

**IN THE COURT OF APPEALS OF IOWA**

No. 8-682 / 08-0298  
Filed September 17, 2008

**IN THE MATTER OF J.R.L.,  
Alleged to be Seriously  
Mentally Impaired,**

**IN THE MATTER OF J.R.L.,  
Alleged to be a Chronic  
Substance Abuser,**

**J.R.L.,**  
Respondent-Appellant.

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Appeal from the Iowa District Court for Woodbury County, John D. Ackerman, Judge.

J.R.L. appeals her involuntary commitment under Iowa Code chapters 125 and 229 based on serious mental impairment and chronic substance use.

**APPEAL DISMISSED.**

Kendra M. Olson, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Gretchen Kraemer, Assistant Attorney General, Patrick Jennings, County Attorney, and Loan Hensley, Assistant County Attorney, for appellee State.

Considered by Sackett, C.J., and Miller and Potterfield, JJ.

**POTTERFIELD, J.****I. Background Facts and Proceedings**

J.R.L. is a fifty-nine year old medical doctor. She struggles with several serious medical issues, including cardiac and respiratory issues. The hospital where Dr. L was receiving asthma treatments contacted her adult children about seeking an order for involuntary hospitalization.

On January 7, 2008, Dr. L's two children filed petitions seeking commitment of their mother based on serious mental impairment and chronic substance abuse under Iowa Code sections 229.12 and 125.82 (2007). At a hearing on the issue, Dr. L's two children and brother testified as to her serious mental impairment and chronic substance use. On January 17, 2008, the court found that Dr. L was seriously mentally impaired and a chronic substance abuser by clear and convincing evidence and ordered Dr. L to outpatient treatment.

As of June 6, 2008, the commitment was discharged because Dr. L had successfully completed treatment. Dr. L now appeals the decision of the district court, arguing that the evidence was insufficient to support the findings that she was seriously mentally impaired and a chronic substance abuser.

**II. Merits**

One principle of judicial restraint is that courts do not decide cases when the underlying controversy is moot. *Rhiner v. State*, 703 N.W.2d 174, 176 (Iowa 2005). "A case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent." *Baker v. City of Iowa City*, 750 N.W.2d 93, 97 (Iowa 2008). The test to determine if a case is moot is whether an opinion would be of force or effect in the underlying controversy. *Iowa Mut. Ins.*

*Co. v. McCarthy*, 572 N.W.2d 537, 540 (Iowa 1997). Because Dr. L has been discharged, our decision would have no effect on the underlying action; thus, the case is moot.

However, we will consider moot issues on appeal under certain circumstances. In deciding whether to review a moot issue, we consider four factors: (1) the private or public nature of the issue; (2) the desirability of an authoritative adjudication to guide public officials in their future conduct; (3) the likelihood of the recurrence of the issue; and (4) the likelihood the issue will recur yet evade appellate review. *State v. Hernandez-Lopez*, 639 N.W.2d 226, 235 (Iowa 2002).

The Iowa Supreme Court has held that “[t]he procedural aspects of an involuntary civil commitment hearing are of great public importance.” *In re T.S.*, 705 N.W.2d 498, 502 (Iowa 2005) (citing *In re M.T.*, 625 N.W.2d 702, 705 (Iowa 2001)). The Supreme Court exercised its discretion to reach the merits of the issue presented by the appellants in *In re M.T.* and *In re T.S.* because both were statutory procedural issues that were likely to reoccur. See *In re M.T.*, 625 N.W.2d 702; *In re T.S.*, 705 N.W.2d 498. Dr. L., on the other hand, asks us to make a finding as to the sufficiency of the evidence, which is very specific to her case. These particular evidentiary questions are unlikely to reoccur in the same context. In addition, guidance as to evidentiary matters is already provided by Iowa Code sections 125.82(4) and 229.12(3) (2007). Dr. L does not claim that an adjudication would guide public officials in their future conduct, but only that it would benefit her standing with the medical board.

Because the only issue on appeal has been rendered moot, we dismiss the appeal.

**APPEAL DISMISSED.**