

**PERSONAL DATA QUESTIONNAIRE  
FOR IOWA STATE JUDICIAL NOMINATING COMMISSION  
Adopted December, 2010**

**NOTE TO APPLICANTS: On advice of legal counsel, the Commission will treat the responses to this questionnaire as a public record available upon request for public examination. If you believe you cannot fully respond to a question without disclosing information that is confidential under state or federal law, please submit that part of your answer with the legal basis for confidentiality on a separate sheet that you mark confidential.**

In answering these questions, please repeat each question and place your answer immediately beneath it. Send your completed questionnaire to the Commission's Secretary and each member of the Commission as soon as possible since it is a prerequisite to consideration of your candidacy.

1. State your full name:

**Christopher Lee McDonald.**

2. State your current occupation/title (Lawyers identify name of firm, organization, or government agency; judicial officers identify court):

**Judge of the District Court, Fifth Judicial District of Iowa.**

3. Age:

**38.**

4. City of your residence:

**Des Moines, Iowa.**

5. State the periods of your military service, if any, including active duty, reserves or other status. Give the date, branch of service, your rank or rating and your present status.

**Not applicable.**

6. List each college and law school you attended, including the dates of attendance, the degree awarded, and your reason for leaving each school if no degree from that institution was awarded.

**University of Iowa, Iowa City, Iowa, 1992-1994. I left the University of Iowa to serve a one-year appointment as the policy debate coach at Abraham Lincoln High School, Des Moines, Iowa.**

**American Institute of Business, Des Moines, Iowa, 1995. I attended American Institute of Business to continue to earn credits while serving as the policy debate coach at Abraham Lincoln High School. When my appointment at Abraham Lincoln High School expired at the end of the academic year, I transferred to Grand View University to complete my undergraduate studies.**

**Grand View University, Des Moines, Iowa, 1995-1997, B.A.**

**University of Iowa College of Law, Iowa City, Iowa, 1998-2001, J.D., with highest distinction.**

7. List all courts in which you are presently admitted to practice, including the dates of admission in each case. Give the same information for administrative bodies having special admission requirements.

- **Iowa, 2001**

8. Describe chronologically your work experience, including your law practice experience, including with respect to your law experience:

- Whether you served as a clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk.
- Whether you practiced alone, and if so, the addresses and the dates.
- The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each.
- Any other relevant particulars.

**Policy Debate Coach, Abraham Lincoln High School, 2600 S.W. 9<sup>th</sup> Street, Des Moines, Iowa, 1994-1995. I served a one-year appointment as the Policy Debate Coach at Abraham Lincoln High School, reporting to Carole Dickey, Forensics Department. I was responsible for preparing approximately twenty students for state and national inter-scholastic competition, including supervising research, writing, and oral argument.**

**Trial Clerk, Civil Division, The Iowa District Court in and for Polk County, 500 Mulberry Street, Des Moines, Iowa, 1995-1998. I served in this position full time while completing my undergraduate studies at Grand View University on nights and weekends. I reported directly to Sandy Locke. In this position, I performed administrative work for the civil division, including case intake, docketing, processing orders and executions, file preparation for judges and court personnel, and other miscellaneous tasks.**

**Research Assistant, Professor James J. Tomkovicz, University of Iowa College of Law, 130 Byington Road, Iowa City, Iowa, 1998-2001. I performed legal research, writing, editing, and case analysis at the direction of Professor James J. Tomkovicz, including support of the publication of Professor Tomkovicz's casebook *Criminal Procedure: Constitutional Constraints Upon Investigation and Proof* (Lexis Publishing); his treatise *The Right to the Assistance of Counsel* (Greenwood Press 2002); and the preparation of amicus briefs filed on behalf of the National Association of Criminal Defense Lawyers and the American Civil Liberties Union in Supreme Court cases *Kyllo v. United States* and *Florida v. J.L.***

**Summer Associate, Davis Brown Law Firm f/k/a Davis, Brown, Koehn, Shors & Roberts, 215 10<sup>th</sup> Street, Suite 1300, Des Moines, Iowa, 2000. I served as a summer associate at the firm and received an offer of employment.**

**Judicial Law Clerk, Chief Judge David R. Hansen, United States Court of Appeals for the Eighth Circuit, United States Courthouse, Cedar Rapids, Iowa, 2001-2003. I performed legal research, writing, and case analysis at the direction of Judge Hansen in support of the adjudication of civil, criminal, and bankruptcy appeals as well as performing administrative tasks related to the administrative panels of the United States Court of Appeals for the Eighth Circuit.**

**Attorney, Faegre & Benson LLP n/k/a Faegre Baker Daniels, 801 Grand Avenue, Suite 3300, Des Moines, Iowa, August 2003-March 2006. My practice focused on: litigation; general commercial litigation; internal investigation in response to regulatory inquiry, including the Securities and Exchange Commission and different State Attorneys General; securities litigation; securities arbitration under the NASD (now FINRA); employment litigation; and employment counseling.**

**Member, Belin McCormick, P.C., 666 Walnut Street, Suite 2000, Des Moines, Iowa, March 2006-May 2010. My practice focused on: general commercial litigation; internal investigation in response to regulatory inquiry; asset identification and recovery in the case of employee malfeasance; employment litigation; and the provision of employment counseling and advice.**

**Senior Counsel - Litigation, Aviva USA Corporation, 7700 Mills Civic Parkway, West Des Moines, Iowa, May 2010-2012. I provided legal advice and representation regarding litigation matters to the United States subsidiary of the world's fifth-largest insurance carrier by premium. My work was national in scope, including: class/mass action litigation; multi-district litigation proceedings; complex civil litigation in federal courts, state courts, and administrative agencies; and internal investigation in response to regulatory inquiry. In addition to the litigation function, I also advised and represented the company on a wide range of legal issues, including, but not limited to employment law, employee benefits, legal hold, document retention, and contract.**

**Judge of the District Court, Fifth Judicial District of Iowa, 500 Mulberry Street, Des Moines, Iowa, 2012-present. I currently serve as a judge of the district court in the Fifth Judicial District of Iowa. This is a court of general jurisdiction, and I have responsibility for adjudicating and presiding over all matters, including, but not limited to, civil matters, criminal matters, family law matters, and administrative appeals.**

9.
  - a. What has been the general character of your legal experience, dividing it into periods with dates if its character has changed over the years?
  - b. Generally describe your typical clients, and mention the areas, if any, in which you have focused.

**My legal experience has changed fairly significantly. From 1995-2003, while serving as a Trial Clerk, Research Assistant, and Judicial Law Clerk, I supported the courts in an administrative capacity at the district court level, and in both an administrative and substantive capacity at the appellate court level. At the district court, I was able to learn all facets of the civil process, from case-intake, judge assignment, motion practice, jury selection, judgment, and appeal. At the appellate level, at Judge Hansen's direction, I provided support in the administrative matters of the Court of Appeals. I also provided substantive research, writing, and case analysis, at Judge Hansen's direction, in support of adjudicating the matters pending before the court. During this time, I was able to observe and evaluate approximately two hundred appellate court arguments.**

Upon commencing my clerkship through approximately 2007-2008, I had a litigation practice, including antitrust and securities litigation, as well as an employment and employment-related (e.g., trade secrets, non-compete agreements) litigation practice. Representative clients during this time ranged from large, national employers (e.g., Principal Financial Group, Wells Fargo & Co., Walgreen Co., OldCastle Materials, Tyson Fresh Meats, Gannett) to smaller, privately-held companies (e.g., Vanmark Corporation, ABC Virtual, Seneca Companies). In both lead counsel and supporting counsel roles, my litigation practice involved evidentiary hearings before administrative tribunals, administrative appeals, trials for preliminary injunctive relief, dispositive motion practice, arbitration, mediation, and trial.

By 2007-2008, while at Belin McCormick, a significant percentage of my practice consisted of non-litigation matters. Almost all of my non-litigation work fell into two categories: (1) the provision of counsel and advice on employment matters to smaller, closely-held companies; and (2) internal investigation. My internal investigation work generally related to three areas: (1) investigation and asset recovery actions in the case of employee malfeasance; (2) internal investigation and response to regulatory authorities (e.g., Office of the Attorney General); and (3) internal investigation and advice in response to employee complaints.

In 2010, I transitioned to a house counsel position with Aviva USA Corporation. In the United States, Aviva is a leading provider of life insurance and annuity products. As Senior Counsel, I had responsibility for three primary areas: (1) managing and representing the company in a complex multi-jurisdictional litigation practice in federal and state courts throughout the United States involving a broad variety of substantive law, including, but not limited to probate, tax, contract, and consumer fraud; (2) advising the client with respect to employment law and employee benefits matters; and (3) interfacing with regulatory authorities in adversarial or potentially adversarial proceedings.

In 2012, I commenced my current service as a judge of the district court. This is a position with general jurisdiction over all matters that can be filed in the district court. In this position, I have responsibility for adjudicating and presiding over criminal matters, civil matters, family law matters, and administrative appeals.

10. With respect to your legal experience:
  - a. Did you appear in court or other tribunals regularly, occasionally or not at all? If the frequency of your appearances has varied during this period, describe each such variance, giving the dates thereof.
  - b. What percentage of these appearances was in:
    - i. Federal courts
    - ii. State courts of record
    - iii. Other tribunals
  - c. What percentage of your litigation was:
    - i. Administrative
    - ii. Civil
    - iii. Criminal
  - d. State the approximate number of cases or contested matters you tried to conclusion

(rather than settled) within the last 10 years, indicating whether you were sole counsel, chief counsel, or associate counsel.

- e. What percentage of these trials were:
  - i. Jury
  - ii. Non-jury
- f. Describe to what extent your practice has been in areas other than appearances before courts or other tribunals. State the nature of your practice, including the approximate percentage of time spent in each area of practice.

**In my current position, 100% of my work is performed in the state district court adjudicating and presiding over civil matters, criminal matters, family law matters, and administrative appeals. The day-to-day work includes, but is not limited to, civil jury and bench trials, criminal jury and bench trials, the taking of criminal pleas, criminal sentencing, family law trials, deciding administrative appeals, and hearing and ruling on non-dispositive and dispositive motions.**

**While in private practice, I appeared in court or other tribunals occasionally. Of my appearances in contested matters, approximately twenty percent were in federal court, fifty percent were in state court, and thirty percent were in other tribunals or forums. All of the contested matters in which I have appeared were civil or administrative in nature, and the nature of my appearance (whether as supervising, chief, sole, or associate counsel) varied. In these cases, I litigated approximately 30 cases to conclusion by jury trial, bench trial, arbitration, or dispositive motion practice.**

- 11. Describe three of the most significant legal matters which you have personally handled. If they were litigated matters, give the citations if available. Give a capsule summary of the substance of each matter, and a succinct statement of what you believe to be the particular significance of it. Identify the party or parties whom you represented; describe in detail the nature of your participation and its outcome. State as to each matter (a) the dates of your involvement, (b) the individual name and address of co-counsel and of counsel for each of the other parties, and (c) as to any litigated matter, the name of the court and the judge before whom the case was tried. If the matter was confidential, please avoid the use of any information that may allow disclosure of the identity of the parties.

- a. **Chaney, et al. v. City of Des Moines, No. LACL 110690, Iowa District Court in and for Polk County, rev'd by Chaney v. City of Des Moines, 797 N.W.2d 621 (Iowa Ct. App. 2011).**

**This case involved the authority of the City of Des Moines ("the City") to regulate taxicab service. Des Moines Municipal Ordinance Chapter 126 ("the Ordinance") prohibited any person from operating a taxicab service within city limits without first obtaining a license and a certificate of convenience and necessity. As a prerequisite to obtaining the required certificate and license, however, an applicant was required to have a fleet of eight vehicles and ten drivers prior to commencing operation. The capital costs of establishing a vehicle fleet prior to being able to conduct business effectively precluded any competition in the marketplace. Only one company (operating under two brands) was licensed to provide service in the City.**

**In the spring of 2008, I learned of two former marines, William Chaney and Eric**

Tracey, seeking to establish taxicab service within the City but who were unable to do so because the City refused to lower the fleet and driver size requirements. I agreed to represent them, on a pro bono basis, in a constitutional and statutory challenge to the Ordinance. On July 10, 2008, we commenced suit against the City, seeking to enjoin the City from enforcing the Ordinance on the grounds that (1) the Ordinance was preempted by state law and (2) violated federal and state constitutional rights to due process, equal protection, and the Inalienable Rights Clause of the Iowa Constitution. After hearing argument on cross motions for summary judgment, on June 29, 2009, Judge Stovall granted summary judgment and enjoined enforcement of the Ordinance against the clients on the ground that the Ordinance was preempted by the Iowa Motor Carrier Act, Iowa Code Chapter 325. Ultimately, that judgment was lost on appeal after the City amended the Ordinance to lower the fleet and driver size requirements and after the City and the Iowa Department of Transportation successfully sought amendment to Chapter 325 in the next session of the General Assembly.

I write about this case because it is personally significant. Although the judgment was lost on appeal, it was a good result for the clients, who were able to establish and grow their business to sufficient size to meet the new requirements. Equally significant was forcing a change in a law that served only to protect an entrenched business interest to the detriment of the citizens of Des Moines. There are now four companies providing service to the Citizens of Des Moines. Finally, it seemed unjust that two men who served their country were nonetheless forced to fight on their own, in this case, literally, City Hall for the right to earn a living without unnecessary interference.

I served as lead counsel in litigating this matter until May 2010, when I transitioned to Aviva USA. My co-counsel in this matter were as follows: William Ortman, formerly at Belin McCormick, P.C., and now at Weinhardt & Logan, 2600 Grand Avenue, Suite 210, Des Moines, Iowa 50312; and Todd Lantz, Belin McCormick, P.C., 666 Walnut Street, Suite 2000, Des Moines, Iowa 50309.

Opposing counsel was Bruce Bergman, City Attorney, and Steven Lussier, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309.

- b. **Quick v. EMCO Enterprises**, No. LACL 103108 (Iowa District Court in and for Polk County), **aff'd** by 2009 WL 5126144 (Iowa Ct. App. 2009). Also reported in 251 F.R.D. 371 (S.D. Iowa 2008).

On August 30, 2006, Plaintiff David Quick filed suit against EMCO Enterprises, a manufacturer of storm doors. Quick alleged that EMCO and certain supervisors discriminated against and harassed him in violation of the Iowa Civil Rights Act ("ICRA") and the Des Moines Human Rights Ordinance ("DMHRO"). I defended EMCO in the suit.

On January 16, 2009, Judge Scott Rosenberg granted summary judgment on all counts in favor of EMCO. The significance of the case relates to the district court's holding regarding Quick's claim arising under the DMHRO. EMCO argued, and the district court ultimately agreed, that the district court lacked jurisdiction to hear in the first instance a private cause of action arising under the DMHRO. The district court

reasoned that the Home Rule Act prohibition against municipalities enacting “private or civil law governing civil relationships” preempted the ICRA and DMHRO’s apparent authorization of the same and thus prohibited Quick from pursuing a private cause of action in district court.

I served as lead counsel at the district court and on appeal. My co-counsel was James R. Swanger, Belin McCormick, P.C., 666 Walnut Street, Suite 2000, Des Moines, Iowa 50309.

Opposing counsel in this matter were: Paige Fiedler, now with Fiedler & Timmer, 2900 – 100<sup>th</sup> Street, Suite 209, Des Moines, Iowa 50322; and Jill Zwagerman, now with Newkirk Law Firm, 513 East Locust Street, Suite 300, Des Moines, Iowa 50309.

- c. **Michael v. Nuckolls Concrete Services, Inc.**, No. CL 105855 (Iowa District Court in and for Polk County), **aff’d by 760 N.W.2d 210** (Iowa Ct. App. 2008).

Plaintiff Michael brought suit on February 22, 2007, against his former employer Nuckolls Concrete Services, Inc., and its workers’ compensation insurance carrier Liberty Mutual Insurance Company, alleging that Nuckolls terminated his employment in retaliation for seeking workers’ compensation benefits in violation of public policy and that Liberty Mutual acted in bad faith in the administration of his claim. I defended Nuckolls Concrete in this matter.

On March 11, 2008, Judge Karen Romano granted Nuckolls Concrete’s motion for summary judgment as to all counts. Of significance, the court adopted an exception to the tort of wrongful discharge in violation of public policy, holding that the tort was not available to persons not employed at will. Plaintiff Michael voluntarily dismissed his appeal of this matter as to Nuckolls Concrete but pursued his appeal as to Co-Defendant Liberty Mutual.

Opposing counsel in this case was Linda Channon Murphy, 309 Court Avenue, Des Moines, Iowa 50309. Counsel for Liberty Mutual Insurance Company was Patrick McNulty, Grefe & Sidney, 500 East Court Avenue, Suite 200, Des Moines, Iowa 50309.

12. a. Have you ever held judicial office? If so, give dates and details including the courts involved, whether elected or appointed, periods of service, and a description of the jurisdiction of each of such courts with any limitations upon the jurisdiction of each court.

**Yes. In May 2012, I was appointed as Judge of the District Court for the Fifth Judicial District of Iowa. The district court is a court of general jurisdiction. I primarily work in the District Court in and for Polk County. The position is an appointed position subject to retention election.**

- b. If during the preceding five years you have been subject to the reporting requirements of Court Rule 22.10, answer the following and provide an explanation of the reasons for any delay:

- i. Have you filed timely rule 22.10 reports (due on the tenth day of each month)?

**Yes.**

ii. How many matters have you taken under advisement for longer than 120 days?

**I have had four matters under advisement for longer than 120 days.**

**Two of the matters were taken under advisement for a longer period of time due to the procedural and substantive complexity of the cases and/or the magnitude of damages sought. The first matter involved a putative class action brought by members and former members of IPERS against the State of Iowa and others arising out of and related to the alleged misfeasance and/or malfeasance in the administration and management of the IPERS defined-benefit-pension plan. The second matter involved a dispute among officers and directors of a not for profit corporation. The case presented unique procedural complexity because the parties were simultaneously litigating the matter in Iowa and the State of Tennessee.**

**Two of the matters were substantively challenging workers' compensation appeals. Each of the matters presented the same question of first impression regarding the interpretation of newer statutory language regarding the apportionment of disability for work-related injuries sustained at different employers.**

iii. How many matters have you taken under advisement for longer than 180 days?

**None.**

iv. How many matters have you taken under advisement for longer than 240 days?

**None.**

v. How many matters have you taken under advisement for longer than a year?

**None.**

13. Have you ever held public office other than judicial office? If so, give details, including the office involved, whether elected or appointed, and the length of your service, giving dates.

**I have not held public office.**

14. Are you now an officer, director, partner, sole proprietor, or otherwise engaged in the management of any business enterprise or nonprofit organization? If so, give details, including the name of the enterprise or organization, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

**None.**

15. Have you ever been convicted or pled guilty to any federal law or regulation, state law or regulation, county or municipal law, regulation or ordinance, excluding convictions that have been properly expunged? If so, give details and disposition. Do not include traffic violations for which a fine of \$250 or less was imposed, unless you were arrested.

No.

16. Have you ever been assessed or threatened with the assessment of a civil fraud or any criminal penalty in connection with the reporting of or failure to report your federal or state income taxes? If so, give particulars.

No.

17. Have you ever been the subject of a no-contact order?

No.

18. Have you ever been a party to any legal proceedings? If so, give the particulars.

**I have not been a party to any legal proceeding other than personal, family law matters and traffic citations where the fine imposed did not exceed \$250 (as excluded in Question No. 15).**

19. Have you ever been publicly disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, give the particulars.

No.

20. Furnish at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which they represent your personal work. Please do not provide writing samples that would disclose confidential information, such as a brief submitted in an involuntary commitment proceeding, unless identifying information is removed to obscure the identity of the parties and any information that may allow disclosure of the identity of the parties.

**Enclosed please find examples of rulings and orders that I issued and that reflect my personal work.**

21. List any honors, prizes, awards or other forms of recognition which you have received (including any indication of academic distinction in college or law school) other than those mentioned in answers to the foregoing questions.

**As an undergraduate, I was named to the American Institute of Business President's List and Grand View University Dean's List and President's List.**

**As a law student at the University of Iowa College of Law, I earned the following honors and awards:**

- **J.D., with highest distinction;**
- **Co-recipient of John F. Murray Award, awarded to class valedictorian;**
- **University of Iowa Distinguished Student Leader Award;**
- **Hancher-Finkbine Medallion Nominee;**
- **Order of the Coif Honor Society; and**
- **College of Law Merit Scholar.**

**I received the Grand View University Alumni Achievement Award in 2005.**

**In 2007, I was recognized by the Des Moines Business Record as one of its Forty Under Forty.**

**In 2007, I was also recognized by Stakeholders 100 as one of America's Best Lawyers of Color.**

**In 2009, I received the One Iowa Award for promoting diversity and cultural awareness in the State of Iowa through the work of the Iowa Asian Alliance.**

**In 2010, I received the Governor's Volunteer Service Award, recognizing years of continuous public service in the non-profit sector.**

22. List all bar associations and professional societies of which you are a member and give the titles and dates of any such offices which you have held in such groups. List all chairmanships of any committees in bar associations and professional societies, and memberships on any committees which you believe to be of particular significance (e.g., grievance committee).

- American Bar Association, Member
- American Council of Life Insurers, Litigation Committee, 2011-2012
- Association of Corporate Counsel, Member, 2010-2012
- American Judicature Society, Member
- Federalist Society, Member
- Iowa Judges Association, Member
- Iowa State Bar Association, Member
- Iowa State Bar Association, Know Your Constitution Committee, 2003-2006
- Iowa State Bar Association, Corporate Counsel Section, Section Council, 2010-2012
- National Conference of State Trial Judges, Iowa Delegate
- Polk County Bar Association, Member
- Society for Human Resources Management, Member

23. Describe any participation you have had in pro bono legal activities and include dates.

**I have had a special interest in community service and pro bono work dating to law school when I was fortunate enough to have the opportunity to assist Professor James Tomkovicz submit amicus briefs to the Supreme Court of the United States in the criminal procedures cases Kyllo v. United States and Florida v. J.L.**

**As described above in Answer No. 11(a), in 2008, I represented two military veterans seeking to obtain a taxicab license to do business in the City of Des Moines in a constitutional challenge to the City of Des Moines' taxicab licensing scheme.**

**Between 2003 and 2010, I served as Secretary, Vice-Chairman, and Chairman, successively, on the Board of Directors of the Iowa Asian Alliance ("IAA"). While serving this organization, I continually provided pro bono service to the organization, including, supervising two separate non-profit merger transactions, lease and other contract negotiations, employment counseling, handbook review and editing, and the routine provision of business and non-profit law advice.**

**Between 2006-2008, I served on the Des Moines Area Community College, Legal Assistant Program Advisory Committee, offering advice and guidance on course offerings and the needs of the legal community.**

**I was a supporting author of the Iowa chapters of two Media Law Resource Center 50-**

**State Surveys: Employment Defamation and Privacy Law and Defamation Law.**

**While serving at Faegre & Benson and Belin McCormick, I volunteered at Iowa Legal Aid to provide case intake and processing services over the telephone and attended sessions to provide advice to clients in no-asset, no-child dissolution proceedings.**

24. Describe your activities in organizations other than bar associations or professional associations or professional societies, including civic, charitable, religious, educational, social and fraternal organizations.

**Most of my non-profit service during my professional career has been related to my service on the Board of Directors of the Iowa Asian Alliance (“IAA”) as Secretary, Vice-Chairman, and then Chairman (2003-2010). The mission of IAA is to unite Iowa's diverse Asian and Asian-American communities for the purpose of fostering economic growth and community development within the State of Iowa. IAA's vision is to create an Iowa in which Asians and Asian-Americans are an integral part of a vibrant and prosperous community. As the head of IAA, I was responsible for governance, compliance, fundraising, program development, and program implementation. During the time I served, IAA developed numerous programs and services designed to support three primary constituencies: corporate employers, professionals and small business owners, and underrepresented communities. Examples include: development of a minority candidate job database; delivery of diversity and cultural training; the provision of microloans to Asian-owned small businesses; small business technical support through the provision of a business consultant; member discount and incentive programs; immigrant relocation and settlement assistance in conjunction with the Iowa Bureau of Refugee Services; mobile medical outreach into underserved areas; and fundraising for disaster relief. These activities are funded through sponsorship and monies earned during CelebrAsian: The Annual Asian Heritage Festival held on the East Campus of the Capitol Complex. The Asian Heritage Festival is organized by IAA with the support of hundreds of volunteers.**

**Prior to being appointed to the district court, I also took great interest in community development initiatives. I served on the Board of Directors of Bravo Greater Des Moines, a regional arts council designed to grow and enhance the arts and cultural community in Greater Des Moines. I also served on the Capital Crossroads Steering Committee. Capital Crossroads was and is comprised of Greater Des Moines community leaders working with a nationally-recognized consulting firm to design a short-term and long-term strategic plan for community and economic development for Greater Des Moines. Upon being appointed to the district court, I resigned my position in both organizations.**

**I formerly served on the Republican Party of Polk County Central Committee.**

**I have served my undergraduate university, previously serving on Grand View University's National Alumni Council and Strategic Planning Commission.**

25. List not more than five names and addresses of those persons who are in a position to comment upon your qualifications for judicial position and of whom inquiry may be made by members of the Commission without embarrassment to you.

**Hon. David R. Hansen  
United States Court of Appeals for the Eighth Circuit  
P.O. Box 237  
Mount Vernon, Iowa 52314  
(319) 431-5815**

**Hon. Edward M. Mansfield  
Iowa Supreme Court  
Iowa Judicial Branch Building  
1111 East Court Avenue  
Des Moines, Iowa 50319  
(515) 281-5174**

**Hon. Arthur E. Gamble  
Polk County Courthouse  
500 Mulberry Street  
Des Moines, Iowa 50309  
(515) 286-3772**

**Professor James J. Tomkovicz  
University of Iowa College of Law  
Boyd Law Building  
Melrose & Byington  
Iowa City, Iowa 52242  
(319) 335-9100/(319) 621-8643**

**Director San Wong  
Iowa Department of Human Rights  
Lucas State Office Building  
321 East 12<sup>th</sup> Street  
Des Moines, Iowa 50319  
(515) 242-5655**

26. Why are you seeking this position?

**Most generally, I would like the opportunity to continue to serve the citizens of the State of Iowa. Since my first year of law school, I have carried in my wallet a now-tattered card on which I scribbled a quotation from a talk given by Wiley Rutledge, the former Dean of the University of Iowa College of Law and Justice on the Supreme Court of the United States. Rutledge stated: "I believe in law. At the same time I believe in freedom. And I know that each of these things may destroy the other. But I know too that, without both, neither can long endure. Law, freedom, and justice—this trinity is the object of my faith." Rutledge believed that these concepts were, paradoxically, self-reinforcing and self-defeating, sometimes in tension and sometimes not, and sometimes in equilibrium and sometimes in disequilibrium, depending upon exigencies and societal mood. He also believed that "men of law" were required to be vigilant, to serve, and to perform that "magnificent task" of trying to perfect the balance between law, freedom, and justice so that man could live in common in "happy adjustments with their fellows." I have carried this card with me for many years to remind myself of the public service obligations that those in the legal profession maintain.**

**More specifically, I believe that my experience and skill set could complement the work of the court.**

**First, I have a broad base of subject matter experience relevant to the court's work and an aptitude and willingness to learn new material. In my private practice, I had a national practice involving a wide variety of substantive issues, including constitutional law, insurance, reinsurance, probate, family law, contract, tort, employment law, and property. Included in this experience is significant complex litigation experience and business litigation experience that could complement the strengths of the other members of the court. In addition, as a judge in a court of general jurisdiction, I have**

**presided over matters of all types including numerous matters that comprise the bulk of the Court of Appeals' docket—criminal law matters, family law matters, and administrative appeals.**

**Second, my personal experience could add a unique perspective to the work of the court. A broad life experience informs one's sense of fairness and justice and opens the mind to be more receptive to and appreciative of the merits of an argument, whether advanced by advocates before the court or by one's colleagues. I was born in Bangkok, Thailand, during the Vietnam War. My mother is Vietnamese, hailing from Saigon, now Ho Chi Minh City, and my father was a Scotch-Irish Ottumwan enlisted in the United States Army. I was raised on military bases around the world (primarily in West Germany prior to unification of the two Germanys) with people from many states and of many races and ethnicities. After we moved to Des Moines, my mother's family emigrated from Vietnam to the United States. They resided with us, and my brother and I helped care for our grandparents while my mother worked. In my professional life, I have worked with a wide variety of people. I represented entities and individuals, from the largest multinational businesses to indigent individuals. My community service activities have also brought me into contact with a wide variety of people.**

**Third, the docket of the Court of Appeals is significant. I thus recognize that this position will require hard work. Based on my experience, I believe that I will be able to continue the court's tradition of working diligently to timely issue rulings. I was raised in a single-parent household, with my mother working two full-time positions to provide for my brother and me. Because of these circumstances, I was required to pay my own way through undergraduate and graduate school. While attending undergraduate school full time, I worked full time as a civil law clerk, attended classes at night, and then worked as a hotel janitor and cook/bartender on the weekends to save money for law school. As a judge, I have worked diligently to make sure that I issue orders and rulings in a timely fashion in accord with the priority of the matter.**

**Finally, I seek this position because I believe that it would be personally fulfilling. The work of the court is challenging and the legal questions are interesting. Having clerked in an appellate court for two years, I believe I would enjoy the collaborative experience of working in panels. I know that my own personality tends to be more studious and deliberative in nature. Thus, the day-to-day work of the court—oral argument, researching, reading, and writing—fits more naturally with my strengths and has great appeal to me.**

27. How would your appointment enhance the court?

**See No. 26.**

28. State any other information which may reflect positively on you or which you believe would assist the Commission in selecting nominees.

**I have enclosed my resume with this questionnaire. Please feel free to contact me if you have questions or would like to discuss my qualifications, experience, and interest further.**

Submission of this questionnaire expresses my willingness to accept appointment to the position of Justice of the Iowa (Supreme Court, Court of Appeals), if tendered by the Governor.

Dated 07/18/2013

Signed 