

Iowa Judicial Branch
Application for a Supreme Court Justice Position

(Revised: 5-7-2018)

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:

Timothy Lee Gartin

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

Attorney and Partner with Hastings, Gartin & Boettger, LLP

3. City and county of residence:

Ames, Story County

4. Age: 51

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:

For the last 22 years, I have served my clients in the Ames area as an attorney; I now offer myself as a candidate to serve on the Supreme Court. As discussed below, I believe I offer the skill set, background, and temperament that would make an effective justice.

In terms of judicial philosophy, I am a **textualist** and an advocate for **judicial restraint**. That is, I would seek to enforce what the text says and fairly implies and not use the judicial process to pursue particular political outcomes. Judges must deeply respect the separation of powers and the court's proper role.

I love practicing law, but I am ready to forego this in order to serve this state. Iowa has a wonderful Bar association and legal traditions. It would be my great privilege to serve on the Supreme Court and contribute to its future.

10. Explain how your appointment would enhance the court:

In terms of **the skill set for writing appellate decisions**, my undergraduate and graduate degrees in English prepared me for the reading, analysis, and writing that I would do in law school. I served as the Lead Articles Editor for my school's law review. This was a very positive experience and I initially thought I would write law review articles as a way of contributing to the development of the law. However, I soon discovered that the vast majority of lawyers do not regularly read law review articles. If I was going to contribute to the profession, it would be in the area of continuing legal education (CLE) programs. I am now one of the more frequent CLE presenters at law schools and the Iowa Bar Association in the area of real estate and ethics. My goal is provide scholarly outlines that thoroughly cover a particular area of law – whether dealing with restrictive covenants in real estate or avoiding conflicts of interest in ethics. This summer, I am pleased to begin work as Co-Editor of the Iowa Bar Association's revision of the Real Estate Manual.

In terms of **practice areas**, I began my practice with a heavy volume of criminal defense, juvenile, and mental health and substance abuse commitments. However, for most of my 22 years, I have maintained a high-volume residential real estate closing practice. This has allowed me to examine thousands of abstracts and sit across the table from thousands of Iowans as they purchased a home. From 2006 to 2008, I served as the **Chair of the Real Estate & Title Law Section** of the Iowa Bar. In addition to real estate, I also do a lot of work with estate planning, probate, business formation, and business acquisition. It would be of great value for the Iowa Supreme Court to have a justice with a substantial transactional background since the majority of Iowa lawyers have a general practice. I have traveled the state for many years, interacting with lawyers who would value having a justice on the Iowa Supreme court with a similar background. It is important that our Court represent **a diversity of practice areas**.

Although my daily work is transactional in nature, I still love the courtroom. Every other spring semester, I **teach trial advocacy** to juniors and seniors students at Iowa State, many of whom aspire to attend law school. I use Thomas Mauet's *Trial Techniques and Trials*, the textbook most law schools use for teaching trial advocacy. The class benefits students who want to get a taste of trial work, but it is also benefits me to teach students how to give a good opening statement, conduct an effective cross examination, and properly make and argue objections. At the end of the semester, we conduct trials in an actual courtroom using outside

witnesses to create as authentic of an experience as possible. It is very rewarding for me to now have former students practicing law.

Another important way my appointment would enhance the court is the **public service** background I bring. I have been heavily involved in my community and state. **This has changed me.** I think differently about *the poor* because of my service as chair of the committee that allocates human services funding, about *racial issues* because of my work with the Ames Branch of the NAACP, about *local government* because of my service on the Ames City Council, and about *Iowa's water* because of my service on the Iowa Underground Storage Tank Fund Board. It is important to have justices who are in touch with the broad needs and concerns of Iowans who struggle.

A final area where I would enhance the Court is that I have many years of experience in **board decision making.** It is important that our justices be able to make decisions well as a team. I listen, analyze, and help reach consensus. On the Ames City Council, we deeply value civility and being able to disagree without being disagreeable. Thus, I would seek to build consensus where possible and in those situations where it is not possible, I would make sure that disagreements never become personal. Cooperative decision making is a vital for serving on a city council and would be a trait I would bring to service on the Supreme Court.

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.)

Convicted of (describe offense)	Seriousness of charge (e.g., serious misdemean., felony)	Location of court (County, State)	Disposition type (Plea, judge ruling, jury verdict)	Sentence / Penalty	Sentence date (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

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
LACV042259	Story	05/23/05	06/02/06	Dispute over an unreleased mortgage; dispute settled and dismissed with prejudice.

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			

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
Iowa State University, Ames	08/85 to 05/87	Changed major	
Iowa Wesleyan College, Mt. Pleasant	08/87 to 05/89	BA (English)	05/89
Iowa State University, Ames	08/89 to 05/92	MA (Literature & TESL-Linguistics)	05/92
Northern Illinois University, DeKalb	08/93 to 05/96	JD	05/96

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
Dean's List in Law School	Northern Illinois Univ.	
Captain, Mock Trial Team	Northern Illinois Univ.	1995
Lead Article Editor of Law Review	Northern Illinois Univ.	1995-96
Outstanding Section Chair Award for service as the Chair of the Real Estate and Title Law Section	Iowa State Bar Assoc.	June 2008

Community Involvement Award	Ames Chamber of Commerce	Jan. 2016
Fellowship	American College of Mortgage Attorneys	2011
Fellowship	American College of Real Estate Lawyers	April 2017
District Award of Merit	Broken Arrow Boy Scout District	Feb. 2017

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

<i>Comment, Parity and the Litigation of Private Property Rights in the United States and Germany: Evidence in Support of Chemerinsky's Litigant Choice Principle</i> , 15 N. Ill. U. L. Rev. 747 (1995).
<i>A Little Grace</i> (Professionalism in abstract examination and loan closings). <i>On the Move</i> Newsletter. Title Guaranty. Vol. 5, #2 (Winter 2010).

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
How to Make Effective Oral Presentations of Research Reports	Ames	Civil Engineering Dept., ISU	Multiple presentations from 2000-18
Confidentiality, Gifts from Clients, and Client Records as Evidence	Ames	Qualicare Home Health, LC	Nov. 2000
The Roots of American Law and an American General Practice	Almaty, Kazakhstan	KazGoo Univ. Law School & KazGooAh Univ. Law School	March 2002
The Mental Health Commitment Process	Ames	National Alliance on Mental Illness of Central Iowa	May 2002
Iowa Real Estate Title Law: Problems and Solutions	Des Moines	National Business Institute (NBI)	July 2004
Real Estate Title Examination in Iowa	Des Moines	NBI	Dec. 2004
Common Real Estate Title Problems	Ames	Story County Legal Aid	April 2005
Iowa Real Estate Transactions Made Painless and Efficient	Des Moines	NBI	June 2005
Introduction to Residential Real Estate Transactions	Des Moines	Iowa State Bar Assoc. (ISBA) (Nuts & Bolts)	Oct. 2005 to Oct. 2016

Iowa Real Estate Title Update	West Des Moines	Half Moon Seminars	Nov. 2005
Iowa Real Estate Title: Identifying Defects and Finding Solutions	Cedar Rapids and Des Moines	NBI	Dec. 2005
Conveyancing Issues Created by Dissolution Decrees	Ames	Story County Bar Assoc.	Jan. 2006
Purchase Agreements and Real Estate Closings	Ames	City of Ames	June 2006
Basic Estate Planning: Wills, Powers of Attorney, Living Wills, and Asset Ownership Considerations	Ames	First National Bank	May 2006
Curing Residential Real Estate Title Defects	Cedar Rapids	NBI	Aug. 2006
Legal Issues Involving Nonprofit Corporation Boards of Directors	Ames	Habitat for Humanity	Oct. 2006
Real Estate Law Advanced Issues and Answers	Cedar Rapids	NBI	Nov. 2006
Real Estate Closings – Beyond the Basics	Cedar Rapids	Iowa Title Guaranty (ITG)	Nov. 2006
Residential Landlord-Tenant Law	Ames	City of Ames	Nov. 2006
Resolving Real Estate Title Defects	Cedar Rapids and Des Moines	NBI	Dec. 2006
Identifying and Avoiding Conflicts of Interest	Des Moines	NBI	Dec. 2006
Real Estate Closings in Iowa	West Des Moines, Bettendorf, Cedar Falls, and Sioux City	ITG	April and May 2007
Residential Real Estate Closing Issues	Des Moines	Iowa State Bar Association (ISBA) (Annual Meeting)	June 2007
Introduction to Real Estate Transactions	Ames	Legal Support Professionals of Iowa	Sept. 2007
Ethical Issues Facing Real Estate Attorneys (Panel Moderator)	West Des Moines	ITG	Nov. 2007
Estate Planning Where a Family Member Has a Mental Illness	Ames	National Alliance on Mental Illness of Central Iowa	Dec. 2007
Identifying and Avoiding Conflicts of Interest	Des Moines	Drake Law School	March 2008
Mortgage Fraud	Mason City, Iowa City, Des Moines, and Sioux City	ITG	April and May 2008

Top 10 Conveyancing Issues for Realtors	Ames	Central Iowa Board of Realtors	June 2008
Mortgage Fraud and Other Issues	Des Moines	Iowa Credit Union League	Feb. 2009
Introduction to Title Examination	Des Moines	ISBA (Bridge the Gap)	May 2009
Top Ten Title Issues	Iowa City, Sioux City, West Des Moines	ITG	April, May, Oct. 2009;
An Introduction to the History of Law and Politics in the U.S.	Ames	Iowa State Univ. (visiting international students)	July 2009
Legal Ethics: Solutions to the Most Common Challenges	Des Moines and Cedar Rapids	NBI	Dec. 2009
Title and Closing Issues for Abstracters	West Des Moines	Iowa Land Title Association	May 2010
Real Estate in a Depressed Market	Des Moines	ISBA (Bridge the Gap)	May 2010
Identifying and Avoiding Conflicts of Interest	Iowa City	Univ. of Iowa College of Law	Oct. 2011
Issues on Conveying Real Estate from Entities	Des Moines	Drake Law School	March 2012
Ethics Panel (Moderator)	Des Moines	ITG	April 2012
Identifying and Avoiding Conflicts of Interest	Des Moines	ISBA (Annual Mtg.)	June 2012
Ethics in Real Estate Transactions	Des Moines	ITG	Sept. 2012
Ethics Panel (Moderator)	Coralville	ITG	Nov. 2012
Restrictive Covenants for the Title Examiner	Des Moines	Drake Law School	March 2013
The Mechanic's Lien and Notice Registry for Contractors	Huxley	South Story Bank & Trust	March 2013
Best Practices for Closing Agents	Altoona	ITG	June 2013
Restrictive Covenants for the Title Examiner	Des Moines	ISBA (Annual Mtg.)	June 2013
Ethics in Real Estate Transactions	Coralville	Iowa Finance Authority	Sept. 2013
Family Law, Foreclosures, and Real Property Issues	Ames	Center for Agricultural Law and Taxation	Sept. 2013
Veterinary Ethics Lecture	Ames	College of Veterinary Medicine	Sept. 2013, Sept. 2014, Sept. 2015, and Oct. 2016
ABC's of Abstract Examination (3-hour)	West Des Moines	ITG	Nov. 2013

Underutilized Tools of a Real Estate Lawyer	Des Moines	Drake Law School	March 2014
ABC's of Residential Real Estate Closings (3-hour)	West Des Moines	ITG	March 2014
Restrictive Covenants for the Title Examiner	Ames	Center for Agricultural Law and Taxation	Sept. 2013
Ethics Panel (Moderator)	Cedar Rapids	ITG	Nov. 2014
Changes in Settlement Practices for Residential Real Estate Closings	Des Moines	ISBA (Annual Mtg.)	June 2015
More than Just "Don'ts": A Review of the Aspirational Rules of Professional Conduct	Iowa City	Univ. of Iowa College of Law	Sept. 2015
Closing Residential Loans under the Consumer Financial Protection Bureau Rules	Indianola	South Central Iowa Land Title Assoc.	Sept. 2015
Ethics Panel (Moderator)	Altoona	ITG	Nov. 2015
Closing Residential Loans under the Consumer Financial Protection Bureau Rules	Clive	Iowa Association of Realtors	Nov. 2015
Identifying and Avoiding Conflicts of Interest	Des Moines	ISBA (Tax School)	Dec. 2015
More than Just "Don'ts": A Review of the Aspirational Rules of Professional Conduct	Des Moines	ISBA (Ethics webinar)	Dec. 2015
Changes in Settlement Practices for Residential Real Estate Closings	Des Moines	Drake Law School	March 2016
More than Just "Don'ts": A Review of the Aspirational Rules of Professional Conduct	Okoboji	Lawyers Chautauqua	June 2016
Title Examination Beyond the Basics	Des Moines	ISBA (Annual Mtg.)	June 2016
The <i>Ouderkirk</i> case: The Ethics of Advising Clients on Asset Protection Measures	Iowa City	Univ. of Iowa College of law	Sept. 2016
Attorney-Abstracter Issues	Madrid	South Central Iowa Land Title Association	Sept. 2016
The <i>Ouderkirk</i> case: The Ethics of Advising Clients on Asset Protection Measures	Des Moines	ISBA (Ethics webinar)	Dec. 2016
When Technical Objections Should Cloud Title Under Iowa Land title Standard 1.1	Des Moines	Drake Law School	March 2017
The <i>Ouderkirk</i> case: The Ethics of Advising Clients on Asset Protection Measures	Okoboji	Lawyers Chautauqua	June 2017
Overview of Residential Real Estate Transactions	Des Moines	ISBA (Annual Mtg.)	June 2017 & June 2018
More than Just "Don'ts": A Review of the Aspirational Rules of Professional Conduct	Ames	Professional Advisor Conf.	Aug. 2017
Overview of Residential Real Estate	Johnston	Iowa Paralegal Assoc.	Sept. 2017

Transactions			
Changing the World through Civil Involvement	Ames	Iowa State University Honor Program	Oct. 2017
Easement Issues for Engineering Consulting Firms and Municipalities	Ames	Iowa Section of American Society of Civil Engineers	Oct. 2017
When Technical Objections Should Cloud Title Under Iowa Land title Standard 1.1	Des Moines	ITG	Nov. 2017
Examination Issues with Easements (Panel Moderator)	Des Moines	Drake Law School	March 2018
<i>Brown v. Board of Education</i> : The Civil War Amendments to Integration	Ames	Ames Branch of NAACP	Feb. 2018
When Technical Objections Should Cloud Title Under Iowa Land title Standard 1.1	Okoboji	Lawyers Chautauqua	June 2018

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
Iowa State University	Ames	Writing courses for international students; public speaking course.	Aug./89 to May/92	Part-time
Iowa State University	Ames	Research report writing for international graduate students	Aug./96 to May/98	Part-time
Iowa State University	Ames	Technical Communication for Civil Engineers (short course)	Jan./09 to Feb./09	Part-time
Iowa State University	Ames	Communication and the Legal System (Trial Advocacy)	Jan. to May, 2012, 2014, 2015, 2017	Part-time

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,	Month/Yr
---	----------

admitted to practice law	Admitted
Iowa	June 1996

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

- 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)
June 1996 to Present	1. Hastings, Gartin & Boettger, LLP 2. Ames, Iowa 3. 3-4 attorneys 4. Became a partner in 1999 5. General practice 1996-2008 (real estate, criminal defense, mental health and substance abuse commitments, juvenile, business organizations, estate planning) 2008 to present (real estate, business organizations, estate planning, and probate) 6. Typical clients – lenders, business clients, criminal defendants (private pay and court appointed), all ages of adults for estate planning, and families needing assistance with probate.

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	0
(2) State courts	99%

(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	1%
(2) Civil	5%
(3) Criminal	70%
(4) Domestic	0%
(5) Juvenile	20%
(6) Probate	4%
(7) Other (describe):	

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	0			
Tried before a judge	0			
Column Total	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	2	1	1	0	2
Iowa Court of Appeals	2	2	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)					
U.S. Supreme Court					
Total	4	3	1	0	2

* 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**:

My current practice involves real estate (70%), business organizations (10%), estate planning (10%), and probate (10%).

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:

a. *Mosher v. Dept. of Inspections & Appeals, Heath Facilities Division*, Story County Case No. EQCV039682.

b. Summary. Tiffany Mosher, a nursing home administrator, was accused of committing dependent adult abuse for accepting gifts from a resident at a nursing home. The nursing home resident was a retired attorney and fully capable of making financial decisions. However, the administrative law judge made a finding of dependent adult abuse. An appeal was filed to the Story County District Court, where the Court reversed the decision of the ALJ. The State of Iowa appealed and the Iowa Supreme Court retained the case. The Iowa Supreme Court, in *Mosher v. Dept. of Inspections and Appeals, Health Facilities Division*, 671 N.W.2d 501 (Iowa 2003), affirmed the District Court and held that the Department lacked the statutory authority to define “dependent adult” and the resident was not a dependent adult for purposes of the statute.

c. Significance. At the very beginning of the case, I brought the issue of the lack of a dependent adult to the attention of the assistant attorney general who represented the DIA. Her response: “**I prosecute these kinds of cases all over Iowa. I prosecute nursing home staff who only take a cigarette from a resident. I don’t care what the statute says. I’m going forward with this case.**” I represented Tiffany Mosher on a pro bono basis to defend her against an unjust and illegal action.

d. Name of party represented. I represented Tiffany Mosher, the nursing home administrator alleged to have committed dependent adult abuse. I also represented Tiffany in her professional licensure revocation and a civil action brought by the estate of the nursing home resident. No criminal charges were filed.

e. Nature of participation. I represented Tiffany at every stage of the process, from initial conference, to administrative law proceeding, to the appeal at the District Court, and finally the appeal to the Iowa Supreme Court.

f. Dates of involvement. 1998 through the oral argument before Iowa Supreme Court on July 9, 2003.

g. Outcome. The Iowa Supreme Court ruled that the DIA exceeded its authority in defining “adult abuse” and affirmed the District Court decision, removing Tiffany from the dependant adult abuse registry.

h. Co-Counsel. Mark Teigland (at that time of Story City, Iowa) was an associate in our office and assisted with the brief to the Iowa Supreme Court.

i. Opposing counsel. Melissa Biederman, Assistant Attorney General.

j. Name of trial judge. Administrative Law Judge Jenny Flaherty; heard on appeal to the District Court by Hon. Judge William Pattinson.

Significant legal matter #2:

a. *Baumhoefener Nursery, Inc. v. A & D Partnership, II*, Polk County Case No. CE35573.

b. Summary. The manager of an apartment complex in West Des Moines wanted to install 400 trees. A tree broker was utilized. The broker contracted with Baumhoefener Nursery, in Cedar Rapids, to dig up the trees at a tree farm in Kalona, Iowa, and load them on trucks. Baumhoefener Nursery never had title to the trees. The developer had no knowledge of how the trees were dug. It paid the tree broker and obtained a lien waiver. Baumhoefener Nursery was not paid by the tree broker and filed a mechanic’s lien primarily for digging up the trees and loading them. The question was whether a party could file a mechanic’s lien for off-site work regardless of how far removed the off-site work was to the subject property. The Polk County District Court ruled in favor of Baumhoefener Nursery. This was a case of first impression. The Iowa Supreme Court affirmed on appeal in *Baumhoefener Nursery, Inc. v. A & D Partnership, II*, 618 N.W.2d 363 (Iowa 2000).

- c. Significance. **The case extended the right to file mechanic’s liens for parties whose labor is far removed from the subject property and where the owner of the property has no knowledge of the claimant and therefore no reasonable means of obtaining a lien waiver.**
- d. Name of party represented. I represented A & D Partnership, II.
- e. Nature of participation. I defended A & D Partnership, II in the trial to enforce the mechanic’s lien and on appeal to the Iowa Supreme Court.
- f. Dates of involvement. 1997 to the oral argument on April 19, 2000.
- g. Outcome. The Court affirmed the decision of the District Court, in favor of the mechanic’s lien claimant.
- h. Co-Counsel. No co-counsel.
- i. Opposing counsel. David A. O’Brien and James W. Radig, Cedar Rapids.
- j. Name of trial judge. Hon. Arthur E. Gamble.

Significant legal matter #3:

- a. *City of Ankeny v. Jennifer Veith*, Polk County Case No. ANNTAN199771.
- b. Summary. Jennifer Veith, a senior in college, was traveling back to her dorm at Faith Baptist Bible College, Ankeny, in the early evening of September 15, 1998. While waiting to make a left-hand turn, her vehicle was struck by an on-coming motorcycle. The motorcyclist died as a result of his injuries. The question was whether Jennifer failed to yield. Although only a simple misdemeanor, the case would precede a wrongful death civil case. This was a jury trial.
- c. Significance. I handled this case on a pro bono basis because Jennifer and her family could not afford legal representation, nor an expert to rebut the City’s accident reconstruction expert who was to testify that Jennifer was at fault. However, I was able to neutralize the City’s expert during cross-examination by obtaining a concession that he could not testify with reasonable certainty where the point of collision took place. As a result, the City’s case collapsed. Understandably, the accident involving the death of a motorist and the subsequent charge asserting fault were major life events for Jennifer and her family. **The case was shaping to me as a young lawyer to see how the trial process can provide justice; however, it also reinforced the importance of having competent, zealous defense attorneys.**
- d. Name of party represented. I represented Jennifer Veith.
- e. Nature of participation. Trial counsel.
- f. Dates of involvement. I handled the case from the initial interview through the jury trial on February 17, 1999.
- g. Outcome. The jury found Jennifer not guilty.
- h. Co-Counsel. No co-counsel.
- i. Opposing counsel. Tre Critelli
- j. Name of trial judge. Hon. Cynthia Moisan

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)
Carroll Avenue, L.C.	Manager	Manage company which owns investment property	04/00 to present
409 Duff Building, L.C.	Manager	Manage company which owns investment property	08/01 to present

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)
Iowa State Bar Association	Law-Related Education Comm.	1996 to 1998
	Bridge-the-Gap Committee	1997 to 2002
	Real Estate & Title Law Section Council (Chair 07/06 to 06/08)	07/04 to 06/10
	Special Committee for Responding to Iowa Land Title Association Bill (Chair)	12/07 to 01/08
	Ethics & Practice Guidelines Committee	04/17 to present
Story County Bar Association	American Citizenship Committee	06/96 to present

	Chair (1998)	
Federalist Society	Member	1996 to present
American College of Mortgage Attorneys	Fellow	2011 to 2015
American College of Real Estate Lawyers	Fellow	04/17 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
04/97 to 3/04	Ames Human Relations Commission Hearing Officer
04/01 to 03/02	Ames Analysis of Social Services Evaluation Team (Vice-Chair 04/01 to 03/01; Chair 03/01 to 03/02) (Allocating funding to human services agencies)
11/02 to 12/04	Ames Mental Health / Criminal Justice Task Force
08/12 to Present	Iowa Comprehensive Petroleum Underground Storage Tank Fund Board (State Bd.)
11/17 to Present	Ames Community School District School Improvement Advisory Council
02/18 to Present	District 2B Judicial Nominating Commission

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

a. Approximate number of pro bono cases you've handled:	I would estimate that I have handled 150 matters pro bono over the last ten years. These matters vary considerably in scope.
b. Average number of hours of pro bono service per year:	Iowa lawyers are required to provide 50 hours per year in pro bono service. I anticipate that I provide at least 75 plus hours of service per year. Public service is a very important part of our firm's mission.
c. Types of pro bono cases:	I take referrals through the Volunteer Lawyer Project and Story County Legal Aid. However, my main avenue of providing pro bono services is to nonprofit organizations and churches. For example, I handle all of the real estate matters on a pro bono basis for our local Habitat for Humanity chapter, I represent churches without fee wherever possible, and do many wills for people who are indigent.

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
08/96 to 05/17	Iowa State University (See Question 20.)	Teaching writing, technical communication and trial advocacy.
01/14 to present	City of Ames (See Question 31)	City council member

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
2010	Sought: Republican candidate for Iowa Senate District 23 (Ames, Gilbert, Luther and Madrid)
01/14 to Present	Held: Ames City Council (Ward 2)

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
06/96 to Present	Cornerstone Church of Ames	Member (Leadership 01/05 to 05/13)
07/97 to 06/99	Lincoln Way Chapter of American Red Cross	Board of Directors (Disaster Response Team, 05/04 to 07/10)
02/99 to 05/06	Ames Morning Rotary	Member (Board of Directors 07/00 to 06/02)
08/00 to 06/06	Mary Greeley Medical Center Foundation	Member of Investment Committee
11/04 to Present	Ames Chamber of Commerce	Member (Government Affairs Committee (11/04 to 11/12)
02/05 to 11/11	Habitat for Humanity of Central Iowa	Board of Directors
09/00 to 03/14	Boy Scouts of America	Cub Scout Den Leader (09/00 to 02/05; 08/07 to

		02/12); Cubmaster (02/02 to 05/05); Boy Scout Troop Committee (08/06 to 12/11); Broken Arrow District Chair (01/12 to 03/14)
02/12 to 12/13	Ames Convention and Visitors Bureau	Board Member
03/15 to 04/17	Ames Transit Agency	Board Member (oversees the Cy-Ride bus system)
06/17 to Present	Ames Economic Development Corporation	Board Member
03/16 to Present	Ames Branch, NAACP	Member
06/16 to Present	Youth & Shelter Services	Mentor of an at-risk elementary student
01/14 to Present	Iowa League of Cities	Member (Constitution & By-Laws Committee 12/16 to 09/17; Education Committee 01/17 to Present)
06/17 to Present	Ames Patriotic Council	Member (Co-Chair 09/17 to Present) (organizes the Memorial Day and Veterans Day Celebrations)

- 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
Facebook	Tim Gartin (individual); Tim Gartin (elected official)
LinkedIn	Timothy Gartin
LibraryThing (a social cataloging web site for sharing book catalogs and book recommendations)	IowaLawyer

- 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
Andrew J. Boettger	Hastings, Gartin & Boettger, LLP 409 Duff Ave. Ames, IA 50010	515-232-2501
Dan Moore	Moore, Heffernan, Moeller, Johnson & Meis, LLP 501 Pierce St. Sioux City, IA 51101	712-252-0020
Matt White	Title Services DM Corp. 206 6 th Ave., Suite 900 Des Moines, IA 50309	515-457-9002

Tara Lawrence	Iowa Title Guaranty 2015 Grand Ave. Des Moines, IA 50312	800-432-7230
John Fatino	Whitfield & Eddy 699 Walnut St. #2000 Des Moines, IA 50309	515-288-6041

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 of the reasons I am seeking this position is because of the example of Chief Justice Cady. The Chief Justice is helping people all over Iowa connect with the Courts and remind lawyers of our higher calling to seek justice. If given the opportunity to serve on the Supreme Court, I would seek to partner with the Chief Justice in this important work. For example, last February at the Ames Public Library, I gave a presentation on behalf of the Ames Branch of the NAACP on the history of *Brown v. Board of Education* (the 1954 case that ended legal segregation in public schools). This project involved six months of research and preparation. Chief Justice Cady inspired me to take this on because I heard him speak on the history of civil rights in Iowa. My *Brown v. Board of Education* presentation was very beneficial for me as it required me to read many, many civil rights cases and historical works and then to engage a non-attorney audience with the story of *Brown* from the Civil War Amendments to Integration. These are important stories for lawyers to articulate for our communities. Chief Justice Cady has cast a vision for this type of effort.

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. **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:


AT0002777
6/25/8

Attorney PIN:

Date: