



THE IOWA LAWYER

MARCH 2018 V 78 N 2

ALSO IN THIS ISSUE

Accounting for digital assets in estate and business succession planning

PAGE 9

So long local rules

PAGE 14

Meet Iowa Legal Aid's new director

PAGE 17



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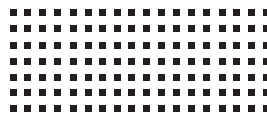
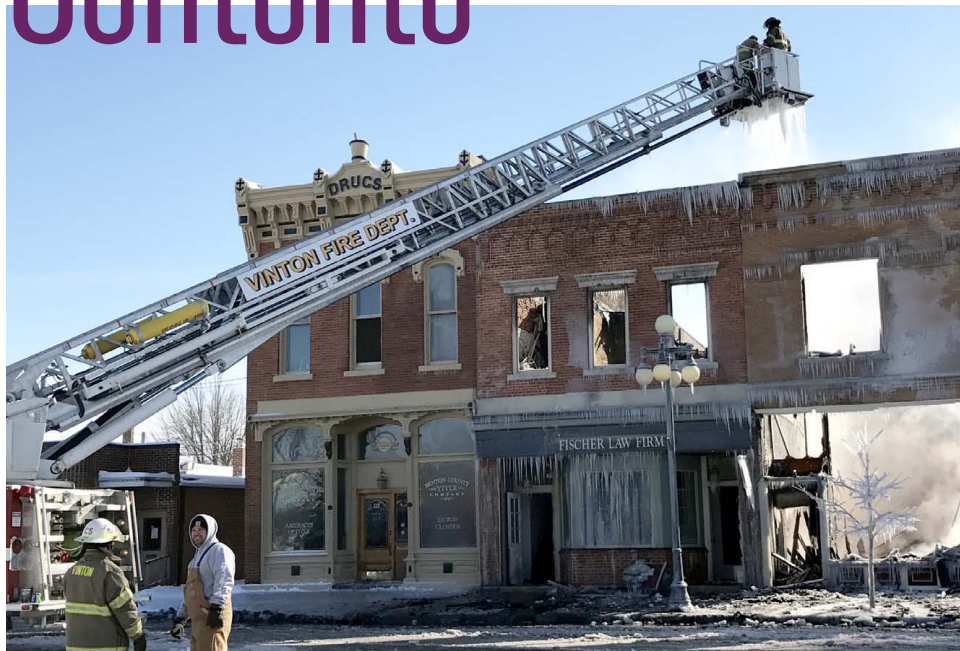
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Contents

Volume 78
Number 2
March 2018



Features

6 Vinton attorney loses office building in fire

ISBA BOG member Robert Fischer hopes his recent experience with an office fire can serve as a lesson for others. He shares his story, and some advice.

By Melissa Higgins

9 Down low on the download: Accounting for digital assets in estate and business succession planning

Just as dying without a will can cause grave stress and even anguish to your loved ones, dying without facilitating permission and/or access to your digital accounts can cause major headaches.

By Gordon Fischer and Mackenzie Graham

14 So long local rules, we (some of us) hardly knew ye

With unanimous agreement of the chief judges and district court administrators of Iowa's eight judicial districts, the Judicial Council recommended abolition of all local rules in Iowa. *By Tim Eckley*

17 Iowa Legal Aid hires new director

Nick Smithberg may be a stranger to Iowa, but he's no stranger to the mission of Iowa Legal Aid. It's a mission he has carried out elsewhere through his career path. *By Melissa Higgins*

18 30 years of Iowa Title Guaranty: What it has meant to Iowans and the legal profession

Iowa Title Guaranty is an amazing success story that has benefited Iowa citizens and the public involved in purchasing real estate.

By Deborah Petersen

Columns

4 Kudos

5 President's Letter

8 Thanks to speakers

18 Affirmative Legislative Program

21 In Memoriam

22 Classifieds

24 CLE Information

28 Transitions

In Brief

30 Spotlight on service: Gary Streit



About the Cover

ISBA Board of Governors member Robert Fischer is pictured standing in front of his law office in downtown Vinton. The neighboring building caught fire on Thursday, Feb. 8, eventually spreading into his office building. While he continues to deal with the fallout of this devastating blow to his solo practice, he wishes to pass on some of what he's learned through this process. Read the article and see additional photos of the damage beginning on page 6.

Kudos

The ISBA would like to congratulate the following individuals for the honors they've received:

Brent Pattison, director of the Drake Law School Middleton Center for Children's Rights, for being named the 2017 recipient of the Laurie Miller Public Service Award from the ABA's Section of Litigation.

ISBA members named to the Des Moines Business Record's 2018 Forty Under 40 list of honorees:

- Ashley Aust - Hubbell Realty Company*
- Leslie Behaunek - Nyemaster Goode, P.C.*
- Charlie Bottenberg - Masterson & Bottenberg, LLP*
- Krystle Campa - Davis Brown Law Firm*
- Amy Johnson - BrownWinick Law Firm*
- Shayla McCormally - McCormally & Cosgrove*

The honorees will be profiled in the March 16 edition of the Business Record and recognized at an event on March 29.

The lawyers elected to the District Judicial Nominating Commission, with terms expiring Jan. 31, 2024:

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ARE WE HEADED FOR A "KODAK MOMENT?"

Columns *President's Letter*

STEPHEN R. ECKLEY

The other day someone said the legal profession is about to go the way of Kodak.

In 1998, Kodak had 170,000 employees and sold 85 percent of all photo paper worldwide. Within just a few years, its business model disappeared. Kodak had invented the first digital camera in 1975, but when digital photography took off decades later the American icon wasn't ready. It failed to anticipate the appeal to the masses of digital cameras over cheap one-time-use film cameras. Kodak ended up in bankruptcy.

What happened to Kodak will happen in a number of industries in the next 10-15 years, and many won't see it coming. The global consulting firm McKinsey & Company estimates that across all industries as many as 70 million Americans could lose their jobs to automation. The changes in some of these industries will directly affect the services needed from lawyers.

Take for example self-driving cars. The first autonomous cars are already being tested on the streets. With current technology, it is estimated an autonomous car is 90 percent less likely to be involved in an accident than a car with you or me behind the wheel. No one knows when autonomous cars will become predominant, but it will happen. What will that mean for lawyers whose business models are based on prosecuting or defending car accident cases?

Yet the greatest threat to traditional attorney work is coming not from a reduction in the need for legal services, but from changes in who provides the services. We have new competitors, and they're here already.

Companies like LegalZoom and Rocket Lawyer use technology and automated processes to offer self-help documents that are cost-effective, professionally vetted, easy to access and simple to use. They are adequate for many applications. No longer is there a need to go through the time-consuming, expensive and daunting process of finding and engaging a lawyer. Forms for simple wills, uncontested divorces, contracts for services, non-disclosure agreements, employment agreements, purchase contracts, etc., can be downloaded from the internet. LegalZoom's 90 percent customer approval rate handily beats the satisfaction rates of most traditional law firms.

Artificial Intelligence platforms search documents for evidence that will be useful in litigation, review and create contracts, raise red flags within companies to identify potential fraud and other misconduct,

perform due diligence before corporate acquisitions and do legal research. The IBM supercomputer known as Watson has been shown to provide contract-drafting legal advice in seconds with 90 percent accuracy, compared to days with 70 percent accuracy when the same task was performed by humans. Ross Intelligence claims to be the world's first artificial intelligence attorney. It uses Watson's cognitive computing system to enhance legal research. Users ask legal questions in plain English and Ross searches legislation, case law and secondary sources. An AI platform called LawGeex can take a new contract, one that it's never seen before, read it and then compare it to a database of every similar contract that it's seen in the past. Like other AI platforms, LawGeex learns from each review it performs. At a seminar this week in Des Moines, it was reported that AI allowed a Japanese insurance company to replace 34 of its claims handlers.

Joshua Browder, a 19-year-old Stanford student used AI to develop a free program for appealing parking tickets. DoNotPay first determines whether an appeal is possible by asking a series of simple questions, such as whether there were clearly visible parking signs, then guides users through the appeal process. In its first two years, the program disputed 375,000 parking tickets and saved users \$9.3 million. It was then expanded to include appeals of moving violations. Now, DoNotPay has been ramped up to help users in any state fill out transactional forms for hundreds of legal needs, ranging from requests for maternity leave to disputes with landlords. Users provide a simple natural language description of their legal problem and DoNotPay automatically directs them to the relevant virtual assistant.

Even the most basic lawyer function of advising clients as to their legal rights has been disrupted by technology. Much of the great body of American law has been placed online and can be researched by anyone with a smart phone.

Competition is also coming from new human service providers who are seeking to break down traditional regulatory barriers to the legal market. Under pressure to make legal services more accessible to those of low and moderate income, states are considering Washington's limited license legal technician (LLLT) model, which allows non-lawyers to deliver legal services independently, without a lawyer's supervision. Professionals with accounting,

financial planning and consulting firms are chipping away at the edges of work that has traditionally been the exclusive domain of law firms.

In the near future, virtually all legal work that is either repetitive or simple—from an uncontested divorce to voluminous document review—will be automated, outsourced or handled by less expensive non-lawyers.

So do these changes mean nothing but doom and gloom for the legal profession? Hardly! Technology and cheaper providers are for the first time bringing tens of millions of low- and moderate-income Americans into the legal services market. Many of them will ultimately need help that only an attorney can provide. Freeing lawyers from the grind of repetitive tasks will make legal services more affordable to more people. The same technology forces that will reduce the need for some legal services and change who delivers others will also allow lawyers to be more efficient. Practice management technology is becoming easier to use and is transforming how attorneys run their firms, improving efficiency and reducing time spent on non-billable tasks. Clients will be encouraged to seek more legal help because they will be getting a greater return for their money. And the work of lawyers will become more interesting, challenging, rewarding and enjoyable.

But here's the catch. Change favors those who embrace it. Darwin found that it is not the smartest or strongest of a species that survive, but those that best adapt to changes in the environment. The consequences of failing or refusing to adapt can be brutal.

The best way to adapt to change is to be ready for the opportunities it brings. For attorneys, this means understanding the market for legal services and acquiring the new skills needed to compete efficiently. The Iowa State Bar Association is here to help. Our staff can guide you to resources and technology that will keep you in the game.



Stephen R. Eckley

is a senior civil trial attorney at Belin McCormick in Des Moines.



As an update to last month's letter, it appears the judicial branch budget will be cut by only \$1.6 million, far better than the original Senate proposal to cut \$4.8 million. Next up will be a battle over the 2019 budget. To those of you who answered the call to contact your legislators: Thank you.



Vinton attorney

LOSES OFFICE BUILDING IN FIRE

ISBA BOG member hopes his experience can serve as lesson for others

By **Melissa Higgins,**
Communications Director



The Fischer Law Firm office is still coated in the ice that developed as firefighters sprayed the building with their hoses.

Robert Fischer was sitting in the Vinton City Council chambers on Thursday, Feb. 8, participating in the latest city council meeting discussion. He's the Vinton City Attorney, so it was customary that he be there. Fischer said he noticed during the meeting that the police chief got a phone call, and quickly left, then several other officials started leaving suddenly as well. A short time later, the city administrator came back in and told Fischer that a half-block of Vinton's downtown was on fire, and it was creeping close to his office.

Fischer rushed to the scene and was able to get into his building. He was told he had five minutes to take whatever he could. Luckily, his wife had arrived on scene just before him and had already grabbed his computer and some important paintings. Fischer went in and plucked his diplomas from the wall, and whatever else he could before he was forced outside by smoke.

Disaster planning

Surviving the event is the first priority, but ensuring your business is operational afterward can be an equally difficult task. At least one study from the U.S. Department of Labor found that most businesses do not have a disaster plan and are out of business within five years after experiencing a major disaster.

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There, he watched the business he spent decades building go up in flames.

The Fischer Law Firm building housed the practices of Robert and his cousin John Fischer, and is one of the oldest continuous family-owned practices in Iowa, tracing its roots back to 1890. The building was constructed sometime in the 1860s, but had been various other businesses until John Fischer's grandfather purchased it in 1953.

"I'm heartbroken, absolutely heartbroken," Fischer said. "This has been in my family all my life. I grew up as a kid here. When my dad was an attorney, I used to come down here and play as a little boy."

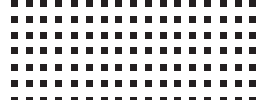
Firefighters ended up battling the fire, which also destroyed a furniture store and a pharmacy, for days. Crews have already

torn down parts of those neighboring buildings, and Fischer learned his office will have to be torn down as well. "Here I had this beautiful office and I thought I was on the downhill side and this happens. It is very difficult," he said.

Fischer is now temporarily practicing in the former Department of Human Services office, a half-block away. And, in this new location, he says he is using this opportunity to take a fresh look at the way he has been practicing law. "Really this has made me rethink everything about my practice. I want everyone to know what happened to me, so they can be better prepared," he said.

Learn more about how you can prepare your law firm for disaster on page 8.

The view inside Fischer's reception area shows the water and ice damage on office furniture, computers, the ceiling and floor.



Fire crews in Vinton continued to battle the smoke even days later after the fire that started on Feb. 8. Courtesy: Vinton Newspapers (Vinton Eagle/Cedar Valley Time)



The ISBA sent a delegation, including Executive Director Dwight Dinkla, Assistant Executive Director Harry Shipley and ISBA President Steve Eckley, to bring needed items to Fischer in his temporary office in Vinton. Fischer is pictured on the left.

Essential items needed for any emergency

Information you should have available at all times:

- Your office disaster plan
- Employee telephone numbers, addresses
- Building management key personnel phone numbers
- Vendor contact list
- Petty cash
- Copies of insurance policies and information regarding coverage
- Office lease
- Client contact information
- Floor plans
- Master docket/calendar for firm
- Client file index and offsite storage index
- Safe deposit keys
- Banking account numbers
- Clerk of Courts and key court personnel contact information

Lessons from Robert

What I learned: How important it is to have all your irreplaceable documents in a safe place

What I wish I had done differently:

Had more of my paper files digitally backed up

What I wish I had access to off-site:

All passwords, and accounting and check registry information



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Rubble that was left behind after the demolition of the pharmacy and furniture store. Across the street from the fire-damaged building is the county courthouse.

After disaster strikes: A checklist

Information from the American Bar Association

1. Begin the assessment process. Photograph or videotape all damage for claim documentation purposes.
2. Contact all employees to provide them with a status report and assign tasks.
3. Establish an emergency communication system to help the firm communicate with the courts, other lawyers, staff, clients and vendors.
4. If you cannot occupy your office, arrange for temporary office space.
5. Get office supplies for your temporary office.
6. Contact vendors to lease equipment or permanently replace damaged items.
7. Locate the off-site copy of your active client list and start contacting clients. Make appointments for those whose records you must recreate.
8. If you don't have an off-site client list, write down the names of all the clients and pending matters you can remember before too much time passes.
9. If you can't access an off-site backup of your calendar, start a fresh one. Begin filling in important appointments and deadlines as they become known.
10. Contact the courts and opposing counsel as needed for postponements, and the like. If you have moved to a temporary location, send out announcements with your new contact information. Notify the state bar.
11. To ensure the financial health of the office, give priority to collecting outstanding accounts receivable. Until the office is fully up and running, expect to have ongoing work disrupted and to have difficulty bringing in new clients.
12. Contact the post office about an alternate delivery location.
13. Access extra checks stored off-site. Contact your bank for replacement checks.
14. Contact your payroll service.
15. Get immediate professional assistance to help in the recovery and repair of your computer system.
16. Gather up all available paper records and begin the process of assessing damage, sorting and prioritizing restoration.
17. Keep an inventory of anything that must be destroyed or removed from the premises for drying by a commercial service
18. Begin replacing lost paper records and client documents. Besides clients, other sources for reconstructing records include the courts, opposing counsel, administrative agencies, and the firm's CPA and payroll service.
19. Repair, sterilize and dry the areas where records are to be stored - shelving, cabinets, desks.
20. Rebuild your form library.
21. Rebuild your law library.
22. Exercise case and client control. Resist the urge to take on all new matters that may come to you until you can adequately screen for conflicts.
23. Submit an insurance claim for the damages your office sustained.
24. Determine your eligibility for other forms of emergency relief and submit a claim if appropriate. Identify counseling and support resources for employees.

Thanks to speakers from February 2018

Veteran's Preference and Other Hearing Rights for Public Employees (Live Webinar)

Feb. 6, 2018

Sponsored by The Iowa State Bar Association Government Practice

Hugh Cain, Hopkins & Huebner PC

Domestic Violence and Coercive Control Screening (Live Webinar)

Feb. 7, 2018

Sponsored by The Iowa State Bar Association and Drake Law School

Diane Dornburg, Carney & Appleby Law

Recent Developments in Inter Partes Review Practice (Live Webinar)

Feb. 15, 2018

Sponsored by The Iowa State Bar Association IP Section
Matthew Smith, Smith Baluch LLP

Collaborative Law (Live Webinar)

Feb. 21, 2018

Sponsored by The Iowa State Bar Association and Drake Law School

Kristen Hall, Hall Mediation & Law

The Future of Judicial Deference to State and Federal Agencies (Live Webinar)

Feb. 23, 2018

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Prof. Melissa Weresh, Dwight D. Opperman Distinguished Professor of Law, Drake University Law School
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DOWN LOW ON THE DOWNLOAD

Accounting for digital assets in estate and business succession planning

By Gordon Fischer,
Mackensie Graham

How many times during the day, without even thinking about it, do you use a digital account? Twenty? Fifty? More? Heck, most of us wake up with our smartphones right next to our pillows. Think about it, within the space of just a few minutes you may check your email, post a photo to Facebook, upload files to Dropbox and check your credit card statement from your banking app.

As attorneys (and most professionals can attest), a vast majority of our daily work is conducted digitally via practice management software, email, document-sharing platforms and the like.

There's no doubt digital accounts are a regular part of the hum of daily life—personally and professionally. And, tremendous amounts of your personal and financial information are not only held online, they're held entirely online, and nowhere else.

DEFINITELY TAKE CHARGE OF DIGITAL ASSETS

The fact that loads of important information lives entirely on your computer or online presents an important provision that must be included in both your personal estate plan and business succession plans. But, maybe you're thinking, "What's the big deal? If my Twitter account just lives in limbo forever I'm ok with that, and my firm's IT pros will certainly dismantle my email account..." The truth is you cannot and should not rely on others to take care of this treasure trove of assets in the case of unexpected disability or death.

Just as dying without a will can cause grave stress and even anguish to your loved ones, dying without facilitating permission and/or access to your digital accounts can cause major headaches. In estate planning you entrust a personal representative—the executor or trustee—to carry out the will or trust provisions as written. Already this is an immense responsibility, and if they have to hunt down your passwords, contact customer service departments and present documentation of your death, it makes the

role that much more arduous. Considering that you may well have dozens or even a hundred different digital accounts, this represents a huge challenge to your executor/trustee if not equipped with the proper tools.

When you pass away, many of these accounts will presumably need to be accessed by your estate's personal representative. Undoubtedly your digital assets will play an important (even majority role) in the total evaluation of assets and finalization of affairs. Your online banking records will be used for the former; closing out your social media profiles and email accounts will be part of the latter. In either case, a personal representative needs access.

Additionally, without a clear plan and updated record in place, your personal representative may not even know that you have an investment account here or have been amassing cryptocurrencies there.

Equipping a fiduciary with access to your digital assets also prevents identity theft. Online accounts left open but unmonitored following incapacity or death are ripe for



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the stealing. Criminals could hack your accounts and use your information to obtain IDs, open new credit cards and file taxes all with your name (in exchange for the tax refund). If you've passed on you have no way of taking action against the thief and your family and executor may have no way of knowing which debts are legitimate and which ones are fraudulent. The silver lining

in a situation like this is family members are not held responsible for debt unless their name is also on the account. In the six months it can take institutions like the Social Security Administration, credit-reporting and financial enterprises to receive and process death records, criminals have abundant time to generate hefty debts and commit other illegal activities.

At this point it should be obvious you most definitely need to account for your digital holdings in planning for the unexpected. But, how do you actually go about executing on this?

WHAT'S A DIGITAL ASSET ANYWAY?

Before we discuss how to include digital assets in your estate planning documents, we have to know what the heck digital assets actually are. Digital assets encompass tools for both personal or professional use and are generally accepted to be something of value and can be owned, but has no actual physical presence. The Digital Assets Act (fully discussed in subsequent paragraphs) broadly defines the term "digital asset" to mean any electronic record in which an individual has a right or interest. This can include aspects of your digital footprint like owned/created multimedia, online accounts, hardware and software. Everything from your digital photos to an electronic address (website URL for your firm or blog, for example) can be counted as a digital asset. This list adds up quick when you consider e-books on your Kindle, music purchased from iTunes and photographs stored on Google Drive. All of these assets could be lost in the electronic void without adequate planning.

Some assets are trickier than they

appear. A digital asset does not include an underlying asset unless those assets can be considered an electronic record. So, an online bank account would be a digital asset, but the actual money itself is not.

LAW & ONLINE ORDER

The law and the electronic realm have had a rocky relationship thus far in estate planning. There are so many competing principles—personal and commercial privacy, data protection statutes, copyright law, ability of companies to freely contract with customers and a probate code that in many ways is more attuned to the 1800s than the 2000s. These clashing concepts mean we only now are beginning to codify solutions to the estate planning issues and questions presented at the intersection between (often arcane or absent) targeted policy and modern life.

For example, how should the law handle terms of service agreements after one party to the agreement has died? This is a tricky one. You're well acquainted with that little box you check every time you update your computer or get a new software account. All that small print includes the terms and conditions to which you (likely) didn't read but readily agreed to anyway. These agreements, in addition to state and federal privacy laws, forbid unauthorized access to digital accounts. Of course, normally this is a protective measure—you certainly don't want anyone else to have ready access to your private and professional accounts and information. But, this also makes it incredibly difficult and legally prohibitive for a family member or personal representative to close out the digitized part of your life.

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CONSIDERATIONS OF THE DIGITAL ASSETS ACT

The good news is that the Revised Uniform Fiduciary Access to Digital Assets Act of 2015 (widely known as “RUFADAA,” although we’ll use the slightly less cumbersome “DAA”) fills the gaps of at least some of the legal quandaries digital assets present in estate and business succession planning. Even better, Iowa is one of the majority of states which enacted the Digital Assets Act, although only very recently. Governor Branstad signed Senate File 333, the Iowa Uniform Fiduciary Access to Digital Assets Act, on April 20, 2017 (effective date July 1, 2017). The DAA is codified in Chapter 638 of the Iowa Code.

The much-needed law, developed largely by the Uniform Law Commission (ULC), provides fiduciaries with a legal pathway for managing and distributing digital assets of the deceased or incapacitated. The DAA’s text includes four main types of fiduciaries linked to estate planning: (1) executors or administrators of deceased persons’ estates; (2) trustees; (3) agents appointed under powers of attorney; and (4) court-appointed guardians or conservators.

It extends the traditional power and fiduciary responsibility of personal property management to digital property. The DAA also lays out the legal means to pass such digital assets along to the estate’s heirs in accordance with the testator’s wishes.

The DAA was designed to work in coordination with existing state laws concerning probate, guardianship, trusts and powers of attorney.

RESTRICTIONS

The DAA didn’t simply bestow uninhibited powers of access to a fiduciary, however, which is wise protection against potential fraud, misrepresentation and misuse. One important restriction is The DAA denies access to communications like those conducted via text, social apps and email. Access is allowed only if the testator gives consent to access through estate planning documents or through another valid record (such as an executed business succession plan). Additionally, individually identifiable health information, as defined in the Health Insurance Portability and Accountability Act (“HIPPA”), is not considered a digital asset even if your records can be accessed in electronic form.

Earlier in this article we mentioned that

an online banking account is considered a digital asset, but the funds within the account are not. This example can also be used to illustrate the restriction that the designated representative could gain access to the account to view the value of the accounts, but cannot withdraw or disperse funds without Durable Power of Attorney.

The fiduciary’s authority is also subject to other applicable laws (particularly copyright laws) and any applicable terms of service that do not unreasonably restrict the fiduciary’s rights under the DAA.

FIDUCIARY DUTIES

Just like a fiduciary of your estate plan has certain responsibilities, the fiduciary dealing with digital assets has the duties of confidentiality, care and loyalty. This, in effect, limits the scope of viable actions the representative may choose to take with the assets.

ACCESS MADE EASIER

The DAA certainly makes it easier for fiduciaries to be able to access important digital assets than the absence of the law prior, but the DAA doesn’t magically make execution of an estate involving digital assets automatic. Organization and planning are still required. An individual’s will should not only include a provision for digital assets, but also specific wishes for certain assets, if applicable. But, that in itself will not be enough for the security and policies of each service provider. For instance, say you are trying to close out your mother’s Apple ID. There is no automated procedure for this and Apple support requires a copy of the death certificate and will then review the request. Even if a court



directs disclosure of electronic communications of the deceased, a service provider can request certain legal documents (like a certified copy of the death certificate) of the user in question.

Under the DAA, a fiduciary would send a request to the digital asset’s custodian (defined by the Act as “a person that carries, maintains, processes, receives, or stores a digital asset of a user”) along with a certified copy of the document like a will or trust granting the fiduciary authority over the asset. Common examples, then, of a “digital asset custodian” would include X, Y or Z. Digital asset custodians are protected from any liability for good faith compliance with an apparent valid request. In this way, the DAA not only makes it easier on fiduciaries to complete their duties, but also the companies and individuals who own the platforms on which the digital assets are hosted.

Of course, the DAA isn’t foolproof and many situations can arise where there are

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seemingly conflicting instructions as to the whom, what and how of disposition. Case in point: many online accounts offer an option to designate someone else to “inherit” or gain access to the account upon verification of death. What if the testator designates her brother within a social media platform the testator uses regularly as the account “beneficiary,” but names her mother as the executor of her will/trust and all property within her estate? In such cases of conflicting instructions, the DAA provides a three-tiered system of priorities:

TIER ONE

If a digital service offers you the option to set what happens upon your passing—

who should be notified or has access to the account—use it. Just like a beneficiary on a life insurance or bank account trumps what’s written in a will, if a service provider like Google offers a mechanism for the account holder to outline their wishes post-mortem, then that tool is used as the primary instruction. Facebook offers you the chance to name a “Legacy Contact” who gains the limited ability to manage your account and take actions like pin posts on your timeline, answer friend requests and update photos. The Legacy Contact isn’t able to post pretending to be you or access your private messages. Other platforms, like Twitter, have a specific policy involving steps like submission of a death certificate by an authorized representative.

TIER TWO

If an online account doesn’t offer any sort of beneficiary option, then put directions for digital assets in your will, trust agreements and powers of attorney, as applicable. If nothing’s specified with the service provider, then directions in an estate plan are the next best clear intention. Don’t rely on general definitions of the executor’s powers, or what “assets” mean, to assume this automatically covers your digital assets. A written statement(s) ideally gives your executor equal access to what you had during life. Considering (again) you could have dozens or even hundreds of online accounts, include an overarching, general statement that includes any account owned by the decedent. Consider using specific instructions for intentions on particular accounts.

You should include these instructions in your estate planning documents even if you’ve designated an account executor with the service provider. If anything, this simply reinforces your wishes.

TIER THREE

If digital assets aren’t accounted for by

a service provider tool or in an estate plan, then the determination of how the assets may be dealt with falls to the dreaded service agreement. Cue the scary music, because such agreements typically prohibit anyone accessing the account aside from the owner. If it falls to tier three, your executor will likely spend too much time on the phone with customer service attempting to gain access only to be met with a barricade of hurdles.

EASY STEPS TO TAKE

Beyond knowing these three tiers, there are a few (relatively) easy steps you can take to ensure your digital assets are both accessible and accounted for:

- Explore a password manager like LastPass. With this tool, there’s one password to login and then the executor could see all the sites you use regularly. In a way, it is like a net worth statement of investments, but for online accounts.
- In addition to a password manager, write down an inventory of your accounts and log-in information; keep it secure and updated. Of course, don’t put this login info directly in your estate plan documents. Give clear instructions to your trusted family member or friend as to where to find this written document.
- Consider what content you want your executor to be able to access. Do you want them to be able to read all your private emails? If not, you may specify limited access.
- What have you encrypted and have you included the access info for important encrypted property in the plan for your designated representative? An oft cited example of this involves the famous composer and conductor Leonard Bernstein. He penned, or rather typed, a memoir manuscript entitled *Blue Ink*. Bernstein died in 1990 with the sole copy of the manuscript in a password protected file that no one has been able to hack the password or otherwise gain access. No doubt that Bernstein would have wanted people to read his memoir and share his story. Without a password, his loved ones (and fans) have to live with the fact that they’ll never be able to share his story in his own words.

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IOWA COURT RULE 39.18 AND DIGITAL ASSETS

Digital assets are also an element covered under the new Iowa Court Rule 39.18 which mandates some aspects of practice succession planning for active Iowa lawyers. If you haven't already read into this, I recommend clicking to the archived issues of this publication for the months of September through December 2017 at <http://www.iowabar.org/IowaLawyerArchives>. We wrote a four-part series extensively covering both the mandatory and supplementary provisions of Rule 39.18.

In addition to naming a "custodian" and "designated representative" (again, reference previous writings on the subject for details and definitions on these two), every Iowa attorney is responsible for the following: (1) maintaining a current list of active clients in a location accessible by the designee; (2) identifying the custodian to the designee; and (3) identifying the locations of the client list, electronic and paper files, records, passwords and any other security protocols required to access the electronic files and records for the custodian.

It's clear your electronic assets and data play an integral role in daily operations. Not only is setting up such a plan now mandatory (compliance will be included on the Iowa Client Security Commission 2018 Client Security Reports to be filed via

the Iowa Office of Professional Regulation by March 10), it is also smart. Setting up your designated representative to work together with a custodian as a "keeper of the passwords" of sorts will allow for a more seamless transition or closure of the practice. Even just keeping electronic records organized and accessible will be useful. You may well have honed your organization system years ago and set all of your passwords so they autofill online, but what good is that going to do if something were to happen to you and not even your spouse or assistant knows how to access important documents?

CHOOSE DIGITAL ASSETS FIDUCIARIES WISELY

This may go without saying, but think long and hard about precisely who you want to have access to your online accounts. Someone may be qualified to be your Health Care Power of Attorney designated representative, but entirely unqualified to handle your digital accounts. Consider qualities of trustworthiness and aptitude for technology in your decision.

SEEK AN EXPERIENCED ESTATE PLANNER

If you have both estate and business succession plans already in place give them both a solid review. If either plan doesn't specifically account for digital assets it is definitely time for an update. (Of course, if

you don't have either plan in place start at the beginning by simply contacting an experienced estate planner.) Ask your clients to do the same. This is a situation where online template and DIY estate plans really won't cut it.

You don't have to be a whiz kid at technology to understand the huge role it plays in our lives. Most importantly you can recognize that leaving your loved ones stuck in a bureaucratic hell of customer support lines, documentation hurdles and unknown accounts of value is a burden you should avoid bestowing.

Gordon Fischer is proud to have practiced Iowa law for over 20 years. He welcomes discussion of any (digital or analog!) aspect of estate planning, and/or business succession planning with you. His email is gordon@gordonfischerlawfirm.com and his cell is 515-371-6077.

Mackensie Graham works as chief content officer at Gordon Fischer Law Firm, P.C. She's an Iowa native, graduate of Drake University School of Journalism and Mass Communication, and holds a master's degree in public policy from the University of Northern Iowa. She will begin law school this fall.



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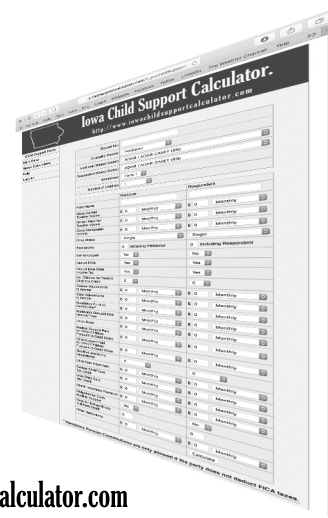
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By **Tim Eckley**,
*Assistant Counsel to the Chief Justice
of the Iowa Supreme Court*

SO LONG LOCAL RULES

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Many practitioners in Iowa will be familiar with the long simmering debate over the gotcha nature of local rules and whether the rules should be abrogated. Local rules, of course, are rules that individual courts counties or judicial districts adopt to supplement existing court rules. Local rules can also memorialize court practices or aspects of case processing unique to the particular court or district. Long considered by many to be little more than traps for the unwary or out-of-town attorneys, local rules as they have existed in Iowa are now consigned to history.

With unanimous agreement of the chief judges and district court administrators of Iowa's eight judicial districts, the Judicial Council recommended abolition of all local rules in Iowa. The Iowa Supreme Court agreed, and during a Judicial Council meeting in December 2017, Chief Justice Cady announced that published local rules will cease to exist with the understanding that any procedures

or practices specific to a particular judicial district, county or court would be set forth in appropriate pretrial orders early in the life of a case.

There is not an outright prohibition on local rules. Judges retain their inherent authority to control their courtrooms. If necessary, judicial districts or particular courts may submit a localized rule to the supreme court for approval. The Iowa Court Rules still expressly authorize courts to adopt rules governing practice. See, e.g., Iowa R. Civ. P. 1.1806; Iowa R. Crim. P. 2.35.

JUDGES' LONG HELD INHERENT AUTHORITY TO CONTROL COURTROOMS

Courts have always had an inherent common-law power to control proceedings before them, which the Iowa Supreme Court has consistently recognized. Early in our state's history, the Iowa Supreme Court considered a trial court's rule that a defendant not in custody who succeeded in a change of venue must appear



within 48 hours and concluded that the trial court had the power to make such a rule and “indeed [the power] is inherent in every court of general jurisdiction.” *State v. Ensley*, 10 Iowa 149, 150 (1859). In 1889, the Iowa Supreme Court held that courts retained a common-law power to make rules of practice even though a statute authorized statewide rules of practice in all districts of the state. *Shane v. McNeill*, 76 Iowa 459, 465-66, 41 N.W. 166, 168 (1889).

In 1940, the Iowa Supreme Court confirmed the inherent power of courts to adopt “rules of practice and rules to regulate their proceedings, in order to expedite the trial of cases, and to keep their dockets clear, and to facilitate the administration of justice . . .” *Hammon v. Gilson*, 227 Iowa 1366, 1373, 291 N.W. 448, 451-52 (1940). In reference to adoption of statewide rules of civil procedure, the court in 1963 recognized “the fact that there are certain areas in which the rules of this court are not effective and local rules can occupy such areas.” *Thews v. Miller*, 255 Iowa 175, 182, 121 N.W.2d 518, 522 (1963).

In 1973, the judges of the Fifth Judicial District adopted 31 rules of practice, some of which were applicable throughout the district, others were applicable only in Polk County. While construing one such rule, the supreme court noted that “our cases have consistently recognized the inherent common-law power of the courts to adopt rules for the management of cases on their dockets in the absence of statute.” *Iowa Civil Liberties Union v. Critelli*, 244 N.W.2d 564, 568 (1976). On this occasion, however, the court articulated an underlying concern with the propagation of local rules: “we do not encourage a proliferation of idiosyncratic local rules.” *Id.* at 570.

Just two years later the court iterated the same concern: “It remains our hope that trial courts of the state, whenever possible, will refrain from enacting local court rules which might be unfamiliar to counsel who practice elsewhere in the state.” *Johnson v. Miller*, 270 N.W.2d 624, 626 (1978).

Concern about a growing hodgepodge of localized rules persisted. Perhaps the advent of the internet and with it the Iowa Judicial Branch website would lessen these concerns, but to this day the fact remains that attorneys and self-represented litigants often are unaware of local rules that on occasion could rise up and bite.

A RECENT CHORUS OF RECOMMENDATIONS TO ABOLISH LOCAL RULES

The Iowa State Bar Association formed a 2009 “Task Force for the Delivery of Enhanced Legal Services throughout Iowa” to proactively identify reforms that would enhance court services throughout the state in the face of budgetary constraints. The task force presented “A Vision for the Judicial System’s Future” and summarized that vision as follows: “First, local rules and procedures are made consistent and uniform. The practice of law is simplified as lawyers no longer need to guess and be delayed by the mysterious nature of the rules and procedures of districts, counties or even judges.” Subcommittees of the 2009 ISBA Task Force recommended elimination of local rules and procedures.

In 2010, the Judicial Council agreed to abolish local rules but also to consider which local rules would merit statewide adoption. Each judicial district identified local rules for consideration for statewide adoption. The rules numbered close to 100 or more. The council created a committee to work on the matter, but recognition that there always would be localized cultures and a need for local protocols and practices eventually prevailed, and the council took no further action on the project.

On February 7, 2011, more than 9,000 licensed Iowa attorneys and judges received the Civil Justice Reform Task Force Survey. The survey asked respondents whether uniform statewide rules should replace local court rules. Respondents strongly favored uniform rules, with 34.9 percent agreeing and 37.1

percent strongly agreeing. Ninety-one percent (91 percent) of respondents agreed (48.1 percent) or strongly agreed (43 percent) that courts should incorporate any unique rules into standard scheduling or pretrial orders.

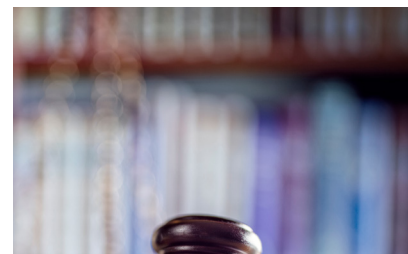
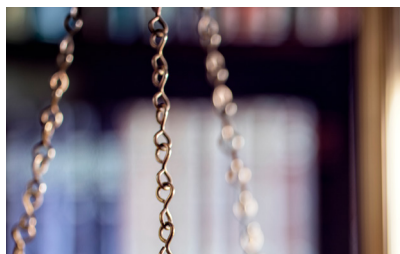
In May 2016, the Family Law Case Processing Reform Task Force submitted its report that included as a “Further Study Recommendation” that judicial district’s local rules and procedures be centralized and placed under a “Family Law Tab” on the judicial branch website.

The Iowa Guardianship and Conservatorship Reform Task Force reviewed Iowa’s guardianship and conservatorship laws and procedures and proposed recommendations for new and improved court processes for statewide adoption. In August 2017, the task force submitted its final report making several recommendations for statewide uniform standards, policies, procedures and mediation services.

The Iowa Supreme Court Access to Justice Commission, in its July 2017 report, noted the necessity of standardized case processing statewide to assist self-represented litigants navigating the Iowa court system. The report stated “The existence of ‘local’ rules exacerbates the problem with effectively assisting [self-represented litigants.]”

THE LAST STAND FOR LOCAL RULES

In June 2017, the supreme court requested the Judicial Council undertake a fresh review of each judicial districts local rules to identify rules that could be rescinded and rules that the districts



wished to submit to the supreme court for approval or that would be appropriate to consider for statewide adoption. The Judicial Council recognized that local rules could limit access to justice for self-represented litigants, that EDMS obviated the need for many local rules, many rules were redundant of the Iowa Court Rules and some districts had not updated local rules in 30 or more years.

At the next Judicial Council meeting, several districts indicated a willingness to rescind their local rules entirely. The districts identified only a handful of rules

for potential statewide adoption. The court considered the Judicial Council's recommendations during its August 2017 Administrative Term and again later in the fall. In November, the court determined that all local rules would be abolished, with the understanding that judicial districts or county courts could submit rules to the supreme court for approval and further understanding that any local practices that courts or judicial districts wished to retain would be appropriately communicated in pretrial orders or otherwise made known to parties and attorneys.

Judges retain inherent authority to control their courtrooms. There is no absolute prohibition on local rules. No longer, however, do parties and attorneys need to sort through rules decreeing "the flag of the United States shall be displayed in every courtroom," "clothing bearing obscene content is inappropriate," "lawyers shall not communicate ex parte with judges," or that "entrances to courtrooms shall afford uninhibited ingress and egress." No longer will unfamiliar rules regarding attire, general conduct in the courtroom or when the court will permit attorneys and parties to stand or sit, serve as traps for unsuspecting prey. Judicial districts or courts retaining local practices or procedures will now convey them ahead of time to parties and attorneys in appropriate orders.

There is a momentum in the judicial branch and broadly among justice system stakeholders to continue to improve court services for the benefit of all Iowans. This action on local rules is an example of another such positive step.



Timothy S. Eckley is Assistant Counsel to the Chief Justice of the Iowa Supreme Court. He is a graduate of the University of Iowa College of Law where he was Managing Editor of the Iowa Law Review. He served as judicial law clerk for the Honorable Charles R. Wolle at both the Iowa Supreme Court and the United States District Court for the Southern District of Iowa. Tim engaged in private practice for approximately 15 years in Des Moines before spending four years as Staff Attorney and Publications Associate with the American Judicature Society. He has been working with the Iowa Supreme Court since 2010.

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Iowa Legal Aid

HIRES NEW DIRECTOR

By **Melissa Higgins,**
Communications Director

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Nick Smithberg may be a stranger to Iowa, but he's no stranger to the mission of Iowa Legal Aid. It's a mission he has carried out elsewhere through his career path.

Smithberg replaced Dennis Groenenboom as executive director of Iowa Legal Aid in early January. He has spent the first couple of months getting to know the area and its people, which are quite different than where he comes from, living and working in New York City. But he says he already finds himself impressed.

"Des Moines is a livable town, the commute is insanely good. And there's this whole 'Iowa nice' thing that is so true," he said.

Smithberg most recently worked with the New York City Department of Consumer Affairs, as deputy general counsel and executive director of the Paid Sick Leave and Commuter Benefits Division, which involved working mostly with wage worker clients who were fighting for paid sick leave. He grew up in New York, but attended law school at the University of Southern California.

"The reason I went to law school was to do something in the public interest realm. I was lucky enough to get a job right out of law school at South Brooklyn Legal Services, and that was kind of the job that set the mark for me the rest of my career," he said.

He worked in Brooklyn as a staff attorney in the housing unit, and said he "loved

it. I loved the work. It was hard, we were underfunded and had too many cases. But it was great, great work. Cut to the chase, that's why I ended up here. I wanted to reconnect with that."

His career took him first, though, into big law, working as a litigator and in transactional cases and bankruptcies. He says that experience allowed him to touch many substantive areas of law.

Smithberg begins his tenure at Iowa Legal Aid facing a tough budget battle. Not only are public funding opportunities limited on a state level this year, but legal services face an uphill battle on a federal level as well.

In February, President Donald Trump proposed defunding Legal Services Corporation, a significant source of funding for Iowa Legal Aid, in his budget plan for fiscal year 2019. The president also sought to cut all funds to the LSC last year, but Congress, through continuing budget resolutions, kept its funding at the previous year's level.

LSC is just one of 90 funding sources that Iowa Legal Aid pieces together each year to make up its budget.

"Even a modest reduction in funding ripples out to an impact on the clients very quickly. We don't have any slack or any fat," Smithberg said. "We are absolutely mindful there are competing budget priorities, but what we try to explain is that the work we do intervenes in the judicial process at a very cost-effective point. Without our ser-

Meet Iowa Legal Aid's new director and help support Iowa Legal Aid

Equal Justice After Hours 2018 will be held on Thursday, March 22, from 5 to 7 p.m. This year's event will be hosted by Principal Financial Group at its newly remodeled headquarters at 711 High Street in downtown Des Moines.

Having just completed its 40th year of seeking justice and improving lives by providing critical legal assistance to low-income Iowans, Equal Justice After Hours 2018 will feature a short program highlighting the services that Iowa Legal Aid provides to children and how these projects help low-income children have a better chance at a successful future.

vices, the net cost down the road is much more expensive, when the bad consequences happen without the intervention."

Each Iowa Legal Aid attorney closes about 350 cases a year, with the help of staff and pro bono volunteers. That equates to touching the lives of as many as 700 Iowans each, nearly half of whom are children. But Smithberg says Iowa Legal Aid turned away 10,000 potential clients last year because they didn't have the resources to represent them.

In order to continue providing services to as many Iowans as possible, even in tough budget times, Smithberg says there are places for the organization to make changes under his leadership.

"There are always areas to grow, including modernizing by enhancing our technological capacities. That's critically important because a key challenge to an organization like Iowa Legal Aid is we are statewide, covering clients in all 99 counties."

He cites video conferencing technology as a potential goal, if funding can be secured.

As Smithberg considers his future vision for Iowa Legal Aid, he has the benefit of drawing on his predecessor's decades of experience. Groenenboom, who served as executive director since 1992, will continue in a part-time consultant role.

"I inherit a very sound organization, so that makes it a great platform to build on. We have a very strong and capable staff; the organization has been very well managed. We have an involved and capable board of directors, and great support in the legal community and the government," he said. "One of the things about coming in as an outsider from somewhere else is that there is a whole group of people who really want you to succeed. These people are very dedicated to this organization."



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1031 EXCHANGE



By Deborah L. Petersen,
Real Estate and Title
Law Section Council

With contributions from Tara Lawrence,
Director of Iowa Title Guaranty, and James
Carney, ISBA Legislative Counsel

30 Years of Iowa TITLE GUARANTY

What it has meant to lowans and the legal profession

In the early 1980s, many Iowa bankers were selling mortgages on the secondary market and there was an ever-increasing volume of secondary market sales of mortgages. The secondary market was not familiar with the abstract/attorney opinion process and had a preference for commercial title insurance, which was utilized throughout the rest of the United States. With mounting pressure coming from Iowa bankers, The Iowa State Bar Association investigated how the State of Iowa could produce a state-issued title guaranty, which would be at least the equivalent of a commercial title insurance policy.

At the same time, abstractors were very concerned about maintaining their 40-year title plants and ensuring that abstractors would remain a part of the Iowa real estate transaction. Abstractors also were interested in passing a licensure act. Iowa Title Guaranty would eventually become in effect a form of licensure.

Bob Downer, Carl Nielsen and Jim Carney visited the offices of Fannie Mae in Chicago, and then Freddie Mac in Washington D.C., meeting with key individuals responsible for determining the acceptance of title policies. They were instructed on what would be needed for the State of Iowa to issue a title guaranty that

IOWA STATE BAR ASSOCIATION — 2018 Affirmative Legislative Program

Bill No./Subject	Description	Status
SF 3105/HF 2320 Business Law Technical Changes	Amends §504.832 to add an explicit reference to section §504.836 authorizing a safe harbor for business opportunities. Amends §491.16A to include §§490.860 through 490.870 as these sections were not picked up when the Iowa Business Corporation Act was last amended. Clarifies language in Code §§ 9H.1 and 9H.4 regarding nonprofit corporations. The clarification is simply to ensure that all previous nonprofit chapters are included within the definition and restrictions of the chapter. Iowa's nonprofit chapter has been Chapter 504, 504A, and returned to 504.	Senate - Passed through Committee. House - Passed through Committee
HF 135/SF 2139 Waiver of Spousal Share	Amends the Iowa Uniform Power of Attorney Act by adding a new subsection (10) to 633B.204 to clarify that an agent under a power of attorney may waive or relinquish a spousal right, homestead, and elective share if the principal has granted the agent Gen. Powers under the real property section 204 to 633B.	House - Passed through Committee. Senate - Passed unanimously on the floor
HF 639 Calculation of Probate Court Costs	Relates to how the clerk of probate court determines and collects charges regarding services provided in probate matters. Excludes from the determination of court costs property over which the court lacks probate jurisdiction and for which the clerk renders no services. Specifies that for purposes of calculating the costs for other services performed by the court in the settlement of the estate of any decedent, minor, person with mental illness, or other persons laboring under legal disability, the value of such a person's personal property and real estate is equal to the gross assets of the estate listed in the probate inventory minus, unless the proceeds of the gross assets are payable to the estate, joint tenancy property, transfers made during such person's lifetime such as to a revocable trust, and assets payable to beneficiaries.	House Ways & Means No Senate Companion
SF 2098/ HF 2130 Conforming Probate Code to EDMS Standards	Conforms old probate statutes with EDMS standards and procedures. Amends §633.22 (Probate Powers of Clerk), Amends §633.27 (Probate Docket), Deletes §633.72 (Manner of Service), Amends §633.82 (Designation of Attorney), and Amends §633.418 (Form and Verification of Claims).	Senate – Passed Unanimously on the floor; House – Passed through Committee
SF 2099/ HF 2128 Small Estate Changes	Amend §635.7 to clarify that, when the Personal Representative files a statement of conversion to or from small estate administration, the Clerk will make the conversion without court order; and amend §635.8 to provide clarification to the procedure for closing by sworn statement.	Senate – Passed Unanimously on the floor; House – Passed through Committee
SF 2234/ HF 2229 Revised Calculation of Probate Court Fees	Code §633.31 is currently being applied inconsistently throughout the state. There are now several district court cases declaring the clerks in at least six counties to be calculating court fees inappropriately. The bill addresses how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court fees property over which the court lacks probate jurisdiction and for which the clerk renders no services. Increases fees in §633.31 to keep impact of change in treatment of non-probate assets revenue neutral to the state by striking the existing fee structure and creating at 0.25% administration fee. The legislation also creates a \$185.00 filing fee while removing many of the individual charges associated with probate.	Senate – Passed through Committee with amendment House – Passed through Ways and Means
SSB 3011/ HSB 606 Funeral Directives	Funeral and burial costs are paid from a decedent's estate, but the decedent is not given a say in the funeral and burial process. The proposal will allow a person to define "reasonable funeral and burial costs" so that an heir cannot subvert the person's testamentary intent.	Awaiting subcommittee in the Senate (Sinclair, CH., Edler & Taylor); House - Subcommittee did not recommend passage

Updated 2/23/18

“WE URGE ALL ISBA MEMBERS TO EDUCATE THEIR LOCAL LEGISLATORS ABOUT THE BENEFITS OF IOWA TITLE GUARANTY. PLEASE ENCOURAGE LOCAL LEGISLATORS TO OPPOSE ANY EFFORT TO PASS LEGISLATION THAT WOULD DETRIMENTALLY AFFECT IOWA TITLE GUARANTY, OR REPEAL THE PROHIBITION AGAINST THE SALE OF TITLE INSURANCE IN IOWA.”

would be readily accepted by the secondary market. The bottom line was that Iowa Title Guaranty would have to issue the same policy form that title insurance companies issued, known as the ALTA policy form.

Fannie Mae and Freddie Mac were very supportive of our efforts and believed that the Iowa Title Guaranty would actually be a more secure policy than commercial policies because of the way Title Guaranty

In addition to the below legislative proposals, The Iowa State Bar Association supports the following positions as a part of its 2018 Affirmative Legislative Program:

- Full funding of indigent defense and adoption of legislation providing for a \$5-per-hour increase with an automatic cost of living increase in indigent defense fees.
- Full funding of the judicial branch.
- Full funding for legal services.
- Full funding of the IA Secretary of State’s Office as requested by IA Secretary of State Paul Pate.
- Full funding for the Office of Substitute Decision Maker to protect the interests of Iowans who have no one else to manage their financial and health care needs.
- Child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.
- Opposition to the legalization of title insurance.
- Monitor issues regarding lawyer abstracting under Iowa Title Guaranty.
- Opposition to absolute immunity legislation.

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IOWA STATE BAR ASSOCIATION — 2018 Affirmative Legislative Program

Bill No./Subject	Description	Status
SF 2285/ HF 2125 Very Small Estates	Amends Code § 633.356 addressing the distribution of property by affidavit for a very small estate. The legislation increases the amount of a qualifying estate from \$25,000 to \$50,000. Also adds to the current requirements of the affidavit the following: that no debt is owed to the Iowa Department of Human Services for reimbursement of Medicaid benefits, or if there is it will be paid to the extent of the funds received; that no inheritance taxes are owed; and that creditors will be paid to the extent of funds received pursuant to the affidavit.	Senate – Passed through Committee; House – Passed through Committee
SF 2303/ HF 2129 Deferred Payment of Taxes – Options to Bonding	Amends §450.48 to clarify satisfactory security to the Department of Revenue to include but not be limited to bank or securities accounts with an irrevocable pay on death or transfer on death provision naming the department of revenue, an escrow agreement with an attorney under which the funds will be held in the attorney’s trust account, or the lien imposed by the chapter.	Senate – Passed through Committee; House – Passed through Committee
SSB 1090 Rule Against Perpetuities	The bill creates an exception to the rule against perpetuities if the Trustor explicitly suspends the rule and if the Trustee has the power to sell trust assets.	SSB1090 No House Companion
SF 2166/ HF 2318 Redemption from Tax Sale of Property Owned by Persons with Disabilities	Remedies issues arising from Iowa Court of Appeals decision Firestone v. FT13 (Filed 4-30-14) relating to redemption issues arising from ownership of property by minors or persons of unsound mind.	Senate – Passed through Committee; House – Passed through Committee
SF 2138/ HF 2232 Requirements for Timely Filing of Releases or Satisfaction of Mortgages	Remedies ambiguities and inconsistencies in existing statutes & provides remedies for failure of mortgagees to issue releases of mortgages.	Senate – Passed through Committee; House – Passed through Committee
SF 2138/ HF 2232 Real Estate Partitions	This bill completely reorganizes and renumbers Iowa Code chapter 651, and repeals Division XII of the Iowa Rules of Civil Procedure governing partition procedures. The proposed legislation divides chapter 651 procedures into two divisions, general procedures applicable to all partitions and special procedures applicable to “heirs property,” partitions. This bill adds a definition section, new sections clarifying court procedures governing the initial decree, the appointment of a judicial referee, the appraisal order, and the final determination of real property value. Finally, this bill specifically authorizes the equitable remedy known as “owelty” in Iowa partition actions and provides that attorney fees in partition actions are to be fixed by the court in a reasonable manner and taxed as part of the court costs.	Senate – Passed Unanimously on the floor; House – SF 2175 referred to Judiciary Committee
HSB 63 Forcible Entry & Detainer Actions After Forfeiture of Real Estate Contracts	Makes changes to procedures for eviction after forfeiture of a real estate contract. Grants statutory authority under Code Chapter 648 for a vendor in a real estate installment contract to seek Forcible Entry & Detainer action against holdover vendee who fails to vacate after forfeiture proceedings are complete, while affording holdover vendees proper due process. Allows small claims magistrates to hold preliminary hearings in forfeiture cases and to enter judgments of removal only if the defendant defaults or appears and does not raise facts which would constitute a defense to eviction.	Aln House Judiciary No Senate Companion

Updated 2/23/18



“WHILE IOWA TITLE GUARANTY IS NOT A PERFECT PROCESS, IT IS TRULY AN AMAZING SUCCESS STORY THAT HAS BENEFITED IOWA CITIZENS AND THE PUBLIC INVOLVED IN PURCHASING REAL ESTATE, ENSURING THE STABILITY OF THE IOWA LAND TITLE SYSTEM, WHILE AT THE SAME TIME ENSURING THAT QUALIFIED ABSTRACTORS AND ATTORNEYS REMAIN INVOLVED IN REAL ESTATE TRANSACTIONS.”

2017 FISCAL YEAR BY THE NUMBERS

22,640

Free Owner's Certificates Issued to New Homeowners

85,774

Total Residential Certificates Issued

26,521

Closing Protection Letters Issued to Protect Lenders

\$14.5 BILLION

in Residential Real Estate Covered

Since Inception in 1985
\$57.4 MILLION
FY17 \$1.3 MILLION

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was going to be structured. They were impressed with the fact that Iowa would still clear title and maintain their public records by having the abstract brought up to date and an attorney title opinion done. They understood that in addition to Iowa Title Guaranty maintaining reserves set by the Department of Insurance to pay claims, the lawyers' and abstractors' errors and omissions coverages would be available, plus Iowa Title Guaranty would purchase reinsurance.

Even today, there are people involved in real estate transactions who do not know or appreciate how secure the Iowa Title Guaranty product is, as compared to commercial policies. Commercial title commitments and the resulting policies actually have very little oversight and historically have had major issues with solvency. Fannie Mae and Freddie Mac were additionally astounded that Iowa Title Guaranty would be selling their policies at \$1 per thousand, when commercial companies were regularly selling policies at \$3.50 or \$4.50 per thousand of coverage. They were likewise amazed that the excess revenues from Title Guaranty would pour back into the Iowa Finance Authority and be utilized to fuel additional real estate transactions in the state of Iowa. And, when looking at a commercial or agricultural transaction,

the savings to the ultimate consumer are huge, compared to title insurance.

As we fast forward from the beginning of Iowa Title Guaranty in 1987 to today, there are now 1,496 current participants in the Title Guaranty program. This includes attorneys, abstractors and independent closers. Some of these practitioners perform one or more services. For example, a lawyer may be the attorney preparing a title opinion, doing the abstracting, issuing the Title Guaranty commitment and certificate and serving as closing agent. It is estimated by Director of Iowa Title Guaranty Tara Lawrence that there are 1,331 attorneys who are included in the total number of participants. In other words, almost 20 percent of ISBA members.

Iowa Finance Authority had \$7.5 million in total revenue from Title Guaranty premiums in fiscal year 2017. Iowa Title Guaranty transferred \$1.3 million to IFA for use in housing projects and paid out a total of \$3.66 million to participating field issuers, leaving a total of \$2.5 million to cover all of Iowa Title Guaranty's operational expenses. According to Lawrence, the actual expenses of operating Title Guaranty are approximately \$2 million per year to pay for salaries and all operation expenses. There are seven staff attorneys who work in varying

positions at Iowa Title Guaranty. Iowa Title Guaranty pays out approximately \$300,000 a month to participants, which would include attorneys, abstractors and independent closers. Approximately \$3.6 to \$4 million per year is paid to attorneys who issue Title Guaranty Certificates.

In addition to the issuance fees, attorneys are paid for their title opinions, which are the basis of the Title Guaranty certificates. In 2017, there were approximately 85,000 Title Guaranty policies issued. According to Lawrence and members of the ISBA Real Estate Legislative Committee, the cost of an average title opinion is about \$250. This means that Iowa attorneys are receiving approximately \$25 million in total fees for their work related to Iowa Title Guaranty-- \$3.6 to \$4 million for issuing the certificates and another \$21 to \$22 million for preparation of title opinions.

INTEGRITY OF LAND TITLES AND CONSUMER PROTECTION

The inclusion of abstractors and real estate attorneys in the issuance process of Iowa Title Guaranty certificates ensures the continuing integrity of land titles in Iowa. Additionally, it ensures that consumers are being protected and receiving representation in the purchase of real estate. The Iowa Title Guaranty program is designed to provide flexibility in designing the product to meet the special circumstances of any sale. The staff is knowledgeable in Iowa law and is readily available to provide support and assistance to its participants. This allows the product to meet the specifications of the parties and to have a very quick turnaround. The services are prompt, professional and adapted to the situation for all residential, commercial and agricultural transactions. Title Guaranty protects the consumers of their services by providing a much lower cost product, with a superior quality and excellent customer service.

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In Memoriam

Edward N. "Ned" Wehr, 90, of Davenport died Jan. 27.

Wehr was born in 1927. He received his J.D. from the University of Iowa College of Law in 1951. After graduation, Ned joined the law firm of Wells & Brubaker in Davenport until his appointment as assistant county attorney for Scott County, at which time he established his own private practice. After serving as assistant county attorney he was elected Scott County Attorney for five terms.

John Orville Reich, 74, of Guthrie Center died Feb. 2.

Reich was born in 1943 in Red Wing, Minnesota. He received his J.D. from Drake University Law School in 1968. He joined the Frush Law Firm in Adel. Later it became the Reich Law Firm. For the last 45 years, he was the Adel City Attorney.

Jeffrey W. Paul, 66, of Le Claire died Jan. 31.

Paul was born in 1951 in Davenport. He received his J.D. from the University of Iowa College of Law and practiced law in the Quad Cities at Lane & Waterman. He enjoyed spending his time with his family, caring for the farm, yard and garden, playing golf and pickleball in Florida, and cheering on the Cyclones and Cardinals.

Lynette Donner, 58, of Urbandale died Jan. 29.

Donner was born in 1959 in Fergus Falls, Minnesota. She received her J.D. from Drake University Law School. She was a 30-year-plus State of Iowa employee. She served in the Legislative Service Bureau drafting bills, as an attorney for the Iowa Attorney General's office, legal counsel for the Campaign and Ethics office, legal counsel for Iowa Secretary of State, and an Administrative Law Judge for Iowa Workforce Development for over a decade.

Philip E. Harris, 66, of Edina, Minnesota died Jan. 12.

Harris was born in 1951 in Atlantic. He received his J.D. from the University of Chicago. Harris was an emeritus professor and former chair of the Agriculture and Applied Economics Department at the University of Wisconsin-Madison, where he taught agricultural law for 37 years. He founded and directed Tax Insight, LLC, a company that provides education for tax practitioners. He was also one of the founders of the Land Grant University Tax Education Foundation, and until 2015, was the lead editor for its annual tax book used by over 30,000 tax practitioners each year.

Bruce A. Shawver, 84, of Hot Springs Village, Arkansas died Feb. 4.

Shawver was born in 1933 in Davenport. He received his J.D. from Drake University Law School and served in the U.S. Air Force as a navigator. He returned to Davenport in 1960 and after three years of association with the law firm of Lambach, Shorey, and Plath, he opened his own law practice and actively practiced law for 50 years, until he retired in 2010, when he moved to Venice, Florida.

This raises the question of what would the situation in Iowa be if Iowa Title Guaranty did not exist? What if Iowa became a "title insurance state" like the rest of the country? What, if any, involvement would there be by attorneys in real estate closings? How would citizens receive the protection they deserve in the real estate process? Would abstractors even be needed? Would attorneys continue to do any title opinions? What would be the adverse effect on public records? These are just some of the questions that would be raised if Iowa were a title insurance state.

ENHANCED REAL ESTATE TRANSACTIONS

These comments do not even take into consideration what the more than \$1.3 million per year that Iowa Title Guaranty transfers to Iowa Finance Authority has had on generating additional real estate transactions and additional fees to the participants as a result of those transactions. IFA utilizes the \$1.3 million in obtaining approximately \$40 million per year in bonding that translates into a huge addition and growth to the real estate market.

Iowa attorneys and The Iowa State Bar Association have been at the forefront of protecting Iowa citizens and the public involved in real estate transactions, while at the same time ensuring the integrity of real estate titles and public records. Despite this unbelievable success and benefit to the public, we often hear rumblings that bankers are agitating to pass legislation that will have an adverse effect on Iowa Title Guaranty, or the legalization of commercial title insurance and repeal of the prohibition against title insurance. Please contact your local legislators and educate them about the tremendous benefits of Iowa Title Guaranty.



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ATTORNEY – Stinson Leonard Street LLP, Mankato, MN – Seeking an attorney with experience in the areas of corporate law, business transactions, business succession planning, secured lending transactions and/or commercial real estate to join our Mankato, Minnesota, office. The preferred candidate is self-motivated and team-orientated, with the ability to work in a fast-paced collaborative environment. Please send cover letter, resume, unofficial

law school transcript, and writing sample by e-mail to: Anna Lloyd, Attorney Recruiting Manager, Stinson Leonard Street, 1201 Walnut, Suite 2900, Kansas City, MO 64106, or email recruiting@stinson.com

ATTORNEY – Gislason & Hunter LLP, Des Moines, IA – Seeking a full-time attorney to practice primarily in the corporate area. The ideal candidate will have at least three years' experience in a corporate or transactional practice. Some portable business is required along with the desire to develop more. Interest or experience in health law or banking law is a plus. For consideration, please send your resume and cover letter to Teresa Reiner, trainer@gislason.com.

ASSOCIATE ATTORNEY – Davis Brown Law Firm, Des Moines, IA – Seeking a business attorney for the downtown Des Moines office. Candidates must have a minimum of three years' experience in the areas of mergers and acquisitions, private equity and general business transactions. Candidates should exhibit strong academic performance, work ethic and interpersonal skills. To be considered, applicants should submit their resume, cover letter, referenc-

es and law school transcript to BarbHardy@davisbrownlaw.com or 215 10th Street, Suite 1300, Des Moines, IA 50309.

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two years of legal practice. Experience with estate planning, corporate law and real estate transactions is preferred. Applicants should have a strong work ethic and favor a collaborative team-oriented approach to the practice. Iowa bar admission required. All applications will be handled confidentially. Send resume and cover letter to Crary Huff Law Firm, Attention Mick Connealy, Personnel Partner, PO Box 27, Sioux City, IA 51102 or mconnealy@craryhuff.com.

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U.S. MAGISTRATE JUDGE – Northern District of Iowa, Cedar Rapids, IA – The United States District Court for the Northern District of Iowa is accepting applications for a full-time United States Magistrate Judge. The duties of the position are demanding and wide-ranging and include but are not limited to: (1) conducting most preliminary proceedings in criminal cases, including plea hearings; (2) trial and disposition of misdemeanor cases; (3) conducting various pretrial matters and evidentiary proceedings on referral from District Judges; and (4) trial and disposition of civil cases upon consent of the litigants. The basic authority of a United States Magistrate Judge is specified in 28 U.S.C. § 636. Application forms and more information on the position in this court may be obtained from the Clerk of the District Court at 111 Seventh Avenue SE, Cedar Rapids, IA 52401 or 320 Sixth Street, Sioux City, IA 51101. The form is also available on the court's website at www.iand.uscourts.gov. Application packets should include a cover letter, resume, application and any supporting documentation. Applications must be submitted only by the applicant personally or via mail. The original and fifteen (15) copies must be received in the U.S. District Court Clerk's Office, ATTN: Robert Phelps, 111 Seventh Avenue SE, Cedar Rapids, IA 52401 by March 12th, 2018. Submissions by email or fax will not be accepted.

COVERAGE ATTORNEY – Great Western Casualty Company, South Sioux City, NE – As a Coverage Attorney for Great West Casualty Company, you will focus on the Motor Carrier Policy, providing counsel, training, and assistance to the regions' claims departments to foster consistent, efficient, and appropriate claims practices. You will prepare coverage opinions and memoranda on claims legal topics as well as oversee litigation and declaratory judgement action while supervising outside counsel. This position qualifies for relocation assistance. To learn more about Great West and our office locations, please visit our website www.gwccnet.com.

DIRECTOR OF POLICY AND LEGAL SERVICES – Iowa Association of School Boards, Des Moines, IA – Des Moines-based education nonprofit seeks attorney to serve as Policy and Legal Services Director, providing services and consultation to member school districts on school board policy and education law. The position develops and maintains member publications, resources and educational programs; analyzes state laws and administrative rules to make public policy recommendations to represent the needs of members; and serves as a key liaison to selected external organizations. Apply by sending cover letter, resume, and salary requirements to: Iowa Association of School Boards Attn: Stephanie Rousseau, Executive Assistant, 6000 Grand Ave., Ste. A, Des Moines, IA 50312. To send application by email: srousseau@ia-sb.org.

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OFFICE SPACE AVAILABLE – Des Moines – Office space available for one lawyer and one staff member. Office share arrangement. Space includes conference room and copier. 5907 Grand Avenue. For more information email Scott at sll@longgilliam.com.

OFFICE SPACE AVAILABLE – Marion - Office space available for attorneys and staff. The space has three offices available and a large reception area. Services include access to a large conference room, kitchenette, and parking. For more information contact William Schwickerath at (319) 531-7992 or william@pearsonbollmanlaw.com.

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FULL-TIME ATTORNEY – D. Bradley Kieseey, Attorney - Seeking general prac-

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CPA/ABV/CFF, ASA.*

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When credentials count.

Cyril Ann Mandelbaum, CPA

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West Des Moines, Iowa 50266
Phone: 515.222.6203
E-mail: cyril@cyrilmandelbaum.com



CLE Calendar

March 26

Employment Law Audits
(Live Webinar)

April 10

IP Mediation and
Industry Trends
(Live Webinar)

April 13

Construction Law Seminar
(In-person or Live Webinar)

April 20

Commercial and
Bankruptcy Seminar
(In-person or Live Webinar)

April 25

Substance Abuse
(Live Webinar)

May 4

Government Practice
Seminar
(In-person or Live Webinar)

May 9

Custody Evaluations
(Live Webinar)

May 9-11

Bench-Bar Conference
Courtyard by Marriott
Waterloo

May 16

Copyright Law and
Recent Updates
(Live Webinar)

May 18

Tax Law Update
(In-person or Live Webinar)

May 21

Medicaid to Nursing
Home Care: Solving Semi-
Complicated Scenarios
(Live Webinar)

iowabar.org/cle

SAVE THE DATES

A

The Iowa State Bar Association
ANNUAL MEETING
June 18-20
Iowa Events Center
Des Moines

The Annual Meeting features dynamic speakers and provides numerous opportunities to learn new approaches and receive updated information on all aspects of the legal field. All while connecting with fellow ISBA members.

Various educational sessions are **designed to meet the needs of everyone** from a new attorney or court reporter, to an experienced veteran. Learn new approaches and strategies in a variety of topics related to the field, policies and processes, career and staff development, trends and technology, ethical issues, marketing, case law and legislative updates, and many others.

Held each year in June, the conference brings **over 1,000 legal professionals** together under one roof to gain insight and knowledge from peers and experts in the field.

We are very fortunate to be joined by plenary speaker Prof. Todd Pettys at this year's conference. On Monday, June 18, Prof. Pettys, H. Blair and Joan V. White Chair in Civil Litigation, University of Iowa College of Law, will take center stage at Iowa's largest legal conference.

We hope that this conference is a chance to step back, **connect with colleagues** and remind ourselves why what Iowa legal professionals do is important work. From rural practitioners to urban attorney, probate or criminal law, solo or large firm, younger and beyond, this conference is designed to meet your needs.



Commercial and Bankruptcy Law Conference

April 20

8:15 AM - 4:30 PM
(In-person or Live Webinar)

SCHEDULED PRESENTATIONS

- » Trust? But I'm a Commercial Lawyer: Issues Involving the Increasing Prevalence as an Asset Protection Device
- » Commercial Law Update
- » Ag Liens and Contracting with an Emphasis on Meat and Egg
- » Distressed Commercial Real Estate, Retail Leases and Releases
- » The UST Role In Bankruptcy Cases with an Emphasis on Individual and Small Business Chapter 11 Issues - United States Trustee's Perspective
- » E-discovery and Social Media

ATTENDANCE

Please select attendance preference (in-person or live webinar) when registering for this event. In-person attendance will take place at the ISBA offices:
625 E. Court Ave., Des Moines, IA 50309.

Sponsored by The Iowa State Bar Association Commercial and Bankruptcy Section

Registration Form: Commercial and Bankruptcy Law Seminar

Name: _____ Member #: _____ Phone #: _____
Address: _____ City, State, Zip: _____
E-mail: _____

REGISTRATION FEES

Prices below reflect the early-bird registration fees. Registering after April 19 will result in a \$50 late fee being added on to your registration fee amount.

- ___ Commercial and Bankruptcy Section Members - \$175
- ___ ISBA Members - \$190
- ___ YLD Members (Years 1-5) - \$125
- ___ Non-ISBA Members - \$300
- ___ Law Students - Free

Attendance Preference: ___ In-person ___ Live Webinar
Lunch (provided with in-person registration): ___ Yes ___ No

Method of Payment: ___ Check enclosed Check Number _____
___ MasterCard ___ 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, Iowa 50309 or fax (515) 243-2511

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

Cancellation policy: Registration refunds will be issued only if written notification is received by the Bar Office by April 13, 2018. Written notification can be mailed, faxed, or e-mailed to the bar office.



Bench-Bar Conference

**In this
TOGETHER**

**May 9-11
Courtyard by Marriott
Waterloo**

This year's Bench-Bar Conference will be dedicated to the problems that the community of lawyers and judges in Iowa face with the increased fiscal burdens placed on the judicial branch. Presenters, including Iowa Supreme Court Chief Justice Mark Cady, Justice Edward Mansfield, Court of Appeals Judge Mary Tabor, Sen. Robert Hogg and Sen. James Carlin, will cover the topics of legal ethics, building coalitions with those outside of the judicial branch, and improving internal relationships among the bench and bar.

Scheduled for Friday's programming is a discussion on "Building Relationships: Standards for Professional Conduct" with David Baker (David Baker Mediation), Chief Judge Kellyann Lekar (District 1B), Jaki Samuelson (Whitfield & Eddy PLC) and Barbara Randell (Colorado Justice Institute).

If you've never been, there's no better time to see for yourself the great fellowship than at the Bench-Bar Conference and experience the City of Waterloo's improvements to its downtown areas in the past several years. Attendees of the 2018 Bench-Bar Conference in Waterloo will see this firsthand with a visit to the John Deere Museum and in the converted factory to hotel guests will be staying. Other sites to visit during your stay include the revamped Sullivan Brothers Iowa Veterans Museum, the Dan Gable National Wrestling Hall of Fame, and the shops and restaurants in historic downtown Cedar Falls.

What other CLE features golf, bike riding, and fun walks/runs with Iowa lawyers and judges? At the 2018 Bench-Bar Conference, join fellow attendees in golfing at the Irv Warren Memorial Golf Course, biking the Cedar Valley Lakes Trail, painting your next office décor with an Art & Wine event, or sampling some local brews.

There's simply no other CLE event like the Bench-Bar Conference. Come see for yourself May 9-11 in Waterloo!

Presenters
include:



Cady



Mansfield



Tabor



Randell

Look for registration and more information at:

www.iowabar.org/event/2018BB

Tax Law Update

May 18

9 AM - 4:00 PM

(In-person or Live Webinar)

In-person attendance will take place at the ISBA offices in Des Moines

8:30 - 9:00 - Registration

9:00 - 10:00 - Overview of New Tax Act and Possible Iowa Effect - Speakers: Prof. Roger McEowen, Washburn University School of Law and Paul Neiffer, CliftonLarsonAllen

10:00 - 10:15 - Break

10:15 - 12:00 - IRC Section 199A Qualified Business Income - Speakers: Prof. Roger McEowen, Washburn University School of Law and Paul Neiffer, CliftonLarsonAllen

12:00 - 1:00 - Lunch (provided with in-person registration)

1:00 - 2:00 - Business Entity Planning: C Corp. to S Corp. - S Corp. to C Corp. - Speakers: Prof. Roger McEowen, Washburn University School of Law and Paul Neiffer, CliftonLarsonAllen

2:00 - 3:30 - How the New Tax Law Will Influence Estate Planning - Speakers: Michel Nelson, Iowa State Bank; Janice Kerkove, Bradley & Riley; Christine Halbrook, Bradshaw, Fowler, Proctor & Fairgrave, PC; Paul Morf, Simmons Perrine Moyer Bergman PLC; and Margaret Van Houten, Davis Brown Law Firm

3:30 - 4:00 - Reception/Question and Answer Time

Registration Form: Tax Law Update

Name: _____ Member #: _____ Phone #: _____

Address: _____ City, State, Zip: _____

E-mail: _____

REGISTRATION FEES

Prices below reflect the early-bird registration fees. Registering after April 15 will result in a \$10 late fee being added on to your registration fee amount.

Taxation Section Members - \$175 ISBA Members - \$185 YLD Members (Years 1-5) - \$150
 Non-ISBA Members/CPAs - \$195 Paralegals/Legal Assistants - \$150 Law Students - Free

Attendance Preference: In-person Live Webinar

Lunch (provided with in-person registration): Yes No

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, Iowa 50309 or fax (515) 243-2511

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

Cancellation policy: Registration refunds will be issued only if written notification is received by the Bar Office by May 11, 2018. Written notification can be mailed, faxed, or e-mailed to the bar office.

Transitions

Travis M. Cavanaugh, Laura A. Jensen and Jacob W. Nelson have become members of Simmons Perrine Moyer Bergman PLC in Cedar Rapids.



Cavanaugh

Cavanaugh is engaged in estate and wealth transfer planning, general business and corporate law, and taxation law. He has been with the firm since 2012. Prior to practicing law, Cavanaugh worked as a public accountant for two years at PricewaterhouseCoopers in Chicago.



Jensen

Jensen is a member of the firm's Wills, Trusts, Estate Planning, and Probate Practice Group. After law school, she worked as an associate at Mayer Brown LLP in Chicago and then worked as a field organizer with Organizing for America Wisconsin prior to joining the firm in 2013.



Nelson

Nelson is an attorney with the firm's Business and Commercial Litigation Group. His practice is centered on general commercial litigation, distribution and franchise-related litigation, and construction law. Prior to joining the firm in 2015, Nelson worked as a litigation attorney at Foley & Lardner LLP in Milwaukee, Wisconsin.



Cutler

John S. Cutler recently joined the Cutler Law Firm, P.C.,

in West Des Moines. He received his J.D. from the University of Iowa College of Law in 2009. Prior to returning to the Des Moines area, he practiced in Denver, Colorado, for eight years in the areas of business litigation and bankruptcy. Cutler will have a general practice focused on business matters and workers' compensation.

Emily K. Ellingson and Kyle A. Sounhein have become shareholders at Lynch Dallas, P.C. in Cedar Rapids.



Ellingson

Ellingson is a graduate of the University of Iowa College of Law. She has practiced with Lynch Dallas, P.C. since 2009. Ellingson advises school districts and municipalities on a variety of issues, including workplace investigations, employee discipline and termination, open meetings and public records, employee benefits compliance, ADA accommodations/interactive processes, FMLA matters, and wage and hour issues.



Sounhein

Sounhein is a graduate of Drake University Law School. He has practiced with Lynch Dallas, P.C. since 2015. Sounhein practices in the areas of family law, probate, estate planning, wills & trusts, real estate, juvenile and taxes.



Goodhue

Thomas Goodhue and Ethan Olson have joined Nyemaster Goode in Cedar Rapids.

Goodhue has joined Nyemaster's litigation department. He represents clients in disputes in state and federal courts, and before administrative tribunals. Previously he practiced law in Washington, D.C. for 10 years at two international law firms and as a trial attorney at the Federal Trade Commission.



Olson

Olson has also joined Nyemaster's litigation department and maintains a general litigation practice. Prior to joining the firm, he served for over two years as a law clerk to the Honorable Linda R. Reade, United States District Court Judge for the Northern District of Iowa.



Landon

Jonathan C. Landon has been elected partner at Shuttleworth & Ingersoll, P.L.C. in Cedar Rapids. He has been with the firm since 2013, advising individuals, businesses, and tax-exempt organizations in federal and state tax matters, general business transactions, deferred compensation and employee benefits, and estate and succession planning. Prior to joining the firm, Jon served for two years as a law clerk to the Honorable David Gustafson at the United States Tax Court in Washington, D.C.



Reid

Timm Reid has formed the Reid Law Firm in Des Moines. He is a Drake Law School graduate and has been in practice for 29 years. He will continue his state-wide emphasis on personal injury/professional negligence trial litigation, as well as providing mediation services.

Melissa A. Schilling and Bryan P. O'Neill have been elected shareholders of Dickin-

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Mike Mesch
CPA/ABV, ASA, CFF
Partner

son, Mackaman, Tyler & Hagen P.C. in Des Moines.



Schilling

Schilling received her J.D. from the Creighton University School of Law. She maintains a traditional labor law and employment practice working with employers on a wide range of labor and employment issues.



O'Neill

O'Neill received his J.D. from the Drake University Law School. He represents clients in numerous employment-related matters before administrative agencies and in state and federal court. He handles all types of cases including discrimination, retaliation, FMLA, wage and hour, and wrongful termination litigation.



Wertzberger

Christopher R. Wertzberger has been named a partner at Cartwright, Druker & Ryden in Marshalltown. He received his J.D. from the University of Iowa College of Law in 2015. He will maintain a general practice with a focus on civil litigation.

Alex Barnett, Eric Hartmann, and Gage Kensler have joined Lane & Waterman in Davenport as associates.



Barnett

Barnett served as an intern with HELP Legal Assistance and as a summer judicial extern with Iowa's Sixth and Seventh Judicial Districts. He joins the litigation & appeals practice group.



Hartmann

Hartmann worked as a judicial intern with Iowa's Seventh Judicial District and the Iowa Supreme Court. He joins the corporate & transactional law practice group.



Kensler

Kensler worked as an analytical chemist with Darling International and as a summer associate with a rural law firm prior to coming to Lane & Waterman as a summer associate last year. He joins the intellectual property and

corporate & transactional law practice groups.



James

Amanda A. James has been named a shareholder at Sullivan & Ward, P.C. in West Des Moines. She graduated from Drake University Law School in 2008. James is a public utility attorney who has established her expertise in public utility law and regulation through representation of clients in the electric, gas, telecommunications, water and renewable energy industries, and in administrative hearings at the Iowa Utilities Board, the Minnesota Public Utilities Commission and in state and federal courts.



Pritchett

Suzan Pritchett has been named director of clinical and experiential programs and associate professor of law at Drake

University Law School, effective July 1. Pritchett is currently an associate professor and the faculty director of the Family and Immigrant Justice Clinic at the University of Wyoming College of Law.



Edgar

Cassie J. Edgar has joined McKee, Voorhees & Sease, PLC, in Des Moines as a patent and regulatory law attorney. Prior to joining MVS, she was Chief IP & Regulatory Officer for Genus, PLC.



Lantz

Todd Lantz has been named partner at The Weinhardt Law Firm. Lantz has been an associate attorney at the Des Moines-based law firm since 2013 and practices in the areas of complex commercial litigation, white collar criminal defense, trials and appeals.

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SPOTLIGHT on SERVICE



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

Gary Streit is the chairman of the board of Shuttleworth & Ingersoll, P.L.C. in Cedar Rapids. His practice focuses on estate and business succession planning, qualified plans and employee benefits, taxation and other general business matters. Beyond his professional achievements, Streit has also been dedicated to a life of volunteer service to his community.

One of the organizations he is most passionate about is the American Cancer Society. He is currently involved in legislative advocacy work for that organization to preserve federal funding for the National Cancer Institute (which directly benefits the Holden Comprehensive Cancer Center in Iowa City) and to increase Iowa's

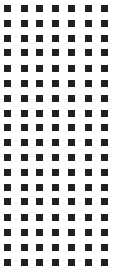
cigarette tax. He is a past member and chairman of the national and midwest regional board of directors and the American Cancer Society Cancer Action Network.

"The four years I spent as an officer of the National Board of Directors for the American Cancer Society and my involvement with the creation of its advocacy arm, the American Cancer Society Cancer Action Network, have been life-changing to me," he said. "I was able to be involved on a national and international stage—being very proud to show them what an Iowa farm boy could do."

Streit is also deeply involved with the Cedar Rapids Public Library Foundation, the Iowa State University Foundation and the Tanager Place Foundation. He has

also served on the boards for United Way, Horizons, Iowa Tobacco Use Prevention Commission, Helen G. Nassif Community Cancer Center, as well as a volunteer attorney with Iowa Legal Aid.

"Members of our profession are in a unique position in our communities," he said. "We often have resources, financial and talents, to benefit those in our communities who can most benefit from our sharing these resources. Our time, talent and treasures have all been given to us to be shared. More often than not, I have benefited more from my interaction with other volunteers and organizations than I have been able to share with them."



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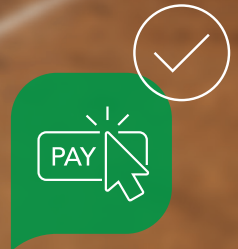
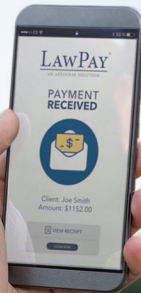
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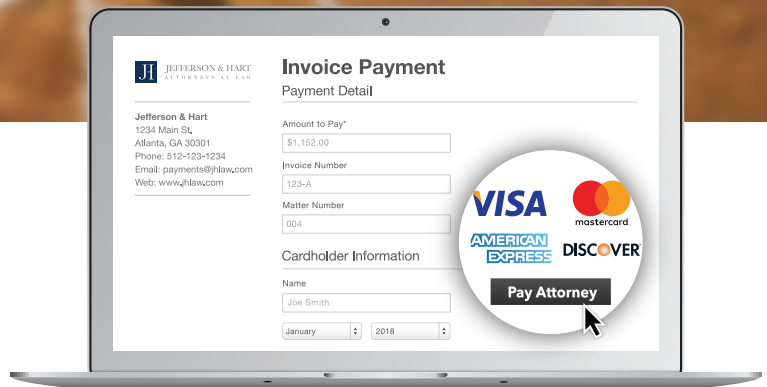
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