

**IN THE IOWA DISTRICT COURT FOR BOONE COUNTY**

<p><b>ADRIA KESTER,</b></p> <p><b>Petitioner,</b></p> <p><b>vs.</b></p> <p><b>BOONE COUNTY; BOONE COUNTY SHERIFF'S DEPARTMENT; AND ANDY GODZICKI,</b> in his official capacity as Sheriff of Boone County and Lawful Custodian of Records,</p> <p><b>Respondents.</b></p>	<p><b>CASE NO.: <u>CVCV043297</u></b></p> <p><b>BRIEF IN SUPPORT OF MOTION TO INCREASE SECURITY LEVEL OF CASE</b></p>
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COMES NOW, the Petitioner, by and through her attorney, Matthew T. Lindholm, and in support of this Brief in Support of the Motion to Increase Security Level of Case to Level 5, states the following:

**LEGAL ARGUMENT**

Iowa courts possess inherent authority to restrict access to protect information that the law designates as confidential. Iowa Rule of Electronic Procedure 16.201(1) defines confidential court records to include documents "excluded from public access by federal or state law," and Iowa Court Rule 16.602 permits the court to restrict access accordingly. Iowa Code § 602.1614(3)(1) further authorizes the court to establish access levels necessary to preserve confidentiality requirements imposed by law. Restricting the file's public access falls squarely within this authority.

**I. The Court Should Restrict the Case Filing Because It Arises from or Is Substantially Related to Confidential Proceedings of the Iowa Judicial Qualifications Commission.**

Iowa Code § 602.2103 states that notwithstanding chapter 21 and chapter 22, all records, papers, proceedings, meetings, and hearings of the commission are confidential until the Commission formally applies to the Iowa Supreme Court to retire, discipline, or remove a judicial officer or judicial branch employee. Iowa Code Ann. § 602.2103. This confidentiality mandate is absolute during the investigative and pre-application phase; it is not subject to the balancing test that governs discretionary requests.

Iowa Court Rule 52.5(1) independently requires that "all records, papers, proceedings, meetings, and hearings of the commission shall be confidential" absent a formal Supreme Court application. Iowa Ct. R. 52.5(1). Rule 52.5(4) extends this obligation to all witnesses, requiring that each "swear or affirm . . . not to disclose the existence of the proceedings or the identity of the judicial officer or employee until the proceeding is no longer confidential under these rules." Iowa Ct. R. 52.5(4). Rule 52.5(5) requires that "all communications, papers, and materials concerning any complaint which may come into the hands of a commission member shall remain confidential." Iowa Ct. R. 52.5(5).

The Iowa Judicial Branch has explained that this broad confidentiality serves two critical purposes: it allows individuals to bring concerns forward without fear of reprisal, and it protects the reputation of the subject judicial officer from unsubstantiated allegations while preserving both the integrity and the accountability of Iowa's fair and impartial court

system. Iowa Judicial Qualifications Commission, Commission Procedures, 2026, <https://www.iowajqc.gov/commission-procedures>,

The criminal case filing at issue presents a distinct and heightened risk of the precise harm Iowa Code § 602.2103 was enacted to prevent: premature public disclosure that prejudices the subject of Commission proceedings before the Commission has had any opportunity to investigate, deliberate, or act. Section 602.2103's confidentiality mandate is not limited to documents held within the Commission's own offices, it extends to all records, papers, proceedings, meetings, and hearings connected to the matter. Iowa Code Ann. § 602.2103. A criminal court filing that identifies the subject judicial officer or employee, and whose caption or contents reveal the existence of Commission proceedings, falls squarely within the conduct the statute prohibits from public disclosure. To hold otherwise would allow the statute's categorical protection to be defeated simply by accessing the underlying criminal file, accomplishing indirectly what § 602.2103 expressly forbids.

The risk of prejudice is especially acute here because a criminal filing carries an inherent presumption of negativity, unchecked public access only served to further that prejudice. If this filing remains accessible at its current security level, any member of the public, including the press, can draw a direct line between the case caption, the identified parties, and the existence of active Commission proceedings involving a judicial officer or employee. The subject would thereby suffer the full reputational consequences of a public criminal record before the Commission has made a single formal determination and before

any finding of misconduct has been issued. That is precisely the injury § 602.2103 is designed to forestall. The Legislature's decision to make confidentiality absolute during the pre-application phase reflects a deliberate policy judgment that the reputational harm flowing from premature disclosure, especially disclosure tied to a criminal filing, cannot be adequately remedied after the fact. A dismissal or exoneration comes too late to undo the stigma a public criminal record inflicts on a judicial officer's standing in the community and on public confidence in the impartiality of the court system regarding the Committee's effectiveness potentially influencing the decision.

Because no Supreme Court application has been filed, the statutory exception to confidentiality has not been triggered, and the Commission has made no formal determination. Section 602.2103 therefore operates as a categorical, non-discretionary bar to public access, one that is not subject to balancing against the general public interest in court records. Maintaining this filing at its current security level would render that bar meaningless. The appropriate remedy is to elevate the security designation of this filing to the level necessary to ensure it receives the same protection the law affords to every other record, paper, proceeding, and hearing connected to these Commission proceedings.

**II. The Court Should Restrict the Case Filing Because It Contains or Implicates Protected Medical and Mental Health Information Under Iowa Code § 22.7.**

This Court has both the statutory authority and the obligation to restrict public access to the case file to the extent it contains protected medical records. Iowa Code § 22.7(2) mandates that "hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient" shall

be kept confidential. That directive does not cease to operate simply because the records have been filed with a court. The case file at issue contains medical records that are subject to mandatory confidentiality under § 22.7(2). Maintaining open public access to the file as a whole would render the statutory protection a nullity.

Furthermore, disclosure would violate the petitioner's constitutional right to privacy. Citizens are constitutionally protected by a "zone of privacy" which generally involves the "individual interest in avoiding disclosure of personal matters." *Whalen v. Roe*, 429 U.S. 589 (1977). This constitutionally protected privacy right extends to medical information. *McMaster v. Iowa Bd. of Psychology Examiners*, 509 N.W.2d 754, 759 (Iowa 1993). Therefore, when determining whether the information sought is protected, a balancing test is utilized weighing "the privacy interest ... against such public interest as societal need for information." *Id.* When applying this test, the burden rests on the party requesting the information "to establish the need for intrusion on a person's right of privacy." *Id.* There is no societal interest that would outweigh the invasion of the petitioner's constitutional privacy interest as the public is aware of the general nature and circumstances of the offense substantiating the charge through the filing of the criminal complaint and the trial information. Thus, the requested information would violate the Petitioner's "zone of privacy" utilizing the above test and the constitutional right to privacy must give way to the right of disclosure under Chapter 22. *Varnum v. Brien*, 763 N.W.2d 862 (Iowa 2009) (concluding that statutory mandates must yield to constitutional protections)

Additionally, Iowa Code § 622.10 codifies the physician-patient privilege, reflecting the Legislature's long-standing recognition that medical communications are among the most sensitive categories of personal information and warrant heightened protection. Courts have consistently held that this privilege and the privacy interests underlying it do not evaporate upon entry into the public record, absent an affirmative judicial determination that disclosure is warranted. No such determination has been made here.

Furthermore, since the medical records are shielded by Iowa Code § 22.7(2) the courts should proactively hold the records as confidential. Because the electronic filing records incorporate protected medical information the courts should hold the filing under the same protection until the court determines the records are not confidential. To do otherwise would expose the petitioner to the grievance the statute specifically is designed to protect against. The statute states the “records shall be kept confidential, *unless* otherwise ordered by a court ...” Iowa Code Ann. § 22.7 (emphasis added). Without such an order, the records should be proactively held as confidential to avoid injury.

WHEREFORE, the Defendant respectfully requests that the Court Increase Security Level of Case to Level 5.

Respectfully Submitted,

GOURLEY, REHKEMPER,  
& LINDHOLM, P.L.C.

By: /s/ *Matthew Lindholm*

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Copy to:  
Boone County Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on May 21, 2026.

By:      U.S. Mail                      FAX  
           Hand Delivered            Overnight Courier  
           Certified Mail              E-File

Signature /s/ Emily Croll