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## Iowa Judicial Vacancies Hang in the Balance: Part I

By [Gary Marx](#)

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According to the *Sioux City Journal*, by the end of this week Iowa governor Terry Branstad will fill three vacancies on the Iowa Supreme Court. The vacancies are the result of November's election, when the people of Iowa made history by voting to oust all three of the Iowa Supreme Court justices who were up for retention. That vote was highly publicized and represented a broad-based public repudiation of the court's freewheeling liberal judicial activism on everything from gay marriage to civil justice issues.

What has received far less attention, however, is the fact that Governor Branstad's choices are limited. Iowa is a Missouri Plan state, which means that Governor Branstad must choose three new Supreme Court justices from a list of nominees presented to him by the Iowa Judicial Nominating Commission. During his gubernatorial campaign Governor Branstad criticized the Missouri Plan method for choosing judges, and the legislature is in the process of considering several reforms, including amendments to the Iowa Constitution.

Until that reform happens, however, Branstad will have to choose nominees sent to him by the same lawyer-driven "merit deception" commission that created the out-of-control Supreme Court majority that was just repudiated. And if you thought the commission would demonstrate some restraint after the results of November's election, you were wrong.

Six of the nine nominees — Angela Onwuachi-Willig, Arthur E. Gamble, John C. Gray, Robert James Blink, Steven Verne Lawyer, and Michael R. Mullins — are either Democrats or connected to the Iowa Trial Lawyers Association (now called the Iowa Association for Justice). That fact alone justifies our long-standing assessment that "merit deception" is really a way for trial lawyers and their political supporters to capture the judiciary.

Of the three remaining nominees, two made vague statements during the application process

reflecting a Sotomayoresque willingness to look outside of the law and the Constitution to make their decisions. According to nominee Edward M. Mansfield, “Appellate judges should have enough real-world experience to understand the effects of their decisions on people’s lives. . . . I would be honored to receive the opportunity to apply my judicial and other experience as a Justice of our Supreme Court.”

And nominee Bruce B. Zager wrote:

I consider myself a progressive thinker who is always receptive to different ways of thinking about issues in order to reach sound legal conclusions. I also have a deep appreciation of the real-world implications of an appellate decision. . . . Most importantly, I also realize that both as a trial judge and as an appellate judge, we are dealing with people’s lives. As such, I must also rely on reason, common sense, and my own life experiences in reaching my decision.

For those who are interested in learning more about the nominees or Iowa’s selection process, I highly recommend the work of Nathan Tucker at Iowa Judicial Watch. Nathan has done the real yeoman’s work of uncovering the corruption and cronyism that has led Iowa lawmakers to consider judicial selection reform.

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