Oral Arguments of the Iowa Supreme Court

Constitution Day
Iowa Judicial Branch Building
September 16-17, 2015

Iowa Supreme Court Oral Arguments
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Des Moines, Iowa
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Oral Arguments begin at 9:00 a.m. Wednesday, September 16, and at 9:00 a.m. and 1:00 p.m. Thursday, September 17. All oral arguments are streamed live online at:
https://www.youtube.com/channel/UCL6EU7W8kqDKnKPUzMdxr_g

Cases:
Wednesday, September 16, 9:00 a.m.
State of Iowa v. Zyriah Henry Floyd Schlitter

Thursday, September 17, 9:00 a.m.
State of Iowa v. Dale Dean Pettijohn

Thursday, September 17, 1:00 p.m.
In re Property Seized from Robert Pardee

On the cover of this brocure:
"Shattering Silence" is a monument located just west of the Iowa Judicial Building, overlooking downtown Des Moines. It recognizes an important historical event in Iowa's history: the first case of the Iowa Supreme Court, In the Matter of Ralph, decided on July 4, 1839. The sculpture's broader representation salutes the far reaching scope of early historic civil rights cases from the Iowa judiciary.

Des Moines artist James Ellwanger created the 30-foot sculpture, using Dubuque limestone and 16 shards of steel, resembling a broken mirror, emanating from an acrylic sphere in the center. A carved stone bench encircles the sculpture with an inscription describing the events leading to the hearing before the supreme court declaring Ralph a free man in Iowa.

What is an oral argument?

An oral argument is an oral presentation attorneys make to the court. Oral argument is an opportunity for attorneys to emphasize certain legal points and for the appellate court to ask questions about the case to help clarify the parties' arguments. Oral argument is not an opportunity to raise new facts or new legal arguments. Attorneys must limit their presentation to information in the trial court record and to the legal issues raised on appeal.

- The appellant (party who filed the appeal) speaks first.
- The appellee (opposing party) speaks after the appellant.
- The appellant follows with a brief rebuttal or reply argument.
- During oral argument, the supreme court justices may ask the attorneys questions.

Oral arguments are always open to the public. The Iowa Supreme Court holds its regular sessions in Des Moines. Schedules are posted on the Iowa Supreme Court website at http://www.iowacourts.gov/About_the_Courts/Supreme_Court/Oral_Argument_Schedule/

An attorney presents an oral argument to the Iowa Supreme Court in the Judicial Branch Building in Des Moines.

Iowa's appellate courts

There are two appellate courts in Iowa's judicial system—the Iowa Supreme Court and the Iowa Court of Appeals. All appeals are to the Iowa Supreme Court. The supreme court transfers cases to the court of appeals for disposition.

The Iowa Supreme Court has seven justices. Justices are appointed by the governor from a slate of three nominees selected by the state judicial nominating commission. The justices serve eight-year terms. The chief justice is elected by the members of the court.

The Iowa Court of Appeals has nine judges. Court of appeals judges are appointed by the governor from a slate of three nominees selected by the state judicial nominating commission. Court of appeals judges serve six-year terms.

Appellate procedure

An appeal is the transfer of a case from a trial court to a higher court, an appellate court, for review of the lower court decision or judgment to assure that substantial justice has been rendered.

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 during the trial. The trial court record includes the evidence admitted during the trial, transcripts of witness testimony, and rulings from the trial court.

Appellate procedure requires that parties provide the court with written arguments called briefs. Briefs describe the facts of the case and lay out the parties' legal arguments. The appellate court studies the briefs, examines the trial court record, and researches relevant law. As part of its review, the appellate court may hear oral argument from the attorneys for the parties.

Sometimes during oral arguments, a justice will check the case briefs or other materials like the Iowa Code. Because the Iowa court system is making the transition from paper to electronic documents, some of the justices store the case briefs and other legal materials on an electronic tablet that they carry with them to the bench.

The appellate court can: 1) Affirm, to uphold the decision or order of the lower court. 2) Reverse, to set aside the decision or order. 3) Remand, to send the case back to the lower court with instructions, including instructions to hold a new trial.

When does the court make its decision?

Following oral arguments, the court will discuss in private the legal questions raised in the case. Later, one justice, who has the task of writing the collective decision of the court, will begin researching and writing the court's opinion. At the same time, the other members of the court are also writing opinions for other cases. Opinion drafts circulate among the members of the court. The justices comment on the circulating opinion drafts and debate legal points with each other. This process continues until a majority of justices agree on a final version of an opinion. A justice who disagrees with the majority opinion may write a dissent that explains why the justice disagrees. A justice who agrees with the result, but not necessarily for the same reasons, may write a special concurrence.

Online appellate opinions and schedules

Both the Iowa Supreme Court and the Iowa Court of Appeals post opinions on the Iowa Judicial Branch website (www.iowacourts.gov). The day before an opinion filing date, each court issues a list of cases for which decisions are expected to be rendered. Check the "News" section of the website for the list of expected opinions. Also, you may subscribe to receive automatic email notification of newly posted opinions of the Iowa Supreme Court and the Iowa Court of Appeals. You can sign up for email notification at http://www.iowacourts.gov/common/email/

In addition, each appellate court posts its oral argument calendar, oral argument schedules, and opinion filing schedules on the Iowa Judicial Branch website.

Iowa Supreme Court Seating for Oral Arguments

Justice Mansfield

Justice Appel

Justice Wiggins

Chief Justice Cady

Justice Hecht

Justice Waterman

Justice Zager

For more information, visit the Iowa Judicial Branch website at http://www.iowacourts.gov.

The Iowa Supreme Court will hear attorneys argue three cases

State of Iowa v. Zyriah Henry Floyd Schlitter
Wednesday, September 16, 9:00 a.m.
The defendant appeals from his convictions for child endangerment resulting in death and involuntary manslaughter by public offense. He argues: (1) the district court erred in denying his motion to suppress because he was subjected to a custodial interrogation without being advised of his Miranda rights and his statements were involuntary, (2) he was denied the effective assistance of counsel when his trial counsel failed to move for a judgment of acquittal on lesser offenses, (3) his counsel was ineffective in failing to object to prosecutorial misconduct, and (4) his counsel was ineffective in failing to adequately investigate the case.

State of Iowa v. Dale Dean Pettijohn
Thursday, September 17, 9:00 a.m.
Defendant appeals from the district court judgment entered on his conviction for operating a motor boat while intoxicated. See Iowa Code § 462A.14 (2013). Defendant argues on appeal the court erred by overruling his motion to suppress evidence. Defendant contends the evidence was illegally obtained because: (1) the seizure of his vessel was not justified by the community caretaking exception to the warrant requirement and consequently violated the federal and state constitutional protections from unreasonable searches and seizures; (2) implied consent law in the context of boating while intoxicated violates the federal and state constitutional protections from unreasonable searches and seizures; and (3) the implied consent advisory misadvised defendant about the consequences of refusing the test, rendering his consent invalid.

In re Property Seized from Robert Pardee
Thursday, September 17, 1:00 p.m.
Applicant, Robert Pardee, seeks further review of a court of appeals decision affirming a district court order forfeiting currency found at the time of his arrest for possession of marijuana. The court of appeals affirmed the district court's finding that the funds were properly subject to forfeiture as proceeds from illegal activity under Iowa Code chapter

The Iowa Supreme Court is the head of the Iowa Judicial Branch and has many important duties

The Iowa Supreme Court is the highest court in the state court system. A decision of the supreme court sets binding legal precedent that lower courts must follow.

As the "court of last resort" in Iowa, all other state courts in Iowa must adhere to the supreme court's opinions.

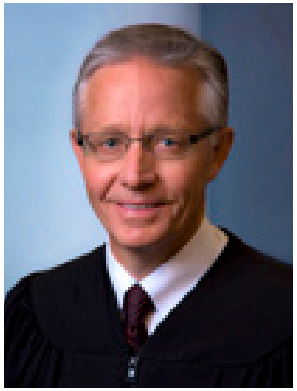
The supreme court regulates the practice of law in Iowa through its authority to admit persons to practice as attorneys in the courts of Iowa, to prescribe rules to supervise attorney conduct, and to discipline attorneys.

It is the responsibility of the supreme court to approve rules of procedure and practice used throughout the state courts in Iowa.

The supreme court has supervisory control over the judicial branch and over all judicial officers and court employees.

Members of the Iowa Supreme Court. Front row, left to right, Justice David Wiggins, Chief Justice Mark Cady, and Justice Daryl Hecht. Back row, left to right, Justice Edward Mansfield, Justice Brent Appel, Justice Thomas Waterman, and Justice Bruce Zager.

Mark S. Cady



Chief Justice Cady, Ft. Dodge, was appointed to the Iowa Supreme Court in 1998 and was named chief justice in 2011. Chief Justice Cady was born in Rapid City, South Dakota. He earned both his undergraduate and law degrees from Drake University. After graduating from law school in 1978, he served as a judicial law clerk for the Second Judicial District for one year. He was then appointed as an assistant Webster County attorney and practiced with a law firm in Fort Dodge.

Chief Justice Cady was appointed district associate judge in 1983 and district court judge in 1986. In 1994, he was appointed to the Iowa Court of Appeals. He was elected chief judge of the court of appeals in 1997.

Chief Justice Cady is a member of the Order of Coif (honorary), the American Bar Association, The Iowa State Bar Association, the Iowa Judges Association, and the Iowa Academy of Trial Lawyers (honorary). He is the Iowa chair of iCivics Inc., a nonprofit organization that promotes civics education. He also served on the Iowa Supreme Court Task Force on the Court's and Communities' Response to Domestic Abuse as chair, and the Drake Law School Board of Counselors. He has authored a book on lawyer and judicial ethics and several articles in legal journals.

Chief Justice Cady is an adjunct faculty member at Buena Vista University and serves on the President's Advisory Council. He received an honorary doctorate degree in Public Service from Buena Vista University in 2012. Chief Justice Cady received the Outstanding Alumnus Award from Drake University Law School in 2011 and received the Alumni Achievement Award from Drake University in 2012. He is married and has two children. His current term expires December 31, 2016.

David S. Wiggins

Justice Wiggins, West Des Moines, was appointed to the Iowa Supreme Court in 2003.

Justice Wiggins, born in Chicago, earned his bachelor's degree from the University of Illinois at Chicago in 1973. He graduated with honors and Order of the Coif from Drake University Law School in 1976. While in law school he served as associate editor of the law review. Justice Wiggins began his legal career as an associate in the West Des Moines law firm of Williams, Hart, Lavorato & Kirtley. He became a partner in the firm in 1979.

Prior to joining the court, Justice Wiggins was active in numerous bar organizations including serving on the Board of Governors of The Iowa State Bar Association, and serving as president of the Iowa Trial Lawyers Association, senior counsel for the American College of Barristers, master emeritus of the C. Edwin Moore American Inn of Court, a founding sponsor of the Civil Justice Foundation, and an advocate for the American Board of Trial Advocates. He served as chairperson of the Judicial Qualifications Commission from 2000 until he joined the supreme court. He received the Meritorious Achievement Award from the Iowa Trial Lawyers Association in 1999.

Justice Wiggins is married and has three children. His current term expires December 31, 2020.

Daryl L. Hecht

Justice Hecht, Sioux City, was appointed to the Iowa Supreme Court in 2006.

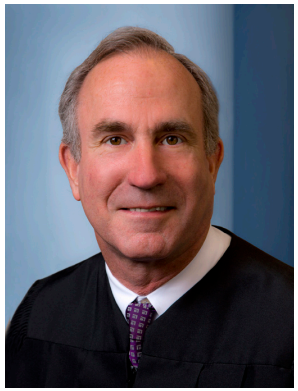
Raised near Lytton, Iowa, Justice Hecht received his bachelor's degree from Morningside College in 1974 and his J.D. degree from the University of South Dakota in 1977. He received his L.L.M. degree from the University of Virginia Law School in 2004.

Justice Hecht practiced law in Sioux City for twenty-two years before his appointment to the Iowa Court of Appeals in 1999.

Justice Hecht is a past president of the Iowa Association for Justice. He has served as a member of the Board of Directors of the Boys and Girls Home and Family Services, the Morningside College Alumni Association, the Woodbury County Magistrate Nominating Commission, and the Woodbury County Compensation Commission. Justice Hecht served as chair of the Iowa Supreme Court Civil Justice Reform Task Force. The task force final report was presented to the Iowa Supreme Court on January 30, 2012.

Justice Hecht is married and has two daughters. His current term expires December 31, 2016.

Brent R. Appel



Justice Appel, Ackworth, was appointed to the Iowa Supreme Court in 2006.

A Dubuque native, Justice Appel received his bachelor's and master's degrees from Stanford University, California, in 1973 and his J.D. degree from the University of California, Berkeley, in 1977.

Following graduation from law school, Justice Appel served as a law clerk for the United States Court of Appeals for the District of Columbia Circuit. In 1979, Justice Appel was appointed Iowa First Assistant Attorney General and in 1983 became Iowa Deputy Attorney General. While serving in the Iowa Attorney General's office, Justice Appel argued and briefed four cases before the United States Supreme Court, including the second "Christian burial" case, Nix v. Williams. From 1987 until 2006, Justice Appel was engaged in private practice in central Iowa.

Justice Appel serves as chair of the Children's Justice State Council and is a member of the C. Edwin Moore American Inn of Court. He has served on the supreme court's Bar Conduct Committee and was a member of the Subcommittee on Supreme Court Rules of Practice and Procedure.

Justice Appel is married and has five sons and a daughter. His current term expires December 31, 2016.

Thomas D. Waterman

Justice Waterman, Pleasant Valley, was appointed to the Iowa Supreme Court in 2011.

Justice Waterman, born in Davenport, Iowa, earned his bachelor of arts degree from Dartmouth College in 1981. He graduated Order of the Coif from the University of Iowa College of Law in 1984 and served as associate editor of the law review. He was in private practice at Lane & Waterman LLP in Davenport from 1984 until his appointment.

Before joining the court, Justice Waterman was active in numerous organizations including the Jury Instruction Committee of The Iowa State Bar Association, the American College of Trial Lawyers, and the Iowa Academy of Trial Lawyers. He was a member of the State Judicial Nominating Commission from 1999-2005, and was a co-editor of Defense Update, the quarterly publication of the Iowa Defense Counsel Association. An avid endurance sports enthusiast, he has completed seven Ironman triathlons and several ultra-marathons, including the Leadville, Colorado, 100 mile trail run and the Grand Canyon "Rim to Rim to Rim." His volunteer work included serving as Board Chair for the Scott County Family YMCA and Rivermont Collegiate.

Justice Waterman is married and has four daughters, including triplets. His current term expires December 31, 2020.

Edward M. Mansfield

Justice Mansfield, Des Moines, was appointed to the Iowa Supreme Court in 2011.

Justice Mansfield was born and raised in Massachusetts. He received his undergraduate degree from Harvard in 1978, and his law degree from Yale in 1982. After law school he clerked for the United States Court of Appeals for the Fifth Circuit.

Justice Mansfield worked as an attorney in private practice until his appointment to the Iowa Court of Appeals in 2009. Justice Mansfield also has been an adjunct professor of law at Drake University since 1997.

Justice Mansfield is a member of The Iowa State Bar Association, having served as chair of the Trade Regulation Section from 2004-2006. He is a member of the Polk County Bar Association and the Iowa Judges Association. Justice Mansfield also serves on the board of directors of Goodwill Industries of Central Iowa, and is a past chair of this organization.

Justice Mansfield is married and has three children. His current term expires December 31, 2020.

Bruce B. Zager

Justice Zager, Waterloo, was appointed to the Iowa Supreme Court in 2011.

Justice Zager was born and raised in Waterloo, Iowa. He earned his Bachelor of Business Administration degree from the University of Iowa in 1975, his Master of Science degree in Industrial Relations from Loyola University of Chicago in 1977, and his law degree from Drake University Law School in 1980.

Justice Zager was in private practice in Waterloo from 1981, and was a member of the Black Hawk County Attorney's Office from 1987, until his appointment to the Iowa District Court in 1999.

Justice Zager is a member of the Black Hawk County Bar Association, The Iowa State Bar Association, the American Bar Association, and the Iowa Judges Association. He serves on the Iowa Supreme Court Public Outreach Steering Committee, and chairs the Committee on Expanded Media Coverage.

Justice Zager is married and has three adult children. His current term expires December 31, 2020.

The Iowa Judicial Branch

The Iowa Judicial Branch has a vital constitutional mission: to administer justice according to law equally to all people.

Iowa's Community-Based Court System

Iowa courts are accessible to all, including your friends and neighbors, to provide fair and impartial solutions to everyday problems. The district court in your county courthouse is where parties bring their disputes, prosecutors file criminal charges, trials take place, attorneys offer evidence, witnesses testify, juries deliberate, and judges enter judgments. Iowa's district courts handle nearly one million cases a year.

Magistrates and Judges

Magistrates and judges serve the public by using their legal expertise and knowledge to apply laws impartially.

- Magistrates preside over simple misdemeanors, including traffic violations, county and municipal infractions, and small claims, and they issue search warrants, conduct preliminary hearings, and hear certain involuntary hospitalization matters.
- Associate juvenile judges hear juvenile court matters including juvenile delinquency, child in need of assistance, termination of parental rights, and adoptions.
- District associate judges have the jurisdiction of magistrates plus authority to hear serious and aggravated misdemeanor cases, certain civil suits, and juvenile cases when the judge is sitting as a juvenile judge.
- District judges have the authority to hear any type of case within the district court including felony criminal cases, dissolutions of marriage, personal injury cases, and business disputes.

Court Staff

To accomplish the judicial branch mission, judges, magistrates, and court employees work to provide a broad range of court-related services.

- Clerks of court manage and maintain all court records, collect and process fines, fees, and restitution, and transmit court information.
- Juvenile court officers work directly with troubled youths and their families to help at risk Iowa youth become good and productive citizens.
- Court administrators manage the business side of the courts, such as human resources, accounting, purchasing, and information technology.
- Court reporters keep the official record of hearings and court proceedings.
- Other employees work side-by-side with their colleagues every day to fulfill and serve the needs of all Iowans.