



Supreme Court of Iowa

IOWA JUDICIAL BUILDING
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DES MOINES, IA 50319
TEL: (515) 348-4965

July 6, 2018

Ryan Koopmans
Chief of Staff
Office of the Governor
State Capitol
Des Moines, IA 50319

Dear Ryan:

The chief justice asked me to write to you regarding the appointment process for the most recent district judge position in the 6th judicial district. I hope I do not sound too formal, but I think it is important to speak in a way that captures the true thoughts and feelings of the chief justice about the essential need for trust in government and its application to this matter.

Those authorized to act in government must often also decide what is required to be done to carry out their responsibilities. This is true in making a judicial appointment under the Constitution. It means it is up to the governor to give meaning to the constitutional directive for judicial appointments to be made within thirty days. This decision is not unlike many decisions that must be made throughout government each day to carry out the responsibilities within each branch of government. Indeed, it is a critical part of our democratic process and the reason public officials take an oath to support the Constitution and the law. The chief justice understands and appreciates the responsibility of the Governor and other public officials to make such decisions, and views that authority and discretion with the greatest deference and respect. He believes respect and comity from within government is as essential to achieving greater public trust and confidence of government, as are the checks and balances built into government.

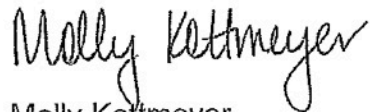
In practice, the chief justice has always considered a judicial appointment was made when it was communicated to the nominee. This communication from the governor to the nominee is a time-honored practice that every judge in this state has experienced, and an honor no judge has ever forgotten. To my knowledge, it is a practice that has always occurred within

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thirty days of the nomination by the judicial nominating commission. Nevertheless, this long-standing practice does not mean judicial appointments cannot be made in other ways.

With the recent district judge appointment in the 6th judicial district, the Governor's Office communicated to the chief justice, the secretary of state, and the public that the appointment of Jason Besler as district court judge was made on Thursday, June 21, 2018, which was day thirty following the nomination. You have further communicated that Governor Reynolds made "the verbal appointment" on that date, but did not notify Besler or issue a public statement on the appointment until Monday, June 25, 2018. Although the appointment was not communicated to Besler or made public until Monday, June 25, Governor Reynolds determined that the appointment was made on June 21 when she made the decision to select Besler. Consequently, the chief justice respectfully defers to and accepts the decision by Governor Reynolds that this appointment was made on June 21.

Very truly yours,



Molly Kottmeyer
Counsel to the Chief Justice