

**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.**

Timothy Lee Gartin

- 2. State your current occupation or 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. State your date of birth (to determine statutory eligibility).**

February 8, 1967

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

Ames, Story County

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.**

- a. Northern Illinois University College of Law, DeKalb, Illinois
August 1993 to May 1996, JD

- b. Iowa State University, Ames, Iowa
August 1989 to May 1992, M.A. (Literature and TESL / Linguistics)
- c. Iowa Wesleyan College, Mt. Pleasant, Iowa
August 1987 to May 1989, B.A. (English)
- d. Iowa State University, Ames, Iowa
August 1985 to May 1987 (Changed majors)

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

a. 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.

- 1) Attorney
June 1996 to present
Hastings, Gartin & Boettger, LLP, 409 Duff Ave., Ames, IA 50010
Contact: Andrew J. Boettger (515-232-2501)
- 2) Council Member
Jan. 2014 to present
Ames City Council, 515 Clark Ave., Ames, IA 50010
Contact: Mayor John Haila (515-239-5105)
- 3) Lecturer, Temporary Instructor, and Teaching Assistant
Iowa State University
 - a) Lecturer – Business Law. August 2019 to May 2020.
 - b) Lecturer – Communication and the Legal System (Trial Advocacy). January to May 2012, -14, -15, and -17.
 - c) Temporary Instructor – Technical Communication for Civil Engineers. January 2009 to February 2009.
 - d) Temporary Instructor – Taught international graduate students how to write theses and dissertations. August 1996 to May 1998.
 - e) Temporary Instructor (full-time) – Taught composition to undergraduate and graduate international students. August 1992 to May 1993.
 - f) Teaching Assistant – Taught composition to undergraduate and graduate international students, and public speaking to undergraduate students. August 1989 to May 1992

Contacts: Various

- 4) Law Clerk
January 1995 to August 1995
Sorokas & Karamanis, Chicago and Sandwich, Illinois
Contact: James Karamanis
- 5) Research Assistant
August 1994 to May 1995
Assisted Professor Kathleen Patchel, Northern Illinois College of Law
Contact: Kathleen Patchel (retired)
- 6) Administrative Assistant
January 1994 to January 1995
Data Niche Associates, Northfield, Illinois
Contact: Robert Shah
- 7) Grant Writer
May 1993 to August 1993
Des Moines Area Community College, Ankeny, Iowa
- 8) Editorial Assistant
May 1990 to April 1991
Center for Agricultural and Rural Development, Iowa State University

- b. 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.**

I have not served in the military.

- 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.**

Iowa Bar Association, June 21, 1996 to present.

- 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.**

I have always considered myself a general practice attorney. However, for the first twelve years of my practice (1996 to 2008), my practice included criminal defense (private pay and court appointed), juvenile (child in need of assistance and juvenile delinquency), mental health and substance abuse commitments, and small claims matters. These cases regularly took

me into the courtroom for trials and adversarial proceedings. Litigation matters were approximately 75% of my caseload in the first half of my practice but then transactional matters took on an increasing role. Starting in 1999, I began handling residential real estate closings on a larger scale. Since 2008, my practice has been exclusively transactional – commercial and residential real estate closings (50%), title examination where I did not close the loan (10%), business formation (15%), estate planning (15%), and probate (10%). These percentage varied through the years.

My typical clients vary tremendously in their life circumstances and legal needs. I have represented drug dealers and drunk drivers, young couples buying their first house or needing a will, entrepreneurs starting or buying a business, families dealing with the loss of a loved one, lenders needing first position mortgages in a closing, children who have been neglected or abused, wealthy farmers developing an estate plan, and people in conflict over real estate matters. This variety is the beauty of a general practice and one that reflects the practice of many attorneys in Iowa.

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.

This is challenging to concisely answer for a 23-year practice. I believe my prior answer describing my practice is a fair description: commercial and residential real estate closings (50%), title examination where I did not close the loan (10%), business formation (15%), estate planning (15%), and probate (10%).

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

In the first twelve years of my practice, 50 to 75% of my practice involved litigation, depending on the year.

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

Criminal – 70%

Civil – 29%

Administrative – 1%

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.

I have not tried cases in the last ten years.

For the litigation matters I handled in the first twelve years of practice, I was sole counsel.

- 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.**

I have not handled appeals in the last ten years.

During my practice, I have had two cases before the Iowa Supreme Court (one as sole counsel and the other as chief counsel) and three cases before the Iowa Court of Appeals (all as sole counsel).

9. Describe your pro bono work over at least the past 10 years, including:

- a. Approximate number of pro bono cases you've handled.**

I would conservatively 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 encouraged 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.

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.**

N/A

- 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.**

N/A

- 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.**

N/A

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.**

N/A

- 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.**

N/A

- ii. **180 days.**

N/A

- iii. **240 days.**

N/A

- iv. **One year.**

N/A

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.**

Matter 1

a. *Mosher v. Dept. of Inspections & Appeals, Health 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.

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.

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

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

My experience would enhance my ability to serve as a judge in the following ways:

a. **Diversity of practice.** When we think about the value of diversity in the Courts, we first think about matters such as gender and ethnicity. This is fair. However, there is also a benefit to a diversity of practice areas. The vast majority of attorneys who become appellate judges come from the ranks of trial lawyers and district court judges. It would be beneficial to have appellate judges who have a transactional background to strengthen the ability to handle business and other transactional matters. Having a diverse Court in terms of practice areas also increases the credibility of the Court in the eyes of practicing attorneys who have matters to take up on appeal.

b. **Work capacity.** The Court of Appeals has a very heavy work load. In order for there to be a *meaningful review* of matters, it is imperative that judges on this court have a high capacity for work. I have always maintained a very heavy case load in addition to my activities in the community and service to the Bar.

c. **Analytical and communication skills.** Transactional work requires the capacity to work through complicated matters and then communicate them to non-attorneys. These skills are also important for judges. Not only must decisions be correct, but the opinions should be communicated in a way that will (1) guide the public in the future as a precedent and (2) satisfactorily explain the rationale for the decision to the parties of the action. The party who loses will never like the outcome but it is important that a thoughtful explanation of the decision be provided.

d. **Value of understanding general practice lawyers.** I love lawyers. Judicial opinions should be workable to the lawyers who have to follow the precedent. Having a general practice background would help me to craft workable opinions that will assist lawyers.

e. **Ethics background.** My work in giving continuing legal education presentations has been in both real estate and ethics. I believe my background in ethics would be helpful on the Court of Appeals.

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.

a. In 2010, I ran as a Republican for the Iowa Senate in District 23 (Ames, Gilbert, Luther, and Madrid).

b. Since January 2014, I have served on the Ames City Council (Ward 2).

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.**

- a. Carroll Ave., L.C.
Manager
Manage company which owns investment property
April 2000 to present
- b. 409 Duff Building, L.C.
Manager
Manage company which owns investment property
August 2001 to 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.

- a. Iowa State Bar Association (June 1996 to present)
 - 1) Law-Related Education Committee (1996 to 1998)
 - 2) Bridge-the-Gap Committee (1997 to 2002)
 - 3) Real Estate & Title Law Section Council (July 2004 to June 2010)
Chair (July 2007 to June 2008)
 - 4) Special Committee for Responding to Iowa Land Title Association Bill (Chair) (December 2007 to January 2008)
 - 5) Ethics & Practice Guidelines Committee (April 2017 to present)
- b. Story County Bar Association (June 1996 to present)
 - 1) American Citizenship Committee Chair (1998)
- c. Federalist Society, Member (1996 to present)
- d. American College of Mortgage Attorneys, Fellow (2011 to 2015)
- e. American College of Real Estate Lawyers, Fellow (April 2017 to present)

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
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)
04/97 to 03/04	Ames Humans Relations Commission	Hearing officer
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
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	Member
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
08/12 to Present	Iowa Comprehensive Petroleum Underground Storage Tank Fund Board (State Bd.)	Board Member
03/15 to 04/17	Ames Transit Agency	Bd. Member (oversees the Cy-Ride bus system)

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 Economic Dev. Corp.	Board Member
06/17 to Present	Ames Patriotic Council	Member (Vice Pres. 09/17 to 6/19) (organizes the Memorial Day and Veterans Day Celebrations); President (6/19 to present)
11/17 to Present	Ames Community School District School Improvement Advisory Council	Member
02/18 to Present	District 2B Judicial Nominating Commission	Elected member
12/18 to Present	National League of Cities	Member of the Race, Equity and Leadership Council

- 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.**

N/A

- 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.**

Attached.

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.**

N/A

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.**

N/A

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.**

- a. *Comment, Parity and the Litigation of Private Property Rights in the United States and Germany: Evidence in Support of Chemerinsky's Litigant Choice Principle*, 15 N. Ill. U. L. Rev. 747 (1995).
- b. *A Little Grace* (Professionalism in abstract examination and loan closings). *On the Move* Newsletter. Title Guaranty. Vol. 5, #2 (Winter 2010).
- c. Miscellaneous letters to the editor, *Ames Tribune*, involving city matters.

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
How to Make Effective Oral Presentations of Research Reports	Ames	Civil Engineering Dept., ISU	Multiple presentations from 2000-19
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 Transactions	Johnston	Iowa Paralegal Assoc.	Sept. 2017
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
Identifying and Avoiding Conflicts of Interest	Ames	Iowa State University Foundation	Aug. 2018
Identifying and Avoiding Conflicts of Interest	Iowa City	Univ. of Iowa College of Law	Sept. 2018
Identifying and Avoiding Conflicts of Interest	Des Moines	ISBA (Bridge the Gap)	Sept. 2018
Overview of Residential Real Estate Transactions	Des Moines	Polk County Bar Assoc.	Dec. 2018
Confidentiality: A review of the rules and cases	Des Moines	ISBA	Dec. 2018
A Letter from a Birmingham Jail and its Contemporary Relevance (panel moderator)	Ames	Ames Branch of NAACP	Feb. 2019
Muniments of Title	Des Moines	Drake Law School	Mar. 2019

When technical objections should cloud title under Iowa Land Title Standard 1.1	Des Moines	ISBA (Annual Mtg.)	June 2019
Examination issues with easements (panel moderator)	Des Moines	ISBA (Annual Mtg.)	June 2019
Restrictive covenants for realtors	Nevada, Iowa	Hertz Farm Mgt.	Aug. 2019
Confidentiality: A review of the rules and cases	Iowa City	Univ. of Iowa College of Law	Oct. 2019
Upcoming			
The Attorney-Client Relationship: A review of the rules and cases	Des Moines	ISBA	Dec. 2019
An introduction to statutory interpretation	Des Moines	Drake Law School	Mar. 2020

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.

- a. Facebook – Tim Gartin (individual) and Tim Gartin (elected official)
- b. LinkedIn – Timothy Gartin
- c. LibraryThing (a website for sharing personal book libraries and book recommendations) – Iowa Lawyer
- d. Garmin Connect – Tim Gartin

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.

- a. Dean’s List in law school
- b. Captain, Law School Mock Trial Team (1995)
- c. Lead Articles Editor of Law Review (1995-96)
- d. Outstanding Section Chair Award for service as the Chair of the Real Estate and Title Law Section (June 2008)
- e. Community Involvement Award by the Ames Chamber of Commerce (January 2016)
- f. Fellowship, American College of Mortgage Attorneys (2011)
- g. Fellowship, American College of Real Estate Lawyers (April 2017)
- h. District Award of Merit, Broken Arrow Boy Scout District (February 2017)

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.

- a. Hon. Gayle Nelson Vogel – professional colleague
Iowa Court of Appeals (Senior status)
Judicial Branch Building
1111 East Court Ave.
Des Moines, IA 50319
712-332-2510

- b. Andrew J. Boettger – law partner
Attorney at Law
Hastings, Gartin & Boettger, LLP
409 Duff Ave.
Ames, IA 50010
515-232-2501

- c. Dan Moore – professional colleague
Attorney at Law
Moore, Heffernan, Moeller, Johnson & Meis, LLP
501 Pierce St.
Sioux City, IA 51101
712-252-0020

- d. Matt White – professional colleague
Attorney at Law
Title Services DM Corp.
206 6th Ave., Suite 900
Des Moines, IA 50309
515-457-9002

- e. Matt Rousseau – professional colleague
Attorney at Law
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010
515-239-1101

- f. John Fatino – professional colleague
Attorney at Law
Whitfield & Eddy
699 Walnut St. Suite #2000
Des Moines, IA 50309
515-288-6041

27. Explain why you are seeking this judicial position.

For the last 23 years, I have served my clients in the Ames area as an attorney; I now offer myself as a candidate to serve on the Iowa Court of Appeals. As discussed in this application, 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 the people of Iowa. Our state has a wonderful Bar association and legal traditions. It would be my great privilege to serve on the Iowa Court of Appeals and contribute to its future.

28. 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 23 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 Court of Appeals 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 appellate courts with a similar background. It is important that our appellate courts represent **a diversity of practice areas**.

Although my daily work is transactional in nature, I still love the courtroom. I periodically have the privilege to **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 Iowa Court of Appeals.

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

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 Iowa Court of Appeals, I would seek to partner with the Chief Justice in this important work. For example, in February 2018 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. In February, I organized and moderated a panel on Dr. King's *Letter from a Birmingham Jail* also at the Ames Public Library.