



THE IOWA LAWYER

August 2019 V 79 N 7

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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.

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IN BRIEF

HELP SHAPE THE NEXT GENERATION OF THE BAR EXAM!

The National Conference of Bar Examiners launches nationwide survey



Attorneys across the country have the opportunity to participate in the NCBE Testing Task Force 2019 practice analysis survey, which is gathering data on the knowledge, skills and technology newly licensed lawyers use to accomplish the job tasks they perform.

This survey is part of the Task Force's three-year study to consider the content, format, timing and delivery methods for the bar exam to ensure it keeps pace with a changing legal profession. The results of the practice analysis, which will be available at the beginning of next year, will be used by NCBE to develop the next generation of the bar exam and will benefit the profession as a whole.

To participate in the survey and learn more about the study, visit:

<https://www.testingtaskforce.org/2019PAsurvey>

NEXT ISBA PEOPLE'S LAW SCHOOL FOCUSES ON CONSUMER PROTECTION ISSUES

On Tuesday, Aug. 20, The Iowa State Bar Association will host a free public event as part of the "ISBA People's Law School" series. This event will be held at the ISBA Headquarters at 625 E. Court Ave. in Des Moines from 5:30-7 p.m.

This event is focused on consumer protection for older Iowans. Topics will include an overview of current imposter scams that target older Iowans, real life examples of imposter scams and tips on how to protect yourself from being scammed. The speaker is Al Perales, a Consumer Protection Investigator for the Iowa Attorney General's Office.

People's Law School seminars are now being held almost monthly, with many also being livestreamed to communities outside of Des Moines. For more information, or to volunteer to present on a topic, contact: peopleslawschool@iowabar.org or 515-243-3179.



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OUR SECTIONS AND COMMITTEES: THE BENEFITS OF BEING ACTIVELY INVOLVED

Our sections and committees are vital to the success of The Iowa State Bar Association. Through them we are able to conduct the activities and services important to our members and communities. We have 24 sections and 22 committees. The sections focus on substantive areas of the law while the committees focus on other important matters for Iowa lawyers, including appellate practice, bench-bar conference, diversity and inclusion, legal access and innovation. **It is only with volunteers like you that these sections and committees can be successful.**

With the start of The Iowa State Bar Association's fiscal year, we have kicked off activities for these groups. In June, we held an orientation meeting for section and committee chairs and vice chairs. These leaders of our association will be looking for volunteers to assist with various matters.

I am a big supporter of our sections and committees because of my own experience, as well as watching all the great things the sections and committees have been able to accomplish.

Below are some reasons I hope you will consider becoming actively involved in at least one section or committee if you are not already engaged.

Great networking opportunities. Involvement in sections and committees is a great way to meet and work with lawyers and judges from around the state. They provide settings in which practicing lawyers, government lawyers, in-house counsel, law professors and members of the judiciary can exchange insights and information. We are in a profession in which we typically are adverse to each other, but with section or committee work, we work toward common objectives and cultivate camaraderie. When you become actively engaged in a section or a committee, you soon have a network of lawyers you can reach out to when you have a question on a particular matter of law or other need for assistance. Active engagement in a section or committee also can be a very effective means of business development in terms of referrals from other members of these professional communities.

Our largest section is the Probate, Trust and Estate Planning Section. It is also our most active section in terms of its meetings and other activities. It has over one thousand members from firms of all different sizes, as well as banks and other organizations. The section meetings, which are held three to four times a year, cover relevant and new or proposed changes in the law with a lot of in-person conversation. The active members of this section have built relationships that allow for a personal call when in need.

Build your expertise and reputation in an area. The sections and committees provide many opportunities to become an expert in an area of law. Some of the sections publish practice manuals comprised of chapters written by section members. Authoring a chapter in a practice manual is a great way to help build a reputation as an expert in an area. In addition, there are opportunities to give CLE presentations either in-person or via webinar. These presentations provide an effective platform to build your reputation in a given area.

Stay current on developments. Our sections keep their members informed of developments in their practice areas through our Engage discussion forum platform, an exciting new feature of the ISBA. You not only can keep current by reading the latest postings but you also can post questions to section members. This dialogue has proved to be a very helpful resource for our membership. With Engage, the listservs have become even more useful with a search function.

Assist with the advancement of law in the state. Thanks to the hard work of our sections' members and our legislative counsel team ably led by Jim Carney, a major portion of the Iowa Code reflects the affirmative legislation of the ISBA. Each piece of legislation proposed by the ISBA undergoes thorough scrutiny by the section recommending it. This vetting is often done through a committee of the section.

This year, for example, the Corporate Laws Committee of the Business Law Section has been busy working on a proposed rewrite of the Iowa Business Corporation Act. This work has involved a number of meetings chaired by former Drake Law School Dean David Walker with interested business lawyers from around the state. At any given time, a number of section committees are conducting similar legislative work.

Great leadership training and opportunities. Each of the sections and committees have chairs. This year, the aim is for all of them to have vice chairs as well. Serving on a section council or committee enables a member to experience different leadership styles, which can be very useful when a member assumes a leadership role in the ISBA or another organization. Involvement in the sections and committees also can allow you to help shape the future of the ISBA.

It's a great deal! The section dues are inexpensive (\$20 per section) and there are no committee dues. On top of that, section members receive discounts on CLE registration fees that more than make up for the fee to join the section.

Your involvement helps the ISBA meet its mission. Without our sections and committees, the ISBA would not be able to meet our mission of supporting our members in their service to clients, community and the judicial system.

It is easy to engage in a section or committee. If you are interested in joining a section, please go to the ISBA website and sign up. If you would like to volunteer to be more involved in a section or committee, please inform the chair of the section or committee of your interest. There are a number of ways to become involved, including serving on a section council or committee, presenting at a CLE sponsored by a section or committee, posting a question or an important legal development on the listserv, or by writing an article or chapter for a section publication. **We need you!**



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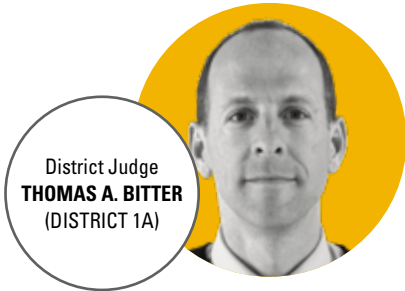
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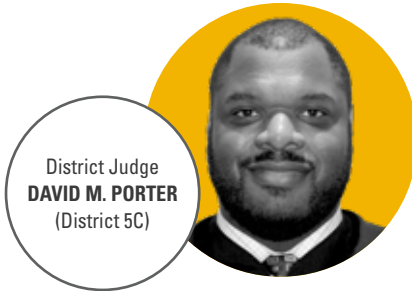
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TRIAL JUDGES IN MENTOR MODE: WHAT LAWYERS NEED TO KNOW

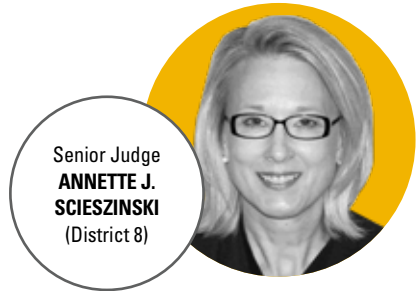
THREE JUDGES SHARE THEIR CANDID OBSERVATIONS ON BEST PRACTICES SEEN IN IOWA TRIAL COURTS



District Judge
THOMAS A. BITTER
(DISTRICT 1A)



District Judge
DAVID M. PORTER
(District 5C)



Senior Judge
ANNETTE J. SCIESZINSKI
(District 8)

THE PROFESSION

CIVILITY COSTS NOTHING – Judge Bitter

“In my opinion, a healthy survival of the legal profession depends upon the ability of attorneys to be civil with each other. By its nature, our work is so largely adversarial, which is perfectly fine. But advocacy does not have to be synonymous with incivility.”

WHAT GOES AROUND, COMES AROUND– Judge Porter

“We live and work in a relatively small legal community. Attorneys often forget that fact. As a result, there is a tendency to be dismissive or disrespectful to attorneys with whom we are unfamiliar. That is the wrong approach. Our legal community is small enough that if you have a reputation as an attorney who is difficult to work with, but you primarily practice in one area of the state, attorneys and judges across the state will come to know of you through that reputation and treat you accordingly.”

PROTECT YOUR BRAND – Judge Scieszinski

“The most effective lawyers hone and protect their ‘brand’ – that mix of reputation, workstyle and professional habits that is emblematic of their service as a lawyer. Brand is important because it defines how a lawyer is regarded in the community, by colleagues, by clients and future clients, and even by judges. A positive brand includes these attorney attributes: professional demeanor and attire, punctuality, preparedness, email etiquette and other solid communication practices.”

THE COURTHOUSE

IT’S ORGANIZED CHAOS – Judge Bitter

“A typical day at the courthouse involves multiple hearings with different lawyers, different parties and often different judges. Court staff does their best to juggle courtrooms and continually shuffle people into the right places in the hope of keeping to the schedule.

The chaos generally works — so long as the players involved are willing to be reasonable and somewhat flexible.”

SHOW KINDNESS TO STAFF – Judge Porter

“Most attorneys are courteous to the person seated on the bench and wearing the black robe. But some attorneys struggle with extending that same courtesy to our clerks, court reporters and administrative assistants. From our perspective, those support staff members are more than co-workers. They are an indispensable part of our system of justice. More importantly, they are our friends, confidants and trusted advisors. Therefore, the next time you smile at the court, pretending everything is fine, but were less than courteous to a court reporter or case coordinator, trust me, we already know, and you should expect to have a conversation with that judge.”

BE A REGULAR – Judge Scieszinski

“With the advent of our paperless court system, opportunities for lawyers to personally interact with judges have withered. A ‘best practice’ I see on the part of some lawyers is the initiative to regularly show up at the courthouse, even though it may not be required. In a spontaneous appearance, the lawyer might just stop in to greet the judge in chambers, may alert the judge to a filing in the queue that is time-sensitive, may inquire as to whether the judge has any questions on a routine submission (no ex parte discussion, please), etc. For the lawyer, and for the judge, this practice promotes collegial interaction that was commonplace in the past ‘paper system.’ For new lawyers, particularly, being a regular at the courthouse is crucial to getting to know judges and other lawyers.”



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THE QUEUE

OPEN 24/7 – Judge Bitter

“Yes, lawyers are now able to file electronically from anywhere and at any time. And yes, judges are now able to access court records and enter orders from anywhere and at any time. But there is still a process, and there's still only so much time in a day. Filings, such as proposed orders, still must be processed by the clerk of court before a judge can approve them. And judges still need time to work through the filings. Judges are not sitting at their computers waiting for the next filing to pop up. An attorney who files something at 5 p.m. shouldn't be expecting an order when he or she gets into work the next morning.”

REALLY... AN EMERGENCY?

– Judge Porter

“Would I be willing to wake up a judge at 2 a.m. to address this issue? That is a reliable standard to go by when determining whether to mark something an emergency.”

COMMUNICATE! – Judge Scieszinski

“Some lawyers have adapted well to the challenge of communicating effectively in the digital age. When filing motions and uploading proposed orders, it is a good practice to anticipate what a judge needs to know for processing – perhaps by thinking through what a lawyer would have orally said to the judge when presenting an order in the old paper system. If a motion is unresisted or resisted, time-sensitive or not, routine or controversial, please say so in the motion and also alert the judge with a digital filing note or email (copying in the other side, of course). Also, think ahead on scheduling and consult other counsel about availability, then make a proposal for scheduling. This type of information up front can save the judge a lot of time and allow for expeditious processing of court business.”

THE WRITING

NOT THE FACTS, MA'AM

– Judge Bitter

“For non-jury trials, and particularly for family law cases, I don't want the lawyers to spend considerable time arguing the facts to me. I always welcome legal briefs that discuss the legal issues and authority, but I don't enjoy hearing the attorneys argue the

same facts that I just heard in trial for the last two days.”

CAN'T UNRING A BELL...

– Judge Porter

“Cite accurately. One erroneous citation, which is intentionally misleading, can undermine the legitimacy of an entire brief.”

EDUCATE THE JUDGE

– Judge Scieszinski

“The most effective lawyers assume the mantle of a teacher – not only with juries, but with judges! Particularly on court service days when judges may be quickly transitioning among dockets and subject matter and may or may not have had the opportunity to read the file before a hearing comes up on the schedule, a lawyer who briefly orients the judge to the context of the issue at bar will help the judge greatly. This type of teaching includes such simple techniques as pointing out the rule or statute at issue (perhaps providing a highlighted copy), acknowledging the standard of proof and who bears the burden, and identifying up front what specific issue is in dispute and needs to be decided.”

THE ADVOCACY

GRIN WHEN YOU FIGHT

– Judge Bitter

“Winston Churchill once said, ‘I like a man who grins when he fights.’ We are required to be zealous advocates for our clients, but to do so with a smile is a display of both confidence and civility.”

JURORS ARE NOT DUMB

– Judge Porter

“Jurors get a bad rap. One of the best parts of my job is speaking with jurors after a trial has concluded. Oh,

the things you learn. Attorneys live with cases for months, even years. As a result, attorneys (and I was one of them) make one significant mistake. We think jurors will value and deem relevant the same things we do. They do not. Jurors value those things with which they can relate. So, the next time you receive a verdict you didn't expect, in all likelihood it's not because the jury didn't understand the case. In all likelihood, it is because opposing counsel presented the facts and underlying themes in such a manner that the jurors could relate.”

DON'T BULLY – Judge Scieszinski

“Advocates who anticipate what the judge needs to know, and equips the judge with relevant material and insight to get to the right answer, serve their clients well. In a hearing or trial, lawyers should model optimism that the judge intends to, and will, get to the right answer. Lawyers who talk down to the judge, glower with threats of ‘reversible error’ or employ other bullying techniques end up wasting time and the opportunity a courtroom affords them to engender understanding and good decision-making.”

THE COURTROOM ACTION

SIMPLE STORYTELLING

– Judge Bitter

“Judge Robert Blink wrote a very nice article in the March 2019 Iowa Lawyer entitled *Direct Examination - Simplicity Misunderstood*. A good trial attorney can tell a story that grabs and keeps the attention of the audience, flows in a logical and understandable way, and maintains focus on the witness.”

YOUR JOB: TEACH – Judge Porter

“The single most important skill an attorney can possess is the ability to



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convey an idea so that a judge, juror and other finder of fact can understand it. Nothing else comes close.”

ADOPT A WORKSHOP ATTITUDE
– Judge Scieszinski

“Lawyers can optimize their client’s right to be heard by regarding a hearing, trial or appellate argument as a workshop to get to the truth and the right answer under the law, rather than as a confrontation or battleground. In a workshop frame of mind, an advocate approaches the forum constructively, taking the edge off, and is better equipped to react to developments and address questions. This type of approach is also the most productive, as it helps the judge focus on the issues to be adjudicated and it nurtures lawyers to do their best and most impactful work for clients.”

THE AFTERMATH

TRIAL LAWYERS KEEP TRYING
– Judge Bitter

“In the basketball world, experts say that ‘shooters keep shooting.’ In the legal profession, trial lawyers keep trying. A good lawyer will take something from each case, learn from it and try again. A good lawyer won’t hesitate to ask for and accept constructive criticism.”

LEARN FROM LOSSES
– Judge Porter

“President Kennedy once noted, ‘Victory has a thousand fathers, but defeat is an orphan.’ I have always focused on the last portion of this quote. Young attorneys should embrace defeat as an opportunity to learn. Speak with and, more importantly, listen to everyone who is

willing to share — even if it’s opposing counsel. The goal, here, is not to re-litigate the case. Rather, the goal is to develop a deeper reservoir of knowledge and experience for the next client.”

DEBRIEF – Judge Scieszinski

“Lawyers, whether seasoned or new to the profession, are well-served to seek feedback on their trial work. It is becoming more common for lawyers to mention to the judge, either at the pretrial stage or immediately after trial, that they would like suggestions for improvement once it becomes appropriate for that ex parte contact to happen (i.e. after an appeal concludes or the appeal period expires). Judges are responsive to these requests. This de-briefing exercise works best when the judge is alerted before trial. When that happens, I consult all counsel to see if others are also interested in individual feedback, and then I keep side notes as I notice things during trial so as to refresh my memory when the debriefing occurs. Lawyers should know, too, that judges benefit greatly from feedback on their trial management techniques, so please offer your observations and suggestions.”

PERSONALLY SPEAKING

FOOL ME ONCE – Judge Bitter

“Generally, I’ll trust attorneys until I have a reason not to. It happens very seldom, but if an attorney misrepresents something to me, I’ll be much more careful when, if ever, I’m willing to rely upon representations from that attorney.”

BE PUNCTUAL, BRIEF – Judge Porter

“Time is everything. If a hearing is scheduled for 8:30 a.m., be prepared

to start your record at 8:30 a.m. And if the court has allotted 30 minutes, tailor your argument such that you can work through it in half that time (i.e. 15 minutes). Oftentimes, court will advise the attorneys, ‘I have read your pleadings...’ That introduction is judge-ese for ‘Please don’t waste our time by reading your brief to me.’ The reason why being both punctual and brief are so important is because a judge’s time, generally speaking, is not his or her own. Court administration organizes a judge’s time more often than not. Therefore, when you are late, or go beyond the allotted time, it develops into a domino effect of delayed hearings and creates coverage headaches for the case schedulers in court administration.”

DRESS FOR A COURTROOM
– Judge Scieszinski

“It is a best practice for attorneys to dress for business, and to carefully evaluate, promote and protect their professional brand whenever they are performing as a lawyer — whether that be in the courtroom, the courthouse generally, the law office or elsewhere. Individuality in a lawyer’s preference and style is to be respected; however, particularly in the courtroom, clothing choices should resonate with the decorum of the place and the serious issues taken up there. Lawyers should not assume that silence of a colleague or absence of admonition by a judge is the measure. Frankly, colleagues will talk about it elsewhere, and judges presiding in a case are in a difficult spot to criticize apparel unless there is an established court dress code to enforce.

I am often asked for advice about appropriate/inappropriate professional dress for women lawyers, and I offer this basic advice. Yoga pants are for Yoga, and along with leggings, they are inappropriate in a business setting. Slacks and pant suits are fine. Miniskirts are impractical and distracting, and should be avoided. If you wear a skirt, complete it with hosiery. Colors and patterns in clothing are fine. Avoid exposure of cleavage as it is distracting. Denim, t-shirts and sport shirts, flip-flops and most sandals should be reserved for other venues.”

**This article was adapted from a CLE presented on Wednesday, June 12, during the ISBA Annual Meeting.*



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5 WAYS TO MAKE YOUR INVESTMENT PORTFOLIO MORE TAX-EFFICIENT

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At Foster Group, we aim to put together portfolios that fit both the right risk tolerance as well as maximize returns for our clients. Here are five ways we make portfolios more tax-efficient:

1. CHOOSE TAX EFFICIENT INVESTMENTS

Some investments are more tax efficient than others. For example, mutual funds with high turnover tend to be tax inefficient because they pass on capital gains recognized on the underlying securities to the end investor in the form of a capital gains distribution. This means that even if you don't sell the funds you hold, you still might have a tax bill. Exchange Traded Funds (ETFs) are often more tax-efficient than mutual funds because they typically do not pay out capital gains distributions.

2. INVEST IN MUNICIPAL BONDS

Just because the stated yield on a corporate bond or CD might be 3%, it doesn't mean you keep that full 3%. This is because the interest income you earn on CDs and many other bond and cash investments is subject to ordinary income tax. Municipal bonds may be a better option, because they are generally exempt from federal income taxes.

3. MINIMIZE TRADING

Every time you trade in a taxable investment account, you create a potentially taxable event. For example, if a

security was originally purchased for \$1,000 and now has a current market value of \$1,500, you will owe tax on the \$500 difference (the capital gain) when the security is sold. Therefore, it is important to be mindful of the potential tax implications before trading.

4. MAXIMIZE TAX-LOSS HARVESTING OPPORTUNITIES

Capital markets can be volatile, and it is not uncommon to see investment holdings fall below their original purchase price, resulting in a capital loss. In order to realize the loss for tax purposes, the investment must be sold, turning the unrealized loss into a realized loss. These losses can be used to offset realized gains to possibly reduce your tax burden.

5. DONATE APPRECIATED ASSETS USING A DONOR ADVISED FUND

If you regularly give money to a church and/or charitable organization, consider donating appreciated assets, instead of writing a check. A great tool to facilitate the donation of appreciated securities is a Donor Advised Fund (DAF).

These 5 ways to make your investment portfolio more tax-efficient are part of Foster Group's service to clients, and each could be written about at length. It's worth taking the time to review the tax-efficiency of your portfolio so that you can potentially keep more of your hard-earned dollars. Everyone's situation is different, which is why it is important to have a conversation with your financial advisor. We truly care about our clients' goals, whether they're planning for their families' futures or planning to make the future better for people on the other side of the world.

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A LITTLE BIT OF MAGIC A LITTLE BIT OF SOUL

JURY PICKIN'

By Hon. Robert J. Blink, Senior Judge



Justice survives because of human nature. The greatest mystery of trial work is how humanity interacts with the law. Humanity at trial sits in the jury box. Jury selection is the art of predictive risk – a wager on human nature and how it will play out during deliberations.

Human nature is the only constant for a lawyer. Facts, statutes and legal decisions are in constant flux. While humans have two great engines – the heart and the mind – the former is the advocate’s

focus. Clarence Darrow once observed: *“A skillful lawyer does not tire himself hunting for learning or intelligence in the box; if he knows much about man and his making, he knows that all beings act from emotions and instincts, and that reason is not a motive factor. If deliberation counts for anything, it is to retard decision... Assuming that a juror is not a half-wit, his intellect can always furnish fairly good reasons for following his emotions and instincts.”*

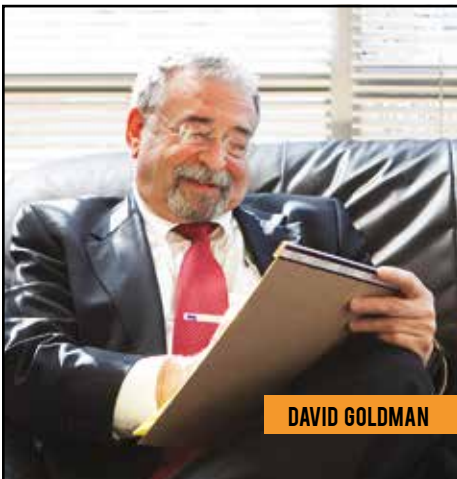
The purpose of jury selection is to identify the emotions and instincts of the prospective jurors. Find their biases, explicit and implicit.

The first goal is to identify those members of the panel who are predisposed toward your opponent. These are people who would be most inclined to find adversely to your client regardless of the facts and the law. While every prospective juror is uniquely the product of his or her life experience, those who identify most with the adverse party – that person’s life experiences, troubles and challenges – must be removed from the jury. This is the “unjuror.”

The process of finding the “unjurors” naturally reveals the converse: those predisposed to find for your client regardless of the law and facts. This is the “model juror.” It is more important to find those who are biased against your client than those who are neutral or inclined toward your client.

FINDING THE “UNJUROR”

Finding the unjuror begins long before you enter the courtroom. Once your theory of the case and order of



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proof are developed, you must create the profile of your “model juror.” Often this is a person who would identify with your client and the primary witnesses. Consider character traits, personality and life experiences. Those most like your client or pivotal witnesses will make favorable jurors.

After locating the unjurors on the panel, next find the most likely foreperson. The foreperson will either be the advocate’s alter ego or nemeses during deliberation. The most important persons to remove from the jury panel are the potential unjuror forepersons.

How can lawyers, committed to truth and fair play, subscribe to a process that promotes decision-making resting on biases? The answer is the dynamic of the adversarial process. Skilled advocates, plying their analytical and rhetorical talents against each other, naturally ferret out the unjurors on both sides of the case. The most biased jurors will be exposed and stricken. Those who remain in the box to hear the case will be as close to neutral arbiters as the process and human nature allows. Be mindful that no prospective jurors will be completely candid. No prospective juror will be completely unbiased. The rules of human nature preclude this.

A significant imbalance in a lawyer’s insight into human nature or trial experience can skew the selection process. Sometimes the weight of the evidence or the lawyer’s other adversarial skills will counter this, sometimes not.

To find the traits of an unjuror, you must listen. Few lawyers are good at *voir dire*. They do not listen except to the sound of their own voices. One cannot listen while talking. One cannot learn while preaching. One cannot expect personality-revealing responses to questions that suggest the answer.

Refrain from leading questions during jury selection. Invite narrative that will disclose obvious and subtle hints as to the character and predisposition of the potential jurors. Craft questions that allow them to tell you why they would be a good juror. Ask pointed follow-up questions to confirm your suspicions. Watch the panel.

Do they agree with the person’s answer or no?

Build rapport and trust with the prospective jurors. Trust begins with interest and respect. You must converse, at least briefly, with every member of the panel who might end up in the box. How you ask someone about their personal life is critical. Even if an answer seems erroneous, foolish, unresponsive, rude or wrong, you should not embarrass the juror. If they seem confused by your question, apologize for asking a poor question and rephrase it. Own the miscommunication, even if it is not your fault.

SIMPLE CONVERSATION MOST EFFECTIVE

The most effective examination is a simple conversation: like talking with a neighbor over the backyard fence or at coffee hour in the fellowship room after church service. Use common English. Avoid legalese except to the extent that certain operative legal words or phrases may arise in the case. Exploring a person’s family, employment, interests, favorite movies, television shows and books are simple inroads to who the prospective juror is. Use the answers to frame your next question. Other biographical data supplied by the juror information sheet, such as the address and prior interaction with the judicial system, provide further topics for consideration or discussion.

Your choreography during jury pickin’ should reflect your personality. Take a comfortable pose but remain

dignified. If you are free to examine without a podium, approach the prospective juror but do not get too close, invade their personal space or intimidate them with your person. If you are uncomfortable moving about in the well, don’t make yourself nervous by doing so. Find the positioning that makes you comfortable. Speak loudly, clearly and slowly to assist the court reporter and encourage the potential jurors to do the same. You want to share your comfort in the courtroom with the jurors. You want them to like you.

The unjuror and the model juror will identify with a party or significant witness. The rules of jury selection do not permit a direct question that places the prospective juror in the position of a party, such as: “How would you feel if you were in my client’s shoes?” This is referred to as “the golden rule” and is impermissible because the juror is to be a neutral decision-maker.

The art of jury pickin’ is the ability to indirectly or inferentially find the commonalities between the juror and the party. This “reading” of people is usually the product of experience in the courtroom and a talent for understanding “what makes people tick.” Body language, tone of voice, attire and general demeanor also give clues.

All prospective jurors are unique because of their individual life experiences, but each one will measure somewhere on the continuum of three general scales: 1) conservative/liberal, 2) emotional/rational and 3) leader/follower.



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The conservative/liberal scale does not measure political affiliation. It measures one's attitude toward change. Is one reticent to change until firmly convinced it is the right thing to do? Is one inclined to accept a greater risk with change, operating as much on hope as calculation? What is the person's view of the status quo? What are the characteristics of his or her generation or social history? Is he or she "established?" Is she/he city or country folk?

The emotion/reason scale may be nonexistent to those who wholly accept Darrow's cynicism. Yet there are those who, by their nature, tend to sublimate their passions or channel them. Certain financial and scientific occupations may confine their analytical endeavors to binary or proof-driven approaches. Well-seasoned lawyers and judges train themselves to see beyond emotional pitfalls. Some people are adept at recognizing their emotional triggers and compartmentalizing them. Many people, once appreciating their biases, can and will affirmatively work to reduce or eliminate them.

The leader/follower scale is not so simple as aggression and passivity. Some personalities naturally lead by force of reason or interpersonal skills rather than raw ego. Is the person a "loner" on breaks? Does he or she converse with those seated nearby in the courtroom? Is the person gregarious? Is there a natural "common sense" to his or her answers that draws noticeable assent by the other prospective

jurors? The correlation between one predisposed to your opponent and leadership qualities cannot be overestimated.

In general, those inclined to support a criminal prosecution will have a juror profile like those who support the defense in a civil case. The converse is true: those inclined to support a civil plaintiff will benefit a criminal defendant. In developing your unjuror's profile, try and determine where they would fall on these three scales. Compare this with your "scaling" of your panel members.

MAINTAIN YOUR PERSONALITY

As in all aspects of a trial, the advocate must work within the confines of his or her true personality. Sincerity sells and no more so than the only point in a trial where a direct bond can be forged between an advocate and a "lay judge." Are you given to "chatting" with a stranger? Are you capable of self-deprecating humor? Are you by nature business-like in dealing with unfamiliar people? Are you stilted or fluid in your presentation? Are you adept at active listening?

The jury panel will see your true personality. They will more easily accept the validity of your evidence and accept your conclusions in closing argument if they are comfortable with who you are.

A trial lawyer has three roles: teacher, entertainer, persuader. You

must wear all three hats while pickin' your jury. Certain legal concepts must be taught in jury selection: the roles of the trial participants, how evidence is presented, the burden of proof and who carries it, liability and damages, and presumption of innocence in a criminal case. There may be other general concepts that should be discussed at this stage of trial. Beyond this, counsel should avoid specific law that applies to the case unless the court permits the inquiry. The pertinent question is whether a juror would follow the law given by the court, even if he or she might not agree with that law.

Trying to get a prospective juror to commit to a given verdict based upon assumed facts, or otherwise attempting to pledge their allegiance to your client's cause is objectionable. So is arguing your case through the guise of examining a potential juror.

People are often reticent to serve on a jury – many because they don't want to be bothered by doing their civic duty. Some people are too selfish to give of themselves. Others may have legitimate reasons, financial or familial, to be excused. Some have self-doubts about their abilities to perform the juror's role. They may not consider themselves wise enough; they may be fearful because they do not know the law. Some fear the weight and responsibility of the role or cannot "judge another." Maybe your case just hits "too close to home."

OVERCOMING RELUCTANCE TO SERVING

Much of this hesitancy can be allayed by simple explanation, or indirect "guilting." The selfishness might be countered by reference to the selflessness of those who have protected the right to a jury – countless patriots who laid down their lives to preserve the rights we enjoy. Veterans have given years of their lives for our right to have our "day in court." This can be emphasized by a general comment to the panel or a general inquiry to identify veterans, military or other public servants. Just recognize those who are intransigent. Let them go.

Joseph A. Happe

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"THE ART OF JURY PICKIN' IS THE ABILITY TO INDIRECTLY OR INFERENTIALLY FIND THE COMMONALITIES BETWEEN THE JUROR AND THE PARTY."

A similar approach can be taken with those filled with self-doubt. Being a juror is no different from what we face in our daily lives – deciding whether we believe what someone tells us: a salesperson, a family member, an advertiser, a news story, a politician or an acquaintance. Once the juror understands the skills used in daily life are all that is expected of them as a juror, the doubt falls away. Emphasis on “common sense” as the best job qualification goes far in instilling personal confidence.

Helping prospective jurors to understand their actual role usually takes “some of the heat off.” This includes making sure they need not “know the law” because the judge will tell them the law.

Jurors in criminal cases can be reassured by learning they only have to

determine guilt or innocence and can let the judge wrestle with the consequences of the verdict.

Some, for reasons of religion or conscience, protest an unwillingness to judge others. Sometimes this can be dispelled by the concept of “rendering unto Caesar;” sometimes by indicating it is not the person who is judged, but their actions. Again, recognize the “lost cause” and let them go.

Those for whom the case hits “too close to home” must be carefully questioned. Often this requires delicate inquiry concerning intimate and painful aspects of their life. This should be done in chambers to preserve their privacy and dignity and to prevent potentially inflammatory concepts from “tainting” the whole

panel. What is often disclosed is a personal experience nearly identical to

an experience of the parties to the suit. Here the identification factor is recognized as “too much.” Good lawyers accede to these clear biases and the prospective juror is dismissed by agreement, thus preserving strikes.

Certain procedural information about how a judge manages jury selection must be known before the first question is asked. Does the court follow the common practice of allowing counsel to question the entire panel as a whole and then follow up with individual inquiry of the members? Does the judge ask preliminary questions of the panel before counsel? Is the court amenable to inquiring about certain sensitive topics the case presents? Will a jury questionnaire be used? Is there a



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specific seating chart for the prospective jurors? Will alternates be used, and if so, how many and how will that affect the number of strikes allowed? Will the voir dire be reported? Will counsel be confined to inquiry from a podium? Will the whole panel be examined or only those who, if no challenges are exercised, would be subject to the allotted strikes?

Except for individual in-camera examination, all other challenges to prospective jurors must be exercised in the presence of the panel. Strikes do not present a problem because the panel members do not know which lawyer struck them or why. Strikes do

**JUST
RECOGNIZE
THOSE
WHO
ARE
INTRANSIGENT.
LET
THEM
GO.**

present a problem only because they are limited in number and you never have enough of them.

Challenges for cause are more difficult. Although unlimited in number, they require a specific statutory basis which must be stated in open court in the presence of the person counsel seeks to remove. If the basis for the challenge is clear, the unjuror is removed without using a strike. If the challenge is not granted by the court, a strike must be used to remove that person from the jury. And the failed “accusation” of the potential juror will linger throughout the process to the detriment of counsel’s image in the eyes of the jury.

Jury selection may seem to be a long, arduous process. In fact, you will spend very little time with each potential juror. In that moment you must read that person and predict his or her future behavior. In pickin’ a jury, your client’s welfare rests on your understanding of humanity and the ability to read people, not the law.



Robert J. Blink is a Senior Judge for Judicial District 5C. He served as a trial judge for 22 years after a 20-year career as a criminal and civil trial lawyer. He has been a professor of Trial Advocacy at Drake University Law School since 1981.



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DO LAWYERS NEED A DIGITAL DETOX? VERY LIKELY!

by Sharon D. Nelson, Esq. and John W. Simek, © 2017 Sensei Enterprises, Inc.

There are very few lawyers who seem to have control over their digital devices. To the contrary, the devices themselves seem to be in control, demanding the nearly non-stop attention of lawyers. It might seem odd to hear two geeks talk about digital detoxing, but we recognized the need for it years ago. Perhaps, as geeks, we were on the bleeding edge of this phenomenon.

Author Nelson was not pleased that author Simek could not have dinner in a nice restaurant with his wife without regularly checking his phone. That was the beginning. In time, marital negotiations (and renegotiations) resulted in some rules! Our phones may be in our pockets but they are not invited to participate in nice dinners. Our phones, unless an emergency is in progress, are not checked after dinner. And our phones charge in the family room - they are not permitted in the bedroom. The majority of lawyers do have their phones charging in their bedroom on their bedside tables - or, worse yet, in their beds.

WHAT ARE OUR DEVICES DOING TO US?

It's not as though we need a scientist to explain the fundamentals to us. Lawyers tell us all the time that they feel their blood pressure rising as they look at all the unread emails in their inboxes. They feel phantom phone vibrations in their pockets. They can't go more than a few minutes without checking their phones. They text, email and talk while driving or at stop lights. How many times have you had to honk at someone who doesn't move when the red light goes green? We are amazed at how often this happens in one week's commuting time.

A survey by American Express said that nearly 80 percent of vacationers would be connected to the

Net for some or all of their vacations. More than two-thirds indicated that they would be checking their business emails.

People check their phones an astonishing 47 times each day, on average. According to consulting firm Deloitte, almost half of people check their phones at least once during the night. Nearly two-thirds of us check our phones within 15 minutes of arising in the morning.

Our technology has become an addiction as disturbing as reliance on drugs or alcohol. Many experts say that technology is rewiring our brains and we tend to agree.

In June of 2017, McAfee released a document called "Report: Digital Detox - Unwind, Relax and Unplug." It is chockablock full of statistics about the extent of our addiction. You can find the report at <https://www.mcafee.com/resources/misc/pr-unplugging-study-digital-detox.pdf>. As depressing as it may be, it offers support for our conviction that everyone, lawyers included, needs to take a long hard look at how their digital devices have changed their lives.

There is even a word for "no-mobile phobia" - it is called "nomophobia." Every lawyer who has ever left his or

her phone at home knows that feeling. You can even look the word up in Wikipedia, although it says that it is less a phobia perhaps than a form of anxiety disorder. Apparently, we feel equally anxious when we are somewhere that has no mobile coverage. "Dark territory" is not popular with "nomophobes."

Physical symptoms include:

- + anxiety
- + respiratory alterations
- + trembling
- + perspiration
- + agitation
- + disorientation
- + tachycardia

Emotional symptoms include:

- + depression
- + panic
- + fear
- + dependence
- + rejection
- + low self-esteem
- + loneliness

The symptoms vary from person to person, but none sound like fun and none are good for your physical and mental health.

Somewhat comically, the French, in early 2017, adopted a new labor

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standard with a “right to disconnect,” which applies to companies with over 50 employees and gives workers the right to negotiate after-hours email policies with their employers. This may be the best idea the French have had since they came up with Grand Marnier and crème brulee. Regrettably (merde!) the French law has no teeth.

THE ETHICAL DANGERS OF DIGITAL ADDICTION

When do you make mistakes? When you move too fast. The news is full of stories of lawyers who sent confidential data to reporters because they were using the “auto-complete” function of Outlook and didn’t check the email addresses in “To” field.

The same is true of allowing our devices to constantly distract us. When we cannot concentrate, and allow ourselves to be distracted endlessly

by emails or texts, we can hardly expect to be doing our best work.

Likewise, the immediacy of email doesn’t give us a chance to cool off. We get an ugly, profanity-laced email and the tendency is to respond in kind rather than taking a walk and cooling off.

A lot of lawyers answer their email at night – and many do so after having several libations. This is never a good idea. All sorts of unintentional mischief may be created. Your judgment may be impacted – and you may not be aware that your judgment has been impacted! And if you are one of those who wakes up in the middle of the night and groggily checks your phone, your odds of operating competently as a lawyer diminish considerably. Being tired or under the influence can lead to ethical infractions you would never ordinarily make.

Several years ago, a lawyer left a message on our voicemail, quite distressed that his computer was malfunctioning. To say he was “wasted” is an understatement. His profanity-laced tirade was truly remarkable. Imagine if such a call – recorded as a voicemail – had been made to opposing counsel in a case. We have seen, as part of our digital forensics work, all kinds of ethical misbehavior by lawyers – via email, texts and voicemail. The ability to react immediately seems to have dropped their normal behavioral “filters.”

Several years ago, we had a spirited discussion over dinner with some big firm lawyers. While we were arguing the benefits of unplugging, they were adamant about the need to be available, especially to large clients, on a 24/7 basis. One lawyer said, “If I am not available to answer the email of an important client at 2 a.m., some other lawyer will be.” He was clearly convinced of the truth in his words, but what struck us was that he looked miserable as he countered our position. Is this really the life he wants? Clearly not. There was, in our mind, something both wrong and unhealthy about the picture he painted for us.

WHAT CAN YOU DO ABOUT YOUR ADDICTION?

Hey, no one says it is easy. We took charge of our own lives, at least to some extent, but most of our friends have trouble balancing living a rewarding life with the digital world. It is not uncommon to see a family of four eating dinner out with both parents and children on their phones. We imagine that scene is replicated at home as well. We certainly hope they aren’t texting and emailing each other while only sitting three feet away - though some people seem to prefer that to actual conversation.

A group called Fork Rebellion is one of many which offers trips that feature “a return of offline living” and “more mindful” use of technology. It doesn’t matter how you get yourself away from your technology. The result is always the same – you become less tired, less stressed, more alive in the present and more aware of what is around you. Personal relationships improve.

Another company called (have to love the name) Digital Detox helps people manage the process of unplugging. Their tagline says “Disconnect to reconnect.” That’s no joke. There is no suggestion of trashing our devices. Just taking a little time off to reconnect to people and the world around us makes you healthier and more relaxed. You can return to the devices after a reasonable break from them. Take a look at the website:

<http://digitaldetox.org/>.

It says in part, “The average American spends more than half of their waking life staring at a screen. The negative psychological, social and cultural impact is real. Things need to change.” The company offers retreats for everyone and special corporate offerings (in case your whole law firm needs some digital detox help). It also offers a summer camp (Camp Grounded) where folks ditch their devices for an off the-grid weekend of fun in the redwoods. It offers “over 50+ Playshops & Activities: Arts n Crafts, Yoga, Typewriters, Capture the Flag, Color Wars, Meditation, Swimming,

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It made us laugh to read (in a 2013 ABA Journal article!) about how one lawyer, when she first arrived at the camp, regularly reached into her pocket for her phone. That, apparently, is a hard habit to break. She also felt phantom vibrations and heard her ringtone – this is how deeply technology has embedded itself in our lives. She realized that her phone was keeping her in a constant fight-or-flight stress mode.

You don’t have to go all the way with digital detoxing. You can take baby steps. If you set aside mealtimes or after dinner as “device-free,” you are very likely to find that your stress level (and blood pressure) go down. Most lawyers we know say they regularly feel

stressed. Many are on anti-anxiety or anti-depression medications. Disconnecting from the digital world on a regular basis may actually decrease the need for medications. At the very least, the sense of being stressed and overwhelmed goes down. One thing we have learned about email is that we don’t have to worry about it going away – if we leave the phone alone for a few hours, it will still be there. In the meantime, we have read a book, watched a movie, cuddled our rescue dogs, played with our grandchildren, etc. We have lived life, been present in the moment and enjoyed each other’s company. Sometimes, not only can the work wait, it should wait.

FINAL THOUGHTS

Our technology is with us to stay. But we can decide when to use it. Who determines your relationship to technology? In the end, you do.

It is a choice we make every day – and if we can’t control our technology, we risk our health and our relationships. So go ahead and make some resolutions about “getting off the grid.” You won’t regret it.

The authors are the President and Vice President of Sensei Enterprises, Inc., a legal technology, cybersecurity and digital forensics firm based in Fairfax, VA. 703-359-0700 (phone) www.senseient.com



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MEET THE ISBA'S NEW VICE PRESIDENT,

ANJELA SHUTTS



Anjela A. Shutts, a family law attorney at Whitfield & Eddy Law in Des Moines, was elected as the new vice president of The Iowa State Bar Association. This puts her in line to become the 135th president of the ISBA during the 2021-2022 fiscal year.

Shutts received her J.D. from Drake University Law School in 1996, and her undergraduate degree at Luther College. She is a Fellow of the American Academy of Matrimonial Lawyers and a sought-after speaker on Iowa family law topics. She was named to the Iowa Family Law Case Processing Reform Task Force Steering Committee and is also a member of the Judicial Nominating Commission for Polk County. In 2016, Shutts was named as vice-chair to the Iowa Supreme Court Access to Justice Commission.

Shutts was recognized by The Des Moines Register as one of the Fifteen People to Watch in 2019. She received the Polk County Women Attorneys Willie Stevenson Glanton Award, the Iowa Supreme Court Voice of Justice Award and the Luther College Distinguished Service Award in 2018. She was presented the Polk County Bar Association Award of Merit in 2017.

Q: Why did you want to be a lawyer? Did anybody or anything in particular inspire that career path?

A: I am not from a family of attorneys. In fact, I am only the second person in my family to graduate from college (the first – my brother – beat me by a day). However, my father was a police officer so the law was not a



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foreign concept to me. The interest in becoming an attorney started early, actually when I was in middle school. I wanted to do something that helped people, but challenged me intellectually. I have found the practice of law to do just that.

While I was in law school, I interned with Iowa Legal Aid and had the opportunity to second-chair a custody case. Judge Susan Cox, an associate district court judge in Polk County now, was the first chair. From that moment, family law intrigued me. It requires me to use both sides of my brain and deal with very emotional issues, but also requires understanding financial matters.

Q: What is something you are most proud of in your practice or that has happened in your career?

A: I am very grateful to be given the opportunity to practice law in Iowa, with some of the best lawyers, and at the same time, be able to have a personal life with my husband and children. I always tell law students and young attorneys that to practice law in Iowa means to be able to do

challenging things professionally but also live a life outside of work.

Q: When did you first get involved in the bar association and why?

A: I became involved in the bar on my first day of practice. Whitfield has a long and proud tradition of bar involvement, as it was expected of all young attorneys to get involved. I have served on many committees, including the Bench-Bar and Access to Justice committees, as well as the Family Law section council.

Q: Are there any specific issues you want to focus on during your time as an officer?

A: Access to justice has been a passion of mine since I was in law school. The system only works if everyone has access.

The Iowa State Bar Association is a tremendous organization. But I want to strengthen the association so that the bar is around for many years to come. I know how much I have learned and developed because of my involvement with the bar association. As a part of strengthening the

organization, I also want to focus on diversity and inclusion so that every attorney feels called to be a part of the bar association.

Q: Tell us about your family and your hobbies.

A: I married my law school sweetheart, Peter Kitundu. On October 23, we will celebrate our 20th wedding anniversary. Peter is the Chief Compliance and Privacy Officer for Wellmark. We have two daughters – Mary, who will be 16 in October and will be a sophomore at Roosevelt High School, and Lilly, who is 13 and will be in 8th grade at Callanan Middle School. The girls are very involved in sports, especially soccer, so Peter and I spend lots of time in the car driving them around.

As a family, we love to travel. In July, we went to Europe, including a stop in France to see the semi-finals and final of the Women's World Cup.

When I am not cheering my daughters on in whatever activity they are in, I enjoy exercise, reading and spending time with Peter.



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IN DEFENSE OF THE MEMORANDUM: THE LAWYER'S WARHORSE

It's Wednesday morning and you get an email from one of your most demanding clients with a red "!" in the margin. She wants to know whether amending a mortgage that her employer holds would jeopardize the lien's priority. You get her on the phone to discuss the details and find out that, while the issue isn't truly urgent (she has a history of red "!" false alarms), she'd appreciate an answer by the end of the week.

You hang up and start researching state law. It doesn't take you long to find cases indicating that the proposed mortgage amendment would not result in a loss of priority. Now that you've got the answer to the question, a second, more common question arises:

How do you communicate this result to the client? Pick up the phone, mention the cases and tell her "full steam ahead?" Send her an email to that effect? Or do you opt for a formal memorandum?

In the modern legal office, where projects that aren't urgent seem to be going the way of the dinosaurs, the traditional memorandum may seem outmoded. We attorneys are encouraged to be agile and respectful of our clients' time constraints. If we make a habit of adding two weeks to every project our clients want to complete, they'll get fed up and start leaving us out of the process, or so the argument goes. In light of these expectations, why would a lawyer bother drafting a stodgy memo when he or she can fire

off an email or make a phone call in a fraction of the time?

The way we choose to share our advice with those who seek it depends on the nature of their inquiries. We can all think of scenarios where the spoken word, an email or even an instant message (the multitasker's favorite) serves our purposes much better than a cumbersome memorandum ever could. But the efficiency brought about by the speedier communication modes doesn't always create a net positive result. If our practice drifts too far from writing memoranda, we stand to lose out on important benefits. **Here's why I've stuck with the memo over the years:**

1

Memos reflect (and actually generate) thoughtful legal analysis.

For many of us, it's a rare day in the office when we're not sending at least one email every couple of hours. Because we crank out messages so frequently, they tend to reflect improvisatory thinking. Improvising and "typing out loud" can be useful when trying to generate ideas, but our clients often come to us for a firm legal conclusion, in which case we don't want to shoot from the hip.

Drafting a memorandum is an inherently more deliberative process than emailing. We choose our words more carefully, and we don't offer opinions that we can't support with legal authority.

Simply going through that process means we're more likely to arrive at the correct legal answer (or an insightful recommendation) than if we're contributing to an email chain.

2

They capture attention. Do you want clients to follow your guidance in every instance? Or are you satisfied if they simply give your recommendations due consideration? In either case, you're more likely to succeed if you can capture your client's attention long enough to get your message across. That's easier said than done.

People who need legal assistance are awash with email and phone calls, but how often do they receive a personalized memorandum? Memos almost automatically seem important due to their formality and relative scarcity. Emails, flooding your clients' accounts by the dozen, can't compete with memoranda in the battle for attention.

3

They have precedential value. You might say something brilliant in a meeting. Chances are, no one attending will remember it a few months later. Your email may provide the perfect path out of some legal quagmire, but when a similar situation comes up two years later, will anyone be able to locate your words of wisdom?

Memoranda, by contrast, have durability; their recipients tend to hang on to them and refer to them in future dealings. And even if your client tosses your memo into the wastebasket as soon as he or she has read it, you've saved it to your hard drive or cloud, making it much easier for you to retrieve your analysis than if it's hiding in the nooks and crannies of your email archives.

Durability can be a double-edged sword; if it turns out your memo contains flawed reasoning, you should rescind and replace it. But don't we generally want our insights to have a shelf life beyond a few weeks?

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4

They promote confidentiality.

If writing emails tends to be a casual affair, forwarding them often involves even less forethought. Unlike most emails that clutter inboxes, emails from lawyers benefit from attorney-client privilege, a privilege that can disappear the second a client clicks "forward." The people receiving your counsel will think twice before sharing a hard-copy memorandum with a bold "Privileged and Confidential" header.

6

They're a sign of respect.

To write a memorandum is to project effort. Clients, either consciously or subconsciously, will appreciate the fact that you took the time to organize your thoughts and present them in a well-crafted piece of writing. They'll feel valued, which will make them more likely to come back to you the next time they need direction.

5

They help with training and succession planning.

How do the new attorneys in your office gain the skills and knowledge they need to flourish? I've found that less experienced attorneys have a voracious appetite for the written work product of senior counsel on their teams. Part of their eagerness to read old memoranda is about learning the law and efficiently applying it to their own assignments. More important, attorneys fresh out of school want to see models of outstanding legal work. They want to know what to strive for. The memorandum is an ideal vehicle for reinforcing performance standards and transferring expertise to rookies as baby boomers continue to retire in droves.

To be clear, I'm not arguing that the memorandum should be the attorney's default communication method. Again, the particular circumstances of a case will dictate which method is appropriate. But if you want your advice to have a major impact, don't underestimate the memorandum. It is a warhorse in the lawyer's arsenal that can still yield tremendous results.



Jim Provenzale

is counsel in the Des Moines office of Faegre Baker Daniels, working on the real estate team. Prior to joining FaegreBD, he was chief counsel to the U.S. Department of Housing and Urban Development (HUD) Des Moines field office. *This article reflects the opinion of the author only.*



ISBA CLE CALENDAR

August 20

Key Criminal Law Issues For Iowa's Implied Consent Breath Test
Live Webinar

August 21

Compassionate Leadership Tips for Family Lawyers
Live Webinar

August 27

Yours, Mine, or Ours?: Gifted and Inherited Property in Divorce
Live Webinar

September 12-13

Bridge the Gap Seminar
West Des Moines Marriott

September 16

Effective Use of Forensic Experts
Live Webinar

September 23

Ag Law Seminar
In-person or Live Webinar

September 26

The Ethics of Appellate Practice
Live Webinar

September 27

Corporate Counsel and Trade Regulation Seminar
In-person or Live Webinar

September 30

Unbundled Legal Services = Unlimited Opportunities
Live Webinar

October 1

Wrongful Death Cases in Iowa: 10 Common Pitfalls (and How to Avoid Them)
Live Webinar

October 9

Identifying When Your Client Has Developed Intellectual Property that Needs Protected
Live Webinar

Mrs. Iowa SOLIDER'S JOURNEY LIFTS COMBAT MASK

MAJOR FINKEN REDISCOVERS HERSELF THROUGH PAGEANT

By Tammy Pearson, reprinted with permission from CITYVIEW magazine

When Mrs. Iowa 2018 Jill Finken competed at the Mrs. America pageant last August in Las Vegas, it is quite likely that she was the only contestant who is a mother, lawyer and major in the National Guard, with a deployment to Afghanistan and air assault training under her belt.

Sitting at her desk at Camp Dodge, dressed in fatigues and combat boots, hair pulled tightly back and not a trace of lipstick on, Major Finken seems far from the beauty-pageant type. And, having never participated in a pageant prior to the Mrs. Iowa one, perhaps she wasn't.

Prior to starting full-time at Camp Dodge in 2014, Finken had experienced things that few do. She had graduated from law school at Drake at the top of her class, had rappelled

from helicopters and had returned from her deployment in 2011 to rebuild a life that was much different from the one she had left.

"I couldn't go back to the law firm," she says. "I just needed to start over. It was hard to go back to my old life."

She went from working for a Fortune 1000 company to handling sexual assault cases on three reservations under the U.S. Attorney's Office for the District of Nebraska.

"It's a job you can only do so long before you get burned out," she says.

Her next job would be at Camp Dodge, where she would be working when she turned 40.

"Being 40 hit me harder than I thought it would," says Finken.

She began reflecting on what she hadn't done and what new challenges she still wanted to tackle. A passing thought she had after meeting a former Mrs. Iowa took root and grew. She knew that she wanted to prove to herself that she could do something that was completely out of her "comfort zone." She would enter the Mrs. Iowa pageant.

"I heard that voice again — if I don't think I can do it, I have to," she says. "After being in a combat zone, I just don't want to be controlled by fear. I couldn't let my fear of not being pretty enough stop me."

It wasn't easy.

"It took a lot more courage than air assault," she says.

For Finken, the pageant allowed her to express parts of her personality that she often can't as a military officer — and allowed others to see her differently as well, including her children, Trevor, 11, and Brooklyn, 6.

"I felt single-faceted," says Finken.

"I had taken on the military persona even outside of work. I needed to work on finding my more whimsical side. I'm not the best at relaxing or showing emotion. I really needed to focus on the other side of me that I've neglected."

Her time in Afghanistan serving with the 2/34 Infantry Brigade Combat Team meant she had to be in military mode non-stop, and that changed her, she says.

"I really felt I was a different person.

I became a lot more serious, reserved in my emotions.

It takes a long time to process what I went through."



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When she returned home, her family greeted her with a welcome home banner that had a family photo on it.

"I hated to look at it. I was smiling, relaxed, carefree in that photo," she says. "It was time to find that person again. People may not realize that mask doesn't just come off when you get back."

As Mrs. Iowa 2018, Finken partnered with Operation Engage America to help educate the public about veterans' issues, including PTSD, suicide, homelessness and the need for quality healthcare.

"Supporting veterans on their own journeys is very fulfilling," she says.

She adds that her experience as Mrs. Iowa has improved her conversational skills, *"The thing I never anticipated was that I would be able to talk to veterans in a more informal way. I'm more engaging as Mrs. Iowa than as Major Finken."*

Her time in Afghanistan has taught her the importance of living life to the fullest — including entering the pageant world at age 40.

"Soldiers who have died for our freedom would want us to take every opportunity to enjoy what we have," she says. "The best way to honor those who have given their lives is to live life fiercely and fearlessly. This is my personal way of honoring that."



MEET ISBA MEMBER JILL FINKEN

For over 20 years, **Jill Finken** has served in the Iowa Army National Guard. She is a combat veteran and deployed to Afghanistan with the 2/34th Infantry Brigade Combat Team from 2010-2011 when her son was just two years old. She currently holds the rank of Major and serves full-time as the Special Branch Recruiter for the Iowa National Guard, where she is responsible for recruiting medical professionals, lawyers and chaplains into military service.

Finken holds a B.A. in Psychology from the University of Northern Iowa, a J.D. from Drake Law School and an M.S. in Management from the American College. She is licensed to practice law in Iowa and Nebraska and worked as an attorney for 10 years before committing herself full-time to military service.

For the past decade, Finken has been an advocate for Veterans' issues, and in particular the issues facing female veterans. As Mrs. Iowa America 2018, Finken worked to promote the interests of veterans through education and raising public awareness about these issues, including Post-Traumatic Stress Disorder, suicide, homelessness and access to quality healthcare. She volunteers at the Central Iowa VA Hospital and adopts deployed service members through Soldiers Angels. Finken is one of the women followed in the feature-length film "Journey to Normal: Women of War Come Home."

SALIX ATTORNEY CROWNED MRS. IOWA INTERNATIONAL

Emilee Gehling, 36, is an active mom of four children and is an attorney at Goosmann Law Firm in Sioux City. She is serving as the 2019 Mrs. Iowa International (a different pageant not affiliated with Mrs. Iowa America).

She's also involved with several local charities, giving of her time and talents to the Rotary and Sioux City Art Center, among others. During her reign as Mrs. Iowa International, Gehling will promote the discussion of alternate ways to grow a family, something she does professionally in her involvement with clients in adoption and surrogacy. Gehling will work with the Dave Thomas Foundation for Adoption, a national non-profit that promotes adoption out of the foster care system, throughout the year.

She represented Iowa in the Mrs. International 2019 competition in Charleston, West Virginia July 19-20.



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IN BRIEF

TABLE FOR 10 INITIATIVE VISITS SPENCER

On Tuesday, July 16, ISBA representatives, including President Bill Boyd, President-elect Jerry Schnurr, Executive Director Dwight Dinkla and Membership Engagement Coordinator Hank Hanson, met with attorneys from Clay County. The "Table for 10" luncheon meeting was held at the Spencer Golf & Country Club.

The ISBA representatives enjoyed lunch and a discussion with District Court Judge Nancy Whittenburg and attorneys Travis Johnson, Kerry Self, Bridget Bailey, Megan Jones, J.P. Greer, Jill Davis and Barry Sackett. Discussion topics included practice of law in rural Iowa, access to justice, the ISBA affirmative legislative agenda, the new law regarding minor guardianships/conservatorships and other legislative issues. Hanson also highlighted a number of valuable membership services such as the Child Support Calculator, new practice manuals and Trustifi email encryption.

Also at the noon luncheon, President Boyd and President-elect Schnurr presented a \$1,000 contribution from Iowa LawPAC to State Representative Megan Jones.

The Table for 10 initiative began in 2017. If you are interested in having officers and staff from the bar come to your hometown and pick up the tab for lunch, please contact President Boyd at WLB@nyemaster.com or Harry Shipley at hshipley@iowabar.org.



DICKINSON LAW CELEBRATES IOWA ARTISTS

It was a night of art, music, food and fun at the 7th Annual Artists on Display Open House held on June 28 at the Dickinson Law offices in downtown Des Moines.

Approximately 200 guests attended the event, which celebrated the work of 13 Iowa artists. Highlighting both modern and traditional pieces including paintings, sculpture, photography and mixed media creations, the artists were on hand to explain the processes behind their work.

For artist Joel Lueck, the event was a great way to explain his drawing technique, which includes taking a photo of an inspirational structure such as a picturesque barn, Victorian home or a familiar skyline and recreating the scene in ink.

"I look for something that I find interesting in real life and reproduce it using lots of small lines," Lueck said. "Depending on how intricate it is, sometimes a piece can take up to a week to complete."

For artist Jane Curl whose work focuses on capturing landscapes with pastel paints, the event was a great way to network with fellow art lovers.

"This is a wonderful opportunity for artists like myself to not only show my work, but to make new friends and connections in the community," said Curl.

The Iowa Artists on Display program was created in 2013 to provide Iowa artists with another opportunity to showcase their works at the Dickinson headquarters, and culminates in the open house event each June so the public can interact with the artists and their work during the Des Moines Arts Festival.

This year's featured artists included: Bob Cooper, Chris Slack, Megan Culver, Joel Lueck, Joan Miller, Amy Folkers, Julie Jewell, Jane Curl, Michele Baggenstoss, Mary Holtze, Kat Silent Water, Gary Hoff and Amy Witte.



WHITFIELD & EDDY ATTORNEY HONORED WITH SALVATION ARMY AWARD

Whitfield & Eddy attorney Tom Henderson was presented with the 2019 Begie Hefner Award at the Salvation Army's Annual Award Banquet "Service Over Self."


Henderson has served on the Salvation Army Advisory Board since 1985, including as Board Chair for over 10 years, worked on the Canteen Feeding Program, and has been a Red Kettle Bell Ringer and Christmas Store volunteer during the Christmas season.

The award is named for Ms. Begie Hefner, a longtime volunteer for the Salvation Army and recipient of the 2018 Lifetime Membership Award. She is the only person in the Des Moines area with a Salvation Army Red Kettle bearing her name and has raised tens of thousands of dollars by hosting open houses before Christmas.


Henderson litigates for clients in construction, personal injury, product liability, dram shop and workers' compensation matters.

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Partner





CHIEF JUSTICE CADY SWORN IN AS PRESIDENT OF NATIONAL CHIEF JUSTICES ASSOCIATION

Iowa Supreme Court Chief Justice Mark Cady was sworn in as president of the Conference of Chief Justices, for a year-long term beginning in July.

Cady, of Fort Dodge, was appointed to the Iowa Supreme Court in 1998 and was named chief justice in 2010. He was appointed to the Iowa Court of Appeals in 1994, and previously served as a district court judge, district associate judge and assistant Webster County attorney.

The Conference of Chief Justices (CCJ) was founded in 1949 to provide an opportunity for the highest judicial officers of the states to meet and discuss matters of importance in improving the administration of justice, rules and methods of procedure, the organization and operation of state courts and judicial systems, and to make recommendations and bring about improvements on such matters.

Membership in the Conference of Chief Justices consists of the highest judicial officer of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories of American Samoa, Guam and the Virgin Islands. The Conference of Chief Justices is governed by a board of directors and has several standing, temporary and special committees to assist the Conference in meeting its objectives.

CCJ has addressed such issues as federalism legislation, including mass torts, class actions, and trade legislation; violence against women; development of problem-solving courts, privacy and access to court records, self-represented litigation; the handling of child abuse and neglect cases; victims' rights; and DNA and competence of counsel.

IN MEMORIAM

Judge Harlan W. Bainter, 89, of Salem, died July 20. Bainter was born in 1930 in Escanaba, Michigan. He served in the U.S. Air Force in the Korean War and received his J.D. from the University of Iowa College of Law. Bainter then joined his father at the Bainter & Bainter Law Office in Mt. Pleasant. During his 10 years in the practice of law, Bainter also served four years as the Henry County Attorney. In November of 1969, he was appointed to the bench by Gov. Robert D. Ray. After his retirement from the bench, Judge Bainter oversaw mediation and arbitration cases.

BROWNWINICK FIRM VOLUNTEERS FOR GREATER DES MOINES HABITAT FOR HUMANITY

The BrownWinick Volunteer Day was held on Friday, June 7, with over 80 attorneys and staff participating. This year, the firm's Volunteer Day benefited the Greater Des Moines Habitat for Humanity.

BrownWinick's event consisted of dispersing three teams of volunteers to work at Habitat ReStore (Urbandale and Euclid locations), Rock the Block® and a new construction site.

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TRANSITIONS



GRAY

Mark R. Gray and **Alexandria A. Merschman** have joined Mark Gray Law, PLC in Ankeny.

Gray is the firm's founding shareholder and practices in estate planning probate, real estate and small business representation. He has practiced for over 30 years representing individuals and small businesses across Iowa.



MERSCHMAN

Merschman joins the firm as an associate after serving in private practice since graduating from Drake University Law School. She will work as an associate attorney primarily in the areas of real estate and small business representation.



NORTHUP

Bill Northrup has joined the Wealth Management division at Liberty National Bank in Johnston, as vice president and wealth management advisor. Northrup has over 30 years of fiduciary experience working with Iowa attorneys, specializing in creating comprehensive investment, trust and estate plans for the clients he serves.



BAUDLER

Ingrid M. Baudler has joined BrownWinick in Des Moines as an associate. She received her J.D. from the University of Colorado Law School and was selected for membership in the Order of the Coif. Prior to joining the firm, Baudler was an associate attorney at Redfern, Mason, Larsen & Moore, PLC in Cedar Falls. She has a general litigation practice including, but not limited to, agribusiness, construction law, employment and labor law, contract disputes, fiduciary litigation, trademarks and copyright, and workers' compensation.



SULLIVAN

Justin L. Sullivan joined Whitfield & Eddy in the firm's construction practice group. He has a diverse practice representing construction clients in day-to-day business and litigation. He is active in the roofing industry as the executive director of the Iowa Roofing Contractors Association. Additionally, he represents agribusiness clients including large-scale and family farms in business, litigation, real estate, estate planning and succession issues.



JOHNSTON

Daniel Johnston has joined Hopkins & Huebner as an associate in the firm's Des Moines office. Johnston is a graduate of Drake University Law School. He will practice primarily in the firm's employment law and municipal group.



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HILL

Amos E. Hill has been promoted to principal with Mercer in Urbandale. Hill has been with Mercer since 2016, after working with a private practice firm in Des Moines for eight years as a law clerk and attorney. He has previously served in leadership roles with The Iowa State Bar Association and Polk County Bar Association. He received his J.D. from Drake University Law School.



REGENNITTER

Regennitter joined the firm as an associate and received her J.D. from Drake University in 2015. After practicing in eastern Iowa and west central Illinois for over three years, she has returned to Des Moines to practice.



CHANEZ

David R. Chanez joined Stanley, Lande & Hunter in Davenport. He received his J.D. from the University of Iowa College of Law. Chanez was previously engaged in private practice in Moline, Illinois, where he focused on estate planning and elder law.



ANDERSON

Todd W. Anderson and **Daniel M. Morgan** have joined the Lynch Dallas, P.C. law firm in Cedar Rapids.

Anderson received his J.D. from the University of Iowa College of Law in 1988 and joined the firm as a shareholder. His practice will focus on estate planning, wills, probate and trust administration, business law, real estate, and corporate organizations and transactions. Before joining Lynch Dallas, he practiced law in Cedar Rapids for 31 years.



GENEST

Ryan A. Genest and **Megan M. Regennitter** have joined Simpson Jensen Abels Fischer & Bouslog, PC in Des Moines.

Genest received his J.D. from Drake University in 1992 and joined the firm as a partner. Formerly a partner of Culp, Doran & Genest, PC, he practices primarily in the areas of domestic relations and private termination of parental rights/adoption.



MORGAN

Morgan has joined the firm as an associate and received his J.D. from the University of Iowa College of Law in 2017. His practice will focus on municipal law, estate planning, wills and trusts and mediation/alternative dispute resolution. Before joining Lynch Dallas, he practiced in Hiawatha.

Corporate Counsel and Trade Regulation Seminar

September 27

ISBA Building (625 E. Court Ave., Des Moines) or Live Webinar

Program Highlights

- » The Latest in Immigration Law
- » A Busy Year in Antitrust
- » Corporate Governance and Shareholder Rights
- » Consumer Protection and Data Privacy: The Road Ahead
- » New Developments on Insurance Bad Faith
- » Labor Law Update
- » What the Business Lawyer Needs to Know about the 2018-19 Iowa Supreme Court Term

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POSITIONS AVAILABLE

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Attorney at Law – Nepple Law, PLC, Moline, IL – Nepple Law, PLC has a position open for an experienced attorney for our Moline, Illinois office. The ideal candidate will be familiar with tax; estate & business planning; tax preparation; trusts & wills; trust & estate administration; and real estate, and be licensed in both Illinois and Iowa. To apply, please send your resume to LisaWolfe@nepplelaw.com.

Experienced Real Estate Attorney – McGrath North, Omaha, NE – A growing and active Omaha law firm (currently 70+ lawyers) is seeking an experienced commercial real estate attorney to join our firm. Our practice consists of a full range of clients, from individuals to large multi-national corporations. Candidates should have real estate transaction experience including real estate development, sale and purchase, tax deferred exchange, leasing, real estate financing, M&A, construction and related experience. To apply, visit <https://careers.iowabar.org/jobs/12541797/experienced-real-estate-attorney>.

Coverage Attorney – Great West Casualty Company, South Sioux City, NE – Seeking a coverage attorney who will focus on the motor carrier policy, providing counsel, training, and assistance to the regions’ claims departments to foster consistent, efficient, and appropriate claims practices. This position qualifies for relocation assistance. To learn

more about Great West and our office locations, please visit our website www.gwccnet.com.

Attorney – Hupy and Abraham, West Des Moines, IA – Seeking a motivated attorney to join our West Des Moines office. The focus of this position will be workers compensation litigation in a fast-paced work environment. Successful candidates will be client-service oriented, strong negotiators and process excellent verbal and written communication. To apply, visit <https://careers.iowabar.org/jobs/12570814/attorney>.

Associate Attorney – Baylor Evnen, LLP, Lincoln, NE – Baylor Evnen, LLP is currently accepting resumes for an associate attorney in the Workers’ Compensation Practice Group. The ideal candidate will have quality work experience with an emphasis in litigation or workers’ compensation. Qualified candidates will preferably be admitted in Nebraska and Iowa or in a position to gain admittance to Iowa in the near future. To apply, visit <https://careers.iowabar.org/jobs/12571252/associate-attorney>.

Attorney – McDonald, Woodward & Carlson, P.C., Davenport, IA – Martindale-Hubbell AV rated firm with extensive trial practice in the Quad Cities has an exciting opportunity for a highly qualified attorney with at least 3-5 years of experience to work flexible hours to assist with motions, discovery and appeals, and occasional court appearances. The position could be half to full time. The candidate would have the option of working from home with meeting with clients and lawyers to take place in the office. As this is a flexible position, the terms and compensation are to be discussed depending upon the arrangement; however, compensation is competitive and includes medical, dental, paid time off, paid holidays, a 401k, bar dues and paid CLE. To apply, visit <https://careers.iowabar.org/jobs/12579679/attorney>

Real Estate & Energy Position (Minneapolis or Des Moines) – Fredrikson & Byron, P.A., Minneapolis, MN – Position available for a real estate attorney with a minimum of 5 years of experience in project site control

for wind and solar energy projects, including negotiating, drafting and reviewing wind energy lease and easement agreements and completing the necessary title review and corrective work to achieve financeable site control. This position could work out of our Des Moines or Minneapolis office. To apply, visit <https://careers.iowabar.org/jobs/12583677/real-estate-energy-position-minneapolis-or-des-moines>.

Wealth Management & Trust Counsel – Bankers Trust, Des Moines, IA – The Wealth Management & Trust Counsel acts as “in house” legal counsel to the Private Client and Institutional Trust and Wealth Management business lines. Primary resource for legal documentation and legal instruments, risk management, and regulatory compliance. Also coordinates usage of outside counsel for Trust, WM, and ERISA related issues. Provides business line and industry perspectives, best practices, etc. as needed or requested to assist department and business line managers. To apply, visit <https://careers.iowabar.org/jobs/12594550/wealth-management-trust-counsel>.

Associate Attorney – Trial – Dorsey & Whitney, Des Moines, IA – Dorsey & Whitney LLP is seeking a 3rd-5th year (2014-2016 JD) litigation associate to join the Trial Department in our Des Moines office. This associate will have the opportunity to work in all phases of civil litigation, from pleading through trial and appeal. This position would involve meaningful responsibility for pending cases, in-court experience and active trial and motion work. Dorsey & Whitney LLP accepts online applications at <http://www.dorsey.com/attorneyjobs>. We do not accept application materials by mail or email except as a reasonable accommodation for qualified disabled applicants. Individuals who are unable to use our online process due to a disability should call 612-492-5186.

Associate Corporate Attorney – SHAZAM, Des Moines, IA – In the position of associate corporate attorney, your primary role will be to develop, review and negotiate contracts and other legal documents. Other responsibilities will include, working collaboratively with various business units and making recommendations to address and/or remedy potential business concerns, developing timeline charts to monitor the regulatory requirements of the company, and monitoring and interpreting federal and state laws and regulations to provide interpretation or advice to the company. To apply, visit <https://careers.iowabar.org/jobs/12598750/associate-corporate-attorney>.

Senior Counsel – UnityPoint Health, West Des Moines, IA – UnityPoint Health has an immediate opportunity for an experienced health care attorney to become a member of our top-notch team of legal professionals. This position is for a senior counsel and requires a minimum of eight (8) years of legal experience in malpractice litigation, healthcare risk or claims management and/or other healthcare delivery



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Associate – Telpner, Peterson, Smith, Rues, Council Bluffs, IA – Telpner Peterson Law Firm seeks an attorney for the general practice of law including probate, estate planning, commercial, real estate and transactional law. If the successful candidate is a recent graduate, a potential clerking position is available pending passage of the Iowa State Bar Exam. All applications will be handled confidentially. Please submit a current resume which includes class rank, GPA and a current writing sample to Telpner Peterson Law Firm, 25 Main Place, Suite 200, Council Bluffs, Iowa 51503 or email to: pcarus@telpnerlaw.com.

Assistant Black Hawk County Attorney – Black Hawk County Attorney's Office, Waterloo, IA – Great opportunity for trial experience for

young lawyers. Work in a team environment focused on assisting one another in the court room and in the office. The Black Hawk County Attorney's Office is seeking an assistant county attorney for prosecution of criminal offense. Must be capable of regular and predictable attendance at a specified location in order to perform assigned tasks. To apply, visit <https://careers.iowabar.org/jobs/12486925>

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PERSONAL

If depression, stress, alcohol or drugs are a problem for you, we can help. We are a non-profit corporation offering attorneys free help in a totally confidential relationship. We are the Iowa Lawyers Assistance Program. Under order of the Iowa Supreme Court, all communication with us is privileged and private. Our director is a former lawyer, a recovering alcoholic and drug addict. He is a trained substance abuse counselor. We cannot help unless you call 515-277-3817 or 800-243-1533 or message (in confidence) help@iowalap.org. All you have to do is ask us to contact you. No other details are necessary. We will call you. The Iowa Lawyers Assistance Program also can provide speakers for local bar associations.

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Bruce Walker

Walker helps clients at a recent NILAC event in Iowa City.
 Walker visits with some of the athletes he has coached in baseball.



“Once you start, it’s like eating peanuts.” That’s how Bruce Walker describes his passion for volunteering – comparing it to an addicting snack food that keeps you coming back and fills you up in the process. Walker, a litigation attorney at Phelan Tucker LLP in Iowa City, has been filling up on the goodwill of volunteer work for decades, with a legacy to show for it.

In addition to his tremendous commitment to the bar association and legal profession, demonstrated by stints as bar president

and as chair or member of too many boards and commissions to count, Walker has also been extensively involved in helping his community in numerous ways, dating back to the 1970s.

“I started coaching when my 46-year-old son was six, and retired last fall after 40 years of coaching football, baseball, softball, basketball and soccer,” he said.

Coaching has been one of Walker’s favorite ways to give back to young people. He and his wife, Dedi, also enjoy hosting international students and did so for decades.

He has also served on his church board of elders and deacons, attended mission trips on behalf of his church group and was a member, and later counsel, to the Iowa City Civil Service Commission. He was also a pack leader in Cub Scouts when his boys were active, and was active in the Boy Scouts for a number of years afterwards.

“My other favorite activity has been volunteering to do pro bono work with NILAC and Legal Aid in Iowa City and Des Moines,” he said. NILAC stands for the New Iowans Legal Advice Clinic, a monthly clinic aimed toward the immigrant population of Johnson County. Walker is a founding member, and it is his own family’s experience as immigrants that inspired his desire to become an attorney in the first place.

“My maternal grandfather Luigi immigrated from Italy between the wars to establish a home in Des Moines where relatives had settled. He bought a house and was able to walk to work to the grocery warehouse district. Since his English was not very good, he relied on a middleman to do business,” Walker explained. That middleman scammed him, and when Luigi sought help from an attorney, Barney Meyers, he did not charge him a fee because he knew Luigi had very little money.

Luigi’s family began paying back the debt in other ways – helping babysit the Meyers’ children, cleaning and cooking and doing yardwork.

“I thought what Mr. Meyers did was honorable, so I decided to be a lawyer too,” Walker said. Walker keeps this story in mind when he’s assisting clients, but it also informs his belief that lawyers are in a unique position to help others.

“I get great pleasure volunteering. I encourage all lawyers to do what they can in their own way to give back to their communities,” Walker said.

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