

**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.**

Myron Lee Gookin

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

Iowa District Court Judge, District 8A

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

January 18, 1958

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

Fairfield, Jefferson County

**PROFESSIONAL AND EDUCATIONAL HISTORY**

- 5. List in reverse chronological order each college and law school you attended including the dates of attendance, the degree awarded, and your reason for leaving each school if no degree from that institution was awarded.**

- a. Drake University School of Law; 09-80 to 05-83; Doctor of Jurisprudence
- b. Iowa State University; 09-78 to 05-80; Bachelor of Science

- c. Iowa Wesleyan College (n/k/a Iowa Wesleyan University); 09-76 to 05-78;  
Transferred to ISU

**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.**

1. **Iowa District Court Judge, District 8A**-September 16, 2011 to present-Jefferson County Courthouse, 51 W. Briggs, Fairfield, Iowa 52556.  
Supervisor/Colleague: Chief Judge Mary Ann Brown, former Chief Judge James Blomgren, Heidi Brown, district court administrator.

2. **Foss, Kuiken, Gookin & Cochran, P.C., Attorneys at Law**, 1<sup>st</sup> National Bank Building, Suite 201, Fairfield, Iowa 52556-June 1983 to September 16, 2011-Attorney/Shareholder. Supervisor/Colleague: Craig Foss, Timothy Kuiken, Sarah Cochran, former partners.

3. **Davis, Hockenber, Wine, Brown & Koehn, Attorneys at Law, Des Moines, Iowa**-1982-83-Law clerk during 3<sup>rd</sup> year of law school.  
Supervisor/Colleague: Donald Brown; A.J. Greffenius; Steve Roberts; Gene LaSuer; Jonathan Wilson.

4. **Foss & Kuiken, Attorneys at Law**, 1<sup>st</sup> National Bank Building, Suite 201, Fairfield, Iowa 52556-1980-83-Law clerk during breaks and summers while in law school. Supervisor/Colleague: Craig Foss and Timothy Kuiken.

**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.**

N/A

**7. List the dates you were admitted to the bar of any state and any lapses or terminations of membership. Please explain the reason for any lapse or termination of membership.**

State of Iowa; June 17, 1983. No lapses.

U.S. District Court, Southern District of Iowa; November 1983. No lapses.

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.

Overview: In law school, 1980-83, I was very interested in appellate work. By competitive selection, I participated on regional and national moot court teams, which were highly successful. I also served on the moot court board. I won the Rodney L. Hudson Senior Advocacy Award, Drake Law School's highest honor for trial and appellate advocacy. While in law school, I clerked at both the Davis law firm in Des Moines and the Foss law firm in Fairfield, where I researched a wide variety of issues in many areas of the law, wrote memos and briefs for lawyers, drafted pleadings and discovery requests, and performed the general duties of a law clerk.

I practiced law for 28 years, from June 1983 to September 16, 2011, at Foss, Kuiken, Gookin & Cochran, P.C., a general practice law firm in my hometown of Fairfield, Iowa. In private practice, I did a considerable amount of trial work, which often resulted in appellate work. I have prepared and filed appellate briefs and orally argued cases before the Iowa Court of Appeals and the Iowa Supreme Court. I have served as an Iowa District Court Judge in District 8A for almost 8 years, from September 16, 2011 to the present. As a district court judge, I have presided at numerous trials, both jury and non-jury, some of which have been appealed with resulting opinions. My long-term experience and interest in trial and appellate work, combined with my experience as a general practice lawyer and trial judge in a rural judicial district, gives me a unique perspective and background to serve on the appellate bench.

Specific subpart responses:

- a) I represented individual clients in all manner of civil and criminal proceedings, banks, local businesses, local churches, municipalities, the Iowa Annual Conference of the United Methodist Church and the Bishop.

In our general legal practice, I gained extensive experience in a wide variety of areas: civil and criminal trial and appellate practice, contract, debtor/creditor (excluding debtor bankruptcy), banking, family (pre-marriage planning, divorce, adoption and juvenile), estate planning, probate, business planning (including creation of partnerships, corporations and limited liability companies), real estate, personal injury/tort, municipal (I served as city attorney for Richland and Packwood, Iowa) and church law. Every day was a constant mix of litigation work, whether in the courtroom or the office, and transactional and planning work, such as drafting and reviewing contracts, meeting with clients to do estate planning, or examining abstracts of title and attending real estate closings.

- b) 35-40% Legal planning and transactional

- c) 60-65% Litigation and appellate

- d) Administrative 5%  
Civil 70%  
Criminal 25%

e) In the past 10 years, I was only in private practice approximately 2.5 years. Within that 2.5-year period before becoming a judge, I estimate I tried 1-2 jury cases and 10-12 non-jury cases, as sole counsel. Over the entire course of my private practice, on the average, I estimate I tried one jury case and 6-8 non-jury cases per year. After becoming a district court judge, I have presided at hundreds of hearings and trials, both jury and non-jury.

f) In the past 10 years, I was only in private practice approximately 2.5 years. Within that 2.5-year period before becoming a judge, I estimate I participated in one appeal. Over the course of my private practice, on the average, I estimate I participated in 1-1.5 appeals per year.

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

- a. **Approximate number of pro bono cases you've handled.** Several, but the actual number is unknown. I participated in the Iowa Bar Association Volunteer Lawyer Project and contributed legal work to some non-profit organizations.
- b. **Average number of hours of pro bono service per year.** The hours varied and are unknown.
- c. **Types of pro bono cases.** Landlord/Tenant; divorce; business organization.

**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.**

Iowa District Court Judge, 8<sup>th</sup> Judicial District, Sub-district 8A. I was nominated by a judicial nominating commission with another candidate for an open district court judgeship in the 8<sup>th</sup> Judicial District. Governor Terry Branstad selected me for the position in August 2011. I officially began my duties on September 16, 2011. I have been a district court judge from then to the present, approximately 8 years.

- 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.**

1. *State v. Nicoletto*, 845 N.W.2d 421 (Iowa 2014). I presided at a jury trial on a charge against the Defendant of sexual exploitation by a school employee. Defendant moved to dismiss on the basis he was only a coach, not a teacher, and therefore not a school employee subject to prosecution. I denied the motion. A jury found him guilty. The Iowa Supreme Court reversed. The Iowa Legislature thereafter enacted amendments to the statute to clarify the statute applies to coaches who are not teachers.

2. *State v. Webster*, 865 N.W.2d 223 (Iowa 2015). I presided at a jury trial on a charge against the Defendant of 1<sup>st</sup> Degree Murder. A jury found the Defendant guilty of 2<sup>nd</sup> Degree Murder. The Iowa Court of Appeals reversed and ordered a new trial (859 N.W.2d 672). The Iowa Supreme Court reversed the Court of Appeals and affirmed the district court on the conviction.

3. *Crow v. Simpson*, 871 N.W.2d 98 (Iowa 2015). I presided at a civil jury trial on a claim of negligence by the driver of a moped against a contractor, concerning warning lights and barricades at a work site. A defense verdict was returned by the jury, which I confirmed on post-trial motions. The Iowa Court of Appeals reversed and ordered a new trial on the basis there was not substantial evidence to support the verdict (2014 WL 7343510). The Iowa Supreme Court reversed the Court of Appeals and affirmed the district court on the judgment.

4. *In re Guardianship of A.B.*, No. 15-1959, 2016 WL 4544021 (Iowa Ct. App., Aug. 31, 2016). I presided at a non-jury trial where the grandmother of the children in question petitioned for appointment as guardian of her grandchildren because her daughter, the custodial mother of the children, had died. The father resisted. I ruled in

favor of the grandmother because an existing Colorado protective order prevented the father from having any contact with the children. The Iowa Court of Appeals reversed and remanded, holding the Iowa District Court had the authority to modify the Colorado protective order.

5. *State v. Gridley*, No. 14-1773, 2016 WL 5930002 (Iowa Ct. App., Oct. 12, 2016). I presided at a jury trial on a charge against the Defendant of vehicular homicide. A jury found the Defendant guilty. The Iowa Court of Appeals affirmed in part and reversed in part. It reversed my ruling that denied Defendant's motion for new trial, on the basis I applied a "sufficiency of the evidence" standard rather than a "greater weight of the evidence" standard in ruling on the motion for new trial. On remand, applying the "greater weight of the evidence" standard, I again denied the motion for new trial.

6. *Matter of Estate of Terpstra*, No. 17-0893, 2018 WL 2246838 (Iowa Ct. App., May 16, 2018). I presided at a non-jury trial involving multiple disputes in a probate estate. One beneficiary filed a claim against another beneficiary alleging undue influence in the change of a life insurance beneficiary. The beneficiary against whom the claim was filed moved to dismiss the claim for various reasons, including that the statute of limitations had expired on such a claim. In reviewing the statute of limitations issue, I dismissed the undue influence claim because it had expired under Iowa Code Sec. 614.1(2). The Iowa Court of Appeals reversed on the basis that the statute of limitations claim was pled under other statutes, namely, Sec. 633.410 and 633.415, and thus the district court erred in basing its ruling on an unpled statute.

7. *Anderson v. Anderson Tooling, Inc*, 928 N.W.2d 821 (Iowa 2019). I presided at a lengthy civil jury trial involving multiple claims and counter-claims of violation of the Iowa Wage Payment Collection Law, breach of contract, tortious discharge, interference with contractual relationships, conversion, intentional interference with contracts, interference with a prospective business advantage, breach of fiduciary duty, misappropriation of trade secrets and conspiracy. On appeal, the Iowa Court of Appeals (2018 WL 739242) affirmed in part and reversed in part the District Court judgment. On discretionary review, the Iowa Supreme Court vacated the Iowa Court of Appeals reversal of the District Court. Thus, the end-result was affirmation of my District Court judgment.

Opinions are attached.

- c. **List any case in which you wrote a significant opinion on federal or state constitutional issues. For each case, include a citation for your opinion and any reviewing entity's or court's opinion and attach a copy of each opinion.**

I have not addressed what I consider are “significant” constitutional issues. I addressed some constitutional issues in a summary judgment ruling in a wrongful termination case, *Cremer v. Wapello County*, which I attach hereto.

**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.**

To the best of my knowledge, I once forgot to file a 22.10 report because the monthly 10-day window for filing occurred while I was on vacation. Upon bringing this to my attention, I immediately filed the report showing no cases pending more than 60 days.

**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.** None.
- ii. **180 days.** None.
- iii. **240 days.** None.
- iv. **One year.** None.

**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. Estate of Countryman v. Farmers Co-op Ass’n, 679 N.W.2d 598 (Iowa 2004).**

This is one of the most challenging cases of my private practice career. A family gathered for a Labor Day get-together. Unknown to them, a propane gas leak had poured propane gas into the basement of the house. The propane ignited and the ensuing explosion destroyed the house in which the family members were gathered. Seven family members died. Many suffered critical injuries. Our office had done estate planning for some of the family members in years past. As survivors came to our office for estate advice, we perceived potential tort liability. We represented the estates of all that had perished.

We associated with a couple of other lawyers who specialized in propane explosions and products liability. For approximately the next five years we were immersed in a complex case representing numerous plaintiffs, including the seven estates, individual survivors, and a conservatorship for a minor, against numerous defendants, one of which is the appellee in the case cited, above. The case involved issues in probate, products liability, and corporation and business law, among others.

Although the legal and procedural issues were substantial, the most significant thing about this case is the people for whom we provided legal services. Among all the legal issues and procedural complexity, we were dealing with many people suffering deep grief, life-altering injuries, anger and frustration. Yet, they were also good people of deep faith who would make you feel better, even as you felt so bad for them. They did not want vengeance; they wanted justice. This case taught me what a special role the legal profession plays in helping people achieve justice, and how important it is to respect the feelings and experiences of your clients during these difficult life journeys.

We represented all plaintiffs/appellants noted in the Iowa Supreme Court case cited above.

I participated in most all aspects of the cases, both probate and tort, although the counsel with whom we associated with specialized experience in propane and products liability admittedly served as lead counsel on those issues, while I provided assistance and support.

Specific dates are unknown. Approximately from late 1999 through 2004. Although one case in Polk County District Court proceeded through jury selection, ultimately, confidential settlements were negotiated with all defendants, with no admission of liability.

Lead co-counsel was Donald Beattie, 4300 Grand Ave., Des Moines, Iowa 50312.

There were numerous attorneys representing multiple defendants over the course of this case, the identity of whom I do not recall. In the case cited above, involving appeal of a summary judgment ruling, Richard Fry and Nancy Penner of Shuttleworth & Ingersoll, PLC, Cedar Rapids, Iowa, represented the defendant/appellee.

I do not recall the name of the Polk County judge involved in the case that proceeded through jury selection. Regarding the above-cited case, the Polk County district court judge who entered summary judgment, which was the subject of appeal, was the Honorable Larry Eisenhauer.

**2. Farmers National Bank of Winfield v. Winfield Implement Co. Ltd, 702 N.W.2d 465 (Iowa 2005).**

This case involved two different lawsuits. I defended a local business and co-owner of that business in litigation involving a bank pursuing the co-owner on a loan for which his obligations to the bank had been satisfied. We filed a motion for summary judgment on the issue. The district court sustained our motion and dismissed the bank's action. The bank appealed. The appeal was considered by the Iowa Court of Appeals. The Court of Appeals reversed the district court and reinstated the action against my clients. We sought further review with the Iowa Supreme Court, which was granted, and the Supreme Court reversed the Court of Appeals in the case cited, above. Thus, the action against my clients was finally dismissed. In turn, my individual client filed a separate tort claim for malicious prosecution and abuse of process against the bank for its action against him. That tort claim eventually was resolved by confidential settlement, without admission of liability.

This case is significant because in most of my debtor/creditor work, I represented banks and creditors. This case was the first major case in which I represented a debtor in extended litigation, who I concluded had no liability for the debt on which the bank doggedly pursued him. It was an eye-opening experience for me, having generally only represented creditors. My client was placed in a serious financial bind over an extended time, with consequent emotional distress, due to the bank's pursuit of its claim. It was a hard-fought battle that taught me the truth of the saying, "there are always two sides to the story," and not to give up when you believe justice demands a certain outcome.

I was sole legal counsel and was involved from approximately 2002-06.

The bank's action against my client was dismissed and my client's action against the bank was resolved by confidential settlement, without admission of liability.

Opposing counsel was Wm. Scott Power and Brent Ruther of Aspelmeier, Fisch, Power, Engberg & Helling, P.L.C., Burlington, Iowa. The district court judge whose summary judgment ruling was the subject of the two appeals was the late Honorable Judge R. David Fahey.

**3. In re Marriage of Walters, No.2-343/11-1746, 2012 WL 2411183 (Iowa Ct. App 2012).**

This is a divorce modification case. The parties had two minor children. The mother had physical custody of the two minor children. The father sought modification of the divorce decree to grant him physical care of the children.

This case is significant because it was my first trial as a judge. My investiture was Friday, September 16, 2011. On Wednesday, September 21, 2011, I walked into chambers in Mahaska County for my first trial, scheduled for two days, and found numerous thick files on my desk. The files revealed almost continuous litigation between the parties concerning their children since their original divorce. We spent two very long days in trial. During the course of that trial, I was struck by the gravity and magnitude of the decisions judges are called upon to make each day. I generally understood that reality

from 28 years of practicing law, but now, as the decision-maker, I realized I had underappreciated that reality. In my first few days on the bench, this trial required me to make extremely difficult, life-changing decisions concerning these parents and their children. I will never forget how challenged and humbled I felt to wear the robe and make such important decisions for that family. It is an experience that continues to influence me in my work every day.

I ruled to split physical care of the two children, with one child in each parent's physical care, under the unique circumstances of the case. The ruling was upheld by the Iowa Court of Appeals in the case cited, above.

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

My non-litigation experience greatly enhances my ability to serve as a district court judge and will continue to enhance my ability to serve on the Iowa Court of Appeals.

Foremost, such non-litigation experience broadened my knowledge of the law. Someone who only does litigation will be very skilled in the litigation process and will have learned the law relevant to the narrow scope of the cases in which they are involved. However, they will not have obtained a broad knowledge of the day-to-day legal issues of Iowa citizens and the disputes that arise from those legal issues.

My twenty-eight years in private legal practice involved examining abstracts and issuing title opinions, preparing transactional documents, estate and death planning, probate and non-probate estate matters, business planning, setting up corporations, partnerships, and limited liability companies, abstracting, tax return preparation, secured transactions, advising banks on internal policies and affairs, advising municipalities on their operations and procedures, and advising one of the largest religious denominations in Iowa on their internal policies and procedures. This broad and general non-litigation experience in the law was a tremendous advantage to me when I became a district court judge. It helped me have an instant understanding and context for the legal disputes presented to me for decision. I am confident this broad experience in transactional and planning work will enhance my ability to understand the issues in dispute before the Iowa Court of Appeals and render well-reasoned, impartial and just rulings under the law.

**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 served as an at-large Fairfield city council member, mayor pro-tem and as chair of various city council committees from January 1998 to September 16, 2011, when I became a judge.

**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.** Deer View Estates, Ltd.
- b. Your title.** Director and vice-president.
- c. Your duties.** Extremely limited. I attend to legal matters, including filing corporate reports with the Iowa Secretary of State. My wife and I and another couple created a residential subdivision in Fairfield, Iowa, several years ago. We have two remaining lots to sell. Thus, the corporation remains legally active but, other than maintaining and marketing these lots for sale, the corporation conducts no business.
- d. Dates of involvement.** August 22-2003 to present.

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

- **Iowa State Bar Association:** June 1983 to present. Committees: Juvenile (past), Probate (past), Volunteer Lawyers Project (past), ISBA Mentoring program (past), Civil and Criminal Jury Instructions (current).
- **Jefferson County, Iowa, Bar Association:** June 1983 to present. No committees or offices.
- **American Bar Association:** June 1983 to unk. No committees or offices.
- **Iowa Association for Justice:** Unk. to September 2011. No committees or offices.
- **Iowa Judges Association:** September 2011 to present. Board of Directors, 8<sup>th</sup> District representative.
- **Iowa Supreme Court Limited Jurisdiction Task Force:** Past. Unsure of dates.
- **Iowa Supreme Court Commission on Continuing Legal Education:** Past. Two terms but unsure of dates. Served as Chairperson.
- **Iowa Judicial Workload Formula Study Committee:** Past. 2016.
- **Iowa Supreme Court Guardianship and Conservatorship Reform Task Force:** Past. Unsure of dates. Work Group Chairperson.
- **Iowa Supreme Court Client Security Commission:** Current. Unsure of dates. Currently serving as Chairperson.
- **Iowa Supreme Court Rules of Criminal Procedure Advisory Committee:** Current. Unsure of dates. Currently serving as Co-chairperson.
- **Iowa Supreme Court Rules of Criminal Procedure Review Task Force:** (Re-writing Iowa Rules of Criminal Procedure) Current. Unsure of dates.
- **Jefferson County Courthouse Security Committee:** Current. Unsure of dates.
- **8A Judicial District Magistrate Nominating Commission (Poweshiek Co., Appanoose Co., Mahaska Co.):** Current. Unsure of dates. Chairperson.

- **8th Judicial District Department of Correctional Services Board of Directors:** Current. Unsure of dates.
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.**
- **Fairfield Area Chamber of Commerce;** Member; Board of directors, vice-president; 1983-2011
  - **Fairfield Evergreen Cemetery Association;** Board of directors, secretary/treasurer; 1986-2011
  - **Fairfield Economic Development Association Advisory Board;** unsure of dates
  - **Fairfield Park and Recreation Department;** Board of trustees; unsure of dates
  - **Fairfield Rotary Club;** Board of directors, secretary, vice-president and president; 1983-2011
  - **Fairfield Public Access TV Committee;** Chairperson; unsure of dates
  - **Fairfield Public Library Campaign;** committee co-chair to build new library; unsure of dates
  - **Fairfield Aquatic Center Campaign;** committee co-chair to build new aquatic center; unsure of dates
  - **Jefferson County Hospital Foundation;** Board of directors, President; unsure of dates
  - **Fairfield RAGBRAI Committee;** Entertainment committee chairperson; 1997
  - **Fairfield 1<sup>st</sup> United Methodist Church;** member, chair of numerous committees, choir, praise band; 1983 to present
  - **United Methodist local church lay speaker;** pulpit supply; past-unsure of dates
  - **Ottumwa District Council On Ministries;** President; past-unsure of dates
  - **Iowa Annual Conference of United Methodist Church;** Board of Trustees, President; past-unsure of dates
  - **Iowa United Methodist Foundation, Inc.;** Board of Directors, President; past-unsure of dates
  - **Chancellor, Iowa Annual Conference of United Methodist Church;** attorney for the Bishop and state organization of the United Methodist Church (as part of private practice); past-2004-11.
  - **Iowa Mental Health, Mental Retardation, Developmental Disabilities Commission;** state administrative commission, Chairperson; past-two terms-unsure of dates
  - **Community Mental Health Center of Henry, Louisa and Jefferson Counties;** Board of Directors, President; past-unsure of dates
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.**

**a. *Hammen v. Iles***, Washington County, Iowa District Court No. LALA002215. This is a summary judgment ruling. It demonstrates my ability to unravel complex conflicting positions in competing motions for summary judgment, apply the law and reach reasoned decisions in an orderly, understandable ruling. *Affirmed*, No. 12-1134, 2013 WL 2368810 (Iowa Ct. App. May 30, 2013).

**b. *In the Matter of the Estate of Jeffrey Alan Krier***, Keokuk County, Iowa District Court No. ESPR0375989. This is a ruling denying probate of a will. It demonstrates the court's obligation to follow the rule of law and not base its decisions on "form over substance" arguments. *Affirmed*, No. 12-0262, 2012 WL 5540371 (Iowa Ct. App. Nov. 15, 2012).

**c. *State v. Wilson***, Washington County, Iowa District Court No. FECR006244. This is a ruling on a motion to suppress a confession. In denying the motion, it demonstrates my ability to strictly apply the law to the particular facts of the case before me and arrive at a reasoned conclusion. *Affirmed*, No. 16-0555, 2017 WL 936125 (Iowa Ct. App. March 8, 2017).

- 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.**

N/A

#### **OTHER INFORMATION**

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

N/A

- 21. If any member of the State Judicial Nominating Commission is a current law partner or business partner, state the Commissioner's name and describe his or her professional relationship with you.**

N/A

**22. List the titles, publishers, and dates of books, articles, blog posts, letters to the editor, editorial pieces, or other published material you have written or edited.**

I have not written any books. I have written numerous articles published in a column titled “Court Calls” in the Ottumwa Courier. (A representative copy of this column is attached.) These are short articles of public interest concerning the judicial branch. These were published in the first few years I was a judge. I have no record of specific dates. I do not blog. I have written maybe three or four letters to the editor over my lifetime, which would predate by years/decades my appointment to the bench. I wrote an editorial piece for the Fairfield Ledger within a couple of years of my appointment to the bench urging citizens to vote in favor of a change in our local option sales tax to save our local arts and convention center, a copy of which is attached.

**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.**

- **Iowa Wesleyan Constitution Day program**-Constitutional law symposium at Iowa Wesleyan College, Mt. Pleasant, Iowa-speaker and panel participant-spoke on “The Rule of Law”-September 2015.
- **8th District Bench-Bar Conference**-Ethics/continuing legal education presentation on “Civility”-speaker, panel moderator, and co-author of outline-Fairfield, Iowa, November 2013.
- **Southeast Iowa Land Surveyor’s Association Annual Meeting/Continuing Professional Education**-speaker-spoke on “The Role of the Court” and “Where Our Worlds Collide-Boundary Disputes and Encroachments”-Mt. Pleasant, Iowa, December 2012.
- **Iowa State University-Media Law Class in Journalism Dept.**-guest lecturer on law and the media-Ames, Iowa, multiple dates since 2011.
- **Local civic organizations and clubs**-guest speaker at various local clubs and organizations concerning judiciary. Various dates since 2011.

(Written materials, to the extent I could find them, are included as attachments.)

**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.**

I am active on Facebook under the account name Myron Gookin. I have a LinkedIn account but have probably used it once in the last five years, to locate an address for a friend who is also on LinkedIn. I established an Instagram account, at the suggestion of my children, which I have used very infrequently, and not used for probably years. I believe the account name for both the LinkedIn and Instagram accounts is Myron Gookin.

**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.**

- Fairfield High School; Graduated with academic honors; May 1976
- Iowa Wesleyan College, Mt. Pleasant, Iowa; Dean's Lists, Blue Key National Honor Society, Outstanding Freshman; 1976-78
- Iowa State University, Ames, Iowa; Graduated with academic distinction, Dean's lists, Alpha Epsilon Rho, honorary broadcasting fraternity; 1978-80
- Drake University Law School, Des Moines, Iowa; graduated with academic honors, Dean's lists, 1980-83
- Drake Law School, Order of the Coif—National legal academic honorary society—graduated in top 10% of class; final class academic rank: 12th out of 163; 1983
- Drake Law School, Order of the Barristers—National trial and appellate advocacy honorary society; 1983
- Drake Law School, American Jurisprudence Awards/top grade in class: Evidence, Modern Real Estate Transactions, Radio & TV Law; 1981-83
- Drake Law School Midwest Moot Court team—Midwest Moot Court Competition: First place team; Best Appellant's Brief; Best Appellee's Brief; Outstanding Individual Oralist Award; 1981-82
- Drake Law School National Moot Court team: First place team (Midwest regional competition-St. Paul, MN); Fifth place team (National competition-New York, NY); 1982-83
- Drake Law School Moot Court Board; 1982-83
- Drake Law School Rodney L. Hudson Senior Advocacy Award; 1983
- Drake Law Review, senior staff writer; 1982-83
- Honorary Colonel in the Iowa Militia, awarded for service to the State of Iowa by Iowa Governor Terry E. Branstad and Iowa National Guard Adjutant General Warren G. Lawson; January 1995

**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.**

- a. Craig R. Foss-former law partner 641-472-3129
- b. Honorable Michael R. Mullins-Iowa Court of Appeals 319-653-7764
- c. Robert Smith-law school classmate and apartment mate-Vice-President and General Counsel, Vermeer Corporation 641-621-7727
- d. James Q. Blomgren, Chief Judge, 8th Judicial District, retired; Mahaska County Attorney, retired 641-673-3802
- e. Prof. Josephine Gittler-Faculty Member, University of Iowa, Colleges of Law, Medicine, Nursing, and Public Health 319-335-9046
- f. Joseph (Joe) Carr-retired school administrator and long-time neighbor and friend 641-919-4650

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

First, I practiced law for 28 years in a general practice law firm and have served as a district court judge in District 8A for 7.25 years. I believe this experience as both a general practice lawyer and trial judge in a rural judicial district gives me a very useful background to serve on the appellate bench. Also, I have always been interested in appellate work. In law school, by competitive selection, I participated on regional and national moot court teams, which were highly successful. I also served on the moot court board. I won the Rodney L. Hudson Senior Advocacy Award, Drake Law School's highest honor for trial and appellate advocacy. In private practice, I did a considerable amount of trial work, which often resulted in appellate work. I have prepared and filed appellate briefs and orally argued cases before the Iowa Court of Appeals and the Iowa Supreme Court. As a district court judge, I have presided at numerous trials, both jury and non-jury, some of which have been appealed with resulting opinions. I believe my long-term experience and interest in trial and appellate work would serve me well in an appellate court position.

Second, before I applied for a district court position in 2011, I struggled a bit with whether I should apply. I felt I had strengths to serve in the judiciary, but enjoyed a successful private law practice with people I respected and with whom I enjoyed working every day. I made the difficult decision to apply, resulting in my appointment to the district bench. Very early in my judicial career, I concluded I made the right decision. I have thoroughly enjoyed my service on the district court bench. It is challenging and highly rewarding. I am confident in my abilities and proud of my work. It would be an honor to continue my service to the judicial branch and the State of Iowa on the Iowa Court of Appeals.

**28. Explain how your appointment would enhance the court.**

I have been a hard worker my entire life. Although a "town kid", born and raised in Fairfield, Iowa, I have walked beans, detassled corn, baled hay, painted and roofed houses, operated concrete saws, jackhammers, tractors and dump trucks, finished concrete, re-glazed windows, and patched and painted a very high percentage of the classrooms in the Fairfield Community School District. I have never shied away from hard labor and have taken pride in my work ethic.

While taking pride in physical labor, I have taken even greater pride in academic pursuits. I have graduated with honors from high school, college and law school. I am a voracious reader who enjoys learning new things. I am a constant seeker of knowledge and truth. I am an attentive listener. I try to be friendly, pleasant, and respectful in all my interactions with people, both personal and professional. I attempt to make good and fair decisions and explain them in a meaningful way, whether as a judge, a father of three children, or in any other capacity. I have varied life experiences as a husband, father, lawyer, business owner, church member and active participant and leader in many community and professional events, boards and commissions. I was an elected official for 14 years on the Fairfield City Council. I believe all of these experiences have cultivated good analytical and decision-making skills, open-mindedness, empathy, wisdom, perseverance, and a sense of fairness and justice.

I understand that the Iowa Court of Appeals is a high-volume appellate court. I have the work ethic, intellectual capacity and writing skills to handle the workload while maintaining high work quality. I will be positive, collegial and respectful of my fellow judges as we debate decisions in conference but will remain firm in my positions when I believe the law demands it. Again, I feel my broad experience practicing law in a general practice firm in rural Iowa for 28 years and my almost 8 years of experience on the district court bench uniquely qualify me for a position on the Iowa Court of Appeals.

Finally, I believe the Court of Appeals, like the Iowa Supreme Court, must do everything in its power to earn the respect and trust of the people of Iowa while maintaining its obedience to the law, impartiality, and independence from partisan politics. I am hopeful these beliefs will enhance the Court and further its mission and role in our constitutional democracy.

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

I understand the difficult decisions before the Commission and Governor in nominating and choosing the next judge on the Iowa Court of Appeals. If I had to make such decisions, I would want to know more about the candidates personally. I am hopeful the following information, synthesized with some of the information provided above, will be helpful to your considerations.

My wife and I were both born and raised in Fairfield, Iowa, and never anticipated returning there. We did return, however, and have never regretted our decision to pursue our careers and raise our family in Fairfield. We are high school sweethearts who have been married 36 years. We have three children, a daughter and two sons, all college graduates, who are pursuing their careers. My wife retired last year from 30 years of teaching in public schools, mostly 6th grade reading and language arts. I am very healthy. In my spare time, I enjoy exercise, working outside, reading, traveling, music (especially drumming) and family.

Throughout my life, I have always sought new experiences in my education, profession, businesses, community, church and in general service to others. I am proud that at the same time as I was involved in a busy private law practice and serving on the city council, my wife and I and another couple formed an S corporation, Deer View Estates, Ltd., and developed a new residential subdivision in Fairfield. I also formed a corporation with four other business people, Fairfield Media Group, Inc., and purchased and operated four radio stations in southeast Iowa over the course of ten years. For fun, I play in a 60's-70's rock band with other musicians of my generation, and serve my church by playing in the praise band every Sunday.

I love life, learning and experiencing all that I can. Being a general practitioner and a district court judge over the last 36 years has exposed me to the incredible breadth of the law and challenged me as an attorney and as a judge in multiple areas of the law. My experience in the law and life in general has uniquely prepared me to serve the Iowa Judicial Branch at the appellate level. I look forward to the challenge. I will give it my absolute best effort, as I have done with all challenges throughout my life.

I am proud to have received from the Iowa State Bar Association, through the attorneys who practice before me, a 100% retention rating for the 2018 retention election and very high scores concerning my work as a district court judge.

Specifically, with 5 being the top score, meaning “Excellent”, I received the following scores:

- Knowledge and application of the law 4.71
- Perception of factual issues 4.72
- Punctuality for court proceedings 4.84
- Attentiveness to evidence and arguments 4.77
- Management and control of the courtroom 4.83
- Temperament and demeanor 4.86
- Clarity and quality of written opinions 4.73
- Promptness of rulings and decisions 4.76

With 5 being the top score, meaning “Strongly Agree”, I received the following scores:

- Avoids undue personal observations or criticisms of litigants, judges and lawyers from bench or in written opinions: 4.88
- Decides cases on basis of applicable law and fact, not affected by outside influence: 4.84
- Is courteous and patient with litigants, lawyers and court personnel: 4.89
- Treats people equally regardless of race, gender, age, national origin, religion, sexual orientation, socio-economic status or disability: 4.88

These are among the highest scores of all the judges in the statewide ISBA 2018 Judicial Performance Review. It is the closest thing to an objective report card on my skills and demeanor you will have to consider in appointing the new judge to the Iowa Court of Appeals. I am extremely proud to receive these high scores and this respect from the attorneys practicing before me and with whom I interact on a daily basis.

I respectfully request you nominate and appoint me to the Iowa Court of Appeals.

Respectfully,

/s/ Myron L. Gookin