



THE IOWA LAWYER

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

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ABOUT THE COVER

The May 2019 cover photo was taken from the overlook outside the Iowa Judicial Branch building. From this vantage point of the Des Moines skyline, new Iowa Supreme Court Justice Christopher McDonald can see many of the offices where he has worked before becoming an appellate judge: The Faegre firm in 801 Grand, the Belin firm in the Financial Center building and the Polk County Courthouse. Learn more about McDonald's life and career on page 7.

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2019 LEGISLATIVE SESSION CONCLUDES WITH PASSAGE OF SCALED-BACK JUDICIAL SELECTION BILL

Iowa lawmakers adjourned the 2019 session on Saturday, April 27, and one of the final pieces of legislation that passed was a bill related to Iowa's method of selecting judges. In a last-minute deal before the gavel fell, Republicans gave the governor more power in selecting members of the State Judicial Nominating Commission. Governor Reynolds (and future governors) will now be able to select nine members of the commission (a majority), instead of eight. A senior justice will also no longer serve as the commission's chair, and the chief justice position must be voted on by members of the Iowa Supreme Court every two years.

This is a far scaled back version of the original bills proposed in the House and Senate months ago that took away the ability of attorneys to vote on commission members (at both the state and district level). That power remains intact. The ISBA legislative team and ISBA officers would like to thank the members who were active in contacting their lawmakers in order to stop or lessen this bill's impact. Your voices were heard and effective.

You can view the outcome of the ISBA's Affirmative Legislative Program, and other positions the bar supported, on page 24.

ISBA YOUNG LAWYERS DIVISION HELPS LAUNCH LEGAL HOTLINE FOR IOWA FLOOD VICTIMS

A toll-free disaster hotline is now available to survivors of the recent Western Iowa floods who may need legal assistance. The hotline allows callers to request the assistance of a lawyer to aid in disaster-related matters, and is a partnership between Legal Aid of Iowa, The Iowa State Bar Association's Young Lawyers Division and the American Bar Association's Young Lawyers Division.

Flood victims facing legal issues may call **833-885-9876** toll free, 9 a.m. to 4:30 p.m. CST Monday through Friday, to request assistance.

If you are interested in taking cases pro bono that may arise from this hotline, please contact ISBA Director of Innovation and Outreach Virginia Sipes at: vsipes@iowabar.org.



YLD Executive Council discusses the flood hotline at their quarterly meeting in March in Perry.

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Alex Salem is an actor, writer and producer known for TV shows like *Grey's Anatomy*, *The Idle Quest* and *Natural 20*, plus many others. He lives in Hollywood. **Ella Doerge** is the chief resident in urology at the University of Michigan. **Elyse Lyons** is the magna cum laude graduate of Georgetown University and the cum laude J.D. graduate from Duke University, practicing complex trial litigation law in Dallas, Texas, with Winston & Strawn LLP. **Nora Tobin** is the executive director of Self Help International, an organization that assists rural, poor, small-scale farmers and related enterprises in developing countries. **Katie Pauley** is a doctor of pharmacy working at Unity Point Health in Des Moines. **Tracey Shi** graduated from Harvard with a PhD in medical research. She currently focuses her talents on treatments for neuropsychiatric diseases. **Philip Sandager** is a senior actuary at EY in New York City. **Van Everett** is a partner in the Whitfield & Eddy firm in Des Moines specializing in large asset dissolution of marriage disputes. **Elizabeth Barrent Ewing** is an account executive for Wells Fargo in West Des Moines. **Amy Paul Eikmeier** is an outstanding middle school math teacher in Fremont, Nebraska.

What do these successful people have in common? They were all part of the 2006 Valley High School Mock Trial Team that won the national championship.

According to **John Wheeler**, the ISBA Director of Law and Civic Education and longtime coordinator

of Iowa's mock trial program, the successes shown by these 2006 mock trial teammates are not unusual. Many Iowa mock trial participants have gone on to fame and fortune. Take for example, **Tim Semelroth**, a successful Cedar Rapids trial lawyer and current chair of the bar's Litigation Section. Tim started his mock trial career in 6th grade. When he discovered his high school did not participate in mock trial, Tim secretly applied for his high school to participate. When the school learned that 15-year-old Tim had signed the school up for the state-wide mock trial competition, the school administration was, at first, a little irritated. But silver-tongued Tim Semelroth convinced school officials that mock trial would be a wonderful program for the school. Tim went on to star in the Iowa high school competition and later as a collegiate competitor.

Des Moines trial lawyer **David Nelmark** is another example. He is a partner in the national firm of Gislason & Hunter, specializing in litigation. He is also the current President of the Polk County Bar Association. Like Tim Semelroth, he excelled in mock trial. After completing his collegiate career, David went on to become president of the American Mock Trial Association from 2010 to 2012.

Additional Iowans who participated in Iowa's mock trial program: Professional golfer **Zach Johnson**; professional actor **Brian Gross**; professional dancer **Kalli (Schmuecker) Sparish**; orthopedic surgeon **Thomas Ebinger**; Wall Street Financial reporter

Kristin Scholer; stand-up comedian **Tom Garland**; Executive Chef **John Ferguson**; Goldman Sachs Vice President **Sandy (Pfeiler) Davis**; FBI special agent **Craig Pfeiler**; Stanford PhD candidate in Materials Science and Engineering **Grace Busse**; Assistant U.S. Attorney **Amy (Anderson) Driver**; county attorneys **Jim Hathaway** and **Kevin Hathaway**; Director of Brands at Hy-Vee **Sara Canady**; National reporter **Anne Glavan**; and successful Iowa attorneys **Ben Long**, **Sara Franklin**, **Spencer Hughes** and **Ame (Schultz) Mapes**. Frankly, I could go on and on with success stories of Iowans who participated in Iowa's mock trial program. So could Kathy Paul, the Johnston School Extended Learning Program coordinator. Kathy told me that in the 30 years she has been involved in mock trial, she could name hundreds of former students who today are doing fabulous things with their lives.

Why do "mockers," as they call themselves, do so well? Well, mock trial teaches kids essential skills such as public speaking, critical thinking and the art of forming persuasive and cohesive arguments. It also teaches them how to think on their feet. In addition, according to 2006 National Champion Van Everett, mock trial teaches participants how to be team players. The best mock trial teams are those where teammates become good friends and help each other succeed. Despite the years and distance separating them, Van Everett told me that he and his teammates are close friends to this very day.

Iowa mockers are also proud of Iowa's heritage with mock trial. Retired Drake Law School Dean **Richard Calkins** is considered the father of Iowa mock trial. He started Iowa's high school program in 1983. Some believe Dean Calkin's program was the first in the nation. A year later, Dean Calkins started the first multi-state competition. He persuaded Iowa, Illinois, Minnesota, Nebraska and Wisconsin to take part in the very first interstate competition. The team from Ogallala, Nebraska, won the first year, but in Dean Calkin's eyes everyone left the competition a winner. Within a few years, the competition grew and nearly every state in the nation began sending teams to the national high school tournament. By the time the Pocahontas, Iowa, team won the tournament in 2001, there were over 40 states participating in the competition. When Van Everett's Valley team won the National Title in 2006, only a handful of states did not participate. Likewise, when Marion Home School won the National championship in 2016, 44 states participated, along with South Korea, Guam and the Northern Mariana Islands. This year, there were over 30,000 students nationwide participating in high school mock trial. This May, the national tournament will be held in Athens, Georgia, with 46 teams duking it out for the national title, including Iowa's winner, Marion Home School. Having judged the Iowa high school finals, I can tell you that Marion Home School has a very good chance of winning the national tournament.

Iowa's history with mock trial competition did not end with high school events. In 1985, seeing the benefits of mock trial with high school students, Dean Calkins started the middle school program for grades 6-8. Today, there are 160 Iowa middle schools participating, with nearly 2,000 students taking part. Although there is no national tournament for middle school mockers yet, it would not surprise me if someday very soon we see thousands of middle schoolers competing for a national mock trial title.

In case you think Iowa's historical significance with mock trial ended

with middle school and senior high students, guess again. Dean Calkins also established the collegiate version of mock trial. It is called the American Mock Trial Association and it provides mock trial competition for colleges and universities throughout America. Dean Calkins served as president of this organization for the first 20 years and helped it grow from a handful of schools to over 600 teams from 350 American colleges and universities. Last year, over 5,300 college students participated in the collegiate mock trial competition. Interestingly, the current treasurer of this national organization is **Matthew Eslick**, a lawyer with Nationwide Insurance in Des Moines. Des Moines attorney and current Polk County Bar resident David Nelmark served as president of the American Mock Trial Association from 2010-2012. Since the Collegiate National Championship began in 1985, Drake has won it twice (1989 and 1993) and the Iowa College of Law has won it twice (2002 and 2003). Oh, by the way, Yale also won it twice!

These mock trial students are dedicated, more than you can imagine! John told me a story about a recent competitor who was diagnosed with severe degenerative nerve disease while training for the statewide mock trial competition. After the diagnosis, this student's health deteriorated to the point she lost the ability to walk. However, the thought of missing the mock trial competition and letting her teammates down became her number one motivation. This student learned to walk again and participated with her teammates in the state mock trial competition this year. According to John Wheeler, whenever this young lady participated, there was rarely a dry eye in the house.

Under the spectacular leadership of John Wheeler, The Iowa State Bar Association has organized and coordinated the Iowa high school and middle school mock trial programs since 1988. Both programs have grown from a few dozen participants to nearly 4,000 students today. Iowa's program remains the model for mock trial programs throughout America. I am very proud

MARION HOME SCHOOL MOCK TRIAL TEAM WINS STATE TOURNAMENT

The 37th annual Iowa High School Mock Trial Tournament was held April 4-6 in Des Moines. On Saturday, April 6, in the championship round held in the Iowa Supreme Court courtroom, the Marion Home School "Ethos" team defeated Des Moines Lincoln High School's team to take home the state championship trophy.

Iowa's regional and state mock trial competitions are administered by The Iowa State Bar Association Center for Law & Civic Education, in cooperation with the Young Lawyers Division and with financial support from The Iowa State Bar Foundation.

More information can be found on iowabar.org/mocktrial.



of Iowa's mock trial program and its historical significance. You should be too. The next time John Wheeler asks you to be a judge, take the time to do it. You might be judging a future scientist or movie star. The next time some students ask you to coach their team, take the time to do it. You might be coaching a future astronaut or trial lawyer.



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"AN AMERICAN SUCCESS STORY"

By Melissa Higgins,
Communications
Director

IMMIGRANT'S SON RISES TO IOWA SUPREME COURT,
CITES MOTHER'S WORK ETHIC AS INSPIRATION



Christopher McDonald was walking his dog up a hill in the middle of a snow storm when he got the most important phone call of his life.

It was Governor Kim Reynolds on the line. She was calling to say she had chosen him, amongst three finalists, to be Iowa's newest Supreme Court Justice.



Governor Kim Reynolds congratulates newly sworn-in Justice Christopher McDonald during his investiture ceremony April 5.

"I was incredibly happy for the opportunity to keep serving (the state of Iowa)," McDonald recalled feeling that day. "I was also very excited for my family, who had been so supportive, and for my mother, who I knew would be proud."

His mother, Hong, is a Vietnamese immigrant to the United States. McDonald is quick to credit her inspiring work ethic for his achievements, calling her a "great American success story."

Hong was born in Vietnam, adopted and never knew her birth parents. Living through the Vietnam War, she



McDonald's mother, Hong, poses for family photos during the investiture ceremony.

met McDonald's father who was there serving in the U.S. military. Christopher was born in Thailand, and he and his brother grew up moving around to various military bases throughout the world. The family eventually settled in Des Moines, but when McDonald's parents separated, his mother raised the boys as a single parent on the south side of town.

"She worked two jobs - bank teller by day and waited tables at night. She didn't complain; she just wanted to provide for her family, and that was the way to do it," said McDonald. "She always had a sense of duty and pride in her work, regardless of what job she was doing. That carried over to me and my brother."

McDonald attended Lincoln High School, then Grand View University, where he considered a career as a high school speech and debate teacher. Instead, he decided to attend the University of Iowa College of Law, graduating in 2001. He was a non-traditional student, raising two small children

with his wife while going to school and working, and still managed to graduate with highest distinction, receiving the John F. Murray Award and Order of the Coif recognition.

With her sons out of the house, Hong decided she wanted to go to college too. She did, then opened a successful restaurant in Ames, eventually being named to the Ames Business Hall of Fame.

McDonald was there for his mother's naturalization ceremony when she became a U.S. citizen in the 1990s. He says it was the happiest day of her life. Likely also on that list of her happiest days is April 5 of this year, when she sat in the audience and watched her son, a proud Asian-American, sworn in as the first minority ever to sit on Iowa's Supreme Court.

"From a public perspective, I understand how important it is that there is a minority on the court," said McDonald. "To the extent that we have people with different backgrounds, race,



Memorabilia recognizing McDonald's Asian-American heritage is displayed on the walls of his office. McDonald has volunteered extensively for the Iowa Asian Alliance.

gender, geography, all of that adds to the collective wisdom of the branch as we're deciding cases."

In this spirit, McDonald is committed to making recruitment and mentorship of minority lawyers and judges a priority during his tenure. He credits his own mentors for helping him get to where he is today, one being the Honorable David R. Hansen, Chief Judge for the United States Court of Appeals for the Eighth Circuit. McDonald was Judge Hansen's clerk for two years after law school.



Justice McDonald poses with his friend and mentor, the Hon. David R. Hansen, Chief Judge for the United States Court of Appeals for the Eighth Circuit.



Justice McDonald speaks with young attorneys at a reception held before oral arguments on the road in Forest City on April 2. (Photo courtesy: Heritage Photography Co.)

Invited to speak at Justice McDonald's investiture ceremony, Judge Hansen echoed what many others concluded about McDonald: his work ethic is what sets him apart.

After clerking, McDonald began working in civil defense, first for Faegre Benson (now Faegre Baker Daniels), then as a partner at Belin McCormick, then as in-house counsel for Aviva Insurance (now Athene).

"The interesting thing about practicing in different areas is interacting with different kinds of clients," McDonald said of his time in private practice. "It was good perspective being able to touch a lot of different areas of the law."

He was appointed to serve as a district court judge for the Fifth Judicial District, then in 2013 to the Iowa Court of Appeals, where he authored approximately 850 opinions.

"The Court of Appeals is an underappreciated court in the Judicial Branch. The judges author 1,300 to 1,400 cases a year, and do a good job

churning out quality work product in a short amount of time. There is no court in Iowa where you will do more things at a faster pace," McDonald explained.

There was no time to slow the pace after McDonald got that phone call from Governor Reynolds. Because he would be starting on the Iowa Supreme Court mid-term, he needed to get up to speed on all the cases the court had previously heard arguments on, so he could vote.



Justice McDonald pictured with his children, left-to-right: Sydney (age 21), Aidan (age 17) and Dmitri (age 24).

"It has been daunting, like cramming seven months of work into seven weeks," he said. Though, he credits the other justices and "great staff" for helping him catch up.

McDonald's first oral arguments were as the Iowa Supreme Court was on the road in Forest City. Holding arguments around the state is an initiative that began several years ago to raise the court's visibility in the public. And that is exactly who McDonald keeps in mind when he is sitting on the bench.

"There has never been a day where I re-thought my decision to become a public servant," he said. "It has been an incredible experience to serve the state of Iowa and its citizens. I come to work every day feeling like my work has meaning and value and is making a difference."



Justice McDonald and his wife, Stacey, enjoy hiking, biking and traveling. Here they are pictured at the Tahoe Rim Trail at Lake Tahoe.

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DISCIPLINARY OPINIONS

CASE NO. 18-2113: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. ANTHONY R. JOHNSON

Filed Apr 19, 2019

*(Summary adapted from the opinion
by Chief Justice Cady)*

Anthony R. Johnson was an Iowa lawyer in Ankeny, employed as an accountant for Saxton Motors, LC. In August 2016, Johnson entered an Alford plea in the Iowa District Court for Polk County to the felony offense of fraudulent practice in the first degree. The charge was supported by evidence that Johnson embezzled substantial sums of money from his employer by making false entries in the records of the business for over a year. Essentially, Johnson funneled income from the business into two secret, unauthorized business accounts he established to receive the funds. In October 2016, the district court sentenced Johnson to a suspended ten-year term of incarceration and placed him on probation. The sentence also imposed a fine and ordered him to pay restitution.

Johnson engaged in multiple instances of unethical conduct in the past. His license was suspended in 2009 for abandoning his legal practice in Ankeny. His license was never reinstated, and he has not engaged in the practice of law since that time.

Based on the criminal conviction, the Iowa Supreme Court Attorney Disciplinary Board filed a complaint against Johnson on May 25, 2018, alleging that his conduct resulting in the criminal conviction violated Iowa Rule of Professional Conduct 32:8.4(b) (committing a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer) and rule 32:8.4(c) (engaging

in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The Iowa Supreme Court found Johnson violated the Iowa Rules of Professional Conduct by engaging in criminal conduct involving fraud, and revoked his license to practice law in Iowa.

CASE NO. 18-0319: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. ERIC KENYATTA PARRISH

Filed Mar 22, 2019

*(Summary adapted from the opinion
by Justice Appel)*

In this matter, the Iowa Supreme Court Attorney Disciplinary Board brought a series of charges against attorney Eric Parrish, a licensed Iowa attorney admitted to practice in 1999, related to his handling of a payment made by a client that the Board alleged was for the specific purpose of paying the cost of preparing a transcript on appeal.

Parrish received 10 private admonitions between 2001 and 2013, for failure to provide his clients with itemization of services following his receipt of retainers, failure to pay filing fees or take other action caused dismissal of proceedings, and withdrawing retained funds in excess of fees earned from his trust account. In 2011, Parrish's license was suspended for 60 days as a result of misconduct related to trust account violations and mishandling of fees.

This most recent complaint was filed by a former client on September 19, 2016. The Iowa Supreme Court Grievance Commission found that Parrish failed to use funds to pay for the transcript as instructed by his client and, instead, converted the funds for his own use. The commission

recommended revocation of Parrish's license. The Iowa Supreme Court, based on the nature of the violations and the many aggravating factors, including a "troubling pattern of neglect, a blatant disregard for his clients, and a lack of respect for the disciplinary process," agreed with the commission that Parrish violated ethical rules and suspended his license for a period of two years. To establish eligibility for reinstatement, Parrish must file an application for reinstatement meeting all the applicable requirements of Iowa Court Rule 34.25.

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DETERMINING CELL PHONE COVERAGE IN CRIMINAL CASES

By Richard Miletic

In criminal cases, certain techniques are used to determine the location of a mobile phone at the time of a crime. This article explains new methods of figuring out radio frequency (RF) coverage with a high degree of accuracy in order to establish the location of the phone in relation to the serving cell site at the time of the incident.

In order to determine the location of the mobile phone, a subpoena is served upon the cellular network service operator. The service operator provides Call Detail Records (CDRs) and Cell Site Location Information (CSLI) for a certain time period for a specific mobile phone number and a list of the cell sites in the general area. Serving cell sites are the sites that the cell phone was connected to during the calls. Among other things, the CDR and CSLI include cell site ID information that indicates which cell was handling the call. This is how the location of the phone is matched to the location of the cell site. The problem with this is that the phone can be anywhere within the coverage area of the cell and the exact location is unknown. It is important to determine the coverage areas of the serving cells so that one knows the general location of the mobile.

Due to the highly technical nature of the information and its importance in many cases, it is highly beneficial to hire an expert witness who has experience in cellular network design, optimization and mobile phone location.

CASE ANALYSIS

Recent cases have shown that the government uses vague descriptions of cell site coverage areas. These usually consist of an arbitrary radius from the cell site in a circular pattern or in a

directional or sectorized arc pattern.

As in the following cases, the radius is typically arbitrary and not scientifically determined. The prosecution will typically create a coverage area that is its "best case" and encompasses the crime scene, thus "proving" that the defendant was in the area of the crime scene.

When the prosecution provides this type of map as evidence, it is important for the defense to obtain the CDR and CSLI information directly from the wireless operators and hire its own expert to create coverage plots that are based on a more scientific approach.

UNITED STATES V. CARPENTER¹

While all the press in this case is about Fourth Amendment rights, a cellular network design expert will investigate the actual testimony in regard to the determination of the cell site coverage area. In *Carpenter*, the U.S. Supreme Court held that police must usually get a warrant to access historical CSLI.

At trial in Timothy Carpenter's case, FBI agent Christopher Hess said that in an area like Detroit the cell sector's signal could reach "typically anywhere from a half-mile to two miles."² The government assumed a three-sector cell each with a 120-degree angle for each sector with a radius of two miles. The image would look something like Figure 3, with the arrow pointing to the proposed coverage area.

This is not the exact location of the cell site in the case, but a sector with a two-mile radius is quite large and in reality, there could be a dozen or more cells within this arc. Also, the actual

Figure 3:

Cell site with 120 degree sector and 2-mile radius.



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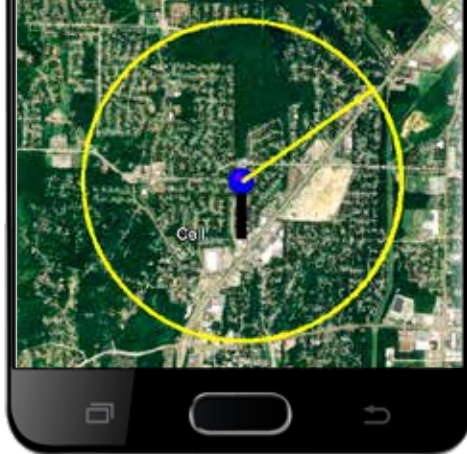
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Figure 4:
Omnidirectional cell
with arbitrary one-
mile radius.



coverage would look nothing like the arc shown in this figure.

Thus, again it is clear that the government over estimates and simplifies the coverage area. By using a more scientific approach, the defense team can mitigate or even eliminate the prosecution's argument about the phone being within the coverage area at the time of the crime.

UNITED STATES V. DAVIS³

The defendant in *United States v. Davis* was charged with committing several armed robberies. MetroPCS supplied 67 days of cell site records for the phone in question as well as the relevant cell site locations.

The prosecution's expert witness stated that "a cell tower would generally have a coverage radius of about one to one-and-a-half miles."⁴ He also said that urban areas could have smaller coverage areas, but he did not say how much smaller. Further, it was stated that cellular companies are installing small cells that may cover an area of 10 meters.

Hundreds of small cells could fit in a circle with a radius of one and a half miles. It is very clear that identifying the cellular coverage of a cell cannot be done arbitrarily. A much more scientific approach is needed.

PEOPLE V. BRIM⁵

In Ronald Brim's case the prosecution's expert used a one-mile radius for each cell site. This was the "outside reach" or best case for the prosecution. Los Angeles is very dense and nearly all of its cell sites are sectorized. Thus, this representation of the cell site coverage was highly slanted toward the prosecution.

In all these cases and many more, prosecutors used arbitrary methods of calculating the coverage of a cell site and used the "best case" scenario for them to place the phone at the crime scene. *Daubert*⁶ requires that "scientific methodology" be used. This is an opportunity for defense attorneys to

contest the prosecution's methods and to use an expert witness that will bring more proven methods of determining cell site coverage.

EXPERT WITNESS

The defense team brings in an expert witness to analyze the mobile and network data, make a determination as to the location of the phone at the time of the incident, and dispute the prosecution's claims concerning the location of the mobile phone. This must be based on scientific evidence that satisfies the *Daubert*⁶ or *Frye*⁷ rules depending on the jurisdiction in which the case arises. To meet the Frye standard, scientific evidence presented to the court must be interpreted by the court as "generally accepted" by a meaningful segment of the associated scientific community. The *Daubert* standard supersedes *Frye* and provides a set of guidelines to assure that data is relevant and comes from "scientific knowledge." The data must be presented by an expert witness complying with Rule 702, which is as follows:

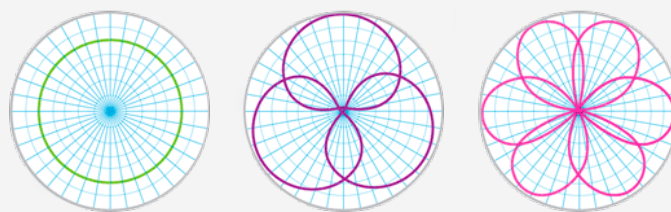
A witness who is qualified as an expert by knowledge, skill, experience, training or education may testify in the form of an opinion or otherwise if: (a) the expert's scientific, technical or other specialized knowledge will help

HOW CELL PHONE COVERAGE AREAS WORK

In a typical cell phone network, a cell site is comprised of three sectors with one transmit and two receive antennas per sector. (See Figure 1.)

They are easily distinguishable because of the triangular shape. Some towers will have multiple network operators using the same tower and/or have multiple technologies on the same tower. The antennas are designed to transmit over a 120-degree beam width such that by combining all three sectors the result is full coverage around the cell. This is done to increase coverage and capacity as opposed to having a single antenna transmitting a circular pattern.

With that said, some cells are cells that are omnidirectional (circular) and some have three, four and six sectors, but the three-sector cell is by far the most dominant in the industry. Each sector on a four-sector cell covers 90 degrees. Each sector on a 6-sector cell covers 60 degrees. Whatever the case, the cell site information is provided, and thus the RF coverage analysis can be done accordingly. Figure 2 is a simple representation of the difference between an omnidirectional, three-sector, and six-sector cell.



OMNI DIRECTIONAL

TRI-SECTOR

SIX SECTOR

Figure 2

Cellular networks consist of a number of cell sites that connect to each other and to processing servers and telephone switches via high speed copper, fiber optic or microwave links. In a large metropolitan area such as Chicago, there may be over 1,000 outdoor or macro cell sites serving the mobile phone users. These outdoor or macro cell sites consist of a small building containing the processing equipment and cabling and antennas that are mounted on a building or tower.

For large indoor venues such as sports stadiums, hospitals and airports, Distributed Antenna Systems (DAS) are installed. These consist of a number of antennas mounted inside the venue connected with coax and fiber to a central point. The wireless operators connect the cellular network to the DAS at this point. The purpose of these antenna systems is to increase the capacity (number of served users) and the coverage in order to support a high density of users and provide better coverage indoors.

When a cell phone initiates a call, the cell site sector with the best coverage and quality of service is assigned based on real time signal strength and quality measurements by the phone and the cell site. A series of communication messages between the phone and the network occur in order to assign a frequency and channel number for communication. After the call is established, the phone continuously measures the signal strength from the serving and surrounding cells in case it needs to hand off to another cell site. Details of the call are kept in the network processing equipment for billing, engineering and call processing.

Figure 1



the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product of reliable principles and methods; and (d) the expert has reliably applied the principles and methods to the facts of the case.

The prosecution wants to prove the phone could have been at the incident, and the defense wants to prove that the phone could not have been there or was somewhere else. This all comes down to determining the actual coverage of the cell site at the time of the crime. Determining whether the phone and incident were within or not within the coverage area at the same time may be key to determining the outcome of the case. It is critical to get this right because an innocent person may go to prison.

DETERMINING ACTUAL COVERAGE

In order to determine the actual coverage of a cell, a combination of sophisticated RF modeling and drive testing must be performed. RF modeling is done with software that imports antenna patterns, network characteristics, terrain, morphology, traffic data and building databases. Through proven algorithms it creates a coverage plot or heat map. The accuracy of the coverage plot can be further improved by drive-testing samples of the area and fine-tuning the modeling parameters with actual measured data.

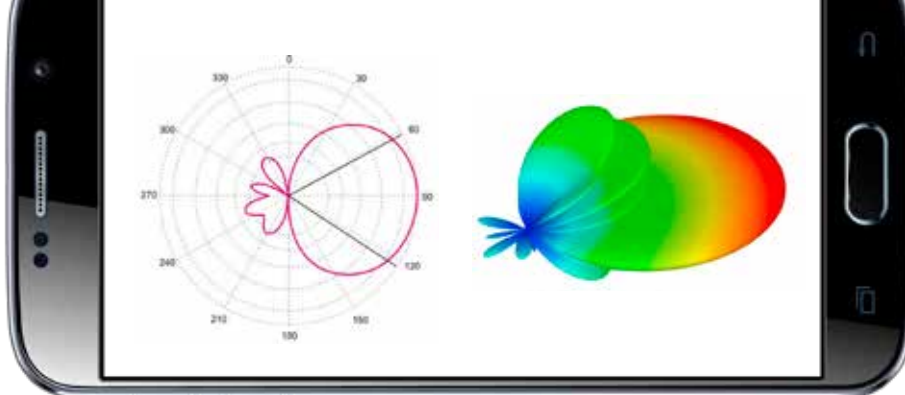


Figure 5: 2D Antenna Test Pattern (left), 3D Antenna Pattern (right)

Cellular network providers have used this method for many years to design and optimize cellular phone networks.

The cell site antenna transmit pattern is key to understanding its coverage. Many different types of antennas are available, depending on the need for the network design. The antenna manufacturers test their antenna models in an enclosed RF chamber in order to determine the profile pattern. The RF chamber blocks out any external radio signals so it does not disrupt the test. The output of this test is a profile that may look something like the photo on the left in Figure 5. The image on the right in Figure 5 is a 3D representation because in reality antennas transmit in 3D space. The blue color indicates a stronger signal because this is closest to the RF source.

The antenna patterns in Figure 5 look similar to a circle or an arc, but not exactly. Antennas also have side or back lobes, as can be seen in the left side of the figure to the left of the main lobe. These are functions of the antenna design.

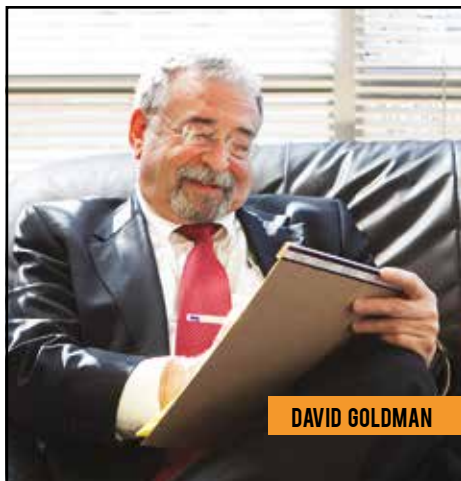
Many variables can affect the actual coverage of an antenna in the real world, including the following:

- Antenna height.
- Transmit power (output power at the antenna).

- Antenna down tilt (angle of antenna pointing down from horizontal).
- Terrain (hills, mountains, valleys, etc.).
- Clutter (trees, grasses, foliage, buildings, etc.).
- Traffic patterns (busy times usually decrease the coverage).
- Interference (signals from other cell sites, external transmissions or generated from poor cell site cable connections).

Another major factor affecting coverage area is the terrain and clutter. The world is not a flat surface. Mountains, hills, and crevices will block radio signals. In addition to terrain, there is morphology or clutter. This consists of everything on top of the terrain, including trees, grasses, water and rocks (Figure 6). These either block or soak up RF, essentially decreasing the coverage area. Buildings have a significant impact on RF coverage. Steel, concrete, and tempered glass are all materials that will block or reflect RF.

Finally, the amount of traffic on the cellular network has a significant impact on the coverage of the cell. This is dependent on the technology, but in general the more traffic on a cell, the smaller the cell's coverage area. There is a maximum number of calls the cell site can handle. As the number of users increase, the noise they create also increases. Therefore, in order to maintain good call quality, the network prioritizes the callers. The ones that have a poor audio channel may be delayed or blocked from calling. These are phones that are in a high interference or poor coverage area, which is typically at the boundary of the coverage area. If the network blocks these users from the cell, the coverage area essentially decreases. It is therefore important to look at the time of day and peak and nonpeak times when determining coverage.



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References Available On Request

Figure 7 shows a coverage plot of an area with several cell sites. The sites are shown in black along with their corresponding code names. The icons for the cell sites represent three-sector cells. The heatmap colors are the coverage or serving areas for each cell sector. The boundary area between colors is where the handoffs occur from one cell sector to the next. If a mobile phone was being served by the sector indicated by the black arrow, then it would be deemed to be located within the red area indicated by the red arrow.

As Figure 7 demonstrates, the coverage areas of the cells look nothing like circles or arcs. Most coverage areas are shown generally downstream from the antenna, but the shape and size are dependent on all the factors mentioned previously. This modeling is based on scientific calculations and real-world data.

MEASURED DATA

Drive testing can be performed to further improve the RF coverage model. Drive testing uses a device such as the one in Figure 8. The drive test equipment consists of a high speed cellular scanner, GPS receiver, cell phones, and a tablet or laptop computer. The equipment is installed in a vehicle and then driven around the area of interest to gather actual signal strength measurements being received from the cell sites.

The scanner collects signal strength and cell site parameters for multiple technologies simultaneously. The GPS receiver tags a location to the signal data once per second and stores it on the hard drive of the tablet or laptop computer.

A phone can be connected to the equipment in order to simulate a user experience and try to duplicate the mobile phone in question. Network data collected from the phone indicates the serving cell, signal levels and a host of other data. While it is desired to use the same model of phone as the defendant used, it is not necessary because most phones use similar technology. In addition, radio frequency specifications for the mobile phone are set by FCC requirements.⁸

The resulting signal strength measurements and their GPS locations are imported into the modeling software. The modeling software uses the actual measured data to fine-tune the model and make it more accurate.

Network-related parameters are also collected via a proprietary interface to the USB port on the cell phone. This provides information equivalent to the mobile phone of interest and provides the best duplication of the RF experience.

INFORMATION REQUESTED FROM WIRELESS OPERATORS

When requesting information from the mobile wireless operator with a subpoena, it is important to be proactive and timely. Records may be stored for a few months up to several years, depending on the wireless operator. The subpoena should contain the following in order to determine the phone's location:

- 1) All subscriber information, call detail(s), caller identification(s), cell site location information, call detail records.
- 2) List of cell sites within a *** radius of *** containing the following for each cell sector (required for RF modeling of actual coverage):
 - Latitude
 - Longitude
 - Ground elevation (feet)
 - Antenna centerline (feet)
 - Antenna azimuth (degrees from True North)
 - Antenna model

- Antenna mechanical down tilt
 - Antenna electrical down tilt
 - Cable losses (dBm)
 - EIRP (Watts)
 - Technology (LTE, UMTS, CDMA, EVDO, GSM, etc.)
 - MIMO configuration (2 x 2, none, etc.)
 - Frequency band
 - Channel Number (Channel number for CDMA, UARFCN for UMTS, EARFCN for LTE)
 - Cell site identification code per technology (PN for CDMA, PSC for UMTS, PCI for LTE)
- 3) All published and nonpublished detailed subscriber records for incoming calls received or outgoing numbers dialed.

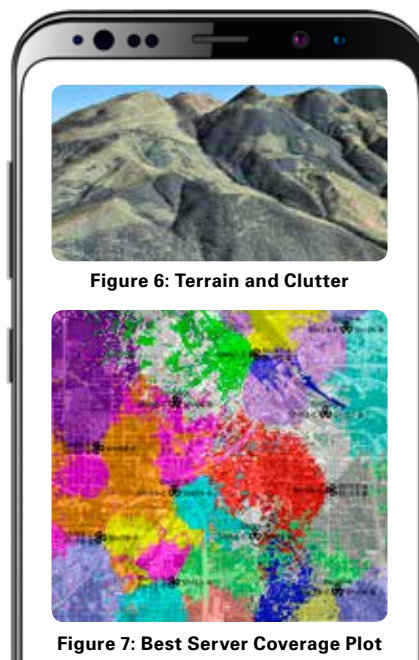


Figure 6: Terrain and Clutter



Figure 7: Best Server Coverage Plot



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4) Historical Global Positioning Location (GPS) information or location information obtained otherwise without geographical limits.

5) For the dates of ___/___/___ through ___/___/___.

This list only pertains to data requested for determining location. Other phone data may be of interest including – but not limited to – emails, web browsing and text messages.

CONCLUSION

The current method of determining coverage area for cell sites by drawing an arbitrary circle or arc around the cell site is not a scientific method and should not pass the Daubert or Frye test. A better method presented here has been used by cellular RF engineers for many years and uses a combination of modeling and measurements to determine actual coverage. Many criminal and civil cases depend on accurate and scientific information about cell

phone location. People's lives depend on the outcome. The most accurate method available should be utilized to make sure justice is properly served.

1. *Carpenter v. United States*, 138 S. Ct. 2206 (2018).
2. *United States v. Carpenter*, 819 F.3d 880, 885 (6th Cir. 2016).
3. *United States v. Davis*, 785 F.3d 498 (11th Cir. 2015).
4. *Id.* at 503.
5. *People v. Superior Court of Los Angeles County; Ronald Brim*, Real Party in Interest. B229701 <https://caselaw.findlaw.com/ca-court-of-appeal/1560782.html>.
6. *Daubert v. Merrell Dow Pharmaceuticals*, 113 S. Ct. 2786 (1993).
7. *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923).
8. FCC Electronic Code of Federal Regulations, <https://www.ecfr.gov/cgi-bin/text-idx?SID=be7dbb-5d84aa010f5ed384dea0fcf1c-d&mc=true&node=sp47.1.2.j&rgn=div6>.



Figure 8: Drive Test Equipment



Richard Miletic has been in the wireless field for over 30 years. He helps with network design, testing and troubleshooting for cellular, Wi-Fi and public safety systems. He provides expert testimony in criminal and civil cases all over the United States.

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"VALUE PRICING": RAISE YOUR VALUE BY LOWERING THE RISK

How to ease "fear of the unknown" for your clients By Matthew Nuzum

Product and service pricing is difficult. Service pricing is particularly tough, because the most commonly discussed method, what many people call "cost plus," doesn't easily apply.

Cost plus is where you add a fixed profit on top of your costs. For example, if it costs you \$550 to file a trademark, and your margin is 40 percent, you would charge \$917. As your expertise in filing trademarks goes up, your costs, and therefore your prices, go down, which is odd, since usually people pay an expert more than a novice.

A better way is to know how valuable a service is and charge that amount. You can then increase your rates by increasing the value.

IBM uses value pricing when it sells huge servers to companies with vast amounts of data. Depending on how much a customer spends, some of the components inside the server may be disabled. To upgrade the server, you call IBM, make payment arrangements, and the company remotely enables the components in the server. These parts were there all the time, but you didn't have to pay for them until you needed them.

Some people feel the IBM example is unfair because the material cost is the same, but the final cost is different for each person. How can you charge different amounts for the same product?

"Value pricing" is fair though, because it allows a person to pay an amount proportional to what they gain from its use. Need a little server? Pay less. Need a big server? Pay more.

What service providers need to ask themselves is how they can create additional value for their customers. There are a lot of ways to do this, but an often-overlooked method is to lower the risks to your clients. In most people's minds, risk and value are directly linked. When you ask your clients to accept more risk, you need to sweeten

the deal or add additional value. By lowering their risks, you add value.

Imagine this: You walk into a bank to invest \$10,000. The banker you meet with offers a very safe option: Earn only two percent annually, but your money is insured, and you can transfer it to your checking account day or night using an app. The risk is low, but you'll make hardly any money on the interest. In fact, your investment might earn 12 percent in a different account, so this safe option is costing you \$1,000, the difference between 12-percent and two-percent yields.

The banker also offers you another option, though. It's less convenient, because you have to come to the bank to withdraw, and the value can fluctuate over time, so you might have to wait longer if you don't want to lose money on the investment.

If the banker says that the average yield on the riskier account was the same as the safer investment, you'd be foolish to take it. If you are going to take risks with your money, you'd better have a chance at a huge gain. The Capital Asset Pricing Model (CAPM) says that for greater risk, you expect a greater gain. The inventors got the Nobel Prize in Economics for this.

Let's tie the idea of CAPM back to your firm's value pricing. Metaphorically speaking, switch to the other side of the desk and analyze your service from a client's perspective. When they come to you, do they see a safe investment or a risky bet? If your offering seems risky, you'll have to lure them with a chance at a big reward. Otherwise, they'll seek out a safer option. People get greater value from a law firm that they feel is a safe investment. That's why people make low-yield investments—they're willing to give up potential gains in exchange for safety.

How do you make your services feel like a safe investment, though? Start by considering human nature. What frightens the audience of a scary movie? Is it a madman, swinging an ax? Or maybe an alien, sent to exterminate the human race? Or is it the suspense of wondering what unknown terror lies around the next corner?

Psychology researcher R. Nicholas Carleton called the fear of the unknown, "One fear to rule them all." Nothing is scarier to an audience, or your legal clients, then wondering "what happens next?"

Fear has an enormous impact on the way we make decisions. For example, we all know the most important rule of

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Mike Mesch
CPA/ABV, ASA, CFF
Partner

investing: Buy low, sell high. But what's the first thing we think when the market plunges? "I should sell!"

We all know someone who loves lawyers. When you get home from work, I hope you get hugs and a cheerful greeting. But I also hope you realize that's not the typical reaction of someone who has just learned they get to meet with a lawyer. In fact, the words "you'll be hearing from my lawyer," is a threat, 99.9 percent of the time. It's too bad, but people fear lawyers, and it's because a visit with the lawyer entails a huge dose of the suspenseful unknown.

If you want your law firm to feel like a safe investment, the biggest improvement is to eliminate the unknown as much as possible. A colleague once told me, "You don't address the fear of the unknown by leaving it out there." Katie Roth, President of Aureon HR Talent Acquisition, shared a story with me about a friend who wanted to sue. The attorney candidly explained the costs and the chance of success. Katie said, "Great attorneys explain the process and are upfront and honest about whatever the situation is."

Lawyers deal deeply with the unknown so this may seem like a daunting task. But as with any big challenge, break it down into many small tasks. Remember: The opposite of fear of the unknown is trust.

Is your firm on the web? You can start with your Internet presence. Google Maps should have accurate address and contact info, as well as

pictures of your firm and your staff. How many reviews will people see when your firm shows up in the search results? You should boost this number with plenty of four- and five-star reviews that include comments.

When people click to your website, does it look professional? Is it clear what areas you practice in? Are there "trust indicators," such as testimonials, logos denoting professional affiliations (such as the Better Business Bureau and your local Chamber of Commerce) and information about your staff?

One of the biggest unknowns with legal services is fees. What can you do to remove some uncertainty? If you have any flat-rate services, list these prices. You can also highlight representative costs from past cases, to help people understand what to expect.

A note on costs: Service providers fear listing prices, because they don't want clients to price-shop. Instead, they err by not listing any pricing information. The primary enemy is not price-shopping, it's fear of the unknown. If you can abolish that fear, you win. And if you do find price-shopping to be a problem, you simply need to do a better job at differentiating your service. You're already competing with ultra-cheap services such as LegalZoom. You cannot compete with them on price, so don't try. Instead, focus on the unique value you provide, and trustworthiness is a huge value.

If you know a way to legitimately guarantee victory in your clients' legal

matters then you definitely have an advantage, and you should be highlighting it in big, bold letters. But you can't, because every legal situation is different, and you never know what's going to happen.

But can you talk about past positive outcomes? Yes, and it's an excellent way to build trust. A friend from law school works at a criminal defense firm on the east coast. When potential clients enter the office, they see portraits of past clients who've had a major victory. This is a brilliant move because it helps their clients stop thinking about the unknown, and instead imagine their own picture hanging on the wall.

The fear of the unknown is one of the strongest fears people face and it absolutely impacts the decision-making process. In the legal profession, there will always be unknowns. By addressing as many as possible, you reduce the perceived riskiness and add significant value to your offerings. Your fees are predicated on the value you provide, so raise your value and you can justify higher fees.

I'd love to hear your thoughts; I'd especially like to hear about the 0.1 percent of the time "you'll be hearing from my lawyer," isn't a threat.



Matthew Nuzum is a law student from Ankeny, with a background in the high-tech business world. Contact him at mattnuzum@gmail.com

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TRANSITIONS



CONLEY

Josh Conley has been named a partner at Zarley Law in Des Moines. He has been with the firm since 2013 after earning his J.D. from Drake University Law School. Conley is a patent attorney whose practice is focused on patent prosecution and intellectual property litigation.



FREY

Kirsten H. Frey has joined Shuttleworth & Ingersoll, P.L.C. in the firm's Coralville office. She received her J.D. and MBA from the University of Iowa in 1995. Her primary focus will be business and corporate law, real estate law, and civil litigation.



REASNER

Amy L. Reasner, president of Lynch Dallas, P.C., has been appointed to the Iowa Finance Authority Board of Directors and the Senate confirmed her appointment on April 3. Reasner begins her six-year IFA Board term May 1. Reasner also serves on the board of directors for Cedar Rapids Bank & Trust Co. Governors Culver and Branstad appointed her to serve on the Department of Transportation Commission in 2008 and 2016.



NOVOTNY

Benjamin R. Novotny joined Trial Lawyers For Justice, P.C. in Decorah as a partner. He practices in the fields of medical malpractice and personal injury. He earned his J.D. from Suffolk Law School.



DAVIS BROWN LAW FIRM CELEBRATES 99TH BIRTHDAY OF CONGRESSMAN NEAL SMITH

Iowa's longest-serving Congressman, Neal Smith, celebrated his 99th birthday on March 23, and his Davis Brown Law Firm colleagues joined in a celebration on Wednesday, April 3.

Congressman Smith served in the U.S. House of Representatives for 36 years and his impact can be seen across central Iowa from the Neal and Bea Smith Law Clinic at Drake University, the Neal Smith Wildlife Refuge, to the Neal Smith Federal Building. His work in Congress also led to the dams at Lakes Red Rock, Saylorville and Rathbun. Prior to his governmental service, the Congressman served in the U.S. Army Air Corps in the South Pacific during World War II. Later, he graduated from Drake Law School and was a lawyer in private practice.

Following his retirement from Congress, the Congressman joined Davis Brown Law where he practiced for over 20 years advising businesses and community leaders in their connections with the government.

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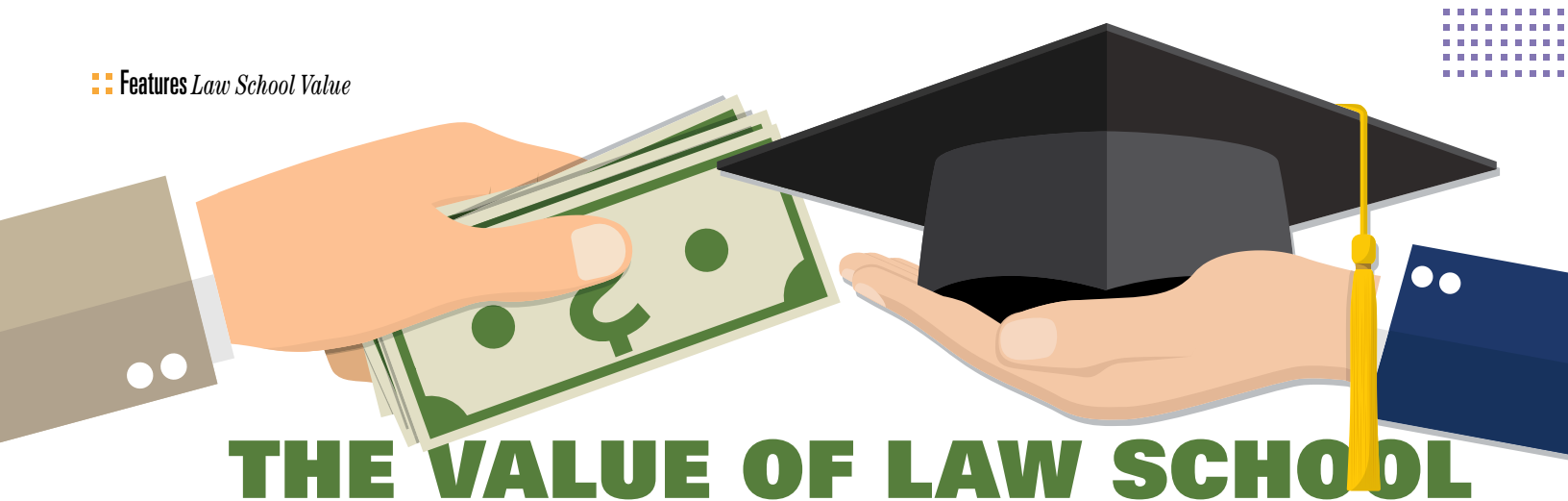
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THE VALUE OF LAW SCHOOL

By Deans Jerry Anderson and Kevin Washburn

Recent articles in *The Iowa Lawyer* have painted a dire picture of the legal profession ["A Profession on Edge" March 2019 and "Hello Biglaw" April 2019]. While we understand the need to examine these issues and prepare for changes in the practice, we remain bullish on legal education and the legal profession.

Perhaps some historical perspective is in order. Almost since our country's founding, people have been worried that we have too many lawyers. In 1787, a group of seven men met for several weeks in Philadelphia to chart the future of a fledgling nation. Of these seven, who have come to be known as the founding fathers of the United States, five were lawyers. Together, they produced the most effective long-term democratic governmental structure the world has ever seen, leading to the strongest economy in human history. Absent a surfeit of lawyers, it is hard to imagine this being so successful. We are reminded of this by a contemporary Broadway hit named for a lawyer, *Hamilton*, and featuring others: Jefferson, Madison and even Burr.

The profession has changed a lot since 1787, of course, and both law schools and lawyers have had to evolve. That evolution is occurring more rapidly than ever. Rapid changes in tools and technology have had both positive effects (efficiency) and negative ones (collegiality and community).

But despite these changes, the most fundamental product of a good legal education remains the same: a sharp mind. Our graduates tell us that the critical thinking, advocacy, research, writing and other skills they learned in law school have contributed significantly to their success, no matter which career path they take. We are confident that even rapid, far-reaching developments in technology will never supplant the problem-solving abilities of well-trained lawyers.

One of the recent *Iowa Lawyer* articles encouraged students to think twice about going into law because there aren't enough jobs in the profession. While growth in traditional legal practice jobs has slowed nationwide, our law graduates are finding jobs. At Iowa's law schools, employment rates 10 months after graduation are well above 90 percent.

True, not all lawyers are working within the narrow confines of the "legal profession." That motivation is not misguided; many very successful law graduates are not actually practicing law. A recent research poll by Gallup found that the most common reason undergraduate students decide to seek a legal education is to pursue a career in public service, a path that often extends beyond traditional law practice.¹ Here too a little perspective is important.

Today, 55 law school graduates have left the profession and are serving our country as United States Senators. Three times as many are serving as members of the U.S. House of Representatives.² The Iowa General Assembly also benefits from a solid contingent of lawyers, and there has been a lawyer in the Iowa Governor's mansion for 44 of the last 50 years.

Surprised? You shouldn't be. People turn to lawyers for guidance in their most serious personal and business matters, such as divorce, criminal charges, estate planning and large transactions. But Americans also turn to lawyers for the most important leadership positions. More than half of all presidents of the United States have had law degrees.

Sure, a pessimist could look at the data and claim that it is evidence that not all law school graduates are working in the legal profession, but we think that these law degrees are being put to good use.

America consistently turns to lawyers for leadership in other areas too. Because of the number of lawyers running large companies, the Harvard Business Review recently found itself asking: "Do Lawyers Make Better CEOs than MBAs?"



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To answer the question, researchers performed a longitudinal study using 20 years of data involving more than 3,500 CEOs at nearly 2,400 publicly traded firms. They found that business firms led by lawyer-CEOs experienced 16 percent to 74 percent less litigation than the average company and managed litigation much better, producing meaningfully better economic outcomes. The researchers concluded that lawyers had distinct and measurable advantages running companies in industries with high litigation risk or high compliance costs.³

Despite these other options, the vast majority of our graduates begin work in traditional law jobs and continue in the profession. While technological, international and other trends have affected the nationwide market for full-time JD-required jobs, the placement picture for grads of Drake and Iowa continue to be strong. Only a small percentage are still seeking employment 10 months after graduation and these employment rates are virtually the same as they were 20 years ago.⁴ Good careers continue to await students heading to law school.

In many parts of Iowa, of course, the problem is not too many lawyers, but too few. The government predicts we will need 12.7 percent more lawyers in Iowa by 2026 (compared with the nationwide growth rate of 8.2 percent for the legal profession).⁵

In rural Iowa particularly, there are outstanding opportunities for new attorneys. Both of our institutions are working, along with the ISBA, to provide better pathways to rural practice for our students.

Law also continues to attract the best and the brightest young people. The statistical characteristics of the entering classes at Drake and Iowa are nearly identical to what they were 25 years ago. These are intelligent, capable students who deserve to be recognized as such.

We continue to believe that a legal education ought to be respected in its own right; it is more than just a means to an end. But even for those who view the law degree as merely an investment, we believe it is well worth the

money. A recent economic analysis estimated that a law degree resulted in a 60 percent increase in average monthly earnings, representing a “premium” of over \$50,000 per year. Over the course of a lawyer’s career, the researchers estimated that the law degree added \$1 million of income.⁶

Nevertheless, a legal education can be expensive, and each student faces different circumstances. A student who accrued significant debt at the undergrad level should think carefully about law school and the likely career path afterward. We are pleased to report that the average law school debt for students graduating from law schools here in Iowa is below the national average. We enthusiastically encourage applicants to consider the low cost of living in Iowa as they consider law school.

While some amount of debt is inevitable for more than two-thirds of our students, your law school deans work hard every day to reduce that burden by raising money for additional scholarship aid. We appreciate those of you who have helped us in that regard by creating new scholarship funds.

To be sure, law school is not for everybody. Our communities tend to demand a lot of their lawyers, from public service to all sorts of civic leadership. In that respect, being a lawyer is an immense responsibility. However, our profession remains – at least in Iowa – an honorable career with excellent potential for fulfilling, good-paying work. We hope that the

recent articles in the *The Iowa Lawyer* do not dissuade those considering law school from joining our noble profession.

1. Gallup and American Association of Law Schools, *Before the JD: Undergraduates Views on Law School* (2018), at 45, available at www.aals.org.
2. Members of the 115th Congress: A Profile, Congressional Research Service (updated December 20, 2018), <https://fas.org/spp/crs/misc/R44762.pdf>.
3. M. Todd Henderson, *Do Lawyers Make Better CEOs Than MBAs?*, *Harvard Business Review*, (Oct. 30, 2017), available at <https://hbr.org/2017/08/do-lawyers-make-better-ceos-than-mbas>.
4. In 2000, 3.2% of Drake grads and 4.2% of Iowa grads were still seeking employment 10 months after graduation. In latest job statistics, 6.3% of Drake grads and 1.5% of Iowa grads were unemployed at 10 months.
5. <http://www.projectionscentral.com/>.
6. Michael Simkovic & Frank McIntyre, *The Economic Value of a Law Degree*, 43 J. LEGAL STUD. 249 (2014).



Jerry Anderson is dean of the Drake University Law School.



Kevin Washburn is dean of the University of Iowa College of Law.



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LIFE BALANCE IS EMPHASIS OF 2019 ISBA ANNUAL MEETING

By Kathy Law and Chris Moon

Balancing everything we have to deal with in life can be challenging. Between our families, work, exercise, social life and everything else we want to fit in, time is limited. Our theme this year at the annual meeting will focus on just that. You are invited to attend the 2019 Iowa State Bar Association Annual Meeting June 10-12, at the Community Choice Credit Union Convention Center (Iowa Events Center).

Over the last nine months, the ISBA Annual Meeting

Committee has worked tirelessly to put together a stellar conference for all Iowa legal professionals. The spacious Iowa Events Center allows us to create many education opportunities for you. We have attempted to provide something for everyone each day and have organized the meeting so attendees can receive all of the required CLE for the year. Tracks include, but are not limited to, case law updates, family law, elder law, litigation, probate, real estate/commercial and bankruptcy

law. We will also have ethics hours spread throughout the three days.

The annual meeting will once again be held in conjunction with the Iowa Judges Conference. This is a great opportunity to network with attorneys and judges. Especially now, in this busy, electronic age, it is important for us to be able to take a little time out to build relationships. Take some time to get to know or to reconnect with the judges in your district. Have a snack and some coffee at the exhibitors' booths and catch up with old friends. Take some of this week to balance out some of the socialization you have not been able to make time for.

Remember that YLD members in their first three years of practice and law students are able to attend the meeting free of charge.

Our social events start on Monday night with the Joint President's Reception. Please join us for food, drinks and conversation. Tuesday we have the Drake and Creighton Law School Luncheons. University of Iowa will once again host a hospitality suite throughout the day on Tuesday where alumni are encouraged to stop in and chat. Tuesday night please join us for the ever-popular YLD social event. Wednesday we honor the Iowa

Supreme Court at a luncheon. We will wrap up the 2019 ISBA Annual Meeting with the Annual Awards Gala.

As part of the work life balance theme, we have some extra activities planned for you to choose from. Monday from 5:30-7:30 p.m. we will have a wine and painting event. The cost of the event is \$40 and includes all painting supplies. Food and drinks will be provided for the painting class. Tuesday and Wednesday from 12-1:30 p.m. we have a walk planned with discussion to include self-care. Please join Hope Wood and Kimberly Graham for that activity. Also, from 12-1:30 p.m. on Tuesday and Wednesday we will have a yoga and deep breathing class. Tuesday you could also choose to attend the healthy cooking demonstration from 12-12:30 p.m.

We are excited to offer you these three days of education and fun. Attend some classes and get your CLE in while at the same time socializing and engaging in some relaxation activities. We encourage all members of the Iowa legal community to attend. Find your balance in life at the 2019 Iowa State Bar Association Annual Meeting. See you in June!



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Kathy Law and Chris Moon
are co-chairs of the ISBA Annual Meeting Committee.





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Register today to join hundreds of Iowa lawyers and other legal professionals in a lively environment for informative CLE programming and socializing opportunities such as the ISBA Awards Gala, Young Lawyers Division Social, Joint Presidents' Reception and much more.

MONDAY, JUNE 10

CLE Tracks: Case Law • Elder Law • Judges #1 • Judges #2 • Plenary

TUESDAY, JUNE 11

CLE Tracks: Family Law • Real Estate/Commercial and Bankruptcy
Judges #1 • Judges #2 • Plenary

WEDNESDAY, JUNE 12

CLE Tracks: Litigation • Probate • Variety

JOIN US AT ANNUAL MEETING



CLE HIGHLIGHTS

MONDAY, JUNE 10

Mindfulness: A Tool for Lawyers and Judges

Hon. Fae Hoover-Grinde, District Court Judge, District 6

Civil and Criminal Law Update

Hon. Paul Ahlers, District Associate Judge, District 2B

A Clinician's Perspective on Geriatric Capacity Evaluations

Kyle Page, Geriatric Psychologist, VA Central Iowa Health Care System

TUESDAY, JUNE 11

Battle Cry of Freedom: Iowa Lawyers Confronting Human Trafficking

Luis C. deBaca, Fmr. Director, Department of Justice's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

Family Law Update

James Meade, Meade Law Office

The Myth of Joint Physical Care Presumptions

Diane Dornburg, Carney & Appleby PLC and David Cox, Bray & Klockau PLC

When Technical Objections Should Cloud Title Under Iowa Land Title Standard 1.1

Timothy Gartin, Hastings Gartin & Boettger LLP

Civil and Criminal Issues Arising in Farm Bankruptcies

James Snyder and Matthew Cole, U.S. Attorney's Office

SOCIAL HIGHLIGHTS

Monday

- Joint Presidents' Reception
- Painting and Wine with 515 Wine With Design

Tuesday

- Creighton Law School Luncheon
- Drake Law School Luncheon
- University of Iowa Law School Hospitality Suite
- Healthy Cooking Demo
- YLD Social

Wednesday

- Iowa Supreme Court Luncheon
- ISBA Annual Awards Gala

#2019ISBAMEETING

**15+
HOURS**

CLE CREDIT
AVAILABLE



WEDNESDAY, JUNE 12

Conversation with Iowa Supreme Court's Newest Members

Justice Susan Christensen, Iowa Supreme Court

Justice Christopher McDonald, Iowa Supreme Court

Trial Judges in Mentor Mode: What Lawyers Need to Know

Hon. Annette J. Scieszinski, Senior Judge, District 8A (moderator)

Hon. Thomas A. Bitter, District Court Judge, District 1A

Hon. David M. Porter, District Court Judge, District 5C

One of These is Not Certain: Death. Taxes. IDR Purgatory.

Laurie Heron McCown, Iowa Attorney General Office and

Brandon Gray, Redfern Mason Larsen & Moore PLC

Attorney Well-Being: Iowa Joins the National Call to Action

Tara van Brederode, Assistant Director, Office of Professional Regulation of the Supreme Court of Iowa, Administrator, Attorney Disciplinary Board

2019 ANNUAL MEETING REGISTRATION FORM

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

Name: _____ Member #: _____ Phone #: _____

Address: _____ City, State, Zip: _____

E-mail: _____

Registration Fees

Prices below reflect the standard registration rates. Beginning **June 5th**, a \$50 registration fee will be added to all registration amounts. Registration for individual days is also available.

Full Seminar Registration

- ☐ ISBA Members (6 Years or More) - \$375
- ☐ ISBA YLD (Years 4-5: Admitted Between July 1, 2015 - June 30, 2017) - \$285
- ☐ ISBA YLD (Years 1-3: Admitted After July 1, 2017) - Free
- ☐ Non-ISBA Members - \$485
- ☐ Paraprofessional (Legal Assistants & Office Employees) - \$195
- ☐ Law Students - Free

Individual Day Registration

- ☐ Only Monday (ISBA Members) - \$200
- ☐ Only Monday (Non-ISBA Members) - \$235
- ☐ Only Tuesday (ISBA Members) - \$225
- ☐ Only Tuesday (Non-ISBA Members) - \$260
- ☐ Only Wednesday (ISBA Members) - \$225
- ☐ Only Wednesday (Non-ISBA Members) - \$260

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

- | | |
|---|---|
| <input type="checkbox"/> Joint Presidents' Reception (Monday, June 10) | Complimentary to Annual Meeting attendees |
| <input type="checkbox"/> Creighton University Law School Luncheon (Tuesday, June 11) | \$25 each \$ _____ |
| <input type="checkbox"/> Drake University Law School Luncheon (Tuesday, June 11) | \$25 each \$ _____ |
| <input type="checkbox"/> University of Iowa Law School Hospitality Suite (Tuesday, June 11) | Complimentary to U of I Law School alum |
| <input type="checkbox"/> Healthy Cooking Demo (Tuesday, June 11) | Complimentary to Annual Meeting attendees |
| <input type="checkbox"/> YLD Social (Tuesday, June 11) | Complimentary to Annual Meeting attendees |
| <input type="checkbox"/> Iowa Supreme Court Luncheon (Wednesday, June 12) | \$25 each \$ _____ |
| <input type="checkbox"/> ISBA Annual Awards Gala (Wednesday, June 12) | \$60 each \$ _____ |

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

Painting and Wine with 515 Wine With Design (\$40)

Join the ISBA for a lively painting class on Monday. No special skills are necessary and all supplies are included. The ISBA will provide food and drinks. You bring your creativity. Register with 515 Wine with Design at www.iowabar.org/winewithdesign.

Wellness Walk (complimentary to Annual Meeting attendees)

These excursions include a brief presentation on strengthening the legal professional's mind, body and soul.

- ☐ Tuesday: 12:00 - 1:30 p.m. ☐ Wednesday: 12:00 - 1:30 p.m.

Yoga and Deep Breathing (complimentary to Annual Meeting attendees)

Relax and reduce your stress level on Tuesday and Wednesday with an invigorating yoga session.

- ☐ Tuesday: 12:00 - 1:30 p.m. ☐ Wednesday: 12:00 - 1:30 p.m.

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

Cancellation policy: Registration refunds will be issued only if written notification is received by the bar office by June 1, 2019. Written notification can be mailed, faxed, or e-mailed to the bar office.

IOWA STATE BAR ASSOCIATION — 2019 Affirmative Legislative Program (Updated 5.1.2019)

Bill No./Subject	Bill Description	Bill Status
SF 569 Business Law <i>Uniform Protected Series Act</i>	The Uniform Protected Series Act provides a comprehensive framework for the formation and operation of a protected series limited liability company. A protected series LLC has both "horizontal" liability shields, as well as the standard "vertical" liability shield. All modern business entities provide the traditional, "vertical" shield – protecting the entity's owners (and their respective assets) from automatic, vicarious liability for the entity's debts. A series limited liability company provides "horizontal" shields – protecting each protected series (and its assets) from automatic, vicarious liability for the debts of the company and for the debts of any other protected series of the company. A horizontal shield likewise protects the series limited liability company (and its assets) from creditors of any protected series of the company. The legislation integrates the Act into Iowa's existing chapter 489 on LLCs. Repeals Iowa Code § 489.407(2)(f), viz., "Approve a merger, conversion, or domestication under Article 10.", and leave § 489.407(2) otherwise intact. Article 10 already requires unanimous consent as a default rule.	House: Passed House 99-0. Senate: Passed Senate 49-0. Signed by Governor 4/15/19.
SF 112 Probate & Trust Law <i>Certification of Trust Code Changes</i>	Amend Section 633A.4604(2) to allow any current trustee or an attorney for a current trustee to sign off on and execute certification of trust documents instead of requiring every trustee's signature.	House: Passed House 99-0. Senate: Passed Senate 46-0. Signed by Governor 4/23/19.
HSB 20/SF 604 Probate & Trust Law <i>Calculation of Probate Court Costs</i>	Iowa Code § 633.31 is currently being applied inconsistently throughout the state. There are now several district court cases declaring the clerks in at least six counties to be calculating court fees inappropriately. The bill addresses how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court fees property over which the court lacks probate jurisdiction and for which the clerk renders no services.	House: HSB 20 – subcommittee recommends passage. Senate: SF 604 Unanimously Passed Senate 50-0, now in House Ways & Means.
SF 158 Criminal Law <i>PCR Record</i>	Revisions to Chapter 822. Over approximately the last four years, county attorneys, defense lawyers, and the Attorney General have had significant problems obtaining access to underlying files for postconviction cases. In particular, effective postconviction litigation generally requires the underlying criminal file, as well as any prior postconviction files. Currently, the way that court clerks handle these postconviction file requests can vary widely from county to county. These inconsistent practices have resulted in attorneys and indigent defendants representing themselves pro se encountering extreme difficulty or confusion in acquiring the necessary documents for their cases. Working in collaboration with the Iowa Judicial Branch, the proposed legislation works to implement a uniform process for clerks and attorneys to follow that would resolve this confusion, for both the prosecution, the defense, and judicial branch employees.	House: Passed House 95-0. Senate: Passed Senate 49-0. Awaiting Governor's Signature.

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IOWA STATE BAR ASSOCIATION — 2019 Affirmative Legislative Program (Updated 5.1.2019)

Bill No./Subject	Bill Description	Bill Status
SSB 1242 Probate & Trust, Family Law <i>Guardianship & Conservatorship Update</i>	Update and Revisions to Iowa's guardianship and conservatorship laws based upon the Probate Section's review of chapter 633 and the Iowa Supreme Court's Guardianship & Conservatorship Reform Task Force.	Senate: Introduced on March 7 and Funded March 8. Legislation on the issue was passed – See HF 610 & HF 591.
No Bill Number Government Practice <i>ABD "Good Moral Character"</i>	Amends Iowa Code section 123.3(34)(a) definition of "Person of Good Moral Character" to clarify what to consider when determining good moral/financial standing. This is addressed in the Administrative Rules but the Government Practice Section believes this should be codified to provide better implementation and uniformity.	ABD doing rewrite of licensure rules in 2019. Awaiting legislation for 2020 session.
HF 328 Elder Law Section <i>Clarifying definition for Vulnerable Elder in Iowa's Elder Abuse Law</i>	This proposal amends Iowa Code section 235F.1(17), the definition of vulnerable elder. Currently, "Vulnerable elder" is defined as "a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of age or a mental or physical condition. This proposal changes the definition of "vulnerable elder" to mean "a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of a mental or physical condition or because of a personal circumstance which results in an increased risk of harm to the person." This change aims to clarify a Supreme Court decision that held that age alone was enough to prove that an individual is vulnerable, making every person over the age of 60 in Iowa a vulnerable adult unable to protect themselves. This change makes it clear that age alone is not enough, but must be accompanied by something more. This amendment ensures that older Iowan's autonomy in decision making is protected.	House: Passed House 95-0. Senate: Passed Senate 49-0. Awaiting Governor's Signature.

IN ADDITION TO THE ABOVE LEGISLATIVE PROPOSALS, THE IOWA STATE BAR ASSOCIATION SUPPORTED THE FOLLOWING POSITIONS AS A PART OF ITS 2019 AFFIRMATIVE LEGISLATIVE PROGRAM:

- **Full funding of indigent defense and adoption of legislation providing for \$5.00 per hour increase with an automatic cost of living increase in indigent defense fees.**
 - ▶ 2017 Session – SF 509
 - State Public Defender - \$26,182,243
 - Indigent Defense Contracts - \$33,444,448
 - ▶ 2018 Session - HF 2492
 - State Public Defender - \$26,505,299 (**\$323,056 increase 1.2%**)
 - Indigent Defense Contracts - \$35,144,448 (**\$1,700,000 increase 5.1%**)
 - ▶ 2019 Session – SF 615
 - State Public Defender - \$26,995,139 (**\$489,840 increase 1.85%**)
 - Indigent Defense Contracts - \$40,760,448 (**\$5,616,000 increase 15.98%**)
 - \$3.00 per hour increase - For appointments made on or after July 1, 2019, the reasonable compensation shall be calculated on the basis of seventy-three dollars per hour for class "A" felonies, sixty-eight dollars per hour for class "B" felonies, and sixty-three dollars per hour for all other cases.
- **Full funding of the Judicial Branch.**
 - ▶ 2017 Session – SF 508
 - Judicial Branch - \$175,686,612
 - Jury revolving fund - \$3,100,000
 - ▶ 2018 Session – HF 2495
 - Judicial Branch - \$177,574,791 (**\$1,888,179 increase 1.1%**)
 - Jury revolving fund - \$3,100,000 (**level funding**)
 - ▶ 2018 Session – SF 2414
 - Polk County Courthouse Furniture and IT - \$1,464,705
 - Judicial Branch Technology Projects - \$3,000,00
 - ▶ 2019 Session – SF 616
 - Judicial Branch - \$181,126,293 (**\$3,551,502 increase 2.0%**)
 - Jury revolving fund - \$3,100,000 (**level funding**)
 - Judicial Branch shall use current state budget system
 - Judicial Branch shall submit monthly financial statements to DOM
 - Judicial Branch shall focus efforts on collection of delinquent debts
- Intent of Legislature that clerks operate in all 99 counties and open regular courthouse hours.
- Judicial Branch shall not change appropriations without notice and rationale.
- Judicial Branch shall submit semiannual update to LSA on various data.
- Judicial Branch shall report to Legislature on January 1, 2020 on the amounts received and expended on the enhanced court collection fund.
- If all parties agree, a civil trial may take place in a contiguous county to the county with proper jurisdiction, even if in another judicial district.
- Judicial offices may waive travel reimbursement for travel outside the judicial officer's county of residence to conduct official business.
- ▶ 2019 Session – HF 765
 - Judicial Branch furniture and equipment in counties less than 400,000 - \$193,620
- **Full funding for Legal Services.**
 - ▶ 2017 Session – SF 509
 - Poverty Grants - \$2,304,601
 - ▶ 2018 Session - HF 2492
 - Poverty Grants - \$2,304,601 (**level funding**)
 - ▶ 2019 Session – SF 615
 - Poverty Grants - \$2,634,601 (**\$330,000 increase 14.32%**)
- **Full funding of the IA Secretary of State's Office as requested by IA Secretary of State Paul Pate.**
 - ▶ 2017 Session – HF 640
 - Administration and Elections - \$2,125,518
 - Business Services - \$1,317,292
 - Address Confidentiality - \$120,400
 - ▶ 2018 Session – SF 2416
 - Administration and Elections - \$2,109,755 (**\$15,763 decrease 0.7%**)
 - Business Services - \$1,405,530 (**\$88,238 increase 6.7%**)
 - Address Confidentiality - \$120,400 (**level funding**)
 - ▶ 2019 Session – HF 759
 - Administration and Elections - \$2,109,755 (**level funding**)
 - Business Services - \$1,405,530 (**level funding**)
 - Address Confidentiality - \$195,400 (**\$75,000 increase 62.29%**)
- **Full funding for the Office of Substitute Decision Maker to protect the interests of Iowans who have no one else to manage their financial and health care needs.**
 - ▶ 2017 Session – HF 643 - \$350,000
 - ▶ 2018 Session – SF 2418
 - Allocates \$812,537 to administer programs for the prevention of elder abuse, neglect, and exploitation through the Aging and Disability Resource Center (ADRC). DETAIL: This is no change compared to the estimated net FY 2018 allocation. The ADRC is the system that provides a single-entry point/no-wrong-door access to Iowa's long-term community supports and services. The Office of Substitute Decision Maker (OSDM) suballocation has been eliminated, but the Program and the funding will continue as part of this allocation. The OSDM works with individuals who are not capable of making their own decisions about legal, financial, or health care matters. Depending on the situation, the OSDM may act as an individual's guardian, conservator, attorney-in-fact under a health care power of attorney document, agent under a financial power of attorney document, personal representative, or representative payee.
 - ▶ 2019 Session – HF 766 - \$812,000 (**level funding**)
- **Support child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.**
- **Opposition to the legalization of title insurance.**
 - ▶ Will monitor issues regarding lawyer abstracting under Iowa Title Guaranty.
 - ▶ 2019 Session – SF 527/HSB 202
 - This bill provides that state banks and state credit unions, when loaning for the purposes of acquisition or refinance of acquisition when a new mortgage, deed, or other similar instrument is filed, may evidence title with a written legal opinion from an attorney admitted to practice law in the state where the property is located, a title guaranty certificate issued by the title guaranty division of the Iowa finance authority, or a commercial title insurance policy insuring title to the property and the validity of the new instrument as a lien on the property.
- **Opposition to absolute immunity legislation.**

IN MEMORIAM

Thomas Claypool, 60, of Williamsburg, died February 27. Claypool was born in Marengo in 1958. He received his J.D. from the University of Iowa in 1983 and practiced in Des Moines for a short time before he and his wife, Rebecca Claypool, joined his father, Robert Claypool, and brother, James Claypool, in the practice of law in Williamsburg. Rebecca and James continue to practice in Williamsburg. Thomas was dedicated to the well-being of his community and served on the local school district board for 18 years.

Loyal Robert "Bob" Hibbs, 93 of Reno, NV, died April 8. Hibbs was born in Knoxville, and received his J.D. from the University of Iowa College of Law. Hibbs was a former president of the State Bar of Nevada and was a member of the Board of Governors of the American Bar Association from 1981 to 1984. He also served for many years as Nevada's delegate to the House of Delegates of the ABA.

Kasey William Kincaid, 63, of Des Moines, died April 10. Kincaid was born in 1955 in Waverly. He received his J.D. from Drake University Law School. He served clerkships with judges on the Iowa Supreme Court and the United States Court of Appeals for the Eighth Circuit. In private practice, Kasey was a senior partner in the law firm of Faegre and Benson before moving on to pursue writing. He represented Iowa on the National Lawyers Council of the Democratic National Committee and served as Chairman of the Polk County Democratic Party.

Richard (Dick) Langdon, 82, of Des Moines, died March 25. Langdon was born in Des Moines in 1936, and graduated from Roosevelt High School and Harvard Law School where he obtained his J.D. In 1961, Langdon joined the Herrick, Langdon, Sandblom & Belin Law firm, where he practiced law with his father for over 45 years.

Edmund McGinn, 90, of Council Bluffs, died March 26. McGinn was a second-generation member of the McGinn family of attorneys at the McGinn Law Firm. Born in 1928, McGinn served in the U.S. Navy as a photographer before he enrolled in law school at Creighton University and graduated in 1952. He had a long history of civic activism and political service in his community.

William (Bill) Stowe, 60, of Des Moines died April 14. Stowe was born in Nevada in 1959. He attended undergraduate college at Grinnell, and received a masters at the University of Wisconsin in engineering, and a second masters at the University of Illinois in labor relations. He received his J.D. from Loyola Law School of New Orleans. Stowe was a public servant, last serving at the Des Moines Water Works as CEO and General Manager, and before that at the City of Des Moines as Public Works Director.

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THE ISBA CONGRATULATES THE FOLLOWING INDIVIDUALS
FOR THE RECOGNITION HE/SHE HAS RECEIVED:

Tom Drew and Janice M. Thomas for being inducted into the American College of Trial Lawyers as fellows.

Drew is the owner of Drew Law Firm in Des Moines and is a past president of the Iowa Trial Lawyers Association (Iowa Association for Justice) and the Iowa Chapter, American Board of Trial Advocates.

Thomas is a partner at Bradshaw, Fowler, Proctor & Fairgrave, PC in Des Moines, and has practiced in Iowa since graduating from Drake University Law School in 1989.

Founded in 1950, the College is composed of the best of the trial bar from the United States and Canada. Fellowship in the College is extended by invitation only and only after careful investigation to those experienced trial lawyers of diverse backgrounds, who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality.

IN MEMORY OF SUPREME COURT JUSTICE DARYL HECHT

Former Iowa Supreme Court Justice Daryl Lynn Hecht, 66, passed away at his home on April 3, after battling melanoma. Hecht was born on June 25, 1952, in Sac City. He had a lifelong passion for learning, loved reading and was nick-named “the walking dictionary” in his childhood. Hecht communicated with precision, respected the power of language and deeply appreciated the art of writing.

Hecht graduated from Lytton High School. He earned his Bachelor of Arts degree in History and Political Science from Morningside College in 1974, his Juris Doctor degree from the University of South Dakota and was admitted to the Iowa bar in 1977. He practiced plaintiffs’ civil litigation at the Crary Huff Law Firm for 22 years. He was appointed to the Iowa Court of Appeals in 1999 and elevated to the Iowa Supreme Court in 2006, where he served until his retirement in December 2018.

Hecht’s passion for and devotion to justice shaped his life and touched the lives of many more. Friends and colleagues on the Iowa Supreme Court offered warm remembrances of him, with excerpts provided here:

“Justice Hecht was a distinguished public servant who will be missed. As a lawyer and advocate, he was a distinguished leader of the bar. As a judge on the Iowa Court of Appeals and as a justice on the Supreme Court of Iowa, he served with great distinction, demonstrating thoughtfulness and compassion in all of his work. As a person, he was a kind and gentle man who was always quick with a smile, compliment or kind word.” – *Justice Christopher McDonald*

“Daryl left an indelible mark on our law and on those who served with him on the court. I will remember him the most for his thoughtful and genteel manner, and his deep commitment to justice.” – *Chief Justice Mark Cady*

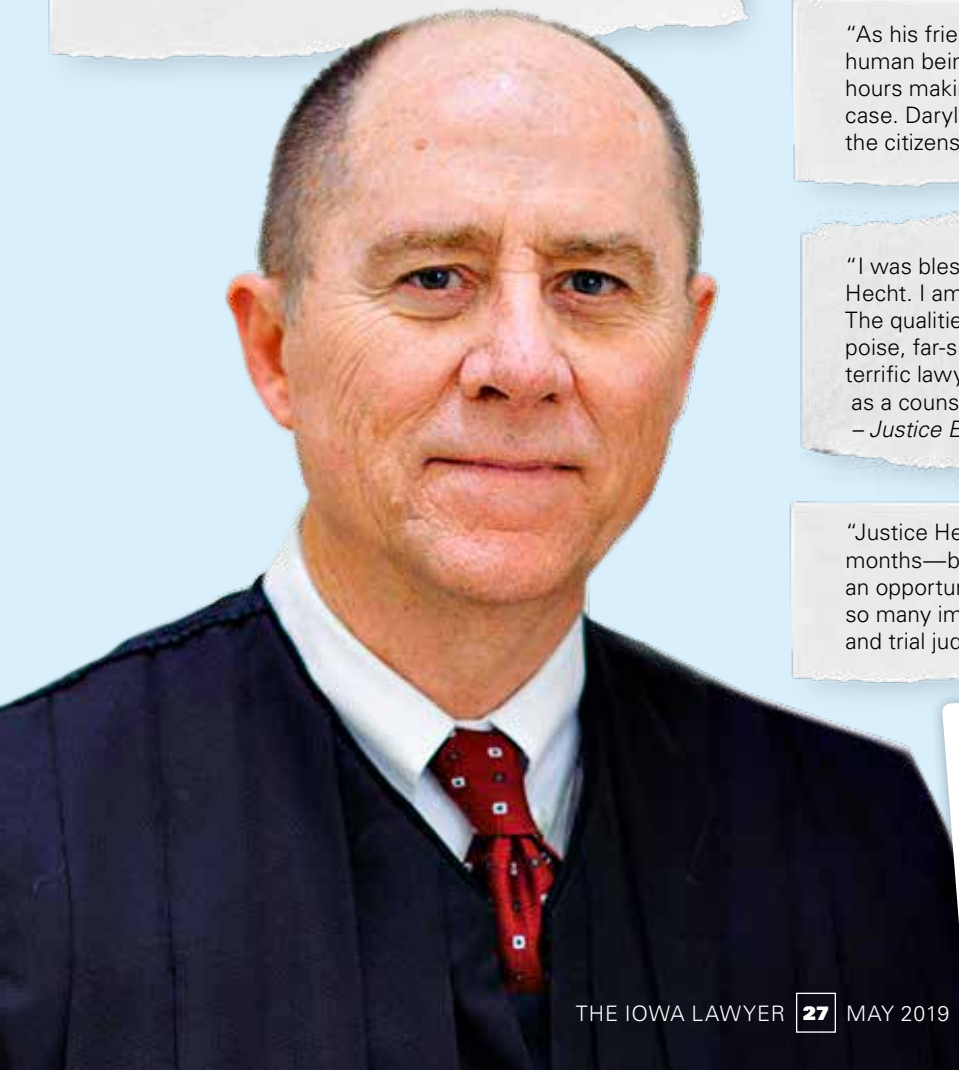
“I treasure my memories of serving eight years with Daryl, who sat next to me on the bench and at our conference table. He was a calm, measured voice of reason throughout our court’s most robust debates...Without fail, he was a warm and friendly colleague who loved his profession and the people we serve.” – *Justice Thomas Waterman*

“Justice Hecht was one of the most thoughtful, caring and conscientious judges to grace the Iowa bench. He linked wisdom with mercy, analysis with compassion, discipline with humor, detail with perspective, and the demands of the past with the hopes of the future. Above all, his humanity was constantly and consistently on complete display, on and off the bench.” – *Justice Brent Appel*

“As his friend, I knew Daryl to be a thoughtful and caring human being. As his colleague, I knew him to spend countless hours making sure he did the right thing when he decided a case. Daryl passionately protected the constitutional rights of the citizens of this state.” – *Justice David Wiggins*

“I was blessed to serve eight years as a judicial colleague of Justice Hecht. I am sorry that I never got to be his client or opposing counsel. The qualities that made him such a great colleague—his decency, calm, poise, far-sightedness and intelligence—must also have made him a terrific lawyer. It saddens me that I did not get to see him in action as a counselor. But being his colleague was rewarding enough.” – *Justice Edward Mansfield*

“Justice Hecht and I served on the Supreme Court for only four months—but during our brief time together, I was blessed with an opportunity to become friends with a justice who authored so many important opinions during my career as an attorney and trial judge.” – *Justice Susan Christensen*



Justice Hecht (right) pictured at the Bench-Bar Conference in Davenport in 2016.



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Associate Attorney – Davis Brown Law Firm, Des Moines, IA – Davis Brown seeks an experienced business attorney for the downtown Des Moines office. Candidates must have experience in general business transactions. Experience in mergers and acquisitions or private equity is a plus. To be considered, applicants should submit their resume, cover letter, references and law school transcript to BarbHardy@davisbrownlaw.com or 215 – 10th Street, Suite 1300, Des Moines, Iowa 50309.

Associate Attorney – McDonald, Woodward & Carlson, P.C., Davenport, IA – Our established Davenport trial practice firm is currently seeking an associate attorney with at least 2-4 years of hands-on litigation experience. We are seeking a highly motivated trial lawyer who is looking to further his or her career. Must possess excellent communication skills and be organized, detail-oriented and self-motivated. We offer a

competitive compensation and benefits package including medical and 401k. Must be licensed to practice in Iowa, although an Illinois license is a plus. To apply visit <https://careers.iowabar.org/jobs/12005529/associate-attorney>

Family Law Attorney – Cordell and Cordell, Cedar Rapids, IA – Cordell & Cordell family law attorneys are the top family law professionals in the field and enjoy industry-leading benefits, perks, and compensation. We offer a \$10,000 signing bonus, ample bonus opportunities, and outstanding pay. We offer a team-based approach where managing and senior attorneys are available to provide ongoing guidance and direction on case law and strategy. To apply, visit <https://careers.iowabar.org/jobs/12154115/family-law-attorney>

Associate Corporate Attorney – SHAZAM, Des Moines, IA – Seeking an associate corporate attorney. In the position of Associate Corporate Attorney, your primary role will be to develop, review and negotiate contracts and other legal documents. Other responsibilities will include working collaboratively with various business units and making recommendations to address and/or remedy potential business concerns, developing timeline charts to monitor the regulatory requirements of the company, and monitoring and interpreting federal and state laws and regulations to provide interpretation or advice to the company. To apply, visit <https://careers.iowabar.org/jobs/12170867/associate-corporate-attorney>

Corporate Counsel – Renewable Energy Group, Ames, IA – Renewable Energy Group, Inc. (REG) is looking for a Corporate Counsel to join our team that is leading the way in a thriving industry in Ames. REG is the largest producer of advanced biofuels in North America and a developer of renewable chemicals, and is expanding globally into the European and other markets. To apply, visit <https://careers.iowabar.org/jobs/12171184/corporate-counsel>

Assistant City Attorney – City of Iowa City, Iowa City, IA – Under general supervision from City Attorney, provides legal services to City Council, staff, boards and commissions. A full job description including a listing of essential duties and responsibilities and necessary knowledge, skills and abilities is available at www.icgov.org/jobs under Job Descriptions.

Associate Attorney – Leff Law Firm, Iowa City, IA – Leff Law Firm, LLP, an established general practice law firm in Iowa City, is seeking an Associate Attorney to practice and focus primarily on general civil litigation, including family law. New graduates and attorneys with 1-5 years of experience encouraged to apply. Compensation commensurate with experience. To apply, visit <https://careers.iowabar.org/jobs/12228236/associate-attorney>

Associate General Counsel-Technology & Innovation – Nebraska Medicine, Omaha, NE – Nebraska Medicine is growing its legal team and hiring an Associate General Counsel to serve as the primary legal partner to Nebraska Medicine's technology, procurement, and healthcare transformation teams. Matters handled will include contract drafting and negotiation and advising on the application of legal and regulatory framework to innovative strategies and emerging technologies. To apply, visit <https://careers.iowabar.org/jobs/12231781/associate-general-counsel-technology-innovation>

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Associate – Telpner, Peterson, Smith, Rues, Council Bluffs, IA – Telpner Peterson Law Firm seeks an attorney for the general practice of law including probate, estate planning, commercial, real estate and transactional law. If the successful candidate is a recent graduate, a potential clerking position is available pending passage of the Iowa State Bar Exam. All applications will be handled confidentially. Please submit a current resume which includes class rank, GPA and a current writing sample to Telpner Peterson Law Firm, 25 Main Place, Suite 200, Council Bluffs, Iowa 51503 or email to: pcarus@telpnerlaw.com.

Assistant City Attorney – Intergovernmental – City of Des Moines, Des Moines, IA – Provides professional legal representation for the City of Des Moines; works independently with minimal supervision; performs related work as required. Performs professional legal work related to economic development programs, real estate development, planning and zoning, building code, city finance and other municipal law matters. To apply, visit <https://careers.iowabar.org/jobs/12252867/assistant-city-attorney-intergovernmental>

Special Assistant United States Attorney (Assistant Linn County Attorney) – United States Attorney's Office – Northern District of Iowa, Cedar Rapids, IA – The United States Attorney's Office for the Northern District of Iowa has a criminal attorney vacancy to be filled in our Cedar Rapids office. The attorney filling this position will be assigned a variety of narcotics and narcotics-related criminal investigations and prosecutions under the High Intensity Drug Trafficking Area (HIDTA) initiative. This is a non-federal

position and the employer is the Linn County (Iowa) Attorney's Office. The entire vacancy announcement is found on the DOJ website at: <https://www.justice.gov/legal-careers/job/special-assistant-united-states-attorney-14>

Associate Attorney – Lynch Dallas, P.C., Cedar Rapids, IA – Seeking an associate attorney to practice in municipal law and insurance defense including workers' compensation. Ideal candidate must have a strong work ethic and excellent analytical, interpersonal, writing and research skills. Experience is a plus but will train the right candidate. Competitive salary and benefits. Please send cover letter, resume and copy of law school transcript to Heather Golden, Lynch Dallas, P.C., P.O. Box 2457, Cedar Rapids, IA 52406-2457 or hgolden@lynchdallas.com.

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Mediation – Former Justice Michael J. Streit who served for over 27 years on the bench is offering mediation and arbitration services. Streit was appointed as a district court judge in 1983 where he served the Fifth Judicial District. In 1996 he was appointed to the Iowa Court of Appeals and in 2001 to the Iowa Supreme Court where he served until 2010. For information and scheduling please call 515-244-3500 or 515-247-4708.

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all communication with us is privileged and private. Our director is a former lawyer, a recovering alcoholic and drug addict. He is a trained substance abuse counselor. We cannot help unless you call – 515-277-3817 or 800-243-1533 – or message (in confidence) help@iowalap.org. All you have to do is ask us to contact you. No other details are necessary. We will call you. The Iowa Lawyers Assistance Program also can provide speakers for local bar associations.

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SPOTLIGHT ON SERVICE

The ISBA Public Relations Committee honors an Iowa attorney or group of attorneys each month in this special feature in The Iowa Lawyer. If you would like to nominate someone to be recognized for his or her work in the community, please contact **Melissa Higgins**, mhiggins@iowabar.org.



Anna Bergman

Anna Bergman loves the city of Waukee, and it shows. A Waukee High School graduate herself, now as an attorney in the community where she grew up, Bergman has served in about every civic capacity she can.

Bergman sits on the Waukee City Council, is the liaison for the Waukee School Board, is a board member for the Waukee Historical Society and the Rotary Club of Waukee, a member of the Waukee Chamber of Commerce and a graduate of the Waukee Leadership Institute. She has helped organize the Waukee Arts Festival and the Celebrate Waukee events.

Her service work doesn't stop at the city limits, though. She also serves on

the Bravo Greater Des Moines board, and enjoys dedicating herself to organizations with a focus on children. She was an inaugural board member for Drew's Crew for Kids, a group that helps bridge the activity gap for kids from different socioeconomic backgrounds, so no kids are prevented from having access to youth activities. She has been involved in Single Parent Provision, which helps strengthen the lives of single parents and their families, and Orchard Place, which provides children's mental health service and juvenile justice services.



◀ Bergman (left) serves on the Waukee City Council.

Bergman pictured with Rotary Club of Waukee members at an event she organizes: the Rotary Pancake Breakfast at the Waukee Arts Festival.



"It's inspirational surrounding yourself with people that truly have hearts of service. Once you get involved, it's eye opening to learn about the many, many ways you can give and be a part of the community in which you live; it changes your perspective," she said. "There is always something to give, some way to give back – whether it's a donation, sponsorship or volunteer time. It doesn't matter how big or small the involvement, it has an impact."

Bergman is a Drake University Law School graduate, and practices business and real estate law at Wilson & Egge, P.C. in Waukee. Bergman also owns and operates a horseback riding facility, Bergman Riding Academy, a few miles west of Waukee, where she teaches children the value of equestrian sport.

"We only get one chance to leave this place better than how we found it. Why not do all we can to help our community prosper? Being involved and taking a leadership role in my community is humbling, challenging and incredibly rewarding," she said.



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