



THE IOWA LAWYER

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ABOUT THE COVER

Iowa's newest Supreme Court Justice Dana Oxley is pictured outside her former office building at Shuttleworth & Ingersoll in downtown Cedar Rapids. Find out about the "uniquely Iowa" background she brings to the state's highest court beginning on page 6.

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IOWA SUPREME COURT SELECTS NEW CHIEF JUSTICE

The Iowa Supreme Court has selected Justice Susan Christensen from Harlan as its next chief justice. Chief Justice Christensen will succeed Chief Justice Mark Cady who passed away suddenly in November. She will be the second woman to serve as chief justice of Iowa's highest court.

In addition to judicial duties and writing opinions, the chief justice presides over oral arguments and court conferences, sets the court's oral argument schedule and delivers the State of the Judiciary address to the legislature each January. As administrative head of the Iowa Judicial Branch, the chief justice presides over the judicial council and works with

the state court administrator to manage judicial branch operations with a FY 2020 appropriation of \$181 million, 334 judicial officers and more than 1,700 employees in all 99 counties. The chief justice also appoints members to supreme court committees and task forces to propose policies and rules of procedure and practice.



SIGN UP FOR THE "CADY CUP" ON MAY 18 IN NORWALK



The 16th Annual Dean's Cup golf event is scheduled for May 18, at Echo Valley Golf Course in Norwalk. For 15 years, this event was known as the Dean's Cup. Following the death of Chief Justice Mark Cady, the competition has been renamed the "Cady Cup" in his honor. Chief Justice Cady competed for the Cup every year and has served as captain of the Drake squad since 2007.

The event includes two formats – match play and best shot – with proceeds going to Iowa Legal Aid, which assisted nearly 38,000 Iowans in 2018 but still had to turn away or underserve at least 10,000 others.

More than 100 lawyers and judges from around the state participate in this event, which is for all law graduates, faculty, staff and students of Drake Law School and the Iowa College of Law – of every skill level – to support their law schools. Drake won in 2019 and Iowa, captained by Judge Eliza Ovrum, is eager for a chance to return the Cup to Iowa City.

To register, visit:

iowalegalaidfoundation.org/16th-annual-cady-cup

The Cady Cup steering committee has a goal of obtaining at least one sponsor for each hole, so please consider sponsorship when you are filling out the registration form.



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THE Changing Environment FOR THE PRACTICE OF LAW

As the legal landscape evolves, we see more and more alternative legal services providers. There does not appear to be any dispute that there are significant access to justice issues in this country.

Iowa is no exception. The Iowa State Bar Association has estimated that more than one million Iowans encounter difficulty accessing legal representation to handle basic legal needs. Around the country, some see a broadening of legal services providers as a means to help address the problem.

Two proposals are gaining attention around the country. The first involves allowing non-lawyers to own law firms. The second involves allowing for limited-license legal professionals.

Support for these measures is based on opening up the legal industry to greater participation of non-lawyers. We have seen this trend already with a growing number of technology companies providing services normally expected to be performed by lawyers.

The United Kingdom now allows "alternative business structures" in addition to standard law firms. These structures allow a U.K. law firm to accept external investments from non-lawyers.

In the United States, the District of Columbia allows for some limited non-lawyer ownership in law firms and is considering the permissibility of businesses in which lawyers and non-lawyers provide both legal and non-legal services. In addition, California, Utah, Arizona and Illinois have established committees to consider the impact of allowing non-lawyers to have ownership interests in law firms.

At the February mid-year meeting of the American Bar Association, the ABA House of Delegates passed a resolution to address the access to justice issue. It encourages states to adopt regulatory innovations in order to expand legal services to more Americans. As initially drafted, the resolution raised concerns as it was viewed as supporting non-lawyers' ownership of law firms, which would require changes to the ABA Model Rules of Professional Conduct.

After further discussion, the adopted resolution was revised to make clear that it was not recommending any changes to the Model Rules relating

to non-lawyer ownership of law firms, or to the unauthorized practice of law. There is, however, quite a bit of energy behind the ideas. The Conference of Chief Justices recently took action urging its members to consider regulatory innovations that have the potential to improve the accessibility, affordability and quality of civil legal services, while ensuring necessary and appropriate protections to the public.

The use of limited-license legal professionals is gaining some traction around the country. The Washington State Supreme Court adopted a rule allowing for limited-license legal technicians. These LLLTs are authorized to assist in family law matters. They are able to consult and advise clients to help them navigate through the court system, court deadlines and court filings. In 2019, the Washington State Supreme Court amended the rules for LLLTs to allow them to assist pro se clients at certain types of hearings, negotiate matters on behalf of a client and communicate with representatives of opposing parties. The LLLTs are not required to be supervised by lawyers.

The Arizona Supreme Court implemented a rule that allows for certified legal document preparers. These individuals are authorized to draft legal documents for self-represented litigants without lawyer supervision. They also have the authority to draft other types of legal documents including wills and deeds. They may provide information but not give legal advice.

Utah recently implemented regulations allowing for licensed paralegal practitioners. In the areas of family law, forcible entry and detainer, and debt-collection matters, LPPs are able to represent individuals, interview clients, assist with completion of approved forms, review and explain documents of another party, and inform, counsel, assist and advocate for a client in mediated negotiation. LPPs also may complete a settlement agreement and explain to a client the court's order and how it affects the client's rights and obligations.

We are starting to see a movement toward these types of professionals closer to home. The Minnesota State Bar Association's Alternative Legal Models

Task Force recommended a program that would allow a legal paraprofessional to provide legal advice, and in some cases to represent a client in court, under the supervision of a licensed Minnesota lawyer. As a follow-up to the report, the Minnesota Supreme Court has determined that a pilot project is the appropriate framework for evaluating the delivery of legal services in areas of unmet civil legal needs. Last year, the court issued an order establishing an implementation committee for a legal paraprofessional pilot project.

Some lawyers suspect these developments may threaten the legal profession, while others see them as opportunities. We have seen similar developments in other professions, most notably the medical profession. These ideas may become realities through court rule, legislative initiatives or market forces.

The ISBA Board of Governors has been tracking these developments around the country in order to be part of any informed discussion of these and other changes in the practice of law. There is no prescribed way they are to be implemented and lawyers will always retain a leading voice in any reform movement affecting the practice of law. It is also important that we think about how these possible changes could help our state's access issues and what effects they might usher in for Iowa lawyers, including rural practitioners.

The efforts highlighted above are by no means the only ways to address the access to justice issues. In Iowa, our Access to Justice Commission has already taken up the concept of limited scope representation to help address the access issue. The ISBA has on its website a link for members to obtain more information on limited scope services and the lawyers who provide those services. Staying atop of the changing environment for the practice of law is a priority for the ISBA in its service to our members.



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NEWEST SUPREME COURT JUSTICE BRINGS “FARM KID” WORK ETHIC TO NEW ROLE ON IOWA’S HIGHEST COURT

By Melissa Higgins,
Communications Director

Justice Oxley’s public investiture ceremony will be held on Friday, April 3, at 3 p.m., at the Iowa Supreme Court Building, with a reception following at the Iowa Hall of Pride.

“A uniquely Iowa story,” is how Governor Kim Reynolds describes the background of Iowa’s newest Supreme Court Justice joining the bench in March.

Dana Oxley grew up as a farm kid – driving tractors and raking hay. Her father managed an 1,800-acre cattle farm between Greenfield and Winterset. They had a breeding operation with around 450 head of cattle, as well as a feedlot operation.

“It was a great way to grow up,” she said. “Calving season was a lot of fun. Sometimes we’d get to bottle feed and raise the calves, caring for them through the night.”

Law school and future judgeships were never part of the plan. “I had no attorneys in my family. I didn’t grow up knowing any attorneys,” Oxley said.

She pursued an accounting degree at the University of Northern Iowa. A required course became her first exposure to the law.

“I took a business law class and thought it was very interesting. Also, during the summers, I lived with my sister and her husband, who happened to be starting law school. Spending time around him and his law school classmates was another exposure for me.”

After graduating from UNI, Oxley began working for the state of Iowa as a credit union auditor. After several years, she quit to help grow a small business with her husband. They worked together to expand into manufacturing a gutter product he invented. It

was a short-term plan for her, with goals to go to law school and start a family. These two things unexpectedly happened at the exact same time.

“I found out I was pregnant with my first child the week before being accepted to law school at the University of Iowa. I wondered then if I should still attend,” she said.

She did, and had her daughter, Taylor, the day after Thanksgiving of her 1L year, when most students are furiously studying for finals. Then came another baby, Ryan, born during finals week spring semester of her 3L year.

“Being pregnant in law school was actually easier than having a toddler in law school,” she said with a laugh.

Oxley successfully balanced school and caring for her young family – graduating third in her class in 1998, before starting a clerkship with Judge David Hansen with the United States Court of Appeals for the Eighth Circuit. She clerked for one year, before getting hired as a practicing attorney at Shuttleworth & Ingersoll, P.C. in Cedar Rapids.

In 2001, Judge Hansen offered Oxley the opportunity to work for him as a career clerk. Her children were five and two years old at the time, and she accepted the opportunity to return to the judge’s chambers where she worked until he retired in May 2011.

Oxley says it is her experience with Judge Hansen that sparked an interest in future judicial positions.

“He was the best mentor you could have. He was so professional in the way he does his job. He takes it so seriously, so he was a good person to watch and model. How he treated his colleagues – they could work through any issue and still be friends. He believed in open discussions and being respectful, objectively listening to others, but

standing firm when he believed he was right. He showed me how to give the job the respect it deserves,” she said.

After Judge Hansen’s retirement, it was back to Shuttleworth, a law firm that allowed her to focus almost exclusively on civil appeals and motion work in cases involving complex legal issues. Her clients were primarily small- and family-owned businesses, regionalized businesses and individuals involved in commercial litigation. Since 2011, she has participated in 24 appeals.

“Getting to learn about different industries is so interesting. We have very diverse clients – for example, wind industry clients who are dealing with the tax credit system. I’ve really enjoyed getting to work with our clients and learn about their industries.”

This business experience, in litigation and in starting her own family business 30 years ago, was one reason she caught the eye of Governor Reynolds. The governor specifically mentioned Oxley’s business acumen in the January press conference announcing Oxley as her choice for Supreme Court justice.

It was Jan. 27 when Oxley got the call from the governor.

“An Osceola number came up on my cell phone. The governor was very sweet. But the news needed to be kept confidential, which was very difficult to do,” Oxley said.

Oxley was sitting in her office in downtown Cedar Rapids, excited beyond belief, but not able to tell anyone why.

“I told my assistant I was going to go home and work on a brief. Instead, I went home to work on my remarks for the governor’s press conference which was supposed to happen the following day.”

This was Oxley’s very first time applying for a judgeship. She wasn’t interested in district court positions, so she set her



sights early on the Supreme Court.

“My skillset is much better suited for appellate-level work. You’re taking the record that is already developed and addressing the legal issues. There is a lot more deliberation. I have tremendous respect for district court judges who can make decisions on the fly and rule on objections. But it’s the deliberative process that I really enjoy.”

Oxley applied for the position in early-December, right in the middle of preparing for a federal trial expected to begin in January. It got continued at the last minute, allowing her time to meet with all 17 members of the State Judicial Nominating Commission before her public interview in early January.

“The commission is made up of a lot of really great people. It was interesting the difference between the interviews with attorneys and the laypeople on the commission. The laypeople want to know your background and experience. They want to get to know you as a person, to get to know your judicial demeanor and philosophy.”

Oxley is now the fourth woman to serve on the Iowa Supreme Court – the second on the current bench.

“I think (having women) brings different backgrounds. Diversity in all aspects is important – practice area, geographic. You bring your background to the court. It’s helpful to have lots of views to represent various backgrounds.”

She is the governor’s third appointment since taking office, with another opening expected to be filled shortly. Oxley is also the second justice to hail from the Shuttleworth & Ingersoll firm.

“I’ve had so much support from everyone – partners, staff, clients – they are so proud to have someone from the Cedar Rapids area and they know and respect my work product. But my partners have said they’d be mad at me if I was leaving for any other reason but this.”

While Oxley is excited to begin sitting with the court in mid-March, she also knows it is bittersweet because of the tragic reason this seat was open. She fills the hole left by Chief Justice Mark Cady, who passed away unexpectedly in November.

While she didn’t know Cady personally, Oxley knew his reputation was one of kindness and humility – traits she plans to uphold in his legacy.

“Justice Cady has such a distinguished reputation. Talk about someone who is humble and sees his role as a public servant,” she said.



TAYLOR



Photo Credit: Derith Vogt



RYAN

JUSTICE OXLEY'S FAMILY

Justice Dana Oxley and her husband, Randy, have been married for 30 years.

Oxley’s two children are now grown. Taylor, age 24, lives in South Carolina and is a professional equestrian. “She was one of those little girls who loved horses and never grew out of that,” Oxley said.

Oxley also says if she could have any job in the world besides being a Supreme Court justice, it would be being her daughter’s groom and traveling around the country to equestrian shows with her.

“She loves it, and I love to watch her. She’s always trying to get me to take jump lessons, but I just ride for pleasure.”

Ryan, age 21, is a senior at Grand Canyon University in Phoenix. Oxley says he has embraced the role of being a college student better than anyone she knows, including travel to China, India, Ireland and the Dominican Republic.

He will graduate this spring with a degree in Business Administration and plans to stay in the Phoenix area to work in the non-profit industry and continue mission work.

It’s a small taste of the farm life that she grew up with – which taught her those lessons of work ethic she now plans to bring to the bench.

She wrote about it eloquently in her State Judicial Nominating Commission application: “I learned that if you really want something, you must have grit and determination, put in the hard work, but still be prepared for disappointment, which is to be handled with dignity and humility.”

With regular visits to Des Moines to hear cases, Oxley still plans to keep an office in the Linn County Courthouse and maintain her home residence in rural Swisher, outside of Cedar Rapids. She and her husband have four horses and two Australian shepherd dogs, which keep them very busy.

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Q & A WITH RETIRING SUPREME COURT JUSTICE DAVID WIGGINS



Justice Wiggins congratulates newly-admitted Iowa attorneys during the Spring 2017 swearing-in ceremony.

Iowa Supreme Court Justice David Wiggins announced his retirement effective March 13. He began his legal career as an associate in the West Des Moines law firm of Williams, Hart, Lavorato & Kirtley, after graduating with honors and Order of the Coif from Drake University Law School in 1976. Justice Wiggins was appointed to the supreme court in 2003 and served the last several months as acting chief justice.

Q What are your plans for retirement? Will you still be involved in the law or legal issues?

A I plan to stay active in the Iowa legal community. I think Iowa lawyers are the best in the nation. The best way for me

to stay active and use the skills I learned as a practicing attorney and a supreme court justice would be to practice in the area of arbitration and mediation.

Q Though short, what was your time as acting chief justice like, and what did you see your role being during that time of transition?

A Prior to Chief Justice Cady's death, I planned to retire in March of 2020. With his passing, I was thrust in the role of acting chief justice. It was the toughest job I ever had. During my tenure as acting chief justice, I tried to maintain the status quo until the court was at full force and could elect a new chief justice.

Q Reflect on the passing of your friend Chief Justice Cady and his legacy with the court.

A I was very saddened by Chief Justice Cady's passing. He was a good friend and a great leader. He cared a great deal about the Iowa courts. He wanted to make our courts the best in the nation. In trying to obtain that goal, he left a legacy of fairness, equality and transparency for the Iowa court system.

Q What will you miss most about your time on the bench?

A I will not miss the work, because if I thought I would miss the work, I would not have retired early. I will miss the supreme court staff, especially my assistant of 16 years, Julie Cosner. I will also miss our Supreme Court Clerk of Court, Donna Humpal, and her staff. Without the supreme court staff and our clerk of court office, the court could not function.

Q Talk about the relationship with your colleagues on the bench.

A Being a member of the court is like being in an arranged marriage. I did not pick my colleagues, nor did anyone of them pick me. For the most part, it was a collegial relationship.

Q What was the most difficult thing about being a supreme court justice?

A The hardest part of the job was to reach a just and fair result in the case I was deciding. I had to remember I was not just deciding the case before me, but also all cases in the future that would be subject to the same rule of law. When deciding a case, I spent an inordinate amount of time researching and thinking about the issue before I made up my mind on how to rule.

Q How long did you practice law before you became a judge? Did you ever miss being a lawyer?

A I practiced law for 27 years before being appointed to the supreme court.

My practice focused on representing injured Iowans. I also did some family law and commercial litigation. I did miss practicing law because, in the practice, I made the decisions on what cases to take and how to proceed. As a member of the court, every decision required four votes.

Q What was the most memorable case that you were involved with (either as an attorney or judge)?

A The most memorable case is one I tried in the early 1980s. I represented Timothy Clites in his case against the state of Iowa. Tim was a mentally challenged child and a resident at the Glenwood State Hospital School. Instead of providing programming for the residents, Glenwood was restraining and drugging its residents. The court found that Glenwood was in fact warehousing these kids rather than providing programming. I obtained a substantial verdict for Tim and his family. The most rewarding part of my representation of Tim was that state hospitals around the country used fewer drugs and restraints in the treatment of the mentally challenged.

Q What do you see your legacy being on the court?

A My legacy will be decided by others. While on the court, I tried to do the best job I could.

Q Talk about your family. Will you get to spend more time together in retirement?

A My wife and I have three daughters. All of them have graduated from college. They are all married and living outside of Iowa. I have four grandchildren. Now that I am retired, my wife and I plan to spend more time with our children and grandchildren.

Q What hobbies/interests do you have that you may have more time for in retirement?

A In retirement, I plan to spend more time playing golf and with my family.



Justice Wiggins talks with Chief Justice Mark Cady and his wife Becky during the retirement ceremony for Justice Bruce Zager in 2018.

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Allison Green, National Association of Counsel for Children (NACC)
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Ellen Ramsey-Kacena, Office of the Attorney General of Iowa and Prof. Brent Pattison, Director of the Joan and Lyle Middleton Center for Children's Rights
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Justice Thomas Waterman, Iowa Supreme Court; Martha Lucey, State Appellate Defender's Office; Kevin Cmelik, Iowa Department of Justice, Office of the Attorney General; and Angela Campbell, Dickey & Campbell Law Firm PLC
-  **Iowa Criminal Rules Revision Committee**
Justice Edward Mansfield, Iowa Supreme Court
-  **Forensic Science Update**
Matt Schwarz, Schwarz Forensic Enterprises



Warning Signs

OF A POTENTIAL ATTACK ON LAW PROFESSIONALS

By FBI Supervisory Special Agent Molly Amman

**“2 Dead, 1 Injured In Shooting At California Law Firm.”ⁱ
“Gunman shot dead after opening fire on federal courthouse in downtown Dallas.”ⁱⁱ “Police identify lawyer killed in shootings.”ⁱⁱⁱ**

These are just a few recent headlines associated with targeted violence toward law offices and judicial officials. Magnetometers are being introduced in more and more courthouses; firms now seek active shooter training and conduct drills—these are the times in which we live.

A recent series of surveys^{iv} found that nearly 89 percent of lawyers have experienced threats or violence in the course of their work. Forty-two percent have experienced problematic approaches, defined as an in-person confrontation falling short of violence. Family practice lawyers are more likely to experience an incident, but all segments of the legal profession may be susceptible.

The likelihood is that many ISBA members have developed concerns at one point or another about violence at work. No one can predict when and how violence will occur; the key is understanding what behaviors signal a heightened threat, and reporting them to law enforcement for professional assessment and threat-management.

First and foremost, it is important to understand that active shooters and other perpetrators of targeted violence “don’t snap—they decide.”^v Clinical data strongly indicate targeted attacks are planned and predatory, not impulsive or emotionally reactive.^{vi} Preparing to conduct a violent attack generally requires both time and action on the part of the offender, which in turn provides opportunities for discovery and prevention.

The observation of clustered “warning behaviors” may indicate accelerating risk, and some of them are briefly

described below. When these behaviors are noted in a person who has been raising concerns for violence, they should be reported to law enforcement.

The case of Carl Drega’s murder of Associate Judge Vickie Bunnell in 1997, highlighted in a recent study on public figure attacks,^{vii} is referenced throughout this article. Drega demonstrated a number of pre-attack warning signals before following the part-time judge from her office building and gunning her down in broad daylight. He killed three others and wounded several more.

It is generally accepted that someone planning an act of violence will move along a discernable pathway from thought to action. Progression may be rapid or slow and will not follow the same course from person to person, but in most cases this “pathway to violence”^{viii} begins with the formation of a deeply-held personal grievance or humiliation developed in response to some perceived injustice.

A grievance could be against an individual or institution whom the person

likely represented in his mind.^{ix}

Some, who are unable to resolve the emotional burden of unachieved justice, may eventually conclude violence is the only option to resolving the grievance. The idea that violence can solve something that all other efforts could not, can be extremely relieving of the stress and anger they had been harboring, maybe even generating a sense of peace.

Thus, a sudden turnaround by a formerly angry or menacing person cannot automatically be presumed as good news. Once someone decides that violence will take place, under most circumstances he or she must then begin to research and plan. Consideration is given to when, how and where to attack. Thought may be devoted to how past offenders acted and how past attacks unfolded. Both practical and symbolic reasons for selecting targets may be considered. Bystanders may notice this as intensive reading, online searching or other indications of contextually inappropriate study and forethought.

A resolved attacker then begins prepar-

“They don’t snap—

of concern believes has wronged him or her. It may be nurtured and cultivated over time, even years. Depending on the person, it could be plainly evident or kept private. Although there are cases in which a grievance is never identified, this appears to be rare with regard to the active shooter-type of offender.

Judge Bunnell ruled against Carl Drega a couple of years before her murder, and once had him removed from her courtroom in handcuffs. He was enraged by these incidents.^x Compounding this anger, Drega may also have blamed his wife’s 1972 death on the stress of his many, longtime disputes with the town, which Bunnell

ing for a violent act by acquiring supplies or weapons, engaging in rehearsing behaviors or any other preparatory act necessary to get ready. For example, in the days leading up to his attack, Carl Drega could be heard frequently shooting a gun on his property, which was a deviation from his typical behavior.^{xi}

Preparation may also include farewell messaging, end of life planning or creation of something meant to be left behind to claim credit or explain motive. Any of these behaviors are potentially observable by bystanders at work, school, in public or online.

Once preparations are complete, a would-be offender need only figure

GRIEVANCE IDEATION RESEARCH & PLANNING PREPARATION BREACH ATTACK

out how to breach any security measures and attack—thus completing the pathway to violence. In addition, other behaviors of concern may be noted.

When a person of concern is demonstrating signs of fixation,^{xiii} in the form of increasing, negative preoccupation with a person or a cause, it is worth noting. Fixation as a warning behavior may feature an increase over time in frequency and duration of communications about the object of fixation. Flexibility evaporates as opinions and stances increase in rigidity; speech and actions may seem progressively angrier. Social or occupational deterioration may be noted as a symptom of loss of interest or ability to focus on anything else.

Carl Drega, before his attack, was well-known to harbor significant anger over his various disputes with the town. One neighbor thought he was "somebody that you should be goddamned afraid of. He had bad blood for everybody. He was a psycho, a terror."^{xiv}

In a related concept, communications which directly or indirectly indicate

a desire to do harm should also be taken seriously in someone who has raised concerns for violence. In the context of true strangers, direct threats more often mean that subsequent violence is less likely. In the context of intimate partners (or ex-intimates), however, and to a somewhat lesser degree co-workers and acquaintances, a direct threat can have a strong correlation with subsequent violence.

In Judge Bunnell's case, Drega stood outside her office door more than once, screaming threats at her while she was inside.^{xv} Making matters worse, such cases can have a "spillover" effect at work, school or public places, when victims of opportunity are targeted in addition to the intended one(s). In addition to Judge Bunnell, Drega killed three others and wounded four.

Non-direct communications, sometimes called "leakage"^{xvii} because disclosures are inadvertent, are also concerning. Leakage happens when a person expresses thoughts, feelings, intentions or plans to do harm in some manner other than a direct threat. It can take the form of any expression, including the spoken or written word or artistic creations such as an animated video. It can include easily identifiable and clear messaging that expresses what the person of concern wants to do, or a gradual release

of information that slowly reveals clues to his or her thoughts. When leakage in any form is revealed, it should not be dismissed as mere fantasizing or venting without careful evaluation by an expert.

A person moving toward violence may also identify with any number of things related to or associated with violence, power, lone wolves or other topics relevant to attacking.^{xviii} The person may adopt a "pseudo-commando"^{xix} or warrior mentality, or become preoccupied with firearms and revenge. An unusual fascination with weapons or other military or law enforcement paraphernalia may be observed through purchase of the same.

Following Drega's attack, investigators found a large cache of explosives and booby-traps inside his barn—he had been accumulating instrumentalities of destruction for some time.^{xx}

Physical costuming, immersion in aggressive or violent materials or fantasizing about offending violently may also be evident. Conversations or writings may indicate a desire to copycat or "one up" previous attackers.

Relatedly, the concept of novel aggression^{xxi} is a subtle but important behavior of concern. Sometimes called experimental aggression,^{xxii} the individual may be testing his or her own capacity to engage in violence. Any act of violence that occurs for the first time

they decide.



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may qualify as novel aggression, so long as it does not relate directly to the object of fixation; counterintuitive as that may seem, this behavior is about the person of concern rather than the target per se.

The novel aggressive act can be against persons, animals, property or seemingly against nothing, and need not be dramatic in itself. For example, a person lacking in firearms experience may be caught shooting rounds out in the countryside, several counties away from where his or her target lives and works, in order to be confident in the ability to pull a trigger when the time comes.

A sudden burst of energy related to the object of fixation, represented by a noticeable uptick in frequency, intensity or breadth of any noted behaviors toward the target could be a serious concern. The activities in and of themselves may even be innocuous; what matters is the increase in devoted energy. The behaviors can be overt or surreptitious. Energy burst behavior has been noted in the hours, days or weeks before targeted violence incidents, and therefore should be reported expeditiously. As examples, someone intent on attacking may make more frequent purchases or communications or run more errands, as he finalize plans and settles his affairs prior to an attack.

In addition, behavior demonstrating an increasing sense of desperation or distress or suggesting the person feels that nonviolent alternatives are evaporating, should also be noted. Expressions of time running out, the clock ticking down, a deadline looming, or of the person having “no choice,” may fit this bill. Drastic changes in appearance or personal caretaking may be present. Examples could include getting tattoos with violent imagery or messaging, drastic weight loss, head-shaving, dramatic reduction

of personal hygiene or sudden unkempt appearance, or a major disruption in sleeping or eating patterns. Alternatively, or in addition, a sudden onset of reckless sexual, financial or other activity suggesting a lack of concern for future consequences should also generate concern.

No single behavior or type of behavior, in itself, would ordinarily be dispositive of a high threat. However, bystanders must understand they may only be in a position to see one behavior among many. There is often much more to the picture than one person knows. Additionally, a variety of positive or healthy life factors, not addressed here, can have the effect of stabilizing or buffering against any serious designs on conducting an attack, such as a loving family or demonstrated preference for nonviolent methods such as litigation.

Family lawyers, guardians ad litem and professionals operating in the family sphere may particularly attract the ire of psychologically brittle^{xxxx} individuals capable of forming a grievance, a violent ideation and stepping onto a pathway to violence. Judicial branch professionals regularly participate in matters negatively affecting rights and privileges of disturbed individuals whose commitment to nonviolence may be rapidly waning or nonexistent.

However, these two groups are by no means alone. The legal profession in general offers many vulnerabilities to violence, as the stakes are often very high for participants in the legal system, whether they are emotionally resilient or not. Unreported behavior is invisible to law enforcement; it is more critical than ever to be vigilant and share information when valid concerns arise. The behaviors briefly described here could each be the subject of a lengthy article, but this primer offers insight into observations which should raise concern and be reported to law enforcement.



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Supervisory Special Agent **Molly Amman** oversees FBI operations in the Des Moines and Sioux City offices, covering approximately half the state of Iowa. Amman graduated from Drake University Law School in 1996, served as a judicial law clerk for the District 2A bench and prosecuted in Cerro Gordo County before joining the FBI. Most recently, she served as a profiler in the FBI's Behavioral Analysis Unit (BAU) at Quantico, Virginia, managing the FBI's targeted violence program including threats of violence posed by individuals and groups, school and workplace attacks, terrorist attacks, protracted crisis operations, and stalking and communicated threats.

Did you know?

Threat assessment is a systematic and fact-based method of investigation and examination that blends the analysis of multiple sources of information with published research and practitioner experience, focusing on a person's patterns of thinking and behavior to ascertain whether, and to what extent, someone of concern is moving toward attack. To be effective, the resulting assessment must then be integrated into a dynamic threat-management plan, the goal of which is to prevent violence from occurring and reduce or eliminate concerns for the long term.

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KEY FEATURES OF THE SECURE ACT

BY JOHN R. GILLILAND

Congress recently passed the SECURE (Setting Every Community Up for Retirement Enhancement) Act. The Act is a significant piece of retirement legislation that is intended to make it easier for businesses to offer retirement plans and for individuals to save for retirement. The Act puts in place numerous provisions intended to strengthen retirement security for everyone. Key features of the Act will no doubt impact my bar colleagues both personally and professionally, but will also change some of the planning and estate work that many do so well. Key features of the SECURE Act are highlighted below.

FOR INDIVIDUALS

REQUIRED MINIMUM DISTRIBUTIONS (RMDs)

The age triggering the RMD beginning date for IRAs and Qualified Plans will increase to 72. This change applies to distributions required after Dec. 31, 2019, with respect to individuals who attain age 70 ½ after such date. This change does not apply to IRA owners and participants who reached age 70 ½ in 2019 or earlier.

"STRETCH" RMD

Upon the death of an IRA owner or Qualified Plan participant, the beneficiary would be required to draw down his or her entire inherited interest within 10 years, instead of over the beneficiary's life expectancy.

The 10-year rule does not apply to:

- A surviving spouse of the IRA owner or plan participant
- A child under the age of majority (note: the 10-year rule would apply once the child reaches the age of majority)
- A person who is 10 or fewer years younger than the IRA owner or participant
- Anyone who is disabled or chronically ill

These changes are generally effective with respect to deaths occurring after Dec. 31, 2019.

POST 70 ½ IRA CONTRIBUTIONS

For taxable year 2020 and beyond, the Act allows anyone who is working and has earned income to contribute to a traditional IRA regardless of age. You are able to keep contributing to your IRA after age 70 ½ for as long as you are still working and have sufficient earned income. Note, however, if you make tax deductible traditional IRA contributions after age 70 ½, the amount you can exclude from your taxable income as an IRA-qualified charitable distribution will generally be reduced. These changes do not apply to contributions for tax year 2019, including contributions made between Jan. 1 and April 15, 2020.

PENALTY-FREE BIRTH OR ADOPTION WITHDRAWALS

With the birth or adoption of a child, the Act allows penalty-free qualified birth or adoption distributions of not

more than \$5,000 during the one-year period beginning on the date on which a child is born or an adoption is finalized. This change applies to distributions made after Dec. 31, 2019.

SECTION 529 PLANS

Plans covered by Section 529 of the IRS Code generally allow for advantageous tax treatment for qualified tuition programs. The Act allows distributions from Section 529 plans to receive federal income tax-free treatment for (1) fees, books, supplies and equipment required in certain apprenticeship programs and (2) up to \$10,000 (lifetime limit per individual) used to pay principal or interest on qualified educational loans. These changes apply to distributions made after Dec. 31, 2018.

FOR BUSINESSES

SMALL BUSINESS BENEFITS TAX CREDITS

Among the provisions to assist small businesses, the SECURE Act includes:

- An increase in the small business retirement plan tax credit for plan startup costs in order to make setting up retirement plans more affordable for small businesses
- Additional tax credits to encourage small businesses to adopt automatic enrollment arrangement for 401(k) or SIMPLE IRA plans

QUALIFIED PLAN PROVISIONS

Among the provisions to assist employers in becoming Qualified Plan sponsors, the SECURE Act will:

- Expand opportunities for employers to join Multiple Employer Plans (MEPs) — plans jointly sponsored and maintained by more than one employer
- Simplify rules and notice requirements related to qualified non-elective contributions in Safe Harbor 401(k) plans
- Permit an employer to adopt a qualified retirement plan after the close of the taxable year as long as it is adopted before the deadline for filing the employer's tax return (with extensions)



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QUALIFIED PLAN AMENDMENT

The Act provides for a remedial amendment period for any required plan amendments. The period for most calendar year plans runs until Dec. 31, 2022.

FIDUCIARY SAFE HARBOR FOR SELECTION OF LIFETIME INCOME PROVIDER

In 2008, the Department of Labor finalized a regulation establishing a safe harbor for the selection of annuity providers by plan fiduciaries, given the long-term nature of the contract often under consideration. The regulation led many to conclude that it was impractical or too limited in its protections with regard to a fiduciary's duty of prudence in the selection process, particularly in evaluating the financial capabilities and long-term integrity of the insurer.

The Act provides steps that a fiduciary can take to fall within a safe harbor when selecting an insurer for guaranteed retirement annuity contracts. In particular, the fiduciary will be deemed to ERISA's duty of prudence requirement if the fiduciary engages in an objective,

thorough and analytical search, considers the financial capability of insurers found to satisfy the obligations of the annuities and concludes that the insurer is capable of satisfying such obligations at the time of selection. In reviewing the financial capability of an insurer, the fiduciary will be allowed to rely on certain written representations from the insurer. By following the safe harbor provisions, a fiduciary will not be liable for losses that result to a participant (or beneficiary) due to an insurer's inability to satisfy its financial obligations under the annuity contract.

As with any new law, there will be administrative rules and IRS guidance to be provided for implementation. We can expect continuing education forums to be forthcoming as well to help plan sponsors and plan participants understand the new provisions. In the meantime, now may be the appropriate time to review beneficiaries and discuss with clients the potential impact these changes may have on their financial and retirement planning.

This article does not reflect all the provisions of the SECURE Act. Information for article was obtained from "SECURE Act Setting Every Community Up for Retirement Enhancement (SECURE) Act" published by Morgan Stanley Smith Barney LLC. Tax laws are complex and subject to change. Morgan Stanley Smith Barney LLC ("Morgan Stanley"), its affiliates and Morgan Stanley Financial Advisors and Private Wealth Advisors do not provide tax or legal advice and are not "fiduciaries" (under ERISA, the Internal Revenue Code or otherwise) with respect to the services or activities described herein except as otherwise provided in writing by Morgan Stanley and/or as described at www.morganstanley.com/disclosures/dol. Individuals are encouraged to consult their tax and legal advisors (a) before establishing a retirement plan or account, and (b) regarding any potential tax, ERISA and related consequences of any investments made under such plan or account.



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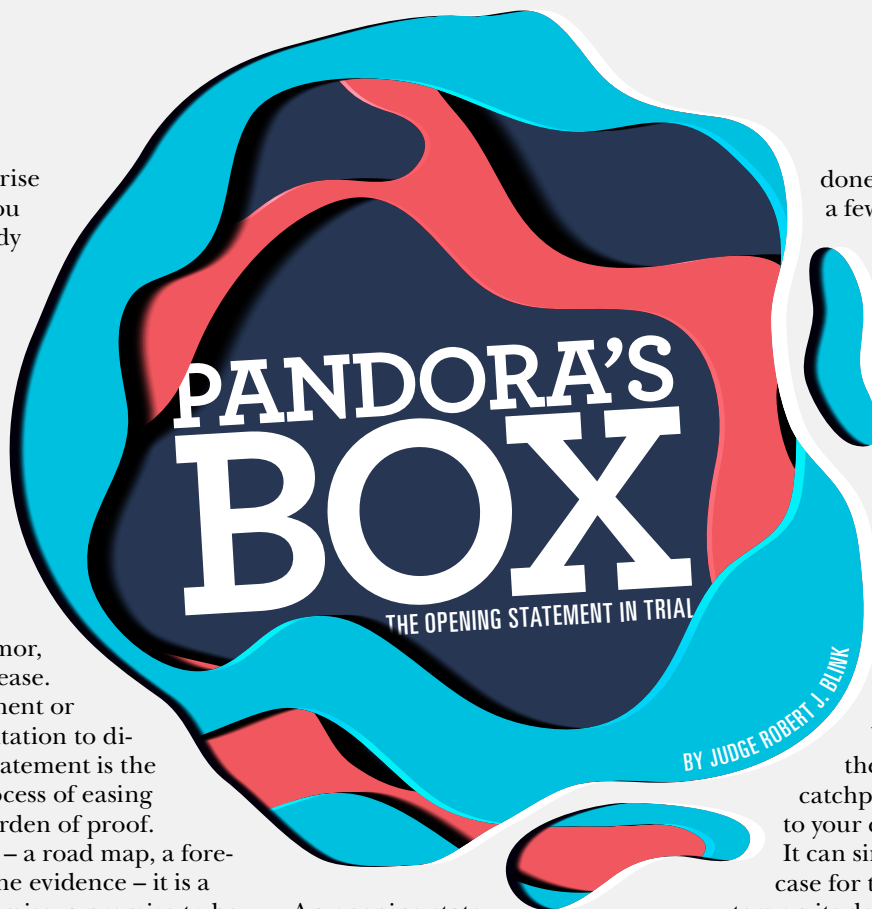


By the time you rise for opening, you will have already engaged the jurors or not. You must now either keep them engaged, engage them, or at least don't offend or bore them.

The opening statement is your first opportunity to tell the whole story. Great storytelling is a combination of fact, inference, drama, humor, understatement and tease. Hyperbole, overstatement or braggadocio is an invitation to disaster. The opening statement is the second step in the process of easing or intensifying the burden of proof.

Call it what you will – a road map, a forecast or an outline of the evidence – it is a promise. It is your promise, a promise to be fulfilled or broken by the record you make. In suggesting to the jury what evidence they will see and hear and what questions will be presented, you put your credibility on trial. Meet the expectations you set in opening and you will close from a position of strength. Fall short of your promise and you will argue from a position of weakness.

This is the paradox of opening statement: persuasive understatement followed by over-achievement, or inflated promises left unfulfilled. The choice in opening is to say too little (and risk appearing unconvincing) or guarantee too much (and start down a slippery evidentiary slope). Do the former. Less is more. The closer the case, the more important is counsel's credibility. Protect your integrity before the jury at all cost.



An opening statement should have an introduction, a body and a conclusion. If any part is missing or insufficient, well – try sitting on a two-legged stool.

Work into the storytelling. The party with the burden should start their opening with a broad explanation of how the trial will proceed. If the court has already outlined the process or the procedure has been adequately addressed in vore dire, a passing reference is enough. If not, take the opportunity to educate the jury.

Encapsulate your case. What's the real question? Who claims what? These concepts should be described in broad terms. A strong orator always works from the general to the specific.

Encapsulating your case is best

done using a “catchphrase.” In a few easily remembered words, describe your theme, your theory of the case. Once you select that phrase, you are wedded to it. You cannot abandon it or change it during the trial. To do so would be a concession that your theory lacks merit. The phrases “dance with the one that brung ya” and “don't change horses in midstream” illustrate this point.

Your catchphrase should fit neatly into the expected testimony and be retrieved with force in the closing argument. The catchphrase provides symmetry to your case and makes it cohesive. It can simplify even a complex case for the jury and put parameters on its deliberations. It is a means of exerting control in the jury room. Simplicity sells. No opening statement is successful unless it dovetails with the planned closing argument held together by a record of reliable evidence.

The body of the opening statement must answer the necessary questions of any story: who, what, when, where, how and why. The weight of your case will rest primarily on two or three of these. But all of them must be addressed to give meaning to your opening.

The parties and important witnesses must be directly or indirectly introduced. Those who are significant must be mentioned by name. Those of tangential import can be described in generalities. As a rule of thumb, if you identify a witness by name in your opening, that person should be called to the stand.

Paint a verbal picture of the scene. Once you have introduced the jury to the characters in your story, you must describe the factual landscape where the events occurred. It may be an intersection, a store, a factory, a hospital or a house. Use your rhetorical skills so that the jurors can see the place in their “mind's eye.” And if the scene alters during the pertinent timeframes, describe those changes.

Trials cannot exist without an instrumentality: a gun, a brake cylinder, a document – some object that intersects with certain humans at a certain



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place at a certain time. A story, and hence a trial, cannot exist without the coincidence of people, places and things.

Tell the story “as it happened.” The effective advocate teases a jury with controlled pace and tempo while describing that conflux in time of persons, objects and events. The pace of an opening statement is not constant. Move rapidly through the mundane but slow the rate of speech to emphasize pivotal facts. When referring to actions or knowledge of important witnesses, more detail should be provided. Secondary or foundational witnesses do not demand the same time and specificity.

Consider that you are transporting the jurors away from the courthouse to a different place and time. If that moment of action could have been captured in a video, what would they see? Your task is to describe that action, those events, with words. A trial, after all, is a prolonged examination of an event or events of short duration. Courtrooms stretch time.

The party with the burden should be accusatory in tone and inflection. They must be intense just short of outright argument. Demeaning, insulting or disrespectful comments are not necessary components of blame-casting – although a dash of sarcasm does help the criticism go down.

The accused party should make a direct denial in their opening. It should be clear that there is a distinct disagreement. Apology is seen as an admission. But compassion and empathy are not tantamount to apology or concession. One can humanely feel for the injury of the accuser and yet fairly deny responsibility for their loss.

An opening statement is not argument yet it must be persuasive. Use a slightly argumentative tone, deflecting objections by salting the presentation with phrases like “we will learn” or “the evidence will show.” If properly injected at those points where a conclusory, as compared to a

direct factual, statement is made, the objection can be avoided although the

**Simplicity
sells.**

tone remains highly rhetorical. Remember that the primary difference between the opening statement and closing argument is that the latter suggests conclusions of responsibility from established facts, while the former is a recitation of anticipated facts.

The primary issues in the case must be clearly stated. The jury must know exactly what questions they will be called to answer. The questions upon which the case hinges must be logically and forcefully described so the jury members know their specific purpose. It clarifies their duty.

Both parties must address the question of responsibility for the conduct that gave rise to the trial. In criminal cases this means the guilt of the defendant, and in civil cases it's the matter of liability. Concomitant with the responsibility question is the burden of proof: what is it and who carries it? Criminal cases also demand reference to the presumption of innocence.

The party with the burden must anticipate the defense and highlight facts that contradict that defense. The defending party must identify the absence of facts, inconsistent facts in the opponent's case and affirmative facts supportive of the defense.

In Iowa, comment on punishment in criminal cases is inappropriate and grounds for a mistrial. In civil cases, however, the question of damages must be addressed in some form. This is a significant issue for plaintiffs' counsel. If the jury is merely told “damages in some amount” will be sought, they are left at sea. If a specific amount is stated, that must necessarily be the ceiling. If that amount is too low, the client suffers even though the verdict is in his or her favor. If that number is too high, jurors smell greed, not justice. Experience in the courtroom and knowledge of other verdicts in the community give the best guidance. Be mindful that the amount sought at trial must not be contradicted by the amounts identified in discovery.

Civil defense counsel also faces problems with the damages issue. Often, civil cases come with good liability but questionable damages or questionable liability but great damages. Cases that have both good liability and good damages usually settle. Conceding liability in certain cases gains jury credibility and focuses on the correct issues at trial. But it is a concession nonetheless,

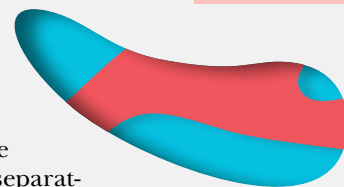
and some jurors have difficulty separating the two concepts.

The conclusion of an opening statement must do two things: 1) briefly reiterate the facts supporting a party's position and 2) tell the jury that based on those facts, counsel will ask for a specific verdict at the end of the case.

The structure and components of a good opening statement remain constant. The delivery is unique to the individual lawyer. Trial work is both science and art.

Use language that is simple, lucid and easily understood by the jurors. The point is not erudition but clarity. To raise the level of the diction, make the same point twice: once in “the King's English” juxtaposed with a more “lettered” choice of words. This has the effect of allowing even the less-schooled jurors to understand the sophisticated language. You have raised their self-esteem. They sense your respect. They listen to you more closely.

Think before you speak. Use simple sentences. Include phrases of legal principles that you know will be included



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in the final jury instructions. Take this opportunity to educate, entertain and persuade. Above all else, be yourself.

Most critical of all: don't overstate your case. Do not promise more than you can deliver. Every case has essential evidence that supports your case or minimizes your opponent's case, which may or may not be admitted. It may have even been addressed in limine motions. Think long and hard about referring to this in your opening. Should it be received in evidence though not addressed in opening, there is no harm done. If it is disclosed in opening but later not admitted, damage is done. There may be instances where your case cannot survive without the questionable evidence. There you must

go "all in" and are compelled to comment on the questionable evidence.

Listen carefully to your opponent's opening statement.

All that they predict which does not come into

the record are broken promises to be highlighted in closing argument. That which is unsaid will become a "void in the evidence" to be exploited later. Carefully listening to your opponent's comments will tell you if you have effectively discerned their theory of the case.

Personalize your client. Make them human. If your client is a legal entity, have a corporate representative sit with you at counsels' table to show the jury a "face." Businesses and corporations are merely collections of people working together for a common purpose. The same is true of a government. It cannot exist but for those who work within its framework. Use this to humanize the "legal person."

Volunteer the weaknesses in your case. If you have properly prepared for trial, you know the shortcomings in your evidence and have a plan to address them. Disclose them at the outset. Try to desensitize the jury to the known faults. It is better for you to do this than for your opponent to do so. This is, of course, more easily done by the party who speaks first. But if

you are defending and the deficiency has not been exposed, do it yourself.

Do not summarize your opponent's case. Let them do that. Commenting on the weaknesses in their evidence is one thing. Trying to "steal their thunder" by telling the jury all about their case should be avoided. Doing this protracts and distracts from the force of your comments.

All good storytelling holds a bit of mystery. In a trial, this takes the form of an interesting fact or facts that the jury learns or discovers on their own. Of course, counsel is aware of these facts but simply omits them from the opening statement, so the jury hears them first from the witness stand. Choose these facts wisely. Be certain that the record will be made and that the value of withholding them at the beginning is outweighed by the value of their later discovery.

Don't waste your time belaboring facts or issues that are not in dispute. Be mindful of the time jurors are giving. Don't waste it. Jurors appreciate

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The opening statement is a three-dimensional performance including variation in speech and movement.

efficiency and organization and begrudge lawyers who waste their time.

Use visual aids. If a significant exhibit has been deemed admitted by pretrial stipulation, use it. Project photographs and documents deemed admitted on monitors or screens to illustrate your points. PowerPoint presentations can be helpful but have a drawback: they prevent your eye contact with the jurors. Counsel also tend to turn toward projections. Eye contact during opening statement is critical. It heightens the communicative process and raises the jurors' sense of importance.

If you can, do not use notes. If you have prepared appropriately, your head should be filled with the facts and your theme. You should know the facts of your case better than anyone. You should be so well versed in the story that it flows naturally. Newer trial lawyers can develop this skill by first writing their entire opening statement word for word. Then outline it and outline the outline. With each successive outline you will become more comfortable with the larger concepts and logical organization of the remarks. Practice it several times out loud and get a sense of its length. You will soon realize how well you know the facts. Do not try and memorize your opening remarks. Good storytelling seems spontaneous. A failure to remember a portion of memorized text makes for an awkward moment in a courtroom.

Rhetorical skills aid storytelling. Use alliteration. Adjust the meter, amplitude, pitch and pause of your speech. Deference and respect to all persons in the process is a must.

Begin with "May it please the court, counsel, ladies and gentlemen of the jury..."

An air of confidence combined with deference tells the fact-finder that they are about to embark on a worthwhile venture.

The opening statement is a three-dimensional performance including variation in speech and movement. It requires subtle choreography. Persuasion requires more than static recitation of facts. The dynamics of hand gestures, facial expressions and spatial awareness in the well give an opening a sense of color and tone.

Consider your stature. Those who are taller or larger should keep a greater distance from the jury rail. Be careful not to "invade the space" of a juror. Excessive movement detracts from effective speech. Do not pace. Move in the well with purpose. Pause when you move. Speak when you are still. Silence is not necessarily a bad thing in the course of a trial. It can emphasize your points. Never forget, presentation is the thing. You are not only the director in this "play of persuasion," you are also on the stage itself.

Do not bore the jury. The length of an opening statement is relative to any given case. A general rule of thumb is to speak between five and 10 minutes for each

expected day of trial. If you can't get to the point, how will you focus the jury?

Do not violate the "Golden Rule." In your opening, do not directly put a juror in the position of a party or witness. This often arises with a rhetorical question like, "How would that make you feel?" or "What would you have done?" This will draw an objection and undoubtedly a judicial redirection.

An opening statement is a promise to be kept or lost by the evidentiary record that follows. Your credibility, and the probable fate of your client, rests as much on your ability to relate an accurate rendition of the probable evidence as the actual evidence itself.



Robert J. Blink is a senior district court judge in the Fifth Judicial District. He resides in West Des Moines. Contact him at robert.blink@iowacourts.gov or 515-360-3527.

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“PRIOR” DEFENSE LEADS TO STORY COUNTY, IOWA

Like most of you, I have attended CLEs where we are instructed on how not to sound like a lawyer. As a result, avoidance of nominalizations is my goal; in my writing, the passive voice is shunned, and ever I endeavor to evite ersatz erudition. But I have often thought that one undeserving target of just-plain-folk-writing advocates is little old “prior.” So I set out in its defense, and found myself in Story County, Iowa.

You see, I can count. And when I am told that “prior” is longer than “before” my mathematical background comes out and I observe that prior is two syllables in five letters, and before is two syllables in six letters. Before is not shorter to say, and is longer to write.

Still, the point is that prior needs “to” in many instances when before stands alone. This is because before is both preposition and adverb, and prior is an adjective that becomes

prepositional only in “prior to.”

My first defense of prior is that I find it is often less ambiguous. Prior almost never refers to space. It almost always refers to time, or in legal contexts, to right. So if I say “Jack was prior to Jill,” you would think Jack was before Jill in right, or in time, but you wouldn’t think I was talking about standing in line. If I say “Jack was before Jill” it could refer equally to the relative place in space, or to Jack being first to do something—but rarely first in right. So when talking about time, prior can be less ambiguous.

It seems to me that the objection to prior is really just that it is Latinate, and before is native (Germanic) to English. We have a general sense in English that Latin words are fancy – perambulate, and Germanic words are plain—walk. That doesn’t always hold true (mob is Latinate), but it frequently does. So that turns me at last to the Latin roots of prior.

The Latin –ior is a Latin comparative suffix much as –er is an English comparative suffix. So if we take superus “above” and we apply –ior then we get superior, “higher,” and so too inferus “low” becomes inferior, “lower.” Likewise, we have gotten our words junior, senior and exterior.

The Latin word pri meaning “before” became the comparative prior, with a literal meaning of “even more before!” In Latin prior was used to mean “in front, previous, former, earlier” and then with extended senses of “superior, better, more important.” Thus, in Latin, prior’s sense of “before” already applied to space, time and quality or importance.

Prior is used as a preposition in the phrase prior to which means “previously to, before, in advance of.” This prepositional phrase prior to is recorded as being used in English for the first time in a case of a debtor who tries to defraud his creditors.

7th Iowa Civil Rights Symposium and 4th Build It Right Iowa Conference



Key Note Speaker: Jennifer Harvey

Author of *Raising White Kids: Bringing Up Children in a Racially Unjust America*

Topics Include:

- Joseph Jones, Executive Director of The Harkin Institute, discussing 30 years under the ADA
- Review of Current Discrimination Law
- Housing Design and Construction
- Panel on Investigating Discrimination Claims
- Panel on Assistance Animals in Housing

Save the Date

April 3, 2020

Location: The Meadows Events & Conference Center, Altoona, IA



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In his 1675 observations concerning a law “against Dispositions Made in Defraud of Creditors,” George Mackenzie describes a July 2, 1673 decision in the case of Street & Jackson against Mason. [Mackenzie, George. Observations Upon the 28. Oct, 23 Parl. K. James VI, against Dispositions Made in Defraud of Creditors (1675)]. It seems the plaintiffs were creditors of James Mason, Senior, but Senior had “dispon’d” [Scots law “to dispose of, grant or transfer property”] his property to little Jimmy Mason, Junior. The commercial dealings between Senior and his creditors were before the transfer but the “bonds wherein James Mason, Senior became debtor to them were of a date posterior to the alienation.” The defendant thus answered that since the bond was after the transfer, then the plaintiffs were not creditors at the time of alienation and so could not invoke the act in question to void the transfer.

The plaintiffs responded this may be so, but they had not lost the right to sue under common law principles in place before the passage of the act. They then proved up a rather blatant set of circumstances where the elder Mason had taken their money on account, and through fraudulent conveyances—where he even resorted to disguises—rid himself of assets including the transfer of the property to his son. He then agreed to a bond, and tried to treat the debt so encapsulated as posterior to the transfer.

Yet “it was clear that there was a former trade, and correspondence betwixt them, prior to the Son’s Infertment [Scots law: ‘investing of a new owner in the legal possession of land’].” The argument, which won the day, was that if unscrupulous merchants could exploit the act in this way it would ruin legitimate trade. The case was thus found for the creditors “not upon this act, and statute, but upon the general ground of fraud.”

The key to the case was that the dealings giving the foundation of the debt were prior to the transfer. Thus the first recorded use of prior to in English is in describing the legal significance of one event occurring earlier than another.

We now turn to prior restraint and find ourselves returning to Story County, Iowa. Prior restraint, in the legal sense, was first used in the English language in 1833. This was by no less than Mr. Justice Story in §993 of his Commentaries on the Constitution of the United States. He observes first that complete freedom to say or print whatever you

like, regardless of truth and with no responsibility or consequences, is clearly not mandated by the First Amendment. “This would be to allow to every citizen a right to destroy, at his pleasure, the reputation, the peace, the property and even the personal safety of every other citizen.” Of course, Justice Story had the bliss to live before social media.

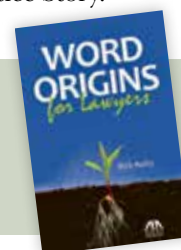
In any event, he goes on to explain, with perhaps some prescience: “Civil society could not go on under such circumstances. Men would then be obliged to resort to private vengeance, to make up for the deficiencies of the law; and assassinations, and savage cruelties, would be perpetrated with all the frequency belonging to barbarous and brutal communities.” This being the case, we come to the famous quote containing the first use of prior restraint:

“It is plum, then, that the language of this amendment imports no more, than that every man shall have a right to speak, write and print his opinions upon any subject whatsoever, without any prior restraint, so always, that he does not injure any other person in his rights, person, property or reputation; and so always, that he does not thereby disturb the public peace or attempt to subvert the government.”

This usage of prior, as an adjective, points out that sometimes it is just plain better than before. To get a before version of prior restraint, we’d have to say before the fact restraint. That’s just wrong. So, my defense of prior ends with Justice Story’s phrase “prior restraint,” and has taken me back to Iowa. For as every Iowa lawyer should know, Story County was named after Justice Story.



Rick Autry is just a lawyer who happens to have a room full of dictionaries. He is also the author of Word Origins For Lawyers published by the ABA and available at Amazon.com. If you have corrections or suggestions, please email him at WordieLavyer@gmail.com.



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KUDOS

NEWEST COURT OF APPEALS JUDGE SWORN IN

On Friday, Feb. 14, Gov. Kim Reynolds administered the oath of office to Iowa Court of Appeals Judge Paul B. Ahlers in a public ceremony in the Iowa Supreme Court Courtroom.

Judge Ahlers, from Fort Dodge, was appointed to the Iowa Court of Appeals in November 2019. He was appointed to the district associate bench in March 2011. He previously practiced in a private law firm and served as claim counsel in the Bond and Financial Products Claim Group for the Travelers Companies.

Ahlers fills the vacancy created by the retirement of Judge Amanda Potterfield.



Quinn Eaton

ISBA MEMBERS HONORED FOR PRO BONO WORK ON FREE LEGAL ANSWERS SITE

The ABA Standing Committee on Pro Bono and Public Service has recognized two ISBA members as ABA Free Legal Answers 2019 Pro Bono leaders, for services provided through ABA Free Legal Answers.

Hope Wood from Hope Wood P.L.L.C. in Des Moines and **Quinn Eaton** from Husch Blackwell LLP in Omaha were both recognized for having answered 50 or more civil legal questions through the virtual legal advice clinic.

Find out how you can also help provide short-term, online-only pro bono legal service through IA Free Legal Answers by visiting: iowabar.org/IAFreeLegalAnswers.



Hope Wood

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ANNUAL MEETING

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The Meadows Events & Conference Center

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BENCH-BAR CONFERENCE SLATED FOR MAY 13-15 IN SIOUX CITY

"A MEETING OF THE MINDS: WELL-BEING FOR OUR BENCH AND BAR"

By Chief Justice Susan Christensen, Iowa Supreme Court



After spending most of the past decade in Eastern Iowa, the Bench-Bar Conference is headed west, where Sioux City will be hosting for the first time.

This year's conference will be dedicated to the health and well-being of our bench and bar. Presenters include the chief judges of Iowa's judicial districts, several area attorneys and Tara van Brederode with OPR. They will discuss professional ethics, tackling the culture surrounding unwellness issues in the legal profession and the power of a mindful bench and bar.

In addition to the wealth of CLE opportunities offered, the Bench-Bar Conference is a one-of-a-kind opportunity for Iowa's lawyers to come together with members of our judiciary in a relaxed setting where participants are encouraged to dress casually and judges and lawyers alike refer to each other on a first-name basis.

The Iowa Court of Appeals will kick off the event before registration with oral arguments at the Woodbury County Courthouse. It will also host a welcome reception at Ho-Chunk, Inc. that night, and the fun will continue from there. You'll get to know fellow members of the bench and bar through small group breakout sessions and an array of extracurricular activities that range from golf, yoga, biking, running and a self-defense class, to creative activities, pickle ball and a tour of the Woodbury County Courthouse.

The final evening of the conference will feature Lance Morgan as the keynote speaker at the Iowa Supreme Court Reception and Dinner in the Sioux City Convention Center. Morgan, a graduate of the University of Nebraska and Harvard Law School, is the

founder, president and chief executive officer of Ho-Chunk, Inc, the economic development corporation of the Winnebago Tribe of Nebraska. Ho-Chunk, Inc. has earned numerous national awards under Morgan's leadership, and the White House selected Morgan as a "Champion of Change" in 2011 for his work. Morgan continues to serve as a champion of change today, as he recently joined five other Native American attorneys to launch a new law firm devoted exclusively to tribal issues.

No other CLE offers the mix of camaraderie, presenters, learning opportunities and fun like Iowa's Bench-Bar Conference. But don't take my word for it — come see for yourself on May 13-15 in Sioux City! Registration materials are available at iowabar.org/benchbar.

Bench-Bar Conference



*"A Meeting of the Minds:
Well-being for Our
Bench and Bar"*



iowabar.org/benchbar



Letter to the Editor: *Iowa's Census Count*

DEAR EDITOR:

As an appointed member of Governor Reynolds' Iowa 2020 Census Complete Count Committee, it is my duty to inform my colleagues about the upcoming 2020 Decennial Census in Iowa, to promote the full counting of every resident living within the state of Iowa during the census, to highlight the importance of a complete count, and to dispel any rumors or myths circulating about the 2020 Census.

The Decennial Census is enumerated in Article 1, Section 2 of the United States Constitution which requires representatives and direct taxes be apportioned among the several states according to "their respective numbers" or actual residents in each state. The first census after the American Revolution was taken in 1790, and there have been 22 taken since. The 2020 Census is scheduled to take place on April 1, when census takers will be counting each and every resident currently living within the state of Iowa.

Why is this important? First, it is important in determining apportionment for the purposes of representation in

the United States Congress and for the drawing of legislative districts for our state elected officials. Second, the population of Iowa (derived from this census) will be used to determine how much of our federal tax dollars get apportioned back to the state of Iowa through roughly 55 different federal spending programs. A recent study conducted by George Washington University shows that the federal tax dollars apportioned to Iowa for Fiscal Year 2016 (based on the 2010 census results) was \$8,787,280,545. These dollars flow through Medicaid, Federal Direct Student Loans, SNAP, Medicare, Highway Planning and Construction, Federal Pell Grants and many other federal programs.

How important is a complete count? A representative from the state of Iowa recently broke down the numbers to reveal that for each resident of Iowa that goes uncounted, Iowa loses an estimated \$17,000 in federally apportioned tax dollars over the next decade. It is estimated that Iowa's population has grown by nearly 109,000 since 2010. At \$17,000 per person, that population growth should translate to an additional

\$1,853,000,000 in federal expenditures to our state over the next 10 years. But this will only occur if we count every man, woman and child residing here.

Some myths about the Census that need to be debunked:

- **Are non-citizens counted in the census?** YES. Everyone counts. The 2020 Census counts everyone living in the state, including non-citizens.
- **Can answers be shared with law enforcement and be used against the person providing them?** NO. The law prevents the Census Bureau from sharing any personal information with law enforcement.
- **What questions will NOT be asked on the Census?** The Census Bureau will NOT ask for Social Security numbers, citizenship status, political party affiliation or any bank or monetary questions.

I write to encourage each and every member of the ISBA to arm themselves with this important information, to encourage each and every member of their communities to respond to the Census Survey when they receive the postcard in the mail, and to reach out to me directly if any of them have any questions about the process. Postcards will be delivered by mail to all residences in Iowa in mid-March and answers can be made online, by phone and by mail. The Census Bureau offers great online resources at: 2020census.gov, and the state of Iowa also provides a very informative website: www.iowadatacenter.org/2020census.


Thank you for publishing this vital information impacting our democratic republic.

Scott Hall


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Iowa 2020 Census Complete Count Committee
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WORK ENGAGEMENT V. BURNOUT

Work engagement encompasses high levels of energy and mental resilience, dedication and feeling positive about work. Work burnout is the opposite of engagement. Workers experiencing burnout feel emotionally and physically exhausted and cynical.

Engagement occurs when a person's resources outweigh demands. When excessive demands or lack of recovery from demands tip the scale, workers are likely to

disengage and alienate. The availability of resources contributes to engagement. Resources include autonomy, supportive colleagues, feedback and interesting work. Demands include conflicting priorities, work overload and lack of support.

FEELING BURNOUT? HERE ARE SOME TIPS TO TRY

Set necessary boundaries for when you need to recharge between work days.

- Do not answer the phone after 5 p.m.
- Take email completely off of your phone
- Designate specific spaces where you perform work (the couch is off-limits)

Ask for feedback on a regular basis.

- Schedule a regular meeting with a mentor or supervisor to discuss projects
- Keep a private journal where you write what went well and areas to improve
- Ask a colleague what qualities they appreciate about you

Learn what is expected of you and ask for change if needed.

- Ask if it is expected that you work after hours and on the weekend
- If it is expected, ask that you have designated times you will be available to avoid feeling like it is a 24/7 job
- Speak up if you need more resources and suggest ideas

The information for this monthly column is provided by the ISBA Well-Being Committee and the YLD Wellness Committee. Additional resources can be found on iowabar.org/wellbeing.

Connect with us:

#isbawellness

Summarized from The Path to Lawyer Well-Being, page 50, published by the National Task Force on Lawyer Well-Being (https://www.americanbar.org/groups/lawyer_assistance/task_force_report/).

TRANSITIONS

Alex Grasso and **Chandler Surrency** have been promoted to shareholders at Hopkins & Huebner, P.C..

Grasso has been practicing law in Iowa since 2013. He received his J.D. from the University of Iowa College of Law. Grasso primarily practices in liability and insurance defense and insurance coverage regarding bodily injury, property damage, and defense work for insured parties, municipality and government officials.

Surrency has been practicing law in Iowa since 2014 and Kansas since 2013. She is a graduate of the Washburn University School of Law and practices primarily in personal injury and workers' compensation for plaintiffs and claimants.



ALLEN

Erika L. Allen joined the Reinbeck law firm Rickert, Wessel & Allen as a partner. Allen previously practiced law at the Grundy Center firm Heronimus, Schmidt, Allen, Schroeder & Geer where she had been a partner since 2008. Her practice is focused on trust and estate planning, business, real estate and tax law.



BRILEY

Siobhan Briley has been admitted as a partner at Pugh Hagan Prahm in Coralville. Briley practices primarily in the areas of civil and commercial litigation, probate and probate litigation, appeals, tax advice and litigation, bankruptcy and bankruptcy litigation, health care law, and family law. She received her J.D. in 2006 from the Georgetown University Law Center.



REASNER

Lynch Dallas, P.C. has announced its 2020 Executive Board: **Amy L. Reasner**, president; **Corinne R. Butkowski**, vice president/secretary; and **Kyle A. Sounhein**, treasurer.



BUTKOWSKI

Glenn Johnson has joined McKee, Voorhees & Sease PLC, in Des Moines. He is a registered patent attorney with an undergraduate background in biology and chemistry. He will join MVS's litigation team and will provide assistance, direction and counseling to MVS clients in helping them protect and defend their IP rights in the ever-changing scientific and economic environment.



SOUNHEIN



JOHNSON



GRASSO



SURRENCY

IN MEMORIAM

Ronald L. Sutphin, 79, of Windsor Heights, died Jan. 24. He was born in 1940 in Des Moines. He served in the U.S. Air Force during the Vietnam War with the Judge Advocate General's Corps staff. Upon his return, he became a partner at Peddicord, Simpson & Sutphin law firm and later a partner at the Ahlers Law Firm, both in Des Moines, retiring in 2003.

IOWA STATE BAR ASSOCIATION— 2020 Affirmative Legislative Program (Updated 2.28.2020)

BILL NO.	SUBJECT	DESCRIPTION	STATUS
SF 2187/ HF 2276	Business Law Uniform Protected Series Act Clean-Up	Corrective Provisions to the Uniform Protected Series Act that passed last year, that provides a comprehensive framework for the formation and operation of a protected series limited liability company. To amend the Iowa Uniform Protected Series Act (UPSA) [SF569] to add section 489.14801 that will read, "In applying and construing the Iowa Uniform Protected Series Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the Uniform Protected Series Act."	Senate: Passed full Judiciary Committee, placed on Senate Unfinished Business Calendar House: Placed on House Daily Debate Calendar
SF 2185/ HF 2402	Business Law Registered Agent Clean-up	The proposal deals with the effective date of resignation by a registered agent of (1) a corporation and also (2) other business entities. The MBCA 4th edition makes the resignation effective "on the earlier of (1) 12:01 a.m. on the 31st day after the day on which it is filed by the secretary of state; or (2) the designation of a new registered agent for the corporation." That will change current Iowa corporate law (§490.503), which makes the resignation effective immediately upon filing by the secretary of state, but the change is consistent with current Iowa law for limited liability partnerships (§ 486A.1213) and cooperative associations (§ 499.74). It is not consistent, however, with the law for limited partnerships (§ 488.116), limited liability companies (§ 489.116), unincorporated nonprofit associations (§ 501B.11(4)), and nonprofit corporations (§ 504.503), for all of which the agent's resignation is effective immediately upon filing by the Secretary of State.	Senate: Passed full Judiciary Committee, placed on Senate Unfinished Business Calendar House: Placed on House Daily Debate Calendar
HSB 20/ SF 604	Probate & Trust Law Calculation of Probate Court Costs	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.	HSB 20: Subcommittee recommends passage 2019 Session SF 604: Unanimously Passed Senate 50-0. Now in House Ways & Means. Assigned to the subcommittee of Representatives Hite, Hagenow and Wolfe
SSB 3038 HF 2453 & HF 2564	Probate & Trust Law Family Law Guardianship & Conservatorship Update	Proposed changes to HF 610 & HF 591 to "fix" technical errors and substantive issues with the legislation that passed last year.	Senate: Funneled House: Both bills passed House Judiciary on a vote of 11-10. HF 2453 incorporates the ISBA changes for Minor Guardianships and HF 2564 incorporates the ISBA changes for the Adult Guardianships and Conservatorships
SF 2339/ HF 2357	Business Law Uniform Model Corporations Act	Along with thirty-three other States and the District of Columbia, Iowa has generally followed the Model Business Corporation Act in enacting the law governing business corporations. It is substantively sound and well drafted, and it offers benefits to Iowa courts, practitioners, and businesses on account of its widespread adoption, court interpretations (although non-binding), and useful Official Comments. In December 2016 the ABA Corporate Laws Committee published a 4th Edition of the MBCA. The 4th Edition amends the MBCA in various substantive ways. It also represents in part a restatement of the MBCA to include amendments approved since publication of the 3rd Edition; and in recognition of continuing developments in the law, the 4th Edition integrates the MBCA with the law governing unincorporated business associations such as LLCs. Finally, some changes were made simply to improve clarity.	Senate: Passed full Judiciary Committee, placed on Senate Unfinished Business Calendar House: Renumbered and referred to House Ways & Means and assigned to the subcommittee of Representatives Hagenow, Holt and Wolfe

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In addition to the above legislative proposals, The Iowa State Bar Association supports the following positions as a part of its 2020 Affirmative Legislative Program:

- Full funding of indigent defense and adoption of legislation providing for \$5 per hour increase with an automatic cost of living increase in indigent defense fees.
- Full funding of the judicial branch.
- Full funding for legal services.
- Full funding of the IA Secretary of State's Office as requested by IA Secretary of State Paul Pate.
- Full funding for Office of the Public Guardian to protect the interests of Iowans who have no one else to manage their financial and health care needs.
- Child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.
- Opposition to the legalization of title insurance.
- Opposition to absolute immunity legislation.

DISCIPLINARY OPINIONS

CASE NO. 19-1740: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. DUANE J. GOEDKEN

Filed Feb. 14, 2020

(Summary adapted from the opinion issued by Justice David Wiggins)

The Iowa Supreme Court Attorney Disciplinary Board brought a complaint against a Muscatine County attorney arising out of several delinquencies in probate matters. Attorney Duane J. Goedken was admitted to practice law in Iowa in 1963. In the course of his practice, Goedken has represented three business entities and a large utility, as well as parties in various estates and trusts.

The attorney was delinquent in filing reports for five estates and one trust. He also failed to respond to the board's complaint and failed to cooperate with the board's investigation of his violations. The Iowa Supreme Court Grievance Commission found the attorney's conduct violated ethical rules.

Specifically, the board alleged, and the commission found, that Goedken violated six of the Iowa Rules of Professional Conduct. First, the commission found Goedken violated Iowa Rule of Professional Conduct 32:1.3, diligence, in his handling of several trust and estates. The commission also found Goedken violated several rules with respect to his uncooperative behavior and suspension. Those violations include rule 32:1.4(a)(3), keeping the client reasonably informed; rule 32:1.16(a)(1), withdrawing from the representation; rule 32:1.16(d), protecting the client's interests; and rule 32:8.1(b), knowingly failing to respond. Finally, the commission found Goedken violated rule 32:8.4(d), conduct prejudicial to the administration of justice, both in his dilatory handling of the trust and estates and in his failure to cooperate with the board.

The commission recommended a suspension of license to practice law for 90 days. The Supreme Court agreed with the commission's recommended suspension and **suspended the attorney's law license indefinitely with no possibility of reinstatement for 90 days.**

CASE NO. 19-1662: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. BEAU A. BERGMANN

Filed Jan. 24, 2020

(Summary adapted from the opinion issued by Justice Ed Mansfield)

Beau Bergmann has been licensed to practice law in Iowa since 2012. He resided first in Des Moines (2012 to 2015) and then later in Mount Pleasant (2015 to present).

The disciplinary proceeding concerns Bergmann's representation of three different clients, one of which involved a court appointment. The Iowa Supreme Court Attorney Disciplinary Board filed a complaint against Bergmann on Nov. 14, 2018, alleging disciplinary rule violations. Bergmann filed a motion for a more specific statement and an answer. The parties subsequently reached a stipulation and submitted the matter to the Iowa Supreme Court Grievance Commission on that basis. See Iowa Ct. R. 36.16(1). The commission found violations of Iowa Rule of Professional Conduct 32:1.3 (requiring the attorney to "act with reasonable diligence"), rule 32:1.4 (requiring the attorney to "reasonably consult with the client"), rule 32:3.2 (requiring the attorney to "make reasonable efforts to expedite litigation"), rule 32:3.4(c) (requiring the attorney not to "knowingly disobey an obligation under the rules of a tribunal"), and rule 32:8.4(d) (requiring an attorney not to "engage in conduct that is prejudicial to the administration of justice").

The board proposed that the attorney receive a **public reprimand** followed by 12 months of probation. The commission agreed with the joint recommendation and passed it along to the Supreme Court, which concluded that a public reprimand was more appropriate for this case of neglect. Several mitigating factors are present, including the attorney's inexperience.

CASE NO. 19-1320: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. T.J. HIER

Filed Jan. 17, 2020

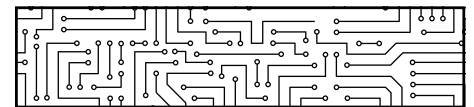
(Summary adapted from the opinion issued by Justice Tom Waterman)

The Iowa Supreme Court Attorney Disciplinary Board brought a complaint against attorney T.J. Hier charging her with violating Iowa disciplinary rules in connection with her handling of a disputed attorney fee payment in what she aptly describes as a "hotly contested, emotional family law matter."

Hier obtained her Iowa law license in 1997. She began her career in private practice in Newton, and she served as an assistant county attorney in Jasper County. She had an inactive law license from 2001 to 2005. She resumed practicing law solo out of her home

in Baxter in 2006. She now practices in the areas of criminal, juvenile and family law.

A division of the Iowa Supreme Court Grievance Commission found that Hier violated several rules but that the board failed to prove several other rule violations. The commission recommends a public reprimand. The board seeks a suspension. Hier requests a private admonition. The Supreme Court agreed with the commission's findings as to Hier's rule violations (Iowa Rule of Professional Conduct 32:1.15(a), (e), and (f) and Iowa Court Rule 45.1 all related to the handling of property in trust accounts for a client of third person), but disagreed with the commission's recommended sanction. In light of Hier's prior disciplinary history (the court has disciplined her five times previously), the court **suspended her license to practice law for 30 days.** Hier's license will be automatically reinstated after the suspension on the condition that all costs have been paid.



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POSITIONS AVAILABLE

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Corporate/Transactional Attorney – Finley Law Firm, P.C., Des Moines, IA – Finley Law Firm, P.C. is seeking an attorney with five-plus years of experience to work in its corporate and transactional department. More senior level applicants are also encouraged to apply. The ideal candidate would possess outstanding academic credentials, work experience and a strong work ethic. *Please send a cover letter and resume to: Recruiting Team, 699 Walnut Street, Suite 1700, Des Moines, IA 50309 or by email to recruiting@finleylaw.com.*

Assistant Attorney General – Iowa Department of Justice – Attorney General, Des Moines, IA – Iowa Attorney General seeks experienced attorney to represent Iowa Dept. of Human Services in employment and other civil litigation in state and federal court. *To apply, visit <https://careers.iowabar.org/jobs/13335351/assistant-attorney-general>.*

Litigation Attorney – Finley Law Firm, P.C., Des Moines, IA – Finley Law Firm, P.C. is seeking an attorney with two-plus years of experience. More senior level applicants are also encouraged to apply. The ideal candidate should have solid academic credentials and strong oral and written communication skills. The successful candidate

would be involved in the firm's litigation matters. This is a great opportunity to join an established and dynamic Des Moines-based firm. *Please send a cover letter and resume to: Recruiting Team, 699 Walnut Street, Suite 1700, Des Moines, IA 50309 or by email to recruiting@finleylaw.com.*

Civil Litigation Attorney – Newbrough Law Firm LLP, Ames, IA – Newbrough Law Firm, LLP, is seeking a civil litigation attorney. Excellent research and writing skills are required and trial experience is preferred. Iowa bar admission required. The ideal candidate would also possess a strong work ethic, interpersonal skills and a dedication to serving the community. All applications will be handled confidentially. *Send resume and cover letter to Newbrough Law Firm, LLP, Attention: Nicole S. Facio, Personnel Partner, P.O. Box 847, Ames, IA 50010 or nfacio@newbroughlaw.com.*

Assistant Attorney – University of Iowa, Iowa City, IA – Student Legal Services, part of the Division of Student Life at the University of Iowa, is seeking an assistant attorney to assist the supervising attorney and director in providing legal services to University of Iowa students. The assistant attorney will also guide law students in their clinical work and ensure obligations to the judicial process. *To learn more, please visit: <http://legal.studentlife.uiowa.edu>. This is a specified term position through June 30, 2022.*

Attorney – Gray, Stefani & Mitvalsky PLC, Cedar Rapids, IA – Gray, Stefani & Mitvalsky, P.L.C. is seeking an experienced attorney (mid-level associate through partner level) to join a small, well-established law firm in downtown Cedar Rapids. We are an AV-rated law firm looking to expand services in areas including business law, probate and estate planning. *To apply, visit <https://careers.iowabar.org/jobs/13342591/attorney>*

Attorney – Nyemaster Goode, P.C., Ames, IA – Nyemaster Goode, P.C., is seeking a real estate and transactional attorney with three-plus years of experience for its Ames office. The ideal candidate would possess outstanding academic credentials as well as a strong work ethic. The successful candidate will be involved in the firm's real estate and transactional matters, especially with respect to Nyemaster Goode's clients located or doing business in Ames. *Please send a cover letter and resume by postal mail to Brian J. Humke, 1416 Buckeye, Suite 200, Ames, Iowa 50010 or by email to bjh@nyemaster.com. All inquiries will be held in confidence.*

Assistant Attorney General – Iowa Department of Justice – Attorney General, Des Moines, IA – Iowa Attorney General seeks attorney to handle consumer auto fraud investigations and litigation. Litigation experience preferred. Excellent academic credentials and outstanding research/writing skills required. *To apply, visit <https://careers.iowabar.org/jobs/13360073/assistant-attorney-general>.*

Assistant City Attorney – Litigation – 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 the enforcement of traffic violations, other simple misdemeanors, civil infractions and general litigation. This position is subject to the Des Moines Municipal Code residency requirement which would require you to live within the limits of the City of Des Moines no later than seven months of appointment to the position, and you must maintain that residency while employed in this position. *To apply, visit <https://careers.iowabar.org/jobs/13371881/assistant-city-attorney-litigation>.*

Senior Trial Attorney – Nationwide Insurance, Des Moines, IA – Nationwide is hiring a senior trial attorney in our Des Moines, Iowa Trial Division office as well as a work-from-home attorney who is licensed in Iowa and/or Nebraska and Illinois. Seasoned litigation attorney with significant civil litigation experience in property and casualty insurance defense or subrogation. Maintains a high caseload comprised of a mix of cases varying in complexity, severity, product lines and specialized concentrations throughout all courts and agencies in the assigned jurisdiction(s). *To apply, visit <https://careers.iowabar.org/jobs/13392758/nationwide-insurance>.*

Litigation Attorney – Crary Huff Law Firm, Sioux City, IA – Crary Huff Law Firm is seeking

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Associate Corporate Counsel – LCS, Des Moines, IA – LCS is seeking an associate corporate counsel to advise its business leaders on legal issues, review and negotiate agreements, complete governance work, and make solutions-oriented recommendations. The ideal candidate would have three-plus years of relevant experience with corporate and contract law as well as a strong work ethic. *If you are interested in joining LCS, the second largest operator of senior living in the United States, please apply here: <https://www.lcsnet.com/careers/>*

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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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May 29
8:15 AM - 4:30 PM

PRESENTATIONS

- 💰 Case Law Update
- 💰 Department of Justice Perspectives on Chapter 11 Changes
- 💰 Navigating the Dangerous Seas of Conflicts: Rule 32:1.7(b)
- 💰 Basic Securities and UCC Article
- 💰 View from the Bench: Judges Panel

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Spotlight ON Service

BECKY REIF

BECKY REIF's soft spot for animals is larger than most. Reif is currently serving as President of the Board of Directors for Animal Lifeline of Iowa, a special needs no-kill shelter for cats and dogs that are injured, have medical conditions, were abused, are pregnant and nursing, or are orphans that require bottle feeding. The shelter in Des Moines rehabilitates the animals then adopts them into forever homes.

"I became interested in animal rescue after my husband and I adopted two rescue dogs from local organizations, named Barley and Simcoe. They were not 'broken' or charity cases, and I realized most rescue animals are excellent companions that need a second (and sometimes third) chance. If we improve their lives, they improve ours. The most rewarding part of my work with Animal Lifeline is seeing dogs who come back to visit with their new families – happy, healthy and given that extra chance – and being able to use my skills as an attorney to help a small nonprofit."

Originally from Cheyenne, Wyoming, Reif says when she moved to Des Moines

for law school at Drake University, she did not have prior connections to community organizations. However, after graduating law school, she knew she wanted to start engaging in community and civic service.

"My firm (Ahlers & Cooney P.C.) supported my participation in the Greater Des Moines Leadership Institute in 2017, where I learned a key lesson for civic engagement: identify the causes you are passionate about, because they are the ones you make time for with a busy work schedule," she said.

She decided to focus her involvement on two passions: rescue animals and supporting and empowering young women in the community.

She has served as a board member for Animal Lifeline since 2017, before taking over as the board president in 2020. Additionally, she serves as a coach for Girls on the Run at Capitol View Elementary School in Des Moines. Girls on the Run is an exercise-based youth development program for girls in third through eighth grade, organized through the YMCA.

"Having conversations with elementary-age girls on health,



positive relationships and self-respect is immensely rewarding, and I hope to continue to be able to serve as a role model and mentor for girls in the program," she said.

Reif previously served the Young Women's Resource Center as a Young Empowerment Partnership Member. She has volunteered as an intake attorney for Legal Aid and was involved in the Polk County Women Attorneys' book club project at the Iowa Correctional Institute for Women. Additionally, she served on the Executive Council of the ISBA Young Lawyers Division and is a member of the Polk County Bar Association and the C. Edwin Moore Inn of Court.

Reif is a shareholder attorney at Ahlers & Cooney P.C., with a focus on Employment & Labor Law, Higher Education Law and Litigation.

"As attorneys, our skill sets and (sometimes) flexible schedules are particularly conducive to making a significant impact with community organizations and nonprofits," she said.

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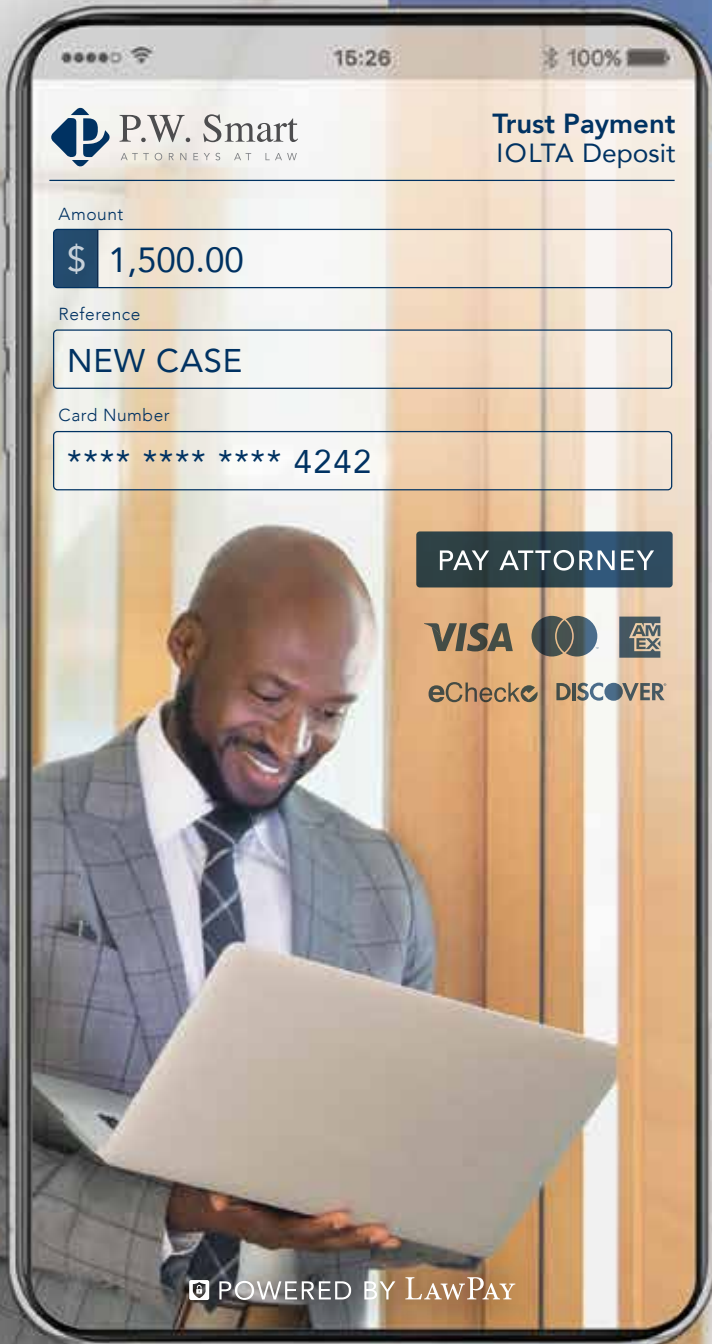
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