

The Judicial Branch's Relationship to Executive and Legislative Branches

In Iowa government, power is distributed among three branches: legislative, executive and judicial.

Legislative Branch

creates laws that establish policies and programs

Executive Branch

carries out the policies and programs contained in the laws created by the legislative branch

Judicial Branch

resolves any conflicts arising from the interpretation or application of the laws

It is up to the judicial branch to interpret and apply the laws, to settle disputes in civil cases and determine guilt or innocence in criminal cases. Iowa's courts handle cases that involve a violation or application of the state's constitution or laws passed by the Iowa legislature. Iowa's court system includes two general types of courts: trial courts (called District Courts) and appellate courts (the Supreme Court and Court of Appeals).

The Missouri Nonpartisan Court Plan: Merit Selection and History

Iowa adopted the Missouri Nonpartisan Court Plan in 1962. Commonly known as the Missouri Plan, it has served as a national model for the selection of judges and has been adopted in more than 30 other states.

Merit Selection

The Missouri Nonpartisan Court Plan is a nonpartisan plan that provides for the selection of judges based on merit rather than on political affiliation. Under the Missouri Plan, a nonpartisan judicial commission reviews applications, interviews candidates and selects a judicial panel.

History of the Missouri Plan

In the 1930s, the role of politics in judicial selection and judicial decision-making increased substantially, and the public became increasingly dissatisfied with the shift. Judges found themselves plagued by outside influences and politics, and dockets were congested due to time the judges spent campaigning.

It wasn't until November 1940 when voters amended the Missouri constitution by adopting the "Nonpartisan Selection of Judges Court Plan," which was placed on the ballot by initiative petition.

THE IMPORTANCE OF FAIR & IMPARTIAL COURTS

Iowa's judicial system is one of the finest in the country. Iowa's merit selection and retention process keeps politics and campaign money out of our courts, safeguarding its fairness and impartiality. If politics and campaign money are allowed into the courts, justice will be for sale.

Role of the Courts: Iowa Court of Appeals and Iowa District Courts

Iowa Court of Appeals

As an intermediate appellate court, the Iowa Court of Appeals reviews appeals from trial court decisions that have been transferred to the court of appeals by the Supreme Court. A decision of the Iowa Court of Appeals is final unless reviewed by the Iowa Supreme Court on grant of further review. Some opinions of the Iowa Court of Appeals are published and become precedent for subsequent cases. The majority of appeals filed in Iowa are decided by the Court of Appeals.

The Iowa Court of Appeals does not preside over trials. The court of appeals proceedings do not involve witnesses, juries, new evidence, or court reporters. Instead, the court reviews the written record of the trial court to determine whether any significant legal errors occurred.

Iowa District Courts

Iowa District Courts are the state trial courts of general jurisdiction. Iowa has 8 District Courts that have original jurisdiction in civil cases with with any controversial amounts; felony criminal cases, domestic relations, family law, and cases involving minors (including adoption, dependency, juvenile delinquency, and probate cases).

Role of the Courts: Iowa Supreme Court

As an appellate court, the Iowa Supreme Court reviews decisions of trial courts in which appeals have been allowed. An appellate court does not preside over trials. Appellate court hearings do not involve witnesses, juries, new evidence, or court reporters. Instead, an appellate court reviews the written record of the trial court to determine whether any significant legal errors occurred.

The Iowa Supreme Court is the constitutional head of the Iowa Judicial Branch and holds regular sessions in Des Moines. Responsibilities include:

- The court is the “court of last resort” or the highest court in the Iowa state court system. Its opinions are binding on all other Iowa state courts.
- The Iowa Supreme Court has the sole power to admit persons to practice as attorneys in the courts of Iowa, to prescribe rules to supervise attorney conduct, and to discipline attorneys.
- The court is responsible for promulgating rules of procedure and practice used throughout the state courts.
- The Iowa Supreme Court has supervisory and administrative control over the judicial branch and over all judicial officers and court employees.

Iowa Supreme Court & Court of Appeals

1. APPLICANTS

As many as apply.



2. STATE NOMINATING COMMISSION

7 Governor appointments confirmed by Iowa Senate (6 year term)

7 Selected by lawyers (6 year term)

1 Senior justice Iowa Supreme Court

*Iowa is the only state that requires gender diversity



3. PANEL OF 3 BEST APPLICANTS



Applicants are evaluated based on their qualifications.

Top 3 are sent to the Governor.

4. GOVERNOR

Chooses 1 of 3 candidates selected by Commission.



5. NEWLY APPOINTED JUDGE

Takes office upon Governor's appointment.



6. JUDICIAL RETENTION ELECTIONS

Iowans have the final say in retention elections.



Iowa District Courts

1. APPLICANTS

As many as apply.

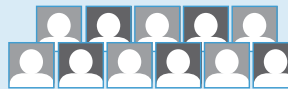


2. DISTRICT JUDICIAL NOMINATING COMMISSION

5 elected by lawyers (6 year term)

6 Governor appointments (6 year term)

1 Chair



3. PANEL OF 2 BEST APPLICANTS



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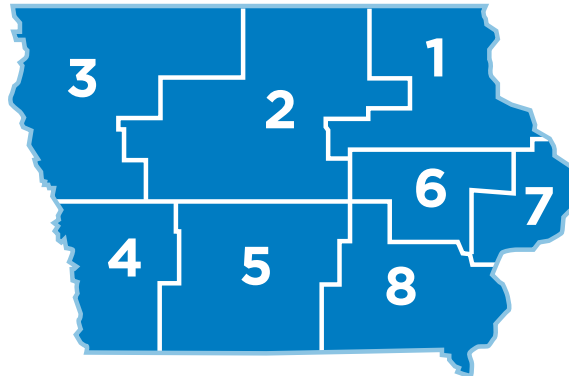
SUPREME COURT (7 Justices)



COURT OF APPEALS (9 Appellate Judges)



DISTRICT COURTS (8 Districts)



SUPREME COURT (7 Justices)**Chief Justice** Mark S. Cady**Justice** Edward M. Mansfield**Justice** Daryl L. Hecht**Justice** Brent R. Appel**Justice** Thomas D. Waterman**Justice** David S. Wiggins**Justice** Bruce B. Zagar**COURT OF APPEALS** (9 Appellate Judges)**Chief Judge** David Danilson**Judge** Gayle Nelson Vogel**Judge** Mary Tabor**Judge** Anuradha Vaitheswaran**Judge** Michael R. Mullins**Judge** Amanda Potterfield**Judge** Thomas N. Bower**Judge** Richard H. Doyle**Judge** Christopher McDonald**DISTRICT COURTS** (8 Districts)**1. Chief Judge** Kellyann M. Lekar**5. Chief Judge** Arthur E. Gamble**2. Chief Judge** Kurt L. Wilke**6. Chief Judge** Patrick R. Grady**3. Chief Judge** Duane E. Hoffmeyer**7. Chief Judge** Marlita A. Greve**4. Chief Judge** Jeffrey L. Larson**8. Chief Judge** Mary Ann Brown



**Justice
David S. Wiggins**
Appointed 2003
Term Expires 2020



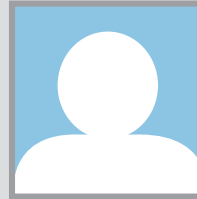
**Justice
Daryl L. Hecht**
Appointed 2005
Term Expires 2016



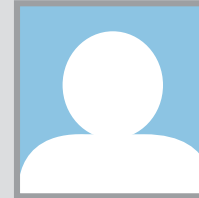
**Justice
Brent R. Appel**
Appointed 2005
Term Expires 2016



**Chief Justice
Mark S. Cady**
Appointed 1998
Became Chief
Justice January 2011
Term Expires 2016



**Justice Thomas
D. Waterman**
Appointed 2011
Term Expires 2020



**Justice Edward
M. Mansfield**
Appointed 2011
Term Expires 2020



**Justice
Bruce B. Zagar**
Appointed 2011
Term Expires 2020

AS THE CONSTITUTIONAL HEAD OF THE IOWA JUDICIAL BRANCH, THE SEVEN-MEMBER IOWA SUPREME COURT HAS MANY IMPORTANT RESPONSIBILITIES.

The court is the “court of last resort” or highest court in Iowa. Its opinions are binding on all other Iowa state courts.

The Iowa Supreme Court has the sole power to admit persons to practice as attorneys in the courts of Iowa, to prescribe rules to supervise attorney conduct, and to discipline attorneys.

The court is responsible for promulgating rules of procedure and practice used throughout the state courts.

The Iowa Supreme Court has supervisory and administrative control over the judicial branch and over all judicial officers and court employees.

TIMELINE: IOWA COURTS THROUGHOUT THE YEARS

1839

First Opinion of the Iowa Territorial Supreme Court

Charles Mason was the first Chief Justice of the Iowa Territorial Supreme Court from 1838 and the first Chief Justice of the State Supreme Court until he resigned in 1847. He wrote the first opinion of the Supreme Court in 1839 while Iowa was a territory.

1839

In the Matter of Ralph

The first decision of the Iowa Supreme Court declared Ralph Montgomery, a Missouri slave working in Iowa, a free man.

1857

The Iowa Constitution of 1857

Enduring today, the Iowa Constitution of 1857 vested judicial power in the supreme court, district courts and such lower courts as established by the general assembly.

1868

Clark v. The Board of Directors

The Iowa Supreme Court ruled that racially segregated “separate but equal” schools were to no longer exist in Iowa - 86 years before the U.S. Supreme Court reached the same decision.

1869

Arabella A. Mansfield

Iowan Arabella A. Mansfield became the nation’s first female lawyer when the Iowa Supreme Court ruled that women may not be denied the right to practice law in Iowa.

1873

Coger v. The North Western Union Packet Co.

The Iowa Supreme Court ruled against racial discrimination in public accommodations - 91 years before the U.S. Supreme Court reached the same decision.

1962

Merit Selection and Retention Elections Established

The people of Iowa approved a constitutional amendment establishing a merit selection system for the selection of all appellate and district court judges.

1986

First Female Justice Appointed

Justice Linda K. Neuman was the first woman appointed to the Iowa Supreme Court and served until her retirement in 2003.

2002

Iowa Judicial Branch Building

Construction was completed on the state of the art building which consolidated the five judicial services sites around Des Moines into one building on the Capitol Complex.

2006

First Female Chief Justice Selected

Chief Justice Marsha Ternus was the first woman to serve as chief justice in the Iowa Supreme Court when she was selected in 2006. She was appointed to the Iowa Supreme Court in 1993.

2009

Varnum v. Brien

A statutory same-sex marriage ban was struck down as unconstitutional by the Iowa Supreme Court, making it the 5th court to find that such bans violate equal protection in the constitution, four years before the U.S. Supreme Court reached a similar decision.

2011

Expanded Public Access

The Iowa Supreme Court and Court of Appeals began traveling to hear oral arguments in communities all across the state to give more Iowans the opportunity to view the work of the court.

Iowa District Courts

1. APPLICANTS

As many as apply.



2. DISTRICT JUDICIAL NOMINATING COMMISSION

5 Iowans appointed by Governor (staggered 6-year term)

5 Attorneys elected by local legal profession (staggered 6-year term)

1 Senior-most district judge serves as chairperson



3. PANEL OF 2 BEST APPLICANTS

Applicants are evaluated based on their qualifications.

Top 2 are sent to the Governor.



4. GOVERNOR

Chooses 1 of 2 candidates selected by Commission.



5. NEWLY APPOINTED JUDGE

Takes office upon Governor's appointment.



6. JUDICIAL RETENTION ELECTIONS

Iowans have the final say in retention elections.



Iowa Supreme Court & Court of Appeals

1. APPLICANTS

As many as apply.



2. STATE NOMINATING COMMISSION

8 Iowans appointed by Governor, confirmed by Iowa Senate (staggered 6-year term)

8 Attorneys elected by local legal profession (staggered 6-year term)

1 Senior-most state supreme court justice, other than chief, serves as chairperson



3. PANEL OF 3 BEST APPLICANTS

Applicants are evaluated based on their qualifications.

Top 3 are sent to the Governor.



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