



STATE COURT ADMINISTRATION

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

TODD NUCCIO
State Court Administrator

November 30, 2020

David Roederer
Department of Management
State Capitol
LOCAL

Glen Dickinson
Legislative Services
State Capitol
LOCAL

Dear Mr. Roederer and Mr. Dickinson:

Pursuant to Iowa Code section 602.1301(2)(a), I hereby submit, on behalf of the Iowa Supreme Court, the FY22 budget request for the Iowa Judicial Branch.

This year has proven to be a time of great challenge. Every aspect of normalcy has been disrupted. Like others, though, the judicial branch has adapted and even discovered better and more efficient ways of delivering services. The scheduling of hearings has become more individualized. Smaller blocks of time are now being used in which parties need to appear, thereby eliminating the mass gathering of people and extended waiting periods. Virtual court hearings utilizing video-conferencing are being held in appropriate situations. Our workforce is delivering services remotely and work is being shifted across counties to meet the overall needs. These new practices are proving to be more efficient and effective ways of delivering services. It is likely that they will continue in some form and to some degree in a post-pandemic environment.

I would be remiss if I did not recognize the incredible team of dedicated professionals within the judicial branch who were able to make these adjustments possible. They have demonstrated strength, courage, flexibility, adaptability and perseverance in overcoming a confluence of once-in-a-century challenges. The selflessness and unwavering spirit that I have witnessed this past year at every level of the judicial branch exemplifies the true definition of public service.

We entered 2020 with high hopes and indications that our budget request for FY21 was being favorably considered. Unfortunately, Covid-19 hit in early March. As we overcome the challenges presented by Covid-19 and move forward, we continue to hold fast the importance of investing in communities to bring about improvements in the delivery of justice for all Iowans. Much of what follows will look familiar as it covers initiatives included in my transmittal letter from 2019 that did not materialize.

Maintaining Current Service Levels

In order to balance our budget for the current fiscal year, any positions that were vacant on June 30, 2020, were frozen for all of FY21 and any position (includes judicial officers, but excludes court reporters and law clerks) that became vacant since July 1, 2020, has been subject to a 90-day hold. Reductions were also made in our travel, office supplies and furniture allocations. To restore previous operation levels, we need an increase of \$3,797,749.

Additionally, without a separate salary bill being passed, any yet to be negotiated contract increases and the equitable extension of same to non-contract employees will have to be absorbed from our general appropriation. Using general appropriation funds for such increases means there are fewer dollars to cover existing positions. The result will be having to again take actions like those described above for FY22. Modest across the board increases, step increases and increases in the cost of health insurance for FY22 will likely impact our budget by upwards of \$2 million. Because the final numbers are not yet unknown, however, they have not been added to the \$3,797,749 request. If the \$2 million estimate was included, our true cost to maintain current service levels would be closer to \$6 million.

Investing in Rural Communities

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. To meet this minimum standard across the state 17 additional positions are needed.

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 last year's calculations using the workload formula developed by the National Center for State Courts, 17 additional clerks are needed statewide to timely process the current overall workload.

You may recall me mentioning in last year's communication that we launched pilots in two judicial districts to optimize utilization of staff across each judicial district through distributive work processing. Those pilots are concluded and the results in rebalancing the workload and reengineering business practices to make court services faster and more convenient have proven successful. Examples include establishment of a payment call center to serve an entire district, consolidation of jury administration for 10 counties into one, the verification of all bankruptcy proceedings throughout the district being handled in one office, and case processing being done in one county for multiple counties. Employee subject matter groups for various

disciplines are now also meeting quarterly to analyze workflow processes and ensure consistency across the district.

Distributive work processing ensures that the positions to be deployed under our minimum staffing proposal will be fully utilized. By capitalizing on the capabilities of our electronic data management system (EDMS), we are able to shift work across each judicial district. We have broken down the silos that once limited staff to only handling the workload of their specific county. Now, the overall workload can be shared among all the counties in the district. While the workload of a particular county may not justify 2.5 positions in every instance, the overall workload of the district does and our plan is to equitably distribute it through EDMS to ensure full-utilization of all staff.

To support the vitality of rural courthouses and to serve all Iowans through timely processing of the workload, we are again requesting 17 additional clerk staff (\$1,017,701).

Investing in Human Capital – Existing Personnel

Iowans in all 99 counties benefit from the services provided by the 1,700 judicial branch judicial officers and employees. These judicial officers and employees are members of every community. The education, experience and abilities of these individuals are the best assets of the judicial branch. Judicial officers and employees resolve disputes and provide justice to Iowans who need assistance in the more than 700,000 cases filed every year. Reviewing our total compensation package, and keeping it current, allows for greater organizational and individual success.

To support continued success, we are requesting \$1,423,604 (3% increase) for judge and magistrate salaries. The overall number of applicants for open positions has been declining and fewer applicants are coming from private practice. We believe non-competitive compensation to be a primary factor in the decline of applicants for judicial officer positions.

To keep our non-judicial officer salaries competitive, we are also requesting \$1,057,549. All non-judicial officer positions within the branch are evaluated on a staggered four-year cycle to ensure compensation is in alignment with the market. Judicial specialist positions, which are the primary staff in clerk offices, were evaluated this current cycle. The findings of our analysis indicate adjustments are needed. We are seeking the funding so the branch can attract and maintain quality personnel.

Investing in Access to Justice

The number of self-represented litigants continues to grow. When examining the newest national data for civil and domestic relations cases, it reveals that approximately 25% of the cases have lawyers on both side, 50% have a lawyer on one side, and 25% are self-represented. The Iowa Judicial Branch has been working diligently to better serve self-represented individuals. In the last several months, we have released online interactive forms for both small claims actions and dissolution without children cases and we are working on developing others. These online interactive forms guide the user by asking questions in plain

English, taking them to the appropriate next question based on the responses they provide, and auto-populating the forms with their responses.

We are also working to provide greater access and convenience through the implementation of online dispute resolution programs in three pilot counties: Carroll – Traffic Cases, Black Hawk – Small Claims (Money Owed) Cases, and Story – Forcible Entry and Detainer (Eviction) Cases. The Story County program being developed calls for the creation of a navigator position (\$83,055) that would be responsible for producing and maintaining the online inventory of various community resources and then helping to connect litigants with these services. This position will respond to the chat feature for those using the online platform. There are many complexities to navigating the justice system and we believe this position has great potential to better serve our citizens as similar positions have proven to do in other states.

Investing in Human Capital – New Personnel

According to last year’s calculations using the workload formulas developed by the National Center for State Courts, Iowans need 30 additional judges to process the current judicial branch workload. Ten of these positions are district judge positions and 20 are at the district associate judge positions. We again request funding (\$1,479,230) for four district associate judges and 10 related support positions (e.g. court reporters, judicial specialists, law clerks) as part of a five-year plan to address this deficit.

Technology Infrastructure Support

We are very appreciative of the additional \$2 MM increase to the Judicial Technology fund for equipment, software and services. Unfortunately, we are prohibited from using that account to pay for personnel. Any personnel costs must be covered from our general appropriation. As such, we are seeking funding (\$229,902) for IT positions to support the technology infrastructure we have put in place such as our online interactive forms and online dispute resolution platform and those scheduled to roll out in the near future including electronic warrants and electronic reminders. We have also been installing VOIP phone systems across the state and connecting them to our network as county systems reach their end of lifespan or as business needs dictate to facilitate a common communications backbone for distributive work processing. As more systems are added, a position is needed to address all the associated issues. While the work of our IT staff often goes unseen, they are essential to providing the front-line staff with the tools and support they need in delivering services to the public.

In closing, I want to again touch on the impact of Covid-19 and how it will continue to affect the administration of justice in this state long after the virus is eradicated. Over the course of this pandemic, the judicial branch never ceased operating. We have found a way to ensure citizens have access to justice even when the entire staff of some of our clerk office have fallen ill or been quarantined. While essential services have always been delivered, preventive health measures and logistical limitations have reduced our capacity. As such, the timeframe for disposition has been lengthening and the number of pending cases has been growing. A significant backlog has developed and will likely continue to grow for several

more months until the benefits of a vaccine begin to take hold. In short, the above requested resources will be needed more than ever.

Thank you for your consideration of these requests. The Iowa Judicial Branch values its continued partnership with Governor Reynolds and the legislature in providing the services that all Iowans deserve from their justice system.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Nuccio", written in a cursive style.

Todd Nuccio
State Court Administrator