



THE IOWA LAWYER

APRIL 2018 V 78 N 3

ALSO IN THIS ISSUE

10 policies and
procedures most Iowa
nonprofits need

PAGE 9

My work on a
clemency case

PAGE 12

Board of
Governors Spring
Quarterly Meeting

PAGE 24



The future of the profession

ISBA YLD launches initiative to examine
future threats to the practice of law in Iowa

PAGE 6



Your Mechanical Invention is Our Specialty

The mechanical patent attorneys at McKee, Voorhees & Sease, PLC (MVS) have engineering or science degrees and a combined over 170 years of patent experience. They assist clients with patent searches, freedom-to-operate analysis, due diligence, invention and patent portfolio planning, inventor analysis, and invention disclosure vetting.

“Our combination of experience, legal knowledge, and technical skills provides us with the tools to work with our mechanical clients and meet their intellectual property needs in areas of law and technology that are constantly evolving.”

- Luke Mohrhauser, MVS Intellectual Property Attorney, Member

The MVS mechanical practice group represents corporations, small businesses, universities, research institutions, and individuals from around the world. They work with corporations, small businesses, universities and individuals to protect their inventions, both in the U.S. and worldwide, such as:

- Consumer appliances
- Agricultural implements
- Commercial buildings and structures
- Pest and rodent control
- Commercial appliances
- Commercial cleaning products
- Construction equipment and supplies
- Games and toys
- Vehicle components and accessories
- Design patents

- Cleaning dispensers and technology
- Sports equipment
- Medical devices
- Product manufacturing and handling equipment
- Product packaging
- Fluid flow systems
- Novelty items
- Agricultural buildings and structures
- Pet supplies
- Personal buildings and structures

For more information regarding filing mechanical patents with MVS and attorneys in the mechanical practice group, please visit www.ipmvs.com or call our Des Moines office at (515) 288-3667.



Your Worldwide IP Partner Since 1924™

PATENTS • TRADEMARKS • COPYRIGHTS • TRADE SECRETS • ENTERTAINMENT LAW • LICENSING • LITIGATION

The official publication of The Iowa State Bar Association.

EDITORIAL TEAM

Editor-in-Chief

Melissa Higgins

515-697-7896

mhiggins@iowabar.org

Copy Editor

Steve Boeckman

515-697-7869

sboeckman@iowabar.org

Contributing Editor

Virginia Sipes, J.D.

515-697-7897

vsipes@iowabar.org

General Inquiries

515-243-3179

isba@iowabar.org

THE IOWA LAWYER

(ISSN 1052-5327) is published monthly except for the combined December-January issue, by The Iowa State Bar Association, 625 East Court Ave., Des Moines, IA 50309-1904. One copy of each issue is furnished to association members as part of their annual dues. Non-member subscription rates are \$40 per year. Periodicals postage paid at Des Moines, Iowa.

POSTMASTER

Send address changes to The Iowa Lawyer Magazine, 625 East Court Avenue, Des Moines, Iowa, 50309-1904. Members can contact the membership department to change their address by emailing membership@iowabar.org.

PRINTER

The Iowa Lawyer Magazine is printed by Colorfx, 10776 Aurora Avenue, Des Moines, Iowa, 50322. Telephone 515-270-0402. Design and Production: Mittera Creative.

ADVERTISING

CLASSIFIED. Qualifying ISBA members receive two free non-job listings annually as a member benefit. Members should contact the ISBA Communications Department for ad placement. Non-member classified ad rate is \$110 at 125 words per listing. See classified section for further details.

DISPLAY. Display advertising in The Iowa Lawyer Magazine is handled by Larson Enterprises, 909 50th Street, West Des Moines, Iowa, 50265. For display advertising and non-member classified advertisement rates, contact

Alex Larson at 515-238-4406 or alex@larsonent.com.

SUBMISSIONS

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

STATEMENTS OR OPINIONS

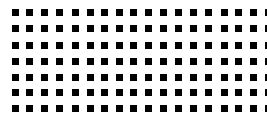
The statements and opinions in this publication are those of the authors and not necessarily those of The Iowa State Bar Association. Readers should consult original sources of authority to verify exactness. Advertising in this publication does not constitute endorsement of a product or service unless specifically stated.

Contents

Volume 78

Number 3

April 2018



About the Cover

The YLD group leading "The Future of the Practice of Law in Iowa" report is pictured in front of the Iowa State Capitol building in Des Moines. Left to right: Rob Poggenklass, attorney at Iowa Legal Aid; Abhay Nadipuram, YLD Secretary and an attorney at Davis Brown; Kyle Fry, an attorney for American Equity; Tom Hillers, YLD President and an attorney at Hupy & Abraham; Maggie White, YLD Vice President and attorney at EMC Insurance. Rob and Kyle are co-chairs of the new YLD task force created to examine future threats to the practice of law in Iowa. You can read their initial report and findings beginning on page 6.

Features

6 The future of the practice of law in Iowa

A new YLD initiative aims to help attorneys be more competitive in Iowa's market for legal services. Without action, their research finds, alternative service providers will out-compete attorneys via marketing and pricing.

9 IRS Form 990: 10 policies and procedures most Iowa nonprofits need

Form 990 is an annual required filing for many nonprofit organizations. One key show of support for your favorite nonprofit is advocating for adoption of powerful policies.

By Gordon Fischer and Mackenzie Graham

12 My work on a clemency case

Clemency Project 2014 recruited and trained nearly 4,000 volunteer lawyers from diverse practice backgrounds. One attorney from Iowa shares her experience.

By Cynthia Tofflemire

18 2018 Bench-Bar Conference

24 Board of Governors Spring Quarterly Meeting

30 Spotlight on Service: Joel Greer

Columns

4 President's Letter

15 Kudos

15 In Memoriam

16 Affirmative Legislative Program Update

22 Transitions

28 Classifieds

In Brief

5 Probate Manual available for purchase

5 Coming soon: new income protection program

16 What is Iowa LawPAC?

27 Iowa Legal Aid's Equal Justice After Hours attracts hundreds

27 U of I selects new dean

I HAVE BEEN WARNED NOT TO WRITE THIS LETTER

STEPHEN R. ECKLEY

The risk of misstep is too great. Voices more articulate than mine have been misinterpreted and caused unintended offense. And, frankly, I feel inadequate to fully understand the issues because I see them through a prism colored by experiences from a different time. But there is no question the topic should be important to all Iowa lawyers. We need to talk about it. Progress depends on awareness. So it is with singular trepidation that I address gender bias in the legal profession.

In the aftermath of a flood of sexual assault and harassment allegations against top Hollywood producer Harvey Weinstein, women who have suffered sexual abuse have been encouraged to write "Me Too" in social media posts. The #MeToo campaign has resulted in millions of posts by women spanning diverse industries and given thousands the courage to share their experiences publicly. So far, media attention has focused on revelations involving entertainers, politicians, journalists, athletes and high-profile individuals connected to Silicon Valley. Where do lawyers fit in all this?

Despite the fact that ours is a business still dominated by older men, there have been relatively few reported sexual harassment claims filed against lawyers or law firms. Perhaps the floodgates will soon burst, as in other sectors, but thus far

that has not happened. Is it because we are different? Maybe. I have no doubt that the great majority of lawyers hold themselves to very high standards of integrity. And certainly we are better-positioned to know legal boundaries and the potential consequences of their violation. Awareness by male attorneys of the unique capability of female attorneys to strike back might further explain the low rate of lawsuits. I hope it is not the flip side—that women in the law are under even greater pressure to suffer silently than women in other occupations.

But before we pat ourselves on the back or conclude the MeToo movement is someone else's issue, consider the response of our own members to this recent ISBA survey question: "In the past five years, have you experienced or witnessed behavior that you felt demonstrated harassment or discrimination on the basis of gender, or other forms of gender bias, in the practice of law?" Of 305 respondents, 84 percent of women attorneys answered yes, they had experienced or seen gender bias. 84 percent!

Is this high percentage inconsistent with the scarcity of lawsuits involving the legal profession? Not necessarily. At risk of sharing Matt Damon's ignominy, there is a difference between gender bias broadly defined and "sexual harassment" legally defined. It seems we male lawyers do a poor

job of treating our female peers equally, even if we generally stop short of actionable sexual harassment.

But 84 percent? Regardless of how broadly one defines sex-based bias, how can the number be so high? The comments of the ISBA survey respondents are revealing. Over and over, they describe not overt sexual harassment but subtle forms of sex-based bias, such as condescension, interruptions, dismissive comments, remarks about appearance, less meaningful work assignments or attempts to intimidate. These are small events that tend to be fleeting, covert and hard to prove, that are often unintentional and unrecognized by the perpetrator, and that typically occur when someone is perceived to be in the minority.

I hope you are not thinking that's part of life and women lawyers just need to toughen up. If you take anything from reading this letter, let it be this: These subtle forms of gender bias, repeated many times over long periods by many male lawyers, have serious cumulative, harmful effects and are every bit as damaging to women attorneys as actionable sexual harassment. Every male lawyer, including this one, should keep in mind the disappointment, frustration, stress and anger women lawyers must hold inside because of our collective failure to make them feel welcome and to provide them equal opportunities to demonstrate their value. The result is that too many are discouraged from seeking to advance in, or even remain part of, our profession.

We need to do better. Awareness is our first challenge. The same ISBA survey question—have you experienced or witnessed gender bias?—to which 84 percent of women answered yes, only 34 percent of males answered yes. In other words, 84 percent of women attorneys reported experiencing or seeing something that 2/3 of male attorneys were unaware of (or did not acknowledge). I think the explanation is that we don't realize what we're doing. We fail to see that our conduct is perceived by women to be demeaning. Yet women attorneys shouldn't be expected to speak up when we transgress. They know that to do so would only make it harder for them to win the acceptance they deserve, and could invite retaliation.

Our second challenge is to avoid the



ISBA President Steve Eckley was part of a group of ISBA members and Drake faculty and students who met with ABA President Hilary Bass for lunch before her appearance at Drake Law School's Supreme Court Celebration banquet on March 24. Bass has focused a large part of her year as ABA President on issues related to women in the practice of law. Pictured left to right: Kayla Sproul, Drake Law School's ABA law student representative; Tom Lewis, ISBA President-Elect; Hilary Bass, ABA President; David L. Brown, ABA Delegate; David McCord, Drake Law School Assistant Dean; Alan Olson, ABA Delegate; Ellen Yee, Drake Law School Professor; Steve Eckley, ISBA President; Maggie White, YLD Vice President.

subtle inequities that are so pervasive and pernicious. Lawyers, judges and mediators must all strive to make sure we and others stop engaging in such conduct as:

- Interrupting women attorneys
- Talking or listening more to the men in the room
- Showing signs of dismissiveness—looking away, rolling the eyes or checking cell phone messages—when a woman is speaking
- Excluding women lawyers from our social interactions with other lawyers, judges or clients
- Referring to women by their first name rather than “Ms.” while addressing male lawyers as “Mr.”
- Giving credit to men but not to women when equal recognition is deserved
- Assigning less rewarding or challenging responsibilities to women lawyers
- Commenting on appearance
- Ignoring emails from women
- Stereotyping that female attorneys think differently than male attorneys
- Failing to recognize that women lawyers have earned their seat at the table

I appeal to the great majority of Iowa lawyers who strive to do what is right and fair: We can do this. It shouldn't be that hard. If we join together, persistent effort from each of us will bring about transformative change that is long overdue.



For those interested in such related topics as actionable sexual harassment, implicit bias and recommended actions for law firms to encourage equal treatment of women attorneys, an excellent resource is *Zero Tolerance: Best Practices for Combating Sex-Based Harassment in the Legal Profession*, prepared by the ABA's Commission on Women in the Profession.

Stephen R. Eckley

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



Probate Manual available for purchase

The 2018 Probate Manual is a “must have” manual for all bar association members who practice Iowa estate administration, trusts, guardianships and conservatorships. The manual, a project of the ISBA Probate, Trust and Estate Planning Section and the Probate Manual Committee, incorporates legislative changes through 2017 and is available for purchase online as a hard copy manual or electronic version.

Using the manual reduces the amount of time spent on routine, repetitive matters and allows more time spent on estate matters requiring the exercise of judgment, experience and training. More important, this 900-page, two-volume manual provides checklists to alert the attorney to deadlines, elections and alternate procedures in an effort to avoid problems in probating an estate.

Visit iowabar.org/store and click on “manuals” to order.

Coming soon: New income protection program

The Iowa State Bar Association is continually looking for ways to enhance and strengthen its membership benefits. Recently, the ISBA identified a program that provides a unique opportunity for members: the Lloyd's of London, Guaranteed Issue Disability Income Insurance Program. This program, offered to active members of The Iowa State Bar Association, allows you to purchase a high-limit lump-sum benefit in the event you experience a career-ending injury or illness.

This coverage is intended to provide a supplement to your current long-term disability (LTD) coverage or to provide a safety net if you do not have any existing coverage. This benefit will help you protect your lifestyle, future earnings growth, retirement planning and your family in the event you suffer a career-ending illness or injury.

Program Details:

- Lump-sum benefit options available up to 10x your annual income, not to exceed \$2,000,000
- Own occupation definition of disability
- No health or financial evidence needed
- Discounted premiums

The enrollment period for this benefit begins April 2 and will extend to May 11. You can learn more on iowabar.org.

Need Legal Help in Florida?

Jeffrey R. Jontz

Orlando Florida
BA Drake University
JD University of Iowa
AV Rated

jjontz@fishbacklaw.com
407-262-8400

The future of the **PRACTICE** **OF LAW** in Iowa

Foreword by Kyle Fry,
ISBA Young Lawyers Division



For the past two years, the ISBA Young Lawyers Division has been attempting to address the issue of the rising cost of legal education and the debt that frequently accompanies it. We have attempted to tackle the issue a variety of ways. We reached out to the Young Lawyers Division contingency to gather feedback about 3L testing, met with members of Iowa's Supreme Court to discuss our ideas, poured over research from legal scholars and reviewed work product from other states' review of similar concerns.

Last year, we published a report entitled *The Future of the Practice*, in which we broadly identified threats to the future of the legal profession. The report was intentionally hyperbolic because of the dramatic change other industries have seen. However, our argument was, and remains, a simple one—while technology is likely to dramatically impact the future delivery of legal services, young attorneys will be less likely to compete with the unlicensed competitors who are commoditizing the legal practice. A young attorney's debt effectively creates a price floor. It is difficult to compete in a world of deflating prices caused by a continued influx of new market entrants when you have student loan payments to make.

Make no mistake, we do not intend to come across as Luddites. Most of us are

far from it. However, we remain deeply concerned about the future of the practice of law and the impact that technology will have on it. How many people reading this article were aware that there are automated services available to fight traffic tickets, send dispute letters, write an appellate brief or draft corporate formation documents? It is not difficult to imagine a world where your estate plan is updated the moment you add your newborn or adopted child to your insurance plan. Or a world in which the sensors in your clothing and vehicle can diagnose injuries sustained in a car accident, negotiate liability coverage between carriers and settle the claim, all before the injured passenger reaches the hospital door.

During the last two years, I also experienced a lot of apathy from young attorneys, and other young professionals, when discussing our goal of reducing student debt. The education and debt infrastructure is entrenched and many of the older attorneys I discussed the topic with were understandably surprised to learn of the extent of the issue. It is difficult to comprehend paying \$30,000 to \$40,000 per year for a legal education today, if you paid \$5,000 per year in 1985 and were able to cover most of that cost working through the summer. Inflation-adjusted income has decreased by 13 percent, while

inflation-adjusted debt has increased 400 percent on average.

Our work over the last two years was hopefully only the start. Just prior to this article being published, we are presenting our additional ideas on the future of the legal practice to the ISBA's Board of Governors. We tasked ourselves with basic, yet pragmatic objectives in hopes of accomplishing our task:

1. identify updates to specific rules of professional conduct, procedures and policies to allow attorneys to better compete with new market entrants;
2. re-establish public trust in our profession;
3. identify means of more effectively providing legal services to all persons in need of those services;
4. collaborate with legal educators to identify means by which the "startup" cost of entry into the legal market can be reduced;
5. create a vision of a sustainable legal services model of the future.

We also collaborated with a non-profit based in North Carolina, Law School Transparency, to issue a report on the current state of legal education. In that report, available at www.LSTReport.com, we asked the American Bar Association to add young attorneys to the law school accreditation process in hopes that perspectives from outside higher education would prove beneficial in shaping the future of legal education, and beyond that the future of the legal practice. While that particular body of the American Bar Association has been hesitant to entertain our straightforward request, we have partnered with young lawyer division equivalents from around the country to build support for the changes we have proposed. We are hopeful this will encourage the ABA to thoughtfully consider our request moving forward. You can read our initial report on the following page.



REYNOLDS & REYNOLDS INC.
INSURANCE AGENTS & BROKERS

Partnering with



REYNOLDS & REYNOLDS INC., IS THE ENDORSED BROKER FOR THE IOWA STATE BAR ASSOCIATION

- Medical Insurance
- Dental Insurance
- Life Insurance
- Vision Insurance
- Long Term Disability
- Personal Accident
- Long Term Care
- Medicare Supplement Plans

Contact: David A. Fini, Vice President
d.a.fini@reynolds-reynolds.com 515-557-1252
or Kristi Rullestad, Account Manager
k.a.rullestad@reynolds-reynolds.com 515-557-1251
or Steve Sypal, Partner
s.e.sypal@reynolds-reynolds.com 515-557-1204

**300 Walnut Street, Suite 200
Des Moines, IA 50309
800-767-1724 FAX 515-243-6664**

THE FUTURE OF THE PRACTICE:

A NEW YLD INITIATIVE

Take a moment to think about the legal work that you performed over the last two weeks. How many of those tasks could be performed by artificial intelligence (e.g. Watson), an accountant or financial planner, an in-house attorney/compliance officer, or a paralegal with a limited license to practice law? In the near future, the practice of law in Iowa will undergo unprecedented disruptive change. The competition will come from three sides. First, alternative legal service providers, funded by venture capital, and unrestrained by regulation, will out-market and commoditize the work traditionally performed by solo and small firms – especially in the rural areas. Second, providers operating as virtual multi-disciplinary practices will begin offering services that a traditional law firm cannot provide. Think of it as a suite of professional services — your client can get financial planning, accounting, legal, etc. in one service that is in the same office and fully coordinated. Finally, our profession will see more and more of the work that has historically been performed by associates at large firms being pulled in as those clients retain more in-house attorneys, or compliance officers.

The impacts will be magnified by our profession's inability to change and adapt. Specifically, our abhorrence for marketing the value of our services to the public will allow other providers to commoditize legal service and compete on price rather than quality.

The justification for our guild has been that we provide a higher good to society. This fades quickly when value is defined in terms of the speed of delivery and price. There is still time to act to ensure that people receive high-quality legal

services in Iowa, but it requires rethinking the way that our attorneys and our courts do business.

THE LEAD-UP

A little over a year has passed since the Young Lawyer's Division of The Iowa State Bar Association began reviewing the impact of the student debt on the young attorneys who chose to join our profession. Our young Iowa attorneys have led the fight and taken it to the American Bar Association in an attempt to change the regulatory process that is a primary cause of the soaring debt. Through our review, we've constantly found ourselves discussing a related and more ominous problem that threatens to shake our profession to its core. There is no doubt that student debt is a burden on Iowa's legal economy – if that economy were to remain static. As competition forces our profession to compete on price and marketing, student debt represents a fixed expense that sets both a pricing and an income floor for a substantial portion of our attorneys.

THE THREAT AT THE FRONT DOOR, BACK DOOR AND EACH OF THE WINDOWS

Over the coming years, each of Iowa's attorneys will experience competition from outside forces on an enormous scale. The typical Iowa attorney will face competition from internet competitors and low-cost, simulated legal advice providers.¹ The virtual competition will arrive through online platforms that use machine learning to provide forms and legal guidance at very low prices or even free of charge. It's not hard to see these organizations targeting low-hanging fruit to build a market share: business organization, basic estate planning, family

law² and simple criminal matters. These providers will tout their services as less expensive without sacrificing quality and use client testimonials to prove it to consumers. One example is DoNotPay, which is a chatbot whose founder proudly boasts that it has defeated 160,000 of the 250,000 parking tickets it contested in New York. The company recently rolled out over 1,000 new chatbots in other states to cover many other areas of law, including eviction and employment law.³ Form-fill competitors will continue to consume a larger share of the market. For example, type "Iowa Divorce" into Google and you will see many results on the first page for service providers touting their services as a low-cost alternative to attorneys. Unlike our attorneys, these alt legal providers are not constrained by professional regulation.

Competition may also enter our state or our neighboring states through lawyer-adjacent professionals. One campaign is underway to allow limited license legal practitioners (LLLPs) to provide lower-cost services in various practice areas.⁴ As more states in the region adopt rules that allow LLLPs, the pressure will mount to enact similar rules in Iowa. A Minnesota State Bar Association Task Force recently recommended allowing LLLPs.⁵ There have also been aggressive efforts by the "Big Four" accounting firms to allow multi-disciplinary practices in the U.S.,⁶ which would disrupt many of the markets serviced by the large firms in Iowa.⁷ Finally, experts state that more and more corporations will continue to shift more legal work in-house.⁸ Even the in-house attorneys are not safe as a trend is developing to hire lower-cost compliance officers to perform quasi-legal or even truly legal functions.

Business Valuation & Litigation Support



1707 High Street | Des Moines, IA 50309
515.282.8019 | www.bccadvisers.com



BUSINESS VALUATION • LITIGATION SUPPORT • MERGER & ACQUISITION CONSULTING • COMMERCIAL & AG REAL ESTATE APPRAISAL

AN EXAMPLE OF THE IMPACT OF DESTRUCTIVE TECHNOLOGIES

Until recently, purchasing a taxi medallion in a large city was a sound investment for the future. Consider the value of a medallion in New York City, which peaked at approximately \$1.3 million each in May 2013.⁹ At that time, on-demand ride hailing services took hold and the value of the medallion fell by more than 50 percent.¹⁰ New York City was far from alone. From the outside, it appears that medallion prices were too high and on-demand ride hailing companies capitalized on an inefficient market in need of ruthless market entrants. From the inside, it appears that a lack of forward-looking thinking and flexible regulatory structure made innovation difficult for the established market. From their view — why fix what appears to be working? Based on the valuations of Uber and Lyft, market forces seem to have spoken.

The legal profession could follow the taxi profession's path: act too late and attempt to ban new entrants through protectionist actions instead of innovating towards better, faster, more affordable service. If the past is prologue, innovation is the right tactic, and by all accounts any effort to protect a market against these entrants has not only failed but wasted precious time that could have been used to compete in the early stages.

Along with other forms of competition that we did not document or have not been created yet, concerted efforts to enter the legal services space will cause fewer jobs and work for all attorneys. Importantly, this will jeopardize the quality of service demanded by our system of civil and criminal justice. Why do we have so many Iowa counties where there simply are no attorneys to represent multiple defendants in criminal or juvenile cases? It would be foolish to

think this is solely a problem for the next generation of attorneys. Destructive forces and technology do not discriminate in their destruction and by their nature reshape industries and markets.

OUR TASK

Our goal is to make all attorneys competitive in Iowa's market for legal services and create a market for those people who do not currently receive legal services. Without action, alternative service providers will out-compete attorneys via marketing and pricing. They will impact the local market in the same way that a new mega-retail store has impacted local businesses or destructive fast-moving technology solutions have displaced entire industries. On the whole, the services will be lower quality, lower in price and available 24/7 with the click of a mouse. This is our moment, and we can only hope that in 30 years our young attorneys look back and say, "that was their finest hour." We have a choice between three paths — we can continue to do things the way they have always been done; we can adopt protectionist measures (which have been unsuccessful in every other state that has tried); or we can modernize our guild to communicate our value to our customers while competing both on delivery and price.

With the foregoing in mind, the president of the Young Lawyers Division has appointed a Task Force with the following composition and duties:

- The members of the Task Force should represent the Iowa Judicial Branch, the Office of Professional Regulation and The Iowa State Bar Association.
- The Task Force shall report to the Board of Governors of The Iowa State Bar Association as to its recommendations for specific actions that should

be taken to communicate the value of Iowa attorneys to the public.

- These recommendations should include more than traditional marketing campaigns and must propose specific actions that would connect attorneys to customers who need their services.
- The Task Force shall triage the threats from competition and report to the Board of Governors of The Iowa State Bar Association to provide a list of specific statutes, regulations or other rules that would impede or prevent Iowa attorneys from competing with alternative legal service providers, multi-disciplinary practices or other competition, along with recommendations for changes to those legal authorities.
- With the approval of the Board of Governors of The Iowa State Bar Association, the Task Force shall thereafter immediately act to seek the implementation of its recommendations.

¹ Jason Koebler, *Rise of the Robolawyers: How Legal Representation Could Come to Resemble Turbo Tax*, *The Atlantic* (April 2017), <https://www.theatlantic.com/magazine/archive/2017/04/rise-of-the-robolawyers/517794/>.

² Washington state allows Limited License Legal Technicians to "advise and assist" with simple family law matters. See <http://www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians>; see also http://c.ymcdn.com/sites/www.inbar.org/resource/resmgr/Conclave/Alt_license_table_May_18__20.pdf for a 2015 list of other state activity.

³ <http://abovethelaw.com/2017/07/donotpay-adds-1000-legal-bots-plus-service-for-others-to-create-their-own/>.

⁴ <http://abafuturesreport.com/#1>.

⁵ <https://lawyerist.com/lawyerist/wp-content/uploads/2015/06/report-of-the-future-of-legal-education-task-force.pdf>

⁶ Elizabeth Olson, PWC, *the Accounting Giant, Will Open a Law Firm in the U.S., N.Y. Times* (Sept. 22, 2017), <https://www.nytimes.com/2017/09/22/business/dealbook/pwc-law-firm-ilc.html>.

⁷ <https://thepractice.law.harvard.edu/article/the-reemergence-of-the-big-four-in-law/>.

⁸ <http://greentarget.com/wp-content/uploads/2017/03/2017-Legal-Outlook-Final-Greentarget.pdf>.

⁹ Tim Stenovec, *More Proof that Uber is Killing the Taxi Industry*, Jan. 7, 2016, <http://www.businessinsider.com/more-proof-that-uber-is-killing-the-taxi-industry-2016-1>

¹⁰ Id.

Joseph A. Happe

Mediation and Arbitration Services

Civil litigation, general liability, & worker's compensation

Member of National Academy of Distinguished Neutrals

30 years litigation experience

Multi-party mediation accommodation at the Des Moines office



To Schedule:

Phone: Jenny (515) 246-7846

Email: mediationcasemanager@davisbrownlaw.com

Online: www.davisbrownlaw.com/happemediations



THE NATIONAL ACADEMY OF
DISTINGUISHED NEUTRALS

DAVIS BROWN KOEHN SHORS & ROBERTS P.C.
215 10TH ST., STE 1300 | PHONE: 515.288.2500
DES MOINES, IA 50309 | WWW.DAVISBROWNLAW.COM

10 POLICIES AND PROCEDURES

most Iowa nonprofits need

Most folks have Tax Day branded on their brains like a birthday or anniversary. (Typically, it's April 15, although this year it's April 17). Iowa lawyers should have another day highlighted on their calendars: when IRS Form 990 is due. Form 990 is an annual required filing for many nonprofit organizations.

Wait...aren't nonprofits exempt from federal taxes? 'Tis true, but the IRS still requires lots of information, through Form 990, in order to evaluate nonprofits on details like programs, policies, finances, governance and mission. Ultimately, Form 990 confirms for the IRS that a nonprofit is still qualified to operate without paying federal taxes. Also, the document is available to the public, so there are added benefits of accountability and transparency.

VARIATION ON A FORM

Just like if you fail to file your income taxes, if a nonprofit fails to file the required annual information return, there are repercussions.

Charities fall on a wide spectrum in terms of size, income and number of programs. Consequently, not all organizations are required to file the same type annual return (and some, such as state government-run institutions and most faith-based organizations, are not required to file at all). In addition to the regular, full Form 990, there are the variations of the form including 990-PF, 990-EZ and 990-N. Which form an organization can choose to file depends on financial activity related to gross receipts and total asset value.

DEADLINES AND FAILURE TO FILE?

For most tax-exempt organizations that follow the typical calendar year (January 1 through December 31), Form 990 is due May 15—the 15th day of the fifth month after the organization's "taxable" year comes to a close.

If an organization is required to file a version of the 990 and fails to do so for three consecutive years, the IRS will automatically revoke tax-exempt status.

No questions, no appeal process—just revocation in accordance with the law. Timely submission of the 990 can also help your nonprofit avoid filing additional documents and user fees. (Note: organizations can apply for an automatic three-month due date extension with IRS Form 8868.)

WISE INVESTMENT IN SUCCESS

Beyond nonprofit attorneys, what does this have to do with Iowa lawyers in general? All across the state lawyers are deeply involved in their communities and are central to nonprofits' successes. When you think of all the time, energy and resources you've dedicated to your favorite nonprofit—be it through serving on a board of directors, championing the mission as a founder, financing the nonprofit's mission or as a dedicated volunteer—you want to protect your investment in the cause. One key show of support for your favorite nonprofit is advocating for adoption of powerful policies. All Iowa nonprofits should meet (and exceed!) the compliance gold standard for tax-exempt organizations.

A great place to start on top-notch compliance is ensuring the major policies and procedures asked about on Form 990 are complete, well drafted and understood by all major stakeholders.

10 POLICIES AND PROCEDURES HIGHLIGHTED ON FORM 990

The IRS revamped Form 990 in 2008.

Previously, the 990 focused largely on financial data. Now extensive qualitative information is requested related to board governance, fundraising, international programs, non-cash receipts, joint ventures, use of subsidiaries and more.

Let's review 10 key policies discussed on Form 990 in greater detail.

CONFLICT OF INTEREST

Form 990 asks whether the nonprofit has a conflict of interest policy, as well as how the organization determines and manages board members who have an actual or perceived conflict of interest. This policy is all-important as conflicts of interest that are not successfully and ethically managed can result in what the IRS terms "intermediate sanctions" against both the organization and the individual(s) with the conflicts.

A conflict of interest occurs where individuals' obligation to further the organization's charitable purposes is at odds with their own financial interests. For example, a conflict of interest would occur where a director votes on a contract between the organization and a business that is owned by that same director. Conflicts of interest can also easily arise when setting compensation or benefits for internal key stakeholders.

A conflict of interest policy should cover two important components:

1. require board members with a

View your professional listing at
www.LegalDirectories.com

"The Legal Search Engine"



Advertise your business
Professional Profile Listings Available
Link to your website from LegalDirectories.com

Marketing Solutions that boost your online visibility and attract clients.

Legal Directories Publishing Co

PO Box 495069 Garland - TX 75049 - 800.447.5375 ext 116



- conflict (or a potential conflict) to disclose it, and
2. exclude individual board members from voting on matters in which there is a conflict.

If consistently adhered to, this policy can both inspire confidence in the organization, as well as prevent potential violations of federal and state laws.

DOCUMENT RETENTION AND DESTRUCTION

This policy should clarify what types of documents should be retained, how they should be filed and for what duration. It should also outline proper deletion and or destruction techniques.

A DRD policy ensures important documents—financial information, employment records, contracts, information relating to asset ownership, etc.—are

stored for an appropriate period of time for tax, business and other regulatory purposes. No doubt document retention could be important for proof in litigation, governmental investigation or other types of complaints.

The federal law known as Sarbanes-Oxley explicitly reaffirms the importance of a DRD policy. While Sarbanes-Oxley generally does not pertain to nonprofits, it imposes criminal liability on nonprofits for destruction of records with the intent to obstruct a federal investigation.

Another reason a DRD policy is an excellent idea is it forces an organization to save space and money associated with both hard copy and digital file storage by determining what is no longer needed and when...it's like sanctioned spring cleaning!

WHISTLEBLOWER

Nonprofits, just like all employers, are prohibited from retaliating against employees who “blow the whistle” against employer practices. A whistleblower policy should set a process for complaints to be addressed and include protection for

whistleblowers.

This policy can help insulate your organization from the risk of state and federal law violation and encourage sound, swift responses and solutions to employee complaints. The IRS itself deems this an incredibly helpful policy:

A whistleblower policy encourages staff and volunteers to come forward with credible information on illegal practices or violations of adopted policies of the organization, specifies that the organization will protect the individual from retaliation, and identifies those staff or board members or outside parties to whom such information can be reported.

Sarbanes-Oxley also applies here. If found in violation of Sarbanes-Oxley, both the nonprofit and any individuals responsible for the retaliatory action could face civil and criminal sanctions and repercussions, including prison time.

COMPENSATION

Requests for data concerning compensation appear in three different places on Form 990. While for-profit employers have wide latitude in setting compensation, compensation for nonprofit employees must be “reasonable.”

Generally, a compensation policy provides the benefits of:

- Enhanced confidence of donors and supporters.
- Consistent framework for decision making on compensation.
- Increased compliance with federal and state employment laws.
- Reduced risk to the organization and its management and governing board.

FUNDRAISING

The topic of fundraising gets substantial attention on Form 990. Fundraising income and expenses are asked about in multiple parts and in a couple of schedules. This policy should include provisions for compliance with local, state and federal laws as well as the ethical norms the organization choose to abide by in fundraising efforts. Remember that fundraising doesn't just include solicitation of donations, but also receipt of donations.

GIFT ACCEPTANCE

While related to the fundraising policy, the gift acceptance policy covers the ad-

NEED A QUALIFIED VALUATION? EXPERT WITNESS?

HDH Advisors is focused on delivering high quality business valuation, litigation support, mergers & acquisitions, exit planning, ESOP's, economic damages, and related professional services. Our 35+ professionals on staff serve clients across the country from offices in Des Moines, Iowa and Atlanta, Georgia.

Call one of our professionals in Des Moines:



Duane Tolander
CPA/ABV, CVA



Brian Crotty
ASA/CBA,
CFO/CFE, CFEA



Chad Hoskins
CPA/ABV,
ASA/CFF



Greg Peterson
ASA



Alex Davis

HDH ADVISORS LLC

Business Appraisal | Litigation Support | Mergers & Acquisitions | ESOP's

www.HDHAdvisorsLLC.com

DES MOINES | 1001 22nd Street, Suite 300, West Des Moines, Iowa 50301 | 515.221.1794
ATLANTA | 2002 Summit Boulevard, Suite 100, Atlanta, Georgia 30309 | 770.791.5000

mission of the charitable gifts themselves. For example, does the nonprofit accept gifts of real estate? Under what circumstances? How about charitable reminder trusts? Why or why not?

A GAP policy provides written protocols for nonprofits to evaluate proposed non-cash donations. The policy may also grant staff much-needed guidance in how to kindly and diplomatically reject donations (however well-intended they may be) that carry extraneous liabilities and obligations the organization cannot readily manage.

INVESTMENT

One way a board of directors can fulfill their fiduciary responsibility is through investing assets to further the nonprofit's mission. Before investment occurs, the organization should adopt an investment policy to define who is accountable for investment decisions. The policy should also offer guidance on activities of growing/protecting the investments, earning interest, and maintaining access to cash if necessary. An investment policy can include the nonprofit's personnel with the authority to make investment decisions, as well as preserve the board's oversight ability.

Many organizations hire a professional financial advisor or investment manager to implement investments and offer advice. This person's role can be accounted for in the investment policy.

Form 990 does not ask if an organization has a specific investment policy, but it does refer to investments in multiple places throughout the form, hence the obvious need.

FINANCIAL POLICIES AND PROCEDURES

Different than the aforementioned investment policy, the financial policies and procedures document specifically addresses guidelines for making financial decisions, reporting financial status of the organization, managing funds and developing financial goals. It should also outline the budgeting process, investments reporting, what accounts may be maintained by the nonprofit and when scheduled auditing will take place.

Similar to the investment policy, Form 990 does not make a specific ask about an organization's financial policies, but this type of policy will serve as an indispens-

able guide to organizing, collecting and reporting financial data.

FORM 990 REVIEW

Form 990 directly asks the following questions:

- Has the organization provided a copy of this Form 990 to all members of its governing body before filing the form?
- Describe in Schedule O the process, if any, used by the organization to review this Form 990.

In asking these questions, the IRS is indicating that distribution of the form prior to filing is optimal. (This is one of those gold standard governing practices that is beneficial when using the form as a public relations material.) There are no federal tax laws requiring Form 990 review, and Form 990 does not mandate a written review policy. However, a written review policy is pragmatic for clarifying a specific process for distribution and procedural review by the governing body (like board of directors). This policy can also act as a reminder to nonprofit personnel to distribute the Form 990 draft accordingly and in a timely manner.

PUBLIC DISCLOSURE

Tax-exempt organizations exist to serve the greater good in some way or another, and thus some organizational documents must be made available to the public upon request. The public disclosure policy should highlight (1) what documents must the organization disclose, and (2) to what extent does it want to make other non-required documents and information available to the public.

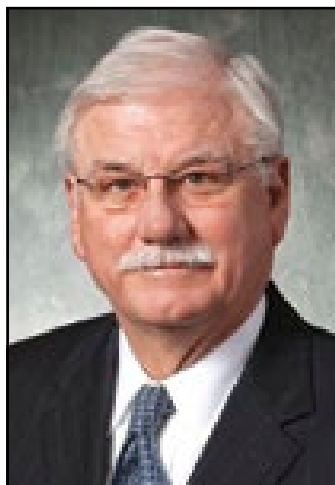
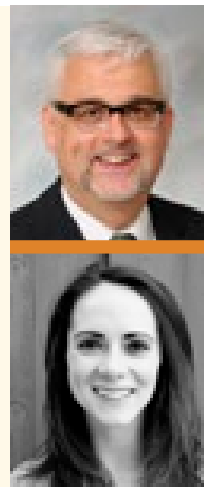
Form 990 specifically asks the filing organization to report if certain documents are made available to the public, such as governing documents (like the bylaws), conflict of interest policy and financial statements. Additionally, the form asks for the name, address and phone number of the individual(s) who possesses the financial "books" and records of the organization.

THAT'S (NOT) ALL FOLKS!

If the above seems like a lot, the policies discussed are not even a comprehensive list! Other policies referenced on Form 990, but not discussed here (as they're more specific to certain organizations) include joint ventures; conservation easements; independent governing body; and policies regarding chapters, affiliates and branches (if applicable). Needless to say, the more policies checked "yes" on Form 990, the better off your favorite nonprofit will be.

Gordon Fischer is an Iowa lawyer focused on promoting and maximizing charitable giving in Iowa. He always welcomes discussion on any aspect of nonprofit compliance and may be contacted at gordon@gordonfischerlawfirm.com and 515-371-6077.

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



HANSEN, MCCLINTOCK & RILEY LAWYERS

*All Types Civil Litigation
Mediation & Arbitration Services, including
commercial and employment disputes*

Chester C. "Trip" Woodburn, III

Fifth floor, U.S. Bank Building

520 Walnut Street

Des Moines, Iowa 50309

515-244-2141

515-244-2931 (Fax)

hmrlawfirm.com

My work on a **CLEMENCY CASE**

By Cynthia Tofflemire

In January 2014, the U.S. Department of Justice began an extraordinary project to shorten thousands of long sentences for nonviolent drug crimes handed down during an era of inflexible sentencing using President Barack Obama's clemency power. Because the influx of pro se petitions would have overwhelmed the Department of Justice's small Pardon Attorney Office, the DOJ asked private attorneys to volunteer.

About 1,500 attorneys volunteered to help eligible prisoners submit the best possible clemency petitions. They were led by five groups of criminal justice stakeholders: The American Bar Association's Criminal Justice Section, the American Civil Liberties Union, Families Against Mandatory Minimums, the National Association of Criminal Defense Lawyers, and a group of federal defenders – the heads of 84 offices of federal public or community defenders. This group of legal professionals set out to provide pro bono assistance to federal prisoners who would likely have received a shorter sentence if they'd been sentenced today under the amended sentencing guidelines.

Clemency Project 2014, as the effort was called, recruited and trained nearly 4,000 volunteer lawyers from diverse practice backgrounds, and completed screening of the more than 36,000 federal prisoner applications that requested volunteer assistance. The project's painstaking review of these cases revealed that the overwhelming majority of the requests were by applicants who did not meet the criteria put forward by the Department of Justice in April 2014. Clemency Project 2014 submitted nearly 2,600 petitions to the Office of the Pardon Attorney. Eventually, 1,715 commutations were granted by President Obama.



In May 2014, I read about the Clemency Project (CP) through the National Association of Criminal Defense Lawyers. I submitted my resume with state and federal license information and expressed my interest. After initial approval by CP that summer, I completed the training in August -- a series of eight hour-long online training video courses presented by the Federal Public Defenders Office -- and reviewed numerous memos and forms on the Clemency Project website.

In mid-October, I was assigned a client out of the Indiana Federal Court System currently housed in an Arkansas medium security facility. I initially assumed this was a mistake; I wasn't licensed in either Indiana or Arkansas. The Clemency Project director informed me that since a clemency application would be presented to the Federal Office of Pardon Attorney, any federal license was sufficient.

What followed were months of searching for documents in the case, which was now almost 20 years old. This was the first time I had never physically met a client I represented, and distance made the process of reconstructing his case difficult, though not impossible.

I first tried to get a sense of what had happened in my client's case in addition to what was provided in his handwritten application to the Clemency Project. With a signed release from my client, I fairly quickly received documents from the Bureau of Prisons. These records showed that at age 22 he had a rough initial six months in prison, but in the following 17 years, he had had few write-ups and those were for very minor violations, with no write-ups at all in the past nine years. He had taken numerous classes, worked regularly with good references from supervisors, and had qualified and been chosen to participate in an OSHA training course.

For several years, my client had volunteered for the suicide-watch program and had been trained and participated in that program with good reviews from staff and supervisors. He'd also been chosen to be one of the team captains of the basketball league that winter, and had been asked by

MEDIATION CENTER

Co-sponsored by Mediation Center of Minneapolis, MN
and the American Academy of ADR Attorneys of Indianapolis, IN

Upcoming events in Okoboji, Iowa:

30-Hour Civil Mediation Training – June 4-7
30 IA, NE, SD & MN CLE credits

6-Hour Civil Arbitration Training – June 8
6 IA, NE, SD & MN CLE credits

Upcoming events in Minneapolis, MN:

40-Hour Family Mediation Training – May 3-5 and 17-19

**Parenting Time Expediting and Parenting
Consulting Training – Oct. 2-5**

Our training is MN Rule 114 Certified, all CLE credits to be applied for
Call 612-222-0023, email staff@mediationcentermn.org,
or visit MediationCenterMN.org for more information

the education department to speak to the new class for black history month.

My client provided the name of his original defense attorney, the federal defender who had worked on his subsequent appeals, as well as the attorney who had represented him in his two prior misdemeanor cases. I interviewed them for any information they had on the case, their understanding of our client's case and the court he had been in. The Clemency Petition, if approved in committee and presented to the U.S. Pardon Attorney, would be thoroughly reviewed and vetted, with input requested of the local U.S. Attorney's office and the sentencing judge as well. I needed to know how my client might be perceived, then and now, by each of them.

OVERALL SENSE OF THE CASE

I called the original defense attorney for the file (now almost 20 years old), but he was unable to locate it. Thus began the arduous task of finding transcripts of the guilty plea, each pre-trial motion and hearing transcript, the trial transcript he testified in, post-trial filings and hearing transcripts, the appeal filings and transcripts, and each subsequent ruling by the courts. All of these documents were 12-18 years old. Luckily, the local Federal Public Defender's office had retained its documents electronically and emailed all of the appeal filings and rulings. This at least gave me some sense of the underlying case, but no underlying facts as the office did not have any documents prior to its representation in the appeals.

I called the federal clerk of court, hoping that neither my client's file nor the file of the trial testimony had been sent to storage because of their age. Luckily, the federal defender's appeal work had kept both files "current" in the clerk's office, but the clerk initially had difficulty finding them. Since I was out-of-state, the local federal public defender (a great resource and help, both in verbal support and in how things worked in that court system) had staff physically go down and copy documents for me then and on several occasions when I learned that other hearings had occurred and were relevant.

SEARCH FOR TRIAL TRANSCRIPT

However, neither the federal public defender nor the clerk of court, despite extraordinary efforts, could find the trial transcript from the case that my client had

testified as a government witness. Another local attorney, a local law school professor who with his students were also volunteering in the Clemency Project, obtained some additional documents that also needed to be looked at, and was a great help in assistance, moral support and upbeat energy, but could not find the transcript.

My client checked his locked storage area at the prison and found a copy of the transcript. He mailed it to me and upon review, it was missing a few pages. It also was not official, but so far was the best we had. Further searching in his locked area uncovered a few more pages that had ended up with other documents. Eventually we had all but two pages of his unofficial trial transcript copy.

My client's unofficial transcript (minus a few pages) at least provided the remaining part of the story, and a framework to review the rest of the filings, since it was here that most of the issues had occurred. It did create some stress, however, wondering whether there were any smoking guns on those two pages that the U.S. Attorney could use to potentially derail what otherwise looked like a possible clemency petition.

The Clemency Project standards required a review of all these documents to determine whether the applicant:

- Is currently serving a federal sentence in prison and, by operation of law, likely would have received a substantially lower sentence if convicted of the same offense(s) today;
- Is a non-violent, low-level offender without significant ties to large-scale criminal organizations, gangs or cartels;
- Has served at least 10 years of the prison sentence;
- Does not have a significant criminal history;
- Has demonstrated good conduct in prison; and
- Has no history of violence prior to or during the current term of imprisonment.

Most requirements were pretty easily checked off. However, likely sentencing term was complicated, as was the determination of non-violent, no history of violence. There was a training video regarding the sentencing term, but the project also had someone who would calculate that for you, which was a helpful backup.

The issue of determining violence was

complex – what drug case has no violence or threat of violence, particularly a conspiracy that lasted for a period of three to four years?

In short, my client participated in a conspiracy to sell drugs for three to four years while he was 16 to 21 years old, working for his older half-brother. They sold in their neighborhood and were not part of a large gang or cartel. My client was offered 20 years by the U.S. Attorney if he didn't testify and 15 years if he testified against his half-brother and two other defendants. At 21 years old, he agreed to a 15-year term, pled guilty and testified for the government. He helped convict all three defendants, including his older half-brother.

The U.S. Attorney was unhappy with his testimony, however, and withdrew the offer after my client testified. The terms of the plea agreement were such that the guilty plea could not be withdrawn. The judge rescinded my client's "taking responsibility" points for testifying and added two points for perjury, although no perjury charge was

MANAGE EXCHANGE AND PROFESSIONAL RISK WITH THE MIDWEST'S PREMIER EXCHANGE RESOURCE



QUALIFIED
INTERMEDIARY
SERVICES

IPE 1031
6150 VILLAGE VIEW DRIVE • SUITE 113
WEST DES MOINES, IA 50266
515.279.1111 • 888.226.0400



FAX 515.279.8788
WWW.IPE1031.COM
INFO@IPE1031.COM



1031 EXCHANGE

ever filed. A subsequent hearing on the alleged perjury issues determined that my client in fact truthfully testified.

When I began representing him he had been incarcerated over 17.5 years; with good time he had served over 20 years and would have been out of prison if he hadn't assisted the government by testifying and aiding them in the conviction of three defendants.

Ultimately, after a thorough review of the plea agreement, hearing and trial transcripts, post-trial filings, appeals, rulings, interviews with attorneys and client input, it became clear that this case had potential as a Clemency Project case.

I prepared the Clemency Petition for the committee in the required format. We could not "retry" the case, but had to review each of the above-listed issues, list out each potential problem, provide related documents for review, and specify why the application qualified as a Clemency Petition under the Clemency Project Guidelines, and what the

client likely would have been sentenced to today under the new guidelines. I attached the relevant documents, and in my summary added that this was a case that "cries out for clemency."

The Clemency Project Review Committee reviewed my filing, asked questions and asked to review additional documents. I revised the filing and submitted a few additional requested documents. After further review, unfortunately, although they felt my client was deserving of clemency, they also did not feel he met the tight requirements of the CP. The committee chair encouraged me to file a clemency petition myself, and agreed that there were compelling issues to be addressed in my client's file.

One additional requirement of the Clemency Project was that all other options for sentence reduction had to be exhausted before a clemency petition could be filed. The federal government had issued sentencing guideline reductions and our client had not yet applied for reduction under the last revision. We informed the current U.S. Attorney's office of our intention to file a petition for sentencing reduction under the current guidelines, provided proof of our client's progress and current status, and the office agreed that he was a candidate for reduction by the guidelines.

A Petition for Sentencing Reduction Pursuant to Guidelines was prepared and filed with the original sentencing judge in Indiana on February 4, 2016, with a letter that explained our plan to file a request for clemency after he ruled on the sentencing guideline reduction. We requested a reduction to the lowest level available under the current sentencing revision -- 324 months. The U.S. Attorney responded and agreed that our client was eligible for the reduction but argued that sentencing should be at the top of the scale -- 405 months. Although the U.S. Attorney had agreed that our client was eligible for the sentencing reduction, the judge could

determine that our client did not qualify for the reductions and should continue with his life sentence.

In mid-December 2016, the federal judge issued his ruling which granted my client a reduction from his life sentence to a term of 384 months. At this point, there was only one month left of President Obama's term, which was not enough time to file a clemency petition, have it reviewed and vetted. I wrote my client that I had good and bad news, informed him of the court's reduction and the inability to file a clemency petition, and included a copy of the court's ruling. I received the following letter from my client: "...When I first opened your envelope and read the cover letter, I must say that I held and reread that letter over and over for like thirty minutes before I even noticed the Judge's order. When my joy somewhat subsided a little bit, I decided to go ahead and read his order. I must admit reading that I no longer have a life sentence, but instead I now have 384 months, I experienced an amount of overwhelming joy, but the joy that the Judge's order gave me was almost on the same level. The joy he allowed me to feel was a different kind of joy, his was more like a sad kind of joy. ..." (Judge's name removed for client privacy purposes).

What an odd combination of feelings... joy and excitement that my client now had a door rather than a life sentence, sadness that he didn't get the opportunity to apply for clemency, and anger at the judge for one last time sticking it to this client. My client currently has seven to eight years left to serve with presumed good time. His family is excited to one day see him outside again.

I'm glad that I participated in the Clemency Project. It was a worthwhile endeavor, interesting and challenging. I worked to make a difference for a client and accomplished that, just not in the manner we had initially planned. I hope that this encourages other attorneys to take a pro bono clemency case.

Grow your nest egg, not your tax bill.



Qualified intermediary
services for all types of
Section 1031 exchanges



Ken Sharp

CES

Certified Exchange Specialist

800-805-1031 • 515-224-5259

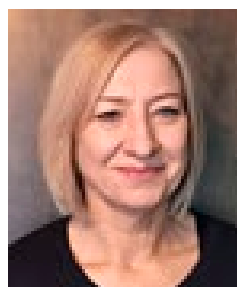
4800 Mills Civic Pkwy Suite 205
West Des Moines IA 50265

iowaequityexchange.com

Standard Exchanges • Reverse Exchanges •
Construction & Improvement Exchanges •
Business Asset Exchanges • Collectible Exchanges

**IOWA
EQUITY EXCHANGE**

INTEGRITY. PRECISION. SECURITY.



Cynthia Tofflemire has over 25 years of experience as an attorney, working the last 12 years in Minneapolis. In March, she left the Robins Kaplan law firm in Minneapolis to become the Public Defender for the Sac & Fox Tribe of the Mississippi in Iowa. She is a lifelong Iowan who enjoys spending time with her family and granddaughter Charlotte, reading, time with her pets, her perennial garden, and traveling. She also enjoys knitting and participated in the American Legion's "Toasty Toes" project and personally knit 250 sets of slippers and 125 headbands for soldiers in Iraq.

Kudos

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

Robert Oberbillig, for receiving Drake University Law School's newly-created Distinguished Public Service Award. Oberbillig is Clinician in Residence and director of the Elder Law Clinic at Drake Law School, and has given back to the community for six decades. Oberbillig previously received The Iowa State Bar Association Rolland E. Greffe Pro Bono Publico Award.

Karen Shaff, for receiving the Drake University Law School Alumna of the Year award. Shaff is the executive vice president, general counsel and secretary of Principal Financial Group. She previously served on the ISBA Board of Governors.

Anjela Shutts, for receiving the 2018 Willie Stevenson Glanton Award from the Polk County Bar Association. Shutts practices in family law at Whitfield & Eddy Law. Shutts also recently was named to the Luther College Board of Regents.

Kristina Stanger, for being named Drake University Law School's Recent Alumni of the Year. Stanger is a lieutenant colonel in the U.S. Army and partner at Nyemaster Goode PC in Des Moines, where she focuses on commercial litigation.

Jo Ellen Whitney, chair of the employment and labor law department at Davis Brown Law Firm in Des Moines, for being selected by the National Sheriffs' Association to become a new member of the United States Supreme Court Bar. Whitney was nominated by Sheriff Paul Fitzgerald of Story County. In her health law practice, she often works with county sheriffs when she is called to advise hospitals with crises in the emergency room, drug diversion issues, and dealing with patient and provider issues stemming from the opioid crisis.

Jeff W. Wright, a partner at Heidman Law Firm in Sioux City, for being inducted as a Fellow of the American College of Trial Lawyers. Wright is a trial attorney and general civil litigator who represents individuals, companies and insurance carriers. Fellowship in the college is extended by invitation only.

In Memoriam

Jerrold 'Jerry' Jacobsen, 92, of Cedar Falls died Feb. 28.

Jacobsen was born in Kansas City, Missouri, in 1925. He served in the U.S. Army Air Corps from 1943-45 and received his J.D. from the University of Iowa College of Law in 1952. He worked as an attorney in Cedar Falls for 62 years, retiring in 2015.

Joseph J. Straub III, 61, of Algona died Dec. 30.

Straub was born in 1956 in Rockville Centre, New York. He received his J.D. from Creighton University School of Law. Joe practiced law in Indianapolis, Indiana, and later in Algona. He was a member of the Bar in Indiana and in Iowa and served as past president of the Kossuth County Bar Association.

Michael Voorhees, 76, of Waukee died March 1.

Voorhees was born in 1941 in Des Moines. He received his J.D. from Drake University Law School. He practiced law at McKee, Voorhees, & Sease for 40 years. Mike served the YMCA as Chairman of the Y-Camp Board and the Des Moines YMCA Board. He also served on the National YMCA Board.

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

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

Jack Schroeder, 92, of Sarasota, FL died Dec. 19.

Schroeder was born in 1925 and served in the U.S. Navy in the Pacific Theater from 1942-46. He graduated from Drake University Law School in 1952 and became a partner in the Law Firm of Filseth and Schroeder. In 1951, he was elected to the State of Iowa House of Representatives until 1955. Then he was elected as an Iowa Senator, where he became majority leader of the Senate until his retirement in 1967.

John W. Sabbath, 86, of Cedar Falls died Feb. 9.

Sabbath was born in 1931 in Muscatine. He served in the U.S. Army and received his J.D. from the University of Iowa College of Law in 1959. John practiced law until retirement in 2017 from Reed, Merner & Sabbath Law Firm in Cedar Falls. He was a member of the Black Hawk County Bar Association, where he was president from 1984-1985, and the Iowa State and American Bar Associations for more than 55 years.

EXCELLENCE in Expert Litigation and Business Valuation (USPAP)

Contact Mike at mmesch@tld-inc.com.

Terry Lockridge & Dunn
Accountants and Business Consultants
www.tld-inc.com
Cedar Rapids • 221 3rd Avenue, Suite 215 • 319.364.2945
Iowa City • 2225 Mormon Trek Blvd. • 319.339.4884



PATTERSON LAW FIRM, L.L.P.
Mediations and Arbitrations

Jeffrey A. Boehlert

*Personal injury, employment claims,
business and commercial disputes*

*Member, American Academy of ADR Attorneys,
AV Rated, over 35 years of litigation experience*

jboehlert@pattersonfirm.com

Patrick V. Waldron

*Specializing in workers' compensation
and civil litigation*

*Member of American Academy of ADR Attorneys,
AV Rated, over 20 years of civil litigation and
workers' compensation experience*

pwaldron@pattersonfirm.com

Gregory A. Witke

All types of civil litigation

*Member of International Academy of
Dispute Resolution, AV rated with 30 years
of litigation experience*

gwitke@pattersonfirm.com

515-283-2147

505 Fifth Avenue, Suite 729
Des Moines, IA 50309

www.pattersonfirm.com



What is Iowa LawPAC?

Iowa LawPAC is the political action committee (PAC) of The Iowa State Bar Association. Its Board of Directors is composed equally of Republican and Democratic members, appointed by the ISBA President. Iowa LawPAC contributes only to state legislative races and its first priority is to support lawyer-legislator candidates.

Please consider contributing today at one of the following levels:

- **\$75** for Contributor status
- **\$100** for Sustaining Contributor status

For more information on how to donate, visit iowabar.org/WhatIsLawPAC.

Left: ISBA Legislative Counsel Jim Carney and ISBA Executive Director Dwight Dinkla honored the family of the late Edwin "Ed" Skinner at the winter 2017 ISBA Board of Governors meeting for their generous and long-time support of Iowa LawPAC. Skinner practiced law in Altoona and was the city attorney for the cities of Altoona and Pleasant Hill. He served in the Iowa House of Representatives from 1969 to 1973. Members of the Skinner family who were recognized with a standing ovation from the BOG included Ed's widow Lois and children Brad Skinner and Geri Huser, both ISBA members.

IOWA STATE BAR ASSOCIATION — 2018 Affirmative Legislative Program

Bill No./Subject	Description	Status
SF 2314 Business Law Technical Changes	Amends §504.832 to add an explicit reference to section §504.836 authorizing a safe harbor for business opportunities. Amends §491.16A to include §§490.860 through 490.870 as these sections were not picked up when the Iowa Business Corporation Act was last amended. Clarifies language in Code §§ 9H.1 and 9H.4 regarding nonprofit corporations. The clarification is simply to ensure that all previous nonprofit chapters are included within the definition and restrictions of the chapter. Iowa's nonprofit chapter has been Chapter 504, 504A, and returned to 504.	Senate – Passed Unanimously on the Floor; House – Placed on Unfinished Business Calendar
SF 2139 Waiver of Spousal Share	Amends the Iowa Uniform Power of Attorney Act by adding a new subsection (10) to 633B.204 to clarify that an agent under a power of attorney may waive or relinquish a spousal right, homestead, and elective share if the principal has granted the agent Gen. Powers under the real property section 204 to 633B.	House – Passed Unanimously on the floor; Senate – Passed Unanimously on the floor Signed by Governor
HF 639 Calculation of Probate Court Costs	Relates to how the clerk of probate court determines and collects charges regarding services provided in probate matters. Excludes from the determination of court costs property over which the court lacks probate jurisdiction and for which the clerk renders no services. Specifies that for purposes of calculating the costs for other services performed by the court in the settlement of the estate of any decedent, minor, person with mental illness, or other persons laboring under legal disability, the value of such a person's personal property and real estate is equal to the gross assets of the estate listed in the probate inventory minus, unless the proceeds of the gross assets are payable to the estate, joint tenancy property, transfers made during such person's lifetime such as to a revocable trust, and assets payable to beneficiaries.	House Ways & Means No Senate Companion
SF 2098 Conforming Probate Code to EDMS Standards	Conforms old probate statutes with EDMS standards and procedures. Amends §633.22 (Probate Powers of Clerk), Amends §633.27 (Probate Docket), Deletes §633.72 (Manner of Service), Amends §633.82 (Designation of Attorney), and Amends §633.418 (Form and Verification of Claims).	Senate – Passed Unanimously on the floor; House – Passed Unanimously on the floor Signed by Governor
SF 2099 Small Estate Changes	Amend §635.7 to clarify that, when the Personal Representative files a statement of conversion to or from small estate administration, the Clerk will make the conversion without court order; and amend §635.8 to provide clarification to the procedure for closing by sworn statement.	Senate – Amended a second time and Passed Unanimously on the floor and messaged back to the House; House – Awaiting floor vote on newly amended language
SF 2234/ HF 2229 Revised Calculation of Probate Court Fees	Code §633.31 is currently being applied inconsistently throughout the state. There are now several district court cases declaring the clerks in at least six counties to be calculating court fees inappropriately. The bill addresses how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court fees property over which the court lacks probate jurisdiction and for which the clerk renders no services. Increases fees in §633.31 to keep impact of change in treatment of non-probate assets revenue neutral to the state by striking the existing fee structure and creating at 0.25% administration fee. The legislation also creates a \$185.00 filing fee while removing many of the individual charges associated with probate.	Senate – Awaiting Ways and Means Committee Vote House – Passed through Ways and Means
SSB 3011/ HSB 606 Funeral Directives	Funeral and burial costs are paid from a decedent's estate, but the decedent is not given a say in the funeral and burial process. The proposal will allow a person to define "reasonable funeral and burial costs" so that an heir cannot subvert the person's testamentary intent.	Awaiting subcommittee in the Senate (Sinclair, CH., Edler & Taylor); House - Subcommittee did not recommend passage

Updated 3/30/18

SMART FOR YOUR CLIENTS

Good for Your Community

ENDOW IOWA TAX CREDIT PROGRAM

Your local community foundation can help your clients support the causes they care about. Charitable donations may qualify for the Endow Iowa 25% state of Iowa tax credit — letting your clients give for less. To learn more visit:



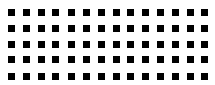
IOWA
COMMUNITY
FOUNDATIONS

IowaCommunityFoundations.org

IOWA STATE BAR ASSOCIATION — 2018 Affirmative Legislative Program

Bill No./Subject	Description	Status
HF 2125 Very Small Estates	Amends Code § 633.356 addressing the distribution of property by affidavit for a very small estate. The legislation increases the amount of a qualifying estate from \$25,000 to \$50,000. Also adds to the current requirements of the affidavit the following: that no debt is owed to the Iowa Department of Human Services for reimbursement of Medicaid benefits, or if there is it will be paid to the extent of the funds received; that no inheritance taxes are owed; and that creditors will be paid to the extent of funds received pursuant to the affidavit.	Senate – Passed Unanimously on the floor; House – Passed Unanimously on the Floor Signed by Governor
SF 2303 Deferred Payment of Taxes – Options to Bonding	Amends §450.48 to clarify satisfactory security to the Department of Revenue to include but not be limited to bank or securities accounts with an irrevocable pay on death or transfer on death provision naming the department of revenue, an escrow agreement with an attorney under which the funds will be held in the attorney's trust account, or the lien imposed by the chapter.	Senate – Passed Unanimously on the Floor; House – Placed on Unfinished Business Calendar
SSB 1090 Rule Against Perpetuities	The bill creates an exception to the rule against perpetuities if the Trustor explicitly suspends the rule and if the Trustee has the power to sell trust assets.	SSB1090 No House Companion
HF 2318 Redemption from Tax Sale of Property Owned by Persons with Disabilities	Remedies issues arising from Iowa Court of Appeals decision Firestone v. FT13 (Filed 4-30-14) relating to redemption issues arising from ownership of property by minors or persons of unsound mind.	Senate – Passed Unanimously on the Floor; House – Passed Unanimously on the Floor Signed by Governor
HF 2232 Requirements for Timely Filing of Releases or Satisfaction of Mortgages	Remedies ambiguities and inconsistencies in existing statutes & provides remedies for failure of mortgagees to issue releases of mortgages.	Senate – Passed Unanimously on Senate Floor; House – Passed Unanimously on the Floor Signed by Governor
HF 2175 Real Estate Partitions	This bill completely reorganizes and rennumbers Iowa Code chapter 651, and repeals Division XII of the Iowa Rules of Civil Procedure governing partition procedures. The proposed legislation divides chapter 651 procedures into two divisions, general procedures applicable to all partitions and special procedures applicable to “heirs property,” partitions. This bill adds a definition section, new sections clarifying court procedures governing the initial decree, the appointment of a judicial referee, the appraisal order, and the final determination of real property value. Finally, this bill specifically authorizes the equitable remedy known as “owelty” in Iowa partition actions and provides that attorney fees in partition actions are to be fixed by the court in a reasonable manner and taxed as part of the court costs.	Senate – Passed Unanimously on the floor; House – Passed 99-1 on the floor Sent to Governor
HSB 63 Forcible Entry & Detainer Actions After Forfeiture of Real Estate Contracts	Makes changes to procedures for eviction after forfeiture of a real estate contract. Grants statutory authority under Code Chapter 648 for a vendor in a real estate installment contract to seek Forcible Entry & Detainer action against holdover vendee who fails to vacate after forfeiture proceedings are complete, while affording holdover vendees proper due process. Allows small claims magistrates to hold preliminary hearings in forfeiture cases and to enter judgments of removal only if the defendant defaults or appears and does not raise facts which would constitute a defense to eviction.	Aln House Judiciary No Senate Companion

Updated 3/30/18



2018 Bench-Bar IN THIS TOGETHER



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

If you've never been, there's no better time to see for yourself the great fellowship that happens at the Bench-Bar Conference. What other CLE features golf, bike riding, beer tasting, an art and wine event, and fun walks/runs with Iowa lawyers and judges? Come see for yourself May 9-11 in Waterloo!



"THE BENCH-BAR CLE IS AS MUCH ABOUT THE SOCIAL ASPECT AS IT IS THE EDUCATIONAL. AS A YOUNG LAWYER, I REALLY ENJOYED THE OPPORTUNITY TO GET TO KNOW IOWA JUDGES OUTSIDE THE COURTROOM. WHEN YOU'VE BIKED WITH A DISTRICT COURT JUDGE OR WINE-TASTED WITH A SUPREME COURT JUSTICE, IT MAKES APPEARING IN COURT A LESS NERVE-WRACKING EXPERIENCE. I'VE BEEN TO TWO OF THESE CLES AND I HAD A GREAT TIME AT BOTH OF THEM. TURNS OUT JUDGES KNOW HOW TO HAVE FUN, TOO!"

*Gina M. Christensen Messamer,
Parrish Law Firm – Des Moines*

Drake | Law School
UNIVERSITY

2018 Continuing Legal Education

Health Law Intensive: Privacy and Information Security in Health Services
April 20-21

How to Represent Clients Before the IRS
May 2

Cradle to Grave - Innovations in Family Law CLE Webinar Series
(Co-sponsored by the Iowa State Bar Association)
April 25 - Substance Abuse Issues in Family Law
May 9 - Custody Evaluations
June 13 - Child Support Guidelines

For more information: www.drake.edu/law/cle or 515-271-2024 (choose option 3)



"Bench-Bar is a great opportunity for lawyers and judges of all levels of experience to get to know and learn from each other, and is especially important today because EDMS has significantly reduced face-to-face interactions at Iowa's courthouses. The recreation and social events, casual attire and first name requirement engender an enjoyable environment conducive to collaboration and relationship building. Time well spent!"

Justice Thomas D. Waterman, Iowa Supreme Court



"THE BENCH-BAR CONFERENCES ARE AMONG THE BEST LEGAL EVENTS IN IOWA. THEY ARE WONDERFUL OPPORTUNITIES TO GET TOGETHER OUTSIDE THE COURTROOM OR OFFICE. IF WE ARE TO PROMOTE COLLEGIALLY AND CIVILITY, THERE IS NO BETTER PLACE THAN THIS."

Chief District Judge John Jarvey, Southern District of Iowa

"For the last 20 years, the Iowa Bench-Bar Conference has served as a catalyst for evolving collaborations between lawyers and judges. Examples are legion. It was at a Bench-Bar Conference that lawyers and judges reached a joint resolve to manage unrepresented litigants rather than resist their participation in the legal system. It was the Bench-Bar discussion that energized much needed aid by lawyers and judges in outreach and public-education efforts when ramped-up communication was critical to public trust and confidence in the Iowa courts. The conference has led the way in bringing Iowa's legal thinkers and doers together to address other reforms, too, in technology, cost-effective justice, access to justice and courthouse security--just to name a few."

Senior Judge Annette J. Scieszinski, District 8A

"Heather Prendergast and I talked at the 2016 Bench-Bar Conference in Davenport about trying to get the next Conference to Waterloo because there are so many great things that this community is doing, from renovating historic buildings downtown (including the hotel that is hosting the conference), supporting its museums and cultural districts, and building new spaces that are vastly improving our city. Waterloo has many people dedicated to its success, and a lot of this work is now coming to fruition. I'm excited that so many in the Iowa legal community will be able to see some of these great things firsthand during the conference."

Luke C. Jensen, Swisher & Cohrt, P.L.C. - Waterloo

"There has never been any other seminar where I have departed with a renewed sense of purpose and energy about my practice and my colleagues other than Bench-Bar. Having the ability, over three days, to socialize, communicate and connect with other members of your profession in a relaxed, casual environment is essential. In this current environment where email often rules, personal contact has lost its way. Bench-Bar can remind both seasoned lawyers and new lawyers that personal contact can always be successful."

Heather Prendergast, Roberts Stevens & Prendergast PLC - Waterloo

Bench-Bar registration fees

Attorneys

ISBA YLD Members (1-5 years) - \$150

ISBA Members - \$260

Non-ISBA Members \$360

Judges

ISBA Member Judges - \$125

Non-ISBA Member Judges - \$150

Law Clerks

\$125

See registration information on page 21.

Need Business Valuations and Litigation Support?

Over 30 years of experience in litigation support, forensics and business valuations.

Cyril Ann Mandelbaum

CPA/ABV/CFF, ASA.*

*Accredited in Business Valuation by the AICPA; Certified in Financial Forensics by the AICPA; Accredited Senior Appraiser by the American Society of Appraisers.

When credentials count.

Cyril Ann Mandelbaum, CPA

4500 Westown Parkway, Suite 125

West Des Moines, Iowa 50266

Phone: 515.222.6203

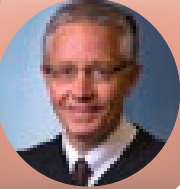
E-mail: cyril@cyrilmandelbaum.com

Bench-Bar Conference

**IN THIS
TOGETHER**

*May 9-11
Courtyard by Marriott
Waterloo*

Presenters
include:



Cady



Mansfield



Lekar



Randell



Samuelson



Tabor

There's **NO BETTER
TIME** to see for
yourself the great
fellowship of the ISBA
than at **THIS YEAR'S**
Bench-Bar Conference.

Exceptional CLE presentations
mixed with:

- *Golfing*
- *Biking*
- *Painting*
- *Exploring*

The perfect CLE event!

www.iowabar.org/event/2018BB

Registration Form: 2018 Bench-Bar Conference

Name: _____ Member #: _____ Phone #: _____

Address: _____ City, State, Zip: _____

E-mail: _____

REGISTRATION FEES

Prices below reflect the early-bird registration fees. Registering after May 4 will result in a \$50 late fee being added on to your registration fee amount.

Attorneys

☐ ISBA YLD Members (1-5 years) - \$150
☐ ISBA Members - \$260
☐ Non-ISBA Members \$360

Judges

☐ ISBA Member Judges - \$125
☐ Non-ISBA Member Judges - \$150

Law Clerks

☐ Law Clerk - \$125

Social Events

Please select participating events:

Wednesday - May 9

☐ Court of Appeals Reception at the John Deere Museum*

Thursday - May 10

☐ Fun Run and Walk* ☐ Tennis and Biking (rentals not included)*
☐ Golf - \$40 (not included with registration) ☐ Iowa Supreme Court Reception & Banquet*

Group painting will take place at 515 Wine with Design. Attendees must register through the company's website. See Bench-Bar event page for information.

Friday, May 11

☐ Fun Run and Walk*

**complimentary event with registration*

Thursday's Lunch (provided with in-person registration): ☐ Yes ☐ No

Method of Payment: ☐ Check enclosed Check Number _____
☐ Master Card ☐ Visa ☐ American Express ☐ CLE Season Pass**

***CLE Season Pass holders, please note that the pass will cover the cost of the CLE program, however, it will not cover the cost of the golf or wine event.*

TOTAL: \$ _____

Credit Card #: _____ Exp. Date: _____

Cardholder Signature: _____

Special Considerations (dietary, hearing, vision, etc.): _____

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

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

Cancellation policy: Registration refunds will be issued only if written notification is received by the Bar Office by May 1, 2018. Written notification can be mailed, faxed, or e-mailed to the bar office.

Transitions



Archer

Elisabeth Archer has joined The Weinhardt Law Firm in Des Moines as an associate where she will focus on complex civil disputes and white collar criminal defense. Archer served as an Assistant Polk County Attorney in Des Moines prior to joining Weinhardt, and served as a judicial clerk for Chief Judge John A. Jarvey of the United States District Court for the Southern District of Iowa. She received her J.D. from the University of Iowa College of Law and interned with the Honorable Edward Mansfield and the Honorable Thomas Waterman of the Iowa Supreme Court, as well as with the United States House of Representatives in Washington, D.C.



Duffy

Keith Duffy has been admitted to Nyemaster Goode, P.C., in Des Moines as a shareholder. Duffy is a member of the firm's litigation department, and his practice includes the defense of claims of bad faith related to the handling of workers' compensation submissions. He has represented insurance carriers, employers and administrators accused of bad faith denial of benefits in state and federal court and has also represented clients before the Iowa Workers' Compensation Commissioner.



Juarez

Cesar Juarez and Lawrence J. Roland have joined Goosmann Law Firm in Sioux City.

Juarez has been named partner in the firm's Sioux Falls, South Dakota, office. He advises business and governmental entities in cases where the accuracy and content of Spanish communications are important. He works with business owners, executives and HR professionals to facilitate the accurate communication of personnel policies and procedures to Spanish-speaking employees.



Roland

Roland joins the firm's Omaha office. He solves problems involving trucking and transportation, employment and labor law, litigation and trial law, banking and finance, business, administrative law, cyber law and telecommunications, and estate and business succession planning.



Verhulst

Thomas C. Verhulst has been named a partner at Beecher, Field, Walker, Morris, Hoffman & Johnson, P.C. in Waterloo. He joined the firm in 2015 to serve clients seeking legal counsel in civil litigation, personal injury, business, real estate and estate planning. He received his J.D. from the University of Iowa College of Law in 1988. He is licensed to practice in the State Courts of

Iowa, the Federal Courts of the Northern and Southern Districts of Iowa and the United States Supreme Court.



Modrick

Alec J. Modrick has joined the Lynch Dallas, P.C., law firm in Cedar Rapids as an associate attorney. Modrick received his J.D. from the University of Iowa College of Law in 2015. He is a member of the firm's tax and estate planning, probate & trust administration practice groups. Before joining Lynch Dallas, P.C., he practiced with Prichard Law Office, P.C. in Charles City. Modrick's practice will focus on transactional law.



Randall

Justin J. Randall has joined McCormick & Associates, P.C. in West Des Moines as an associate attorney. Randall received his J.D. from Drake University Law School in 2009. He will maintain a general litigation practice with a focus on creditors' rights, landlord-tenant disputes, family law, personal injury, commercial law and DUI and traffic defense. Prior to joining the firm, Randall worked in the commercial claims unit of a national property and casualty insurer and as a litigation attorney in private practice.



Wilson

Sarah Wilson has joined BrownWinick Law Firm in Des Moines as an associate. She received her J.D. from Drake University Law School in 2017. During law school, she was a law student intern for the Attorney Disciplinary Board at the Iowa Judicial Branch, represented the Program Integrity Department at AmeriHealth Caritas Iowa, was a certified student attorney at the Drake Legal Clinic – Juvenile Delinquency Clinic and at the Legal Aid Society of Story County.



Landex Research, Inc.
PROBATE RESEARCH

**Missing and Unknown Heirs Located
With No Expense to the Estate**

Domestic & International Service for:

*Courts

*Trust Officers

*Lawyers

*Executors

1345 Wiley Road, Suite 121, Schamburg, Illinois 60173

Telephone: 800-844-6778 FAX: 847-519-3636

www.landexresearch.com



CLE Calendar

May 1

Current State of Medical
Malpractice in Iowa
(Live Webinar)

May 4

Government Practice
Seminar
(In-person or Live Webinar)

May 9

Custody Evaluations
(Live Webinar)

May 16

Copyright Law and
Recent Updates
(Live Webinar)

May 14

SHIIP: Helping Your
Clients with
Medicare Issues
(Live Webinar)

May 18

Tax Law Update
(In-person or Live Webinar)

May 9-11

Bench-Bar Conference
Courtyard by Marriott
Waterloo

May 21

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

May 29

Social Media Discovery
Issues in Litigation
(Live Webinar)

June 13

Bringing and Defending
Willful Infringement
Claims
(Live Webinar)

June 13

Child Support Guidelines
(Live Webinar)

www.iowabar.org/calendar



MINNESOTA LAWYERS MUTUAL
INSURANCE COMPANY

You can trust 30+ years
of experience protecting lawyers.



Put your trust in the carrier
created by lawyers,
run by lawyers,
exclusively serving lawyers.

- Works exclusively with lawyers professional liability insurance
- Specializes in solo to mid-size firms
- Returned over \$49 million in profits to policyholders since 1988
- Offers an array of services to mitigate risks

Protecting Your Practice is Our Policy.™

Get a fast quote today!

www.mlmins.com

or contact Clayton Jones

402-699-1985 or cjones@mlmins.com

Board of Governors SPRING QUARTERLY MEETING

ISBA BOG nominates officers, approves creation of scope and correlations-focused task force

During the spring ISBA Board of Governors quarterly meeting in Des Moines, the BOG approved nominations of new 2018-2019 ISBA officers, acted on committee recommendations and heard reports on key issues impacting Iowa attorneys.

Actions

- Approved Iowa Legal Aid's resolution and confirmation of Iowa Legal Aid Board Members.
- Approved the nomination of new 2018-2019 ISBA officers, Bill Boyd – President-elect, Jerry Schnurr III – Vice President, and ABA Delegate candidate, David L. Brown.
- Approved the Ways and Means Committee's recommendation to increase section dues by \$5 in 2018-2019.

- Approved amendments to the ISBA Bylaws recommended by the Scope and Correlations Committee and the creation of a task force to review the ISBA Board of Governors structure and the ISBA YLD Board structure.
- Authorized ISBA staff to develop and implement the public outreach programs on a variety of legal topics that provide legal information and refer attendees to an appropriate resource including the ISBA Find-A-Lawyer program.

Reports

President's Report - President Steve Eckley

ISBA President Eckley provided a report on activities since the last board meeting. The ISBA was active in responding to pro-

posals to cut the Judicial Branch's funding as well as proposed legislation to require a super majority vote for the Supreme Court to hold a statute unconstitutional. President Eckley reported that he traveled to meet with various local county bar associations. He also recently wrote a letter to the editor of the Mason City Globe Gazette on the independence of the judiciary.

ISBA Executive Director's Report – ISBA Executive Director Dwight Dinkla and Assistant Executive Director Harry Shipley

ISBA Executive Director Dinkla provided a report on membership. He also introduced Christy Cronin, who is the ISBA CLE Director. In 2017, Cronin was responsible for 331 hours of ISBA CLE programming.

Harry Shipley, assistant director of the ISBA, made a presentation on services available (or soon to be available) to members, including an ISBA child support calculator. At the ISBA Annual Meeting, there will be sessions on services available to members. Shipley also reviewed the enhanced section and committee webpages that are being developed. He also reported on a proposal for the ISBA to organize outreach programming to help people understand the legal process. The board approved the program, which will have no funding impact on the ISBA.

ISBA Ways & Means Committee Chair Eric Turner reported on the financial condition of the ISBA. A recommendation by the committee to increase section dues by \$5 was discussed and approved. The ISBA is investing in technology upgrades that will have a significant positive impact on sections.

YLD President's Report - YLD President Tom Hillers

YLD President Hillers and Kyle Fry

Right: Robert Fischer, a member of the Board of Governors from District 6, reported on his experience in losing his office building in a fire. There is an article in the March 2018 Iowa Lawyer on Robert's experience. As part of his presentation, he discussed the importance of scanning documents, maintaining documents in a secure location and conducting a regular insurance review to make sure there is adequate coverage.

Attention Iowa Litigators Need to schedule mediations?

OCTOBER 2018

Sun	Mon	Tue	Wed	Thurs	Fri	Sat
			1	2	3	
	4	5	6	7	8	9
	10	11	12	13	14	15
	16	17	18	19	20	21
	22	23	24	25	26	27
	28	29	30	31		

www.iowaMediators.org



Left: Both Senator Brad Zaun, the chair of the Senate Judiciary Committee, and Representative Zach Nunn, the chair of the House Judiciary Committee, spoke to the board about various legislation as well as the challenges regarding the Judicial Branch funding.

gave a presentation on the threats of technology to the practice of law. They reviewed the development of advanced computer programs that are threatening to replace work that otherwise is performed by lawyers. Several companies have programs being designed to provide services in the areas of real estate law, family law and other areas. It was noted that there is a great need to market the value and benefit of lawyers. There will be an effort to facilitate targeted marketing in Iowa promoting the value and benefit of lawyers. The effort will first focus on certain communities in Iowa.

Maggie White, YLD vice president, reported on the mentoring program. YLD has matched 52 mentees with 56 mentors.

Reports from the Law Schools

Gail Agrawal, dean of the UI College of Law, announced that Kevin Washburn

from the University of New Mexico Law School has been appointed the 18th dean of the College of Law. He will start in June. Dean Agrawal also reported that law school applications were up from last year and that the Class of 2017 employment results were very good.

David McCord, assistant dean of Drake Law School, reported on two new hires at Drake. Suzanne Pritchett from the University of Wyoming Law School has been named director of clinical and experiential programs and associate professor of law. Chris Holman will be joining Drake from University of Missouri – Kansas City and will be teaching intellectual property law.

Scope and Correlation Committee Report. – ISBA Past President Cindy Moser

Cindy Moser chairs the Scope and Correlation Committee. She reported on proposed amendments to the ISBA

Bylaws. Many of the amendments were in the nature of clean up and updating the provisions to be consistent with Revised Iowa Nonprofit Corporation Act. The committee proposed to remove some committees from the bylaws that have not been functioning for several years and to add certain other committees that have been active. The committees to be added to the bylaws include the Ethics & Practice Committee, the Fair & Impartial Courts Committee, and the Rural Practice Committee. There was discussion by the Board of Governors with regard to the Membership Committee. It was determined that such committee would remain in the bylaws but with a revised description of duties. The board approved the bylaws as proposed with certain modifications.



IGNITE YOUR PRACTICE WITH PURPOSE

The Iowa State Bar Association

ANNUAL MEETING

June 18 - 20 | Iowa Events Center | Des Moines

- ISBA's largest annual seminar
- All legal professionals welcome
- Dynamic presentations
- Iowa's premiere legal social event

www.iowabar.org/event/2018AnnualMeeting

2018 ISBA LAWYER-LEGISLATOR BREAKFAST:

HELD MARCH 21 AT THE ISBA HEADQUARTERS IN DES MOINES



More than 70 legislators RSVP'd for the 2018 Annual Breakfast at the Bar.



Rep. Chip Baltimore, a lawyer from Boone, talks with Iowa Supreme Court Chief Justice Mark Cady.



ISBA INSURANCE PROGRAM

Lockton Affinity made partner over 10 years ago

While your Professional Liability Insurance may not be your number one priority, choosing the right policy is an important decision to ensure your personal assets and reputation are protected.

Now is the time to make sure you are adequately covered.
Does your current provider meet all of these conditions?

- Broad coverage form to properly protect you
- Valuable risk management resources to help you avoid a claim
- Cyber Liability coverage options designed to fit your specific needs

By taking advantage of the ISBA Endorsed Insurance Program, you will have the backing of CNA, the largest insurer of lawyers in the country.

For more information about Lockton and the ISBA Insurance Program, visit IowaBarInsurance.com or call (800) 679-7154.

Program administered by Lockton Affinity, LLC
D/B/A Lockton Affinity Insurance Brokers, LLC. | California License #079547



Sen. Liz Mathis from Cedar Rapids poses with ISBA President Steve Eckley.



Polk County Bar Association Executive Director Carol Phillips talks with BOG member Joe Happe from Des Moines and Sen. Nate Boulton, a lawyer in Des Moines.



Lawmakers and bar leadership discussed items of legislative importance to the ISBA.

Iowa Legal Aid's Equal Justice After Hours Attracts Hundreds

More than 300 attorneys, justices, judges and others attended the 15th annual Iowa Legal Aid's Equal Justice After Hours event on Thursday, March 22, raising \$13,075 in pledges in response to an ISBA Board of Governors challenge.

ISBA President-elect Tom Levis urged the crowd to dig deep into their pockets to match the \$9,875 that was pledged by ISBA governors at their quarterly meeting the day before.

You can add your support for the work being done by Iowa Legal Aid by visiting iowalegalaid.org/donate.



Iowa Supreme Court Chief Justice Mark Cady (left) talks with Iowa Attorney General Tom Miller and ISBA President-elect Tom Levis during the 15th annual Equal Justice After Hours event March 22. The event was held in the Principal Financial building in downtown Des Moines.

U of I Selects New Dean

Kevin Washburn, Regents professor of law and former dean at the University of New Mexico School of Law, has been named the N. William Hines dean of the University of Iowa College of Law beginning June 15. He will be the 18th dean of the college, which was founded in 1865.

Washburn, 50, succeeds Gail Agrawal, who has served as dean since July 2010. Agrawal announced last August that she would step down from her role as dean by June 30. She will continue at the college as a member of the law faculty.



DISCIPLINARY OPINIONS

Prepared by a YLD committee:

Rebecca Reif, Ahlers & Cooney, P.C. – Chair; Kelsey Crosse, Davis Brown; Patrick McElwee, Assistant Scott County Attorney; Sam Charnetski, Shindler, Anderson, Goplerud & Weese; Bryan O'Neill, Dickinson Law Firm; Laura Wasson, Dickinson Law Firm

Sean Joseph Barry

February 23, 2018

No. 17-1415

License Suspension

Sean Barry has been licensed to practice law in Iowa since 2008. At the time of the conduct giving rise to this action, he was practicing at Montgomery, Barry, Bovee & Barry, in Spencer.

In May 2014, Barry was hired to represent Richard Miller in a dissolution of marriage proceeding. Barry met with Miller and his brothers to obtain factual information to prepare the dissolution petition and stipulation. Although Miller signed the prepared petition, Barry failed to file or serve it.

For the next several months, Barry "repeatedly lied" to Miller and his brothers about filing the dissolution petition, and provided false facts about the progression of the case. On July 8, 2015, Barry provided one of the brothers with a fraudulent divorce decree containing a judge's copied signature. Without the judge's knowledge or authorization, Barry attached the judge's fraudulent signature to a decree, and inserted case number and file-stamp data. Miller's family went to the courthouse, and learned there was no dissolution matter on file. The court's chief judge filed a complaint with a letter from the Miller family and copy of the forged decree.

The Supreme Court considered six violations of the rules of professional conduct. The court held Barry failed to exercise due diligence in violation of Rule 32:1.3 by never filing the completed dissolution petition despite the lapse of 14

months; failed to reasonably inform (and in fact misled) the Millers about the status of petition in violation of Rule 32:1.4(a); failed to promptly comply with reasonable requests for information in violation of Rule 32:1.4(a)(4) by failing to respond to the Millers' requests for status updates; committed forgery in violation of Rule 32:8.4(b) by copying the judge's signature to the fraudulent decree; engaged in dishonest, fraudulent, and deceitful behavior in violation of Rule 32:8.4(c) by knowingly and intentionally misleading the Millers; and engaged overall in conduct prejudicial to the administration of justice in violation of Rule 32:8.4(c).

In discussing sanctions, the court noted it "did not condone Barry's lack of diligence and other violations" of the ethical rules, but his most egregious violation was forging a judge's signature. The court considered Barry's voluntary cessation of his license, community service, depression, remorse, and self-reporting to be "deflated" mitigating factors, as well as the fact his law practice was in transition with the retirement of two partners. The aggravating factors considered by the court included Barry's "grave and serious breach" of the ethical rules by committing misrepresentation and forgery, as well as Barry's perpetuation of his deception over 14 months, prior disciplinary history, and harm to his vulnerable client. Barry's license was suspended for one year, and he must provide an evaluation from a licensed health care professional verifying his fitness to practice law prior to reinstatement.

WE BUY REAL ESTATE

- ESTATES
- BANKRUPTCY
- TITLE PROBLEMS
- DIVORCE
- PUBLIC NUISANCE
- PARTIAL INTERESTS
- FORECLOSURE
- LAND CONTRACTS
- MORTGAGES / LIENS

ANY PRICE, CONDITION, SITUATION
NO CONTINGENCIES, FAST & FLEXIBLE CLOSINGS



(515) 344-4341

www.DesMoinesHomeBuyers.net



POSITIONS AVAILABLE

APPELLATE COURT STAFF ATTORNEY I – State of Iowa Judicial Branch – Court of Appeals, Des Moines, IA

– Seeking attorney to assist one or more judges of the Court of Appeals by researching issues and preparing memoranda or drafting proposed opinions. Reviews and edits final opinions prior to filing. Attends oral arguments and provides input. Assists with the preparation of special concurrences or dissents. Graduation from an ABA-accredited law school with strong academic credentials; admission to practice law in Iowa; minimum of two years post-graduation legal experience. To apply, visit <https://www.iowacourts.gov/iowa-courts/career-opportunities/>

INTELLECTUAL PROPERTY ATTORNEY – Stanley, Lande & Hunter, Davenport, IA

– We are seeking a highly motivated attorney for the firm's Davenport office to assist in our Iowa and Illinois business practice. Experience preferred in commercial transactions, including business purchases and sales, business planning, and real estate. Candidates should have 3-7 years of practice experience in transactional work and possess excellent client development skills. License and experience in Iowa and Illinois preferred. All inquiries will be kept confidential.

STAFF ATTORNEY (Three Year Position)

– *ACLU of Iowa, Des Moines, IA* – Seeking a full-time staff attorney for a three-year position, to begin late spring/early summer 2018. The staff attorney will work under the direction of the Legal Director. Submit a letter of interest, resume, two professional writing samples of no longer than seven pages each (one legal and one non-legal preferred; otherwise, two legal), and three professional references including their email, phone, and relationship to you, to

Rita Bettis at jobs@aclu-ia.org. No calls please. Please put "Staff Attorney" in the subject line of your email.

ASSOCIATE ATTORNEY – Stumme, Collins, Gritters & Epley, PLLC, Waverly, IA

– Seeking a highly motivated individual who wants to become part of a well-respected team of attorneys in a growing and vibrant community. The candidate is expected to be independent, take initiative and be extremely professional and motivated. Our team of attorneys will work to mentor and teach the candidate to become a quality lawyer. To apply, visit <http://careers.iowabar.org/jobs/10837165/associate-attorney>

LATERAL ATTORNEYS – Fredrikson & Byron, P.A., Des Moines, IA

– Fredrikson & Byron's growing Des Moines office provides an exceptional platform of legal, business development, and administrative resources to take your practice to the next level. We welcome inquiries from high-skill, shareholder-level attorneys looking to expand their existing books of business. Practice in business transactions, banking, health care, intellectual property, employment, or construction a priority. To express interest, please contact Nancy Howard, Manager of Legal Recruiting, at nhoward@fredlaw.com. Learn more about us at www.fredlaw.com.

STAFF ATTORNEY OR FULLY ACCREDITED REPRESENTATIVE – Iowa Justice for Our Neighbors, Des Moines

– Seeking an attorney who will coordinate and provide immigration legal consultation services at clinics held at sites across Iowa. This will involve travel to at least two clinic sites outside Des Moines each month. Responsibilities include direct client services as well as training and supervising volunteers. To apply, visit <http://careers.iowabar.org/>

[jobs/10827355/staff-attorney-or-fully-accredited-representative](http://careers.iowabar.org/jobs/10827355/staff-attorney-or-fully-accredited-representative)

MANAGER, GEICO STAFF COUNSEL

– *GEICO Staff Counsel, Des Moines, IA* – GEICO Staff Counsel is seeking a managing attorney for a new Iowa office located in Des Moines. Under general supervision, this position involves management of all activities relating to defense of lawsuits against GEICO insureds in liability suits in courts of limited and unlimited jurisdiction. The managing attorney will be responsible for administration of the office including oversight of all day-to-day operations; evaluation and maintenance of staffing needs; submission of budgets and business plan, projections; and administration of salary plan, merit reviews and performance evaluations. To apply, visit <http://careers.iowabar.org/jobs/10833633/manager-geico-staff-counsel>

STAFF ATTORNEY – Iowa Legal Aid, Des Moines, IA

– Iowa Legal Aid has a staff attorney opening in its Central Iowa Regional Office located in Des Moines. Staff attorneys provide free legal assistance and community legal education to low-income people. Assistance ranges from providing counsel and advice to representation before various agencies and courts. To apply, visit <http://careers.iowabar.org/jobs/10834020/staff-attorney>

STAFF ATTORNEY – COMMUNITY ECONOMIC DEVELOPMENT PROJECT – Iowa Legal Aid, Des Moines, IA

– Staff attorney to work in Iowa Legal Aid's Community Economic Development Project. Iowa Legal Aid's CED program project helps low-income Iowans in distressed communities grow their businesses into the employers of tomorrow through sound legal advice and transactional legal assistance. Staff attorneys with Iowa Legal Aid provide free legal assistance and community legal education to low-income people. To apply, visit <http://careers.iowabar.org/jobs/10834007/staff-attorney-community-economic-development-project>

MANAGING ATTORNEY – LEGAL

HOTLINE FOR OLDER IOWANS – Iowa Legal Aid, Des Moines, IA

– Seeking an attorney to manage the Legal Hotline for Older Iowans. The managing attorney is responsible for a wide range of legal and administrative responsibilities. Iowa Legal Aid provides high quality legal services in areas of priority identified by its board of directors. It has a strong commitment to community legal education. Priority areas for the Legal Hotline include health care,



Mediation and Arbitration Services

Attorneys specializing in workers' compensation, civil litigation, and family law cases



E.J. Kelly
Workers' Compensation



Valerie A. Landis
Workers' Compensation



Matthew A. Grotnes
Workers' Compensation



Jane V. Lorentzen
Workers' Compensation



M. Anne McAtee
Workers' Compensation



Jeff H. Jeffries
Civil Litigation



Karla J. Fultz
Family Law



Paul L. Macek
Civil Litigation & Family Law

Our offices are available with Wi-Fi, convenient free parking, and accommodations for large mediations
Phone: (515)-244-0111

www.hhlawpc.com

housing, public benefits, elder abuse, nursing homes, end-of-life planning, consumer protections and other necessities. To apply, visit <http://careers.iowabar.org/jobs/10833972/managing-attorney-legal-hotline-for-older-iowans>

ASSISTANT COUNTY ATTORNEY I – Office of the Johnson County Attorney, Iowa City, IA – Seeking an attorney to serve in the criminal division: prosecute misdemeanor and felony criminal cases; supervise diversion programs; represent the petitioner in civil commitments; advise law enforcement agencies; represent the state and county in other legal proceedings; other duties as assigned. To apply, visit <http://careers.iowabar.org/jobs/10823071/assistant-county-attorney-i>

INTELLECTUAL PROPERTY ATTORNEY – BrownWinick Law Firm, Des Moines, IA – Due to continued growth, BrownWinick, a leading Iowa law firm, seeks a qualified attorney to join its Intellectual Property practice group. The ideal candidate will be registered with the federal patent bar and have at least two years of experience in preparation and prosecution of patent applications. Experience with trademark prosecution a plus, but we can train the right person. Willingness to work in a fast-paced, strong team environment is a must. Confidential inquiries, including cover letter, resume and law school transcript (unofficial is acceptable) should be directed to: Debi Bull, Recruiting Coordinator, BrownWinick Law Firm, 666 Grand Avenue, Suite 2000, Des Moines, IA 50309, E-mail: bull@brownwinick.com

CONTRACTS ADMINISTRATOR (Sponsored research specialist) – The University of Iowa, Iowa City, IA – Seeking highly motivated, organized and service-oriented professionals to assume a key contract negotiator/administrator role. Responsibilities include reviewing, drafting, negotiating and administering research-related agreements. The successful candidate will use independent judgment to determine and negotiate acceptable terms for a variety of contracts including funding agreements, data use agreements, confidentiality agreements, material transfer agreements, and outgoing subawards. For a complete job description, email wendy-loney@uiowa.edu. To apply, please visit [Jobs@UIOWA](https://jobs.uiowa.edu/) at <https://jobs.uiowa.edu/> and reference Requisition # 72451. Or click on: <https://jobs.uiowa.edu/pands/view/72451>

ASSOCIATE ATTORNEY – Gurstel Law Firm, West Des Moines, IA – The associate attorney is a results-driven individual with experience in or the desire to become experienced in the consumer collection industry. The associate attorney is charged with providing thorough and practical assessments and advice while advocating for clients in and out of court during the legal collection process. To apply, visit <http://careers.iowabar.org/jobs/10801614/associate-attorney>

CONTRACT ATTORNEY – Belin McCormick, P.C., Des Moines, IA – Belin McCormick, P.C., seeks a contract attorney to perform document review on a large case and to perform other projects related to the case. We need to fill this position as soon as possible so availability will be considered in selecting a candidate. Rate of compensation will be based on experience. Length of assignment will be through early- to mid-July unless the case settles before then. To apply, visit <http://careers.iowabar.org/jobs/10800846/contract-attorney>

STAFF ATTORNEY (SPED and AT) – Disability Rights Iowa, Des Moines, IA – The staff attorney shares responsibility with other legal and advocacy staff for providing information, technical assistance, outreach and training, and representation in administrative and judicial proceedings of clients with physical, cognitive or mental disabilities. This particular position will focus on individual and systemic special education issues and assistive technology in the K-12 context. Please send cover letter, resume and writing sample to DRI Operations Manager, Katie VandeVorde at kvandevorde@drriowa.org. No telephone calls please.

ATTORNEY – Stinson Leonard Street LLP, Mankato, MN – Stinson Leonard Street LLP (www.stinson.com) is seeking an attorney with experience in the areas of corporate law, business transactions, business succession planning, secured lending transactions and/or commercial real estate to join our Mankato, Minnesota, office. The preferred candidate is self-motivated and team-orientated, with the ability to work in a fast-paced collaborative environment. While this position is based in Mankato, the attorney will have the ability to partner with our greater Stinson team and serve clients throughout our offices. Please send cover letter, resume, unofficial law

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

ASSOCIATE ATTORNEY – Bordwell Law Office, Washington, IA – The Bordwell Law Office, P.L.C., an established general practice law firm in Washington, is seeking a highly motivated associate attorney with a commitment to becoming a practice owner. The ideal candidate will be admitted to the Iowa bar and have 1-5 years' experience. Recent graduates will also be considered. Experience in probate, estate planning, real estate, abstract examination and small business entities preferred. All inquiries will be kept confidential. Interested candidates should send a cover letter describing why you are interested in this opportunity, resume, and references to Richard Bordwell, Bordwell Law Office, P.O. Box 308, Washington, IA 52353 or via email to richard@bordwelllaw.com.

COUNSEL-AGRI/FARM INSURANCE – Nationwide Insurance, Des Moines, IA – The Counsel position provides claims/legal support for all Nationwide Agribusiness (NWAG) and Farm for casualty, property and workers comp claims across the country. The position is located in Nationwide's Des Moines office and will work directly with the NWAG leadership team in that office. To apply, visit <http://careers.iowabar.org/jobs/10781572/counsel-agri-farm-insurance>

LITIGATION ATTORNEY – Crary Huff Law Firm, Sioux City, IA – Crary Huff Law Firm is seeking an experienced litigation attorney for its office located in Sioux City. Candidates should have at least two years of practice, primarily in civil litigation. Excellent research and writing skills are required, and trial experience is preferred. Iowa bar admission required. All applications will be handled confidentially. Send resume and cover letter to Crary Huff Law Firm, Attention Mick Connealy, Personnel Partner, PO Box 27, Sioux City, IA 51102 or mconnealy@craryhuff.com. Equal Opportunity Employer.

HEARING OFFICE – Attorney Advisor/Decision Writer – Social Security Administration - Office of Hearings Operations, West Des Moines - Our Attorneys advise and assist Administrative Law Judges (ALJ) on complex legal issues, and draft legally sufficient ALJ decisions on disability applications. Incumbent develops and

implements legal strategies and reviews, analyzes, and develops cases. We have a few positions available in our West Des Moines Hearing Office. Applications will be accepted through close of business April 11, 2018. Positions are at the GS-9, GS-11 and GS-12 grade levels, depending on qualifications. For application instructions visit <http://careers.iowabar.org/jobs/10876451/hearing-office-attorney-advisor-decision-writer>

TRANSACTION ATTORNEY – Duncan, Green, Brown & Langeness, P.C., Des Moines, IA – Seeking an attorney experienced in business transactions, business organization, and/or estate planning. Other areas of practice may include trust and estate administration, trust and estate litigation, and general research/writing depending on experience and qualifications. Flexible and alternative work arrangements will be considered. The qualified applicant will be an experienced transaction or trusts and estates practitioner licensed to practice law in Iowa. Send cover letter and resume to Emily McAllister at emcallister@duncangreenlaw.com.

SPACE AVAILABLE

OFFICE SPACE AVAILABLE – West Des Moines – Private space available in a shared office located in West Des Moines \$750/month. Rent includes utilities and internet. All you need is your own phone line! The space features large, glare-proof windows, modern dark wood floors and a professional atmosphere that sets the scene for your success. For more information, call 515.868.0088 or email assistant@iowadefenders.com.

OFFICE SPACE AVAILABLE – Waterloo – Office space available for sole practitioner or small law firm. Space includes conference room, restroom with shower and four additional office rooms available in downtown Waterloo, located at 321 E. 4th Street. For more information email Carolyn at carolyn@neialaw.com.

FOR SALE

FULL-TIME ATTORNEY – D. Bradley Kiesey, Attorney – Seeking general practice attorney/attorneys to assume long-time county seat law practice in southeast Iowa, wherein current attorneys approach retirement age. Association available. Stand-alone premises able to accommodate 2-3 lawyers and staff, with furniture and office machines available for sale on negotiable terms. Email dbradleykiesey@gmail.com with cover letter, resume and references.

SERVICES OFFERED

MEDIATION SERVICES – Judge Joel D. Novak, retired from the Fifth Judicial District Court in 2011, has begun offering mediation services for any cases. Novak has 14 years' experience as a trial attorney in civil litigation, 32 years' experience as a trial judge and six years as a senior judge. He also served as the first judge-in-residence at the Drake Law School Legal Clinic. For information and scheduling, call 515-279-5523, 515-480-1943 (no texts please) or email juejzoej@gmail.com.

SPOTLIGHT on SERVICE



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

Joel Greer, an attorney in Marshalltown and past president of the ISBA, has a resume that is 15-pages long. You might think that just means he's not a fan of brevity, but you'd be wrong. It takes that many pages to list not only his professional accomplishments, but also his extensive inventory of community involvement.

Greer is currently the mayor of Marshalltown, which means he gets to lead the charge for positive change in his community. But he's already been doing that for decades. There are two particular volunteer endeavors that Greer says he is most proud of in Marshalltown. During the mid-1990s, he ushered a merger between the YMCA and YWCA, which eventually led to a streamlined organization and what he calls "the nicest Y in the state." He also helped found Hughes Grove Historic Neighborhood, Inc. in 1995, an organization that worked to turn several nuisance properties into extra recreation and parking space for an elementary school. The group donated playground equipment and sponsors school clean-ups, a Fourth of July bike parade and picnic, and concerts on the green. That particular effort earned Greer the Governor's Volunteerism Award in 1996.

He has been the president, chair or top volunteer for 22 different organizations, three of which (Rotary, the Iowa Division of the American Cancer Society and the YM/YWCA) have dubbed him their best volunteer of the year. He also earned the University of Iowa Alumni Association (UIAA) Loren Hickerson Award for service, an award his father also received decades before. Greer calls this one of his most important volunteerism awards because of that family connection.

To say that volunteerism is in his DNA would be an understatement. Greer's father was president of the UIAA, as well as president of the International Society of Barristers and the Iowa Academy of Trial Lawyers. Greer says his mother "did every cub and boy and girl scout troop, band uniform fundraiser and Y fundraiser," and her mother was president of the Iowa

Parent Teachers Association.

Greer married someone with the same dedication to volunteer work. His wife, Sharon, was president of the Iowa Defense Counsel Association and the Substance Abuse Treatment Board. She has served the city of Marshalltown as a planning and zoning commission member and city councilor. Her father was president of the National Pork Producers, a 10-year state senator and a 10-year county supervisor.

"All of us in both families simply grew up with the expectation that you should help others, donate time and money, and come up with creative ideas to make things better for everyone," he explained.

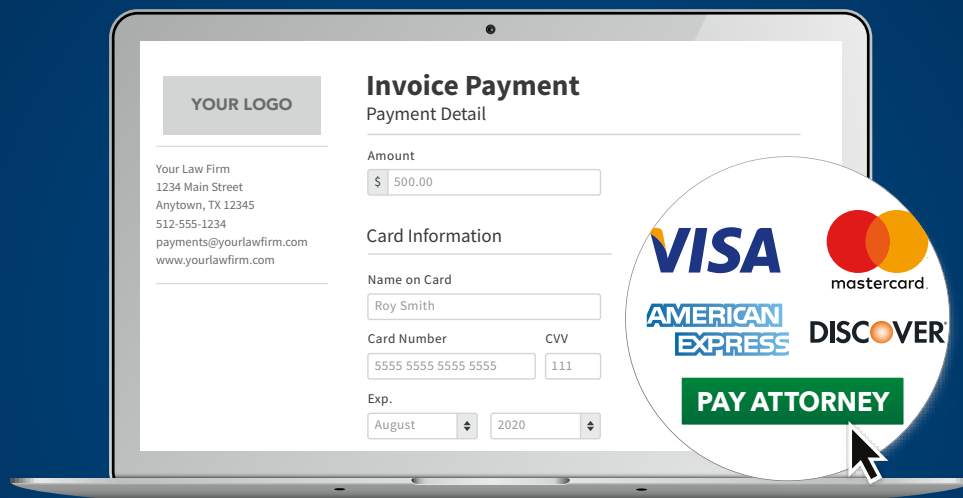
This has also resulted in a legacy passed on to their children. The Greer's older daughter, Kate, got the highest award for a college athlete's volunteerism at Mizzou, where she created an athletic shoe donation program from college athletes to children. Their younger daughter, Erin, got her ISU Chi Omega's top award for volunteerism as well.

Being involved and finding ways to help others is something Greer would advocate anybody get involved in, but especially attorneys.

"Attorneys have the training and leadership that make them natural community leaders," he said. "I hope this message inspires younger lawyers to use their talents and education to make a difference in their communities."



Left to right: Matt Taylor, Erin Greer, Sharon Greer, Joel Greer, Kate Greer, Peter Fenton



EASY FOR YOUR CLIENTS, A NO-BRAINER FOR YOUR FIRM.

LAWPAY[®]

AN AFFINIPAY SOLUTION

THE PREFERRED CHOICE

For more than a decade, LawPay has been the go-to solution for the legal industry. Our simple online payment solution helps lawyers get paid faster. LawPay lets you attach a secure payment link to your email, website, or invoices so that clients can pay with just a click. Our solution was developed specifically for law firms, so earned and unearned fees are properly separated and your IOLTA is always protected from any third-party debiting. Simply put, no online payment processor has more experience helping lawyers than LawPay.



SECURE credit card processing for law firms



IOLTA COMPLIANT



Approved Member Benefit of **47 STATE BARS**



Trusted by over **50,000 lawyers**



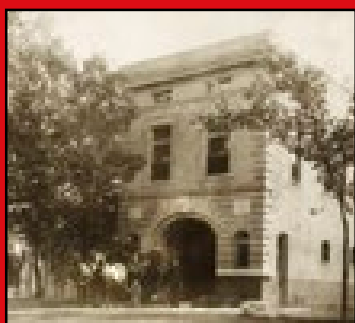
Powering payments for **30+ TOP PRACTICE MANAGEMENT SOLUTIONS**



Bar-Approved
Member Benefit

Contact our legal payment experts at
888-883-1225 or visit lawpay.com/iabar

***Working as Co-counsel with Iowa Lawyers on Personal Injury
and Workers' Compensation cases for over 30 years.***



TOM L. DREW

535 40th Street, Des Moines, IA 50312

Phone: (515) 323-5640

Fax: (515) 323-5643

Email: tdrew@drewlawfirm.com