

**Question:** Can changes in court calendaring (docketing) ease space problems, relieve Courthouse congestion, and expedite cases?

**Answer:** Yes, but only minimally for those adjudication functions remaining in the Historic Courthouse.

**Background:** Court calendaring is the way a trial court distributes work among its judicial officers. Once a case is filed with a court, the pathway it travels to final resolution are defined by structured adjudicatory processes and its type (civil, criminal, family, juvenile, probate, etc.). How a court divides the judicial work necessary to move cases along that pathway can vary greatly, although court management literature defines three distinct patterns that have many derivations. *Individual calendars* assign cases to a single judicial officer from beginning to end. *Master calendars* assign cases to sequential judicial proceedings (i.e. initial appearance, settlement conference, motion hearing, and trial) not particular judges. There is no single judge who “owns” the case from beginning to end as in individual calendaring. Lastly, there are *hybrid calendars*, essentially a mixture of both individual and master approaches in innumerable fashions. Complicating scheduling further is often the need to adjust judicial work assignments and calendars from time to time due to changing case volumes, legislative mandates creating new case types or procedures, appellate court procedural decisions, space limitations, court rule changes, varying judicial staffing levels, and new approaches to resolving cases (i.e. alternative dispute methods, scientific evidence, specialty courts, etc.). All of this considered most courts, including the District Court in Polk County, operate with a mixed or hybrid approach.

The heart or core of effective calendaring is delay reduction. In managing the work of any trial court, the single biggest issue is ensuring that cases move effectively from filing to resolution without unnecessary delay. The adage “justice delayed is justice denied” is true based on years of research conducted by the National Center, American Bar Association, National Judicial College, American Judicature Society, State Justice Institute, and numerous other court improvement organizations. Here, we are not talking about more and more, or faster and faster, we are talking about justice. Delay destroys the very purposes of courts. It causes memories to fade, evidence to become stale, diminished public confidence in courts, individual rights to be devalued, and people and businesses to live in limbo without resolution of disputes and disagreements.

High performing courts are constantly monitoring and adjusting their calendaring systems to accommodate changes in the caseload<sup>1</sup> and ensure delay is minimized. The District Court in Polk County is doing so now as its leadership is exploring ways to redistribute judicial work.

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<sup>1</sup> Caseload involves the entire set of actions – although calendaring is a primary one - that a court takes to monitor and control the progress of cases from initiation through trial or other earlier disposition, to the completion of all post-disposition court work, in order to make sure justice is done promptly.

**Analysis:** The District Court manages its calendars well. There are no significant case backlogs or inordinate delays among any of the major case types handled by the Court. The ICIS electronic case management system, monitoring the movement, assignment, and noticing of cases within the court, is one of the better “home-grown,” statewide models NCSC consultants have seen. Further, it appears the Iowa Judicial Branch is committed to enhance its capability in the future through a strong move toward Electronic Document Management (EDM).

The split of work among judges, associate judges, and magistrates is reasonable and well distributed, following many of the patterns practiced in other urban courts where traffic, petty misdemeanors, and small claims matters are handled by limited jurisdiction judicial officers (i.e. magistrates, municipal judges, justices of the peace); more sophisticated and serious proceedings such as initial appearances, lower-level felonies, juvenile, OWI's, and minor drug cases are assigned to judicial adjuncts (i.e. associate judges, commissioners, referees, etc.), and higher level felonies, as well as general civil, managed by general jurisdiction judges. The only apparent divergence in Iowa law vis-à-vis many other states occurs in family law. In many states, judicial adjuncts frequently are empowered to handle non-contested cases, settlement conferences, various motions, self-represented matters, and post-decree (i.e. modifications) proceedings. In Polk County, district judges oversee all family and domestic relations proceedings. To do otherwise would require statutory changes.

A noteworthy policy the Court has subscribed to in minimizing delay is a commitment to never continue (postpone) a case at the point of a trial due to the lack of an available judge. Firm trial dates are one of the major principles caseflow management experts agree promotes case settlement, speeds time to trial, and encourages lawyer preparedness. The eleven district judges assigned to general civil calendars, in addition to managing their own caseloads in an individual calendar pattern, receive overflow cases from four criminal and two family district judges when they are overbooked and unable to handle matters.

The court has also wisely located some lower level stand-alone case types – traffic infractions, small claims - outside the Old Courthouse to Riverpoint to reduce traffic and congestion in the Courthouse. Des Moines traffic calendars remain in the Courthouse, although court leadership would (and should) move those matters outside the Courthouse if adequate space is available.<sup>2</sup> To the extent feasible, it may be possible to move other calendars now inside the Courthouse to nearby, downtown locations.

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<sup>2</sup> During the summer, 2009, the Des Moines City traffic calendars were considered for co-location with the suburban traffic calendars currently operating at the Riverpoint Complex. Eventually, the move was aborted due to lack of adequate space for expansion at Riverpoint.

**Advice:** The District Court is currently exploring a variety of calendaring options to reallocate judges in order to ease burdens on two calendars growing more stressful under rising caseloads, namely family and general civil. Where case volumes are dropping, such as the drug court docket, those matters are likely to be amalgamated into other criminal calendars and its dedicated courtroom reassigned for broader uses.

The hybrid calendar configuration and continuous active management of the various dockets by the Court's leadership serves the Polk County justice system and community well. The Judicial Branch's ICIS computerized case scheduling and statistical system allows the Court to logically adjust calendars, reallocate judicial officers, and reassign adjudication space in a responsible way. Locating stand-alone calendars outside the Courthouse is an important direction to continue provided adequate space nearby can be found. One recent example of this course of action are the ongoing discussions between Court and County officials to place a criminal calendar in the Old Jail where Initial Appearance proceedings were once held.