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JUDICIAL OFFICER QUALIFICATIONS

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JUDICIAL OFFICER QUALIFICATIONS

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 standing 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 2020 Iowa Code and the Fifth Edition of the Iowa Court Rules as supplemented through August 2019.

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 of the nominees to make the appointment.¹¹ If the Governor fails to make the appointment within 30

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). Furthermore, in 2016, the Iowa Supreme Court adopted the Iowa Business Specialty Court with the goal of expediting complex commercial litigation. See www.iowacourts.gov/iowa-courts/district-court/iowa-business-specialty-court.

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, §18.

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

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



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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, by majority vote, designate one justice as chief justice to serve for a two-year term.¹⁷ Any vacancy in the Office of Chief Justice is to be filled for its remainder of the unexpired term by a majority vote of the justices.¹⁸ If the Chief Justice desires to be relieved of the duties of Chief Justice while retaining the status of justice of the Iowa Supreme Court, the Chief Justice must give notice to the Governor and the other justices of the Iowa Supreme Court.¹⁹ The Chief Justice may be reselected for additional two-year terms.²⁰ In the absence or inability of the Chief Justice to act, the Chief Justice may appoint another justice to serve as Chief Justice.²¹

B. Appeals Court Judge

1. Appointment

Nine judges serve on the Court of Appeals.²² 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.²³ An applicant must be a resident of the state and a member of the state bar of Iowa.²⁴ 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 72.²⁵ The State Judicial Nominating Commission has 60

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(1).
¹⁸ Iowa Code §602.4103(1).
¹⁹ Iowa Code §602.4103(2).
²⁰ Iowa Code §602.4103(3).
²¹ Iowa Code §602.4103(4).
²² Iowa Code §602.5102(1).
²³ Iowa Code §46.15.
²⁴ Iowa Code §46.14(1).
²⁵ Iowa Code §46.14(1).



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days after receiving notice of the vacancy to certify three nominees to the Governor to fill the vacancy on the Court of Appeals.²⁶ 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.²⁷ 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.²⁸

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.²⁹ 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.³⁰

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 of Appeals by the Supreme Court.³¹ 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.³² 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.³³ A decision of the Court of Appeals is final unless an application for further review is granted by the Supreme Court.³⁴

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.³⁵ In the absence of the chief judge, the duties of the chief judge are exercised by the judge next in precedence, which is based on length of time served, and, if necessary, age.³⁶

C. District Judge

1. Appointment

Iowa law sets a maximum of 116 district judgeships in the state.³⁷ 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.³⁸ An appointee, at the time of appointment, must be a resident of the judicial election district where the vacancy occurs and be a member of the state bar of Iowa.³⁹ An applicant must also

²⁶ Iowa Code §§46.14(1) and 46.14A.

²⁷ Iowa Code §46.15.

²⁸ Iowa Code §46.15.

²⁹ Iowa Code §46.16(1).

³⁰ Iowa Code §46.16(1).

³¹ Iowa Code §§602.4102(2) and (3) and 602.5103(1) and (3).

³² Iowa Code §602.5103(2).

³³ Iowa Code §602.5103(3) and (4).

³⁴ Iowa Code §602.5106(2).

³⁵ Iowa Code §602.5105(1).

³⁶ Iowa Code §602.5105(4).

³⁷ Iowa Code §602.6201(10). See 1999 Iowa Acts ch. 202, §22.

³⁸ Iowa Code §§46.14 and 46.15(1); Iowa Const. art. V, §16.

³⁹ Iowa Code §§46.14 and 602.6201(2).



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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 72.⁴⁰ 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.⁴¹ 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.⁴²

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.⁴³ If a district judge is retained after the initial term, the regular term of the district judge expires every six years thereafter.⁴⁴

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.⁴⁵

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.⁴⁶ The chief judge shall serve for a two-year term and is eligible for reappointment.⁴⁷ 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.⁴⁸

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.⁴⁹

D. District Associate Judge

1. Appointment

Currently, there are 63 district associate judge positions in the state.⁵⁰ 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.⁵¹ An appointee must, at the time of appointment, be a resident of the judicial election

⁴⁰ Iowa Code §46.14(1); Iowa Const. art. V, §18.

⁴¹ Iowa Code §46.14; Iowa Const. art. V, §15.

⁴² Iowa Code §46.15(2); Iowa Const. art. V, §15.

⁴³ Iowa Code §46.16(1)(a); Iowa Const. art. V, §17.

⁴⁴ Iowa Code §46.16(1)(b); Iowa Const. art. V, §17.

⁴⁵ Iowa Code §602.6101; Iowa Const. art. V, §6.

⁴⁶ Iowa Code §602.1210 and Iowa Court Rule 22.3.

⁴⁷ Iowa Code §602.1210 and Iowa Court Rule 22.3.

⁴⁸ Iowa Court Rule 22.5.

⁴⁹ Iowa Code §602.6201(3) and (10).

⁵⁰ Iowa Code §§602.6301, 602.6302, and 602.6307. Based upon a population formula in Iowa Code §602.6301, there should be 43 district associate judges but 31 district associate judgeships were created in lieu of magistrate positions pursuant to Iowa Code §602.6302. See www.iowacourts.gov/iowa-courts/district-court.

⁵¹ Iowa Code §602.6304(1) and (2).

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district in which the vacancy exists and licensed to practice law in Iowa.⁵² An appointee must also be of such age that the appointee will be able to serve an initial term and one regular term of office before reaching the age of 72.⁵³ 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.⁵⁴ The district judges of the judicial election district where the vacancy occurs, by a majority vote, appoint the district associate judge.⁵⁵

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.⁵⁶ If a district associate judge is retained after the initial term, the regular term of the district associate judge expires every six years thereafter.⁵⁷

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, juvenile matters when presiding in juvenile court, and elder abuse proceedings.⁵⁸

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.⁵⁹

E. Associate Juvenile Judge

1. Appointment

Five associate juvenile judge positions currently exist in the state.⁶⁰ 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.⁶¹ An appointee must be a resident of the county in which the vacancy exists and licensed to practice law in Iowa.⁶² 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 72.⁶³ 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.⁶⁴ The district judges of the judicial election

⁵² Iowa Code §602.6305(2) and (3).

⁵³ Iowa Code §602.6305(2).

⁵⁴ Iowa Code §602.6304(2).

⁵⁵ Iowa Code §602.6304(4).

⁵⁶ Iowa Code §§46.16(2) and 602.6305(1).

⁵⁷ Iowa Code §§46.16(2) and 602.6305(1).

⁵⁸ Iowa Code §602.6306(1) and (2).

⁵⁹ Iowa Code §602.6301.

⁶⁰ See www.iowacourts.gov/iowa-courts/district-court; see Iowa Code §602.7101.

⁶¹ Iowa Code §602.7103B(1) and (2).

⁶² Iowa Code §602.7103C(2) and (3).

⁶³ Iowa Code §§46.16(3) and 602.7103C(2).

⁶⁴ Iowa Code §602.7103B(3).



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district where the vacancy occurs, by a majority vote, appoint the associate juvenile judge.⁶⁵

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.⁶⁶ If an associate juvenile judge is retained after the initial term, the regular term of the associate juvenile judge expires every six years thereafter.⁶⁷

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.⁶⁸ However, the chief judge may limit the jurisdiction of an associate juvenile judge in juvenile court.⁶⁹

F. Associate Probate Judge

1. Appointment

One full-time associate probate judge position exists in Iowa.⁷⁰ 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.⁷¹ An appointee must be a resident of the county in which the vacancy exists and licensed to practice law in Iowa.⁷² 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.⁷³ The district judges of the judicial election district where the vacancy occurs, by a majority vote, appoint the associate probate judge.⁷⁴

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.⁷⁵ If an associate probate judge is retained after the initial term, the regular term of the associate probate judge expires every six years thereafter.⁷⁶

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.⁷⁷ An associate probate judge also has the same jurisdiction to conduct probate court proceedings, to issue no-contact or protective orders, injunctions, contempt orders

⁶⁵ Iowa Code §602.7103B(4).

⁶⁶ Iowa Code §46.16(3).

⁶⁷ Iowa Code §46.16(3).

⁶⁸ Iowa Code §602.7103(1).

⁶⁹ Iowa Code §602.7103(1).

⁷⁰ See www.iowacourts.gov/iowa-courts/district-court. The only associate probate judge serves in Polk County (Judge Craig E. Block, serving in District 5C).

⁷¹ Iowa Code §633.20B(1) and (2).

⁷² Iowa Code §633.20C(2) and (3).

⁷³ Iowa Code §633.20B(3).

⁷⁴ Iowa Code §633.20B(4).

⁷⁵ Iowa Code §46.16(3).

⁷⁶ Iowa Code §46.16(3).

⁷⁷ Iowa Code §633.20(3).

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for adults in probate court proceedings, and to issue orders, findings, and decisions as the judge of the probate court.⁷⁸ However, the chief judge may limit the exercise of probate court jurisdiction by the associate probate judge.⁷⁹

G. Magistrate

1. Appointment

Currently, there are 206 magistrate positions authorized and apportioned among the counties.⁸⁰ However, there are only 146 magistrates serving in Iowa because 31 district associate judge positions have been substituted for 60 magistrate positions.⁸¹ If a vacancy occurs, an individual interested in serving applies for the vacant position with the county magistrate appointing commission.⁸² 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.⁸³ 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.⁸⁴ A magistrate is required to be an attorney licensed to practice law in this state.⁸⁵

2. Retention

A magistrate's term expires every four years and the magistrate must reapply to the county magistrate appointing commission for appointment.⁸⁶

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.⁸⁷

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.⁸⁸

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

⁷⁸ Iowa Code §633.20D(1).

⁷⁹ Iowa Code §633.20D(1).

⁸⁰ Iowa Code §602.6401(1).

⁸¹ See www.iowacourts.gov/iowa-courts/district-court; see Iowa Code §602.6302.

⁸² Iowa Code § 602.6403.

⁸³ Iowa Code §602.6402.

⁸⁴ Iowa Code §602.6404(1).

⁸⁵ Iowa Code §602.6404(3).

⁸⁶ Iowa Code §602.6403(1) and (4).

⁸⁷ Iowa Code §602.6405(1).

⁸⁸ Iowa Code §602.6401(2).



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election within six months of the date of retirement.⁸⁹ Forty-eight senior judges currently serve in the state.⁹⁰ 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.⁹¹

2. Retention

A senior judge may be appointed to additional two-year terms at the discretion of the Supreme Court.⁹² 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 2.⁹³ A senior judge ceases to be a senior judge upon completion of the 12-month period during which the judge attains senior judge retirement age.⁹⁴

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.⁹⁵

III. Nominating Commissions

In 1962, the Constitution of the State of Iowa was amended to create a State Judicial Nominating Commission and district judicial nominating commissions for each judicial district of the state.⁹⁶ The State Judicial Nominating Commission makes nominations to fill vacancies in the Iowa Supreme Court and the Court of Appeals and the district judicial nominating commissions make nominations to fill vacancies in the district court within their respective districts.⁹⁷ Only 13 other states employ similar merit-based judicial selection commissions.⁹⁸

A. State Judicial Nominating Commission

The State Judicial Nominating Commission, which consists of nine members appointed by the Governor and eight members elected by members of the bar, nominates persons for appointment by the Governor to the Supreme Court and the Court of

⁸⁹ Iowa Code §602.9203(1).

⁹⁰ See www.iowacourts.gov/iowa-courts/district-court.

⁹¹ Iowa Code §602.9203(2).

⁹² Iowa Code §602.9203(5)(a).

⁹³ Iowa Code §602.9203(5)(b).

⁹⁴ 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 and a succeeding term, 80 years of age.

⁹⁵ Iowa Code §602.9206.

⁹⁶ Iowa Const. art. V, §16.

⁹⁷ Iowa Const. art. V, §16.

⁹⁸ Douglas Keith, Brennan Center for Justice, [Judicial Nominating Commissions](http://www.brennancenter.org/sites/default/files/publications/2019_05_29_JudicialNominationCommissions_Final.pdf), (2019), available at www.brennancenter.org/sites/default/files/publications/2019_05_29_JudicialNominationCommissions_Final.pdf (last visited on September 18, 2019) (citing Alaska, Arizona, Colorado, Florida, Indiana, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, Utah, and Wyoming in addition to Iowa).

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Appeals.⁹⁹ The Governor appoints, subject to approval from the Senate, nine eligible electors to the State Judicial Nominating Commission.¹⁰⁰ The Governor is to appoint at least one commissioner from each congressional district, but not more than two commissioners from a single congressional district unless each congressional district has at least two commissioners appointed by the Governor.¹⁰¹ The Governor's selection of commissioners must be gender balanced and chosen without reference to political affiliation.¹⁰² The residents of each congressional district who are members of the Iowa State Bar elect two eligible electors of a different gender, and without reference to political affiliation, to the State Judicial Nominating Commission.¹⁰³ The commissioners of the State Judicial Nominating Commission elect a chairperson from among themselves.¹⁰⁴ The chairperson serves for two years and may be reelected for a second and third term.¹⁰⁵ Each commissioner of the State Judicial Nominating Commission serves a six-year staggered term and, whether the commissioner was appointed or elected, is ineligible to be elected or appointed to a second six-year term.¹⁰⁶

B. Legislative Changes to the Appointment and Election of State Judicial Nominating Commission Members

Up until December 31, 2012, the State Judicial Nominating Commission consisted of seven appointed members, seven elected members, and the longest serving justice of the Supreme Court other than the Chief Justice.¹⁰⁷ Each appointed or elected member was appointed or elected from one of the seven congressional districts that were drawn in the 1960s.¹⁰⁸ Because Iowa has not had seven congressional districts since 1972, the law was changed to require the appointed and elected members to be from the four congressional districts that existed on January 1, 2013.¹⁰⁹

A subsequent legislative change effective May 8, 2019, now requires the Governor to appoint nine eligible electors, of which each congressional district has at least two appointed commissioners.¹¹⁰ The term of the ninth commissioner appointed by the Governor began on May 8, 2019, and expires on April 30, 2024.¹¹¹ Thereafter, a new commissioner shall be appointed by the Governor to a six-year term.¹¹² Moreover, after the 2019 legislative changes, the longest serving Supreme Court justice, other than the Chief Justice, is no longer the chairperson of the State Judicial Nominating Commission and is thereby no longer part of the commission's membership.¹¹³ The members of the

⁹⁹ Iowa Code §§46.1(1), 46.2(1), and 46.15; Iowa Const. art. V, §16.

¹⁰⁰ Iowa Code §46.1(1).

¹⁰¹ Iowa Code §46.1(5).

¹⁰² Iowa Code §46.1(3) and (4).

¹⁰³ Iowa Code §46.2(1).

¹⁰⁴ Iowa Code §46.6(1).

¹⁰⁵ Iowa Code §46.6(1).

¹⁰⁶ Iowa Code §§46.1(6) and 46.2(4).

¹⁰⁷ See Iowa Official Register (Redbook), Iowa General Assembly, Legislative Services Agency, Chapter 3, page 122 (2011-2012), available at www.legis.iowa.gov/Docs/Resources/Register/chapter_3_Judicial_Branch.pdf. See also Iowa Code (2012) §§46.1, 46.2, and 46.6, and Iowa Const. art. V, §16.

¹⁰⁸ 1963 Iowa Acts ch. 68.

¹⁰⁹ 2008 Acts, ch. 1049, §1. 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).

¹¹⁰ Iowa Code §46.1(1).

¹¹¹ Iowa Code §46.2A(1) (Dan Huitink from Pella, Iowa).

¹¹² Iowa Code §46.2A(2).

¹¹³ See Iowa Code §46.6.



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State Judicial Nominating Commission now elect a chairperson from their own members who serves a two-year term and may be reelected for a second and third term.¹¹⁴

C. District Judicial Nominating Commissions

Each district judicial nominating commission nominates persons for appointment by the Governor to the district court.¹¹⁵ The Governor appoints five eligible electors of the judicial election district to each district judicial nominating commission.¹¹⁶ 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.¹¹⁷ 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.¹¹⁸ The district judge who is senior in length of service serves as the chairperson of the commission.¹¹⁹ 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.¹²⁰

D. Elections of Judicial Nominating Commissioners

There are elected commissioners on the State Judicial Nominating Commission and the district judicial nominating commissions and such commissioners are elected by the resident members of the bar of each congressional district (for the State Judicial Nominating Commission) or of each judicial election district (for the district judicial nominating commissions).¹²¹ To be eligible to vote, a member of the bar must be eligible to practice and must be a resident of the state of Iowa and of the appropriate congressional district or judicial election district at the time the member votes in the election.¹²² The State Court Administrator administers the voting when an election of a judicial nominating commissioner is held.¹²³ The State Court Administrator may administer the voting by electronic notification and voting or by paper ballot mailed to each eligible attorney.¹²⁴ An eligible attorney has at least 21 days to vote from when the electronic notification or paper ballot is sent to vote.¹²⁵

For an eligible elector to have his or her name printed on the ballot for the state or a district judicial nominating commission, the elector must file, in the office of the State Court Administrator, at least 30 days prior to the expiration of the period within which the election must be held, a nominating petition signed by at least 10 eligible electors of the congressional district where the elector is a candidate for the State Judicial Nominating Commission or at least 10 eligible electors of the judicial district where the elector is a candidate for a district judicial nominating commission.¹²⁶

¹¹⁴ Iowa Code §46.6(1)

¹¹⁵ Iowa Code §46.15; Iowa Const. art. V, §16.

¹¹⁶ Iowa Code §46.3; Iowa Const. art. V, §16.

¹¹⁷ Iowa Code §46.3(4).

¹¹⁸ Iowa Code §46.4; Iowa Const. art. V, §16.

¹¹⁹ Iowa Code §46.6(2); Iowa Const. art. V, §16.

¹²⁰ Iowa Code §§46.3 and 46.4.

¹²¹ Iowa Code §46.2 and 46.4.

¹²² Iowa Code §46.7.

¹²³ Iowa Code §46.9(1).

¹²⁴ Iowa Code §46.9(1).

¹²⁵ Iowa Code §46.9(2).

¹²⁶ Iowa Code §46.10(1).

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Where the election is to elect a single commissioner, each eligible attorney may cast one vote and the elector receiving the most votes is elected to serve on the judicial nominating commission.¹²⁷ Where the election is to elect one male commissioner and one female commissioner, an eligible attorney may cast one vote for male commissioner and one vote for female commissioner, and the elector of each gender receiving the most votes shall be elected to serve on the judicial nominating commission.¹²⁸ The election results, including the number of votes cast for each elector and the total number of the members of the bar eligible to vote, are made publicly available on the judicial branch's website and are reported to the Governor and the General Assembly within 10 days after the election.¹²⁹

E. Vacancies

Where there is a vacancy in the office of an appointive judicial nominating commissioner, the chairperson of the relevant judicial nominating commission must promptly notify the Governor and the vacancy is filled by appointment by the Governor consistent with eligibility requirements.¹³⁰ When appointed in this manner, the term of the newly appointed state judicial nominating commissioner commences upon appointment pending confirmation by the Senate and the term of a newly appointed district judicial nominating commissioner commences upon appointment.¹³¹ Where there is a vacancy in the office of an elective judicial nominating commissioner, the vacancy is filled by a special election within the judicial election district or congressional district where the vacancy occurred unless the term has less than 90 days remaining, in which case the office remains vacant.¹³² Where there is a vacancy of the chairperson of the State Judicial Nominating Commission, the members of the commission elect a new chairperson.¹³³ If there is a vacancy of the chairperson of a district judicial nominating commission, the members of the particular district judicial nominating commission elect a temporary chairperson from their own number.¹³⁴

All judicial nominating members, including those elected by the bar, are subject to removal by the majority vote of the executive council for habitual or willful neglect of duty, any disability preventing a proper discharge of duties, gross partiality, oppression, extortion, corruption, willful misconduct or maladministration, conviction of a felony, failing to produce and fully account for any public funds or property, and becoming ineligible to hold the office.¹³⁵ Furthermore, an appointed commissioner is deemed to have submitted a resignation when such commissioner fails to attend a meeting of the commission that is properly noticed and at which the commission conducts interviews or selects nominees for judicial office, which resignation the Governor may accept or reject.¹³⁶

¹²⁷ Iowa Code §46.9(3).

¹²⁸ Iowa Code §46.9(4).

¹²⁹ Iowa Code §46.10(5).

¹³⁰ Iowa Code §46.5(1).

¹³¹ Iowa Code §46.5(1).

¹³² Iowa Code §46.5(3).

¹³³ Iowa Code §46.5(4).

¹³⁴ Iowa Code §46.5(4).

¹³⁵ Iowa Code §§46.5(6) and 66.26.

¹³⁶ Iowa Code §46.5(2).



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F. Application and Selection Process of Nominees

When a judicial vacancy occurs, the Governor must call a meeting of the proper judicial nominating commission.¹³⁷ Each judicial nominating commission is required to publish on the judicial branch website notice that the commission is accepting applications for judicial vacancies along with a copy of the application form at least two weeks before applications are required to be submitted to the commission.¹³⁸ Each commission must also publish copies of nonconfidential application materials submitted by applicants; the schedule of applicant interviews before the commission; and the list of nominees submitted by the commission to the Governor and the Chief Justice.¹³⁹ Commissioners of each judicial nominating commission are permitted to conduct individual interviews with applicants in advance of the commission's meetings to choose the nominees.¹⁴⁰

The proper judicial nominating commission must carefully consider the applicants and, within 60 days of receiving notice of a vacancy, certify to the Governor and the Chief Justice the proper number of nominees, in alphabetical order.¹⁴¹ The nominees submitted are to be chosen by the affirmative vote of a majority of the full statutory number of commissioners upon the basis of their qualifications and without regard to political affiliation.¹⁴² Nominees must be members of the bar of Iowa and residents of the state or district of the court to which they are nominated.¹⁴³

G. 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.¹⁴⁴ A magistrate appointing commission is established in each county.¹⁴⁵ 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.¹⁴⁶ A lesser number of attorneys may be elected if an insufficient number of resident attorneys are qualified.¹⁴⁷ In that case, a lesser number of commissioners are also appointed by the county board of supervisors.¹⁴⁸ The county board of supervisors cannot appoint an attorney or an active law enforcement official to the commission.¹⁴⁹ A member of the commission is also prohibited from voting for the appointment or nomination of family members or business partners.¹⁵⁰ A county attorney cannot also serve as a commissioner.¹⁵¹ Each member of the commission

¹³⁷Iowa Code §46.12.

¹³⁸Iowa Code §46.13(2)(a).

¹³⁹Iowa Code §46.13(2)(b) – (d).

¹⁴⁰Iowa Code §46.13(3).

¹⁴¹Iowa Code §46.14(1).

¹⁴²Iowa Code §46.14(1).

¹⁴³Iowa Code §46.14(1).

¹⁴⁴Iowa Code §§602.6304(1) (district associate judge); 602.7103B(1) (associate juvenile judge); 633.20B(1) (associate probate judge); and 602.6403(1) (magistrate).

¹⁴⁵Iowa Code §602.6501(1).

¹⁴⁶Iowa Code §602.6501(1).

¹⁴⁷Iowa Code §602.6504(1).

¹⁴⁸Iowa Code §602.6503(1).

¹⁴⁹Iowa Code §602.6503(2).

¹⁵⁰Iowa Code §602.6502.

¹⁵¹Iowa Code §602.6504(2).

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serves a six-year term.¹⁵² The district judge on the commission serves until a successor is appointed.¹⁵³

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.¹⁵⁴ 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.¹⁵⁵ A substitution order cannot increase or decrease the number of magistrates authorized beyond the three-to-one reduction ratio.¹⁵⁶ If a majority of district judges determines the substitution is no longer necessary, then the substituted office is terminated.¹⁵⁷ However, the termination of the substituted office does not take effect until the district associate judge leaves office.¹⁵⁸

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.¹⁵⁹ 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.¹⁶⁰ If the chief judge determines the substitution is no longer desirable, then the order is terminated after the district associate judge leaves office.¹⁶¹

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.¹⁶² 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.¹⁶³ A substitution order cannot increase or decrease the number of district associate judges authorized beyond the three-to-one ratio.¹⁶⁴ If a majority of district judges in the judicial election district

¹⁵² Iowa Code §§602.6503(1) and 602.6504(1).

¹⁵³ Iowa Code §602.6501(1).

¹⁵⁴ Iowa Code §602.6302(1).

¹⁵⁵ Iowa Code §602.6302(1).

¹⁵⁶ Iowa Code §602.6302(4).

¹⁵⁷ Iowa Code §602.6302(5).

¹⁵⁸ Iowa Code §602.6302(5).

¹⁵⁹ Iowa Code §602.6307(1).

¹⁶⁰ Iowa Code §602.6307(1).

¹⁶¹ Iowa Code §602.6307(3).

¹⁶² Iowa Code §602.6303(1).

¹⁶³ Iowa Code §602.6303(1); see also Iowa Code §602.6401 for magistrate formula criteria.

¹⁶⁴ Iowa Code §602.6303(4).



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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.¹⁶⁵

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.¹⁶⁶ A part-time associate probate judge must be an attorney admitted to practice law in Iowa and have relevant probate-related experience.¹⁶⁷

¹⁶⁵Iowa Code §602.6303(5).

¹⁶⁶Iowa Code §633.20A.

¹⁶⁷Iowa Code §633.20A.