

What is a judicial retention election?

Judges stand for retention election near the end of their term of office. In a retention election, judges do not have opponents. Instead, voters decide whether or not to retain a judge in office. If a judge receives a simple majority of "yes" votes, the judge may serve another full term. The regular term of office for a supreme court justice is eight years; the term for all other judges is six years.

Why does Iowa use judicial retention?

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 process promotes selection of the best qualified applicants and ensures an impartial judiciary while retaining judicial accountability.



"Judges are not politicians who can promise to do certain things in exchange for votes."

***Chief Justice John Roberts
U.S. Supreme Court***

"Iowa's judiciary is highly regarded. In surveys conducted for the United States Chamber of Commerce, Iowa's judiciary has consistently ranked among the top five state court systems in terms of impartiality and competence. This high standing is due to the wise decision that Iowa voters made years ago to remove judges from not only involvement in partisan politics, but from the political fray. Focusing on the professional qualifications of judges rather than politics helps keep our court system fair and impartial."

**former Chief Justice Louis A. Lavorato
Iowa Supreme Court**

Biographical summaries of judges on the ballot are available at: www.judicial.state.ia.us

Prepared and paid for by the Iowa Judicial Branch in consultation with Iowa Judicial Branch Public Outreach Oversight Committee.



2006 Judicial Voter Guide

A Guide to Iowa's Judicial Retention Elections

Iowa Judicial Branch



What makes a good judge?

- ✓ **Integrity**-honest, upright, and committed to the rule of law
- ✓ **Professional Competence**-keen intellect, extensive legal knowledge, and strong writing abilities
- ✓ **Judicial Temperament**-neutral, decisive, respectful, and composed
- ✓ **Experience**-strong record of professional excellence
- ✓ **Service**-committed to public service and the administration of justice

What about a judge's personal views?

It is appropriate for legislators and the governor to consider public opinion and the views of special interest groups when passing laws and adopting public policy. But judges have different considerations.

- ✓ It is not appropriate for a judge to consider his or her personal views or public opinion when deciding cases. Judges must be neutral and follow the rule of law.
- ✓ A judge has a First Amendment right to free speech. But if a judge announces a position on an issue, the judge's impartiality may be called into question and the judge may have to decline handling cases involving that issue.
- ✓ Judicial ethics prohibit judges from commenting about cases pending in court. This ensures that litigants receive a fair trial.

Is there a judicial performance evaluation?

Yes. The Iowa State Bar Association "Judicial Plebiscite" evaluates each judge on the ballot on a wide range of attributes. The results of this evaluation are available online one month prior to the general election at: www.iowabar.org

How do I find a decision or ruling?

The published decisions of the Iowa Supreme Court and Iowa Court of Appeals are readily available online at www.judicial.state.ia.us and in libraries in books called the North Western Reporter 2d. These decisions usually represent the view of the majority of judges on the court, not solely the view of the judge writing for the majority. A judge who disagrees with the majority view will indicate his or her disagreement by a written dissent.

Locating a ruling of a trial court judge is a more difficult task because of the high volume of cases. But if you know the name of the case or the case number, you can ask the local clerk of court for a copy of a ruling.

Where do I find information about a judge's professional experience?

For information about judges on the ballot this year, click on the Voter Guide posted at: www.judicial.state.ia.us

What about an unpopular court decision?

For the following reasons, a voter may want to consider more than the outcome of one case when assessing a judge's performance.

- ✓ Judges must follow the rule of law and sometimes this leads to unpopular results. Under the rule of law, judicial decisions are based strictly upon the evidence presented to the court and the applicable laws set out in our statutes and constitution.
- ✓ If citizens disagree with a law or a judge's interpretation of a law, they can petition the legislature to change the law.
- ✓ Over the course of a career, a judge will dispose of thousands of cases. One case alone is not necessarily an accurate barometer of a judicial career.
- ✓ High-profile cases that catch the media's attention often bear little resemblance to the cases that constitute the bulk of a judge's work. Most court cases do not involve hot-button issues.
- ✓ Sometimes a higher court reverses the decision of a lower court. Reversal by a higher court does not in itself indicate the quality of a judge's work. Reversal could be for any number of reasons. For instance, the higher court could be ruling on an issue for the first time or the higher court could be clarifying its earlier opinions that served as precedents for the lower courts.