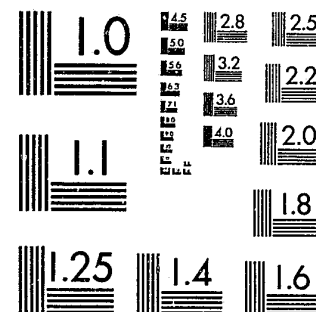


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

9/21/83

1978

ANNUAL STATISTICAL REPORT

IOWA JUDICIARY

U.S. Department of Justice
National Institute of Justice

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Report to the Supreme Court of Iowa

by

The Court Administrator of the Judicial Department

87211



Court Administrator

WILLIAM J. O'BRIEN
COURT ADMINISTRATOR

STATEHOUSE
DES MOINES, IOWA 50319

April 18, 1979

NCJRS

OCT 8 1982


ACQUISITIONS

TO THE HONORABLE CHIEF JUSTICE
AND ASSOCIATE JUSTICES OF
THE IOWA SUPREME COURT:

Pursuant to the provisions of Section 685.8,
The Code, I submit herewith the 1978 report
relating to the activity of the judicial department.

I wish to express my appreciation to the
various judicial officers and clerks of the
unified trial court for their cooperation in
reporting judicial statistics to this office.

Respectfully,


William J. O'Brien
Court Administrator

WJO:pc

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I. APPELLATE COURTS

THE IOWA SUPREME COURT

The Supreme Court of Iowa is comprised of nine justices. The chief justice is selected by a vote of the Court and serves for the duration of his or her eight-year term of office. Ninety-three persons have served on the Supreme Court since Iowa became a territory on July 12, 1838. Although the high Court was comprised of only three justices during the first 25 years, the general assembly increased the Court's membership to four in 1864, to five in 1876, to six in 1894, to seven in 1913, to eight in 1927, and nine in 1929, as a result of rising caseload. Listed in order of judicial seniority on the Supreme Court, the present justices are: Clay LeGrand (Davenport), Warren J. Rees (Anamosa), Harvey Uhlenhopp (Hampton), W. W. Reynoldson, Chief Justice (Osceola), K. David Harris (Jefferson), Mark McCormick (Des Moines), Robert G. Allbee (Des Moines), Arthur A. McGiverin (Ottumwa), and Jerry Larson (Harlan). Chief Justice C. Edwin Moore and Justices M. L. Mason and Maurice E. Rawlings retired on August 3, June 14, and August 17, 1978, respectively. Justice Mason served after retirement on special assignment.

The method of selecting justices to the Supreme Court of Iowa has changed several times since 1838. While the three territorial justices were appointed by the President of the United States, when Iowa became a state on December 28, 1846,

the constitution provided for the selection of Supreme Court justices by a joint vote of both houses of the general assembly. Iowa's second constitution, adopted in 1857, reflected the mood of Jacksonian democracy and called for the popular election of judges. Finally, in 1962 Iowa voters ratified a constitutional amendment which removed judges from partisan elections and established a 15-member State Judicial Nominating Commission comprised of seven lay persons appointed by the governor and confirmed by the senate and seven attorneys elected by members of the Iowa bar. The Supreme Court justice with the longest service, other than the chief justice, chairs the Commission. Whenever a vacancy occurs on the Iowa Supreme Court, the Commission nominates three individuals from whom the governor selects one. One year following initial appointment, and every eight years thereafter, Supreme Court justices stand for retention at the general election. Justices appointed after July 1, 1965, must retire by age 72; justices appointed earlier may serve until their 75th birthday.

Procedures were established in 1975 for the discipline and removal of judges standing for retention election. Except for magistrates, the Commission on Judicial Qualifications may apply to the Supreme Court to retire, discipline or remove any judge or justice. The Commission is comprised of a district court judge and two practicing attorneys appointed by the chief justice of the Supreme Court and four non-attorney electors appointed by the governor with confirmation of the senate.

The Supreme Court stands at the apex of the Iowa judicial system. The Court has general appellate jurisdiction in both civil and criminal cases. The Court also has original jurisdiction in such cases as reapportionment, bar discipline, and the issuance of temporary injunctions. The Supreme Court has jurisdiction over all appeals from final judgments and from interlocutory orders. It also has the authority to grant writs of certiorari in cases where a district court is alleged to have exceeded its jurisdiction or otherwise acted illegally. A majority of cases handled by the Supreme Court are appeals from adverse final judgments in the district court, the Iowa trial court. Except where the action involves an interest in real estate, no appeal shall be taken in any case where the amount in controversy, as shown by the pleadings, is less than \$3,000 unless the trial judge certifies that the cause is one in which appeal should be allowed. In small claims actions, where the amount in controversy is \$1,000 or less, the Supreme Court may exercise discretionary review. In criminal cases where the state is the appellant or applicant, the Supreme Court may exercise discretionary review in the following cases: 1) an order dismissing an arrest or search warrant, 2) an order suppressing or admitting evidence, 3) an order granting or denying a change of venue, and 4) a final judgment or order raising a question of law important to the judiciary and the profession. In cases where the defendant is the appellant or applicant, the Supreme Court may exercise discretionary review

in the following cases: 1) an order suppressing or admitting evidence, 2) an order granting or denying a change of venue, 3) an order denying probation, 4) simple misdemeanor or ordinance violation convictions, and 5) an order raising a question of law important to the judiciary and the profession. All other final judgments may be appealed to the Supreme Court as a matter of right.

The 1976 Session of the 66th General Assembly established a five-member Court of Appeals. All cases continue to be appealed directly to the Supreme Court which transfers cases to the intermediate court. Supreme Court justices in rotating three-member panels determine which cases to retain and which matters to route to the Court of Appeals. Pursuant to Rule 401, Rules of Appellate Procedure, the Supreme Court ordinarily shall hear (not transfer) cases involving:

1) substantial constitutional questions as to the validity of a statute, ordinance or court or administrative rule; 2) substantial issues in which there is or is claimed to be a conflict with a published decision of the court of appeals or supreme court; 3) substantial issues of first impression; 4) fundamental and urgent issues of broad public importance requiring prompt or ultimate determination; 5) cases in which life imprisonment has been imposed; 6) lawyer discipline; and 7) substantial questions of enunciating or changing legal principles. The Rule also suggests summary disposition of certain cases by the Supreme Court and transfer to the Court of Appeals of cases involving the application of existing legal principles.

In addition to deciding cases, the Supreme Court is authorized to adopt rules of procedure and administration for and supervise the lower courts, determine the rules for admission and discipline of the bar, regulate a client security fund and program of mandatory continuing education for lawyers and judges, and adopt rules regulating appellate practice and procedure. In exercising its administrative and supervisory control over the trial courts, the Iowa Supreme Court appoints a chief judge in each of the eight judicial districts. The chief judges are responsible for overseeing all judges and magistrates within their jurisdictions. Together with the chief justice of the Supreme Court or his designee, the chief judges of the district court comprise a Judicial Council. The Council is authorized to consider all court administrative rules, directives, and regulations necessary to provide for an efficient, orderly, and effective administration of justice in Iowa.

Assisting the Supreme Court in its administrative, supervisory, and decision-making roles are the court administrator, clerk of court, legal assistants, and various boards and commissions. Since 1967, each justice has been authorized to appoint a legal assistant to assist in research. In 1971, the legislature authorized the Supreme Court to appoint a court administrator. Serving at the pleasure of the Supreme Court, the court administrator and his staff have many statutory and administrative responsibilities including: screening cases for oral argument and case routing, writing cases statements, gathering

statistical data on the judicial business at all levels, examining the state of the dockets in the district court and recommending the assignment of judges to courts in need of assistance, apportioning part-time judicial magistrates among the counties, computing the district court judgeship formula, conducting judicial education programs, recommending improvements in the organization and operation of the judicial system, administering the judicial retirement system, handling payroll and travel expenses for the judicial department, planning and budgeting for the Supreme Court and its administrative office, providing administrative assistance to various court appointed committees, and attending to such matters as the Supreme Court may direct. The court administrator serves as the executive secretary for the Judicial Qualifications Commission and ex officio member of the Judicial Planning Committee; he is also a member of the Iowa Crime Commission, State Library Commission, and the State Records Commission.

The clerk of court is appointed by the Supreme Court to a four-year term. The clerk of Supreme Court also serves as the clerk of the Court of Appeals. The clerk docket all cases appealed to the Court, collects court fees, gathers and assembles legal briefs, records, and transcripts, and files and records every opinion and order of the appellate courts.

In its role as supervisor of the Iowa bar, the Supreme Court appoints the members of the Board of Law Examiners, and confirms as commissioners of the Court the members of the Grievance Commission and the Committee on Professional Ethics and Conduct. With the assistance of the Iowa State Bar Association, the Court established the Client Security

and Attorney Disciplinary System designed to prevent defalcations by members of the Iowa bar and provide for the payment of losses caused to the public by dishonest conduct of Iowa attorneys. The Court appointed a seven-member commission to administer the fund resulting from annual assessment imposed on attorneys. The Supreme Court has also provided that all Iowa lawyers and judges must complete a minimum of fifteen hours of continuing legal education each year. A twelve-member Commission on Continuing Legal Education was appointed to exercise general supervisory authority over the administration of the rule.

The Supreme Court is responsible for promulgating rules of appellate, civil, criminal, juvenile, and probate procedure. The Court is also authorized to prescribe rules of pleading, practice, and procedure, and the forms of process, writs, and notices for all proceedings concerning hospitalization of mentally ill persons. In exercising its rulemaking authority, the Supreme Court is assisted by several committees including: 1) the Supreme Court Committee on Rules of Civil Procedure, 2) the Advisory Committee on Rules of Criminal Procedure, 3) the Supreme Court Advisory Committee on Rules of Juvenile Procedure, and 4) the Probate Rules Committee. In developing rules for the hospitalization of the mentally ill, the Supreme Court has been assisted by the Iowa State Bar Association's Committee on Law and Behavioral Sciences.

The qualifications and training requirements of juvenile probation officers are mandated by the Supreme Court and administered by the Court's Judicial Probation Officers Training Committee. The Court also appoints the five-member Board of Examiners of Shorthand Reporters which administers the certified shorthand examination. The Supreme Court clerk is designated to assist the Board in collecting and accounting for all examination and certification fees.

In 1978, committees were appointed to develop a district court benchbook, a magistrate manual, and a district court clerks manual. Also, an nine-member Judicial Planning Committee, comprised of representatives of various components of the justice system, was appointed to assist the Supreme Court in planning for the needs of the judicial system.

Workload

During 1978, the Iowa Supreme Court disposed of 357 cases by written opinion - 245 civil, 103 criminal, and 9 disciplinary. [See Table 1.] (Where a single ruling resolved more than one filing, only one of the consolidated cases was counted as disposed of by formal opinion.) Compared with 1977 statistics, the 1978 figures represented a 2.8 percent decrease in the number of civil decision, a 12.7 percent reduction in the number of attorney disciplinary decisions. There were 37 fewer decisions written by the justices of the Supreme Court in 1978 than in 1976. The decrease in the number of Supreme Court dispositions

by written opinion is primarily attributable to the concentration of the most complex cases in the Supreme Court. Other factors affecting the decrease in formal decisions include: 1) the added burden of reviewing the large volumes of appellate cases and determining which cases to transfer to the Court of Appeals, 2) deciding which appellate rulings merit further review, and 3) the interruption of judicial service as a result of the retirement of three Supreme Court justices during 1978.

Table 2 shows the most numerous types of civil cases disposed of by written opinion concerned torts (45), administrative law (40), contracts (32), and domestic relations (31). While the number of administrative law cases rose 48.1 percent, tax, contract, domestic relations, and tort cases declined 50.0, 25.6, 18.5 and 16.7 percent, respectively, from 1977. Of the 103 criminal cases, 20 involved guilty pleas and/or sentencing issues, exclusively.

Table 3 illustrates the dramatic increase in judicial output since 1972. From 1972 through 1978, the number of written decisions issued by the Supreme Court rose 38.9 percent (257 to 357). Since 1976, the number of formal opinions decreased 9.4 percent (394 to 357).

In addition to writing 357 majority opinions during 1978, the nine Supreme Court Justices registered 41 dissents and 24 concurrences. Their opinions totaled 3,076 pages or 342 pages per judge on the double-spaced, legal-sized "red line" used for official decisions. There were 312 majority opinions

designating the author, and 45 per curiam opinions. The number of cases disposed of by per curiam or unsigned opinion showed a substantial decrease in 1978 as evidenced in the following annual statistics: 3 (1970), 19 (1973), 53 (1974), 79 (1975), 70 (1976), and 89 (1977). Again, this decrease is primarily attributable to the retention and disposition of a much greater percentage of complex and difficult cases. Overall, the average justice of the Supreme Court wrote approximately 40 court rulings during 1978.

Cases filed before the Supreme Court rose from 1,231 (1977) to 1,490 (1978) - an increase of 21.0 percent. There were 1,176 filings in 1976; 1,086 in 1975. (A case is considered filed or docketed at the time the clerk prepares a docket page and assigns a number to the case.)

Table 4 indicates the number of civil and criminal cases "In Work," "Ready," "Assigned," and "Out-to-Judges" which were pending as of January 1, 1977, 1978, and 1979. Between January 1, 1978, and January 1, 1979, the number of civil and criminal cases "Ready" for disposition decreased from 184 to 126 (31.5 percent). There were 42.6 percent fewer civil cases (157 to 322) "Ready" on January 1, 1979, than on January 1, 1978. However, as a result of the 21.0 percent rise in filings, the number of civil and criminal cases "In Work" increased 18.0 percent (571 to 674); the number of cases pending rose 2.5 percent (848 to 880).

As noted in Table 5, the average time elapse from "Ready" for submission to Supreme Court opinion was 6.5 months in

1978 - a decrease of 5.7 months in one year. The average delay for regular civil cases dropped from 17.0 months in 1977 to 8.3 months in 1978.

An examination of the direction of the Supreme Court decisions during the past five years indicates that approximately 66 percent of the trial court rulings were affirmed by the Court, 26 percent were reversed, and 8 percent were mixed. (A "mixed" Supreme Court decision is defined as a ruling which both "affirms" and "modifies" or "reverses" parts of a lower court ruling.)

	1974	1975	1976	1977	1978
Affirmed	70	65	68	64	63
Reversed	24	26	23	30	27
Mixed	6	9	9	6	10

In 1978, with the exception of four certiorari cases, nine disciplinary cases, and three appellate decisions granted further review, all cases decided by the Court were appealed as a matter of right. Nearly 60 percent of the 348 civil and criminal cases disposed of by written opinion on direct review were appealed from the trial courts of nine metropolitan counties. Over one-third of the cases came from the two most populous counties - Polk and Linn.

Counties	Number of Cases	Percentage of Total Cases Disposed
Polk	86	24.1
Linn	35	9.8
Black Hawk	26	7.3
Johnson	12	3.4
Pottawattamie	12	3.4
Woodbury	12	3.4
Scott	11	3.1
Story	9	2.5
Des Moines	7	2.0
TOTAL	210	58.8

In addition to the 357 Supreme Court cases disposed of by formal opinion after submission to the Court, 1,088 cases (686 civil and 402 criminal) were disposed of by Court order, consolidation, by dismissal by the Clerk for failure to cure a default, or by voluntary action by the parties involved. Table 6 shows there were 107 cases dismissed by order of the Supreme Court; there were 105 orders denying petitions for various types of review. Two hundred and nine cases were dismissed by the clerk for failure to cure a default after notice, 262 cases were voluntarily withdrawn by the parties, 7 cases were consolidated, and 370 cases were transferred by order of the Supreme Court to the Court of Appeals. In total, 1,445 filings were disposed of at the Supreme Court level in 1978, (1,431; 1,079; 868; 853; and 766 in 1977, 1976, 1975, 1974, and 1973, respectively). Discounting the cases transferred to the Court of Appeals, the Supreme Court disposed of 1,010 appeals in 1976, 1,075 in 1977, and ~~1,010~~^{1,025} in 1978.

A significant amount of judge-time was also spent ruling on preliminary motions and applications, conducting hearings, and writing 3,445 orders which did not result in the disposal of a case. There were 2,432 nondispositive court orders in 1977; 2,281 in 1976, and 1,591 in 1975.

In recent years, several major structural and procedural changes have contributed to the Supreme Court's ability to write 48.8 percent more decisions in 1978 (357) than it did in 1971 (240). One of the most important innovations was the reinstitution of a practice prevalent from 1929-1943; namely,

hearing and deciding cases in divisions of five members. Instead of spending four days a month in Court hearing oral arguments, each justice now spends two days hearing oral arguments. (During the monthly Court week, Wednesdays are generally reserved for conference and administrative matters.) Except in the most complex and controversial cases in which two or more justices request disposition en banc, cases before the Supreme Court are decided by division. The drafts of all proposed opinions are circulated to the entire Court. At any time prior to final approval of a proposed opinion, any two justices may request that a specific case be decided en banc. The research staff initially screens all cases and recommends to a three-justice screening panel whether a case should be submitted en banc or to a division; staff attorneys also recommend the amount of oral argument time, if any, which should be retained by the Supreme Court or transferred to the Court of Appeals.

As noted in Table 7, 273 of the 357 Supreme Court decisions were decided by a five-member panel. All disciplinary cases were considered en banc; 23.3 percent of the civil and 17.5 percent of the criminal cases were formally voted on by the full membership. Overall, 23.5 percent of the cases disposed of in 1978 were decided by all nine justices sitting en banc. In 1977, only 9.9 percent of the cases were decided en banc; in 1976, only 5.3 percent of the cases were so decided.

In addition to using judicial panels to hear and decide cases, the Court has also conserved time by reducing the number of cases permitted oral argument and limiting the amount of time each party can use in presenting its case. While before 1973 the Court allowed 75 minutes to argue a case, today most oral arguments are limited to approximately 35 minutes. Moreover, during 1978, 96 cases (27.1 percent) were submitted without oral argument. Indicative of the increased importance and complexity of cases decided by the Supreme Court in 1978, the number of non-oral submissions was the lowest since 1973. (in 1973, 1974, 1975, 1976, and 1977; 66, 128, 124, 149, and 105 cases, respectively, were submitted to the Court without oral argument.)

Other factors playing crucial roles in alleviating some of the Court's research and administrative burdens include; the research of legal assistants, case statements and screening recommendations drafted by the research staff, and the administrative tasks performed by the court administrator.

THE IOWA COURT OF APPEALS

In 1976, the 66th General Assembly established a new five-member appellate court designated as the "Iowa Court of Appeals." From a list of 15 nominees submitted by the State Judicial Nominating Commission, on September 23, 1976, the governor appointed Robert G. Allbee (Des Moines), James H. Carter (Cedar Rapids), Allen L. Donielson (West Des Moines), Leo Oxberger (St. Charles), and Bruce M. Snell, Jr. (Ida Grove) to the appellate bench. The members of the Court of Appeals commenced their duties November 1 and selected Robert G. Allbee chief judge. The new Court began hearing oral arguments and deciding cases in January, 1977.

On June 21, 1978 Chief Judge Allbee was appointed to the Iowa Supreme Court. Janet Johnson (Des Moines) was appointed to the Court of Appeals on September 22, 1978. Judge Oxberger was elected chief judge of the Court of Appeals on October 17, 1978.

The Court of Appeals is authorized to review all civil and criminal actions, post-conviction remedy proceedings, small claims actions, writs, orders, and other processes transferred to it by the Supreme Court. The Iowa Court of Appeals hears only the cases transferred to it by the Supreme Court. All cases continue to be appealed directly to the Supreme Court which transfers cases to the Court of Appeals.

Workload

As indicated in Table 8, during 1978, the five-member Court of Appeals disposed of 384 cases - 267 civil and 117 criminal. There were 171 per curiam opinions, 158 signed opinions, and two cases dismissed by order. The Supreme Court transferred to the Court of Appeals 69 cases in late 1976, 356 cases in 1977, and 370 in 1978 for a total of 795 cases - 575 civil and 220 criminal. There were 48 civil and 30 criminal cases pending before the Court of Appeals at the end of 1978.

The number and type of cases disposed of by formal written opinion is illustrated in Table 9. As noted in this Table, the Court of Appeals disposed of 118 domestic relations cases - 50 involving child custody - 40 property cases, 30 tort cases, and 26 contract cases. Seventeen of the 116 criminal cases involved guilty pleas and/or sentencing only.

Of the 382 cases disposed of by opinion, 258 or 67.5 percent were affirmed, 73 or 19.1 percent were reversed, and 51 or 13.4 percent were a combination of the two, modified or remanded only. During 1978, the Supreme Court considered 137 applications for further review; it granted review in 21 cases, reversed the Court of Appeals in three instances, and left 19 applications for review pending at the end of the year.

The average delay from the time a case was "ready" for submission to "decision" by the Court of Appeals was 5.8 months -

a decrease of 6.7 months in one year. [Table 10.] Priority civil and criminal cases took only 4.0 and 4.1 months, respectively; the average elapse time for non-priority civil cases was 7.3 months - down from 16.1 months in 1977.

Of the 393 cases submitted to the Court of Appeals in 1978, 205 (52.2 percent) were decided on the record without oral argument.

Including dissenting and concurring opinions, the 382 formal opinions totaled 1,435 pages, an average of 3.8 pages per case or 287 pages per judge, counting the title page. Opinions ranged from 2 to 12 pages, the median length being three legal-sized pages double-spaced.

Of the 382 dispositions by formal opinion, 249 or 65.2 percent were appealed from 13 populous counties: Polk (82), Linn (39), Black Hawk (23), Johnson (16), Scott and Pottawattamie (14), Woodbury (11), Marshall (10), and Cerro Gordo, Dubuque, Lee, Story, and Warren (8). During 1978, the Court of Appeals decided cases from 77 counties.

Financial Statement

The 1977 Session of the 67th General Assembly appropriated \$9,266,928 to finance the operation and administration of the trial and appellate courts in Iowa for fiscal year ending June 30, 1979. (This figure includes appropriations for the Supreme Court, Judicial Retirement Fund, Judicial Qualifications Commission, Board of Bar Examiners, Board of Shorthand Reporters, and the salaries and travel expenses of all trial court judges.) The appropriation for the judiciary

represented 0.6 of one percent of the total State budget of \$1,506,319,824. As noted in Chart 1 on the following page, the major appropriation categories and their share of the State's budget were: Education, 51.78 percent, Miscellaneous Tax Credits and Aids, 20.29 percent; Human Resources, 18.75 percent; State Departments, 5.64 percent; Transportation and Law Enforcement, 2.08 percent; and Natural Resources, 1.46 percent.

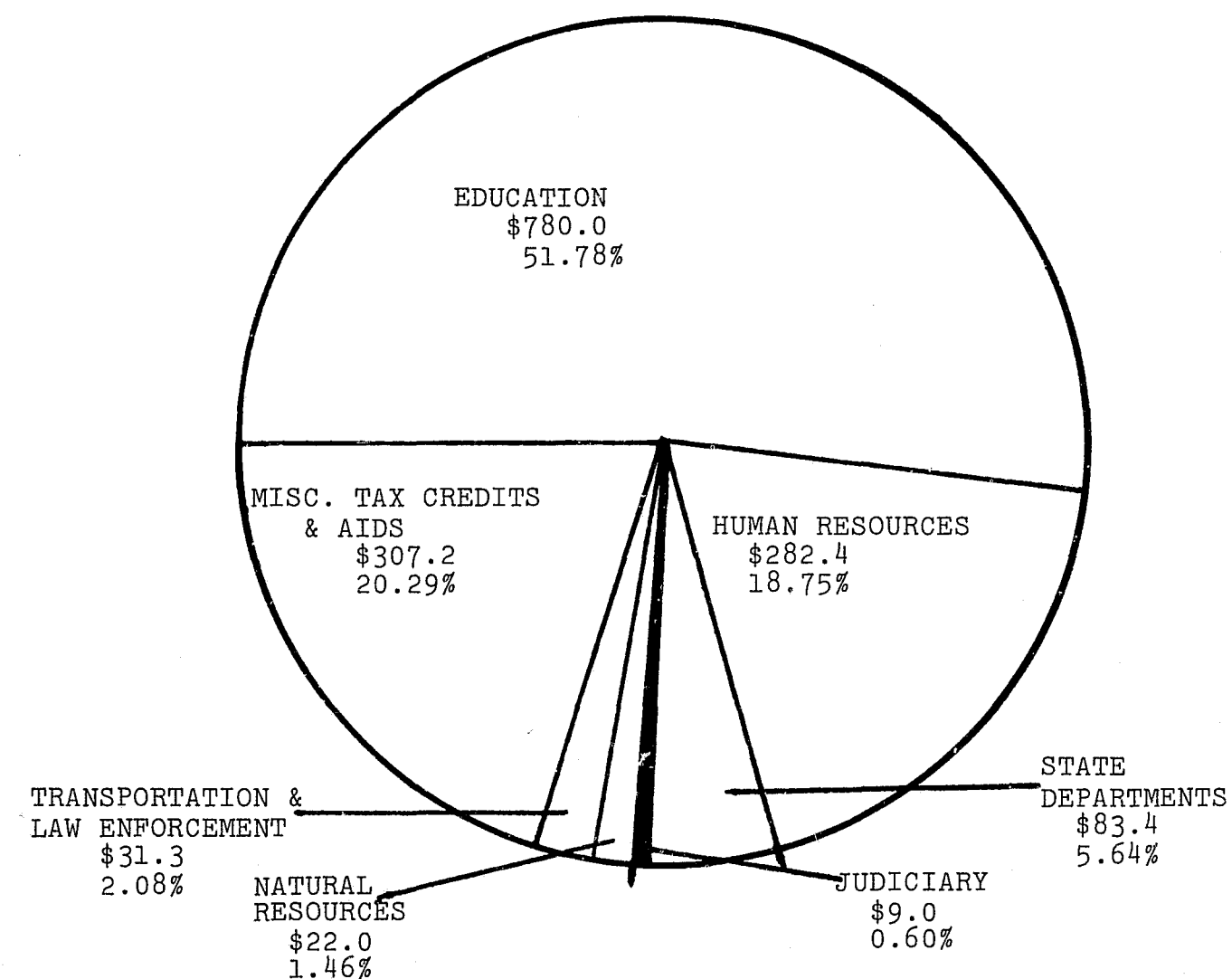
Of the \$9.0 million appropriated for the Judicial Department, \$7.9 million was earmarked for salaries - Chief Justice of the Supreme Court, \$50,000; eight justices, \$45,000; chief judge of the Court of Appeals, \$43,500; four associate judges, \$42,500; eight chief judges of the district court, \$42,000; 84 district court judges, \$40,000; 15 district associate judges, 15 full-time magistrates, and 9 substitute full-time magistrates, \$33,000; and 165 part-time magistrate positions, \$8,750 each. There was \$8,294,324 appropriated for the courts, \$195,700 as lump sum contribution to judicial retirement, \$496,916 for administration, and \$39,374 for boards appointed by the Supreme Court.

The State Auditor's figures show that revenue (fines and fees) collected in the district court totaled over \$18 million in fiscal 1977. Office space, support personnel, and supplies for trial judges are provided by the county.

Chart 1

STATE OF IOWA

Appropriated funds for Fiscal Year 1978
in millions of dollars \$1,506



The cost of administering the Judicial System is 0.60 of one percent of the total State Budget for fiscal year 1979.

TABLE 1
THE NUMBER AND TYPE OF CASES^a DISPOSED OF BY WRITTEN OPINION -
IOWA SUPREME COURT, 1974, 1975, 1976, 1977, 1978

CASES	1974	1975	1976	1977	1978	CHANGE IN PERCENT 1974-1978
CIVIL ^b	197	229	176	252	245	+24.4%
CRIMINAL ^c	184	143	219	118	103	-35.9%
DISCIPLINARY ^d	3	6	8	4	9	+200.0%
TOTAL	384	378	394	374	357	-7.0%

a. Where two or more related cases were consolidated for purposes of decision-making and resolved by one Court opinion, only one of the combined cases was counted in computing the total number of dispositions by opinion. In 1978, the 357 Supreme Court decisions involved 376 case filings.

b. The "civil" case category in this report includes appeals from final denials of post conviction relief, and all certiorari cases.

c. "Criminal" means direct appeals from final judgment in criminal cases.

d. Includes only the bar disciplinary proceedings disposed of by written opinion published in the North Western Reporter.

TABLE 2
NUMBER AND TYPES OF CASES DISPOSED OF
BY SUPREME COURT OPINION, 1976-1978

TYPE OF CASE	1976	1977	1978
CIVIL			
Administrative Law	14	27	40
Contracts	22	43	32
Contested child custody	30	11	12
Domestic relations not involving child custody	17	27	19
Postconviction relief	21	9	9
Property	8	25	22
Taxation	8	14	7
Tort	25	54	45
Trust, estates, wills	3	11	10
Other	28	31	49
TOTAL CIVIL	<u>176</u>	<u>252</u>	<u>245</u>
CRIMINAL			
Guilty plea only	36	14	7
Sentencing only	34	14	11
Guilty plea & sentencing only	12	4	2
Other	128	86	83
TOTAL CRIMINAL	<u>210</u>	<u>118</u>	<u>103</u>
LAWYER DISCIPLINARY PROCEEDINGS	8	4	9
TOTAL	<u>394</u>	<u>374</u>	<u>357</u>

TABLE 3

NUMBER OF CASES DISPOSED OF PER MONTH BY OPINION -
IOWA SUPREME COURT 1972-1978

MONTH	1972	1973	1974	1975	1976	1977	1978
JANUARY	15	26	21	32	39	39	36
FEBRUARY	18	33	45	31	35	24	38
MARCH	17	33	37	39	35	34	39
APRIL	21	27	37	41	39	41	33
MAY	25	32	41	39	42	39	35
JUNE	35	42	36	32	52	27	37
SEPTEMBER	41	35	61*	73*	61*	68*	54*
OCTOBER	27	32	31	26	28	31	30
NOVEMBER	25	23	36	28	34	38	31
DECEMBER	33	34	39	37	29	33	24
TOTAL	257	317	384	378	394	374	357

*Includes written opinions filed in July, August, and September.

TABLE 4

NUMBER OF CIVIL AND CRIMINAL CASES: ^aIN WORK, ^bREADY, ^cASSIGNED,
AND OUT-TO-SUPREME COURT JUDGES ^d - A COMPARISON OF
CASELOADS, JANUARY 1, 1977, JANUARY 1, 1978, AND JANUARY 1, 1979

	1977			1978			1979		
	CIVIL	CRIMINAL	TOTAL	CIVIL	CRIMINAL	TOTAL	CIVIL	CRIMINAL	TOTAL
IN WORK	365	276	641	323	248	571	452	222	674
READY	322	20	342*	157	27	184*	90	36	126*
ASSIGNED	30	4	34	20	15	35	23	6	29
OUT-TO-JUDGES	39	22	61	41	17	58	40	11	51
TOTALS	756	322	1,078	541	307	848	605	275	880

a. In Work - All cases docketed which are not yet ready for submission.

b. Ready - All cases ready for submission.

c. Assigned - All cases which have been assigned to the judges and will be submitted or formally presented to the Court within a month.

d. Out-to-Judges - All cases submitted to the Court which have not been decided.

* For purposes of this table, the 69, 356, and 370 cases transferred to the Court of Appeals in 1976, 1977, and 1978, respectively, were deducted from the number of ready cases pending before the Supreme Court.

TABLE 5

AVERAGE DELAY (IN MONTHS) FROM THE TIME
A CASE IS READY FOR SUBMISSION TO OPINION -
IOWA SUPREME COURT

YEAR	TYPE OF CASE			AVERAGE DELAY
	CIVIL	PRIORITY CIVIL	CRIMINAL	
1974	9.7	3.2	3.6	6.3
1975	14.6	3.3	4.7	9.0
1976	20.2	4.0	3.8	9.0
1977	17.0	4.3	4.5	12.2
1978	8.3	4.1	4.2	6.5

TABLE 6

DISPOSITION OF CASES AT THE SUPREME COURT LEVEL BY ORDER
OR OTHER MODE PRIOR TO FORMAL SUBMISSION TO THE COURT, 1978

TYPE OF DISPOSITION	NUMBER OF DISPOSITIONS	
	CIVIL	CRIMINAL
Voluntary dismissal or withdrawal of appeal or other review by appellant	209	53
Dismissal by the clerk pursuant to rule 19, R. App. P., for failure to cure default within 15 days after notice	83	98
Dismissal by court for failure to comply with Rules of Appellate Procedure	17	2
Dismissal by court for lack of jurisdiction	7	0
Dismissal by court of frivolous criminal appeal pursuant to Rule 104, Rules of Appellate Procedure	0	67
Denial of petition for permission to appeal an interlocutory ruling	61	0
Denial of petition for writ of certiorari	22	17
Denial of petition for discretionary review	22	22
Cases transferred to the Court of Appeals by order of the Supreme Court	245	125
Consolidations*	7	12
Other	13	6
Totals	686	402

TOTAL CIVIL AND CRIMINAL

1,088

*For purposes of this table, cases were classified as consolidated at
the time an order granting consolidation was filed.

TABLE 7

NUMBER OF CIVIL, CRIMINAL, AND DISCIPLINARY
CASES DISPOSED OF BY OPINION OF THE SUPREME COURT
EN BANC AND BY DIVISION, 1977 and 1978

	EN BANC		DIVISION		PERCENT EN BANC	
	1977	1978	1977	1978	1977	1978
CIVIL	21	57	231	188	8.3%	23.3%
CRIMINAL	12	18	106	85	10.2%	17.5%
DISCIPLINARY	4	9	-	-	100.0%	100.0%
TOTAL	37	84	337	273	9.9%	23.5%

TABLE 8

NUMBER OF CIVIL AND CRIMINAL CASES TRANSFERRED TO,
DISPOSED OF, AND PENDING BEFORE THE IOWA COURT OF APPEALS DURING 1978

	TRANSFERRED			DISPOSED OF			PENDING		
	CIVIL	CRIMINAL	TOTAL	CIVIL	CRIMINAL	TOTAL	CIVIL	CRIMINAL	TOTAL
January	17	8	25	26	12	38	61	18	84
February	31	9	40	22	6	28	70	21	96
March	24	11	35	28	12	40	66	20	86
April	32	11	43	32	6	38	66	25	91
May	-	-	-	26	12	38	40	13	53
June	-	-	-	24	11	35	16	2	18
July	39	19	58	-	-	-	55	21	76
August	5	9	14	27	8	35	33	22	55
September	40	30	70	16	8	24	57	44	101
October	-	-	-	15*	14	29	42	30	72
November	57	28	85	24	20*	44	75	38	113
December	-	-	-	27	8	35	48	30	78
TOTAL	245	125	370	267	117	384			

*In October, one civil case was voluntarily dismissed by court order; in November, one criminal case was dismissed by order.

TABLE 9

NUMBER AND TYPES OF CASES DISPOSED OF BY
OPINION - IOWA COURT OF APPEALS, 1977 and 1978

TYPE OF CASE	NUMBER OF DISPOSITIONS	
	1977	1978
CIVIL		
Administrative Law	15	21
Contracts	39	26
Contested Child Custody	23	50
Domestic Relations not involving Child Custody	58	68
Postconviction Relief	7	7
Property	40	40
Taxation	4	4
Tort	52	30
Trust, estates, wills	13	3
Other	6	17
TOTAL CIVIL	257	266
CRIMINAL		
Guilty Plea Only	5	11
Sentencing Only	2	5
Guilty Plea and Sentencing only	2	1
Other	63	99
TOTAL CRIMINAL	72	116
TOTAL	<u>329</u>	<u>382</u>

TABLE 10

AVERAGE DELAY (IN MONTHS) FROM THE TIME A
CASE IS READY FOR SUBMISSION TO OPINION -
IOWA COURT OF APPEALS

YEAR	TYPE OF CASE			TOTAL
	CIVIL	PRIORITY CIVIL	CRIMINAL	
1977	16.1	4.6	4.6	12.5
1978	7.3	4.0	4.1	5.8

II. TRIAL COURT

THE IOWA DISTRICT COURT

The unified trial court, known as the "Iowa District Court," became operative July 1, 1973. The district court has general and original jurisdiction of all actions and proceedings, including probate and juvenile matters. Its jurisdiction is exercised by district judges, district associate judges, and three types of judicial magistrates. The salary and travel expenses of all judges and magistrates are funded by the State.

The Unified Trial Court Act required the clerk of the District Court to furnish each judicial magistrate, associate judge, or district judge acting as a judicial magistrate, a docket in which to enter all proceedings within their jurisdiction, except those required to be docketed with the clerk and assigned to judicial officers for disposition. Effective July 1, 1974, the chief judge of a judicial district was authorized to order criminal proceedings, previously required to be entered in individual dockets, combined in a centralized docketed.

Part-time Judicial Magistrates

The Unified Trial Court Act created and allotted 191 part-time judicial magistrate positions to the 99 counties in the state, ranging from one to six per county. The original allotment remained in effect until June 30, 1975. Since that

date, the court administrator has apportioned magistrates among the counties.

A judicial magistrate appointing commission selects the magistrates to fill the positions allotted to the county. The person appointed must be an elector of the county and able to serve a full term of office before reaching the mandatory retirement age of seventy-two (72). Although a license to practice law is not required, the commission must first consider licensed attorneys. In counties allotted only one such position, the appointing commission is authorized to appoint an additional magistrate and divide the statutory salary. (Clarke, Guthrie, and Ida Counties exercised this option in 1978.) Part-time magistrates serve a two-year term of office. The apportionment made in 1977 appears in Appendix E.

As amended, the Unified Trial Court Act authorizes any county with an allotment of three or more magistrate positions to appoint a substitute full-time judicial magistrate to serve in lieu of three part-time ones. The substitution is made by order of the chief judge of the judicial district on the affirmative vote of a majority of the district judges in the judicial election district in which the county is located. Substitute full-time magistrates are nominated and appointed in the same manner as regular full-time judicial magistrates. They also have the same qualifications, rights, salary, duties, responsibilities, authority, and jurisdiction as

regular full-time magistrates. Substitute full-time magistrates appointed for the term commencing July 1, 1974, were given five-year terms [Table 2(c), footnote b.]; those appointed for terms commencing July 1, 1975, have four-year terms. [Table 2(c), footnote c.] The current term of office for part-time and substitute full-time magistrates expires June 30, 1979.

Jurisdiction:

Part-time judicial magistrates have jurisdiction of the following:

1. Preliminary hearing cases.
[Cases in which they act as committing magistrates on felonies and indictable misdemeanors (R.Cr.P. 2(4), Supplement, The Code, 1977).
2. Nonindictable misdemeanors, including traffic and ordinance violations.
[Criminal offenses in which the punishment does not exceed a fine of \$100 or does not exceed imprisonment for 30 days.]
3. Search warrant proceedings.
4. Miscellaneous actions.
[These include issuing a warrant directing a peace officer to appoint appraisers to fix the value of vessels, rafts, logs, and lumber which have been stopped or taken up and determining the ownership of other lost property (Chapter 644), and determining the ownership of stolen or embezzled property (Chapter 645).

The above proceedings are all required to be entered in the docket furnished to them by the clerk or in the centralized docket for the county, if one is ordered to be maintained by the chief judge of the judicial district.

5. Small claims.

[A small claim is a civil action (1) for a money judgment where the amount in controversy is \$1,000 or less, exclusive of interest and costs, and (2) actions for forcible entry and detainer where no question of title to the property is involved.]

The Act requires the clerk of the district court to maintain the docket for small claims actions. If the action is one for money judgment and it is not disposed of by the clerk through entry of a confession of judgment, default judgment, or a voluntary dismissal, it must be assigned to a judicial officer having jurisdiction of such actions. This is done by delivering the original notice first filed with the clerk to the officer. If it is an action for forcible entry and detainer, the appearance is required before the judicial officer who must handle the entire proceeding, including an order for the issuance of a writ of eviction if the plaintiff prevails. Again, the assignment is perfected by the clerk delivering the original notice first filed and all papers in the case to the judicial officer.

The record of all actions taken by the judicial officer in either type of small claims proceeding, including notes of testimony and judgment entry, is made on the original notice to which exhibits, if any, are attached and returned

to the clerk. It serves as a calendar sheet from which the clerk makes proper entries in the small claims docket and on the lien index. Small claims actions are not entered in the docket furnished to judicial officers by the clerk or in the centralized docket used for criminal proceedings.

Regular Full-time Judicial Magistrates

The original Act provided for 30 magistrates required to devote full time to their position. One to four positions were authorized to counties in four population categories ranging from 35,000 to over 200,000. The 25 municipal court judges holding office June 30, 1973, became district associate judges and satisfied the requirement of a regular full-time magistrate in the county of their residence. Upon the death, resignation, retirement, removal, or nonretention of a district associate judge, a full-time magistrate is appointed to fill the vacancy. Due to vacancies since 1973, as shown by the chart appearing on the following page, 13 counties had regular full-time magistrates by the end of 1977.

Jurisdiction:

Regular full-time magistrates have the same jurisdiction and docketing procedures as district associate judges (below).

District Associate Judges

By January 1, 1974, the associate judge at Ames in Story County and one of the two at Council Bluffs, in Pottawattamie

District	County	Regular Full-time Magistrates Required	Associate Judges In The County*	Regular Full-time Magistrates Appointed*
1st	Black Hawk	3	1	2**
		2	1	1
2nd	Cerro Gordo	1	-	1
	Marshall	1	1	-
	Webster	1	-	1
	Story	1	-	1
3rd	Woodbury	2	1	1
4th	Pottawattamie	2	1	1
5th	Jasper	1	-	1
	Polk	4	2	2
6th	Johnson	1	-	1
		3	3	-
7th	Clinton	1	-	1
	Muscatine	1	1	-
	Scott	3	3	-
8th	Des Moines	1	1	-
	Lee	1	-	1
	Wapello	1	-	1
Statewide	18	30	15	15

*In counties having only one associate judge or regular full-time magistrate, the county judicial magistrate appointing commission is authorized to appoint an alternate judicial magistrate to act in the absence or inability of the regular judicial officer. Such an alternate is paid on a per diem basis by the state for days of actual service rendered.

**A new magistrate position was created in 1978, due to the resignation of one of the two district associate judges in Black Hawk County.

County had resigned and had been replaced by a regular full-time magistrate. During 1974, the one at Ottumwa in Wapello County as well as one of the two at Waterloo in Black Hawk County resigned. Both were replaced by regular full-time magistrates. The one at Clinton in Clinton County was not retained in office at the judicial election in November. The death of an associate judge in Woodbury County and the resignation of one in Polk County resulted in the appointment of two additional full-time magistrates in 1975. The resignation of a district associate judge in Dubuque and Polk (1976) and Black Hawk (1978) reduced the number of associate judges to 15. In November, 1978, two district associate judges were not retained in office at the general election; consequently, there were 13 district associate judges and 17 regular full-time magistrates January 2, 1979.

Jurisdiction:

Associate judges have the same jurisdiction as part-time magistrates and must follow the same docketing procedures in such matters.

In addition, they have jurisdiction of:

1. Civil actions for money judgments where the amount in controversy does not exceed \$3,000,
2. Indictable misdemeanors, and
3. Juvenile cases when designated as a judge of the juvenile court by the chief judge of the judicial district.

While exercising such additional jurisdiction, they are not

only required to employ district judges' practice and procedure, but, as the cases are docketed with the clerk of the district court, they must be assigned and delivered to the judges with a calendar sheet on which to report the disposition of the case.

Trial by Jury and Appeal Provisions:

A defendant charged with a nonindictable misdemeanor is entitled to a jury trial by six members if he files a written jury demand at least ten days before the time set for trial. Failure to make such demand constitutes a waiver of jury. The plaintiff may appeal only upon a finding of invalidity of an ordinance or statute and the defendant only upon a judgment of conviction. When appealed, the case stands for trial anew before a district court judge. Either party may appeal from the judgment of the district judge to the Supreme Court in the same manner as from a judgment in a prosecution by indictment.

A small claims action is tried before the judicial officer to whom it is assigned without the right to a jury. Either party may appeal to a district court judge who is required to hear the matter on the record. If it appears the trial record is incomplete, the district court judge may take additional testimony and evidence. The right of either party to appeal from the judgment of the district judge is entirely within the discretionary power of the Supreme Court.

District Court Judges

During 1978, there were 92 district court judges in Iowa. Under the judgeship formula computed in February, 1978, 98 judgeships were authorized. However, due to the provisions of Section 3, Chapter 18, 67th G.A., 1977 Session, limiting the maximum number of judgeships to 92, the judgeship vacancies could not be filled. The latest computation of the judgeship formula (March, 1979) authorized a total of 101 judgeships. The statutory formula and a copy of the application of the formula in 1978 and 1979 appear at the end of this part of the report.

Jurisdiction:

District judges possess the full jurisdiction of the trial court, including the jurisdiction of judicial magistrates. While exercising the latter, they are required to employ the practice and procedure for judicial magistrates. Under the Iowa probate code they are the only judges sitting in probate.

Population per Judge:

With 92 judges serving in the eight judicial districts during 1978, the population spread per judge ranged from a high of 34,430 in the 3rd to a low of 26,370 in the 5th District. [Appendix C.]

Judicial Election Districts:

For purposes of administration and ordinary judicial functions, the state is divided into eight judicial districts

as shown on the map appearing as Appendix D, and into 13 judicial election districts for the purposes stated in the footnote to the map appearing on the following page.

Clerk of District Court

The clerk's office in the 99 counties performed two important functions during 1978 which reduced the workload of the judicial officers in each county. These were:

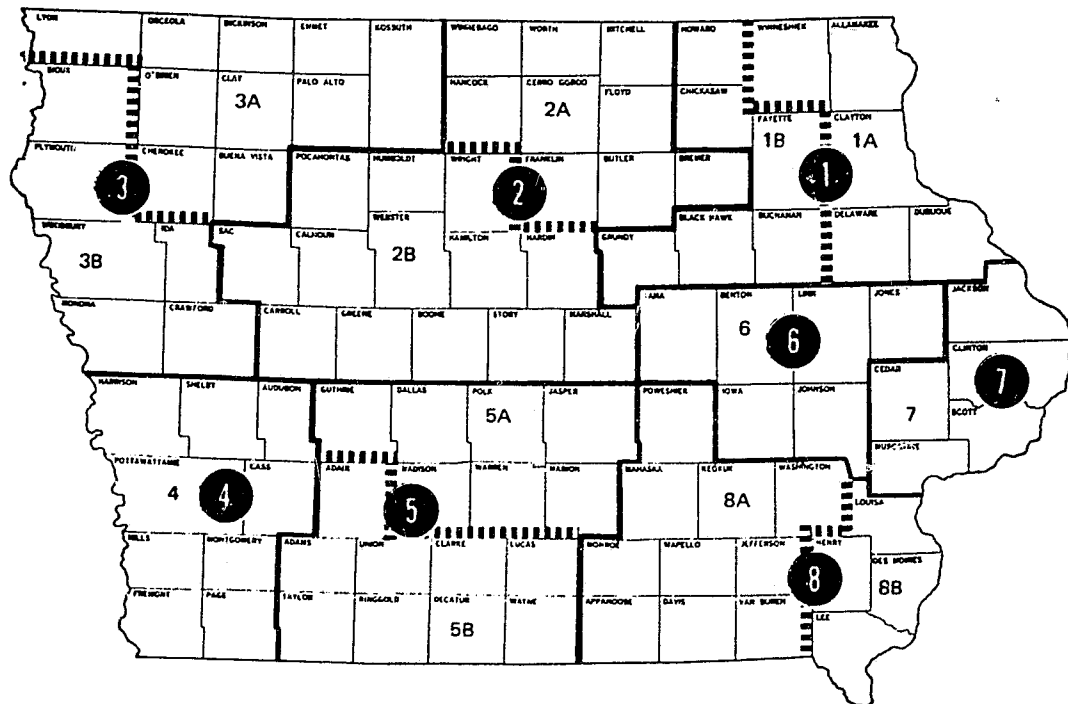
1. Kept the small claims docket and, through the entry of confessions of judgment, default judgments and voluntary dismissals in actions for a money judgment, avoided the necessity of assigning many such cases to judicial officers. [Table 6(b).]
2. Maintained a traffic violations office where scheduled violations were admitted and disposed of upon payment of the minimum fine and costs before the time specified for appearance before the court on a uniform citation and complaint issued to the alleged violator. [Table 13.]

JUDGESHIP FORMULA

The subsections of Section 602.18, Code 1977, relating to the determination of the number of judges in each of the 13 judicial districts and the matter of filling judgeship vacancies, are as follows:

1. Subject to the provision for temporary assignment of judges, as set out in subsection 9 hereof, each district judge in office on July 1, 1967, shall continue to serve in the district of his domicile so long as he remains a district judge, regardless of the number of judgeships to which the district is entitled under subsection 2 hereof.

Iowa's 8 Judicial Districts and 13 Judicial Election Districts



*Judicial election districts are for the purposes of nomination, appointment, and election of district judges, the application of the judgeship formula, the removal of judicial magistrates, and the appointment of substitute and regular full-time judicial magistrates.

2. The number of judgeships to which each of the judicial election districts shall be entitled shall be determined from time to time according to the following formula:

a. In an election district wherein the largest county contains two hundred thousand or more population, there shall be one judgeship per seven hundred twenty-five combined civil and criminal filings or major fraction thereof; provided, the seat of government shall be entitled to one additional judgeship.

b. In an election district wherein the largest county contains eighty-five thousand or more population, but less than two hundred thousand, there shall be one judgeship per six hundred twenty-five combined filings or major fraction thereof.

c. In an election district wherein the largest county contains forty-five thousand or more population, but less than eighty-five thousand, there shall be one judgeship per five hundred twenty-five combined civil and criminal filings or major fraction thereof.

d. In an election district wherein the largest county contains less than forty-five thousand population, there shall be one judgeship per four hundred seventy-five combined civil and criminal filings or major fraction thereof.

e. Notwithstanding paragraphs a, b, c, or d of this subsection, each election district shall be entitled to not less than one judgeship for each forty thousand population or major fraction thereof contained in the election district. The court administrator shall determine both the number of judgeships for each election district based upon this paragraph, and the number of judgeships for each election district based upon paragraph a, b, c, or d of this subsection. If the number for any election district determined under this paragraph exceeds the number determined under paragraph a, b, c, or d, that election district shall be entitled to the number of judgeships determined under this paragraph.

f. The filings included in the determinations to be made under this subsection shall not include small claims or nonindictable misdemeanors filed after June 30, 1973, nor shall they include either civil actions for money judgment where the amount in controversy does not exceed three thousand dollars or indictable misdemeanors, which were assigned to district associate judges and judicial magistrates as shown on their administrative reports, but they shall include appeals from decisions of judicial magistrates, district associate judges, and district judges sitting as judicial magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the state department of health computations.

3. A vacancy, for purposes of this section, is defined as the death, resignation, retirement, removal, or failure of retention in office at the judicial election, of a judge or increase in judgeships under this section.

4. In those districts having more judges than the number of judgeships specified by the formula set out in subsection 2 hereof, vacancies shall not be filled.

5. In those districts having fewer judges or the same number of judges as the number of judgeships specified by the formula set out in subsection 2 hereof, vacancies in the number of judges shall be filled as they occur.

6. In those judicial districts that contain judicial election districts, no vacancy in any judicial election district shall be filled if the total number of judges in all the judicial election districts within the judicial district equals or exceeds the number of judgeships to which all of the judicial election districts of the judicial district combined are authorized.

7. Vacancies shall not be filled in any district which may become entitled to fewer judgeships under subsection two (2) of this section; but no incumbent judge shall ever be removed from office by reason thereof.

8. During February of each year, and at such other times as may be appropriate, the supreme court administrator shall make the determinations required under this section, and shall notify the nominating commissions involved and the governor of any appointments that may be required as a result thereof.

9. It shall be the duty of the chief justice to assign judges and other court personnel from one judicial district to another, on a continuing basis, if need be, in order to provide a sufficient number of judges to handle the judicial business in all districts promptly and efficiently at all times.

APPLICATION OF THE JUDGESHIP FORMULA UNDER SUBSECTION 2, SECTION 602.18, CODE 1977

Based on (1) 3-year Average Combined Filings (1975-76-77, with exclusions listed in Section 602.18, subsection 2) divided by the factor opposite the classification of the population of the largest county in the Election District as appears in footnotes a, b, c, and d, or (2) one judge for each 40,000 or major fraction of population of entire Election District, whichever results in the largest number of judges.

Judicial Election District	Number Based on (1) Above	Number Based on (2) Above	Formula Judgeships*	Resident Judges
1A ^b	2,031 (3.25)	172,100 (4.30)	4	4
1B ^b	4,827 (7.72)	224,600 (5.62)	8	8
2A ^c	3,142 (5.98)	171,600 (4.29)	6	5
2B ^c	5,863 (11.17)	329,300 (8.23)	11	10
3A ^d	2,661 (5.60)	157,600 (3.94)	6	5
3B ^b	3,400 (5.44)	195,800 (4.90)	5	5
4 ^b	3,785 (6.06)	197,200 (4.93)	6	6
5A ^a	11,981 (16.53)	448,600 (11.22)	18 ^e	17 ^e
5B ^d	1,518 (3.20)	78,300 (1.96)	3	3
6 ^b	7,141 (11.43)	321,700 (8.04)	11	10
7 ^b	5,780 (9.25)	288,100 (7.20)	9	9
8A ^d	3,091 (6.51)	168,900 (4.22)	7	6
8B ^c	2,349 (4.47)	115,800 (2.90)	4	4
State Totals	57,569	2,869,600	98	92

- a. 200,000 or more population - one judgeship per 725 filings or major fraction.
b. 85,000 - 199,999 population - one judgeship per 625 filings or major fraction.
c. 45,000 - 84,999 population - one judgeship per 525 filings or major fraction.
d. 0 - 44,999 population - one judgeship per 475 filings or major fraction.
e. The seat of state government is entitled to one additional judgeship under the formula.

*Although the 1978 computation of the judgeship formula created six vacancies, the provisions of Section 3, Chapter 18, 67th G.A., 1977 Session, limiting the maximum number of judgeships to 92, prohibit the vacancies from being filled at this time.

Prepared February, 1978, by: Court Administrator's Office
State House
Des Moines, IA 50319

APPLICATION OF THE JUDGESHIP FORMULA UNDER
SUBSECTION 2, SECTION 602.18, CODE 1977

Based on (1) 3-year Average Combined Filings (1976-77-78, with exclusions listed in Section 602.18, Subsection 2) divided by the factor opposite the classification of the population of the largest county in the Election District as appears in footnotes a,b,c, and d, or (2) one judge for each 40,000 or major fraction of population of entire Election District, whichever results in the largest number of judges.

Judicial Election District	Number Based on (1) Above	Number Based on (2) Above	Formula Judgeships*	Resident Judges
1A ^b	2,212 (3.54)	173,800 (4.35)	4	4
1B ^b	4,905 (7.85)	225,600 (5.64)	8	8
2A ^c	3,363 (6.41)	170,900 (4.27)	6	5
2B ^c	5,969 (11.37)	329,100 (8.23)	11	10
3A ^d	2,666 (5.61)	157,900 (3.95)	6	5
3B ^b	3,553 (5.68)	196,400 (4.91)	6	5
4 ^b	4,014 (6.42)	197,700 (4.94)	6	6
5A ^a	12,378 (17.07)	449,400 (11.24)	18 ^e	17 ^e
5B ^d	1,594 (3.36)	78,000 (1.95)	3	3
6 ^b	6,940 (11.10)	323,500 (8.09)	11	10
7 ^b	6,018 (9.63)	290,600 (7.27)	10	9
8A ^d	3,208 (6.75)	170,100 (4.25)	7	6
8B ^c	2,522 (4.80)	115,900 (2.90)	5	4
State Totals	59,342	2,878,900	101	92

- a. 200,000 or more population - one judgeship per 725 filings or major fraction.
b. 85,000 - 199,999 population - one judgeship per 625 filings or major fraction.
c. 45,000 - 84,999 population - one judgeship per 525 filings or major fraction.
d. 0 - 44,999 population - one judgeship per 425 filings or major fraction.
e. The seat of state government is entitled to one additional judgeship under the formula.

*Although the 1979 computation of the judgeship formula created nine (9) vacancies, the provisions of Section 3, Chapter 18, 67th G.A., 1977 Session, limiting the maximum number of judgeships to 92, prohibit the vacancies from being filled.
Prepared March 26, 1979, by: Court Administrator's Office
State House
Des Moines, IA 50319

ANALYSIS OF STATISTICS

Regular Civil and Criminal Cases

For the purpose of the following discussion, regular civil cases include all law, equity, and special proceedings docketed in the office of the clerk except in the small claims docket. An appeal from a decision of a judicial magistrate or an associate judge in a small claims action is included when docketed by the clerk.

Regular criminal cases include all felony and indictable misdemeanors (serious and aggravated). A felony is a public offense which is, or in the discretion of the court may be, punished by imprisonment in the state penitentiary, men's reformatory, or women's reformatory. An indictable misdemeanor is a public offense, less than a felony, in which the punishment exceeds a fine of \$100 or exceeds 30 days imprisonment in the county jail. An appeal from a decision or verdict in a nonindictable or simple misdemeanor case becomes a regular criminal case upon being docketed by the clerk.

74,540 regular civil and criminal cases were docketed in the clerks' offices during 1978. This was a 2.4 percent increase over the 72,802 civil and criminal cases docketed in 1977, and a 12.5 percent increase over the 66,261 cases docketed in 1976. A comparison of cases docketed during 1977 and 1978 reveals that while civil filings increased 15.9 percent (40,219 to 46,598), criminal filings decreased 5.2 percent (29,478 to 27,942).

A number of regular civil cases and indictable misdemeanors filed in district court were assigned to district associate judges, full-time magistrates or substitute full-time magistrates for disposition. The three types of judicial officers mentioned above will hereafter be referred to as "other judges." The total number of regular civil and indictable criminal dispositions by district judges and other judges amounted to 69,970 - an increase of 2.8 percent over the 68,083 cases disposed of in 1977. Despite the increase in dispositions, there were 4,570 more cases pending December 31, 1978, than on January 1 of that year. The 4th District was the only district in which there were more cases disposed of than docketed. The number of civil and criminal cases pending in the 1st District rose by 1,297 (23.2 percent). [Tables 1, 2(a) and 3(a).]

District Judges' Activity

During 1978, district court judges disposed of 41,898 regular civil cases: 430 or 1.0 percent by trial to jury, 4,853 or 11.6 percent by trial to court, and 36,597 or 87.4 percent without trial. The number of civil dispositions per judge ranged from 369 in the 1st to 539 in the 4th District. [Tables 2(a), (b), and (d).]

During the year, district judges disposed of 14,573 regular criminal cases: 591 or 4.0 percent by trial to jury, 1,021 or 7.0 percent by trial to court, and 12,961 or 89.0

percent without trial. The number of criminal dispositions per judge ranged from 107 in the 7th to 208 in the 6th District. [Tables 3(a), (b), and (d).]

The average number of civil and criminal cases disposed of per judge by district, with the rank of each district, is shown in Table 7.

Other Judges' Activity

There were 530 regular civil cases assigned to district associate judges, full-time, and substitute full-time magistrates during 1978 - a decrease of 12 cases from 1977. During 1978, the judges of limited jurisdiction disposed of 494 regular civil cases, 11 or 2.2 percent by trial to jury, 135 or 27.3 percent by trial to court, and 348 or 70.5 percent without trial. On a per judge basis, dispositions ranged from 0 in the 6th to 45 in the 3rd District. [Tables 2(a), (c), and (d).]

During 1978, 12,869 regular criminal cases (indictable misdemeanors and simple misdemeanors on appeal) were assigned to all other judges as compared to 10,936 assigned to associate judges, full-time and substitute full-time magistrates during 1977. Of the 13,005 criminal cases disposed of by other judges in 1978, 203 or 1.6 percent were resolved by trial to jury, 229 or 1.8 percent by trial to court, and 12,573 or 96.6 percent without trial. On a per judge basis, dispositions ranged from 141 in the 8th to 606 in the 4th District. [Tables 3(a), (c), and (d).]

Pending Regular Civil and Criminal Cases

Of the 44,790 regular civil cases pending at the end of the year, 18,075 or 40 percent were over one year old. [Tables 2(a) and 4.] Those pending in the 7th, 5th, 3rd, and 1st Districts exceeded the state average; the 6th and 8th Districts had the lowest percentage of civil cases over one year old. As indicated in Appendix A, the proportion of pending civil cases over one year old ranged from 26 percent in the 6th to 47 percent in the 7th District.

Of the 12,556 regular criminal cases pending at the end of the year, 3,179 or 25 percent were over one year old. [Tables 3(a) and 4.] Those pending in the 7th, 4th, 3rd, and 6th Districts exceeded the state average; the 5th and 8th Districts had the lowest percentage of criminal cases over a year old. The number and percent of pending regular criminal cases in each district over one year old appear in Appendix B. Overall, the percentage of criminal cases over one year old increased by 1 percent while the number of civil cases over that age decreased by 3 percent from corresponding figures in 1977.

Probate Matters

The district judges exercise the probate jurisdiction of the unified trial court. There were 901 trusteeships opened in 1978 - up 28.7 percent from the previous year. The number of trusteeships opened ranged from 44 in the 4th to 304 in the

2nd District. During 1978, 3,919 guardianships and conservatorships were opened - up 72 from the 1977 figures - ranging from 233 in the 4th to 835 in the 5th District. 19,398 decedent estates were opened in 1978 - an increase of 743 or 4.0 percent. The number of estates opened varied from 1,352 in the 7th to 3,871 in the 5th District. Statewide, there were two jury trials and 561 trials to court in contested probate matters. [Table 5(a).] The respective state totals in 1977 were six and 488. Table 7 indicates the number of probate matters opened and closed per judge in each district during 1978.

Age of Decedents' Estates at Time of Closing

During 1978, of the 17,136 estates closed, 50 percent were closed within one year, 39 percent from 1-3 years, and 11 percent after three years. The respective percentages for the 16,950 estates closed in 1977 were 47 percent, 41 percent, and 12 percent. In 1978, 55 percent of the estates were settled within one year in the 8th District; in the 6th District only 41 percent of the estates were closed within a year. [Tables 5(b) and Chart 1.] The number of decedents' estates closed during 1978 was 2,262 less than the number of new estates opened. In 1977, there were 1,442 more estates opened than closed. [Tables 5(a) and (b).]

Juvenile Matters

Juvenile matters are heard by district judges and those associate judges and full-time judicial magistrates designated

by the chief judge of the judicial district to act as a judge of the juvenile court. There were 6,179 juvenile petitions filed in the district court clerks' offices during 1978 - 179 more petitions than filed in 1977. 3,385 juvenile petitions were assigned to designated associate judges and full-time magistrates for disposition; 2,782 were retained for district judges. (In 1977, 2,982 juvenile cases were retained for district judges.) During 1978, 1,681 formal hearings were held by district judges, 2,119 by referees, and 4,234 by the designated associate judges and full-time magistrates. [Table 6(a).] The workload statistics of the three types of judicial officers in 1977 were 2,099, 2,401, and 4,125, respectively. For the number of associate judges and full-time magistrates designated as juvenile court judges during 1978, and the counties served by them in each judicial district, see Table 10.

Effective January 1, 1977, matters concerning termination of parental rights were required to be entered in the juvenile docket. For statistical purposes, termination cases were separated from regular juvenile matters involving delinquent children and minors in need of assistance. As indicated in Table 6(b), there were 947 petitions for termination of parental rights filed in the district court during 1978 - an increase of 32 cases or 3.5 percent since 1977. The largest number of termination cases (186) were docketed in the 1st District; the fewest petitions (62) were filed in the 4th District. There were

910 formal hearings held on these matters - up 203 or 28.7 percent from 1977. There were 256 hearings by district court judges, 136 by referees, and 315 by other judges.

GENERAL ACTIVITY OF DISTRICT ASSOCIATE JUDGES AND REGULAR FULL-TIME JUDICIAL MAGISTRATES

Other than regular civil and criminal cases and juvenile cases assigned to designated judges which have already been discussed, a total of 149,453 cases were docketed or assigned and 131,366 cases were disposed of by the 30 associate judges and full-time magistrates during 1978. There were 60,054 cases pending at the end of the year - up 19,060 or 46.5 percent from 1977. The number of cases docketed and disposed of by associate judges and full-time magistrates in 1977 was 159,314 and 164,779, respectively. Cases docketed and assigned per judge ranged from 847 in the 8th to 9,959 in the 5th District. Cases pending at the end of the year per judge ranged from 81 in the 8th to 8,694 in the 5th District. The number of each type of case pending January 1, 1978, appears in Tables 9(a) through 9(e).

As committing magistrates for indictable offenses, district associate judges and regular full-time magistrates carried over 1,955 preliminary hearing cases from 1977. During the year, they docketed 9,350 as compared to 8,902 during 1977 - a 5.0 percent increase in filings. During 1978, 299 such cases were disposed of by formal hearings and

8,540 without such hearings, leaving 2,466 pending at the end of the year. The 7th District with five judges had the most such cases docketed, disposed of, and pending at the end of the year. [Table 9(a).]

There were 6,970 nonindictable state cases carried over from 1977. During 1978, 61,438 were docketed as compared to 56,448 in 1977 - an increase of 8.8 percent. Of the cases pending January 1, and docketed during 1978, the judges disposed of 72 or 0.1 percent by trial to jury, 6,282 or 11.2 percent by trial to court and 49,575 or 88.7 percent without trial. The number of simple misdemeanors pending at the end of 1978 (12,479) was nearly double the number pending at the beginning of the year. During 1978, the 7th District had the largest number of nonindictable state cases docketed and disposed of, and the second most pending at the end of the year. [Table 9(b).]

Some 32,258 ordinance cases were carried over from 1977. During 1978, 67,373 were docketed as compared to 83,375 in 1977. Statewide, 55,366 such cases were disposed of: 31 or 0.1 percent by trial to jury, 4,074 or 7.3 percent by trial to court, and 51,261 or 92.6 percent without trial. [Table 9(c).]

During 1978, the judges entertained 195 search warrant applications - down 40 from the 1977 figures. Over 70 percent of the applications for search warrants occurred in the 2nd (40), 6th (47), and 7th Districts (50); regular full-time magistrates and associate judges in the 1st District entertained only nine search warrant applications in 1978. There were 15

miscellaneous actions docketed by full-time magistrates and associate judges. [Table 9(d).]

The 30 judges of limited jurisdiction carried over 784 small claims actions from 1977; 10,866 small claims were assigned to them by the clerks during 1978 - up from the 10,354 cases assigned to them the previous year. The judges disposed of 4,893 or 45.2 percent by trial to the court and 5,913 or 54.8 percent without trial, leaving 844 assigned by not disposed of as of December 31, 1978. [Table 9(e).] The judges disposed of 10,804 small claims actions; part-time and substitute judicial magistrates handled 12,913 small claims. Some 46,261 small claims were disposed of in the clerks' offices without judicial assistance. [Tables 6(b), 9(e), and 12(e).]

PART-TIME MAGISTRATES

In 1978, 215,304 cases, within the jurisdiction of part-time magistrates, were docketed or assigned to the 168 part-time, the nine substitute full-time magistrates, and district court judges acting as magistrates. This compared with 295,144 cases docketed or assigned in 1977 - a decrease of 37.1 percent. The decline in criminal filings was largely the consequence of the expanded list of scheduled violations under the new Criminal Code, effective January 1, 1978. (Although 191 magistrate positions were initially allotted, three one-magistrate counties took the option authorized in Section 602.58, The Code, and appointed two magistrates to split the work and divide the salary; seven counties, Dickinson, Linn, Mahaska, Story, Des Moines, Woodbury, and Warren, took advantage of

the provisions of 602.59 and substituted one full-time magistrate for three part-time magistrates, while Polk County substituted two full-time magistrates for six part-time magistrates.) For the purposes of this report, the caseload statistics for the part-time and substitute full-time magistrates have been combined.

Table 11 shows that 212,124 cases were disposed of and 26,268 cases were still pending at the end of 1978. While the number of dispositions decreased 26.8 percent, the number of pending cases increased 9.2 percent from 1977. The number of cases disposed of per part-time magistrate varied from 805 (8th District) to 1,867 (1st District). Half of the dispositions and 62 percent of the pending cases were found in the 5th, 6th, and 1st Districts. For comparative purposes, it should be noted that the eight judicial districts vary in population and number of part-time magistrates from 197,700 to 527,400 and 13 to 37, respectively. The population per district and the 1977 allotment of part-time magistrates by county are found in Appendicies D and E, respectively. The 1979 apportionment of part-time magistrates is shown in Appendix F.

Over 62 percent of the preliminary hearing cases were docketed in the 2nd, 3rd, and 8th Districts. The largest number of preliminary hearing filings and dispositions were found in the 2nd District. Overall, only 13.3 percent of the 11,272 preliminary hearing dispositions required a formal hearing. (There were 11,799 preliminary hearings conducted by part-time magistrates in 1977; 12,332 in 1976.) Magistrates in the

7th District had the lowest number of preliminary hearing cases. [Table 12(a).]

As indicated in Table 12(b), 108,612 nonindictable state cases were docketed before judicial magistrates - a 27.6 percent decrease over the rate of filings during 1977. The magistrates disposed of 107,154 cases: 186 by trial to jury, 9,260 by trial to court, and 97,708 without trial. Although the number of dispositions declined by 40,839 cases (27.6 percent) the number of jury and court trials increased by 19 (12.1 percent) and 987 (10.7 percent), respectively, since 1977. The 2nd District had the most jury trials (44) while the 3rd and 7th Districts reported the least (6,7). There were 18,955 nonindictable cases docketed in the 2nd District; only 5,686 were docketed in the 7th District. Nearly half of the pending cases were found in the 5th and 6th Districts.

Statistics on nonindictable ordinance cases suggest that 82,058 cases were docketed, 79,940 were disposed, and 12,071 were still pending on December 31, 1978. While filings and dispositions decreased 32.1 and 32.5 percent, respectively, the number of ordinance cases pending at the end of 1978 increased 14.2 percent from 1977. Despite the significant drop in docketings and dispositions, the number of jury trials increased 26.9 percent (52 to 66); the number of trials to court decreased 1.4 percent. Over 90 percent of the nonindictable ordinance cases were disposed of without a contested trial to

a judge or jury. Magistrates in the 1st District handled 20,226 ordinance cases while those in the 4th District disposed of only 4,130. [Table 12(c).] Over 62 percent of the filings and 72 percent of the pending cases were within the 1st, 5th, and 6th Districts. Approximately 75 percent of the nonindictable state and ordinance violations involved traffic matters.

Part-time magistrates entertained 664 applications for search warrants and conducted 164 seized property hearings during 1978. Search warrant applications increased 16.5 percent since 1977; 64.8 percent of the search warrant applications were submitted in the 2nd, 5th, and 8th Districts. There were only 15 search warrant applications in the 7th District. Table 12(d) also shows a total of 17 miscellaneous actions in the eight judicial districts - down from 36 such actions the previous year.

As shown on Table 12(e), the part-time magistrates disposed of 12,913 small claims cases - an increase of 16.1 percent from 1978. Over 60 percent (7,767) of the small claims were tried before the court; the remaining 5,146 cases were disposed of without a trial. The 5th District had by far the largest number of small claims assigned to magistrates, 2,858; the 8th District had the most cases tried to court, 1,413; the 7th District had the most cases pending before part-time magistrates at the end of the year.

In summary, the 168 part-time and 9 substitute full-time magistrates, and district court judges acting as magistrates, disposed of 11,272 preliminary hearing cases, 107,154 nonindictable state criminal cases, 79,940 nonindictable ordinance cases, 664 search warrant applications, 164 seized property hearings, 17 miscellaneous actions, and 12,913 small claims for a total caseload disposition of 212,124 or an average of 1,111 per authorized (191) part-time magistrate position - a 26.8 percent decrease in the number of dispositions per magistrate. When these figures are added to the volume of similar cases (131,366) disposed of by regular full-time magistrates and district associate judges (i.e., 8,839 preliminary hearing cases, 55,929 nonindictable state cases, 55,366 nonindictable ordinance cases, 195 search warrant applications, 218 seized property hearings, 15 miscellaneous actions, and 10,804 small claims), the total number of preliminary hearing cases, nonindictable state misdemeanors, nonindictable ordinance misdemeanors, search warrants, seized property hearings, miscellaneous actions, and small claims cases resolved by magistrates and district associate judges is: 20,111; 163,083; 135,306; 859; 382; 32; and 23,717 respectively, for a grand total of 343,490 cases for the year 1978. In 1977, before the new Criminal Code and the expanded list of scheduled violations, judges of limited jurisdiction handled 454,737 such cases.

DISTRICT COURT CLERKS

The 99 clerks of the district court played an important role not only in recordkeeping but in the handling of small claims (dismissals and defaults) and scheduled violations. As noted above, under the new Unified Trial Court Act, district court clerks are authorized to docket and assign small claims, enter dismissals and defaults. Cases involving forcible entry and detainer must be handled by a judge.

District court clerks are also responsible for handling scheduled violations in which the defendant mails-in or delivers his admission, scheduled fine, and \$5.00 costs to the clerk's traffic violations office before the time specified on the citation and complaint for court appearance. In addition, clerks are the custodians of collection boxes used at weigh stations for the deposit of fines and costs in cases involving weight and other nonmoving scheduled violations of commercial carriers.

Table 6(c) shows that more small claims were disposed of by clerks (46,261) than judges (23,717). While clerks in the 3rd District took care of 75.1 percent of the small claims disposed of, in the 5th District they were credited with only 52.4 percent of the small claims dispositions. Overall, 66.1 percent of the small claims were disposed of by district court clerks.

As noted in Table 13, the district court clerks disposed of 476,955 scheduled violations without the attention or assistance of any judicial officer. As a consequence of the

expanded list of scheduled violations under the new Iowa Criminal Code, effective January 1, 1978, the number of scheduled violations handled by the clerks' offices increased 58.1 percent from 1977 to 1978. The statistics reported to the court administrator suggest the district court clerks of the 99 counties disposed of an average of 4,818 scheduled violations in 1978. The number of scheduled violations ranged from 228 in Ringgold County to 95,853 in Polk County. When added to their small claims dispositions, the judicial activity of the clerks totaled 523,216 cases or 311,092 more cases than handled by the 168 part-time magistrates, the nine substitute full-time magistrates, and district court judges acting as magistrates during 1978.

SUMMARY OF TRIAL COURT STATISTICS

There were 46,598 regular civil (over \$1,000) and 27,942 regular criminal (indictable misdemeanors and felonies) cases filed in the district court during 1978 - an increase of 15.9 and a decline of 5.2 percent over corresponding 1977 figures. Parenthetically, civil dispositions increased by 8.0 (39,261 to 42,392) while criminal dispositions decreased by 4.3 percent (28,822 to 27,578). There were 441 jury trials and 4,966 court trials of civil cases; in criminal matters the number of jury and court trials were 794 and 1,247, respectively. 87.2 percent of the civil cases and 92.6 percent of the criminal cases were disposed of without trial. There were 44,790 civil cases pending at the end of 1978 compared with 40,584 on January 1. The number of pending

criminal cases increased from 12,192 to 12,556. Only the 4th district had fewer civil cases pending at the end than at the beginning of the year; judges in the 4th, 5th, and 7th Districts were the only ones to reduce their criminal backlog during 1978. Of the cases pending statewide, 40 percent of the civil cases and 25 percent of the criminal cases were over one year old. District court judges in the 7th District had the highest rate of disposition per judge in regular civil and criminal cases (944); in the 1st District, the average number of dispositions was 623.

Probate matters showed a slight increase during 1978 with 901 trusteeships opened, 3,919 guardianships and conservatorships opened and 19,398 estates opened. The number of estates closed decreased from 17,213 to 17,136; the percentage closed within a one-year period increased from 47 to 50 percent since 1977.

The number of juvenile matters increased from 6,000 (1977) to 6,179 (1978) or 3.0 percent. While the number of formal juvenile hearings held by district court judges decreased from 2,099 (1977) to 1,681 (1978), the number of hearings conducted by district associate judges and full-time magistrates rose from 4,125 to 4,234. Juvenile court referees held 2,119 formal hearings - 282 less than recorded in 1977. In addition to the regular juvenile cases, there were 947 petitions and 910 formal hearings involving termination of parental rights.

The average district court judge held 23 juvenile hearings, closed 186 probate matters, disposed of 761 regular civil/criminal cases, and tried 75 contested civil/criminal cases during 1978.

There were 298,389 nonindictable state and ordinance cases disposed of in 1978 - down 27.5 percent from the number (411,793) handled in 1977. Only 8.7 percent of these cases were disposed of by contested trial. The trial courts disposed of 20,111 preliminary hearing cases, entertained 805 applications for search warrants, conducted 382 seized property hearings, and handled 32 miscellaneous actions. Judicial dispositions of small claims actions increased 10.3 percent - 21,499 to 23,717 - from 1977 to 1978; the number of small claims actions disposed of by clerks increased by 8.6 percent - 42,615 to 46,261. Scheduled violations handled by clerks in 1978 increased 58.1 percent - 301,710 to 476,955 - over 1977 figures and 86.3 percent over 1976 (255,986).

TABLE 1
CIVIL AND CRIMINAL CASES DOCKETED, DISPOSED OF, AND PENDING
IN 1978 WITH TOTALS COMPARED TO THOSE OF 1977^a

(Hereafter referred to as Regular Civil and Criminal Cases)

DISTRICT ^b	PENDING JANUARY 1	DOCKETED BY CLERK	DISPOSED OF	PENDING DECEMBER 31	CHANGE IN PENDING
1	5,585	8,767	7,470	6,882	+1,297
2	7,227 ^c	11,103	10,050	8,280	+1,053
3	6,442	8,235	7,654	7,023	+581
4	3,762	5,360	5,438	3,684	-78
5	12,853 ^c	15,655	15,353	13,155	+302
6	5,039	9,507	9,068	5,478	+439
7	7,500 ^c	9,106	8,500	8,106	+606
8	4,368	6,807	6,437	4,738	+370
1978 Statewide	52,776 ^c	74,540	69,970	57,346	+4,570
1977 Statewide	47,995	72,802	68,083	52,714	+4,719

a. Includes indictable misdemeanors and actions for money judgments other than small claims, where the amount in controversy did not exceed \$3,000, which were assigned to associate judges, regular full-time and substitute judicial magistrates.

b. See map showing districts and 1977 population, Appendix D.

c. This figure differs from that of December 31, 1977, due to inventory corrections.

TABLE 2
(a) REGULAR CIVIL CASES
ACTIVITY DURING 1978 WITH TOTALS COMPARED
TO THOSE OF 1977.

DISTRICT	PENDING JANUARY 1	DOCKETED	OTHER JUDGES ^a		DISPOSED OF BY DISTRICT JUDGES	TOTAL DISPOSITIONS	PENDING DECEMBER 31
			ASSIGNED TO	DISPOSED BY			
1	4,579	5,699	141	125	4,425	4,550	5,728
2	5,734 ^b	6,845	23	19	6,127	6,146	6,433
3	4,760 ^b	5,114	176	179	4,380	4,559	5,315
4	3,199	3,225	7	7	3,233	3,240	3,184
5	9,679	10,530	7	7	9,673	9,680	10,529
6	3,559	5,080	-	-	5,001	5,001	3,638
7	5,574	5,532	109	104	4,797	4,901	6,205
8	3,500	4,573	67	53	4,262	4,315	3,758
1978 Statewide	40,584 ^b	46,598	530	494	41,898	42,392	44,790
1977 Statewide	36,573	40,219	542	579	38,682	39,261	40,636

a. See footnote a., Table 1, for judges included.

b. This figure differs from that of December 31, 1977 due to inventory corrections.

TABLE 2

(b) REGULAR CIVIL CASES DISPOSED OF BY DISTRICT JUDGES

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Methods of Disposition During 1978 With Totals Compared To Those of 1977

DISTRICT	JUDGES	TOTAL DISPOSED OF	TRIED TO JURY	PERCENT TRIED TO JURY	TRIED TO COURT	PERCENT TRIED TO COURT	WITHOUT TRIAL	PERCENT WITHOUT TRIAL
1	12	4,425	39	0.9%	822	18.6%	3,564	80.5%
2	15	6,127	63	1.0%	496	8.1%	5,568	90.9%
3	10	4,380	70	1.6%	209	4.8%	4,101	93.6%
4	6	3,233	52	1.6%	408	12.6%	2,773	85.8%
5	20	9,673	107	1.1%	964	10.0%	8,602	88.9%
6	10	5,001	33	0.7%	379	7.6%	4,589	91.8%
7	9	4,797	40	0.8%	1,079	22.5%	3,678	76.7%
8	10	4,262	26	0.6%	514	12.1%	3,722	87.3%
1978 Statewide	92	41,898	430	1.0%	4,871	11.6%	36,597	87.4%
1977 Statewide	92	38,682	434	1.1%	3,901	10.1%	34,347	88.8%

TABLE 2

(c) REGULAR CIVIL CASES DISPOSED OF BY ASSOCIATE JUDGES,
REGULAR FULL-TIME AND SUBSTITUTE JUDICIAL MAGISTRATES

Method of Disposition During 1978 With Totals Compared to Those of 1977

DISTRICT	JUDGES	TOTAL DISPOSED OF	TRIED TO JURY	PERCENT TRIED TO JURY	TRIED TO COURT	PERCENT TRIED TO COURT	WITHOUT TRIAL	PERCENT WITHOUT TRIAL
1	5	125	6	4.8%	21	16.8%	98	78.4%
2	5	19	1	5.3%	5	26.3%	13	68.4%
3	4	179	3	1.7%	22	12.3%	154	86.0%
4	2	7	1	14.3%	1	14.3%	5	71.4%
5	8	7	-	-	5	71.4%	2	28.6%
6	5	-	-	-	-	-	-	-
7	5	104	-	-	67	64.4%	37	35.6%
8	5	53	-	-	14	26.4%	39	73.6%
1978 Statewide	39	494	11	2.2%	135	27.3%	348	70.5%
1977 Statewide	39	579	4	0.7%	128	22.1%	447	77.2%

a. Substitute full-time magistrates served in Polk (2), Dickinson, Story, Woodbury, Warren, Linn, Des Moines, and Mahaska Counties during 1978.

TABLE 2

(d) REGULAR CIVIL CASES DISPOSED OF PER JUDGE DURING 1978
WITH TOTALS COMPARED TO THOSE OF 1977

DISTRICT	DISTRICT JUDGES			OTHER JUDGES ^a		
	NUMBER	DISPOSITIONS	PER JUDGE	NUMBER	DISPOSITIONS	PER JUDGE
1	12	4,425	369	5	125	25
2	15	6,127	408	5	19	4
3	10	4,380	438	4	179	45
4	6	3,233	539	2	7	4
5	20	9,673	484	8	7	1
6	10	5,001	500	5	-	-
7	9	4,797	533	5	104	21
8	10	4,262	426	5	53	11
1978 Statewide	92	41,898	455	39	494	13
1977 Statewide	92	38,682	426	39	579	15

a. See footnote a., Table 1, for judges included.

TABLE 3
(a) REGULAR CRIMINAL CASES
ACTIVITY DURING 1978 WITH TOTALS COMPARED
TO THOSE OF 1977

DISTRICT	PENDING JANUARY 1	DOCKETED	OTHER JUDGES ^a		DISPOSED OF BY DISTRICT JUDGES	TOTAL DISPOSITIONS	PENDING DECEMBER 31
			ASSIGNED TO	DISPOSED OF			
1	1,006	3,068	1,344	1,291	1,629	2,920	1,154
2	1,493 ^b	4,258	1,346	1,324	2,580	3,904	1,847
3	1,682	3,121	1,256	1,123	1,972	3,095	1,708
4	563	2,135	1,211	1,211	987	2,198	500
5	3,174 ^b	5,125	2,154	2,732	2,941	5,673	2,626
6	1,480	4,427	2,021	1,989	2,078	4,067	1,840
7	1,926 ^b	3,574	2,739	2,632	967	3,599	1,901
8	868	2,234	798	703	1,419	2,122	980
1978 Statewide	12,192 ^b	27,942	12,869	13,005	14,573	27,578	12,556
1977 Statewide	11,422	29,478	10,936	10,942	17,880	28,822	12,078

a. See footnote a., Table 1, for judges included.

b. This figure differs from that of December 31, 1977, due to inventory corrections.

TABLE 3

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(b) REGULAR CRIMINAL CASES DISPOSED OF BY DISTRICT JUDGES

Methods of Disposition During 1978 With Totals Compared to Those of 1977

DISTRICT	JUDGES	TOTAL DISPOSED OF	TRIED TO JURY	PERCENT TRIED TO JURY	TRIED TO COURT	PERCENT TRIED TO COURT	WITHOUT TRIAL	PERCENT WITHOUT TRIAL
1	12	1,629	55	3.4%	181	11.1%	1,393	85.5%
2	15	2,580	121	4.7%	68	2.6%	2,391	92.7%
3	10	1,972	41	2.1%	119	6.0%	1,812	91.9%
4	6	987	39	3.9%	47	4.8%	901	91.3%
5	20	2,941	159	5.4%	415	14.1%	2,367	80.5%
6	10	2,078	62	3.0%	69	3.3%	1,947	93.7%
7	9	967	70	7.2%	78	8.1%	819	84.7%
8	10	1,419	44	3.1%	44	3.1%	1,331	93.8%
1978 Statewide	92	14,573	591	4.0%	1,021	7.0%	12,961	89.0%
1977 Statewide	92	17,880	828	4.6%	1,146	6.4%	15,906	89.0%

TABLE 3

(c) REGULAR CRIMINAL CASES DISPOSED OF BY ASSOCIATE JUDGES, REGULAR
FULL-TIME AND SUBSTITUTE JUDICIAL MAGISTRATES

Methods of Disposition During 1978 With Totals Compared to Those of 1977

DISTRICT	JUDGES	TOTAL DISPOSED OF	TRIED TO JURY	PERCENT TRIED TO JURY	TRIED TO COURT	PERCENT TRIED TO COURT	WITHOUT TRIAL	PERCENT WITHOUT TRIAL
1	5	1,291	13	1.0%	1	0.1%	1,277	98.9%
2	5	1,324	41	3.1%	18	1.4%	1,265	95.5%
3	4	1,123	20	1.8%	9	0.8%	1,094	97.4%
4	2	1,211	1	0.1%	65	5.4%	1,145	94.5%
5	8	2,732	34	1.3%	118	4.3%	2,580	94.4%
6	5	1,989	45	2.3%	2	0.1%	1,942	97.6%
7	5	2,632	18	0.7%	10	0.4%	2,604	98.9%
8	5	703	31	4.4%	6	0.9%	666	94.7%
1978 Statewide	39	13,005	203	1.6%	229	1.8%	12,573	96.6%
1977 Statewide	39	10,942	196	1.8%	191	1.7%	10,555	95.4%

TABLE 3
 (d) REGULAR ^{Criminal} CIVIL CASES DISPOSED OF PER JUDGE DURING 1978
 WITH TOTALS COMPARED TO THOSE OF 1977

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DISTRICT	DISTRICT JUDGES			OTHER JUDGES ^a		
	NUMBER	DISPOSITIONS	PER JUDGE	NUMBER	DISPOSITIONS	PER JUDGE
1	12	1,629	136	5	1,291	258
2	15	2,580	172	5	1,324	265
3	10	1,972	197	4	1,123	281
4	6	987	165	2	1,211	606
5	20	2,941	147	8	2,732	342
6	10	2,078	208	5	1,989	398
7	9	967	107	5	2,632	526
8	10	1,419	142	5	703	141
1978 Statewide	92	14,513	158	39	13,005	333
1977 Statewide	92	17,880	197	39	10,942	281

a. See footnote a., Table 1, for judges included.

TABLE 4

COMPARISON OF AGE OF REGULAR CIVIL AND CRIMINAL CASES
PENDING STATEWIDE DECEMBER 31, 1978, AND DECEMBER 31, 1977

	TOTAL PENDING	OVER 1 YEAR	PERCENT OVER 1 YEAR	UNDER 1 YEAR	PERCENT UNDER 1 YEAR
<u>REGULAR CIVIL CASES:</u>					
As of December 31, 1978 ^a	44,790	18,075	40%	26,715	60%
As of December 31, 1977	40,636	17,510	43%	23,126	57%
Change during the 1-year period	+4,154	+565	-3%	+3,589	+3%
<u>REGULAR CRIMINAL CASES:</u>					
As of December 31, 1978 ^b	12,556	3,179	25%	9,377	75%
As of December 31, 1977	12,078	2,883	24%	9,195	76%
Change during the 1-year period	+481	+308	+1%	+173	-1%

a. For pending Civil cases in each district over 1 year old December 31, 1978, see Appendix A.

b. For pending Criminal cases in each district over 1 year old December 31, 1978, see Appendix B.

TABLE 5

(a) PROBATE MATTERS

NUMBER OPENED AND TRIALS ON CONTESTS DURING 1978 WITH
TOTALS COMPARED TO THOSE OF 1977

DISTRICT	JUDGES	TRUSTEESHIPS OPENED	GUARDIANSHIPS & CONSERVATORSHIPS OPENED	ESTATES OPENED	TRIALS TO JURY COURT	
1	12	87	535	2,603	2	43
2	15	304	737	3,418	-	48
3	10	95	559	2,479	-	9
4	6	44	233	1,522	-	20
5	20	137	835	3,871	-	35
6	10	119	358	1,773	-	299
7	9	49	310	1,352	-	43
8	10	66	352	2,380	-	64
1978 Statewide	92	901	3,919	19,398	2	561
1977 Statewide	92	700	3,847	18,655	6	488

TABLE 5

(b) DECEDENTS' ESTATES CLOSED

NUMBER CLOSED DURING 1978 AND AGE AT TIME OF CLOSING
WITH TOTALS COMPARED WITH THOSE OF 1977

DISTRICT	ESTATES CLOSED	PERCENT WITHIN 1 YEAR	PERCENT FROM 1-3 YEARS	AFTER 3 YEARS
1	2,470	54%	34%	12%
2	3,056	45%	44%	11%
3	2,325	49%	40%	11%
4	1,348	46%	39%	15%
5	3,301	53%	38%	9%
6	1,265	41%	46%	13%
7	1,211	52%	37%	11%
8	2,160	55%	34%	11%
1978 Statewide	17,136	50%	39%	11%
1977 Statewide	17,213	47%	41%	12%

CONTINUED

1 OF 2

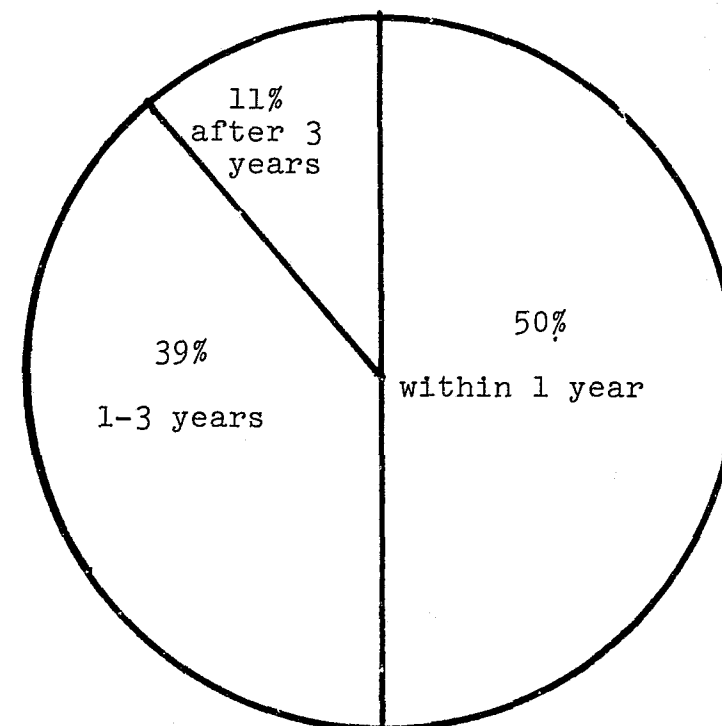
CHART 1

COMPARISON OF AGE OF DECEDENTS' ESTATES
AT TIME OF CLOSING

74

1978

The 17,136 estates closed were divided
as to age in the following proportions:



Source Table 5(b)

1977

The 17,213 estates closed were divided
as to age in the following proportions:

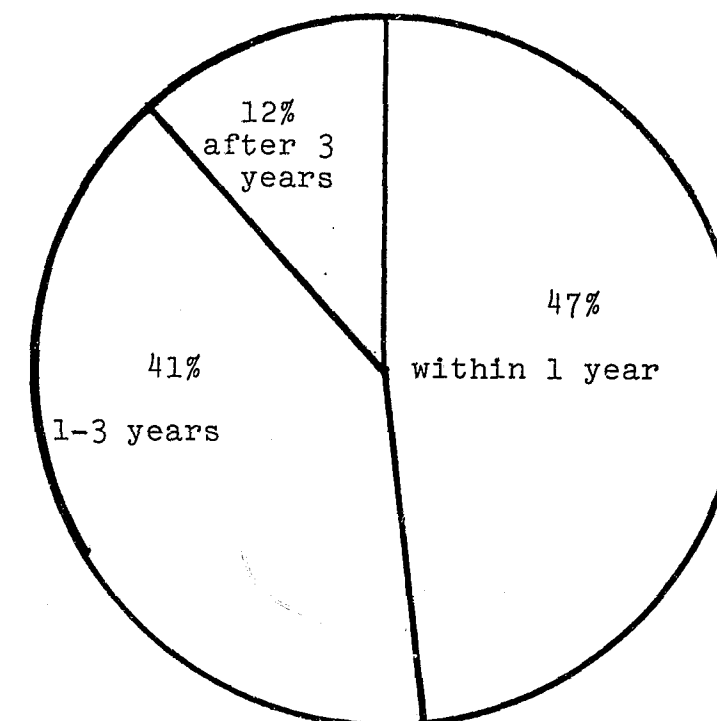


TABLE 6

(a) JUVENILE MATTERS* FILED, ASSIGNED, AND NUMBER OF
FORMAL HEARINGS HELD DURING 1978

DISTRICT	PETITIONS FILED WITH CLERK	ASSIGNED TO OTHER JUDGES	RETAINED FOR DISTRICT JUDGES	FORMAL HEARINGS HELD BY		
				DISTRICT JUDGES	REFEREES	OTHER JUDGES
1	612	451	161	331	-	852
2	1,067	260	807	591	-	311
3	732	-	732	21	1,100	-
4	742	742	1	1	-	686
5	967	64	903	611	812	67
6	641	641	3	3	207	976
7	823	763	60	38	-	737
8	595	464	131	85	-	605
1978 Statewide	6,179	3,385	2,782	1,681	2,119	4,234
1977 Statewide	6,000	3,085	2,974	2,099	2,401	4,125

*Juvenile matters involving the termination of parental rights (Chapter 600A, The Code) are not included in this table. See Table 6(b) for statistical information on termination of parental rights.

TABLE 6

(b) JUVENILE MATTERS INVOLVING TERMINATION OF PARENTAL RIGHTS

DISTRICT	PETITIONS FILED WITH CLERK	ASSIGNED TO OTHER JUDGES	RETAINED FOR DISTRICT JUDGES	FORMAL HEARINGS HELD BY		
				DISTRICT JUDGES	REFEREES	OTHER JUDGES
1	186	135	51	35	-	152
2	183	74	109	167	-	82
3	88	-	88	25	64	-
4	62	44	18	3	-	13
5	84	6	78	62	-	7
6	150	77	73	78	15	58
7	100	88	12	6	7	68
8	94	50	44	26	-	42
1978 Statewide	947	474	473	402	86	422
1977 Statewide	915	377	538	256	136	315

TABLE 6
(c) SMALL CLAIMS DOCKET MAINTAINED BY
THE CLERK DURING 1978

DISTRICT	PENDING JANUARY 1	DOCKETED	DISPOSED OF BY		PENDING DECEMBER 31
			CLERK	JUDICIAL OFFICERS ^a	
1	1,919	9,565	6,820	2,906	1,758
2	1,822	11,257	8,286	2,898	1,895
3	1,113	8,306	6,224	2,066	1,129
4	619	3,306	1,861	1,593	471
5	3,962	18,555	8,665	7,864	5,988
6	1,003	7,459	4,993	2,309	1,160
7	1,048	5,902	4,205	1,939	806
8	1,084	7,704	5,207	2,142	1,439
1978 Statewide	12,570	72,054	46,261	23,717	14,646
1977 Statewide	11,293	65,434	42,615	21,499	12,613

a. See Tables 9(e) and 12(e) for the activity of the various types of judicial officers.

TABLE 7
COMPARISON OF TOTAL 1978 CASELOAD PER DISTRICT JUDGE WITH
RANK OF DISTRICT IN EACH CATEGORY SHOWN IN PARENTHESIS
(Adjusted to the nearest whole case or matter)

DISTRICT	JUDGES	REGULAR CIVIL AND CRIMINAL CASES (Per Judge) DISPOSED OF ^a	PROBATE MATTERS (Per Judge)		JUVENILE MATTERS ^b (Per Judge)	
			OPENED	CLOSED	PETITIONS	HEARINGS
1	12	623 (8)	269 (5)	206 (4)	67 (7)	31 (3)
2	15	670 (6)	297 (3)	204 (5)	83 (3)	51 (1)
3	10	765 (5)	313 (1)	233 (1)	82 (4)	5 (6)
4	6	906 (3)	300 (2)	225 (2)	134 (1)	1 (7)
5	20	768 (4)	242 (6)	165 (6)	53 (8)	34 (2)
6	10	907 (2)	225 (7)	127 (8)	79 (5)	8 (8)
7	9	944 (1)	190 (8)	135 (7)	103 (2)	5 (5)
8	10	644 (7)	280 (4)	216 (3)	69 (6)	11 (4)
1978 Statewide	92	761	263	186	77	23
1977 Statewide	92	623	256	221	66	27

a. Computed from the sum of such cases disposed of by district court judges as shown by Tables 2(b) and 3(b).

b. Includes termination of parental rights as well as regular juvenile matters. See Tables 6(a) and 6(b). For juvenile matters handled by other judges, see Tables 10(a) and 10 (b).

TABLE 8

1978 TOTAL ACTIVITY OF ASSOCIATE JUDGES AND REGULAR FULL-TIME
JUDICIAL MAGISTRATES ON MATTERS OTHER THAN REGULAR CIVIL AND CRIMINAL
CASES AND JUVENILE CASES ASSIGNED TO DESIGNATED JUDGES WITH
TOTALS COMPARED TO THOSE OF 1977^a

DISTRICT	JUDGES	DOCKETED OR ASSIGNED	DISPOSED OF	PENDING IN DOCKET OR ASSIGNED BUT NOT DISPOSED OF DECEMBER 31
1	5	14,261	14,491	1,638
2	4	7,810	7,777	1,440
3	2	8,797	8,357	1,652
4	2	6,835	5,782	2,256
5	5	49,797	36,449	43,472
6	4	14,166	13,753	1,822
7	5	45,245	42,322	7,532
8	3	2,542	2,435	242
1978 Statewide	30	149,453	131,366	60,054
1977 Statewide	30	159,314	164,779	40,994

a. For activity of such judges on regular civil and criminal cases, see Tables 1 through 3(d), and for the activity of those designated as juvenile court judges, see Tables 6(a), 6(b), 10(a), and 10(b).

NOTE: For complete and detailed information on the various types of cases combined in this table, see Tables 9(a) through 9(e).

TABLE 9

(a) PRELIMINARY HEARING CASES

1978 ACTIVITY OF ASSOCIATE JUDGES AND REGULAR FULL-TIME JUDICIAL
MAGISTRATES WITH TOTALS COMPARED TO THOSE OF 1977

DISTRICT	JUDGES	PENDING JANUARY 1	DOCKETED	DISPOSED OF		PENDING DECEMBER 31
				BY FORMAL HEARINGS	WITHOUT FORMAL HEARINGS	
1	5	189	553	-	651	91
2	4	170 ^a	566	67	518	151
3	2	54	280	93	206	35
4	2	178	1,638	67	1,322	427
5	5	-	172	2	169	1
6	4	549 ^a	2,627	15	2,548	613
7	5	785	3,153	47	2,811	1,080
8	3	30	361	8	315	68
1978 Statewide	30	1,955 ^a	9,350	299	8,540	2,466
1977 Statewide	30	1,584	8,902	405	8,400	1,681

a. This figure differs from that of December 31, 1977 due to inventory corrections.

TABLE 9

(b) NONINDICTABLE - STATE CASES

1978 ACTIVITY OF ASSOCIATE JUDGES AND REGULAR FULL-TIME JUDICIAL MAGISTRATES
WITH TOTALS COMPARED TO THOSE OF 1977

DISTRICT	JUDGES	PENDING JANUARY 1	DOCKETED	DISPOSED OF BY			PENDING DECEMBER 31
				TRIAL TO JURY	TRIAL TO COURT	WITHOUT TRIAL	
1	5	531	5,890	2	242	5,648	529
2	4	532 ^a	3,338	18	245	3,001	606
3	2	718	3,938	1	196	3,504	955
4	2	985	4,035	-	177	3,294	1,549
5	5	1,052	13,417	29	1,043	9,293	4,104
6	4	305 ^a	5,190	14	639	4,253	589
7	5	2,782	24,770	6	3,698	19,793	4,055
8	3	65	860	2	42	789	92
1978 Statewide	30	6,970 ^a	61,438	72	6,282	49,575	12,479
1977 Statewide	30	8,850	56,448	49	5,212	53,421	6,616

a. This figure differs from that of December 31, 1977 due to inventory corrections.

TABLE 9

82

(c) NONINDICTABLE - ORDINANCE CASES

1978 ACTIVITY OF ASSOCIATE JUDGES AND REGULAR FULL-TIME JUDICIAL MAGISTRATES
WITH TOTALS COMPARED TO THOSE OF 1977

DISTRICT	JUDGES	PENDING JANUARY 1	DOCKETED	DISPOSED OF BY			PENDING DECEMBER 31
				TRIAL TO JURY	TRIAL TO COURT	WITHOUT TRIAL	
1	5	531	6,075	1	312	5,881	462
2	4	614 ^a	2,887	11	141	2,785	564
3	2	440	3,909	4	219	3,464	662
4	2	21	873	-	21	615	258
5	5	29,066	31,201	8	1,159	19,737	39,363
6	4	526 ^a	4,633	6	679	3,993	481
7	5	971	16,864	1	1,495	13,942	2,397
8	3	39	931	-	48	844	78
1978 Statewide	30	32,258 ^a	67,373	31	4,074	51,261	44,265
1977 Statewide	30	35,223	83,375	50	5,813	80,820	31,916

a. This figure differs from that of December 31, 1977 due to inventory corrections.

TABLE 9

(d) SEARCH WARRANT, SEIZED PROPERTY, AND
MISCELLANEOUS PROCEEDINGS1978 ACTIVITY OF ASSOCIATE JUDGES AND REGULAR FULL-TIME JUDICIAL
MAGISTRATES WITH TOTALS COMPARED TO THOSE OF 1977

DISTRICT	JUDGES	SEARCH WARRANT APPLICATIONS	SEIZED PROPERTY HEARINGS ^a	MISCELLANEOUS ACTIONS DOCKETED ^b
1	5	9	85	-
2	4	40	8	-
3	2	18	4	-
4	2	13	2	-
5	5	2	2	15
6	4	47	106	-
7	5	50	10	-
8	3	16	1	-
1978 Statewide	30	195	218	15
1977 Statewide	30	235	-	-

a. A new proceeding under the new Criminal Code, effective January 1, 1978 (Chapter 809, Supplement, The Code; 1977).

b. Number of actions under Chapters 644 and 645, Supplement, Code of Iowa (1977).

NOTE: Inventory control reports were not requested from the judges on these types of proceedings. For the purpose of computing the total activity of judges appearing in Table 8, all proceedings docketed were considered as disposed of by the end of the year.

TABLE 9

(e) SMALL CLAIMS

84

1978 ACTIVITY OF ASSOCIATE JUDGES AND REGULAR FULL-TIME JUDICIAL MAGISTRATES
WITH TOTALS COMPARED TO THOSE OF 1977

DISTRICT	JUDGES	PENDING JANUARY 1	ASSIGNED BY CLERK	DISPOSED OF BY		ASSIGNED BUT NOT DISPOSED OF DECEMBER 31
				TRIAL TO COURT	WITHOUT TRIAL	
1	5	567	1,649	817	843	556
2	4	91	971	477	466	119
3	2	-	648	233	415	-
4	2	19	274	271	-	22
5	5	6	4,988	1,407	3,583	4
6	4	29 ^a	1,563	1,158	295	139
7	5	71	398	368	101	-
8	3	1	373	162	208	4
1978 Statewide	30	784 ^a	10,864	4,893	5,911	844
1977 Statewide	30	802	10,354	5,336	5,039	781

a. This figure differs from that of December 31, 1977 due to inventory corrections.

TABLE 10

(a) JUVENILE CASES

NUMBER OF ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE
FULL-TIME JUDICIAL MAGISTRATES DESIGNATED AS A JUDGE OF THE
JUVENILE COURT AND THEIR ACTIVITY DURING 1978

DISTRICT	TOTAL JUDGES	NUMBER DESIGNATED	COUNTIES SERVED	CASES ASSIGNED BY CLERK	FORMAL HEARINGS HELD
1	5	4	a	451	852
2	5	4	b	260	311
3	4	2	c	-	-
4	2	2	d	750	686
5	8	1	e	64	67
6	5	1	f	645	976
7	5	3	g	763	737
8	5	2	h	464	605
Statewide	39	19		3,397	4,234

a. All district associate judges and full-time magistrates are authorized by the chief judge to hear juvenile matters.

b. One served Marshall, two served Story, and one served Webster County.

c. Two served Woodbury. Juvenile court referees handle juvenile cases in Woodbury County.

d. One served all nine counties in the district; one served primarily in Pottawattamie County.

e. One served Jasper County.

f. One served all six counties in the district.

g. One served Clinton, one served Muscatine, and one served Scott County.

h. Two served Des Moines, Henry, Lee, and Louisa counties; one served Lee County; one served Mahaska County; and one served Wapello, Appanoose, and Jefferson Counties.

TABLE 10

(b) NUMBER OF JUVENILE MATTERS INVOLVING TERMINATION OF PARENTAL RIGHTS ASSIGNED TO ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE FULL-TIME MAGISTRATES^a

DISTRICT	TOTAL JUDGES	NUMBER DESIGNATED	CASES ASSIGNED BY CLERK	FORMAL HEARINGS HELD
1	5	4	135	152
2	5	4	74	82
3	4	2	-	-
4	2	2	44	13
5	8	1	6	7
6	5	1	77	58
7	5	3	88	68
8	5	2	50	42
Statewide	39	20	474	422

a. For an explanation of the judges of limited jurisdiction in each district handling juvenile matters, see the footnotes in the preceding table.

TABLE 11

TOTAL ACTIVITY OF PART-TIME JUDICIAL MAGISTRATES AND SUBSTITUTE FULL-TIME MAGISTRATES, 1978

DISTRICT	PART-TIME MAGISTRATE POSITIONS ^a	DOCKETED OR ASSIGNED ^b	DISPOSED	PENDING 12/31/78
1	23	34,588	34,113	4,874
2	37	41,986	31,951	2,189
3	31	25,756	25,513	2,378
4	19	15,288	15,311	2,678
5	26	41,356	40,111	6,781
6	17	32,702	31,743	4,618
7	13	13,275	13,263	1,008
8	25	20,353	20,119	1,742
1978 Statewide	191	215,304 ^c	212,124 ^d	26,268
1977 Statewide	191	295,144	289,958	24,045

a. Figures represent the July 1, 1977 allocation; explanation in narrative. See footnote a., Table 2(c) for counties using substitute full-time magistrates.
b. For purposes of this table, all search warrant applications, seized property hearings, and miscellaneous actions docketed in 1978 were considered disposed of by the end of the year.
c. Total includes six cases docketed or assigned to district court judges acting as magistrates.
d. Total includes twelve cases disposed of by district court judges acting as magistrates.

TABLE 12

(a) PRELIMINARY HEARING CASESACTIVITY OF PART-TIME JUDICIAL MAGISTRATES AND
SUBSTITUTE FULL-TIME MAGISTRATES, 1978

DISTRICT	DOCKETED	DISPOSED OF BY		PENDING 12/31/78
		FORMAL HEARING	WITHOUT FORMAL HEARING	
1	902	71	803	54
2	2,783	430	2,430	221
3	2,165	267	2,008	188
4	913	129	782	408
5	1,586	155	1,508	170
6	510	75	428	34
7	284	80	222	31
8	1,778	287	1,597	171
1978 Statewide	10,921	1,494	9,778	1,277
1977 Statewide	12,160	1,283	10,516	1,891

TABLE 12

(b) NONINDICTABLE - STATE CASESACTIVITY OF PART-TIME JUDICIAL MAGISTRATES
AND SUBSTITUTE FULL-TIME MAGISTRATES, 1978

DISTRICT	DOCKETED	TRIAL TO JURY	TRIAL TO COURT	WITHOUT TRIAL	PENDING 12/31/78
1	11,861	30	821	10,828	1,410
2	18,955	44	1,967	16,922	1,320
3	14,785	6	1,845	12,694	1,553
4	8,650	9	526	8,337	684
5	18,690	28	1,426	16,820	3,536
6	18,550	28	1,261	16,722	2,246
7	5,686	7	397	5,218	440
8	11,435	34	1,017	10,167	1,023
1978 Statewide	108,612	186	9,260	97,708	12,212
1977 Statewide	150,109	157	8,273	139,563	10,836

TABLE 12

(c) NONINDICTABLE - ORDINANCE CASESACTIVITY OF PART-TIME JUDICIAL MAGISTRATES
AND SUBSTITUTE FULL-TIME MAGISTRATES, 1978

DISTRICT	DOCKETED	TRIAL TO JURY	TRIAL TO COURT	WITHOUT TRIAL	PENDING 12/31/78
1	20,472	12	1,015	19,199	3,345
2	8,165	15	830	7,203	516
3	7,286	2	949	6,207	560
4	4,323	1	331	3,798	1,517
5	18,035	10	1,043	16,043	3,033
6	12,690	11	946	11,356	2,292
7	5,865	4	364	5,483	362
8	5,222	11	430	4,677	446
1978 Statewide	82,058	66	5,908	73,966	12,071
1977 Statewide	120,930	52	5,993	112,391	10,570

TABLE 12

(d) SEARCH WARRANT, SEIZED PROPERTY, AND
MISCELLANEOUS PROCEEDINGSACTIVITY OF PART-TIME JUDICIAL MAGISTRATES
AND SUBSTITUTE FULL-TIME MAGISTRATES, 1978

DISTRICT	SEARCH WARRANT APPLICATIONS	SEIZED PROPERTY HEARINGS ^a	MISCELLANEOUS ACTIONS ^b
1	57	30	-
2	178	34	-
3	85	32	-
4	56	14	6
5	152	28	7
6	21	-	4
7	15	3	-
8	100	23	-
1978 Statewide	664	164	17
1977 Statewide	570	-	36

a. A new proceeding under the new Criminal Code, effective January 1, 1978 [Chapter 809, Supplement, The Code, 1977].
b. Number of actions under Chapters 644 and 645, Code of Iowa, 1977.

TABLE 12

(e) SMALL CLAIMSACTIVITY OF PART-TIME JUDICIAL MAGISTRATES
AND SUBSTITUTE FULL-TIME MAGISTRATES, 1978

DISTRICT	ASSIGNED	TRIAL TO COURT	WITHOUT TRIAL	PENDING 12/31/78
1	1,266	684	563	65
2	1,871	1,227	671	132
3	1,403	844	574	77
4	1,326	1,053	269	69
5	2,858	1,049	1,842	42
6	927	412	479	46
7	1,422	1,085	385	175
8	1,795	1,413	363	102
1978 Statewide	12,868 ^a	7,767 ^b	5,146 ^c	708
1977 Statewide	11,339	6,491	4,633	748

- a. Included in this figure are six small claims assigned to a district court judge.
b. Included in this figure are ten cases disposed of by trial to court by district court judges.
c. Included in this figure are two cases disposed of without trial by district court judges.

TABLE 13
NUMBER OF SCHEDULED VIOLATIONS^aHandled Exclusively by the District
Court Clerks (per county)

County	Number		County	Number	
	1977	1978		1977	1978
Adair	677	1,418	Hamilton	3,601	5,338
Adams	407	863	Hancock	925	1,777
Allamakee	683	1,541	Hardin	1,452	2,483
Appanoose	1,239	2,550	Harrison	3,026	3,732
Audubon	434	804	Henry	1,091	3,167
Benton	1,830	3,755	Howard	584	1,321
Black Hawk	6,040	16,234	Humboldt	813	1,138
Boone	2,445	3,328	Ida	768	1,406
Bremer	3,097	4,618	Iowa	808	3,163
Buchanan	3,697	4,392	Jackson	1,908	3,269
Buena Vista	2,280	3,271	Jasper	2,702	5,820
Butler	1,025	2,415	Jefferson	1,075	1,992
Calhoun	601	807	Johnson	11,757	14,957
Carroll	2,565	4,898	Jones	963	2,296
Cass	1,424	2,313	Keokuk	238	801
Cedar	11,687	14,081	Kossuth	1,148	1,452
Cerro Gordo	4,686	10,585	Lee	1,435	2,946
Cherokee	1,212	2,849	Linn	6,349	24,424
Chickasaw	1,180	2,558	Louisa	301	1,357
Clarke	4,545	5,057	Lucas	693	1,379
Clay	2,746	4,343	Lyon	509	918
Clayton	1,382	2,043	Madison	898	1,123
Clinton	3,298	5,055	Mahaska	871	3,112
Crawford	1,751	2,914	Marion	1,937	4,516
Dallas	4,131	6,182	Marshall	1,374	4,154
Davis	1,214	1,853	Mills	1,286	2,239
Decatur	597	1,991	Mitchell	512	1,483
Delaware	1,925	3,409	Monona	1,066	1,555
Des Moines	1,730	4,212	Monroe	1,146	2,369
Dickinson	1,063	3,288	Montgomery	1,454	2,529
Dubuque	736	4,987	Muscatine	2,138	4,809
Emmet	514	1,187	O'Brien	1,760	2,528
Fayette	3,328	5,673	Osceola	728	1,128
Floyd	1,680	3,467	Page	651	1,415
Franklin	4,802	4,909	Palo Alto	1,553	2,133
Fremont	1,841	2,493	Plymouth	2,730	3,988
Greene	539	1,365	Pocahontas	745	760
Grundy	1,019	2,219	Polk	74,580	95,853
Guthrie	370	831	Pottawattamie	13,702	18,968

TABLE 13 (Cont'd)

County	Number		County	Number	
	1977	1978		1977	1978
Poweshiek	1,360	1,985	Wapello	1,782	3,897
Ringgold	154	228	Warren	2,238	4,827
Sac	1,420	2,248	Washington	891	1,672
Scott	15,966	15,410	Wayne	782	1,600
Shelby	822	1,408	Webster	1,849	3,625
Sioux	2,467	3,070	Winnebago	452	792
Story	11,016	12,313	Winneshiek	1,181	1,813
Tama	1,575	3,753	Woodbury	13,148	16,940
Taylor	173	401	Worth	4,019	6,908
Union	1,760	1,910	Wright	806	1,141
Van Buren	152	488			
TOTAL				301,710	476,985

a. Scheduled violations are defined in Section 805.8, Supplement, The Code, 1977.

APPENDIX A

PENDING REGULAR CIVIL CASES OVER 1 YEAR OLD
DECEMBER 31, 1978

DISTRICT	PENDING 12/31/78	OVER 1 YEAR OLD	PERCENT OVER 1 YEAR OLD
1	5,728	2,371	41%
2	6,433	2,496	39%
3	5,315	2,262	43%
4	3,184	1,204	38%
5	10,529	4,674	44%
6	3,638	939	26%
7	6,205	2,924	47%
8	3,758	1,205	32%
1978 Statewide	44,790	18,075	40%
1977 Statewide	40,636	17,510	43%

APPENDIX B

PENDING REGULAR CRIMINAL CASES OVER 1 YEAR OLD
DECEMBER 31, 1978

DISTRICT	PENDING 12/31/78	OVER 1 YEAR OLD	PERCENT OVER 1 YEAR OLD
1	1,154	236	20%
2	1,847	440	24%
3	1,708	507	30%
4	500	178	36%
5	2,626	331	13%
6	1,840	553	30%
7	1,901	746	39%
8	980	188	19%
1978 Statewide	12,556	3,179	25%
1977 Statewide	12,078	2,883	24%

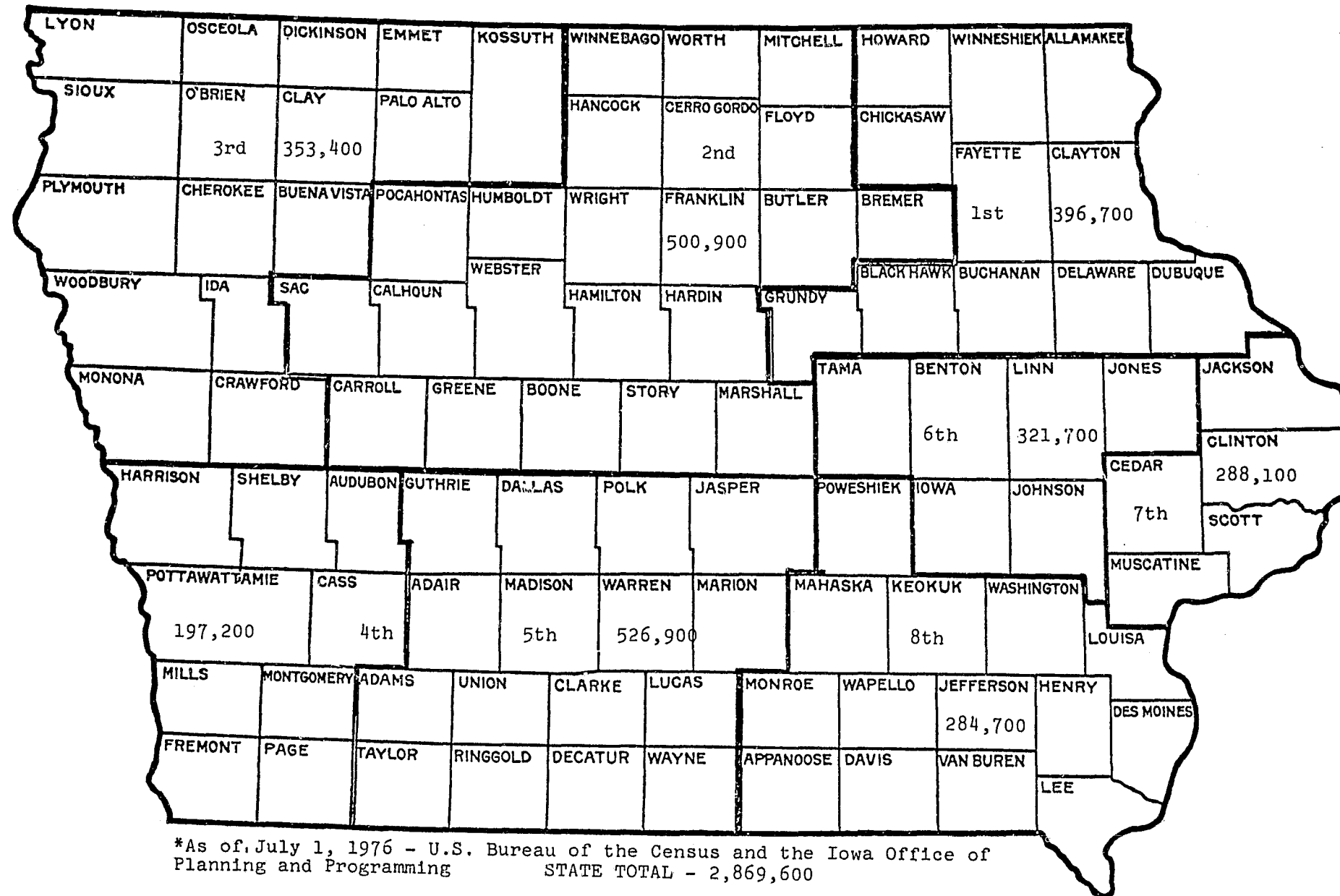
APPENDIX C

POPULATION PER DISTRICT COURT JUDGES
AS OF DECEMBER 31, 1978

DISTRICT	JUDGES	DISTRICT POPULATION ^a	POPULATION PER JUDGE
1	12	399,400	33,283
2	15	500,000	33,333
3	10	354,300	33,430
4	6	197,700	32,950
5	20	527,400	26,370
6	10	323,500	32,350
7	9	290,600	32,289
8	10	286,000	28,600
Statewide	92	2,878,900	31,292

a. Population estimates as of July 1, 1977 - U.S. Bureau of the Census and the Iowa Office of Planning and Programming.

IOWA'S 8 JUDICIAL DISTRICTS - ESTIMATED POPULATION*



ALLOCATION OF PART-TIME JUDICIAL MAGISTRATES JULY 1, 1977

LYON	OSCEOLA	DICKINSON	EMMET	KOSSUTH	WINNEBAGO	WORTH	MITCHELL	HOWARD	WINNEBAGO	ALLAMAKEE	37 one-mag. counties 48 two-mag. counties 7 three-mag. " 1 four-mag. " 4 five-mag. " 1 six-mag. " 1 seven-mag. "
1	1	3**	2		1	1	1	1	2	1	
SIoux	O'BRIEN	CLAY	PALO ALTO	2	HANCOCK	CERRO GORDO	FLOYD	CHICKASAW	FAYETTE	CLAYTON	
2	3rd 1	2	1		1	3	2	2			
PLYMOUTH	CHEROKEE	BUENA VISTA	POCAHONTAS	HUMBOLDT	WRIGHT	FRANKLIN	BUTLER	BREMER	1st	2	
2	2	2	1	1	2	2nd 1	2	2	2		
WOODBURY	IDA	SAC	CALHOUN	WEBSTER	HAMILTON	HARDIN	GRUNDY	BLACK HAWK	BUCHANAN	DELAWARE	DUBUQUE
5**	1*	2	1	3	2	2	2	5	2	2	2
MONONA	CRAWFORD	CARROLL	GREENE	BOONE	STORY	MARSHALL	TAMA	BENTON	LINN	JONES	JACKSON
2	2	2	1	2	3	1	2	6th	5**	2	2
HARRISON	SHELBY	AUDUBON	GUTHRIE	DALLAS	POLK	JASPER	POWESHIEK	IOWA	JOHNSON	CEDAR	CLINTON
2	1	1	1*	2	7**	1	2	2	4	2	7th 2
POTTAWATTAMIE	CASS	ADAIR	MADISON	WARREN	MARION	MAHASKA	KEOKUK	WASHINGTON	MUSCATINE	SCOTT	5
4th 6	2	1	5th 1	3**	2	2**	1	2	2	2	
MILLS	MONTGOMERY	ADAMS	UNION	CLARKE	LUCAS	MONROE	WAPELLO	JEFFERSON	HENRY	LOUISA	
2	2	1	1	1*	1	1	2	2	2	1	
FREMONT	PAGE	TAYLOR	RINGGOLD	DECATUR	WAYNE	APPANOOSE	DAVIS	VAN BUREN	LEE	DES MOINES	
1	2	1	1	1	1	2	1	1	3	3**	

**Counties taking the option of substituting one full-time magistrate in lieu of three part-time magistrates as provided in Section 602.59.

*Counties taking the option of appointing one additional part-time magistrate as provided in Section 602.58.

APPENDIX E

ALLOCATION OF PART-TIME JUDICIAL MAGISTRATES JULY 1, 1979

LYON 1	OSCEOLA 1	DICKINSON 3	EMMET 2	KOSSUTH 2	WINNEBAGO 1	WORTH 1	MITCHELL 1	HOWARD 1	WINNEBAGO 2	ALLAMAKEE 1
SIOUX 2	O'BRIEN 1	CLAY 2	PALO ALTO 1		HANCOCK 1	CERRO GORDO 3	FLOYD 2	CHICKASAW 2	FAYETTE 1st 2	CLAYTON 2
PLYMOUTH 2	CHEROKEE 2	BUENA VISTA 2	POCAHONTAS 1	HUMBOLDT 1	WEBSTER 3	WRIGHT 2	FRANKLIN 2nd 1	BUTLER 2	BREMER 2	
WOODBURY 5	IDA 1	SAC 2	CALHOUN 1		HAMILTON 2	HARDIN 2	GRUNDY 2	BLACK HAWK 5	BUCHANAN 2	DELAWARE 2
MONONA 2	CRAWFORD 2	CARROLL 2	GREENE 1	BOONE 2	STORY 3	MARSHALL 1	TAMA 2	BENTON 6th 2	LINN 5	JONES 2
HARRISON 2	SHELBY 1	AUDUBON 1	GUTHRIE 1	DALLAS 2	POLK 7	JASPER 1	POWESHIEK 2	IOWA 2	JOHNSON 4	CLINTON 7th 2
POTTAWATTAMIE 4th 5	CASS 2	ADAIR 1	MADISON 1	WARREN 5th 3	MARION 2	MAHASKA 2	KEOKUK 8th 1	WASHINGTON 2	MUSCATINE 2	SCOTT 5
MILLS 2	MONTGOMERY 2	ADAMS 1	UNION 1	CLARKE 2	LUCAS 1	MONROE 1	WAPELLO 2	JEFFERSON 2	HENRY 2	LOUISA 1
FREMONT 1	PAGE 2	TAYLOR 1	RINGGOLD 1	DECATUR 1	WAYNE 1	APPANOOSE 2	DAVIS 1	VAN BUREN 1	LEE 3	DES MOINES 3

36 one mag. counties
49 two mag. counties
7 three mag. counties
1 four mag. counties
5 five mag. counties
1 seven mag. counties

END