IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT

IN RE: POLK COUNTY DISTRICT ASSOCIATE JUDGE ASSIGNMENTS FOR 2022	SECOND AMENDEMENT TO ADMINISTRATIVE ORDER 2021–34

To fully utilize Fifth Judicial District judicial resources and to promote the ideal of efficient court administration within the Fifth Judicial District:

IT IS THEREFORE ORDERED,

I. The provisions of this Order provide for and establish the assignment of judicial duties and responsibilities of all Fifth Judicial District Associate Judges in Polk County for the calendar year 2022.

II. District Associate Judges are assigned to preside over all judicial matters and proceedings within their jurisdiction as authorized by statute within the county of their residence and elsewhere in the Fifth Judicial District as assigned by the Chief Judge.

III. Judicial duties and responsibilities of the Polk County District Associate Judges, for purposes of assignment and administration, are divided into fourteen (14) benches occupying courtrooms and chambers as follows:

Docket	Courtroom Assignment
DA01	Courtroom 110 Criminal Courthouse
DA02	Courtroom 120 Criminal Courthouse
DA03	Courtroom 130 Criminal Courthouse
DA04	Jail Courtroom
DA05	Courtroom 230 Criminal Courthouse
DA06	Unassigned Courtroom Criminal Courthouse
DA07	Unassigned Courtroom Criminal Courthouse
DA08	Unassigned Courtroom Criminal Courthouse

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Juvenile Court #1	Courtroom 210 Justice Center
Juvenile Court #2	Courtroom 220 Justice Center
Juvenile Court #3	Courtroom 230 Justice Center
Juvenile Court #4	Courtroom 240 Justice Center
Juvenile Court #5	Courtroom 250 Justice Center
Juvenile Court #6	Courtroom 260 Justice Center

IV. District Associate Court Judges assigned to criminal dockets shall be on rotating six-month terms. Docket assignments are set forth in Attachment "A".

V. The District Associate Criminal Courtrooms shall be assigned and scheduled as follows:

A. DA01 - Courtroom 110 Criminal Courthouse (Driving Offense Court)

1. Case Assignment. All out-of-custody arraignments, pre-trial conferences (PTC), pleas, sentencings, motion hearings, and all other proceedings in all indictable OWI (including OWI 3rd), DWB, and LUR offenses as assigned by Court Administration. No trials.
2. Scheduling.
    i. Case Coordinator. The District Associate Case Coordinator (DAC CC) shall prepare the Order Following Arraignment for all cases assigned to DA01. The DAC CC shall check for substance abuse evaluation and order on arraignments.. DAC CC shall schedule all the 1st PTCs and jury trials.
    ii. Court Attendant. The Court Attendant shall schedule continuances, 2nd pre-trial conferences, status conferences (STC), trials, pleas, and sentencings, including continuances of jury trials. Motions shall be scheduled on Tuesdays.

3. Courtroom Schedule.

Monday	8:00-9:00	OWI arraignments
	8:30-12:00	OWI PTC, pleas, sentencing, and STC
	1:30-4:30	OWI PTC, pleas, sentencing, and STC
Tuesday	9:00-4:30	Motions
Wednesday	8:00-9:00	LUR/DWB arraignments
	8:30-12:00	LUR/DWB PTC, pleas, sentencing, and STC
	1:30-4:30	LUR/DWB PTC, pleas, sentencing, and STC
Thursday	8:00-9:00	OWI arraignments
	8:30-12:00	OWI PTC, pleas, sentencing, and STC Including PTC on traffic jury demand
	1:30-4:30	OWI PTC, pleas, sentencing, and STC
Friday	8:00-4:30	Judge's Ruling time and overflow motions

B. DA02 - Courtroom 120 Criminal Courthouse (Indictable Misdemeanors)

1. Case Assignment. All out-of-custody, arraignments, PTCs, pleas, sentencings, and motion hearings on drug cases and indictable offenses as assigned by Court Administration. No trials. Civil mental health commitment hearings for out-of-custody defendants shall be scheduled on this docket. Jury demands, Motion, PTCs, and STCs on simples.
2. Scheduling.
    i. Case Coordinator. The DAC CC shall prepare the Order Following Arraignment for all cases assigned to DA02 and check for substance abuse evaluations on WANGs. The DAC CC shall

schedule all the 1st PTCs, and trials.

ii. Court Attendant. The Court Attendant in 120 will schedule out-of-custody arraignments for 120 on calendar 2011. The Court Attendant shall schedule continuances, 2nd pre-trial conferences, STCs, pleas, and sentencings, including continuances of jury trials. The court attendant shall schedule motions that require a hearing Wednesday AM and on indictable (non-drug) cases for Wednesday PM.

iii. Clerk of Court. The Clerk of Court shall schedule arraignment dates originating from jail court and check for fingerprint order on arraignments.

3. Courtroom Schedule.

Monday (Indictable Offenses)	8:00-9:00	Arraignments
	8:30-12:00	PTC, STC, pleas, and sentencings
	1:30-4:30	PTC, STC, pleas, and sentencings
Tuesday (Drug Offenses)	8:00-9:00	Arraignments
	8:30-12:00	PTC, pleas, sentencings, and STC (P.D. and Private Bar)
	1:30-4:30	PTC, pleas, sentencings, and STC (Private Bar)
Wednesday	9:00-12:00	Motions (Drugs Offenses)
	1:30-4:30	Motions (Indictable Offenses)
Thursday (Indictable Offenses)	8:00-9:00	Arraignments
	8:30-12:00	PTC, STC, pleas, and sentencings
	1:30-4:30	PTC, STC, pleas, and sentencings

Friday	8:00-9:00	Arraignments
	9:00-4:30	Judge's Ruling time and overflow motions

C. DA03 - Courtroom 130 Criminal Courthouse (Intake)

1. Case Assignment. Initial appearances; Preliminary hearings; All fine collection, restitution and payment plans under $10,000.00; Forfeiture and seized property hearings under $5,000.00; Expungement requests; Formal bond reviews on indictable cases. No trials. Requests for expungement on simple misdemeanor cases will be set in magistrate court. Judges assigned to this docket will be responsible for reviewing all Indictable Misdemeanor Trial Informations and those Trial Informations discussed in section VI(A)(3) of this Order. The Court Attendant shall schedule all bond forfeiture hearings on this docket.
2. Scheduling
   i. Clerk of Court. For in-person and written initial appearances, the Clerk of Court shall prepare the Hearing for Initial Appearance for the Judge in 130. The Judge shall then complete and file the Order for the in-person initial appearances.
3. Courtroom Schedule

Monday – Thursday	8:00-10:00	Preliminary Hearings
	10:00-12:00	Bond Reviews
	1:00-2:00	Initial Appearances
	2:00-4:30	All Restitution Hearings
Friday	8:00-9:00	Preliminary Hearings
	9:00-12:00	Seized property scheduling conferences and bond forfeiture

1:00-2:00	Initial Appearances
2:00-3:00	Seized Property Hearings

D. DA04 – Polk County Jail Court

1. Case Assignment. Judicial proceedings within the jurisdiction and assignment of the District Associate Court involving incarcerated persons shall, without exception, be held at the Polk County Jail unless due to statute, rule, procedural due process or other legal reason the judicial proceeding must take place in the Polk County Courthouse. The judge assigned to this docket shall expedite judicial proceedings of all persons incarcerated in the Polk County Jail by: conducting in-custody felony and misdemeanor initial appearances; felony and misdemeanor arraignments; misdemeanor and D felony pleas and sentencings **(OWI 3rd and Domestic Abuse only)**; hearings on uncontested in-custody probation revocations on misdemeanors; and civil mental health commitment hearings for in-custody defendants.

2. Scheduling.
   i. Clerk of Court. The Clerk of Court on duty in the morning hours shall schedule all matters that originate in Jail Court during initial appearances to appropriate calendars. The Clerk of Court shall prepare the Hearing for Initial Appearance Form for the Judge in Jail Court.
   ii. Jail Court Case Coordinator. The Jail Court Case Coordinator (JCCC) shall schedule all matters that originate in Jail Court in the afternoon court session. All matters that are to be scheduled in Jail Court shall be done through the JCCC or other Case Coordinators on approved scheduling orders.
   iii. Tuesday afternoons are reserved on the jail court schedule for

DAA cases only.

3. Courtroom Schedule

Monday - Friday	9:00 – 10:30	Initial Appearances
	10:30- 11:00	Felony Arraignments
	11:00-12:00	PV Hearings / PTC/ Competency Hearings
	1:30-2:30	Expedited Arraignments/PTC
	2:30-4:30	Pleas/Sentencings

4. Mail. All mail originating from incarcerated persons in the Polk County Jail addressed to the Court or Clerk of Court shall be attended to by Court Attendant assigned to this docket. Such mail specifically addressed to a named Judge shall be attended to by the named Judge.

E. DA05 – Courtroom 230 Criminal Courthouse (Domestic Abuse/ Class D Felony and Indicatable Probation Violations)

1. Case Assignment. Indictable Misdemeanor and Class D Felony probation violation matters (except for felony Drug Offenses (DCC4)). All Domestic Abuse Assault arraignments, PTC, STC, and motions. All no contact order violations and all modification hearings on all DAA cases. No trials.

2. Scheduling.
   i. District Associate Court Case Coordinator. The DAC CC shall prepare the Order Following Arraignment for all cases assigned to DA05. The DAC CC shall also check for substance abuse evaluation.
   ii. District Court Case Coordinator. The Felony CC shall schedule the

Class D Felony probation violations in Room 230.

iii. Court Attendant. The Court Attendant in Room 230 shall schedule motions that require a hearing, pleas, sentencings, second and subsequent PTC's, and probation violation continuances.

iv. Clerk of Court. The Clerk of Court shall schedule arraignment dates and VNCOs originating from jail court and check for fingerprint order on arraignments.

3. Courtroom Schedule

Monday	8:00-12:00	1st Round Felony Probation Hearings (Set 4 every 15 min)
	1:30-4:30	1st Round Misdemeanor Probation Hearings (Set 4 every 15 min)
Tuesday	8:00-12:00	1st Round Misdemeanor Probation Hearings (Set 4 every 15 min)
	1:30-4:30	1st Round Misdemeanor Probation Violations (Set 4 every 15 min)
Wednesday (Domestic Abuse)	8:00-9:00	Arraignments
	8:30-12:00	PTC, pleas, sentencings, STCs
	1:30-4:30	VNCO & modifications on all DAA and indictable cases
Thursday	8:00-12:00	Contested Probation Hearings (Felony) (Set every 60 mins)
	1:30-4:30	Contested Probation Hearings (Misdemeanor) (Set every 60 mins)
Friday	8:00-4:30	Judge's Ruling time and overflow motions

F. DA06 – Unassigned Courtroom. (Small Claims Appeals & Secondary Coverage)

1. Case Assignment. DA06 shall be assigned small claims appeals pursuant to Iowa Code Section 631.13 and civil actions for money judgment when the amount in controversy does not exceed $10,000.00

as assigned by Court Administration. The Civil/ Small Claims Division of the Polk County Clerk of Court shall assign all small claims and traffic appeals from the decisions of Polk County Magistrates to the DA06 judge. All Small Claims appeals from a District Associate Judge shall be assigned to the appropriate District Court Criminal Trial Judge.

G. DA07 – Unassigned Courtroom. (Trials)

1. Case Assignment. The District Associate Judge assigned to DA07 shall conduct criminal and civil trials and other proceedings within the jurisdiction of the District Associate Court.

2. Prioritization. The DAC CC shall assign all misdemeanors and Class D felony trials to the DA07 judge to the extent they are available. If the DA07 judge is unavailable, the DAC CC shall reassign trial to the DA08 Judge. If the DA08 judge is unavailable, the DAC CC shall reassign trial to the DA06 Judge. If the DA06 Judge is unavailable, the Felony CC shall reassign trial to the appropriate district court judge assigned to the criminal trial docket. If neither DCC2 nor DCC3 judges are available, the Felony CC shall contact the Civil Case Coordinator, who shall reassign trial consistent with the prioritization set forth in Administrative Order 2021 – 58.

3. Scheduling. The DA07 Judge shall schedule a final STC on all misdemeanors and Class D felonies set for jury trial. These final STCs shall be scheduled on the Thursday immediately preceding the Monday trial date and shall be scheduled in Courtroom 320 of the Polk County Criminal Courthouse. All outstanding trial motions shall be heard not later than on the Friday immediately preceding the Monday trial date and shall be scheduled in Courtroom 320 of the Polk County Criminal Courthouse. Final STC and trial motions shall be scheduled on schedule FSTC. All efforts should be made to dissuade trial day motion practice. Judges assigned to this docket will prioritize trials, and, in the event there

are no trials for the week, will provide coverage as needed for the other dockets Monday through Wednesday.

4. Civil Trials. The Civil Case Coordinator may assign civil trials involving an amount in controversy of $10,000.00 or less to the DA07 judge on a case-by-case basis depending on their availability. However, coverage and criminal matters shall take priority.

5. Courtroom Schedule

Monday – Wednesday	8:00 – 4:30	Reserved for Trial
Thursday	8:00-12:00	Final STC (FSTC)
	1:30-4:30	Final STC (FSTC)
Friday	8:00-12:00	Final trial motions
	1:30-4:30	Final trial motions

H. DA08 – Unassigned Courtroom (Primary Coverage)

1. Coverage. The judicial officer assigned to DA08 shall serve as the primary resource for coverage and other District Associate Court matters, as assigned by Court Administration.

2. All trial date pleas shall be returned to and processed by the docket originally assigned for case management (DA01 – Driving Offenses; DA02 - Indictable Misdemeanors; DA05 – Domestic Abuse Assaults; and DCC4 – Class D Drug Felonies).

VI. Miscellaneous

A. Assignment of Class D Felony matters

1. DCC1. All Trial Informations that have an FECR prefix, except Domestic Abuse Assaults and cases that have been filed as an indictable

misdemeanor, shall be assigned to DCC1 for approval. However, after the Trial Information is filed, only **active** Class D felony matters that do **not** involve drug offenses, OWI - 3rd Offense, or Domestic Abuse Assault - 3rd Offense shall remain in DCC1.

2. DCC4. All drug-related Class D felony pleas, sentencings, and probation proceedings (regardless of custody status) shall be assigned to DCC4.

3. DAO3. Trial Informations which have an FECR prefix, but were filed as an indictable misdemeanor and Domestic Abuse Assault - 3rd Offenses, shall be assigned to DA03 for approval.

B. Probation Revocation Proceedings. When a Report of Violation is filed regarding a Class D felony offender, the Department of Correctional Services shall review the case for expedited disposition. Drug-related Class D felony probation violations shall be scheduled for a PTC in DCC4 within seven (7) days. All other Class D felony probation violations, as well as indictable misdemeanor probation violations, shall be scheduled for pre-trial conference in DA05 within seven (7) days. The probation officer assigned to the case shall appear for the pre-trial with authority to resolve the violation. Violations that cannot be resolved at the pre-trial shall be scheduled for an evidentiary hearing at the earliest possible date.

C. Calendar 2011. This calendar is used to schedule indictable misdemeanor arraignments for courtroom 110 and 120, 230, and out-of-custody initial appearances. The Jail Clerk of Court on duty in the morning hours will schedule all matters that originate in Jail Court during initial appearances. The JCCC will schedule all matters that originate in Jail Court in the afternoon Court session. The 130 Court Attendant will schedule arraignments from out-of-custody initial appearances and written appearances.

D. District Associate Court Judges of Election Districts 5A and 5B shall be assigned to cover Polk County District Associate Court from time to time as

needed. Likewise, District Associate Court Judges of Election District 5C, Polk County, shall be assigned to cover District Associate Court in 5A and 5B as needed.

DATED this 18th day of November, 2021.

MICHAEL D. HUPPERT, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Copies to:
Chief Justice Susan Christensen, Iowa Supreme Court
Liaison Justice Edward Mansfield, Iowa Supreme Court
State Court Administrator, Bob Gast
Fifth Judicial District Judges, Staff and
Stakeholders by e-mail and
John Sarcone, Polk County Attorney
Val Wilson, Adult Public Defender
Matt Sheeley, Juvenile Public Defender
Jerry Evans, Department of Corrections

2022 POLK DISTRICT ASSOCIATE JUDGE ROTATION
Attachment "A" to Administrative Order 2021-34

	1/22	7/22	1/23	7/23	1/24	7/24	1/25	7/25	1-26
DA08 (Coverage)	Kemp	Greiner	Brandt	Turner	Ramirez	Moisan	Goettsch	Smith	Kemp
DA02 (Misd.)	Smith	Kemp	Greiner	Brandt	Turner	Ramirez	Moisan	Goettsch	Smith
DA07 (Trials)	Goettsch	Smith	Kemp	Greiner	Brandt	Turner	Ramirez	Moisan	Goettsch
DA04 (Jail)	Moisan	Goettsch	Smith	Kemp	Greiner	Brandt	Turner	Ramirez	Moisan
DA06 (SC App.)	Ramirez	Moisan	Goettsch	Smith	Kemp	Greiner	Brandt	Turner	Ramirez
DA01 (Driving)	Turner	Ramirez	Moisan	Goettsch	Smith	Kemp	Greiner	Brandt	Turner
DA05 (Probation)	Brandt	Turner	Ramirez	Moisan	Goettsch	Smith	Kemp	Greiner	Brandt
DA03 (Intake)	Greiner	Brandt	Turner	Ramirez	Moisan	Goettsch	Smith	Kemp	Greiner
Juvenile #1	Pattison	Pattison	Pattison	Pattison	Pattison	Pattison	Pattison	Pattison	Pattison
Juvenile #2	Belcher	Belcher	Belcher	Belcher	Belcher	Belcher	Belcher	Belcher	Belcher
Juvenile #3	Poschner	Poschner	Poschner	Poschner	Poschner	Poschner	Poschner	Poschner	Poschner
Juvenile #4	Ayotte	Ayotte	Ayotte	Ayotte	Ayotte	Ayotte	Ayotte	Ayotte	Ayotte
Juvenile #5	Seymour	Seymour	Seymour	Seymour	Seymour	Seymour	Seymour	Seymour	Seymour
Juvenile #6	Cox	Cox	Cox	Cox	Cox	Cox	Cox	Cox	Cox