

Chapter 22

Judicial Administration

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Rule 22.12 Senior Judges

22.12(1) The supreme court will accept applications from judges for the senior judge program for judges who will be 62 years of age or older at the time the judge assumes senior status. The age requirement in this rule will not apply to judges who have 20 years of service prior to the effective date of this rule.

22.12(2) A senior judge must be a resident of the State of Iowa to serve as a senior judge.

22.12(3) In order for senior judges to provide the most effective service to the judicial branch, the supreme court may assign a senior judge:

a. Within the district the judge served before taking senior status.

b. To a district other than the judge served before taking senior status.

c. To more than one district.

d. To cross district lines, when necessary.

e. To conduct court sanctioned alternative dispute resolution.

f. To the state court administrator to perform non-adjudicative duties such as working on special projects involving technology or education, mentoring other judges, or assisting the supreme court in its administrative or rulemaking functions.

g. To the court of appeals to assist it in its adjudicative duties.

h. To serve in the capacity of an administrative law judge pursuant to Iowa Code section 602.9206.

i. To any other duties the supreme court may approve.

1 **22.12(4)** Prior to submitting an application to become a senior judge, the
2 judge, the chief judge of the district, the district court administrator, and the
3 state court administrator may meet and discuss the judge's potential
4 assignment together with the scope and parameters of the senior judge's
5 service. If the judge decides to apply for senior status, the judge can request
6 the supreme court to give that judge a preliminary determination as to whether
7 the supreme court will approve the judge's application.

8 **22.12(1)(5)** The supreme court, in ruling on an application for senior status,
9 including reappointment of an applicant to an additional term, may consider
10 the following factors:

11 a. The ~~applicant's~~applicant has demonstrated a willingness and ability to
12 undertake and complete all assigned work during the applicant's service as a
13 judge or a senior judge.

14 b. The recommendation of the chief judge and court administrator in the
15 district where the judge has served. The recommendation shall be made in
16 consultation with the other judges from the district. ~~result of a confidential~~
17 vote of all full-time judges of the judicial district or appellate court in which the
18 applicant served as a full-time judge. In addition, if the applicant is requesting
19 assignment to another district or to an appellate court in which the applicant
20 did not serve as a full-time judge, the court shall consider the result of a
21 confidential vote of all full-time judges of the judicial district or the appellate
22 court to which the applicant requests assignment: i.e., (suggested) "Shall X be
23 appointed a senior judge?"

24 c. The result of the most recent Iowa State Bar Association judicial
25 plebiscite.

26 d. The applicant's monthly ~~reports issued pursuant to rule 22.10~~ reports.

1 e. The applicant's agreement to perform duties as scheduled and assigned
2 by the chief judge of the district, ~~or an~~ appellate court where the senior judge is
3 assigned, or to the state court administrator.

4 f. The applicant's plans, if any, to regularly spend time or reside out-of-
5 state. ~~or to become a resident of a state other than Iowa, or an applicant's~~
6 ~~residency in a state other than Iowa.~~

7 g. The applicant's work or plans to work as a mediator, arbitrator, or
8 provider of other alternative dispute resolution services.

9 **22.12(2)(6)** A person who files an election to become a senior judge any
10 time after the date of retirement, pursuant to Iowa Code section 602.9203,
11 shall file written evidence with the clerk of the supreme court that the person
12 has not engaged in the practice of law between the person's date of retirement
13 and date of senior judge election.

14 **22.12(3)(7)** An applicant for appointment to become a senior judge or a
15 senior judge who applies for reappointment to an additional term shall provide
16 evidence to the satisfaction of the supreme court that the applicant or senior
17 judge does not suffer from a physical or mental disability or an illness that
18 would substantially interfere with the performance of duties agreed to under
19 this rule. Evidence shall include:

20 a. A statement of ability to serve by the applicant and a written opinion of a
21 doctor of medicine or doctor of osteopathic medicine and surgery.

22 b. Prior to or following appointment or reappointment, a judge or senior
23 judge must provide the court with additional information about the senior
24 judge's physical and mental health and authorization for the release of medical
25 information upon request.

26 **22.12(4)(8)** A senior judge may only serve for a total period of six years. In
27 any event, a senior judge shall cease holding office when the senior judge

1 reaches seventy-eight years of age. ~~However, the supreme court may appoint a~~
2 ~~senior judge to serve up to two additional one-year terms after reaching~~
3 ~~seventy-eight years of age.~~ To be eligible for consideration, a senior judge must
4 file an application for reappointment within 30 days prior to the expiration of
5 the senior judge's term. ~~Under no circumstances shall a senior judge serve~~
6 ~~after reaching the age of eighty.~~

7 **22.12(5)(9)** At the end of each calendar quarter, a senior judge shall file a
8 report with the clerk of the supreme court indicating the dates on which the
9 senior judge performed judicial or other assigned duties and the nature of the
10 duties performed or the name of the cases over which the judge presided on
11 each date of service. A senior judge assigned to a judicial district shall provide
12 a copy of the report to the chief judge and the district court administrator. A
13 senior judge assigned to an appellate court shall provide a copy of the report to
14 the chief judge of the court of appeals or the chief justice, whichever is
15 appropriate, and to the state court administrator. For purposes of this rule, a
16 calendar quarter is a three-month period in the one-year period that
17 commences on the date a retired judge becomes a senior judge and continues
18 for each successive one-year period while the judge continues to be a senior
19 judge.

20 **22.12(6)(10)** Senior judges and applicants for appointment and
21 reappointment to the senior judge program must provide information and
22 reports required by this section on forms approved by the supreme court. The
23 court administrator may require a senior judge to submit a statement of ability
24 to serve by the senior judge and a written opinion of a doctor of medicine or
25 doctor of osteopathic medicine and surgery.

26 **22.12(7)(11)** The following rules shall apply to senior judges, retired judges
27 assigned to temporary judicial duties pursuant to Iowa Code section 602.1612,

1 and retired senior judges assigned to temporary judicial duties pursuant to
2 section 602.1612 who wish to engage in mediation, arbitration, or other forms
3 of alternate dispute resolution:

4 *a.* A judge covered by this rule shall not act as an arbitrator, mediator, or
5 provider of other forms of alternate dispute resolution while assigned to judicial
6 service or when such action will interfere with an assignment to judicial
7 service. A judge covered by this rule shall not use the title “senior judge” or the
8 title “judge” in any form while acting as an arbitrator or mediator.

9 *b.* A senior judge shall disclose to the parties if the senior judge has
10 mediated a dispute involving any party or any party's insurer, lawyer, or law
11 firm involved in a case before the senior judge, and any negotiations or
12 agreements for the provision of mediation services between the senior judge
13 and any party or any party's insurer, lawyer, or law firm to a case before the
14 senior judge. A senior judge shall not preside over any case involving a party
15 or a party's insurer, lawyer, or law firm that is using or negotiating to use the
16 senior judge as a mediator, or has used or agreed to use the senior judge as a
17 mediator in the past two years. A senior judge shall not serve as a mediator in
18 any case in which the judge is currently presiding. A senior judge shall not
19 mediate any dispute that is filed in or could be venued or filed in the judicial
20 district or appellate court in which the judge serves. These restrictions cannot
21 be waived by consent of the parties or lawyers. For purposes of this section,
22 mediation includes arbitration and other forms of alternate dispute resolution.

23 *c.* At the end of each calendar quarter, a senior judge who has engaged in
24 private mediation or dispute resolution activities during the quarter shall file a
25 report with the clerk of the supreme court. The senior judge shall report the
26 date or time period when the mediation occurred, the county where the
27 mediation occurred, the county in which the dispute arose, the names of the

1 parties, and the names of the lawyers and insurers, if any, involved in the
2 mediation. A senior judge assigned to a judicial district shall provide a copy of
3 the report to the chief judge and to the district court administrator. A senior
4 judge assigned to an appellate court shall provide a copy of the report to the
5 chief judge of the court of appeals or the chief justice, whichever is appropriate,
6 and to the state court administrator. For purposes of this rule, a calendar
7 quarter is a three-month period in the one-year period that commences on the
8 date a retired judge becomes a senior judge and continues for each successive
9 one-year period while the judge continues to be a senior judge.