

# JUDICIAL BRANCH BUDGET

**ISSUE** - The Judicial Branch is a co-equal branch of government. Given that the Judiciary is a co-equal branch of government, how should the state fund the operation of Iowa's Judicial Branch?

**ISBA POSITION** - The Iowa State Bar Association supports full funding of the operation of the Judicial Branch. The ISBA also supports development of a system of determining the annual appropriation for the Judicial Branch which would recognize the Judicial Branch's status as a co-equal separate branch of government, and which removes the Judicial Branch from competition for funding with other programs/agencies, such as the Department of Corrections and the Attorney General. The Judicial Branch should be one of the top priorities of the appropriations process and treated as an equal branch of government in the appropriations process.

**BACKGROUND** - Each year, the legislature makes appropriations to the Department of Justice, the Department of Corrections, the Department of Inspections and Appeals, the Department of Public Safety, and the Judicial Branch. All of these appropriations are made in the same subcommittee called the Justice System Appropriations Subcommittee. Typically, less than 25% of the justice system's appropriations goes to the Judicial Branch to pay for operations of the Judicial Branch throughout Iowa's ninety-nine (99) counties. In fiscal year 2015, only 2.5% of the State's total annual budget was dedicated to fund the operation of Iowa's Court system. This percentage is approximately the same as fiscal year 2000, 2.4%

In fiscal year 2013, the total appropriations for the Judicial Branch was approximately \$162.0 million. In fiscal year 2014, the total appropriation for the Judicial Branch was \$168.7 million and in fiscal year 2015 \$174.6 million. Since 2000, the state budget has grown by 46.6% while the judicial appropriations have grown by 64%.

The Judicial Branch collects fines and fees equaling almost 60% of its budget and deposits these funds into the state's general fund. In fiscal year 2015 the Judicial Branch is expected to collect \$102.6 million in fines and fees. This is almost double the amount collected in fiscal year 2000, \$53.3 million.

During the 2002 legislative session, the Iowa State Bar Association supported an increase in filing fees from \$80 to \$100 in district court cases and from \$30 to \$50 in small claims matters. In 2009, the ISBA supported an increase from \$100 to \$185 in district court cases and from \$50 to \$85 in small claims matters. The ISBA supported these increases in filing fees on the condition that the Judicial Branch receive full funding. The legislature should continue to honor the commitments made in the 2002 and 2009 legislative sessions to fully fund the Judicial Branch in view of the increase in filing fees. The legislature has demonstrated their commitment by growing the judicial branch budget at a rate faster than the general fund. Additional funding is, however, required to restore the Judicial Branch operations to the level of service before several cuts were made in the early 2000s.

Adequate funding of Iowa's Judicial Branch is essential in order to provide timely and efficient justice to the citizens of Iowa. Providing justice to Iowa citizens involves more than simply adjudicating cases. Currently, the Judicial Branch oversees and administers a Court system that employs approximately 1,900 persons. The Supreme Court also has responsibility for rule making in the areas of civil and criminal procedure, evidence, appellate procedure, probate, involuntary hospitalization of the mentally ill, involuntary commitment or treatment of substance abusers, District Court practice, professional conduct, and admission to the Bar. The Court controls the licensing of lawyers and oversees the Client Security and Disciplinary Fund, the Continuing Legal Education Commission, and the Interest on Lawyers Trust Accounts Program.

Cutting the Judicial Branch budget, closing clerk's offices and other forms of reduced services does nothing but add to the public's perception that justice is for only the affluent. Reduction of court services hurts the common citizens more than anyone else and does nothing but shift additional costs onto taxpayers. The 6.5% reduction to the Judicial Branch budget during the 2002 fiscal year resulted in a \$7.5 million loss of funds for the courts. These figures include both the 4.3% across-the-board reduction as imposed in November 2001 and the additional 2.2% de-appropriation enacted in February, 2002. With another \$2 million reduction in fiscal year 2003, the Judicial Branch lost \$9.5 million in base operations over two years. Since the Judicial Branch's budget is approximately 96% personnel cost, this has resulted in an 11% reduction in its workforce. In October of 2009, Governor Culver issued a 10% across the board cut to all of state government. The impact on the judicial branch was a cut of \$11.4 million. It has taken years to recover from the employee and budget cuts caused by the across the board cuts of the past decade. The Judicial Branch is still trying to recover and needs to keep their funding a top priority with the legislature.

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