

MEMO

PH: (319) 398-3920

District Court Administrator
Sixth Judicial District

FAX: (319) 398-4054

May 12, 2011

TO: Attorneys in the Sixth Judicial District

FROM: Carroll Edmondson, District Court Administrator

RE: Scheduling Protocol for Civil Cases

We are in the process of re-examining our scheduling practices, procedures, and the relationship among court schedules for all case types in all counties in the district. Our primary goal in this re-examination is to improve our ability to process cases more effectively and efficiently within the resources currently available to us.

One area where we have focused immediate attention is on how civil schedulers schedule cases and the way bumping decisions are made. Because many members of the bar have indicated that our district tends to bump cases more frequently than other districts, we have contacted other districts to find out what they may be doing differently from us. We learned that we are unique in the amount and type of information provided about the prospects for trial and assigning priorities to cases as soon as they are scheduled. As a result of this review of other district scheduling practices, we have made changes to our scheduling practices which align us with what most other districts are doing. These changes are summarized in the attached scheduling protocol that has been given to court staff who schedule civil cases. This new protocol is effective immediately.

Cc: District Court Judges
Kellee Cortez
Deanna Gross
Sandy Dains

PROTOCOL FOR CIVIL CASE SCHEDULERS IN 6TH JUDICIAL DISTRICT

The district court judges of the Sixth Judicial District have adopted the following scheduling protocol for scheduling civil jury and nonjury cases in the Sixth Judicial District. The purpose of this protocol is to promote consistency in scheduling practices in the district in order to improve the district's compliance with the Iowa Supreme Court's case processing standards.

1. Case schedulers will schedule trial dates for civil cases without assigning a priority order to the cases set for each trial date. The administrative judge in Linn County will determine priorities for each trial date for trials scheduled in all counties except Johnson County. The presiding judge in Johnson County will determine priorities for each trial date in Johnson. The Linn administrative judge and the Johnson presiding judge will determine final trial priorities the day before a trial is scheduled to begin. Specially assigned criminal and civil cases will be given priority in consultation with the assigned judge.
2. Case schedulers will schedule trial dates within the time standards for each civil case type established by Supreme Court Rule 23.2 to the extent possible.
3. Case schedulers are prohibited from providing attorneys with projections about the likelihood of their cases being reached for trial on the scheduled date. Attorneys should presume their cases will be tried on the scheduled date and should refrain from soliciting information from court schedulers about their prospects for trial.
4. Case schedulers will continue to stack civil cases but the stacking will be limited to what is determined to be an optimal level to enhance trial date certainty and avoid excessive over-scheduling which leads to greater rescheduling of cases. The district court administrator will work with the case schedulers to determine what constitutes a reasonable optimal level to achieve greater trial date certainty. The optimal number of civil cases scheduled may vary based on factors such as the time of year.
5. While the Linn administrative judge or Johnson presiding judge will generally determine trial priorities the day before trial, they will consider making earlier decisions for cases involving out of state or expert witnesses when the situation warrants it. Such decisions will be made on a case by case basis.
6. All bumping decisions before trial or hearing will be made by the administrative judge in Linn for all counties except Johnson. The Linn administrative judge will make continuance decisions for Linn cases while the presiding judges for Benton, Iowa, Jones and Tama will make continuance decisions for their respective counties. In Johnson the presiding judge will make all bumping and continuance decisions. All continuance requests must be in writing and timely submitted. No continuance request should be granted without good cause. Lack of resistance to the motion by opposing counsel doesn't constitute sufficient good cause.