

**THE POLK COUNTY COURTHOUSE
PAST PRESENT AND FUTURE**

**POLK COUNTY BAR ASSOCIATION
FALL GENERAL PRACTICE SEMINAR**

November 18, 2016

Des Moines, Iowa

Hon. Arthur E. Gamble

Chief Judge of the Fifth Judicial District of Iowa

Polk County Courthouse

500 Mulberry St.

Des Moines, IA 50309

Phone (515) 286-3853

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A. Introduction.

“Our liberties we prize and our rights we will maintain.” This familiar motto is inscribed on the Great Seal and State flag of Iowa. In the State of Iowa and in the County of Polk, our rights and liberties as freedom loving Americans are maintained and preserved in our county courthouse.

In Iowa and throughout the United States, the courthouse is the seat of county government and the place of holding court in the county. It sits prominently in the town center where the social, economic, and political values of the county converge. The courthouse is the place where citizens participate directly in their government through their interaction with the Iowa Judicial Branch. The courthouse is the transcendent symbol of liberty and democracy in the county, in the state and in our country.

The courthouse is the epicenter of truth and justice in the community. It is the place where civil disputes between citizens are resolved, children are protected from abuse, crime victims are vindicated and the constitutional rights of the accused are maintained. Ultimately, the courthouse stands as an anchor of stability, dignity and ceremony for the people of the county. The courthouse stands against tyranny, against anarchy, and for the civilized resolution of disputes in our society.

Our forbearers recognized the importance of the courthouse to the fabric of the county when they erected an ornate structure in downtown Des Moines more than a century ago. The landmark treatise, *The Counties and Courthouses of Iowa* by LeRoy G. Pratt and other historical documents reveal the following history of the Polk County Courthouse.

B. Polk County's First Courthouses.

On April 6, 1846, Iowa Supreme Court Justice Joseph Williams conducted the first session of the Polk County Iowa District Court in Room Number 26 of a log cabin abandoned by the dragoons who were stationed along "Raccoon Row" of old Fort Des Moines near the location where Principal Park now stands. Later that year, the Polk County Board of Commissioners acquired a parcel of land in the vicinity of the old Fort Des Moines for \$25, \$30 or \$40, depending on which historical record we rely upon.

In 1848, the first Polk County Courthouse was constructed on the southeast corner of 6th and Cherry Streets, the parcel directly south of the current courthouse. The first courthouse was a two-story brick and frame structure. It served as the Polk County Courthouse for ten years.

In 1855, Judge Thomas N. Napier and the Polk County Board of Supervisors began the planning of what would become a more permanent courthouse on the square where the current courthouse is located. Construction began in 1858 but due to excessive construction costs and the Civil War the new building was not occupied until 1868. The courthouse cost nearly \$100,000. It required constant repairs, alterations and reconstruction. It was termed an "architectural monstrosity" in its day. Nevertheless, governmental and judicial business was conducted in that building for 30 years. By the 1890s the first courthouse was overcrowded and more room was desperately needed. The building was torn down in 1898. Judges and county officials moved to the Harbach Building, 412 Walnut Street in Des Moines.

On November 19, 1901, these officials began the planning process for a new courthouse on the square. The Board of Supervisors turned to Proudfoot and Bird as architects for the new courthouse. Coincidentally, Proudfoot and Bird were the architects for the Dallas County Courthouse in Adel and Beardshear Hall on the campus of Iowa State University in Ames.

C. The Historic Polk County Courthouse.

The Polk County Courthouse opened on October 25, 1906. It was formally dedicated on October 31, 1906. It was constructed by H.L. Schlueter of grey limestone in a Beaux Arts Renaissance style, a combination of classical Greek and Roman architecture. The footprint of the building is 239' x 131'. The courthouse had a grand entrance to the east and the architecture became more ornate and detailed as it progressed from the first floor where offices of county government were located to the court floors above. There were four courtrooms in the four corners on the third floor for four judges. The architects planned for growth. There was unfurnished space for a fifth courtroom on the third floor looking east down Court Avenue and a sixth courtroom above it on the fourth floor. The unfinished third floor space is now a civil trial courtroom. The fourth floor space was divided into two courtrooms most recently used as family courts. A stained glass skylight over these courtrooms is currently hidden by false ceilings. There are beautiful stained glass skylights in the common areas of the courthouse atrium.

When the courthouse opened, each of the four original courtrooms had beautiful wooden benches, witness stands, jury boxes, counsel tables and public seating. They were large enough to handle any trial. They had magnificent two-story high arched ceilings with ornate sculptures, carvings and paint colors. Each courtroom was adorned with murals painted on canvas over horse hair sound batting for acoustics. The courtrooms were dignified and commanded respect.

The courthouse was the seat of all governmental and judicial business in Polk County. One anonymous historian described the courthouse this way: “The Polk County Courthouse provided offices and space in 1906 for the Judges, County Attorney, Sheriff, Board of Supervisors, Treasurer, Auditor, Assessor, Recorder, Clerk of Court, Grand Jury, Law Library, Surveyor, Overseer of the Poor, County Superintendent, Superintendent of Schools, County Physician, meeting rooms, space for storage or records and files; and, last, but not least, the County Coroner who performed autopsies in the morgue on the southeast corner of the first floor.”

As the population of Polk County grew throughout the 20th Century, there was an inevitable growth of court filings as well. As the demand for judicial services in Polk County grew, an increase in the number of Polk County judges slowly followed. Unfortunately, the vision of Proudfoot and Bird began to fade. The fifth courtroom was finished but that was not enough space for the judges. The fourth floor courtrooms were constructed and two of the four original courtrooms were subdivided. But soon nine courtrooms were not enough.

With each successive construction project, a little more of the original architecture was adulterated the ornate ceilings and stained glass skylights were damaged as drop ceilings were installed. The murals were painted over. Much of our history was covered up in the name of progress.

In 1958, voters twice rejected a \$2,850,000 bond issue to provide extensive remodeling of the courthouse. By the 1960s, the Polk County Courthouse was bursting at the seams. The infrastructure of the building was deteriorating. According to Pratt, “the need for more space in order to provide adequate services to the ever increasing population of Polk County has often loomed as a problem.” In 1962, voters approved a scaled back expenditure of \$220,000 to

remodel the courthouse entrances, replace the roof and install automatic elevators. However, the remodeling did not provide any additional space for county offices or the courts.

In May 1965, the Polk County Board of Supervisors convened a 12-person citizen panel to study the feasibility of a courthouse annex or a joint city-county building. The panel was abolished in November of 1965 because it was felt that it was an “inopportune” time to consider a bond issue to finance the construction of any new facility.

In 1966, Polk County began to move offices out of the courthouse. The county bought the Harger Blish Building on 11th Street in downtown Des Moines. After some remodeling, the County Board of Education, the County Welfare Department and the Soldiers Relief Commission moved there. Later, Polk County Juvenile Court was held at the Harger Blish Building.

In 1967, another courthouse annex was proposed for the corner of Fifth and Court. But those plans never materialized. In 1973, yet another citizen panel suggested several solutions to the growing space problems, including:

- 1) Remodel the present courthouse to better utilize existing space and construct a new county office building adjacent to the courthouse;
- 2) Sell the present courthouse and build a new one on another site;
- 3) Construct a new county-city building;
- 4) Remodel the courthouse and acquire the old post office at 2nd and Walnut for a courthouse annex.
- 5) Purchase the old post office for \$800,000, tear it down, build a new building and remodel the courthouse.

The Board of Supervisors settled on proposal No. 5. They planned to construct a new 10-story crescent-shaped county office building for \$13.2 million. Voters defeated a bond issue by a 3 to 1 margin in a low turnout special election. The county continued to study the problem.

In December 1973, the Polk County Board of Health condemned both the courthouse and the county jail. The Board of Health cited “unhealthy” deficiencies in the plumbing, heating, and electrical systems, as well as inadequate restroom facilities. There were reports that poor courtroom facilities might be influencing juries. The courthouse roof was leaking, causing damage to the paint and plaster inside. In 1974, the county proposed building a three-story office building and renovating the courthouse for \$8 million. However, voters again defeated a bond issue to finance the project.

In 1975, voters finally approved some relief in a special election without organized opposition. This time voters approved a \$5.8 million bond issue to buy and remodel the old post office for county offices. In July of 1979, most of the county offices, with the exception of the County Attorney and the Sheriff’s Civil Division, moved to the County Administration Building at 2nd and Court. That same year, 1979, the Polk County Courthouse was placed on the National Register of Historical Places, along with the newly-remodeled Post Office Building. ¹

In the 1980s the Polk County courts had 13 district judges, 5 associate judges, 1 probate judge, 1 juvenile judge and a part-time magistrate. All of the business of the courts was consolidated in the courthouse, including misdemeanor and traffic cases previously heard in the old municipal court at the Des Moines Police Station or in magistrate’s courts in the suburbs. Even after the County offices moved out, the building was still crowded. Some of the health issues that led to the condemnation of the courthouse in the 1970s were remediated. But the

¹ Pratt, L. *The Counties and Courthouses of Iowa*, Klipto Printing & Office Supply Company. 261-271 (1977).

population of Polk County and the resulting demand for judicial services continued to grow. The number of judges increased to handle the increased caseload. Soon, the courts were out of room again.

In the 1990s, the legislature addressed the growing caseload in Polk County by adding another juvenile judge, three more DAJs and two new district court judgeships. Polk County needed a place to put them. In 1994, the county moved the County Attorney's Office from the fourth floor of the courthouse to leased space in the Midland Building. The judiciary shuffled court reporter offices around and created space for two more courtrooms.

In 1996, the Polk County Sheriff's Civil Division vacated their offices on the second floor of the courthouse and moved to leased space in the Midland Building across the street. The judiciary expanded the criminal courts into new courtrooms on the second floor. Later, as the juvenile delinquency and child welfare caseload continued to grow, the Sheriff's second floor security office and a closet became a juvenile courtroom and judge's chambers.

By 2001, another district associate judge and two more district judges were added in Polk County. The Courts were out of space again. Yet the judiciary continued to grow. In 2005, the State Court Administrator reapportioned six part-time magistrates from counties that had less demand for judicial resources to Polk County. Again, there was no place to put these new judges. Polk County leased space for three courtrooms, chambers and a clerk's office at the Riverpoint Office Building, 500 S.W. 7th Street, Des Moines. This facility opened in November 2005 for the trial of small claims matters are by these new magistrate judges.

In 2006, the legislature amended the formula for allocation of district associate judgeships. Effective October 1, 2006, one hundred years after the courthouse opened, another

new associate judge was sworn in Polk County. But there was no room in the courthouse for the new judge.

In the decades following World War II, the population of Polk County doubled and the caseload of the courts tripled. One hundred years after the courthouse opened, population and filings were projected to continue to increase dramatically over the next thirty years. Polk County was at a crossroads. The Polk County Courthouse was seriously overcrowded. The courthouse lacked appropriate security to properly face the challenges of a post 9/11 world. It did not meet modern fire and life safety codes. The need for new court facilities reached critical mass.

D. Future Court Facilities in Polk County.

In 2006, with the support of the Board of Supervisors, the Polk County Bar Association assembled a Blue Ribbon Panel of influential citizens to consider the problem and make recommendations to the Board. The county assembled workshops and community meetings to build support for a new courthouse. The Supervisors retained SVPA Architects in association with HDR to develop various options. In 2008, the Board approved a proposal for the construction of a new courthouse on a lot to the south of the existing building and the remodeling the historic courthouse for use by the courts. The Supervisors placed a referendum for a \$127 Million bond issue on the ballot. The new courthouse was scheduled for completion in 2011 and the remodeled Polk County Courthouse would open in 2013. The Polk County Bar Association Building for Justice Committee organized a public campaign in support of the referendum. Unfortunately, like so many thoughtful proposals preceding it, the referendum fell short the 60% vote required for approval.

Nevertheless, the Building for Justice campaign created momentum for the solution of the longstanding safety, security and overcrowding problems. Polk County learned some valuable insights from the thoughtful opposition to the new courthouse. Polk County voters wanted the Supervisors to use existing county buildings to reduce the cost of the project to taxpayers. The County and the courts went back to the drawing board. With technical assistance from the National Center for State Courts, county officials and judges collaboratively developed a new concept.

Under a plan proposed by the Board of Supervisors in 2013, more than 60% of voters in Polk County approved an \$81 million bond referendum for the construction of court facilities that will comply with the latest fire and life safety codes and court security measures. This plan preserves the iconic Polk County Courthouse as a place of justice for future generations of Iowans. At the same time, it relieves chronic overcrowding, safety and security problems that have plagued court users for decades through a thoughtful and responsible use of taxpayer money. The community at large and individual citizens seeking justice in our courts will be well served by Polk County's plan for safe and secure courts. This plan solves longstanding problems of safety, security and overcrowding that will not go away without decisive action.

This plan gets Polk County out of expensive leases that cost property taxpayers more than half a million dollars a year. These leased facilities include a warehouse for the Clerk of Court record's division; office space for suburban traffic and small claims courts occupied by six part-time magistrates and their staff; and office space for the Polk County Attorney's office and the Sheriff's Civil Division. This money will be better spent to pay for court facilities that the county will own; not rent. Ultimately, by renovating three existing county owned buildings in

four phases over six years, the cost average cost to property taxpayers will be reduced compared to the cost of new construction.

Phase I of the project, the restoration of the exterior of the historic courthouse, is already complete. Polk County cleaned years of dirt, grime and organic material off of the original limestone to restore the gleaming exterior of the building. To preserve the building for the future, the joints were tuck pointed and a copper-zinc alloy flashing was installed to prevent organic discoloration of the limestone from reoccurring. Tasteful lighting was installed to improve security and enhance the beauty of the courthouse at night.

Through a land swap, Polk County made a down payment on this project reducing the debt to be financed by bonds. Polk County acquired the Wellmark/JC Penney Building across the street to the north of the courthouse. The footprint of this three story building covers half a city block. Phase II transforms the former department store/office building into a modern justice center for juvenile, traffic and small claims court.

The Polk County Justice Center opened in October of 2016 and was formally dedicated on November 14, 2016. The Polk County Attorney's office occupies the third floor with a separate entrance on the first floor for customer service. Juvenile Court is located on the second floor along with the juvenile division of the Clerk's office. Traffic and the magistrate's small claims court are on the first floor with an associated Clerks' office. Juvenile Court Services and the Clerk of Court's records division are housed in the lower level along with the records division of the Polk County Clerk's Office and the Civil Division of the Sheriff's Office. Thirty juvenile court officers, six magistrates, seven district associate judges, and support staff have moved to the Justice Center. Four courtrooms will remain unfinished to accommodate future growth.

The Justice Center will have a positive impact on the lives of children and families in Iowa. The Justice Center has separate zones of circulation so that juveniles detained for delinquency proceedings will no longer be escorted through the halls of the courthouse in public view donned with chains and blue jump suits. The new facility has an appropriate children's waiting areas so victims of child abuse and neglect will no longer have to wait in the same halls with adults accused of abusing them. There is appropriate conference space for private meetings with juveniles, parents, lawyers, juvenile court officers and social workers all for the benefit of children. The juvenile courts are separated from adult criminal court so that children and families will no longer share corridors and waiting space with adults charged with violent crimes. The courtrooms will be of a size and configuration appropriate for collaborative and therapeutic children's justice.

Phase III will renovate the obsolete downtown jail west of the courthouse into a five-story state of the art Criminal Courts Building. The footprint of the building will cover approximately one half of a city block. Each floor will have space for three courtrooms. High volume misdemeanor and felony courts will occupy this new space. The courtrooms attended by the highest numbers of people will be located on the lower floors. The trial courtrooms will be on the upper floors.

The Criminal Courts Building will have three separate zones of circulation for the public, court staff and inmates so that prisoners in green striped suits and shackles will no longer share public corridors with jurors, witnesses, lawyers, judges and citizens attending court. The existing sally port will lead to a holding facility in the lower level with secure elevators, waiting rooms, deposition rooms, and corridors so that prisoners can be transported to court safely. Inmates will await court in holding cells off of each courtroom. There will be ample secure

attorney-client conference areas in these facilities so that lawyers can have private conversations with their clients instead of speaking with their clients in the courtroom as is the practice today. Negotiation and staging areas will be located outside of the high volume courtrooms to remove plea discussions from the courtroom enhancing the decorum of court proceedings.

The modern courtrooms will be of a sufficient size so that criminal matters can be tried efficiently and justly. The criminal division of the Clerk's office, six district associate judges, four district judges and staff will move into the Criminal Courts Building. The fifth floor and one courtroom on the third floor will remain unfinished in anticipation of future growth. Construction of the Criminal Courts Building began in 2016 upon the completion of the Justice Center. The construction included moving the staging of inmates for court into the first floor of the courthouse until the new building is ready. The Criminal Courts Building will open in 2018.

Phase IV will be the renovation of the historic Polk County Courthouse commencing upon the completion of the Criminal Courts Building in 2018. The historic courthouse will be rehabilitated to accommodate the 21st century demands of probate, family law and civil litigation. The civil disputes of our citizens will no longer have to be resolved in antiquated courtrooms that are too small for their trials. Overcrowding will be relieved; the building will be brought up to code; and court security will be enhanced.

Construction of a plaza and grand entrance to the historic courthouse is scheduled for 2017. Construction will begin in 2018 on the south half of the courthouse and will be completed on the north half. The Courthouse will feature a jury assembly area large enough to accommodate the hundreds of jurors who attend our trials every week. The jury assembly area will be located on the south end of the first floor. The family courts have already been moved from the fourth floor near the atrium railing to the first floor where they will be safe and secure.

In the remodeled courthouse, victims of domestic violence will be able wait in secure waiting areas away from their alleged batterers.

The second and third floors will be remodeled with courtrooms large enough for civil trials equipped with modern courtroom technology. Lawyers will have appropriate conference rooms for confidential discussions with their clients instead of sharing privileged communications in crowded hallways. Citizens appearing in probate court will no longer try cases in a back office and instead will have a courtroom and proper facilities on the fourth floor for the settlement of their affairs. The civil division of the Clerk's office, court administration, thirteen district judges, one associate probate judge and support staff will remain in the courthouse. The stained glass ceiling above the fourth floor courtrooms will be revealed over an appropriate administrative conference room. There will be chamber space to accommodate our increasing number of senior judges. Several courtrooms set aside for future growth.

This phase of the project will involve a combination of renovation and restoration of the courthouse. The first two floors will be renovated to combine modern courtrooms with an appropriate sense of history. Elements of the original building will be combined with modern design to transition from traditional architecture to a 21st Century court. The third floor of the courthouse will be restored to the magnificence designed by Proudfoot and Bird. The four courtrooms will be returned to their original size and grandeur. The false ceilings will be removed and the original arched ceilings will be restored. The original murals will be uncovered and restored to the extent possible. Courtroom technology will be camouflaged in these historic courtrooms. But lawyers will have the modern tools they need for the effective presentation of evidence expected in modern trials.

When this project is finished in 2020, the Iowa District Court for Polk County will be housed in an integrated campus of three related court buildings thoughtfully designed to serve the public for generations to come. Each building will have an efficient floor plan including collegial judge's chambers and unassigned courtrooms to maximize use.

Wherever it is appropriate, the courts will re-purpose existing furniture and equipment. But most of our existing furniture is obsolete and not designed to fit in modern compact office spaces. Courtrooms of today require proper sound systems, evidence display systems and video conferencing equipment. Thanks to a \$6.7 Million appropriation passed by the legislature and signed by Governor Terry Branstad in 2016, the Justice Center, Criminal Courts Building and Courthouse will have proper furnishings and modern court technology.

D. Conclusion.

The flag and Great Seal of the State of Iowa will be proudly displayed in every courtroom in Polk County. Thanks to the people of Polk County and the taxpayers of the State of Iowa, the historic Polk County Courthouse, the Justice Center and the Criminal Courts Building will stand for the foreseeable future as the place in where "our liberties we prize and our rights we will maintain."