

# FY21 Judicial Branch Budget Presentation

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Todd Nuccio

State Court Administrator





# Iowa Judicial Branch Overview



# Judicial Branch People

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**Judges and Magistrates** use their legal expertise and knowledge to impartially apply laws to serve the public.

**Clerks of Court and Clerk Staff** oversee the operations of the clerk's offices in each of Iowa's county courthouses. Across 99 counties, clerk's office staff perform a wide variety of tasks including: processing and maintaining all documents filed with the court; collecting and processing fines, fees, and restitution; assisting citizens with filing documents; and sharing court information with state agencies.

**Juvenile Court Officers** and their staff protect the public by working directly with delinquent youths and their families to develop skills needed to address negative behaviors.

**Court Reporters** keep the record of trials, hearings, and court proceedings, and provide clerical support to judges.



# Judicial Branch People

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**Court Administrators** and their staff help schedule trials and manage the business side of the courts, such as human resources, accounting, purchasing, information technology, and training and education.

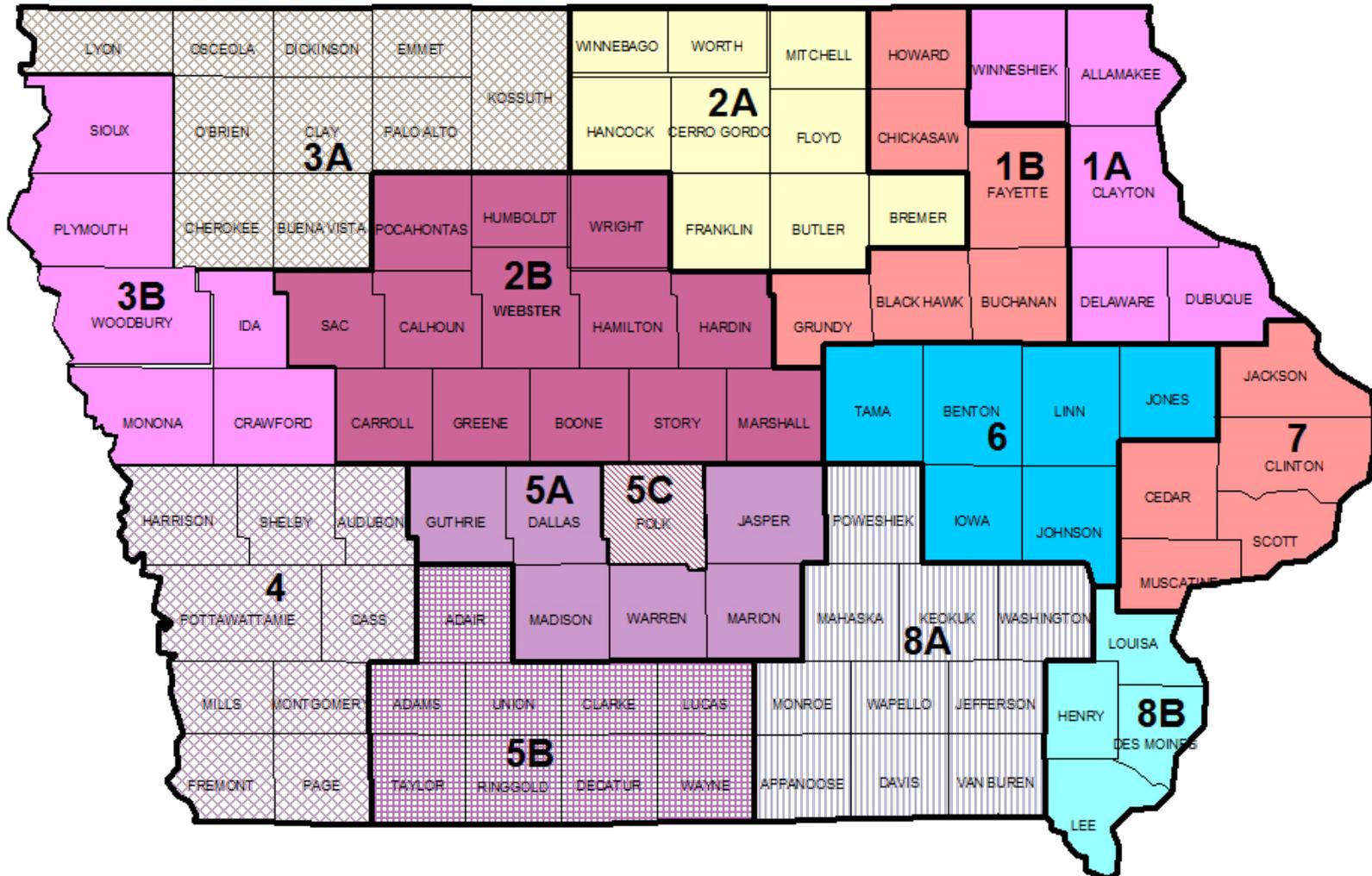
**Judicial Specialists** conduct scheduling conferences, prepare scheduling and other orders, and assist with jurors and jury trials and other court proceedings.

**Information Technology Professionals** provide ongoing maintenance and support of the Electronic Document Management System, online fine payments, and Iowa Courts Online access.

**Law Clerks** are attorneys who conduct legal research and analysis, draft routine court orders, and perform other law-related duties.



# Judicial Election Districts





# Workload Staffing Formulas



# Judicial and Court Support Staff Formulas

- **“Weighted caseload” formulas** are used to determine the need for **judges, magistrates, juvenile court officers, and clerks’ office staff.**
- Based on **work-time studies** – conducted by consultants from the National Center for State Courts – to determine the **average amount of time** judges and the other types of staff spend on each of several different case types each year.
- The average time on each case type (the **case weight**) **is multiplied** by the number of filings of each of those case types to estimate the average annual amount of work-time (translated into **full-time equivalent judges or other staff**) needed to handle the workload.
- The filings for the weighted caseload calculations **are updated** each year.
- **A new work time study** is conducted about every eight years to determine the average time factors for the case weights.



# National Center for State Courts Judicial Officer Workload Formula

	D1	D2	D3	D4	D5	D6	D7	D8	State
<b>Judges <u>needed</u> per caseload formula</b>	23.1	28.5	23.2	17.4	53.1	25.5	22.7	22.2	<u>215.6</u>
<b><u>Actual</u> number Judges</b>	23.5	27.5	20.8	12.8	45.8	20.8	17.0	18.0	<u>186.0</u>
<b>Difference</b>	0.4	-1.0	-2.4	-4.6	-7.3	-4.8	-5.7	-4.2	<b>-29.6</b>
<b>% diff.</b>	2%	-4%	-10%	-27%	-14%	-19%	-25%	-19%	<b>-14%</b>

D = judicial district



# National Center for State Courts District Court Clerk and Case Scheduling Staff Workload Formula

	D1	D2	D3	D4	D5	D6	D7	D8	Total
<b>FTE staff <u>needed</u> per caseload formula</b>	89.6	106.2	86.3	59.9	189.1	95.0	81.4	72.5	<u>780.0</u>
<b>FTE staff <u>authorized</u> per budget</b>	91.2	104.5	83.6	60.0	182.5	96.8	75.8	68.0	<u>762.5</u>
<b>Difference</b>	1.7	-1.8	-2.6	0.2	-6.7	1.9	-5.6	-4.5	<b>-17.5</b>
<b>% difference</b>	2%	-2%	-3%	0%	-4%	2%	-7%	-6%	<b>-2%</b>

D = judicial district

FTE = full time equivalent employee



# National Center for State Courts

## Juvenile Court Officers Workload Formula

	D1	D2	D3	D4	D5	D6	D7	D8	State Total
<b>FTE JCOs needed per caseload formula</b>	23.9	27.8	23	12.7	53.6	27.2	21	17.7	<u>206.9</u>
<b>Actual number of JCO positions (Funded for FY20)</b>	22	26	22	13	47	25	20	17	<u>192</u>
<b>Difference</b>	-1.9	-1.8	-1	0.3	-6.6	-2.2	-1	-0.7	<b>-14.9</b>
<b>% difference</b>	-8%	-7%	-4%	+2%	-12%	-8%	-5%	-4%	<b>-7%</b>

D = judicial district

FTE = full time equivalent employee



# Case Filing Trends



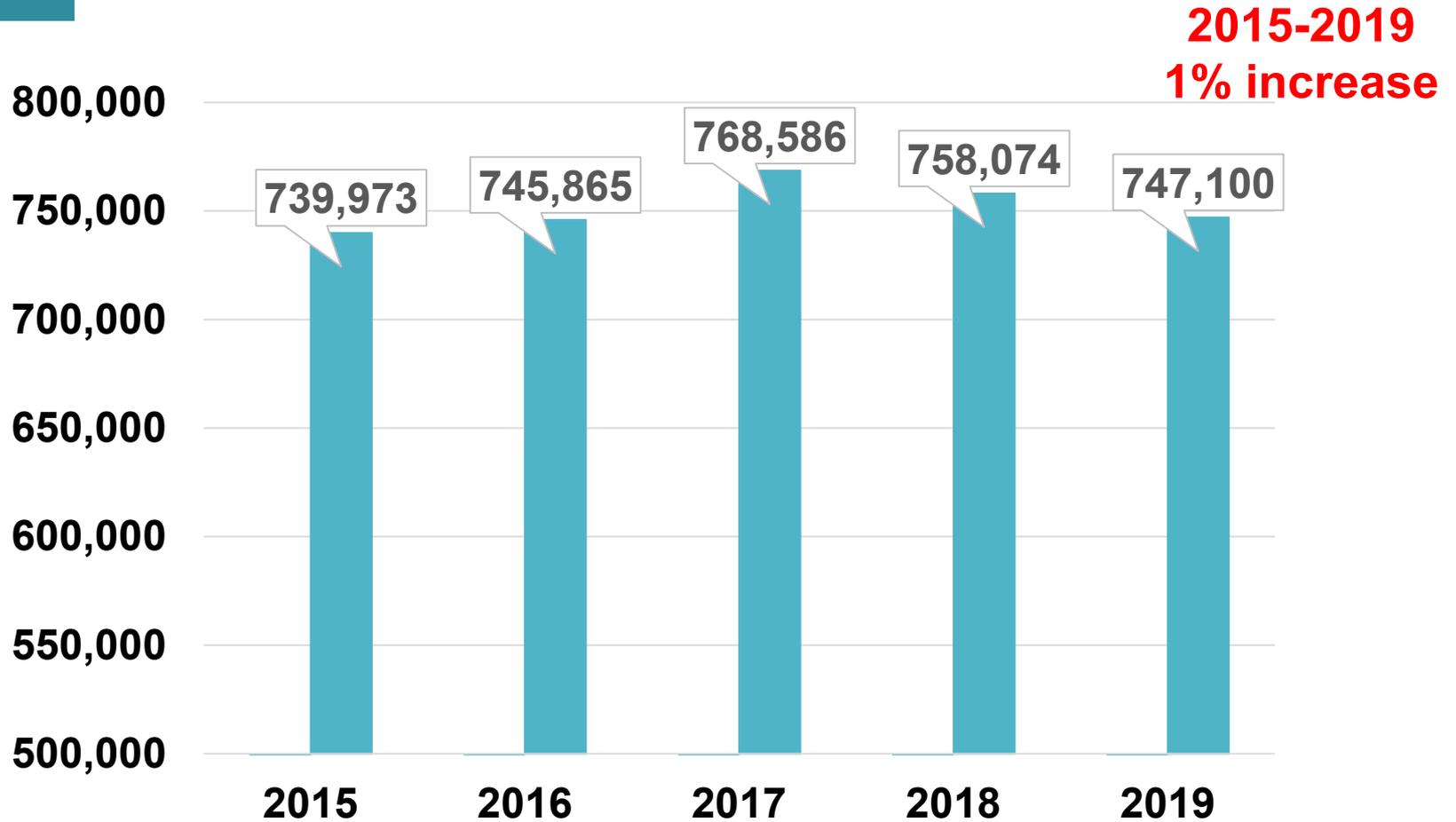
# Filings by Case Type

## 2019 Calendar Year Filings

<b>Domestic</b>	• 37,266	<b>Simple Misdemeanors</b>	• 469,812
<b>Tort</b>	• 3,609	<b>Indictable Criminal</b>	• 90,789
<b>Other Civil</b>	• 20,645	<b>Probate</b>	• 25,327
<b>Small Claims &amp; FEDs</b>	• 86,808	<b>Juvenile</b>	• 12,844
<b>Total Filings</b>		• 747,100	



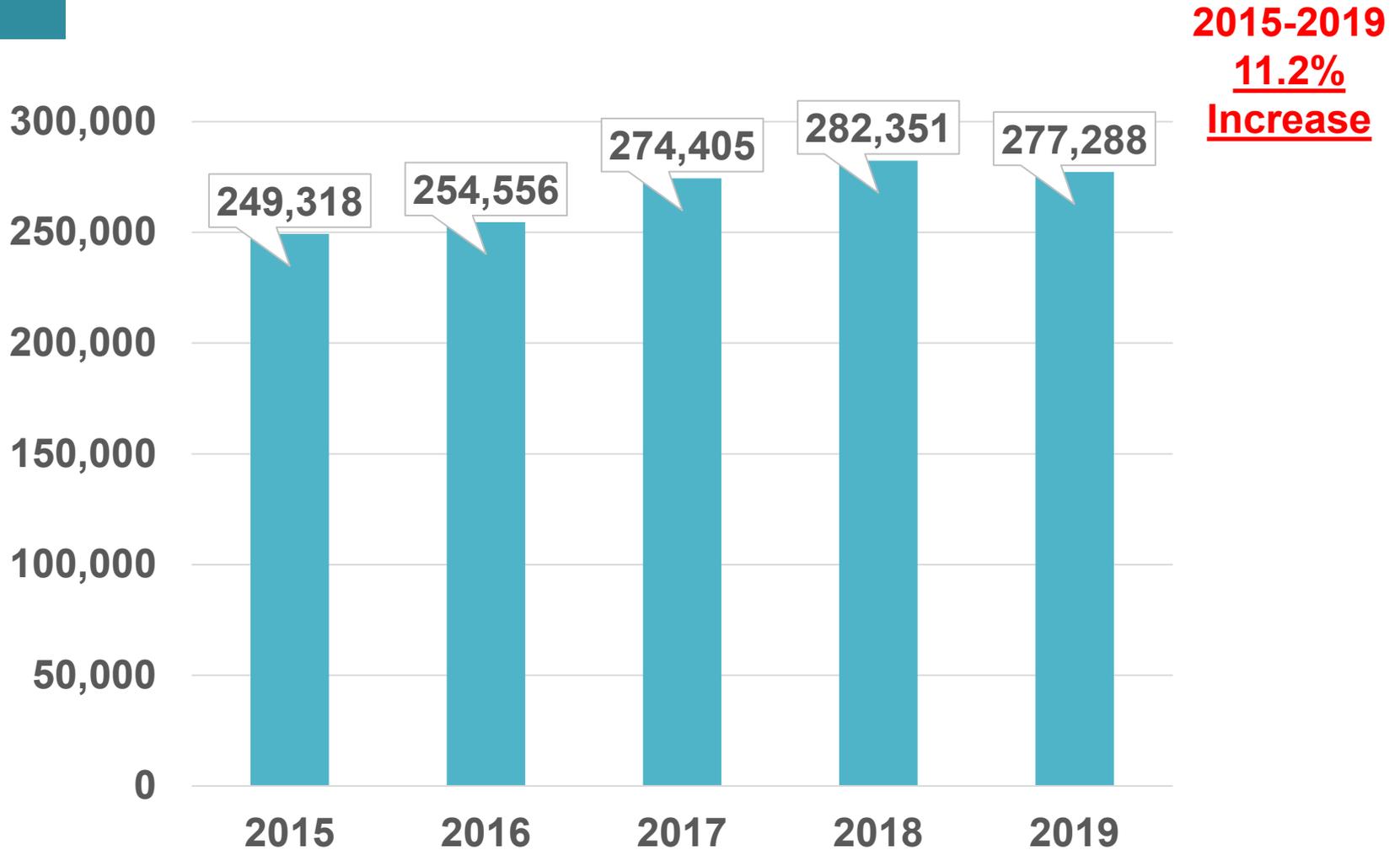
# Five Year Case Filing Trend





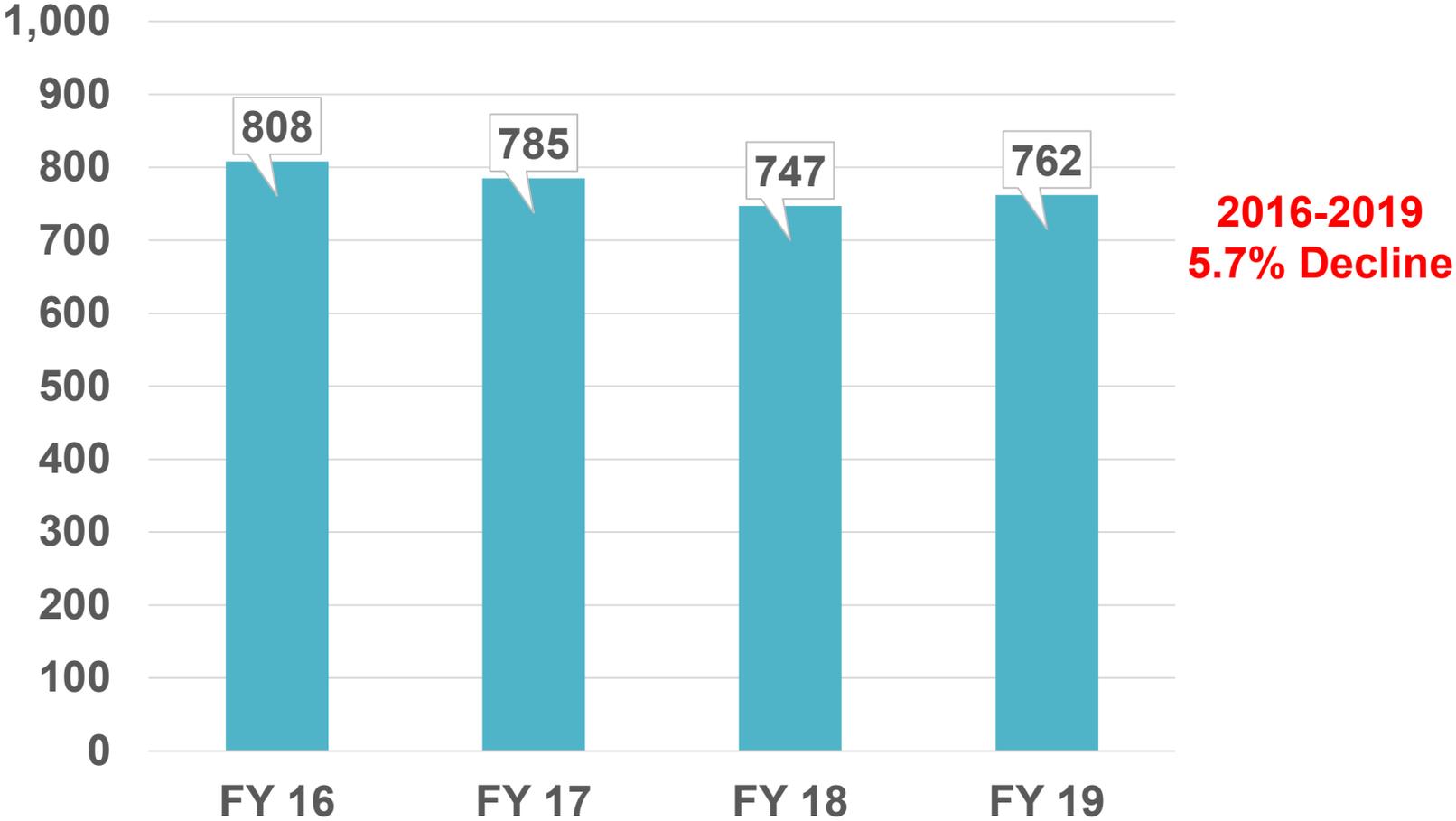
# Five Year Case Filing Trend

*(excluding simple misdemeanors)*



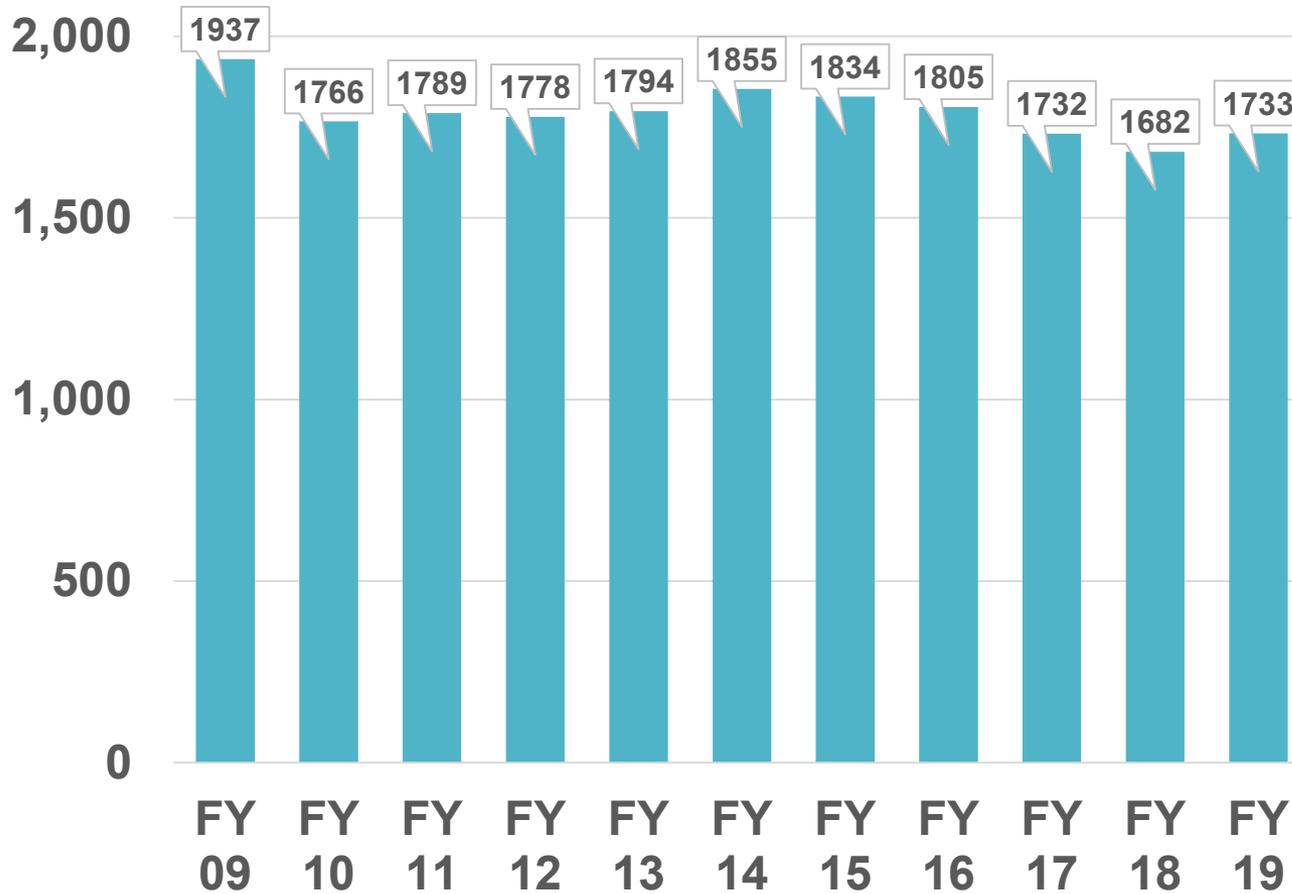


# Clerk and Case Schedulers Staffing Trend





# Judicial Branch Employees: FY 09-FY 19



**FY 09-FY 10  
10.5% Decline**



# Priority Order for Scheduling / Trying Cases

## **Priority Cases:**

1. Civil commitments under chapters 125 and 229
2. Domestic abuses cases under chapter 236
3. Juvenile cases (CINA, TPR, delinquency)
4. Criminal cases – especially where defendants demand speedy trial
5. Cases involving child custody, physical care, visitation, support
6. Guardianship cases
7. Other cases involving a threat of serious harm to health or safety or the restriction of an individual's liberty.

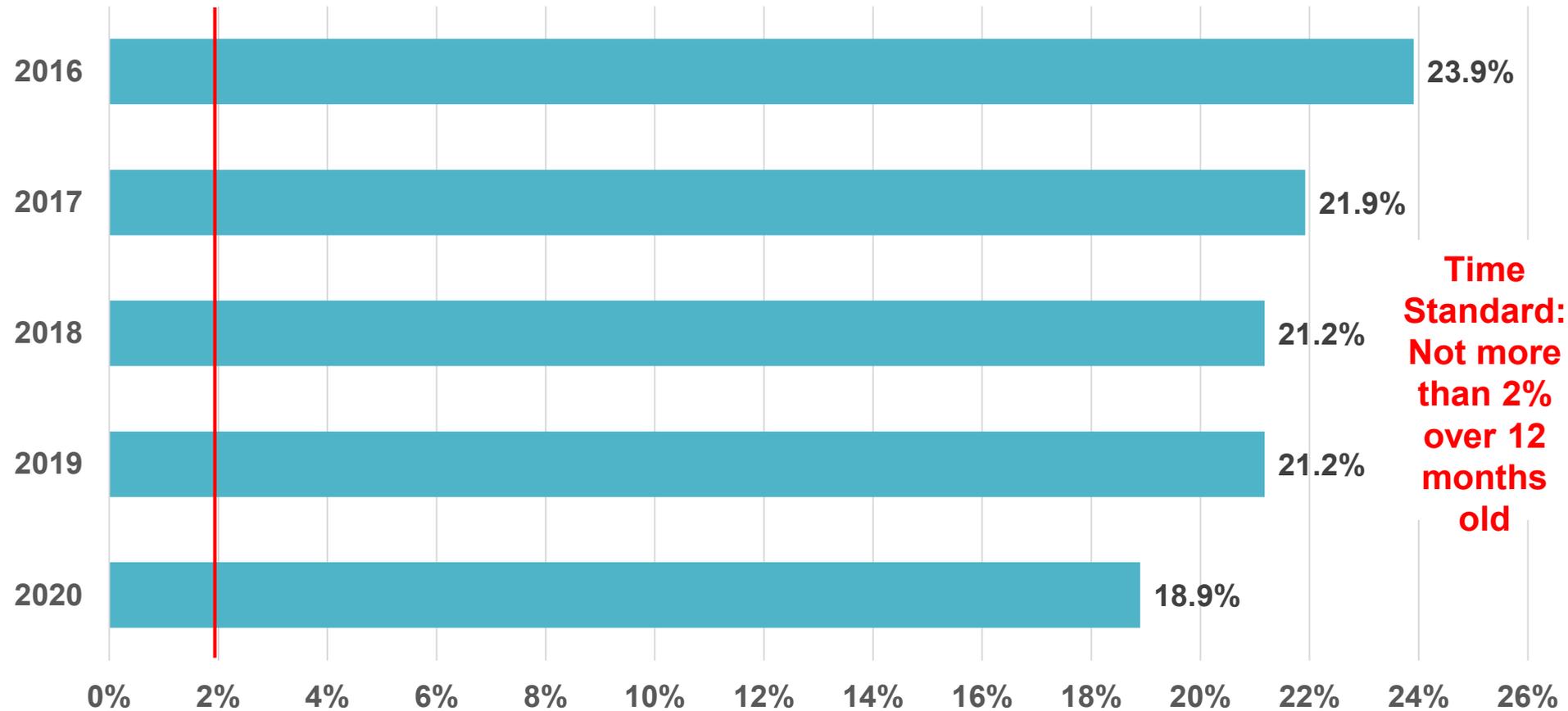
## **Cases Not Given Priority:**

1. Dissolutions of marriage not involving children
2. Foreclosure actions
3. Civil actions for recovery of money damages
4. Small claims
5. Administrative appeals
6. Probate other than guardianships
7. Other law and equity cases



# Age of Pending Cases

## Felony criminal cases: Percentage of pending cases more than 12 months old

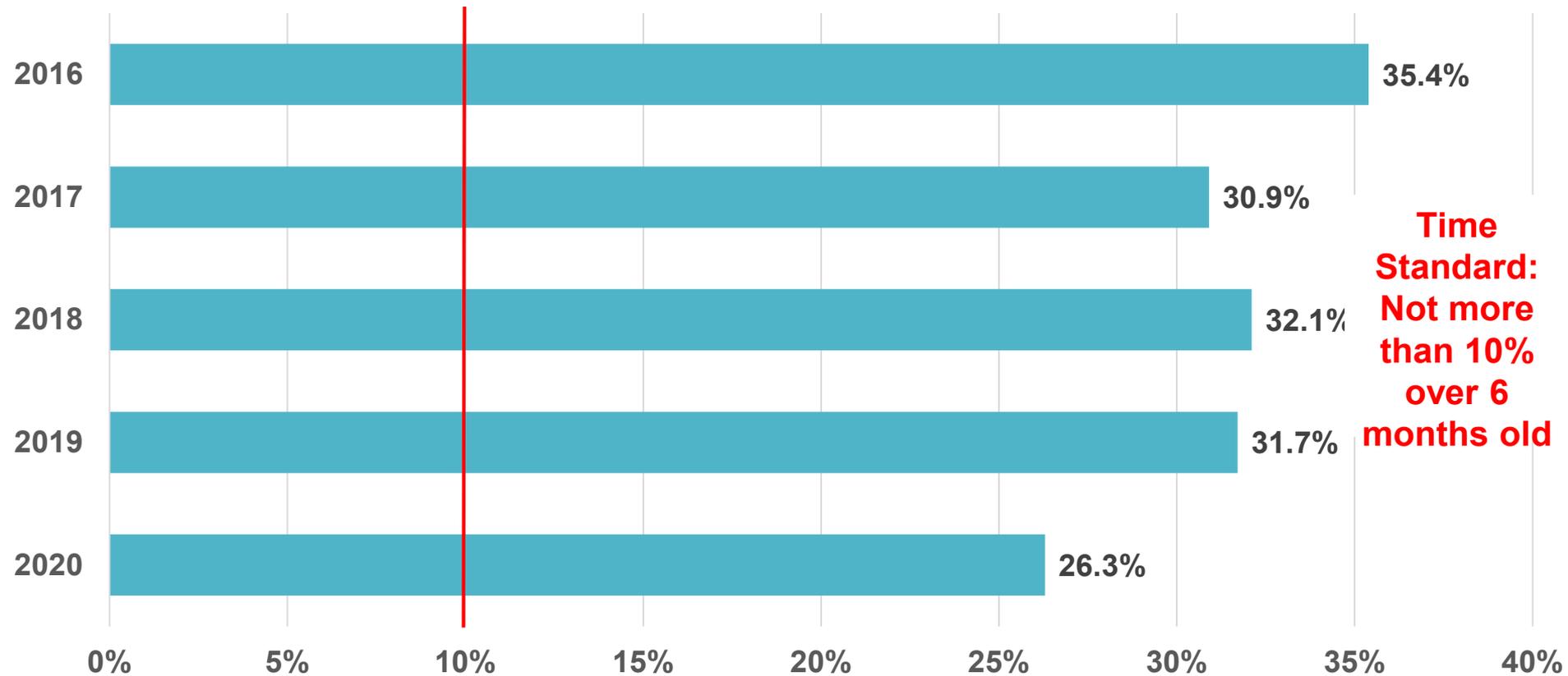


**Time  
Standard:  
Not more  
than 2%  
over 12  
months  
old**



# Age of Pending Cases

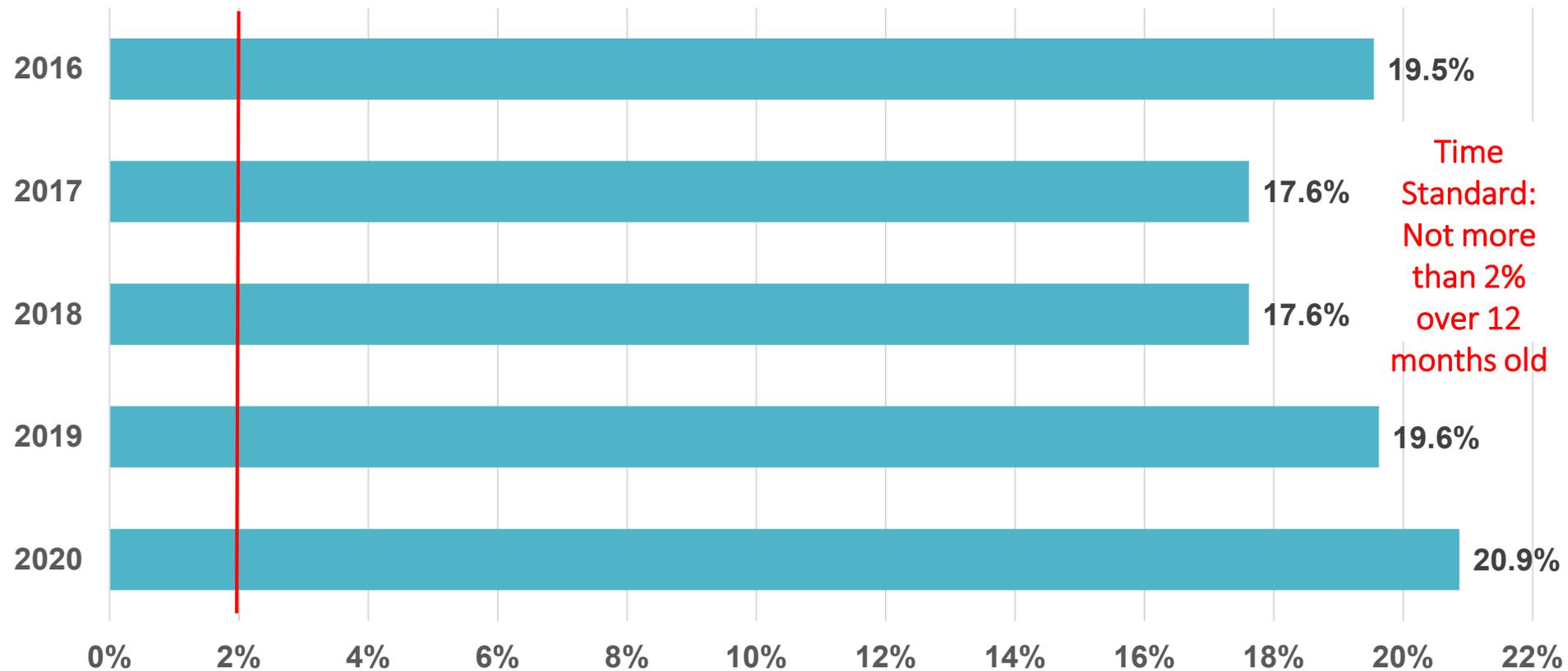
Indictable misdemeanor criminal cases:  
Percentage of pending cases more than 6 months old





# Age of Pending Cases

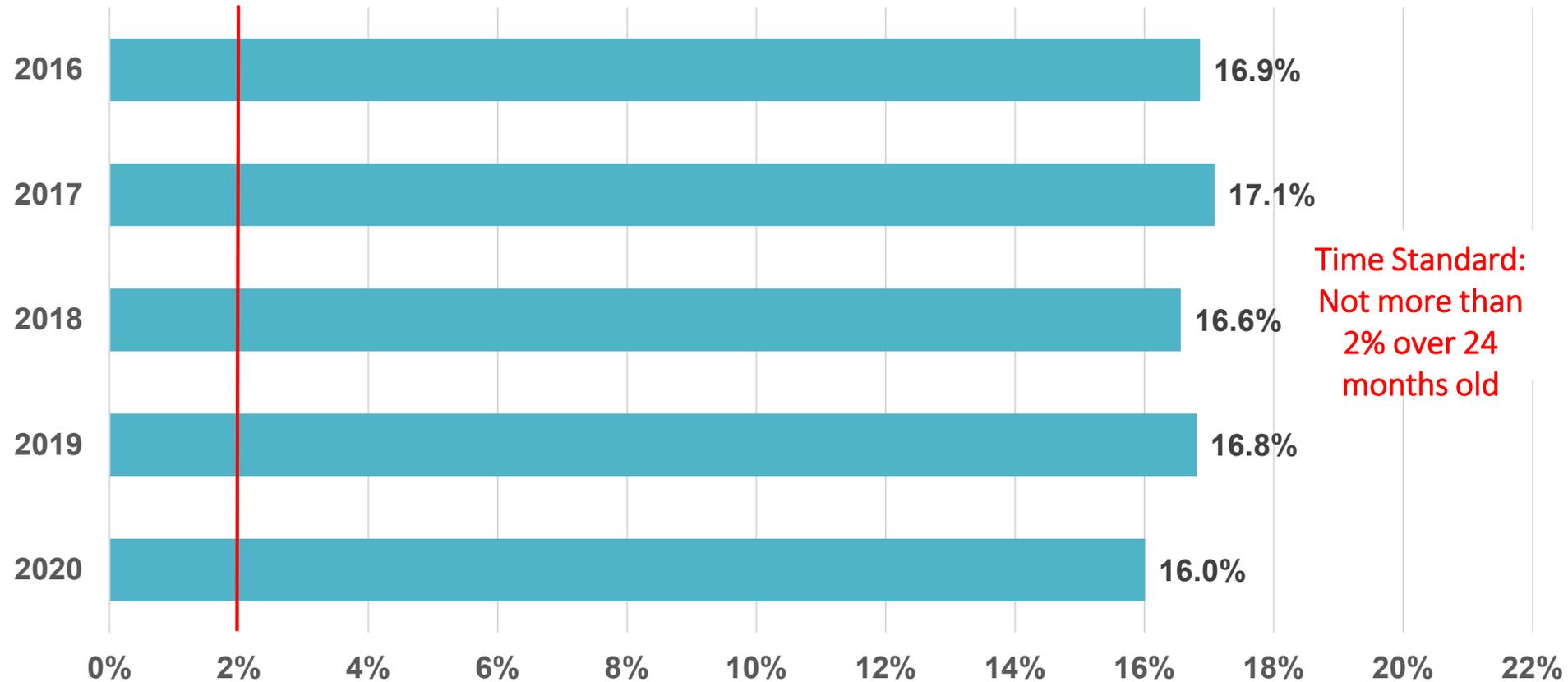
Domestic relations - dissolution, custody, paternity:  
Percentage of pending cases more than 12 months old





# Age of Pending Cases

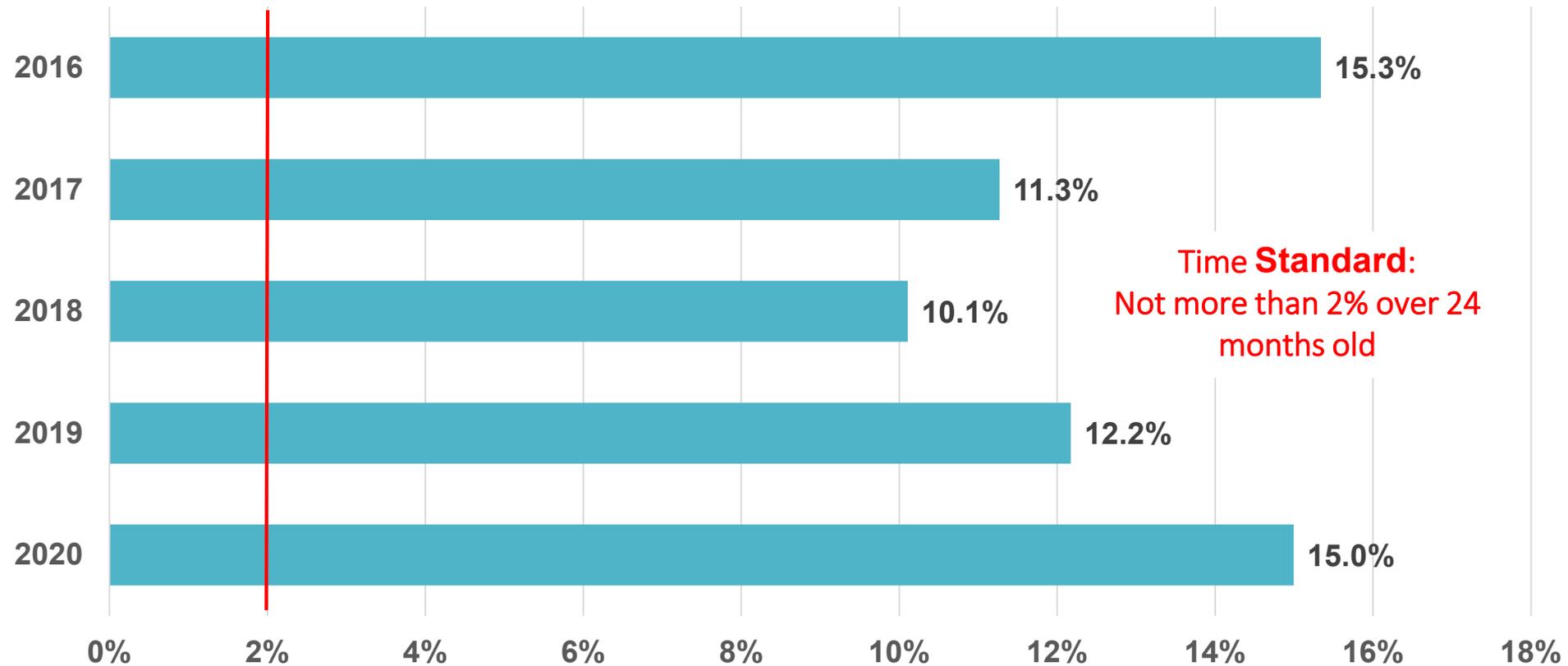
## Probate - full estates: Percentage of pending cases older than 24 months





# Age of Pending Cases

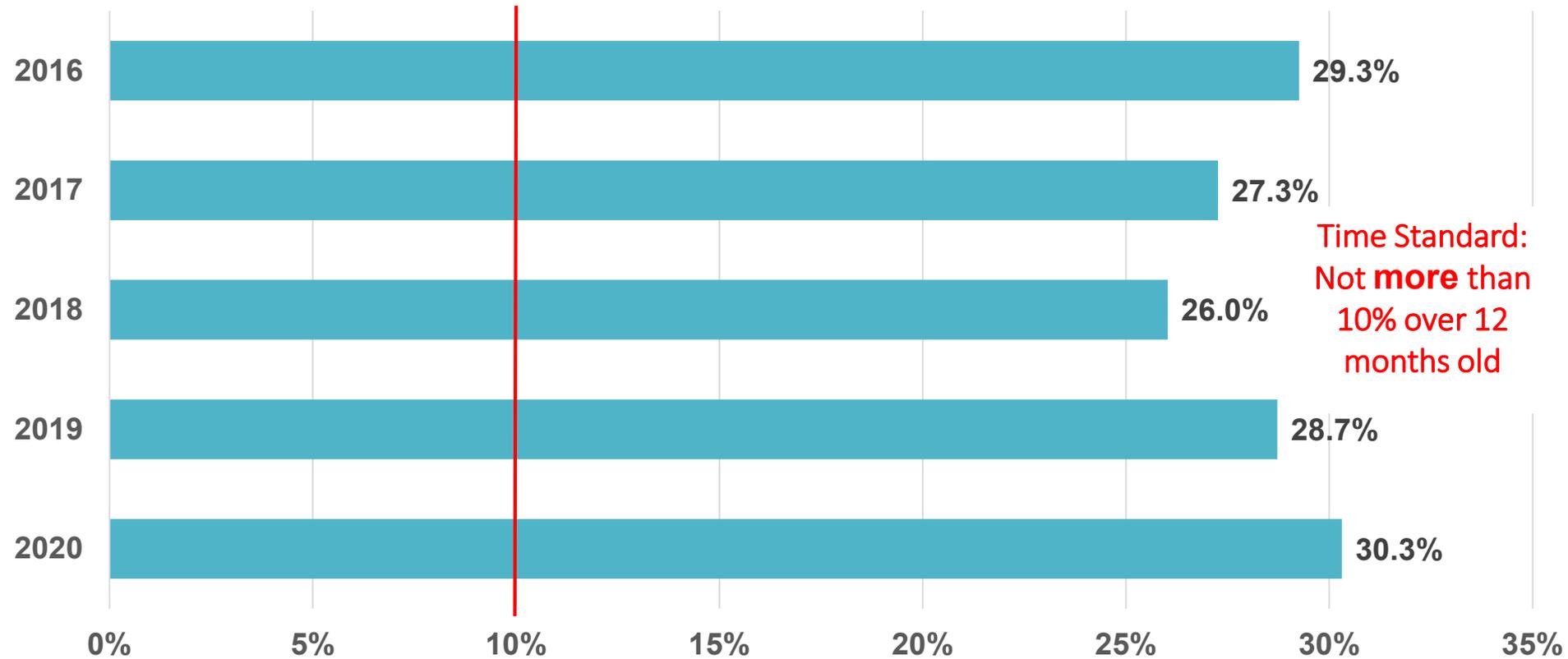
## Complex civil cases: Percentage of pending cases more than 24 months old





# Age of Pending Cases

## Regular civil cases: Percentage of pending cases more than 12 months old





**Courts  
Work for  
Iowans**

# Improvement Initiatives – Recent Examples (from 2019 Annual Report)

## COURTS WORK FOR IOWANS

**ISSUING EMERGENCY PROTECTION ORDERS AFTER HOURS.** To better respond to Iowans seeking help in an emergency outside of regular business hours, a system is being created to allow for after-hours issuance of emergency domestic abuse, sex abuse, and elder abuse protection orders.



**MAKING ONLINE PAYMENT EASIER.** To provide Iowans with a more convenient, efficient, and user friendly payment system, an online “shopping cart” feature was added to allow for payment of multiple fines, fees, and costs in a single transaction.



**RESOLVING DISPUTES FROM HOME.** To increase access and reduce disruptions that occur for Iowans involved in certain cases, pilot projects are launching for “online dispute resolution” in small claims, traffic, and landlord-tenant cases.



**DIVERTING LOW RISK YOUTH AWAY FROM COURT.** To protect communities, create positive outcomes for juveniles, and save money on costly juvenile detention, juvenile court officers are partnering with law enforcement agencies and service providers to divert youth into community-based programs.



**STRENGTHENING PROBLEM-SOLVING COURTS.** To better target the root causes of criminal acts and break the cycle of re-offense, a plan is being advanced to improve support for Iowa’s “problem-solving courts,” which will lay the groundwork to ensure that these courts are effective and their services are made available statewide.



**INCREASING EFFICIENCY OF OPERATIONS.** To achieve greater efficiency, balance workload, and create capacity to address workload fluctuations, a new model to distribute court work across geographical boundaries is being tested.



**OFFERING EASY-TO-USE COURT FORMS.** To make it easier for Iowans to access the courts, a major effort to create interactive, guided court forms was launched.



**INCREASING EFFICIENCY THROUGH VIDEO CONFERENCING.** To increase efficiency and reduce travel costs, video conferencing systems were installed in select courtrooms to enable remote participation by parties, attorneys, interpreters, and court reporters.



**ADDRESSING IMPLICIT BIAS.** To ensure all people are treated equally under the law, a more in-depth phase of implicit bias training for judges and court staff is being developed to continue the effort to combat implicit bias.



**IMPROVING PROCEDURES FOR JURORS.** To ensure that a fair and efficient process exists to impanel juries that are representative of Iowa communities, a new jury management approach was created to allow for higher jury service appearance rates, which may reduce the number of people who need to be summoned for jury service.



# Courts Work for lowans

## Access to Justice Initiatives

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### **Easy to use court forms**

- To make it easier for lowans to access the courts, a major effort to create interactive, guided court forms was launched. Something of a “turbotax” for court forms.

### **Online Dispute Resolution (ODR) pilot**

- Three courts (Black Hawk, Carroll, and Story) are launching pilot online dispute resolution (ODR) programs, which are intended to enhance access, reduce costs, and modernize court procedures in certain high volume civil cases such as traffic, evictions, and small claims.



# Courts Work for lowans

## Addressing Substance Abuse & Mental Illness

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### **Strengthening problem solving courts**

- Multi-year plan
- Standards/nationally recognized best practices
- Ensuring courts follow standards
- Developing data collection systems and procedures
- Establishing high quality training program
- Providing technical assistance/support
- Application process
- Certification



# Iowa Judicial Branch Finances



# Division of Funding

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## State funding:

*Judges and court staff*

*Information technology*

*Continuing education*

*Furniture and equipment*

## County funding:

*Courthouses*

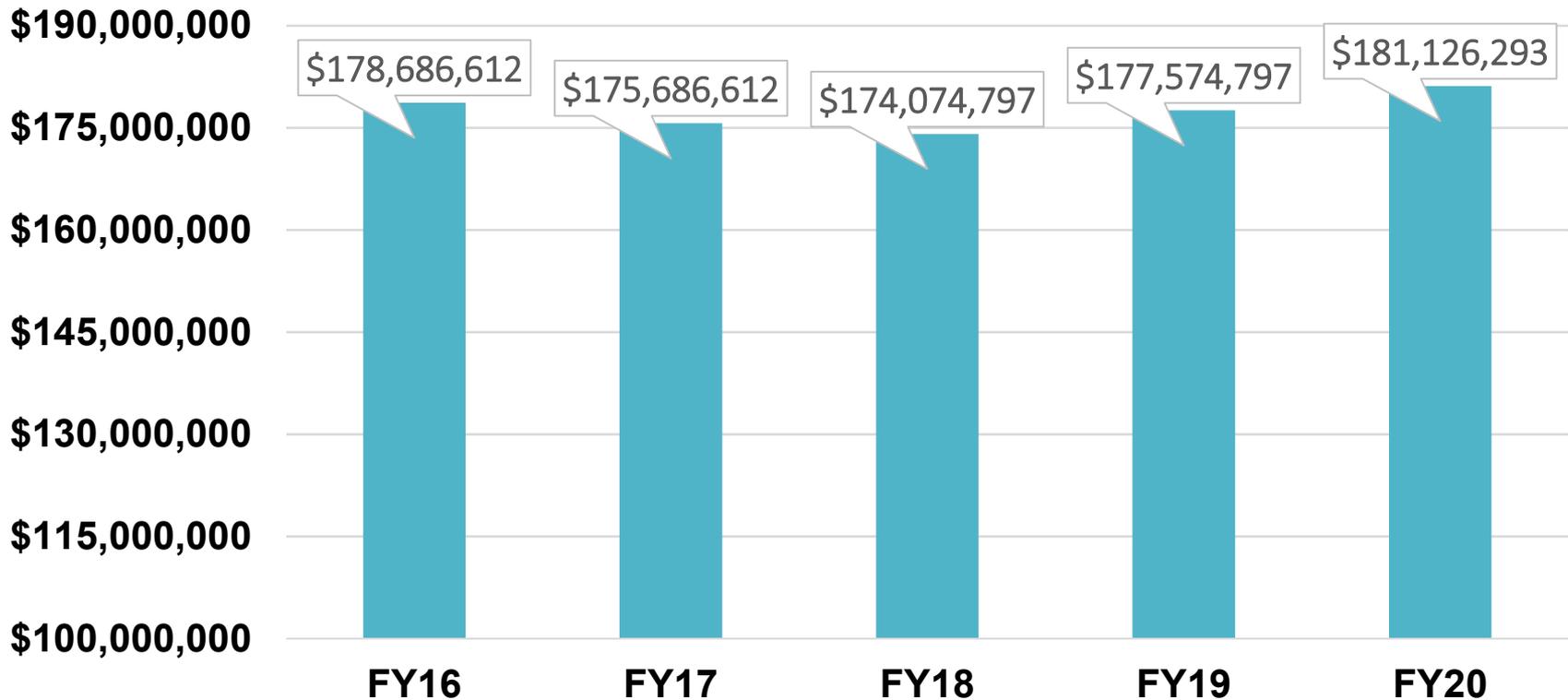
*Court security*



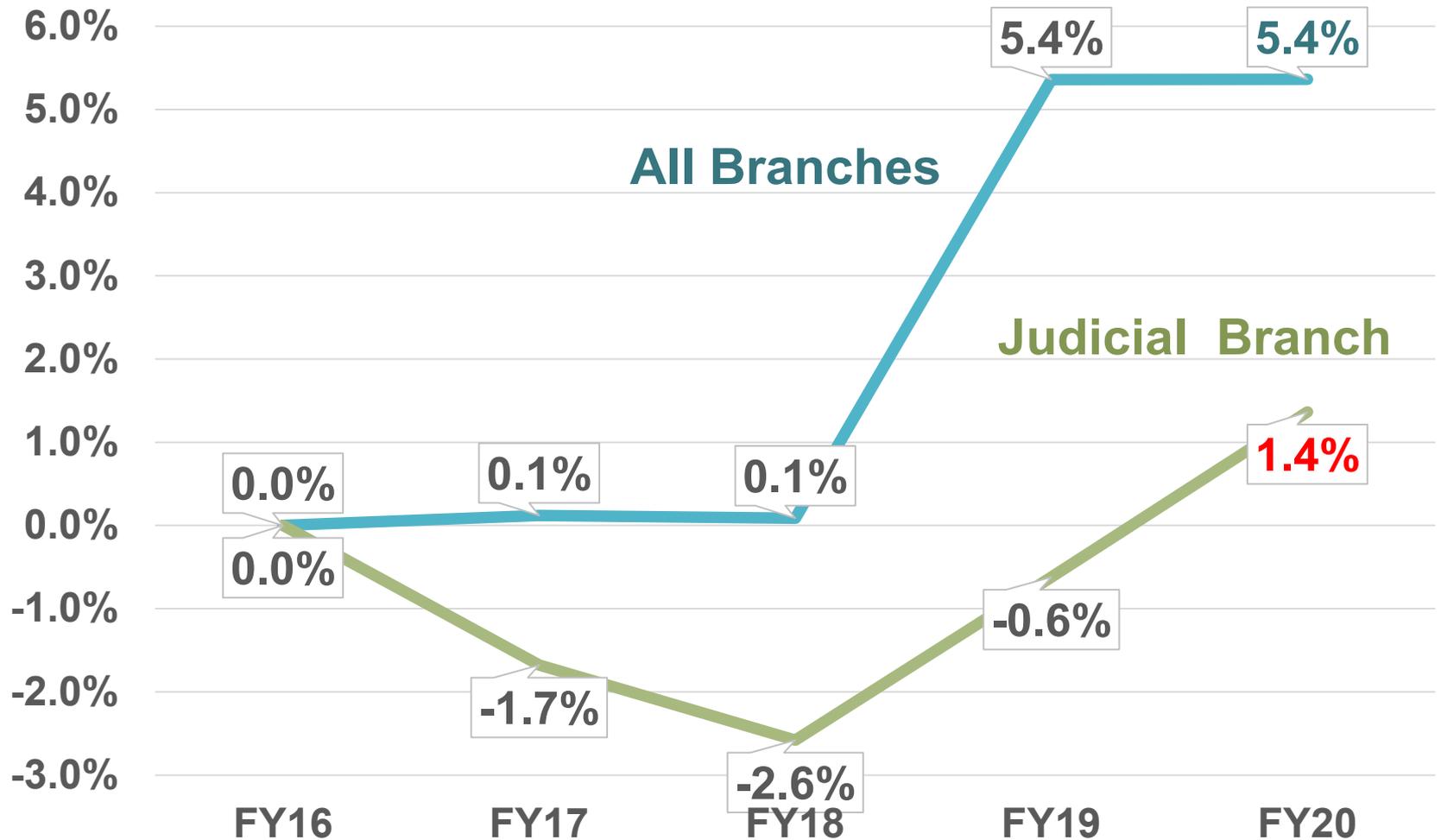
# General Fund Appropriation History

(excluding jury and witness fund)  
FY2016 to FY2020

**FY16 – FY20**  
**1.4% Increase**



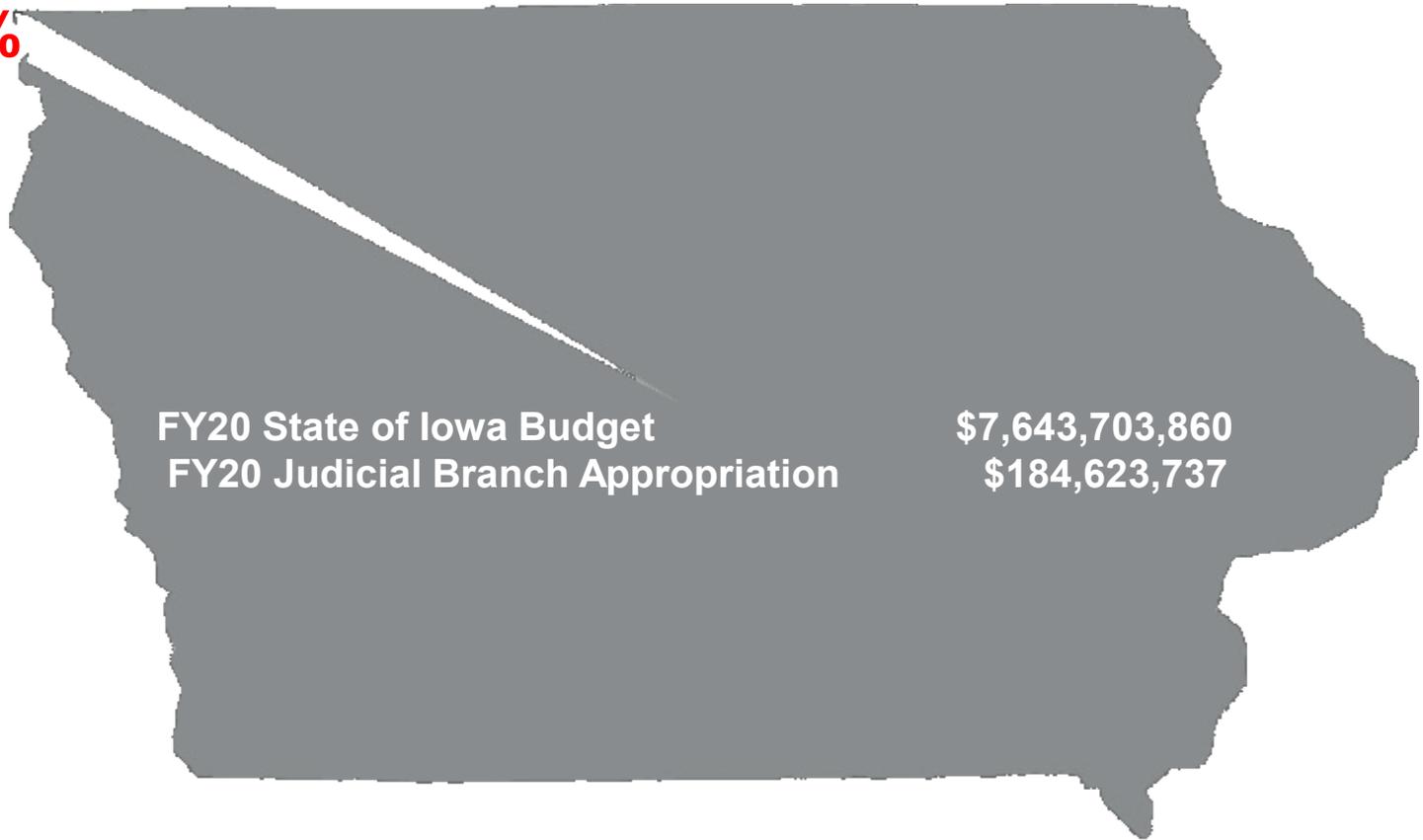
# Judicial Branch and State Budget Change Since FY 2016





# Judicial Branch Funding as Percent of State Budget

**2.4%**





# Iowa court clerk revenue collections – FY 2019

Fines, infractions, civil penalties, LE surcharge	\$53,810,871
Miscellaneous court fees and items	\$18,824,264
Court costs	\$18,215,975
County and city fines, fees, surcharges, etc..	\$17,954,323
Filing fees	\$16,044,889
Criminal surcharge	\$15,956,529
Indigent defense reimbursement	\$3,386,888
<b>Total</b>	<b>\$144,193,739</b>



# FY21 Judicial Branch Budget Request

Description	Amount
<b>FY20 judicial branch revised* general fund budget</b>	<b>\$181,523,737</b>
FY20 judicial branch jury and witness budget	<b>\$3,100,000</b>
<b>FY21 new funding request details:</b>	
• Investing in rural communities	
• Investing in human capital – existing personnel	
• Investing in human capital – new personnel	
• Investing in access to justice/jury-witness fund	
<b>FY21 new funding request total from Justice Systems Appropriations Subcommittee</b>	<b>\$7,168,715</b>
<b>FY21 Capital needs funding request from Transportation, Infrastructure, and Capitals Appropriations Subcommittee</b>	<b>\$774,455</b>

\* The revised budget estimate includes the original general fund appropriation for FY20 plus a \$397,444 budget adjustment made to offset the impact of increased DAS interagency fee billings.



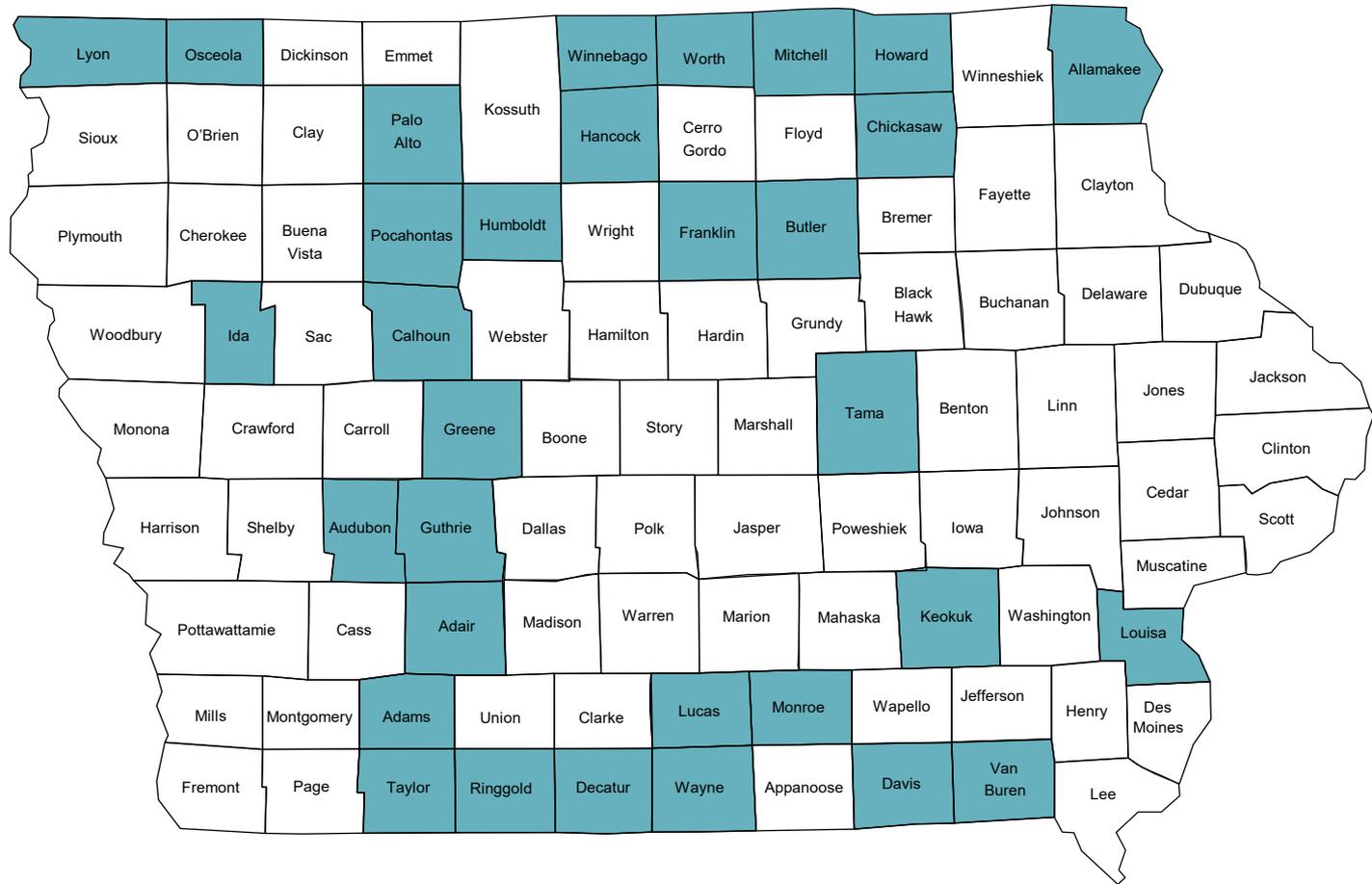
# FY21 Judicial Branch Budget Request: Rural Courts Initiatives

## Investing in rural communities – \$878,662

- The judicial branch seeks to strengthen its ties with rural communities and to offer a full complement of services on a full-time basis.
- Staffing in clerk of court offices in 32 counties is below the recommended level of 2.5 staff.
- A minimum of 2.5 clerk positions is recommended in each courthouse to ensure safety, fiscal responsibility, full-time coverage, and full-service.
- Closely aligned with the need for achieving minimum staffing to deliver full-time full-service in every county is the need for adequate staffing to cover overall workload demands. According to the workload formula developed by the National Center for State Courts, 17 additional clerks are needed statewide to timely process the overall workload.



# FY21 Judicial Branch Budget Request: Rural Courts Initiatives



 Counties with fewer than 2.5 clerks



# FY21 Judicial Branch Budget Request: Human Capital Initiatives

## **Investing in human capital – existing personnel – \$3,614,105**

- Iowans in all 99 counties benefit from the services provided by the 1,733 judicial branch judicial officers and employees.
- The education, experience and abilities of these individuals are the best assets of the judicial branch.
- Reviewing our total compensation package, and keeping it current, will allow for greater organizational and individual success.
  - 2.1% across the board increase mandated in employee contracts.
  - 2.1% across the board increase for non-contract employees so they are treated the same as the contract employees.
  - 1% step increase for contract and non-contract employees.



# FY21 Judicial Branch Budget Request: Human Capital Initiatives

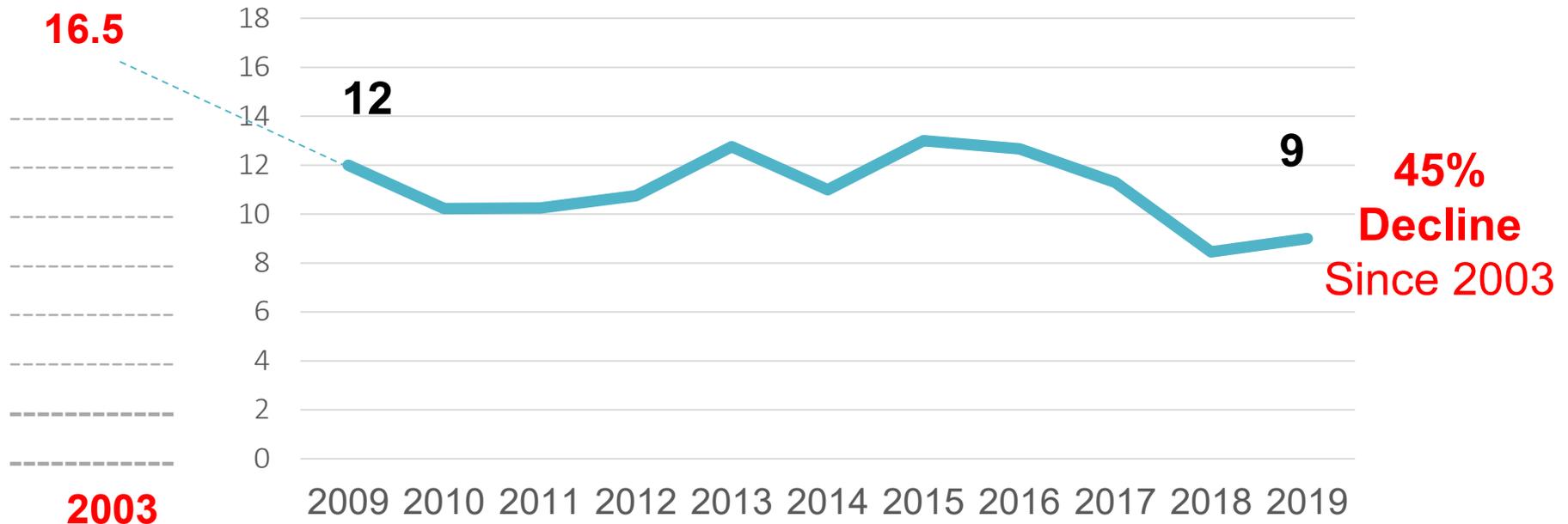
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- The judicial branch requests a **2.1%** salary increase for **all judicial officers**.
- Provide competitive compensation to attract and retain the most highly qualified applicants.



# FY21 Judicial Branch Budget Request: Human Capital Initiatives

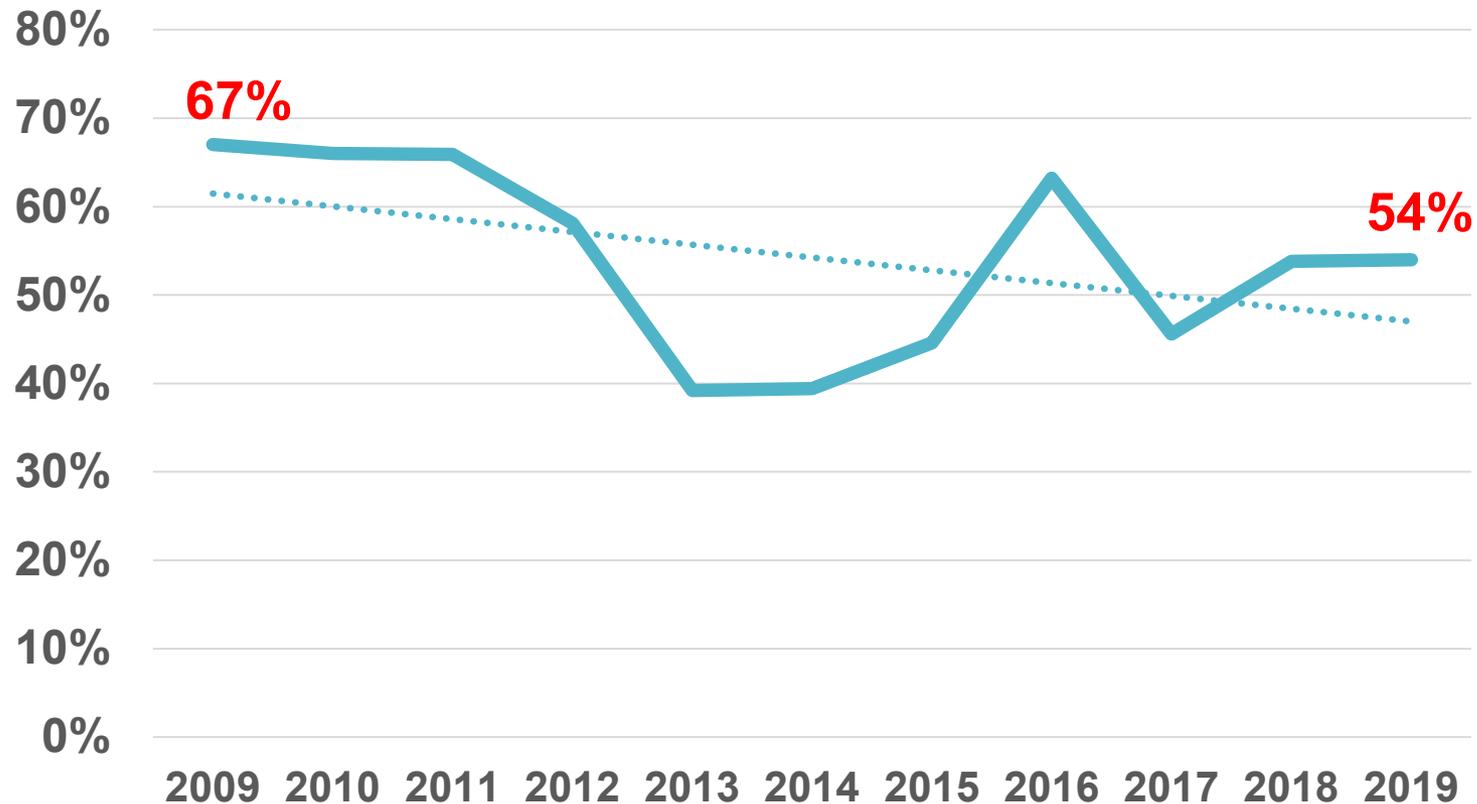
## Average number of applicants per district court judge vacancy from 2009 to 2019





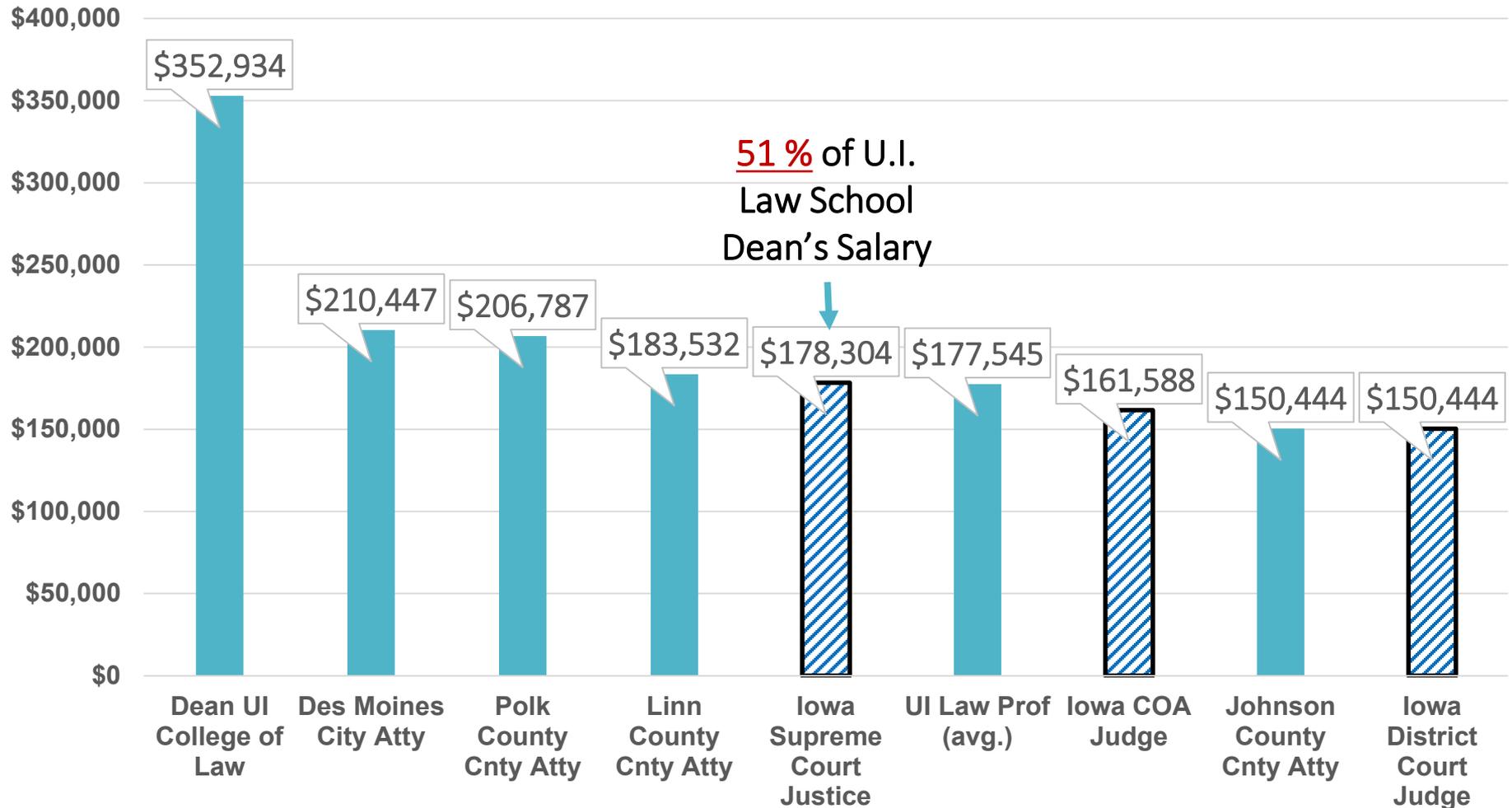
# FY21 Judicial Branch Budget Request: Human Capital Initiatives

Percentage of private practice applicants for district court judge vacancies 2009 to 2019





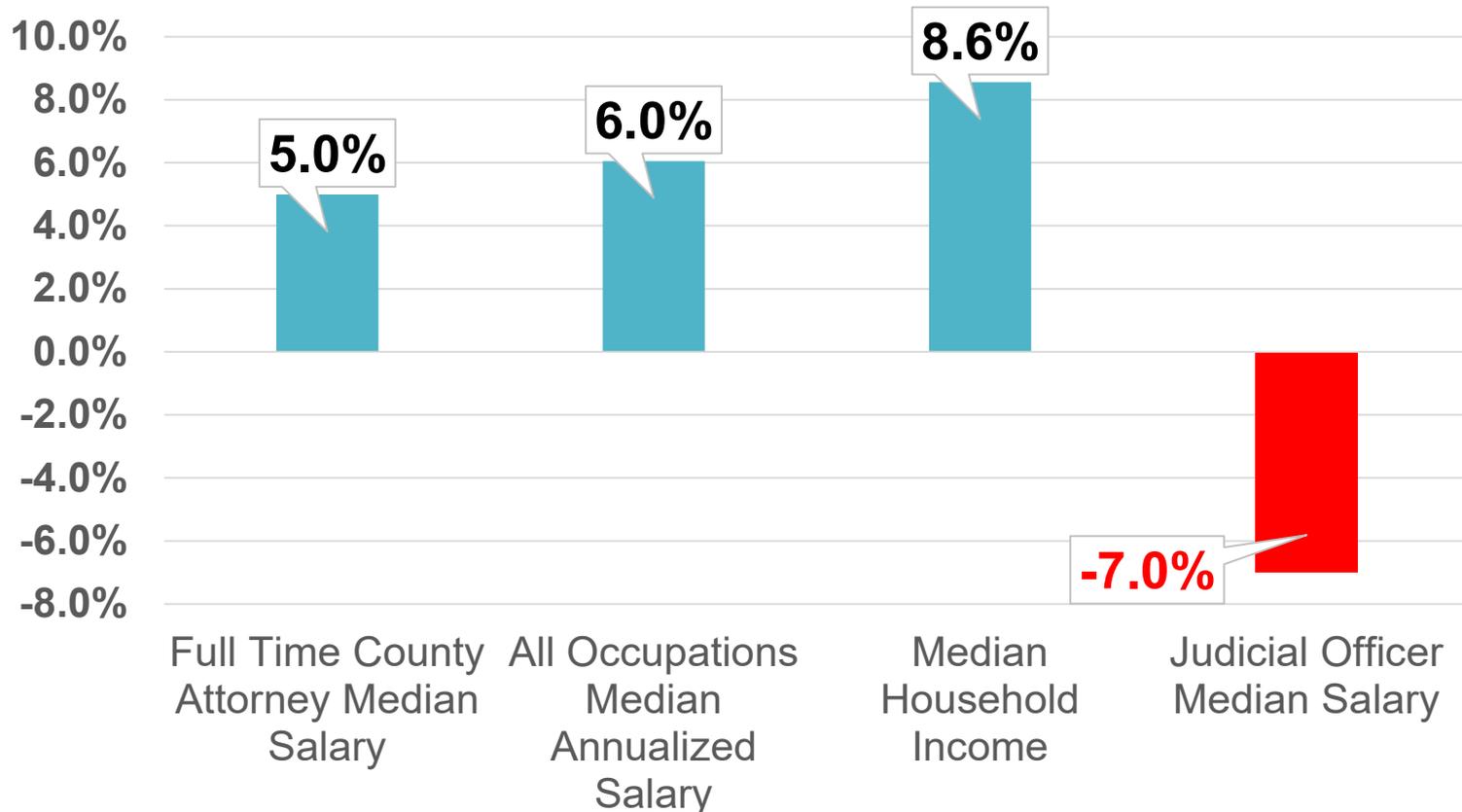
# FY21 Judicial Branch Budget Request: Human Capital Initiatives





# FY21 Judicial Branch Budget Request: Human Capital Initiatives

## Inflation-Adjusted Real Wage / Income Change in Iowa: 2010-2018





# FY21 Judicial Branch Budget Request: Human Capital Initiatives

## **Investing in human capital – new personnel – \$2,273,966**

According to the workload formulas developed by the National Center for State Courts, Iowans need 30 additional judges to process the current judicial branch workload. Nineteen of the needed judicial officers are at the district associate court level.

- Add 4 district associate judges as part of a five-year plan to address workload.
- Add 12 staff (e.g. court reporters, judicial specialists, law clerks) to assist the four new district associate judges and existing judicial officers provide more timely resolution of Iowans' disputes.



# FY21 Judicial Branch Budget Request: Access to Justice Initiative

## **Investing in access to justice/jury-witness-interpreter fund – \$250,000**

- The Jury and Witness Fund pays for jurors' per diem, interpreters, and witness reimbursement.
- In order to provide translation of forms and higher quality services to lowans who serve as interpreters and those who need interpreters, the judicial branch is requesting an increase to the Jury and Witness Fund.
- This fund has not been increased in over 7 years.

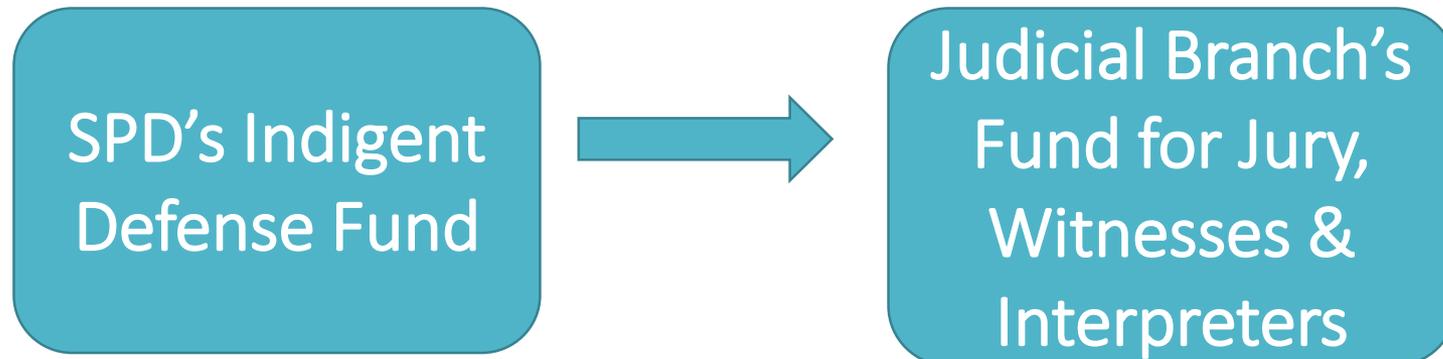


**Proposed  
Judicial Branch  
Interpreter Bill  
SF 2320  
&  
HSB 662**



# Court Interpreter Bill

- If passed, the bill would transfer responsibilities for payment of oral language interpreters from the State Public Defender to the Judicial Branch
- This would necessitate moneys from the Indigent Defense Fund in the amount of \$499,876 to be transferred to the Jury, Witness and Interpreter Fund.
- ***No increase in costs to the State's General Fund!***



# FY21 Judicial Branch Budget Presentation

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Closing Thought





## Closing Thought – The Role of the Judiciary in Society

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*The ordinary administration of . . . justice . . . contributes, more than any other circumstance, to impressing upon the minds of the people affection, esteem, and reverence towards the government.”*

Alexander Hamilton, New York Delegate  
The Federalist, No. 17