David Bower

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DES MOINES OFFICE

In his litigation practice, David Bower finds an intriguing professional challenge in discovering the right solutions for his clients' intricate legal problems. "I enjoy trying to find practical and creative solutions to complex problems," David says.

He applies that aptitude to a varied litigation practice that encompasses commercial litigation, products liability litigation, employment litigation, patent litigation, and general litigation. While the goal is always to find a satisfactory solution for his clients, David recognizes that sometimes that solution can only be provided by a jury and always prepares with that in mind. He has successfully tried many cases to verdict in both state and federal court. David has also briefed and argued numerous appeals before the Eighth Circuit Court of Appeals, the Iowa Supreme Court, and the Iowa Court of Appeals.

After earning a bachelor's degree in history and business/economics, David spent five years working in production management and exploring career options. He considered pursuing a graduate degree in history. Instead, in studying law, he found the intellectual challenge he desired.

David began his legal career as an associate in the Chicago office of an international law firm and then as a clerk for the Hon. Ronald E. Longstaff, U.S. District Court, Southern District of Iowa. There, David developed his approach to the practice of law. "I've been fortunate in that a lot of the things that I've been able to do since I graduated from law school have been in areas that I'm interested in and the type of work I like to do, and I've been lucky to have had tremendous mentors," David says.

Now in his Nyemaster practice, he continues to apply those qualities and good judgment to solve his clients' litigation problems. "A lot of my prior experience dealt with what I would call complex, challenging issues, he says, "and I think working on those types of issues fosters a depth of creative thinking and analysis."

Using that analysis, David crafts legal solutions that are easy for the courts and juries to understand and accept—creating successful arguments for his clients. "Within the bounds of reason and good faith, we're always creating narratives—factual narratives, but more importantly, narratives about how the law applies to the facts," David says. "I enjoy that part—creating the narrative about what the problem is and what we think the correct answer is."

PROFESSIONAL & COMMUNITY AFFILIATIONS

American Board of Trial Advocates

American Bar Association

Iowa State Bar Association

Polk County Bar Association



PRACTICE AREAS

- Intellectual Property
- Intellectual Property Litigation
- Litigation
- Appellate Practice
- Business & Commercial Litigation
- Intellectual Property Litigation
- Product Liability

EDUCATION

- Wheaton College (B.A.)
- University of Iowa (J.D., with high distinction)

BAR ADMISSIONS

- Illinois
- Iowa
- Admitted to practice in all state and federal courts in Iowa and Illinois
- Eighth Circuit Court of Appeals

PROFESSIONAL EXPERIENCE

- Law Clerk, Hon. Ronald E. Longstaff, U.S. District Court, Southern District of Iowa
- Associate, Winston & Strawn LLP, Chicago

RECOGNITION

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Iowa Law Review

SIGNIFICANT CASES

Andrew v. Van Diest Medical Center (Iowa Supreme Court 2021). Victory on interlocutory appeal for medical center who was accused of defaming a former surgeon when it reported concerns with the surgeon's narcotic prescription practices. The Court also found in our client's favor on an alleged violation of the Iowa Wage Payment Collection Act.

***Whirlpool Corp. v. AWP Group, Inc. d/b/a Water Filters Fast*, Civil Action No. 2:16-cv-988 (E.D. Texas).**

***Whirlpool Corp. v. Pavel Water Filtration, Inc. and Henry H. Pavel,* Civil Action No. 2:16-cv-146 consolidated with 2:15-cv-02103 (E.D. Texas).**

***Whirlpool Corp. v. Tianjin Jinghai Yunda Industry and Trade Co., Ltd.,* Civil Action No. 2:16-cv-229 consolidated with 2:15-cv-2103 (E.D. Texas).**

***Whirlpool Corp. v. Tung Y. Chen,* Civil Action No. 2:17-cv-117 (E.D. Texas).**

***Summers Mfg. Co., Inc. v. Tri-County Ag, LLC and Tri-County Iron, LLC,* Civil Action No. 3:16-cv-417 (E.D. North Dakota).**

***Vails v. United Community Health Center, Inc.*, 2012 WL 6045941 (N.D. Iowa 2012).** Successfully obtained summary judgment on all tort claims against health clinic and individually named defendants.

***GreatAmerica Leasing Corp. v. Davis-Lynch, Inc.*, 2011 WL 167248, 73 UCC Rep. Serv.2d 532 (N.D. Iowa 2011).** Enforcement of equipment lease for finance company against allegation of vendor fraud.

***GreatAmerica Leasing Corp. v. Wahoo Prods. of Florida, Inc.*, 2011 WL 155935 (N.D. Iowa 2011).** Successful trial for finance company to enforce equipment lease against defenses of lack of delivery and forged signature.

***Optimal Interiors, LLC v. HON Co.*, 774 F.Supp.2d 993 (S.D. Iowa 2011).** Successfully defended HON Co. in enforcing a contractual limitation of liability clause to preclude multi-million dollar lost profits claim.

In re 318 Patent Infringement Litigation, 578 F.Supp.2d 711 (D. Del 2008). Part of trial team that successfully invalidated patent for method of treating Alzheimer's disease for lack of enablement.

SPEECHES & PUBLICATIONS

"Make it Stop or I'll Sue! The Feasibility of a Hostile Work Environment Claim Created by Sexually Explicit Spam," *90 Iowa L. Rev. 1577* (2005).