

**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.

Paul Brian Ahlers

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

District Associate Judge, District 2B (Webster City)

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

2 May 1969 (50 years old)

4. State your current city and county of residence.

Fort Dodge, Webster 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.

Colleges and Law Schools	Dates Attended	Degrees	Date of Degree
University of Iowa College of Law	8/91 to 5/94	Juris Doctor	5/1994
Iowa State University	8/87 to 5/91	Bachelor of Business Administration (Finance)	5/1991

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.

Dates	Description of Work Experience
3/11 to Present	District Associate Judge, District 2B 2300 Superior Street, Webster City, IA 50595
2/08 to 3/11	Travelers Insurance Companies 385 Washington Street, St. Paul, Minnesota 55102 Position: Claim attorney in the bond and financial product claim group Supervisor: Theresa Gooley
7/01 to 2/08	Bottorff & Ahlers 913 Seneca Street, Webster City, Iowa 50595 Position: Attorney Knowledgeable Colleague: Don Bottorff
1/96 to 6/01	Johnson, Erb, Bice, Kramer, Good & Mulholland, P.C. 809 Central Avenue, Suite 600, Fort Dodge, IA 50501 Position: Attorney Supervisor: Neven Mulholland

6/93 to 8/93 and 7/94 to 12/95	Cornwall, Avery, Bjornstad & Scott 407 Grand Avenue, P.O. Box 999, Spencer, Iowa 51301 Positions: Law Clerk (6/93 to 8/93) and Attorney (7/94 to 12/95) Supervisor: Stephen F. Avery
6/91 to 5/93 and 8/93 to 5/94	Tom Riley Law Firm, P.C. 1210 Highway 6 West, Iowa City, IA 52246 Position: Law Clerk Supervisor: Martin A. Diaz

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.

Admitted to the Iowa bar: 6/1994 to present (no lapses or terminations)

Admitted to the Minnesota bar: 2/2010 to present (no lapses or terminations, but currently have a voluntarily inactive license)

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.

8(a)

Dates	Description of Law Practice
2/08 to 3/11	<p>Travelers Insurance Companies St. Paul, Minnesota</p> <p>My work did not technically involve practicing law, but did call for me to utilize my legal training and experience extensively. As claims counsel in the bond and financial product claim group, I handled and adjusted complex bond, errors and omissions, class action, and securities claims involving banks, investment companies, insurance companies, and other private and public companies on a nationwide and international basis. I did not have clients, as I did not practice law, but typical insureds included community banks, large banks, investment companies, insurance companies, and other private and public companies.</p>
7/01 to 2/08	<p>Bottorff & Ahlers Webster City, Iowa</p> <p>I practiced primarily in civil and criminal litigation at the trial and appellate levels, including experience in jury and non-jury trials in various practice areas. I had experience in civil litigation, criminal, family law, mortgage foreclosure, personal injury, employment, banking, and real estate. Typical clients included parties in divorce actions, parties charged with crimes, personal injury plaintiffs, banks, employees, parties in real estate transactions, and other miscellaneous parties involved in litigation.</p>
1/96 to 6/01	<p>Johnson, Erb, Bice, Kramer, Good & Mulholland, P.C. Fort Dodge, Iowa</p> <p>I practiced primarily in civil and criminal litigation at the trial and appellate levels, including experience in jury and non-jury trials in various practice areas. I had experience in personal injury (plaintiff and insurance defense), employment, criminal, commercial, banking, real estate, and family law. Typical clients included parties in divorce actions, parties charged with crimes, personal injury plaintiffs, personal injury defendants, banks, employers, insurance companies, and other miscellaneous parties involved in litigation.</p>
7/94 to 12/95	<p>Cornwall, Avery, Bjornstad & Scott Spencer, Iowa</p> <p>I practiced primarily in civil and criminal litigation at the trial and appellate levels, including experience in jury and non-jury trials in various practice areas. I had experience in personal injury (plaintiff and insurance defense), employment, banking, criminal, and family law. Typical clients included parties in divorce actions, parties charged with crimes, personal injury plaintiffs, personal injury defendants, banks, employers, insurance companies, and other miscellaneous parties involved in litigation.</p>

8(b)-(d)

During the course of my approximately 14 years of experience practicing law before transitioning to Travelers Insurance Companies and then becoming a District Associate Judge, I estimate that my appearances before various tribunals can be broken down as follows:

Type of Court or Tribunal	% of appearances
Federal courts	< 1%
State courts	~ 99%
Administrative agencies	< 1%
Other tribunals	< 1%

During that same period of approximately 14 years, I estimate that my time can be broken down into practice areas as follows:

Types of Cases	% of time
Administrative	< 1%
Civil (Non-Family Law)	~20%
Criminal	~30%
Family Law & Divorce	~50%
Juvenile	< 1%
Probate & Real Estate	< 1%

During my career of over 8 years as a District Associate Judge, I estimate that my time spent working on various areas of law can be broken down as follows:

Types of Cases	% of time
Criminal	~60%
Juvenile	~30%
Civil	~10%

8(e)-(f)

Due to my career with Travelers Insurance Companies and as a District Associate Judge, I have not practiced law in the past 10 years, so have no approximations to give for that time period in response to the question. During my nearly 14 years of experience practicing law before transitioning to Travelers, I handled a variety of jury and non-jury trials and the appeals that come from such trial work. Nearly all of my experience was as the only attorney on my cases, even early in my career, as I was fortunate enough to work

for attorneys that saw the value of letting young attorneys learn by doing and had enough confidence in my abilities to give me that freedom.

- 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.**

Due to the fact that I have not practiced law for the past 10 years and am prohibited from practicing law since becoming a judge over 8 years ago, I have not had the opportunity to do pro bono work during that period of time. When I was practicing law, I regularly worked on a variety of matters for the Volunteer Lawyers Project.

- 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.**

I am currently serving as a District Associate Judge for the State of Iowa in District 2B. I preside in Hamilton (Webster City), Hardin (Eldora), and Wright (Clarion) counties, as well as occasionally covering conflict cases in other counties in District 2B. I have jurisdiction over misdemeanor and class D felony criminal cases, juvenile cases, and civil actions where the amount in controversy is \$10,000.00 or less.

I was appointed to this position in March 2011 and have served continuously in that position through the present. The selection method consisted of each applicant submitting an application to a county magistrate appointing commission consisting of one judge, two lawyers, and three non-lawyers. In my case, since the appointment covered three counties, there were three county magistrate appointing commissions, so the commission interviewing the applicants consisted of three judges, six lawyers, and nine non-lawyers. The 18-person commission chose three of the applicants as the nominees. Those three nominees then interviewed with the 11 District Court Judges from District 2B and that panel of judges appointed me from the pool of nominees.

- 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.**

Of the several thousand total sentencing, suppression, termination of parental rights, and other rulings I have issued over the years, I am aware of appeals being filed in 55 of those cases with five of those cases resulting in a reversal, in whole or in part. Following is a table of those 5 cases in chronological order:

	Case Name	County	S.Ct. Case #	Decision Date	Resolution
1	State v. Thompson	Hardin	11-2081 (Ct of A)	10/3/12	Sentence Vacated; Remanded for Resentencing
2	State v. Dunn	Hamilton	12-0417 (Ct of A)	12/12/12	Sentence Vacated; Remanded for Resentencing
3	In re BM	Wright	13-1704 (Ct. of A)	12/18/13	Termination of Parental Rights; Reversed & Remanded
4	State v. Vrba	Wright	14-0894 (Ct of A)	10/14/15	Conviction Affirmed; Sentence Partially Vacated; Remanded for Resentencing
5	State v. Ites	Hardin	16-0524 (S.Ct.)	9/20/16	Sentence Vacated; Remanded for Resentencing

For each of these cases, there was no published opinion, so there is no meaningful citation to provide. Therefore, I have attached the appellate ruling or order for each case (labeled as “Ahlers – Question 10(b)” followed by the number that corresponds to the number of the case in the table). With regard to the one juvenile case (case number 3 in the table), I have also attached my ruling (redacted for confidentiality). With regard to three of the cases that involved sentencing (case numbers 2, 4, and 5 in the table), I have not attached a copy of my ruling (i.e., the sentencing order) because I do not believe the sentencing order would provide any meaningful information as it relates to the appeal. The issues on appeal in those three cases involve statements made during the sentencing hearings or specific provisions of the sentencing orders that are spelled out in detail in the appellate ruling, so I did not feel that the sentencing orders themselves would provide useful information. However, if any commission members would like a copy of the sentencing orders, I would be happy to provide them upon request. With regard to the remaining criminal case that involved sentencing (case number 1 in the table), since that case involved a written order I issued regarding reconsideration, I have attached a copy of my sentencing order and my order on the defendant’s request for reconsideration.

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 issued numerous rulings over the years that involve federal or state constitutional issues, primarily in the area of suppression rulings in criminal cases. I have no effective way of creating a list of all such cases, as I have not kept a record of all suppression rulings I have issued. In an effort to provide a fair sampling of those rulings, I have gathered 12 suppression rulings covering a variety of constitutional issues and that generally cover the entire span of my years on the bench. For each case, I have attached a copy of my ruling (labeled “Ahlers – Question 10(c)” followed by a number corresponding to the number of the case in the following table along with the defendant’s

last name). There are no citations to any appellate opinions on any of these cases, as none of them were appealed. Following is a list of those rulings:

	County	Case Number	Case Name	Date
1	Hardin	OWCR013365	State v. Holmes	5/27/2011
2	Wright	SRCR010256	State v. M. Johnson	7/13/2012
3	Wright	SRCR010279	State v. R. Johnson	7/27/2012
4	Hardin	OWCR307375	State v. Wagoner	2/14/2013
5	Hamilton	OWCR033859	State v. Haman	10/16/2014
6	Hamilton	AGCR338415	State v. Adams	12/8/2014
7	Wright	SRCR033826	State v. Merlo-Morales	10/8/2015
8	Hardin	OWCR309244	State v. Clarke	1/25/2016
9	Wright	FECR033879	State v. Maasdam	3/10/2016
10	Wright	OWCR034176	State v. Pilcher	7/7/2016
11	Hardin	AGCR309792	State v. Britcher	7/8/2016
12	Hamilton	OWCR340499	State v. Gamble	4/25/2018

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.

I have never had a matter under advisement long enough to require it to be disclosed on a Rule 22.10 report. As part of the learning curve of becoming a judge, when I first started in March 2011, I misunderstood the obligation to file a Rule 22.10 report when there were no matters to disclose, so I neglected to timely file such reports for the first two or three months that I was on the bench. Once I became aware of the obligation to submit a monthly report even when there were no matters to report, I immediately filed reports for the months I had missed and have submitted timely reports every month thereafter.

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.

Zero.

ii. 180 days.

Zero.

iii. 240 days.

Zero.

iv. One year.

Zero.

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

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

Significant legal matter #1:

- a. In the Interest of C.R.M., Hamilton County, Iowa
- b. I had issued a ruling terminating the parental rights of the parents of a child after it was discovered that the mother was manufacturing methamphetamine in the home where the mother lived with the child. It was also discovered that the child was being kept in a box or cage as a form of punishment. As part of the process of terminating parental rights, I appointed the DHS as the guardian and custodian of the child with the goal of finding an adoptive home. The mother appealed the ruling terminating her parental rights. My ruling terminating the mother's rights was affirmed on appeal. After the DHS found an adoptive home for the child, one of the mother's relatives intervened in the proceedings and filed a request to have the DHS removed as guardian of the child and asking that the relative be appointed as guardian so that the relative could become the adoptive parent. There was considerable evidence suggesting that the relative would not be a good placement option. The evidence also suggested that the relative only came forward as part of the effort of the mother's family to try to avoid the consequences of the termination ruling by trying to have a relative obtain guardianship of the child so that the mother, who was by then in federal prison, would continue to have access to the child.
- c. I believe this case had legal significance because there did not appear to be clear guidance from the statute or case law interpreting the statute as to what standards to apply in a dispute over who should serve as guardian for a child after termination of parental rights. Presumably due to that lack of clarity, it had started to become a common trend for parties, who were in "competition" with other parties to be selected by the DHS as adoptive parents and had not been chosen by the DHS, to start these types of actions seeking to remove the DHS as guardian. I had the task of trying to determine the appropriate standard to apply in deciding whether to remove the DHS. I issued a ruling setting forth my interpretation of what the standards are under the applicable statute. That ruling was not appealed, so I have not received confirmation that my interpretation is correct. However, given the litigious nature of the parties in the case, the lack

of an appeal is some indication that my interpretation was accurate, or at least accepted. The case has added significance from the standpoint that it has been reported to me that other judges in my district have used the legal analysis in my ruling as a template in drafting their own orders in similar cases.

d. I did not represent any parties, as I was the presiding judge.

e. I was the presiding judge.

f. I was involved throughout the entire case, which started in March 2013 and ended in May 2014.

g. I ruled that the relevant inquiry was not whether I agreed or disagreed with the DHS's decision in terms of placing the child with a foster family that desired to adopt the child rather than with the relative who challenged the DHS's decision. The relevant inquiry was whether the relative that sought to have the DHS removed as guardian had met the relative's burden to establish that the DHS failed to act in the child's best interest by unreasonably or irresponsibly failing to discharge the DHS's duties in finding a suitable adoptive home for the child. I ruled that the relative had not met that burden.

h. I had no co-counsel, as I was not an attorney in the case.

i. The State was represented by Assistant County Attorney Jon Beaty, the child was represented by Justin Deppe, and the relative seeking removal of the DHS was represented by Dani Eisentrager.

j. I was the presiding judge.

Significant legal matter #2:

a. State of Iowa v. Jeffrey B. Meyers, Wright County, Iowa.

b. It was a criminal case in which Defendant was charged with four counts of Indecent Contact with a Child and one count of Dissemination or Exhibition of Obscene Material to a Minor.

c. The case was not significant in the sense that it was the subject of media coverage or involved an effort to change the law, but it was significant from the standpoint that Defendant was a department manager in a business frequented by many people in a small town. Defendant was charged with crimes that, if convicted, would have effectively ended his career. The case involved significant evidentiary issues that required a balance to be struck between protecting Defendant's right to a fair trial and the alleged victim's privacy rights. I believe a fair balance between those competing interests was struck, giving both sides a fair trial.

d. I did not represent any parties, as I was the presiding judge.

e. I was the presiding judge.

f. I was involved throughout the entire case, which started in December 2012 and ended in April 2013.

g. Defendant was found not guilty on all five charges.

h. I had no co-counsel, as I was not an attorney in the case.

i. The State was represented by County Attorney Eric Simonson and Assistant County Attorney Jonathan Holscher. Defendant was represented by John Flynn and John Jordan.

j. I was the presiding judge.

Significant legal matter #3:

- a. I do not recall the title of the case, but it was in Hardin County, Iowa.
- b. The case was a small claims action in which the Plaintiff sued for replevin, trying to recover possession of a cat from the Plaintiff's neighbors.
- c. Given the fact that it was a small claims action fighting over possession of a cat with no monetary value, the case has no "big picture" significance. What makes it significant to me is that I presided over the case early in my career on the bench. Of course I knew that, as a judge, I was required to set aside any personal likes or dislikes for the parties and analyze the case on the facts in light of the legal principles at issue. Although I knew that, this was the first case where that concept really struck me. It struck me so intensely because the defendants were really nice, pleasant, likeable people. The plaintiff, on the other hand, was a detestable person. She was loud, belligerent, argumentative, and aggressive, and she had done almost everything in her power to make a bad situation with her neighbors worse. In short, she was just a disagreeable and unlikeable person. However, she was also legally right, which left me no choice but to rule in her favor granting her possession of the cat. While there was no hesitation on my part in ruling that way, as the law required that outcome, it really struck me how unpleasant it is to rule in favor of a party that you genuinely do not like. That case has always stuck with me as a reminder to always continue to set aside those types of feelings and issue a ruling only on the facts and the law. The fact that the case sticks with me as such an important reminder after this many years is why that case has significance to me.
- d. I did not represent a party, as I was the presiding judge.
- e. I was the presiding judge.
- f. I was involved throughout the case. I do not recall the dates, but I believe it was sometime in 2011 or 2012.
- g. I ruled in favor of the Plaintiff and ordered the return of her cat.
- h. I had no co-counsel, as I was not an attorney in the case.
- i. There were no attorneys in the case, as the parties represented themselves.
- j. I was the presiding judge.

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

My primary non-litigation legal experience consists of the relatively small amount of transactional work (e.g., contract drafting, probate work, real estate transactional work) I did while in private practice and the extensive experience I gained at Travelers Insurance Companies. I believe judges that are well-rounded make the best judges because of the wide spectrum of the types of cases that come before them. While non-litigation matters do not make up the bulk of the cases that come before the Court of Appeals, the experience I have in non-litigation matters adds breadth and depth to the perspective I can bring to the court.

With regard to my non-litigation experience while in private practice, it gives me a knowledge base from which to work if cases come up that involve the contract drafting process, estate administration, or real estate transactions, as examples. Even though I have no particular expertise in those areas, the knowledge base I gained will help me to better understand some of the nuances of cases that directly or indirectly touch on those types of issues. Perhaps more importantly, that experience helps me have a better understanding of what I do not know. Knowing what you do not know can be just as important as knowing what you do you, because if you recognize what you do not know, you understand the need to get help from others or research the issue more thoroughly. One of the worst positions to be in is to be so unfamiliar with an area of the law that you do not recognize what you do not know, which causes you to fail to look deeper into an issue because you have no idea of the need to do so.

Regarding my time at Travelers Insurance Companies, while I was not actively engaged in litigation, as a claims adjuster on complex financial institution claims, I was actively involved behind the scenes of the litigation and helped manage the litigation that took place surrounding such claims. The experience gave me a wealth of knowledge on such issues as class action litigation issues, insurance coverage issues, bond claim issues, lender liability issues, securities litigation issues, etc. While those types of cases do not come up on a day-to-day basis before the Court of Appeals, I believe my experience in these areas contributes to my knowledge base, just as my non-litigation experience in private practice does, and would make me a more well-rounded judge that would increase my value to the court.

- 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 currently hold the position of District Associate Judge, which is a position I have held in District 2B since 2011. The only other public offices I have sought have been District Court and Court of Appeals positions in the State of Iowa.

- 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.**

Not applicable.

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.

Description of Group	Committees / Offices	Dates
Iowa State Bar Association – Young Lawyers Division	President Officer Executive Council Long Range Planning Committee - Chair	2001-2002 1999-2002 1997-2003 1998-2002 2000-2001
Iowa State Bar Association	Board of Governors Ways & Means Committee Administrative Committee Iowa State Bar Foundation Board Continuing Legal Education Committee Annual Meeting Committee - Co-Chair - Chair	1999-2002 2003-2004 2001-2002 2004-2008 2006-2008 2003-Present 2006-2007 2007-2008
American Bar Association – Young Lawyers Division	National Conferences Team	2002-2003
Iowa Board of Law Examiners	Bar Examination Grader	2004-2006
Iowa Trial Lawyers Association	Board of Governors	2002-2003

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.

~Dates	Organization	Nature of Involvement
2002-2008	Corpus Christi Catholic Church, Fort Dodge, Iowa	President of Finance Council: 2005-2006 Member of Finance Council: 2002-2006 Foundation Board Member: 2006-2008 Lector: 2005-2007
2005-2007	Fort Dodge Soccer Assn.	Soccer coach and/or co-coach
2004-2007	Fort Dodge Baseball Assn.	Assistant baseball coach
1996-2008	Rotary Club	Member

- 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.**

Ruling #1:

Case Information/Citation: In the Interest of C.R.M., Hamilton County, Iowa
Reason Selected: This case is the same case I identified as a significant legal matter in response to question number 12, where I described the background of the case. I chose this case as a reflection on my approach to writing and deciding cases because, in terms of writing, I believe I did a thorough job of walking through the statutory analysis and reaching a conclusion that I believe is demanded by the statute and the case law interpreting it. As noted in the ruling, that was not an easy task given the lack of clarity in the case law. In terms of reflecting my approach to deciding cases, this ruling illustrates my approach of reaching a decision I believe to be demanded by the law, even though that meant deciding that I did not have the authority or power to override the decision of another charged with making the applicable decision. I am particularly proud of this ruling because it was not appealed, suggesting I may have even persuaded the losing party, and because I know my ruling has been used as a model by other judges when facing the same issue. Because the case was not appealed, I have no citation to provide, but I have attached a copy of my ruling (redacted for confidentiality and labeled as “Ahlers – Question 18 - #1 (C.R.M.)”).

Ruling #2

Case Information/Citation: State v. Gruening, Hardin County OWCR311095
Reason Selected: I selected this case in terms of writing because, although it involved a fairly straightforward suppression issue, there was not a lot of applicable case law. I believe my ruling demonstrates my approach to writing because it shows my analytical approach of making relevant factual findings, determining the legal principles that apply (even without guiding cases from Iowa), and determining the appropriate outcome based on those facts and legal principles. The ruling demonstrates my approach to deciding cases for the same reason, meaning that the outcome is driven by the applicable facts and law, not the other way around. Because the case was not appealed, I have no citation to provide, but I have attached a copy of my ruling (labeled as “Ahlers- Question 18 - #2 (Gruening)”).

Ruling #3

Case Information/Citation: State v. Elmore, Wright County SRCR009919
Reason Selected: I selected this case, in part, because it involved an important issue, but one that does not come up every day. My ruling involved a dispute over whether restitution was

owed following a jury verdict that found the defendant guilty of Assault, but not guilty of Assault Causing Bodily Injury. I selected this ruling for much the same reason I chose the other two, which is that it demonstrates my analytical approach to deciding cases and writing rulings. That approach involves making the relevant factual findings (or, in this case, acknowledging the factual findings made by the jury) and then engaging in an analysis of the relevant statutory provisions and the case law interpreting those provisions to reach the required result, regardless of whether that result is the one personally desired. Because the case was not appealed, I have no citation to provide, but I have attached a copy of my ruling (labeled as “Ahlers- Question 18 - #3 (Elmore)”).

- 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.**

Not applicable.

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.**

Iowa’s Dramshop Act & the Non-Liability of Convenience Stores, 78 IOWA LAW REVIEW 913 (1993)

AMCO Ins. Co. v. Haht: Iowa’s Definition of Insurance Intent, 79 Iowa Law Review 203 (1993)

I have attached copies of these two articles as writing samples, labeled “Ahlers – Question 22 (Dramshop)” and “Ahlers – Question 22 (Insurance Intent)” respectively.

- 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.**

Subject Matter	Location	Description of Group	Date
College Expenses in Dissolution of Marriage Proceedings	Okoboji	Iowa State Bar Assn. (Young Lawyers Division – Summer Seminar)	8/1997
Iowa Case Law Update	Okoboji	Iowa State Bar Assn. (Young Lawyers Division – Summer Seminar)	~8/1998
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/1999
Iowa Case Law Update	Okoboji	Iowa State Bar Assn. (Young Lawyers Division – Summer Seminar)	~8/1999
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/2000
Iowa Case Law Update	Okoboji	Iowa State Bar Assn. (Young Lawyers Division – Summer Seminar)	~8/2000
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/2001
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Traveling Seminar)	~10/2001
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/2002
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	~8/2002
Iowa Case Law Update	Des Moines	Iowa Trial Lawyers Association (Annual Convention)	~11/2002
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/2003
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	~6/2003
Iowa Case Law Update	Okoboji	Iowa State Bar Assn. (Young Lawyers Division – Summer Seminar)	~8/2003
Iowa Case Law Update	West Des Moines	Iowa State Bar Assn. (Traveling Seminar)	~10/2003
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/2004
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	~6/2004
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/2004
Iowa Case Law Update	Okoboji	Iowa State Bar Assn. (Young Lawyers Division – Summer Seminar)	~8/2004
Iowa Case Law Update	Iowa City	Johnson County Bar Association	~11/2004
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/2005

Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	~6/2005
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/2005
Iowa Case Law Update	Okoboji	Iowa State Bar Assn. (Young Lawyers Division – Summer Seminar)	~8/2005
Iowa Case Law Update	Des Moines	Iowa Trial Lawyers Association (Annual Convention)	~11/2005
Iowa Case Law Update	Ames	Story County Bar Association	1/20/06
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/5/06
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	6/2/06
Iowa Case Law Update	Des Moines	Iowa Judges Association	6/21/06
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/21/06
Iowa Case Law Update	Okoboji	Iowa State Bar Assn. (Young Lawyers Division – Summer Seminar)	8/18/06
Iowa Case Law Update	Davenport	Iowa State Bar Assn. (Traveling Seminar)	11/13/06
Iowa Case Law Update	Cedar Rapids	Iowa State Bar Assn. (Traveling Seminar)	11/14/06
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Traveling Seminar)	11/15/06
Iowa Case Law Update	Ames	Story County Bar Association	1/19/07
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/3/07
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	6/1/07
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/21/07
Iowa Case Law Update	Okoboji	Iowa State Bar Assn. (Young Lawyers Division – Summer Seminar)	7/20/07
Iowa Case Law Update	Ames	Story County Bar Association	1/27/12
Iowa Case Law Update	West Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/11/12
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	6/2/12
Iowa Case Law Update	Ames	Story County Bar Association	1/25/13
Iowa Case Law Update	West Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/10/13
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/18/13

Iowa Case Law Update	Ames	Story County Bar Association	1/24/14
Iowa Case Law Update	West Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/9/14
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	5/31/14
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/19/14
Iowa Case Law Update	Ames	Story County Bar Association	1/23/15
Iowa Case Law Update	West Des Moines	Iowa State Bar Assn. (Bridge the Gap)	5/15/15
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	5/30/15
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/17/15
Iowa Case Law Update	Ames	Story County Bar Association	1/29/16
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/14/16
Iowa Case Law Update	West Des Moines	Iowa State Bar Assn. (Bridge the Gap)	9/9/16
Iowa Case Law Update	Ames	Story County Bar Association	1/27/17
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	6/2/17
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/20/17
Iowa Case Law Update	West Des Moines	Iowa State Bar Assn. (Bridge the Gap)	9/14/17
Iowa Case Law Update	Ames	Story County Bar Association	1/26/18
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	6/1/18
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/19/18
Iowa Case Law Update	West Des Moines	Iowa State Bar Assn. (Bridge the Gap)	9/13/18
Iowa Case Law Update	Ames	Story County Bar Association	1/18/19
Iowa Case Law Update	Coralville	Iowa Association for Justice	4/12/19
Iowa Case Law Update	Okoboji	Multiple bar associations in NW Iowa	5/31/19
Iowa Case Law Update	Des Moines	Iowa State Bar Assn. (Annual Meeting)	6/10/19
I have also spoken at numerous continuing legal education seminars on ethics panels and have presented on insurance issues as well, but I do not recall the dates and locations of the presentations over the years.			

The “Iowa Case Law Update” listed in the above chart is a presentation I give discussing the published opinions of the Iowa Supreme Court and the Iowa Court of Appeals. Giving these presentations involves me reading every published opinion and creating a

written summary of each case that is included in an outline that is distributed to conference attendees. To give an example of the magnitude of the case law update project, I have attached as a sample an outline showing one year’s worth of summaries (labeled “Ahlers – Question 23 (Case Law Update)”).

- 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.**

None.

- 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.**

Description of Honor, Prizes, or Award	Educational Institution	Date Received
Valedictorian	Hartley-Melvin High School	5/1987
Valedictorian of curriculum and major (cumulative grade point average of 4.0 on a 4.0 scale)	Iowa State University	5/1991
Order of the Coif	University of Iowa College of Law	5/1994
Graduation with High Distinction (7th out of 208)	University of Iowa College of Law	5/1994
American Jurisprudence Award (Top Score in Class) - Evidence - Trusts and Estates - Family Law - Professional Responsibility (Ethics)	University of Iowa College of Law	Fall 1992 Spring 1993 Spring 1993 Fall 1993

- 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
Stephen F. Avery	(712)262-1630	Former supervising attorney in law firm
Susan Ahlers Leman	(515)835-1419	Ex-spouse and mother of my children
Jason Schluttenhofer	(515)532-3722	Sheriff of Wright County (one of the counties in which I preside)

Don Bottorff	(515)832-6565	Former law partner and former father-in-law
Mike Szalat	(515)571-7672	Currently a high school teacher and coach who is a friend of mine. I used to help Mike coach youth baseball teams for which our sons played.

27. Explain why you are seeking this judicial position.

I believe that an attorney that has the academic background, integrity, attention to detail, work ethic, thirst for continued learning, organizational skills, knowledge of the law, research skills, writing talent, interest in the work of a judge, decisiveness, sense of fairness, and experience that would make the attorney a good judge has the obligation to the profession, the community, and the citizens of the state to seek available judge positions. I believe the same is true of sitting judges with respect to judicial openings at a higher level. If the best-qualified people for the job do not apply, then we are left with less-qualified people filling these important positions. I believe I possess all of the above-listed attributes and would like to use those attributes to serve the people of the State of Iowa in this important position.

28. Explain how your appointment would enhance the court.

I have a strong academic background coupled with solid research and writing skills. That background and those skills were recognized in law school when I was fortunate enough to have two articles published in the Iowa Law Review (the articles are attached as writing samples). Those skills continued to serve me well during the nearly fourteen years that I practiced law, gaining considerable experience in many areas of civil and criminal trial work. The experience gained in practice helped me transition into work as a complex claims handler for Travelers Insurance Companies for three years. During that time, I gained more valuable experience in the area of bond claims, financial institution liability issues, class actions, and insurance coverage issues. I have since been able to put those talents to good use for over eight years on the bench as a District Associate Judge. As it relates to the Court of Appeals position, perhaps just as important as my academic background, research skills, and writing skills is the fact that I actually enjoy the challenge of research and writing. I am always eager to learn new things, and I love it when an issue stumps me and I have the opportunity to dig for an answer. The fact that I relish that challenge is demonstrated by the fact that, as part of my effort to give back to my community and my profession, I have used significant periods of my free over the years reading published Iowa Supreme Court and Iowa Court of Appeals decisions and summarizing them in outline form in order to give presentations to lawyers and judges throughout the state. I have presented those summaries as a case law update at over 60 continuing legal education seminars over the past 20 years. To read the opinions is one thing. To read them, summarize them as succinctly as possible, and give presentations about them has given me a much higher level of familiarity with and knowledge of those decisions than the average lawyer or judge. I am flattered by the fact that it is a fairly

common occurrence for me to be contacted by lawyers and other judges, sometimes judges I do not know, asking if I am aware of a case on a particular issue, and I am pleased when I am able to help them out by remembering a case on point, or at least close enough to being on point that it will help with the requester's project. As mentioned in response to a previous question, to give an example of the magnitude of the case law update project, I have attached as a writing sample just one year's worth of summaries. People often assume that I have a law clerk or someone else read the cases and/or prepare the summaries. That is not the case. Having someone else do the work would defeat the purpose of why I have undertaken such project in the first place, which is for the benefit of reading the cases myself and giving them enough consideration to be able to summarize them and talk about them at seminars. So, how would my appointment enhance the court? I believe I would enhance the court by bringing a strong intellect and academic background, solid research and writing skills, tireless work ethic, a broad base of experience in criminal, civil, juvenile, and family law, genuine interest in research and writing, and a better-than-average understanding of the case law and its trends.

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

By way of additional background information, I have two children. My son recently graduated from the University of Michigan and is currently a working actor, having recently played a recurring role on a prime time NBC show. He splits his time between living in New York City and the Los Angeles area. My daughter will be a senior at Iowa State University this fall working on a degree in dietetics. She hopes to become involved with the dietary side of athletics training. I am extremely proud of both of them.

My primary interests outside the legal profession include reading, hockey, and history. I collect Pulitzer-prize-winning books to add to my ever-expanding collection.

I also want to address an issue that is not addressed in other questions, as I have come to find out that it is a concern for some. That issue is the fact that I am a District Associate Judge and not a District Court Judge. Some have suggested that I am "skipping a step" by applying for the Court of Appeals before becoming a District Court Judge. I do not believe that I am "skipping a step" for a variety of reasons and would like to address those reasons.

First, historically, there have been a number of people appointed to the Court of Appeals without having any judicial experience. This suggests, and rightly so, that attorneys in private practice can accumulate sufficient experience and skills to be viewed as good additions to the Court of Appeals. I wholeheartedly agree with that view. But if one accepts that view, then logic would dictate that judicial experience on top of the experience from private practice should be viewed as an additional positive qualification and not a negative of any kind. In other words, if attorneys are to be favorably considered, then a judge with a wealth of experience as an attorney in private practice *plus* the experience that comes from being a judge should be even more favorably considered even if the judicial experience is that of "just" a District Associate Judge.

Second, when consideration is given to the types of cases that typically come before the Court of Appeals, and with no disrespect intended to District Court Judges, a District Associate Judge frequently has more relevant experience than District Court

Judges with the types of cases that make up the bulk of the workload of the Court of Appeals. Looking at the list of opinions that come down from the Court of Appeals on the days those opinions are filed, it appears that juvenile and criminal cases make up the bulk of the cases, with dissolution of marriage or other family law matters making up the remainder of that bulk.

Breaking down those three categories of cases (i.e., juvenile, family law (divorce), and criminal), I believe I actually have more relevant experience as a District Associate Judge than a typical District Court Judge. As noted in response to a previous question, my job duties as a District Associate Judge include spending approximately 30% of my time working on juvenile cases. A typical District Court Judge does not work on juvenile cases at all, so, in that area, I believe my judicial experience surpasses that of a typical District Court Judge.

In the area of divorce and family law, of course, a typical District Court Judge spends a significant part of the judge's time working on those types of cases. District Associate Judges do not handle those types of cases. As a result, I cannot argue that my experience as a District Associate Judge equals that of a typical District Court Judge on those types of cases. However, I believe I close any perceived gap in the area of experience with divorce and family law matters by the fact that I spent nearly half of my time during my 14 years of private practice handling those types of cases. I am well-versed in that area of the law even though I do not currently preside over those types of cases.

Finally, with regard to criminal matters, as a District Associate Judge, I have multiple times as much experience as a typical District Court Judge. As a District Associate Judge, I estimate that I handle approximately 80 to 85 percent of the indictable criminal cases in my three counties. Keeping in mind that the rules of criminal procedure and rules of evidence that apply to the felony cases handled by the District Court Judges are the same rules of criminal procedure and rules of evidence that apply to the felony and indictable misdemeanor cases that I handle, this means that I have 4 to 5 times more experience in criminal cases than a typical District Court Judge just in terms of sheer volume of cases. Additionally, in terms of actual contested matters, I believe that disparity in experience is even greater than the disparity measured by sheer number of cases. Due to the fact that the stakes are frequently lower in cases before a District Associate Judge, there is a tendency for there to be more contested suppression matters, more contested evidentiary matters, and more trials, because the parties believe they can afford the risk of contesting their issues. Since the stakes are typically so much higher in cases presided over by District Court Judges, there is more of a tendency for both sides to avoid risk by resolving those types of issues without them being decided by a judge. For this reason, besides the disparity in terms of sheer volume of cases, the disparity is slanted even more heavily to District Associate Judges when consideration is given to experience on actual contested matters. Many of the appellate decisions that come down addressing various evidentiary and suppression issues come from cases involving District Associate Judge rulings because of this reality.

For all of the above-stated reasons, it is my hope that my experience of over eight years as a District Associate Judge will be viewed as a positive aspect of my candidacy and not as any type of shortcoming or obstacle.