



2020
Condition of the Judiciary

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the Iowa Supreme Court**

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The plasterwork on the front of this year's invitation is from the inside of the 132-year-old Marshall County Courthouse. Following a powerful tornado that roared through Marshalltown and severely damaged the courthouse July 19, 2018, the Iowa Judicial Branch and Marshall County officials immediately began working together to ensure a continuity of services. Chief Justice Cady toured the courthouse with county officials last fall to see the progress made during the renovation. The Iowa Judicial Branch is a community based court system that works in partnership with all 99 counties to provide access to justice for all Iowans.



**Courthouse photo by the
Marshalltown Times-Republican**

CONDITION OF THE JUDICIARY 2020

Mister president, Mister speaker, distinguished members of the Iowa General Assembly, Governor Reynolds, Lieutenant Governor Gregg, state officials, colleagues, family, friends, and everyone who joins us this morning to hear the condition of Iowa's judicial system.

Thank you for inviting me here today. It has been a year of passage and transition. Since the last condition of the judiciary, three of our retired justices have passed. The court will miss former Chief Justice Arthur McGiverin, Justice Daryl Hecht, and Justice Bruce Snell, Jr. These fine justices were models of dignity and service. We have also welcomed our newest justice, Justice Christopher McDonald, as Justice Hecht's successor.

We also lost Chief Justice Mark Cady, who passed away suddenly last November. His death sent shockwaves not only through the judicial branch but also throughout the state and the nation. Chief Justice Cady was an outstanding legal scholar, a thoughtful colleague, a good friend, and a strong leader. Under Chief Justice Cady's leadership, and with your support, the Iowa judicial system has become one of the best in the nation. His leadership brought our justice system to where we are today and provides us with a clear vision of where we need to go in the future in order to achieve his goal to be the best justice system in the nation.

Prior to his death, Chief Justice Cady began working on this speech. I would like to convey his thoughts on our justice system to you this morning.

In the Preamble to the United States Constitution, the framers set forth their aspiration that the new country "form a more perfect Union." The process to become a more perfect Union is not easy. But when respect and understanding for our institutions of government can be maintained, our

strength is revealed and provides momentum for greater justice and prosperity in our future. So it is important that I begin a report on the condition of the judiciary with the condition of our respect and commitment to a process of government and the important roles we all have in it.

We have the greatest respect for you and the state's other public officials. This respect is not only derived from your devoted service but because you speak and act for the people of Iowa. Our government was set up for you to be their voice. Courts are different. We too were set up to speak, but in a more limited way. We resolve legal disputes brought to us by Iowans by applying the law, including the values and principles found in the people's Constitution. The independence of the courts from the political branches is not a divide but our very strength as a state and as a nation.

As the voice of the people's Constitution, the courts are integrated into the fabric of each community in Iowa. We are a community based court system. In addition to our physical presence in 100 county courthouses, there are the 1700 Iowans who work for the courts and are also active members of their communities. From Waverly to Van Meter, Marshalltown to Bettendorf, Muscatine to Spencer, there are judges and court employees who volunteer their time and skills for the benefit of their communities. These judges and court employees volunteer for the YWCA, participate in community theater, serve in the National Guard, and serve as EMTs and as firefighters. Some volunteer for 4-H, the Girl Scouts, the Boy Scouts, historic preservation commissions, community action agencies, and religious organizations. Regardless of how they choose to serve their communities during their personal time, professionally, these Iowans work in our court system every day to provide justice to their neighbors. I would like to take this moment for all of us to show our appreciation to the judges and court employees of the Iowa Judicial Branch for their tireless efforts to provide justice both inside and outside of the courthouses.

Shortly after the court selected Justice Cady as chief justice, the court began taking our court on the road. We traveled to communities around the state to hear oral arguments, meet with Iowans, and visit local schools. Those travels have been a very rewarding experience for all of us. The conversations we had with Iowans across the state revealed their belief in the importance of justice, not just in words, but also in the daily interactions in their county courthouses.

In courthouses across Iowa, we are adapting our courts to draw from the strengths of each community to establish a better process of justice. Every day, our juvenile court officers help the youthful offenders in their communities to accept responsibility for their actions, address problems, and create opportunities for their futures. Every day, clerks of court, court administrators, and court attendants help people in their communities navigate through the justice system. Every day, judges and magistrates in their communities make thousands of decisions in an effort to deliver justice that is fair to all. Every day, we all work to find better ways for our court system to provide better services for people in our communities.

Community support and involvement is vital when seeking justice because a crime harms both the victim of the crime and the community as a whole. This can be seen in Scott County, where a dramatic increase in car thefts by juveniles brought the community together to seek solutions. Now, instead of detention, juveniles and their families meet face-to-face with the victims, juvenile court officers, and other members of the community. It is an opportunity for the juveniles to learn how their actions harm their victims and all of Scott County.

In the Auto Theft Accountability Program, a juvenile court officer will review the case of a first-time juvenile offender facing charges of first- or second-degree theft or operating a motor vehicle without an owner's consent. If the juvenile fits the program's criteria, the case will be forwarded to the Scott County Attorney's Office for admission to the program. During the face-to-face meeting,

the participants discuss the harm that has been done and create a plan for how the juvenile is to repair that harm. The youth offender will have three months to complete the plan. A recent plan included the juvenile paying for the damage and mowing the victim's lawn and doing other yard work for 12 weeks. In Scott County, the community and courts work together to provide justice to juveniles, victims, and the community as a whole.

In Waterloo, community leaders recognized that providing timely justice to individuals with probation violations was becoming more difficult. Congested probation dockets caused significant delays in scheduling, which resulted in long jail stays in an overcrowded jail. Judges, probation officers, the county attorney, and the public defender's office worked together to address the problem. They developed two innovative programs: Fast Track and Swift, Certain, and Fair. Both programs are for defendants with technical or simple misdemeanor probation violations.

In both programs, after a probation violation, the person is taken into immediate custody and has a hearing the next morning. At the hearing, the judge orders consistent, immediate sanctions. The outcomes we have seen so far are promising, with reductions in the jail population, a shorter wait time for a hearing, and a reduction of the number of people with repeat violations. Of the 186 people participating in the first year of Fast Track, only 13 appeared more than once. More than 300 individuals have participated since 2017. Those individuals were able to return to their families and jobs. In Waterloo, the community came together to find better ways for our court system to provide consistent and timely justice.

In Storm Lake, the Buena Vista County Family Treatment Court has formed strong bonds with community partners to find ways to better serve children and families in the child welfare system. The treatment court has the support of community providers, city and county leaders, religious organizations, as well as many, many other community partners. Because of the strong community

relationships developed, participants in the family treatment court were able to share in a food distribution program that handed out 30,000 pounds of frozen food to members of the Storm Lake community. In Storm Lake, the community came together to provide justice to families threatened by parental substance abuse.

And, throughout our state, an increasing number of Iowans are using the business court for faster, less costly resolution of business disputes. That is why, with the addition of a business court judge from Humboldt and one from Des Moines, we now have five judges handling complex civil business cases in all four corners of the state. Today, I am also excited to announce that we are partnering with Drake Law School's Agricultural Law Center to spread the word to farmers about how the business court has the expertise to resolve their disputes. Farmers and business owners need and deserve fast, effective, and predictable justice.

During Chief Justice Cady's 36 years on the bench, Iowa has experienced dramatic changes in how the justice system serves our diverse communities. We continue to transform our justice system from a generalized court system into one that includes highly specialized courts designed to target and address the special needs of Iowa's communities. I hope you can see what the courts mean to your communities and how they are changing to meet the community's needs while continuing to administer justice fairly and impartially to all Iowans. Justice is more than a court system; it is what we give to each other as neighbors and Iowans.

But there is more change to come. After Governor Reynolds appoints a new member to the court, we will select a new chief justice. About that time, I will be leaving the court, and the governor will appoint another new justice to the court. While there will be many changes, I am confident that the newly composed court will serve with distinction in the tradition of Justices McGiverin, Hecht, Snell, and, of course, Chief Justice Cady.

Chief Justice Cady once told me that chief justice was the hardest job he ever had. He worked daily to cast a greater light on the accountability and progress of Iowa's justice system. Now, we in the judicial branch must continue the work Chief Justice Cady started—to promote public understanding of our justice system. We must display our shared values in a strong democracy. We must reveal the values and strengths of the institution of justice. Justice endures when we promote public trust and confidence in our court system. Justice endures when Iowans in every community see the value in the services our court system provides. Justice endures when Iowans in every community see their fair and impartial courts as essential in our democracy.

Thank you.