedings to be held when parties are physically separated could be expanded to allow participants to make their make their appearances (e.g., arguing for or against a motion) at different times.

- **Implementation priority:** Medium/long-term
- **Related recommendation:** Administration 4.5



SUMMARY OF TEAM RECOMMENDATIONS

TEAM RECOMMENDATIONS		IMPLEMENTATION PRIORITIES				OTHER TEAMS' RELATED RECOMMENDATIONS
		Ongoing	Short Term (1-2 yrs.)	Medium Term (3-5 yrs.)	Long Term (6+ yrs.)	
1. Use of Technology						
1.1	Establish Court Technology Advisory Committee		✓			Administration 4.5; Funding 3.5
1.2	Conduct Ongoing Evaluation of ICIS		✓	✓	✓	
1.3	Allocate Adequate Technology Funding		✓	✓	✓	Delivery 3.3
1.4	Evaluate Impact of Technology		✓	✓	✓	Administration 4.5; Planning 2.1
2. Data and Information						
2.1	Evaluate Public Records Retrieval			✓		Administration 4.3
2.2	Participate in Development of Statewide Database			✓		Planning 1.4
2.3	Share Database with State Agencies		✓	✓		Funding 3.3
2.4	Create 24-Hour Information Retrieval System			✓		Delivery 2.1, 4.3; Administration 4.4; Funding 1.6; Planning 3.6
2.5	Authorize Electronic Filing		✓			Delivery 2.1, 2.2
2.6	Implement Electronic Storage of Documents		✓	✓		Administration 4.3

3. Court Infrastructure						
3.1	Promote Internal Electronic Communication		✓			Administration 4.5; Planning 1.6
3.2	Retrofit Existing Court Facilities		✓	✓	✓	Delivery 2.1; Administration 4.1; Funding 1.1
3.3	Employ Advanced Security Measures		✓	✓	✓	Delivery 2.4; Administration 4.1
3.4	Facilitate Simple Legal Proceedings			✓	✓	Delivery 2.1, 4.3; Planning 3.2
3.5	Develop Interactive Court Network			✓	✓	Administration 4.5