



GUIDE TO
IOWA'S COURT SYSTEM



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Introduction to Iowa's Courts

This guide describes in summary how court cases proceed from beginning to end. It also describes the structure and administration of Iowa's courts and how Iowans select their judges. At the end of this guide is a website directory for more information about Iowa's court system and court services.

Courts exist to impartially resolve disputes and interpret questions of law brought to the courts in the form of cases. Cases filed with the courts involve a broad scope of problems and issues, including contract disputes, family matters, criminal violations, landlord-tenant disputes, personal injury claims, property condemnation battles, employment matters and assertions of constitutional rights. As a general proposition, all cases begin, and nearly all cases end, in the trial court, also known as the district court. However, sometimes a party who disagrees with a district court decision will ask a higher court, known as an appellate court, to review the decision. This process is called an appeal. In Iowa, all appeals are filed with the supreme court. The supreme court retains certain cases to decide itself, and transfers other cases to the court of appeals for a decision. A litigant who is dissatisfied with a court of appeals decision may seek further review by the supreme court.

Iowa Trial and Appellate Court Structure Chart

Iowa Supreme Court

- May accept a case or transfer it to the Court of Appeals
- Decides cases that involve legal issues of first impression, substantial constitutional issues and issues of great public policy importance
- Its decisions become case law that lower courts must follow
- Court of Last Resort —its decisions are final for all cases except those involving a Federal issue that are heard by the U.S. Supreme Court
- 7 justices, hear cases "en banc" (all justices together)

Court of Appeals

- Decides only cases transferred to it by the Iowa Supreme Court
- Typically decides cases in which the legal issues are well-settled
- Court of Intermediate Appeal – 90% of all appeals are transferred to this court
- 9 judges sit in 3 panels of 3 judges
- A party may ask the supreme court to review a court of appeals decision, a process called further review

Both the Court of Appeals and Supreme Court can remand—send a case back to a lower court for a new trial or other action.

District Court

- Nearly all cases begin in the district (trial) court
- Three levels of judges within district court: district judges have general jurisdiction over all types of cases; associate judges (district associate, associate juvenile, associate probate) and magistrates have limited jurisdiction
- 1 district court in found in each of the 99 counties; districts are organized into eight judicial districts for administrative purposes
- After the court enters a decision, dissatisfied party may appeal the decision to a higher court; small claims decisions of magistrate and district associate judges are appealed to a district judge; appeals from other types of cases are to the Iowa Supreme Court

The District Court

A Snapshot of Iowa's District Court Case Load

The district court is where parties start their lawsuits, prosecutors file criminal charges, trials take place, lawyers offer evidence, witnesses testify, juries deliberate, and judges enter judgments. Iowa's district courts handle just over one million cases a year.

The two most common case types are simple misdemeanors and small claims. Simple misdemeanors, which are lesser criminal offenses such as traffic offenses and county and city ordinance violations, account for nearly 75% of all district court cases filed each year. However, because most people do not contest these violations and voluntarily pay the fines to the clerk of court, simple misdemeanors account for only about 10% of the work time of judges and magistrates throughout the state. Small claims cases, which are civil claims for damages that amount to \$5000 or less, account for more than 9% of all filings and about the same percentage of all judicial officers' work time.

Statewide, judicial officers spend more time on indictable criminal cases (serious offenses that include felony offenses) than any other case category. While these cases represent less than 10% of the total number of cases filed, they are extremely labor intensive. Judges and magistrates collectively spend about 25% of their time on indictable criminal cases.

Civil cases involving children and families also consume a large chunk of court time. Family law cases include dissolution of marriage, child support and custody, and civil actions for protection from domestic violence. These cases represent less than 5% of all district court filings, but they demand 15% of all judicial officers' time.

Juvenile cases require even more court resources. The juvenile caseload includes: delinquency, children in need of assistance, juvenile mental health or substance abuse commitments, and termination of parental rights. Together these cases comprise only about 1% of the total case filings, but because they are extremely time-consuming, they account for almost 20% of judicial work time throughout the state.

General civil litigation (not including family law cases) runs the gamut from contract disputes to foreclosures to torts claims (personal injury or property damage).

Approximately 14% of all judicial officers' time is devoted to civil cases. Tort cases, particularly, personal injury lawsuits, such as medical malpractice claims, garner a lot of media and public attention because of the perceived impact of tort litigation on the cost of products and services. However, tort cases make up a small fraction of the civil case load, which constitutes only 3% of all cases filed in the Iowa district courts.

Probate cases (estates, guardianships, conservatorships, and adult mental health or substance abuse commitments) account for just over 2% of all case filings, and 6% of judges' time throughout the state.



District Court Procedures: civil, criminal and juvenile

While the process in district court involves the assertion of claims and the presentation of evidence to support or refute claims, there are specialized procedures for criminal, civil and juvenile procedures.

Civil Procedure

Civil cases typically fall into three major categories: family law (e.g., divorce and child support and custody), tort law (e.g., personal injury, property damage, or product liability), and contract law (e.g., written and oral agreements). The procedures for each type of civil case are essentially the same with slight differences for family cases and small claims cases.

Pretrial Procedures

First Steps: Petition and Answer—A civil action is commenced by one party filing a petition in the district court clerk's office. In most cases, this party is referred to as the plaintiff. In domestic relation cases, the person filing the petition is the petitioner. In the petition, the plaintiff sets forth the parties involved, the plaintiff's legal claims, and the remedy sought by the plaintiff. The petition must be served on the opposing party. An opposing party, referred to as the defendant or in domestic relations cases, the respondent, has an opportunity to file an answer to the petition. An answer is a document denying or admitting liability.

Pretrial Motions and Discovery—After the initial petition, the parties may file pretrial motions. These motions may request the court to dismiss the entire lawsuit, dismiss a claim or party, or limit the evidence to be presented at trial. The parties may also engage in discovery—a process to obtain information from the opposing party. During discovery, a party may file interrogatories, which are written questions to be answered by the other party. A party may also take depositions, or ask oral questions, of a witness after the witness has taken an oath to tell the truth. Parties often reach a settlement or an agreement to resolve the lawsuit during this process.

Pretrial Conference—After the completion of the discovery process and the filing of any pretrial motions, the court will schedule a pretrial conference unless the parties have reached a settlement. During the pretrial

conference, a judge and the lawyers for the parties discuss a wide variety of trial topics and the judge will set a trial date.

Civil Trial

Certain civil actions, such as family law cases and probate cases, do not involve a jury. Other civil actions may be tried to either a judge (referred to as a bench trial) or a jury. Generally, the plaintiff must request a jury trial. If such a request is not made, the case will proceed to a bench trial, in which the judge, rather than a jury, acts as the fact finder and enters the verdict.

Jury Selection—If the plaintiff requests that a jury determine the outcome, the court will proceed with the jury selection process. A jury panel consisting of sixteen jurors will be drawn randomly from a jury pool. The judge and the parties then have the opportunity to ask the prospective jurors questions to screen for potential biases. This process is referred to as voir dir. From that panel, each party will strike or remove four jurors, leaving an eight-person jury.

Opening Statements—Each party has the opportunity to give an opening statement, which is an overview of the evidence that is expected to be presented. The opening statements are followed by the presentation of evidence.

Presentation of Evidence—Parties generally present evidence by calling witnesses and asking questions. Each party must abide by the Iowa Rules of Evidence in doing so. These rules govern what evidence is admissible at trial, and how it is presented. If a party believes the other party is not following the rules, that party may raise an objection: "I object!" The judge will either sustain (grant) or overrule (deny) the objection.

The plaintiff must present evidence first. The defendant has the opportunity to cross-examine—question the plaintiff's witnesses. After the plaintiff is done presenting evidence, the defendant may present evidence. However, the defendant is not required to present evidence because the plaintiff has the burden to prove his/her case. If the defendant does present evidence, the plaintiff has the right to cross-examine

each defense witnesses. After the completion of the defendant's case, the plaintiff may present further evidence to rebut the evidence presented by the defendant.

Closing Arguments—Once all parties are through presenting their evidence, they each have an opportunity to make closing arguments. Closing arguments are an opportunity to persuade the judge or jury to decide the case in favor of a party. Closing arguments must be based upon the evidence produced in trial.

Jury Deliberation—Prior to or after closing arguments, the court will give the jury instructions. Jury instructions describe the law and procedure that the jury must follow in making its decision. After the conclusion of the closing arguments, the jury will discuss the evidence in private. To reach a decision, seven of the eight jurors must agree. If the jury cannot agree, the court may declare a hung jury and the case may be tried again to another jury at a later date.

Other Civil Procedures: small claims and family law cases

Small claims procedures are a simplified version of basic civil procedures. Small claims cases never involve the use of a jury or opening or closing arguments. In a small claims case, strict adherence to rules of evidence is not required.

Family law cases such as dissolution of marriage cases never involve a jury or opening and closing arguments.

Criminal Procedure and Sentencing

Criminal cases involve charges filed by the government—typically the state—alleging that a person, the defendant, has violated a criminal law or ordinance. Typically, a person convicted of committing a criminal offense is subject to certain penalties such as paying a fine and restitution, serving time in prison or jail, or community service.

Criminal law is divided into two major classifications: misdemeanors and felonies. Misdemeanors are divided into three categories: simple, serious, and aggravated. Felonies are more serious crimes, and are classified from the most to the least serious as follows: class A, B, C, and D. For both misdemeanor and felony offenses, the penalty for conviction generally increases in severity with the level of offense.

Pretrial Procedures

Initial Appearance—Generally speaking, a person arrested for breaking a criminal law appears before a judge within twenty-four hours. The judge will inform the person of the charges and bail or conditions of release. For some minor offenses, the judge may allow the person to enter a plea of guilty or not guilty at the initial appearance.

Preliminary Hearing—After the initial appearance, the defendant is entitled to a preliminary hearing to determine if there is sufficient evidence to continue the case. Generally, the defendant will waive that right, and the prosecutor will file a trial information, which is a formal statement of the charges.

Indictment—On occasion, the county attorney will call a grand jury, a panel of seven citizens, to decide whether criminal charges should be brought. If at least five of the seven grand jurors find there is enough evidence to warrant a conviction by a trial jury, an indictment will be presented to the court. The indictment initiates a criminal proceeding.

Arraignment—Following the filing of a trial information or indictment, the defendant will appear for an arraignment. At the arraignment, the court will read the formal charges and the defendant must enter a plea, generally guilty or not guilty. If the defendant cannot afford to hire an attorney, the court will appoint an attorney to represent the defendant.

If the defendant enters a not guilty plea, there must be a trial within 90 days from the date of the filing of the trial



information or indictment. However, the defendant may waive the right to a speedy trial. The defendant may also waive the right to a jury trial, and instead have the judge decide the case.

Discovery—The defendant may engage in discovery, including requesting evidence from the state and taking depositions of witnesses. The defendant may also file various pre-trial motions, including motions to exclude evidence believed to be illegally obtained.

Plea Bargain—The defendant and the state may engage in plea bargaining—discussions to resolve the charges without going to trial. If the defendant and the state do not reach an agreement, the court may schedule a pre-trial conference and thereafter a trial date.

Criminal Trial

Jury Selection—If the case proceeds to a jury trial, the parties will have the opportunity to question the prospective jurors—a process called *voir dire* that is used to screen jurors. In a criminal case, the jury is comprised of twelve jurors and each party may exercise strikes, which means objecting to a certain person serving on the jury. The number of strikes is determined by the level of the offense charged, ranging from four to ten. Additionally, the court may determine that alternate jurors are necessary.

Opening Statements—Following jury selection, the state will read the trial information or indictment and the defendant's plea. Next, the state may then give an opening statement which summarizes the evidence and the charges the state will prove. The defendant may give an opening statement immediately following the state's opening statement or wait to give an opening statement after the prosecution has finished its case.

Presentation of Evidence—After opening statements, the parties present evidence through the questioning of witnesses and introduction of evidence such as objects, documents, photos, and other items that support allegations. Each party must abide by the Iowa Rules of Evidence in doing so. These rules govern what evidence is admissible at trial and how it is presented. If a party believes the other party is not following the rules, that party may raise an objection: "I object!" The judge will then either sustain (grant) or overrule (deny)

the objection. During a bench trial, the judge may reserve ruling on the objection.

The state will present its evidence first. The defendant is not required to present any evidence because the state bears the burden of proving the defendant is guilty beyond a reasonable doubt. If the defendant presents evidence, the state has the opportunity to present rebuttal evidence. Also, both sides have the right to cross-examine each other's witnesses.

Closing Arguments—Once the parties are through presenting their evidence, they each have an opportunity to make closing arguments to the jury. Closing arguments are an opportunity to persuade the judge or jury to decide the case in favor of a party. Closing arguments must be based upon the evidence produced in trial.

The Verdict—Unlike a civil jury trial, the jury in a criminal case must return a unanimous verdict—either guilty or not guilty. The jury may also find the defendant guilty of a lesser charge, if that lesser charge was submitted to the jury in the jury instructions. If the jury cannot reach a unanimous verdict, the court will declare a mistrial and the case may be tried again to another jury at a later date if the prosecutor so chooses.

Sentencing

After the return of a guilty verdict, the jury's duty is complete. The jury is not involved in determining the defendant's punishment; sentencing is left solely to the judge. The court will schedule a sentencing hearing, and both sides will have the opportunity to make sentencing recommendations.

Pre-sentence Investigation—Before any defendant is sentenced (except in traffic and less serious criminal matters) the judge is given a pre-sentence investigation report prepared by a probation officer. This report contains information such as the defendant's criminal record and family and financial circumstances, harm to any victims, and sentencing recommendations from the probation officer and others.

Victim Impact Statement—Victims may make a written victim impact statement and read their statement in court.

Sentencing Laws—The legislature decides the types of punishments that apply to each type of crime. In determining the sentence of a particular defendant, the court considers which sentence or combination of sentences as authorized by the legislature, in the discretion of the court, will provide for the maximum opportunity for rehabilitation of the defendant and the protection of the community from further offenses by the defendant.

After careful consideration, the court will impose a sentence that may include a fine, jail or prison term, probation, community service, and victim restitution. The amount of a fine or the term of imprisonment entered against a defendant must be within the parameters set by the legislature. Judges do not have the legal authority to impose sentences outside these statutory parameters.

Incarceration—A defendant who is sentenced to a term of imprisonment greater than one year is turned over to the custody of the Iowa Department of Corrections, an executive branch agency. The department decides in which prison facility the defendant will serve the sentence. However, a defendant who receives a sentence of less than one year typically serves that time in a county jail.

Parole—Defendants who are sent to a state correctional facility may be released prior to the expiration of their sentence. This early release is known as parole. Parole is granted by the parole board, which is an executive branch body composed of citizens appointed by the governor and confirmed by the Iowa Senate. Certain conditions are attached to parole. If a defendant violates these conditions, parole may be revoked and the defendant may be returned to the correctional facility.

Probation—Probation is another sentencing option. Probation comes with court ordered conditions attached. A defendant must comply with these conditions to successfully complete probation. A defendant who violates a probation order may be sent to a correctional facility or a county jail. A defendant who is on probation is placed under the supervision of a community-based correctional program that monitors the defendant's compliance. In Iowa, community-based

correctional programs are public agencies that are supervised by appointed boards of directors.

Deferred Judgment—In some cases, the court may grant the defendant a deferred judgment. If the defendant successfully completes certain conditions during a fixed period of probation, the crime will be removed from the public court record.



Juvenile Court Procedure

The juvenile court is a specialized court within the district court that presides over four kinds of cases related to children:

- Child in Need of Assistance (CINA) cases most typically involve abused, abandoned, or neglected children, and sometimes lead to termination of parental rights.
- Delinquency cases involve acts that would be considered criminal acts if committed by an adult.
- Commitment proceedings involve the placement of a child in a hospital or other treatment facility for mental illness or a substance abuse problem.
- Adoption.

Juvenile court cases involve a series of court hearings that differ somewhat depending on the type of case.

Child in Need of Assistance (CINA)

Removal—At the state's request and with sufficient proof, a juvenile judge may remove a child from his or her home without a hearing if the child is in imminent danger. If a child is removed without a hearing, a hearing must be held within 10 days after the removal. Additionally, Iowa law provides that if only one parent or adult in the home poses a risk to a child, the court can enter an order removing the parent/adult from the home rather than removing the child.

Adjudication—A CINA case begins when the state files a petition that alleges a child is in need of assistance for certain reasons, such as the parent is not providing adequate care or cannot provide the child with adequate care, treatment for an illness or drug addiction, or reasonable supervision, or the child has been abandoned, neglected or abused by a parent or guardian. At the adjudication hearing, the state will offer evidence and call witnesses to support its claim. Typically, the parents deny and contest the allegations, and offer evidence to refute the state's claim. On occasion, parents agree that their child is in need of assistance so the state can provide treatment and other services that the parents are unable to provide.

Disposition—After the adjudication hearing (and the removal hearing if applicable), the judge holds a disposition hearing. At disposition, the judge determines what services should be provided to the parents to help them overcome whatever problems led to the need for adjudication, what services should be provided to the child, and whether the child should be placed out-of-home.

Review—The court must hold a review hearing every six months after a child has been removed from the home. At a review hearing, the judge will review the parent's efforts to comply with court-ordered treatment and services, the condition of the child, and the placement of the child if the child was removed from her parents.

Termination of Parental Rights—Under certain circumstances, a juvenile judge may enter an order terminating a parent's parental rights. This order permanently ends the parent's legal relationship to the child, and frees the child for adoption. The most common ground for termination of parental rights is that the child has been placed in foster care for an extended period of time and the parent, despite the provision of services and treatment, is unable to safely care for the child. The state may seek to expedite termination of parental rights under certain circumstances, such as when a parent has abandoned a child, when a parent has severely abused a child, and when the parent is serving a long prison sentence.

Delinquency Proceedings

In general terms, a delinquent act is an act by a child that would constitute a crime if committed by an adult.

Intake—In most situations involving delinquent behavior, the first step is "intake." This is the preliminary screening of a complaint by a juvenile court officer and the child's parents. The purpose of intake is to determine whether the court should take action in the case. From intake the case may proceed in two directions, either to informal adjustment or to the filing of a formal delinquency petition. If a child has been apprehended or detained by law enforcement, the matter may go straight to the filing of a petition without the intake procedure. The petition is generally filed by the county attorney.

Informal Adjustment—If a matter proceeds by informal adjustment, the child, the child's parents and juvenile court services sign an informal adjustment agreement that requires that the child admit the charges and agree to certain conditions. If a child obeys the conditions of the informal adjustment agreement, the child is released from the oversight of the juvenile court.

Formal Proceedings—The filing of a petition by the county attorney on behalf of the state triggers formal court proceedings. The petition contains allegations of the child's delinquent acts. Most petitions proceed

to adjudicatory hearings. An adjudicatory hearing is a court hearing to determine if the allegations in the petition are supported by evidence. The child has the right to be represented by counsel. If the child cannot afford counsel, counsel will be provided at state expense. Both sides present evidence. If the child is found not to have committed the alleged delinquent acts, the petition is dismissed and the child is no longer under the jurisdiction of the court. If the child is found to have committed the acts, the child is adjudicated a delinquent. A disposition hearing follows a determination of delinquency. At the disposition hearing the court determines the appropriate consequences or treatment for the child.

Waiver—In cases involving violent criminal behavior by older adolescents there may be a waiver hearing to decide if a child should be tried as an adult. A juvenile judge may “waive” a child to adult court if the child is over 14 years of age and there are no reasonable prospects to rehabilitate the child in juvenile court. If a child is sixteen or over and commits a “forcible felony,” that child is automatically waived to adult court. Once waived to adult court, the child is no longer under the jurisdiction of the juvenile court and is subject to the same criminal procedures and penalties as adults.

Disposition—The court has two disposition options: probation or placement. If the court orders formal probation, the child must comply with certain conditions. If a child successfully completes the probation, the child is released from the jurisdiction of the court. If a child does not comply with probation, the child will be subject to further disposition by the court. In addition, the court may place the child in foster care, residential treatment or a state institution.

District Court: judges, court staff and court structure

Judges

The Iowa district court is composed of different kinds of judicial officers—judicial magistrates, associate juvenile judges, associate probate judges, district associate judges, and district court judges—with varying jurisdiction or authority.

Judicial magistrates serve primarily within the county of residence. They may hear cases in other counties if assigned by the chief judge of the magistrate’s district. Magistrates serve four-year terms and are appointed by county magistrate appointing commissions. Although magistrates are not required by law to be attorneys, most magistrates are attorneys. Magistrates have jurisdiction over simple misdemeanors, including scheduled violations, county and municipal infractions, and small claims. Magistrates have authority to issue search warrants, conduct preliminary hearings, and hear certain involuntary hospitalization matters.

Associate juvenile judges preside over juvenile cases and adoptions only. They have authority to issue orders, findings, and decisions in juvenile cases, including cases that involve juvenile delinquency, child in need of assistance, and termination of parental rights. Associate juvenile judges serve six-year terms. They are appointed by the district judges of the judicial district from a slate of nominees screened and selected by the county magistrate appointing commission.

District associate judges have the jurisdiction of judicial magistrates plus authority to hear serious and aggravated misdemeanor cases, civil suits in which the amount in controversy is \$10,000 or less, and juvenile cases when the judge is sitting as a juvenile judge. District associate judges are appointed by the district judges of the judicial district from a slate of nominees screened and selected by the county magistrate appointing commission. Their term is six years.

District judges have the authority to hear any type of case within the district court. District court judges typically hear a variety of cases including probate, felony criminal cases, dissolution of marriage, adoptions, disputes involving actions of state

administrative agencies, juvenile cases and other matters. Many district judges travel extensively to make sure all of Iowa's counties have a regular schedule of judicial service. District judges are appointed by the governor from a slate of nominees chosen by the judicial election district nominating commission. Their term of office is six years.

District Court Support Personnel

A *clerk of district court* manages and maintains all court records filed in the county. Clerks of court have hundreds of administrative duties, some of which include:

- Accepting and processing fines, fees and court costs owed to the state, child support checks, and civil judgments owed to litigants
- Disposing of uncontested scheduled violations
- Notifying state and local government agencies, including law enforcement agencies, of court orders

Court attendants have a variety of duties, such as overseeing the activities of jurors, facilitating courtroom proceedings, and helping judges with reception duties and clerical work.

Court reporters serve an important court function. Court reporters record everything that is said in the courtroom. Their notes and transcripts, which are a verbatim account of the court proceedings, are part of the official court record.

Juvenile court officers (JCOs) work directly with troubled young people. Juvenile court officers and their staff serve an intake function for delinquency cases. They arrange for treatment and services for juveniles with problems. They work closely with the families of troubled children. JCOs arrange for a young person to pay victim restitution or perform community service. They work closely with schools and law enforcement officials. They monitor a juvenile's progress. Juvenile court officers also administer "informal adjustment programs" for youths who are not formally charged with delinquency, but who still require some form of supervision to ensure accountability.



Iowa's Judicial Districts

For administrative and case scheduling purposes, the Iowa District Court is divided into 8 judicial districts.

District One: Allamakee, Black Hawk, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Grundy, Howard, Winneshiek

District Two: Boone, Bremer, Butler, Calhoun, Carroll, Cerro Gordo, Floyd, Franklin, Greene, Hamilton, Hancock, Hardin, Humboldt, Marshall, Mitchell, Pocahontas, Sac, Story, Webster, Winnebago, Worth, Wright

District Three: Buena Vista, Cherokee, Clay, Crawford, Dickinson, Emmet, Ida, Lyon, Kossuth, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Sioux, Woodbury

District Four: Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby

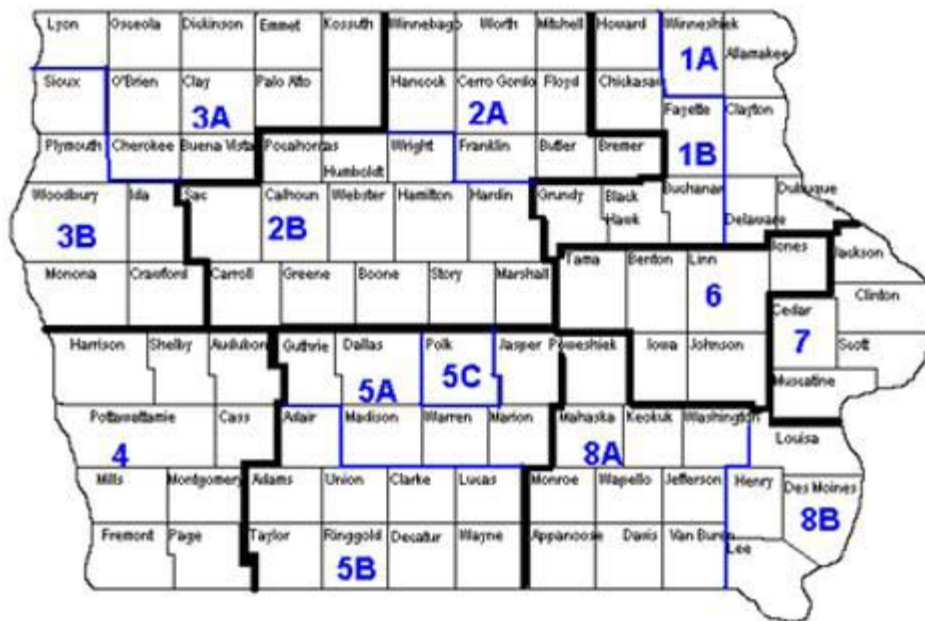
District Five: Adair, Adams, Clarke, Dallas, Decatur, Guthrie, Jasper, Lucas, Madison, Marion, Polk, Ringgold, Taylor, Union, Warren, Wayne

District Six: Benton, Iowa, Johnson, Jones, Linn, Tama

District Seven: Cedar, Clinton, Jackson, Muscatine, Scott

District Eight: Appanoose, Davis, Des Moines, Henry, Jefferson, Keokuk, Lee, Louisa, Mahaska, Monroe, Poweshiek, Van Buren, Wapello, Washington

In addition, some districts are divided into subdistricts for purposed of judicial selection and retention elections.



Appellate Courts

A party dissatisfied with a district court decision may appeal the decision to a higher court, known as an appellate court. An appellate court does not conduct trials or hear new evidence. An appellate court reviews the trial court record to determine whether the trial court made any significant errors. The appellate court can affirm (uphold the decision or order of the lower court), reverse (set aside the decision or order), or remand (send the case back to the lower court with instructions, including instructions to hold a new trial). An appellate court decision is called an opinion. An opinion represents the collective decision of a majority of judges or justices, rather than the decision of just one judge or justice.

Iowa has two appellate courts: the court of appeals and the supreme court. The primary role of the court of appeals is to review cases in which the legal principles are well-settled. The primary role of the supreme court is to develop and maintain consistency in the law to be applied in lower courts.

A Snapshot of Iowa's Appellate Court Case Load

Each year, about 2,000 appeals are filed with the Iowa Supreme Court. Criminal appeals represent nearly 30% of all appeals; termination of parental rights and child in need of assistance constitute 25%; and family law appeals amount to nearly 20%.



Appellate Procedure

Notice of Appeal

Generally, a party must file a notice of appeal within 30 days of the filing of the challenged judgment or order. The notice is filed with the clerk of court in the county where the district court order was entered. The party filing the notice of appeal is generally called the appellant; the opposing party is called the appellee. The appellee may file a notice of cross-appeal if also dissatisfied with the final judgment.

Preparation of the Appeal

Following the filing of the notice of appeal, the parties must follow with a number of steps to prepare the case for submission to the court.

Order Transcripts—In a typical case, the appellant (the party appealing) orders the transcript of the lower court proceeding. The transcript is a written verbatim account of the trial court proceeding.

Appellate Briefs and Appendix—The parties are required to file briefs. A brief is a written document setting forth the facts, a party's legal arguments, and the relief sought from the appellate court. The filing deadlines for briefs vary depending upon the type of case. In their briefs, the parties may request to make an oral argument before the court.

The parties must also file an appendix. The appendix is a record of the trial court proceedings containing those parts of the transcript, trial court papers, and exhibits most relevant to the issues raised on appeal. The appellant generally prepares and files the appendix.

The time required for the preparation of a typical case, from the filing of the notice of appeal to the filing of final briefs, appendix, and the request for the transmission of the record, is about five or six months. Court rules allow for an expedited process for certain types of cases, such as child in need of assistance and termination of parental rights.

Case Screening

Once a case file is ready, the supreme court decides whether to keep the case or transfer it to the court of appeals. As a general proposition, cases which involve

questions of the application of existing legal principles are transferred to the court of appeals. The supreme court may decide to retain a case if it raises substantial constitutional questions or if it involves a substantial conflict with published Iowa opinion, a fundamental and urgent issue of broad public importance, or lawyer discipline, among other reasons.

Oral Argument

In some cases, parties are granted an opportunity to address the court, a process known as oral argument. During oral arguments, lawyers have a brief period of time to summarize their legal arguments before the court and to answer questions asked by justices or judges. Both courts have complete discretion whether to grant oral argument.

The Opinion

After a case is submitted to the court or after oral arguments, the justices or judges will discuss in private conference, the legal issues presented in the case. Later, the justice or judge who has been given the assignment of writing the court's opinion (written ruling) will prepare a draft. The opinion writer circulates copies of the draft opinion to the other members of the court who may comment on the draft. A justice or judge who disagrees with the opinion may write a dissent, a writing that explains why the judge disagrees with the opinion. A justice or judge who agrees with the result, but not necessarily for the same reasons, may write what is called a special concurrence.

Rehearing and Further Review

A party dissatisfied with a decision may file a petition for rehearing, asking the court which heard the case to reconsider its decision. However, rehearing is rarely granted.

After an opinion is filed by the court of appeals, the parties may seek further review by the supreme court. This procedure is commenced by filing an application for further review. When considering an application for further review, the supreme court looks for error of law, decisions in conflict with a published Iowa opinion, the failure to consider a potentially controlling constitutional provision, or whether the case should have been retained by the supreme court in the first place.

Appeals to the U.S. Supreme Court

The Iowa Supreme Court is the court of last resort in the Iowa court system. Its decisions are final. However, if a case involves a question of federal law or an interpretation of the U.S. Constitution, a party may appeal to the United States Supreme Court. However, the United States Supreme Court has discretion to decide whether it will hear an appeal.

Appellate Court Judges and Staff

Appellate Court Justices and Judges

Seven justices sit on the Iowa Supreme Court and nine judges sit on the Iowa Court of Appeals. All appellate judges are appointed by the governor from a slate of nominees selected by the state judicial nominating commission. Supreme court justices serve eight-year terms. Court of Appeals judges serve six-year terms.

Appellate Court Support Personnel

The Iowa Supreme Court and the Iowa Court of Appeals are assisted by the Clerk of the Supreme Court. The clerk is responsible for maintaining and processing the records in all appeals, and assisting the supreme court with motions and screening cases.

In addition, each court of appeals judge and supreme court justice has clerical support as well as a law clerk to assist with legal research. Staff lawyers also assist the court of appeals with its case work.



Iowa Judicial Branch Administrative Structure

In addition to its case work, the Iowa Supreme Court oversees the administration of Iowa's state court system. Iowa is one of a handful of states that has a unified court system that is primarily state funded. Under this arrangement, the state pays for the cost of general operations, including compensation and benefits for nearly 2,000 employees and judges, equipment and furniture, supplies, communication and travel expenses. Each county provides facilities in which the trial courts operate.

The State Court Administrator assists the supreme court with managing the statewide court system. The State Court Administrator's duties include gathering statistical data, arranging training and education programs for judges and staff, and overseeing the business aspects of the day-to-day operation of the state's court system.

For purposes of administration, Iowa is divided into *eight judicial districts*. Each district is headed by a chief judge. The *chief judge*, who is appointed by the supreme court, is responsible for overseeing all district operations and judicial assignments. Each chief judge is assisted by a district court administrator. *District court administrators* handle the day-to-day responsibilities of managing the financial and personnel business of the district, as well as case scheduling.

The *Judicial Council* advises the supreme court with respect to the supervision and administration of the judicial branch. The council consists of the chief judges of the districts, the chief judge of the court of appeals and the chief justice of the supreme court.

Finally, dozens of committees assist with the administration of justice in Iowa. The supreme court and judicial council depend on these committees to advise them on a broad scope of topics, including rules of procedure, technology, child support guidelines, and most aspects of attorney regulation.

Iowa Supreme Court Administrative Duties

As the constitutional head of the state court system, the Iowa Supreme Court is also responsible for licensing and disciplining attorneys, and promulgating rules of procedure and practice used throughout the state courts.



Iowa's Judiciary

Eligibility for Judicial Office

All judges except judicial magistrates must be lawyers admitted to practice law in Iowa. They must also be a resident of the state, district, or county to which they are appointed. Nominees must be of an age such that they can serve a full term of office before reaching age 72.

Judicial Selection

In 1962, Iowa voters approved a constitutional reform that replaced the process of selecting judges by popular vote with a merit selection and retention election process. This reform, referred to as the "Missouri Plan," promotes selection of the best-qualified applicants and ensures that Iowa has fair and impartial judges who are accountable to the public. At the same time, it eliminates the need for judges to raise money from political parties, special interest groups and others for an election campaign, an activity that may compromise impartial decision making.

The merit selection system involves a nonpartisan commission that reviews the qualifications of applicants for judicial office. Applicants provide the commission with extensive information about their education, professional career, and qualifications. In addition, the commission conducts interviews of all candidates. Once the commission screens and interviews applicants, it forwards a slate of nominees to the appointing authority.

The appointing authority varies according to the type of judgeship. The governor appoints supreme court justices, court of appeals judges and district judges. The district judges appoint associate judges for a judicial district and the magistrate appointing commission in each county appoints magistrates.

State Nominating Commission

The State Judicial Nominating Commission interviews applicants and selects nominees for appointment to the Iowa Supreme Court, as well as the Iowa Court of Appeals. This commission is composed of:

- A chair, who is the senior justice of the supreme court, other than the chief justice
- Seven lawyer commissioners elected by lawyers

- Seven non-lawyer commissioners appointed by the governor and confirmed by the Iowa Senate
- All commissioners, except the chair, serve for a term of six years. The chair serves as long as he/she remains a senior justice.

From the pool of applicants, the commission selects a slate of three nominees for a Supreme Court vacancy, and a slate of three nominees for appointment to the Court of Appeals.

District Nominating Commissions

District judicial nominating commissions are responsible for screening applicants and selecting nominees for district court judgeships. There is a nominating commission for each of Iowa's 13 judicial election subdistricts.

Each district commission has 11 members, including:

- A chair, who is the most senior district court judge in the district
- Five lawyer members elected by their peers
- Five non-lawyer members appointed by the governor
- Each commissioner, except the chair, serves a six-year term. The chair serves as long as he/she remains the most senior district court judge in the district.

The district nominating commission provides the governor with a slate of two nominees from which to make an appointment to the district court.

County Magistrate Appointing Commissions

Each county has a magistrate appointing commission to assist with the selection of district associate judges, associate juvenile or probate judges, and to appoint magistrates. Each magistrate nominating commission is composed of the following members:

- A district court judge who serves as chair and who is designated by the chief judge of the judicial district
- Up to three non-lawyer members appointed by the board of supervisors
- Up to two attorneys elected by the attorneys in the county
- Appointed and elected commissioners serve six-year terms.

Judicial Retention Elections

All judicial officers, except magistrates, must stand for retention election at the first general election following the judge's appointment, and then near the end of each of the judicial officer's regular term. In a retention election, judges do not have opponents. Instead, voters decide whether to retain a judge in office. If a judge receives a simple majority of "yes" votes, the judge may serve another full term.

The length of a regular term varies according to type of judgeship:

- Eight years for a supreme court justice
- Six years for a court of appeals judge, district court judge, and district associate judge
- Six years for an associate juvenile or associate probate judge.

Judicial Accountability

Our system of government is carefully designed to foster fair and impartial courts while maintaining judicial accountability through a series of checks on judicial power.

- If a party believes a judge made an error in a case, the party may appeal to a higher court to review the judge's ruling.
- If citizens disagree with a judge's interpretation of a law, they may petition the legislature to amend the law and change the law's effect in the future.
- If citizens disagree with a court's interpretation of the constitution, they have the ultimate power to amend the constitution to undo the court's interpretation.
- If a person thinks a judge has behaved unethically, the person may ask the Judicial Qualifications Commission to investigate.

In these ways, courts are accountable to the law, to the constitution, and to the people.

Judicial Qualifications Commission

The Judicial Qualifications Commission is an independent entity that investigates allegations of judicial misconduct. The commission does not review complaints about the merits of judicial decisions. In other words, filing a complaint with the commission is not a substitute for an appeal. The commission is composed of four persons appointed by the governor and confirmed by the senate, and a district court judge and two lawyers appointed by the Chief Justice of the Iowa Supreme Court. Commission members serve

staggered six-year terms.

The commission dismisses unfounded complaints. If the commission decides a complaint is warranted it will further investigate the claim. A matter pending before the commission is confidential until the commission files an application with the supreme court recommending the court take disciplinary action. The supreme court can discipline or remove a judge for good cause including: persistent failure to perform the judge's duties; intemperance; willful misconduct in office; conduct which brings the judicial office into disrepute; or violations of the Code of Judicial Conduct. The supreme court can also retire a judge for a permanent physical or mental disability that substantially interferes with the performance of the judge's duties.



For More Information About www.iowacourts.gov

Visit the Iowa Judicial Branch online at www.iowacourts.gov to learn more about the structure and role of Iowa's courts and for self-help tools and resources.

Self Help..... http://www.iowacourts.gov/Self_Help/

Includes general information about court procedures, family law and juvenile law, and forms and guidance to assist individuals representing themselves in certain court cases, including small claims and divorce. Also includes information about jury service and complaint forms.

Court Rules and Forms http://www.iowacourts.gov/Court_Rules_and_Forms/

Includes Iowa Court Rules, copies of official court forms, and a list of amendments and new rules recently adopted by the court.

Appellate Court Decisions http://www.iowacourts.gov/Supreme_Court/Opinions/

..... http://www.iowacourts.gov/Court_of_Appeals/Opinions/

Public Information http://www.iowacourts.gov/Public_Information/

Includes general information about the courts, judges, procedures, court history, and Iowa courthouses, a special section for students and teachers, and information about public events.

News Service http://www.iowacourts.gov/News_Service/

Includes statewide news releases, the names of court officials at the state and local level who work with the media, general statistical information about the court system, information about audio and video coverage of the courts, and other useful resources for the media.

Online Court Services http://www.iowacourts.gov/Online_Court_Services/

Pay fines and fees online, search the online court docket records, use eJuror, and access other online services.

Careers..... http://www.iowacourts.gov/Administration/Career_Opportunities/

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