



KIM REYNOLDS  
GOVERNOR

**OFFICE OF THE GOVERNOR**

ADAM GREGG  
LT GOVERNOR

June 1, 2023

The Honorable Paul Pate  
Secretary of State of Iowa  
State Capitol  
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit Senate File 563, an Act relating to the judicial branch, including appropriations to the judicial branch, apportionment of district associate judges, video recordings, noncontract attorney appointment, and contracting authority.

When individuals charged with a crime are without the financial means to hire their own legal counsel, the government is required to provide them with an attorney. The State Public Defender (“SPD”) has primary responsibility to provide such representation. If a conflict arises or the SPD lacks the necessary resources, then a private attorney with a contract with the SPD is appointed. When both the SPD or private contract attorneys cannot provide representation, judges can appoint a private attorney in the area, or as the Code provides, a “noncontract attorney.”

Section 8 of Senate File 563 would require a noncontract attorney’s consent before being appointed to represent an indigent individual. Proponents of this legislation argue that representing indigents will cause financial burdens not seen in other licensed professions. But the constitutional right to counsel cannot be so easily subverted. All attorneys owe a duty to the legal profession to accept such an appointment if needed. And of course, this change creates the possibility that if no attorneys consent, indigent individuals will be left without legal representation. *That* possibility would truly bring about the crisis forewarned by some.

Attorneys should be encouraged to contract with the SPD, and I am proud to approve an hourly rate increase for those attorneys in Senate File 562. I also applaud the efforts of our voluntary bar association to recruit attorneys to contract with the SPD. If successful, those efforts would eliminate the need for Section 8 of Senate File 563, as noncontract attorneys are only appointed as a last resort.

For these reasons, I respectfully disapprove Senate File 563 in part, only as specified above, in accordance with Article III, Section 16 of the Iowa Constitution of the State of Iowa. The remainder of Senate File 563 not disapproved as stated herein is approved on this date.

Sincerely,

A handwritten signature in black ink that reads "Kim Reynolds".

Kim Reynolds  
Governor of Iowa

cc: Secretary of the Senate  
Clerk of the House