

**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.**

Lisa Anne Reel Schmidt fka Lisa Anne Penland fka Lisa Anne Reel

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

Assistant Attorney General, Iowa Attorney General's Office, Des Moines, Iowa

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

May 22, 1960

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

Des Moines, Polk 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.**

Drake University Law School, Des Moines, Iowa

Juris Doctor, 1985

Class Rank: First in class.

Order of the Coif.

Missouri State University, Springfield, Missouri

Bachelor of Arts, Political Science; Minor, English, 1981

Magna Cum Laude (GPA – 3.84)

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.

Iowa Department of Justice, Office of the Attorney General

Assistant Attorney General

Des Moines, IA

March 2015-present

Representing the Iowa Department of Human Services, Iowa Medicaid Enterprise, primarily in the areas of program integrity and health care fraud.

Contact: Mikki Stier, Deputy Director, DHS – client

mstier@dhs.state.ia.us

515-963-0103

Amy Licht – Assistant Attorney General – colleague

Amy.licht@ag.iowa.gov

515-281-6774

Stetson University College of Law

Visiting Professor of Law: Legal Research and Writing.

Gulfport, FL

Fall 2014

Contacts: Kirsten Davis, Professor of Law & Director of the Institute for the Advancement of Legal Communication

kkdavis@law.stetson.edu

727-562-7877

Jason Palmer, Professor of Law

jspalmer@law.stetson.edu

727-562-7326

University of Las Vegas, William S. Boyd School of Law
Visiting Professor of Law.
Transactional Drafting & Judicial Writing

Las Vegas, NV
Summer 2013 & 2014

Contacts: Daniel Hamilton, Dean
Daniel.hamilton@unlv.edu
702-895-1876

Terrill Pollman, Professor of Law
Terrill.pollman@unlv.edu
702-682-5900

Drake University Law School
Professor of Law; Associate Professor of Law;
Assistant Professor of Law

Des Moines, IA
2003-2014

Legal Writing, Appellate Advocacy, Contract Drafting,
International Contracts.

Contacts: David Walker, Former Dean, Drake Law School
David.walker@drake.edu

Melissa Weresh, Professor of Law
(Former Director of Legal Writing)
Melissa.weresh@drake.edu
515-491-1004

Lisa Penland, Attorney at Law
Solo Practitioner

Valparaiso, IN
2001-2003

Social security disability law, civil litigation,
business transactions.

Costas & Norman, P.C.
Attorney

Valparaiso, IN
1999-2001

Civil litigation, business transactions, creditors' rights,
social security disability.

Contact: Phillip Norman
Phillip.norman@normanattorney.com
219-246-4272

Haywood Law Firm
Attorney: General Practice.

Eldora, IA
1992-1993

Contact: Harry Haywood

Dunn Law Firm
Attorney: General Practice.

Eldora, IA
1990-1991

No contact – Attorney Rick Dunn – deceased.

Kennedy, Holland, DeLacy & Svoboda
Associate: Insurance defense litigation.

Omaha, NE
1987-1990

Contact: Dan Chesire
dchesire@ldmlaw.com
402-397-7300

Honorable Harold Vietor
U.S. District Court for the Southern District of Iowa
Judicial Law Clerk

Des Moines, IA
1985-1987

Contact: Mary Loughlin – Former Assistant to Judge Vietor
515-314-2823

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	1985 (on inactive status from approximately 1993-2014).
Nebraska	1987 (currently on inactive status).
Indiana	1999 (lapsed approximately 2009; reinstated 2014) - I did not pay my Indiana dues and allowed my license to lapse.

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.**

1985-1987: Judicial Clerk – U.S. District Court.

In the first year of my judicial clerkship, I was assigned to the criminal docket, prisoner rights (Section 1983) cases, post-conviction relief cases, and habeas corpus cases. In the second year, I was assigned to the civil docket. The primary tasks throughout the clerkship were researching various legal issues, preparing memorandum for the judge, and preparing drafts of opinions for the judge.

1987-1990: Associate attorney with primary practice in insurance defense litigation.

Associate attorney in approximately 40-person law firm with primary area of practice in insurance defense litigation focusing on medical malpractice and automobile insurance defense. I was primary counsel in one jury trial and a handful of trials before judges. I did a considerable amount of writing including memos, pleadings, briefs, and motions. I conducted quite a bit of written discovery and depositions. About 25% of my work could be attributed to arguing motions, appearing at hearings, and trying cases. The remaining 75% was devoted to writing, litigation preparation and support, and miscellaneous matters.

1990-1993: Part-time practice as an associate in two small law firms in rural Iowa.

I worked part-time in two solo general practices in Eldora, Iowa. Among other things, I represented children in CINA matters, wrote wills, represented clients in business transactions, drafted contracts, represented clients in a few criminal matters, reviewed abstracts and drafted title opinions, assisted in probate matters, facilitated real estate transactions, and represented clients in dissolutions. Approximately 15% of my practice involved court appearances and approximately 50% involved drafting documents along with litigation preparation and support. The remainder of my work was distributed among the many matters a general practice entails.

1999-2001: Part-time practice in a small firm in mid-sized town in Indiana.

I worked part-time for a small firm with two partners, one full-time associate, and two part-time associates including myself. The partners leaned heavily on me for writing and litigation support. I recall second-chairing a trial and writing a few appellate briefs during my time at the firm. I wrote many pleadings, briefs, motions, contracts, and so forth. I was also involved in business transactions and other matters. During this time, I began to develop a social security disability practice and most of my appearances during that time would have been before the administrative agency. I would estimate court and administrative appearances to be 10% of the practice, with the remaining 90% devoted to writing, litigation preparation, social security disability, business transactions, and miscellaneous matters.

2001-2003: Self-employed private practice.

When the small practice I had been working for dissolved, I became a self-employed private practitioner. During this time, I continued my social security disability practice, drafted wills, drafted transactional documents, and provided general legal advice. In addition to serving my own clients, I contracted with other firms to provide research and writing. I contracted with a firm to prepare their discrimination cases – drafting and answering discovery, taking depositions, and preparing dispositive motions. I would characterize my practice as approximately 5% involving matters before courts and the remaining devoted to the items listed above.

2003-2014: Professor at Drake University Law School and Visiting Professor at other law schools.

At Drake University Law School, I taught a Legal Writing course in the fall that focused on teaching first-year law students how to evaluate rules of law and cases and how to draft an objective, legal memorandum moving from single-case analysis to multiple-case analysis. As a part of the fall curriculum, my colleague and I provided an interactive one-class overview training students to implement professionalism into email communications.

During the spring semester, I taught Appellate Advocacy. Eighty percent of class time was devoted to teaching students to write appellate briefs, which included, among other things, instruction on distinguishing between rule selection and factual application issues; the types of legal arguments used by lawyers and techniques for drafting those arguments; appellate court rules; large-scale and small-scale structure of an appellate brief; writing persuasively; writing a summary of the argument section; drafting persuasive point headings; understanding the standards of review; and writing the standard of review section. During my eleven years teaching Appellate Advocacy, I estimate that I reviewed and evaluated no less than 250 appellate briefs. The spring semester also included units on contract drafting, drafting pleadings, and drafting letters.

In 2005, I created a contract drafting course. Among other things, this course involved teaching students the various contract components, the linguistic tools used in drafting the contract components, how to translate a business deal into a contract, and understanding and effectively using boilerplate. The course was a summer course that I taught twice each summer from 2005 through 2014.

Beginning in 2005, I began teaching Introduction to Legal Writing during Drake's summer start program. The course provided a broad and condensed overview of legal analysis and writing.

In the summer of 2011, I taught an International Contracts course as part of Drake's Summer in France program. The course was a comparative study of United States contract drafting concepts and European contract drafting concepts.

During the summers of 2013 and 2014, I taught as a visiting Professor at UNLV, William S. Boyd School of Law. Each summer, I taught two courses – transactional drafting and judicial opinion writing. The transactional drafting course was similar to the contract drafting course I taught at Drake. The judicial opinion writing course focused on preparing students who wanted to become judicial clerks following graduation. I taught the students how to write both district court and appellate court opinions.

In the fall of 2014, I taught Legal Research and Writing as a visiting professor at Stetson University School of Law. The course was similar to the Drake Legal Writing course with the exception that I also taught research methodology and technique.

2015- present: Assistant Attorney General representing the Department of Human Services, Iowa Medicaid Enterprise.

For the past four years, I have worked as an Assistant Attorney General representing the Iowa Medicaid Enterprise, a division of the Iowa Department of Human Services. My primary assigned area is program integrity and health care fraud. All of my work involves compliance with and interpretation of the complex federal Medicaid statutory and regulatory framework. My work includes representing the Department in administrative appeals, judicial reviews, and the occasional appeal from judicial review. Administrative appeals include health care provider appeals from adverse program integrity actions, such as the imposition of a sanction on a provider or recovering Medicaid payments incorrectly paid to Medicaid providers. Administrative appeals may also include vendor appeals. I do a fair amount of contract review and drafting. I have taken an active role in training Medicaid staff and contractors on administrative appeals. I work with the Program Integrity team in its oversight and collaboration with the Specials Investigations Units of the Managed Care Organizations and in the PI Unit's collaboration with criminal law enforcement authorities and the U.S. Attorney's office. I work with agency folks drafting rules and ensuring compliance. I spend a considerable amount of time advising the agency on day-to-day matters. I would assess my in-court time (including appearances before Administrative Law Judges) at approximately 25%, my time writing memos, briefs and pleadings, and conducting discovery at approximately 30%, and the remainder devoted to the other described activities.

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.

Excluding my time teaching, the overall percentage of my time spent in areas other than appearing before courts and tribunals is approximately 85%. For a description of those matters, see (a) above.

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

Excluding my time teaching, overall percentage of my time spent involved in litigation in court and other tribunals is approximately 15%.

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

Administrative litigation – 75%. Civil litigation – 25%. Criminal – negligible.

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.

In the last four years, I have tried seven administrative appeals before administrative law judges as sole counsel:

- Elder v. Iowa DHS, MED 19007991 (Disenrollment); In-person hearing; ALJ - Thomas Augustine.
- Den Hartog v. Iowa DHS, MED 19005160 (Overpayment recovery – insufficient documentation of medical necessity); In-person hearing; ALJ - Joseph D. Ferrentino.
- Den Hartog v. Iowa DHS, MED 18002519 (Sanction – termination of provider participation); In-person hearing; ALJ - Samuel P. Langholz.
- Shell Rock Senior Living v. Iowa DHS, MED 16007625, 17000979 (Overpayment – cost report analysis); In-person hearing; ALJ - Kathleen M. O’Neill.
- Marian Health Mercy Medical Center, Sioux City v. Iowa DHS, MED 17000012 (Overpayment recovery – lack of medical necessity); Telephone hearing; ALJ -Laura E. Lockard.
- Sorflaton v. Iowa DHS, MED 16000623 (Overpayment recovery – insufficient documentation of medical necessity); Telephone hearing; ALJ - Emily Kimes-Schwiesow.
- Shenouda v. Iowa DHS, MED 17008663 (Recovery of Electronic Health Records payment); Telephone hearing; ALJ - David Lindgren.

The foregoing do not include administrative appeals resolved through motion, settlement, or voluntary dismissal.

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.

In the past 4 years, I have participated as sole counsel in the following:

One appeal to the Iowa Court of Appeals:

- Carroll v. Iowa DHS, No. 18-0759.

Ten judicial reviews:

- Hospice of Central Iowa v. Iowa DHS, CVCV049816.
- Sunrise Retirement Community et al. v. Iowa DHS, CVCV050181.
- Frink v. Iowa DHS, CVCV054511.
- Carroll v. Iowa DHS, CVCV054509.
- Conduent State Healthcare, LLC v. Iowa DHS, LACL141274.
- Bennett v. Iowa DHS, CVCV090289.
- Den Hartog v. Iowa DHS, CVCV057547 (pending).
- Juri v Iowa DHS, CVCV058141.

- Den Hartog v. Iowa DHS, CVCV058735 (pending)(related, but separate from Den Hartog judicial review listed above).
- Hillcrest v. Iowa DHS, CVCV109685.

Two appeals to the Director of DHS without further review:

- BioTab v. Iowa DHS, MED 19003361.
- Lechnir v. Iowa DHS, MED 19006451 (pending).

9. Describe your pro bono work over at least the past 10 years, including:

- Approximate number of pro bono cases you've handled.**
- Average number of hours of pro bono service per year.**
- Types of pro bono cases.**

None. While I was teaching at Drake, my license was on inactive status, preventing me from practicing. My current position prevents me from providing pro bono service.

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

Not applicable.

- 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.**
- 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.**
- 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:

Not applicable.

- 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) Sunrise Retirement Community et al. v. Iowa Department of Human Services, CVCV 050181, Polk County District Court (Judicial Review).
 - (b) Resolution of Medicaid payment methodology for nursing facilities.
 - (c) Significance: This judicial review action resolved issues that had been ongoing since 2009 and affected the Medicaid payment methodology applicable to nursing facilities statewide.
 - (d) Department of Human Services, Iowa Medicaid Enterprise.

- (e) Sole attorney on judicial review.
- (f) August 2015 – January 2016.
- (g) Decision in favor of the Department of Human Services.
- (h) None.
- (i) Patrick B. White
White Law Office, PC
3116 Ingersoll Avenue
Des Moines, IA 50312
pwhite@Whitelawiowa.com
515-528-2348
- (j) Honorable, Robert B. Hanson

2. In approximately 2017, a significant issue that I handled as attorney for the Iowa Medicaid Enterprise involved Alan Israel, the primary owner of two nursing facilities, Lexington Square and Dave's Place. The federal Office of Inspector General excluded Israel from participation in all federal health care programs (including Medicaid) for a period of two years under a permissive exclusion based on his conviction (resulting from a guilty plea) of three counts of conversion of less than \$1000 in government funds under 18 U.S.C. Section 64, a misdemeanor offense. The conviction and OIG exclusion were not related to patient care or Medicaid funds.

Dave's Place is a nursing facility that serves mentally ill patients. Lexington Square is a nursing facility that serves some of Iowa's most vulnerable and difficult to serve patients, including patients requiring ventilator services.

Because of Israel's personal exclusion, the Centers for Medicaid and Medicare Services revoked the billing privileges of Lexington Square, which would have required Iowa Medicaid to disenroll that facility and relocate the patients. The options for placement of the patients were not good.

In addition, the two facilities and the owner had previously entered into a settlement with Iowa Medicaid to repay a large overpayment.

I worked with the attorneys for the excluded individual and the CMS attorneys to find a solution. CMS agreed to reverse the revocation if Israel transferred and assigned all of his interests into an irrevocable trust. I worked with the attorneys for Israel to create a trust acceptable to Iowa Medicaid. Concurrently with the creation of the irrevocable trust, I drafted a global settlement agreement incorporating the terms of the irrevocable trust, continuing the payback of Iowa Medicaid monies, and further excluding the individual from participation in the Medicaid entities. The solution allowed Iowa Medicaid to protect its interests and to preserve services for a very needy population.

Attorneys for Excluded Individual:

Kendall Watkins (attorney for excluded individual)
Phone: 515-699-8586
Cell: 515-490-5663

Email: kenwatkinslaw@gmail.com

Brian Bewley, Polsinelli PC
401 Commerce Street, Suite 900
Nashville, TN 37219
Direct: 615-259-1526
Mobile: 816-536-8453

CMS Attorneys:

Zabeen Chong, Director CMS Center for Program Integrity,
Zabeen.Chong@cms.hhs.gov

Charles Schuam, Deputy Director, CMS Center for Program Integrity
Charles.Schalm@cms.hhs.gov

3.

- (a) Conduent State Healthcare, LLC v. Iowa Department of Human Services, LACL141274, Polk County District Court (Judicial Review).
- (b) Potential vendor objected to the Department's selection of another vendor following a request for proposals.
- (c) Significance: Efficiently resolved an issue involving substantial financial and organizational risk to the Department.
- (d) Department of Human Services, Iowa Medicaid Enterprise.
- (e) Sole attorney on judicial review.
- (f) May 2018 – December 2018.
- (g) Decision in favor of the Department.
- (h) None.

(i) **Opposing Counsel:**

Scott M. Brennan, Davis Brown
The Davis Brown Tower, 215 10th Street, Suite 1300
Des Moines, Iowa 50309
515-246-7977

Thomas J. Kenny, Kutak Rock
1313 Farnam St, Omaha, NE 68102
402-231-8769
Thomas.Kenny@KutakRock.com

Intervening Counsel:

Rebecca A. Brommel, Brown Winick
666 Grand Avenue, Suite 2000 Ruan Center
Des Moines, IA 50309
Main Phone 515-242-2400

Direct: 515-242-2452
Mobile: 515-240-6517
brommel@brownwinick.com

(j) Honorable, Scott J. Beattie

4. As a sole practitioner representing social security disability clients, I represented several women aged in their mid-50s who had no formal education beyond high school. These women had achieved a certain amount of success in their fields, but had not achieved a great deal of financial security. I thought of them as “pull yourself up by your own bootstraps” folks. Each became disabled and unable to work. I cannot recall the specifics of these cases and likely there was no attorney on the other side. However, these cases were significant to me because each was an opportunity to help these women navigate complex legal issues and obtain benefits to which they were entitled.

5. One of my first cases as a young lawyer involved a wrongful death lawsuit against my client. My client was traveling to work in his car early one morning while it was still dark. Some workers were working on street repairs, but there was insufficient lighting or signage to give my client notice of the workers. My client hit one of the workers and the worker died. I was able to obtain a decision in my client’s favor on a summary judgment motion. If my client had been found liable, he had sufficient insurance to cover the liability. However, the decision in his favor gave him great personal comfort and that is why it is a significant case for me. I do not recall or have access to any of the specifics of that case.

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

My non-litigation experience can be classified into four categories, all of which would enhance my ability to serve as a justice on the Iowa Supreme Court: (1) teaching experience providing expertise in judicial opinion writing and appellate practice; (2) public service experience representing a highly regulated client; (3) transactional experience; (4) general practice experience.

(2) Teaching experience providing expertise in judicial opinion writing and appellate practice.

My teaching experience has uniquely qualified me to serve on the Iowa Supreme Court in two ways. First, it has provided me with proficiency in judicial writing. For two summers, I taught a judicial opinion writing course at the University of Las Vegas, William S. Boyd School of Law. In the course, I taught students how to write appellate court opinions. To teach the students, I reviewed many appellate decisions from the United States Supreme Court, the state supreme courts, and other appellate courts. From that review and in consultation with teaching resources, I provided my students with a framework for writing judicial

opinions and marshalled them through the process of writing the opinions. Teaching judicial opinion writing was a unique opportunity to practice and refine the skills I needed to serve on the Iowa Supreme Court.

Second, my teaching experience has given me a singular insight into the appellate process. In my eleven years of teaching law students, I spent the bulk of the Spring semester teaching students how to write appellate briefs, which included, among other things, instruction on distinguishing between rule selection and factual application issues; the types of legal arguments used by lawyers and techniques for drafting those arguments; appellate court rules; large-scale and small-scale structure of an appellate brief; writing persuasively; writing a summary of the argument section; drafting persuasive point headings; understanding the standards of review; and writing the standard of review section. During my eleven years, I estimate that I reviewed and evaluated in excess of 250 appellate briefs. Interestingly, a number of the focal areas of writing appellate briefs are parallel to the focal areas of writing judicial opinions. My experience has given me a unique expertise in appellate work.

(2) Public service experience representing a highly regulated client.

My experience representing a highly regulated client in a public service position will enhance my performance as a judge in two ways. First, working with complex statutes, rules, and regulations has helped me become more adept at statutory and regulatory construction, as well as giving me a deeper understanding of the role of statutory construction in judicial decisions.

Second, I am often called upon to make hard decisions or advise my client to make hard decisions because the law requires it, even though those decisions may not be favorably received.

(3) Transactional experience.

Through both practice and teaching transactional drafting, I have a deep grasp of transactional law. Business transactions and transactional writing were a part of my general practice and, in that practice, I gained a certain acumen in transactional law. However, in creating a course on transactional drafting and negotiation, I gained even greater insight into transactional practice. I understand the mechanics of transactional drafting and transactional negotiation. I also understand the differences between how the mechanics of litigation documents and litigation negotiation and strategy differ from the mechanics of transactional documents, transactional negotiation, and transactional strategy. Understanding

those differences and the mechanics of transactional documents has provided me with an enhanced expertise with respect to transactional issues.

(4) General practice experience.

My general practice experience in small and mid-sized towns taught me to tackle and solve any legal problem that happened to walk in the door of that practice. As a general practice attorney, I quickly learned how to adapt my approach, my research, and my resources to solve the particular issue before me. My background in general practice will enhance my ability to serve similarly as a justice – solving a broad variety of problems and adapting to varying legal issues.

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.

Mayor, Steamboat Rock, Iowa 1992-1994.

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):

Not applicable.

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

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

A. American Association of Law Schools

1. Legal Writing, Reasoning and Research Section 2007-2015: Poster Committee (2007-2009); Program Committee, Chair (2008-2009); Poster Committee, Chair (2011); Program Committee, Member (2012-2015).
 2. Teaching Methods Section 2008-2015: Oversight Committee, Chair (2008-2009); Program Committee, (2010, 2014-2015); Executive Board (2012-2013); Program Committee (2014-2015).
- B. Legal Writing Institute (LWI) 2006-2015: LWI Journal, Assistant Editor (2006- 2011, 2014-2015); LWI Biennial Conference Poster Committee (2007); LWI Biennial Conference Poster Committee, Chair (2008); LWI Upper Level Legal Writing Committee, Co-chair (2008-2009), Chair (2010-2012); LWI Plagiarism Committee, Chair (2012-2013).
 - C. C. Edwin Moore Inns of Court: 2017-present.
 - D. Polk County Women Attorneys: 2019.
 - E. Iowa State Bar Association: 1985-present. I have served on the Professionalism Committee, the Women and Minorities Committee, and the Diversity Committee.
 - F. Other Bar Associations:
 - Nebraska State Bar Association: 1987 - ?
 - Indiana State Bar Association: 1996-?
 - Dallas County Iowa Bar Association: 2005-approximately 2008.
 - G. Mock Trial: National Collegiate Mock Trial Judge (2004-2005, 2008-2009); Iowa High School Mock Trial Judge (2012, 2015-2016); Iowa Middle School Mock Trial Judge (2004, 2007, 2009-2012).
 - H. Conference Steering and Planning Committee: Teaching Drafting and Transactional Skills: The Basics and Beyond, Emory Law School, Atlanta, Georgia (Conference held May 30-31, 2008).
 - I. Committee – Continuing Legal Education for Government Lawyers, Attorney General’s Office (2016-2017).
- 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.**
- A. **Drake University Committees:** Drake University Faculty Senate and Executive Board (2012-2014); Drake University Faculty Senate Ad Hoc Committee,

Revision of Drake University Rules (2013-2014); Drake University Faculty Senate Ad Hoc Committee, Drafting a Medical Withdrawal Policy (2012-2013); Drake University Institutional Review Board (reviewing human subjects research proposals) (2008-2014); Drake University Campus Care Response Team (2007-2014); National Alumni Scholarship Selection Committee (2007-2014).

B. Drake University Law School Committees: Drake University Law School Admissions Committee (2008-2014); Drake University Law School Honor Board Committee (2006); Drake University Law School Building Committee (2008-2010); Drake University Law School Technology Committee (2004-2006).

C. Adel-DeSoto-Minburn (ADM): ADM School Improvement Advisory Board (2005-2010); ADM Girls' Softball League Advisory Board (2004-2005); ADM Girls' Softball Assistant Coach (2005); ADM Booster Club Volunteer (2004-2012).

D. Other miscellaneous memberships & activities: Steamboat Rock Progress Club (1990-1993); variety of boards and committees related to position as Mayor of Steamboat Rock (1990-1993); Girl Scout co-leader (circa 2000-2004); Parent-Teacher Organization (circa 1997-2003); co-organized and helped lead a monthly mother-daughter group for each of my daughters (circa 1999-2002); variety of church-related activities including study groups, vacation bible school volunteer, Sunday school teacher; Polka Club of Iowa (2010-approximately 2012); cross-country assistant coach (approximately 2001-2002).

- 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.**

Not applicable.

- 19. If you have not held judicial office or served in a quasi-judicial position, provide at least three writing samples (brief, article, book, etc.) that reflect your work.**

Attached.

OTHER INFORMATION

- 20. If any member of the State Judicial Nominating Commission is your spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half**

brother, or half sister, state the Commissioner’s name and his or her familial relationship with you.

Not applicable.

- 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.**

Not applicable.

- 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.**

Books

- ***Legal Professionalism in the Real World;*** Lisa Penland & Melissa H. Weresh, (National Institute for Trial Advocacy 2009).

Articles

- ***What a Transactional Lawyer Needs to Know: Identifying and Implementing Competencies for Transactional Lawyers,*** 5 J. ALWD 118 (Fall 2008).
- ***The Hypothetical Lawyer: Warrior, Wiseman, or Hybrid?*** 6 Appalachian Journal of Law 73 (Winter 2006).

Essays & Other Publications

- ***Sign on the Dotted Line,*** The Iowa Lawyer (July 2016).
- ***What’s the Magic Word?*** The Iowa Lawyer (July-August 2015).
- ***Preparing “Main Street” Lawyers: Practicing Without Big Firm Experience,*** Special Report 2013, Transactions, Tennessee Journal of Business Law Transcript of Conference Proceedings.
- ***New Ways to Teach Drafting and Drafting Ethics – Teaching Contract Drafting in Two Weeks,*** 2011, Transactions, Tennessee Journal of Business Law Transcript of Conference Proceedings.
- ***Can Judges and Lawyers Be Facebook Friends?*** AALS Professional Responsibility Section Newsletter (Spring 2010).
- ***How to Create Contract Drafting Exercises,*** Special Report 2009, Transactions, Tennessee Journal of Business Law 132 (Transcript of Proceedings).
- ***Get a (Second) Life,*** 23 Second Draft 13 (Spring 2009).
- ***Teaching Nonlitigation Drafting to First-Year Law Students,*** 16 Perspectives – Teaching Legal Research and Writing 156 (Spring 2008).
- ***The Real World: Teaching Professionalism in Virtual Dialogue to the Google Generation,*** The Law Teacher 12 (Spring 2007) (co-authored with Melissa Weresh).

- *The Real World: Law School, Professionalism in Law School and Beyond*, 21 Second Draft 12 (December 2006) (co-authored with Melissa Weresh).

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.

Upcoming February 3, 2019, *Objectivity – First, Third, and Fifth*, Iowa State Bar Association, Diversity and Inclusiveness Committee, Des Moines, Iowa.

October 14, 2019, *Medicaid Recoveries, Sanctions, and Fraud*, Iowa State Bar Association, Health Law and Government Practice Sections, Des Moines, Iowa (co-presenting with Tricia Dieleman).

October 3, 2019, *Ethics and the Government Attorney – A Panel*, CSRU Attorney Conference, Altoona, Iowa (panel).

March 29, 2019, *Appeals Focused Training*, Training for Medicaid program integrity auditors, Iowa Medicaid Enterprise (topics included using ethos, pathos, and logos to persuade; how to write effective appeal summaries; how to effectively present your evidence).

April 24, 2017, *Technological Competence pursuant to Rule 32.1.2 of the Iowa Rules of Professional Conduct*, Iowa Association of Administrative Law Judges, Des Moines, Iowa.

October 26, 2016, *Settlement Agreements and Boiler Plate*, Continuing Legal Education for Government Lawyers, Des Moines, Iowa.

October 20, 2016, *Practical Technological Competence for Lawyers*, Iowa Legislative Services Continuing Legal Education, Des Moines, Iowa.

September 6, 2016, *Medicaid Administrative Appeals*, Training for Medicaid program integrity auditors, Iowa Medicaid Enterprise (training auditors on basics of administrative appeals).

June 13, 2016, *Practical Ethics for Lawyers: What Is Technological Competence?* Iowa State Bar Association Meeting, Des Moines, Iowa.

Spring, 2015, *The Fundamentals of Contract Drafting*, Guest Lecturer, Drake University Law School (presentation to first-year law students).

November 13, 2014, *The Fundamentals of Contract Drafting*, Institute for the Advancement of Legal Communication, Stetson University College of Law, Gulfport, Fla. (presentation to first and second-year law students).

March 1, 2014, *You Can't Fit a Square Peg Into a Round Hole: Teaching Students to Write about Rule Selection Issues*, Capitol Hill Legal Writing Conference, Washington D.C. (presentation to law professors).

October 2, 2013: Guest Lecture, *Introduction to Legal Research and Writing*, Iowa State University, Ames, Iowa (presentation to undergraduate students interested in attending law school).

December 13, 2012, *Business Contracts A-Z*, Law Review CLE, Des Moines, Iowa.

December 7, 2012, *Teaching Students about Attribution*, Legal Writing Institute One-Day Workshop, Drake University Law School, Des Moines, Iowa (presentation to law professors).

November 3, 2012, *Teaching Contract Drafting to Main Street Lawyers*, Emory's Third Biennial Conference on Teaching Transactional Law and Skills, "Preparing the Transactional Lawyer: From Doctrine to Practice, Emory University School of Law, Atlanta, Georgia (presentation to law professors).

October 16, 2012, *Contract Drafting: The Nuts and Bolts of Creating Clarity*, Law Review CLE – Teleconference.

March 28, 2012, *Top Ten Tips for Legal Writing for Lawyers*, Polk County Womens' Association, Des Moines, Iowa.

January 8, 2012, Panel Presentation, *Legal Writing in the 21st Century: Practical Teaching Tips for Legal Skills Professors*, AALS Annual Meeting, Legal Writing Section, Washington, D.C.

September 17, 2011, *You Can't Fit a Square Peg in a Round Hole: Teaching Students to Write Law Based Issues*, 7th Biennial Central States Legal Writing Conference, John Marshall School of Law, Chicago, Illinois (presentation to law professors).

May 6, 2011, *The Ethical Implications of Social Networking by Lawyers*, Iowa State Bar Association, Juvenile Law Seminar, Des Moines, Iowa.

April 1, 2011, *Teaching Contract Drafting*, Temple University Beasley School of Law, Philadelphia, Pennsylvania (presentation to law professors).

June 29, 2010: *What Is an IRB and How Do I Get Approval?*, Legal Writing Institute Biennial Conference, Marcos Island (presentation to law professors about obtaining approval of an institutional review board to conduct human subjects' research).

June 5, 2010, *Teaching Contract Drafting in Two Weeks*, Conference – Transactional Education. What's Next? Emory University School of Law, Atlanta, Georgia (presentation to law professors).

October 10, 2009: *Institutional Review Board Approval for Empirical Research*, Central States Region Legal Writing Conference, Milwaukee, Wisconsin (presentation to law professors about obtaining approval of an institutional review board to conduct human subjects' research).

March 13, 2009: *Teaching Transactional Drafting to 1Ls*, Rocky Mountain Legal Writing Conference, Tempe, Arizona.

August 19, 2008: *The Skinny on Brief Writing*, Nyemaster, Goode, West, Hansell & O'Brien, P.C., Des Moines, Iowa.

July 17, 2008: *The Real World: Law School: Professionalism in Electronic Communication*, Legal Writing Institute Biennial Conference, Indianapolis, Indiana (co-presented with Melissa Weresh – presentation to law professors).

May 30, 2008: *How to Create Contract Drafting Exercises*, Conference: Teaching Drafting and Transactional Skills: The Basics and Beyond, Emory Law School, Atlanta, Georgia.

May 1, 2008: *Ethical Issues of Facebook, MySpace, and the Internet*, Iowa State Bar Association, Des Moines, Iowa (co-presented with Melissa Weresh).

January 4, 2008: *The Hypothetical Lawyer: Warrior, Wiseman, or Hybrid?* American Association of Law Schools Annual Conference, N.Y., N.Y., poster selected by Teaching Methods section for presentation.

December 13, 2007, Presentation: *Drafting*, Dickinson Law Firm, Des Moines, Iowa.

October 13, 2007, Panel Participation: *Transactional Clinics*, Midwest Clinical Conference, Drake University Law School.

October 6, 2007, *Teaching the Readers' Digest Version of Contract Drafting to First Year Law Students*, Central States Region Legal Writing Conference, Kansas City, Missouri.

Presentation: *Professionalism in Electronic Communication* (co-presented with Melissa Weresh).

- April 7, 2008: Iowa Association of Student Council Advisors, Des Moines, Iowa.
- March 25, 2008: Florida Coastal School of Law, Jacksonville, Florida.
- Nov. 16, 2007, Fraternal Law Conference, Cincinnati, Ohio.
- October 12, 2007, Midwest Clinical Conference, Drake University Law School.
- May 23, 2007, Carolina Legal Research and Writing Colloquium, Wake Forest University School of Law.
- March 9, 2007, Rocky Mountain Legal Writing Conference, Las Vegas, Nevada.

Presentation to first year law students: *The Real World: Law School: Professionalism in Law School and Beyond* (co-presented with Melissa Weresh).

- October 19, 2007, Marquette Law School.
- August 16, 2007, Duke University Law School.
- March 8, 2007, UNLV Boyd School of Law.
- September 2006, September 2007, September 2008, September 2009, Drake University Law School.

Presentation to undergraduate college students: *The Real World: College – Making Ethical Decisions about Electronic Communications* (co-presented with Melissa Weresh).

- Feb. 18, 2008: Presentation to Adams Academy, Drake University, Des Moines, Iowa.

Presentation to High School Students: *The Real World: High School - Making Ethical Decisions about Electronic Communications* (co-presented with Melissa Weresh).

- June 20, 2007: Presented to Iowa’s Youth Training Core for Character, a program of the Institute for Character Development, Des Moines, Iowa.
- September 17, 2007: Presented at the National Youth Leadership Conference, a program of the Institute for Character Development, Des Moines, Iowa.

January 4, 2007 *Professionalism and the Google Generation: What Life on the Internet Left Behind*, American Association of Law Schools Annual Conference, Washington, D.C., poster selected for presentation by the Ethics and Professionalism section (co-presented with Melissa Weresh).

Aug. 3-4, 2006, *Top Ten Tips for Contract Drafting*, Dallas County Bar Association 2006 Summer CLE, Kansas City, Missouri .

September 24, 2005, *Teaching Contract Drafting in the Interim Session*, Central States Region Legal Writing Conference, Indianapolis, Indiana.

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.

Instagram: Profile Name – lisareelschmidt (Lisa Schmidt)
 Facebook: Profile Name – Lisa Reel Schmidt
 LinkedIn: Profile Name – Lisa Reel Schmidt
 Snapchat: Profile Name – lisareelschmidt
 Pinterest: Profile Name – Lisa Reel Schmidt

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.

Missouri State University: Magna cum Laude
Regent's Scholarship
Charter Member Pi Sigma Alpha Pre-Law Fraternity

Drake University Law School: Graduated 1/147
Order of the Coif
Articles Editor, Drake Law Review
Published Note, 33 Drake Law Review 963 (1984-85).
Several Top "A" Book Awards

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.

Jerry Anderson, Dean, Drake Law School: Former colleague.
Jerry.anderson@drake.edu
515-271-2658

David Walker, Former Dean, Drake Law School: Dean while I worked at Drake and former professor when I attended Drake.
David.walker@drake.edu
515-556-7944

Tricia Dieleman, Assistant Attorney General: Ms. Dieleman represents the Medicaid Fraud Control Unit, a division of the Department of Inspections and Appeals. Her client is not part of the Department of Human Services or Iowa Medicaid Enterprise, but I work collaboratively with her and her client on program integrity issues.
tricia.dieleman@dia.iowa.gov
(515) 281-8209

Andria Seip, Assistant Commissioner, Product and Producer Regulation Bureau, Insurance Division: Ms. Seip was formerly the Program Integrity Director at the Iowa Medicaid Enterprise.
Andria.Seip@iid.iowa.gov
515-281-4222

Julie Lovelady, Deputy Director, Iowa Medicaid Enterprise.

jlovela@dhs.state.ia.us

515-782-6163

515-988-1669.

27. Explain why you are seeking this judicial position.

My primary purpose in applying for this position is to allow me to spend the last chapter of my career in service to “doing good.” That is, serving the public by contributing to the integrity of our state’s justice system.

Second, I would be a good justice. I have an objective mindset, exceptional analytical and writing skills, and a broad-based legal background that would serve me well as a justice on the Iowa Supreme Court. When I encounter a legal issue, my mindset is not to take one side or another, but to analyze the issue and evaluate the success of the potential solutions. Along with an objective mindset, I have excellent analytical and writing skills necessary to communicate an objective analysis not only to lawyers and judges, but also to the public. Finally, my wide-ranging legal background has given me insight into a plethora of issues in varied settings ranging from judicial chambers, to a forty-person law firm, to small practices, and to government practice.

Third, this position would bring together those aspects of practicing and teaching for which I have a passion – public service, tackling manifold issues, collaborating with colleagues, and legal analysis and writing.

Finally, my appointment would encourage young women to be confident that their dedication to their life’s work, even as that work may change over time, will lay a solid foundation for service.

28. Explain how your appointment would enhance the court.

I would bring the same enthusiastic and focused dedication to the work of the Iowa Supreme Court that I have brought to all of my life’s work. While my work has changed from one chapter of my life to the next, I have always dedicated myself to the work at hand, striving to bring excellence to each task that I undertake. My enthusiastic dedication and strong work ethic would allow me to seamlessly join the other justices in the work of the court.

I have an objective temperament paired with disciplined analytical skills and an excellent writing proficiency that would enhance my contribution to the court. My temperate pushes me to objectively assess a case based on the facts and to set aside subjective assessments based on inclination, identification with a party, or assumptions about the facts and the law. My discipline in analyzing a case allows me to approach legal issues following a consistent analytical hierarchy. My proficiency in legal writing

allows me to efficiently communicate my objective analysis so that judges, lawyers, and regular citizens can understand that analysis.

My unique and proven track record of being a team player would enhance the workings of the Iowa Supreme Court. Like other lawyers, I've collaborated on cases. However, as a teacher, I collaborated on a daily basis. I worked, listened, and refined with my colleagues in the trenches to create the best techniques and material to teach our students. Beyond that, I collaborated with a colleague on a book, matching our writing so we could create a seamless flow from one chapter to the next, editing for each another, discussing and yielding where necessary, and pushing a point where necessary. In my Medicaid work, I am in constant collaboration with the folks on the ground at Medicaid. We work together to solve problems, ensure compliance, and create processes to avoid problems. My effective and collegial collaborative skills would strengthen the court's collaboration.

Further, my professional and personal background has a breadth that would enhance the court. Professionally, I have encountered diverse issues in a number of settings, ranging from judicial chambers, to a forty-person law firm, to small practices, and to government practice. I grew up in the suburbs of St. Louis and have lived and worked in cities, mid-sized towns, and rural communities. I have been a full-time lawyer, a part-time lawyer, and a full-time mom. I have worked with folks who are conservative, liberal, and somewhere in-between. The breadth of my professional and personal experiences has given me a broad perspective that would be beneficial to the court.

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

My application for this position on the Iowa Supreme Court is built on the legacy of the many strong women in my life. They laid a foundation, built on four cornerstones, that has enabled me to step forward. First, devotion to the work at hand, regardless of what that work may be. In other words, a focused and unforgiving work ethic. Second, dedication to making considered choices. A discipline of study, mindful consideration, and analysis. Third, leadership in finding solutions and bringing folks together in the process. Finally, a deep respect for each and every person. I would be honored to build on that foundation by serving on the Iowa Supreme Court.