

**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.

Larvin Craig Nierman

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

Partner; Phelan Tucker Law LLP

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

June 12, 1967

4. State your current city and county of residence.

Iowa City (outside the city limits), Johnson 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.

College(s) and Law School(s)	Dates Attended	Degree	Reason for Leaving
University of Iowa, College of Law	5/97-6/99	J.D., with High Distinction	Completed degree
American Institute for Chartered Property and Casualty Underwriters	9/93-5/95	N/A	Went to law school
University of California, Davis	1/87-3/90	B.A.	Completed degree
Sacramento City College	6/88-7/88	N/A	Attended summer session only
California State University, Sacramento	8/85-12/86	N/A	Transferred to University of California, Davis

- 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.**

Partner 4/17-Present	Phelan Tucker Law LLP 321 East Market Street, Suite 200, Iowa City, IA 52245 Thomas H. Gelman, Senior Partner
Attorney and President 1/01-3/17	Nierman Law, P.L.C. 2461 Tenth Street, Suite 307, Coralville, IA 52241 James D. Houghton (we shared an office for six years)
Lecturer 1/10-5/11	Kirkwood Community College 1816 Lower Muscatine Road, Iowa City, IA 52240 Michael J. Bootsma (now at Iowa State University)
Adjunct Professor 7/09-7/09	Handong Global University, Handong International Law School Pohang, South Korea Eric G. Enlow, Dean
Adjunct Professor 1/08-5/09	University of Iowa, College of Law Boyd Law Building, Iowa City, IA 52242 Eric G. Andersen, former Dean for Academic Affairs
Attorney and Law Clerk 3/99-12/00	Dell Richard Law Office 101 East Court Street, Iowa City, IA 52245 Dell A. Richard, Owner
[continued on next page]	

Claim Specialist, Senior Claim Representative, and Claim Representative 7/90-5/97	State Farm Mutual Automobile Insurance Company Iowa, California, and Indiana Kurt Kaupanger, Claim Manager
Staff Assistant 4/90-7/90	Tim Stanish Insurance Agency 601 Van Ness Avenue, San Francisco, CA 94102 [Mr. Stanish is deceased]

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.

State of Iowa, 1999

United States Court of Appeals, Eighth Circuit, 2001

United States District Court, Northern District of Iowa, 1999

United States District Court, Southern District of Iowa, 1999

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.

1999-2004

I started representing individuals, families, and small business with litigation and transactional work each accounting for approximately half of my case load (please see the answer to Question 28(II)(b) for a more detailed description of my clients). Litigated cases included criminal matters (about 25%) plus a broad range of civil cases such as insurance and torts (25%), family and juvenile (25%), as well as business disputes (25%). Please see my answer to Question 13 for a detailed description of transactional work throughout my legal career. During this time, I started representing non-profits in First Amendment cases (i.e., free speech and free exercise of religion) and working as an expert witness

2005-14

During the middle years of my practice, I continued to represent individuals, families, and small business (see also the answer to Question 28(II)(b)) while becoming more specialized in civil litigation. I commenced helping parents with adoptions and expanded my First Amendment work.

About halfway through my two decades of practice, insurance and torts comprised around half of my time, other litigation (e.g., constitutional, criminal, business, family, juvenile, etc.) accounted for roughly a quarter of my case load, and the remainder was transactional work (see also the answer to Question 13). Approximately 90% of my litigation was in state courts with administrative and federal appearances accounting for about 5% each. Criminal matters constituted about a tenth of my cases.

2015-Present

My current practice is primarily focused on helping individuals, small businesses, and hospitals with insurance and injury matters (85%), serving as an expert witness in insurance cases (7%), litigating other civil matters (4%), as well as handling other work to help long time clients, serve on pro bono cases, and mentor associates (4%). The vast majority of my work—more than 90%—is related to litigation; of those cases, most are in state courts (94%) while I also appear in federal court (3%) as well as administrative bodies (3%). My criminal work is now limited to a mentoring role.

Last Ten Years

During the past ten years, I estimate that I have tried over twenty cases to judgment (I served as sole counsel in all but two, where I was chief counsel) with four being jury trials (half as chief counsel and half as sole counsel). I have appealed to the Supreme Court and/or Court of Appeals four times (half as chief counsel and half as sole counsel) and prosecuted multiple other administrative appeals. I estimate that 90% of my cases were civil, 6% were administrative, and 4% were criminal.

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.**

- a. I have handled roughly 150 pro bono cases in the past decade.
- b. This year I recorded over 100 pro bono hours (my recent average has been about 75).
- c. My pro bono practice generally falls into three categories:
 1. I represent parents in adoptions, a majority of which are international.
 2. I assist numerous nonprofit organizations with civil matters.
 3. I help under-resourced people in a variety of cases.

- 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.**

I have not yet held judicial office.

- 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.**

I have not yet held judicial office.

- 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.**

Case #1

- a. McKibben v. United Healthcare Plan of the River Valley, Inc.; Iowa District Court, Polk County
- b. The plaintiff's health plan denied her request for surgery precertification. I appealed the denial to the Insurance Commissioner pursuant to Iowa Code Chapter 514J. The arbitrator found that the procedure was medically necessary, but ruled it was not covered. I then appealed that decision by filing suit in the Iowa District Court.
- c. My client was in imminent danger of suffering a major aneurysm as the result of a genetic defect. While a specialist was ready to perform a procedure that held the hope of saving her life, her health plan denied the precertification request asserting that the intervention was experimental and, thus, not covered. The hospital would not treat her without pre-approval or a very large cash deposit.
- d. I represented the plaintiff.
- e. I was sole counsel for the plaintiff.
- f. 2007
- g. The case was resolved with a confidential settlement.
- h. I was sole counsel for the plaintiff.
- i. John F. Lorentzen
- j. Not applicable

Case #2

- a. In Re: Adoption of [five children]; Iowa District Court, Linn County

- b. The adoption of five orphaned siblings.
- c. My clients, a married couple, legally immigrated to Iowa about two decades ago and were raising their six children while working as custodians. When they learned that five of their African nieces and nephews had lost their parents, they took their savings as well as donations from their church, friends, coworkers, etc., to adopt them.
- d. I represented the adoptive parents.
- e. I handled all legal aspects of the adoptions in Iowa for the parents.
- f. 2015-16
- g. All five adoptions were finalized.
- h. I was sole counsel for the plaintiff.
- i. Not applicable
- j. Honorable Casey D. Jones

Case #3

- a. Kendrick v. Ultimate Nursing Services and Anderson, Iowa District Court, Carroll County
- b. The Plaintiff filed suit alleging intentional torts and negligence.
- c. My client, who was in her twenties, had significant developmental disabilities and related health issues such that she required around-the-clock 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 abuse and then substituting different drugs as an attempted cover up. My client nearly died as a result.

Additionally, from 2011-17, I represented this client when her health plan repeatedly attempted to deny essential nursing care benefits.

- d. I represented the plaintiff.
- e. I was chief counsel for the plaintiff.
- f. 2013-14
- g. There was a confidential settlement after a year and a half of litigation.
- h. Bruce L. Walker, Iowa City, Iowa
- i. Patricia L. Hoffman-Simanek, Drew Cumings-Peterson, Christine L. Conover, and Carrie L. Thompson (the health plan was represented by Hayward L. Draper).
- j. Not applicable

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

Significant experience with transactional matters is important because appeals often involve them (e.g., mortgage foreclosures and evictions originate in real estate law, wrongful death cases and significant tort claims involving children require companion probate proceedings, family law matters generally have important tax implications, contract disputes are often resolved through law suits, etc.). Having broad experience with these types of cases enhances my ability to appropriately adjudicate them.

I have handled numerous non-litigated matters involving business entity formation, governance, and acquisition; commercial transactions; real estate sales, leasing, subdivision, easements, and zoning; probate, wills, and trusts; as well as tax disputes, returns, and planning. I am the registered agent and/or general counsel for about three dozen corporate entities. For the past decade I have represented a real estate

developer with multiple matters and oversee the leasing of the developer's thirty commercial units.

I have advocated for clients before local agencies such as the board of supervisors, planning and zoning commissions, etc. I also try cases in a number of non-traditional forums such as administrative bodies and arbitration.

Additionally, I have delivered numerous presentations on transactional topics such as business entity selection and taxation, evictions, conservatorships and guardianships, etc.

I have a unique view into transactional matters because my insurance work touches so many other areas of the law. For instance, I have been involved in several homeowners' cases where the application of building codes presented a major issue. Earlier this year I testified in a securities case that was decided on the basis of the correct interpretation of the broker's insurance policy. I have represented farmers in crop insurance claims, which have required me to understand yield calculations, commodity pricing, etc.

- 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.**

I have not held or sought elective office.

- 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.**

Since 2013, I have handled administrative matters for my wife’s business, Freesia Support Services, LC, as secretary and treasurer.

- 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.**

Organization	Committees / Offices	Dates
Iowa State Bar Association	Bar Insurance (term ended 2019), Jury Instructions, and Professionalism Committees	1999-Present
American Bar Association	Health Law as well as Tort Trial and Insurance Practice Sections	1999-Present (inactive circa 2001-17)
Johnson County Bar Association	Not applicable	1999-Present (inactive circa 2011-17)
Iowa Association for Justice	Not applicable	2001-Present
American Association for Justice	Anti-Human Trafficking and Insurance Sections; Bad Faith Litigation Group	2005-Present
The Federalist Society	Not applicable	2018-Present
American Inns of Court, Dean Mason Ladd Chapter	Not applicable	2016-2018
Christian Legal Society	Not applicable	Circa 2001-11

- 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.**

Organization	Involvement	Dates
Ronald McDonald House	Volunteer	Circa 2010-Present
Informed Choice of Iowa Corporation	Counsel and former board member	2007-Present
Johnson County Human Trafficking Coalition	Member	2019-Present

Eastern Iowa Regional Task Force	Member	2019-Present
Parkview Evangelical Free Church	Member, elder, counsel, ministry and small group leader, as well as Sunday school teacher	2001-19
Christian Legal Society, University of Iowa Chapter	Unofficial advisor	Circa 2004-17
Saint Andrew Presbyterian Church	Former member, Board of Deacons co-chair, Personnel Committee member, and counsel	1994-2001
[local youth sports teams]	I coached numerous sports teams that my children were involved in	Circa 1995-2010
Boy Scouts of America	Former den leader and assistant scoutmaster; inducted into the Order of the Arrow	Circa 1999-2010

[I have omitted organizations where my only involvement was pro bono legal work]

- 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.**

I have not yet held judicial office.

- 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.**

I am providing two briefs as well as a digital link to the two chapters I wrote for a college business law text book.

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.**

To my knowledge, I am not related to any of the Commissioners.

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.**

I have no known business relationships with any of the Commissioners.

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 wrote the “Courts” and “Torts” chapters in *Comprehensive Business Law* (2nd edition), edited by Michael J. Bootsma (Cognella Academic Publishing, 2017) as well as the continuing education materials marked with an asterisk (*) in Question 23.

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	Summary	Group	Date
Anti-Human Trafficking Law*	Analysis of Iowa and federal human trafficking law as well as an overview of the scope of the problem	Iowa Association for Justice	11/19
Civil Litigation on Behalf of Human Trafficking Victims*	Analysis of Iowa and federal human trafficking law	Iowa Law Enforcement Academy, Iowa Legal Aid, and Equal Justice Works	11/19
Human Trafficking Law	Analysis of Iowa and federal human trafficking law as well as an overview of the scope of the problem (two presentations)	Iowa State University, Ivy College of Business	10/19
Human Trafficking Law	Analysis of Iowa and federal human trafficking law as well as an overview of the scope of the problem	Johnson County Attorney’s Office	7/19
Human Trafficking Law	Analysis of Iowa and federal human trafficking law as well as an overview of the scope of the problem	Johnson County Bar Association	5/19

Helping Retained Experts Present Extraordinary Testimony*	Analysis of Iowa and federal law pertaining to the qualification of expert witnesses	Iowa Association for Justice	11/17
Iowa Insurance Law	Overview of Iowa insurance law	Johnson County Bar Association	10/17
Iowa Insurance Law*	Overview of Iowa insurance law	Iowa State Bar Association	7/17
Bad Faith in UM/UIM Practice*	Analysis of Iowa bad faith law in uninsured and underinsured motorist litigation	National Business Institute	12/16
Propriety of Insurance Claim Professional Testimony*	Analysis of Iowa and federal law pertaining to the qualification of expert witnesses in uninsured and underinsured motorist litigation	National Business Institute	12/16
Role of the Lawyer for the “Proposed Ward”	Explaining the role of the ward’s attorney in Iowa conservatorship and guardianship cases	University of Iowa Legal Clinic	10/16
God’s Will	Biblical analysis of God’s will and how to discern it	Christian Legal Society, University of Iowa Chapter	10/16
Insurance Experts: Choosing, Interacting with, Defending, and Challenging*	Analysis of federal law pertaining to the qualification of expert witnesses in insurance litigation	American Association for Justice	7/16
God’s Heart for the Nations	Biblical exposition of the inclusion of all ethnicities in God’s Kingdom	24/7	7/16
Evictions in Iowa	Analysis of Iowa eviction law	National Assoc. of Housing and Redevelopment Officials	4/16
[Guest speaker]	Presentations on general legal topics, career advice for future attorneys, etc. (numerous presentations)	Iowa State University, Ivy College of Business	circa 2013-16
[Various seminars]	Discussant on multiple panels for students covering law school orientation, career planning, legal clinic participation, etc.	University of Iowa, College of Law	circa 2010-16
Entity Choice	Presentations to entrepreneurship classes on choosing the appropriate entity and tax classification	Iowa Centers for Enterprise/Iowa Small Business Development Center	circa 2008-15

The Story of “Unanswered Prayer”	Biblical study of why some prayers appear to be ineffective	Parkview Evangelical Free Church	11/14
Hundredfold Joy	Sermon from the Gospel of Mark (while a nearby church was without a pastor)	Community Bible Church	11/14
Avoiding Deserts: God Strategy or Satan’s?	Sermon from the Gospel of Mark (while a nearby church was without a pastor)	Community Bible Church	9/14
A Life of Prayer	Adult Sunday school lessons on multiple aspects of prayer (three presentations; co-taught)	Parkview Evangelical Free Church	6-7/14
Developing Godly Character	Adult Sunday school lesson on the development of godly character	Parkview Evangelical Free Church	5/14
Leadership in the Family	Adult Sunday school lesson on biblical leadership in the family	Parkview Evangelical Free Church	3/14
Philippians 3:1-11	Expositional study of these verses for a young adults’ group	Parkview Evangelical Free Church	2/14
Connecting with People this Summer	Adult Sunday school lesson on practical steps to building relationships	Parkview Evangelical Free Church	6/13
Worry	Adult Sunday school lesson on what the Bible says about eliminating anxiety	Parkview Evangelical Free Church	4/13
Break the Chains: Comparison	Adult Sunday school lesson on eliminating jealousy and envy	Parkview Evangelical Free Church	4/13
When God Shows Up in Our Romance	Co-taught at a marriage conference	Parkview Evangelical Free Church	3/13
When God Shows Up in Husband World	Men’s group study about what the Bible says about being a loving husband	Parkview Evangelical Free Church	2/13
Life, Crisis Pregnancies, and Unwanted Children: A Biblical Perspective	Adult Sunday school lesson on caring for people in the context of unwanted pregnancies and when life begins	Parkview Evangelical Free Church	7/12
Gospel of Mark	Adult Sunday school lessons on the Gospel of Mark (three presentations)	Parkview Evangelical Free Church	4-5/12
Strategies for Dealing with Adjusters and Carriers*	Presented strategies for interacting with insurance companies	Iowa Paralegal Association	4/12

Strategies for Dealing with Adjusters and Carriers*	Presented strategies for interacting with insurance companies	Wisconsin Association for Justice	3/12
Real Life Intimacy	Co-taught at a marriage conference	Parkview Evangelical Free Church	2/12
Persecution and Suffering: A Biblical Perspective	Adult Sunday school lesson on persecution and suffering	Parkview Evangelical Free Church	10/11
Adjustment Reorder: Strategies for Dealing with Adjusters and Carriers*	Presented basic strategies for interacting with insurance companies	Iowa Association for Justice	8/11
How to Be Filled with the Holy Spirit	Men's group study on what the Bible says about being filled with the Holy Spirit	Parkview Evangelical Free Church	7/11
A Biblical Theology of Money	Adult Sunday school lesson on what the Bible says about money	Parkview Evangelical Free Church	5/11
Appealing Health Insurance Claim Denials*	Analysis and application of Iowa Code Chapter 514J	Iowa State Bar Association	5/11
Conquering Lust: Training Ourselves for Righteousness	Men's group study about what the Bible says about overcoming lust	Parkview Evangelical Free Church	5/11
A Man and His Relationships: Marriage	Men's group study on what the Bible says about being a loving husband	Parkview Evangelical Free Church	11/10

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.**

LinkedIn, user name: L. Craig Nierman
Facebook, user name: Craig Nierman

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.**

Honor, Prizes, Award	Awarding Organization	Date
Pro Bono Honor Roll	Iowa State Bar Association	10/18
Mediator of the Academy	International Academy of Dispute Resolution	9/17
Superb (10 out of 10 rating)	Avvo	5/18

Induction	Order of the Coif	6/99
Law Merit Scholar	University of Iowa, College of Law	8/98

- 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	Telephone number	Nature of Relationship
Steven E. Ballard, J.D. Partner Leff Law Firm, LLP	319-337-7551	Colleague. I have known him since before I went to law school.
Michael J. Bootsma, J.D., M.Acct., M.Tax. Dean's Teaching Fellow Iowa State University	515-493-8668	He is the editor of the textbook I contributed to. I also helped mentor him through law school and remain in close contact with him. He has become a college and friend.
Wesley V. Carrington, J.D. Senior Attorney Deer & Company	309-765-8000	I helped mentor him through law school and remain in close contact with him. He has become a college and friend.
Charles A. Damschen, J.D. Partner Hamilton IP Law	563-441-0207	Colleague and friend.
Jonathan C. Landon, J.D., L.L.M. Partner Shuttleworth & Ingersoll, P.L.C.	319-365-9461	I helped mentor him through law school and remain in close contact with him. He has become a college and friend.
Michael G. Thieme, J.D. Lieutenant Colonel United States Air Force	701-610-6839	I helped mentor him through law school and remain in close contact with him. He has become a college and friend.

(all of the above are members of the Iowa bar)

- 27. Explain why you are seeking this judicial position.**

I strongly sense the duty and privilege to give generously to my state and country. Sharing my education, experience, and knowledge (please see my answer to Question 28 for details) is a fitting way for me to contribute to the rule of law.

28. Explain how your appointment would enhance the court.

I bring a unique combination of practice and leadership experience as well as intellectual abilities that will strengthen both the court's administrative and adjudicative responsibilities.

I. ADMINISTRATIVE

Rightly, there is much attention regarding the Supreme Court's adjudicative role (i.e., deciding legal cases and writing opinions). We also need to be concerned about its duty to effectively lead the Iowa Judicial Branch. Government must focus on the needs of its customers and its obligation be a trustworthy steward of the tax dollars that Iowans sacrificially provide. I expect my experience and outlook to contribute to excellent administrative leadership.

a. Business and Other Leadership Experience

My business background has provided me with unique insights into administrating the state court system. While working for the nation's largest insurance company, I accepted the challenges of numerous leadership responsibilities and interacted with thousands of people including corporate executives, a diverse group of claimants, support staff, and vendors.

In 2001, I created a small business and for sixteen years I was ultimately responsible for everything (e.g., leading employees, coordinating vendors, marketing, making payroll, complying with tax regulations, etc.). I learned the necessity of making those components work together to serve the needs of customers. In my current firm, I often handle some of our largest administrative challenges.

I have extensive non-business experience helping teams create and achieve

important goals. From serving in numerous nonprofit leadership positions, teaching in public and private colleges, and participating in several Iowa State Bar Association committees (e.g., Professionalism, Jury Instructions, etc.), I have learned how to help create the right vision and execute it. My connections with the academic community (described in Section II(a) below) will help the Judicial Branch strengthen its connections with law schools and recruit quality law clerks.

b. Public Administration Graduate Work

While finishing my law degree at the University of Iowa, I did public administration graduate work at the business college (Governor Branstad was one of my instructors). This increased my understanding of the unique challenges and opportunities in the governmental sector. For example, companies are corrected for poor decisions in the form of decreased profits. However, government tax collections continue despite failures to provide great customer service. Thus, government leaders must think creatively and use other techniques to plan strategically, measure performance, and insure accountability.

c. Leadership Philosophy

The primary elements of leadership are casting a compelling vision, connecting team members to the organization's goals, and motivating them to become stakeholders. Providing extraordinary service, being accountable to taxpayers, and having a right view of the role of the judiciary (see Section II(d) below) are the guiding principles to make our courts fair, customer-oriented, and limited to their constitutional boundaries.

Leaders must effectively show frontline personnel what their part is in creating a customer driven system. Because the public sector often entails a more diffused

organizational structure (e.g., separation of powers) and more frequent leadership changes (i.e., elections every two to four years), it is critical to have justices that understand the unique challenges of leadership in the public sector.

Leading by example is the most compelling way to motivate direct reports and others. Creating a dedication to excellence is, at its core, not taught, but rather modeled; once coworkers see that I am living what I teach, they are drawn to engage. I have extraordinarily high expectations of both myself and the people I work with to continually focus on self-improvement, be above reproach ethically, take appropriate risks, and demonstrate a strong work ethic.

II. ADJUDICATIVE

I expect to contribute greatly to sound judicial decision making and legal scholarship.

a. Academic Qualifications and Experiences

My intellectual abilities and academic experiences have prepared me to apply the correct legal principles in each case and to influence colleagues to exercise judicial restraint. I finished the three-year law school curriculum in two years and graduated with high distinction. Induction into the Order of the Coif (the national legal honor society) followed. I have served as an adjunct law professor both at the University of Iowa and internationally and have taught on the undergraduate level. I co-wrote the business law textbook that is used at Iowa State University and other colleges. The Supreme Court needs members who are able to intellectually stand up against efforts to make the court system a public policy making body. I expect to be one of those people.

b. Wide Practice and Geographic Experience

My legal experience is both deep and wide.

By my mid-20s I was supervising some of State Farm's retained attorneys while negotiating directly against claimants' lawyers. I oversaw trials and depositions, confronted insurance fraud, and wrote hundreds of thousands of dollars in claim checks. After law school, I handled a broad range of litigation and transactional cases (please see also the answers to Questions 8 and 13). Today I have a specialized practice in one of Iowa's most respected law firms; I serve nationally as an expert witness in insurance cases in both state and federal courts.

Additionally, I have represented several nonprofit and religious groups in free speech cases after they were wrongly sanctioned by governmental entities for unpopular views. This is particularly relevant as the Supreme Court handles a large number of Iowa's constitutional law appeals.

The following is a sample of the hundreds of Iowans I have been privileged to help:

- hospitals and medical clinics dealing with complex insurance matters as well as adults and children needing life-saving treatment;
- entrepreneurs starting new ventures plus retiring business owners converting their assets to retirement income;
- police officers injured in the line of duty and people accused of crimes;
- business owners confronting embezzling employees as well as workers who were sexually harassed;
- parents adopting children and juveniles facing delinquency charges;
- businesses entering new markets plus non-profits needing legal help they cannot afford; and
- attorneys, doctors, and millionaires in addition to widows, single moms, and unskilled laborers.

I have met them in their homes, at their farms, in their offices, in jails, and next to their hospital beds.

The broad geography of my practice has helped me know the breadth of Iowa. I have appeared in courts and/or represented people who live in about two-thirds of Iowa's counties. From the urban centers to the counties that only see a judge every fourteen days, I have traveled, observed, and listened.

As a result, I have a deep understanding of Iowans and their communities in addition to the diverse areas of law the Supreme Court applies.

c. Collegiality

As the letters from lawyers and clients supporting my application testify, I have learned how to influence and build relationships with a broad range of people in varied settings. Some of the attorneys recommending me have represented my clients' adversaries and know my ability to collaborate professionally in challenging settings. Whether it is trying a case, writing a brief, being cross examined as an expert witness, mentoring law students, serving on bar association committees, giving dignity to the office custodian, or teaching at seminars for other attorneys, I have developed and refined the ability to comprehend relevant issues and carefully calibrate my message. I see differing perspectives not as an invitation for conflict but rather an opportunity for constructive dialogue yielding new approaches. These attributes are essential for effective appellate judges.

d. Judicial Philosophy

Public policy is made by the voters through laws ratified by their elected representatives. A judge's job is to focus on the text and original intent of what is

written, not the desired result. As Justice Sandra Day O'Connor stated, "The proper role of the judiciary is one of interpreting and applying the law, not making it."

This means that a judge's public policy preferences must be subordinated to the rule of law. Justice Antonin Scalia put it this way:

If you're going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you're probably doing something wrong.

Judges must practice discipline in limiting their role to applying the Constitution, following precedent, and giving effect to the will of the voters as expressed through valid acts of the legislature. I am committed to exercising judicial restraint to give maximum deference to the voters' decisions.

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

I have had the conviction and privilege to get involved in the critical issue of human trafficking. For instance, recently I taught at a seminar cosponsored by the Iowa Law Enforcement Academy, spoke to hundreds of students at Iowa State University, and addressed a seminar hosted by a prosecutor's office. These and other presentations are purposed to raise awareness, spur engagement, and equip legal professionals. I now serve on two human trafficking task forces where I work with federal and local law enforcement officials. If appointed, I expect to serve as an ambassador of the court system by continuing to teach this area of law to judges, attorneys, and others.