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IOWA LAWYER

Honoring our veterans

Neal Smith
*World War II Veteran
& former Congressman*

• **Veterans Day recognition**
Page 6

• **A conversation with the court**
Page 14

• **Civility matters**
Page 26



Iowa National Guard Major Kristina Stanger arranged for Iowa Supreme Court Chief Justice Mark Cady to join her unit for training at Fort McCoy, Wisconsin on June 10. He is pictured with other employer representatives who joined the Employer Support of the Guard and Reserves' (ESGR) "Boss Lift" on a Chinook helicopter flight to the training. (Courtesy: Robert Andeweg) Read more about Stanger's military experience on p. 9.

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The Iowa State Bar Association seeks to publish original articles that advance the education, competence, ethical practice and public responsibility of Iowa lawyers. Members are encouraged to submit articles and manuscripts to the editor for possible publication. Submissions should be no longer than 1,500 words, although exceptions can be made. Footnotes should be kept to a minimum. Include a short bio of the author(s) and professional photo(s) when submitting. NOTE: Not all submissions are guaranteed publication. The editors and bar leaders review all submissions to a make a determination of suitability for publication. Email all submissions to communications@iowabar.org in Microsoft Word format.

STATEMENTS OR OPINIONS

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TABLE OF CONTENTS



6

Veterans Day recognition

The Iowa State Bar Association has many members who served and are serving in our Armed Forces. We would like to honor them all with special recognition in this issue. We spotlight the service of several members in this feature section. One veteran member's story includes a deployment call that came during a law school lecture, p. 9



14

A conversation with the court

Former Des Moines Register editorial writer Rox Laird recently sat down to talk with three Iowa Supreme Court Justices standing for retention in this year's general election, Nov. 8. Read about their work and lives on and off the bench in these wide-ranging interviews.



37

Walking out the door for the last time

"For an Iowa lawyer who likes Iowa lawyers, it has been an honor to have this job," says Paul Wieck II, the outgoing Director of the Office of Professional Regulation. He reflects on his career and what he'll do now in retirement.

By Steve Boeckman, Communications Dept.

FEATURES

Highlights from Iowa Supreme Court 2016 administrative term
Eckley 22

Civility: It still matters today
Dinkla 26

IN BRIEF

Iowa lawyers have a proud heritage of serving their country 11

COLUMNS

President's letter: Retention Election
Kenyon 5

October Thanks to speakers 28

Transitions 29

Disciplinary Opinions 30

Classifieds 32

In Memoriam 33

CLE opportunities 34



ABOUT THE COVER

In honor of Veterans Day, in this issue of The Iowa Lawyer we recognize our veteran members. When we asked members to send information about their service in the military, we noted that some of the responses that we received came from World War II Veterans. We are privileged to have former Congressman and World War II Veteran Neal Smith on the cover of this issue.

Editor's note: An interview with Fred Rooney, designated "Father of Incubators" by the ABA Journal (Sept 2013) and creator of the first legal incubator in 2007, will appear in the next issue of The Iowa Lawyer.

KUDOS

The Iowa State Bar Association congratulates the following individuals for recognition they have received:



Harmon

Darin Harmon, a shareholder in Kintzinger, Harmon, Konrardy, PLC, Dubuque, for achieving board certification in mediation from the American Academy of ADR Attorneys. This group is comprised of some of the most experienced and distinguished mediators in the Midwest. Harmon is licensed in Iowa and Wisconsin and mediates primarily civil litigation matters, including but not limited to, personal injury and insurance defense, construction cases, family law and employment law.



Wilson

Judge Dan Wilson and his wife, **Lottie**, for receiving the Centerville, Community Schools 2016 Distinguished Alumni Award. The two Centerville High School graduates were honored for their many contributions to the community. Judge Wilson maintained a private law practice in Centerville for 18 years before being appointed to the District 8 bench in 1995. He retired Oct. 2 and has taken senior judge status.

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Arnold “Skip” Kenyon III

is in-house counsel at the Iowa State Savings Bank in Creston, Iowa, and head of the trust department.

'Tis the season for giving thanks

Thanksgiving traditions provide an opportunity to reflect and give thanks for the blessings in our lives. I am blessed with my health, the wellbeing of my family and a safe, supportive community. Unfortunately not all Iowans can say that. Many are confronted with a shortage of resources, opportunity and empathy. Traditionally, attorneys have been counted with doctors and clergy as pillars of the community whose specific knowledge places us in a unique position to help those disoriented by tragedy. Through our professional skills, community involvement or simply as a caring individual—we can share our gifts with those around us who need a hand.

Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.
—Margaret Mead

Legal assistance organizations are often approached by people who need access to justice. The inability to resolve an individual's issue early on can easily snowball into a much bigger one that affects not only that individual Iowan, but can also feed into large-scale problems. While our state is thankful for those who have dedicated their talents to public service, there are usually more cases than resources. As an example, I'd like to include a story that was recently shared with me.

A young teenager who was physically abused at home went to the public school guidance counselor for help. The counselor called the assigned DHS caseworker, who listened to this scared teen and sent him home. This scenario played out repeatedly, until running away seemed like the only option. All the safeguards in place to care for this young person—public school guidance counselors, DHS caseworkers, juvenile hotlines—had failed to help. It was the leadership at Drake Legal Clinic who prioritized this teenager's safety, finding a safe, stable environment away from violence.

With exceptional law schools at the University of Iowa and Drake University, we have access to the talents of young future attorneys. But we also have other resources—Iowa is home to more than 7,500 bar association members. If every ISBA member took two pro bono cases a year, the courts could hear 15,000 more domestic abuse cases annually. That could be 15,000 lives positively impacted by our profession.

- **Drake Legal Clinic, Sally Frank, sally.frank@drake.edu, 515-271-3909, <http://www.drake.edu/law/clinics-centers/clinic/>**
- **Iowa Legal Aid, Sandie Nelson, snelson@iowalaw.org, 515-243-2151 x1674 <http://www.iowalegalaid.org/>**

Be the change that you wish to see in the world.
—Mahatma Gandhi

As attorneys, we have a history of sitting on boards for our area hospitals, or getting involved with our local Rotary clubs. We invest in our communities through service and leadership. One of our greatest challenges—human trafficking—is relatively new to Iowa.

Our well-developed interstate highway system, partnered with advances in telecommunications technology, allows sophisticated criminal networks to lure young teens, imprison them and move them across Iowa. Raising awareness among young people and adults is key to combatting this problem.

Thanks to the dedicated work of a few focused groups, human trafficking is now a priority statewide, engaging state government, private victim assistance groups and community non-profit boards. The International Labour Organization estimates that human trafficking affects 20.9 million people globally each year. While the secretive nature of human trafficking makes it difficult to determine how many victims are in the U.S., there are some things we do know. Human trafficking, particularly forced prostitution, affects a disproportionate number of young people. Last year, the National Center for Missing and Exploited Children estimated one out of five runaways reported missing were likely victims of child sex traffickers. The Polaris Project advocacy group believes that there could be hundreds of thousands of human trafficking victims in the U.S., with the National Human Trafficking Resource Center hotline taking thousands of calls each year.

As leaders within both urban and rural communities, we can shine a light on this issue.

- **Prevent Child Abuse, Liz Cox, lcox@pcaiowa.org, 515-244-2200 x6, <http://www.pcaiowa.org/>**
- **Network Against Human Trafficking, Steve Eckley, sreckley@belinmccormick.com, 515-283-4637 <http://www.iowanah.org/>**

To ease another's heartache is to forget one's own.
—Abraham Lincoln

I conclude with this final thought—sometimes the greatest fulfillment is to simply invest your time. Volunteering for a few hours at a soup kitchen, making a donation to a food bank or mentoring a student can make a substantial difference in the life of another person. The power of kindness should never be underestimated. It has the ability to transform and inspire not only those who are on the receiving end, but those who give kindness as well. Whether it is a nonprofit organization, a church or a public school the demand for resources and support is nearly constant.

- **The Food Bank of Iowa, various locations <https://www.foodbankiowa.org/>**
- **The Salvation Army, various locations <http://centralusa.salvationarmy.org/western/Iowa>**
- **Volunteer Match, various opportunities in your area Volunteermatch.org**

While I've listed a few ideas within this letter, there are many more charitable organizations and initiatives that are also very valuable. I challenge you to embrace at least one of these opportunities this holiday season—I know you will be thankful you did.

Many blessings to you and your loved ones. Thank you for allowing me to serve.

Arnold O. Kenyon, III
President, The Iowa State Bar Association
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Honoring our members who served

Paul Ailsieger	<i>Army</i>	1984-2011	Dwight Dinkla	<i>Marine Corps, Army</i>	1974-2004
Richard Ambelang	<i>Air Force</i>	1961-1981	Fred Dorr	<i>Navy</i>	1970-1972
Calvin Anderson	<i>Army</i>	1963-1965	Harry Doughty	<i>Air Force</i>	1964-1967
John Anderson	<i>Army</i>	2003-2014	Richard Doyle	<i>Army</i>	1971-1973
Ron Anderson	<i>Army</i>	1972-1974	James Drury	<i>Army</i>	1989-1997
James Ballard	<i>Marine Corps</i>	1983-1986	John Duffy	<i>Army</i>	1970-1972
Daniel Bappe	<i>Army</i>	1972-1977	F. David Eastman	<i>Army</i>	1968-1972
Chris Barondeau	<i>Army</i>		Lance Ehmcke	<i>Navy</i>	1968-2002
Scott Beattie	<i>Navy</i>	1992-1998	Larry Eisenhauer	<i>Army</i>	1968-1970
Don Beattie	<i>Marine Corps</i>	1970-1974	Bob Engberg	<i>Army</i>	1969-1970
Bruce Becker	<i>Army</i>	1978-1981	Daniel Ernst	<i>Air Force</i>	1956-1959
Jeno Berta	<i>Army</i>	1999-present	Jill Finken	<i>Army</i>	1998-present
Lloyd Bierma	<i>Army</i>		Thomas Fisher Sr.	<i>Army</i>	1952-1954
Alan Bohanan	<i>Navy</i>	1970-1974	Sean Flood	<i>Army</i>	2010-present
Gail Boliver	<i>Air Force</i>	1971-1976, 1981-1999	Robert Ford	<i>Army</i>	
Ronald Bonnett	<i>Marine Corps</i>	1964-1970	Thomas Fowler	<i>Marine Corps</i>	2007-2012
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James Brown	<i>Navy</i>	1952-1956	Gary Gately	<i>Army</i>	1957-1958
Karmell Bowen	<i>Army</i>	1978-1981	James Gilliam	<i>Army</i>	1980-1984
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Donald R. Clark	<i>Navy</i>	1966-1970	David Hanson	<i>Army</i>	
David Clemens	<i>Navy</i>	1965-1968	Mark Hanson	<i>Army</i>	1972-1974
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James R. Cook	<i>Air Force</i>	1972-1976	Ralph Heninger	<i>Army</i>	1955-1961
Tim Coonan	<i>Army</i>	1996-2004	Robert Hodges	<i>Army</i>	2007-2011
Ed Cox	<i>Coast Guard</i>	1999-2003	Kevin Huyser	<i>Air Force</i>	1994-2016
S. Luke Craven	<i>Army</i>	1998-2008	Marion James	<i>Navy</i>	1969-1973
Nicolas Critelli	<i>Coast Guard</i>		Jeff Jeffries	<i>Army</i>	1968-1989
James N. Daane	<i>Army</i>	1980-1991	Margaret Johnson	<i>Army</i>	1977-1980
Jim DeKoster	<i>Navy</i>	1969-1976	Richard Jordan	<i>Navy</i>	1942-1945
Ann DeLaney	<i>Navy</i>	1985-2010	Steve Juergens	<i>Army</i>	1970-1971
Dennis Dietz	<i>Marine Corps, Army</i>	1966-2004	Tom Kamp	<i>Navy</i>	1960-1969

William Kelly	Army	1995-present
Marvin O. Kieckhafer	Army	1971-1974
Richard Kirkendall	Army	2008-2014
James Krambeck	Air Force	1961-1967
LeAnne Krell	Army	1984-1987
William Kurth	Air Force	1962-1965
Michael Lahammer	Marine Corps	1977-1988
John Lane	Marine Corps	1971-1974
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Thomas Murphy	Army	1985-1989
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Suellen Overton	Air Force	1982-present
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Brendan Quann	Army	1964-1976
Thomas Reavely	Army	1968-1998
Pat Reinert	Army	1983-present
Les Reddick	Army	1968-1971

Darius Robinson	Navy	2004-2008
Glenn Ruud	Army	1966-1969
Matthew Ruzicka	Army	
William Scales	Army	2004-2008
Nicolle Schippers	Air Force	1997-2002
Gregg Schochenmaier	Air Force	1978-2013
Roger Schoell	Navy	1960-1964
Russell Sibbel	Air Force	1990-2010
Greg Siemann	Marine Corps	1966-1968
Neal Smith	Army Air Corps	1942-1945
Allan Somers	Army	1970-1972
Jerry Spaeth	Air Force	1974-1978
Jamie Splinter	Air Force	1995-1999
Evan Starcevic	Army	1999-present
Robert Stuyvesant	Army	1969-1971
Sarah Supnick	Navy	1988-present
John Timpler	Army	1969-1971
Robert Van Vooren	Army	1955-1957
Steven Weidner	Navy	1965-1968
James West	Navy	1952-1988
Paul Wieck II	Army	1973-2002
Jack Wharton	Air Force	1970-1974
J. Patrick White	Air Force	1965-1968

“We should be very proud of the history and tradition of so many Iowa lawyers who are veterans and I’m honored to be among them.”

—Maj. Kristina M. Stanger

Read more about Stanger’s military experience on page 9.

Honoring our veterans



Dwight Dinkla
ISBA Executive Director

Congress passed a resolution in 1926 calling for an annual observance to honor our military veterans. Ninety years later, the ISBA pays homage to all our members, both the ones listed and those not listed in this magazine, who answered our nation's call. We hope you enjoy reading about some of them in this issue including the story below of a rather unique military reserve unit.

In 1968, Des Moines Attorney William (Bill) Hoffman, CAPT USCG, saw the need for a judge advocate general corps in Iowa and set upon recruiting young Iowa lawyers. He recruited 14 young Des Moines lawyers and established a unique Navy Reserve JAG unit consisting of Frank Comito, Henry Harman, Jim West, Frank Burnett, Lyle Simson, Tom George, Ken Rittgers, Phil Riley, Jim Sarcone, John Mackaman, Drew Tillotson, Mike Hansen, Pat Brick and Joe Brick. The unit met monthly at Fort Des Moines and weekly at Babe's Restaurant in downtown Des Moines. All but two of the original 14 members completed their full 20 years of service and retired with distinction.

In commenting on their achievements, Lieutenant Commander Comito confirmed that during his 20 years of service not one Soviet submarine sailed up the Des Moines River.

Spotlight on service



Former Congressman Neal Edward Smith

A Hedrick, native and Drake University Law school graduate, Neal Smith holds the record for being the longest serving Iowan in the United States House of Representatives.

He served in the United States Army Air Corps during World War II as a bomber pilot. During his service, his airplane was shot down and he received a Purple Heart, nine battle stars and the Air Medal with four oak leaf clusters. After the war he returned to Iowa and attended law school. In 1959, he was elected to the U.S. House of Representatives and was reelected 17 more times, eventually concluding his congressional career in 1995.



Judge William P. Kelly, Fifth Judicial District

Judge William Kelly received his undergraduate degree from Brown University, law degree from Drake University and Intermediate Level Education (ILE) Graduate from the U.S. Army Command and General Staff College.

He served as a Judge Advocate while deployed on Active Duty in Afghanistan. He also currently serves in the Iowa Army National Guard as the Command Judge Advocate for the 734th R.S.G. in Johnston.



From the battlefield to bankruptcy court: Iowa attorney shares life lessons in law and service

By Melissa Higgins, Communications Dept.

Kristina Stanger was a 24-year-old 2L Drake Law School student taking notes, listening to Professor Matthew Doré lecture on business associations, when she got a phone call. Typically, she would never take a call in class, but it was her National Guard Commander and she knew this could be “the call.” She stepped outside the lecture hall to answer it.

It was go-time. Stanger’s commander told her she had three hours to get packed and head to Iowa City. Her Iowa National Guard unit, the 109th Medical Battalion, would be deploying to Iraq. It was 2003, the beginning of Operation Iraqi Freedom. She went back inside the classroom, gathered her things and left. Her law school classmates wouldn’t see her again for a year and a half.

Stanger was stationed in Mosul, Iraq, leading an ambulance platoon. She coordinated triage and training, as her team of about 100 Soldiers treated and evacuated wounded people on the front lines.

“Having that kind of responsibility at 24 years old, leaving my new husband and law career behind ... I gave everything to that organization for that year and a half,” Stanger explained.

But she anticipated this would be what her life would be like, after joining the military during undergrad at Central College in Pella. She was on a choir trip to Wales in 1998 when she happened to sit next to a National Guard Airman on the plane. He talked to her about the benefits of joining the military and, as a first-generation college student, the financial benefits and world experience were a big sell for Stanger.

After this chance meeting, Stanger met with a recruiter and went to Basic and Advanced Training, then Officer Candidate School, before starting at Drake University Law School.

The terror attacks on 9/11 happened just weeks into her first year of law school. Stanger knew deployment could be imminent and, with her husband also serving in the military, they anticipated facing back-to-back deployments, possibly over the next decade.

“(During deployments) you learn the difference between life and death decisions and what’s important in life,” she explained. “You see humanity at its best and worst. And you see that there are people around the world that want basic things in life that we as Americans completely take for granted.”

On top of the medical support Stanger provided to troops, she worked with the military’s legal team to help rebuild the justice system in Iraq. She says many of the local people she worked with only knew a corrupt system. This experience solidified her desire to come back to law school, graduate, pass the bar and embark on a career helping people gain



Maj. Kristina M. Stanger is an attorney at Nyemaster Goode, P.C. in Des Moines. She was commissioned as a Medical Service Corps Officer in the United States Army in 2000 through the OCS program after enlisting in 1998 as a legal specialist. She served in Iraq from 2003 through 2004, and continues to serve through The Iowa National Guard. Stanger is former chair and current member of The Iowa State Bar Association’s Commercial & Bankruptcy Law Section and Military Affairs Committee.



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access to those American ideals she saw as so coveted by the Iraqi people: freedom and equality under the law.

Now, after 18 years of serving as a military leader and 10 years practicing law, she is reflecting on how her military experience has impacted her legal work.

“In the legal world, sometimes people are coming to you in their darkest hour. They are asking you to be their champion and walk them through that and you have to be able to accept that stress and take on that responsibility. I embrace that role and the military has given me the experience to take on that role.”

Stanger also says it is her military training and experience that allows her to think long-term and strategically about cases, with a constant focus on problem-solving.

But practicing law full-time and maintaining her National Guard duties has not been easy. Stanger must report for drill at least one weekend per month and two weeks a year and, because she serves as a Battalion Executive Officer, she also spends

about 10 hours per week on command responsibilities. She and her husband, Doug, have three children: ages 9, 6 and 2. All of this creates a constant balancing act that requires the help of a supportive family, community and employer.

“I couldn’t do all of this without the support of my firm and I’m really blessed to have that,” she said about her partners at Nyemaster Goode, where she works as a commercial litigator.

Stanger admits that if you went to her home right now, you would find dirty dishes in the sink. But that doesn’t bother her anymore.

“I’ve re-defined success,” she explains. And whenever she feels like she isn’t doing enough as a mom, wife, lawyer or National Guard soldier, she remembers what her personal definition of success is and why it’s so important to continue marching.

“I would never give up my service to my country for anything. It’s such a big part of who my family is and who we are as people, but I know it’s not for everyone.”



Her family, though, will always come first, even when duty calls. Stanger got the call about a second deployment to Iraq immediately after the birth of her second daughter. Just seven days post-partem, Stanger made the difficult decision not to go with her unit. Sometimes, she says, you have to “take a knee.”

Her children are growing up now and this military life is all they’ve ever known. Stanger’s husband, who also had multiple combat deployments, wears the uniform every day to work. They see their parents balance a demanding career and a family, with a dedication always to bettering the community through service. But, she says, this drive is not something unique inside her.

“We should be very proud of the history and tradition of so many Iowa lawyers who are veterans and I’m honored to be among them. It’s an honorable profession to be a lawyer and an honorable profession to be in the military and I see so many of those similar traits in what we all do for our clients and our country.”



Then First Lieutenant Kristina Stanger coordinating with aviation support from the 101st Airborne Division in Mosul, Iraq on Jan. 1, 2004, as part of MEDEVAC missions in support of Operation Iraqi Freedom and Operation Enduring Freedom.

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Iowa lawyers have a proud heritage of serving their country

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Spotlight on service

“Top Gun” turned attorney discusses his time as a fighter pilot

By Melissa Higgins, Communications Dept.

What do flying a fighter jet and putting together a case for trial have in common? More than you'd think, says attorney and military veteran Donald Beattie.

Beattie practices law in Des Moines and says his experience flying in the Marine Corps taught him the necessary mindset to be successful in the courtroom.

“The Marines never retreat, they always advance,” he explained. “That’s what I do in practice. I never get on the defense and never let anyone bully me or my clients.”

Beattie was nearing the end of his senior year in college when he got two important letters in the mail in the same week: his service induction notice, part of “Nixon’s lottery,” and his law school acceptance letter from Drake University.

Plans to pursue a law degree would take a four-year hiatus, as Beattie met with recruiters and ended up joining the Marines’ flight program. It was October 1970 and Beattie had no previous flight experience. His father, a World War II Seabee, was proud. His mother, he says, “freaked out.”

Beattie went to Officer Candidate School, then flight school in Pensacola,

Florida, before ending up at the Marine Corps Air Station in El Toro, California. He trained flying F-4 Phantoms, learning air combat tactics, until his Lieutenant Colonel decided he wanted to make that squadron the number one fighting force in the U.S. Military air arsenal. They became so proficient that almost all of them graduated from Marine Corps Fighter Weapons School, more popularly known as “Top Gun.”

His elite group, known as the “Death Rattlers,” got advanced warning about a major war brewing in the Middle East. They trained for almost a year and packed their bags to be deployed to fight alongside Israeli fighters. The deployment never happened.

So while many of his cohorts served on the frontlines in Vietnam, Beattie stayed stateside. But even without a combat theater, he witnessed loss, including several friends and flight instructors who were killed during training missions.

“Training is far more dangerous than combat because you’re flying with inexperienced people,” he explained.

Beattie knew the risk to his own safety. He was told that there was a 50-50 chance

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Donald Beattie is a graduate of Drake University Law School and practices at the Beattie Law Firm in Des Moines. Pictured here with his flight helmet, Beattie was an Instructor in Air Combat Tactics, having graduating from Marine Corps Fighter Weapons School. From 1971 – 1974, Don was a Naval Flight Officer in the Marine Corps.

he would someday have to eject from his plane and a 50-50 chance he would not survive it. Luckily, he never had to eject, though he came close during an incident with a malfunctioning canopy light.

He knew the risk, but took it anyway, alongside other young men with the same penchant for danger.

“We were a pretty crazy group,” Beattie said, as he told stories about what happened during their midnight missions thousands of miles out into the Pacific.

Once, he and a friend decided to push the limits of elevation. F-4s were only permitted to go 60,000 feet but on that particular day, during a NORAD air defense mission, they decided to push 90,000.

“You could actually see the curve of the Earth. We were literally on the edge of space,” he said. With the same spectacular view as a satellite, they could see all the way up to Alaska and all the way down to the Baja Coast.

They also tested the speed ceiling, reaching more than 2,000 miles per hour during one mission.

“That might have been the scariest thing I’ve ever done in my life.”

Because of the great risk associated with making flying a long-term career, in 1974 Beattie decided to leave the Marines and come back to Drake Law School. He graduated, passed the bar and set up a practice in Des Moines.

After several decades of success in the legal world, Beattie couldn’t nip that desire to get back into the air. About 15 years ago, he and another attorney, Frank Comito, purchased a four-seater plane and decided to take flight lessons. They began the lessons, but neither could pass the physical to get approved for a pilot’s license.

“Here we were, two lawyers with an airplane and we couldn’t fly,” Beattie chuckled. They ended up selling the plane about five years ago, perhaps a blessing in disguise because of the extreme commitment it takes to be a successful pilot.

“When I got out, I said I would never fly again because there is so much preparation. I have such a tremendous amount of respect for aviation. We lawyers get distracted very easily. We’re always thinking about our cases.”

So for now, he stays landlocked, dedicated instead to his practice and his clients.

“I can’t die practicing law, so after I got out of the Marines, life has been pretty easy.”



Second Lieutenant Donald Beattie, pictured in his Marine Corps uniform, in December 1970. He had just returned home on leave, after completing Officer Candidate School, and was headed next to Pensacola, Florida, to begin flight training for the F-4 Phantom.

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A conversation with the court

Three Iowa Supreme Court justices recently sat down for conversations with The Iowa State Bar Association. They talked about their legal careers, their work on the court and their lives on and off the bench.

Mark Cady

There is a small office tucked away on the fourth floor of the Webster County Courthouse in Fort Dodge where Chief Justice Mark Cady has spent the better part of the past 30 years as a judge on the Iowa District Court, the Court of Appeals and the Iowa Supreme Court.

This is what he calls his home away from home. It is a quiet place to work in the community of 28,000 where he has lived for nearly 40 years, where he and his wife Becky raised two children and which he cherishes for keeping him grounded in the life of Iowa outside Des Moines.

He has been able to enjoy that solitude only about five days a month on average since becoming chief justice of the Iowa Supreme Court six years ago, however. Cady also maintains an office in the Judicial Branch Building south of the state Capitol in Des Moines, and he frequently travels the state giving speeches, putting a face on the third branch of government.

As the chief executive officer of the Iowa Judicial Branch, Cady oversees more than 1,700 employees and a court system with a budget of \$180 million. That is in addition to participating in the more than 100 cases each year that come before the court and writing his share of the opinions.

Yet he clearly relishes his role as chief of the state's court system, which incorporates two appellate courts, trial courts and clerks offices in all 99 counties. Cady has worked to bring transparency to Iowa's courts, address disparities in the rate of imprisonment of minority offenders and provide a reliable base of state funding. And in the years he has left in that role, he hopes his work on those challenges will leave Iowa's courts in a better position for future generations.

Cady recently sat down for a wide ranging conversation about his career, the supreme court and the judicial system. Following are edited excerpts of that conversation.

Q. It's fair to say you rocketed through the judicial ranks, from the district associate court to the district court to the court of appeals and finally to the supreme court. Was that by design?

A. It was in no way by design. In fact, I can remember when I was sworn in as a district court judge feeling that if I never accomplish anything else in life, this would satisfy me. I could do this forever. And, it was really true: I loved that job. I loved working with lawyers. I loved the ups, the excitement, everything about the courtroom activity. But I think those eight years on the district court bench really revealed to me a broader perspective of the power of our justice system. And in my work I found the most satisfaction in writing opinions and trying to express to lawyers and litigants why this is the outcome that should result. I

think that's what then made me think the appellate courts would be a nice place to be.

Q. Do you have a lighter writing load in light of your administrative duties as chief justice?

A. I don't. Sometimes I think I should because I'm not able to get the work out as fast as the other justices. My vote in so many of these cases is so important. It has to be a full court, and I need to put every ounce of energy I have into gaining a full understanding of every case that we have.

Q. The court moved to a term system three years ago, with two months between terms exclusively devoted to administrative matters. How has that changed the court?

A. The thing that really drew me to the concept was having a beginning and an ending point. I had been on the court for almost 15 years, and you felt like you were almost always on the treadmill and you never got a moment to step away. The decision-making component is overpowering. You're always thinking about these cases. So it's nice to say, OK, we're done for two months and let's think about the vision we have for this justice system. Are we going in the direction that we need to be going? What do we see out there that needs attention? And let's look out across the nation; are other courts doing things we should be doing? The term system has allowed us to expand justice beyond our decision-making role.

Q. Talk about the court system's increased focus on transparency, including getting the court out of Des Moines for oral arguments in Iowa communities.

A. Our strength comes from the process of justice and the appearance that it gives people. We have to operate with the highest integrity. We make very difficult decisions that generate controversy at times. What we always have to give the people is an appreciation that the process is thoughtful, contemplative, it's open and it's transparent. That's what we need to do every day, from this court, from the district courts, the magistrate courts. Whether you agree or disagree, we want the public to know that people cared about making the right decision. That's my message to the judges when I talk to them, and the clerks when I talk to them, that the process of justice is just as important as a final decision from the justice system.

Q. How many speeches do you give a year?

A. Every week I'm out talking to some group. The times when I need to step back and give a formal address, it's maybe every other week.

Q. That's a big time commitment.

A. It is a big commitment.

Q. But that's part of the job, right?

A. It is now. I think it's really important for people to have a good understanding of our court system, because there's so much more that we need to be doing as a justice system, and we need to be supported in that mission and we need to be funded in a way that we can better achieve that mission. So, part of my approach to this job is increasing the understanding of the court system so that there will be a greater willingness to fund it in a way that we will be able to provide justice to more and more people.

Q. When you are writing an opinion, who is your audience?

A. It changes with every case. That's one of the first questions I ask myself, and I talk to my clerk about, is who needs to be the audience. Who do we need to touch? Sometimes, if it's a complicated uniform commercial code question, then I know I am writing to lawyers for the most part. Sometimes I'm writing to a litigant. Sometimes I'm writing to a victim. Sometimes my primary audience is the public in general. Sometimes the audience will be those people I know are going to disagree.

Q. How important are dissents and concurrences versus the court just saying what the law is?

A. I do think the law needs to be as clear as possible. People need to be able to understand the legal principles so they can apply them in their life, just as we are applying it to the lives of the parties in the case. I think that a dissent can be a remarkable piece of journalism if it preserves a position that needs to be given some more thought as we progress as a society. It really takes a dissenter to make us think about what we are doing, because sometimes we are moving as a society into something new and better, and sometimes we are still at the edge where we're really not certain where we are going to end up. And sometimes the dissent is ahead of the majority. They're seeing something that the majority has not yet seen. Justice Brandeis, for instance, wrote some remarkable dissents that were 30 and 50 years ahead of his time. The Katz case is a good example where he was introducing the concept of privacy in such a different way than most of the jurists across the country were looking at. So I don't look at dissents as viciously undermining or attacking the majority.

Q. Do dissents sharpen the thinking of the majority?

A. The great thing about an appellate court is you have numerous minds at work, and each one makes a contribution. So, dissents certainly are a part of that process that contributes to the development of our law.

Q. Does that get in the way of collegiality?

A. Well, it certainly can. I know if I write a majority opinion and I pick up a dissent that has circulated that goes after it, it doesn't make you feel good. No one likes to be criticized. But I use it as an opportunity: OK, what more do I need to be looking at? I need to do a better job of writing my majority opinion.

Q. Does it very often happen where a dissent forces you to rework an opinion?

A. It should.

Q. Have you ever brought a dissenter along to your position by revising your draft opinion?

A. It does happen. All the writing that goes on before the final decision is filed is just astounding. I always tell my law clerks, we don't write an opinion, we re-write it. At that point we are feeding off the thoughts of the other justices, and especially when they become expressed in a proposed dissenting opinion, or a proposed concurring opinion. And sometimes a proposed majority opinion can be rewritten to where the dissent will say, OK, you've accommodated me now; I see where you are coming from.

Q. So that can happen?

A. Absolutely. I can't say how many times it does, but there are definitely times when a dissent will be eliminated by changes made to a proposed majority opinion. And there are times when a proposed dissent has flipped the court and the majority opinion is rewritten to adopt the dissent.

Q. The Iowa Supreme Court consists of seven white men. How much do you think the court and its work suffers from the lack of women and minorities?

A. Well, I'm not saying that we don't suffer, because diversity is absolutely essential. But we try very hard to overcome our handicap. I think when you look at the people that surround us and help us do our work, there is at least a lot of gender diversity. But I think about this a lot, and I meet with people to talk about it. I meet with the deans of the two [Iowa law schools] to explore ways how they are able to achieve diversity in a much better way and how we can retain that diversity in our profession.

We have much better diversity in the court of appeals and district courts. With regard to our district court and district associate courts, I think statewide the gender diversity is over 30 percent. So, we are making progress. But what it means for the supreme court is we have to stop and try to think: OK, what are we missing? Are we looking at something that is oblivious to us? So oftentimes we will ask our clerks to read our opinions and be very honest and frank if there's something that they see in it that we missed.

That's something we do to overcome our handicap, but it's very much on my mind. I don't like the optics of our court. I just hope people can see that we work hard to do our work in a way that everyone's perspective will be understood and that we speak in a way that is understood by everyone.

Q. Is there anything about Iowa's system of picking judges and appeals court judges that makes that ceiling so hard to break through for women and minorities?

A. We don't have any role in the selection of the judges. That process is done by the judicial nominating commissions. Justice Wiggins, as chair of the State Judicial Nominating Commission, is an important voice. Our state court administrator, David Boyd, is the executive secretary of all the judicial nominating

commissions. We provide training to them, and we have integrated diversity training into our judicial nominating commission training. I appear at the training sessions to talk about the importance of it.

It's not that we haven't been more diverse in the past, but quite frankly we are one of only two state courts that are all male. I think it's just an aberration, but I wish it weren't one we had to deal with. It's up to the commissions and to the governor to create the diversity on this court and on all courts across the state.

I talk to lawyer groups about the value and the opportunities that are available on the bench. I've talked to women lawyer groups about what they would like to see in the job of a judge that would be attractive to them, because I do have the ability to help mold the court in a different way. This is a job that was built when our society was a man's world, so if there are things that are integrated into this job that aren't attractive to women, then I need to remove those obstacles. My goal is to make sure this is a job that attracts diverse applicants, and if that can be done, then over time the absence of diversity, or the inequity of diversity, will be eliminated.

Q. You are eligible to retire and it will be mandatory for you in how many years?

A. Nine years.

Q. What's your plan? How long do you want to be doing this?

A. Well, I don't think about retirement. Sometimes I look around and see my peers not only thinking about it but doing it, and it makes me think, why am I not thinking about it? But I feel motivated. I enjoy coming to work every day even though I know there's a lot I have to do. But I still feel like there's more to be accomplished. I'd just like to do a little bit more. I don't see myself as staying here till I'm 72. There are other things in life, and maybe there is that book in me I might want to spend time with. But right now I feel like we're doing pretty good and I'd like to leave it in a little better shape than it is now and there are a few things left to be done.

Q. Give me a couple of those. What are your top priorities?

A. Well, I think there is more work we need to do with racial disparity and implicit bias. I think those problems give us opportunities to achieve a level of justice that is far beyond what we have ever done before.

I think we continue to integrate new technology.

And what I'd really like to do is take the public's understanding and the legislature's understanding to a level where the funding of our court system would not have such a direct relationship with the level of revenue the state receives. There's so much more that we could be doing that would provide a greater level of justice. I would like to see us fund our court system at a level that would not require us to be having to look at cuts from year to year, but just know that we care so much about this that it's a priority with everyone.

Historically courts have always kind of suffered with funding, and it would be fun, and quite rewarding, to be able to find ourselves in a position where our proposals for advancing justice would be accepted because of the benefits that it will provide

and not whether or not we can afford it. We're not a branch of government that costs a lot of money to operate. We bring in about as much as we spend and we're less than 2½ percent of our total state budget. We should be able to be funded based on the merits of the work we are doing, not the amount of revenue that comes in.

Q. That sounds like a political issue, unless there is a constitutionally protected source of revenue such as the department of transportation. What do you think about that?

A. I don't want to get involved in the politics of any of this. I certainly respect the legislative branch, and the governor, and the role they have in government. But at the same time I need our work to be respected as well. There's a great deal of frustration in operating a court system from year to year not knowing whether you are going to have to pull back on some programs that are important to people and whether you go another year without developing programs that you know are going to benefit people. So before I leave, it would be nice to be able to put us in a different position where the judicial branch is truly a recognized priority for Iowans.

Q. Do you have any hobbies that would shock people? Do you, for example, go down into the basement and build canoes out of wood?

A. I am a jack of all trades. I can wire electricity. I can do my own plumbing work. I remodel.

Q. That is therapeutic for you?

A. It is. I run to think and for health, not to race anyone. I run for myself. My grandfather was a carpenter – both of them were – so I have some carpentry skills and I enjoy doing things around the house. I like doing things with my hands.

Q. When you're not reading for work, what do you enjoy reading for pleasure?

A. I'm always looking for a good book. I love history. I'm not into science fiction for some reason. If I'm in the bookstore, you generally will find me in the history section.



Mark Cady

Born in 1953 in Rapid City, South Dakota; spent most of his formative years in Austin, Minn., where he graduated from high school

Attended Drake University in Des Moines for undergraduate studies in economics and political science, and graduated from Drake Law School in 1978

Practiced law in Fort Dodge for five years, working one year as an assistant Webster County attorney

Appointed to the Iowa District Associate Court in 1983

Appointed to the Iowa District Court in 1986

Appointed to the Iowa Court of Appeals in 1994

Chosen as chief judge, Iowa Court of Appeals in 1997

Appointed to the Iowa Supreme Court in 1998

Chosen as chief justice in 2010

Home in Fort Dodge since 1978

Married to Rebecca with two children and three grandchildren

Daryl L. Hecht

It is right at 185 miles from Iowa Supreme Court Justice Daryl Hecht's home on a bluff overlooking the Missouri River 30 miles south of Sioux City to the Judicial Branch Building in Des Moines.

Hecht says he does not mind the drive to Des Moines for court functions because it allows him time to think. Besides, he believes it is important to maintain a presence in northwest Iowa where he grew up, went to school, raised a family and practiced law for 22 years. So he spends most of his working hours either at his home office or in an office on the sixth floor of the Woodbury County Courthouse.

Hecht grew up on a farm near Lytton, which is six miles east of Sac City. He was the second oldest of six – five brothers and one sister. Besides counting on Hecht and his siblings to help out with chores, his parents stressed music education, which left him with a lifelong passion for vocal music. To this day Hecht and his four brothers occasionally sing in public as a group, accompanied by either their sister or a sister-in-law on the piano.

Hecht concluded he wasn't suited for farming, however, because he couldn't take the cold working outdoors. "I found out pretty early that kind of life wasn't for me," he says now. So it was off to Morningside College in Sioux City, where he made up his mind as a freshman he wanted to go to law school after earning an undergraduate degree with majors in history and political science and a minor in business.

After law school at the University of South Dakota, Hecht went to work for the Sioux City law firm where he had worked part time during college. His practice as a trial lawyer focused on plaintiff litigation, workers' compensation claims and writing projects for himself and other members of the firm.

He points to a number of factors that attracted him to the law, including a keen interest in public events, even as a youngster. But a run-in with the principal when he was a freshman in high school left an indelible impression: In a rush to get to school on time after doing morning chores, Hecht had neglected to wear a belt, a violation of the dress code. The principal ordered Hecht to wear a rope around his waist all day, naturally making him the object of ridicule.

"I discovered from that experience I was not very comfortable being in the kind of position where I was vulnerable and didn't know what my rights were," Hecht said in a recent conversation about his career. "But it eventually became clear to me that having an understanding of what my rights were would equip me to make better decisions about how I reacted in scenarios like that. It really did have a formative impact."

Following are edited excerpts from that conversation.

Q, My understanding is that when you were in law school, South Dakota waived the bar exam requirement for USD School of Law graduates.

A. That was true in 1977 when I graduated from law school. For my classmates who were staying in South Dakota, it was very popular. It's called the diploma privilege. I knew I was coming to Iowa, and I was going to take the bar exam anyway, so the so-called privilege didn't really benefit me.

Q. A diploma privilege was recently proposed for Drake and University of Iowa law graduates, which was ultimately rejected by the Iowa Supreme Court. Did you think that would have been a good or a bad thing?

A. I came down against it personally because I believed that in my own experience having an intense bar review process and the expectation of a bar exam made me more serious and diligent as a law student than I might otherwise have been.

Q. What kind of law did you practice in Sioux City?

A. I did civil litigation, all plaintiff work. Over the years, the amount of my work that was related to workers' compensation claims increased, so by the time I left to go on the bench in 1999 it was about 50 percent claimants' workers' comp and 50 percent other plaintiff civil litigation.

Q. What was your motivation to apply for a seat on the Iowa Court of Appeals in 1999?

A. When I joined the law firm in 1977, they were looking for somebody who liked to write, so at the outset of my career I did a significant amount of appellate litigation brief writing for the other lawyers in the firm. But inasmuch I was also assisting the firm's primary civil litigator in his trial work, within three to five years I was sufficiently busy that I didn't have time to write for anybody else in the firm. Then, about 10 years in, I got to the point where I didn't have the time to do the writing for my own cases because I was either sitting across the desk from a client or another lawyer, in depositions, or in court. And I just came to realize that I missed legal writing. If you had asked me in the first 15 years of my practice whether I planned to be a judge or wanted to be a judge, I would have said no, I really like doing what I'm doing. But eventually I came to the realization that I missed doing a lot of the reading and the writing and was open to a career change.

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Q. Talk about the difference between the work of the court of appeals and the supreme court. Although both are appellate courts, their work is different in some respects.

A. The court of appeals performs primarily adjudicative work – that is, they decide cases. Serving on panels of three judges, the judges on that court decide a very high volume of cases. In contrast, the justices of the supreme court decide far fewer cases per year, but they do their work “en banc” – in other words all seven justices vote on every case submitted for decision unless a conflict of interest requires them to recuse themselves. The justices’ adjudicative responsibility also requires them to study and vote on approximately 25 applications filed each month by parties requesting further review of the decisions of the court of appeals. In addition to their adjudicative duties, the justices of the supreme court undertake an array of administrative responsibilities as managers of the judicial branch. The administrative responsibilities include budget development and implementation, attorney licensing and professional regulation, promulgation of court rules and leadership of task forces to name just a few.

Q. Did you enjoy your work on the court of appeals?

A. I did. It seemed to me that, when I was on the court of appeals at least, the court was a very collegial court. There were enjoyable dinners and opportunities for socialization. The out-of-towners would come to town and have dinner together each night we were here, and that sort of thing.

Q. Are the members of the court of appeals together more often?

A. Probably not, because on the supreme court we come to town for oral-argument week, but we also come to town for case conferences and administrative conferences.

Q. How does the supreme court’s case conference process work?

A. The court’s case conference process is somewhat complicated. I think it might be useful to describe the process as a continuum. At the outset, each case is discussed by the justices in a case conference on the date the case is scheduled for oral argument or non-oral submission. After oral arguments are heard, the justices discuss each case in detail in the court’s conference room. The justice randomly assigned to author the first draft of the court’s opinion begins the discussion. Moving in a counterclockwise order around the conference table, each justice weighs in on how the case should be decided. After this initial conference on the date of submission, the assigned author gets to work preparing the first draft with the benefit of the initial impressions of the other justices. When the draft is completed, the author circulates it electronically to the other justices and the case will appear on the agenda for a future case conference. As the case conference process unfolds, the author of a proposed opinion receives additional input from the other justices. Sometimes the conference process leads the court to a unanimous decision. But sometimes unanimity is not achieved, and a proposed dissent is drafted and circulated to all of the justices. After a dissent is circulated by a justice, the case will

again appear on the agenda for a future case conference along with numerous other cases in which proposed opinions have been newly circulated. Thus, cases are commonly discussed at multiple case conferences before all of the justices have voted and opinions are approved for filing.

Q. What is discussed when the supreme court re-discusses a case at conference?

A. The arguments raised in the dissent. The author of the proposed majority opinion and the author of the circulated dissent have the opportunity to discuss the merits of their relative positions. All of the justices around the table have an opportunity to weigh in. The process of conferencing, I think, is really a wonderful way to sharpen the court’s written opinions and make sure cases are fully vetted before final decisions are made.

Q. Do you think your experience as a trial lawyer shapes your approach to the law, how you look at these cases and how you write them?

A. Oh, I think it does. I think that professional life experience probably is part of my jurisprudential worldview just as feeding the pigs and the cattle and learning how to work and all that sort of thing. And I think that’s one of the important factors of having members with different life experiences. Some people on our court came from the district court – Chief Justice Cady, Justice Zager. Others of us had no trial court judging experience but lots of us had significant experience litigating in the district court. Having different perspectives around the conference table is really, really important.

Q. When you are preparing for conferences ahead of court week, are you doing this all in Sioux City? And do you work out of the courthouse in Sioux City or an office at home?

A. I have an office in the Woodbury County Courthouse in Sioux City and an office in my home in northwest Iowa. I would say that, on average, when I am not in Des Moines, I try to get into my Sioux City office at least one day a week, sometimes two days a week. The rest of the time I’m working at home in my home office.

Q. Do you feel a need to be in the formal courthouse environment?

A. I’ve wanted to maintain a presence in Sioux City. I think the bar up there appreciates having a justice in the courthouse. My wife, Sandy, is a psychiatric social worker who works in Sioux City. So when I’m working at home, I’m there all by myself and the solitude enhances my ability to think and write. In my years of law practice, I was with people all the time from early morning until my workday ended. I had convinced myself that I would be entirely comfortable with that; that I’m a self-reliant person and I didn’t think I needed that much interpersonal contact. But I was wrong. About six months into the court of appeals work, I suddenly realized, “My God, I’m not seeing people.” It was really a surprise to me how isolating the job was, and it took a while to get used to that. But I did.

Q. Where do you get your most productive work done? You have three choices.

A. Probably at home.

Q. You face mandatory retirement in eight years. What's your thinking? Do you want to continue doing it until then?

A. I don't have a retirement date set. I would reach 20 years of service in 2019. I haven't made a decision about whether I would prefer to serve to age 72 or whether I will choose to do something else.

Q. When you do reach that point, are you one of these people who want to hang it up, or do you see yourself doing law-related things in retirement?

A. If I were to speculate at this point, it's not highly likely I would be a senior judge. It's more likely that I would pursue other interests in the legal profession. I'm not sure what that would look like, but it will include a significant commitment to the volunteer lawyer project. My pursuits will of course depend on health and opportunities for time with grandchildren at the time.

Q. You mentioned that you enjoy helping your wife, Sandy, with her greenhouse operation growing a variety of berries, greens, squash, pumpkins and cucumbers. What other pursuits do you do for enjoyment?

A. Music. I have an acoustic guitar that I like to play, and I

enjoy singing. We both are active in our church choir and that sort of thing. Music is a big part of my leisure enjoyment.

Q. Do you have much time for reading for pleasure?

A. Not much. Last Christmas, my daughter gave me the four-volume set of Robert Caro's biography of Lyndon Johnson. Since last Christmas, I have made my way through two of them and about half-way through the third. I sneak a minute here or there when time allows.

Q. You must be a fast reader.

A. That is a skill I developed. I had a marvelous middle school teacher, Mrs. Westmoreland, who taught a summer speed-reading class, and I'm so grateful she did. She was a fabulous teacher, and that made a huge difference in my life.



Daryl L. Hecht

Born in 1952 and raised on a farm near Lytton
Graduated with a bachelor's degree from Morningside
College

Earned a J.D. degree from the University of South Dakota
Earned a L.L.M. degree from the University of Virginia Law School
Practiced law in Sioux City for 22 years
Appointed to the Iowa Court of Appeals in 1999
Appointed to the Iowa Supreme Court in 2006
He is married and has two daughters and three grandchildren

Brent R. Appel

When he's not on the bench or hip deep in legal research, what Iowa Supreme Court Justice Brent Appel finds truly therapeutic is getting his bare hands into the dirt planting and tending trees and hostas on his family's Warren County acreage.

"I like to get my hands dirty," he says, "and planting a tree is about as good as it gets."

Just like plunging into Iowa topsoil, Appel relishes diving into his work on the court. The law books and copies of cases piled in nearly every square inch of his office near the state Capitol are evidence of how he immerses himself in legal research. Then, most evenings, after leaving the office and the kids are settled in for the night, Appel spends a few more hours in a closet-sized study reading and writing.

This immersion in his work has characterized Appel's career as a deputy attorney general, as a lawyer in private practice and as a justice on the state's highest court. Appel learned early on that diligent preparation pays off, as for example when he prepared for the second of four cases he argued before the U.S. Supreme Court in 1984.

The case was *Nix v. Williams*. Robert Anthony Williams' conviction for the abduction and murder of a 10-year-old Des Moines girl was thrown out by the U.S. Supreme Court on the grounds that Des Moines police officers violated Williams' con-

stitutional rights in luring him with a "Christian burial speech" to lead authorities to her body. He was convicted on retrial, the case was again appealed to the high court and Appel, then a 34-year-old deputy attorney general, successfully argued the state's case.

Appel recently sat down to discuss that experience, his 37-year legal career and his current work on the court. Following are edited excerpts of that conversation.

Q. *Nix v. Williams* was your second argument before the U.S. Supreme Court?

A. It was. One of the nice things about being in the attorney general's office is that I had the time I needed to prepare. I worked two or three weeks solid just on the case prior to oral argument, making sure I knew all the cases. The value of thorough preparation is very high, very high.

Q. So, you've been on both sides of the bench in oral argument. How does that shape your thinking as a judge in oral argument?

A. The purpose of oral argument, to me, is to answer the court's questions. I didn't want to give a speech; I wanted to know where the justices were going. Justice Powell, for example,

was on the court and I absolutely wanted to get him in my tent. So I wanted to engage. I wanted to get the conversation going. To some extent, that sort of carries over into the work I do today. The questions I ask, invariably I hope, are straightforward. And they do reflect my thinking oftentimes. I usually ask questions of both sides, but I look for potential weaknesses in the argument and I want to explore them. And I do expect the lawyers to answer the questions directly and engage.

Q. To see what you're driving at?

A. Yes. The very best lawyers are the ones that are engaged with you. That kind of oral argument is very interesting and very helpful. It does occur with some regularity. When it doesn't occur, it's flat and not terribly useful.

Q. Some say that after reading the briefs, the record and lower-court rulings, oral argument is kind of a waste of everyone's time. It doesn't sound like you agree with that.

A. Oh, I don't agree. For me it is not a waste of time, in part because I tend to be a slow decision-maker. After reading the briefs and probably the key cases before the oral argument, we have impressions. But they're impressions, and I want to be able to test them out. The oral argument allows that testing to occur. I wouldn't say I change my mind quite frequently on the basis of oral argument, but I do explore stuff all the time in oral argument.

Q. But it can shape your thinking where you will go with a decision?

A. Oh, absolutely.

Q. After oral argument and the court retreats in conference to discuss the cases, is there an open discussion?

A. You are assigned at random to present the case to the court. The presenter will give a very brief summary of the case, and then some impressions and where they're heading with it. Then it goes counterclockwise around the table. Each justice, by custom, has an opportunity to express his views in a semi-uninterrupted fashion. Justice Waterman is at my right; when I'm done he's up. And people let him talk for a while. When he's done, it goes to Justice Hecht. The purpose is that even people who are undecided get an excellent chance to present their views. And it prevents us from locking up real fast if there is a controversial case, and there are two sides. And, oftentimes an undecided justice may ask, "Have you looked at this part of the record?" I do appreciate that aspect of the court – that some people may have picked something up that I hadn't. Once it's been all the way around, then you have your free-for-all and everybody gets to talk. When I'm presenting a case, often times the most valuable person is the one that's undecided.

Q. Because they raise good questions?

A. Well, number one, they might be somebody I've got to swing. But number two is: "Well, let's listen up here." This is why we have seven and not one. Once we've been all the way around,

the person presenting will say, "Well, I will try to write something." Or maybe not if it looks like the majority is going the other way, and the case gets reassigned.

Q. When you get ready to write an opinion, how do you proceed? You've read all the background and some of the related cases. What's left?

A. I certainly know what the issues are, and I have a sense of where I'm going, but I want to get my hands on whatever's out there to test where I'm going. So if it's a question of statutory interpretation, I want to understand the background of the statute. I want to understand what the policy purposes of the statute are; I want to understand the overarching framework of the statute. Then I want to look through cases with great care. If it's something that's provoked academic commentary, I'm absolutely interested in the academic commentary. I try to engage in a fairly thorough review of what the environment is of this potentially fairly narrow legal issue. That's step one. Then, step two is writing it based on the background information, and much of it goes on the cutting room floor. But I do want to have what I consider adequate mastery of the subject matter before I write. If it's a common-law question, I'm very much interested in how other states have approached the question. There are three possible approaches to it, or four approaches to it. Which one is best?

Q. There is a school of thought at the U.S. Supreme Court level that federal law in America should not be affected by how courts in other countries rule. Taking that argument to the state level, should Iowa care about what other state courts have said?

A. Well, if it's a common-law issue, almost for sure other states have struggled with the exact same question and you just learn so much from reading their cases. They've plowed the ground, and it's a wonderful education I think. I'm looking for cases in other states that are well-reasoned. I'm not looking for a kind of "me too" case that follows some authority from someplace. But the reasoning is very interesting and it usually helps illuminate what our options are.

Q. What if they're going off in a far different direction than you were going?

A. Well, then I might think about it. If it's a question of first impression, what has happened in Iowa is germane. So I'm interested in what our Iowa case law is, but not only that. I want to know what's going on in other states. I value the wisdom of other courts that are struggling with virtually the same issues. In some ways, it is researching what the available options are and then deciding which option is best rather than just sitting in the abstract and coming up with something that seems to make sense. And I am much more sure-footed than if I had just relied on a handful of cases and try to do what makes the most sense.

Q. When you are writing an opinion, who are you writing for? Who's your audience?

A. There are multiple audiences. You write in part to the loser, the person who hasn't prevailed, because you want to tell them why. You write for lawyers. You write for district court judges. There can be a little bit of tension there: How complex should an opinion be? And I would say as a general matter we have some sensitivity to criticism of judicial opinions being too complex. There is a delicate balance between nuance and simplicity, and I struggle with that. I want to be thorough. On the other hand, I don't want to be dense, and I sometimes use complex language. In the editing process, I try to break down my sentences. They're just too long, let's say. As we go through our legal training, we want to be precise, and sometimes that leads to complicated expression.

Q. So you are self-aware of that and you try to overcome it?

A. I am self-aware. And I'm sure if you went back through my opinions, you will probably find some sentences and say, 'You know, that could have been broken into two or three sentences maybe.'

Q. Your opinions are generally longer than your colleagues' opinions.

A. I think that's maybe right, in part because I want to show my work and I think this context I'm talking about is kind of important.

Q. Given your interest in history and your education in history, are you writing for history? Your work does get put in these bound volumes.

A. I guess I'm more worried about setting the table for the decision that follows. And many of our decisions are contested, and rightly so. And if they weren't contested, they wouldn't be before the supreme court, right? Any opinion can be questioned. When we come out with an opinion, the public, lawyers, anyone is perfectly free to criticize it and attack it. I think we need to persuasively explain our choices, and oftentimes context is important in doing that. That leads to a somewhat longer discussion. I want to be transparent. I guess that is one of the reasons why I write the way I do. I think it is important to lay out how I and the court came to the ultimate conclusion in perhaps some more detail than other members of the court.

Q. Who are some U.S. Supreme Court justices you admire?

A. I've got a few, actually. One is Justice Stevens, and the other is Robert Jackson.

Q. Jackson because of his writing style?

A. Jackson for his writing, but also he can be very penetrating.

Q. Have they shaped your approach?

A. Well, of course I'd love to write like Jackson, but that's not going to happen in all likelihood. Jackson just had a way with prose that is really striking. I would love to sharpen my writing skills in some way. I do the best I can with what I've got. But when you read some of Jackson's stuff, then you compare it to my latest opinion, you think, well maybe that's outside my ability. But in terms of going forward, I think about my writing.

Q. So you don't think of yourself as a finished product?

A. Oh, heavens no. In fact, I think your education continues and continues. I recently had the great pleasure of swearing in new lawyers. It's always a fun event. I love doing it, because everybody's happy and it's a great milestone. In my remarks, I have the notion of continuing to learn. When you graduate from law school, it's a benchmark, but you just continue to learn and learn and learn. So here I am, now on the supreme court for 10 years, and I'm still learning every day.

Q. How long do you want to continue doing this?

A. Well, I don't know. As long as I think it is useful. I'm 66 now, so I could potentially serve until I am 72. I have no plans to retire at 72, I'll tell you, at all. I understand I won't be on the bench at that time. I'll be looking for the next legal project, I guess.

Q. You talked earlier about how, when growing up in Dubuque, you enjoyed going out on the family fishing boat on the Mississippi. So, is retiring to a fishing boat an option?

A. No. I want to continue to be engaged productively in some way as long as my health allows that, and so far I have been very fortunate to be in good health.



Brent R. Appel

Born in Dubuque in 1950
Graduated from Dubuque Senior High School
Earned bachelor's and master's degrees in history at Stanford University in California

Earned J.D. at the University of California, Berkeley and served a one-year clerkship on the U.S. Court of Appeals for the District of Columbia Circuit after graduation

Appointed Iowa First Assistant Attorney General in 1979 and Deputy Attorney General in 1983

Engaged in private practice in central Iowa from 1987 until 2006

Appointed to the Iowa Supreme Court in 2006

Appel and his wife, Staci, have five sons and one daughter



Rox Laird was an editorial writer at The Des Moines Register for more than 30 years where he was the newspaper's lead writer on the courts, the U.S. and Iowa constitutions, legal issues, prisons and criminal justice.

These interviews by Rox Laird were made possible through generous support from Nyemaster Goode PC.

Highlights from Iowa Supreme Court 2016 administrative term

By Tim Eckley

In September 2012, the Iowa Supreme Court began a term schedule, consisting of an adjudicative term from Sept. 1 to June 30 and its first administrative term during July and August of 2013. This past Aug. 31, marked the culmination of the court's fourth administrative term.

The administrative term is a two-

month period when the court's primary focus turns away from hearing oral arguments and writing opinions and turns towards more of a focus on the court's judicial branch supervisory and administrative responsibilities overseeing the operation of the entire state court system.

During the 2016 administrative term, the court considered and acted upon a wide variety of matters affecting the justice system, the judicial branch and the practice of law in Iowa. To summarize the scope of the court's work during its administrative term and to highlight several matters of broader interest to the bar and justice system stakeholders, this article loosely groups the court's administrative term activities into five categories.

Iowa Court Rules and Forms Iowa Rule of Civil Procedure 1.904 and Iowa Rule of Appellate Procedure 6.101.

Recently, the supreme court has noted concerns about the state of the law regarding the timeliness of appeals when the notice of appeal is filed more than 30 days after the original court order or judgment but within 30 days after an order on a motion to reconsider, enlarge, or amend that order or judgment. See, e.g., *Headlund v. State*, 875 N.W.2d 720, 725 (Iowa 2016). The court has proposed parallel changes to Iowa Rule of Civil Procedure 1.904 and Iowa Rule of Appellate Procedure 6.101 with the intent of reducing conflicts over whether timely motions to reconsider, enlarge, or amend are "proper" for tolling appeal deadlines. The proposed changes were available for public comment until Oct. 31.

Iowa Rules of Electronic Procedure—Chapter 16 of the Iowa Court Rules

During implementation of the electronic document management system (EDMS) across the state, beginning with the first electronic filing in Plymouth County in 2010, and to this day, the interim "Chapter 16 Rules Pertaining to the use of the Electronic Document Management System" have governed the process of electronic filing. Considering that these interim rules were crafted prior to initiation



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of EDMS in the pilot counties Plymouth and Story, the rules have served extraordinarily well as implementation continued its five-year march across the state. During the last two years or so, judicial branch personnel and members of the bar have expended tremendous time and energy in drafting an updated set of rules governing electronic filing in Iowa reflecting all that has been learned about electronic filing during implementation. The supreme court first circulated an updated version of the electronic filing rules for public comment on Dec. 15. Since then and during the administrative term, the court made further and significant revisions to the Iowa Rules of Electronic Procedure and submitted the revised chapter 16 for a second round of public comment. The deadline for submitting comments expired Oct. 14.

Iowa Rules of Appellate Procedure—Chapter 6 of the Iowa Court Rules

In September 2015, the supreme court requested public comment on widespread amendments to the Iowa Rules of Appellate Procedure in chapter 6 of the Iowa Court Rules. After the comment period, the court determined that the existing appellate rules governing electronic filing should be incorporated from the interim chapter 16 rules into chapter 6 of the court rules. During the 2016 administrative term, the court reviewed a proposed integration of the appellate rules for electronic filing into the Iowa Rules of Appellate Procedure and determined that a second round of public comment was appropriate. The public comment period for the proposed amendments expired Oct. 31.

Iowa Rules of Evidence—Chapter 5 of the Iowa Court Rules

On Sep. 26, Chief Justice Cady signed an order approving the restyling of the Iowa Rules of Evidence. The Iowa Rules of Evidence extensively pattern the federal rules, and the restyling brings the Iowa rules into greater conformity with the federal rules that were similarly restyled in 2011. The restyling also provides a clearer and more consistent set of Iowa evidentiary rules. As part of the restyling effort, the court identified several instances where the Iowa evi-

dence rules substantively depart from their federal counterparts. The court will soon be expanding the original restyling working group, with Justice Brent Appel chairing a new advisory committee, to examine and make recommendations regarding Iowa's substantive differences from the federal rules. In the meantime, the restyled chapter five Iowa Rules of Evidence will take effect on Jan. 1, 2017.

Other Court Rules and Forms

During the 2016 administrative term, the supreme court took action on a number of additional court rules and forms matters, including approving a new set of family law custody and visitation forms for self-represented litigants, developed with the assistance of Iowa Legal Aid. The forms will be piloted for a period of time prior to being incorporated into chapter 17 of the Iowa Court Rules.

The court also gave preliminary approval on a set of general self-represented litigant forms, including, for example, a general motion, an application to defer costs and an application to be excused from electronic filing. Court staff will continue the process of finalizing this set of forms.

In addition, the court examined the status and use of the expedited civil ac-

tion rule, 1.281 in the Iowa Rules of Civil Procedure. As of the drafting of this article, Iowa courts had received more than 650 "ECA" cases. The court has submitted for public comment clarifying amendments to the ECA rules and forms and continues monitoring the use and pace of resolution of ECA cases.

Finally, the court approved amendments to the expanded news media coverage rules and forms in chapter 25 of the court rules, amendments to the court rules regarding exempt and retired attorney licenses statuses, and reviewed a study committee report on proposed court rule 39.18 on attorneys' death and disability planning, submitting the rule for public comment until Oct. 31, and delaying the effective date of current rule 39.18 until Jan. 1, 2018.

Judicial Branch Operations Senior Judge Program

The supreme court recognizes and is greatly appreciative of the critical needs of the judicial branch that the senior judges of this state fulfill. During the 2016 administrative term, the supreme court considered a report from the Senior Judge Workgroup. The workgroup reported, and the court agrees, that the program is cost effective, retains invaluable skill and knowledge from highly experienced judges and enables

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the court system to provide services to Iowans that it may not otherwise be able to provide on a consistent basis. The long-term concern is how best to maintain these advantages of the senior judge program.

The court agrees with the workgroup's recommendations to: set the minimum age at which a judge may seek senior status at 62 years; cap the length of service as a senior judge to six years; allow senior judges to work across judicial district boundaries; assign senior judges to specialty court and nonadjudicative duties; make adjustment to the application process, and maintain the current level of resources devoted to senior judges. The court has submitted for public comment proposed amendments to court rule 22.12 that would include these recommendations. The comment period closed Oct. 31.

Issues of "Judicial Burnout"

The supreme court is highly sensitive to the fact that Iowa's judges are being asked to do more and more with less than adequate resources, at the same time as persistent budgetary constraints mean that judicial vacancies must be held open for a minimum of six months. The court is carefully monitoring the issue of "judicial burnout" among the Iowa judiciary while working on strate-

gies for obtaining satisfactory fiscal year 2018 judicial branch funding. This past summer, 17 Iowa judges attended a program designed to address judicial stress and wellness and reported very favorable reviews of the program.

Special Projects Family Law Task Force Report and Recommendations

In January 2015, the supreme court announced formation of the Iowa Family Law Case Processing Reform Task Force. The charge to the task force was to identify best practices for family law case processing and propose recommendations and improvements for statewide adoption.

In July, the task force presented its report, including both short-term and long-term recommendations, to the court. The court continues to consider the thoughtful recommendations from the task force and, before acting on some of the recommendations, will submit them for public comment. If you are interested in reading the taskforce report, it can be found on the Iowa Judicial Branch website at: <http://www.iowacourts.gov/Administration/Reports/>.

Access to Justice Commission

The Iowa Supreme Court established the Iowa Access to Justice Commis-

sion on June 27. The purpose of the commission is to find solutions that will alleviate barriers that prevent Iowans from fully and fairly accessing the Iowa justice system. An initial annual report of the commission is due July 1, 2017. In September, the court appointed persons to serve on the commission and named Justice Brent Appel as chair and attorney Anjie Shutts as vice chair of the commission. The commission's first meeting is scheduled for Nov. 18.

Iowa Business Specialty Court

The pilot project for Iowa's Business Specialty Court formally concluded May 1. The court previously in February had ordered that the Business Specialty Court would remain a component of the Iowa court system. During the administrative term, the court studied the final and third periodic evaluation of the pilot program and considered numerous aspects of the business court, including the number of cases admitted into the business court, the qualifying criteria for cases to be within the business court, the requirement of voluntary buy-in from all parties and the resources available for the business court. The court determined at this time that no significant changes to the business court model were needed and that it would regularly continue to monitor business court operations.

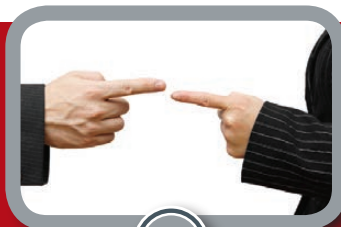
Meetings with Iowa Court of Appeals, stakeholder groups, and judicial branch departments

A significant portion of the supreme court's administrative term activities involves meeting with the boards of various associations and directors of judicial branch departments. These meetings are crucial for the court's ongoing efforts to ensure that it is responding as best it can to the concerns of attorneys, judges, magistrates, court staff and other court users.

The court met with Iowa Court of Appeals Chief Judge David Danilson and various judicial branch department heads, including: Paul Wieck, director of the Office of Professional Regulation and Tre Critelli, incoming director of OPR; Tara van Brederode, administrator of the Attorney Disciplinary Board;

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Mark Headlee, director of Judicial Branch Information Technology; Donna Humpel, clerk of the Supreme Court; and Peggy Sullivan, director of Judicial Branch Finance and Personnel.

Other Topics of Interest

Included in the wide variety of issues and areas that the supreme court considered during its 2016 administrative term were the following: the status of the National Bar Monument; a report on consecutive sentencing issues; the Board of Law Examiners report on 3L bar examinations; and the matter of appellate continuances.

Conclusion

The court continues fulfilling other responsibilities, including holding appellate case screening conferences, conducting further review conferences, holding opinion conferences, considering bar conduct reports, conducting show cause and attorney reinstatement hearings, considering submitted attor-

ney disciplinary cases and holding hearings on appealed attorney disciplinary cases. Individual justices will also hold swearing-in ceremonies for new Iowa attorneys, meet with or give speeches to interested bar and community groups, meet with advisory committees, work with task forces, consider motions before the court and attend conferences and annual meetings.

You may subscribe to the free Judicial Branch Email Notification Service for release of supreme court opinions, Iowa Court of Appeals opinions, news releases, and supreme court orders, including requests for public comment and orders adopting rule changes, at: <http://www.iowacourts.gov/common/email/>.

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General supreme court orders, including those concerning requests for comment on proposed rule amendments

are at: http://www.iowacourts.gov/About_the_Courts/Supreme_Court/Orders/.

Orders implementing changes to the court rules are available at: http://www.iowacourts.gov/Court_Rules_Forms/Recent_Amendments__New_Iowa_Court_Rules/.



Timothy S. Eckley is Assistant Counsel to the Chief Justice of the Iowa Supreme Court. He is a graduate of the University of Iowa College of Law where he was Managing Editor of the Iowa Law Review. He served as judicial law clerk for the Honorable Charles R. Wolle at both the Iowa Supreme Court and the United States District Court for the Southern District of Iowa. Tim engaged in private practice for approximately 15 years in Des Moines before spending four years as Staff Attorney and Publications Associate with the American Judicature Society. He has been working with the Iowa Supreme Court since 2010.



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Civility: It still matters today

Musings from ISBA Executive Director Dwight Dinkla

Talk about the deterioration of civility among lawyers is nothing new. It is difficult to read a legal publication or an article on the web these days that in some manner does not tackle the issues identified by former Iowa Supreme Court Chief Justice Art McGiverin. When McGiverin first became chief justice in 1987, he recalled that:

The issue that pervaded throughout the legal world was the perceived decline in lawyer civility and professionalism. There was a general consensus in the profession that civility had been replaced with a win-at-any-cost philosophy. I did not realize how combative the profession had become until one day I overheard a judge refer to a formerly mild-mannered probate lawyer as Rambo.

For close to two decades, I have read about metro and state bar associations recommending, and the state courts adopting, standards of professional conduct. The Iowa Bar was among the leaders. In 1996, the Iowa Supreme Court adopted Standards for Professional Conduct by Iowa lawyers and judges. Those standards were developed by an ISBA committee and unanimously approved by the board of governors for submission to the Iowa Supreme Court which subsequently adopted the standards on April 10, 1996. The standards are published

in the West 2016 Iowa Rules of Court, page 1113. They can be accessed on the judicial branch website by clicking on the “Court Rules & Forms” tab, then on “Iowa Court Rules,” and finally on “Chapter 33.”

There is nothing controversial about the standards. They read of notions that your parents should have taught you. Why then, when we have witnessed scores of bar associations adopting tenets of professional responsibility, is there a perception that incivility is on the rise?

There are several theories. Some argue that EDMS shares the blame. Attorneys do not have the face-to-face contact with their peers or judges like they used to. Economic pressures on lawyers have forced many to minimize participation in bar activities designed to forge relationships and friendships among lawyers. Perhaps attorneys can’t find time to read the standards or perhaps they become overlooked because they are buried among all of the other court rules.

Perhaps a “new code” is in order. That new code I am referring to is the Code of Professionalism of The Iowa State Bar Association. Long before becoming president of the ISBA, Nick Critelli was chair of the bar association’s Professionalism Committee. Though it was quite controversial at the time because it attempted to set time-out periods where lawyers and judges could get away from the practice, as well as taking time for the annual meeting of the bar, the ISBA Board of Governors approved the Code of Profes-

sionalism in the early 1980’s. The code is an ISBA Code, not one from the court. (Read the code on the next page.)

Years ago when Assistant Attorney General Thomas Andrews dealt with a somewhat contentious attorney, Andrews sent the young attorney a polite letter with a copy of the code and commended it to him for his consideration in future dealings. The code was a document that he had kept since his admission to the bar in 1989. At that time he’d had his secretary re-type it, and he kept a copy of it taped to the back of his framed admission certificate so that he would always be able to find it. Much to Assistant A.G. Andrews’ surprise, that gentle letter and the inclusion of the Code of Professionalism seemed to have a marked impact on the conduct of opposing counsel.

Iowa Supreme Court Rule 33, with its 32 topics related to counsel-to-counsel conduct is useful and detailed but invoking the court rule with an opposing counsel may also invoke the court by implications. I commend the ISBA Code of Professionalism for your reading. Assistant A.G. Andrews liked the ISBA’s Code of Professionalism better for the reason that it was more succinct, read better and seemed to be “more civil to refer to an aspirational statement by the bar rather than escalate the debate with something from the court.”

And, being more civil is what it is all about.

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CPA/ABV, CFF, CVA



Jennifer Julander
ASA

CODE OF PROFESSIONALISM OF THE IOWA STATE BAR ASSOCIATION

While professionalism cannot be defined with precision, the following precepts should guide a lawyer's conduct

1. In litigation or contentious situations, lawyers should strive to maintain their objectivity in representing the interest of the client and their relationship with the Court and opposing Counsel.
2. In fulfilling the lawyer's primary duty to the client, a lawyer must be ever conscious of the broader duty to the legal system. In all matters, a lawyer's word is the lawyer's bond.
3. Lawyers should treat each other, their clients, the opposing parties, the Courts and members of the public with courtesy and civility, and conduct themselves in a professional manner at all times.
4. Lawyers, as officers of the Court, are an integral part of the justice system. They are entitled to be treated with respect by the Court and Court personnel, and shall treat fellow lawyers, the Court and its personnel with equal respect.
5. In adversary proceedings clients are litigants, and though ill feelings may exist between clients, such ill feelings should not influence a lawyer's conduct, attitude or demeanor towards opposing Counsel.
6. Effective advocacy does not require antagonistic or obnoxious behavior. Lawyers should adhere to the higher standard of conduct which judges, fellow attorneys, clients and the public may rightfully expect.
7. The lawyer, absent exceptional circumstances, has the discretion to determine the accommodations to be granted opposing Counsel in all matters not directly affecting the merits of the cause or prejudicing the client's right, such as extensions of time, continuances, and adjournments.
8. In litigation, the lawyer should not employ procedures which are only intended to cause delay, annoyance or insult to opposing Counsel, the parties or witnesses.
9. The lawyer has a duty to students and new members of the Bar regarding professionalism and the customs of the profession.
10. Recognizing a lawyer's commitment to family and the profession, except where necessary to protect the rights of the client, no hearing, trial or deposition shall be set ex parte during the week of the Annual Meeting of the Iowa State Bar Association, and in the month of August.

October Thanks to speakers

October 5

Appealing MCO Decisions: Perspectives and Guidance From Members and MCO Counsel (Live Webinar)

Sponsored by The Iowa State Bar Association Administrative Law Section

Rebecca Brommel, BrownWinick Law Firm

Samuel P. Langholz, Administrator, Administrative Hearings Division, Iowa Department of Inspections & Appeals

Elizabeth Norris, Iowa Legal Aid

October 14

Labor and Employment Seminar

Sponsored by the The Iowa State Bar Association Labor and Employment Section

Hon. Helen C. Adams, United States Magistrate Judge for the Southern District of Iowa

Richard Autry, Employment Appeal Board

Randall Armentrout, Nyemaster Goode, P.C.

Michael Carroll, Coppola, McConville, Coppola, Hockenberry & Scalise, PC

Thomas Duff, Duff Law Firm, P.L.C.

Thomas Foley, Whitfield & Eddy, P.L.C.

David Goldman, Babich Goldman, P.C.

Hon. Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa

Kendra Hanson, Fredrikson & Byron, P.A.

Elizabeth Kennedy, Ahlers & Cooney, P.C.

Kelsey Knowles, Belin McCormick

Michael Mullin, Kutak Rock, L.L.P.

Timothy Semelroth, RSH Legal

Mark Sherinian, Sherinian & Hasso Law Firm

Hon. Leonard T. Strand, United States District Judge for the Northern District of Iowa

Deborah Tharnish, Davis Brown Law Firm

Kevin Visser, Simmons Perrine Moyer Bergman P.L.C.

Jo Ellen Whitney, Davis Brown Law Firm

Hon. CJ Williams, United States Magistrate Judge for the Northern District of Iowa

Mark Zaiger, Shuttleworth & Ingersoll

October 20

Nuts and Bolts (Central)

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Bob Clements, Benchmark Business Group

N. Tre Critelli, Office of Professional Regulation

Timothy Gartin, Hastings Gartin & Boettger LLP

Katie Graham, Nyemaster Goode, PC

Kent Gummert, Ledderer, Weston, Craig, PLC

Andrea McGinn, McGinn Law, PLLC

Rachel Parker, Nyemaster Goode, PC

Magdalena Reese, Cooper, Goedicke, Reimer & Reese, P.C.

David Repp, Dickinson Mackaman Tyler & Hagen PC

Amy Skogerson, Skogerson Law PC

Tabitha Turner, Turner Law Firm. PLLC

Marc Wallace, Assistant Public Defender

October 21

Nuts and Bolts (Eastern)

Sponsored by YLD Professional Development Committee

Trinity Braun-Arana, Office of Professional Regulation

Bob Clements, Benchmark Business Group

Michael Currie, Nyemaster Goode, PC

Steven Drahozal, State Public Defender's Office

Catherine Gerlach, Meardon Sueppel & Downer PLC

Benjamin Long, RSH Legal

Andrea McGinn, McGinn Law, PLLC

Hon. Sean McPartland, Linn County Courthouse

Rachel Parker, Nyemaster Goode, PC

Amy Skogerson, Skogerson Law PC

Dan Vondra, Cole & Vondra LLP

Sean Wandro, Meardon Sueppel & Downer PLC

October 25

Managing Law School Debt (Live Webinar)

Sponsored by YLD Professional Development Committee

Philip Lockwood, Lockwood Financial Strategies LLC

October 27-28

Family Law Seminar

Sponsored by The Iowa State Bar Association Family Law Section

Elizabeth Albright-Battles, Iowa Coalition Against Domestic Violence

Shannon Archer, Polk County Attorney's Office

Kim Baer, Baer Law Office

Matthew Brandes, Simmons Perrine Moyer Bergman PLC

Daniel Bray, Bray & Klockau PLC

Diane Dornburg, Carney & Appleby, PLC

Hon. Richard Doyle, Iowa Court of Appeals

Chad Eichorn, Chad W. Eichorn, P.C.

Joseph Feller, Koopman Kennedy & Feller

Erik Fisk, Whitfield & Eddy PLC

Captain Ben Hayek, Iowa Army National Guard

Andrew Howie, Hudson Mallaney Shindler & Anderson PC

Jan Huff, DHS

Hon. Robert Hutchison, District Court Judge

Cole Mayer, Masterson Bottenberg & Eichorn, LLP

Thomas Mayes, Iowa Department of Education

James Meade, Meade Law Office

Forrest "Woody" Mosten

Wendy Rickman, DHS

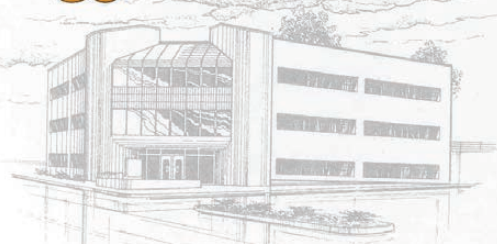
Amy Skogerson, Skogerson Law PC

Jennifer Sorensen, Community Support Advocates

Kimberly Stamatelos, Stamatelos & Tollakson

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Briley

Siobhan Briley joined Pugh Hagan Prahm P.L.C. in Coralville, Iowa, as an associate attorney. Briley received her J.D., magna cum laude, from Georgetown University Law Center in 2006, and practiced for nine years in New York City before moving to Iowa. Her practice focuses on probate, estate planning, tax, business planning, corporate law matters and general and commercial litigation. She also contributes to the firm's real estate practice.



Bystrom

Keith Neville Bystrom retired from his position as associate legal counsel for Iowa State University in Ames, Iowa. His retirement concludes a 41-year legal career. Previously he served as the Lincoln County (Nebraska) public defender (1975-1979) and a law professor at the University of Oklahoma College of Law (1979-2000). He also was a visiting law professor at Drake Law School (1997-1998) and the University of Minnesota Law School (1999). He and his wife will be returning to their home state of Nebraska where they will reside at their home on Beaver Lake near Plattsmouth, Nebraska.



Engler

John M. Engler joined Johnson, Kramer, Mulholland, Cochrane, Driscoll & Cochrane, P.L.C., in Fort Dodge, Iowa, as an associate. Engler received his J.D. from the University of Minnesota Law School in 2016. He will maintain a general practice including business law, estate planning, probate and trust administration and real estate law.



Knight

Melissa A. Knight joined the Rawlings Law Firm in Sioux City, Iowa, as an associate. Knight received her J.D. from the University of South Dakota in 2015. She previously served as a judicial law clerk for the Honorable Christopher McDonald of the Iowa Court of Appeals. Her practice will focus on family law and general practice.



Kretkowski

Amy B. Kretkowski started the Veterans Law Office of Amy B. Kretkowski PLC, exclusively representing veterans and their survivors in their VA appeals. She has represented veterans in Iowa and around the country since 2011, and was a judicial law clerk at the U.S. Court of Appeals for Veterans Claims in Washington, DC from 2009 to 2011. She received her J.D. from the University of Iowa College of Law in 2008. The office is

located at: 308 E Burlington St., #415, Iowa City, IA, 52240-1602; phone: 319-337-8899; email: amy@abkveteranslaw.com

Caitlin M. Andersen and Patricia (Pat) Sweeney have joined McKee, Vorhees & Sease, PLC, in Des Moines, Iowa.



Andersen

Andersen is a 2016 graduate of Drake University Law School. She received her B.S. degree in Chemical Engineering from the University of Iowa, and has past technical experience working with enzyme formulations, ethanol production, atmospheric chemistry and green chemical engineering practices. She will practice in a variety of areas including chemical, chemical engineering and agricultural technology patents as well as trademarks and trade secrets, litigation and licensing of each.



Sweeney

Sweeney is an Intellectual Property attorney with over 30 years of experience in obtaining patent protection and counseling clients on intellectual property matters. Her experience includes the fields of biotechnology, plant biology, agriculture, biofuels and veterinary and human biologics. She is a 1984 graduate of Drake University Law School.



Schreurs

Jacqui Schreurs recently joined Murphy, Collins, Bixenman & McGill, PLC, in Le Mars and Rock Valley, Iowa, as an associate. Jacqui earned her J.D. from Creighton University School of Law in 2016. She will maintain a general practice including family, criminal and juvenile law.



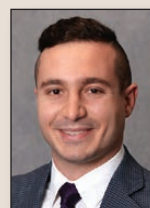
Smith

Tyler R. Smith joined Hansen, McClintock & Riley in Des Moines, Iowa, as an associate attorney. He received his J.D. from Drake University Law School in 2016. Tyler will practice primarily in general trial practice with an emphasis on administrative law.



White

James W. White joined BrownWinick in Des Moines, Iowa, as an associate. He practices primarily in the area of litigation. James graduated from the University of Iowa in 2011, with a B.A. in Political Science, and minors in Psychology and Sociology. He received his J.D. from the University of Iowa College of Law in 2014. Prior to joining BrownWinick, James was in private practice in Davenport, Iowa.



Callison

Sean M. Callison and Jennifer L. Drake joined Whitfield & Eddy Law in Des Moines, Iowa.

Callison joins the firm's business and banking, construction, labor and employment, trucking, and litigation practice groups as an associate. Sean is a 2016 graduate of Drake University Law School and was a law clerk at the firm from 2014 - 2016.



Drake

Drake is an attorney in the firm's Real Estate and Construction practice groups. Prior to joining the firm, she was associate general counsel and assistant secretary at Hubbell Realty Company. She received her J.D. from Drake University Law School in 2004.



Knight

Jared F. Knight and Crystal R. Pound joined Simmons Perrine Moyer Bergman, PLC, in Cedar Rapids, Iowa.

Knight will work with the firm's corporate transactions and business counseling practice. He is a 2016 graduate of the University of Iowa College of Law. He clerked for the firm in 2015.



Pound

Pound will work with the firm's litigation practice. She also is a 2016 graduate of the University of Iowa College of Law, and was a 2015 clerk for the firm.

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Disciplinary OPINIONS

Kathryn S. Barnhill
Supreme Court Decision
September 16, 2016
License Suspension

Attorney Kathryn Barnhill was admitted to practice law in Iowa in 1989. This disciplinary proceeding arose out of a fee dispute Barnhill had with a former client and her representation of a client in property damage litigation.

Fee Dispute: Don Jayne hired Barnhill to represent him in a mechanic's lien dispute. Barnhill billed Jayne over \$60,000 for her work, and Jayne filed a complaint with the PCBA Attorney Fee Arbitration Committee. The Committee found Barnhill's fee unreasonable in relation to the scope of the case, and ordered Barnhill to refund Jayne 25 percent of the fees. Barnhill paid \$1,000, and avoided further attempts to collect the remainder. Jayne's new counsel filed an enforcement action in district court. Barnhill asserted "[n]o amount remains unpaid," and brought counterclaims against Jayne and his counsel. Following a bench trial, the court ruled in Jayne's favor and found Barnhill's testimony that she

paid Jayne in full before the action "not credible in the least" and "completely without merit." The court entered judgment against Barnhill for the fees owed, court costs, attorneys' fees and a \$5,000 sanction for forcing Jayne to file the lawsuit.

Property Damage Claim: Barnhill represented a gas company (BFC) in a property damage action against a supply company (GSC). BFC failed to produce documents required in initial disclosures and in response to discovery, and the court granted two motions to compel. After GSC prevailed on summary judgment, it moved for sanctions. The court determined Barnhill made false statements at the sanctions hearing regarding availability of the documents requested in discovery and submission of the property damage claim to BFC's insurer. The court ordered BFC and Barnhill to pay GSC's attorney fees of more than \$30,000, with \$18,000 solely against Barnhill. The court further assessed a \$20,000 sanction against BFC and Barnhill jointly because it concluded the suit was frivolous.

In considering ethical violations, the court found Barnhill's counterclaims against Jayne violated

Rules 32:3.1 (frivolous claims), 32:3.3(a)(1) (false statements), Rule 32:4.1(a) (false statements to third parties – opposing counsel) and Rule 32:8.1(a) (false statements in a disciplinary proceeding) because Barnhill was not credible in asserting she had paid Jayne in full prior to the enforcement action. The court also found violations of Rule 32:8.4(d) (conduct prejudicial to the administration of justice) both in the Jayne case, because Barnhill's frivolous claims and false assertions led to an unnecessary lawsuit and trial, and the BFG case, because Barnhill's discovery violations led to additional court proceedings. Finally, the court held Barnhill's actions in the BFG case constituted violations of Rules 32:3.4(c) and (d) for knowingly disobeying the court order to compel and failing to comply with a proper discovery request.

In considering sanctions, the court cited Barnhill's previous discipline, "persistence in perpetuating a falsehood" in the Jayne matter, and her experience as an attorney as aggravating factors. Barnhill's volunteerism and pro bono work were considered mitigating factors, as well as the sanctions already



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levied against her and her expressed willingness to retire from law. The Court imposed a six-month license suspension.

**Kenneth J. Weiland
Supreme Court Decision
September 9, 2016
License Suspension**

Kenneth J. Weiland Jr. was admitted to practice law in Iowa in 1994. He has a solo general practice in Des Moines. This disciplinary action arises from Weiland's representation of one client, Chelli Gentry, in a dissolution-of-marriage action.

Weiland and Gentry entered a \$1,000 retainer agreement in March 2014. Gentry paid \$600 up front, and an additional \$200 over the subsequent two months. Weiland deposited the \$200 in his general account for work performed. Weiland testified he prepared a disbursement letter for \$225 on March 25, but Gentry did not recall receiving the letter.

Gentry signed her dissolution petition on March 26, and Weiland attempted to file it though EDMS in early April. The filing was rejected due to a missing confidential information form, and Weiland failed to inform Gentry the petition was not on file. Instead, Weiland told Gentry over the next four months the sheriff was attempting to serve the petition on her ex-spouse. Gentry avoided her spouse's calls, waiting for service of the petition. Gentry's son then contacted the sheriff's office on Aug. 4, and learned there was no pending request for service. Gentry tried calling Weiland, and received no response. Gentry went to the Polk County Courthouse and learned there were no divorce proceedings under her name, and sent Weiland a letter terminating their attorney-client relationship and requesting a return of her \$800. Unbeknownst to Gentry, Weiland proceeded to file the petition, and a pretrial conference was scheduled. Both Weiland and Gentry failed to appear, and Gentry's spouse first learned of the dissolution through the pretrial conference order. Gentry hired other representation for the remainder of the action.

The Supreme Court first considered trust account violations, and determined Weiland had not violated Rule 32:1.15(c) or Court Rule 45.7 for cashing Gentry's \$200 rather than depositing the funds in his trust account, because Weiland had already earned the money when it was received. However, the court did find violations of Rule 32:1.15(d) and Court Rule 45.2(2) for Weiland's failure to return the balance of the retainer to Gentry for more than a year.

Next, the court considered diligence, communication, and misconduct violations. The court found a violation of Rule 32:1.3 (diligence) for a "consistent failure" to perform, needless delay, and a "conscious disregard" for obligations to Gentry. The court also found a violation of Rule 32:1.4(a)(3) (keeping client reasonably informed) because "not only did Weiland fail to keep Gentry reasonably informed . . . , he misled her regarding the filing status of the case and

service of process." Rule 32.1.4(a)(4) (responding to client requests for information) was also violated because Weiland consistently failed to respond to Gentry's calls. The court also found a violation of Rule 32:1.16(d) for Weiland's failure to withdraw from Gentry's case after she terminated the attorney-client relationship and Rule 32:3.2 for failing to expedite the litigation. The court also found violations of Rule 32.8.4(c) (misrepresentation) and 32.8.4(d) (conduct prejudicial to the administration of justice) for delay-

ing Gentry's proceeding and falsely leading her to believe her petition had been on file for four months.

In considering sanctions, the court cited Weiland's work for low-income individuals at a reduced rate and remorse as mitigating factors. Weiland's history of previous private and public discipline, harm to Ms. Gentry, and Weiland's experience were considered aggravating factors. The court imposed a 60-day sanction of Weiland's license.

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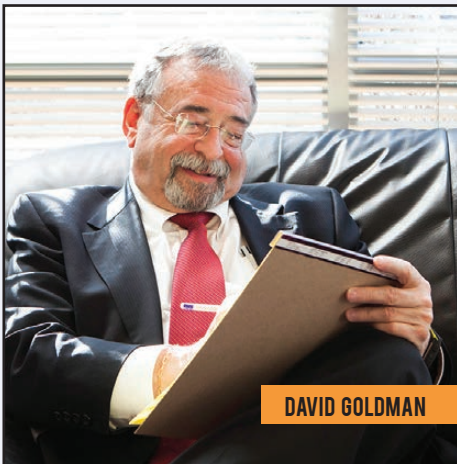
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MAGISTRATE JUDGE – *United States District Court, Northern District of Iowa, Sioux City, Iowa* – Seeking applications for a Law Clerk (Term) to a U.S. Magistrate Judge in Sioux City. This position will become available on Jan. 2, 2017. The successful applicant will be a part of the Magistrate Judge's staff which consists of a judicial assistant and a law clerk (Term), and will report directly to the Magistrate Judge. Applicants must be willing to commit to one year of employment with the court with a possibility of a second year; however, employment shall be conditioned upon satisfactory job performance. For a complete job description and instructions on how to apply, visit: <http://www.iand.uscourts.gov/e-web/joblisting.nsf/job+listings>. (76-11)

EXPERIENCED TRANSACTIONAL ATTORNEY

– *Nyemaster Goode, P.C., Des Moines, Iowa* – Seeking an attorney with five or more years' experience in transactional practice. Candidates should have experience serving a variety of industries, with experience in healthcare, corporate governance, mergers and acquisitions a plus. Candidates, depending on interest, will have the option to work in any of the firm's three Iowa offices: Des Moines, Ames or Cedar Rapids. Send cover letter and resume to Michael J. Dayton, Nyemaster Goode P.C., 700 Walnut St., Suite 1600, Des Moines, IA 50309, or email to mjdayton@nyemaster.com. (76-11)

UNITED STATES MARINE CORPS JUDGE

ADVOCATE – *United States Marine Corps, United States* – Seeking attorneys to practice in one of several fields of law as a Judge Advocate Officer. Judge Advocates learn military and naval law at the Naval Justice School in Newport, RI. Upon completion of Naval Justice School, Marine Judge Advocates will begin service at an operational Marine Corps unit, advising and leading Marines. Applicants must have a J.D. with at least a 2.0 GPA, an LSAT of 150 or higher, be bar-certified in any state and pass a background investigation and medical examination. Salary is competitive with civilian pay. In addition, a

MANAGING ATTORNEY – OMAHA TRIAL OFFICE – *Nationwide, Omaha, Iowa* – Seeking an attorney with management and litigation experience. Ideal candidates must have a proven knowledge of litigation practices and procedures, the laws of negligence and allied fields, the claims process and management principles and practices. Duties include trying cases, supervising trial attorneys and paralegals and reporting to the regional attorney. For more information visit careers.nationwide.com. (76-11)

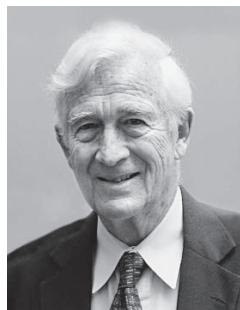
ASSOCIATE ATTORNEY – *Pastrnak Law Firm, P.C., Davenport, Iowa* – Seeking an associate attorney with 3-5 years' experience in general practice setting; experience in family law, collections, real estate and general litigation necessary. Candidates should be licensed in Iowa and Illinois. Competitive compensation and excellent benefits package. Please send resume, cover letter and writing sample for consideration to: Pastrnak Law Firm. P.C. ATTN: Cassie McCloy 313 W 3rd Street Davenport, IA 52801 or email to: cmccloy@pastrnak.com. (76-11)

ADMINISTRATIVE FELLOW – *University of Iowa Health Care, Des Moines, Iowa* – Seeking an administrative fellow. The purpose of this position is to develop a better understanding and knowledge of a broad range of health policy issues impacting University of Iowa Health Care via ongoing interaction with the University of Iowa Vice President of Medical Affairs (VPMA) policy staff as well as direct government interface. This position requires basic health policy knowledge, including some understanding of state and federal health care programs including Medicare and Medicaid. To apply, visit <https://jobs.uiowa.edu/> and search for requisition # 69724. (76-11)

DIRECTOR OF THE CENTER FOR AGRICULTURAL LAW AND TAXATION – *Iowa State University, Ames, Iowa* – The College of Agriculture and Life Sciences at Iowa State University is seeking to fill the Director of the

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substantial portion of monthly pay will consist of nontaxable housing and subsistence allowances. Other benefits include up to \$400,000 of life insurance at low cost and full free medical coverage. If interested contact Walter McCord at 515-240-3472 or Adam Crise at 515-491-9265. (76-11)

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SPACE AVAILABLE

OFFICE SPACE AVAILABLE – *Waterloo, Iowa* – Downtown office space available for 1-2 lawyers and staff. Services include reception, internet, access to printers/scanners/copiers/fax, telephone, conference room, kitchenette and parking. For more information contact Jenny at 319-234-0535 or jenny.zabel@mccrindlelaw.com. (76-11)

OFFICE SPACE AVAILABLE – *Davenport, Iowa* – Premium riverfront office space available for 1-2 lawyers and staff. Services include internet, access to printers/scanners/copiers/fax, telephone, conference rooms, kitchenettes, free client parking. \$1000-\$2500 per month. For more information contact Jack Dane at 563-326-0006 or hjdane@hjdane.com. (76-11)

FOR SALE

SOLO PRACTICE FOR SALE – Due to retirement, selling a well-established practice (over 90 years including the time my father also practiced) in a rural, central Iowa county-seat town. The practice focused on real estate, tax preparation, probate, family law, bankruptcy and juvenile law. Office located in a bank office building on main street. Office space could continue to be rented. Also willing to sell extensive library as part of sale. Seller will assist in the transition to buyer. This is a turnkey offer. For more information, please write Alan C. Schroeder, Schroeder Law Office, 724 Story St., Ste. 501, Boone, IA 50036 or call at 515-432-4051. (76-12)

LEGAL LIBRARY FOR SALE – Due to retirement, seeking to sell an extensive law library: CJS-not updated; Iowa Code Annotated-not updated; CBC Bankruptcy Service-Vol. 1-11 w/alerts (not updated); Drake Law Review-Vol.17-37; Iowa Reports-Vol. 1-245; Northwestern Reporter 2nd Vol. 73-507; Northwest Digest 2nd Vol.1-36; Uniform Laws Annotated-Vol.1-14; Am Jur Pleading and Practice Forms-Vol.1-21; ALR 2nd-Vol.1-60; ALR Fed-Vol.1-21; McCarty Iowa Pleading-Vol. 1-4; Zoning & Planning Deskbook-Vol. 1-2; Am Jur Proof of Facts-Vol. 1-30; Am Jur Proof of Facts 2nd-Vol. 1-40; Murphy's Will Clauses-Vol. 1-3; Iowa Practice-Volz-Vol. 1-3; Iowa Practice-Telefon-Vol. 3-4; West Legal Forms-Vol. 1-30 (not updated); Modern Legal Forms (not updated); Goldstein Trial Technique 2nd Ed.-Vol. 1-3; Matthews Municipal Ordinances-Vol. 1-5 (not updated); Code of Iowa-1897-2015 (some early volumes missing). If interested, call Alan C. Schroeder at 515-432-4051 or alans@tdsi.net. (76-12)

IN MEMORIAM

George Arvidson, 74, of West Des Moines, died Oct. 7.

Arvidson was born in 1942 in Waukegan, Illinois. He received his J.D. from Drake University Law School in 1970. Arvidson spent 30 years working for the State of Iowa as a public defender for the adult division and later as director of the juvenile division. He also founded and served as the first president of the Public Defender's Association of Iowa. Upon retirement, he continued in private practice until his death.

Randy Duncan, Jr., 79, of Des Moines died Sept. 27.

Duncan was born in Osage. He completed his undergraduate studies at the University of Iowa, where he also quarterbacked two Rose Bowl-winning teams. Duncan received his J.D. from Drake University Law School in 1963. He practiced law for over 40 years in Des Moines and was a member of the American College of Trial Lawyers, the Iowa Academy of Trial Lawyers and the C. Edwin Moore chapter of the American Inns of Court.

Bill Hardin, Sr., 96, of Knoxville died Sept. 18.

Hardin was born in 1920 in Marion County. He received his J.D. from the University of Iowa College of Law in 1948 after serving in the Army Air Corps during World War II. Hardin then began practice in Knoxville, where he stayed until his retirement in 2014. He served two terms as Marion County Attorney, was a Veterans' Administration Mental Health Referee and was an Iowa Inheritance Tax Appraiser.

Paul E. Huscher, 86, of Waukee died Sept. 7.

Huscher was born in 1929 in Oskaloosa. He served 42 years as the Waukee city attorney, earning the distinction of being the longest serving city attorney in the state of Iowa. Huscher also served as attorney for the Waukee Public Schools.

Norris G. Olney, Jr., 86, of Marathon died Sept. 29.

Olney was born in 1930 in Marathon. After serving four years in the Navy, he earned his J.D. from Drake University Law School. Olney returned to Marathon to work in the bank while operating his private practice, where he stayed until his retirement in 2015.

David Lee Shumway, 85, of Algona died Sept. 6.

Shumway was born in 1931 in Algona. He received his J.D. from the University of Iowa College of Law. Shumway then joined his father's firm, where he remained until his retirement. He was a board member for the Algona Community School Foundation and the Kossuth Regional Health Center investment committee, as well as providing investment planning for several other area charitable organizations.

Members who know of a colleague passing should email the membership department at membership@iowabar.org and include a link to the obituary and/or funeral information. To sign up for the ISBA obituary notification service, log into your iowabar.org account, click on "Manage Profile" and choose the "Edit Bio" option. Scroll down to the option "Obituary Notification," select "yes," then save the changes. Once the option is elected, you will receive an email notification anytime a member passes away, the same day the ISBA receives the notification.



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ISBA CLE Calendar

Visit www.iowabar.org/calendar for more information on any of our upcoming CLE opportunities.

November 17

Corporate Counsel Institute
(In-person or Live Webinar)

November 29

HIPAA and Access to Records
(Live Webinar)

November 29

The Ins and Outs of Our Immigration System
(Live Webinar)

December 2

eCommerce and Intellectual Property Law Seminar
(In-person or Live Webinar)

December 7-9

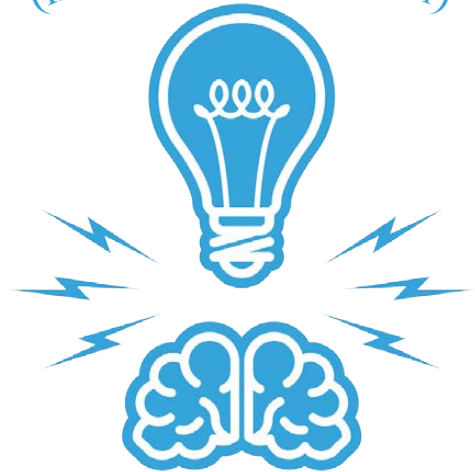
Bloethe Tax School
Des Moines Marriott Downtown
Des Moines

December 16

Federal Practice Seminar
Embassy Suites
Des Moines

eCommerce and Intellectual Property Law Seminar

(In-person or Live Webinar)



FRIDAY, DECEMBER 2

8:00 - 8:30

Registration and Welcome

8:30 - 9:00

ADA Website Compliance

David Nelmark, Belin McCormick

9:00 - 10:00

Real-Time Payments and the Gig Economy

Srikant Mikkilineni, Brick Gentry Law Firm

10:00 - 10:15

Break

10:15 - 11:15

Trade Secret Law Update

Jonathan Kennedy, McKee, Voorhees & Sease

11:15 - 12:15

Information Security and Third-Party Service Provider Agreements

Amy McHugh, CliftonLarsonAllen

12:15 - 1:00

Lunch (provided with registration)

1:00 - 2:00

Ethics

Michael McCabe; Funk & Bolton

2:00 - 3:00

FTC and eCommerce Issues

John C. Hallerud, Senior Staff Attorney, FTC

3:00 - 3:15

Break

3:15 - 4:15

Patent Law Update

John Goodhue, Goodhue, Coleman & Owens

4:15 - 5:15

Complimentary Networking Reception

CLE CREDIT (pending)

6.5 state hours which includes 1 ethics and 5.5 federal hours

ATTENDANCE

In-person attendance will take place at the ISBA Headquarters in Des Moines.

www.iowabar.org/event/2016eCommerceIP

Bloethe Tax School

December 7-9

Des Moines Marriott Downtown, 700 Grand Ave., Des Moines, IA 50309

Wednesday, December 7

- 8:00** Registration and Exhibit Hall Opens
- 12:30 – 12:45** Opening Remarks and Welcome – Speakers: Skip Kenyon, ISBA President and Tamara Borland, Bloethe Tax School Chair
- 12:45 – 1:00** ACA Special Provisions: Exemptions and Special Enrollments – Speaker: Tamara Borland, Iowa Legal Aid
- 1:00 – 2:00** Iowa Department of Revenue (IDOR) Updates and Revisions to Form 100 – Speakers: Patty Fulton and Matt Bishop, Iowa Department of Revenue
- 2:00 – 3:30** Forms and Examples – Speakers: James Goodman, Moore McKibben Goodman & Lorenz LLP and Maureen Kenney, Bradley & Riley
- 3:30 – 3:45** Break
- 3:45 – 4:15** Income Averaging – Speaker: Adam Ulrich, Reimer, Lohman, Reitz, Sailer & Ullrich
- 4:15 – 5:00** Like Kind Exchanges – Speaker: David Brown, IPE 1031
- 5:00 – 5:30** New Farmer Credits – Speaker: Steve Ferguson, Iowa Agricultural Development Authority
- 5:30 – 7:00** Complimentary Reception Sponsored by the Dickinson Law Firm

Thursday, December 8

- 7:00 – 8:00** Registration and Exhibit Hall Opens
- 8:00 – 10:15** Tax Manual – Speakers: David Bibler, Buchanan Bibler Gabor & Meis; Lee Wilmarth, Anderson Wilmarth Van Der Maaten Belay & Fretheim and Dan Fretheim, Anderson Wilmarth Van Der Maaten Belay & Fretheim
- 10:15 – 10:30** Break
- 10:30 – 11:25** Succession Planning-Ethics – Speaker: Jenna Lain, The Law Office of Jenna Lain, PLLC
- 11:25 – 12:15** Avoiding Pitfalls - Employee v. Independent Contractor, Choice of Entity – Speakers: Daniel Fischer, Hall and Hudson P.C. and James Hinchliff, Finneseth Dalen & Powell, PLC
- 12:15 – 1:30** Lunch (not provided with registration)
- 1:30 – 2:15** Iowa Department of Revenue and Audits – Speakers: Alana Stamas and Theresa Dvorak, Iowa Department of Revenue Policy Division
- 2:15 – 3:00** Healthcare Reform Implications for Small Businesses – Speaker: Kristine Tidgren, Center for Agricultural Law and Taxation (CALT)
- 3:00 – 3:15** Break
- 3:15 – 4:15** Employee Benefits- Flexible Spending, High Deductible Insurance Plans and Health Savings Accounts – Speaker: Dustin Petty, Base
- 4:15 – 5:00** Ethics: Cybersecurity and Cloud-based Databases – Speaker: Todd Scott, Minnesota Lawyers Mutual Insurance Co.
- 5:00 – 6:30** Drake University Law School Happy Hour Hosted by Drake University Law School
Please RSVP to Terri Howard at theresa.howard@drake.edu or 515-271-3985 if interested in attending.
- University of Iowa College of Law Happy Hour Hosted by the University of Iowa College of Law
Please RSVP to Janey Piersall at janey-piersall@uiowa.edu or 319-335-9158 if interested in attending.

Friday, December 9

Track One

- 7:00** Registration and Exhibit Hall Opens
- 8:00 – 9:00** Probate and Tax-Deceased Farmer Owner/Operator Issues – Speaker: Alyssa Stewart
- 9:00 – 9:45** Charitable Trusts and Foundations - Endow Iowa – Speaker: Sheila Kinman, Community Foundation of Greater Des Moines
- 9:45 – 10:00** Break
- 10:00 – 11:00** 2704 Discount Regulation Developments – Speaker: Gary Streit, Shuttleworth & Ingersoll PLC
- 11:00 – 12:15** Blue Ribbon Panel – Panelists: Kenton Vriezelaar, Vriezelaar Tigges Edgington Bottaro Boden & Ross LLP; Thomas Houser, Davis Brown Law Firm; Darrel Morf, Simmons Perrine Moyer Bergman PLC and Brad Nelson, Norelius & Nelson PC

Track Two

- 7:00** Registration and Exhibit Hall Opens
- 8:00 – 8:45** S Corporation Set Ups and Pitfalls – Speakers: Frank Carroll and Mike Gilmer, Davis Brown Law Firm
- 8:45 – 9:45** C to S Corporations – Speaker: David Bibler, Buchanan Bibler Gabor & Meis
- 9:45 – 10:00** Break
- 10:00 – 10:50** Profit Interest in Partnerships – Speaker: David Repp, Dickinson Mackaman Tyler & Hagen PC
- 10:50 – 11:40** Sales or Redemptions of Partnership Transactions – Speaker: David Repp, Dickinson Mackaman Tyler & Hagen PC
- 11:40 – 12:30** New Audit Rules for Partnerships Post Tax Equity and Fiscal Responsibility Act - Speaker: Joe Kristan, Roth & Company, P.C.

Visit www.iowabar.org/event/2016TaxSchool to register

Federal Practice Seminar

Friday, December 16

Embassy Suites Hotel, 101 E. Locust St., Des Moines, IA 50309

8:30 - 9:30

Article III Judges Panel

Moderator: Prof. Laurie Dore, Drake Law School

9:30 - 10:30

Magistrate Judges Panel

Moderator: Prof. Emily Hughes, University of Iowa College of Law

10:30 - 11:00

Break

11:00 - 12:15

Keynote Speaker

Hon. Robert Sack, United States Court of Appeals for the Second Circuit

12:15 - 1:30

Lunch (not provided with registration)

1:30 - 2:15

New Local Rules

Hon. Helen Adams, United State Magistrate Judge for the Southern District of Iowa and Hon. C.J. Williams, United States Magistrate Judge for the Court Northern District of Iowa

2:15 - 3:15

Civil Breakout: Active Case Management

Panel: Hon. Helen Adams, United State Magistrate Judge for the Southern District of Iowa; Hon. Abbie Crites-Leoni, United State Magistrate Judge for the Eastern District of Missouri; Hon. Teresa James, United State Magistrate Judge for the District of Kansas; Tim Hill, Bradley & Riley

2:15 - 3:15

Criminal Breakout: Current Issues in Federal Criminal Practice

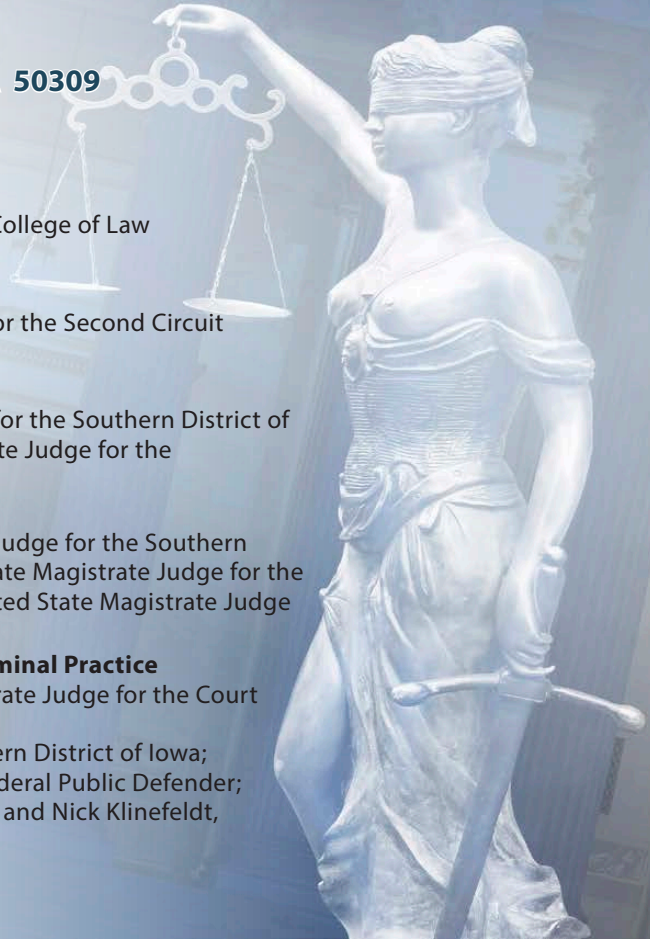
Moderator: Hon. C. J. William, United States Magistrate Judge for the Court Northern District of Iowa

Panel: Peter Deegan, U.S. Attorney's Office – Northern District of Iowa; Andrew Kahl, U.S. Attorney's Office; Jim Whalen, Federal Public Defender; Angela Campbell, Dickey & Campbell Law Firm PLC and Nick Klinefeldt, Faegre Baker Daniels LLP

3:30 - 4:30

Ethics

Prof. Laurie Levenson, Loyola Law School



Registration Form: Federal Practice Seminar

Name: _____ Member #: _____ Phone #: _____

Address: _____ City, State, Zip: _____

E-mail: _____

REGISTRATION FEES

Prices below reflect the early-bird registration fees. Registering after December 15 will result in a \$50 late fee being added on to your registration fee amount.

___ ISBA Members - \$175

___ Non-ISBA Members - \$275

___ Students - Free

Register online at
www.iowabar.org/event/2016FederalPractice

Lunch (not provided with registration): ___ Yes, I would like a provided lunch (add \$25 to registration fee) ___ No, lunch is not necessary

Please select breakout session: ___ Civil ___ Criminal

Method of Payment: ___ Check enclosed Check Number _____

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Return registration form to: ISBA CLE, 625 E. Court Ave., Des Moines, Iowa 50309 or fax (515) 243-2511

For questions: phone (515) 697-7874 or e-mail cle@iowabar.org

Cancellation policy: Registration refunds will be issued only if written notification is received by the Bar Office by December 9, 2016. Written notification can be mailed, faxed, or e-mailed to the bar office.

Walking out the door for the last time

Dec. 22 is retirement day for the OPR's Paul Wieck II. He looks back fondly at a lifelong career working with and for Iowa lawyers.

By Steve Boeckman, Communications Dept.

Paul Wieck II says he loves the people, the mission and the bar and will miss them when he walks out the door of the Iowa Supreme Court's Office of Professional Regulation for the last time on Dec. 22.

He also knows though that it's time to have the "flexibility and freedom to do some things" that aren't possible with a full-time job.

The Dysart native retires on the Thursday before Christmas after nearly 15 years as head of the various court commissions -- consolidated since 2008 as the OPR -- that impact attorneys' lives. He retired from his other career as an Army officer in 2002 having served 29 years in the Army -- six on active duty and 23 with the Iowa Army National Guard.

"I've been very lucky to have had two careers," he says.

His civilian career saw him serving as a clerk, then executive assistant to a chief justice of the Iowa Supreme Court, private practitioner in Osceola, commissioner of the Iowa Department of Public Safety, private practitioner again in Osceola and, finally as director of what is now the OPR.

Wieck acknowledges that, as with most people, he would never have been able to map out his careers in the way they turned out. He was a small-town Iowa boy who liked watching TV shows involving lawyers. He was attracted to the service aspect that he saw in the shows.

The possibility of attending law school was always in the back of his mind as he moved through high school and into college. However, two events occurred that shaped the direction of his life early on. One was a ROTC (Reserve Officer Training Corps) scholarship. Army ROTC was mandatory for all freshmen at Northeast Missouri State College, now Truman State College in Kirksville, Missouri, where he completed his first year of college. The second was a notice from



Dec. 22 will be the last day Paul Wieck II walks through the door of the Iowa Supreme Court's Office of Professional Regulation as director. He retires on that day after almost 15 years in the position. Tre Critelli takes on the director position Dec. 23.

his county draft board to report for a physical in preparation for being drafted into the Army.

He applied and competed for the ROTC scholarship and received it. He also transferred to Iowa State University. A week before school started, he received the draft notice.

He went to the ROTC department at ISU and told the officials there that he had a ROTC scholarship that he would like to use. He also told them he had the draft notice, and would "really appreciate you resolving it for me." They did and he finished his B.S. degree at Iowa State in 1973, then reported for active duty in the



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Following are Wieck's observations about what the future holds for the supreme court commissions responsible for disciplinary actions, the client security trust fund and admissions:

Disciplinary actions

- Number of "raw" complaints varies with lawyer discipline publicity.
- Disposition of complaints fairly steady over the years.

Client security trust fund

- Varies with economy – poor economy equals more claims.
- Claims tapering off now.
- Probably will never get to the point where there are no claims in a year.

Admissions

- Applications increased to 90-100 per year from 50-60 per year in 2002. Possible reasons:
 - o Lawyers more mobile than a decade ago.
 - o More in-migration of lawyers from the coasts because of better economic climate in Midwest.
- Anticipate applications to continue increasing.

Army as a commissioned officer.

After a three-year tour, most of it in Italy, where he worked as part of NATO in the Southern European Task Force, he, his wife Kris and their son and daughter returned to the U.S., where he was stationed at Fort Sill near Lawton, Oklahoma. His assignment: evaluating nuclear-capable artillery units.

The "law bug," as he describes it, had bitten him while in Europe, so he took the LSAT and applied to law schools. He had several choices of schools, but he liked what Drake University Law School offered and convinced officials there to accept him but delay his start until he finished his time on active duty.

Drake held a spot for him at least a year, maybe two years, he says. He was discharged from active duty on Wednesday or Thursday, drove home to the Des Moines area and started law school on Monday, he recalls.

Following graduation from law school and passage of the bar exam in 1982, he began clerking for Chief Justice Ward Reynoldson. Two months later, the chief asked him if he would move from clerk to executive assistant.

One of the highlights of his legal career occurred during the year he served as the chief justice's assistant. He was part of the team that successfully lobbied for Senate File 495, the court reorganization bill. Passage of the bill created the judicial branch as it exists today.

Near the end of that year, the chief's old law firm in Osceola called. The firm needed another lawyer, and the principals wanted him. On Sept. 1, 1983, he left the supreme court and joined the firm, known today as Reynoldson & Van Werden LLP. It was during the farm debt crisis.

"I started doing debt workouts and farm bankruptcies," he says. "There really wasn't anybody else in south central Iowa who was doing a lot of that work. I did a fair number of farm chapter 7s and a fair number of farm chapter 12s. Those were very hard times and very emotional times for those people.

"I was happy that I could help those people with the tools that we had available at the time. And, help them get out of it without terrible tax consequences, because that was always a risk. That's a part of my career I look back on that in

some way fulfills that original desire I had for getting into the law – helping people."

Near the end of what turned out to be the last year (1990) of his first stint in private practice, Jack Beaman, a state representative retired World War II Army infantryman and retired deputy chief of the Iowa State Patrol, approached him about applying for the commissioner's job at the department of public safety.

"I told him I wasn't interested," he remembers.

Beaman was persistent, and in March 1990, Wieck began his new job as public safety commissioner leading about 950 people. He held that position until January 1999 when Governor Tom Vilsack appointed a new commissioner.

It was during his time as commissioner that Wieck and his wife developed a love for hiking in the mountains, particularly the Canadian Rockies. The public safety commissioner's job requires the person to be on call 24/7, he explains. The only way he could get away from the demands of the office was to travel to places where he wasn't reachable. The mountains provided that escape.

After his tenure with the department of public safety, Wieck eventually returned to private practice at the Osceola firm. In 2002, Bill O'Brien, who was the state court administrator at the time, approached him about taking the job as director of supreme court commissions. Part of the charter from O'Brien was to automate the annual lawyer reporting process, Wieck recalls. So, from late 2003 to early 2005, he and the three program managers in the commissions office worked with software developers to design and test an automated system, while continuing their duties with the commissions. He counts the transition to online filing as one of two key activities that happened during his tenure as director.

In late 2007, early 2008, the court consolidated the various commissions under one office – the OPR. That decision, which Wieck says is another major achievement during his tenure, makes Iowa unique in how much of the court's professional regulation is located in one office.

The consolidation allows for an economy of staff and resources, he says. It enables the court to keep filing fees among the lowest of all 50 states. It permits a

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quicker review of issues brought before the commissions than is available in other states. And, it allows the OPR to standardize administrative support for the various commissions.

In some cases, the consolidation and the benefits it brings have turned out to be critical for allowing the OPR to respond in a timely manner to issues brought before it. And, it bodes well for what he sees in the future.

Looking back on his careers, Wieck says he now sees that his role in life has been to “lead organizations and make systems work.” He’s not sure what his new “mission” is going to be. And, he’s okay with the premise that he may not find it right away. He’s confident that eventually he will find it, or it will find him.

In the meantime, he and Kris, who has been retired since 2008, have decided they will take four to six months without making any long-term decisions. “We need to give ourselves some time,” he says. “I’m going to be deliberately patient.”

During that 4-6 months, the couple

plans to put some miles on the diesel pickup and fifth-wheel RV they own and begin crossing off the to-dos Wieck has been recording on a spreadsheet he created several years ago.

However, as he looks back at his career in the law and prepares to turn over the OPR reins to Tre Critelli beginning Dec. 23, he says he leaves the job with “a tremendous amount of respect for our bar. It would be easy to become a little jaded because the people we see the most are those who are having some trouble,” he says.

“I’ve always tried to impress upon the staff here that 99.9 percent of the members are upstanding, professional people who do their utmost to look after their clients and they do it honorably and ethically. I would put our bar up against any bar in any state in terms of the overall professionalism that we have here.

“For that reason, it has been a pleasure to work with members of our bar. For an Iowa lawyer who likes Iowa lawyers, it has been an honor to have this job.”



Wieck (left) confers with 1st Battalion Command Sergeant Major Les Hayes during an exercise at Fort McCoy, Wisconsin, in 1988. At the time, Wieck served as commander of the 1st Battalion, 168th Infantry. He retired from the Iowa Army National Guard as a brigadier general in 2002.

An advertisement for the law firm MVS McKee, Voorhees & Sease, PLC. The background is a photograph of a person in a suit and tie reviewing documents on a desk. The text is overlaid on the image in white and blue. At the top, a blue banner contains the text "COPYRIGHTS • PATENTS • TRADEMARKS • TRADE SECRETS • LITIGATION • ENTERTAINMENT LAW". Below this, the main headline reads "YOUR IP LICENSING IS OUR SPECIALTY" in large, bold, white letters. Underneath the headline, it says "YOUR WORLDWIDE IP PARTNER SINCE 1924™". At the bottom, another blue banner contains the contact information: "801 GRAND AVENUE SUITE 3200, DES MOINES, IOWA • 50309-2721 • 515-288-3667 • WWW.IPMVS.COM". The firm's name, "MVS MCKEE, VOORHEES & SEASE, PLC", is displayed in blue text at the bottom left, with "MVS" in a white box.

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