



Iowa Courts Stat Pack

Data and analysis from the
Iowa Supreme Court & Iowa Court of Appeals (2023-2024)

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Revised July 1, 2024*

Introduction

- “**Court watching**” is the practice of closely observing a particular court to develop trends, correlations, and behaviors of that court or its judges. Data from court-watching is:
 - *Powerful*. The underlying data establishes the basis for such trends, correlations, or behaviors.
 - *Predictive*. The more data is quantified, the better one can predict future behavior.
 - *Misleading*. Data, numbers, or analytics never tell the entire story.
- Beginning in OT06, **SCOTUSblog.com** compiled and released statistics from the U.S. Supreme Court in the form of a “Stat Pack.” Any striking or uncanny resemblance with the SCOTUSblog Stat Packs is intentional, and with gratitude.

Court of Appeals

High-level Observations —

- **Eight** of the court's **nine** judges were appointed in the last five years.
- **NEW:** Judge **Sam Langholz** was appointed in August 2023, and his first opinions issued in October 2023.
 - Judge Langholz succeeds Judge Anu Vaitheswaran.
- **NEW:** Judge **John Sandy** was appointed in June 2024.
 - Judge Sandy succeeds Chief Judge Thomas Bower.

Term at a Glance: *How did this year compare?*

Common Themes: *What to expect at the Court.*

Opinions, by Judge: *Who wrote what?*

Opinions Lengths & Outcomes: *What did they write?*

Judge Participation: *Individual usage rates.*

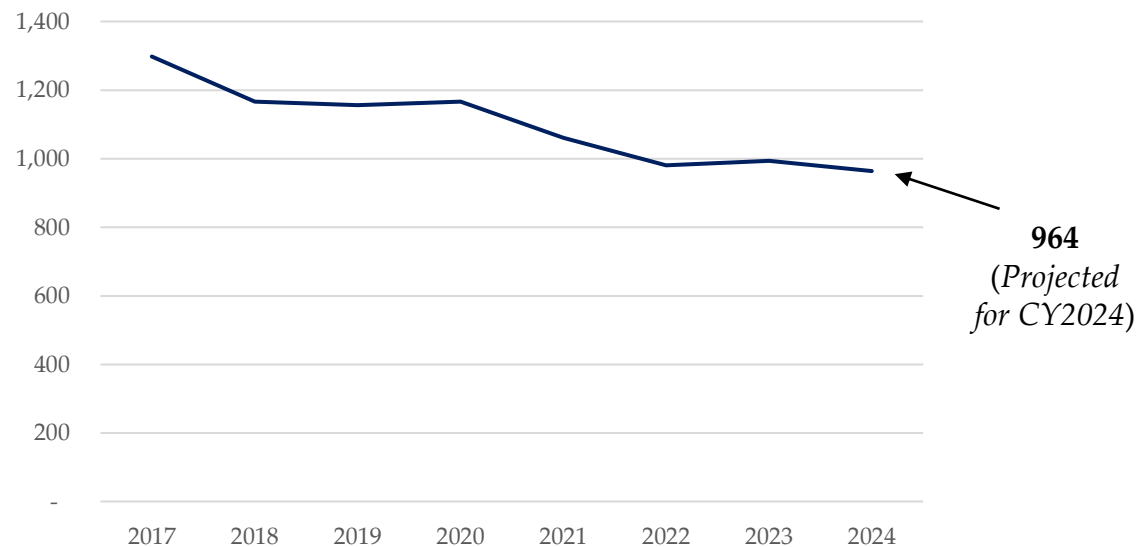
Divided Cases: *Spotting the battles.*

Judicial District Scorecard: *How'd the lower courts fare?*

Court of Appeals: Term at a Glance

➤ Number of cases filed continues its **downward trend**, over time.*

➤ Number of cases published stays **relatively consistent** (and incredibly small).

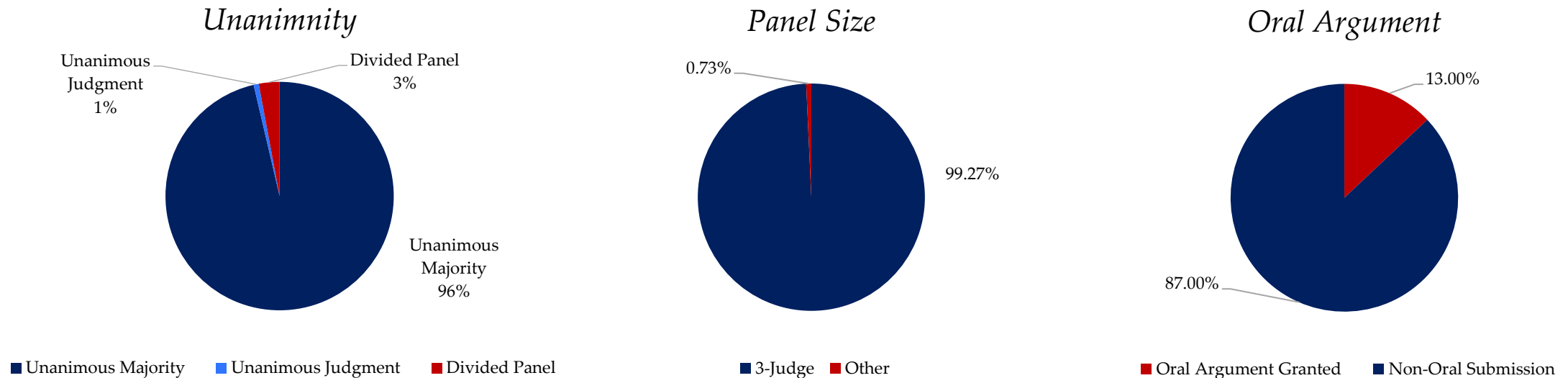


Year*	Published opinions	% of all cases
2017	18	1.4%
2018	8	0.7%
2019	5	0.4%
2020	13	1.1%
2021	20	1.9%
2022	14	1.4%
2023	17	1.7%

* Based on calendar year.

Common Themes

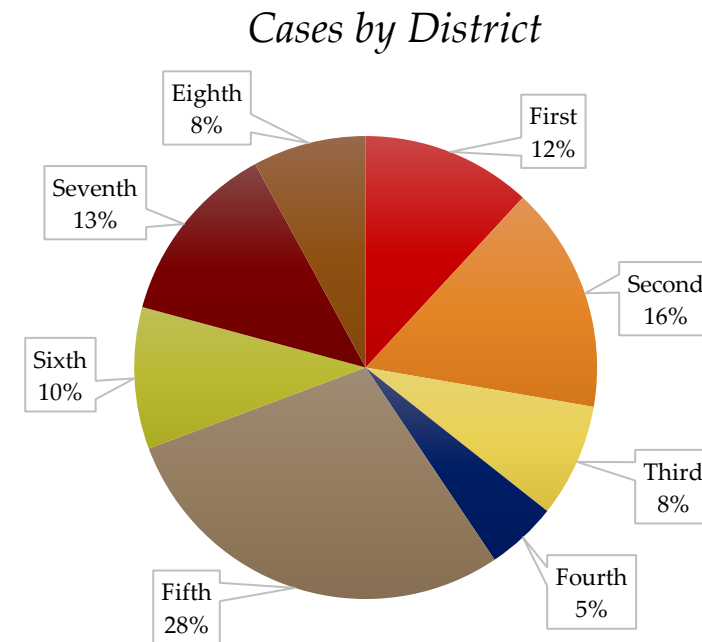
- The Court of Appeals decided cases unanimously **97%** of the time.
- The Court used three-judge panels in **99%** of cases.
- The Court considered cases on brief (without oral argument) **87%** of the time.



Judicial District Scorecard

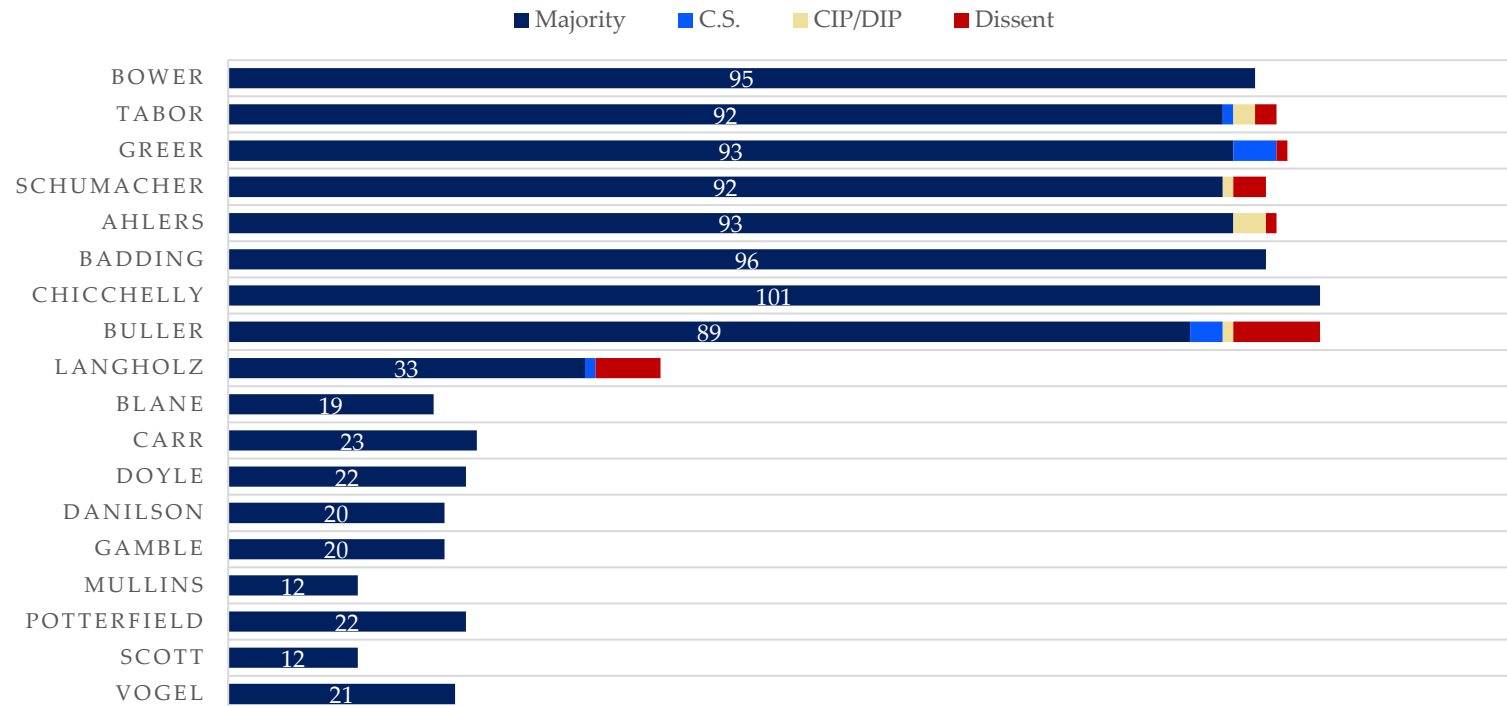
- **21%** of the Court's docket originated from District 5C (Polk County).
- **District 6** had the highest affirmance rate (92%), **District 1B** the lowest (79%).

District	All Cases	Affirmed	Reversed	Mixed
District 1A	38	84%	3%	13%
District 1B	72	79%	11%	10%
District 2A	54	87%	4%	9%
District 2B	97	86%	6%	8%
District 3A	31	90%	10%	0%
District 3B	49	90%	4%	6%
District 4	46	91%	9%	0%
District 5A	53	89%	6%	6%
District 5B	17	82%	0%	18%
District 5C	201	86%	6%	8%
District 6	95	92%	4%	4%
District 7	128	86%	9%	5%
District 8A	46	85%	4%	11%
District 8B	29	86%	14%	0%
Total	956	87%	6%	7%



Number of Opinions, by Judge

- Full-time judges averaged 94 majority opinions (senior judges 19).*
- Full-time judges averaged 3.75 separate opinions this year.*



* Excludes Langholz, J. (first opinions in October).

Opinion Lengths & Outcomes

- The average majority opinion is **8.1 pages** long (senior judges averaged 7.7 pages).
- Each judge was subject to further review, at least once.

Judge	Avg. Majority (pages)
Bower	7.5
Tabor	8.4
Greer	9.9
Schumacher	7.9
Ahlers	6.4
Badding	8.6
Chicchelly	6.5
Buller	7.3
Langholz	10.3
Total	8.1

Judge	Cases Reviewed*
Bower	3
Tabor	4
Greer	6
Schumacher	6
Ahlers	2
Badding	3
Chicchelly	4
Buller	1
Langholz	1
Total	30

* During the 2023-2024 Supreme Court term.

Judge Participation & Usage

- Full-time judges participated in ~32.9% of all panels and authored ~30% of opinions.*
- Senior judges participated in 3.1% of panels and were twice as likely (64.3%) to author the resulting majority opinion.

Judge	# of Panels	Panel % Rate	Maj. Opinion Rate
Bower	309	32.3%	30.7%
Tabor	314	32.8%	29.3%
Greer	327	34.2%	28.4%
Schumacher	309	32.3%	29.8%
Ahlers	304	31.8%	30.6%
Badding	306	32.0%	31.4%
Chicchelly	319	33.4%	31.7%
Buller	328	34.3%	27.1%
Langholz	107	11.2%	30.8%

* Panel participation number excludes Langholz, J. (began in August).

Divided Cases

- Court of Appeals judges wrote separately in **36 cases** this term.
- Includes Buller (15), Tabor (10), Langholz (9), and Ahlers (8).

Case	Majority	Separate	Type of Case
<i>Marriage of Sommerville</i>	Chicchelly	Schumacher (Dissent)	Family
<i>Connell v. Barker</i>	Chicchelly	Buller (C.S.)	Family
<i>Marriage of Colby</i>	Badding	Buller (C.S.) Ahlers (CIP/DIP)	Family
<i>State v. Slaughter</i>	Tabor	Greer (Dissent)	Criminal (Statutory)
<i>State v. Rethwisch</i>	Ahlers	Tabor (C.S.)	Criminal (Procedure)
<i>In re J.M.</i>	Blane, S.J.	Buller (CIP/DIP)	Juvenile
<i>State v. Cruz</i>	Bower	Tabor (Dissent)	Criminal (Procedure)
<i>In re K.B.-S. & J.B.</i>	Potterfield, S.J.	Buller (Dissent)	Juvenile
<i>Calabretto Bldg. Grp. v. Tradesmen Int'l</i>	Tabor	Langholz (C.S.)	Civil (Contract)
<i>In re T.O.</i>	Schumacher	Greer (C.S.)	Juvenile
<i>Smith v. State</i>	Blane, S.J.	Schumacher (Dissent)	Postconviction Relief
<i>Conservatorship of Geerdes</i>	Langholz	Buller (Dissent)	Conservatorship
<i>State v. Laue</i>	Chicchelly	Ahlers (CIP/DIP)	Criminal (Sentencing)
<i>State v. Evans</i>	Schumacher	Ahlers (Dissent)	Criminal (Sentencing)
<i>State v. Yak</i>	Greer	Tabor (CIP/DIP)	Criminal (Constitutional)
<i>Hunter Three Farms v. Hunter</i>	Buller	Langholz (Dissent)	Civil (Corporate)
<i>Gerds v. Donan Engineering</i>	Blane, S.J.	Tabor (CIP/DIP)	Civil (Insurance)
<i>In re C.S.</i>	Ahlers	Greer (C.S.)	Juvenile

Case	Majority	Separate	Type of Case
<i>Marriage of Ocean & Osborne</i>	Bower	Ahlers (CIP/DIP)	Family
<i>State v. Brown</i>	Badding	Buller (C.S.)	Criminal (Trial)
<i>Marriage of Bast</i>	Bower	Schumacher (CIP/DIP)	Family
<i>State v. Johnson</i>	Badding	Tabor (Dissent)	Criminal (Trial)
<i>Principal Securities v. Gelbman</i>	Buller	Langholz (Dissent)	Civil (Arbitration)
<i>In re J.V.</i>	Bower	Langholz (Dissent)	Juvenile
<i>Rath v. Arch Insurance</i>	Langholz	Schumacher (Dissent)	Civil (Insurance)
<i>State v. Kackley</i>	Tabor	Buller (Dissent)	Criminal (Sentencing)
<i>State v. Bokemeyer</i>	Badding	Buller (Dissent)	Criminal (Trial)
<i>State v. Swington</i>	Tabor	Buller (Dissent)	Criminal (Sentencing)
<i>Beverage v. ALCOA</i>	Buller	Greer (C.S.)	Civil (Tort)
<i>State v. Cabbage</i>	Badding	Buller (Dissent)	Criminal (Sentencing)
<i>In re A.D.</i>	Tabor	Buller (Dissent)	Juvenile
<i>Venechuk v. Landherr</i>	Ahlers	Langholz (Dissent)	Family
<i>Heartland Co-Op v. Nationwide Agribusiness Ins.</i>	Ahlers	Langholz (Dissent)	Civil (Insurance)
<i>In re W.T., L.T., & L.T.</i>	Gamble, S.J.	Greer (C.S.)	Juvenile
<i>County Bank v. Shalla</i>	Schumacher	Langholz (Dissent)	Civil (Contract)
<i>State v. Mitchell</i>	Badding	Buller (Dissent)	Criminal (Sentencing)

Supreme Court

High-level Observations—

- **Four** of the court's **seven** justices were appointed in the last five years.
- No new appointments this term (Justice David May was appointed in July 2022).

Term at a Glance: *How did this year compare?*

Oral Argument & Advocates: *Who's at the Court?*

Amicus Participation: *Who's writing in?*

Docket Makeup: *What type of cases is the Court hearing?*

Judicial District Scorecard: *How'd the lower courts fare?*

Turnaround Times: *How quickly is the Court moving?*

Majority Opinions: *How much are they writing?*

Number of Opinions (This Term): *Who wrote the most?*

Number of Opinions (Over Time): *Are the justices agreeable?*

Unanimous Cases (Over Time): *How agreeable?*

Opinions Breakdown: *What happened this year?*

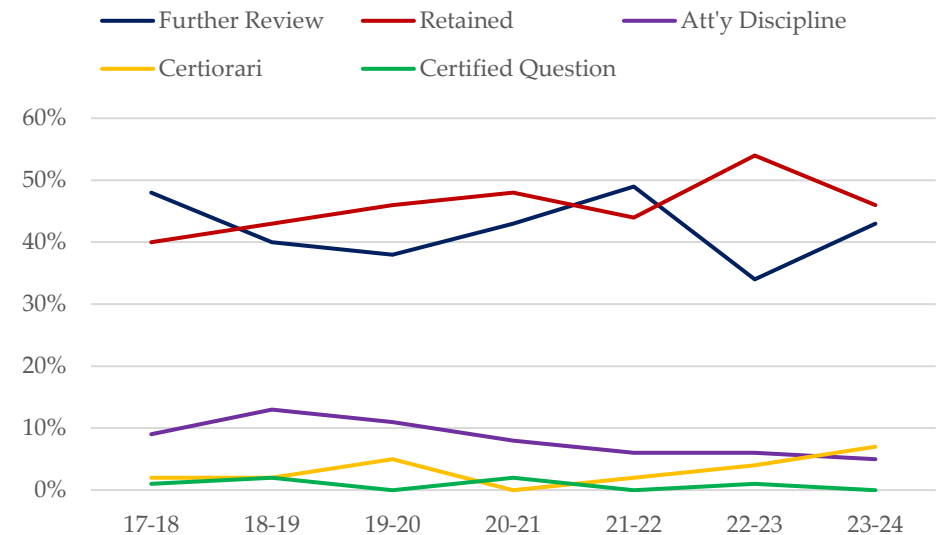
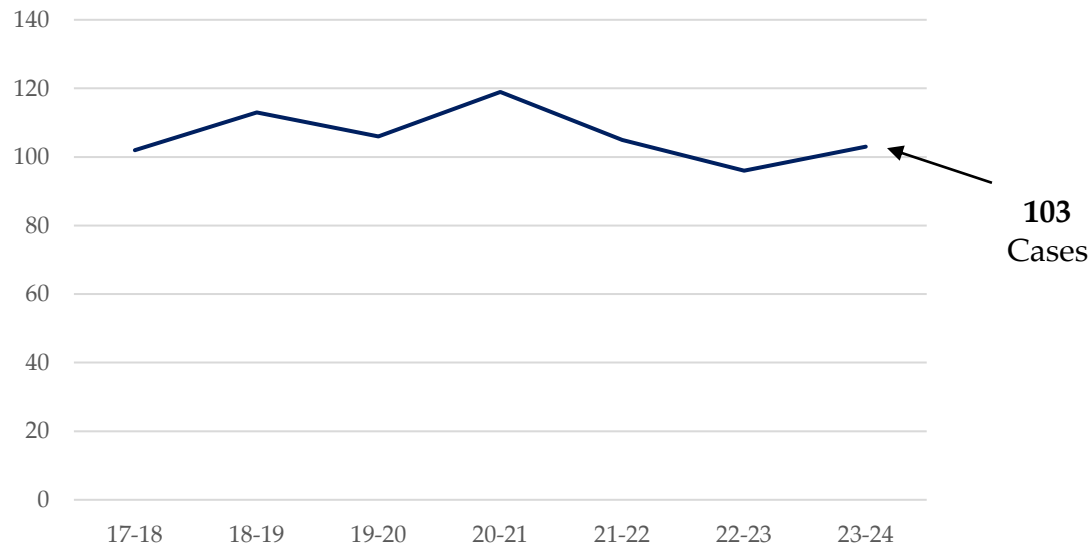
Notable Cases: *What should you read?*

Voting Alignments: *Who agrees with whom?*

Supreme Court: Term at a Glance

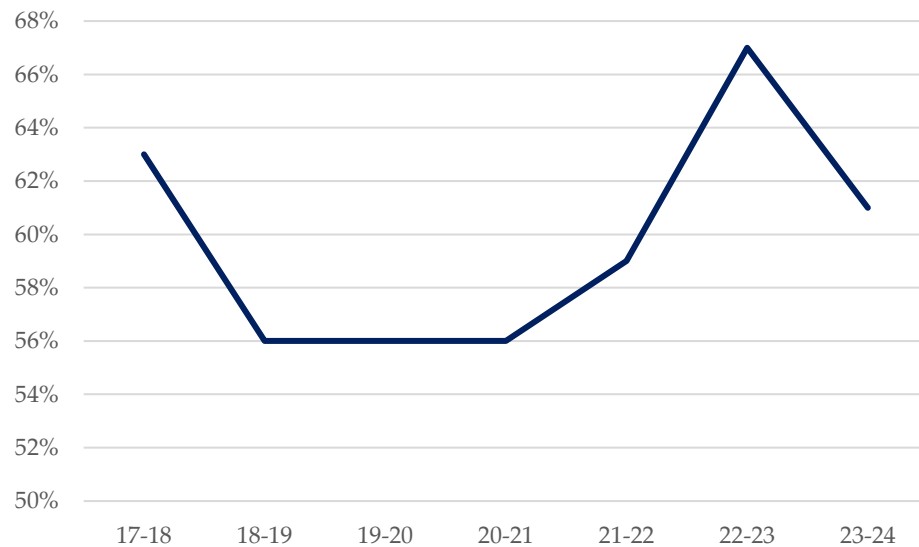
➤ Court took a **slightly higher** number of cases over last term.

➤ Cases *retained* (rather than further reviewed) resorted to the mean.



Oral Argument & Advocates

- The Court heard **less cases** at oral argument this year (63 of 103 cases, or 61%).
- **Genevieve Reinkoester** had the most oral arguments (5 cases).



3 or more Arguments	
Genevieve Reinkoester (AGO)	<i>State v. Erdman</i> <i>State v. Cyrus</i> <i>State v. Iowa Juv. Court</i> <i>Smith v. State</i> <i>State v. White</i>
Eric H. Wessan (AGO)	<i>PPH v. Reynolds</i> <i>Smith v. District Court</i> <i>TH Society v. TH Comm'n</i>
Gary Dickey (Pvt. Pract.)	<i>Penny v. Winterset</i> <i>Singh v. McDermott</i> <i>Smith v. State</i>
Louis S. Sloven (AGO)	<i>State v. Bailey</i> <i>State v. Cole</i> <i>State v. Canady</i>
Martha E. Trout (AGO)	<i>State v. Krogmann</i> <i>State v. Slaughter</i> <i>State v. T.J.W.</i>

Amicus Participation

➤ 36 Iowa attorneys filed 28 amicus briefs in 10 cases this term.

Case	Briefs
<i>Planned Parenthood v. Reynolds</i>	16
<i>In re K.C.</i>	3
<i>Teig v. Chavez et al.</i>	2
<i>Bridgestone Americas v. Anderson</i>	1
<i>Miller v. MercyOne</i>	1
<i>Randolph v. Aidan, LLC</i>	1
<i>Selden v. DMACC</i>	1
<i>Smith et al. v. Iowa District Court</i>	1
<i>State v. Canady</i>	1
<i>State v. McMickle</i>	1

Leading Advocates	No. of Briefs	On behalf of
Rita Bettis Austen	3	<i>American Civil Liberties Union of Iowa</i>
Alan Ostergren	2	<i>The Kirkwood Institute; Republican National Committee, National Republican Senatorial Committee, National Republican Congressional Committee, Republican Party of Iowa</i>

Docket Makeup

➤ More criminal cases, less civil cases, the same amount of family law.

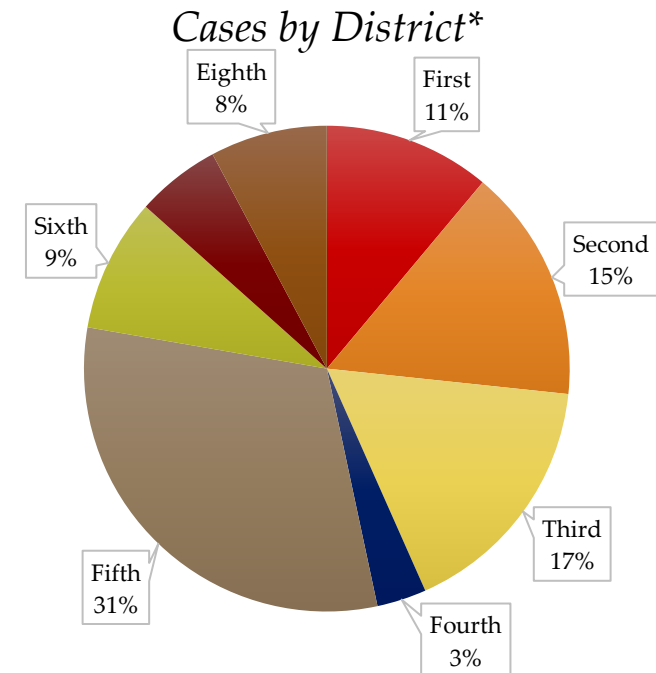
Area	Share of Cases	+ / - from 2022-2023 OT
Civil	46 Cases (45%)	-13 (16.5%)
General	20.4%	5.6%
Procedure	1.9%	3.3%
Statutory	8.7%	6.9%
Constitutional	3.9%	4.4%
Evidence	0	--
Administrative Law	0	--
Probate/Guardianship/Trusts	2.9%	1.3%
Workers' Compensation	6.8%	4.7%
Family	4 Cases (3.9%)	-1 (0.8%)
Family Law	1%	2.1%
Juvenile Law	2.9%	2.9%

Area	Share of Cases	+ / - from 2022-2023 OT
Criminal	41 Cases (39.8%)	+13 (10.6%)
General	18.4%	3.8%
Procedure	3.9%	1.8%
Statutory	3.9%	0.3%
Constitutional	6.8%	1.6%
Evidence	5.8%	3.7%
Postconviction Relief	1%	--
Disciplinary / Misc.	12 Cases (11.7%)	6 (5.4%)
Attorney Discipline	4.9%	1.4%
Judicial Discipline	0	--
Appellate Procedure	1%	1%
Miscellaneous	5.8%	5.8%

Judicial District Scorecard

- **28.9%** of the Court's opinions reviewed decisions from District 5C (Polk County).*
- **District 8B** had the highest affirmance rate, **District 3A** the lowest.

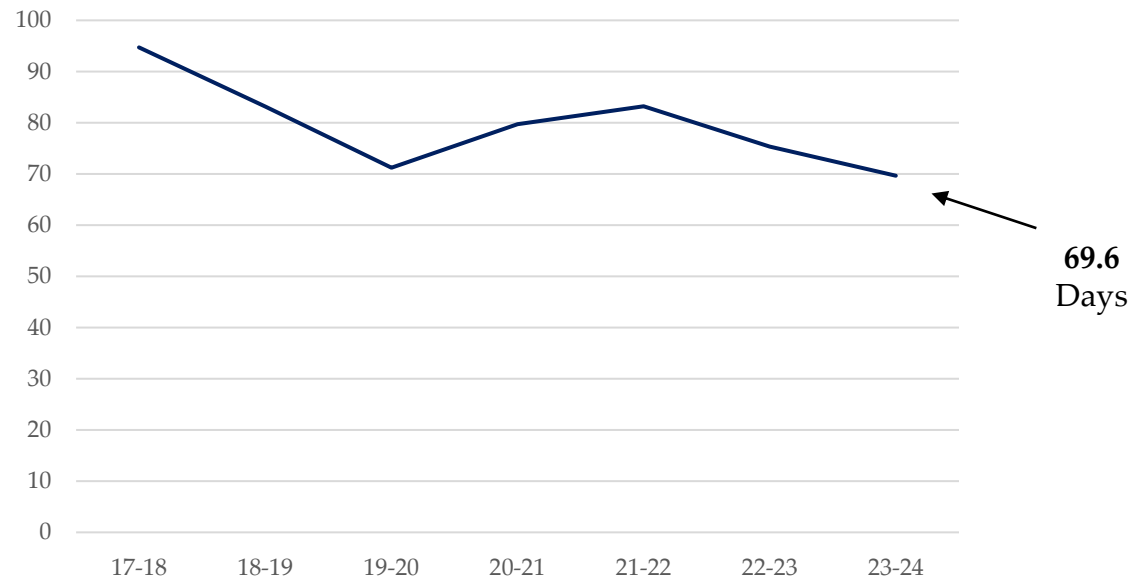
District	All Cases	Affirmed	Reversed	Mixed/Other
District 1A	2	50%	50%	--
District 1B	8	50%	25%	25%
District 2A	6	50%	50%	--
District 2B	8	50%	50%	--
District 3A	3	33%	67%	--
District 3B	12	50%	50%	--
District 4	3	67%	33%	--
District 5A	2	50%	50%	--
District 5B	0	--	--	--
District 5C	26	38%	42%	19%
District 6	8	38%	25%	38%
District 7	5	60%	40%	--
District 8A	6	83%	17%	--
District 8B	1	100%	--	--
Total	90	48.9%	40%	11.1%



* Excludes attorney disciplinary, writ of certiorari cases.

Turnaround Times

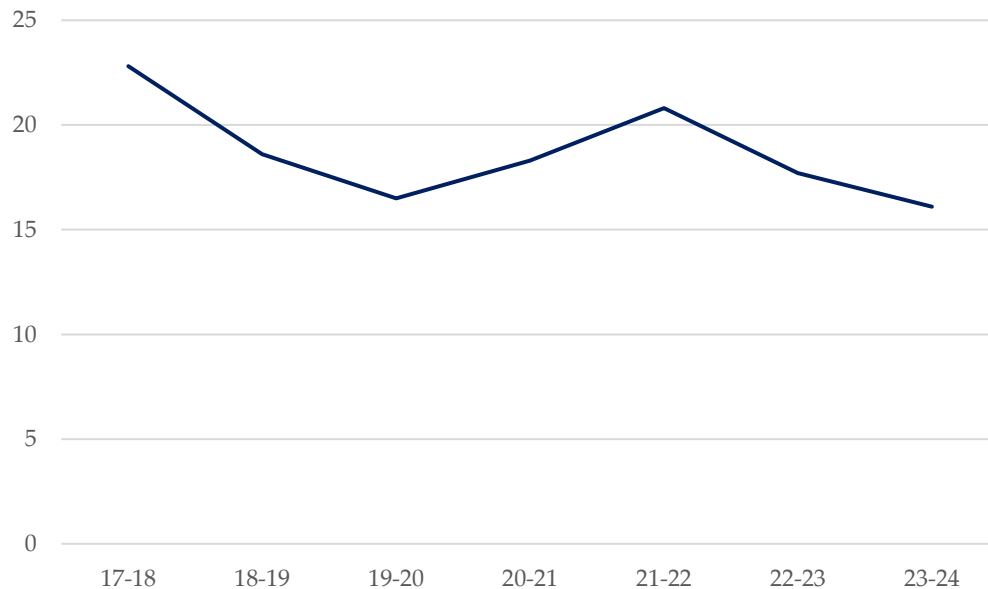
- The Court continued its **downward trend** of time between case submission and filing.
- Individual justice turnaround times varied, with no significant correlation.



Days Pending (case submission to filing)	
Christensen	47.2
Waterman	67.3
Mansfield	62.7
McDonald	85.4
Oxley	71.8
McDermott	93.3
May	63.4

Majority Opinions

- Length of majority opinions is trending **downward**, averaging **16.1 pages**.*
- **J. McDermott** is this year's "briefest" writer, **J. Mansfield** the most thorough.

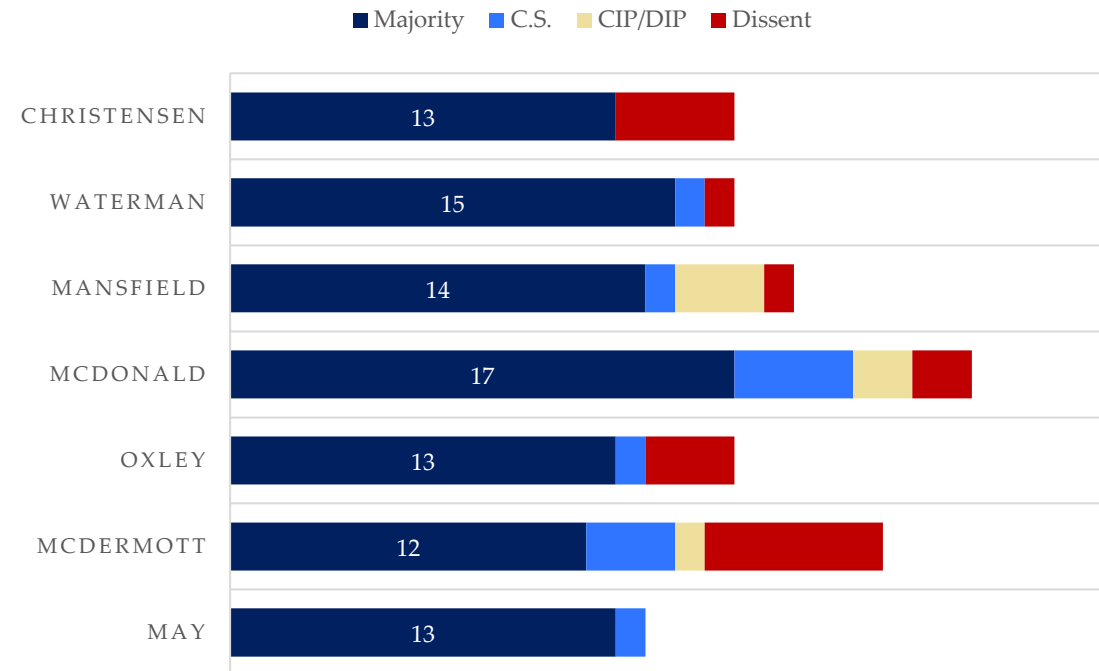


Justice	Average Majority Op.	Longest Majority Op.	Shortest Majority Op.
Christensen	13.2	20	9
Waterman	17.5	27	8
Mansfield	19.4	30	12
McDonald	15.9	31	6
Oxley	17.2	25	8
McDermott	12.3	21	6
May	16.9	31	7

* Excludes per curiam opinions.

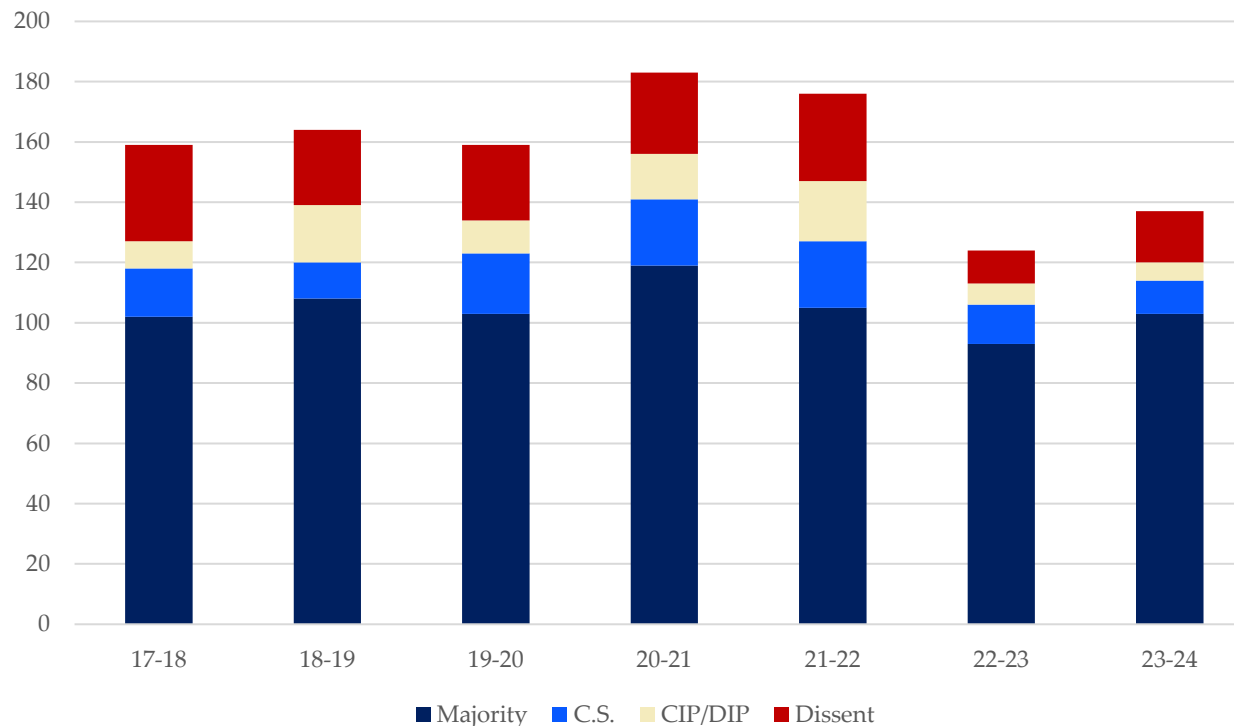
Number of Opinions (This Term)

- Justice **McDonald** wrote the most total opinions, with **17** majorities and **8** separates.
- Justice **May** wrote the fewest, with **13** and **1** separate.



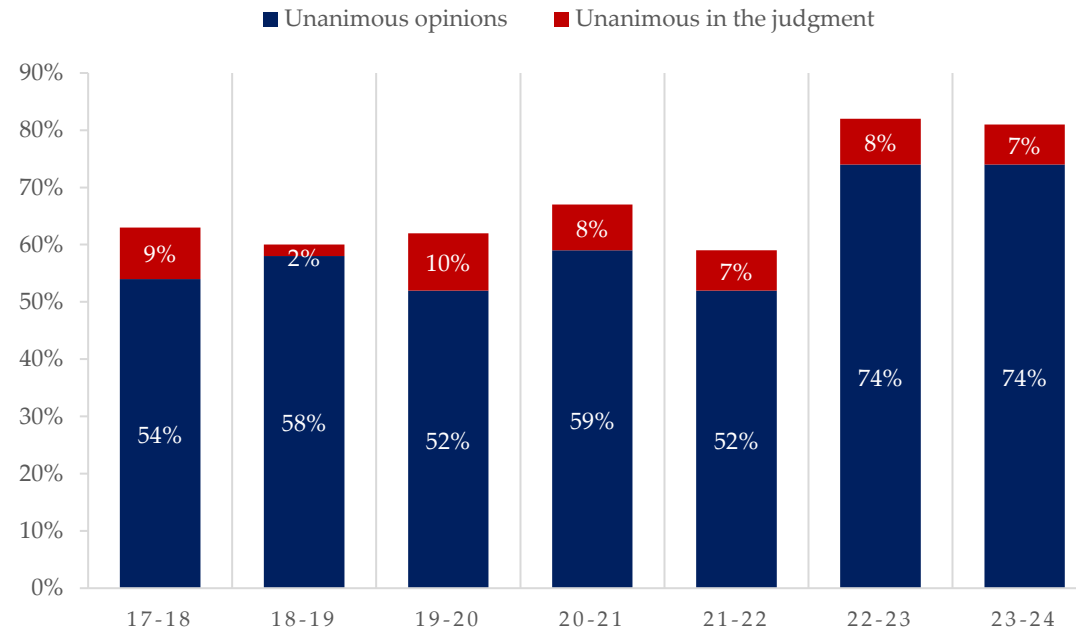
Number of Opinions (Over Time)

- The Court is generally issuing **less opinions** since the 21-22 Term.
- The Court issued **slightly more** total opinions than last year.



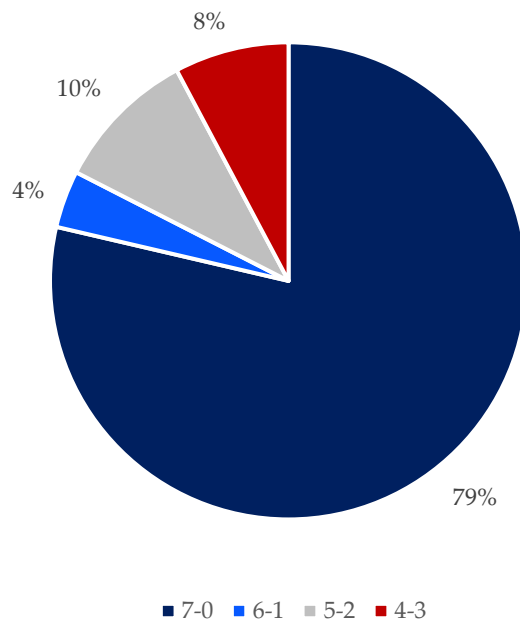
Unanimous Cases (Over Time)

➤ The Court's "unanimity" rate is **consistent with** last year's term.



Opinions Breakdown

- 81% (or 83 of 103 cases) resolved with a unanimous judgment.
- J. Waterman was this year's "strongest" majority opinion author.



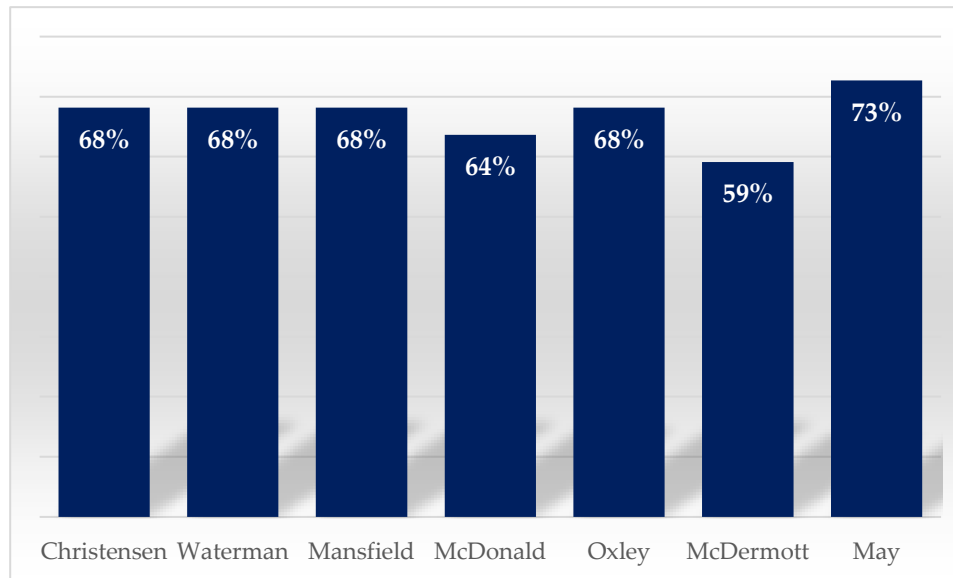
	Lead Opinions	7-0	6-1	5-2	4-3	Majority Strength
Christensen	13	10	0	2	1	6.5
Waterman	15	13	1	1	0	6.8
Mansfield	14	7	1	5	1	6.0
McDonald	17	14	1	0	2	6.6
Oxley	13	11	1	0	1	6.7
McDermott	12	9	0	1	2	6.3
May	13	11	0	1	1	6.6
Total	97	75	4	10	8	6.5

- A vote to concur only in the judgment counts as a vote for the majority.
- A decision with less than seven participating justices is categorized by the number of justices not in the majority.
- Breakout chart excludes per curiam opinions.

Opinions Breakdown, continued

- Justice May was most likely to be in the majority in non-unanimous cases.*
- J. McDermott was most likely to write on his own.

*Frequency in the Majority
(22 Non-Unanimous Cases)*



Solo Opinions	
Christensen	1
Waterman	0
Mansfield	1
McDonald	2
Oxley	2
McDermott	5
May	0

- "Non-unanimous" as to the judgment.

Notable Cases

- Civil (Common Law)—
 - *Sundance Land Co. v. Remmark* – Interpreting Common Law (June 14, 2024)
 - *Bankers Trust Co. v. Des Moines* – Overruling Precedent (June 14, 2024)
 - *Myers v. Cedar Falls* – Overruling Precedent (June 14, 2024)
- Civil (Employment)—
 - *White v. State of Iowa (DHHS)* – “Me Too” Evidence (Apr. 12, 2024)
 - *Selden v. Des Moines Area Comm. College* – Wage Discrimination, Retaliation (Feb. 2, 2024)
- Civil (Constitutional)—
 - *Smith et al. v. Iowa District Court* – Legislative Privilege (Feb. 23, 2024)
 - *Planned Parenthood v. Reynolds* – Abortion (June 28, 2024)
- Criminal
 - *State v. Geddes* – Expressive Criminal Activity (Dec. 1, 2023)
 - *State v. Harbach* – Objectionable Warrant Applications (Feb. 16, 2024)
 - *State v. Lee* – Doctrine of Legislative Acquiescence (May 10, 2024)
 - *State v. Bauler* – Canine Sniffs, Iowa Constitution (June 28, 2024)

Notable Case No. 1— *Bankers Trust v. Des Moines*

- 5-2 decision reversing *Madden v. Iowa City*, 848 N.W.2d 40 (Iowa 2014), related to a city's responsibility to maintain sidewalks.
 - *Madden* was also a 5-2 decision, with J. Mansfield and J. Waterman dissenting.
 - “*Madden failed to recognize a clear conflict between what the state statute permitted cities to do and what the city attempted to do through its ordinance.*”
 - “*Stare decisis does not prevent the court from reconsidering, repairing, correcting, or abandoning judicial announcements when error is manifest.*”
- Oxley, dissents (joined by McDonald), and would not overrule *Madden*.
 - Majority decision is based “*solely on its conclusion that the dissent had the better statutory interpretation.*”
 - “*The majority disregards the distinction between our review of prior cases interpreting statutory text and constitutional text.*”

Notable Case No. 2— *Smith et al. v. District Court*

- Unanimous decision recognizing that Iowa’s Constitution contains a legislative privilege that protects legislators from compelled document production.
 - Within a challenge to a 2020 election law, eleven legislators were subpoenaed for correspondence with third parties related to the enactment of the legislation.
 - District court concluded a privilege existed, but that discovery of the legislators’ intent was “highly relevant” to the challenger’s claims.
- Oxley, writing for the majority, concludes Iowa has a qualified legislative privilege, despite the absence of a Speech or Debate Clause.
 - *“We conclude from these provisions, taken together, that a legislative privilege inherently flows from the Iowa Constitution.”*
 - Article III, Section 1 (Separation of Powers); Article III, Section 11 (Legislative Immunity); Article I, Section 20 (Right to Assemble and Petition).

Notable Case No. 3— *Planned Parenthood v. Reynolds*

- 4-3 decision concluding the fetal heartbeat statute does not violate Iowa's due process clause because it is rationally related to the State's interest in protecting unborn life.
 - Court lifts the temporary injunction, remands the case to district court for consideration of PPH's inalienable rights claim and equal protection claim.
- McDermott, writing for the majority, reiterates "*neither text nor history establishes abortion as a fundamental right under the Iowa Constitution.*"
 - "*An undue burden standard inevitably leaves courts unable to provide predictability, consistency, or coherence in its application,*" noting that no other state has adopted undue burden post-*Dobbs*.
- Christensen would affirm injunctive relief, advocating for an interpretation of the constitution "*through a modern lens that recognizes how our lives have changed with the passage of time.*"
- Mansfield would affirm injunctive relief, setting forth a novel constitutional standard.
 - "*I would evaluate state regulations and restrictions on abortions before the sixteenth week using intermediate scrutiny and the Casey undue burden standard.*"

Notable Case No. 4— *State v. Geddes*

- 6-1 decision affirming Mr. Geddes' convictions for trespass as a hate crime.
 - Geddes taped five anonymous notes on to the doors of homes that displayed an LGBTQ+ flag or decal that stated, "Burn that gay flag."
- Mansfield, writing for the majority, affirms the convictions despite a First Amendment challenge raised by the Defendant.
 - *"The issue here is not whether Geddes could have posted a note on his own property. Geddes entered the property of others without permission to place an object thereon without their permission."*
- Waterman, concurring, predicts future as-applied challenges to Iowa's trespass statute.
 - *"Iowa's trespass statute remains vulnerable under a challenge by canvassers engaged in expressive political or commercial speech who leave behind flyers."*
- McDermott, dissenting, would reverse the convictions because there was no evidence the five homeowners were "associated with" an LGBTQ+ person.
 - *"Not everyone who displays a pirate flag is associated with actual pirates."*

Notable Case No. 5— *State v. Bauler*

- Splintered decision upholding the conviction of a driver after a traffic stop and “open-air” canine sniff, in which the dog’s paws “touched the car’s exterior several times.”
- Mansfield, writing for the plurality, affirms the legality of the search under both constitutions.
- McDonald, concurring specially, would apply the *Wright* framework for analyzing article I, section 8 claims under the Iowa Constitution.
 - *“The plurality opinion attempts to walk back this court’s analysis in Wright as if it were not settled law. Contrary to the plurality’s desire, Wright is a controlling framework for evaluating claims arising under article I, section 8.”*
 - Joined by Justices Oxley and May, in substance.
- Oxley, dissenting, in part because *“current Fourth Amendment jurisprudence is a mess.”*
- McDermott, dissenting, because the search violated both constitutions.

Voting Alignments (All Cases)

➤ Agreement in *Full*—

➤ “Full agreement” means the justices joined the same opinion(s), in all parts.

	Waterman	Mansfield	McDonald	Oxley	McDermott	May
Christensen	92.8%	90.8%	83.8%	81.6%	80.6%	85.3%
	Waterman	96.0%	84.2%	85.0%	85.0%	83.5%
		Mansfield	83.2%	87.0%	84.0%	82.5%
			McDonald	89.2%	80.4%	93.9%
				Oxley	88.1%	86.7%
					McDermott	83.7%
						May

➤ Agreement in *Part*—

➤ “Partial agreement” means the justices joined at least one of the same opinion(s).

	Waterman	Mansfield	McDonald	Oxley	McDermott	May
Christensen	92.8%	91.8%	85.9%	83.7%	82.7%	88.4%
	Waterman	97.0%	86.1%	87.0%	87.0%	86.6%
		Mansfield	84.2%	88.0%	86.0%	84.5%
			McDonald	90.2%	81.4%	94.9%
				Oxley	90.1%	88.8%
					McDermott	85.7%
						May

Voting Alignments (27 Contested Cases)*

➤ Agreement in *Full*—

➤ “Full agreement” means the justices joined the same opinion(s), in all parts.

	Waterman	Mansfield	McDonald	Oxley	McDermott	May
Christensen	73.1%	66.7%	40.7%	33.3%	29.6%	48.1%
	Waterman	84.6%	38.5%	42.3%	42.3%	38.5%
		Mansfield	37.0%	51.9%	40.7%	37.0%
			McDonald	59.3%	25.9%	77.8%
				Oxley	55.6%	51.9%
					McDermott	40.7%
						May

➤ Agreement in *Part*—

➤ “Partial agreement” means the justices joined at least one of the same opinion(s).

	Waterman	Mansfield	McDonald	Oxley	McDermott	May
Christensen	73.1%	70.4%	48.1%	40.7%	37.0%	59.3%
	Waterman	88.5%	46.2%	50.0%	50.0%	50.0%
		Mansfield	40.7%	55.6%	48.1%	44.4%
			McDonald	63.0%	29.6%	81.5%
				Oxley	63.0%	59.3%
					McDermott	48.1%
						May

A “contested case” is one that includes more than one opinion (i.e., at least one special concurrence, concurrence-in-part, dissent-in-part, or dissent).