



# SUCCESS STORIES

WHY SPECIALTY COURTS ARE WORTH IT





## Your IP Litigation is Our Specialty

Our litigation attorneys have extensive experience protecting and defending our clients' intellectual property assets in federal and state courts around the country, and at the Patent and Trademark Office, including handling a landmark patent case before the United States Supreme Court, and appeals before the Federal Circuit, Seventh, Eighth, and Ninth Circuit Courts of Appeal.

We provide litigation and counseling services relating to:

- **Patent, Trademark/Service Mark, Plant Variety Protection, and Copyright infringement**
- **Trade Secret Misappropriation and Unfair Competition claims**
- **Intellectual Property Antitrust claims**
- **Patent Office Trials including Post Grant Review (PGR), Inter-Partes Review (IPR), and Covered Business Method Review (CBM)**
- **Trademark Oppositions and Cancellations**
- **Alternative Dispute Resolutions including mediation and arbitration**

Our attorneys blend a variety of technical expertise with proven legal experience to assist large corporations, small businesses, universities, and individuals. We keep abreast of the latest trends, developments and legal issues, and we assemble a cross-functional team of attorneys and technical advisors to provide you with high-quality, comprehensive litigation services.

**MVS** MCKEE, VOORHEES & SEASE, PLLC

**Your Worldwide IP Partner Since 1924™**

**Congratulations to McKee, Voorhees & Sease for earning the 2016 Des Moines Small Business Excellence Award for the Lawyers Category!**

PATENTS • TRADEMARKS • COPYRIGHTS • TRADE SECRETS • ENTERTAINMENT LAW • LICENSING • LITIGATION

**EDITORIAL TEAM**

**Editor-in-Chief**

Melissa Higgins  
515-697-7896  
mhiggins@iowabar.org

**Contributing Editor**

Virginia Sipes, J.D.  
515-697-7897  
vsipes@iowabar.org

**Copy Editor**

Steve Boeckman  
515-697-7869  
sboeckman@iowabar.org

**General Inquiries**

515-243-3179  
isba@iowabar.org

**THE IOWA LAWYER**

(ISSN 1052-5327) is published monthly except for the combined December-January issue, by the Iowa State Bar Association, 625 East Court Ave., Des Moines, IA 50309-1904. One copy of each issue is furnished to association members as part of their annual dues. Non-member subscription rates are \$40 per year. Periodicals postage paid at Des Moines, Iowa.

**POSTMASTER**

Send address changes to The Iowa Lawyer Magazine, 625 East Court Avenue, Des Moines, Iowa, 50309-1904. Members can contact the membership department to change their address by emailing membership@iowabar.org.

**PRINTER**

The Iowa Lawyer Magazine is printed by Colorfx, 10776 Aurora Avenue, Des Moines, Iowa, 50322. Telephone 515-270-0402. Art Director: Melissa Thompson.

**ADVERTISING**

CLASSIFIED. Qualifying ISBA members receive two free non-job listings annually as a member benefit. Members should contact the ISBA Communications Department for ad placement. Non-member classified ad rate is \$110 at 125 words per listing. See classified section for further details.

**DISPLAY**

Display advertising in the Iowa Lawyer Magazine is handled by Larson Enterprises, Inc., 909 50th Street, West Des Moines, Iowa, 50265. For display advertising and non-member classified advertisement rates, contact Alex Larson at 515-238-4406 or alex@larsonent.com.

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

**STATEMENTS OR OPINIONS**

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



**TABLE OF CONTENTS**



**On the chopping block: Iowa's specialty courts**

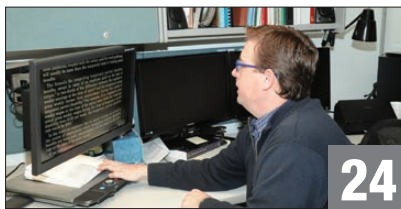
In this tough state budgeting climate, learn why Iowa Judicial Branch programs, such as the Linn and Johnson County drug court, Wapello County family treatment court and the innovative new Polk County girls court, are worth investing in.



**Understanding the Chinese legal system**

With much of the current political spotlight on U.S.-China foreign policy and business trade relations, these articles focus on the legal and education system in China, from the personal perspective and experience of two Iowans.

By Jinying Zhan and James Sheets



**Attorney never loses sight of career goals, despite eye disease**

ISBA member Andrew Tullar has a degenerative eye disease called retinitis pigmentosa and is legally blind. Learn how he has overcome this obstacle to manage a successful solo practice.

By Melissa Higgins

**FEATURES**

**How can you give more to your favorite charity? Consider gifts of stock!**  
*Fischer* ..... 11

**Board of Governors Spring Quarterly Meeting** ..... 17

**In remembrance of Judge "Hal"** ..... 21

**On free speech and friendship**  
*Flynn* ..... 31

**IN BRIEF**

**Sign up to be listed on the ISBA's new Find-A-Lawyer website** ..... 4

**Get your copy of the new Iowa Court Rules** ..... 4

**"Breakfast with the Bar" photos** ..... 20

**COLUMNS**

**President's letter: How do you define value?**  
*Kenyon* ..... 5

**Affirmative Legislative Program** ..... 19

**Transitions** ..... 22

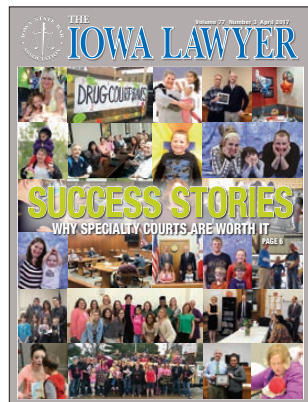
**Disciplinary Opinions** ..... 23

**In Memoriam** ..... 25

**CLE information** ..... 26

**Classifieds** ..... 29

**Thanks to speakers** ..... 30



**ABOUT THE COVER**

Iowa's Judicial Branch has 47 specialty courts addressing various problems: drugs, mental health, alcohol abuse, juvenile delinquency, domestic violence, even veterans' issues. The data shows that these programs are working, and the faces you see on the cover are some of the success stories. You can read more about Iowa's specialty court programs and why they are worth continued investment starting on page 6.

# Sign up to be listed on the ISBA's new Find-A-Lawyer website

[www.iowafindalawyer.com/](http://www.iowafindalawyer.com/)



The ISBA recently launched a new version of the Iowa Find-A-Lawyer website, a portal to provide legal resources to the public and help ISBA members connect with paying clients. Listings on this site remain free to ISBA members and now is the time to sign up.

Please navigate to The Iowa State Bar Association's homepage, [iowabar.org](http://iowabar.org), and click on the Find-A-Lawyer signup story. There, you can download the PDF application and send it in to make your listing active.

The ISBA will launch a public awareness marketing campaign for Iowa Find-A-Lawyer this summer to get the word out about this new and enhanced website, so please sign up as soon as possible so you can be listed in time for the public rollout.

If you have any questions, please contact:

**ISBA Membership Department**  
 515-697-7870  
[membership@iowabar.org](mailto:membership@iowabar.org)



## Get your copy of the new Iowa Court Rules

The new two-volume softbound publication of the Iowa Court Rules is now available through the Iowa Legislative Services Agency.

Volume I includes chapters 1-16 and should be most useful to practitioners and judges and those interested in rules of practice and procedure. Volume II includes chapters 17-52 and should be most useful to the judicial branch and those interested in judicial administration and professional regulation.

The new publication can be purchased through LSA's new online storefront at <https://www.legis.iowa.gov/law/information>. The cost for the two volumes is \$50.

**The Iowa State Bar Association**  
 625 East Court Avenue, Des Moines, Iowa, 50309-1904  
 Main: 515-243-3179 Fax: 515-243-2511  
[www.iowabar.org](http://www.iowabar.org) [isba@iowabar.org](mailto:isba@iowabar.org)

<b>PRESIDENT</b>	Arnold "Skip" Kenyon III	Creston	641-782-1000	<a href="mailto:skipkenyon@issbbank.com">skipkenyon@issbbank.com</a>
<b>PRESIDENT-ELECT</b>	Stephen R. Eckley	Des Moines	515-283-4637	<a href="mailto:sreckley@belinmccormick.com">sreckley@belinmccormick.com</a>
<b>VICE PRESIDENT</b>	Tom Levis	W. Des Moines	515-274-1450	<a href="mailto:tom.levis@brickgentrylaw.com">tom.levis@brickgentrylaw.com</a>
<b>SECRETARY</b>	Dwight Dinkla	Des Moines	515-697-7867	<a href="mailto:ddinkla@iowabar.org">ddinkla@iowabar.org</a>
<b>IMMEDIATE PAST PRESIDENT</b>	Bruce L. Walker	Iowa City	319-354-1104	<a href="mailto:walker@ptmlaw.com">walker@ptmlaw.com</a>
<b>DISTRICT GOVERNORS</b>				
<b>DISTRICT 1A</b>	Steven J. Drahozal	Dubuque	563-583-1940	<a href="mailto:sdrahozal@spd.state.ia.us">sdrahozal@spd.state.ia.us</a>
	Gary Mick	Guttenburg	563-252-1733	<a href="mailto:glmick@alpinecom.net">glmick@alpinecom.net</a>
<b>DISTRICT 1B</b>	Shannon Simms	Waterloo	319-291-6161	<a href="mailto:simms@nfiowa.com">simms@nfiowa.com</a>
	John Wood	Waterloo	319-234-1766	<a href="mailto:johnjwood@becherlaw.com">johnjwood@becherlaw.com</a>
<b>DISTRICT 2A</b>	Collin M. Davison	Garner	641-423-5154	<a href="mailto:cdavison@heinyllaw.com">cdavison@heinyllaw.com</a>
	Patrick Vickers	Greene	641-823-4192	<a href="mailto:pgv@myomnitel.com">pgv@myomnitel.com</a>
<b>DISTRICT 2B</b>	Victoria Feilmeyer	Ames	515-956-3915	<a href="mailto:vafeilmeyer@nyemaster.co">vafeilmeyer@nyemaster.co</a>
	Jerry Schnurr III	Fort Dodge	515-576-3977	<a href="mailto:jschnurr@frontier.com">jschnurr@frontier.com</a>
	Bethany Currie	Marshalltown	641-752-8800	<a href="mailto:bjcurrie@peglowlaw.com">bjcurrie@peglowlaw.com</a>
<b>DISTRICT 3A</b>	Jill Davis	Spencer	712-262-1150	<a href="mailto:jill@mbsdslaw.com">jill@mbsdslaw.com</a>
	John M. Loughlin	Cherokee	712-225-2514	<a href="mailto:jmloughlinlaw@gmail.com">jmloughlinlaw@gmail.com</a>
<b>DISTRICT 3B</b>	Deb DeJong	Orange City	712-737-4999	<a href="mailto:deb.dejong@dejunglawpc.com">deb.dejong@dejunglawpc.com</a>
	James Daane	Sioux City	712-252-2424	<a href="mailto:jdaane@maynelaw.com">jdaane@maynelaw.com</a>
<b>DISTRICT 4</b>	Kathleen Kohorst	Harlan	712-755-3156	<a href="mailto:kate@harlannet.com">kate@harlannet.com</a>
	Robert Livingston	Council Bluffs	712-322-4033	<a href="mailto:Robert.Livingston@stuarttinley.com">Robert.Livingston@stuarttinley.com</a>
<b>DISTRICT 5A</b>	Mason Ouder Kirk	Indianola	515-961-5315	<a href="mailto:mason@olfirm.com">mason@olfirm.com</a>
	Daniel Huitink	Pella	641-621-8130	<a href="mailto:dhuitink@vermeer.com">dhuitink@vermeer.com</a>
<b>DISTRICT 5B</b>	Roberta Chambers	Corydon	641-870-0108	<a href="mailto:roberta.a.chambers@gmail.com">roberta.a.chambers@gmail.com</a>
<b>DISTRICT 5C</b>	Willard Boyd, III	Des Moines	515-283-3172	<a href="mailto:wlb@nyemaster.com">wlb@nyemaster.com</a>
	Emily Chafa	Johnston	515-986-0914	<a href="mailto:emily.chafa@iwd.iowa.gov">emily.chafa@iwd.iowa.gov</a>
	Joseph Happe	Des Moines	515-288-2500	<a href="mailto:JoeHappe@davisbrownlaw.com">JoeHappe@davisbrownlaw.com</a>
	Debra Hockett-Clark	Clive	515-247-9293	<a href="mailto:debra@hockett-clarklawfirm.com">debra@hockett-clarklawfirm.com</a>
	Anjela Shutts	Des Moines	515-246-5536	<a href="mailto:shutts@whitfieldlaw.com">shutts@whitfieldlaw.com</a>
	Donald Stanley, Jr.	Urbandale	515-281-5056	<a href="mailto:dstanley@ag.state.ia.us">dstanley@ag.state.ia.us</a>
	Dawn Boucher	W. Des Moines	515-267-1174	<a href="mailto:dawnlarew@hotmail.com">dawnlarew@hotmail.com</a>
	Kathleen Law	Des Moines	515-283-3116	<a href="mailto:kklaw@nyemaster.com">kklaw@nyemaster.com</a>
	Abhay Nadipuram	Des Moines	515-235-9111	<a href="mailto:nadipuram.abhay@principal.com">nadipuram.abhay@principal.com</a>
	Nathan Overberg	Des Moines	515-243-7611	<a href="mailto:noverberg@ahlerslaw.com">noverberg@ahlerslaw.com</a>
	Nicolle Schippers	Des Moines	515-237-0270	<a href="mailto:nicolle.schippers@ARAGlegal.com">nicolle.schippers@ARAGlegal.com</a>
<b>DISTRICT 6</b>	Linda Kirsch	Cedar Rapids	319-365-9461	<a href="mailto:lmk@shuttleworthlaw.com">lmk@shuttleworthlaw.com</a>
	Lori Klockau	Iowa City	319-338-7968	<a href="mailto:lklockau@bkfamilylaw.com">lklockau@bkfamilylaw.com</a>
	Jonathan D. Schmidt	Cedar Rapids	319-366-1000	<a href="mailto:jschmidt@nazettelaw.com">jschmidt@nazettelaw.com</a>
	Robert Fischer	Vinton	319-472-2353	<a href="mailto:rfischerlaw@qwestoffice.net">rfischerlaw@qwestoffice.net</a>
	Mark Parmenter	Cedar Rapids	319-365-1184	<a href="mailto:mparmenter@lwclawyers.com">mparmenter@lwclawyers.com</a>
<b>DISTRICT 7</b>	Randy Current	Clinton	563-242-1832	<a href="mailto:fhc@iowatelecom.net">fhc@iowatelecom.net</a>
	Christopher Surls	Lowden	563-941-5301	<a href="mailto:cls@wbnlaw.com">cls@wbnlaw.com</a>
	Ian J. Russell	Bettendorf	563-324-3246	<a href="mailto:irussell@l-wlaw.com">irussell@l-wlaw.com</a>
<b>DISTRICT 8A</b>	Robert Breckenridge	Ottumwa	641-684-6097	<a href="mailto:reb@ottumwalaw.net">reb@ottumwalaw.net</a>
	Ryan J. Mitchell	Ottumwa	641-682-5447	<a href="mailto:ryan@ommglaw.com">ryan@ommglaw.com</a>
<b>DISTRICT 8B</b>	Brian Helling	Burlington	319-754-6587	<a href="mailto:bhelling@seialaw.com">bhelling@seialaw.com</a>
<b>REPRESENTATIVES AND DELGATES</b>				
<b>Iowa Judges Association Representative:</b>	Jeffrey Neary	Merrill	712-279-6494	<a href="mailto:jeffrey.neary@iowacourts.gov">jeffrey.neary@iowacourts.gov</a>
<b>ABA Delegates:</b>	Alan Olson	Des Moines	515-271-9100	<a href="mailto:aoo@olson-law.net">aoo@olson-law.net</a>
	David L. Brown	Des Moines	515-244-2141	<a href="mailto:dlbrown@hmlawfirm.com">dlbrown@hmlawfirm.com</a>
	Jane Lorentzen	Des Moines	515-244-0111	<a href="mailto:jlorentzen@hlawpc.com">jlorentzen@hlawpc.com</a>
<b>LEGISLATIVE COUNSEL TEAM</b>	James Carney	Des Moines	515-282-6803	<a href="mailto:carney@carneyappleby.com">carney@carneyappleby.com</a>
	Doug Struyk	Des Moines	515-282-6803	<a href="mailto:struyk@carneyappleby.com">struyk@carneyappleby.com</a>
	Shannon Henson	Des Moines	515-282-6803	<a href="mailto:henson@carneyappleby.com">henson@carneyappleby.com</a>
<b>ISBA YOUNG LAWYERS DIVISION OFFICERS</b>				
<b>YLD President</b>	Reed McManigal	W. Des Moines	515-223-6860	<a href="mailto:rmcmanigal@holmesmurphy.com">rmcmanigal@holmesmurphy.com</a>
<b>YLD President-elect</b>	Thomas Hillers	Des Moines	515-508-6460	<a href="mailto:hillet1@nationwide.com">hillet1@nationwide.com</a>
<b>YLD Secretary</b>	Margret E. White	Des Moines	515-244-4300	<a href="mailto:maggie.e.white@emcins.com">maggie.e.white@emcins.com</a>
<b>YLD Immediate Past President</b>	Joseph Goedken	Ottumwa	641-682-5447	<a href="mailto:jgoedken@ommglaw.com">jgoedken@ommglaw.com</a>



## Arnold “Skip” Kenyon III

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

## How do you define value?

As individuals living in a consumer-based society, we hear advertising slogans multiple times a day. “Buy now — great deals at competitive prices! Get more! Save big money on what you need!”

These messages emphasize being smart about money, which we can all personalize. With a household to support, retirement to prepare for and medical bills to cover, I need to be a good decision-maker for my family. Our state legislature has to do something similar — weigh the costs of supporting our government infrastructure against the dollars coming in. The importance of being a wise steward of taxpayer funds cannot be overstated, neither can the pressure lawmakers must feel to make these tough decisions.

I’ve spoken with many legislators this session, which has been a new experience for me. Enlightening at times, inspirational at moments, sometimes confusing...and also disheartening. One thing I feel certain of is that every lawmaker I spoke with truly believes that he or she knows what is best for Iowans. Although I admire that idea and the leadership intended, in my own experience, it is a faulty assumption. As a native Iowan, I look at the fabric of my own family, and am both amused and humbled by the vast differences between us.

Our perspective on what constitutes wise spending is often a function of our own needs and experiences. For example, I am terribly near-sighted. When I take off my glasses, I can hardly see two steps in front of me. I often believe I am headed in the right direction, and know what I’m doing. However, I know I see much better with my glasses on. From a practical standpoint, I prioritize eye exams and glasses in my budget. From a more philosophical perspective, my experience of the world is much scarier without my glasses as a tool to help me navigate through the day. And without that tool, I am limited in the value I can offer the people around me.



ISBA President Skip Kenyon (left) and President-Elect Stephen Eckley (right) sit with Senate President Jack Whitver (center) to discuss issues such as the judicial branch budget during the ISBA’s annual lobbying day at the Statehouse.

In other words, perspective is everything. Regardless of how we gain and change our perspective throughout life, it ultimately teaches us something about value. We learn that it’s not all catchy slogans and saving pennies. Value can also equate to a long-term investment that makes a beneficial impact. In government, we see true value demonstrated through our specialty courts. On the dollars-and-cents front, they relieve strain on law enforcement and the corrections system. But just as important, they help struggling Iowans change their perspectives and discover their value. This new personal sense of opportunity not only benefits the individual, but society as a whole.

Courtney Nichols, a Woodbury County drug court graduate, is an example of how investing time and recognizing value can move someone onto a positive, upward trajectory:

*Since starting drug court I’ve completed 18 months of treatment, completed an empathy class, started school, found a job and worked hard to get an apartment. Through this journey, my family has been very supportive, showing me that they are proud of me. I’ve even taken what I know and passed it on to a younger family member who suffered because of her addiction, and [she] told me I was her inspiration to get clean and finish school. Since becoming a mother and being a part of drug court, it has saved my life, and because of this opportunity I’m now a proud productive member of society, with two years and 10 months clean.*

When judges, county attorneys and public defenders work together, more people suffering with drug addiction, alcoholism or mental illness get the treatment they need. Veterans, at-risk children and teens, and struggling families develop positive coping mechanisms, strengthen bonds and stay together. In other words, glasses are provided to those who need to see their own value more clearly.

Woodbury County drug court in Sioux City is one of many success stories across the state. Participant Kara Kayl credits the cooperative nature of the program with her continued success, writing:

*“I had a great panel who I felt close to, like I could just open up to them every time we met. They made me feel great about myself and confident again.”*

This year, Governor Branstad has made it his priority to work with the Iowa Department of Public Health, the Board of Pharmacy and others to educate Iowans about drug abuse, particularly opioid addiction. It is clear that specialty courts are a key partner in achieving this state goal by providing the tools necessary for addicts to change course. With the courts’ help, we can create new perspectives by teaching more Iowans how to discover their own value. I encourage you to stay engaged this legislative session and communicate with your legislators about the vital role specialty courts play in Iowa.

Thank you for allowing me to serve.

Arnold O. Kenyon, III  
President, The Iowa State Bar Association  
skipkenyon@issbbank.com, 641-782-1000



“The state’s investment in the court system for the current fiscal year is not allowing the judicial branch to sustain the current level of service to Iowans. This signals that our successes cannot be maintained ... *It means specialty courts may be eliminated.*”

— Iowa Supreme Court Chief Justice Mark Cady  
Condition of the Judiciary, Jan. 11, 2017

## There are 47 specialty courts in Iowa:

### Adult Criminal Drug Courts

Black Hawk County	Polk County
Cerro Gordo County	Pottawattamie County
Delaware County	Scott County
Des Moines County	Van Buren County
Dubuque County	Wapello County
Henry County	Washington County
Lee County	Webster County
Louisa County	

### Family Treatment Courts

Audubon County	Polk County
Black Hawk County	Scott County
Buena Vista County	Wapello County
Cass County	Warren County
Cerro Gordo County	Webster County
Johnson County	Woodbury County
Linn County	

### Juvenile Delinquency Drug Courts

Clay County	Plymouth County
Des Moines County	Polk County
Henry County	Woodbury County
Marshall County	

### Adult Criminal Drug Courts and OWI Courts

Johnson County	Plymouth County
Linn County	Woodbury County

### Mental Health Courts

Pottawattamie County	Wapello County
Scott County	Woodbury County

### Veterans Treatment Court

Woodbury County

### Adult OWI Court

Warren County

### Female Juvenile Offenders Court

Polk County

### Domestic Violence Court

Black Hawk County

# On the chopping block: Iowa’s specialty courts

## Could funding concerns shut down programs that work?

By Melissa Higgins, Communications Director

Dozens of people sat in the audience. Family members, friends and supporters thumbed through programs, smiling and waving at their loved ones on stage. The center of attention on this November day at the Veterans Memorial Coliseum in Cedar Rapids was the latest class of graduates from Linn County’s drug treatment court.

The speakers on stage recognized the class for their achievements toward sobriety, but also reminded them of the seriousness with which they need to take this opportunity. Not every drug offender in Iowa has the chance to start fresh with the support of the justice community. It is because of special initiatives championed by the Iowa Judicial Branch that these graduates got this second chance to rebuild their lives.

District Court Judge Fae Hoover-Grinde coordinates the specialty adult drug court program in both Linn and Johnson Counties. She spoke at that graduation ceremony in the Fall, as she has for countless other ceremonies, and her message was this: personal connections are the antidote for addiction.

“These clients will establish a meaningful, honest connection with at least one person on our team. Someone with whom they will absolutely bare themselves to, and that is how the therapeutic change can happen. The person needs to trust us enough to allow us to support them,” she said.

### How do specialty courts work?

The state judicial branch calls specialty courts a partnership between courts and communities. They are problem-solving courts aimed at addressing underlying issues that contribute to a person’s criminal history. Judges and attorneys work with community treatment professionals and private agencies to empower Iowa adults and juveniles to break free from the grips of substance abuse and other barriers. It is the personal support and accountability, which includes frequent meetings and regular drug tests, that is shown to be effective.

The treatment team also provides resources like mental health counseling, education support, and assistance finding a job or housing. Participants in the specialty court process are hand-selected and it is all voluntary; they can leave at any time. But if they do, a harsher sentence may take effect.

“You have to find the courage to hand the reins over to us,” explained Judge Hoover-Grinde. “If you try to rebel against us, it’s not going to work. Graduation or revocation are the only ways out.”

Specialty courts began sprouting up in the late 1980s nationally. In Iowa, the first adult drug court started accepting clients in August of 1996. Now, there are 47 specialty courts in this state addressing various problems: drugs, mental health,



Judge Fae Hoover-Grinde speaks during the November 2016 graduation ceremony of the Linn County drug treatment court program. Photo Courtesy: Sen. Rob Hogg

alcohol abuse, juvenile delinquency, domestic violence, even veterans' issues. And the data shows that these programs are accomplishing their original goal of decreased recidivism rates. A seven-year longitudinal study released in 2011 by the Iowa Department of Human Rights revealed that drug court participants were less likely to commit new crimes than other offenders.

There are typically between 45 to 55 people enrolled at a time in Judge Hoover-Grinde's program in Linn and Johnson Counties, and the program works in partnership with the Iowa Department of Corrections. For many of the participants, it truly was a last resort; the only alternative was prison. About 40 percent of people will successfully complete the program and the judge says she sees their recidivism rates decreased by one-half to one-third as a result.

"It's humbling to watch the change process. It's hard work and when they really do it, it's a thing to behold," she said.

### Keeping families together

Those who work closely with specialty courts say these kinds of innovative programs are also changing lives for Iowa families and children.

Associate Juvenile Judge William Owens oversees the family treatment court in Wapello County, one of more than a dozen family treatment programs in the state. These specialty courts focus on the welfare of children with parents who have substance abuse problems. The courts emphasize treatment for substance-abusing parents, while holding them accountable through intensive court supervision. The families involved are typically referred by child protective services or Court Appointed Special Advocates after a child abuse or neglect case is reported. Substance abuse providers from the community, case workers, in-home providers and other partner agencies help staff the treatment teams and the ultimate goal of everyone involved is to reunite broken families.

Mary Derby, the coordinator of the Wapello County family treatment court, is a personal testament to the success of this community-based addiction recovery approach.

Derby started using methamphetamine when she was 13 years old. She was addicted for decades and in and out of various treatment programs. She had four children and frequent brushes with the Iowa Department of Human Services as they were growing up. She had several episodes where her kids were taken away because she couldn't maintain long-term recovery. That is, until she got involved with the Wapello County

family treatment court in 2009.

"Nov. 2, 2009 was the last treatment facility I entered," she said. "Family treatment court helped me get into that. I was there seven months, then came back to court and my true recovery began."

Derby went back to school to get her bachelor's degree and now runs the Wapello County program. She is the only drug court coordinator in the nation who is also a graduate of the program. She believes it gives her special insight into how best to tackle addiction issues.

"I haven't forgotten what it's like. I remember every single part of (the addic-

tion). I see people who come in and I see glimpses of where I was," she explains. "But, the team and the judge did not give up on me. That's the great thing about this court."

Judge Owens founded the program in Wapello County a decade ago. This May, as part of National Drug Court Month, the court will hold a special 10th anniversary party, inviting all past graduates of the program.

"When we started, we didn't have two nickels to rub together. We didn't have any money whatsoever," Owens said. But by piecing federal and local grant money together

## BOUTIQUE ADVISORY FIRM

### NATIONAL REACH

Offering business appraisal, financial advisory, litigation support and related professional service to clients across the United States

Combined, our team represents approximately 25 professionals and over 100 years of experience

Call one of our professionals in Des Moines:



Duane Tolander  
CPA/ABV,  
CVA



Chad Hoekstra  
CPA/ABV,  
ASA, CFF



Brian Crotty  
ASA, CBA,  
CFE, MBA



Greg Patterson  
ASA



Alex Davis

## H D H ADVISORS LLC

Business Appraisal | Litigation Support | Financial Advisory | Consulting

[www.hdhadvisorsllc.com](http://www.hdhadvisorsllc.com)

ATLANTA | 2002 Summit Boulevard, Suite 950, Atlanta, Georgia 30319 | 770.790.5000  
DES MOINES | 1601 22nd Street, Suite 305, West Des Moines, Iowa 50266 | 515.225.3796

with judicial branch funding, the county has been able to maintain the program, serving about 35 families at any given time.

Statewide, as of March 2016, family treatment courts had served 860 Iowa families, comprised of 998 parents and 1,667 children. Approximately 93 percent of the parents involved were admitted to substance-abuse treatment and 76 percent of the children were able to remain in the custody of their parent as a result of successful treatment.

“I do this because we get better results by doing this,” said Judge Owens. “Statistically, the results show we’re keeping parents in treatment longer, they’re achieving sobriety, they’re keeping custody of their kids. We’re seeing fewer referrals back for child abuse reports. We’re getting better results handling family cases this way.”

For Derby, it has meant a whole new life and growing closer with her children, the oldest of which recently had a baby.

“Thank God, I get to be a grandma. There are all these blessings in recovery. There are so many things I maybe wouldn’t have had, if I hadn’t fought and fought for my recovery,” she said.

## Show me the savings

On top of the success-story statistics, there are documented and measurable monetary savings for taxpayers.

For family treatment court, an Iowa Department of Human Rights report shows that keeping children out of foster care generated more than \$12 million in total cost avoidance statewide since 2007. In 2016 alone, family treatment courts helped 310 families, saving nearly \$4.9 million.

Funding all of Iowa’s 47 specialty courts requires approximately \$2 million annually. That equates to about \$4,000 per offender, according to a 2013 cost-benefit review from the Iowa Legislative Services Agency. But these programs are also keeping people out of Iowa’s prisons, where it costs about \$35,000 annually to house an inmate. Specialty court programs and other judicial branch initiatives have resulted in many fewer young adults entering the prison system, an annual cost avoidance calculated to be \$11.5 million.

Judge Hoover-Grinde explains the rationale behind this savings: “The issues that led to a person’s criminal behavior are not issues that will go away if we lock them up.

It’s silly to think they would go back to their community and not commit crimes again.”

## Funding in jeopardy

The future funding for Iowa’s specialty courts is uncertain. The legislature last year appropriated the same amount of funding as the judicial branch received the year before, which was more than \$5 million short of the amount needed to maintain current levels of service. All options to balance the budget were considered, and that process highlighted the frailty of Iowa’s specialty courts. The court decided to put a moratorium on the expansion of any specialty courts, and it left open the possibility of eliminating them with Iowa Supreme Court approval.

Additionally, the judicial branch received a \$3 million deappropriation for the current fiscal year, straining the budget further and resulting in a hiring freeze and scheduled court closure day. But a bigger issue remains: the looming FY 2018 budgeting process. That \$3 million deappropriation is a permanent cut. If the legislature does not appropriate the needed funding for FY 2018, there will be no alternative but to diminish the services the court provides, including specialty courts.

Iowa Senate Minority Leader Rob Hogg, a Democrat who represents Linn County and attended that county’s most recent drug court graduation, is a big proponent of these specialty courts. He says he will fight to keep them open as the budget process plays out in the legislature.

“The Linn County drug court helps families, our community, our state and our economy. Drug court graduation is one of the most inspiring events I have attended in my 15 years in the Iowa Legislature,” he said.

For the judges who run these programs, it is not about the numbers or the money. For them, it’s about the human impact these specialty courts can provide.

Judge Hoover-Grinde choked up when describing the most meaningful interaction she’s had during those graduation ceremonies: “When a kid comes to me and says, ‘Thanks for giving me my mom back. I lost her for three years and now I have her back and it’s because you helped her find her way.’ That’s really cool.”



The Wapello County family treatment court administration team is made up of representatives from various community agencies, pictured here during a planning meeting.

**LAW OFFICES OF**  
**HOPKINS & HUEBNER, P.C.**  
Des Moines • Adel • Quad Cities

**Mediation and Arbitration Services**

Workers' Compensation  
E.J. Kelly  
Former Deputy Iowa Industrial Commissioner  
Valerie A. Landis  
Matthew A. Grotnes  
Jane V. Lorentzen  
M. Anne McAtee  
Quad Cities Office

Civil Litigation  
Jeff H. Jeffries

Family Law  
Karla J. Fultz

(515) 244-0111  
www.hhlawpc.com

Our offices are available with wi-fi, convenient free parking, and accommodations for large mediations.

The ISBA made court funding the number one priority of its 2017 legislative agenda. This session is nearing completion and it is imperative that you contact your lawmakers **immediately** and express support for a fully-funded judiciary.



## Spotlight on specialty courts

# Iowa's first young women's delinquency court

An interview with Judge Susan Cox



Judge Susan Cox

On March 1, 2016, Polk County District Associate Judge Susan Cox, Polk County Juvenile Court Officers Ashley Artzer and Lori Rinehart and Polk County Juvenile Court Services Central Intake Officer Danielle Masten, began a pilot young women's delinquency court in Iowa Judicial District 5C. Judge Cox recently shared these remarks with the proviso that the people who work together to create new, life-changing possibilities for young women in the juvenile justice system, even if they are

not all individually named in the context of this interview, be acknowledged for their support and contributions.

### What is young women's delinquency court?

Young women and young men typically commit different crimes, use substances for different reasons, process trauma differently and need different "kinds" of treatment. Juvenile justice system program models are shaped by the needs and experiences of adult male offenders. In 2002, the Juvenile Justice and Delinquency Prevention Act, initially established in 1974, was reauthorized. The Act requires states to implement gender-specific preventative plans to address the growing concern about addressing the needs of young women offenders earlier rather than later.

More specifically, there is growing, research-based evidence that female responsive practices that focus on trauma-informed, relational, strengths-based, culturally-competent approaches in juvenile courts work to reduce recidivism, risky behaviors and confinement. (See "She's Way Too Good to Lose": An Evaluation of Honolulu's Girls Court. Davidson, Janet T.; Pasko, Lisa; Chesney-Lind; Meda. *Women & Criminal Justice*, 21:308-327, 2011.)

### How did this first young women's delinquency court begin in Iowa?

This program began through Lori Rinehart's commitment and vision. Lori has been a community advocate for gender-specific programming for young women in our juvenile justice system for over 20 years and brings out the best in people. She urged our community members to consider the programs that are working across the country and move forward with creating a program here in Iowa that is similar to Hawaii's young women's delinquency court.

From July 2015 to February 2016, Lori, Ashley, Danielle and I went to 33 community organizations and leaders to make presentations. We learned about services that are available and needed in order to create a successful young women's delinquency court.

Our meeting with Iowa State Public Defender Adam Gregg was particularly important. From a policy perspective, we know that helping children earlier on saves money – meeting young women's needs in our juvenile justice system prevents ongoing delinquency, criminality and involvement in the court process. The State Public Defender created a contract position for and, at the conclusion of the application process for the position, appointed a dedicated child's attorney to work with the young women's delinquency court. We remain very thankful to the State Public Defender for his vision and commitment to children.

We started the Young Women's Delinquency Court, which we call Too Good to Lose (TGTL), by dividing the existing juvenile drug court in Polk County into two parts. Polk County District Associate Judge Colin Witt presides over delinquency matters that include young men and I preside over matters that include young women.

### What motivated you to want to help create system-level change for young women in Iowa's juvenile justice system?

I was a prosecutor for 18 years. Two separate experiences that motivated me involved two different young women that I worked with who were not successful in the community. I recommended that each of the two young women go to out-of-home placement. The young women went to placement and, much later after they were discharged, they each disclosed that they were survivors of childhood sexual abuse.

Our system failed them. We missed critical opportunities to find out what was really going on. While we did send them for substance abuse treatment, they also really needed help with having been raped as children. We never want that to happen again. We want young women in the juvenile justice system in our state, and everywhere, to get effective services that meet their needs.

## EXCELLENCE in Expert Litigation and Business Valuation (USPAP)

Contact Mike at [mmesch@tld-inc.com](mailto:mmesch@tld-inc.com).



**Terry Lockridge & Dunn**  
Accountants and Business Consultants

[www.tld-inc.com](http://www.tld-inc.com)

Cedar Rapids • 221 3rd Avenue, Suite 215 • 319.364.2945  
Iowa City • 2225 Mormon Trek Blvd. • 319.339.4884



**Mike Mesch**  
CPA/ABV, ASA, CFF  
Partner

## What is TGTL's mission and what are its goals?

TGTL's mission states: Young women will be safe, remain drug-free, become involved in education, give back to the community and heal. TGTL's goals include identifying each participant's individual needs and providing appropriate, female-responsive interventions that keep young women in the community. We do this by providing participants with services that include education and therapy groups, community service, substance abuse treatment and pro-social activities.

## How does the TGTL program work?

Our initial strategy is to build on specialty drug court concepts that have shown great success in Iowa and to expand on them over time.

Our TGTL team includes Assistant Polk County Attorney Annette Taylor, Child's Attorney Sharon Wegner, Polk County Juvenile Court Officers Lori Rinehart and Ashley Artzer, Judicial Assistant Ashley Vanscoy, Court Reporter Kathy Forbes and tracker Sarah McCarthy. The tracker, a team role that may not be as well-known, is provided through a contract with Children and Families of Iowa to support participant accountability and daily, positive contact that includes assistance with daily needs and overcoming barriers. Sarah is vital to ensuring that young women are receiving the services and community resources necessary to successfully progress through the TGTL program. We regularly collaborate with other professionals, including the schools and community-based services providers.

TGTL started with a cohort of five young women participants. On the first Wednesday of each month, the young women participate in formal delinquency court proceedings. I preside over the formal proceedings like adjudications or dispositions and also include opportunities to honor participants as they complete specific tasks that are required as they move through the four phases of the TGTL program. Also, I participate in at least one other activity with the young women each month which has included trauma-informed yoga, job interviewing tips and meeting our Lieutenant Governor Kim Reynolds. In our TGTL team meetings, we problem-solve, evaluate requests for new participants, focus on gender-specific training and review new literature on young women in the juvenile justice system.

## How does the TGTL program improve upon the current juvenile court process?

Typically, the response in juvenile court is

to place young offenders in detention for violations when their behavior does not change. There are numerous studies that talk about how detention may be more harmful for young people for three reasons in particular. First, many of our youth have mental health problems and may have experienced significant trauma. When we put them in a situation where they are confined, they can be terrified and their mental health suffers dramatically. Second, delinquency court is similar to the criminal court process and we may be effectively labeling our youths as criminals by placing them in detention. Third, detention is often used to "protect" young women and it is not female-responsive. Youth in detention facilities end up making friends that have even higher delinquency needs than they do and this can have lasting, negative consequences.

If we did not create this alternative in our community, in order for young women to have gender-specific services, we would have to send them seven hours away to a training school in Wisconsin. The TGTL program is a necessary placement alternative.

We are really trying to be creative in our approaches and look at different ways to have more meaningful interventions and reach participants in different ways. One of the alternatives that we implemented in the TGTL program is the "No Run Walk." If a TGTL participant goes on the run or if she violates the conditions of her house arrest, she is required to walk four miles, or two laps, around a local lake. The young woman chooses a TGTL team member to walk the four miles with her. On that first lap, she talks about why she ran or did not comply with expectations. On the second lap, she presents different alternatives to running that she could pursue in a similar situation in the future.

We know that the TGTL program is having a positive impact already. In only a year, 11 children have participated with a total juvenile court-related cost savings of more than \$56,000. In September 2016, we honored our first two graduates of the TGTL program. Iowa Judicial District 5C Chief Judge Arthur Gamble and Chief Juvenile Court Officer Chad Jensen attended the first graduation celebration. TGTL remains very thankful for their ongoing support and involvement. In a few weeks, we are looking forward to honoring our third TGTL graduate.

Our goal is to demonstrate that this process is replicable. The TGTL program is a wonderful example of the judicial system's ability to lead innovative programs by coordinating community resources and providing better services at a reduced cost.

**REAL ESTATE / PROBATE  
ATTORNEYS : BUY/SELL  
OPPORTUNITIES**



I have numerous contacts and inventory for lots & development ground for you or your clients in Central Iowa. Give me a call, let's talk. (515) 480-0712

2013, 2014, and 2015 Top Producer Development Land Sales, Iowa Realty Commercial  
[www.TheLotBook.com](http://www.TheLotBook.com)

**NATHAN DREW**  
A Broker Associate with Iowa Realty Commercial



The first graduates of Polk County's TGTL program (seated center). Pictured left to right: Sharon Wegner, Lori Rinehart, Sarah McCarthy, Chad Jensen, Destiny Shipp, Chief Judge Gamble, Dshalique Jackson, Annette Taylor, Ashley Artzer, Ashley VanScoy, Judge Susan Cox.

Tax tips just in time for Tax Day...

# How can you give more to your favorite charity? Consider gifts of stock!

By Gordon Fischer, JD, CAP® Gordon Fischer Law Firm, P.C.



## The story of Jill Donor

Imagine Iowa lawyer, Jill Donor, wanting to help her favorite nonprofit. Her favorite nonprofit might be her church, her alma mater, her children's school, a social welfare agency or any other number of worthy charities. When asked for a charitable gift, Donor agrees – and she reaches for her checkbook, or goes online to donate with a debit/credit card.

It's noble for Donor to give. However, consider this question – should Donor give cash? Or, does Donor own other assets which might be more tax-savvy? Can Donor be even more generous in support of her favorite causes, while lowering her out-of-pocket costs for charitable gifts?

## Appreciated, long-term, publicly-traded stock

For both Iowa lawyers and their clients, the ideal assets for charitable donations will depend on a whole range of factors. But, when donating to charity, one type of asset to seriously consider is appreciated, long-

term, publicly traded stock. Before we list the benefits of gifting this asset, let's quickly break down the terms.

## What are we talking about?

- *Appreciated* simply means increased in value.
- *Long-term* means stock held for more than one year (e.g., 366 days). A long-term capital asset is generally taxed at a lower rate.
- *Publicly-traded stock* means a publicly-held company whose ownership is dispersed among the public through many shares of stock that are freely traded on a stock exchange or in over-the-counter markets.

## Benefits of gifting appreciated, long-term, publicly-traded stock

Let's discuss the benefits of charitable gifts of appreciated, long-term, publicly-traded stock. There are four major benefits:



**SMART FOR YOUR CLIENTS**  
*Good for Your Community*

**ENDOW IOWA TAX CREDIT PROGRAM**

*Your local community foundation can help your clients support the causes they care about. Charitable donations may qualify for the Endow Iowa 25% state of Iowa tax credit — letting your clients give for less. To learn more visit:*

 IOWA COMMUNITY FOUNDATIONS | [IowaCommunityFoundations.org](http://IowaCommunityFoundations.org)

**1-2. Double federal tax benefit**

Under federal tax law, charitable gifts of appreciated, long-term, publicly-traded stock can have a double benefit. First, you can take an income tax charitable deduction. Second, such a gift allows you to avoid paying capital gains tax (tax you would have paid had you sold rather than gifted the stock).

Let's look at a concrete example to make this clearer. Assume Jill Donor owns stock with a fair market value of \$100,000. Further assume the stock was originally purchased at \$20,000 (basis), Donor's income tax rate is 39.6 percent and her capital gains tax rate is 20 percent.

Donating cash versus donating appreciated, long-term, publicly-traded stock	Donating cash proceeds after sale of stock	Donating stock directly
Value of gift	\$100,000	\$100,000
Federal income tax charitable deduction	\$39,600	\$39,600
Federal capital gains tax savings	\$0	\$16,000
<b>Out-of-pocket cost of gift</b>	<b>\$60,400</b>	<b>\$44,400</b>

*NOTE: This table is for example purposes only. Only your own personal professional advisor can advise on these matters in relation to your situation.*

Again, when compared to a cash gift, gifts of stock can be doubly beneficial. Donor can receive a federal income tax charitable deduction equal to the fair market value of the asset. Donor can also avoid capital gains tax.

**3. Stock may also be eligible for Endow Iowa Tax Credit**

Iowa law provides a third tax benefit. Under the Endow Iowa Tax Credit program, eligible donations may receive a state tax credit of 25 percent of the value of the gift. This is a major incentive for Iowa charitable donations. To qualify for Endow Iowa, there are three requirements:

- a. The gift must be given to, or received by, a qualified Iowa community foundation.
- b. The gift must be made to an Iowa charity.

- c. The gift must be endowed, that is, a permanent gift. Under Endow Iowa, no more than 5 percent of the gift can be granted each year. The rest is held by, and invested by, the community foundation.

Let's look again at the case of Jill Donor, who is donating stock per the table and assumptions above. If Donor makes an Endow Iowa qualifying gift, the tax savings are very dramatic:

Triple tax benefit of donating appreciated, long-term, publicly-traded stock	
Value of gift	\$100,000
Federal income tax charitable deduction	\$39,600
Federal capital gains tax savings	\$16,000
Endow Iowa Tax Credit	\$25,000
<b>Out-of-pocket cost of gift</b>	<b>\$19,400</b>

*NOTE: This table is for example purposes only. Only your own personal professional advisor can advise on these matters in relation to your situation.*

Note well Donor's significant tax savings. In this scenario, by making a charitable gift of stock, Donor receives \$39,600 as a federal charitable deduction, avoids \$16,000 of capital gains taxes and gains an Iowa tax credit of \$25,000, for a total tax savings of \$80,600. Put another way, Donor made a gift of \$100,000 to her favorite charity, but the out-of-pocket cost of the gift to her was less than \$20,000

**4. Yet another benefit: Relaxed substantiation rules**

There is even a fourth benefit to charitable gifts of publicly-traded stock. The substantiation rules for gifts of stock are more relaxed than for gifts of other types of donated property. Gifts of publicly-traded stock do not require an appraisal to document value. This is important, as non-cash gifts of more than \$5,000, to qualify for a federal income tax charitable deduction, generally require a qualified appraisal by a qualified appraiser, which can be quite complicated and cumbersome.

**Important note on "value" for you and your clients**

The value of charitable gifts of publicly-traded stock is based on a simple calculation: the arithmetic mean of the highest and lowest selling prices on the date of the gift.

**Resources include your local community foundation**

Are you, or your client, interested in making a charitable gift of stock, or another non-cash asset? Let me highlight two resources. I'm always interested in helping donors and donees, so please reach out to me anytime. Another valuable resource is your local community foundation (go to [iowacommunityfoundations.org](http://iowacommunityfoundations.org)), which often is experienced in handling a wide variety of assets for charitable gifts.

The mission of Gordon Fischer Law Firm, P.C. is to promote and maximize charitable giving in Iowa. To achieve this mission, Gordon does estate planning for individuals, families, and businesses, and helps nonprofits with their legal needs. His email is [gordon@gordonfischerlawfirm.com](mailto:gordon@gordonfischerlawfirm.com).

**WHAT'S IT WORTH?**  
**IT DEPENDS ON WHO IS SELLING IT**  
**DreamDirt.com**  
**Don't let your clients risk average results**  
**LAND BROKERS | AUCTIONEERS | APPRAISERS**

Jason Smith, CAI  
 Phone (855)376-3478  
 Jason@DreamDirt.com  
 Licensed in IA, NE, MO, ND

*DreamDirt Farm & Ranch Real Estate, LLC 101 S. Noyes St • Mondamin, IA • 51557*



# Understanding the Chinese Judicial System

By Jinying Zhan, Iowa Foreign Legal Consultant



I have had many nice conversations with people in Iowa as my practice has developed here. One conversation last year stands out. A gentleman asked whether there were intellectual

property right (IPR) laws in China and, if so, how they compared with U.S. laws. His impression was that U.S. products have never been safe in China.

At first, I wondered how that question came to be. If China does not have IPR laws, how could he ever be comfortable to sell his products in China? But I answered that China was a member of the World Intellectual Property Organization and Chinese IPR laws had no less protection than any other countries, and, for years, the Chinese government has put forth a lot of effort to fight IPR infringement. Regardless of whether my answer had given him comfort, the reality is there are always differences no matter which country's legal system is being compared. The difference comes from the history, culture, populous structure, education, development level and ideology.

I have travelled around the world often and have met many people who have questions about China. In this article, I concentrate on the Chinese Judicial System to explain some key facts that make it somewhat unique in the world.

## The role of the Communist Party in the judiciary

The institutional setting of China's judicial system is not much different than in other countries. China has its courts, procuracy (like the Attorney General's Office), police and other judicial branches for specific functions. But a major difference is that the Communist Party plays a control role in each branch. One key fact is that the head of each judicial branch must be a member of the Communist Party.

In addition, the Political and Legal Committee (PLC), an agency of the Communist

Party, plays a very important role in making sure the Communist Party's interests are protected. Mostly, PLC's function is its leadership efforts in criminal justice, social order and some political events. Rarely does PLC get involved in civil cases (labor dispute issues may be an exception). In 2014, a judicial rule proclaimed that PLC would not touch individual cases anymore, except for those "related to diplomatic or national security matters." But the leadership of PLC in judicial branches has never weakened.

## How court decisions are made

Unlike the Western way where each judge makes his or her own decision, Chinese judges typically make their decisions in a collective way. Some examples: In the summary procedure, the judge in charge has to submit his draft to the court division director for final approval; the bench in ordinary procedure has to submit the draft for a supervisor's final approval; and if the opinion has controversial views, the case would be decided by judicial committee.

Arguably, this process is to promote consistency and quality control as a "tradition of court governance." But, in recent years, there have been increasing calls to release more authority to the judge and the bench.

## How "guanxi" impacts court decision-making

"Guanxi" is a Chinese word for "network." Westerners may associate "guanxi" with "kickbacks" or "pay for play," but it has broader meaning in Chinese business

culture, not necessarily associated with "under-the-table transactions." People might be curious whether "guanxi" could be used in the court decision-making process. Based on my own experience, the answer is yes and no.

The "yes" is because many litigators might still try to use "guanxi" to influence a judge's decision and sometimes "guanxi" is used to break bureaucracy. But the "no" is that the use of "guanxi" has become more difficult (and subtler) because of the judicial reform and anti-corruption movement. But no matter how many measures are taken to reshape the Chinese judicial system, "guanxi" is still part of the tradition and culture. This seems to happen more in remote, poorer regions than in well-developed cities.

## Judicial reform efforts

China's legal system was based on an imperial tradition for about 2,000 years, until 1912 when the Chinese Nationalist Party overthrew the Qing Dynasty and established a government based on Western tradition. However, the Communist Party abandoned it soon after the Nationalist Party was overthrown in 1949.

The Communist regime attempted to establish a new legal system based on socialism, borrowing ideas from the Soviet Union. However, the experiment was very preliminary and later destroyed due to internal class struggles. In 1978, China started focusing on re-establishing social order and developing an economy, which



## HANSEN, MCCLINTOCK & RILEY LAWYERS

*All Types Civil Litigation  
Mediation & Arbitration Services, including  
commercial and employment disputes*

**Chester C. "Trip" Woodburn, III**

Fifth floor, U.S. Bank Building

520 Walnut Street

Des Moines, Iowa 50309

515-244-2141

515-244-2931 (Fax)

hmrlawfirm.com

meant the legal education and judicial system were going to need to be rebuilt.

From 1978 until 1988, the judicial system was still profiled as an apparatus for China's class struggles. Criminal prosecution was the dominant function. But as the economy developed, the function of the judicial system became more emphasized on justice, fair procedure and fair protection based on rule of law. In 2000, the court abandoned its "Mao" uniforms, and replaced them with Western-type judicial cloaks or robes, which symbolized the functional adjustment from governmental apparatus to independent judicial function.

Since 2001, after China's entry into the World Trade Organization (WTO), judicial reform has been emphasizing how to narrow the gap between the Chinese and Western judicial systems. In 2012, China's State Council released a white paper for Chinese Judicial Reform. It pledged to:

- 1) improve social fairness and justice;
- 2) strengthen human rights protections;
- 3) improve judicial capacity; and
- 4) facilitate justice accessibility for people.

The Chinese Supreme Court released its own Judicial Reform White Paper in 2016 which emphasized the

importance of rule of law, transparency and fair procedure in the judiciary.

Together with the improvement of legal education, judicial reform has been leading the Chinese judicial system toward a more progressive direction.

### The legal profession

The Chinese legal profession includes judges, prosecutors, police officers and lawyers. Judges and prosecutors have always been part of the governmental staff (public servants). In the past, judges or prosecutors were recruited as military veterans with little formal legal education or training. Since the 1990s, however, it has become very difficult to get a judicial job without a law degree.

In addition to the law degree requirement, a candidate must first take the National Public Servant Qualification Exam (NPSQE). If a candidate passes the NPSQE, they take the National Uniformed Judicial Exam (NUJE). It is said to be the most difficult exam in China, with a typical pass rate of less than 20 percent. After this, the candidate is qualified to be "promoted" to assistant judge or assistant prosecutor, then judge or prosecutor. Judges and prosecutors must be appointed by

local legislators. Through this process, the selection has become extremely strict in the sense of qualification and experience.

Police officers are recruited from the military, graduates from criminal justice programs, as well as from four-year-bachelor degree or higher programs. A law degree is not required, but preferred based on today's standards. Police officer candidates must also pass NPSQE.

Lawyers occupy the largest population in the legal profession in China. To be qualified to take NUJE, the minimum requirement is a two-year law degree or four-year bachelor degree. After passing NUJE, the candidate must finish a one-year internship program before becoming licensed to practice. In 1980, there were 212 lawyers in China. Today, the number of licensed lawyers is more than 300,000 and the number of law firms is about 25,000. This is in a population of 1.3 billion people.

### In conclusion: How to think about the Chinese judicial system

I have discussed the judicial reforms with my colleagues who are still working for the court in China and was told uniformly that they would not change the essence of the Chinese judicial system. My conclusion is that China's judicial reform is being made in a methodical manner. China would not change its tradition or regime completely, but is trying to turn the judicial system in a positive direction, internally, not externally. To see a better Chinese judicial system, we need to see better quality legal professionals, because better professionals expect a better system and will work in that direction. In 15 years, I expect to see my older Chinese colleagues retired, leaving only highly-trained law graduates in the court system.

In the meantime, don't assume the judicial system in China mirrors the U.S. China has been borrowing from the West, but consistency with Communist Party priorities do still exist.

### Need Business Valuations and Litigation Support?

Over 30 years of experience in litigation support, forensics and business valuations.

Cyril Ann Mandelbaum

CPA/ABV/CFF, ASA.\*

\*Accredited in Business Valuation by the AICPA; Certified in Financial Forensics by the AICPA; Accredited Senior Appraiser by the American Society of Appraisers.

When credentials count.

Cyril Ann Mandelbaum, CPA

4500 Westown Parkway, Suite 125  
West Des Moines, Iowa 50266  
Phone: 515.222.6203  
E-mail: cyril@cyrilmandelbaum.com

### MANAGE EXCHANGE AND PROFESSIONAL RISK WITH THE MIDWEST'S PREMIER EXCHANGE RESOURCE



QUALIFIED INTERMEDIARY SERVICES

IPE 1031

6150 VILLAGE VIEW DRIVE • SUITE 113  
WEST DES MOINES, IA 50266  
515.279.1111 • 888.226.0400

FAX 515.279.8788

WWW.IPE1031.COM  
INFO@IPE1031.COM



1031 EXCHANGE

Zhan Law Office, P.C. in Clive was founded by Jinying Zhan (Nick). Nick is a licensed attorney in China and has been recognized by the State of Iowa Supreme Court to practice Chinese law as a Foreign Legal Consultant. He was formerly a district judge in Xiamen City, Fujian Province and later moved to Guangzhou to start private practice. He has worked in the United States since 2010.



# Observations on the education of a Chinese attorney

By James Sheets, Chair of International Law section



The rise of China as a U.S. trading partner and global power opens the door for many Iowa businesses. Iowa agricultural exports are popular in this global giant. Cash-heavy Chinese business persons

have also found Iowa an attractive location for their investments. These developments, in turn, have brought local U.S. attorneys into working-contact with their Chinese counterparts. Due diligence of opposing counsel is always a best – if not necessary practice. Consistent with this, my recent travel to China at the University of Jinan College of Law provided a unique opportunity to better understand the education of the Chinese lawyer and experience first-hand the Chinese legal culture.

I arrived in Jinan China at the start of the fall semester in 2015. My arrival into China was assisted and welcomed by Shiling Yang, the Dean of the College of Law at the University of Jinan. Dean Yang had only one year earlier attended the University of Iowa while on sabbatical leave, receiving his LL.M. degree at Iowa in 2014. It quickly became clear to me how formative his time at Iowa was to him and the life-changing impact it had on his own commitment to improve the rule of law as a value to be communicated to his students.

It was immediately apparent there was something very culturally different about legal education in China. As Dean Yang explained it, China had only recently embraced the need to modernize and internationalize legal education. Some of this was obvious in that the 1990s saw a great transition in Chinese law whereby large sections were modernized, providing for a new contract, investment and commercial legal system. Indeed, today the law in China is in a constant state of revision with legislative updates being added on an almost per-annum basis. This makes for a legal code constantly in flux, ever-expanding so as to accommodate global growth. The law classroom in China also projected this global perspective by recruiting students

from all over the world, including Africa and Southeast Asia, to ensure the presence of Chinese-educated attorneys in these new market areas.

Chinese students were enthusiastic about the prospect of studying law, in part because law is an upcoming profession in China and one which bestows a white-collar standing previously unknown in China. Almost all Chinese students are first-generation college attendees. Just two generations ago, there were few Chinese attorneys and these were concentrated in criminal law. Their function was really more of a pleading-drafter for the doomed defendant. In these respects, most Chinese attorneys are entering the profession without the benefit of an experienced mentor or established legal profession.

After getting to know the students in the classroom, a few points about legal education in China became apparent. First, most Chinese law schools can be regarded

as “start-up” operations, and in a state of relative infancy compared with their Western counterparts. Universities prior to the 1980s were few and far between, and it was only when China embraced the need to modernize did it also begin to build a university system. From the education perspective, this is significant. Chinese law students are usually not subject to an honor code. In addition, students as well as faculty cannot rely upon a long-received standard of peer review, either in the development of research or university governance. This can result in the improper use of influence and the pedaling of favors in the handling of student affairs.

Second, the study of law in China is taught at the undergraduate level; the law degree is a four-year degree ending in an LL.B. (Bachelors in the Letters of Law). The law classroom in China is thus open to all eligible undergraduate enrollees, many of whom may have a general interest in law,

www.gislason.com

## Congratulations to our new partner.

### David W. Nelmark



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

To make a referral or discuss partnering on a matter, please email [dnelmark@gislason.com](mailto:dnelmark@gislason.com) or call David at 515-244-6199.

Des Moines, IA  
515-244-6199

**GISLASON & HUNTER** LLP  
ATTORNEYS AT LAW



Iowa attorney James Sheets (center) seated next to Dean Shiling Yang and some of the students of the College of Law at the University of Jinan in China.

but no prior real knowledge or work experience with the law. The learning baseline in China is more open-ended and diverse than in the U.S. in that there is no pre-vetting entrance or law exam testing process. Thus, there exists dramatic performance differences between Chinese law students.

Third, the use of law to manage conflict and to make decisions is also relatively new in China. China has for centuries

governed itself not by formal law, but by customary practice and family traditions. Referring disputes to an external and transparent decision-making authority is still a novel process. The professional regulation of attorneys in China, for example, is still in a state of infancy. Chinese attorneys are not subject to any attorney-client rules and there is not independent standing of the Chinese capable of resisting a government order.

Finally, and perhaps most significant, is the practice of rote learning that has prevailed in China to this day. Chinese culture has, since the days of Confucius, been organized around the family, with Confucius – and then Mao – as the great teachers. Education was largely informal and focused upon the mastery of given rules and precepts. The masterly acquisition of these rules was deemed the highest learning goal.

The Western tradition of Socratic inquiry as applied to the Langdell case method, in which legal facts and rules are scrutinized for their assumptions and contradictions, is not endemic to

the Chinese learning style. At the practical level, this acts as a restraint to the level of inquiry and intellectual curiosity. I was often struck by the reaction of students who frequently interpreted open-ended discussion questions to the class as a form of impertinence to my own position as a teacher of law. Chinese law students expect that the teacher possess an absolute grand and Confucius-like mastery of all things legal and otherwise – an expectation which is counterproductive to the task of teaching law as an analytical process. Alternatively, I was cautioned by students for simply raising legal questions germane to the current Chinese legal landscape, for example China's compliance with the WTO standard against currency manipulation. As an outcome, this produces an attorney who is not assertive in his or her challenges to the law, or in using zealous advocacy before the court. Deference to a learned Confucius-figure in the classroom can produce a similar fawning deference to a judicial figure in the courtroom

A country which seeks to embrace the rule of law as a value must have an independent and assertive attorney profession. Chinese attorneys have certainly made significant advances; yet in order for China to assume global leadership that is competitive with its Western counterparts, it will need to focus and develop an educational process, as well as an attorney art of advocacy, which is not by intellectual habit deferential to the established order.

James Sheets received his J.D. from the University of Iowa and has a M.A. in education from the University of St. Thomas and a Ph.D. in the social sciences from the University of Rochester (NY). He is chair of the ISBA International Law Section and is an associate attorney at McEnroe, Gotsdiner, Brewer, Steinbach, and Rothman, P. C., West Des Moines.

**ISBA INSURANCE PROGRAM**

**We're the only Professional Liability Insurance Program Endorsed by the ISBA.**

**Plus, we offer free access to a risk control hotline if you're insured through our program.**

Our CNA Lawyers Professional Liability Risk Control Hotline is staffed by CNA attorneys experienced in legal ethics and law practice management. The hotline provides a resource for discussing risk control problems and questions that can arise in the day-to-day practice of law. Call 1-866-CNA-0034 (866-262-0034).

**Request a quote online today!** **(800) 679.7154**  
**www.iowabar.org**  
 in the Member Benefits section

Program administered by Lockton Affinity, LLC. One or more of the CNA companies provide the products and/or services described. The information is intended to present a general overview for illustrative purposes only. It is not intended to constitute a binding contract. Please remember that only the relevant insurance policy can provide the actual terms, coverages, amounts, conditions and exclusions for an insured. CNA is a registered trademark of CNA Financial Corporation. Copyright © 2014 CNA. All rights reserved.



# Board of Governors Spring Quarterly Meeting – ISBA BOG nominates new officers at quarterly meeting, acts on bills of interest

During the spring ISBA Board of Governors quarterly meeting in Des Moines, the BOG approved nominations of new 2017-2018 ISBA officers, acted on bills of interest during the 2017 legislative session and prepared to act on additional key issues impacting Iowa attorneys.

## Actions

*Action taken on bills of interest to the ISBA during the 2017 Legislative Session:*

- Approved support for HF530 Seatbelt Damages provided it does not bar recovery to plaintiffs and is within the ISBA Legislative Counsel's authorization to negotiate details.
- Approved registering as opposed to HF517 Firearms.

*Additional actions taken by the Board of Governors:*

- Approved the ISBA Real Estate Section and Legal Forms Committee's recommended updates to forms 375, Notice to Quit, and 366, Notice of Termination of Tenancy.
- Approved the ISBA Legal Forms Committee's recommendation to approve new form, 134, Farm Lease – Fixed Cash Rent.
- Declined to authorize making form 369, Power of Attorney RE: Temporary Delegation of Custody and ISBA legal form number 370, Power of Attorney for Medical Services: Delegation of Authority, available for public use via the ISBA website based on the ISBA Family Law Section's recommendation.
- Approved the nomination of new 2017-2018 ISBA officers, Tom Levis – President-Elect, Bill Boyd – Vice-President, and ABA Delegate candidate, Jane Lorentzen.
- Approved that the name of the ISBA Access to Justice Committee be changed to ISBA Legal Access Committee.
- Authorized ISBA staff to offer free attendance to the 2017 ISBA Annual Meeting for ISBA members with fewer than five years of practice.
- Approved the launch of Iowa Free Legal Answers via the ISBA's Find-A-Lawyer website. Volunteer attorney registration is forthcoming and to be followed by public access for use by qualifying pro bono clients.



The Senate and House Judiciary Chairs Sen. Brad Zaun (R-Urbandale) and Rep. Chip Baltimore (R-Boone) addressed the Board of Governors regarding legislation of priority to the ISBA.

- Approved a resolution supporting funding for the Legal Services Corporation, the largest funding source for civil legal services for Iowa Legal Aid.

## Reports

**President's report** – *President Skip Kenyon*

ISBA President Kenyon updated governors on his contacts since the December Quarterly Meeting. Kenyon welcomed guest speakers and Judiciary Committee Chairs Senator Brad Zaun and Iowa Representative Chip Baltimore. He also helped to facilitate discussion and action on legislative issues pertaining to adequate funding for Iowa courts and additional challenges during the legislative session.

**Legislative counsel's report** – *ISBA Legislative Counsel Jim Carney, ISBA Assistant Legislative Counsel Doug Struyk and Shannon Henson*

ISBA Legislative Counsel Jim Carney and ISBA Assistant Legislative Counsel Shannon Henson provided the BOG with a status report including the following:

- The 2017 Affirmative Legislative Program;
- Iowa State budget update;
- Judicial Branch Budget;
- Indigent defense funding;
- Legal Services funding;
- More than 20 other bills of interest to the ISBA.

Carney and Henson advised the governors of the status of each bill on the ISBA 2017 Affirmative Legislative Agenda. A complete list of the affirmative legislation bills and the status of each bill is available on page 19. In addition, they reported that an additional \$131 million is needed to balance the state budget for FY 2017 beyond the \$118 million that the Iowa

View your professional listing at  
[www.LegalDirectories.com](http://www.LegalDirectories.com)

“The Legal Search Engine”



Advertise your business  
Professional Profile Listings Available  
Link to your website from LegalDirectories.com

Marketing Solutions that boost your online visibility and attract clients.

**Legal Directories Publishing Co**

**PO Box 495069 Garland - TX 75049 - 800.447.5375 ext 116**

Governor and legislature de-appropriated. Carney and Henson further explained that difficult decisions will need to be made regarding the means by which the Economic Emergency Fund will be repaid over time while maintaining de-appropriation cuts and priority spending.

The ISBA Legislative Counsel urged governors and members to oppose any legislation with language that provides monetary caps on non-economic damages. In particular, two medical malpractice bills, SF465 and companion bill HF487, are now with the Iowa House and may be considered for vote at any time. SF465 provides for monetary caps on non-economic damages in the sum of \$250,000.

#### **Dialogue with Iowa Supreme Court – Chief Justice Mark Cady**

Chief Justice Cady provided an overview of the many efforts that are underway to support full funding for Iowa's Judicial Branch. Cady expressed his gratitude to the governors and to the ISBA at large for its ongoing efforts to support judicial branch funding for the upcoming fiscal year.

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

ISBA Ad Hoc Strategic Planning Committee Chair Bill Boyd provided governors a review of the committee's work to date.

Boyd summarized findings from subsequent meetings that the committee conducted with key representatives of important ISBA constituent groups such as YLD members, corporate counsel, government attorneys, the judiciary and solo and small firm practitioners. At the meetings, the committee members and participants discussed what they view as important to them as members, what they would like the ISBA to do that it is not already doing and what the ISBA is doing that may not necessarily be helpful.

Prevailing themes that arose from the meetings include the need for engagement of new members with other members and

that access to practice tools and CLEs are of significant benefit. Based on the input it received, the committee prepared a draft mission and vision statement for the governor's consideration and discussion. Once the draft is reviewed and approved by the ISBA BOG, it is anticipated that the mission and vision statements will be used to identify goals and priorities for ISBA activities.

#### **ABA Free Legal Answers website discussion – ISBA Vice-President Steve Eckley**

ISBA Vice-President Steve Eckley led a discussion about ABA Free Legal Answers, a national project that aims to utilize technology and volunteer attorneys to assist people experiencing access barriers to legal services. Governors approved the activation of Iowa Free Legal Answers via the ISBA Find-A-Lawyer website for volunteer attorney registration and training followed by a launch to the public for qualifying, pro bono client use.

#### **YLD President's report – YLD President Reed McManigal and YLD Secretary Margret White**

YLD President Reed McManigal introduced YLD Secretary Maggie White who reported that the online tool where YLD members can anonymously post questions and receive answers will be activated at the end of the month.

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

ISBA Executive Director Dinkla stated that a small delegation from the ISBA will go to Washington, D.C. for ABA Day in April. The first legislative priority of the ISBA delegates will be to speak with the Iowa congressional delegation about funding for the Legal Services Corporation. Governors and members in attendance were invited to sign a petition that will be presented to elected officials in support of the funding. ISBA members may also sign the petition electronically.

Dinkla thanked the Legislative Services Agency for providing the ISBA with more than 50 copies of its new two-volume publication of the Iowa Court Rules. The two volume set of Iowa Court Rules sells for \$50. He also noted that the Newly-Admitted Attorney Swearing-In Ceremony on April 6 will take place in the afternoon and be immediately followed by a reception at The Iowa State Bar Association.

ISBA Ways & Means Committee Chair Eric Turner provided governors with an overview of ISBA financial statements. The change in membership demographics continues to be studied, including smaller law school graduating classes and increased attorney retirement. ISBA Assistant Executive Director Harry Shipley answered questions regarding projected lower membership numbers. Turner stated that discussion regarding potential solutions is ongoing, especially within the ISBA Ways and Means and Administrative Committees. Expense items on the financial statements include the HotDocs® contract renewal increase. A net income increase can be attributed in large part to investment income.

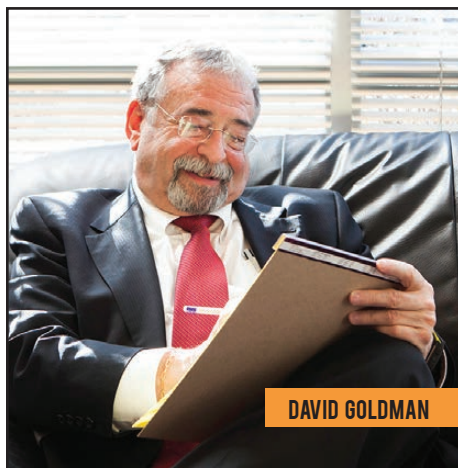
The ISBA Ways & Means Committee was tasked with reviewing section dues, currently \$15 per section.

Turner highlighted details from a national survey conducted across state bar associations and reported that the ISBA section dues are below the national average. He went on to explain that the committee will discuss a proposed \$10 increase in section dues with section chairs and report back to the governors.

#### **University of Iowa College of Law report – Dean Gail Agrawal**

Dean Gail Agrawal reported that the University of Iowa College of Law's anticipated incoming class for the next academic year is approximately 140 students. She noted that the school is experiencing a rebound in the number of applications submitted. However, there is still a decline in the number of applications submitted by about one percent nationally.

Agrawal said that five new law faculty members will join the law school in the fall. She went on to update the governors on future lectures and events including a University of Iowa College of Law Foundation celebration of the successful completion of the capital campaign, April 7. Agrawal highlighted faculty and student accomplishments and mentioned recent, favorable law school national rankings. She reported that The University of Iowa College of Law currently has the lowest tuition of the top 20 U.S. News and World Report – ranked law schools.



DAVID GOLDMAN

Conducting Mediations  
Of Civil Matters Including  
Employment Law And  
Civil Rights Disputes.



DAVID GOLDMAN

Phone: 515.309.6850

Email: [dgoldman@babichgoldman.com](mailto:dgoldman@babichgoldman.com)

References Available On Request

# IOWA STATE BAR ASSOCIATION — 2017 Affirmative Legislative Program

Bill No./Subject	Description	Status
<b>SF 221/HF62</b> Benefit Corporations	Amends IA Business Corporation Act (Chapter 490) to authorize formation of "Benefit Corporations", which are formed not only for the purpose of shareholder profitability but also for a social purpose or public benefit.	Will not advance this session.
<b>HF 252</b> Calculation of Probate Court Costs	Relates to how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court costs property over which the court lacks probate jurisdiction and for which the clerk renders no services. Specifies that for purposes of calculating the costs for other services performed by the court in the settlement of the estate of any decedent, minor, person with mental illness, or other persons laboring under legal disability, the value of such a person's personal property and real estate is equal to the gross assets of the estate listed in the probate inventory minus, unless the proceeds of the gross assets are payable to the estate, joint tenancy property, transfers made during such person's lifetime such as to a revocable trust, and assets payable to beneficiaries.	Passed Ways and Means subcommittee meeting 3/27/17.
<b>SF 333</b> Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA)	Adopted by the Uniform Law Commissioners in July 2014, the Act ensures that legally appointed fiduciaries can access, delete, preserve, and pass along a person's digital assets (i.e., documents, photographs, e-mail, and social media accounts) as appropriate.	Passed Senate 49-0 3/13/17. Passed House Subcommittee 3/20/17. Passed House Judiciary Committee 3/30/17.
<b>Probate 3</b> Iowa Department of Revenue Inheritance Tax Withholding	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.	Will not advance this session.
<b>HF 135</b> Waiver of Spousal Share	Amends the Iowa Uniform Power of Attorney Act by adding a new subsection (10) to 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 Gen. Powers under the real property section 204 to 633B.	Passed out of House Judiciary Committee 1/30/17.
<b>HF 183</b> Emergency Orders – Clarification of the Priority of Notice	Amends Iowa Code section 235B.19(3)(a) regarding notice requirements where an emergency order has been issued for protective services. The proposed amendment would clarify the priority of notice in such situations.	Passed House 98-0 2/14/17. Passed Senate Judiciary Committee 3/14/17.
<b>HF 184</b> Information to File a Small Probate Estate	The Petition to open a small probate estate (less than \$100,000) currently requires more information under section 635.2 than is required for a Petition to open a regular estate (above \$100,000). This legislation amends section 635.2 to keep the Petition information requirements for small estates consistent with those of a regular estate.	Passed House 98-0 2/14/17. Passed out of Senate Judiciary Committee 3/28/17.
<b>HF 195</b> Requests for Notice	Amends Iowa Code section 633.42 to allow for electronic notice to be provided in response to a request for notice filed and clarifies that no standing is granted.	Passed House 98-0 2/14/17. Passed out of Senate Judiciary Committee 3/29/17.
<b>HF 371</b> Attorney Fees and Court Costs in Action to Quiet Title After Request for a Quitclaim Deed.	Updates Code Section 649.5, which relates to attorney fees and court costs for a party who succeeds in an action to quiet title and who requested a quitclaim deed from the party holding an apparent adverse interest prior to bringing the action to quiet title. Brings the dollar amounts closer to current market rates and maintains the moving party's ability to request attorney fees.	Passed House 95-0 3/7/17. Passed out of Senate Judiciary Committee.
<b>HSB 63</b> Forcible Entry & Detainer Actions After Forfeiture of Real Estate Contracts	Makes changes to procedures for eviction after forfeiture of a real estate contract. Grants statutory authority under Code Chapter 648 for a vendor in a real estate installment contract to seek Forcible Entry & Detainer action against holdover vendee who fails to vacate after forfeiture proceedings are complete, while affording holdover vendees proper due process. Allows small claims magistrates to hold preliminary hearings in forfeiture cases and to enter judgments of removal only if the defendant defaults or appears and does not raise facts which would constitute a defense to eviction.	Will not advance this session.
<b>Real Estate 3</b> Redemption from Tax Sale of Property Owned by Persons with Disabilities	Remedies issues arising from Iowa Court of Appeals decision <i>Firestone v. FT13</i> (Filed 4-30-14) relating to redemption issues arising from ownership of property by minors or persons of unsound mind.	Will not advance this session.
<b>Real Estate 4</b> Requirements for Timely Filing of Releases or Satisfaction of Mortgages	Remedies ambiguities and inconsistencies in existing statutes & provides remedies for failure of mortgagees to issue releases of mortgages.	Will not advance this session.
<b>HF 133</b> Clarification of Roles in Child Representation	Amends Code Section 598.12 to clarify roles of child's attorney, guardian ad litem, and custody investigator. Existing 598.12 provisions for child representation are not compliant with ABA standards for child representation.	Passed House 98-0 2/14/17. Passed Senate Committee 3/14/17.
<b>SSB 1102</b> 90-Day Waiting Period in Dissolutions Involving Collaborative Law	Amends Code Section 589.19 to add that a court may grant a divorce 90 days after the parties execute an agreement to participate in collaborative law. Currently, 589.19 requires a 90-day waiting period from the time of service of an original notice or acceptance of service is filed with the court before the court can grant a decree dissolving a marriage. Parties participating in collaborative divorce often do not file a petition or execute an acceptance of service until a final agreement has been reached.	Pulled for further work.
<b>HF 253</b> Updates to Chapter 600B – Children in the Middle & Attorney's Fees in Contempt Cases Uniformity	A recent appellate court decision determined that the trial court could not award attorney fees in a contempt action pertaining to a chapter 600B contempt, but it would be allowed if the parties had been divorced under chapter 598. The legislation adds attorney fees to actions for contempt under chapter 600B. The other bill requires parents who were never married to each other but are involved in a child custody lawsuit to take the children in the middle class.	Passed House Floor vote 99-0 2/23/17. Passed Senate Judiciary Committee 3/14/17.

Updated 3/30/17

**In addition to these legislative proposals, the Iowa State Bar Association supports the following positions as a part of its 2017 Affirmative Legislative Program:**

- Full funding of indigent defense and adoption of legislation providing for an automatic, periodic increase in indigent defense fees.
- Full funding of the Judicial Branch.
- Full funding for Legal Services.
- Funding for the IA Secretary of State's Office to include the creation of a revolving fund provided that the ISOS fees are increased to hold the general fund harmless.
- Full funding for the Office of Substitute Decision Maker to protect the interests of lowans who have no one else to manage their financial and health care needs.
- Child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.
- Opposition to the legalization of title insurance.  
Will monitor issues regarding lawyer abstracting under Iowa Title Guaranty.
- Opposition to absolute immunity legislation.

## BREAKFAST WITH THE BAR



The Board of Governors hosted Iowa lawmakers for breakfast on Wednesday, March 22, 2017 at the ISBA headquarters in Des Moines.



Iowa Supreme Court Chief Justice Mark Cady speaks with Rep. Stan Gustafson (R-Cumming).



ISBA 5C Governor Judge Dawn Boucher speaks with Sen. Charles Schneider (R-West Des Moines).



Pictured left to right: ISBA Assistant Legislative Counsel Doug Struyk, Executive Director Dwight Dinkla, Rep. Bruce Hunter (D-Des Moines) and ISBA President Skip Kenyon.

## Business Valuations & Litigation Support



**BCC  
ADVISERS**

1707 High Street | Des Moines, IA 50309  
515.282.8019 | www.bccadvisers.com



**Al Ryerson**  
CPA/ABV, CFF, ASA



**Greg Weber**  
CPA/ABV, ASA



**Jim Nalley**  
CPA/ABV, CFF, CVA



**Jennifer Julander**  
ASA

# In remembrance of Judge “Hal”

*Submitted by his law clerks, this article is based on submissions by, and interviews of, Judge Harold Vietor’s colleagues, lawyers who appeared before him, and other friends in the Iowa legal community.*

More than a few judges considered the Honorable Harold Vietor to have been a mentor and role model, as did many more lawyers and law clerks. Judge Vietor, affectionately known as “Hal,” was appointed to the Iowa District Court bench in 1965 and rose to the position of Chief Judge of the Sixth Judicial District. In 1979, President Jimmy Carter nominated him to the federal district court bench in the Southern District of Iowa. Upon his confirmation by the United States Senate, Judge Vietor sat in the United States District Court-house in Des Moines. He passed away July 23, 2016, at age 84.

Judge Vietor was a noble, commanding presence on the bench and treated every person with dignity. With lawyers, he was demanding, but respectful, fair and just. His work ethic and preparation were remarkable, and he expected lawyers to be similarly well-prepared.

He was a strong advocate of the jury trial and firmly believed that putting disputes into the hands of a jury was the best way to resolve legal conflicts. He took care to help jurors appreciate that great responsibility, telling every jury in his courtroom that the framers of the Constitution reserved the power they held to the people because it was too awesome a power to give to a judge or other government official. In his courtroom, which he proudly restored to its original beauty, he kept the process meaningful, consistent with his abundant humanity.

Before attending law school and entering practice, Vietor studied history at the University of Iowa. His interest in history endured throughout his life. While he was an undergraduate student, the Korean War broke out and intensified. Following his junior year, he enlisted in the Navy. When the conflict ended shortly after, he was stationed in Chicago, where he remained throughout his two-year enlistment. After receiving an honorable discharge for his service, he finished his degree at Iowa and enrolled in its law school.

A great student in law school, Vietor earned many accolades. During his final year, he was an editor of the Iowa Law Review. His aptitude and character earned the attention of Dean Mason Ladd, who called him into his office one day to ask if he would like to clerk for Judge Van Oosterhout on the Eighth Circuit Court of Appeals. Vietor accepted on the spot and served as a law clerk to “Judge Van” for a year after law school.

Vietor moved to Cedar Rapids in the late 1950s, following his clerkship with Judge Van, and got involved in Democratic politics. Vietor was an exceptional lawyer from the very start of his career, and he earned an outstanding reputation practicing in Cedar Rapids with David Blakely.

Just six years after entering practice, Vietor was appointed to the state bench to serve as a district court judge. While in Cedar Rapids, Vietor struck up a friendship with John Culver, an attorney who would go on to become a United States Representative and then a United States Senator. Senator Culver, who had long believed Vietor would be an excellent federal district judge, nominated him to fill a new district court judgeship in the Southern District of Iowa in 1979. Within a few months, the United States Senate confirmed his appointment by President Carter. One of his first acts as federal judge was to hire as his secretary Mary Loughlin, who for the remainder of his career was



**The Honorable Harold Vietor, seated center, poses with his clerks, legal assistant, area attorneys and judges at a celebration of his 50th year as a judge. He passed away in July of 2016.**

fiercely loyal, as well as indispensable, to him.

Off the bench, Vietor was known for his warmth and friendliness, his genuineness and sincerity. He was a family man who dearly loved his wife, Dalia, his children and grandchildren. In social settings, he even surprised longtime colleagues, who only knew his serious courtroom demeanor, with his charm and grace. He enjoyed swapping stories in chambers and was known for his great sense of humor. Former colleagues and law clerks recall him sharing his favorite advice for newly minted appellate judges: “Affirm if you can. Reverse if you must. But never, never remand for further proceedings.”

Throughout his career as a judge, Vietor modeled himself after Judge Van, who had been an inspiration to him and a mentor early in his own career. Justice Harry Blackmun, who was a colleague of Judge Van’s before his own appointment to the United States Supreme Court, once described him as having been “possessed of innate and excellent judicial reaction” and praised his ability to get a “feel for the heart of the case.”

It is apparent that Vietor studied his example well. Like Judge Van, Vietor did not seek attention or make cases about him. He did not even want the attention of a funeral. Hopefully, he can forgive his clerks this acknowledgement of his legacy. To lawyers and judges throughout Iowa and beyond, he was the epitome of an excellent trial judge: bright, upright, compassionate, without any agenda and committed to doing justice within the bounds of law.



## Joseph A. Happe

### Mediation and Arbitration Services

Civil litigation, general liability & worker’s compensation cases

American Academy of ADR Attorneys member,  
AV rated, 30-years litigation experience, significant  
mediation and trial experience

Scheduling:  
Mary (515) 246-7815  
or Joe (515) 246-7998

FREE PARKING | FREE WI-FI | MULTIPLE CONFERENCE ROOMS IN  
DES MOINES WITH OFFICES IN AMES AND WEST DES MOINES.

DAVIS BROWN KOEHN SHORS & ROBERTS, P.C.  
PHONE: 515.288.2500 | WWW.DAVISBROWNLAW.COM

**CORRECTION:**



**Bergstrom**

**Brian Bergstrom** has been named president of Shuttleworth & Ingersoll, P.L.C. in Cedar Rapids. **Gary Streit**, former president, has been named chair of the firm's board of directors.

**Bergstrom** joined the firm in 1998. He received his J.D. from Harvard Law School in 1989. His practice focuses on sales and acquisitions of businesses; equity finance; securities; and business contracts, consulting and planning.

**Streit** began his career with the firm in 1975 and has served on the board of directors since 1985. He was named president in 2002.



**Streit**



**Bohlman**

**Brandon M. Bohlman** has joined Shindler, Anderson, Goplerud & Weese, P.C. in West Des Moines. Bohlman earned his J.D. from Drake University in 2012. He represents clients in a variety of matters, focusing on personal injury, medical malpractice and products liability.



**Brown**

**Mary Ann Brown** has been named partner at the Nash Nash Bean & Ford Law firm in Geneseo, IL. Brown has been with the firm for 10 years. Her practice focuses on estate planning and elder law.



**Groetken**

**La'Cee Groetken** has joined Zarley Law in Des Moines. Groetken received her J.D. in 2014 and L.L.M. in Global Intellectual Property in 2015. She practices in all areas of intellectual property, including trademarks, copyrights and patents, utilizing a B.S. in Chemistry, B.S. in Neuroscience, B.A. in Biology and graduate education in Physical Chemistry.

**Heidman Law Firm** of Sioux City and **Wolff Whorley & De Hoogh** of Sheldon have merged their firms, effective March 1. The Sheldon office will be known as the Whorley Heidman Law Firm.



**Jessen**

**Christopher J. Jessen** has joined Belin McCormick, P.C. as an associate in the litigation practice group. Jessen received his J.D. from Drake University Law School in 2016 and previously clerked for the Iowa Court of Appeals. He will handle a broad range of litigation matters, with a particular emphasis on complex commercial litigation.



**Kamienski**

**Laura Kamienski** has joined Farmers State Bank in Marion as Trust Officer. For the past eight years, she served as an attorney and mediator in private practice, and continues to serve as an adjunct lecturer at Mount Mercy University in Cedar Rapids. Kamienski received her J.D. from the University of Chicago Law School.



**Leo**

**Peter Leo** has joined Norelius & Nelson P.C., in Denison. Leo's practice will include civil and criminal litigation, business and commercial law and mediation services throughout western and central Iowa. Prior to joining the firm, he practiced at Koley Jessen P.C. in Omaha, Nebraska, and the Heidman Law Firm in Sioux City.



**DeSimone**

**Dana DeSimone** and **Thais Ann Folta** have joined Miller, Pearson, Gloe, Burns, Beatty & Parrish, P.L.C. in Decorah.

**DeSimone** received her J.D. from Creighton University School of Law in 2016. Her practice will focus on general litigation, including criminal law, family law and taxation.



**Folta**

**Folta** received her J.D. from Indiana University in 1994 and previously practiced in Indiana and Missouri. She will focus her practice on general litigation, including environmental law, probate, civil litigation and family law.



**Moore**

**Jennifer S. Moore** joined Katten & Temple, LLP as counsel in their Quad Cities office. Her practice focuses on public utility regulation and litigation in Iowa and Illinois. Prior to joining Katten & Temple, she was in-house counsel for MidAmerican Energy Company in Davenport and represented MidAmerican before the Iowa Utilities Board and the Illinois Commerce Commission.



**Motto**

**Amanda R. Motto** joined Hopkins & Huebner, P.C. in Davenport as an associate attorney. Amanda earned both her bachelor's and law degrees from the University of Iowa. She will practice primarily in workers' compensation defense.

**Ann Klostermann McCrea** and **Traci Vercande** have joined Nazette, Marner, Nathanson & Shea, LLP in Cedar Rapids.



**McCrea**

**McCrea** practices primarily in estate planning, probate, wills, trusts, guardianships, conservatorships, real estate, contracts, business and corporate law and taxation. She graduated from William Mitchell College of Law in St. Paul, Minnesota.



**Vercande**

**Vercande** received her law degree from Drake University Law School, and is both admitted to practice and certified to mediate in Iowa. She focuses her practice on workers' compensation, Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI) and family law.

**Allison E. Kerndt** has joined Nyemaster Goode, P.C. in Des Moines as a shareholder; **Paige Thorson**, **Colleen MacRae** and **Rebecca Moore** have joined Nyemaster as associates.



**Kerndt**

**Kerndt** will join the firm's growing Intellectual Property Department with a decade of experience in I.P. work, including a judicial clerkship for the U.S. Court of Appeals for the Federal Circuit, which hears appeals of all patent litigation. She received her J.D. from the University of Iowa College of Law in 2005.



**Thorson**

**Thorson** has joined Nyemaster's Government Affairs Department. Her legislative practice is concentrated on representing clients before the Iowa legislature, Governor's office and state agencies. Prior to joining the firm, she served in various positions in Iowa government for the Department on Aging, Office of the State Long-Term Care Ombudsman and Department of Human Services.



**MacRae**

**MacRae** has joined Nyemaster's Business, Finance and Real Estate Department. She regularly assists clients with the formation of businesses, corporate restructuring, contract drafting and negotiations, regulatory compliance, real estate leasing and economic development.



**Moore**

**Moore** has joined Nyemaster's Tax, Estate Planning and Employee Benefits Department.

She graduated from Drake University Law School. Moore's practice includes assisting clients with estate planning, trust and estate administration and tax issues. Before joining Nyemaster, she was a partner at Buchanan law office in Algona.



Ruetters

**Marie H. Ruetters** has been named Partner and Managing Attorney of Goosmann Law Firm's Sioux Falls office. Ruetters practices in commercial litigation and employment law litigation, and advises clients on human resources and cyber liability issues. She has been with the firm since 2014.



Rust

**Joseph Rust** joined Sullivan & Ward, P.C. in West Des Moines as an associate attorney. He received his J.D. from Drake University Law School in 2016 with a certificate in Business Law. Rust will practice primarily in business/corporate law, civil litigation and real estate.

**James J. Larson** and Bryan M. Loya have joined SouthLaw, P.C. in West Des Moines as associates.



Larson

**Larson** has joined the firm's Foreclosure Department. He received his J.D. from Drake University Law School in 2014. His practice focuses on representing financial institutions and creditors' rights in real estate finance and mortgage foreclosure.



Loya

**Loya** also joined the firm's Foreclosure Department, representing financial institutions and creditors' rights in real estate finance and mortgage foreclosure. He received his J.D. from Drake University Law School in 2015.



Swanson

**Stephen J. Swanson** has joined Lamberti, Gocke & Luetje, P.C. in Ankeny as an associate attorney. He obtained his J.D. from Drake University in 2006. Prior to joining the firm, he was an Assistant County Attorney for Palo Alto and Wapello Counties. He will maintain a general practice.

# Disciplinary OPINIONS

## Prepared by a YLD committee:

*Rebecca Reif, Ahlers & Cooney, P.C. – Chair  
Kelsey Crosse, Davis Brown  
Patrick McElyea, Assistant Scott County Attorney*

*Sam Chametski, Shindler, Anderson, Goplerud & Weese  
Bryan O'Neill, Dickinson Law Firm  
Laura Wasson, Dickinson Law Firm*

## **Richard Dillon Crotty** **March 10, 2017** **No. 16-1988** **License Suspension**

Richard Crotty was licensed in 1975. This disciplinary action arises from Crotty's representation of the administrator of an estate and a claimant in a workers' compensation case.

On the estate matter, Crotty represented Leonard Cleaver in enforcing a judgment lien against his father's ex-wife as administrator of his father's estate. Cleaver told Crotty that two of his siblings wanted nothing to do with the lien, so Crotty prepared renunciation documents for the siblings' signatures, which Cleaver returned signed. The ex-wife settled with the estate, and the court approved Crotty's \$11,533.33 attorney fee request without disclosure of the amount or a formula for calculating it. After Cleaver distributed the settlement to his siblings, they protested and informed Crotty that Cleaver forged their signatures on the renunciation agreements. He verbally informed the court of the forgeries.

Crotty subsequently requested \$812 worth of fees and withdrew as the estate's counsel. He filed a small claims action against the new estate administrator for the fees, and settled. The administrator's new counsel requested a calculation of Crotty's prior attorney fees, and the court found Crotty was overpaid \$7,203.33.

On the workers' compensation matter, it was found Crotty filed a proof and final brief on behalf of a client while his license was suspended for failing to file his annual report.

In regards to the estate representation, the Iowa Supreme Court found Crotty violated Rule 32:1.5(a) (unreasonable fees) for taking an attorney fee settlement before the estate inventory was filed, for collecting a fee without justifying its reasonableness through an itemized statement, and for collecting a contingent attorney fee substantially in excess of the statutory limit. The court also found Crotty violated Rule 32:8.4(d) (conduct prejudicial to the administration of justice) by taking attorney fees without notice to the heirs and before they were authorized.

The court did not find Crotty's actions violated Rules 32:1.2(d) and 32:3.3(a)(3) in regards to the sibling forgeries, because Crotty (1) did not counsel Cleaver to forge the signatures, (2) did not know of the forgeries when they were filed, and (3) did not mislead the court because he orally revealed the forgeries. The court also found no violation of Rule 32:8.4(c) because, although Crotty failed to mention the forged renunciations

in the final report, his failure was not motivated by an intent to deceive or defraud.

Notwithstanding, the court found Crotty's actions in the workers' compensation representation violated several rules. His failure to notify clients to seek legal advice elsewhere violated Rule 41.5(2)(a). His failure to deliver property to current clients or tell them where such property may be obtained violated Rule 41.5(2)(b). His failure to notify opposing counsel of his suspension violated Rule 41.5(2)(d). His failure to file proof of his performance of Rule 41.5(2)(a)-(f) requirements violated Rule 41.5(2)(g). His continued practice of law during his suspension violated Rule 32:1.16(a)(1) and Rule 32:5.5(a).

In considering sanctions, the court found Crotty's previous disciplinary actions and substantial experience to be aggravating factors. Crotty's recognition of his wrongdoing constituted a mitigating factor. The Court suspended Crotty's license for 60 days.

## FINANCIAL FIT

CLA offers expert witness testimony, valuation capabilities, and forensic services. Our team is local. Our resources are nationwide.



Brad Mihm  
CPA/ABV, AM



Jessica Soppe  
ASA, CFE



Ron Nielsen  
CPA/ABV/CFE



Sahan Totagamuwu  
CPA/ABV, CFE



515-222-4400 | CLAcconnect.com

ADVISORY | OUTSOURCING  
AUDIT AND TAX

18-0100 | ©2017 CliftonLarsonAllen LLP

## TRANSITIONS SUBMISSIONS

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

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

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

# Attorney never loses sight of career goals, despite eye disease

By Melissa Higgins, Communications Director



**Andrew Tullar,**  
Des Moines criminal  
defense and juvenile  
law attorney

Andrew Tullar was 17 years old when he first officially learned that he might go blind.

“When you’re 17, it’s impossible to wrap your mind around that,” he explained, describing the first time he met with vision experts at the University of Iowa. That’s when he got his diagnosis: retinitis pigmentosa, a degenerative eye disease where the rod photoreceptor cells in the retina slowly die off.

But this was not an unexpected “life sentence” for Tullar, who said he always had an inkling this might happen to him, as it had to several other members of his family.

“When I was around 12 or 13, I started to notice that I wasn’t able to see in the dark as well as other people,” he said. He recounts a school field trip from his hometown of Sac City to the State Historical Museum in Des Moines. His classmates were running around in the low-light exhibit hall, but he couldn’t see where he was going.

Night blindness and “tunnel vision” are the most common symptoms experienced by people with retinitis pigmentosa. It’s a genetic disorder carried by mothers, but the vision problems typically show up only in males in the family who have the gene mutation. An estimated 100,000 people in the United States have R.P.

Tullar’s uncle also has the disease. Once on the path to becoming a professional tennis player, he had to quit the sport when he could no longer see the tennis ball. For Tullar, a high school basketball career was put on hold when he began losing sight of the ball and running into other players.

“Imagine looking through a pair of binoculars, but without

the magnification. You’re just looking through tubes all the time. That’s what my vision is like,” he explained. And that narrow field of vision has gotten progressively smaller over time.

Law was not Tullar’s first career path. In early adulthood, he moved quickly to live out his childhood dream of being a professional musician. He joined an a Capella group that toured the nation, even internationally, and landed gigs such as singing on The Today Show. He was driven by the fearlessness that came from knowing he might not be able to experience something like this again.

“If I want to travel around and see the world and do all of this before my eyes get worse, let’s do this.” That became his mantra.

Soon, Tullar began formulating plans to live out his second childhood dream: becoming an attorney. His father was an attorney and the seed of this aspiration.

Tullar attended Drake University Law School, graduated and began practicing in Des Moines in 2011. He was in his late 30s at this time and soon realized that his vision was getting bad enough that he could no longer drive safely. He went back to see the specialists in Iowa City and was declared legally blind. That meant surrendering his driver’s license.


Concerned that this lack of transportation would impact his solo practice firm, he first mastered the bus system, then turned to family for help. His mother, a semi-retired nurse, now drives him to visit clients and go to court.

“I’m very fortunate for my mom. Because this is on her side of the family and she understands this disease, she’s always been very supportive and helpful, beyond anything I could have ever expected,” he said. Whenever he feels guilty, she reminds him how lucky most parents would feel to spend so much time with their adult children.

“She doesn’t feel like it’s a burden at all and I don’t think I can put into words how much it means to me, because it means I can keep doing my job.”

He also hired his brother as an assistant. His brother has retinitis pigmentosa and is also legally blind. In the past, he struggled to find his own employment because of vision issues, so now he assists Tullar on a part-time basis from home.

Tullar next reached out to the Iowa Department for the Blind, which sent a case worker to visit with him. They provided him with some assistive technology, including a screen magnifier which also color-corrects text to make it appear white over a black background, which Tullar can see better. He set his Adobe reader



**WHAT IS R.P.?**  
Retinitis pigmentosa is a degenerative eye disease where the rod photoreceptor cells in the retina slowly die off.

**HOW MANY PEOPLE HAVE R.P.?**  
An estimated 100,000 people in the United States have R.P.



**REYNOLDS & REYNOLDS INC.**  
INSURANCE AGENTS & BROKERS

Partnering with



## REYNOLDS & REYNOLDS INC., IS THE ENDORSED BROKER FOR THE IOWA STATE BAR ASSOCIATION

- Medical Insurance
- Dental Insurance
- Life Insurance
- Vision Insurance
- Long Term Disability
- Personal Accident
- Long Term Care
- Medicare Supplement Plans

**Contact:** David A. Fini, Vice President  
d.a.fini@reynolds-reynolds.com 515-557-1252  
or Kristi Rullestad, Account Manager  
k.a.rullestad@reynolds-reynolds.com 515-557-1251  
or Steve Sypal, Partner  
s.e.sypal@reynolds-reynolds.com 515-557-1204

**300 Walnut Street, Suite 200**  
Des Moines, IA 50309  
800-767-1724 FAX 515-243-6664





**Tullar uses his screen magnifier, provided by the Iowa Department for the Blind, to do legal research at his law office on Grand Ave. in Des Moines.**

and web browser settings to do the same. On all of these programs, he can increase the text size as large as necessary.

He does carry a cane when he's in unfamiliar locations and it also serves as an important social cue. Tullar gives an example of a time when he met a client for the first time and didn't shake her hand, because she extended it outside his field of vision. He only learned later that the client felt slighted, so now he makes sure to be up-front with everyone he meets and the cane is an effective non-verbal way to do that.

"I'm not embarrassed by it in any way. Sometimes I worry that my clients wonder, 'If this guy can't see, can he do the job?' Nobody has ever said that to me, so maybe that fear is irrational. So, for me, it's about making other people comfortable. I don't want people to feel awkward or weird about it, because I don't."

Though Tullar is too modest to admit it outright, he agreed with the suggestion that his unique life experience may help him "see" things that other attorneys don't.

"Maybe it gives me insight. Most of my client feel like they are fighting to be treated fairly. They oftentimes feel like they aren't going to be. Maybe my lack of vision makes me more sympathetic. I don't know if that really changes my practice, but it changes me as a person."

His doctors at the vision center in Iowa City told him they believe the research is less than 10 years away from developing a procedure to reverse vision loss for people with this disease. But even with that hope on the horizon, Tullar says he does not spend very much time keeping up with medical breakthroughs. This would take time away from enjoying the life that was given to him.

"Maybe because I've had this my whole life, it's never been one of those things: 'This happened to me. Oh, my gosh, how awful.' I've accepted that I have this and they may or may not find a cure for it."

## IN MEMORIAM

**Barbara Berkenpas**, 69, of Ashton, died March 6. Berkenpas was born in 1947 in Ashton. She attended the University of South Dakota School of Law where she received her J.D. in 1997. She would tenaciously advocate for what she believed in but still respected those whose opinions differed from hers.

**Donald Bormann**, 75, of Emmetsburg, died March 8. Bormann was born in Emmetsburg in 1942. He received his J.D. from the University of South Dakota in 1966. Don served as a clerk for a Federal Judge in South Dakota from 1966 until 1967 when he became a Legal Aid Attorney in Rosebud, South Dakota. He practiced in Emmetsburg for 32 years before he was appointed in 2000 as Associate District Judge for Palo Alto, Kossuth and Emmett Counties where he served until 2013.

**Donald Gloe**, 81, of Decorah, died Feb. 28. Gloe was born in Gladbrook in 1935. He volunteered for the U.S. Army for two years in 1954, then earned his J.D. from the University of Iowa College of Law in 1961. He worked as state counsel for the Iowa Highway Commission for four years before joining the Miller & Pearson Law Firm in Decorah, where he practiced until January 2017. Gloe was a 50-year member of The Iowa State Bar Association, and a member of the American Bar Association, the Iowa Academy of Trial Lawyers and the Iowa Defense Council Association. He served on various committees including the Uniform Jury Instructions Committee and the Grievance Committee.

**Charles M. Manly III**, 66, of Spirit Lake, died March 7. Manly was born in Spencer in 1950. He received his J.D. from Hamline University in 1976. He joined Manly Law Offices in Grinnell on Aug. 2, 1976. He was the third generation of the family to practice law in Grinnell, a firm formed by his grandfather in 1912. He retired in 2005, due to health reasons. Manly was a former city attorney in Grinnell and a member of the Poweshiek County District 8A, The Iowa State Bar Association, American Bar Association, Iowa Municipal Attorney's Association and the Iowa Association for Justice.

**Philip C. Mills**, 80, of Venice, Florida, died Jan. 31. Mills was born in Winterset in 1936. He graduated from the University of Iowa College of Law. Mills had a distinguished career in the United States Air Force for 30 years as a Staff Judge Advocate and Appellate Military Judge. He was awarded the Meritorious Service Medal with 3 Oak Leaf Clusters. Memberships included the American Bar Association, 50-year member of The Iowa State Bar Association and the Air Force Retired Judge Advocates Association.

*Members who know of a colleague passing should email the membership department at [membership@iowabar.org](mailto: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](http://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.*



**Landex Research, Inc.**  
PROBATE RESEARCH

**Missing and Unknown Heirs Located  
With No Expense to the Estate**

**Domestic & International Service for:**

- \*Courts
- \*Trust Officers
- \*Lawyers
- \*Executors

**1345 Wiley Road, Suite 121, Schamburg, Illinois 60173**  
**Telephone: 800-844-6778 FAX: 847-519-3636**  
**[www.landexresearch.com](http://www.landexresearch.com)**



# ISBA CLE Calendar

Visit [www.iowabar.org/calendar](http://www.iowabar.org/calendar) for more information on any of our upcoming CLE opportunities.

**April 19**

**Juvenile Law Seminar**  
(In-person or Live Webinar)

**April 20**

**Criminal Law Seminar**  
(In-person or Live Webinar)

**April 25**

**Economic Development and  
Revitalization of Cities**  
(Live Webinar)

**April 27**

**Negotiations: Working Through the Stickier  
Provisions of Vendor Contracts**  
(Live Webinar)

**April 28**

**63rd Annual Spring Tax Institute**  
The University Club | Iowa City

**May 5**

**Rebroadcast of Lawyer Death and  
Disability Planning Seminar**  
Best Western | Clear Lake

**May 8**

**The Intersection of Workers Compensation  
and Unemployment Insurance Benefits**  
(Live Webinar)

## Commercial and Bankruptcy Law Seminar (In-person or Live Webinar)

May 12

8:15 a.m. - 4:30 p.m.

Sponsored by the ISBA Commercial and Bankruptcy Law Section


*In-person attendance will take place at the ISBA Headquarters  
in Des Moines (625 E. Court Ave.).*

### Topics

- How to Do it Right the First Time: Proper Notice and Procedure
- Unethical Conduct or Great Lawyering: Everyday Debtor-Creditor Scenarios
- Fraudulent Conveyances
- Selected Payments Law Considerations: An In-House View
- Early Motions to Dismiss Reorganization Cases
- Rule 9011 Sanctions and Rule 9020 Contempt Proceedings - Section 105 Issues
- How Did it Get So Late So Soon?: Timeframes in the Code and Rules

### Speakers

- Hon. Shon Hastings, Chief Bankruptcy Judge, District of North Dakota
- Hon. Lee M. Jackwig, Bankruptcy Judge, Southern District of Iowa
- Hon. Charles L. Nail Jr., Chief Bankruptcy Judge, District of South Dakota
- Hon. Anita L. Shodeen, Chief Bankruptcy Judge, Southern District of Iowa
- Hon. Thomas L. Saladino, Chief Bankruptcy Judge, District of Nebraska
- Thomas O. Ashby, Baird Holm LLP
- Jonathan Kramer, Whitfield & Eddy, P.L.C
- J. Brandon Simpson, Director/Associate General Counsel, TSYS Merchant Solutions, LLC



[www.iowabar.org/event/2017CommAndBank](http://www.iowabar.org/event/2017CommAndBank)

# Government Practice Seminar (In-person or Live Webinar)

May 19 | 8:30 a.m. - 4:00 p.m.

[www.iowabar.org/event/2017GovernmentPractice](http://www.iowabar.org/event/2017GovernmentPractice)

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

8:00 - 8:30	Registration
8:30 - 9:30	Supreme Court Roundup Speaker: Ryan Koopmans, Nyemaster Goode PC
9:30 - 10:30	Ethics Update Speaker: Roger Kuhle, Polk County Attorney's Office
10:30 - 10:45	Break
10:45 - 11:15	Economic Development Tools for Municipalities Speaker: Nathan Overberg, Ahlers & Cooney PC
11:15 - 12:00	Nuts and Bolts of the Public Employee Relations Board Speaker: Jasmina Sarajlija, ALJ, Iowa Public Employee Relations Board
12:00 - 12:45	Lunch
12:45 - 1:45	Impaired Lawyers Speaker: Hugh Grady, Iowa Lawyers Assistance Program
1:45 - 2:45	Property Tax Appeals Speakers: Deb Tharnish, Davis Brown Law Firm and David Hibbard, Polk County Attorney's Office
2:45 - 3:00	Break
3:00 - 4:00	Employment Law Update Speaker: Emily Pontius, Fredrikson & Byron

Save  
**BIG**

CLE CREDIT  
(approved):  
6.25 state hours  
which includes  
2 ethics hours

## ISBA CLE Season Pass

- Unfettered entry to a majority of ISBA CLE events
- Unlimited connection to ISBA On-Demand Catalog
- Full access to CLE electronic materials
- Valid for 12 months

[www.iowabar.org/CLESeasonPass](http://www.iowabar.org/CLESeasonPass)

**\$600**

Perfect if attending large events such as Annual Meeting, Tax School, Family Law or a variety of webinars/telephone CLEs.

# A n n u a l M e e t i n g

June 19-21  
Iowa Events Center

In conjunction with the  
Iowa Judges Annual Conference

## M onday, June 19

### Social Events .....

- Law School Luncheons (Creighton, Drake and Iowa)
- Joint Presidents' Reception

### Tracks .....

- |                     |                       |             |
|---------------------|-----------------------|-------------|
| • Ag Law            | • Fundamentals of Law | • Mediation |
| • Corporate Counsel | • Judges              | • Plenary   |
| • Federal Practice  |                       |             |

## T uesday, June 20

### Social Events .....

- 50-Year Member Luncheon
- YLD Tailgate

### Tracks .....

- |                       |              |           |
|-----------------------|--------------|-----------|
| • Case Law            | • Judges     | • Plenary |
| • Fundamentals of Law | • Litigation | • Probate |
| • Juvenile Law        | • Variety    |           |

## W ednesday, June 21

### Social Events .....

- Luncheon Honoring the Iowa Supreme Court
- Annual Awards Gala

### Tracks .....

- |                             |                       |               |
|-----------------------------|-----------------------|---------------|
| • Access to Justice         | • Family Law Track    | • Litigation  |
| • Commercial and Bankruptcy | • Fundamentals of Law | • Real Estate |
| • Elder Law                 | • Judges              |               |

**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](mailto: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](mailto:alex@larsonent.com).

## POSITIONS AVAILABLE

**ATTORNEY – Finley Law Firm, P.C., Des Moines –** Seeking a business attorney with private practice experience. The ideal candidate will possess a strong academic background, meaningful experience in the areas of business entity law, taxation and governance, contract negotiation and drafting, business and real estate transactions and strong people skills. The firm will keep all inquiries confidential. Send resume and cover letter to [recruiting@finleylaw.com](mailto:recruiting@finleylaw.com). (77-03)

**BANKING & FINANCE ATTORNEY – Goosmann Law Firm, Sioux City –** Seeking mid-level banking & finance 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 four years of relevant experience in the areas of banking and finance and related litigation. Additional experience with commercial bankruptcy, insolvency and restructuring and related litigation is a plus. Banking lawyers with the firm are responsible for performing legal services related to commercial lending, security issues, pre/post foreclosure sales and negotiating complex financial lending transactions. Please send a resume and cover letter to Office Services Manager, Caitlin Rininger at [RiningerC@GoosmannLaw.com](mailto:RiningerC@GoosmannLaw.com). All inquiries will remain confidential. (77-03)

**CHILD'S ATTORNEY – Kids First Law Center, West Des Moines –** Seeking an attorney to help launch a satellite office in Des Moines. Successful candidate's main responsibility is to provide legal representation for children in high-conflict family law cases. The Des Moines team will also assume primary responsibility for the fundraising and administration of the local office. The team will include a part-time office manager and a volunteer advisory board, but will also have support from the Cedar Rapids office. Applicants should send cover letter, resume, references and law school transcript (if in practice less than 5 years) to: Jenny Schulz, Executive Director, Kids First Law Center, 420 6th Street SE, Suite 160, Cedar Rapids, IA 52401 or email to [jenny@kidsfirstiowa.org](mailto:jenny@kidsfirstiowa.org). (77-03)

**CITY ATTORNEY – City of Bettendorf, Bettendorf –** Seeking an attorney to provide professional legal advice to the City Council and City staff, as well as ensuring professional representation for City departments and employees in civil and criminal cases. The work is performed under the general direction of the Mayor and City Council. Preference is given to prior municipal experience. Must become a Bettendorf resident (proper) within six months of appointment. If

interested in applying for this position, please submit completed application, cover letter, resume and salary history to the following: Human Resources Department, City Hall, 1609 State Street, Bettendorf, IA 52722 (77-03)

**ATTORNEY – McGrath North, Omaha, NE –** Seeking an attorney with at least 3 years of experience in the areas of technology and licensing, and privacy and data security. Related experience in the areas of intellectual property and/or healthcare is a plus. To apply, visit <http://careers.iowabar.org/jobs/8833588/attorney>. (77-03)

**ASSOCIATE ATTORNEY – Gruhn Law Firm, P.C., Cedar Rapids –** Seeking an attorney with preferably a minimum of two (2) to three (3) years in practice and some courtroom experience. Firm practices in labor/employment law as well as other areas of general practice. Research and good briefing skills are a big plus. Very nice facilities in a good location in Cedar Rapids. All inquiries shall be held confidential. Send resume, professional references and letter of interest to Gruhn Law Firm at 2405 Westdale Drive S.W., Cedar Rapids, IA 52404 or [morgan@gruhnlawfirm.com](mailto:morgan@gruhnlawfirm.com) (77-03)

**ASSISTANT DEAN-CAREER SERVICES – The University of Iowa College of Law –** Seeking a Career Services Administrator. This posi-

tion will provide leadership, direction, and coordination for the Career Services office, reporting directly to the Dean. Key areas of responsibility include professional leadership, strategic planning, communication and outreach, career counseling, administrative, financial and human resources responsibility, and operations management. To apply visit: <http://careers.iowabar.org/jobs/8853461/assistant-dean-career-services>. (77-03)

**CORPORATE COUNSEL – TaxAct, Cedar Rapids –** The Corporate Counsel is responsible for negotiating and drafting general business and commercial agreements (such as licensing agreements, vendor agreements and other technology services agreements), resolving issues that arise in existing commercial relationships, addressing regulatory issues, providing day-to-day legal advice and assisting with other legal matters as the need arises. This position will be located in Cedar Rapids or Irving, TX. To apply visit: <http://careers.iowabar.org/jobs/8863721/corporate-counsel>. (77-03)

**PART-TIME LEGAL AND COMPLIANCE ASSISTANT – Homesteaders Life Company, West Des Moines –** Seeking a part-time legal and compliance assistant to track and monitor regulatory issues, research preneed and life insurance-related topics, assist with policy holder issues as well as state filings. Successful candidate will be involved in engaging projects and utilize their talents while working with a great team and company. To apply, visit: <http://careers.iowabar.org/jobs/8866988/part-time-legal-and-compliance-assistant>. (77-03)

**ASSISTANT COUNSEL – Ruffalo Noel Levitz, Cedar Rapids, IA –** Seeking an assistant counsel to work directly with our business leaders, vendors and clients under the direction of the Senior Corporate Counsel, to support our contract and legal needs. The Assistant Counsel will draft, review and negotiate Ruffalo Noel Levitz client and vendor contracts, and identify and resolve business and legal issues. Assistant

**Attention Iowa Litigators**  
Need to schedule mediations?

OCTOBER 2016						
Sun	Mon	Tue	Wed	Thurs	Fri	Sat
			1	2	3	
			-	-	-	
	6	×	8	9	10	
	-			×		
	13	×	15	16	17	
			×	×		
	20	21	22	23	24	
	PM			×		
	27	28		30	31	
	×	PM				

**www.IowaMediators.org**

## CLASSIFIED ADS

# Thanks to speakers

## March

March 15, 2017

### The Rise of Copyright Trolls (Live Webinar)

Sponsored by The Iowa State Bar Association Intellectual Property Law Section

Prof. Matthew Sag, Loyola Law School, University of Chicago

Jason Sytsma, Shuttleworth & Ingersoll

March 27, 2017

### What to Expect When Representing Clients Before the Iowa Civil Rights Commission (Live Webinar)

Sponsored by The Iowa State Bar Association Government Practice Section

Andy Duffelmeyer, Civil Rights Specialist, Iowa Civil Rights Commission

Kristin H. Johnson, Executive Director, Iowa Civil Rights Commission

Counsel is self-motivated, organized, customer service-oriented, pragmatic and proactive in their approach to contracting. To apply visit: <http://careers.iowabar.org/jobs/8877381/assistant-counsel>. (77-03)

## 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](mailto: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)

## SPACE AVAILABLE

**OFFICE SPACE AVAILABLE** – West Des Moines – Office space available for lawyer and staff. Services include access to printer/scanner/copies/fax, conference rooms, kitchenette and parking. For more information, contact: Wendy at 515-224-4999 or [wendy@tdufflaw.com](mailto:wendy@tdufflaw.com). (77-03)

**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](mailto:jenny.zabel@mccrindlelaw.com). (77-03)

**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](mailto:hjdane@hjdane.com). (77-03)

## FOR SALE

**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](mailto:isba@iowabar.org). Please include Code 865 on the envelope if mailing and in the subject line if emailing. (77-03)



MINNESOTA LAWYERS MUTUAL  
INSURANCE COMPANY

You can trust 30+ years  
of experience protecting lawyers.



Put your trust in the carrier created by lawyers, run by lawyers, exclusively serving lawyers.

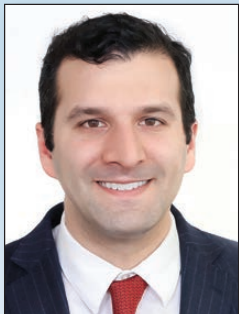
- Works exclusively with lawyers professional liability insurance
- Specializes in solo to mid-size firms
- Returned over \$49 million in profits to policyholders since 1988
- Offers an array of services to mitigate risks

Protecting Your Practice is Our Policy.™

Get a fast quote today!  
[www.mlmins.com](http://www.mlmins.com)  
or contact Clayton Jones  
402-699-1985 or [cjones@mlmins.com](mailto:cjones@mlmins.com)

# On free speech and friendship

By Daniel Patrick Flynn



This February marked the anniversary of one of my favorite United States Supreme Court cases, *Hustler Magazine, Inc. v. Falwell*. The case involved Jerry Falwell, a conservative televangelist preacher (no doubt a public figure), suing *Hustler* magazine (for those younger readers, *Hustler* magazine is a pornography publication).

The magazine ran a fake parody interview with Falwell where Falwell discussed how he lost his virginity to his own mother while drunk in an outhouse. Falwell sued and was awarded damages for intentional infliction of emotional distress, and the Supreme Court was charged with considering the First Amendment implications of such an award. The heart of the case was articulated by Chief Justice William Rehnquist: "This case presents us with a novel question. . . We must decide whether a public figure may recover damages for emotional harm caused by the publication of an ad parody offensive to him, and doubtless gross and repugnant in the eyes of most."

A unanimous court ruled that the First Amendment's guarantee of free speech protected the magazine. The court, in part quoting from *Bose Corp. v. Consumers Union of United States*, noted, "[a]t the heart of the First Amendment is the recognition of the fundamental importance of the free flow of ideas and opinions on matters of public interest and concern. The freedom to speak one's mind is not only an aspect of individual liberty – and a good unto itself – but also is essential to the common quest for truth and the vitality of society as a whole."

The court reasoned that because Falwell was a public figure, the parody was protected speech, and that from a historical perspective, political discourse would have

been considerably poorer without political satire. The court made it clear that political speech about public figures, regardless of how outrageous, must be protected.

There is no doubt that *Hustler* was a significant development for Free Speech Doctrine in the United States. But my favorite part of the story is what happened between the litigants after the case was decided.

At Jerry Falwell's death in 2007, the outspoken owner of *Hustler* Magazine, Larry Flynt, wrote, ". . . the ultimate result was one I never expected and was just as shocking a turn to me as was winning that famous Supreme Court case: We became friends."

They exchanged Christmas cards and family photos. They called each other regularly. They went to college campuses and debated morality. Isn't that something? You know, it's awfully easy to dismiss and berate the other side in today's political climate. But this friendship, between a sleazy porn merchant and a sanctimonious televangelist, demonstrates a preferable alternative.

Flynn serves as Corporate Counsel at Heartland Financial USA, Inc., a multistate bank holding company headquartered in Dubuque. He has a J.D. from the William Mitchell College of Law and a master's degree from Brandeis University.

## PATTERSON LAW FIRM, L.L.P.

Mediations and Arbitrations

### Jeffrey A. Boehlert

Personal injury, employment claims,  
business and commercial disputes

Member, American Academy of ADR Attorneys,  
AV Rated, over 35 years of litigation experience

[jboehlert@pattersonfirm.com](mailto:jboehlert@pattersonfirm.com)

### Patrick V. Waldron

Specializing in workers' compensation  
and civil litigation

Member of American Academy of ADR  
Attorneys, AV Rated, over 20 years of civil  
litigation and workers' compensation experience

[pwaldron@pattersonfirm.com](mailto:pwaldron@pattersonfirm.com)

### Harry Perkins III

All types of civil litigation

Member of Iowa Academy of Trial Lawyers,  
International Academy of Dispute Resolution, AV  
rated with over 40 years of litigation experience

[hperkins@pattersonfirm.com](mailto:hperkins@pattersonfirm.com)

### Gregory A. Witke

All types of civil litigation

Member of International Academy of  
Dispute Resolution, AV rated with 30 years  
of litigation experience

[gwitke@pattersonfirm.com](mailto:gwitke@pattersonfirm.com)

515-283-2147

505 Fifth Avenue, Suite 729  
Des Moines, IA 50309

[www.pattersonfirm.com](http://www.pattersonfirm.com)

## Grow your nest egg, not your tax bill.



Qualified intermediary  
services for all types of  
Section 1031 exchanges



The Voice of the 1031 Industry

800-805-1031 • 515-224-5259

4800 Mills Civic Pkwy Suite 205  
West Des Moines IA 50265

[iowaequityexchange.com](http://iowaequityexchange.com)



Ken Tharp

CES  
1031

Certified Exchange Specialists™

Standard Exchanges • Reverse Exchanges •  
Construction & Improvement Exchanges •  
Business Asset Exchanges • Collectible Exchanges

 I O W A  
EQUITY EXCHANGE

INTEGRITY. PRECISION. SECURITY.



## HUSTLER MAGAZINE V. FALWELL

- SUPREME COURT OPINION RELEASED FEB. 24, 1988
- 8-0 DECISION IN FAVOR OF HUSTLER
- CONCLUSION: PUBLIC FIGURES CAN'T RECOVER FOR EMOTIONAL DISTRESS

UNLESS THE OFFENDING PUBLICATION CONTAINED A FALSE STATEMENT MADE WITH "ACTUAL MALICE."

*Working as Co-counsel with Iowa Lawyers on Personal Injury  
and Workers' Compensation cases for over 25 years.*



**TOM L. DREW**

535 40th Street, Des Moines, IA 50312

Phone: (515) 323-5640

Fax: (515) 323-5643

Email: [tdrew@drewlawfirm.com](mailto:tdrew@drewlawfirm.com)