



THE

Volume 76 Number 11 December 2016 / January 2017

IOWA LAWYER

**A MONUMENTAL
JOURNEY
BEGINS IN IOWA**

**A HISTORY OF THE
NATIONAL BAR ASSOCIATION
ON RACE AND PLACE
HONORING ORVILLE BLOETHE**

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SUBMISSIONS

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 make a determination of suitability for publication. Email all submissions to communications@iowabar.org in Microsoft Word format.

STATEMENTS OR OPINIONS

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By Kim Walker, Faegre Baker Daniels



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A groundbreaking celebration

In October 2016, a grand groundbreaking ceremony brought the community together to celebrate the 12 African-American founders of the NBA, and pay tribute to the impact that they had on our state but also to the national and international impact that their work had and continues to have. See the celebration and learn more about the world-class public art project which honors the legacy of the NBA founders.



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A legal legend: Honoring Orville Bloethe

Orville Bloethe was an Iowa attorney for nearly seven decades. His desire to give back extended beyond the profession of law. Read about his many contributions.

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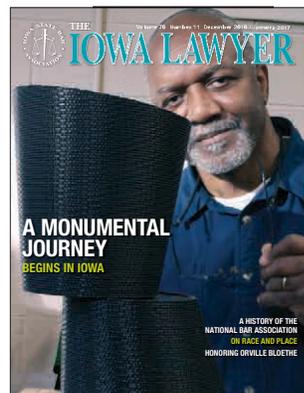
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ABOUT THE COVER

Kerry James Marshall is one of the most celebrated artists working in the United States today. Marshall designed this iconic sculpture that combines modernist geometry and brick masonry. The commanding presence of *A Monumental Journey* captures human dignity through its homage to the NBA founders.

Photo credit: Photo courtesy of KJM Studio.

MILITARY VETERANS

The November 2016 issue of The Iowa Lawyer included a list to recognize ISBA members who served in the military. That list was compiled based on member-provided information received in response to calls for submissions that were published in the Iowa Lawyer Weekly electronic newsletter.

If you are a military veteran who did not find your name on the list in the November 2016 magazine issue, please contact the ISBA Communications Department with your name and years and branch of service no later than Jan. 20. The February 2017 issue of The Iowa Lawyer will include the complete list of submissions we have received so that more ISBA members who served in the military can be honored.

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KUDOS

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

Christine Branstad, Robert McMonagle and Ian Russell for being unanimously approved as fellows of the Iowa Academy of Trial Lawyers. The IATL is an invitation-only honor limited to 250 attorneys across the state who are selected by their peers and voted on by the IATL Board of Governors.

Branstad, founder of Branstad Law in Des Moines, practices primarily in criminal law, with a background including work as a prosecutor, defense counsel and civil litigator.

McMonagle and **Russell** are partners at Lane & Waterman in Davenport. McMonagle focuses primarily on civil defense claims, trying 34 jury trials throughout his 20 years at the firm. Russell's practice focuses on commercial and civil litigation, trying 14 jury trials in his 11 years at the firm.



Farrell

Brian Farrell, director of the Citizen Lawyer Program and Associate Director of the Center for Human Rights at the University of Iowa College of Law, for having his book published. The book, *Habeus Corpus in International Law*, has been published by Cambridge University Press. It is the first comprehensive examination of this subject and looks at the location, scope and significance of the right to a judicial determination of the legality of one's detention as guaranteed by international and regional human rights instruments.

Mark P.A. Hudson, attorney and senior vice president with Shuttleworth & Ingersoll in Cedar Rapids for being appointed by Governor Terry Branstad as a member of the Future Ready Iowa Alliance. The Alliance is a group of leaders from across the state charged with planning the strategic direction to accomplish the Future Ready Iowa goal of 70 percent of Iowa's workforce having education or training beyond high school, by the year 2025.



Paul

J. Scott Paul, a shareholder at McGrath North, in Omaha, Nebraska, for being elected as the next president of the Nebraska Bar Association. He has practiced nationwide with over 36 years of litigation experience in Nebraska, Iowa, Alabama, South Dakota, Illinois, Texas and Oklahoma. Paul's practice is primarily defense-oriented, concentrating on insurance coverage on life, health and long-term care insurance.

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Arnold “Skip” Kenyon III

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

The importance of a strong foundation

For most of my life I have been part of a human pyramid. I mean that in the literal sense; one of the Kenyon family traditions at holiday gatherings is to build a big human pyramid. I'm not really sure when or how this tradition began. I can only guess that stacking us all up was my parents' crazy idea. Old photos from the '70s show my brothers and me, with our shaggy hair and sideburns, on hands and knees as the base of a pyramid. Our then-girlfriends (now wives) tried not to dig knees into our backs, while our little sister precariously balanced on top with a big grin on her face.

Once we had children of our own, they teetered on our backs, each year getting stronger until

they were “promoted” to the base, making room for newer family members toward the top. Now that my siblings and I have gotten older, we're in charge of supervising pyramid construction and—most important—documenting our grandkids as the latest additions to the group.

Some of the more crucial qualities this activity requires are strength, partnership and commitment—especially if you are a support on the bottom row. When this foundation starts to wobble and give way it undermines the stability of the entire structure.

While this silly tradition has been warmly embraced in our family, it is not so different from the relationship we all share as part of the “bar family,” with more experienced professionals

providing insight and strength for new attorneys. I have practiced in Union County for nearly 40 years, guided at first by those who knew the ropes—clerks, judges, court reporters and senior attorneys. Before long, I was not only sharing the load, but also providing advice and leadership to newcomers. Over our decades of practice we have become a family in many ways. We have shared the burden of challenges together, and celebrated moments of growth and achievement.

Like those before us, my colleagues and I know state budget shortfalls impact Iowans' daily lives. Last session the judicial branch was underfunded, which forced our court system to cut hours and leave positions unfilled. That, in turn, perpetuated a statewide docket backlog and the subsequent overburdening of support staff. Even as heavy workloads strain prosecutors, public defenders and judicial officers, Iowa faces a shortage of new attorneys to help relieve the stress on the court system. Given the projected state budget shortfall for the next fiscal year, odds are that we will face even steeper challenges during the 2017 legislative session.

It would be fair to say that the base of our “pyramid” is under some strain.

Just as in my own family, however, each ISBA member is insightful and resourceful—and we are stronger when we stand together. Opinions may often differ, but we commit to unite and build something memorable as a family. Iowa is fortunate to have talented attorneys in every practice area who bring a variety of experiences to the table. Section leaders and committee groups do further work to pave the way for future attorneys. I am proud of what we have accomplished so far, and remain hopeful our association will make great strides ahead in 2017.

To that end, our diverse membership must engage legislators during the upcoming legislative session. The changing political tide provides a unique opportunity to educate new lawmakers and leadership on our most important goals. If we continue to hold together as a family, I have no doubt we can meet next year's challenges with both grit and grace. As we face obstacles, we must also celebrate achievements and inspirational moments. Let's start there and continue to build something meaningful in the New Year.

I am grateful to have those old family pyramid pictures. More importantly, I am grateful for each person in the photos. By extending our traditions to you, I am also grateful for our bar family members who have mentored our youth, fought for justice and continue to invest in the future.

Thank you for allowing me to serve.

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President Kenyon's extended family participates in what has become an annual tradition: the human pyramid.

A Monumental Journey

Pioneering African-American lawyers dedicated to fighting segregation and legal racism started gathering between 1890 and 1900 to begin the formation of the National Bar Association. This movement had a permanent and profound impact upon a nation that at the time excluded African-American lawyers from the mainstream of society and the legal profession, whose own American Bar Association denied membership to African-American lawyers.

A HISTORY OF THE NATIONAL BAR ASSOCIATION

In the late 1800's and early 1900's, African-American lawyers were struggling to find professional support through traditional peer organizations at local and national levels. In most areas across the country, they were not included in bar associations in their communities, and the American Bar Association ("ABA") had admitted only one African-American lawyer by 1911. When a group of well-credentialed African-American lawyers were denied membership in the ABA during this early period, instead of accepting what was clearly unacceptable and wholly inconsistent with the basic justice of their profession, they rose together and created the National Bar Association ("NBA") in 1925, which now serves over 60,000 members in the United States and select international locations.

Consistent with the early environment in the state of Iowa to support justice for all people, the historic and profoundly important creation of the NBA took place in Des Moines, Iowa. Before its founding, the Iowa Supreme Court had acted to protect equality and empowerment including:

- Recognizing the freedom of a black slave.
- Striking down separate but equal schools.
- Granting women the right to practice law.
- Eliminating racial discrimination in public accommodations.

Prior to the NBA's creation, efforts grew in southern states to recognize the need for association among African-American lawyers, including the forming of the Colored Bar Association of the State of Mississippi. These early efforts are often referred to as the Greenville Movement, based on its first meeting taking place in Greenville, Mississippi. In Iowa, the first convention of black lawyers occurred in 1924 as the Iowa Colored Bar Association.

All of these efforts served as the platform for Iowa lawyers S. Joe Brown, Charles P. Howard, Sr., James B. Morris, Sr., Gertrude E. Durden Rush and George Henry Woodson to gather their colleagues from Chicago and Kansas City to form the NBA, as of August 1, 1925. Each of these Iowa lawyers was ground-breaking for reasons even beyond their critical leadership in the NBA.

The following 12 African-American lawyers founded the National Bar Association in 1925 in Des Moines, Iowa.

FROM DES MOINES, IOWA



S. JOE BROWN (1875–1950) was the founder (1915) and first president of the Des Moines Branch of the NAACP, the oldest NAACP unit west of the Mississippi River. In 1889, Brown was the first African-American graduate from the University of Iowa in liberal arts (earning Phi Beta Kappa.) He was among the first African Americans who graduated from the Iowa Law School. Brown formed a partnership with George Woodson and practiced law in Des Moines. Most of Brown's work involved civil, probate, and title matters. He was the first African-American attorney to appear before the Iowa Supreme Court in 1905, and defended more than 30 clients who faced the death penalty; none were executed and 10 were acquitted. He successfully argued the first discrimination case before the Iowa Supreme Court in 1906. He was a member of the commission that drafted the nationally noted Des Moines Plan of city government in 1907. After serving in the army during World War I, Brown secured a building in Des Moines in 1918 and started the Park Street Army YMCA for black soldiers. Following the war the YMCA continued at 12th and Crocker Streets in Des Moines.



CHARLES P. HOWARD, SR. (1890–1965) served in World War I in France as a First Lieutenant, having been trained in the segregated Black Army division in Fort Dodge. Howard received his law degree in 1922 at Drake University Law School. He had an illustrious sports career and was an accomplished college athlete, teacher and coach. As a first year law student in 1920, Howard passed the bar examination, was admitted to practice law in Iowa and defended a client in a first-degree murder charge, with an acquittal. A brilliant lawyer and outstanding crusader, he saved more than 75 men from the gallows. Howard co-founded the National Negro Publishers Association, because black newsmen were not welcomed in national publishing associations. By 1928, he was a county commissioner, prosecuting attorney and publisher of *The Iowa Observer*. In 1948, Howard was the first black keynote speaker at the Progressive National Convention in Philadelphia that ratified the candidacy of Iowa's own Henry A. Wallace for U.S. president. He traveled throughout the world and promoted African unity with heads of states in Africa. He was a close friend of the celebrated American singer and civil rights advocate Paul Robeson.



JAMES B. MORRIS, (1890–1977) was a 1915 graduate of Howard University Law School, Washington, D.C. He came to Des Moines in 1916 to visit a college classmate, George Woodson, and began his law practice in 1917. During World War I, he was a U.S. Army battalion intelligence officer in France and was wounded at the Battle of Metz. He returned to Des Moines in 1919 and resumed his law practice with S. Joe Brown. Morris served as deputy Polk County Treasurer from 1921 to 1924. A long advocate of civil rights, he participated in cases which ultimately resulted in greater opportunity and equal accommodation in housing, public facilities, public school teaching and employment in Iowa. He purchased the *Iowa Bystander* in 1922 and under his direction it became a crusader for equal opportunity and sought to prevent indifference in the area of race relations. Morris was its publisher and editor through 1972, helping it to become one of the five oldest African-American newspapers in the United States.



GERTRUDE E. DURDEN RUSH (1880–1962) launched her legal career after her landmark admission to the Iowa Bar, in 1918, as Iowa's first African-American woman attorney. She practiced law until the 1950s in Des Moines and Chicago, and advanced the rights of African-American women. She graduated from Quincy Business College in Parsons, Texas in 1906. She moved to Des Moines in 1907 and married a prominent Des Moines attorney. A native of Texas, Rush was also an accomplished composer and a playwright. She studied at Westerman Music Conservatory in Des Moines, and in 1914 earned a Bachelor of Arts degree at Des Moines College. An important civic leader and activist in Iowa's history, she formed the Charity League and the Protection Home for Negro Girls and organized the Woman's Law and Political Study Club. She was a delegate to the Pennsylvania Emancipation Exposition of 1913 in Philadelphia—marking the Emancipation Proclamation's 50th anniversary. She also chaired departments for the National Bar Association of Colored Women, and helped form the Des Moines Chapter of the NAACP.

FROM DES MOINES, IOWA



GEORGE HENRY WOODSON

(1865–1933) was a lawyer, politician, activist and the first president of the National Bar Association. Woodson was born to slave parents in Virginia and graduated in 1895 from Howard University Law School. By 1896, he had opened a law practice in Iowa, with offices in Oskaloosa, Albia and Des Moines. In 1901 Woodson organized the Iowa Negro Bar Association and helped found the Iowa Chapter of the Afro-American Council. That same year he formed a partnership with S. Joe Brown that lasted 20 years. Then in 1905, Woodson answered a call from American sociologist and civil rights activist W. E. B. DuBois to a group of African-American intellectual elite known as the “Talented Tenth” to form an all-black national civil rights organization. Woodson became one of the founders and one of the “Original 29” members of the Niagara Movement in 1905. The Niagara Movement was the forerunner of the NAACP. Woodson also “fathered” the Republican Party among African Americans in Iowa. In 1921, Woodson returned to Des Moines to serve as deputy collector of customs, a title he

held until his death. In 1926, President Calvin Coolidge appointed him to head the commission to investigate economic conditions in the Virgin Islands. He represented the Virgin Islands at the Republican National Convention in Kansas City in 1928.

FROM CHICAGO, ILLINOIS

WENDELL E. GREEN

(1887–1959) was the first African-American lawyer to become a Circuit Court Judge in Cook County, Illinois. Judge Green was a graduate from the University of Kansas and earned his law degree from the University of Chicago Law School. He began practicing criminal law in 1920. He was appointed to the Chicago Civil Service Commission in 1935 and was elected a municipal court judge in 1942, then re-elected in 1948. Judge Green was appointed to the circuit court in 1950 and was re-elected in 1951 and 1957. He was a dedicated and distinguished judge and the first national secretary of the National Bar Association.

CORNELIUS FRANCIS

STRADFORD (1892–1963) was one of a group of attorneys, who argued the case of *Hansberry et al. v. Lee et al.* (311 U.S. 32) before the U.S. Supreme Court. In this landmark 1940 case, the nation’s highest court abolished the restrictive covenants on the use of land that had limited racial integration in Chicago neighborhoods. Another

notable experience in the legal career of C. F. Stradford was representing his father J. B. Stradford, also an attorney, following the historically significant Tulsa race riots of 1921. C. F. Stradford co-founded the Cook County Bar Association in Illinois. Since 1997, the Cook County State’s Attorney’s Office has been recognizing distinguished attorneys and judges within the African-American community with the C. F. Stradford Award.

JESSE NATHANIEL BAKER

(1890–1976) served as treasurer (1927–28) of the National Bar Association. A native of Virginia, Baker graduated from Virginia State College in 1912 and in 1917 earned a law degree at Howard University Law School, Washington, D.C. He then began practicing law in Chicago, Illinois. He served as First Sergeant in the U.S. Army at Camp Grand, Illinois, from 1918–19. In 1896, with C. Francis Stradford, Wendell E. Green and other black lawyers, Baker initiated the Cook County Bar Association [CCBA] to plan protests against discrimination in hotels, theaters, and restaurants, and to address judicial elections and school desegregation. CCBA was formerly incorporated in 1920.

WILLIAM H. HAYNES (d’d.) was part of the CCBA delegation that traveled to Des Moines in 1925 to form the NBA. Haynes served as an advocate to protect the rights and the well being of all citizens, but particularly black citizens.

GEORGE CORNELIUS ADAMS

(b. 1889 – d’d.), a native of Louisiana, earned a law degree from Howard University Law School in 1917. He practiced law in Illinois, Wisconsin and Iowa and was admitted to practice in the Supreme Court of the United States in 1922. He instituted a suit in the Federal Courts in Chicago to enjoin the operation of the franchise granted in 1931 to the Illinois Bell Telephone Company by the City of Chicago for the sum of \$15 million.

FROM KANSAS CITY, MISSOURI

CHARLES H. CALLOWAY

(1878–1943) Born in Tennessee, Calloway graduated from the University of Minnesota Law School in 1905 and settled in Kansas City. In 1921, he and attorney L. A. Knox sought and won the governor’s support on a civil rights case where African Americans were being returned to a state where peonage was practiced. Calloway was among the Missouri delegation that founded the NBA and was President of the organization from 1926–27.

AMASA KNOX (1870 – d’d.) was a prominent lawyer and the first African American to be elected to the Missouri State House of Representatives in 1929. A native of Virginia, Knox studied at Virginia State College and earned a law degree in 1897 from Howard University Law School in Washington, D.C. He was admitted to the Missouri bar in Saint Louis in 1898 and practiced law in Kansas City.

The mission of the NBA in 1925, was in part “to strengthen and elevate the Negro lawyer in his profession, to improve his standing at the bar of the country...and to create a bond of true fellowship among the colored members of the Bar of America...and for the encouragement of the Negro youth of America who will follow their choice of this profession.” NBA archives, Drake University Law School

In the decades since its founding, the NBA has been active in pursuing the integration of the federal courts at all levels, and in pushing the Department of Justice to protect and pursue the rights of African Americans. In addition, the NBA recognized early on the critical need for pro bono legal support for African Americans across the country and established legal aid clinics beginning in the 1940's. Consistent with its founding commitment to support the ongoing education of black lawyers, the NBA also established a National Bar Journal in the 1940's, but its publication ultimately discontinued. The organization's intent to support black youth entering the profession has continued throughout its history

Today, the NBA, on behalf of its over 60,000 members, pursues a critically important agenda consistent with its founding principles. Its efforts focus on education, economic equity and empowerment; juvenile justice reforms; preservation and advancement of historically black colleges and universities; human trafficking; criminal justice reforms; voting rights; and the pursuit of diversity on the federal bench.

As Iowa lawyers, we have many reasons to be proud of, and inspired by, the national ground-breaking efforts of our early leaders to advance equality and empowerment for all people. Our lawyers and courts have passionately protected the rights of all people who live, work and build families in our state. The founding of the National Bar Association in Iowa in 1925, in significant part led by pioneering African-American Iowa lawyers, is a profound statement that the State of Iowa represents justice and equality and all of us have an obligation to build on this ground-breaking heritage.

The author acknowledges that material portions of the information contained in this article came from a number of publicly available sources including the website of the National Bar Association, the website of the Greater Des Moines Public Art Foundation, and an article entitled “The Black Bar Association and Civil Rights” authored by J. Clay Smith, Jr. and published in the *Creighton Law Review*, Vol. 15, No. 3, page 651, 1981–1982. In addition, the author acknowledges the review and input provided by Judge Odell McGhee of Des Moines.

Kim Walker joined Faegre Baker Daniels as one of the co-founders of the Iowa office in 1990. Over the years he assumed a variety of leadership roles, and served as the firm's leader of its national food and agriculture team until mid-2015. Walker is a member of the Greater Des Moines Public Art Foundation's Board of Directors. In July, President Barack Obama announced his intent to nominate Walker to serve as Inspector General, Export-Import Bank of the United States.

Special thanks to the NBA Archives, Drake University Law Library and to M. Jessica Rowe, Greater Des Moines Public Art Foundation Director, for this information.



From the first 12 lawyers who formed the organization, the NBA is now recognized as the oldest and largest national

associations of predominately African-American lawyers, judges, educators and law students.

From representation of the association in less than five cities, the organization now boasts 84 affiliate chapters throughout the United States as well as in Canada, the United Kingdom, Africa, Morocco and the Caribbean. Much praise to the founders, most of whom boast Iowa as the birthplace of their professional roots, and their vision which has blossomed into an international organization of more

than 60,000 members. J. DANIELLE CARR | Regional VIII Director, National Bar Association

A Conversation with Judge Romonda D. Belcher and Attorney Paxton Williams

BRINGING THE STORY OF GERTRUDE RUSH TO LIFE



Gertrude Rush (1880–1962), one of the 12 founders of the National Bar association and Iowa District Associate Court Judge Romonda D. Belcher are two Iowa legal pioneers. Judge Belcher-Ford became the state's first female, African-American judge in 2010. Perhaps fittingly, Judge Belcher has developed and performs

a one-woman vignette about Rush. *The Iowa Lawyer* asked Paxton Williams, an Assistant Iowa Attorney General who is involved in the law and literature movement and who is a playwright and sometimes actor himself, to visit with Judge Belcher about Gertrude Rush, the founding of the NBA in Des Moines, and Judge Belcher's presentation. Below are excerpts from their conversation.

Tell me a little about Gertrude Rush.

Rush was born in 1880 in Texas, the daughter of a Baptist minister. In 1914, after graduating from Des Moines College. She studied law under the tutelage of her attorney husband, James B. Rush. Only one woman, Arabella Mansfield, practiced law in the state of Iowa at that time. After studying at Drake and LaSalle University, in 1918, she passed the bar and became the first black woman to practice law in the State of Iowa.

How did you become aware of Gertrude Rush and her connection to the National Bar Association?

Surprisingly, I stumbled across the history of Gertrude Rush and the NBA's founding here in Des Moines. Given that history, one would think that information would be readily available and publically known. I was surprised to learn that the NBA was founded in a state where African-Americans make up less than three percent of the population. This rich Iowa history should be well-known, and those of us who study and practice law should be proud to be a part of this legacy.

What are the most important lessons you would like those who see your play to take away from the performance?

Perserverance, creating opportunity and the importance of making a difference. Despite considerable difficulties, opposition, inequalities and resistance, Gertrude Rush had the fortitude to persevere. She was committed to getting an education and pursuing a legal career. Ensuring others had equal opportunity was her motivation. Additionally, her pioneering spirit demonstrated leadership in the community and in the legal profession and concern for human and civil rights. She believed organizing and sharing a vision of communication among black lawyers were the keys to equal opportunity. I believe that holds true today.

What did your study of the life and times of Gertrude Rush teach you in general? And in particular, what did it teach you about the challenges faced by African-Americans, women, and female attorneys today?

While we have made many advancements and have many more opportunities than Gertrude Rush experienced, female attorneys and African Americans still face many challenges. Nationally, overall student enrollment in law schools is down. Some of the challenges today are due in part to a lack of opportunities, implicit bias and some lack in commitment to diversity. Locally, the retention African-Americans lawyers in Iowa has proved to be a challenge. Nonetheless, despite any challenges that still may exist today, we can be encouraged by the example set by Rush in the face of the number of adversities she experienced. With the benefit of education and availability of opportunity, we too, can make a difference and ensure equal justice under the law.

From our earlier conversation it seems to me that Gertrude Rush had multitudes. Tell us a bit about her non-legal interests and accomplishments. It seems to me she had multitudes.

We know that Rush founded and directed a number of civic and church organizations. She was also a noted playwright and penned many poems and songs, including one that is still well-known today: *Jesus Loves the Little Children*. Her activity showed that despite racially turbulent times and amidst the threat of intimidation, she stood fast as a believer of justice. She preached and practiced the gospel through coalition building and used her God-given talents and professional skills to better conditions for Blacks, becoming affectionately known as the "Sunday School Lawyer." She used all of her talents to make life better for others and believed in living by the Golden Rule.

A Groundbreaking Celebration

This groundbreaking for A MONUMENTAL JOURNEY was a milestone in celebrating this extraordinary accomplishment with a world-class public art project by an internationally recognized artist.



A crowd of more than 150 people watched as this distinguished group ceremoniously broke ground for A MONUMENTAL JOURNEY which will be completed in 2017. (LEFT TO RIGHT) Betty C. Andrews, Iowa-Nebraska NAACP | Vicky Long-Hill, attorney | The Honorable Odell McGhee, Polk County District Judge, INBA representative | The Honorable Christine Hensley, Des Moines City Council, GDMPAF Board of Directors | Tom Whitney, attorney, Prairie Meadows representative | The Honorable Romonda D. Belcher, Iowa District Associate Judge, INBA representative | J. Danielle Carr, regional director, NBA | Broderick Johnson, White House representative | Katherine M. Murphy, president, GDMPAF Board of Directors.



An early rendering shows the sculpture sited in the Hansen Triangle at Grand and 2nd Avenue west of the Des Moines River on the Principal Riverwalk, the site of the groundbreaking ceremony.



Guest speaker Broderick Johnson, Assistant to the President/Cabinet Secretary for President Barack Obama and Chair of the My Brother's Keeper Task Force gave a moving account of his own path to becoming an attorney. In his remarks about the NBA founders, he recounted the story of Thurgood Marshall and his mentor Charles Hamilton Houston's nearly 20 year effort to succeed in bringing the cause to overturn segregation before the U.S. Supreme Court in *Brown v. Board of Education*.



Greater Des Moines Public Art Foundation Board President Kathy Murphy acknowledged major supporters and announced that the groundbreaking was a milestone in celebrating this extraordinary accomplishment with a world-class public art project by an internationally recognized artist. Later in the program Murphy introduced guest speaker Broderick Johnson.



The Honorable Odell McGhee, Polk County District Court Judge, remarked about finding a single headstone marker in a church parking lot that indicated the National Bar Association founding. The past president of the Iowa National Bar Association described the genesis of the establishment of a national memorial that would celebrate the spirit of the founders in a dialogue between himself and NBA past president Evette Simmons.



J. Danielle Carr, Regional VIII Director, National Bar Association, acknowledged that this project was brought about by dedication and financial support for which the NBA gives much thanks and appreciation. She said, "the breaking of this ground marks the beginning of an artistic tribute to those who paved the way for an organization that still holds true to its original purpose."

ON RACE AND PLACE

Celebrating the National Bar Association and A MONUMENTAL JOURNEY with Angela Onwuachi-Willig



Angela Onwuachi-Willig is the University of California, Berkeley School of Law, Chancellor's Professor of Law and an Iowa State Bar Association member. Onwuachi-Willig spoke with *The Iowa Lawyer* magazine as she prepares for her 2017–2018 American Bar Foundation Fellowship as the William H. Neukom Fellows Research Chair in Diversity and Law.

The Neukom Fellows Research Chair was “created to lead the ABF’s empirical research on law and legal processes, relating to issues of diversity and inequality that woman, people of color, people with disabilities, and persons from the LGBTQ community face in the justice system.”

Part of your 2017–2018 ABF Fellowship will include a project that explores the founding and development of the National Bar Association. What unanswered questions are you most interested in exploring in your upcoming fellowship?

Besides questions regarding the process of the NBA’s development, there are a wide variety of questions that I hope to explore. (To read a history of the National Bar Association see pages 6–9). To be honest, it’s hard to know what I will ultimately focus on until I dig into the archives for the NBA. These archives are located at Drake University Law School in Des Moines, so there is this great treasure right in the heart of Iowa and, more importantly, in the home of the NBA’s founding.

For now, I want to explore how the five Iowa founders of the NBA understood their role as lawyers, and specifically as black lawyers, within the state and within the nation. What was their vision for what the law and the establishment of a professional organization for black attorneys could and would accomplish, and whom was that effort designed to serve? How does the organization serve each of those lawyers, and other black lawyers, across the country in their careers after its founding? Also, I want to compare and contrast the answers to those questions with the meaning and the purpose that the organization serves for today’s black lawyers. How do the challenges that black attorneys faced from the 1920s to the pre-Civil Rights era differ or resemble the challenges that black attorneys face and have faced in a post-Civil Rights era? Another way of phrasing that question is “How far have we come and not come since 1925?”

A deep reverence for the history of Civil Rights Movement and the analysis of its relevance today is apparent in your work. What do you want to explore in your work on the NBA?

Yes. I want to explore the extent to which the NBA may be part of a broader story about what I call contradictions in Iowa’s racial civil rights history and present. The 2009 *Varnum v. O’Brien* decision, in which the Supreme Court of Iowa held that the state’s ban against same-sex marriage was unconstitutional, brought to the forefront Iowa’s history as a civil rights pioneer. For instance, the decision revealed that, in 1868, the Supreme Court of Iowa held—nearly 100 years before *Brown v. Board of Education*—that denying a black child admission to public schools because of race violated the state constitution.

Ironically, despite Iowa’s impressive civil rights history on the books, the state has grappled with racial prejudices and hostility and systemic racism that have stilted the growth and development of its black population and legal community. For instance, Iowa is number one, out of all states, in racial disproportionality between its population of African Americans and the percentage of African Americans in its prisons. It’s close to the top in racial disproportionality in terms of foster care removal. Prominent leaders like Chief Justice Mark Cady are paying deep and sincere attention to these issues, particularly as they relate to criminal justice, which reveals a continued concern for racial equality, but it is striking to see such disparities in a state with a pioneering racial history. Also, overall, despite Iowa’s progressive history, its black population has remained small, and its black population of lawyers is even smaller, percentage-wise. African Americans are not as visible as one would like in the key areas of our government and legal system—on the courts, at top firms, in high level government positions, and so on. And, I am interested in understanding if the narrative of the NBA’s founding sheds much light on the relatively distant past of Iowa’s mid-nineteenth century decisions regarding miscegenation and school segregation or on its even more distant future of staggering racial disparities in the carceral state and foster care system today.

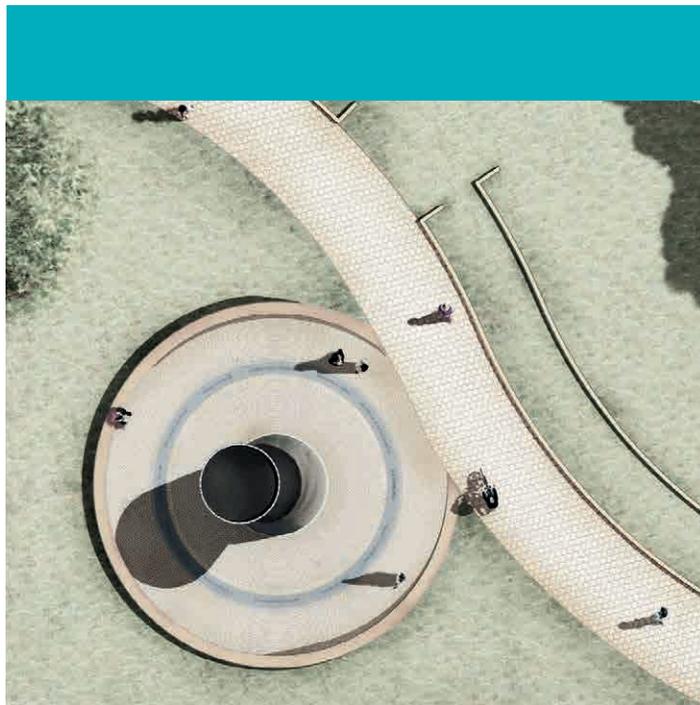
What kind of research process do you anticipate utilizing and what kinds of questions will you ask to get to the heart of these issues?

I have long wanted to dig into the NBA archives. Again, it’s hard to talk about the process and the questions that I will focus on before I have fully immersed myself into the archives. My process will involve archival research, content analysis of newspaper articles and relevant opinions and case materials, and interviews of African American attorneys and judges in

Iowa as well as interviews of black attorneys throughout the nation who are involved in the NBA.

I might be able to glean answers to a number of questions from my archival research. The archives might answer questions like:

- Why is the importance of Des Moines, Iowa as the founding location of the NBA?
- What does it mean that the organization could be founded and was founded in Des Moines, Iowa? And, why Des Moines, Iowa versus any other place?
- What about the founders in particular and their location in Iowa molded them to become the people who created and developed the NBA?
- What forms and types of racism and sexism did the founders face in the bar and in the courtroom, and how did some of those struggles compare to those of black lawyers in other states? How did the organization assist them in addressing these obstacles and challenges?



A MONUMENTAL JOURNEY will be located in the Hansen Triangle in downtown Des Moines, Iowa, west of the Des Moines River, at the northeast corner of Grand Avenue and 2nd Street. This bird's eye view of the sculpture illustrates a circular plaza flowing into a serpentine walkway along the Principal Riverwalk.

The 12 NBA founders' names form a ring around the base of the sculpture and will be made of black-patinated metal.

RENDERING BY SUBSTANCE ARCHITECTURE

I have my own ideas about what the answers to these questions might be, but ultimately I will have to dig through the archives and figure out what that story is, and then once I have all the data, I can use it to tell my own narrative, my own interpretation, as seen through the eyes of black attorneys then and now, of the social meaning of the founding.

It's clear that the founding has a lot of meaning to African-American attorneys who work in Iowa—those like Judge Odell McGhee and Judge Romonda Belcher and Vicky Longhill who put in lots of time—blood, sweat, and tears—into making the monument a reality.

And, this public art project is a tribute not only to the impact the founders had on our local communities here in Des Moines and Iowa, but also to the national and international impact that their work had and continues to have.

It seems that while there are questions to be answered, you know that the power of place is an essential part of this story.

Yes, it is. Many stories in our nation, and some would say all stories in our nation, revolve around race and place. Race and space are central to part of the story I am crafting about Emmett Till, Trayvon Martin, and the trials concerning their deaths, for example. With respect to notions of place and the NBA, one can get a sense of the power of place in responses I get about the organization's founding in Iowa of all places. It's funny. Whenever I tell people that the NBA was founded in Des Moines, they are shocked, just flabbergasted, no matter what race they are.

"What?!" They say. "The NBA was founded in Iowa?" It's similar to the reaction I got when I told people I was from Iowa. "There're black people in Iowa?"

I usually respond by saying, "Yes, the NBA was founded in Iowa. And, you know what? Iowa has a progressive civil rights history on race . . ." And, then I have to note the contradictions I talked about earlier.

My point is, and I think it's fair to say, that most people do not think of black people when they think of Iowa. There is a racial association in how people, even Iowans, think of Iowa.

So, it's fascinating to explore what was it about Iowa that made it the right place for the NBA's founding, and why are black attorneys in the state so committed to commemorating and giving honor to that history?

Obviously, the story about the NBA is, in many ways, just a story about the people who were there, those who said they were going to create this amazing organization. But I also imagine that there was something else about the state, its history, its legal culture that enabled the NBA to be formed in Des Moines, Iowa. And I think there is some reason why the NBA holds some special meaning to so many black attorneys who have made their lives here in Iowa. I'm interested in learning from black attorneys what the founding of the NBA in Des Moines, Iowa symbolizes, what it means to them, and why it is so important to communicate this promise to everyone through the monument and other means of honoring the NBA founders, and specifically the five Iowa based NBA founders.

Making the Invisible Visible

Kerry James Marshall was commissioned by the Greater Des Moines Public Art Foundation to create **A MONUMENTAL JOURNEY**, a public art project to honor the 12 attorneys who founded the National Bar Association. The project has a broad social mission: to commemorate a piece of Iowa history unknown to most Iowans. It was here—Des Moines—that 11 men and one woman founded the NBA to confront racial oppression.

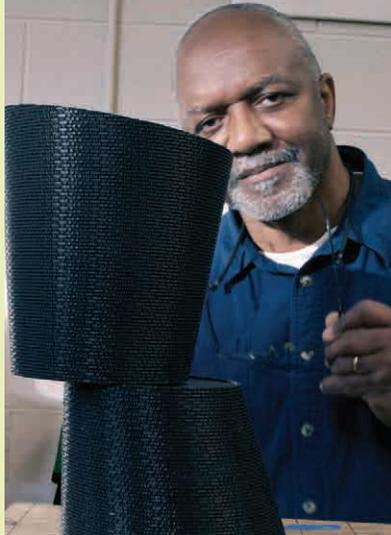


A MONUMENTAL JOURNEY by Kerry James Marshall | Rendering by Substance Architecture

PUBLIC FOUNDATION
GREATER DES MOINES **ART**

The Greater Des Moines Public Art Foundation invites you to be a part of preserving the legacy of the National Bar Association founders. Learn how at www.dsmpublicartfoundation.org.

A MONUMENTAL JOURNEY is one of many ongoing projects that fulfill the mission of the GDMPAF to place art in public spaces through public and private collaborations which engage, inspire, and enrich the lives of citizens and visitors in our community.



Kerry James Marshall
in his studio with
A MONUMENTAL JOURNEY
working model.
PHOTO COURTESY OF KJM STUDIO

A MONUMENTAL JOURNEY

Eugene Washington Rhodes (NBA president from 1933 to 1934) wrote that justice depends upon the proper interpretation of the law: “The cause of race will be advanced in exact proportion to the strength and militancy of the [legal] bar. Disfranchisement, segregation and discrimination are issues which must be fought in American courts.”¹

The commanding presence of *A Monumental Journey* captures human dignity through its homage to the NBA founders. It is a triumph, a celebration and a rallying cry. The physical shape of *A Monumental Journey*, reminiscent of an hourglass or joined truncated cones, suggests the contours of the West African ‘talking drum.’ Owing to variations in pitch and tone of the two drumheads—which mimic the patterns of human speech—talking drums were historically used by Yoruba people to communicate complex messages over vast distances. The Yoruba drummers were among the West Africans captured and transported to the New World in the transatlantic slave trade. These unique drums helped to spread messages of defiance, petitions, or prayers, and were ultimately prohibited or restricted by slaveholders.

Marshall designed this abstracted ‘talking drum’ shape to appear horizontally sheered-off, divided in two parts, then reconstructed with one massive drum form precariously stacked upon the other. This iconic sculpture combines modernist geometry and brick masonry. When constructed, the elegant form will be clad with patterned courses of black brick with a dark-reflective sheen.

The counterbalancing weight and force—the physical equilibrium—of this gigantic black sculpture produces a powerful physical and poetic expression. *A Monumental Journey* conveys that the American legal system, although imperfect, strives for balance.

Rising 30-feet in height, *A Monumental Journey* will be sited on the east side of Hansen Triangle Park, along the Riverwalk in downtown Des Moines. The name of each NBA founder will be inscribed in a continuous black ring circling the artwork.

The story being told by Kerry James Marshall is highly relevant to our current historical moment. Not only does it touch on the principle themes of justice in the face of systems of oppression, but also it is about conversation among diverse people—an indispensable activity in our contemporary political discourse. *A Monumental Journey* is a testimony to these courageous NBA founders who were committed to working vigorously for freedom and justice for black people and, by extension, all people. By recognizing their heroic efforts with this public art project, we can imagine our future and continue to forge our path.

1 Fitzhugh L. Styles, *Negroes and The Law* xi (Christopher Publishing House, Boston, 1937). See Dreyfuss, *Black Faith in Law Undermined*, 7 Equal Opportunity Forum 15 (July 1980).

From an article prepared in connection with the Balsa Civil Rights

Lecture delivered by Commissioner J. Clay Smith, Jr. at Creighton University Law School on March 5, 1981.

THE ARTIST

The novelist and scholar Ralph Waldo Ellison wrote *Invisible Man* in 1952. Considered a milestone in American literature, it is about an African-American man who considers himself invisible simply because people refuse to see him. “It is as though I have been surrounded by mirrors of hard, distorting glass.” The same heroic effort to be “seen” powers Kerry James Marshall’s art.

Kerry James Marshall is one of the most celebrated artists working in the United States today. Born in 1955 in Birmingham, Alabama, before the passage of The Civil Rights Act, and witness to the Watts race riots in 1965, Marshall has long been an inspired and imaginative chronicler of the African-American experience. He is known for his works of art focusing on African-American life and history. Mostly in paint, but also in sculpture, photography and installation, in addition to working with elements of popular culture (e.g., comics), he examines the effects of the civil rights movement on home and family.

Marshall studied in Los Angeles with acclaimed social realist painter Charles White and participated in the renowned artist-in-residence program at the Studio Museum in Harlem. He has received solo exhibitions throughout Europe and North America.

In 2014, Marshall was awarded the Wolfgang Hahn Prize, from the Museum Ludwig in Cologne, Germany, honoring exceptional contemporary artists. In 2013, he was appointed to President Barack Obama’s innovative Committee on the Arts and the Humanities. His other prestigious honors include a 1997 MacArthur Foundation ‘Genius’ Grant awarded for exceptional “originality, insight and potential.”

Organized by The Metropolitan Museum of Art (the Met), New York; Museum of Contemporary Art Chicago (MCA); and The Museum of Contemporary Art (MOCA), Los Angeles, an expansive retrospective has drawn vast critical acclaim and encompasses more than three-decades of works. *Kerry James Marshall: Mastry* recognizes the influence of his art on the public consciousness. The show is currently on view at the Met—the largest and most visited art museum in the United States and, to date, it is the museum’s largest exhibition by a living artist.

Marshall’s artwork is in many international collections. In America, these include The Art Institute of Chicago; Los Angeles County Museum of Art; the Met; MCA Chicago; MOCA, Los Angeles; Museum of Modern Art, NY; National Gallery of Art, Washington, D.C.; San Francisco Museum of Modern Art; Studio Museum in Harlem, NY; Walker Art Center, Minneapolis; and Whitney Museum of American Art, NY.

A glimpse inside the Legislature from one of Iowa's bill drafters

By Tim Reilly

On the ground floor of the Capitol building sits the Legal Services Division of the Legislative Services Agency (LSA). If you've never heard of it, you're not alone. Many Iowans don't realize the process it takes for a bill to become law (aside from School House Rock, of course)—but there's an entire team devoted to writing and editing bills from start to finish. We're a non-partisan state agency which receives bill requests from legislators and turns them into full-fledged bills that modify the existing Iowa Code.

The Legal Services Division of LSA employs 22 people. Fourteen of us are solely drafters, four of us are editors and four of us do a combination of drafting and editing. Our director, Rich Johnson, is also an editor and assigns every bill request to a drafter based on subject matter. Each drafter is assigned a small handful of subject matter areas. Many of my colleagues have decades of experience and are very passionate about their subject matters; others prefer to tackle new subject areas every few years.

When I started with LSA in October of 2014, I was assigned to draft bills relating to professional licensing and environmental protection. Essentially any bill request that would impact any health-related profession, for example, would be assigned to me. And I also serve as the secondary staff person for the Administrative Rules Review Committee, an interesting legislative body that provides oversight of all executive branch rulemaking (and could easily be the subject of another article on its own).

As I write this just before the 2017 Session begins, I have a stack of 35 bill

requests on my desk. It may seem like a lot, but 35 is really not bad at this point. Some of my colleagues have been assigned over 60. But it seems the more I send off to editing or typing, the more new requests I'm assigned. This time of year is very busy.

Before Session begins, I'm focused on requests from the state departments. The deadline for departments to file requests is generally the Monday after Thanksgiving. We strive to have them all drafted and ready for filing by the first day of Session. Depending on each drafter's subject matter areas and the year's hot-button issues, some receive more departmental requests than others.

Each party's caucus in both the Senate and the House has partisan staff to support its members. Those caucus staffers frequently assist legislators in submitting bill requests and correspondence between the legislator, the drafter and any lobbyist to whom the legislator grants permission to be involved.

Bill requests are almost exclusively submitted electronically through a secure system developed by LSA's Computer Services Division, though some prefer to use pen and paper. A typical bill request comes to my desk with enough specificity to at least write a rough draft and see if it meets the legislator's needs. If not, I'll ask the legislator, the designated caucus staff member or any designated lobbyist for additional information. A few times each Session, that feedback never arrives and the request fades away.

A quick Session timeline note: if a bill hasn't been approved by a committee in its originating chamber by the end of the eighth week of Session, the request

is essentially dead for the year. A second deadline at the end of the twelfth week brings an end to bills that have not been approved by one of the other chamber's committees. Bills assigned to appropriations or ways and means committees are exempt from these deadlines. These "funnel weeks" are the busiest of Session every year, aside from the few days leading up to adjournment. Some of these dead bills get revived toward the end of Session as amendments to other bills, but for the most part, these bills aren't seen again that year.

Occasionally, a bill request will be extremely specific and drafted with the Iowa Code in mind, but those are rare. More regularly, a bill request will be accompanied by some model language, a bill from another state that has caught the legislator's eye, or even just a few words or sentences expressing a concept. When I receive that type of request, I have to make significant modifications to align the concept with the Code. Those can range from more mechanical formatting and language tweaks to resolving subject-matter conflicts that may not have been considered in advance.

This is where our editing process becomes so important. All bill drafts get reviewed by an editor at least once - twice if you're a relatively new drafter, like me. Editors help maintain a uniform style throughout the Code and catch my mistakes. It's invaluable to have this skilled set of eyes review our work before it gets finalized.

Once a bill is sent to its sponsoring legislator, he or she can reject it and make changes, or approve it if it's ready to be filed. Legislators have a deadline for requesting bills, usually about five weeks after each Session starts. Bills can still be requested after that, but only by a committee chairperson. So generally, that deadline means the end of drafting new bills and a shift to amendment season.

Shifting the drafting focus from bills to amendments generally signifies a change in my routine. Prior to and early in Session, my colleagues and I spend all day, often working overtime, to cut down on our stacks of bill requests. Once the new requests slow down, so does the general pace, but that doesn't mean we're free to do as we please. If a legislator



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wants to amend a bill, whoever drafted that bill needs to be ready to draft that amendment whenever the legislator wants - sometimes within 10 or 15 minutes. Sometimes, these amendment requests are unexpected. Other times, we can see them coming and try to stay on top of potential changes.

In addition to our drafting duties, all bill drafters attend meetings for one or two committees to which we've been assigned. Those assignments are related to our drafting areas; for example, I staff the House Environmental Protection committee and the State Government committees in both chambers, since most licensing bills are assigned there by leadership in each chamber. We can also attend subcommittee meetings on our bills. I find them to be a good way to educate myself on the issues at hand, and I can learn about objections to the proposed legislation and possible amendment requests.

As Session progresses, legislators start focusing their work on bills that have serious potential of becoming law. Lately, both parties in both chambers tend to rely heavily on caucus meetings, which are closed to the public, to hash out those decisions. But that doesn't mean we drafters are free to leave. Often the chambers will resume debate in the afternoon or early evening after several hours of caucusing, and we need to be ready to draft amendments whenever a legislator decides he or she wants to change a bill at a moment's notice.

As Session nears its end, the focus shifts to the budget. As a newer drafter, I'm not assigned to work on a budget bill, but my colleagues who stay especially busy at the end of Session. Eventually, the legislators reach a conclusion on how to divide every last dollar and the legislature adjourns for the year.

My first two years with LSA featured chambers with split party control. This year will certainly be different, now that Republicans control both the Senate and the House (plus the Governor's seat). Colleagues who have worked through previous single-party legislatures recall more late nights (meaning staying at work past 10:00 p.m.), but shorter Sessions overall.

Once Session ends, our work continues. Here in Iowa, we edit our own Code, which is increasingly rare - many states send that work out to one of the large legal publishers. All bill drafters and editors help the Iowa Code Editor review the bills that became law that year to ensure



Tim Reilly, Legal Counsel with the Legal Services Division of the Legislative Services Agency, reviews Iowa Code in his cubicle on the ground floor of the Capitol building.

the new Code reads as the legislature intended. We also are expected to conduct research in our drafting areas. For example, this past interim, I wrote a legislative guide about the regulation of health-related professions. We also organize our own internal CLE program. I personally taught two last fall.

Last but not least, once Session adjourns, drafters make good use of the leave time we earned during Session. After my first Session, I rode every mile of RAGBRAI and went on a nice vacation with my wife. Last spring, I spent four weeks at home with our new baby boy.

Bill drafting is a very unique, specific skill that takes a serious amount of time and focus to hone. It's not a typical legal job, but it certainly requires a law degree

for good reason. And it's probably not for everyone, with the unusual hours and expectations during Session. But it's the ultimate in public service: every law has an impact on our state and the lives of our citizens. It's truly a privilege to serve my fellow Iowans by working for LSA.



Tim Reilly

J.D., Drake University, 2011, has been a Legal Counsel with the Legal Services Division of the Legislative Services

Agency since 2014. Tim staffs the House Environmental Protection, Senate and House State Government and Administrative Rules Review Committees. He also drafts legislation in the areas of professional licensing, environmental protection, civil rights and landlord-tenant law.

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Iowa attorneys hold key positions in 2017 legislative session beginning Jan. 9

By Melissa Higgins, Communications Director

Some Iowa lawmakers will drive nearly four hours on winding country roads to get from their home districts to the Iowa Statehouse building when the 87th General Assembly convenes in January. But for Rep. Chris Hagenow and Sen. Jack Whitver, it's just a four-block jaunt from their law offices. They both practice at Whitaker Hagenow & Gustoff LLP on East Locust St. in Des Moines.

"It is really convenient," admits Whitver, who does estate planning for the firm. But he will find himself with less time to dedicate to practicing law as the newly-selected president of the Iowa Senate.

The WHG LLP Firm also specializes in probate, business advice, family law and criminal defense, but you could also call it a political hotbed. Hagenow and Whitver's colleagues include other well-known Iowa Republicans: Matt Whitaker, the former U.S. Attorney for the Southern District of Iowa, who ran for State Treasurer and U.S. Senate; Bill Gustoff, a State Central Committee member and Treasurer for the Republican Party of Iowa; and Matt Dummermuth, former U.S. Attorney for the Northern District of Iowa, who is an active member of the Federalist Society and within the homeschool community.

"The goal of the firm was to create a platform for the individuals to be successful in whatever they want to do, whether it be law or other endeavors," explains Hagenow, who founded the firm in 2009. "We all have our own unique kinds of practice, and we all have things we do outside of practicing law."

Hagenow, who was re-elected this November in House District 43 (Windsor Heights, West Des Moines, Clive), will stay on for his second year as House Majority Leader when the 2017 session gavel in. He is a University of Iowa College of Law graduate and got his start in politics with his first state election in 2008. He previously served three years as Majority Whip before taking the second-in-command leadership role in the Iowa House.

Whitver, who represents Senate District 19 (Ankeny, Alleman,



House Majority Leader Chris Hagenow and Senate President Jack Whitver, both attorneys, are pictured in the House chamber at the Iowa Statehouse.

North Des Moines), will preside over debates in the now Republican-controlled senate when the session begins on Jan. 9. He graduated from Drake University Law School in 2012 and is a small-business owner with several athletic training facilities in the Des Moines metro area.

"(My background) provides a lot of different experience. I know a lot of lawyers are happy with a lot of lawyer legislators, but we also need farmers, teachers, small business owners. We need every background if we want complete knowledge of the way laws affect people," said Whitver.

Both men are eager for the session to get started, especially now that Republicans control the senate, house and the executive branch. It's the first time they have had the "trifecta" in 20 years.

"We're obviously excited to finally be in charge," says Whitver. "This is my seventh year and I've been in the minority the whole time. There will be a new dynamic and one of the things the people of Iowa and the nation said was that they want the government to work."

But that doesn't mean they'll shut out Democrats in the process, added Hagenow. "If we are doing our job right, we're listening to our constituents, whether they are Republicans or Democrats. We want to craft the best public policy possible. Obviously, Republicans and Democrats have some different ideas on policy, but that doesn't mean we can't do the best job we can on crafting it," he said.

These legislative leaders are not ready to lay out specific policy priorities just yet, but say they are most concerned about balancing

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Mike Mesch
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Partner

the state budget. That means every single taxpayer dollar will be scrutinized, including court system funding, which is a major lobbying priority for The Iowa State Bar Association.

“There is a competition for dollars that will be intense, but court funding is an area where having lawyer-legislators means we can advocate for additional funding,” said Hagenow. “What I try to share with my colleagues is that our court system is a core function. It should be one of the foundational things we fund, like police and fire. That message seems to resonate.”

Hagenow says adequate court funding isn't the only issue you will see lawyer-legislators working together on this session, because their relationships with other attorneys, no matter their party, help propel the process.

“Lawyer-legislators have a unique approach to improving legislation and a commitment to making sure it works the way it's intended,” he said. “Also, I think there is a temperament that comes with lawyer-legislators that is helpful to make sure what we're doing is productive and the conversation is constructive.”

Both also appreciate the support of The Iowa State Bar Association's LawPAC and the work of the ISBA in presenting its affirmative legislative program each year. They anticipate action on many of the ISBA's agenda items.

“The Bar always has a fairly broad agenda with issues that it develops out of the different sections. I suspect that we get a lot of that done this year. Most of the pieces of legislation are non-partisan and get broad support from both parties,” said Hagenow.

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The Iowa State Bar Association resolution honoring deceased members

WHEREAS: The following individuals have served the legal profession with dignity and honor, and

WHEREAS: They have been faithful stewards in upholding the Constitutions of the United States and the State of Iowa, and

WHEREAS: They have been supportive members of The Iowa State Bar Association, and

WHEREAS: They have unselfishly responded to any requests made of them to further the cause of the legal profession in the State of Iowa, now

THEREFORE BE IT RESOLVED: That we pause for a moment of silence to honor their passing from this life into eternity.

Signed this 14th day of December, two thousand sixteen.



Skip Kenyon, President
The Iowa State Bar Association

The Iowa State Bar Association's Deceased Members, since June 2016:

| | | |
|-----------------------|-----------------|------------|
| George Arvidson | West Des Moines | (10/7/16) |
| William Bartine | Des Moines | (8/26/16) |
| Marion Beatty | Decorah | (8/29/16) |
| Joseph Bertroche, Sr. | Hiawatha | (7/4/16) |
| Orville Bloethe | Victor | (12/3/16) |
| Wallace Butler | Las Vegas, NV | (12/5/16) |
| Bruce I. Campbell | Des Moines | (12/21/16) |
| Lawrence Carstensen | Clinton | (8/21/16) |
| David Crumley | Fort Dodge | (6/1/16) |
| Harry W. Dahl III | Des Moines | (11/23/16) |
| Randy Duncan, Jr. | Des Moines | (9/27/16) |
| Emery 'Jeff' Emerson | Sioux City | (11/18/16) |
| Robert D. Hall | Sun Lakes, AZ | (6/12/16) |
| Bill Hardin, Sr. | Knoxville | (9/18/16) |
| Paul E. Huscher | Waukee | (9/7/16) |
| Dan Johnston | Des Moines | (10/21/16) |
| Nancy K. Jones | Des Moines | (12/7/16) |
| Gerald M. Kraii | Kansas City, MO | (4/1/16) |
| Ronald W. Kuntz | Des Moines | (7/8/16) |
| John T. Nolan | Iowa City | (6/11/16) |
| Heather A. Norman | Dubuque | (6/13/16) |
| William B. Norton | Lowden | (12/5/16) |
| Norris G. Olney, Jr. | Marathon | (9/29/16) |
| Trudy L. Peterslie | La Crosse, WI | (9/26/16) |
| John Raymond Phillips | Leesburg, FL | (6/17/16) |
| Richard Richards | Des Moines | (6/28/16) |
| Virginia Cady Scism | Bentonville, AR | (7/5/16) |
| David L. Shumway | Algona | (9/6/16) |
| Beatrix (Bea) Smith | Des Moines | (10/31/16) |
| Jay Phillip Stovall | Altoona | (8/24/16) |
| Richard Strickler | Des Moines | (10/10/16) |
| Harold D. Vietor | Tucson, AZ | (7/23/16) |
| John R. Ward | Beaverdale | (8/7/16) |
| Charles Wasker | Des Moines | (12/9/16) |
| Lynn Wiese | Mason City | (6/26/16) |

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Jill & Richard Hansen

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Michael R. Blaser

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IN MEMORIAM

Orville W. Bloethe, 97, of Victor, Iowa, died Dec. 3.

Bloethe was born in Victor in 1919. He served in the U.S. Army throughout World War II, then graduated in 1947 from the University of Iowa College of Law. He then returned to Victor, where he practiced for 67 years. He testified before Congress about special use valuation of farmland, then lectured lawyers, accountants and farmers for years about the subsequently adopted IRS tax code. Bloethe was the first recipient of the ISBA's Award of Merit and was the driving force for several decades behind the annually published Iowa Tax Manual.

Wallace W. Butler, 96, of Las Vegas, Nevada, died Dec. 5.

Butler was born in Sibley. He received his J.D. from the University of Iowa College of Law and served in the Army Air Corps during World War II. He practiced for 50 years in Iowa before moving to Las Vegas in 1998.

Bruce Irving Campbell, 69, of Des Moines, Iowa, died Dec. 21.

Campbell was born in Mason City, Iowa in 1947. He received his J.D. from Harvard Law School in 1973. Campbell then joined Thoma, Schoenthal, Davis, Hockenberry & Wine, later known as Davis Brown Law Firm. He practiced there for 43 years, twice serving as president. During that time he taught courses at Drake University Law School and was selected as a fellow by the American College of Trust and Estate Counsel.

Harry Waldemar Dahl III, 58, of Des Moines, died Nov. 23.

Dahl was born in 1958 in Des Moines. He received his J.D. from Drake University Law School where he was a Phi Beta Kappa member. After graduation, he joined his father at Harry W. Dahl, P.C., where he also later was accompanied by his wife.

Trudy Peterslie Dupont, 63, of La Crosse, Wisconsin, died Sep. 26.

Dupont was born in 1953 in Madison, Wisconsin. She received her J.D. from Drake University Law School in 1984 and joined Carriers Insurance Company in Des Moines. She also worked in the home office of General Casualty Companies in Sun Prairie, Wisconsin and at EMC Insurance Companies in Des Moines.

Emery Emerson, Jr., 89, of Sioux City, died Nov. 13.

Emerson was born in Bryant, South Dakota. He served in the Army during World War II, then received his J.D. from the University of South Dakota.

Emerson practiced in South Dakota until 1960 when he moved to Storm Lake. He remained there in private practice until 1973, when he was appointed as a juvenile court judge for Buena Vista, Clay and Dickinson counties.

Dan L. Johnston, 78, of Des Moines, died Oct. 21.

Johnston was born in 1938 in Montezuma. He received his J.D. from Drake University Law School. After graduation, he began working with the ACLU and successfully argued the 'Tinker v. Des Moines Independent Community School District' case that established free speech rights for students in public schools. Johnston also served a term in the Iowa General Assembly and as Polk County Attorney for 18 years.

Nancy Kengla Jones, 98, of Des Moines, died Dec. 7.

Jones was born in 1918 in Washington, D.C. She received her J.D. from the George Washington University law school. Jones then worked for the Federal Reserve Board and the Department of Justice, before moving to Des Moines with her husband after the end of World War II.

William B. Norton, 88, of Lowden, died Dec. 5.

Norton was born in 1927 in Wilton Junction. He served in the Navy and was a graduate of Drake University Law School in 1953. After graduation, he founded Norton Law Firm in Lowden, where he practiced until his death. Norton was a former member of the Board of Directors at First Trust and Savings Bank and served on the Board of Governors of the ISBA.

Charles 'Chuck' F. Wasker, 90, of Des Moines, died Dec. 9.

Wasker was born in 1926 in Boston, Massachusetts. He served in the Navy during World War II, then graduated from Drake University Law School in 1952. He practiced law for over 50 years, retiring as senior partner of Wasker, Dorr, Wimmer & Marcouiller, P.C. Wasker was also recognized by the Iowa Supreme Court in 2006 for his promotion of judicial excellence, among numerous other personal and professional awards.

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.

ISBA BOG finalizes 2017 affirmative legislative agenda items at quarterly meeting, prepares to act on key issues

During the winter ISBA Board of Governors quarterly meeting in West Des Moines, the BOG acted on numerous section recommendations for the 2017 ISBA Affirmative Legislative Program and heard legislative reports on key issues impacting Iowa attorneys during the 2017 legislative session.

Actions

2017 ISBA Affirmative Legislative Program Items

Actions taken by the Board of Governors included, by section:

Family and juvenile law

- Approved legislation that amends Iowa Code Chapters 598.12 to clarify the roles of child's attorney, guardian ad litem and custody investigator.
- Approved legislation that amends Iowa Code Section 598.19 to allow for waiver of the 90-day waiting period at the court's discretion upon the agreement of the parties.
- Supported legislation that amends Iowa Code Chapter 600B to add attorney fees to actions for contempt under the chapter and to require parents who were never married to each other but who are involved in a child custody lawsuit to take the Children in the Middle class.
- Tabled approval for legislation that strengthens a variety of protections from harmful practices in adoption to prevent adoption fraud and recom-

mended the proposal for further study.

Probate, trust & estate planning

- Approved legislation that provides for mandatory withholding of Iowa inheritance tax from joint tenancy, payable on death, transfer on death and other assets transferable to non-exempt persons through use of a withholding form developed with the Iowa Department of Revenue.
- Approved support for legislation that amends the Iowa Uniform Power of Attorney Act by adding a new subsection (10) to Iowa Code Section 633B.204 to clarify that an agent under a power of attorney may waive or relinquish a spousal right, homestead and elective share if the principal has granted the agent General Powers under the real property section 204 to 633B.

Business law

- Supported full funding by the Iowa Legislature of the Office of the Iowa Secretary of State ("ISOS") as requested by Iowa Secretary of State Paul Pate, including a legislative bill to create a revolving fund to put business services fees collected by the ISOS into an account and let the Iowa Legislature transfer monies from that account to the ISOS for business service programs provided ISOS fees are increased to hold the state general fund harmless.

Criminal law

Approved affirmative support for:

- Legislation that includes funding for research the cause of and potential solutions to racial disparities in the criminal justice system.
- Legislation modeled on 18 U.S.C. § 3142.
- Legislation that supports and provides adequate resources for specialty, diversion courts and the needed accompanying services.
- Legislation to increase funding to address mental health, homelessness, and substance abuse addiction through means other than relying heavily on law enforcement and the criminal court system.

Additional actions taken by the Board of Governors included:

- Approval of the Title Standard Committee recommended changes to Standards 2.1, 6.1, 13.6, 14.1, 14.2, and 14.3.
- Approval of the Iowa Jury Instructions Committee's recommended changes to Criminal Instructions 2340.1, 2520.1, 800.1, 800.1.1, 800.4, and 800.5.
- Approved a Resolution Honoring Deceased Members.
- Approved an Iowa Legal Aid Resolution confirming the appointment of Iowa Legal Aid Board Members.



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Reports

President's Report – *President Skip Kenyon*

ISBA President Kenyon updated governors on his contacts since the fall quarterly meeting including November retention election engagements. He highlighted the ISBA Middle School Mock Trial Championships and the Great Rivers Bar Leaders Conference. Kenyon went on to facilitate discussion on legislative issues pertaining to adequate funding for Iowa courts and additional challenges anticipated during the upcoming legislative session.

Strategic Planning – *Bill Boyd, ISBA Ad Hoc Strategic Planning Committee Chair*

ISBA Ad Hoc Strategic Planning Committee Chair Bill Boyd updated governors on the information obtained through the survey that was sent to ISBA members and non-members. Over 800 individuals responded. Responses indicated that practice tools are significant benefits. The networking opportunities and ISBA's role as the legislative voice for the profession are also of value. The committee will look at the survey results in more detail to discern the themes and determine how to be helpful at addressing concerns identified by the survey. The committee will prepare a draft mission and vision statement for the ISBA. Input from the BOG will be needed.

ISBA Executive Director's Report – *ISBA Executive Director Dwight Dinkla and Assistant Executive Director Harry Shipley*

ISBA Executive Director Dinkla offered a brief tribute to Orville Bloethe who died in December 2016.

Assistant Executive Director Shipley demonstrated the new ISBA Find-A-Lawyer public website. The site is device responsive and will eventually have a 2-3 question entry point and guide site users to attorneys and additional resources that will continue to be added. Email communication about participation will be sent to members. Those interested in participating will be asked to make sure that their information is current.

In addition, Assistant Executive Director Shipley provided the governors with three year membership projections and noted that by 2020, membership could decrease by 900 to 1100 members due to smaller law school class sizes and age



Kyle Irvin, ISBA Probate, Trust & Estate Planning Section Chair, provides a report on legislation recommended by the section for the 2017 ISBA Affirmative Legislative Agenda.

demographics. He also provided data on 2016-2017 membership non-renewals by type of membership.

ISBA Ways & Means Committee Chair Eric Turner provided governors with

an overview of ISBA Financial Statements and the ISBA Annual Audit. He highlighted revenue and expense items on the financial statements and stated that there were not issues identified in

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Jerry Schnurr, District 2B, listens to Kyle Irvin, ISBA Probate, Trust & Estate Planning Section Chair's, report regarding recommendations for the 2017 ISBA Affirmative Legislative Agenda.

the audit report. Turner commended Assistant Executive Director Shipley for his stewardship of ISBA resources.

Fair and Impartial Courts Report – ISBA Past President Cindy Moser

ISBA Past President Cindy Moser provided members of the BOG with a summary of the ISBA Fair and Impartial Courts Committee's campaign efforts in lieu of chair Guy Cook. Past President Moser noted that the BOG approved up to \$25,000 for campaign efforts and that the total cost of the efforts was approximately \$16,000. The campaign included targeted social media advertising, the launch of the retention-dedicated judicialfacts.org website, paid radio spots, printed materials and signs, and an aggressive

letter-to-the-editor campaign. She went on to provide additional detail on the amount of funding spent for and success associated with each of the categories.

Past President Moser thanked members of the Fair and Impartial Courts Committee, ISBA members, and governors for providing resources and tools for the successful retention of the three Iowa Supreme Court Justices, and 63 Court of Appeals and District Court judges on the 2016 ballot.

YLD President's Report – YLD President Reed McManigal

YLD President Reed McManigal reported that the YLD plans to engage new lawyers through ISBA resources like a new solo and small practice guide,

conflict check software, videos on topics that are helpful for new attorneys and an anonymous online tool where questions can be posted and answered.

McManigal noted that YLD leaders continued to call new members during the past several weeks to express thanks for their membership and learn more about their interests and needs.

YLD President elect Tom Hillers reported on the Student Debt Task Force and gave a summary of the input the task force members receive when they call new lawyers. He stated that new lawyers are deeply concerned about keeping their jobs and are having a difficult time paying their student debt.

Scope and Correlations Committee – Deb Petersen, Chair

Scope and Correlations Committee Chair Deb Petersen reported that the committee continues to work to find ways to reactivate county bars. A survey was sent out requesting information regarding how often county bar associations meet and if they meet, who they would like to come out and meet with them to provide them with information. The committee is partnering with the YLD to go to every county.

Succession Planning (Rule 39.18) Report – ISBA Past President Joe Feller, Chair

ISBA Past President Joe Feller updated the governors on the Iowa Supreme Court's November 18 approval of the Succession Planning Committee's Report. He noted that succession planning rules were changed so that solo practitioners will not be required to file a succession plan as a condition of licensure. All attorneys in private practice will be required to answer a limited number of questions. Additional information and related resources are anticipated.

ABA Delegate Report – ABA Delegate David L. Brown

ABA Delegate David L. Brown provided governors with information pertinent to the ABA federal judicial selection process. He went on to note federal judicial vacancies in a number of states including Idaho and Washington and offered predictions for the priorities to fill vacancies in 2017. Brown acknowledged fellow ABA delegates Jane Lorentzen and Alan Olson.

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Iowa Legal Aid Report – Dennis Groenenboom, Executive Director

Iowa Legal Aid Executive Director Dennis Groenenboom reported on Iowa Legal Aid's \$364,709 Pro Bono Innovation Fund grant for its Pro Bono Revitalization Project from the Legal Services Corporation. Groenenboom stated that the Pro Bono Revitalization Project will focus on creating a pro bono program that is more strategic, efficient and effective in referring appropriate cases to pro bono attorneys.

Ethics & Practice Guidelines Committee Report – ISBA Past President Nick Critelli, Chair

Ethics & Practice Guidelines Committee Chair Nick Critelli reported on the Ethics & Practice Guidelines Committee's ongoing efforts including data on the types of inquires received. He highlighted information about law firm separation requests received and potential concerns around losing clients. In addition, he updated governors on the App in development that can assist attorneys in evaluating potential or apparent conflicts of interest.

LawPAC Update – ISBA Legislative Counsel Jim Carney

ISBA Legislative Counsel Jim Carney reported that Iowa LawPAC distributed approximately \$60,000 throughout the summer and fall. There are a total of 17 lawyers serving in the legislature in 2017 with 12 in the House and five in the Senate.

Iowa Lawyers Assistance Program – Hugh Grady, Iowa Lawyers Assistance Program Executive Director

ILAP Executive Director Hugh Grady reminded governors and attendees of his availability to make presentations at county bar functions, law firms and other venues and that the presentations are eligible for one hour of CLE credit. The best way to reach ILAP Executive Director Grady is via mobile phone at 515-360-1668.

Drake Law School – Dean Jerry Anderson

Drake Law School Dean Jerry Anderson reported that the ABA approved a new compliance and risk management program that will launch next fall and



Members of the ISBA Board of Governors listen to reports regarding recommendations for the 2017 ISBA Affirmative Legislative Agenda.

offer law students the opportunity to get certification as well as masters and L.L.M. degrees.

Dean Anderson went on to highlight recent activities and law student and faculty accomplishments. The Drake Law School Moot Court Team won the regional competition for the national tournament and will go to nationals for the 13th of the last 16 years.

Upcoming 2017 events include Supreme Court Day, April 1, and a constitutional law symposium, April 8.

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Wi-Fi changes go in effect Jan. 1 at Iowa judicial buildings

The password policy for public Wi-Fi in judicial offices will be changing effective Jan. 1.

If you use public Wi-Fi in a judicial office or courthouse, you will no longer be required to change the password at the start of each month. Instead, the password will be permanently set to iowacourts, so you will need to change the password one final time on or after Jan. 1.



Use these credentials to login to the network:

Network/SSID: JBGuest

Password: iowacourts

The public Wi-Fi network is often used by attorneys and members of the public for submitting and accessing case information from a personal device within the courthouse.

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Business Law Section

Andrea D. Mason, Lane & Waterman

December 2

eCommerce & IP Law Seminar

(Live Webinar or In-person)

Sponsored by The Iowa State Bar Association
eCommerce and Intellectual Property Law
Sections

John Goodhue, Goodhue, Coleman & Owens

John C. Hallerud, Senior Staff Attorney, FTC

Jonathan Kennedy, McKee, Voorhees & Sease

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Amy McHugh, CliftonLarsonAllen

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December 2

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Matt Bishop, Iowa Department of Revenue

Tamara Borland, Bloethe Tax School Chair

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Kenton Vriezelaar, Vriezelaar Tigges Edgington Bottaro Boden & Ross LLP

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December 15

Legal Ethics for Tax Return Preparers

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Kristine Tidgren, ISU's Center for Agricultural Law & Taxation

December 16

Federal Practice Seminar

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

Angela Campbell, Dickey & Campbell Law Firm PLC

Hon. Abbie Crites-Leoni, United States Magistrate Judge for the Eastern District of Missouri

Peter Deegan, U.S. Attorney's Office, Northern District of Iowa

Prof. Laurie Dore, Drake Law School

Michael Gartner

Michael Giudicessi, Faegre, Baker, Daniels LLP

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

Tim Hill, Bradley & Riley

Prof. Emily Hughes, University of Iowa College of Law

Hon. Stephen Jackson, Jr., United States Magistrate Judge for the Southern District of Iowa

Hon. Teresa James, United States Magistrate Judge for the District of Kansas

Hon. John Jarvey, Chief Judge, United States District Judge for the Southern District of Iowa

Andrew Kahl, U.S. Attorney's Office

Nick Klinefeldt, Faegre Baker Daniels LLP

Prof. Laurie Levenson, Loyola Law School

Gene Policinski, COO, Newseum Institute

Hon. Robert Pratt, Senior Judge, United States District

Judge for the Southern District of Iowa

Hon. Linda Reade, Chief Judge, United States District Judge for the Northern District of Iowa

Hon. Stephanie Rose, United States District Judge for the Southern District of Iowa

Hon. Ross Walters, United States Magistrate Judge for the Southern District of Iowa

Jim Whalen, Federal Public Defender

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

Hon. Charles Wolle, Senior Judge, United States District Judge for the Southern District of Iowa

December 21

Effectively Entering Effective Pleas

(Live Webinar)

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Criminal Law Section

Steven Drahozal, Assistant Public Defender

December 22

A Primer for Medicaid Eligibility

(Live Webinar)

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Probate, Trust & Estate Planning Law

Gregory Kenyon, Bradshaw, Fowler, Proctor & Fairgrave, P.C.

December 27

Bridge Order Update (Live Webinar)

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Family and Juvenile Law Section

Ellen Ramsey-Kacena

December 28

Review of 2016 Attorney Disciplinary Cases

(Live Webinar)

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Government Practice Section

Roger Kuhle, Polk County Attorney's Office

December 30

The Ouderirk Case: The Ethics of Advising Clients on Asset Protection Measures

(Live Webinar)

Timothy Gartin, Hastings, Gartin & Boettger, LLP

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Jim Nalley
CPA/ABV, CFF, CVA



Jennifer Julander
ASA



Atherton

Amanda Atherton has joined the Administrative Hearings Division of the Iowa Department of Inspections and Appeals as an administrative law judge. She previously practiced at the Nyemaster Law Firm in Des Moines and served as a research attorney at the Michigan Court of Appeals in Detroit. She graduated from Drake University Law School in 2011.



Carrington

Melissa A. Carrington, David M. Caves and **Jeremiah D. Junker** have joined Bradley & Riley PC in Cedar Rapids as associates.

Carrington is a member of the civil litigation, commercial litigation, and labor and employment practice groups. She received a bachelor's degree from Northwestern University in 2008, and her law degree from the University of Illinois College of Law in 2011.

Caves

Caves leads the intellectual property practice group at Bradley & Riley. He received a bachelor's degree from Northwestern University and graduated from law school at the University of Chicago in 2007.



Junker

Junker received a bachelor's degree, cum laude, from Cornell College in 2009, and his law degree from the University of Michigan Law School in 2016.



Koltookian

Stephanie A. Koltookian, Abigail M. Hillers and **Robert J. Thole** have joined Bradshaw, Fowler, Proctor & Fairgrave, P.C., in Des Moines.

Koltookian joined the firm as an associate attorney in the firm's litigation division. She earned her J.D. from The University of Iowa



Hillers

College of Law in May 2015. Prior to joining the Bradshaw Law Firm, Stephanie clerked for Justice Thomas D. Waterman of the Iowa Supreme Court.

Hillers joined the firm as an associate attorney in the firm's transactional division, representing clients in the area of wills, trusts, estate planning, probate and real estate law. Abigail earned her J.D. from Valparaiso University Law School in 2009.



Thole

Thole has joined the litigation division of the firm as an associate attorney. He earned his J.D. from Drake University Law School in May 2012. While attending law

school, Robert clerked for both the Bradshaw Law Firm and the Honorable Robert B. Hanson of the 5th Judicial District in Polk County.



Beck

Amy Beck and Katie Ervin-Carlson have joined Fiedler & Timmer, P.L.L.C. in Johnston.

Beck earned her J.D. from Drake University Law School in 2016. She will join the firm practicing exclusively in plaintiffs'-side employment law, focusing primarily on discrimination, harassment and wrongful discharge.



Ervin-Carlson

Ervin-Carlson earned her J.D. from Drake University Law School in 2006. She has practiced exclusively in employment law for the past 10 years, most recently with Babich Goldman, P.C. Katie previously worked for the firm from 2008-2009.



Dixit

Ana Dixit has joined the Ranes Law Firm in West Des Moines as an associate. Dixit received her J.D. from Drake University Law School. Her practice will focus primarily on family law, probate and criminal defense.



Eilers

Laura A. Eilers joined Peglow, O'Hare & See, P.L.C. in Marshalltown as an associate. Eilers earned her J.D. from Oklahoma City University School of Law in 2009. She will maintain a general practice in the areas of juvenile, criminal, family, municipal and real estate law, personal injury, and general litigation. She was previously an associate with Grimes, Buck, Schoell, Beach & Hitchins in Marshalltown.



Ernst

Tyler J. Ernst has joined Klass Law Firm LLP in Sioux City as an associate attorney. Ernst graduated from Drake University Law School. He will maintain a practice focused on all areas of litigation and workers' compensation.



Glenn

Ryann Glenn has joined Husch Blackwell in Omaha, Nebraska, as an associate attorney. Glenn received her J.D. from the Creighton University School of Law in 2010. She has joined the firm's litigation practice service group.



Cederdahl

Andrew Cederdahl, Chris Merkle, Nathan Peters and **Robb Poggenklass** have joined Iowa Legal Aid.

Cederdahl graduated from the University of Iowa College of Law in 2014. He has accepted an Equal Justice Works Fellowship, working on issues related to elderly abuse, neglect and exploitation, with Iowa Legal Aid's Legal Hotline for Older Iowans and the Central Iowa Regional Office.



Merkle

Merkle joined Iowa Legal Aid's Cedar Rapids Regional Office. Prior to being hired as a staff attorney, Chris was an intern in the Central Iowa Regional Office. He is a 2016 graduate of Drake University Law School.



Peters

Peters was hired as a staff attorney in Iowa Legal Aid's Waterloo Regional Office. Nathan is a 2015 graduate of the University of St. Thomas School of Law in Minneapolis.



Poggenklass

Poggenklass joined the staff of Iowa Legal Aid's Central Iowa Regional Office. He is a 2010 graduate of William & Mary School of Law.

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Kline

Jacob V. Kline has joined the Heidman Law Firm in Sioux City as an associate attorney. Kline is a trial attorney representing individuals and companies in state and federal courts in Iowa. His general practice includes the areas of construction, criminal, employment and agricultural litigation, along with family law.



Lande

John E. Lande has been elected shareholder at Dickinson, Mackaman, Tyler & Hagen, P.C. in Des Moines. John graduated from the University of Iowa College of Law in 2011 and was recognized as a Future Leader of the Bar by The Iowa State Bar Association. His practice covers an array of civil litigation matters,

including complex, multi-party litigation involving class action suits and federal cases. John also advises clients on issues related to cybersecurity, criminal investigations, fraud, mobile banking and insider transactions.



Bei

Lei Bei and Elizabeth Araguás have joined Nidey Erdahl Tindal & Fisher, PLC in Cedar Rapids.

Bei earned his J.D. from the University of Iowa College of Law in 2014 and joins the firm as an associate, having served the firm as a legal assistant and law clerk since 2008. He will practice primarily in criminal law, family law and juvenile law.



Araguás

Araguás earned her J.D. from the University of Iowa College of Law in 2013 and joins the firm as an associate. She will practice primarily in criminal and

family law, with a focus on Spanish-speaking clients. She is also a certified mediator, specializing in family and aging issues.



Powers

Shannon M. Powers joined Wertz, Dake & Anderson P.C. in Cedar Rapids as an associate. Powers received her J.D. from Drake University Law School in 2016. She will practice primarily in workers' compensation, representing injured workers.



Adam

Jared S. Adam and Vincent S. Geis have joined Shuttlesworth & Ingersoll P.L.C. in Cedar Rapids as associate attorneys.

Adam's practice focuses on corporate governance, equity finance, business contracts and estate planning. In 2016, Jared earned his J.D. from the University of Iowa College of Law.



Geis

Geis' practice focuses on litigation and health law. He graduated with his J.D. from the University of Iowa College of Law in 2016. He was a summer associate with Shuttlesworth & Ingersoll in 2015.



Swartz

Emily Swartz joined Trey Sucher Law PLC as an associate attorney in the firm's Marshalltown office. Emily earned her J.D. from Indiana University Maurer School of Law in 2016 and is licensed to practice in Iowa. Emily speaks Spanish and her practice focuses on immigration, criminal and family law.



Smith

Tyler S. Smith has joined Duncan, Green, Brown & Langeness in Des Moines as an associate attorney. Smith graduated from Drake University Law School in 2016.



Warmuth

Jay Warmuth has joined Faegre Baker Daniels in Minneapolis, Minnesota, as a partner. Warmuth is a former executive from UnitedHealth Group, and joins the firm's insurance and health care practices. He earned a law degree from the University of Minnesota Law School and a bachelor's degree from Carleton College in international relations.



Watson

Alison Watson has joined as a partner in FaegreBD's insurance practice, part of the firm's financial services industry team in Washington, D.C. Watson joins FaegreBD's bi-partisan team of attorneys and consultants who represent insurance companies across the industry on regulatory, transactional, insolvency, public policy and litigation matters.

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Disciplinary OPINIONS

**Laurie Jean Pederson
Supreme Court Decision
Nov. 10, 2016
Sixty-Day License Suspension**

Laurie Jean Pederson was admitted to practice law in Iowa in 2001. She has a solo practice in Rockford. This disciplinary action arises from Pederson's conduct as an attorney in a probate matter and in a child custody case.

Probate Matter: Pederson served as attorney for the estate. The executor was a beneficiary, together with her two siblings. A city attorney represented the two other beneficiaries, and Pederson was aware they were represented. During probate, Pederson sought and received attorney fees prior to filing the final report. She also communicated directly with the two represented beneficiaries, including a letter requesting waiver of the hearing on the final report. The district court removed Pederson as the attorney for the executor after discovering the attorney fees had been miscalculated and premature. The court ordered Pederson and the executor to return all fees, and removed the executor. Pederson did not have sufficient funds, and sought and received a loan from the former executor. Pederson and the executor did not execute a written agreement, and Pederson did not obtain informed consent nor advise the executor to seek independent counsel. The district court eventually ordered Pederson to reimburse the executor.

The Supreme Court held that Pederson communicated with represented parties in violation of Rule 32:4.2(a) by sending them correspondence and seeking their signatures on documents. The court also found she violated

Rule 32:1.5(a) by taking a fee prior to filing of the final report, and Rule 32:1.8(a) for entering into an improper "business transaction" with her executor client on the personal loan.

Child Custody Matter: Pederson agreed to represent the mother of the child. She received a flat fee of \$1,200 in advance, and deposited the fee into her personal account without an itemization of services to the client. After filing a petition and securing a temporary custody order, the case sat dormant for close to a year. The client believed the case was complete. Pederson maintained she only represented the client for the limited purpose of securing temporary custody. Notwithstanding, Pederson did not file and serve a notice of a limited appearance and never informed the court her appearance was limited. Pederson failed to respond to requests for information from the client's new counsel.

The court held Pederson violated subsections (a), (c), and (f) of Rule 32:1.15 by depositing the flat fee into her office account, because such fee must be deposited into a trust account and only withdrawn as earned. The court also held Pederson violated Rule 32:1.2(c) regarding limited representation by failing to secure her client's informed consent, and Rule 32:1.4(a)(4) for failing to respond to requests for information from the new attorney.

Sanctions: The court considered that Pederson had experienced personal hardships during the relevant periods and had been cooperative with the board, but also that she had been publicly reprimanded in the past. The court imposed a 60-day license suspension.

**Karen A. Taylor
Supreme Court Decision
Nov. 10, 2016
Six-Month License Suspension**

Karen A. Taylor was admitted to practice law in 1995, and has maintained a solo practice in Des Moines since 2000. Taylor primarily practices in family, criminal and bankruptcy proceedings. Taylor is a hard-working attorney, and represents many indigent clients across Iowa.

Due to personal financial and marital struggles, Taylor failed to file state and federal income tax returns from 2003 to 2013 though she knew she was legally obligated to do so. Taylor acknowledged her responsibility for the delinquent returns, and filed the returns and entered into negotiations to establish a payment schedule for delinquent back taxes during the pendency of this matter.

The Iowa Supreme Court held Taylor's failure to file tax returns for 2003 and 2004 constituted misrepresentation of the attorney's income in violation of prior Rule 1-102(A)(4), a deceitful offense involving moral turpitude in violation of prior Rule 1-102(A)(3), and conduct adversely reflecting on her fitness to practice law in violation of prior Rule 1-102(A)(6). For Taylor's failure to file tax returns from 2005 to 2013, the court found a violation of Rule 32:8.4(b) for misconduct in "commit[ing] a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects," and 32:8.4(c) for conduct involving "dishonesty, fraud, deceit, or misrepresentation" because she willfully failed to file returns.

In considering sanctions, the court noted aggravating factors of prior discipline and the extended period of time of missed returns. The court also noted "numerous" mitigating factors, including Taylor's acknowledged responsibility for the failed tax returns, remorse and substantial pro bono work. The court suspended Taylor's license for six months.

**Kristy Boyer Arzberger
Supreme Court Decision
Nov. 10, 2016
Thirty-Day License Suspension**

Arzberger is a Mason City lawyer, who began practicing law in 1986. Since 1988, she has been in a private solo practice that includes family law, agribusiness matters, real estate and probate work. This matter arises from Arzberger's work in a probate matter.

A number of potential ethical issues "lurked" in the case based on a complicated set of facts. However, the Iowa Supreme Court held the complaint and stipulations narrowed the case to one issue: whether Arzberger violated Rule 32:1.5(a) (unreasonable fee) for failing to obtain court

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approval for “extraordinary” fees she charged the estate under Iowa Code sections 633.197 and 633.198. The court held an attorney’s taking of probate fees without proper court authorization is a violation of Rule 32:1.5(a), and thus Arzberger was subject to sanctions.

In considering sanctions, the court weighed whether Arzberger’s failure was an “intentional” one, rather than a simple oversight. The court sided with the board to find Arzberger must have “at some point” realized she did not have court approval for extraordinary fees, particularly when her client kept asking about the reasonableness of the fees. In addition, the court found a “pattern” of mistakes and misrepresentations regarding fees, all of which pointed to more than a simple mistake. After balancing the mitigating and aggravating factors, the court held a 30-day license suspension was appropriate.

David A. Morse
Supreme Court Decision
Nov. 10, 2016
Thirty-Day License Suspension

David Morse has been admitted to practice law in Iowa since 1989. He works in Des Moines, primarily on debtor/creditor matters, bankruptcies, mechanic’s liens, commercial litigation, family law and criminal law. This matter arises from Morse’s representation of one of attorney Jerrold Wanek’s clients, after Wanek died unexpectedly.

In March 2012, the Stephensons retained Morse to settle mechanic’s liens filed against their construction LLC. Morse explored settlement, but his authority was limited. Morse pushed settlement, and advised against proceeding to trial due to potential attorneys’ fees awards. The Stephensons disregarded his advice, and the case proceeded to trial. Judgment was entered against the Stephensons. They sought to appeal, and Morse requested a retainer and informed them they would be required to pay for the trial transcript.

After the Notice of Appeal was filed, the Stephensons were unable to pay Morse. Morse informed the Stephensons of a court-ordered deadline to pay the transcript fee, and that he would not advance the cost. The Stephensons sent two checks to Morse – one for the transcript, and one of \$500 for his overdue attorneys’ fees. The transcript check was cleared, but funds were never sent to the court reporter. The second \$500 check was returned for nonsufficient funds. In response to a Motion to Dismiss the appeal, Morse represented he still could not make the transcript payment, and sought to withdraw as attorney of record. The Stephensons sent Morse another check payable to the court reporter, which was not sent. The appeal was dismissed. Morse made no effort to reinstate the appeal or

correct the record. He applied the funds from the first transcript check to his fee balance.

On review, the Iowa Supreme Court held Morse and the Stephensons understood the initial transcript check was to pay for the trial transcript, and that Morse never forwarded the amount to save the appeal. The court reiterated that an attorney may not exercise statutory lien rights against funds entrusted to an attorney for a special purpose, and thus he violated Rule 32:1.15(d) and (c) (safekeeping property) by failing to send funds to the court reporter and/or for not engaging in dispute resolution over the amount. The court also held Morse violated Rule 32:1.3 (due diligence) by intentionally withholding the Stephenson’s first transcript payment. Finally, the court held Morse’s actions violated Rule 32:8.4(d) (conduct prejudicial to the administration of justice) because he led the court to believe nonpayment of the transcript cost was due to his clients, and allowing the appeal to be administratively dismissed.

In considering sanctions, the Court cited Morse’s extensive experience in debtor/creditor work and prior discipline as aggravating factors. Morse’s cooperation with the board and volunteer service were seen as mitigating factors. After balancing all factors, the court suspended Morse’s license for 30 days.

Brian Michael Greene
Supreme Court Decision
Dec. 16, 2016
License Revocation

Attorney Brian Green was licensed to practice law in Iowa at the time of this matter. This license revocation arises from business dealings of Green with two other joint venturers.

In 2012, two commercial real estate developers approached Green about a potential business venture with a prosthetics company. Green had provided legal advice and assistance to the developers previously. The plan was to create a management company equally owned by all three of them (and their respective LLCs), and share equally in the income and profits. While Green represented he created the joint management company, he instead created a management company owned solely by Green and his wife, and entered into an exclusive management agreement with the prosthetics company. Green also asked one of the developers to guarantee a residential lease purportedly related to the business venture, and left the developer responsible for \$2,700 in rent.

Green failed to respond to the developers’ repeated requests for information. In 2013, the prosthetics company informed the developers it was terminating the management agreement because Green violated multiple terms of the agreement, including making false representations, violating policies and “massive” wage and benefit misappropriations. The developers learned for the first time that Green never created their business and received all funds from the prosthetics company directly. None of the funds remained. Green was also found civilly liable to the developers in a district court judgment.

The Iowa Supreme Court held that Green violated Rule 32:8.4(c) (dishonesty, fraud, deceit, or misrepresentation), and had misappropriated funds from the developers. The court held that misappropriation and thefts of funds results in license revocation, and revoked Green’s license indefinitely.

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| | 20 PM | 21 | 22 | 23 X | 24 | |
| | 27 X | 28 PM | 29 | 30 | 31 | |

www.IowaMediators.org

PUBLISHER'S NOTE: To submit an ad to CLASSIFIED ADVERTISING, please follow the style of the ads appearing here, indicate the classification where you want your ad to appear and state how long the ad is to run. Each ISBA member receives two free entries annually, except for "Positions Available" ads. Those ads must be posted in the ISBA's Career Center to qualify for publication in the magazine. Once posted in the career center, they will be published in the magazine one time for each posting. Corporate and government attorney members of the association receive the same free privileges for their business, non-employer-related ads. If you have questions, call the Communications Dept. at 515-697-7898. E-mail your copy to communications@iowabar.org. The number appearing in parentheses after each ad indicates the volume and the number of the issue when the ad will be pulled from the magazine. (AL) refers to paid ads. (TF) indicates internal or "house" ads that run indefinitely.

COMMERCIAL ADVERTISERS: For rates, or to place an ad, contact Alex Larson (515) 238-4406; alex@larsonent.com.

POSITIONS AVAILABLE

ATTORNEY – *Stinson Leonard Street, L.L.P., Mankato, Minnesota* – Seeking an attorney with experience in the areas of corporate law, business transactions, secured lending transactions and/or commercial real estate to join our Mankato office. The preferred candidate is self-motivated and team-orientated, with the ability to work in a fast-paced collaborative environment. While this position is based in Mankato, we are seeking an attorney with the ability and interest to partner with our greater Stinson team and serve clients throughout our offices. Please send resume and cover letter to recruiting@stinson.com. (76-12)

LITIGATION ASSOCIATE – *Beecher, Field, Walker, Morris, Hoffman & Johnson, P.C., Waterloo* – Seeking an associate attorney with a minimum of 2-5 years of litigation experience. Duties are expected to include a broad range of personal injury matters, family and insurance law and other general litigation or arbitration matters. Ideal candidate must be currently licensed in Iowa, be a motivated self-starter, trial and arbitration experience, along with excellent communication, writing and research skills. All inquiries are strictly confidential. Please submit cover letter, resume and wage requirements to Amber Buck at abuck@beecherlaw.com. (76-12)

LIABILITY INSURANCE DEFENSE ATTORNEY – *Hopkins & Huebner, P.C., Davenport* – Seeking an associate attorney with at least three years of litigation experience, including strong writing and research skills, for our Quad Cities office. Salary commensurate with

experience. Excellent benefits. Applicants will find that Hopkins & Huebner, P.C. emphasizes a professional collegiality and offers opportunity, growth, and challenges in its practice areas. Please send resume and cover letter to estate@hhlawpc.com. (76-12)

ASSOCIATE ATTORNEY – *Crary, Huff, Ringgenberg, Hartnett & Storm, P.C., Sioux City* – Seeking an associate attorney with 2+ years of experience. This attorney will practice within various areas of law, with an emphasis on transactional matters relating to business transactions and real estate. Experience with corporate law, real estate transactions, business financing, and mergers and acquisitions is preferred. Applicants should have a strong work ethic and favor a collaborative team-oriented approach to the practice. Send resume and cover letter to mgaul@craryhuff.com. (76-12)

WEALTH MANAGEMENT ADVISOR – *United Bank & Trust, Marshalltown* – Seeking a Wealth Management Advisor with a minimum of five years' experience in business development or sales and two years of trust or investment-related experience. Successful applicant will identify prospects with potential financial needs in the areas of investment and financial management, financial planning, retirement planning and estate planning. Please send resume and cover letter to jennifer.hass@ubtna.com. (76-12)

TRANSACTIONAL ATTORNEY – *Goosmann Law Firm, Sioux City* – Seeking an attorney to join our high-energy firm and provide strategic legal advice to our industry-leader clientele. Ideal candidates are top performers with

three to four years of experience. Candidates with a business mindset, who anticipate the legal needs of business clientele, are preferred. Salary and bonus structure commensurate with experience and merit-based performance. Please send a resume and cover letter to Office Services Manager, Caitlin Rininger at RiningerC@GoosmannLaw.com. All inquiries will remain confidential. (76-12)

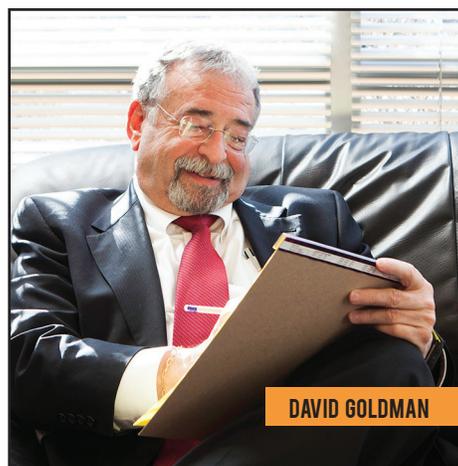
LITIGATION ATTORNEY – *Goosmann Law Firm, Sioux City* – Seeking a litigation attorney to join its high-energy firm and provide strategic legal advice to its industry-leader clientele. Ideal candidates are top performers with at least three-to-four years of relevant experience. Trial lawyers of the firm work on complex, multi-party cases. Candidates must possess outstanding oral and written skills, a willingness to learn and a desire to excel. All inquiries will remain confidential. Please send resumes and cover letters to Office Services Manager, Caitlin Rininger, at RiningerC@GoosmannLaw.com. (76-12)

ASSOCIATE ATTORNEY – *McEnroe, Gotsdiner, Brewer, Steinbach & Rothman, P.C., West Des Moines* – Seeking an associate attorney. All candidates must have at least 2 years of experience. Real Estate experience is preferred. Attorneys with an established practice, looking to expand their capabilities are ideal. Preferred practice areas include Family law, Probate, Tax, Bankruptcy or Appeals. Send resumes to Daniel Rothman at drothman@mcenroelaw.com. (76-12)

ASSOCIATE ATTORNEY – *Katz Nowinski P.C., Moline, Illinois* – Seeking an associate attorney with 0-5 years of experience in a general practice setting, focusing on litigation, real estate and transactional law. Candidates should be licensed in Iowa or Illinois and willing to take the additional state bar exam. Competitive compensation and benefit package. Please send resume, cover letter and writing sample for consideration to: Katz Nowinski P.C. ATTN: John F. Doak, 1000 – 36th Avenue, Moline, IL 61265 or email to: jdoak@katzlawfirm.com. (76-12)

LEGAL ASSISTANT – *Affiliates Management Company, Iowa* – Seeking a legal assistant to provide legal support to the AMC Legal Department for the legal department to serve AMC and its family of companies, related to the financial service, payment processing and credit union industries. Legal assistant will be a member of AMC's legal department and will report through General Counsel. Submit your resume, cover letter and salary requirements at www.affiliatesmgt.com/careers. (76-12)

CHIEF OF STAFF/ATTORNEY – *Briar Cliff University, Sioux City* – Seeking an attorney to serve as Chief of Staff for the university. This position will be responsible for all legal matters



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Email: dgoldman@babichgoldman.com

References Available On Request

of the university including employment and labor law, contracts, compliance, athletics, Title IX and Institutional Review Board (IRB). The chief of staff also acts as senior advisor to the president. Minimum qualifications are a graduate of an ABA-accredited law school and member of the Iowa Bar or a member of the bar in good standing of another state who will seek registration in the State of Iowa. Preferred qualifications are work experience prior to or post-law school. Candidates should provide a resume, a cover letter and the names and contact information of five references who will not be contacted without consent. These materials should be sent electronically to Bernice Metz at bernice.metz@briarcliff.edu. (76-12)

ATTORNEY – *Confidential Employer, Western Iowa* – Seeking an attorney with one to five years of practice experience. We are looking for a self starter willing to jump in and assist with the litigation portion of the practice and build the litigation practice of the firm. Excellent communication and people skills are a must. You should have a desire to live and work in western Iowa for the long haul. Spanish proficiency preferred but not required. Visit <http://careers.iowabar.org/jobs/8592710/attorney> to apply. (76-12)

PERSONAL

IF DEPRESSION, STRESS, ALCOHOL OR DRUGS are a problem for you, we can help. We are a non-profit corporation offering attorneys free help in a totally confidential relationship. We are the Iowa Lawyers Assistance Program. Under order of the Iowa Supreme Court, all communication with us is privileged and private. Our director is a former lawyer, a recovering alcoholic and drug addict. He is a trained substance abuse counselor. We cannot help unless you call – 515-277-3817 or 800-243-1533 – or message (in confidence) help@iowalap.org. All you have to do is ask us to contact you. No other details are necessary. We will call you. The Iowa Lawyers Assistance Program also can provide speakers for local bar associations. Just ask. (TF)

SERVICES AVAILABLE

FREELANCE LITIGATION ATTORNEY – Des Moines-based attorney with 20+ years of experience in private litigation practice provides legal services on an hourly basis to lawyers and law firms seeking assistance during peak work periods. Specializing in all aspects of trial preparation: legal research/writing, briefs/motions/pleadings, deposition preparation, document organization/review, office/personnel management and appellate work. Contact Melinda Ellwanger, P.L.L.C., mellwanger@yahoo.com, 515.988.5622. (AL)

FOR SALE

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

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

OFFICE SPACE AVAILABLE – *Waterloo* – Downtown office space available for 1-2 lawyers and staff. Services include reception, internet, access to printers/scanners/copiers/fax, telephone, conference room, kitchenette and parking. For more information contact Jenny at 319-234-0535 or jenny.zabel@mccrindlelaw.com. (76-13)

OFFICE SPACE AVAILABLE – *Davenport* – Premium riverfront office space available for 1-2 lawyers and staff. Services include internet, access to printers/scanners/copiers/fax, telephone, conference rooms, kitchenettes, free client parking. \$1000-\$2500 per month. For more information contact Jack Dane at 563-326-0006 or hjdane@hjdane.com. (76-13)

SOLO LAW PRACTICE FOR SALE/OFFICE SHARE – Retiring solo practitioner selling rural general law practice in growing northwest Iowa community. Primary practice areas include real estate, estate planning, business, and tax preparation. Seller will continue for time necessary for effective transition to buyer(s). Price negotiable, installment terms available. Office share arrangement also considered. For more information, please write The Iowa State Bar Association, Code 865, 625 East Court Avenue, Des Moines, IA 50309, or email at isba@iowabar.org. Please include Code 865 on the envelope if mailing and in the subject line if emailing. (76-13)

TRAINING OPPORTUNITIES

COLLABORATIVE LAW/MEDIATOR TRAINING – *Collaborative Law Training (Feb. 22-23, 2017)* – The training will help you to develop a basic plan to set up a collaborative law practice. This training is for mediators, lawyers, CPAs, financial planners and child advocates. **40-Hour Family Law Mediator Training** (Mar. 6-10, 2017) A comprehensive training that will form a foundation for your mediation practice and provide a thorough background in dispute resolution to enable you to develop your own style and area of mediation. Please visit our website at www.CrillyMediation.com for more information and to download registration forms. If you have any questions, please call Chris Crilly at (319) 363-5606. (76-13)



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2016 CLE Information

(T) Telephone CLE (W) Webinar

The CLE credit information contained in the following charts are for the 2016 year. This information should be used to calculate CLE hours for 2016 when filing your CLE report with the Commission on Continuing Legal Education.

| Date | Event Title | State | Federal | Ethics | Activity ID |
|------------|---|-------|---------|--------|-------------|
| Feb. 8 | Increasing Diversity in the Courts and the Application/Interview Process | 2 | 2 | 2 | 215831 |
| Feb. 8 | Increasing Diversity in the Courts and the Application/Interview Process (T) | 2 | 2 | 2 | 215830 |
| Feb. 16 | Section 102 and Prior Art: Navigating the Expanded Scope of Prior Art and AIA Exceptions - Part 1 (W) | 1.5 | 1.5 | 0 | 215856 |
| Feb. 23 | Welcome to Iowa: What Every Iowa Lawyer Needs to Know About Language Access and Cultural Awareness | 2 | 2 | 2 | 215851 |
| Feb. 23 | Welcome to Iowa: What Every Iowa Lawyer Needs to Know About Language Access and Cultural Awareness (W) | 2 | 2 | 2 | 215850 |
| Feb. 25 | Construction Law Seminar | 2.75 | 1 | 0.5 | 215833 |
| Feb. 25 | Construction Law Seminar (W) | 2.75 | 1 | 0.5 | 215832 |
| Feb. 26 | Recent Administrative Law Decisions (T) | 1 | 0 | 0 | 215854 |
| March 1 | Section 102 and Prior Art: Navigating the Expanded Scope of Prior Art and AIA Exceptions - Part 2 (W) | 1.5 | 1.5 | 0 | 215855 |
| March 28 | The Law of Intimacy in Iowa Nursing Homes (W) | 1 | 0 | 0 | 220811 |
| March 30 | Wrongful Terminations (W) | 1 | 0 | 0 | 215835 |
| March 31 | Attorney/Client Privilege for In-House Counsel; What we Learned in 2015 and What We Need to Know for 2016 | 2 | 0 | 2 | 215889 |
| March 31 | Attorney/Client Privilege for In-House Counsel; What we Learned in 2015 and What We Need to Know for 2016 (W) | 2 | 0 | 2 | 215890 |
| Apr. 7 | Understanding Open Government Laws (W) | 1 | 0 | 0 | 215891 |
| Apr. 13 | Clean Power Plan Basics (W) | 1 | 1 | 0 | 224170 |
| Apr. 18 | Top Ten Tips for Unemployment Insurance Appeal Hearing (W) | 1 | 0 | 0 | 220812 |
| Apr. 19 | Guide to Calculating Damages in Patent Infringement (W) | 1 | 1* | 0 | 215893 |
| Apr. 22 | Commercial and Bankruptcy Law Seminar | 6.75 | 4.25 | 1 | 220814 |
| Apr. 22 | Commercial and Bankruptcy Law Seminar (W) | 6.75 | 4.25 | 1 | 220815 |
| Apr. 28 | Juvenile Law Seminar | 7 | 0 | 1 | 220834 |
| Apr. 28 | Juvenile Law Seminar (W) | 7 | 0 | 1 | 220833 |
| Apr. 29 | 62nd Annual Spring Tax Institute | 6.5 | 0 | 0.75 | 220590 |
| Apr. 29 | Criminal Law Seminar | 6 | 0 | 1 | 220835 |
| Apr. 29 | Criminal Law Seminar (W) | 6 | 0 | 1 | 220836 |
| May 3 | Legal Ethics in Cyber Space (W) | 1 | 0 | 1 | 220831 |
| May 4 | Bench-Bar Conference | 8.25 | 0 | 1 | 220838 |
| May 11 | Every Iowa Lawyer Needs to Know About Transgender Person | 2 | 0 | 0 | 228211 |
| May 11 | Every Iowa Lawyer Needs to Know About Transgender Person (W) | 2 | 0 | 0 | 228210 |
| May 17 | Patent Strategies: Surviving in a Post #Alicestorm (W) | 1 | 0 | 0 | 220841 |
| May 20 | Government Practice Seminar | 6.25 | 3.75 | 1 | 228519 |
| May 20 | Government Practice Seminar (W) | 6.25 | 3.75 | 1 | 228518 |
| May 23 | Elder Law Intensive (GCOAD) | 6 | 0 | 0 | 220806 |
| June 2 | Human Factors | 1.5 | 0 | 0 | 228520 |
| June 2 | Human Factors (W) | 1.5 | 0 | 0 | 228521 |
| June 7 | Iowa Farm Leases (W) | 2 | 0 | 0 | 222250 |
| June 9 | Iowa Fence Law (W) | 2 | 0 | 0 | 222251 |
| June 13-15 | Annual Meeting (entire seminar) | 19 | 16.5 | 10.5 | 224590 |
| June 13-15 | Annual Meeting - Judges Tracks | 10 | 0 | 1 | 224629 |
| June 24 | Common Mistakes in the Local Rules (W) | 1 | 1 | 0 | 233729 |
| July 12 | Recent Developments in Trade Secret Law (W) | 1 | 1* | 0 | 233731 |
| July 28 | In-House Counsel Role in Mitigating Cyber Security Risks | 2 | 0 | 0 | 237775 |
| July 28 | In-House Counsel Role in Mitigating Cyber Security Risks (W) | 2 | 0 | 0 | 237776 |

| 2016 CLE Information | | (T) Telephone CLE (W) Webinar | | | |
|----------------------|--|-------------------------------|---------|--------|-------------|
| DATE | Event Title | State | Federal | Ethics | Activity ID |
| Aug. 11 | New Patent Filing Options in Europe | 1 | 1* | 0 | 233749 |
| Aug. 11-13 | Nebraska/ISBA Solo and Small Firm Conference | 11 | 0 | 2 | 233441 |
| Sept. 7 | Iowa and China | 2 | 0 | 0 | 233712 |
| Sept. 7 | Iowa and China (W) | 2 | 0 | 0 | 233711 |
| Sept. 8 | Ag Law Seminar | 7.5 | 0 | 1 | 236174 |
| Sept. 8 | Ag Law Seminar (W) | 7.5 | 0 | 1 | 236175 |
| Sept. 8-9 | Bridge the Gap Seminar | 15 | 7 | 3 | 239332 |
| Sept. 13 | Ethics in Intellectual Property Law (W) | 1 | 0 | 1 | 233751 |
| Sept. 16 | To Contest or Not Contest: An Overview of IOSHA Legal Proceedings (W) | 1 | 0 | 0 | 237777 |
| Sept. 23 | Corporate Counsel/Trade Regulation Seminar | 6.75 | 5.5 | 1 | 240570 |
| Sept. 23 | Corporate Counsel/Trade Regulation Seminar (W) | 6.75 | 5.5 | 1 | 240569 |
| Sept. 27 | Take the Uncertainty Out of Transitioning to In-House Counsel | 1 | 0 | 0 | 245134 |
| Sept. 27 | Take the Uncertainty Out of Transitioning to In-House Counsel (W) | 1 | 0 | 0 | 245133 |
| Sept. 28 | Necessary Policies for Government Employment Handbooks (W) | 1 | 0 | 0 | 240571 |
| Sept. 30 | Fundamentals of Federal Practice Seminar - Des Moines | 3.25 | 3.25 | 0 | 233809 |
| Sept. 30 | Fundamentals of Federal Practice Seminar - Sioux City | 3.25 | 3.25 | 0 | 244337 |
| Sept. 30 | Fundamentals of Federal Practice Seminar - Council Bluffs | 3.25 | 3.25 | 0 | 244376 |
| Sept. 30 | Fundamentals of Federal Practice Seminar - Davenport | 3.25 | 3.25 | 0 | 244377 |
| Oct. 5 | Appealing MCO Decisions: Perspectives and Guidance from Members and MCO Counsel (W) | 1 | 0 | 0 | 240574 |
| Oct. 14 | Labor and Employment Seminar | 7 | 6.5 | 1 | 240575 |
| Oct. 20 | Nuts & Bolts Seminar - Central Iowa | 7 | 0 | 1 | 246035 |
| Oct. 21 | Nuts & Bolts Seminar - Eastern Iowa | 7 | 0 | 1.75 | 246034 |
| Oct. 27-28 | Family Law Seminar | 15.5 | 0 | 2.25 | 241209 |
| Nov. 3 | Trademark Law Update (W) | 1 | 1* | 0 | 237782 |
| Nov. 7 | Problem Identification and Chapter 12 (W) | 1 | 1* | 0 | 247778 |
| Nov. 10 | Comprehending Internal Revenue Code 409A (W) | 1 | 1* | 0 | 247779 |
| Nov. 17 | Corporate Counsel Institute | 4 | 0 | 0 | 246070 |
| Nov. 17 | Corporate Counsel Institute (W) | 4 | 0 | 0 | 248173 |
| Nov. 21 | Tax Pitfalls of Poor Timing (W) | 1 | 1* | 0 | 247811 |
| Nov. 28 | Dealing with Banks - Restructuring/Foreclosure (W) | 1 | 1* | 0 | 247810 |
| Nov. 29 | HIPAA and Access to Records (W) | 1 | 1* | 0 | 247780 |
| Nov. 29 | The Ins and Outs of Our Immigration System (W) | 1 | 1* | 0 | 247812 |
| Dec. 1 | The Yates Memo: What Does the DOJ Want and What Does It Mean for You and Your Clients? (W) | 1 | 1* | 0 | 247783 |
| Dec. 2 | eCommerce and Intellectual Property Law Seminar | 6.5 | 6.5 | 1 | 246038 |
| Dec. 2 | eCommerce and Intellectual Property Law Seminar (W) | 6.5 | 6.5 | 1 | 246037 |
| Dec. 7-9 | Bloethe Tax School | 16.5 | 13.75 | 1.5 | 247784 |
| Dec. 15 | Legal Ethics for Tax Return Preparers (W) | 2 | 2* | 2 | 247814 |
| Dec. 16 | Federal Practice Seminar | 6 | 6 | 1 | 247817 |
| Dec. 21 | Effectively Entering Effective Pleas (W) | 1 | 0 | 0 | 248932 |
| Dec. 22 | A Primer for Medicaid Eligibility (W) | 1 | 0 | 0 | 248930 |
| Dec. 27 | Bridge Order Update and Your Questions Answered (W) | 1 | 0 | 0 | * |
| Dec. 28 | Review of 2016 Attorney Disciplinary Cases (W) | 1 | 1* | 1 | 247819 |
| Dec. 30 | The Ouderkirk Case: The Ethics of Advising Clients on Asset Protection Measures | 1 | 1* | 1 | * |
| Dec. 30 | The Ouderkirk Case: The Ethics of Advising Clients on Asset Protection Measures (W) | 1 | 1* | 1 | * |

* Credit/Information Pending

| 2016 On-Demand CLE Information | | | | | | |
|--------------------------------|----------------|---|-------|---------|--------|-------------|
| Start Date | End Date | Event Title | State | Federal | Ethics | Activity ID |
| June 29, 2015 | June 29, 2016 | Residential Settlement Practices | 1 | 0 | 0 | 192115 |
| July 2, 2015 | July 2, 2016 | Challenging Drug Test Results | 1 | 0 | 0 | 193230 |
| July 2, 2015 | July 2, 2016 | Differential Response - Lessons Learned and How to Divert a Case | 0.5 | 0 | 0 | 193209 |
| July 2, 2015 | July 2, 2016 | Practice Pointers Regarding Competency | 0.5 | 0 | 0 | 193229 |
| July 2, 2015 | July 2, 2016 | Pre-Marital and Post-Marital Agreements | 0.5 | 0 | 0 | 193250 |
| July 2, 2015 | July 2, 2016 | Substance Abuse and Depression | 1 | 0 | 1 | 193189 |
| July 2, 2015 | July 1, 2016 | Termination of Parental Rights and Other | 1 | 0 | 0 | 193249 |
| July 30, 2015 | July 1, 2016 | Business Entities (Basic Skills) | 1 | 0 | 0 | 212803 |
| July 30, 2015 | July 1, 2016 | Civil Practice & Procedure (Basic Skills) | 1 | 0 | 0 | 212804 |
| July 30, 2015 | July 1, 2016 | Ethics Law For New Iowa Lawyers (Basic Skills) | 1 | 0 | 1 | 212812 |
| July 30, 2015 | July 1, 2016 | Family Law Update (Basic Skills) | 1 | 0 | 0 | 212809 |
| July 30, 2015 | July 1, 2016 | Guardianships (Basic Skills) | 0.75 | 0 | 0 | 212801 |
| July 30, 2015 | July 1, 2016 | Iowa Contracts (Basic Skills) | 1 | 0 | 0 | 212811 |
| July 30, 2015 | July 1, 2016 | Iowa Criminal Law and Criminal Procedure (Basic Skills) | 1 | 0 | 0 | 212810 |
| July 30, 2015 | July 1, 2016 | Iowa Law of Torts (Basic Skills) | 0.5 | 0 | 0 | 212800 |
| July 30, 2015 | July 1, 2016 | Iowa Real Estate Law (Basic Skills) | 1 | 0 | 0 | 212802 |
| July 30, 2015 | July 1, 2016 | Probate and Estate Administration (Basic Skills) | 0.75 | 0 | 0 | 212814 |
| Aug. 5, 2015 | Aug. 5, 2016 | Medicaid and VA Pension Planning | 0.75 | 0 | 0 | 196570 |
| Aug. 5, 2015 | Aug. 5, 2015 | New Power of Attorney Act | 5 | 0 | 0 | 196507 |
| Aug. 5, 2015 | Aug. 5, 2015 | Non-profit Formation | 0.5 | 0 | 0 | 196569 |
| Aug. 5, 2015 | Aug. 5, 2016 | When the Reefer Hits the Road | 0.5 | 0 | 0 | 196508 |
| Aug. 10, 2015 | June 19, 2016 | Current Issues in Probate, Trust & Estate Planning Law | 1 | 0 | 0 | 196849 |
| Aug. 10, 2015 | June 19, 2016 | Estate and Trust Law Update | 0.75 | 0 | 0 | 196831 |
| Aug. 10, 2015 | June 19, 2016 | Expedited Civil Actions | 1 | 0 | 0 | 196851 |
| Aug. 10, 2015 | June 19, 2016 | List Serv Issues | 1 | 0 | 0 | 196843 |
| Sept. 15, 2015 | Sept. 16, 2016 | Mechanic's Liens in Iowa Under the New Rules | 1 | 0 | 0 | 200170 |
| Dec. 4, 2015 | Dec. 31, 2016 | Juvenile Law Training Video Series (2015) | 3 | 0 | 0 | 209169 |
| July 2, 2016 | Dec. 31, 2017 | Lawyers in Need of Assistance | 1 | 0 | 0 | 239277 |
| Aug. 10, 2016 | June 15, 2017 | Abstract Review: Advanced | 1 | 0 | 0 | 239293 |
| Aug. 10, 2016 | June 15, 2017 | Benefits of Mediation in Probate | 0.75 | 0 | 0 | 239280 |
| Aug. 10, 2016 | June 15, 2017 | Changes for Special Needs Trust | 0.5 | 0 | 0 | 239279 |
| Aug. 10, 2016 | June 15, 2017 | Civil Case Law Update | 1.5 | 0 | 0 | 239330 |
| Aug. 10, 2016 | June 15, 2017 | Dealing with Bridge Orders | 0.75 | 0 | 0 | 239272 |
| Aug. 10, 2016 | Apr. 28, 2017 | Juvenile Law Hot Topics, Case Law Update and Legislation | 1 | 0 | 0 | 239271 |
| Nov. 2, 2016 | Nov. 28, 2017 | What Family Law Attorneys Need to Know About the New Federal Every Student Succeeds Act | 1 | 0 | 0 | 248912 |

| 2016 Fastcase CLE Information | | | | | | |
|-------------------------------|---------------|---|-------|---------|--------|-------------|
| Start Date | End Date | Event Title | State | Federal | Ethics | Activity ID |
| Jan. 1, 2015 | Dec. 31, 2016 | Advanced Tips for Enhanced Legal Research (W) | 1 | 0 | 0 | 216035 |
| Jan. 1, 2015 | Dec. 31, 2016 | Introduction to Boolean (Keyword) Search (W) | 1 | 0 | 0 | 216036 |
| Jan. 1, 2015 | Dec. 31, 2016 | Introduction to Legal Research (W) | 1 | 0 | 0 | 216034 |

Regis Reigns! Cedar Rapids middle school takes home 17th mock trial state trophy



Regis Middle School coaches Tim Semelroth and Jim Efting. Efting was named to the ABOTA Iowa Mock Trial Educator's Hall of Fame this year.



Regis Middle School's mock trial team poses with their state championship trophy.

A team of students from Regis Middle School in Cedar Rapids beat out Harlan Middle School to win the championship round of the 2016 ISBA Middle School Mock Trial State Tournament.

During the final round of the competition, held on Nov. 16 at the Drake Legal Clinic in Des Moines, the teams argued whether an extreme obstacle course company was negligent in the death of a race participant. The Regis team argued on behalf of the plaintiff and was unanimously selected by the scoring judges as the victor. This is that school's 17th championship in the 33 years of the Middle School Mock Trial tournament.

The Regis Middle School state championship team is coached by Jim Efting, Tim Semelroth, Andi Reem and Justin Reem.



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A legal legend: Honoring Orville Bloethe

Orville Bloethe was an Iowa attorney for nearly seven decades. And while that is a legacy in itself, Bloethe's impact on the profession reaches far beyond his own career.

Bloethe was born in 1919 and grew up as a farm boy in Victor. He went on to pursue an undergraduate accounting degree from the University of Iowa, then served in World War II, earning three bronze stars. He attended the University of Iowa College of Law, graduating Order of the Coif in 1947.

According to UI alumni records, Bloethe was famous during law school for his "Bloethe books," which were summaries of legal concepts that he put together and shared with classmates. That desire to pass on knowledge to help others carried on throughout his professional life, most notably with his contributions to The Iowa State Bar Association's tax section. Bloethe helped write the ISBA's widely used Income Tax and Fiduciary Manuals and he was the main presenter at the ISBA's annual Tax School CLE, which eventually was named after him. He assisted in the development of special-use variation for farmers, even testifying before Congress on this topic, and lectured around the state and the country. In 1984, Bloethe was awarded the ISBA's highest senior bar award, the Award of Merit, in recognition of his many contributions to the legal community.

"I think that was one of the more magnificent things about him is that he always had time to help anyone who asked," said Bloethe's law partner in Victor, Tom Buchanan. Buchanan first met Bloethe



Orville Bloethe, pictured with his daughter Cheryl, at Tax School.

in 1974 and became a partner in his office in 2005.

Bloethe's desire to give back extended beyond the profession of law. He served as his hometown's city attorney and secretary of the school board for decades. He and his wife donated \$100,000 to help build a new medical clinic in Victor. They took the local high school students to see a play at Hancher Auditorium in Iowa City every year, to spread a love of fine arts. He contributed greatly as a University of Iowa alum and invested in student scholarships. They also gave significantly to help with the construction of the CLE Center at the ISBA Headquarters.

Bloethe was supported through his life and profession by his devoted wife, Loanna. They were married 62 years before she passed away in 2009. She often helped him organize the ISBA Tax School and is said to have attended more often than most

A promotional graphic for ABA TECHSHOW 2017. The top part features the text "ABA TECHSHOW 2017" in a large, stylized font, with "MARCH 15-18, 2017 • HILTON CHICAGO" below it. The middle section has a decorative pattern of orange and grey triangles. The bottom section contains text: "MEMBERS RECEIVE A \$150 DISCOUNT", "Get the best legal technology with a discount on registration to ABA TECHSHOW for the members of the Iowa State Bar Association", "Register for ABA TECHSHOW with the discount code EP1718 online at www.techshow.com.", and the "ABALAW PRACTICE DIVISION" logo with the tagline "The Business of Practicing Law".

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Orville Bloethe pays tribute to his wife, Loanna, at a 2007 ISBA Board of Governors meeting.



ISBA President Skip Kenyon and Executive Director Dwight Dinkla, seated in the front row at Tax School 2016, next to a chair left empty in honor of Orville Bloethe.

Iowa tax attorneys. Bloethe officially retired from law in 2014, but the Bloethe Tax School tradition has continued.

“He dearly loved being there, sitting near the front, visiting during breaks. He loved learning, he loved listening, and the social aspect of seeing people he considered his friends,” explained Buchanan.

Bloethe passed away on Saturday, Dec. 3. He

is survived by his four children: Craig, Chris, Tamia and Cheryl, and numerous grandchildren. He will also be deeply missed by his colleagues in the legal community, including Buchanan, who says Bloethe was a true gentleman in every sense of the word.

“You can’t use adjectives because you’d run out of them. All you can do is tell stories about what a kind man he was.”

MILITARY VETERANS

The November 2016 issue of *The Iowa Lawyer* included a list to recognize ISBA members who served in the military. That list was compiled based on member-provided information received in response to calls for submissions that were published in the *Iowa Lawyer* Weekly electronic newsletter.

If you are a military veteran who did not find your name on the list in the November 2016 magazine issue, please contact the ISBA Communications Department with your name and years and branch of service no later than Jan. 20. The February 2017 issue of *The Iowa Lawyer* will include the complete list of submissions we have received so that more ISBA members who served in the military can be honored.

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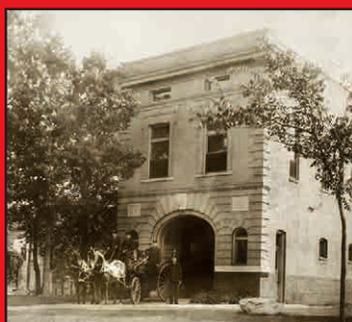
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