

**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:

Jeanie Kunkle Vaudt

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

Assistant Attorney General, Iowa Department of Justice

3. Age:

59

4. City of your residence:

West Des Moines, Iowa 50265

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.

I have not served in the military.

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.

1972 – 1973 University of Northern Iowa – No degree; transferred to Upper Iowa University after one semester

1973 – 1976 Upper Iowa University, Bachelor of Arts in Political Science and History

1980 – 1983 Drake University, Masters in Public Administration

1987 – 1991 Drake University, Juris Doctorate

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.

1991 – Licensed to practice in the Iowa state courts.

1997 – Licensed to practice in the United States District Court for the Southern District of Iowa.

2004 – Licensed to practice in the United States Bankruptcy Court for the Northern District of Iowa.

2008 – Licensed to practice in the United States District Court for the Northern District of Iowa.

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

July 1991 – July 1996 Graduate Law Clerk, The Honorable Louis A. Lavorato, Associate Justice, Iowa Supreme Court

July 1996 – October 1998 Litigation Associate, Davis, Brown, Koehn, Shors & Roberts, P.C. (n/k/a Davis Brown)

October 1998 – Present Assistant Attorney General, Iowa Department of Justice, Administrative Law and Licensing Division

a. 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.

See above—I was Justice Lavorato’s graduate law clerk for five years after graduating from Drake.

b. Whether you practiced alone, and if so, the addresses and the dates.

I have never been a sole practitioner.

c. 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.

See above.

d. Any other relevant particulars.

None.

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?

1991 – 1996 My clerking experience is self-explanatory. Heavy emphasis on research and writing on a wide range of substantive issues.

1996 – 1998 My practice at the Davis firm encompassed all phases of general litigation. I was exposed to and practiced in employment law, family law, insurance law and corporate defense, health law and real estate law.

1998 – Present At the attorney general's office I have a general governmental practice with a focus on administrative law. I represent elected officials, agencies, boards and commissions in administrative hearings, in motion practice, on judicial review, and on appeal. I also handle some of the office's traditional litigation, which is conducted in the same manner as litigation between private parties.

In addition I advise agencies, boards, and commissions, as well as agency directors, general counsels, and other agency personnel, on a wide range of issues associated with governmental clients and government related entities. These issues include but are not limited to personnel matters, public records and open meetings questions, statutory and rule interpretation questions, contracts and public bidding, merger and acquisition issues, civil rights issues, agency-specific policy questions, gift law issues, all manner of litigation and enforcement questions. I also draft and/or review legislation, administrative rules, final agency orders, contracts, 28E agreements, advice memos, notices, and letters.

b. Generally describe your typical clients, and mention the areas, if any, in which you have focused.

My typical clients are state agencies, elected officials, boards and commissions. My current clients include the Iowa Board of Law Examiners, the Iowa Insurance Division, the Iowa Department of Education, the Iowa Department on Aging (including the Iowa Commission on Aging), the Iowa Department of Inspections and Appeals (licensed entities), Iowa Vocational Rehabilitation Services, and the Iowa Judicial Branch in federal section 1983/judicial immunity cases and regarding general legal issues. In state district court, on judicial review and/or on appeal I have also represented the Iowa Medical Board, the Iowa Board of Nursing, the Iowa Department of Personnel, the Iowa Department of Corrections, the Iowa Department of Transportation, the Iowa Department of Public Safety, Division of Narcotics Enforcement, and the Iowa State Building Code Board of Review. I have also represented the State in several criminal appeals and in the past I represented the Iowa Board of Educational Examiners.

I represent clients in the same way private practitioners do, only from the government perspective. As noted above in section (a), I advise them on a wide variety of legal issues, draft and review many legal documents, draft briefs and attendant appeal documents, and represent clients in state and federal district and appellate courts in motion to dismiss hearings, summary judgment hearings, judicial reviews, traditional appeals, and traditional civil cases in which they are a named defendant. From time to time I also make presentations to various clients, licensed entities, and interest and stakeholder groups on recurring legal issues routinely faced by governmental, quasi-governmental, and licensed entities. I have also assisted our Criminal Appeals Division by drafting appellate briefs in selected criminal cases due to that division's rapidly increasing workload.

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.

I appear on average several times a year in the Iowa appellate courts in appeals from

district court decisions in regular civil cases and in appeals from judicial reviews. I appear regularly in the Iowa district court in judicial review hearings and motion to dismiss and summary judgment hearings. I have appeared in the past in the United States Bankruptcy Court for the Northern District of Iowa and the United States District Court for the Northern District of Iowa. I appear occasionally in the United States District Court for the Southern District of Iowa. I have appeared in the past in agency licensing hearings and assist some clients with agency public hearings. I also attend client commission hearings when requested if time permits.

b. What percentage of these appearances was in:

- | | |
|----------------------------|-----|
| i. Federal courts | 10% |
| ii. State courts of record | 80% |
| iii. Other tribunals | 10% |

c. What percentage of your litigation was:

- | | |
|-------------------|-----|
| i. Administrative | 60% |
| ii. Civil | 35% |
| iii. Criminal | 5% |

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.

Regular civil trials: Under ten, including small claims actions. Associate counsel in one case, sole counsel in the remainder. I currently have one civil matter awaiting trial in 2014 and two other unresolved matters that likely will likely culminate in civil lawsuits.

Judicial reviews and appeals: Fifty to sixty, as sole counsel.

Administrative hearings: Ten to twelve, as sole counsel.

e. What percentage of these trials were:

- | | |
|--------------|-----|
| i. Jury | 5% |
| ii. Non-jury | 95% |

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.

I have a diverse and very busy government practice. I estimate that I spend approximately 30% of my time advising clients, as I did in private practice, on a wide variety of legal issues. I routinely interpret statutory and rule provisions, review contracts and memoranda, draft and review other documents, review draft legislation, rules and orders, advise on personnel, discovery, public records/public meetings, gift law issues, contracting/bidding questions, and implementing federal programs under federal and state law requirements, do research, and assist clients with emergencies. No two days are ever the same.

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. *In re the Marriage of Bode*, No. 96-1747 (Iowa Ct. App. Feb. 25, 1998) (Table). In this family law case, the district court awarded primary physical care of the parties' children to their father. Our client was their mother. She appealed that decision, asserting several issues associated with the award of primary physical care. The case was heard by the Iowa Court of Appeals, who reversed the district court's decision and returned primary physical care to our client as well as awarding additional relief sought. This was my first appeal. I wrote the appellate brief and argued the case in front of the Court of Appeals. The outcome is significant because it is difficult on appeal to overturn a district court's award of primary care.

The time frame was approximately 1997-1998. Lead and co-counsel was Pat Shoff, formerly of Davis Brown and now of Belin McCormick, P.C., 2000 Financial Center, 666 Walnut Street, Suite 1000, Des Moines, Iowa 50309-3989. Opposing counsel was Stacey N. Warren, of Smith, Schneider, Stiles, Hudson, Serangeli, Mallaney & Shindler and now of Babich Goldman, 100 Court Avenue, Des Moines, Iowa. The district court judge was the Honorable Patrick Carr. The Court of Appeals three-judge panel was Chief Judge Rosemary Shaw Sackett, Gayle Nelson Vogel (who wrote the court's opinion), and either Judge Mahan (now retired) or Judge Zimmer (now retired).

- b. *In re Nash*, 739 N.W.2d 71 (Iowa 2007). A three-member panel of the Iowa Board of Law Examiners denied a former member of the cloth turned law student and bar exam applicant permission to seek Iowa licensure because of canonical allegations of sexual abuse of minors during the 1980s. The applicant requested an evidentiary hearing in front of the full Board. I represented the Board at the hearing and on appeal. Among the things I argued at the hearing was that the applicant should undergo an appropriate evaluation by an expert before being admitted to practice.

After reviewing the evidence at hearing, the full Board affirmed the panel's original conclusion. The applicant appealed. I wrote the appellate brief and argued the case before the Iowa Supreme Court. A majority of the Court ultimately reversed the Board's decision. One justice dissented, believing the Board had proven its' allegations.

The case was significant because of the nature of the allegations, the substantial evidentiary challenges created by the passage of time, the location of my witnesses (several thousand miles away), and the interplay between canonical law and civil

law. This was the first case of its kind heard by the Board.

The time frame was 2006-2007. Opposing counsel was Mark McCormick, of the Belin, Lamson, McCormick, Zumbach, and Flynn P.C. law firm (now Belin McCormick, P.C.), 2000 Financial Center, 666 Walnut Street, Suite 1000, Des Moines, Iowa 50309-3989. The Board's hearing officer was James C. Ellefson, now a district court judge in Iowa's second judicial district.

- c. ***Iowa State Education Association v. Iowa Department of Education***, Polk Co. Case No. 8020 (2010). In this judicial review of an IDOE declaratory order, the plaintiff challenged the agency's interpretation of statutory language in the education provisions of the Iowa Code under which it concluded that the Governor's ten-percent across the board budget reduction for 2009-2010 applied to teacher salary supplement funds. I wrote the brief for the Department of Education and argued the case in front of the district court. The district court affirmed the agency's interpretation. The Iowa State Education Association did not appeal from the district court's order.

This case is significant because it dealt with the uniform application of a funding law/appropriation question. It illustrates the often quirky and challenging legal issues that routinely pop up in government practice.

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.**

I have never held judicial office.

- 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)?**
- ii. **How many matters have you taken under advisement for longer than 120 days?**
- iii. **How many matters have you taken under advisement for longer than 180 days?**
- iv. **How many matters have you taken under advisement for longer than 240 days?**
- v. **How many matters have you taken under advisement for longer than a year?**

I have not been subject to the reporting requirements of Court Rule 22.10 during the preceding five years.

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.**

No.

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.

No.

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.

No.

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.

See enclosed judicial review brief and appellate brief.

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.

Upper Iowa University (BA):

Graduated summa cum laude, 1976

Dean's List, 1973-1976

Political science department prize for student graduating with highest GPA, 1976

Dickman Prize for student graduating with highest honors and service to the University, 1976
Homecoming Queen, 1976

Drake University (MPA):

Graduated with highest honors, 1983
Member, Pi Alpha Alpha, public administration honorary

Drake University (JD):

Graduated with honors
Presidential award for outstanding service to the law school, 1991
Staff member, Drake Law Review, 1990-1991
Note and case note selected for publication in the 1992 Drake Law Review

Professional Recognitions:

Member, ISBA Full Court Press Committee, 2012
Contributor, Justice Not Politics Action, 2012
Member, Iowa Judicial District 5C Attorney Grievance Commission, 2010 – Present
Member, C. Edwin Moore Inn of Court, 1997 – Present
Member, Iowa and Polk County Bar Associations, June 1991 – Present
Member, Polk County Bar Association Bench Bar Committee, 2006 – Present
Member, National White Collar Crime Center, 2000 – 2008
Iowa Board of Law Examiners Temporary Bar Exam Grader, 1998 – Present
Past Member, Iowa Supreme Court Commission on Continuing Legal Education, 1997 – 2004
Computer-Based CLE Study Committee Member, 2000 – 2002
Past Member, ISBA YLD Elder Law Committee, 1996 – 1998
Past Member, Polk County Women Attorneys, 1991, 1993 – 1998
Past Member, Defense Research Institute, 1998 – 2001

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).**

See answer to question 21 above.

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

The Davis Brown firm is strongly committed to pro bono work, and I actively participated in the firm's pro bono activities during my tenure from 1996 to 1998. As a government lawyer I am generally precluded from participating in most pro bono activities.

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.**

Member, National Association of Insurance Commissioners, 2003 – 2008
Member, North American Securities Administrators Association, 1998 – 2008
Past Board Member, Iowa Homeless Youth Centers, 1992 – 2006

Long-Range Planning Chair, 1996 – 1998
Past Member, NAACP, 2000 – 2002
Past Member, Habitat for Humanity
Past Member, Des Moines Junior League

- 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.**

Louis A. Lavorato
Valley West Drive
West Des Moines, Iowa 50265

Thomas J. Miller, Iowa Attorney General
Hoover State Office Building, 2nd Floor
1305 East Walnut Street
Des Moines, Iowa 50319

Julie Pottorff, Deputy Attorney General
Hoover State Office Building, 2nd Floor
1305 East Walnut Street
Des Moines, Iowa 50319

Pamela D. Griebel, Division Director
Licensing and Administrative Law Division
Hoover State Office Building, 2nd Floor
1305 East Walnut Street
Des Moines, Iowa 50319

- 26. Why are you seeking this position?**

My greatest professional aspiration has always been to become a judge. Simply put, I want to serve. Clerking for Louis A. Lavorato when he was an Associate Justice gave me unique exposure to, and insight about, what it takes to be a good jurist. That experience, coupled with my success as a practicing lawyer in both the public and the private sectors, convinces me that I have the aptitude, perspective, demeanor, work ethic, and grit needed for the job. Judges have a very real ability to make a positive difference in the lives of ordinary people and society in general. This vast potential for doing good and making a difference is very appealing to me. I am at a point in my career where I want to make the decision and not merely advocate for what that decision should be.

- 27. How would your appointment enhance the court?**

I would bring greater diversity and a broader perspective to a hard working and incredibly productive bench. The Court of Appeals lacks a sitting member with broad based expertise in administrative law and government practice. This is a critical gap. Appeals involving state actors and/or interpreting Iowa statutes and rules account for a significant percentage of the Iowa appellate courts' caseload.

My experiences as a graduate law clerk, private practitioner, and government lawyer have exposed me to—and given me much practical grounding in—a wide variety of substantive areas in administrative and civil cases, and in some criminal cases, in both state and federal courts. I apply a practical, common sense, no nonsense, call-them-as-you-see-them approach to solving legal problems.

I am a determined team player, a consensus builder, and a quick study with a steady demeanor. I relate well to just about everyone, because I am a regular person who became a lawyer and who now wants to become a judge. I am unafraid of the workload the Court of Appeals carries because it closely approximates my workload as a government lawyer. I understand what the job entails because of my clerking experience for Justice LAVORATO. Consequently, my transition into the position would be seamless and immediate.

I am willing to make whatever sacrifices are necessary as a member of the Court of Appeals to serve lawyers, their clients, and the public at large well and efficiently. I know I could make a positive difference as a jurist on the Court of Appeals and I would work to strengthen relationships both inside and outside the Judicial Branch.

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

If appointed I would work incredibly hard to maintain the high standards the members of both of Iowa's appellate courts adhere to and do my part to help restore public confidence in the Judicial Branch that has declined in recent years.

Submission of this questionnaire expresses my willingness to accept appointment to the position of Judge of the Iowa Court of Appeals if tendered by the Governor.

Dated July 28, 2013 Signed Jessie Knater Vandt