

STATEMENT OF MARTIN A. DIAZ

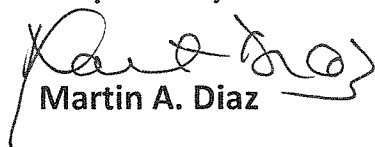
May 23, 2019

I have been a member of the State Judicial Nominating Commission since 2011. My term expires on June 30, 2019. My willingness to volunteer for this commission and to spend many hours visiting with applicants and Commissioners was solely motivated by my desire to give back to my profession, my colleagues and my state. At no time has my involvement been motivated by politics. I have enjoyed working with lawyers and nonlawyers in trying to find those candidates that best fit the demands of the Iowa Court of Appeals and the Iowa Supreme Court. I have great respect for anyone willing to volunteer their time on this great Commission and believe we have done great work in providing our governors with excellent candidates devoid of political philosophy. The law and the judiciary do not belong to Democrats or Republicans; it belongs to the citizens of the State of Iowa. Any effort to politicize the judicial system requires strong pushback.

I have been asked to be a plaintiff in a lawsuit that tests the constitutionality of certain aspects of Senate File 638. I have hesitated to be involved because I do not want to undermine my colleagues on the Commission and those to come. On the other hand, as a lawyer, I'm a strong believer that

needs to be constitutional and if Senate File 638 is unconstitutional then I have a duty to step up and assist in testing that legality. There are already a significant number of individuals who have taken on that responsibility, so it begs the question whether the lawsuit really needs me. However, it is my understanding that the defendants intend to argue that the current plaintiffs do not have “standing” to bring this action. If that is true, then the lawsuit could be dismissed on what the citizens of Iowa may consider to be a technicality. More importantly, the merits of whether Senate File 638 is constitutional would never be tested. That is an unacceptable result. Therefore, to the extent that my involvement as a sitting Commissioner creates the necessary “standing”, I believe it is my obligation to my profession, my colleagues and the citizens of the State of Iowa that I agree to be involved. I trust that my involvement will not result in my colleagues on the Commission feeling any ill will toward me. I believe it is my obligation to assure that the lawsuit that has been brought is resolved on its merits and not on a procedural defense.

Respectfully Submitted,


Martin A. Diaz