

**Iowa Judicial Branch**  
**Application for a Supreme Court Justice Position**

(Revised: 7-14-2018)

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

1. Applicant's full name:

Alan Roger Ostergren

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

Muscatine County Attorney

3. City and county of residence:

Letts, Muscatine County

4. Age:

46

5. Gender (Female / Male):

Male

6. Race/ethnicity:

White/Caucasian

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

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

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

No

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

No

9. Explain why you are seeking this judgeship position:

I have been committed to public service throughout my career as a lawyer. I see the possibility of serving on the supreme court as a challenging next step in serving the public. As a prosecutor I am committed to the neutral and fair administration of justice. Done properly, the function of the prosecutor is very similar to the function of a judge. Although we are advocates for a position in court, our advocacy only occurs after we have screened the case and decided a prosecution is warranted. One of the most difficult - but necessary - decisions I make as a prosecutor is to decline charges in a case where I believe the crime happened but that there is not sufficient evidence to sustain a prosecution. I do so because of my belief in the importance of objective decision making. As prosecutors we have an obligation to be sparing in the use of our powers.

I have always had an interest in appellate litigation. I applied for vacancies in the Iowa Court of Appeals in 2011 and 2013. Although I felt my applications were well received by the judicial nominating commission, I recognized that my lack of appellate practice was likely a weakness for me. As a county attorney I do not get the opportunity to practice in front of the appellate courts as much as I would like. My appellate experience before that time was a handful of civil cases where the county had been involved - primarily taxation matters and cases where the county's community services department was guardian or conservator for an indigent person.

In 2014 I took the initiative to form an amicus curiae committee within the Iowa County Attorneys Association. Since its inception I have served as the chair of this committee and have been the sole author of amicus briefs in 15 cases before the Iowa Supreme Court and Court of Appeals. In 2016 I was permitted to appear in oral argument in *Griffin v. Pate* - an important case interpreting a provision of the Iowa Constitution which states that persons convicted of an "infamous crime" are not eligible to vote. This case is explained in more detail below as one of the significant legal matters in my career.

Most of the amicus briefs I have filed deal with questions of criminal law and procedure. For example, I filed a brief in *State v. Washington*, *State v. Williams*, and *State v. Smith* on the question of what constitutes an arrest for purposes of the speedy indictment rule in the Iowa Rules of Criminal Procedure. These were three co-defendants who had been prosecuted for a brutal sexual assault and kidnapping of a minor. The trial court ruled that the defendants had not been arrested but this determination was reversed by the Court of Appeals. Upon the grant of further review by the Supreme Court I filed a brief in these cases arguing that the Court's recent speedy indictment precedent *State v. Wing* was inconsistent with the statutory definition of an arrest and was beyond the delegated power of the court to amend the rules of procedure. The opinion by the Chief Justice overruled the *Wing* precedent and brought needed clarity to this aspect of criminal procedure.

I have also filed amicus briefs in cases which affect counties as organizations. For example, I recently filed a brief in a case concerning the scope of the Iowa Open Records Act. The question presented is whether a firm which sells a good or service to a city or county is required to produce under the open records law its own internal documents. The brief which I filed argues that when the firm is a closely held entity of the governmental organization (for

example, a university’s alumni foundation) it is subject to the law. But when the firm sells a good or service in an arms-length transaction it should not be subject to the law. The case is *Diercks v. City of Bettendorf* and is currently pending before the Court. I filed this brief both on behalf of the ICAA and the Iowa State Association of Counties.

To enhance my understanding of the appellate process I attended the 2018 Appellate Judges Education Institute in Atlanta, Georgia. The AJEI is an educational program sponsored by Duke University School of Law and the American Bar Association Judicial Division. The program was attended by state, federal, and military judges and practitioners from around the country.

**10. Explain how your appointment would enhance the court:**

One of the chief benefits of a multi-member court is the variety of experiences each judge brings to it. There are no current members of the Iowa Supreme Court (or, for that matter, the Iowa Court of Appeals) who have been an elected official or a full-time prosecutor for over 21 years. Criminal law cases are the largest single area of the court’s docket. My criminal law background (including over 100 felony jury trials as sole or lead counsel in my career) would be an asset to the deliberative process of the court to resolve these appeals.

My background and experience as a past-president of the Iowa County Attorneys Association would be a benefit to the Court’s administrative responsibilities. I have regularly appeared in legislative hearings on behalf of ICAA. During my year as president of ICAA I led a successful legislative effort to make improvements to the collection of delinquent court debt. This was a project which involved several stakeholders and the disposition of millions of dollars between county and state government. My experience in the legislative process and in general criminal justice issues would be helpful to the Court’s need to communicate its important role to legislators, the executive branch, and the general public.

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

<b>Convicted of</b> (describe offense)	<b>Seriousness of charge</b> (e.g., serious misdemean., felony)	<b>Location of court</b> (County, State)	<b>Disposition type</b> (Plea, judge ruling, jury verdict)	<b>Sentence / Penalty</b>	<b>Sentence date</b> (mo/day/yr )
None					

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

No

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

No
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14. Have you ever been a **party** in any **legal proceeding** (excluding traffic violation cases for which a fine of \$250 or less was imposed, unless you were arrested)? If yes, provide the following information: (Use "Tab" in last row to add more rows.)

Case number	County, State	Date filed	Date close	Description of case and outcome
LACV12431	Muscatine, IA	8/20/99	3/15/00	Action by former criminal defendant filed pro se against detective and prosecutor. It was unclear what the plaintiff's legal theory was. Case was dismissed due to plaintiff's failure to serve defendants.
14-1372	IA SCT	8/8/14	6/8/15	Action filed in official capacity to challenge administrative rule. Original action in Iowa SCT. Court denied challenge.
CDDM017586	Johnson, IA	3/6/15	4/20/15	Dissolution of marriage. Decree of dissolution granted.
EQCV023526	Muscatine, IA	5/31/16	10/23/17	Action filed in official capacity to enforce Ch. 21 (open meetings) against drainage district trustees. Case dismissed after trustees came into compliance.
3:17-cv-77	US Dist. Ct., SD-IA	11/22/17	12/11/18	Action by former criminal defendant against detective, sheriffs, prosecutor, and county. Court dismissed bulk of causes of action on pre-answer motion to dismiss. Case was dismissed after insurance company paid settlement.

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

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

No			
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16. List each **college and law school** you attended, including the dates of attendance, the degree awarded, and your reason for leaving each school if you did not receive a degree from that institution was awarded. (Use "Tab" in last row to add more rows.)

College(s) and Law School(s) – and reason for leaving, if applicable	Dates Attended (Mo/Yr to Mo/Yr)	Degree(s)	Month/Yr Received
Grinnell College	8/90 to 5/94	B.A.	5/94
Drake University School of Law	8/94 to 5/97	J.D. (with honors)	5/97

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

Name/Title of Honor, Prizes, Awards	Awarded by:	Month/Yr Received
Order of Barristers	Drake Univ. Law School	5/97
CALI Award for Excellence - Trial Advocacy	Drake Univ. Law School	3/97
CALI Award for Excellence - Federal Jurisdiction	Drake Univ. Law School	3/97
Drake Law School Supreme Court Day finalist	Drake Univ. Law School	3/96
Drake Law School Supreme Court Day finalist	Drake Univ. Law School	3/97
Outstanding Investigation of the Year	Midwest HIDTA	12/01
Distinguished Service Award	Iowa County Attorneys Association	11/16
Master Advocate Designation	National Institute for Trial Advocacy	1/18

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

None
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19. List all **public presentations** you have made at educational, professional, or other public forums; include the citations and dates. (Use "Tab" in last row to add more rows.)

Title of Presentation	City, State	Event Sponsor	Month & Year
Prosecutor Bootcamp - served as faculty	Columbia, SC	National College of	11/04

		District Attorneys	
State and Federal Drug Prosecutions	Davenport, IA	Scott County Bar Ass'n	1/05
Trial Advocacy I - served as faculty	Columbia, SC	National College of District Attorneys	7/05
Prosecution of Drug Cases	Muscatine, IA	League of Women Voters	11/05
OWI Enforcement and Search and Seizure Update	Muscatine, IA	Muscatine County Attorney's Office	12/05
Trial Advocacy I - served as faculty and presented lecture on cross-examination	Columbia, SC	National College of District Attorneys	3/06
Drafting and Execution of Search Warrants	Johnston, IA	Iowa Narcotics Officers Ass'n	4/06
Trial Advocacy	Indianapolis, IN	Marion County Prosecutor's Office	10/06
Faculty Development - served as faculty and presented lecture on visual presentations	Columbia, SC	National College of District Attorneys	12/06
Search and Seizure	Muscatine, IA	Muscatine County Conservation Board	3/07
Search of Motor Vehicles Incident to Arrest	Coralville, IA	Prosecuting Attorneys Training Coordinator	11/09
Custody for Purposes of Interrogation, Communication by Arrested Persons, and Right to Speedy Indictment	Arnolds Park, IA	Prosecuting Attorneys Training Coordinator	6/10
Forfeiture of Surety Bonds	West Des Moines, IA	Prosecuting Attorneys Training Coordinator	9/10
Prosecutor and Investigator Working Relationships	Johnston, IA	Iowa Law Enforcement Intelligence Network	10/10
Basic Training for New County Attorneys - gave lectures on interrogation and principles of drug prosecution	West Des Moines, IA	Prosecuting Attorneys Training Coordinator	1/11
Prosecutor and Investigator Working Relationships	Guthrie Center, IA	Iowa Department of Natural Resources	3/11
Search Warrants for Forensic Evidence	Ankeny, IA	Iowa Chapter, International Association for Identification	5/11
Major Case Analysis - <i>State v. Serrato</i>	Arnolds Park, IA	Prosecuting Attorneys Training Coordinator	6/12
Panel Discussion on Admissibility of	Cedar Falls, IA	Iowa Chapter,	5/12

Scientific Evidence		International Association for Identification	
2014 Iowa Supreme Court Review	Des Moines, IA	Iowa Lawyers Chapter - Federalist Society	8/14
Basic Training for New County Attorneys - gave lecture on interrogation	West Des Moines, IA	Prosecuting Attorneys Training Coordinator	1/14
2015 Iowa Supreme Court Review	Des Moines, IA	Iowa Lawyers Chapter - Federalist Society	9/15
OWI Trial Advocacy for Prosecutors - gave lecture on ethics of jury selection and evaluated students in all phases of trial	Des Moines, IA	Prosecuting Attorneys Training Coordinator	4/16
Jury Selection	Arnolds Park, IA	Prosecuting Attorneys Training Coordinator	6/16
Forensic Interviews at Trial: Preparation and Presentation - participated in evaluations of students and performed demonstration of cross-examination of forensic interviewer	Huntsville, AL	National Children's Advocacy Center	11/16
Role of the County Attorney	Des Moines, IA	Iowa State Association of Counties	1/17
Panel Discussion on Trafficking Victims Relief Act	Washington, DC	Office of Rep. Ann Wagner	1/17
Rural Justice Issues	Mitchelville, IA	Iowa Department of Corrections	6/18

By the time the judicial nominating commission will meet I anticipate having completed the following additional presentations:

<b>Title of Presentation</b>	<b>City, State</b>	<b>Event Sponsor</b>	<b>Month &amp; Year</b>
Role of the County Attorney	Des Moines, IA	Iowa State Association of Counties	1/19
Basic Training for New County Attorneys - lecture on interrogation and use of visual evidence at trial	West Des Moines, IA	Prosecuting Attorneys Training Coordinator	1/19

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

Name of School / College	City, State	Name of Course(s)	Month/Yr to Month/Yr	Full-time or Part-time
None				

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

State and federal jurisdictions in which you are, or have been, admitted to practice law	Month/Yr Admitted
Iowa	9/97
US District Court - SDIA	12/98
US District Court - NDIA	1/99
US District Court - CDIL	1/99
US Court of Appeals for the Eighth Circuit	1/99
US Supreme Court	5/16

22. List chronologically the **employment** you have had *since your initial admission to practice law* in any state or federal jurisdiction. For each time period, provide the following information as applicable:
- a. If you served as a law clerk to a judge, provide the name of the judge, the court, and the court's location.

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

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

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

Dates (From -- To)	Description of law practice (address topics in 22(b)(1) – (6) for each time period)
10/97 to 1/11	Assistant Muscatine County Attorney. Muscatine, IA. Four full-time assistant county attorneys and one part-time county attorney. I practiced primarily criminal law and was assigned for most of that time to the prosecution of drug trafficking and manufacture offenses. From 9/09 until taking office as county attorney I was



	assigned the prosecution of felony crimes of violence.
1/11 to present	Muscatine County Attorney. Muscatine, IA. I am a full-time county attorney and have four full-time assistant county attorneys. I am responsible for prosecution of felony crimes of violence as well as the county's civil law responsibilities. I also supervise my assistant prosecutors in their dockets.
8/99 to 8/02	Special Assistant U.S. Attorney. Davenport, IA. I completed a three-year detail to the U.S. Attorney's Office for the Southern District of Iowa where I handled primarily federal drug, firearm, and immigration cases arising in Muscatine County. During this assignment I continued to maintain a full caseload in the Muscatine County Attorney's Office. At the time the branch office was staffed with four other prosecutors and there were approximately 25 additional lawyers in the main office in Des Moines. I had three jury trials and I wrote the brief and conducted oral argument in an appeal to the Eighth Circuit of an adverse sentencing ruling. I also wrote approximately five briefs in cases where the government was the appellee.

**23. Regarding your legal experience:**

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

	Type of court	% of appearances
(1)	Federal courts	2
(2)	State courts	97
(3)	Administrative agencies	1
(4)	Other tribunals	0

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

	Types of cases	% of your time
(1)	Administrative	5
(2)	Civil	15
(3)	Criminal	75
(4)	Domestic	0
(5)	Juvenile	5
(6)	Probate	0
(7)	Other (describe):	0

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

Type of trial	Total # of trials	# as sole counsel	# as chief counsel	# as associate counsel
Tried before a jury	60	55	5	0
Tried before a judge	15	15	0	0
<b>Column Total</b>	75	70	5	0

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

Appellate court*	Total # of appeals :	# as sole counsel	# as chief counsel	# as associate counsel	# in which you presented oral argument
Iowa Supreme Court	18	18	0	0	2
Iowa Court of Appeals	4	4	0	0	0
Other state appellate court (identify):					
Other state appellate court (identify):					
Other state appellate court (identify):					
Other appellate court (identify):					
Federal Circuit Court(s)	4	4	0	0	1
U.S. Supreme Court					
<b>Total</b>	26	26			3

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

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

The bulk of my case work is devoted to the prosecution of felony crimes of violence. At any given time I have 30-50 active felony cases on my docket. I also am responsible for civil representation of Muscatine County and its elected officials. I frequently give legal advice on public records, human resources, and

tax assessment issues. Criminal law (including supervision of my assistants in the prosecution of criminal cases) takes approximately 65% of my time. Supervision of juvenile law matters takes approximately 5% of my time. Civil law matters take approximately 10% of my time. The remaining time (20%) is expended in administrative tasks such as budget or general office supervision and work devoted to professional organizations.

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

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

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

**Significant legal matter #1:**

**State of Iowa v. Angel Garcia-Miranda.** I prosecuted the murder of a two year old child and the attempted murder of her older sister. The defendant was the boyfriend of their mother. The defendant committed the acts in order to avoid having to pay child support for an infant he had with the mother. He reasoned that with the older children out of the way she would not need his support of the youngest child in the home. I was personally involved in the investigation and prosecution at every stage. The case involved complex medical testimony from three treating physicians and two pathologists. It was vital to the prosecution theory to show the time frame of the injuries to the two victims. I was directly involved in the preparation and presentation of all the medical testimony. I also presented the principal prosecution witnesses and closing argument. The defendant was found guilty of first degree murder, attempt to commit murder, child endangerment, and willful injury. He was sentenced to life imprisonment plus 45 years concurrent to the life sentence.

I was assisted in the prosecution by Assistant Muscatine County Attorney Korie L. Shippee. She is now a District Associate Judge in Scott County. Opposing counsel were J.E. Tobey, III (since retired from law practice) and David Treimer, 1503 Brady Street, Davenport, Iowa 52803, (563) 323-7889. The presiding judge was the Hon. Patrick J. Madden (since retired). The district court case number was FECR030921. The case was pending in Muscatine County District Court from December 20, 2004, through November 10, 2005. The citation on appeal is *State v. Garcia-Miranda*, 735 N.W.2d 203 (Iowa Ct. App. 2007) (unpublished).

### Significant legal matter #2:

**State of Iowa v. Joshua Corwin.** This was a prosecution for sexual abuse in the first degree, willful injury, and theft in the second degree. Corwin had been involved in a relationship with his adult victim. After she ended the relationship he traveled from Davenport to rural Muscatine County where he forced his way into her home, administered a vicious beating, and then sexually abused her. The offender had a lengthy history of contacts with law enforcement including two prior sexual assault arrests which had resulted in dismissals when the victims had refused to cooperate.

Corwin first went to trial approximately 11 months after his arrest. Although I had been extensively involved in the pretrial litigation of the case I was not able to participate in the trial due to an unavoidable scheduling conflict with another law enforcement matter. The first trial ended in a mistrial. I was able to participate in his second trial which was held approximately two months later.

Corwin's trial strategy was to admit that he had assaulted the victim but to claim that she had consented to the sexual contact. He testified on his own behalf. I cross-examined him extensively and was able to confront him with his callous and violent behavior during the incident. Several jurors later told me that the cross-examination was critical to their guilty verdict on all charges. In addition to the cross-examination of the defendant, I questioned numerous prosecution witnesses, cross-examined several defense witnesses, and presented the closing arguments. Corwin is currently serving a sentence of life imprisonment without the possibility of parole.

I was assisted in the prosecution by Assistant County Attorney Kevin McKeever. He is now an Iowa District Court Judge in the Sixth Judicial District. Opposing counsel was Phil Ramirez, 332 N. Harrison St., Ste. 100, Davenport, Iowa 52801, (563) 323-3555. He has since passed away. The presiding judge was the Hon. Mary Howes. The district court case number was FECR049336. The case was pending in Muscatine County District Court from May 21, 2013, to October 1, 2014. The citation on appeal is *State v. Corwin*, 876 N.W.2d 813 (Iowa Ct. App. 2015) (unpublished).

### Significant legal matter #3:

**Griffin v. Pate.** A convicted felon sued the Iowa Secretary of State mounting a state constitutional challenge to the prohibition against all felons voting. The Iowa Constitution prohibits persons convicted of an "infamous crime" from voting. The Code of Iowa interprets this to mean that anyone convicted of a felony offense cannot vote. The case presented the question of whether all felonies were infamous or merely those which impacted the democratic process. The case was the logical follow-up to a case from the prior year called *Chiodo v. Section 42.34 Panel*, 846 N.W.2d 845 (Iowa 2014). In *Chiodo* there was no majority decision. A plurality suggested that "infamous crime" only included certain felony offenses. Two concurring justices ruled that it meant all felonies but did not include aggravated misdemeanors. The dissenting justice held that the term included aggravated misdemeanor offenses. Because the conviction at issue in *Chiodo* was an aggravated misdemeanor conviction for second offense operation of a motor vehicle while intoxicated, there were five justices who determined that the conviction at issue was not disqualifying. Although *Chiodo* answered that narrow question it invited the broader question as to whether all or merely some felonies were disqualifying. Griffin, convicted of a felony drug trafficking offense, sought a determination that the legislative provision was over inclusive and that only a narrow range of felony offenses should disqualify a person from voting.

The case presented a substantial question of constitutional interpretation. As chair of the amicus curiae committee for the Iowa County Attorneys Association I was the sole author of an amicus brief which

argued that the original meaning of “infamous crime” included all felony offenses. I was faced with the delicate task of arguing that both the plurality and concurring justices in *Chiodo* had made substantial errors in their analysis. (In fairness to those justices, *Chiodo* was briefed, argued, and decided on a highly expedited basis.) My brief argued a point which had not been made by either the Iowa Attorney General in representing the Secretary of State or by the ACLU of Iowa on behalf of Griffin. Namely, I articulated a basis by which the Iowa Supreme Court could allow for the Iowa Legislature to redefine which crimes inflicted infamy on the convicted person. In other words, rather than an all-or-nothing constitutional decision I advocated for a path which would allow the proponents of ending the prohibition against felon voting to take their argument to the legislature.

This case was also notable because the Iowa Supreme Court permitted ICAA and other amici to participate in oral argument with the consent of the parties. The oral argument video is available at <https://youtu.be/WdopboyGbEM>. My argument starts at 32:47.

The Iowa Supreme Court’s decision largely accepted the constitutional analysis I had in my brief. Although the Court undoubtedly engaged in its own independent analysis, I was pleased to see that the majority ultimately decided the case on the original meaning of the term “infamous crime.” I was also pleased to see that the court directly left room for the legislature to respond to the issue by statutorily removing infamy from certain felony offenses.

The counsel for Secretary of State Paul Pate was Jeffrey Thompson, 1305 E. Walnut St., Des Moines, Iowa 50319, (515) 281-6858. The counsel for Kelli Griffin was Rita Bettis, 505 Fifth Ave., Ste. 901, Des Moines, Iowa 50309, (515) 207-0567. The case was pending before the Iowa Supreme Court from September 29, 2015, to July 22, 2016. The citation on appeal is *Griffin v. Pate*, 884 N.W.2d 182, 184 (Iowa 2016).

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

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

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

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

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

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

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

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

Name of business / organization	Your title	Your duties	Dates (From -- To)
None			

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

Professional associations to which you have belonged	Committees / Offices	Dates (From -- To)
Muscatine County Bar Association		2011 to present
Iowa Bar Association	Criminal Law Section (CLE committee chair)	2014 to present
Iowa County Attorneys Association	Active past president and member of board of directors. President (2016), president-elect (2015), vice-president (2014), secretary/treasurer (2013).  Chair: Amicus Curiae Committee. Member: Legislative Committee. ICAA Representative to: Iowa Judicial Branch ad hoc committee on court security and Governor Branstad's working group on criminal and juvenile justice.	1997 to present
National District Attorneys Association	Member: Board of Directors Co-chair: Legislation, Policy, and Public Relations Committee NDAA Representative to: National Forum on Conservator Fraud, National Narcotics Officers Association, and Emergency Services Sector Coordinating Committee for Dept. of Homeland Security.	2016 to present

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

Dates (From -- To)	Government commissions, task forces, etc. on which you served
2018 to present	Iowa Supreme Court Criminal Rules of Procedure Revision Committee
2006-2010	City of Blue Grass, Iowa Planning and Zoning Commission

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

a. Approximate number of pro bono cases you've handled:	None - As a full-time county attorney I am not permitted to engage in the private practice of law.
b. Average number of hours of pro bono service per year:	N/A
c. Types of pro bono cases:	N/A

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

Dates (From -- To)	Business / Organization Name, City, State	Your Duties
None		

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

Dates (From -- To)	Public office(s): Indicate "Held" or "Sought" and Location
2011 to present	Held office as Muscatine County Attorney (elected 2010, 2014, and 2018), Muscatine, IA.

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

Dates (From -- To)	Military branch	Current Rank	Location and dates of service in other countries	Current Status (Active/Inactive)
None				

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

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

8/14 to present	Fight Crime, Invest in Kids	Taken public positions on initiatives to reduce and prevent juvenile delinquency. Met with lawmakers to discuss policy questions.
2010 to 2013	Kiwanis	Kiwanis is a service club. I volunteered for club projects.
10/15 to present	Rotary	Rotary is a service club. I volunteered for club projects and have served on the program committee.

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

Social media application name	Account name or other identifying information
Twitter	@AlanOstergren
Facebook	Personal: alan.ostergren Campaign: Alan R Ostergren for Muscatine County Attorney
LinkedIn	linkedin.com/in/alan-ostergren-a9020376
Instagram	alan.ostergren
Blog	muscatinecountyattorney.blogspot.com

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

Name	Address	Telephone number
Hon. Thomas Waterman Supreme Court Justice	400 W. 4th St. Davenport, IA 52801	(563) 326-8783
Hon. Thomas Reidel District Court Judge	401 E. 3rd St. Muscatine, IA 52761	(563) 263-6634
Hon. Kevin McKeever District Court Judge	417 S. Clinton St. Iowa City, IA 52240	(319) 356-6060
Hon. Korie Shippee District Associate Judge	400 W. 4th St. Davenport, IA 52801	(563) 326-8783
Nelson Bunn Executive Director National District Attorneys Association	1400 Crystal Drive, Suite 330 Arlington, VA 22202	(703) 549-9222
Thomas Ferguson Executive Director Iowa County Attorneys Association	Hoover State Office Building Des Moines, IA 50319	(515) 284-5428



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

One aspect of my career which does not fit into any of the previous questions is that I was one of three individuals recommended by Senator Charles Grassley and Senator Joni Ernst for nomination to the position of U.S. Attorney for the Southern District of Iowa. This recommendation came after an extensive vetting process conducted by a committee which assists both senators with judicial and DOJ nominations. Although I was not selected for nomination by the President, I was honored to have received the recommendation of my two senators for this important position.

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

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

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

Applicant's signature:



Attorney PIN:

ATC700001

Date:

12/24/2018