



THE

IOWA LAWYER

Volume 76 Number 4 May 2016

Maintaining **ATTORNEY WELLNESS** in your law practice

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SUBMISSIONS

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

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Prevalence of substance abuse and mental health issues

A recent study of lawyers demonstrates that the profession has a higher rate of substance abuse and mental health issues than nearly all other professions. Grady summarizes the study and shares stories from anonymous attorneys who sought help with their issues from his program.

By Hugh Grady, Iowa Lawyers Assistance Program

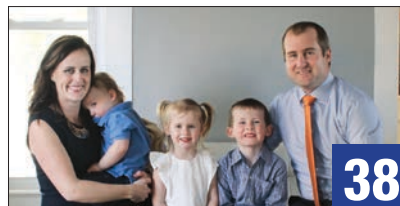


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Healthy mind, healthy body

Mindfulness is the ability to recognize what is happening in your mind without getting carried away by thoughts. Sinnard explains the benefits of mindfulness through meditation and offers some advice for its practice which can offer better focus, better leadership and better practice of law.

By Kara Sinnard, Whitfield & Eddy



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Balancing work and family: The Hillers and how they do it

Tom and Abigail Hillers moved from litigation to corporate law to gain a positive work-life balance. In his interview of the two, Boeckman digs into the craziness of being a two-attorney couple with three kids to see just how this Iowa Lawyer family makes it all work.

By Steve Boeckman, ISBA Communications Dept.

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ABOUT THE COVER

Kara Sinnard, a member of Whitfield & Eddy Law Firm in Des Moines, Iowa, and a registered yoga instructor, stands in front of her office view of the Polk County Courthouse. On page 10 she shares her thoughts on meditation and mindfulness in her article, Healthy Mind – Healthy Body. With statistics of lawyers using and abusing substances, Sinnard offers a healthy alternative to dealing with law practice stresses.

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



Carroll

Ed Carroll, partner at Lane & Waterman, L.L.P., in Davenport, Iowa, for being named chair of the Genesis Health Services Foundation Board of Directors. Carroll joined the board in 2004 and served as treasurer before being named chair in November 2015. He is also a member of the Genesis Philanthropy Board since 2013 and maintains a critical role in bridging the two boards.



Herink

Kent Herink, senior shareholder at Davis Brown Law Firm in Des Moines, Iowa, for his decision to donate an entire year's salary to Coe College. The donation is in response to a campaign to raise capital for essential improvements to the school's campus. Herink is a 1976 graduate of Coe and has been a member of the Board of Trustees since 2005. His plan was to retire in 2014, but he delayed in order to provide a more significant contribution to the school.



McCrindle

Kevin McCrindle, senior attorney with the Law Offices of C. Kevin McCrindle in Waterloo, Iowa, for being elected to the American College of Trust and Estate Counsel Board of Regents. ACTEC is the leading trust and estate organization contributing to the field of trusts and estates law through writing, teaching and bar leadership activities. McCrindle is also a council member of the Iowa State Bar Association's Probate, Trust and Estate Planning section.



Nelson

Chris Nelson, an attorney at Belin McCormick, in Des Moines, Iowa, for being selected as a 2016 BTI Consulting Client Service All-Star. Attorneys are identified for selection based upon performance of six traits: superior client focus, innovative thought leadership, unmatched business understanding, legal skills, outsized value and outstanding results. Nelson practices

primarily in corporate and general business law, intellectual property and business acquisitions and transactions.

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Get back on track, seek assistance

Throughout our careers, there will be ups and downs. We know that rough times are to be expected. Our work is challenging, and the pressures that come with those challenges are more than some people can handle without assistance.

There are a number of ways you can properly deal with stress. Talk to family or friends. Get involved in an activity that will take you away from the stress of practice. I have coached youth sports for almost 40 years. I think of nothing but the practice or game for an hour or more. I feel relieved of pressure and ready to return to assisting people with their legal issues when done. A shower helps, too.

On Page 6, Hugh Grady shares facts about members of our profession. The prevalence of alcohol abuse, drug use and mental health issues are high compared to other occupations. What is worse, the attorneys who suffer from these problems put themselves at higher risk by not seeking help. I encourage those individuals to seek assistance. In addition, if you have a friend with any of these issues, offer to help. If that fails, make sure they get the help they need.

The ISBA has a committee to assist our members. The Lawyers Helping Lawyers Committee, led by ISBA Past President Dan Moore, is charged with the responsibility of providing guidance and assistance to members (or their families) who encounter problems related to chemical dependency or abuse. To fulfill this responsibility, the committee will host Open AA Meetings during the 2016 Annual Meeting. If you've never been to an AA meeting, this is a great opportunity for you to see what it's all about. Details about the scheduled meetings can be found on Page 9.

Another resource is the Iowa Lawyers Assistance Program run by Hugh Grady. The purpose of ILAP is to provide help to lawyers, judges and law students who suffer from addictions and mental health disorders. ILAP has no reporting relationship with any organization. It is confidential and free of charge. Visit www.iowalap.org if you want to learn more.

If you have a problem, I urge you to seek out Hugh. He is well qualified to help. If you have a friend who needs help, contact him at the contact information below. I did just that for a friend. Hugh was an excellent resource and helped to guide both of us through the process in complete confidence.

Anyone who reaches out to either of these organizations is guaranteed anonymity. I encourage you to reach out to either organization if you need the assistance. If you're ready, all you need to do is ask.

You should save this issue of the Iowa Lawyer to refer to when needed. There are articles in this issue that may help you readjust and refocus so you can get back on track. If you take nothing away from this issue, just know that if you're struggling, there are people who are willing and able to help.

Bruce L. Walker

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Help is available, Iowa lawyers don't have to face their problems alone

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Study shows lawyers have higher rates of problem drinking and mental health issues

By Hugh Grady

The newest study of lawyers in 25 years demonstrates that the profession has a higher rate of substance abuse and mental health issues than other professions and the general population.

The American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation completed a study of Lawyers in 2015. This was the first study since 1990. There were approximately 15,000 lawyers from 19 states who participated in the study. The results of the study were published in the February issue of the Journal of Addiction Medicine. The most disturbing conclusion is that too many lawyers are not seeking the help they need.

Alcohol results

The tool used for the alcohol study was the Alcohol Use Disorders Identification Test (AUDIT -10). Twenty-one percent scored at a level consistent with problematic drinking. Twenty-five percent of those

reporting alcohol abuse were men and 16 percent were women. Not surprisingly, 28 percent who reported alcohol abuse were lawyers with zero to 10 years of practice with declining percentages as years in practice grew. Respondents in the study, identified as 30 years of age or younger, had a 32 percent rate of problem drinking, almost one-in-three, higher than any other age group.

Drug results

The researchers used the Drug Abuse Screening Test (DAST) which has 10 questions. Twenty-seven percent of the respondents completed the DAST. This was a much smaller sample than responded to the alcohol test. Researchers speculated that the smaller response to the drug test would indicate that drug use is not as prevalent as alcohol use with the caveat that lawyers do not want to disclose information about illegal drug use. Of those who did complete the DAST, 0.1 percent

reported severe drug use, three percent reported substantial drug use, 21 percent reported intermediate use and 76 percent reported low use. Sixteen percent reported using sedatives, 10 percent using marijuana or hash and six percent opiate use.

Mental health issues

Approximately 11,000 lawyers completed the Depression Anxiety Stress Scales (DASS-21). Close to 61 percent reported concerns with anxiety and 42 percent reported concerns with depression at some point in their career. More than 11 percent reported suicidal thoughts, three percent reported self-injurious behavior and 0.7 percent reported at least one suicide attempt. Almost 28 percent reported concerns with mild or high depression. Males had a higher rate than women. Twenty-three percent responding reported mild or high levels of stress.

Rates were higher in younger or less experienced attorneys. There were also



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much higher levels of anxiety, depression and stress among those reporting problematic alcohol use.

Why such high results in the legal profession

Those of us who work in lawyer assistance programs are often asked why these issues are higher amongst attorneys. The prevailing view is that it is related to the inherent stress of the job, the difficulty and importance of the work and the negative outcomes in some cases. Lawyers in more rural areas report feelings of isolation. This is especially true amongst solo practitioners. Younger lawyers enter the practice in a fiercely competitive market and sometimes with very high debt. These are but a few of the reasons why the profession faces these issues.

Unhealthy outlets for stress and depres-

sion can be negative such as self-medication, alcohol abuse and drug abuse.

Some study conclusions

Attorneys suffer from alcohol and substance abuse at a much higher rate than other populations. Sex, age, years of practice, position within a firm and work environment contribute to the high levels of problematic drinking. Depression, anxiety and stress are also higher amongst lawyers and are associated with the same personal and professional characteristics.

Greater education aimed at prevention is, indicated together with public awareness within the profession, designed to overcome stigma surrounding substance abuse disorders and mental health issues. Finally, the study recommended that the confidential nature

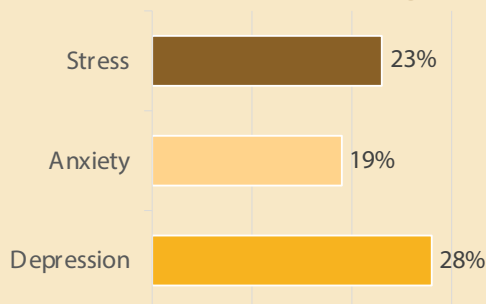
of lawyer assistance programs be more widely publicized in an effort to overcome privacy concerns and attract more lawyers seeking the help they may need.

The Iowa Lawyers Assistance Program provides confidential services to lawyers, law students and family members who are negatively impacted by alcohol or drug abuse as well as mental health issues. Confidentiality is provided by Iowa Supreme Court rule.

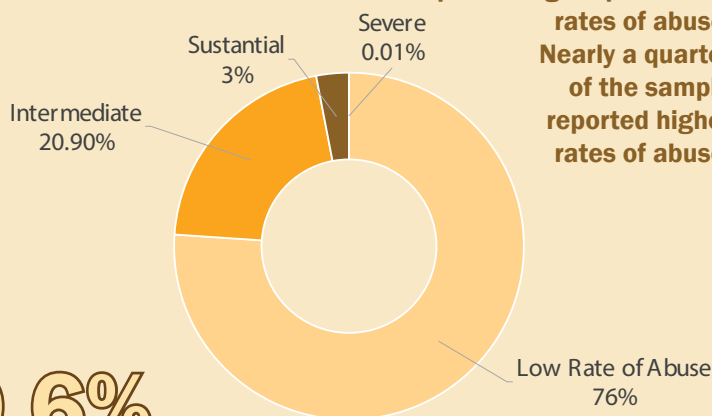


Hugh Grady is the director of the Iowa Lawyers Assistance Program. For more information on the program, visit www.iowalap.org.

Participants demonstrated levels of stress, anxiety and depression. All rates decreased as age increased.



A small sample completed the Drug Abuse Screening Test (26.7% of total participants). Of that sample, a high percentage reported low rates of abuse.



Nearly a quarter of the sample reported higher rates of abuse.

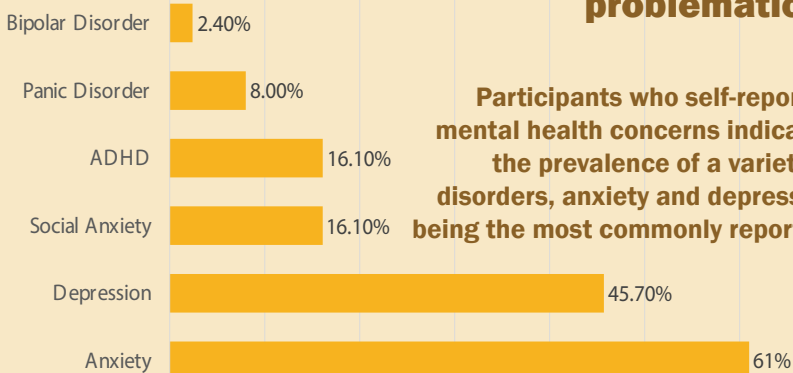
♂ Males surveyed had higher levels of depression than females

Females had higher rates of anxiety than males.

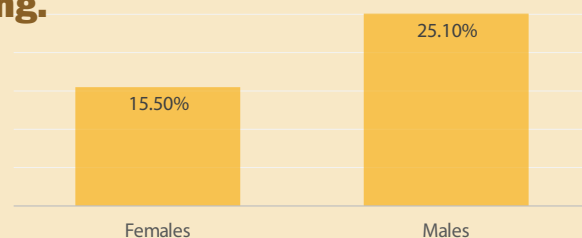


20.6%

of attorney participants scored at a level consistent with problematic drinking.



Participants who self-reported mental health concerns indicated the prevalence of a variety of disorders, anxiety and depression being the most commonly reported.



Problematic drinking, defined as hazardous drinking and possible dependency, is more prevalent in males attorneys (25.10 percent) than females (15.50 percent).

* Patrick R. Krill, Ryan Johnson, Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, Vol.10, Iss. 1, Journal of Addiction Medicine 46-52 (2016).

On the balance beam of life with depression and anxiety

By an anonymous Iowa attorney

For most of my life, disruptions to my mental health have been situational. In high school, I had an eating disorder and at age 23, I had surgery for it and a diagnosis that indicated I would have multiple more surgeries during my lifetime. Each of those situations (two surgeries later) I handled with exercise, psychotherapy and anti-depressants. Over time, the medication wasn't necessary, but I continued therapy for more than a decade to address work-related stress. I enjoyed exercising and did so five days a week. I attribute much of my mental health improvements to tying up my laces and increasing my heart rate. I was in balance.

Then there was law school, the bar exam and the lack of jobs post-recession. In law school, I started seeing the student health therapist in the first month and made it to finals of my third semester before I noticed something wasn't right. My stress had morphed into something I couldn't identify. I was angry. I felt a constant desire to shout what I needed and was frustrated with the tiniest problem. I would have shouting dreams where I would unleash on someone and scream everything that bothered me. I was out of balance.

I learned about anger while sitting in the student health waiting room. I read a brochure on depression, and in a list of depression symptoms there was a bullet for anger. I had no idea. I would estimate it isn't viewed by many as a symptom of depression. Now that I was further educated on depression, I had to decide

what to do with the information. I'll admit that during my therapy sessions, I sugar coated things to protect my pride. When the stress led to strong feelings of anger, I didn't like it. When the anger feelings became commonplace, I asked my therapist about medication. She didn't think I needed it. She did, however, ask me to complete a long questionnaire, and I made myself answer with 100 percent honesty. My score surprised her. My score suggested a strong possibility I had severe depression. My therapist made a referral to my doctor and I was prescribed anti-depressants. I was back in balance.

My depression was under control, and life was moving along fine. Anxiety, the common twin to depression reared its head while I was studying for the bar exam. Panic attacks started about a year later, six months into practicing law. I would be around friends and couldn't focus or breathe. I woke up in the middle of the night short of breath with pain in my chest. I would have to leave work because I couldn't perform the most minimal task or make a simple decision. I would get migraines. I would sleep for eight to nine hours and wake-up feeling unrested. Situations were happening with my family members and extended family members that were life-changing in a negative way. And then there was practicing law – concerned about malpractice, worried my clients would know I was doing something for the first time, certain that everything I did would reflect on my reputation as a lawyer. I was way off

balance.

I went to a psychiatrist to discuss the anxiety issues. I attended my first support group meeting organized by the National Association for Mental Illness. I started sessions with a counselor, and a year later I regularly attended yoga classes. I teetered on the balance beam for almost two years, and every day I have to take time to manage my anxiety and watch out for signs of a depressive episode.

I am genetically predisposed to depression so I've accepted that I need to keep tabs on my mental health on a regular basis. Even though I believe it is a lifetime of work for me, I would bet it is more common that people have bouts of situational depression.

Some days I have no problems, other days, I think about making bad choices. Choices that I know I can hide: alcohol abuse, cutting, intentional misuse of prescription drugs. I steer myself from the bad choices by paying attention to my level of self-care. Am I setting boundaries? Am I making sacrifices to keep the peace? One of the hardest things about handling a depressive episode is the desire to isolate. I try to recognize my tendencies to isolate and reach out to those who understand my situation. I talk without the concern of being judged for my feelings or behaviors. In turn, I am honest and forthcoming about my struggles with depression and lend a friendly ear to someone who is struggling with the same.

If you are concerned about your mental health; talk with a professional to get support for your specific situation. Medicine helps you feel more like yourself so you can take care of yourself. Therapy gives you an outlet with a professional to address your concerns. Then incorporate self-care into your daily living. Talking, journaling and self-awareness are paramount to facing the challenges of mental health issues.

This story was written by an individual who has been in private practice for three years who sought help for depression and anxiety from the Iowa Lawyers Assistance Program. If this struggle sounds similar to your life, contact ILAP for help at 800-243-1533, 515-227-3817 or iowalap.org.

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Partner

Everything was great until it wasn't

By an anonymous Iowa attorney

I had just completed probation for my first operating-while-intoxicated offense when I entered law school. I was barely over the legal limit, and the cop who pulled me over was the same cop who had previously cited me three times for underage possession of alcohol. You know how it is, the small town cop had nothing better to do and had it out for me. It was certainly not the early signs of problem drinking and I was definitely not an alcoholic.

I drank quite a bit in college, but then again everyone did. I figured the work-load of law school would naturally quell my desire to drink. Much to my delight, it was very much accepted to drink during the latter part of the week and certainly during the weekend. So long as I kept my consumption confined to these times, I would fit right in. This worked for about two weeks. Whenever I would buy booze during the week to bring home, I would say to myself, "This is for entertaining if someone wants to stop by." Whenever I would have a drink at a bar during the week, I thought, "I deserve this. Law School is tough."

Although it didn't occur to me at the time, I quickly began drinking more than I did in my undergrad, something I thought was impossible. My grades suffered initially, but I was able to find a job as a clerk, had a girlfriend, and soon my GPA was on the rise. Drinking problem? Nope. The expectations of a relationship and my job have kept me in line! Eventually I went on to pass the bar exam. I began working as a lawyer making more money than I deserved. The girlfriend and I moved in together and bought our first house. Surely, the responsibility as an associate attorney, mortgage, live-in girlfriend and reputation was enough to keep my drinking in line. Everything was going great, and I continued to drink as I did in law school.

Until it wasn't. I found myself drinking every day because I worked hard, work was hard, relationships are hard, I did well on a

case, I did bad on a case, it was my birthday, it was a friend's birthday, it was Wednesday, etc. As the years went by, I soon found myself without a girlfriend and without a job. Eventually, I was able to get back on my feet. The firm was a joke and didn't deserve me and my talent, I thought, and I just needed to stop using drugs anyway. Booze wasn't the problem.

Oh, right. By this time, drugs had crept into the equation. Several years later, and more than a decade after I finished probation for my first OWI, I woke up in jail again. Still drunk from the night before with no recollection of how I, a brilliant legal mind, had ended up in a holding cell. As it turns out, my drinking was destroying my life bit by bit, and I finally realized I could no longer dance with alcohol.

My mistake was my naïve belief that a different environment would control my drinking. The tricky part about alcoholism is that it cons the alcoholic into not believing they have a disease. We continue to drink despite our lives falling apart around us. As lawyers, we have the unique and often self-destructive ability to rationalize just about anything. As a lawyer and alcoholic, I found this out the hard way. I've been sober for some time now, and my sober time has been the most productive time of my life. It's hard not to think what I could have accomplished had I sobered up earlier.

I'm 33 years old now, and for the first time in my life I'm excited for the future. But I must remain vigilant about the past. If any of this sounds familiar to you, get help now before the plane crashes into the mountain. It will be the first step toward the greatest years of your life.

This story was written by an individual who struggled with alcohol and drugs who sought help from the Iowa Lawyers Assistance Program. If this struggle sounds similar to your life, contact ILAP for help at 800-243-1533, 515-227-3817 or iowalap.org.

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Open AA meetings scheduled

For those interested in participating, open AA meetings are scheduled throughout the 2016 ISBA Annual Meeting being held June 13-15 at the Iowa Events Center in Des Moines, Iowa. Meetings are scheduled for 7 a.m. and 4 p.m. each day in an Iowa Event Center conference room yet to be determined.

Information about the event and its determined location will be published in the event program. The event is hosted by the Iowa Lawyers Assistance Program along with the ISBA Lawyers Helping Lawyers Committee. Questions regarding this event can be forwarded to Dan Moore at 712-899-4678 or dmoore@mooreheffernanlaw.com.



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Healthy Mind, Healthy Body

By Kara M. Sinnard

By now, you have likely heard the term “mindfulness.” It is trending in the media, online, scientific studies, corporate America, and amongst celebrities. There are self-help books and articles on mindful eating, mindful shopping, mindful learning, mindful teaching, mindful parenting and mindful living.

Mindfulness is the ability to recognize what is happening in your mind without allowing yourself to get carried away in the thoughts. It is the non-judgmental observation and awareness of your thoughts in the present moment. Consider a scenario where you have been increasingly stressed about a situation that may or may not happen. You have replayed the situation in your head five, 10, or maybe 100 times, trying to figure out how to address a question that a judge may ask you or a situation that opposing counsel may throw your way. We all have to plan and prepare for future events – after all, the court would not react kindly to you missing a deadline with the excuse that you were busy living in the present moment. The way to reconcile being present and still being prepared is to think about the future in the present moment without being imprisoned by the thoughts. Once you recognize that the thoughts no longer benefit you, you can learn to pause the repetitive thought patterns. This new awareness can propel your productivity by releasing you from getting stuck in the same thoughts.

There are numerous studies on the health benefits of mindfulness. Some of the observed benefits include reduced levels of perceived anxiety and depression, addiction recovery and improved



Whitfield & Eddy Law member attorney Kara Sinnard (center) leads colleagues in a guided meditation in the firm's conference room. The relaxation technique allowed participants to clear their minds, focus on relaxed, intentional breathing and ultimately relax in a mid-day exercise. Participants include (from left to right) member attorney Mac Stanfield, associate attorney Molly Brown, member attorney Nick Cooper and paralegal Tara Smith.

attention, awareness, concentration and sleep. A recent study even showed that mindfulness meditation can rebuild the brain's grey matter. For lawyers, the most significant health benefit may be reduced levels of cortisol. Cortisol is the hormone that is released in response to stress. In modern society, the need for the flight or fight response is reduced because we are not faced with life and death situations as frequently, however, the body reacts to minor stressful situations by releasing cortisol. The innate adversarial nature of the practice of law puts lawyers in a unique situation when it comes to chronic stress. Further, lawyers often have stress placed on them from clients, the court, colleagues and home that can trigger the release of stress hormones. Over time, increased levels of cortisol puts you at risk for heart disease, high blood pressure, increased weight gain and depression. Not only does

the reduction in the release of this hormone have health benefits like decreased risk of heart disease and lowering of blood pressure, when it is reduced, it also allows you to stay calm in the face of adversity.

Meditation is the most direct path to becoming mindful and there are many different methods and types of meditation. Meditation is exercise for the brain, so remember that just like lifting weights, it may not be easy at first and you may not see immediate results, but if you commit to taking the time to meditate, you will get results. With practice, you can sculpt and train the brain through meditation like you sculpt your muscles. Through this training, you can create new brain pathways to prevent the mind from getting stuck in those counterproductive repetitive thought processes that you may now experience. You have likely heard that it takes 21 days to form a healthy habit, so give meditation time to be incorporated into your life.

When you begin a meditation practice, it is important to start slow and take it easy on yourself. To get started, sit comfortably and take note of the sensation of your breath moving in and out. In the beginning, it may be easiest to count as you focus on your breath; inhale to a count of five and exhale to a count of five. Try for just five minutes and work your way up to longer sessions over time. Remember that like law, meditation is a practice. You will inevitably get caught up in your wandering thoughts or feel itches or discomfort



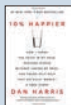
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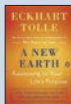
Recommended reading on mindfulness:



10% Happier: How I Tamed the Voice in My Head, Reduced Stress Without Losing My Edge, and Found Self-Help That Actually Works – A True Story, Dan Harris, 2014 (professional national news anchor and meditation skeptic who found a way to embrace mindfulness and meditation)



Mindfulness in Plain English, Bhante Henepola Gunaratana, 2011 (easy to read manual for the beginning meditator)



A New Earth: Awakening to Your Life's Purpose, Eckhart Tolle, 2005 (as a counselor and spiritual teacher, Tolle, describes the unconscious identification with one's thoughts and accumulation of old emotional pain)

Recommended apps for guided meditation:



Headspace headspace.com; free on iTunes and Google Play



Buddhify buddhify.com; \$4.99 on iTunes and \$2.99 on Google Play



Take a Break! meditationoasis.com/apps/; free on iTunes and Google Play



Stop, Breathe & Think stopbreathethink.org; free on iTunes and Google Play



Isha Krya Meditation ishafoundation.org; free on iTunes and Google Play

in your body, but each time you notice your thoughts, draw your attention back to the breath. It is also important to realize that the mind chatter is not intended to stop, and it is not going to stop. The idea is to recognize that your attention is following your thoughts and without judgment, bring your attention back to your breath.

While, meditating in a quiet space will invoke the most change in your mindfulness practice, you do not necessarily have to be sitting in a quiet space to meditate. You can meditate while practicing yoga (which is a moving meditation), taking a walk or embracing a short break in your day just sitting at your desk. The key is to stay anchored on the breath and not on your thoughts.

Is mindfulness incompatible with the practice of law? Will you be giving up your edge? Not to worry, mindfulness in and of itself is not going to make you ineffective, soft or passive. In fact, your focus and attention on the present moment can make you a better leader, provide more focus to your law practice, and increase your creativity. Because mindfulness allows you to consciously interact and react to others instead of being compulsive in your encounters with others, you will have the upper hand. You can still be aggressive and zealous, but you can do so with intention and the added bonus of better health.

While the billable hour may be one of those thoughts that constantly pulls at your attention, that is all the more reason to take some time to incorporate mindfulness into your day. Besides, you are likely spending non-billable hours on less productive, less healthy endeavors, so make mindfulness a priority.



Kara M. Sinnard practices law as a member of the Whitfield & Eddy Law Firm in Des Moines. She is a registered yoga teacher through Yoga Alliance and a practitioner of meditation.

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Taking care of yourself

Three simple techniques to reduce stress from practicing law

By Scott Bandstra

The recent study posted by the Journal of Addiction Medicine had some staggering results as shown in Hugh Grady's article on page 6. According to the study, attorneys have issues with alcohol and drug abuse, depression and anxiety. Because of this, attorneys need to find ways to manage the stresses of the career. The following are three simple techniques I use daily:

Exercise

When I was in law school, a professor, Dan Power, said, "Make sure to take time out each day for yourself." Fortunately, I heeded Professor Power's advice and since graduating from law school, I have attempted to do some type of physical exercise, including running, biking, kayaking and lifting weights almost every day. When my practice is especially busy, I think if I had an additional time in the office to work, I would be more productive. However, I have learned through experience that the exact opposite is true. By taking one hour each day to exercise, I am more productive, more focused and less stressed throughout the day.

Start slow. Most lawyers are competitive and obsessive compulsive by nature. If they decide on an activity, lawyers tend to push it too hard. Unfortunately, if you initially pursue an exercise routine too hard, you may injure yourself and quit the activity all together. Most fitness centers have personal trainers who can provide information regarding correct form or technique, set realistic plans and goals and it will help you to continue working out with the trainer.

Friendship

Exercise promotes camaraderie and develops new friendships. Determine what type of exercise interests you and ask a friend, family member, neighbor or colleague to join you. Any exercise regime is more likely to be successful if you have a work out partner because it makes the activity more competitive, time goes faster and it makes you accountable for showing up. Several downtown YMCA members organized by personal trainer, Scott Avitt, including Iowa Supreme Court Justice, Edward Mansfield, and myself, work out two or three times per week swimming, lifting weights and bike riding.



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The workout group holds me accountable if I don't show up.

Physical exercise with others provides frequent laughter, discussions about life, politics or anything else that comes to mind. I have frequent conversations with Des Moines attorney, John Shores, who I would have never met but for exercising at the same facility.

I kayak on Lake Red Rock every month of the year and our group, the Red Rock Armada, annually go to Lake Superior in August with three-to-twelve persons for a week where there is no telephone, emails or televisions. It is life changing to "unplug" from technology and enjoy the spectacular beauty of nature. The kayakers must be prepared to help each other in an emergency which has occurred on some of our kayaking trips.

If you want to take exercise to a higher level, you can join U•ME COMPETE, a biking group created by Des Moines attorney, Jeff Goodman. Goodman organizes weekly bike rides of 20-to-60 people who average 20-to-22 miles per hour. My brother, attorney Mike Bandstra and the Honorable Paul Scott participate in these rides. Jeff Goodman indicated to me that he is going to start bike rides for bicyclists who average 16-to-20 miles per hour, which is more realistic for my skill level.

Working out with others has changed my life for the better. I have made life long friends both in and outside of my profession who all have the same interests as I do. My life has been enriched by these experiences and having extra physical stamina keeps me mentally alert and less prone to react negatively to difficult situations during office hours.

Meditation

Mental decompression from the practice of law is also critical and necessary. I began meditating prior to going to law school. Each evening, prior to going home at night, I take 20 minutes, where I sit in a quiet room, close my eyes, breathe in through my nose and exhale through my mouth. If there is exterior noise or random thoughts that come into my mind, I slowly push them off to the side. When I am routinely engaging in meditation after approximately five minutes, I go into a calm, relaxing state. Meditation provides me with the ability to mentally unwind prior to going home at night enabling me to be "present" for my family.

My workout regimen and meditation are suggestive only. However, I have found from personal experience that working out in the mornings and meditating at night has made me a more well-rounded person and it provides invaluable results in reducing the stress of practicing law. I hope that these suggestions are helpful to you and allow you to more fully appreciate the practice of law and life in general.



Scott Bandstra of the Bandstra Law Firm in Des Moines, Iowa, is a Drake University Law School graduate and

was admitted to the Iowa Bar in 1993. He practices primarily in the areas of criminal defense, automobile accidents, personal injury and family law. He is a member of the ISBA's Lawyers Helping Lawyers Committee and sits on the board of directors for the Iowa Lawyers Assistance Program. He can be contacted at scott@bandstralaw.com or 515-283-2050.

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IN MEMORIAM

John Arthur Brady, 82, of San Francisco, California, died Feb. 20.

Brady was born in Tipton, Iowa. He earned both his bachelors and J.D. from the University of Iowa. Brady then worked as a patent attorney for IBM and Lexmark, authoring over 500 patents.

Wilbur N. Bump, 85, died March 24 in New Orleans, Louisiana.

Bump was born in Peoria, Illinois. He graduated from Davenport High School in 1947 and served in the Air Force during the Korean War. After his service, he returned to the University of Iowa for his undergraduate and law degrees. Wilbur served as an assistant city attorney and city prosecutor for the city of Des Moines, then served five years as Solicitor General for the Iowa Attorney General. Afterward he maintained private practice until his retirement in 1991.

Joseph Halbur, 61, died March 26 in Carroll, Iowa.

Halbur was born in Carroll, Iowa. He received his B.S.B.A. and his J.D. from Creighton University. He practiced law for more than 35 years in his hometown. Halbur was also a member of the Iowa State and Carroll County Bar Associations.

Roger James Hudson, 73, died March 10 in West Des Moines, Iowa.

Hudson was born in Des Moines, Iowa. He received his B.A. and his J.D. from Drake University. He practiced during his career at the Hudson Law Firm. He was a member of the Polk County Bar Association, Iowa State Bar Association, National Bar Association and the Iowa Association for Justice.

David Francis McCann, 87, died Feb. 29 in Council Bluffs, Iowa.

McCann was born in Dunlap, Iowa. He earned his J.D. from Creighton Law School and served in the Army during the Korean War. In 1961 he began his practice at the Dippel-McCann Law Office, where he remained until retirement.

Robert Norris, 77, died March 28 in Shenandoah, Iowa.

Norris was born in Blue Earth, Minnesota. He earned his J.D. from Drake University Law school in 1968. He served several years in the Iowa National Guard and Army Reserve. In 1969 Bob was appointed as the Shenandoah City Attorney, where he stayed until retirement in 2014.

Chief Justice (Ret.) Ward Reynoldson, 95, died March 28, in Des Moines, Iowa.

Reynoldson was born in St. Edward, Nebraska. He served in the Navy during World War II, then graduated a member of the Order of the Coif from the University of Iowa College of Law in 1948. Ward began practice in Osceola, Iowa, where he also spent four years as Clarke County Attorney. In 1971 he was appointed to the Iowa Supreme Court, where he served nine years as Chief Justice. Ward also served as president of the Conference of Chief Justices, on the board of the American Judicature Society and as president of the National Center for State Courts.

A roadmap to positive behavior change

By Hope Wood

I wasn't always a lawyer. My first profession was in exercise and health promotion. During my first career, I was in fitness management, personal training and was a certified Wellcoach®. Now that I am a lawyer, I understand the increased difficulty of finding time to exercise, eat right and make healthy lifestyle choices.

The desire to make healthy decisions may get railroaded by your work environment. The company culture may not be supportive of taking a lunch break to go for a walk. There may be internal pressure to stay at your desk to meet your billable hour's requirement. This article is intended to provide a roadmap for your trip to healthy lifestyle choices.

Set backs, hurdles, obstacles.

In a profession that is driven by success, it is difficult to handle a set back in your goals. The three-mornings-a-week spin class gets detoured as you prepare for trial or your child gets sick. This is not failure. Life is going to get in the way, and circumstances will necessitate taking time off or making adjustments. When I was studying for the bar exam, I climbed the stairs at the law school library for 10 minutes, twice a day. It was good for my heart, legs and stress. I popped in my ear buds and played my favorite songs.

The hidden obstacle for behavior change is how you handle the hurdles that get in your way. Your boss or the managing partner is not going to say, "You need to leave to get to yoga on time." You will need to say, "I am leaving at 11:50 to get to yoga on time." You will be subject to distractions. The do-one-more-thing-before-I-leave syndrome will need to be a thing of

the past unless you want to hijack your goals on a regular basis.

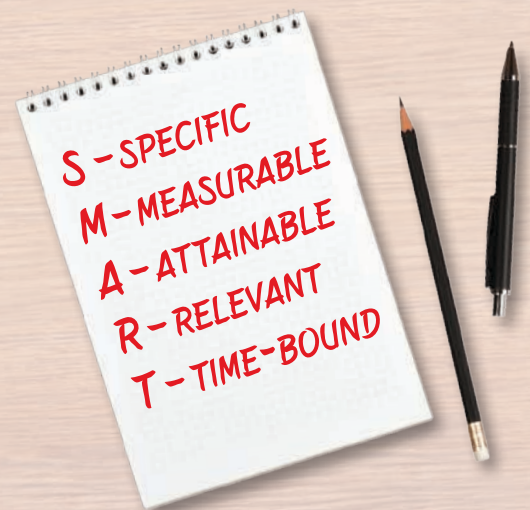
Once you identify the obstacles, use trial and error to decide how to consistently handle them. I like to use rules to minimize on-the-spot decisions or to prevent making a poor decision. I reserve Fridays for network lunches, otherwise it is a coffee meeting. This creates space for me to attend yoga classes at the YMCA across the street and make healthier lunch decisions.

Live by your own rules.

My first rule, which is anecdotal, is "Be nice to yourself." Before you make a lane change to a healthier lifestyle, take a moment and remind yourself to be nice. This was a rule I established during law school. Lawyers are typically goal-driven, competitive and like to win. There is nothing wrong with this. However, it creates an all or nothing pretense to the work you do and the way you approach your life.

If something doesn't go the way you want or you make a mistake, the first thought is to punish yourself. This is why rule number one is so important. Take time to think through what happened, but be nice to yourself. In addition to the rule "be nice to yourself," my other two rules for everyday is to set boundaries and trust God. If I remember these three rules as I go through the day, my day goes amazingly better than otherwise.

Here are a few of my rules and how they relate to stress management in my work and personal life.



1. No e-mail on my smart phone.
2. The phone stays downstairs when I go to bed.
3. No political posts or comments to political posts on Facebook.
4. No work on Saturdays. Ever.


Starting a healthy behavior is less challenging if your work and personal life are not pulling you into the burnout pit. If you struggle with starting or continuing healthy behaviors, determine if there are ways you can make adjustments for better balance at home and at work.

Starting a new behavior.

When I was working as a wellness coach, I learned my goals for my client are not important. Everyone wants to lose weight, but that may not be the most important thing for that person. Before you launch into behavior change, it is important to identify the priorities for your life.

Throughout the day, there are many opportunities to make choices that improve our physical and mental well-being. Drinking water throughout the day is a healthy lifestyle choice. Do you consciously drink water during your workday? If yes, give yourself a pat on the back. If no, do you think it would improve your health and is it important enough to spend the mental energy to be diligent about water intake?

1. Make a list of behaviors you want to change. It could be doing more of something or less of something. Think out of the box. Healthy behaviors go



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beyond the physical health; what you eat and how much you exercise. How is your mental health? Sleep health? Are you due for a dental check-up?

2. Prioritize the behaviors with one being the most important.
3. Identify three behaviors you feel confident you can start working on now.
4. For each behavior, make a notecard or post-it using the following SMART goal formula.
 - a. Specific. Your goal should be written for clarity.
 - b. Measurable. Think numbers and parameters.
 - c. Attainable. A goal needs to be realistic given your circumstances.
 - d. Relevant. Your goals are your priority, not what society expects you to do.
 - e. Time-bound. The length of time you will work on the goal.

Example of a general goal – eat better. SMART goal:

- a. Specific goal – eat more vegetables.
- b. Measurable – eat vegetables for dinner three nights a week.
- c. Attainable – am I traveling, do I have vegetables on hand to eat.
- d. Relevant – is this goal important to me to overcome the obstacles that come with it?
- e. Time-bound – 30 days (12 days out of the 30 eating vegetables).

Now it is time to put your lawyer brain to work. Make a list of what will get in the way of achieving your outcome.

- Not having vegetables on hand to eat. Start the 30 days with enough vegetables to last two weeks (six meals) and later get the same vegetables for the last two weeks.
- Short shelf life of vegetables. Buy frozen. Salsa lasts more than a month.
- Dislike of vegetables. Eat the vegetables you like – even if it is corn for every meal.

Rethink the relevance of the goal and write why the goal is important to you and its benefits.

Measuring success.

As a lawyer, a challenge to behavior change is we like to operate in black and white, but live in a world that is shades of gray. If you miss a workout or go nuts at Dairy Queen, it doesn't mean you failed. Visual progress will keep things in perspective. Write down your goal and make notes during the week on how you are doing.

It is easy to be devastated about a misstep but when you see how many times you stuck with it, you will keep frustration

and guilt at bay. Work in percentages. If your goal is to do something three days a week and you did it twice; you achieved 66.6%. The rule of percentages is any percent of something is better than zero percent of nothing.



Hope Wood has been in practice for three years. She runs a solo law practice and is a freelance lawyer for other attorneys. Her blog "Problem Solver" is consistent with her job description of "Attorney & Problem Solver." Learn more at www.hopewoodjd.com.
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Strategic Life Planning

Moving from Success to Significance

By Rich Anderson

The Chinese spiral, Notre Dame football, and a personal life dashboard...what do these have in common? Before I answer that question, I want you to repeat these words: Organize and execute around priorities. Say it again: Organize and execute around priorities. Try this one: If I don't set my priorities someone else will.

The dashboard.

Dashboards are right in front of our eyes. They report critical real-time information. When I was a young associate at the Dickinson Law Firm in Des Moines, Iowa, some 30 years ago, I was given a printout, a dashboard if you will, showing the metrics by which they measured and monitored the productivity and profitability of each attorney – including me. I was shocked! I had never seen my value measured by an economic metric before. Little did I know, Hy-Vee and every other boyhood employer of mine had done the same. I just never saw the dashboard. That shock became one of the best life lessons I learned. Measuring and monitoring metrics move you forward. (Thanks Paul Tyler!)

Some of you have worked hard to identify, measure and monitor metrics in your firm. You hope this real-time truth, as reported in your dashboard, will provide

accountability and motivation for all your staff as they execute around certain firm priorities.

Do you have a dashboard for your personal life? Imagine a dashboard that would give you a visual presentation of the truth about the execution of your life priorities and the risks you need to monitor. Truth about your life, your purpose, your vision and your strategy, as shown in your life dashboard, is one of the significant pieces that comes out of strategic life planning. Wait a minute...what about Notre Dame football and the Chinese spiral?!

The Chinese spiral.

The Chinese spiral is a new football passing technique developed by Kirk.... No, no, no, it's an ancient way of looking at a problem. Typically, when we encounter a problem, we want a fast, efficient resolution. The focus is speed. It is like drawing a straight line from problem to solution. The Chinese take time to acquire perspective before they move to resolution. They circle a problem, getting a 360 degree perspective, spiraling in as they move in toward resolution. However, this spiral is not a flat, two dimensional spiral. It ascends, like climbing up and around the outside perimeter of a conical mountain.

When finally summiting the peak, you have perspective and breakthroughs of vision and understanding.

Like the Chinese spiral, strategic life planning focuses on perspective across several domains of life: personal, family, vocational, and community. What is right? What is wrong? What is confused? What is missing? Reflecting on key turning points in your life, you pause and get perspective.

After identifying your core talents you look at the passion of your heart. As if looking at the cross hairs in a rifle scope, you hone in on a sweet spot – the place where your talent and passion intersect. The intent is to help you use your talents in the context of your passions. Where is that sweet spot for you? What is it – that if you fail to do before you die – you will feel like you have missed out?

And Notre Dame football?

Lou Holtz, Notre Dame's coach, built success around his W.I.N principle – What's Important Now? Lou broke everything down to a few simple steps that were important to focus on at that moment. After gaining perspective, strategic life planning brings you to clarity on what is important now for your life – the next step, the start date, and today's status.

Intentionally step back and identify what refuels you and how you spend your time. You may be surprised when you compare your current time usage and your ideal, as you look at the time spent across the domains of your life.

Strategic life planning is like a time out in life – it helps you refocus. Clarity, hope, and satisfaction fill your life when you organize and execute around your life priorities.

If Only Knowing The Worth Of A Business Was This Easy.

Products in stores are usually marked with their prices, but the same can't be said for the stores themselves. The company may present financial information in support of a certain amount – but can you be sure you're seeing all the right figures?

When you need to know the real value of a business, TD&T CPAs and Advisors has the expertise you need. With our investigative accounting services, we can analyze a company's financial data and provide the hard number you require.

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Rich Anderson, a retired private practice attorney and state legislator, has spent the past four years serving a former client as a business peer group facilitator. He leads executives and professionals through two-day personal strategic life planning sessions and presents workshops on understanding your firm's personality and leadership team dysfunction. You can reach him at randerson@htgpeerpgroups.com.

Annual Meeting

June 13 - 15, 2016 • Community Choice Credit Union Convention Center • Des Moines



MESSAGE | ANNUAL MEETING CO-CHAIRS



Kathleen Law



Christine Moon

Dear Bar Members,

We are very excited to invite you to the 2016 Annual Meeting, which will be held June 13-15 at the Community Choice Credit Union Convention Center (Iowa Events Center) in Des Moines. Over the course of the last nine months, our committee has been working tirelessly to put together a stellar conference for you. Once again the meeting will be held in conjunction with the Iowa Judges Association and the Iowa Court Reporters Association. This will be the third year the annual meeting has been held at the Iowa Events Center. This location has given us room to expand to allow as many as seven tracks to be offered at the same time. There are tracks set up by the attorneys, judges and court reporters, each of which is open to anyone who would like to attend. We know that attending the annual meeting is a huge commitment away from work for the week, so we attempt to provide something for everyone on each day and that there are sufficient hours available so you could attend this meeting and get all of your required CLE's for the year. Having this larger space and increasing the number of tracks will help ensure that happens.

In addition to the education, there are plenty of opportunities for socialization. Especially with electronic filing, we see each other less and less. There are fewer run-ins at the courthouse and many of the new attorneys do not know the judges or other attorneys at all. This is a great opportunity to get to know some new people and talk to old friends. The Iowa Events Center provides sufficient space for exhibitors to be in the main hallway with plenty of room for attorneys, judges and court reporters to socialize between sessions. Some of the planned social events this year will be the Joint Presidents Reception outside the ballroom on Tuesday beginning at 5:00 p.m. and the Annual Awards Gala which will be held Wednesday night beginning at 6:30 p.m.

The 2016 Annual Meeting has been approved for 19 hours of state CLE which includes 9 ethics hours (16.50 federal hours are pending). As part of our continued concern for the environment, we will continue to be paperless. No hard copy materials will be available at the

conference. Feel free to download and/or print the materials in advance of the conference if you want them available to you during the seminar.

From the numerous continuing legal education courses to the fun social activities, we hope this annual meeting exceeds your expectations. This is a great opportunity to get all of the education you need for the year and spend time visiting with people you have not seen since the last annual meeting. We look forward to seeing you in June at the Iowa Events Center.

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

ISBA Annual Meeting Committee

Hon. Paul Ahlers
Adam Bates
Deanna Clingan-Fischer
Margaret Hanson
Erin Herbold-Swalwell
Timothy Hill
Stephen Humke
Erin Lee Schneider
Jennifer Juhler
Michelle McGovern
Christine Moon (co-chair)
Joseph Moreland

Mary Lynn Neuhaus
Kathleen Law (co-chair)
Bridget Penick
Ellen Ramsey-Kacena
Steven Reed
Gail Sheridan-Lucht
Charles Smith
Angelina Thomas
Anne Updegraff
Tara Van Brederode
Lu Ann White
John Wood

SCHEDULE OF EVENTS

MONDAY, JUNE 13

General Events

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

8:00 - 9:00 a.m.
Registration

4:00 - 5:00 p.m.
Open AA Meeting

Special Events

11:30 a.m. - 12:50 p.m.
Law School Luncheons:
Creighton University, Drake University, and the University of Iowa
Register for ticketed event

12:15 - 1:00 p.m.
Probate Section/Elder Law Track Luncheon
Register for ticketed event

Agricultural Law Track

9:00 - 10:00 a.m. Big Data in Ag Todd Janzen	10:10 - 11:10 a.m. Federal and State Case Law Update Kristine Tidgren	1:00 - 1:30 p.m. Chapter 12 Ag Bankruptcy Steve Klesner	1:30 - 2:30 p.m. Trending Ag Law Concerns Drake University Ag Law Center	2:40 - 3:40 p.m. Probate and Ag Litigation Concerns Matthew Craft	4:00 - 5:00 p.m. Real Estate and Ag Law Interactions Mark Newman
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Court Reporters Association Track

11:00 - 12:00 p.m. Realtime Contest Realtime Committee	1:00 - 2:30 p.m. IT Security Tyler Miller and Gay Wilson	2:40 - 3:40 p.m. Court of Appeals/Appeal Transcripts Hon. Christopher McDonald	4:00 - 5:00 p.m. E-filing Transcripts Misty Bubke and Cristi Bauerly
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Elder Law Track

9:00 - 10:00 a.m. Surviving the Storm: A Discussion of the Laws Addressing Elder Abuse Chantelle Smith and Sara Scott	10:00 - 11:00 a.m. Ethics for Elder Lawyers (Part 1) Prof. Josephine Gittler and Ronni Begleiter	11:15 a.m. - 12:15 p.m. Ethics for Elder Lawyers (Part 2) Prof. Josephine Gittler and Ronni Begleiter	1:00 - 1:30 p.m. Changes for Special Needs Persons After July 1 Gregory Kenyon and Benjamin Chatman	1:30 - 2:00 p.m. Guardianship Reform Task Force Update Prof. Josephine Gittler
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Ethics Law Track

9:00 - 10:00 a.m. Ethics, Internal and External Trust Account Fraud Tre Critelli	10:10 - 11:10 a.m. Practical Ethics for Lawyers: What is Technological Competence? Lisa Reel Schmidt
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Family Law Track

9:00 - 10:00 a.m. Care and Feeding of Clients: Creating Reasonable Client Expectations David Baker and Richard Garberson	10:10 - 11:10 a.m. Using Social Media Ethically and Effectively Timothy Semelroth	1:00 - 1:30 p.m. The Ethics of Limited Representation and Dealing with Pro Se Parties David Cox	1:30 - 2:30 p.m. Alimony Law in Iowa: A Review of the Cases and an Update from the Alimony Guideline Work Group Prof. Andrea Charlow	2:40 - 3:40 p.m. Family Law Case Update James Meade	4:00 - 5:00 p.m. Modification: What is a Substantial Change in Circumstances? Hon. Chad Kepros; Hon. Robert Hutchison; and David Cox
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Judges Track #1		
1:00 - 2:30 p.m. Welcome Chief Justice Mark Cady The Neurobiology of Trauma Dr. Christopher Wilson	2:40 - 3:40 p.m. Stop Talking! I Don't Care Anymore: Vicarious Trauma for Judges Dr. Christopher Wilson	4:00 - 5:00 p.m. Working With and Making Decisions for Juveniles and Young People in Court Hon. Colin Witt

Judges Track #2		
1:00 - 2:30 p.m. Welcome Chief Justice Mark Cady The Neurobiology of Trauma Dr. Christopher Wilson	2:40 - 3:40 p.m. Family Law Case Update James Meade	4:00 - 5:00 p.m. Evidence Based Practices in Correctional Settings Beth Skinner; Sally Kreamer; and Dot Faust

Litigation Track			
1:00 - 1:30 p.m. What Lawyers Can Learn from Texas Hold 'Em David Nelmark	1:30 - 2:30 p.m. Ethics: An Update on the David Roth Matter Gregory Lederer	2:40 - 3:40 p.m. Error Preservation: A Primer for Trial Attorneys Christina Thompson; Theresa Wilson; Ryan Koopmans; and Justice Daryl Hecht	4:00 - 5:00 p.m. New Civil Procedure Rules and Expedited Trial Rules Hon. Marlita Greve; Brian McKenrick; Hon. Steven Andreasen; Paul Lundberg; Scott Green; and Gregory Lederer

SCHEDULE OF EVENTS | TUESDAY, JUNE 14

General Events
7:00 - 8:00 a.m. Open AA Meeting
7:00 - 8:00 a.m. Red Mass (St. Ambrose Cathedral)
7:00 - 8:00 a.m. Registration
10:00 - 4:00 p.m. Blood Drive <i>Sponsored by the Iowa Court Reporters Association</i>
4:00 - 5:00 p.m. Open AA Meeting
5:00 - 6:30 p.m. Joint Presidents Reception
6:00 - 9:00 p.m. Luau in the Lot Hosted by the YLD (ISBA Headquarters)

Special Events
12:00 - 1:00 p.m. 50-Year Member Luncheon <i>Register for ticketed event</i>
12:00 - 1:00 p.m. Probate Track Luncheon <i>Register for ticketed event</i>
12:00 - 1:30 p.m. Iowa Court Reporters Luncheon
1:30 - 5:00 p.m. YLD Quarterly Meeting

Case Law/Ethics Track				
10:30 a.m. - 12:00 p.m. Criminal Case Law Update B. John Burns	1:00 - 2:30 p.m. Civil Case Law Update Hon. Paul Ahlers	2:30 - 3:00 p.m. Impaired Lawyers Impact on Person, Ethics and the Profession (Part 1) Hugh Grady	3:20 - 3:50 p.m. Impaired Lawyers Impact on Person, Ethics and the Profession (Part 2) Hugh Grady	4:00 - 5:00 p.m. Depression/ Compassion Fatigue Hugh Grady and Hope Wood

Court Reporters Association Track					
8:00 - 8:30 a.m. Court Reporters Association Business Meeting	8:30 - 10:00 a.m. Infamous Defendant, Jack Hays Jeff Noble and Frank Severino	10:15 - 11:45 a.m. Being a Captioner/CART Provider Toni Christy	11:45 a.m. - 12:00 p.m. Distinguished Service Award (DSA)	1:30 - 3:00 p.m. Life as a Wounded Warrior U.S. Army Private First Class Tyler Sirovy	3:20 - 4:20 p.m. Chiropractic Care for Court Reporters Dr. Mike VanderVeen

Judges Track #1					
8:00 - 9:00 a.m. Legislative Update Sydney Kronkow	9:10 - 10:10 a.m. Human Trafficking: An Overview Roxann Ryan	10:30 a.m. - 12:00 p.m. New Approaches in Juvenile Court: Are They Working? Hon. Colin Witt	1:00 - 2:30 p.m. The Faces of Wrongful Convictions Audrey McGinn	2:30 - 3:00 p.m. IT Security Update Tyler Miller	3:20 - 4:20 p.m. Computer Forensics Ovie Carroll

Judges Track #2					
8:00 - 9:00 a.m. Legislative Update Sydney Kronkow	9:10 - 10:10 a.m. Human Trafficking: An Overview Roxann Ryan	10:30 a.m. - 12:00 p.m. U.S. and Iowa Supreme Court Case Law Update B. John Burns	1:00 - 2:30 p.m. Civil Case Law Update Hon. Paul Ahler	2:30 - 3:00 p.m. Guardianship/ Conservatorship Justice Bruce Zager	3:20 - 4:20 p.m. Computer Forensics Ovie Carroll

Juvenile Law Track			
1:00 - 2:00 p.m. Hot Topics, Case Law and Legislative Highlights Barbara Davis	2:00 - 3:00 p.m. Confidentiality in Juvenile Cases/Special Rules Regarding Re-dissemination of Records Kristi Traynor and Cory McClure	3:20 - 4:00 p.m. Bridge Orders: Lessons Learned Ellen Ramsey-Kacena	4:00 - 5:00 p.m. Taking Back the Best Interest Argument Cory McClure; Rachel Antonuccio; Hon. Rose Anne Mefford; and Hon. William Owens

Litigation Track				
9:10 - 10:10 a.m. Anatomy of a Hoax James Cooney III	2:30 - 3:00 p.m. Witness Preparation Alexander Wonio	3:20 - 3:50 p.m. What Every Litigator Should Know About Structured Settlements Scott Brown and Steven Lawyer <i>(Sponsored by the Iowa Association for Justice)</i>	3:50 - 4:20 p.m. Legislative Update from the Defense Perspective Scott Sundstrom <i>(Sponsored by the Iowa Defense Counsel Association)</i>	4:30 - 5:00 p.m. What Grown Ups - Even Lawyers - Can Learn from the Movies We Show Our Kids Matthew Eslick

Mixed Bag Track		
9:10 - 10:10 a.m. Diversity and Inclusiveness: Raising Awareness in Iowa's Changing Landscape Emily Chafa	10:30 - 11:30 a.m. State and Federal Firearms and Weapons Permit Primer Ross Loder	11:30 a.m. - 12:00 p.m. Workers' Compensation Appellate Update Erica Fitch

Plenary Track
8:00 - 9:00 a.m. Civility Matters Frank Harty; Randall Armentrout; Timothy Semelroth; Stephen Doohen; and Michael Streit <i>(Sponsored by the American Board of Trial Advocates)</i>

Probate Track						
9:10 - 10:10 a.m. My Children are Idiots and 100 Other Reasons for Irrevocable Trusts Todd Buchanan	10:30 - 11:15 a.m. Legislative Update Sue Pence	11:15 a.m. - 12:00 p.m. Transfer on Death Deeds Kyle Irvin	1:00 - 2:00 p.m. Current Trust and Estate Topics Paul Morf; Wayne Reames; and Michel Nelson	2:00 - 3:00 p.m. Guardianship Task Force Update Justice Bruce Zager and Prof. Josephine Gittler	3:20 - 4:20 p.m. Uncooperative Fiduciaries Mark Gray	4:20 - 5:00 p.m. Iowa Implementation of ABL Accounts Jana Weiler

SCHEDULE OF EVENTS

WEDNESDAY, JUNE 15

General Events

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

7:00 - 8:00 a.m.
Registration

9:00 a.m.
Iowa Court of Appeals Oral Arguments

10:30 a.m.
Iowa Court of Appeals Oral Arguments

4:00 - 5:00 p.m.
Open AA Meeting

Special Events

7:00 - 8:30 a.m.
ISBA Foundation Fellows Breakfast

9:00 a.m. - 12:00 p.m.
ISBA Foundation Board Meeting

12:00 - 1:30 p.m.
Luncheon Honoring the Iowa Supreme Court
Register for ticketed event

1:30 - 5:00 p.m.
ISBA Board of Governors Meeting
BOG Meeting will continue on Thursday, June 16

6:30 p.m.
ISBA Annual Awards Gala
Register for ticketed event

Access to Justice Track

8:00 - 9:00 a.m.
Justice for All: Barriers and Solutions
Speaker TBA

9:20 - 10:20 a.m.
The Low - Bono Legal Practice in Iowa: A Model for Success
Christopher Rottler and Justin Gross

10:20 - 10:50 a.m.
Limited Scope Representation and You
Speaker TBA

Cyber Security Track

1:30 - 3:00 p.m.
Data Security and Privacy Risks for Law Firms
Theresa Garthwaite and Lisa Jaffee

Commercial and Bankruptcy Law Track

8:00 - 8:30 a.m.
IRS Collection Efforts and Red Flag Conversations
Al Kerkhove

8:30 - 9:00 a.m.
2016 Amendments to the Uniform Voidable Transactions Act
Kristina Stanger

9:20 - 10:20 a.m.
Bankruptcy Update
Hon. Thad Collins and
Hon. Anita Shodeen

10:20 - 10:50 a.m.
United States Trustee's Program Initiatives
Janet Reasoner and
James Snyder

Elder Investment Fraud Track

9:20 - 10:50 a.m.
Elder Investment Fraud and Financial Exploitation
Thomas Tarbox; Craig Goettsch; Prof. Natalie Denburg; and Lori Stiegel



Join your colleagues Wednesday for an evening full of fellowship and rich traditions including the passing of the gavels, recognition of outstanding law students and the presentation of the awards of merit.

**ISBA
Annual
Awards
Gala**

Federal/Litigation Track

8:00 - 9:00 a.m. Introducing Judge Rebecca Goodgame Ebinger and Developments in the Southern District of Iowa Hon. Rebecca Goodgame Ebinger; Hon. Stephen Jackson; Stephen Locher; and Mollie Pawlosky	9:20 - 10:20 a.m. Evidence in Action: Critical Issues in Federal Evidence Prof. Ronald Carlson and Michael Carlson	10:20 - 10:50 a.m. Introducing Magistrate Judge C.J. Williams and Developments in the Northern District of Iowa Hon. C.J. Williams	1:30 - 2:30 p.m. Changes to FLSA Exemptions and other Federal Employment Law Updates Bridget Penick	2:40 - 3:40 p.m. Evidence Update Prof. Laurie Doré
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Iowa Court Reporters Track

8:00 - 9:00 a.m. Proofreading and Scoping Kaylan McCord	9:20 - 10:20 a.m. By Reason of Insanity: Loren Huss Hon. Paul Scott	10:40 - 11:40 a.m. Mental Health and Disabilities Regions Kathy Lerma
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Mediation/Collaborative Law Track

8:00 - 9:00 a.m. Conciliation in Family Business and Probate Cases Nick Critelli	9:20 - 10:20 a.m. Mediation in Probate Kristen Hall	10:20 - 10:50 a.m. When, Why and How to Use Collaborative Mediation Natalia Blaskovich and Kim Roddick	1:30 - 2:30 p.m. Civil Litigation Rob Tully	2:40 - 3:40 p.m. Team Approach to Collaborative Law in Divorce Cases Kimberly Stamatelos; Ashley Tollakson; and Crystal Hemesath	4:00 - 5:00 p.m. What Clients Want, What Clients Need Christine Moon and Kimberly Stamatelos
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Plenary Track

11:00 a.m. - 12:00 p.m. Mentorship: The Key to Iowa Attorneys' Professionalism Robert Grey, Jr., Past President. American Bar Association

Real Estate Track

1:30 - 2:30 p.m. Abstract Review: Advanced Topics Timothy Gartin	2:40 - 3:40 p.m. Planning and Zoning (Part 1) James Nervig and Eric Fisk	4:00 - 5:00 p.m. Planning and Zoning (Part 2) James Nervig and Eric Fisk
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ANNUAL MEETING | GENERAL INFORMATION

<p>Event Location All Annual Meeting CLE tracks and social events take place at the Community Choice Credit Union Convention Center (833 5th Ave., Des Moines, Iowa 50309) unless otherwise noted.</p> <p>Materials The 2016 Annual Meeting is going paperless. No hard copy materials will be available for this event. A link to the materials will be sent to attendees a few days prior to the event so attendees may download/print off materials of their choosing. It is strongly suggested attendees download the materials in advance of the event.</p> <p>Track Attendance All ISBA Annual Meeting attendees are welcome to attend any of the CLE sessions listed above, including the court reporter and judges tracks.</p> <p>CLE Credit Information The 2016 Annual Meeting has been approved for 19 hours of state CLE which includes 9 ethics hours (16.50 federal hours are pending). The number of CLE credits earned depends on tracks attended.</p>
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REGISTRATION FORM | 2016 ANNUAL MEETING

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

Name: _____ Member #: _____ Phone #: _____

Address: _____ City, State, Zip: _____

E-mail: _____

Registration Fees:

Prices below reflect the early-bird registration fees. Registering after June 9 will result in a \$50 late fee being added on to your registration fee amount.

- | | |
|--|--|
| <input type="checkbox"/> ISBA Members - Admitted to practice prior to July 2011 (Full Seminar) - \$325 | <input type="checkbox"/> Non-ISBA Members (Full Seminar) - \$425 |
| <input type="checkbox"/> ISBA Members - YLD Members (Years 4 - 5) (Full Seminar) - \$225 | <input type="checkbox"/> Only Monday (Non-ISBA Members) - \$225 |
| <input type="checkbox"/> ISBA Members - YLD Members (Years 1 - 3) (Full Seminar) - \$125 | <input type="checkbox"/> Only Tuesday (Non-ISBA Members) - \$225 |
| <input type="checkbox"/> Only Monday (ISBA Members) - \$175 | <input type="checkbox"/> Only Wednesday (Non-ISBA Members) - \$210 |
| <input type="checkbox"/> Only Tuesday (ISBA Members) - \$175 | <input type="checkbox"/> Law Students - \$0 |
| <input type="checkbox"/> Only Wednesday (ISBA Members) - \$160 | |
| <input type="checkbox"/> Para Professional (Legal Assistants & Office Employees) - \$125 | |

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

- | | |
|--|---|
| <input type="checkbox"/> Creighton University Law School Luncheon (Monday, June 13) | \$25 each \$ _____ |
| <input type="checkbox"/> Drake University Law School Luncheon (Monday, June 13) | \$25 each \$ _____ |
| <input type="checkbox"/> University of Iowa College of Law Luncheon (Monday, June 13) | \$25 each \$ _____ |
| <input type="checkbox"/> Probate Section/Elder Law Track Luncheon (Monday, June 13) | \$25 each \$ _____ |
| <input type="checkbox"/> Joint Presidents Reception (Tuesday, June 14) | Complimentary to Annual Meeting attendees |
| <input type="checkbox"/> Luau in the Lot Hosted by the YLD (Tuesday, June 14) | Complimentary to Annual Meeting attendees |
| <input type="checkbox"/> 50-Year Member Luncheon (Tuesday, June 14) | \$25 each \$ _____ |
| <input type="checkbox"/> Probate Track Luncheon (Tuesday, June 14) | \$25 each \$ _____ |
| <input type="checkbox"/> Luncheon Honoring the Iowa Supreme Court (Wednesday, June 15) | \$25 each \$ _____ |
| <input type="checkbox"/> ISBA Annual Awards Gala (Wednesday, June 15) | \$60 each \$ _____ |

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

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

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

Cardholder Signature: _____

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

Return registration form to: ISBA CLE, 625 E. Court Avenue, Des Moines, Iowa 50309 or fax (515) 243-2511

For questions: phone (515) 697-7874 or e-mail cle@iowabar.org

Cancellation policy: Registration refunds will be issued only if written notification is received by the bar office by June 6, 2016. Written notification can be mailed, faxed, or e-mailed to the bar office.

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

Iowa delegation visits South Africa

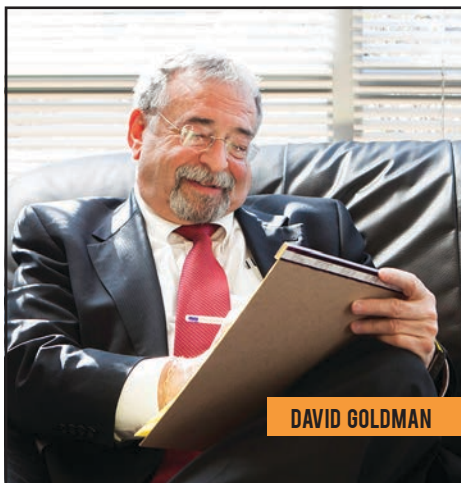
Drake University Law School Prof. Mark Kende, expert on South African Constitutional Law, led the People-to-People Citizen Ambassador Law Delegation to South Africa in October 2015. During the trip, delegates visited the chambers of Justice Edwin Cameron, a judge on the Constitutional Court of South Africa.

Pictured from left to right are Kenny Takalo, guide; Mark Schuling, Iowa Consumer Advocate; Mark Kende, Drake University Law School Constitutional Law Professor; Eliza Ovrom, District Court Judge, Des Moines; Justice Edwin Cameron, South African Constitutional Court; Ben Ullem, Drake Law School Dean; Amahia Mallea, Drake University Professor; Mark Powell, attorney, Perry, Iowa.

During the trip, delegates learned about South Africa's history, constitution and government. The delegation strives to

provide a unique opportunity for participants to provide a global impact through interaction with experts and the creation of relationships with members of South Africa's legal, governmental and NGO communities.

Launched by President Eisenhower in 1956, People-to-People Ambassador Programs' mission is to offer extraordinary, life-changing, educational travel opportunities that bridge cultural and political borders through direct interactions and unique experiences for students, educators and professionals.



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Thanks to speakers

March

Section 102 and Prior Art: Navigating the Expanded Scope of Prior Art and AIA Exception (Part 2)

March 1, 2016

Sponsored by the Intellectual Property Law Section

Anthony D. Del Monaco, Finnegan Henderson Farabow Garrett & Dunner

Doris Johnson Hines, Finnegan Henderson Farabow Garrett & Dunner

Thomas L. Irving, Finnegan Henderson Farabow Garrett & Dunner

The Law of Intimacy in Iowa Nursing Homes – A Post-Rayhons Criminal and Civil Perspective
March 28, 2016

Sponsored by the Litigation Section

Joel Yunek, Yunek Law Firm, P.L.C.

Wrongful Terminations (Live Webinar)

March 30, 2016

Sponsored by the Government Practice Law Section

Jeffrey Peterzalek, Iowa Attorney General's Office

Attorney/Client Privilege for In-house Counsel (In-Person or Live Webinar)

March 31, 2016

Sponsored by the Corporate Counsel Section

Michael Abbott, Faegre Baker Daniels

Jesse Linebaugh, Faegre Baker Daniels

Allison Wallace, Davis Brown Law Firm

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Loss Prevention

Tragedy in the Tall Corn State

By Karen Erger

The sad case of David Roth — an Iowa partner who committed suicide and left behind a long list of apparently defrauded clients — has lessons for lawyers on both sides of the Mississippi.

Over the past nearly two years, a tragic tale of theft and betrayal has unfolded for a once-venerable law firm in Waterloo, Iowa. What lessons can we learn from this tragedy in the Tall Corn State?

An awful truth emerges

*[I]n the end, the truth will out.
— William Shakespeare,
The Merchant of Venice*

On Friday, September 14, 2014, partners of the 63-year-old Waterloo, Iowa law firm of Gallagher, Langlas and Gallagher, PC (“GLG”) confronted David A. Roth, the firm’s 51-year-old managing partner. The firm had received a payment-past-due letter on a loan from Veridian Credit Union – a loan the other partners knew nothing about – that apparently had been made on Roth’s signature and with forged signatures of other partners guaranteeing the loan.

Roth admitted that he had taken out the loan, but promised that it was just one loan and that he would make it good at the conclusion of the case he was then trying in Davenport, Iowa. On September 22, 2014, the night before he was to deliver the closing argument in that case, Roth committed suicide.

On October 24, 2014, a claim for \$64,164 was filed against Roth’s estate by the Schneider family. In March

2013, 26-year-old Adam Schneider and his father Rick entered a grain bin at the family milling business to clear a clogged auger. Both men succumbed to carbon monoxide poisoning – a smoldering fire deep under the corn had released the toxic gas in a concentration six times the lethal dose.¹ Adam’s widow, Nikki, had received \$50,000 in life insurance proceeds, and there was an additional \$14,164 in memorial funds and her children’s savings accounts.

The claim asserted that Nikki consulted with Roth, who told her he would create a conservatorship and invest the money. Roth took Nikki to her bank, where she withdrew the money and gave Roth a cashier’s check made out to Gallagher Langlas. The Schneiders alleged that Roth stole the funds for his personal use.²

That claim was only the beginning.

An onslaught of claims against Roth

*And thick and fast they came at last,
And more, and more, and more
— Lewis Carroll,
The Walrus and the Carpenter*

As of this writing, about 100 claims for over \$11 million have been made against Roth’s estate. Some alleged that Roth had promised – but failed – to invest their money in a litigation-funding scheme, to purchase an annuity with settlement proceeds, to set up a conservatorship for a minor child. Others told of settlements that turned out to be for far less than Roth had reported, of unauthorized settlements, of cases never filed, and of misappropriated proceeds.

It appears that Roth had opened a secret account at Veridian Credit Union in the name of “Gallagher Langlas” – rather than the firm’s full name, Gallagher, Langlas & Gallagher, P.C – and provided a post office box in Waverly, Iowa as the mailing address, rather than the firm’s actual street address in Waterloo, Iowa. Allegedly, Roth depos-

ited the checks into this account, rather than his firm’s trust account, and used the money for his own purposes.³

Untangling the web of deceit

*Oh what a tangled web we weave
when first we practice to deceive
— Sir Walter Scott*

It would take many, many pages to describe all of the claims asserted against Roth, but the Bodee Peterson case illustrates not only the complexity of the alleged schemes, but also the devastating impact on their victims.

In August 2011, one day before he was to start fourth grade, nine-year-old Bodee Peterson died when he fell and was hit by a boat propeller while water-skiing with the Waterhawks Ski Team.⁴

According to the claim Bodee’s father filed against Roth’s estate, the Waterhawks settled the claim for \$600,000, but Roth told the Peterson family that the amount was \$750,000. Part of the settlement proceeds – \$44,900 – were to be held in conservatorships for Bodee’s brother and sister until they reached the age of 18. The Petersons allege that “no annuity or structured settlement was ever purchased, and David A. Roth has misappropriated the funds that were to be paid.”⁵

The family also wanted Roth to sue the boat’s manufacturer for failure to have a propeller guard, and \$100,000 of the settlement funds was to serve as Roth’s retainer in that litigation. But in March 2014, Roth stated that the case didn’t work out “following a disappointing ruling from the trial court” and returned \$60,916 to the Peterson family.⁶ But, according to the claim, “[a] search of court records has been made, and it does not appear that any court action was ever initiated.”⁷

As if all of this weren’t bad enough, Roth apparently used Bodee’s case to ensnare yet another victim. Another claimant against the Roth estate alleges



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Hopkins & Huebner, P.C. is pleased to announce that **Valerie A. Landis** has recently completed the Mediation Skills Training course through Northwestern University School of Professional Studies in Chicago, IL. Through mentorship with E.J. Kelly, a fellow H&H attorney, Ms. Landis plans to become board certified in mediation through the American Academy of ADR Attorneys.

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that Roth persuaded him to loan \$25,000 to a party that was supposedly the “co-executor”⁸ in the Bodee Peterson case, in order to fund litigation against the parties responsible for Bodee’s death. The loan was to be repaid at 12 percent interest upon settlement of the case.⁹

The upshot for the GLG firm

*So Eden sank to grief.
— Robert Frost,
“Nothing Gold Can Stay”*

The GLG law practice no longer operates as such; although the entity continues to exist until all litigation is complete, its former lawyers have departed for other firms. Some of those lawyers and the GLG firm have filed contingent claims against Roth’s estate in the event that they end up paying for Roth’s misdeeds, and some of the former GLG lawyers also claim damages resulting from Roth’s wrongdoing.¹⁰

The insurer that issued a \$5 million policy of professional liability insurance to GLG has filed suit seeking to rescind the policy, alleging that Roth “was aware of multiple claims or incidents which could reasonably result in claims” when he signed and submitted the firm’s application for coverage.¹¹

The upshot for your firm

*Those who cannot learn from the
past are condemned to repeat it.
— George Santayana*

What lessons can be learned from the Roth case? And what steps can you take to prevent a similar calamity at your own firm?

First, make sure your firm has effective internal controls in place. This is not just good business practice – it is compelled by the Rules of Professional Conduct, which require law firm partners and lawyers with comparable managerial authority in their firms to “make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance” that all lawyers in the firm conform to the rules.¹²

Take inventory of managerial responsibilities at your firm and make sure that no one person is endowed with complete power over firm finances or client funds. Segregate and allocate duties so that knowledge and control is shared rather than concentrated in one set of hands. Consider rotating job duties, if

possible, and require cross-training on all functions.

The Roth case highlights the need to create a firm culture in which lawyers know what their partners are doing. For some attorneys, the challenges and demands of practicing law are far more engrossing than the quotidian grind of running a law firm. This case reminds us of the need to pay attention to the “business” side of practice, and of the potential for real harm to clients and law firms at the hands of a rogue lawyer.

And “knowing what your partners are doing” probably requires knowing them as people, so you have some chance of detecting when something is “off” with them. In addition to helping prevent business catastrophes, spending time with your colleagues can make your practice more collegial and perhaps even more fun.

Here’s hoping for a fair and just resolution of this tragic situation, and also that we will not see a repeat of these sad facts – in the Tall Corn State, the Prairie State, or anywhere else, for that matter.

¹ Jeff Reinitz, One year since father, son died in Waverly grain bin accident, *wfcourier.com* (Mar. 16, 2014).

² Jeff Reinitz, Deceased attorney under investigation over missing money, *wfcourier.com* (Nov. 2, 2014).

³ Jeff Reinitz, Receiver appointed for embattled firm, *wfcourier.com* (Mar. 26, 2015).

⁴ *kwvl.com*, Hudson School Dist. mourning loss of student (Aug. 18, 2011).

⁵ Jeff Reinitz, Bodee Peterson’s parents file claim against Roth estate, *wfcourier.com* (Feb. 8, 2015).

⁶ *Id.*

⁷ *Id.*

⁸ As the Peterson’s lawyer rightly pointed out, Bodee, at nine years old, did not have a will and so would not have an “executor.” Jeff Reinitz, Latest claim in Roth case tied to boy’s skiing death, *wfcourier.com* (Dec. 11, 2014).

⁹ Jeff Reinitz, Bodee Peterson’s parents file claim against Roth estate, *wfcourier.com* (Feb. 8, 2015).

¹⁰ Jeff Reinitz, Former co-workers file claims in Roth estate, *wfcourier.com* (Mar. 7, 2015).

¹¹ Aebra Coe, Insurer Sues Iowa Firm Over Coverage of Client Theft Suits, *law360.com* (Feb. 17, 2015).

¹² Iowa Rules of Professional Conduct, 32:5:1(a); Illinois Rules of Professional Conduct, Rule 1.5(a).



Karen Erger is vice president and director of practice risk management at Lockton Companies. KErger@lockton.com



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Board of Governors Quarterly Meeting—

ISBA BOG nominates new officers, discusses rule change and access to justice at quarterly meeting

During the spring ISBA Board of Governors quarterly meeting in Des Moines, Iowa, the BOG approved nominations of new 2016-2017 ISBA officers, authorized the appointment of members to the Iowa Supreme Court Rule 39.18 Study Committee and discussed proposed recommendations for an Access to Justice Commission.

Actions

Actions taken by the ISBA Board of Governors included:

ISBA Social Media Policy

- Adoption of a social media policy to provide a resource for social media users.

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Iowa Supreme Court Rule 39.18 Study Committee

- Authorization to appoint study committee members to address concerns arising from the implementation of rule 39.18.

Nomination of new 2016-2017 ISBA officers

- Approval for ISBA members to vote on the nominees for President-Elect Steve Eckley, Des Moines; Vice-President Tom Levis, West Des Moines; and ABA Delegate David L. Brown. Members will vote on the nominees before the annual meeting in June.

Additional actions taken by the BOG included:

- Approval for the appointments of four attorney members to Iowa Legal Aid's board of directors: Matthew McDermott, Des Moines; Scott Folkers, Garner; Nate Willems, Cedar Rapids; and Dick Davidson, Davenport.
- Approval for the appointments of two attorney members to the Iowa LawPAC Board of Directors: Sharon Soorholtz Greer, Marshalltown, and Mike Mahaffey, Montezuma.
- Authorization to co-sponsor of The Iowa Governor's Conference on Aging.

Reports

President's report

ISBA President Bruce Walker highlighted the March 18 judicial conference in Fairfield, Iowa, where he met with district

and district associate court judges and magistrates. They raised two matters. The first matter focused on the ISBA's activities related to proper funding for drug courts. YLD President Joe Goedken made a presentation about the problem. Walker advised that the ISBA BOG authorized the ISBA Criminal Law Section's support for full funding and operation of drug courts throughout Iowa. The second matter related to the ISBA's position on judicial residency requirements; that judges should be residents of the sub-districts from which they are to be appointed. Walker noted that there was a concern about a lack of qualified candidates under the current selection system. He advised that he will communicate with Eighth Judicial District Chief Judge Mary Ann Brown and that the ISBA's position regarding judicial residency requirements remains the same.

Walker closed his remarks by highlighting the efforts being made through the ISBA Mock Trial and Know Your Constitution programs, reducing law school debt and increasing rural practice in Iowa.

Executive director's report

Executive Director Dwight Dinkla began his report by providing details related to the 2016 ISBA Annual Meeting. The 2016 ISBA Annual Meeting will be held in conjunction with the Iowa Judges Annual Conference and the Iowa Court Reporters Association at the Iowa Events Center in downtown Des Moines with over 60 CLE credits available from over 15 tracks.



ISBA President Walker welcomes the governors to the spring ISBA Quarterly Meeting at the Des Moines Social Club, March 22.

A small delegation from the ISBA will go to Washington D.C. for ABA Day in April. As part of ABA Day, an award is generally bestowed upon up to three elected officials for their efforts to improve the American justice system. This year, U.S. Senator Charles Grassley will be recognized for his efforts to advance criminal justice reform.

The first legislative priority of the ISBA delegates, as it is each year, will be to speak with many members of the U.S. Congress about funding for the Legal Services Corporation.

Dinkla concluded his remarks by outlining plans for the April Newly Admitted Ceremony. It is anticipated that approximately 52 new attorneys will be admitted, one of the smaller newly admitted classes in recent years.

Assistant Executive Director Harry Shipley answered questions. Membership trends are being monitored. There will most likely be a decrease by approximately 100 members this year due in part to smaller law school class sizes.

Legislative counsel's report

ISBA Legislative Counsel Jim Carney provided the BOG with a status report including the following:

- The 2016 Affirmative Legislative Program;
- Judges' Salary Bill;
- Judicial Branch Budget;
- Education Spending Budget;
- Indigent Defense – Supplement Appropriations;
- Legal Services Appropriations;
- Funding for the new Polk County Courthouse for furniture and equipment;
- Statute of Repose;
- Probate Cost bill.

Carney also advised the governors of the status of the ISBA 2016 Affirmative Legislative Agenda. He went on to state that of the 57 republicans and 43 democrats in the house, there will be eight republicans and four democrats who will not be running again. Some of the 12 open seats are in competitive districts. Additionally, of the 26 democrats and 24 republicans in the senate, one democrat is retiring. The open seat is in Des Moines and will likely remain a democratic seat. No senate republicans are retiring.

ISBA Assistant Legislative Counsel Shannon Henson was introduced as the newest member of the legislative team.

YLD president's report

Goedken began his report by requesting that more governors volunteer to serve as mock trial judges. The Iowa mock trial program is the largest in the country and one of very few to offer mock trial experiences to middle schoolers. Goedken updated governors on the YLD mentoring program and stated that there has been good survey and anecdotal feedback. He encouraged governors to consider serving and continuing to serve as mentors.

Goedken stated that there is a newly formed YLD outreach committee that works with the law school bar associations to help bridge the gap between law school graduation and participation in ISBA YLD after admission to practice. Law school bar leaders are invited to YLD meetings. YLD members have interacted with law students throughout the year on campus and at social functions. Preliminary law student surveys results indicate that they are interested in programing related to shadowing, summer internships, job preparation, public service jobs and public service loan forgiveness programs. Goedken stated that there

will be a YLD reception after the newly admitted ceremony this spring to welcome new attorneys and generate interest in ISBA YLD membership.

The Iowa State Bar Foundation update

ISBF President Paul Tyler congratulated Jerry Schnurr, III, District 2B, and Mason Ouderkirk, District 5A, two governors who are newly elected to the ISBF as fellows of the foundation. Tyler explained that governors are members of the bar foundation, but that when they support the ISBF through donations they become fellows of the foundation.

Tyler reported that the ISBF met March 22, and awarded \$60,000 to three grant applications received from and endorsed by the ISBA. He stressed that as bar association membership declines, it will become increasingly difficult to use funds for the educational programs needed in our society to teach students how government works. He went on to say that the ISBF frees up ISBA money through voluntary charitable donations rather than higher membership fees. He closed his remarks by asking governors to help get the message out about the ISBF campaign and the opportunities related to the current Endow Iowa Tax Credit program.

Iowa LawPAC report

Iowa LawPAC Chair Tom Henderson thanked Walker for his help raising LawPAC funds for the upcoming campaign. He stated that because it is anticipated that it will be difficult to make predictions for this election year, it will be more important to contribute to a number of campaigns. The account balance increased by \$45,000 this year and now totals \$95,000. In closing, he stated that LawPAC wants to be able to offer lawyer candidates more support. The next LawPAC meeting is in May.

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ISBA Past President Joe Feller apprises the governors of the Iowa Supreme Court Rule 39.18 Study Committee.

Iowa Supreme Court Rule 39.18 Study Committee report

ISBA Past President Joe Feller gave an oral report regarding the formation of a Rule 39.18 Study Committee and highlighted the information from a resolution regarding the same. He went on provide information about the study committee's March 16, meeting at ISBA headquarters. At the meeting, Paul Weick, II, provided background on the court's issuance of Rule 39.18 and the related requirements. The next Court Rule 39.18 Study Committee meeting will take place on April 27 at ISBA

headquarters. Feller said that the study committee hopes to have a report ready for the ISBA BOG's review at the September BOG meeting.

Fast Action YLD Participation Group report

ISBA Vice President Steve Eckley provided the governors with the report of the "Newer Lawyers" Fast Action Team. He stated that newer lawyers need more support from the bar association than ever before as they face extreme financial pressures from huge debt, a tight job

market and a slowdown in the demand for paid legal services.

After providing an overview of the purpose and structure of the team, Eckley highlighted key suggestions from the report. He prefaced his comments by stating that the ISBA staff is currently doing a great job putting together benefits. Suggestions to increase the ISBA's value to potential members included offering comprehensive training and tools for starting and maintaining a law practice. Suggestions to maximize retention of existing members included finding more opportunities for members to engage and to develop a sense of ownership in the ISBA. Eckley concluded his remarks by stating that the team would like input from the governors and from the ISBA staff to see which suggestions are practical and worth implementing.

Diversity and Inclusiveness Committee report

ISBA Diversity and Inclusiveness Committee Co-Chair Emily Chafa provided an oral report regarding recent and upcoming CLEs sponsored by the committee. The recent implicit bias webinar will be available on the committee's webpage. Other recent



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Representative Sharon Steckman, of Mason City (Dist. 53) (left) poses with Phil Garland and Carrie Rodriguez of Garner during the Breakfast with the Bar event March 23.



ABA Delegate Alan Olson comments on proposed recommendations for Access to Justice Commission structure, staffing and funding as Laura Parrish, ISBA YLD Past President, looks on.

CLEs included language access, diversity on the bench and Native American law. Upcoming CLE opportunities include Transgender 101 on May 11. During the annual meeting there will be a reprisal of CLEs that the committee presented this year.

Iowa Lawyer Assistance Program

Iowa Lawyers Assistance Program Executive Director Hugh Grady reported on the ILAP Board Meeting on March 21. He said that with the ISBA's permission, for the first time ever there will be open AA meetings at annual meeting. The goal is to have two meetings each day.

Grady advised that the ILAP website, www.iowalap.org, is now accessible. He thanked ISBA Assistant Executive Director Harry Shipley for his work on the website.

Iowa Legal Aid

ILA Executive Director Dennis Groenenboom began his remarks by highlighting the relationship between the ISBA and ILA. Groenenboom went on to provide greater detail about the services that ILA provides and their impact.

Groenenboom reported that in 2016 ILA received \$9.5 million in funding from the Legal Services Corporation, established by an act of U.S. Congress in 1974, and \$2.4 million from the state of Iowa. He summarized the Legal Services Corporation Office of Program Performance Report from the Program Quality Visit to Iowa Legal Aid August 25-28, 2015, by saying that ILA is perceived as a good legal services provider that effectively uses funds received.

Report from Drake Law School Dean

Associate Dean Andrea Charlow reported that applications and admissions are up. She reported on upcoming events includ-

ing the Iowa Supreme Court Banquet on April 2. She announced that Shontavia Johnson and Anthony Gaughan recently received tenure. Professor Johnson will return next fall to take over as director of the Intellectual Property Law Center. Charlow also noted recent retirements. Dean Ben Ullem is retiring and Jerry Anderson will become dean July 1.

Report from University of Iowa Law School Dean

Dean Gail Agrawal reported that the class of 2015 is 95 percent employed, one student is still seeking a job in Iowa and 4 are out-of-state. The class of 2015 includes a record breaking 31 judicial clerks out of a graduating class of 146. Agrawal stated that this year will mark the graduation of the 150th class, a small class of 99 students. Agrawal went on to provide updates on student and faculty achievements, events, retirements, awards of tenure and new faculty hires.

Access to Justice Commission Study Committee

ISBA PSP Executive Director and ISBA Access to Justice Commission Study Committee Chair Brett Toresdahl provided a report for discussion. The ISBA Administrative Committee reviewed the report at its March meeting. After Toresdahl's presentation regarding proposed recommendations for an Access to Justice Commission's structure, staffing and funding, multiple governors, advisory committee members and other attendees provided comments. Toresdahl stated that he would like to get the ISBA BOG's approval of the report at the June 2016 BOG meeting so that the Iowa Supreme Court may consider it during the summer administrative session.

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IOWA STATE BAR ASSOCIATION — 2016 Affirmative Legislative Program

Bill No./Subject	Description	Status
HF 2400 2014 Amendments to Uniform Voidable Transactions Act (Current IA Code Chapter 684, "Fraudulent Transfers")	The Uniform Fraudulent Transfer Act was approved by the Uniform Law Commission in 1984. It has not been revised or updated since its original approval. Iowa adopted the Act, which is presently found in IA Code Chapter 684. In 2014, the Uniform Law Commission adopted amendments to update the Act, which are being proposed to update IA Code Chapter 684 as follows: <ul style="list-style-type: none"> • Change the name of the Act from "Uniform Fraudulent Transfer Act" to "Uniform Voidable Transactions Act". • Choice of Law- Provide that a claim for relief is governed by the local law of the jurisdiction in which the debtor is located when the transfer is made or obligation is incurred. • Evidentiary Matters- Provide uniform rules on allocation of burden of proof and standards of proof relating to operation of the UVTA. • Delete the special definition of "Insolvency" for partnerships. • Revise provisions relating to defenses available to a transferee or obligee. • Clarifies that the UVTA applies to transactions in which a series organization engages. • Replace references to "writing" with "record." 	Signed by Governor Branstad on 3/30/16.
SSB 3076 Benefit Corporations	Amends IA Business Corporation Act (Chapter 490) to authorize formation of "Benefit Corporations", which are formed not only for the purpose of shareholder profitability but also for a social purpose or public benefit.	Referred to Senate Judiciary Committee. Will not advance this session.
HF 2359 Corrective amendments to IA Business Corporation Act (Code Chapter 490)	Amends Code Sections 490.1320(1) and .1320(3)(a) and (b), "Notice of Appraisal Rights", to replace references to "part" and "chapter" with references to "division."	Signed by Governor Branstad on 4/6/16.
HF 2447 (Formerly HSB 645/SSB3174; Formerly SF 376) Calculation of Probate Court Costs	Relates to how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court costs property over which the court lacks probate jurisdiction and for which the clerk renders no services. Specifies that for purposes of calculating the costs for other services performed by the court in the settlement of the estate of any decedent, minor, person with mental illness, or other persons laboring under legal disability, the value of such a person's personal property and real estate is equal to the gross assets of the estate listed in the probate inventory minus, unless the proceeds of the gross assets are payable to the estate, joint tenancy property, transfers made during such person's lifetime such as to a revocable trust, and assets payable to beneficiaries.	Recorded as a Study Bill; Assigned to Ways and Means; Fiscal Note issued on 4/4/16.
SF 2112 Uniform Fiduciary Access to Digital Assets Act (UFADAA)	Adopted by the Uniform Law Commissioners in July 2014, the Act ensures that legally appointed fiduciaries can access, delete, preserve, and pass along a person's digital assets (i.e., documents, photographs, e-mail, and social media accounts) as appropriate.	Senate amended and passed on 2/22/16, 49-0. Referred to House Judiciary Committee on 2/24/16.
HF 2335/SF 2184 Notice Under the Iowa Trust Code; IA Probate Code Amendment; Iowa Uniform Power of Attorney Act Technical Corrections	This proposal does the following: <ul style="list-style-type: none"> • Amends Iowa Trust Code by inserting new Section 633A.1109 ("Methods and Waiver of Notice"), which provide for notices to trust beneficiaries and notices of judicial proceedings. The Trust Code currently provides for notice provisions for creditors, heirs and surviving spouses, but otherwise, notice provisions default to the Iowa Rules of Civil Procedure. The proposed amendment would address such notices except as otherwise provided. • Amends Iowa Probate Code Section 633.389 to simplify notices regarding sale of property. • Makes several technical corrections to Iowa Code Chapter 633B, "Iowa Uniform Power of Attorney Act." 	HF 2335 signed by Governor Branstad on 4/13/16.
SSB 3032 Attorney Fees and Court Costs in Action to Quiet Title After Request for a Quitclaim Deed.	Updates Code Section 649.5, which relates to attorney fees and court costs for a party who succeeds in an action to quiet title and who requested a quitclaim deed from the party holding an apparent adverse interest prior to bringing the action to quiet title. Brings the dollar amounts closer to current market rates and maintains the moving party's ability to request attorney fees.	Referred to Senate Judiciary Committee. Will not advance this session.
HHF 2326/SF 2150 Forcible Entry & Detainer Actions After Forfeiture of Real Estate Contracts	Makes changes to procedures for eviction after forfeiture of a real estate contract. Grants statutory authority under Code Chapter 648 for a vendor in a real estate installment contract to seek Forcible Entry & Detainer action against holdover vendee who fails to vacate after forfeiture proceedings are complete, while affording holdover vendees proper due process. Allows small claims magistrates to hold preliminary hearings in forfeiture cases and to enter judgments of removal only if the defendant defaults or appears and does not raise facts which would constitute a defense to eviction. Provides that a judgment of eviction also operates against persons holding under the defendant, such as subtenants, the defendant's children, and persons living on the premises by permission of the defendant.	Senate deferred on 4/12/16.
SF 220 Expert Witness Fees	Amends Code Section 622.72 to remove the \$150 per day cap on expert witness fees and to permit the district court to assess as costs a fair and reasonable expert witness fee in an amount not to exceed \$2,500 for the expert's time testifying at trial or in depositions used at trial.	Senate passed 48-2 on 3-10-15. Referred to House Judiciary Committee 3-11-15. No further action.
SF 2232 Redemption from Tax Sale of Property Owned by Persons with Disabilities	Remedies issues arising from Iowa Court of Appeals decision <i>Firestone v. FT13</i> (Filed 4-30-14) relating to redemption issues arising from ownership of property by minors or persons of unsound mind.	Senate passed on 2/23/16, 50-0. Referred to House Judiciary Committee on 2/24/16.
HSB 577/SSB 1248 Requirements for Timely Filing of Releases or Satisfactions of Mortgages	Remedies ambiguities and inconsistencies in existing statutes & provides remedies for failure of mortgagees to issue releases of mortgages.	Bills referred to House & Senate Judiciary Committee respectively. Placed on hold by ISBA for further work.
HF 2282/SF 2060 Appointment of Guardian Ad Litem (GAL) for Minor Child in Adoption Proceedings	Amends Code Section 600.5 to require an adoption petition to state whether a GAL should be appointed for a minor child to be adopted, and if not, the reasons why a GAL should not be appointed. Adds New Code Section 600.6A which requires the Court, prior to ordering a hearing on the adoption petition, to make a determination of the need for a GAL for a minor child to be adopted and, in writing, appoint or waive the appointment of a GAL for purposes of the adoption proceeding in the order setting the adoption hearing.	Signed by Governor Branstad on 4/6/16.
SF 2264 Clarification of Roles in Child Representation	Amends Code Section 598.12 to clarify roles of child's attorney, guardian ad litem, and custody investigator. Existing 598.12 provisions for child representation are not compliant with ABA standards for child representation.	Passed by Senate. Passed House Judiciary Subcommittee 3/09/16. Funneled.
SSB 3033 Waiver of 90-Day Waiting Period in Dissolutions	Allows for waiver of 90-day waiting period at the court's discretion upon the agreement of the parties. Current Code Section 589.19 requires a 90-day waiting period before the court can grant a decree dissolving a marriage unless grounds of emergency or necessity exist which satisfy the court that immediate action is warranted or required.	Referred to Senate Judiciary Committee. Will not advance this session.

Bill No./Subject	Description	Status
HF 2270/SF 2062 Amendment of Code Section 232.2(39) Definition of "Parent"	Amends the definition of "parent" to include a father whose paternity has been legally established by operation of law. The Iowa Supreme Court in <i>In re J.C.</i> , 857 N.W.2d 495 (Iowa, 2014) determined that a legal father of a child (not a biological parent but father whose paternity was established by operation of law by marriage to the mother) was NOT a necessary party to a Child in Need of Assistance proceeding. This proposal makes the legally established parent a necessary party and conforms the definition of "parent" in Code Section 232.2(39) with the Bridge Order statute [Section 232.103A(1)(b)].	Signed by Governor Branstad on 4/13/16.
Codify Formula for Division of Defined Benefit Plans	The case of <i>In re Marriage of Benson</i> provides a formula for division of a defined benefit plan. This proposal amends Code Section 598.21(6) to codify the formula.	Placed on hold by ISBA for further drafting work.
HSB 525/SSB 3029 Uniform Child Support Payment Processing	Child support payments are processed differently depending on the type of case and the existence of an income withholding order. This proposal amends Code Section 598.22, Chapters 252B & 252D so that all child support payments will be paid into the Collections Services Center (CSC).	HSB 525 referred to House Judiciary Committee. SSB 3029 referred to Senate Judiciary Committee. Neither bill will advance this session.
HF 2378 Appeal Deadline for Private Termination of Parental Rights Actions	Amends Code Section 600A.9(2) to reduce the 30-day appeal deadline for private termination of parental rights (TPR) actions to a 15-day appeal deadline to be consistent with Chapter 232, which governs TPR actions initiated by the State.	Approved by House Judiciary Committee and placed on House Calendar on 2/22/16. Funneled.
SF 2233 Uniform Deployed Parents Custody & Visitation Act (UDPCVA)	Approved by the Uniform Law Commission in 2012, the UDPCVA addresses issues of child custody and visitation that arise when parents are deployed in military or other national service.	Signed by Governor Branstad on 4/13/16.
Proceedings to Establish Paternity	Amends Code Section 600B.8 to allow fathers to file an action to establish paternity consistent with the Iowa Supreme Court's decision in <i>Callender v. Skiles</i> , 591 N.W.2d 182 (Iowa 1999). Updates Code Chapter 600B.	Placed on hold by ISBA for further drafting work.
HF 2117 Student Loan Deduction	Allows a person to deduct the full amount of interest paid on a student loan for income from Iowa income tax purposes.	Referred to House Ways & Means Committee. Fiscal Note issued on 4/8/16.

Updated 4/15/16

In addition to the legislative proposals above, The Iowa State Bar Association supports the following positions as a part of its 2016 Affirmative Legislative Program:

- Full funding of indigent defense and adoption of legislation providing for an automatic, periodic increase in indigent defense fees.
- Full funding of the Judicial Branch.
- Full funding for Legal Services.
- Full funding for the Office of Substitute Decision Maker to protect the interests of Iowans who have no one else to manage their financial and health care needs.
- Child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.
- Opposition to the legalization of title insurance.
- Opposition to any proposal to restrict lawyer abstracting under Iowa Title Guaranty.
- Opposition to absolute immunity legislation.



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Blatt

Megan Blatt joined Iowa Legal Aid as an attorney in the Central Iowa Regional Office in Des Moines, Iowa. Blatt received her J.D. from DePaul University College of Law in 2010. Prior to the position, she practiced for five years with Life Span Center for Legal Services and Advocacy in Chicago.



Henson

Shannon M. Henson joined Carney & Appleby, P.L.C., in Des Moines, Iowa, as an associate attorney. Henson received her law degree from Drake University Law School in 2011. Her practice focuses on legislative affairs, personal injury, family law and representing plaintiffs in property insurance disputes.



Hicks

Jeff Hicks and Alison Kurth joined Principal Financial Group's law department in Des Moines, Iowa.

Hicks joined the litigation team as counsel. He is a graduate of the United States Air Force Academy, earned his law degree from Drake University Law School and his Master of Public Administration from the University of Maryland School of Public Affairs.



Kurth

Kurth joined as counsel with the corporate tax team. She graduated from the

University of Iowa College of Law and received her L.L.M. in taxation from New York University School of Law.



Slessor

Caitlin L. Slessor was promoted to member and vice president at Shuttleworth & Ingersoll, P.L.C., in Cedar Rapids, Iowa. Slessor received her J.D. from the University of Iowa College of Law in 2005. Prior to joining the firm, she served as a staff attorney for Iowa Legal Aid, then held a private practice where she focused on family law matters.



Updegraff

Eric M. Updegraff joined Hopkins & Huebner, P.C., in Des Moines, Iowa, as an associate attorney. Eric earned his undergraduate degree from Simpson College and his J.D. from the University of Iowa College of Law.

He will practice primarily in employment, personal injury, workers' compensation, and family law.



Zaehringer

Sigrid U. Zaehringer accepted shareholder status with the law firm of Califf & Harper, P.C., in Moline, Illinois. She received her undergraduate and law degree from the University of Iowa, finishing in 2005. Zaehringer is licensed to practice law in Iowa, Illinois, and Wisconsin, and since 2008

has practiced primarily in the areas of labor and employment law and litigation at the firm.

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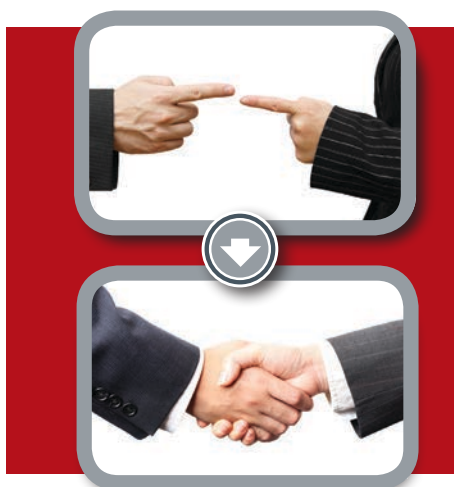
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Balancing work and family

Tom and Abigail Hillers moved from litigation to corporate law to gain the consistent routine best for their children

By Steve Boeckman, ISBA Communications Dept.

Tom Hillers and Abigail Wuest met as undergrads at Iowa State University when he built a sign for her sorority house to replace one that was knocked down. They fell in love, married, went through law school and started a family. They knew – maybe “sensed” is more appropriate – that their legal careers would have to be dictated by the needs of their family.

“Family” in their case, consists of Dutch, who turned six last month; Dulcinea, who’ll be four in June; and Duke (nicknamed “Moose” for his penchant for eating at all hours of the day and night), who is almost two.

Their story is one of trying different types of law practices until they found something that gives them the consistent routine needed for a work/life balance that suits their family – at least for now.

“Consistency and routine is very important with little kids,” Tom points out.

“We made the decision to go to law school, not knowing that we were going to have a family,” Abigail adds. “Now we have these little bodies, and we want them to be contributing citizens and do well. And, with both of us being gone all the time, it wouldn’t be fair to them.”

Today, “Tomy” (as Abigail and most of his friends call him), a farm boy from New Sharon, Iowa, and Abigail, a city girl from Cedar Rapids, Iowa, both have corporate law jobs that generally provide them with regular hours Monday through Friday. Tom works in the office of general

counsel for Nationwide Insurance in downtown Des Moines, Iowa, and Abigail works as a wealth management trust officer and general counsel for United Bank and Trust in Marshalltown, Iowa.

That hasn’t always been the case. In fact, Tom’s job with Nationwide changed as recently as February when he moved from the trial division to the general counsel office. As a litigator in the trial division, he had many long hours, frequent nights away from home, and work at night and on weekends as he traveled the state representing Nationwide, and its insureds, in civil litigation.

Prior to the Nationwide job, which he started in June 2013, Tom was an associate with Cartwright, Drucker and Ryden in Marshalltown for nearly three years where he practiced primarily in civil litigation. Abigail also was involved in litigation with Hinshaw Danielson Kloberdanz & Haney, P.C., in Marshalltown before she left the firm three years ago last March to take the job with the bank.

Both Tom and Abigail are quick to point out that it’s certainly possible for two-lawyer-couples to raise children while in private practice. In fact, they know attorney couples who are making it work. And they acknowledge that most families



The Hillers family sits on a bench in their home to pose for a family photo. Pictured from left to right, Abigail, who is holding Duke at almost two years, Dulcinea at almost four years, Dutch at six years, and Tom.

have two working spouses these days.

“If we had the money for an in-house nanny who stayed after 5 p.m., we might be able to make it work in private practice,” Abigail says. “A lot of daycare centers require that you pick up your children by 5 p.m. And, that’s not always possible if you have a case that requires working after 5 p.m.”

Plus, there’s the stress associated with litigation, Tom adds. “There’s so much you can’t predict that you can never get into a routine.”

The importance of having jobs with consistent hours was driven home while they both were working for the private firms in Marshalltown. Both had cases with deadlines that had to be met. They had two children.

“We didn’t have a support system developed,” Abigail says. “I always say I took the knee and found a job with a little bit more steady hours. I have evening presentations or weekend events occasionally, but most of the time my hours are pretty much 8-5. It was important that one of us be able to do that for the kids.”

Ironically, neither Tom nor Abigail started out to be attorneys. Nor did they have clear goals about what type of law they wanted to practice. Tom says his decision to go to law school came in his last semester at Iowa State where he majored in journalism, but had become disenchanted with it and largely decided he didn’t want to go into the journalism field.

“I figured out I could schedule all my classes for Tuesdays and Thursdays,



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which left me the other three days free to do whatever I wanted,” he says. On a whim, he signed up for a constitutional law class. The professor said on the first day that he would be teaching the class using the Socratic Method commonly employed in law schools.

“I loved it,” he recalls. “I studied every night. I went to class every day. I raised my hand, spoke in class.”

Based on that experience, he decided to take the LSAT and go to law school and see what would happen. He went to Valparaiso University Law School without any idea of what he was going to do or be most of the way through. “I came out the back end and I was going to be a prosecutor in Gary, Ind.,” he recalls. “Because of the economy then, there were no jobs and that was the only place that was hiring at that time.”

The prosecutor job was as a volunteer, however. After a few months, he knew he had to find a job that would pay the mortgage and living expenses. He went back to the law firm where he had clerked during school. The firm had no openings for an associate, so he took a job as a secretary for a few months until an associate position opened up.

Meanwhile, Abigail was completing her first year of law school at Valparaiso. As with Tom, she had no background in law – no relatives involved in the law – but, as an undergrad English major, she was attracted to a four-year program Valparaiso offered that would allow her to get a master’s degree in liberal studies and a J.D. degree.

The couple moved to Marshalltown in August 2010 where Tom began working for the Cartwright firm. “Once we had a child, we realized we needed to be close to family,” Abigail says. She didn’t have a job at first, but constantly sent out resumes until finally landing the job with the Hinshaw firm in February 2012.

For the first six months, the couple and their son lived in her grandparents’ house – an old Victorian home built in 1880 and occupied by members of the family from the time it was built. Later, they bought a 130-year-old farm house on five acres in Lamoille, a tiny town a few miles west of Marshalltown that is so small it doesn’t even have a post office. They have remodeled the home to bring it up to date, doing most of the work themselves.

Depending on which one of the couple

is asked, living in the country adds to the work/life balance. “It tends to be kind of relaxing – at least for me,” Tom says. “I don’t know about her. She takes it day by day.”

Abigail acknowledges that it’s nice for the kids to have the space to run around in. However, “this is about as much country as I can go,” she says. “Tomy really likes it here. So we’ll make it work.”

Actually, the compromises Tom and Abigail have made on where they live and on where they work is crucial to making a two-attorney household – or for that matter any two-working-spouse family – work, they say. “We like each other,” Abigail says simply.

Tom elaborates a bit more: “The most important thing is your spouse in terms of getting through all of this. You have to have somebody you like being around and that you can get through the tough times with. The next one in line is your direct manager at work because he or she can make or break you for those eight hours every day.

“We’ve both been fortunate in that regard. We’ve had decent people to work with. And, we’ve had each other.”

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