



THE
IOWA LAWYER

Volume 61 Number 5 May 2001

Study Group Seeks To Avoid New Prison Costs



President Bruce Graves and the Correctional Services Study Group
lauded by Governor Tom Vilsack

ALSO IN THIS ISSUE

Center for nonprofits opens at UI

Public records is public records

DOV form approved, on IowaDocs

ISBA 128th Annual Meeting

June 20, 21 & 22, 2001 -
 Downtown Marriott Hotel
 Des Moines, Iowa



Name _____
 Street Address: _____
 City: _____ State: _____ Zip: _____
 E-mail: _____ Member# _____ Year Admitted to Bar: _____

Annual Meeting Registration Fee:

ISBA Members:

Admitted to practice prior to July 1, 1997	\$175.00	\$	_____
Admitted to practice prior to July 1, 1997-May, 2000	\$145.00	\$	_____
Admitted to practice after May, 2000 (newly admitted).....	\$45.00	\$	_____

Non ISBA Members.....\$195.00 \$ _____

Para-professionals (Legal Assistants & Office Employees)\$110.00 \$ _____

Law Students.....\$40.00 \$ _____

Registration Fee Total: \$ _____

Mail: 521 E. Locust St., Fl. 3, Des Moines, IA 50309
 Fax: 515-243-2511 Internet www.iowabar.org

Social Activities:

Wednesday, June 20

11:30-1:15 **General Assembly/Award of Merit Luncheon** \$12.50 per person \$ _____
(Awards of Merit, Passing of Gavels, Orlando Trip)

6:30-9:30 **Social Hour & Banquet with B.J. Thomas** \$40.00 per person \$ _____
(6:30 p.m. Reception, 7 p.m. Dinner, 8 p.m. Entertainment)

Thursday, June 21

12:00-1:15 **President's Luncheon Honoring Supreme Court** \$12.50 per person \$ _____
(Community Service Awards & ISBA-VLP Pro Bono Awards)

5:45-7:00p.m. **ISBA Past President's Reception** Complimentary \$Complimentary
 # attending (required) _____

7:30p.m.-9:00p.m. **Basic Internet Computer Class** Complimentary \$Complimentary
 This meeting is open to all Annual Meeting Attendees and will focus on the ABC's of using the internet and e-mail. #attending _____

Friday, June 22

12:00-1:30 **50 Year Members Awards Luncheon** \$12.50 per person \$ _____
(Outstanding Law Student Awards)

Registration Fee Total: *(Total all fees this page):* \$ _____

Membership Dues 2001-2002 \$ _____

Grand Total \$ _____

Published at 521 East Locust
Des Moines, Iowa 50309
Charles Corcoran, Editor
515-243-3179



**THE IOWA STATE BAR ASSOCIATION
OFFICERS 2000-2001**

President, Bruce Graves, Des Moines
President-elect, C. Joseph Holland, Iowa City
Vice President, Alan E. Fredregill, Sioux City
Immediate Past President, Jay Eaton, Des Moines
Executive Director, Dwight Dinkla

THE IOWA LAWYER

(ISSN 1052-5327) is published monthly by The Iowa State Bar Association, 521 East Locust, Des Moines, Iowa 50309. Subscription included in membership fee. Non-members, \$30 per year. Periodicals postage paid at Des Moines, Iowa.

Postmaster: Send address changes to *The Iowa Lawyer*, 521 East Locust, Des Moines, IA 50309.

The Iowa Lawyer is printed by Colorfx, 10776 Aurora Ave., Des Moines, IA 50322. Telephone (515) 270-0402.

Art Director: Ann Firkins

Classified Advertising

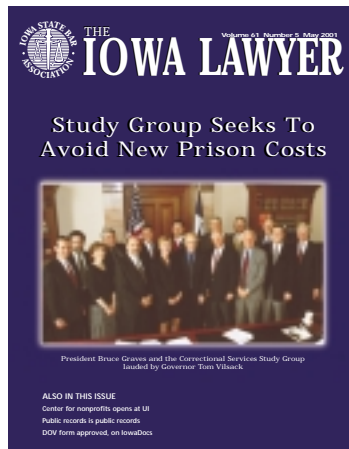
Qualifying ISBA members - 2 months free; \$55 thereafter
Non-members - \$70 per column inch per insertion
See classified section for details.

For Display Advertising Rates

Contact David R. Larson (515) 987-1359; or write:
The Iowa Lawyer, c/o Larson Enterprises, P.O. Box 25,
Waukee, IA 50263.

Communicating with *The Iowa Lawyer* online:

Send your comments and Letters to the Editor to ccorcoran@iowabar.org. Please include your daytime phone number should we need to contact you with an answer or for verification. Executive Director Dwight Dinkla's electronic mail address is ddinkla@iowabar.org. Executive Assistant Judi Stout is at jstout@iowabar.org. Computer Service Director Harry Shipley's address is hshpley@iowabar.org.



About the Cover

Here are members of the blue ribbon panel of experts who donated their time to examine the State of Iowa's correctional system meeting in the Capitol. Read about their work beginning on page 4 in a letter from the governor, then in President Graves' monthly letter on page 5 and in John Shors' update on the committee's findings and conclusions on page 7.

Governor's letter Page 4
ISBA facilitates change – Graves. Page 5
Panel proposes innovation – Shors Page 7
Letter to the Editor. Page 9
These are PUBLIC records! – Hirsch Page 11
YLD President's Letter – Neumeyer Page 13
Boosting nonprofits at UI – Boyd Page 15
Transitions. Page 16
Successes at February's bar exam Page 18
Attorney Disciplinary Cases. Page 19
An Ethics Opinion. Page 20
VLP honors its volunteers. Page 21
Computers can do DOV's Page 25
Beckman talks tech Page 25
Courtney takes Third District bench Page 25
Classified Advertising Page 26
State Mock Trial finals at Drake Page 30
Legal education offerings Page 31

Iowa State Bar Association Board of Governors

OFFICERS:

Bruce B. Graves, president, Des Moines, (515) 242-2400; C. Joseph Holland, president-elect, Iowa City (319) 354-0331; Alan E. Fredregill, vice president, Sioux City, (712) 255-8838; Jay Eaton, immediate past president, Des Moines, (515) 283-3158; Dwight Dinkla, secretary, Des Moines, (515) 243-3179

DISTRICT 1-A:

Marion Beatty, Decorah, (319) 382-4226;
Stephen Juergens, Dubuque, (319) 556-4011.

DISTRICT 1-B:

Kirby Schmidt, Grundy Center, (319) 824-6951;
George L. Welein, Waterloo, (319) 233-6163.

DISTRICT 2-A:

C. Bradley Price, Mason City, (641) 423-1173;
Thomas A. Lawler, Parkersburg, (319) 346-2650.

DISTRICT 2-B:

Steven W. Hendricks, Fort Dodge, (515) 576-4127;
Jim P. Robbins, Boone, (515) 432-7114;
Joel T. Greer, Marshalltown, (641) 752-5467.

DISTRICT 3-A:

David Stein, Sr., Milford, (712) 338-2431.
Joseph Fitzgibbons, Esterville, (712) 362-7215

DISTRICT 3-B:

James Lohman, Denison, (712) 263-4627;
Dan A. Moore, Sioux City, (712) 252-0020.

DISTRICT 4:

J.C. Salvo, Harlan, (712) 755-3141;
Charles L. Smith, Council Bluffs, (712) 325-9000.

District 5-A:

Mark Otto, Newton, (641) 792-4160.

DISTRICT 5-B:

Marion James, Creston, (641) 782-8597.

DISTRICT 5-C:

John K. Vernon, Des Moines, (515) 246-4511;
David S. Wiggins, Des Moines, (515) 225-4822;
Tim Pearson, Des Moines, (515) 262-9595;
Susan Low, Des Moines, (515) 283-4072;
E.J. Giovannetti, Des Moines, (515) 244-0111;
Nan Horvat, Des Moines, (515) 286-3688;
Susan L. Ekstrom, Des Moines, (515) 243-6395;
Carol L. Coppola, Des Moines, (515) 244-3197;
David C. Craig, Des Moines, (515) 288-0145;
Anita L. Shodeen, Des Moines, (515) 237-1186.

DISTRICT 6:

Kevin Collins, Cedar Rapids, (319) 365-9461;
Bruce Hauptert, Iowa City, (319) 338-7551;
Darrell Morf, Cedar Rapids (319) 366-7641;
Daniel Y. Rathjen, Tama, (641) 484-5211;
J. Michael Weston, Cedar Rapids, 319-366-7331.

DISTRICT 7:

David Dettmann, Davenport, (319) 324-3246;
Jerry Van Scoy, Clinton, (319) 242-2827;
Stuart P. Werling, Tipton, (319) 886-2175.

DISTRICT 8-A:

Michael Moreland, Ottumwa, (641) 682-8326;
Rick L. Lynch, Bloomfield, (641) 664-3188.

DISTRICT 8-B:

Michael Vance, Mount Pleasant, (319) 385-3736.

EX-OFFICIO MEMBER:

James Carney (legislative counsel) Des Moines, (515) 282-6803; David Funkhouser (ABA delegate) Mason City, (515) 423-6223; David Brown (ABA delegate) Des Moines, (515) 244-2141; Diane Kutzko (ABA delegate) Cedar Rapids, (319) 365-9461.

YLD OFFICERS:

Debora Hewitt Neumeyer, president, Cedar Rapids, (319) 294-8293; Paul Ahlers, president-elect, Fort Dodge, (515) 573-2181; Timothy Semelroth, secretary, Cedar Rapids, (319) 365-9200; Elisabeth Reynoldson, immediate past president, Osceola, (515) 342-2157.



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319
515 281-5211
FAX 515-281-6611

SALLY J. PEDERSON
LT. GOVERNOR

March 9, 2001

Mr. Bruce Graves, President
Iowa State Bar Association
Ruan Center, Suite 2000
666 Grand Avenue
Des Moines, IA 50309

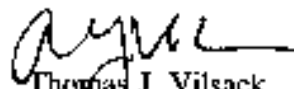
Dear Bruce:

I wanted to take this opportunity to thank you and the Bar Association for your service in facilitating meaningful discussion on the issue of sentencing procedure and the state's increasing prison population. Last August, I described for you this state's continuing struggle to match revenue with need, and to control rapidly increasing correctional costs in an effort to ensure that state resources are available to address the critical needs of Iowans. You responded by helping to assemble a group of legislators, judicial representatives, prosecutors, and criminal justice policy makers to consider the feasibility of expanded community-based correction and drug treatment systems, and discuss sentencing disparity throughout Iowa's judicial districts.

The study group's recommendation of a substance abuse CBC program in Knoxville provides strong evidence that your efforts are already beginning to bear fruit. The policy considerations that have been expressed by group members may provide a useful foundation for future dialogue. Has either the Bar Association or the study group discussed the prospect of a future dialogue that builds upon the purposes articulated in your January 18th letter? The Bar could be instrumental in the facilitation of on-going communication that builds on the momentum already established.

Again, thank you for your service and dedication to this very important issue.

Sincerely,


Thomas J. Vilsack
Governor



Bruce Graves

ISBA as a facilitator of change

Bonnie Johnson (not her real name) was convicted for possession of cocaine for the third time (a Class D felony) and was sentenced to prison for a term not to exceed five years. About the same time, her long-time friend, Clyde Meeks (not his real name) was convicted of theft in the second-degree (also a Class D felony) and was likewise sentenced to prison for a term not to exceed five years. Clyde, it seems, had been caught trying to sell \$4,000 worth of stereo equipment he had stolen from a car he had broken into.

Upon their arrival at the Iowa Medical and Classification Center at Oakdale, both Bonnie and Clyde were assessed as part of the 86 percent of C and D felony prison admissions who need substance abuse treatment. Clyde's theft, it turned out, had been committed in an effort to support his \$700 per week meth habit. Bonnie was assigned to the women's unit at Mount Pleasant and Clyde was assigned to the men's unit at Fort Dodge, where they got to know other Class C and D offenders including forgers, burglars, thieves, arsonists, and pimps. After serving 18 months of incarceration, both Clyde and Bonnie were paroled to work release programs that required regular urine testing. Within three months, both had positive urinalysis ("dirty UA's") for controlled substances. Their parole was revoked and they were returned to prison to serve out the remainder of their sentences.

There are many stories similar to Bonnie's and Clyde's. As John Shors' article in this issue points out, 60 percent of Iowa's 8,000 prison inmates are incarcerated today as a result of probation revocation and 80 percent of those probation revocations are due to drugs. Probation revocation frequently results from "dirty urine" tests, which some analysts sometimes refer to as "technical violations." Technical violations or not, the fact remains that, as predicted by Newsweek in its February 12 issue, if incarceration for drug related offenses continues growing at its current rate, by the year 2053 there will

Correctional Services Study Group Members

Senator Gene Maddox
 Representative Charles Larson, Jr.
 Representative Lance Horbach
 Representative Mark Tremmel
 N. Brian Gentry, Governor's Office
 Attorney General Tom Miller
 Justice Mark Cady, Iowa Supreme Court
 Judge Linda Reade, Fifth Judicial District
 Court Judge
 Kip Kautzky, Director, Iowa Department of
 Corrections
 Charles Larson, Sr., Iowa Board of Parole
 Elizabeth Ford, Iowa Board of Parole
 John Lewis, Iowa Research Council
 Dick Moore, Department of Human Rights
 Lettie Prell, Department of Human Rights
 Gary Hinzman, Sixth District CBC
 Coordinator
 Bruce Upchurch, Governor's Office of
 Drug Control Policy
 Thomas Ferguson, Blackhawk County
 Attorney
 Cory Ritchie, Iowa County Attorneys
 Association
 Roxann Ryan, Assistant Attorney General
 John Shors, Iowa State Bar Association
 C. Joseph Holland, President-elect,
 The Iowa State Bar Association
 Bruce Graves, President,
 The Iowa State Bar Association

Continued on page 6...

THE PRESIDENT'S LETTER

...Continued from page 5

more people in prison than out.

In Iowa, we send about 450 people to prison each month. We also parole or release quite a few each month, but our prison population has still grown by nearly 750 offenders over the last 12 months. This is why Governor Vilsack, Attorney General Tom Miller, Representative Chuck Larson, and Senator Gene Maddox asked The Iowa State Bar Association to serve as facilitator of a study group to look at these issues. Through John Shors' determination and persistence, I'm proud to say we took on that role. Most of the members of the Correctional Services Study Group appear in the photo on the cover of this month's issue, and I have been privileged to serve as their chair.

The Study Group held its first meeting in January and has been meeting regularly every few weeks for four hours each time. The group's first recommendation to the legislature and governor was to use the Knoxville VA Hospital as a secure six-month intensive treatment facility for 200 drug-addicted offenders per year. The Iowa Medical Classification Center at Oakdale has determined that 80 percent of the offenders sentenced for 10 years or less have drug and/or alcohol problems. Approximately 45 percent of these need the type of treatment the Knoxville facility can provide. Annual cost of operation of the Knoxville facility is estimated at \$4 million.

The Study Group's second set of recommendations, arrived at in mid-April, include (1) expansion of drug courts, and (2) expansion of community-based corrections (CBC) programs, and (3) expansion of judges' time for reconsideration of sentences from 90 days to one year.

There are currently four adult drug courts in operation in Iowa, located in the 5th, 4th, 3rd, and 2nd judicial districts. Although their programs and operations vary widely, their general mission is to promote public safety by reducing recidivism of addicted offenders through substance abuse treatment and supervision. Differences in the programs generally revolve around the willingness of the judiciary and prosecutors in the respective districts to participate. Funding for the substance abuse treatment is provided through the Department of Public Health. Governor Vilsack's FY 2001 budget requested funding of \$900,000 to continue existing drug courts, and another \$465,000 for expansion of drug courts. The Study Group's recommendation includes approval of this funding as well as asking the Iowa Supreme Court to study the issue to determine how expansion of drug courts can best be implemented with available judicial resources.

The recommendation for expansion of community-

based corrections includes construction of 200 new CBC beds and development of a structured and intensive day treatment program. As John Shors' article points out, the waiting list for CBC beds (that is, prison inmates who have been approved by the Parole Board for release to a CBC facility) is 120 percent of capacity in the 3rd judicial district, 78 percent in the 8th, 60 percent in the 4th, and 56 percent in the 1st. Adding 200 new CBC beds in Fort Dodge, Ottumwa, Sioux City, and Davenport is projected to cost \$9.2 million, with annual operating costs of \$3.8 million.

Day treatment programs involve comprehensive assessment, intervention, and supervision of appropriate offenders in a highly structured program environment that does not require residing in a residential facility. The Study Group recommended expanding day treatment programs in the 1st, 4th, and 5th districts, and implementing a new program in the 7th. These programs would provide treatment for 425 waiting list offenders at a projected annual operating cost of \$1.5 million.

Split-sentencing and shock sentencing are two other ideas examined by the study group as possible methods to reduce the rate of incarceration for non-violent Class C and D felony offenders while at the same time taking into account concerns for public safety. Split-sentencing would give judges the authority to split a sentence between prison time and CBC time, and might be appropriate, for example, in cases where the offender has been diagnosed with mental illness. A one-year sentence, for example, could be divided into three months in prison and nine months in a CBC program. Shock sentencing involves the concept of a maximum sentence on the front end but with the ability of the judge to modify or reduce the sentence (with assignment to CBC, for example) for up to one year after the sentence is imposed.

Do these recommendations sound expensive? The real question is, "compared to what?" Not when compared to the \$45 million construction cost and \$25 million annual operating costs of each additional new prison. Not when compared to other social costs of our continued failure to treat drug-addicted offenders.

The deliberations of the study group have been an excellent and enlightening experience for all who have participated, primarily because of the frank and open discussions on difficult subjects by people of talent and experience but sometimes differing views. Lyndon Johnson used to be fond of saying, "Come and let us reason together." The Correctional Services Study Group did just that, and as a result has provided recommendations that can significantly benefit the people of Iowa.

Report of the correctional services study group **Innovations in community-based corrections proposed**



John Shors

*By John Shors**

We were asked by Governor Tom Vilsack, Attorney General Tom Miller and the Chairs of the House (Representative Chuck Larson, Jr.) and Senate (Senator Gene Maddox) Judiciary Committees to serve as the facilitator and honest broker for an on-going discussion relating to decisions our state should be making in regard to correctional services.

It is presently forecast that the State of Iowa will need another new prison and will begin its construction in 2002. Unfortunately, the state also will need another new prison each three years thereafter. Each prison will cost taxpayers about \$45 million in today's dollars to construct. The operating cost of each new prison will place an additional burden on taxpayers in the amount of \$25 million annually. As now projected, five years from now the state will have spent \$90 million on two new prisons and will have added \$50 million a year to the state corrections budget. As our state scrambles to adequately pay teachers, to allow our communities to build facilities, and to increase our work force, the principal increase as a percentage item in our state budget will be correctional services and new prisons. That forces us to ask whether we are on the right track.

The bar has been asked to lead and facilitate exploration of –

(a) **the use of part of the VA Hospital in Knoxville** as a secure facility for drug treatment, in lieu of prison for probation revocation;

(b) **how to lessen the disparity in sentencing** between the various judicial districts by offering more options, not by taking away discretion, including the possible use of

split-sentencing and shock sentencing in the corrections continuum and;

(c) **how to make better use of our community-based correction facilities** and how to equalize them among the judicial districts.

Approximately 60 percent of those in Iowa prisons are there as a result of probation revocation and 80 percent of those probation revocations are due to drugs. The use of Knoxville for drug treatment affords the possibility of better results in rehabilitating drug addicts at much lower costs. The statistics would show that appropriate people (addicts who commit crime as opposed to criminals who are addicts) have a much better chance of long-term rehabilitation in treatment centers rather than in prisons, even though our prison system does a reasonably good job in drug rehab. The difficulty with the prison system is people are, obviously, exposed to very hardened criminals in the process. **Knoxville will deliver better results at lower cost.**

Improving the community-based correction systems ("CBC's") is another method of achieving better results at lower costs. For the appropriate people you again get better results by keeping them in the community as opposed to prison. Yet there is a disparity in the availability of CBC facilities. There is a difference in the magnitude of CBC facilities in the different districts. Also, because the CBC facilities in the different judicial districts are locally controlled, there is also a difference in philosophy and use of the CBC's. We are told that on the average for the same sentence, a person convicted will probably spend 6 months

longer in prison if he/she lives in the 3rd Judicial District than in the 6th and he/she is much more likely to go to prison in the 3rd. Why? The 6th

Continued on page 8...

Innovations in community-based corrections proposed

...Continued from page 7

has better community-based resources so the judges and prosecutors can make use of them.

According to studies completed by The Iowa Department of Corrections and the Iowa Research Council, to continue on some comparisons, for a Felony C Offense, Controlled Substance Violation, in 1998 in the 3rd Judicial District, 86.7 percent of those convicted of a Controlled Substance Violation were incarcerated. In the 1st Judicial District, 64.8 percent were incarcerated. In the 5th Judicial District, that number falls to 42 percent and in the 6th only 28.6 percent of those convicted of Controlled Substance Violation were incarcerated, with 71 percent in the 6th going to CBC's, where they may get better treatment.

For Burglary III, in the 1st Judicial District, 44.9 percent were incarcerated; in the 2nd and 6th 13 percent were incarcerated. **As far as we can tell, heavy prison incarcerations are principally due to lack of alternative CBC facilities or the use of them.**

In the 6th Judicial District in which more people go to CBC's than in any other judicial district, the wait list, as a percentage of capacity is 8 percent, while in the 3rd Judicial District, the wait list as a percent of capacity is 120 percent. (The 6th raises additional money through a foundation to support its system.)

The **1st** has a wait list of 56 percent; the **2nd** has a wait list of 24 percent; the **3rd** is 120 percent; the **4th** is 60 percent; the **5th** is 49 percent; the **6th** is 8 percent; the **7th** is 47 percent and the **8th** is 78 percent.

Obviously, a judge is more likely to place appropriate people in community-based corrections, in the 6th than in the 3rd. In the 3rd there is no room in the CBC's. In the absence of effective CBC's, the judges are left with little alternative other than prison, even though exposure to hard-

ened criminals in prison may result in returning to our communities a more hardened criminal.

The fact is that generally people convicted are coming back to our communities. The question is: How do we do the best job of returning good people to the community? If you live in a judicial district with a high incarceration rate because of lack of CBC's, you are probably not winning by being tough on crime. Those you imprison in lieu of CBC's may be coming back hardened.

Our committee believes that by combining a lock-down substance abuse facility in Knoxville, with better and more uniform CBC's, and facilitating the use of CBC's, we can not only slow or quit the construction of new prisons, but often return better citizens to our community at substantially less cost.

It sounds too good to be true – and

maybe it is – but we think there is real hope and that we can then use more of our state's limited resources for the betterment of our citizens.

**John D. Shors is a senior shareholder at Davis, Brown, Koehn, Shors & Roberts, P.C. in Des Moines. He was president of The Iowa State Bar Association in 1992-93, delegate to the American Bar Association, 1994-95 and sat on the board of directors of the American Judicature Society in 1974-79. He has been a board member of Iowa Research Council since 1992; Mercy Housing, Inc., Denver, Colorado, since 1990; and co-founder and board member since 1987 of Edge Technologies, Inc., an Iowa economic development venture capital corporation.*

ISBA Two Person Best Shot

State Championship

Sponsored by the General Practice Section

Monday, July 16, 2001

Glen Oaks Country Club

West Des Moines

Site of the Allianz Championship • Senior PGA Tour



Seminar	One-hour Ethics CLE	10:30 - 11:30am
Lunch		11:30 - 12:30
Shotgun Start		12:30pm
Cash bar and presentation of Traveling Trophy - after golf		

ENTRY FEE

\$135 per player (includes all of the following: one hour CLE seminar, lunch, green fees, cart rental, use of driving range, use of locker room and personalized cap)

Letter to the Editor

Dear Editor —

Thank you for publishing President Bruce Graves' letter and the article, "Brainstorm: My Experience with Depression" by Gary L. Bakke (The Iowa Lawyer, Vol. 61 No. 3 at 4). It was gratifying to see a frank and compelling discussion of this mental health issue as it relates to attorneys.

I remember vividly my fears and anxiety about seeking treatment for "my problem"—I didn't even know what I was experiencing was called depression—over 14 years ago. I suffered for a year without knowing what was happening to me, what to do about it or how I could ever admit to anyone how I felt. I surely felt I could never admit how it was affecting my work without losing my practice or my clients. How was I to explain being unable to remember the name of my office manager (who worked for me for nine years!)? How was I to explain that I spent the morning at my desk weeping and didn't even know why really? How was I to explain why I have difficulty remembering the next

word I intended to say in a sentence? How was I to explain that I found it virtually impossible to focus and concentrate on even one page of a letter, no less a brief or case decision?

After a year of picking up the phone and then hanging it up, what must have been a thousand times to call and ask for help, I finally took action. It was either do something to end the pain or find a way to die since death seemed like the only way to find peace. I was very lucky, my initial contact with the doctor resulted in a two hour session where the doctor concluded I needed medication for major depression and anxiety. I finally found out what it was! Fortunately the doctor also told me to get some counseling. So I began taking Desprimine and counseled for three years—a lot at first and much less later when I got the hang of how to help myself.

Today I feel good—I still struggle with stress and the occasional return of symptoms I thought I had beaten—because I know what to do now. I

can't tell President Graves and Mr. Bakke how grateful I am for their disclosure. They are to be commended for sharing their experiences so that others might see themselves in their stories.

I joined the Lawyers Helping Lawyers Committee because lawyers need someone to talk to with whom they can identify. There is AA and NA and other types of support groups but where is the support for persons with depression and anxiety? I thought for a very long time that I was the only one.... Now I know better.

We owe Bruce Graves, a man in a position of leadership and power within the bar association, and Gary Bakke a great deal for taking the risk of talking about depression. For 21 years I have been proud to be an Iowa lawyer for many reasons. I just found another reason to be proud.

Vivian Meyer Betts

Note: The editor of this journal wrote Ms. Betts asking her for permission to publish her letter. Her response was so moving and of such added consequence, that I include it here for the benefit of all who might be fighting depression and need some impetus to get help. We are indebted to Ms. Betts for her contribution to helping understand depression and ways to treat it.

Dear Chuck—

Most definitely, use the letter. It is my hope that this might sound familiar to someone out there who has had similar experiences and not known what to do about them. I believe that disclosure engenders trust and that if another practitioner—especially one with a couple of decades of experience—can come to grips with the fact that he/she is NOT the only one, it will be worth it.

Both in my past private practice (15 years) and in my current practice as managing attorney in a legal aid office (8 years), I try not to miss the opportunity to encourage my clients and peers to view depression as they would diabetes or the flu and seek treatment without shame; I routinely offer myself as an example and let them know I don't feel shame over it. It is essential that attorneys find the strength to take the inherent risk (they most surely feel) of confiding in a treatment professional rather than choosing death, drugs, alcohol, shopping, eating, and all the other options for dealing with the feelings. If disclosing will advance that cause, then it's worth the risk for me.

Thanks for raising this issue and attacking the barriers to disclosure so vigorously and effectively—you have done a tremendous service for the bar. —Vivian



Imagine this: A new courthouse is needed. Funding for the judicial branch is tight. To facilitate the building process, the contractor offers a sweetheart arrangement at a price that cannot be refused. The price even includes building maintenance. But there is a kicker. The contractor requires a tollgate on the front door. Everyone entering the courthouse must pay the contractor \$1 for each hour or fraction of an hour spent inside. The rationale is that the builder deserves to be paid. The contractor even offers to give half of the fees collected to the Judicial Branch. This way those who use the courthouse, pay for it. Painless financing for a needed resource.

Or is it? People would have negative incentive to enter a courthouse that metered use. There is less sunshine on the administration of justice when obstacles are placed at the point of entry. Use fees, particularly to cover capital cost and ordinary maintenance, are really regressive taxes to cover services that government itself should provide.

Does the above hypothetical seem ludicrous? Do you think it could never happen? There is palpable danger that variations of the described scenario will happen all over the country, but not with the bricks and

mortar of the courthouse. Instead it is with the crown jewels of the judicial branch, the docket itself. The debate concerns electronic filing, which is coming with certainty. The issue is whether to graft a meter on the public docket so those accessing records via an Internet browser will pay for the right of access, and thereby finance the system.

The administration of justice depends on public trust. Public trust depends on sunshine. The more people see and know about judicial process, the more secure is the process itself. The debate over how to finance electronic filing directly impacts the amount of sunshine that will reach the public docket. Follow the money to determine the amount of light that gets through.

If electronic filing is going to save all the money vendors proclaim, and it probably will, why should greedy vendors be allowed to graft a revenue-generating meter on the public docket. We don't pay now when we go to the courthouse and ask a clerk to get the file for us to view - something far more costly per transaction than automated web access through the Internet, which has zero marginal cost.

Electronic filing should be initially financed by legislative appropriation, something typical of a capital expen-

diture. A slight increase in court costs, perhaps initial filing fee, is all right, if necessary to prevent selling the docket. The Court should retain 100 percent custody of its docket, and the public should retain full access. Full access means free access. Once set up, internal savings should "fund" the rest. Court costs or legislative appropriation should cover any maintenance shortfall. At the minimum, sunshine should be given a chance. The alternative is scary. Once the docket is sold, or leased, it will be nearly impossible to get it back.

Here is the argument and the rebuttal:

People are currently charged for photocopies.

They are not charged for looking at a file.

The marginal cost of viewing a document on a website is nothing to the state.

A photocopy is akin to a consumable out-of-pocket expense; that charge is proper at the courthouse when the clerk's photocopier is used. A copy or print charge is out of place when copies are printed on a users' own machines. Printouts done by users on their own machines cost the state nothing because web browser printouts are done at the user's location on the user's paper.

Today one can take a handheld scanner, go to the courthouse, scan pages from a file, go back to the office and printout the result, with the state charging nothing. While it is more convenient to the user to access and print from a web browser, it is also more convenient to the clerk for the user to use a web browser.

Continued on page 11...

Public records is public records

...Continued from page 10

Vendors must be paid for what they provide.

That does not justify abdicating the duty to govern. For instance, when the court budget needs a boost, raising money by selling tickets to high-profile trials is not an option. Access should not be for sale. The legislative branch should finance electronic filing without assigning the public records franchise. Access should be provided, not sold.

There are many records that could cause people harm if they were available; Charging for access helps preserve privacy.

Procedures already exist for sealing records that would cause tangible harm because they contain trade secrets or because human safety may be at stake. If necessary, those rules can be tweaked and adjusted. But sealing is the remedy, not charging. Anything available at the courthouse should be available online.

There is an embarrassment factor in all litigation. Probably the specific parties to most litigation would be better off if their particular file were sealed. But that by itself is not justification to put up obstacles impeding public access.

Next to getting disputes decided, sunshine is the most important part of the litigation process. Without it citizens are unaware of important public issues. Without it confidence in the judicial system is at the mercy of rumormongers and special interests. Free access to public records via the electronic docket holds the promise of revolutionary access that is orders of magnitude beyond what presently exists, provided it really is free. One hundred years ago, a trip to the courthouse for locals on the edge of the county could take the better

part of day. It frequently required an overnight stay in the county seat.

Now the same trip I typically measured in minutes. With the docket on the Internet, the docket is at the fingertips of anyone in the world. Access is truth. Access is the means to further enhance the administration of justice. A better-informed public facilitates the administration of justice. Right now the Judicial Branch is largely at the mercy of an uninformed public, or worse: a misinformed public.

Those who most want to know about you will pay to get the information anyway. The wealthy can pay to know the secrets contained in the docket; that is one reason to make access easy and free so that every person has equal, ample access. Anytime someone is a party to a lawsuit, privacy is compromised. That is the nature of litigation. It may be bad for the parties. But it is necessary for the system. Increased loss of privacy came

with the invention of cars and telephones, the proliferation of fax machines, and the building of good roads. We don't charge when someone telephones the clerk. We don't argue that roads should not be built in order to protect privacy by making it more difficult to travel. For the most part technological progress makes courts function better. Technology used wrong could have the opposite effect. At the minimum it would be a significant lost opportunity. Those with money will always have access; money should not be the ticket to public records.

There is a false tension between technology and privacy, particularly with respect to public records. Before cameras existed, portraits could accurately capture a person. The process was not instant, and publication was problematic. Similarly, hundreds of years ago skilled painters accurately

Continued on page 12...

Public records is public records

...Continued from page 11

captured landscapes, but it was not easy to publish that landscape, nor was it cheap to capture it. Not everyone could afford to commission paintings.

Cameras made capturing images affordable to anyone; but there was still the cost of having to be there to take the picture, plus the cost of film and developing. One can pay for a postcard and avoid having to be there, but that limits the images one can view. Now digital cameras do not need film; there is nothing to develop; a shot can go on a website instantly and publish to the world. A modern example of free access to information about real estate is Polk County: <http://www.assess.co.polk.ia.us/>

Yes there was more privacy when information had greater transaction cost. But there was also more ignorance and more injustice. Technological progress is not bad. That is particularly true with respect to public records. There is no reasonable expectation of privacy with respect to a public record. Public ignorance is poison to the Judicial Branch. We are on the brink of being able to have a truly informed citizenry. This is not the time to restrict access. It is time to open the doors.

To meter access is to deny access.

Here are examples of unmetered access to public records:
<http://www.sos.state.ia.us/corpweb/>
<http://www.sos.state.ia.us/uccweb/>

The Judicial Branch has enemies. They generally are well-intentioned enemies. It may be certain politicians that must pay attention to the public whim. It may be special interests that contribute money to politicians to legitimately advance private interests. It may be the general public with attitudes based on misinformation. Sunlight means truth. Truth takes the pressure off politicians. Truth gives oxygen to the Courts.

When it comes to public records, there should be a strong presumption in favor of sunshine. The franchise belongs to us all. We should not have to pay for what we already own when the marginal cost of providing public records is zero, or close to zero. As Yogi Berra might say, "Public records is public records." Pay-per-view, or pay to print your own, is a denial of access. Denial of access makes the Judicial Branch vulnerable to the winds of ignorance and expedience.

For years Courts have warned lawyers about becoming financially involved with clients. Courts should think hard before going into business with their vendors, no matter what the temptation. Even if it is decided to run electronic filing internally, it should not be run with the idea of maximizing profits or generating revenue. Justice is not a for-profit business.

"Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record.

Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record." §22.2, Iowa Code.

Access, Access, Access shall you provide:

"The clerk may [r]eproduce original record of the court by any reasonably permanent legible means including but not limited to, reproduction by photographing, photostating, microfilming, computer cards, and electronic digital format. The reproduction shall include proper indexing. The reproduced record has the same authenticity as the original record. The supreme court shall adopt rules to provide for continued evaluation of the accessibility of records stored or reproduced in electronic digital format." §602.8103, Iowa Code.

A good overview of courts that charge and courts that don't is at <http://ldo.homestead.com/>

A broad view not in total agreement with what is presented here is found at <http://www.uscourts.gov/privacyn.pdf>

We are in the midst of a 21st century electronic land grab. Let's stay on the high ground where the sun shines brightest.

**David A. Hirsch practices in the Burlington law firm of Beckman & Hirsch, primarily in the area of litigation. David received his J.D. with distinction from the University of Iowa in 1973; he was a law clerk for former Iowa Supreme Court Justice Clay LeGrand. Along with his partner, Hirsch authors the monthly technology column in the ABA Journal. Email: david@iowalaw.com Web: www.iowalaw.com*

Thanks for the past, a challenge for our future



Paul Ahlers, Debora Neumeyer and Tim Semelroth
By Debora Neumeyer

The 2000-2001 bar year is quickly coming to a close. It has been a busy year full of many exciting opportunities and challenges. It has truly been my pleasure and privilege to lead such a dynamic organization and to work with such wonderful people. I would like to take this opportunity in my last President's Letter to extend a big THANK YOU to a number of very deserving people and to issue a few challenges for our future.

This year, we have continued the tradition of the Young Lawyers Division focusing on public service and member service projects. The year has been successful because we truly have served the public in many ways, big and small, and we have continued to address better ways to serve our members.

Our projects and service would not have been possible without the dedication and hard work of all of our members who volunteered on YLD committees, as chairs, as district representatives and as officers. The staff at the ISBA office has been essential to the workings of the YLD. I would like to recognize Mary Lehman at the bar office especially for her help.

I would like to thank everyone who has contributed time and talents to the YLD this year! You are the foundation of this organization, and your commitment and contributions have been greatly appreciated! Working together for the common good we have provided great service to the public and to our members.

I also thank my family for being extremely supportive these past three years while I served as a YLD

officer. As all past presidents of the YLD will probably agree, serving as a YLD officer has never been an easy task. However, taking on such an all-encompassing position, as a full-time working mom with small children is almost cause for some to question my sanity! I could not have survived the last few years without such a wonderful and supportive husband and family! My husband Greg has provided constant support, love, understanding, and valuable advice as a past president of the YLD. He has also manned the home front many days while I was off on bar business. My children, Katie, who is three-years-old, and Matthew, who is 18-months-old, have been very understanding when mommy was at a meeting and not able to be home to fix dinner or read a book before bed. My mom, Jerry Hewitt, and Greg's parents, Butch and Patsy Neumeyer, have all helped tremendously as babysitting grandparents while Greg and I were out of town on bar business. I sincerely thank all members of my family for all of your love, support, and understanding! I could not have served in this position without you.

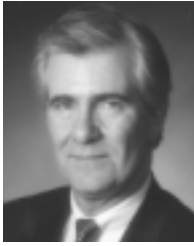
Finally, I issue some challenges to the YLD, the bar association, and the profession as a whole. This year, as a member of the ISBA Administrative Committee, I have been exposed to many of the issues, such as advertising, MDPs, MJPs, and the unauthorized practice of law, which will con-

front our profession and bar association. I challenge the profession to tackle these difficult issues head-on, rather than burying our heads in the sand hoping they will just disappear. I also challenge the profession and the bar association to accept and embrace diversity of gender, race and age, which will only make the profession stronger. And, I challenge everyone who is not active in the YLD or the bar association to become involved because they will receive far more form giving their service than the effort than they put into it.

I have developed life-long friendships from my YLD activities of the last eight years for which I am very grateful. I leave the Young Lawyers Division in good hands with the leadership of Paul Ahlers and Tim Semelroth, as next year's officers. I have enjoyed serving with Paul and Tim and I wish them continued success as they take the YLD to new heights.



The Young Lawyers Division News is published bimonthly. Material for publication and suggestions as to content are welcome. They should be sent to Tré Critelli, Nick Critelli Associates, 317 Sixth Avenue, Des Moines, IA 50309. Articles appearing in this section about substantive law are not intended to be comprehensive and do not necessarily reflect the opinion of the ISBA or the Young Lawyers Division.



C. Peter Goplerud

Drake moot court, mock trial teams strongest ever

By Dean C. Peter Goplerud

DRAKE UNIVERSITY



Drake Law School has had a very exciting and productive academic year. In January, our National Moot Court Team comprised of Theo Simms, Jeff Link and Will Schultz won the national championship sponsored by the City Bar of New York and the American College of Trial Lawyers. This is the oldest and most prestigious competition in the country and is an accomplishment unmatched by any other advocacy teams in the history of Drake Law School.

Our success in advocacy competition, however, did not end in January. Our National Mock Trial teams went to regional competitions in Lincoln, Nebraska in February and one of those teams emerged victorious and continued on to the national competition in Dallas in March where they performed extremely well but unfortunately did not advance to the final eight teams. Early in March, two

teams from Drake participated in the Regional ATLA Mock Trial competition in Boston and both of those teams advanced to the semi-final rounds. Both teams defeated teams from Harvard Law School and advanced to national finals in New Orleans later in March. One of those teams, comprised of Gary Dickey Jr., Ed Bull, Theo Simms, and Will Schultz finished second in the nation. Again, this is the strongest showing in that competition ever by a Drake Law School team.

This has been a significant year on the International Law front as well. We have had several international visiting professors at the Law School to enrich our curriculum as well as our community. Most recently we welcomed Professors Philippe Sands of the United Kingdom and Celestine Nyamu from Kenya. Professor Nyamu has been teaching for the spring semester in the International Law

area. Professor Sands spent a week with us through our cooperative arrangement with the NYU Global Law School program and taught a course in International Environmental Law. We will welcome a professor from the University of the Auvergne in France in the Fall, who will be teaching a Comparative Contracts Law course. Our Summer in France program is moving forward into its second year and will have a 50 percent increase in enrollment.

Plans are moving ahead for the Joan and Lyle Middleton Center for Children's Rights, which will be both a clinical program and a classroom and policy development program. The Center will be headed by Professor Andrea Charlow, with support from Professor Karnale Manuel who will run the clinical component of the Center.

Finally, we are in the early stages of development of the technology advancements at the Smith Law Center Courtroom. We anticipate that when this project is completed, we will have one of the most high tech courtrooms in the country, in either academics or the judicial system. This technology advancement is being made possible through a variety of private sources that will be specifically identified and appropriately acknowledged when the project is completed and activated.

Admission on motion

The following out-of-state attorneys have applied for admission on motion — Paul M. Smith currently employed at Andres Law Firm, Omaha, Nebraska and William L Zessar whose current address is Bettendorf, Iowa

Iowa Nonprofit Resource Center Opens at UI



Sandy Boyd

The backbone of many community endeavors in Iowa, its nearly 3,000 nonprofit organizations, are getting a big boost from a new center that supports them exclusively.

Willard ("Sandy") Boyd, professor of law and University of Iowa president emeritus, recently spoke to the ISBA Board of Governors about the newly established Iowa Nonprofit Resource Center. Based at the university's College of Law, the center is an interdisciplinary collaboration intended to strengthen the operational capacity of Iowa's community-based organizations. The center draws on expertise from personnel at the Colleges of Law, Business, Nursing, Public Health, and the College of Liberal Arts programs in Libraries and Information Science, Social Work, Religion, Health, Leisure and Sports, Museum Studies, Theatre Arts, Music, and Urban and Regional Planning.

The center, Boyd said, serves as "an entry point to these university resources and is a catalyst for assessing and meeting the needs of the Iowa nonprofit community."

Some 2,800 Iowa nonprofits are tax-exempt charitable organizations, and most of them are small and wide-

ly distributed throughout the state.

"In a recent survey conducted by the center virtually all of 119 organizations interviewed expressed a need to improve their operational capacity in order to make their programs more effective in their communities," Boyd said. "Throughout the history of the United States, private community organizations, rather than government, have been the means for civic development and change in every aspect of our lives," Boyd said.

"Religious, social, service, educational, cultural, and environmental groups are the core of our community life. We need to strengthen and support them if we are to have better places to live and work."

Lawyers, Boyd emphasized, play a special role in sustaining nonprofits and frequently do so through pro bono work and by sitting on nonprofit boards.

Iowa Law Professors Pat Cain and Mark Sidel actively are involved with the center. Adjunct Richard Koontz serves as center education coordinator. The law school offers courses in the legal aspects of nonprofit organizations, relevant tax issues and the school's clinic.

In addition to law school and other

University courses the center will deliver a variety of services in the coming months including —

— **An Information Hotline:** 866-500-8980. The hotline is a toll-free telephone service that connects people in various communities to the information resources available at the center. Its e-mail address is nonprofit@uiowa.edu and its fax is 319-335-9764.

— **Center Web Site:** The website will allow center visitors access to a nonprofit reference library and will enable visitors to conduct subject searches, obtain information and updates on courses offered in Iowa, and relevant websites.

The center anticipates working closely with The Iowa State Bar Association both as an information resource for Iowa lawyers and as a co-sponsor of continuing legal education courses. A chapter on nonprofits has been prepared for inclusion in Iowa's upcoming *Legal Research Guide*.

NOTICE - USURY

In accordance with the provisions of Iowa Code section 535.2 subsection 3, paragraph "a," the superintendent of banking has determined that the maximum lawful rate of interest shall be 7.00% on April 1, 2001.

You can find the latest rate at any time on the Iowa Department of Banking Internet website <http://www.idob.state.ia.us>

The department also posts many pages of banking information and links to pertinent state and federal sites.



Transitions



Roger K. Scholten



Patricia J. Martin

Roger K. Scholten and **Patricia J. Martin** have received promotions at Maytag Corporation in Newton.

Roger has been named senior vice president and general counsel. He had been vice president of corporate development at Maytag.

He joined the firm's legal staff in 1981 and was promoted to associate general counsel in 1987. In 1994 he was named assistant general counsel. He then joined the Strategic Planning Department four years later, becoming vice president over the department last year.

Patricia has been elected secretary of the corporation and deputy general counsel by the corporation's board of directors.

She joined Maytag's Law Department in 1994 as an associate counsel and was promoted to assistant general counsel four years later.

She was elected assistant secretary of the corporation in 1999 and appointed deputy counsel in January this year.



Thomas D. Waterman

Thomas D. Waterman, a senior partner at Lane & Waterman, Davenport, has been elected to the federation of Insurance & Corporate Counsel.

Thomas also is a member of the Iowa Judicial Nominating Commission, Iowa Academy of Trial Lawyers, Iowa Defense Counsel Association and Defense Research Institute.

He is a 1981 graduate of Dartmouth College where he received the B.A. and

graduated from the University of Iowa College of Law with a J.D. in 1984.

Gayla R. Harrison, has joined McKay, Moreland & Webber, P.C. of Ottumwa as a partner.

Gayla is a Drake University Law School graduate and clerked for former Iowa Supreme Court Chief Justice Arthur A. McGiverin.

The new name of the firm is Harrison, McKay, Moreland & Webber, P.C. and includes attorneys John Moreland, Timothy McKay, John R. Webber III and Michael Moreland.

Gayla chairs the ISBA Labor and Employment Law Section Council. She had been in solo practice in Ottumwa.



Jordan Hansell

Jordan Hansell has joined the corporate department at Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. of Des Moines.

Jordan is a 1993 summa cum laude graduate of Duke University where he majored in political science. He graduated in 1998 from the University of Michigan Law School.

He was a law clerk for Justice Antonin Scalia of the United States Supreme Court.

David C. Pulliam has become a shareholder of Wasker, Dorr, Wimmer & Marcouiller, P.C. in Des Moines.

David received his Juris Doctorate with distinction from the University of Iowa College of Law in 1995. He joined the firm as an associate in March 1997.

Tom Becker, Iowa's state public defender, spoke in early April to high school students at Kansas City, Missouri's Paseo Academy concerning careers in public interest law. Becker, a Kansas City-area native, was invited to speak by the Association of Caring Entrepreneurs (A.C.E.), an Overland Park, Kansas, non-profit organization that recruits volunteers to make appearances in local schools to promote career opportunities. Paseo Academy is magnet school within the Kansas City, Missouri, Public School System.

Becker supervises the Iowa Public Defender System, with 20 field offices, a staff of 200, and a budget of more than \$14 million. His office also administers the more than \$20 million Indigent Defense Fund that pays the fees of court-appointed defense lawyers who are not public defenders.



Carolyn Rafferty

Carolyn A. Rafferty has become a member of Dutton, Braun, Staack & Hellman, P.L.C. Law Firm, Waterloo.

Carolyn joined the firm in 1994. She is a 1988 graduate of Marquette University Law School.

She is admitted to the Wisconsin and Iowa bars and has practiced law in Milwaukee, Wisconsin

Paul McAndrew Law Offices, practicing primarily in workers' compensation law, has moved to 2590 Holiday Road, Suite 100, Coralville, Iowa 52241.

Robert L. Ford, a 1996 graduate of Drake University Law School, has become a member of Swisher and Cohrt, P.L.C. Law Firm, Waterloo.

Robert joined the firm in 1996.

Continued on page 17...



Transitions

...Continued from page 16



Rodney Grandon

Rodney Grandon has been elected into partnership at Patton Boggs L.L.P., Washington, D.C.

He is a 1982 graduate of Iowa State University where he obtained his B.A. in

political science. He earned his J.D. at Drake University Law School in 1985, where he served as student director of the Senior Citizen's Legal Assistance Program at the school's Legal Clinic.

He holds the U.S. Army Judge Advocate General's School's LL.M.

Rodney served 10 years in the United States Army Judge Advocate General's Corps then resigned in 1995 to join King & Spalding in Washington, D.C. Rodney joined Patton Boggs the following year

His practice focuses on government contracts counseling, negotiations and litigation; procurement fraud, suspension and debarment; and construction.

He is a member of the American Bar Association, The Iowa State Bar Association, the District of Columbia Bar, and the Board of Contract Appeals Bar Association.

Four Iowa attorneys have been certified as mediators by the American Academy of ADR Attorneys.

They are **David E. Funkhouser** of Mason City, **Steve Sovern** of Cedar Rapids and **Dennis M. Lawyer** and **David H. Goldman**, both of Des Moines.

Certification requires 64 hours of mediation training, completion of 25 or more mediations, letters of recommendation and a certificate of good standing from the Iowa Supreme Court.

Michael S. Verbaecke has been named a member in Laird, Heiny, McManigal, Winga, Duffy & Stambaugh, P.L.C. of Mason City. He joined the firm as an associate in 1997.

Michael graduated in 1992 from the University of Iowa with a B.B.A. degree. He earned his Juris Doctorate with honors from the University of Iowa College of Law in 1996.

He had worked for first Trust of St. Paul, Minnesota.

C. Joseph Holland and **Lars G. Anderson** have entered a partnership known as Holland & Anderson LLP with offices in the historic Brewery Square building in Iowa City.

Thomas T. Tarbox has become affiliated as a sole practitioner with the law firm of Carney, Appleby & Nielsen, P.L.C. of Des Moines.

Matthew M. Boles and **Charles E. Gribble** have become partners in Parrish Kruidenier Moss Dunn & Montgomery, L.L.P. of Des Moines.

The new firm is known as Parrish Kruidenier Moss Dunn Montgomerly Boles and Gribble, L.L.P.

Jane M. White, formerly with The Legal Services Corporation of Iowa, has joined the firm as an associate.

Brenda K. Wallrichs, **Thomas D. Wolle** and **Matthew J.**



Matthew J. Krigbaum

Krigbaum have become members of Moyer & Bergman, P.L.C., of Cedar Rapids.

Brenda graduated cum laude with a B.A. from Drake University in 1992 and a J.D. with distinction in 1995 from the University of Iowa College of Law.

Thomas received his B.A. in 1988 from Luther College. He was awarded the J.D. with distinction in 1992 by the University

of Iowa College of Law.

Matthew is a 1994 graduate of the University of Oregon where he earned a B.A. He was awarded a Juris Doctorate from Gonzaga University School of Law in 1997 and an LL.M. in intellectual property at John Marshall School of Law in 1998.



Kelli J. A. Olson

Kelli J. A. Olson has joined the law firm of Cook & Brown P.L.C., in Clive as an associate attorney. She had been employed as an assistant Dallas County prosecutor.

Kelli is a 1997 graduate of Drake University Law School and received her Bachelor of Arts degree from The University of Iowa in 1992.

Ronald Saylor and **Douglas L. Tindal** have formed Saylor and Tindal, PLC in Williamsburg.

Eric D. Tindal has joined the firm as an associate.

The firm also is associated with Tindal, Erdahl, Goddard & Nestor, PLC of Iowa City and West Branch, and Tindal and Kirchen, PLC of Washington, Iowa.

79 percent passed February bar examination

These are the applicants who passed the February 2001 bar exam. Admission ceremonies were scheduled for 10 a.m. April 23 at Hoyt-Sherman Place in Des Moines.

Roxanne Margaret Bekaert, Omaha, NE, Creighton University

Allison Bliss, Iowa City, University of Iowa

Matthew Sean Brick, Windsor Heights, University of Iowa

John Eric Brinker, Goodyear, AZ, Drake University

Dion Chul Brown, Clive, University of Iowa

Jill Suzanne Dashner, Glenwood, Drake University

David Alan Dawson, Chicago, IL, UCLA
Matthew David Donley, Cedar Rapids, Pepperdine

Bassel Farouk El-Kasaby, Omaha, NE, University of Iowa

Drennan Laura Fischer, Norwalk, California Western

Mark Richard Fowler, Davenport, University of Iowa

Jorge Gomez III, Bettendorf, University of Iowa

Thomas Patrick Graves, Des Moines, Drake University

Sharon D. Hallstoos, Des Moines, Drake University

Jordan Burke Hansell, Des Moines, University of Michigan

Daniel G. Happe, Walford, William Mitchell

Eugenia M. Hernandez, Iowa City, University of Iowa

Graham Michael Hill, St. Charles, IL, Northern Illinois

Amy M. Hoffmann, Clive, Drake University

Nicole M. Jensen-Harris, Vermillion, SD, University of South Dakota

Derek Edwin Johnson, Coralville, University of Iowa

Ross Williams Johnson, Clive, University of Iowa

Kathryn Elizabeth Jones, Omaha, NE, University of Nebraska

Michael Anthony Koury, Minneapolis, MN, University of Iowa

Laura Mae Langenwalter, Iowa City, University of Iowa

Andrew Michael Larson, Bettendorf, University of Iowa

Melanie Cassel Liebsack, Sioux City, University of South Dakota

Steven L. Mandernach, Des Moines, Drake University

Todd Eugene McManus, Cedar Rapids, University of Iowa

Griffin Paul Mealhow, Shellsburg, Columbus School of Law

Peter Mark Monzel, Vermillion, University of South Dakota

Jennifer Eileen Morrison, Coralville, University of Iowa

Melissa A. Stites Nine, Newton, Drake University

Daniel Mark Northfield, West Des Moines, Drake University

Timothy R. O'Conner, Iowa City, University of Iowa

Kent D. Pearson, Clive, Drake University

Adam Justin Pollack, Coralville, University of Iowa

Angela M. Railsback, Cedar Rapids, University of Iowa

Kristi V. Ralph, Johnston, Drake University

Russell Henry Rigdon III, Marion, University of Iowa

Shelly Marie Rodie, Omaha, NE, University of Nebraska

Janean A. Schaefer, Des Moines, Drake University

Loretta L. Schouten, San Antonio, St. Mary's University

Todd Andrew Slagter, Tiffin, University of Denver

Shawn Smith, Ames, Thurgood Marshall Law

Jay Richard Sommers, DeWitt, Thomas Cooley

Jennifer Kathleen Swartz, Cedar Rapids, Drake University

Patsy Ann Thimmig, Cedar Rapids, St. Louis University

Suzanne Nicole Tresnak, Iowa City, Drake University

Heather R. Turner-Graves, Des Moines, Drake University

Brian Blane Vakulskas, Sioux City, University of South Dakota

Christopher S. Wallace, Omaha, University of Iowa

Jennifer J. Weigel, St. Louis, MO, St. Louis University

Diane DePietro Wilson, Dubuque, Stetson University

Gretchen Elizabeth Witte, Richmond, VA, Villanova Law School

Jane Marie Wright, Goldfield, Drake University

Jason S. Zabokrtsky, Walker, University of Iowa

Attorney disciplinary cases

Frank B. Adams, Mason City

3-Month Suspension

Supreme Court Decision, March 21, 2001

Adams was employed by two couples who wished to file bankruptcy petitions. Each couple paid him a \$600 retainer. Adams deposited the retainers into his general checking account, not into a client trust account. He never filed the clients' bankruptcy petitions but told them he had. He made several other misrepresentations to conceal his neglect of their cases. The clients discharged him and requested their files after learning the bankruptcy petitions had not been filed. Adams, however, had lost their files and so did not return them. He did refund their retainers, however.

The Iowa Supreme Court held that Adams violated Iowa Code of Professional Responsibility for Lawyers DR 1-102(A) (1) (violating disciplinary rule), DR 1-102(A) (4) (dishonesty, deceit, or misrepresentation), DR 2-110(A) (2) (failing to deliver client's papers and property), DR 6-101(A) (3) (neglect), DR 7-101(A) (1) (intentionally failing to seek client's lawful objectives), and DR 9-102(A) (failing to deposit client's funds in trust account). The court suspended Adams' license indefinitely, with no possibility of reinstatement for three months.

Gary McClintock, Independence

Public Reprimand

Supreme Court Order, February 12, 2001

McClintock represented the wife of a ward when in 1997 a conservatorship was opened naming the ward's wife as his guardian and conservator. He continued in that representation filing annual reports with appropriate accountings for 1998 and 1999. The ward's sister was appointed as a successor guardian and conservator in January of 2000. McClintock continued to represent the successor guardian and Conservator.

Notwithstanding his representation of the guardian and conservator for the ward McClintock nevertheless filed a dissolution petition against the ward and on behalf of the ward's wife in 1998 while he represented the ward's wife as guardian and conservator. The dissolution was not resolved, however, because of the pending appeal of a judgment in favor of the ward.

McClintock's representation, initially of the ward's wife, and subsequently of the ward's sister, as successor guardian and conservator for the ward, carried with it a

fiduciary obligation to the ward. Despite that fiduciary obligation McClintock undertook representation on behalf of the ward's wife seeking a dissolution of her marriage to the ward, which proceeding was adverse to the ward. As the dissolution attorney for the ward's wife his interest was in securing as much of the ward's assets as possible for her, while as attorney for the guardian and conservator his interest was in preserving the ward's assets. McClintock thus engaged in an impermissible conflict of interest.

McClintock was publicly reprimanded that undertaking representation adverse to a ward whose guardian and conservator he concurrently represented was an impermissible conflict of interest contrary to DR 5-105 of the Iowa Code of Professional Responsibility for Lawyers.

James A. Schall, Storm Lake

Public Reprimand

Supreme Court Order, February 12, 2001

Schall took a fee of \$5,000.00 from a client, not as a retainer but as a flat fee to be paid in advance before he would do anything for the client. He did not deposit the fee to his trust account to be withdrawn as earned but immediately deposited the money into his own account. In accord with the decisions of the Iowa Supreme Court in *Board v. Apland*, 577 N.W.2d 50 (Iowa 1998) and *Board v. Torgerson*, 585 N.W.2d 213 (Iowa 1998), Schall's failure to deposit that fee to his trust account to be withdrawn as earned was in violation of the Iowa Code of Professional Responsibility for Lawyers.

Schall was publicly reprimanded that in imposing as a condition of his employment, the payment of a \$5,000.00 advance, not as a retainer but as a flat fee, before he would undertake any effort on behalf of a client, and then depositing the fee directly into his personal account, he collected an illegal fee, contrary to DR 2-106(A) of the Iowa Code of Professional Responsibility for Lawyers.

Michael P. Brice, Oskaloosa

Public Reprimand

Supreme Court Order, February 12, 2001

In his representation of a workers' compensation client Brice neglected to adequately prepare for her mediation hearing and did not take any measures to attempt to have the mediation set for a convenient location after it had been

scheduled to be held in Burlington, Iowa, some distance from his office and the complainant's residence in Oskaloosa. When his workers' compensation client expressed her concern as to the mediation hearing Brice responded in an extremely intemperate, offensive manner by reason of his profane and obscene language.

Brice was publicly reprimanded that his failure to make adequate preparation for a mediation hearing in a workers' compensation matter was the neglect of a client's legal matter, contrary to DR 6-101(A) (3) and his intemperate and profane outburst was conduct adversely reflecting on his fitness to practice law, contrary to DR 1-102(A) (6) of the Iowa Code of Professional Responsibility for Lawyers.

James A. Sinclair, West Des Moines

Public Reprimand

February 12, 2001

Sinclair was charged by the Polk County Attorney with Burglary in the second degree, a class C felony for breaking and/or entering the residence of another.

Continued on page 20...

Attorney disciplinary cases

...Continued from page 19

He subsequently entered a plea of guilty to the reduced charge of attempted burglary in the third degree, an aggravated misdemeanor on August 10, 2000. On Sinclair's petition to plead guilty to the aggravated misdemeanor he acknowledged that: "On January 11, 2000, I entered the one-half of my duplex that I don't live in. The premises were occupied by others and entered the same with the intent to be offensive and assaulting to the persons inside without permission."

Sinclair was publicly reprimanded that his conduct leading to the criminal charges to which he entered a guilty plea established that he engaged in illegal conduct involving moral turpitude, contrary to DR 1-102(A) (3); conduct prejudicial to the administration of justice, contrary to DR 1-102(A) (5) and conduct adversely reflecting on his fitness to practice law, contrary to DR 1-102(A) (6) of the Iowa Code of Professional Responsibility for Lawyers.

James L. Pillers, Clinton Public Reprimand Supreme Court Order, February 12, 2001

Pillers represented a dissolution client who, following the filing of his affidavit of financial status including a 401(K) plan having a value of \$21,350.38, which was unencumbered and which it was anticipated would be divided equally between the parties, cashed in the 401(K) taking a \$5,000 loss as a result of the early redemption.

When Pillers discovered that his client had cashed in that account, but after the dissolution hearing, though he wrote a letter to the Court advising the Court of that fact, he did not insure that opposing counsel received a copy. Opposing counsel did not learn that the marital asset had been cashed by Piller's client until approximately one year after the dissolution hearing. When Pillers learned that his client had cashed in his 401(K) he took an assignment of the funds as security for his attorney's fees. It was over Pillers' resistance that the Court entered an order *nunc pro tunc* that its findings

of fact and conclusions of law entered previously clearly contemplated that the 401(K) plan was to be equally divided.

When Pillers learned that his client had cashed in his 401(K) plan, which asset had been listed in the affidavit of financial status as unencumbered, and which was to be considered as a marital asset, he had an affirmative obligation to bring that to the attention of the Court, in an appropriate manner, other than by letter, and also had the affirmative duty to bring that matter to the attention of opposing counsel.

Pillers was publicly reprimanded that his conduct, as aforesaid, was in violation of DR 7-102(A) (3) that "in the representation of a client, a lawyer shall not conceal or knowingly fail to disclose that which the lawyer is required by law to reveal." In diverting funds in which the opposing party had a marital interest for his attorney's fees, which funds were represented as unencumbered at trial, and without an order of the Court allowing him to do so, Pillers engaged in conduct prejudicial to the administration of justice, contrary to DR 1-102(A) (5) of the Iowa Code of Professional Responsibility for Lawyers.

Ethics Opinion

00-13 March 7, 2001
COURT APPOINTEE LEAVING FIRM

You have been employed as a lawyer in a firm which you are now leaving. During your practice for the firm you have been court appointed to represent criminal defendants and juvenile cases. Question has arisen between the firm and you concerning the continuing representation by you in these cases which have arisen by your court appointment.

You now ask whether Formal Opinion 82-23 also applies to files in which you have been appointed as above stated.

It is the opinion of the Board that:

1. In cases where individual lawyers have been designated by the Court full responsibility for the case involved is on the attorney in the Court order.
2. (a) The files belong to the client. See Board Formal Opinion 87-21 (1988). They should be delivered to the court designated lawyer, the departing lawyer.

(b) The firm may make and retain copies of the files at its own expense.
3. Fees are to be apportioned according to the agreement between the firm and the departing lawyer or, in the event such agreement does not exist, on a quantum meruit basis.

Volunteer Lawyers Project 2000 Honor Roll

By *Brrett Toresdahl*

Each year members of the private bar provide a substantial amount of pro bono legal services through the efforts of the Volunteer Lawyers Projects in Iowa. This pro bono service is a critical component in the delivery of legal services to the indigent citizens of our state. The Iowa State Bar Association Volunteer Lawyers Project is pleased to offer this Honor Roll in recognition of the attorneys in Iowa who are making it possible for more Iowans to have access to justice.

This list reflects all of the attorneys in the state who have closed one or more VLP cases in 2000. The names highlighted are those attorneys who provided 20 or more hours of VLP services. This is the recommended standard established by the Pro Bono Resolution passed by the ISBA Board of Governors in 1990. Some of the attorneys who participate in the VLP report their cases through the firms that they are associated with. These firms are also included on this list. In addition to taking cases, many attorneys are providing pro bono services in other ways. They provide valuable assistance to the legal service community by doing intake, talking with clients at clinics, training and research, and as support to the court. We would like to thank all of these for their commitment and generous support of pro bono in Iowa.

This list has been compiled with the assistance and cooperation of the Iowa State Bar Association Volunteer Lawyers Project, Legal Services Corporation of Iowa Volunteer Lawyers Project, Polk County Bar Association Volunteer Lawyers Project, and HELP Legal Assistance Pro Bono Project. Based on the information that the attorneys have reported to these agencies, the following is a list of those who have provided pro bono legal assistance in 2000.

IOWA PRO BONO HONOR ROLL

ADAIR: Steven Jensen, **David Jungman**.
ADAMS: **Earl Hardisty**, Jeffrey Millhollin, Stuart Nielsen.
ALLAMAKEE: W. Richard White.
APPANOOSE: Roger Griffing, Daniel Jay, Keith Kreiman, Jonathan Willier.
BENTON: Larry Schlue.
BLACK HAWK: John Ackerman, **Kevin Ahrenholz**, Craig Ament, Samuel Anderson, Robert Andres, Larry Anfinson, **Miryam Antunez DeMayolo**, Chris Augustine, Charles Augustine, Judith Benson, Susan Bernau Staudt, **Henry Bevel, III**, Aaron Bixby, **Tim**

Boller, Peter Burk, Michael Buckner, Steven Daniels, Paul Demro, David D. Dunakey, Michael Dunbar, David Dutton, **Kevin Engels**, Hugh Field, **Robert Ford**, Thomas Frerichs, **E. Gallagher, III**, Edward J. Gallagher, Jr., Peter Gartelos, Bruce Gettman, Jr. **Robert C. Griffin**, Dennis Guernsey, **Linda Hall, John Hines**, Gary D. Iversen, Eric Johnson.
Also, Gary H. Jones, Nya Kadenge, Mary Kennedy, Sara Kersenbrock, Carey Kirk, Curtis Klatt, K. L. Kober, Thomas Langlas, **Diane Larsen**, John Larsen, Timothy Luce, **Kathryn Mahoney, Jerald Martin**, David J. Mason, David R. Mason, **Thomas Mayes**, John McCoy, **Richard Morris**, Jay Nardini, Kenneth Nelson, Heidi Noonan-Day, David Odekirk, Wallace Parrish, Terry D. Parsons, Michael M. Pedersen, Jeffrey Peterzalek, Robert Raush, **Donald Redfern**, David L. Riley, Tomas Rodriguez, Kevin Rogers, **Obie Saddler, Jr.**, Brian Sawyer, Joseph Sevcik, **Karla Joy Shea**, R. James Sheerer, Paul Shinkle, Lynn Smith, Carter J. Stevens, Sue Swan, Chad Swanson, Thomas Verhulst, James L. Wagner, D. Raymond Walton, Cheryl L. Weber, Steven Weidner, Christopher S. Wendland, Natalie Williams Burris, Melvin Wolf, John J. Wood, Gene R. Yagla, David Zellhoefer, Carl B. Zimmerman.
BOONE: Dorothy Daken, Ben Doran, Lee Johnson, James Malloy, **Adria Stonehocker**.
BREMER: Ivan Ackerman, Gerald Carney, Steven Egli, David Engelbrecht, **Chris Foy**, Lana Luhling, Tim Teeter, John Tremaine.
BUCHANAN: Sarah Dooley-Rothman, Alanson Flickinger, **Gary McClintock**, John Meyer, James Peters, Daryl Roberts.
BUENA VISTA: Ted Brown, John Murray, David Patton, **Hugh Perry**, Corwin Ritchie.

BUTLER: Habbo Fokkena, Thomas Lawler, Amy Swanson, Patrick Vickers.
CARROLL: Ronald Eich, James Furey, Joseph Halbur, Patrick Hall, William Kurth, A. Eric Neu, William Polking.
CASS: **Lawrence Jones, James Mailander**.
CEDAR: John Kuehnle, Francesca Passeri.
CERRO GORDO: J. Matthew Anderson, Roberta M. Anderson, Ronald Arispe, **Jackie D. Armstrong, Jacquelyn K. Arthur**, Kristy Arzberger, Charles Biebesheimer, Scott D. Brown, Jacqueline Conway, Carlyle Dalen, F. David Eastman, Donald Esser, David Funkhouser, James R. Heiny, William Hoekstra, William Keen, Robert Kinsey, III, John Lander, Tim Lapointe, Charles Levad, **C. W. McManigal, William T. Morrison**, Colin Murphy, C. Bradley Price, David Schrock, **John Sorensen**, Robert Swanson, Richard Tompkins, Jr., **Steven Vandenberg**, Michael S. Vervaecke, Mindi M. Vervaecke, **Mark Young, Joel J. Yunek**.
CHEROKEE: Richard Cook, Ryan Kolpin, Daniel Meloy, George Wittgraf.
CHICKASAW: Lewis Churbuck, Kevin Kennedy, Michael Kennedy, Christopher O'Donohoe, Richard TeKippe.
CLARKE: **Unez Booth**, William Eddy, Elisabeth Reynoldson.
CLAY: Christopher Bjornstad, Charles Borth, **John Greer**, Donald J. Hemphill, **Jon Martin, David Scott**.
CLAYTON: David Baumgartner, John Compton, John Gnagy, **J. Steven McCorkindale**, Gary Mick, **Kathleen Neylan**.
CLINTON: J. Drew Chambers, Randy Current, Richard W. Farwell, Stephen D. Haufe, Paul E. Pfeffer, James Pillers, James Richmond, Kenneth F. Schoenauer,

Continued on page 22...

...Continued from page 21

Jerry VanScoy.

CRAWFORD: Stephen Engelhardt, Michael Mundt, Reed Reitz, Julie Schumacher.

DALLAS: Scott Finneseth, Randy Hefner, Bryan Jennings, Jonathan Kimple, Alexander P. Rhoads.

DAVIS: R. Kurt Swaim.

DECATUR: Robert L. Fulton, George Hoffman, III., Sherman W. Phipps.

DELAWARE: John Goen, Timothy Goen, Thomas J. Hanson, Daniel Swift, William Werger.

DES MOINES: James Adams, Mary Ann Brown, Daniel Cahill, William Cahill, John Cray, Ronald Ellerhoff, **James F. Fisch**, Gerald Goddard, Toby J. Gordon, Steven R. Hahn, **Melinda Hentzel**, Terry Loeschen, **William Monroe**, Tim Roberts, Michael Schilling, J. Bryan Schulte, Steven Swanson, Mitchell Taylor, Jennifer Verhein, Alan Waples.

DICKINSON: Edward W. Bjornstad, John Bjornstad, Mike Chozen, **James Clarity, III**, Earl Maahs, Rosalie Olson, Robert Sackett, Pamela Wingert.

DUBUQUE: Monica Ackley, John R. Becker, Joseph Bitter, Leslie Blair, **Jennifer Clemens-Conlon**, Chad Cox, Davin Curtiss, Robert Day, Jr., Denis D. Faber, Jr., Arthur Gilloon, Dirk Hamel, Werner Hellmer, **Stuart Hoover**, Stephen Juergens, Todd Klapatauskas, Dean J. Konrardy, Roger Kurt, David Leifker, Todd Locher, Leo McCarthy, **Daniel McClean**, Donald E. Moonen, John Nemmers, Brian Peters, Louis Pfeiler, Anthony J. Quinn, Les Reddick, Bruce Rehmke, Patricia Reisen, James Reynolds, James Roth, James Schilling, David Setter, Donna Smith, Thomas Straka, Jeffery Trannel, Jeffrey Walters.

EMMET: Scot Bauermeister, **Joseph Fitzgibbons**.

FAYETTE: Jeffrey Clements, David

Hanson, **T. David Katsumes**, W. Wayne Saur, James Updegraff, Ron VanVeldhuizen, Larry Woods.

FLOYD: Michael D. Allison, Normand C. Klemesrud, Roger Sutton, Ann Troge **Patrick Wegman**.

FRANKLIN: **Lee B. Blum**, **Michael Cross**, Philip F. DeMoss, Raymond Drew, Brian D. Miller, Brent Symens.

FREMONT: Jon H. Johnson.

GREENE: Rita Harmening Pedersen, Mark J. Rasmussen.

GRUNDY: **Gerald R. Monk**, **Timothy M. Sweet**.

GUTHRIE: Robert E. Feilmeyer, Beverly Wild.

HAMILTON: Charles Deppe, Joseline Greenley, Gary Groves, Ellen J. Henry, Richard Karr.

HANCOCK: Phillip Garland, Brian Jones, James Wetterling.

HARDIN: William J. Coarts, Michael Holt, **Larry Johnson**, Carl R. Letz, Clark McNeal, Jean McNeil Dunn, Donald C. Wilson.

HARRISON: Gary J. Altwegg, Alan J. Anderson, John W. Kellogg.

HENRY: Patrick Brau, Danny Cornell, David McCoid, Michael Vance, Gary Wiegel.

HOWARD: Mark B. Anderson, Joseph Braun, James Moriarty, Kevin Schoeberl.

HUMBOLDT: Robert E. Lee, Steven K. Sandblom, **Gregory H. Stoebe**.

IDA: Kirk Goetsch, Peter Goldsmith.

IOWA: **James E. Claypool**, Mark Hemmingson, Anders Johnson, **Fred Stiefel**.

JACKSON: Corliss Baty, James Bear, Ronald J. Besch, Brian Farrell, Steven Kahler, Mike Kane, Mark Lawson, Kenneth E. Wright.

JASPER: Dennis Chalupa, Carol Greta, Steven Holwerda, Bradley McCall, Richard Phelps, **T. Rekemeyer**, John Terpstra, Lois Vroom, Corey Walker, Lee Walker.

JEFFERSON: **Michael R. Brown**, **Leonard R. Labagh**, Robert Rutt, Stephen Small, Benny B. Waggoner, Nancy Watkins.

JOHNSON: John Allen, Lars Anderson, Steven E. Ballard, **Jean Bartley**, Janice Becker, Janice Binder, **Christine Boyer**, Maurine Braddock, David Brown, David Burbidge, Andrew Chappell, **Lillian Lyons Davis**, Martin Diaz, **Robert Downer**, Sue Dulek, Jeffrey Fields, Kirsten Frey, Gregg Geerdes, Bruce D. Goddard, Timothy G. Grady, R. Bruce Hauptert, James Hayes, Thomas Hobert, **Mary Hoefler**, **Dan Holub**, Patricia C. Kamath,

Michael Kennedy, Stephanie Kircher, **Timothy Krumm**, Margaret Lainson, James C. Larew, Randy Larson, Philip A. Leff, Linda Levey, **Lawrence L. Lynch**, James Martinek, Paul McAndrew, Jr., Charles A. Meardon, Sharon Mellon, Marcus Mills, Dennis Mitchell, Bruce Nestor, Reta Noblett-Feld, Cynthia E. Parsons, Constance Peschang Stannard, Jeffrey L. Renander, Dell Richard, Frank Santiago, John Slavens, Hilary Strayer, **William F. Sueppell**, William J. Sueppel, **Barbara Schwartz**, Bruce L. Walker, David S. Walker, Chad Warren, Sally A. Weyer. **JONES:** Craig Elliott, Douglas D. Herman, Adrian Knuth, **Nick Strittmatter**, Janette Voss, Jay A. Willems. **KEOKUK:** Edward M. Conrad. **KOSSUTH:** **Scott Buchanan**, Karen Kaufman, **Mark Laddusaw**, Thomas Lipps, Todd Stowater, Eldon J. Winkel. **LEE:** Clinton Boddicker, **James F. Dennis**, Elaine N. Fehseke, James P. Hoffman, Gary Hoyer, John Kultala, Thomas Marion, M. Carl McMurray, Carl Saunders, Steven J. Swan. **LINN:** Connie Alt, Judith Amsler, Jeffrey Berg, Brian D. Bergstrom, Sean Berry, **Jason D. Besler**, Richard Boresi, Gilda Boyer, Brad Brady, Matthew J. Brandes, Charles Brown, Jr., **Philip Burian**, Dean Carrington, Kevin Caster, Mary Chicchelly, Dan Childers, **Nicole Claussen**, Nancy Combs, Barbara Connolly, **Christine Conover**, Christine Crilley, Terri Davis, **Robert W. Davison**, Laurie Dawley, **Kenneth Dolezal**, Dean R. Einck, Gregory Epping, Richard Fry, Richard Garberson, Richard W. George, James A. Geck, **Gordon R. Gibson**, Thomas Gillespie, Judy Goldberg, **David A. Hacker**, Melissa Harbaugh-Adams, David Hayes, D. John Hedgecoth, William Hochstetler, Robert M. Hogg, James Holmes, Stephen J. Holtman, Janet Hong, Anne Hoskins, Donald Hoskins, Steven Howes, Robert Houghton, Deborah Hughes, Stephen Jackson, Sr., **Stephen Jackson**, Jr., Kay M. Johansen, Janice J. Kerkove.

Also, Linda Kirsch, Kurt Kratovil, Alan Kress, David Kubicek, Gerald Kucera, Diane Kutzko, Anne Laverty, Jean Lawrence, Pamela Lewis, Michael Lindeman, Charles Litow, Darin Luneckas, David L. Marner, Sr., **Robert W. Matias**, **Jon M. McCright**, Martin McLaughlin, Dennis McMenimen, Sean W. McPartland, Linda E. Merritt, Douglas Meyer, Darrel Morf, Iris Muchmore,

Continued on page 23...

Volunteer Lawyers Project 2000 Honor Roll

...Continued from page 22

Charles Nadler, David Nadler, Henry Nathanson, David S. Nelson, James C. Nemmers, Frank Nidey, Douglas Oelschlaeger, Robert J. O'Shea, Steven Pace, Thomas Pepper, Thomas R. Pence, Nancy Penner, Scott C. Peterson, Matthew Preston, William Prowell, Carroll Reasoner, Linda Robbins, Jeffrey Robison, Forrest Rosser, Robert R. Rush, Jason Sawyer, **Timothy Semelroth, James Sines**, Deborah Skelton, **R. L. Sole**, John Stitely, Wilford Stone, Gary Streit, Gerald T. Sullivan, **Stephen A. Swift**, Robert Teig, **David Thinnis**, John M. Titler, Traci L. Vercande, Hanna B. Weston, Judith Whetstone, Daniel W. Willems, Charles Williams, Robert F. Wilson, Karla Wolff, Mark Zaiger.

LOUISA: Roger A. Huddle, David Matthews, William L. Matthews, Jay Schweitzer, Timothy K. Wink.

LUCAS: Raymond Meyer.

MADISON: Jerrod B. Oliver, G. Stephen Walters.

MAHASKA: Sylvan Addink, Michael P. Brice, Randy DeGeest, David Dixon, Eric Palmer.

MARION: Chad A. Boehlje, Barry L. Griffith, Steven Guter, David A. Johnson, Fred Kreykes, **Michael Lane**, Dwaine F. Meyer, Timothy N. Tripp, Franklin R. York.

MARSHALL: E. W. Adams, Douglas Beals, Erin Broadston, James Ellefson, Kent Geffe, Randal Giannetto, James Goodman, **Joel Greer, John Haney**, George Hinshaw, Susan S. Klaessy, Mark Lindholm, **William J. Lorenz**, Norma Meade, Michael Moon, James Moore, Merrill C. Swartz.

MILLS: **Charles Haack**, James Thomas, James C. Webering.

MITCHELL: Richard Gross, Murray A. Kloberdanz, Vernon Kratchmer.

MONONA: Thomas Mohrhauser.

MONTGOMERY: **Charles Richards**, Josiah C. Wearin.

MUSCATINE: **Paul Bouska, Roland Caldwell**, William Creasey, Jeffrey M. Johnson, Tom Judge, Michael Metcalf, Neva M. Rettig Baker, Michael Siering, John Wunder.

O'BRIEN: Keith Thompson.

OSCEOLA: Harold Dawson.

PAGE: **Richard H. Davidson**, G. Rawson Stevens.

PALO ALTO: Fred Blake Perkins, Donald Bormann, **Donald Capotosto**.

PLYMOUTH: **Patrick N. Murphy**, Jeff Neary, **Carrie O'Connor**, Marten A. Trotzic.

POCAHONTAS: Donald A. Beneke, Donald Winkler.

POLK: **Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee; Matthew Ahmann**, Fred Anderson, **LuAnn Barnes; Belin, Lamson, McCormick, Zumbach & Flynn; Bradshaw, Fowler, Proctor & Fairgrave; Scott Brennan, William Brewer, Brick, Gentry, Bowers, Swartz, Stoltze, Schuling & Levis; Brown, Winick, Graves, Gross, Baskerville & Schoenebaum;** Michael Burdette, Thomas Carpenter, **Brent Cashatt**, James Christenson, Beverly Clark, John Clendenen, Carol Coppola, Christopher Coppola, Garry Cox, **Thomas Crabb**, Debbie Dalton; **Davis, Brown, Koehn, Shors & Roberts;** Steven Despotovich, Catherine Dietz-Killen, Danielle Dixon, **John Dollar**, Diane Dornburg; **Dorsey & Whitney; Doug Drees**, Matthew Drevlow; **Duncan, Green, Brown, Langeness & Eckley;** Susan Ekstrom, Todd Elverson, **Gerald Feuerhelm**, Paige Fiedler, Jeffrey Flagg,

Also, Matthew Gardner, **Ryan Genest**, Jennifer Gerrish-Lampe, Christina Gruenhagen, John Harding, Marc Harding, Wendell Harms, **Lorelei Heisinger**, J. Campbell Helton, David Hibbard, Rick Hollis; **Hopkins & Huebner;** Roger Hudson, Patricia Hulting, Thomas Jackowski, **Fred James, Carmen Janssen, Dallas Janssen**, Rodney Janssen, Michael Jones, Jolie Juckette, William Kelly, **Jeffrey Kelso**, Kim Knoshaug, Christopher Kragness, **Thomas Krause, Elizabeth Kruidenier**, LeAnn Krell, **Roger Kuhle, Judd Kruse**, Robert Laden, Matthew Laughlin, David Lawyer, Dennis Lawyer, **Jeff Lipman, Lori Loftsgard**, Chip Lowe, **Mark Lowe, Steve Lytle, Eldon McAfee, Cynthia McCall, Lora McCollom, Curtis McCormick**, Clark McDermott, Lawrence McLelland, **Patrick McNulty**, Rod Maharry, Douglas Marberry, **Stephanie Maret, James Meade, Naomi Mercer**, Ann Michelson, Nelda Mickle, **Donna Miller**, Robert Montgomery, **Sean Moore**, Fred Morris, Robert Nading, **William Nassif, James Nervig; Nyemaster, Goode, Voigts, West, Hansell & O'Brien.**

Also, Jeffrey Oliver, Kathryn Overberg, Martin Ozga, Rebecca Parrott, **Patrick Payton**, Phyllis Pearson; **Peddicord, Wharton, Spencer & Hook;** Gregory Peterson, David Phillips, James Piazza, Sr., **Van Plumb**, Mindy Poldberg, **Rod Powell, William Price, John Priestler; Principal Financial Group - Law Department; David Repp**, Trevor Reynolds, **Ron Rieper**, Ann

Rice, **William Robak**, Peter Sand, **Doyle Sanders**, Kolleen Samek, **Donna Schauer**, John Scieszinski, Anita Shodeen, Bedora Sheronick, **Anjela Shutts**, Eric Slotter, **Patrick Smith; Smith, Schneider, Stiles, Hudson, Serangeli, Mallaney & Shindler; James Spellman, Katherine Spencer**, Steven St. Clair, Dan Stamatelos, Roger Stetson, Angela Swanson, Michael Stowers, Paul Swinton, Thomas Tarbox, Deborah Tharnish, Mark Thomas, William Thomas, Sheila Tipton, John Tuffnel, Steve Udelhofen, Margaret Van Houten, **Pamela Vandel**, John Vernon, Timothy Walker, Steven Wandro, **Angela Watson**, Ron Wheeler.

Mediators: Joe Harrison, Dennis Lawyer, James Pillars.

POTTAWATTAMIE: William Bracker, James Busse, James A. Campbell, Andrew Dopheide, Stephen Ebke, **Keith G. Engel**, Daniel Fretheim, **Michael Gallner**, Charles Hannan, Jon E. Heisterkamp, Joseph Hrvol, Drew Kouris, Steven Krohn, Leo

Continued on page 24...

Volunteer Lawyers Project 2000 Honor Roll

...Continued from page 23

Martin, David McCann, **John McHale**, Roberta J. Megel, **Robert O'Brien**, G. Elizabeth Otte, **Laura Patterman**, **T. J. Patterman**, Frank W. Pechacek, Jr., Jacob Peters, Deborah Petersen, Richard Peterson, David A. Poore, Marci Prier, Scott Rogers, **Michael Sciortino**, **Paul Shotkoski**, Charles L. Smith, Patrick Sondag, Maynard S. Telpner, Christopher J. Tinley, Marvin Vannier, Janice M. Woolley.
POWESHIEK: Stephen Brennecke.
RINGOLD: James Pedersen.
SAC: Charles Schulte.
SCOTT: Catherine Alexander, Kathleen Bailey, Steven Berger, Paul Bieber, John Bowman, Ted Breckenfelder, Jack Darland, William E. Davis, Harold DeLange, Jack Dusthimer, Eugene Dwyer, Roger Fair, Thomas Fritzsche, **Cheryl Fullenkamp**, Robert S. Gallagher, Jr., Gregory Guiney, Matthew Hatch, Steven Haverkamp, **Troy Howell**, **Jermey Johnson**, **Courtney Kay-Decker**, Michael Koury, Neill Kroeger, Larry Lammer, **Lane & Waterman**, Michael Liebke, William McCullough, Jeffrey McDaniel, Elliott McDonald, III, Barbara Maness, Robert Meyer, John Moeller, Cheryl Newport, **Seymore Raben**, Sharon Sinnard,

Penelope Souhrada, David Treimer, M. Leanne Tyler, **Troy Venner**, Kyle Williamson.
SHELBY: William T. Early, Joseph Lauterbach, Richard G. Schenck.
SIoux: Bradley K. DeJong, Don R. Klein, James Pickner, Daniel Pluim, Andrea VanBeek, Brian VanEngen.
STORY: Daniel E. Bappe, Joseph R. Cahill, Thomas J. Cahill, Victoria A. Feilmeyer, Jason Happel, Stephen Howell, Christine Hunziker, Veronica Kot, Jere C. Maddux, Mack D. Maffett, John G. Martens, Jeff Mathias, Donald R. Newbrough, M. Alan Ostebee, Stephen A. Owen, **Margaret M. Rhodes**, Dale E. Sharp, William T. Talbot, **John Timmons**.
TAMA: John S. Livingston.
UNION: Marion E. James, Arnold Kenyon, III.
VAN BUREN: H. Craig Miller.
WAPELLO: J. T. Deneffe, **Philip Ferren**, Robert Forrest, Steven Gardner, Richard Gaumer, Timothy W. James, Joni Keith, **Thomas Kintigh**, Mary Krafka, **Jeffrey R. Logan**, **Susan Lynch**, **Timothy McKay**, **Michael Moreland**, Alan Orsborn, Thomas Walter, **Paul Zingg**.
WARREN: Christy L. Diehl, Phil Elgin, **James F. Fowler**, Robert Gottschald, **Kimberly Graham Haddock**, Kevin A. Parker, Claire B. Patin.
WASHINGTON: **Tracy E. Anderson**, **Christal Arthur**, Steven B. Carter, Craig Davis, Davis S. Gorham, **Daniel P. Kitchen**, Leslie Lamping, Michael R. Mullins,

Robert G. Schlegel, Douglas Tindal.
WAYNE: **Roberta Chambers**, Monty Franklin, Verle W. Norris, Alan Wilson.
WEBSTER: **Paul B. Ahlers**, **Stuart J. Cochran**, Mark Crimmins, William G. Enke, Rebecca J. Hanson, Stephen Kersten, Thomas Lose, Dan McGrevey, Blake Parker, Kurt Pittner, R. Thomas Price, William Thatcher, Robert Walker.
WINNEBAGO: Daron Fritz, Robert J. Reding, Richard P. Schwarm.
WINNESHIEK: Stephen Belay, James Burns, **David Strand**.
WOODBURY: **Steven Andreasen**, A. Frank Baron, Darron Brawner, Roger Carter, David Crary, **Robert B. Deck**, Daniel Dykstra, Ray Edgington, Lance D. Ehmcke, Michael Ellwanger, Martha Fagg, Alan Fredregill, Daniel Galvin, **John Gray**, Michael M. Hobart, Shelley A. Horak, **Michael P. Jacobs**, **Jeffrey A. Johnson**, **Roseanne Lienhard**, Gregory N. Lohr, Dennis J. Mahr, Dennis M. McElwain, **Martha M. McMinn**, John Moeller, John Nelson, Teresa O'Brien, Kendra M. Zirbel Olson, Barbara F. Orzechowski, Jennifer Petersen, Edward C. Poulsen, **James W. Redmond**, R. Scott Rhinehart, Elizabeth Rosenbaum, **Elizabeth A. Row**, **Delbert D. Rowse**, Bruce G. Thomas, **W. Curtis Wiberg**, Gene A. Wickey, Harold Widdison, Kimberly Wolff.
WORTH: Craig Ensign.
WRIGHT: Richard E. Bordwell, Michael E. Houser, **Larry E. Ivers**.

Iowa Legal Research Guide progresses

More than 60 authors have submitted initial chapter drafts for the Iowa Legal Research Guide. This unique compendium is Iowa's first comprehensive resource for conducting legal research in specific Iowa practice areas. An advantage this guide has over those in other jurisdictions is that the chapters are being written by members of the bar in their areas of expertise so the work will reflect a practitioner's perspective. Drafts are being revised and updated with publication expected in 2002.

A few chapters have not yet been completed and a couple of new authors have stepped in to complete

chapters for attorneys who were unable to do so. The listing of chapters and authors is available at the Drake University web page — <http://www.law.drake.edu/researchguide> If any of the chapters is listed as incomplete when this issue of The Iowa Lawyer arrives and you are interested in helping with the chapter, please contact Professor John Edwards at Drake University Law School. He is available at Opperman Hall, Drake University Law Library, 2507 University, Des Moines, Iowa 50311-4505. Phone 515-271-2141; facsimile 515-271-2530; e-mail John.Edwards@drake.edu

Computer-generated DOV's approved

The Iowa Department of Revenue and Finance now allows the use of computer-generated Declaration of Value (DOV) forms. Carbon paper forms are no longer required.

The department credits the cooperative efforts of The Iowa State Bar Association, the Iowa Association of Realtors, Iowa recorders, and Iowa assessors working with Department of Revenue and Finance officials for the new electronic form's approval. The new form will be included in the next version of IowaDOCS® due to be issued this month.

Forms must be 8 1/2" x 14," be printed only on white paper and must

bear department approval in the lower left-hand corner ("APPROVED by IDRFR").

Original forms bearing an original signature must be filed with the recorder. Photocopies are not acceptable.

The DOV must be filled out completely and accurately. Seller's and buyer's names, addresses, and social security or federal ID numbers must be reported. The consideration amount must be included for real property only. Unusual, special facts or circumstances relating to the sale must be described.

The traditional yellow two-part Declaration of Value form currently in use may continue to be used. Filing

instructions on the back of the yellow DOV form will apply to the computer-generated forms as well. Instructions are not required to be printed on the computer-generated form. However, the department still requires instructions be provided to everyone who will be completing the forms.

The department said electronic filing of such forms is not yet possible but may be some day. The only other difference in the processing of the new DOV's will be that assessors will need to make copies for their record retention.

Questions and comments may be addressed to the Iowa Department of Revenue and Finance at 515-281-4040 or to county recorders.

Beckman in symposium on client service, technology

Past ISBA President David Beckman, chair of the American Bar Association Commission on Responsibility in Client Development, was scheduled to participate in a symposium on technology and the ethical implications of providing legal services online May 4 in Detroit.

The symposium, "Better Practice Through Technology - Getting and Serving Clients Digitally, Ethically and Responsibly," was to be present-

ed by the commission Beckman chairs and in cooperation with the State Bar of Michigan.

Discussions were scheduled to focus on the use of technology to expand opportunities for client development; the seven ethical pitfalls for a 21st century practice and include a roundtable on standards to meet client concerns with the use of technology.

Courtney appointed to Third District judgeship

Don E. Courtney has been appointed district court judge in the Third Judicial District by Governor Tom Vilsack.

"Mr. Courtney has more than 20 years of experience in litigation of criminal and civil law. His knowledge and experience will serve him well in his new position," Vilsack said.

Don is a partner in the Cassel, McMahon, Courtney & Stowater law firm of Algona. He serves as the Kossuth County Drainage Attorney.

Courtney's legal experience includes family law, real estate, contracts, personal injury and criminal law. He was an assistant county attorney in Kossuth and Tama Counties.

Courtney is a graduate of Hamline University School of Law in St. Paul, Minnesota. He holds a Bachelor of Arts degree from Mankato State College in Mankato. He is a member of The Iowa State Bar Association, the Kossuth County Bar Association, and the Iowa Trial Lawyers Association.



Classified Ads

PUBLISHER'S NOTE

E-mail submissions to the CLASSIFIED ADVERTISING section are requested. They save your keystrokes, thus cutting down on our production time, and help to assure accuracy.

Please follow the style of the ads appearing here, indicate the classification where you want your ad to appear and state how long the ad is to run. Each ISBA member of a private law practice receives two free insertions annually. Corporate and government attorney members of the association receive the same free privileges for their personal, non-employment-related ads. If you have questions, call Chuck Corcoran at 515-243-3179. E-mail your copy to ccorcoran@iowabar.org

The number appearing in parentheses after each ad is not a box number. It indicates the date the ad will be pulled from the magazine. (TF) indicates the ad will run until we receive instructions to pull it.

COMMERCIAL ADVERTISERS:

Contact Shannon Espenscheid
641-753-1229 or David Larson
515-440-2810, Dave Larson Enterprises.

Positions Available

ATTORNEY POSITION: Southeast Iowa county seat AV-rated law firm seeks recent law school graduate to work in all areas of general practice. Short-term partnership track. Please respond to Code 408, The Iowa Lawyer, 521 East Locust Street, Third Floor, Des Moines, Iowa 50309. (0601)

ATTORNEY POSITION: Des Moines attorney with growing practice seeks attorney to assist with current work and help build practice. The position requires a hard working, energetic, client-oriented attorney with an entrepreneurial spirit. The position offers mentoring and training, exciting opportunity, competitive income, and good benefits package. Send resume to Rodney L. Janssen Law Firm, 1300 Cummins Rd. Suite 200, Des Moines, Iowa 50315 or to rjanssen@barkerlemar.com or inquire at 515-256-0133. (0601)

WELL-ESTABLISHED, mid-size law firm with growing business practice seeks highly-motivated attorney with 3-7 years experience in estate planning, probate, and general business transactions. Excellent opportunity to join dynamic practice with exceptional working environment. Negotiable salary. Good benefits package. Must be licensed or eligible for license in Iowa and South Dakota. **No phone inquiries, please.** Send resume, professional references, and letter of interest to Heidman, Redmond, Fredregill, Patterson, Plaza, Dykstra, & Prael, L.L.P., 701 Pierce St., Suite 200, Sioux City, Iowa 51102, Attn: Dan Dykstra. Email: dykstra@pionet.net (0801)

CEDAR RAPIDS LAW FIRM: Lynch, Dallas, Smith & Harman, P.C. has an immediate opening for an attorney in the litigation area (e.g., employment, workers' compensation, insurance defense) with at least 2-5 years experience or comparable qualifications. Please send resume and requirements to Wilford H. Stone, P. O. Box 2457, Cedar Rapids, Iowa 52406. All inquiries will be confidential. (0701)

ATTORNEY: Life Investors Insurance Company of America, a member of the AEGON Insurance Group, is seeking an attorney to work with variable products, insurance and securities regulatory matters, general business and corporate matters. Two years' experience practicing law required. Prior life and health insurance industry experience preferred. Applicants should have good communication skills, solid academic credentials and a willingness to work on a variety of legal matters. Please send cover letter indicating job Reference # EK16, resume and salary requirements to: Life Investors Insurance Company of America, Human Resources, 4333 Edgewood Road NE, Cedar Rapids, IA 52499-2110. Life Investors is an Equal Opportunity Employer.

WATERLOO LAW FIRM seeks an associate attorney. General practice with emphasis in real estate and corporate law. Mail or e-mail resume to Ken Nelson, Randall & Nelson, PLC, P.O. Box 1020, Waterloo, IA 50701. E-mail nelson@randall-nelson.com (0701)

ATTORNEY WANTED: AV-rated Cedar Rapids-based law firm has an immediate opening for an attorney with two or more years of experience in a business/corporate practice. Knowledge concerning corporate, individual and/or fiduciary income tax matters desired but not necessary. Candidates should have excellent academic credentials and communication skills. The right candidate must be personable and eager to establish and foster one-on-one client relationships as part of a thriving and growing business practice. Will work with candidate to gain admission to Iowa bar if candidate is not licensed to practice in Iowa. To apply, please submit cover letter, resume, transcript of grades and writing sample in confidence to Gilda Boyer, Suite 500, 115 Third Street SE, Cedar Rapids, Iowa 52401, or by email to glb@shuttleworthlaw.com (TF)

LITIGATION ATTORNEYS: Large Des Moines law firm has opportunities for litigation attorneys with 3+ years experience. Firm handles a wide range of personal injury, commercial and corporate litigation. Competitive salary and benefit package. Send all replies in confidence to Code 525, c/o The Iowa Lawyer, 521 East Locust Street, Fl. 3, Des Moines, Iowa 50309-1939. (0701)

EXPERIENCED BUSINESS TRANSACTIONS attorney sought by Lincoln, NE-based, eight-attorney, AV business law boutique with national mergers & acquisitions and securities practice. Candidates should have strong academics, possess transaction/securities experience, believe strongly in providing responsive client service, and enjoy devising creative solutions to challenging issues. The firm's size allows it to maintain a collegial environment and a teamwork culture, while its members' large-firm experience enables them to tackle the most sophisticated of business issues. Interested persons should send their résumés to **escudder@scudderlaw.com** or fax 402-435-4239 to the attention of Earl Scudder. (0601)

ATTORNEY POSITION: Iowa City attorney with established practice primarily in workers' compensation seeks associate with 1-3 years experience in workers' compensation practice and good academic credentials to assist with and further develop practice. Position will require hard work and interest in people. Good income, benefits and a good working and learning environment. Send resume to Paul McAndrew, Jr., 2590 Holiday Road, Suite 100, Coralville, Iowa 52241 or to **paulm@paulmcandrew.com** or inquire at 319-887-1690. (0701)

JUDGE ADVOCATE POSITION — U.S. Army Reserve, 19th Theater Support Command, Des Moines, is always interested in qualified lawyers to serve in the Army Reserve Judge Advocate General's Corps. Applicants must have graduated from an ABA accredited law school and have passed a state bar exam; be physically fit, with height corresponding to weight and be able to pass the standard APET; and be able to serve one weekend per month in Des Moines and attend two weeks of overseas training, primarily in Korea, Germany or Italy. Interested persons should send a resume to Command Judge Advocate, 19th Theater Support Command (C), U.S. Army Reserve Center, Bldg. 100, 225 East Army Post Road, Des Moines, Iowa 52704 or contact Lieutenant Colonel David Skilton at **csskilton@sprintmail.com** (0801)

PERSONAL TRUST OFFICER — Bank of America Private Bank. Trust experience required. Mail resume to Frank Spillers, senior vice president, P.O. BOX 1813, Des Moines, Iowa 50306; fax 515-235-7203 or e-mail

frank.spillers@bankofamerica.com All inquiries kept confidential. (0601)

LEGAL ASSISTANT — Immediate full-time position available for an assistant with excellent organizational and communication skills. Assistant will support general practice office with focus on litigation. Salary commensurate with experience. Send cover letter and resume to Steven E. Ballard at Leff, Hauptert, Traw & Willman, L.L.P., P.O. Box 2447, Iowa City, Iowa 52244-2447

WELL-ESTABLISHED, AV-rated, mid-sized law firm with an established and growing commercial litigation practice seeks highly motivated associate with 2-7 years of commercial litigation experience and excellent credentials. The firm offers a competitive salary and benefits package. Send resume, professional references and letter of interest to Timothy J. Hill, Bradley & Riley PC, P.O. Box 2804, Cedar Rapids, Iowa 52406-2804, or e-mail **thill@bradleyriley.com** (TF)

MANAGING ATTORNEY — The Legal Services Corporation Of Iowa (LSCI), which provides free legal assistance to low-income people, is seeking applications for managing attorney of its Northeast Regional Office in Dubuque. The Northeast Regional Office provides services to low-income people in eight (8) northeast Iowa counties. The managing attorney is responsible for a broad range of legal and administrative responsibilities. Applicants for this position should have a minimum of three years legal experience, background in and commitment to working with low-income people and a license to practice law in the State of Iowa or be available to take the next scheduled bar examination. Salary dependent on experience. Excellent fringe benefits. To apply, submit letter of application, resume, recent representative writing sample, and at least three professional references to Dennis Groenenboom, Executive Director, Legal Service Corporation of Iowa, 1111 Ninth Street, Suite 230, Des Moines, Iowa 50314- 2527. LSCI is an Equal Opportunity Employer. (0601)

ASSISTANT COUNTY ATTORNEY — The Delaware County Attorney's Office has an opening for a part-time assistant county attorney. Initial duties will involve the representation of the State of Iowa in the prosecution of simple misdemeanors and in juvenile court cases that include, but are not limited to, delinquencies and child in need of assistance matters. Starting salary \$25,000. Please submit resume to: John W. Bernau, Delaware County Attorney, Delaware County Courthouse, 301 East Main Street, Manchester, Iowa 52057. Screening and interview process will begin immediately. Delaware County is an equal opportunity employer. Women, minorities and elderly are encouraged to apply. (0601)

STAFF ATTORNEY III: The Office of Staff Attorneys for the U.S. Court of Appeals for the Eighth Circuit located in St. Louis, Missouri seeks applicants for the position of staff attorney III. Must be available to begin employment no later than August 2001. Position primarily involves advising the court on pre-submission motions, most filed in conjunction with pro se appeals, and may involve other duties. Pre-submission matters include requests for certificates of appealability, in forma pauperis applications, motions for appointment of counsel, and jurisdiction questions. Candidates must have several years of relevant post law school law school practice experience and should be familiar with federal jurisdiction and procedure; post-conviction relief through habeas corpus; and 42 U.S.C. § 1983, particularly prisoners' civil rights. Must be able to manage a high-volume caseload, work independently, have demonstrated writing ability an excellent academic credentials. Appointment is for initial two-year term, with potential for career status. Starting salary range: \$47,814 - \$70,655 (CL 29 - CL 30), depending on qualifications. Applicable employees hired at the CL 29 level have promotion potential up to the CL 30 level. Court employees are required to agree to electronic funds transfer (EFT) of payroll deposits. The court is an equal opportunity employer. Applications must include a cover letter (referencing number SA02000-05), resume, transcript (including class rank), and a writing sample submitted to Senior Staff Attorney, United States Court of Appeals, Eighth Circuit, Office of Staff Attorneys, 111 South 10th Street, Room 23.336, St. Louis, Missouri 63102. Phone 314-244-2889; Fax 314-244-2885. (0601)

SMITH PETERSON LAW FIRM is seeking an associate for immediate employment in its litigation area. The firm offers a competitive salary and benefits package. Persons interested in practicing primarily in the area of insurance defense should forward a letter and resume to Smith Peterson Law Firm, 35 Main Place, Suite 300, Council Bluffs, Iowa 51530 (0601)

Position Desired

1995 GRAD, experienced, dependable, and great with clients, seeking full time permanent position in Des Moines area firm. General practice background with five years' emphasis in probate and one of year employment law. Quick study and willing to change area of focus. Please e-mail to **letschlaw@yahoo.com** or call 986-4918 and leave a message. (0601)

Office Space Available

WEST DES MOINES LAW OFFICE – Attractive West Des Moines space available for one or two attorneys for office share arrangement on second floor of John Hancock Building. Space includes conference room, kitchen, copier, fax and area for support staff. Receptionist service available. Conveniently located near I-235 and Twenty-second Street. Contact Amy at 515-226-0150. (0601)

NOTICE

UNAUTHORIZED PRACTICE OF LAW VIOLATIONS

For information and to file
a complaint, contact:

Mark Godwin, Chair
Commission on Unauthorized
Practice of Law
400 East First Street
Des Moines, Iowa 50309
e-mail: **magodwin
@ci.des-moines.ia.us**

OFFICE SHARE at 1300 Locust in Des Moines with established attorney with offices in Des Moines and Ames. Contract work available. Please contact Jeff Mathias at 515-261-7526. (0701)

DOWNTOWN DES MOINES Law Office — Space available for one attorney in Equitable Building, 604 Locust St. Includes secretarial support, fax, and copier. All inquiries confidential. Contact Patty at 515-282-0230. (0701)

DOWNTOWN DES MOINES law office has space for one or two attorneys. Convenient to courthouses and government buildings. Includes receptionist, conference room, waiting room, kitchen, access to copier, facsimile, on-line research and existing phone system. Newly remodeled office. All inquiries confidential. Contact Dave 515-557-1960. (0601)

OFFICE SHARE OPPORTUNITY in the Frances Building, 505 Fifth Street, Sioux City. Space available for one lawyer in an office with two established lawyers. Secretarial support, photocopy machine, facsimile, law library, and conference/meeting room available. If interested, please call between 8:30 a.m. and 5 p.m. 712-255-1977 (0601)

ANKENY LAW OFFICE, newly remodeled space available for two lawyers, located in uptown Ankeny. Includes space for secretaries, conference room, kitchen, break room. Receptionist available. Access to copier, fax, online research and existing phone system. Contact Bob Nading, 515 963-1000; e-mail: nadnglaw@radiks.net (0601)

CEDAR RAPIDS LAW OFFICE: Established law office has space available for sale, lease or office-sharing for one to five attorneys in prime downtown location near both courthouses. Parking available. All inquiries kept confidential. Contact William H. Carmichael, 101 Third Avenue SE, Cedar Rapids, Iowa 52401. Call 319-363-1013 or Fax 319-366-7769. (0601)

WEST DES MOINES law office space available for one or two attorneys. Convenient to Polk County Courthouse, Federal Courthouse and Polk County and Federal Buildings. Includes receptionist, conference room, copier, facsimile, and parking. All inquiries confidential. Please call 515-225-4595. (0601)

OFFICE SPACE AVAILABLE PLEASANT HILL -- New premium office suites now available in Pleasant Hill, a fast-growing eastern suburb of Des Moines. Located at 5075 E. University Avenue (Hwy 163) in a highly visible and accessible new office development. Call Perry Gjersvik at 515-263-8882 for lease information.

Expert Software

LEGALWORKS GUIDELINES FOR IOWA. IBM Windows Compatible/Windows version. Calculates child support pursuant to Iowa child support guidelines worksheet and client's financial affidavit. Call (888) 282-5291 for pricing and delivery information. Satisfaction guaranteed. LegalWorks Software, P.O. Box 22127, Des Moines, IA 50325.

Experts

EXAMINER OF QUESTIONED HANDWRITING, 30 years of experience, qualified in state and federal courts since 1972, résumé available upon request. Richard D. Mould; 130 East Rose; Des Moines 50315-7747; (515) 288-5881.

Law Books

BOUND SET of N.W.2d. books Volume 174 to 511 available. Free to a good home! Free delivery in the Des Moines area. Contact Tony Farrell at Allied Insurance 515-280-4792 or Farrela1@nationwide.com (0701)

Personal

BURNED-OUT, STRESSED, DEPRESSED? Contact the Iowa Lawyers Assistance Program - confidential & anonymous- (800) 243-1533.

Litigation Support Services

MEDICAL RECORDS REVIEW SERVICE, INC. (MRRS, Inc.) Legal Nurse Consultants will isolate and evaluate pertinent issues from medical records with the preparation of a chronology and report. We will prepare an overview of the pathophysiological process and will apply medical concepts to interrogatories. A Legal Nurse Consultant Certified can attend depositions and trial allowing for "on the spot" scrutiny of medical testimony. For more information please contact MRRS, Inc. at 208 South Main St, Grimes, IA 50111-7735; telephones (515)244-6777 or 1-800-984-6777; fax (515)986-0677; e-mail mrrsinc@netins.net

Miscellaneous

NOTICE CRIME VICTIM COMPENSATION SUBROGATION. Do you represent a client who has received medical benefits, lost wages, loss of support, counseling or funeral and burial assistance from the Crime Victim Compensation Program of the attorney general's office? When your client applied for compensation benefits, a subrogation agreement was signed pursuant to Iowa Code section 912.12 (1995). The attorney who is suing on behalf of a crime victim should give notice to the Crime Victim Compensation Program upon filing a claim on behalf of the recipient. The Crime Victim Compensation Program will pay a pro rated share of the expenses incurred in obtaining a judgment or verdict. Questions? Contact Julie Swanston, MPA Compensation Administrator, Crime Victim Assistance Division, (515) 281-5044.

NOTICE - MEDICAID LIEN: The Iowa Department of Human Services has a lien against the recovery recipients obtained from third party tort-feasors pursuant to Iowa Code 249A.6. Questions? Call CONSULTEC, INC., Rocco Russo, 1-515-327-0950 ext. 1114.

FREE-LANCE LEGAL WRITER wanted to draft articles for a consumer audience. Send cover letter and resume to The Iowa Lawyer, Code 508, 521 East Locust Street, Floor 3, Des Moines, Iowa 50309-1939. (0601)

High school mock trial students tackle the ADA

By Stephanie L. Marett*

Drake University was transformed into a courthouse on March 23 and 24 when high school students from around the state, along with their parents, teachers, and attorney coaches arrived for the Iowa High School Mock Trial State Tournament. The 32 qualifying teams advanced to the state tournament based upon their performances at regional tournaments held around the state earlier in March.

The mock trial problem this year involved the Americans with Disabilities Act (ADA) in the case of *CJ Jones v. Kids, Inc.* CJ Jones was an employee at Kids, Inc. daycare center. CJ alleged that her termination from Kids, Inc. was due to her seizure disorder. However, the daycare director claimed CJ was terminated because of insubordination—CJ violated the employer’s written communications policy when she wrote a letter to the parents of the two year old children.

On Friday, March 23, all of the state qualifying teams competed in three rounds of trials. All teams were honored Friday evening at an awards ceremony, which also recognized the top

10 teams, individual “outstanding attorneys” and “outstanding witnesses.” The top four teams advanced to the semi-final round held on Saturday. The semi-finalists were two teams from Pocahontas Area Community High School, named “Law” and “Justice,” Johnston High School, and Robins Independent. In the semi-final round, Pocahontas “Law” defeated Johnston High School and Pocahontas “Justice” defeated Robins Independent which set-up an all Pocahontas championship round. The Pocahontas victory is the fifth State Championship for Pocahontas Area Community High School during the 19 year history of high school mock trial competition.

The championship round was held in the courtroom at the Neal and Bea Smith Legal Clinic at Drake University. Presiding over the championship trial was Judge Robert Mahan of the Iowa Court of Appeals. The scoring judges were ISBA President Bruce Graves, YLD Law Related Education Committee Chair Sarah Dooley Rothman, and Des Moines

attorney Richard Calkins, former Dean of Drake Law School. “Law” defeated “Justice” in the championship trial and will represent Iowa at the National High School Mock Trial Championship May 10-13 in Omaha, Nebraska.

The Iowa Mock Trial Program is sponsored by The Iowa State Bar Association Center for Law and Civic Education with the support of the ISBA Young Lawyer’s Division and the Iowa State Bar Foundation. The mock trial program is a success each year because of the hard work and support of students, parents, teachers, and attorneys. A special thank you to all attorneys across the state that gave of their time to judge at the regional and state tournaments or to coach a high school team.

** Stephanie L. Marett is an attorney with Nyemaster, Goode, Voigts, West, Hansell, & O’Brien, P.C., Des Moines and a member of the ISBA Young Lawyers Division Law-Related Education Committee.*

Iowa High School Mock Trial 2001 State Tournament Results

State Champion	Pocahontas Area Community High School	Other State Tournament Qualifiers (in alphabetical order) Assumption High School (Davenport) Burlington High School Carroll High School (3 teams) Central High School (Davenport) Coon Rapids-Bayard High School Highland High School (Riverside) Mediapolis High School Pocahontas Area Community High School Prairie Valley High School Riverside High School (Oakland) Tripoli High School Urbandale High School Valley High School (West Des Moines) Valley Southwoods School (WDM–2 teams) Wapello High School Waverly–Shell Rock High School (3 teams) West Des Moines Independent
State Runner-Up	Pocahontas Area Community High School	
State Semi-Finalist	Johnston High School	
State Semi-Finalist	Robins Independent	
5th Place	Robins Independent	
6th Place	Johnston High School	
7th Place	Ames High School	
8th Place	Kennedy High School (Cedar Rapids)	
9th Place	West Des Moines Independent	
10th Place	Valley High School (West Des Moines)	

2001 CONTINUING LEGAL EDUCATION CALENDAR

Date	Program	Number of Hours			Location	Sponsor
		State	Federal	Ethics		

May

3-4	Bridge the Gap	15	6.5	2	Des Moines, Downtown Marriott	
7	Seabury Smith Spring Ethics CLE	2		2	Sioux City, Convention Center	
8	Seabury Smith Spring Ethics CLE	2		2	Cedar Rapids, Crowne Plaza	
9	Seabury Smith Spring Ethics CLE	2		2	Davenport, River Center	
10	Seabury Smith Spring Ethics CLE	2		2	Des Moines, Savery Hotel	
9	Commercial & Bankruptcy Seminar	6	5	1	West Des Moines, Marriott	
18	Domestic Abuse Symposium	7.25		2	Des Moines, Convention Center	

June

1	Indian Child Welfare Act Seminar	6.5	6.5	1	Des Moines & ICN Sites	
1-2	*Lawyer's Chautauqua				Okoboji, Village East (*co-sponsored by ISBA)	
20-22	Annual Meeting	15	9.5	4.5**	Des Moines, Downtown Marriott	

July

16	General Practice CLE/Golf			1	Des Moines, Glen Oaks Golf Course	
----	---------------------------	--	--	---	-----------------------------------	--

August

2-3	YLD Summer Seminar				Okoboji, The Inn Resort	
-----	--------------------	--	--	--	-------------------------	--

**Ethics hours depend on session attended.

For information about any Iowa State Bar Association-sponsored event call 1-800-457-3729 or (515) 243-3179 or visit our website: www.iowabar.org Register online using VISA or MasterCard. ***Application has been made and approval is pending for CLE hours.**



2001 EASTERN IOWA JUSTICE FOR ALL GOLF TOURNAMENT

LAKE MACBRIDE GOLF COURSE
Friday, July 27, 2001

Plan now to attend this year's
Eastern Iowa Justice for All Golf Tournament
and help raise funds for the Volunteer Lawyer's Project. The \$50 per person entry fee includes 18 holes of four-person best shot golf with a cart, as well as dinner hot off the club's grill. You'll have a good time supporting this great cause.