Meet the ISBA’s 127th president
Guy Cook: Trial lawyer

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ABOUT THE COVER
Guy Cook loves being a lawyer, something he has done since 1982 when he graduated from Drake University Law School and was admitted to the Iowa Bar. He also has lots of hobbies, one of which is deep sea fishing as shown in the inset of this month’s cover. Turn to page 6 to read more about Guy Cook: Trial lawyer, including perhaps most important what he hopes to accomplish during his year as ISBA president, and his views on what the ISBA should be doing.

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Five hundred twenty-five thousand six hundred minutes
Five hundred twenty-five thousand moments so dear
Five hundred twenty-five thousand six hundred minutes
How do you measure, measure a year?

In daylights, in sunsets
In midnights, in cups of coffee
In inches, in miles, in laughter, in strife
In five hundred twenty-five thousand six hundred minutes
How do you measure, a year in the life?

“Seasons of Love” from the musical Rent

The 2012-13 Bar year is ending for me much as it started… out in the garden, planting, weeding and ruminating on events past and present. At this time last year, about to be sworn in as president of The Iowa State Bar Association, I was full of plans, anticipation and a bit of trepidation.

On one hand, there were so many promising opportunities to make a difference in the lives of Iowa lawyers and on the other, so many looming challenges to our profession and our state. The seasons have passed and as the end of my term approaches, I am thankful for our collective successes, ruefully aware of goals not accomplished and excited for the future of the ISBA.

How do I measure the year? There certainly have been a fair number of midnights, countless cups of coffee (make that triple-shot lattes), many miles, lots of laughter and some strife. But without a doubt, serving as the ISBA’s 126th president has been the greatest professional experience of my life and an opportunity for which I am profoundly grateful.

The chance to engage with Iowans as we worked to educate voters on the value of Iowa’s judicial merit selection system and the purpose of judicial retention elections, to meet with and discuss matters impacting our profession with many ISBA members and other lawyers from around the country and to work with Iowa judges and legislators to address and resolve issues of common concern has been inspiring and energizing. The opportunity to observe, learn and benefit from the dedication, commitment, wise advice and unflagging support of my fellow officers, Administrative Committee members, Board of Governors members, ABA delegates, YLD leaders, past presidents, section and committee chairs, councils and members and the ISBA staff, has been tremendously gratifying.

They say a picture is worth a thousand words. Rather than a long farewell, I am closing this last president’s letter by sharing some snapshots that capture in small measure the past year. My heartfelt thanks to each and every one of you for the memories.

Best regards, Cindy

Cynthia G. Moser
September 2012 – Kicking off the judges bus tour on the steps of the state capitol.


December 2012 – ISBA staff on the stairs to the second floor in the bar building.


February 2013 – Speaker of the House Kraig Paulsen speaks to the lawyer-legislators and ISBA leaders gathered for the annual Lawyer-legislator Dinner.

March 2013 – ISBA’s nominee for vice president Bruce Walker chats with a couple of legislators during the annual Breakfast with the Bar in the bar building.

April 2013 – Iowa Congressman Bruce Braley gave ISBA officers a tour of the Capitol during the annual ABA Day celebration.

May 2013 – Cindy relaxes on a bench in the backyard of her home.
For a number of years, Guy R. Cook has had a sponsorship on Iowa Public Radio. His signature line at the end of the announcement has always been: “Guy Cook: Trial lawyer.”

Starting the end of June — halfway through the bar’s annual meeting — Guy could change that signature line to: “Guy Cook, ISBA president.”

As president of the 8,300-plus bar association and senior partner at the 25-member Des Moines-based Grefe & Sidney PLC, he has three distinct goals for his term: 1) Promote existing member services and develop additional services, 2) protect the legal profession and the judiciary in Iowa from unfair attacks, and 3) foster the success of the next generation of Iowa lawyers.

This latter goal is particularly important now because the practice of law is changing so rapidly, he says. The explosion in technology, and the logarithmic increase in the pace of law practice present increasing challenges to the next generation of lawyers.

“We have to hand down a ladder to the next generation of lawyers, so they can climb to success,” he has said more than once.

Guy insists, however, the lawyer’s fundamental role really hasn’t changed at all. Abraham Lincoln said that a lawyer’s time and advice are his stock in trade. That’s still true, he says. “A big part of what lawyers do is solve problems.”

The old adage is that you want a young doctor and an old lawyer, he says. Young doctors have the latest knowledge. Old lawyers have acquired wisdom.

The father of two adult children describes his leadership style as “surrounding himself with good people and letting them carry out basic policy objectives.” However, he quickly adds that “success is in the details.” In summary: “Delegate, but don’t lose sight of the details.”

He plans to work with the bar’s various committees to accomplish his goals. He’ll also be charging out on his own as bar president promoting his goals.

A major strength of the ISBA is the leadership from all over the state, he says. That provides a strength and fabric to our organization.

Guy plans to be as visible to members as possible. “One of the benefits for me is that I’m in Des Moines right across the street from the ISBA building,” he says. He wants to attend and speak briefly at as many CLE events as possible to talk about what the bar is doing.

He’s a big believer in outreach by the bar president. That belief was confirmed in his mind by the success of the retention election efforts last fall, which raised the association’s profile with the public.

Other than acquiring a building dedicated to the bar, “I can’t recall in my lifetime a greater effort by the bar focused on one thing,” he says. “The bar association gained from the retention. It made the bar more relevant to lay people, not just among lawyers.”

The retention effort also revealed some other things the bar needs to do in the future, and that is greater civic education, he believes. It’s a long-term goal, not something that can be done in a matter of weeks, but we need to put in place mechanisms for long-term increases in civic education.

He believes that bar leaders shouldn’t be afraid to go anywhere to “get our message out.” That message is that lawyers are problem solvers, that lawyers adhere to high ethical standards and that Iowa has one of the best judicial systems there is.

“We should push back on some of the mythology and stereotypes that are out there,” he says. “But we should also be ready to respond to help people understand legal issues, be they topical such as ‘how did that happen?’ or ‘why did the judge do that?’ — being available to help people understand the issues in a topical way.”

It circles back to the success we had with the retention efforts, he explains. “We should take advantage of that; we should build on that.

“Now that we’ve raised the bar’s profile beyond just an association that supports lawyers, or does work for the courts, we should really build on that and take it to the next level.”

Such outreach activities will benefit all lawyers, he thinks. One lawyer’s success means success for all lawyers. By the same token, one lawyer’s failure can be failure for all lawyers.

Guy says “we shouldn’t be afraid to defend and promote the work that we do.”

He wants to capitalize on the momentum created by the retention effort by proactively speaking out on key developments in the law. The recent Supreme Court ruling in the Sallee v. Stewart case regarding recreational use of private property and the earlier case that involved
a claim of wrongful termination by a dental assistant created good opportunities for the legal profession to provide information to the public about how the laws developed. In such cases, the bar would not take an advocate position for one side or the other, but would merely inform the public about how the law is written and applied so citizens can form their own conclusion about the decision rendered.

Guy lives by a number of mottos. One from the late Jim Zabel, legendary sportscaster for Hawkeye football, is simply, “have fun.”

Another from Ross Sidney, founding partner of Grefe & Sidney is, “be nice to people.”

“People won’t remember what you say or what you do, but how you made them feel,” he says.

When he’s not working on one of the many cases he has in the hopper (105 active lawsuits all over the state and elsewhere at the end of May), Guy indulges in his many hobbies and civic activities. He’s a self-professed car nut who owns a number of cars including two Porsches. His boat “Not Guilty” is anchored at the Birdland Marina on the Des Moines River, several miles up river from downtown. He also does a lot of deep sea fishing. And, he’s a golfer, although he hastily explains that compared with some of his fellow attorneys, he really can’t claim to be an accomplished golfer. He did score a hole-in-one at the Wakonda Club in Des Moines, however.

Two years ago, he and wife, Cyndi, purchased a home in the Oro Valley in Arizona. The house sits on the fourth hole of El Conquistador golf course at Pusch Ridge of the Catalina Mountains where the Cook family — Guy, Cyndi, daughter Meredith and son John — often hike. Its location on the golf course allows Guy to indulge his passion for golf, and Cyndi can enjoy warm weather.

“I joke that her body temperature is controlled by the outside air temperature,” he says.

Recently, he has taken up photography, mostly with his iPhone, but also with a more sophisticated digital single lens reflex camera.

He also remains active in grassroots politics, an interest that has stayed with him since his college days when he majored in political science. A few years ago, he was co-chair of a committee to build a new Polk County Courthouse. That initiative was unsuccessful, but it hasn’t dampened his interest in getting involved. In fact, he says, “I have little respect for people who complain and don’t get involved.”

He also serves on the Board of Counselors at Drake University Law School, where he received his law degree in 1982.

Given his success — a large historic home in Des Moines’ South of Grand neighborhood, the second home in Arizona, the collection of cars, a boat, exotic hunting and fishing trips — one might think this Des Moines south side
native was born with a silver spoon in his mouth. Quite the contrary. “I was the first person in my family to go to college, let alone obtain an advanced degree,” he says. “My dad Jack, a good man, was a janitor at the Iowa Supreme Court, before I was fortunate to be hired as a law clerk for Justice J.L. Larson. “I worked my way through school and paid for all my schooling. Some people run from their pasts. I recognize the journey and feel blessed and lucky to have traveled to this destination.”

In 1987, Guy and Cyndi Cook purchased this home in the Owl’s Head neighborhood south of Grand Avenue in Des Moines, not far from the Governor’s mansion. The Owl’s Head neighborhood is comprised of 50 homes built between the late 1890s and about 1914. There are conflicting stories about how the neighborhood got its name, but the most likely reason is the abundance of hoot and screech owls that nest there. The Cooks’ house was built in 1896 by a young dentist who moved to Des Moines with his wife from Pennsylvania, and had been owned by a number of individuals before the Cooks bought it. A daughter of one of the owners married Larned A. Waterman of Davenport. At one time in the 1940s, the house was converted into an owner-occupied duplex. The Cooks have restored it to its original single-family status. It was the Decorator Showhouse for the Des Moines Symphony Guild in 1993.

Guy enjoys spending time in his boat on the Des Moines River north of downtown whenever he has a chance. A view of the downtown Des Moines skyline at dusk is one of the rewards of spending time on the water.

Guy captured this view of an early morning sunrise over the Santa Catalina mountains north of Tucson, Ariz., while indulging in his latest hobby—photography. The view is to the east towards the Pusch Ridge Wilderness area of the mountains (located in the Coronado National Forest) from the ninth hole of the El Conquistador golf course nestled in the Sonoran Desert foothills of the Santa Catalina mountains. The Cooks’ Arizona home sits on the fourth hole of the golf course.
Rural, county seat practitioner stresses benefit of EDMS training, signing up for efiling account

By Joe Feller*

In the next two years, every private practice attorney in Iowa will have an efiling account with iowacourts.gov and will be filing all documents electronically. No more walking over to the courthouse to file paper documents with the clerk. No more stopping by the judge’s chambers on motion day to present orders to the judge for signing, or mailing orders to your favorite judge. Those days will be gone as Iowa’s new Electronic Document Management System (EDMS) is fully implemented.

For 35 years, I have worked in a small, rural county seat practice where filing paper documents and visiting with the clerk and a judge on motion day was a way of life. That method worked well for me, but now after EDMS implementation here in northwest Iowa, I have been forced to learn a new language all contained in Chapter 16 of the Iowa Court Rules.

Do not look for Chapter 16 in your paper book of Court Rules. All you will find there is “Chapter 16 — RESERVED.” You will find Chapter 16 on the Iowa Courts website, and if you are like me, you can print it out so you have a paper version to read and keep handy to refer to before you call your clerk with a question.

Even if EDMS has not yet arrived in your practice area of the state, I would encourage you to sign up for an efiling account, just in case you are required to file documents with a clerk that only accepts electronic documents. It’s simple. Just go to the judicial branch website and click on “eFile.”

I know that my first experience with EDMS began when I needed to file probate transcripts in Sioux and Woodbury Counties last year. It was not as easy as mailing the transcript, but only because I had to teach myself how to file electronically.

In order to prepare our county to go “live” this spring, the Iowa judicial branch held different training sessions. I attended the rules-specific training, a three hour presentation conducted by Brian Glass and Senior Judge Pearson. I would strongly recommend that any lawyer who plans to file documents electronically attend this training. After conducting training sessions in multiple counties, their presentation is well oiled and very useful.

I also attended an EDMS open house where I could sit down with a trainer and practice filing documents electronically. This session was very similar to the training session that was offered in 2012 at the ISBA Annual Meeting. Again the trainers were well schooled and very helpful.

After receiving the training, I really don’t expect too many problems that we cannot handle working with our local clerk and judges. After all, we just have to worry about filing our documents. The clerk’s job is much more complicated, working not just with lawyers’ offices but with the sheriff’s department, probation department, child support recovery office, all the local businesses that file in small claims, and pro se filers.

After the judicial branch received full funding from the Iowa Legislature, the clerk’s office should receive additional help where needed. The problem is that the staffing is so tight that taking time to train in a new system is almost impossible, especially if your court personnel are busy with a trial or away from work with sickness or on a well deserved vacation.

Our clerk manages both Osceola and Lyon County offices. With EDMS, she and her employees can do their work and also assist other counties with electronic filing duties.

Overall, I am sure that the entire court system will become much more efficient with full implementation of EDMS. Instead of checking out a court file, judges and lawyers can simply log on and access the file they are working on. Any registered filer can also access court files statewide in the same manner.

In my general practice several filing practices are changing with EDMS. For example:
1. All orders will be submitted by electronic presentation and only filed
after approved, which happens automatically with the approval of the order by the judge. The orders will be prepared for submission in an editable Word format without a date or signature line with all former blank lines filled in. Once approved, the judge will attach the signature page.

2. Original Notices will be submitted by electronic presentation to the clerk, again without a date or signature line, and must contain the information required by Court Rule 16.316(1). Upon approval, we will print the Original Notice and deliver a paper copy to the sheriff or other process server. After service on the parties the sheriff or process server will file their returns electronically.

3. The signature block on my petitions will not contain my ICIS number.

4. Unless there is an exempt party involved there is no certificate of service on documents filed electronically after the Original Notice is served. Filing electronically constitutes service on parties represented by counsel.

5. Original documents like promissory notes are scanned and filed electronically with the original never filed, except for a Last Will and Testament, which can still be deposited with the clerk after scanning and submitting the electronic version for filing.

6. After the go-live date in my county, all my filings in new cases will be electronic but I will continue to file paper documents in existing files until the file is turned on by the clerk.

After serving four years on the Board of Governors and then as an officer of the ISBA, I have had a unique advantage of watching the development and implementation of the only mandatory electronic filing system for all case types and users in the United States. In my opinion, the success of this program is a glowing example of the quality of work administered by our Iowa judicial branch. Remember, if I can file electronically, you can do it too!

*Joe Feller is the ISBA’s Vice President. He can be reached at 712-754-4654, or at kbfeller@hickorytech.net.

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INTEGRITY. PRECISION. SECURITY.
Reactions from the Iowa legal community to Arizona’s Bar Administration Pilot Program

By Patrick Shanahan*

In December 2012, the Arizona Supreme Court approved an amendment to its rule governing bar admission, permitting third-year law students to sit for the Arizona bar exam prior to the completion of a juris doctor degree.

The two-year pilot program, set to begin in 2014, was initially developed by the University of Arizona’s James E. Rogers College of Law. In an article published on the university’s website shortly after the rule change was announced, Marc Miller, the law school’s dean, provided insight into the rationale behind the proposal.

According to Miller, “There are 45,000 or 50,000 graduates a year around the country competing for law jobs, and increasingly, employers, both public and private, have said, ‘Until you are a member of a bar, we can’t or won’t hire you.’ Those students who follow this path will be able to work sooner, earn income sooner and provide value to clients sooner.”

A student wishing to take the exam prior to degree completion must satisfy certain eligibility requirements. Those qualifications, outlined in amended Rule 34(b)(2) of the Rules of the Supreme Court of Arizona include: 1) enrollment in good standing at an ABA-approved law school; 2) expected graduation within 120 days of exam administration; 3) no more than eight semester hours — or its quarter hour equivalent — remaining as of the exam date; 4) enrollment in no greater than two semester hours for both the month of and the month immediately preceding the test date; 5) a determination by the school that the student is academically prepared for early testing; and 6) completion of an affidavit by both the applicant and the law school that the aforementioned criteria are satisfied. A law school’s decision as to a student’s eligibility is final and not subject to review by either the state’s Character and Fitness Committee or the Arizona Supreme Court.

The proposal, supported by all three Arizona law schools, was not without its critics.

In a May 2012 letter sent to the Arizona Supreme Court, Judge William O’Neil, chair of Arizona’s Attorney Regulation Advisory Committee (ARC), expressed his opposition to the measure.

O’Neil emphasized that “[a] law degree from an ABA-approved school is the primary indicator of competence to practice law.” He also argued that states which previously allowed February testing for May graduates — Georgia, Missouri, Virginia, Oregon, Kansas and South Dakota — all discontinued the practice after an outcry from law schools.

O’Neil said schools “were left with inattentive, overstressed and absent students in the last year as students focused on studying for the exam and fulfilling bar admission requirements.” Despite these concerns, ARC members ultimately approved the rule change in a closely divided vote.

Law students in Arizona are expected to pass the bar exam in their third year will be able to work sooner, earn income sooner and provide value to clients sooner.

Those interviewed noted the inherent benefits of increasing flexibility for law students, who could then decide which route to pursue based on individualized concerns and motivations relating to finances, employment or academic preparedness.

Ashley Sparks, a 2L at Drake, highlighted some of the advantages of being able to enter the job market sooner.

“One of the main sources of my anxiety is the fact that I am interested in working in the public sector after graduation, and oftentimes, those agencies are not willing to hire attorneys until they have passed the bar,” Sparks said.

University of Iowa 3L Brandon Underwood described other possible benefits.

“That a student has taken advantage of such a program may signal initiative to employers,” Underwood said.

Moreover, Underwood said Arizona’s policy could result in less debt for graduates.

“Presumably, if students take the bar during their final semester of law school, they will avoid having to take on more debt to study for the test during the summer,” Underwood said. “Though the amount of a bar-study loan could be small when contrasted with years of education loans, even shaving off a few thousand dollars is helpful for students burdened by tens of thousands of dollars in debt.”

Drake 2L Kelli Russell expressed a similar sentiment.

“As it stands now, there is such an

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awkward null between graduation, taking the bar exam and finding out results,” Russell said. “The May through September timeframe is just long enough to make me start panicking about the student loan grace period, whereas if I could take the exam early and start working, the payments wouldn’t be so detrimental right away.”

Erica Liabo-VanDerPol, a recent Drake alumna, worked full-time as a judicial clerk while preparing for the bar.

“Having something else going on during the exam is a good thing. My work allowed me to apply what I was learning and kept me from the anxiety of wondering how I would do,” Liabo-VanDerPol said. “I imagine a student who could take advantage of this proposal would have a similar anchor during a stressful time.”

Similar to Arizona, however, some within Iowa’s legal community have their reservations.

“If one is ‘academically prepared’ to take the bar exam while still having eight hours remaining, doesn’t that suggest that the remaining eight hours are superfluous?” Russ Samson, an attorney with Dickinson, Mackaman, Tyler & Hagen, said.

Drake Law professor Jerry Anderson noted that students could be forced to weigh any potential employment advantage from early bar passage against “the resume value of a prosecutor internship or a legislative practice certificate or a moot court team or law review editor position or whatever else the student might be giving up.”

While Anderson is sympathetic to any idea that would assist students in finding employment or reducing the financial burden of law school, he cautioned against measures which could dilute the academic mission of an institution such as Drake, which is grounded in ensuring that students are prepared for practice following graduation.

“Drake, for many years, has made far better use of the third year than most other law schools, with our extensive clinical and internship opportunities, which give students practical experiences that provide a good transition to practice,” Anderson said.

“I would hate to do anything to discourage students from taking advantage of those valuable parts of our educational package.”

Several students also wondered about the practical implications of the requirement that students not be enrolled in more than two semester hours during the month of and the month preceding the exam. For those students with three to eight semester hours remaining for degree completion, the requirement would seemingly force law schools to structure or restructure their curriculums to offer courses which do not begin until after the bar exam is administered.

The University of Arizona is developing a “residency program” to both address these concerns and implement the eligibility criteria of the amended rule.

According to a statement issued by the university’s communications office, “students will spend January and February of their final semester in law school taking bar preparation courses instead of their regular course load. The remainder of the semester will be spent completing courses specifically designed to prepare them to enter practice. At the UA, those courses will be delivered in an eight- to 10-week ‘theory-to-practice residency,’ a capstone program designed to explore real-world, practical topics relevant to legal professionals, such as applied ethics and professionalism, economics of modern law practice, cutting-edge issues in policy and law and how to better serve client needs.”

Amy Costello, a Drake 3L who will be clerking for Justice Edward M. Mansfield this fall, questioned whether the new policy, coupled with job market concerns, would ultimately work to pressure students to sit for the early examination.

“If a large percentage of students begin to take the bar in the spring, it seems as though it could lead to an expectation that you needed to take the bar then in order to remain competitive,” Costello said.

Dean Miller has been cited as estimating that about a third of University of Arizona law students will opt for the early testing program.

Financial aid, scholarship and economic considerations would also undoubtedly factor into a student’s early testing decision. At Drake Law for example, students must maintain full-time enrollment status — 10 hours or more each semester — in order to retain scholarship awards.

Regardless, Arizona’s rule change does reflect an affirmative response to the current national debate over the efficacy and utility of the 3L year. Some commentators have suggested eliminating the third year of law school altogether while others believe the third year should have a more practical focus. Despite these varying attitudes, U of I’s Underwood said Arizona’s pilot program “shows that schools are willing to consider alternatives to the entrenched method of legal education.”

Arizona’s rule change brings to mind Justice Brandeis’ famous exhortation from his dissenting opinion in New State Ice Co. v. Liebmann: “It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as laboratory and try novel social and economic experiments without risks to the rest of the country.”

Other states will likely wait to see the tangible and quantifiable outcomes — such as bar passage rates and employment data — of what Miller described as his state’s “thoughtful experiment” on bar exam administration. Pursuant to the Arizona Supreme Court’s December order, both the petitioning law schools and the ARC are required to submit reports updating the court on the early examination process by November of 2015.

* Patrick Shanahan graduated from Drake University Law School last month and will be starting his career as an associate at Dickinson, Mackaman, Tyler & Hagen, PC in Des Moines after completing the bar exam. He received his undergraduate degree from Elmira College in Elmira, N.Y. in 2004 and his MBA from Barry University (Miami Shores, Fla.) in 2009.
YLD President’s Letter —
Meeting lawyers from across the state greatest benefit of serving as YLD officer

By Laurie Parrish, YLD president

“He nods, as if to acknowledge that endings are almost always a little sad, even when there is something to look forward to on the other side.”

— Emily Giffin, author

It is certainly a bittersweet feeling that my year as president of the Young Lawyers Division is coming to a close. It has been a true privilege to have the opportunity to lead and become more involved in the workings of the bar association over the past three years.

Most of all, however, I have enjoyed meeting so many of you, including many of our organization’s new lawyers. I have made many new friends, for which I am grateful, and I continue to be amazed by the untold hours of “behind the scenes” service many of you perform for the benefit of the Bar and the community, despite the already significant demands on your time from work and family.

I have heard that there’s no better role than that of past president, and while I readily admit that I won’t miss the frequent drives from Decorah to Des Moines, I will very much miss the frequent contact with all of you.

The past year has been filled with opportunities to attend and contribute at Board of Governor meetings, to meet and form relationships with attorneys from across the state, to develop positive relationships with Iowa judges and justices, to help defend our court system, to connect with state legislators and to attend American Bar Association meetings across the country. Iowa attorneys should all be proud of knowing that we are highly regarded and respected by attorneys from other states.

Service to the bar association is both a responsibility and a reward that comes with being part of the legal community in Iowa. I believe it is part of what makes us professionals, instead of just business people.

Throughout my year as president of the YLD, I became even more cognizant of the critical need to have close connections among all attorneys, regardless of age. I encourage current members of the bar association to continue to reach out and support younger lawyers’ involvement with the ISBA, and I encourage young members to add one more thing to their already full plate and become involved in the YLD and the ISBA. Active membership is a rewarding experience and an opportunity to take advantage of numerous services, to network and build a referral base, to obtain legal education, to help shape legislation and so many others.

It has been an honor and pleasure to represent the Young Lawyers Division this past year for so many reasons. My involvement would not have been possible, however, without the support of the attorneys and staff in my office, my family and friends and the commitment of YLD leaders following behind me — Ian Russell and Amos Hill. I probably haven’t said “thank you” enough to any of these individuals, but I recognize and greatly appreciate all of their support and assistance.

Our bar association has tremendous leadership and staff, who provide a great deal of support to the YLD. It is impossible to successfully perform as YLD President without the support of the entire “team” and I thank all of you for the opportunity.
Alexandria Christian has joined McKee, Voorhees & Sease in Des Moines. Alexandria received her bachelor’s degree in psychology and philosophy from DePaul University in 2009. She then went on to receive her law degree from the University of Iowa College of Law. Her practice focuses primarily in intellectual property litigation, trademark prosecution, copyrights and licensing.

Amy A. Johnson, Britney L. Schnathorst, and Adam C. Van Dike have become members of the BrownWinick law firm in Des Moines. Amy joined BrownWinick in 2007 and practices in the areas of corporate transactions and agribusiness. She earned her B.A. from Central College in 2004 and her J.D. from Creighton University School of Law in 2007.

Britney joined the firm in 2005 and practices in the areas of securities and corporate transactions. Britney earned her B.A. from Drake University in 2002 and her J.D. from Drake University Law School in 2005.

Adam received his B.A. from the University of Iowa in 1998 and his J.D. from Creighton University School of Law in 2001. Adam practices primarily in the areas of real estate law and creditor’s rights.

Brooke Trent has become a partner at Nelson Law Firm, PLLC in Waterloo, where she was previously an associate attorney. Brooke received her undergraduate degree from Wartburg College in 2003 and her J.D. from University of Iowa College of Law in 2007. Brooke has a general practice with an emphasis in real estate and creditor’s rights.

Sara Anne Kersenbrock, Waterloo License suspended for 30 days Supreme Court Decision September 21, 2012

The Iowa Supreme Court Disciplinary Board filed a complaint against Sara Kersenbrock alleging she violated Iowa Rules of Professional Conduct 32:1.5(a) (collecting an unreasonable fee), 32:1.15(a) (failing to maintain adequate records), 32:1.15(c) (failing to deposit retainers into client trust account), and 32:8.4(c) (engaging in conduct involving misrepresentation).

Following a hearing, the commission found that Kersenbrock violated each of the rules. The commission recommended that Kersenbrock be publicly reprimanded for her misconduct. These charges stem from several incidents where Kersenbrock failed to adequately handle her firm’s finances. The first charge against Kersenbrock addresses her failure to deposit client retainers into her client trust account. Kersenbrock deposited the majority of her retainers into her personal/operating bank account. One instance pointed out in the opinion had Kersenbrock receiving a $3,000 retainer, giving $100 to her assistant as a bonus and placing the remaining amount into a book on a bookshelf.

The next charge against Kersenbrock involved her collection of a second-half probate fee on an estate prior to filing the final report. The last charge involved Kersenbrock failing to maintain adequate records. Kersenbrock failed to keep records with the balances that each client had in his or her trust account. She also had an incomplete trust account ledger and did not have any trust account reconciliations. A witness in the hearing confirmed that Kersenbrock stated in her client security questionnaire that she performed monthly reconciliations of her client trust account.

The court determined that by not depositing retainers into the client trust account Kersenbrock had violated Rule 32:1.15(c), stating in part that “a lawyer shall deposit into a client trust account legal fees expenses that have been paid in advance…” By failing to keep a list of clients with the balances that each client had in the trust account, the court found Kersenbrock failed to keep adequate records of client trust account funds, and therefore violated Rules 32:1.15(a), (f) and Iowa Court Rule 45.2(2).

When Kersenbrock prematurely collected the second-half probate fee prior to filing the final report in the estate, the Court found she collected an unreasonable fee, a violation of Rule 32:1.15(a). Finally, the court concluded that Kersenbrock misled the client security commission by falsely certifying the status of her trust accounting procedures on her annual reports. The court determined this misrepresentation amounted to a violation of Rule 32:8.4(c).

In determining the level of sanction, the court first examined mitigating circumstances. The court did find that Kersenbrock: had no prior disciplinary history, none of her clients were harmed by these violations, she has since taken steps to ensure these violations do not occur again, and the court acknowledged Kersenbrock did have a future claim to the estate fee and did file the final report very shortly after billing her client.

After examining the mitigating circumstances, the court did find an aggravating circumstance in that the failure to keep adequate records prevented the court from determining the extent of the violations and their possible impact. The court determined that although a public reprimand might be acceptable for each of the violations standing alone, the fact that there were multiple violations prevented the court from only issuing a public reprimand. Based on the cumulative impact of all the ethical violations, the court suspended Kersenbrock’s license to practice law for a period of 30 days.

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The pass guarantees the pass-holder free admission to ISBA CLE seminars presented in Iowa during the term of the pass (co-sponsored events are not included).

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The pass holder is entitled, at no further cost, to all ISBA seminar materials.

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The ISBA CLE Season Pass does not provide free admission to recorded web-based CLEs, any ISBA golf-outing, co-sponsored events, or the Family Law Seminar Ethics Dinner Theater.

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FRIDAY, JULY 12
12:30 - 1:00  Registration
1:00 - 1:45  Guide to Corporate Best Practices: Hiring – Firing and Issues In-between - Speaker: Jeana Goosmann, Goosmann Law Firm
1:45 - 2:15  Social Media in Litigation - Speaker: Patricia Hoffman Simanek, Shuttleworth & Ingersoll PLC
2:15 - 2:30  Break
2:30 - 3:15  Construction Law Basics - Speaker: Samuel Jones, Shuttleworth & Ingersoll PLC
3:15 - 4:00  State Court Pitfalls and Perils - Speaker: Hon. Rebecca Ebinger
4:00 - 5:00  Ethics - Speaker: Kent Simmons
5:30 - 7:00  Reception at Bridges Bay (630 Linden Drive, Arnolds Park, Iowa)

SATURDAY, JULY 13
7:00  Fun Run/Walk
8:00  Registration
8:30 - 9:30  Criminal and Civil Law Update - Speaker: Kent Simmons
10:15 - 10:30  Break
10:30 - 11:15  Dealing with Difficult Clients - Speaker: Jodee Dietzenbach, Law Offices of Thad J. Murphy, PC
11:15 - 12:15  Ethics - Speaker: Prof. Emily Hughes, University of Iowa College of Law
12:15 - 12:30  Drawing for Door Prizes

Registration Form: Summer Seminar

Name: ___________________________________________________  Member # _________  Phone #___________________________
Address: __________________________________________________ City, State, Zip: _________________________________
E-mail: __________________________________________________

Registration for Both Days:  
ISBA Member (5+ Years)  __________ $200
ISBA Member (Admitted after 2008)  __________ $170
Non-ISBA Member  __________ $290

Registration for Friday Only:  
ISBA Member (5+ Years)  __________ $150
ISBA Member (Admitted after 2008)  __________ $120
Non-ISBA Member  __________ $190

Registration for Saturday Only:  
ISBA Member (5+ Years)  __________ $150
ISBA Member (Admitted after 2008)  __________ $120
Non-ISBA Member  __________ $190

____ I will be attending the Reception at Bridges Bay  _____ I will be participating in the Fun Run/Walk

Method of Payment:  
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Cancellation Policy/Walk-in Registration Fee: Registration refunds will be issued only if written notification is received by the Bar Office by July 5. Written notification can be mailed, faxed or e-mailed. Walk-in registration fee will be an additional $50 (fee will begin on July 12).
Tech Show
July 18, 2013
ISBA Headquarters, 625 East Court Ave.
Des Moines, Iowa 50309

Presented by The Iowa State Bar Association and the International Legal Technology Association (ILTA), the Tech Show is designed to keep you up-to-date on new technology and how it can help you and your practice. Presenters will include Thomas Reuters, HP, Savvy Training, Aruba, Worldox, Alliance Technologies, Fastcase, Clio, HotDocs, Lightedge, ITC Communications Inc., Dell, CDW Corp., Microsoft, and ILTA.

With the changing pace of today’s technology, this is a must-attend event. The all-day event will consist of multiple tracks so attendees can customize their day to fit their interests. The event will be followed by a networking reception which will allow attendees further opportunities to interact with the presenters.

Seating is limited to the first 80 attendees for each session (morning/afternoon). When registering online at www.iowabar.org, please indicate which session you plan on attending and whether you will be joining us for lunch.

<table>
<thead>
<tr>
<th>MORNING SESSION SCHEDULE</th>
<th>Program: 8:30 am - 12:15 pm</th>
<th>Lunch: 12:15 pm</th>
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</thead>
<tbody>
<tr>
<td>Registration: 8:00 am</td>
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<tr>
<td>8:30 - Welcome to the Tech Show</td>
<td>Breakfast items sponsored by HP</td>
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<tr>
<td>9:00 BREAKOUT</td>
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<tr>
<td>• Easily Find Contracts and Legal Files (HP)</td>
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<td>• Virtual Desktop Infrastructure (Alliance Technologies)</td>
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<td>• Trends in Legal IT (CDW)</td>
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<tr>
<td>9:30 BREAKOUT</td>
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<tr>
<td>• Windows 8 and Office 2013 (Microsoft)</td>
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<td>• Pump Up Your Professional Profile (Savvy Training &amp; Consulting)</td>
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<td>• Supporting the BYOD Phenomena in the Legal Workplace (Aruba Networks)</td>
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<td>10:00 BREAKOUT</td>
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<tr>
<td>• Fastcase (Fastcase)</td>
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<tr>
<td>• New Developments in Remote Document Management (Worldox)</td>
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<tr>
<td>• What is Cloud Computing and Why Should I Care (ITC Communications Inc.)</td>
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<tr>
<td>10:30 BREAKOUT</td>
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<tr>
<td>• Fluid Data Architecture (Dell)</td>
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<tr>
<td>• HotDocs for Cloud Computing (HotDocs)</td>
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<td>11:00 - Break</td>
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<tr>
<td>11:15 - Ask the Expert Panel</td>
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<tr>
<td>12:15 - Lunch (provided)</td>
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<tr>
<td>Lunch sponsored by Aruba Networks</td>
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<tr>
<th>AFTERNOON SESSION SCHEDULE</th>
<th>Program: 1:15 - 5:30 pm</th>
<th>Networking Reception: 5:30 - 7:00 pm</th>
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<tbody>
<tr>
<td>Registration: 12:00 pm</td>
<td>Lunch: 12:15 pm</td>
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<tr>
<td>1:15 BREAKOUT</td>
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<tr>
<td>• Supporting the BYOD Phenomena in the Legal Workplace (Aruba Networks)</td>
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<tr>
<td>• Security in the Cloud: Myth or Reality (Lightedge)</td>
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<tr>
<td>• Putting Your Practice on Cloud 9 (Clio)</td>
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<td>1:45 BREAKOUT</td>
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<td>• When &amp; Why is it Best to Host Your Data (Thomson Reuters)</td>
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<td>2:15 BREAKOUT</td>
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<td>3:15 - Break</td>
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<td>• IowaDocs (IowaDocs)</td>
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<td>4:00 BREAKOUT</td>
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<tr>
<td>• Data Backup and Disaster Recovery in the Cloud (Alliance Technologies)</td>
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Please visit www.iowabar.org to register for the 2013 Tech Show
Two Person Best Shot Golf Tournament

July 22, 2013

Des Moines Golf and Country Club, 1600 Jordan Creek Parkway
West Des Moines, Iowa 50266

9:30 - 10:30 a.m.  Registration
10:30 - 11:30 a.m.  Ethics Presentation with James Sayre, Sr., James Sayre, P.C.
                   (1 state CLE hour which includes 1 ethics hour)
11:30 a.m. - 12:30 p.m.  Lunch (provided)
12:30 p.m.  Golf (Shotgun Start)

Cash Bar & Awards (immediately following golf)

Entry fee
$160 per player
(Entry fee includes seminar, box lunch, green fees, cart rental, driving range, prizes, and trophies)

Please note: Entry deadline is July 17 (no refunds after the entry deadline)

Registration Form: Two Person Best Shot Golf Tournament

Name: ___________________________  Member # ________  Phone #: ______________________________

Address: ___________________________  City, State, Zip: ______________________________

E-mail: ______________________________

My golf partner is: ___________________________

or _____ (check here to be paired with another player)

Please check one of the choices below to aid in planning, the entry fee of $160 is the same regardless of your choice:

____ I will attend the 1 hour presentation, sack lunch, and play golf
____ I will eat sack lunch and play golf
____ I will play golf only

Method of Payment:

___ Check enclosed      Check Number ____________

___ Master Card

___ Visa          ___ American Express

Credit Card #:_________________________________________________  Exp. Date:  ______________

Cardholder Signature: ___________________________________________

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The IOWA LAWYER  June 2013
Tonn–Ochoa analysis recognizes Iowa Supreme Court’s duty to tailor the Iowa Constitution to the unique traditions and values of Iowans.

Scott M. Wadding

I suggest to the bar that, although in the past it might have been safe for counsel to raise only federal constitutional issues in state courts, plainly it would be most unwise these days not also to raise the state constitutional questions.

So said Justice William J. Brennan over 35 years ago in his seminal law review article celebrating what has since been called “new judicial federalism.” See William J. Brennan, State Constitutions and the Protection of Individual Rights, 90 Harv. L. Rev. 489, 502 (1977). But new judicial federalism is not so new anymore. Most state supreme courts now recognize state constitutions have a unique vitality independent of the federal model.

Iowa is no exception. In April, the Iowa Supreme Court reaffirmed the Court’s authority and responsibility to independently interpret the Iowa Constitution. The question is no longer can the Iowa Supreme Court go its own way, but when will it do so. This presents new opportunities and challenges for the Iowa lawyer.

Today, effective advocacy of the Iowa Constitution is not only wise, but may be necessary to avoid malpractice. See State v. Baldon, ___ N.W.2d ___ (Iowa 2013) (Appel, J., concurring) (collecting authority); Jeffrey S. Sutton, “Why Teach—and Why Study—State Constitutional Law,” 34 Okla. City U. L. Rev. 165, 178 (2009) (“no lawyer worth his or her salt can be a good advocate in today’s world without appreciating the possibility—and value—of raising state and federal [constitutional] claims in representing a client.”).

Just three years ago, the Iowa Supreme Court completed its “slow but perceptible shift” away from lockstep adherence to decisions of the United States Supreme Court and adopted what is now recognized as the Tonn–Ochoa analysis. Under the Tonn–Ochoa analysis, “The degree to which [the Court] follow[s] United States Supreme Court precedent, or any other precedent, depends solely upon its ability to persuade [the Court] with the reasoning of the decision.” State v. Ochoa, 792 N.W.2d 260, 267 (Iowa 2010); see also Baldon, ___ N.W.2d at ___. This analysis is not limited to the criminal context. The Court recently observed decisions interpreting the Federal Constitution establish the floor, not the ceiling, of any “fundamental, civil, or human right.” Baldon, ___ N.W.2d at ___; see Jennifer Friesen’s treatise, State Constitutional Law: Litigating Individual Rights, Claims, and Defenses (4th ed. 2006). The need for effective state constitutional litigation has never been greater.

State constitutional litigation begins at the earliest stage. The failure to raise the Iowa Constitution at the district court or administrative level will waive the claim. If the Iowa Constitution is cited but no argument is made for a new framework, the court will generally employ the federal framework while reserving the right to apply the framework independently. See, e.g., Racing Ass’n of Cent. Iowa v. Fitzgerald, 675 N.W.2d 1, 5 (Iowa 2004) (applying federal equal protection framework “with teeth”).

Under some circumstances, the federal model may need to be scrapped in favor of an independent model altogether. In these cases, both the state constitutional provision being asserted and the independent framework must be advanced at the earliest opportunity, in some cases the pleadings.

So what does the court mean when it says it will follow federal precedent to the extent it is “persuasive”? No litmus test or precise formula exists for evaluating the persuasiveness of any given decision. Even so, cases applying the Tonn–Ochoa analysis often coalesce around certain core elements, which include: the Iowa Constitution’s unique text, Iowa’s political and constitutional history, federalism considerations, perspectives of other courts and commentators and consistency with prior interpretations of the Iowa Constitution. In my judgment, for whatever it’s worth, effective litigation of the Iowa Constitution begins with understanding and litigating these core elements:
1) *The Iowa Constitution’s unique text.* In some cases the text of the Iowa Constitution is dispositive. The Iowa Supreme Court, for example, would not look to federal precedent in deciding item-veto questions because, unlike the Iowa Constitution, the Federal Constitution does not expressly give the executive line-item veto power.

Further, textual differences between related, though not identical, constitutional provisions may undermine the persuasiveness of the federal model. Take equal protection. Iowa doesn’t have an Equal Protection Clause in the 14th Amendment sense; we have a privileges and immunities clause. Although the court has traditionally applied the federal equal protection framework in deciding cases under the privileges and immunities clause, it has been argued textual differences between the two support a complete rejection of the federal model. See, e.g., Fitzgerald, 675 N.W.2d at 6.

But state constitutional mishaps are rarely made by too little reliance on textual comparisons. Litigants are often lured by textual similarities and bromides about the identical “scope, import, and purpose” of similar or identically phrased constitutional provisions.

A purely textualist approach to state constitutional litigation was put to rest by the rejection of lockstep under the *Tonn–Ochoa* analysis. The court’s approach to search and seizure illustrates that the court may reject the federal approach despite nearly identical language between the state and federal constitutional analogs. See *State v. Ochoa*, 792 N.W.2d at 291. So don’t bet on textual comparisons to win the day. Although state constitutional litigation should begin with the text of the relevant provision, it should not end there.

2. Iowa’s unique history. Iowa has a rich political and constitutional history that informs the interpretation of the Iowa Constitution. The Iowa Constitution, as we know it today, is in fact Iowa’s third. Our first, drafted in 1844, was rejected not once but twice. Benjamin F. Shambaugh, *The Constitutions of Iowa* 184 (1934). We had better luck in 1846, where amended boundary lines were sufficient to overcome Whig opposition. *Id.* Iowa ratified its third and, thus far, final constitution in 1857.

Only fragments remain from the debates of the 1844 and 1846 conventions, but the debates of the 1857 convention were fully reported. The State Library of Iowa has made all of these materials available on searchable PDFs at http://www.statelibraryofiowa.org/services/collections/law-library/iaconst.

Chief Justice Mark Cady’s recent lecture at the inaugural Iowa Constitution Lecture Series sketches the history of the Iowa Constitution and how that history informs the court’s modern approach to civil rights and civil liberties. See Honorable Mark S. Cady, *A Pioneer’s Constitution: How Iowa’s Constitutional History Uniquely Shapes Our Pioneering Tradition in Recognizing Civil Rights and Civil Liberties*, 60 Drake L. Rev. 1133 (2012). Counsel might also gain perspective from the work of Benjamin F. Shambaugh, a former political science professor at the University of Iowa, who chronicled Iowa’s political and constitutional history in a number of articles and books, including *The Constitutions of Iowa*. These, and similar resources, are fundamental to un-
3. Federalism considerations. The U.S. Supreme Court occasionally takes a narrow view of the Federal Constitution to allow some play in the joints among the several state constitutional laboratories. Such decisions are less persuasive when interpreting the Iowa Constitution because federalism concerns are absent and federalism is not a “mean-spirited doctrine” designed to dilute the protections afforded by state constitutions. See King, 818 N.W.2d at 60 n.35. State and federal constitutions and were relied upon by the framers of the Iowa and U.S. Supreme Court, perspectives have been cited by justices deciding the persuasiveness of federal precedent. Concurring and dissenting opinions of U.S. Supreme Court decisions are less persuasive when interpreting the Iowa Constitution tend to reflect the lockstep approach to state constitutional interpretation. See Ochoa, 792 N.W.2d at 266. Because the Tonn–Ochoa analysis repudiated lockstep, a question may arise related to whether Tonn–Ochoa casts doubt upon the continuing validity of lockstep-era decisions interpreting the Iowa Constitution.

Conclusion

Justice Brennan’s call to the bar to raise state constitutional questions is more important in Iowa now than ever. The Tonn–Ochoa analysis recognizes the Iowa Supreme Court’s duty to tailor the Iowa Constitution to the unique traditions and values of the people of Iowa. Litigation of the Iowa Constitution should explore certain core elements the court has found significant in the past, namely: the Iowa Constitution’s unique text, Iowa’s rich political and constitutional history, federalism considerations, the perspectives of other courts and commentators and prior interpretations of the Iowa Constitution. Although this list is by no means exhaustive, litigating these core elements will ensure more robust and effective state constitutional advocacy that will, in turn, advance your clients’ interests while protecting you from malpractice claims.

*Scott Wadding is an associate at Shuttleworth & Ingersoll, P.L.C., in Cedar Rapids. 

Members elect new ISBA and YLD leaders

Joe Feller has been elected the ISBA’s new president-elect, and Bruce Walker the new vice president in voting by the members of the association. Amos Hill has been elected as the new YLD president-elect and Joe Goedken as the new YLD secretary in voting concluded last month.

Feller will automatically assume the ISBA presidency for Fiscal Year 2014-2015 in June next year. He follows Guy Cook, who assumes the presidential reins at the annual meeting in a couple of weeks. Hill follows Ian Russell who assumes the YLD presidency later this month.

In addition to the officer positions, members re-elected Diane Kutzko as ABA delegate. They also elected the following district representatives for the YLD:

District 2A Representative
Nicole Rognness Olson

District 2B Representative
Abigail Hillers

District 3B Representative
Matthew Connealy

District 5A Representative
Joey Hoover

District 5B Representative
Dan Rockhold

District 5C Representatives
Nathan Mundy
Jennifer Smith
Colleen MacRae

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Patrick McElyea

District 8 Representative
Ashley Leyda


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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 communications 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 and an Employee Assistance Professional (EAP). 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)

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In Memoriam

Wayne A. Norman, 66, passed away at the Finley Hospital in Dubuque on Jan. 9.

A native of Dubuque, Wayne graduated from the University of Colorado with a Bachelor of Arts, and in 1971, he graduated with honors from the University of Iowa College of Law.


Wayne also served as an adjunct professor at Loras College and as the program planner for the Continuing Legal Education Department at the University of Dubuque. Wayne was admitted to practice in Iowa, Wisconsin, the United States District Court for the Northern District of Iowa and the U.S. Supreme Court.

John M. Peter, 86, passed away on Feb. 4 at Trinity Regional Medical Center.

Born in Rochester, Minn., John grew up in DeWitt. After beginning college, John enlisted in the U.S. Navy. He obtained his Bachelor of Arts from the University of Iowa in 1948 and earned his law degree at the University of Iowa’s College of Law in 1951.

John practiced in Fort Dodge with his brother William. He specialized in wills and estates. John also served as a state representative for District 62 in the 55th Iowa General Assembly.

James L. Pauley, 96, died on Feb. 19.

A resident of Jefferson, James passed the bar in 1940 after receiving his law degree at the University of Iowa’s College of Law. He specialized in probate and tax returns.

Harold Beckman, 91, died on April 3 at the Primrose Retirement Community in Council Bluffs.

Harold was an attorney and senior partner at Smith Peterson Law Firm. He also served as a founding member and former chairman of the Lawyer Trust Account Commission of the Iowa State Supreme Court, which takes interest from money attorneys around the state place into the account and uses it to support civil legal services for the poor.

Harold was also a member of the American Bar Association, The Iowa State Bar Association, the Fourth Judicial District Bar Association, and past president of the Pottawattamie County Bar Association.

Richard T. Emery, 79, of Lincoln, died on April 22.

Richard was born in Ottumwa on April 7 and served in the U.S. Army in Korea and was awarded the Army’s Good Conduct Medal and Marksmanship Badge.

Richard obtained his bachelor’s degree and J.D. at the University of Iowa. He worked as a trust officer for First National Bank of Lincoln and was senior vice president and head of the Trust Department at First Tier bank.

Richard was also a member of the Lincoln Probate Discussion Group and the Nebraska State Bar Association.

Luther L. Hill Jr., 90, passed away on April 23.

Born and raised in Des Moines, Luther served in the U.S. Army during World War II and was a graduate of Williams College and Harvard Law School. In 1951, Luther clerked for United States Supreme Court Associate Justice Hugo Black.

After returning home to Des Moines, Luther entered private practice and worked as counsel at Equitable Life Insurance Company of Iowa. There, he eventually rose to become the executive vice president, secretary and general counsel. After retiring at Equitable Life Insurance, Luther returned to private practice and eventually was an active “Of Counsel” for Nyemaster Goode.

Charles Howard King, 87, passed away on April 25.

A Pleasanton, Iowa native, Charles was a resident of Gulf Shores, Ala. He was raised in Leon. After his discharge from the Army, Charles was elected as county auditor of Decatur County, and received his J.D. from Drake University in 1953.

He served as an attorney in Marshalltown, including seven years as the county attorney. After he retired, Charles was a judicial magistrate in Cerro Gordo County, and was a former member of The Iowa State Bar Association.

Joseph George Kohler, 66, died in his Edina, Minn., home on April 26.

Joseph was born in Urbana, Ohio, and earned his bachelor’s degree at Ohio University, a Masters of Business Administration from the University of Cincinnati and a J.D. from Drake University.

Joseph started his legal career in Houston, Texas, before moving to Minneapolis and working in tax law. He eventually started his own practice and later joined The Churchill Companies as executive vice president and general counsel.

Charles McManigal, 73, died on May 4 in his home.

Charles, born in Omaha, was raised in Glenwood. He was a long-time attorney in Mason City. He earned his Bachelor of Arts and law degrees from the University of Iowa. In 1963, Charles joined Westfall, Laird and Burlington and later became a partner in 1967. Charles’s career featured labor law in the private and public sectors, and he represented many north Iowa school districts in collective bargaining matters.

Remembering Their Legacy

One of the best ways to remember a deceased lawyer is through a memorial gift to the profession to which he or she devoted an entire life. Surviving family members can point with pride to the accomplishments memorialized in a tangible form.

The Iowa State Bar Foundation is a fitting place for contributions made in the honor of a deceased member. There the gift will be used to support the Foundation’s charitable purposes for the advancement of the law and justice.

To memorialize a respected colleague, a spouse, a parent, a grandparent, or just a friend, send contributions to: The Iowa State Bar Foundation, 625 East Court, Des Moines, IA 50309. A representative of the Foundation will contact the family, acknowledge the gift, and a permanent record will be made.

For more information, contact The Iowa State Bar Foundation at the address above, or via phone at 515-697-8780, or e-mail at nhill@iowabar.org.
The ISBA congratulates the following individuals for the recognition they have received:

Kevin McCrindle of the Law Offices of C. Kevin McCrindle for being elected to the Board of Directors of the ACTEC (American College of Trust and Estate Counsel) Foundation. The American College of Trust and Estate Counsel Foundation promotes scholarship and education in trust, estate, tax and related areas of the law by supporting scholarship to improve the law and by encouraging teaching, career and life-long learning in the area.

Jim Hanks, shareholder with the Ahlers & Cooney law firm in Des Moines for receiving the 2013 Pacesetter Award from the National Public Employer Labor Relations Association (NPELRA). The Pacesetter Award recognizes NPELRA members who have successfully developed a new tool or technique for use in resolving conflicts, addressing new challenges, or assisting others in their growth in public sector labor relations and human resources. Jim received the award for implementing a continuously updated trend settlement report on wages and insurance for cities and counties in the state.

James B. Biscoglia and Gary G. Mattson of LaMarca & Landry, P.C., in Des Moines for being selected as Fellows with the Iowa Academy of Trial Lawyers. Both also have met the experience and examination requirements to become board-certified by the American Board of Professional Liability Attorneys.

David Tank, partner with Dorsey & Whitney in the firm’s Des Moines office for being ranked in Band 1 in the Litigation: General Commercial practice area in Chambers USA: America’s Leading Lawyers for Business 2013.

Belin McCormick, PC in Des Moines for being rated by Chambers and Partners in four practice areas: Corporate/Mergers & Acquisitions, Labor & Employment, Litigation, and Real Estate. The publication also rated 18 of the firm’s attorneys as among the best in their practice areas.

Davis Brown Law Firm in Des Moines for being recognized as one of Iowa’s leading law firms in the 2013 edition of Chambers USA. The firm earned rankings in the areas of Corporate/M&A (Band 1), Real Estate (Band 1), Labor and Employment (Band 2) and Litigation (Band 2). Additionally, 14 Davis Brown attorneys were honored as leading lawyers in their respective practice areas.

Faegre Baker Daniels LLP in Des Moines for receiving four nationwide rankings and three state-level rankings in the 2013 edition of Chambers USA: America’s Leading Lawyers for Business. The state-level practice areas included Corporate/M&A, Labor & Employment and Litigation: General Commercial. Eight Des Moines attorneys were honored with individual recognitions.

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Lawyer-legislator by day, climate advocate by night –
Iowa senator’s 120-page book pushes for policy adjustments regarding climate change

By Steve Boeckman, Editor

What do Iowa legislators do during the time they’re not at the Capitol? In Senator Rob Hogg’s case, write a book. At least that’s what occupied a lot of his time during the summer after the 2012 legislative session.

It’s not just any book. It’s a treatise on a subject — climate change — that is near and dear to this Cedar Rapids lawyer-legislator’s heart. In fact, it’s a culmination — at least to this point — of a passion he has held for more than 20 years.

The book is entitled “America’s Climate Century: What Climate Change Means for America in the 21st Century and What Americans Can Do about It.”

Senator Hogg maintains that the often-cited warnings that Americans must reduce their consumption of fossil fuels, stop destroying green spaces and other such admonitions are only half the battle in making a permanent improvement in the environment. The other half is how U.S. citizens deal with the climate-related disasters that have happened, and will be happening in the future.

The 2008 flood in Cedar Rapids, Hurricane Sandy in New Jersey and New York and the eight inches of rain in a short period that North Liberty experienced earlier this year are prime examples of the type of disasters that will need to be addressed, he says.

Attorneys play a major role in influencing changes to deal with and prevent such disasters, he believes. He is counting on his legal brethren to lead the charge.

As opinion leaders in their communities, “now is the time that attorneys need to help our state and our country come to grips with what this really means,” he says. “Attorneys have the obligation to learn more about the issue so our country can make good decisions and take the climate action so urgently needed.”

The 11-year veteran of the Iowa Legislature and attorney at Elderkin & Pirnie PLC in Cedar Rapids places a particular responsibility on lawyers because they are trained in sifting through facts, and “they are more comfortable than non-lawyers with competing and conflicting facts,” he says. That skill is necessary to make sense of the complex, often confusing, messages that are part of the dialogue in the climate-change debate.

While he believes Iowa can have a major role in shaping climate policy, ultimately the policy must come at the national level. “Climate change is a global issue,” he says, “and we need a national climate policy and American leadership on a global basis.”

Iowa has some of the top notch scientists in the country on climate change. The Climate Research Program at Iowa State University is one of the best in the country, as is the meteorology program there. The University of Iowa Center for Global and Regional Environmental Research is another major source of information on the subject. And, the science programs at Iowa and Iowa State have both produced some of the leading scientists in the country.

Aside from the scientific expertise Iowa provides on climate change, the state “is the super bowl of American politics,” Senator Hogg says. In
addition to its stature because of its first-in-the-nation caucuses, its “one of the few battleground states remaining in the country.”

He deliberately plays up his role as an Iowa senator, even using the title with his name on the front cover. It’s part of his overarching belief that climate policy change ultimately will come through legislation, and he wants readers to know that a legislator — “not just any elected official, but a state senator from Iowa” — wrote the book.

The youthful-looking senator from Iowa’s second largest city remembers vividly how he got interested in climate change. His first introduction was as a sophomore at the University of Iowa in a class aptly entitled “Introduction to Global Studies.” His next exposure was when he organized a hearing on the impact of Styrofoam on ozone depletion for a city council committee meeting when he was working for a Chicago alderman after graduating from college. A professor from DePaul University spoke at the hearing and his message touched the young college graduate.

His third exposure occurred while working on his master’s degree at the University of Minnesota. Two of his professors “helped me get fully educated on the issue and energy policy in general,” he recalls.

In fact, he says, it was those two professors who urged him to go to law school because it would make him a better advocate for energy and the environment. However, he acknowledges that “I know more about legislative advocacy now that I’ve been in the legislature 11 years than before I was in the legislature.”

His long-time interest in climate change helped immensely when writing the book. Since he has been following the issue for more than 20 years, he knew where to find the information he wanted.

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His goal was to create a book that imparts information about climate change in a concise easy-to-read fashion. Its seven chapters plus appendix are structured around three themes: 1) A review of American scientific understanding of the climate issue citing National Academy of Sciences studies and leaders of professional science organizations; 2) the consequences for America — why it matters; and 3) a discussion of the many solutions, actions that need to be taken simultaneously.

The appendix, “Responding to Doubting Thomas,” contains 18 statements frequently made by individuals who are skeptics about climate change, and responses to those “doubters.”

“I wrote the book to be a convenient and handy reference,” the senator says. “I’m hopeful the book will play a major role in uplifting the debate about climate change, and hopefully motivate the truly significant action we need.”

The book is self-published. Senator Hogg says he talked to people in the publishing business after he finished writing it last August, and everyone said that if he were to have it published with a traditional publisher, the process would be too slow for what he wanted to do. He wanted to get something out quicker than that.

“It is surprisingly affordable to do,” he says. “You don’t go through the expensive process of hardcover first, then waiting months for the paperback edition. It makes the books more affordable.”

Currently the books, which retail for $10.95, are available through Amazon and a number of brick and mortar stores such as Beaverdale Books in Des Moines, University Book & Supply in Cedar Falls, New Bo Books in Cedar Rapids, River Lights Books in Dubuque, Mattingly Music and Books in Newton and Prairie Lights Books in Iowa City. He’ll also mail a copy directly to people who contact him at: SenatorRobHogg@gmail.com.

Scenes like this one after the Parkersburg tornado on May 25, 2008 are an example of the increase in natural disasters caused by climate change, according to Senator Hogg, and illustrate the need for citizens to take action to deal with these disasters.
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*Based on 35% marginal federal tax rate