

The Iowa Supreme Court and Open Government 2011-2026

An opinion-by-opinion study of how the 12 justices sitting on the Iowa Supreme Court during the 16-year review period after the 2010 retention election reshaped the court's composition voted in 21 access cases — with voting blocs, trends, and a full methodology.¹

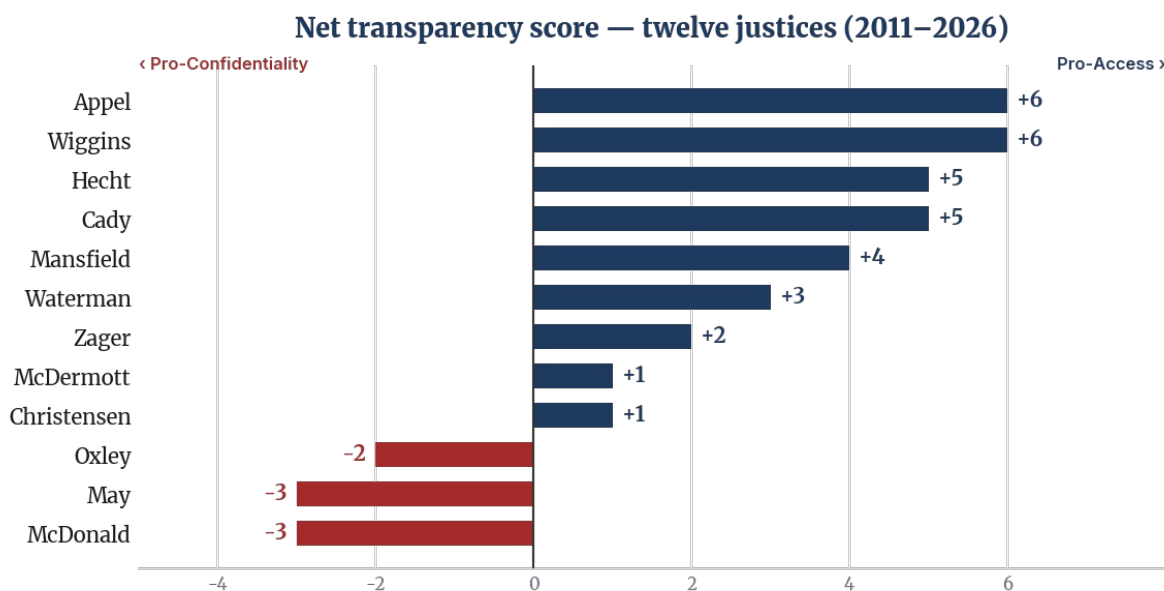


Figure 1. Net transparency score for each justice (pro-access votes minus pro-confidentiality votes), over all cases in which the justice participated. Scores are counts, not rates. Current members of the court are denoted in bold face type.

Executive Summary

As Figure 1 underscores, the Iowa Supreme Court has moved from a modest access-leaning posture to an even split on open-government outcomes, with the shift driven less

¹ **Scope.** Iowa Supreme Court reported decisions on open government — open meetings (ch. 21), open records (ch. 22), the Iowa Public Information Board (ch. 23), and court-records access — that were decided February 23, 2011, through June 30, 2026. Twenty-one decisions; 12 justices who participated in at least one. Every vote is confirmed against the opinion text; every quotation carries a pin cite.

by formal doctrine than by the voting patterns of newer justices. Whatever the cause, the current court's center of gravity is no longer access-leaning.

Across 21 open-government decisions by 12 justices over 16 years, individual scores range from Justices David Wiggins and Brent Appel at net +6 for access to Justices Christopher McDonald and David May at net -3 toward confidentiality.

The court's output has not lurched; it has quietly flattened. The mean direction of its holdings fell from +0.43 in favor of access in the 2011-2018 span under Chief Justice Mark Cady to 0.00 in the 2021-2026 era under Chief Justice Susan Christensen — an even split between access and confidentiality results.

The flattening is generational, not institutional. The three newest justices — McDonald, Dana Oxley, and May — are the only members with net-negative records, and together they form a cohesive confidentiality bloc. What has kept the court's overall results near the center is a wing of holdover justices — Edward Mansfield and Thomas Waterman, joined by Christensen and newcomer Matthew McDermott — who supply the votes that decide close cases. Think of the court as a boat that has taken on weight along one rail: it has not capsized, but it now sits level when it once leaned toward daylight.

The Court's Arc: From 'A New Age of Open Government' to an Even Split

In 2011-2013 the court decided a burst of foundational cases that read Chapter 22's openness command broadly: the presumption of disclosure (*City of Riverdale*), public access to court records (*Judicial Branch/Linn County*), the public's right to know how tax dollars are spent (*Iowa Film*), and unreasonable delay as a constructive denial (*Horsfield*). Chief Justice Cady captured the mood in dissent when he warned that a contrary result would take “a step backward from the new age of open government in this state.”

A decade later, the doctrine is unchanged, but the arithmetic is different. The Christensen-era Court still recites the presumption of openness, but it now splits evenly on outcomes — five access holdings, five confidentiality holdings, and one neutral holding in eleven decisions. The exemptions have grown teeth: driver privacy under the federal DPPA (*Milligan*), applicant privacy under §22.7(18) (*Teig v. Chavez*), and the narrow closed-session grounds of §21.5 (*Teig v. Hart*). The presumption survives; its margin does not.

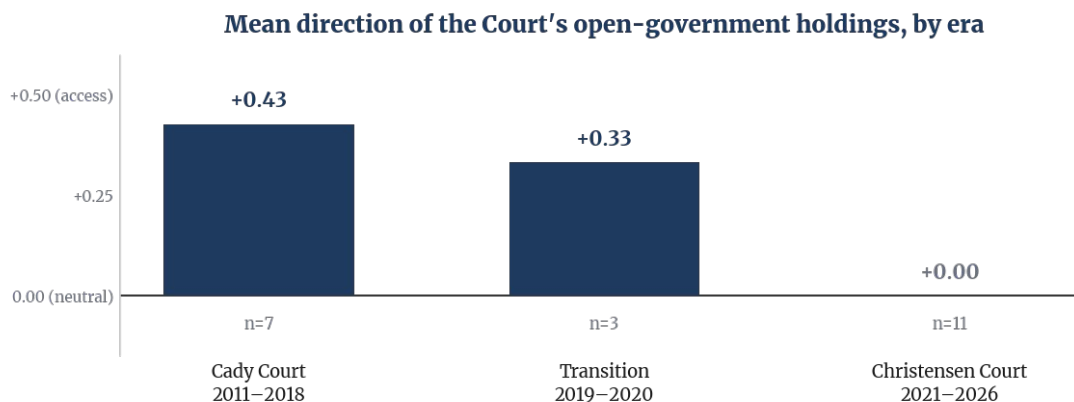


Figure 2. Mean direction of the court's open-government holdings by era (+1 = every holding favored access; -1 = every holding favored confidentiality).

Read together, the era averages show a measurable loss of access momentum rather than a wholesale reversal of open-government doctrine.

The directional turn traces in part to the 2012 decision in *ACLU Foundation of Iowa v. Atlantic Community School District*, authored by Wiggins. The 4–3 majority held employee-discipline records exempt under the §22.7(11) personnel exemption; Cady, joined by Waterman and Mansfield, dissented and would have ordered disclosure. The fighting issue in that case — the standard of review and how narrowly exemptions are construed — is exactly the ground on which today's Court divides. That change, which abandoned the practice of construing access exceptions narrowly whenever a confidentiality exemption was unambiguous, led Cady to lament that the majority “takes a step backward from the new age of open government in this state.”

He was right, but likely could not have predicted that an approach modified by Wiggins would later gain adherents in McDonald, Oxley, and May.

Across the full 2011–2026 review period, the scoring range runs from Wiggins, despite his 2012 *Atlantic Schools* ruling, and Appel, each at net +6 on the access side, to McDonald and May at net -3. Appel, writing for the court in 2012, put the traditional rule plainly: “Freedom of information acts establish a liberal policy in favor of access to public records.” Wiggins, dissenting in a 2020 driver-privacy case, would have ordered the records disclosed.

For those seeking to vindicate access rights, the study suggests that openness outcomes remain attainable, even though the current Court appears more willing to protect government defendants and confidentiality proponents. The justices who most often side with access tend to enforce the openness presumption and narrow-application standard through the statute's text — and to enforce a clearly written exemption just as faithfully.

Nevertheless, recent access victories have turned on precise statutory readings: that confidentiality for a closed police investigation is not permanent, that unexplained delay in producing records is itself a denial, and that job applications from persons already inside government are not shielded from disclosure.

A caution about small numbers: these are 21 decisions over 16 years, not a poll of thousands. Era means describe the cases that reached the court, and a single 4–3 can move an era average. The pattern is real and consistent, but it should be read as carefully counted data points, not a statistical forecast.

Every Justice, Every Case

The heat map displays the 136 scored votes. Green marks a pro-access vote (+), red a pro-confidentiality vote (–), gray a neutral vote (0); a blank cell means the justice did not sit (not yet appointed, already departed, or recused). Reading down a column shows how a single case divided the court; reading across a row is a justice's career in miniature.

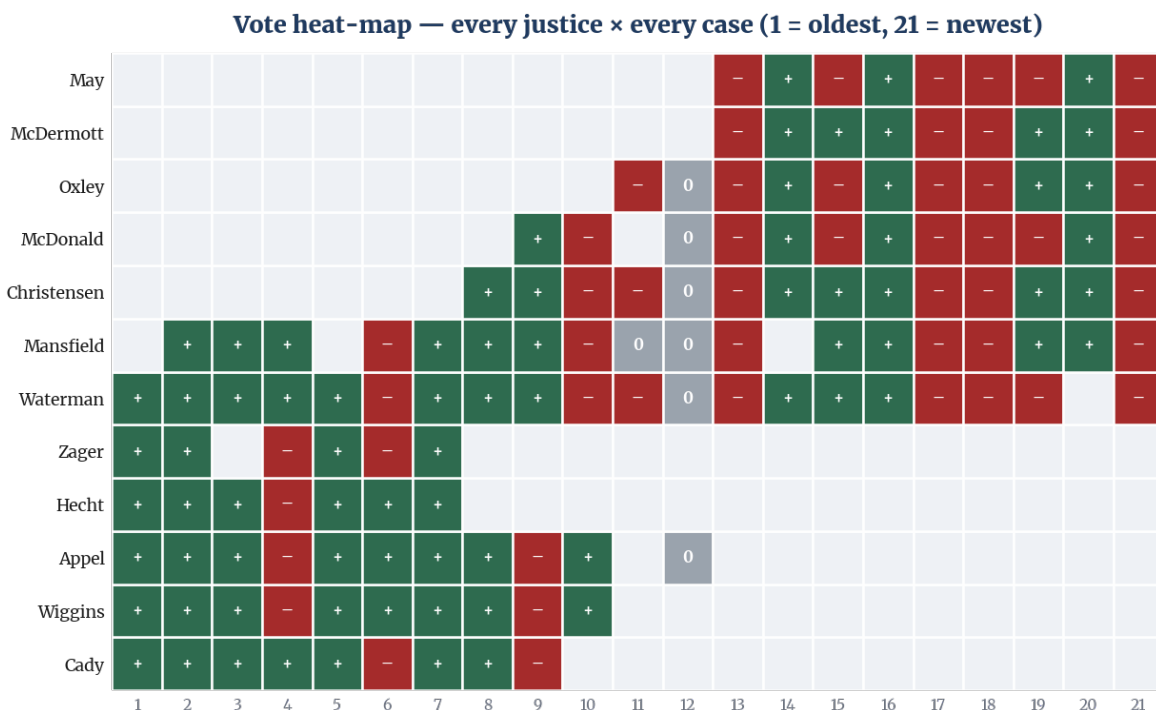


Figure 3. Vote heat-map. Columns are numbered oldest (1) to newest (21); the key below gives each case name and citation.

The heat map makes the pattern concrete by showing where close case outcomes turn on recurring alignments rather than isolated votes.

1. *City of Riverdale v. Diercks*, 806 N.W.2d 643 (Iowa 2011)
2. *Judicial Branch v. Iowa Dist. Ct. for Linn County*, 800 N.W.2d 569 (Iowa 2011)
3. *Iowa Film Prod. Servs. v. Iowa Dep't of Econ. Dev.*, 818 N.W.2d 207 (Iowa 2012)
4. *ACLU Found. of Iowa v. Atlantic Cmty. Sch. Dist.*, 818 N.W.2d 231 (Iowa 2012)
5. *Hall v. Broadlawns Med. Ctr.*, 811 N.W.2d 478 (Iowa 2012)
6. *Press-Citizen Co. v. University of Iowa*, 817 N.W.2d 480 (Iowa 2012)
7. *Horsfield Materials v. City of Dyersville*, 834 N.W.2d 444 (Iowa 2013)
8. *Mitchell v. City of Cedar Rapids*, 926 N.W.2d 222 (Iowa 2019)
9. *SEIU, Local 199 v. Iowa Bd. of Regents*, 928 N.W.2d 69 (Iowa 2019)
10. *Milligan v. Ottumwa Police Dep't*, 937 N.W.2d 97 (Iowa 2020)
11. *Polk County Assessor v. IPiB (Ripperger)*, 967 N.W.2d 540 (Iowa 2021)

12. *Klein v. Iowa Pub. Info. Bd.*, 968 N.W.2d 220 (Iowa 2021)
13. *Vaccaro v. Polk County*, 983 N.W.2d 54 (Iowa 2022)
14. *Belin v. Reynolds*, 989 N.W.2d 166 (Iowa 2023)
15. *Carver-Kimm v. Reynolds*, 992 N.W.2d 591 (Iowa 2023)
16. *Kirkwood Inst. v. Iowa Auditor of State*, 6 N.W.3d 1 (Iowa 2024)
17. *Teig v. Chavez*, 8 N.W.3d 484 (Iowa 2024)
18. *Teig v. Hart*, 28 N.W.3d 272 (Iowa 2025)
19. *Diercks v. Scott County*, 17 N.W.3d 364 (Iowa 2025)
20. *Harrison v. Mickey*, 18 N.W.3d 477 (Iowa 2025)
21. *Gausman v. Sioux City Cmty. Sch. Dist.*, No. 24-1309 (Iowa 2026)

Who Votes With Whom

The staircase matrix below gives the share of open-government cases in which each pair of current justices voted the same way. Three findings stand out, and one popular hunch does not survive.

The confidentiality bloc is real. McDonald and May agree in 100% of the cases they have both heard, and each anchors the court's confidentiality wing. **The access holdovers cluster too:** Mansfield-McDermott and Christensen-McDermott each sit at 100%, and Waterman aligns with Christensen and McDonald above 90%. **But shared pedigree is not destiny.** The intuition that the court's two “Mc” justices — McDonald and McDermott, alumni of the Belin firm as is Mansfield — would line up is wrong: they agree only 78% of the time, the lowest of McDonald's pairings. Shared clerkships track alignment better here than a shared former law firm.

Lineage, not letterhead seems more critical, and politics likely plays a part that is real but not provable from case statistics. Suffice to say, court appointees by Governors Tom Vilsack and Terry Branstad have higher transparency scores than those of Governor Kim Reynolds, who found herself on the losing secrecy side in the *Belin v. Reynolds* decision in 2023.

And, in the small world department, the plaintiff in that case was Laura Belin, daughter of the named partner in the law firm where Mansfield, McDonald, and McDermott practiced as partners.

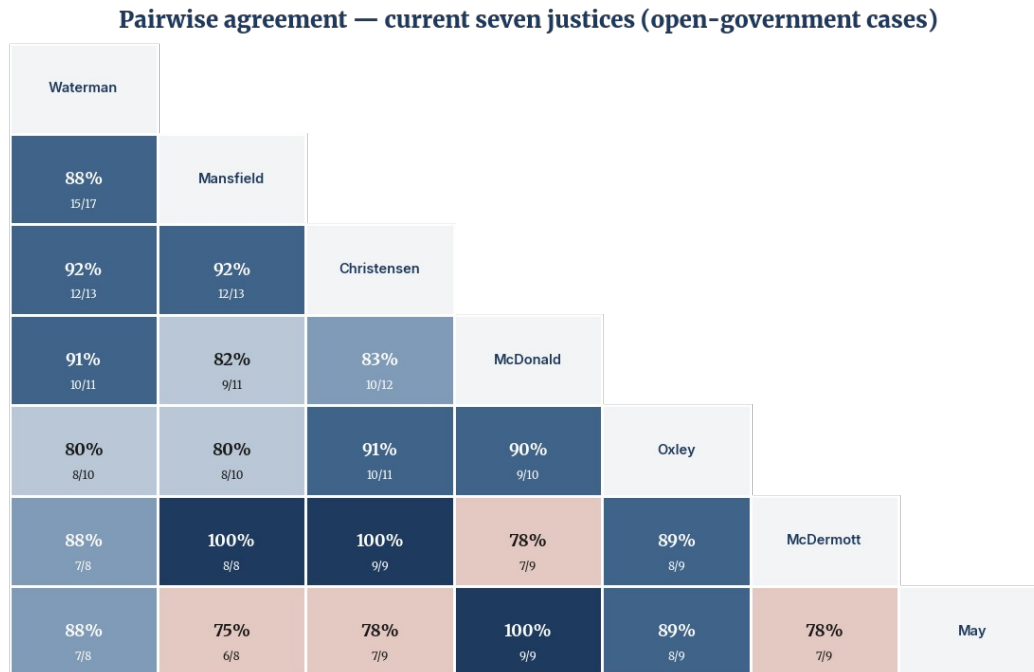


Figure 4. Pairwise agreement among the seven sitting justices, over the open-government cases both participated in (fraction shown beneath each percentage). Because some pairs share as few as eight cases, treat these as directional, not decisive.

The agreement matrix reinforces the bloc analysis while warning that small shared-case counts should be read directionally, not as firm predictions.

Methodology

Coding rule. Each participating justice's vote is coded for the direction of the access holding: +1 where the vote favors disclosure or open proceedings, −1 where it favors confidentiality or closure, and 0 where the holding is procedural or mixed with no net direction. A justice in the majority takes the holding's direction; a dissenter takes the opposite; a special concurrence takes the result's direction; a concurrence in part / dissent in part is coded on its open-government component; a recused justice is excluded. A justice's net score is the count of +1 votes minus the count of −1 votes.

Direction, not motive. The coding records what a vote did to public access, not why a justice cast it. A decision is coded +1 because its holding favored disclosure, full stop — the study makes no claim about a justice's philosophy, politics, or the identity or aims of the litigants. For example, *Kirkwood Institute v. Iowa Auditor of State* (2024) is coded +1 because the holding favored access; nothing in the coding speaks to the parties who brought it or the setting in which it arose.

Verification. Every vote was confirmed against the opinion — via the full text on Google Scholar and the verified copies in the IFOIC case library — and each quotation in the individual profiles is reproduced verbatim with a pin cite to the North Western Reporter. Where an abridged copy conflicted with the official opinion, the official opinion controlled.

Limits. While the study sample of 21 decisions over 16 years surveys most, if not all, of the court's open-government output in this window, the universe is too small for reliable statistical inference. Agreement percentages rest on as few as eight shared cases for some pairs. The figures are best read as a recounting of what happened, not a model of what will.

How This Differs From an Off-the-Shelf Answer

A general-purpose chatbot, asked how the Iowa Supreme Court leans on open government, will offer a fluent paragraph and a few remembered case names. This study is a different kind of product. Every one of the 136 votes is tied to a specific opinion and confirmed against its text; every pull quote carries a reporter pin cite; the blocs and era trends are counted, not intuited; and where earlier coding was wrong, the error is disclosed rather than smoothed over. The goal is not a verdict, but an evidentiary record a reporter or lawyer can check line by line.

Prepared by the Iowa Freedom of Information Council, Judicial Transparency Study. Portions of the analysis were prepared with the assistance of artificial intelligence and verified against primary sources; see the AI-use disclosure at [IFOIC.info](https://ifoic.info).

APPENDIX A

Appendix A — Vote Breakout by Case

The justice-by-justice record behind Figure 3. For each of the twenty-one decisions, this appendix restates the holding's access direction and lists how every participating justice voted — the same coding shown in the heat map, set out in words so any single cell can be traced to the opinion.

How to read this appendix. Each vote is coded for the direction of the access holding: Access (+1) where the vote favored disclosure or open proceedings, Confidentiality (–1) where it favored closure, and Neutral (0) where the holding was procedural or mixed with no net direction. A justice in the majority takes the holding's direction; a dissenter takes the opposite; a concurrence in part / dissent in part is coded on its open-government component; a justice who did not sit — not yet appointed, already departed, or recused — is excluded (a blank cell in the heat map). Every vote is confirmed against the opinion text.

Vote Breakout, Case by Case

1	City of Riverdale v. Diercks 806 N.W.2d 643 (Iowa 2011) Access (+6) Cady, Wiggins, Appel, Hecht, Zager, Waterman Did not sit Mansfield
2	Judicial Branch v. Iowa Dist. Ct. for Linn County 800 N.W.2d 569 (Iowa 2011) Access (+7) Cady, Wiggins, Appel, Hecht, Zager, Waterman, Mansfield
3	Iowa Film Prod. Servs. v. Iowa Dep't of Econ. Dev. 818 N.W.2d 207 (Iowa 2012) Access (+6) Cady, Wiggins, Appel, Hecht, Waterman, Mansfield Did not sit Zager
4	ACLU Found. of Iowa v. Atlantic Cmty. Sch. Dist. 818 N.W.2d 231 (Iowa 2012) Access (+3) Cady, Waterman, Mansfield Confidentiality (–4) Wiggins, Appel, Hecht, Zager
5	Hall v. Broadlawns Med. Ctr. 811 N.W.2d 478 (Iowa 2012) Access (+6) Cady, Wiggins, Appel, Hecht, Zager, Waterman Did not sit Mansfield
6	Press–Citizen Co. v. University of Iowa 817 N.W.2d 480 (Iowa 2012) Access (+3) Wiggins, Appel, Hecht Confidentiality (–4) Cady, Zager, Waterman, Mansfield

7

ACCESS

Horsfield Materials v. City of Dyersville

834 N.W.2d 444 (Iowa 2013)

Access (+7) Cady, Wiggins, Appel, Hecht, Zager, Waterman, Mansfield

8

ACCESS

Mitchell v. City of Cedar Rapids

926 N.W.2d 222 (Iowa 2019)

Access (+6) Cady, Wiggins, Appel, Waterman, Mansfield, Christensen

9

ACCESS

SEIU, Local 199 v. Iowa Bd. of Regents

928 N.W.2d 69 (Iowa 2019)

Access (+4) Waterman, Mansfield, Christensen, McDonald

Confidentiality (-3) Cady, Wiggins, Appel

10

CONFID.

Milligan v. Ottumwa Police Dep't

937 N.W.2d 97 (Iowa 2020)

Access (+2) Wiggins, Appel

Confidentiality (-4) Waterman, Mansfield, Christensen, McDonald

11

CONFID.

Polk County Assessor v. IPiB (Ripperger)

967 N.W.2d 540 (Iowa 2021)

Confidentiality (-3) Waterman, Christensen, Oxley

Neutral (0) Mansfield

Did not sit Appel, McDonald, McDermott

12

NEUTRAL

Klein v. Iowa Pub. Info. Bd.

968 N.W.2d 220 (Iowa 2021)

Neutral (0) Appel, Waterman, Mansfield, Christensen, McDonald, Oxley

Did not sit McDermott

13

CONFID.

Vaccaro v. Polk County

983 N.W.2d 54 (Iowa 2022)

Confidentiality (-7) Waterman, Mansfield, Christensen, McDonald, Oxley, McDermott, May

14

ACCESS

Belin v. Reynolds

989 N.W.2d 166 (Iowa 2023)

Access (+6) Waterman, Christensen, McDonald, Oxley, McDermott, May

Did not sit Mansfield

15

ACCESS

Carver-Kimm v. Reynolds

992 N.W.2d 591 (Iowa 2023)

Access (+4) Waterman, Mansfield, Christensen, McDermott

Confidentiality (-3) McDonald, Oxley, May

16

ACCESS

Kirkwood Inst. v. Iowa Auditor of State

6 N.W.3d 1 (Iowa 2024)

Access (+7) Waterman, Mansfield, Christensen, McDonald, Oxley, McDermott, May

17

CONFID.

Teig v. Chavez

8 N.W.3d 484 (Iowa 2024)

Confidentiality (-7) Waterman, Mansfield, Christensen, McDonald, Oxley, McDermott, May

18

CONFID.

Teig v. Hart

28 N.W.3d 272 (Iowa 2025)

Confidentiality (-7) Waterman, Mansfield, Christensen, McDonald, Oxley, McDermott, May

19

ACCESS

Diercks v. Scott County

17 N.W.3d 364 (Iowa 2025)

Access (+4) Mansfield, Christensen, Oxley, McDermott**Confidentiality (-3)** Waterman, McDonald, May

20

ACCESS

Harrison v. Mickey

18 N.W.3d 477 (Iowa 2025)

Access (+6) Mansfield, Christensen, McDonald, Oxley, McDermott, May

Did not sit Waterman

21

CONFID.

Gausman v. Sioux City Cmty. Sch. Dist.

No. 24-1309 (Iowa 2026)

Confidentiality (-7) Waterman, Mansfield, Christensen, McDonald, Oxley, McDermott, May**Source and verification.**

Every alignment above was coded from the deciding court's own opinion — the majority, any concurrences, and any dissents — via the full text on Google Scholar and the verified copies in the IFOIC case library, and it reproduces the coding shown in Figure 3 of the study. Where an abridged copy conflicted with the official opinion, the official opinion controlled. The net-score totals derived from this table match those reported in the study: Justices Wiggins and Appel at net +6 on the access side; Justices McDonald and May at net -3 on the confidentiality side; 136 scored votes across twenty-one decisions.