



THE IOWA LAWYER

August 2020 V80 N7

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17+

Professionals with STEM-related
degrees 6 engineering, 9 science,
2 pharmacists

4,460+

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filed in the last five years

1,430+

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ABOUT THE COVER

The tectonically large demographic change about to occur is going to hit Iowa and its elderly population very hard – a tsunami of the boomer generation leaving the workforce, entering retirement and needing nursing home care. The legal profession has an obligation to act. **Read more beginning on page 6.**

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2020 ISBA ANNUAL MEETING VIDEOS AVAILABLE ON-DEMAND

The Iowa State Bar Association has placed presentations from the 2020 ISBA Annual Meeting in its on-demand CLE catalog. These videos are currently available in special bundle packages (ag law, real estate, ethics, probate and case law) which can be purchased at discounted prices for ISBA members and YLD members (years 1-5).

To access these packages, visit www.pathlms.com/iowabar/courses and click on "CLE Bundles." Members are required to sign-in to the catalog before making any purchases (sign-in information is the same as the iowabar.org site).

The ISBA On-Demand CLE Catalog allows viewers the opportunity to watch recorded programming whenever they choose and can be credited toward their required CLE credit hours. In addition to the annual meeting videos, the catalog includes a collection of nearly 30 CLE presentations.

For questions, contact ISBA CLE Director Christy Cronin at cle@iowabar.org or 515-697-7874.

COVID-19 LEGAL ADVICE HOTLINE EXCEEDS 3,000 CALLS

The COVID-19 Legal Advice Hotline is a free service available to Iowans who are experiencing legal issues due to the public health crisis. It is a project developed by Iowa Legal Aid, The Iowa State Bar Association and the Polk County Bar Association Volunteer Lawyers Project, and has received more than 3,000 calls since opening on March 31.

Any Iowa lawyer, regardless of practice area, may learn the information needed to participate in the project through ongoing training opportunities. Volunteer lawyers only commit to answering questions via brief return phone calls.

For more information about how the COVID-19 Legal Advice Hotline works, please visit www.iowabar.org/COVIDLegalHotline. If you are interested in volunteering, please contact Virginia Sipes, ISBA Innovation & Community Outreach Director, at vsipes@iowabar.org.

IOWA SUPREME COURT WILL BEGIN 2020-2021 ADJUDICATIVE TERM SEPT. 1

June 30 was the last day of the 2019-2020 Iowa Supreme Court adjudicative term, in which 109 cases were submitted to the court. All opinions are now available on the Iowa Judicial Branch website.

The supreme court began its administrative term July 1, focused on the operations of the judicial branch. The 2020-2021 adjudicative term begins Sept. 1.

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Jumpstart Jury Trials Task Force

LETTER BY PRESIDENT JERRY SCHNURR III,
Member of the Jumpstart Jury Trials Task Force

Many trace the tradition of the jury trial back to the Magna Carta as a principal bulwark of our liberties. The right to trial by jury remains one of our most cherished values enshrined in the Sixth and Seventh Amendments of the United States Constitution and Article I, section 9 of the Iowa Constitution. Vital to the promise of the jury trial is the people who come to the courtroom to make decisions as the collective conscience of the community.

Thomas Jefferson wrote: "I consider [trial by jury] as the only anchor yet imagined by man, by which government can be held to the principles of its constitution." Former U.S. Supreme Court Chief Justice William Rehnquist observed: "The right to trial by jury in civil cases at common law is fundamental to our history and jurisprudence. A right so fundamental and sacred to the citizens should be jealously guarded." U.S. District Judge William G. Young wrote: "Through the jury, we place the decisions of justice where they rightly belong in a democratic society: in the hands of the governed."

On May 6, after all trials in Iowa were postponed, the Iowa Supreme Court created the Jumpstart Jury Trials Task Force. The task force was charged with making recommendations for temporary policies and procedures for safe and fair jury trials during the COVID-19 pandemic. The task force held several video meetings over the following two months. The Report and Recommendations for resuming Jury Trials during the COVID-19 Pandemic was released July 6. It can be found on the Supreme Court website. Jury trials are scheduled to resume Sept. 14. As with many aspects of our lives, jury trials will look much different when they restart.

The Jumpstart Jury Trials Task Force was made up of judges, attorneys, representatives of court administration

and court personnel from across Iowa to develop recommendations for the safe and fair resumption of jury trials in Iowa courts. The task force drew on practices from state and federal courts around the country. It also consulted public health experts with a goal of protecting the health and safety of jurors and all participants in the trial process while upholding the fundamental rights of the parties and the public.

The task force considered the tensions that exist in restarting jury trials. It has worked to balance the public's health and safety with the parties' rights to trial by jury. Considerable consideration was given to the fact that some parties, witnesses, jurors and others are not participating voluntarily but are brought by subpoena or juror summons.

There are numerous recommendations for safety of the participants that emphasize social distancing, wearing masks or face shields and frequent disinfecting in court-controlled areas. Persons entering court-controlled areas will go through a screening process and wear face coverings such as masks or shields. There will be modifications to the number of trials in a courthouse to minimize congestion.

Jury selection may take place in larger alternate facilities in gyms or auditoriums. The number of prospective jurors in the courtroom will be limited. Smaller venues may be brought into the courtroom for voir dire. We will see remote video voir dire. The court may require that exhibits be presented electronically instead of passing them by hand. Temporary plexiglass dividers will be installed where participants may be closer than six feet apart. You should consult the report for a complete list of recommendations.

More technology will be used. Testimony from witnesses through live video streaming will become more frequent. Video streaming of proceedings to

potential jurors outside the courtroom may also be necessary. Since the number of people in courtrooms will be limited because of social distancing requirements, video streaming to other rooms in the courthouse may be necessary for the public to view the proceedings.

The ISBA will work with the court to develop and promulgate public service announcements outlining the safety measures the judicial branch and counties are taking for the safety of the jury and other participants in the trials while ensuring the preservation of the rights of all involved in the process. The communication to the public will also emphasize the importance of jury service to our justice system and appreciation for those who serve on juries.

Finally, the task force recommends that one or more suitable cases be identified for pilot trials to test and report on the feasibility of the procedures recommended by the task force. The task force report is not likely to be the last word on the protocols that courts will need to consider and implement. The procedures recommended by the task force will likely evolve to effectively address the COVID-19 pandemic.

If you have a case involving a short jury trial you would like to get tried soon, you can contact your district court administrator to see if it is a candidate for a pilot trial.

There will be many challenges facing us as we work to resume jury trials. We will continue to work to ensure safe and fair jury trials for the people of Iowa.



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ARE YOU READY FOR THE SILVER

Iowa is about to get hit by another emergency—The *Silver Tsunami*; and once again, it appears more and more likely that the elderly will receive the brunt of the impact.² For the rest of the country the incipient emergency is known as the Silver Wave—the abrupt transition of the baby boomer generation leaving the workforce, entering retirement and needing nursing home care.³

But Iowa's transition is happening so fast that this state will likely be one of the most heavily impacted by that change—with unforeseen consequences on all communities because we have barely begun to prepare.⁴ This fast approaching demographic shift will put an enormous strain on the law, business, public health, retirement planning and public services, such as Medicaid and Medicare.⁵ In order to help mitigate the economic catastrophe at hand, it is up to attorneys across this state to engage with and support the handful of elder law attorneys already practicing in Iowa.

The purpose of this article is to do three things:

- 1 To inform the reader about the fast-approaching Silver Tsunami;
- 2 To explain elder law and encourage engagement with elder law specialists NOW, rather than waiting for the issue to come knocking on your door; and
- 3 To support aging and vulnerable Iowans in the rural parts of

the state that have been disproportionately affected by COVID-19.

WHAT IS THE SILVER TSUNAMI?

A more important question than what is the Silver Tsunami is why is it a tsunami in Iowa but a wave in every other state? It comes down to demographics. As Professor Christine Himes of the University of Illinois has shown, Iowa is second only to Michigan in terms of per capita population over 65.⁶ According to the U.S. Census Bureau, as of 2010, one out of every three Iowans is aged 50 years and older.⁷ Iowans over the age of 65 account for nearly one in five people living in the state.⁸ As Iowa continues to age, with the median age steadily increasing, it is its elderly citizens that will suffer due to a general lack of access to care and counsel.

WHAT WILL THAT LOOK LIKE IN TERMS OF THE COMMUNITY?

In many ways, Iowa will mirror much of Japan's demographic, cultural and societal changes during the early part of this century.⁹ For example, according to AARP, one in three Iowans over age 40 fears obtaining access to healthcare.¹⁰

Much like Japan, we have an aging population that is already being left behind in the rural areas.¹¹ That also means that those vulnerable populations

are being left without basic services such as healthcare and legal counsel.¹² Similar to Japan, the younger generations are moving from less populous areas of the state to larger cities and suburbs—for example, 75.6 percent of Wahpeton is now 65+.¹³ As family members leave the rural parts of Iowa, they put a strain on their connections to their aging families and communities. That forces many of these older and more agricultural communities to struggle with basic services and to obtain specialized legal counsel.

The ISBA has already held many public forums to address the struggle and consequences of these shifting demographics. Without legal counsel to help guide them through the many hurdles of aging in America, many Iowans become the victims of high tax bills, estate recovery agents and even scammers and thieves.¹⁶ In order to prevent this disaster, we need to first accept that Iowa is facing a Silver Tsunami and then consider advance planning from the entire membership of the ISBA.

WHY SHOULD MEMBERS OF THE ISBA HELP THE COMMUNITY?

All members of the bar are obligated to assist the community in areas of justice, equity and representation.¹⁷ Too often, we attorneys are guilty of hearing an inquiry and quickly turning it down because it is not within our wheelhouse. Almost every phone call of elder law will fall into that category for 99 percent of the attorneys in the state. Elder law is a sui generis type of law in that it is highly-specialized but touches every aspect of aging—not just those older than 50 years old. But, we must still do the minimum to help the community—and there is a simple solution.

WHAT IS THE SIMPLEST WAY TO HELP?

There are both simple changes and community-level changes required to help prevent economic



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TSUNAMI?

By Brad Biren, Esq.
with assistance from
Jennifer Coleman

strife among Iowa's most vulnerable population. This article will focus on the simplest and most effective means by which to support the aging and rural populations: network.

After reading this article, you will be able to answer calls WITHOUT dread and refer your beloved clients to an elder law attorney. Networking is a realistic method to increase your repeat clientele and to demonstrate your ability to collaborate. Demonstrating synergy with such ease impresses clients and helps them see your competency. In short, you will make more money doing the right thing.

As professionals we tend to know colleagues in related areas of the law. For example, a personal injury attorney may refer a client to a work comp attorney, or a divorce attorney may refer a client to an adoption attorney. But how many of us know of an attorney to contact with questions related to Medicare, Medicaid, estate planning, nursing home care, retirement accounting, health insurance, veterans benefits and IRS codes? That is where knowing an elder law attorney will help your community and your practice.

Bottomline—people will call you more if you can help them more. Therefore, if they call your office asking about one of those archaic topics that, like taxes, should have been taught in high school, refer them to an elder law attorney. Questions such as: Do I need a Medicare Part B Supplement?; What are available veterans benefits that won't trigger an IRS penalty?; How can I afford a nursing home without losing my life savings?; How do I improve my credit before refinancing my home?; or How can I protect my spouse in the event of catastrophe? All are questions that elder law attorneys answer on a daily basis.

HOW MANY ELDER LAW ATTORNEYS ARE THERE IN THE STATE OF IOWA?

According to the National Association of Elder Law Attorneys, there are fewer than 10 of us dedicated solely to elder law within the state of Iowa.¹⁸

There are many people who do wills and assist with probate—elder law goes beyond that. Elder law attorneys assist with the planning and transition of assets, people and estates from cradle to grave. In many ways, that sounds like an insurance agent or an accountant—and you're right. But what an elder law attorney does is act almost like a project manager with extreme expertise. Elder law attorneys can do most of the steps required for planning, but we also work closely, although not exclusively, with specific professionals, like insurance agents and accountants. You will also find many of us have backgrounds in tax. I found myself headed in that direction and am starting an LLM taxation course beginning in 2020.

Elder law was initially described to me in a seminar as trying to explain the U.S. Tax Code, speaking in Mandarin Chinese to a Roman soldier, while reading only from a text written in Hindi. Sounds confusing—and you're right! After most people start looking at everything needed to cover the malpractice demons, you're left with having to answer your client with shrugged shoulders when asked, "So we won't have to pay taxes, right?" There are so few guarantees in this field, and with the fastest changing federal landscape in estate planning history,¹⁹ it's no wonder there are only a few of us standing.

That's why you need to make connections with elder law attorneys now, before the tsunami of desperate people start knocking down your door.

WHAT DOES PRACTICING ELDER LAW REALLY FEEL LIKE?

Elder law attorneys exist in a solar system with four planets—two rock planets and two gas giants—circling a sun. Think of the sun as federal law—with its massive gravity affecting all parts of what we do. The first planet is Medicare and the second planet is Medicaid. They sound similar but Medicare is situated closer to federal law, whereas Medicaid bridges the gap between federal and state law. Venture out a little

farther and you'll see that first gas giant: state-specific law, followed a little farther out by the Internal Revenue Code.

Federal statute moves the planets, but the gas giants pull enormous sway on the rotation and movement of the inner planets. Medicare may eclipse Medicaid at times; state laws will seem to be in opposition to IRS Codes; and let's not forget veteran's (VA) benefits. This strange set of VA laws twist and turn like a meteor cloud randomly impacting the other celestial bodies. There are a few safe harbors—a few moons—but the way out is usually more complicated than the typical legal service.

ENOUGH, WHAT DOES AN ELDER ATTORNEY DO?

Every elder law practice is different, but in general there is the prospective side and the retrospective side. Estate planning, Medicaid eligibility planning, special needs trust drafting, VA benefit planning, creating medical durable powers of attorney and other things that help people prepare for an event or eventuality fall on the prospective side. Issues related to probate, trust administration, estate settlement, Iowa's Estate Recovery—these are all retrospective elder law services.

Most elder law attorneys do work on the planning side; for example, crisis Medicaid eligibility planning—when your loved one has to become Medicaid eligible as soon as possible in order to enter a nursing home. I mention this particular part of elder law because we receive the least amount of training on the topic in any formalized setting. Medicaid eligibility is a very high stakes endeavor that if done incorrectly may cost your client (and possibly your firm) hundreds of thousands of dollars. Keeping that in mind—don't dabble—contact an elder law attorney.

Here is a scenario that may sound familiar to an elder law attorney: Diana enters the office and tells you about her mother, Mary, who is also present, who needs to enter a specialized nursing facility soon—perhaps in the next three weeks—but Diana has no idea how to

pay for the care facility. Specialized nursing facilities that offer services for people with Alzheimer's and dementia and provide ventilator services may cost a client \$698/day.²⁰ But, Mary has a house worth \$300,000, an IRA with \$250,000, a son with autism living in a group home, a tax lien on her home, and can't remember if she had a will drawn up. She wants to make sure her drug-addict niece gets nothing. And Diana wants to pay no money for any services for her mother but inherit everything—her words, not Mary's. Now, besides tax and real estate questions, what about the ethical questions: Is Diana your client? Does Mary have capacity? Lastly, no one has any paperwork besides a checkbook and her last Social Security statement. Best of luck!

In short, if a client calls, you must decide: Should I learn about a new part of the law or should I contact an attorney within my network that specializes in elder law? With the high demand on attorneys to serve our rural areas already, it could be in the community's interest to outsource.

COVID-19 AND ELDER LAW: MOVING FORWARD

Up to this point, you've learned about the forthcoming crisis facing our state; the complex and ever-changing structure of elder law; and how to help your firm and your community through better networking. COVID has delivered its share of complexities and difficulties for attorneys focused on the wellbeing of the aging population. Now let's consider several outside-the-box strategies for how to best serve your aging client base in more rural areas.

IF YOU BUILD IT, WILL THEY COME?

As a firm, we decided to create, from the ground-up, a more ergonomic and accessible office space with health and safety in mind. This includes more than seating—even our website is ADA compliant and accessible. We are currently building an office with way-finding flooring, hearing and visual aids for people of diverse abilities, as well as a Medicare liaison on-site. Those plans were in motion long before the COVID pandemic. Now, we include face masks and optional face shields, sanitizing stations and a switch to disposable cups (no more ceramic mugs!). Even though some of those features might be rarely used when serving the larger clientele pool, elderly and aging clients constantly require, want and voice their need for greater accessibility. Is it worth an unhappy client and a bad Google review because you tried to serve a person with diverse abilities and couldn't even find them a proper chair?

GET INTO THE FIELD

Another option to consider to better serve rural and aging clients is to open several satellite offices in denser rural areas such as Algona in Kossuth County, Marshalltown in Marshall County and Decorah in Winneshiek County. Opening offices in those areas would open the law to many people there that may not have had access to dedicated elder law professionals. But, those areas already have several offices that can provide ancillary services.

This issue of strained resources facing the rural practice of law has existed for several decades now in Iowa and for many of the reasons stated earlier.

Most firms fall into two categories:

- 1 One large office typically in a more urban downtown; or
- 2 A mix of small and mid-sized law offices within the suburbs surrounding a large metropolitan area. Unfortunately, the service of the rural area is frequently overlooked in business-level decisions in both of these scenarios.

During the construction of our new office, we gathered as a firm to discuss the needs of what we called the "out-state" (the areas of the state deemed rural by the Iowa bar). After many discussions and viability studies, we came to a consensus that, although not without risk, we will be servicing out-state Iowa via statewide house calls, technology and educational programs for other practitioners. These are ideas that your firm can implement to help better assist rural Iowans.

We fully recognize that entering the rural practice is not advantageous to every firm's bottom line. In fact, we are taking a risk dedicating resources in this way, as there is no model to follow. But, I would implore you to consider, at a minimum, to offer assistance to rural practitioners and out-state Iowans in a way that does help your firm. Lastly, if you are a professional in the out-state regions, reach out to elder law attorneys now, so that they can begin to form that relationship with you.

SOLVING THE SILVER TSUNAMI

The tectonically large demographic change about to occur is going to hit Iowa and its elderly population very hard. The legal profession has an obligation to act. The simplest thing any lawyer can do at this point is reach out to an elder law attorney and make the professional connection now—before existing clients leave and abandon your counsel for an attorney that does have a referral. We each must answer the call, but in different ways. How our office serves the community is one of a thousand different methods of serving our aging population. Share your ideas, collaborate and network with an elder law attorney.

Lastly, this December the ISBA's Diversity and Inclusivity Committee will be hosting the year's final ethics CLE on the topic of identifying and



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THE REMOTE-READY LAW FIRM

Managing the long-distance relationship

By
Matthew
Fitterer

INTRODUCTION

Good lawyers have their best suit at the ready, but may just as often don slippers and sweatpants. Seventy-two percent of lawyers telecommute at least some of the time according to the American Bar Association's latest *Profile of the Legal Profession*.¹ As legal technology grows more accessible and digital natives become the dominant group in the American workforce, one should only expect this percentage to rise.

Coworking spaces, cloud computing and virtual receptionists have allowed some law firms to ditch their offices entirely. Most lawyers, however, seek a middle ground: a practice capable of functioning remotely when convenient or necessary, but still anchored to a physical office. The benefits of creating a remote-capable business are well worth the investment, enabling a firm to maximize productivity when traveling, attract top-level talent and maintain functionality during a crisis.

MINIMIZING PAPER

If the firm does not currently have a system for doing so, digitizing client files may be the most burdensome aspect of a remote-work upgrade. Even with a system already in place, ensuring that lawyers can work remotely may require more extensive or consistent document imaging practices. All physical documents that comprise a file should be scanned, saved and, unless the original must be preserved, shredded. Lawyers should prioritize active files, with an emphasis on streamlining current and prospective workflows before tackling the mountain of closed files in storage. Remember: the goal is to facilitate remote work, not to devise a one-hundred percent paperless office, which is seldom realistic.

Depending on the volume of documents and the composition of the practice, digitizing paper files may be accomplished by in-house staff. Firms may instead consider using a third-party imaging service, especially if they intend on digitizing decades of old boxes. In any event, whether independently or in consultation with an outside vendor, lawyers must ensure that electronic files are properly labeled, organized, legible and retrievable, which requires careful planning and the right equipment. For more on this issue, see the CNA resource *Creating a File Retention and Destruction Policy*.

SERVER DECISIONS

Digitizing files will reduce the cost and aggravation associated with keeping a forest's worth of paper in a back room or offsite storage facility, but even electronic files must be stored somewhere. The default option for law firms has long been on-premise servers, which require major upfront hardware and installation costs, but allow for complete control over the security and privacy of firm data. The value of that control, however, depends greatly upon the firm's IT expertise, which generally requires an outside consultant, as well as the firm's commitment to its own security protocols. As the practice grows or as hardware becomes outdated, on-premise servers will likely require additional investment from the firm.

The alternative to on-premise storage, of course, is cloud storage. Most lawyers, 58 percent according to the ABA's most recent Legal Technology Survey Report,² now employ cloud-based services in their practices. Undeterred and probably partially motivated by the lack of direct control over data privacy and security, lawyers opting for a cloud-based

solution outsource those responsibilities to a third-party vendor. The cloud provider guarantees the integrity and accessibility of firm data, protects it from outside intrusion and shoulders hardware costs for a monthly or annual fee. Vendors dedicated to the legal industry often provide document storage and practice management software as an all-in-one, fully integrated service.

Between firm-owned, privately managed on-premise servers and rented space within public, multi-tenant cloud servers lies a third option: a private cloud. Like more familiar public cloud-storage solutions, private clouds outsource the responsibility of owning and maintaining a server to a third-party vendor. In contrast to a public cloud, however, firm data in a private cloud is stored on a dedicated, single-tenant server, separate from other customers' data. In addition to greater control over how firm data is managed, this allows the firm to host its software, documents and email on one platform, but at the same time places the burden of security largely on the firm itself.

SECURE ACCESS

The manner in which firm employees can securely access firm systems and data depends on how the firm has chosen to host those systems and data. Firms using their own dedicated servers, whether they are on-premise servers owned by the firm or servers maintained by a third-party vendor as a private cloud, generally use a virtual private network (VPN) to facilitate individual remote access. Other methods for remote access, including Remote Desktop Services or a Virtual Desktop Infrastructure, tend to be a worse fit for law firms given their higher cost, added

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upkeep, inferior security and less flexible user experience relative to a VPN.

A VPN connects one private network to another private network, commonly using encryption to ensure the connection is secure. Although several variations exist, a lawyer working remotely can connect to the firm's network by using a client-based remote access VPN. In simplest terms, this creates a secure tunnel between the lawyer's local network on one end and the firm's network on the other end across a public network (the internet). Data traveling within the tunnel is encrypted and, if intercepted, is indecipherable. Lawyers log on to the VPN client and are granted access to data and systems on the firm network as if sitting at their desks.

Where firm storage and services are cloud or web-based, a VPN is not necessary. A lawyer working from home who logs on to Microsoft Exchange Online, Clio, or other services with infrastructure independent of the firm has initiated a secure connection to that provider's servers. In effect, access to these servers is always "remote," even when the lawyer is at the office. As with any password-based application, however, strong passwords and multi-factor authentication are vital.

PUBLIC WI-FI

Countless warnings have been issued about the free Wi-Fi networks offered by hotels, airports, coffee shops and other public places. The primary threat is an attacker positioned between a user and the connection point, allowing this so-called "man-in-the-middle" to intercept the user's data on its way to the destination server. This data might include sensitive emails, financial information or the security credentials to the firm's network.

Over the last decade, however, websites have steadily implemented HTTPS ("Hypertext Transfer Protocol Secure"), an encrypted internet protocol that protects the communications between a user and a site. As of July 2020, HTTPS accounts for 95 percent of connections from Google Chrome users globally³, up from a mere 50 percent as recently as 2014, encompassing virtually all commercial and social networking websites. Web browsers have also made significant strides in terms of signaling and defending against potential attacks. In light of this progress, the Electronic Frontier Foundation, a leading digital privacy nonprofit, has opined that "advice to avoid public Wi-Fi is mostly out of date and applicable to

a lot fewer people than it once was."⁴

This assumes, however, that a user is running adequate firewall and anti-virus software and has kept web browsers and operating systems up-to-date.

From a security standpoint, public Wi-Fi has substantially improved, but it is far from perfect. HTTPS is still not universally deployed by default; communication with sites using only HTTP, the unencrypted predecessor of HTTPS, remains vulnerable to interception. Every major web browser will warn the user, generally within the address bar, that a connection to a website is not secure. For greater security, lawyers might consider using "HTTPS Everywhere"⁵ or a similar browser plugin that rewrites requests to websites using HTTP as HTTPS where possible.

By no means has the widespread transition to HTTPS rendered public Wi-Fi attacks impossible. It has, however, made them much easier to defend and more difficult, and thus less worthwhile, for an attacker to execute. Ransomware and phishing attacks have become far more lucrative than trolling for telecommuters in a hotel lobby.

Regardless, the more comprehensive approach to public Wi-Fi security involves a VPN. Lawyers who use a remote access VPN to connect to their firm network can use that same VPN to protect their traffic and conduct firm business on public Wi-Fi. Those without the need for an existing remote access VPN may instead use a commercial VPN. Instead of securely tunneling data from the lawyer to the firm's network, a commercial VPN securely tunnels a user's data to its own network before relaying it on to the intended destination, and vice

versa. In this way, the commercial VPN shields a user's traffic from anyone else on the same public Wi-Fi network.

All VPNs are not created equal, however. Commercial VPNs may themselves have security flaws and lawyers must consider whether the VPN provider, and the country in which it is located, can be trusted to respect the privacy of their data. Free options, generally, should not be considered for business use.

VOIP AND VIDEO CALLS

The era of landline phones has all but ended. As consumers have replaced their analog phones with digital cell phones, businesses have steadily migrated to VoIP ("Voice over Internet Protocol") systems, which convert analog voice signals into digital signals and transmit them over the internet.

Traditionally, a lawyer could receive calls remotely by having office calls forwarded to a cell phone or by maintaining separate work-designated cell and office numbers. A VoIP system, however, allows a lawyer to direct all work calls to a single, unified number across several devices. Moreover, with few exceptions, the firm's existing number can be ported to the VoIP service. VoIP calls can be made using software on a PC, generally with a headset for improved clarity, but also any smartphone or even an analog phone equipped with an adapter. Lawyers have their "office line" with them wherever they happen to be working, most often at a considerably lower cost to the firm.

Video calls have likewise made significant headway with both consumers and businesses as a way to conduct virtual meetings, never more so than during

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the spring of 2020 in the midst of the coronavirus pandemic. The videoconferencing service Zoom, in particular, appealed to users with its intuitive interface, crystal clear video and sound quality and attractive pricing, including a free tier for calls up to 40 minutes.

Users quickly realized, however, that Zoom was rife with security flaws; despite assurances to the contrary, calls were not encrypted end-to-end, the transport encryption the company did offer was less secure than advertised and encryption keys could be issued by servers in China even when all participants were in North America.⁶ Zoom was also caught sharing user data with Facebook, even relating to users without a Facebook profile, resulting in a pending class action lawsuit.⁷

Zoom's missteps underscore the importance of vetting the firm's vendors. How is the vendor protecting calls from intrusion? Where are the servers located? What data is stored, who will have access to that data and how can it be used? Zoom has vowed to improve its privacy and security practices, but users making particularly sensitive calls, lawyers among them, should look elsewhere unless significant strides are made. Apple's FaceTime, Google's Duo and Cisco's Webex all support end-to-end encryption, meaning the provider itself cannot access call data even if it wants to. And while these companies offer free versions, lawyers are wise to remember the maxim, "If the product is free, then you may be the product."

DEVICE MANAGEMENT

The best way a firm can ensure remote workers are equipped with effective, properly secured hardware is for the firm to issue the hardware itself. If the firm owns the device, it can exercise complete

control over acceptable use and software or application downloads at all times, regardless of whether the employee is connected to the firm network. Implementing anti-virus, firewall, device encryption, data backups and other security measures is easier when devices are uniform throughout the firm, as are device and software updates.

The obvious downside of providing employees with hardware is the cost. Permitting employees to use their personal devices for firm business, in whole or in part, spares the expense and hassle of purchasing and upgrading those devices and lets employees use devices they already know and like. However, even with a carefully drafted bring-your-own-device (BYOD) policy, the line between firm time and personal time can blur, and both the firm and the employee must understand their rights and responsibilities as far as data privacy, security and maintenance. What security measures will the firm require? Will employees be reimbursed for usage and data costs? What level of device support will the firm provide?

Whether devices are owned by the firm or the employee, the firm needs a policy to address a lost or stolen device, as well as the related issue of an employee's departure or termination. In both circumstances, the ability and authority to wipe firm data from the device, remotely if necessary, is critical. Employees are understandably more prone to carry in public, and lose track of, a personal device. Mobile Device Management software can make this process quick and painless, but the firm's rights with respect to data removal and the corresponding risk to personal data on the device should be addressed up front in writing.

CONCLUSION

For law firms of any size, taking steps toward remote-work capability often means greater firm productivity, reduced costs over the long term and a leg up in hiring and employee retention. In times of crisis, it may very well be the difference that keeps your business afloat.

For information on vendors that may help your firm work remotely, please consult CNA's Lawyers' Allied Vendor Program.

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BUILDING RELATIONSHIPS BUILDS LAW PRACTICES

How to use social media to build your business brand

More learned members of the bar emphasize the need for young attorneys to build relationships. These relationships with others include fellow attorneys, community leaders, business owners and executives. Once established, these relationships often produce lasting referral sources where attorneys provide legal services and earn a living. Many young attorneys often dismiss this clever advice as a relic of the past no longer necessary to a successful private law practice. For those of us – myself included! – who once dismissed the advice of our more senior mentors, this advice is now more relevant than ever.

In December 2016, I took a course on personal branding. Two young entrepreneurs, Whitney Warne and Emily Steele of Brand Launch and several other business endeavors, offered a two-day course on how we as individuals present ourselves and how others perceive us. I took the course because I found both Warne and Steele thought-provoking and hoped to see how they each built their businesses.

For me, the thought of personal branding felt contrived. I imagined the course would show me a way to have a “business brand” and that felt so inauthentic to who I am. There is not a whole lot of difference between me as a person and me as a lawyer. Sure, I am a tad more serious as a lawyer than I am in my personal life, but I still find humor essential to both my law practice and my personal life. Regardless, I imagined the experience would prove painful, but I hoped to learn more about business-building and less about personal branding.

For two long days, I collaborated with small business owners in the greater Des Moines area and discussed how they built their businesses, why they built their businesses and how we could all produce more revenue with client success as our first priority. As the only attorney in the course, I learned many practical skills from Warne, Steele and my classmates. These lessons led us each to determine what being authentic meant to us. Authentic not in our different roles in life, but

authentic as a unified being where our personal and work lives combined. To describe the process as painful is an understatement, but the lessons learned during those two very long days prove the more senior attorneys among us are right – we must build relationships.

Building relationships is simple, right? For most of us, not so much. Especially not when a lot of my time is spent drafting documents, meeting with clients, advocating in courtrooms, mentoring young law students and tending to my dog Lyla’s needs. For anyone who knows Lyla, her expectations remain higher than most. Nonetheless, attorneys with years of experience still make time to build relationships, and they often have the added work of managing cases, associate attorneys, law firms and, most importantly, being part of their own families and communities.

As young attorneys, we do not need to spend thousands of dollars on marketing gimmicks or buy-one-get-one-free divorce packages. Instead, we must utilize something our elder lawyers did not have: social media. Again, you do not need to spend thousands of dollars on advertisements and wait for the phones to ring. It is much simpler than that: show up! That is it. Nothing more, nothing less. Now, showing up is simple but it takes work. Quite a lot of work.

How to show up means many things to many people. There is not one way to show up. I use social media to show up in my social groups. On whichever social media platforms you utilize, find events

By Tyler L. Coe



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for things that interest you. Gardening? Animal rescue groups? Chess clubs? If the topic interests you, show up. Note, though, if you select a random group where you have zero actual interest, showing up will not work. Your mere presence is not enough. You must truly have interest in whatever you decide to become part of when you show up. This will become your community.

For me, I have a deep interest in mental health issues. I serve on a statewide board where the organization advocates for youth and educators concerning mental health. When I hear about a mental-health-related event, discussion, or fundraiser, I show up. I personally appear, make new acquaintances and often find new friends.

Now, I fully understand the frustration of attending an event where I do not know anyone. The whole purpose of my attending an event is not for me, but for whatever the event supports. I attend these events because I care about mental health. I want better resources for Iowa's youth and educators. Those are the reasons I show up – I care. I take these new connections a step ahead. I make a social media post about the event. I do not make it about my law practice, my firm or myself.

Of course, my firm routinely supports causes dear to my heart and I give credit where credit is due; however, my firm and I support causes because we care about our community and not because we want a chance to mention ourselves. This is one of the most important reasons building relationships for young lawyers fail; we make our in-person presence about ourselves and our social media posts about ourselves. When we advocate for whatever cause or interest we have individually, people notice. People see us championing our support of mental health advocacy, our love of dogs named Lyla and our support for local entrepreneurs. Demonstrating our authenticity and consistency is key to building relationships.

For some attorneys, merging our personal lives and our professional lives causes consternation. It should not. All I do is live and present myself authentically. I show the world my support of others and causes close to my heart by showing up in person and on social media. Again, I do not advertise myself or focus attention on my legal practice. I just show the true me – a guy who finds divorce and family law fun, a devoted dog dad and a supporter of mental

BUILDING YOUR PERSONAL BRAND

By Emily Steele and Whitney Warne, *Brand Launch*

Your personal brand is how you make people feel, and in a day and age where people are plugged into social media more than ever before, the potential to make an impact is tremendous.

Brand Launch offers extensive training for people to build a powerful personal brand by focusing on key elements such as: building community online, how to effectively engage your audience, why you must think about differentiating yourself as a person (sorry, but your beautiful logo won't cut it!), and becoming top of mind for your genius zone.

People are constantly making decisions about who to do business with and who to refer people to, especially lawyers. By having a consistent, authentic online and offline presence, you can be top of mind to generate business and keep strong referrals coming in without investing hundreds or thousands of dollars on marketing and advertising.

Personal branding allows you to release the expectation of sharing your credentials, long articles about your industry or client testimonials. Instead, the personal branding approach is about humanizing yourself and showing your community what you value, how you show up and what you care about. Those simple connection points are what draw people to you and what will differentiate you from everyone else.

It's showing the fundraising event you recently attended. It's sharing how you fuel up in the morning and where you get your morning coffee or workout in. It's photos of your dog, your baby, your grandma, your house renovation. It's commenting on your friends' updates and adding value to their life. It's showing up for people and asking nothing in return. You can start doing those things immediately upon reading this and you'll start seeing new connection points and conversations start to blossom.

After a decade investing in personal branding strategies and tactics, Brand Launch now offers online courses and other digital products to help people make the impact they desire. Learn more at www.brandlaunch.site.

health. Of course, there is a lot more to me than those items, but people in the community get to see the real me.

I wrote above that all you have to do is show up. That remains true; however, you must show up consistently. You cannot attend a couple of events during the course of one year and hope the phones ring. That does not work. You show up when you can, you commit yourself to what interests you and you post about it on social media. These are just the basics of the wisdom behind showing up, but they work.

I estimate the time showing up in person and on social media will take at least two years before you get a single client. Why? Because you are not marketing yourself to those individuals within your clubs, groups or causes. You are not marketing at all. Being a lawyer is a small piece of your identity, but big enough to where those people you meet refer their friends, family members and colleagues to you when they are in a time of need. For me, I can count on a few hands the times a Facebook friend has personally asked for my help. I cannot, however, begin to count the number of times a new friend, acquaintance or Facebook friend has sent a potential client my way.

When I ask people why they send potential clients my way, they often tell me it is because of my authenticity. They want to send people they care about to someone who is real. They want an attorney who is part of the community. Remember community means any group of people, not the greater communities where we reside. These communities are full of people who want to help each other. Our communities are great places to help others. Just like our elder mentors, I build relationships.



Tyler Coe is an attorney with Whitfield & Eddy Law. While his foremost love is Lyla, his Beagle, Coe's next love is the practice of law. He practices in the area of divorce and family law. If you have questions or would like to discuss this article, please contact him at **515-246-5523** or coe@whitfieldlaw.com.

SOCIAL MEDIA FOR ATTORNEYS

MARKETING YOURSELF EFFECTIVELY AND EFFICIENTLY ONLINE

The following has been excerpted from an interview The Iowa Lawyer conducted with Scott Malouf, a social media attorney based in New York.

I think some attorneys are uncomfortable using social media as a business tool. Why do you think that is, and what would you tell them?

One reason they may be uncomfortable is because it's much different than older models of marketing or advertising. It is not one-way communication like TV, radio or print. This is two-way. Somebody can easily come back and reply or share a post that you made in negative ways. Also, it's very informal, which may be uncomfortable for attorneys, but in some ways is better because you can post about yourself and who you are.

What is the best way for an attorney or firm to get started?

The number one thing, and it's free and easy, is to pick up the phone and call some of your good clients. Call the kinds of clients you want more of. Ask them how they select service providers generally and why they picked you. You want to know why the ideal client comes to you and where such clients spend their time online. That sets your social media strategy.

For example, let's say your ideal clients are folks who are later in life and interested in trust and estates. They likely aren't on TikTok, so you would probably choose Facebook or a solid website. But don't just assume; ask the clients because you might get some surprising insights. This focus cuts down your options, at least initially, which helps you get started.

Realistically, how much time should social media take up for an attorney?

A good rule of thumb is 10-15 minutes a day – both in terms of posting and reading social media. It shouldn't take up too much of your day. Take weekends off.

How effective can social media be for business marketing compared to other traditional forms of advertising?

Social is really good for measurement. You can see how many people clicked on an ad or liked something you did. That's very valuable.

Also, social media is a unique way to demonstrate your knowledge. Someone might post an article on LinkedIn about deposition practices and you might add an alternate point of view or describe how the issue would be handled in Iowa. If you do that enough you may be building a relationship that can be helpful.

What are some examples of specific "best practices" you've seen by lawyers who are marketing in the digital space?

What I think is really good is when people use their marketing in multiple ways. For example, you might see a firm sponsor a local baseball team "hat night" or "t-shirt night." The firm can also post pictures of people at the game wearing their hats and t-shirts. So, you take something in the real world and extend it online and get the baseball club or friends to re-share it. Then folks who did not attend the game can also learn about you.

What ethics rules may come into play when posting on social media, and what other pitfalls should attorneys be mindful of?

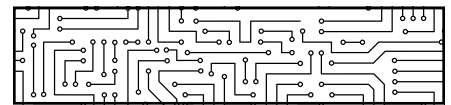
I would point people to a great resource: the "Social Media Ethics Guidelines of the Commercial and Federal Litigation Section of the NY State Bar (4th edition)." It's free and available on the NY State Bar website (<https://tinyurl.com/y3e77fzg>). The Guidelines are also easy to use – they categorize

information by situation: researching a juror, advertising, tech competence, etc.

Also, I would remind people to be professional when posting. Because platforms are informal and devices readily available, we may forget some of those traditional and conservative practices when posting online or texting.

Focusing on ethics, an important consideration is confidentiality. Unless the client has clearly consented, don't discuss cases or clients on social media. Also, check the comments to Rule 1.6 in the relevant jurisdiction. You might be surprised at the breadth of the confidentiality rule.

Another important piece of advice: Separate your professional and personal accounts. If you are using a personal account to generate business, that is something that can fall under attorney ethics rules. A better practice would be to start an account for your firm



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TYPES OF MARKETING POSTS

BUSINESS-ORIENTED POSTS:

If you are just starting to use social media, consider two things: First, look to other attorneys who have had some success on social media, especially those in your practice areas, and see what practices have worked for them. It will help you establish your baseline. Second, before you post, ask yourself: "Who am I trying to speak to? Does this post address that audience and its needs?"

BEHIND-THE-SCENES POSTS:

Social media creates the expectation of sharing, which, if you are comfortable, can detail something more personal about you, such as hobbies, volunteerism, groups you belong to or teams you support. These posts show what's unique about you and may also build a connection with others.

SOCIAL MEDIA IS A MARKETING PLATFORM, BUT IT'S SO MUCH MORE. SOCIAL MEDIA CAN BE VALUABLE FOR LISTENING TO OTHERS, KEEPING UP WITH DEVELOPMENTS AND IMPROVING YOUR KNOWLEDGE IN YOUR PRACTICE AREA.

and post somewhat personal things on that account. Then you have a clearer idea of the purpose, audience and ethical guidance for that account.

Also, know who has the passwords to whatever accounts you have used or created. If someone created it for you, make sure you have the password in case they leave or the relationship goes south.

Do you recommend attorneys respond when they receive negative reviews or comments online?

The number one thing is try to get more positive reviews – reaching out to clients to post positive reviews before a negative one comes up. If you are going to respond to a negative review, Rule 1.6 about client confidence still applies. And be aware that it may be very difficult to take a review down, so coming back on a review with an aggressive negative tone is unlikely to work, may make you look bad and that negative review can be there forever. It's better to contact

the client privately and ask if you can resolve this problem offline. You can also post a boilerplate response that does not share any confidential information or violate other ethics rules.

What are some things to keep in mind when posting photos?

Don't overthink photos. I use the 10-second rule to frame it up and take a few shots. Don't burn your whole "social media time budget" preparing a photo. It's daunting because we see professional, slick things on social media, but a lot of professional skill went into those, so we can't compete. We have to compete on the level we're comfortable

with, which is probably more candid.

Other guidelines to keep in mind: Don't steal other peoples' pictures. Don't violate copyrights. Think about likeness and publicity rights. Always have a plan for how to take a post down.

Analytics tracking may seem like an overwhelming task for attorneys to manage. What advice do you have for how to manage this?

You can spend lots of time looking at metrics and analytics, but it's easier to look at what other people are doing and see what is working and what isn't. Use that as your starter metric and grow from there.



Scott L. Malouf is a social media attorney and solo practitioner, licensed to practice law in New York and Massachusetts. He helps other lawyers identify social media evidence, and resulting claims, in all phases of litigation and investigations. He also helps organizations use social media for business, advising on social media guidelines, policies and practices. He is co-chair of the New York State Bar Association's Social Media and New Technologies Communications Committee. He speaks widely for organizations like PLI, NPR, ABA, NYSBA, ABOTA and many more. A list of over 100 examples is available in the Publications section of his LinkedIn profile (<https://www.linkedin.com/in/socialmediaattorney/>).



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KUDOS

Des Moines attorney honored for pro bono work by The Iowa State Bar Association

The Iowa State Bar Association Board of Governors has awarded Des Moines Attorney Hope Wood the 2020 Rolland E. Grefe Pro Bono Publico Award. This annual award recognizes an attorney who has enhanced the human dignity of others by delivering pro bono legal services and has committed his or her talent and training to improving the quality of justice in Iowa. The Rolland E. Grefe Pro Bono Publico Award was established in recognition of Rolland Grefe's long service to The Iowa State Bar Association, as well as his support for access to justice for all people.

Wood has been a passionate advocate for pro bono volunteer legal work since she established her practice, Hope Wood P.L.L.C., in Des Moines. Most recently, she has been an outstanding contributor to the Iowa Free Legal Answers project by responding to nearly 200 civil legal questions – such a level that the American Bar Association Standing Committee on Pro Bono and Public Service recognized her for extraordinary pro bono services in 2019 through ABA Free Legal Answers. She has dedicated hundreds of hours to pro bono work through the Polk County Bar Association Volunteer Lawyers Project, as well as generously giving her time for special projects like the ISBA People's Law School seminar on estate planning – a program that provides free educational events which further the ISBA mission of serving the public.

Wood was announced as the award recipient during the virtual ISBA Annual Meeting of the Corporation on June 24. The award comes with a \$1,000 stipend, the proceeds of which come from Grefe's surviving family.



Des Moines family law attorney elected to PPTL Board

Des Moines family law attorney Tyler Coe has been elected president of the Please Pass The Love Board of Directors effective July 10. Please Pass the Love (PPTL) works with Iowa schools to help students and families navigate the school mental health journey through research and evidence-based strategies and frameworks.

As president of the PPTL board, he leads the organization to reach its strategic goals including growth of the organization's support of Iowa children and families. Coe is a mental health advocate and frequent speaker on the subject to professional associations, educators, therapists and caregivers.

Outstanding Section and Committee Chair awards announced during Board of Governors meeting June 24

2020 Outstanding Section Chair: Christine Halbrook

Halbrook served as chair of the Probate, Trust and Estate Planning Section. On top of chairing one of the ISBA's largest and most active sections, she became very busy on section matters when the pandemic hit. Questions arose as to what lawyers were to do if they had clients who needed various documents signed, including wills, trusts, powers of attorney and other documents needing to be notarized. Halbrook spent significant time addressing these issues, communicating with members on the section's listserv and working with representatives from the Iowa Academy of Trust and Estate Counsel to seek a proclamation from Gov. Reynolds addressing these issues.

2020 Outstanding Committee Chair: Eric Turner

Turner has served as chair of the Ways and Means Committee for all but one year since 2013. He has done an outstanding job leading the committee during this time period and making regular reports to the Board of Governors.



Christine Halbrook, chair of the Probate Section, presents on legislative issues during the September 2019 Board of Governors meeting.



Eric Turner, chair of the Ways and Means Committee, presents on the ISBA budget during the March 2018 Board of Governors meeting.



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1848

FIRST WOMEN'S RIGHTS CONVENTION

The first women's rights convention is held in Seneca Falls, New York. There, 68 women and 32 men sign a Declaration of Sentiments, modeled on the Declaration of Independence, outlining grievances and setting the agenda for the women's rights movement. A set of 12 resolutions is adopted calling for equal treatment of women and men under the law and voting rights for women.

1849

FIRST NATIONAL WOMEN'S RIGHTS CONVENTION

The first National Women's Rights Convention takes place in Worcester, Massachusetts, attracting more than 1,000 participants. Frederick Douglass, Paulina Wright Davis, Abby Kelley Foster, William Lloyd Garrison, Lucy Stone and Sojourner Truth are in attendance.

1866

FORMATION OF THE AMERICAN EQUAL RIGHTS ASSOCIATION

Elizabeth Cady Stanton and Susan B. Anthony form the American Equal Rights Association, an organization for white and black women and men dedicated to the goal of universal suffrage. They petition Congress for "universal suffrage."

1868

RATIFICATION OF THE 14TH AMENDMENT

The 14th Amendment to the U.S. Constitution is ratified: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside" and that right may not be "denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States."

Celebrating the 100th Anniversary of the 19th Amendment

HONORING THE IMPORTANT ROLES IOWA WOMEN PLAYED IN THE WOMAN'S SUFFRAGE MOVEMENT

By Emily Chafa

The 19th Amendment to the U.S. Constitution officially became the law of the land on Aug. 26, 1920, 100 years ago. The 19th Amendment granted women the right to vote, nationwide, in all elections.

The motto of Iowa's 100th anniversary celebration, **HARD WON NOT DONE**, accurately summarizes the decades-long struggle for women's right to vote, and the continuing efforts to guarantee voting rights for all. The state and national woman's suffrage movement included many courageous Iowa women. Some of these women are well-known. Some are not. Some were Iowa's first women lawyers and law school graduates. Read on to learn their stories and a few interesting facts about each woman.



Arabella "Belle" Babb Mansfield,

the first woman admitted to practice law in the United States, on June 15, 1869, in Mount Pleasant, was active in the woman's suffrage movement. She chaired the 1870 Iowa Woman Suffrage Convention, the first statewide gathering of the newly-formed Iowa Woman Suffrage Society. Arabella Mansfield never actively practiced law, but frequently demonstrated her analytical skills and persuasive speaking skills to argue for women's right to vote.

Arabella Mansfield spent her entire professional career in academia, teaching at Simpson College, Iowa Wesleyan College (now Iowa Wesleyan University), and DePauw University, where she taught various subjects and served as the Dean of the School of Arts and Music. She

spent most summers in Iowa with her family, continuing to give speeches and support the woman's suffrage movement.

Interesting facts: Arabella Babb Mansfield studied the law for two years in her brother's law office in Mount Pleasant. Her husband, John Mansfield, studied the law with her. John and Arabella Mansfield took the bar examination the same day and were sworn into the Iowa bar on the same date, June 15, 1869, in the Union Block Building in Mount Pleasant.

Her Iowa bar admission required an expansive interpretation of the current statute governing bar admissions. Iowa Code §114.2700 (1860) required Iowa lawyers to be white, male, at least 21 years old, reside in Iowa, of good moral character and possess the requisite learning to satisfy an Iowa district court of his qualifications. The word "male"

1870

RATIFICATION OF THE 15TH AMENDMENT

The 15th Amendment to the U.S. Constitution is ratified: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

1872

SUSAN B. ANTHONY REGISTERS AND VOTES FOR ULYSSES S. GRANT IN THE PRESIDENTIAL ELECTION

Susan B. Anthony is arrested, tried and convicted for registering and voting for Ulysses S. Grant in the presidential election in New York. Her defense, that the Equal Protection Clause of the 14th Amendment entitled her to vote, was not successful.

1874

MINOR V. HAPPERSETT

The Supreme Court rules in *Minor v. Happersett* that the 14th Amendment does not guarantee women the right to vote. Citizenship does not give women voting rights, and women's political rights are under individual states' jurisdictions, the Court determines.

1912

THEODORE ROOSEVELT'S BULL MOOSE PARTY SUPPORTS WOMEN'S SUFFRAGE

Theodore Roosevelt's Bull Moose Party becomes the first national major political party to support woman's suffrage.

was construed as gender neutral, relying on Iowa Code §3.29(3) (1860), the statutory construction section, which stated "words importing the masculine gender only may be extended to females." This statutory interpretation opened the door for Arabella Mansfield to take the bar exam and be admitted to the Iowa bar. Thankfully, the pertinent Iowa Code section was soon amended, by removing the words "white" and "male" to explicitly allow women, and men and women of color, to study law and be admitted to practice law in Iowa. (See Iowa Code §9.208, 1873 edition.)



Carrie Chapman Catt grew up on a farm near Charles City. She became a suffragist at age 13 when she learned that her well-informed mother could not vote in the presidential election, but her father, her brother, and their uninformed hired men could vote. Carrie attended the State Agricultural College in Ames (now Iowa State University). She was the only woman in her class. She graduated at the top of her class in 1880. She worked before and during her college years to pay for her education.

Carrie decided to become a lawyer and began to study law while working in an attorney's office to earn money. She abandoned this plan when she received an offer to serve as principal of the high school in Mason City. She soon became superintendent of the Mason City Schools, at age 24, the first woman to do so.

Carrie Chapman Catt married two men who fully supported her work in the woman's suffrage movement. Leo Chapman supported her work through the newspaper he owned and published. Sadly, he died shortly after they married. Her second husband,

George Catt, supported her by allowing Carrie ample time and funds to travel as needed to advance woman's suffrage state by state and nationwide.

Carrie's organizing skills quickly came to Susan B. Anthony's attention. She chose Carrie Chapman Catt as her successor as president of the National American Woman Suffrage Association in 1900. Carrie served in this position from 1900-1904 and again from 1916-1920.

Carrie was a great writer, a persuasive speaker, an effective organizer and strategic planner. Her winning plan included focusing on state constitutional amendments and limited voting rights in various states as well as the federal constitutional amendment. Her strategic winning plan is generally credited with moving the 19th Amendment past the finish line in August 1920. Her famous speech in August of 1920 is still relevant today.

"That vote of yours has cost millions of dollars and the lives of thousands of women. The vote has been costly. Prize it. Understand what it means and what it can do for your country. No soldier in the great suffrage army has labored and suffered to get a place for you."

Their motive has always been the hope that women would aim higher than their selfish ambitions; that they would serve the common good. The vote is won. Seventy-two years the battle for this privilege has waged, but human affairs with their eternal change move on without pause. Progress is calling on you to make no pause. Act."

Interesting facts: The 19th Amendment was ratified by the Tennessee legislature on Aug. 18, 1920, the necessary 36th state to make it part of the U.S. Constitution. Carrie Chapman Catt spent several weeks in Tennessee that July and August, organizing, writing, speaking, rallying the troops, overcoming numerous obstacles. The deciding vote was cast by Frank Burn, the youngest member of the legislature, after he received a letter from his mother, Phoebe Burn, encouraging him to "vote for suffrage...help Mrs. Catt put the "Rat" in Ratification."

Carrie Chapman Catt founded the League of Women Voters in February 1920. She co-founded the International Woman Suffrage Alliance in 1902.

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1913

SUFFRAGISTS ORGANIZE A PARADE IN WASHINGTON, D.C.

Suffragists organize a parade down Pennsylvania Avenue in Washington, D.C. Known as the Woman Suffrage Procession, it was the first public demonstration in the nation's capital for woman's suffrage and called participants to "march in a spirit of protest against the present political organization of society, from which women are excluded."

1916

FIRST WOMAN ELECTED TO THE HOUSE OF REPRESENTATIVES

Jeannette Rankin of Montana is the first woman elected to the House of Representatives. Woodrow Wilson states that the Democratic Party platform will support suffrage.

1919

THE WOMAN SUFFRAGE AMENDMENT IS PASSED BY CONGRESS

The Woman Suffrage Amendment, originally written by Susan B. Anthony and introduced in Congress in 1878, is passed by the House of Representatives and the Senate. It is then sent to the states for ratification. Wisconsin and Illinois are the first states to ratify. July 2, 1919 was the date that Iowa adopted the 19th Amendment.

1920

THE 19TH AMENDMENT TO THE CONSTITUTION IS CERTIFIED AS LAW

After Tennessee becomes the 36th state to ratify, the 19th Amendment to the Constitution is certified as law, granting American women the national right to vote.



Annie Savery was the first woman to speak publicly on woman's suffrage in Des Moines, on Jan. 23, 1868. She delivered the same speech in Iowa City on Feb. 18, 1868. She generously used her wealth and standing in local and state society to support the woman's suffrage movement, including inviting and hosting national leaders Susan B. Anthony and Elizabeth Cady Stanton to speak in Des Moines.

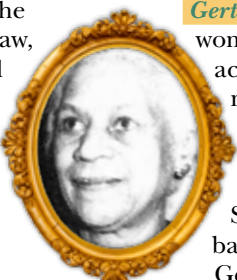
Annie Savery was one of the first women to attend law school at the University of Iowa, graduating from the one-year program in 1875. She was admitted to the Iowa bar on June 26, 1875. She did not intend to actively practice law, but wanted to understand the legal history of the rights of women more fully to support her work in the woman's suffrage movement.

Interesting facts: The Savery Hotel, built in 1877 and still operating in downtown Des Moines, was owned and operated by James and Annie Savery. The original Savery Hotel, also in downtown Des Moines, was renamed the Kirkwood Hotel after James Savery lost it in 1878. The Savery family lived in their original hotel after their home burned down in 1874.

Annie Savery requested appointment to serve as United States Consul to Le Havre, France, in 1873. The entire Iowa congressional delegation supported her request, as did congressman from five other states. She was not appointed to the post. She publicly stated to her detractors that she could afford to be used as a test by the elected officials and she did so to make the point that a woman was qualified for this type of position.



Alice Bird Babb, an 1869 Iowa Wesleyan College graduate, began to give speeches supporting woman's suffrage in 1870, mostly in the Mount Pleasant area. In January of 1869, Alice Bird co-founded the P.E.O. Sisterhood, an international women's organization, with six other Iowa Wesleyan College students. She served as its first president. (Many current Iowa lawyers and judges are active P.E.O. members.) Alice married Arabella Babb Mansfield's brother, Washington Babb, in 1873. Alice and Arabella continued to speak in support of woman's suffrage for many years.



Gertrude Rush, the first Black woman lawyer in Iowa, was active in the woman's suffrage movement. Gertrude Durden Rush studied law in her husband's law office under his tutelage for several years. She took and passed the Iowa bar examination in 1918.

Gertrude Rush co-founded the National Bar Association in 1925, in Des Moines, after she and four other Black Iowa lawyers were denied admission to the American Bar Association because of their race. Gertrude Rush was known as the "Sunday School lawyer" because she often referred to the Golden Rule and kept a Bible on her desk along with the Iowa Code. She was active in numerous religious and civic organizations in addition to her work for woman's suffrage.

More interesting Iowa facts: The Iowa legislature ratified the 19th Amendment on July 2, 1919, the 10th state to do so, during a special session lasting an hour and 40 minutes, the shortest legislative session in Iowa history.

On Aug. 27, 1920, one day after the 19th Amendment became the law of the land, Mrs. Jens Thuesen of Grundy County became the first woman to vote in an election under its authority. A total of 77 women voted in this school district consolidation election.

The University of Iowa never limited enrollment on the basis of gender, race, ethnicity or religion. Miss Mary B. Hickey of Newton was the first woman graduate from the University of Iowa law school in 1873. The second and third women law school graduates were Mrs. Annie Savery of Des Moines, and her friend, Mrs. Mary Emily Haddock of Iowa City, in 1875.

The first Black men to graduate from the University of Iowa law school were Alexander Clark, Jr., in 1879, and his father, Alexander Clark, Sr., in 1884, both of Muscatine. Their names may sound familiar as the successful plaintiffs in the 1868 Iowa Supreme Court decision integrating public schools.

Primary source: *Strong-Minded Women: The Emergence of the Woman-Suffrage Movement in Iowa*, by Louise R. Noun. Published by Iowa State University Press, 1969.

VOTING RIGHTS, HARD WON, NOT DONE: HONORING THE LEGACY OF THE 15TH AND 19TH AMENDMENTS

A special CLE program is being offered on Monday, Sept. 14, celebrating the 150th anniversary of the 15th Amendment, granting African American men the right to vote, and the 100th anniversary of the 19th Amendment, granting women the right to vote. The webinar event will take place at noon and the speakers are Henry Hamilton III, Administrative Law Judge with the U.S. Social Security Administration, and Emily Chafa, Chair of the ISBA Diversity and Inclusiveness Committee. Visit the iowabar.org homepage Event Calendar to find details on the event and to register.



Emily Chafa serves as the Chair of the ISBA Diversity & Inclusiveness Committee. She is active in several national, state and local bar associations, including the Iowa Organization of Women Attorneys (I.O.W.A.), Polk County Bar Association, National Association of Women Judges, Blackstone Inn of Court and the ABA Judicial Division National Conference of Administrative Law Judiciary. She enjoys learning and telling the stories of Iowa women trailblazers and other relatively unknown history makers.

THE CATT CENTER AT IOWA STATE UNIVERSITY

The Carrie Chapman Catt Center



for Women and Politics at Iowa State University was established in 1992, serving as a living memorial for Iowa's most famous suffragist. As part of its mission, the Catt Center fosters research on issues related to women and politics, including:

- The Women in Iowa Politics Database, a resource for government officials, researchers, teachers and others with an interest in the roles of women in Iowa politics.
- The Gender Balance Project, which examines the membership of appointed county and municipal boards and commissions in Iowa.
- The Archives of Women's Political Communication, which houses speeches and political ads from U.S. and international women political leaders.

The Catt Center also sponsors the Carrie Chapman Catt Prize for Research on Women and Politics, an annual competition designed to encourage and reward scholars embarking on significant research in the area of women and politics.

PROGRESS TOWARD GENDER BALANCE, BUT MORE WORK NEEDED

Research from the Catt Center for Women and Politics

Cities and counties across the state continue to work toward achieving The Catt Center is gender balance on commissions and boards, according to a new report from Iowa State University's Catt Center for Women and Politics.

Kelly Winfrey, an assistant professor and coordinator of research and outreach for the Catt Center, says there was a significant increase in the percentage of gender-balanced county boards with nearly 68 percent balanced this year compared to almost 59 percent in 2018. There are now 14 counties – up from four – that have gender balance on all boards and commissions included in the study.

Municipal boards and commissions also improved. Nearly 69 percent are gender-balanced compared to 63 percent in 2018. Of the 186 cities that provided information or had data available online, 59 cities achieved balance on all boards and commissions. While Winfrey applauds the progress at both levels, she says there is still work to be done.

"The good news is we're seeing more gender-balanced boards overall, so cities and counties are making some effort to balance boards," Winfrey said. "The bad news is we aren't seeing much of an increase in women's representation, which suggests women are just being placed on different boards. There needs to be an effort to recruit more women to serve on boards so we can get that number closer to 50 percent."

Women make up about 41 percent of board members at the municipal level – a slight decrease from 2018 – and around 30 percent serve as board chairs, the report shows. At the county level, only 33 percent of board members are women and 25 percent are chairs.

WHY GENDER BALANCE MATTERS

According to Iowa law, there must be an equal number of men and women serving on appointed boards and commissions. However, the law, which went into effect in 2012, does not require cities and counties to report or track gender balance, which is why the Catt Center created the Gender Balance Project to compile the data.

Winfrey says gender balance is important for several reasons. Women are more likely to run for elected office when they have experience serving on boards or commissions. Research shows gender balance increases collaboration and productivity, while bringing a variety of views and experiences to the table.

"Research has consistently shown that diverse groups make better decisions, and women bring in viewpoints often missing from all-male groups," Winfrey said.

Data for the report were collected for nine municipal boards and commissions: Airport Board, Civil Service Commission, Historic Preservation Commission, Housing Services Board, Human Rights Commission, Library Board of Trustees, Planning and Zoning Commission, Water Works Board of Trustees and Zoning Board of Adjustment. The seven county boards studied were Adjustment, Compensation, Conservation, Health, Planning & Zoning, Review and Veteran Affairs.

The complete report and more information about the Gender Balance Project can be found on the Catt Center's website www.cattcenter.iastate.edu.



Kelly Winfrey is an assistant professor and coordinator of research and outreach for the Catt Center.

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DIVERSIFYING THE PROFESSION, ONE LAW SCHOOL APPLICANT AT A TIME

Iowa law grad's innovative idea will help boost minority representation in law school

Winnie Uluocha is a graduate of the University of Iowa College of Law and the College of Public Health and received her Juris Doctor and Master of Health Administration degrees in 2019. Uluocha is the recipient of the Philip D. Hubbard Human Rights Award, one of the University of Iowa's top student honors, for her efforts to promote diversity on campus. She is the creator of the Alexander Clark Jr. Award Fund, which provides a lodging stipend for applicants to Iowa Law who might not otherwise be able to afford a visit to Iowa City.

Uluocha is currently an associate in the Health Industry Advisory Practice Group at international law firm McDermott Will & Emery, in their Chicago office.

Tell us where the idea for this award came from?

The endowment was born out of my work on the law school's Diversity, Equity and Inclusion Committee—one of the

many leadership positions I held at Iowa. While talking with Collins Byrd, assistant dean of enrollment management, I learned that if prospective students visit Iowa City, they are much more likely to matriculate at the College of Law. Understanding that most students from economically disadvantaged backgrounds don't have the financial means to visit law schools, I decided to create an award fund that would help mitigate that barrier and help prospective admitted students visit our beautiful campus.

How have fundraising efforts been going?

Fundraising has gone great. We have raised a little over \$45,000 thanks to wonderful and generous donors, in a year, which is \$5,000 away from it becoming an endowed fund. Our hope is to continue to raise money and raise \$100,000 by the end of 2021.

How is it decided which prospective students will be given the award?

It will be based on need. We are working with the law school's financial aid office to identify admitted prospective students that come from an economically disadvantaged background and/or are historically underrepresented in law school and the legal industry more broadly. Once we have done that, we plan to provide travel and lodging assistance to approximately four-to-six admitted students a year.

Tell us about Alexander Clark Jr., the namesake of this award.

Alexander Clark Jr. (1879) was a pioneering Iowan and Iowa Law's first African American graduate and the first black student to receive a law degree west of the Mississippi River. His father, Alexander Clark Sr. (1894), an early civil rights leader in Iowa, later earned his law degree at the university, as well.

How did you end up at the University of Iowa College of Law?

My oldest sister was a student at the University of Iowa College of Public Health from 2011-2013. I would visit her and her family and enjoyed my time in Iowa City. Once I realized that I wanted to pursue a dual-degree program, I knew I had to apply to the University of Iowa because of the academic strengths of both the J.D. and MHA programs. I had an opportunity to visit the law school and felt welcomed, especially by our former Dean Gail Agrawal, and I fell in love with the environment/culture.

Why do you think it is important for attorneys to help pave the way for future lawyers from disadvantaged populations?

The interpretation of the law is influenced by a person's life experiences and background. Paving the way for future lawyers from disadvantaged and underrepresented populations is critical because it brings different cultural, racial, religious and other perspectives in the creation of better problem-solving models. Diversity is integral to the legitimacy of our judicial system and the rule of law. If our justice system does not reflect the diversity of our country and communities, it will lose credibility and respect among those who feel their views and circumstances are not being adequately represented within the system. The legal profession must continue to work to be inclusive of diverse perspectives and reflect the diversity of our society so that we can better service them.

What more can law schools and law firms do to open the door for minority applicants?

I think it will become increasingly harder for law schools to move up in rankings and law firms to succeed without a tangible commitment to diversity. Diversity is important to a law firm's bottom line. The first and most important step toward diversity, equity and inclusion is to make that objective a core value that is institutionalized in organizational policies, practices and culture. The commitment needs to come from the top. That applies to law schools with deans and law firms with the chair of the firm. An organization or institution's leadership must not only acknowledge the importance of diversity but also establish structures promoting it and for holding individuals accountable. Law schools should continue supporting efforts to expand the pool of qualified minorities through scholarships, curriculum reform and expansion of recruiting networks. Law firms must aggressively recruit minority students in law schools, cultivate and reward sponsorship of minorities, and create intentional mentorship programs and monitor the effectiveness of them. Law firms that genuinely embrace diversity will be the best positioned to attract diverse clientele and will thrive because they demonstrate good values and a high level of social responsibility.

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Get to Know:

HENRY HAMILTON III, ISBA VICE PRESIDENT



Henry Hamilton III, a federal administrative law judge for the U.S. Social Security Administration in Des Moines, has been elected to serve as vice president of The Iowa State Bar Association for 2020-2021. If elected, Hamilton will then serve as president-elect for an additional year before becoming the 136th president of the ISBA during the 2022-2023 fiscal year. Hamilton will be the first African American attorney to serve as ISBA President. He has served on the association's Board of Governors since 2019.

Hamilton previously served as a senior trial attorney and administrative judge with the U.S. Equal Employment Opportunity Commission, a magistrate judge in the Polk County District Associate Court, an assistant city attorney for the City of Des Moines and as an associate at the Parrish Law Firm in Des Moines. He has previously served as the president of the Iowa Chapter of the National Bar Association and received the National Bar Association's prestigious President's Award. He has also been active with the American Bar Association for over 20 years, currently serving as secretary of the American Bar Association Solo, Small Firm and General Practice Division.

DID ANYTHING IN PARTICULAR INSPIRE YOUR CAREER PATH AS A LAWYER AND JUDGE?

I've wanted to be a lawyer for as long as I can remember. Like so many lawyers, I viewed being a lawyer as a path to help others.

My earliest recollection of lawyers is from grade school. When I was in second grade, I was not allowed to join the local cub scouts group. We had moved to a new neighborhood, and apparently several parents believed their children would feel uncomfortable having me, an African American, in their scout group. Interestingly, their children and I learned together and played together each day at school

without incident. Anyway, my parents knew how disappointed I was and sought legal assistance. The dispute was ultimately resolved, and I was able to realize my dream of being a cub scout and enjoying scout activities like so many of my other classmates.

I wasn't quite sure how lawyers did what they did, but I knew then I wanted to be a lawyer and help others achieve their dreams.

TELL US WHAT A "DAY IN THE LIFE" IS LIKE AS A FEDERAL ADMINISTRATIVE LAW JUDGE?

Personally, my experience as an administrative law judge is really no different than my experience in other judicial capacities. During the day, I hold hearings, determine material facts,

apply the facts to the law and ultimately issue written decisions. At night, I pray to God that I have made the correct decisions.

WHAT IS SOMETHING YOU ARE MOST PROUD OF THAT HAS HAPPENED IN YOUR CAREER?

Wow. Good question. I've thoroughly enjoyed being a lawyer and a judge—so many great memories. I would like to mention two moments that come to mind. The first moment was when I litigated an issue of first impression. In 2000, I became the first attorney to successfully argue that an employer's failure to cover prescription contraceptives under its health benefits plan was a form of unlawful sex discrimination. My client was unable to

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have children and had been prescribed contraceptives to control a painful condition. Her employer refused to pay for coverage and she sued. She won. The case opened my eyes to inequities in health plan designs.

The next moment was when I had the honor of sharing the stage with Drake Law Professor Russell Lovell and renowned Des Moines civil rights attorney Robert Wright Sr. at the 2005 NAACP National Convention. We were each awarded the NAACP Foot Soldiers in the Sand Award for our respective work in civil rights assisting some of the most vulnerable members of society.

I was living in Wisconsin at the time and it wasn't until a day or two prior to the award ceremony that I learned two of the other recipients were Iowa lawyers I knew very well and respected. In fact, I had worked on projects with Robert Wright Sr. And, ironically, Professor Lovell was one of the main reasons I attended Drake Law School, and he was also my professor for several civil rights classes. I thought this odd occurrence – two Drake graduates and a Drake law professor receiving national awards

from the nation's premier civil rights organization on the same night – was a great tribute to Iowa and Drake Law School.

WHEN DID YOU FIRST GET INVOLVED IN THE BAR ASSOCIATION AND WHY?

I joined The Iowa State Bar Association immediately upon graduation from Drake Law School; however, I was not very active. Late 1993, Alan Olson, my classmate from Drake undergrad and law school, encouraged me to get more involved in the ISBA Young Lawyers Division. Alan introduced me to Mike Houser, Martha Fagg, Greg Neumeyer, Andre Merritt and a host of other bar leaders. I was impressed with the amazing things the YLD was doing (the YLD continues to do great things today). I was hooked. We – the folks I just mentioned, as well as Judge Paul Ahlers, Christine Branstad, John Carr, Debbie Neumeyer, Judge Elizabeth Reynoldson, Tim Semelroth and so many others – performed community service projects, discussed ideas to increase civility among lawyers and brainstormed ways to enhance diversity and inclusiveness in the profession.

In short, I became involved because I was encouraged to get involved. I remained involved because of the great friendships that were developed and the great work we accomplished.

ARE THERE ANY SPECIFIC ISSUES YOU WANT TO FOCUS ON DURING YOUR TIME AS AN OFFICER?

I see the primary role of vice president as supporting the president and the president-elect as they work to advance the association's mission, vision and goals, so that's my first priority. I've worked with President Jerry Schnurr and President-elect Anjie Shutts for several months now. It has been a tremendous experience. They have many years of leadership experience, and we each share a passion for ISBA members, the legal community and the important work of the association. We will have the opportunity to do some really, really big things the next few years.

To answer your question though, I have several issues I would like to focus on. For instance, I would like to see an increase in ISBA membership, particularly among underrepresented groups – judges, African American

lawyers, corporate lawyers and government lawyers. Also, I am eager to hear what issues are important to ISBA members. Feel free to contact me. I want to hear from members and non-members. I promise to respond to all inquiries.

YOU ARE ON TRACK TO BECOME THE FIRST AFRICAN AMERICAN PRESIDENT OF THE ISBA AFTER SERVING AS VICE PRESIDENT AND PRESIDENT-ELECT. TALK ABOUT WHY THIS IS SUCH A MEANINGFUL ACHIEVEMENT FOR YOU AND THE PROFESSION IN IOWA.

I think it is a meaningful achievement, but not in any selfish or self-serving kind of way. It sends a strong message about diversity and inclusiveness in the legal community and the state. I say this, and it is true of any underrepresented group, it's important for there to be a first, because only then is it possible to have a second, and a fifth, and a 10th, and so forth, until the day arrives when all walls have been knocked down and all ceilings eliminated, and we lose count and ultimately stop counting. When this momentous occasion occurs (and I believe it will) we will be close to becoming that beloved community Dr. Martin Luther King Jr. envisioned and that Congressman John Lewis spent his life working towards.

It is another step along that monumental journey. So yes, I think it is good for Iowa and good for the legal community. With that said, as recent events have shown, as a society we still have a lot of work to do, and the legal community has an important role to play.

TELL US ABOUT YOUR FAMILY AND YOUR HOBBIES.

My wife, Susan, and I, reside in West Des Moines and we have three children: the youngest, Haley, who will attend the University of Iowa this fall; Tyler, who resides in Milwaukee, Wisconsin; and Meghin, who resides in Ankeny with her husband and our three adorable grandchildren.

I enjoy photography in my spare time, particularly sports photography, which I will dearly miss now that our last student-athlete has graduated. As a family, we enjoy traveling, visiting other family members, watching movies and otherwise spending time together.

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TRANSITIONS



Rob Porter has joined Dickinson Law in Des Moines. Porter has practiced law in Iowa for nearly 20 years, most recently as legal director for Des Moines-based Dwolla, a FinTech startup which provides a programmable payments platform that allows customers to securely transfer money. At Dickinson Law, Porter's practice will focus on three main areas: employment, education (k-12 and higher) and representing licensed individuals and organizations in regulated industries.



Zachary S. Pratt has joined Fredrikson & Byron's Des Moines office in the firm's patents, intellectual property and artificial intelligence groups. Pratt primarily focuses on the prosecution and litigation of software, mechanical and medical device patents in addition to trademark registration. Prior to joining Fredrikson, Pratt gained experience at a law firm in Woodbury, Minnesota, where he drafted and prosecuted patent applications for a wide variety of companies.



Patricia A. Sweeney is retiring from McKee, Voorhees & Sease, PLC in Des Moines on Dec. 31. She began her career at MVS, then joined Pioneer Hi-Bred International as intellectual property counsel and became chief patent counsel before returning to private practice. Sweeney has over 35 years' experience in obtaining patent protection awards and counseling clients on intellectual property matters.



LANE & WATERMAN ANNOUNCES THE ADDITION OF: David C. Waterman who will join Lane & Waterman in August. Waterman spent more than four years at the U.S. Attorney's Office for the Middle District of Florida where he served as a federal prosecutor in the Appellate and Criminal Divisions. His practice areas will include civil litigation, white collar criminal defense, government regulatory and compliance, and appeals. Before joining the U.S. Attorney's Office, he clerked for Hon. Michael J. Melloy, U.S. Court of Appeals for the Eighth Circuit; Hon. Mark W. Bennett (Ret.), U.S. District Court, Northern District of Iowa; and Hon. John A. Jarvey, chief judge, U.S. District Court, Southern District of Iowa. He earned his J.D. from UCLA School of Law.



Spencer Willems who graduated from Drake University Law School with highest honors in 2019 and from the University of Missouri in 2009. Prior to law school, he spent several years as a crime reporter, then politics reporter, for a newspaper in Little Rock, Arkansas. Willems will focus on litigation and media law.



Grace Mangieri who graduated from The John Marshall Law School in 2013 and the University of Iowa in 2008. Prior to Lane & Waterman, she served as toxic tort national coordinating counsel for a leading product manufacturer in Chicago. Mangieri will continue to work as a litigator and trial lawyer focusing on business disputes, professional malpractice and general litigation.

WELLNESS CORNER

SPIRITUAL WELLNESS

This area of spiritual well-being is developing a sense of meaningfulness and purpose in all aspects of life.

WHAT IT MEANS

Spiritual wellness allows you to seek meaning and purpose and to appreciate your life experiences. If there is meaning in your life experiences, then you may find balance with your internal self and the external world. If you have religious beliefs or practices it may be one way to enhance your spiritual wellness, but it is not required for spiritual well-being.

TIPS TO TRY

- Practice acceptance
- Be curious about things that upset you
- Practice meditation or mindful relaxation
- Identify your personal values
- Practice forgiveness and compassion
- Spend time alone reflecting on your life
- Love yourself
- Try mind/body exercise like yoga, tai chi or qigong
- Let go of judgment
- Believe in yourself and your dreams

In 2017, the American Bar Association established a working group to advance well-being in the legal profession. The working group published a well-being toolkit for lawyers and legal employers. It can be found at this link: <https://www.iowabar.org/wellbeing>. The report of the National Task Force on Lawyer Well-Being identified six areas that comprise the full well-being for lawyers: occupational, emotional, physical, intellectual, spiritual and social. This Wellness Corner of The Iowa Lawyer has covered 5 of 6 categories. You can find them beginning with the March 2020 issue. The ideas shared are to get you started with each area of well-being, but there are many more resources to take you further in adopting them into your life. The next issue of The Iowa Lawyer will be dedicated to more wellness topics.

The information for this monthly column is provided by the ISBA Well-Being Committee and the YLD Wellness Committee.

Connect with us: #isbawellness

Remembering their legacy

Memorial contributions through the Iowa State Bar Foundation

One of the best ways to remember a deceased lawyer is through a memorial gift to the profession to which he or she devoted an entire life. Surviving family members can point with pride to the accomplishments memorialized in a tangible form.

The Iowa State Bar Foundation is a fitting place for contributions made in the honor of a deceased bar member. There the gift will be used to support the Foundation's charitable purpose for the advancement of the law and justice.

To memorialize a respected colleague, spouse or parent, please send your contribution to:

The Iowa State Bar Foundation
625 East Court Avenue
Des Moines, IA 50309

A representative of the Foundation will acknowledge the gift and a permanent record will be made.

IN MEMORIAM

Terry Allen Smith, 76, of Carroll, died July 10. Smith was born in 1943 in Fort Des Moines. He received his J.D. from Creighton University School of Law. Smith began his career in Minneapolis, Minnesota, working for the Veteran's Administration as an adjudicator. He then moved to Los Angeles, California, in 1973 to begin working as a general attorney for the United States Immigration Service where, during his career, he helped thousands of immigrants become U.S. citizens. His posts with the United States Immigration Service also took him to Honolulu, Hawaii, Omaha, Nebraska, and finally to Lincoln, Nebraska. He retired in 2001.

Thomas J. Lose, 92, of Fort Dodge, died May 26. Lose was born in Decatur, Indiana, in 1927. He served in the U.S. Army and received his J.D. from Marquette University. Lose worked in the trust department at First National Bank for many years before starting his own law practice.

Phil Gross, 86, of Iowa Falls, died July 4. Gross was born in 1933 in Des Moines. He served in the U.S. Army during the Korean War and received his L.L.B. from the University of Iowa College of Law. Gross established his law practice in Burlington and was the Des Moines County Attorney for six years. He served as Bremer County Attorney, then served in Washington, D.C. in various positions including: attorney advisor, Division of Corporate Finance, Security Exchange Commission and supervisory attorney, Division of Corporate Regulation. He received the U.S. Department of Justice Certificate of Appreciation for his investigations on the Enron Task Force. Upon retirement to Iowa, he continued to serve others by volunteering for Iowa Legal Aid, where he provided assistance and advice to elderly and low-income Iowans.



State Case Law Update
Hon. Paul Ahlers,
Iowa Court of Appeals



**Enforcement of Judgement
and Bankruptcy**
Robert Gainer,
Cutler Law Firm PC



Federal Case Law Update
Kelly Mahoney,
Chief Magistrate Judge,
U.S. District Court for the
Northern District of Iowa



**Using Demonstrative
Evidence at Trial**
Tim Semelroth,
RSH Legal

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3 ethics
1 juvenile

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CASE NO. 19-1438: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. ABRAHAM K. WATKINS

Filed Jun 19, 2020 (This summary was adapted from the opinion issued by Chief Justice Christensen)

This case involves an Iowa attorney, Abraham Watkins, who was nearly removed from elected office as the Van Buren County Attorney because of sexual harassment.

Watkins was sworn into the Iowa bar in May 2013 and began practicing law for the first time when he opened a solo practice in Keosauqua. Watkins operated this practice out of an office located on the main level of his

two-story family home with the assistance of his wife, who served as his office manager. In September 2014, Watkins hired "Jane Doe" as a legal assistant. Two months later, Watkins was elected as the Van Buren County Attorney, and he assumed office on Jan. 1, 2015. The Van Buren County Attorney is a part-time position. Thus, Watkins split his time between his work as the Van Buren County Attorney and his private law office, operating both out of his home. In April 2015, Watkins hired a female part-time assistant county attorney.

Approximately two years after she began working for Watkins, Doe submitted a letter of resignation to Watkins, resigning from all responsibilities as his legal assistant. Additionally, Doe prepared a list of complaints

regarding Watkins that totaled approximately 55 examples over her two years of working with Watkins. Many of these complaints involved her frustration with the menial work tasks and hostile work environment, but several also involved sexual harassment allegations. The assistant county attorney forwarded Doe's letter of resignation to the Van Buren County Auditor, who then notified the Van Buren County Board of Supervisors. Following the board of supervisors' investigation and two closed sessions to discuss the allegations and how to handle them, the board filed a petition in district court seeking to remove Watkins from office pursuant to Iowa Code sections 66.11 and 331.754(4) (2015). The removal petition cited five separate grounds, including one ground that he created a "hostile work environment" that involved sexual harassment. A district court judge ordered him removed. The Supreme Court reversed the district court because of the high legal burden for removal under Iowa Code section 66.1A. The voters of Van Buren County did not reelect him to the position in 2018, but Watkins maintained a private law office in Keosauqua.

Subsequently, the Iowa Supreme Court Attorney Disciplinary Board charged Watkins with a violation of Iowa Rule of Professional Conduct 32:8.4(g), which prohibits an attorney from engaging in sexual harassment, and recommended a six-month suspension. The parties reached a factual stipulation, agreeing that the charged violation occurred. The Iowa Supreme Court Grievance Commission recommended the attorney's license be suspended for 30 days. The attorney challenged the commission's recommended sanction and requested a public reprimand instead. Upon de novo review, the Iowa Supreme Court concluded that the attorney violated rule 32:8.4(g) and **suspended the attorney's license to practice law for an indefinite period with no possibility of reinstatement for six months** from the filing of the opinion.

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Letter to the Editor

Dear Editor:

I appreciated Judge Mary Tabor's article in the June Iowa Lawyer magazine ("Transformation in child welfare") about how Iowa courts are taking notice of the research showing that the children are often more damaged by being separated from their neglectful parents than they are from the neglect itself. Congratulations to the Iowa judges who are finding creative ways to keep children safe without putting them through the trauma of parental separation. As I read, however, I couldn't help but think about how the United States government continues to separate immigrant children from their parents—even when the parents are here legally seeking asylum. Those children are not placed in loving foster care homes, but in metal cages with concrete floors and foil "blankets." One way or another, we will someday be held accountable for the atrocities being committed in our name. Paige Fiedler, Attorney
Fiedler Law Firm, P.L.C.

CLASSIFIEDS

POSITIONS AVAILABLE

Environmental Attorney – McGrath North, Omaha, NE – McGrath North, a growing Omaha-based law firm, is seeking a lateral attorney to join its busy environmental compliance practice. Environmental legal experience should include permitting, regulatory, transactional and enforcement matters. Ability and willingness to assist with litigation is also beneficial. Strong research, writing and communication skills are necessary. Our firm supports and encourages growth, and entrepreneurial lawyers enjoy our firm. Compensation is highly competitive. Applicants should have no less than two years of relevant experience. *To apply, visit <https://careers.iowabar.org/jobs/13676021/environmental-attorney>.*

Director of Human Resources – Dickinson, Mackaman, Tyler & Hagen, P.C., Des Moines, IA – Seeking a Director of Human Resources to lead and direct the development, implementation and management of human resources policies and programs related to employee relations, performance management, organizational development, benefits, recruiting, compensation and general human resources administration. The ideal candidate will have a degree in human resources or business management and a minimum of five years of experience directing all aspects of the human resources function in a law firm or similar professional service industry. *Please send cover letter, resume and salary requirements to resumes@dickinsonlaw.com.*

Coverage Attorney – Great West Casualty Company – South Sioux City, NE – Great West Casualty Company has a Coverage Attorney position open with our corporate legal team. As a Coverage Attorney for Great West, 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. This position qualifies for relocation assistance. *To learn more about Great West and our office locations, please visit our website www.gwccnet.com.*

Transactional Attorney – Leff Law Firm, L.L.P., Iowa City, IA – Leff Law Firm, LLP, an established general practice law firm in Iowa City, is seeking a Transactional Attorney with at least two years of experience. An accounting/tax background would be preferred. Compensation commensurate with experience. *To apply, visit <https://careers.iowabar.org/jobs/13710407/transactional-attorney>.*

Assistant Attorney General – Iowa Department of Justice – Attorney General, Mason City, IA – Iowa Attorney General seeks attorney to represent Child Support Recovery Unit. Position located in Mason City. Must be licensed to practice law in Iowa. Salary \$53,144.60 – \$80,849.60. *To apply, visit <https://careers.iowabar.org/jobs/13715974/assistant-attorney-general>.*

Environmental Attorney – Sullivan & Ward, P.C., West Des Moines, IA – We are seeking an attorney whose primary responsibilities are

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Senior Counsel – TrueNorth Companies, Cedar Rapids, IA – TrueNorth, an insurance and financial strategies firm, has an immediate opening for a Senior Counsel to support our legal team in Cedar Rapids. The primary responsibility of the Senior Counsel is to represent TrueNorth Companies on various matters by advising stakeholders within the organization on the legal and financial implications of business-related transactions, by drafting legal entity documents, asset and equity transaction documents and other legal documents, and by reviewing and advising on varied vendor arrangements and documents. *To apply, visit <https://careers.iowabar.org/jobs/13747633/senior-counsel>.*

General Practice Attorney – Confidential Employer, West Des Moines, IA – AV-rated solo practitioner in West Des Moines with a well-established 40-year general civil practice seeks to explore potential opportunities with an attorney having at least 10-15 years of experience. No plans for retirement, but with a good fit, succession prospects are excellent. All inquiries kept confidential. *If interested, please send a cover letter and resume to isba@iowabar.org or ISBA, 625 E. Court Ave., Des Moines, IA 50309, using the reference code 873.*

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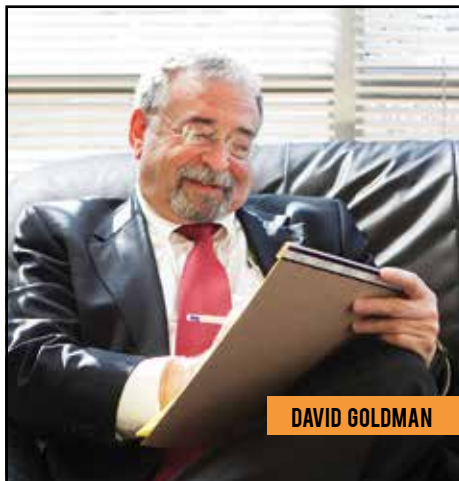
Office-sharing space available as of July 1 in Ames. We are looking for attorneys interested in hanging out shingles as sole practitioners in an office-sharing environment. We offer flexible rental arrangements, particularly for attorneys building their practices. Shared amenities include convivial continuing occupants, including attorneys Dario Zaffarano, John Dirks and (occasionally) Joan White; small conference room; large conference room/library with shared printers; break room; VOIP telephone system and all utilities. Come for a visit and cup of coffee, but remember to mask up. (We have hand sanitizer on site.) For more information contact Dario Zaffarano at 621 Main Street, PO Box 1870, Ames IA 50010, or dario@white-zaffarano.com, or 515-233-6960.

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References Available On Request

2020 Summary in Brief

2020 Regular Session, 88th Iowa General Assembly

Special to the Iowa State Bar Association

LAWMAKERS PASS LEGISLATION IN 2020

BUSINESS, LABOR, and INSURANCE

- Mechanic's liens, homestead. SF 458*
- Tobacco and vapor product sales, minimum age. SF 2268*
- Veteran preferences, public sector, and appeal rights. HF 717
- Sale of alcohol for consumption off premises. HF 2540*
- Hemp production, regulation. HF 2581



Iowa General Assembly
Website
2020 Enrolled Bills

CIVIL and JUVENILE LAW

- State Public Defender pilot project, child welfare. SF 2182
- Iowa Trust Code. SF 2232*
- Transfer of real estate, guardianships, conservatorships, and estates. SF 2300
- Guardianships and conservatorships, initial plans. SF 2323
- Medical malpractice and COVID-19-related liability. SF 2338
- Abortion and life-sustaining procedures. HF 594*
- Driver's licenses, older persons. HF 2360
- Certificates of the treasurer, validity. HF 2481
- Election laws. HF 2486*
- Weapons in county courthouses. HF 2502*
- Government documents, publication. HF 2556*
- Medical marijuana. HF 2589*
- Professional licensing. HF 2627*
- Appropriations and absentee ballot requirements. HF 2643*

CRIMINAL LAW and PUBLIC SAFETY

- Criminal fines, surcharges, and driver's license reinstatement penalty. SF 457*
- Indecent exposure. SF 2097
- Eluding a law enforcement vehicle. SF 2275
- Medical amnesty for persons under 21 years of age. HF 684*
- Animal abuse. HF 737*
- Sobriety and drug monitoring program. HF 2411
- Privacy of a victim of a sex offense. HF 2445*
- Confidentiality of information, arrest warrant. HF 2474
- Continuous sexual abuse of a child. HF 2554*
- Peace officer training, chokeholds. HF 2647

TAXES

- State taxation omnibus, pass-through entities, and assessors. HF 2641*

* As of June 24, 2020, the Governor has not taken action on the bill.

Web access to the entire 2020 Summary of Legislation and archived summaries:
<https://www.legis.iowa.gov/publications/information/legislationSummary>

Date convened: January 13
Date adjourned: June 14

Length: 154 calendar days

Bills introduced:
Senate Files: 448
House Files: 673

Study Bills proposed:
Senate Study Bills: 204
House Study Bills: 213

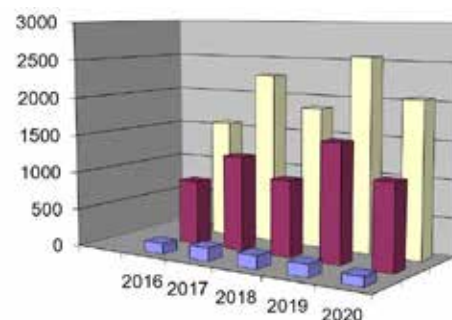
Bills and Joint Resolutions enacted: 123

Amendments filed:
Senate amendments: 163
House amendments: 324

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The Legal Services Division provides legal services to the General Assembly in a nonpartisan, objective manner, including bill and amendment drafting, legal and legislative research, official Iowa law publications, standing committee staffing, and Legislative Council, statutory, and interim study committee staffing. Bill drafting services are also provided to state agencies, the Judicial Branch, and the Governor.

TOTAL BILLS REQUESTED, INTRODUCED, AND PASSED DURING THE DESIGNATED YEARS



Passed
Introduced
LSA Drafted

Information: Legislative Services Agency

Spotlight ON Service

JEFF HILL'S FUTURE ALL-AMERICAN BASKETBALL CAMP & NYEMASTER GOODE, P.C.

Kids camps took a hit this summer – many cancelling due to the pandemic. But one camp still made an impact on local kids with the help of a Des Moines law firm. The Jeff Hill's Future All-American Basketball Camp was sponsored this year by Nyemaster Goode, P.C. in Des Moines. And while the camp couldn't hold the basketball component because of social distancing requirements, they were still able to get the kids together for one day of fellowship, a free lunch and a bunch of goodies.

Nyemaster Goode attorneys assembled 200 backpacks with school supplies and hygiene products for the campers. The campers took home those much-needed supplies, as well as a medal, t-shirt, face covering and a new basketball, at a special ceremony held on Saturday, July 18, at the John R. Grubb Community YMCA in Des Moines.

"We're so proud of the way our firm rallied to support this effort. Our people helped pump up 200 basketballs, came together to fill backpacks with school supplies and donated nearly 1,000 personal hygiene items for campers. We had some coaches lined up as well had the camp been able to proceed as

usual. We were delighted to support such a worthwhile opportunity for the young athletes in our community," said Coreen Sweeney, president of Nyemaster, who attended the event.

The camp's namesake is Jeff Hill, a former Drake University basketball player, who offers his camp at no cost to the youth of Des Moines. He seeks sponsorships from local businesses to cover

JEFF HILL'S BASKETBALL CAMP HAS BEEN FREE TO UNDERSERVED YOUTH IN DES MOINES FOR 38 YEARS, AND HIS EFFORTS HAVE HAD A MULTI-GENERATIONAL REACH

the cost for kids who may not otherwise be able to attend a summer sports camp.

"Jeff Hill's basketball camp has been free to underserved youth in Des Moines for 38 years, and his efforts have had a multi-generational reach. We felt it essential to ensure this summertime tradition continued in some form despite a pandemic and recent social justice issues," said Nyemaster's Chairman of the Board Frank Harty. "Jeff sows love and hope. We are honored to be able to help."

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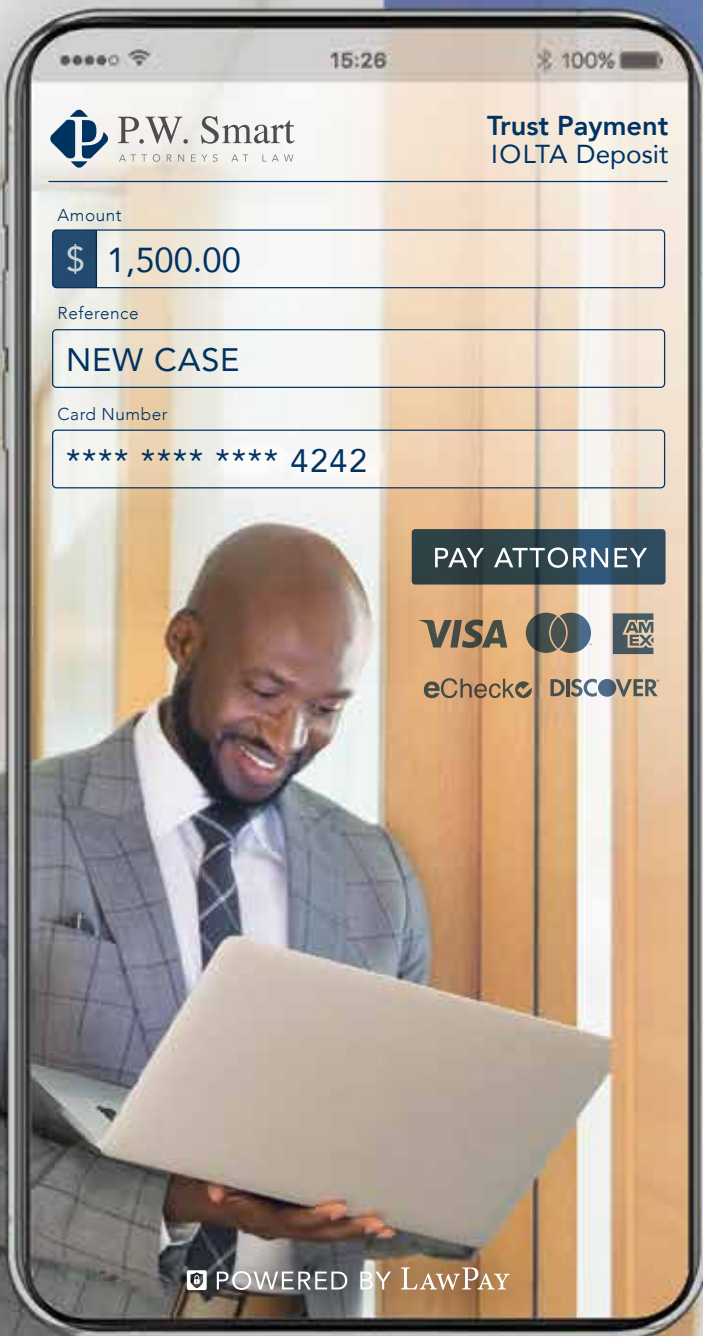
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