

**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.

Dana Leanne (Wade) Oxley

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

Attorney, Shuttleworth & Ingersoll, PLC, Cedar Rapids, IA

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

December 21, 1967

4. State your current city and county of residence.

Swisher, Johnson County, Iowa

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.

- University of Iowa College of Law, August 1995 to May 1998, JD.
 - *Order of the Coif*
 - GPA: 85.12/90.0 (Rank 3/244)
 - *Journal of Corporation Law*: Member: 1996-1998; Articles Editor: 1997-1998

- University of Northern Iowa, August 1986 to May 1990, BA in Accounting.
 - GPA: 3.48/4.0

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.**

- Shuttleworth & Ingersoll, PLC, 115 3rd St SE, Suite 500, PO Box 2107, Cedar Rapids, Iowa 52406

September 1999 – January 2001

May 2011 to present

I initially worked for Shuttleworth & Ingersoll from September 1999 to January 2001, following a one-year clerkship with Judge David R. Hansen on the United State Court of Appeals for the Eighth Circuit. I left Shuttleworth to return to Judge Hansen’s chambers as a career clerk in 2001. I re-joined Shuttleworth & Ingersoll when Judge Hansen retired in 2011.

Knowledgeable Colleagues:

Mark Zaiger

Kevin Caster

Connie Alt

- University of Iowa College of Law, 280 Boyd Law Building, Iowa City, Iowa 52242
Adjunct Professor

Legal Analysis, Writing, and Research I & II, Fall 2007 & Spring 2011

Judicial Externship seminar, Fall semesters 2014 to present

Knowledgeable colleagues:

Prof. June Tai

Prof. Emily Hughes

- Judge David R. Hansen, United States Court of Appeals for the Eighth Circuit
September 1998-September 1999

January 2001-May 2011

I initially served in a one-year term clerkship with Judge Hansen following law school. In late 2000, Judge Hansen offered me the opportunity to work for him as a career clerk. Our children were five and two at the time, and I accepted the opportunity to return to Judge’s chambers. I worked as Judge’s career clerk until he retired in May 2011.

Supervisor:

David R. Hansen

- Redmond & Broghammer, PC
January – May 1995
Full time, temporary position during tax season.
Supervisors:
Dennis Redmond, now with Latta Harris, LLP, 3037 Center Point Rd NE,
Cedar Rapids, Iowa 52402
Tim Broghammer, now with Broghammer & Duncan, PC, 1574 – 42nd St
NE, Cedar Rapids, Iowa 52402
 - All Eastern Iowa Gutter, Inc., 1732 E Ave NE, Cedar Rapids, Iowa 52402
August 1993 to December 1994
Business Manager for growing family business.
 - Iowa Division of Credit Unions, 200 East Grand Ave., Suite 370, Des Moines, IA
50309
August 1990 to August 1993
Credit Union Examiner
Supervisor:
Ann Mulcahy
- 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.**

I have never served in the armed services.

- 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.**

Iowa, September 21, 1998

- 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.**

Since returning to Shuttleworth & Ingersoll in 2011, my practice has focused almost exclusively on civil appellate work and motion work in cases involving complex legal issues. My clients primarily include small and family-owned businesses, regional-sized businesses, and individuals involved in commercial litigation. The legal areas of my practice have varied depending on the client's needs, but include: commercial litigation, family business disputes, shareholder disputes and corporate dissolution,

construction and mechanic's liens, breach of contract, breach of fiduciary duties, intellectual property and trademark infringement, employment, defamation, workers' compensation, municipal law, insurance coverage, corporate liability, professional negligence, probate litigation, and maritime law.

From 2001 to 2011, I served as a career law clerk to Judge Hansen. I researched and drafted opinions and wrote bench memos with recommended outcomes, which required me to analyze a wide variety of legal issues, including criminal statutory, sentencing, and constitutional issues; habeas corpus; federal statutory issues, including both statutory construction and constitutional challenges; employment; tax; civil rights; immigration; constitutional issues; civil and criminal procedure; and a variety of state law issues that came before the Court under its diversity jurisdiction. In addition to traditional clerking functions, I supervised Judge Hansen's term clerks and assisted Judge in administrative capacities, including reviewing Applications for Rehearing or Hearing En Banc and handling motions to the Court. Judge Hansen was Chief Judge of the Eighth Circuit in 2002 and 2003, during which he was responsible for complaints filed against federal judges at every level within the Eighth Circuit. In my capacity as a career clerk, I assisted Judge Hansen in reviewing judicial complaints and making recommendations concerning resolution of the complaints.

- 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.**

Approximately 2-3% of my current practice is in areas other than appearances before courts, including contract and corporate consulting.

- c. The approximate percentage of your practice that involved litigation in court or other tribunals.**

Approximately 97-98% of my current practice involves litigation at some level.

- d. The approximate percentage of your litigation that was: Administrative, Civil, and Criminal.**

Approximately 95% of my current litigation practice is civil, 5% is administrative, and 0% is 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.**

Since 2011, I have tried five cases through trial, one as sole counsel in a three-week jury trial, and four as associate counsel in bench trials. In addition, I have

performed legal briefing and presented the legal argument for my partners' trials (jury instructions, motions for judgment as a matter of law, post-trial motions, etc.) in five other trials, four of which were jury trials and one of which was a bench trial.

- 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.**

Since 2011, I have participated in 24 appeals. I was chief counsel in 20 of those appeals and associate counsel in four. Ten appeals were in the United States Court of Appeals for the Eighth Circuit, three in the Supreme Court of Iowa (one currently pending), eight in the Iowa Court of Appeals, and three were agency appeals. I have presented oral argument in eight appeals to the Eighth Circuit, one argument to the Iowa Supreme Court, and three arguments to the Iowa Court of Appeals.

- 9. Describe your pro bono work over at least the past 10 years, including:**
a. Approximate number of pro bono cases you've handled.

I have handled 4 pro bono cases.

- b. Average number of hours of pro bono service per year.**

My pro bono services average 20-40 hours per year, depending on the year.

- c. Types of pro bono cases.**

- I represented a non-profit employer in an Iowa Civil Rights Commission complaint by an employee.
- I assisted a non-profit organization get its 501(c)(3) status reinstated after an inadvertent lapse.
- I represented a juvenile from Liberia in guardianship proceedings related to the immigration process.
- I have represented tenants in various landlord / tenant disputes involving failure to provide suitable / safe housing.
- As part of serving on the School Board for Trinity Lutheran School since 2007, I have provided general legal services including contract review, employment counseling, policy review and updating, bylaw compliance, and general legal advice.

- 10. If you have ever held judicial office or served in a quasi-judicial position:**

N/A

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

11. If you have been subject to the reporting requirements of Court Rule 22.10:

N/A

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

12. Describe at least three of the most significant legal matters in which you have participated as an attorney or presided over as a judge or other impartial decision maker. If they were litigated matters, give the citation if available. For each matter please state the following:

- a. Title of the case and venue,
- b. A brief summary of the substance of each matter,
- c. A succinct statement of what you believe to be the significance of it,
- d. The name of the party you represented, if applicable,
- e. The nature of your participation in the case,
- f. Dates of your involvement,
- g. The outcome of the case,
- h. Name(s) and address(es) [city, state] of co-counsel (if any),
- i. Name(s) of counsel for opposing parties in the case, and
- j. Name of the judge before whom you tried the case, if applicable.

1. a. *Winger Contracting Co. v. Cargill, Inc.*, 926 N.W.2d 526, 542 (Iowa 2019)
 - b. The Supreme Court of Iowa held that legislative changes to the mechanic's lien statute in 2007 and 2012, specifically Iowa Code sections 572.2 and 572.1(8), narrowed the definition of "owner" and changed the requirements for allowing a mechanic's lien to attach to real property. A mechanic's lien attaches only to land belonging to the contracting party. It is no longer sufficient to identify a contract with a landowner's agent if the contract is not also binding on the landowner. The Court recognized that the legislative changes superseded long-standing Supreme Court precedent, specifically *Denniston & Partridge Co. v. Romp*, 244 Iowa 204, 56 N.W.2d 601 (1953) and *Stroh Corp. v. K & S Development Corp.*, 247 N.W.2d 750, 752 (Iowa 1976), under which a contract with a lessee could allow a lien to attach to the lessor's land in certain circumstances.
 - c. The Court's ruling provides clarity to contractors and landowners concerning entitlement to a mechanic's lien in light of the legislative amendments.
 - d. I represented Cargill, Inc.
 - e. I wrote the resistance to summary judgment and cross-motion for summary judgment, the brief in resistance to the lienholders' motions to reconsider, and the appellee brief on behalf of Cargill. I argued the appeal to the Supreme Court of Iowa.
 - f. I was involved in the case from 2016 to 2019.
 - g. The Business Court granted Cargill's cross motion for summary judgment, concluding the mechanic's liens did not attach to Cargill's property. The Supreme Court affirmed.
 - h. Co-counsel: Sam Jones and Jared Adams, Shuttleworth & Ingersoll, Cedar Rapids, Iowa.
 - i. Opposing counsel: Nick Critelli and Lylea D. Critelli, Critelli Law, Des Moines, Iowa and Patrick Curran of Harrison, Moreland, Webber & Simplot, P.C., Ottumwa, Iowa represented Winger Contracting Co., took the lead on behalf of the numerous lienholders. Other lienholders were represented on appeal by: Abby Wessel, Rickert & Wessel Law Office, P.C., Reinbeck, Iowa; Benjamin J. Patterson and Timothy B. Gulbranson, Lane & Waterman LLP, Davenport, Iowa; John F. Fatino and Erik S. Fisk, Whitfield & Eddy, P.L.C., Des Moines, Iowa.
 - j. Judge John Telleen decided the cross motions for summary judgment.

2.
 - a. *Reed v. Schneider Electric*, No. 18-cv-0095, N.D. Iowa, 3/12/2019
 - b. The United States District Court for the Northern District of Iowa dismissed claims brought against Schneider Electric premised on employment-related exposure to asbestos as barred by the Iowa Workers' Compensation Act, rejecting constitutional challenges to the statute under the state and federal equal protection and due process clauses. *See* Order, attached.
 - c. The District Court's holding protected the Iowa Workers' Compensation Act against constitutional challenge and enforced its exclusivity provisions.
 - d. I represented Schneider Electric.
 - e. I wrote the Motion to Dismiss and accompanying brief and argued Schneider Electric's position at a hearing before the United States District Court.
 - f. I was involved in the case from 2017-2019.
 - g. The United States District Court granted Schneider Electric's Motion to Dismiss.
 - h. Co-counsel: Sam Jones, Shuttleworth & Ingersoll, Cedar Rapids, Iowa.
 - i. Opposing counsel: Scott Hendler, Hendler Flores Law, PLLC, Austin, Texas, and Tim Semelroth, RSH Legal, PC, Cedar Rapids, Iowa.
 - j. Judge C.J. Williams, United States District Court for the Northern District of Iowa, decided the Motion to Dismiss.
3.
 - a. *Acciona Windpower North America, LLC v. City of West Branch, Iowa*, 847 F.3d 963 (8th Cir. 2017)
 - b. The Eighth Circuit affirmed the United States District Court for the Northern District of Iowa's decision, following a bench trial, in which the District Court determined that the City of West Branch breached the Tax Increment Financing (TIF) Development Agreement it had entered with Acciona Windpower under Iowa Code section 403.6. The City had stopped making TIF payments after three years despite its agreement to make TIF payments for eight years in exchange for Acciona locating its business in West Branch and creating a certain number of new jobs.
 - c. The Court's holding protected Acciona against the City's attempt to recant the tax credit incentives the City offered to Acciona to locate its business in West Branch and create new jobs. The Court rejected the City's attempt to read the TIF statute as an unenforceable agreement.
 - d. I represented Acciona Windpower North America.

- e. I wrote the summary judgment brief, which was granted in part. I was second-chair for the bench trial. I also wrote and argued all legal submissions to the Court. I wrote the appellate brief and argued the appeal to the Eighth Circuit.
- f. I was involved in the case from 2015-2017.
- g. The District Court granted summary judgment in part to Acciona on its claim that the City breach of the TIF Agreement when it attempted to terminate the contract without cause, awarding specific performance for future years. The District Court held a bench trial and awarded damages to Acciona for prior years' TIF payments that had been appropriated as part of the City's budget, but not paid by the City. The Eighth Circuit affirmed the District Court's orders in all respects.
- h. Co-counsel: Terri Davis, Shuttleworth & Ingersoll, Cedar Rapids, Iowa.
- i. Opposing counsel: William J. Miller and Brian A. Melhus, Dorsey & Whitney LLP, Des Moines, IA.
- j. Judge Jon Scoles, United State Magistrate Judge, tried the case as a bench trial.

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

Over the last six years, I have taught a judicial externship seminar at the University of Iowa, College of Law during the fall semester. The students extern for a variety of judges on both the federal and state courts and at all levels, including district court, appellate court, bankruptcy court, and the Delaware Court of Chancery. I teach the classroom component of the class, which provides the students with a background in courts and judges. I cover the following topics during the semester: the role and ethical obligations of a law clerk; judicial ethics; judicial decision-making and opinion writing; judicial philosophy; judicial qualifications and selection, comparing the selection process among states and the federal judiciary; and technology's role in judicial decision-making. I supplement the course book with examples of current events and cases involving the covered topics. Much of our class discussion involves delving into difficult issues judges face in performing their work.

In addition, I taught Legal Analysis, Writing, and Research I and II as an adjunct professor to first year students at the University of Iowa, College of Law in 2007 and in 2011. I focused the students on understanding the differences between legal writing and other types of writing and on learning to identify issues, write succinctly in an analytical way, and editing to make writing clear and concise. Teaching legal writing to first year law students also helped hone my own writing skills.

- 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 never held public office or been a candidate for public 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.**

1.
 - a. All Eastern Iowa Gutter, Inc., owned and operated by my husband.
 - b. Treasurer and Secretary
 - c. My duties include financial oversight and preparation of payroll and income tax returns.
 - d. I have been involved in All Eastern Iowa Gutter, Inc. since 1991, when my husband started the company upon our move to Cedar Rapids.
2.
 - a. Droxley Holdings, LLC, owned jointly with my husband.
 - b. Treasurer and Secretary
 - c. My duties include financial oversight.
 - d. I have been involved in Droxley Holdings LLC since 2011, when my husband started the company to manufacture a leaf protection system he invented and patented.
3.
 - a. I am on the Board of Christian Education for Trinity Lutheran Church & School in Cedar Rapids, Iowa. Trinity is a Christian Day School for students in preschool through eighth grade.
 - b. My current position is director of the Board. I served as Chairman of the Board of Christian Education from 2009 to 2013.
 - c. My duties include oversight of school administration, including developing and reviewing policies; assisting in the preparation of the annual budget for the school; assisting in the accreditation process; and addressing employment and student issues that rise to the level of Board involvement.
 - d. I have been on the Board since 2007. My current term expires in 2021.

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

- Iowa State Bar Association, member 1998 to present
 - Bankruptcy and Commercial section, member 2008-2015

- Editor of section’s quarterly Case Law Review, 2009-2014
 - Linn County Bar Association, member, 1998 to present
 - Eighth Circuit Bar Association, member 2003 to present
 - Board of Directors, 2007 to 2016
 - Past President, 2016
 - President, 2015
 - President-Elect, 2014
 - Treasurer, 2012 to 2013
 - Dean Mason Ladd Inn of Courts, member 2002 to 2004
- 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.**
- Timber Ridge Pony Club, local chapter of United States Pony Club
 - Treasurer 2008 to 2015
- 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.**

N/A

- 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.**

See attached.

OTHER INFORMATION

- 20. If any member of the State Judicial Nominating Commission is your spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister, state the Commissioner’s name and his or her familial relationship with you.**

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.**

- The following articles appear on the Shuttleworth & Ingersoll blogpost:
<https://shuttleworthlaw.com/articles/>
 - Review of *Mt. Lemmon Fire Dist. v. Guido*, 2018 WL 5794639 (U.S. November 6, 2018), published November 8, 2018
 - Review of *Brewer-Strong v. HNI Corporation*, No. 16-1364 (Iowa June 8, 2018), published June 18, 2018
 - Review of *Bandstra v. Covenant Reformed Church*, No. 16-1078 (Iowa June 1, 2018), published June 12, 2018
 - Review of *TSB Holdings, LLC v. Board of Adjustment for Iowa City, & TSB Holdings, LLC v. City of Iowa City*, No. 15-1373/16-0988 (Iowa June 1, 2018), published June 11, 2018
 - “Businesses Beware: Considering Healthcare Costs to Weather an Economic Downturn in Your Business Might Expose You to Age Discrimination Charges”, published November 21, 2014
 - “Personal Jurisdiction Over Out-Of-State Entities: A New Framework”, published February 24, 2014
 - “Recent Eighth Circuit Employment Cases Making it to Trial”, published October 31, 2013
 - “4-H Given Better Protections than High School Athletics”, published October 31, 2013
 - “‘If the agreement governs, the agreement governs,’ even if it means an insurance company can take an insured’s entire settlement with a tortfeasor to reimburse the insurer for its covered medical expenses”, published May 6, 2013
 - “Genesis Healthcare: Employers can ‘pick off’ FLSA named plaintiffs; Appellate lawyers beware of waiving arguments when you win”, published May 6, 2013
 - “Bank liable for breaching fiduciary duties to borrower”, published April 1, 2013
- Editor, *Eighth Circuit Appellate Practice Manual* (Minn. CLE, editor, 8th ed. 2018)
- Author, Chapter 11: Oral Argument, *Eighth Circuit Appellate Practice Manual* (Minn. CLE, editor, 7th ed. 2016)

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.

- Presented “Behind the Scenes of *DM&E RR v. Ingram Barge*”, Boyd Law Building, Iowa City, Iowa, August 21, 2019, presentation to Iowa Law School 1L Students as counsel on 8th Circuit case studied during orientation.
- Presentation: “Non-Eighth Circuit Bankruptcy Case Law Update”, All-Iowa Bankruptcy Conference, U.S. Cellular Center, Cedar Rapids, Iowa September 8-9, 2016.
- Presented “Richard S. Arnold Awards for Distinguished Service” to recipients at the Eighth Circuit Judicial Conference, May 5, 2016, Rogers, Arkansas.
- Interviewed on Iowa Public Radio on December 15, 2015 as President of Eighth Circuit Bar Association regarding the Eighth Circuit Court of Appeals arguments being held at Drake University in Des Moines, Iowa.
- Presentation, “Non-Eighth Circuit Case Law Update”, 42nd Annual Barbara A. Everly Advanced Procedures Bankruptcy Seminar, Historical Park Inn Hotel, Mason City, Iowa August 23-24, 2012.
- Presenter on Appellate Brief Writing, Linn County Bar Association membership meeting, May 2002.
- Presenter on Appellate Brief Writing, Linn County Bar Association Nuts & Bolts Seminar, October 2001.

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: Dana Oxley
- Facebook: Dana Wade Oxley
- Instagram: danaloxley
- Snapchat: mamaox1221

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.

- Named the Best Lawyers 2019 Appellate Practice “Lawyer of the Year” in Cedar Rapids
- Recognized in “Best Lawyers in America” annually 2016 through 2019
- Serve as Chair of the Appellate Practice Group, Shuttleworth & Ingersoll PLC

- Appointed by Chief Judge Leonard Strand as N.D. Iowa Attorney Representative to the Eighth Circuit Judicial Conference Planning Committee for the Omaha Conference to be held August 5-7, 2020
- *Order of Coif*, University of Iowa College of Law 1998
- Outstanding Academic Achievement Award, West Publishing 1998
- Corpus Juris Secundum Award, West Publishing 1996
- University of Iowa Merit Scholar, 1995
- Certified Public Accountant, Iowa, awarded May 1990
- State of Iowa Scholar, 1986

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.

1. Judge David R. Hansen, Eighth Circuit Court of Appeals. 319-431-5815
I served as Judge Hansen's career clerk for ten years.
2. Judge John Telleen, Iowa District Court Judge, Seventh Judicial District. 563-326-8710.
I have appeared before Judge Telleen on a number of cases.
3. Judge Jane Kelly, Eighth Circuit Court of Appeals. 319-423-6110.
I have appeared before Judge Kelly on several appeals in the Eighth Circuit. I also know Judge Kelly as a fellow Cedar Rapids lawyer.
4. Judge John Jarvey, Chief Judge, United States District Court for the Southern District of Iowa. 515-284-6279.
I have appeared before Judge Jarvey on a number of cases. I also know Judge Jarvey from my time clerking for Judge Hansen when Judge Jarvey was a United States Magistrate Judge located in Cedar Rapids.
5. Connie Alt, Shuttleworth & Ingersoll. 319-365-9461.
Partner
6. Kevin Caster, Shuttleworth & Ingersoll. 319-365-9461.
Partner
7. Steve Pace, Shuttleworth & Ingersoll. 319-365-9461.
Partner
8. Lisa Stephenson, Vice-President and General Counsel, CRST, International. 319-731-3936.
I graduated from law school with Lisa, and we were long-term federal clerks at the same time.

27. Explain why you are seeking this judicial position.

I am seeking this position because it would be both intellectually challenging and deeply humbling to serve as a Justice on the Supreme Court of Iowa. I love studying the law. I love researching all sides of an unsettled issue, regardless of the area of law. I love digging into a technical statutory problem and contemplating the competing policy implications of the common law. I love dissecting a legal problem into digestible bites and then writing about it in a way that makes it easier for others to understand. I love the back and forth of a good debate, peeling each layer of argument away until the real core of the issue is revealed. I love considering the ramifications of an issue not only for a particular situation, but also for how it might affect others into the future.

At the same time, it is humbling to even complete this application. The Supreme Court is the final arbiter of what the law is in Iowa. I have a sincere respect for the importance of the Court's position—to the lawyers who appear before it, to the litigants they represent, and to the Iowans who live under its decisions. So I don't make this application lightly. But I do make it with sincerity and with a desire to serve the Court in a way worthy of its stature.

28. Explain how your appointment would enhance the court.

All applicants are unique in the background they bring to the Court. The diverse perspectives of each Court member is part of what makes the collaborative efforts of a seven-member Court so effective. I believe my background, my legal experience, and my demeanor will bring a perspective that will compliment the other members of the Court while challenging them to ensure all viewpoints are fully flushed out in reaching any decision.

I grew up on a farm in southwest Iowa to parents who instilled in me a strong work ethic and a positive outlook on life. I learned early, and by example, to have compassion for others, to respect my elders, to take responsibility for my actions, to see the positive in any situation, and to never complain about a problem but to look for a solution. My daily chores included not only house chores, but also feeding horses and mucking stalls. I broke ice on frozen water tanks, cared for sick calves through the night, and picked up hay bales in the heat of the day to beat the storm. I learned that if you really want something, you must have grit and determination, put in the hard work, but still be prepared for disappointment, which is to be handled with dignity and humility. I also learned to love life, to not take myself too seriously, and to look for the good in others.

I started my professional life as a state employee, working as a credit union examiner for the Iowa Division of Credit Unions. Enforcing compliance with the regulatory framework was my first professional exposure to the law, and it started me down the path that led to law school. My husband started a gutter business when I was transferred to Cedar Rapids while working for the Division. We were young and naïve, but we worked together to grow his business and expand into manufacturing a gutter product he invented. My professional life prior to law school and my involvement in business bring a unique background to the Court.

While it is a bit cliché to say I was taught that I could do anything I set my mind to as long as I was willing to put in the necessary work, I have always lived under that maxim. I am

not naïve enough to believe I can do anything, but that attitude has pushed me to work hard and to never settle for less than my best. Both of our children were born during law school—Taylor was born the day after Thanksgiving my 1L year and two weeks before finals, Ryan was born during finals week Spring Semester of my 3L year. With the help and support of my husband, I balanced the demands of a young family and graduated third in my class.

While serving as a law clerk for ten years certainly does not qualify one to be a judge, the time I spent in Judge Hansen’s chambers fostered the legal skills that later allowed me to develop a strong appellate practice. Clerking for a federal court of appeals judge required me to delve into hundreds of cases involving a myriad of legal issues ranging from the ramifications that followed the sea change in federal sentencing after *Booker*, to civil rights and constitutional issues, to the more mundane—but equally important—issues of statutory interpretation and the rules of criminal and civil procedure. The most challenging, and rewarding, part of clerking was drafting an opinion that either held the critical second vote or, on occasion, pulled one or both of the other votes to Judge Hansen’s position. It taught me the importance of judicial restraint, an appreciation for the distinct but equally vital functions of the branches of a democratic government, and respect for the individuals involved in the cases before the Court. I learned to write not only for the parties, particularly the losing party, but to draft opinions with an eye toward future consequences of the opinion, both intended and unintended. “Get it right, keep it tight” is a mantra I took into my practice. Judge Hansen and I did not always agree, but our differing positions taught me to objectively consider my own analysis and, I believe, made Judge Hansen’s opinion cleaner and tighter.

The nine years since rejoining the practice of law have driven home to me the consequences of the decisions judges make and the real-life effects on the parties. In practice, I quickly gained an appreciation for a judge’s restraint in allowing the parties to develop the record and raise the legal issues most critical to their clients, even if the judge might see a different issue of interest. I use the objectivity I learned while clerking to identify the greatest vulnerability in my client’s legal position and develop the most compelling answer to its attack.

My practice is a bit unique for a mid-size Iowa firm in that my immediate clients are generally my partners. I am usually brought into cases that involve more complex legal analysis and require heavy motion work. My typical day involves a significant amount of legal research and writing. In addition to providing the legal analysis, I work closely with my partners to ensure any potential appellate issues are considered throughout the progression of a case and properly preserved in case of an appeal. While I focus on the legal analysis of the case, I am also involved in discovery and fact development to ensure the strongest position for our client. When a case goes up on appeal, my partners hand the case over to me, confident in my ability to take it to the end.

I do not have an agenda. I believe it is critical for the Supreme Court to set the tone for the Bar by demanding the highest legal analysis while maintaining civility among the Court’s members, even when—particularly when—they disagree. I believe a justice has a duty to consider all sides of an issue openly and without judgment before reaching a decision. I believe a justice makes a better decision when he or she is surrounded by others who will challenge his or her views. I believe the Judiciary’s role is limited, yet critical, to ensuring that laws set by the

legislature are construed as intended, doing so with a pragmatic consideration of the resulting construction. I believe the Court must jealously guard Iowa citizens' fundamental constitutional rights without bias. I believe the Court is an institution, not a group of seven individuals, and as such has an obligation to give due respect to stare decisis and the separation of powers between the branches of government. That said, the Court may not blindly apply its prior decisions, but must be vigilant in protecting the rule of law. I believe consensus is important, but should not override a justice's deeply held legal convictions.

With these beliefs, I would bring to the Court significant experience in considering wide-ranging and complex legal issues from the perspective of both a decision-maker and an advocate, a healthy respect for the institution of the Court as well as for colleagues and their views, the demeanor to objectively consider all sides of an issue before reaching a decision, and the conviction to stand by my views when they differ from those of my colleagues.

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

None.