

IOWA DISTRICT COURT

MARK D CLEVE
District Court Judge
Scott County Courthouse
Davenport, IA 52801-1104
563-326-8783
Mark.Cleve@iowacourts.gov

KATHY GAYLORD
District Court Administrator
Scott County Courthouse
Davenport, IA 52801-1104
563-326-8783
Kathy.gaylord@iowacourts.gov

NOTICE AND PRESS RELEASE

May 31, 2019

Contact: Mark D. Cleve, Chairperson, or Kathy Gaylord, Secretary

Nominating Commission Seeks Applicants for Iowa District Court Judge

Iowa uses a merit selection system for appointing district judges. This constitutional commission selects whom they believe are the two most qualified applicants, and the governor appoints one of them district judge. The commission is accepting applications to fill the opening that will occur upon the retirement of Judge Nancy S. Tabor. This district judge will serve Cedar, Clinton, Jackson, Muscatine and Scott Counties.

Any person interested in this position may obtain an application from the District Court Administrator's Office, Scott County Courthouse, Davenport, Iowa, or the Clerk of Court offices in Cedar, Clinton, Jackson, Muscatine, and Scott Counties. Applications should be on file with or postmarked to the District Court Administrator's Office on or before Monday, June 24, 2019.

Applicants must be members of the Bar of Iowa, residents of the Seventh Judicial District, and of such age that they will be able to serve an initial and one regular term of office before the age of 72 years.

Candidates may make themselves available for pre-meeting interviews with Commissioners. Any citizen may communicate with any Commissioner expressing their views on a candidate.

The Judicial Nominating Commission will meet in formal session on Monday, July 22, 2019, beginning at 8:30 a.m. in Second Floor Conference Room No. 258 of the Scott County Courthouse, Davenport, Iowa. Candidates will be interviewed, and at the conclusion of the interviews, the Commission will nominate two of the candidates for the judgeship. The Governor will appoint one of the two nominees as a District Judge.


Mark D. Cleve, Chairperson

NOTICE TO CANDIDATES FOR NOMINATION

Enclosed is a judicial application that includes a personal data questionnaire, a personal confidential information form, Internal Rules of Procedure for the Commission, and a list of the Commissioners.

In order to be most favorably considered for balloting, a candidate for nomination should file or mail the answers to the questionnaire to the Secretary of the Commission and all commissioners **on or before Monday, June 24, 2019**. The Commission has set the date of **Monday, July 22, 2019, at 8:30 a.m. for formal meeting, commencement of interviews and balloting**. The names and addresses of the Commission members and Secretary are:

CHAIRPERSON

Honorable Mark D. Cleve
Scott County Courthouse
400 West Fourth Street
Davenport, IA 52801-1104
Ph. 563.326.8783
mark.cleve@iowacourts.gov

Jennie Clausen
1111 East River Drive
Davenport, IA 52803
Ph. 563.326.0006
jennieclausen@hjdane.com

Kelsey Ward Marquard
2322 East Kimberly Road
Suite 140S
Davenport, IA 52807
Ph. 563.265.2392
kawm@emprights.com

Steven Shaw
930 East River Drive
Davenport, IA 52803
Ph. 563.508.8958
shshaw@shawelec.com

Fred Grunder
P.O. Box 115
Wilton, IA 52778
Ph. 563.343.0040
fkgrunder@gmail.com

Andrea Mason
2322 East Kimberly Road
Suite 140S
Davenport, IA 52807
Ph. 563.355.6060
andrea@keeganlegal.com

Dawn Smith
211 Brookview Lane
PO Box 727
Durant, IA 52747
Ph. 563.357.7068
dawnrsmith66@gmail.com

Steven Kahler
123 North Main Street
Maquoketa, IA 52060
Ph. 563.652.4963
skahler@srbk.com

Ian Russell
220 North Main Street
Suite 600
Davenport, IA 52801
Ph. 563.324.3246
irussell@l-wlaw.com

Verla Wulf
1928 – 190th Street
Grand Mound, IA 52751
Ph. 563.349.2165
wulf@fbcom.net

David Kendell
30602 Mill Creek Road
Bellevue, IA 52031
Ph. 563.249.2351
akendell@windstream.net

SECRETARY

Kathy Gaylord
District Court Administrator
Scott County Courthouse
400 West Fourth Street
Davenport, IA 52801-1104
Ph. 563.326.8783
kathy.gaylord@iowacourts.gov

At the strong request of the Commissioners, any additional written information submitted on behalf of a candidate should be provided by **ONLY** U.S. Mail **OR** email, but not by both such means.

Iowa Judicial Branch
Application for a District Court Judge Position

Revised: 5-22-2018

Instructions for Applicants

The Judicial Nominating Commission for Judicial Election District 7 is currently accepting applications for a **District Court Judge** position.

There are three parts to the application. Each part is a separate document.

Part 1: *Personal Background Information Form.* It provides the District Judicial Nominating Commission with an applicant's pertinent background information. It is a *public record* (see Iowa Code section 22.1(3)). Pursuant to Iowa Code section 46.13(2)(b), after the deadline for applications has passed, this part of the application from all candidates will be posted on the district judicial nominating commissions website (<https://www.iowajnc.gov/district-commissions>). If you believe you cannot fully respond to a question in Part 1 without disclosing information that is confidential under state or federal law, please submit that part of your answer with the legal basis for confidentiality on a separate sheet that you mark "confidential."

Part 2A: *Confidential Information Form.*

Part 2B: *Confidential Information, Disclosure and Release Form.*

How to obtain the forms:

All three forms are Microsoft Word documents. To obtain the electronic versions of the forms via email, please email the Court Administration Office at: Kathy.gaylord@iowacourts.gov

How to complete the forms using MS Word and deliver them to the nominating commission:

- (1) Type your response in the box immediately after or next to each numbered question or item.
- (2) After completing each form, print a copy of each and **sign** each part on the last page.
- (3) Scan Part 1 and Part 2A. Save each form as a PDF document using the following format for naming the documents:

[Lastname]-Part1.pdf

[Lastname]-Part2A.pdf

- (4) Save at least two writing samples (see #37 in Part 1) as PDF documents using this filename format:

[Lastname]-WritingSample1.pdf

[Lastname]-WritingSample2.pdf

- (5) Email Parts 1 and 2A plus the two writing samples to: Kathy.gaylord@iowacourts.gov
- (6) Mail or personally deliver the original copies of Parts 1, 2A, and 2B (with your hand-written signature) and paper copies of your writing sample(s) to:

DCA Kathy Gaylord, Commission Secretary

Scott County Courthouse

400 West 4th Street, 2nd floor

Davenport, IA 52801

- (7) Applications must be submitted no later than (date):

June 24, 2019

(time):

4:30 PM

Iowa Judicial Branch
Application for a District Court Judge Position

(Revised: 7-14-2018)

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

1. Applicant's full name:

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

3. City and county of residence:

4. Date of birth:

5. Gender (Female / Male):

6. Race/ethnicity:

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

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

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

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

9. Explain why you are seeking this judgeship position:

10. Explain how your appointment would enhance the court:

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

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

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

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

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

Case number	County, State	Date filed	Date close	Description of case and outcome

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

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

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

College(s) and Law School(s) – and reason for leaving, if applicable	Dates Attended (Mo/Yr to Mo/Yr)	Degree(s)	Month/Yr Received

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

Name/Title of Honor, Prizes, Awards	Awarded by:	Month/Yr Received

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

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

Title of Presentation	City, State	Event Sponsor	Month & Year

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

Name of School / College	City, State	Name of Course(s)	Month/Yr to Month/Yr	Full-time or Part-time

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

State and federal jurisdictions in which you are, or have been, admitted to practice law	Month/Yr Admitted

22. List chronologically the **employment** you have had *since your initial admission to practice law* in any state or federal jurisdiction. For each time period, provide the following information as applicable:

a. If you served as a law clerk to a judge, provide the name of the judge, the court, and the court's location.

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

b. If you have practiced law, provide the following information for each position you have held:

- (1) Name of the law firm(s), company, or government agency that employed you,
- (2) City and state where the office was located,
- (3) Number of attorneys in the law firm or agency,
- (4) Whether you were a partner in the firm,
- (5) The areas of law in which you practiced, and
- (6) A description of the typical clients you represented. (Use "Tab" in last row to add more rows.)

Dates (From -- To)	Description of law practice (address topics in 22(b)(1) – (6) for each time period)

23. Regarding your legal experience:

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

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

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

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

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

Type of trial	Total # of trials	# as sole counsel	# as chief counsel	# as associate counsel
Tried before a jury				
Tried before a judge				
Column Total				

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

Appellate court*	Total # of appeals:	# as sole counsel	# as chief counsel	# as associate counsel	# in which you presented oral argument
Iowa Supreme Court					
Iowa Court of Appeals					

Other state appellate court (identify):					
Other state appellate court (identify):					
Other state appellate court (identify):					
Other appellate court (identify):					
Federal Circuit Court(s)					
U.S. Supreme Court					
Total					

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

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

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

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

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

Significant legal matter #1:

Significant legal matter #2:

Significant legal matter #3:

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

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

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

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

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

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

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

26. If you are **currently** an officer, director, partner, sole proprietor, or otherwise engaged in the **management of any business enterprise or nonprofit organization** other than a law practice, provide the following information about your position(s) and title(s): (Use "Tab" in last row to add more rows.)

Name of business / organization	Your title	Your duties	Dates (From -- To)

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

Professional associations to which you have belonged	Committees / Offices	Dates (From -- To)

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

Dates (From -- To)	Government commissions, task forces, etc. on which you served

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

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:	

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

Dates (From -- To)	Business / Organization Name, City, State	Your Duties

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

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

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

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

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

Dates (From -- To)	Organization Name	Nature of your involvement

34. List all the **social media applications** (e.g., Facebook, Twitter, Snapchat, Instagram, LinkedIn) that you have used in the past **five years** and your account name or other identifying information (excluding passwords) for each account. *(Use "Tab" in last row to add more rows.)*

Social media application name	Account name or other identifying information

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

Name	Address	Telephone number

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

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

information to obscure the identity of the parties and any information that may allow disclosure of the parties' identity.

38. Photo: If you are willing, please provide a photo of yourself. In the event you are one of the nominees, your photo will be shared as part of the press release.

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

Applicant's signature:

--

Attorney PIN:

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Date:

--

Iowa Judicial Branch
Application for a District Court Judge Position

(Revised: 1-31-19)

Part 2A: Confidential Information Form

For Submission to the District Judicial Nominating Commission

See the "Instructions for Applicants" (a separate page)

1. Full name:

2. Name of law firm, office, or agency where you are employed:

3. Office address with zip code:

4. Office email address:

Office phone:

5. Home address with zip code:

6. Home/personal email address

Home phone:

7. Date of birth:

8. List the dates and places of your residency since graduating from college:

(To add rows to this table, put the cursor in the last row (right column) and press the "Tab" key.)

Dates (month/year to month/year)	Place of residence (city, state)

9. If you served in the military and received something other than an Honorable Discharge, please provide details about the situation, including whether such discharge resulted from disciplinary action, administrative or legal. (Skip if not applicable.)

10. Has any federal, state, or other law enforcement authority arrested, charged, or held you in custody for violation of any federal or state law or regulation, or any county or municipal law, regulation, or ordinance? **If yes**, give details about the case(s) and disposition(s). Do **not** include traffic violations for which the fine was \$250 or less *unless you were arrested*. Please include all information not disclosed in response to Question 11 in Part 1 of the judgeship application (Personal Background Information Form), including deferred judgments that have been expunged.

11. Have you ever been listed on a child or dependent adult abuse registry? **If yes**, provide details about the case, when and where it occurred.

12. Have you ever been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group that was dismissed or resulted in a private admonition? **If yes** provide specific information on each complaint.

13. Provide any other information that may reflect adversely on you, or which you believe you should disclose in connection with your application for the judgeship position. If there is adverse information you are reluctant to disclose to the entire nominating commission, you may disclose it to the chair of the commission in a separate document. The Chair will disclose it to the other members of the commission only in a nonpublic session if, in the Chair's opinion, that information has a bearing upon your qualifications for the judgeship position.

14. Please provide to the secretary only one copy of your current **TransUnion** credit report and evidence of legal malpractice insurance coverage.

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

Applicant signature: _____ Date: _____

Waiver of Confidentiality

I, the undersigned applicant, hereby waive the benefits of any statute, rule or regulation prescribing confidentiality of records of any court, administrative, or disciplinary committee of any state. I authorize and request every person, firm, company, corporation, governmental agency, court, association or institution having control of any documents, records or other information pertaining to me to furnish such documents or information to the District Judicial Nominating Commission. Any such information, including documents, records, bar association files regarding charges or complaints filed against me, whether formal or informal, pending or closed, or any other pertinent data, I permit the District Judicial Nominating Commission or any of its members, agents or representatives to inspect and make copies of such documents, records, and other information. I hereby release and discharge the District Judicial Nominating Commission, its individual members, their agents and representatives and any other person furnishing information, from all liability of every nature and kind arising out of the furnishing of information to or investigation out of the release and use of information so provided concerning me, the applicant.

/S/ _____

Date: _____

Application for a District Court Judge Position
Part 2B: Confidential Information, Disclosure, and Release Form
 (Revised: 9-28-18)

Note 1: Deliver this form as a paper document (not electronic) to the chair of the magistrate appointing commission. *It should not be distributed to other members of the commission.*

Note 2: A background investigation will be conducted on each judicial applicant.

Authorization: I hereby authorize the Iowa Judicial Branch and/or the Iowa Division of Criminal Investigation (DCI) to obtain any and all records pertaining to me that are retained by the Department of Revenue, the Department of Motor Vehicles, law enforcement agencies, credit reference bureaus, past and present employers, educational institutions, city, state, county, and federal courts, military services, business associates, and acquaintances. I further give permission for the DCI to conduct a criminal history record check. Any criminal history data concerning me may be released as allowed by law, including any deferred judgment information. I agree that information gathered as part of this background check may be shared with the Governor's Office should I be nominated to serve on the District Court.

I release from all liability all persons, companies, schools supplying such information. I indemnify the Iowa Judicial Branch against any liability, which may result from making such requests. This release shall remain in effect for the length of my employment. I understand and I may have a right to request additional disclosures regarding the nature and scope of the investigation.

Full legal name:	
Other name(s) used:	
Street address (residence):	
City, State, Zip Code:	
Social Security Number:	
Driver's License Number:	
Birth Date:	

I believe to the best of my knowledge that all information I have provided is accurate, true and correct and that I fully understand the terms of this release.

Signature: _____
 Date: _____

INTERNAL RULES OF PROCEDURE
OF
SEVENTH DISTRICT JUDICIAL NOMINATING COMMISSION
Revised November 20, 2013

The Seventh District Judicial Nominating Commission, pursuant to the duties and authorities imposed upon it under the provisions of Article V, Section 16, Constitution of the State of Iowa adopts the following internal rules of procedure for the sole purpose of establishing guidelines to candidates for nomination, the Commission and its Chair and Secretary in carrying out the Commission's constitutional mandate of making nominations to fill vacancies in the Seventh Judicial District of Iowa and in seeking maximum citizen input in the nomination process.

1. **Authority.** The Seventh District Judicial Nominating Commission is responsible for making nominations to fill vacancies in the office of Judge of the District Court of Iowa. The Commission in making nominations shall be governed by Article V, Section 15 and 16 of the Iowa Constitution, Chapter 46 of the Iowa Code and these internal rules of procedure.
2. **Responsibility of Commission.** It is the duty of the Commission to nominate the most qualified persons available for appointment to the District Court of Iowa. In carrying out this duty the members of the Commission should not limit their consideration to persons who have been suggested by others or to persons who are known to be available for appointment to the District Court. The members should always keep in mind that often the persons with the highest qualifications do not actively seek judicial appointment. Thus it is incumbent upon the members to seek out well qualified persons and to encourage them to agree to accept nomination.
3. **Procedure.**
 - 3 (1) When a vacancy on the District court occurs or will occur within 120 days, the State Commissioner of Elections is obligated to notify the Governor. Within ten days of receiving the notice of vacancy the Governor is obligated to establish a date for meeting of the Seventh Judicial District Judicial Nominating Commission and give notice as prescribed in Section 46.13, Code.

3 (2) The Chair shall also write a letter to the president of each county bar association in the judicial district and request that each president notify all members of their bar association of the vacancy and that any lawyer is permitted to submit their name or the name of another lawyer for consideration by the Nominating Commission, and that a completed questionnaire on the Commission's standard form should also be submitted. The letter shall also request that all recommendations and completed questionnaires be submitted no later than ten days before the scheduled meeting. The letter shall state the name and address from which questionnaires are available and to which recommendations and questionnaires should be mailed.

3 (3) The Chair shall also issue a press release containing the date of the scheduled meeting and stating that recommendations of names of persons for consideration should be submitted to a certain address no later than ten days prior to the scheduled meeting. The press release shall also state that questionnaire forms are available and should be completed and submitted no later than ten days before the scheduled meeting.

3 (4) The Secretary of the Commission shall submit a questionnaire, a copy of these Internal Rules of Procedure, and a list of all Commissioners showing their addresses and telephone numbers, to each candidate for nomination. The questionnaire shall include the questions deemed relevant by the Commission as to the background and qualifications of the candidate. The questionnaire shall include the following sections: (1) Personal Data; and (b) Personal Confidential Information.

3 (5) Commission members may conduct investigations into the qualifications, both personal and professional, of candidates being considered by the Commission. In addition, the Chair or delegate may obtain such reports as permitted by law on each candidate from the Iowa Bureau of Criminal Investigation and from such commissions of the Iowa Supreme Court and such committees of the Iowa Judges Association and Iowa State Bar Association as the chair deems necessary and advisable to properly

inform the Commission of the personal and professional qualifications of all candidates. The Commission may seek and receive the services of a qualified individual for the purposes of analyzing the credit report submitted by each candidate.

3 (6) The Commission shall arrange interviews by the entire Commission with all or any of such candidates as the Commission believes to be best qualified for the judicial vacancy to be filled.

3 (7) Interviews of candidates will be open to the public for purposes of observation and listening only, without participation by public guests. The Commission may at any time decide to move into closed session to discuss confidential matters. Commission deliberations shall be private and voting shall be conducted by secret ballot. The secretary of the meeting shall prepare an alphabetical, reverse alphabetical order, or random list of all candidates being considered by the Commission for nomination, to be discussed in that order. Nominees shall be chosen separately and in succession with each member voting for one candidate on each ballot. A candidate shall be nominated upon receiving 6 or more votes. At any time during such meeting the Commission may reconsider any vote previously taken. Other discussions, investigations, recesses or adjournments as the Commission deems appropriate may occur at any point in the selection process by a majority vote.

3 (8) After the Commission has chosen the nominees, the nominations shall immediately thereafter be communicated to the Governor and to the Chief Justice of the Supreme Court and the Secretary will issue an appropriate news release to the public media.

4. **Miscellaneous.**

4 (1) The Commission may act only at a meeting at which a quorum of six members are present. The Commission may act by the nominations, which shall require the affirmative vote of the majority of the full statutory number of Commissioners.

4 (2) The Chair shall preside at any meeting when present; the Commission may choose a member to act as Temporary Chair in the absence of the Chair.

4(3) The District Court Administrator shall serve as the official Secretary to the Commission. It is the duty of the Secretary, or one so acting, to prepare and keep the minutes of all meetings. In the Secretary's absence the Commission may choose a member to be Acting Secretary.

4 (4) The minutes of meetings of the Commission must record the names of the members present, the names of any members of the public present during candidate interviews, any objections to the holding of the meeting on the ground of lack of or insufficiency of notice, any action taken by the Commission, and any other matters that the Commission may deem appropriate.

4 (5) The minutes of meetings shall be in two parts: a public part when the meeting is open to the public, and a confidential part when the Commission is in closed session considering the applicants' qualifications, all information available about the applicants, and concluding with the selection of two nominees. After nominations have been submitted to the Governor, the confidential minutes shall be sealed and held by the Secretary, and thereafter may be available to Commission members only upon concurrence of a majority of the Commission. Five years after the Governor's appointment of one of the nominees, the record of proceedings for that appointment may be destroyed upon authorization by the Commission.

4 (6) As stated in Section (3) (7), interviews of candidates will be open to the public for purposes of observation and listening only. Otherwise, meetings of the Commission are closed sessions and members are expected not to disclose the discussion of nominees or anything that would tend to keep a member from speaking freely. The names of persons who have submitted questionnaires will be made public, and the Personal Data Questionnaire shall be made public upon appropriate request except as limited pursuant to Section 3 (4), footnote 1. A Commission member may at the request of the Governor discuss the merits of any nominee with the Governor or Governor's

representative following submission of nominations by the Commission and prior to appointment, but the Commissioner shall not disclose the discussion or voting in executive session of the Commission.

4 (7) Each member of the Commission is entitled to receive at least five days notice of a meeting of the Commission unless they waive in writing notice of the meeting or unless the Commission at its next previous meeting designates the time and place of the meeting. All waivers of notice and a copy of the notice of a meeting shall be filed with the minutes of the meeting.

4 (8) The confidential portions of the questionnaires submitted by candidates for nomination shall be made available to the Commissioners only before the nominations are made and thereafter only to the Governor and the Chief Justice prior to making the appointment. After the nominations are made such questionnaires shall be held by the Secretary under the same terms and conditions applicable to minutes of meetings as set forth in Section 4 (5).

4 (9) The Commission may amend these Rules by a majority vote of the quorum present at a meeting scheduled pursuant to these Rules. Proposed changes shall be presented to members at least ten (10) days prior to the meeting, unless waived by a majority of the quorum present at a meeting.