

**JUDICIAL APPLICATION
PERSONAL DATA QUESTIONNAIRE
FOR IOWA SEVENTH JUDICIAL DISTRICT NOMINATING
COMMISSION**

Adopted for use beginning January, 2011

NOTE TO APPLICANTS: On advice of legal counsel, the Commission will treat the responses to this questionnaire as a public record available upon request for public examination. If you believe you cannot fully respond to a question without disclosing information that is confidential under state or federal law, please submit that part of your answer with the legal basis for confidentiality on a separate sheet that you mark confidential.

In answering these questions, please repeat each question and place your answer immediately beneath it. Send *your* completed questionnaire to the Commission's Secretary and each member of the Commission as soon as possible since it is a prerequisite to consideration of your candidacy.

1. State your full name: Henry W. Latham II

2. State your current occupation/title (Lawyers identify name of firm, organization, or government agency; judicial officers identify court):

Attorney with Brooks Law Firm, P.C., 220 Emerson Place Suite 301, Davenport, Iowa 52801

3. Age in years: 46

4. City of your residence: Eldridge

5. State the periods of your military service, if any, including active duty, reserves or other status. Give the date, branch of service, your rank or rating and your present status.

None.

6. List 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.

I attended St. Ambrose College from 1982 to 1986 receiving a Bachelor of Arts degree majoring in Accounting. I attended the University of Iowa, College of Law, from 1986 to 1989 receiving my Law Degree.

7. List all courts in which you are presently admitted to practice, including the dates of admission in each case. Give the same information for administrative bodies having special admission requirements.

I was admitted to practice law in the State of Iowa in 1991 and the State of Illinois in 2005.

8. Describe chronologically your work experience, including your law practice experience, including with respect to your law experience:

- a. Whether you served as a clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk.
- b. Whether you practiced alone, and if so, the addresses and the dates.
- c. The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each.
- d. Any other relevant particulars.

Brooks Law Firm, P.C. 2003 – present/Partner
220 Emerson Place, Suite 301
Davenport, Iowa 52801

Gomez, May , Cartee & Schutte – 1993 – 2003/Partner
2322 E. Kimberly Road, Suite 120W
Davenport, Iowa 52807

Jack Schwartz & Associates – 1991 – 1993/Associate
1800 3rd Avenue
Rock Island, IL 61201

9.
 - a. What has been the general character of your legal experience, dividing it into periods with dates if its character has changed over the years?
 - b. Generally describe your typical clients, and mention the areas, if any, in which you have focused.

Brooks Law Firm, P.C. 2003 – present. My legal experience during this time period is of a general law practice. Recently there has been a shift in my practice to an emphasis in real estate transactional work, business organizations, and estate planning. I still represent individuals in criminal and family law matters.

Gomez, May, Cartee & Schutte – 1993 – 2003. My legal experiences while at this firm were of a general law practice. While practicing law at this firm, my practice included a heavy emphasis in representing individuals in criminal, family law, and personal injury matters. I participated on the court appointed attorneys list receiving appointments to represent individuals in criminal matters ranging from misdemeanor to felony charges. I also handled real estate, business organizations, and estate planning matters for the benefit of clients.

Jack Schwartz & Associates – 1991 – 1993. My legal experiences while at this firm were limited to representing clients in criminal, family law, and personal injury matters.

10. With respect to your legal experience:

- a. Did you appear in court or other tribunals regularly, occasionally or not at all? If the frequency of your appearances has varied during this period, describe each such variance, giving the dates thereof.

I appeared in state district court on a regular basis. In the last seven years the frequency of my appearances in court has been reduced. This reduction is primarily due to the fact I was not accepting appointments from the court appointed attorney's list. In the last seven years I appeared in court approximately eight to twelve times a month. Prior to this time I appeared sixteen to twenty times per month.

- b. What percentage of these appearances was in:

- i. Federal courts - -0-
- ii. State courts of record - 99%
- iii. Other tribunals - 1%

- c. What percentage of your litigation was:

- i. Administrative - 1%
- ii. Civil - 45%
- iii. Criminal - 54%

- d. State the approximate number of cases or contested matters you tried to conclusion (rather than settled) within the last 10 years, indicating whether you were sole counsel, chief counsel, or associate counsel.

Approximately 15. I was sole counsel on all but one case. The other case I was lead counsel with the help of an associate. This does not include the numerous City of LeClaire misdemeanor trials I tried as the City Attorney.

- e. What percentage of these trials were:

- i. Jury - 1%
- ii. Non jury - 99%

- f. Describe to what extent your practice has been in areas other than appearances before courts or other tribunals. State the nature of your practice, including the approximate percentage of time spent in each area of practice.

Real estate 40%, business/transactional 20%, estate planning/probate 20%, family law 5% and criminal 5%.

11. Describe three of the most significant legal matters which you have personally handled. If they were litigated matters, give the citations if available. Give a capsule summary of the substance of each matter, and a succinct statement of what you believe to be the particular significance of it. Identify the party or parties whom you represented; describe in detail the nature of your participation and its outcome. State as to each matter (a) the dates of your involvement, (b) the

individual name and address of co-counsel and of counsel for each of the other parties, and (c) as to any litigated matter, the name of the court and the judge before whom the case was tried. If the matter was confidential, please avoid the use of any information that may allow disclosure of the identity of the parties.

The first significant legal matter I handled was representing Robert West in a criminal matter in which he was charged with animal abuse in 2006. Mr. West is a resident of Scott County who operates a deer farm. On a particular evening his deer were being harassed by two dogs chasing the deer along the fence line, which contained the deer. Mr. West shot and killed the dogs to protect the deer from any further harassment or harm caused by the dogs. The matter was tried to a Jury, Judge McDonald presided over the case and I represented Mr. West as his sole attorney. The jury did find Mr. West guilty. But, the Supreme Court of Iowa reversed this decision. The significance of this case is the Supreme Court essentially supported my arguments made at the trial. The law actually provided a defense to the charges, in that an individual could kill loose dogs if caught in the act of harassing or attacking their livestock. The Code of Iowa actually provides deer are deemed livestock. Thus Mr. West was within his rights to act as he did. This case was extremely interesting because it required the use of legal arguments based on statutes that are not routinely reviewed or used.

The second significant legal matter, which I was involved in, was the case of *Connoisseur Communications v. Greg Dwyer and William Obenauf*. This case occurred in 1995 and was tried before Judge Briles. This was the first case involving employment law the disk jockeys Dwyer & Michaels were involved in. I was second chair in the case assisting Paul Bieber. This case was significant because it received a lot of publicity because it involved two very popular disk jockeys in the area who had accepted a new job with a competing radio station. This case was significant because it involved interesting issues surrounding contract law and non-compete provisions within the contract. The case involved significant discovery and was a strongly litigated case. Ultimately, the parties did reach a resolution the day before the final day of trial. Although, Judge Briles did find the defendants in contempt, ordered them to pay a fine and make a public apology.

The third significant legal matter, which I personally handled, was the case of *Timothy Thompson v. Siefers Concrete Foundations and West Excavating*. This case was tried in Rock Island Circuit Court before Judge Vande Wiele. This case is significant because it was the first contested matter I handled in Rock Island County. Additionally, this case was significant as to the legal issues involving two contractors who performed services for the landowner who was essentially acting as a general contractor in the construction of his home without the benefit of a written contract. Siefers Concrete Foundations was the general for the foundation and excavation work who employed West Excavating as a subcontractor. The legal arguments as to contract issues and issues of the relationship of a general to subcontractors were very interesting. Ultimately, the Court ruled in the favor of the defendants and ordered the plaintiff to pay for the work that was completed at the rate charged by the defendants.

12. a. Have you ever held judicial office? If so, give dates and details including the courts involved, whether elected or appointed, periods of service, and a description of the jurisdiction of each of such courts with any limitations upon the jurisdiction of each court.

No.

- b. If during the preceding five years you have been subject to the reporting requirements of Court Rule 22.10, answer the following and provide an explanation of the reasons for any delay:

- i. Have you filed timely rule 22.10 reports (due on the tenth day of each month)?
- ii. How many matters have you taken under advisement for longer than 120 days?
- iii. How many matters have you taken under advisement for longer than 180 days?
- iv. How many matters have you taken under advisement for longer than 240 days?
- v. How many matters have you taken under advisement for longer than a year?

13. Have you ever held public office other than judicial office? If so, give details, including the office involved, whether elected or appointed, and the length of your service, giving dates.

No.

14. Are you now an officer, director, partner, sole proprietor, or otherwise engaged in the management of any business enterprise or nonprofit organization? If so, give details, including the name of the enterprise or organization, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

I am on the board of directors at the Family Credit Union and hold the position of Vice-Chairman. My term on the board of directors is four years. My duties on the board include meeting monthly to discuss and make decisions as to the operations of the credit union.

I am also on the board of directors of the North Scott Soccer Club and currently serve as Vice-President. My term is two years. My duties on the board include meeting monthly to help the organization grow to benefit the children who play soccer in the North Scott community. The board oversees the coaches and those who participate in the program.

15. Have you ever been convicted or pled guilty to any federal law or regulation, state law or regulation, county or municipal law, regulation or ordinance, excluding convictions that have been properly expunged? If so, give details and disposition. Do not include traffic violations for which a fine of \$250 or less was imposed, unless you were arrested.

No.

16. Have you ever been assessed or threatened with the assessment of a civil fraud or any criminal penalty in connection with the reporting of or failure to report your federal or state income taxes? If so, give particulars.

No.

17. Have you ever been the subject of a no-contact order? No.

18. Have you ever been a party to any legal proceedings? If so, give the particulars.

The only legal proceeding I can think of myself as a party was in the case of my mother's estate and I was the executor.

19. Have you ever been publicly disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, give the particulars. No.

20. Furnish at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which they represent your personal work. Please do not provide writing samples that would disclose confidential information, such as a brief submitted in an involuntary commitment proceeding, unless identifying information is removed to obscure the identity of the parties and any information that may allow disclosure of the identity of the parties.

I have attached pleadings from my representation of Robert West in his criminal action. I solely drafted these pleadings and ultimately the Supreme Court supported my arguments.

I have also attached pleadings in a lawsuit I filed on behalf of clients involving real estate boundary disputes with adjoining property owners. I solely drafted this pleading. I attached this pleading because it involved complicated and interesting real estate issues.

21. 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.

St. Ambrose College graduated magna cum laude.

22. List all bar associations and professional societies of which you are a member and give the titles and dates of any such offices which you have held in such groups. List all chairmanships of any committees in bar associations and professional societies, and memberships on any committees which you believe to be of particular significance (e.g., grievance committee).

Iowa State Bar Association, Scott County Bar Association, Illinois State Bar Association, and Inns of Court.

Scott County Bar Association – President 2003 – 2004. Executive Council 1998 – 2003. These positions were elected positions by the members of the bar. Served on the grievance and social committees.

I also served a co-chair for the Barristers Ball for several years. This event raised monies for the benefit of HELP Legal Aid.

23. Describe any participation you have had in pro bono legal activities and include dates.

I have agreed to handle various cases on a pro bono basis. These cases were simple criminal, family law, or estate matters, which I did not receive any fees for such representation.

24. Describe your activities in organizations other than bar associations or professional associations or professional societies, including civic, charitable, religious, educational, social and fraternal organizations.

I am a member of the Outing Club.

25. List not more than five names and addresses of those persons who are in a position to comment upon your qualifications for judicial position and of whom inquiry may be made by members of the Commission without embarrassment to you.

Kent Simmons
601 Brady Street
Davenport, IA 52803

Milissa Hofmann
220 Emerson Place Suite 301
Davenport, IA 52801

Maria Pauly
326 W. Third Street, Suite 900
Davenport, IA 52801

Judy Shawver
2805 Eastern Avenue
Davenport, IA 52803

Harlan Giese
2550 Middle Road Suite 300
Davenport, IA 52803

26. Why are you seeking this position?

I am seeking the position as a district court judge as this has been an ambition of mine as I have grown in the legal field. I have come to appreciate what this position involves and how it impacts upon the lives of the residents of the judicial district. I want to participate in this area of the law and be able to provide my services as a judge to the residents of this judicial district. I view this as an opportunity to expand my growth in the area of law and at the same giving back to the community. I will be able to give back to the community by listening to their cases, render decisions on the facts

