

LEGISLATIVE COURT STUDY
COMMISSION

REPORT

Letter of Transmittal

1. Court Structure
2. Court Administration
3. Court Re-districting

Submitted to the Sixty-First General Assembly of Iowa

January 4, 1965

To The Governor, Lieutenant Governor, Speaker of House and Members
of the 61st General Assembly:

The 60th General Assembly, by Senate Joint Resolution 18, created this commission "to study the court system of Iowa with a view to reorganization of the court structure to secure the maximum utilization of personnel for the efficient handling of litigation". The Joint Resolution provided for a commission of thirteen members consisting of three members of the Senate appointed by the Lieutenant Governor; three members of the House of Representatives appointed by the Speaker; three members of the Iowa State Bar Association appointed by the President of the Association; three District Court Judges and one Supreme Court Justice, appointed by the Supreme Court. The resolution required the commission to "make a detailed and comprehensive study of the court system of this state concerning the administration, organization and structure of the Iowa court system, redistricting of the judicial districts with particular emphasis on utilization of court personnel, justices of the peace, municipal and superior court systems, and the methods of handling minor litigation. The commission shall report its findings and recommendations to the next regular general assembly."

The broad scope of this charge covered three major areas.

(1) Court Structure and Minor Litigation, (2) Judicial Administration, (3) Redistricting and Court Personnel. Consequently the commission was divided into three subcommittees in an effort to accomplish as much as possible in all areas in the limited time allotted. A member from each classification of appointees was placed upon each subcommittee and the three district judges were named as subcommittee chairmen. The membership of each subcommittee was as follows:

1. Court Structure and Minor Litigation

Judge Harvey Uhlenhopp, Hampton, Chairman
Senator Donald G. Beneke, Laurens
Representative Leonard G. Anderson, Sioux City
Mr. Eugene Davis, Des Moines

2. Judicial Administration

Judge Bennett Cullison, Chairman
Senator Robert Fulton, Waterloo
Representative John Duffy, Dubuque
Mr. Henry J. TePaske, Orange City

3. Redistricting.

Judge Edwin O. Newell, Burlington, Chairman
Senator Richard C. Turner, Council Bluffs
Representative Tom Riley, Cedar Rapids
Mr. Edward E. Eaton, Sidney

The subcommittees considered available material dealing with their specific fields of study. Information was obtained from the American Bar Association, the American Judicature Society, the Institute of Judicial Administration, and other sources. Inquiries

were made of other states with experience in the matters under consideration. Public hearings were held in which interested persons and groups were invited to express their ideas and comments, which aided the committee in obtaining an overall perspective of the problems. We wish to give special credit to Clarence Kading, the Judicial Statistician and Wilma Carter, his secretary. Without their full cooperation and the information available in the statistician's office, this report would not have been possible. The Legislative Research Bureau extended full cooperation when called upon and the services of Wayne Faupel, Assistant Code Editor, were invaluable in preparing recommended legislation.

The report is divided into three parts based upon the reports of the subcommittees referred to above. Also included are the bills and court rules which are necessary to put the recommendations of the committee into form for appropriate action. Our recommendations can be very briefly summarized as follows:

1. Court Structure and Minor Litigation.

A. Abolish all courts below the District Court.

B. Replace these courts:

1. In counties which do not have a city of 50,000 or over by appointed part time magistrates as an arm of the District Court.

2. In metropolitan counties which have cities of over 50,000, by a full time law trained salaried Metropolitan Judge whose jurisdiction would be similar to that now exercised by municipal courts.

C. A simplified small claims procedure for claims under \$300.

D. Traffic violation bureaus for the voluntary payment of fines and costs for non-hazardous traffic violations.

E. Appeal on the record to the district court on offenses within the jurisdiction of a magistrate.

2. Judicial Administration.

A. Abolish all terms of court.

1. Provide for regular court sessions upon weekly or semi-monthly intervals as the need dictates.

2. Provide for the appointment of one of the judges in each district to supervise the administration of district and assign cases for trial.

- B. Provide for judicial councils to study the administrative needs of the courts of the state.
- C. Provide for appointment of one of the judges in each district to be primarily responsible for juvenile matters.

3. Redistricting.

Continuation of the study commission to present the conclusions of the commission to interested groups for their information, impressions and reaction.

The commission will be pleased to assist the legislature in any manner requested on all matters relating to our study and the implementation of the recommendations.

Respectfully submitted,

IOWA COURT STUDY COMMISSION

By



W. C. Stuart, Chairman.

S T A T E O F I O W A

Report Of
IOWA COURT STUDY COMMISSION

PART I
COURT STRUCTURE

January 4, 1965

C O N T E N T S

SYNOPSIS-----	2
REPORT-----	3
DIVISION I, Small Claims Rules-----	15
DIVISION II, Traffic Violations Offices-----	21
DIVISION III, District Court Magistrates-----	26
DIVISION IV, District Court Metropolitan Judges-----	30
DIVISION V, District Court Judges-----	34
DIVISION VI, Nonindictable Offenses-----	36
DIVISION VII, Juvenile Division-----	41
DIVISION VIII, Coordinating Amenaments-----	46
APPENDIX A, Court Structure By Counties-----	60
APPENDIX B, Court Structure By Personnel-----	61
APPENDIX C, Court Structure By Case-----	62
APPENDIX D, Ordinary And Metropolitan Counties-----	64

SYNOPSIS

The report proposes these changes in the Iowa Court system for small litigation:

1. Throughout the State, all courts below the district court would be abolished, and Iowa would have only one trial court, the district court (by statute).

2. Throughout the State, a simple, expeditious procedure would be established for civil cases under \$300 (by rule); and traffic violations bureaus would be established for nonhazardous first offenses (by statute).

3. The counties of the State would be divided into two groups: (1) "ordinary" counties containing no city over 50,000 population, and (2) "metropolitan" counties containing a city over 50,000.

(a) "Magistrates of the district court" would be created for ordinary counties, to handle mainly civil cases under \$300 when assigned to them and nonindictable misdemeanors (by statute and rule).

(b) "Metropolitan judges of the district court" (formerly municipal judges) would be created for metropolitan counties, to handle mainly civil cases not exceeding \$2,000 and indictable and nonindictable misdemeanors (by statute and rule).

District judges would continue as at present. They would possess the entire jurisdiction of the district court, but would not ordinarily hear cases handled by magistrates (in regular counties) or associate judges (in metropolitan counties).

R E P O R T

The General Assembly has directed that the Iowa Court Study Commission, among other things, make "a detailed and comprehensive study...concerning the...organization and structure of the Iowa court system..., justices of the peace, municipal and superior court systems, and the methods of handling minor litigation." Iowa Laws (1963) ch. 376, sec. 2.

In court structure, Iowa is fortunate in having a simple and efficient system of courts of general jurisdiction - our supreme and district courts. We do not have a multiplicity of such tribunals, such as separate probate, family, county or other courts.

But below the courts of general jurisdiction we have a plethora of separate courts which have grown up like Topsy without any over-all view of the court system: municipal courts, superior courts, justice of the peace courts, mayors courts, and police courts. Largely they are founded on the town and township. Those were the governmental units generally employed in 1846. •

PRELIMINARY CONSIDERATIONS

Basically there are two parts to litigation, the trial and the appeal. In the days of slow transportation it was necessary to have a three-level court system for these two parts - nearby minor trial courts were necessary for small cases. Hence traditionally in America there has been an appellate court, a general trial court, and a minor trial court.

The three-level court system has a number of defects. One is inefficiency; there are two complete sets of trial courts and supporting officials. Another is that the lower set of trial courts, being regarded as inferior, does not often attract superior judges. There is growing belief that small litigants are entitled to have their cases handled better than at present.

With the development of rapid transportation, the "unified" or "integrated" trial court became possible, staffed by two layers of judicial officers to assure ready accessibility. The two-level court system - an appellate court and a unified trial court - does not have the inherent defects of the three-level system. A number of states are considering the unified trial court, and probably this advancement will be adopted in several jurisdictions during the next decade, just as the American Bar plan of judicial selection and tenure is now spreading from state to state. The principal objection to the unified trial court in most states comes from judges whose courts will be abolished.

Report continued:

In its new constitution of 1956, Alaska adopted a trial court system very similar to the unified trial court, with trial judges, magistrates, and deputy magistrates. But Illinois, in its constitutional amendment of 1962, went the farthest of any state so far. Illinois abolished all trial courts except one, building a unified trial court upon its circuit court. However, apparently to placate various judges whose courts were abolished, the circuit court is staffed with no less than four layers of judicial officers: judges, associate judges, magistrates, and special magistrates. Fortunately, Iowa does not have so many trial courts or such large population centers as to require a similar hierarchy of officials in a unified trial court.

Iowa is also fortunate in that no constitutional amendment is necessary to make changes in our minor courts. Many states have minor courts frozen into their constitutions. Iowa has but two constitutional courts: the supreme court and the district court. A unified trial court can be built upon the Iowa district court by statute. *Yunker v. Susong*, 173 Iowa 663. 156 N.W. 24.

PRESENT IOWA COURTS

Basically Iowa has a three-level court system at present, typical of nineteenth century systems. For court purposes, the counties of Iowa may conveniently be divided into (1) ordinary counties containing no city over 50,000 population, and (2) metropolitan counties containing a city over 50,000.

Ordinary Counties. In general, the Iowa courts for ordinary counties consist of (1) the supreme court for appeals, (2) the district court for trials, and (3) for small litigation, the justice of the peace, mayors, and police courts.

Metropolitan Counties. In general, the Iowa courts for metropolitan counties consist of (1) the supreme court for appeals, (2) the district court for trials, and (3) for minor litigation, the municipal and superior courts.

Iowa once experimented with county courts below the district court, but they were abolished after a time. However, present municipal courts have some county court features; they have county-wide jurisdiction, and their judges receive part of their compensation from the county. (Municipal court judges presently receive \$11,200 annually. Their salaries are 80% of the compensation of district judges.)

Report continued:

TRANSITION TO TWO-LEVEL SYSTEM IN IOWA

How could Iowa shift from a three-level to a two-level court system? Three basic changes would be necessary:

First, statewide it would be necessary to abolish all courts and offices connected therewith below the district court (by statute).

Second, statewide it would be necessary to make two additions to the district court: (1) small claims procedure for simple, expeditious handling of small civil cases (by supreme court rule), and (2) traffic violations offices receiving minimum fines for minor, unaggravated first offenses (by statute).

Third, in ordinary counties it would be necessary to establish magistrates of the district court, mainly for cases formerly handled in justice of the peace, mayors, and police courts (by statute and rule); and in metropolitan counties it would be necessary to establish metropolitan judges of the district court, mainly for cases formerly handled by municipal and superior courts (by statute and rule).

The name "District Court of Iowa" should be retained for the unified court. Present district judges would continue as such, working throughout their districts. The district court would always be open, instead of the present term system. See Iowa Code (1962) secs. 631.1, 602.22.

MECHANICS OF UNIFIED TRIAL COURT FOR IOWA

(1) Statewide

To ready the district court system as a unified trial court, small claims procedure and traffic violations offices receiving minimum fines would be needed.

Small Civil Claims

Regular court procedure is too slow and technical for small civil cases. Division I following contains proposed rules for "small claims procedure" - a speedy, simple, and inexpensive procedure for civil cases under \$300. The technical rules of pleading and evidence would not apply. The hearing would be

Report continued:

conducted by the court in such way as to bring out the truth. The procedure would not be optional, but would apply to all such claims.

If a small claim is in rem or quasi in rem, this procedure would be used notwithstanding other formalities in larger cases, such as verification. The same is true regarding special actions and provisional remedies where various formalities are required in larger cases.

When notice is given to a party, the action could proceed as to him although other parties are not notified, unless they are indispensable parties. The clerk would initially enter on the original notice the date and hour of the hearing, which would be a time when court is scheduled to be held not less than 10 nor more than 20 days after notice is to be served. Many cases would result in defaults which could be entered by the clerk, but some would require a court hearing.

The phrase, "amount in controversy," has a well defined legal meaning, and federal decisions interpreting the expression would be useful as a guide. Thus they would be helpful in ascertaining the amount involved. For example, a plaintiff could under small claims procedure join two separate claims for \$200 each, but he could not divide a single claim for \$400 into two parts. Federal decisions would also be helpful in ascertaining cases which are incapable of monetary valuation and hence do not involve any "amount in controversy" and are not small claims, such as habeas corpus and divorce.

Traffic Violations Offices

Motorists in over 95% of all traffic cases simply wish to admit the violation. In assessing the penalty, some of these cases require the exercise of judicial discretion, as where the offense is a major one (such as hit and run), or the violation is aggravated (such as causing personal injuries). But there are numerous minor offenses not necessitating the exercise of judicial discretion.

The trend throughout the country is to provide minimum fines for the latter cases, and to permit those fines to be paid at traffic violations offices without costs. This procedure at once frees judicial officers to give more attention to serious cases, and eliminates discrimination resulting from high and low fines at different places for the same minor offense - every motorist is assured of fair and equal treatment. The minimum fine is not the only penalty provided by law; it is

Report continued:

the fine imposed in traffic bureau cases. The range from the minimum to the maximum is retained for application by the court in aggravated and repeater cases.

Attached are proposed statutes for traffic violations offices and minimum fines. Under those statutes, if a defendant desired to admit a covered violation, he could do so at a traffic violations office and pay the fine. If he desired to deny the violation, he would have to appear before the court. He could appear before the court in any case if he chose. He would also have to appear before the court if he did not take care of the matter before a traffic violations office before the time required for court appearance.

The problem of a motorist apprehended at night whom the officer does not wish to release on a promise to appear, but who wishes to pay the fine and go on his way, would be handled by permitting him to mail the summons and fine in the officer's presence to a traffic violations office.

The minimum fine schedule would not cover and traffic violations offices would not handle major offense, such as driving while intoxicated, hit and run, reckless driving, or operating without a license. Neither would they cover aggravated though minor offenses, such as those causing a serious accident. Such cases would go before the court.

(2) Ordinary Counties

"Ordinary counties" would be those containing no city over 50,000 population. The judicial officers in such counties would be district judges and district magistrates. (Any present municipal judges in such counties would be blanketed into the unified trial court as district metropolitan judges as long as such present incumbents remain in office. After such present incumbents cease to hold office (as by death, resignation, retirement, removal for cause, or rejection at a judicial election), those counties would have district magistrates, the same as other ordinary counties.)

District Judges

District judges would possess the entire jurisdiction of the unified court and could handle any case without any order of assignment, at any place where court may be held by a judicial officer. However, as a matter of internal administration they

Report continued:

would not ordinarily handle cases handled by district magistrates. Thus in ordinary counties district judges would ordinarily handle four main classes of cases: (1) civil cases; (2) indictable criminal prosecutions; (3) probate matters; and (4) juvenile proceedings. They would also continue to possess the authority of present magistrates under section 748.2, I.C.A. One of the judges in each district would be primarily responsible for juvenile proceedings.

District Magistrates

District magistrates would handle (1) nonindictable prosecutions including traffic and ordinance cases, (2) preliminary hearings on indictable offenses, and (3) search warrant proceedings. They would also possess the authority of present magistrates to "issue warrants, order arrests, require security to keep the peace, make commitments, and take bail." Sec. 748.2, I. C. A. In addition, small claims could be assigned to them. They would be subject to the order of the chief judge as to times and places of holding court and kinds of cases, of the size handled by magistrates.

There would be such number of district magistrates in each district, as determined by a majority of the district judges of the district with supreme court approval, as are needed to handle the magistrates' work promptly; but each county should have at least one magistrate. Prior to determining the number of magistrates and appointing them, the local governing bodies or their representatives would be consulted.

District magistrates would be appointed and removed by a majority of the district judges of the district. But at four-year intervals they would also be required to stand for retention or rejection on the judicial ballot in the county of appointment. If rejected, they would be disqualified for reappointment. They would automatically cease to hold office at 72.

To be eligible for appointment as district magistrate, a person would have to be a qualified elector of the county where he is to serve and under mandatory retirement age.

While a district magistrate would be a judicial officer of the district court and therefore a state officer, he would serve in the county of his residence. For need however he would be temporarily assignable anywhere in the state by the chief justice, or anywhere in the district by the chief judge. Magistrates

Report continued:

would hold court on a regular schedule at the county seat in the district court facilities and in cities over 10,000 outside the county seat in facilities provided by such cities; and specially in other municipalities in the county in facilities provided by such municipalities, when and where there are sufficient cases to need court sessions.

To insure immediate service, district court clerks and all their deputies in all counties of the state should have authority to issue warrants and take bail for all offenses. (They now have such authority for indictable offenses.) Thus a warrant could be immediately obtained or bail put in for any offense, though the judicial officers might be temporarily absent.

As supporting officials, the district court clerk would be clerk for the district magistrates as well as for the district judges. In all counties of the state, in cities over 10,000 outside the county seat there would be a deputy district court clerk, appointed and removed by the district court clerk. Among others, city clerks in those cities would be eligible for such appointment additional to their regular duties. But such deputy clerks would only serve for cases of the kind handled by magistrates and would not keep a district court record, and they would promptly file judgments in such cases with the district court clerk as part of the records of such court. When so filed, such judgments would affect third persons the same as other district court records. When holding court outside the county seat at places where there is no deputy district court clerk, a magistrate would perform the functions of clerk, and he would promptly file the papers and judgments in such cases with the district court clerk as part of the district court records. When so filed, such judgments should affect third persons the same as other district court records.

A report of a trial or hearing before a district magistrate would be the same as presently before justices of the peace, that is, a party desiring a report would have to provide a reporter.

Other officials supporting district magistrates would be the district court officials, such as the sheriff and court bailiffs. In court proceedings outside the county seat, the particular municipality would provide a court bailiff from its police force.

District magistrates would receive from the counties of their residence a uniform, basic salary, and mileage and maintenance

Report continued:

while working away from home.

District magistrates would be permitted to pursue other vocations, such as practice of law. Of course, no magistrate would hear a case in which he or his associates have any interest.

Subject to the small claims rules, juries would be used by district magistrates in the same instances as presently used by justices of the peace; similarly, the jury would consist of six persons. The district court jury panel should be used, but only part of the panel would be summoned, chosen at random. District court jury panels would be drawn four times a year, for the following three months. When an individual juror has actually attended court all or part of two separate calendar weeks, he would be dropped from the panel if he requests, and a new juror would be added to the panel. All jury trials would be held at the county seat.

The procedure before district magistrates would be the same as presently before justices of the peace, but small claims procedure would be used in civil cases. Costs would be those of district court, but magistrates would retain no fees. (If a district judge heard a case ordinarily handled by magistrates, he would follow magistrate practice.)

Appeals from decisions rendered by district magistrates would be to a district judge in civil cases, and in criminal prosecutions to a district judge and then to the supreme court.

(3) Metropolitan Counties

A "metropolitan county" would be one containing a city over 50,000 population. The judicial officers in such counties would be district judges and district metropolitan judges. (Any present municipal judges in such counties would be blanketed into the unified trial court as district metropolitan judges. If as a result there would temporarily be more metropolitan judges in some such counties than needed, the number would be reduced in due course by retirements and deaths to the proper quota. If additional metropolitan judges were needed, they would be appointed as district judges are selected. There would be one more municipal judge election.)

Report continued:

District Judges

District judges would possess the entire jurisdiction of the unified court and could handle any case without an order of assignment, at any place where court may be held by a judicial officer. However, as a matter of internal administration they would not ordinarily handle cases handled by metropolitan judges. Thus district judges would ordinarily handle four main classes of cases: (1) all civil cases except those not exceeding \$2,000; (2) felony prosecutions; (3) probate matters except actions therein not exceeding \$2,000; and (4) juvenile proceedings. They would continue to possess the authority of present magistrates under section 748.2, I. C. A. One of the judges in each district would be primarily responsible for juvenile proceedings.

District Metropolitan Judges

District Metropolitan judges would handle (1) civil actions not exceeding \$2,000, (2) indictable and nonindictable misdemeanor prosecutions including traffic and ordinance cases, (3) preliminary hearings on indictable offenses, and (4) search warrant proceedings. They would also possess the authority of present magistrates under section 748.2, I. C. A. They would have authority to complete a trial fully, although an amendment is filed during the trial beyond their ordinary limits. Present Class B actions, as well as actions under \$300 in civil cases, would be handled by small claims procedure. Metropolitan judges would be subject to order of the chief judge as to times and places of holding court and kinds of cases, of the size handled by them.

There would be a district metropolitan judge in a county when any city therein reaches 50,000 population (a metropolitan county). More than that, the number of metropolitan judges in a metropolitan county would be determined by the district judges of the district, with supreme court approval.

District metropolitan judges would be under the same selection and tenure system as district judges and be nominated by the same commissions; they would be under mandatory retirement age when appointed, have four-year regular terms, and stand for retention or rejection on the judicial ballot in the county of appointment. Metropolitan judges would be retired for age, would have the right to retire for disability, and would be subject to removal for cause, the same as district judges. However, there would be one more municipal judge election, with the Judicial Amendment to the constitution thereafter applying.

Report continued:

To be eligible as district metropolitan judge, a person would have to be an elector of the county where he is to serve and a member of the Iowa bar.

While a district metropolitan judge would be a judicial officer of the district court and therefore a state officer he would serve in the county of his residence. For need however he would be temporarily assignable anywhere in the state by the chief justice or anywhere in the district by the chief judge to handle cases which may be heard by district magistrates using magistrate practice. The metropolitan judge would hold court on a regular schedule at the county seat in the district court facilities (or initially in facilities leased by the county from the municipality) and in cities over 10,000 outside the county seat in facilities provided by such cities; and specially in other municipalities in the county in facilities provided by such municipalities, when and where there are sufficient cases to need court sessions. However, outside the county seat metropolitan judges would handle only small claims nonindictable misdemeanors, preliminary hearings, and search warrant proceedings, in addition to exercising the authority of present magistrates under section 748.2 I. C. A.

As supporting officials, the district court clerk would be clerk for the district metropolitan judges as well as for the district judges. Cities over 10,000 outside the county seat would have a deputy district court clerk. Such deputy clerk as in regular counties, would be appointed and removed by the district court clerk; could be the city clerk; would serve only for cases of the kind normally handled by metropolitan judges outside the county seat; would keep no district court record; and would promptly file judgments with the district court clerk, as part of the records of the district court and affecting third persons when so filed the same as other district court records. When holding court outside the county seat at places where there is no deputy court clerk, a metropolitan judge would perform the functions of clerk; and he would promptly file the papers and judgments in such cases with the district court clerk, whereupon such judgments would affect third persons the same as other district court records.

Present municipal court clerks would be blanketed in as deputy clerks of the district court, in the district court clerk's office at the county seat, for the remainder of the terms of office of such municipal court clerks unless thereafter retained by the district court clerk for need.

Report continued:

In the cases in which a report of a trial before a district metropolitan judge is provided at public expense, the associate judge would use, on an ad hoc basis, a district judge's reporter or a private reporter engaged by the metropolitan judge at county expense. For need, the chief judge of the district, with supreme court approval, would have the right to authorize a full-time reporter or reporters for the metropolitan judge or judges; and in like manner to terminate such authority.

Other officials supporting district metropolitan judges would be the district court officials, such as the sheriff and court bailiffs. (The office of municipal court bailiff would be abolished with the other offices of that court.) In court proceedings outside the county seat, the particular municipality would provide a court bailiff from its police force.

District metropolitan judges would receive, half from the state and half from the counties of their residence, a salary of 80% of district judges' salaries, and mileage and maintenance while working away from home. Metropolitan judges and district judges would be covered by the same retirement system.

The office of district metropolitan judge would be full-time, and the practice of law by associate judges would be prohibited.

Subject to small claims rules, juries would be used by district metropolitan judges in the same instances and be in the same number as presently in municipal court, but ordinance violations would be tried as to juries the same as other nonindictable offenses are presently tried in municipal court. The district court jury panel would be used, but only part of the panel, chosen at random, would be summoned for a jury of six. District court panels would be drawn six times a year, for the following two months. When an individual juror has actually attended court all or part of two separate calendar weeks, he would be dropped from the panel if he requests, and a new juror would be added to the panel. All jury trials would be held at the county seat.

District metropolitan judges would employ small claims procedure for civil cases under \$300; and regular district court procedure for civil cases from \$300 to \$2,000 with a report of the trial provided at public expense. In criminal proceedings before metropolitan judges, a report of the trial of indictable offenses would be provided at public expense; in all other criminal proceedings including preliminary

Report continued:

hearings, a party desiring a report of a hearing or trial would have to provide a reporter. The procedure before metropolitan judges in preliminary hearings, and in all other criminal proceedings except indictable offenses after preliminary hearing, would be the same as presently before justices of the peace; indictable offenses after preliminary hearing would be handled by district court procedure. There would be separate sessions for traffic cases not handled by traffic violations bureaus. Costs would be district court costs. (If a district judge heard a case ordinarily handled by metropolitan judges, he would follow metropolitan judge practice.)

Appeals from decisions of district metropolitan judges would be to the supreme court, under the statutes and rules governing appeals from district court. (Appeals in present Class D actions would thus be to the supreme court on error.)

DIVISION I

RULES OF CIVIL PROCEDURE

DIVISION XX

SMALL CLAIMS

Rule 373. Commencement, Docket. Civil actions in which the amount in controversy in money or value is less than \$300 exclusive of interest and costs, shall be known as small claims. All such actions shall be commenced by the filing of an original notice with the clerk and by the mailing by the clerk of a copy of same to each defendant at his last known address as stated in the original notice, by restricted, certified mail return receipt to the clerk requested. Instead of such mailing, the plaintiff may, after filing the original notice with the clerk, cause a copy of same to be served on all or some defendants in the manner provided in Division III of these rules, whereupon rules 48 and 49 shall be applicable as to the defendants to be so served. The clerk shall maintain a book known as the small claims docket, which shall contain as to small claims the matters contained in the combination docket as to regular civil actions.

Rule 374. Original Notice. The original notice must be mailed or otherwise served not less than 10 days prior to the hearing date. The original notice and copies shall be signed by the plaintiff, either in person or by attorney and shall be in substantially the following form:

IN THE DISTRICT COURT OF IOWA IN AND FOR _____ COUNTY

Plaintiff(s)

Address of each plaintiff
vs.

Defendant(s)

Address of each defendant

Small Claim No. _____

ORIGINAL NOTICE

To the above named defendant(s):

YOU ARE HEREBY NOTIFIED that the above named plaintiff(s) demands of you _____
(1. If demand is for money, state amount; 2. If demand is for something else, state briefly what is demanded and its value in money; 3. If both money and something else are demanded, _____ based on _____ state both 1 and 2) (State briefly the basis for the demand)

and that unless you appear and defend before the above named court at _____ in _____, Iowa, at _____ o'clock ____ M. on the ____ day of _____, 19____, judgment will be rendered against you for the relief demanded, together with interest and court costs.

Plaintiff(s)

Report continued:

Rule 375. Function of Clerk. The clerk shall furnish forms of original notice and shall assist in their preparation if requested to do so. At the time of filing, the clerk shall enter on the original notice and the copies to be served the file number and the time and place of hearing, which shall be a time when small claims are scheduled to be heard not less than 10 nor more than 20 days after the date on which the notice will be mailed or otherwise served. The clerk shall mail a copy of the original notice to each defendant by restricted, certified mail, return receipt to the clerk requested, except for defendants whom the plaintiff wishes to serve under Division III of these rules.

Rule 376. Fees. Before filing the original notice, the clerk shall collect a fee of \$1 and the cost of mailing the notice, when it is to be mailed. If the plaintiff wishes to serve the notice under Division III of these rules, the person serving or publishing the same may require advance payment of his fee and mileage.

Rule 377. Pleadings. Except as provided in rules 374 and 378, there shall be no written pleadings or motions unless the court in the interest of justice requires them, in which event they shall be similar in form to the original notice.

Rule 378. Joinder, Counterclaim, Cross Claim, Intervention.

- (a) Division II of these rules and rule 75 shall be applicable to small claims actions.
- (b) In small claims actions, if a party joins a small claim with one which is not a small claim, the court shall (1) order the small claim to be heard under this division and dismiss the other claim without prejudice, or (2) as to parties who have appeared or are existing parties, either (a) order the small claim to be heard under this division and the other claim to be tried by regular procedure or (b) order both claims to be tried by regular procedure.
- (c) In small claims actions, a counterclaim, cross claim, or intervention in the amount of a small claim shall be in writing and similar in form to the original notice, and shall be entitled Original Notice of Counterclaim, of Cross Claim, or of Intervention, as the case may be. A copy shall be filed for each existing party. New parties may be brought in without order and shall be served with notice as provided in rules 373 and 374; and if

notice is to be served by mail the clerk shall collect the cost of mailing before filing the pleading. The clerk shall furnish forms of such pleadings and shall assist in their preparation if requested to do so. No counterclaim is necessary to assert an offset arising out of the subject of the plaintiff's claim.

- (d) In small claims actions, a counterclaim, cross claim, or intervention not in the amount of a small claim shall be in the form of a regular pleading. A copy shall be filed for each existing party. New parties, when permitted by order, may be brought in under rule 34 and shall be given notice under Division III of these rules. The court shall either (1) order such counterclaim, cross claim, or intervention to be tried by regular procedure and the other claims to be heard under this division, or (2) order the entire action to be tried by regular procedure.
- (e) In regular actions, when a party joins a small claim with one which is not a small claim, regular procedure shall apply to both unless the court transfers the small claim to the small claims docket for hearing under this division.
- (f) In regular actions, a counterclaim, cross claim, or intervention in the amount of a small claim shall be pleaded, tried, and determined by regular procedure, unless the court transfers such small claim to the small claims docket for hearing under this division.
- (g) Pleadings which are not in correct form under this rule shall be ordered amended so as to be in correct form; but a small claim which is proceeding under this division need not be amended although in the form of a regular pleading.
- (h) Copies of any papers filed by the parties, which are not required to be served, shall be mailed or delivered by the clerk as provided in rule 82.

Rule 379. Proof of Service. At the time for hearing, the court or clerk shall first determine that proper notice has been given a party before proceeding further as to him, unless he has appeared or is an existing party, and also that the action is properly brought as a small claim.

Rule 380. Default. Unless good cause to the contrary

appears, (1) if the parties fail to appear at the time of hearing, the claim shall be dismissed without prejudice by the court or clerk; (2) if the plaintiff fails to appear but the defendant appears, the claim shall be dismissed with prejudice by the court or clerk; and (3) if the plaintiff appears but the defendant fails to appear, judgment shall be rendered against the defendant by the court, or by the clerk if the relief to be granted is readily ascertainable.

Rule 381. Hearing. The time for appearance shall be the time for hearing. The hearing shall be to the court, shall be simple and informal, and shall be conducted by the court itself, without regard to technicalities of procedure; but the decision must be based on substantial evidence. The court shall swear the parties and their witnesses, and examine them in such way as to bring out the truth. The parties may participate, either personally or by attorney. The court may continue the hearing from time to time if justice requires. The proceedings shall not be reported unless a party provides a reporter at his own expense or the parties by agreement cause the proceedings to be electronically reported, but there shall be no delay for such purpose.

Rule 382. Judgment, Minutes.

- (a) The judgment shall be entered in a space on the original notice first filed, and the clerk shall immediately enter the judgment in the small claims docket and district court lien book. Such relief shall be granted as is appropriate. The court may enter judgment for installment payments; and in such event execution shall be suspended as long as such payments are made, but execution shall issue for the full unpaid balance of the judgment upon the filing of an affidavit of default as to any part of an installment. When entered on the small claims docket and district court lien book, a small claims judgment shall constitute a lien to the same extent as regular judgments entered on the district court judgment docket and lien book; but if a small claims judgment requires installment payments, it shall not constitute a lien for any amount until an affidavit of default is filed, whereupon it shall constitute a lien for the full unpaid balance of the judgment.
- (b) Unless the hearing is reported, minutes of the testimony of each witness and of any stipulations of the parties shall likewise be entered on the original notice first filed; and the exhibits or copies thereof shall be attached to such original notice or be filed, until released by the court.

Rule 383. Costs. The actual expense of the prevailing party for filing fee, mailing or otherwise serving original notice, and witness fees and mileage, shall be taxed as costs. No other costs shall be taxed except on order of court for good cause.

Rule 384. Other Statutes and Rules. Small claims shall be commenced, heard, and determined in accordance with this division. Other statutes and rules relating to civil proceedings shall apply, but only insofar as not inconsistent with this division. Service of original notice according to rule 56 or 373 supersedes the need of its publication, whether the party served is or resides within or without Iowa. Small claims on file for 90 days and not determined shall be dismissed without prejudice unless prior thereto a party secures an order of continuance to a date certain after notice and hearing, upon a ground stated in rule 215.1. Actions in probate involving the amount of a small claim shall be heard and determined under this division and may be commenced hereunder; if commenced as a regular civil action or under the statutes relating to probate proceedings, they shall be transferred to the small claims docket and proceed accordingly. Civil actions coming within this division but commenced in the regular way shall not be dismissed but shall be transferred to the small claims docket and proceed accordingly. Civil and probate actions not coming within this division but commenced hereunder shall be dismissed without prejudice except for defendants who have appeared, as to whom such actions shall be transferred to the combination or probate docket, as the case may be, and proceed accordingly.

DIVISION II

TRAFFIC VIOLATIONS OFFICES
AND MINIMUM TRAFFIC FINES

Sec. 1. Uniform summons. The Iowa commissioner of public safety shall adopt, obtain, and distribute at cost to state and local law enforcement agencies a uniform, combined traffic charge and summons, which shall be used for charging all traffic violations in Iowa under state law or municipal ordinance, unless the defendant is charged by information. Each summons shall be serially numbered and shall be in quadruplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, a copy to the defendant, and a copy to the law enforcement agency of the officer. The summons shall contain, among other things, spaces for the parties names and for the information required by section three hundred twenty-one point four hundred eighty-five (321.485) subsection two (2) paragraph "a", of the Code; a place where the defendant may sign the promise to appear referred to in section three hundred twenty-one point four hundred eighty-six (321.486); a list of the minimum fines prescribed by section 3 of this division, either separately or by groups; a brief explanation of sections 2 and 4 of this division; and a space where the defendant may sign an admission of the violation when such section 4 is applicable. Every summons shall require the defendant to appear before a court at a specified time and place. Notwithstanding section three hundred twenty-one point four hundred eighty-five (321.485), subsection two (2) the officer may arrest the defendant although a summons is used to charge the violation, if authorized by section seven hundred fifty-five point four (755.4) of the Code.

Sec. 2. Traffic violations offices. Each district court clerk and deputy, and each city and town clerk in municipalities over one thousand population, shall by virtue of this office constitute a traffic violations office of the district court. Such traffic violations offices shall constitute a part of the district court and be subject to its control.

Sec. 3. Scheduled violations. The minimum fine for all convictions of the following violations, whether of state law or municipal ordinance, shall be:

1. Violation of school or other stop sign or of traffic signal, \$10.00.
2. Failure to yield right of way, \$10.00.
3. Illegal parking, \$5.00.
4. Registration card or license plate violation \$10.00.

5. Improper lights, \$10.00
6. Prohibited turn, \$10.00
7. Improper muffler, \$10.00
8. Other defective equipment, \$10.00
9. Excessive speed up to 10 m.p.h., \$10.00
10. Excessive speed 10 to 20 m.p.h., \$20.00
11. Improper passing or turning, \$15.00
12. Following too closely, \$10.00
13. Motor running unattended, \$10.00
14. Driving illegal direction, \$10.00
15. Lack of control, \$15.00
16. Failure to dim lights, \$10.00
17. Violation of restricted license, \$10.00
18. Failure to give half of way, \$15.00
19. Failure to signal passing or turning, \$10.00
20. Stopping on traveled portion, \$20.00
21. Violation of height, length or width, \$20.00

Such violations shall be called scheduled violations. Section seven hundred eighty-nine point seventeen (789.17) of the Code shall be applicable thereto. Section 321.482, Code 1962, is amended in accordance with this section.

Sec. 4. Admission of scheduled violations.

1. In cases of scheduled violations, the defendant, before the time specified in the summons for appearance before the court, may sign the admission of violation on the summons and deliver the summons, together with his Iowa operator's, chauffeur's, or school license and payment of the minimum fine for the violation (without costs) to a traffic violations office in the county which shall, if the offense is a moving violation, forward a copy of the summons and admission to the Iowa commissioner of public safety as required by section three hundred twenty-one

point two hundred seven (321.207) of the Code. Thereupon the defendant shall not be required to appear before the court. Such an admission shall constitute a conviction.

2. A defendant charged with a scheduled violation by information may obtain two copies of the information and, before the time he is required to appear before the court, deliver such copies to and admit the violation before a traffic violations office in the county, upon compliance with the requirements of subsection one (1) of this section. The procedure and fine shall be the same as when the charge is by summons, but the admission shall be placed upon the information.

3. If a defendant desires to admit a scheduled violation and pay the fine immediately but no readily accessible court or traffic violations office in the county is then open, the officer may:

a. observe the defendant mail the summons, admission and minimum fine to a traffic violations office in the county with the officer's notation of the number of the defendant's driver's or chauffeur's license or school permit; and

b. thereupon release the defendant.

4. Any defendant although he admits a scheduled violation may appear before the court. The procedure and the penalty (without suspension) after the hearing shall be the same as before the traffic violations office, but court costs shall be assessed.

5. A defendant charged with a scheduled violation who does not fully comply with subsection one (1) or two (2) of this section before the time required to appear before the court must, at that time, appear before the court. If such defendant admits the violation or is found guilty, the procedure and the penalty (without suspension) after the hearing shall be the same before the court as before the traffic violations office (with court costs), without prejudice, when applicable, to proceedings under section three hundred twenty-one point four hundred eighty-seven (321.487) of the Code, or other proceedings.

Sec. 5. Required court appearance. Section 4 of this division shall not apply:

1. When the officer charges that the violation was aggravated (as because of highway conditions, visibility, traffic, injuries, repetition, or other circumstances); or

2. When the officer charges that the defendant when apprehended did not have his license with him or had no license.

In such cases, the defendant shall appear before the court and regular traffic procedure shall apply. If a summons is used, the officer shall strike out the space in which the defendant may admit the violation before a traffic violations office. A summons or information containing a charge under subsection one (1) or two (2) of this section shall not itself constitute substantive proof of such charge.

Sec. 6. Other penalties. When Section 4 of this division does not apply to a scheduled violation or when the defendant denies a scheduled violation, if the defendant is found guilty the penalty shall be the minimum fine prescribed in section 3 of this division unless it appears that the violation was aggravated, in which event the penalty shall be increased accordingly.

Sec. 7. Disposition of traffic fines. Fines collected for all traffic violations shall be remitted to the treasurer of the municipality which was the plaintiff, or to the treasurer of the county if the state was the plaintiff.

Sec. 8. Parking meter violations. Section three hundred twenty-one point two hundred thirty-six (321.236), Code 1962, is amended by adding the following:

"Parking meter violations which are denied shall be charged and proceed before a court the same as other traffic violations.

Parking meter violations which are admitted:

1. May be charged upon a simple notice of a fine not exceeding five dollars payable to the city or town clerk, if authorized by ordinance; or

2. Notwithstanding any such ordinance, may be charged and proceed before a traffic violations office or a court, as the case may be, the same as other traffic violations.

Sec. 9. Venue of traffic violations. Section seven hundred fifty-three point two (753.2), Code 1962, is amended by adding the following:

"Traffic violations committed by a defendant while a peace officer is in fresh pursuit may be prosecuted in any county through which pursuit was made, irrespective of where committed. Upon written consent of the defendant and the officer who apprehended him, traffic violations may be prosecuted in any county in the state irrespective of where committed, and in such event the documents in the case shall be sent to the court designated by the defendant and the officer."

Sec. 10. Lines 15 through 22 of Section 321.307, Code 1962, are repealed.

Sec. 11. The second sentence of section 321.208, Code 1962, is repealed. A defendant shall not be permitted to answer a traffic charge by forfeiting bail, but shall remain liable to prosecution.

DIVISION III

DISTRICT COURT MAGISTRATES

Section 12. There is hereby established in each county, except hereinafter provided, the office of district court magistrate. Said magistrate shall be appointed in each county by the judges of the district court of the district wherein the county is located, sitting en banc. From time to time the number of such magistrates in each county shall be determined by a majority of the district judges of the district, with supreme court approval, but each county shall have at least one such magistrate. Before determining the number of district magistrates or appointing them, the district judges shall consult or offer to consult with the governing bodies of the municipalities and counties affected, or their representatives. The establishment and appointment of such district court magistrates shall not apply in any county wherein is located a city having a population in excess of fifty thousand by the latest federal decennial census; and such counties shall, for purposes of reference to courts, be known as metropolitan counties.

Section 13. The regular term of office of district court magistrates shall be four years beginning on January 1 following a judicial election, and the initial term of appointees shall be of duration so as to include such four-year term. Thereafter each such magistrate shall stand for retention or rejection in office at four-year intervals at a regular judicial election in the county of his residence. All provisions applicable to judges of the district courts shall apply where necessary to such elections. If any magistrate is rejected at such election he shall be ineligible for appointment thereafter as a magistrate. The chief judge of a district may appoint a special magistrate temporarily for a county, when the district magistrate is absent or unable to act. Special magistrates shall receive no compensation other than actual expenses as hereinafter provided in this Act. They shall possess the jurisdiction of a district magistrate.

Section 14. District court magistrates shall automatically cease to hold office upon reaching the age of seventy-two.

Section 15. Each district court magistrate to be eligible for appointment shall be an elector of the county where he is to serve and younger than mandatory retirement age.

Section 16. A district court magistrate may be removed from office by a majority of the judges of the district court of the district wherein the county of his residence is located.

Section 17. District court magistrates shall be state officers of the county of residence assignable however anywhere in the state by the chief justice, or anywhere in the judicial district by the chief judge of the district.

Section 18. Jurisdiction of district court magistrates shall be statewide. They shall hold court on a regular schedule at the county seat in facilities of the district court and in other cities over ten thousand population in facilities provided by such cities. They shall hold special sessions in other municipalities as assigned by the chief judge of the district, in accordance with need for court services in facilities provided by such municipalities.

Section 19. District court magistrates shall have authority:

1. To try nonindictable misdemeanors including traffic and ordinance violations.
2. To hold preliminary hearings on indictable offenses.
3. To conduct search warrant proceedings.

In such trials and hearings, they shall employ the procedure heretofore obtaining in such proceedings before justices of the peace. All jury trials shall be held at the county seat.

They shall also possess authority to issue warrants, order arrests, require security to keep the peace, make commitments and take bail.

Small civil claims, as specified by Rule of Civil Procedure, may be assigned to such magistrates by the chief judge of the district, to be heard by small claims procedure.

Court costs before district magistrates shall be costs of district court.

Section 20. The annual rate of salary of district court magistrates shall be \$3,600, to be paid monthly from the court expense fund of the county of their residence on a per diem basis for time actually expended in the duties of their office. Claims for such services shall be approved by the chief judge of the district. Any services for less than one-half day shall be computed on a half day basis. Section 605.2, Code, 1962, shall be applicable to district magistrates, such expenses to be paid by the county of residence of the magistrate.

Section 21. The district court clerk or his deputy shall be the clerk of the district court magistrates and receive their papers for filing or recording, as the case may be. In cities over ten thousand population outside the county seat, there shall be a deputy district court clerk, appointed by the district court clerk and subject to removal by him. City clerks in such cities may be appointed such deputies in addition to their regular duties. Such deputy clerks shall serve only for cases of the kind authorized for such magistrates, shall not maintain a district court record, and shall promptly file judgments with the clerk of the district court as a part of the records of such court. When so filed, such judgments shall affect third persons the same as other district court records. Such deputy clerks shall receive a salary of 50% of their principals. When holding court at places where there is no district court clerk or deputy, a district court magistrate shall perform the functions of clerk, and shall promptly file the papers and judgments in such cases with the district court clerk as part of the district court records, whereupon they shall affect third persons the same as other district court records.

Section 22. When district court magistrates are holding court outside the county seat, the municipality in question shall provide a court bailiff from its police department.

Section 23. Any party desiring a report of a trial or hearing before a district court magistrate shall provide a reporter, but the parties may by agreement cause the proceedings to be reported electronically.

If the trial or hearing is not reported, the magistrate shall make a minute of the testimony of each witness, which shall be filed in the case.

Section 24. Appeals from judgments of magistrates in small civil claims may be taken to a district judge by filing with the clerk or his deputy a written notice of appeal within 20 days after the judgment is rendered. A judge of the district court shall hear and determine the appeal de novo, upon the actual record made before the magistrate including the testimony if reported, but without hearing further evidence. The judgment may be stayed by a district judge pending appeal. The judge may affirm or reverse the judgment or render such judgment as the magistrate should have rendered.

Section 25. Appeals from judgments of magistrates in criminal proceedings may be taken by the defendant to a district judge by filing with the clerk or his deputy a written notice of appeal within 20 days after the judgment is rendered. A judge of the district court shall hear the appeal on error, upon the actual record made before the magistrate

including the testimony if reported, but without hearing further evidence. The district judge may affirm, reverse, or modify the judgment, but he cannot increase the punishment. He shall stay the judgment pending appeal if the defendant files appeal bond with the clerk in the sum specified in the judgment. The defendant may further appeal to the supreme court under the statutes governing criminal appeals to that court.

DIVISION IV

DISTRICT COURT METROPOLITAN JUDGES

Sec. 26. There is hereby established in each county having therein a city with a population in excess of fifty thousand by the latest federal decennial census, the office of metropolitan judge of the district court. Such counties shall, for purposes of reference to courts, be known as metropolitan counties. From time to time the number of such district metropolitan judges in each such county shall be determined by a majority of the district court judges of the district, with supreme court approval, but each such metropolitan county shall have at least one district metropolitan judge. Addition in the number of district metropolitan judges shall be accomplished in the manner that district judges are selected. Reduction in the number of district metropolitan judges shall be accomplished prospectively by resignation, retirement, death, removal, rejection at a judicial election or in any other manner that a metropolitan judge may cease to hold office.

Sec. 27. District metropolitan judges shall be under the same selection and tenure system as district court judges except that their regular term of office shall be four years beginning on January 1 following a judicial election.

Sec. 28. The initial term of office of district metropolitan judges shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year.

Sec. 29. Each district metropolitan judge to be eligible for appointment shall be a member of the bar of Iowa, an elector of the county wherein he is to serve and younger than mandatory retirement age. He shall be ineligible to practice law during retention in office.

Sec. 30. District metropolitan judges shall stand for retention or rejection at judicial elections in the county of their residence. They shall be retired for age, have the right to retire for disability, and be subject to removal for cause, in the same manner as district court judges. They shall have the same rights under the judicial retirement system as district court judges. A district metropolitan Judge who has been rejected at a judicial election shall thereafter be ineligible for appointment as a judge.

Sec. 31. District metropolitan judges shall be state officers of the county of residence, assignable however anywhere in the state by the chief justice or anywhere in the judicial district by the chief judge of the district. When assigned outside their county of residence they shall possess the authority of a district magistrate unless assigned to another metropolitan county, where they shall possess the authority of a district metropolitan judge. In the event that a city having a population in excess of fifty thousand in a particular county extends partially into an adjoining county, the district metropolitan judge shall serve all of said city but the area outside the city in the adjoining county shall be served by the district court magistrate. In unusual situations where geographic or other conditions require, the district judges of a district may appoint district magistrates also in a metropolitan county, if essential to provide court services in outlying areas.

Sec. 32. District metropolitan judges shall possess statewide jurisdiction. They shall hold court on a regular schedule at the county seat in facilities of the district court and in other cities over ten thousand population in the county in facilities provided by such cities. They shall hold special sessions in other municipalities as assigned by the chief judge of the district, in accordance with need for court services, in facilities provided by such municipalities. Where necessary, metropolitan counties may lease facilities from the city at the county seat for holding court by district metropolitan judges or district judges, until adequate county facilities are available.

Sec. 33. District metropolitan judges shall have authority:

1. To try indictable and nonindictable misdemeanors including traffic and ordinance violations.
2. To hold preliminary hearings on indictable offenses.
3. To conduct search warrant proceedings.
4. To try civil actions in which the amount in controversy in money or value does not exceed two thousand dollars, in accordance with the Rules of Civil Procedure.

All jury trials shall be held at the county seat.

They shall possess authority to issue warrants, order arrests, require security to keep the peace, make commitments and take bail.

They shall have authority to complete a trial fully although an amendment is filed during the trial increasing the amount in controversy beyond their ordinary limits.

References in statutes to district court judges shall, unless the context indicates otherwise, include district metropolitan judges. Sections 21 and 22 of this Act shall apply to metropolitan counties and metropolitan judges.

A reporter shall be provided at public expense for trials before metropolitan judges of indictable misdemeanors and civil actions involving an amount in controversy in money or value of \$300 or more. The metropolitan judge may employ a private reporter at county expense for the particular case, or use the reporter of a district judge if available. For need, the chief judge of a district may with supreme court approval authorize full-time reporters at county expense for metropolitan judges, and may also terminate such authority. Such full-time reporters shall receive the same compensation and expenses as reporters for district judges.

Juries in trials before district metropolitan judges shall be drawn from the district court jury panel.

Court costs before metropolitan judges shall be costs of district court.

Sec. 34. On the effective date of this Act, all municipal judges in Iowa shall become metropolitan judges of the district court. But at the end of their then respective terms of office, there shall be one more election of judges pursuant to Chapter 602, Code 1962, notwithstanding repeal of such chapter by this Act. The metropolitan judges elected at such election shall come under the tenure provisions of the constitutional amendment applicable to district judges. Thereafter such constitutional amendment shall govern the selection and tenure of district metropolitan judges, and nominations shall be made by the district judicial nominating commission of the district in which the particular metropolitan county is situated in the same manner as district judges are nominated.

Metropolitan judges created by virtue of this section in counties which are not metropolitan counties, or their immediate successors elected at such final election under chapter 602, Code 1962, shall continue as such metropolitan judges until they resign, retire, die, are removed, are rejected by the electors, or cease to hold office for any other reason. Thereafter there shall be no metropolitan judges in such counties until they become metropolitan counties. In the meantime there shall be district magistrates in such counties in addition to metropolitan judges.

On the effective date of this Act, the clerk of each municipal court in Iowa shall become a deputy clerk of the district court at the county seat for the remainder of his term. Thereafter he may be continued in office for need, by the clerk of the district court.

Sec. 35. Following each federal decennial census the secretary of state shall notify the supreme court as to which counties have within their borders cities with a population of over fifty thousand. Upon receipt of such notification the supreme court shall cause appropriate action to be taken in such counties to conform with this Act. Should any county, after any such census, cease to be a metropolitan county within the terms of this Act, the district metropolitan judge or judges thereof shall thereafter for the remainder of their terms of office be district court magistrates but shall be permitted to complete any actions pending before them as district metropolitan judges.

Sec. 36. The annual salary of district metropolitan judges shall be eighty percent of the salary of district judges. Section 605.2, Code 1962, shall be applicable to district metropolitan judges.

The salaries of district metropolitan judges shall be paid, either monthly or semimonthly, on the same days as paid employees of the county or state. Under either method of payment the first month's salary shall be from the state treasury and the second month's salary shall be from the court expense fund of the county where such metropolitan judge resides; and thereafter such payments shall alternate from the state treasury to the court expense fund of the county in like manner. Expenses of metropolitan judges shall be paid in alternate months from the state treasury and the court expense fund of the county of residence.

Sec. 37. District metropolitan judges in trying actions, civil or criminal, including traffic and ordinance violations, shall employ the practice and procedure provided for the trial of cases involving such an amount in controversy or such a penalty.

Sec. 38. Appeals from decisions and judgments of district metropolitan judges shall be to the supreme court, under the statutes and rules governing appeals from the district court.

DIVISION V

DISTRICT COURT JUDGES

Sec. 39. Section six hundred four point one (604.1) Code 1962, is amended by striking from lines four (4) to eight (8) inclusive, the words "except in cases where exclusive or concurrent jurisdiction is or may hereafter be conferred upon some other court or tribunal by the constitution and laws of the state,".

District judges shall possess the entire jurisdiction of the district court. In hearings and trials before a district judge of cases which are within the jurisdiction of district metropolitan judges or magistrates, the district judge shall employ the procedure which would obtain before the metropolitan judge or magistrate, as the case may be. District judges may hold court at any place where a district magistrate or metropolitan judge may do so.

Sec. 40. Section six hundred four point five (604.5) Code 1962, is amended by inserting in line four (4) after the word "court," the words, "municipal court and superior court"

Sec. 41. Section six hundred four point six (604.6) Code 1962, is amended by inserting in line three (3) after the word "court" the words "municipal court and superior court".

Sec. 42. Section six hundred eighty-seven point six (687.6), Code 1962, is repealed and the following enacted in lieu thereof:

"When the performance of any act is prohibited by any statute or said act is prescribed as a misdemeanor, and no penalty for the violation of such statute is imposed or the penalty prescribed exceeds a fine of one hundred dollars or imprisonment for thirty days but the offense is not a felony, the doing of such act is an indictable misdemeanor. When the performance of any act is prohibited by any statute and the penalty for so doing does not exceed a fine of one hundred dollars or imprisonment for thirty days the doing of such act is a nonindictable misdemeanor."

Sec. 43. Section six hundred eighty-seven point seven (687.7), Code 1962, is amended by striking from line one (1) the word "a" and inserting in lieu thereof the words "an indictable".

Sec. 44. Sections 605.19 through 605.23, Code 1962, are repealed.

Sec. 45. In metropolitan counties, petit jury panels shall be drawn six times annually to serve for the following two months, and in other counties they shall be drawn four times annually to serve for the following three months; provided, that if a juror has actually attended court all or part of two separate weeks, he shall on request be discharged and a new juror shall be drawn. The number of jurors on a panel shall be ordered by the chief judge of the district. Sections 609.18, 609.20 and 609.22 are amended accordingly.

DIVISION VI

NONINDICTABLE OFFENSES

Sec. 46. Section seven hundred sixty-two point one (762.1) Code 1962, is amended by striking from line one (1) the words "Justices of the peace" and inserting in lieu thereof the words "District court magistrates".

Further amend said section by striking from line two (2) the word "must" and inserting in lieu thereof the word "may".

Sec. 47. Section seven hundred sixty-two point two (762.2), Code 1962, is amended by striking from line three (3) the words "justice of the peace" and inserting in lieu thereof the words "district court magistrate or district court clerk or deputy".

Further amend said section by striking from line five (5) the words "the justice" and inserting in lieu thereof the words "such magistrate, clerk or deputy".

Sec. 48. Section seven hundred sixty-two point three (762.3), Code 1962, is amended by striking from line three (3) the words "the justice" and inserting in lieu thereof the words "such magistrate, clerk or deputy".

Section 49. Section seven hundred sixty-two point four (762.4), Code 1962, is amended by striking from lines three (3) and five (5) the word "justice" and inserting in lieu thereof the words "magistrate, clerk or deputy" in each instance.

Section 50. Section seven hundred sixty-two point five (762.5), Code 1962, is amended by striking from line one (1) the word "justice" and inserting in lieu thereof the words "district court magistrate or district court clerk or any deputy clerk".

Section 51. Section seven hundred sixty-two point six (762.6), Code 1962, is amended by striking from line two (2) the word "justice" and inserting in lieu thereof the words "magistrate or in the absence of the magistrate, the clerk or deputy".

Sec. 52. Section seven hundred sixty-two point seven (762.7), Code 1962, is amended by striking from line five (5) the word "justice" and inserting in lieu thereof the words "magistrate, clerk or deputy".

Further amend said section by adding at the end thereof the words "The magistrate may fix bail and in the absence of the magistrate, the clerk or deputy may do so."

Sec. 53. Sections seven hundred sixty-two point nine (762.9), seven hundred sixty-two point ten (762.10), seven hundred sixty-two point eleven (762.11) and seven hundred sixty two point twelve (762.12), Code 1962, are amended by striking therefrom the words "the justice" and inserting in lieu thereof in each instance the words "such magistrate".

Sec. 54. Section seven hundred sixty-two point thirteen (762.13), Code 1962, is amended by striking from line four (4) the words "the justice" and inserting in lieu thereof the words "such magistrate".

Sec. 55. Section seven hundred sixty-two point fourteen (762.14), Code 1962, is amended by striking from lines two (2) and three (3) the word "justice" and inserting in lieu thereof the word "magistrate".

Further amend said section by striking from lines five (5) and six (6) the words "justice in the township" and inserting in lieu thereof the words "district court magistrate".

Further amend said section by striking from line six (6) the word "justice" and inserting in lieu thereof the word "magistrate".

Further amend said section by striking from line eleven (11) the words "the justice" and inserting in lieu thereof the words "such magistrate".

Further amend said section by striking from lines fourteen (14) and fifteen (15) the words "justice in the county" and inserting in lieu thereof the words "district court magistrate".

Sec. 56. Section seven hundred sixty-two point fifteen (762.15), Code 1962, is amended by striking from line one (1) the words "the justice" and inserting in lieu thereof the words "such magistrate".

Sec. 57. Section seven hundred sixty-two point sixteen (762.16), Code 1962, is repealed and the following enacted in lieu thereof:

"The jury shall be made up from a panel of eighteen chosen at random from the district court panel, from which list the prosecutor and the defendant may each strike out three names."

Sec. 58. Section seven hundred sixty-two point seventeen (762.17), Code 1962, is repealed and the following enacted in lieu thereof:

"In case the prosecutor or the defendant neglects or refuses to strike out such names, the magistrate shall direct some disinterested person to strike them out for either of the parties so neglecting or refusing, and, it being done, he must issue a venire, directed to the sheriff of the county, requiring him to summon the twelve persons whose names remain upon the list to appear before him at the time and place named therein, to make a jury for the trial of the cause."

Sec. 59. Section seven hundred sixty-two point eighteen (762.18), Code 1962, is amended by striking from line four (4) the word "justice" and inserting in lieu thereof the word "magistrate".

Sec. 60. Section seven hundred sixty-two point nineteen (762.19), Code 1962, is amended by striking from line four (4) the word "justice" and inserting in lieu thereof the word "magistrate".

Sec. 61. Sections seven hundred sixty-two point twenty (762.20), seven hundred sixty-two point twenty-one (762.21), seven hundred sixty-two point twenty-three (762.23) and seven hundred sixty-two point twenty-five (762.25), Code 1962, are amended by striking from each the word "justice" and inserting in lieu thereof the word "magistrate".

Add to section 762.26, Code 1962: "Before the jury begins deliberation, the magistrate shall in writing state to the jury what the charge is, quote verbatim the statute or ordinance or portion thereof under which the charge is laid, and tell the jury that the burden is on the state (or city or town) to prove defendant guilty by the evidence beyond a reasonable doubt."

Sec. 62. Section seven hundred sixty-two point twenty eight (762.28), Code 1962, is amended by striking from line three (3) the word "justice" and inserting in lieu thereof the word "magistrate"; and by striking from line 3 "enter it on his docket" and substitute "cause it to be entered of record."

Sec. 63. Section seven hundred sixty-two point twenty-nine (762.29), Code 1962, is amended by striking from lines four (4) and five (5) the word "justice" and inserting in lieu thereof the word "magistrate".

Sec. 64. Section seven hundred sixty-two point thirty (762.30), Code 1962, is amended by striking from lines two (2) and three (3) the word "justice" and inserting in lieu thereof the word "magistrate".

Sec. 65. Section seven hundred sixty-two point thirty-one (762.31), Code 1962, is amended by striking from line three (3) the word "justice" where it appears twice and inserting in lieu thereof in each instance the word "magistrate"; and by adding to such section: "The magistrate shall specify in the judgment the amount of the appeal bond."

Sec. 66. Section seven hundred sixty-two point thirty-three (762.33), Code 1962, is amended by striking from line two (2) the word "justice" and inserting in lieu thereof the word "magistrate".

Sec. 67. Section seven hundred sixty-two point thirty-four (762.34), Code 1962, is amended by striking from lines five (5) and nine (9) the word "justice" and inserting in lieu thereof in each instance the word "magistrate".

Sec. 68. Section seven hundred sixty-two point thirty-five (762.35), Code 1962, is amended by striking from line six (6) the word "justice" and inserting in lieu thereof the word "magistrate"; by striking from line three (3) the word "the district court" and substituting "a district judge"; and by striking from line four (4) the words "in this chapter".

Sec. 69. Sections seven hundred sixty-two point thirty-six (762.36) and seven hundred sixty-two point thirty-seven (762.37), Code 1962, are hereby repealed.

Sec. 70. Section seven hundred sixty-two point thirty-eight (762.38), Code 1962, is amended by striking from line three (3) the word "justice" and inserting in lieu thereof the word "magistrate".

Sec. 71. Section seven hundred sixty-two point thirty-nine (762.39), Code 1962, is amended by striking from lines four (4) and five (5) the word "justice" and inserting in lieu thereof the word "magistrate".

Sec. 72. Section seven hundred sixty-two point forty (762.40), Code 1962, is amended by striking from line three (3) the word "justice" and inserting in lieu thereof the word "magistrate".

Sec. 73. Section seven hundred sixty-two point forty-two (762.42), Code 1962, is amended by striking from line two (2) the word "justice" and inserting in lieu thereof the word "magistrate"; and by striking from line five (5) the words "county auditor" and substituting "clerk or deputy".

Sec. 74. Sections seven hundred sixty-two point forty-three (762.43) to seven hundred sixty-two point fifty-two (762.52), inclusive, Code 1962, are hereby repealed.

Sec. 75. District judges and district metropolitan judges in trying nonindictable misdemeanors, including traffic and ordinance violations, shall use the procedure and practice provided for the trial of such cases before district court magistrates. The term "magistrate" in this division of this Act shall mean "district metropolitan judge" in counties having metropolitan judges.

Sec. 76. Section seven hundred forty-eight point one (748.1), Code 1962, is repealed and the following enacted in lieu thereof:

"The term 'magistrate' shall include all judges of the supreme court, all judges of the district court, district metropolitan judges and district court magistrates."

Sec. 77. Chapters three hundred sixty-seven (367), six hundred one (601), six hundred two (602) and six hundred three (603) Code 1962, are hereby repealed. Chapter three hundred twenty-one (321), Acts 60th General Assembly is hereby repealed.

DIVISION VII

JUVENILE DIVISION

Sec. 78. Chapters two hundred thirty-one (231) and two hundred thirty-two (232), Code 1962, are hereby repealed and the following division of this Act is enacted in lieu thereof.

Sec. 79. When used in this division, unless the context otherwise requires:

1. "Court" means the juvenile division of the district court.
2. "Judge" means judge of the juvenile division of the district court.

Sec. 80. There is hereby established in each judicial district a division of the district court to be called the juvenile court.

Sec. 81. Subject to the superior authority of the chief justice, the chief judge of each district shall designate one of the district judges of the judicial district to act as judge of the juvenile court until further designation.

The designation of any judge of the juvenile court shall not deprive him of other judicial powers, nor the other judges of the power to act as judge of the juvenile court during the absence or inability to act, or upon request, of the regularly designated juvenile judge.

Sec. 82. At least once each year, the chief justice of the supreme court shall call a conference of the judges of the juvenile courts for the purpose of considering and establishing general policies for the conduct of the juvenile courts and recommending uniform rules and forms governing procedures and practice of the juvenile courts.

Sec. 83. The judge designated as judge of the juvenile court in each district shall appoint one (1) or more probation officers for the district or any county or group of counties within the district, to carry out the work of the court. In any such district, or county or group of counties, where more than one (1) officer is appointed, one (1) of such officers shall be designated as chief probation officer; but if there is only one probation officer, he shall be chief probation officer. The salaries of such officers shall be fixed by the judge making the appointments.

When officers are appointed to serve more than one county, their salaries and the expenses of the probation offices shall be prorated among the counties served in such proportion as may be determined by the judge, who shall in making such determination consider the volume of work in the several counties.

Sec. 84. All probation officers shall be selected and appointed in accordance with such rules as to standards and qualifications as shall be established by the supreme court pursuant to section six hundred eighty-four point twenty-one (684.21), Code 1962. This section shall not affect the appointment or term of office of any probation officer presently serving in any county or counties.

Sec. 85. Secretarial and clerical help as may be needed in the administration of any probation office shall be appointed by the chief probation officer, who shall fix their salaries, all subject to the approval of the judge of juvenile court.

Sec. 86. Probation officers in the discharge of their duties shall possess the powers of peace officers. Probation officers shall be furnished by the county with an appropriate office and necessary supplies and equipment. It shall be the duty of probation officers to make investigations as may be required by the court, to be present in court when cases are heard, to furnish to the court such information and assistance as the judge may require and to take charge of any child before and after hearing as may be directed by the court.

Sec. 87. All probation officers shall serve during the pleasure of the judge of juvenile court, and in addition to salaries shall receive their necessary and actual expenses incurred while performing their duties. For use of an automobile in the discharge of their duties within the particular county or counties for which they are appointed, probation officers may receive the mileage rate provided by law or in lieu thereof may receive a monthly allowance in such amounts as the judge of juvenile court may order. For use of an automobile outside the county or counties for which they have been appointed, probation officers shall be paid the regular mileage rate. All salaries and expenses shall be paid by the county either from the general county fund or from the court expense fund.

Sec. 88. Except as otherwise provided by law, the juvenile court shall have exclusive original jurisdiction in proceedings concerning any child who is alleged to be delinquent, neglected or dependent prior to having become eighteen (18) years of age, including those alleged to be delinquent because of violating a law or ordinance.

Sec. 89. The juvenile court shall have exclusive original jurisdiction in proceedings concerning:

1. Determination of parent-child relationships.
2. The appointment and removal of a juvenile court guardian of the person for a child where parent-child relationships have been terminated.
3. Judicial consent to the marriage of a minor, required by law.
4. The adoption of any child.
5. The commitment or ordering of treatment of a mentally retarded or mentally ill minor.
6. The interstate compact on juveniles.

Sec. 90. Nothing contained in this Act shall deprive other divisions of the district court of the right to determine the custody or guardianship of the person of children when such custody or guardianship is incidental or involved in the determination of causes pending in those divisions. Such divisions, however, may certify said questions to the juvenile court for hearing and determination.

Sec. 91. Except where the juvenile court has referred an alleged violation to a prosecuting authority in accordance with the provisions of section ninety-six (96) of this Act, any court or division of the district court other than the juvenile court shall immediately transfer to the juvenile court the case of a minor who appears before the court on a charge of violating any state law or municipal ordinance, not excepted from the Act by law, and who is under eighteen (18) years of age at the time of the commission of the alleged offense.

If the district court is making the transfer to its juvenile court, it may do so by order of the judge. The district court order shall have the effect of a petition filed in the juvenile court unless the judge of the juvenile court, in his discretion, directs the filing of a new petition, which shall supersede the order of transfer.

The jurisdiction of the juvenile court shall attach immediately upon the signing of the order of transfer, and from the time of transfer any custody or detention of the minor shall be under the provisions of this Act.

Sec. 92. Jurisdiction obtained by the court in the case of a minor shall be retained by the court until the minor becomes twenty-one (21) years of age unless terminated prior thereto by order of court or provision of law. When a minor eighteen (18) years of age or over already under the jurisdiction of the court is convicted of an indictable offense in a criminal court, that conviction shall terminate the jurisdiction of the juvenile court.

Sec. 93. Venue for any proceedings under sections 88 and 89 of this Act, except adoptions, shall be in the county where the minor is found or the county of the minor's residence. If delinquency by violating law or ordinance is alleged, the county where the alleged delinquency occurred shall also have venue.

Sec. 94. The judge may transfer any proceedings brought under sections 88 and 89 of this Act, except adoptions to the court of any county having venue as provided in section 93 of this Act at any stage of the proceedings in the following manner:

1. When it appears that the best interests of the minor, the public, or the convenience of the proceedings will be served by a transfer, the court may transfer the case to the court of the county of the minor's residence.
2. With the consent of the receiving court, the court may transfer the case to the court of the county where the minor is found.
3. If a delinquency is alleged based on the commission of a public offense, the court may transfer the case to the court of the county where the alleged delinquency occurred, with the consent of the receiving court.

Sec. 95. The court shall transfer the case by ordering the transfer and a continuance, and by forwarding to the clerk of the appropriate court a certified copy of all papers filed together with an order of transfer. The judge of the receiving court may accept the filings of the transferring court or may direct the filing of a new petition and hear the case anew.

Sec. 96. When a petition alleging delinquency by violating law or ordinance is based on an alleged act committed after the minor's sixteenth birth date and the court after a hearing deems it contrary to the best interest of the minor or the public to retain jurisdiction, the court may enter an

order making such findings and referring the alleged violation to the appropriate prosecuting authority for action under the criminal law. The order of reference terminates the jurisdiction of the court in the matter.

When a petition has been filed in the juvenile court, a minor shall not thereafter be subject to a criminal prosecution based on the facts giving rise to the petition, except as provided in this section.

DIVISION VIII

COORDINATING AMENDMENTS.

Sec. 97. Section sixteen point twenty-four (16.24), Code 1962, is amended as follows:

1. Strike lines one (1), two (2) and three (3) of subsection five (5) and insert in lieu thereof the following:

"5. To each judge of the supreme and district courts and district court metropolitan judge and magistrate of Iowa - - - - 1 copy."

2. Strike from subsection sixteen (16) all after the word "state", in line five (5) and insert in lieu thereof the following:

"and also for use in each courtroom of the district court - - - - 1 copy."

Sec. 98. Section sixteen point twenty-five (16.25), Code 1962, is amended as follows:

1. Strike lines two (2), three (3) and four (4) of subsection five (5) and insert in lieu thereof the words "the supreme and district courts and district court metropolitan judge and magistrate, and of the federal".
2. Strike lines three (3) and four (4) of subsection six (6) and insert in lieu thereof the words "of the supreme and district courts of this state - - - - 1 copy".
3. Strike from line two (2) of subsection twelve (12) the words "superior and municipal".

Sec. 99. Section sixteen point twenty-seven (16.27), Code 1962, is hereby repealed.

Sec. 100. Section sixteen point twenty-eight (16.28), Code 1962, is amended by striking subsection three (3) and inserting in lieu thereof the following:

"3. To each supreme and district court judge - - -
1 copy."

Sec. 101. Section thirty-nine point twenty-one (39.21) Code 1962, is hereby repealed.

Sec. 102. Section forty-three point three (43.3), Code 1962, is amended by striking from lines four (4) and five (5) the words "except the office of judge of the supreme and district courts."

Sec. 103. Section forty-six point eighteen (46.18), Code 1962, is hereby repealed.

Sec. 104. Section forty-nine point one hundred six (49.106), Code 1962, is amended by striking from line two (2) the words "constable or special".

Sec. 105. Section forty-nine point one hundred fifteen (49.115), Code 1962, is hereby repealed.

Sec. 106. Section forty-nine point one hundred sixteen (49.116), Code 1962, is amended by striking from line two (2) the words "and constables".

Further amend said section by striking from line five (5) the word "constables,".

Sec. 107. Section fifty point twenty-one (50.21), Code 1962, is amended by striking from line seven (7) the words "a justice of the peace of the county" and inserting in lieu thereof the words "a qualified elector of the city not a candidate".

Sec. 108. Section fifty point twenty-five (50.25), Code 1962, is amended by striking subsection seven (7).

Sec. 109. Section sixty-two point four (62.4), Code 1962, is amended by striking from line three (3) the words "a constable" and inserting in lieu thereof the words "a deputy".

Sec. 110. Section sixty-two point twenty-five (62.25), Code 1962, is hereby repealed and the following enacted in lieu thereof:

"A transcript of the judgment may be filed and recorded in the office of the clerk of the district court and shall have the effect of a decision of that court and execution may issue thereon."

Sec. 111. Section sixty-four point one (64.1), Code 1962, is amended by striking subsection four (4) and inserting in lieu thereof the following:

"4. Judges of the supreme and district courts and district court metropolitan judges and magistrates."

Sec. 112. Section sixty-four point eight (64.8), Code 1962 is amended by striking from lines four (4) and five (5) the words "justice of the peace, and constables."

Sec. 113. Section sixty-four point nine (64.9), Code 1962, is amended by striking from said section all after the word "each" in line four (4).

Sec. 114. Section sixty-four point twenty-three (64.23), Code 1962, is amended by striking from line two (2) of subsection five (5) the words "and for justices of the peace."

Sec. 115. Section sixty-five point nine (65.9), Code 1962 is hereby repealed.

Sec. 116. Section sixty-eight point one (68.1), Code 1962 is amended by striking from lines three (3) and four (4) the words "supreme, district, or superior" and inserting in lieu thereof the words "supreme or district".

Sec. 117. Section sixty-nine point eight (69.8), Code 1962, is amended by striking from subsection four (4) the words "including justices of the peace and constable,".

Sec. 118. Section seventy-eight point one (78.1), Code 1962, is amended by striking subsection one (1) and inserting in lieu thereof the following:

"1. Judges of the supreme and district courts, district court metropolitan judges, and district court magistrates."

Further amend said section by striking from lines one (1) and two (2) of subsection two (2) the words ", superior, and municipal".

Further amend said section by striking from subsection three (3) the words ", district, superior, police, and municipal" and inserting in lieu thereof the words "or district".

Further amend said section by striking subsection four (4).

Sec. 119. Section seventy-nine point thirteen (79.13), Code 1962, is amended by striking from lines five (5) and six (6) the words "and municipal court bailiffs and deputy bailiffs"

Sec. 120. Section eighty-five point sixty-two (85.62), Code 1962, is amended by striking from line four (4) the word "constable,".

Sec. 121. Section ninety-two point twelve (92.12), Code 1962, is amended by striking from the third line from the end of said section the words "superior, municipal, or".

Sec. 122. Section one hundred twenty-three point fifty-three (123.53), Code 1962, is amended by striking from the last paragraph lines four (4) and five (5) the words "justice of the peace, police court, mayor's court and every";

Also, by striking from lines nine (9) and ten (10) of said last paragraph the words "the court of such justice, police court, mayor's court, or".

Sec. 123. Section one hundred thirty point twenty-six (130.26), Code 1962, is amended by striking from lines five (5) and six (6) the words "peace officer, or justice of the peace" and inserting in lieu thereof the words "or peace officer".

Sec. 124. Section one hundred eighty-eight point twenty-eight (188.28), Code 1962, is amended by striking from lines five (5) to eight (8), inclusive, the words "a justice of the peace in the township in which the estray was taken up, or in case there is no justice in the township, then with the next nearest justice" and inserting in lieu thereof the words "the county auditor".

Sec. 125. Section one hundred eighty-eight point twenty-nine (188.29), Code 1962, is hereby repealed.

Sec. 126. Section one hundred eighty-eight point thirty-two (188.32), Code 1962, is amended by striking from lines two (2), three (3) and four (4) the words "to the justice of the peace, with whom the affidavit is filed, the legal fees due the said justice, and ".

Sec. 127. Section one hundred eighty-eight point forty-seven (188.47), Code 1962, is amended by striking from line seven (7) the words "justice of the peace".

Sec. 128. Section one hundred eighty-eight point forty-eight (188.48), Code 1962, is amended by striking subsection seven (7).

Sec. 129. Section two hundred one point six (201.6)

Code 1962, is amended by striking all of lines thirty-nine (39) to forty-one (41), inclusive, and the words "district court by certiorari" in line forty-two (42).

Sec. 130. Section two hundred twenty-two point three (222.3), Code 1962, is amended by striking from line six (6) the words ", superior, or municipal".

Sec. 131. Section two hundred twenty-two point forty-four (222.44), Code 1962, is amended by striking from lines two (2) and three (3) the words ", superior, or municipal".

Sec. 132. Section two hundred twenty-five point ten (225.10), Code 1962, is amended by striking from line seven (7) the words "or superior".

Sec. 133. Section two hundred twenty-five point eleven (225.11), Code 1962, is amended by striking from line two (2) the words "or superior".

Sec. 134. Section two hundred twenty-five point fourteen (225.14), Code 1962, is amended by striking from line three (3) the words "or superior".

Sec. 135. Section two hundred twenty-five point sixteen (225.16), Code 1962, is amended by striking from lines one (1) and two (2) the words "or superior".

Sec. 136. Section two hundred twenty-five point seventeen (225.17), Code 1962, is amended by striking from lines one (1) and two (2) the words "or superior".

Sec. 137. Section two hundred forty-six point forty-six (246.46), Code 1962, is amended by striking from lines six (6) and seven (7) the words ", district, superior, and municipal" and inserting in lieu thereof the words "or district".

Sec. 138. Section three hundred twenty-one point four hundred ninety-one (321.491), Code 1962, is amended by striking line two (2) and the words "and every" in line three (3).

Sec. 139. Section three hundred thirty-three point eleven (333.11), Code 1962, is amended by striking subsection six (6).

Further amend said section by striking from lines three (3) and four (4) of subsection fourteen (14) the words ", both in justice courts and".

Sec. 140. Section three hundred thirty-six point three (336.3), Code 1962, is amended by striking from lines nine (9) to thirteen (13), inclusive, the words "when such appearance is before a justice of the peace, such sum as the board of supervisors shall determine to be reasonable for the services rendered, and,".

Sec. 141. Section three hundred thirty-six point four (336.4), Code 1962, is hereby repealed.

Sec. 142. Section three hundred thirty-seven point seven (337.7), Code 1962, is amended by adding the word "court" in line two (2) the words "judges, metropolitan judges and magistrates".

Sec. 143. Section three hundred thirty-seven point twelve (337.12), Code 1962, is amended by striking from line five (5) the words "or justice".

Sec. 144. Sections three hundred forty-three point three (343.3) and three hundred forty-three point four (343.4) Code 1962, is amended by striking from lines one (1) and two (2) of each section the words "deputy sheriff or constable" and inserting in lieu thereof the words "or deputy sheriff".

Sec. 145. Section three hundred forty-nine point sixteen (349.16), Code 1962, is amended by striking from subsection one (1) lines six (6) to eight (8), inclusive, the words "the transcripts of justices of the peace, including their proceedings and cost;".

Sec. 146. Section three hundred fifty-six point twenty (356.20), Code 1962, is amended by striking from lines three (3) and four (4) the words "police court, police magistrate, mayor, or other tribunal of a city or town,".

Sec. 147. Section three hundred sixty-five point six (365.6), Code 1962, is amended by striking from lines two (2), three (3) and four (4) of subsection one (1) the words "including deputy clerks and deputy bailiffs of the municipal court,".

Sec. 148. Section three hundred sixty-eight point six (368.6), Code 1962, is amended by striking from line six (6) of subsection five (5) the word "constables,".

Sec. 149. Section three hundred sixty-eight A point two (368A.2), Code 1962, is amended by striking from lines nine (9) to twelve (12), inclusive, of subsection seven (7) the words "In case of the absence or inability of the mayor to act, the mayor pro tempore may hold mayor's court in cases of ordinance violations."

Sec. 150. Section three hundred sixty-eight A point seventeen (368A.17), Code 1962, is amended by striking all of the last sentence.

Further amend said section by striking from line twenty (20) the word "constables" and inserting in lieu thereof the words "the sheriff".

Sec. 151. Section four hundred four point eight (404.8), Code 1962, is amended by striking subsection four (4).

Sec. 152. Section four hundred thirteen point one hundred fifteen (413.115), Code 1962, is amended by striking from line four (4) the words ", superior, or municipal".

Sec. 153. Section four hundred fifteen point three (415.3), Code 1962, is amended by striking from line nine (9) the words "or municipal".

Sec. 154. Section four hundred twenty point thirty-four (420.34), Code 1962, is amended by striking from the end thereof the words ";except in cities where a municipal court has been established, when such trials shall be governed by the law applicable to municipal courts".

Sec. 155. Section four hundred twenty point one hundred eighty-two (420.182), Code 1962, is amended by striking from lines ten (10) and eleven (11) the words "justice of the peace, or other".

Further amend said section by striking from lines fifteen (15) and sixteen (16) the words "or any constable of the county".

Sec. 156. Section four hundred twenty point one hundred eighty-five (420.185), Code 1962, is amended by striking from lines one (1) and two (2) the words "justice of the peace, or".

Further amend said section by striking from line six (6) the words "or constable".

Sec. 157. Section four hundred forty-five point forty-nine (445.49), Code 1962, is amended by striking therefrom all after the word "sheriff" in line eight (8) and inserting in lieu thereof the words "who shall proceed to collect the same".

Sec. 158. Section four hundred fifty-three point one (453.1), Code 1962, is amended by striking from lines four (4) and five (5) the words "each clerk and bailiff of the municipal court,".

Sec. 159. Section five hundred forty-two point thirty-three (542.33), Code 1962, is amended by striking from the sixth line from the end of said section the words "or by any constable".

Sec. 160. Section five hundred seventy point five (570.5), Code 1962, is amended by striking from lines five (5) and six (6) the words "or justice".

Sec. 161. Section five hundred seventy-two point twenty-four (572.24), Code 1962, is amended by striking from line five (5) the words "or superior".

Sec. 162. Section five hundred eighty point four (580.4) Code 1962, is amended by striking from lines two (2) and three (3) the words "any constable" and inserting in lieu thereof the words "the sheriff".

Further amend said section by striking from line four (4) the words ", or with the sheriff of such county,".

Sec. 163. Section five hundred eighty point five (580.5), Code 1962, is amended by striking from lines one (1) and two (2) the words "constable or".

Sec. 164. Section five hundred eighty point eight (580.8) Code 1962, is amended by striking from line two (2) the word "constable".

Further amend said section by striking from line four (4) the word "constable" and inserting in lieu thereof the word "sheriff".

Sec. 165. Section six hundred twenty-two point sixty-three (622.63), Code 1962, is amended by striking from line eight (8) the words "or any constable".

Sec. 166. Section six hundred twenty-two point seventy-eight (622.78), Code 1962, is amended by striking from line four (4) the words "or constable".

Sec. 167. Section six hundred twenty-five point thirteen (625.13), Code 1962, is amended by striking from lines two (2) to four (4), inclusive, the words ", or because it has not been regularly transferred from an inferior to a superior court,".

Sec. 168. Section six hundred twenty-six point one hundred two (626.102), Code 1962, is hereby repealed.

Sec. 169. Section six hundred thirty-nine point eleven (639.11), Code 1962, is amended by striking from lines six (6) to ten (10), inclusive, the words "and in no case, except in a class B case in municipal court, less than two hundred fifty dollars, in a court of record, or less than fifty dollars if in a justice court or a class B case in municipal court."

Sec. 170. Section six hundred thirty-nine point sixty-eight (639.68), Code 1962, is hereby repealed.

Sec. 171. Section six hundred forty-two point one (642.1), Code 1962, is amended by striking from lines one (1) and two (2) the words "or constable".

Sec. 172. Section six hundred forty-three point five (643.5), Code 1962, is amended by striking from line four (4) the word "justice" and inserting in lieu thereof the words "metropolitan judge or magistrate".

Further amend said section by striking from lines seven (7), eight (8) and nine (9) the words "at the next term of the court, if in a court of record, or on the day fixed in the original notice, if in a justice's court," and inserting in lieu thereof the words "on the day fixed in the original notice".

Sec. 173. Section six hundred forty-three point six (643.6), Code 1962, is amended by striking from line two (2) the word "justice" and inserting in lieu thereof the words "metropolitan judge or magistrate".

Sec. 174. Section six hundred forty-three point seven (643.7), Code 1962, is amended by striking from line one (1) the word "justice" and inserting in lieu thereof the words "metropolitan judge or magistrate".

Further amend said section by striking from line three (3) the words "if a court of record".

Sec. 175. Section six hundred forty-three point fifteen (643.15), Code 1962, is amended by striking from line three (3) the word "justice" and inserting in lieu thereof the words "metropolitan judge or magistrate".

Sec. 176. Section six hundred forty-four point one (644.1), Code 1962, is amended by striking from lines twelve (12) and thirteen (13) the words "justice of the peace in the township" and inserting in lieu thereof the words "metropolitan judge or magistrate in the county".

Sec. 177. Section six hundred forty-four point two (644.2), Code 1962, is amended by striking from line one (1) the word "justice" and inserting in lieu thereof the words "metropolitan judge or magistrate".

Further amend said section by striking from lines two (2) and three (3) the words "constable of his township" and inserting in lieu thereof the words "peace officer".

Further amend said section by striking from line nine (9) the word "justice" and inserting in lieu thereof the words "metropolitan judge or magistrate".

Further amend said section by striking therefrom all after the word "shall" in line ten (10) and inserting in lieu thereof the words "transmit a certified copy thereof to the county auditor to be by him recorded in the estray book in his office."

Sec. 178. Section six hundred forty-four point four (644.4), Code 1962, is amended by striking from line five (5) the word "justice's" and inserting in lieu thereof the words "metropolitan judge's or magistrate's".

Sec. 179. Section six hundred forty-four point twelve (644.12), Code 1962, is amended by striking from lines five (5) and six (6) the words "justice of the peace" and inserting in lieu thereof the words "metropolitan judge or magistrate".

Further amend said section by striking from line eleven (11) the word "justice" and inserting in lieu thereof the words "metropolitan judge or magistrate".

Sec. 180. Section six hundred forty-four point fourteen (644.14), Code 1962, is amended by striking from lines ten (10) and eleven (11) the words "justice of the peace" and inserting in lieu thereof the words "metropolitan judge of magistrate".

Sec. 181. Section six hundred fifty-seven point five (657.5), Code 1962, is hereby repealed.

Sec. 182. Section six hundred fifty-seven point six (657.6), Code 1962, is amended by striking from lines two (2) and six (6) the words "or justice".

Further amend said section by striking from lines fourteen (14), fifteen (15) and sixteen (16) the words "in term time or vacation, or justice of the peace, as the case may be".

Sec. 183. Section six hundred sixty-one point four (661.4), Code 1962, is amended by striking from lines two (2) and five (5) the words "or superior".

Sec. 184. Section six hundred sixty-three point three (663.3), Code 1962, is amended by striking from lines two (2) and three (3) the words ", district, municipal, or superior" and inserting in lieu thereof the words "or district".

Sec. 185. Section six hundred sixty-five point two (665.2), Code 1962, is amended by striking from lines four (4) and five (5) the words ", including justices of the peace".

Sec. 186. Section six hundred sixty-five point four (665.4), Code 1962, is amended by striking subsection three (3).

Sec. 187. Section six hundred sixty-six point six (666.6), Code 1962, is amended by striking from lines one (1), two (2) and three (3) the words ", municipal, superior, and police courts, mayors of cities and towns, and justices of the peace" and inserting in lieu thereof the word "courts".

Sec. 188. Section six hundred sixty-seven point two (667.2), Code 1962, is amended by striking from line three (3) the words "or a justice of the peace".

Sec. 189. Section six hundred sixty-seven point five (667.5), Code 1962, is amended by striking all after the word "warrant" in line three (3).

Further amend said section by striking from line one (1) the words "constable or" and inserting in lieu thereof the words "peace officer".

Sec. 190. Section seven hundred nine point nine (709.9), Code 1962, is amended by striking from line six (6) the word "constable,".

Sec. 191. Section seven hundred twenty-five point nine (725.9), Code 1962, is amended by striking from lines two (2), eleven (11) and twelve (12) the words "or police judge".

Further amend said section by striking from line six (6) the words "constable or".

Sec. 192. Section seven hundred twenty-seven point four (727.4), Code 1962, is amended by striking from lines four (4) to seven (7), inclusive, the words "justice of the peace of the

county, or other authorized magistrate, and thereupon such justice of the peace or authorized" and inserting in lieu thereof the words "metropolitan judge or magistrate, thereupon said".

Sec. 193. Section seven hundred thirty-one A point four (731A.4), Code 1962, is amended by striking from the end thereof the words ",the same as in case of appeals thereto from justice courts".

Sec. 194. Section seven hundred thirty-nine point nine (739.9), Code 1962, is amended by striking from lines one (1) and two (2) the words "or constable,".

Sec. 195. Section seven hundred forty point five (740.5), Code 1962, is amended by striking from lines two (2) and three (3) the words "justice of the peace,".

Further amend said section by striking from lines five (5) and six (6) the words "or constable".

Sec. 196. Section seven hundred forty-point six (740.6), Code 1962, is amended by striking from line two (2) the words "justice of the peace,".

Further amend said section by striking from line three (3) the word "constable,".

Sec. 197. Section seven hundred forty-two point seven (742.7), Code 1962, is amended by striking from lines four (4) and five (5) the words ",district, or superior court" and inserting in lieu thereof the words "or district court,".

Sec. 198. Section seven hundred forty-three point four (743.4), Code 1962, is amended by striking from lines seven (7) and eight (8) the words "constables, and justices of peace" and inserting in lieu thereof the words "and metropolitan judges and magistrates".

Sec. 199. Section seven hundred forty-six point seven (746.7), Code 1962, is amended by striking all of said section after the word "given" in line four (4).

Sec. 200. Section seven hundred forty-eight point three (748.3), Code 1962, is amended by striking subsection two (2).

Sec. 201. Section seven hundred fifty-one point twenty (751.20), Code 1962, is amended by striking from line five (5) the words "justices of the peace" and inserting in lieu thereof the words "district court metropolitan judges and magistrates".

Sec. 202. Sections seven hundred fifty-one point forty (751.40), seven hundred fifty-one point forty-one (751.41), seven hundred fifty-one point forty-two (751.42) and seven hundred fifty-one point forty-three (751.43), Code 1962, are hereby repealed.

Sec. 203. Section seven hundred fifty-four point two (754.2), Code 1962, is amended by striking from line three (3) the words "justice of the peace" and inserting in lieu thereof the words "district court metropolitan judge or magistrate".

Sec. 204. Sections seven hundred fifty-four point three (754.3) seven hundred fifty-four point six (754.6) are amended by adding the words "clerk or deputy" after the word "magistrate" wherever the same appears in such sections.

Sec. 205. Section seven hundred fifty-eight point one (758.1), Code 1962, is amended by adding after the word "made," in line six (6) the words "or if none are there available to the nearest available metropolitan judge or magistrate in an adjoining county or district".

Sec. 206. Section seven hundred sixty point four (760.4), Code 1962, is amended by striking from lines nine (9) and ten (10) and from line twelve (12) the words ", district, or superior" and inserting in lieu thereof the words "or district".

Sec. 207. Section seven hundred sixty point seven (760.7), Code 1962, is hereby repealed and the following enacted in lieu thereof:

"The undertaking, together with the complaints, affidavits, if any, and other papers in the proceeding must be filed by the magistrate or metropolitan judge with the clerk of district court of the county to stand trial in the district court subject to the provisions of section seven hundred sixty point ten (760.10) and seven hundred sixty point eleven (760.11)."

Sec. 208. Section seven hundred sixty-one point three (761.3), Code 1962, is amended by striking from line five (5) and six (6) the words "to the nearest magistrate in the township, if there be one; if not,".

Sec. 209. Section seven hundred sixty-one point five (761.5) is amended by adding after the word "magistrate" in line two (2) the words "or clerk or deputy".

Sec. 210. Section seven hundred sixty-three point four (763.4) Code 1962 is amended by striking from lines eleven (11), twelve (12) and thirteen (13) the words "a justice of the peace (or other magistrate), of the township of - - - - - (or as the case may be)" and inserting in lieu thereof the following:

"a magistrate or metropolitan judge of - - - - - county".

Sec. 211. Section seven hundred sixty-six point four (766.4) Code 1962 is amended by striking from line two (2) the words "justice of the peace or a ".

Sec. 212. Section seven hundred sixty-nine point two (769.2) Code 1962 is hereby repealed and the following enacted in lieu thereof:

"The county attorney may at any time file in the district court an information charging a person with an indictable offense."

Sec. 213. Section seven hundred sixty-nine point seven (769.7) Code 1962 is amended by inserting after the word "judge" in line three (3) the words "(or metropolitan judge if an indictable misdemeanor)".

Sec. 214. Sections seven hundred sixty-nine point thirty-two (769.32) and seven hundred sixty-nine point thirty-three (769.33) Code 1962 are hereby repealed.

Sec. 215. Actions pending in the mayors justice of the peace, police superior and municipal courts on the effective date of this Act shall be then pending in the district court and the records of such courts shall be deposited with the clerks of the district court

APPENDIX A
COURT STRUCTURE
BY COUNTIES

1. All counties.
 - a. Small claims procedure.
 - b. Traffic violations bureaus.
2. Ordinary counties (containing no city over 50,000).
 - a. District magistrates (ordinarily serve within county only) - civil cases under \$300 when assigned to them and nonindictable misdemeanors.
 - b. District judges (ordinarily serve within district only) - all other cases.
3. Metropolitan counties (containing a city over 50,000).
 - a. District metropolitan judges (ordinarily serve within county only) - civil cases not exceeding \$2,000 and nonindictable and indictable misdemeanors.
 - b. District judges (ordinarily serve within district only) - all other cases.

APPENDIX B

COURT STRUCTURE

BY PERSONNEL

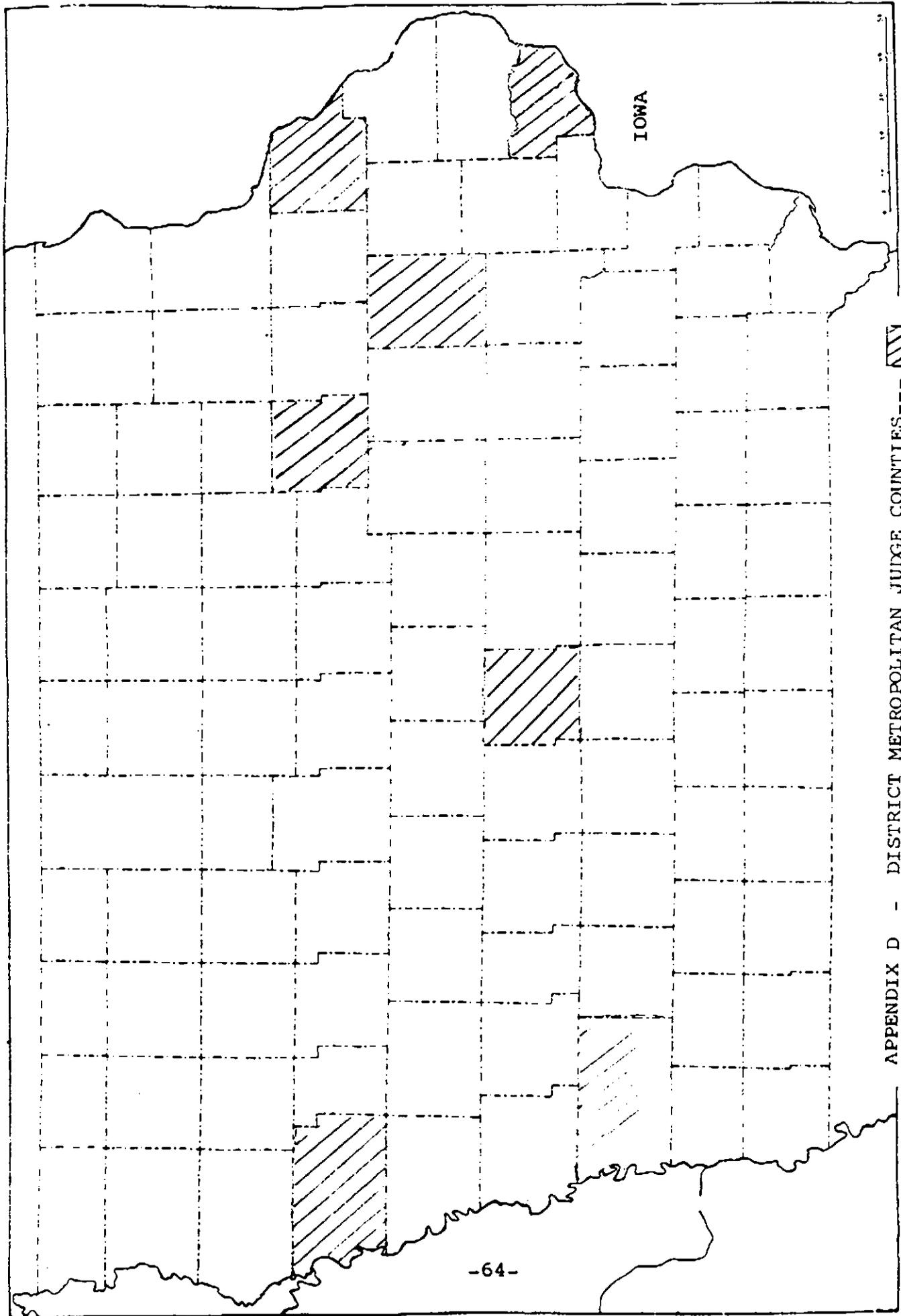
1. District court clerks and deputies.
 - a. Traffic violations office ex officio (as are also city and town clerks in municipalities over 1,000).
 - b. May render judgment in uncontested civil cases including small claims.
 - c. May issue warrants and take bail.
2. District magistrates in ordinary counties (containing no city over 50,000).
 - a. Civil cases under \$300 when assigned to them.
 - b. Nonindictable misdemeanors.
 - c. Preliminary hearings on indictable offenses.
 - d. Search warrant proceedings.
 - e. Authority of present magistrate.
3. District metropolitan judges in metropolitan counties (containing a city over 50,000).
 - a. Civil cases not exceeding \$2,000.
 - b. Nonindictable and indictable misdemeanors.
 - c. Preliminary hearings on indictable offenses.
 - d. Search warrant proceedings.
 - e. Authority of present magistrate.
4. District judges - ordinarily handle cases not handled by district magistrates and district metropolitan judges, but may handle any case.

APPENDIX C
COURT STRUCTURE
BY CASE

1. Probate matters - by district judges.
 - a. But actions therein involving an amount in controversy under \$300 - by district magistrates if assigned to them (in ordinary counties).
 - b. But actions therein involving an amount in controversy not exceeding \$2,000 - by district metropolitan judges (in metropolitan counties).
2. Juvenile proceedings - by district judges (one such judge primarily responsible in each district).
3. Civil cases.
 - a. Under \$300.
 - (1) In ordinary counties - by district judges unless assigned to district magistrates.
 - (2) In metropolitan counties - by district metropolitan judges.
 - b. Over \$300 but not exceeding \$2,000.
 - (1) In ordinary counties - by district judges.
 - (2) In metropolitan counties - by district metropolitan judges.
 - c. Exceeding \$2,000 - by district judges.
4. Criminal prosecutions.
 - a. Nonindictable misdemeanors.
 - (1) In ordinary counties - by district magistrates and traffic violations offices.
 - (2) In metropolitan counties - by district metropolitan judges and traffic violations offices.
 - b. Indictable misdemeanors.
 - (1) In ordinary counties - by district judges.

(2) In metropolitan counties - by district metropolitan judges.

c. Felonies - by district judges.



APPENDIX D - DISTRICT METROPOLITAN JUDGE COUNTIES

DISTRICT MAGISTRATE COUNTIES

S T A T E O F I O W A

Report Of

IOWA COURT STUDY COMMISSION

PART II

COURT ADMINISTRATION

January 4, 1965

S T A T E O F I O W A

IOWA COURT STUDY COMMISSION
Judicial Administration Subcommittee

Harlan, Iowa
November 11, 1964

Justice W. C. Stuart, Chairman
Iowa Court Study Commission
Chariton, Iowa

Dear Justice Stuart:

Submitted herewith is the final draft of recommended procedures for a modern system of court administration for Iowa prepared by the subcommittee on Court Administration. The suggestions and recommendations contained in this draft were approved by the full committee at its last meeting in Des Moines on November 7, 1964.

In addition to suggested rules and statutes incorporated herein, model legislation bills and court rules necessary to co-ordinate these proposals with existing laws are now in the process of drafting and will be submitted at a later date as an appendix to this report.

Respectfully submitted,

Henry Te Paske
John L. Duffy
Robert D. Fulton
Bennett Cullison, Chairman
JUDICIAL ADMINISTRATION
SUBCOMMITTEE

CC: Members of Iowa Court
Study Commission
Judicial Department
Statistician

COURT ADMINISTRATION

I.

Regional Autonomy

It is certain that for a long time to come the counties will remain the basic unit of judicial service. As a geographical unit for judicial purposes, it presents a fractionating influence. The ideal conditions should permit a broad and frequent exchange of experience, communication and discussion among lawyers and judges of varied background and experience, both urban and rural, over a wide area. Law practice and administration of justice is a communicative art. Frequent and wide association serves to strengthen both the lawyers and judges in their professional capacities and presents a countervailing force against the tendency toward provincialism and parochialism, whether urban or rural.

At the same time there should be substantial room for regional autonomy. A group of judges thoroughly acquainted with the area which they cover can best formulate and execute the detailed plans and programs which are essential to an efficient court administration. There are too many variables in the management problems which arise from day-to-day and

month-to-month to permit a strictly formalized categorical method of judicial administration from a central state agency. These factors suggest that judicial districts should be large enough, both in area and population, to require the services of several judges or varied experience, background, outlook and, undoubtedly, various capabilities. The data seems to indicate that a present judicial district with as many as eight judges can function with fair efficiency and it is probable that with some modernization beyond what the statutes now permit a district of ten judges would not be unmanageable. Geographical compactness of a district does not seem to have much effect on the dispatch of judicial business.

The plan for re-districting submitted by the subcommittee and approved by the commission gives effect to the considerations mentioned. Geographically the largest proposed district comprises fifteen counties and the smallest six counties. The number of judges per district ranges from four in the least populous district to ten in the most populous. Almost without exception each district includes a fair proportion of urban and rural area and the case load per judge for the suggested number of judges in each district is comparatively even

throughout the state. The reduction in the number of districts from the present twenty-one to ten suggests a more unified, integrated and cohesive influence in court administration which should go a long way in counteracting any trend or tendency toward parochialism or localism which a large number of geographical divisions invariably encourages. Comparative statistics seem to support the hypothesis that a large geographical district with a mixture of urban and rural populations is more efficient.

II.

Efficient Use of Judicial Manpower

Court business can be divided into broad categories for the purposes of administration and must be so divided if a prompt, orderly and expeditious disposition of the business to be accomplished. We have no way of knowing how much business in terms of cases or case load a judge in Iowa working under an ideal administrative set-up should be able to effectively dispose of annually. Data from other states is available but not of controlling value for detailed comparative purposes for various reasons. The idea of terms of court in the sense that judges must be tied down to a certain geographical area at certain stated terms, whether there

is substantial business to be done or not, is obsolete. New ways of doing business, the changes that have taken place in the work lawyers are required to do, the shifting emphasis on the kind of work many of them prefer to do and the unprecedented changes in communication and transportation have had tremendous impact on the work which confronts the judges in every courthouse.

Judicial work not directly related to terms of court including contested matters of less than one day duration occupies the bulk of the judges' court time. This seems to be a matter of common observation among judges and is further borne out by inquiry from judges in each of the present twenty-one districts in Iowa. Every case filed, estate opened, juvenile petition filed, adoption petition presented; virtually every paper filed in the clerk's office will eventually require some judge's time. The great bulk of this business is generally thought of as routine, and much of it is, but it would be a mistake to overlook the fact that a great deal of it presents problems which require diligent thought, careful consideration and quite often some extensive research. Much of this work is in areas in which precedent is lacking and is disposed of on an ad hoc basis. Also included in this category are the

pleadings, motions, applications, temporary orders, and preliminary questions which precede the actual trial in litigated cases. Statistical sampling in other states indicates that the major delay in litigation occurs in this area.

The statistical fact that eight to ten per cent of cases filed are actually tried is likely to be misleading. Obviously, cases actually tried require judge time. Statistically, in Iowa, the average number of trials in civil and criminal cases is thirty-seven plus per judge, with an additional thirty-two juvenile hearings per judge annually. There is no statistical information available to indicate the number of days or weeks spent in actual litigation nor the time spent in litigation disposed of before actual trial.

The emphasis on terms of court whereby a judge becomes attached to one or two counties for a stated period of time, presumably for the purpose of disposing of the cases there pending, whether ready for trial or not, overlooks the present facts that the preliminary proceedings before trial, as well as the business in the juvenile and probate parts, cannot be handled on a term basis. What is needed is a schedule of court sessions of one or more days duration at stated intervals,

sufficient to transact all of the preliminary part of the business, including juvenile cases; except long trials (those of more than one day expected duration). These court sessions should occur frequently on a fixed and stated schedule, published in advance in each district and a sufficient number of judges assigned to this work to see to it that it is carried out and the preliminary part of the docket, including juvenile cases, is kept current. The initiative, with respect to the accumulated business, in these sessions must rest with the judge. Litigation when ready for trial should then be placed on the trial list by the judge in charge of the preliminary part, or by the clerk, and assigned for trial far enough in advance so that all parties can be ready. Judges would rotate on the preliminary part and the trial part.

Under this kind of arrangement the trial terms would depend on the trial business ready to be disposed of in the various counties and arranged to meet the need promptly on an ad hoc basis. Cases would be fully prepared before being placed on the trial calendar and scheduled far enough in advance to assure a minimum of conflict in lawyers' commitments and a corresponding saving of judge time now wasted by postponement of

cases after the trial list is made up.

Changes such as here suggested will require a repeal of present statutes requiring terms of court. Schedules for periodic weekly or bi-monthly sessions of one or more court days should be provided for by statute if necessary, but preferably by court rule. Statutes which are related to terms of court will need to be changed to relate to definite calendar times or the business to be dealt with left to court rule.

The flexibility needed for an efficient use of judicial manpower and prompt dispatch of the business will require provision for housekeeping within each district and throughout the state. It is quite obvious, but frequently overlooked, that the district, rather than the county, must be the basic administrative unit and the administration, direction and co-ordination of the business within this unit must be by an administrative or chief judge. A chief judge in each district shall be selected by the chief justice. His responsibility will be to co-ordinate the work of the district, supervise the arrangement of schedules for each county, arrange for trial terms and assign judges as needed to dispose of routine as well as special cases. He shall also be charged with the responsibility of supervising

the collection of such statistical data as may be useful in formulating schedules, rules and procedures for the efficient administration of the business in the district and throughout the state. He must have administrative authority within the district under the supervision of the chief justice to require information from clerks, judges, magistrates, and all court officials and personnel within each county in the district; to collate and co-ordinate the necessary information and direct the disposition of the business in each of the counties by arranging court sessions, assigning judges and allocating the work among the judges and such other officials as are connected with or responsible to the courts in the district. He must also have authority to supervise the work of all magistrates, justices of the peace, municipal court, metropolitan or associate judges and judges of the superior court. He must not, however, be authorized to exercise any judicial function for or on behalf of any other judge or direct the manner of its exercise.

He must be required to keep accurate records of the business done in the various courts in each of the counties and of the work of all of the officials under his supervision. He must be empowered to employ such

clerical assistance and provide such quarters, equipment, and supplies as is necessary for the purposes of his office, and allocate the expense thereof to the counties in proportion to the judicial business of each, payable from the court fund on his authorization.

While final authority under the supervision of the chief justice must remain in the chief judge, it is not here suggested that he act as a martinet or dictator, but as the result of conferences with his colleagues and others under his supervision, much the same as is the present practice among the judges. He must be authorized and required to call conferences of judges, magistrates, clerks and other court officials on the request of his colleagues and at such other times as he deems necessary for the effective administration of justice. Local directives which are necessary for the management of the business in the district should emanate from the conferences of judges within the district and be promulgated by the chief judge with the approval of the chief justice.

III.

Reasonable Uniformity Throughout the State
and Provision for a Continuing Review and
Re-examination of Administrative Methods.

Present law, Code Section 684.21, in keeping with

modern trends in court administration invests the supreme court with power to "adopt and enforce rules for the orderly and efficient administration of the courts inferior to the supreme court" and provides that such rules shall "be executed by the chief justice." The statutes also provide that judges may interchange and the chief justice can assign judges or on petition of the requisite number of attorneys (5 or more) shall assign a temporary judge from another district.

Currently the practice of assigning judges is made dependent on a request emanating from the judges within the district and presents some difficulties in quickly finding an available judge. Moreover, recently enacted statutes make provision for a recall of retired judges to active duty. Suitable administrative arrangements in the districts should facilitate the exercise of this authority on the part of the chief justice and it may be expected that this authority will need to be more widely used in the future. But some method must be provided whereby the supreme court can exercise the continuing oversight, which the statute commands, and in this respect there can be no division of authority. Logically, as well as practically, this power should be delegated by rule to the chief justice with

authority on his part to select an assistant from among the members of his court. This is clearly within the statutory mandate.

Effective oversight on the part of the supreme court must depend on a continuing communication with the judges in the districts, a continuing search for more adequate administrative methods and precedures and a continuing re-examination of accepted methods. Uniformity is desireable but not entirely essential throughout the state. Moreover in the area of management there must be a continuing re-assessment and revision. This is an area where precedent is of less importance than experience and continuing experiment. Administrative rules and procedures should be definite and certain, within reasonable limits, but more importantly they must be flexible and viable. A continuing communication and reconsideration of administrative methods can be accomplished by a judicial council composed of the chief judge from each district and the chief justice or a member of the supreme court selected by him.

Such a judicial council consisting of the chief judge from each district and the chief justice, or a member of the supreme court designated by him, should be created. This organization should meet not less

than four times annually and oftener if necessary. It must be its responsibility to discuss, consider and formulate such directives and propose such rules as are proper for the management and direction of the administration of the courts throughout the state. Such rules as are formulated by it and promulgated by the supreme court will apply uniformly in all the courts in each of the districts. A district court divided into ten districts, as proposed, will mean a judicial council of eleven members thoroughly acquainted with the problems in each area of the state and alert to the changing needs as they develop in each district. It will, at the same time, preserve a regional autonomy without the tendency presently manifest towards the provincialism or parochialism of a purely local court system. This council should be required to convene often enough to assure a continuing communication among the districts in the state and a continuous re-examination of administrative procedures, rules and directives. The methods of judicial administration should be subject to a continuous revision in the light of future experience in Iowa as well as proven experience in other states.

The judicial council should not be a part of the

present or any future judicial conference as constituted under Section 684.20, but should concern itself solely with proposed rules and court administration. It is essentially a conferring and communicating agency. The judicial conference as now constituted may be concerned with, or interested in, judicial administration from time to time but its basic purpose is of much greater reach and will become much broader in the future as new techniques are developed. (1)

(1) Some consideration might be given to the judicial conference. Our statute provides that the chief justice may "order conferences of members of the courts", Section 684.20. There is some question whether this permits the chief justice to call a conference of less than all judges. At least there does not seem to ever have been a conference called of fewer than all judges. Such authority should be specifically provided for. As an example, it should be possible to call in some judges to sit with the judicial council in an advisory capacity or to sit with the supreme court or its committees in developing or re-examining rules of practice. The chief justice should also make use of a conference of some judges to assist in formulating long-range plans and detailed programs for the semi-annual judicial conferences. This work is essential and of high priority for a continuing surveillance, reconsideration and improvement of the whole judicial system and the quality of work done by both trial and appellate courts. Finally, there does not now seem to be any way in which the chief justice can compel attendance at the meetings of the semi-annual conferences. Some thought might be given to this. Attendance has generally been good but substantially less than perfect.

IV.

Conclusion

Submitted herewith are model drafts of the basic rules and a suggested amendment to one statute required to activate the proposed changes. They are necessarily broad in scope with little or no provision for detailed administrative rules or directives. Other states have accumulated rules and administrative directives which may be consulted as the re-organization in Iowa progresses. Furthermore, there are a great many local rules now in force in the various districts in Iowa which may be adapted to a state-wide basis. In other states the administration of the courts through a chief judge, or his equivalent, is mostly by directives which develop into more formalized rules or procedures. On the other hand, such directives as are found to be unworkable or unsatisfactory can easily be abandoned.

As stated in the letter of transmittal, additional detailed drafts of new and amended statutes and rules necessary to co-ordinate these proposals with existing law are in progress and when completed will be submitted in the form of an appendix to this report.

SUGGESTED RULES FOR COURT ADMINISTRATION

Section 684.21 Code of Iowa (1962)

"The supreme court shall adopt and enforce rules for the orderly and efficient administration of the courts inferior to the supreme court, which rules shall be executed by the chief justice. Such rules shall be adopted in the manner provided in section 684.19."

Proposed Amendment to Section 684.21 Code of Iowa (1962)

In the event the authority herein granted shall be exercised by the appointment of chief judges in each judicial district then the supreme court may by rule provide that the cost and salaries of necessary office quarters, equipment, supplies and clerical assistance shall be equitably prorated and paid from the court fund of the respective counties within the district.

Court Rule 1. Administration in State. The chief justice shall exercise a continuing supervision for the supreme court over all courts within this state and the officers and employees thereof, including judges, justices of the peace, magistrates and other court personnel so that all courts throughout the state shall administer justice effectively, speedily, efficiently, economically and in accordance with the highest standards of justice and service. The chief justice shall have authority to make orders to achieve such ends, including authority to temporarily transfer judges and judicial personnel from one judicial district to another and superior authority to make any order which a chief judge may make. All judges, court officials and personnel shall comply accordingly.

Court Rule 2. Chief Judges. For administrative purposes, the chief justice shall appoint one of the district judges in each judicial district as chief judge in and for such district, who shall hold said office at the pleasure of the chief justice.

Court Rule 3. Administration in Districts. Chief judges, in addition to their duties as district judges, shall exercise continuing supervision within their respective districts over all courts, judges, officers and employees therein to achieve the ends stated in rule 1, including the power to fix and designate times and places of holding court sessions, the judicial officers to preside thereat, to prescribe the work of judicial officers, and to direct and supervise traffic bureaus and all other judicial business of every kind within said district. They shall conduct judicial conferences within their respective districts and make such orders as necessary for the administration of said courts. All judges and court personnel shall comply accordingly.

Court Rule 4. Office and Clerical Assistants. The chief judge in each district is hereby empowered to employ such clerical help and assistance as is necessary to aid him in discharging his duties and functions as chief judge, and shall provide an office including the necessary office equipment and supplies necessary for the purposes aforesaid. The salary of said clerical assistance, including the expenses necessary to equip and maintain said office, shall be prorated among the several counties in the district in such proportion as the judicial business of each of said counties bears to the total judicial business in the district.

Court Rule 5. Court and Trial Sessions. Chief judges shall order court sessions in each county as follows:

- (a) Court sessions by district judges in each county at regular intervals, weekly or semi-monthly, stated in advance and for such duration as needed to achieve the ends stated in rule 1.
- (b) Trial sessions by district judges in each county needed to achieve such ends and to promptly and efficiently dispose of pending cases which are ready for trial.

Court Rule 6. Judicial Council. There is hereby created a judicial council composed of the chief judge in each district in this state and the chief justice, or a member of the supreme court designated by him, who shall be chairman. The council shall convene not

less than four times annually, at such time as the chairman shall designate and at such other times as he shall order. It shall advise and consult with reference to administrative rules, regulations, directives and all other matters required to bring about and achieve the ends stated in rule 1; and consider and propose to the supreme court such rules and adopt such directives as shall be appropriate to promote the effective administration of justice within this state.

* * * * *

S T A T E O F I O W A

Report Of

IOWA COURT STUDY COMMISSION

PART III

COURT REDISTRICTING AND PERSONNEL

January 4, 1965

R E P O R T

On May 24, 1963 the Sixtieth General Assembly adopted "A Joint Resolution to create an interim commission to study the court system of Iowa with a view to reorganization of the structure to secure the maximum utilization of personnel for the efficient handling of litigation."

Section 2 of the Resolution provides:

"The commission shall make a detailed and comprehensive study of the court system of this state concerning the ****redistricting of the judicial districts with particular emphasis on utilization of court personnel, ****. The commission shall report its findings and recommendations to the next regular general assembly."

During the time the Commission has devoted to this assignment, pertinent information has been obtained from other states, the American Bar Association, the American Judicature Society, and other sources, but in most other jurisdictions the multiplicity of courts, - civil, criminal, domestic relations, probate, county, or others, - present a far different problem than in Iowa and thus information from other areas can serve only as a very general guide. This is particularly so on the question of redistricting and personnel. From Mr. Kading, the Judicial Statistician of Iowa, the Commission has had the averages for the years 1956 to 1962, inclusive, of the civil, criminal, juvenile and probate cases filed and tried, on both a county and district basis. This data has been of great value to this Subcommittee. Hereafter in this report all references to such data are obtained from, and based on the statistical averages for the seven year period.

The two overall factors which have a direct bearing on the question of redistricting and personnel are (1) the population of the area, and (2) the type and volume of the judicial services performed by the judges.

As a background for consideration of the matters involved, there should be a brief preliminary statement as to the establishment and development of the judicial districts in Iowa. Originally, under Territorial law, the State was divided into three judicial districts with district court sessions presided over by one of the three Supreme Court Justices. After Iowa became a State, the number of districts and judges were gradually increased until 1886 when the Legislature established 18 judicial districts with 44 district court judges.

Since 1886 these districts have continued with changes and additions as follows:

1. In 1894 Dubuque County was taken from the 10th and established as the 19th District;
2. In 1896 the 20th District was established with three counties; Des Moines taken from the 1st, Henry from the 2nd, and Louisa from the 6th;
3. Also in 1896 Marshall County was transferred from the 11th to the 17th District;
4. In 1900 Harrison County was transferred from the 4th to the 15th District; and
5. In 1913 the 21st District was established by taking the six counties now in that district from the 4th.

No changes have been made in district boundaries since 1913.

In 1913 after the creation of the 21st District there were 59 district court judges; by 1931 the number had increased to a total of 70. This number continued for 26 years, until 1957, when the 7th and 9th Districts each received an additional judge. In 1959 the 9th District received its eighth judge; and in 1961 the 10th and 14th Districts each received an additional judge. Since this last increase the total number of district court judges in Iowa has been 75.

It is of some significance to note the relation between the population changes, and the increase in the number of judges, particularly since 1886. This is shown on the following table:

<u>Population</u>	<u>Total Number of Judges</u>	<u>Population per Judge</u>
1890 - 1,900,000	44	43,184
1910 - 2,224,000	59	37,695
1920 - 2,404,000	64	37,562
1930 - 2,470,000	70	35,285
1956 - 2,722,375 (Est)	70	38,891
1962 - 2,781,400 (Est)	75	37,085

But, as will later appear the State-wide population increase has not been reflected proportionately in the several judicial districts.

The judicial services performed by the district court judges include generally:

1. Civil litigation,
2. Criminal prosecutions,
3. Juvenile court cases,
4. Probate proceedings.

While reports from the statistician provide separate data on these four categories, it is believed that for the purpose of this report, the figures can be combined into three separate classifications:

1. The total cases filed in all categories hereafter designated as "Total Filed";
2. The total civil and criminal cases filed to be designated as "C & C Filed";
3. The total trials in all categories to be designated as "Total Tried".

For convenient reference the chart set out on the next page shows from both a State-wide and present district standpoint, the approximate population figures for 1956 and 1962, as well as the average data relating to volume and type of judicial service, and the number of judges.

Following this chart a map is included which, from a present district standpoint, shows the 1962 population and the same data as to judicial services and number of district court judges.

PRESENT 21 JUDICIAL DISTRICTS

<u>Dist.</u>	<u>Population</u>		<u>Total Filed</u>	<u>Civil & Crim. Filed</u>	<u>Total Tried</u>	<u>No. of Judges</u>
	<u>1956</u>	<u>1962</u>				
I	43,600	44,300	899	587	107	2
II	126,600	116,600	2345	1483	197	4
III	76,300	65,900	1362	682	126	3
IV	121,900	122,900	2881	2049	454	4
V	106,100	108,200	2052	1186	121	3
VI	113,200	111,500	2030	1123	137	3
VII	226,200	231,500	4832	3017	520	6
VIII	59,700	71,400	999	588	71	2
IX	260,400	274,800	6851	5348	1047	8
X	170,000	179,900	2785	2000	128	4
XI	192,000	203,100	3369	1968	315	4
XII	163,300	162,700	2862	1701	256	4
XIII	115,700	116,400	1921	999	143	3
XIV	141,000	134,200	2459	1451	225	4
XV	197,600	205,100	3638	2198	241	5
XVI	103,500	99,600	1708	932	132	3
XVII	79,900	82,200	1424	830	80	2
XVIII	158,000	182,000	3295	2392	168	4
XIX	81,400	82,900	1035	563	147	2
XX	75,900	73,200	1162	585	211	2
XXI	109,700	112,900	1468	736	84	3

Logically, judicial districts should be defined to the end of expediting judicial business of the state and to distribute the State's judicial work among the judges as equally as practicable.

The two important questions in this particular assignment should have further elaboration.

I. The Population Factor:

While as heretofore shown in the chart on page 6 the state-wide population average per judge in 1962 is 37,085, the range per judge in the districts is from a high of 50,775 to a low of less than 22,000. Thus, if the district plan and the number of judges were determined entirely by population, it would appear that the adoption of the high figure would indicate that 54 judges could do the work, but if the low figure is applied, 126 would be required. A further factor which presents difficulty is "population trends". The increases in certain sections of the State, with more or less corresponding decreases in other areas, are substantial. Attached to this report is a map on which, so far as possible, such population changes are shown in several different categories of increases or decreases.

These population changes on a state-wide basis, and within the judicial districts have resulted in a disruption of the balance from the standpoint of the volume of

services provided by the district courts; and the "population trends" must be considered in any proposed plan for the future.

II. The Type and Volume of Judicial Services:

On the basis of the existing districts and 75 judges, the state-wide data shows the seven-year averages for "Total Filed Cases per Judge" range from a high of 927 to a low of 450; the state average being 705; the "Civil and Criminal Cases Filed" range from 609 to 227, an average of 444; for "Total Tried" cases, the high was 141, the low 28, an average of 68; and with the trials limited to civil and criminal cases, the range was from 75 to 15, with a state average of 33. Thus, if the number of judges is to be determined on the volume of work factor, an average of the high figures would indicate that less than 50 judges could perform the services; but, if the low figures are the guide, Iowa should have more than 130 judges.

In considering the volume of court work there are additional statistics which present further problems. From the data provided it is shown that the state average for "Total Filed" cases per 1000 population is 19, with the district range from a high of 26 to a low of 13; the state average of "Total Tried" cases per 1000 population is 1.8, with the district range from a high of 3.9 to a low of 0.7; and with the trials limited to civil and criminal cases per

1000 population, the state average is 0.9, with the district range from a high of 2.1 to a low of 0.4. This particular data emphasizes the disparity not only in the number of cases filed from a standpoint of 1000 population, but likewise the substantial variance on a state-wide basis in the percentage of the trials on the same population.

In the consideration of the volume of judicial services there are other types of work which should not be overlooked. In civil litigation these would include motions, application for determination of law points, pretrial conferences; in criminal prosecutions, motions, applications, and the time devoted to cases where pleas of guilty are entered; in probate proceedings the time required with applications, motions, reports, and formal entries; and generally the conferences and a multitude of miscellaneous matters. There are no statistics on which to determine the extent of such duties, but, admittedly, they are time-consuming.

With reference to the redistricting and personnel problems, general inquiry as to the underlying reasons which prompted the adoption of the Resolution, has been directed to a cross-section of legislators. From the replies received and opinions expressed, the principal reasons given are that in certain districts judges were not working to capacity, in

other districts requests were made for additional personnel; and the apparent lack of uniformity over the state as to the volume of court work.

On the question of redistricting it clearly appears that the present boundaries were established principally to conform with conditions of transportation and communication, which, fifty years later, are of far less importance; and for the same reason the travel distance between counties, and within a district, does not compare with such practical problems as before 1913. These considerations alone justify much larger judicial districts. At the same time, opinions have been expressed that in the question of redistricting there should be no single county districts, and any district should be large enough so that the factor determining average work load would justify at least four judges. Further, suggestions are made that in fixing boundaries consideration should be given to centrally located heavily populated centers. Admittedly, however, the location of some of these centers involves geographic difficulties in fully applying the requests in the several areas.

The proposals as to the size of the districts, and the minimum number of judges in each district, in addition to the considerations set out above, are directly related to:

1. Regional autonomy within a district;
2. The efficient use of judicial manpower; and
3. Reasonable uniformity throughout the State as to county and district practices and procedures.

It seems recognized that larger districts afford more flexibility in administration. These additional matters are involved in the work of the Judicial Administration and Court Structure subcommittee, reports of which have been or will be available.

Finally, on the proposed district boundary changes there should be a reference to the plan in Minnesota. That plan, too, was the result of a legislative resolution. As recommended by that Commission certain existing districts were combined. This was done in two stages. In 1957 the districts were reduced from 19 to 14; and in 1959 from 14 to 10, which is the present number. Based upon correspondence from lawyers and judges in both city and rural districts, the changes have been quite generally satisfactory.

While in Iowa it does not seem feasible to combine districts, it is believed and concluded that the present 21 districts can be reduced to 10.

On the question of personnel, the members of the Commission have analyzed the state-wide statistics from a standpoint of both population and volume of work, and are in accord that 65 judges should reasonably be able to perform the court services.

However, the final and most difficult question is the basis for the determination of the average work load per judge.

The data and computations heretofore set out emphasize the great disparity between the districts as to population and volume of work. As noted before, these statistics are available on a county basis, and naturally, the variance of these factors are reflected not only between districts but within districts.

While in determining the work load of a particular area or district, the population per judge must be considered, it is not the final measure of the volume of court work. Heretofore we have set out the substantial variances over the State in the total number of cases filed per 1000 population, and a further variance of the number of cases tried on the same basis. These statistics confirm what is intuitively known - that people are not equally litigious. The number of actions commenced is significant. This figure represents the

full amount of controversy which is considered litigable in the district; it takes into account the need for court time in hearing the motions, applications, and related matters in cases which may never be brought on for trial.

Opinions have been expressed that the data as to actions commenced should, in determining a work load, be limited to civil and criminal matters; and it is agreed that these two phases of court work receive proper consideration.

The number of cases tried, while of course relatively significant, is not a satisfactory measure in determining the work load, for it shows only what the present number of judges has been able to accomplish, rather than indicating the volume of work which is to be done.

All of these factors have been discussed and analyzed, and the Commission has approved a formula for apportioning the number of judges in each district as follows:

Population to be weighted	50	%
"Total Filed" cases to be weighted	25	%
"Civil and Criminal Filed" cases to be weighted	12-1/2	%
"Total Tried" cases to be weighted	12-1/2	%

It is believed that on the basis of the Iowa statistics, and all information which has been obtained, this formula is as accurate as any which could be applied.

To aid the legislature in more clearly understanding the effect of this report, we have attached a map and table setting forth a concrete example of the application of this formula. Any number of district lines could be drawn and the commission studied several different maps. When definite district lines are drawn, everyone is able to see how the abstract theory of redistricting will affect him personally and the problems of agreeing upon specific district lines are similar to those encountered in legislative reapportionment.

This report including the map was not available to the public or the bench and bar until December, 1964. It has not been presented to or studied by any group other than this commission. What seems to us to be the best solution, theoretically, may have many defects in its practical application. Only by explaining this report and the reasons for our conclusions to interested groups and receiving their suggestions and comments, can we be assured that it is practical.

District lines have not been changed substantially for 100 years and any lines drawn as a result of this report will in all probability be as permanent. It is therefore important that the new districts be the best possible. For these reasons we request that this commission be continued for an additional two year period with an appropriation sufficient to bring this and any other portions of the report not acted upon by the legislature, before interested groups throughout the state.

POSSIBLE JUDICIAL DISTRICTS

<u>Dist.</u>	<u>Population</u>		<u>Total Filed</u>	<u>Civil & Crim. Filed</u>	<u>Total Tried</u>	<u>Proposed No. Judges</u>
	<u>1 9 5 6</u>	<u>1 9 6 2</u>				
I	165,000	161,600	2831	1581	367	4
II	251,300	237,700	4614	2765	409	6
III	241,100	243,400	4425	2524	304	5
IV	340,600	356,900	8482	6300	1123	10
V	231,300	236,300	4351	2785	541	6
VI	243,700	233,800	4171	2387	363	5
VII	349,300	357,500	6069	3562	590	8
VIII	262,600	297,300	5080	3425	287	6
IX	260,800	269,900	5482	3404	553	7
X	372,700	387,500	5867	3666	427	8

