

**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.**

David Noel May

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

Judge, Iowa Court of Appeals (statewide)

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

May 23, 1971

- 4. State your current city and county of residence.**

Polk City, Polk 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.

Schools	Attended	Degree
Drake University Law School	05/95 to 05/98	J.D.
University of Oklahoma Health Sciences Center	01/94 to 05/95	M.P.H.
University of Missouri - Columbia	08/89 to 05/90; 08/90 to 05/91; 08/92 to 05/93; 08/93 to 12/93	B.A.
Northeast Missouri State University (now renamed as Truman State University) I elected to finish my degree at the University of Missouri.	05/90 to 08/90; 05/91 to 05/92	None

6. Describe in reverse chronological order all of your work experience since graduating from college, including:
- 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.
 - 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.

Employer	Positions and dates	Supervisor or knowledgeable colleague
Iowa Judicial Branch, 1111 E. Court Avenue, Des Moines, IA 50319	Judge, Iowa Court of Appeals, 2019-present	Hon. Sharon Soorholtz Greer

Iowa Judicial Branch, Polk County Courthouse, 500 Mulberry Street, Des Moines, IA 50309	District Judge, 2016-2019	Hon. Karen Romano
Bradshaw, Fowler, Proctor, & Fairgrave, P.C. (referred to here as "the Bradshaw law firm" or "Bradshaw"), Des Moines, Iowa, 801 Grand Avenue, Suite 3700, Des Moines, Iowa 50309	Vice President, early 2016 Secretary-Treasurer, 2015 Compensation Committee, 2015 Chair, Recruiting Committee, 2005-15 Shareholder, 2005-16 Associate, 2001-04	David J.W. Proctor
Drake University, 2507 University Ave., Des Moines, IA 50311	Adjunct Instructor, 2006-7	James Dodd
Hawkins & Norris, P.C., 2501 Grand Avenue, Des Moines, IA 50312	Associate, 1998-2001 Clerk, 1997-98	Glenn L. Norris
Iowa Academy of Trial Lawyers, 312 6 th Ave., Suite 1200, Des Moines, IA 50309	Clerk, 1996-98	David L. Brown
Independent LifeStyle Assoc., Inc., 1210 Main Street, Panora, IA	Clerk, 1995-96	Not available
Self-employed in Tulsa, OK	Biostatistics tutor, Fall 1994	None
Kaplan Educational Resources, Tulsa, OK	Clerical staff and teacher for LSAT prep course, 1994-95	Not available

Area Health Education Center, 312 S. Elson Street, Kirksville, MO 63501	Administrative Intern, Summer 1994	Not available
Blackeyed Pea, Tulsa, OK	Waiter, early 1994	Not available

Note also: In fall 2008, I received compensation from the Bureau of Alcohol, Tobacco, Firearms & Explosives for assistance with ATF's Special Agent Basic Training Program at the Federal Law Enforcement Training Center, 1131 Chapel Crossing Road, Brunswick, GA 31524. I was classified as a contract instructor rather than an employee.

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.**

I was admitted by Iowa in September 1998. I remain in good standing.

I was admitted by Minnesota in November 2000. I did not practice law in Minnesota; accordingly, I maintained inactive status, which relieved me of Minnesota's special CLE requirements. On a few occasions, I allowed my membership to lapse for short periods through non-payment of annual dues. My records show this occurred in 2001, 2006, 2009, and 2012. In 2016, I terminated my membership because I was leaving private practice to become a judge. I was in good standing at the time.

I was admitted by Nebraska in October 2014. In 2016, I terminated my membership because I was leaving private practice. I was in good standing at the time.

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.**

I explain my legal experience by describing four periods:

1. Hawkins & Norris, P.C.

From 1998 until June 2001, I was employed by the Hawkins & Norris law firm.

My practice was focused on civil litigation (99%), although I did represent one criminal defendant. About 80% of my practice involved representing grain producers in Hedge-to-Arrive ("HTA") contract disputes. About 10% of my practice involved representing individuals in personal injury cases, including products liability cases. About 10% of my practice involved representing small entities in business litigation.

2. Bradshaw law firm

From June 2001 until February 2016, I was employed by the Bradshaw law firm. During this period, my practice was divided between civil litigation (about 50%) and insurance coverage work (about 50%).

About 80% of my insurance coverage work involved matters in which arson or other fraud was suspected. The remainder (20%) involved other technical questions of policy interpretation.

About 40% of my litigation work involved representing insurance companies in first-party cases, that is, cases against insureds. The remainder of my litigation work (about 60%) involved representing individuals and businesses in a variety of other disputes. This work often involved specialized areas, e.g., class actions, intellectual property, bankruptcy fraud, consumer fraud, and construction defects.

Note: In response to questions 8e and 8f, I would offer the following information concerning my trials and appeals as a private practice attorney:

- Over the past ten years (2010-present), I have spent approximately four years as a judge (2016-present) and approximately six years in private practice. During that roughly six year period of private practice (2010-

2015), I was sole counsel for two jury trials and associate counsel on one more. I was sole counsel on two non-jury trials. I participated in approximately ten appeals, two in federal court and the rest in state court. I was sole counsel on one of those appeals, chief counsel on three others, and associate counsel on the rest.

- In addition, during my first years in private practice (1998-2010), I was co-chief counsel on one jury trial and associate counsel on at least three more. I was sole counsel on approximately ten non-jury trials. I was chief counsel on one more. I participated in approximately nineteen appeals, eight in federal court and the rest in state court. I was chief counsel for five of those appeals and associate counsel on the rest.

3. District Judge

From February 2016 to May 2019, I served as a District Judge. My time was spent approximately as follows:

- 25% on family law matters;
- 40% on other civil matters, including postconviction relief cases and administrative appeals;
- 35% on criminal matters.

I presided over sixteen jury trials, scores of bench trials, and hundreds of other hearings.

4. Judge – Iowa Court of Appeals

Since May 2019, I have served as a Judge on the Iowa Court of Appeals. My time has been spent approximately as follows:

- 15% on family law appeals;
- 25% on juvenile appeals, including terminations of parental rights;
- 30% on other civil appeals, including postconviction relief cases;
- 30% on criminal appeals.

I have authored approximately 50 opinions and voted on approximately 130 others.

- 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.**

While in private practice, I assisted individuals with ten or more pro bono matters. On average, I spent about five hours per year on these matters. Here are some examples:

- Helping a self-represented plaintiff obtain proper service in her case against the Commissioner of Social Security;
- Representing a defendant in a criminal domestic abuse case;
- Helping a self-represented plaintiff obtain service in her employment discrimination case;
- Representing a prisoner in a section 1983 case, as further discussed in response to question 12;
- Representing a friend of a friend in a marital dissolution;
- Representing a defendant in an OWI case;
- Throughout my career, I have provided legal guidance and other assistance to teenage children of various friends.

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.**

Between 2016 and 2019, I served as a District Judge on the Iowa District Court, a court of general jurisdiction. I was nominated by the District 5C Judicial Nominating Commission. I was appointed by Governor Terry Branstad.

Since May 2019, I have served as a Judge on the Iowa Court of Appeals, a court of appellate jurisdiction. I was nominated by the State Judicial Nominating Commission. I was appointed by Governor Kim Reynolds.

- 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.**

1. On July 21, 2016, I entered an order in Polk County case EQCE080139 entitled *State of Iowa ex. rel., Thomas J. Miller, Attorney General of Iowa v. Awakened, Inc. et al.* I have provided a copy as a PDF file named **May 10b Awakened Dist Ct.** I did not find a citation for this order.

On September 27, 2017, the Iowa Court of Appeals issued an opinion affirming in part, reversing in part, and remanding. I have attached a copy named **May 10b Awakened App Ct**. Its West citation is 2017 WL 4317295.

2. On December 20, 2017, I entered an order in Polk County case FECR290646 entitled *State of Iowa v. Khamfay Lovan*. I have provided a copy named **May 10b Lovan Dist Ct**. I did not find a citation for this order.

On February 12, 2018, the Iowa Supreme Court entered an order reversing in part. I have provided a copy named **May 10b Lovan Sup Ct**. I did not find a citation for this order.

3. On March 30, 2018, I entered an order in Polk County case LACL128372 entitled *Larry R. Hedlund v. State of Iowa et al.* I have provided a copy named **May 10b Hedlund Dist Ct**. Its West citation is 2018 WL 6721912.

On June 28, 2019, the Iowa Supreme Court entered an order affirming in part, reversing in part, and remanding. I have attached a copy named **May 10b Hudlund Sup Ct**. Its West citation is 930 N.W.2d 707.

- 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.**

I do not believe any of my orders or opinions has reached the level of constitutional significance anticipated by this question. None of my orders or opinions has resulted in a published appellate decision on a constitutional issue. None of my orders or opinions has declared a statute or regulation to be unconstitutional.

With that said, when I served as a District Judge, I wrote many orders that involved constitutional issues. For example, I have ruled on many suppression motions that involved search and seizure issues. I have also resolved a number of postconviction relief cases that involved the right to effective counsel. I have also addressed constitutional arguments in other contexts such as a prisoners' rights case, a bond review hearing, a dispute over the application of a sentencing enhancement, a dispute concerning due process in administrative proceedings, and motions to dismiss for lack of personal jurisdiction. Similarly, as a Court of Appeals judge, I have encountered constitutional issues in a variety of areas, including postconviction relief cases, criminal cases, and juvenile cases.

Please let me know if you would like me to provide any of these orders or opinions. Please note also that, in response to question 18, I have attached a sample of my work on constitutional issues. It is labelled **May 18 Muligande**.

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.** 3
 - 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.**
None
 - ii. **180 days.**
None
 - iii. **240 days.**
None
 - iv. **One year.**
None
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.**

Significant legal matter #1:

American Family Mut. Ins. Co. vs Robert Miell, United States District Court for the Northern District of Iowa (04-cv-00142); In re *Miell*, United States Bankruptcy Court for the Northern District of Iowa (09-1500, 09-09074).

Some additional relevant citations:

Am. Family Mut. Ins. Co. v. Meill, 2006 WL 2859623 (N.D. Iowa Oct. 4, 2006)
Am. Family Mut. Ins. Co. v. Miell, 2008 WL 746604 (N.D. Iowa Mar. 19, 2008)
Am. Family Mut. Ins. Co. v. Miell, 2008 WL 2641273 (N.D. Iowa July 1, 2008)

Am. Family Mut. Ins. Co. v. Miell, 569 F. Supp. 2d 841 (N.D. Iowa 2008)
Am. Family Mut. Ins. Co. v. Miell, 2008 WL 2773713 (N.D. Iowa July 16, 2008)
In re Miell, 419 B.R. 357 (Bankr. N.D. Iowa 2009)

Summary and outcome: Mr. Robert K. Miell was a landlord in Cedar Rapids. He owned approximately 700 rental properties. Following a May 2001 storm, Mr. Miell made claims for hail damage on his insurer, American Family Mutual Insurance Company. In support of his claims, Mr. Miell submitted proof of repairs such as contractor invoices and checks written to contractors. In reliance on Mr. Miell's documents, American Family paid him for approximately 145 roof repairs or replacements. In 2004, however, American Family learned it had been duped: Mr. Miell had submitted false documentation. His roofs had not been repaired or replaced. Mr. Miell had received several hundred thousand dollars to which he was not entitled.

American Family asked our firm to bring suit against Mr. Miell. After extensive investigation, discovery, and motion practice, we tried the case to a jury in January 2008. After six days of evidence and argument, the jury returned a verdict in favor of American Family. Based on the jury's verdict, the Court entered judgment against Mr. Miell for \$1,565,096.74. This included \$1,017,332.30 for punitive damages.

Mr. Miell chose not to pay the judgment. We then pursued collections efforts, which included substantial participation in Mr. Miell's bankruptcy. By the end of 2011, we had collected over \$1.5 million for American Family.

Significance: I do not know of another Iowa case in which an insurance company has been awarded significant punitive damages against a policy holder. Of course, the facts of Mr. Miell's case were very unusual. Still, the verdict reaffirmed my faith in the jury system. It showed that Iowa jurors are willing to reach fair and appropriate results no matter who the parties are.

My participation: I spent hundreds of hours on this case between 2004 and 2011. My efforts included investigation; discovery; pre-trial motion practice; trial preparation; actual trial of the matter; post-trial motion practice; settlement efforts; collection efforts; and participation in the bankruptcy, including pursuit of an adversary proceeding.

At the 2008 trial in Cedar Rapids, I was "co-lead" counsel. I conducted voir dire, the opening statement, the examination of most witnesses, and the closing arguments. I also argued the legal issues, such as jury instructions and evidentiary issues.

Co-counsel: My co-counsel was Mr. David J.W. Proctor. He is a shareholder with the Bradshaw law firm.

Counsel for other parties: Mr. Miell was represented by a series of lawyers. Through trial, he was represented by Mr. Peter C. Riley, 4040 First Avenue NE, Cedar Rapids, IA 52402-3140. For purposes of post-trial motions and appeal, Mr. Miell was represented by Mr. Webb L. Wassmer, 115 Third Street, S.E., Suite 1200, Cedar Rapids, IA 52401-1266. During the bankruptcy, Mr. Miell was represented by Mr. Jerry Wanek, who is now deceased.

Note also that, at the trial court level, Mr. Miell pursued a claim against his insurance agent. The agent was represented by Mr. Patrick L. Woodward, P.O. Box 2746, Davenport, IA 52809.

Judges involved: The case was tried before United States Magistrate Judge Jon Stuart Scoles. The bankruptcy matters were heard by United States Bankruptcy Judge Paul J. Kilberg.

Significant legal matter #2:

Mercy Billing Class Action Litigation: *Hay et al. v. Catholic Health Initiatives et al.*, Polk County LACL096101; *Miller et al. v. Mercy Hospital Medical Center et al.*, Polk County LACL096903.

Summary and outcome: This litigation involved the intersection of health insurance coverage, personal injury tort law, and the Iowa Hospital Lien statute.

Historically, many health insurers refused to pay Mercy Hospital for care provided to insured patients if the care arose from an accident caused by a negligent third-party. Instead, health insurers insisted that Mercy pursue a hospital lien against the patient's eventual recovery from the third-party. Accordingly, in such cases, Mercy had traditionally pursued hospital liens in the amount of its full charges. Mercy believed this practice was consistent with insurers' expectations as well as conventions within the health services industry.

In 2004, however, this practice was challenged in two class action lawsuits. Although the suits advanced different legal theories, they shared a central argument: Even if a patient's insurer refuses to pay, Mercy should not seek payment of its full *charges* from the patient's tort recovery. Instead, Mercy should pursue a lesser amount based upon the discount agreement contained in Mercy's "provider agreement" with the patient's health insurer.

After extensive litigation, including a summary judgment ruling, Mercy and the plaintiffs' lawyers sought to resolve their disputes through settlement. The goals of the settlement were two-fold: (1) provide compensation to patients who had been overcharged in the past, and (2) establish an agreeable protocol for future cases. These goals were achieved through a lengthy process that included extensive negotiations on terms and conditions, preparation of a detailed settlement agreement, establishment of a "settlement class" by the Court, issuance of court-ordered notice to class members, briefing and hearings

regarding the fairness of the settlement, final approval of the settlement by the Court, and distribution of payments to class members.

Significance: This litigation was significant for Mercy and the plaintiff bar because it resolved a long-standing “bone of contention” in a mutually-agreeable fashion.

It was significant for me personally because it provided a great learning opportunity concerning the settlement of class actions—a rather complex and specialized area of the law. I enjoyed the opportunity to learn the process “from scratch,” and to implement that knowledge in a productive manner.

Counsel for Mercy: Several lawyers from the Bradshaw law firm were involved at various points. Mr. John Cortesio and I served as “co-lead” counsel for Mercy through most of the process. I spent several hundred hours on this matter between 2004 and 2008.

Counsel for other parties: In the *Hay* case, the plaintiffs were represented by Mr. George LaMarca and his colleagues, 1820 NW 118th St #200, Des Moines, IA 50325.

In the *Miller* case, the plaintiffs were represented by Mr. Joe Gunderson, 321 East Walnut Street, Suite 300, P.O. Box 6010, Des Moines, IA 50309; as well as Mr. William G. Brewer and Mr. Frank Steinbach, III, Westown Business Center I, 1701 - 48th Street, Suite 100, West Des Moines, IA 50266-6723.

Note also that, in the *Hay* case, Central Iowa Hospital Corporation was a co-defendant. It was represented by Mr. Steven Scharnberg and Mr. Thomas J. Joensen. Mr. Scharnberg’s address is 699 Walnut Street, 1900 Hub Tower, Des Moines, IA 50309. Mr. Joensen’s address is 801 Grand Avenue, 33rd Floor, Des Moines, IA 50309.

Judge involved: Although several judges were involved at different phases, District Judge Eliza Ovrum had the most significant involvement. She ruled on the summary judgment motions in the *Hay* case. She also approved the class-action settlement.

Significant legal matter #3:

Irvin Johnson v. Chris Brown et al., United States District Court for the Southern District of Iowa (04-cv-00583).

Summary: Mr. Irvin Johnson was a prisoner at the correctional facility at Fort Madison, IA. In 2004, he filed a self-represented (pro se) complaint in the United States District Court for the Southern District of Iowa. Mr. Johnson alleged that a guard had thrown food at him, that Mr. Johnson had complained about the food incident, and that the guard retaliated by physically abusing Mr.

Johnson. Moreover, Mr. Johnson alleged, staff had refused to photograph bruises that the guard had caused. Through these and other actions, Mr. Johnson alleged, the staff had violated his constitutional rights.

After several months of litigation, the Court entered an order for appointment of pro bono counsel for Mr. Johnson. I accepted the appointment.

Nature of participation, dates of involvement, judges involved, and outcome: I represented Mr. Johnson from June 2005 through November 2006. My representation included writing approximately twenty letters to Mr. Johnson, holding several phone conversations with him, taking depositions in the Fort Madison facility, and trying the case in the Fort Madison facility. We tried his case before United States Magistrate Judge Celeste F. Bremer. Following trial, Judge Bremer filed a report in which she recommended dismissal of Mr. Johnson's complaint. Ultimately, United States District Judge James E. Gritzner adopted Judge Bremer's recommendation. Mr. Johnson's case was dismissed. He elected not to appeal.

Significance: Although Mr. Johnson ultimately lost his case, he was extremely grateful for our representation. I found his appreciation very gratifying.

Moreover, my work with Mr. Johnson changed my perspective on our corrections system. It opened my eyes to challenges faced both by corrections staff and by prisoners. It also reinforced the importance of our judicial system as a safeguard against violation of constitutional rights.

Other counsel: Ms. Karin Stramel (now Johnson), who was then an associate at the Bradshaw law firm, assisted me with the case. The defendants were represented by Mr. William A. Hill with the Iowa Department of Justice, Office of the Attorney General, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, IA 50319.

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

As explained in my response to question 8, my non-litigation legal experience involved helping insurers to resolve coverage issues. This experience has helped me to understand and resolve insurance issues in cases over which I have presided as a judge. Additionally, I believe my experience with insurance fraud helps me evaluate the credibility of evidence.

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.

District Judge (held)
Polk County, Iowa
February 2016-May 2019

Judge, Iowa Court of Appeals (held)
Iowa
May 2019-present

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.

Name of business / organization	Your title	Your duties	Dates (From -- To)
United Methodist Church, Polk City, Iowa	Committee Chair, Boy Scout Troop 89	The Troop Committee has two main responsibilities: (1) supporting the Scoutmaster; and (2) handling troop administration. The Committee Chair organizes committee meetings and assures that the Committee fulfills its responsibilities.	01/2019-present
United Methodist Church, Polk City, Iowa	Member, Pastor/Staff-Parish Relations Committee	The P/SPRC works to build strong positive relationships between church staff and the congregation. It addresses personnel issues such as evaluations, hiring, and dismissals.	01/2019-present

Iowa Judges Association	Court of Appeals representative	I am a voting member on the IJA Board. I represent IJA members from the Court of Appeals.	11/2019-present
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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.

Organizations	Committees / Offices	Dates
Iowa State Bar Association	None	1998-present
Polk County Bar Association	None	1998-present
Iowa Association of Trial Lawyers	None	1999-2000 (?)
C. Edwin Moore Inn of Court	None	2000-03 (??), 2012(?) -present
Iowa Defense Counsel Association	None	2001-16
American Bar Association	None	2002-16 (??)
Defense Research Institute	None	2002-08
Iowa Board of Law Examiners	Temporary examiner for the bar examination	2004-10
Eighth Circuit Bar Association	None	2004-12
Nebraska State Bar Association	None	2014-16
Lincoln Inne of Court	None	2015-present
Iowa Judges Association	District 5 representative, 2016-19 Education committee co-chair, 2017-present Court of Appeals representative, 2019-present	2016-present
Iowa State Bar Foundation (Fellow)	None	2019-present

Supreme Court Committee on Judicial Technology	None	06/2019-present
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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.

Organizations	Offices	Dates of affiliation
First United Methodist Church, Kirksville, MO	None	From childhood until 2002
St. James Lutheran Church, Johnston, IA	Mutual Ministry Committee, 2004-06 Treasurer, 2007-09 President, 2009-10 Council member, 2012	2002-2012
International Association of Arson Investigators – Iowa Chapter	Director of Prosecution, 2011-14	2002-16
International Association of Arson Investigators	None	2005-13
International Association of Special Investigation Units – Iowa-Nebraska Chapter	Honorary counsel, 2008-16	2008-16
International Defensive Pistol Association	None	2008-9
Metro Area Fire Investigation Taskforce (Note: MAFIT is an interagency task force; in general, its members are employed by Des Moines area fire	None	2008-16

and law enforcement agencies. I was one of three privately-employed members.)		
International Association of Special Investigation Units	None	2010-14 (??)
Association of Certified Fraud Investigators (Associate)	None	2011
National Fire Protection Association	None	2011
Martial Artists for Children and Community	Secretary, 2011-12 Vice President, 2013-14	2011-14
Polk City United Methodist Church	Cub Scout Pack 89, Den Co-leader, 2012-13 Member of Pastor/Staff-Parish Relations Committee (P/SPRC), 2013-15, 2019-present Chair of P/SPRC, 2014-15 Boy Scout Troop 89, Committee Chair, 2019-present Boy Scout Troop 89, Asst. Scoutmaster, 2017-18 Boy Scout Troop 89, Adult Volunteer, 2015-16	2012-present
National Association of Fire Investigators	None	2013-16

Please note also:

- As suggested above, the Polk City Methodist Church is currently the chartering organization for Cub Scout Pack 89. From approximately 2013 to 2015, however, the chartering organization for Cub Scout Pack 89 was American Legion Post 232. During that period, I served as a Den Leader and later as Pack Committee Chair.
- I continue to receive correspondence from the University of Missouri, University of Oklahoma Health Sciences Center, Drake Law School, and the Delta Chi national fraternity. Although I am not actively involved in their alumni organizations, I believe they count me among their members.
- During some years, I have paid dues to the National Rifle Association. I believe it has been between five and ten years since I last paid dues.
- During some years, I have paid dues to wildlife groups such as Pheasants Forever, the National Wild Turkey Federation, and a dove hunters' group. I believe it has been between five and ten years since I last paid dues to any such group.

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.

1. Iowa Court of Appeals opinion in *Fishel v. Redenbaugh*, No. 18-1715, Nov. 27, 2019. Its West citation is 2019 WL 6358430. This opinion provides a sample of my work involving statutory interpretation. I have provided a copy named **May 18 Fishel**.
2. Iowa Court of Appeals opinion in *State v. Muligande*, No. 18-0988, Oct. 9, 2019. Its West citation is 2019 WL 5067159. This opinion provides a sample of my work on a constitutional issue. I have provided a copy named **May 18 Muligande**. (Please note: The special concurrence on page 6 is not part of my opinion. It was written by Judge Doyle.)
3. Iowa District Court order entitled "Order on Motion to Dismiss" in *Roy Karon et al. v. James Mitchell et al.*, LACL140490, Jun. 13, 2018. This order provides a sample of my work involving contract issues. I have provided a copy named **May 18 Karon**. I found no West citation for this order. No reviewing court has issued an 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.

N/A

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.

N/A

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.

N/A

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.

Publisher and primary author, *Red Flags Fraud Blog* (2010-11). Note: I did not retain records of any specific blog posts. All posts related to the investigation of arson, insurance fraud, or both.

Author, *Electronic Signatures and Application Fraud*, IA-NE IASIU NEWS (2008)

Author, *Iowa Court of Appeals' decision could signal a significant change in Iowa's 'innocent coinsured' doctrine*, Bradshaw Ezine (March/April 2004)

Author, *Iowa Supreme Court clarifies the effect of form releases*, Bradshaw Ezine (November 2003)

Co-author of the Torts chapter in the *Iowa Legal Research Guide*, William S. Hein & Company (2003)

Author, *Pioneer's Paradox: Appellate Rule 4(a)(5) and the Rule Against Excusing Ignorance of Law*, 48 DRAKE L. REV. 677 (2000)

Research assistant for Lex Hawkins & Glenn Norris, *Trial Handbook* (Iowa Academy of Trial Lawyers 1999)

Co-author, <i>Hedge to Arrive Contracts and the Commodity Exchange Act: A Textual Alternative</i> , 4 DRAKE L. REV. 319 (1999)
Author, <i>Inhouse Defenders of Insureds: Some Ethical Considerations</i> , 46 DRAKE L. REV. 881 (1998) (note)
In summer 1996, I wrote an article about birds. It was published in CityView, a Des Moines news magazine.
In spring 1992, I wrote at least one article in the <i>Metho-News</i> , a publication of the First United Methodist Church in Kirksville, MO. I have access to one example, which was written under the heading "Intern's Corner."
During the 1988-89 school year, I was enrolled in a journalism class at the Kirksville (MO) High School. I wrote several news articles and editorials. Some of them were published in our in-school edition, or in the local Kirksville Daily Express newspaper, or in both. I do not have records or recollection of all of them. I know that one of them was an editorial entitled <i>Medicaid: The Rise and Fall of Our 'Great Society.'</i> I believe it was published in our May 1989 in-school edition. I also recall that one of my news articles was published in Fall 1988. It discussed injuries on the cross-country team.
During the 1987-88 school year, I was enrolled in the Missouri History class at the Kirksville (MO) High School. This class was responsible for publishing a magazine called <i>The Chariton Collector</i> . I wrote an article entitled <i>Sperry's Own Dr. Kennedy</i> ; it appeared in our Spring 1988 edition. I co-authored an article entitled <i>From Riches to Rags</i> ; it appeared in our Winter 1987 edition.

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.

Title or Topic	Group	Date
Untitled discussion on choosing law school, being a lawyer, and being a judge	Iowa State University Pre-law group	12/2019
Untitled investiture speech	Iowa Court of Appeals	06/2019

Drug Court	Iowa Association of Criminal Defense Lawyers	04/2019
Public interview for Court of Appeals	State Judicial Nomination Commission	03/2019
Specialty Courts	Polk County Bar Association	01/2019
Courtroom testimony	Des Moines Fire Department	01/2019
Best Practices in State and Federal Court: What Can We Learn from Each Other? (Note: This was a panel presentation with Iowa District Judge Paul Scott and U.S. District Judge Rebecca Goodgame Ebinger.)	Polk County Bar Association	03/2018
The Judicial Application Process	Iowa State Bar Association	11/2017
Untitled speech for baccalaureate ceremony	North Polk High School	05/2017
A View from the Bench	Polk County Bar Association	04/2017
As Judges See it: Top Mistakes Attorneys Make In Civil Litigation	National Business Institute	12/2016
Untitled investiture speech	Iowa District Court for Polk County	04/2016
Tips for Tough EUOs (Note: "EUO" refers to the "examinations under oath" used in insurance)	Iowa-Nebraska Chapter – International	03/2015

investigations.)	Association of Special Investigation Units	
Civil Litigation for Fire Investigators	Iowa Chapter - International Association of Arson Investigators	09/2014
Arson for Prosecutors – Insurance Fraud	Bureau of Alcohol, Tobacco, Firearms, and Explosives	07(??)/2014
Chapter 100A	Iowa Chapter - International Association of Arson Investigators	09/2013
Law in Review: Update of Statutes and Case Law (Note: This dealt with legal issues impacting insurance fraud investigations).	Iowa-Nebraska Chapter – International Association of Special Investigation Units	04/2013
Bankruptcy: Not Just A Motive (Note: This dealt with the use of bankruptcy filings in insurance fraud investigations.)	Iowa-Nebraska Chapter – International Association of Special Investigation Units	05/2011
Information You Should Know About Bankruptcy	Iowa-Nebraska Chapter – International Association of Special Investigation Units	01/2010
Tips for Tough EUOs	Iowa-Nebraska Chapter – International	04/2009

	Association of Special Investigation Units	
Insurance Issues and Bad Faith	Iowa Defense Counsel Association	04/2009
<p>Fire Investigation School – Insurance Fraud – Arson from the Insurance Company’s Perspective</p> <p>Note: This presentation is taught by a team of lawyers from the Bradshaw law firm. Since my appointment to the bench, my portion of the presentation has focused on courtroom testimony and decorum.</p>	Iowa State Fire Marshal - Fire Service Training Bureau	Annually from Spring 2006 through Spring 2019 (although I may have been absent one or more years)

Please note: I have also given a few short presentations on legal topics as part of my membership in the Lincoln Inne of Court and the C. Edwin Moore Inn of Court. Also, on a variety of occasions, I have made public comments as part of my involvement with the Boy Scouts (Troop 89, Polk City, IA); the Cub Scouts (Pack 89, Polk City, IA); the Polk City United Methodist Church; and the St. James Lutheran Church (Johnston, IA).

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.

Social media application name	Account name or other identifying information
Facebook	Dave May. Previously, I have used David May, D Avid M Ay, and Sugar Ray May (named after our dog).
Instagram	Dave May
LinkedIn	David May
Twitter	@davedsmia
VSCO	Dave12282846
Yonder	@davemay

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.

Recognition	By:	Date
In the 2018 <i>Judicial Performance Review</i> , ninety-seven percent of responding attorneys voted in favor of my retention.	Iowa State Bar Association	10/2018
Award "For Outstanding Contribution to the Detection, Investigation, and Prosecution of Insurance Fraud"	Iowa Insurance Division	04/2010
Order of the Coif honorary society	Drake chapter of the Order of the Coif	10/1998
"High Honors" designation for my law degree	Drake University Law School	05/1998
Chosen to serve on the Drake University Law Review	Drake University Law School	Associate Editor (1997-98); Staff (1996-97)
CALI Excellence for the Future Awards for the following classes: <ul style="list-style-type: none"> • Civil Procedure I • Employment Discrimination • Consumer Protection • Labor Law I 	The Center for Computer Assisted Legal Instruction	Undated. Received between 1996 and 1998.
Corpus Juris Secundum Award for Scholastic Excellence in Civil Procedure	West Publishing Corporation	1995-96
Delta Omega honorary public health society	University of Oklahoma chapter	04/1996

Graduate Student Association Award for Outstanding Academic Achievement	University of Oklahoma Graduate Student Association	12/1995
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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.

Name	Relationship	Telephone number
U.S. District Judge Rebecca Goodgame Ebinger	Judicial colleague. Additionally, during private practice, I had a jury trial before Judge Ebinger.	515-323-2855
Iowa Court of Appeals Judge Sharon Soorholtz Greer	Judicial colleague. I also knew Judge Greer when we were both in private practice. Also, she had one case before me when I was a District Judge.	515-348-4925
Iowa District Judge Samantha Gronewald	Judicial colleague. Additionally, during private practice, we represented adverse parties in an insurance dispute.	515-286-2170
Iowa District Judge William P. Kelly	Judicial colleague.	515-286-2169
Iowa Supreme Court Justice Edward M. Mansfield	Judicial colleague. Additionally, during private practice, we represented adverse parties in multiple matters. We have also taught CLE courses together.	515-348-4700
Senior Judge Karen A. Romano	Judicial colleague.	515-979-4639

27. Explain why you are seeking this judicial position.

Humans have always had disputes. The key question is how those disputes will be resolved. Will they be resolved through violence and deception, or will they be handled in a civilized manner, through a trusted system of justice?

In the United States, and particularly in Iowa, we enjoy a strong, respected judicial system. It allows for the just and peaceful resolution of disputes in accordance with the rule of law. It is one of the reasons we enjoy so much freedom, stability, prosperity, and safety.

But our courts cannot remain strong without strong judges and justices. This means that qualified candidates must be willing to take on the responsibility of judging. This is why I applied for my prior role as a District Judge. It is also why I applied for my current role on the Court of Appeals. And it is also why I am now applying for the Supreme Court. In short, I hope to serve our community by adding to the strength of our judicial system.

28. Explain how your appointment would enhance the court.

The Iowa Supreme Court plays an integral role in our constitutional system. It is charged with administering a court system that serves all 99 counties. Through its opinions, the Court answers some of our most challenging legal questions. Often, those opinions have far-reaching consequences for the lives of Iowans.

I believe I can make a substantial contribution to the Court's work. Here are five reasons why:

1. **Legal writing** is one of my favorite kinds of work. I am especially drawn to legal issues that are novel, complex, or both. And I enjoy the challenge and responsibility of writing opinions that provide both (1) justice for the current parties and (2) useful guidance for future cases.

2. I have had an interesting mix of **life experiences**. I grew up in a medium-sized town in rural northeast Missouri. There are no other lawyers in my family. I am a regular person—but I have received extraordinary blessings. Throughout my life, family and friends have loved and supported me. I had the great fortune to work at two successful law firms. I had the honor of serving a wide range of clients, including major corporations, high school students, family farmers, and many others. Then I had the privilege of serving on the District Court. While there, I presided over sixteen jury trials; dozens of family law trials; scores of felony guilty pleas; scores of felony sentencing; dozens of suppression hearings; and countless other civil, criminal, and family law hearings. I now have the honor of serving on the Iowa Court of Appeals. While here, I have authored dozens of opinions and voted on dozens more.

3. I enjoy **working with others** to solve challenging problems in a thoughtful and timely manner. I enjoyed serving on the three-person committee that manages the Bradshaw law firm. I enjoyed serving as Treasurer and then President of St. James Lutheran Church in Johnston. I enjoy working with my wife to raise our two teenagers. And I enjoy working with my fellow Court of Appeals judges, both to decide cases and to address administrative issues.

4. I am committed to **collegiality**. Our courts perform best when our judges provide support and camaraderie to one another.

5. I am equally committed to **independent thinking**. If I disagree with my colleagues about how we should decide an appeal, I am glad to share my point of view. Often, we can work together to find a solution on which we all can agree. When appropriate, though, I am glad to write a separate opinion.

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

If chosen to serve, I promise I will do my best to support "the Constitution of the United States," to support "the Constitution of the State of Iowa," and to "administer justice according to the law" equally to all persons. See Iowa Code § 63.6.

Thank you for your consideration.