

**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.**

Larvin “Craig” Nierman

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

Partner; Phelan Tucker Law LLP

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

June 12, 1967

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

Iowa City (outside the city limits), Johnson 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.**

<b>College(s) and Law School(s)</b>	<b>Dates Attended</b>	<b>Degree</b>	<b>Reason for Leaving</b>
University of Iowa, College of Law	5/97-6/99	J.D., with high distinction	N/A
American Institute for Chartered Property and Casualty Underwriters	9/93-5/95	N/A	Went to law school
University of California, Davis	1/87-3/90	B.A.	N/A
Sacramento City College	6/88-7/88	N/A	Took only summer classes
California State University, Sacramento	8/85-12/86	N/A	Transferred to University of California, Davis

- 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.**

4/17-Present Partner	Phelan Tucker Law LLP 321 East Market Street, Suite 200, Iowa City, IA 52245 Thomas H. Gelman, Senior Partner
1/01-3/17 Attorney and President	Nierman Law, P.L.C. 2461 Tenth Street, Suite 307, Coralville, IA 52241 James D. Houghton (we shared an office for six years)
1/10-5/11 Lecturer	Kirkwood Community College 1816 Lower Muscatine Road, Iowa City, IA 52240 Michael J. Bootsma (now at Iowa State University)
7/09-7/09 Adjunct Professor	Handong Global University, Handong International Law School Pohang, South Korea Eric G. Enlow, Dean
1/08-5/09 Adjunct Professor	University of Iowa, College of Law Boyd Law Building, Iowa City, IA 52242 Eric G. Andersen, former Dean for Academic Affairs
9/99-12/00 Attorney	Dell Richard Law Office 101 East Court Street, Iowa City, IA 52245 Dell A. Richard, Owner
7/90-5/97 Claim Specialist	State Farm Mutual Automobile Insurance Company Iowa, California, and Indiana Kurt Kaupanger, Claim Manager

4/90-7/90 Staff Assistant	Tim Stanish Insurance Agency 601 Van Ness Avenue, San Francisco, CA 94102 [Mr. Stanish is deceased]
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**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, 1999

United States Court of Appeals, Eighth Circuit, 2001

United States District Court, Northern District of Iowa, 1999

United States District Court, Southern District of Iowa, 1999

**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.

**1999-2004**

After I graduated from law school, I had a broad practice with litigation (business, civil commitments, civil rights, criminal, family, injury, insurance, and juvenile) and transactional (business formation and governance, probate, real estate, and tax) work each accounting for approximately half of my case load. All but a few of my filings were in state courts.

## **2005-14**

During the middle years of my legal career, I became more specialized in civil litigation, worked as an expert witness, and started helping people with adoptions. I estimate that about half way through my two decades of practice, insurance and injury matters comprised almost half of my time, other litigation (including business, civil rights, criminal, employment, family, and juvenile) accounted for roughly a quarter of my case load, and the remainder was a combination of business transactions, estate planning, probate, real estate, etc. Approximately 90% of my litigation was in state courts with administrative and federal appearances accounting for about 5% each; criminal cases constituted about a tenth of my litigated cases.

## **2015-Present**

My current practice is primarily focused on helping individuals, small businesses, and medical providers with insurance and injury matters (85%), serving as an expert witness in insurance litigation (5%), litigating other civil matters (5%), as well as handling other cases to help long time clients, assist pro bono clients, and mentor associates (5%). The vast majority of my work—in excess of 90%—is related to litigation; of those cases, most are in state courts (94%) while I am often appearing in federal court (3%) as well as administrative bodies (3%). I now handle criminal matters rarely.

## **Last Ten Years**

During the past ten years, I estimate that I have tried over twenty cases to judgment (I served as sole counsel in all but one, where I was lead counsel) with three being jury trials. I have appealed to the Iowa Supreme Court four times (half as lead counsel and half as sole counsel; three were transferred to the Court of Appeals) and prosecuted multiple other administrative appeals. I estimate that 90% of my cases were civil, 5% were administrative, and 5% were criminal.

### **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.**

- a. I have handled approximately 150 pro bono cases in the past decade.
- b. In recent years, I have spent about 40-75 hours per year on pro bono work (I expect to significantly exceed that range this year).
- c. My pro bono practice has generally fallen into three categories:
  1. I have handled over twenty pro bono adoptions with all but one being international.
  2. I assist nonprofit organizations with a variety of civil matters.
  3. I help under-resourced people.

- 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.**
  - 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.**
  - 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.**
  - b. State the number of matters, along with an explanation of the delay, that you have taken under advisement for longer than:**
    - i. 120 days.**
    - ii. 180 days.**
    - iii. 240 days.**
    - iv. One year.**

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.**

**Case #1**

- a. McKibben v. United Healthcare Plan of the River Valley, Inc.; Iowa District Court, Polk County
- b. The Plaintiff's health plan denied her request for surgery precertification. I appealed the denial to the Insurance Commissioner pursuant to Iowa Code Chapter 514J. The arbitrator found that the procedure was medically necessary, but ruled it was not covered. I then filed suit in the Iowa District Court (i.e., appealing the arbitration decision).
- c. My client was in imminent danger of having a major aneurysm as a result of a genetic defect. While a specialist was ready to perform a procedure that held the hope of saving her, her health plan denied the precertification request asserting that the intervention was experimental and, thus, not covered. The hospital would not treat her without pre-approval or a very large cash deposit.
- d. Plaintiff
- e. I was the only attorney for the Plaintiff.
- f. 2007
- g. There was a confidential settlement.
- h. N/A
- i. John F. Lorentzen
- j. N/A

**Case #2**

- a. In Re the Adoption of [five children]; Iowa District Court, Linn County
- b. The adoption of five orphaned siblings.
- c. My clients, a married couple, legally immigrated to Iowa about two decades ago and were raising six children while working as custodians. When they learned that five of their African nieces and nephews had lost their parents, they took their savings as well as donations from their church, friends, coworkers, etc., to adopt them.
- d. Adoptive parents
- e. I handled the adoptions.
- f. 2015-16
- g. All five adoptions were finalized.
- h. N/A
- i. N/A
- j. Honorable Casey D. Jones

**Case #3**

- a. Kendrick v. Ultimate Nursing Services and Anderson, Iowa District Court, Carroll County
- b. The Plaintiff filed suit alleging intentional torts and negligence.

- c. My client, who was in her early twenties, had significant developmental disabilities and related health issues such that she required around-the-clock nursing care. One of her nurses pled guilty to criminal charges related to stealing some of my client's medication for the nurse's own use and then substituting different drugs as an attempted cover up. My client almost died as a result. Additionally, from 2011-17, I represented this client when her health plan repeatedly attempted to deny the nursing care she needed to live.
- d. Plaintiff
- e. I was lead counsel for the Plaintiff.
- f. 2013-14
- g. Confidential settlement after a year and a half of litigation.
- h. Bruce L. Walker, Iowa City, Iowa
- i. Patricia L. Hoffman-Simanek, Drew Cumings-Peterson, Christine L. Conover, and Carrie L. Thompson (the health plan was handled by Hayward L. Draper).
- j. N/A

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

As I detailed in my answer to Question 8, I have handled numerous transactional matters touching business entity formation and governance, commercial transactions, estate planning, land zoning, real estate, and taxation.

Additionally, I have tried cases in a number of non-traditional forums such as arbitration and administrative law hearings. I have also advocated for clients before public agencies such as the county Board of Supervisors, Planning and Zoning Commissions, etc.

Since litigated matters often have their roots in these types of issues, having experience in them enhances my ability to appropriately adjudicate them.

**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.**

Since 2013, I have handled administrative matters for my wife’s business, Freesia Support Services, LC, as secretary and treasurer.

- 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.**

<b>Organization</b>	<b>Committees / Offices</b>	<b>Dates</b>
Iowa State Bar Association	Bar Insurance (term ended 2019), Jury Instructions, and Professionalism Committees	1999-Present
American Bar Association	N/A	1999-Present (inactive circa 2001-17)
Johnson County Bar Association	N/A	1999-Present (inactive circa 2011-17)
Iowa Association for Justice	N/A	2001-Present
American Association for Justice	Anti-Human Trafficking and Insurance Sections; Bad Faith Litigation Group	2005-Present
The Federalist Society	N/A	2018-Present
American Inns of Court, Dean Mason Ladd Chapter	N/A	2016-2018
Christian Legal Society	N/A	Circa 2001-11

- 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.**

<b>Organization</b>	<b>Involvement</b>	<b>Dates</b>
Parkview Evangelical Free Church	Member, counsel, and former Elder.	2001-Present
Ronald McDonald House	Frequent volunteer.	Circa 2010-Present
Informed Choice of Iowa Corporation	Counsel and former board member.	2007-Present
Christian Legal Society, University of Iowa Chapter	Unofficial advisor.	Circa 2004-17

Saint Andrew Presbyterian Church	Former member, Co-Chair of the Board of Deacons, Personnel Committee member, and counsel.	2018-Present
[local youth sports teams]	I coached numerous sports teams that my children were involved in.	Circa 1995-2010
Boy Scouts of America	Former Den Leader and Assistant Scoutmaster; inducted in to the Order of the Arrow.	Circa 1999-2010

[I have omitted organizations where my only involvement was pro bono legal work]

- 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.**

I am providing two briefs as well as a digital link to the two chapters I wrote for a college business law text book (copyright restrictions limit my ability to provide the latter in any other format).

**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.**

“Courts” and “Torts” chapters in *Comprehensive Business Law* (2nd ed.), edited by Michael J. Bootsma, San Diego: Cognella Academic Publishing, 2017.

Materials for the continuing education presentations marked with an asterisk (\*) in Question 23.

- 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.**

“Human Trafficking Law”  
Johnson County Attorney’s Office, July 2019

“Human Trafficking Law”  
Johnson County Bar Association, May 2019

“Helping Retained Experts Present Extraordinary Testimony”<sup>\*</sup>  
Iowa Association for Justice, November 2017

“Iowa Insurance Law”  
Johnson County Bar Association, October 2017

“Iowa Insurance Law” <sup>\*</sup>  
Iowa State Bar Association, July 2017

“Uninsured/Underinsured Motorist Law: Advanced Practice”<sup>\*</sup>  
National Business Institute, December 2016 (two presentations)

I talked to parents of disabled children on conservatorship/guardianship proceedings.  
University of Iowa Legal Clinic, October 2016

“God’s Will”  
Christian Legal Society, University of Iowa Chapter, October 2016

“Insurance Experts: Choosing, Interacting with, Defending, and Challenging”<sup>\*</sup>  
American Association for Justice, July 2016

“God’s Heart for the Nations”  
24/7, July 2016

“Evictions in Iowa”

National Association of Housing and Redevelopment Officials, April 2016

I was a guest speaker at approximately twelve Business Department classes.  
Iowa State University, circa 2013-16

I sat on panels for law students during new student orientation and other occasions.  
University of Iowa, College of Law, circa 2010-2016

I gave multiple talks to young entrepreneurs on business entity choice and taxation.  
Iowa Centers for Enterprise/Iowa Small Business Development Center, circa 2008-15

“The Story of ‘Unanswered’ Prayer”

Parkview Evangelical Free Church, November 2014

“Hundredfold Joy”

Community Bible Church (Mount Vernon, Iowa), November 2014

“Avoiding Deserts: God Strategy or Satan’s?”

Community Bible Church (Mount Vernon, Iowa), September 2014

“A Life of Prayer”

Parkview Evangelical Free Church, Summer 2014 (co-taught a three-week class)

“Developing Godly Character”

Parkview Evangelical Free Church, May 2014

“Leadership in the Family”

Parkview Evangelical Free Church, March 2014

I gave a talk on Philippians 3:1-11 to a group of young adults.

Parkview Evangelical Free Church, February 2014

“Connecting with People this Summer”

Parkview Evangelical Free Church, June 2013

“Worry”

Parkview Evangelical Free Church, April 2013

“Break the Chains: Comparison”

Parkview Evangelical Free Church, April 2013

“When God Shows Up in Our Romance”

Parkview Evangelical Free Church, March 2013 (co-taught)

“When God Shows Up in Husband World”  
Parkview Evangelical Free Church, February 2013

“Life, Crisis Pregnancies, and Unwanted Children: A Biblical Perspective”  
Parkview Evangelical Free Church, July 2012

I presented three lessons on the book of Mark  
Parkview Evangelical Free Church, Spring 2012

“Strategies for Dealing with Adjusters and Carriers”\*  
Iowa Paralegal Association, April 2012

“Strategies for Dealing with Adjusters and Carriers”\*  
Wisconsin Association for Justice, March 2012

“Real Life Intimacy”  
Parkview Evangelical Free Church, February 2012 (co-taught)

“Persecution and Suffering: A Biblical Perspective”  
Parkview Evangelical Free Church, October 2011

“Adjustment Reorder: Strategies for Dealing with Adjusters and Carriers”\*  
Iowa Association for Justice, August 2011

“How to Be Filled with the Holy Spirit”  
Parkview Evangelical Free Church, July 2011

“A Biblical Theology of Money”  
Parkview Evangelical Free Church, May 2011

“Appealing Health Insurance Claim Denials”\*  
Iowa State Bar Association, May 2011

“Conquering Lust: Training Ourselves for Righteousness”  
Parkview Evangelical Free Church, May 2011

“A Man and His Relationships: Marriage”  
Parkview Evangelical Free Church, November 29, 2010

- 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.**

LinkedIn, user name: L. Craig Nierman  
Facebook, user name: Craig Nierman

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.

Honor, Prizes, Award	Awarding Organization	Date
Pro Bono Honor Roll	Iowa State Bar Association	10/18
Mediator of the Academy	International Academy of Dispute Resolution	9/17
Top Attorney (10 out of 10 rating)	Avvo	5/18
Admittance	Order of the Coif	6/99
Law Merit Scholar	University of Iowa, College of Law	8/98

26. Provide the names and telephone numbers of at least five people who would be able to comment on your qualifications to serve in judicial office. Briefly state the nature of your relationship with each person.

Name	Telephone number	Nature of Relationship
Steven E. Ballard, J.D. Partner Leff Law Firm, LLP	319-337-7551	Colleague. I have known him since before I went to law school.
Michael J. Bootsma, J.D., M.Acct., M.Tax. Dean's Teaching Fellow Iowa State University	515-493-8668	He is the editor of the textbook I contributed to. I also helped mentor him through law school and have remained in close contact with him.
Wesley V. Carrington, J.D., Senior Attorney Deer & Company	309-765-8000	I helped mentor him through law school and have remained in close contact with him.
Charles A. Damschen, J.D. Partner Hamilton IP Law	563-441-0207	Colleague and friend.
Jonathan C. Landon, J.D., L.L.M. Partner Shuttleworth & Ingersoll, P.L.C.	319-365-9461	I helped mentor him through law school and have remained in close contact with him.
Samuel S. McHard, J.D. Senior Partner McHard & Associates, PLLC	601-450-1715	I testified twice as an expert witness in a Mississippi trial that he was lead counsel on.
Michael G. Thieme, J.D. Lieutenant Colonel United States Air Force	701-610-6839	I helped mentor him through law school and have remained in close contact with him.

(all of the above are members of the Iowa bar)

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

I acutely sense the duty and privilege to give generously from what I have gained from my experience and education.

Additionally, I desire to expand the opportunities to talk to legal groups about human trafficking law. I started this because I felt compelled to speak about the millions of people—approximately 80% of whom are female and/or minors—who are trapped in modern day slavery. If I am so fortunate as to serve in the judiciary, I intend to continue to appropriately increase awareness of how the law addresses this issue.

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

My experience in large and small businesses, serving as a litigator and expert witness, as well as teaching and publishing in academics have refined my ability to effectively communicate complex ideas and advance the rule of law.

While working for one of the world's largest insurance companies, I interacted with thousands of people including corporate executives, a diverse group of claimants, support staff, and vendors. I also supervised outside counsel and negotiated directly against claimants' attorneys while participating in arbitrations, mediations, and trials. Each interaction sharpened my ability to interact with different kinds of people.

During the sixteen years that I had my own practice, I zealously represented clients, supervised employees, coordinated vendors, complied with governmental regulations, and oversaw all other aspects of a thriving small business. Few other experiences have so stretched my abilities and contributed to my confidence to handle new challenges.

My academic experiences have grown my ability to effectively participate in the exchange of ideas. In law school at the University of Iowa, I mastered the material to the extent that I graduated a year early while earning significant honors. I also completed a graduate level public administration class (co-taught by Governor Branstad), which helped increase my understanding of the unique challenges and opportunities in the governmental sector. From teaching a specialized course at an international law school to writing for undergraduates, I have learned the value of choosing each word and inflection with precision.

As the letters from lawyers as well as non-lawyers supporting my application testify, I have learned how to influence, help, and build relationships with a broad range of people in varied settings. Whether it is writing a brief, being cross examined as an expert witness, trying a case, mentoring law students, serving on bar association committees, giving dignity to the office custodian, or teaching at seminars for other attorneys, I have refined the ability to comprehend the relevant issues and calibrate my message accordingly. These attributes are essential for effective judges.

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

In *The Federalist Papers*, Number 78, Alexander Hamilton wrote, “The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure to that of the legislative body.”

In other words, to have a society governed by the rule of law, judges must articulate what the law is and not enforce their own policy preferences. They do that by restraining themselves by merely applying the Constitution, following precedent, and giving effect to the will of the voters as expressed through valid acts of the legislature. I expect myself to exemplify that kind of judgment.