



KIM REYNOLDS  
GOVERNOR

## OFFICE OF THE GOVERNOR

ADAM GREGG  
LT GOVERNOR

November 11, 2021

Members of the District 2B Judicial Nominating Commission:

I received your letter dated October 12, 2021, submitting two names for consideration for a vacancy in the office of district judge in Judicial Election District 2B. As you know, this vacancy arose due to the appointment of Judge Gina Badding to the Court of Appeals. The law generally requires that I appoint one of these individuals as a district court judge within thirty days. Unfortunately, this selection process has proven extraordinary.

Shortly after the Commission met on October 12, concerns were raised to my office regarding the conduct of the Commission's Chair, Judge Kurt Stoebe. Given the severity of those concerns, my staff conducted an investigation by speaking with commissioners and one applicant.

Several commissioners voiced frustration with favoritism shown in the interview process toward one applicant and unprofessional comments made by Judge Stoebe about other disfavored applicants. Extra interview time was given to one applicant, who also received favorable "coaching" by Judge Stoebe during the interview in the opinion of those commissioners.

Commissioners described Judge Stoebe's comments about his disfavored applicants as "uncomfortable" and "disturbing." Stoebe questioned whether an applicant was "up for the job" with family obligations and young children at home. He criticized at length one applicant's business and personal dealings in the community, told the Commission that the applicant "doesn't have the heart to sit on the bench," and told a commissioner who knows the applicant personally that there "must be two [John Does]: one real and one fake," implying that the commissioner knew the 'fake' applicant. Judge Stoebe also claimed that his personal nickname for another applicant was "Clueless [Doe]."

Most jarring, Judge Stoebe made significantly misleading comments to the Commission that appear to have affected its deliberative process and excluded one applicant from consideration. According to numerous commissioners, Stoebe instructed commissioners that an applicant had told Judge Stoebe immediately following the applicant's interview, outside the presence of the other commissioners, that he was withdrawing his application from consideration. Those commissioners did not vote for that applicant because of this information. But when my staff spoke with the applicant during this investigation, the applicant adamantly denied making such a statement. Although the applicant acknowledged he had made a statement to that effect in jest, it was made to a court reporter before the interview--not to Judge Stoebe after the interview.

As Governor, I am required to appoint district court judges from a list of nominees submitted by a judicial nominating commission. But I am also bound to take care that all laws are faithfully executed. Judge Stocbe's conduct in this selection process wasn't just unprofessional; his significantly misleading comments about the applicant withdrawing their application tainted this selection process to such an extent that the Commission did not carefully consider each individual that applied for this position as required by section 46.14(1) of the Iowa Code.

I therefore will not proceed with a judicial appointment at this time and return to you the Commission's letter submitting two names for consideration for this district court vacancy. This is an extraordinary step that has been done only once before, by Governor Ray, but because I did not receive two nominees through a properly conducted process, it is a step I believe I must take.

This letter shall serve as a notice of vacancy required to begin the process anew. I am calling an initial organizational meeting of the District 2B Judicial Nominating Commission one week from today at the date, time, and place stated below:

**DATE:** Thursday, November 18, 2021  
**TIME:** 2:00 p.m.  
**PLACE:** Telephone Conference Call (credentials to be provided)

Thank you for your service to Iowans in this critically important process. I look forward to receiving your two nominees within the next sixty days.

Sincerely,



Kim Reynolds  
Governor of Iowa

Cc: Chief Justice Susan Christensen, Iowa Supreme Court  
Chief Judge James Drew, Second Judicial District  
Bob Gast, State Court Administrator  
Scott Hand, District Court Administrator