

Iowa Judicial Branch
Application for a Supreme Court Justice Position

(Revised: 5-7-2018)

Part 1: Personal Background Information Form
For Submission to the State Judicial Nominating Commission
See the "Instructions for Applicants" (a separate page)

1. Applicant's full name:

Larvin "Craig" Nierman

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

Partner; Phelan, Tucker, Mullen, Walker, Tucker & Gelman, L.L.P.

3. City and county of residence:

Iowa City (outside the city limits), Johnson

4. Age:

5. Gender (Female / Male):

6. Race/ethnicity:

Please provide this information so we can determine the extent to which the Iowa courts are attracting candidates from diverse racial/ethnic backgrounds. *Please write in the one or two categories that best fit(s) your background.*

- Asian/Pacific Islander (e.g., Chinese, Japanese, Vietnamese, Indian, Pakistani, Filipino, Indonesian, native Hawaiian)
- Black/African ■ Hispanic/Latina(o) ■ Native American (e.g., Meskwaki, Sioux, Inuit)
- White/Caucasian ■ Other (write it in one of the boxes)

7. Are you related (within the third degree of consanguinity) to any of the members of the State Judicial Nominating Commission involved in the selection process for the position for which you are submitting this application? (Yes or No) If your answer is "yes," please explain.

No

8. Have you ever had a social relationship or business relationship (e.g., as a business or law partner) with any of the members of the State Judicial Nominating Commission involved in the selection process for the position for which you are submitting this application? (Yes or No) If your answer is "yes," please explain.

No

9. Explain why you are seeking this judgeship position:

I value the rule of law and feel uniquely equipped to serve the people of Iowa. Contributing my experiences, intellectual abilities, skills, and desire to promote justice to the court would be the most significant way I could give back to our great state.

10. Explain how your appointment would enhance the court:

I bring a unique combination of practice experience, business skills, scholarly achievements, and creative thinking that will strengthen both the court’s administrative and adjudicative roles.

My preparation for becoming an attorney and my business experience give me unique insights on administrating the Judicial Branch. After college I worked for a large insurance company for seven years; by my mid-20s I was supervising some of its retained attorneys. While studying at the University of Iowa, I completed a graduate level public administration course (co-taught by Governor Branstad). For sixteen years I ran a small business where I learned how to handle multiple job responsibilities (e.g., CEO, CFO, CIO, etc.), conform to a range of governmental regulations, and cope with financial constraints while focusing on the needs of my customers.

I expect to contribute significantly to sound decision making and legal scholarship. I have taught at law schools here in Iowa and internationally, served as an expert witness around the country in state and federal courts, sat on several state bar association committees (e.g., Professionalism and Jury Instructions), and co-written a legal textbook (used at Iowa State and multiple other colleges). I finished law school in two years and graduated in the top tenth of my class.

Additionally, my legal experience is both deep and wide. Today I am privileged to have a specialized practice in one of Iowa’s most respected law firms. Earlier in my career, I handled a broad range of cases including business transactions, real estate matters, probate cases, and tax issues as well as criminal and family law litigation.

11. Identify any offenses for which you have ever been **convicted** or pled guilty for the violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, *excluding* convictions that have been properly *expunged*. Do not include traffic violations for which the court imposed a fine of \$250 or less, unless you were arrested. (Use “Tab” in last row to add more rows.)

Convicted of (describe offense)	Seriousness of charge (e.g., serious misdemean., felony)	Location of court (County, State)	Disposition type (Plea, judge ruling, jury verdict)	Sentence / Penalty	Sentence date (mo/day/yr)
N/A	N/A	N/A	N/A	N/A	N/A

12. Has any local, state, or federal office/agency ever assessed or threatened to assess you with a civil or criminal penalty in connection with the reporting of, or **failure to report, your federal, state, or local taxes?** (Yes or No) If yes, provide details.

Yes. About two years ago, the IRS sent me a large refund even though I had asked it to apply it toward the next year's estimated payments. Considerable confusion resulted, but all matters were resolved. Over approximately two decades of self-employment, there were 2-3 years where I had de minimis extra costs for not correctly calculating my estimated payments.

13. Have you ever been the subject of a **no-contact order?** (Yes or No) If yes, provide details (case number, county, state, date issued, date rescinded, and reason for the NCO).

No

14. Have you ever been a **party** in any **legal proceeding** (excluding traffic violation cases for which a fine of \$250 or less was imposed, unless you were arrested)? If yes, provide the following information: *(Use "Tab" in last row to add more rows.)*

Case number	County, State	Date filed	Date close	Description of case and outcome
LACV075181	Johnson, Iowa	12/28/12	1/27/15	My law firm and I filed this collection action against a guarantor of a former client. Judgment was rendered in our favor.
LALA002219	Washington, Iowa	6/20/11	2/6/12	My law firm and I filed this collection action against a former client. Judgment was rendered in our favor.
SCSC147263	Linn, Iowa	6/20/11	2/6/12	A chiropractor, who did not collect her bill from her patient/my former client, filed a small claims case against my firm and me. The case was dismissed prior to trial without any payments being made.

15. Have you ever been **publicly disciplined** in any manner for a breach of professional ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary board, or other professional group? If yes, provide the following information: *(Use "Tab" in last row to add more rows.)*

Name of discipline board or agency	Date discipline imposed	Description of the ethics violation	Description of the public discipline
N/A	N/A	N/A	N/A

16. List each **college and law school** you attended, including the dates of attendance, the degree awarded, and your reason for leaving each school if you did not receive a degree from that institution was awarded. (Use "Tab" in last row to add more rows.)

College(s) and Law School(s) – and reason for leaving, if applicable	Dates Attended (Mo/Yr to Mo/Yr)	Degree(s)	Month/Yr Received
University of Iowa, College of Law	5/97-6/99	J.D.	6/99
American Institute for Chartered Property and Casualty Underwriters (completed Law and Economics sections; went to law school instead of continuing)	9/93-5/95	N/A	N/A
University of California, Davis	1/87-3/90	B.A.	3/90
Sacramento City College (took only summer classes)	6/88-7/88	N/A	N/A
California State University (transferred to University of California, Davis)	8/85-12/86	N/A	N/A

17. List any relevant **honors, prizes, awards**, or other forms of recognition that you have received for educational, professional, or community contributions/achievements. (Use "Tab" in last row to add more rows.)

Name/Title of Honor, Prizes, Awards	Awarded by:	Month/Yr Received
Mediator of the Academy	International Academy of Dispute Resolution	9/17
Juris Doctor "with High Distinction"	University of Iowa, College of Law	6/99
Member	Order of the Coif	6/99
Law Merit Scholar	University of Iowa, College of Law	8/98

18. List all **articles and books** you have published; include the citations and dates. (Use “Tab” in last row to add more rows.)

“Courts” and “Torts” chapters in <i>Comprehensive Business Law</i> (2nd ed.), edited by Michael J. Bootsma, San Diego: Cognella Academic Publishing, 2017.
Materials for the continuing education presentations marked with an asterisk (*) in Question 19, below.

19. List all **public presentations** you have made at educational, professional, or other public forums; include the citations and dates. (Use “Tab” in last row to add more rows.)

Title of Presentation	City, State	Event Sponsor	Month & Year
Insurance Experts: Choosing, Interacting With, Defending, and Challenging*	Des Moines, Iowa	Iowa Association for Justice	11/17
Iowa Insurance Law*	Iowa City, Iowa	Johnson County Bar Association	4/17
Iowa Insurance Law*	Webinar	Iowa State Bar Association	7/17
Uninsured/Underinsured Motorist Law: Advanced Practice*	Cedar Rapids, Iowa	National Business Institute	12/16
Guardian Ad Litem	Iowa City, Iowa	University of Iowa Legal Clinic	10/16
Insurance Experts: Choosing, Interacting With, Defending, and Challenging*	Los Angeles, California	American Association for Justice	7/16
Evictions in Iowa	Coralville, Iowa	National Association of Housing and Redevelopment Officials	4/16
Guest Speaker at Business Law and Advanced Business Law classes	Ames, Iowa	Iowa State University	circa 2013-16
Business Entities	Iowa City and Coralville, Iowa	Iowa Centers for Enterprise	Multiple presentations between 2008-15
Strategies for Dealing with Adjusters and Carriers*	Coralville, Iowa	Iowa Paralegal Association	4/12
Strategies for Dealing with Adjusters and Carriers*	Green Bay, Wisconsin	Wisconsin Association for Justice	3/12

Strategies for Dealing with Adjusters and Carriers	Des Moines, Iowa	Iowa Association for Justice	Circa 2003, 2004, and 2011
Multiple presentations including first year student orientation, Legal Clinic open house, and career panels	Iowa City, Iowa	University of Iowa, College of Law	Multiple presentations over the past decade or so
People's Law School	Iowa City, Iowa	Johnson County Bar Association	Circa 2006
Insurance Law	Iowa City, Iowa	Iowa City Senior Center	Circa 2000
Estate Planning	Iowa City, Iowa	Iowa City Senior Center	Circa 2000
[I have omitted talks of a religious nature for my church, etc., but can provide that information if requested]			

20. List all part-time and full-time **teaching positions** you have held. (Use "Tab" in last row to add more rows.)

Name of School / College	City, State	Name of Course(s)	Month/Yr to Month/Yr	Full-time or Part-time
Kirkwood Community College	Iowa City, Iowa	Business Law	1/10-5/11	Part-time
Handong International University	Pohang, South Korea	Introduction to Insurance Law	7/09-7/09	Part-time
University of Iowa	Iowa City, Iowa	Insurance Law	1/08-5/09	Part-time

21. List the courts or **jurisdictions** in which you are, or have been, **admitted to practice law**, including any administrative bodies with special admission requirements, and the dates of admission for each. (Use "Tab" in last row to add more rows.)

State and federal jurisdictions in which you are, or have been, admitted to practice law	Month/Yr Admitted
United States Court of Appeals	12/01
United States District Court, Southern District of Iowa	11/99
United States District Court, Northern District of Iowa	11/99

State of Iowa	9/99
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22. List chronologically the **employment** you have had *since your initial admission to practice law* in any state or federal jurisdiction. For each time period, provide the following information as applicable:
- a. If you served as a law clerk to a judge, provide the name of the judge, the court, and the court’s location.

Dates (From -- To)	Name of judge, name of court, and court location
N/A	N/A

- b. If you have practiced law, provide the following information for each position you have held:
 - (1) Name of the law firm(s), company, or government agency that employed you,
 - (2) City and state where the office was located,
 - (3) Number of attorneys in the law firm or agency,
 - (4) Whether you were a partner in the firm,
 - (5) The areas of law in which you practiced, and
 - (6) A description of the typical clients you represented. *(Use “Tab” in last row to add more rows.)*

Dates (From -- To)	Description of law practice (address topics in 22(b)(1) – (6) for each time period)
4/17-Present	<ol style="list-style-type: none"> 1. Phelan, Tucker, Mullen, Walker, Tucker & Gelman, L.L.P. 2. Iowa City, Iowa 3. 12 4. Partner 5. Insurance, health, injury, business, civil litigation, probate, and adoption law 6. Individuals, small businesses, health care providers, and non-profits
1/01-3/17	<ol style="list-style-type: none"> 1. Nierman Law, P.L.C. 2. Iowa City and Coralville, Iowa 3. 1 4. Sole owner 5. Insurance, health, injury, business, civil litigation, criminal, family, probate, real estate, tax, and adoption law 6. Individuals, small businesses, health care providers, and non-profits
9/99-12/00	<ol style="list-style-type: none"> 1. Dell Richard Law Office 2. Iowa City, Iowa 3. 2 4. Associate

	<p>5. Insurance, business, civil litigation, criminal, family, injury, probate, real estate, and tax law</p> <p>6. Individuals, small businesses, and non-profits</p>
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23. Regarding your legal experience:

- a. Approximately what percentage of your court appearances have been in the following types of courts?

Type of court	% of appearances
(1) Federal courts	3
(2) State courts	94
(3) Administrative agencies	3
(4) Other tribunals	0

- b. Approximately what percentage of your time have you spent on the following types of cases?

Types of cases	% of your time
(1) Administrative	2
(2) Civil	92
(3) Criminal	2
(4) Domestic	2
(5) Juvenile	1
(6) Probate	1
(7) Other (describe):	0

- c. In the past **10 years**, approximately how many cases have you **tried to a conclusion** (rather than settling) before a judge and before a jury? Indicate the number in which you were sole counsel, chief counsel, or associate counsel.

Type of trial	Total # of trials	# as sole counsel	# as chief counsel	# as associate counsel
Tried before a jury	3	2	1	0
Tried before a judge	20	20	0	0
Column Total	23	23	1	0

- d. In the past **20 years**, in approximately how many cases have you have represented a party in an **appeal to an appellate court in any state or federal jurisdiction?** Indicate the number in which you were sole counsel, chief counsel, or associate counsel.

Appellate court*	Total # of appeals:	# as sole counsel	# as chief counsel	# as associate counsel	# in which you presented oral argument
Iowa Supreme Court	1	1	0	0	0
Iowa Court of Appeals	2	1	1	0	0
Other state appellate court (identify):	0	0	0	0	0
Other appellate court (identify):	5 (appeals to District Court from magistrates, referees, or administrative law judges)	5	0	0	1
Federal Circuit Court(s)	0	0	0	0	0
U.S. Supreme Court	0	0	0	0	0
Total	8	7	1	0	1

* Count it as an appeal to an intermediate court of appeals (ICA) -- e.g., Iowa’s Court of Appeals -- if the state intermediate court of appeal initially handled it; count it as a separate appeal to the supreme court (SC) if the SC accepted it upon a petition for further review from the ICA; count an appeal to the supreme court if the SC retained jurisdiction without first assigning it to the ICA. (Use “Tab” in last row to add more rows.)

- e. Describe the general nature of your **current law practice**, including the substantive areas of the law in which you practice (e.g., civil, domestic, criminal) and the approximate percentage of time you have spent on each area over the **past five years**:

My current practice is primarily focused on helping individuals and small businesses with insurance and injury matters (80%), serving as an expert witness nationally in insurance litigation (5%), representing medical providers in complex insurance claims (5%), other civil

litigation (5%), acting as general counsel for several small businesses (3%), and some other cases. (2%).

24. Describe three of the most significant legal matters that you have personally handled. For each of the significant legal matters include the following information:

- a. Title of the case and the county and state of 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,
- 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.

Note: if the matter was *confidential*, please avoid the use of any information that may allow disclosure of the identity of the parties.

Significant legal matter #1:

- a. [Plaintiff v. Plaintiff's health plan]; Iowa District Court [in Plaintiff's county of residence]
- b. Plaintiff's health plan denied her request for surgery precertification. I appealed the denial to the Insurance Commissioner pursuant to Iowa Code Chapter 514J. After that denial, I appealed to the Iowa District Court.
- c. Plaintiff was in imminent danger of dying or becoming profoundly disabled by an aneurysm as a result of a genetic defect in her brain artery. While a specialist was ready to perform a procedure that was likely to prevent her death or disability, her health plan denied the precertification request asserting that the \$100,000.00 intervention was "experimental" and, thus, not covered (even though it was FDA approved and proven to be effective by medical research). The hospital would not treat her without pre-approval or a very large cash deposit.
- d. Plaintiff
- e. I was the only attorney for Plaintiff.
- f. 2007
- g. Confidential settlement resulting in the health plan paying for the surgery.
- h. N/A
- i. [omitted to protect confidentiality]
- j. N/A

Significant legal matter #2:

- a. State of Iowa v. Martin Mellecker, Iowa District Court, Scott County
- b. The state charged Mr. Mellecker with violating Iowa Code Section 709.9 (Indecent Exposure).
- c. In July of 2003, Mr. Mellecker stopped at a Davenport self-service car wash to clean his car just before visiting family. The uncontradicted evidence showed that his shorts inadvertently and momentarily dropped as he stretched from the driver’s seat to pick up some paper cups on the passenger’s seat floor. The police charged him with indecent exposure. On cross examination, the only witness admitted that the incident appeared to be inadvertent and without sexual motive.
- d. Martin Mellecker
- e. I was the only attorney for Defendant.
- f. 2003-04
- g. Acquittal
- h. N/A
- i. Alan R. Havercamp, Davenport, Iowa
- j. Judge Mary E. Howes

Significant legal matter #3:

- a. Kendrick v. , Iowa District Court, Carroll County
- b. Plaintiff filed suit alleging intentional torts and negligence.
- c. Plaintiff, who is in her early twenties, had significant developmental disabilities and related health issues to the extent that she required around-the-clock in-home nursing care. One of her nurses pled guilty to criminal charges related to stealing some of my client’s medication for the nurse’s own use and then substituting different medication as a cover up. The Plaintiff almost died as a result. Additionally, from 2011-17, I represented this client when her health plan repeatedly attempted to deny the nursing care she needed to live.
- d. Plaintiff
- e. I was lead counsel for Plaintiff.
- f. 2013-14
- g. Confidential settlement after a year and a half of litigation.
- h. [omitted to protect confidentiality]
- i. [omitted to protect confidentiality]
- j. N/A

25. Have you served as a judicial officer in any state? (Yes / No): If “No” – skip to # 26.

a. If “Yes” - provide the following information: (Use “Tab” in last row to add more rows.)

Dates (From -- To)	Judicial title	County or District	Types of cases within your jurisdiction
N/A	N/A	N/A	N/A

b. If you have been a judicial officer in **Iowa** during the previous **five years**:

(1) How many times did you **fail** to file the monthly Rule 22.10 reports by the report deadline?

N/A

(2) During the past **five years**, how many **cases** did you list on your Rule 22.10 reports that were more than the following number of days old from the time they were submitted for a ruling?

	120 days old	180 days old	240 days old	One year old
# of cases more than:	N/A	N/A	N/A	N/A

26. 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): (Use “Tab” in last row to add more rows.)

Name of business / organization	Your title	Your duties	Dates (From -- To)
Freesia Support Services, LC	Secretary and Treasurer	Handle administrative matters for my wife’s business	2013-Present

27. List all county, state, and national **bar association and professional organization memberships** and the years you have been a member of each (e.g., 1998 to present), and identify any committees on which you have served and offices you have held in those organization(s) - and the titles and dates of any offices you have held. (Use “Tab” in last row to add more rows.)

Professional associations to which you have belonged	Committees / Offices	Dates (From -- To)
Iowa State Bar Association	Bar Insurance, Jury Instructions, and Professionalism Committees	1999-Present
Iowa Association for Justice	N/A	2001-Present
Johnson County Bar Association	N/A	1999-Present (inactive circa 2011-17)
American Bar Association	N/A	1999-Present (inactive circa 2001-17)
American Association for Justice	N/A	2005-Present

American Inns of Court, Dean Mason Ladd Chapter	N/A	2016-Present
Christian Legal Society	N/A	2001-circa 2011

28. List all local, county, state, and national government (including but not limited to judicial branch) **commissions, task forces, or advisory committees** on which you have served - and any titles (e.g., chair) you have held on such commissions or committees. *(Use "Tab" in last row to add more rows.)*

Dates (From -- To)	Government commissions, task forces, etc. on which you served
Circa 1996-97	Iowa City Unified School District, Superintendent's Parent Advisory Committee

29. Describe your **pro bono** work during the past **10 years**:

a. Approximate number of pro bono cases you've handled:	Approximately 150 cases.
b. Average number of hours of pro bono service per year:	I have not kept detailed records on pro bono cases, but it has been around 50 hours in recent years (last year it was about 75).
c. Types of pro bono cases:	I have handled almost twenty pro bono adoptions, with the vast majority of them being international. I represent several nonprofit organizations with various issues including insurance and a variety of civil matters. Much of my pro bono practice is simply helping poor people with meritorious claims.

30. List any **employment outside of the legal profession** that you have had since graduating from law school that may be relevant to this application; include: (a) the dates, (b) organization or business for whom you worked, and (c) duties you performed. *(Use "Tab" in last row to add more rows.)*

Dates (From -- To)	Business / Organization Name, City, State	Your Duties
	[none other than teaching positions listed in No. 20]	

31. Have you ever held **public office** or have you ever been a candidate for public office? If the answer is "yes," describe the public office held or sought, the location of the public office, and the dates. *(Use "Tab" in last row to add more rows.)*

Dates (From -- To)	Public office(s): Indicate "Held" or "Sought" and Location
N/A	N/A

32. Provide the following information on your **military service** (if any): *(Use "Tab" in last row to add more rows.)*

Dates (From -- To)	Military branch	Current Rank	Location and dates of service in other countries	Current Status (Active/Inactive)
N/A	N/A	N/A	N/A	N/A

33. List any **civic, charitable, religious, educational, social or fraternal organization(s)** to which you belong or provide volunteer services. Describe the nature of your involvement with the organization(s), including any offices you have held with the organization(s). *(Use "Tab" in last row to add more rows.)*

Dates (From -- To)	Organization Name	Nature of your involvement
2001-Present	Parkview Evangelical Free Church	I am an active member and have served as an elder, teacher, ministry leader, small group leader, and volunteer as well as legal counsel.
2010-Present	Informed Choice of Iowa Corp.	I have served as a board member, general volunteer (e.g., landscaping), and legal counsel.
circa 2010-Present	Ronald McDonald House	Once a month I do whatever needs to be done, which is usually cleaning, organizing, etc.

34. 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. *(Use "Tab" in last row to add more rows.)*

Social media application name	Account name or other identifying information
Facebook	Craig Nierman
LinkedIn	L. Craig Nierman

35. **References:** List the names, addresses, and telephone numbers of at least **five persons** who are in a position to provide knowledgeable comments about your qualifications for this judicial position.

Name	Address	Telephone number
Michael J. Bootsma J.D., M.Acc. Dean's Teaching Fellow	Iowa State University 3141 Gerdin Business Building Ames, IA 50011	515-493-8668
Charles A. Damschen J.D. Partner	Hamilton IP Law 2322 East Kimberly Road, Suite 235W Davenport, IA 52807	563-441-0207
Jonathan C. Landon J.D., L.L.M. Partner	Shuttleworth & Ingersoll, P.L.C. 115 Third Street SE, Suite 500 Cedar Rapids, IA 52401	319-365-9461
Major Michael Thieme J.D. Chief	Military Justice and Inspections Air Force Space Command Peterson Air Force Base, CO 80914	701-610-6839
Thomas E. Williams J.D. Counsel	Transamerica Life Insurance 4333 Edgewood Road NE Cedar Rapids, IA 52499	563-650-6365

36. Provide any **additional information** that may reflect positively on you or which you believe would assist the State Judicial Nominating Commission in selecting nominees for this position.

Developing future attorneys is an important responsibility and one that I have taken seriously. I have mentored dozens of law students during the past ten to fifteen years; our discussions have covered career choices, ethics, how work impacts family, etc. I have welcomed them into my home, attended some of their weddings, interacted with their children, and often stay connected with them well past graduation.

These experiences influence my vision of the significant role judges can play in shaping the next generation of legal professionals.

37. When you submit this **application** form, attach at least **two writing samples** (e.g., brief, opinion, or book) that reflect your personal work. Note: **Do not** submit a writing sample that includes confidential information about you or any other person unless you remove / redact the confidential information to obscure the identity of the parties and any information that may allow disclosure of the parties' identity.

[continued on next page]

38. **Certification.** I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided above is true and correct.

Applicant's signature:


AT0005754
June 25, 2018

Attorney PIN:

Date: