

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

CHARLES HURLEY, an individual,)	
	)	Case No. 4:22-cv-00176-SMR-SBJ
Plaintiff,)	
)	
v.)	
	)	<u>PLAINTIFF’S MOTION FOR</u>
	)	<u>SUMMARY JUDGMENT</u>
ROBERT GAST, in his official capacity as State Court Administrator for the Iowa Judicial Branch,)	
	)	<u>ORAL ARGUMENT REQUESTED</u>
)	
Defendant.)	
)	

Plaintiff Charles Hurley, by counsel and pursuant to Federal Rule of Civil Procedure 56 and Local Rules 7 and 56, moves for summary judgment on the grounds that no dispute of material fact exists and Plaintiff is entitled to judgment as a matter of law on his Equal Protection claim. Plaintiff refers the Court to his Statement of Facts, Brief in Support of Motion for Summary Judgment, and Appendix filed concurrently with this Motion. For the reasons set forth therein and below, Plaintiff is entitled to summary judgment.

I. Plaintiff Has Standing to Challenge Iowa Code § 46.2 (Gender Quota)

Defendant concedes, and this Court recently confirmed, that Plaintiff has standing to seek each form of relief sought in the Amended Complaint. *See* Def.’s Mot. to Dismiss First Amended Compl. (in part), ECF No. 21; *see generally* Order on Def.’s Mot. to Dismiss, ECF No. 84.

II. The Gender Quota is *Per Se* Unconstitutional

The Gender Quota is “a program in which a certain fixed number or proportion of opportunities are reserved exclusively for certain...groups.” *Grutter v. Bollinger*, 539 U.S. 306, 335 (2003) (internal quotations omitted). Quotas are *per se* unconstitutional. *See, e.g., Regents of*

Univ. of California v. Bakke, 438 U.S. 265, 319 (1978); *Fisher v. University of Texas at Austin*, 579 U.S. 365, 376 (2016).

III. Iowa Code § 46.2 Discriminates on the Basis of Sex in Violation of the Equal Protection Clause of the Fourteenth Amendment

Iowa Code § 46.2 (the Gender Quota) cannot withstand intermediate scrutiny, which requires Defendant to show that the Gender Quota’s gender-based classification furthers an “important governmental objective and the discriminatory means employed” are “substantially related to the achievement of those objectives.” *D.M. by Bao Xiong v. Minn. State High Sch. League*, 917 F.3d 994, 1001 (8th Cir. 2019) (quoting *United States v. Virginia*, 518 U.S. 515, 533 (1996)). Defendant has offered no evidence that his gender-based classifications further an important governmental objective in remedying past or present sex-based discrimination against women, and his other purported interests in improving the quality and integrity of State Judicial Nominating Commission deliberations, fostering diversity in the merit selection process, and maintaining public confidence in the selection and legitimacy of Iowa’s courts are not sufficiently coherent to permit judicial review. *See D.M. by Bao Xiong*, 917 F.3d at 1002; *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College (SFFA)*, 143 S. Ct. 2141, 2166 (2023).

Even if Defendant had demonstrated important governmental objectives, which he has not, the discriminatory method employed to achieve those objectives is a rigid, never-ending quota that relies on offensive and illegitimate stereotypes. Section 46.2 is nowhere close to the “reasoned analysis” or “exceedingly persuasive justification” necessary to meet the exacting burden of intermediate scrutiny. *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 724 (1982).

Therefore, Plaintiff respectfully requests that the Court grant his Motion for Summary Judgment, enter the declaratory and injunctive relief requested in Plaintiff's First Amended Complaint, and grant all other relief to which Plaintiff may be entitled.

DATED: September 1, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2023, I submitted the foregoing to the Clerk of the Court via the District Court's CM/ECF system, which will provide notice of the submission of this document to all counsel of record.

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CHARLES HURLEY, an individual,)	
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Plaintiff,)	
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)	<u>MEMORANDUM IN SUPPORT OF</u>
ROBERT GAST, in his official capacity as)	<u>PLAINTIFF'S MOTION FOR</u>
State Court Administrator for the Iowa)	<u>SUMMARY JUDGMENT</u>
Judicial Branch,)	
)	
Defendant.)	

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INTRODUCTION

Ironically, the very thing that prevents women from joining Iowa’s State Judicial Nominating Commission (Commission) is the law that’s supposedly designed to remedy discrimination against women. Iowa Code § 46.2 (Gender Quota) mandates a strict sex-based quota for elected commissioners: each congressional district gets one man and one woman. No more, no less. The only gender equality Section 46.2 promotes is that it discriminates against women *and* men.

One of those men is Plaintiff Charles Hurley, a devoted father and grandfather who has spent the past 40 years serving his community as an attorney, public representative, and church member. During his time as a state representative, Mr. Hurley served as Vice-Chair and Chair of the House Judiciary Committee, where he routinely met with the Chief Justice of the Iowa State Supreme Court on issues confronting the state judiciary. Plaintiff’s Statement of Material Facts (SMF) ¶¶ 28–30. Mr. Hurley wants to use his extensive experience to serve his community on the Commission. *Id.* at ¶ 34. While he would like to be considered for the opening in his congressional district in 2025, Mr. Hurley’s candidacy faces the same fate as that of dismissed Plaintiffs Rachel Raak Law and Micah Broekemeier for one simple reason—his gender. *Id.* at ¶¶ 39–40.

For nearly the entirety of Mr. Hurley’s career, Iowa law has demanded a fixed “gender balance” that dictates how many men or women can serve on the State Judicial Nominating Commission. *See* Iowa Code § 46.2(1). Men are only considered for vacancies previously held by other men, and women are only considered for vacancies previously held by other women. SMF ¶ 37. When administering the 2023 elections this past January, Defendant denied former Plaintiffs Rachel Raak Law and Micah Broekemeier the opportunity to appear on the ballots in their respective districts because the vacancies sought by the former Plaintiffs were reserved for individuals of a different gender. SMF ¶¶ 51, 63. Absent this Court’s intervention, Mr. Hurley and

countless other Iowans will face the same discrimination in 2025 and in future elections to come. Because the Gender Quota is plainly unconstitutional, and there are no material facts in dispute, this Court should grant Plaintiff's Motion for Summary Judgment.

LEGAL STANDARD

The court shall grant summary judgment if “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” *Moore v. Martin*, 854 F.3d 1021, 1025 (8th Cir. 2017) (citing Fed. R. Civ. P. 56(a)). There is a genuine dispute “when the evidence is such that a reasonable jury could return a verdict for the non-moving party.” *Dick v. Dickinson State Univ.*, 826 F.3d 1054, 1061 (8th Cir. 2016) (citing *Westchem Agric. Chems., Inc. v. Ford Motor Co.*, 990 F.2d 426, 429 (8th Cir. 1993)). A fact is “material” if it “might affect the outcome of the suit.” *Scottsdale Ins. Co. v. Avery Tech. Res., Inc.*, No. 4:21-cv-00238, 2023 WL 2441628, at *2 (S.D. Iowa Jan. 17, 2023) (citing *Dick*, 826 F.3d at 1061).

While evidence is viewed in the light “most favorable to the nonmoving party,” and the nonmoving party enjoys “the benefit of all reasonable inferences to be drawn from the facts,” the existence of “some alleged factual dispute will not defeat an otherwise properly supported motion for summary judgment if there is no genuine issue of material fact.” *Vacca v. Viacom Broad. of Missouri, Inc.*, 875 F.2d 1337, 1339 (8th Cir. 1989) (citing *Adickes v. S. H. Kress & Co.*, 398 U.S. 144, 158–59 (1970); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247–48 (1986)). *See also Butler v. MFA Life Ins. Co.*, 591 F.2d 448, 451 (8th Cir. 1979) (“ . . . this Circuit recognizes the remedy’s salutary purpose of avoiding . . . time consuming trials”).

ARGUMENT

I. Plaintiff Charles Hurley Has Article III Standing

Plaintiff Charles Hurley has standing to challenge Iowa Code Section 46.2—as conceded by Defendant and confirmed by this Court in its recent order. *See Def.’s Mot. to Dismiss in Part*,

ECF No. 72; Order Granting Def.’s Mot. to Dismiss, ECF No. 84 (“ . . . rationale in favor of the mootness exception does not apply if claims will eventually face review *like they will in this case due to the presence of Plaintiff Hurley*”) (emphasis added). Defendant previously sought to dismiss this case on grounds that former Plaintiffs Rachel Raak Law and Micah Broekemeier filed too early. *See* Def.’s Mot. to Dismiss, ECF No. 21 at 9 (claiming that they lacked standing because “they haven’t been excluded from the ballot”). After Ms. Raak Law and Mr. Broekemeier sought to be placed on the ballot in their respective districts and were denied on the basis of their gender, Defendant asserted that they should be dismissed because they had “fail[ed] to file a lawsuit sooner.” *See* Def.’s Mot. to Dismiss in Part, ECF No. 72 at 11. Defendant makes no such Morton’s Fork arguments regarding Mr. Hurley’s challenge, nor can he, given that Mr. Hurley seeks to run in the 2025 election but is barred by the Gender Quota. *Law v. Gast*, No. 22-CV-00176, 2022 WL 17337601, at *7–*8 (explaining why challengers to Gender Quota have standing in this case).

II. The Gender Quota Is *Per Se* Unconstitutional

Section 46.2 requires that resident members of the Iowa Bar of each congressional district elect two commissioners “of different genders to the state judicial nominating commission.” Iowa Code § 46.2(1). This is a quota. *See Grutter v. Bollinger*, 539 U.S. 306, 335 (2003) (“[A] ‘quota’ is a program in which a certain fixed number or proportion of opportunities are ‘reserved exclusively for certain . . . groups.’”) (citing *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 496 (1989)). Quotas are *per se* unconstitutional. *See, e.g., id.; Regents of Univ. of California v. Bakke*, 438 U.S. 265, 319 (1978); *Fisher v. University of Texas at Austin (Fisher II)*, 579 U.S. 365, 376 (2016).

Defendant testified that he understood a quota to be “a set number . . . of peoples representing, in this case, possibly gender and/or race.” *Gast* Dep. 35:2–7, App. 0085. Section 46.2(1) “set[s] aside a number” of men and women that must be elected in each congressional

district. On its face, Section 46.2(1) requires that 50% of the commissioners for each congressional district must be male, and 50% must be female. Iowa Code § 46.2(1). That is a quota, and under *Bakke*, *Grutter*, *Fisher II*, and others, it is *per se* unconstitutional.

III. The Gender Quota Fails Intermediate Scrutiny

This Court determined that Section 46.2 is a sex-based classification that triggers intermediate scrutiny. *Law*, 2022 WL 17337601 at *10. Under this intermediate scrutiny, Defendant must show that the Gender Quota’s sex-based classifications serve “important governmental objectives and that the discriminatory means employed” are “substantially related to the achievement of those objectives.” *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 724 (1982) (citing *Wengler v. Druggists Mutual Ins. Co.*, 446 U.S. 142, 150 (1980)). This is a “demanding” burden that “rests entirely on the State,” and the government gets no deference. *United States v. Virginia*, 518 U.S. 515, 533, 555 (1996) (when applying intermediate scrutiny, courts should not engage in “deference to [the] legislative will.”).

A. The Gender Quota Does Not Further an Important Governmental Objective

Sex-based classifications are presumptively invalid. *See J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 152 (1994) (Kennedy, J., concurring). Overcoming that presumption requires an “exceedingly persuasive justification” for the sex-based distinctions. *Miss. Univ. for Women*, 458 U.S. at 724. Here, Defendant bears the burden of showing that Section 46.2 is based on “reasoned analysis” rather than the “mechanical application of traditional, often inaccurate, assumptions.” *Concrete Works of Colorado, Inc. v. City & Cnty. of Denver*, 321 F.3d 950, 959 (10th Cir. 2003) (citing *Hogan*, 458 U.S. at 726). He cannot. There is no evidence to support any of Defendant’s proffered justifications of “remedying past unequal election of women to the judicial nominating commission, improving the quality and integrity of Commission deliberations, fostering diversity in the merit selection process, and maintaining public confidence in the selection and legitimacy

of Iowa’s courts.” Pltfs.’ Reply in Support of Mot. for Prelim. Inj., ECF No. 21 at 9, 13–14. Nor is there evidence to support the continued enforcement of the Gender Quota. Defendant has not met the demanding burden to prove that the Gender Quota serves an important government interest.

i. The Gender Quota Does Not Remedy Past or Present Sex-Based Discrimination Against Women

There is no evidence that the Gender Quota is necessary to remedy past sex-based discrimination against women seeking to serve on state judicial nominating commissions, or that the alleged remedial need continues to exist today.¹ Defendant admits he is aware of no discriminatory laws, policies, or actions by the State that discriminated against female candidates between the commission’s inception and Section 46.2’s implementation. Gast Dep. 28:18–29:24, App. 0078–79. None. Defendant’s only argument that discrimination against women persisted is conclusory and unscientific: because Defendant’s records purport to show no female-sounding names that were elected members of the state nominating commission until Section 46.2 was implemented, Defendant assumes sex-based discrimination was the cause. Gast Dep. 25:4–12, App. 0075.

This argument has no foundation: Defendant arrived at his conclusion that discrimination was prevalent by examining a list of the first and last names of elected commissioners from 1963 to 1987 and attempting to identify female-sounding names, which he then checked against the memory of an Iowa attorney. Gast Dep. 19:14–20:8, App. 0069–70; Gast Dep. Ex. 1 at ¶10, App.

¹ The Gender Quota also *denies women the opportunity* to run for election in 50% of the Commission positions by reserving those seats exclusively for men, yet Defendant provides no evidence to warrant men’s preferential treatment. *See* Pltfs.’ Opp. to Def.’s Mot. to Dismiss in Part, ECF No. 75-1; Def.’s Ans. to Pltfs.’ First Set of Interrogatories No. 11, App. 0016–17. Instead, for half of the elected positions the Gender Quota discriminates against the very women it claims to help. How can a law that purports to remedy discrimination against women be tailored to that purpose when it discriminates against women? *See infra* Section B.

0086–88; Decl. of David L. Brown, ECF No. 24 at ¶¶ 4–5. The list of first and last names contained no gender information and neither Defendant nor the attorney took any steps to confirm the gender of the elected commissioners on the list. Gast Dep. 19:20–20:8, App. 0069–70. Defendant produced limited evidence of how many women ran unsuccessfully in each election, and how close the elections were. Defendant produced no evidence of the reasons women chose to run for election (or not to run), or anything else that would provide context beyond the bare contention that sex-based discrimination against women must be remedied because no person with a female-sounding name served as an elected commissioner between 1963 and 1987. Gast Dep: 21:25–22:8, App. 0071–72.

This fact, without more, does not prove discrimination. It barely *suggests* discrimination. It is a far, far cry from the *exceedingly persuasive* evidence the state is required to proffer to engage in sex discrimination. Requiring the government to demonstrate that discrimination actually exists is not some irrelevant formalism. It not only ensures that “members of the gender benefited by the classification *actually suffer* a disadvantage related to the classification,” but also that the law does not “reflect or reinforce archaic and stereotyped notions” of women’s capabilities, like the perception that women can’t win election to the Commission without government help. *Miss. Univ. for Women*, 458 U.S. at 725, 728 (emphasis added).

Section 46.2 itself says nothing about sex-based discrimination; it was amended in 1987 as part of an act “relating to gender balance in the appointment and election of judicial nominating commissioners and balance in the appointment of members of state boards, commissions, committees, and councils.” 1987 Iowa Acts 364–65. Disparities may arise as a result of any number of non-discriminatory factors because each woman is a unique individual who makes individual choices. For example, the lack of women elected to the Commission prior to 1987 could have

resulted from the number of female resident members of the Iowa State Bar, *see Back v. Carter*, 933 F. Supp. 738, 756 (N.D. Ind. 1996) (factors related to law school may create disparities in the field of law), or the number of women who seek out volunteer positions on state commissions. *See J. Edinger and Son, Inc. v. City of Louisville*, 802 F.2d 213, 215 (6th Cir. 1986) (comparison must be between relevant groups, “not merely rely upon general population statistics.”); *Associated General Contractors of California, Inc. v. City and County of San Francisco*, 813 F.2d 922, 933 (9th Cir. 1987) (city must look at relevant labor pool, not general population). Here, Defendant’s “generalized assertion that there has been past discrimination” against women in the Commission electoral process “provides no guidance for a legislative body to determine the precise scope of the injury it seeks to remedy.” *Croson*, 488 U.S. at 498. Defendant’s complete lack of evidence is plainly insufficient to justify any remedial interest in the Gender Quota.

While there was next to nothing as far as evidence to justify the Gender Quota in 1987 when it was enacted, there is even less to justify the Gender Quota today. There is no evidence that the Gender Quota is necessary to remedy current sex-based discrimination against women seeking to serve on the Commission. None. That is enough to decide this case. The Eighth Circuit is clear that “for a government actor to classify individuals based on gender for the purpose of remedying a prior lack of opportunities, the individuals must continue to lack opportunities or the classification is not constitutionally justified.” *D.M. by Bao Xiong v. Minn. State High Sch. League*, 917 F.3d 994, 1002 (8th Cir. 2019) (citing *Miss. Univ. for Women*, 458 U.S. at 729). Defendant fails to support his assertion that a remedial interest remains for the Gender Quota—nor has he addressed this Court’s finding that the evidence on the current necessity of the Gender Quota was “sparse.” Order on Pltfs.’ Mot. for Prelim. Inj., ECF No. 36 at 24. There is no proof women continue to lack opportunities to run for election to the Commission, if indeed they ever did.

Significantly, Defendant could identify no female lawyers who claimed to have been discriminated against in running for or serving on the Commission and has never been approached by *anyone* with claims of discrimination. Gast Dep. 28:12–29:24, App. 0078–79. The number of female resident lawyers in Iowa increased significantly in the last two decades, and presumably even more significantly since 1987. Decl. of Nicholas (Tré) Critelli, III, ECF No. 20-2.

Defendant’s expert Dr. Rachel Caufield is no help. Dr. Caufield testified that the state has never restricted women from running for or serving on the Commission—except, of course, the text of Section 46.2(1), which does prevent women from running. Caufield Dep. 104:8–22, App. 0131. She did not know whether Iowa could achieve comparable Commission composition without the Gender Quota, *id.* at 65:3–7, App. 0116, and could only guess at the reasons for increased female participation on judicial nominating commissions over the last forty years. *Id.* at 89:7–90:16, 93:11-94:7, App. 0125–30.

ii. General Evidence of Disparities Does Not Prove Discrimination

The government cannot satisfy the important objective requirement of intermediate scrutiny merely by offering “general evidence of gender discrimination.” *Virginia*, 518 U.S. at 533. The justification must be “genuine, not hypothesized or invented *post hoc* in response to litigation. And it must not rely on overbroad generalizations about the different talents, capacities, or preferences of males and females.” *Id.* at 533 (citing *Weinberger v. Wiesenfeld*, 420 U.S. 636, 643, 648 (1975); *Califano v. Goldfarb*, 430 U.S. 199, 223–224 (1977) (Stevens, J., concurring in judgment)). Yet, underpinning Defendant’s justifications for the Gender Quota are precisely such generalizations, beginning with the broad, imprecise data Defendant contends justifies Section 46.2’s sex-based prohibitions.

Defendant focuses on statistical disparities within Iowa’s population at large, as well as within the legal profession itself, but does not provide any evidence that these disparities are a result of discrimination against women. For example, Defendant demonstrates no link between “the current gender [im]balance in the bar” and government discrimination against women running for the Commission. *See* Hrg. Transcript, App. 0138. Defendant equally fails to connect the dots between its observation that “the population consistently has been around 50-50 male and female” and government discrimination against women running for the Commission. *Id.* Disparities alone do not demonstrate discrimination. *See Main Line Paving Co. v. Bd. of Educ., Sch. Dist. of Philadelphia*, 725 F. Supp. 1349, 1363 (E.D. Pa. 1989) (no substantial relation because the government presented no statistical evidence to show how women were disadvantaged and no evidence that any statistical disparity was caused by gender discrimination); *Mallory v. Harkness*, 895 F. Supp. 1556, 1559 (S.D. Fla. 1995) (invalidating gender quota where the government “did not positively identify any discriminatory policy or practices” and pointed solely to disparities).

Even if Defendant’s back-of-the-napkin statistical analyses are to be taken at face value, the proffered statistics must be reviewed in light of the history of the varying qualifications needed to appear on the ballot for openings to the Commission—comparisons to the general population provide limited probative value when there are specific requirements that must be met for particular positions. *See Croson*, 488 U.S. at 501. Due to formal and informal requirements, Commission positions have not been accessible to the general public. For example, Defendant notes that there were past “barriers to participation,” such as obtaining the signatures of 50 lawyers for an individual to appear on the ballot, *see* Hrg. Transcript, App. 0136. Defendant’s expert testified that while Iowa law does not require commission members elected by the Iowa Bar to be lawyers, those members have always been attorneys. *See* Caufield Decl. at ¶ 5, ECF No. 20-3.

Especially given this context, Defendant’s broad generalizations do not support the Gender Quota’s sex-based discrimination among qualified candidates for the Commission.

iii. Gender Parity Is Not an Important Government Objective

Rather than remedy concrete sex-based discrimination, the Gender Quota’s stated objective is to achieve “gender balance” on the Commission. 1987 Iowa Acts 364. This is “discrimination for its own sake” and “facially invalid.” *Bakke*, 438 U.S. at 307; *see also Students for Fair Admissions, Inc. v. President and Fellows of Harvard College (SFFA)*, 143 S. Ct. 2141, 2172 (2023) (in the context of racial classifications, outright balancing is “patently unconstitutional.”) (citing *Fisher v. University of Texas (Fisher I)*, 570 U.S. 297, 311 (2013)). This is, as the Court has “repeatedly explained, because “[a]t the heart of the Constitution’s guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not simply as components of a racial, religious, sexual or national class.” *SFFA*, 143 S. Ct. at 2172 (citing *Miller v. Johnson*, 515 U.S. 900, 911 (1995)).

The Gender Quota is not transformed from a patently unconstitutional objective into a legitimate one because it may seek to compensate women for generalized societal discrimination. Such an objective presents “an amorphous concept of injury that may be ageless in its reach into the past,” *Bakke*, 438 U.S. at 307, and has been repeatedly rejected as a basis for discrimination against individuals due to immutable characteristics in the racial context and never explicitly approved of in the context of sex. *See id.* at 310; *Wygant v. Jackson Bd. of Ed.*, 476 U.S. 267, 274 (1986); *Croson*, 488 U.S. at 496–97; *SFFA*, 143 S. Ct. at 2173.

Defendant’s “mere recitation of a benign, compensatory purpose is not an automatic shield which protects against any inquiry into the actual purposes underlying a statutory scheme.” *Weinberger*, 420 U.S. at 648. With no reliable evidence of sex-based discrimination by the government, and only amorphous, immeasurable goals, the actual purpose underlying Section

46.2(1) is revealed to be impermissible gender balancing. This is not the “exceedingly persuasive” justification required to support sex-based classifications.

iv. Defendant’s Remaining Purported Interests Cannot Be Subjected to Meaningful Review

Defendant’s other justifications for the Gender Quota—improving the quality and integrity of Commission deliberations, fostering diversity in the merit selection process, and maintaining public confidence in the selection and legitimacy of Iowa’s courts—are “not sufficiently coherent” to permit judicial review. *SFFA*, 143 S. Ct. at 2166. In *SFFA*, the Court questioned how such amorphous goals could be measured, and if they could be, how a court would know when they have been reached and the “perilous remedy” of a discriminatory classification can end. *Id.* The *SFFA* Court concluded it could not, and the same is true of the Gender Quota.

There is no evidence that the Gender Quota accomplishes its undefined and immeasurable objectives. And Defendant offers no way to know when and if its amorphous goals are achieved. Defendant testified that Section 46.2 improves the integrity of commission deliberations and the courts’ institutional legitimacy by generally being “representative” of the community, but his department has never surveyed Iowa Bar members or the general public to determine if it actually has that effect. Gast Dep. 25:23–27:11, App. 0075–77. Dr. Caufield testified that there is no conclusive research on whether Iowa’s system of selecting judges results in a more diverse judiciary, despite a “surprising amount of research” on the question. Caufield Dep. 109:17–110:9, App. 0133–34. Even the premise that the Gender Quota *could* accomplish these objectives is questionable; the “sophisticated survey analysis” that Dr. Caufield asserts shows that “women’s equal presence grants legitimacy to political decisions and democratic procedures” is in reality a nationwide internet survey where the gender and identity of respondents is self-reported and unverified. Caufield Dep. 65:25–66:23, 68:5–72:25, App. 0116–23. Instead, Dr. Caufield relies on

stereotypes about women like “women are taught to defer more often than speak,” and “women speak less often” in male settings, *id.* at 83:4–13, App. 0124, or that the Gender Quota is necessary because women “are more likely to find [the competitive nature of an election] daunting in situations where other candidates are male[.]” *Id.* at 107:18–20, App. 0132. These are exactly the type of “unsupported generalizations about the relative interests and perspectives of men and women” that the Equal Protection Clause rejects. *Roberts v. U.S. Jaycees*, 468 U.S. 609, 628 (1984) (Court has “repeatedly condemned legal decisionmaking that relies uncritically on [sexual stereotyping].”).

B. The Gender Quota Is Not Substantially Related to Any Important Government Objective

Even if this Court were to find that Defendant has demonstrated important governmental interests, the Gender Quota must be struck down because it is not substantially related to the achievement of those objectives. Instead, Defendant appeals to denigrating stereotypes and illusory generalities—hardly the “reasoned analysis” or “exceedingly persuasive justification” necessary to meet the exacting burden of intermediate scrutiny.² *See Miss. Univ. for Women*, 458 U.S. at 724.

i. Rigid Quotas Do Not Satisfy Intermediate Scrutiny

Intermediate scrutiny requires a scalpel not a sledgehammer. Defendant claims that there were no women elected to the State Judicial Nominating Commission by the members of the Iowa Bar until the Gender Quota was put in place, and that this justifies a “remedial interest in providing

² Defendant readily admits that despite preferencing men over women in half of *all* elected commissioner positions, the Gender Quota is not intended to remedy discrimination against men, and Defendant has never argued it is substantially related to such a purpose. *See* Gast Dep. 30:14–31:12, App. 0080–81.

women an opportunity.” Hrg. Transcript, App. 0137. It does not, but even if it did, a rigid 50% male/50% female quota is not remotely tailored to remedy such a discrepancy.

For example, Section 46.2’s inflexible mechanism ignores the fact that in 1986, and prior to the enactment of the Gender Quota, the pool of elected or appointed commissioners to the State or District Judicial Nominating Commissions was made up of 45% women. *See* App. 0001. Defendant’s records further reveal a limited number of female candidates that ran in elections to the State Judicial Nominating Commission.³ App. 0002–12; *see also* Def.’s Ans. to Interrogatory No. 8, App. 0014–15 (identifying a total of four women who sought election to the State Judicial Nominating Commission prior to 1987).⁴ It ignores *any* of the myriad factors that may have contributed to women’s choices to run or not run for election, *supra* pp. 6-7, in favor of a one-size-fits-all approach.

Nor is this inflexible quota the only option for achieving similar rates of female participation on judicial nominating commissions. As Defendant’s expert testified, even though “there is amazingly little information available on the population of judicial nominating commissioners,” there are seven states, all without laws requiring gender parity, with at least 50% female participation on their state judicial nominating committees. *Caufield* Dep. 92:11–19, 94:8–20, App. 0128, 0130.

³ Defendant has not produced complete lists of all candidates that appeared on election ballots for the State Judicial Nominating Commission prior to the enactment of the Gender Quota. Moreover, Defendant does not possess the demographic data for all candidates and commissioners it has provided. Accordingly, neither Plaintiff nor Defendant can verify whether it is even true that a female candidate had never been elected to the State Judicial Nominating Commission prior to 1987.

⁴ There may have been additional female candidates that sought election to the State Judicial Nominating Commission, but Defendant has not produced evidence to this effect. Nor has Defendant produced evidence showing the demographic breakdown of individuals who applied for the Governor-appointed positions on the Commission.

Section 46.2 does not merely utilize gender as one factor in the selection process, it makes gender the *only* factor. This is no tailoring at all; the Gender Quota sledgehammer is unconstitutional. *See Shelley v. Kraemer*, 334 U.S. 1, 22 (1948), (“Equal protection of the laws is not achieved through indiscriminate imposition of inequalities.”).

ii. The Gender Quota’s Stereotypes Are Offensive and Illegitimate

Defendant’s proposed governmental interests have been forged within a cauldron of stereotypes—the fundamental one being that the Gender Quota somehow helps frail women overcome the burdens government has foisted upon them. According to Defendant’s expert, the Gender Quota remains a necessary means to remedying sex-based discrimination because “women are significantly less likely to participate in political processes,” and “women are less likely to speak. They spend less time speaking. They are far less likely to interrupt. They enter the conversation later.” *See* Caufield Dep. 24:11–13, 45:18–22, App. 0112, 0115. This is precisely the type of “broad generalizations about the different talents, capacities, or preferences of males and females” that the Equal Protection Clause prohibits. *Virginia*, 518 U.S. at 533 (internal citation omitted).

Under the Gender Quota, women are fungible: each one is afraid to speak up, needs government assistance to win (or even enter) an election, and somehow confers “diversity” and “legitimacy” upon the state court by her presence alone. *See Mayor of Philadelphia v. Educational Equality League*, 415 U.S. 605, 620 (1974) (citizens are not fungible in equal protection analyses). Such stereotyping is not tailored to any important government objective because “[a]t the heart of the Constitution’s guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not as simply components of a racial, religious, sexual or national class.” *SFFA*, 143 S. Ct. at 2172 (citation omitted). The Equal Protection Clause rejects

“unsupported generalizations” that all women think or act alike, *Roberts*, 468 U.S. at 628, and the concept that people of the same sex have an identifiable “gendered” perspective is both offensive and illegitimate. *See Craig v. Boren*, 429 U.S. 190, 201 (1976) (invalidating a sex-based classification even though the evidence supporting the distinction was “not trivial in a statistical sense”); *Weinberger*, 420 U.S. at 645 (same).

The Supreme Court has made it clear that it is “completely unrealistic” to assume that groups will choose a particular occupation in lockstep proportion to their representation in the local population. *Croson*, 488 U.S. at 507. But the Gender Quota assumes just that: women make up about half of Iowa’s population, so they should choose to run for seats on the Commission in the same proportion—and if they don’t, the Gender Quota will make it so. *See SFFA*, 143 S. Ct. at 2165 (cleaned up) (“[I]t would be a sad day indeed, were America to become a quota-ridden society, with each identifiable minority assigned proportional representation in every desirable walk of life.”). Even if Defendant had properly demonstrated past societal discrimination that prevented women from serving on the Commission, allowing this to serve as the basis for rigid preferences would shatter the dream of “a Nation of equal citizens” and it would be lost “. . . in a mosaic of shifting preferences based on inherently unmeasurable claims of past wrongs[.]” *Id.* at 2173–74. The Gender Quota’s offensive, stereotypical gender assumptions are contrary to both “the letter and spirit of a constitutional provision whose central command is equality.” *Id.*

iii. The Gender Quota Is Not Time-Limited

In addition to its other constitutional deficiencies, Section 46.2 lacks any end point whatsoever. It has remained in place for nearly forty years and applies at each and every election in perpetuity. Such a statute does not cure a purported gender imbalance, it impermissibly maintains one. *See Johnson v. Transportation Agency, Santa Clara Cnty.*, 480 U.S. 616, 630 (1987).

Defendant fails to provide any indication of when the Gender Quota’s goals will be achieved or how success could be measured—implicitly asking the Court to justify the existence of a perpetual quota.⁵ This request must be rejected because enshrining a permanent justification for preferences based on immutable characteristics contradicts the “core purpose of the Fourteenth Amendment” to eliminate all governmentally-imposed discrimination. *Grutter*, 539 U.S. at 341–42. Without an end date, the Gender Quota is unconstitutional. *Id.*

CONCLUSION

In *Personnel Administrator of Mass. v. Feeney*, the Court remarked that “[c]lassifications based upon gender, not unlike those based upon race, have traditionally been the touchstone for pervasive and often subtle discrimination.” 442 U.S. 256, 273 (1979) (citation omitted). There is nothing subtle about Section 46.2. It is an unconstitutional sex-based quota that bars women and men from half of the elected seats on the Commission while claiming to promote gender diversity. Plaintiff’s Motion for Summary Judgment should be granted.

⁵ The fact that the Iowa Legislature recently reviewed various statutory provisions implicating the State Judicial Nominating Commission, including the Gender Quota, and chose to keep it in place does not alleviate this constitutional defect. As the Supreme Court recently explained, periodic review cannot make “unconstitutional conduct constitutional.” *SFFA*, 143 S. Ct. at 2173.

DATED: September 1, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2023, I submitted the foregoing to the Clerk of the Court via the District Court's CM/ECF system, which will provide notice of the submission of this document to all counsel of record.

s/ Erin E. Wilcox

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

CHARLES HURLEY, an individual,	)	Case No. 4:22-cv-00176-SMR-SBJ
)	
Plaintiff,)	
)	
v.	)	PLAINTIFF’S STATEMENT OF
	)	MATERIAL FACTS
)	
ROBERT GAST, in his official capacity as)	
State Court Administrator for the Iowa)	
Judicial Branch,)	
)	
Defendant.)	

Plaintiff Charles Hurley submits his statement of material facts in support of his motion for summary judgment as follows:

Iowa State Judicial Nominating Commission

1. Iowa’s Constitution establishes a state judicial nominating commission, which is composed of 17 members: nine appointed by the Governor and eight elected by resident members of the Iowa Bar. Iowa Code §§ 46.1–46.2, Iowa Const. art. V, § 16.
2. The State Judicial Nominating Commission (Commission) interviews applicants and selects nominees for appointment to the Iowa Supreme Court and the Iowa Court of Appeals. Iowa Const. art. V, §§ 15–16, Iowa Code § 46.15.
3. The Governor must appoint a judge or justice from the list of nominees proposed by the Commission. Iowa Code § 46.15.

The State Judicial Nominating Commission Pre- Gender Quota

4. By 1986, the pool of elected or appointed commissioners to the State and District Judicial Nominating Commissions was made up of 45% women. *See* DEF 000521, App. 0001.

5. Prior to the Gender Quota, the following female candidates sought election to the Commission or received at least one vote in a particular election: Naomi Mercer (Fifth Congressional District, 1977); Celeste Bremer (First Congressional District, 1981); Clara Oleson (First Congressional District, 1981); and Claire Carlson (Sixth Congressional District, 1981). DEF 000780–790, App. 0002–12; Def.’s Resp. to Pltfs.’ First Set of Interrogatories No. 8, App. 0014–15.
6. In 1987, the following female candidates sought election to the Commission or received at least one vote in a particular election: Patricia Cepican (First Congressional District, 1987); Sherri Knight (First Congressional District, 1987); and Minette Doderer (First Congressional District, 1987). Def.’s Resp. to Pltfs.’ First Set of Interrogatories No. 8, App. 0014–15.
7. The Iowa Registers, Acts and Joint Resolutions, and State Rosters published between 1963 and 1987 identify the names of the commissioners serving on the State Judicial Nominating Commission. DEF 000541–85, 000643–47, App. 0018–67.
8. The Iowa Registers, Acts, and Joint Resolutions, and state Rosters published between 1963 and 1987 do not identify the sex of each commissioner. DEF 000541–85, 643–47, App. 0018–67.

State Judicial Nominating Commission Elections

9. The eight elected members of the Commission are divided evenly among Iowa’s four congressional districts, with each congressional district having two elected commissioners. Def.’s Answer at ¶ 3, ECF No. 63; Pltfs.’ First Amended Compl. at ¶ 15, ECF No. 71.
10. The elected commissioners serve staggered six-year terms and are elected in the month of January for terms commencing July 1 of odd-numbered years. Iowa Code § 46.2(2).

11. When an election of judicial nominating commissioners is to be held, the State Court Administrator is responsible for administering the elections and voting. Iowa Code § 46.9(1).
12. As part of administering elections, the State Court Administrator issues notices to the public and to members of the Iowa Bar. Def.'s Ans. at ¶ 10, ECF No. 63.
13. The State Court Administrator provides notice of upcoming vacancies on the Commission at least 60 days before the end of the term of an elected commission member. Iowa Code § 46.9A.
14. The State Court Administrator declines to place candidates on the ballot if they fail to meet the demands of the Gender Quota. *See* Iowa Code § 46.2(2); Def.'s Ans. at ¶ 10, ECF No. 63; Pltfs.' Opp. to Mot. to Dismiss in Part, Ex. 1 & 2, ECF Nos. 75-1, 75-2.

The Gender Quota

15. The Iowa Legislature first enacted the Gender Quota for the Commission in 1987 by amending Iowa Code § 46.2 to read: “for the first elective term open on or after July 1, 1987, in the odd-numbered districts the elected member shall be a woman and in the even-numbered districts the elected member shall be a man. Thereafter, the districts shall alternate between women and men elected members.” 1987 Iowa Acts 364–65.
16. The purpose of the Gender Quota is to “create that diversity and equalize representation across the state for both genders.” *Gast Dep.* 30:14–31:7, *App.* 0080–81.
17. The purpose of the Gender Quota was not intended to remedy sex-based discrimination against men seeking election to the Commission. *Gast Dep.* 30:14–31:7, *App.* 0080–81.
18. Defendant is not aware of any claims by female lawyers that they face barriers with respect to seeking election to the Commission. *Gast Dep.* 28:18–29:24, *App.* 0078–79.

19. Defendant is not aware of any claims by female lawyers that they face discrimination with respect to seeking election to the Commission. Gast Dep. 28:18–29:24, App. 0078–79.
20. In 2019, the Legislature amended Iowa Code § 46.2 to require that the resident members of the bar of each congressional district elect “two eligible electors of different genders to the state judicial nominating commission.” Iowa Code § 46.2(1).
21. Iowa Code § 46.2 also provides that “[t]he commissioners elected by the bar shall serve staggered terms of six years each and shall be elected in the month of January for terms commencing July 1 of odd-numbered years.” Iowa Code § 46.2(2).
22. In order to qualify as an “eligible elector,” a person seeking election to the Commission must be a citizen of the United States. Iowa Code §§ 39.3(6), 46.2(1).
23. In order to qualify as an “eligible elector,” a person seeking election to the Commission must be an Iowa resident. Iowa Code §§ 39.3(6), 46.2(1).
24. In order to qualify as an “eligible elector,” a person seeking election to the Commission must be at least eighteen years of age. Iowa Code §§ 39.3(6), 46.2(1).
25. In order to qualify as an “eligible elector,” a person seeking election to the Commission must not have served on the State Judicial Nominating Commission previously. Iowa Code §§ 39.3(6), 46.2(4).
26. In order to qualify as an “eligible elector,” a person seeking election to the Commission must not hold an office of profit of the United States or of the State at the time of the election for the Commission. Iowa Code § 46.2(5).
27. In addition to being an “eligible elector,” a person seeking election to the Commission must satisfy the Gender Quota. *See* Iowa Code § 46.2.

Plaintiff Charles Hurley & 2025 State Judicial Nominating Commission Elections

28. Plaintiff Charles Hurley is an experienced public interest attorney with a strong background in public service and insight into the judiciary. Hurley's Ans. to Def.'s Interrogatories No. 5, App. 0107.
29. Mr. Hurley served as a representative in the Iowa Legislature from 1991 to 1996 and was Vice-Chair and Chair of the House Judiciary Committee from 1993–1996. *Id.*
30. During his time on the House Judiciary Committee, Mr. Hurley routinely met with the Chief Justice of the Iowa State Supreme Court on issues confronting the state judiciary. *Id.*; Pltfs.' First Amended Compl. at ¶ 3, ECF No. 71.
31. Mr. Hurley was also appointed by former Governor Branstad to serve as Vice-Chair of the Iowa Board of Parole in 1997. Pltfs.' Ans. to Def.'s Interrogatories No. 5, App. 0107.
32. Mr. Hurley is a citizen of the United States, over 18 years of age, a male resident of Polk County, Iowa, and has never served on the State Judicial Nominating Commission. Hurley's Ans. to Def.'s Interrogatories No. 6, App. 0108; Hurley Decl. in Support of Pltfs.' Mot. Summ. J. filed Sept. 1, ¶¶ 1–5.
33. Polk County, Iowa, is part of Iowa's Third Congressional District as outlined in Senate Bill 621, which took effect with the 2022 elections. Pltfs.' First Amended Compl. at ¶¶ 16, 31, ECF No. 71.
34. Mr. Hurley seeks to use his extensive experience and knowledge of judiciary issues to serve his community on the State Judicial Nominating Commission. Hurley's Ans. to Def.'s Interrogatories No. 5, App. 0107; Hurley Decl. in Support of Pltfs.' Mot. Summ. J. filed Sept. 1, ¶ 10.

35. In 2025, there will be elections in Congressional Districts One and Four, as well as in District Three, where Plaintiff Charles Hurley resides. Def.'s Resp. to Pltfs.' Requests for Admissions No. 7, App. 0144.
36. District Three must elect a female commissioner in 2025. Def.'s Resp. to Pltfs.' Requests for Admissions No. 8, App. 0144.
37. Per Iowa Code § 46.2(1), a male may only run for election to a seat previously held by a male, and a female may only run for election to a seat previously held by a female. Iowa Code § 46.2(1).
38. The State Court Administrator will reject the applications of candidates whose gender does not match the gender required. Decl. of Robert Gast at ¶ 5, ECF No. 20-1; Def.'s Ans. at ¶ 10, ECF No. 63.
39. Mr. Hurley wants to submit his name to serve on the State Judicial Nominating Commission for the next available elective opening in his congressional district in 2025. Hurley Decl. in Support of Pltfs.' Mot. Summ. J. filed Sept. 1, ¶ 9.
40. But for his gender, Plaintiff Hurley meets the qualifications to run for election to the State Judicial Nominating Commission as a representative of District Three. Hurley's Ans. to Def.'s Interrogatories, No. 6, App. 0108; Hurley Decl. in Support of Pltfs.' Mot. Summ. J. filed Sept. 1, ¶¶ 1-5.

Former Plaintiff Rachel Raak Law & 2023 State Judicial Nominating Commission Elections

41. Former Plaintiff Rachel Raak Law is a citizen of the United States, over 18 years of age, and a female resident of Woodbury County, Iowa. Decl. of Rachel Raak Law at ¶¶ 1–4, ECF No. 75-1.
42. Woodbury County, Iowa, is part of Iowa’s Fourth Congressional District as outlined in Senate Bill 621, which took effect with the 2022 elections. Pltfs.’ First Amended Compl. at ¶¶ 16, 27, ECF No. 71.
43. Ms. Raak Law has not previously served on the State Judicial Nominating Commission. Decl. of Rachel Raak Law at ¶ 6, ECF No. 17.
44. From 2012 to 2018, Ms. Raak Law served on the District Judicial Nominating Commission for District 3B, where she interviewed candidates who sought to become judges on Iowa’s district courts. Pltfs.’ First Amended Compl. at ¶1, ECF 71; Decl. of Rachel Raak Law at ¶ 4, ECF No. 17.
45. Ms. Raak Law gained direct experience working with the Iowa judiciary by virtue of her extensive volunteer work in a drug court program from 2012–2020. Raak Law’s Resp. to Def.’s Interrogatory No. 5, App. 0091–92.
46. Ms. Raak Law wants to serve her community by interviewing candidates for Iowa’s appellate courts as a member of the State Judicial Nominating Commission because she is passionate about the law and feels called to devote her efforts to selecting exceptional judges. *Id.*
47. According to the “Notice of Pending Elections” issued by Defendant and dated December 1, 2022, there were three individuals serving on the State Judicial Nominating Commission whose seats would expire on June 30, 2023: Dorothy O’Brien (Congressional District

One), Henry Bevel (Congressional District Two), and John Gray (Congressional District Four). App. 0096.

48. The “Notice of Pending Elections” issued by Defendant and dated December 1, 2022, lists Ms. Raak Law’s residential county, Woodbury County, as being in Congressional District Four. *Id.*

49. The “Notice of Pending Elections” noted that with respect to Congressional District Four, the person to be elected “shall be male,” and cited to Iowa Code 46.2. *Id.*

50. In December 2022, Ms. Raak Law timely submitted a nominating petition to be placed on the ballot as a candidate for the State Judicial Nominating Commission in the January 2023 election. Pltfs.’ Opp. to Mot. to Dismiss in Part, Ex. 1, Raak Law Decl. at ¶ 3, ECF No. 75-1.

51. On January 3, 2023, Defendant, citing and enforcing Iowa Code § 46.2(1), denied Ms. Raak Law the opportunity to appear on the ballot solely because of her gender. Pltfs.’ Opp. to Mot. to Dismiss in Part, Ex. 1, ECF No. 75-1; Def.’s Resp. to Pltfs.’ Request for Admission No. 2, App. 0142.

52. Defendant identified no other basis for denying Ms. Raak Law the opportunity to appear on the ballot. Pltfs.’ Opp. to Mot. to Dismiss in Part, Ex. 1, Raak Law Decl. at ¶ 4, ECF No. 75-1.

53. But for the Gender Quota, Ms. Raak Law was an “eligible elector” and qualified to serve on the State Judicial Nominating Commission. Def.’s Ans. at ¶ 26, ECF No. 63; Pltfs.’ Opp. to Mot. to Dismiss in Part, Ex. 1, Raak Law Decl. at ¶ 4, ECF No. 75-1.

54. While Ms. Raak Law does not presently know whether her professional and familial commitments will permit her to run in the next election in her congressional district, she

remains interested in serving on the Judicial Nominating Commission and intends to run in future elections. Pltfs.' Opp. to Mot. to Dismiss in Part, Ex. 1, Raak Law Decl. at ¶ 5, ECF No. 75-1.

Former Plaintiff Micah Broekemeier & 2023 State Judicial Nominating Commission Elections

55. Former Plaintiff Micah Broekemeier is a citizen of the United States, over 18 years of age, and a male resident of Johnson County Iowa. Pltfs.' Opp. to Mot. to Dismiss in Part, Ex. 2, Broekemeier Decl. at ¶¶ 1–2, ECF No. 75-2.
56. Johnson County, Iowa, is part of Iowa's First Congressional District as outlined in Senate Bill 621, which took effect with the 2022 elections. Pltfs.' First Amended Compl. at ¶¶ 16, 29, ECF No. 71.
57. Mr. Broekemeier has not previously served on the State Judicial Nominating Commission. Broekemeier Decl. at ¶ 6, ECF No. 18; Broekemeier Resp. to Def.'s Interrogatory No. 6, App. 0101.
58. Mr. Broekemeier has served on multiple committees with the Johnson County Republicans, where he gained experience screening candidates for public office. Broekemeier Decl. at ¶ 4, ECF No. 18; Broekemeier Resp. to Def.'s Interrogatory No. 6, App. 0101.
59. According to the "Notice of Pending Elections" issued by Defendant and dated December 1, 2022, the individual serving on the Commission whose seat would expire on June 30, 2023, in Mr. Broekemeier's district was Dorothy O'Brien (Congressional District One). App. 0096.
60. This notice listed Mr. Broekemeier's residential county, Johnson County, as being in Congressional District One. *Id.*

61. The “Notice of Pending Elections” delineated gender requirements for each of the openings, noting that with respect to Congressional District One, the person to be elected “shall be female,” and cited to Iowa Code § 46.2. *Id.*
62. In December 2022, Mr. Broekemeier timely submitted a nominating petition to be placed on the ballot as a candidate for the Commission in the January 2023 election. Pltfs.’ Opp. to Mot. to Dismiss in Part, Ex. 2, Broekemeier Decl. at ¶ 3, ECF No. 75-2.
63. On January 3, 2023, Defendant, citing and enforcing Iowa Code § 46.2(1), denied Mr. Broekemeier the opportunity to appear on the ballot solely because of his gender. Pltfs.’ Opp. to Mot. to Dismiss in Part, Ex. 2, ECF No. 75-2; Def.’s Resp. to Pltfs.’ Request for Admission No. 5, App. 0143.
64. Defendant identified no other basis for denying Mr. Broekemeier the opportunity to appear on the ballot. Pltfs.’ Opp. to Mot. to Dismiss in Part, Ex. 2, ECF No. 75-2.
65. But for the Gender Quota, Plaintiff Micah Broekemeier was an “eligible elector” and qualified to serve on the State Judicial Nominating Commission. Def.’s Ans. at ¶ 28, ECF No. 63; Pltfs.’ Opp. to Mot. to Dismiss in Part, Ex. 2, Broekemeier Decl. at ¶ 4, ECF No. 75-2.
66. While Plaintiff Micah Broekemeier does not presently know whether his professional and familial commitments will permit him to run in the next election in his congressional district, he remains interested in serving on the Judicial Nominating Commission and intends to run in future elections. Pltfs.’ Opp. to Mot. to Dismiss in Part, Ex. 2, Broekemeier Decl. at ¶ 5, ECF No. 75-2.

DATED: September 1, 2023.

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Attorneys for Plaintiff
** Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2023, I submitted the foregoing to the Clerk of the Court via the District Court's CM/ECF system, which will provide notice of the submission of this document to all counsel of record.

s/ Erin E. Wilcox

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

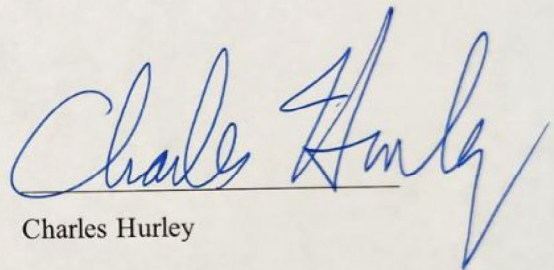
CHARLES HURLEY, individual,)	
	)	Case No. 4:22-cv-00176-SMR-SBJ
Plaintiff,)	
)	
v.)	
)	
ROBERT GAST, in his official capacity as	)	<u>DECLARATION OF</u>
State Court Administrator for the Iowa Judicial	)	<u>CHARLES HURLEY IN SUPPORT</u>
Branch,	)	<u>OF PLAINTIFF’S MOTION FOR</u>
	)	<u>SUMMARY JUDGMENT</u>
Defendant.)	
)	

I, Charles Hurley, declare under penalty of perjury that the following is true and correct to the best of my present knowledge, information, and belief:

1. I am a citizen of the United States, over 18 years of age, and a Plaintiff in this matter.
2. I am a male resident of Polk County, Iowa, which is in Iowa’s Third Congressional District.
3. I have been licensed to practice law in Iowa since 1983.
4. I have not previously served on the State Judicial Nominating Commission.
5. I do not currently hold nor do I intend to hold an office of profit of the United States or of the State of Iowa.
6. Iowa’s Third Congressional District will elect its next State Judicial Nominating Commission representative in January 2025.
7. Per Iowa Code §46.2(1), this seat must be filled by a female.
8. It is my understanding that the application process for the January 2025 State Judicial Nominating Commission election will begin in December 2024.

9. When the application process for the January 2025 State Judicial Nominating Commission elections begins, I intend to submit an application to be placed on the ballot for the elective opening in the Third Congressional District.
10. I want to serve as an elected commissioner on the State Judicial Nominating Commission because as an experienced attorney, former state representative, and former chair of the Iowa House Judiciary Committee, I believe I can use my extensive experience and knowledge of judiciary issues to serve my community.

Dated this 30th day of August 2023, at Urbandale, Iowa.


Charles Hurley

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

CHARLES HURLEY, an individual,)	
	)	Case No. 4:22-cv-00176-SMR-SBJ
Plaintiff,)	
)	
v.	)	DECLARATION OF
	)	LAURA D’AGOSTINO
ROBERT GAST, in his official capacity as)	
State Court Administrator for the Iowa)	
Judicial Branch,)	
)	
Defendant.)	

I, Laura D’Agostino, declare as follows:

1. I am an attorney representing the Plaintiff in the above-captioned case. I am therefore personally familiar with the facts and circumstances of this case referenced herein, including the discovery process. I submit this declaration and attached appendix in support of Plaintiff’s motion for summary judgment.

2. Attached hereto as App. 0001 is a list showing the gender breakdown of State and District Judicial Nominating Commissions, dated April 21, 1986. This document was produced in discovery with Bates number DEF 000521.

3. Attached hereto as App. 0002–0012 are lists containing the names of people who sought to be elected to the State Judicial Nominating Commission. These documents were produced during discovery with Bates numbers DEF 000780 through DEF 000790.

4. Attached hereto as App. 0013–0017 are excerpts from Defendant’s Response to Plaintiffs’ First Set of Interrogatories, dated April 7, 2023.

5. Attached hereto as App. 0018–0067 are excerpts from Iowa Registers, Acts & Joint Resolutions, and State Rosters. These documents were produced during discovery with Bates numbers DEF 000541 through DEF 000647.

6. Attached hereto as App. 0068–0088 are excerpts from the deposition transcript of Robert Gast, taken July 6, 2023.

7. Attached hereto as App. 0089–0095 are excerpts from former plaintiff Rachel Raak Law’s Responses and Objections to Defendant’s First Set of Interrogatories, dated July 31, 2023.

8. Attached hereto as App. 0096 is a Notice of Pending Elections for State Judicial Nominating Commissioners, dated Dec. 1, 2022. This document is publicly available at https://www.iowacourts.gov/static/media/cms/Notice_of_Pending_Elections_for_Sta_0D198566_AEAAC.pdf

9. Attached hereto as App. 0097–0103 are excerpts from former plaintiff Micah Broekemeier’s Responses and Objections to Defendant’s First Set of Interrogatories, dated July 31, 2023.

10. Attached hereto as App. 0104–0110 are excerpts from Plaintiff Charles Hurley’s Responses and Objections to Defendant’s First Set of Interrogatories, dated July 31, 2023.

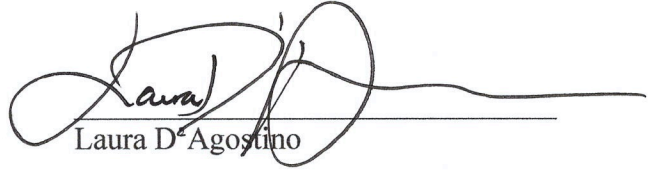
11. Attached hereto as App. 0111–0134 are excerpts from the deposition transcript of Dr. Rachel Paine Caufield, taken July 21, 2023.

12. Attached hereto as App. 0135–0140 are excerpts from the transcript of the hearing on Plaintiffs’ Motion for Preliminary Injunction, held July 19, 2022.

13. Attached hereto as App. 0141–0144 are excerpts from Defendant’s Response to Plaintiff’s First Set of Requests for Admissions.

* * *

I declare under penalty of perjury that the foregoing is true and correct. Executed
on this 1st day of September, 2023, at Centreville, Virginia.



Laura D'Agostino

11. Transcript, Hearing on Plaintiffs’ Motion for Preliminary
InjunctionApp. 0135–0140

12. Excerpts from Defendant’s Response to Plaintiffs’ First Set of Requests
for Admissions App. 0141–end

JUDICIAL NOMINATING COMMISSION

	<u>Elected</u>		<u>Appointed</u>		<u>Nominees Last Election</u>	
	<u>Men</u>	<u>Women</u>	<u>Men</u>	<u>Women</u>	<u>Men</u>	<u>Women</u>
State	7	0	2	5	3	0
District						
1A	4	1	1	4	2	0
1B	4	1	1	4	2	0
2A	5	0	2	3	2	0
2B	5	0	0	5	7	1
3A	5	0	1	4	4	0
3B	5	0	0	5	3	0
4	5	0	1	4	2	0
5A	5	0	1	4	2	0
5B	5	0	0	5	3	0
5C	5	0	2	3	24	5
6	3	2	0	5	4	1
7	4	1	1	4	3	2*
8A	5	0	0	5	1	1
8B	<u>5</u>	<u>0</u>	<u>1</u>	<u>4</u>	<u>1</u>	<u>0</u>
Total	72	5	13	64	63	10
	6% Women		83% Women		14% Women	

Total 69 out of 154 or 45% are women

* 1 won

1st Congressional District
STATE JUDICIAL NOMINATING COMM.

6 year terms

First

Jan 1981

122

- 2 Aspelmeier, Kenneth
 1 Bell, Thomas J.
 1 Bremer, Celeste J
 10 Dailey, Edward W.
 1 Elgar, Alanson K.
 1 Hayek, Peter
 1 Heimer, Bob
 6 Hobart, Thomas D.
 1 Laff, Alan
 1 Mc Coid, David L.
 3 Mc Grath, James W Sr.
 69 McMahon, Richard M
 1 Morrissey, John
 1 Morrison, J. Gifford
 1 Neely, Marion
 2 Nolan, John J.
 3 Oleson, Clara
 1 Olvera, Jose
 1 Park, Richard C. (Victor)
 1 Parkin, Robert D.
 1 Poula, David
 1 Ridenour, Rex J.
 1 Rosmiller, Walter J.
 1 Ruther, William A.
 1 Shearer, Paul V.
 1 Silver, Donald E.
 1 Smith, John A.
 1 Sueppel
 1 Tobey, Mike
 1 Trent, William B. jr
 1 Tucker, William
 2 Walton, Raymond J.
 1 Waterman, Robert

6th Congressional District
STATE JUDICIAL NOMINATING COMM.

Sixth

Jan 1981

(88)

- 1 Barry, Rick
- 2 Belson, Robert G.
- 4 Bjornstad, Christopher A.
- 1 Blair, David G.
- 1 Carlson, Claire
- 10 Cassel, Leo G.
- 2 Crotty, G. Desmond
- 1 Ford, Alvin G.
- 1 Furlong, Phil
- 1 Gadd, Stephen A.
- 1 Hamilton, James A.
- 1 Hamilton, Willis
- 1 Hankens, Don R.
- 1 Hansen, Doug
- 3 Hellige, Michael A.
- 2 Howe, Bradley
- 1 Huibregtse, Robert R.
- 1 Hutchinson, Edwin A.
- 1 Kennedy, Frank
- 2 Lynch, Joe jr
- 1 Mack, Edgar
- 1 Mayne, John D.
- 1 McCullough, Thomas
- 1 McDonald, James
- 1 Mitchel, Ed
- 1 Narey, Peter B.
- 1 Nieland, Maurice B.
- 3 Sandblom, Steven K.
- 2 Sayre, David
- 2 Stoebe, H. A.
- 1 Sturgeon, Lee
- 1 Sullar, Lon R.

11-Welty, Kenneth

22-Whicher, J. M.

1-Wickey, Gene C

JUD. NOMINATING COMMISSIONERS
ELECTION - January 1987

District 6

✓ David R. Crary	195	
✓ Joseph L. Fitzgibbons	179	
Michael W. Ellwanger	1	
Kurt Strobe	1	
Michael McEnroe	1	
Erwin A. Hutchison	1	
Paul Rosene	1	377

District 1

✓ Robert A. Engberg	165	
✓ David U. Sallen	81	
John Kultala	2	
Philip B. Mears	1	
David A. Hirsch	1	
Patricia Cepican	1	
Sherrie Knight	1	
Carl W. Schultzy	1	
John Aitken	1	
Kirby L. Schmidt	1	
Earl Layson	1	
Tom Yeggy	1	
Menette Doderer	1	
Double Votes	4-Void	262

District 2

✓ Minor Barnes	239	
Others	26	265

904

JUDICIAL NOMINATION COMMISSION

1977

IOWA STATE
JUDICIAL NOMINATING COMMISSION

* BALLOT *

To be cast by the resident members of the bar
of the Fifth Congressional District of Iowa.

Vote for one (1) for Iowa State Judicial
Nominating Commissioner for the term commencing
July 1, 1977.

NAOMI MERCER

RAY SULLINS

To be counted, this ballot must be completed
and mailed or delivered to the Clerk of Supreme
Court of Iowa, Statehouse, Des Moines IA 50319,
not later than January 31, 1977.

DESTROY BALLOT IF NOT USED

NOMINATION PAPERS
District 4 and 5
Jud. Nominating Commission Election
1977

DEC 30 1976

NOMINATION PAPER

CLERK SUPREME COURT

For the office of Iowa State Judicial Nominating ~~Commissioner~~

For use in the Fourth Congressional District of Iowa

I, the undersigned, a resident member of the Bar of the Fourth Congressional District of Iowa, hereby nominate NAOMI MERCER of POLK County, Iowa, as a candidate for the office of State Judicial Nominating Commissioner to be voted at the election for such Nominating Commissioner to be held January, 1977.

This nomination paper is required to be on file in the Office of the Clerk of Supreme Court, Des Moines, Iowa, on or before January 1, 1977.

NAME	RESIDENCE (Street & Number)	TOWN	DATE OF SIGNING
Alfredo B. Parish	1401 Chautauque Pkwy	DES MOINES, Ia	10-20-76
W. Lawrence Oliver	5795 NW 72nd Pl	Des Moines, Ia	10-20-76
James M. Meade	1502 4th St	DES MOINES IA	10-20-76
Richard A. Strickler	4716 Lakeview Dr	Des Moines, Ia	10-21-76
James B. Cuzzo	4010 School	Des Moines, Ia	10-21-76
Geo. Oberger	662-57	"	"
Harold H. Hery	2508 Meadow Lane	W. Des Moines	10-21-76
Pat [unclear]	906 Knoll Hill Dr	D. M., Ia	10-21-76
A. B. [unclear]	3901 SW 420 3206 70th	Des Moines Urbandale	10/21/76
Robert C. [unclear]	532 Euclid	Des Moines	10-21-76
Maag Moss	3600 Waterworks Pkwy	Des Moines	10/21/76
Orlando [unclear]	7300 Benton Dr	" "	10/21/76
John [unclear]	1040 N. Bluff	Des Moines	10/21/76
J. [unclear]	1610 Waterloo	"	8-21-76
Lynne J. [unclear]	4010 Kingman Blvd	Des Moines, Ia	10-21-76
Frank [unclear]	4517 Wabasha Shury	Des Moines, Ia	10-21-76
[unclear]	2200 Chautauque	Des Moines, Ia	10-21/76
[unclear]	10177 Sunchales	Des Moines, Ia	10-21-76
Karen J. [unclear]	2345 Park	Des Moines	10-21-76
[unclear]	310.3 E Grand Ave	Des Moines	10-21-76
[unclear]	4303 Wabasha Pkwy	Des Moines	10-21-76
[unclear]	3922 E. 38th	Des Moines	10-21-76
Ben [unclear]	6834 NW 54th St	Des Moines	10/21/76
Kodney J. [unclear]	707-35	Des Moines	10-21-76
Robert B. [unclear]	2841 Gilmore St.	Des Moines	10/21/76
[unclear]	3121 SW 30th	Des Moines	10/21/76
[unclear]	5831 N. Waterbury Rd	Des Moines	10/21/76
Thomas E. McCusin	1138 29th St	DES MOINES	10/21/76

<u>Linda Deb Gally</u>	<u>641 49th St. Apt. 1</u>	<u>Des Moines Ia</u>	<u>10/27/76</u>
<u>Debra A. Ciordano</u>	<u>2804 Siles</u>	<u>West Des Moines Ia</u>	<u>11-9-76</u>
<u>E. La Von French</u>	<u>1749 Maxella Trail</u>	<u>Des Moines</u>	<u>12-10-76</u>
<u>Donna Burkwood</u>	<u>1608 62nd</u>	<u>Des Moines</u>	<u>12-10-76</u>
<u>E. Paul Walker</u>	<u>RR 3 NORWALK</u>	<u>FourA</u>	<u>12/10/76</u>
<u>Robert W. Chubbuck</u>	<u>4010 Beaver Ave.</u>	<u>Des Moines</u>	<u>12-11-76</u>
<u>Julius Paul J.</u>	<u>607 Country Club</u>	<u>Des Moines</u>	<u>12/14/76</u>
<u>Ed J. J. J.</u>	<u>641 49th St</u>	<u>Des Moines</u>	<u>12/21/76</u>
<u>Helen D. J. J.</u>	<u>3511 14th St</u>	<u>Des Moines</u>	<u>12/21/76</u>
<u>Helen D. J. J.</u>	<u>3333 Grand</u>	<u>Des Moines</u>	<u>12/21/76</u>
<u>Helen D. J. J.</u>	<u>4017 Wilson</u>	<u>Des Moines</u>	<u>12/21/76</u>
<u>John A. Temple</u>	<u>303 10th St SE</u>	<u>ALTONA IA</u>	<u>12/21/76</u>
<u>Patricia A. Hoff</u>	<u>500 31st #1</u>	<u>Des Moines</u>	<u>12/21/76</u>
<u>Andrew J. J. J.</u>	<u>4321 - 67th St</u>	<u>Des Moines</u>	<u>12/21/76</u>
<u>John M. J. J.</u>	<u>3801 Crestmont</u>	<u>Des Moines</u>	<u>12/21/76</u>
<u>Robert J. J. J.</u>	<u>1609 NW Dr</u>	<u>Des Moines</u>	<u>12/21/76</u>
<u>John J. J. J.</u>	<u>1500-43rd</u>	<u>Des Moines</u>	<u>12/21/76</u>
<u>Clare J. J. J.</u>	<u>1173-20th St - W</u>	<u>WEST DM</u>	<u>12-21-76</u>
<u>Wm J. J. J.</u>	<u>1130 - G St</u>	<u>West, P.M.</u>	<u>12/21/76</u>
<u>Clare J. J. J.</u>	<u>1849. Buffalo Rd W Des</u>	<u>West Des</u>	<u>12/21/76</u>
<u>John J. J. J.</u>	<u>749 54 Wm.</u>	<u>Des Moines</u>	<u>12-21-76</u>
<u>Thomas J. Logan</u>	<u>3013 Prospect Dr.</u>	<u>Des Moines</u>	<u>12/21/76</u>

STATE OF IOWA
Polk COUNTY

I, Naomi Mercer, of Des Moines, Iowa, on oath depose and say that I am a resident member of the Bar of the Fourth Congressional District of Iowa; that I am personally acquainted with all the persons who have signed this nomination paper; that I know them to be resident members of the Bar of the Fourth Congressional District of Iowa, and of the County of Polk; that I know they signed said paper with knowledge of its contents; that their respective residences are as stated and that each one signed said paper on the date stated opposite his name.

Witness my hand this 21st day of December, 1976.

Naomi S. Mercer

Subscribed in my presence and sworn to before me by Naomi Mercer
 this 21st day of December, 1976.

Marge Mullins
 Notary Public
 In and for Polk County, Iowa

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

RACHEL RAAK LAW, MICAH
BROEKEMEIER, and CHARLES
HURLEY, individuals,

Plaintiffs,

v.

ROBERT GAST, in his official capacity
as State Court Administrator for the
Iowa Judicial Branch,

Defendant.

Case No. 4:22-CV-00176-SMR-SBJ

**DEFENDANT'S RESPONSE TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

COMES NOW, Defendant Robert Gast, State Court Administrator for the Iowa Judicial Branch and hereby submits his response to Plaintiffs' First Set of Interrogatories.

Defendant objects to all "instructions" and "definitions" contained within Plaintiffs' discovery requests to the extent that they are overly broad and seek to impose definitions or burdens not required by the rules of civil procedure. Defendant will respond in accordance with the Federal Rules of Civil Procedure and will give the terms contained in Plaintiffs' requests their commonly understood, ordinary definitions.

Respectfully submitted,

BRENNA BIRD
Attorney General of Iowa

691, DEF 780–790, and any other documents produced or to be produced by Defendant in response to Plaintiffs’ Request for Production No. 3.

INTERROGATORY NO. 6: Identify all gender-neutral means you have considered or used to further the government interests you identified in your response to Interrogatory No. 3.

ANSWER: Defendant is sued in his official capacity. Defendant is not a legislator. Defendant is not required to consider and rule out gender-neutral means. Defendant is merely required to administer the statute as it is written. Defendant has no personal knowledge of what means the legislature may have considered over the years to further the government interests section 46.2 supports. Prior to the enactment of section 46.2, the statute utilized an alternative whereby elections had no gender balance requirement.

INTERROGATORY NO. 7: Identify all individuals whose nominating petition you rejected on the basis of gender since January 1, 2018.

ANSWER: Rachel Raak Law and Micah Broekemeier. See also Bates pages DEF 691–716. Because these individuals are Plaintiffs, Defendant is not providing the further “identifying” information requested in Plaintiffs’ Definition No. 8.

INTERROGATORY NO. 8: Identify all female candidates who sought to be elected to the Judicial Nominating Commission between 1982 and 1987.

ANSWER: Defendant interprets the interrogatory as referring to the State Judicial Nominating Commission, rather than any district judicial nominating commission. If that is incorrect, please clarify. This response is based on an assessment of first names and thus may not be definitive. Nevertheless, it appears that the following female candidates sought election to the State Judicial Nominating Commission, or received at least one vote in a particular election: Patricia Cepican (First Congressional District, 1987); Sherri Knight (First Congressional District, 1987); and Minette Doderer (First Congressional District, 1987). Due to remoteness in time and lack of knowledge, Defendant is not providing further “identifying” information for these individuals requested in Plaintiffs’ Definition No. 8.

Although preceding the period requested, additionally, it appears the following female candidates sought election to the State Judicial Nominating Commission, or received at least one vote in a particular election: Naomi Mercer (Fifth Congressional District, 1977); Celeste Bremer (First Congressional District, 1981); Clara Oleson (First Congressional District, 1981); and Claire Carlson (Sixth Congressional District, 1981). See Bates pages DEF 780–790.

INTERROGATORY NO. 9: Identify all female candidates who were elected to serve on the Judicial Nominating Commission between 1982 and 1987.

ANSWER: Defendant interprets the interrogatory as referring to the State Judicial Nominating Commission, rather than any district judicial nominating commission. If that is incorrect, please clarify. Defendant has identified no female

candidates who were elected to serve on the State Judicial Nominating Commission between 1982 and 1987.

INTERROGATORY NO. 10: If you contend that the Gender Quota remedies discrimination against female candidates to the Judicial Nominating Commission, please state the factual basis for your contention.

ANSWER: Defendant objects to the characterization of Iowa Code section 46.2 as a Gender Quota, and denies that it constitutes a Gender Quota. Additionally, Defendant interprets the interrogatory as referring to the State Judicial Nominating Commission, rather than any district judicial nominating commission. If that is incorrect, please clarify.

Subject to and without waiving any objection, see the Court's order dated November 20, 2022; Defendant's response to Interrogatory No. 3; Defendant's response to Interrogatory No. 5; and Professor Caufield's expert report and materials cited therein.

INTERROGATORY NO. 11: If you contend that the Gender Quota remedies discrimination against male candidates to the Judicial Nominating Commission, please state the factual basis for your contention.

ANSWER: Defendant objects to the characterization of Iowa Code section 46.2 as a Gender Quota, and denies that it constitutes a Gender Quota. Additionally, Defendant interprets the interrogatory as referring to the State Judicial Nominating

Commission, rather than any district judicial nominating commission. If that is incorrect, please clarify.

Subject to and without waiving any objection, Defendant does not contend that Iowa Code section 46.2 remedies discrimination against male candidates.

VERIFICATION

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the following is true and correct, and I have legal authority to certify these answers on behalf of the Defendant.

April 7, 2023
Date



Signature

Iowa Official Register



Fiftieth Number
1963-1964

S. E. Tennant
Superintendent of Printing

Edward F. Mason
Editor

JUDICIAL NOMINATING COMMISSIONS

Commissions to make nominations to fill vacancies in judgeships were selected in the spring and summer of 1963 under terms of the constitutional amendment adopted in 1962, as implemented by Senate File 402 of the Sixtieth General Assembly. Half the commissioners are elected by members of the bar, half are appointed by the governor, and the chairman is the senior judge in the jurisdiction concerned. Vacancies in judgeships are filled by appointment by the governor, who selects from among nominees designated by the nominating commission.

STATE JUDICIAL NOMINATING COMMISSIONERS

The seven first named, after the chairman, were elected by the bar; the remaining seven were appointed by the governor. This commission makes nominations to fill vacancies on the supreme court bench.

Supreme Court Commission—Judge Norman R. Hays, Knoxville, Chairman; John Carlisle Pryor, Burlington; Charles J. Lynch, Cedar Rapids; Lloyd Karr, Webster City; H. G. Cartwright, Marshalltown; Eugene Davis, Des Moines; Jesse E. Marshall, Sioux City; Philip J. Willson, Council Bluffs; John P. Bickel, Cedar Rapids; James W. Cravens, Sanborn; John M. Downey, Des Moines; Edris H. Owens, Newton; Louis R. Galetich, Carroll; Paul M. Larsen, Cedar Falls; Lamar Foster, West Branch.

DISTRICT JUDICIAL NOMINATING COMMISSIONERS

The five first named, in each district, after the chairman, were elected by the bar; the remaining five were appointed by the governor. These commissioners make nominations to fill vacancies on the district court bench.

First Judicial District—Judge J. R. Leary, Fort Madison, Chairman; Robert R. Phelan, Fort Madison; E. H. Pollard, Fort Madison; William R. Sheridan, Keokuk; Ralph B. Smith, Keokuk; Robert H. Walker, Keokuk; Henry Leu, Keokuk; Mrs. F. L. Poepsel, West Point; Michael Maher, Fort Madison; Robert P. Roberts, Fort Madison; C. S. Abell, Keokuk.

Second Judicial District—Judge Elmer K. Daugherty, Ottumwa, Chairman; Richard C. Bauerle, Ottumwa; Francis C. Cameron, Albia; W. R. Fimmen, Bloomfield; Oscar A. Stafford, Chariton; Jo S. Stong, Keosauqua; Clark Rasmussen, Ottumwa; Bob D. Hellyer, Chariton; Dr. E. F. Ritter, Centerville; John Peterson, Albia; F. A. Nimocks, Ottumwa.

Third Judicial District—Judge T. W. Miles, Corydon, Chairman; R. B. Hawkins, Leon; James A. Lucas, Bedford; Thos. E. Mullin, Creston; Lee Watts, Corning; Frank F. Willson, Mount Ayr; Mrs. Marjean Poston, Corydon; John D. Warin, Maloy; Velmer Stevens, Diagonal; Robert Beecher, Creston; John D. Jones, Corning.

Fourth Judicial District—Judge Ralph W. Crary, Sioux City, Chairman; Carlton M. Corbett, Sioux City; Franklin E. Gill, Sioux City; Wallace W. Huff, Sioux City; Elbert M. Prichard, Onawa; Harry H. Smith, Sioux City; Mark Krueger, Sioux City; Milton Tappan, Sioux City; Hans Carstens, Sioux City; Mrs. Joyce Davis, Mapleton; George Kourplias, Sioux City.

Fifth Judicial District—Judge S. E. Prall, Indianola, Chairman; C. K. Batschelet, Guthrie Center; J. E. Don Carlos, Greenfield; Carroll Johnson, Knoxville; Charles I. Joy, Perry; H. Claude Peer, Earlham; Dr. Edward Cunningham, Winterset; Dr. Charles McCauley, Perry; Derwin Larsen, Orient; Albert W. Haden, Panora; Mrs. E. V. Guye, Winterset.

Sixth Judicial District—Judge R. G. Yoder, Sigourney, Chairman; Alfred E. Baldrige, Washington; L. L. Brierly, Newton; Carl G. Draeger, What Cheer; Hugh B. McCoy, Oskaloosa; Clyde McFarlin, Montezuma; C. Edwin Gilmour, Grinnell; Rex Thomas, Barnes City; John Norris, Newton; Quincy Rice, Delta; Martin L. Lewis, Marroe.

Seventh Judicial District—Judge Matthew Westrate, Muscatine, Chairman; A. Wayne Eckhardt, Muscatine; Martin F. McCarthy, Davenport; W. R. Mockridge, DeWitt; Charles E. Wittenmeyer, Davenport; Stewart Haylock, Maquoketa; Carroll Wright, Davenport; Edwin J. Madson, West Liberty; Harold L. Irwin, DeWitt; Wilbur Cannon, Bettendorf; Rhea Hambricht, Davenport.

Eighth Judicial District—Judge James P. Gaffney, Marengo, Chairman; A. C. Cahill, Iowa City; Byron Goldthwaite, Marengo; William R. Hart, Iowa City; Philip A. Left, Iowa City; J. L. Swift, Marengo; Mrs. Dale Dever, Iowa City; Joseph Kinney, Oxford; Larry P. Waters, Iowa City; Lawrence Elwood, Williamsburg; Bruce Wilson, North English.

Iowa Official Register



Fifty-first Number

1965-1966

S. E. Tennant
Superintendent of Printing

Edward F. Mason
Editor

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First Judicial District—Judge J. R. Leary, Fort Madison, Chairman; Robert R. Phelan, Fort Madison; E. H. Pollard, Fort Madison; William R. Sheridan, Keokuk; Ralph B. Smith, Keokuk; Robert H. Walker, Keokuk; Michael Maher, Fort Madison; Mrs. F. L. Poepsel, West Point; Henry Leu, Keokuk; Charles S. Abell, Sr., Keokuk; Wilson B. Lemberger, Wever.

Second Judicial District—Judge Charles N. Pettit, Bloomfield, Chairman; Richard C. Bauerle, Ottumwa; Scott Jordan, Fairfield; W. R. Fimmen, Bloomfield; Oscar A. Stafford, Chariton; Jo S. Stong, Keosauqua; Bob D. Hellyer, Chariton; Dr. E. F. Ritter, Centerville; Norman S. Bookin, O.D., Ottumwa; Donald W. Slavens, Ottumwa; Donald L. Smith, Bloomfield.

Third Judicial District—Judge H. J. Kittleman, Creston, Chairman; R. B. Hawkins, Leon; James A. Lucas, Bedford; Thos. E. Mullin, Creston; Lee Watts, Corning; Frank F. Wilson, Mount Ayr; Robert Beecher, Creston; Velmer Stephens, Diagonal; Mrs. Marjean Poston, Corydon; John D. Jones, Corning; John D. Warin, Maloy.

Fourth Judicial District—Judge Ralph W. Crary, Sioux City, Chairman; Carlton M. Corbett, Sioux City; Keith A. Beekley, Sioux City; Wallace W. Huff, Sioux City; Elbert M. Prichard, Onawa; Harry H. Smith, Sioux City; Mrs. Joyce Davis, Mapleton; Milton Tappan, Sioux City; Keith Klingler, Sioux City; Hans Carstens, Sioux City; Mark Krueger, Sioux City.

Fifth Judicial District—Judge S. E. Prall, Indianola, Chairman; C. K. Batschalet, Guthrie Center; J. E. Don Carlos, Greenfield; Carroll Johnson, Knoxville; Charles I. Joy, Perry; H. Claude Peer, Earlham; Elbert W. Haden, Panora; Derwin Larsen, Orient; Dr. Charles McCauley, Perry; Jack E. Ellis, Menlo; Mrs. Marguerite Gallery, Winterset.

Sixth Judicial District—Judge R. G. Yoder, Sigourney, Chairman; Alfred E. Baldrige, Washington; L. L. Briarly, Newton; Carl G. Draeger, What Cheer; Hugh B. McCoy, Oskaloosa; Clyde McFarlin, Montezuma; John E. Norris, Newton; Quincy Rice, Delta; John H. Burma, Grinnell; Charles E. Gifford, Newton; Rex Thomas, Barnes City.

Seventh Judicial District—Judge M. L. Sutton, Clinton, Chairman; A. Wayne Eckhardt, Muscatine; Martin F. McCarthy, Davenport; W. R. Mockridge, DeWitt; Charles E. Wittenmeyer, Davenport; LaVerne M. Roberg, Maquoketa; Harold L. Irwin, DeWitt; Edwin J. Madson, West Liberty; Fay E. Fair, Wilton Junction; James A. Hammill, Sr., Davenport; Lewis R. Robertson, Davenport.

Eighth Judicial District—Judge Clair E. Hamilton, Iowa City, Chairman; A. C. Cahill, Iowa City; Byron Goldthwaite, Marengo; William J. Jackson, Iowa City; Philip A. Leff, Iowa City; Harold W. Swift, Marengo; Lawrence Elwood, Williamsburg; Larry P. Waters, Iowa City; Mrs. Dale Dever, Iowa City; Richard T. Feddersen, Iowa City; Bruce B. Wilson, North English.

Iowa Official Register



Fifty-second Number

1967-1968

J C Moore

Superintendent of Printing

Betty L. Lamberto

Editor

JUDICIAL NOMINATING COMMISSIONS

Commissions to make nominations to fill vacancies in judgeships were established in the spring and summer of 1963 under terms of the constitutional amendment adopted in 1962, as implemented by Ch. 80 of the Acts of the Sixtieth General Assembly. Half the commissioners are elected by members of the bar, half are appointed by the governor, and the chairman is the senior judge in the jurisdiction concerned. Vacancies in judgeships are filled by appointment by the governor, who selects from among nominees designated by the nominating commission.

STATE JUDICIAL NOMINATING COMMISSIONERS

The seven first named, after the chairman, were appointed by the Governor; the remaining seven were elected by the bar. This commission makes nominations to fill vacancies on the supreme court bench.

Supreme Court Commission—Judge Robert L. Larson, Iowa City, Chairman; Gene F. McGrevey, Davenport; F. James Bradley, Cedar Rapids; Paul M. Larsen, Cedar Falls; Edris H. Owens, Newton; John M. Downey, Des Moines; Leo F. Fitzgibbons, Estherville; Lewis R. Galetich, Carroll; John C. Pryor, Burlington; Charles J. Lynch, Cedar Rapids; Richard Zellhoefer, Waterloo; H. G. Cartwright, Marshalltown; Carl A. Smedal, Ames; Jesse E. Marshall, Sioux City; Philip J. Willson, Council Bluffs.

DISTRICT JUDICIAL NOMINATING COMMISSIONERS

The five first named, excluding the chairman, in each district were appointed by the governor; the remaining five were elected by the bar. These commissioners make nominations to fill vacancies on the district court bench.

First Judicial District—Hon. J. R. Leary, Fort Madison, Chairman; Henry Leu, Keokuk; Robert F. O'Malley, Fort Madison; Donald E. Chicken, Burlington; H. C. Lowe, D.V.M., Columbus Junction; Miss Fern McCarthy, Burlington; C. T. Cline, Burlington; Russell R. Newell, Columbus Junction; Harold F. McLeran, Mt. Pleasant; R. Buell Smith, Keokuk; Don K. Walter, Burlington.

Second Judicial District—Hon. Charles N. Pettit, Bloomfield, Chairman; Dr. Norman S. Bookin, Ottumwa; Donald W. Slavens, Ottumwa; Donald L. Smith, Bloomfield; Dr. E. F. Ritter, Centerville; Gary Cameron, Fairfield; Richard C. Bauerle, Ottumwa; Scott Jordan, Fairfield; W. R. Fimmen, Bloomfield; George A. Milani, Centerville; Jo S. Stong, Keosauqua.

Third Judicial District—Hon. H. J. Kittleman, Creston, Chairman; Marjean Poston (Mrs.), Corydon; John D. Jones, Corning; John D. Warin, Maloy; Robert Beecher, Creston; Velmer D. Stephens, Diagonal; R. B. Hawkins, Leon; James A. Lucas, Bedford; Thomas E. Mullin, Creston; Lee Watts, Corning; Frank F. Wilson, Mount Ayr.

Fourth Judicial District—Hon. George M. Paradise, Sioux City; Keith U. Klingler, Sioux City; B. E. Wanser, Sioux City; Hans Carstens, Sioux City; John Sheehan, Sioux City; Joyce Davis (Mrs.), Mapleton; Carlton M. Corbett, Sioux City; Keith A. Beekley, Sioux City; Wallace W. Huff, Sioux City; Elbert M. Prichard, Onawa; Harry H. Smith, Sioux City.

Fifth Judicial District—Hon. Hobart Newton, Stuart, Chairman; Dr. Charles McCauley, Perry; Marguerite Gallery, Winterset; Jack E. Ellis, Menlo; Ralph Burkett, Minburn; Raymond Ocheltree, Bayard; C. K. Batschelet, Guthrie Center; William L. Fisher, Adair; Carroll Johnson, Knoxville; Charles I. Joy, Perry; H. Claude Peer, Earlham.

Sixth Judicial District—Hon. R. G. Yoder, Sigourney, Chairman; John H. Burma, Grinnell; Charles E. Gifford, Newton; Rex Thomas, Barnes City; Paul V. Shearer, Washington; John Norris, Newton; Alfred E. Baldrige, Washington; L. L. Brierly, Newton; Carl G. Draeger, What Cheer; Hugh B. McCoy, Oskaloosa; E. W. McNeil, Montezuma.

Seventh Judicial District—Hon. M. L. Sutton, Clinton, Chairman; F. E. Fair, Wilton Junction; James A. Hammill, Sr., Davenport; Carroll Wright, Davenport; Harold L. Irwin, De Witt; William E. Leming, Wilton Junction; A. Wayne Eckhardt, Muscatine; Martin F. McCarthy, Davenport; W. R. Mockridge, De Witt; Charles E. Wittenmeyer, Davenport; LaVerne M. Roberg, Maquoketa.

Iowa Official Register

Fifty-third Number
1969-1970

J C Moore
Superintendent of Printing

L. Dale Ahern
Editor

MUNICIPAL COURT

Any city, having a population of 5,000 or more, as shown by the last preceding United States census, may establish a municipal court. All civil townships in which said city or any part thereof is located shall constitute the municipal court district and its jurisdiction is co-extensive with the territorial limits of the county in which the court is located.

When a municipal court is established, all police courts, mayors' courts, justice of the peace courts and superior courts within the municipal court district are automatically abolished.

The judges of the municipal courts in the 13 Iowa cities which have these jurisdictions are as follows:

JUDGES OF THE MUNICIPAL COURT

Ames	John L. McKinney	Des Moines . . .	Howard W. Brooks
Burlington	Gary J. Snyder		Luther T. Glanton, Jr.
Cedar Falls . . .	Forest E. Eastman		Harry B. Grund
Cedar Rapids			Ray Harrison
	Loren M. Hullinger, Jr.	Dubuque	Karl Kenline
	John B. Reilly		Frank D. Gilloon, Jr.
	Clinton E. Shaeffer	Marshalltown	R. M. O'Bryan
Clinton	David F. Halbach	Ottumwa	Charles C. Ayres, Jr.
Council Bluffs	Allan Ardell	Sioux City	John M. Fachman
	Ross F. Caniglia		John E. Hutchinson
Davenport	Bertram B. Metcalf	Waterloo	Ben G. Howrey
	Phillip Steffin, Jr.		William W. Parker

POLICE, MAYORS' AND JUSTICE COURTS

Police courts are required in all cities of 15,000 or more population, wherein there is no municipal or superior court. These are courts of record and are supposed to be always open for business. Police courts may be established in cities smaller than 15,000 if so provided by municipal ordinance. Police judges are appointed by the city council unless municipal ordinance provides that they shall be elected.

Mayors' courts are found in all cities and towns under 15,000 in population which do not have a municipal, superior or police court. The only qualification for the office is being elected to serve as mayor.

The Iowa Code provides for the election of two justices of the peace for each township except in townships where there is a municipal court. But of some 3,000 possible justices in the state, actually there are approximately 500, because there have been no candidates for the vacancies. The jurisdiction of a justice of the peace is county-wide. A justice can act in place of a mayor, police judge or judge of a municipal or superior court if such judge is absent or unable to act. Justices of the peace are elected for two years. The only qualifications for the office are that the justice be a resident of the township and that he post bond.

Judicial Nominating Commissions

Commissions to make nominations to fill vacancies in judgeships were established in the spring and summer of 1963 under terms of the constitutional amendment adopted in 1962, as implemented by Ch. 80 of the Acts of the Sixtieth General Assembly. Half the commissioners are elected by members of the bar, half are appointed by the Governor, and the chairman is the senior judge in the jurisdiction concerned. Vacancies in judgeships are filed by appointment by the Governor, who selects from among nominees designated by the nominating commission.

State Judicial Nominating Commissioners

The seven first named were elected by the bar; the remaining seven were appointed by the Governor. This commission makes nominations to fill vacancies on the supreme court bench.

Supreme Court Commission—Don K. Walter, Burlington; William M. Dallas, Cedar Rapids; Richard G. Zellhoefer, Waterloo; H. G. Cartwright,

Marshalltown; Carl A. Smedal, Ames; Wendell Pendleton, Storm Lake; Phillip J. Willson, Council Bluffs; Gene F. McGreevy, Davenport; F. James Bradley, Cedar Rapids; Leo E. Fitzgibbons, Estherville; Edris H. Owens, Newton; John M. Downey, Des Moines; Mrs. William Robinson, Hampton; and Harry F. Reed, Winterset.

District Judicial Nominating Commissioners

The five first named in each district were elected by the bar; remaining members were appointed by the Governor. These commissioners make nominations to fill vacancies on the district court bench.

First Judicial District—C. T. Cline, Burlington; Harold F. McLeran, Mt. Pleasant; Russell R. Newell, Columbus Junction; R. Buell Smith, Keokuk; Henry Hirsch, Burlington; H. C. Lowe, Columbus Junction; Donald E. Chicken, Burlington; and Fern McCarthy, Burlington.

Second Judicial District—Jo S. Stong, Keosauqua; W. R. Fimmen, Bloomfield; George A. Milani, Centerville; W. T. Barnes, Ottumwa; Richard Morr, Charlton; Raymond Young, Ottumwa; Donald L. Smith, Bloomfield; E. F. Ritter, M.D., Centerville; and Gary L. Cameron, Fairfield.

Third Judicial District—Robert E. Killmar, Osceola; James A. Lucas, Bedford; Thomas E. Mullin, Creston; Arnold Kenyon, Creston; Richard Wilson, Lenox; John D. Jones, Corning; John D. Warin, Maloy; Robert Beecher, Creston; and Velmer Stephens, Diagonal.

Fourth Judicial District—Wallace W. Huff, Sioux City; Harry H. Smith, Sioux City; Keith A. Beekley, Sioux City; John D. Beardsley, Onawa; Frank J. Margolin, Sioux City; B. E. Wanser, Sioux City; Hans Carstens, Sioux City; John Sheehan, Sioux City; and Mrs. Joyce Davis, Mapleton.

Fifth Judicial District—Charles I. Joy, Perry; H. Claude Peer, Earlham; William L. Fisher, Adair; Peter G. Gaass, Pella; M. D. Hall, Indianola; Marguerite Gallery, Winterset; Jack E. Ellis, Menlo; Ralph Burkett, Minburn; and Raymond Ocheltree, Bayard.

Sixth Judicial District—Carl G. Draeger, What Cheer; L. L. Brierly, Newton; E. W. McNeil, Montezuma; Lake E. Crookham, Oskaloosa; John E. Baldrige, Washington; Charles E. Gifford, Newton; Rex Thomas, Newton; Paul V. Shearer, Washington; and John Norris, Newton.

Seventh Judicial District—W. R. Mockridge, DeWitt; Charles E. Wittenmeyer, Davenport; LaVerne M. Roberg, Maquoketa; John E. Nagle, Davenport; Elmer E. Bloom, Muscatine; James A. Hammill, Sr., Davenport; Carroll Wright, Davenport; Harold L. Irwin, DeWitt; and Bert Leming, Wilton Junction.

Eighth Judicial District—Philip Leff, Iowa City; Richard Nazette, Cedar Rapids; James Bradley, Cedar Rapids; Ralph Harman, Cedar Rapids; Thomas M. Collins, Cedar Rapids; Russell Mann, Iowa City; Laurence McGrath, Cedar Rapids; and Lawrence Elwood, Williamsburg.

Ninth Judicial District—Donald Beving, Des Moines; J. Rudolph Hansen, Des Moines; Ralph Randall, Des Moines; Clyde Putnam, Des Moines; Robert Albee, Des Moines; Harry R. Burgess, Des Moines; Joseph F. Rosenfield, Des Moines; Charles Hanson, Des Moines; and Richard L. Pinegar, Des Moines.

Tenth Judicial District—Carl A. Greif, Independence; Roland F. Merner, Cedar Falls; Upton B. Kepford, Waterloo; Bliss Willoughby, Grundy Center; K. L. Kober, Waterloo; Vernon C. Hoffman, Aurora; Robert L. Ross, Cedar Falls; and Charles E. Quirk, Cedar Falls.

Eleventh Judicial District—Lawrence R. Kayser, Webster City; W. K. Doran, Boone; Lyman R. Lundy, Eldora; A. J. Hobson, Hampton; Harlan L. Larson, Goldfield; Mrs. Percy Neese, Webster City; John P. Whitesell, Webster City; Ross B. Talbot, Ames; and Lee W. Hedded, Fort Dodge.

Twelfth Judicial District—Robert H. Shepard, Mason City; B. C. Berge, Garner; William K. Carr, Charles City; William H. Engelbrecht, Waverly; A. G. Dunkelberg, Osage; Glenn O. Tenold, Northwood; Ray Seeney, Mason City; Kirby Lawlis, Mason City; and Herbert J. Max, Waverly.

Thirteenth Judicial District—James D. O'Connor, New Hampton; Dale Elwood, Cresco; Peter W. Klauer, Dubuque; M. S. O'Brien, Oelwein; Arthur H. Jacobson, Waukon; G. T. Murphy, New Hampton; George N. Giellis, Dubuque; and John C. Duffey, Dubuque.

Iowa Official Register

Fifty-fourth Number

1971-1972

J C Moore

Superintendent of Printing

L. Dale Ahern

Editor

State Judicial Nominating Commissioners

The seven first named were elected by the bar; the remaining seven were appointed by the Governor. This commission makes nominations to fill vacancies on the supreme court bench.

Elective—Don K. Walter, Burlington; William M. Dallas, Cedar Rapids; Richard G. Zellhoefer, Waterloo; John W. Tobin, Vinton; Arthur H. Johnson, Fort Dodge; Wendell Pendelton, Storm Lake; and Philip J. Willson, Council Bluffs.

Appointive—C. H. Wildman, Davenport; Donald E. Balster, Marion; Mrs. William Robinson, Hampton; Edris H. Owens, Newton; John M. Downey, Des Moines; William Beck, Spirit Lake; and William Sorenson, Jefferson.

District Judicial Nominating Commissioners

Terms of District Judicial Nominating Commissioners in office in 1971 will terminate December 31, 1971. Their successors will be elected during the month of January by registered attorneys of Iowa to take office February 1, 1972. Length of term will be determined by lot by such commissioners. Since the **Red Book** is going to press near the end of the 1971 term and before new commissioners are appointed, names of District Judicial Nominating Commissioners do not appear here.

State of Iowa
1972

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

SECOND REGULAR SESSION

OF THE

Sixty-fourth General Assembly

AND

**DISTRICTING OF THE GENERAL ASSEMBLY
BY THE SUPREME COURT**

OF THE

STATE OF IOWA



WAYNE A. FAUPEL
CODE EDITOR

PHYLLIS BARRY
ASSISTANT CODE EDITOR

Published by the
STATE OF IOWA
Des Moines

v

STATE OFFICERS

STATE ROSTER

PREPARED BY THE OFFICE OF SECRETARY OF STATE

List of elective state officers, judges of the supreme, district, and municipal courts, members of the General Assembly, and other state officers, commissions, boards and appointive officers of the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of Session Laws for the Sixty-fourth (Second Session) General Assembly in accordance with the requirements of Code section 14.10 (3), 1971 Code of Iowa, as amended.

OFFICERS, COMMISSIONS AND BOARDS

ELECTIVE OFFICERS

Name and Office	County from which originally chosen
GOVERNOR	
ROBERT D. RAY	Polk
Wythe Willey, Executive Assistant	Story
LIEUTENANT GOVERNOR	
ROGER W. JEPSEN	Scott
SECRETARY OF STATE	
MELVIN D. SYNHORST	Polk
J. Herman Schweiker, Deputy Secretary	Polk
AUDITOR OF STATE	
LLOYD R. SMITH	Polk
Ray Yenter, Deputy Auditor	Johnson
TREASURER OF STATE	
MAURICE E. BARINGER	Fayette
Roger G. Barnett, Deputy Treasurer	Polk
SECRETARY OF AGRICULTURE	
L. B. LIDDY	Van Buren
Robert H. Lounsberry, Deputy Secretary	Story
ATTORNEY GENERAL	
RICHARD C. TURNER	Pottawattamie
Richard E. Haesemeyer, Solicitor General	Polk
John I. Adams, Assistant Attorney General	Polk
Douglas R. Carlson, Assistant Attorney General	Polk
Joseph Coleman, Assistant Attorney General	Polk
Roxanne B. Conlin, Assistant Attorney General	Polk
G. Bennett Cullison, Assistant Attorney General	Shelby
James C. Davis, Assistant Attorney General	Jasper
Julian B. Garrett, Assistant Attorney General	Polk
Robert W. Goodwin, Assistant Attorney General	Story
Harry M. Griger, Assistant Attorney General	Polk
Donald L. Hoeger, Assistant Attorney General	Story
Henry Holst, Assistant Attorney General	Polk
Robert Jacobson, Assistant Attorney General	Polk
John L. Kiener, Assistant Attorney General	Winneshiek
Gerald Kuehn, Assistant Attorney General	Allamakee
Allen Lukehart, Assistant Attorney General	Polk

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STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
STATE JUDICIAL NOMINATING COMMISSION		
APPOINTIVE		
§46.1		
Edris H. Owens	Newton	June 30, 1973
John M. Downey	Des Moines	June 30, 1973
Mrs. William Robinson	Hampton	June 30, 1975
William Sorenson	Jefferson	June 30, 1975
C. H. Wildman	Davenport	June 30, 1977
Donald Balster	Marion	June 30, 1977
William Beck	Spirit Lake	June 30, 1977

ELECTIVE		
§46.2		
Don K. Walter	Burlington	June 30, 1975
William M. Dallas	Cedar Rapids	June 30, 1975
Richard G. Zellhoefer	Waterloo	June 30, 1973
John W. Tobin	Vinton	June 30, 1977
Arthur H. Johnson	Fort Dodge	June 30, 1977
Wendell Pendleton	Storm Lake	June 30, 1975
Philip J. Willson	Council Bluffs	June 30, 1973

DISTRICT JUDICIAL NOMINATING COMMISSIONS

64 G.A., Ch. 261

Election District 1A

APPOINTIVE		
Mrs. Lew Ella Strand	Ossian	Jan. 31, 1974
Noble Pugh	Strawberry Point	Jan. 31, 1974
Mrs. Jill Tracey	Manchester	Jan. 31, 1976
Dr. Milton F. Schlein	Postville	Jan. 31, 1976
Mrs. Charlotte Kelly	Dubuque	Jan. 31, 1978

ELECTIVE		
Donald R. Breitbach	Dubuque	Jan. 31, 1976
James Hart	Elkader	Jan. 31, 1974
Alfred Hughes	Dubuque	Jan. 31, 1978
Arthur H. Jacobson	Waukon	Jan. 31, 1976
Charles A. Kintzinger	Dubuque	Jan. 31, 1978

Election District 1B

APPOINTIVE		
Mrs. Georgia Hutchison	Oelwein	Jan. 31, 1976
Keith Burbridge	Cedar Falls	Jan. 31, 1974
Vail H. Hess	Grundy Center	Jan. 31, 1974
Robert W. Giertz	Waterloo	Jan. 31, 1976
John J. Burgess	Cresco	Jan. 31, 1978

ELECTIVE		
Henry L. Elwood	Cresco	Jan. 31, 1976
Upton B. Kepford	Waterloo	Jan. 31, 1978
John W. Rathert	Waterloo	Jan. 31, 1976
Leroy H. Redfern	Cedar Falls	Jan. 31, 1974
Carl A. Greif	Independence	Jan. 31, 1974

Election District 2A

APPOINTIVE		
Dr. H. G. Marinos	Mason City	Jan. 31, 1974
Dean Kline	Charles City	Jan. 31, 1974
Frank Jeffrey	Mason City	Jan. 31, 1976
Charles H. Dick	Hampton	Jan. 31, 1976
Max Eggleston	Waverly	Jan. 31, 1978

State of Iowa
1973

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

1973 REGULAR SESSION

OF THE

Sixty-fifth General Assembly

OF THE

STATE OF IOWA



WAYNE A. FAUPEL
CODE EDITOR

PHYLLIS BARRY
DEPUTY CODE EDITOR

Published by the
STATE OF IOWA
Des Moines

STATE OFFICERS

STATE ROSTER

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

List of elective state officers, judges of the supreme and district courts, members of the General Assembly, and other state officers, commissions, boards and appointive officers of the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of 1973 Session Laws for the Sixty-fifth General Assembly in accordance with the requirements of Code section 14.10 (4), 1973 Code of Iowa.

OFFICERS, COMMISSIONS AND BOARDS

ELECTIVE OFFICERS

Name and Office	County from which originally chosen
GOVERNOR	
ROBERT D. RAY	Polk
Wythe Willey, Executive Assistant	Story
LIEUTENANT GOVERNOR	
ARTHUR A. NEU	Carroll
SECRETARY OF STATE	
MELVIN D. SYNHORST	Polk
J. Herman Schweiker, Deputy Secretary	Polk
AUDITOR OF STATE	
LLOYD R. SMITH	Polk
Ray Yenter, Deputy Auditor	Johnson
TREASURER OF STATE	
MAURICE E. BARINGER	Fayette
Roger G. Barnett, Deputy Treasurer	Polk
SECRETARY OF AGRICULTURE	
ROBERT H. LOUNSBERRY	Story
Thatcher Johnson, Deputy Secretary	Boone
ATTORNEY GENERAL	
RICHARD C. TURNER	Pottawattamie
Richard E. Haesemeyer, Solicitor General	Polk
John I. Adams, Assistant Attorney General	Polk
Gary A. Ahrens, Assistant Attorney General	Boone
John W. Baty, Assistant Attorney General	Story
John E. Beamer, Special Assistant Attorney General	Polk
Larry Blumberg, Assistant Attorney General	Polk
Gordon G. Bowles, Assistant Attorney General	Polk
Douglas R. Carlson, Assistant Attorney General	Polk
Joseph Coleman, Assistant Attorney General	Polk
Roxanne B. Conlin, Assistant Attorney General	Polk
James C. Davis, Assistant Attorney General	Jasper
Kermit L. Dunahoo, Assistant Attorney General	Polk
Julian B. Garrett, Assistant Attorney General	Polk
Robert W. Goodwin, Assistant Attorney General	Story

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
INTERSTATE CO-OPERATION COMMISSION—Continued		
Robert M. Kreamer	Des Moines	April 30, 1975
James T. Caffrey	Des Moines	April 30, 1975
<i>Senate Members</i>		
James W. Griffin, Sr.	Council Bluffs	April 30, 1975
John S. Murray	Ames	April 30, 1975
William D. Palmer	Des Moines	April 30, 1975
W. R. Rabedeaux	Wilton	April 30, 1975
James F. Schaben	Dunlap	April 30, 1975

IOWA OFFICIAL REGISTER

L. Dale Ahern, Editor	Decorah	Pleasure of the Printing Division
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IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
ADVISORY INVESTMENT BOARD

§97B.8

Dale K. Dekoster	Waterloo	June 30, 1979
Vacancy .....	.....	June 30, 1975
Keith Gunzenhauser	West Des Moines	June 30, 1977
<i>House Member</i>		
Willis E. Junker	Sioux City	June 30, 1975
<i>Senate Member</i>		
James W. Griffin, Sr.	Council Bluffs	June 30, 1975

STATE JUDICIAL NOMINATING COMMISSION

§§46.1, 46.2
APPOINTIVE

Edris H. Owens	Newton	June 30, 1973
John M. Downey	Des Moines	June 30, 1973
Mrs. Wm. Robinson	Hampton	June 30, 1975
Wm. Sorenson	Jefferson	June 30, 1975
C. H. Wildman	Davenport	June 30, 1977
Donald Balster	Marion	June 30, 1977
Wm. Beck	Spirit Lake	June 30, 1977

ELECTIVE

Don K. Walter	Burlington	June 30, 1975
William M. Dallas	Cedar Rapids	June 30, 1975
Richard G. Zellhoefer	Waterloo	June 30, 1973
John W. Tobin	Vinton	June 30, 1977
Arthur H. Johnson	Fort Dodge	June 30, 1977
Wendell Pendleton	Storm Lake	June 30, 1975
Philip J. Willson	Council Bluffs	June 30, 1973

JUDICIAL NOMINATING COMMISSION

Ch. 46
APPOINTIVE
Election District 1A

Mrs. Lew Ella Strand	Ossian	Jan. 31, 1974
Noble Pugh	Strawberry Point	Jan. 31, 1974
Mrs. Jill Tracey	Manchester	Jan. 31, 1976
Dr. Milton F. Schlein	Postville	Jan. 31, 1976
Mrs. Charlotte Kelly	Dubuque	Jan. 31, 1978

State of Iowa
1974

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

1974 REGULAR SESSION

OF THE

Sixty-fifth General Assembly

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STATE OF IOWA



WAYNE A. FAUPEL
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Published by the
STATE OF IOWA
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STATE OFFICERS

STATE ROSTER

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

List of elective state officers, judges of the supreme and district courts, members of the General Assembly, and other state officers, commissions, boards and appointive officers of the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of 1974 Session Laws for the Sixty-fifth General Assembly in accordance with the requirements of Code section 14.10 (4), 1973 Code of Iowa.

OFFICERS, COMMISSIONS AND BOARDS
ELECTIVE OFFICERS

Name and Office	County from which originally chosen
GOVERNOR	
ROBERT D. RAY	Polk
Wythe Willey, Executive Assistant	Story
LIEUTENANT GOVERNOR	
ARTHUR A. NEU	Carroll
SECRETARY OF STATE	
MELVIN D. SYNHORST	Polk
J. Herman Schweiker, Deputy Secretary	Polk
AUDITOR OF STATE	
LLOYD R. SMITH	Polk
Ray Yenter, Deputy Auditor	Johnson
TREASURER OF STATE	
MAURICE E. BARINGER	Fayette
Roger G. Barnett, Deputy Treasurer	Polk
SECRETARY OF AGRICULTURE	
ROBERT H. LOUNSBERRY	Story
Thatcher Johnson, Deputy Secretary	Boone
ATTORNEY GENERAL	
RICHARD C. TURNER	Pottawattamie
Richard E. Haesemeyer, Solicitor General	Polk
John I. Adams, Assistant Attorney General	Polk
Gary A. Ahrens, Assistant Attorney General	Boone
John W. Baty, Assistant Attorney General	Story
John E. Beamer, Special Assistant Attorney General	Polk
Joseph S. Beck, Assistant Attorney General	Polk
Larry Blumberg, Assistant Attorney General	Polk
Donald H. Capotosto, Assistant Attorney General	Polk
Douglas R. Carlson, Assistant Attorney General	Polk
Joseph Coleman, Assistant Attorney General	Polk
Roxanne B. Conlin, Assistant Attorney General	Polk
Darby M. Coriden, Assistant Attorney General	Polk
James C. Davis, Assistant Attorney General	Jasper
John R. Dent, Assistant Attorney General	Polk
David Dryer, Assistant Attorney General	Polk
Julian B. Garrett, Assistant Attorney General	Polk
Robert W. Goodwin, Assistant Attorney General	Story
Harry M. Griger, Assistant Attorney General	Polk

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
INTERSTATE CO-OPERATION COMMISSION		
Ch. 28B		
Robert D. Ray, Governor		
Arthur A. Neu, President of the Senate		
Andrew Varley, Speaker of the House		
Maurice E. Baringer, Treasurer of State	West Des Moines	April 30, 1975
Marvin R. Selden, Jr., Comptroller of State	West Des Moines	April 30, 1975
Clayton L. Ringgenberg	Iowa City	April 30, 1975
<i>House Members</i>		
Richard F. Drake	Muscatine	April 30, 1975
Dennis L. Freeman	Storm Lake	April 30, 1975
Philip B. Hill	Des Moines	April 30, 1975
Robert M. Kreamer	Des Moines	April 30, 1975
James T. Caffrey	Des Moines	April 30, 1975
<i>Senate Members</i>		
James W. Griffin, Sr.	Council Bluffs	April 30, 1975
John S. Murray	Ames	April 30, 1975
William D. Palmer	Des Moines	April 30, 1975
W. R. Rabedeaux	Wilton	April 30, 1975
James F. Schaben	Dunlap	April 30, 1975

IOWA OFFICIAL REGISTER

L. Dale Ahern, Editor	Decorah	Pleasure of the Printing Division
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IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
ADVISORY INVESTMENT BOARD

§97B.8

Dale K. Dekoster	Waterloo	June 30, 1979
George Duvall	Ames	June 30, 1975
Keith Gunzenhauser	West Des Moines	June 30, 1977
<i>House Member</i>		
Willis E. Junker	Sioux City	June 30, 1975
<i>Senate Member</i>		
James W. Griffin, Sr.	Council Bluffs	June 30, 1975

STATE JUDICIAL NOMINATING COMMISSION

§§46.1, 46.2

Appointive

Edris H. Owens	Newton	June 30, 1973
John M. Downey	Des Moines	June 30, 1973
Mrs. Wm. Robinson	Hampton	June 30, 1975
Wm. Sorenson	Jefferson	June 30, 1975
C. H. Wildman	Davenport	June 30, 1977
Donald Balster	Marion	June 30, 1977
Wm. Beck	Spirit Lake	June 30, 1977
<i>Elective</i>		
Don K. Walter	Burlington	June 30, 1975
William M. Dallas	Cedar Rapids	June 30, 1975
Richard G. Zellhoefer	Waterloo	June 30, 1973
John W. Tobin	Vinton	June 30, 1977
Arthur H. Johnson	Fort Dodge	June 30, 1977
Wendell Pendleton	Storm Lake	June 30, 1975
Philip J. Willson	Council Bluffs	June 30, 1973

State of Iowa
1975

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

1975 REGULAR SESSION

OF THE

Sixty-sixth General Assembly

OF THE

STATE OF IOWA



WAYNE A. FAUPEL
CODE EDITOR

PHYLLIS BARRY
DEPUTY CODE EDITOR

Published by the
STATE OF IOWA
Des Moines

v

STATE OFFICERS

STATE ROSTER

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

List of elective state officers, judges of the supreme and district courts, members of the General Assembly, and other state officers, commissions, boards and appointive officers of the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of 1975 Session Laws for the Sixty-sixth General Assembly in accordance with the requirements of Code section 14.10 (4), 1975 Code of Iowa.

**OFFICERS, COMMISSIONS AND BOARDS
ELECTIVE OFFICERS**

Name and Office	County from which originally chosen
GOVERNOR	
ROBERT D. RAY.....	Polk
Wythe Willey, Executive Assistant	Story
LIEUTENANT GOVERNOR	
ARTHUR A. NEU.....	Carroll
SECRETARY OF STATE	
MELVIN D. SYNHORST.....	Polk
J. Herman Schweiker, Deputy Secretary.....	Polk
AUDITOR OF STATE	
LLOYD R. SMITH.....	Polk
Ray Yenter, Deputy Auditor.....	Johnson
TREASURER OF STATE	
MAURICE E. BARINGER.....	Fayette
Roger G. Barnett, Deputy Treasurer.....	Polk
SECRETARY OF AGRICULTURE	
ROBERT H. LOUNSBERRY.....	Story
Thatcher Johnson, Deputy Secretary.....	Boone
ATTORNEY GENERAL	
RICHARD C. TURNER.....	Pottawattamie
Richard E. Haesemeyer.....	Polk
John I. Adams.....	Polk
John W. Baty.....	Story
John E. Beamer.....	Polk
Joseph S. Beck.....	Polk
Larry M. Blumberg.....	Polk
Ted R. Boecker.....	Polk
Donald H. Capotosto.....	Polk
Douglas R. Carlson.....	Polk
Bruce L. Cook.....	Polk
Joseph C. Coleman, Jr.	Polk
Roxanne B. Conlin.....	Polk
James C. Davis.....	Jasper
John R. Dent.....	Polk
Carol S. Egly.....	Polk
William G. Enke.....	Polk
Julian B. Garrett.....	Polk
Robert W. Goodwin.....	Story
Harry M. Griger.....	Polk
Fred H. Haskins.....	Polk
Dennis Hogan.....	Polk
Jack D. Hudson.....	Polk

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JUDICIAL DEPARTMENT—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

DISTRICT ASSOCIATE JUDGES

Name	City	Term Expires
Gary J. Snyder	Burlington	Dec. 31, 1978
Forest E. Eastman	Cedar Falls	Dec. 31, 1978
Lynne E. Brady	Cedar Rapids	Dec. 31, 1978
Anthony R. Scolaro	Cedar Rapids	Dec. 31, 1978
John F. Siebenmann	Cedar Rapids	Dec. 31, 1978
Ross F. Caniglia	Council Bluffs	Dec. 31, 1978
Jack F. Broderick	Davenport	Dec. 31, 1978
Don Petrucelli	Davenport	Dec. 31, 1978
Phillip T. Steffen, Jr.	Davenport	Dec. 31, 1978
Howard W. Brooks	Des Moines	Dec. 31, 1978
Luther T. Glanton, Jr.	Des Moines	Dec. 31, 1978
Norman D. Elliott	Des Moines	Dec. 31, 1978
Thomas A. Renda	Des Moines	Dec. 31, 1978
Frank D. Gilloon, Jr.	Dubuque	Dec. 31, 1978
Wayne A. Norman, Jr.	Dubuque	Dec. 31, 1978
Roger R. Halleck	Marshalltown	Dec. 31, 1978
Jack L. Burns	Muscatine	Dec. 31, 1978
John M. Fachman	Sioux City	Dec. 31, 1978
Everett H. Scott	Waterloo	Dec. 31, 1978

JUDICIAL NOMINATING COMMISSION, STATE

Secs. 46.1, 46.2

Appointive

Mrs. Carol Johnson	Ottumwa	June 30, 1979
Donald S. Willis	Des Moines	June 30, 1979
Nancy S. Brown	Waterloo	June 30, 1981
Mrs. Jean Braley	Shenandoah	June 30, 1981
C. H. Wildman	Davenport	June 30, 1977
Donald Balster	Marion	June 30, 1977
Wm. E. Beck, Jr.	Spirit Lake	June 30, 1977

Elective

Attorneys		
Don K. Walter	Burlington	June 30, 1975
William M. Dallas	Cedar Rapids	June 30, 1975
John W. Tobin	Vinton	June 30, 1977
Arthur H. Johnson	Fort Dodge	June 30, 1977
Wendell Pendleton	Storm Lake	June 30, 1975
Philip J. Willson	Council Bluffs	June 30, 1975
Robert Fulton	Waterloo	June 30, 1979

JUDICIAL NOMINATING COMMISSIONS, DISTRICT

§46.3

*Appointive**Election District 1A*

Mrs. Alice Jane Walter	Guttenberg	Jan. 31, 1980
Frank Holland	Decorah	Jan. 31, 1980
Mrs. Jill Tracey	Manchester	Jan. 31, 1976
Dr. Milton F. Schlein	Postville	Jan. 31, 1976
Mrs. Charlotte Kelly	Dubuque	Jan. 31, 1978

Election District 1B

Mrs. Georgia Hutchison	Oelwein	Jan. 31, 1976
Richard (Dick) H. Young	Waterloo	Jan. 31, 1980
Mrs. Anita M. Andries	Waterloo	Jan. 31, 1980
Mrs. LaVonne Solberg	Independence	Jan. 31, 1976
John J. Burgess	Cresco	Jan. 31, 1978

Election District 2A

Dean Kline	Charles City	Jan. 31, 1974
Frank Jeffrey	Mason City	Jan. 31, 1976
Charles H. Dick	Hampton	Jan. 31, 1976
Max Eggleston	Waverly	Jan. 31, 1978

State of Iowa
1976

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

1976 REGULAR SESSION

OF THE

Sixty-sixth General Assembly

OF THE

STATE OF IOWA



WAYNE A. FAUPEL
CODE EDITOR

PHYLLIS BARRY
DEPUTY CODE EDITOR

Published by the
STATE OF IOWA
Des Moines

v
STATE OFFICERS

STATE ROSTER

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

List of elective state officers, judges of the supreme and district courts, members of the General Assembly, and other state officers, commissions, boards and appointive officers of the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of 1976 Session Laws for the Sixty-sixth General Assembly in accordance with the requirements of Code section 14.10 (4), 1975 Code of Iowa.

OFFICERS, COMMISSIONS AND BOARDS

ELECTIVE OFFICERS

Name and Office	County from which originally chosen
GOVERNOR	
ROBERT D. RAY	Polk
Wythe Willey, Executive Assistant	Story
William H. Jackson, Administrative Assistant	
Susan Mickelsen, Administrative Assistant	
Dennis J. Nagel, Administrative Assistant	
David A. Oman, Administrative Assistant	
Janet Van Note, Administrative Assistant	
Elmer H. Vermeer, Administrative Assistant	
LIEUTENANT GOVERNOR	
ARTHUR A. NEU	Carroll
SECRETARY OF STATE	
MELVIN D. SYNHORST	Polk
J. Herman Schweiker, Deputy Secretary	Polk
AUDITOR OF STATE	
LLOYD R. SMITH	Polk
Ray Yenter, Deputy Auditor	Johnson
TREASURER OF STATE	
MAURICE E. BARINGER	Fayette
Roger G. Barnett, Deputy Treasurer	Polk
SECRETARY OF AGRICULTURE	
ROBERT H. LOUNSBERRY	Story
Thatcher Johnson, Deputy Secretary	Boone
ATTORNEY GENERAL	
RICHARD C. TURNER	Pottawattamie
Richard E. Haesemeyer, Solicitor General	Polk
John I. Adams, Assistant Attorney General	Polk
John W. Baty, Assistant Attorney General	Story
John E. Beamer, Special Assistant Attorney General	Polk
Joseph S. Beck, Assistant Attorney General	Polk
Larry W. Blumberg, Assistant Attorney General	Polk
Theodore R. Boecker, Assistant Attorney General	Polk
Douglas R. Carlson, Assistant Attorney General	Polk
Michael W. Coriden, Assistant Attorney General	Polk
C. Joseph Coleman, Jr., Assistant Attorney General	Polk
Roxanne B. Conlin, Assistant Attorney General	Polk
Bruce L. Cook, Assistant Attorney General	Polk
James C. Davis, Assistant Attorney General	Jasper
John R. Dent, Assistant Attorney General	Polk
Richard H. Doyle, IV, Assistant Attorney General	Polk

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JUDICIAL DEPARTMENT—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

JUDGES OF THE DISTRICT COURT—Continued

Name	Office Address	Term Ending
<i>Election District 8A</i>		
L. R. Carson.....	Oskaloosa.....	June 30, 1977
Charles N. Pettit, C.J.....	Bloomfield.....	June 30, 1977
Arthur A. McGiverin.....	Ottumwa.....	Dec. 31, 1978
Ira Morrison.....	Washington.....	Dec. 31, 1978
Michael Enich.....	Grinnell.....	Dec. 31, 1980
<i>Election District 8B</i>		
William S. Cahill.....	Burlington.....	Dec. 31, 1980
Harlan W. Bainter.....	Mount Pleasant.....	Dec. 31, 1978
David B. Hendrickson.....	Keokuk.....	Dec. 31, 1980
Thomas E. Tucker.....	Fort Madison.....	Dec. 31, 1978

DISTRICT ASSOCIATE JUDGES

Name	City and County	Term Expires
Gary J. Snyder.....	Burlington, Des Moines.....	Dec. 31, 1978
Forest E. Eastman.....	Cedar Falls, Black Hawk.....	Dec. 31, 1978
Lynne E. Brady.....	Cedar Rapids, Linn.....	Dec. 31, 1978
Anthony R. Scolaro.....	Cedar Rapids, Linn.....	Dec. 31, 1978
John F. Siebenmann.....	Cedar Rapids, Linn.....	Dec. 31, 1978
Ross F. Caniglia.....	Council Bluffs, Pottawattamie.....	Dec. 31, 1978
Jack F. Broderick.....	Davenport, Scott.....	Dec. 31, 1978
Don Petrucelli.....	Davenport, Scott.....	Dec. 31, 1978
Phillip T. Steffen, Jr.....	Davenport, Scott.....	Dec. 31, 1978
Luther T. Glanton, Jr.....	Des Moines, Polk.....	Dec. 31, 1978
Norman D. Elliott.....	Des Moines, Polk.....	Dec. 31, 1978
Thomas A. Renda.....	Des Moines, Polk.....	Dec. 31, 1978
Frank D. Gilloon, Jr.....	Dubuque, Dubuque.....	Dec. 31, 1978
Wayne A. Norman, Jr.....	Dubuque, Dubuque.....	Dec. 31, 1978
Roger R. Halleck.....	Marshalltown, Marshall.....	Dec. 31, 1978
Jack L. Burns.....	Muscatine, Muscatine.....	Dec. 31, 1978
John M. Fachman.....	Sioux City, Woodbury.....	Dec. 31, 1978
Everett H. Scott.....	Waterloo, Black Hawk.....	Dec. 31, 1978

JUDICIAL NOMINATING COMMISSION, STATE

Name and Office	City from which originally chosen	Term Ending
Justice M. L. Mason, Chairman, Mason City		
<i>Elected Lawyer Members</i>		
Richard M. McMahon.....	Davenport.....	June 30, 1981
John J. Shea.....	Cedar Rapids.....	June 30, 1981
Robert Fulton.....	Waterloo.....	June 30, 1979
Hon. John W. Tobin.....	Vinton.....	June 30, 1977
Arthur H. Johnson.....	Fort Dodge.....	June 30, 1977
T. M. Whicher.....	Sioux City.....	June 30, 1981
Harold T. Beckman.....	Council Bluffs.....	June 30, 1979
<i>Appointed Members</i>		
C. H. Wildman.....	Davenport.....	June 30, 1977
Don Balster.....	Marion.....	June 30, 1977
Betty J. Furgerson.....	Waterloo.....	June 30, 1981
Jon H. Kneen.....	Ottumwa.....	June 30, 1979
Donald S. Willis.....	Des Moines.....	June 30, 1979
William E. Beck, Jr.....	Spirit Lake.....	June 30, 1977
Bill W. Sorenson.....	Jefferson.....	June 30, 1975

State of Iowa
1981

State Roster

List of State Officers



Published by the
CODE EDITOR

Preface

This pamphlet will be published annually under the authority of section 14.7, The Code. The material contained herein is current through December 15, 1981.

It would be helpful if changes in listing were reported to this office.

Code Editor
State of Iowa
G20, Lucas Bldg.
Des Moines, IA 50319

Name	Home City	Term Ending
------	-----------	-------------

DISTRICT JUDICIAL NOMINATING COMMISSION—(cont'd)

Election District 8B

William S. Cahill, Chairman	Burlington	
Appointed		
Bernice M. Garner	Burlington	Jan. 31, 1986
Keith Garretson	Mt. Pleasant	Jan. 31, 1982
Wayne Johnson	Morning Sun	Jan. 31, 1986
Leona Nixon	Keokuk	Jan. 31, 1984
Nell Weber	Columbus Junction	Jan. 31, 1982
Elected		
Kenneth A. Aspelmeier	Burlington	Jan. 31, 1986
R. L. Fehseke, Sr.	Fort Madison	Jan. 31, 1984
Henry L. Hirsch	Burlington	Jan. 31, 1984
Wm. L. Matthews	Wapello	Jan. 31, 1982
Harold F. McLeran	Mt. Pleasant	Jan. 31, 1982

STATE JUDICIAL NOMINATING COMMISSION

§ 46.1, 46.2, 46.6

Clay LeGrand, Chairman	Davenport	
Appointed		
Lyle Bruere	Cedar Rapids	April 30, 1983
Jan Christensen	Northboro	April 30, 1987
Bonetta Jean Culp	Waterloo	April 30, 1987
John E. Evans	Des Moines	April 30, 1985
Lavonne Mydland	Rock Rapids	April 30, 1983
Madelyn B. Nutt	Douds	April 30, 1983
Vacancy		
Elected		
Harold T. Beckman	Council Bluffs	June 30, 1985
Terrence A. Hopkins	Des Moines	June 30, 1983
Charles M. Manly	Grinnell	June 30, 1983
Richard M. McMahon	Davenport	June 30, 1987
James F. Pickens	Cedar Rapids	June 30, 1987
Robert H. Shepard	Mason City	June 30, 1985
T. M. Whicher	Sioux City	June 30, 1987

NOTE: Conterminous with 1965 Congressional Districts

JUDICIAL QUALIFICATIONS COMMISSION

§ 605.26

Ansel J. Chapman	Iowa City	Dec. 31, 1983
Ronald W. Feilmeyer	Atlantic	Dec. 31, 1985
Connie McWilliams	Logan	April 30, 1985
Charles G. Rehling	Davenport	Dec. 31, 1981
George A. Shepley	Muscatine	April 30, 1983
Charles E. Storey	Des Moines	April 30, 1987
Jean Tester	Iowa City	April 30, 1985

JUVENILE PROBATION OFFICERS TRAINING COMMITTEE

§ 231.8

Ross Caniglia	Council Bluffs	July 1, 1984
Kathryn Lake	Cedar Rapids	July 1, 1984
Glenn C. Sedgwick	Ames	July 1, 1984
Lawrence E. Snyder	Ankeny	July 1, 1983
Richard A. Strickler	Des Moines	July 1, 1982
Gary L. Ventling	Des Moines	July 1, 1984
John Waiters	Burlington	July 1, 1982

ROSTER

(Second Edition)

of

State Officials

of the

State of Iowa

1983



Compiled by the
IOWA CODE OFFICE

Preface

This pamphlet will be published annually under the authority of Iowa Code section 14.7.

The material contained herein is current through December 15, 1983, and was furnished in part by the offices of the governor and the supreme court.

We appreciate the cooperation of everyone who contributed to this publication and no attempt was made to arrange the information on the basis of legal importance.

Please submit any changes or corrections to this office.

Iowa Code Office
Fourth Floor
Lucas State Office Building
Des Moines, Iowa 50319

Additional copies may be obtained from:

Iowa State Printing Division
Grimes State Office Building
Des Moines, Iowa 50319
Phone: (515)281-5231

Name Home City Term Ending

DISTRICT JUDICIAL NOMINATING COMMISSION—cont'd

Election District 8B

William S. Cahill, Chairman	Burlington	
Appointed		
John H. Clark	Keokuk	Jan. 31, 1988
Rachel I. Ireland	Burlington	Jan. 31, 1986
Wayne Johnson	Morning Sun	Jan. 31, 1986
Carol J. Nemitz	Mount Pleasant	Jan. 31, 1988
Leona Nixon	Keokuk	Jan. 31, 1984
Elected		
John D. Cray	Burlington	Jan. 31, 1984
R. L. Fehseke, Sr.	Fort Madison	Jan. 31, 1984
James F. Fisch	Burlington	Jan. 31, 1986
David L. McCoid	Mount Pleasant	Jan. 31, 1988
W. O. Weaver	Wapello	Jan. 31, 1988

STATE JUDICIAL NOMINATING COMMISSION

§ 46.1, 46.2, 46.6

Harvey Uhlenhopp, Chairman	Hampton	
William J. O'Brien, Secretary	Des Moines	
Appointed		
Darlene L. Allen	Fort Madison	April 30, 1989
Jan Christensen	Northboro	April 30, 1987
Bonetta Jean Culp	Waterloo	April 30, 1987
John E. Evans	Des Moines	April 30, 1985
Forrest J. Mitchell	Grinnell	April 30, 1985
Helen K. Rasdal	Spencer	April 30, 1989
Elaine E. Smith	Monticello	April 30, 1989
Elected		
M. Gene Blackburn	Fort Dodge	June 30, 1989
Craig L. Johnson	Marshalltown	June 30, 1989
James F. Pickens	Cedar Rapids	June 30, 1987
Robert H. Shepard	Mason City	June 30, 1985
R. John Swanson	Red Oak	June 30, 1985
Robert V. P. Waterman	Davenport	June 30, 1987
Paul J. Yaneff	Sioux City	June 30, 1987

JUDICIAL QUALIFICATIONS COMMISSION

§ 605.26

Ardith R. Brown	Ottumwa	April 30, 1985
Carroll E. Engelkes	Waterloo	Dec. 31, 1989
Ronald W. Feilmeyer	Atlantic	Dec. 31, 1985
Connie O. McWilliams	Logan	April 30, 1985
Walter Newport	Davenport	Dec. 31, 1987
Charles E. Storey	Des Moines	April 30, 1987
Susan L. TerLouw	Tama	April 30, 1989

JUVENILE PROBATION OFFICERS TRAINING COMMITTEE

§ 231.8

Ross Caniglia	Council Bluffs	July 1, 1984
David D. Carlson	Mason City	July 1, 1986
R. David Fahey	Fort Madison	July 1, 1986
Fred O. Jones	Indianola	July 1, 1987
Kathryn Lake	Cedar Rapids	July 1, 1984
Glenn C. Sedgwick	Ames	July 1, 1984
Gary L. Ventling	Des Moines	July 1, 1984

ROSTER

(Third Edition)

of

State Officials

of the

State of Iowa

1984



Compiled by the
CODE EDITOR'S OFFICE

Preface

This pamphlet will be published annually under the authority of Iowa Code section 14.7.

The material contained herein is current through February 28, 1985, and was furnished in part by the offices of the governor and the supreme court.

We appreciate the cooperation of everyone who contributed to this publication and no attempt was made to arrange the information on the basis of legal importance.

Please submit any changes or corrections to this office.

Code Editor's Office
Fourth Floor
Lucas State Office Building
Des Moines, Iowa 50319
Phone: (515)281-5285

Additional copies may be obtained from:

Iowa State Printing Division
Grimes State Office Building
Des Moines, Iowa 50319
Phone: (515)281-5231

Name Home City Term Ending
DISTRICT JUDICIAL NOMINATING COMMISSION—*cont'd*

Election District 8A

Phillip R. Collett, Chairman Ottumwa
Appointed
Charles W. Eastburn Fairfield Jan. 31, 1986
Robert L. Kaldenberg Albia Jan. 31, 1986
Kristi J. Livingston Hedrick Jan. 31, 1988
Anita E. Seitsinger Oskaloosa Jan. 31, 1990
Sharon K. Timm Washington Jan. 31, 1988
Elected
Vern M. Ball Bloomfield Jan. 31, 1988
Glenn Bradley Sigourney Jan. 31, 1990
Sidney E. Drake Centerville Jan. 31, 1988
Garold F. Heslinga Oskaloosa Jan. 31, 1986
Tim Kuiken Fairfield Jan. 31, 1990

Election District 8B

William S. Cahill, Chairman Burlington
Appointed
John H. Clark Keokuk Jan. 31, 1988
Rachel I. Ireland Burlington Jan. 31, 1986
Wayne Johnson Morning Sun Jan. 31, 1986
Carol J. Nemitz Mount Pleasant Jan. 31, 1988
Helen E. Romkey Mount Pleasant Jan. 31, 1990
Elected
James F. Fisch Burlington Jan. 31, 1986
Charles O. Frazier Keokuk Jan. 31, 1990
Gerald D. Goddard Burlington Jan. 31, 1990
David L. McCoid Mount Pleasant Jan. 31, 1988
W. O. Weaver Wapello Jan. 31, 1988

STATE JUDICIAL NOMINATING COMMISSION
§ 46.1, 46.2, 46.6

Harvey Uhlenhopp, Chairman Hampton
William J. O'Brien, Secretary Des Moines
Appointed
Darlene L. Allen Fort Madison April 30, 1989
Jan Christensen Northboro April 30, 1987
Bonetta Jean Culp Waterloo April 30, 1987
John E. Evans Des Moines April 30, 1985
Forrest J. Mitchell Grinnell April 30, 1985
Helen K. Rasdal Spencer April 30, 1989
Elaine E. Smith Monticello April 30, 1989
Elected
M. Gene Blackburn Fort Dodge June 30, 1989
Craig L. Johnson Marshalltown June 30, 1989
James F. Pickens Cedar Rapids June 30, 1987
Robert H. Shepard Mason City June 30, 1985
R. John Swanson Red Oak June 30, 1985
Robert V. P. Waterman Davenport June 30, 1987
Paul J. Yaneff Sioux City June 30, 1987

ROSTER

(Fourth Edition)

of

State Officials

of the

State of Iowa

1985



Compiled by the
CODE EDITOR'S OFFICE

Preface

This pamphlet is published annually under the authority of Iowa Code section 14.7.

The material contained herein is current through December 1, 1985, and was furnished in part by the offices of the governor and the supreme court.

We appreciate the cooperation of everyone who contributed to this publication and no attempt was made to arrange the information on the basis of legal importance.

Please submit any changes or corrections to this office.

Code Editor
Fourth Floor
Lucas State Office Building
Des Moines, Iowa 50319

Attention: Joyann Benoit

Phone: (515)281-5285

Additional copies may be obtained from:

Iowa State Printing Division
Grimes State Office Building
Des Moines, Iowa 50319
Phone: (515)281-5231

Name Home City Term Ending

STATE JUDICIAL NOMINATING COMMISSION

§46.1, 46.2, 46.6

Table listing members of the State Judicial Nominating Commission, including names, home cities, and term ending dates. Categories include Appointed and Elected members.

JUDICIAL QUALIFICATIONS COMMISSION

§602.2102

Table listing members of the Judicial Qualifications Commission, including names, home cities, and term ending dates.

ADVISORY COMMITTEE ON THE ADMINISTRATION OF JUVENILE COURT OFFICES

Table listing members of the Advisory Committee on the Administration of Juvenile Court Offices, including names, home cities, and term ending dates.

ROSTER

(Fifth Edition)

of

State Officials

of the

State of Iowa

1987



Compiled by the
CODE EDITOR'S OFFICE

Preface

This pamphlet is published annually under the authority of Iowa Code section 14.7. This edition was delayed due to the extensive reorganization of state government and includes officials taking office in January 1987.

Previous rosters were published in 1981, 1983, 1984, and 1985.

The material contained herein is current through February 1987, and was furnished in part by the offices of the Governor and the Supreme Court.

We appreciate the cooperation of everyone who contributed to this publication and no attempt was made to arrange the information on the basis of legal importance.

Please submit any changes or corrections to this office.

Code Editor
Fourth Floor
Lucas State Office Building
Des Moines, Iowa 50319

Attention: Joyann Benoit

Phone: (515) 281-5285

Additional copies may be obtained from:

Iowa State Printing Division
Grimes State Office Building
Des Moines, Iowa 50319
Phone: (515) 281-5231

Name Home City Term Ending

STATE JUDICIAL NOMINATING COMMISSION

§46.1, 46.2, 46.6

David Harris, Chairperson Jefferson
 William J. O'Brien, Secretary Des Moines

Appointed

Darlene L. Allen Burlington April 30, 1989
 Jan Christensen Northboro April 30, 1987
 Bonetta Culp Waterloo April 30, 1987
 Lee A. Dallager Des Moines April 30, 1991
 Flora E. Haker Vinton April 30, 1991
 Helen K. Rasdal Spencer April 30, 1989
 Elaine E. Smith Monticello April 30, 1989

Elected

M. Gene Blackburn Fort Dodge June 30, 1989
 William H. Engelbrecht Waverly June 30, 1991
 Craig L. Johnson Marshalltown June 30, 1989
 James F. Pickens Cedar Rapids June 30, 1987
 Robert V. P. Waterman Davenport June 30, 1987
 Howard B. Wenger Hamburg June 30, 1991
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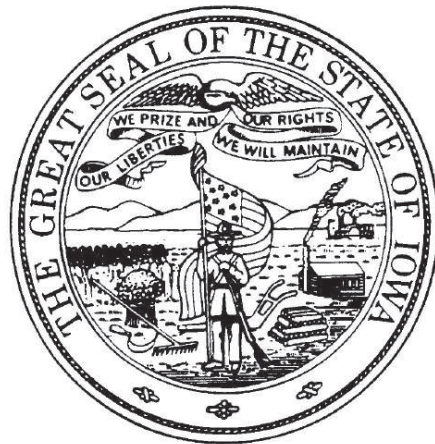
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APP. 0058

DEB 000581

State of Iowa
Roster of State Officials



2021

PUBLISHED BY THE
STATE OF IOWA
UNDER AUTHORITY OF IOWA CODE SECTION 2A.5

Thirty-Eighth Edition

Preface

Pursuant to Iowa Code section 2A.5, the State Roster is published as a correct list of state officers and deputies, members of boards and commissions, justices of the Supreme Court, judges of the Court of Appeals, judges of the district courts, including district associate judges and judicial magistrates, and members of the General Assembly.

More specifically, the State Roster lists the membership of active, policy-making boards and commissions established by state law, executive order of the Governor, or Iowa Court rule. The State Roster may also include advisory councils of a permanent nature whose members are appointed by the Governor, as well as other boards and commissions of interest to the public.

The information included herein is furnished in part by state agencies, the Office of the Governor, the General Assembly, and the Supreme Court and reflects appointments generally reported through September 2021. In most cases, legislative branch information is updated through the 2021 Second Extraordinary Session. Roster listings include citation of the relevant statute and the name, city, and term ending date or affiliation for each current appointee, as appropriate. The designation “statutory” indicates that the Code of Iowa requires that a representative of a specific office or organization serve. No attempt is made to arrange information on the basis of legal importance.

The editors of the State Roster appreciate the cooperation of everyone who contributed to this publication and welcome comments and suggestions for its improvement.

Comments and suggestions may be submitted to:

Legislative Services Agency
Publications Editing Office
Miller State Office Building, Third Floor
Des Moines, Iowa 50319
515.725.3032
Email: webmaster@legis.iowa.gov

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Eric G. SeemanBooneDecember 31, 2023
 Melvin Zischler.....Des MoinesDecember 31, 2022

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Michael Pagel.....	West Des Moines	June 30, 2022
Heather L. Palmer	Des Moines	June 30, 2024
Robert R. Rigg	Des Moines	June 30, 2024
Kristymarie Shipley	Cedar Rapids.....	June 30, 2023
Paul Thelen	Riverside	June 30, 2024
Mindi Vervaecke	Mason City.....	June 30, 2023

Lay Members

D. Suzanne BuffaloTama.....June 30, 2024
 Robert Tyson.....Waterloo.....June 30, 2023

STATE COURT ADMINISTRATOR

§602.1208

Judicial Branch Building, Des Moines 50319; 515.348.4880

Robert Gast, State Court Administrator..... Serves at Pleasure of Supreme Court
 John Goerd, Deputy State Court Administrator

STATE JUDICIAL NOMINATING COMMISSION

§46.1, 46.2, 46.6

*State Court Administrator, Judicial Branch Building,
 Des Moines 50319; 515.348.4880*

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Janece Valentine, Secretary.....	Fort Dodge	June 30, 2025

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Dustin Graber.....	Ankeny	April 30, 2024
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2021 STATE ROSTER

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 §46.3, 46.4, 46.6
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<i>Name</i>	<i>City</i>	<i>Term Ending</i>
<i>Election District 1A</i>		
Monica L. Zrinyi Wittig, Chair.....	Dubuque	
<i>Appointed Members</i>		
Lamont Davidson.....	Delhi.....	January 31, 2026
Matthew Giese	Dubuque	January 31, 2022
Kathleen J. Klimesh.....	Spillville.....	January 31, 2022
Duane Smith	Waukon	January 31, 2024
<i>Elected Members</i>		
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Rochelle Adkins.....	Cedar Falls	January 31, 2022
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Darin Rulapaugh	Oelwein.....	January 31, 2026
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Laura Lee Folkerts	Waterloo	January 31, 2024
Nina Forcier	Waterloo	January 31, 2022
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Eashaan Vajpeyi.....	Waterloo	January 31, 2026
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James M. Drew, Chair.....	Mason City	
<i>Appointed Members</i>		
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Amy K. Swanson	Parkersburg	January 31, 2024
Joel Yunek.....	Mason City.....	January 31, 2022

9-1-77

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3	Robert Fulton 616 Lafayette Street Waterloo IA 50703	6-30-79	Betty J. Fergerson 600 Cottage Waterloo IA 50703	6-30-81
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119 Second Street N.W.
Mason City, IA 50401

STATE JUDICIAL NOMINATING COMMISSION

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Davenport IA 52801

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Richard M. McMahon
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Davenport 52801

6-30-81

Mrs. Madelyn B. Nutt

6-30-83

Douds 52551

James F. Pickens
1010 American Bldg.
Cedar Rapids 52401

6-30-81

Mrs. Lyle Bruere
2015 Grande Avenue S.E.
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6-30-83

Robert E. Shepard
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6-30-85

Betty J. Ferguson
600 Cottage
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6-30-81

Charles M. Manley
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Grinnell 50112

6-30-83

Jon H. Kneen
131 Hawthorne Drive
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6-30-85

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John Evans
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Courthouse
Rock Rapids 51246

6-30-83

Harold T. Beckman
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Council Bluffs 51501

6-30-85

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Sidney 51652

6-30-81

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Scott County Courthouse
Davenport IA 52801

24.
5/86

STATE JUDICIAL NOMINATING COMMISSION

CHAIRPERSONTerm
Expires

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Justice, Iowa Supreme Court
P. O. Box 107, Greene County Courthouse
Jefferson 50129

SECRETARY

William J. O'Brien
State Court Administrator
State Capitol, Des Moines 50319

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- | | | |
|---|---------|----------|
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| 2. James F. Pickens
1010 American Building, P. O. Box 4091
Cedar Rapids 52407 | 6/30/87 | ✓7-1-81 |
| 3. William H. Engelbrecht
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| 4. Craig L. Johnson
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| 5. M. Gene Blackburn
142 North Ninth Street, Ft. Dodge 50501 | 6/30/89 | ✓7-1-83 |
| 6. Paul J. Yaneff
813 Frances Building, Sioux City 51101 | 6/30/87 | ✓4-30-82 |
| 7. Howard B. Wenger
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|---|---------|
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| 2. Elaine E. Smith
Box 48, Monticello 52310 | 4/30/89 |
| 3. Bonetta Culp
1631 Columbia, Waterloo 50703 | 4/30/87 |

State Judicial Nominating Commission
Page 2
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	<u>Term</u> <u>Expires</u>
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5. Lee A. Dallager 1818 High Street, Box 1844, Des Moines 50306	4/30/91
6. Helen K. Rasdal 1204 Craigs Court, Spencer 51301	4/30/89
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

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RACHEL RAAK LAW; MICAH BROEKEMEIER; and
CHARLES HURLEY individuals,


Plaintiffs,

v.


Case No.: 4:22-cv-00176-SMR-SBJ

ROBERT GAST, in his official capacity as State Court
Administrator for the Iowa Judicial Branch,

Defendant.

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REMOTE STREAMING DEPOSITION OF

ROBERT GAST

TAKEN ON
THURSDAY, JULY 6, 2023
11:08 A.M.

1111 EAST COURT AVENUE
DES MOINES, IOWA 50319

1 direct your attention to paragraph 10 of your
2 declaration. Going to put that up there, and please
3 take a few minutes to review. When you're finished
4 reviewing let me know, and then I'll ask you some
5 questions about it.

6 A. Yes, ma'am.

7 Q. Good. Now in this paragraph, Mr. Gast,
8 you mention that you reviewed the list of elected
9 state judicial nominee commissioners from 1963 until
10 1987. And then you attached an Exhibit A that
11 consisted of various rosters. I wanted to know as
12 part of that review what was your analysis of those
13 documents? What did that consist of?

14 A. Yes, ma'am. Just as indicated there, the
15 lists were read. We read down the list and tried
16 to tell -- because gender was not identified, just
17 as we say there based on the names of the
18 commissioners what the gender of -- of the person
19 might be.

20 Q. Okay. So just to clarify, did you conduct
21 any additional research to verify the sex of any of
22 the listed commissioners on the rosters apart --
23 apart from the name analysis?

24 A. No, ma'am. We did have a sworn statement.
25 I believe you have it from a Mr. David Brown, who

1 has been part of the process since, I believe, 1976,
2 who did help us with the knowledge, and -- and
3 confirmed that we were indeed reading what we saw to
4 the best of his knowledge.

5 **Q. Okay. And as far as you're aware, did Mr.**
6 **Brown consult any other documents as part of making**
7 **that declaration?**

8 A. As far as I'm aware, no, ma'am.

9 **Q. Okay. You also mentioned that you weren't**
10 **aware of any record that a woman was ever elected to**
11 **the state judicial nominating commission prior to**
12 **the code being amended to require gender balance; is**
13 **that correct?**

14 A. That is correct.

15 **Q. Okay. Are you aware of any women though**
16 **that were appointed to the state judicial nominating**
17 **commission between 1963 and 1987?**

18 A. Yes, ma'am, from the review of the -- of
19 the rosters.

20 **Q. Okay. And as part of your review, did you**
21 **come across any documents that delineated the**
22 **nominees for each of those years between 1963 and**
23 **1987?**

24 A. Yes, ma'am. When looking at those
25 documents, they are listed separate as far as

1 nominees versus elected, so we were able to tell by
2 those documents which ones were the nominees of the
3 governor, and which ones were elected.

4 **Q. Okay. And the only documents that you**
5 **have in your possession that delineate the nominees**
6 **are those that you've produced, correct?**

7 A. Yes, ma'am, that is correct.

8 **Q. Okay. So it -- it seems that there were**
9 **only a few years available of data? For the rest,**
10 **you didn't have access to the nominees in your**
11 **possession?**

12 A. Correct, ma'am. That -- that is all we
13 were able to find.

14 **Q. Okay. Do you happen to know the total**
15 **number of female nominees that wanted to be**
16 **considered for the State Judicial Nominating**
17 **Commission from 1967 to 1987?**

18 **MR. RANSCHT:** Can I object? And just as
19 to maybe the terminology "nominee" it's unclear.
20 Go ahead and answer.

21 **THE DEPONENT:** Ma'am, I would like to
22 clarify you did -- 1967? Did -- did you mean to say
23 1963?

24 **BY MS. D'AGOSTINO:**

25 **Q. Oh, let me clarify that, Mr. Gast. So**

1 **yes, from 1967 to 1987, and by female nominee, I**
2 **mean those that submitted a petition and were --**
3 **were listed as potential candidates to be voted on**
4 **to the State Judicial Nominating Commission?**

5 A. No, ma'am, I am not aware of a petition
6 that was submitted. There were names that were
7 discovered and that number right now I do not have,
8 but I do know we identified those names.

9 Q. Okay. Okay. And -- okay. Okay. Mr.
10 Gast, I also wanted to ask you as well, Mr. Nicholas
11 Critelli, the Executive Director of the Office of
12 Professional Regulation of the Iowa Supreme Court,
13 also submitted a declaration as part of this
14 lawsuit. Did you have an opportunity to review
15 that?

16 A. Yes, ma'am, I did.

17 Q. Okay. And do you frequently work with Mr.
18 Critelli in any capacity?

19 A. Yes, ma'am, I do. He does not fall
20 directly under my supervision. He works directly
21 for the Supreme Court, but we often talk about
22 issues that -- that face the court.

23 Q. Okay. Can you give some examples? What
24 kinds of issues would you guys discuss?

25 A. Yes, ma'am. He's also in charge of our

1 certification of shorthand reporters. He's in
2 charge of that board, and that is the issue we most
3 generally will discuss policies and possible
4 procedures and changes to rules for shorthand
5 reporters.

6 **Q. Okay. And Mr. Critelli mentioned in his**
7 **declaration that in the year 2000 he saw that women**
8 **made up approximately 22.98 percent of the resident**
9 **Iowa attorneys. I was wondering whether you have any**
10 **data of what the current figure for 2023?**

11 **A. No, ma'am. I -- I do not as of today. I**
12 **would go back to Mr. Critelli's report where he**
13 **reported a 36.75 percent was the -- the figure that**
14 **he gave as the most current from 2000.**

15 **Q. Okay. Okay, Mr. Gast I'd like to turn**
16 **your attention now to a separate exhibit, so give me**
17 **just a moment and I will pull that up. One moment.**
18 **And I will share the screen again. Okay. All**
19 **right. Mr. Gast, are you able to see the headline**
20 **of this document as well?**

21 **A. Yes, ma'am.**

22 **Q. Okay. Do you recognize this document?**

23 **A. Yes, ma'am.**

24 **Q. Okay. What is it?**

25 **A. It's a response of -- of ours to -- to the**

1 first set of interrogatories.

2 Q. Okay.

3 MS. D'AGOSTINO: I'd like to introduce
4 this as Plaintiff's Exhibit 2, the defendant's
5 response to plaintiff's first set of
6 interrogatories?

7 (WHEREUPON, Exhibit 2 was marked for
8 identification.)

9 BY MS. D'AGOSTINO:

10 Q. Okay, Mr. Gast, I wanted to go ahead and
11 bring your attention to your response to
12 interrogatory 3. I'm going to go there and give you
13 -- okay, Mr. Gast, so as before, I'm going to show
14 you this interrogatory. Take a little bit of time
15 to review the answer. When you need me to scroll
16 down to finish reviewing the rest of your answer let
17 me know, and I will do so.

18 A. Go ahead and scroll, ma'am.

19 Q. Okay.

20 A. And scroll one more time please, ma'am.

21 Q. Yes, sir.

22 A. Okay.

23 Q. Okay. So I would like to bring your
24 attention just to get some additional clarification,
25 specifically on this sentence. So you mention here

1 **that, "Iowa Code Section 46.2 remedies**
2 **discrimination against women in historical**
3 **membership on the State Judicial Nominating**
4 **Commission." So based on your knowledge as state**
5 **court administrator, what is the discrimination**
6 **against women with respect to historical**
7 **membership?**

8 A. Yes, ma'am. Based on my knowledge looking
9 at the records that we presented in Exhibit A, there
10 were not any elected female members of the state
11 nominating commission until 1987 when Section 46.2
12 was set by the legislature.

13 Q. Okay. So in terms of historical
14 membership, that is what that clause is referring
15 to?

16 A. Yes, ma'am.

17 Q. Okay. And how does Iowa Code Section 46.2
18 remedy discrimination?

19 A. It allows for now two members from each
20 congressional district, one of male gender and one
21 of female gender, to be on the state nominating
22 commission.

23 Q. Okay. And how does Iowa Code Section
24 46.2 improve the integrity of commission
25 deliberations?

1 A. The integrity is improved by having a
2 larger, broader diverse population to choose judges
3 that would allow for a -- a larger, broader choice
4 and create a better rapport with the communities and
5 a better rapport with the people that the judges
6 would represent.

7 **Q. Okay. And what is your basis for**
8 **believing that, Mr. Gast?**

9 A. My basis for believing that would be the
10 -- the same as -- we just -- the goal in the
11 judicial branch is to ensure that we represent the
12 communities to the best of our ability.

13 **Q. Okay. And would you agree that Iowa Code**
14 **46.2 prevents two women from serving at any time in**
15 **any of the congressional districts?**

16 **MR. RANSCHT:** I object that that calls for
17 a legal conclusion. Go ahead and answer.

18 **THE DEPONENT:** I would say, yes, the way
19 the code reads.

20 **BY MS. D'AGOSTINO:**

21 **Q. Okay. And you mentioned also**
22 **institutional legitimacy. What do you mean by**
23 **that?**

24 A. I think that in order to create good
25 rapport and trust of the people this state that we

1 need to represent the people in this state, and that
2 the trust factor is built if we are representative
3 of our community.

4 **Q. Okay. And do you have specific evidence**
5 **in terms of measuring that trust?**

6 A. No, ma'am.

7 **Q. Has your department ever conducted any**
8 **polls of either the Iowa bar members or anyone else**
9 **in terms of any of these factors you've identified?**

10 A. In my department, ma'am, that I am aware
11 of, no.

12 **Q. Okay. Okay, Mr. Gast, I'd like to go**
13 **ahead and take a quick break if that's okay with you**
14 **and resume in maybe just about five minutes if**
15 **that's okay?**

16 A. Yes, ma'am.

17 **MS. D'AGOSTINO:** And off the record. So
18 we'll be back at 2:45.

19 **THE REPORTER:** So sorry, I was muted.
20 We're off the record at 2:40 p.m.

21 **(WHEREUPON, a recess was taken)**

22 **THE REPORTER:** We are back on the record
23 at 1:50 p.m.

24 **BY MS. D'AGOSTINO:**

25 **Q. Thank you again, Mr. Gast. So I -- I had**

1 a couple of additional clarifying questions and some
2 additional things I wanted to ask you. First, I
3 just want to make sure as part of our discussion
4 today we've been using the term both gender and sex,
5 and I want to clarify on the record that we've been
6 using those terms interchangeably. Your department
7 doesn't differentiate how it defines either of those
8 terms; is that correct?

9 A. Yes, ma'am, that's correct. The -- the
10 statute states gender, but yes, we -- we -- we use
11 them interchangeably.

12 Q. Okay. And as part of our earlier
13 discussion in talking about the -- the gender
14 balance of Iowa Code Section 46.2, as well as the
15 pleadings that you have filed, you mentioned the
16 historical lack of women being elected to the State
17 Judicial Nominating Commission as evidence of
18 discrimination. Do you know of any female lawyers
19 who have claimed to have encountered barriers in
20 being elected to the State Judicial Nominating
21 Commission?

22 A. To my own knowledge, no, ma'am.

23 Q. Okay. Do you know of any female lawyers
24 who have claimed that they have been discriminated
25 by male lawyers either in seeking election to the

1 **board, or even in serving on the board?**

2 A. No, ma'am, to my knowledge.

3 **Q. Okay. Do you have any personal knowledge**
4 **of discrimination faced by any women who are a part**
5 **-- any woman that's part of the Iowa bar?**

6 A. No, ma'am, I do not.

7 **Q. Okay. As an additional question, Mr.**
8 **Gast, as part of your role as state judicial**
9 **nominating commissioner have you ever been**
10 **approached by any female attorney with claims of**
11 **discrimination?**

12 **MR. RANSCHT:** I object. That's an
13 incorrect characterization of the record. Go
14 ahead.

15 **THE DEPONENT:** And, ma'am, I'm -- I am not
16 a nominating commissioner. I am -- I am the state
17 court administrator and, no, I have never been
18 approached in my time as the court administrator.

19 **BY MS. D'AGOSTINO:**

20 **Q. Okay. I -- let me clarify the record.**
21 **The question I had is whether anyone approached you**
22 **as state court administrator in your professional**
23 **role with claims of discrimination?**

24 A. No, ma'am. No one has.

25 **Q. Okay. Okay, Mr. Gast, I'm going to show**

1 you again the interrogatories. So we are going to
2 return to Exhibit 2 that we were looking at
3 earlier. Okay? And I'm going to scroll down to
4 interrogatory number 11, so bear with me, and we
5 will go through that interrogatory as well. Okay.
6 So this again will be broken up on two pages, so
7 when you have a chance to read the two paragraphs on
8 page 10, let me know, and I'll scroll down to page
9 11.

10 A. Okay, ma'am.

11 Q. Okay. Here I'll scroll down to right here
12 as well.

13 A. I've read it, ma'am.

14 Q. Okay. Wonderful. Okay, Mr. Gast, so it
15 appears to be your statement that Iowa Code Section
16 46.2 doesn't run any discrimination against male
17 candidates. But are you aware of any
18 discrimination against men who are seeking to serve
19 on the State Judicial Nominating Commission from
20 1967 to 1987?

21 A. No, ma'am. I am not.

22 Q. Okay. What about from 1987 to the
23 present?

24 A. No, ma'am. I am not.

25 Q. Okay. So given that you don't contend

1 that Iowa Code Section 46.2 remedies discrimination
2 against men, why does Code Section 46.2 require Iowa
3 bar members to elect one man in each congressional
4 district?

5 A. Ma'am, to my knowledge, it was created,
6 again, to create that diversity and equalize
7 representation across the state for both genders.

8 Q. Are you personally aware of any obstacles
9 that male candidates or male -- prospective male
10 commissioners were facing when they were seeking to
11 be elected to the board?

12 A. No, ma'am. I am not.

13 Q. Okay. During your time as state court
14 administrator, have you ever denied any male
15 candidate from being able to appear on the ballot,
16 excluding our clients in this matter?

17 A. No, ma'am, not in my time as state court
18 administrator.

19 Q. Okay. Okay, Mr. Gast, I'm going to go
20 ahead and show you an additional exhibit as well.
21 Bear with me, I'm going to pull this up. This is
22 another report that you produced as part of your
23 production. One moment, let me pull up this
24 document. Okay. Are you able to see the page,
25 sir?

1 A. Yes, ma'am.

2 Q. Okay. Do you recognize this document?

3 A. Yes, ma'am.

4 Q. Okay. What is it, sir?

5 A. It is the response to the final report of
6 the quality of courts task force.

7 Q. Okay.

8 MS. D'AGOSTINO: I'd like to introduce
9 this as Plaintiff's Exhibit 3.

10 (WHEREUPON, Exhibit 3 was marked for
11 identification.)

12 BY MS. D'AGOSTINO:

13 Q. Okay, Mr. Gast, now bear with me. This
14 one's a lengthier document, so I'm going to scroll
15 down and give you an opportunity to read as well.
16 Okay. I'll try to make it a little smaller just so
17 we can fit more on the page. Are you able to read
18 that, or do you need me to zoom in, sir?

19 A. No, that's fine, ma'am. I can read that.

20 Q. Okay. As -- I have one quick
21 clarification question. We're going to kind of move
22 around on this page. If you can take a moment to
23 read these two paragraphs. Let me know when you've
24 had a chance to do so.

25 A. Okay, ma'am.

1 Q. Okay. So I wanted to clarify, Mr. Gast,
2 as part of your earlier testimony you mentioned that
3 you don't necessarily have a policy role as part of
4 your role as state court administrator. Here, at
5 least in this 1995 report, it appears that the Iowa
6 Supreme Court had some type of communication with
7 the state court administrator at the time to direct
8 him or her to bring to the attention of the
9 different nominating commissions kind of the court's
10 goal to ensure diversity.

11 So my question is as part of your role as
12 state court administrator, have you had any similar
13 discussions with any member of the Supreme Court or
14 within your department where they've approached you
15 with a set of recommendations to communicate to the
16 state judicial nominating commission?

17 A. No, ma'am. In my time as state court
18 administrator, I've not had a discussion pertaining
19 to that.

20 Q. Okay. Have -- has there been anything
21 similar from anyone else within your department?
22 Have you been approached by anyone else in terms of
23 recommendations to make the State Judicial
24 Nominating Commission?

25 A. No, ma'am.

1 Q. Okay. Okay, Mr. Gast. Now, I'd like to
2 direct your attention to the -- these two
3 paragraphs here. So take some time to read those
4 and when you have a chance let me know when you're
5 finished.

6 A. Okay, ma'am.

7 Q. Okay. Now, I know this report is from
8 1995, but as your role as state court administrator
9 are you able to affirm or deny whether this policy
10 remains the Iowa Supreme Court's policy as of
11 today?

12 A. Yes, ma'am. I'm able to affirm that that
13 is indeed our policy.

14 Q. Okay. Now, would you please read for me
15 in the record the portion -- right here let me
16 highlight it for you, sir. Right here, which begins
17 with -- sorry about that -- where it begins with --
18 where my indicator is there where it begins with
19 "our commitment to the subjective" and ends with
20 "selection and process". Can you read that out
21 loud, please?

22 A. Yes, ma'am. "Our commitment to the
23 subjective does not mean nor require that we
24 subscribe to a system of quotas. Quality and
25 competence must continue to be the overarching

1 principals guiding the merit selection process."

2 Q. Okay. So if we look at that word quotas
3 in there, what's your understanding of what a quota
4 is?

5 A. My understanding of a quota is there must
6 be a set number of -- of peoples representing, in
7 this case, possibly gender and/or race.

8 Q. Okay. So you had mentioned earlier that
9 Iowa Code Section 46.2 is composed of two
10 components. You have the seat that must be filled
11 by a male commissioner, and you have a seat that
12 must be filled by a female commissioner; is that
13 correct?

14 A. Yes, ma'am. That is correct.

15 Q. And by your -- your definition of a quota,
16 does Iowa 46.2 contain a quota?

17 A. By my definition, no, ma'am, I don't
18 believe it does.

19 Q. Okay. Can we explore that a little bit
20 more? So you had mentioned that in -- and I don't
21 want to misquote you, so if -- if I'm not
22 characterizing what you mentioned, please feel free
23 to interject. You had mentioned that your
24 understanding of a quota is when there is a
25 specific number that is being represented, it could

EXHIBIT	
DEPONENT NAME: R. Gast	DATE: 7/16/23

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

<p>RACHEL RAAK LAW and MICAH BROEKEMEIER, individuals,</p> <p>Plaintiffs,</p> <p>v.</p> <p>ROBERT GAST, in his official capacity as State Court Administrator for the Iowa Judicial Branch,</p> <p>Defendant.</p>	<p>Case No. 4:22-CV-00176-SMR-SHL</p> <p>Declaration of Robert Gast</p>
---	--

I, Robert Gast, declare under penalty of perjury that I have personal knowledge of the following:

1. I am a resident of Iowa and over the age of majority.
2. I serve as the State Court Administrator, an officer of the State of Iowa appointed by the Iowa Supreme Court.
3. Among my duties as State Court Administrator, I administer the elections for judicial nominating commissioners under Iowa Code chapter 46. Because I have served as State Court Administrator only since October 2021, I have not yet administered an election for state commissioners. But this information is based on my review of Iowa law, my understanding of past practices, my experience administering elections of district commissioners, and my plans for the upcoming election.
4. As required by Iowa Code section 46.2, elections for state judicial nominating commissioners are held every two years in January of odd-numbered years. Thus, the next election will be held in January 2023 to replace three commissioners whose terms will be expiring: Dorothy O'Brien (a female

attorney from Scott County in the new first congressional district); Henry Bevel (a male attorney from Black Hawk County in the new second congressional district); and John Gray (a male attorney from Woodbury County in the new fourth congressional district).

5. In order to maintain the geographical and gender balance required by Iowa Code section 46.2, elections will only be held in these three congressional districts in January 2023. And only eligible electors of the same gender as the commissioner they would be replacing are eligible to be placed on the ballot for the election. So the resident members of the bar in the new first congressional district will elect another female. And the resident members of the bar in the new second and fourth congressional districts will each elect another male.

6. The female commissioner from the new fourth congressional district and the male commissioner from the new first congressional district were both elected in January 2019 to six-year terms. Therefore, the elections to replace these commissioners for new six-year terms will occur in January 2025.

7. To be placed on the ballot for the 2023 election, an eligible elector must file a nominating petition with my office by January 2, 2023. The filed petition must contain the signatures of at least ten eligible electors of the congressional district. But even if not placed on the ballot, any eligible elector may seek to be elected as a write-in candidate because resident members of the bar voting in the election may write-in any name of an eligible elector on the ballot.

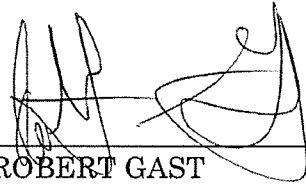
8. On or before December 2, 2022, members of the bar, will be electronically notified, a press release will be issued, and a notice will be posted on the judicial branch website informing the public of these upcoming vacancies on the commission and the process for submitting nominating petitions. The notices will also provide a link to download a nominating petition form.

9. Neither Rachel Raak Law nor Micah Broekemeier have requested a nominating petition form for the January 2023 election from my office. And I have not received a completed nominating petition from either of them.

10. I have reviewed the list of elected state judicial nominating commissioners from 1963 until 1987 in the official government publications attached as Exhibit A. Based on the first names of the commissioners, it appears that all the commissioners elected were men. And I am aware of no contrary record that a woman was ever elected to the State Judicial Nominating Commission before Iowa Code section 46.2 was amended to require gender balance.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on June 28, 2022.



ROBERT GAST
State Court Administrator

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

RACHEL RAAK LAW, MICAH)	
BROEKEMEIER, and	)	Case No. 4:22-cv-00176-SMR-SBJ
CHARLES HURLEY, individuals,)	
)	
Plaintiffs,)	
)	
v.	)	<u>PLAINTIFF RAAK LAW'S</u>
	)	<u>RESPONSES AND OBJECTIONS TO</u>
	)	<u>DEFENDANT'S FIRST SET OF</u>
	)	<u>INTERROGATORIES</u>
ROBERT GAST, in his official capacity as)	
State Court Administrator for the Iowa Judicial)	
Branch,)	
)	
Defendant.)	
)	

Plaintiff Rachel Raak Law objects and responds to Defendant's First Set of Interrogatories as follows.

PRELIMINARY STATEMENT

Plaintiff Raak Law has not yet fully completed the investigation of the facts relating to this case and has not yet fully completed discovery in this action. Plaintiff Raak Law's responses herein are based upon information and documents currently known to Plaintiff. Further discovery, independent investigation, legal research, and analysis may supply additional facts and lead to additions, changes, and variations from the answers herein.

The following responses are given without prejudice to the right to produce evidence or witnesses that Plaintiff Raak Law may later discover. Plaintiff Raak Law accordingly reserves the right to change any and all responses herein as additional facts are ascertained, witnesses are identified, and legal research is completed. The responses contained herein are made in good faith in an effort to supply as much factual information and as much specification of legal contention as is presently known, and should in no way prejudice Plaintiff Raak Law in relation to further

VerMulem, Plaintiff Raak Law discussed a potential media engagement that she later declined.

- E. Ms. Raak Law believes that all of these conversations occurred verbally.
- F. Plaintiff Raak Law directs Defendant to her response to subpart D.
- G. Plaintiff Raak Law is unaware of any communications or statements that amounted to statements against interest made by any party to this action.

INTERROGATORY NO. 4: Identify each and every document known to you or your attorneys relating to the above-captioned matter, including documents pertaining to any facts, issues, allegations, claims, legal theories, or defenses raised in your Complaint or Amended Complaint and any Answer or Responsive pleading thereto or any other matter related to this case, not including documents protected by attorney-client privilege or the work-product doctrine. For each document identified, also provide the following:

- A. An identification of the person who created the document, including their name, address, telephone number and job title;
- B. An identification of the custodian of the document;
- C. A detailed description of the circumstances giving rise to the creation of the document;
- D. A detailed description of how you came into possession of the document or how you became aware of the document; and
- E. A detailed description of the document and its contents.

OBJECTION: Plaintiff Raak Law objects to this interrogatory to the extent it seeks information in the possession of third parties, information that is in the public domain, or information that is equally available to Defendant.

ANSWER: Subject to and without waiving the foregoing objection, see all filings and attachments filed in this lawsuit, including the 8th Circuit filings, as well as Bates Nos. DEF000001–DEF000790 and PLA001–PLA002.

INTERROGATORY NO. 5: Please provide a detailed description of your interest in serving on the State Judicial Nominating Commission. Your answer should include, but is not limited to, a detailed description of the following:

- A. Why you want to serve in this capacity;
- B. When you first became interested in serving;

C. All prior attempts to serve on the State Judicial Nominating Commission, including both appointed and elected positions, if any, and if so, describe when;

D. Any similar service you have engaged in, including the nature of the service, the dates of service, the organization it was for, and an explanation of the termination of said service;

E. Any service or attempts to serve in any other public or private board, commission, council, or similar organization, the outcome of such service or attempted service, and whether you experienced any discrimination of any kind in such endeavor;

F. Any and all actual steps and actions you have taken to date in furtherance of your attempt to serve on the State Judicial Nominating Commission including a timeline of each action and an identification of all documents, statements, and/or communications related to this interrogatory;

G. Whether or not you intend to submit your name to serve on the State Judicial Nominating Commission for the next available elective openings in 2025.

OBJECTION: Plaintiff Raak Law objects to this interrogatory as vague and ambiguous, as it does not define the terms “similar service” or “similar organization,” and is not time-limited. With the exception of discrete subpart F, Plaintiff Raak Law also objects to this interrogatory as overly broad, irrelevant and not proportional to the needs of the case. The question at issue in this case is whether candidates eligible to serve on the State Judicial Nominating Commission are forbidden by state law from running for election in their congressional district because of their sex. Plaintiff Raak Law’s interest in serving as a State Judicial Nominating Commissioner, the timing of her interest, prior attempts to serve as a State Judicial Nominating Commissioner, information related to “similar service,” attempts to serve or service on a “similar organization,” and her intent to serve on the State Judicial Nominating Commission in 2025 have no bearing on the constitutionality of Iowa Statute § 46.2.

ANSWER: Subject to and without waiving the foregoing objection, *see* Plaintiffs’ First Amended Complaint, Dkt. 71, at §3 and 31; Declaration, Dkt. 17.

A. Plaintiff Raak Law has extensive experience with the judiciary not only through her volunteer work in a drug court program, but also through her past work as a commissioner

on a district judicial nominating commission. Plaintiff Raak Law now wants to serve her community on the State Judicial Nominating Commission because she is passionate about the law and feels called to devote her efforts to selecting exceptional judges.

- B. During the early part of 2022.
- C. Apart from the nominating petition Plaintiff Raak Law submitted in December of 2022, she has not attempted to serve on the State Judicial Nominating Commission in the past.
- D. Plaintiff Raak Law served on District 3b's Judicial Nominating Commission from 2012 to 2018, when her term expired.
- E. Plaintiff Raak Law has also served in the following capacities:
 - 1. Iowa Republican Party, Organizational Chair for District 4. Ms. Raak Law began this position sometime in 2016. This ended when the District Convention concluded in March of 2016. Plaintiff Raak Law then went on to help at the state level (but not pursuant to an elected position). The state convention concluded Father's Day weekend in June of 2016.
 - 2. Fundraising and Event Coordinator for Woodbury County GOP (January 2016 to Present).
 - 3. Drug Court Volunteer (2012-2020).
 - 4. Auxiliary Board, Correctionville, Iowa (July/August 2022 to present).
 - 5. Correctionville Community Group (2021-present).

Plaintiff Raak Law did not experience discrimination.

- F. Defendant is in possession of Plaintiff Raak Law's email regarding the submission of her nominating petition, her nominating petition, and the letter Defendant sent to Plaintiff Raak Law, which denied Plaintiff the opportunity to appear on the ballot for Congressional

District Four because of her sex. *See* DEF000704–000710, 000714. Plaintiff Raak Law successfully emailed her petition on December 23, 2022. According to Defendant’s stamp on Plaintiff Raak Law’s nominating petition, the Office of the State Judicial Nominating Commission received the petition on December 23, 2022. In the weeks leading up to her submission, Plaintiff Raak Law spoke to each of the individuals listed on her nominating petition, and they signed the petition in support of her candidacy.

G. Plaintiff Raak Law is undecided on whether she will submit her name to serve on the State Judicial Nominating Commission for the next available elective openings in 2025.

INTERROGATORY NO. 6: Please provide a complete description of your qualifications to serve on the State Judicial Nominating Commission and identify all documents related to the same.

OBJECTION: None.

ANSWER: Plaintiff Raak Law is qualified to serve on the State Judicial Nominating Commission because she is a U.S. Citizen, an Iowa resident, over 18 years of age, and has not previously served on the State Judicial Nominating Commission. *See* PLA001–002. Moreover, Plaintiff Raak Law has previously served on a district judicial nominating commission and also has extensive experience interacting with judges by virtue of her volunteer work with a drug court program.

INTERROGATORY NO. 7: Please list any and all other lawsuits to which you have been a party or in which you participated as a witness. For each such lawsuit, provide the following:

- A. The case name and caption, including the state, county, and case number;
- B. Your role in the lawsuit;
- C. An identification of all parties to the lawsuit;
- D. An identification of all attorneys involved in the lawsuit, including their names, addresses, telephone numbers, and email addresses;
- E. A detailed description of the circumstances giving rise to the lawsuit;
- F. A detailed description of the outcome and disposition of the lawsuit; and

Respectfully submitted,

ALAN R. OSTERGREN
President and Chief Counsel
THE KIRKWOOD INSTITUTE, INC.
500 Locust Street, Suite 199
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s/ Erin E. Wilcox
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Attorneys for Plaintiffs

** Pro Hac Vice*

VERIFICATION OF INTERROGATORY ANSWERS

I declare under penalty of perjury under the laws of the United States of America that the answers given to the above interrogatories are true and correct to the best of my knowledge.

SIGNED this 31st day of July 2023, at Correctionville, Iowa.

Rachel Raak Law
RACHEL RAAK LAW

Notice of Pending Elections For State Judicial Nominating Commissioners

The following individuals are currently serving as State Judicial Nominating Commissioners, and their terms will be expiring on June 30, 2023: Dorothy O'Brien (Congressional District One), Henry Bevel (Congressional District Two), and John Gray (Congressional District Four). The person to be elected in District One shall be a female, the person to be elected in District Two shall be a male, and the person to be elected in District Four shall be a male. See Iowa Code § 46.2. The next term for these positions will begin on July 1, 2023 and expire on June 30, 2029.

The counties in Congressional District One are Cedar, Clinton, Des Moines, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Louisa, Mahaska, Marion, Muscatine, Scott, Van Buren, Warren and Washington.

The counties in Congressional District Two are Allamakee, Benton, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Floyd, Grundy, Hardin, Howard, Linn, Mitchell, Poweshiek, Tama, Winneshiek and Worth.

The counties in Congressional District Four are Audubon, Boone, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Franklin, Fremont, Hamilton, Hancock, Harrison, Humboldt, Ida, Kossuth, Lyon, Marshall, Mills, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Pottawattamie, Sac, Shelby, Sioux, Story, Webster, Winnebago, Woodbury and Wright.

This is to notify the public that elections will be held in January 2023 to fill these positions on the State Judicial Nominating Commission.

Individuals who wish to serve on the State Judicial Nominating Commission are not required to be attorneys, but must meet certain legal requirements. In addition, to have their name placed on the election ballot, individuals must file their completed nominating petition with State Court Administration no later than **December 31, 2022**. The nominating petition must have the signatures of at least ten eligible electors of the congressional district the candidate seeks to represent.

Click [HERE](#) if you wish to obtain a nominating petition, and then follow the instructions included with the petition regarding how to complete the petition and submit it.

The State Court Administrator will conduct the elections, and eligible attorneys shall have the ability to vote. See Iowa Code Chapter 46 for specific information about voting eligibility.

Voting by eligible attorneys will begin January 6, 2023.

Election winners shall be notified, and the election results shall be reported to the Governor and the General Assembly and published on the judicial branch website.

The above is a summary of the nomination and election process. If you wish to learn more, or if you are interested in becoming a member of the State Judicial Nominating Commission, you should carefully read Article V, sections 15 and 16 of the Iowa Constitution and Iowa Code Chapter 46 so you fully understand all the details of the nomination and election process, and the requirements for running for, or voting for, the position of commissioner. You may also find additional information on the Iowa Judicial Nominating Commissions website at <https://www.iowajnc.gov/>.

Robert D. Gast
State Court Administrator
December 1, 2022

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

RACHEL RAAK LAW, MICAH)	
BROEKEMEIER, and	)	Case No. 4:22-cv-00176-SMR-SBJ
CHARLES HURLEY, individuals,)	
)	
Plaintiffs,)	
)	
v.	)	<u>PLAINTIFF BROEKEMEIER’S</u>
	)	<u>RESPONSES AND OBJECTIONS TO</u>
	)	<u>DEFENDANT’S FIRST SET OF</u>
	)	<u>INTERROGATORIES</u>
ROBERT GAST, in his official capacity as)	
State Court Administrator for the Iowa Judicial)	
Branch,)	
)	
Defendant.)	

Plaintiff Micah Broekemeier objects and responds to Defendant’s First Set of Interrogatories as follows.

PRELIMINARY STATEMENT

Plaintiff Broekemeier has not yet fully completed the investigation of the facts relating to this case and has not yet fully completed discovery in this action. Plaintiff Broekemeier’s responses herein are based upon information and documents currently known to Plaintiff. Further discovery, independent investigation, legal research, and analysis may supply additional facts and lead to additions, changes, and variations from the answers herein.

The following responses are given without prejudice to the right to produce evidence or witnesses that Plaintiff Broekemeier may later discover. Plaintiff Broekemeier accordingly reserves the right to change any and all responses herein as additional facts are ascertained, witnesses are identified, and legal research is completed. The responses contained herein are made in good faith in an effort to supply as much factual information and as much specification of legal contention as is presently known, and should in no way prejudice Plaintiff Broekemeier in relation

- C. The interview occurred sometime in late May/early June of 2022.
- D. Micah Broekemeier responded to the questions the journalist had about the case and his involvement in the lawsuit.
- E. The interview was conducted online.
- F. Plaintiff Broekemeier directs Defendant to the newslink above.
- G. Plaintiff is unaware of any communications or statements that amounted to statements against interest made by any party to this action.

INTERROGATORY NO. 4: Identify each and every document known to you or your attorneys relating to the above-captioned matter, including documents pertaining to any facts, issues, allegations, claims, legal theories, or defenses raised in your Complaint or Amended Complaint and any Answer or Responsive pleading thereto or any other matter related to this case, not including documents protected by attorney-client privilege or the work-product doctrine. For each document identified, also provide the following:

- A. An identification of the person who created the document, including their name, address, telephone number and job title;
- B. An identification of the custodian of the document;
- C. A detailed description of the circumstances giving rise to the creation of the document;
- D. A detailed description of how you came into possession of the document or how you became aware of the document; and
- E. A detailed description of the document and its contents.

OBJECTION: Plaintiff Broekemeier objects to this interrogatory to the extent it seeks information in the possession of third parties, information that is in the public domain, or information that is equally available to Defendant.

ANSWER: Subject to and without waiving the foregoing objection, see all filings and attachments filed in this lawsuit, including the 8th Circuit filings, as well as Bates Nos. DEF000001–DEF000790 and PLA003–PLA005.

INTERROGATORY NO. 5: Please provide a detailed description of your interest in serving on the State Judicial Nominating Commission. Your answer should include, but is not limited to, a detailed description of the following:

- A. Why you want to serve in this capacity;
- B. When you first became interested in serving;
- C. All prior attempts to serve on the State Judicial Nominating Commission, including both appointed and elected positions, if any, and if so, describe when;
- D. Any similar service you have engaged in, including the nature of the service, the dates of service, the organization it was for, and an explanation of the termination of said service;
- E. Any service or attempts to serve in any other public or private board, commission, council, or similar organization, the outcome of such service or attempted service, and whether you experienced any discrimination of any kind in such endeavor;
- F. Any and all actual steps and actions you have taken to date in furtherance of your attempt to serve on the State Judicial Nominating Commission including a timeline of each action and an identification of all documents, statements, and/or communications related to this interrogatory;
- G. Whether or not you intend to submit your name to serve on the State Judicial Nominating Commission for the next available elective openings in 2025.

OBJECTION: Plaintiff Broekemeier objects to this interrogatory as vague and ambiguous, as it does not define the terms “similar service” or “similar organization,” and is not time-limited. With the exception of discrete subpart F, Plaintiff also objects to this interrogatory as overly broad, irrelevant and not proportional to the needs of the case. The question at issue in this case is whether candidates eligible to serve on the State Judicial Nominating Commission are forbidden by state law from running for election in their congressional district because of their sex. Plaintiff Broekemeier’s interest in serving as a State Judicial Nominating Commissioner, the timing of his interest, prior attempts to serve as a State Judicial Nominating Commissioner, information related to “similar service,” attempts to serve or service on a “similar organization,” and his intent to serve on the State Judicial Nominating Commission in 2025 have no bearing on the constitutionality of Iowa Statute § 46.2.

ANSWER: Subject to and without waiving the foregoing objection, *see* Plaintiffs’ First Amended Complaint, Dkt. 71, at § 2 and 30; Dkt. 18; and PLA003–PLA005.

- A. As a former Marine, Plaintiff Broekemeier's desire to serve his community continues to be a strong foundation in his life. His experience serving on multiple committees with the Johnson County Republicans has allowed him to develop deep ties within his congressional district and to gain a strong background in screening candidates for public office. Plaintiff Broekemeier wants to use his knowledge and experience to bring greater transparency to the judiciary and help other commissioners effectively screen for prospective judges.
- B. During the early part of 2022.
- C. Apart from the nominating petition Plaintiff Broekemeier submitted in December of 2022, he has not attempted to serve on the State Judicial Nominating Commission in the past.
- D. Plaintiff Broekemeier serves on multiple committees with the Johnson County Iowa Republicans, including the executive committee, the central committee, and the candidate committee. He has served on these committees since 2020. As a part of the candidate committee, he finds people who want to run for public office.
- E. Plaintiff Broekemeier ran in a special election for an opening on the Johnson County Board of Supervisors in 2021. He was not selected for this position.
- F. Defendant is in possession of Plaintiff Broekemeier's emails regarding the submission of his nominating petition, his nominating petition, and the letter Defendant sent to Plaintiff Broekemeier, which denied Plaintiff the opportunity to appear on the ballot for Congressional District One because of his sex. *See* DEF000692–000703. Plaintiff Broekemeier successfully emailed his petition on December 23, 2022. According to Defendant's stamp on Plaintiff Broekemeier's nominating petition, the Office of the State Judicial Nominating Commission received the petition on December 23, 2022. In the

weeks leading up to his submission, Plaintiff Broekemeier spoke to each of the individuals listed on his nominating petition, and they signed the petition in support of his candidacy.

G. Plaintiff Broekemeier is undecided.

INTERROGATORY NO. 6: Please provide a complete description of your qualifications to serve on the State Judicial Nominating Commission and identify all documents related to the same.

OBJECTION: None.

ANSWER: Plaintiff Broekemeier is qualified to serve on the State Judicial Nominating Commission because he is a U.S. Citizen, an Iowa resident, over 18 years of age, and has not previously served on the State Judicial Nominating Commission. *See* Bates No. PLA003–PLA005. Moreover, apart from the experience noted in Plaintiff Broekemeier’s resume, *see* Bates No. PLA005, Plaintiff has also served on multiple committees with the Johnson County Iowa Republicans, including the executive committee, the central committee, and the candidate committee since 2020. As a part of the candidate committee, Plaintiff Broekemeier helps find people who want to run for public office. Plaintiff is also pursuing a master’s degree at the University of Iowa.

INTERROGATORY NO. 7: Please list any and all other lawsuits to which you have been a party or in which you participated as a witness. For each such lawsuit, provide the following:

- A. The case name and caption, including the state, county, and case number;
- B. Your role in the lawsuit;
- C. An identification of all parties to the lawsuit;
- D. An identification of all attorneys involved in the lawsuit, including their names, addresses, telephone numbers, and email addresses;
- E. A detailed description of the circumstances giving rise to the lawsuit;
- F. A detailed description of the outcome and disposition of the lawsuit; and
- G. A detailed description of any guilt or liability you incurred and any penalty, punishment, or sanction, including any damages for which you were responsible.

OBJECTION: Plaintiff objects to this interrogatory because it is irrelevant and not proportional to the needs of the case. The question at issue in this case is whether candidates

Respectfully submitted,

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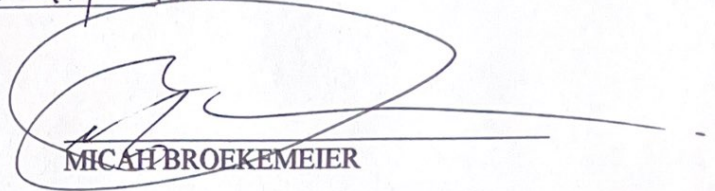
Attorneys for Plaintiffs

** Pro Hac Vice*

VERIFICATION OF INTERROGATORY ANSWERS

I declare under penalty of perjury under the laws of the United States of America that the answers given to the above interrogatories are true and correct to the best of my knowledge.

SIGNED this 31 day of July 2023, at Iowa City, Iowa



MICAH BROEKEMEIER

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

RACHEL RAAK LAW, MICAH)	
BROEKEMEIER, and	)	Case No. 4:22-cv-00176-SMR-SBJ
CHARLES HURLEY, individuals,)	
)	
Plaintiffs,)	
)	
v.	)	<u>PLAINTIFF HURLEY'S</u>
	)	<u>RESPONSES AND OBJECTIONS TO</u>
	)	<u>DEFENDANT'S FIRST SET OF</u>
	)	<u>INTERROGATORIES</u>
ROBERT GAST, in his official capacity as)	
State Court Administrator for the Iowa Judicial)	
Branch,)	
)	
Defendant.)	

Plaintiff Charles Hurley objects and responds to Defendant's First Set of Interrogatories as follows.

PRELIMINARY STATEMENT

Plaintiff Hurley has not yet fully completed the investigation of the facts relating to this case and has not yet fully completed discovery in this action. Plaintiff Hurley's responses herein are based upon information and documents currently known to Plaintiff. Further discovery, independent investigation, legal research, and analysis may supply additional facts and lead to additions, changes, and variations from the answers herein.

The following responses are given without prejudice to the right to produce evidence or witnesses that Plaintiff Hurley may later discover. Plaintiff Hurley accordingly reserves the right to change any and all responses herein as additional facts are ascertained, witnesses are identified, and legal research is completed. The responses contained herein are made in good faith in an effort to supply as much factual information and as much specification of legal contention as is presently known, and should in no way prejudice Plaintiff Hurley in relation to further discovery and

decision to join this lawsuit. It is Plaintiff Hurley's understanding that the message was relayed to Defendant Gast, who communicated that no meeting was necessary.

- E. This message was communicated verbally.
- F. See part D above.
- G. No statements against interest were made.

INTERROGATORY NO. 4: Identify each and every document known to you or your attorneys relating to the above-captioned matter, including documents pertaining to any facts, issues, allegations, claims, legal theories, or defenses raised in your Complaint or Amended Complaint and any Answer or Responsive pleading thereto or any other matter related to this case, not including documents protected by attorney-client privilege or the work-product doctrine. For each document identified, also provide the following:

- A. An identification of the person who created the document, including their name, address, telephone number and job title;
- B. An identification of the custodian of the document;
- C. A detailed description of the circumstances giving rise to the creation of the document;
- D. A detailed description of how you came into possession of the document or how you became aware of the document; and
- E. A detailed description of the document and its contents.

OBJECTION: Plaintiff Hurley objects to this interrogatory to the extent it seeks information in the possession of third parties, information that is in the public domain, or information that is equally available to Defendant.

ANSWER: Subject to and without waiving the foregoing objection, see all filings and attachments filed in this lawsuit, including the 8th Circuit filings, as well as Bates Nos. DEF000001–DEF000790 and PLA006–PLA008.

INTERROGATORY NO. 5: Please provide a detailed description of your interest in serving on the State Judicial Nominating Commission. Your answer should include, but is not limited to, a detailed description of the following:

- A. Why you want to serve in this capacity;
- B. When you first became interested in serving;
- C. All prior attempts to serve on the State Judicial Nominating Commission, including both appointed and elected positions, if any, and if so, describe when;
- D. Any similar service you have engaged in, including the nature of the service, the dates of service, the organization it was for, and an explanation of the termination of said service;
- E. Any service or attempts to serve in any other public or private board, commission, council, or similar organization, the outcome of such service or attempted service, and whether you experienced any discrimination of any kind in such endeavor;
- F. Any and all actual steps and actions you have taken to date in furtherance of your attempt to serve on the State Judicial Nominating Commission including a timeline of each action and an identification of all documents, statements, and/or communications related to this interrogatory;
- G. Whether or not you intend to submit your name to serve on the State Judicial Nominating Commission for the next available elective openings in 2025.

OBJECTION: Plaintiff Hurley objects to this interrogatory as vague and ambiguous, as it does not define the terms “similar service” or “similar organization,” and is not time-limited. With the exception of discrete subpart F, Plaintiff Hurley also objects to this interrogatory as overly broad, irrelevant and not proportional to the needs of the case. The question at issue in this case is whether candidates eligible to serve on the State Judicial Nominating Commission are forbidden by state law from running for election in their congressional district because of their sex. Plaintiff Hurley’s interest in serving as a State Judicial Nominating Commissioner, the timing of his interest, prior attempts to serve as a State Judicial Nominating Commissioner, information related to “similar service,” attempts to serve or service on a “similar organization,” and his intent to serve on the State Judicial Nominating Commission in 2025 have no bearing on the constitutionality of Iowa Statute § 46.2.

ANSWER: Subject to and without waiving the foregoing objection, see Plaintiffs’ First Amended Complaint, Dkt. 71, at ¶¶ 3 and 31.

- A. Plaintiff Hurley is an experienced attorney who formerly served as chairman of the Iowa Judiciary Committee during his time as a state representative. He seeks to use his extensive experience and knowledge on judiciary issues to serve his community on the State Judicial Nominating Commission.
- B. Plaintiff Hurley first became interested in serving on the State Judicial Nominating Commission in the 1980s.
- C. Plaintiff Hurley ran for an opening on a judicial nominating commission in the 1980s. He is unsure whether it was a district or state opening.
- D. Plaintiff Hurley served as a representative in the Iowa legislature from 1991 to 1996 and was Vice-Chair and Chair of the House Judiciary Committee from 1993-1996. During this time he met with the Chief Justice of the Iowa State Supreme Court on issues confronting the state judiciary. Governor Branstad also appointed Plaintiff Hurley as Vice-Chair of the Iowa Board of Parole in 1997, where he served for a year and a half.
- E. Plaintiff Hurley currently serves as an Elder in his church. Plaintiff Hurley was also President of the Iowa Family Policy Center (IFPC) from 1998 to 2010 and is now Vice-President and Chief Counsel of its successor, The FAMiLY LEADER.
- F. Plaintiff Hurley has not yet taken steps in furtherance of his attempt to serve on the State Judicial Nominating Commission because the application process for the State Judicial Nominating Commission elective opening in the Third Congressional District does not begin until December 2024.
- G. Plaintiff Hurley intends to submit his name to serve on the State Judicial Nominating Commission for the next available elective opening in 2025.

INTERROGATORY NO. 6: Please provide a complete description of your qualifications to serve on the State Judicial Nominating Commission and identify all documents related to the same.

OBJECTION: None.

ANSWER: Plaintiff Hurley is qualified to serve on the State Judicial Nominating Commission because he is a U.S. Citizen, an Iowa resident, over 18 years of age, and has not previously served on the State Judicial Nominating Commission. Moreover, Mr. Hurley has practiced law for over 40 years, has significant leadership experience, and a strong familiarity for issues pertaining to the judiciary. *See* Bates No. PLA006–PLA008.

INTERROGATORY NO. 7: Please list any and all other lawsuits to which you have been a party or in which you participated as a witness. For each such lawsuit, provide the following:

- A. The case name and caption, including the state, county, and case number;
- B. Your role in the lawsuit;
- C. An identification of all parties to the lawsuit;
- D. An identification of all attorneys involved in the lawsuit, including their names, addresses, telephone numbers, and email addresses;
- E. A detailed description of the circumstances giving rise to the lawsuit;
- F. A detailed description of the outcome and disposition of the lawsuit; and
- G. A detailed description of any guilt or liability you incurred and any penalty, punishment, or sanction, including any damages for which you were responsible.

OBJECTION: Plaintiff objects to this interrogatory because it is irrelevant and not proportional to the needs of the case. The question at issue in this case is whether candidates eligible to serve on the State Judicial Nominating Commission are forbidden by state law from running for election in their congressional district because of their sex. Plaintiff Hurley's past participation in lawsuits has no bearing on the constitutionality of Iowa Statute § 46.2.

ANSWER: Subject to and without waiving the foregoing objections, Plaintiff Hurley was a party or participated as a witness in the following cases:

- 1)

Respectfully submitted,

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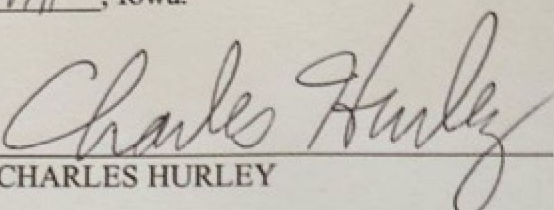
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** Pro Hac Vice*

VERIFICATION OF INTERROGATORY ANSWERS

I declare under penalty of perjury under the laws of the United States of America that the answers given to the above interrogatories are true and correct to the best of my knowledge.

SIGNED this 31st day of July 2023, at Pleasant Hill, Iowa.



CHARLES HURLEY



COURT REPORTING

LEGAL VIDEOGRAPHY

VIDEOCONFERENCING

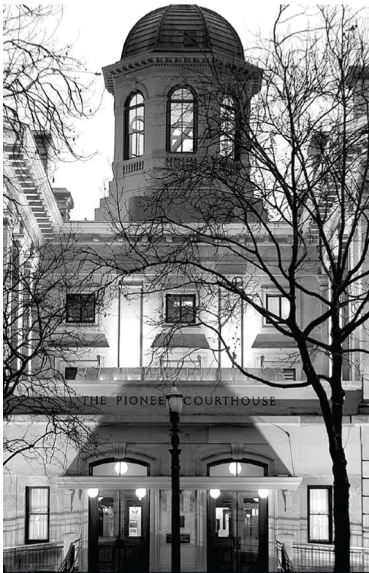
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COPYING AND SCANNING

LANGUAGE INTERPRETERS



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

RACHEL RAAK LAW; MICAH
BROEKEMEIER; and CHARLES
HURLEY, individuals,


Plaintiffs,

v.


Case No. 4:22-cv-00176-SMR-SBJ

ROBERT GAST, in his official
capacity as State Court Administrator
for the Iowa Judicial Branch,

Defendant.



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DR. RACHEL CAUFIELD, PROF.

TAKEN ON
FRIDAY, JULY 21, 2023
1:03 P.M.

IOWA ATTORNEY GENERAL'S OFFICE
1305 EAST WALNUT STREET, SECOND FLOOR
DES MOINE, IOWA 50319

1 found that interruptions are far more prevalent
2 among men than women in deliberative settings.
3 There's another piece that illustrates that
4 democratic legitimacy is enhanced when women are
5 part of decision-making bodies. It is less likely
6 when women are mere tokens within a legislative
7 body.

8 There's research demonstrating,
9 particularly Tali Mendelberg from Princeton, and
10 Chris Karpowitz from Brigham Young, of a huge body
11 of research, demonstrating that women are
12 significantly less likely to participate in
13 political processes. And that group dynamics are
14 enhanced when we have women participating,
15 particularly under decision-making rules that favor
16 their -- their full and equal participation.

17 **Q. In your opinion, is democratic legitimacy**
18 **the same as discrimination?**

19 A. No.

20 **Q. Why not?**

21 A. Well, democratic legitimacy refers to a
22 concept that is widely used in the field of
23 political science. It is the understanding of a
24 citizenry that the government's decisions or that
25 the decisions in any body that are reached are fair,

1 **determining gender of individuals in other studies?**

2 A. I think I'm, you know, any -- any well-
3 intentioned researcher went into this project of
4 identifying the gender of judicial nominating
5 commissioners would be hard-pressed to find a better
6 way to do it. In past studies, when I have had an
7 opportunity to survey nominating commissioners
8 directly, I have asked them to self-identify. But
9 in this case, you know, you work with the
10 authoritative materials that you have available to
11 you to identify the individual's gender.

12 **Q. And you used Ballotpedia or Ballot -- I**
13 **can never say this properly, Ballotpedia as your**
14 **source; is that correct?**

15 A. I used Ballotpedia for the list of
16 individuals in each state. Data was not available
17 for Delaware.

18 **Q. Is Ballotpedia a reliable source?**

19 A. Ballotpedia is the most reliable source
20 available.

21 **Q. Based on what?**

22 A. Well, based on the fact that there is no
23 other, yeah, there's no other source that provides a
24 comprehensive list of nominating commissioners in
25 each state. In instances where Ballotpedia -- and

1 typically what Ballotpedia does is they either
2 provide the list directly or they provide a link to
3 the State Judicial Nominating Commission page where
4 commissioners are listed.

5 Wherever I could, I clicked through on
6 that link to make sure that I was on the -- the
7 actual State Judicial Nominating Commission page.
8 So I would rely on their listing as I found that to
9 be more authoritative, so --

10 **Q. Does the fact that a source is the only**
11 **one out there make it the most reliable one?**

12 A. Almost by definition, it seems the answer
13 to that would be yes. I understand that there may
14 be, you know, there are -- let's put it this way.
15 There are always -- when you're conducting research,
16 there are always limitations on data collection. In
17 this case, I had no reason to question the
18 reliability of the data that was provided by
19 Ballotpedia, particularly because it would allow me
20 to link through to the state websites that listed
21 judicial nominating commissioners.

22 **Q. Are you aware of any courts that have used**
23 **Ballotpedia authoritative source?**

24 A. I am not.

25 **Q. Are you aware of any academic journals**

1 **the quality?**

2 A. Well, presumably, though, it would be
3 virtually impossible to decide this or just study
4 this. Presumably, the presence of women within the
5 deliberative process would -- that would guarantee a
6 fuller airing of multiple perspectives.

7 **Q. Why is it impossible to study that?**

8 A. Well, it's not impossible, but it is
9 difficult.

10 **Q. Why?**

11 A. Well, simply because there's a -- I mean,
12 the degree to which all perspectives are -- are
13 actively heard within a -- within any group
14 deliberation, that that's -- that's a highly
15 subjective concept. We do know, you know, there are
16 any number of studies, some of which I've included
17 here, some of which I have not.

18 But there's -- there's a long line of
19 literature demonstrating that women are less likely
20 to speak. They spend less time speaking. They are
21 far less likely to interrupt. They enter the
22 conversation later. So all of those dynamics are at
23 play in -- in any deliberative setting, any
24 conversational setting. And so making sure that
25 women's voices can be actively appreciated alongside

1 regarding the distinction there between a
2 requirement and an encouragement.

3 **Q. Could Iowa achieve the same representation**
4 **that it has now with a law that only encouraged**
5 **diversity and didn't require parity?**

6 A. I don't know. And no -- neither does
7 anybody else. I mean, we do know that prior to the
8 enactment of the statute, no women were elected. So
9 we have that empirical data point and we have our
10 current empirical data point. Everything else would
11 be pure hypothetical supposition on my part.

12 **Q. And there are women serving on judicial**
13 **nominating commissions in Florida and Rhode Island,**
14 **right?**

15 A. Yeah. Although interestingly, as I note
16 in the report, the highest number of women serving
17 is in Kansas where the bar controls the appointment
18 process.

19 **Q. All right. Let's move to -- let's move**
20 **down to Section 4. So just a little bit down the**
21 **page. I want to ask you about the Clayton survey or**
22 **the Clayton -- yeah, survey that you mentioned**
23 **earlier.**

24 A. Yes.

25 **Q. Now, I believe in that second sentence you**

1 say that sophisticated survey analysis by Clayton,
2 O'Brien, and Piscopo indicate that women's
3 participation in democratic decision-making panels
4 affects public confidence and perceptions of
5 legitimacy. Do you agree with that conclusion?

6 A. I do.

7 Q. And a little further down, you write that
8 the authors conclude that women's equal presence
9 grants legitimacy to political decisions and
10 democratic procedures. And that women's presence
11 even communicates procedural legitimacy when the
12 issue is under -- under discussion is unrelated to
13 gender.

14 A. Yes.

15 Q. And you agree with that conclusion as
16 well?

17 A. It's not a question of whether I -- I
18 agree with that or not, that is the author's
19 phrasing of their conclusions. I put them in
20 quotation marks to indicate that.

21 Q. But you would agree with their phrasing of
22 their conclusions?

23 A. I would. Yes. In the peer review -- they
24 -- they published their research in a peer-reviewed
25 journal and it's one of the two best journals in the

1 country in political science. So yes, I -- I agree
2 with their -- their -- with their own phrasing of
3 their findings.

4 **Q. Do you agree with their findings?**

5 A. It's not a question of whether I agree
6 with their findings or not. I have not conducted
7 the research they have. And the whole point of
8 peer-reviewed publications is that academics produce
9 research. It is reviewed by reputable peers in the
10 field to understand the methods and -- and
11 conceptual arguments being made. And they have,
12 yeah, they have vetted this research and it's been
13 deemed high-quality research, worthy of publication.

14 **Q. So you have no conclusion on their**
15 **research or no opinion on their conclusion?**

16 A. I guess I'm confused by your question. I
17 clearly find it to be compelling research insofar as
18 I'm using it. But whether or not I agree or
19 disagree with their conclusions, academic research,
20 in my mind, is not to be agreed with or disagreed
21 with.

22 Academic research has reputable findings
23 that we accept because the research is sound, not
24 because we agree with it necessarily. It's not a
25 matter of opinion, it's a matter of empirical

1 research.

2 **Q. And it's your belief that their research**
3 **is sound?**

4 A. Yes.

5 **Q. Tell me a little bit about how Clayton and**
6 **his colleagues conducted their survey.**

7 A. She conducted the survey -- it's a
8 national survey, and they basically used an
9 experimental design such that they established a
10 number of different stories of legislative
11 committees that had made decisions and they altered,
12 in each experimental condition, they altered the
13 decision that had been made and the makeup of the
14 panel that had made the decision.

15 And then they asked people who were
16 learning of these decisions. They asked people to
17 evaluate the decision. The democratic legitimacy or
18 their willingness to accept the decision as fair and
19 their willingness to abide by the decision. And
20 then they recorded for different experimental
21 conditions. They recorded whether or not people
22 accepted the legitimacy of the decisions that were
23 made.

24 **Q. And how did they -- okay, I think I**
25 **understand that. What mechanism did they use to**

1 **collect their data?**

2 A. So I believe some of it was conducted
3 online and some of it was conducted in person, I
4 believe. Like people would sit in a closed space
5 and read about this legislative decision that had
6 been reached, but it may have entirely been online
7 with a national sample.

8 **Q. How reliable is online survey data?**

9 A. It's actually amazingly reliable. This is
10 a -- a regular and routine way of conducting survey
11 research, particularly for experimental design,
12 where the -- it's incredibly difficult to conduct
13 nationwide experiments, as one might guess, online
14 technologies have really permitted scientists to be
15 much broader and more holistic in their approach to
16 national level experiments.

17 **Q. Can you explain to me a little bit more**
18 **about how it's extremely reliable?**

19 A. Well, it's -- I mean, it's a standard
20 research practice. It's the ability to reach a wide
21 range of people. There are actual statistical
22 techniques that can be used to evaluate the
23 reliability of data across many, many, many studies
24 in many different fields. These techniques have
25 been found to be reliable ways of collecting data

1 so, you know, for at least the past decade this has
2 become a widely used research method.

3 **Q. Can this data be falsified?**

4 A. That's the whole point of empirical
5 testing, so every researcher puts forward a series
6 of hypotheses and the entire purpose of testing
7 hypotheses statistically is to determine, right,
8 like every hypothesis is falsifiable. So yes, they
9 put forward falsifiable hypothesis.

10 For example, they might put forward a
11 hypothesis that equal gender balance increases
12 democratic legitimacy. They then collect the data,
13 analyze the data to evaluate whether or not that
14 hypothesis gained support given the data. And in
15 this case, their hypothesis gained support given the
16 data.

17 **Q. Who are the respondents in this survey?**

18 A. I don't know the answer to that, but
19 that's in the article. But I -- I know that it's a
20 -- a national survey. That's all I know.

21 **Q. So you don't know if the researchers would**
22 **have known any demographic information about their**
23 **respondents?**

24 A. I know that they recorded the gender of
25 the respondent because they differentiate, and I

1 know this in the report they differentiate between
2 the response of the men and women. So they find,
3 for example, that decisions that restrict the rights
4 of women, which they call an anti-feminist decision.
5 They want to determine whether descriptive
6 representation leads to substantive representation
7 and or democratic legitimacy.

8 And in this case, they find that there is
9 legitimacy for the decision itself when there is a
10 balanced panel, even when the decision that has been
11 made would restrict the rights of women. And
12 interestingly, they find that that is more
13 pronounced for men than for women. Meaning that men
14 are more likely to accept those decisions when the
15 -- when the committee is balanced in terms of
16 gender.

17 **Q. So you said that the researchers at least**
18 **knew the gender of the respondents to their survey.**

19 **That's right, right?**

20 A. Yes.

21 **Q. Was that information verified in any way?**

22 A. I don't know how it could be. It's a
23 self-report.

24 **Q. And it's possible that people lie on the**
25 **Internet; is that right?**

1 A. It's possible that people lie in any --
2 any form of survey.

3 **Q. Are there methods to weed out liars or**
4 **people who respond untruthfully in surveys?**

5 A. No. Not in any form of survey, in person,
6 online. Even -- and -- and this could be true in
7 any experimental or in any research conducted
8 anywhere, right? You can think of, for example,
9 medical research where somebody goes in and says,
10 no, I haven't been smoking every day of my life in
11 the past ten years. And that's a self-report. And
12 for purposes of research, we -- we accept individual
13 self-report simply because that's what a survey is.

14 **Q. Do you know if the survey respondents in**
15 **the study were paid for their time?**

16 A. I don't know. It would not be uncommon
17 for researchers today to use MTurk, which is an
18 online software. I believe it is linked to one of
19 the big platforms. And people who participate are
20 paid small, yeah, amounts of money for taking
21 surveys. That -- that is widely -- widely used
22 across all disciplines.

23 **Q. MTurk is widely used across all**
24 **disciplines.**

25 A. Yes. Yes.

1 **Q. And why is that?**

2 A. There are many different theories on why
3 that is. But if you put all those theories -- that
4 if you try to summarize the -- the crux of it, I
5 think most scholars would agree that political
6 socialization is such that women are taught to defer
7 more often than speak. And therefore, particularly
8 when they do not have a sense of support among other
9 women.

10 So when they -- when there are one or two
11 women in a room, in a setting that has been
12 traditionally male, they will be less likely to
13 speak. They speak less often. They are more likely
14 to be interrupted by men. 96 percent -- one study
15 showed that 96 percent of interruptions were by men
16 interrupting women. And that's not just true in --
17 in small group deliberative forums, like a judicial
18 nominating commission, but it's true in family
19 situations, classrooms -- across a wide range of
20 social interactions.

21 **Q. So this research dates back to -- what,**
22 **1991.**

23 A. That's the first article I've cited here,
24 but it's certainly not the first article that was
25 published on the topic.

1 Q. And your first line there where you say
2 that nationally the proportion of women serving on
3 judicial nominating commissions has increased,
4 though it continues to lag behind that proportion of
5 women in the population. Are you seeing where I --

6 A. Yeah.

7 Q. Great. So in your opinion, is this
8 lagging behind due to gender discrimination or to
9 some other factor?

10 A. I would anticipate that it's historic
11 gender discrimination.

12 Q. And what do you base that anticipation on?

13 A. Well -- I'm not sure I understand your
14 question.

15 Q. Your answer said that I anticipate that
16 it's based on historic gender discrimination. And
17 so I'm asking what you based that opinion on.

18 A. Historic patterns across a wide range of
19 fields, public service positions. It seems pretty
20 well established that historic patterns of
21 underrepresentation by women exist and are an
22 artifact of longstanding discrimination. And
23 whether intentional or unintentional.

24 Q. Are there any other factors that you
25 believe could be playing a role?

1 A. I mean, you know, it would be one thing if
2 we could say, oh well, look at that. You know, way
3 back in the 1800s, women occupied all sorts of
4 political roles and now they don't, and something
5 shifted. But that's not the case, right?

6 For most of American history, women have
7 been excluded from public decision-making bodies,
8 whether intentionally or unintentionally, whether
9 explicitly or implicitly. And so I think that --
10 that also holds in the -- in the fact that one
11 explanation for the growing proportion of women
12 across the country on nominating commissions is that
13 women occupy a larger percentage of the bar than
14 they ever have before. But again, I would say that
15 that's an artifact of historical discrimination in
16 patterns of education.

17 **Q. And when you calculate the proportion of**
18 **women serving on judicial nominations and how it's**
19 **increased, what's the baseline you're using? Is it**
20 **the proportion of women in the population? Am I**
21 **understanding that correctly?**

22 A. For the -- the numbers that are reported
23 here, for example, Ashman and Alfini, 10 percent of
24 nominating commissioners were women in 1973. That's
25 just purely the percentage of nominating

1 commissioners who were women as opposed to men. The
2 comparison, right, that most people make is
3 comparing that to the proportion of women in the
4 population at large.

5 **Q. Do you think that the women in the**
6 **population at large is the correct comparator or**
7 **should it be women who are eligible to serve on**
8 **judicial nominating commissions?**

9 A. Well, in Iowa, all women are eligible to
10 serve on judicial nominating commissions. All
11 people, I mean, you don't have to be a lawyer to run
12 for elected -- for an elected position on the
13 nominating commission. You don't have to be a
14 lawyer to be appointed by the governor. So any
15 member of the Iowa population potentially would be a
16 member of the judicial nominating commission. So
17 yes, I think that that's the appropriate comparison.

18 **Q. As long as they're the correct gender in**
19 **the correct district.**

20 A. They can run for office to be elected or
21 they can be appointed.

22 **Q. Why has the proportion of women serving**
23 **increased over the years?**

24 A. Why has it increased over the years?
25 Well, I -- I think more women are or have been

1 welcomed into professional career tracks, including
2 politics and including law. Public service
3 certainly. So yeah, but I also think that there are
4 efforts to embrace women's participation in public
5 decision-making bodies.

6 **Q. Which states have the proportion of women**
7 **-serving increase the most?**

8 A. I don't know the answer to that. These
9 are national surveys, so it's a -- it's a national
10 measure.

11 **Q. So you're not aware of particular states**
12 **that have had increases in women serving on judicial**
13 **nominating commissions?**

14 A. No. And in answer to that question, I
15 would just note that there is amazingly little
16 information available on the population of judicial
17 nominating commissioners. This is not something
18 where the data is just floating around out there and
19 you can pick it up on Google, right?

20 These are three that have been done over a
21 -- what, 30, 38-year period. And they are really
22 the only studies that have been done to examine the
23 membership of judicial nominating commissioners over
24 that time. This is -- I mean, it's hard data to get
25 partially because we're talking today about a

1 statewide nominating commission.

2 But of course, there are district court
3 nominating commissions as well. So I mean, there
4 are a lot of different commissions, and data is not
5 always maintained by the same body within each
6 state, and membership changes and I mean, it's hard
7 to get that data. So no, there hasn't been a state-
8 by-state inventory over time that can easily tell us
9 which state has had the greatest increase in women
10 serving on their judicial nominating commission.

11 **Q. So talking about the data that we do have,**
12 **those three surveys that you mentioned, starting --**
13 **let's look at the period 1973 and 1990. And let's**
14 **see, there was an increase during that period,**
15 **correct?**

16 A. Yes.

17 **Q. Are you able to explain what might have**
18 **led to that increase during that period?**

19 A. I would -- I would just suggest that there
20 was an increased acceptance of women in public
21 service, law, politics, and any number of other
22 fields.

23 **Q. And what about between 1990 to 2011?**

24 A. I suspect that they were the same trends.
25 And there -- there have been a wide range of

1 documented increases in the number of women
2 occupying these roles.

3 **Q. Is there any data newer than the 2011**
4 **survey?**

5 A. No, not aside from the data that I
6 collected here from Ballotpedia, but some -- there's
7 been no additional work on that to my knowledge.

8 **Q. So in your Ballotpedia survey that you did**
9 **for this report, I believe -- and I'm scrolling down**
10 **a bit in this section, but I believe there were**
11 **seven states that you mentioned that have at least a**
12 **50 percent female participation; is that right? Am**
13 **I understanding that correctly?**

14 A. Yes.

15 **Q. And those states would not have a gender**
16 **balance requirement like Iowa's; is that correct?**

17 A. No, not necessarily.

18 **Q. I'm sorry, I didn't hear the end of that**
19 **answer. No.**

20 A. I said no. Not necessarily. I don't know
21 if Rhode Island and Florida are among that group or
22 not, but they would have a recommendation or
23 encouragement rather than a -- a requirement. So no
24 other state has the requirements. So no. No other
25 state's a requirement is included among those seven.

1 mentioned is kind of a big deal. So are there other
2 examples? I think that there are, yeah, I think
3 there are other examples. Again, in every state and
4 every environment, I don't -- you know, there are
5 court rulings, there are legislative judgments that
6 are made which may restrict women's perceptions of
7 autonomy and full participation.

8 **Q. Are you aware of any state actions that**
9 **would keep women from trying to serve on a judicial**
10 **nominating commission?**

11 A. There are no -- other than -- there are no
12 explicit discriminatory, yeah, like actions that the
13 State has made that have said women cannot serve on
14 judicial nominating commissions. Women can and in
15 fact, do serve on nominating commissions in equal
16 proportion to men.

17 And so no, there are -- there have not
18 been explicit actions by the State to restrict women
19 -- specifically to restrict women from running and
20 winning office, except for the gender balance
21 provision, which is enacted in order to guarantee
22 equal participation among women.

23 **Q. What about historically? Was there**
24 **intentional actions by the state to prevent women**
25 **from serving on judicial nominating commissions**

1 self assess in a very different way than men who are
2 entering political life do.

3 So they're more likely to engage in self-
4 doubt and self-criticism in a competitive
5 environment than men are. And so by alleviating
6 that sense of competing against men. Right?

7 Knowing that this is a position that will ultimately
8 allow -- allow a woman to run for office, that --
9 that may alleviate their concern about the -- the
10 competitive environments that they're encountering.

11 **Q. So the concern you're speaking about is**
12 **not about competing in an election period, it's**
13 **about competing in an election against a -- a man;**
14 **is that right?**

15 A. Researchers indicated that it's both.
16 That women are -- are -- they find the competitive
17 nature of an election process daunting under any
18 circumstances. But they are more likely to find it
19 daunting in situations where other candidates are
20 male and they're the woman in the race.

21 **Q. So how does Iowa's gender balance**
22 **requirements alleviate their concerns about**
23 **competing in a competitive election if they're**
24 **running against other women?**

25 A. Well, I guess it would not alleviate

1 **Commission in 2018.**

2 A. Yes.

3 **Q. What was that related to?**

4 A. It was based on the successive majority
5 voting system.

6 **Q. Okay. And let's look at -- okay, let's go**
7 **to the last page of your report, the first full**
8 **paragraph. And you say that while substantial**
9 **research has been dedicated to the question of**
10 **whether merit selection systems advance the goal of**
11 **a diverse judiciary, the results do not provide a**
12 **clear conclusion; is that right?**

13 A. Yes.

14 **Q. And Iowa's system is a merit selection**
15 **system, right?**

16 A. Yes.

17 **Q. So, is it your opinion that it's not clear**
18 **whether Iowa's system results in a more diverse**
19 **judiciary?**

20 A. Yes. The research has not been conclusive
21 on that question.

22 **Q. Has there been a great deal of research**
23 **done on that question?**

24 A. There's been a -- a surprising amount of
25 research done on that question. There are a number

1 of studies that have clearly found that merit
2 selection systems are more likely to appoint non-
3 white and women judges than our elective systems.

4 There are some studies that indicate that
5 elections are more likely to elevate women and non-
6 white judges to the bench. And then there are some
7 of that find that there is no relationship between
8 the method of selection and the advance of minority
9 judges or women judges to judicial positions.

10 So it's a -- it's a difficult range of
11 research. So yes, I would say that the research has
12 not been inconclusive regarding whether or not merit
13 selection itself is superior in achieving a diverse
14 judiciary.

15 **Q. And the next sentence, you state that --**
16 **the question that you state in the next sentence has**
17 **received little scholarly attention.**

18 A. Yes.

19 **Q. How little is little?**

20 A. So it's little. So as I say here, right,
21 that the topic that's gotten more attention is
22 whether or not there's a relationship between
23 diversity and the system of selection itself. But
24 in terms of how like that -- that's a topic that
25 lots of people think is fun to investigate and we

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

- - - - -X
 RACHEL RAAK LAW and :
 MICAH BROEKEMEIER, :
 :
 Plaintiffs, :
 :
 vs. : Case No. 4:22-cv-00176
 :
 ROBERT GAST, in his official :
 capacity as State Court :
 Administrator for the Iowa :
 Judicial Branch, : HEARING TRANSCRIPT
 :
 Defendant. :
 - - - - -X

Courtroom, First Floor
U.S. Courthouse
123 East Walnut Street
Des Moines, Iowa
Tuesday, July 19, 2022
1:00 p.m.

BEFORE: THE HONORABLE STEPHANIE M. ROSE, Chief Judge.

KELLI M. MULCAHY, CSR, RDR, CRR
United States Courthouse
123 East Walnut Street, Room 115
Des Moines, Iowa 50309

1 And the final thing that we believe that Defendant
2 could do is just to say something that Iowa has already done in
3 the 2019 amendments, which was to take a look at barriers to
4 participation. So, for example, Iowa previously required
5 signatures of 50 lawyers in order for an individual to appear on
6 these -- on the ballot for the Judicial Nominating Commission
7 elections. They subsequently changed that to ten Iowans, and I
8 think that just opens the door for more interested Iowans to run
9 and ultimately to serve on these -- in these commissions.

10 The final question, I think -- the final question that
11 the Court had that I want to address is the period of time,
12 whether there was any delay that would -- that would counter
13 Plaintiffs' request for preliminary injunction.

14 We don't think that there's been any delay here. I
15 think there's many individuals who have not decided to run for
16 the Judicial Nominating Commission that will decide to run for
17 the Judicial Nominating Commission closer to December. But, you
18 know, our clients have decided that they would want to run for
19 the Judicial Nominating Commission, and they filed a complaint
20 and a preliminary injunction soon after, with plenty of time for
21 this Court to issue an opinion.

22 And I will say that the *Adventist Health* decision that
23 the Court cites really, I think, as I read it, considers three
24 different factors in deciding whether there's been undue delay,
25 and those three factors are timing, fault, and disruption.

1 state interests.

2 As the Court noted, and it sounds like now, you know,
3 it is undisputed by Plaintiffs, there were no women elected to
4 the State Judicial Nominating Commission by the members of the
5 bar until this gender balance requirement was put in place, and
6 that justifies a remedial interest in making -- providing women
7 an opportunity.

8 There --

9 THE COURT: What about, though, the secondary question
10 of did any women run?

11 MR. LANGHOLZ: Unfortunately, at this point, we have
12 not yet found records to be able to put forward. And that's one
13 of the -- you know, to jump ahead briefly to, you know, should
14 this be consolidated, should this be decided as a, you know,
15 preliminary injunction matter, we've put together a record as
16 swiftly as it was possible to do to provide the Court evidence,
17 you know, to rule on this motion filed by the Plaintiffs, but,
18 you know, we're not certain that we've gathered, you know, all
19 the evidence that could be available.

20 And if the Court would find, you know, the information
21 about who was running, I don't know whether it will be possible
22 to find or not, but that is the sort of thing that, with more
23 time, the State may be able to present as evidence.

24 Plaintiffs also have suggested that, you know, if this
25 was -- perhaps this was appropriate at one point, you know, but

1 needs to stop now, but the current gender balance in the bar,
2 the lawyers that are electing, still shows, you know, women
3 outnumbered two to one. You know, it has grown, certainly, but
4 there's reason to believe that the gender imbalance in those
5 electing is the cause of why women had not been elected
6 previously, and there's reason to believe that cause hasn't gone
7 away yet.

8 So it's rational for the legislature to keep this
9 requirement in place. In fact, just three years ago the
10 legislature, you know, revisited this statutory scheme
11 significantly and, you know, chose to keep gender -- the gender
12 balance requirement in place for the lawyer elections after
13 considering, you know, more extensive potential changes as well.

14 THE COURT: Is that the right group of people to
15 compare it to, though? Because here you don't have to be a
16 lawyer to be elected, and we have -- roughly 50 percent of the
17 state is female.

18 If, in fact, we were going to rely upon the differences
19 between the number of female lawyers versus male lawyers, then
20 you do get back to triggering a *Regents* argument related to
21 preferential treatment versus differential treatment, right,
22 because if women are only one-third of the lawyers but they're
23 getting one-half of the spots, isn't that problematic for you?

24 MR. LANGHOLZ: That's precisely correct, Your Honor.
25 Not that it's problematic, but that the proper analysis is to

1 look at the general population, rather than the lawyer
2 membership, in deciding, you know, is there something unequal
3 happening here.

4 The fact that, you know, the population consistently
5 has been around 50-50 male and female from the population as a
6 whole for those who are eligible to serve, that is the proper
7 analysis to be considering, you know, do we have, you know, fair
8 representation and is it -- you know, is there equality or is
9 there some sort of, you know, improper balance there.

10 And that's a big difference between the *Back* case that,
11 you know, Plaintiffs repeatedly relied on in their argument
12 today, you know, because there the statute in that case required
13 the individuals elected to also be lawyers. And so, you know,
14 the court said -- you know, when the state tried to look at the
15 general population rather than the lawyer population for, you
16 know, whether or not there's discrimination, said that's the
17 wrong analysis.

18 But we statutorily -- because everyone is eligible, as
19 evidenced by the plaintiffs, who are not lawyers, you know,
20 seeking election, it's the whole population that looks, but that
21 doesn't mean the lawyer balance is irrelevant. Because it
22 doesn't go to whether there's discrimination happening, whether
23 there's a proper equal balance, but it does go to cause and
24 whether or not, you know, there's reason to believe that the
25 cause of that discrimination, of not being -- electing half

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C E R T I F I C A T E

I, Kelli M. Mulcahy, a Certified Shorthand Reporter of the State of Iowa and Federal Official Realtime Court Reporter in and for the United States District Court for the Southern District of Iowa, do hereby certify, pursuant to Title 28, United States Code, Section 753, that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated at Des Moines, Iowa, this 19th day of August, 2022.

Kelli M. Mulcahy
Kelli M. Mulcahy, CSR, RDR, CRR
Federal Official Court Reporter

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

RACHEL RAAK LAW, MICAH
BROEKEMEIER; and CHARLES
HURLEY, individuals,

Plaintiffs,

v.

ROBERT GAST, in his official capacity
as State Court Administrator for the
Iowa Judicial Branch,

Defendant.

Case No. 4:22-CV-00176-SMR-SBJ

**DEFENDANT'S RESPONSE TO
PLAINTIFFS' FIRST SET OF
REQUESTS FOR ADMISSIONS**

COMES NOW, Defendant Robert Gast, State Court Administrator for the Iowa Judicial Branch and hereby submits his response to Plaintiffs' First Set of Requests for Admissions.

Respectfully submitted,

BRENNA BIRD
Attorney General of Iowa

/s/ Samuel P. Langholz
SAMUEL P. LANGHOLZ
Chief Deputy General

/s/ David M. Ranscht
DAVID M. RANSCHT
Assistant Attorney General
Iowa Department of Justice
1305 E. Walnut Street, 2nd Floor
Des Moines, Iowa 50319
(515) 281-5164

REQUEST FOR ADMISSION NO. 1: Admit that you received Plaintiff Rachel Raak Law's nominating petition to serve as a State Judicial Nominating Commissioner for Congressional District Four.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 2: Admit that you informed Plaintiff Rachel Raak Law that you were unable to place her name on the ballot, because pursuant to Iowa Code § 46.2(1), the person to be elected in Congressional District Four for the January 2023 election shall be male.

RESPONSE: Admit that I notified Rachel Raak Law that we were unable to place her name on the ballot for State Judicial Nominating Commissioner for Congressional District Four at that time (January 2023). As stated in the Notice of Pending Elections, the person to be elected in Congressional District Four for the January 2023 election shall be a male. Otherwise deny.

REQUEST FOR ADMISSION NO. 3: Admit that you will be unable to place Plaintiff Rachel Raak Law on the ballot for the January 2029 election, because pursuant to Iowa Code § 46.2(1), the person to be elected in Congressional District Four for that election shall be male.

RESPONSE: Deny. The state of the law, and of Plaintiff Rachel Raak Law's future eligibility, almost six years from now is too speculative to admit or deny in 2023.

REQUEST FOR ADMISSION NO. 4: Admit that you received Plaintiff Micah Broekemeier's nominating petition to serve as a State Judicial Nominating Commissioner for Congressional District One.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 5: Admit that you informed Plaintiff Micah Broekemeier that you were unable to place his name on the ballot, because pursuant to Iowa Code § 46.2(1), the person to be elected in Congressional District One for the January 2023 election shall be female.

RESPONSE: Admit that I notified Micah Broekemeier that we were unable to place his name on the ballot for State Judicial Nominating Commissioner for Congressional District One at that time (January 2023). As stated in the Notice of Pending Elections, the person to be elected in Congressional District One for the January 2023 election shall be a female. Otherwise deny.

REQUEST FOR ADMISSION NO. 6: Admit that you will be unable to place Plaintiff Micah Broekemeier on the ballot for the January 2029 election, because pursuant to Iowa Code § 46.2(1), the person to be elected in Congressional District One for that election shall be female.

RESPONSE: Deny. The state of the law, and of Plaintiff Micah Broekemeier's future eligibility, almost six years from now is too speculative to admit or deny in 2023.

REQUEST FOR ADMISSION NO. 7: Admit that there will be an election in 2025 for a judicial nominating commissioner in Congressional District Three.

RESPONSE: Admit with qualification. There will be elections in 2025 in Congressional Districts One, Three, and Four—not just in District Three.

REQUEST FOR ADMISSION NO. 8: Admit that pursuant to Iowa Code § 46.2(1), the person to be elected in Congressional District Three in 2025 shall be female.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 9: Admit that pursuant to Iowa Code § 46.2(1), you must exclude either prospective male candidates or prospective female candidates in every election for the Judicial Nomination Commission in a congressional district.

RESPONSE: Deny. “Exclusion” depends on who submits a nominating petition, so it is possible no exclusion could occur in a given election for a given district.

DATED: September 1, 2023.

Respectfully submitted,

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s/ Erin E. Wilcox
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Attorneys for Plaintiff
** Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2023, I submitted the foregoing to the Clerk of the Court via the District Court's CM/ECF system, which will provide notice of the submission of this document to all counsel of record.

s/ Erin E. Wilcox

ERIN E. WILCOX*
Cal. Bar No. 337427

Attorney for Plaintiff
** Pro hac vice*

Kiren Mathews

From: cmecf_iasd@iasd.uscourts.gov
Sent: Friday, September 1, 2023 2:09 PM
To: Courtmail@iasd.uscourts.gov
Subject: Activity in Case 4:22-cv-00176-SMR-SBJ Hurley v. Gast Motion for Summary Judgment

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U.S. District Court

Southern District of Iowa

Notice of Electronic Filing

The following transaction was entered by Wilcox, Erin on 9/1/2023 at 4:08 PM CDT and filed on 9/1/2023

Case Name: Hurley v. Gast
Case Number: [4:22-cv-00176-SMR-SBJ](#)
Filer: Charles Hurley
Document Number: [86](#)

Docket Text:

MOTION for Summary Judgment by Charles Hurley. Responses due by 9/22/2023. (Attachments: # (1) Memorandum in Support, # (2) Statement of Material Facts, # (3) Affidavit /Declaration of Plaintiff Charles Hurley, # (4) Affidavit /Declaration of Laura D'Agostino, # (5) Appendix)(Wilcox, Erin)

4:22-cv-00176-SMR-SBJ Notice has been electronically mailed to:

Alan R. Ostergren alan.ostergren@ostergrenlaw.com

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4:22-cv-00176-SMR-SBJ Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1077055697 [Date=9/1/2023] [FileNumber=3682672-0]
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Document description:Memorandum in Support

Original filename:n/a

Electronic document Stamp:

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Document description:Statement of Material Facts

Original filename:n/a

Electronic document Stamp:

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Document description:Affidavit /Declaration of Plaintiff Charles Hurley

Original filename:n/a

Electronic document Stamp:

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Document description:Affidavit /Declaration of Laura D'Agostino

Original filename:n/a

Electronic document Stamp:

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Document description:Appendix

Original filename:n/a

Electronic document Stamp:

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