

**Task Force for the Delivery of Enhanced Legal
Services throughout Iowa**

Phase I: Task Force Recommendations

**As approved by the Board of Governors
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The judiciary in Iowa is at a crossroads. It faces an unprecedented funding challenge due to:

- 1) A decade of decreasing resources. It started fiscal year 2010 with 7% fewer employees than in fiscal year 2001 compared to the executive branch agencies, which had increased the number of its employees.
- 2) Reductions resulting from Governor Culver's midyear across the board budget reduction.
- 3) An additional \$900 million budget shortfall facing the state for fiscal year 2011.

While the Iowa State Bar Association's first line of defense is and will continue to be full funding for the Courts – there are certain realities. Even if the Court receives a 3% increase in spending next year and no changes are made, the Court will continue to have difficulty meeting the demands of the system.

To complicate matters further, the Court's personnel costs account for over 95% of the budget. As a result, any reduction in the budget directly impacts personnel. This creates a certain reality – either the way the courts do business needs to change or our citizens' justice needs will not be met.

The Task Force for the Enhanced Delivery of Legal Services throughout Iowa was formed so that the bar could proactively identify reforms that would enhance legal services throughout the State, despite the budget constraints. While the focus was on preparing for potential future budget reductions, those feared reductions occurred yet this fiscal year. And the state still faces a budget shortfall of over \$900 million for the next fiscal year that threatens further reductions.

Under the leadership of past ISBA Presidents Marion Beatty and Alan Fredregill, the Task Force consists of twenty members from across the state. The members include a diverse group, from small and large firms, urban and rural areas, attorneys from different practice areas and judges. The Governors authorized the hiring of a consultant, Bob Rafferty, to guide the process.

The Task Force started its work soliciting the input of members through a survey to which nearly 1500 members responded. The Task Force met for less than two months, but through their hard work, they developed an interim document that was distributed to members in September.

Through a series of a dozen regional meetings, the Task Force collected input from several hundred members. This input both informed and influenced the recommendations contained in this first phase. It also provided ideas that are forming the foundation for the next phase of the Task Force's work, which will formulate additional reforms into 2010.

We want to thank the Supreme Court for their support and assistance to the Task Force on this project. The Court was helpful in providing data and input. While the Court will not necessarily agree with every aspect of the recommendations, our differences will not hinder our ability to work cooperatively on the overall objective, which is to help the Court meet the justice needs of our state.

The Task Force is organized around the five largest expenditure areas in the judicial budget:

- Clerk of Courts

- Judicial Workload
- Juvenile Court Services
- Court Reporters
- District Court Administration

This report contains a series of reforms developed by the committees and recommended by the Task Force at their meeting on November 24, 2009. The Board of Governors will consider these recommendations at their December 8, 2009 meeting.

ISBA members may submit any comments or suggestions to the Task Force at judiciarytaskforce@iabar.org or talk directly to their ISBA representative. Any comments received will be forwarded to the Board of Governors prior to their December 8th meeting.

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SUMMARY OF THE RECOMMENDATIONS A VISION FOR THE JUDICIAL SYSTEM'S FUTURE

The Task Force's committees developed a series of reforms, which together, paint a future vision for a court system that meets the needs of the residents and visitors of our state with the resources available. While the committees worked independently on their reforms, it soon became apparent that the work in one committee complimented and supported the reforms of the other committees. The future vision can be summarized as follows:

First, local rules and procedures are made consistent and uniform. The practice of law is simplified as lawyers no longer need to guess and be delayed by the mysterious nature of the rules and procedures of districts, counties or even judges. Best practices are implemented consistently throughout the state, enabling a more effective use of judicial resources, clerk activities, and district administration.

Second, the electronic document management system ("EDMS") is implemented over a relatively short timeframe. While it creates many challenges for the court and attorneys during the transition period, its benefits become quickly apparent, as the electronic filing of documents improves the practice of law, while streamlining and significantly reducing the workload of the clerk offices and enhancing the productivity of judicial officers.

Third, new rules, policies and strategies enable the limited judicial officers to give matters before the court the appropriate deliberation in a timely manner. Perhaps the most visible change is the reliance on hi-definition video conferencing for many hearings, particularly in rural counties. This change significantly reduces the lost productivity due to travel, but increases accessibility to judges in even the lowest volume counties. The electronic record as a result of EDMS now enables the judge to hold hearings from long distance, expanding the number of special assignments, reducing the inefficiency of a new judge learning the facts of unfamiliar cases and enhancing the quality of decisions.

Fourth, court reporters continue to be relied upon as the main source of "making the record." However, for appropriate hearings and proceedings, electronic recording is used to ensure hearings and trials are not delayed due to the reduced number of court reporters that resulted from the budget restrictions.

Finally, new strategies are implemented that result in improved outcomes for troubled youth and families, while sharply lowering the burden on juvenile court resources. All stakeholders in the system - social workers, juvenile court officers, county attorneys and juvenile judges actively seek and apply findings from new research and data to their work, resulting in stronger families and fewer juveniles reoffending. Interestingly, the evidence based practices indicate that by diverting families and children from the formal judicial process, the judicial workload is sharply lowered, while achieving better outcomes.

These reforms outlined in the pages ahead are merely the first step. A second wave of reform ideas will be developed and shared with members over the course of the next year, in preparation for the 2011 legislative session.

CLERK OF COURT COMMITTEE

The Clerk of Court's office is the front door to our judicial system. It serves a critical role in the proper filing of court documents and customer service to the users of the system. The Clerk of Court Committee has identified several potential areas of reform that could help improve the delivery of legal services, while budget resources are restricted.

Reducing Clerk Duties

Recommendation

Modify processes or remove certain activities that are currently performed by the clerk of court to more appropriate forums, particularly regarding:

- **Coordination of mental health commitments**
- **Processing child support payments**
- **Filing of lis pendens and mechanic liens**
- **Coordination of interpreters for court matters**

Background

The clerk offices' duties are critical to the operations of the judiciary. Over time, those duties have grown while the staff has been reduced. Through the Task Force survey and interviews of attorneys and staff, a number of potential areas were identified that if addressed, could help reduce the work load of the office. The Task Force requests specific action in the following areas:

- **Mental Health Matters**
Clerks, who are not trained to deal with mental health matters, report that mental health commitments take a tremendous amount of time. Staff must drop everything when a new commitment case comes in the door. It can often be a two hour process. Preparing a petition and finding a bed is what takes the time.

The County Central Point of Coordination (CPC) plays that role in certain counties but not others. Clarification of the statute may assist in properly positioning these duties with the CPC. Another option is to develop a central coordination resource center that families can be directed to via phone or video conferencing to assist in the process.
- **Lis pendens and mechanic liens** are filed in the clerk's office. These duties are more relevant and appropriately performed by the County Recorder's office or through a centralized process.
- **Interpreters**
Clerks are responsible for obtaining the services of interpreters for a county's court proceedings. This task is consuming more and more time and it becomes more difficult locating interpreters, particularly in the rural area. It is also with great cost. A state

clearinghouse exists, but centralizing the assignment of interpreters, combined with identifying alternate approaches to providing interpreter services, should be explored. The Judicial Workload Committee discussion of high definition video conferencing may be a part of the solution.

- Finding alternate means for handling child support payments. The majority of child support payments are currently handled through the Child Support Recovery Unit. This is a centralized system, which is centered in the Department of Human Services. This process for handling child support is for all recipients that receive government assistance and those that request the service. All others process their payments through the clerk's office. Exploration should be given to determine if a centralized system, modeled after CSRU or simply using CSRU for the processing of all payments, would be a more efficient approach for state government to perform this service. If the system is centralized, there needs to continue to be the ability for individuals to make an immediate payment and receive immediate verification for the purposes of acquiring a drivers license or addressing other legal matters.

Creating Uniform Procedures Across the State

Recommendation

In addition to reducing duties, clerk staff noted the value of creating greater uniformity in procedures between offices. Efficiencies can be achieved by adopting the best practices of each office. It would further enable greater collaboration, sharing, and learning between offices. The Committee endorses the work of the District Administration Committee to create uniform and consistent local rules and procedures. It is important that attorneys and other users have input into the development of those rules and procedures.

Electronic Document Management System (EDMS)

Recommendation

The Committee recommends, particularly as a result of the budget cutbacks, that all efforts should be expanded to speed implementation of the currently planned 4-5 year implementation of EDMS. While the Committee respects the complexities and challenges of implementing EDMS, the Committee encourages a 24 month window of implementation.

Background

Perhaps no other reform offers the potential to address the current staff shortage and potential future staff reductions as EDMS. The system is scheduled to be rolled out systematically over the next four to five years. It will require attorneys to file documents electronically. With the electronic record, attorneys and judges will be able to access case files from anywhere.

Once implemented, it will eliminate the need for clerks to retype into ICIS criminal filings received from law enforcement agencies, sharply reduce the typing necessary for processing other documents, and greatly reduce the resources expended retrieving and filing documents.

Currently, the processing of documents takes place at the location of filing within the county. With the implementation of EDMS, the processing of the document can occur in any location. Therefore, it opens up some potential creative approaches to ensuring access to services throughout the state, while enabling the efficient processing of documents. It makes it possible for less populous counties to specialize and process documents for other counties.

EDMS will provide additional benefits to the system, which is addressed in the Judicial Workload section.

The successful roll out of EDMS will require the cooperation of attorneys and government agencies. The Court is to be commended for the thoughtful approach that it is taking. The system is scheduled to be piloted this January in Plymouth County, and then in Story County and the appellate courts, before being rolled out to the remaining 97 counties.

Addressing The Concern For The Low Volume Counties

Recommendation

The committee encourages the Court to explore developing a couple pilot sites where the clerk office and a county elected office is combined through the use of a 28E agreement. The court should select counties that are currently operating part-time.

Background

Currently, there are 15 counties, which according to the workload formula have sufficient work for only one employee. However, for checks and balances and other workplace needs, the office is required to have two staff present at all times. Yet even with the two person staff, the Auditor regularly cites the offices for inadequate checks and balances.

As a result of the budget reductions, 23 counties that do not have sufficient workload to justify two full time employees are operating part-time clerk offices. Electronic filing will further reduce the workload and the number of counties needing less than two employees will likely increase.

The other county offices in the lower volume court houses are also challenged with the same checks and balances needs, with too few people to handle money and verify the books.

Through an office sharing arrangement or a contract with a county office, the Court can achieve the appropriate balance of staff, while maintaining clerk staff fulltime throughout the state. It could take different forms, but the key is fostering clerk offices and county offices to work together to improve the operations for both offices. It could be similar to the county treasurers' successful issuance of drivers' licenses, which has greatly increased the convenience for thousands of Iowans.

It could end the debate on whether to keep clerks' offices open or whether to reduce hours in low volume counties – even if there is very low traffic due to electronic filing.

JUDICIAL WORKLOAD COMMITTEE

The Judicial Workload Committee's recommended reforms are designed to better enable the limited number of judicial officers to give matters before the court the appropriate deliberation in a timely manner.

Electronic Document Management System (EDMS)

Recommendation

The Committee recommends, particularly as a result of the budget cutbacks, that all efforts should be expanded to speed implementation of the currently planned 4-5 year implementation. While the Committee respects the complexities and challenges of implementing EDMS, the Committee encourages a 24 month window of implementation.

Background

The new Electronic Document Management System (EDMS) enables multiple reforms throughout the system. The Judicial Workload Committee identified significant opportunities, including those identified by the Clerk of Court Committee.

EDMS will enable a quicker ability to access filed documents and allow multiple parties to have access to the file simultaneously.

Judges will be able to access case files in one county while being physically located in another county. It offers great potential for expanding special assignments and potentially specialization, especially when paired with video conferencing. Through special assignments, judges become familiar with the facts and law involved in a case, streamlining and reducing the judicial time necessary, while enhancing the quality of judicial work.

In addition, EDMS will have workflow components, which will help prompt judges when items need their attention. The connection with tablet PCs will enable judges to bypass handwritten orders and directly put orders into the system.

Hi-Definition Video Conferencing

Recommendation

The Committee recommends proceeding forward with establishing pilot sites and appropriate rules to enable the future wide scale use of video conferencing.

Background

The Committee views video conferencing as having significant potential to impact judicial workload and expand the level of services. When combined with implementation of EDMS, it can allow for increased use of special assignments and potentially increased specialization. It offers the potential of much greater access to judicial officers in the rural areas. This can enhance legal services for residents throughout the state, but has a particular positive impact for rural residents.

It is already being used in numerous counties for arraignments. It has a significant security benefit for criminal law hearings.

Expanding the use of video conferencing to a larger number of civil cases will require addressing various issues.

- Rural areas would need assurance that trials would not be removed from the county. It should be a step to expand access, not to reduce services in a particular county.
- Domestic abuse advocates see some real positives because it would provide greater access for battered women. They wouldn't have to travel or wait for a judge. However, there are some fairly serious concerns as well. If the two parties are in a room together, there would need to be some courthouse authority to make the victim feel safe and control defendants. It is important for both parties as well as any audience members who might be present to be visible to the judge throughout the proceeding. And it is important that there be a way to enter into consent agreements, particularly if the parties are in different places.

The National Center for State Courts lists 16 jurisdictions with experience using video conferencing. Most use it for arraignments, but its use is spreading. Florida has experience using it for hearings since the 1980s. Michigan has used it since the early 90's. Nevada is establishing it for rural courts and recently started a few pilot sites.

Expansion of Mediation

Recommendation

The Committee recommends mandating mediation for all family law matters involving children, with the ability to waive the requirement for certain situations, such as if domestic abuse is involved. Maintaining judicial approval of all agreements regarding child custody and support orders is very important.

Background

Family law matters, particularly dissolution cases, consume a significant amount of judicial officer resources. In dissolution cases, mediation offers strong potential benefits not found in other cases.

Mediation fosters dialogue and communication among the parties, which is critical when children are involved and the parties need to communicate regularly after the case is resolved. Mediation not only increases communication, but it helps avoid the heightened tensions between

parents that can result from a trial. Mediation does add a new cost for litigants, particularly when mediation is unsuccessful. As a result, some attention will have to be given to how mediation will be made available to low income individuals.

Mediation in the 6th District and in Polk County, where it is required, has been shown to successfully resolve issues, negating the need for trials or sharply reducing the length of trials.

The 6th District reports the following results:

1. 42.1% of mediations result in parties reaching agreement on all issues and an additional 24.3% reach agreement on at least some issues.
2. Reduction in temporary hearings: The number of hearings on temporary custody and visitation dropped 60% in the first year, a considerable savings of time for court staff and the judges.
3. Shorter trials: In Linn County, the number of days per trial dropped significantly since the program started. Before the program was implemented, at least 25% of the trials lasted 3-5 days. After the first five years, more than 85 % last from 1hr to 2 days, due to the parties reaching agreement on some of their issues in mediation.
4. Fewer modifications in cases with mediated agreements: Research on 150 Linn County cases (50 cases which had mediated an agreement, 50 where the parties stipulated/reached agreement without mediation, and 50 where the parties went to court for a decision) showed that divorced parents who had mediated their divorce decisions were 7-8 times less likely to return to the court for further decisions on custody and visitation issues.

Calculating Child Support Modifications for Pro Se Litigants

Recommendation

To reduce the workload on district judges, a dedicated centralized process should be considered to compute and enter orders on a regional or statewide basis for straightforward modifications. The process may involve a paralegal calculating the correct amount on behalf of judges statewide.

Background

Currently, the Child Support Recovery Unit (CSRU) has individuals that serve this role for those cases under their responsibility. An individual, in a quasi-administrative role, will calculate the appropriate modification amount and present a prepared order for the judge's approval.

However, for pro se cases not handled by CSRU, a district judge often performs those calculations, a time-consuming task. However, child support modifications are often a

straightforward calculation, enabling an experienced, proficient individual to accurately and justly apply the guidelines and compute support payments using the appropriate software.

Further study is needed to determine the number of modifications that could be handled by a referee or paralegal and determine if sufficient savings could be captured by the reduction in workload of the district judges to justify the expense.

Pro Se Litigants

Recommendation

Several steps would be helpful to minimize the current disruption to the system resulting from the increasing number of pro se litigants, including developing and mandating the viewing of a video, clarifying the rules of professional conduct and maintaining better data on the number of pro se litigants.

Background

Pro Se parties are taking an ever increasing amount of judicial officer time as the numbers of pro se parties increase. Pro se parties rarely know the appropriate procedure, which creates delays in the proceedings, wasting valuable and limited judicial resources. Numerous strategies will need to be explored to minimize the disruption caused by pro se litigants. The Committee recommends that a first step would be the production of a video, which would explain proper procedures and protocol in the courtroom, emphasizing those areas causing the most frequent delays. The pro se litigants would be required to view the video during a mandatory pre-trial meeting.

A significant cause for delay in these cases often occurs when one side is pro se and the other is not. Attorneys are reluctant to converse with a pro se party for fear of being interpreted as giving that person legal advice. Some clarification in the rules of professional conduct with respect to this situation would be helpful.

To assist in addressing the various challenges raised by pro se litigants, the Committee encourages exploring the potential of tracking pro se litigants in the Court's case management system (ICIS).

Eliminating Local Rules and Procedures

Recommendation

The Judicial Workload Committee endorses the District Court Administration Committee's recommendation to eliminate local rules and procedures. The committee identified a number of examples where the procedure in one county requires the greater use of judicial officer's time, without a corresponding increased benefit. By creating greater consistency, outdated practices and procedures can be eliminated, enabling judicial officers to focus on higher value activities.

COURT REPORTER COMMITTEE

An accurate and reliable record of judicial proceedings is a critical part of ensuring the integrity and fairness of our system of justice. Maintaining the accuracy and reliability of the record is of paramount importance.

Continue Reliance on the Court Reporter to Make the Record

Recommendation

The current reliance on the court reporter to make the record in the vast majority of judicial proceedings should be maintained.

Background

The Supreme Court's DART Committee is studying the use of digital recording technology. The DART Committee has been tasked with determining if digital audio recording technology (hereinafter "DART") can make a reliable record and determining its cost. The DART Committee is not tasked with determining whether DART should be implemented. The Task Force's Court Reporter Committee has utilized the information that the DART Committee is producing to help inform our current position.

The Task Force's Court Reporter Committee's recommendations to maintain the current court reporter system in general is based on the following concerns:

Court reporters do far more than simply report cases. They provide secretarial help to judges, create forms, prepare orders, type rulings, act as a legal assistant, and prepare jury instructions for judges, among other tasks. There are distinct advantages, not the least of which is increased productivity, from a single judge working with a single court reporter to develop and implement efficient methodologies for handling the many legal matters judges encounter in handling crowded dockets. Court reporters often assist judges with computer technology and at times act as court attendants. Due to the most recent round of lay-offs, they will be called upon more regularly to perform this function.

The importance and need for judges to have access to realtime reporting should not be underestimated. Realtime reporting assists judges in making bench rulings; enables judges to more consistently observe witnesses as testimony is received; provides immediate access to the court record for purposes of ruling on motions for mistrial, motions for directed verdict, etc.; and allows judges to review needed testimony and evidence when writing rulings, among other invaluable benefits.

Realtime reporting also allows the Judicial Branch to comply with the American with Disabilities Act by assisting those who are hearing impaired to fully participate in judicial proceedings. DART cannot provide realtime reporting.

While providing an accurate transcript for appeals, court reporters are able to stop people from talking simultaneously, overcome noise from outside sources, such as the shuffling of papers or other ambient distractions, regulate the volume of witnesses' and attorneys' voices, properly report voir dire by identifying which juror is responding to questions by attorneys, and record non-verbal answers.

The potential pitfalls of DART, which are identified in the materials presented on the DART Committee website, are sufficient to highlight the need to go slow in exploring the use of this technology. Some of those concerns include:

- An inability to filter out background noises, or remedy inaudible responses and unintelligible speech, which can result in incomplete transcripts.
- The timeliness of the preparation of transcripts.
- The typists' lack of knowledge about legal concepts or the variety of legal issues which come before the courts. Iowa's well-trained court reporters understand the terminology used in, for example, cases involving DNA, medical, business valuations, construction law, and psychological/psychiatric testimony.
- In states which have utilized DART, the judges appear to have more support staff than Iowa judges, including the support of technologists and secretaries, if not also a court reporter.
- Questions remain about the full costs of implementing DART. The variables include the costs to make DART work in older court rooms, with older or less capable sound systems, the staff to support the technology, and the staff to replace the support that court reporters provide judges.
- Iowa trial judges overwhelmingly oppose replacing court reporters with DART.

Many states which have implemented DART have done so because of a shortage of certified court reporters. This is not the case in Iowa. The shortage of court reporters that currently exists in Iowa is due to two recent lay-offs of court reporters, not because of the unavailability of qualified court reporters.

Use EDMS and Video Conferencing to Enable Most Effectively Use of Court Reporters

Recommendation

The Court Reporting Committee recommends the implementation of EDMS and video conferencing to reduce travel demands which would enable the most effective use of the remaining court reporters.

The Task Force is concerned that any large scale implementation of DART would detract from the implementation of EDMS, which offers the Judicial Branch a much more significant return on investment.

Pilot DART in Targeted Areas

Recommendation

The Court Reporting Committee recommends exploring the piloted use of DART in targeted urban areas for narrowly defined and limited use.

Background

With the shortage of court reporters since the recent layoffs, the Committee believes the limited exploration of DART may provide a role in making the record. This recommendation is dependent on the DART Committee's determination as to whether the technology can make a reliable record. The Committee suggests the piloting of DART in urban areas where support is more readily available and its use can be more easily limited to certain cases, such as simple misdemeanors and certain types of hearings.

For example, the targeted use of DART in Magistrate Court for Small Claims and simple misdemeanor cases could be used. The continued use of court reporters in District Associate Court is preferable, if not necessary, because the latter court conducts criminal trials of indictable misdemeanors and other criminal proceedings which mandate the use of a court reporter. The continued use of court reporters in District Court is preferable, if not necessary, because of felony jury trials and other criminal proceedings in criminal felony cases. Court reporters are also preferable, if not necessary, for civil jury trials, appeals in mental health and substance abuse commitments, among other examples.

The Current Challenge Resulting from the Reduction in Court Reporters

The reduction in court reporters necessitated by the budget reductions has created delays in processing the ever increasing workload of the Judicial Branch and has hindered the capacity of judges to efficiently perform their duties. Any additional reductions will compound the problem, given that there is no alternate workable system, which can provide the multitude of services that court reporters provide to judges, attorneys, and litigants who come before Iowa's trial courts. The Committee recommends that no further reduction of court reporters should occur because of the indisputable and direct impact such action would have on the ability of the courts to make an accurate record of proceedings and to adequately deliver justice to the citizens of Iowa.

Pooling of court reporters is already in use and should continue to be used where practical. It must be recognized, however, that all but one judicial district requires their judges to travel to multiple counties within their districts. There are no "pools" of court reporters available in outlying counties, thus necessitating the need for a court reporter to travel with a judge to counties for scheduled criminal and civil trials, as well as for the voluminous amount of work performed in outlying counties on scheduled court days.

Consideration must now be given to increasing legal and clerical assistance to judges to address the reduction in the number of available court reporters. In addition, the loss of court reporters has resulted in trials and hearings having to be reset because of the unavailability of a court reporter.

COURT ADMINISTRATION COMMITTEE

The Court Administration Committee recommends three areas for reform, eliminating formal local rules and localized pre-trial procedures, fostering greater sharing and collaboration between districts, and changing how the Court is compensated for collecting court debt.

Local Rules and Localized Pre-Trial Procedures

Recommendation

The Committee recommends the creation of consistent and uniform local rules and procedures. The Court should convene a committee of judicial and bar representatives from each district to develop consistent rules and procedures.

Background

Currently judicial districts have “local rules” of practice that are not uniform. Local rules and localized practice developed over the years for many good reasons. However, the question has been raised whether these localized practices have outlived their usefulness and whether they are now holding back improvements in the system.

Any effort to improve court administration procedures may be benefitted by the adoption of uniform rules of practice relating to pretrial procedures, probate matters, court room etiquette, etc. The standardization of these procedures for all judicial districts should assist in streamlining case processing and provide the basis for cost saving. Court staff noted that by creating consistency, the best and most efficient practices of the districts can be leveraged throughout the state. It can simplify the practice for a large and growing number of attorneys who practice in multiple districts. In addition, creating greater consistency will be necessary for electronic filing and the implementation of the Electronic Document Management System.

To ensure an ability to foster continued innovation, flexibility should be given for individual districts or counties to “pilot” new approaches once the consistent rules and procedures are implemented. This will create differences among districts or counties. However, guidelines can be created that limit the time period of the variations and ensure an evaluation that would enable the rest of the state to benefit from the potential improvement. This approach should be done in a non-bureaucratic way and be encouraged. While this will detract from the benefits of consistency, if such changes are limited, it will strike a nice balance between fostering consistency and leveraging the process improvement potential of the full organization.

Fostering Greater Coordination and Sharing of Administrative Services Between Districts

Recommendation

The standardization of rules and practices along with the implementation of EDMS will expand the ability for districts to share administrative resources. The districts could

explore the creation of resource centers, where one district will deliver services for the other districts to create consistency, eliminate duplication and increase efficiency and effectiveness.

Changing the Court's Compensation for Collecting Court Debt

Recommendation

The current approach for collecting court debt should be revised to better align the collection of debt with reimbursement for collection expenses, while protecting the impartiality of the Court. A joint review by the representatives of the three branches of government is recommended to achieve this objective.

Background

Approximately \$2.4 million per month in court debt remains uncollected after 90 days. The estimated collection rate on this debt is 25.3%, which means for every dollar outstanding, the state will receive 25 cents.

However, the Courts are not able to receive reimbursement of their expenses for collecting court fees. The court fees collected all go to the general fund, with the exception of \$5 million, which is deposited into the Court's technology fund if the Court collects over a certain dollar amount of court fees. The court is faced with a dilemma: does it devote its limited and insufficient operating dollars to its core mission – running the court system – or does it divert some of those dollars to the collection of debt?

The Department of Revenue is able to charge off their costs of collection from the money received. Counties, if their county attorneys are able to collect over a certain threshold amount, are able to retain 40% to 51% of the amount of past due debts that are collected. Certain county attorneys can justify the resources to collect on past due debt, many cannot. This approach results in an inconsistent enforcement of past due debt. If properly configured, a new approach, which properly compensates for collection expenses, would likely result in an increase of money coming into the general fund.

JUVENILE COURT SERVICES

Evidence-Based Practice (EBP) is the body of research and replicable clinical knowledge that describes what works to deliver the best results. In terms of CINA proceedings, it would involve the strategies that achieve stronger families and better outcomes for the children. In terms of juvenile delinquency, it would involve the strategies that reduce the likelihood of a child committing future crimes and subsequently making the community safer.

As we met and discussed these issues with various stakeholders, we soon discovered an opportunity to improve the results being achieved, while reducing the burden on the court system.

Recommendation

The Task Force is endorsing the following findings and principles and is recommending that these principles be applied with greater consistency across the state. The Task Force recognizes that these principles are being implemented throughout the state to varying degrees. However, it is also recognized that the key to implementation is not law changes – but rather education and greater cooperation and coordination among the key stakeholders.

Juvenile Delinquency

The overall goal of the juvenile delinquency reform is to reduce the likelihood that the delinquent youth will commit future crimes, either as a youth or an adult. An added benefit, which helps achieve the objectives of the Task Force, is that these strategies will reduce the workload on the court system.

Key Premise #1: The implementation of evidence based practices is critical to successfully reduce recidivism of youth with fewer resources. In the last few years, as a result of increased data availability and analysis, more and more research is validating what works and what does not work. For example, in the past, giving a youth a long list of requirements was a technique used by many in the juvenile delinquency areas to correct the anti-social behaviors. Research now tells us fewer, more meaningful requirements increase the likelihood that the individual will be diverted from future crime.

Key Premise #2: The deeper a young person gets into the “system” the more likely they are to recidivate.

For example, if Youth A and Youth B have similar profiles:

- If Youth A is referred to police while the principal is successful in dealing with Youth B without police involvement, Youth A will have a greater chance of committing future crime.
- Similarly if Youth A and Youth B are arrested and a formal charge is filed against Youth A, sending him to court, and Youth B is dealt with successfully through an informal response, Youth A is again more likely to commit future crimes.

Key Premise #3: Research tells us that it is critical to apply the right intervention, with the right juvenile, at the right time. All stakeholders need to understand that interventions can fail for several reasons – and the best response to a failed informal intervention may not be a formal adjudication. Research tells us that the right intervention may not have been applied at the right time. Stakeholders must demand data on program effectiveness and continuously search for interventions proven to work.

The Committee recognizes that a continuum of individuals needs access to better information and training. It starts at the school level, including principals and school resource officers and continues to the juvenile court officer, the county attorney and juvenile judges. At each step, by applying evidence based practices, and applying the right intervention at the right time, recidivism rates can be reduced for delinquents, while cases are successfully diverted from the formal court system.

This approach will require an ongoing education effort. It requires a commitment from individuals to be willing to follow the data and research and suspend preconceived notions of what works.

Child In Need Of Assistance

Improving the welfare of children is a critical goal that we all share with the Chief Justice. Strategies are being implemented that, if done consistently throughout the state, could improve outcomes while reducing the burden on our limited resources.

Reducing the Number of CINA Filings

A CINA filing results when the DHS worker has failed to achieve cooperation by the family to achieve a safe and appropriate environment for a child. A CINA proceeding is quite costly to the state as well as tends to create a more adversarial relationship with a family, making it more difficult to achieve a positive outcome.

The use of a number of strategies that are currently not used consistently throughout the state could avoid the filings of CINA and offer improved potential for results.

A close partnership between the Department of Human Services and the county attorney is critical. The organizations should create processes that better scrutinize which cases need a CINA and which are better serviced through other approaches.

For example, for parents who are not responding to DHS inquiries, a sternly worded warning letter from the county attorney has proven to gain the attention of the majority of problem parents. This has allowed a more cooperative, voluntary remediation of the situation.

In addition, the use of mediation can successfully enable the parents to agree on a course of action that safeguards the children, strengthens the family, and does so by enabling greater ownership by the parents.

Further, the establishment of a guardianship or assisting in achieving a modified custody arrangement often can remove the immediate danger, negating the need for a formal filing.

A federal task force is close to setting standards for successfully dealing and responding to parents with substance abuse issues. Leveraging this and other emerging research, and having stakeholders effectively apply the evidence based practices across our system – including DHS workers, juvenile court officers, county attorneys and juvenile judges - is critical to achieving the greatest results with the limited resources available.

Reducing the Trauma of Emergency Removals of Children

In Polk County, DHS and the county attorney worked out an approach to significantly reduce the trauma on the children in an emergency removal. It increases the cooperation of the parents and appears to be delivering improved success.

The team discovered that 85% of the emergency removals were occurring during the workday. They set up a program where the county attorney and DHS worker met with the parents to plan the removal. While judges had serious misgivings initially, they are now strong supporters. Parents are not running. Children are removed from the parents in a much less traumatic way. The parents are cooperating and the interventions are proving much more successful, in large part due to the improved attitude and cooperation of the parents. The court proceedings have become less adversarial and it has enabled increased judicial review for the most important cases.

Effectively applying the evidence based practices described above will result in the following:

- Better outcomes for kids and families.
- County Attorneys can focus on the most important cases in their practice.
- Much more satisfying work.
- Less county and state resources.

COURT FILING FEES

The Iowa State Bar Association supported an increase in court filing fees to address the budget shortfall during the 2009 legislative session. However, the Task Force is concerned that further increasing court filing fees will limit access to justice for the most needy.

The Task Force is opposed to increasing court filing fees to address the short and long term judicial budget crisis. The Task Force is not opposed to reviewing enhancements of revenue such as an increase of fines or surcharges provided that 100% of those funds are earmarked for the judicial branch budget.