

**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.**

Andrew Hayes Kahl

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

Assistant United States Attorney/Appellate Chief
United States Attorney's Office (S.D. Iowa)

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

May 4, 1964

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

Des Moines, Polk

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.**

New York University School of Law (1986-1989), J.D.
College of William and Mary (1982-1986), A.B. with Honors

University of Virginia (Summer Foreign Language Institute) (Summer 1984) (no degree awarded as credits were transferred to the College of William and Mary)

- 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.**

1997-present: Assistant U.S. Attorney. United States Attorney's Office for the Southern District of Iowa; 110 East Court Avenue, Second Floor; Des Moines, Iowa 50309. Current supervisor is Kevin E. VanderSchel, First Assistant U.S. Attorney.

1991-1997. Trial Attorney. Tax Division (Western Criminal Enforcement Section), United States Department of Justice; 950 Pennsylvania Avenue, N.W.; Washington, D.C. 20530. Supervisor was Ronald A. Cimino, Section Chief (retired).

1990-1991. Law Clerk for the Honorable Ann Aldrich (deceased). United States District Court for the Northern District of Ohio; 801 West Superior Avenue; Cleveland, Ohio 44113.

1989-1990. Law Clerk for the Honorable Robert G. Coats (retired). Alaska Court of Appeals; 303 K Street; Anchorage, Alaska 99501.

Summer 1989. Research Assistant for Professor Linda Silberman (in the areas of civil procedure and conflicts of laws). New York University School of Law; 40 Washington Square South; New York, New York 10012.

Summer 1988. Summer Associate. Lane & Mittendorf (now known as Windels Marx Lane & Mittendorf, LLP); 156 West 56th Street; New York, New York 10019.

Spring 1988. Volunteer Intern for the Honorable Howard C. Buschman, III (deceased). United States Bankruptcy Court for the Southern District of New York; One Bowling Green; New York, New York 10004.

Summer 1987. Student Intern. New York County District Attorney's Office; One Hogan Place; New York, New York 10013.

Summers, 1985 and 1986. Accounts Payable Clerk. GTE Telenet Corporation; 12502 Sunrise Valley Drive; Reston, Virginia 20191.

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

Iowa (admitted on motion, 2015)

New York (admitted 1991, based on passage of bar examination in 1989)

New Jersey (admitted 1989; allowed membership to lapse, approximately 1999, as I did not expect to practice in New Jersey and needed to maintain only one active bar admission)

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.**

Judicial Clerkships (1989-1991)

My first jobs following law school were as a law clerk for a judge on the Alaska Court of Appeals, an intermediate appellate court that hears direct appeals from all criminal matters; and for a federal district court judge in Cleveland, Ohio, who had a docket of both criminal and civil cases, with the civil docket including cases involving civil rights and employment discrimination, patent infringement, products liability, securities law, and union-management labor disputes.

United States Department of Justice, Tax Division (Western Criminal Enforcement Section) – Washington, D.C. (1991-1997)

I joined the United States Department of Justice through the Attorney General's Honors Program in 1991. I sought a position that would provide me with significant courtroom experience, and I was assigned to the Tax Division. The Tax Division is divided regionally and by type of case (civil, criminal, appeals) and I was placed in the Western Criminal Enforcement Section; in other words, my assignments arose from criminal tax cases in the western region of the United States.

My litigation assignments generally were trials and grand jury work involving criminal tax and related financial crimes within the western region. For example, I prosecuted cases in the United States District Courts for the Districts of Alaska, Northern California, Minnesota, Nevada, Oregon, and Western Washington. These cases included a mix of so-called "tax protesters," garden variety underreporting of income, evasion of motor fuel excise taxes, as well as matters implicating such crimes as bankruptcy fraud, financial institution fraud, securities fraud, and wire fraud. I believe that I handled approximately seven jury trials during my tenure with the Tax Division, as well as a much larger number of cases that were resolved prior to trial (but often with other contested proceedings). I also was assigned to handle an appeal before the Ninth Circuit Court of Appeals.

In addition to my trial work, I was assigned to review criminal tax cases that were proposed for prosecution. The Tax Division must review and approve all criminal tax charges before any case may be filed, by either the Tax Division itself or by the local United States Attorney's Office. These cases likewise presented a broad range of issues and fact patterns that required careful study and review, prior to preparation of a prosecution memorandum for review by the authorizing official. The targets of these cases often retained counsel, who could avail themselves of the opportunity to present the target's position through a conference with the assigned Tax Division attorney. The possible outcomes of these reviews were authorization of prosecution (either on the proposed or different charges), return of the case for further investigation, or outright declination.

In terms of percentages, 100% of my work in the Tax Division arose from criminal cases and investigations, although they oftentimes implicated issues under the Internal Revenue Code, the Bankruptcy Code, and other related areas of the law.

United States Attorney's Office (1997-present)

In 1997, I became an Assistant United States Attorney in the Southern District of Iowa. Initially, I was assigned to handle white collar investigations and prosecutions, although my assignments eventually broadened to include nearly all types of criminal cases brought in the Southern District of Iowa. I have tried cases involving a variety of crimes, to include wire fraud, money laundering, tax fraud, drug distribution and conspiracy, violent crimes, and immigration offenses. I believe that I have handled roughly fifteen trials (including one bench trial) during my tenure with the U.S. Attorney's Office, with a much larger number of cases that were resolved short of trial—but often with contested pretrial and/or sentencing issues. I have used (and supervised) a variety of pre-charge

investigative techniques, to include Title III wiretaps, other forms of electronic surveillance, federal search warrants, and extensive practice before the Grand Jury.

During my career with the United States Attorney's Office, I have held a variety of collateral and supervisory-level positions, including as follows:

- Professional Responsibility Officer, 1998-2010
- Senior Litigation Counsel, 2000-2005
- Acting Chief, Criminal Division, 2003-2004; Chief, Criminal Division, 2005-2008 and 2010-2018
- Appellate Coordinator, 2003-05; Acting Appellate Chief, 2013-2015, 2017-2018; Appellate Chief, 2018-present

With this combination of duties, I often become involved in some of the more difficult and novel litigation issues facing the office. This would include, for example, becoming involved in matters involving questions of professional responsibility, and the involvement in (or review of) matters of exceptional importance to the district, matters that raise novel legal issues, and other sensitive matters.

For several years, as noted, I served as criminal division chief and, thus, played a significant role in all criminal operations in the Southern District of Iowa, to include criminal prosecutions, asset forfeiture, and collections. This required me to review all proposed criminal indictments, for example, and I became involved on a daily basis with many of the cases and investigations pending in the office, together with the more typical aspects of supervision such as hiring and personnel matters, managing workload assignments, and conducting performance reviews.

Over the years, I have maintained an active appellate docket, again often handling some of the more challenging and complex cases in the office. I believe I have been associated as counsel of record with approximately 75 appeals in the Eighth Circuit that resulted in published or unpublished opinions, from 2000 until the present. I have been responsible for overseeing all criminal appeals in the office on several occasions since 2003, and I currently serve as the office's Appellate Chief. This means that I review all of the office's merits briefs in criminal cases, which in the present year likely will be more than one hundred briefs.

In terms of percentages, I would characterize 100% of my litigation work at the United States Attorney's Office as "criminal," bearing in mind that this figure includes appellate work and certain types of cases that technically are characterized as "civil" but are ancillary to the criminal process (e.g., post-conviction relief, civil asset forfeiture).

Over the past ten years, I have handled six jury trials, including two trials as sole counsel and four trials in a co-counsel situation, where I was the senior attorney. During this same time frame, I was sole counsel on roughly 40 appeals and participated in scores more as the reviewing attorney. Note that I have served as a supervisory attorney (either as appellate chief or criminal chief) during much of this time period.

- 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.**

I have not handled cases on a pro bono basis.

- 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.**

N/A

- 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.**

N/A

- 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.**

N/A

- 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.**

N/A

- 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.**

N/A

- ii. 180 days.**

N/A

- iii. 240 days.**

N/A

iv. One year.

N/A

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.**

I am listing a total of six cases. The first three cases are primarily significant because of my appellate work; the last three cases are intended to be representative of my trial court work.

United States v. David May

United States District Court for the Southern District of Iowa/Eighth Circuit Court of Appeals

This was the first prosecution brought in the Southern District of Iowa under the federal Sex Offender Registration and Notification Act (SORNA) and presented numerous first-impression statutory and constitutional issues involving SORNA's application. The defendant's motion to dismiss was denied, and the conviction was affirmed on appeal. This was a significant case because of the multiple issues of first impression, and because it was the district's first SORNA prosecution.

I was lead counsel for this prosecution in the district court, which was filed in 2007, and I appeared before the Eighth Circuit Court of Appeals for argument in 2008. Co-counsel, who handled the briefing on these issues, was former Assistant United States Attorney Shannon Olson (Cedar Rapids, Iowa).

The district court proceedings were heard before Judge James E. Gritzner of the Southern District of Iowa, and the appeal was before Eighth Circuit Judges William Jay Riley, Pasco M. Bowman II, and David R. Hansen. The Eighth Circuit opinion was authored by

Judge Riley and is reported at 535 F.3d 912 (8th Cir. 2008). Judge Gritzner's order denying the motion to dismiss appears at 2007 WL 2790388. The Eighth Circuit case number is 07-3515, and the district court case number is 4:07-CR-164. Opposing counsel was Federal Defender James F. Whalen.

United States v. Larry Hull

United States Court of Appeals for the Southern District of Iowa/Eighth Circuit Court of Appeals

This was a case involving the defendant's distribution of child pornography from a rural acreage in western Iowa. The defendant had expressed interest in sexual activity with minor children, and he was caught through the efforts of undercover law enforcement officers in Florida. The government filed multiple felony charges and also sought forfeiture of the acreage, which was ordered by the district court. This case was significant because it presented issues of first impression as to whether forfeiture was available under these circumstances; the Eighth Circuit Court of Appeals determined that it was.

I was lead counsel for this prosecution in the district court, which was filed in 2007, and on the appeal, which I argued before the Eighth Circuit in 2009. Forfeiture matters were briefed and handled by retired Assistant United States Attorney Maureen McGuire (Des Moines, Iowa).

The district court proceedings were heard before Judge James E. Gritzner of the Southern District of Iowa, and the appeal was heard before Eighth Circuit Judges Steven M. Colloton and Duane Benton and District Judge Lawrence L. Piersol of the District of South Dakota (sitting by designation). The opinion was authored by Judge Colloton and is reported at 606 F.3d 524 (8th Cir. 2010). The Eighth Circuit case number is 08-4015, and the district court case number is 1:07-CR-066. Opposing counsel was James Martin Davis, Esq.

United States v. Kyle Boleyn, al. al

Eighth Circuit Court of Appeals

These consolidated appeals addressed the breadth of Iowa's aiding and abetting statute, which was relevant to a recurring sentencing issue in federal court. This was a significant case involving the interplay of state statutes and federal sentencing law. The sentences were affirmed.

These case, from both the Southern and Northern Districts of Iowa, were consolidated for argument in January 2019, and I was one of two attorneys who argued for the United States. The other attorney who argued for the United States was Assistant United States Attorney Timothy Vavricek (Cedar Rapids, Iowa). I became involved in the briefing of the Southern District of Iowa cases in 2018, in my capacity as Appellate Chief in the

Southern District of Iowa. Assistant United States Attorney Kristin Herrera (Des Moines, Iowa), and former Special Assistant United States Attorney Jordan Osborne (Lincoln, Nebraska), had taken lead on drafting the government's briefs. Opposing counsel was Assistant Federal Defender Heather Quick.

The appeal was heard by Judges James B. Loken, L. Steven Gras, and David R. Stras of the Eighth Circuit Court of Appeals. The opinion was authored by Judge Loken and is reported at 2019 WL 2909307 (8th Cir., July 8, 2019). The Eighth Circuit case numbers are 17-3817, 18-1021, 18-2248, 18-2286, and 18-2562.

United States v. Clinton Earl John Ross, II

United States District Court for the Southern District of Iowa/Eighth Circuit Court of Appeals

In 1998 and 1999, this defendant committed armed bank robberies of three banks in rural Iowa, using a sawed-off shotgun. Because of the nature of the offenses, including the involvement of firearms, Ross faced and received a significant sentence. The case involved the use of forensic evidence, and eyewitness and victim testimony, among other types of evidence.

I have listed this as a significant case because it is representative of work I have done on cases involving violent crime with a direct impact on victims. This case also presented the opportunity to litigate numerous legal and factual issues before both the district court and the appellate court, including suppression issues, issues relating to the admissibility of evidence, and issues relating to jury selection.

I represented the United States as sole counsel. This case was assigned to me in the spring of 1999, shortly after it was charged. I then handled all pretrial, trial, and appellate aspects of the case. Prior to trial, Ross sought to suppress certain evidence that was seized following his apprehension, and he also sought to exclude certain forensic testimony (e.g., footprints, tire treads, hair samples). Ross was convicted on October 7, 1999, of all charges against him, and an 855-month sentence was imposed on December 29, 1999. Ross later sought a new trial based on allegations about one of the trial jurors, and he has filed numerous applications for post-conviction relief, all of which have been denied. (Most of the post-conviction relief proceedings were handled by other attorneys.)

The direct appeal was affirmed on August 29, 2001.

Ross was represented throughout trial by J. Keith Rigg, Esq., and then (post-trial) by William L. Kutmus, Esq.

This case was heard in the district court before the Honorable Charles R. Wolle, then-Chief U.S. District Judge; the appeal was before Judges Morris Sheppard Arnold and Heaney of the Eighth Circuit Court of Appeals, with a district judge from Minnesota (John R. Tunheim) sitting by designation.

The Southern District of Iowa case number is 4:99-CR-070, and the Eighth Circuit case numbers are 00-1318 and 00-3598. The Eighth Circuit decision is reported at 263 F.3d 844.

United States v. Scott Hinkley and United States v. Wayne Belner

United States District Court for the Southern District of Iowa

These companion cases involved a massive Ponzi scheme operated by Scott Hinkley involving an entity called “Iowa Rural Housing” that bilked over 300 investors for more than \$5.5 million. Hinkley fled the jurisdiction as the scheme was about to collapse. Hinkley eventually pleaded guilty to multiple mail fraud and money laundering counts, and he was sentenced to 47 months of imprisonment. Criminal forfeiture statutes were used to recover a yacht and other assets that were purchased with the proceeds of the scheme. Wayne Belner, a local stock broker who promoted investments in the scheme and received finders’ fees from Hinkley, was charged with mail fraud and tax crimes. Belner eventually pleaded guilty to two counts of mail fraud, and one count of filing a false income tax return, and he was sentenced to 21 months in prison.

This case was significant because of the large number of victims and significant loss amount. It was also significant because of its use of forfeiture tools to recover some of the fruits of the illegal scheme. It is representative of other large-scale fraud cases that I have handled over the years.

I represented the United States as lead counsel from the inception of the investigation in mid-2000; through the filing of charges as to Hinkley (in 2000) and Belner (in 2002); and continuing until sentences were imposed (Hinkley in 2001 and Belner in 2003). Hinkley absconded from supervision following his release from federal prison, and I also handled a revocation proceeding in 2006, in which Hinkley was sentenced to another 24 months in prison.

Co-counsel was retired AUSA Mary Luxa (Des Moines, Iowa).

Hinkley was represented by Iowa Federal Public Defender James F. Whalen; Belner was represented by William Kutmus, Esq.

These cases were heard before the Honorable Ronald E. Longstaff, then-Chief U.S. District Judge.

The case numbers in the Southern District of Iowa are 4:00-CR-228 (Hinkley) and 4:02-CR-232 (Belner). There is a related reported decision that addressed issues in connection with the crime-fraud exception to the attorney-client privilege. In re Grand Jury Subpoena, 132 F.Supp.2d 776 (S.D. Iowa 2000) (Hon. Robert W. Pratt, U.S. District Judge).

United States v. Phyllis Stevens and Marla Stevens

United States District Court for the Southern District of Iowa

Phyllis Stevens was employed by a Des Moines-based insurance company, and she embezzled nearly \$6 million through fraud and subterfuge. She and her partner, Marla Stevens, used the money to maintain a lavish personal lifestyle and also to support a variety of causes and political candidates. To avoid detection, they prepared and filed false individual income tax returns, reporting the embezzled proceeds in a variety of ways. Following significant pretrial litigation to establish the competence of Phyllis Stevens, both defendants pleaded guilty to a variety of fraud, money laundering, and tax offenses. Phyllis Stevens was sentenced to 72 months in prison and Marla Stevens was sentenced to 40 months. During the investigative stage, a civil seizure warrant was obtained to restrain certain assets involved in the scheme.

This case is significant not only because of the scope and scale of the fraud, but also because it involved violations of multiple federal statutes and made use of civil forfeiture tools in an attempt to restrain certain assets. Again, it is intended to be representative of the types of cases I have handled over the years.

I represented the United States as sole counsel in this criminal prosecution from its inception in 2009 through sentencing in early 2011.

Phyllis Stevens was represented by William Kutmus, Esq., and Marla Stevens was represented by Trever Hook, Esq. The victim corporation was represented by Mark Weinhardt, Esq., and Holly Logan, Esq., and the victim's in-house counsel was now-Justice Christopher McDonald of the Iowa Supreme Court.

This case was heard before the Honorable Ronald E. Longstaff, then-Chief U.S. District Judge.

The Southern District of Iowa case number is 4:09-CR-176.

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

My non-litigation experience would include much of the work I conducted over the years as a supervisory attorney. This work thus called upon me to balance not only my caseload but also to allocate cases among many talented attorneys. This required organizational skills, the ability to quickly identify legal issues in a wide variety of cases, and the ability to work collegially as part of a larger team. These skills would serve me well as a member of the Court of Appeals.

- 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.**

N/A

- 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.**

N/A

- 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.**

Blackstone Inn of Court, approximately 2004-present

Iowa State Bar Association, 2014-present

Member, Federal Practice Committee, 2016-present

Polk County (Iowa) Bar Association, 2014-present

American Bar Association, approximately 1988-1992 and 2015-2016

New York Bar Association, approximately 1988-1993

National Association of Assistant U.S. Attorneys, approximately 2005-present

- 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.**

Boy Scout Troop 50 (approximately 2015-present). Participate as parent/volunteer on occasional service projects and campouts; merit badge counselor.

Theodore Roosevelt High School Speech and Debate (2016-2019). Occasional parent volunteer for concession stand duty and chaperone.

Plymouth Congregational Church (approximately 2000-2012). Served as member of Board of Benevolences (2009-2010) and Family Life Committee (about 2006-2007); occasional service of meals at Churches' United Shelter and participation in similar service projects.

Echo Valley County Club (Norwalk, Iowa) (approximately 2012-2013).

Waterbury Neighborhood Association (Des Moines, Iowa) (2013-present).

Westwood Neighborhood Association (Des Moines, Iowa) (approximately 2000-2012).

Capital Striders Running Club (Des Moines, Iowa) (approximately 2005-2010).

Des Moines YMCA (approximately 1997-2012).

Iowans for International Adoption (approximately 2009-present)

I was a member of several community and municipal bands in northern Virginia, suburban New York, and Anchorage, Alaska, during the years 1982-1990.

- 18. If you have held judicial office, list at least three opinions that best reflect your approach to writing and deciding cases. For each case, include a brief explanation as to why you selected the opinion and a citation for your opinion and any reviewing entity's or court's opinion. If either opinion is not publicly available (i.e., available on Westlaw or a public website other than the court's electronic filing system), please attach a copy of the opinion.**

N/A

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

Attached, as requested.

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.

In approximately 1989, I sent a tongue-in-cheek letter to the editor of the *National Law Journal* commenting on a state bar’s lack of trust for new attorneys, as demonstrated by the fact that the bar refused to accept personal checks. The letter was published, but I have not been able to locate a copy. I otherwise am not aware of any other materials responsive to this question (other than articles written for my high school newspaper, which I presume are beyond the scope of this inquiry).

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.

Title of Presentation	City, State	Event Sponsor	Month & Year
Training for IRS summary expert witnesses	Anchorage, Alaska	Internal Revenue Service	Approx. 1995
Training for IRS summary expert witnesses	Portland, Oregon	Internal Revenue Service	Approx. 1996
Presentation on credit card fraud and related issues	Des Moines, Iowa	International Association of Financial Crimes Investigators	9/1997
Presentation on bankruptcy fraud and related crimes	Des Moines, Iowa	Office of the U.S. Trustee	11/1997
Current issues in professional responsibility (internal CLE presentation)	Des Moines, Iowa	United States Attorney’s Office	4/1998
Presentation on tax and grand jury disclosure issues (course limited to Department of Justice employees)	Columbia, South Carolina	National Advocacy Center	7/1998
Topics in criminal tax enforcement—panel discussion (presented to IRS criminal investigators)	Whitewater, Wisconsin	Internal Revenue Service	7/1998
Panel discussion on issues in federal sentencing	Des Moines, Iowa	Polk County Women Attorneys	Approx. 1999
Current issues in professional responsibility (internal CLE presentation)	Des Moines, Iowa	United States Attorney’s Office	5/1999
Instructor, Basic Trial Advocacy (course limited to Department of Justice employees)	Columbia, South Carolina	National Advocacy Center	8/2000

Update on issues in professional responsibility (internal CLE presentation)	Des Moines, Iowa	United States Attorney's Office	4/2001
Federal grand jury practice training (internal office-wide training)	Des Moines, Iowa	United States Attorney's Office	9/2001
Jury selection in federal court (internal CLE presentation)	Des Moines, Iowa	United States Attorney's Office	2/2002
Presentation on amendments to the Federal Rules of Criminal Procedure	Des Moines, Iowa	United States Attorney's Office and Federal Public Defender	9/2002
Criminal Restitution Issues	Des Moines, Iowa	Federal Public Defender	11/2003
Search and Seizure Issues	Little Amana, Iowa	All Agents' Meeting (sponsored by United States Attorney's Office)	6/2004
Panel discussion on federal criminal practice issues	Des Moines, Iowa	Federal Public Defender	Spring 2005
Presentation of handling materials protected by the Right to Financial Privacy Act, the Electronic Communications Privacy Act, and Related Issues (presented at Grand Jury Coordinators' Seminar) (course limited to Department of Justice employees)	Columbia, South Carolina	National Advocacy Center	2/2006
Presentation for state and local law enforcement agents regarding requirements for bringing federal cases	Council Bluffs, Iowa	United States Attorney's Office	3/2006
Guest at law school criminal law class regarding experiences as a federal prosecutor	Des Moines, Iowa	Drake University School of Law	Approx. 2007
Panel discussion on federal sentencing issues	Des Moines, Iowa	Blackstone Inn of Court	Approx. 2007
Presentation on Sex Offender Registration and Notification Act	Des Moines, Iowa	Iowa Sex Offender Registry	10/2007
Presentation on the Adam Walsh Child Protection and Safety Act	Indianola, Iowa	Simpson College	11/2007
Current issues in professional responsibility (internal CLE)	Des Moines, Iowa	United States Attorney's Office	8/2008
Presentation on Sex Offender Registration and Notification Act	Des Moines, Iowa	Iowa Sex Offender Registry	9/2008

Introductory Comments, Law Enforcement Coordinators' Committee conference	Des Moines, Iowa	United States Attorney's Office	9/2008
Identity Theft and Fraud: The Law and Its Impact	Des Moines, Iowa	Iowa State Bar Association (Federal Practice Seminar)	12/2009
Panel discussion on ethics issues in government practice	Des Moines, Iowa	Iowa Attorney General's Office	10/2011
Panel discussion on plea agreements and discovery issues in the Southern District of Iowa	Des Moines, Iowa	Federal Defender's Office	5/2012
Panel discussion on ethics issues in government practice	Des Moines, Iowa	Iowa Attorney General's Office	11/2012
Presentation regarding sentencing and discovery issues (brown bag luncheon)	Des Moines, Iowa	Federal Defender's Office	9/2013
Panel discussion on handling expert witnesses	Des Moines, Iowa	Iowa Attorney General's Office	11/2014
Panel discussion regarding issues with electronic evidence	Des Moines, Iowa	Blackstone Inn of Court	10/2016
Panel discussions regarding alternatives to incarceration and related issues	Ankeny, Iowa	Iowa Summit on Justice and Disparities	11/2016
Presentation on investigating federal financial crimes (for state DCI investigators)	Des Moines, Iowa	Iowa Department of Public Safety	11/2016
Panel discussion on issues in federal criminal prosecutions	Des Moines, Iowa	Iowa State Bar Association (Federal Practice Seminar)	12/2016
Federal Color of Law Violations	Johnston, Iowa	Iowa Law Enforcement Academy	4/2017
Comments regarding processes and priorities of the United States Attorney's Office (Law Enforcement Coordinators' Conference)	Coralville, Iowa	Iowa Chiefs of Police Association	5/2017
Panel discussion: Federal Criminal Procedure Law: Emerging Issues	Des Moines, Iowa	Iowa State Bar Association (Annual Meeting)	6/2017
Federal Color of Law Violations	Johnston, Iowa	Iowa Law Enforcement Academy	8/2017
Appellate Standards of Review (internal CLE)	Des Moines, Iowa	United States	8/2018

	Iowa	Attorney's Office	
Presentation to Trial Advocacy Class on closing arguments	Des Moines, Iowa	Drake University School of Law	9/2018

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.

Facebook Andrew H Kahl
Instagram ahk50312
Twitter Andrew Kahl (@ahk50312)
Linkedin Andrew Kahl

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.

Undergraduate degree awarded with Honors (College of William and Mary, May 1986)

Pi Sigma Alpha (national political science honor society) (College of William and Mary, May 1986)

Orison Marsden Moot Court Advocacy Award (New York University School of Law, Spring 1988)

Outstanding Attorney (Tax Division, United States Department of Justice, Spring 1996)

Recognition Certificate (Director, Federal Bureau of Investigation, March 2000)

Director's Award (Executive Office for United States Attorneys, Fall 2002)

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.

Stephan K. Bayens, Commissioner, Iowa Department of Public Safety. (515-725-6180.) I had the opportunity to work with Mr. Baynes during his tenure as an Assistant United States Attorney.

Hon. Rebecca Goodgame Ebinger, United States District Judge, Southern District of Iowa. (515-323-2855.) I initially had the opportunity to work with Judge Ebinger when she served as an Assistant United States Attorney in the Southern District of Iowa. I currently litigate matters before her, in her role as a United States District Judge.

Marc Krickbaum, Esq., United States Attorney for the Southern District of Iowa. (515-473-9300.) Mr. Krickbaum serves as the United States Attorney for the Southern District of Iowa and, thus, as my ultimate supervisor. I also had the opportunity to work with Mr. Krickbaum as a colleague when he worked as an Assistant United States Attorney.

Hon. Kelly K.E. Mahoney, Chief Magistrate Judge, Northern District of Iowa. (712-233-3916.) I had the opportunity to work with Judge Mahoney during her tenure as a both Special Assistant United States Attorney and Assistant United States Attorney for the Southern District of Iowa.

Timothy S. Ross-Boon, Esq., Assistant Federal Defender (retired). (515-309-9610.) I had numerous criminal matters in which Mr. Ross-Boon represented the defendant, and I represented the United States, over a period of approximately 15 years.

Hon. Ross A. Walters, United States Magistrate Judge, Southern District of Iowa. (515-284-6217.) I have routinely appeared before Judge Walters since joining the U.S. Attorney's Office in 1997.

27. Explain why you are seeking this judicial position.

I wish to serve on the Iowa Court of Appeals because of my desire to continue in public service. Also, serving on the Court of Appeals would be both personally and professionally rewarding. This appointment would allow me to use my considerable legal writing and analytical skills in service of my fellow Iowans and toward the idea of equal justice under the law. The appointment would specifically permit me to make full use of my considerable appellate experience in confronting the issues and fact-patterns presented to the Court of Appeals. Finally, I am attracted by the collegial reputation of our Court of Appeals.

28. Explain how your appointment would enhance the court.

I would bring to the Court of Appeals 28 years of litigation experience in the federal appellate and trial courts, together with a solid work ethic and a demonstrated commitment to public service.

My experience has been focused in the area of criminal practice, to include criminal appeals and post-conviction proceedings, which make up nearly 50% of the Court of Appeals' docket. I have briefed and argued important issues of federal law, including issues of first impression, and I review all of the criminal appellate briefs filed by my office. Notably, the federal rules of procedure and evidence are often similar to the comparable Iowa rules, and many of the Constitutional issues and fact patterns (for example, search and seizure and self-incrimination) are similar. Finally, I have often briefed and argued issues of Iowa law, particularly in the area of federal sentencing, where the nature of prior state proceedings can have a significant impact.

I would also bring significant, diverse experience from the federal trial court level. I have prosecuted complex fraud schemes against corporate and individual victims and fraud against the government; federal drug trafficking cases, making use of electronic surveillance tools such as court-ordered wiretaps; violent crimes, including bank robberies and interstate domestic violence; crimes involving children, including cases involving child pornography and the sex offender registry; and immigration crimes. I have litigated these matters at all stages: from the initial investigation, using tools such as the federal grand jury and court-authorized search and seizure warrants; through pretrial, trial, and sentencing phases in district court, often involving contested and complex legal and factual issues; and continuing through extensive appellate practice before the Eighth Circuit Court of Appeals, as noted above. I also have significant forfeiture experience. And I have litigated significant Constitutional issues, questions of statutory interpretation, and issues under the rules of evidence and procedure.

My work has included not only my own cases but also, for long stretches of my career, supervising and directing the work of other prosecutors, in both their district and appellate court practice. Also, my experience has included directly working with both law enforcement and crime victims, who are directly affected by the work of the judiciary.

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

During law school, I had the opportunity to represent immigrants seeking political asylum in the United States through my law school's civil rights clinic, and to serve as an intern in a large district attorney's office. These experiences were important in my personal and professional development, to including having increased empathy for persons personally and profoundly affected by our legal system and processes. Similarly, I continue to have the opportunity to work with crime victims, who have an important status in the justice system.

As noted above, I have prior service as my office's Professional Responsibility Officer, which involved providing advice and guidance on the application of professional ethics rules to federal lawyers. In that capacity, I participated in the process when Iowa adopted its version of the Model Rules of Professional Conduct. For example, acting on behalf of the United States Attorney's Office, I prepared written materials for consideration by the Iowa Supreme Court, before which I also made oral comments during a special session in January 2005. Relatedly, I served on the Iowa Supreme Court's "Model Rules Monitoring Committee" during 2005-2006; this committee, which met once or twice prior to falling into disuse, was appointed shortly after Iowa adopted its version of the ABA Model Rules of Professional Conduct.

During the years 2011-2015, I was a member of the Department of Justice's Criminal Chiefs' Working Group. This was a group of criminal chiefs, all of whom were career civil servants, which advised the Department of issues relating to criminal practice affecting the local United States Attorney's Offices. In 2012, I was part of an *ad hoc*

working group within the Department of Justice, appointed for the purpose of developing a policy regarding application of *Batson* challenges to jury strikes based upon sexual orientation.

In 2007, I worked with the Clerk of Court and Federal Public Defender in revising the written Speedy Trial Act Plan for the U.S. District Court, Southern District of Iowa.

I have occasionally judged in mock trial competitions, and I have participated as a visiting “judge” for law students taking trial advocacy courses.