

**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.**

Joel Darren Vos

- 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, Heidman Law Firm, PLLC

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

May 4, 1977

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

Sioux City, Woodbury County, Iowa

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.**

| College and Law School | Dates Attended (Mo/Yr to Mo/Yr) | Degree | Month/Yr Received |
|------------------------|---------------------------------------|--------|----------------------|
| | | | |

| | | | |
|-----------------------------------|--------------------------|--------------------------------------|-------------|
| University of Iowa College of Law | August 1999- May 2002 | J.D., with highest distinction | May 2002 |
| Dordt College | August 1995- May 1999 | B.A. Political Science | May 1999 |

6. Describe in reverse chronological order all of your work experience since graduating from college, including:
- 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.

| Dates (From -- To) | Description of Work Experience |
|---|---|
| August 2002— December 2007 (Associate); January 2008— Present (Partner) | Heidman Law Firm, PLLC 1128 4 th Street Sioux City, Iowa 51101 Knowledgeable Colleagues include: Daniel Dykstra, Lance Ehmcke, Cynthia Moser, John Gray, and Jeff Wright. |

- 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.

No military service.

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 and federal jurisdictions in which you are, or have been, admitted to practice law | Month/Yr Admitted |
|--|-------------------|
| Iowa | September 2002 |
| South Dakota | July 2003 |
| United States District Court for the Northern District of Iowa | February 2003 |
| United States District Court for South Dakota | October 2007 |
| Tribal Court, Winnebago Tribe of Nebraska | December 2014 |

- 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.**

My typical transactional clients are individuals and small businesses. I represent a large agricultural biotechnology company and a medium-sized retail firm. I do title work and real estate closings for a large conservation non-profit corporation.

My typical litigation work is assisting other partners in the firm, so the litigation clients that I work for include insurers, individuals, and small businesses. The litigation work that I handle myself has mostly been business disputes, real estate matters, probate or elder law disputes tried to the court.

My current law practice involves the following areas of law:

- (a) Business and transactional—45%
- (b) Appellate practice—20%
- (c) Civil litigation—15%
- (d) Probate—10%
- (e) Estate planning—5%
- (f) Administrative law—5%

- 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.**

As I noted in the response to subsection a., I believe that approximately 45% of my work is business and transactional in nature. That work has included incorporating or organizing small business as corporations or limited liability companies, business sales and acquisitions, drafting contracts for a large biotechnology company, reviewing and drafting commercial leases. Another 10-15% of my work is related to estate planning and administration of estates.

- c. The approximate percentage of your practice that involved litigation in court or other tribunals.**

As I noted in the response to subsection a., approximately 20% of my work is appellate in nature and 15% involves civil litigation.

- d. The approximate percentage of your litigation that was: Administrative, Civil, and Criminal.**

Approximately 5% of my litigation experience is administrative, and 95% is civil. I have no criminal litigation experience.

- 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.

| Type of trial | Total # of trials | # as sole counsel | # as chief counsel | # as associate counsel |
|----------------------|-------------------|-------------------|--------------------|------------------------|
| Tried before a jury | 0 | 0 | 0 | 0 |
| Tried before a judge | 9 | 8 | 1 | 0 |
| Column Total | 9 | 8 | 1 | 0 |

- 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.

Last 10 Years:

| Appellate court* | Total # of appeals | # as sole counsel | # as chief counsel | # as associate counsel | # in which you presented oral argument |
|---|--------------------|-------------------|--------------------|------------------------|--|
| Iowa Supreme Court | 6 | 4 | 1 | 1 | 5 |
| Iowa Court of Appeals | 13 | 4 | 7 | 2 | 8 |
| South Dakota Supreme Court | 1 | | 1 | | 1 |
| Nebraska Court of Appeals (Pro Hac Vice)* | 1 | | 1 | | 1 |
| Other appellate court (identify): | | | | | |
| Federal Circuit Court(s) | 3 | | 1 | 2 | |
| U.S. Supreme Court* | | | | | |
| Total | 24 | 8 | 11 | 5 | 15 |

*I co-authored a resistance to an application for Writ of Certiorari to the United States Supreme Court. Since the petition for writ of certiorari was denied, I did not list that case.

Total Career:

| Appellate court* | Total # of appeals | # as sole counsel | # as chief counsel | # as associate counsel | # in which you presented oral argument |
|--|---------------------------|--------------------------|---------------------------|-------------------------------|---|
| Iowa Supreme Court | 7 | 5 | 1 | 1 | 6 |
| Iowa Court of Appeals | 21 | 9 | 9 | 2 | 11 |
| South Dakota Supreme Court | 3 | | 2 | 1 | 2 |
| Nebraska Supreme Court | 2 | | | 2 (wrote brief with partner) | |
| Nebraska Court of Appeals (Pro Hac Vice) | 1 | | 1 | | 1 |
| Other appellate court (identify): | | | | | |
| Federal Circuit Court(s) | 3 | | 1 | 2 | |
| U.S. Supreme Court* | | | | | |
| Total | 37 | 14 | 14 | 8 | 20 |

*I co-authored a resistance to an application for Writ of Certiorari to the United States Supreme Court. Since the petition for writ of certiorari was denied, I did not list that case.

- 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. Approximate number of pro bono cases you've handled: | 10 |
| b. Average number of hours of pro bono service per year: | 10* |

| | |
|------------------------------------|---|
| <p>c. Types of pro bono cases:</p> | <p>I have handled several property tax protests for low-income homeowners in Woodbury County; I drafted Miller Trusts for several low income persons in order to make them eligible for Medicaid; I helped resolve issues for a nonprofit land conservation organization regarding amendment of a conservation easement and reserved mineral rights; I advised a local Christian school regarding school policies and athletic conference admission; I assisted a local nonprofit with obtaining property tax exemption and abatement of property taxes; I represented a client on an appeal of a DHS ruling.</p> |
|------------------------------------|---|

* I have not included the time that I spent on my denomination’s judicial committee in this estimation. If that time is included, that would conservatively add another 25 hours per year to the ten-year average.

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.**

I have not been a judicial officer.

- 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.**

Not applicable.

- 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.**

Not applicable.

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.**

Not applicable.

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.

Not applicable.

ii. 180 days.

Not applicable.

iii. 240 days.

Not applicable.

iv. One year.

Not applicable.

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.**

Significant legal matter #1:

- a. *Munsen v. Wellmark*, 257 F. Supp. 2d 1172 (N.D. Iowa 2003). Northern District of Iowa, Western Division.
- b. ERISA action challenging Wellmark's denial of in-home skilled nursing care for child with spastic quadriplegia cerebral palsy on the basis that he was not homebound.
- c. This was the first significant case that I participated in after being admitted as a lawyer in Iowa. It taught me about the dramatic effect that the law can have upon the everyday lives of people. Reinstatement of in-home skilled nursing care made a huge impact on

the lives of our clients for the rest of their son's life.

- d. Steve, Melissa and Max Munsen. Max Munsen passed away in October 2003.
- e. My partner gave me the file to determine whether there was anything we could do for Steve and Melissa Munsen after Wellmark stopped paying for in-home nursing care for their son. I was responsible for researching the ERISA cause of action, drafting the petition, and preparing all of our briefing in the matter.
- f. August 2002-June 2003.
- g. District Court opinion in favor of Plaintiffs, reported at 257 F. Supp. 2d 1172 (May 27, 2003). The opinion found that Wellmark had applied an unreasonable definition of the term homebound and in effect penalized the Plaintiffs for becoming skilled in the care of their son. Skilled nursing care benefits of 49 hours per week were ordered to be reinstated.
- h. John C. Gray, Heidman Law Firm, 1128 4th St., Sioux City, Iowa. I did the briefing, John did the depositions and examination of witnesses at trial.
- i. Bill Rosebrook, Nyemaster Law Firm.
- j. Judge Mark W. Bennett.

Significant legal matter #2:

- a. *Oyens Feed & Supply, Inc. v. Primebank*, 808 N.W.2d 186 (Iowa 2011); *Oyens Feed & Supply, Inc. v. Primebank*, 879 N.W.2d 853 (Iowa 2016); *Crooked Creek Corp. v. Primebank (In re Crooked Creek Corp.)*, 533 B.R. 274 (Bankr. N.D. Iowa 2015); *Oyens Feed & Supply, Inc. v. Primebank (In re Crooked Creek)*, Bankr. No. 09-02352, Adv. No. 09-9093 (Bankr. N.D. Iowa October 21, 2014). Bankruptcy Court for the Northern District of Iowa, Western Division.
- b. This case involved protracted litigation regarding the interpretation of the Feed Supply Dealer's Lien created in Chapter 570A and its priority relative to a Article 9 security interest. The case involved two sets of certified questions decided by the Iowa Supreme Court to address questions of first impression regarding interpretation the lien statute, a discovery dispute in which significant sanctions were awarded, and a ruling on the merits by the Bankruptcy Court.
- c. The two Iowa Supreme Court decisions clarified issues of first impression regarding the priority of the Feed Supply Dealer's lien in Iowa Code Chapter 570A. The construction of the lien statute became important in the wake of the hog industry crisis of 2008-2010.
- d. Oyens Feed & Supply, Inc.
- e. Our firm became involved in the case after an adverse summary judgment ruling against Oyens Feed & Supply, Inc. by the Bankruptcy Court in May 2010. I principally handled all proceedings after that on behalf of Oyens Feed & Supply, Inc., including the motion for certifying questions to the Iowa Supreme Court, the first appellate briefing and argument, discovery after remand, the motion for sanctions, trial on the merits, the second motion for certifying questions to the Iowa Supreme Court, and the second appellate briefing and argument.
- f. May 2010-May 2017

- g. On the merits, the Bankruptcy Court determined that Oyens Feed had priority to the extent of unpaid feed bills for feed delivered during two 31-day periods where it had perfected its Feed Supply Dealer's Lien, and awarded Oyens Feed \$156,367.43 of the proceeds from the sale of hogs. This ruling was affirmed by the second Iowa Supreme Court decision.
- h. James W. Redmond, Heidman Law Firm, 1128 4th St., Sioux City, Iowa.
- i. John O'Brien, Denver, CO; Telpner Peterson Law Firm, local counsel.
- j. Justice Waterman authored the first Supreme Court opinion. Justice Hecht authored the second Supreme Court opinion. Bankruptcy Judge Thad Collins authored the ruling on the merits before the Bankruptcy Court.

Significant legal matter #3:

- a. *Westco Agronomy Co, LLC v. Wollesen*, 909 N.W.2d 212 (Iowa 2017); *Westco Agronomy Co, LLC v. Wollesen*, 895 N.W.2d 486 (Iowa Ct. App. 2016) (Table). Story County, Iowa.
- b. This was a complicated trial. West Central appealed jury verdicts against it for fraud and breach of contract, the Wollesens cross-appealed the dismissal of their negligent empowerment claim under Iowa Code section 706A.2(5)(b) and sought additur of the verdict against West Central.
- c. The decision decided questions of first impression regarding Iowa Code section 706A.2(5)(b), which creates civil liability against an entity that negligently allows its products and services to be utilized in ongoing criminal activity.
- d. William Wollesen, Kris Wollesen, John Wollesen, and Iowa Plains Farms.
- e. Our firm was retained to represent the Wollesens and their farming business on appeal. I worked with trial counsel to formulate the issues on cross-appeal, co-wrote the appellate briefs, and argued the matter to the Iowa Court of Appeals and Iowa Supreme Court.
- f. June 2016-July 2019.
- g. The Court of Appeals affirmed the jury award to the Iowa Plains Farms on fraud and breach of contract, reversed the District Court's grant of summary judgment in favor West Central on the negligent empowerment claim under Iowa Code section 706A.2(5)(b)(4), and affirmed the district court's denial of a new trial for Westco on its claim of an inconsistent verdict. The Supreme Court amended the Court of Appeals ruling with respect to the burden-shifting portion of Iowa Code section 706A.2(5), and otherwise affirmed the district court.
- h. Samuel L. Blatnick, Kansas City, MO.
- i. Thomas Walton and John Lorentzen, Nyemaster Goode Law Firm.
- j. Justice Mansfield authored the Supreme Court opinion. Judge Vaitheswaran authored the Court of Appeals opinion. Judge Michael Moon presided over the trial.

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

I believe that my non-litigation legal experience strongly enhances my ability to serve as an appellate judge. I think that it is uncommon for a lawyer to have significant appellate experience and a broad transactional background. I believe that having a solid background in a business and transactional practice has given me a breadth of practice that will assist me in analyzing a wide variety of cases that will come before the Court of Appeals.

My experience in advising business clients has involved a host of different questions, ranging from negotiation and enforcement of employee non-compete agreements, intellectual property, confidentiality and non-disclosure issues, agricultural liens and security interests, compliance with state licensing and professional regulation regimes, real estate purchases and leases, asset purchases and stock acquisitions. In my estate planning and estate administration practice, I have become familiar with the Iowa trust code and the Iowa probate code. I understand the types of litigation issues that arise in transactional and estate areas of Iowa law.

Issues of statutory interpretation come up when advising business clients, just as they do in the litigation context. As a lawyer, one of the roles that I have enjoyed in our firm was researching unsettled areas of law for myself and for my partners. Working with my partners as a researcher, and researching issues for my own clients in areas of unsettled law and in matters of statutory interpretation is a skill which translates well to serving on the Court of Appeals.

Drafting contracts for clients requires clarity of thought and wording in order to properly describe the objectives of the contract and avoid ambiguity that may lead to litigation. Good legal writing varies by context. A well drafted contract is not going to be eloquent prose, but it will clearly describe the terms of agreement between its parties. I believe that the draftsmanship of a good contract is as exacting as a good brief or a well written opinion.

- 14. If you have ever held public office or have you ever been a candidate for public office, describe the public office held or sought, the location of the public office, and the dates of service.**

I previously sought appointment to the Iowa Court of Appeals in March 2019. Other than my application for the Court of Appeals judge positions that were open in March 2019, I have not held or sought public office.

- 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.

| Name of business / organization | Your title | Your duties | Dates (From -- To) |
|---|------------------------|--|---|
| Friendship Community Church of Sergeant Bluff, Iowa | Secretary and Director | The board functions as the consistory (elders) of the church. The board exercises spiritual leadership and financial stewardship of the activities of the church. I am responsible for taking minutes of meetings. | 2004-2009, 2010-2015, and 2017-present. |

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

| Professional associations to which you have belonged | Committees / Offices | Dates (From -- To) |
|---|-----------------------------|---------------------------|
| Iowa State Bar Association | | 2002-present |
| American Bar Association | | 2002-present |
| South Dakota State Bar Association | | 2003-present |
| Woodbury County Bar Association | | 2002-present |
| Siouxland Estate Planning Counsel | | 2004-present |

| Dates (From -- To) | Government commissions, task forces, etc. on which you served |
|---------------------------|--|
| 2014--Present | Iowa Supreme Court Client Security Commission |

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.

| Dates (From -- To) | Organization Name | Nature of your involvement |
|---------------------------|--------------------------|---------------------------------------|
| 2003-Present | Sioux City Municipal | I am a member of the clarinet section |

| | | |
|-----------------------|---|--|
| | Band | |
| 2004-Present | Friendship Community Church | I lead the praise and worship band of our church, play saxophone and plan the music that the band plays on a weekly basis. |
| 2015-2016 | Siouxland Christian School | I served on the accreditation committee and school improvement team |
| 2014-2018 | Christian Reformed Church of North America, Judicial Code Committee | I served as a member of the committee from 2013-2014, and served as chairperson of the committee from 2014-2018 |
| 2013, 2015-2016, 2018 | City of Sergeant Bluff Recreation Department | Youth soccer coach. |

- 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.**

Not applicable.

- 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.**

Three briefs are submitted as writing samples with this application.

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.**

Not applicable.

- 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.**

John Gray is a member of the State Judicial Nominating Commission, and he is one of my partners at the Heidman Law Firm.

- 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.**

None.

- 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 |
|---|----------------------------|--|-------------------------|
| Medicaid Eligibility Changes | Sioux City, Iowa | Siouxland Estate Planning Counsel | September 2006 |
| Agricultural Estate Planning | Sioux Center, Iowa | American Bank and Trust | December 2011 |
| Understanding Basic Income Tax | Dakota Dunes, South Dakota | Tyson/IBP WBRG Professional & Personal Development Group | July 2013 |
| Planning for Trust Beneficiaries with Special Needs | Sioux City, Iowa | EFS Financial Group | February 2014 |
| Law Day (based on ISBA Know Your Rights materials for high school students) | Sioux City, Iowa | Bishop Heelan Catholic High School | May 2010 |
| Law Day (prepared own materials) | Sioux City, Iowa | Siouxland Christian School | May 2013 |
| Law Day (reviewed recent Iowa Supreme Court case and discussed appeals process) | Sioux City, Iowa | Siouxland Christian School | May 2014 |
| Introduction to Estate Planning | Sioux City, Iowa | Edward Jones private client seminar | May 2019 |

- 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.**

| Social media application name | Account name or other identifying information |
|-------------------------------|---|
| LinkedIn | Joel Vos |

- 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.**

| Name/Title of Honor, Prizes, Awards | Awarded by: | Month/Yr Received |
|---|--------------------------------------|----------------------|
| Order of the Coif | University of Iowa College of Law | September 2002 |
| Managing Editor, Journal of Corporation Law | University of Iowa College of Law | August 2001-May 2002 |
| Mason Ladd Merit Scholarship | University of Iowa College of Law | August 1999-May 2002 |
| Dordt College Presidential Scholarship | Dordt College | August 1995-May 1999 |

- 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 | Nature of Relationship | Telephone number |
|---|--|------------------------------|
| Tre Critelli or Trinity Braun-Arena | I have worked with Tre and Trinity on the Client Security Commission. Both are knowledgeable about my work on the commission. | 515-348-4678 or 515-348-4676 |
| Chad Feenstra | Chad is the chief financial officer for a client of the firm; we have worked closely together for the last 17 years. | 712-722-3586 |
| Jeff Wright | Jeff has been a colleague of mine at the firm for my entire career. I have worked with him on a number of appeals and briefs. Jeff is well situated to evaluate my briefing and analytical skills. | 712-255-8838 |
| Dan Dykstra, Cindy Moser, or Lance Ehmcke | Dan, Cindy, and Lance are senior partners of mine at the firm. Each of them have been valued colleagues of mine in the business and | 712-255-8838 |

| | | |
|------------------|---|--------------|
| | transactional areas of our practice and can offer their evaluations of me as a partner and a practitioner. | |
| Dave Reinschmidt | Dave retained our firm for post-trial motions and an appeal in a federal civil case that he defended. He would have knowledge about my work in that case. | 712-233-3635 |
| Sam Blatnick | Same retained our firm for appellate issues in the <i>Wollesen</i> case described in section 12 of the application. He would have knowledge about the appellate briefing and oral arguments in that case. | 816-691-2712 |

27. Explain why you are seeking this judicial position.

I have aspired to be an appellate judge since law school. When I joined the Heidman Law Firm, though, I anticipated that I would be a business and transactional lawyer. While that is a significant part of my work, I have been fortunate to have the opportunity to develop a strong appellate practice. This appellate work has given me exposure to the Court of Appeals and created my desire to be a judge on the Court of Appeals.

This desire was deepened by several recent experiences. First, I served for five years on the judicial committee for the church denomination that I belong to. That committee serves as a trial court in matters involving allegations of pastoral misconduct and also hears appeals from decisions of regional assemblies. Last year, as chairman of the committee, I presided over a multiple day hearing and authored the opinion of the committee. Second, I have served since 2014 on the Iowa Supreme Court’s Client Security Commission. The Commission adjudicates claims made on the Client Security Fund by clients alleging theft or misappropriation of funds by their attorneys. In both of those capacities, I have worked in a collaborative manner to apply the law to the facts of the case and made difficult but necessary adjudications. My experience on my denomination’s judicial committee and the Client Security Commission have confirmed my desire to serve as a judge.

28. Explain how your appointment would enhance the court.

I believe that I offer the unique background of a business and transactional lawyer with significant appellate experience. Often, lawyers get typecast as either being transactional lawyers or litigators. My practice has been a hybrid, a combination of a business practice and a significant appellate practice.

In the business law realm, I have had a typical real estate, estate planning and probate practice. I have also represented a large agricultural/biotechnology firm. For that client, I have handled a wide range of matters, ranging from development of leases and contracts to handling of

significant insurance claims. I have affiliated with counsel in other jurisdictions to represent the client in administrative law matters. I have represented the client in business acquisitions and in the development and wind-down of joint ventures.

In my appellate practice, I have briefed or argued more than 30 different cases, mostly in Iowa but also in South Dakota, Nebraska and the Eighth Circuit Court of Appeals. I have handled diverse types appeals including property tax protests, trust contests, alimony, livestock feed liens, cell tower zoning, wrongful discharge, stormwater drainage, and ongoing criminal conduct. In supporting my litigation colleagues, I have prepared summary judgment motions in complex cases, taken and defended depositions, and crafted jury instructions. I believe that my experience in diverse areas of the law will enhance the court.

I believe that I have the intellectual ability to enhance the court. I graduated eighth in my class at the University of Iowa College of Law. Researching and briefing unsettled areas of law has been a regular part of my practice. I also believe that I have the right temperament for the court. I work well with my colleagues. I am a respectful, active and engaged listener. I will work hard and devote the time that is necessary to craft carefully and clearly written opinions.

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

I was born and raised in Newton, Iowa. My father was a lawyer; he died of cancer when I was six and he was 33. After his death, my mom raised me and my three siblings. I owe a great debt to my mom for making me study hard, and I am thankful for the wisdom and grace that she exhibited as a single parent after my dad's death.

Without knowing what it meant to actually be a lawyer, I knew from a young age that I wanted to be a lawyer. I wanted to be a lawyer because of the impact that my father had made on the lives of his clients during his short professional life. Every year, one of his clients would bring small gifts to our family for Christmas because they were grateful for the guidance that he had given them. I met another of his clients, and the daughter that he had helped them adopt, years later when I was in college. They were still profoundly grateful. It may sound clichéd, but I have tried to live and practice law in such a manner that my dad would be proud of me.

I have been married to my wife Christie for more than 17 years, and we have two children. My son is 12 and entering eighth grade, and my daughter is 5 and entering first grade. I am grateful for their love and support.