

**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.**

Henry William Latham II

- 2. State your current occupation or title. (Lawyers: identify name of firm, organization, or government agency; judicial officers: identify title and judicial election district.)**

District Court Judge 7<sup>th</sup> Judicial District

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

September 1, 1964

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

Eldridge, Scott County Iowa

**PROFESSIONAL AND EDUCATIONAL HISTORY**

- 5. List in reverse chronological order each college and law school you attended including the dates of attendance, the degree awarded, and your reason for leaving each school if no degree from that institution was awarded.**

St. Ambrose College, 08/82 to 5/86, B.A. Magna Cum Laude in Accounting

University of Iowa College of Law, 08/86 to 05/89 J.D.

- 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.**
  - 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.**

- a. Brooks Law firm, P.C.  
Shareholder  
2003-2013  
3425 E. Locust Street Suite 201, Davenport, IA 52803  
Milissa K. Hofmann
  
- Gomez, May, Cartee & Schutte n/k/a Gomez May Law Firm  
Partner  
1993-2003  
2322 E Kimberly Rd 120W, Davenport, IA 52807  
Ronald May
  
- Jack Schwartz & Associates  
Associate  
1800 3rd Ave Ste 211, Rock Island, IL 61201  
1991-1993  
Jack Schwartz

- b. None

- 7. List the dates you were admitted to the bar of any state and any lapses or terminations of membership. Please explain the reason for any lapse or termination of membership.**

State of Iowa – 06/1991

State of Illinois – 11/2005

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.
  - 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.
  - c. The approximate percentage of your practice that involved litigation in court or other tribunals.
  - d. The approximate percentage of your litigation that was: Administrative, Civil, and Criminal.
  - 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.
  - 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.

2003-2013

- a. General law practice with concentrations in real estate, probate, business organizations, family law, criminal and municipality representation.
- b. 60% of my practice was outside the courtroom. This involved handling transactional matters involving real estate matters, establishing business entities and providing counsel to corporate clients on corporate issues. I further provided representation on estate/probate matters.
- c. 40% of my practice involved litigation within the state court. This included representing individuals in criminal and family law matters. Additionally, I represented the City of LeClaire in prosecuting the citations issued and in some civil matters.
- d. My litigation was divided equally between civil and criminal matters.
- e. I am unsure of the actual number of cases, but I can provide a percentage. 1-5% to Jury and 95-99% to the court. I was lead counsel on all cases.
- f. I did not participate in any appeals.

1993-2003

- a. General law practice with concentrations in real estate, probate, business organizations, family law, criminal and municipality representation.
- b. 40% of my practice was outside the courtroom. This involved handling transactional matters involving real estate matters, representing corporate clients and providing counsel on estate/probate matters.
- c. 60% of my practice involved litigation within the state court. This included representing individuals in criminal, family and juvenile law matters. I was on

the court appointed attorney list during this time. I represented criminal defendants, parents in juvenile matters and children in juvenile matters, both CINA and delinquency matters.

- d. My litigation was divided 40% civil and 60% criminal matters.
- e. I am unsure of the actual number of cases, but I can provide a percentage. 1-5% to Jury and 95-99% to the court. I was lead counsel on all cases, but one.
- f. I did not participate in any appeals.

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

- a. Approximate number of pro bono cases you've handled.**
- b. Average number of hours of pro bono service per year.**
- c. Types of pro bono cases.**

- a. Approximately 3-4 in the four years prior to being appointed to the bench.
- b. Approximately 10.
- c. Criminal and family law cases.

**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.**

District Court Judge, 7<sup>th</sup> Judicial District.

Merit Selection process, through the judicial nominating committee in the 7<sup>th</sup> judicial district.

Period of service includes April 2013 – present.

My jurisdiction is general jurisdiction including Felony Criminal, Family Law, Civil, Probate, Domestic Abuse, and Adoptions. I have also been called upon to handle matters in the lower level courts including magistrate court.

- 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.**

State of Iowa vs. Stephen Andrea Marks, sentence vacated and case remanded for resentencing, Court of Appeals of Iowa, April 2014, 847 N.W.2d 613 unpublished.

In re the marriage of Jacob Bayers and Angela Bayers, remanded, Court of Appeals of Iowa, September 2014, 856 N.W.2d 381 unpublished.

State of Iowa vs. Ezra Javon James, reversed and remanded for new trial in part, Court of Appeals of Iowa, August 2014, 856 N.W.2d 3 unpublished.

State of Iowa vs. Joshua Timothy Wilson, reversed and remanded, Court of Appeals of Iowa, May 2015, 867 N.W.2d 195 unpublished.

State of Iowa vs. Jesse Michael Gaskins, Reversed and remanded, Supreme Court of Iowa, June 2015, 866 N.W.2d 1.

State of Iowa vs. Harry Jay Perkins, Jr., reversed and remanded, Court of Appeals of Iowa, December 2015, 875 N.W.2d 190 unpublished.

Karen McQuiston vs. City of Clinton, Iowa; Mark Regenwether; Jeffery Farwell; and Jeffrey Horne, reversed in part, Supreme Court of Iowa, December 2015, 872 N.W.2d 817.

State of Iowa vs. Dionte Williams, conviction affirmed, sentence vacated in part, and remanded, Court of Appeals of Iowa, May 2016, 884 N.W.2d 224 unpublished.

In re the marriage of Scott Lynn Kasik and Debbie Lynn Kasik, affirmed as modified and remanded, Court of Appeals of Iowa, August 2016, 886 N.W.2d 617 unpublished.

In Re the Marriage of Valerie E. Hute f/k/a Valerie E. Baker and Joseph M. Baker, reversed and remanded, Court of Appeals of Iowa, August 2017, 908 N.W.2d 540 unpublished.

Wells Fargo Bank, N.A. v. Jason C. Thomas, et al, Reversed and Remanded, Court of Appeals of Iowa, June 5, 2019, No. 18-0488, unpublished.

- 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.**

None.

**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.**

I have filed the Rule 22.10 each month of my employment as a judge. There may be a few months, which it may have not been filed before the 10<sup>th</sup> of the month. All of my decisions have been filed within 60 days from the date of the final hearing.

**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.**

None

**ii. 180 days.**

None

**iii. 240 days.**

None

**iv. One year.**

None

**12. Describe at least three of the most significant legal matters in which you have participated as an attorney or presided over as a judge or other impartial decision maker. If they were litigated matters, give the citation if available. For each matter please state the following:**

- a. Title of the case and venue,**
- b. A brief summary of the substance of each matter,**
- c. A succinct statement of what you believe to be the significance of it,**
- d. The name of the party you represented, if applicable,**
- e. The nature of your participation in the case,**
- f. Dates of your involvement,**
- g. The outcome of the case,**
- h. Name(s) and address(es) [city, state] of co-counsel (if any),**
- i. Name(s) of counsel for opposing parties in the case, and+**
- j. Name of the judge before whom you tried the case, if applicable.**

**Significant legal matter #1**

- a. State of Iowa v Benton MacKenzie, Loretta MacKenzie and Cody MacKenzie, Scott County, Iowa.**

- b. Benton MacKenzie and his wife Loretta proceeded to trial on the charge of manufacturing marijuana. Their son, Cody, was charged with simple possession of marijuana. Unfortunately, Benton was suffering from a rare cancer which created open sores on his body. The MacKenzies stated the marijuana was used to produce oil to treat Benton's open sores. They desired to rely on a medical necessity defense in opposition to the charges.
- c. This is a significant matter due to the current discussion across the nation concerning the legalization of marijuana and medical marijuana. Further, the State of Iowa does not provide for a medical necessity defense. Therefore, I had to uphold the current law, which by some public opinion was not favored. This case received national attention. This experience as a newly appointed judge provided me with the tools to be effective in presiding over trials or motions that involve complicated or high profile issues.
- d. N/A
- e. The presiding judge. I was specially assigned to the case.
- f. July 2013-August 2014
- g. The defendants were found guilty as charged.
- h. N/A
- i. N/A
- j. N/A

#### Significant legal matter #2

- a. State of Iowa vs. Robert West, Scott County, Iowa.
- b. Robert West was charged with animal abuse. Mr. West a resident of Scott County operated a deer farm. On a particular evening his deer were being harassed by two dogs chasing the deer along the fence line, containing multiple deer. Mr. West shot and killed the dogs to protect the deer from any further harassment or harm caused by the dogs.
- c. The significance of this case is the Court of Appeals reversed the conviction at trial. The Court essentially agreed with my arguments made at trial and pretrial motions. The law at that time actually provided a defense to the charges, in that an individual may kill loose dogs if caught in the act of harassing or attacking their livestock. The Code of Iowa actually provides deer are considered livestock. Thus, Mr. West was within his rights to act as he did. This case was extremely interesting, as it required the use of legal arguments based upon statutes, which are not routinely reviewed or used.
- d. Robert West
- e. Sole defense attorney.
- f. 2006
- g. The jury convicted Robert West, but the appellate court overturned the conviction
- h. None
- i. Mark Gellerman, Scott County Attorney's office.
- j. Doug McDonald

### Significant legal matter #3

- a. Connoisseur Communications vs. Greg Dwyer and William Obenauf.
- b. This case involved a former employer seeking damages against two very popular disk jockeys who had accepted a position with a competing radio station.
- c. This case was significant not only because of the overwhelming publicity the trial received due to the disk jockeys popularity, but the interesting issues involving contract law and the non-compete provisions within the contract itself. The case involved significant discovery and was highly litigated.
- d. Greg Dwyer and William Obenauf.
- e. I was the second chair attorney on this case. Although I was second chair, I was responsible for certain aspects of discovery and personally handled examination of certain witnesses.
- f. 1995
- g. The parties actually reached a settlement 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.
- h. Pal Bieber.
- i. Patrick Driscoll and Steven Hunter.
- j. Margaret Briles.

### Significant legal matter #4

- a. Timothy Thompson vs. Siefers Concrete Foundations and West Excavating.
- b. Mr. Thompson was acting as his own general contractor in the construction of his new home. He sought damages and there was a counter claim for payment of the services performed by the Defendants.
- c. This case was significant in many regards. This was the first contested case I tried in Illinois, Rock Island County. Further, the general contractor was requesting the services performed without the benefit of a contract. Siefers Concrete Foundations was the general contractor hired for the foundation and excavation work on the home, who then employed West Excavating as a subcontractor. The legal issues surrounding contract law and the relationship of a general contractor and subcontractor were both intricate and interesting.
- d. Siefers Concrete Foundations and West Excavating.
- e. I was the sole counsel for the parties.
- f. 2007
- g. Ultimately, the Court ruled in favor of the defendants and ordered the Plaintiff to pay for the work completed at the rate charged by the defendants.
- h. None
- i. James Tappa.

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

I handled a high volume real estate practice. This experience provided me with the tools to manage multiple matters concerning various issues while successfully representing my clients. These same tools will enable me to balance the demands of the Court of Appeals and effectively collaborate on the decisions which will be written.

**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.**

None

**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. North Scott Soccer Club
- b. President
- c. Preside over meetings, guide the overall organization of the club, and oversee the development of soccer players within the club.
- d. I have been a member of the board for at least the past 10 years.

**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.**

2019 – Present	Scott County liaison judge
2017 – Present	Chair of the Scott County Security Committee
2018	Co-Chair of the informal Family Law Trial Pilot Project
2018	Member of the Mediation Committee for the 7 <sup>th</sup> Judicial District
2017 – Present	Member of the Adult Drug Court Performance Standards Steering Committee

- 1991 – Present            Scott County Bar Association – Past President, Executive Council, Co-Chairman of the Barristers Ball (raised funds for help legal aid) grievance committee and social committee
- 1991 – Present            Iowa State Bar Association
- 2013 – Present            Iowa Judges Association – education committee

**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.**

- 2004 – Present            The Outing Club – a member of a social club that provides dining, pool, and wellness center to the members.

**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.**

Ruling #1 – Addison Hawk vs. State of Iowa. I chose this ruling as an example of my approach to writing and deciding cases, as it shows my ability to write concisely and while addressing the issues in an orderly fashion. My ruling received favorable comments from the Court of Appeals in the decision affirming my ruling.

Ruling #2 – Seth H. Crawford and concerning Patricia L. Fairchild. I chose this ruling as an example of my approach to writing and deciding the cases involving a highly contested matter with various issues in a family law matter. Although the decision was modified by the Court of Appeals they agreed with my analysis on an interesting child support matter.

Ruling #3 – Lisa M. Appenzeller and concerning Daniel K. Appenzeller. I chose this ruling as an example of my approach to writing and deciding a family law case involving evidentiary issues, which were contested. Further, the ruling dealt with issues concerning the care of the children while considering issues of substance abuse and valuation of a business operated by one of the parties. The ruling was affirmed by the Court of appeals and that decision is attached.

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.

**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.

None

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.

None

22. List the titles, publishers, and dates of books, articles, blog posts, letters to the editor, editorial pieces, or other published material you have written or edited.

None

23. List all speeches, talks, or other public presentations that you have delivered for at least the last ten years, including the title of the presentation or a brief summary of the subject matter of the presentation, the group to whom the presentation was delivered, and the date of the presentation.

<b>Title</b>	<b>Summary</b>	<b>Group</b>	<b>Date</b>
What Juries are thinking & still want to know	Advice on how to present to a jury.	Iowa State Bar Assoc.	6/2018
What Juries are thinking & still want to know	Advice on how to present to a jury.	Scott County Bar Assoc.	12/2018
Cell phones & Justice: It’s a balancing act.	How to balance technology and security in the Courtroom	Iowa Judges Assoc.	10/2018
New Code provisions for GAL	Advising attorneys of the changes in the Code as it relates to GALs	Scott County Bar Assoc.	12/2017

Informal Family Law Project	Discussed the project which I was Co-Chair of within our District	Iowa State Bar Assoc.	12/2017
Informal Family Law Project	Discussed the project which I was Co-Chair of within our District	Iowa Judges Assoc.	12/2017
Informal Family Law Project	Discussed the project which I was Co-Chair of within our District	Linn County Bar Assoc.	12/2017
Informal Family Law Project	Discussed the project which I was Co-Chair of within our District	Local Bar Associations	Approximately 7 Presentations During 2017
Security Concerns for Judges	Security issues facing Judges	Iowa Judges Assoc.	10/2016
Security Concerns for Judges	Security issues facing Judges	New Judges School	two occasions
View from the bench – Family Law and Civil Cases panel discussion	Panel of Judges presenting	National Business Institute Davenport and Cedar Rapids	various times at least 4 occasions
EDMS & Family Law	How to use EDMS effectively in family law cases	Scott County Bar Assoc.	6/2016
Local Rotary Presentation on the Courts	What is the current state of affairs in our court system	Davenport Rotary	2016
Drug Court	What drug court is.	180 Zone	2015
Journalism classes at the University of Iowa and Iowa State University	How they can effectively report on court matters.	Iowa Judges Association	various times at least 4 occasions
Career Day Middle school	What education is required to be a judge and what the job entails	Bettendorf Middle School	various times at least 3 occasions

- 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.**

Facebook	Latham Henry
Snapchat	Henry Latham/hlatham705
Instagram	Hank705
Twitter	Henry Latham

- 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.**

None.

- 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.**

Chief Judge Marlita Greve	563-326-8783	Chief Judge of the District I work in.
Mary Pat Guderson	515-865-4502	Friend and former judge
Milissa K. Hofmann	563-326-4900 563-340-2866	Shareholder at my previous law firm
Michelle and Clint Crawford	563-320-5715	Friends
Clerk of Court Julie Carlin	563-326-8607	Clerk of Court for Scott County

- 27. Explain why you are seeking this judicial position.**

It is an honor and a privilege to currently serve the citizens of the 7<sup>th</sup> Judicial District as a District Court Judge. I have found my current position as a District Court Judge to be professionally fulfilling and intellectually challenging. I desire to expand my growth as a Judge within the Judicial Branch as an appellate court judge. This appointment would offer the ability to serve the entire state of Iowa, offer even more opportunities for growth within the Judicial Branch and further expand my understanding/appreciation of the law.

**28. Explain how your appointment would enhance the court.**

As a majority of the cases reviewed by the Court of Appeals involves issues concerning criminal law, family law, and juvenile matters, my appointment to the Court of Appeals would enhance the Court due to my extensive representation of individuals in a wide variety of areas of the law as a practicing attorney. Additionally, I have continued to prioritize my assigned cases to insure rulings are issued timely, while considering some cases deserve to receive a decision before another. Further, my common sense approach in applying the law as a seated District Court Judge presiding on such matters will bring a practical approach to the decisions made on cases decided by the Court of Appeals.

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

My work ethic and ability to prioritize my work will be positive attributes, which will make me an effective Judge with the Court of Appeals.