

**STATE JUDICIAL NOMINATION COMMISSION
AND OFFICE OF THE GOVERNOR
JOINT JUDICIAL APPLICATION**

Please complete this application by placing your responses in normal type, immediately beneath each request for information. Requested documents should be attached at the end of the application or in separate PDF files, clearly identifying the numbered request to which each document is responsive. Completed applications are public records. If you cannot fully respond to a question without disclosing information that is confidential under state or federal law, please submit that portion of your answer separately, along with your legal basis for considering the information confidential. Do not submit opinions or other writing samples containing confidential information unless you are able to appropriately redact the document to avoid disclosing the identity of the parties or other confidential information.

PERSONAL INFORMATION

1. State your full name.

Sharon Brenna Findley Bird
I am known as Brenna Bird. Before marriage I was known as Brenna Findley or S. Brenna Findley.

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

Guthrie County Attorney, Guthrie County
Attorney, Bird Law Office, PLLC (solo practice)
Strategic Advisor, LS2group

3. State your date of birth (to determine statutory eligibility).

March 4, 1976

4. State your current city and county of residence.

Dexter, Iowa (rural Guthrie County)

PROFESSIONAL AND EDUCATIONAL HISTORY

5. **List in reverse chronological order 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.**

The Law School, University of Chicago, J.D. June 2001
Drake University, B.A. December 1997. Majors: History and Political Science. Minor: Russian

6. **Describe in reverse chronological order all of your work experience since graduating from college, including:**
- a. **Your position, dates (beginning and end) of your employment, addresses of law firms or offices, companies, or governmental agencies with which you have been connected, and the name of your supervisor or a knowledgeable colleague if possible.**
 - b. **Your periods of military service, if any, including active duty, reserves or other status. Give the date, branch of service, your rank or rating, and present status or discharge status.**

Guthrie County Attorney

Address: Guthrie County Courthouse
200 North 5th Street, Ste. 9
Guthrie Center, Iowa 50115

Dates: January 2, 2019 – present

Position: County Attorney

Contact: As an elected official I do not have a supervisor. Knowledgeable colleagues include:
Melissa Larson, Adair County Attorney (641-221-9052)
Sarah Jennings, Audubon County Attorney (712-563-2202)

Fremont County Attorney

Address: Fremont County Courthouse
506 Filmore St., PO Box 476
Sidney, Iowa 51652-0476

Dates: I was appointed by the Board of Supervisors due to a vacancy. I served November 8, 2016 to November 20, 2018 when my successor was elected and qualified after the canvass of votes.

Position: County Attorney

Contact: As an elected official I did not have a supervisor. I was the only attorney in the office. Knowledgeable colleagues include:
James Burger, former Fremont County Attorney, currently an Assistant County Attorney in Pottawattamie County (712-328-5649)
Naeda Elliott, current Fremont County Attorney and Mills County Attorney (712-374-2751)

LS2group

Address: 510 E. Locust St. Ste. 200
Des Moines, IA 50309
Dates: May 2015 to present
Position: Strategic Advisor (independent contractor)
Contact: Jeff Boeyink (515-422-9299)
Joe Shannahan (515-280-4854)

Bird Law Office, PLLC

Address: P.O. Box 422
Dexter, IA 50070
Dates: March 2015 to present
Position: Solo Practice

The University of Iowa College of Law

Address: 130 Byington Rd
Iowa City, IA 52242
Dates: Spring Semester 2014, 2015 & 2016
Position: I taught Legislation at the law school. For two semesters, I taught with former Congressman Jim Leach.
Contact: Dean Emerita and Professor Gail Agrawal (gail-agrawal@uiowa.edu).

Office of Governor Terry E. Branstad

Address: State Capitol, 1007 East Grand Ave.
Des Moines, IA 50319
Dates: January 2011- February 2015
Position: Legal Counsel, acting Chief of Staff for a brief time.
Contact: Supervisor, Ambassador Terry E. Branstad
Knowledgeable Colleagues
Larry Johnson, Deputy Legal Counsel (now with Dept. of Inspections and Appeals 515-281-5457)

Branstad-Reynolds Transition Team

Address: No longer in existence.
Dates: December 2010-January 2011
Position: Legal Counsel
Contact: Supervisor, Ambassador Terry E. Branstad
Knowledgeable Colleagues
Jeff Boeyink, Chief of Staff (515-422-9299)

Whitaker Hagenow GBMG (now Hagenow Gustoff LLP)

Address: 521 E Locust St #302
Des Moines, IA 50309
Dates: March-December 2010
Position: Counsel
Contact: Bill Gustoff (515- 284-5001)

Office of U.S. Rep. Steve King

Address: 2210 Rayburn Office Building
Washington, DC 20515

Dates: January 2003-February 2010

Position: I started as Deputy Chief of Staff and Counsel. Later I became Chief of Staff.

Contact: I supervised the organization, including the Washington, D.C. office and five district offices in Iowa. Congressman King was my supervisor (202-225-4426)

Heller Ehrman, LLP (dissolved 2008)

Address: No longer in existence. It was a large firm of 730 attorneys and 13 offices when it was dissolved. I worked in the Washington, D.C., and Silicon Valley, CA, offices.

Dates: November 2001-December 2002.

Position: Associate Attorney

Contact: Garth Gartrell (650-862-1664)

McKenna & Cuneo (merged with Denton's US LLP)

Address: 1900 K Street NW
Washington, D.C. 20006

Dates: 2L Summer, June-August 2000

Position: Summer Associate

Contact: When I worked at McKenna and Cuneo the Washington, D.C., office of the firm had around 100 attorneys, with approximately 250 attorneys firmwide. The firm is now part of Denton's. None of the attorneys with whom I worked on a daily basis are still with the firm in the Washington office.

The Becket Fund

Address: 1200 New Hampshire Ave. NW, Suite 700
Washington, D.C. 20036

Dates: August-September 2000

Position: Summer Legal Intern (volunteer)

Dickinson, Mackaman, Tyler & Hagen

Address: 699 Walnut Street, Ste. 1600
Des Moines, IA 50309

Dates: June-September 1999

Position: Summer Associate/Clerk

Contact: Howard Hagen (515-246-4543)
Bret Dublinske (515-242-8904)

The Law School, University of Chicago

Address: 111 E. 60th Street, Chicago, IL 60637

Dates: I worked part-time during the law school year each year to pay my expenses.

Position: Computer Lab Assistant

7. List the dates you were admitted to the bar of any state and any lapses or terminations of membership. Please explain the reason for any lapse or termination of membership.

California: I took and passed the bar exam in July of 2001, admitted in 2002. I was suspended briefly during 2004 due to my failure to pay the bar/MCLE fees because I was living in Virginia and I did not receive the bar dues mailing. My membership was promptly reinstated upon payment. I have been on inactive status since 2007 due to the fact that I no longer practice in California.

Iowa: I took and passed exam in February of 2002, admitted in 2003.

8. Describe the general character of your legal experience, dividing it into periods with dates if its character has changed over the years, including:

- a. A description of your typical clients and the areas of the law in which you have focused, including the approximate percentage of time spent in each area of practice.
- b. The approximate percentage of your practice that has been in areas other than appearance before courts or other tribunals and a description of the nature of that practice.
- c. The approximate percentage of your practice that involved litigation in court or other tribunals.
- d. The approximate percentage of your litigation that was: Administrative, Civil, and Criminal.
- e. The approximate number of cases or contested matters you tried (rather than settled) in the last 10 years, indicating whether you were sole counsel, chief counsel, or associate counsel, and whether the matter was tried to a jury or directly to the court or other tribunal. If desired, you may also provide separate data for experience beyond the last 10 years.
- f. The approximate number of appeals in which you participated within the last 10 years, indicating whether you were sole counsel, chief counsel, or associate counsel. If desired, you may also provide separate data for experience beyond the last 10 years.

Large Law Firm Practice

My legal career has been blessed with variety. I started working in Silicon Valley for Heller Ehrman, a large national law firm, after law school. I was hired to work in their corporate department. However, when the “dot-com bubble” burst, there was a

significant reduction in the firm's initial public offering (IPO), financing, and other transactional work. The corporate department was slow. I volunteered to work in the firm's Washington, D.C., office on a major False Claims Act whistleblower case. We represented the plaintiffs and demonstrated that HCA, Inc., had systematically defrauded the federal Medicare program for years. It was a very large case with over 40 attorneys. My role as an associate was to help partners prepare for depositions by sifting through Medicare regulations and accounting records. I worked with forensic accountants to prove our claims and organize the evidence. In the end, the case was settled for \$881 million dollars.

After I finished my eight-month tour of duty in the Washington, D.C., office I returned to Silicon Valley. I worked in the corporate department on matters relating to securities regulation, bankruptcy reorganization, and software licensing agreements. I was responsible for various aspects of due diligence. For example, I staffed a "due diligence data deal room" for a client that was going through a bidding process. A due diligence data deal room is a secure location created by a seller for its confidential data, so that it can be inspected by a prospective purchaser. This is an important part of the due diligence process for large corporate deals. In order to review data, purchasers must sign nondisclosure agreements and abide by certain restrictions. Many of our clients were high-tech, biotech, and software enterprises. The work I performed was typical for an associate at a large firm.

During this period my litigation practice was 90% transactional with a strong regulatory and administrative law component. The remaining 10% was pro bono litigation. When I was in Washington, D.C., my practice was 100% litigation oriented. My role was focused on discovery and research and did not include appearing in court. I worked on other litigation matters in addition to the case I described. I did research for appellate matters and other briefing during this time to support the work of partners, but I did not file any briefs under my name.

Washington, D.C.

While I enjoyed working at the large firm, I wanted to return home to Iowa. When Steve King was elected to Congress, he hired me as his Deputy Chief of Staff and Counsel. He was not an attorney, but he wanted to serve on the House Judiciary Committee. He hired me for my legal background and experience. I was promoted to Chief of Staff when the Chief of Staff left.

In this role I managed the staff in the Washington, D.C., office as well as five offices in Iowa. Initially, I staffed the House Judiciary Committee. I worked in a variety of legal areas including intellectual property, bankruptcy, federal administrative law, civil rights, information technology, federal courts, crime, terrorism, and immigration. As Chief of Staff I oversaw the daily operation of the office and the budget. I helped implement policy objectives and strategies.

Return to Iowa: Seeking public office, government practice, teaching and administrative law

In 2010 I returned home to Iowa. I worked at the Whitaker Hagenow GBMG law firm while running for Attorney General. I enjoyed meeting with people in all parts of Iowa and listening to their concerns. Ultimately, I was unsuccessful in the election. I learned a great deal from that time. When I look back on it, I am filled with a sense of gratitude for all of the generosity and kindness that people showed me on the campaign trail.

After the election, I had no plan for what I would do next. Governor-elect Branstad offered me a position as his Counsel. After a long vacation and careful consideration, I accepted the offer.

As Counsel to the Governor, I worked closely with the Attorney General's office. One of the first things I did during the transition was to meet with Attorney General Miller's top individuals in his office. Throughout my time in the role as the governor's counsel, Attorney General Tom Miller treated me with every courtesy. At times, the Governor and Attorney General saw key issues very differently; however, Attorney General Miller was always full of courtesy and professionalism. He did not hesitate to engage in dialogue on tough issues.

In my role as Counsel, I engaged in the practical practice of constitutional law. There are few cases that interpret Iowa's constitutional provisions. Often, there are no Iowa cases on point for a particular issue. As Counsel I worked to protect the legal interests of the governor and the governor's office. I was also one of the governor's advisors. I worked to develop policy and legislative strategies for the administration, including work to prevent legal challenges to important legislation and policy initiatives.

I served as the Administrative Rules Coordinator for Iowa. All administrative rules were pre-cleared by my office before a rulemaking notice was published. I served as an ex officio member of the Administrative Rules Review Committee in the legislature. In this role I gained valuable practical experience regarding administrative law and the Iowa Administrative Procedures Act (Chapter 17A).

I drafted several executive orders for the governor. In order to draft these orders, I had to research the constitutional and statutory provisions thoroughly that provided the basis for authority.

As Counsel, I was responsible for ensuring that the office followed applicable ethics and transparency laws. We regularly responded to requests made pursuant to Iowa's Open Records law.

I reviewed legislation during the drafting and amendment process. I prepared vetoes and item vetoes for the governor's signature. I engaged in legislative drafting and analysis.

I was responsible for the clemency process. This included pardons, commutations, special restorations of citizenship rights (firearms) and restoration of voting rights. When I started in this role, there was a long backlog. I am glad to say that we worked through

that backlog and developed efficient processes. The most interesting aspect of this work was working with victims and prison interviews with people convicted of a class A felony (life sentence).

In 2014 I began teaching Legislation at the University of Iowa College of Law in a seminar setting. I taught it with an emphasis on statutory interpretation and drafting. For two of the years I taught with Congressman Jim Leach. Statutory interpretation is a rich area for legal analysis. This background will be of great use on the Iowa Supreme Court. I taught for three years in the spring semester. After accepting the position of Fremont County Attorney, I was no longer able to continue to teach the class due to travel. It would have been a one-way trip of over four hours. I enjoy teaching and in-depth discussions in an academic environment.

Trial work, criminal law, civil matters

In 2015 I started my own law firm. I volunteered at Iowa Legal Aid one day a week.

My hope was that I could work part-time as an Assistant County Attorney to learn trial practice while maintaining a private practice. I knew that the best path to district court experience was through criminal trials and family law. However, despite my best efforts I could not get a job as an Assistant County Attorney.

When I heard that Fremont County was looking for someone to serve as its county attorney, I made application to the Board of Supervisors. Thankfully, they offered me the position in 2016. I was the only attorney in my office. I quickly learned criminal law and how to try a case.

During my time in Fremont County I was personally responsible for every aspect of a county attorney's office. I prosecuted everything from traffic tickets to felonies. I handled all juvenile court matters, including child in need of assistance, juvenile delinquency, and termination of parental rights. As Fremont County Attorney I had six jury trials.

For my first felony jury trial, I sat as second chair. Rob Sand, now Auditor of State, was lead counsel. We had two trials back-to-back with then Judge Susan Christensen presiding. I had a larger role during the second trial. I prepared for more cases than I ended up trying, because many defendants accepted their plea offer just before trial. This preparation provided me experience that carried forward to each trial that followed.

Nearly all of my litigation experience has been at the trial court level. The Attorney General's office handles all appeals for indictable offenses. County attorneys are responsible for their own simple misdemeanor appeals. In Fremont County I had at least five appeals that I can recall for crimes such as domestic abuse assault and harassment. Those cases are Heisser (SMMG029833), Booze (AGCR007916), Warner (SMMG029684), Starr (SMMG029799) and Hassan (STA0025342, STA0025343). The judgment of the Magistrate Court was affirmed in all of my appeals.

In Fremont County, criminal law matters took approximately 60% of my time, civil matters consumed 20% of my time, and juvenile matters comprised 15%. The remaining 5% of my time was devoted to supervising my office staff, budget matters, and administration.

I became Guthrie County Attorney in 2019, and I serve there to this day. The case ratios are similar to Fremont; however, because Guthrie is a larger county, we have an Assistant County Attorney. Our office also handles conflict cases as special prosecutor for Adair, Audubon, and Dallas counties.

So far, after one year in Guthrie County, I have had two jury trials and one bench trial as sole counsel, as well as one jury trial as second chair. I served as second chair to my Assistant County Attorney in his first jury trial.

In my private practice I assist clients with legal and regulatory compliance matters. I assist with business entity choice and formation. A portion of my practice is similar to a county seat practice. I provide advice to nonprofits on a variety of issues. I handle some matters pro bono, such as dissolution for domestic abuse survivors or advice to nonprofits.

I provide advice to the Iowa Insurance Institute, a trade association for property and casualty insurance companies in Iowa. I have no criminal matters in my private practice. Approximately 20% of my time is civil litigation. The remaining 80% of my time is devoted to advice, counseling, and corporate matters. This advice often includes aspects of administrative law. While I am the only lawyer in my firm, I sometimes associate with other lawyers and firms in complex matters or personal injury cases.

- 9. Describe your pro bono work over at least the past 10 years, including:**
- a. Approximate number of pro bono cases you've handled.**
 - b. Average number of hours of pro bono service per year.**
 - c. Types of pro bono cases.**

I volunteered at Iowa Legal Aid starting in March of 2015. I staffed the intake calls one morning a week. The calls ranged from marital dissolution and child custody questions to landlord-tenant law. Many family law calls involved domestic violence. I continued volunteering until my son was born in August 2016.

I have also taken pro bono case referrals from Iowa Legal Aid in my law firm. These have been family law cases where domestic violence was present.

In my community I have provided advice and counsel to nonprofits on a variety of issues from nonprofit status to employment law to organization.

I estimate that over the last ten years I have provided 50-100 hours of pro bono assistance on average per year, particularly after I left state government. I did not have a private practice while I worked in state government.

- 10. If you have ever held judicial office or served in a quasi-judicial position:**
 - a. Describe the details, including the title of the position, the courts or other tribunals involved, the method of selection, the periods of service, and a description of the jurisdiction of each of court or tribunal.**
 - b. List any cases in which your decision was reversed by a court or other reviewing entity. For each case, include a citation for your reversed opinion and the reviewing entity's or court's opinion and attach a copy of each opinion.**
 - c. List any case in which you wrote a significant opinion on federal or state constitutional issues. For each case, include a citation for your opinion and any reviewing entity's or court's opinion and attach a copy of each opinion.**

- 11. If you have been subject to the reporting requirements of Court Rule 22.10:**
 - a. State the number of times you have failed to file timely rule 22.10 reports.**
 - b. State the number of matters, along with an explanation of the delay, that you have taken under advisement for longer than:**
 - i. 120 days.**
 - ii. 180 days.**
 - iii. 240 days.**
 - iv. One year.**

- 12. Describe at least three of the most significant legal matters in which you have participated as an attorney or presided over as a judge or other impartial decision maker. If they were litigated matters, give the citation if available. For each matter please state the following:**
 - a. Title of the case and venue,**
 - b. A brief summary of the substance of each matter,**
 - c. A succinct statement of what you believe to be the significance of it,**
 - d. The name of the party you represented, if applicable,**
 - e. The nature of your participation in the case,**
 - f. Dates of your involvement,**

- g. The outcome of the case,**
- h. Name(s) and address(es) [city, state] of co-counsel (if any),**
- i. Name(s) of counsel for opposing parties in the case, and**
- j. Name of the judge before whom you tried the case, if applicable.**

#1 State of Iowa v. Robert Evan Bruce , Case No. OWCR009747, Fremont County

I was involved with this case from the time the deputy on duty called me to ask about charges through to the guilty verdict. The night of Thanksgiving, four young people were driving around back roads in Fremont County. Three of them, including the driver, were drinking in the pickup truck. The driver, Robert Bruce, drove his truck off the road into a ditch at forty-five miles per hour and hit a culvert. Bruce never tried to brake or steer away from the culvert. He was intoxicated. Samantha Johnson was the only person in the truck not wearing a seatbelt. She was in the back seat of the crew cab. When the crash occurred, it appeared that she flew forward and then back. She became wedged in the truck as it lay on its side. Her injuries were severe and she was taken by helicopter to Omaha.

I tried this case as Fremont County Attorney. I prosecuted Mr. Bruce for causing serious injury by vehicle. The lesser included offense was operating while intoxicated. The jury convicted the defendant of causing serious injury by vehicle.

I prepared for this trial three times because it was continued twice on the eve of trial by defense counsel. The second continuance was for an interlocutory appeal which was later denied. Instead of becoming discouraged, I worked harder and continued my preparation. These continuances were hard to explain to the victim and her family. Samantha “Sam” Johnson (the victim in this case) had suffered severe injuries that impacted her physically and mentally. Sam was in a coma for a significant amount of time after the crash. She suffered from fractures to her collar bone, scapula, and three vertebrae. She had brain bleeds on the right and left sides, a diffused axonal injury, and a paralyzed vocal cord. After she left the hospital, she spent months at a rehabilitation facility, where she relearned daily activities including how to shower, use the toilet, eat, and prepare food. She made a great deal of progress during her rehabilitation and recovery, but she still experienced language issues and significant memory problems.

This case presented a number of unique challenges. One challenge was that the defendant was from a well-known family in the county. During jury selection, twenty-four jurors were excused for cause. In addition, the victim’s language and memory issues made preparation for trial difficult. There were some things she could not remember, including the crash. Due to her cognitive issues, she lacked confidence in her ability to communicate. We worked through those issues so that she felt able to testify to what she remembered using her own language. Another challenge was a common one in drunk driving cases in many rural counties; that is, jurors sometimes perceive young people drinking and driving with friends as “something people do” in their immature youth. It can be hard to get a conviction due to sympathy.

The causation arguments raised by the defense presented another challenge with which I had to deal at trial. I filed a motion in limine to exclude evidence that the victim was not wearing a seatbelt at the time of the crash. On appeal, the defense counsel argued that the victim's failure to wear a seatbelt was the cause of her injuries. The conviction was affirmed on appeal by the Iowa Court of Appeals.

Co-Counsel: I tried this case by myself. Michael Hooper (who was the Cass County Attorney at the time) sat with me at counsel table to provide valuable feedback. He is now a judge in the Fourth Judicial District.

Opposing Counsel: Amanda Heims, Council Bluffs, Iowa

Judges: Mark J. Eveloff (pre-trial motions), Kathleen A. Kilnoski (trial judge)

District Court Case Number: OWCR007947

Citation on Appeal: *State v. Bruce*, 18-2151 (Iowa Ct. App. November 27, 2019) (unpublished).

#2 Child in Need of Assistance and Termination of Parental Rights Cases

These cases illustrate my experience in juvenile court. My work as county attorney gives me a broad and deep view with regard to these case dynamics. My office prosecutes the crimes that parents commit, and also seeks to protect their minor children in juvenile court. Often these parents are successful and able to resume parenting. Sometimes a termination of parental rights is in the child's best interest. I will use a particular case to illustrate my point.

The parties in this case are known by their initials. They are AT (mother), TT (father) and CT (child). Both AT and TT faced significant issues with methamphetamine addiction, criminal convictions, probation violations, and incarceration. CT was removed from his parents at eleven months of age and placed with his grandfather, where he thrived.

I chose this matter because my knowledge and experience with juvenile matters would be an asset on the Supreme Court. This case is significant because it was the second petition I filed for termination of parental rights for this particular child. After I filed the first termination petition the mother of the child made significant progress between the date of filing and the hearing date. The presiding judge did not terminate parental rights. I did not request appeal.

Unfortunately, AT stopped participating in treatment and stopped visiting CT. She could not be found. TT was still not able to care for the child. I filed a petition to terminate parental rights due to the child's age and time out of the home. By this time, CT was almost three years old. TT continued his drug court program. He maintained sobriety, employment, and continued to visit CT. However, the program in which he participated

did not allow children to live in the facility. He was not expected to complete the program for a year. At the hearing, TT was able to present evidence that he would be able to care for CT in a matter of months. AT did not attend the termination hearing. The Court terminated parental rights for AT, the mother. The Court found that grounds for termination of TT's parental rights existed, but that it was not in the child's best interest due to TT's significant progress. This was affirmed by the court of appeals.

This case, and many others like it, illustrate the damage that addiction does to children and families. Thankfully, this case also illustrates the importance of drug court programs. The father of this child, TT, went through an intensive program. He graduated from drug court and was able to care for his child. TT deserves the credit for his sobriety and work as a father. But, without the drug court program this may not have happened.

Co-Counsel:	None
Opposing Counsel:	Jaclyn A. Tackett for mother, Kyle McGinn for father, Vicki Danley as guardian ad litem
Judge:	Craig Dreismeier
Citation on Appeal:	<i>In re C.T.</i> , No. 919 N.W.2d 637 (Iowa Ct. App. 2018) (unpublished).

#3 First Jury Trials Cook and Hovey

My first jury trial was a methamphetamine possession case involving a woman who made plans during a phone call with an inmate to bring methamphetamine to the Fremont County jail. These calls to inmates were recorded. When the defendant came to the jail, law enforcement conducted a K9 free-air sniff of her car while she was inside. Methamphetamine was found in the car. She was charged with methamphetamine possession. This was an ideal first jury trial. In fact, it was not only my first jury trial, it was also the first jury trial for the defense attorney and for the judge. It was a relatively straightforward misdemeanor. However, trials are unpredictable, and this trial was no exception. The defendant failed to show up for the trial. After a warrant was issued and the defendant was eventually arrested, she decided to plead guilty.

The next case that was set for trial was a felony case involving two sisters who were accused of theft in the first degree and dependent adult abuse (financial exploitation) involving their deceased father. I requested assistance from the Area Prosecutions Unit to try the cases. Rob Sand was assigned to these cases. I enjoyed getting to know Rob. He was known as an expert in financial crimes in the Attorney General's office. He taught me a great deal.

We asked to try the sisters together in one trial, but the motion was denied. The sisters were tried separately. We tried the cases over four days with two different juries.

These cases were significant because the victim was no longer living and could not testify. Financial records were essential to prove the crimes. The deputy had conducted

a thorough investigation, which gave us a great deal of evidence. At trial, the financial exploitation count was dismissed by the court upon the defendant's motion. There were a number of significant evidentiary issues, including whether the fact that the father left the sisters his property in his will was relevant. These cases taught me the practical importance of pretrial motions, including motions in limine. I also learned how to prove a case involving financial records. It was not only important to ensure that the evidence is admissible, but also understandable to the jurors.

Each of the sisters had a different role. They did not like one another. It was fascinating to have two trials based on the same facts. The first sister, Cook, was convicted. The second sister, Hovey, was found not guilty. Before the trials started, I would have thought that the case against Hovey was the strongest based on statements that she made during the investigation casting her in an unfavorable light. Both sisters had excellent lawyers. However, Hovey chose to testify at trial. I think it made all the difference.

Co-Counsel:	I tried these cases with Rob Sand from Area Prosecutions in the Attorney General's Area Prosecutions Unit. He is now the Auditor of State.
Opposing Counsel:	Hovey: DeShawne Bird-Sell, Glenwood, Iowa. Cook: Joe Hrvol, Council Bluffs, Iowa
Judge:	Greg Steensland (pre-trial motions), Suzy Christensen (trial judge), now Justice on the Iowa Supreme Court.
District Court Case Numbers:	Hovey: FECR007702. Cook FECR007703.

13. Describe how your non-litigation legal experience, if any, would enhance your ability to serve as a judge.

My work in the legislative and executive branches of government is an asset. I understand the separation of powers and practical constitutional law firsthand. I have served at the local, state, and federal levels of government. This has given me a broad view of the impact and importance of the law.

In my work as county attorney and in my private practice, I advise the county and Board of Supervisors or private clients on compliance issues and risk management. The purpose of my advice is to help my clients avoid legal disputes and litigation. I believe that this experience is valuable to the court because it is a constant reminder that in order for individuals or organizations to conform their conduct to the law, it is essential that the law, and any judicial opinion interpreting the law, be clear. I understand the importance of this clarity to promoting compliance, minimizing disputes, and the orderly function of the legal system. In addition, I understand the practicalities of efforts to comply with the law or to assert and exercise one's rights under the law. No law operates in a vacuum or in the abstract.

- 14. If you have ever held public office or have you ever been a candidate for public office, describe the public office held or sought, the location of the public office, and the dates of service.**

Elected Guthrie County Attorney on November 6, 2018. Assumed office of Guthrie County Attorney on January 2, 2019 to present.

Appointed Fremont County Attorney in November 2016. Served as County Attorney from November 2016 to November 2018 until successor was elected and qualified.

Candidate for Attorney General, 2010.

- 15. If you are currently an officer, director, partner, sole proprietor, or otherwise engaged in the management of any business enterprise or nonprofit organization other than a law practice, provide the following information about your position(s) and title(s):**

- a. Name of business / organization.**
- b. Your title.**
- c. Your duties.**
- d. Dates of involvement.**

- 16. List all bar associations and legal- or judicial-related committees or groups of which you are or have been a member and give the titles and dates of any offices that you held in those groups.**

Iowa State Bar Association
The Federalist Society, Iowa Lawyers Chapter
Iowa County Attorneys Association
National District Attorneys Association
The Federalist Society
Iowa Organization of Women Attorneys
Guthrie County Bar Association
Dallas County Bar Association

- 17. List all other professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed above, to which you have participated, since graduation from law school. Provide dates of membership or participation and indicate any office you held. "Participation" means consistent or repeated involvement in a given organization, membership, or regular attendance at events or meetings.**

Finance Council Member, All Saints Church, Stuart, Iowa
Youth Group Leader, All Saints Church, Stuart, Iowa

Altar and Rosary Society, All Saints Church, Stuart, Iowa
Co-Founder, Capitol Hill Federalist Society Chapter (approx. 2005-2010)
Bipartisan Women Chiefs of Staff Bible Study (approx. 2004-2010)
Dexter Lions Club
Guthrie County Republican Central Committee, representative from Purple Precinct
Republican Party of Iowa Central Committee Member
IVHC Board Member (2015-2020)

- 18. If you have held judicial office, list at least three opinions that best reflect your approach to writing and deciding cases. For each case, include a brief explanation as to why you selected the opinion and a citation for your opinion and any reviewing entity's or court's opinion. If either opinion is not publicly available (i.e., available on Westlaw or a public website other than the court's electronic filing system), please attach a copy of the opinion.**
- 19. If you have not held judicial office or served in a quasi-judicial position, provide at least three writing samples (brief, article, book, etc.) that reflect your work.**

Attached

OTHER INFORMATION

- 20. If any member of the State Judicial Nominating Commission is your spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister, state the Commissioner's name and his or her familial relationship with you.**
- 21. If any member of the State Judicial Nominating Commission is a current law partner or business partner, state the Commissioner's name and describe his or her professional relationship with you.**
- 22. List the titles, publishers, and dates of books, articles, blog posts, letters to the editor, editorial pieces, or other published material you have written or edited.**

I do not have a complete record of such materials I have written or edited. In my work at the state, federal, and local levels of government, I have edited and written many published documents. I have occasionally written letters to the editor, but I have not retained copies.

I wrote an essay entitled, “Practical Observations on Politics and the Constitution” for the Drake Law Review constitutional law symposium.

23. List all speeches, talks, or other public presentations that you have delivered for at least the last ten years, including the title of the presentation or a brief summary of the subject matter of the presentation, the group to whom the presentation was delivered, and the date of the presentation.

Speaker, “Transparency and Ethics” National Governors Association Annual Professional Seminar and Continuing Legal Education for Governors’ Legal Counsels, Burlington, VT (September 16, 2013) (with Sarah London, Governor’s Counsel, Vermont)

Presenter, "Practical Observations on Politics and the Constitution" Drake Constitutional Law Symposium, “The U.S. Constitution and Political Dysfunction: Is There a Connection?” Drake Law School (April 6, 2013)(with Sanford V. Levinson, W. St. John Garwood, and W. St. John Garwood, Jr. Centennial Chair in Law, University of Texas School of Law; Norman Ornstein, Resident Scholar, American Enterprise Institute for Public Policy Research; Richard Hasen, Chancellor’s Professor of Law and Political Science, University of California, Irvine; John McGinnis, George C. Dix Professor in Constitutional Law, Northwestern University School of Law ; and Lori Ringhand, J. Alton Hosch Professor of Law, University of Georgia School of Law).

Speaker, “The Constitution: Too Important to Leave to Lawyers” University of Iowa Law School Federalist Society (April 3, 2013).

Panelist, Roundtable Discussion: The Impact of Retention Elections on State Courts of Last Resort and Judicial Independence, St. Ambrose University (March 2, 2013) (with Justice Thomas Waterman, Iowa Supreme Court; Chief Justice Thomas Kilbride, Illinois Supreme Court; Ryan Koopmans, Nyemaster law firm; and Iowa State Rep. Cindy Winckler).

Presentation: Impact of Affordable Care Act Ruling, Drake Law School, October 4, 2012 (with Larry Johnson, Deputy Legal Counsel).

CLE Presenter, Judicial Nominations in the Governor’s Office Training Program for Iowa Judicial Nomination Commissions (May 3, 2013) (with Judge Celeste Bremer and the Iowa Judicial Branch).

Panelist, “So You Want to Be a Judge?”, co-sponsored by the Infinity Project of Iowa, the Iowa Organization of Women Attorneys (I.O.W.A.), and the University of Iowa College of Law (October 19, 2012).

CLE Presenter, Iowa Administrative Rules Process, Iowa Insurance Division (July 7, 2012).

CLE Panelist: “So You Want To Be a Judge?” Program, Iowa State Bar Association Office, Des Moines (March 5, 2012).

Panelist, "Women in Iowa Law & Politics", Journal of Gender, Race & Justice, Women in Iowa Politics Panel (March 1, 2012).

CLE Presenter, Role of Governors’ Counsel, Administrative Rules, and Iowa’s Open Records law, Legislative Services Agency (November 3, 2011).

CLE Presenter, “Rulemaking: Perspectives from the Governor’s Office”, Continuing Legal Education for Government Attorneys, sponsored by the Iowa Attorney General’s Office (October 28, 2011).

Speaker, “Mapping Environmental Compliance: Making Sense of It All”, Iowa Environmental Conference, Iowa Association of Business and Industry and the Iowa Department of Economic Development, September 20, 2011.

I engage in public speaking on a regular basis in the community and routinely address civic groups and other organizations. This is a partial list.

24. List all the social media applications (e.g., Facebook, Twitter, Snapchat, Instagram, LinkedIn) that you have used in the past five years and your account name or other identifying information (excluding passwords) for each account.

Facebook, Brenna Bird/brenna.findley and Brenna Bird for County Attorney
LinkedIn, Brenna Bird
Instagram, Brenna Bird/brenna.findley
Twitter, inactive Brenna Findley
Tik Tok, Brenna Bird
Snapchat, Brenna Bird

25. 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.

I graduated *cum laude* from Drake University. As a George A. Carpenter scholar, I received the accompanying scholarship. I am grateful for this help to this day. While this is not an academic distinction, I am proud that while at Drake I worked full-time to pay my way through school. I cleaned houses, waited tables, worked in the legislature, and managed legislative campaigns. With the help of the scholarship, I paid for college myself.

At the University of Chicago, I was Symposium Editor for The University of Chicago Law School Roundtable: A Journal of Interdisciplinary Legal Studies. As a law student,

I worked in the Institute for Justice Clinic on Entrepreneurship serving entrepreneurs on Chicago's south side. I worked part-time in the law school computer lab to help pay expenses. I relied on a scholarship and loans to fund my legal education.

26. Provide the names and telephone numbers of at least five people who would be able to comment on your qualifications to serve in judicial office. Briefly state the nature of your relationship with each person.

Gail Agrawal, Dean Emerita University of Iowa Law School (gail-agrawal@uiowa.edu). Dean Agrawal was Dean of the University of Iowa Law School she encouraged me to teach Legislation at the law school.

Honorable Terry E. Branstad, United States Ambassador to China. I served in his transition team and in his official office as Counsel.

Jeff Peterzalek, Iowa Attorney General's Office (515-281-5164). Jeff and I worked together on a number of legal issues during my time in the governor's office.

Naeda Elliott, Mills and Fremont County Attorney (712-374-2751). Naeda served as Mills County Attorney when I was Fremont County Attorney.

Aaron Pearce, Vice President & General Counsel, Continental Western Group. Aaron is President of the Iowa Insurance Institute, an association of property and casualty insurers. I have worked with him since 2016 in my role as Executive Director of the organization.

Judge Craig Dreismeier is a District Court Judge in the Fourth District. He was a District Associate Judge when I was County Attorney in Fremont County. He was assigned to Fremont County for all of the juvenile work. He could speak to my juvenile court experience.

Judge Popp Reyes was in the Pottawattamie Attorney's office until she was appointed to the bench. I worked with her on civil matters and post-conviction relief cases when I was in Fremont. Judge Hooper and I had cases together when he was a criminal defense attorney. He was appointed to the position of Cass County Attorney and became a judge. These judges are knowledgeable about my work ethic, professionalism, and demeanor.

I had a bench trial this summer with Judge Richard Clogg. He also covers Guthrie County in the quarterly rotation. Judge Tom Murphy presided over a recent jury trial in the case tried by my Assistant County Attorney. I was second chair. Judge Murphy has also been assigned to Guthrie County court service on a quarterly basis. Judge Mertz has presided over my hearings and over quarterly court service. All of these judges could speak to my work ethic, professionalism and demeanor. (contact information provided upon request).

Cell phone numbers not listed, but will be provided upon request.

27. Explain why you are seeking this judicial position.

I seek the opportunity to serve Iowa on the Supreme Court. The most important work of the court is in writing opinions. I am committed to the fair and impartial administration of justice according to the law. It is the role of a justice to interpret the law, not to make it. It is vital to the preservation of our democratic republic that each of the three branches of government does its job well.

I seek this position because I want to serve my community and state.

28. Explain how your appointment would enhance the court.

1. We are all shaped by our life experiences. Growing up, I learned the value of family and hard work on our family farm as I helped with livestock and farming. After working in Silicon Valley and Washington, D.C., I returned home to Iowa. My husband Bob and I live in the home my grandparents built on their farm near Dexter. We value our roots and our life in a rural community. We both value service to our community. Bob was working as a lawyer at a large firm in New York before we met. Then 9-11 happened. He volunteered for the Army Reserve immediately, and later served as a combat engineer in Iraq. I am proud of his service to our country. Service and sacrifice are shared values in our marriage. As a wife and mom, I am learning the importance of putting my family first, even when other demands seem urgent.
2. I would seek to end the isolation of the Supreme Court. The court can preserve impartiality while being more accessible to Iowans. I will bring the experience I have working with people in the other branches of government to promote engagement with the judicial branch. By putting service to the people of Iowa first, we can focus on doing our best work for the public good. Courtesy and respect are two principles that drive personal relationships in times of disagreement. The court also needs to listen to people throughout the judicial branch. For example, the people serving in clerks' offices and magistrates are the front lines of the judicial branch. They have the most interaction with Iowans. Clerks and magistrate judges have good ideas about how to better serve Iowans and find efficiencies for the administration of the legal system. This is also true of district associate judges, and district judges. A supreme court justice is entrusted with service. As a justice I would serve not only the entirety of the judicial branch, but all Iowans whom the judicial branch itself exists to serve.
3. As a county attorney in rural Iowa I bring a "from the ground up" perspective to the court rooted in practicality. It is not only important to get the law right, but also to take care that those reading an opinion will understand what it means and how it can apply to their circumstances. I also understand the impact of addictions and mental

health issues. I will bring strong support for drug court programs and mental health court.

4. My trial experience and criminal law background will enhance the court. I have experience at all trial court levels—magistrate court, juvenile court, and district court. With the exception of attorney disciplinary cases, all cases come through these courts to the Supreme Court. In addition, no justice currently on the court has been a county attorney, with one justice serving as an assistant county attorney. I have served as a county attorney in two counties. My juvenile court experience will be an asset. Justice Christensen has extensive juvenile court experience both as a judge and as an assistant county attorney. I will bring my practical juvenile court experience to the court.
5. I will bring my administrative experience and management experience to the court. The Supreme Court is responsible for the administration of justice in all 99 counties. I have management experience from my time with Congress and in the Iowa executive branch. I run my own law practice and am responsible for managing my office as county attorney. I understand budgets, administrative rules, and personnel management. Most importantly I understand that people are the most important asset of the judicial branch, and behind every case or controversy are the people who are affected.
6. I have practiced in diverse settings including Washington, D.C., and Silicon Valley, as well as Sidney and Guthrie Center, Iowa. I have worked at large, national law firms, a mid-sized Iowa firm, and my own solo practice. I have worked in government and for private clients. My practice includes both large and small clients. For example, I work for the Iowa Insurance Institute, a trade organization comprised of the property and casualty insurance companies in Iowa. I also help small organizations and individuals with their legal needs.

29. Provide any additional information that you believe the Commission or the Governor should know in considering your application.

As a justice I will recuse myself from any case where I have involvement requiring recusal. This includes *Godfrey v. State* (currently on appeal) and cases from Guthrie and Fremont county cases relating to my work there.