



Iowa General Assembly

2009 Legal Updates

Legislative Services Agency – Legal Services Division

http://www.judicial.state.ia.us/Supreme_Court/Recent_Opinions/20090626/07-1262.pdf

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IOWA TORT CLAIMS ACT - JURISDICTION

Filed by the Iowa Supreme Court

June 26, 2009

Griffin vs. State

No. 07-1262

http://www.judicial.state.ia.us/Supreme_Court/Recent_Opinions/20090626/07-1262.pdf

Summary. A child was seriously injured in a swimming pool in Germany while participating in a summer program run by the University of Northern Iowa (Camp Adventure). The child later died from injuries and the child's mother filed a wrongful death lawsuit against the State of Iowa alleging the State was negligent in failing to manage and administer the program, failing to properly train and supervise program employees, and in failing to properly supervise her child.

Procedure. The district court granted the State's motion to dismiss the lawsuit for lack of jurisdiction based upon the State's argument that the Iowa Tort Claims Act, Iowa Code Chapter 669 (ITCA), which waives sovereign immunity from tort liability, is inapplicable to torts occurring outside of the United States. On appeal, the Iowa Supreme Court (Court) reversed the district court's judgment and remanded the case for further proceedings.

Issue. The issue in this case is whether the ITCA applies to acts or omissions occurring outside the United States.

Analysis. The ITCA waives sovereign immunity from tort liability, subject to certain exceptions contained in Iowa Code section 669.14. The State argues that all laws carry a presumption against extraterritoriality and since the ITCA does not contain express language placing claims arising in foreign countries specifically within the State's limited waiver of immunity, the ITCA does not apply to this case. The plaintiff argues that the language contained in the venue provision of Iowa Code section 669.4 ("where the act or omission occurred outside of Iowa") and the fact that the ITCA does not contain a specific foreign country exception similar to language contained in the Federal Tort Claims Act, the ITCA was intended to apply to acts or omissions occurring in foreign countries.

In determining legislative intent, the Court looked to the legislative history as well as the plain language of the ITCA. The Court noted that when the ITCA was enacted in 1965, the ITCA was "lifted" from the FTCA however, the ITCA does not, as noted by the plaintiff, contain a specific foreign country exception similar to that contained in the FTCA. If the Iowa legislature had intended to include such an exception, it could have done so. In addition, the Court noted that it is not necessary for a statute to contain express language indicating the applicability to foreign countries specifically if the statute clearly indicates it should apply "outside of Iowa." Although this provision relates to venue, it does indicate the legislature intended the ITCA to apply to torts committed by the State or its agents both inside and outside of Iowa. Interpreting "outside of Iowa" to mean "outside of Iowa but not outside the United States" is absurd as there is no reason to differentiate between a tort committed in Minnesota and a tort committed in Canada. In addition, the Court noted the Court has allowed nonresidents to sue Iowa residents in Iowa courts for torts committed in other countries.

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