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About the Author:

This Guide was written by Joe McEniry, J.D., Creighton University, 1992. Mr. McEniry has been a Legal Counsel for the Legal Services Division of the Legislative Services Agency since 1998. He staffs the Judiciary Committee and the Joint Appropriations Subcommittee on the Justice System, and drafts legislation in the areas of judiciary, corrections, and judicial administration.

Mr. McEniry can be reached by telephone at (515) 281-3189 or by e-mail at: joseph.mceniry@legis.state.ia.us

Iowa Legislative Services Agency
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JUDICIAL OFFICER QUALIFICATIONS

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I. Introduction

The purpose of this Legislative Guide is to provide a general overview of the unified trial court system in the state of Iowa.¹ While the district court has jurisdiction over most court proceedings at the trial court level, courts with limited jurisdiction have been created to handle caseloads at the district court level and to provide an added level of expertise in juvenile and probate cases.² In addition to district court judges, the various types of district court judgeships include district associate judges, associate juvenile judges, associate probate judges, magistrates, and senior judges.

When a vacancy occurs in a judgeship, each type of judgeship has differing nominating procedures to fill the vacancy. All judges serve a term of office and each judge must be retained by a majority of the voters for the judge to remain in office.³ During a judicial election, the ballot simply lists the names of the judges who are up for retention on the ballot and the voter has the choice of either voting “yes” or “no” to retain any particular judge in office.⁴ If a majority of the voters do not choose to retain the judge, the judge does not remain in office after the expiration of the judge’s current term.⁵

This Legislative Guide focuses on the nomination and retention process for the various types of judgeships and the jurisdiction of each office. Iowa legal publication references in the Legislative Guide are to the 2013 Iowa Code and the Fifth Edition of the Iowa Court Rules as supplemented through September 2012.

II. Appointment, Retention, and Jurisdiction

A. Supreme Court Justice

1. Appointment

The Supreme Court of Iowa consists of seven justices.⁶ If a vacancy occurs on the Supreme Court, an individual interested in serving applies to the State Judicial Nominating Commission which makes nominations to the Governor for appointment.⁷ An applicant must be a resident of the state and a member of the state bar of Iowa.⁸ An applicant must also be of such age that the applicant will be able to serve an initial term and one regular term of office before reaching the age of 72.⁹ From the individuals who have applied for the vacancy, the State Judicial Nominating Commission has 60 days after receiving notice of a vacancy to certify three nominees to the Governor to fill the vacancy.¹⁰ The Governor then has 30 days after certification

¹ Iowa Code § 602.6101.

² See Iowa Code §§ 602.6202 (district judges); 602.6306 (district associate judges); 602.6405 (magistrates); 602.7103 (associate juvenile judges); and 633.20 (associate probate judges).

³ Iowa Code §§ 46.16 and 46.24; Iowa Const. art. V, § 17.

⁴ Iowa Code § 46.21.

⁵ Iowa Code §§ 46.16 and 46.24.

⁶ Iowa Code § 602.4101(1); Iowa Const. art. V, §§ 2 and 10.

⁷ Iowa Code § 46.15; Iowa Const. art. V, § 16.

⁸ Iowa Code § 46.14(1); Iowa Const. art. V, § 18.

⁹ Iowa Code § 46.14(1); Iowa Const. art. V, § 15.

¹⁰ Iowa Code §§ 46.14(1) and 46.15; Iowa Const. art. V, § 15.



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of the nominees to make the appointment.¹¹ If the Governor fails to make the appointment within 30 days, the Chief Justice of the Supreme Court makes the appointment from the list of nominees.¹²

2. Retention

The initial term of office for a Supreme Court justice is for one year after the time of appointment and until January 1 following the next judicial election.¹³ If a Supreme Court justice is retained after the initial term, the regular term of the justice expires every eight years thereafter.¹⁴

3. Jurisdiction

If a party to a district court case appeals, the appeal is made to the Supreme Court which has appellate jurisdiction over cases in equity and for corrections of errors at law, or the case may be transferred by the Supreme Court to the Court of Appeals.¹⁵ If the case is transferred to the Court of Appeals, any decision made by the Court of Appeals is final unless an application for further review is granted by the Supreme Court at which time the decision of the Court of Appeals is stayed pending the decision of the Supreme Court.¹⁶

4. Selection of the Chief Justice

The justices of the Supreme Court select the chief justice to serve during that justice's term of office.¹⁷ The chief justice may be reselected during the justice's next term of office.¹⁸ In the absence or inability of the chief justice to act, the chief justice may appoint another justice to serve as chief justice.¹⁹

B. Appeals Court Judge

1. Appointment

Nine judges serve on the Court of Appeals.²⁰ If a vacancy occurs on the Court of Appeals, an individual interested in serving applies for the vacant judgeship with the State Judicial Nominating Commission.²¹ An applicant must be a resident of the state and a member of the state bar of Iowa.²² An applicant must also be of such age that the applicant will be able to serve an initial term and one regular term of office before reaching the age of 72.²³ The State Judicial Nominating Commission has 60 days after receiving notice of the vacancy to certify three nominees to the Governor to fill

¹¹ Iowa Code § 46.15; Iowa Const. art. V, § 15.

¹² Iowa Code § 46.15; Iowa Const. art. V, § 15.

¹³ Iowa Code § 46.16(1)(a); Iowa Const. art. V, § 17.

¹⁴ Iowa Code § 46.16(1)(b); Iowa Const. art. V, § 17.

¹⁵ Iowa Code § 602.4102(1)-(3); Iowa Const. art. V, § 4.

¹⁶ Iowa Code §§ 602.4102(4)-(6) and 602.5106(2).

¹⁷ Iowa Code § 602.4103.

¹⁸ Iowa Code § 602.4103.

¹⁹ Iowa Code § 602.4103.

²⁰ Iowa Code § 602.5102(1).

²¹ Iowa Code § 46.15.

²² Iowa Code §§ 46.14(1) and 46.15.

²³ Iowa Code § 46.14(1).

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the vacancy on the Court of Appeals.²⁴ The Governor then has 30 days after certification of the nominees to appoint one of the three nominees to fill the vacancy on the Court of Appeals.²⁵ If the Governor fails to make the appointment within 30 days, the Chief Justice of the Supreme Court makes the appointment from the list of nominees.²⁶

2. Retention

The initial term of office for a judge on the Court of Appeals is one year from the time of appointment and until January 1 following the next judicial election.²⁷ If a Court of Appeals judge is retained after the initial term, the regular term of the Court of Appeals judge expires every six years thereafter.²⁸

3. Jurisdiction

The Court of Appeals also has jurisdiction over cases in equity and for corrections of errors at law, but any appeal must first be assigned to the Court by the Supreme Court.²⁹ The Court of Appeals has subject matter jurisdiction to review the following matters: civil actions and special civil proceedings, whether at law or in equity; criminal actions; postconviction proceedings; and a judgment of a district judge in a small claims action.³⁰ Unless the Supreme Court has issued an order transferring the case to the Court of Appeals, the Court of Appeals does not have jurisdiction over any matter on appeal.³¹ A decision of the Court of Appeals is final unless an application for further review is granted by the Supreme Court.³²

4. Selection of the Chief Judge of the Court of Appeals

The judges of the Court of Appeals in odd-numbered years, by a majority vote, designate one judge as the chief judge to serve a two-year term.³³ In the absence of the chief judge, the duties of the chief judge are exercised by the judge next in precedence.³⁴

C. District Judge

1. Appointment

Currently, there are 116 district judgeships in the state.³⁵ If a vacancy in a judgeship occurs in district court, an individual interested in serving applies for the vacant judgeship with the district judicial nominating commission.³⁶ An applicant must be a resident of the judicial election district where the vacancy occurs and be a

²⁴ Iowa Code §§ 46.14(1) and 46.14A.

²⁵ Iowa Code § 46.15.

²⁶ Iowa Code § 46.15.

²⁷ Iowa Code § 46.16(1).

²⁸ Iowa Code § 46.16(1).

²⁹ Iowa Code §§ 602.4102(2) and (3) and 602.5103(1) and (3).

³⁰ Iowa Code § 602.5103(2).

³¹ Iowa Code § 602.5103(3) and (4).

³² Iowa Code § 602.5106(2).

³³ Iowa Code § 602.5105(1) .

³⁴ Iowa Code § 602.5105(4).

³⁵ Iowa Code § 602.6201(10). See 1999 Iowa Acts ch 202, § 22.

³⁶ Iowa Code §§ 46.14 and 46.15(1); Iowa Const. art. V, § 16.



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member of the state bar of Iowa.³⁷ An applicant must also be of such age that the applicant will be able to serve an initial term and one regular term of office before reaching the age of 72.³⁸ From the individuals who have applied for the vacancy, the district judicial nominating commission certifies two nominees to the Governor to fill the vacancy on the district court within 60 days of receiving notice of the vacancy.³⁹ If the Governor fails to make the appointment within 30 days of certification, the Chief Justice of the Supreme Court makes the appointment from the list of nominees.⁴⁰

2. Retention

A district judge's initial term is for one year from the time of appointment and until January 1 following the next judicial election.⁴¹ If a district judge is retained after the initial term, the regular term of the district judge expires every six years thereafter.⁴²

3. Jurisdiction

A district judge has exclusive, general, and original jurisdiction of all actions, proceedings, and remedies in civil, criminal, probate, and juvenile cases, except in cases where exclusive or concurrent jurisdiction is conferred upon some other court, tribunal, or administrative body.⁴³

4. Selection of the Chief Judge of a Judicial District

By December 15 in each odd-numbered year, the Chief Justice of the Supreme Court appoints the chief judge of the judicial district, subject to the approval of the Supreme Court.⁴⁴ The chief judge shall serve for a two-year term and is eligible for reappointment.⁴⁵ The duties and powers of the chief judge include administrative supervision within the district over all personnel, fixing times and places for holding court, and designating presiding judges.⁴⁶

5. Apportionment

The distribution of district court judges is determined by a case-related workload formula taking into account administrative duties, travel time, and other judicial duties not related to a specific case, subject to the statutory maximum of 116 district judges.⁴⁷

³⁷ Iowa Code §§ 46.14 and 602.6201(1).

³⁸ Iowa Code § 46.14(1); Iowa Const. art. V, § 18.

³⁹ Iowa Code § 46.14; Iowa Const. art. V, § 15.

⁴⁰ Iowa Code § 46.15(2); Iowa Const. art. V, § 15.

⁴¹ Iowa Code § 46.16(1)(a); Iowa Const. art. V, § 17.

⁴² Iowa Code § 46.16(1)(b); Iowa Const. art. V, § 17.

⁴³ Iowa Code § 602.6101; Iowa Const. art. V, § 6.

⁴⁴ Iowa Code § 602.1210 and Iowa Court Rule 22.3.

⁴⁵ Iowa Code § 602.1210 and Iowa Court Rule 22.3.

⁴⁶ Iowa Court Rule 22.5.

⁴⁷ Iowa Code § 602.6201(3) and (10).



D. District Associate Judge

1. Appointment

Currently, there are 63 district associate judge positions in the state.⁴⁸ If a vacancy in a judgeship occurs at the district associate court level, an individual applies for the vacant judgeship with the county magistrate appointing commission.⁴⁹ An applicant must be a resident of the judicial election district in which the vacancy exists and licensed to practice law in Iowa.⁵⁰ An applicant must also be of such age that the applicant will be able to serve an initial term and one regular term of office before reaching the age of 72.⁵¹ From the individuals who have applied for the vacancy, the county magistrate appointing commission certifies three nominees to the chief judge of the judicial district.⁵² The district judges of the judicial election district where the vacancy occurs, by a majority vote, appoint the district associate judge.⁵³

2. Retention

A district associate judge's initial term is for one year from the time of appointment and until January 1 following the next judicial election.⁵⁴ If a district associate judge is retained after the initial term, the regular term of the district associate judge expires every six years thereafter.⁵⁵

3. Jurisdiction

District associate judges have the same jurisdiction as a magistrate, but also have jurisdiction in civil actions where the money in controversy does not exceed \$10,000, and jurisdiction over involuntary commitment, treatment, and hospitalization proceedings, indictable misdemeanors, class "D" felony violations, felony arraignments, temporary or emergency domestic abuse protection orders, probate matters which do not require notice and hearing, and juvenile matters when presiding in juvenile court.⁵⁶

4. Apportionment

The number of district associate judges is determined by the population of a county; a population of 35,000 is the minimum amount.⁵⁷

⁴⁸ Iowa Code §§ 602.6301, 602.6302, and 602.6307. Based upon a population formula in Iowa Code § 602.6301, there should be 37 district associate judges but 19 district associate judgeships were created in lieu of magistrate positions pursuant to Iowa Code § 602.6302. Telephone interview with Peggy Sullivan, Judicial Branch Director of Finance and Personnel (Sept. 26, 2012).

⁴⁹ Iowa Code § 602.6304(1) and (2).

⁵⁰ Iowa Code § 602.6305(2) and (3).

⁵¹ Iowa Code § 602.6305(2).

⁵² Iowa Code § 602.6304(2).

⁵³ Iowa Code § 602.6304(4).

⁵⁴ Iowa Code §§ 46.16(2) and 602.6305(1).

⁵⁵ Iowa Code §§ 46.16(2) and 602.6305(1).

⁵⁶ Iowa Code § 602.6306(1) and (2).

⁵⁷ Iowa Code § 602.6301.



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E. Associate Juvenile Judge

1. Appointment

Nine associate juvenile judge positions currently exist in the state.⁵⁸ If a vacancy in a judgeship occurs at the associate juvenile judge level, an individual interested in serving applies for the vacant judgeship with the county magistrate appointing commission.⁵⁹ An applicant must be a resident of the judicial election district in which the vacancy exists and licensed to practice law in Iowa.⁶⁰ An applicant must also be of such age that the applicant will be able to serve an initial term and one regular term of office before reaching the age of 72.⁶¹ From the individuals who have applied for the vacancy, the county magistrate appointing commission certifies three nominees to the chief judge of the judicial district.⁶² The district judges of the judicial election district where the vacancy occurs, by a majority vote, appoint the associate juvenile judge.⁶³

2. Retention

An associate juvenile judge's initial term is for one year from the time of appointment and until January 1 following the next judicial election.⁶⁴ If an associate juvenile judge is retained after the initial term, the regular term of the associate juvenile judge expires every six years thereafter.⁶⁵

3. Jurisdiction

An associate juvenile judge has jurisdiction to issue orders, findings, and decisions in juvenile court and to also issue warrants, nontestimonial identification orders, and contempt arrest warrants for adults in juvenile court.⁶⁶ However, the chief judge may limit the jurisdiction of an associate juvenile judge in juvenile court.⁶⁷

F. Associate Probate Judge

1. Appointment

One full-time associate probate judge position exists in Iowa.⁶⁸ If a vacancy occurs for a full-time associate probate judge position, an individual interested in serving applies for the vacant judgeship with the county magistrate appointing commission.⁶⁹ An applicant must be a resident of the county in which the vacancy exists and licensed to practice law in Iowa.⁷⁰ From the individuals who have applied for the vacancy, the county magistrate appointing commission certifies three nominees

⁵⁸ Telephone interview with Peggy Sullivan, Judicial Branch Director of Finance and Personnel (Sept. 26, 2012); see Iowa Code § 602.7101.

⁵⁹ Iowa Code § 602.7103B(1) and (2).

⁶⁰ Iowa Code § 602.7103C(2) and (3).

⁶¹ Iowa Code §§ 46.16(3) and 602.7103C(2).

⁶² Iowa Code § 602.7103B(3).

⁶³ Iowa Code § 602.7103B(4).

⁶⁴ Iowa Code § 46.16(3).

⁶⁵ Iowa Code § 46.16(3).

⁶⁶ Iowa Code § 602.7103(1).

⁶⁷ Iowa Code § 602.7103(1).

⁶⁸ Telephone interview with Peggy Sullivan, Judicial Branch Director of Finance and Personnel (Sept. 26, 2012). The only associate probate judge serves in Polk County, Iowa.

⁶⁹ Iowa Code § 633.20B(1) and (2).

⁷⁰ Iowa Code § 633.20C(2) and (3).

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to the chief judge of the judicial district.⁷¹ The district judges of the judicial election district where the vacancy occurs, by a majority vote, appoint the associate probate judge.⁷²

2. Retention

An associate probate judge's initial term is for one year from the time of appointment and until January 1 following the next judicial election.⁷³ If an associate probate judge is retained after the initial term, the regular term of the associate probate judge expires every six years thereafter.⁷⁴

3. Jurisdiction

An associate probate judge has jurisdiction to audit accounts of fiduciaries and to perform ministerial duties and judicial functions as the court prescribes.⁷⁵ An associate probate judge also has the same jurisdiction to conduct probate court proceedings, to issue no-contact or protective orders, injunctions, contempt orders for adults in probate court proceedings, and to issue orders, findings, and decisions as the judge of the probate court.⁷⁶ However, the chief judge may limit the exercise of probate court jurisdiction by the associate probate judge.⁷⁷

G. Magistrate

1. Appointment

Currently, there are 206 magistrate positions authorized and apportioned among the counties.⁷⁸ However, there are only 152 magistrates serving in Iowa because 20 district associate judge positions have been substituted for 54 magistrate positions.⁷⁹ If a vacancy occurs, an individual interested in serving applies for the vacant position with the county magistrate appointing commission.⁸⁰ A county allotted one magistrate may appoint an additional magistrate with each of the magistrates receiving one-half the regular salary of a full-time magistrate.⁸¹ A magistrate must be a resident of the county of appointment or a resident of a county contiguous to the county of appointment during the magistrate's term of office.⁸² A magistrate is required to be an attorney, however, a magistrate not admitted to practice law who is holding office on April 1, 2009, is eligible to be reappointed for a term commencing August 1, 2009, and subsequent successive terms.⁸³

⁷¹ Iowa Code § 633.20B(3).

⁷² Iowa Code § 633.20B(4).

⁷³ Iowa Code § 46.16(3).

⁷⁴ Iowa Code § 46.16(3).

⁷⁵ Iowa Code § 633.20(3).

⁷⁶ Iowa Code § 633.20D(1).

⁷⁷ Iowa Code § 633.20D(1).

⁷⁸ Iowa Code § 602.6401(1).

⁷⁹ Telephone interview with Peggy Sullivan, Judicial Branch Director of Finance and Personnel (Sept. 26, 2012); see Iowa Code § 602.6302.

⁸⁰ Iowa Code § 602.6403.

⁸¹ Iowa Code § 602.6402.

⁸² Iowa Code § 602.6404(1).

⁸³ Iowa Code § 602.6404(3).



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2. Retention

A magistrate's term expires every four years and the magistrate must reapply to the county magistrate appointing commission for appointment.⁸⁴

3. Jurisdiction

Magistrates have primary jurisdiction over simple misdemeanors regardless of the amount of the fine, traffic and ordinance violations, preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims.⁸⁵

4. Apportionment

All magistrate terms expire every four years, and by February of the year when the terms expire the State Court Administrator apportions magistrate positions among counties using the following criteria: the existence of either permanent, temporary, or seasonal populations not included in the census; the geographic area served; the existence of cases that are pending; and the number and types of juvenile proceedings handled by district associate judges.⁸⁶

H. Senior Judge

1. Appointment

A senior judge is a former Supreme Court justice, Court of Appeals judge, district judge, district associate judge, full-time associate juvenile judge, or full-time associate probate judge who files with the Clerk of the Supreme Court a written election within six months of the date of retirement.⁸⁷ Forty-seven senior judges currently serve in the state.⁸⁸ A senior judge is appointed at the discretion of the Supreme Court after the filing of the written election for a two-year term if the judge meets all of the following requirements: retires from office on or after July 1, 1977, meets the minimum requirements for retirement under Iowa Code section 602.9106, agrees to be available as a senior judge for an aggregate period of 13 weeks out of each 12-month period, submits evidence to the satisfaction of the Supreme Court that the senior judge does not suffer from a permanent physical or mental disability, and submits evidence to the satisfaction of the Supreme Court that the senior judge has not engaged in the practice of law since the date of retirement.⁸⁹

2. Retention

A senior judge may be appointed to additional two-year terms at the discretion of the Supreme Court.⁹⁰ Upon attaining 78 years of age, a senior judge may be reappointed to a one-year term and to a succeeding one-year term, at the discretion of the Supreme Court, and if the judicial officer meets the requirements of Iowa Code section 602.9203, subsection 2.⁹¹ A senior judge ceases to be a senior judge upon

⁸⁴ Iowa Code § 602.6403(1) and (4).

⁸⁵ Iowa Code § 602.6405(1).

⁸⁶ Iowa Code § 602.6401(2).

⁸⁷ Iowa Code § 602.9203(1).

⁸⁸ Telephone interview with Peggy Sullivan, Judicial Branch Director of Finance and Personnel (Sept. 26, 2012).

⁸⁹ Iowa Code § 602.9203(2).

⁹⁰ Iowa Code § 602.9203(5)(a).

⁹¹ Iowa Code § 602.9203(5)(b).



completion of the 12-month period during which the judge attains senior judge retirement age.⁹²

3. Jurisdiction

A senior judge may be assigned to any office by the Supreme Court and has the same authority as any other judge serving in that office.⁹³

III. Nominating Commissions

A. State Judicial Nominating Commission

The State Judicial Nominating Commission nominates persons for appointment by the Governor to the Supreme Court and the Court of Appeals.⁹⁴ The Governor appoints, subject to approval from the Senate, one member to the State Judicial Nominating Commission from each congressional district.⁹⁵ The residents of each congressional district who are members of the Iowa state bar elect one additional person from the congressional district to the State Judicial Nominating Commission.⁹⁶ The justice with the longest period of service on the Supreme Court serves as the chairperson of the commission.⁹⁷ Each member of the commission, other than the chairperson, serves a six-year staggered term, and no more than a simple majority of members appointed can be of the same gender.⁹⁸

B. Special Appointment or Election of State Judicial Nominating Commission Members on January 1, 2013

On December 31, 2012, the terms of all appointed and elected State Judicial Nominating Commission members expire.⁹⁹ Up until December 31, 2012, the State Judicial Nominating Commission consisted of seven appointed members, seven elected members, and the longest serving of the Supreme Court justice other than the chief justice.¹⁰⁰ Each appointed or elected member was appointed or elected from one of the seven congressional districts that were drawn in the 1960s.¹⁰¹ Because Iowa has not had seven congressional districts since 1972, the law was recently changed to require the appointed and elected members to be from the four newly drawn congressional districts that exist on January 1, 2013.¹⁰² Beginning on January 1, 2013, the State Judicial Nominating Commission membership will consist of two members from each of the four congressional districts appointed by the Governor, two members from each of the four

⁹² Iowa Code § 602.9207(1). Iowa Code section 602.9202(4) defines retirement age to mean 78 years of age or, if appointed to an additional term, 80 years of age.

⁹³ Iowa Code § 602.9206.

⁹⁴ Iowa Code § 46.15; Iowa Const. art. V, § 16.

⁹⁵ Iowa Code § 46.1; Iowa Const. art. V, § 16.

⁹⁶ Iowa Code § 46.2; Iowa Const. art. V, § 16.

⁹⁷ Iowa Code § 46.6; Iowa Const. art. V, § 16.

⁹⁸ Iowa Code §§ 46.1 and 46.2.

⁹⁹ Iowa Code § 46.2A(2).

¹⁰⁰ See Iowa Official Register (Redbook), Iowa General Assembly, Legislative Services Agency, Chapter 3, page 122 (2011-2012), available at https://www.legis.iowa.gov/Docs/Resources/Register/chapter_3_Judicial_Branch.pdf. See also Iowa Code §§ 46.1, 46.2, and 46.6, and Iowa Const. art. V, § 16.

¹⁰¹ 1963 Iowa Acts ch. 68.

¹⁰² Iowa Code § 46.2A. See also 1963 Iowa Acts ch. 68 (establishing seven congressional districts), 1971 Iowa Acts ch. 94 (establishing six congressional districts) and Iowa Code § 40.1 (establishing four congressional districts).



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congressional districts elected by the lawyers of the congressional district, and the longest serving Supreme Court justice other than the chief justice.¹⁰³ The initial term of each member that begins January 1, 2013, is a staggered term of either two, four, or six years to ensure that future appointments and elections to a regular six-year term on the commission do not occur in the same year.¹⁰⁴ After the initial term is served for those members appointed or elected to an initial term that begins on January 1, 2013, the next appointment or election shall be for a regular six-year term.¹⁰⁵

C. District Judicial Nominating Commission

Each district judicial nominating commission nominates persons for appointment by the Governor to the district court.¹⁰⁶ The Governor appoints five eligible electors of the judicial election district to each district judicial nominating commission.¹⁰⁷ Beginning with the appointments commencing February 1, 2012, there cannot be more than one appointed commissioner from a county within a judicial election district unless each county within the judicial election district has an appointed or elected commissioner or the number of appointed commissioners exceeds the number of counties within the judicial election district.¹⁰⁸ The residents of the judicial election district who are members of the Iowa State Bar elect an additional five eligible electors of the district to each district judicial nominating commission.¹⁰⁹ The district judge who is senior in length of service serves as the chairperson of the commission.¹¹⁰ Each member of the commission, other than the chairperson, serves a six-year staggered term, and no more than a simple majority of members appointed can be of the same gender.¹¹¹

D. County Magistrate Appointing Commission

Each county magistrate appointing commission nominates persons for appointment to the office of district associate judge, the office of associate juvenile judge, the office of associate probate judge, and the office of magistrate.¹¹² A magistrate appointing commission is established in each county.¹¹³ The commission is comprised of the following commissioners: a district judge designated by the chief judge of the judicial district, three persons appointed by the county board of supervisors, and two attorneys elected by the attorneys in the county.¹¹⁴ A lesser number of attorneys may be elected if an insufficient number of resident attorneys are qualified.¹¹⁵ In that case, a lesser number of

¹⁰³ Iowa Code § 46.2A(3), and Iowa Const. art. V, § 16 .

¹⁰⁴ Iowa Code § 46.2A (4) and Iowa Const. art. V, § 16.

¹⁰⁵ Iowa Code § 46.2A (7). See also Iowa Code § 46.1 (appointed members) and Iowa Code § 46.2 (elected members). Note Iowa Code §§ 46.1 and 46.2 each refer to “one eligible elector from each congressional district” but Iowa Code § 46.2A(4) requires two members to be appointed or elected from each congressional district. Corrective legislation to address this incongruity is pending.

¹⁰⁶ Iowa Code § 46.15; Iowa Const. art. V, § 16.

¹⁰⁷ Iowa Code § 46.3; Iowa Const. art. V, § 16.

¹⁰⁸ Iowa Code § 46.3(4).

¹⁰⁹ Iowa Code § 46.4; Iowa Const. art. V, § 16.

¹¹⁰ Iowa Code § 46.6; Iowa Const. art. V, § 16.

¹¹¹ Iowa Code §§ 46.3 and 46.4.

¹¹² Iowa Code §§ 602.6304(1) (district associate judge); 602.7103B(1) (associate juvenile judge); 633.20B(1) (associate probate judge); and 602.6403(1) (magistrate).

¹¹³ Iowa Code § 602.6501(1).

¹¹⁴ Iowa Code § 602.6501(1).

¹¹⁵ Iowa Code § 602.6504(1).

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commissioners are also appointed by the county board of supervisors.¹¹⁶ The county board of supervisors cannot appoint an attorney or an active law enforcement official to the commission.¹¹⁷ A member of the commission is also prohibited from voting for the appointment or nomination of family members or business partners.¹¹⁸ A county attorney cannot also serve as a commissioner.¹¹⁹ Each member of the commission serves a six-year term.¹²⁰ The district judge on the commission serves until a successor is appointed.¹²¹

IV. Special Appointments

A. Appointment of District Associate Judge in Lieu of Magistrates

The chief judge of a judicial district may, by order of substitution, designate that a district associate judge be appointed in lieu of three magistrates.¹²² A substitution cannot be made unless the following conditions are met: the counties involved in the substitution must have at least three magistrate positions, the substitution must not result in the lack of a resident district associate judge or magistrate in the relevant counties involved, the substitution is approved by the Supreme Court, and a majority of district judges in the relevant judicial election district find that the substitution will provide for a more timely and efficient performance of judicial business.¹²³ A substitution order cannot increase or decrease the number of magistrates authorized beyond the three-to-one reduction ratio.¹²⁴ If a majority of district judges determines the substitution is no longer necessary, then the substituted office is terminated.¹²⁵ However, the termination of the substituted office does not take effect until the district associate judge leaves office.¹²⁶

B. Appointment of District Associate Judge in Lieu of Associate Juvenile Judge

The chief judge of a judicial district may, by order of substitution, designate that a district associate judge be appointed in lieu of an associate juvenile judge.¹²⁷ A substitution cannot be made unless the following conditions are met: an existing juvenile court judgeship has become vacant or will become vacant within 120 days of an order for substitution, and the Supreme Court approves the substitution upon the determination that the substitution will provide a more timely and efficient performance of judicial business.¹²⁸ If the chief judge determines the substitution is no longer desirable, then the order is terminated after the district associate judge leaves office.¹²⁹

¹¹⁶ Iowa Code § 602.6503(1).

¹¹⁷ Iowa Code § 602.6503(2).

¹¹⁸ Iowa Code § 602.6502.

¹¹⁹ Iowa Code § 602.6504(2).

¹²⁰ Iowa Code §§ 602.6503(1) and 602.6504(1).

¹²¹ Iowa Code § 602.6501(1).

¹²² Iowa Code § 602.6302(1).

¹²³ Iowa Code § 602.6302(1).

¹²⁴ Iowa Code § 602.6302(4).

¹²⁵ Iowa Code § 602.6302(5).

¹²⁶ Iowa Code § 602.6302(5).

¹²⁷ Iowa Code § 602.6307(1).

¹²⁸ Iowa Code § 602.6307(1).

¹²⁹ Iowa Code § 602.6307(3).



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C. Appointment of Magistrates in Lieu of District Associate Judge

The chief judge of a judicial district may, by order of substitution, designate that three magistrates be appointed in lieu of a district associate judge.¹³⁰ A substitution cannot be made unless the following conditions are met: the substitution will not result in the judicial district receiving more magistrates than are authorized under the magistrate formula, the substitution is approved by the Supreme Court, and a majority of district judges in the relevant judicial election districts approve of the substitution.¹³¹ A substitution order cannot increase or decrease the number of district associate judges authorized beyond the three-to-one ratio.¹³² If a majority of district judges in the judicial election district determines that the substitution order is no longer desirable, then all three magistrate positions are terminated at the end of the magistrates' terms and the office of the district associate judge is reestablished.¹³³

D. Part-Time Associate Probate Judge

The chief judge of a judicial district may appoint a part-time associate probate judge and may remove the judge for cause.¹³⁴ A part-time associate probate judge must be an attorney admitted to practice law in Iowa and have relevant probate-related experience.¹³⁵

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¹³⁰ Iowa Code § 602.6303(1).

¹³¹ Iowa Code § 602.6303(1); see also Iowa Code § 602.6401 for magistrate formula criteria.

¹³² Iowa Code § 602.6303(4).

¹³³ Iowa Code § 602.6303(5).

¹³⁴ Iowa Code § 633.20A.

¹³⁵ Iowa Code § 633.20A.