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## Retirements could open Iowa judiciary to diversity

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Nearly one in four of Iowa's trial-level judges will become eligible to retire with full pensions over the next five years, potentially opening the door for more women and minorities to join the state's mostly white and male judiciary. A Des Moines Register review of public records and state judicial data shows that roughly 23 percent of Iowa's 187 district, district associate, juvenile and probate judges will have the right combination of age and service time for full retirement by the end of 2016. Those numbers don't include several appellate and federal judges who also are nearing retirement age or the dozens of other Iowa jurists who could walk away with partial pensions right now if they so chose.

See a list of Iowa judges and how long they have served.

When the departures occur, a gaping hole will be left in the institutional memory of those remaining in Iowa's courthouses. The departures will also - at least temporarily - create greater delays in the processing of things like divorces and civil lawsuits. "They are already stressed to the max," said Robert Rigg, director of a legal clinic at Drake University. "If you take 20 percent of these judges out of circulation, even if you're going to do it for just a temporary time, it's going to cause stress."

Retirements also will spark new opportunities for those who have long pushed to fill Iowa courtrooms with people who look more like the population they serve. Concerns about judicial diversity bubbled to the surface of Iowa politics in January and February, when a state nominating commission and Gov. Terry Branstad combined to install three white men into vacancies on the Iowa Supreme Court. Iowa, which has had two female high court justices since 1838, now is one of three states to have its highest court entirely composed of men.

"Will it change to look like more of the same, or will it change to actually look different and more reflective of the community?"

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asks U.S. Magistrate Judge Celeste Bremer, a staunch advocate of the need to recruit more women and minorities for Iowa's judicial jobs. "I don't know," Bremer said. "I would like to think we would move more toward that. But I've been thinking that for 30 years." Iowa Supreme Court administrators, who keep gender records because of an Iowa legal requirement that nominating commissions be gender-balanced, say women now make up almost 31 percent of Iowa attorneys. No one appears to track the size of Iowa's minority lawyer population.

Research compiled by District Associate Judge Romonda D. Beicher for a lawyer training presentation last February shows Iowa has had a total of 10 non-white judges - nine African-Americans and one Asian - in its 173-year history. Seven of those, including Beicher, remain on the bench. She does not expect to have much company anytime soon. "I hope that there is more diversity on the bench in the future," Beicher said. "But just looking at the demographics ... an overwhelming majority of the few African-American students who graduate from Iowa law schools, they don't stay."

District Judge D.J. Stovall, an African-American and Waterloo native, thinks many minority students are drawn away from traditional lawyering by better-paying jobs in the corporate world. "A good law school student who happens to be a minority is going to be a treasured commodity," Stovall said. Chinyere Ukabiala, an adjunct professor at Drake Law School, said Iowans should encourage minority students to build ties to the community.

"Most minority students don't know anyone here," she said. "It feels safer to go back to a place where they feel they will at least have a good shot at finding employment because they have resources they can tap into there." Lawyer diversity statistics are a bit better when only gender is considered. Women currently make up almost 31 percent of Iowa's 9,006 licensed attorneys, according to records kept by the state. Women also hold a disproportionately high number of government legal

jobs in Iowa - in theory making them more likely to apply for judgeships because they'll be less reluctant to part with the trappings of partnership in a large law firm.

"We're used to working within a lot of governments and budgets," said Emily Chabá, an administrative law judge and former president of the Iowa Association of Women Attorneys. Ten women were among the 60 people who applied to fill three vacancies on the Iowa Supreme Court earlier this year. One woman was included among the nine finalists that Iowa's State Judicial Nominating Commission sent to Branstad. "It's unfortunate that more women didn't apply," commission member Guy Cook said. "At the end of the day, the commission works hard to find those candidates who have the best temperament, the most integrity and the most experience. Those are the real factors. And I think also, if it's possible, you submit a diversified list to the governor, then he can make the political decisions."

"But if you only have 10 women and you have 50 men, the simple math works against the women candidates." The math already has drawn the attention of the Infinity Project, a multi-state group formed in 2007 to press for more female judges on the U.S. 8th Circuit Court of Appeals. Bremer, a member of the Iowa contingent, recently helped arrange training for members of judicial nominating commissions throughout the state. The Infinity Project wants commission members to be more thoughtful about the qualities they're looking for in a good judge, to articulate them more clearly, and to seek out women with those qualities and urge them to apply.

"It absolutely does improve public confidence in the decision-making if the decision-makers are more reflective of the community," Bremer said. "There's literature to support that. It changes the feel. It changes people's comfort level with the process. ... Compare it to geography in the district," she said. "If you had every single (Iowa Supreme Court) justice from Waterloo, people would say, 'What's up with that?'" Cook said more

female judges are likely in the coming years as women for years have had a roughly equal shot at law school classrooms. Given more judicial odds would point to more female replacements.

"If (23 percent is) an accurate number, I think that shadow the chance for some generational change," Iowa County District Judge Carla Schemmel, while desiring is not particularly worried about its pace. "The legal as the third branch of government has always been to change," she said. "We just don't react as quickly. change takes longer." That's just the way it works.

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