



THE

IOWA LAWYER

Volume 77 Number 4 May 2017



MORE THAN A REGULATOR MEET THE OPR'S NEW DIRECTOR



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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.

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The statements and opinions in this publication are those of the authors and not necessarily those of The Iowa State Bar Association. Readers should consult original sources of authority to verify exactness. Advertising in this publication does not constitute endorsement of a product or service unless specifically stated.



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Modern-day renaissance man heads up OPR

Writer, teacher, world traveler, potter, attorney, English barrister and singer-songwriter. Those are some of the roles describing Nicholas "Tré" Critelli, who is the new director of the Iowa Supreme Court's Office of Professional Regulation.

By Steve Boeckman



The growing trend of mediation and what Iowa attorneys are doing to elevate the practice

In the last several decades, courtroom trials in civil cases have decreased nearly 70 percent. Iowa attorneys, across all practice areas, are taking notice, and have created a new Inns of Mediation organization.

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ABOUT THE COVER

Nicholas "Tré" Critelli walks into the Office of Professional Regulation in the Iowa Supreme Court Building, his new home since beginning his role as OPR director in December 2016. But he is much more than a regulator, as you will learn in this issue's cover story which begins on page 9. He's a modern-day renaissance man.

Annual Meeting

June 19-21
Iowa Events Center
Des Moines

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Transform your practice

Exchange ideas

Advocate for the profession

Motivate others

A message from the Executive Director...

2017 Annual Meeting registration now open



Dwight Dinkla

Online registration for this year's ISBA Annual Meeting is now open. The event, once again held in conjunction with the Iowa Judges Annual Conference, takes place June 19-21 at the Iowa Events Center in Des Moines.

New this year is the opportunity for YLD members in their first three years of practice to attend annual meeting CLE programming free of charge. We encourage all ISBA members who fall into this category to attend the event for its educational and networking opportunities. If you are an older attorney, we encourage you to invite your younger associates.

The theme for this year's program is T.E.A.M.: Transform your practice, Exchange ideas, Advocate for the profession, Motivate others. In addition to social events such as the Law School Luncheons (Creighton, Drake and Iowa), Joint Presidents' Reception and Annual Awards Gala, new activities added this year include an Iowa Cubs baseball outing on June 19 at Principal Park and a YLD Tailgate at the ISBA Headquarters on June 20.

Please go to www.iowabar.org/events/ and find Annual Meeting on the calendar to register.

We hope to see you there.

Dwight Dinkla
ISBA Executive Director



A view from above of the vendor hall during 2016 Annual Meeting at the Iowa Events Center (Community Choice Credit Union Convention Center) in Des Moines. The 2017 Annual Meeting events will take place in the same location.

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Watts Riots in Los Angeles, received national attention. Iowa, with its primarily Caucasian demographic, had the privilege of observing—rather than participating in—these events.

My children grew up in the nineties. U.S. involvement in the Middle East was just beginning, and the Rodney King beating, which sparked massive riots in Los Angeles, played in loops on the nightly news. Again, here in Iowa, most of us watched the unrest from a distance; our lives were not directly involved in the racial tension and social outcry we saw playing out in other parts of the country.

For Iowans of color, then, as now, these issues hit far closer to home.

Over the years, I have out of necessity come to consider the ongoing struggle for equality in more concrete terms. My grandson and granddaughter are biracial Iowans. While our demographics have changed quite a bit over the last couple of generations, we still have a ways to go. Even at my age, I realize how much I have yet to learn. My grandchildren, for example, grasp how our perceptions must evolve in order to truly embrace this diversity, and to appreciate the richness that multiple perspectives bring to our state.

In that spirit, right around this time last year, I listened to several lectures on implicit bias. As an attorney, I'm trained to look at situations logically from both perspectives in order to advocate well for my client. I certainly went into those lectures with a firm belief in my own unbiased nature—an attitude that, in retrospect, is indicative of the problem.

During these lectures, I learned that by its very nature, implicit bias is something we're not consciously aware of. It's a structure built up in our subconscious through years of social conditioning that subtly guides how we react to different people and situations. There is a large body of social and scientific evidence demonstrating that racial minorities, in particular, feel the negative consequences of implicit bias. As I started to grasp the slippery nature of implicit bias, I began questioning if I could immediately jump to a conclusion based on a preconceived idea of what or who is good or bad, safe or dangerous—regardless of the facts. If someone else were to tell me that I am not objective, I would be offended and defensive. But taking a step back, I realize the concept of implicit bias makes sense. As defense attorney and Illinois Bar Association President Vincent F. Cornelius writes, “The first step in understanding and addressing implicit bias is recognizing that it exists.”

The consequences of implicit bias

*“Our lives begin to end the day we become silent about things that matter.”
—Martin Luther King, Jr.*

I grew up in the sixties—a time, like today, of great turmoil and change. Then, the assassination of President John F. Kennedy, the Vietnam War and the rise of social protests drove domestic events. African-American civil rights protesters, who simply wanted the country to live up to its promise of equality for all, were beaten and threatened by law enforcement and angry onlookers. Sometimes, the struggle escalated into riots, what Dr. Martin Luther King, Jr. called “the language of the unheard.” One of the most infamous incidents, the

First steps, however, are just that—the first action on the long road to change. As legal professionals, and as a state, we are fortunate in Iowa to have a Supreme Court that is sensitive to implicit bias. Chief Justice Cady in his State of the Judiciary message last winter recognized that to some extent we are all prey to implicit bias. It is simply a fact of life. The trick is to recognize that it exists, and to be mindful of it as we move forward in making decisions and taking actions affecting those around us.

As I mentioned in an earlier letter, exposure to the legislative process has been eye-opening for me in many ways. On one particular issue, I received feedback from many attorneys who were concerned about how courthouses would be affected by House File 517, a bill focusing on Second Amendment rights. I watched the House floor debate in order to learn more about the legislation. It never occurred to me that for many of my fellow Iowans, implicit bias permeates this issue as well. Representative Ras Smith (D-Waterloo), who is African-American, spoke with great eloquence about the “Stand Your Ground” portion of the bill. He pointed to a study from the Urban Institute, which found that homicides with a white perpetrator and a black victim are nearly three times more likely to be ruled “justified” than cases with a white perpetrator and white victim.*

This statistic is Exhibit A in making the case for the existence of implicit bias. “The idea that you can be wrong in your estimate of a threat, but as long as you have good reason, your action may be justified, is terrifying for some of us...” Rep. Smith said of HF 517. “The impact of this legislation on people who look like me, but may not dress like I do when I'm here Monday through Thursday, will be at an increased risk of being killed.”

To illustrate his point, he slipped on a hooded sweatshirt and said: “This is what Rep. Smith looks like when he's not in a suit and tie—with his tattoos and his earrings—this is what I look like. So this is that threat that you can perceive every day.” I do not for one moment believe that our lawmakers set out to hurt particular communities. Nonetheless, looking ahead, we must all be vigilant in understanding and protecting our neighbors against the unintended consequences of our implicit biases.

Iowa has changed a great deal from when I was a kid—in many ways for the better. With change comes the necessity to adapt. How we choose to adapt is up to us. All I know is that I was raised to respect my neighbors, to treat others how I would like to be treated and to give people the benefit of the doubt until proven otherwise. I'd like to think that I can retain these ideals from the Iowa of my youth and apply them to the more diverse landscape populated by young people like my grandchildren and others who have chosen to make Iowa their home. While we all see the world a little differently, I think we all prefer to be seen as strong, capable, caring Iowans.

Thank you for allowing me to serve.

Arnold O. Kenyon, III

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*Des Moines Register, “House Debates Stand Your Ground, Gun-Free Zones Before Passing Sweeping Gun Bill”: <http://www.desmoinesregister.com/story/news/politics/2017/03/07/house-debates-stand-your-ground-gun-free-zones-before-passing-sweeping-gun-bill/98859564/>

2017 Legislative Session in review

A summary from the ISBA legislative team



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The Iowa General Assembly adjourned on Saturday April 22, 2017. While the legislature has adjourned, many pieces of legislation are not finalized. The governor has 30 days from adjournment to act on all legislation received within three days of adjournment.

The 2017 session was the first session since 1998 with Republicans controlling the house, senate and governor's office. Republican control certainly impacted the legislative agenda. Also impacting the legislative agenda was Iowa's struggling farm economy and its impact on state tax receipts.

Budget and funding

A month before starting their session, legislators received the estimated state revenues for the upcoming fiscal year. The Revenue Estimating Conference (REC) met in December and lowered their estimate for FY 2017 to

\$7.212 billion, which is a reduction of \$139.6 million below the enacted FY 2017 budget. The December REC also lowered their FY 2018 estimate to \$7.5563 billion. This resulted in the legislature having to pass a deappropriation for FY 17 of \$118 million in the first month of session.

Before the legislature began formalizing FY 2018 budgets, the March REC lowered their December 2016 estimate for FY 2017 from \$7.212 billion to \$7.081 billion, which is a reduction of \$131 million from the previous REC. The March 2017 REC lowered the FY 2018 estimate to \$7.365 billion. In terms of growth over what was appropriated for FY 2017, the increase in available new revenue was only \$14 million.

The legislature chose to use the Economic Emergency Fund to cover the shortfall in FY 2017. However, they committed to repaying the

Economic Emergency Fund by splitting the repayment between FY 2018 and 2019. This placed additional stress on the already low FY 2018 budget numbers. This shortfall had a significant impact on funding areas throughout the budget, including areas of interest to ISBA members.

The Iowa Judicial Branch appropriation for FY 2018 is \$175.7 million. This is equal to the FY 2017 appropriation after the \$3 million deappropriation is applied. The Court is now faced with providing an adequate level of judicial services with \$10 million less in funding than what the Court requested from the legislature. The judicial branch has committed to maintaining a presence in all 99 counties and clerks offices in all 99 counties. The judicial branch welcomes any and all ideas for cost cutting and efficiency measures. Some of the areas they will be considering include: furlough days, holding additional judgeships open, management of clerks and leaving court reporter positions open. All this is on top of maintaining many of the current vacancies, which exceed 125.

One significant budgetary increase of note is the State Public Defender's indigent defense funds. The SPD received a \$3.84 million increase in the indigent defense fund appropriation. This is approximately a 10 percent increase in total funding for indigent defense.

ISBA Affirmative Legislation

The ISBA had a very aggressive 2017 Affirmative Legislative Program. Items contained in the program are advanced by the various ISBA sections and approved by the Board of Governors. You can learn more about that process on page eight.

The 2017 Program consisted of 15 affirmative proposals. Four of the affirmative bills have been signed by the governor and three bills are currently awaiting his signature. These bills include:

- **SF 333** – Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA)
- **HF 183** – Dependent Adult Abuse - Emergency Orders – Clarification of the Priority of Notice
- **HF 184** – Information to File a Small Probate Estate
- **HF 195** – Probate Requests for Notice
- **HF 371** – Attorney Fees and Court Costs in Action to Quiet Title After Request for a Quitclaim Deed.
- **HF 133** – Clarification of Roles in Child Representation
- **HF 253** – Updates to Chapter 600B – Children in the Middle & Attorney's Fees in Contempt Cases Uniformity

ISBA Legislative Counsel and Probate Section members engaged significantly on HF 639 addressing the calculation of probate court costs. This has been a priority bill of the ISBA for several years due to



ISBA member Josh Weidemann, pictured with Gov. Terry Branstad, lawmakers and ISBA legislative counsel, during the signing of SF 333 RUFADAA, the digital assets law that has been pushed by the ISBA probate section for years.

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the inequity caused by the disparate application of costs to non-probate assets throughout the state. This year, the legislation advanced from committee and was eligible for floor debate in the house. Probate members worked closely with the court to develop a probate filing fee sufficient to address the estimated fiscal impact of the bill. Additional work is needed to refine the proposed filing fee and the estimated fiscal impact to the state.

Significant legislation passed

SF 413 – Statute of Repose – This legislation reduced the statute of repose for actions arising out of an unsafe or defective condition of an improvement to real property based on tort or implied warranty from 15 years down to 8 years. The ISBA opposed this legislation. ISBA legislative counsel worked with key legislators to incorporate exceptions to the shortening of the statute. These exceptions include nuclear power plants, actions arising from intentional misconduct or fraudulent concealment, unsafe or defective conditions discovered within one year of the expiration of the statute and residential property which has a 10-year statute under the new law.

SF 465 – Medical Malpractice – The bill has multiple provisions, the most significant of which placed a \$250,000 cap on noneconomic damages. The ISBA worked to eliminate the cap. Unfortunately, complete elimination was not possible. The bill was ultimately amended to include language based upon a Massachusetts statute which provides that the statutory cap would not apply if the injured party suffered a “substantial or permanent impairment of a bodily function, substantial disfigurement, or death.” While a cap is not ideal, it is believed that the amended language will allow for an opportunity to exceed the \$250,000 in limited and appropriate circumstances. Some legislators referred to this as a “soft cap.”

HF 518 – Workers’ Compensation – The bill makes significant changes to Iowa’s workers’ compensation law. Significant changes include creating a presumption that if a worker tests positive for drugs or alcohol at the time of injury, the worker was intoxicated and the intoxication was a substantial factor in causing the injury. The bill limits when a temporarily disabled worker can raise an objection to offered work based on suitability and requires the objection to be in writing. The bill makes shoulder injuries a scheduled injury of 400 weeks and reduces compensation for shoulder injuries. Finally, the bill makes the interest payments due from the employer start from the time of injury and sets the rate at two percent plus the prime.

The ISBA legislative team appreciates the countless hours that ISBA members invested in reviewing legislation, providing comments and participating in hearings. The ISBA is very well respected at the capitol due to the expertise and accessibility of its members. Thank you all for your efforts this session and your great support.



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How the ISBA arrives at the legislation it supports and opposes

By James Carney, ISBA Legislative Counsel

The ISBA has one of the more expansive legislative programs of any interest group in Iowa. Each year, it is common for the ISBA legislative team to register on over 400 bills and to review hundreds, if not thousands, of amendments that are filed to bills. The legislative team reviews all bills which are filed and sends them to each section's legislative committee. The section chair appoints generally between three and five members of the section to serve as the legislative committee.

The legislative committee is charged with reviewing legislation and recommending positions to be taken by the ISBA on the bills of interest to that section. The legislative committee conveys its position to the ISBA lobbyists who then register with the legislature on those bills. The registration may be as "monitoring," "opposed" or "support." Unless there has been a firm history of a position to be taken on legislative proposals, the ISBA lobbyists normally register as monitoring the legislation, until such time as they receive specific direction from the

legislative committee to oppose or support the legislation. Oftentimes the recommendation of the legislative committee is to seek an amendment to the legislation.

The litigation, probate, real estate, family law, criminal law and business law sections are all unbelievably active in reviewing legislation and making recommendations to ISBA legislative counsel. These ISBA volunteers spend an extraordinary amount of time each legislative session reviewing bills that affect the various areas of practice impacting ISBA members.

Whenever there is a lack of consensus on a major issue, the full section council considers the legislation. If the council is unable to reach a consensus, the bill is referred to the Administrative Committee of the ISBA for review. If the Administrative Committee is not comfortable taking a position on a piece of legislation, it refers the legislation to the ISBA Board of Governors. The legislation is considered by the BOG at either a special board meeting or a regularly-scheduled quarterly board meeting. Legislation today

moves very quickly and it is simply impossible to survey the entire membership of the bar or to have a board meeting each time a bill is filed that is of importance to a specific section of the bar.

Additionally, the sections may propose affirmative legislation to be considered by the Board of Governors each year. These proposals are ordinarily reviewed at the fall or December board meetings. If the Board of Governors approves of a section's proposal, it then becomes a part of the ISBA Affirmative Legislative Program.

From time to time, ISBA members question how or why the ISBA has registered on a bill to either support or oppose legislation. The Board of Governors at its spring board meeting directed that the accompanying chart be made available to all ISBA members to ensure that they are aware of how ISBA legislative positions are formulated. We hope that this helps you understand the manner in which the ISBA legislative program is developed.

ISBA Legislative and Administrative Review Flow Chart

Step 1: Chair designates Legislative Sub-Committee of no more than 3 people. Bills and/or administrative rules are sent to Legislative Sub-Committee by ISBA Legislative Counsel or ISBA Headquarters.

Step 2: Legislative contact directory prepared by Legislative Counsel after appointments by Section and Committee Chairs.

Step 3: Bills reviewed daily by Legislative Counsel and referred to section/committee Legislative Sub-Committee. Proposed administrative rules reviewed upon receipt of Administrative Bulletin and referred by Legislative Counsel to section/committee Legislative Sub-Committee. Section/Committee chair has option to receive copies of bills and proposed administrative rules.

Normal Flow

Step 4: Responses to Legislative Counsel by Chair of Legislative Sub-Committee or Section/Committee Chair. Copies sent to each sub-committee member

If conflict exists, Legislative Sub-Committee chair has responsibility to resolve differences. If consensus is reached, chair reports to Legislative Counsel with copy to section/committee chair, ISBA Officers and Bar Headquarters.

Step 5: Legislative Counsel to present Legislative Sub-Committee position to legislators as Official ISBA Position.

Or

Step 4: Chair determines issue is of such magnitude or degree of controversy that legislation should be presented to entire section council.

Section council to resolve position and report to Legislative Counsel with copy to ISBA Officers and ISBA Headquarters.

Step 5: Legislative Counsel to present section council's position to legislators as Official ISBA position.

Or

Step 4: Section Council refers to Administrative Committee for position.

Administrative Committee determines ISBA position.

Step 5: Legislative Counsel to present Administrative Committee's position to legislators as Official ISBA position.

Emergent Response Needed

Step 4: Administrative Committee calls special Board of Governors meeting to determine position.

Step 5: Legislative Counsel to present BOG's position to legislators as Official ISBA position.

Modern-day renaissance man heads up OPR

Tré Critelli has wide-ranging interests that he hopes will provide a broad dimension to the office responsible for regulating Iowa attorneys

By Steve Boeckman, Communications Director Emeritus

Writer, teacher, world traveler, potter, attorney, English barrister and singer songwriter. Husband to Gretchen, and father to Fia (15), Ian (14) and Nick IV (11).

Those are some of the roles describing Nicholas “Tré” Critelli, who became director of the Iowa Supreme Court’s Office of Professional Regulation (OPR) last December.

Tré, so named because he is the third generation of men in his family named Nicholas Critelli, took over the position from Paul Wieck II, who retired on Dec. 22, 2016. As evidenced above, he brings a wide-ranging background of knowledge and skills to the job of regulating all Iowa-licensed attorneys.

Law is his second career. That may seem odd for a young man who grew up in a family of lawyers and spent hours in his dad’s law firm conference room reading the Iowa Code when a kid. But early on in life, he was bitten by the desire to travel and see the world, or, as he puts it, “go on an adventure.”

In 1988, right out of Loras College in Dubuque where he majored in writing and minored in philosophy and English literature, he headed to Japan to teach English to Japanese students.

As it turned out, the assignment opened up many new opportunities. Three weeks after arriving in Japan, a professor of English died. Tré was offered a position as assistant professor of English, which involved teaching several classes.

“It was a huge boost to my credibility with the Japanese people,” he says. “Being a college professor at age 21 opened a lot of doors.”

When his year was ending, the university offered him a five-year contract to teach English. “In retrospect, I probably should have said yes,” he reminisces today. Instead, he turned down the offer to follow his newly-discovered passion for Japanese pottery, spending countless hours in the studio learning the basics.

“I spent the first month or so just sweeping and cleaning the studio, then another month just learning how to wedge the clay,” he says with a laugh. “I am sure my sensei wasn’t sure what exactly to do with me.”

He decided to become a professional potter which, in Japan, is a lifelong art. After having his work displayed in some pottery shows, “just me and 80 Japanese potters,” he applied for a cultural visa for permission to live in a pottery village to learn how to fire the giant Japanese kilns. Unfortunately, he

was denied.

So he obtained another teaching visa, and ended up running the writing department at the International High School in Osaka for two years, did private tutoring and also taught in a junior college that focused on preparing students to work in the travel industry. In addition, he played in a band and wrote restaurant reviews for an English-language magazine that covered the cities in the eastern half of the country.

It wasn’t until 1993, after five years of living in Japan and traveling through parts of Asia, that he decided to come back to the United States. He came back to be a lawyer, he says.

Two things happened while in Japan that made him decide to take up the family occupation: a camping trip with his dad, Nick Critelli, and an incident that happened to a fellow band member. Both started him looking at law in a philosophical light.

Tré says he only came back to the U.S. twice during his five years in Japan. On one of those visits he and his dad went on a camping trip where they began discussing the “whys” of the law – what do lawyers really do. He says he thought he knew what the law was, having grown up surrounded by it, but the discussion gave him new insights about why

law and lawyers are important in a society.

Those insights were further strengthened upon his return to Japan when he learned that his band’s drummer, an Englishman, had been suddenly kicked out of his apartment and the apartment was rented to a group of non-westerners. Tré was infuriated and told the drummer it was discrimination and “they can’t do that. As it turns out, in Japan, they evidently could,” he says.

“That was the first time I looked at law from a philosophical standpoint – as the tripartite relationship between people, corporations and government,” he recalls.



Tré reviews paperwork in his office on the second floor of the Judicial Branch Building in Des Moines. The painting of the flower pot filled with sunflowers on the wall behind him was a pot he created and gave to a neighbor who is a painter. He is thinking about putting the image on articles of clothing. He enjoys seeing pieces of art expressed in many different media, he says.

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"I looked at law and realized for the first time how law impacted everybody on an interpersonal level. That the law is very driven culturally and historically. The laws in Japan are driven by their culture and history where the laws in America are driven by our culture and our history. So I guess you could say I fell in love with the philosophy of law."

It was this realization, too, that ultimately attracted him to become a barrister in England years later. "I wanted to get to know the English legal system because so much of our system is based on the English legal system," he says. "Plus, I really wanted my own barrister's wig."

Tré entered Drake Law School in 1993 and graduated in 1995 after 2 ½ years. He chose Drake because he wanted to return home and to family. He learned the importance of family – the passing down of knowledge and craftsmanship from one



This Critelli-made pot was designed specifically to contain this plant in his office. While in Japan, Tre pursued training to become a professional potter. Working with clay enables him to express his creative side and use his hands – something he recommends to all attorneys since their days are usually filled with reading and writing words.

generation to the next – while in Japan. He wanted to work alongside his dad in his law practice in Des Moines, which he did for 15 years (1996-2011), to acquire the knowledge his dad could offer. During that time, he learned the "how" of practicing law, but also the "why," he says.

Tré's transition from active law practice to his current position as OPR director happened gradually. In 2004, he was appointed to the Iowa Supreme Court's Attorney Disciplinary Board, which he chaired the last two years of his term. In 2011, he was approached by Wieck and Charlie Harrington to help alleviate the backlog of attorney disciplinary cases at the Grievance Commission. He agreed to take a sabbatical from his practice and accepted a 2 ½-year contract to work on the backlog. His official title was assistant ethics counsel, but he considered himself to be a special prosecutor and approached the cases as a trial lawyer.

During his time with the commission, he got to know the people at the Judicial Education Department. The department provides training for all judicial employees. The department wanted an attorney onboard to add credibility to the education offered to judges, and to help create a judicial bench book.

As his contract was coming to an end in December 2013, Wieck and Jennifer Juhler, the director of judicial education, approached him with a proposal for a joint position between judicial education and OPR. According to the proposal, he would work 60 percent of the time – three days out of five – for OPR, and 40 percent for judicial education.

"Three days of the week, I had to wear a tie. The other two days, they asked me not to wear a tie," he laughs.

Tré faced a decision. He had taken a sabbatical from his private practice to work as a contractor on the backlog of disciplinary cases. This offer would mean he'd become a

judicial branch employee, and would have to give up private practice.

In the end, he decided that the best reason for taking the offer was the opportunity to work with Wieck. "Next to my dad, Paul is my other legal mentor," he says. "His legal background was vastly different than Nick's, and he approached issues from a different perspective. That, and his military background, made him a great person to work for and with."

"One of the greatest gifts I had in the transition to my being director was the time spent with Paul just talking and asking him stupid questions about the intricacies of attorney regulation," he says.

To relax and wind down after a day at the office, Tré spends some time almost every evening playing the piano. Until two years ago when he suffered what is called a "frozen shoulder," he played the acoustical guitar and sang. In fact, he has a number of hours of original music recorded on YouTube and other places. He has often played at galleries for art show openings where he would try to match the music with the art and provide a backdrop of quiet music for those attending the show. He also plays a multi-stringed instrument called the "kecap," which he says is like a zither or a guitar turned on its side. He learned to play that in Indonesia.

In addition, he continues making pottery. He tried wood turning for awhile, but returned to pottery because he likes the feel of the clay. He creates pottery in what is called the "Raku" style, which involves removing red-hot pieces from the kiln and manipulating them in some manner. It results in every piece being one of a kind.

Although he is a member of a pottery co-op in Des Moines, he has his own kiln and is able to fire his pots and plates and other pieces whenever he wants.

The music and the pottery stroke his creative side – something he thinks all attorneys need to do.

"Too many attorneys shut down the creative side of their lives and don't do anything with their hands, don't do anything musically, in fact don't do anything that's not word-based," he says, adding that "it's hard sometimes not having anything tangible at the end of a day's work. At best what we do is we write, we read, we think. We need to take some time to make something, to do something with our hands, to make some noise or even sing."

"On second thought, don't put that 'sing' part in the article," he laughs. "Or attorneys might think that there's going to be a requirement in the regulations that states you have to start singing."



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Ending a practice, beginning a practice will be focus of OPR in next couple of years

Now that he has been director of the Iowa Supreme Court's Office of Professional Regulation (OPR) for a few months, Tré Critelli has begun to firm up his priorities. The immediate focus is on what he calls "winding down the law practice," and on the opposite end of the spectrum, the beginning attorney just setting up a practice.

The two big issues in the end-of-practice arena are designating a successor and changing the status of attorneys to allow them to retire from the practice of law, he says. The former, which is addressed in Court Rule 39:18 that goes into effect Jan. 1, 2018, requires attorneys to name someone on their annual reports who can take over for them in the event of disability or death. The latter adds a third status "retired" to the classifications that attorneys fall under in their careers. This change is addressed in Rule 41:13 Certificate of Retirement that will be implemented on Dec. 28, 2017.

"Right now, you are either actively practicing or you're classified as being inactive, and you can switch between the two," Tré says. "But you can never just stop being a lawyer. You can never really give up or relinquish your law license under today's rules."

One of the problems with the current choice of classifications – active or inactive – occurs when lawyers want to do something that non-lawyers can do, such as mediations or tax preparation. As an inactive lawyer, you can't do a family member's tax return because you'd be practicing law, which is not allowed as an inactive attorney. You'd have to activate your law license, he says.

Under Rule 41:13, you'd be able to retire your license, which means you revert back to non-lawyer status so you can do some things that otherwise would be precluded. Of course, the downside is that, should you change your mind and want to practice law again, you'd have to sit for the bar exam or be admitted on motion, Tré says.

An exception is the classification as an "emeritus attorney." Emeritus attorneys are inactive attorneys who work pro bono for Iowa Legal Aid and other such entities. Even if you fully retire from the practice of law, you can still function as an emeritus attorney, he says. "We want to encourage Iowa lawyers to continue or become involved in offering pro bono legal services at every stage of their legal careers."

To assist retiring attorneys, Tré plans to update the guidance and compliance materials on the OPR webpage.

"We have some good materials, but they are starting to get a bit out of date," he says. "In light of the new rule changes, the good work of the ISBA task force on succession planning, the forms created by the Iowa Academy of Trust and Estate Counsel and whatever insight I can gain from everybody, I'll be working on updating the end-of-practice materials. Even Paul Wieck (former OPR director) has agreed to give me a helping hand, which will be greatly appreciated."

OPR's other major focus in the near term is related to the new attorney just starting into practice. Helping Iowa's new attorneys get their practice started on a good foundation is crucial. One of the key components in this is the proper setting up and handling of a new lawyer's trust account, be it for attorneys just out of law school who set up their own practices or for older attorneys who may have struck out on their own after being part of a larger firm for 20 years where trust account matters were handled by someone else in the firm. Tré and his staff are working on ways to provide more guidance.

"Where's the line between education and compliance and enforcement?" he asks. "We're exploring ways to make that more efficient – to better protect the public and serve the bar. These things are not mutually exclusive."

Tré would like to have a "best practices" guidebook created which has basic forms and procedures that a new lawyer could use, as well as identify likely problems facing the new lawyer hanging out his or her shingle.

To help with this, Tré has started going out once a month with the auditors of the Client Security Commission, not so much to look at the books but rather to get a "finger on the pulse of the practice of law in Iowa," as he describes it. He visits with the attorneys while the auditors are looking at the books to talk about what they see as problems confronting the profession, and discuss methods to make it better.

"I clearly don't know everything," he acknowledges, "but I'm in a position to make changes and give guidance to the court. The collective experience and

wisdom of our fellow attorneys is amazing and the more I can tap into that, the better. I know that the court has always been very open and receptive to changes and values the input of Iowa's lawyers. Hopefully these audit visits will help me get a better idea of what issues our profession faces across the state."

Tré is optimistic that the changes – maybe "tweaks" is a better word – that take place in the next couple of years will result in a system of attorney regulation that addresses and embraces the modern-day legal world.

"Iowa is on such a cutting edge of so many things that we get questions from other bars and from reporters wanting to know what Iowa is doing," he says. "We are on the forefront of dealing with many of the issues facing the modern-day practitioner. It is an exciting time to be an Iowa lawyer."

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“I’ll see you in ~~trial~~ mediation” –

The growing trend of mediation and what Iowa attorneys are doing to elevate the practice

By Melissa Higgins, Communications Director

In the last several decades, courtroom trials in civil cases have decreased nearly 70 percent— from 11.2 percent of cases filed, to less than one percent today. In 2016, there were approximately 1,200 total cases tried in Iowa, with only 200 being civil trials. That means all other lawsuits and disputes in Iowa

are resolved before trial, and usually through a form of mediation.

Chief District Judge John A. Jarvey for the U.S. Southern District observed: “Mediation took Iowa by storm for several reasons. First, while courts were loath to sponsor settlement conferences until the eve of trial, mediation is now conducted earlier and often prior to filing. Second, the process typically takes from four to six hours and facilitates more rapid exchange of proposals. Third, people are naturally attracted to a process that gives them more control over the outcome of the dispute. Finally, compared to the jury trial, mediation is extremely inexpensive.”

With the emergence of mediation and the other ADR mechanisms in Iowa, it became apparent to Dick Calkins, former Drake University Law School Dean, that an organization of students, lawyers and other professionals could serve the cause of peaceful resolution of legal disputes. He formulated the idea of creating an Inns of Mediation group, similar to the Inns of Court that many Iowa attorneys are familiar with.

The newly-formed Drake chapter of the Inns of Mediation has a goal to carry out the admonition of former Chief Justice Warren E. Burger of the United States Supreme Court, that lawyers “must be problem-solvers, harmonizers, peacemakers, healers – not the cause of conflict.”

“Mediation is not just moving the case from the courtroom to the conference table. It’s a totally different mindset,” explained Calkins. “Instead of being required to go to battle to find resolution, it’s the opposite. You bring the parties together and find a resolution both can accept. A win-win result.”

Calkins started his legal career as a trial attorney in Chicago. He was a founding partner of the firm Burditt and Calkins and eventually became dean of Drake University Law School. Upon re-entry into private



Cassie Kinney and Dick Calkins, pictured at the ISBA offices, serve on the board of the new Inns of Mediation organization.

practice, he was approached about becoming a professional mediator.

“I quickly realized I could do a lot better mediating than ever trying a case. It was a lot more appealing to my personality,” he said.

After starting a full-time mediation and arbitration practice in 1995, Calkins became one of the most effective advocates for the mediation profession in Iowa and beyond. He launched Drake’s competitive mediation program and established national and international mediation tournaments. He helped found the International Academy of Dispute Resolution in Chicago. He has published two books on mediation. And now, most of his efforts are directed to training others by offering 40-hour courses, as well as conducting mediation tournaments worldwide.

“Mediation has literally taken over the legal system. It’s very dramatic what’s happened,” he explained. And other Iowa attorneys, across all practice areas, are taking notice.

“We’re seeing more and more real-life scenarios where people settle cases and have to do one of two things: get on with their life, or deal with each other. There is a way to resolve a case where there doesn’t have to be a clear winner and clear loser. In mediation, everyone can come out with something positive,” said Cassie Kinney, the director of Litigation and Claims at Life Care Services and the new secretary/treasurer of the Inns of Mediation.

The organization, which will be presided

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former dean and adjunct professor, Drake University Law School, invites applications for:

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Mr. Calkins has conducted his 40-hour course over 80 times throughout the Midwest. He has also trained law students throughout the nation and internationally in Australia, United Kingdom, India, Ukraine, UAE and Irish Republic.

The class includes mediator and advocacy training, with students doing two full mediations before being certified by the International Academy of Dispute Resolution.

For information, contact Susan Ewing at 515-283-0331 or amta@dwx.com.

over by Judge Larry McLellan from Judicial District 5C, intends to bring members of the practicing bar together with law students, undergraduate students and members of the community to provide education, networking and mentoring related to mediation.

“Methods for problem solving take on many forms,” said Inns President, Judge McLellan. “As a former trial lawyer and now as a judge, one of the methods is the trial. Arbitration, mediation and negotiations have become equally important. These latter methods outstrip trials as forms of problem solving. The trial remains an integral part of the spectrum of problem solving methods. However, arbitration, mediation and negotiations occupy a greater portion of the lawyer’s quiver. Providing educational and professional opportunities that assist young lawyers in developing the skills needed to effectively utilize arbitration, mediation and negotiations is critical to this development. It is our desire and hope that the Inns of Mediation will provide that forum for our future problem solvers.”

Pupilage groups will be set up, highlighting specific practice areas, and will facilitate the mentoring of those new to the practice. The pupilage groups will also be making a special effort to include members of the business community, for the purpose of opening up better communication between

businesses and the legal profession.

“I would like to include in our Inn, members of our sophisticated business community (in the Des Moines metro) to elevate an awareness of mediation in business,” explained Kinney, who will head up the corporate law/in-house counsel pupilage group.

Eventually, Calkins hopes to establish Sister Inns throughout the United States and around the world where law school mediation tournaments have been held. The Drake chapter is already working closely with the University of Iowa and Creighton Law Schools to establish a presence on those campuses.

“This is where the law is now. But mediation in the current law school curriculum barely scratches the surface,” said Calkins. “Most students may never try a case in their careers. But if they have clients, they will have to know how to mediate.”

The Inns of Mediation has established eight pupilage groups based on a specific interest or type of case that relies on mediation for resolution: family/juvenile/probate, intellectual property, agriculture, civil litigation, workers’ compensation, corporate, employment and community outreach. These pupilage groups are open to students and legal and non-legal professionals for education and networking opportunities.

DEVELOPING A MEDIATION PRACTICE

The need for trained mediators is ever-increasing. The question is: How can one get into the practice of mediation and build a livelihood?

Where to Begin – Tips provided by Dick Calkins

1. Find a niche or specialty

A long and distinguished career in a particular area of law gives the person a better opportunity to exchange his or her coat of advocacy for a mediator’s cloak.

2. Adequate training

There are a number of training courses for mediators offered around the country. Generally, they are 40 hours, which in many jurisdictions is required for state certification. Courses are geared for certain specialty areas.

3. Identify top mediators in the state

Inventory the top 10 mediators in the state, particularly those with whom you have participated with as an advocate. Figure out what format and style they are using that you think makes them so effective, and try to model it.

4. Pro bono mediations

Engage in pro bono mediations to get experience and build your resume.

5. Administrative considerations

Resolve administrative matters such as fees, contract of engagement, the form of the letter to be sent to counsel and the parties, insurance coverage, etc.

6. Learn about marketing

Get business cards and brochures. Contact other lawyers and insurance carriers, even judges, to develop a referral network. Do public speaking and write articles. Hold promotional events and advertise. Start a website and blog.

INNS OF MEDIATION

The Mission

The Inns of Mediation, similar to its inspiration, the American Inns of Court, is comprised of lawyers, judges, students and other professional mediators who are committed to advancing the principles and awareness of mediation as a means of resolving disputes among parties.

The Goals

1. Increase awareness of mediation as a means to resolve disputes.
2. Provide educational opportunities for mediation professionals and students.
3. Expand collegiate mediation tournaments.

Get Involved – Join the Inn and participate in pupilage groups that highlight an area of law in which you have a special interest.

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IA Free Legal Answers is designed like a virtual walk-in legal clinic where qualified clients post questions to the secure website. Then, volunteer attorneys log in to the site, preview questions and select questions to answer. After questions are answered, clients receive an email telling them to log back in to see their answers. Prior to launching this service, volunteer attorneys are needed to sign-up to answer questions in family law, housing, consumer debt, work issues, public benefits, probate and guardianship. Experienced practitioners with substantive knowledge in their practice area(s) are highly desirable volunteers for this opportunity.

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Hon. Susan Christensen, District Court Judge, District 4

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Prof. Brent Pattison, Director of the Joan and Lyle Middleton Center for Children's Rights, Drake University Law School

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April 21, 2017

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Hon. Celeste Bremer, United States Magistrate Judge for the Southern District of Iowa

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April 27, 2017

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MESSAGE • ANNUAL MEETING CO-CHAIRS



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Dear Bar Members:

We are very excited to invite you to the 2017 Iowa State Bar Association Annual Meeting, being held June 19-21 at the Iowa Events Center (Community Choice Credit Union Convention Center). Over the course of the last nine months, the ISBA Annual Meeting Committee has been working tirelessly to put together a stellar conference for Iowa's legal professionals. With all our hard work, we hope this annual meeting exceeds your expectations.

This will be the fourth year that the annual meeting has been held at the Iowa Events Center. This location is very spacious, allowing for as many as seven tracks to be offered at the same time. Tracks are organized by attorneys and judges and cover a variety of practice areas. The committee understands that attending the annual meeting is a huge commitment away from work. With that in mind, we have attempted to provide something for everyone, each day, and offer sufficient CLE credit so attendees could participate in this meeting and receive all of the required CLE for the year.

We have requested 17 hours of state CLE which includes 4 ethics and 10 federal hours. As part of our continued concern for the environment, we will once again be paperless. No hard copy materials will be available at the conference. Once available, feel free to download and/or print the materials in advance of the conference.

In addition to the educational programming, there are plenty of opportunities for socialization. As in year's past, the meeting will once again be held in conjunction with the annual conference of the Iowa judges. New this year is the opportunity for YLD members in their first three years of practice to attend annual meeting CLE programming free of charge. We encourage all ISBA members who fall into this category to attend the event. There is truly no better legal networking event in Iowa than the ISBA Annual Meeting.



Christine Moon

Some of the planned social events this year include the law school luncheons for Creighton, Drake and Iowa on Monday afternoon, followed by an I-Cubs outing at Principal Park on Monday night. Tuesday offers attendees the opportunity to attend the 50-Year Member Luncheon as well as the ISBA Young Lawyers Division tailgating event at the ISBA Headquarters (wearing of school colors is highly encouraged). On Wednesday night, the ISBA Annual Awards Gala wraps up the 2017 ISBA Annual Meeting, capping off three-days of exemplary speakers, timely topics and unforgettable networking events.

We look forward to seeing you in June at the Iowa Events Center in downtown Des Moines.

Best Regards,
Kathleen Law and Christine Moon
ISBA Annual Meeting Co-Chairs

ISBA Annual Meeting Committee

Hon. Paul Ahlers
Nicole Berman
Anthony Carroll
Deanna Clingan-Fischer
Lylea Critelli
Erin Herbold-Swalwell
Timothy Hill
Stephen Humke
Erin Lee Schneider
Jennifer Juhler
Kathleen Law (co-chair)
Michelle McGovern

Susan Mitchell
Christine Moon (co-chair)
Mary Lynn Neuhaus
Bridget Penick
Ellen Ramsey-Kacena
Steven Reed
Gail Sheridan-Lucht
Charles Smith
Anne Updegraff
Tara Van Brederode
Lu Ann White
John Wood

SCHEDULE • MONDAY, JUNE 19

Events

<p>10:00 a.m. Registration Opens</p> <p>10:00 - 11:00 a.m. Red Mass St. Ambrose Cathedral</p> <p>11:00 a.m. - 12:30 p.m. Law School Luncheons: Creighton University, Drake University, and the University of Iowa <i>Register for ticketed event</i></p>	<p>5:30 - 6:30 p.m. Joint Presidents' Reception <i>Complimentary to all Annual Meeting attendees</i></p> <p>7:00 p.m. I-Cubs Outing at Principal Park <i>Register for ticketed event</i></p>
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Ag Law Track (Sponsored by Iowa Agricultural Development Division - Iowa Finance Authority)

<p>12:45 - 1:45 Business Formation to Take the Greatest Advantage of FSA Rules Bill Bridgforth</p>	<p>2:05 - 3:05 Hay Ground, Horses and Home Rule: An Ag Law Year in Review Kristine Tidgren</p>	<p>3:15 - 4:15 Ag Liens: Security Interests and Workout Concerns for Bankers Robert Hartwig</p>
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Corporate Counsel Track

<p>12:45 - 1:45 Data Breach! Now What? John Lande</p>	<p>2:05 - 3:05 Employment Law Issues Espnola Cartmill</p>	<p>3:15 - 4:15 Access to Justice: What Does it Mean and Why Does It Matter? Justice Brent Appel</p>
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Employment Law/Mediation Track

<p>12:45 - 1:45 The Changing Face of Concerted and Protected Activity in Employment Law James Hank</p>	<p>2:05 - 3:05 That was Then, This is Now: Changes to Chapter 20 Collective Bargaining Ann Smisek</p>	<p>3:15 - 3:45 So You Want to Be a Mediator Darin Harmon</p>	<p>3:45 - 4:15 Innovations in Family Law Mediation Kristen Hall, Douglass Marberry, Cory McClure and Kimberly Stamatelos</p>
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Federal Practice Track

<p>12:45 - 1:45 Introduction to Judge Kelly Mahoney: Views from the Bench, Best Practices, and Federal Court Practices Hon. Kelly Mahoney</p>	<p>2:05 - 3:05 Immigration Law Update Kim Blankenship</p>	<p>3:15 - 4:15 Federal Criminal Procedure Law Emerging Issues Speaker TBA</p>
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Fundamentals of Law Track

<p>12:45 - 1:45 Court Room Etiquette Hon. Lawrence McLellan, Hon. Michael Moon, Hon. Stephen Owen and Hon. Nancy Tabor</p>	<p>2:05 - 3:05 Common Motions and Pleadings in Civil Matters Andrew Boettger</p>	<p>3:15 - 4:15 Practical Landlord Tenant Law Christopher Warnock</p>
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Judges Track #1

12:45 - 1:45
Update on Sentencing Chart and Current Sentencing Issues
Hon. Michael Mullins

2:05 - 4:15
The Science of Eyewitness Memory
Prof. Gary Wells

Judges Track #2

12:45 - 1:45
Search and Seizure Update
Hon. Mark McGinnis

2:05 - 4:15
Search and Seizure Advanced Topics
Hon. Mark McGinnis

Plenary Track

4:15 - 5:30
Ethical Forms of Billing
Nick Critelli

SCHEDULE • TUESDAY, JUNE 20

Events

7:00 a.m.
Registration Opens

7:00 - 8:00 a.m.
Open AA Meeting

7:00 - 8:00 a.m.
Open Al-Anon Meeting

12:00 - 1:30 p.m.
50-Year Member Luncheon
Register for ticketed event

12:00 - 1:30 p.m.
Probate Track Luncheon
Register for ticketed event

1:30 - 4:30 p.m.
YLD Meeting

5:15 - 6:15 p.m.
Open AA Meeting

5:15 - 6:15 p.m.
Open Al-Anon Meeting

5:30 - 8:30 p.m.
YLD Tailgate at the ISBA Headquarters
Sponsored by ARAG
Complimentary to all Annual Meeting attendees

Event attendees are encouraged to show their school spirit by sporting their favorite collegiate gear. Come join your peers in a fun night of games, food, music and great company.

Access to Justice Track

9:20 - 10:20
Law Office Incubators
Fred Rooney

10:20 - 10:50
Update from the Access to Justice Commission
Speaker TBA

11:00 - 12:00
A Closer Look at the Importance of Civil Legal Services on Battered Women
Dr. Carolyn Hartley, Dr. Lynette Renner and Jessica Taylor

Case Law Track

9:20 - 10:50
Civil Case Law Update
Hon. Paul Ahlers

11:00 - 12:00
Expedited Civil Actions Update
Justice Edward Mansfield

1:30 - 3:00
Criminal Law Update
B. John Burns

3:20 - 4:20
Workers Compensation Update
Andrew Giller

Fundamentals of Law Track						
9:20 - 10:20 Drafting and Executing Wills Steven Reed	10:20 - 10:50 The Client Interview Meredith Nerem	11:00 - 12:00 Juvenile Court: What You Need to Know to Hit the Ground Running Nicole Facio	1:30 - 2:30 Motions in Criminal Trials Steven Drahozal	2:30 - 3:00 Direct and Cross Exams in Criminal Trials Heather Jackson Badovinac and Sarah Keely	3:20 - 4:20 Acing the Closing Argument Aaron Hawbaker	4:30 - 5:00 Criminal Trial Workshop Steven Drahozal, Heather Jackson Badovinac and Sarah Keely

Judges Track #1		
9:20 - 10:50 Marijuana and Driving Carl Dawson	11:00 - 12:00 Common Errors in Criminal Proceedings Hon. Christopher McDonald	3:20 - 4:20 Proposed Changes to Child Support Guidelines Hon. Chad Kepros and Hon. Eliza Ovrom

Judges Track #2		
9:20 - 10:50 Civil Litigation Update Hon. Paul Ahlers	11:00 - 12:00 Expedited Civil Actions Update Justice Edward Mansfield	1:30 - 3:00 Criminal Law Update B. John Burns

Juvenile Law Track			
1:30 - 2:30 Case Law and Legislative Update Prof. Brent Pattison	2:30 - 3:00 Juvenile Court to District Court: Guardianship and Jurisdiction Prof. Jerry Foxhoven	3:20 - 4:20 Effective Parent Representation: Spotlight on Education Law Thomas Mayes	4:30 - 5:00 Best Practices in Delinquency Detention: Shackling Prof. Brent Pattison and Erin Romar

Litigation Track		
11:00 - 12:00 Let's Make a Deal: Strategies for Negotiating With (or Without) Mediation David Baker and Timothy Semelroth	3:20 - 4:20 iLitigation: Essential Apps and Websites for Litigators Robert Livingston and Joseph Moser	4:30 - 5:00 How to Be an Expert on Experts Megan Dimitt

Probate Track						
9:20 - 9:50 Legislative Update Travis Cavanaugh	9:50 - 10:20 ABLE Accounts Jenna Luttenegger Weiler	10:30 - 11:00 Income Tax Considerations in Estate Planning Jessica Doro	11:00 - 12:00 Current Issues for Trust and Estate Lawyers Paul Morf, Michel Nelson and Wayne Reames	1:30 - 2:15 Assessing Life Policies in ILITs Greg Kiser	2:15 - 3:00 Using Our New Digital Assets Act Josh Weidemann	3:20 - 5:00 Conservatorship and Guardianship Task Force Recommendations Prof. Josephine Gittler and Justice Bruce Zager

Variety Track		
9:20 - 10:20 Review of Government Decision Making Rebecca Brommel, James Byrne and Hon. Scott Rosenberg	10:20 - 10:50 Becoming a Better Lawyer: Navigating Psychological Pitfalls in Your Practice Lawrence Scanlon	11:00 - 12:00 Federal Trade Commission and Data Security Thomas Walton

Plenary Track
8:00 - 9:00 The Office of Professional Regulation's Report Tre Critelli

SCHEDULE • WEDNESDAY, JUNE 21



Events	
<p>7:00 a.m. Registration Opens</p> <p>7:00 - 8:00 a.m. Open AA Meeting</p> <p>7:00 - 8:00 a.m. Open Al-Anon Meeting</p> <p>7:00 - 8:30 a.m. ISBA Foundation Fellows Breakfast <i>By invitation only</i></p> <p>9:00 a.m. - 12:00 p.m. ISBA Foundation Board Meeting</p> <p>9:00 a.m. Iowa Court of Appeals Oral Arguments</p> <p>10:30 a.m. Iowa Court of Appeals Oral Arguments</p>	<p>12:00 - 1:30 p.m. Luncheon Honoring the Iowa Supreme Court Sponsored by Iowa Title Guaranty <i>Register for ticketed event</i></p> <p>1:30 - 5:00 p.m. ISBA Board of Governors Meeting <i>BOG Meeting will continue on Thursday, June 22</i></p> <p>5:15 - 6:15 p.m. Open AA Meeting</p> <p>5:15 - 6:15 p.m. Open Al-Anon Meeting</p> <p>6:15 p.m. ISBA Annual Awards Gala <i>Register for ticketed event</i></p>

Commercial and Bankruptcy Law Track			
<p>8:00 - 9:00 Chapter 12 Family Farm and Bankruptcy Venue Reform Keeping Cases Near the Businesses Joseph Peiffer</p>	<p>9:10 - 10:10 Bankruptcy Law Update Hon. Thad Collins and Hon. Anita Shodeen</p>	<p>10:30 - 11:15 A UCC Article 9 Primer Prof. Matthew Doré</p>	<p>11:30 - 12:00 Student Loan Debt: The Trillion Dollar Problem Nancy Thompson</p>

Elder Law Track				
<p>8:00 - 9:00 Medicaid and Managed Care: Helping Your Client with Grievances and Appeals Cyndy Miller, Elizabeth Norris and Kelli Todd</p>	<p>9:10 - 10:10 Mediation in the Elder Law World Kristen Hall</p>	<p>10:30 - 12:00 Getting Old Ain't for Dummies: Helping Your Client to Achieve Health Literacy Jo Kline Cebuhar</p>	<p>1:30 - 2:40 Medical Capacity Dr. Robert Bender</p>	<p>2:40 - 3:40 Legal Capacity Frank Tenuta</p>

Family Law Track					
<p>8:00 - 9:00 Family Law Case Update James Meade</p>	<p>9:10 - 10:10 Proposed Changes in the Child Support Guidelines Kevin Kaufman, Hon. Chad Kepros, Hon. Eliza Ovrom and Marlis Robberts</p>	<p>10:30 - 11:30 Identify, Value, and Distribute: A Look Into Common and Unique Issues in Equitable Distribution Joseph Pavelich</p>	<p>11:30 - 12:00 Using Child Abuse Assessment Summaries and DHS Investigations in the Family Law Case Cory McClure, Ellen Ramsey-Kacena and Kristi Traynor</p>	<p>1:30 - 2:30 Representing Children in Family Law Cases and Changes to Iowa Code §598.12 Lora McCollom</p>	<p>2:40 - 3:40 Alcoholism and Addiction: Helping The Non-Alcoholic Spouse in A Family Law Case Diane Dornburg, Sherrie Nelson and Teresa Furneaux</p>

Fundamentals of Law Track				
8:00 - 9:00 Trust Accounts Trinity Braun-Arana	9:10 - 10:10 What's Between Me and A 1/3 Fee? - Landmines in General Personal Injury Claims Timothy Semelroth	10:30 - 11:30 Nuts & Bolts of Iowa Residential Real Estate Transactions Timothy Gartin	1:30 - 2:30 Mental Health Commitments and Guardianships/ Conservatorships Amy Moore	2:40 - 3:40 Fundamentals of Workers' Compensation Ashley Grieser

Judges Track #1		
9:10 - 10:10 Judicial Branch Legislative Update Sydney Kronkow	10:30 - 11:30 Being a Trauma-Informed Judge Hon. Romonda Belcher and Hon. Colin Witt	1:30 - 3:40 Best Practices for Judges in Custody and Parenting Plans Jenny Schulz

Litigation Track					
8:00 - 9:00 ADB Update: Building your Ethics Safety Net Tara van Brederode	9:10 - 10:10 FLSA and Other Employment Topics Jill Jensen-Welch	10:30 - 12:00 From Facebook to Echo-Discovering Electronic Evidence Christine Branstad, Igor Dobrosavljević, Scott Gratias, Hon. Scott Rosenberg and Brett Trout	1:30 - 2:30 Tips for A Successful Mediation David Baker, Dwight James and Mary Lynn Neuhaus	2:40 - 3:10 Appellate Motion Practice Tyler Buller	3:10 - 3:40 The Long Game: Need -to-Know Error Preservation Principles to Protect Your Case on Appeal Kelli Huser and Vidhya Reddy

Plenary Track
4:00 - 5:00 Ethics Jeopardy Michael Streit

Real Estate Track (Sponsored by Iowa Title Guaranty)	
1:30 - 2:30 Current Issues in Partition Law in Iowa Daniel Fischer and Jim Nervig	2:40 - 3:40 Conservatorship and Power of Attorney Issues in Real Estate Mark Cord

GENERAL INFORMATION

Event Location

Unless otherwise noted, all annual meeting CLE tracks and social events take place at the Iowa Events Center (Community Choice Credit Union Convention Center) located at 833 5th Ave., Des Moines, Iowa 50309.

Materials

In an effort to keep costs down, and to be as “green” as possible, the 2017 ISBA Annual Meeting will be paperless. The ISBA will provide digital copies of the materials to all conference attendees via an online materials page where attendees can download the materials prior to the conference. It is strongly suggested that attendees download the materials in advance of the event.

Track Attendance

All ISBA Annual Meeting attendees are welcome to attend any of the CLE sessions listed above, including the judges tracks.

CLE Credit Information

17 state hours of CLE credit which includes 4 ethics and 10 federal hours has been applied for. The number of CLE credits earned depends on tracks attended.

REGISTRATION FORM • 2017 ANNUAL MEETING

Judges, law clerks, and judicial branch staff attorneys will receive registration information from the Iowa Judicial Branch

Name: _____ Member #: _____ Phone #: _____

Address: _____ City, State, Zip: _____

E-mail: _____

Registration Fees:

Prices below reflect the early-bird registration fees. Registering after **June 5** will result in a \$50 late fee being added on to the registration fee amounts below.

Full Seminar Registration

- ISBA Members (6 Years or More) - \$325
- ISBA YLD (Years 4-5) - \$225
- ISBA YLD (Years 1-3) - Free
- Non-ISBA Members - \$435
- Paraprofessional (Legal Assistants & Office Employees) - \$125
- Law Students - Free

Individual Day Registration

- Only Monday (ISBA Members) - \$150
- Only Monday (Non-ISBA Members) - \$175
- Only Tuesday (ISBA Members) - \$175
- Only Tuesday (Non-ISBA Members) - \$235
- Only Wednesday (ISBA Members) - \$175
- Only Wednesday (Non-ISBA Members) - \$235

Social Events (If only attending complimentary events, you must register above for Annual Meeting):

- Creighton University Law School Luncheon (Monday, June 19) \$25 each \$ _____
- Drake University Law School Luncheon (Monday, June 19) \$25 each \$ _____
- University of Iowa College of Law Luncheon (Monday, June 19) \$25 each \$ _____
- Joint Presidents' Reception (Monday, June 19) Complimentary to Annual Meeting attendees
- I-Cubs Outing at Principal Park (Monday, June 19) \$7 each \$ _____
- 50-Year Member Luncheon (Tuesday, June 20) \$25 each \$ _____
- Probate Track Luncheon (Tuesday, June 20) \$25 each \$ _____
- YLD Tailgate at the ISBA Headquarters (Tuesday, June 20) Complimentary to Annual Meeting attendees
- Luncheon Honoring the Iowa Supreme Court (Wednesday, June 21) \$25 each \$ _____
- ISBA Annual Awards Gala (Wednesday, June 21) \$60 each \$ _____

TOTAL (registration fee and social event expenses): \$ _____

Method of Payment: ___ Check enclosed Check Number _____
 ___ Master Card ___ Visa ___ American Express ___ CLE Season Pass (registration fees only)

Credit Card #: _____ **Exp. Date:** _____

Cardholder Signature: _____

Special Considerations (dietary, hearing, vision, etc.): _____

Return registration form to: ISBA CLE, 625 E. Court Avenue, 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 June 5, 2017. Written notification can be mailed, faxed, or e-mailed to the bar office.

Hotel Information

Hotel Information		
Des Moines Marriott Downtown 700 Grand Avenue Des Moines 50309 (515) 245-5500 Room Rate: \$143 +tax Reservation Deadline: May 23	Hampton Inn Downtown 120 SW Water Street Des Moines, IA 50309 (515) 244-1650 Room Rate: \$139 +tax Reservation Deadline: May 15	Holiday Inn Mercy Campus 1050 6th Avenue Des Moines, IA 50314 (515) 283-0151 Room Rate: \$109 +tax Reservation Deadline: May 22

YLD Mentorship Program continues to grow

Applications for next year's program are due May 19

By Reed McManigal, YLD President



Reed McManigal

Last month, a new batch of young attorneys was sworn in to practice law in the State of Iowa. I was one of several members of the Iowa Bar fortunate enough to address the group before they were sworn in. Standing between these attorneys, their hard work and bar passage, and their pending admission to the Iowa bar, is a great honor. It's also a time to be brief and get out of the way. As I sat there listening to accomplished Iowa attorneys, bar examiners and justices address the group, a consistent theme emerged. It struck me when Iowa

Supreme Court Justice David Wiggins repeated advice he had received from an older attorney years ago when he was beginning his practice as a young attorney. The unofficial theme each speaker highlighted, without naming, was mentoring.

Mentoring means different things to different people. The Young Lawyers Division of The Iowa State Bar Association views mentoring as an opportunity to provide our members with access to resources, support and advice from those who have toiled in the trenches. The YLD Mentoring Program has more than 150 participants across the state. Mentors and mentees participate in the program for any number of reasons, including advice, networking, friendship and comradery. The number of program participants continues to grow, but we can continue to serve as many mentors and mentees who would like to participate.

Ian Russell, former YLD President, started the initiative that was carried forward and implemented under former YLD President Amos Hill. The program's initial success turned an idea into arguably the most valuable YLD program available. As an Executive Council, we've repeatedly asked YLD members what services we provide that directly benefit them. To that repetitive question, we've received a repetitive answer: mentorship. Each year, the YLD and ISBA provide significant resources to match mentees and mentors, provide materials and distribute information on the program.

What's going well? If you get the opportunity to talk with a



YLD President Reed McManigal addresses newly sworn-in attorneys. Seated, to the right, is Iowa Supreme Court Justice David Wiggins.

mentor or mentee, chances are they will be able to share their own success story with you. Friendships have been forged, job opportunities have been identified, best practices have been shared and the pitfalls of being a new lawyer have been avoided. Hopefully, this program has helped to create relationships among attorneys that will last for years to come, further ensuring collegiality in the Iowa legal community.

What's next? Applications for next year's program are available and due on May 19. Pairings will be made roughly three weeks later before the ISBA Annual Meeting. We've made time to encourage those attending the ISBA Annual Meeting to meet their mentor or mentee at the YLD Tailgate in the Lot on June 20.

We are excited to keep this program growing and proud that Iowa is one of just a handful of states investing the time and resources in a mentorship program.

I encourage you to reach out to any of the members of the YLD Mentorship Committee with questions. Members of the committee include Maggie White (Chair), Kay Oskvig, Hope Wood, Ashley Leyda Walkup, Scott Hall, Ian Russell, Thomas Hillers, Parker Thirnbeck, Erin Lee Schneider, Jennifer Zwagerman and myself. You can reach out directly to this entire group by emailing us at mentorprogram@iabar.org.

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ASA

YLD launches anonymous questions forum for new attorneys

By Maggie White, YLD Secretary



Maggie White

Seven weeks into the practice of law, I had my first oral argument. I was assigned to a panel of judges, all of whom were older and male. As a young female, I knew I would feel more comfortable arguing in a pantsuit, but I wasn't sure if it would offend any of the judges if I didn't wear a skirt. I had no idea who I could go to with this question. I would have felt comfortable asking a classmate, but none of them had argued in front of these judges either. Everyone else I knew who had experience arguing in this court was so much older that I didn't want them

to think I was silly or stupid for having a question like this.

Other young lawyers have shared similar experiences with me: "I got assigned to draft a motion in limine. I barely know how to SPELL 'limine,' let alone what's supposed to go in the motion!" "I'm supposed to defend a deposition next week. I know you can make objections, but I have no clue what those objections are or when I should make them." "My boss wants me to cover an unemployment appeal hearing next week. She sounds like this is something I should know how to do, but I have no idea what to expect."

The Executive Council of the Young Lawyers Division has launched "Ask An Advocate"—an anonymous questions forum to help provide a safe space for young attorneys to ask questions like these without the fear of embarrassment or intimidation. Simply e-mail your question (however basic, silly or minor you might think it is!) to AskAnAdvocate@iabar.org. The list serve is moderated by ISBA staff, and all inquiries and responses are only



The YLD Executive Council met at the bar headquarters on Friday, April 21 for their Spring Meeting. They discussed the anonymous questions forum and other upcoming projects that have a goal to better serve Iowa's new attorneys.

shared after identifying information has been removed.

One goal of the YLD is to increase membership value for young lawyers and we hope Ask An Advocate will be a helpful resource. Anonymous questions may involve topics such as law firm environments, court rules, legal research, procedural rules, practical applications of the law, client relations and other issues that may be unclear to a new or less experienced attorney. Ask An Advocate is an informational tool and is not intended to be a forum for young lawyers to find new employment.

If you have any comments, questions or feedback about the forum, please send them to me. Ultimately, we want this to be a service provided to young lawyers, which can only happen if it meets the needs of our members. We're very open to ideas on how to improve as we get this forum up and running and would love to hear from you. I can be contacted at 515-345-4630 or Maggie.E.White@emcins.com.

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Dirksen

Allyson C. Dirksen has been named a partner in the Heidman Law firm in Sioux City. She received her J.D. from Creighton University School of Law in 2011. Dirksen maintains a practice focused on agricultural law, employment law, healthcare law, municipal law, real estate, estate and probate, and general business law.



Fautsch

David Fautsch has joined The Weinhardt Law Firm in Des Moines. He received his J.D. from the University of Michigan Law School in 2011. Fautsch works in the areas of complex civil disputes, white collar criminal defense, internal investigations, trial practice and appeals.



Gross

Marcus Gross, Jr. has joined Salvo, Deren, Schenck, Swain & Argotsinger, P.C. in Harlan as a partner. Gross has been Shelby County Attorney and in solo private practice in Harlan since 2003. The new name of the law firm is Salvo, Deren, Schenck, Gross, Swain & Argotsinger, P.C.



Lindahl

Barry A. Lindahl has been named senior counsel to the City of Dubuque. He received his J.D. from the University of Iowa College of Law, where he is an adjunct faculty member teaching trial advocacy. Lindahl previously served as City Attorney in Dubuque from 1975 to 2016.



Moser

Joseph F. Moser has joined Finley Law Firm, P.C. in Des Moines as an associate. He received his J.D. from the University of Iowa College of Law in 2011. Moser maintains a diverse civil practice including worker's compensation, employment litigation and insurance defense.



Sandler

Brittany Sandler has joined Stamatelos & Tollakson, PLLC in West Des Moines as an associate. She earned her J.D. from Drake University Law School in 2016. She will practice primarily in family law.



Schreurs

Micah J. Schreurs has joined Woods, Fuller, Shultz & Smith P.C. in Sioux Falls, South Dakota, as an attorney. Micah earned his J.D. from the University of Iowa College of Law and has practiced law in Sheldon for over 15 years. His practice will focus on litigation, municipal law, employment matters, family law, real estate and probate in the firm's offices in Sheldon and Sioux Center.



Sehic

Monika Sehic has joined Faegre Baker Daniels in Des Moines as an associate. She received her J.D. from Drake University Law School in 2016. Sehic will represent clients in business and commercial disputes in state, federal and arbitral forums across the nation.



Talsma

Jordan M. Talsma recently joined the law firm Beecher, Field, Walker, Morris, Hoffman and Johnson, P.C., in Waterloo as an associate. He received his J.D. from the University of Nebraska College of Law in 2015. Talsma will practice primarily in civil litigation, personal injury and family law.



Taylor

Jessica Taylor, formerly a Senior Staff Attorney with Iowa Legal Aid, was recently promoted to Managing Attorney of Iowa Legal Aid's newly funded Pro Bono Revitalization Project in its Des Moines office. She will also be managing Iowa Legal Aid's Farmworker Project. Taylor has been an employee of Iowa Legal Aid since July 2007.



Van Kekerix

Jenny L. Van Kekerix has joined Deck Law, LLP, in Sioux City as an associate. She received her J.D. from the University of South Dakota School of Law in 2016. Van Kekerix is currently licensed in Iowa and pursuing licensure in Nebraska and South Dakota.

TRANSITIONS SUBMISSIONS

To submit a transition item, please follow the same style published here and keep submissions short and to the point. The focus of the announcement should be on the individual involved, not the law firm.

Please include a high-resolution (300 dpi) color photo of the individual in the ".jpg" format and the announcement as plain text or as a Microsoft Word ".doc."

E-mail submissions to communications@iowabar.org. Include office phone number and name of person furnishing the copy. Questions? Please call 515-697-7864.

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Lawyers' social media use in 2017

How do you compare?

By Nicole Black



Nicole Black

Lawyers and social media: it hasn't always been the best of partnerships. When social media first emerged on the scene nearly a decade ago, many lawyers discounted it as a passing fad. But, over time, as social media has impacted all as-

pects of our lives from how we communicate to how we do business, lawyers have begun to see the light.

That's why in 2017, more lawyers and law firms are using social media than ever before. In fact, according to the American Bar Association's most recent Legal Technology Survey Report, 74 percent of law firms now maintain a presence on a social network and 76 percent of lawyers report that they personally use one or more social media networks for professional purposes. Lawyer use social media for a number of reasons, including career development/networking (73 percent), client development (51 percent), education/current awareness (35 percent) and case investigation (21 percent).

Twenty-five percent of lawyers have had a client retain them because of their social media interactions, compared with 24 percent in 2015, 23 percent in 2014 and 19 percent in 2013. Solo attorneys were the most likely to report this (34 percent), while attorneys from large firms (100 or more lawyers) were the least likely at 16 percent.

This begs the question: Which platforms are the most popular for legal marketing? And which ones do lawyers prefer to use for

professional networking? Let's do a deep dive into the results of the survey and find out.

Lawyers and blogging

Some lawyers have been blogging for over a decade now, but most lawyers didn't even know what a blog was at the turn of the century. Times have changed and many lawyers find that blogging is an effective way to showcase expertise and interact online. However, the percentage of law firms that maintain a blog has remained consistent for the past four years, at 26 percent. Large law firms with 100 or more attorneys were the most likely to maintain a blog in 2016, at 56 percent (compared with 54 percent in 2015, 53 percent in 2014 and 46 percent in 2013). Next up were firms with 10 to 49 attorneys at 26 percent, followed by 20 percent of firms with two to nine attorneys and 12 percent of solo lawyers. When it comes to practice areas, the following types of firms were the most likely to have a blog: personal injury (35 percent), litigation (31 percent) and employment and labor (27 percent).

Lawyers and LinkedIn

Of all the social media networks, LinkedIn is the most popular with lawyers and law firms, and for good reason; it's the "professional" social network. Because its focus is professional rather than social, lawyers are understandably more comfortable with it.

That's why 91 percent of firms of 100 or more attorneys have a presence in LinkedIn, followed by 85 percent of solos, 76 percent of mid-sized firms and 63 percent of smaller firms. Nearly 80 percent of all individual lawyers have a profile on LinkedIn as well. Solos and lawyers from mid-sized firms lead the way, with 99 percent of lawyers from firms with 10-49 lawyers using LinkedIn and 91 percent of solos. In third

place were lawyers from firms of two to nine lawyers at 85 percent.

Lawyers on Facebook and Twitter

Although Facebook has a reputation as being purely social, it has a lot to offer lawyers, both in terms of professional networking and maintaining an effective online presence. Because it's such a social network, many lawyers begin to interact on Facebook for social reasons, but eventually recognize its potential for professional purposes as well.

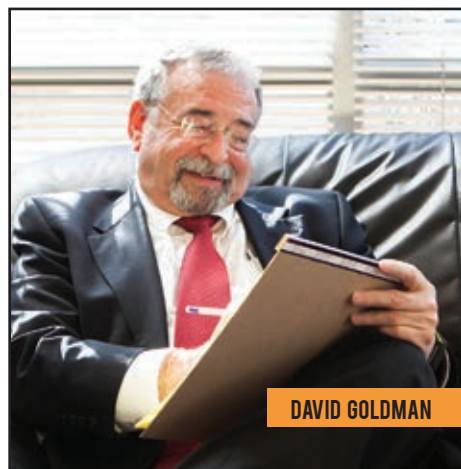
Lawyers use Facebook for a number of reasons, with some reporting that they use it only for personal reasons, including 89 percent of solos, 89 percent of lawyers from small firms, 82 percent of attorneys from mid-sized firms and 80 percent from large firms of 100 or more. The most active lawyers on Facebook for professional purposes are solos at 48 percent, followed by 41 percent of lawyers from small firms. Mid-sized firms were next at 22 percent, with lawyers at firms with 100 or more coming in last at 16 percent.

Twitter is the least popular major social network, although lawyers do use it. Lawyers from mid-sized firms lead the way with 26 percent maintaining a Twitter account, followed by 25 percent of solos, 25 percent of large-firm lawyers and 24 percent of small-firm lawyers.

Lawyers and websites

Websites, while not technically a form of social media, are a very effective way for lawyers to provide a virtual "front door" for clients and highlight their firm's focus and their lawyers' areas of expertise. So, it's not surprising that the vast majority of law firms (85 percent) have a website in 2017. Large and mid-sized law firms lead the way at 99 percent each, followed by 87 percent of small firm lawyers and 62 percent of solos.

So now that you've learned how other lawyers are using social media in 2017, how do you compare? Are you using social media effectively or is it time to make some changes? What steps can you take to get more value out of your online interactions and make this year the best it can be for your law firm?



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Nicole Black is a Rochester, New York attorney and the Legal Technology Evangelist at MyCase, web-based law practice management software. She's been blogging since 2005, has written a weekly column for the Daily Record since 2007, is the author of *Cloud Computing for Lawyers*, co-authors *Social Media for Lawyers: the Next Frontier*, and co-authors *Criminal Law in New York*. You can follow her on Twitter @nikiblack and she can be reached at niki.black@mycase.com.

Honoring 50 years of service: Judge Ronald E. Longstaff

Submitted by two of Judge Longstaff's former clerks, Carla Hamborg and Colin Witt

On Sept. 30, 2016, United States District Judge Ronald Earl Longstaff retired from public service. For more than 50 years, he brought a measure of dignity and respect to everyone who worked with him and appeared before him in court. He made the courthouse a great place to be, to learn, to practice law, and to know and feel justice.

Ronald Earl Longstaff was born in Pittsburg, Kansas, in 1941. Ron's father worked at one time as a coal miner, and his mother was a former school teacher. Ron was born with a mild form of cerebral palsy. Both parents were determined, however, to make sure his physical challenges would not limit his future accomplishments in any way. His parents pushed him hard in his school work, believing that a strong academic background would be crucial to his future success. They were right. Ultimately, Ron obtained an accounting degree from Pittsburg State University and went on to law school on a full-tuition scholarship at the University of Iowa.

While in Iowa City, Ron pursued two of his many passions: law and Hawkeye sports. Fortunately, he devoted slightly more of his time to the former than the latter and finished near the top of his law school class. He was hired upon graduation by then-District Judge Roy Stephenson, to serve as his law clerk.

Ron began this position, in what would become a 50-year federal court tenure, in June 1965. After serving for two years as a law clerk, Ron briefly left the courthouse to enter private practice with the Des Moines firm of McWilliams, Gross, & Kirtley. At Judge Stephenson's request, Ron returned to the courthouse in 1968 to serve as clerk of court and part-time magistrate judge. After a few years in this dual role, he was named a full-time magistrate judge in 1976. And on July 24, 1991, President George H. W. Bush nominated Judge Longstaff to serve on the district court for the Southern District of Iowa.

Judge Longstaff is quick to give credit to those who had come before him. He was mentored not only by Judge Stephenson, but also by Judge William Hanson and Judge William Stuart. He credits all three men for helping him develop the skills and demeanor to become an outstanding jurist himself. Judge Longstaff maintained that no one is "good enough" to judge others, but you simply do the best you can every day.

Judge Longstaff also modeled how important it was to "come to the courthouse feeling good and with a very positive attitude about your life and your job." He lived out a simple but vital philosophy for other judges, as expressed during a Dec. 21, 2007 interview con-

ducted by the Honorable James E. Gritzner, the first law clerk of Judge Longstaff: "I think it's very important to remember that whatever case you're hearing that day or whatever proceeding you're involved in, to the people in front of you, whether it be a criminal case or a civil case, is one of the most important things in their life and in the life of their family, and each one needs to be dealt with thoroughly and with the patience and courtesy that you can provide them. And the key is to be well-prepared to deal with the issues that are coming up. And then once they're presented to you, I think it's even more important that you realize that even though the decision may not be clear-cut -- obviously, if it's clear-cut you wouldn't need to be involved. Although it may be a difficult issue and (there may be) confusion as to where you should go, you need to make a decision. That's what your job is, and you make the best call you can. And once you've done the preparation, make the decision and move on."

Those who practiced before him, and who are familiar with his work, know that Judge Longstaff lived this out every single time a case was brought before him.

Outside of his work in the courtroom, Judge Longstaff has been and continues to be completely devoted to his family. His wife of 39 years, Norma, passed away in 2009. She is deeply felt and fondly remembered daily. He and Norma maintained season tickets to the Iowa football and men's basketball games for several decades. He now resides with their daughter, Christi, and daughter-in-law, Yolanda Hardy.

Judge Longstaff has invariably been described as a man with a great sense of humor. He was a sought-after speaker at bench and



Judge Longstaff with his judicial assistant, Debby Grimm. (Photograph by Patty Trom-Bird)

bar functions for decades. His frequent jokes and teasing would lighten otherwise stressful situations in court or in his chambers.

Judge Longstaff is the model of humility. Charles Spurgeon said, "Humility is the proper estimate of one's self." He was describing Ron Longstaff, one never interested in self-promotion or self-exaltation. He quietly and frequently complimented the work of others, without them even having to know it. His acts of kindness and mercy will long be remembered.

Judge Longstaff was so much more than a judge or an employer to his law clerks and long-time judicial assistant, Debby Grimm. To us, Judge Longstaff is our model, our hero, and always will be, family.

Carla Hamborg was Judge Longstaff's career law clerk for many years and is now an Administrative Law Judge with the Iowa Department of Inspections and Appeals. Colin Witt was a law clerk to Judge Longstaff for three years and is now a District Associate Judge in Polk County Juvenile Court.

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Mike Mesch
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Partner

Willis 'Will' Buell, 79, of Homer, Nebraska, died April 7.

Buell was born in 1937 in Battlecreek, Iowa. He received his J.D. from the University of Iowa College of Law. Buell worked for a judge in Santa Fe and also formed a law firm named Black and Buell. He then went to work for the Klass Law Firm, where he became a partner, then the U.S. Attorney's Office where he was an assistant U.S. Attorney and head of the Sioux City Branch until his retirement.

Charles Joiner, 101, of Naples, Florida, died March 10.

Joiner was born in 1916, in Maquoketa. Joiner received his J.D. from the University of Iowa College of Law in 1939. He served in the Army Air Corps during World War II, as crew commander of a B-29 bomber squadron in the Pacific. He practiced in Des Moines as a trial attorney with the firm of Miller, Huebner and Miller for eight years before moving to Michigan. In 1965, the Hon. Earl Warren tapped him to help author the historic proposal that resulted in the Uniform Rules of Evidence for the Federal Court system. He served as Wayne State University Law School's Dean until his appointment to the federal bench in 1972 as a district judge for the Eastern District of Michigan. He took senior status in 1984.

Terry Loeschen, 78, of Roanoke, Virginia, died March 21.

Loeschen received his J.D. from the University of Iowa College of Law. He began practicing in 1964 in Burlington, where he practiced law with the Cray Law Firm, eventually forming the Loeschen and Loeschen Law Firm until his retirement in 2003. Upon retirement and relocating to Virginia, Loeschen continued to work as a labor arbitrator.

A. Frederic Matthias, 101, of Newton, died March 31.

Matthias was a practicing attorney for 75 years. He served in the U.S. Army during World War II. He was active in Kiwanis, the Elks, the Newton School Board, the Salvation Army, the American Legion, the YMCA, the Jasper County Zoning Commission, Habitat for Humanity, Park Centre and the First Lutheran Church of Newton. He loved his family, music, hiking, biking, reading and travel.

Edward J. 'Nick' McManus, 97, of Cedar Rapids, died March 20.

McManus was born in 1920 in Keokuk. His legal education at the University of Iowa was accelerated by World War II. In October 1941, he was admitted to the Iowa bar, and three months later he received his J.D. degree at the age of 21. He practiced law briefly with his father and older brother, Neil, in Keokuk, before enlisting in the U.S. Naval Air Corps in March 1942. Upon retiring from the Navy with the rank of lieutenant, he returned to the practice of law in Keokuk in 1946. In 1954, he was elected to the Iowa Senate and, in 1958, as lieutenant governor of Iowa. McManus was appointed as chief judge of the Northern District of Iowa in 1962, becoming the first native Iowan appointed there. His tenure lasted for 55 years.

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.

Law Day 2017



President Dwight Eisenhower established the first Law Day in 1958 to mark the nation's commitment to the rule of law. In 1961, Congress issued a joint resolution designating May 1 as the official date for celebrating Law Day, which is subsequently codified (U.S. Code, Title 36, Section 113). Every president since then has issued a Law Day proclamation on May 1 to celebrate the nation's commitment to the rule of law.

The theme of this year's Law Day observance, "The 14th Amendment: Transforming American Democracy," honors the many ways the Fourteenth Amendment has reshaped American law and society. Through its Citizenship, Due Process and Equal Protection clauses, this transformative amendment advanced the rights of all Americans.

Iowa Governor Terry Branstad signed a 2017 Law Day proclamation, which stated: "I encourage all Iowans to observe Law Day by reflecting on the impact that our Nation's laws and the Fourteenth Amendment have had upon the quality of our lives and the strength of our democracy. As we continue to work for a more just society for all, let us celebrate our legal heritage and reaffirm our reverence for the rule of law, which has safeguarded our liberty and preserved our democracy for many years."



Governor Terry Branstad signed a Law Day proclamation in his office, with representatives from ARAG legal insurance, the Polk County Bar Association and ISBA Vice President Tom Levis. Law Day was May 1st.



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What is Iowa LawPAC?

Iowa LawPAC is the political action committee (PAC) of the Iowa State Bar Association. Its Board of Directors is composed equally of Republican and Democratic members, appointed by the ISBA President. Iowa LawPAC contributes only to state legislative races and its first priority is to support lawyer-legislator candidates.

These members went above and beyond to assist in LawPAC's efforts in 2016-2017:

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*Winning bid in the silent auction for a six-day stay in a luxury condo in Colorado.

Approximately 650 additional ISBA members contributed in the amount of \$75 or less.

Why donate to Iowa LawPAC?



"LawPAC is a tool which we use to connect with legislators to speak on behalf of The Iowa State Bar Association and its members. It is important because it's an opportunity for members to support the ISBA's legislative efforts. We are involved in monitoring over 400 pieces of legislation on behalf of the bar and this allows us to talk to those legislators who are handling bills of interest to us."

– James Carney, ISBA Chief Legislative Counsel



"Every year, the ISBA makes an extraordinarily valuable contribution to the legislative process by vetting bills, educating

legislators and working to ensure that statutory language accomplishes the goals intended. This simply would not be possible without LawPAC."

– Stephen Eckley, ISBA President-Elect



"My wife and I decide how to give to worthwhile entities from time to time. The ISBA Foundation and LawPAC are two logical places to fund. This profession has allowed us to raise and educate our family to include funding our granddaughters' education. The right thing to do is to help out when we can. We plan to continue to give as long as possible."

– Bruce Walker, ISBA Immediate Past-President

For information about contributing to LawPAC, please contact Harry Shipley: hshipley@iowabar.org or 515-697-7868.

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Congratulations to our new partner.

David W. Nelmark

David has added his intellectual property, personal injury, appellate and civil litigation practice to our Des Moines office. He will also support our medical malpractice defense team. His addition brings the firm to 42 attorneys across Iowa and Minnesota.

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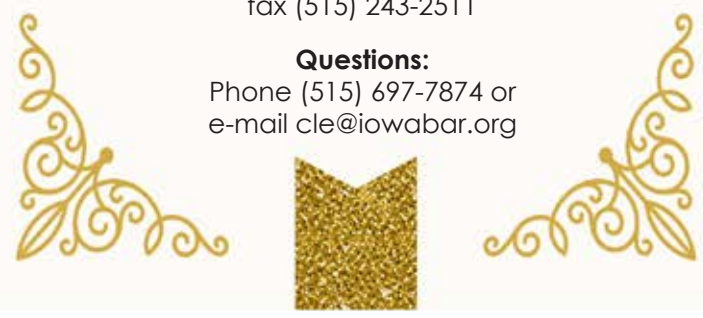
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Cedar Rapids-area team wins 2017 Mock Trial State Championship

A team from Robins took the top spot in the 2017 Iowa High School Mock Trial State Championship and will be heading to the national tournament in Harford, Connecticut May 11-13. Another Cedar Rapids-area team, Marion Home School, was the runner-up.

A total of 32 teams won regional contests around the state in order to compete in the state tournament, held March 27-29 in Des Moines.

This was the sixth time the Robins team, which is made up of students from Xavier Catholic High School in Cedar Rapids, garnered the top state title in the 35 years of the high school program.

“What set this team apart was the students’ ability to think quickly on their feet and never lose their poise,” said attorney Tim Semelroth, who coaches the Robins team along with Emily Anderson, Chad VonKampen and Debbie Neumeyer.

Emily Anderson has come full-circle from mock trial student to coach, having participated in Robins Mock Trial from 1996-2000, while she was in high school. She was on the 1999 and 2000 state championship teams, with Semelroth as her coach then and now her colleague at RSH Legal in Cedar Rapids.

“Tim is an excellent coach, both then and now,” she said. “One of the things I admire most about him is how he motivates the students to be the best they can be. He sets a high bar—but he gives the students the tools to reach it.”

The mock trial program is administered by the ISBA’s Center for Law & Civic Education in cooperation with the Young Lawyers Division and with financial support from the Iowa State Bar Foundation.



Members of the Robins Mock Trial team. Front row, left to right: Gwen Cataldo, Peter Deegan and Lizzie Leu. Back row, left to right: Eva Deegan, Emily Cunningham, Sophie Cataldo, Sylvia Clubb, Ella Schrader and Emma Stadelmann.

Three inducted into Iowa Mock Trial Hall of Fame

During the 2017 Iowa High School Mock Trial tournament, three teacher coaches were inducted into the Mock Trial Educator Coach Hall of Fame.

Sarah Cooper, Waverly-Shell Rock High School; Heidi Redmond, North Scott High School; and Tim Magill, Pocahontas Area High School, join four other teacher coaches who have received hall-of-fame status for their work coaching mock trial.

The hall of fame award is sponsored by the Iowa Chapter of the American Board of Trial Advocates (ABOTA). New Hall of Fame inductees will also be recognized at the Iowa ABOTA chapter’s annual dinner in October.

Heidi Redmond, North Scott High School; and Tim Magill, Pocahontas Area High School, were inducted into the Mock Trial Educator Coach Hall of Fame in front of hundreds of mock trial students during the state tournament. Sarah Cooper from Waverly-Shell Rock High School was also inducted but was unable to attend the ceremony. Tim Semelroth (left), president of ABOTA, presented the awards.



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