



THE

Volume 75 Number 8 November/December 2015

# IOWA LAWYER

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## *Reforming the Law*

*Finding new solutions for a better future*



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

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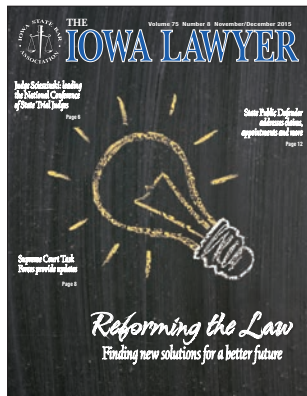
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## ABOUT THE COVER

Iowa lawyers are evaluating laws and legal processes to improve the legal system for the benefit of everyone in Iowa.

In this issue, Judge Annette Scieszinski shares her goals as chair of the National Conference of State Trial Judges, the Iowa Supreme Court's Family Law Task Force and Guardianship and Conservatorship Reform Task Force share recent updates and State Public Defender Adam Gregg explores a number of changes to keep fairness in mind.

As always, we welcome your thoughts and opinions. If you would like to share any comments, please send them to the editor at communications@iowabar.org.



## Major ISBA Events in 2016

The following events are projected for next year:\*

<b>January 22</b>	
YLD Winter Quarterly Meeting	Sioux City
<b>February 26</b>	
Government Practice Seminar	Des Moines
<b>March 23</b>	
BOG Spring Quarterly Meeting	Des Moines
<i>Including Breakfast with the Bar</i>	
<b>April 29</b>	
YLD Spring Quarterly Meeting	Dubuque
<b>April 29</b>	
Criminal Law Seminar	Des Moines
<b>May 4-6</b>	
Bench Bar	Davenport
<b>June 13-16</b>	
Annual Meeting Conference	Des Moines
<b>June 14</b>	
YLD Summer Quarterly Meeting	Des Moines
<b>June 15-16</b>	
BOG Summer Quarterly Meeting	Des Moines
<b>June 15</b>	
Annual President's Awards Banquet	Des Moines
<b>September 8-9</b>	
Bridge the Gap Seminar	West Des Moines
<b>September 25</b>	
Corporate Counsel/Trade Regulation Seminar	Des Moines
<b>September 26</b>	
BOG Fall Quarterly Meeting	Creston
<b>October 27-28</b>	
Family Law Seminar	West Des Moines
<b>December 7-9</b>	
Tax School Seminar	Des Moines
<b>TBD</b>	
BOG Winter Quarterly Meeting	TBD

\* Dates and locations are subject to change

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## Finding meaningful solutions for a better future

As one holiday has passed and others approach, I prefer to look back in time before starting into a new calendar year. My fondest recollection of the holiday season involves family. It always involves time at my grandparent's home on Granger Ave. in Des Moines. This is the house where my mother and her seven siblings were raised. (The Aldinis were featured in the Iowa Lawyer Magazine May/June issue.) There was food and celebration. The one constant item on all the menus was tortellini en brodo. Grandma Palmina would make the broth from chicken, tomato, parsley, celery, carrots, onion, salt and pepper. I tried for years to replicate the same broth without success until my mother-in-law, Marlys, gave me a holiday issue of Bon Appétit. The featured story was "Christmas in Italy" and I learned that a pinch of clove was needed. Since then, the family has enjoyed soup every holiday.

When my Dad was alive and the children were still at home, every fall around Thanksgiving time, we would make tortellini from scratch. I was responsible for the pasta; Dedi made the stuffing from beef, spices and chicken like Grandma did; Dad, his wife and the three Walker children would create the tortellini, each with their own special touch. The result was so successful that the soup was banned from Dedi's family gatherings because that is all anyone would eat.

Unfortunately, those days have passed. Now, the celebration has moved to our oldest son's home in Coralville and a restaurant in the Quad Cities. We now look forward to seeing our three granddaughters and great nieces and nephews instead of soup at my grandparents. We do enjoy a version of the soup before or after church on the 24th—the main difference is no Italian red wine before church.

This year, as the 129th ISBA President, I am also reflecting on the association's progress toward attaining its goals as the new calendar year approaches. In preparation for the new year, over the past several months, I joined ISBA and other state leaders, Iowa Supreme Court Chief Justice Mark Cady, Iowa State Public Defender Adam

Gregg, and the Governor of Iowa's Legal Counsel Larry Johnson, Jr., in a variety of meetings. I thank them for their efforts which are integral to our search for meaningful solutions that address opportunities to improve our legal system for all Iowans.

ISBA members are contributing in many ways to our coordinated efforts with the Iowa Supreme Court. For example, the Iowa Supreme Court Family Law Task Force and the Iowa Supreme Court Guardianship and Conservatorship Reform Task Force are charged with identifying issues and developing recommendations for improving the Iowa court system in these areas. Also, ISBA member Judge Annette Scieszinski now serves as the 2015-2016 chair of the National Conference of State Trial Judges where she provides her insight from Iowa to national judicial initiatives.

More than one thousand ISBA members in the state contract with the Office of the State Public Defender to provide critical court-appointed representation to indigent persons in criminal and juvenile cases. I urge you to review State Public Defender Gregg's administrative rules package as outlined in this issue and respond to his outreach effort. The progress that we make in improving our legal system in Iowa through the individual and collective actions that we are taking this year can positively impact the lives of people living in Iowa for generations to come.

As this year is coming to a close, we have a bright new year to look forward to with the State of the State, State of the Judiciary and opening of the legislative session with its many challenges.

From the entire Walker family, we hope that you all will join us in reflecting on the past and looking forward to a bigger and better new year for The Iowa State Bar Association and its diverse and dedicated membership.

**Bruce L. Walker**  
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# Leading the ABA Judicial Division's National Conference of State Trial Judges— An interview with Judge Annette Scieszinski



Annually, the leadership of the National Conference of State Trial Judges meets in a fall planning meeting at a location somewhere in the country as determined by the chair who hosts the meeting. Here, a photo captures conference officers during a reception in Annapolis, Maryland, as the 2013 NCSTJ Fall Planning Meeting got underway with then-chair, Judge Toni E. Clarke presiding. At the Maryland Governor's Mansion, (top row, center) Hon. Annette Scieszinski (Albia, Iowa) (bottom row from left to right) Hon. William C. Carpenter, Jr. (Wilmington, Delaware); Hon. Toni E. Clarke (Baltimore, Maryland); Hon. Cheryl D. Cesario, Ret. (Chicago, Illinois); and Hon. Christopher T. Whitten (Phoenix, Arizona).

Judge Annette J. Scieszinski was appointed to the Iowa District Court in 1996, to serve in District 8A. In 2013, Judge Scieszinski was also named as one of three trial judges on the Iowa Business Court, a pilot project for complex litigation. She is a past president of the Iowa Judges Association and now has the distinction of serving as chair of the National Conference of State Trial Judges.

## What is the National Conference of State Trial Judges?

Within the American Bar Association's Judicial Division, the NCSTJ stands as one of six constituent conferences. Others include the Administrative Law Judiciary; the Appellate Judges Conference; the Lawyers Conference; the Conference of Federal Trial Judges; and the Conference of Specialized Court Judges. The NCSTJ has more than 1,000 members and is the largest purely judicial organization within the ABA. It sponsors progressive training for judges at national meetings, offers education and resources for judges to use in their own states, and is often called upon to offer judicial perspective on appropriate topics to other sections, divisions and groups within the ABA.

## Why did you join the NCSTJ and how did you become its leader?

About 15 years ago, the IJA president appointed me to serve as one of four delegates to represent our state's trial judges in the NCSTJ. I was inspired by the opportunity to work with colleagues from around the country, and I saw purpose in lending Iowa insight to national judicial initiatives. Looking back, it has been humbling to have met so many dynamic judges who have become not only influential peers, but good friends.

After serving several terms on the NCSTJ Executive Board, I was motivated to run for an officer position. Officers begin service in the role of secretary; I was elected to that office three years ago, and have ascended in the officer rotation now to the responsibility of the chair.

## What are your goals for your term as chair?

This year the NCSTJ supports the ABA's Judicial Divisions theme, "Building Confidence in the Justice System." This ambitious program features four pillars: diversity of the bench and bar; educating the public about the justice system; obtaining and retaining a talented judiciary; and ensuring high quality in the justice system. I'm particularly proud of the innovative judicial-education programs we're sponsoring in 2016 that will train judges to recognize and confront implicit biases in judicial decision-making.

Drake Law School

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### How does the NCSTJ better the judiciary?

The NCSTJ empowers judges with big-picture perspective on the modern delivery of justice. My own workstyle is more efficient and better informed by the collective wisdom I've been able to glean from colleagues around the country. The NCSTJ's chair sets the tone for the conference and I dedicate resources to helping judges with their professional development.

Thus far, the chief project I have led is the design and production of the National Judicial Institute & Conclave. The conclave concept in educating trial judges emerged through our historic collaboration between the ABA's Judicial Division and the National Judicial College. The October event in Chicago was geared to emerging issues, and offered up innovative judicial response. It was well received.

### How has the NCSTJ had impact on the daily work of courts in Iowa?

The NCSTJ serves as a vehicle for judges to participate in initiatives that end up having significant impact on Iowa courts. My favorite example is the ABA's Model Code of Judicial Conduct—a key guide to the states for decades. Early on during my work with the NCSTJ, I was tasked with monitoring the revision process that was underway in a series of public hearings and drafting debates held in conjunction with the ABA's annual and midyear meetings. At one of those events, I even testified before the drafters, pushing for better guidance in the model code for judges who manage pro-se litigants in the courtroom.

After model code revisions were approved by the ABA House of Delegates in 2007, they were promoted to the states for review and adoption. In due course, the Iowa Supreme Court approved most provisions and issued the revised Iowa Code of Judicial Conduct

in 2010. All Iowans benefit from the sound guidance these "rules of reason" give judges and others who interact with the courts.

The NCSTJ's impact on the Iowa courts can also be seen in the advent of the Principles of Juries and Jury Trials, published by the ABA. For 10 years now, this study has informed judges and trial lawyers of best practices to be utilized for effective jury trials. NCSTJ members were poised to participate effectively in development of this trial tool.

### How does the NCSTJ's leadership in promoting diversity affect the legal community?

The ABA's commitment to diversity in its governance and programming has profound impact on all who participate. My own sensitivity to the rounding quality of diversity on the bench and in the organized bar has been honed through my involvement with the NCSTJ. One aspect of the NCSTJ's leadership in promoting diverse interactions can be seen in members' volunteer service as judicial mentors.

Official clerkships are often regarded as key experience for lawyers to become effective advocates and eventually move into judicial service. At each midyear meeting, judges within the NCSTJ actively participate in the ABA's Judicial Clerkship Program—a workshop with minority law students that encourages interest in clerkship posts around the country.

### How can ISBA members benefit from the NCSTJ's efforts?

A number of the best programs developed within the ABA, and discovered through Iowa judges' involvement in the NCSTJ, have been replicated at the ISBA Annual Meeting and the Iowa Judges Conference.

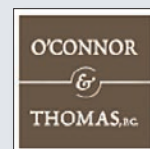


Carney

**Jim Carney**, ISBA legislative counsel and senior partner at Carney & Appleby, P.L.C., in Des Moines, Iowa, for receiving the 2015 Centerville High School Distinguished Alumni Award. A 1966 graduate of CHS, he is one of only two graduates to receive the award and to be inducted into the Centerville High School Sports Hall of Fame.

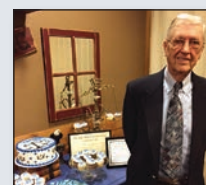
The Distinguished Service Award recognizes an outstanding professional career, service to country and community, and strong family leadership. The Sports Hall of Fame induction recognized Carney's contributions to CHS sports. His golf team tied for first place in the state tournament in 1965. He also won the individual state golf championship and the state junior golf championship during his time at CHS.

Carney hung out his shingle after graduating from Drake University Law School in 1975. In the 40 years since, he has built up a premier lobbying and civil litigation practice that now is comprised of five attorneys. He has served as legislative counsel for the ISBA since 1975.



**O'Connor & Thomas** Law firm in Dubuque, Iowa, for celebrating its 175th Anniversary. Founded in 1840 under the name Davis & Crawford, it is one of the

oldest firms in continuous practice west of the Mississippi River. Partners throughout the history of the firm include an aide to President Abraham Lincoln, an Iowa attorney general, a speaker in the U.S. House of Representatives and an Iowa Supreme Court Justice among numerous other judges and dignitaries.



Rensink

**John Rensink**, attorney at Rensink, Pluim and Vogel in Orange City, Iowa, for being honored by the Sioux County Bar Association for 50 years of service as an attorney licensed to practice in Iowa.



Schippers

**Nicole Schippers**, corporate counsel for ARAG, for being elected to the Association of Corporate Counsel Board of Directors. ACC is a global organization that promotes the professional and business interests of in-house counsel. It has more than

40,000 members employed by more than 10,000 organizations in 85 countries. Schippers is the chair of the ISBA Corporate Counsel Section.



National Conference of State Trial Judges chair Hon. Annette J. Scieszinski (Albia, Iowa) invited leaders of the conference to Des Moines for the 2015 Fall Planning Meeting, Sept. 10-12. Here, Judge Scieszinski (front, right) and the attendees are shown in the lobby of the Des Lux Hotel in downtown Des Moines, which served as the headquarters for the leadership summit. Those in attendance included NCSTJ officers and members from across the country who met to chart the conference's educational programs and projects for the year, as well as address long-term strategic planning. The meeting commenced with a reception at the Des Lux Hotel, also attended by local federal and state judges who assisted in welcoming the visitors to Iowa.

# Iowa Supreme Court Task Force Update

## Family Law Task Force

By Lora L. McCollom and Matt Brandes

Iowa's trial courts handled approximately 47,422 family law cases in 2014. Among those cases were: 9,342 dissolutions of marriage with children; 5,940 dissolutions of marriage without children; 1,427 modifications of dissolutions; 5,513 administrative support cases involving child support recovery; 1,830 adoption cases; 5,770 paternity cases; 6,227 civil domestic abuse cases; 4,429 child in need of assistance cases; and 1,944 termination of parental rights cases. Family law cases constitute nearly 24 percent of the caseload of all full-time judges, and a substantial percentage of these cases involve one or more self-represented parties. For many Iowans, a

life-changing domestic relations case may be their first or only encounter with the Iowa court system.

In January, 2015, Chief Justice Mark Cady issued an order establishing the Family Law Task Force. The establishing order also appointed a 19-member steering committee to organize and oversee the effort. The order directs a focus on "dissolutions of marriage and child custody cases, including the financial matters related to each." It specifically encourages the task force "... to explore and recommend innovative solutions tailored to the Iowa court system that will foster just, prompt and cost effective resolution ..." of such cases.

Under the leadership of the task force chairman, Justice Thomas Waterman, and co-chairs Matt Brandes, and Lora McCollom, the steering committee organized the task force into six subject areas: access to courts, alternative dispute resolution, family law case processing, fundraising, spousal support, and standards for court-appointed professionals.

In March, the supreme court appointed 28 members to the task force, each serving on a workgroup in one of the six subject areas. The task force is receiving significant assistance from

the administrative staff of the supreme court and the state court administrator's office.

The first plenary meeting of the task force was held June 18 in The Iowa State Bar Association office in Des Moines. The plenary provided the opportunity for task force members to hear from attorney William Howe. Howe is an expert on family law case processing, has headed a similar reform effort in the state of Oregon and is a force in family law court reform nationally and internationally. The plenary was also an opportunity for task force members to meet, reflect on the task force mission and begin work.

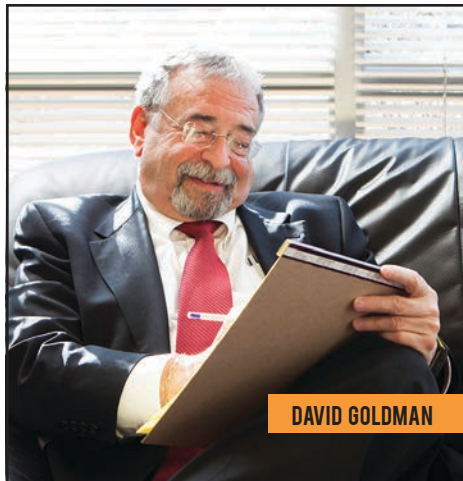
Since the plenary meeting, each task force workgroup has been developing a preliminary report in their subject area. Each workgroup has been asked to identify:

- Process improvements that have been adequately researched which the workgroup believes merit immediate consideration and action by the Iowa Supreme Court; and
- Potential process improvements that will require additional research before specific recommendations are made which the workgroup believes can be completed in the next two to three years. These recommendations are likely to require greater public input because a significant departure from existing judicial branch policies or practices or a financial investment by the legislative or judicial branches is likely to be necessary.

Preliminary workgroup reports were submitted to the steering committee in late October; final workgroup reports are to be submitted by the end of the year, and the task force will review and evaluate each report before preparing a final report of recommendations to submit to the supreme court. The task force will submit an initial report to the supreme court by May 2016, containing recommendations for those process improvements which merit immediate consideration, and outlining potential process improvements that the court should consider as long-term initiatives. Prior to making decisions



**Task Force Chairman Justice Thomas Waterman and co-chairs Matthew Brandes and Lora McCollom stand with attorney William Howe in the CLE Center of the Iowa State Bar Association June 18 during the first plenary meeting of the Family Law Task Force.**



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Delegates from the Republic of Kosovo met with (from left to right) Hon. Mark Schlenker, ISBA President Bruce Walker, ISBA President-elect Skip Kenyon, ISBA Vice-president Steve Eckley, ISBA Executive Director Dwight Dinkla, and one of the newest ISBA members Dylan Dinkla at The Iowa State Bar Association headquarters in Des Moines, Iowa, in October. ISBA leaders exchanged information about policy and the practice of law in Iowa and Kosovo with members of the National Assembly of the Republic of Kosovo through the Open World Program sponsored by the Open World Leadership Center and host organization Iowa Sister States.

regarding the implementation of task force recommendations, the supreme court will issue an order requesting public comment. After supreme court review, the steering committee will determine the best way for the task force to proceed; it is expected that the task force will continue research and development of potential process improvements over a 12- to 24-month period following submission of the initial report.

Throughout the process, the task force will present updates through the Iowa Lawyer Magazine, the Iowa Lawyer Weekly and judicial branch publications. These updates will identify the research and recommendations under discussion by each workgroup in its subject area. Through these updates, the task force intends to keep the bench and bar informed of the recommendations under consideration before the initial report is submitted to the supreme court.

Feedback may be communicated to any member of the task force. A task force roster, including names, contact information and assignments of task force members can be found online at <http://bit.ly/1M2NxDt>.



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*Matt Brandes is a member of the firm Simmons Perrine Moyer Bergman P.L.C., in Cedar Rapids, Iowa.*

*They serve as co-chairs of the Iowa Supreme Court Family Law Case Processing Reform Task Force.*

*Sydney Kronkow, an article contributor, serves as legislative liaison for the Iowa Judicial Branch and staffing attorney for the Iowa Supreme Court's Family Law Case Processing Reform Task Force.*

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# Guardianship and Conservatorship Reform Task Force

by Josephine Gittler and Jerry Foxhoven

In January, the Iowa Supreme Court issued an order creating the Guardianship and Conservatorship Reform Task Force. Iowa joins 25 other states with significant guardianship and conservatorship reform efforts including the neighboring states of Indiana, Minnesota, Missouri, Nebraska, Ohio and Wisconsin.

One of the most important functions of Iowa's courts, as well as courts in other states, is the state guardianship and conservatorship system. The courts appoint guardians and conservators to make decisions on behalf of adults and minors and have an ongoing responsibility to conservatorships to assure these adults and children receive proper care and protection.

The traditional authority of the courts to appoint guardians and conservators for adults with diminished decision-making capacity and minors who are in need of care and protection has its roots in the *parens patriae* doctrine. Under this doctrine, the state acting as parent's *patriae* can make decisions on behalf of such adults and minors.

Today, in Iowa there are more than 22,000 adults and children under guardianship and conservatorship. Guardianship and conservatorship caseloads are expected to increase in coming years due to Iowa's large and rapidly aging population and the accompanying rise in Iowans with Alzheimer's disease and other dementias resulting in their diminished decision-making capacity.

According to the Iowa Supreme Court's order, the task force's mandate is "to review Iowa's guardianship and conservatorship laws and procedures to ensure the system is efficient and responsive to the needs of Iowans."

The supreme court order further states that the task force will:

- "Identify the strengths and weaknesses of Iowa's guardianship and conservatorship laws and practices.
- Examine guardianship and conservatorship laws and practices in other jurisdictions, including standards and recommendations of national organizations

- Develop recommendations for effective and efficient guardianship and conservatorship laws, practices, and procedures.
- Develop recommendations to foster continuous improvement to the guardianship and conservatorship system to ensure it is responsive to future generations of Iowans."

In its January order, the supreme court appointed a 10-member steering committee to oversee the work of the task force. Justice Bruce Zager is the chair of the steering committee. The authors of this article were appointed as steering committee members and coordinators.

In August, the steering committee established five work groups to identify issues and problems with respect to the existing guardianship and conservatorship system and to develop proposals and recommendations for improving this system. The work groups are addressing:

- Establishment of adult guardianships and conservatorships,



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- Qualifications and responsibilities of guardians and conservators of adult wards,
- Court monitoring of guardianships and conservatorships,
- Guardianship and conservatorship system administration (staffing, education and training, caseload management, and resources), and
- Minor guardianships and conservatorships.

The membership of the work groups includes 53 individuals — judges and other judicial branch personnel and representatives of categories of other major stakeholders including the legal community, the aging community, the disability community, the mental health community, state agencies and guardians and conservators.

In August of 2015, the steering committee also widely disseminated a request for input from interested individuals and organizational entities. In September of 2015, the task force then received written statements and held two meetings for the purpose of hearing oral testimony from those responding to the request for input.

In October of 2015, the Iowa Guardianship and Conservatorship Summit was held for task force participants. The summit featured national experts and individuals from other state judicial branches who have played leadership roles in the reform of state court guardianship and conservatorship systems. It will provide a foundation and context for ongoing task force activities.

A list of task force steering committee and work group members is available at this link: <http://bit.ly/Ij444fS>.



*Josephine Gittler is Wiley B. Rutledge Professor of Law at the University of Iowa College of Law.*



*Jerry Foxhoven, is Professor of Law and Executive Director of the Neal and Bea Smith Drake Legal Clinic at the Drake University Law School.*

*They are steering committee members and coordinators of the Guardianship and Conservatorship Reform Task Force.*



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## IN BRIEF



### ISBA Rural Practice Committee seeks attorneys willing to hire in 2016

The ISBA's Rural Practice Committee is gearing up for the summer of 2016, and is recruiting rural attorneys who would be willing to hire a law student for a summer clerkship, or a graduate for a full-time associate position.

In the five years since the committee was created by Past President Frank Carroll, the number of students interested in rural practice has historically exceeded the number of attorneys willing to hire. Last year, for example, slightly more than 60 students expressed an interest in rural practice, but only about 30 attorneys signed up to hire.

The push to match rural Iowa attorneys and students has become more urgent in light of the issues other states, particularly Nebraska and South Dakota, have experienced in the last few years, according to Phil Garland, chair of the committee. Those states have some rural counties with no attorneys. This has created a difficult situation when courts need to appoint attorneys to defend individuals charged in a criminal matter, or when towns need a city attorney. It has also created a significant cost when courts or towns have to bring in attorneys from miles away.

According to the latest analysis of ISBA membership statistics, approximately 600 actively practicing lawyers in rural counties are 60-plus years of age. Of those, 150 are 70-plus years old and still actively practicing.

"If we can help these senior bar members make a smooth transition into retirement knowing that the firms they worked so many years to create will continue, we will be doing them, their successors and the future of the legal profession in Iowa a great service," Garland said.

To indicate your interest in hiring a student next summer, please contact Garland at [garlandlawfirm@gmail.com](mailto:garlandlawfirm@gmail.com); phone: 641-923-3792, or Steve Boeckman, staff liaison to the committee, at [sboeckman@iowabar.org](mailto:sboeckman@iowabar.org); phone: 515-490-2279.



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## *From the office of the State Public Defender* **Focused on Fairness**

*By Adam Gregg, State Public Defender*

It's time for fairness from the Office of the State Public Defender.

Gov. Terry Branstad and Lt. Gov. Kim Reynolds campaigned in 2010 on eliminating the “gotcha” enforcement of administrative rules, and this promise was kept throughout state government. However, as I have reviewed the administrative rules of the state public defender since I took office in December of 2014, I've found that many of our rules continue to reflect the “gotcha” mentality. Though our rules were no doubt written with good intentions by good people with good reasons and rationale, in some cases the pendulum has simply swung too far. I believe our agency can do better.

Unfair rules have contributed to a relationship between the bar and the Office of the State Public Defender that is far too hostile and adversarial. The implications go beyond our contractual relationship with approximately 1,000 attorneys across the state. If allowed to fester, a negative relationship threatens our very system of indigent defense, of which our contract attorneys are an integral part. We don't pay exorbitant hourly rates to those who contract with us. The least we can do is have fair rules under which to operate.

That is not to say that we are abdicating our auditing role. Good stewardship of taxpayer dollars, the protection of indigent clients and the Iowa Code all require an audit by our office. But let's work together to build some fairness and discretion into the rules under which your claims are audited.

My office will put forward an administrative rules package which, among other things, will address issues such as:

**Untimely claims.** Under our current rules, a claim must be denied in full if it is not received within 45 days of the date of service. Should you really be completely zeroed out if we received your claim on the 46th day? The amendments will give our office the discretion to decide whether to deny the claim, in whole or in part.

**Exceptions to the 45-day rule.** Currently, very narrow explicit exceptions exist to the 45-day claim submission rule. Let's say, for example, that an attorney is going through cancer treatments and understandably misses the 45-day deadline. Right now, we can only pay that attorney if she missed more than three consecutive days of work, and those missed days occurred in the last five days before the expiration of the 45-day deadline. If your head is spinning, you are not alone. Now imagine navigating these rules during perhaps the worst time of your life — when a spouse or child has passed away, or when you are facing serious illness or injury. Our amendments will give you more of an opportunity to explain your situation and will give my office more discretion in evaluating your claim.



**Invalid appointments.** The Iowa Code requires the state public defender to designate our field offices to accept certain types of cases. Cases involving indigent clients are generally offered to our field offices, and if the field offices are unable to take them, the cases can then go to you, our contract attorneys. What happens if our designations are not followed? Some of you have found out the hard way that our current rules require us to zero you out. That's true even though the mistake was really the court's, not yours — but you're the one who pays the consequences. Our amendments will give us discretion in these situations. Our designations need to be followed, but the current rule is simply too harsh.

**Substitute counsel.** Our current rules generally prohibit the use of substitute counsel. If you are the one who is appointed, you are the one who has to do all the work if you want to be paid. The problem is that most law firms don't work that way — an associate might draft a research memo or a motion or brief, or your partner might cover a hearing when you are double-booked. The Office of the State Public Defender shouldn't impose an entirely new means of operation on your firm. Our new rules will make it much easier to use substitute counsel in appropriate circumstances.

**Due process.** Our new amendments will add additional due process provisions when an attorney's contract is terminated by our office. There have been headline-grabbing abuses by contract attorneys in the recent past, and we need to be able to address those situations appropriately. However, the reality is that the vast majority of our contract attorneys do things the right way. Creating additional due process will ensure that, if and when our office needs to take action, the attorney involved will have a fair opportunity to be heard.

### **Minimum qualifications and a new second chair program.**

Many of you advocated for the creation of our minimum qualifications rules. Many of you have expressed serious concerns with those rules since their adoption. Our amendments will help soften some of the hard edges which were unintended consequences of the rules as originally adopted in two major ways: First, more discretion will be provided to our office in contracting when faced with situations where most of the requirements are met, but perhaps an attorney falls short on one element. Second, they will create a mechanism under which an approved second chair experience can count as trial experience under the minimum qualifications rules. This program will get newer attorneys the experience they need, foster strong mentoring relationships and put more attorneys on the path toward a higher-level contract with our office.

Do you have other suggestions? If so, send me an email at [agregg@spd.state.ia.us](mailto:agregg@spd.state.ia.us) and we'll consider your proposal. Many of the amendments described in this letter are being considered as a result of such outreach from attorneys. Your input really can make a difference with our office.

I look forward to continuing to find ways to improve the relationship between the bar and the Office of the State Public Defender. These rule changes are an important first step.

*Adam Gregg is the Iowa State Public Defender. He was the Republican nominee for Attorney General in 2014. He previously served as an advisor to Gov. Terry Branstad and Lt. Gov. Kim Reynolds and as an attorney at the BrownWinick law firm in Des Moines, Iowa.*

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# Iowa's Low-income Residents and the Civil Justice System

By Elisabeth Reynoldson, President of the Iowa Legal Aid Board of Directors

The Iowa Supreme Court has recognized that while low-income Iowans with a problem in the criminal justice system will normally have the right to the assistance of a court-appointed attorney, those interacting with the civil justice system usually do not. The impact of the civil justice system on low-income Iowans, however, can also bring about serious consequences, including loss of children, housing or income; inability to access health care; and many others. The court is assessing the problem with a goal of coming up with a comprehensive solution.

This series of articles is intended to provide information about

the current delivery system in Iowa and the challenges currently facing low-income Iowans and the civil justice system.

## The increasing need

Census data for 2012 indicates that 493,721 Iowans meet Iowa Legal Aid's income eligibility guidelines. This is up from 359,741 in the 2000 Census.

## The delivery system

Iowa Legal Aid is a not-for-profit Iowa corporation that provides legal services to low-income Iowans in all 99 counties. There are other entities that provide services in smaller geographic areas or that are directed to unique populations. These entities will be addressed in a subsequent article.

Iowa Legal Aid closed 18,017 cases in 2014, which helped an estimated 43,000 Iowans, 18,000 of whom were children. Because of reduced staff caused by decreases in funding, the number of cases closed in 2014 is 32 percent less than the number of cases closed by Iowa Legal Aid in 2010. According to a recent unmet-needs study conducted by Iowa Legal Aid, a projected 11,500 families are turned away or underserved annually due to lack of staff resources.

Approximately 70 percent of the clients receiving assistance are women, while 42 percent of the household members are children.

Many low-income Iowans face barriers to obtaining legal assistance or present unique challenges that require more resources to serve. These barriers include:

- Mental or physical disabilities,
- Communication and transportation issues, or
- Limited English proficiency that requires interpretation and translation.

## Unique relationship between The Iowa State Bar Association and Iowa Legal Aid

Iowa Legal Aid and The Iowa State Bar Association have distinct missions, but there is a unique and close relationship between the two statewide entities.

Federal regulations, which are applicable to Iowa Legal Aid given the federal funding that Iowa Legal Aid receives from the national Legal Services Corporation, set forth the requirements for appointments to boards of directors. Under these



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federal regulations, the ISBA has the responsibility for appointing the attorney members of Iowa Legal Aid's board. The board is composed of 18 individuals, 11 of whom are attorneys. All are appointed by the ISBA.

The ISBA was instrumental in the original design of the Iowa Legal Aid Volunteer Lawyers Project. The Iowa Legal Aid VLP places cases with volunteer attorneys in 98 of Iowa's 99 counties. The Polk County Bar Association Volunteer Lawyers Project places cases with volunteer attorneys in Polk County. The current structure of the Iowa Legal Aid VLP is nearly identical to what was set up in 1983 as a joint effort between the ISBA and Iowa Legal Aid (then operating as the Legal Services Corporation of Iowa).

The unique relationship also encompasses interactions between Iowa Legal Aid and the ISBA's membership services. Iowa Legal Aid's staff participate in various ISBA committees and sections, and serve on section councils. Staff also provide leadership with the Iowa Organization of Women Attorneys and local bar associations.

Iowa Legal Aid provides opportunities for bar members to fulfill their ethical obligations to provide pro bono representation by referring financially eligible clients who have meritorious cases. Accredited training on substantive law matters is also provided to volunteer attorneys.

One of the goals of the ISBA in providing membership services is ensuring that newly-licensed lawyers get the support they need. Newly-licensed attorneys who are not yet employed or have not yet started their own practices are provided mentoring through structured volunteer opportunities to obtain practical experience in Iowa Legal Aid's 10 offices throughout the state. Substantive information is provided on many poverty law issues, including Medicaid and other health care programs with which members of the private bar often interact with their clients.

For many years the ISBA has had, as a part of its affirmative legislative agenda, support for the state appropriation provided to help fund Iowa Legal Aid's work in all 99 counties.

The financial relationship also extends to the Iowa State Bar Foundation. The bar foundation has provided support for Iowa Legal Aid in 15 of the last 22 years. This funding, obtained through the support of various sections and committees of the ISBA, has helped support volunteer efforts and services to individuals.

These are just a few of the many examples of the working relationship between the ISBA and Iowa Legal Aid. While the ISBA and Iowa Legal Aid have different missions which will sometimes result in taking positions that are in conflict, the historical cooperation between them is of critical importance to both entities.



*Elisabeth Reynoldson, partner at Reynoldson & Van Werden, L.L.P., in Osceola, Iowa, is president of the Iowa Legal Aid Board of Directors, vice president of the Iowa State*

*Bar Foundation board of directors, is a past president of the ISBA YLD and is heavily involved with multiple ISBA sections and committees. She can be contacted at ereynoldson@iabar.org.*



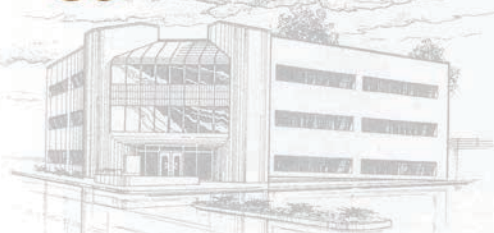
## Free on-demand CLE for attorneys with five or fewer years in practice

ISBA members who have been admitted to the bar for five or fewer years may view any, or all, of the ISBA's on-demand video courses free of charge. This member benefit is designed to help young attorneys gain knowledge and learn from the experiences of presenters who have insights into specific areas of the law.

There are nearly 30 on-demand video courses listed on the ISBA website. All qualify for varying levels of CLE credit that may be applied to the annual 15-hour-per-year requirement. However, the Iowa Supreme Court limits the number of CLE hours that can be obtained from on-demand video courses to six hours in a year.

ISBA CLE programs are now available on-demand through PC, Mac, iOS, or Android devices. This allows you to view mobile-ready content whenever you need, wherever you are.

To view the ISBA's on-demand catalog listing, visit [www.iowabar.org/OnDemandCLE](http://www.iowabar.org/OnDemandCLE). Each video can be previewed before selecting. To select a video, click on the "View Product" button next to the video. That opens up the video's product page, which requires members to log in to purchase the video. Click on "add item" to purchase, and go through the checkout process. The website will recognize individuals who qualify for the free videos and offer those videos at no charge.



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# Give away your house but keep the keys

## Retained life estate

By Gordon Fischer, Gordon Fischer Law Firm, P.C.

Your most valuable asset? Most would say, home. Could your home benefit your favorite charity? Yes, and under a life estate, you can give away your house, keep the keys and get a current tax deduction.

Under a retained life estate, the donor irrevocably deeds a personal residence or farm to charity, but retains the right to live in it for the rest of her life, a term of years, or a combination of the two. The term is most commonly measured by the life of the donor, or of the donor and the donor's spouse.

When the term ends, typically when the last of one or more tenants dies, the charity

can either keep the property for its own use, or sell the property and use the proceeds as designated by the donor.

Keep in mind that the donor's personal residence doesn't have to be the donor's primary residence. It can be a vacation home, or any other structure the donor uses as a residence. A farm can include raw farm land, as well as farmland with buildings on it.

### Commonly used terms

Again, the donor irrevocably deeds a personal residence or farm to charity, but retains the right to live in it for a term certain, such as the life or lives of individuals, term of years, or a combination of the two. At the end of the measuring term, all rights to the real estate are transferred to the charity. In this scenario, the donor is called the "life tenant," who has a "life use" of the real estate, and is transferring a "remainder interest" to the charity, and the charity is called the "charitable remainderman."

### Detailed gift agreement needed

When a retained life estate is used for charitable purposes, for protection of both the donor and the charity, a detailed gift agreement should be worked out. Lots of legal issues should be resolved regarding a wide variety of responsibilities including but hardly limited to:

- Real estate taxes;
- Liability and casualty insurance;
- Utilities;
- Maintenance and minor repairs;
- Remodeling and major repairs;
- Process for evaluating leases and lessees, should life tenant rent farmland;
- Rights of charitable remainderman to enter and inspect farmland with proper notice given;
- Procedures for removal of the personal property of the life tenant upon the end of the tenancy; and
- A comprehensive dispute resolution process.

Let's address several of these items further.

### Special issues for the life estate gift agreement

**Liability and casualty insurance.** Presumably, the donor will want to maintain

insurance. The charity may want to consider adding life estate properties to its master insurance list. Also, the charity may want the life tenant to provide the charity an annual certification that appropriate insurance is in place and that premiums have been paid.

**Maintenance and repairs.** The life tenant is generally responsible for expenses customarily borne by the donor of real property, such as routine maintenance. However, expenses for improvements which benefit, or even might benefit, the charitable remainderman, can and should be addressed in the gift agreement. For example, capital improvements which will last beyond the life tenant's use of the property, such as a new barn, will benefit both the life tenant and the charitable remainderman. Again, this needs to be handled by agreement between the parties.

**Process for evaluating leases and lessees.** The life tenant retains all "beneficial lifetime rights" in the property, which includes, for example, the ability to rent the property and receive rental income. The well-drafted gift agreement should establish responsibilities for property management and maintenance by lessees. The charity, as remainder interest owner, has a huge interest in making certain the real estate is appropriately maintained. It is therefore not uncommon in gift agreements for the charity to have a right of approval over parties who would lease the real estate, and by what terms.

**Comprehensive dispute resolution process.** The relationship between the donor and the charity can change over time for any number of reasons. An agreed-upon and formal process for resolving disputes, in place from the outset, should help if issues arise. All parties should consider adding in the agreement a mandatory mediation or arbitration clause.

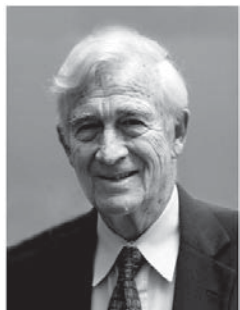
### Options for flexibility

Should there be a change, such as the life tenant no longer wanting to live in the residence, a life estate provides several options for flexibility. Let's address the most common alternatives.

**Joint sale.** The donor and the charity can enter into a joint sale. Under a retained life estate, the real estate is owned in part by

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the donor and in part by the charity. Just as with any other type of joint ownership, the parties can agree together to sell and divide the proceeds.

**Gift of life estate.** The donor could decide to donate the life estate to the charity. In such an event, the charity would then own both the remainder value and the life estate and could sell the farmland. The donor would receive a charitable deduction for the gift of the remainder interest.

**Charitable remainder unitrust.** Another alternative: the donor could contribute her life interest to a charitable remainder unitrust. Since a life interest is a valid property interest, if the donor transfers her entire retained ownership into the charitable remainder unitrust, she receives a charitable deduction for a gift of appreciated property.

**No pre-arranged obligations.** Under these alternatives, there can be no pre-arranged binding obligation to select any one of possible options. If a binding obligation exists, the charitable deduction will be denied.

### Federal income tax charitable deduction

A federal income tax deduction is permitted for the present value of the remainder interest. As with all charitable contributions, the tax deduction for gifts involving appreciated property is limited to 30 percent of the donor's adjusted gross income. However, any unused portion can be carried over for up to five additional years.

For gifts of a remainder interest in real estate, the donor is entitled to a charitable deduction in an amount equal to the net present value of the charitable remainder interest. The computation is performed under guidelines described in Treas. Reg. § 1.170A-12 and is based on the following factors:

- The fair market value of the property, including improvements, on the date of transfer;
- The fair market value of depreciable improvements attached to or depletable resources associated with the property on the date of transfer;
- The estimated useful life of the depreciable improvements;

- The salvage value of the depreciable improvements at the conclusion of their useful life;
- Measuring term of the agreement, if measured by the life of one or more individuals, the date of birth of the individuals, and
- The applicable federal midterm rate, in effect for the month of transfer or during either of the two preceding months.

Let's look at two factors in more detail.

**Measuring terms.** As discussed earlier, retained life estates are most commonly measured by the lifetime of one or more individuals; however, life estates can also be measured by a term of years, or by the longer of the life or lives of individuals and a term of years, etc.

If the life estate is measured by one or more lives, the individuals must be in being at the time the life estate is created. If the life estate is measured by a fixed term of years, there is no minimum or maximum term for federal tax purposes.

**Applicable Federal Midterm Rate.** The Applicable Federal Midterm Rate (AFR) in effect for the month of the life estate gift is used as the interest component for present value computation purposes. At the donor's election, the AFR in effect for

either of the two months preceding the life estate gift can be substituted. This is an obvious opportunity for good planning.

In short, the lower the AFR, the higher the charitable deduction. Historically speaking, then, this is a very positive time for life estates.

**Cautionary note:** Finally, all individuals, families, businesses, and farms are unique and have unique legal and tax issues. This article is presented for informational purposes only, not as tax advice or legal advice.

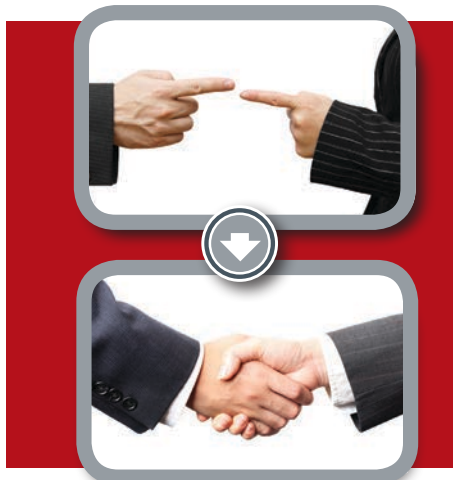
The retained life estate is an excellent charitable tool with many advantages. As Iowa lawyers, let's be sure our favorite charities, and the donors who fund them, are aware of retained life estates and their many advantages.



Gordon Fischer Law Firm, P.C. is dedicated to promoting and maximizing charitable giving in Iowa. Gordon can be reached at 515-371-6077, [gordon@gordonfischerlawfirm.com](mailto:gordon@gordonfischerlawfirm.com); or [www.gordonfischerlawfirm.com](http://www.gordonfischerlawfirm.com).

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# LaMarca Law Group 100 percent Iowa LawPAC contributor

By Steve Boeckman, ISBA Communications Dept.

Individual attorneys at the LaMarca Law Group in Des Moines, Iowa, have contributed to Iowa LawPAC over the years. But this was the first year all 10 of the full-time attorneys at the firm have made a contribution — earning it the designation as a 100 percent LawPAC contributing firm.

“Participating in LawPAC is an investment in our profession and simply a good way to give back in a very small way for the many things The Iowa State Bar Association does for our profession,” explains George LaMarca, founder and president of the prominent 30-year-old civil litigation firm. LaMarca Law Group’s practice includes personal injury, workers’ compensation, professional malpractice, business and construction litigation, and corporate and shareholder litigation.

LaMarca Law Group consists of the aforementioned 10 full-

time attorneys, plus two of-counsel attorneys and 14 support staff. The support staff includes experienced litigation legal assistants and investigators.

For their contributions, each attorney at LaMarca Law Group becomes a full member of Iowa LawPAC for a year.

As contributors, they assist the organization with its goals of improving state government by stimulating lawyers to become a more active and effective voice in its affairs, supporting the political and legislative activities officially supported by The Iowa State Bar

Association, and providing financial support to candidates for nomination and election to the Iowa General Assembly regardless of political party. Iowa LawPAC does not contribute to statewide elections or federal candidates.

Iowa LawPAC is a separate corporation from The Iowa State Bar Association and is directed by a board whose members are appointed by the ISBA president from among the ISBA membership. Democrats and Republicans are equally represented on the board in an effort to represent the views of the diverse organization.

Iowa LawPAC’s top priority is to assist lawyer candidates who are willing to pursue public service by running for the state legislature. It also supports non-lawyer candidates who are supportive of the ISBA’s legislative priorities.

Each year, sections of the ISBA draft 15 to 20 legislative proposals that make up the association’s affirmative legislative program. In addition, the association protects the interests of practicing members of the association and the public by opposing legislation which would have an adverse impact on law practices and clients.

It’s this latter point that motivated the LaMarca Law Group to support Iowa LawPAC.

“As lawyers solving day-to-day problems for Iowans, we are in a unique position to understand how particular legislation will benefit society as a whole, or merely serve the interests of a few to the detriment of many,” LaMarca says. “I view The Iowa State Bar Association’s LawPAC activities as an extension of our advocacy for our clients. As lawyers, we are in a unique position to understand their interests and needs, and how they may benefit or be harmed by certain legislation.”

*Contributions are ‘good way to invest in the profession and give back in a small way,’ says founder and president, George A. LaMarca.*

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HAS JOINED THE FIRM AS AN  
ASSOCIATE ATTORNEY



Ms. Costello graduated with highest honors from Drake University Law School in 2013 and was elected to the Order of the Coif. She also served on the Drake Law Review as well as the Moot Court Board. Ms. Costello began her legal career as a judicial law clerk to Justice Edward M. Mansfield of the Iowa Supreme Court.

*(Editor’s note: More information about Iowa LawPAC and how to contribute can be found on the ISBA’s website — [www.iowabar.org](http://www.iowabar.org). Click on “Store” in the gold bar near the top of the home page, then on “Contributions.”)*





Attorney members of the LaMarca Law Group in West Des Moines, Iowa, are (front row, from left) Erin Cassidy, Gary Mattson, Roman Vald, George LaMarca, Drennan Fischer and James Biscoglia. Pictured (second row, from left) Ryan Nixon, Philip De Koster, Chad Knapp and Andrew Doane. Not pictured are Amy Costello and Nick Avgerinos. The firm achieved a 100-percent participation in Iowa LawPAC this year.



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# Board of Governors Fall Quarterly Meeting — ISBA BOG acts on legislative agenda items, legal forms, at quarterly meeting

By Virginia Sipes, J.D., ISBA Communications Dept.



Iowa Supreme Court Chief Justice Mark Cady and ISBA Governor Jonathan Schmidt, district 6, discuss responsibility for providing furnishings and technology for the courthouses across the state.

- disparity that exists in Iowa's courts.
- Supported full funding and operation of drug courts throughout Iowa.

## Business Law Section

- Supported legislation that adopts amendments to the Uniform Voidable Transactions Act, Iowa Code 684.
- Supported legislation that would amend the Model Business Corporation Act, Iowa Code Chapter 490, to authorize the creation of "Public Benefits Corporations."
- Supported amendments to the appraisal provisions of the Iowa Business Corporation Act, Iowa Code Sections 490.1320(1) and 490.1320(3)(a) and (b).

## Family and Juvenile Law Section

- Approved support for legislation that makes the non-substantive, clarifying amendments to Iowa Code Chapters 232 and 598.
- Supported legislation that amends Iowa Code Section 598.19 to allow for waiver of the 90-day waiting period upon consent of the parties.
- Supported legislation that codifies the formula from *In re Marriage of Benson*, which sets out a mathematical calculation to divide the marital portion of a defined benefit plan via amendment to Iowa Code Section 598.21.
- Supported legislation that creates a centralized process of support collection via the proposed amended language for Iowa Code Chapter 598.

## Probate, Trust & Estate Planning Section

- Approved support for legislation that amends the Iowa Trust Code to provide for a new section that would include notices to trust beneficiaries or notices of judicial proceedings by amending Iowa Code Section 633A.1109 (Methods and Waiver of Service).
- Supported legislation that updates the Uniform Fiduciary Access to Digital Assets Act.

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1031 EXCHANGE

During the fall ISBA Board of Governors quarterly meeting in Coralville, Iowa, the BOG acted on numerous section recommendations for the 2016 ISBA Affirmative Legislative Program, continued to examine and further efforts to energize member engagement and approved recommended, non-substantive updates to ISBA legal forms.

## Actions

Actions taken by the Board of Governors included, by section:

### Criminal Law Section

- Authorized the Criminal Law Section chair to work with the Economic Development Committee chair to develop an evidence-based review of state and federal sentencing laws.
- Recommended that the Iowa Supreme Court Chief Justice appoint a task force of criminal justice stakeholders (defense counsel, prosecutors, law enforcement, NAACP, as well as an ISBA Diversity & Inclusiveness Committee member) to obtain and review objective data and make recommendations regarding racial



## Real Estate and Title Law Section

- Supported legislation that includes a drafting update to Iowa Code Section 649.5 regarding demands for quit-claim deeds.
- Approved support for clarifying legislation that grants statutory authority for a vendor in a real estate installment contract to seek Forcible Entry and Detainer action against holdover vendees who fail to vacate after forfeiture proceedings are concluded.
- Supported proposed legislation that increases the statute of limitations with respect to Iowa Code Sections 615.1 and 615.3 via a proposed foreclosure statute of limitations bill.

Additional actions taken by the Board of Governors included:

- Approved recommendations for a new format for ISBA legal forms. The new updates are non-substantive.
- Approved the formation of an Access to Justice Study Committee for the purposes of studying the possibility of the creation of an access to justice commission in Iowa that includes both attorneys and non-legal professionals.
- Approved support for full funding of the state judiciary's budget for equipment needs in accordance with the state's statutory obligation.
- Approved a resolution preserving federal public service loan forgiveness.
- Approved a resolution in support of state funding for civil legal services.

## Reports

### Dialogue with Iowa Supreme Court Chief Justice Mark Cady

Chief Justice Cady emphasized two points regarding continuances and state responsibility for the furnishings and technological equipment for physical structures in the court system. First, the court system must deliver on its promises to litigants and lawyers and to operate the court system such that trials proceed when scheduled as opposed to being continued.

All administrators and district court chief judges met during the administrative term. Cady relayed that more

information will be presented regarding the information from their meeting. Cady asked for help from attorneys to help minimize continuances and predicate the granting of continuances on due process so that the system can operate at its very best.

Second, he noted that under state law, county governments are financially responsible to provide physical structures for the court system, but the state is responsible for the furnishings and technological equipment therein. Cady introduced Chief Judge Arthur Gamble from the Fifth Judicial District to discuss the challenges with funding for the new Polk County Courthouse. Gamble remarked on the state of Iowa's responsibility for providing furnishings, equipment and technology for the courthouses across the state.

Both Cady and Gamble answered questions from governors.

### President's Report

President Bruce Walker remarked on the ISBA's response to the Iowa Supreme Court regarding the matter of the adoption of the Uniform Bar Examination and concerns about crushing student debt. President Walker noted that he provided governors and attendees with a summary of relevant excerpts from the September 2015 BOG meeting materials and emphasized information relevant to member engagement:

- The Annual Meeting Committee's report of 1018 total attendees,
- Bar membership statistics showing

that 27 out of 99 counties have 10 or fewer members,

- Excerpt from the Rural Practice Committee's report which states that "approximately 625 attorneys in Iowa's rural counties are 60 years old or older, 150 are 70 years or older.

### ISBA Executive Director's Report

ISBA Assistant Executive Director Harry Shipley provided a summary of financial activities of the bar association and where the ISBA's finances stand to date:

- Overall revenues decreased in 2014-2015 by 1.4 percent,
- Overall expenses increased in 2014-2015 by 0.6 percent,
- Expenses year-to-date are down 6 percent,
- Income year-to-date increased by 3 percent,
- Overall, revenues increased and expenditures decreased.

Information on membership trends was also presented:

- The Iowa Supreme Court's Office of Professional Regulation provided the ISBA with email addresses of attorneys licensed in Iowa who were not ISBA members and 101 are now ISBA members,
- Membership age demographics show that 20 percent of ISBA members are 51-60 years old and 12 percent are under 30 years old.

Shipley updated governors on member services provided by the ISBA, including new services and features:

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**Mike Mesch**  
CPA/ABV, ASA, CFF  
Partner

- **Find-A-Lawyer** – advertisements will be added at the search level of the service and video capabilities will be added for attorneys,
- **Child Support Calculator** – there are 758 family and juvenile law section members that may benefit from a reduced price child support calculator – proposals for two model options are under review,
- **IowaDOCS** – more than 200 forms are available for 2015-2016 including criminal law, probate and immigration law forms,

- **Law Practice Management** – ISBA will provide links to resources, quarterly webinars and a tech show with the goal of minimizing overhead for members' law practices.

### YLD President's Report

YLD President-elect Reed McManigal provided updates on the YLD's mentor program and noted that 190 new lawyers are entering practice and that more mentors are needed. Scott Hall is the YLD ABA affiliate for Iowa and Nebraska and will be meeting with young lawyers in Nebraska and South Dakota to discuss member engagement. Part of the meeting will focus on diversity.

### ABA Delegate Report

ABA Delegate David L. Brown reported on discussion within the ABA regarding limited concept licenses for nonlawyers as a potential solution to improved delivery of legal services and noted that the law is highly complex. Brown also reported on federal judicial nominations in Iowa and Judge Annette Scieszinski's role as Chair of the Nation Conference of State Trial Judges. Brown noted that Alan Olson was the national president of the ABA YLD and that he is currently the ABA Scrivener.

### The Iowa State Bar Foundation Update

ISBA Assistant Executive Director Harry Shipley provided a brief overview of the Iowa State Bar Foundation's Sept. 17 quarterly meeting in lieu of a member of the ISBF Board of Directors. He noted that there is currently \$1.7 million in the investment account. At the Sept. 17 meeting, approximately \$70,000 was awarded to various applicants. The foundation seeks a unified grant request process and plans to receive annual requests for funding no later than February 2016 for awards in March 2016. There were minor amendments to the foundation's bylaws Sept. 17, and \$250,000 has either been received or pledged for the foundation's campaign.

### Member Engagement Fast Action Team

Member Engagement Fast Action Team Chair Alan Fredregill noted that of the total number of attorneys licensed to practice in Iowa is approximately 84 percent are ISBA members. He reported on member types and counts, including 4,078 standard members' types and a total

of 8,218 members. Membership was also described in terms of generations: silent, baby boomers, X, and Y. Approximately 22 percent of members fit within the Generation X category, ages 30 to 40. The team is in the process of gathering additional information.

### Young Lawyer Engagement Fast Action Team

Young Lawyer Engagement Fast Action Team Chair Steve Eckley provided governors with an overview of the team's focus which includes investigation of newer lawyer's decisions to join the ISBA and to remain members of the ISBA and reasons why they may decide not to join or leave after belonging to the ISBA. The team collected preliminary information and formulated suggestions on how to develop and improve member engagement and will share them with ISBA leadership as the team continues its work.

### LawPAC Update

LawPAC Chair Tom Henderson explained that LawPAC's first priority is to give money to lawyers who are running for office and the second priority is to give money to candidates for office that support the goals and objectives of The Iowa State Bar Association. He stated that support is non-partisan.

### Reports from law school deans Drake Law School

Dean Ben Ullem remarked on several items related to this year's incoming class:

- The incoming class includes 104 students;
- Women make up 46 percent of the class;
- New students come from more than 40 different undergraduate institutions;
- More diverse incoming class with 18.5 percent students of color.

LSAT takers is on the rise and law schools anticipate that the applicant pool will continue to grow. The Iowa bar exam passage rate for first-time test-takers from Drake last July is 86 percent. The dean noted that the school welcomed the first masters of jurisprudence in health law with nine people this year. Ullem also provided updates on student and faculty achievements, highlights of plans to celebrate the 150th anniversary of Drake University Law School as well as an Oct. 2 event focused on the school's work on

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**ISBA President Bruce Walker recognizes ISBA Past Presidents in attendance at the ISBA Board of Governor's dinner Sept. 18 at the University of Iowa Kinnick Stadium Press Box. ISBA Past President Jim Bradley stands to applause from governors and guests.**

city ordinances that allow food trucks to operate within Des Moines.

### Creighton School of Law


Associate Dean David Weber remarked on enrollment this year. The incoming class is more diverse and the class includes five more students than last year. He remarked on new programs at the school as well as the school's ongoing commitment to the key components of a quality legal education. Weber provided highlights on student and faculty achievements.

### University of Iowa Law School

Professor Emily Hughes provided the report from the University of Iowa College of Law in lieu of Dean Gail Agrawal who was attending the admission ceremony for newly admitted Iowa attorneys and shared news and upcoming events. She reported that the Iowa bar exam first-time test-takers was 98 percent. She updated governors on the employment rate for 2015 graduates, 74 percent; 45 stayed in Iowa, 55 moved out of state and one graduate is working abroad. Of the students already employed, 12 graduates began federal clerkships, 16 began state clerkships; 11 new graduates are working at small firms of 2-10 attorneys and 11 new graduates are working in firms with 500 or more lawyers.

The new class is made up of 141 students. The average age of members of the incoming class is 25, the age range is 20 years to 40 years old. Students

are from 31 states with 55 from Iowa. Students of color make up 39 percent of the incoming class.




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# Disciplinary ACTIONS

**Joseph Michael Haskovec**  
**Cresco, Iowa**  
**Supreme Court Decision, Sept. 11, 2015**  
**(Amended Sept. 11, 2015)**  
**Public Reprimand**

Haskovec has been a practicing attorney in Iowa since 1985. In addition to his solo practice in Cresco, Iowa, Haskovec has spent a majority of his career as a part-time public servant. Haskovec is the current Howard County magistrate. Additionally, Haskovec served as the Howard County attorney for 27 years. This is his first disciplinary action. This action arose from Haskovec's representation of Edith Benson and the events following her death.

The board alleged that Haskovec violated two rules of professional conduct. First, the board alleged Haskovec violated Rule 32:4.1(b), which provides that in the course of representing a client, a lawyer shall not knowingly fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 32:1.6. Second, the board alleged Haskovec engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 32:8.4(c). In his responsive brief, Haskovec stipulated to almost all of the facts alleged by the board. Additionally, Haskovec stipulated to the ethical violations and the suggested punishment.

The court ultimately found Haskovec in violation of Rule 32:8.4(c), but not in violation of Rule 32:4.1(b). The court dismissed the violation under Rule 32:4.1(b) over Haskovec's stipulation because they could not make a proper factual basis. Haskovec's client, Benson (the decedent) merely wanted to change her will and

power of attorney designation. There was no allegation she intended to commit a criminal or fraudulent act. Therefore, when Haskovec sent Randall Benson's will, that had been signed by the second witness outside the presence of Benson and the other witness, without disclosing the timing of the signatures he was not assisting his client in committing a criminal or fraudulent act.

The court found, however, that sending the will to Pint (the second witness) to be signed after the execution of the will and allowing Randall to take the will without informing her of the issue violated Rule 32:8.4(c). Haskovec had sent the will to Pint to be signed knowing she would be making a false statement, as she did not sign the will in front of the testator or the other witness, as the will indicated. Further, Haskovec knew the will was not valid but failed to disclose that fact to Randall. The court found that these actions clearly established that the effect of Haskovec's conduct misled both Pint and Randall, rather than inform them. The court opined that the key consideration in assessing whether an attorney violated Rule 32:8.4(c) is whether the effect of his or her conduct misled a person rather than informed that person.

The court then considered sanctions. Haskovec had no prior disciplinary record and had spent most of his career in public service. Additionally, Haskovec immediately and without hesitation disclosed the issue with the will to the attorney probating the will. Finally, Haskovec's admission came before the attorney attempted to probate the will. There was no harm to the court. All of these act as mitigating circumstances that supported the court's decision to give Haskovec a public reprimand.

**Michael Hocine Said**  
**Des Moines, Iowa**  
**Supreme Court Decision, Sept. 4, 2015**  
**(Amended Sept. 10, 2015)**  
**30-Day License Suspension**

Said has been a practicing attorney in Iowa since 1994 and is known to have a good reputation amongst local lawyers. This action arose from Said's representation of a single client, Pedro Hernandez, in a deportation proceeding.

The first ethical violation alleged by the board was a breach of the duty to keep a client informed under Rule 32:1.4(a)(3). In Hernandez's deportation case, a notice of removal had been entered requiring Hernandez's deportation. Said's office misplaced the order and Said missed the appeal deadline. The court deferred to the board's finding that Said then failed to inform Hernandez of the missed deadline for several months, and thus breached his ethical duty.

The next ethical violation alleged by the board was a breach of the duty to explain matters to a client under Rule 32:1.4(b). The court affirmed the board's finding that Said violated this rule when he met with Hernandez after the missed appeal deadline, but did not inform him of the process to assert a claim for ineffective assistance of counsel as grounds for relief from the missed deadline.

The board next alleged a violation of the ethical duty not to make false statement to a tribunal under Rule 32:3.3(a). The court found Said had falsely alleged in a motion for stay of Hernandez's removal that Said was preparing to self-report his missed deadline to the ethics board in order to support Hernandez's late appeal due to ineffective assistance of counsel. Because the evidence did not support a finding that Said was in fact preparing the notice when the motion was made, the court found a violation.

The final two ethical violations alleged by the board concerned Said's management of his trust account. The court found that Said violated Rule 32:1.5(c) by withdrawing portions of the flat-fee paid by Hernandez at irregular times and before the withdrawn portions were earned. In addition, the court found a violation of Rule 32:1.5(f) for failing to provide written notification to Hernandez of fee withdrawals and for improper accounting of the funds.

The court then considered sanctions. The fact Said had four prior private admonitions, with one of the admonitions for similar conduct, was an aggravating factor. However, mitigating factors were also found; Said had taken corrective measures by training staff, improving billing practices and hiring an accountant. Said also performed substantial pro bono work. After consideration, the court suspended Said's license for 30 days.

**Frank Santiago**  
**Iowa City, IA**  
**Supreme Court Opinion, filed Sept. 4, 2015**  
**(Amended Sept. 10, 2015)**  
**30-Day License Suspension**

Frank Santiago has been a licensed attorney in Iowa City since 1995. He represents a large number of non-English speaking clients serving an underserved population. This action arose because Santiago failed to accurately account for his finances, specifically his trust account, after two audits, one in 2011 and one in 2013, and failure to adequately manage a client retainer and fee accounting of that retainer.

In the instant matter, Santiago failed to make perma-

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## Law Student Prosecutor? Is this heaven? No, it's Iowa.

By Levi Grove

nent changes to his accounting procedures after an audit in 2011 where he was not reprimanded due to some compliance. Following that audit, Santiago took over representation of a client who paid him a retainer to ensure his representation. This retainer was not deposited into his trust account. Further, when Santiago ceased representing the client he did not provide a statement of earned money or an adequate accounting. Santiago's 2013 client security questionnaire prompted another audit due to his admission that his books were not kept in accordance with the rules.

The board filed a complaint alleging violations of the Rules of Professional Conduct 32:1.5(a), 32:1.15, and 32:8.4(c) in addition to Iowa Court Rules 45.1, 45.2(2), 45.2(3), and 45.7(4). The commission found violations of Rules 32:1.5 and 32:1.15 in addition to all of the court rules outlined in the complaint. The commission did not think the board met its burden with respect to Rule 32:8.4(c) because they did not find Santiago being dishonest about any of his violations.

The Supreme Court review yielded similar results as Santiago did not contest hardly any of his violations. The court found violations of 32:1.15(c) and 32:1.15(a) where Santiago admitted he did not deposit cash retainers into his trust account, and he did not have up-to-date records or a reconciled client security report. The court agreed with the finding that Santiago failed to comply with Iowa Court Rule 45.1 by not depositing his client's retainer into a trust account. By not reconciling his trust accounts and keeping up-to-date records, the court agreed with the finding that Santiago violated Rule 45.2(3). The court also agreed with the finding that by making withdrawals from his trust account without notifying clients or providing a timely accounting, Santiago violated Rule 45.7(4).

During their review, the court declined to find that Santiago charged his client an unreasonable fee and therefore did not violate 32:1.5(a). However, the court did agree that there was a violation of 32:1.5(b) due to Santiago's failure to communicate in a timely fashion what his hourly rate would be. Finally, the court declined to find that Santiago had been dishonest, and therefore he did not violate Rule 32:8.4(c).

The sanction levied against Santiago was a 30-day suspension. The mitigating factors were the fact that there was no misappropriation or client harm. Although, that was qualified with the fact that it was hard to determine based on the condition of his records. Further mitigating factors were the facts that he helps an underserved non-English speaking population, he cooperated with auditors, the commission and the board and he had no prior disciplinary history. Despite those mitigating factors, the court suspended his license for 30 days in large part due to the fact that he had an opportunity to learn from his mistakes with the 2011 audit. The court was clear to say how seriously they take trust accounts and matters related to client funds which were strongly aggravating factors.

*Disciplinary Opinions are summarized by members of the Young Lawyers Division's Ad Hoc Disciplinary Committee.*

Iowa Court Rule 31.15 (2015) permits students enrolled in a reputable law school to practice law under the supervision of an attorney certified to practice in Iowa. Iowa is one of many states that allows law students, before being admitted to the bar, to practice law in one form or another. For the most part, a student practice rule is not uncommon. What is uncommon is the range of opportunities students have when they take advantage of the student practice rule in Iowa.

Under the Iowa practice rule, from January until August of this year, I interned as a student attorney with the Polk County Attorney Office's Drug and Gang Bureau. I was supervised by Assistant County Attorneys Joe Crisp and Andrea Petrovich, who were responsible for teaching me and appearing with me before the court. The experiences I was able to have in working with Joe and Andrea taught me invaluable lessons. In working with the Polk County Attorney's Office, I was able to experience a criminal case from the filing of the initial criminal complaint through to sentencing. On numerous occasions, under their supervision, I was allowed to appear before the court. The distinguishing factor which makes the experience in Iowa so exceptional is the scope of my court appearances.

While I was a student attorney, I appeared before the court in a number of pretrial matters including pretrial conferences, status conferences and suppression hearings. In addition, these appearances included both misdemeanor and felony cases. I was also able to appear before the court in felony and misdemeanor jury trials. In total, as first or second chair counsel, I tried five jury trials during my time with the Polk County Attorney's Office. Moreover, my experience was not limited to in-court appearances. As a student attorney, I drafted various court filings and researched a multitude of issues. Many of these writings were submitted, and I was also permitted to present these filings and argue before the court.

As a result of these experiences, I am fully able to appreciate the value of having not only a student practice rule but being permitted to utilize the rule in a legal community that affords experiences some can only dream of. Through the practice rule and the Polk County internship, I have become a better litigator and have been given experience that rivals, and in some cases surpasses, the trial experience of some practicing attorneys. My experiences are not unusual for law students in Iowa. There are many stories like mine where students have had incredible and invaluable experiences under the Iowa practice rule. Some of my colleagues at Drake Law have also had the opportunity to try a variety of felony cases. In fact, one of my peers was able to assist in trying a murder case. Others have had unique opportunities to appear before the court while representing clients in the Drake Legal Clinic.

Students should participate in internships or clinics under the Iowa practice rule as a means to gain experiences which will set them apart from students in other states. Being prepared to try a case or defend a client the day after being admitted to the state bar—as a result of practical experience while in law school—can make a new attorney a vital addition to a firm. Those in the legal community can take note that law students in Iowa are having these experiences and developing these skills in law school—skills that normally take years for new attorneys to gain.



*Levi Grove is a third year law student at Drake University Law School. Currently, Levi is a Research Editor for the Drake Law Review and has recently completed two internships with the Polk County Attorney Office's Drug and Gang Bureau as a Student Attorney. Levi can be contacted at [levi.grove@drake.edu](mailto:levi.grove@drake.edu).*

*The Law Student Corner is a reoccurring column supported solely by participating law students. Students interested in submitting a manuscript for publication should email [communications@iowabar.org](mailto:communications@iowabar.org) for details.*

# Thanks to speakers

## September

### Corporate Counsel/Trade Regulation Seminar

September 11, 2015

#### Sponsored by the Corporate Counsel and Trade Regulation Sections

Sarah Crane, Davis Brown Law Firm

Ryan Koopmans, Nyemaster Goode Law Firm

Lance Lange, Faegre Baker Daniels

Mark Hamer, Hamer Law Office

Prof. Shontavia Johnson, Drake University Law School

Justice Edward Mansfield, Iowa Supreme Court

Brian McCormac, Brown Winick, P.L.C.

Matthew McDermott, Belin McCormick, P.C.

Kristi Ralph Holzer, Nationwide Insurance

Nicolle Schippers, ARAG

Craig Sieverding, Davis Brown Law Firm

Leita Walker, Faegre Baker Daniels Law Firm

Mark Weinhardt, Weinhardt & Logan Law Firm

Prof. Ellen Yee, Drake University Law School

### Agricultural Law Seminar

September 17, 2015

#### Sponsored by Ag Law Section and CALT

Kristy Maitre, CALT

Roger McEowen, CALT

Mark Newman, Newman Thompson & Gray, P.C.

Joe Peiffer, Day Rettig Peiffer, P.C.

David Pierce

Todd Scott, Minnesota Lawyers Mutual Insurance

Kristine Tidgren, CALT

### Domestic Violence: the Law and Attorney Best Practices

September 23, 2015

### Sponsored by the YLD Professional Development Committee

Cathy Vincent, Outreach Coordinator, Children & Families of Iowa Domestic Violence Services

## October

### Nuts & Bolts Seminar – Eastern Iowa

October 2, 2015

#### Sponsored by the YLD Professional Development Committee

Emily Anderson, Riccolo Semelroth & Henningsen, P.C.

Prof. Patrick Bauer, University of Iowa College of Law

Trinity M. Braun-Arana, Office of Professional Regulation

Sarah Crane, Davis Brown Law Firm

Brian Crotty, HDH Advisors, L.L.C.

Bill Daly, Shuttleworth & Ingersoll, P.L.C.

Matt Hektoen, Simmons Perrine Moyer Bergman, P.L.C.

Donald Johnson, Shuttleworth & Ingersoll, P.L.C.

Jacob Koller, Simmons Perrine Moyer Bergman, P.L.C.

Cynthia Lande, Brown Winick, P.L.C.

Ellen Ramsey-Kacena, Cedar Rapids Lawyer

Lisa Stephenson, Simmons Perrine Moyer Bergman, P.L.C.

### Nuts & Bolts Seminar – Central Iowa

October 2, 2015

#### Sponsored by the YLD Professional Development Committee

Prof. Patrick Bauer, University of Iowa College of Law

Trinity M. Braun-Arana, Office of Professional Regulation

Richard Calkins, Calkins Law Firm

Sarah Crane, Davis Brown Law Firm

Brian Crotty, HDH Advisors, L.L.C.

Michael Dayton, Nyemaster Goode, P.C.

Timothy Gartin, Hastings Gartin & Boettger, L.L.P.

Joseph Leo, Brown Winick, P.L.C.

Prof. Brent Pattison, Drake University Legal Clinic

David Repp, Dickinson Mackaman Tyler & Hagen, P.C.

Melissa Schilling, Dickinson Mackaman Tyler & Hagen, P.C.

Timothy Semelroth, Riccolo Semelroth & Henningsen, P.C.

### Native American Law 101

October 19, 2015

#### Sponsored by the Environmental Law Section

David Cozad, Regional Counsel, EPA Region 7

Karen Flournoy, Director, Water, Wetlands, and Pesticides Division, EPA Region 7

Chuck Gipp, Director, Iowa Department of Natural Resources

Prof. Emily Hughes, University of Iowa College of Law

Kristine A. Tidgren, CALT

Ed Tormey, General Counsel, Iowa Department of Natural Resources

Connor Wasson, Attorney, Ahlers & Cooney, P.C.

### Family Law Seminar

October 29-30, 2015

#### Sponsored by the Family and Juvenile Law Section

Matthew Brandes, Simmons Perrine Moyer Bergman, P.L.C.

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Greg Weber  
CPA/ABV, ASA



Jim Nalley  
CPA/ABV, CFF, CVA



Jennifer Julander  
ASA



# A Lawyer's Limits

By Gail E. Boliver, Boliver Law Firm

As a lawyer's practice evolves, there are more opportunities to expand services. An estate planner may note a client's investable assets are approaching the estate tax exemption (\$5.43 million in 2015), or a real estate practitioner may have a client who is interested in real property in other geographic locations (1031 exchange). Each client seeks investment advice. What, if any, investment advice may a lawyer offer?

The investment advice practice is a heavily-regulated practice. A person offering investment advice is usually required to take and pass licensing exams. To simplify, there are two broad categories of persons permitted to engage in the business of offering investment advice: a registered representative or investment advisor. Registered representatives are generally referred to as stock brokers, and investment advisors are sometimes referred to as financial planners.

Under the Iowa Uniform Securities Act (502.102 (15)(b)), a lawyer whose investment advice is solely incidental to the practice of the person's profession is exempt from registration (licensing). The estate planning lawyer may set up an estate plan but not make a recommendation for the purchase or sale of specific securities. The real estate lawyer may offer advice concerning general real estate investments but may not make a recommendation for the sale or purchase of securities (i.e. specific security products).

In addition, a lawyer may not receive compensation for any incidental investment advice with a caveat under IAR rule 191-50.37 where referral fees may be prohibited.

Lastly, the risk of violations of investment advice can range from civil to criminal proceedings. I represented investors in a civil action against two investment advisors; one-an attorney. Before all matters were settled, the attorney involved settled the civil matter, lost to the Commodities Future Trading Commission for judgment in excess of \$1.7 million and was recently sentenced to four years in federal prison.

Attorneys considering investment guidance should be aware of the pitfalls of doing so. What might seem like a harmless, helpful suggestion could be a violation of the regulation and invite litigation.



Gail Boliver practices primarily in the area of securities litigation and has offices in Marshalltown and Grinnell, Iowa, and Omaha, Nebraska. He received his J.D. from Creighton University School of Law and his MBA from Arizona State University. He was a board member with the Public Investors Arbitration Bar Association (PIABA) for nine years. He can be contacted at 641-752-7757 or boliver@boliverlaw.com.

More information on the investment advice case can be found at <http://bit.ly/1LYPTRF> and <http://1.usa.gov/1GKwzaf>.

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## TRANSITIONS

### Nathan D. Miller and Gregory T. Usher

recently joined the law firm Beecher, Field, Walker, Morris, Hoffman and Johnson, P.C., in Waterloo, Iowa.



Miller

Miller joined the firm as an associate. He received his bachelor's degree from the University of Northern Iowa in 2012 and his J.D. from the University of Iowa College of Law in 2015. Miller will practice primarily in transactional matters such as real estate transactions, wills and trusts and estate planning.



Usher

Usher joined the firm as an associate. He received his bachelor's degree from the University of Iowa in 2010 and his J.D. from the University of Iowa College of Law in 2015. Usher will practice primarily in civil litigation.

**Rebecca Duffy** and **Sean Raisch** joined the Davis Brown Law Firm in Des Moines, Iowa.



Duffy

Duffy joined the firm as special counsel. She received her undergraduate degree in international business and Spanish from Concordia College in Moorehead, Minnesota. She earned her J.D. from the Drake University Law School.

Prior to joining Davis Brown, Duffy worked in workers' compensation at Nationwide Agribusiness Insurance Company for two years and as an associate attorney at Gislason & Hunter, L.L.P., in New Ulm, Minnesota. She will join the worker's compensation department at the firm.



Raisch

Raisch joined the firm as an associate. He received his bachelor's degree from Coe College in 2012 where he studied business, political science and economics. He graduated in May 2015 from Drake University Law School. Raisch will maintain a general practice including real estate and business transactions, banking and health law.

### Christopher A. Proskey, Corrin N. Hatala, Bryan M. Ingram, Thomas J. Ogden, and Thomas A. Evans

joined BrownWinick Law Firm in Des Moines, Iowa.



Proskey

Proskey joined the firm as a member. He received his bachelor's degree in industrial and manufacturing systems engineering from Iowa State University in 2001; his M.B.A. from the University of Minnesota's Carlson School of Management in 2006. In 2007 he received his J.D., from Drake University Law School. Proskey is a registered patent attorney with a practice focused on patents, trademarks and intellectual property rights.



Hatala

Hatala joined the firm as an associate. She graduated from Iowa State University in 2012, receiving her bachelor's degree in journalism and mass communication, with minors in history and political science. In 2015, she received her J.D. from Drake University Law School. Hatala has a general practice including, but not limited to, administrative law, agribusiness, business and corporate law, employment and labor law, litigation and real estate law.



Ingram

Ingram joined the firm as an associate. He graduated from Simpson College in 2012, receiving his bachelor's degree in English, with a minor in sociology/social work. In 2015 he received his J.D., from Drake University Law School. Ingram has a general practice including, but not limited to, litigation, patent, trademark and copyright, environmental law, agribusiness, corporate finance and securities.



Ogden

Ogden joined the firm as an associate. He graduated from Hillsdale College in 2010, receiving his bachelor's degree in political economy. In 2014 he received his J.D. from the



Evans

University of Virginia School of Law. Prior to joining BrownWinick, Ogden served as a law clerk to the Honorable Steven M. Coloton of the United States Court of Appeals for the Eighth Circuit. His practice focuses primarily in litigation.

Evans joined the firm as a member. He received his bachelor's degree in political science and American history from the University of New Hampshire in 1974. In 1977 he received his J.D. from Drake University Law School. Evans practices primarily in the labor and employment area, with expertise in collective bargaining.

### Jeffrey M. Beatty and Kristymarie Shipley

joined Shuttleworth & Ingersoll, P.L.C., in Cedar Rapids, Iowa.



Beatty

Beatty joined the firm as an associate attorney whose practice focuses on litigation and construction law. He is a graduate of the University of Iowa where he earned a bachelor's degree in English and political science with a minor in Spanish. In 2015, he earned his J.D. from the University of Iowa College of Law.



Shipley

Shipley is an associate attorney whose practice focuses on litigation and labor and employment. She is a multilingual lawyer originally from Caguas, Puerto Rico, and fluent in Spanish. Shipley is a graduate of the University of Florida where she earned bachelor's degrees in Spanish and psychology. In 2015, Shipley earned her J.D. from the University of Iowa College of Law.



Lang

**Kelli Lang** and **Grant Lientz** recently joined Meardon, Sueppel & Downer, P.L.C., Iowa City, Iowa as associate attorneys.

Lang received her undergraduate degree in mathematics from Transylvania University in 2007 and earned her J.D. at the University of Iowa College of Law in 2015.



Lientz

Lientz received his undergraduate degree from the University of Iowa in political science in 2012 and his J.D. at the University of Iowa College of Law in 2015.



Evans

Rob Evans joined Grefe & Sidney, P.L.C., in Des Moines, Iowa, as an associate. Evans will be practicing in the family law section at the firm. He received his J.D. from Drake University Law School in 2015 after graduating from Eastern Illinois University receiving a bachelor's degree in history.

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**Free**

**Whitney Free** joined Johnson Law, P.L.C. in Sidney, Iowa, as an associate attorney. Free received her undergraduate degree in international business from the University of Nevada, Las Vegas, and earned her J.D. from the University of Iowa College of Law. She will primarily be engaged in general practice for the firm.



**Muldoon**

**Ryan J. Muldoon** joined the firm of Telpner, Peterson, Smith, Ruesch, Thomas & Simpson, L.L.P., of Council Bluffs, Iowa, as an associate in the practice of law. Muldoon obtained his bachelor's degree in Spanish from Iowa State University in 2002. He received his J.D. from Creighton University School of Law in 2011.



**Thiel**

**Abigail Thiel** joined the firm of Simpson, Jensen, Abels, Fischer & Bouslog, P.C., in Des Moines, Iowa, as an associate. She earned her bachelor's degree from Indiana University and her J.D. from Drake University Law School. Thiel maintains a general practice with a concentration in the firm's litigation department.



**Hermsen**

**Zachary J. Hermsen** joined Whitfield & Eddy, P.L.C., in Des Moines, Iowa, as an associate attorney in the litigation practice group in the Des Moines office. He works with clients in general civil litigation in matters including but not limited to family law, construction, insurance defense and personal injury. Hermsen graduated from the University of Iowa College of Law in May, 2015.



**Nelson**

**Jacob W. Nelson** joined Simmons Perrine Moyer Bergman, P.L.C., in Cedar Rapids, Iowa, as an attorney with the firm's business and commercial litigation group. Nelson's practice is centered on general commercial litigation, distribution and franchise-related litigation and construction law. Prior to joining the firm, Nelson worked as a litigation attorney at Foley & Lardner, L.L.P., in Milwaukee, Wisconsin.



**Ahrendsen**

**Aaron W. Ahrendsen** joined the firm of Eich, Van Dyke, Werden & Steger, P.C., in Carroll, Iowa. Ahrendsen received his bachelor's degree in finance from Grand View University in 2012 and his J.D. from Drake University Law School in 2015. Aaron is engaged in general practice including but not limited to litigation, personal injury, wills, trusts and probate.



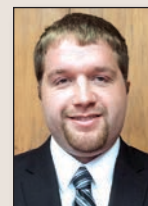
**Kirkpatrick**

**Kent Kirkpatrick** joined McCarthy and Hamrock, P.C., in West Des Moines, Iowa, as their personal injury counsel. Kirkpatrick is an Ankeny, Iowa, native who recently moved back to Iowa after practicing law in Austin, Texas for 19 years. He attended the University of Iowa



**Sailer**

**Joslyn Sailer** recently started her own law firm, Sailer Law, P.L.L.C., in Waterloo, Iowa. Sailer earned her bachelor's degree in economics from the University of Northern Iowa and her J.D. from Drake University Law School. She primarily practices family law, real estate, juvenile law and drafts wills. She is trained in mediation and collaborative law.



**Buck**

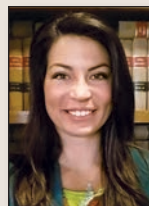
**Brandon J. Buck** joined Moore, McKibben, Goodman & Lorenz, L.L.P., in Marshalltown, Iowa, as an associate attorney. Buck earned his bachelor's degree in history from Iowa State University in 2012. He earned his J.D. from Drake University Law School in 2015. Buck will have a general practice focusing on agricultural law, corporate law, taxation, real estate, estate planning and probate.

for his undergrad and obtained his law degree from St. Mary's Law School in San Antonio, Texas. His primary areas of practice include personal injury, motor vehicle accidents, 18-wheeler accidents, medical malpractice and insurance bad faith.



**Strain Linder**

**Sara Strain Linder** joined the law firm of Bray & Klockau, P.L.C., in Iowa City, Iowa, as an associate. She earned her bachelor's degree from the University of Iowa in 2003 and her J.D. in 2007 from the University of Iowa College of Law. Linder will focus on family law including, divorce,



**Shanahan**

**Katrina L. Shanahan** has joined the law firm of Carney & Appleby, P.L.C., in Des Moines, Iowa, as an associate attorney. Katrina received her bachelor's degree from the University of Wisconsin-Platteville in 2011 and her J.D. from Drake University Law School in 2015. Katrina will be practicing in the areas of family law, real estate, personal injury and civil litigation.

child custody, child support, juvenile law, representing children as a guardian ad litem, mediation and appellate cases.



**Manchester**

**Scott B. Manchester** recently joined Guaranty Bank & Trust Company in Cedar Rapids, Iowa, as vice president – trust officer. Manchester earned his bachelor's degree from the University of Iowa and his J.D. from Drake University Law School. Prior to accepting this position with Guaranty Bank, Manchester was in private practice in the Cedar Rapids area.



**Johnson Steen**

**Kasey Johnson Steen** joined Coldwell Banker Mid-America Group, Realtors® in Des Moines, Iowa, as general counsel and director of risk management. Steen earned her J.D. and M.B.A. from Drake University. Prior to joining Coldwell Banker Mid-America Group, Realtors®, Steen served as an attorney and transactions specialist for Belin McCormick, P.C., in Des Moines where she worked primarily in the corporate and real estate divisions of the firm.

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# ISBA CLE Calendar

Visit [www.iowabar.org/calendar](http://www.iowabar.org/calendar) for more information or to register for any of our upcoming CLE opportunities.

**November 23**

**Structuring Acquisition Transactions  
(Live Webinar)**

**December 2-4**

**Bloethe Tax School**  
Des Moines Marriott Downtown  
Des Moines

**December 8**

**Whistleblower Actions  
(Telephone CLE)**

**December 11**

**eCommerce & Intellectual Property Seminar  
(In-person or Live Webinar)**  
ISBA Headquarters » Des Moines

**December 14**

**Competence in a Client-Lawyer Relationship.  
Are You Meeting the Ethical Standard?  
(Live Webinar or Telephone CLE)**

**December 15**

**The Ethics Complaint Process - And Tips To  
Help You Avoid It Altogether  
(Live Webinar)**

**December 16**

**Unauthorized Practice of Law  
(Live Webinar)**

**December 17**

**Taxation Legal Ethics  
(Live Webinar)**

**December 18**

**Federal Practice Seminar**  
Embassy Suites  
Des Moines



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*Maximum of 6 hours of on-demand CLE each year*

## Taxation Legal Ethics (Live Webinar)

Thursday, December 17 · 12:00 - 1:40 p.m.

This presentation will address some of the most common ethical issues that arise in the representation of clients during the estate and/or business planning process in addition to income tax planning.

[www.iowabar.org/event/2015TaxationEthics](http://www.iowabar.org/event/2015TaxationEthics)



# Bloethe Tax School ▶ December 2-4

Des Moines Marriott Downtown, 700 Grand Ave., Des Moines, IA 50309

## WEDNESDAY, DECEMBER 2

- 8:00 - 12:45** Registration  
**12:30 - 12:45** Opening Remarks - Speaker: David Grooters, Tax School Chair  
**12:45 - 1:30** Tax Update - Speaker: Prof. Neil Harl, Iowa State University  
**1:30 - 2:30** View from the Iowa Department of Revenue - Speaker: Patty Fulton, Iowa Department of Revenue, Taxpayer Service Specialists  
**2:30 - 3:15** Affordable Care Act - Speaker: Tamara Borland, Project Manager Low-Income Taxpayer Clinic Iowa Legal Aid  
**3:15 - 3:30** Break  
**3:30 - 5:30** Forms & Examples - Speakers: James Goodman, Moore, McKibben, Goodman & Lorenz, LLP and Maureen Kenney, Bradley & Riley PC  
**5:30 - 7:00** Tax School Reception - Rock River Grill & Tavern - 2nd Floor, Marriott (Sponsored by the Dickinson Law Firm)

## THURSDAY, DECEMBER 3

- 7:00 - 8:00** Registration  
**8:00 - 9:00** Topic TBD - Speaker: Todd C. Scott, Vice President of Risk Management, Minnesota Lawyers Mutual Insurance Co.  
**9:00 - 10:30** Tax Manual - Speakers: David Bibler, Buchanan, Bibler, Gabor & Meis; Lee Wilmarth, Anderson, Wilmarth, Van DerMaaten, Belay, Fretheim, Gipp & Zahasky Law Office; and Dan Fretheim, Anderson, Wilmarth, Van DerMaaten, Belay, Fretheim, Gipp & Zahasky Law Office  
**10:30 - 10:45** Break  
**10:45 - 11:45** Federal Estate Tax Return Issues - Speaker: Alyssa Stewart, Anderson Roberts Porth Wallace & Stewart, LLP  
**11:45 - 12:15** Recent Rulings and What's New at the Department of Revenue - Speakers: Courtney Kay-Decker, Director, Iowa Department of Revenue and Victoria Daniels, Iowa Department of Revenue  
**12:15 - 1:45** Lunch (not provided with registration)  
**1:45 - 2:15** State Tax Update - Speaker: Brandon Ruopp, Moore McKibben Goodman & Lorenz LLP  
**2:15 - 3:15** Recent Developments in Planning for Retirement Benefits - Speaker: Robert K. Kirkland, American College of Trust and Estate Counsel  
**3:15 - 3:30** Break  
**3:30 - 4:00** Partnership Reorganizations and Terminations - Speaker: David Repp, Dickinson Mackaman Tyler & Hagen PC  
**4:00 - 5:00** Ethics - Speaker: Timothy Gartin, Hastings Gartin & Boettger LLP

## FRIDAY, DECEMBER 4

- 7:00 - 8:00** Registration  
**8:00 - 8:45** Tax Consequences of Entity Conversions - Speaker: Kyle Day, Lane & Waterman LLP  
**8:45 - 9:45** State Collection Issues - Speaker: Alex Kornya, Iowa Legal Aid  
**9:45 - 10:00** Break  
**10:00 - 11:00** Family Taxation Issues - Speaker: Jenna Lain, Law Office of Jenna K. Lain, PLLC  
**11:00 - 12:15** Blue Ribbon Panel - Panelists: James Monroe, James Monroe Law Firm; Margaret Van Houten, Davis Brown Law Firm; and Thomas Houser, Davis Brown Law Firm

### CLE Credit (pending):

15.50 state hours which includes  
2 ethics and 8.75 federal hours

## Registration Form: Bloethe Tax School

Name: \_\_\_\_\_ Member #: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_

Registration Fees (prices below reflect the early-bird registration fee. Registering after **December 1st** will result in a \$35 late fee being added on to your registration fee amount):

Hard Copy Materials and Registration (hard copy materials may not be available for walk-ins):

- \_\_\_ ISBA Members (more than 5 years of practice) - \$315      \_\_\_ Tax Section Members (more than 5 years of practice) - \$295  
\_\_\_ ISBA Members (YLD Members Years 1-5) - \$245      \_\_\_ Tax Section Members (YLD Members Years 1-5) - \$235  
\_\_\_ Non-ISBA Members - \$435      \_\_\_ Para-Professionals - \$185      \_\_\_ Law Students - \$95

Electronic Materials and Registration:

- \_\_\_ ISBA Members (more than 5 years of practice) - \$275      \_\_\_ Tax Section Members (more than 5 years of practice) - \$255  
\_\_\_ ISBA Members (YLD Member Years 1-5) - \$205      \_\_\_ Tax Section Members (YLD Member Years 1-5) - \$195  
\_\_\_ Non-ISBA Members - \$395      \_\_\_ Para-Professionals - \$145      \_\_\_ Law Students - Free

Materials Only:

- \_\_\_ Tax School Outlines Only - \$125      \_\_\_ Tax Manual without Electronic Version of Materials - \$150  
\_\_\_ Full Set of Materials (does not include electronic version of materials) - \$250      \_\_\_ Electronic Version of Materials (if not attending Tax School) - \$50  
\_\_\_ Electronic Version of Materials (if attending Tax School) - \$35 (not included in the seminar registration fee)

Tax School Reception (Dec. 2): \_\_\_ Yes, I plan on attending      \_\_\_ No, I will not be attending

Method of Payment: \_\_\_ Check enclosed      Check Number \_\_\_\_\_      \_\_\_ CLE Season Pass  
\_\_\_ Master Card      \_\_\_ Visa      \_\_\_ American Express

Credit Card #: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Cardholder Signature: \_\_\_\_\_

Special Considerations (dietary, hearing, vision, etc.): \_\_\_\_\_

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

Questions: Phone (515) 697-7874 or e-mail cle@iowabar.org

Cancellation policy: Registration refunds will be issued only if written notification is received by the bar office by November 25, 2015. Written notification can be mailed, faxed or e-mailed to the bar office.



**Friday, December 11  
8:00 a.m. - 4:15 p.m.**

**In-person (ISBA Headquarters) or Live Webinar**

*Sponsored by The Iowa State Bar Association  
eCommerce and Intellectual Property Law Sections*

- 8:00 - 8:30 Registration and Welcome**
- 8:30 - 9:30 Mobile Application Legal Issues**  
Speaker: John Goodhue, Goodhue, Coleman, & Owens Law Firm
- 9:30 - 10:15 Internet of Things and Privacy Issues**  
Speaker: Srikant Mikkilineni, Brick Gentry Law Firm
- 10:15 - 10:30 Break**
- 10:30 - 11:15 Assessing and Addressing Cyber Risk**  
Speaker: Thomas Kelley, McGrath North Law Firm
- 11:15 - 12:15 Alice and Software Patents**  
Speaker: Kyle Coleman, Goodhue, Coleman, & Owens Law Firm
- 12:15 - 1:00 Lunch**  
(provided with in-person registration)
- 1:00 - 2:00 Payment Card Industry Data Security Standards**  
Speakers: Kevin Christensen Vice President, Audit, SHAZAM, Inc. and Amy Adkins, Vice-President, Corporate Attorney, SHAZAM, Inc.
- 2:00 - 3:00 Responding to Online Infringements and IP Registration with U.S. Customs and Border Patrol**  
Speaker: Jonathan Kennedy, Mckee Vorhees & Sease Law Firm
- 3:00 - 3:15 Break**
- 3:15 - 4:15 The Ethical Lawyer and the Tao of Technology**  
Speaker: Brett Trout, Law Offices of Brett J. Trout

## Registration Form: eCommerce & IP Law Seminar

Name: \_\_\_\_\_

Member #: \_\_\_\_\_

Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Registration Fees:

Prices below reflect the early-bird registration fees. Registering after December 10th will result in a \$50 late fee being added on to your registration fee amount.

- eCommerce and Intellectual Property Law Section Members - \$160  
 ISBA Members - \$175  
 Non-ISBA Members - \$240

### Attendance Preference:

In-person  Live Webinar

### Method of Payment:

- Check enclosed Check Number: \_\_\_\_\_  
 Master Card  Visa  American Express  
 CLE Season Pass

Credit Card #: \_\_\_\_\_

Exp. Date: \_\_\_\_\_

Cardholder Signature: \_\_\_\_\_

Special Considerations (dietary, hearing, vision, etc.):  
 \_\_\_\_\_  
 \_\_\_\_\_

### CLE Credit (approved):

6.5 state hours which includes 1 ethics hour

### Materials - Electronic Materials Only

If attending via the live webinar, any materials related to this event, as well as joining instructions, will be sent via e-mail prior to the event. Please include e-mail address when registering for this event.

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

Questions: Phone (515) 697-7874 or e-mail cle@iowabar.org

**Cancellation policy:** Registration refunds will be issued only if written notification is received by the bar office by December 4, 2015. Written notification can be mailed, faxed or e-mailed to the bar office.



# Federal Practice Seminar

Friday, December 18

8:30 a.m. - 4:30 p.m.

Embassy Suites, 101 E. Locust St., Des Moines, IA 50309

Sponsored by The Iowa State Bar Association Federal Practice Committee

- 8:30 - 9:30**     **Article III Judges Panel** - Moderator: Professor Emily Hughes, University of Iowa College of Law
- 9:30 - 10:30**   **Magistrate Judges Panel** - Moderator: Anne Kershaw, Founder and Managing Director of Knowledge Strategy Solutions
- 10:30 - 11:00**   **Break**
- 11:00 - 12:00**   **Women and the Supreme Court** - Speaker: Dahlia Lithwick, Slate Magazine
- 12:00 - 1:15**     **Lunch** (additional \$20) - Speaker: Leonard Strand, Magistrate Judge
- 1:15 - 2:15**     **Jury Panel** - Moderator: Hon. Robert Pratt, U.S. District Judge, Southern District of Iowa
- CIVIL LAW BREAKOUT SESSION**
- 2:15 - 3:15**     **Techniques for Achieving Proportionality** - Speaker: Anne Kershaw, Founder and Managing Director of Knowledge Strategy Solutions
- CRIMINAL LAW BREAKOUT SESSION**
- 2:15 - 3:15**     **The Shifting Landscape of Federal Sentencing** - Speakers: F. Montgomery Brown, Brown Law Firm; James Whalen, Federal Public Defender; and C.J. Williams, Assistant U.S. Attorney  
Moderator: Professor Ellen Yee, Drake Law School
- 3:15 - 3:30**     **Break**
- 3:30 - 4:30**     **Ethics** - Speaker: Michael Streit, Ahlers & Cooney PC

CLE Credit (pending): 6 state hours which includes 1 ethics hour and 6 federal hours

## Registration Form: Federal Practice Seminar

Name: \_\_\_\_\_ Member #: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Registration Fees:

Prices below reflect the early-bird registration fees. Registering after December 17th will result in a \$50 late fee being added on to your registration fee amount.

ISBA Members - \$175      Non-ISBA Members - \$275      Students - Free

**Lunch** (Lunch is not provided with registration. Cost for lunch is an additional \$20):

Yes, I want lunch (add \$20 to registration fee)      No lunch needed

### Method of Payment:

Check enclosed     Check Number: \_\_\_\_\_      Master Card      Visa      American Express  
 CLE Season Pass

Credit Card #: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Cardholder Signature: \_\_\_\_\_

Special Considerations (dietary, hearing, vision, etc.): \_\_\_\_\_

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

Questions: Phone (515) 697-7874 or e-mail cle@iowabar.org

Cancellation policy: Registration refunds will be issued only if written notification is received by the bar office by December 11, 2015. Written notification can be mailed, faxed or e-mailed to the bar office.

**CLASSIFIED ADS**

**PUBLISHER'S NOTE:** To submit an ad to CLASSIFIED ADVERTISING, please follow the style of the ads appearing here, indicate the classification where you want your ad to appear and state how long the ad is to run. Each ISBA-member receives two free entries annually, except for "Positions Available" ads. Those ads must be posted in the ISBA's Career Center to qualify for publication in the magazine. Once posted in the career center, they will be published in the magazine one time for each posting. Corporate and government attorney members of the association receive the same free privileges for their business, non-employer-related ads. If you have questions, call the Communications Dept. at 515-697-7898. E-mail your copy to [communications@iowabar.org](mailto:communications@iowabar.org). The number appearing in parentheses after each ad indicates the volume and the number of the issue when the ad will be pulled from the magazine. (AL) refers to paid ads. (TF) indicates internal or "house" ads that run indefinitely.

**COMMERCIAL ADVERTISERS:** For rates, or to place an ad, contact Alex Larson (515) 238-4406; [alex@larsonent.com](mailto:alex@larsonent.com).

**POSITIONS AVAILABLE**

**SENIOR ATTORNEY** – The Transamerica companies, wholly-owned subsidiaries of AE ON N.V., are seeking an in-house senior attorney for their Cedar Rapids, Iowa, office. The position will be within the Transactional Law Group which is responsible for the majority of transactional, technology and intellectual property matters of the company. The senior attorney will work closely with the global procurement function. Knowledge and prior experience within the financial services industry, including experience with software license agreements, cloud agreements (IaaS, PaaS, SaaS), outsourcing agreements, international business transactions, privacy and data protection, technology matters and intellectual property preferred. CIPP/US and CIPP/EU certification desired. J.D. degree with state bar admission required. Minimum of 5-8 years of experience. Apply online at: <http://bit.ly/IWN20Gv> (76-1)

**GOVERNMENT RELATIONS DIRECTOR** – The City of Des Moines, Iowa, seeks a government relations director. The director conducts legislative analysis and coordination of the city's intergovernmental relations and public affairs efforts to enact and influence legislation affecting the city; identifies and cultivates grant opportunities with philanthropic foundations and organizations; maintains effective working

relationships with educational institutions, local, state, federal and other governmental officials, and provides management support for projects and programs for the city manager, including strategic planning systems and interdepartmental coordination. The position requires graduation from an accredited college or university with a bachelor's degree in public or business administration, political science, or other related field and extensive experience in legislative affairs and city administration. A master's degree in any of the above fields, or any equivalent combination of experience and training which provides the knowledge and abilities necessary to perform the work, may be substituted for two years of required experience. Apply online at: <http://bit.ly/IWN3Wi0> (76-1)

**EXCHANGE OFFICER** – IPE 1031, a leading and highly-respected national provider of Section 1031 exchange services, is seeking an experienced attorney to provide leadership in the office and work with individuals and their advisors in structuring exchange transactions. No experience with exchange transactions is necessary. The position offers significant opportunity for leadership and professional growth for candidates with strong credentials and a chance for a self-motivated team player to work in a professional, entrepreneurial and pleasant work environment. Candidates should

have high integrity, intellectual strength, take ownership in their work and have the ability and desire to lead. The position is full-time and offers competitive compensation and benefits dependent on qualifications and experience. Apply by email to: [kbrown@ipe1031.com](mailto:kbrown@ipe1031.com) (76-1)

**ASSOCIATE ATTORNEY** – Mcenroe, Gotsdiner, Brewer, Steinbach and Rothman, P.C., a West Des Moines, Iowa, AV-rated general practice firm is seeking an associate attorney. All applicants must have a minimum of two years experience. Experience in multiple areas a plus. Apply to: [drowthman@mckenroelaw.com](mailto:drowthman@mckenroelaw.com) (76-1)

**PARALEGAL AND IP PARALEGAL** – Renewable Energy Group in Ames, Iowa, seeks a paralegal and an intellectual property paralegal. The paralegal position supports the company's legal department with general corporate, organizational, and compliance matters. The IP paralegal supports the legal department with general corporate, organizational, intellectual property and compliance matters. Both positions require a four-year bachelor's degree/paralegal degree, or a related degree. 2-5 years experience in contract/document management or paralegal work in a general corporate practice preferred. Apply at this link: <http://bit.ly/1QejFb5> (76-1)

**LEGAL ASSISTANT** – Simmons Perrine Moyer Bergman, P.L.C., in Cedar Rapids, Iowa, seeks a legal assistant who pays careful attention to detail, has excellent organizational skills and has the desire to work in a fast-paced environment. The position requires excellent written and oral communication skills as well as strong proficiency with MS Office. Apply to Cheyrl Hines via email at: [chines@simmonsperine.com](mailto:chines@simmonsperine.com), or via mail at: Simmons Perrine Moyer Bergman PLC, Attention: Cheyrl Hines, 115 3rd Street SE, Suite 1200, Cedar Rapids, IA 52401. (76-1)

**IN-HOUSE ATTORNEY** – Seeking second attorney for bank trust department. Prefer trust,

**UNITED STATES POSTAL SERVICE® (All Periodicals Publications Except Requester Publications)**

**Statement of Ownership, Management, and Circulation**

1. Publication Title: **The Iowa Lawyer**

2. Issue Frequency: **Monthly, except December/January issue combined**

3. Issue Date for Circulation Data Below: **Aug. 15, 2015**

4. Annual Subscription Price: **\$40 (includes membership, \$30 (includes both))**

5. Number of Issues Published Annually: **11**

6. Annual/Subscription Price: **Free with membership, \$40 (includes both)**

7. Complete Mailing Address of Known Office of Publication (Street, city, state, and ZIP+4®): **625 East Court Ave., Des Moines, Iowa 50309-1904**

8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer): **625 East Court Ave., Des Moines, Iowa 50309-1904**

9. Full Names and Complete Mailing Addresses of Publisher, Editor and Managing Editor (do not leave blank):  
 Publisher: **Daigle Dinkla, The Iowa State Bar Association, 625 East Court Ave., Des Moines, Iowa 50309**  
 Editor: **Ashley J. L. Sherrill, The Iowa State Bar Association, 625 East Court Ave., Des Moines, Iowa 50309-1904**  
 Managing Editor: **Virginia Sipes, The Iowa State Bar Association, 625 East Court Ave., Des Moines, Iowa 50309-1904**

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11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box  None

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)  
 This publication has been authorized to mail at nonprofit rates.  
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14. Issue Date for Circulation Data Below: **Special Edition II, August 2015**

15. Extent and Nature of Circulation

	Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)	7725	7750
b. Paid Circulation (By Mail and Outside the Mail)	5384	5403
c. Total Paid Distribution (Sum of 15b(1), (2), (3), and (4))	2132	2180
d. Free or Nominal Rate Distribution (By Mail and Outside the Mail)	0	0
e. Total Free or Nominal Rate Distribution (Sum of 15d(1), (2), (3), and (4))	7516	7583
f. Total Distribution (Sum of 15c and 15e)	9648	9763
g. Copies not Distributed (See Instructions to Publishers #4 page #3)	118	63
h. Total (Sum of 15f and g)	9766	9826
i. Percent Paid (15b divided by 15f times 100)	55.4%	55.8%

16. Publication of Statement of Ownership:  Publication of statement of ownership is required. Will be printed in the **Nov/Dec 2015** issue of this publication.  Publication not required.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner: **Ashley J. L. Sherrill, Communications Director, The Iowa State Bar Association, Aug. 15, 2015**

18. I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

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estate, tax experience, but beginning attorney considered. Great rural location in Carroll, Iowa – it's not West Des Moines, but we do have Dunkin' Donuts and other essentials. Genuinely a fun and interesting job that includes contact with great attorneys from across the state. Send resume to [mnelson@iowasavingsbank.com](mailto:mnelson@iowasavingsbank.com) (76-2)

**PERSONAL**

**IF DEPRESSION, STRESS, ALCOHOL OR DRUGS** are a problem for you, we can help. We are a non-profit corporation offering attorneys free help in a totally confidential relationship. We are the Iowa Lawyers Assistance Program. Under order of the Iowa Supreme Court, all communication with us is privileged and private. Our director is a former lawyer, a recovering alcoholic and drug addict. He is a trained substance abuse counselor and an Employee Assistance Professional (EAP). We cannot help unless you call — 515-277-3817 or 800-243-1533 — or message (in confidence) [help@iowalap.org](mailto:help@iowalap.org). All you have to do is ask us to contact you. No other details are necessary. We will call you. The Iowa Lawyers Assistance Program also can provide speakers for local bar associations. Just ask. (TF)

**SPACE AVAILABLE**

**OFFICE SPACE AVAILABLE** – West Des Moines, Iowa law firm seeks individual to office share in Century I Building located at 2700 Westown Parkway. Services include receptionist, copier/printer/scanner/fax, high-speed Internet, telephone, conference room, kitchen, secretarial support and free client parking. Please call 515-225-1100 or email [npmiller01@aol.com](mailto:npmiller01@aol.com) for details. (76-2)

**VACATION RENTAL** – Florida Condo on Atlantic Ocean. This spacious two bedroom condo with full kitchen will sleep six. Turtle Reef Club Resort on Hutchinson Island, Jensen Beach, Florida, has direct access to beach. Available the last two weeks of December. \$600 for one week, and \$1,000 for both weeks. Call Dwight Dinkla at 515-697-7867 or email [ddinkla@iowabar.org](mailto:ddinkla@iowabar.org). (76-1)

**FOR SALE**

**LAW BOOKS** – Multiple sets of law books for sale, including West's Iowa Rules Civil Procedure Annotated (Volumes 1-5, 5A, 6-7; last update 1997-1998); Estate Planning for Farmers and Ranchers, 2 volumes, Shepards – West Group (supplemented 2012); Iowa Practice – Probate (volumes 13 and 14, 2012-2013). Many other sets also available. For a list of sets and prices, contact Edward E. (Gene) Eaton, 416 Clay St., Box 429, Sidney, IA 51652; phone: 712-374-264; email: [eatonlaw@iowatelecom.net](mailto:eatonlaw@iowatelecom.net). (76-1)

**LIBRARY GIVEAWAY** – Retiring Iowa attorney seeks to give away entire library of Iowa Law Reviews dated from 1925 to 1990. Library includes nearly every issue. Please contact John F. Doran at 515-227-4353 or [jfatty@windstream.net](mailto:jfatty@windstream.net) for inquiries. (76-1)

**SERVICES AVAILABLE**

**FREELANCE ATTORNEY** – Experienced Iowa lawyer Steve Greenleaf is working as a freelance (contract) lawyer to help with drafting and editing briefs, motions, pleadings, and discovery, as well as contracts & other documents; legal research; and litigation support & counsel. Visit [www.GreenleafAdvocacy.com](http://www.GreenleafAdvocacy.com) for more about Greenleaf and about using a free-

lance lawyer to help with your practice. Email at [greenleaf.stephen@gmail.com](mailto:greenleaf.stephen@gmail.com). (AL)

**FREELANCE LITIGATION ATTORNEY** – Des Moines-based attorney with 20 years of experience in private litigation practice provides legal services on an hourly basis to lawyers and law firms seeking assistance during peak work periods. Specializing in all aspects of trial preparation: legal research/writing, briefs/motions/pleadings, deposition preparation, client/witness interaction, document organization, office/personnel management and appellate work. Contact Melinda Ellwanger, P.L.L.C., [mellwanger@yahoo.com](mailto:mellwanger@yahoo.com), 515-988-5622. (76-2)



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**APPLIED**

The following individuals applied for admission on motion to the Iowa Bar:

- Connie Irene Armstrong**, Lind Jensen Sullivan & Peterson, Minneapolis, Minnesota;
- Siobhan Briley**, Sullivan & Worcester, New York, New York;
- John Conrad Ehrich**, Ehrich Law Office, South Sioux City, Nebraska;
- Adam Ross Feeney**, Hougan Lovells, New York, New York;
- Lauren Glennon**, Odelson & Sterk, Ltd., Evergreen Park, Illinois;
- Ellen Walz Holmes**, Alliant Energy, Cedar Rapids, Iowa;
- Dan Brett Hurst**, Law Office of Brett Hurst, Tarkio, Missouri;
- Thomas William Kyle**, Hupy and Abraham, Milwaukee, Wisconsin;
- Allen Roston**, Fredrikson & Byron, P.A., Minneapolis, Minnesota
- Lawrence Robert Scanlon**, Scanlon Law Offices, Chicago, Illinois;
- James A. Tews**, Koley Jessen, Omaha, Nebraska;
- Rahsaan Jamal Tilford**, Ventura, California;
- Scott Lynch Tully**, Tully Law Firm, LLC, Broken Arrow, Oklahoma;
- Daniel Joseph Waters**, Lamson Dugan & Murray, Omaha, Nebraska;
- Ashley Wenger-Slaba**, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Minneapolis, Minnesota;
- Samual Aaron Wooden**, Nashville, Tennessee;

Anyone with questions or comments on the above applicants should contact: *Dave Ewert at the Office of Professional Regulation, 1111 East Court Avenue, Des Moines, IA 50319; Phone: 515-725-8029.*

**ADMITTED**

The following individuals have recently been admitted to the Iowa Bar:

- Evan Dean Anema**, Sioux Falls, South Dakota;
- Timothy Lawrence Binetti**, Dinsmore & Shohl, LLP, Chicago, Illinois;
- David Thomas Brown**, Oak Park, Illinois;
- Kevin Patrick Caraher**, Cozen O'Connor, Chicago, Illinois;
- Karen J. Guest**, Davenport, Iowa;
- Robert Haertel**, Roscommon, Michigan;
- Shannon Celeste Harding**, Fresno, California;
- Jennifer Lynn Klocke**, Cambridge Investment Research, Inc., Fairfield, Iowa;
- Derek Merman**, Merman Law Firm, Houston, Texas;
- Adam Marvin Miller**, Cherokee, Iowa;
- Kelcey Patrick-Ferree**, Iowa City, Iowa;
- Jessica Ruelle Reese Faith**, Principal Financial Group, Des Moines, Iowa;
- Thomas Gregory Reymann II**, Principal Financial Group, Des Moines, Iowa;
- Charles F. Speer**, Kansas City, Missouri;
- Ashley Clark Stewart**, Ames, Iowa;

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**Allan J. Carew**, 82, of Dubuque, Iowa died Sept. 8.

Carew was born in Dubuque. He received an honorable discharge from the U.S. Army in 1955 after serving during the Korean War. Afterward, he graduated from the University of Iowa and earned his J.D. from the University of Iowa College of Law. In 1965 he co-founded the Fuerste Carew Law Firm and served in many roles dedicated to helping the city of Dubuque including as president of the county bar association and the chamber of commerce.

**Kristin Athena Collinson**, 55, died Sept. 21 in West Des Moines, Iowa.

Collinson was born in Clinton, Iowa. She received her bachelor's degree from Iowa State University and her J.D. from Drake University Law School. Collinson served as an administrative law judge for Iowa Workforce Development. She was a member of the American Bar Association, Blackstone Inn of Court, Iowa Organization of Women Attorneys, Polk County Bar Association and Iowa State Bar Association.

**Newt Draheim**, 89, died Sept. 13 in Clarion, Iowa.

Draheim was born in Clarion. He enlisted in the U.S. Army Air Corps in 1943 and served during World War II. After receiving an honorable discharge, he earned a B.A. from Iowa State Teachers College (now the University of Northern Iowa) and graduated from Drake University Law School in 1954. During his career, he served as the Wright County attorney and spent 34 years as a judge with the Iowa District Court including eight years as chief judge of the Second Judicial District.

**Walter Bingham 'Bing' MacDonald**, 78, died March 24 in Algona, Iowa.

MacDonald was born in Chicago. He graduated from Miami University in 1960 and received his J.D. from Northwestern University in 1963. MacDonald practiced in Kansas City, Missouri, for two years before beginning practice in Algona. He was elected as Kossuth County attorney and later appointed as a district associate judge for the State of Iowa.

**James Jim' Mumford**, 78, died Sept. 14 in Winterset, Iowa.

Mumford was born in Atkins, Iowa. He graduated from Iowa State University and Harvard Law School. Mumford started his own firm in 1976, worked as chief counsel

for ING Americas for six years, and served as the first deputy commissioner of the Iowa Insurance Division in 2005.

**Roger Nolan Jr.**, 84, died Sept. 11 in Bettendorf, Iowa.

Nolan was born in Davenport, Iowa. He received his B.S. and law degrees from the University of Notre Dame. Nolan practiced for 31 years as counsel for Bendix Corp., Interco Corp. and helped organize the first in-house legal departments for OSI Industries and Sealy Incorporated.

**Theodore C. 'Dode' Poston**, 90, died Jan. 9 in Corydon, Iowa.

Poston was born in Corydon. After high school, he spent three years in the U.S. Air Force as a company clerk during World War II. Poston received his bachelor's degree and L.L.B. from Drake University. He practiced law for 40 years, including 10 years as the Wayne County attorney, and another 10 as the Wayne County magistrate.

**Thomas Senneff**, 84, died Aug. 23 in Iowa City, Iowa.

Senneff was born in Mason City, Iowa. He received his bachelor's degree from Loras

College and his law degree from the University of Iowa College of Law. Senneff also served in the U.S. Marine Corps during the Korean War. He served as the assistant dean for the University of Iowa College of Law for 25 years from 1971 until 1996.

**Mark C. Thomas**, 64, died Sept. 6 in Coon Rapids, Iowa.

Thomas was born in Carroll, Iowa, but grew up in Coon Rapids. He earned his bachelor's degree from the University of Iowa and J.D. from the University of Iowa College of Law. Thomas practiced law in Coon Rapids for 35 years, including 27 as the city attorney.

**Rand S. Wonio**, 65, died Oct. 3 in Davenport, Iowa.

Wonio was born in Bettendorf, Iowa. He completed undergraduate studies at St. Ambrose University and graduated cum laude from St. Louis University School of Law. During his career Wonio served as a president, fellow and on the board of governors in the Iowa Academy of Trial Lawyers and as a president of the Scott County Bar Association. Wonio was with the Quad-City law firm of Lane & Waterman for 38 years.

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# It runs in the family

*Five Creston attorneys pass legacy of law to daughters*

By Ian Richardson, staff reporter at Creston News Advertiser

*This is the second in a two-part series about five Creston attorney families with daughters who have become second- and third-generation lawyers. Part I can be found in the 2015 September/October Issue of the Iowa Lawyer.*

## Part II: Working with the family

In a close-knit community like Creston, the five attorney families are aware of how the others have daughters in the field of law. It's even been the cause for a good joke now and then.

"Stu Nielsen ... thought they ought to form their own LLC and call it 'The Daughters, LLC,'" Skip Kenyon said. "It would be interesting to get them all together in one place. I don't know that I'd care to be on the other side of that case."

While none of the daughters may be practicing together, many of them did return to work in Creston during the course of their education and post-law school experience — several with their own families.

Stephanie Miller joined the Niensens' private practice after graduating law school in 2005. She said she had to get used to some of her clients being people who had watched her playing in her parents' office growing up.

"It is an interesting dynamic when you've seen these people and you've grown up and you're like, 'Hey, I'm not a teenager, I'm an adult now,'" she said.

Miller said the added dimension of being a business partner, as well as a daughter and fellow attorney, made working with her family unique.

"There's always the dynamic in a private practice that you're not just practicing

law, you're also running a business," she said. "You're not just their daughter, you're also someone who's keeping the doors open and helping to keep the bills paid, ... and you have to kind of set aside that familial relationship in order to achieve those goals."

Ann Nielsen said although they had their moments, it was fun to have her daughter working with them for a time.

"It was good to know her as an adult," Nielsen said. "Of course, we are mother and daughter, and mothers and daughters have their personality things, but in general it was fun to work with her."

After working with her family for two years and realizing that this area of law wasn't quite what she wanted to pursue, Miller began working part-time with Tim Kenyon, Union County attorney, doing juvenile work and mental and substance abuse committal. Now working as an assistant county attorney in Kossuth County, Miller said this experience helped her decide to transition from private practice, which was what she did with her parents, to criminal law.

Along with Miller, Tim Kenyon has also at different times welcomed Loretta Harvey and his daughter, Elizabeth Lee, as interns.

"I was very lucky," Kenyon said. "I had the luxury of getting to be around three very bright young minds and learn things from them."

After taking the bar exam in 2013, Lee returned to work with her father part-time while waiting on her results.

Kenyon, who had in the past practiced with his brother Skip and their father, Arnold, now was the father in the relation-

ship instead of the son. Like the Nielsen family, Lee found that finding the balance of working with family took some time.

"It was a little bit of an adjustment at first just to have a different kind of relationship," she said. "It's hard for both of us not to treat one another like, 'Okay, you're still Dad and I'm still child.'"

But despite the challenges, both said it was a positive experience.

"I learned things from her — and she might be surprised to hear that — but I did learn things from her, and I hope she learned a few things from me," Kenyon said. "In the long run, I wouldn't trade it."

Loretta Harvey also returned to practice with her family. Since passing the bar in 2002, she has worked with her father, Ed, at the Mullin, Mullin & Harvey law firm in Creston.

Lee said while she worked in Union County, she and Harvey would see each other and talk about their shared experiences.

"It was nice to talk to her about also being a daughter," Lee said. "We did talk about working with your father and what it's like to be ... a woman in the field."

During law school, Amanda James would often help her father by doing research at the Drake law library. She soon realized how this added a new, real-world dimension to her law studies. Over about a three-year period, James would work with her father on certain cases, as well as develop a new appreciation for his craft.

"Witnessing my dad as an attorney wasn't anything new, but when it got to the point where I understood what he was doing rather than a daughter watching my dad push paper on a table ... that started to develop a whole different level of respect for him," she said.

And for Marion James, it's a joy to be able to talk about the career they have in common.

"It's fun to talk about cases that she might be talking about or revelations that I might have," he said.

Looking back on her days growing up, Amanda James said she's thankful for her Creston roots.

"I feel like growing up in Creston has really prepared me for being a good lawyer in a way that maybe growing up in a large city wouldn't have," she said. "I feel like I have this stronger appreciation for people



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divulging their very personal, private matters ... and I think being in a real community where everyone's so tight-knit helped me be a wiser lawyer."

Angela Davis agreed.

"I'm very proud as an attorney that practices in Des Moines of being a native of Creston," she said. "As I've gotten older, I can appreciate even more the type of community that we have in Creston. I'm always very proud to say I'm from Creston."

Five attorney families. Five daughters. And while the families aren't sure how something this unique happened, there's another lighthearted joke that there may be more in the future.

"Todd Nielsen (Union County magistrate) also has a daughter, and he's been reminded several times: "This could be your future. You might want to start looking at law schools," Lee said.

But that — or maybe even the next generation of family lawyers — is still a bit further down the road.



*This article was reprinted with permissions from the Creston News Advertiser, a newspaper serving Adair, Adams, Union, Taylor and Ringgold counties in southwest Iowa. The original articles (in two parts) were published spring 2015. The author, Ian Richardson, is a staff reporter for the Creston News Advertiser. Richardson graduated with a degree in English from Evangel University in Springfield, Missouri. He is a native of Aston, Iowa, where he lives today.*



Elizabeth K. Lee stands with her father, Tim Kenyon, after her graduation from the University of Iowa College of Law in 2013. Lee is now the assistant Wapello County attorney in Ottumwa, Iowa.

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