

WHAT ARE JUDICIAL RETENTION ELECTIONS?

Retention elections are intended to focus on the professional competency of Iowa's judges rather than the popularity of individual rulings. In a retention election, voters decide whether a judge should be retained or removed from office. If a judge receives a majority of "yes" votes, the judge serves another full term. If a judge receives a majority of "no" votes, the judge is removed from office at the end of the year.

WHY DOES IOWA HAVE RETENTION ELECTIONS?

In 1962, Iowa voters approved a constitutional amendment that replaced elections of judges with merit selection and retention elections. A process using merit selection and retention elections:

- Curbs the influence of political parties and special interest groups in the selection of Iowa's judges.
- Emphasizes the selection of judges based upon their professional qualifications.
- Gives voters the final say about who serves as a judge.
- Is the most effective way to ensure fair and impartial courts.

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

*Chief Justice John Roberts
United States Supreme Court*

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"[Judges] rule on the basis of law, not public opinion, and they should be totally indifferent to pressures of the times."

*Warren E. Burger
Retired Chief Justice of the
United States Supreme Court*

WHAT ABOUT A JUDGE'S PERSONAL VIEWS ON CERTAIN ISSUES?

- It is inappropriate for a judge to consider his or her personal views, political pressure, or public opinion when deciding cases. Judges must be neutral and follow the rule of the law.
- If a judge announces a position on an issue, the judge's impartiality may be called into question. The judge may need to decline presiding over any case that involves that issue.
- Judicial ethics prohibit judges from commenting about cases pending in court to ensure that litigants receive a fair trial.

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WHAT YOU NEED TO KNOW ABOUT

JUDICIAL RETENTION ELECTIONS



A GUIDE TO IOWA'S JUDICIAL
RETENTION ELECTIONS

Iowa Judicial Branch

WHAT MAKES A GOOD JUDGE?

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

HOW ARE COURTS HELD ACCOUNTABLE?

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

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

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



WHERE CAN I FIND AN ATTORNEY PERFORMANCE EVALUATION ABOUT JUDGES ON THE BALLOT?

The Iowa State Bar Association surveys its members about judges standing for retention. The results of this performance evaluation are available prior to the general election at: www.iowabar.org.

WHERE DO I FIND INFORMATION ABOUT A JUDGE'S PROFESSIONAL EXPERIENCE?

For information about judges on the ballot this year, click on the Iowa Voters Judicial Directory (available after August 15) posted at: www.iowacourts.gov.

WHAT ABOUT AN UNPOPULAR COURT DECISION?

There are many reasons why a voter may want to consider more than just the outcome of one case when assessing a judge's performance:

- Over the course of a career, a judge will dispose of thousands of cases. One case alone is not necessarily an accurate barometer of a judicial career. The Iowa Voter's Judicial Directory gives a more complete measure of a judge's professional history.
- Judges must follow the law, which sometimes leads to unpopular results. If citizens disagree with a law, they may petition the legislature to change it.
- High-profile cases that catch the media's attention often bear little resemblance to the bulk of a judge's work. Most court cases do not involve hot-button issues.

WHAT ABOUT DECISIONS A HIGHER COURT REVERSES?

Sometimes a higher court reverses the decision of a lower court. Reversal does not in itself indicate the quality of a judge's work. For instance, the higher court could be ruling on an issue for the first time or clarifying one of its earlier opinions that served as precedent for the lower court.

