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UI employee files for new trial against former dean of College of Law

By: *Brent Griffiths* - NOVEMBER 26, 2012

A former teaching candidate for the University of Iowa has filed for a new trial in her lawsuit against the former dean of the UI College of Law, according to online federal court documents.

Teresa Wagner, a part-time employee at the law school's writing resource center, was denied full-time employment in 2006. She first filed a lawsuit against Carolyn Jones in January 2009 alleging she was not hired because of her conservative political beliefs and past work for conservative organizations.

On Oct. 24, a jury found that found Wagner did not have her First Amendment rights violated, but it was unable to reach a consensus on if she was denied equal protection under the 14th Amendment.

In the filing, Wagner's lawyer, Stephen Fieweger, disputes the verdict the jury reached, and he has moved for a new trial on both counts. According to Fieweger's motion, "[U.S. Magistrate Judge Thomas] Shields declared a mistrial and excused/discharged this jury, he had no discretion to reconvene the jury to accept some alleged [and unsigned verdict]."

Initial reports have indicated a mistrial on both counts, but according to court records, Shields reconvened the jury after he failed to ask if the mistrial applied to both counts. He was then told by the head of the jury that a verdict had been reached in favor of Jones on one count.

The motion, among other concerns, also takes alleged restrictions to jury questioning before the trial by saying the court did not allow Fieweger to ask potential jurors about their positions on same sex marriage and abortion, which was "highly relevant" to the case.

Wagner had worked for the National Right to Life Committee, which opposes abortion and euthanasia, and the Family Research Council, which opposes same-sex marriage, before applying for the UI job.

One national expert said a finding in favor of Wagner would affect universities nationwide.

“A broad decision in her favor would cause us to lose the separation even state universities have from the government ... something that’s been going back centuries,” Walter Olson, a senior fellow with the Cato Institute previously told **The Daily Iowan** “It will make universities more bureaucratic than they already are ... to like someone, that’s hard to separate from politics.”