



THE

IOWA LAWYER

Volume 77 Number 5 June 2017

**THE BAR'S BIGGEST
CHEERLEADER
NEW PRESIDENT
STEVE ECKLEY
LOOKS TO
GROW ISBA
MEMBERSHIP**



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McKee, Voorhees & Sease's trademark practice includes all aspects of brand protection. Our trademark attorneys have represented clients in a wide range of matters in relation to trademarks, service marks, and trade dress, including:

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SUBMISSIONS

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



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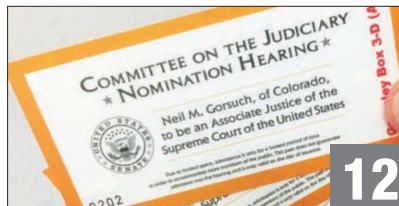
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Edited by Virginia Sipes, Innovation & Outreach Director



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By Jeff Goodman, Goodman Law, P.C.

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ABOUT THE COVER



Incoming ISBA President Stephen R. Eckley poses next to the sculpture called "Shattering Silence" outside the Iowa Judicial Building, at the top of the hill overlooking the Des Moines skyline.

This sculpture marked the 170th anniversary of an Iowa Territorial Supreme Court ruling that prohibited a slave from being extradited back to Missouri for failing to raise the \$550 he promised to pay for his freedom. It's described by the Iowa Art Council as "one of those moments when Iowa has been at the forefront of breaking the silence of inequality."



New look for iowabar.org

After months of preparation, The Iowa State Bar Association has launched a newly-designed website. The URL remains the same at www.iowabar.org, but this version of the site will be mobile-friendly and responsive no matter which device you are using to access the site's content.

The goal for the new website, with a more streamlined homepage, is to provide members a user-friendly experience to get to information quickly. All of the membership and practice tools sections from the old site will be transferred over to the new site, so there will be no lapse in accessing needed information. However, the organization of some of the pages will change to make site navigation easier. In addition, the public-facing information on the site will now be housed on IowaFindALawyer.com.

If you experience any problems using the new website, or if you have any questions or suggestions, please contact isba@iowabar.org.

KUDOS

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

David Luginbill for being named a fellow of the American College of Trial Lawyers. Fellowship in the college is extended by invitation only to experienced trial lawyers of diverse backgrounds, who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Luginbill has 40 years of litigation experience, trying complex and difficult high-stakes litigation and routinely handling litigation through trial and/or appeal for clients in a wide range of litigation matters.

Sharon Malheiro for being selected for The Advocate's '50 States, 50 Heroes.' Sharon was recognized for her role in the founding of One Iowa, the state's largest LGBTQ advocacy organization, in 2005. The current Executive Director of the organization, Daniel Hoffman-Zinnel, wrote in his recommendation that with Sharon's contacts and influence across the U.S., she was able to attract attention and resources to the fight for marriage equality in the state, leading to Iowa legalizing same-sex marriage in 2009, just the third state in the nation to do so. She is currently a senior shareholder at the Davis Brown Law Firm in Des Moines and served as president from 2010 to 2012.

Mark E. Weinhardt for being inducted into the International Academy of Trial Lawyers. The academy is open to civil and criminal trial lawyers from both the plaintiff's and the defendant's side of the counsel table and has rigorous admission standards. The selection process for each attorney takes more than a year to complete. Weinhardt's nomination was reviewed by his peers, current members of the academy and by judges and justices before whom he has practiced. Weinhardt's selection makes him one of only 500 Fellows from the United States, and 100 Fellows from more than 30 countries under the age of 70. He is also a Fellow of the American College of Trial Lawyers and the Iowa Academy of Trial Lawyers.

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Arnold “Skip” Kenyon III

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

Spirit of collegiality will advance Iowa's proud legal heritage

My father was always fond of saying, “*There is no such thing as standing still. We must keep moving forward, or we fall behind.*”

I've found this to be solid advice for both my personal life and my professional development. Like many of you, I've shifted my practice in response to the demands of my clients and my community. As a young, part-time county attorney in the 1980s, it never occurred to me that I would do criminal defense and civil trial work, and then practice in the personal injury, family law, and bankruptcy and probate areas. But no matter how much road we have behind

us as legal professionals, the way forward isn't always clear.

Right now, there is much uncertainty about how Iowans will be affected by laws passed during the 2017 legislative session. Regardless of any reservations we might have, we must face these changes with a positive outlook, and focus on how to best to serve our clients. If we are to adapt effectively, we all need to have the same, accurate information. With that in mind, I encourage you to rely on our skilled lawyer-lobbyists: Jim Carney, Doug Struyk and Shannon Henson. They worked relentlessly on a wide range of issues and are to be commended for the zealous and ethical manner in which they have represented our association. Medical malpractice, workers' compensation, statute of repose and the Revised Uniform Fiduciary Access to Digital Assets were just some of the major pieces of legislation in which ISBA was engaged.

As our lobbyists know, this session required many of the “Bar Family” groups to band together. The most notable effort was the statewide grassroots outreach to educate legislators on the importance of all judicial branch services. The goal was to shed light on the very real impact that our juvenile court officers, clerks, court reporters, public defenders, county attorneys and the many other judicial branch personnel have on all Iowans. Unfortunately, budget constraints prevented the legislature from fully investing in the judicial branch. With 96 percent of the court system's budget going toward personnel costs, the court will be forced to make tough decisions. Ultimately, whatever the road ahead looks like, the legal community will need to think creatively and embrace these challenges, and ultimately adapt to new terrain. Since our territorial founding in

the 19th century, Iowa has served as an example to the nation of the positive changes a robust legal community can create. I know that, as long as we continue to support one another in a spirit of collegiality, we will continue advancing our proud legal heritage.

Sometimes, my father's advice morphs into my grandson's truncated sing-song version (most notably featured in the animated films *Finding Nemo* and *Finding Dory*) “*Just keep swimming, just keep swimming.*”

Change necessarily brings uncertainty. The future belongs to those who stand strong in the face of adversity and maintain resolve throughout the journey. They see opportunity in the face of opposition; they see beauty even in darkness.

The Iowa State Bar Association lives up to those ideals, and I feel blessed to be on this journey with you. With four decades of membership, I have witnessed the positive changes my fellow attorneys have made over the years—to the practice of law, to our communities and to the future of this state. I am deeply humbled by the talent, courage, intelligence and empathy of those swimming right alongside me.

On that note, I am very pleased that Steve Eckley will succeed me in the role of ISBA President this month. Steve has been in practice for 35 years and is a nationally-renowned trial attorney and civil litigator. He sits on the American Board of Trial Advocates and is a member of the Iowa Academy of Trial Lawyers. He has also been recognized as a Top 100 Trial Lawyer in the U.S., and as an Iowa Super Lawyer, among many other accolades. Steve is also a thoughtful leader on community issues and currently sits on the board for Human Trafficking Prevention. The Iowa State Bar Association couldn't be in better hands as we embrace the future of legal services and adapt to the changes—and challenges—ahead.

Finally, I would like to recognize the efforts of Bill Boyd, our incoming vice president. Bill is currently the chair of the Strategic Planning Committee. This committee was tasked with the development of a mission statement for The Iowa State Bar Association. The ISBA has developed a significant political and social voice in Iowa and across the nation. There are innumerable projects and causes that all seek our support. It is important for the ISBA to be involved and to support these matters. However, it is equally important that these causes are consistent with the goals of the ISBA. To that end, a mission statement is essential to maintain our focus in this ever-changing climate. Bill and his committee have worked diligently all year on this project. At the ISBA Annual Meeting, the proposed mission statement will be presented to the Board of Governors for their final approval.

It has been a great honor and privilege to serve as your president, and I look forward to supporting Steve Eckley, Tom Levis, Bill Boyd and The Iowa State Bar Association in the upcoming year.

Thank you for allowing me to serve.

Arnold O. Kenyon, III

President, The Iowa State Bar Association
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Kenyon meets with Iowa Governor Terry Branstad during the ISBA's lobby day in January.



Incoming ISBA President Steve Eckley poses at the ISBA Office in Des Moines, in front of the timeline wall marking important legal and civil rights milestones in Iowa's history.

The bar's biggest cheerleader

Meet Stephen R. Eckley, 131st ISBA President

By Melissa Higgins, Communications Director

Incoming ISBA President Stephen R. Eckley has practiced law for 35 years, but still distinctly remembers the feeling of winning his first jury trial.

"The first jury case I won was the most exhilarating time in my career. I was hugely relieved, probably shocked.

There is a level of competitive fire that litigators feel. For me, it was the ultimate form of competition; it gave me a bigger high than any sport I ever played," he explained.

Eckley, a senior civil trial attorney at Belin McCormick in Des Moines, represents both plaintiffs and defendants in a wide variety of cases involving business disputes, professional negligence, property damage, personal injury and insurance coverage.

Now, he is preparing to take the reins as the 131st ISBA President. Eckley calls it an opportunity to give back to the profession that has been so good to him.

"I did have a sense that it would be appropriate to give something back to the profession that had allowed me to provide for my family. That's what I'm most grateful to the law for, but it has also been a lot of fun along the way: the people you get to meet and the problems you get to solve make it very rewarding and satisfying."

What's on his presidential agenda? Eckley says he'd like to continue the efforts of outgoing ISBA President Skip Kenyon to encourage member engagement. He plans to do this by visiting as many Iowa communities as possible, meeting with attorneys to remind them of the advantages of bar membership and soliciting

their ideas for more ways the bar can serve them.

"The primary role I should play (as president) is to do everything I can to make sure the bar association is doing everything it can for Iowa lawyers, so those lawyers will view membership as a value proposition. Closely related to that is to serve as a sort of cheerleader for the bar association to carry the message that membership to the ISBA is valuable."

One specific priority for Eckley is to encourage membership growth in under-represented practice areas within the bar, such as corporate counsel and government attorneys. This involves identifying what member benefits the ISBA can offer that would appeal to these categories.

"It's a long-term mission. As a matter of simple demographics, membership is projected to decline in the coming years much more significantly than I realized until I saw the numbers. We need to do everything we can to fight against the decline," he said. He also sees better outreach to younger attorneys as part of that effort.

One of Eckley's passions lies in access to justice issues. He serves as a commissioner on the Iowa Supreme Court's Access to Justice Commission and has been involved in several projects with a goal of connecting low- and moderate-income Iowans with legal services.

"Access to justice should be an important issue for all of our members. It serves the dual purpose of helping Iowans who are low- or moderate-income get the legal help they need to make their lives better, and at the same time driving business to Iowa lawyers who would like to have more work and help that population," he said.

Eckley cares deeply about Iowans who might be underserved by the legal system because he grew up here. He's from Des Moines and attended Roosevelt High School, before eventually moving east to attend Harvard Law School. He turned down opportunities to practice law on the East Coast, instead opting for the Midwest, first in Kansas City before deciding to return to his hometown.

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Eckley poses with his family on Anthony's Nose Trail, during a vacation to New York in 2013.



Steve Eckley, pictured with outgoing President Skip Kenyon, in the Governor's Office during ISBA lobby day in January.

He clerked for Judge William C. Stewart in the U.S. District Court for the Southern District of Iowa from 1984 to 1986, before joining Duncan, Jones, Riley & Finley in Des Moines. About eight years later, he and others formed Duncan, Green, Brown, Langeness & Eckley, before eventually leaving that firm for Belin McCormick.

The biggest reason he has stayed in Iowa to build his career? Eckley calls it "a great place to raise a family." Eckley has three grown children: Jen, Dave and Greg. He and his wife, Dawn, reside in Urbandale. Eckley's brother, Tim, also lives in the area. He is the Assistant Counsel to the Chief Justice of the Iowa Supreme Court.

Steve and Tim Eckley stay in close contact on judicial branch issues. Lately, most of those discussions have centered around concerns about the budget. Full funding for the courts is one of the issues Eckley and the other ISBA officers lobbied for during the 2017 legislative session. Working with leaders of the House and Senate and the bar's lobbying team gave Eckley an up-close look at the legislative process. There may be fewer lawyer-legislators than in the past, but Eckley is encouraged by the many bar members who show keen interest in what goes on at the Capitol. He views keeping them informed, representing their interests and assisting lawmakers during the bill-writing process to be important services provided by the bar.

"Our membership in the bar is a reflection of the electorate as a whole. I think (after this session) you'll see people who weren't as active before, who maybe were interested but only observed, come out of the stands and get involved. I hope so. The more Iowans who participate in our political process, the better."

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A message from incoming President Steve Eckley

Upcoming IA Free Legal Answers Challenge

Later this month, I look forward to issuing a challenge to Iowa law firms and attorneys to sign up and answer questions for the ISBA's pro bono initiative IA Free Legal Answers, part of a nationwide, ABA pro bono initiative called ABA Free Legal Answers.

Leading national research on the civil justice needs of the American public indicates that people faced with civil justice situations "frequently do not think of these situations as legal."¹

The ISBA's new Iowa Find-A-Lawyer website and IA Free Legal Answers, available via the Iowa Find-A-Lawyer portal, is being widely promoted throughout the state. Greater awareness of and access to legal resources can alleviate some of the adversity that low to moderate income Iowans in need of legal assistance commonly experience.

Serving as a volunteer attorney for IA Free Legal Answers and assisting IA Free Legal Answers clients is relatively simple. This is an online program, so attorneys can participate from their office or home at their own pace and on their own schedule. When volunteer attorneys use this new resource to provide limited legal guidance or input as to whether client users actually have legal problems, they provide an important legal service.

The ISBA is committed to the success of IA Free Legal Answers. If you are interested in signing up to help or want to learn more, please send an email to Attorney-IA-FLA@iowabar.org.

¹Rebecca L. Sandefur, "Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study," (2014), p. 16.

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The Law Firm Incubator Movement

Helping new lawyers start economically sustainable practices that narrow the justice gap

Law firm incubator programs are an important and necessary component to addressing the legal services needs of the American public. They are important as one of the options available to provide affordable legal services by lawyers to modest income Americans but also necessary in the professional development of lawyers.

LUZ HERRERA
Texas A&M School of Law Associate Dean
for Experiential Education

Fred Rooney started the first law firm incubator at The City University of New York's Incubator for Justice in 2007. A decade later, according to the ABA Standing Committee on the Delivery of Legal Services' 2016 Comprehensive Survey of Lawyer Incubators, there are over 60 existing or planned programs spanning 33 states and four countries. Law firm incubators provide affordable legal services by lawyers to people with modest incomes and serve a necessary role in the professional development of entrepreneurial lawyers as they create sustainable practices that narrow the justice gap.

The ABA Standing Committee on the Delivery of Legal Services' 2016 Comprehensive Survey of Lawyer Incubators is the first research to provide data on law firm incubators. The Comprehensive Survey provides key findings that emerge from the data collected that include, but are not limited to, the following:

- There has been a recent growth of incubators.
- The nature, structure and design of incubators varies greatly from one program to another.
- Incubators are aggressively advancing social responsibility through pro bono services and orientations to low and moderate income populations.
- Incubators are providing their participating lawyers with an array of educational and practice management tools.

We are honored that some of the leaders from the law firm incubator movement, each distinguished in their own right, share their insights and experiences here with Iowa's legal community as we look forward to welcoming Fred Rooney to speak at the 2017 ISBA Annual Meeting.

Join us to hear Fred Rooney speak about his experiences as the leader of the law firm incubator movement at the 2017 ISBA Annual Meeting during the Access to Justice Track on Tuesday, June 20, at 9:20 a.m. For more information, contact cle@iowabar.org and include "Law Firm Incubators" in the subject line.



LUZ HERRERA

THE VALUE PROPOSITION

According to the ABA’s 2016 Lawyer Demographics, there are approximately 1.3 million licensed lawyers in the nation. In 2005, 75 percent of lawyers were in private practice and almost half were solo practitioners. A little less than two-thirds of all lawyers in private practice are organized in firms of five or less lawyers. While other lawyers have training programs through their law firms, government agencies and public interest programs, solo and small firm lawyers often lack the infrastructure and resources for training.

Incubator programs help pick up where law school clinical programs stop. Most clinical programs are one semester and provide students with opportunities to provide pro bono legal services in the communities served by their law schools. They are wonderful programs that teach lawyering skills and help instill an understanding of the need, lawyers can only provide free legal services when they are subsidized. When considering the intersection of entrepreneurship, innovation and social justice, particularly as it relates to forming the professional identity of lawyers, incubators are critical in teaching lawyers the tools to build sustainable practices that serve a community.

Most law firm incubator programs promote unbundling legal services and creative payment plans, including reduced fees.

Law practices that offer services at low bono rates offer a lawyer alternative to more than 81.4 million households that earned less than the median income of \$55,775 in 2016. Many of these individuals make less than \$20 per hour but make too much to qualify for free legal services.

The idea that lawyers should reduce their fees as a way to comply with their professional responsibility is not new. Today, most states recognize the spirit of ABA Model Rule 6.1 (b) (2) and recognize reduced fees, or low bono, as an alternative expression of a lawyer’s public service commitment. However, programs to support the promulgation of low bono services are few and far between. Incubator programs help lawyers think about their value proposition in a marketplace with many legal services providers and help them understand the right fee structure for the community they serve.

LUZ E. HERRERA is Associate Dean for Experiential Education and Professor of Law at Texas A&M School of Law. Before entering academia, Dean Herrera ran her own practice and founded Community Lawyers, Inc., a nonprofit organization that encourages access to affordable legal services and develops innovative opportunities for legal professionals in underserved communities.



FRED ROONEY

STARTING THE LAW FIRM INCUBATOR MOVEMENT

Initially, we had two goals for creating CUNY School of Law’s Incubator for Justice: first, to create an efficient way to provide new solo lawyers with the business and legal training they needed; and second, to serve New Yorkers who otherwise could not afford to hire a lawyer, such as people with low and moderate incomes, as well as those in marginalized communities such as immigrants, the elderly and tenants facing eviction.

We realized right from the beginning that lawyers, for the first time, were able to develop their professional skills in a controlled environment at the CUNY Incubator for Justice and it seemed to be a perfect transition from law school to practices that served low to moderate income clients. For example, we saw many instances where New York incubator participants went on to open economically viable practices in places like Queens, Broncs and Brooklyn; historically, there were not many community-based lawyers in those same places because a lot of times lawyers would open practices but would not know how to keep them open.

Since 2007, almost all new incubators both at home and abroad have embraced the deep social justice mission that was a cornerstone of the first incubator.

The data collected through the ABA Standing Committee on the Delivery of Legal Services’ 2016 Comprehensive Survey of Lawyer Incubators shows that the majority of the law firm incubators in existence or planned at the time of the Comprehensive Survey launched around or in 2014. There is no one model, no “one size fits all” for incubators. Several incubators are collaborative efforts. For example, the CUNY School of Law is partnering with the New York City Bar Association to create the Court Square Law Project.

The success of law firm incubators depends not only on collaboration but also on the goodwill that is generated when many lawyers in legal communities get involved and provide support to new members of the profession. Inevitably, incubator lawyers all over the country say that what they value most is the comradery that they experience and the lifelong professional relationships they build while in the incubators.

FRED ROONEY is recognized in the United States and around the world as the leading expert on law firm incubators. He is a Fulbright Specialist and has served as a Fulbright Scholar in Pakistan and the Dominican Republic. He currently serves as Commissioner at the American Bar Association’s Commission on Hispanic Legal Rights and Responsibilities.



MARY LU BILEK

COURT SQUARE
LAW PROJECT | 2016



TREVOR CLARKE

JUSTICE ENTREPRENEURS
PROJECT | 2013

In most of the civil lawsuits in this country affecting the core of individuals' lives — family, health, housing, education — the vast majority of litigants are unrepresented. The numbers of those who fall into the justice gap, which varies from state to state and court to court, so significantly exceeds the number of those who are represented by lawyers, that it seems almost dishonest not to recognize that it is the status quo of our justice system. Around the country, bar associations have been rallying to remedy the problem through pro bono service and courts have been deeply engaged in working to discover solutions. The truth is, though, that the only way to close the gap is to discover an economically viable business model for the delivery of legal services to modest means clients.

We need to try different billing structures, experiment with client empowerment and limited assistance representation, learn to rely on technology for the things that technology does best (like shifting time, collapsing space, doing routine chores in volume, simplifying searching and filing). We need to figure out how to develop practice settings that take advantage of volume and scale but permit individuals to fly solo. We need to collect data on what's working to improve income and lower costs in ways that are impossible across competitive solo practices. We need to collect qualitative information from enough solos about impediments in the law and in the procedural and customary practice rules to efficient, low-cost representation.

Thus, the incubator movement is not just a way to train a generation of solos to competently, ethically, creatively and compassionately represent modest means clients on the verge of falling below the safety net — it is a laboratory to save the justice system.

MARY LU BILEK is Chair of the Executive Committee of the Court Square Law Project, created by the New York City Bar Association and the City University of New York School of Law to provide high-quality civil legal services to moderate-income clients. She is Dean and Professor of Law at CUNY School of Law. Dean Bilek previously served as the Dean of the University of Massachusetts School of Law. Under her leadership, the law school launched the Justice Bridge Legal Center, a law incubator that supports graduates in solo practice serving clients of modest financial means.

We help attorneys do things differently at the Justice Entrepreneurs Project. Incubators are places to foster innovation, not the same old practice of law. JEP attorneys have developed new pricing options that are predictable, transparent and ultimately affordable for regular people. JEP attorneys leverage technology, offer flexible representation options and have a presence in communities across Chicago, which makes their firms efficient, client-centric and accessible.

Yes, it is hard work to build up a business, and it's particularly challenging to build an innovative business in a conservative field known for its risk aversion, but after seeing six classes of attorneys through to graduation of the JEP's 18 month program, and finding that the vast majority of the 44 JEP alumni are continuing to operate JEP-principled practices, we know it can be done successfully.

At the JEP, we prepare talented and entrepreneurial lawyers in the Chicago area to manage innovative, socially conscious and successful law practices. We believe in the power of entrepreneurial lawyers to make a difference, as solo practitioners, in the quest to ensure access to justice for all. For recently admitted lawyers interested in obtaining the skills and resources necessary to build innovative and sustainable law practices, practices that will make a positive impact on their communities, the JEP offers access to mentorship, continuing legal education, a network of like-minded individuals and subsidized resources to kick start a legal practice targeted at the underserved middle market of potential clients.

During the first six months of participation, a 20 hour per week pro bono residency gives participants a solid foundation from which to build a business. The support and resources available to participants through the CBF's network of law firms, legal aid organizations, legal support professionals and others — from governments to local institutions and bar associations — help shore up the growing practices.

We hope others will take advantage of the excitement and embrace the challenges that come with creating something new.

TREVOR CLARKE is Director of the Justice Entrepreneurs Project, a project of The Chicago Bar Foundation. Clarke, one of the first graduates of the JEP program, is now responsible for leading and overseeing all activities of the JEP, a groundbreaking incubator for newer lawyers to start their own socially conscious law firms.



HULETT H. ASKEW

LAWYERS FOR EQUAL JUSTICE | 2016

Lawyers for Equal Justice, L4EJ, now one year old, recently adopted a vision, mission and goals statement that will guide the development of the incubator and attempts to define success for it. The L4EJ Mission is “To equip recent entrepreneurial graduates of Georgia’s law schools with substantive and practical legal training, mentoring and advanced technology so they can develop socially conscious, economically sustainable law practices using innovative legal services models in order to serve underserved Georgians statewide.

To accomplish L4EJ’s Mission, we adopted the following goals:

1. Create an entrepreneurial career pipeline;
2. Innovate in the delivery of legal services;
3. Expand access to justice;
4. Enable economically sustainable and socially conscious law practices; and
5. Ensure a sustainable incubator.

Under each goal, we adopted metrics that set specifically measurable targets or strategies, which will allow us to measure progress towards those strategies and ultimately to measure success of the effort. We believe these are key elements to providing the L4EJ Board, staff, participants and grantors with clearly stated outcomes for determining success.

An incubator, because it is both an access to justice and post-graduate education program, offers several legitimate opportunities for collaboration among potential stakeholders.

Stakeholders include: the state bar because of its commitment to professional responsibility and serving its newest members; the law schools because of their desire to support recent graduates in their efforts to succeed in practice and develop curricular innovations regarding building sustainable practices; the state Supreme Court because of its commitment to professionalism and access to justice; and the CLE providers because of their desire to develop new programming for recently licensed lawyers, particularly those going into solo or small firm practice. A collaborative program involving all the stakeholders in building the program and investing in its success has a much better chance of realizing the goals and ambitions of the incubator.

HULETT H. “BUCKY” ASKEW is the former consultant on legal education for the American Bar Association and former director of the Civil Division for the National Legal Aid & Defender Association. He chairs the Board of Directors for Lawyers for Equal Justice, Georgia’s first law practice incubator program, and is a Visiting Professor of Law at Georgia State University College of Law.



CHRISTOPHER ROTTLER | JUSTIN GROSS | VIRGINIA SIPES

IOWA LAW FIRM INCUBATOR | 2017

The Iowa Law Firm Incubator is accelerating the launch of a Des Moines-based incubator to train and mentor new entrepreneurial lawyers as they create their own community-based solo or small law firms. With input and insights from the leaders of the law firm incubator movement and internationally recognized leaders that are active members of Iowa’s legal community, including members of an advisory council, attorneys and entrepreneurs Chris Rottler, Justin Gross and Virginia Sipes leveraged their combined leadership experiences to co-found Iowa’s first law firm incubator.

Incubator attorney participants will learn how to increase access to legal services and serve clients across the spectrum of incomes representative of the greater communities that they serve. The incubator curriculum will teach lawyers a variety of strategies including setting sliding-fees adjusted to household income, using limited scope retainers, providing unbundled services, offering flat-rate fees, providing pro-se assistance, using installment agreements and cooperating and coordinating with nonprofit service providers. The incubator seeks to aggressively advance social innovation and justice, in part, through the provision of pro bono services to under-resourced and underserved communities and individuals.

CHRIS ROTTLER is a co-founder of the Iowa Law Firm Incubator and a co-founder and partner of Community Lawyers of Iowa, PLC.

JUSTIN GROSS is a co-founder of the Iowa Law Firm Incubator and a co-founder and partner of Community Lawyers of Iowa, PLC.

VIRGINIA SIPES is a co-founder of the Iowa Law Firm Incubator and ISBA Innovation & Community Outreach Director.

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Witnessing the confirmation of a Supreme Court nominee

By Jeff Goodman



Jeff Goodman

Neil Gorsuch was nominated by President Trump on Jan. 31 and he was confirmed by the U.S. Senate on April 7. Between these two dates spanning approximately 66 days that invoked Article II, Section 2 of the U.S. Constitution, the U.S.

Senate Judiciary Committee (“committee”) carefully evaluated and the full Senate rigorously debated Judge Neil Gorsuch’s fitness to serve on the United States Supreme Court.

Repeat appearance

This was not Judge Gorsuch’s first trip to the U.S. Senate. In 2006, he was confirmed by the Senate to serve on the U.S. Tenth Circuit Court of Appeals by a unanimous vote.

On each occasion of his nomination, the American Bar Association unanimously rated Neil Gorsuch well-qualified and declared him to possess the highest level of professional qualifications, including integrity, competence and temperament.

His nomination to the Tenth Circuit was so non-controversial that only one of the 20 Senators on the committee bothered to show up at his confirmation. His nomination was reported out of the committee on a voice vote. He was subsequently voted on by the full Senate with a voice vote as well and “[n]ot a single Democrat even spoke a word of opposition to him.”

Judge Gorsuch appeared before the committee March 20-24, for his five-day

confirmation hearing. The first day of the hearing consisted of statements by each of the 20 Senators who comprised the committee, followed by a statement by Judge Gorsuch. The second and third days consisted of the Senators questioning Judge Gorsuch. The final two days consisted of a variety of individuals and interest groups who endorsed and criticized Judge Gorsuch.

One side of the aisle was still reeling from the Senate’s failure to act on President Obama’s 2016 nomination of Judge Merrick Garland to the Supreme Court. The other side of the aisle was delighted that Judge Gorsuch was the 2017 nominee.

This article recalls some of the memorable moments from the first two days of the hearing of which I was able to attend, by paraphrasing or quoting the Senators who served on the Committee. I have not mentioned their names or political party affiliations to allow you, the reader, to simply judge their comments at face value.

Introductions

Judge Gorsuch introduced himself and his family to the Committee. He spoke fondly of his father, grandfather and two teenage daughters. Judge Gorsuch also shared the inspiring story of his mother—one of the first female graduates of the University of Colorado Law School and the first female assistant district attorney in Denver.

Judge Gorsuch reflected on his legal heroes including Justices Byron White, Anthony Kennedy and Antonin Scalia who taught him, among other things: (1) everyone who comes to court deserves respect; (2) follow the law wherever it took him without fear or

favor; and (3) a judge’s job is to follow the words that are in the law, not replace them with words that are not. Judge Gorsuch also praised Justice Robert Jackson who believed that “When you become a judge, you fiercely defend only one client—the law.”

During his 10 years on the Tenth Circuit Court of Appeals, Judge Gorsuch participated in over 2,700 appeals. Ninety-seven percent of those appeals were decided unanimously, and he was in the majority 99 percent of the time. He offered this important perspective:

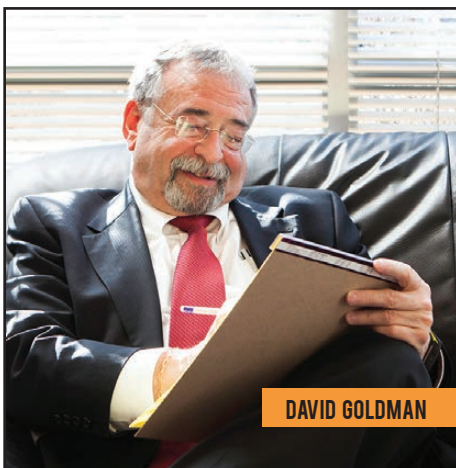
“The first case I wrote as a judge to reach the Supreme Court divided five to four. The Court affirmed my judgment with the support of Justices Thomas and Sotomayor, while Steven and Scalia dissented...I wonder if people realize that Justices Thomas and Sotomayor agree about 60 percent of the time, or that Justices Scalia and Breyer agreed even more often than that. All in the toughest cases in our legal system.”

Senator Grassley and his Senate colleagues

Senator Charles Grassley served as the Committee chairman. “We have a government of laws and not men,” Grassley reminded his colleagues in his opening remarks. He added that our judges, by design, play a critical, but limited, role by deciding controversies. But, in resolving them, the judges must look only to the laws that the people wrote. Grassley warned that when judges do not respect their limited role by respecting the horizontal divide between the co-equal federal branches of government, or the vertical division between the states and federal government, and they substitute their own policy preferences for those of the legislative branch, they rob the American people of the right to govern themselves.

One Senator urged his colleagues to focus on temperament, judicial philosophy, legal reasoning, qualifications and experience in evaluating Judge Gorsuch. The Senator said:

“I’m looking for a judge, not someone blinded by ideology. I’m not interested in people who want to use the judiciary to advance their personal policy goals. I want them to apply the law as it is, as best they understand it, not try to reshape the



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References Available On Request

law as they wish it to be. I also want a person who is intellectually curious, earnest in his desire to rule fairly, and willing to fight for his view of Justice—sort of a cross between Socrates and Dirty Harry.”

The same Senator also warned the nominee and his fellow committee members of the provisions of the Judicial Code(s) that prevent judges from commenting publicly on the merits of pending matters that might affect the outcome or impair the fairness of a pending or impending matter, or make pledges, promises or commitments that are inconsistent with the impartial performance of the adjudication duties of his office.

Yet, another Senator reminded Judge Gorsuch of the oath that he took when he was appointed to the Circuit Court in 2006:

“I will administer justice without respect to persons, and do equal right to the poor and to the rich.’ If confirmed, you must be a justice for all Americans, not for the special interests of a few. Perhaps at no time in our Nation’s history is that commitment more important than now.”

One Senator wondered aloud rhetorically:

“What if, for example, Judge Gorsuch’s record on the appeals court was as follows: he voted against the plaintiff in 83 percent of immigration cases, against the defendant in 92 percent of criminal cases, denied race claims more than 80 percent of the time, and agreed with other Republican-appointed judges 95 percent of the time? I can just hear the cries of protest, accusations that he favors certain parties and is hostile to others and threats of filibuster. That is, in fact, the record of a U.S. Circuit Judge nominated to the Supreme Court, but not the one before us today. It is the record of Judge Sonia Sotomayor as described by Senator Charles Schumer at her July 2009 confirmation hearing. Not only did he champion her nomination, but he offered that statistical summary of her record as proof that, as he put it, ‘she is in the mainstream.’”

One Senator exclaimed “the Supreme Court does not just interpret our laws,” but it also “shapes our society” by upholding the constitutional right to choose, the right to vote and to fair elections, protecting land, water and earth and ensuring access to the justice system.

A number of Senators criticized Judge Gorsuch’s judgement, in that he “...con-



Goodman witnessed the Gorsuch hearings in-person. This was his view from the gallery of the hearing room.

sistently ch[ose] corporations over people.” One Senator who shared this view harped on an array of five-four majority decisions as he imagined aloud were orchestrated to “help corporations against humans” that he equated to a “16-zero record for corporations against humans,” and by another count “21-two for corporations.”

Another Senator boldly accused Judge Gorsuch of being “part of Republican strategy to capture the judicial branch of government” and that his appointment would strengthen the pro-business corporate court led by Chief Justice John Roberts.

An opponent to these opinions retorted: “[A] judge is not supposed to care about the big guy or the little guy. A judge swears an oath to uphold the Constitution and the laws of the United States, not to give favor to particular litigants.”

“I don’t think it’s productive to evaluate someone’s judicial record by looking at who wins or loses in the courtroom,” an ally to the nominee said. “It goes without saying that, in our system, you face the same burden of convincing the court regardless of who you are, and judges don’t decide cases based on their own personal preferences.”

In evaluating these competing positions regarding corporations and individuals, it is useful to consider the laws of many states, such as Iowa Uniform Jury Instruction No. 100.20, which states if a corporation is the plaintiff or defendant, it should not affect a jury’s decision. “All persons are equal before the law, and corporations, whether large or small, are entitled to the same fair and conscientious consideration by you as any person.”

One case out of 2,700

Numerous Senators repeatedly recounted as a sort of mantra the facts of *Maddin v. TransAm Trucking*. The *Maddin v. TransAm* case received a great deal of attention in the media – much more than the other Gorsuch decisions that were discussed by some Senators.

In *Maddin v. TransAm*, Alphonse Maddin (“Maddin”) was employed as a truck driver by TransAmerica Trucking (“TransAm”). Maddin was transporting cargo when the brakes on his trailer froze due to sub-zero temperatures. After reporting the problem, TransAm instructed Maddin to cease operating the truck and “stay put.” Maddin



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waited several hours for a repair truck to arrive. Maddin unhitched his truck from the trailer and drove off leaving the trailer unattended. Maddin's employment with TransAm was terminated for abandoning the trailer.

Maddin brought a claim pursuant to the Surface Transportation Assistance Act (STAA) claiming that he was terminated in violation of the whistleblower provision of STAA which protects workers when they refuse to operate dangerous or faulty equipment.

In Gorsuch's dissent in *Maddin v. Trans-Am*, he reasoned, "[i]n deed, ... [TransAm] gave ... [Maddin] the very option the statute says it must [namely not to operate]: once [Maddin] voiced safety concerns, TransAm expressly—and by everyone's admission—permitted [Maddin] to sit and remain where he was and wait for help."

Numerous Senators disagreed with Judge Gorsuch's dissent. Other Senators rose to Judge Gorsuch's defense in stating that "[j]udges are not supposed to make law. They are supposed to faithfully apply it." Yet, another Senator said, "A judge who likes every outcome he reaches is very likely a bad judge, stretching for results he prefers rather than those the law demands."

Another Senator warned that:

"The legitimacy of our Supreme Court transcends the outcome of any one case. But that legitimacy rests on the unyielding responsibility of justices to put their personal political views aside to decide cases on their merits."

A history of the filibuster, cloture and the "nuclear option"

Witnessing the Supreme Court confirmation process in 2017 led me to study the history of how Supreme Court nominees have been confirmed in the past. In the case of Judge Gorsuch's nomination, the

Senate's procedures, not just the Senators' comments, played an integral role in his ascension to the Supreme Court.

Prior to 1987, judicial nominees were primarily evaluated and confirmed by the Senate upon their character and qualifications. Historically, the Senate viewed their role of giving "advice and consent" with sobriety. Individuals had been found unfit or unqualified for the highest court for various reasons. For instance, George Washington's nominee for Chief Justice, John Rutledge, was denied confirmation in part because of his opinions on the 1794 British peace treaty. But the majority of Supreme Court nominees have faced little resistance.

1987 was a unique turning point in the Senate's role in confirming Supreme Court nominees. That year, Ronald Reagan nominated Judge Robert Bork who subsequently faced a bitter political campaign challenging his judicial philosophy in an effort to scuttle his nomination, notwithstanding Judge Bork's sterling judicial qualifications. A new verb was created from this confirmation hearing. To be "bork-ed" now means, "to attack or defeat (a nominee or candidate for public office) unfairly through an organized campaign of harsh public criticism or vilification."

Throughout most of the Senate's history, the filibuster—which requires 60 votes to end debate—was not used to block judicial nominations. In fact, the Senate did not adopt the 'cloture' rule until 1917, and even then, cloture applied only to legislation. It was not until 1949 that the scope of the cloture rule was expanded. This expansion of the cloture rule had, as one of its unintended effects, the inclusion of judicial nominations. But even after the cloture rule was extended, it was not used routinely as a tactic to challenge judicial nominations.

It was not until 2003 that the filibuster was

used by the Democrats as a systematic way to defeat lower court nominees. During 2003 to 2005, approximately 10 circuit nominees were blocked by filibuster.

After Barack Obama was elected president in 2008, the Republicans also used the filibuster to block judicial nominations. In 2013, after the Republicans had defeated several circuit nominees, the Democrats resorted to the so-called "nuclear option," which changed the Senate precedent to make all lower court nominees (and executive branch positions) subject to only a 51-vote threshold.

With respect to the U.S. Supreme Court, the Gorsuch filibuster was the first successful partisan filibuster of a Supreme Court nominee in U.S. history. Abe Fortas was filibustered in 1968, but that effort was bipartisan, and Rehnquist and Alito were unsuccessfully filibustered. The Bork and Clarence Thomas nominations in 1987 and 1991, as bitter as they were, were not subjected to filibusters. Any single Senator could have forced a filibuster on either of those nominees, but none did because it had not been common practice to subject Supreme Court nominees to filibuster.

Over the Senate's 230-year history, there was approximately a 14-year period where the Senate permitted the use of the filibuster for judicial nominations. As of 2017 and the Gorsuch nomination, the filibuster of judicial nominees was nullified by invoking the "nuclear option" for Supreme Court nominees so that the threshold for ending debate was reduced from a super majority of 60 to a simple majority of 51 votes.

Ironically, after all of these political machinations—frequent use of the filibuster, political scuffles to secure cloture, and invocation of the "nuclear option" for the lower court in 2013 and Supreme Court nominees in 2017, the result has been to return the Senate's role in confirming judicial nominees to one that resembles most of the Senate's 230-year history when judicial nominees were approved and appointed by a vote cast by a simple majority of the Senate.



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Jeff Goodman is a trial attorney. He is devoted to maintaining and enhancing the quality of the judiciary at the state and federal levels by serving on the State Court Judicial Nominating Commission and the Federal Judicial Nominating Commission. Jeff also served on the 5C District Court Judicial Nominating Commission from 1996-2002. He has also served on The Iowa State Bar Association Bench Bar Committee from July 2013-June 2016. Contact Jeff at 515-267-8600 or jeff@golawpc.com.

Inspiration from Iowa

How attorneys are changing lives in Belize

By Melissa Higgins, Communications Director

“This is a story of lawyer champions. We champion peoples’ cases and their rights. We fight for people. And for people who’ve never had anyone to fight for them before in Belize, what we do is even more powerful.”

—Professor James Arthur Albert

I first met Professor James Albert in the lobby of Drake University Law School. He was waiting right at the front door for me, eager to shake my hand and tell his story. He ushered me back through the maze of staff offices to the space where he works. The décor of his office showed his passion, even before we began the interview. The walls and bookshelves are blanketed with photos and mementos from his travel in Belize: a picture of the village cow, a small figurine carving that a child gave to him, photos of the classrooms he helped build and images of the children he put through high school, many of whom have gone on to become valedictorians.

Albert launched right in to everything his foundation has been able to accomplish in this Central American country. He spoke excitedly about the more than 1,000 scholarships awarded, tens of thousands of dollars in text books and classroom materials donated, hundreds of soccer camps organized, even shoes, uniforms and school lunches purchased. But he was also quick to point out how all of this got accomplished.

“This is the story of Iowa lawyers,” he explained.

It may be called the James Arthur Albert Foundation, but Albert gives enormous credit to the hundreds of Iowa attorneys who help make this a successful organization that grows in fundraising capability and impact every year.

“This is something that uniquely and only lawyers could do,” he said. “They are advocating for these children who have never had anyone fight for them in their lives. Without us, they could never go to high school.”

This is not hyperbole. One-half of the children in Belize don’t attend high school because of the price: \$200 per year for tuition and books. Many in this country, which borders Mexico, Guatemala and the

Caribbean Sea, live on only \$450 in income annually to support an entire family.

The Iowa attorneys involved in this foundation raise the majority of the scholarship money through an annual auction event. Last year, with more than 300 attendees, they raised \$72,500. They hope to top that this year. The 2017 “Books & Bricks for Belize” event is coming up Thursday, June 22, in West Des Moines.

“Books & Bricks for Belize” fundraiser

When: Thursday, June 22
5:30-7 p.m. Happy Hour
7-9 p.m. Program and Auction (including a special video from the children of Belize)

Where: Stine Barn – 4000 Turnberry Drive, West Des Moines, IA 50265

All proceeds from the event benefit the James Arthur Albert Foundation. For more information, visit helpingbelizekids.org



Professor James Arthur Albert shows off some of the photos and mementos in his Drake University Law School office from his travels in Belize.

Why Belize? Albert told me the fateful story of how his foundation got started. A former Drake law student, Nicholas Cooper, went on his honeymoon with his wife to Belize. But it wasn’t your typical tropical vacation. They saw poverty and suffering; humanity that sparked a fire. Upon return to Iowa, Cooper discussed his experience with Professor Albert and encouraged him to make his own trip to this country that had captured his heart.

Albert, a self-described “bad traveler,” had never ventured abroad before. But he made the trip to Belize upon Cooper’s urging. And he saw first-hand what had inspired his student so much.

He came back and they got right to work, in 2010 organizing the foundation’s very first fundraiser in an attorney’s living room in Urbandale, auctioning off items like Belize stamps. It was an impressive first-attempt: \$6,000 raised from that event alone. That went toward providing microscopes, Bunsen burners and a laboratory full of equipment for the night high school

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Professor Albert attends all of the high school scholarship ceremonies each year in Belize and personally hands out the certificates to each student. He wants to provide college scholarships in the future, as the foundation grows.



Students and scholarship recipients from a Belize high school display the Drake University Bulldogs school flag.



Foundation Vice President Kale Van Bruggen, Professor James Albert and Belize student Jennifer Gonzalez pose in front of the wall with Jennifer's "lucky money from America," as well as her other recognitions taped up on a wall in her home.

in Punta Gorda Town. The school had been teaching science and biology without even a single microscope.

That was just the beginning, with more ambitious goals set and met every year since.

Cooper is now an attorney for Norwich University in Vermont, but he is still vice president of the foundation.

The other major player is Kale Van Bruggen, also a former Drake law student, who helped coordinate the first two Belize Dance Marathons at Drake while he was still a student. He now works as an agriculture and environmental lawyer in Saint Cloud, Minnesota, but is also vice president of the foundation and has expanded its fundraising footprint with sister auctions in Minneapolis, Saint Cloud and even Las Vegas.

"The donor base continues to grow because we are backed by Iowa lawyers and Drake lawyers across the country who are committed champions for this cause," explained Van Bruggen. "Iowa is a world away for these Belize children, but Jim, Nick and I have committed to bringing their stories back here and, once we did, I think the lawyers saw the potential for the revolutionary and life-changing impact their support will have."

Belize is the only English-speaking country in Central or South America, and that has allowed these attorneys to establish very close relationships with their local contacts. They have an administrator on the ground, a Belize native, who helps process and select all scholarship applicants, as well as ensure that the funds go to the appropriate purpose. Every dollar is tracked carefully, with a watchful eye from Professor Albert's office in Des Moines. He showed me the stacks of receipts he keeps with meticulous notes, stressing that it helps assure donors that their money is going only to its intended purpose.

The foundation works primarily with four high schools (grades 9-12) in the southern part of the country. Albert personally visits four times a year and knows all the principals and teachers like close friends. They also know all the scholarship recipients by name.

"I have to say my favorite part of volunteering with the foundation is actually meeting all of our scholarship recipients and their families," said Cooper. "The students in Belize could not be happier that we are helping them and many repeatedly tell us that our scholarships have changed their lives."

It is life-changing because the scholarship allows them to dream, Albert explains.

"When you fall asleep on the dirt floor of a thatched roof hut next to your parents and siblings, knowing you'll never be an educated person, what do you dream about that life has in store for you?" he asks. But now he reads scholarship applications where students say they want to be scientists, teachers, doctors, even lawyers. In the southern part of Belize, there are no practicing attorneys. These students had never met one until this foundation showed up, and now they aspire to become one.

When I asked Albert to tell me more about these students, he pointed to a picture of 15-year-old Jennifer Gonzalez. She won the foundation's annual art contest last year. That means her painting was auctioned off as part of the prizes. Because she won the contest, Albert sent her a \$10 bill.

He took a long pause before telling me the next part of the story, and his voice quivered with emotion.

When Albert went to visit Jennifer this past January, she showed him something amazing. Taped up on the wall of her family's thatched roof home was that \$10 bill, unspent,

below her scholarship certificate which was also proudly displayed on the wall. Albert asked her why she didn't spend the money. It could feed her family for weeks. But she called it her "lucky money" from America. Seeing it on the wall was her inspiration.

Jennifer ranks first in her class in her high school. But without the help of this foundation, her mother, who raises chickens, turkeys and ducks for a living, would not have been able to afford tuition or textbooks. Jennifer wouldn't have been able to go to school at all.

This is just one of hundreds of inspiring stories coming from this country, where the maturity and drive in these students shines through in the scholarship application letters that Albert receives.

Like this one, from a 15-year-old in Big Falls Village: "I watch my parents struggle every day to put a meal on our table. I know my family won't be able to support me financially, so I have decided to apply for this scholarship. I also just don't want to sit back and . . . give up. This is my start, my chance. Living the life I live is not one that I will or want to settle for. I have struggled every day of my life, and I will not give up now. I am appealing to [you] to please grant me this scholarship."

It tugs at the heart strings. Words like this make it so clear why this foundation has become so all-consuming for Albert and why he has been able to get so many others involved.

Just like in Jennifer Gonzalez's home, one must not look much farther than what hangs on the walls in Albert's office, to know what inspires him.



Some of the Iowa attorneys who help organize the annual auction fundraiser:
Back row, left to right: Stephen Babe, Nick Shaull, Tyler Patrick, Dustin Mueller, Christian Fasselius, Joshua Asner, Jordan Hutchinson and Ben Parrott.
Front row, left to right: Katrina Raisch, Caitlin Andersen, James Albert, Patrick Waldron and Megan Tooker.



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IN MEMORIAM

Julie Fillenwarth, 63, of Arnold's Park died on April 14.

Fillenwarth was born in 1953. She received her J.D. from the Creighton University School of Law in 1978. After law school, Julie joined her mother, Ruth; sister, Lynn; and brother-in-law, Rich Meyer, in the practice of law at Fillenwarth & Fillenwarth Attorneys in Estherville. She served as Assistant Dickinson County Attorney from 1987-1991 and as Assistant Emmet County Attorney from 1991-1999.

Arthur Ovrom, 90, of Keosauqua died on April 27.

Ovrom was born in 1926 in Gary, South Dakota. He received his J.D. from the University of Iowa College of Law and was a Navy veteran. He spent his career working at Farmer State Bank (now 1st Iowa State Bank) in Keosauqua, where he served as president. His family is continuing in his footsteps. His daughter, Eliza Ovrom, is a District Court Judge in Polk County; her husband is Consumer Advocate, Mark Schuling; another daughter, Jennie Ferretti, and her husband, Dave, are attorneys in private practice in West Virginia; grandson, Matthew Schuling, is an Iowa Assistant Attorney General; and grandson, Ted Ovrom, is a second-year law student at Iowa.

Richard S. Rhinehart, 89, of Sioux City died Jan. 18.

Rhinehart was born in 1927 in Chicago, Illinois. He received his J.D. from the University of Iowa College of Law in 1954. He practiced law in Sioux City with several firms before forming Rhinehart Law with his son, R. Scott Rhinehart. He remained Of Counsel until he retired in 2013.

William G. Stockdale, 64, of Omaha, Nebraska, died on March 27.

Stockdale was born in 1952. He graduated from Creighton University College of Business and Creighton University School of Law. He also earned an LLM in taxation from Denver University. He practiced law in Omaha for 39 years. He was an avid outdoorsman and mentored many young men and women through Boy Scouts and coached high school trapshooting at Prep and Marian for nearly 15 years.

LeRoy Voigts, 89, of Waverly died April 20.

Voigts was born in Greene on Oct. 2, 1927. Following a brief stint in the Navy, he attended Drake University Law School, from which he graduated in 1955. He then joined the Nyemaster Goode law firm, where he became a partner and practiced as a trial attorney until his retirement in 2002.

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

There is not enough space...

By Reed McManigal, YLD President



Reed McManigal

I could have used the same title for my President's Welcome Letter. You will remember from that article that the Young Lawyers' Division has a problem—a competitive pull for the time, talents and strengths of our membership from other

organizations, employers, friends, family, etc. In other words, our members don't have enough space in their lives to do everything they'd like to do and, as a result, they have less time to devote to our organization. As a division, we have done a lot to address this problem over the last 12 months. It has been a fantastic year. The metrics that matter most—retention, membership and engagement—have been remarkable.

Similarly, there is not enough space in this edition to thank all of the people who

deserve to be thanked for their incredible work over the past year. The people in this organization are the solution to our problem and have made sacrifices to advance our division and the larger Iowa State Bar Association. With the space I have, I will try my best to highlight some of the individuals who have made the most significant impact in reaching our division's goals this year.

No two members have increased their engagement in the Young Lawyers' Division more than Kyle Frye and Rob Poggenklass. Along with our incoming Young Lawyers' Division President, Tom Hillers, they have led the charge to find creative solutions to address The Iowa State Bar Association's student debt issue. This issue is not a young lawyer issue; this is a bar association issue. The sooner we recognize this and address it as such the better off we will be as an association. There is real opportunity to make a difference in our members' lives and ensure we have a vibrant Iowa legal community in the future.

On a note related to student debt, John Lande worked with the ISBA's legislative team of Jim Carney, Doug Struyk and Shannon Henson to partner with Representative Rob Taylor to support a bill advocating for the deductibility of student loan interest payments on state taxes. John took another important step and gathered support from other associations struggling with student debt. Look for this bill to come back around with Representative Taylor and John Lande's leadership. Our legislative team fielded countless questions this session and did an amazing job being responsive to our membership.

Cindy Lande, Megan Dimitt and Laura Folkerts deserve special recognition for their continued work with Drake University Law School and the University of Iowa College of Law to raise awareness among current law students about the ISBA and YLD and the many benefits of membership for future Iowa lawyers. They have been and

continue to be a consistent presence at our state's law schools.

Scott Hall is the senior member of the Young Lawyers' Division. Scott's vision and leadership are irreplaceable. As the Iowa Bar Review Committee ended its tenure, Scott assisted in transferring ownership of the Iowa Bar Review Committee's outlines to the Young Lawyers' Division for upkeep to ensure future young lawyers have access to these tools.

I would also like to thank our Publicity Committee Chair and unofficial presidential proofreader, Leslie Behaunek. Leslie excels in every aspect of her life, and she excels in areas where I am weak. Thanks for filling in the gaps in my talent.

Various Young Lawyers' Division committees consistently do great work. This year was no exception. From the Professional Development Committee led by Karen Karr and Laura Lockwood, to the Know Your Constitution Committee led by Sam Langholz and Bob Gainer, these committees consistently perform spectacularly. Of course, the Mock Trial Committee led by Christina Thompson, John Lande and Van Everett, in coordination with John Wheeler, continues to make a difference in the lives of tomorrow's attorneys.

We had several members step up in other ways: Van Everett ate over 70 wings to raise money for our mock trial program, Kelsey Crosse planned and executed successful social networking events with the Polk County judges, Torey Robinson actively recruited new members and McKenzie Hill provided assistance with regard to ISBA's



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ISBA Assistant Executive Director Harry Shipley discusses YLD projects with YLD President Reed McManigal during the winter YLD meeting in Ames.



ISBA President Skip Kenyon and YLD President Reed McManigal visit the U.S. Supreme Court building during a visit to Washington, D.C. during ABA Day.

judicial retention efforts. I would also like to thank our entire Executive Committee for helping to create the YLD Anonymous Question Forum. The use of this forum in its first few months of existence has been greater than we imagined, and it is proving to be a useful tool for young attorneys across the state.

I would like to thank Dick Lyford for his wisdom, guidance and friendship. Dick has helped me personally and our organization as we wrestle with issues related to the bar exam and student debt. His knowledge and passion on those issues is second to none.

The Iowa State Bar Association staff has been helpful and supportive, providing resources and encouragement as we created and developed new ideas to benefit our members. Lisa Hanson, Dwight Dinkla and the incredible mid-year addition of Melissa Higgins make an unbeatable team.

Harry Shipley deserves an entire Iowa Lawyer Magazine for the work he does on behalf of The Iowa State Bar Association. Harry fielded literally hundreds of emails from me. He was always quick to respond, well-reasoned, and offered sound guidance. I'm happy to call Harry a friend, and I am thankful for his tremendous advocacy for young lawyers across the state.

President Skip Kenyon and the entire ISBA Administrative Committee have been welcoming, accepting and eager to listen to our division's ideas and suggestions. We couldn't ask for anything more in our association's leadership. I anticipate future YLD

leadership will have a similar experience with Steve Eckley, Tom Levis and Bill Boyd.

I would also like to extend a shout out to those members of the Young Lawyers' Division who attended their first meeting in April 2017: Naeda Elliott, Laura Wasson, Corrin Hatala, Shannon Powers, Andrew Powers, Kay Oskvig, Tyler Heeren, Andrew Aeilts, Daniel Fischer and Kristen Shaffer. You are the future of this organization.

Leadership in the Young Lawyers' Division is a three-year commitment. I remain grateful for the support of Jim Hayes and Hayes Lorenzen during my time as YLD Secretary and for the continued support and understanding of Holmes Murphy as I finish my time as YLD President.

That's plenty of looking back—it's time to look forward. The Iowa State Bar Association and the Young Lawyers' Division couldn't be in better hands. Tom Hillers, Maggie White and Abhay Nadipuram are positioned to do fantastic things in their respective leadership roles. I have nothing but confidence in them.

Last, and certainly not least, I'm thankful for the limitless patience of my wife Stina and son Banks. I couldn't ask for a better family, co-workers or legal community.

For all of the young attorneys, bar members and others who contributed this year but whose names are not included – Thank You. This article has the same problem as our organization — not enough space.

AA and Al-Anon at ISBA Annual Meeting

Annual Meeting is June 19-21

By Hugh Grady, Iowa Lawyers Assistance Program

During the ISBA Annual Meeting, there will be Alcoholics Anonymous and Alanon meetings. This is the second year the ISBA has made space available for the meetings. The meetings will be held at 7 a.m. and 4 p.m. in designated rooms which are posted on the schedule. The meetings are held in an area away from the general meeting rooms. This is to ensure that anyone can attend and feel that the meetings are anonymous. Each of the meetings will be chaired by volunteers who are members of either Alcoholics Anonymous or Alanon.

Last year, a survey of lawyers was performed by the American Bar Association Commission on Lawyer Assistance programs and the Hazelden/Betty Ford Foundation. The study was published in *The Journal of Addiction Medicine*. Amongst other findings, the survey found that 20.6 percent of the lawyers reported problematic drinking. Lawyers Assistance Programs around the country find similar statistics in their programs. Alcohol dependence and abuse among attorneys is higher than physicians and dentists.

The Preamble of Alcoholics Anonymous states that the primary purpose of the program is to stay sober and to help other alcoholics to achieve sobriety. The only requirement for membership is a desire to stop drinking.

Alanon is an organization composed of family groups who are a fellowship of relatives and friends of alcoholics who share their experience, strength and hope to solve their common problems. The only requirement to join is to be troubled by someone else's drinking; anyone meeting this qualification is welcome.

Need a new website photo or professional portrait?

ISBA Annual Meeting attendees who are looking to update their professional photos can take advantage of an opportunity to get a free, professional, digital photo taken right on-site.

Meeting attendees can visit the photo location near room 321 during most session breaks throughout the conference or visit the ISBA registration desk in the lobby of the Community Choice Credit Union Convention Center for assistance.

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 Charnetski, Shindler, Anderson, Goplerud & Weese
Bryan O'Neill, Dickinson Law Firm
Laura Wasson, Dickinson Law Firm

Theodore Frederick Sporer

April 28, 2017

No. 16-1441

License Suspension

Theodore Sporer has been a licensed Iowa attorney for 31 years, practicing primarily in domestic relations and civil litigation. This disciplinary action arises from a divorce proceeding.

In 2012, Sporer represented Gary Propstein in a dissolution action against Linda Propstein. The court entered a decree, which included entitlement by Linda to a share of Gary's retirement benefits and payment for an equity share in the marital home. Sporer filed an appeal, and Linda's attorney Timothy Duffy filed a contempt application when Gary did not make timely payment of the equity share.

On Sept. 21, Sporer sent Duffy a letter proposing settlement. The proposed terms were (1) a payment from Gary to Linda, (2) Linda executing a quit claim deed to the marital home and (3) mutual releases of

claims. Duffy responded with a Sept. 24 letter, agreeing to Sporer's terms in addition to the QDRO for Linda's share of Gary's retirement assets and benefits. Sporer claimed he took a "red Sharpie" to the Sept. 24 letter, drew an x through the paragraph on the QDRO, and wrote "Duffy—Pardon the informality. No—complete release all claims! No \$ w/o release! TFS." No copy of the marked up letter was received by Duffy, and Sporer's billing records did not show work on the proposal. Sporer told Gary settlement was finalized without mention of the QDRO or Duffy's letter.

Sporer prepared settlement documents. Duffy's secretary went to Sporer's office, and was provided a check and a six-page "Settlement and Release of Claims." Before leaving, she was asked to sign a letter repeating the terms contained in Sporer's Sept. 21 letter and containing the sentence: "Payment and terms accepted by Linda Propstein, by and through her attorney Timothy Duffy." Duffy reviewed the Settlement and Release of Claims and inserted language regarding the QDRO before Linda signed it. Sporer did not object to the revisions, but failed to provide QDRO informa-

tion in response to Duffy's repeated requests.

Duffy filed applications to implement the decree and for contempt. Sporer resisted by claiming there was a binding settlement releasing Linda's claims to Gary's retirement assets. Sporer asserted settlement became binding when Duffy's secretary signed the letter in his office as a "full agent" of Linda. However, the court found there was no agreement for Linda to release entitlement to the retirement benefits, Gary's claims were "meritless and contrived" and Sporer "lied under oath and fabricated evidence." Gary was sentenced to six months in jail.

Violations regarding Sporer's assertion Duffy's secretary could create a binding settlement. The Iowa Supreme Court first noted Sporer claimed in his briefing that the secretary's signature was the first step in an accord and satisfaction or ratification along with cashing of the check, or was not timely repudiated. However, the court found Sporer had already asserted under oath that the secretary's signature created a binding settlement, and this was an "objectively absurd" statement for an experienced lawyer to make. Finding Sporer could not have subjectively believed this assertion, the court held Sporer violated Rule 32:3.3(a)(1) (knowingly making a false statement of fact or law to a tribunal) and 32:3.1 (frivolous claims, defenses, or issues).

Violations regarding the handwritten version of the September 24 settlement letter. The court found several reasons to discredit Sporer's account of notating Duffy's Sept. 24 settlement letter with his handwritten notions on Sept. 27 and sending it to Duffy on that date: it would be unusual for an attorney to respond in this manner; Duffy's position was not surprising or unreasonable; Gary was on a weak negotiating position; no credible evidence of delivery was produced; and the marked-up copy was not produced for months (including in a mediation). The court found Sporer violated Rule 32:3.3(a)(1) (false statements to a tribunal) and Rule 32:8.4(c) (misrepresentation or deceit), as well as Rule 32:8.4(d) (conduct prejudicial to the administration of justice) for the significant amount of resources spent on his claim.

In considering sanctions, the court found Sporer's status as an experienced practitioner, multiple violations and previous disciplinary actions to be aggravating factors. Sporer's timely cooperation with the board constituted a mitigating factor. The court suspended Sporer's license for six months.

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Bowden

Mona M. Bowden joined Peiffer Law Office, P.C. in Cedar Rapids as an associate. She received her J.D. from the University of Iowa College of Law. She has experience in real estate transactions, estate planning, tax preparation and probate.



Eichorn

Chad Eichorn has joined Pearson Bollman Law in West Des Moines. He received his J.D. from Drake University Law School in 2013. Eichorn works in the areas of estate planning, probate/trust administration, non-profit/charitable organizations and elder law.



Erickson

Benjamin T. Erickson recently joined Grefe & Sidney, PLC, in Des Moines, as an associate attorney. He is a graduate of Drake Law School in 2015. He previously served as a clerk for Judge Robert Hanson, Fifth Judicial District of Iowa. Erickson will be practicing in the litigation section of the firm.



Gierut

Peter Gierut has been named partner at Gallagher, Millage & Gallagher in Bettendorf. Gierut received his J.D. from Drake University Law School. He will maintain a general practice including criminal law, labor and employment law, transactional and business law, and personal injury law.



Kreuder

Chris Kreuder joined Faegre Baker Daniels in Des Moines as an associate. He received his J.D. from Drake University Law School in 2016. His practice will focus on complex commercial and product liability litigation.



Legue

Nate Legue has opened his own law firm, Legue Law, P.C., with offices in Davenport and Muscatine. He received his J.D. from the University of Iowa College of Law in 2012 and was a law clerk for the Seventh Judicial District. His general practice includes family law, criminal defense and personal injury.



Maxon

Robin G. Maxon has joined Hopkins & Huebner, P.C. in Des Moines. Maxon received her J.D. from Drake University Law School. She practices primarily in workers' compensation and personal injury.



Morris

Deborah J. Morris joined Elizabeth A. Rosenbaum, P.C. in Sioux City, as an associate. Deborah earned her J.D. from the University of South Dakota School of Law in 2016. Morris will practice primarily in family law.



Nierman

L. Craig Nierman and **Nicholas J. Kilburg** have joined Phelan, Tucker, Mullen, Walker, Tucker & Gelman, L.L.P. in Iowa City.

Nierman joined the firm as a partner. He received his J.D. from the University of Iowa College of Law in 1999. Nierman's practice will focus primarily on the areas of insurance, personal injury and civil litigation.

Kilburg has joined the firm as an associate. He received his J.D. from the University of Iowa College of Law in 2010. Kilburg's primary areas of practice are civil litigation and appeals.



Kilburg



Purcell

Taryn R. Purcell has joined Clemens, Walters, Conlon, Runde & Hiatt, L.L.P. in Dubuque. She received her J.D. from William Mitchell College of Law in 2013. She maintains a general practice that includes family law, criminal law, juvenile law, small claims, estate planning and litigation.



Reilly

Michael G. Reilly has joined Stuart Tinley Law Firm LLP in Council Bluffs as a partner. He received his J.D. from Creighton University School of Law in 1981. Reilly will practice in civil litigation and personal injury.



Simpson

Shannon Simpson has formed her own practice, Simpson Legal Group, LLC, in Council Bluffs. Shannon received her J.D. from Creighton University School of Law in 1997 and is a member of both the Iowa and Nebraska bars. Her practice focuses on family-law-related matters.



Techau

Kevin W. Techau has joined Scheldrup Blades Law Firm in Cedar Rapids as a shareholder. He will lead the firm's Government Compliance and Internal Investigations Team. Techau most recently served as U.S. Attorney for the Northern District of Iowa. His public career also includes leadership of the

Iowa Department of Public Safety and Iowa Department of Inspections and Appeals. He served as a public defender in federal courts for the Northern and Southern Districts of Iowa and the Eighth Circuit Court of Appeals, and as a staff judge advocate with the Iowa Air National Guard.

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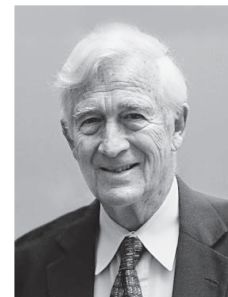
To submit a transition item, please follow the same style published here and keep submissions short and to the point. The focus of the announcement should be on the individual involved, not the law firm.

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The elements of an effective law firm website

By Mike Ramsey, President of Nifty Legal Marketing

Your law firm website can be a powerful tool, if it's constructed thoughtfully. A strong web presence is becoming increasingly important as Millennials make up more and more of the target market for most law firms. Statistically, it's very likely that you are not taking full advantage of those possibilities. The good news is that much of your competition is behind the curve. That means opportunity for the law firm willing to invest in using this guide to create and maintain an effective legal website.

An effective law firm website is user friendly

Your law firm website can't do its job if it's annoying, confusing or inaccessible to your prospective clients. Your ability to establish expertise, connect with your market and convert visitors through your website depends on their ability to easily find what they're looking for and understand it. These elements will allow visitors to move around your site comfortably and make the most of the information they find there.

Clarity: A visitor to your website should be able to understand at a glance what you're offering and to whom. Inviting colors, beautiful graphics and a professional impression are important, but they're just tools. Your website's job is to let prospective clients know exactly what you have to offer them, and you don't want to make them work for it.

Data on precisely how long you have to capture your website visitors' attention varies somewhat, but tops out at about 10 seconds. Many experts estimate lower, at three to seven seconds. Regardless of which figure you accept, the bottom line is the same: the instant a prospect lands on your site, he should know whether you offer what he's looking for. Consider the law firm home page below.



In many ways, this is a very effective law firm web page. It looks professional. Contact information is immediately apparent. The tag line promises success. Awards and recognition from respected organizations and publications are prominently but tastefully featured. The green accents subtly say "money". Yet, this firm's home page has a significant weakness: it isn't until the second half of the second paragraph that we learn what the law firm does. And, when that information is finally presented, it's in a standard font in the midst of a block of text—not easily spotted on a quick once-over of the page.

Contrast that page with this Arizona Workers Compensation Law Firm's site, where "Arizona Workers Compensation Attorneys" is prominently featured near the top of the page. There is no question what they do.



Now, some attorneys have their practice areas worked into the logo. Others do so much it takes more space to cover the practice areas. The key is ensuring that when potential clients come to your website there is a clear answer to this question:

"Am I in the right place to find the information or services I'm looking for?"

Accessible language: Your law firm website isn't a law review article. You're speaking to your prospective clients, who are often consumers or small business owners with no legal background. Law school may have conditioned you to speak formally, apply flawless logic and show off your knowledge, but your prospective clients don't want to know that you're a great scholar—they want to know that you understand their problems and have real-life solutions for them. You convey that by speaking in language they'll understand, about the issues that concern them.

Speaking your prospective clients' language helps bring them to your site, too. You've undoubtedly heard about the power of long-tail search terms. Those longer phrases draw targeted visitors to your website because they mimic the language your prospective clients will use when searching for information or services online. There's no better source of information about the language your target market uses than your current clients and prospects.

Separate practice area sections/pages: Recently, there's been a lot of discussion about whether a law firm that has offices in different cities or operates in multiple practice areas should have separate law firm websites. That's a question worth delving into another day, but for purposes of this guide I'm assuming a single law-firm website.

Separating out practice areas on your law firm's website accomplishes many of the goals of the separate site system: it focuses content that's relevant to the visitor, makes it easy for the prospective clients to find the information they're looking for and enhances your ability to target keywords within a particular practice area. Clarity and ease of navigation on a site that's divided into practice areas improve user experience and increase the likelihood that a visitor will remain on the site, while those focused individual practice areas pages make it more likely that prospective clients will find your site through search and will enter on a relevant page. At the same time, a partitioned approach to a single law firm website sidesteps some of the pitfalls of multiple sites, such as client confusion when they search for your firm by name and land on the wrong site.

Responsive design: According to Google, 42 percent of people seeking legal advice online switch between devices during their research. That means prospects may be viewing your site on more than one device, and also that you can't accurately predict which type of device they'll be using to visit your site.

Responsive design allows your law firm website to adapt to the device, creating a better and more consistent user experience. That's good for your visitors, of course, but it's also good for your law firm. We know that most mobile device users will abandon a site if it doesn't load within three seconds, so a website that's designed for desktop users only could cost you the opportunity to convert a significant percentage of your visitors to prospects or clients.

Also, in a recent study we conducted across 50 U.S. markets and four legal practice areas, we found that 90.5 percent of the law firms ranking in the first position had responsive websites.

An effective law firm website is search engine optimized

The most effective, user-friendly, conversion-oriented law firm website ever designed won't do you a bit of good if your prospective clients don't see it. You may be driving some traffic to your site with paid advertising or through referrals, but creating a great law firm website that isn't optimized for search is like commissioning a beautiful sign for your business and then planting a big tree in front of it. Take these steps to help prospects find your law firm site:

On-page SEO: In this section, I'll cover some of the key elements. However, this is a very important element in the success (or failure) of your law firm's website, and I'd strongly encourage you to take the time to fully educate yourself or get expert SEO help.

Some of the core on-page elements that you can easily optimize include:

- Determining the most effective keywords for your practice, based not just on volume but on the terminology your market uses
- Structuring your content to naturally include keyword topics rather than attempting to apply a formula, and ensuring you use related terminology on the page
- Providing substantive, long-form content on key pages – the average Google first-page result contains 1,890 words
- Making use of keyword/topic-based H1 and H2 titles, preferably with the primary keyword at the front of the title
- Including relevant imagery and videos optimized for size and usability

Structural SEO: Technical optimization of your website requires even more specific expertise than content optimization. In the same way that having a fantastic website doesn't help you if prospective clients can't find it, having beautifully optimized content won't help you if Google and other search engines can't read your site, or if technical issues like loading time tank your rankings.

Some of the key areas to focus on include:

- Page loading time across device types; Google has included loading time in its algorithm since 2010, but the importance of speed is increasing with the popularity of mobile search
- SEO-friendly URL structures that incorporate keywords up front
- Creation and submission to Google of an XML sitemap
- Eliminating duplicate content or, if you're using duplicate content for paid landing pages, use robots.txt files to tell search engines to disregard the duplicate pages

Offsite SEO support: How well your site's pages rank in search depends heavily on those content and structural factors discussed above (and many others), but there's an additional element you can't afford to overlook. Search engine algorithms don't rely entirely on the site owner to tell them what the

pages are about and how useful they are.

The most powerful offsite tool for getting your pages in front of people searching for services like yours is link building. Here are a few key strategies for cultivating inbound links that will boost your rankings:

- Create great content – there's no better way to encourage others to link to your content than to create something they want to read, remember and share
- Cultivate social shares – social shares that can be crawled count just like website links in Google's algorithm
- Build your brand – since the Panda update, unlinked references to and votes of confidence for your brand do play a role in search rankings even if it is indirect consequence.
- Give special attention to local link building – Find more information at <https://niftymarketing.com/list-of-local-link-building-ideas/>

An effective law firm website is conversion-oriented

Drawing traffic to your site is a good start, and making it easy for your visitors to understand what you're offering and find their way around your site builds on that foundation. But, your goal isn't just to generate traffic or keep people on the site—it's to convert those website visitors into clients. You can increase website conversions by ensuring that your website includes these features.

Clear, strong calls to action (CTAs): If you were going to make only one change to your legal website in an effort to increase conversions, adding direct, powerful calls to action would be your best bet.

Effective CTAs are critical for any business site, but all the more so when it comes to a law firm website. Most people aren't searching for an attorney online when they're feeling calm and in control of their lives, and they often don't know what to do next. You have to tell them. And, you have to do so in a manner that's clear, direct, and hard to miss.



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You'll also want to use contrasting colors for your CTA buttons—the last thing you want is for your call to action to blend quietly into the site.

Strong attorney profiles with photos: If you're like many attorneys, you haven't given a lot of thought to your website bio. You may not even have created profile pages for your attorneys. If you think that visitors to your site are more interested in the practice-area information you've provided, think again. The data we've collected from working with a wide range of law firms shows that attorney profile pages are among the most visited on law firm websites.

The purpose of your attorney bio isn't to establish your expertise—at least, not entirely. Familiarity breeds comfort. Include at least one photo on your bio page, and if you're practicing in a consumer law area, you may want to make that photo less formal than your typical headshot. Consider a short video, an audio clip from an interview you did, or other content that lets the prospective client feel like he knows you beyond the words on the page.

Don't neglect those words, though. Make sure you open strong and not, as many attorneys do, with a dry sentence about the law school you graduated from or how many years you've been in practice. Hit the highlights of your career and possibly education, but also mention your family, your community involvements, your passion for eighteenth century Roman pottery. In short, let the prospective client experience you not just as an attorney, but as a fellow human who can be trusted with his problems.

Multiple ways to contact you, clearly presented: Wouldn't it be nice if every prospective client used your preferred contact method? Maybe you don't have a receptionist, so you'd really rather those prospects simply filled out the form on your website so that you could get back to them when you had time. Maybe you're old school and you think everyone should just pick up the phone and schedule an appointment like they did for decades before online interactions became the norm for a generation.

That's not important.

An effective website makes it easy for the prospect to take the next step, and you make it easy by allowing her to choose the method of contact that's most comfortable for her. That means providing a variety of ways to convert and making them easy to find. According to MyCase, many small businesses are falling short in this area, with nearly half lacking even a telephone number on the home page.

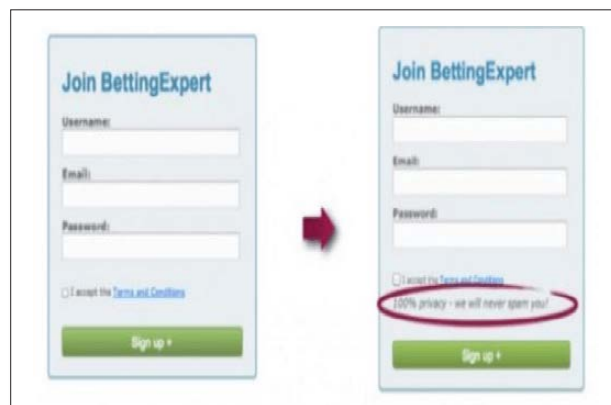
At a minimum, you should offer a telephone number and at least one electronic contact method (email or contact form). But, that's a bare minimum. Many of your competitors are offering a much wider range of options, like this Las Vegas Personal Injury Attorney.



In addition to a prominently displayed telephone number, this page offers a contact form, a live chat option and a "contact us" item in the main navigation. When you mouse over that menu item, you see a drop down offering still more options.

Optimized contact forms: Your contact form should be just one of multiple ways a prospective client can reach you, but that doesn't mean that you can afford to drop in a generic form. Your contact form should be a call to action in itself, or very closely coupled with a strong CTA. Naturally, you'll want to gather as much information as possible, but the prospect won't want to invest too much time or reveal too much personal information before you've even spoken. So, you'll have to take the time to determine which fields are truly important when weighed against the possibility that your prospect will abandon the form.

Be sure to base this optimization on testing, not intuition. Prospects don't always behave as you might expect. For example, take a look at the two forms below:



Formisimo presents the above example of how language that slows the visitor down increases the rate of abandonment, but it serves just as well to illustrate that you can't always predict how your visitors will respond. Instead, you have to rely on data. When the "100 percent privacy" note was added to the above form, conversions dropped. Language that was meant to be reassuring and encourage visitors to enter their information had the opposite impact.

An effective law firm website showcases your expertise and professionalism

Searching for an attorney online isn't like shopping for the best price on a pair of Converse. A prospective client must have faith in the attorney's ability and inclination to get the job done, and your

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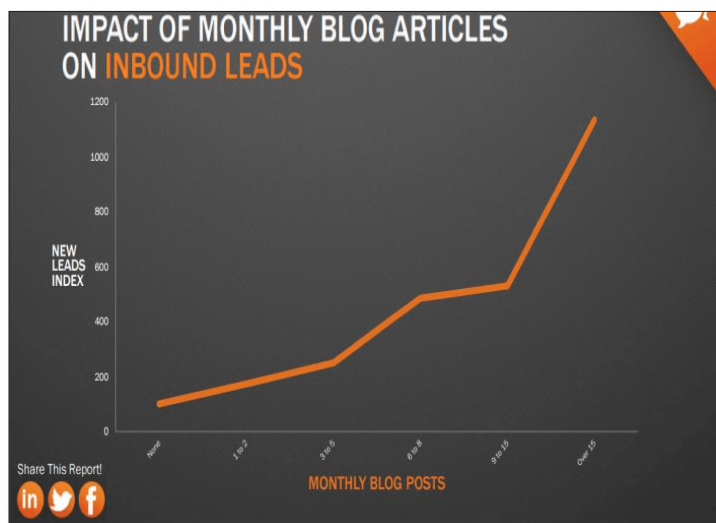
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Mike Mesch
CPA/ABV, ASA, CFF
Partner

website content is one of the most powerful tools for establishing that expertise and reliability before the prospect ever makes contact. Your website offers many opportunities to show clients who you are and what you have to offer.

A regularly-maintained blog: Your law firm blog offers a unique opportunity to show your prospective clients that you not only understand the law and know how to put it to work for them, but also understand their core questions and concerns. As an added bonus, regular blogging increases both traffic and conversions.



Source: Hubspot

Some of the most straightforward ways to use your blog to showcase your expertise are to write posts based on questions you hear frequently from prospects and clients and to comment on current cases in the news that fall within your practice area.

Just as an active blog can be a powerful marketing tool, an inactive blog can send a very negative message to prospects. If your dated posts stopped months ago, what are you saying to your visitors about your time management and follow-through?

Up-to-date content: Of course, outdated content—even something as simple as a copyright date that hasn't been updated in five years—can create the same negative impression as a dormant blog. More importantly, laws and procedures evolve, and failing to keep up with those changes can undermine your expertise.

For example, if you're a bankruptcy attorney and list fees, Chapter 13 limits, or median income figures on your website, those numbers change. Some change on a regular schedule and others are sporadic, but they won't stay fixed indefinitely. Outdated figures on your website will create client confusion and may shake his faith in you.

Testimonials and success stories: One of the most direct ways to establish that you're skilled and knowledgeable in your field is to call attention to past successes, whether that means reporting case outcomes, soliciting testimonials from clients or feeding your reviews from an outside site to your law firm website.

The upsides are obvious, but there are pitfalls as well. First and foremost, if you're considering including testimonials, verdicts, or reviews on your website, make sure you've thoroughly reviewed your state's attorney advertising regulations. In some states, this type of marketing is prohibited or strictly regulated.

Creating a highly effective website for your law firm isn't a quick, easy process, but it's well worth the time investment. If you don't have the expertise or can't spare the time to overhaul your site to increase conversions, we can help.

(This article was originally published as a blog post on <http://niftylaw.com>)

Mike Ramsey is the president of Nifty, a full digital marketing agency and investment company. He is the author of *Winning At Local Search* and a partner at LocalU, which provides beginner-to-advanced conferences in the realm of local search marketing. Mike founded Nifty in 2009 and it has been recognized by Inc. as one of the fastest growing companies in America.

Thanks to speakers

May

Rebroadcast of Lawyer Death and Disability Planning Seminar

Travis Cavanaugh, *Simmons Perrine Moyer Bergman PLC*

Laura Jensen, *Simmons Perrine Moyer Bergman PLC*

Tre Critelli, *Director, Office of Professional Regulation*

Paul Wieck, *Fmr. Director, Office of Professional Regulation (ret.)*

May 5, 2017 – Clear Lake

May 16, 2017 – Waterloo

May 18, 2017 – Davenport

May 23, 2017 – South Sioux City

May 24, 2017 – Council Bluffs

May 8, 2017

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

Sponsored by *The Iowa State Bar Association Administrative Law Section*

Emily Chafa, *UI Appeals Bureau Manager, Iowa Workforce Development*

Michelle McGovern, *Deputy Workers' Compensation Commissioner*

Corey Walker, *Walker Billingsley & Bair*

May 12, 2017

2017 Commercial and Bankruptcy Law Seminar

Sponsored by *The Iowa State Bar Association Commercial and Bankruptcy Law Section*

Thomas O. Ashby, *Baird Holm LLP*

Matthew Cronin, *Belin McCormick, P.C.*

Hon. Shon Hastings, *Chief Bankruptcy Judge, District of North Dakota*

Hon. Lee M. Jackwig, *Bankruptcy Judge, Southern District of Iowa*

Jonathan Kramer, *Whitfield & Eddy, P.L.C.*

Hon. Charles L. Nail Jr., *Chief Bankruptcy Judge, District of South Dakota*

Hon. Thomas L. Saladino, *Chief Bankruptcy Judge, District of Nebraska*

Hon. Anita L. Shodeen, *Chief Bankruptcy Judge, Southern District of Iowa*

J. Brandon Simpson, *Director/Associate General Counsel, TSYS Merchant Solutions, LLC*

T. Randall Wright, *Baird Holm LLP*

May 17, 2017

Copyright/Entertainment Law (Live Webinar)

Sponsored by *The Iowa State Bar Association Intellectual Property Law Section*

Brandon W. Clark, *Copyright & Entertainment Attorney at McKee, Voorhees & Sease, PLC*

Jason Sytsma, *Shuttleworth & Ingersoll*

May 19, 2017

2017 Government Practice Seminar

Sponsored by *The Iowa State Bar Association Government Practice Section*

Rick Autry, *Employment Appeal Board*

Amber DeSmet, *ALJ, Iowa Public Employment Relations Board*

Hugh Grady, *Iowa Lawyers Assistance Program*

David Hibbard, *Polk County Attorney's Office*

Roger Kuhle, *Polk County Attorney's Office*

Nathan Overberg, *Ahlers & Cooney PC*

Emily Pontius, *Fredrikson & Byron*

Jasmina Sarajlija, *ALJ, Iowa Public Employment Relations Board*

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ISBA CLE Calendar

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June 15

Business Development: Creating, Cultivating and Maintaining Client Relationships
(Live Webinar)

July 12

Legal Issues Surrounding Website Domain Names
(Live Webinar)

August 31

A Primer on Creditor Collection Rights in Bankruptcy
(Live Webinar)

September 14

Bridge the Gap Seminar
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- ISBA Members (6 Years or More) - \$375
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- ISBA YLD (Years 1-3) - Free
- Non-ISBA Members - \$485
- Paraprofessional (Legal Assistants & Office Employees) - \$175
- Law Students - Free

Individual Day Registration

- Only Monday (ISBA Members) - \$200
- Only Monday (Non-ISBA Members) - \$225
- Only Tuesday (ISBA Members) - \$225
- Only Tuesday (Non-ISBA Members) - \$285
- Only Wednesday (ISBA Members) - \$225
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Social Events (If only attending complimentary events, you must register above for Annual Meeting):

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| <input type="checkbox"/> 50-Year Member Luncheon (Tuesday, June 20) | \$25 each \$ _____ |
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For questions: phone (515) 697-7874 or e-mail cle@iowabar.org

MATERIALS:

In an effort to keep costs down, and to be as "green" as possible, the 2017 ISBA Annual Meeting will be paperless. The ISBA will provide digital copies of the conference materials to all conference attendees, by providing a URL hyperlink to download the written outlines prior to the conference. It is strongly suggested that attendees download the materials in advance of the event.

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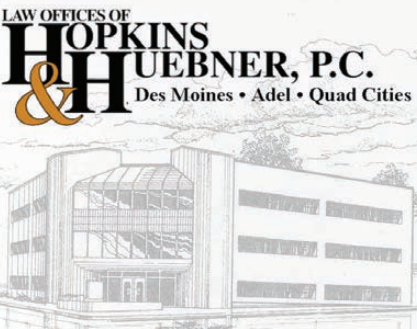
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A win for the Greatest Generation

By Marc Harding – about his client, Ernie, an attorney from Spirit Lake

“Old soldiers never die, they just fade away.”

—Quoted by General Douglas MacArthur in his farewell address on April 19, 1951

Ernie W. turned 92 a week before his big day. He’s a member of a generation slowly fading away, the greatest generation. Raised as a tough feisty Iowa farm kid, he graduated from high school at age 17 in 1942, and joined the Marines. He fought at Iwo Jima, where the iconic flag raising photo was taken during World War II. He fought at Okinawa, another bitter, hand-to-hand battle. Wounded by friendly fire, Ernie earned and deserves his Purple Heart.

He was next to the 16-inch guns pounding the Japanese, softening them up for the fight with Americans. All of those near the guns had ringing in the ears for weeks afterwards. Decades ago, Ernie’s hearing deteriorated to the point

he needed hearing aids, the legacy of a time of war where hearing protection was not even thought about. Wearing aids that don’t really compensate for his hearing loss limit what he can do. He’s not able to speak adequately to large groups, so he generally limits himself to speaking to just a few people. He doesn’t usually talk about the war, but doesn’t hide it if it is brought up.

He still works five days a week. His office is a continuation of one started in 1962. He shares the building with a dental office. They are all half his age, but work fewer days than Ernie. His assistant Nancy keeps his office running smoothly.

He took the stand this week. We walked through his history, touching on his war

service in less detail than above to avoid pandering to the jury. We then moved on to his return to Iowa, his undergraduate work, several years teaching and as a principal, and then to Drake Law School, being licensed in 1953. He moved to Farm Bureau claims for several years, then to Grinnell Mutual, again as a lawyer in claims. Over these years he decided his true calling was to help people directly, and moved into what eventually became a worker compensation practice.

Ernie told the jury that he has paid insurance premiums in-full and on-time, and that he expected American Family to pay the same way for the damage to his roof when the neighboring building burned. His roofer told the jury the roof is now 18 years old, but should have lasted many more years but for the fire, and is now at the end of its life. Their expert testified he went to the roof and saw no evidence of any damage, that it was just a worn out roof.

Many people would have chalked this up to experience and given up, but Ernie has always been a fighter, going up against the odds. When the judge asked about his war experience after the jury left to deliberate, Ernie told him that his unit had 11 lieutenants, but only two survived at the end of the battles.

Ernie is gracious, wise and soft spoken. I’m honored by my time with him. There is no offer, so it is easy to decide to try the case. Ernie is right. The jury of ordinary citizens from northwest Iowa, Steve King country, conservative-working people, told the judge they don’t believe the defense expert. They rendered a verdict for Ernie for every penny presented to them for a brand new roof done to the best specifications. They asked the judge if they could have added more, worrying that costs may have increased while the suit was pending.

It was a good day for Ernie. It was a better day for justice.



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Iowa State Bar Foundation awards 2017 grants



During an April 21 meeting, the Iowa State Bar Foundation board decided on 2017 grant awards, which totaled \$76,675. The recipients include:

- **ISBA Center for Law and Civic Education Mock Trial Program** – \$30,000 for sites, supplies and materials to support the middle school and high school mock trial programs, which serve close to 4,000 students annually from approximately 175 schools around the state.
- **ISBA Young Lawyers Division Know Your Constitution Program** – \$20,000 to fund a trip to Washington, D.C. for five students and their teachers, as well as a luncheon for the top 100 students selected as finalists in the Know Your Constitution essay test competition.
- **Justice for Our Neighbors** – \$10,000 toward the operating costs of this pro bono program that responds to the needs of low-income refugees and immigrants in Iowa.
- **ISBA Find-A-Lawyer and Free Legal Answers** – \$7,500 to fund public marketing initiatives (ex: print, digital, radio ads) to increase public awareness of the free legal resources and access to pro bono help housed on IowaFindaLawyer.com.
- **Iowa Legal Aid** – \$4,675 toward a pilot project related to child support guideline assistance for low-income Iowans.

- **Iowa Law Firm Incubator** – \$2,500 to advance the continued development of a law firm incubator in Iowa with the purpose of expanding access to affordable legal help for people with very low-to-moderate incomes and training Iowa lawyers to succeed in establishing sustainable firms to meet “gap market” legal needs.
- **Children and Families of Iowa** – \$1,000 to support legal advocacy for survivors of domestic violence.
- **Art Force Iowa** – \$1,000 to help support the Creative Pathways art program for at-risk youth in Polk County.

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