



THE IOWA LAWYER

February 2019 V 79 N 1

The 2019 Legislative Session

ISBA begins lobbying efforts
on key issues and bills:
How YOU can get involved
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The Iowa State Bar Association seeks to publish original articles that advance the education, competence, ethical practice and public responsibility of Iowa lawyers. Members are encouraged to submit articles and manuscripts to the editor for possible publication. Submissions should be no longer than 1,500 words, although exceptions can be made. 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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ISBA'S NEWEST MEMBER BENEFIT: EMAIL ENCRYPTION

While emailing your clients is convenient, are you confident that your message is secure?

To help protect both your clients and your firm, the ISBA has partnered with Trustifi to provide a state-of-the-art encryption program that can integrate into your email communications.

The ISBA's partnership enables members to purchase encryption for \$25 annually, per email address. If you are interested in finding out more about this service, please go to iowabar.org/trustifi.



ISBA Assistant Executive Director Harry Shipley (left) and Membership Engagement Coordinator Hank Hanson (right), stand at the ISBA booth during the 2018 Bloethe Tax School. They talked with members about Trustifi, and some of the other new ISBA member benefits that will be unveiled in 2019.

NEW ETHICS OPINION INFORMS ON BEST PRACTICES FOR CLIENT SELECTION AND CASE PROCESSING

The ISBA Ethics and Practice Guidelines Committee issued a new opinion in December that is now posted on the ISBA website.

It introduces a system known as "CHELP" to protect the client and lawyer from the risk of inadvertency. CHELP is an acronym which stands for: Conflicts, History, Evaluation, Limitations and Plan. The details of each step are outlined in the opinion, 18-01 A "Best Practice" System Approach to Client Selection, on iowabar.org/ethics.

The Ethics and Practice Guidelines Committee was created at the request of the Iowa Supreme Court. Its purpose is to issue opinions regarding matters of ethics, and to give assistance to the practicing bar through practice guidelines.

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MERIT SELECTION WE NEED YOUR HELP

TOM LEVIS,
PRESIDENT

Last October, I wrote a president's letter detailing the history of Merit Selection of judges in Iowa. I told you about Harvey Uhlhopp, the father of Iowa's Merit Selection. I told you that Judge Uhlhopp was an elected judge from Hampton who hated campaigning to be a judge. He was convinced that even if judges were truly impartial, politicizing the selection of judges undermined the confidence Iowans had in their courts.

In 1958, Judge Uhlhopp wrote an Iowa Law Review article recommending that the legislature change the Iowa Constitution and adopt a new method for selecting judges, a method based on a candidate's merit and not based on a candidate's political affiliation.

In 1959 and again in 1961, with bipartisan support, the Iowa Legislature adopted Judge Uhlhopp's Merit Selection plan. Republican Senator Charles Grassley, then a member of the Iowa House, voted in favor of the Uhlhopp Merit Selection plan in both 1959 and 1961. Several years later, Senator Grassley called the vote by the Iowa General Assembly "very forward thinking." David Stanley, another Republican member of the Iowa legislature in 1959 and 1961, also weighed in on the Uhlhopp plan. In a June 2, 1962 letter to the Cedar Rapids Gazette, David Stanley wrote: "Get our judges out of partisan politics and keep partisan politics out of our courts. A judge's political party should have nothing to do with his judicial decisions."

What I didn't tell you in my October 2018 President's letter was that when Judge Uhlhopp first considered Merit Selection, he was convinced that 75 percent of Iowa's elected judges were Democrats. He was right. In the 1950's most of the elected judges were Democrats. So, when Judge Uhlhopp proposed his Merit Selection plan in 1959, he was worried that Democratic legislators might vote it down. At the time, there was a young leader in the Democratic Party named Neal Smith. Smith was keenly aware that Democrats

were winning most of the judicial elections. But Smith was also politically sophisticated and recognized that someday the tide might change. He convinced his fellow Democrats to approve Uhlhopp's Merit Selection plan.

Since 1963, Iowa's justices and judges have been selected using the Uhlhopp Merit Selection system. The Uhlhopp System uses nominating commissions to thoroughly examine the qualifications of all candidates without reference to political affiliation and then certify the best candidates to the governor, who appoints one of the individuals recommended. Over the last 55 years, these judicial nominating commissions have thoroughly examined thousands of judicial candidates. The nominating commissions have done an excellent job. According to the United States Chamber of Commerce, Iowa consistently ranks as one of the best court systems in America. Why does the business community like the Iowa Court system? Because political and special interest groups have little impact on the courts. Why does the business community like the Uhlhopp's Merit Selection System? Because Merit Selection has three great strengths: professional expertise in vetting judicial candidates, insulation of the selection process from big money and political influence and a mechanism for accountability through retention votes.

Unfortunately, change is in the wind. Despite 55 years of successfully selecting hundreds of talented judges and despite the approval of our courts by business and industry, several members of the Iowa legislature, who haven't been happy with the Iowa Supreme Court since the same sex marriage case was decided in 2009, are proposing changes to the Uhlhopp Merit Selection system. As of the writing of this president's letter, The Iowa State Bar Association does not know the specifics of the proposed changes, but anticipates that any proposed changes will likely alter the composition of the nominating commissions in a way that would, in the end, politicize the

selection of Iowa judges; a result Judge Uhlhopp and the 1959 and 1961 legislatures sought to avoid.

Being a judge requires special and specific professional skills. Being a judge requires a person of utmost fairness and impartiality. Being a judge requires someone with an excellent work ethic and the right temperament for the job. Local lawyers who work with judicial candidates in their respective communities have both individual knowledge of the candidates and specific knowledge of the job requirements. These lawyers have a professional interest in seeing to it that the most qualified candidates are appointed. That is precisely why Judge Uhlhopp wanted 50 percent of the nominating commissioners to be comprised of lawyers elected by lawyers living and practicing in the judicial district where the new judge would be assigned.

Judge Uhlhopp also recognized that citizens in the judicial district where the new judge would be assigned should also play an equal role in vetting candidates for the bench. Judge Uhlhopp proposed that these citizen commissioners live in the judicial district where the judge would be assigned and that these citizen commissioners would be appointed by the Governor and confirmed by the Senate. In Judge Uhlhopp's eyes, these citizen commissioners would represent the public.

Finally, Judge Uhlhopp thought nominating commissions should contain one senior judge/justice who would have valuable knowledge of the job duties and responsibilities and would have valuable knowledge of candidates' qualifications.

So, why is there change in the wind? What is the problem with Judge Uhlhopp's system after 55 years of selecting judges? Unfortunately there are a number of misperceptions by proponents of change. For instance one legislator wrote "judicial reform is another issue we are looking at to get the left-leaning Bar Association out of the judge selection process." Several other proponents contend that "left-leaning" Democratic lawyers control the nominating commissions and, as such,

do not allow qualified conservative candidates to get nominated. Finally, some proponents of change complain that the nominating commissions have created activist judges.

Does The Iowa State Bar Association have anything to do with nominating commissions? No, the Bar Association is not involved in the selection or operation of any nominating commission.

Lawyers who wish to serve on the State Nominating Commission are self-nominated and must secure the signature of 50 lawyers in order to be on the ballot. All licensed lawyers across the state are eligible to vote. For the District Judicial Commissions, lawyers are self-nominated and must secure the signatures of 10 lawyers to be on the ballot. All lawyers in the district are eligible to vote. Membership in The Iowa State Bar Association is not required to be on any nominating commission and The Iowa State Bar Association is not involved in the selection of nominating commissioners.

Are liberal lawyer commissioners controlling nominating commissions and forcing the Governor to choose activist judges? To answer that question, we looked at party affiliation for all current nominating commissioners. The State Judicial Nominating Commission is composed of eight appointed members, eight elected lawyer members and one senior Supreme Court justice. This commission selects candidates for the Supreme Court and the Iowa Court of Appeals. Currently, all eight of the Governor-appointed commissioners are registered Republicans. Five of

the eight elected attorney members are registered as Democrats with two lawyer members registered Republican and one registered as other. Based on simple math, the Republicans control the State Judicial Nominating Commission. If the Republican commissioners voted together, no liberal candidate could possibly be selected.

There are 14 District Judicial Nominating Commissions. Each of these nominating commissions are composed of five Governor appointed commissioners, five lawyer elected commissioners and the senior judge of the judicial district. Out of the total appointed commissioners, Governor Reynolds (and Governor Branstad) appointed 64 Republicans (91.4 percent) to these District Judicial Nominating Commissions, with no appointed Democrats, three other/independent, and three vacancies. Out of the total elected lawyer commissioners on District Nominating Commissions, 36 are Democrats (51.4 percent) and 27 are Republicans (38.6 percent). There are six Other/Independent and one vacancy. In total, 65 percent of all current District Judicial Nominating Commissioners are Republicans, 26 percent are Democrats and 6.4 percent are Other/Independents. In 12 out of the 14 District Judicial Nominating Commissions, Republicans have majority control. In the remaining two, the parties are split equally, with each party represented by five commissioners.

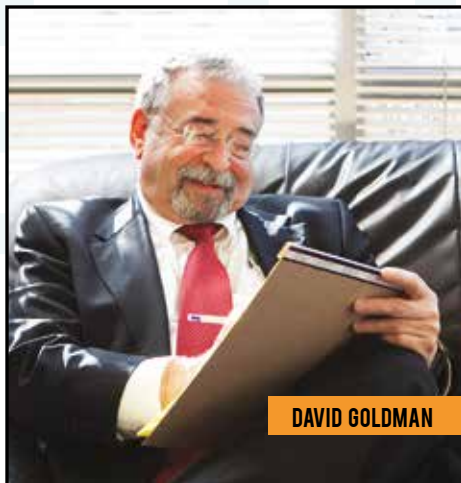
If control of nominating commissions is what the Republicans want, they already have it. But, as Judge

Uhlenhopp recognized when he proposed Merit Selection, selecting judges is not about political control. It's about merit. It's about who is the best candidate to be appointed to the bench, not the candidate with the best political resumé. Political control of nominating commissions has changed over the last 55 years, not because of the elected lawyer members, but because of the appointed members. Yet Republican Governors have selected judges who were politically aligned with the Democratic Party and Democratic Governors have selected judges who were politically aligned with the Republican Party. These Governors made their appointments because the nominating commissions did their job and recommended the best candidates to the Governor. The system works and it works well. As they say, if it ain't broke, don't fix it.

I need your help. We need to stop the Iowa legislature from making changes to Merit Selection. Unless your legislators hear objections from you, your neighbors and your business associates, substantial changes to Merit Selection will probably happen this year. Please take the time to contact your legislators. Write them a personal letter or email voicing your concerns. Enlist the support of your friends, your neighbors and your business associates. Speak to your local service clubs and churches. Let everyone know that changing Merit Selection is just plain wrong.

All Iowa school children learn about the court's role in our system of checks and balances. Children are taught that courts are the one branch of government where citizens are promised neutral ground. Please help us keep it that way.

Thank you,
Tom



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▲ ISBA officers visit the governor's office to lobby for key legislative issues. Pictured left-to-right: ISBA Vice President Jerry Schnurr III, YLD President Maggie White, Lt. Gov. Adam Gregg, Gov. Kim Reynolds, ISBA President Tom Levis and ISBA President-elect Bill Boyd.

2019 LEGISLATIVE SESSION PREVIEW

By: **James Carney**, ISBA Legislative Counsel, **Douglas Struyk**, Assistant ISBA Legislative Counsel, **Jennifer Dorman**, Assistant ISBA Legislative Counsel

The 2019 Legislative Session began on Jan. 14, with 29 new legislators between the House and the Senate and two former representatives moved from the House to the Senate. There are more female legislators (45) than ever in the history of our state. Control of the House (54 – 46) and the Senate (32-18) will remain in Republicans' hands, as will the Governor's office.

The 2019 session is the first half of the 88th General Assembly. It is scheduled to last 110 calendar days, with May 3 as the last day legislators will receive per diem to be in Des Moines. The legislative timetable also has two dates referred to as "funnels." These are the dates that bills must be reported out of committee in the chamber the bill originated, or the bill is dead for the session. This year's first funnel is March 8, and the second funnel is April 5.

Last session, there were 1,344 bills or study bills introduced between the House and Senate. We expect a similar number to be introduced again this year. The ISBA was registered on over 350 bills last session. These bills were all reviewed by ISBA members serving on section legislative committees. A flow chart showing how legislation is reviewed and how the positions of the ISBA are determined appears on page 9. The ISBA Board of Governors (BOG) has also approved the Affirmative Legislative Program for the 2019 session. A chart outlining this program appears on page 12.

The ISBA has one of the most aggressive affirmative programs of any

interest group in the state. Normally, the ISBA has anywhere from 15 to 20 proposals each legislative session. This year, there are seven proposals from the Business Law, Probate & Trust Law, Family Law, Elder Law, Criminal Law and Government Practice sections. We will keep you updated on the progress of these affirmative bills via the *The Iowa Lawyer*. We greatly appreciate the time these attorneys invest in reviewing these bills for our profession.

We are also fortunate to have lawyers who are willing to be involved in public service, because they understand complex issues and can find compromise where others may not. There are currently 20 lawyer-legislators serving in the legislature: 13 in the House and seven in the Senate (listed on page 11). This includes four lawyers in top leadership positions:

Senate President – Charles Schneider (R) West Des Moines was selected to continue as president of the Senate. He was first elected to the Senate in 2012. Senator Schneider received his bachelor's degree from Creighton University, and his law and MBA degrees from the University of Iowa. He is counsel for Principal Financial Group, where he has worked since 2007. Before joining Principal, he was a lawyer with the law firm of Dickinson Mackaman Tyler & Hagen, PC.

Senate Majority Leader – Jack Whitver (R) Ankeny was elected to lead his caucus again in 2019. Jack was first elected in 2010. He has a bachelor's degree from Iowa State University, an MBA from Iowa State University and

his law degree is from Drake University. He practices law at Whitaker, Hagenow & Gustoff, LLP in Des Moines.

House Majority Leader – Chris Hagenow (R) Windsor Heights was selected by the House Republicans to continue as their leader. Chris was first elected to the House in 2008. He has a bachelor's degree from the University of Northern

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Iowa and his law degree from the University of Iowa in 1997. He is a member of the ISBA and is a founding partner of Whitaker, Hagenow & Gustoff, LLP in Des Moines.

House Minority Leader – Todd Prichard (D) St. Charles was selected by the House Democrats to be their leader in 2019. He was first elected in a special election in 2013. He received undergraduate and law degrees from the University of Iowa. Todd is an ISBA member and owns his own general practice law firm in Charles City.

IMPORTANT COMMITTEE CHAIRS

For the 2019 session, Rep. Steven Holt (R) Denison will Chair the House Judiciary Committee. Serving as Vice Chair will be Rep. Dustin Hite (R), a freshman lawyer-legislator from New Sharon. Ranking Member of House Judiciary is lawyer-legislator Rep. Mary Wolfe (D) Clinton. Three non-lawyers will be leading their caucuses in the Senate Judiciary Committee. The Chair will be Sen. Brad Zaun (R) Urbandale, Vice Chair is Sen. Dan Dawson (R) Council Bluffs, and serving as Ranking

Member is Sen. Kevin Kinney (D) Oxford.

The Justice System Appropriations Subcommittee is a joint committee of House and Senate members which funds the judicial branch, indigent defense and legal aid. The Senate Chair will be Senator Julian Garrett, a lawyer-legislator from Indianola. The House Chair will be Gary Worthan of Storm Lake.

STATE BUDGET

Iowa Code requires the Revenue Estimating Conference (REC) to meet a minimum of three times a year: October, December and March. The state budget is predicated upon the estimates provided by the December REC unless the following March REC is lower than the December REC. If that happens, the legislature must use the lower of the two. Additionally, if revenues do not meet the budget passed by the legislature, action must be taken to balance the budget including across the board cuts, gubernatorial transfers (not to exceed \$50 million) or a special session.

The December 2018 REC revised their estimate for FY 2019 by decreasing growth by 0.2 percent to 4.7 percent, totaling \$7.728.6 billion in total receipts plus transfers. Net appropriations after transfers for FY 2019 total \$7.539.3 billion. It is estimated that the state has a \$285 million surplus in FY 2019.

The December 2018 REC also revised their estimate for FY 2020 by increasing growth by 0.1 percent to 1.8 percent, totaling \$7.868.4 billion in total receipts plus transfers. This equates to approximately \$329 million available for new spending if the expenditure limitation is ignored and all programs are funded at FY 2019 level. This is a significantly better budget position for the state compared to what has been experienced the past several years.

The ISBA will be working to fund all of the priorities identified by the Board of Governors, including the requested increase of \$7.27 million for the Judicial Branch and a \$5/hour increase in indigent defense contract attorney reimbursement rates totaling approximately \$2 million.



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JOIN THE ISBA'S GRASSROOTS ADVOCACY NETWORK

The ISBA is in the process of establishing a statewide group of ISBA members who are willing to actively engage their local legislators on behalf of the ISBA on issues important to Iowa lawyers. It is hoped that through the Grassroots Advocacy Network, volunteers will increase the visibility of the profession and the ISBA to both legislators and Iowans, assist in developing a local connection between legislators and the ISBA and provide a consistent presence at local legislative forums and listening posts.

Volunteers for this effort are asked to establish and maintain contact with their state senators and state representatives, attend local legislative forums and coffees on behalf of the ISBA and contact their legislators on issues from time to time. Information from the ISBA will be provided to volunteers on these issues. Please contact ISBA Vice President Jerry Schnurr at jschnurr@frontier.com or ISBA YLD Secretary Torey Cuellar at toreycuellar@gmail.com if you are interested in volunteering.

OTHER POTENTIAL ISSUES IMPACTING THE PRACTICE OF LAW

Judicial Nominating Process – During the 2017 session, SF 327 was considered in a Senate subcommittee. The legislation made changes to the judicial nominating process, in particular the participation and selection of lawyers in the process. Ultimately, the Senate Judiciary Committee did not take up the bill, but leading up to the 2019 Session and during the first month, much has been reported in the press about a push to alter the system in 2019. ISBA President Tom Levis sums up the concerns about the need for lawyers to act in his President's Letter this month on page 5.

Super Majority Legislation - During the 2018 session, the Senate passed legislation that would require a 5-2 decision by the Iowa Supreme Court to find a statute unconstitutional. The ISBA opposed this bill and it was not taken up by the House. Many in the legislature share the ISBA's concerns. It is uncertain if the legislation will be advanced in 2019, but ISBA members must continue to educate elected officials on the negative impact such legislation would have. Only two states require a super majority to overturn a statute, both of which have this requirement enshrined in their constitutions.

ALL POLITICS IS LOCAL

Far too often constituents fail to appreciate the importance of communication with legislators. Even though a legislator may not agree with you 100 percent of the time, they do value contacts from back home and are

concerned about their constituency. Whether it is by email, snail mail, fax, calls to the capitol or meetings back home, we encourage you to maintain communication with your local legislators. Thank them for their public service and discuss issues of importance to the profession. **You may contact your legislator by phone or email by going to: www.legis.iowa.gov/legislators.**

The ISBA legislative team is composed of **Jim Carney**, returning for his 44th year of representing the Bar; **Doug Struyk**, a former lawyer legislator serving his sixth year as assistant legislative counsel; and **Jenny Dorman**, who will be lobbying in her second session for the ISBA. You may contact them by phone at 515-282-6803, or email: carney@carneyappleby.com, struyk@carneyappleby.com or dorman@carneyappleby.com.

ISBA LEGISLATIVE AND ADMINISTRATIVE REVIEW FLOW CHART

Step 1: Section/committee chair designates Legislative Sub-Committee of no more than three people. Bills and/or administrative rules are sent to Legislative Sub-Committee by ISBA Legislative Counsel or ISBA Headquarters.

Step 2: Legislative contact directory prepared by Legislative Counsel after appointments by section and committee chairs.

Step 3: Bills reviewed daily by Legislative Counsel and referred to section/committee Legislative Sub-Committee. Proposed administrative rules reviewed upon receipt of Administrative Bulletin and referred by Legislative Counsel to section/committee Legislative Sub-Committee. Section/Committee chair has option to receive copies of bills and proposed administrative rules.

Normal Flow

Step 4: Responses to Legislative Counsel by chair of Legislative Sub-Committee or section/committee chair. Copies sent to each sub-committee member. If conflict exists, Legislative Sub-Committee chair has responsibility to resolve differences. If consensus is reached, chair reports to Legislative Counsel with copy to section/committee chair, ISBA officers and Bar headquarters.

Step 5: Legislative Counsel to present Legislative Sub-Committee position to legislators as Official ISBA position.

OR

Step 4: Chair determines issue is of such magnitude or degree of controversy that legislation should be presented to entire section council. Section council to resolve position and report to Legislative Counsel with copy to ISBA officers and ISBA headquarters.

Step 5: Legislative Counsel to present section council's position to legislators as Official ISBA position.

OR

Step 4: Section Council refers to Administrative Committee for position. Administrative Committee determines ISBA position.

Step 5: Legislative Counsel to present Administrative Committee's position to legislators as Official ISBA position.

Emergent Response Needed

OR

Step 4: Administrative Committee calls special Board of Governors meeting to determine position.

Step 5: Legislative Counsel to present BOG's position to legislators as Official ISBA position.



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Nervous About the Market? Consider a Lifeboat

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Market volatility, this year notwithstanding, tends to unnerve even the calmest of investors. When the market is dropping, investors like holding assets that maintain their value. When the market is going up, they prefer assets that are going up, not just holding steady. So how do we get the best of both worlds? How do we know what to hold and how much to hold at any particular time? That's a crucial question, but the answer does not need to be complicated.

The amount of portfolio assets an investor holds in cash/bonds (aka fixed income) should be determined by cash flow needs. Think of it as their lifeboat. If the market is tanking, the last thing you want to do to create cash is to liquidate stock. Ideally, those growth assets would be given time to recover. Buy low, sell high, not the other way around. Investors must be able to remain invested through some difficult market downturns to achieve better long-term results. Preservation assets like bonds help buffer these near term bumpy roads and reduce investor angst.

So what exactly are "cash flow needs"? Think of someone nearing or in retirement. Income from employment has or will be ceasing. Thus the portfolio becomes a source for maintaining a certain standard of living. In preparation for that time, individuals should take steps to have enough cash and bonds in their portfolio to cover approximately eight years' worth of their distribution needs. Historically, this level of cushion has been enough to weather virtually all market corrections. If stock and/or real estate markets decline, this

lifeboat of preservation assets provides ample liquidity to sustain us while we wait for an expected recovery.

What if they do not have any immediate cash flow needs from the portfolio? Depending on your time horizon, it may make sense to have an investment line-up exclusively allocated to the equity markets. If growth is the goal for the foreseeable future and there is an understanding that markets will go up and down, then an all-equity portfolio can be reasonable. Advantages of having some fixed income exposure include having "dry powder" for rebalancing, as well as a degree of diversification for risk management.

For example, when stock markets declined in February, 2018, investors with fixed income in their portfolios were afforded the opportunity to deploy additional capital into those equity markets, in effect, "buying low". As the market turns upward in later time periods, the investor owns more shares that have been purchased at lower prices. Simple stuff.

Remember, buy low, sell high. This tactic is not based upon a prediction nor timing effort. That's fools' gold. Rather, it is predicated on what percent of a portfolio ought to be in the stock market versus out of the stock market. What does the plan suggest the portfolio needs to do to meet individual goals? From there, the investor has no need to take more risk than necessary. Build a diversified, low-cost portfolio in accordance with the investor's plans. Keep the lifeboat intact and stay diversified.



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2019 LAWYER-LEGISLATORS

There are 20 lawyer-legislators this session (pictured right): 12 Republicans and eight Democrats. They are listed below in alphabetical order, with email contact information.



Maroon ring indicates Senate position



Teal ring indicates House position



Sen. Nate Boulton (D)
SD16 - Polk County
nate.boulton@legis.iowa.gov



Sen. Jim Carlin (R)
SD3 - Woodbury County
jim.carlin@legis.iowa.gov



Sen. Julian Garrett (R)
SD13 - Warren County
julian.garrett@legis.iowa.gov



Sen. Rob Hogg (D)
SD33 - Linn County
rob.hogg@legis.iowa.gov



Sen. Charles Schneider (R)
Senate President
SD22 - Dallas County
charles.schneider@legis.iowa.gov



Sen. Zach Whiting (R)
SD1 - Dickinson County
zach.whiting@legis.iowa.gov



Senator Jack Whitver (R)
Majority Leader
SD19 - Polk County
jack.whitver@legis.iowa.gov



Rep. Karin Derry (D)
HD39 - Polk County
karin.derry@legis.iowa.gov



Rep. Stan Gustafson (R)
HD25 - Madison County
stan.gustafson@legis.iowa.gov



Rep. Chris Hagenow (R)
Majority Leader
HD19 - Dallas County
chris.hagenow@legis.iowa.gov



Rep. Dustin Hite (R)
HD79 - Mahaska County
dustin.hite@legis.iowa.gov



Rep. Jon Jacobsen (R)
HD22 - Pottawattamie County
jon.jacobsen@legis.iowa.gov



Rep. Megan Jones (R)
HD2 - Clay County
megan.jones@legis.iowa.gov



Rep. Brian Lohse (R)
HD30 - Polk County
brian.lohse@legis.iowa.gov



Rep. Andy McKean (R)
HD58 - Jones County
andy.mckean@legis.iowa.gov



Rep. Brian Meyer (D)
Assistant Minority Leader
HD33 - Polk County
brian.meyer@legis.iowa.gov



Rep. Jo Oldson (D)
Minority Whip
HD41 - Polk County
jo.oldson@legis.iowa.gov



Rep. Rick Olson (D)
HD31 - Polk County
rick.olson@legis.iowa.gov



Rep. Todd Prichard (D)
Minority Leader
HD52 - Floyd County
todd.prichard@legis.iowa.gov



Rep. Mary Wolfe (D)
HD98 - Clinton County
mary.wolfe@legis.iowa.gov



IOWA STATE BAR ASSOCIATION — 2019 Affirmative Legislative Program (Updated 2.1.2019)

Bill No./Subject	Description	Status
Business Law Uniform Protected Series Act	The Uniform Protected Series Act provides a comprehensive framework for the formation and operation of a protected series limited liability company. A protected series LLC has both “horizontal” liability shields, as well as the standard “vertical” liability shield. All modern business entities provide the traditional, “vertical” shield – protecting the entity’s owners (and their respective assets) from automatic, vicarious liability for the entity’s debts. A series limited liability company provides “horizontal” shields – protecting each protected series (and its assets) from automatic, vicarious liability for the debts of the company and for the debts of any other protected series of the company. A horizontal shield likewise protects the series limited liability company (and its assets) from creditors of any protected series of the company. The legislation integrates the Act into Iowa’s existing chapter 489 on LLCs. Repeals Iowa Code § 489.407(2)(f), viz., “Approve a merger, conversion, or domestication under Article 10.”, and leave § 489.407(2) otherwise intact. Article 10 already requires unanimous consent as a default rule.	House: In Drafting Senate: In Drafting
HSB 25/SF 112 Probate & Trust Law <i>Certification of Trust Code Changes</i>	Amend Section 633A.4604(2) to allow any current trustee or an attorney for a current trustee to sign off on and execute certification of trust documents instead of requiring every trustee’s signature.	House: Subcommittee recommended passage 3-0, awaiting full House Judiciary Committee Vote Senate: Unanimously passed Senate Judiciary Committee, read first time and placed on Senate Calendar
HSB 20/SSB 1013 Probate & Trust Law <i>Calculation of Probate Court Costs</i>	Iowa Code §633.31 is currently being applied inconsistently throughout the state. There are now several district court cases declaring the clerks in at least six counties to be calculating court fees inappropriately. The bill addresses how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court fees property over which the court lacks probate jurisdiction and for which the clerk renders no services.	House: Subcommittee recommended passage Senate: Subcommittee recommended passage
HSB 28/SF 158 Criminal Law <i>PCR Record</i>	Revisions to Chapter 822. Over approximately the last four years, county attorneys, defense lawyers, and the Attorney General have had significant problems obtaining access to underlying files for postconviction cases. In particular, effective postconviction litigation generally requires the underlying criminal file, as well as any prior postconviction files. Currently, the way that court clerks handle these postconviction file requests can vary widely from county to county. These inconsistent practices have resulted in attorneys and indigent defendants representing themselves pro se encountering extreme difficulty or confusion in acquiring the necessary documents for their cases. Working in collaboration with the Iowa Judicial Branch, the proposed legislation works to implement a uniform process for clerks and attorneys to follow that would resolve this confusion, for both the prosecution, the defense, and judicial branch employees.	House: Subcommittee recommended passage 3-0, awaiting full House Judiciary Committee Vote Senate: Unanimously passed Senate Judiciary Committee, read first time and placed on Senate Calendar

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IOWA STATE BAR ASSOCIATION — 2019 Affirmative Legislative Program (Updated 2.1.2019)

Bill No./Subject	Description	Status
Probate & Trust, Family Law <i>Guardianship & Conservatorship Update</i>	Update and Revisions to Iowa’s guardianship and conservatorship laws based upon the Probate Section’s review of chapter 633 and the Iowa Supreme Court’s Guardianship & Conservatorship Reform Task Force.	House: In Drafting Senate: In Drafting
Government Practice <i>ABD “Good Moral Character”</i>	Amends Iowa Code section 123.3(34)(a) definition of “Person of Good Moral Character” to clarify what to consider when determining good moral/financial standing. This is addressed in the Administrative Rules but the Government Practice Section believes this should be codified to provide better implementation and uniformity.	House: In Drafting Senate: In Drafting
HSB 30/SSB 1014 <i>Elder Law Section Clarifying definition for Vulnerable Edler in Iowa’s Elder Abuse Law</i>	This proposal amends Iowa Code section 235F.1(17), the definition of vulnerable elder. Currently, “Vulnerable elder” is defined as “a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of age or a mental or physical condition. This proposal changes the definition of “vulnerable elder” to mean “a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of a mental or physical condition or because of a personal circumstance which results in an increased risk of harm to the person.” This change aims to clarify a Supreme Court decision that held that age alone was enough to prove that an individual is vulnerable, making every person over the age of 60 in Iowa a vulnerable adult unable to protect themselves. This change makes it clear that age alone is not enough, but must be accompanied by something more. This amendment ensures that older Iowan’s autonomy in decision making is protected.	House: Subcommittee recommended passage 3-0, awaiting full House Judiciary Committee Vote Senate: Passed full Senate Judiciary Committee with a of 10-4 on 1/29/19.

IN ADDITION TO THE ABOVE LEGISLATIVE PROPOSALS, THE IOWA STATE BAR ASSOCIATION SUPPORTS THE FOLLOWING POSITIONS AS A PART OF ITS 2019 AFFIRMATIVE LEGISLATIVE PROGRAM:

- Full funding of indigent defense and adoption of legislation providing for \$5.00 per hour increase with an automatic cost of living increase in indigent defense fees.
- Full Funding of the Judicial Branch.
- Full funding for Legal Services.
- Full funding of the IA Secretary of State’s Office as requested by IA Secretary of State Paul Pate.
- Full funding for the Office of Substitute Decision Maker to protect the interests of Iowans who have no one else to manage their financial and health care needs.
- Child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.
- Oppose the legalization of title insurance.
 - Will monitor issues regarding lawyer abstracting under Iowa Title Guaranty.
- Oppose absolute immunity legislation.

6th Iowa Civil Rights Symposium and 3rd Build It Right Iowa Conference



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-Mahatma Gandhi



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2019 CONDITION OF THE JUDICIARY

“The Iowa way is to improve continuously. It is to plan, with each step taking us forward to the next, with each step as important as the next. Our future can no longer be about taking small steps or standing still. We need to think big and take big steps. Every day, we must seek to achieve what can be imagined.”

— Chief Justice Mark Cady, during his address on Jan. 16

A CULTURE OF CONTINUOUS IMPROVEMENT: CADY'S ANNOUNCED INITIATIVES

The Court has requested a \$7.27 million increase in its general fund appropriation for FY 2020.

ACCESS TO JUSTICE INITIATIVE

Cost: \$359,476

To better serve the spectrum of Iowans in our judicial system, we will develop programs and services to address the increasing number of self-represented litigants and the language barriers confronting non-English speaking Iowans. Both initiatives seek to relieve clerk staff of these time-intensive demands and to deliver convenient, consistent, cost-effective services across the state. This includes: Creating a pilot program for district self-help centers, providing self-guided online forms, and continuing work on language translation of the website, forms and manuals.

RURAL COURTS INITIATIVE

Cost: \$1,585,198

We are dedicated to strengthening ties with rural communities and offering a full complement of services on a full-time basis. To achieve this goal and fund all Clerk of Court offices to manage 100 percent of the workload, the formula requires 37 additional FTE's.



DIGITAL OPPORTUNITIES INITIATIVE

Cost: \$2,485,764

Utilizing today's technology, we aim to develop electronic search warrants, move the Help Desk for Iowa Courts Online in house, proceed with statewide expansion of VOIP phone system and increase General Fund appropriation to cover IT operating expenses currently covered by the Enhanced Court Collections Fund and the Court Tech & Modernization fund. This includes services such as: Deployment of video technology for remote appearances of parties, witnesses, interpreters and court reporters; text reminders for defendants and electronic search warrants transmitted to officers in their vehicles.

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Partner



PROTECT IOWA'S CHILDREN INITIATIVE

Cost: \$897,223

Based on the recommendations from a Council for State Government study, we seek the resources to improve internal and external coordination of juvenile services, write uniform policies that are consistently applied statewide, and use data driven decision-making that will improve outcomes for all children.



"If there is any doubt about how justice serves to fulfill our hope of a better life for the next generation, there should be no more. It takes each one of us. It takes FAITH."
— Chief Justice Mark Cady

THE STORY OF FAITH

"In September, I visited the juvenile court services office in Iowa City. There, I met with the juvenile court service team, including their intern named Faith. The team told me the story of a 16-year-old girl referred to its office eight years ago. The problems began when she and her mom struggled to communicate. The situation then escalated into physical altercations. This young girl was at risk of losing her home and her dreams. She needed help and so did her mom. With treatment and help from Justin, the juvenile court officer assigned to her, she worked through her problems, reconciled with her mother and graduated from high school with her dreams intact. She then went on to graduate from the University of Iowa with a Bachelor's Degree in Psychology and will graduate with a Master's Degree in Social Work in May.

The story the team told was Faith's story, the intern I met that day. Faith works in the same juvenile court services office that helped her and her mom, and put her on this path to success. Faith's story demonstrates the importance of juvenile court services. It is an example of how juvenile court officers and community providers across the state work together to use the appropriate levels of treatment and services to help youth and their families avoid the criminal justice system and reach their potential. Yet, this story tells us so much more. Faith is now there to help others as she was helped, and the lives she impacts will help improve lives for generations to come."

ADDRESS STAGNANT JUDICIAL SALARIES INITIATIVE

Cost: \$1,858,367

The judicial branch requests a four percent salary increase for all judicial officers. The number of overall applicants for judicial vacancies and the number of private practice applicants is trending downward.



PROBLEM SOLVING COURTS INITIATIVE

Cost: \$85,599

The Judicial Branch is working towards an initiative that will improve the coordination and effectiveness of problem-solving courts throughout the state. The National Center for State Courts, working with the Iowa Judicial Branch, completed three studies in this area: establishing Data Standards and Performance Measures, a Process Evaluation to ensure fidelity to the model and the Cost-Benefit Analysis requested by the legislature. Funding is now needed to execute the recommendations from these studies.



Chief Justice Cady poses with Faith, the young woman he referenced in his address.



Chief Justice Cady hugs his granddaughter and wife in the audience. His son, Spencer Cady, an attorney in Des Moines, is pictured on the right.



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U.S. DISTRICT COURT'S LOCAL MEDIATION RULE IN BANKRUPTCY COURT: IOWA AND MINNESOTA EXAMPLES

By Donald L. Swanson

Historically, bankruptcy courts and bankruptcy professionals have been lagging adopters of mediation. They've been slow to utilize mediation for resolving bankruptcy disputes, and they've been slow to adopt local rules on mediation.

Today, however, 80 percent of all 94 bankruptcy court districts have a local mediation rule of some type¹ with more on the way, and mediation is a significant tool in many bankruptcy courts. That's because of a simple reality: bankruptcy mediation works!

Bankruptcy mediation is useful, for example, in dealing with heavy case-loads and high-emotion cases, in minimizing litigation costs and maximizing personal relationships (especially with early mediation), in providing creative

solutions to interrelated disputes and in protecting confidentiality.

Of those 80 percent, however, a dozen or so bankruptcy court districts must rely on the local mediation rules of their district courts. Three examples from the Midwest are the two Iowa Districts and the District of Minnesota.

TWO IOWA DISTRICTS

Bankruptcy courts for the Northern District and the Southern District of Iowa do not have local mediation rules of their own. But the U.S. District Courts for both the Northern and Southern Districts do. They have Local Rule 78B, which addresses mediation and includes bankruptcy cases.

Here is the mediation authorization language in subpart (a) of Rule 78B:

"Pursuant to 28 U.S.C. § 651(b), the

court authorizes the use of ADR in civil cases, *including adversary proceedings in bankruptcy*. The court's primary ADR procedure is private mediation."

Rule 78B also provides for confidentiality.

DISTRICT OF MINNESOTA

The Bankruptcy Court for the District of Minnesota has a one-sentence local mediation rule (**Rule 9019-2**) that reads:

"The court may refer any adversary proceeding or contested matter for mediation by any other federal judge or any mediator chosen by the parties."

This local bankruptcy rule does not address confidentiality or any other mediation concern. But the U.S. District Court for the District of Minnesota addresses mediation in its **Local Rule 16.5**², which authorizes mediation "in all civil actions" as follows:

"(2) Authorization. The court authorizes the use of alternative dispute resolution processes in all civil actions, *including adversary proceedings in bankruptcy*."

Local District Court Rule 16.5 also provides for mandated mediation and confidentiality.

APPLYING DISTRICT COURT'S MEDIATION RULE

The obvious question is this: "Can a district court's local mediation rule be utilized in bankruptcy court too?"

The answer is, actually, "Yes, it can." Here's how:

–For Starters...

Fed.R.Bankr.P. 9029(b)³ makes a district court's local rules available to the bankruptcy court, at the bankruptcy judge's discretion:

"A [bankruptcy] judge may regulate practice in any manner consistent with ...local rules of the district."

–Furthermore...

1. **Fed.R.Bankr.P. 9029(a)(1)**⁴ authorizes a district court to adopt local rules on matters within its bankruptcy jurisdiction:

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“Each district court...may make and amend rules governing practice and procedure in all cases and proceedings within the district court’s bankruptcy jurisdiction.”

2. **28 U.S.C. § 1334⁵** grants jurisdiction over bankruptcy cases to district courts. Sec. 1334(a)&(b) provides:

“(a) Except as provided in subsection

(b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11”; and

“(b)...notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11...or related to cases under title 11.”

3. **28 U.S.C. § 151⁶** designates bankruptcy judges and bankruptcy courts as “a unit” of the district courts:

“In each judicial district, the bankruptcy judges in regular active service shall constitute a unit of the district court to be known as the bankruptcy court for that district.”

4. **28 U.S.C. § 157⁷** establishes a division of labor between district and bankruptcy courts on bankruptcy matters, including authorization for referral of bankruptcy cases to bankruptcy courts and procedural divisions between “core” and “related to” proceedings. For example:

“(a) Each district court may provide that any or all cases under title 11...or related to a case under title 11 shall be referred to the bankruptcy judges for the district”;

“(b)(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings...and may enter appropriate orders and judgments”;

“(c)(1) A bankruptcy judge may hear a proceeding that is...related to a case under title 11...[and] shall submit proposed findings of fact and conclusions of law to the district court...[for] final order or judgment.”

MODEL LOCAL RULES

A number of years ago, the Mediation Committee of the American Bankruptcy Institute developed a resource in this area: a set of **Model Local Rules for Mediation⁸**. And, more recently, they’ve added a **Commentary⁹** thereon.

CONCLUSION

A U.S. District Court’s local mediation rule can be utilized in that district’s bankruptcy court, when the bankruptcy court does not have a local mediation rule of its own. Iowa’s Northern and Southern Districts are two examples.

A U.S. District Court’s local rule on mediation confidentiality and mandated mediation can be utilized in that district’s bankruptcy court, when the bankruptcy court’s local mediation rule is silent thereon. Minnesota’s District is an example.

And the ABI’s Model Local Rules for Mediation and Commentary are a resource for developing local mediation rules.

1. See <https://mediatbankry.com/2016/12/06/a-list-of-bankruptcy-districts-that-have-and-have-not-adopted-local-mediation-rules/>
2. See http://www.mnd.uscourts.gov/local_rules/LR-16-5.pdf
3. See https://www.law.cornell.edu/rules/frbp/rule_9029
4. *Ibid*
5. See <https://www.law.cornell.edu/uscode/text/28/1334>
6. See <https://www.law.cornell.edu/uscode/text/28/151>
7. See <https://www.law.cornell.edu/uscode/text/28/157>
8. See <http://promo.abi.org/committee/mediation/modelrules/rulescombo.pdf>
9. See <http://promo.abi.org/committee/mediation/modelrules/commentary.pdf>



Donald L. Swanson has been practicing bankruptcy law in Iowa and Nebraska for many years, publishes a blog on bankruptcy and mediation topics at www.mediabankry.com, and is a shareholder in the Koley Jessen P.C., L.L.O., law firm of Omaha, Nebraska.

Don is a court-approved mediator in both the U.S. District and Bankruptcy Courts of Nebraska, is a certified specialist in business bankruptcy law (American Board of Certification) and is active in the American Bankruptcy Institute. Don received degrees from the University of Nebraska: B.S. in 1977 and J.D. in 1980.

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BOARD OF GOVERNORS WINTER QUARTERLY MEETING

Special thanks to **Maura Sailer**, ISBA BOG District 3B, for her contribution to this report.

During the winter ISBA Board of Governors quarterly meeting in Des Moines, the BOG acted on numerous section recommendations for the 2019 ISBA Affirmative Legislative Program and heard reports on key issues impacting Iowa attorneys during the next year.

ACTIONS

ISBA Section recommendations for the 2019 ISBA Affirmative Legislative Program were acted on as follows:

Business law

- Supported adoption of the LSA's requested change to Iowa Code Section 489.407(2) to integrate the Uniform Protective Series Act with Iowa's existing Iowa Code Chapter 489.

Elder law

- Approved an amendment to Iowa Code Section 235F.1(17) so that the word "or" be changed to "and" in response to the Iowa Supreme Court's 2017 decision in *Petition of Chapman* that holds that age alone is sufficient to meet the definition of vulnerable elder.

Probate, trust & estate planning

- Provided advanced approval of the forthcoming bill that amends Iowa Code Section 633A.4604(2) to allow any current trustee or an attorney for a current trustee to execute certification of trust documents in order to expand on who is able to verify the powers of the trustee. Support for this amendment was approved at the ISBA BOG's fall quarterly meeting.
- Approved legislation that revises

Iowa Code Section 633.31 for the purpose of limiting court costs to be based only on assets subject to probate administration as approved by the Probate Section.

Additional recommendations for the 2019 ISBA Affirmative Legislative Program were acted on as follows:

- Approved proposed legislation that updates and revises Iowa's guardianship and conservatorship laws based on the consensus reached by Probate, Trust and Estate Planning, Family and Juvenile Law and Elder Law Sections.
- Approved support for the Judicial Branch's legislative proposal to amend Iowa Code Sections 46.14, 602.6201 and 602.6305 to allow for intra-district judicial nominations so that district judicial nominees may apply and be eligible for district court judgeships within judicial election subdistricts provided they reside within those respective judicial election districts within 90 days of appointment.

- Confirmed approval of the ISBA's standing Affirmative Legislative Program positions. *The ISBA's standing positions can be found on page 13.*

Additional actions taken by the Board of Governors included:

- Approval of the Iowa Jury Instructions Committee's recommended changes to Criminal Instructions 100.7, 1100.1, 1100.2 and the addition of new Criminal Instructions 1100.3 and 800.4.1.
- Approval of Resolution Honoring Deceased Members.

- Approval of legal forms Affidavit of Identity (to establish one and the same person); Affidavit of Identity (to establish not one and the same person); Affidavit Child Support and/or Alimony are Current; and Certification of Owners' Association Assessments, Due, and Unpaid Charges recommended by the Legal Forms Committee.

- Approval of the Title Standard Committee's recommended changes to Standards 4.11 Life Estates, 9.15 Nonresident Testate Decedent, 9.16 Resident Testate Decedent, 9.17 Procedures to Appoint Conservator and the inclusion of an updated Iowa Land Title Standards Cover Page and Preface. These items are updates to previously included sections of the Iowa Title Standards.

- Approval of the 2018 ISBA 990 and Audit Results and the October 2018 Financial Statements provided by the Ways and Means Committee.

- Approval to establish the ISBA Innovations Committee for continuous and ongoing work to identify, encourage and accelerate innovative ideas that will enhance the legal profession and the delivery of legal services in Iowa.

- Approval to establish the ISBA Well-Being Committee to address the ongoing need for attorney well-being.

- Authorization of ISBA staff to negotiate with Trustifi for the purpose of purchasing bulk licensing of Trustifi email encryption software to be made available to the ISBA membership and support staff per the recommendation of the ISBA Solo and Small Firm



Three attorneys declared their candidacy for ISBA vice president during the December BOG meeting (pictured left-to-right): Henry Hamilton III, Anjela Shutts and Joseph Happe. A ballot to vote on these candidates will be sent to all ISBA members in the spring.

Section and the ISBA Law Practice Management Committee.

- Authorization of one-time funding for the creation of an ISBA Practice Headquarters website per the recommendation of the ISBA Solo and Small Firm Section and the ISBA Law Practice Management Committee.

HIGHLIGHTS

President's Report

ISBA President Tom Levis updated Governors on his "Table for Ten" initiative and his recent presidential efforts and activities. Levis introduced the candidates for the upcoming ISBA election for vice president. The candidates are Henry Hamilton III, Joseph Happe and Anjela Shutts. All three candidates spoke about their goals and leadership experiences. Levis introduced the Hon. Mark Bennett who gave a presentation and led a discussion on the jury-centered approach to trial during lunch.

At the 2018 Annual ISBA BOG meeting, Levis created six small groups to discuss and address rural practice, the future of the practice of law in Iowa, ISBA member services/benefits, wellness, record retention and the size and make-up of the board of governors. The small groups meet between the ISBA BOG quarterly meetings and report back to the larger board at the meeting. (For more information on the ISBA BOG's small groups, see the October 2018 issue of *The Iowa Lawyer*.)

ISBA President-elect and BOG Task Force Chair Bill Boyd provided a report on the group's review of the size, operations, elections, committees, communications, member obligations and orientation/training of the ISBA BOG, and offered three alternative recommendations based on the group's review of other voluntary state bar associations with fewer than 10,000 members. The BOG discussed the alternatives that were presented.

ISBA YLD President's Report

ISBA YLD President Maggie White reported on the YLD's accomplishments and goals. The YLD is working on a parental leave project to provide services for parents and support facilities for new mothers at work. Outreach events continue with both Iowa law schools.

Volunteer and social events included service with Meals for the Heartland and networking with law students.

ISBA Executive Director's Report

ISBA Executive Director Dwight Dinkla and ISBA Assistant Executive Director Harry Shipley provided updates on several items including the new ISBA Child Support Calculator. The child support calculator program will be available to members at a greatly reduced rate, either as part of ISBA IowaDocs subscriptions or as a stand-alone program. The ISBA Solo & Small Firm Section and the ISBA Law Practice Management Committee evaluated and recommended authorization to provide email encryption services through Trustifi and a new law practice management website through a partnership with Affinity Consulting. The BOG approved the recommendations.

Dinkla presented information regarding the possibility of Legal Assistant/Paralegal ISBA Membership. DMAC paralegal students may be interested in joining the ISBA at a reduced rate if the option is available. President Levis requested that the Scope and Correlations Committee study the option further and report back with the possibility of including recommendations for additional membership categories at the committee's discretion.

Legislative Counsel's Report

ISBA Legislative Counsel Jim Carney, Asst. Legislative Counsel Doug Struyk and Asst. Legislative Counsel Jennifer Dorman provided updates on ISBA 2019 Affirmative Legislative Program items including legislative proposals put forth by the ISBA Government Practice Section and Criminal Law Section. ISBA Legislative Council continues to work with the Alcohol and Beverage Distributors on language that amends Iowa Code Section 123.3(34)(a), "Person of good moral character" to clarify what to consider when determining good moral/financial standing. Revisions to Iowa Code Chapter 822 are being drafted to resolve issues related to post conviction relief records for both prosecutors and defense council. The legislative team registers on 450-

500 bills each session and tracked over 620 bills during the last session.

Dialogue with Iowa Supreme Court Chief Justice Mark Cady

Iowa Supreme Court Chief Justice Mark Cady reported that the judicial branch is being proactive in charting its future, examining every aspect of operations to bring about greater efficiencies and building a culture of continuous improvement. He expressed his appreciation for the synergy of the courts and ISBA to find solutions, and provided a number of updates. *Read more about Chief Justice Cady's remarks during the Condition of the Judiciary on page 14.*

Chief Justice Cady briefly commented on the formation of a committee to evaluate support needs for judges, and partnerships with the private sector to support access to justice. He reported on the retirement of Justice Daryl Hecht and remarked on his distinguished service.

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A learning center is being established in the Iowa Judicial Branch Building to highlight the value of the judicial branch in society. Private donations will fund the creation of the center and Iowa State University students are assisting with the efforts.

Ethics and Practice Guidelines

ISBA Ethics and Practice Guidelines Committee Chair Nick Critelli reported on the committee's ongoing efforts and noted that conflicts of interest represent about 80 percent of all complaints. He provided governors with new Iowa Ethics Opinion 18-01, A "Best Practice" Systems Approach to Client Selection, Avoidance of Conflicts of Interest and Case Processing, and provided a detailed overview of the CHELP system approach described therein.

Reports from the Law Schools

University of Iowa College of Law Dean Kevin Washburn reported that

while there are more applications to law schools, applicants are applying to fewer schools. The ABA will soon require that law schools have a 75 percent graduate bar passage rate within two years of graduation rather than five years in order to maintain accreditation. Washburn provided information on recent and upcoming activities and noted that former Iowa Supreme Court Justice David Baker will be taking Iowa's Moot Court team to the national competition.

Drake Law School Dean Jerry Anderson provided information on recent and upcoming activities, including an event with former United States Attorney General Eric Holder in February. He noted the appointment of Jennifer Zwagerman as the new director of the Drake Agricultural Law Center. Drake and other law schools identify mental health as a new challenge for law students. Anderson advised that the bar as a whole will soon see this challenge as law students advance to practice.



The Member Services/Benefits task force presents to the board their findings. Members pictured, left-to-right: Dawn Boucher (at podium), Daniel Huitink, Abhay Nadipuram, Christopher Surls and Caitlin Slessor.

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IN MEMORIAM

Mona Bowden, 56, of Alden, died Nov. 10. Bowden was born in Webster City in 1962. She received her J.D. from the University of Iowa College of Law, and practiced law for 25 years in Iowa Falls at the High, Bowden, Stockdale Law Firm.

Mayer Kanter, 82, of Sioux City, died Dec. 12. Kanter was born in 1936 in Sioux City. He received his J.D. from the University of South Dakota School of Law, and practiced law in Sioux City for many years.

David L. Hammer, 89, of Dubuque, died Dec. 27. Hammer was born in Newton in 1929. He served in the U.S. Army during the Korean War and received his J.D. from the University of Iowa College of Law. He then joined the firm of O'Connor, Thomas, McDermott and Wright. In 1988, he left it and founded the law firm of Hammer & Simon, today known as Hammer Law Firm. He held numerous positions including president of the Young Lawyers of Iowa, president of the Iowa Defense Counsel Association, delegate to the Defense Research Institute, president of the Dubuque County Bar Association and member of the Iowa Academy of Trial Lawyers.

Thomas D. McMillen, Jr., 81, of Des Moines, died Dec. 11.

G. Robert (Bob) Sackett, 86, of Perry, died Dec. 21. Sackett was born in Perry in 1932. He served in the U.S. Army in Okinawa and received his J.D. from Drake University Law School. In 1961, he joined his father, George H. Sackett, Blake Willis, and Blake's son, Ned Willis, in forming the law firm of Willis & Sackett. He practiced law until he was 84 years old.

Larry D. Schlue, 91, of Belle Plaine, died Dec. 24. Schlue was born in Burlington in 1941. He received his J.D. from the University of Iowa College of Law and served in the U.S. Navy during the Vietnam War, receiving the Naval Achievement Medal for his work. Following his tour in Vietnam he was assigned as a Legal Assistance Officer to the Judge Advocate General at the Pentagon in Washington D.C. In November 1970, Schlue joined the Kollmorgen Law Firm, later becoming a partner in the Kollmorgen Schlue Law Firm. In 1974, he was elected county attorney of Benton County. Schlue sold the practice and retired in 2010.

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2018 CLE Information

(W) Webinar

The CLE credit information contained in the following chart is for the 2018 year. This information should be used to calculate CLE hours for 2018 when filing your CLE report with the Commission on Continuing Legal Education.

Date	Event Title	State	Ethics	Juvenile	Activity ID
Jan. 8	Relevant Campaign Finance/Ethics Issues in an Election Year (W)	1	0	0	285594
Jan. 10	Cradle to the Grave: Innovations in Family Law (W)	1	0	0	295330
Jan. 10	The Present Tax Landscape: Implications for Individuals, Businesses, Investors and Others (W)	1.75	0	0	284789
Jan. 24	So Many Changes! What Tax Professionals Need to Know for the 2018 Filing Season (W)	2	0	0	287274
Jan. 26	Shifting Landscapes: Adapting Your Firm to Emerging Threats (W)	2	2	0	287309
Jan. 30	Negotiating the Deal (W)	1	0	0	287310
Feb. 6	Veteran's Preference and Other Hearing Rights for Public Employees (W)	1	0	0	287311
Feb. 15	Recent Developments in Inter Parties Review Practice (W)	1	0	0	287276
Feb. 19	Cybersecurity and Cyber Insurance	1	0	0	287279
Feb. 19	Cybersecurity and Cyber Insurance (W)	1	0	0	287278
Feb. 21	Collaborative Law (W)	1	0	0	285601
Feb. 23	The Future of Judicial Defence to State and Federal Agencies (W)	1	1	0	291169
March 7	Top Patent Law Stories of 2017 (W)	1	0	0	291150
March 7	Representing Children in Iowa (W)	1	0	0	276452
March 8	Juvenile Law Seminar	7.5	1	7.5	291151
March 8	Juvenile Law Seminar (W)	7.5	1	7.5	291152
March 9	Criminal Law Seminar	6	0	0	291153
March 9	Criminal Law Seminar (W)	6	0	0	291154
March 12	Recordings of Public Safety Officers on Duty (W)	1	0	0	287281
March 26	Employment Law Audits (W)	1	0	0	287282
Apr. 10	IP Mediation and Industry Trends (W)	1	0	0	291155
Apr. 11	Joint Physical Care and Parenting Plans (W)	1	0	0	296733
Apr. 19	Employment Agreements: Emerging Issues in the Digital Age (W)	1	0	0	297295
Apr. 20	Commercial and Bankruptcy Law Seminar	6.75	1	0	295211
Apr. 20	Commercial and Bankruptcy Law Seminar (W)	6.75	1	0	295210
Apr. 25	Substance Abuse and the Family (W)	1	0	0	285572
May 1	Current State of Medical Malpractice in Iowa (W)	1	0	0	297909
May 4	Government Practice Seminar	6	2	0	297886
May 4	Government Practice Seminar (W)	6	2	0	297887
May 9-11	Bench-Bar Conference	8.25	4	0	295209
May 14	SHIP: Helping Your Clients with Medicare Issues (W)	1	0	0	294377
May 16	Copyright Law and Recent Updates (W)	1	0	0	291170
May 18	Tax Law Update	5.25	0	0	291157
May 18	Tax Law Update (W)	5.25	0	0	291158
May 21	Medicaid to Nursing Home Care: Solving Semi-Complicated Scenarios (W)	1	0	0	294354
May 29	Social Media Discovery Issues in Litigation (W)	1	0	0	297895
Jun. 6	Demystifying the Iowa Supreme Court Application Process	2	0	0	299916
Jun. 6	Demystifying the Iowa Supreme Court Application Process (W)	2	0	0	299915
June 13	Willfulness (W)	1	0	0	291171
June 13	Child Support Guidelines (W)	1	0	0	299482
June 18-19	Iowa Judges Conference	10	1.75	0	297638
June 18-20	Annual Meeting	17	10.25*	6.5*	298640
June 26	Fast Track Filing	1	0	0	301357
June 26	Fast Track Filing (W)	1	0	0	301356

*CLE credit dependent on tracks attended

2018 CLE Information		(W) Webinar			
Date	Event Title	State	Ethics	Juvenile	Activity ID
July 19	IP Licensing (W)	1	0	0	301337
July 24	Secured Transaction Under Article 9 of the Iowa Uniform Commercial Code (W)	1	0	0	301358
Aug. 1-3	8th Circuit Social Security Disability Conference	15	1	0	301339
Aug. 1-3	8th Circuit Social Security Disability Conference (W)	15	1	0	301338
Aug. 8	Top Financial Issues During and After Divorce (W)	1	0	0	301395
Aug. 16	Gene Editing: IP and Regulatory Considerations (W)	1	0	0	304800
Aug. 23	Those Affected by Dementia: Understanding Their Needs (W)	1	0	0	301340
Aug. 30	Avoiding Pitfalls: Often Overlooked Contract Terms (W)	1	0	0	301359
Sept. 7	Embracing Legal Practice Changes for the Digital Age	7	1	0	304248
Sept. 7	Embracing Legal Practice Changes for the Digital Age (W)	7	1	0	304249
Sept. 12	Dealing with the 'A' Word: How to Calculate Spousal Support (W)	1	0	0	303156
Sept. 13-14	Bridge the Gap Seminar	15	3	1	304802
Sept. 18	Prudence vs. Negligence: Managing Risk in Concussion Response in School Sports (W)	1	0	0	304805
Sept. 20	Ag Law Seminar	7.5	1	0	305423
Sept. 20	Ag Law Seminar (W)	7.5	1	0	305426
Sept. 20	Legislative Preview and Legal Update (W)	1	0	0	307726
Sept. 26	Preparing for Mediation (W)	1	0	0	303176
Oct. 2	Wind Farm Easements: A Review of Provisions in Wind Farm Documents (W)	1	0	0	307972
Oct. 4	Fundamentals of Federal Practice Seminar (Des Moines)	3.25	.5	0	307968
Oct. 4	Fundamentals of Federal Practice Seminar (Cedar Rapids)	3.25	.5	0	307967
Oct. 4	Fundamentals of Federal Practice Seminar (Davenport)	3.25	.5	0	307966
Oct. 4	Fundamentals of Federal Practice Seminar (Council Bluffs)	3.25	.5	0	307965
Oct. 4	Fundamentals of Federal Practice Seminar (Sioux City)	3.25	.5	0	307964
Oct. 10	Parenting Coordination (W)	1	0	0	303177
Oct. 11	Bitcoin Trends and IP (W)	1	0	0	301362
Oct. 18	Mission Possible: Understanding IP Basics and Working with Your IP Counsel (W)	1	0	0	309418
Oct. 19	Corporate Counsel and Trade Regulation Seminar	6.75	1	0	309417
Oct. 19	Corporate Counsel and Trade Regulation Seminar (W)	6.75	1	0	309416
Oct. 22	Opioid Trends (W)	1	0	0	307973
Oct. 24	Probate Mediation (W)	1	0	0	303155
Oct. 25-26	Family Law Seminar	15	1.75	3*	305102
Nov. 6	Contractual Issues Arising Out of Livestock Production (W)	1	0	0	307974
Nov. 8	Corporate Counsel Institute	6	0	0	310393
Nov. 8	Corporate Counsel Institute (W)	6	0	0	310394
Nov. 9	Environmental Law Seminar	5.75	.5	0	310391
Nov. 9	Environmental Law Seminar (W)	5.75	.5	0	310390
Nov. 14	Family Law: A View From the Bench	1	0	0	310417
Nov. 14	Trademark Law Update (W)	1	0	0	301344
Nov. 15	Shifting Landscapes: Adapting Your Firm to Emerging Threats (W)	2	2	0	304808
Nov. 16	Labor and Employment Law Seminar	6.75	1	0	309407
Nov. 16	Labor and Employment Law Seminar (W)	6.75	1	0	309408
Nov. 19	Civil Litigation Settlements and the 2017 Tax Cuts and Job Act (W)	.5	0	0	310400
Nov. 26	Winning Trials Before (and After) Trials (W)	1	0	0	310418
Nov. 27	Risk Assessments and Your Professional/Personal Security (W)	1	0	0	307975

*CLE credit dependent on tracks attended

continued on the following page

2018 CLE Information		(W) Webinar			
Date	Event Title	State	Ethics	Juvenile	Activity ID
Nov. 29	Iowa Constitutional Claims Against Government Officers Post-Godfrey (W)	1	0	0	311806
Nov. 29	Understanding and Avoiding Wrongful Convictions (W)	1	0	0	311819
Nov. 30	eCommerce and Intellectual Property Law Seminar	6	0	0	311807
Nov. 30	eCommerce and Intellectual Property Law Seminar (W)	6	0	0	312053
Dec. 5-7	Bloethe Tax School	15	2	0	311820
Dec. 10	Guilty Plea "Appeal as Breach" Provisions: Breach of Duty Instead? (W)	1	0	0	310419
Dec. 11	Iowa Supreme Court Attorney Disciplinary Cases in Review (W)	1	1	0	311821
Dec. 13	Emerging Ethical Considerations for Tax Professionals (W)	2	2	0	311808
Dec. 13	Effective Presentation Before the Work Comp Agency	1	0	0	311809
Dec. 13	Effective Presentation Before the Work Comp Agency (W)	1	0	0	311810
Dec. 14	Federal Practice Seminar	7	1	0	310420
Dec. 17	Can I Say That? Ethical and Effective Communication in Iowa's Increasingly Diverse Landscape	3	3	0	311812
Dec. 17	Can I Say That? Ethical and Effective Communication in Iowa's Increasingly Diverse Landscape (W)	3	3	0	311811
Dec. 19	A Mind is a Terrible Thing to Change: Effective Opening Statements (W)	1	0	0	310401
Dec. 20	Lawyer Wellness (W)	1	1	0	311813
Dec. 27	Latest in Trade Secret Litigation (W)	1	0	0	311814
Dec. 31	Juvenile Law Replay	3	1	3	312875
Dec. 31	Confidentiality: A Review of the Rules and Cases	1	1	0	307977
Dec. 31	Confidentiality: A Review of the Rules and Cases (W)	1	1	0	307977

2018 Fastcase Information					
Date	Event Title	State	Ethics	Juvenile	Activity ID
Jan. 4	Introduction to Legal Research on Fastcase	1	0	0	284098
Jan. 11	Advanced Tips for Legal Research on Fastcase	1	0	0	284153
Jan. 18	Introduction to Boolean (Keyword) Searches	1	0	0	284170
Jan. 25	Ethics and Legal Research on Fastcase 7	1	1	0	304678
Feb. 1	Introduction to Legal Research on Fastcase	1	0	0	284097
Feb. 8	Advanced Tips for Legal Research on Fastcase	1	0	0	284155
Feb. 15	Introduction to Boolean (Keyword) Searches	1	0	0	284173
Feb. 15	Ethics and Legal Research on Fastcase 7	1	1	0	304678
Feb. 22	Ethics and Legal Research on Fastcase 7	1	1	0	304678
March 1	Introduction to Legal Research on Fastcase	1	0	0	284093
March 8	Advanced Tips for Legal Research on Fastcase	1	0	0	284152
March 15	Introduction to Boolean (Keyword) Searches	1	0	0	284172
March 22	Ethics and Legal Research on Fastcase 7	1	1	0	304678
Apr. 5	Introduction to Legal Research on Fastcase	1	0	0	284094
Apr. 12	Advanced Tips for Legal Research on Fastcase	1	0	0	284151
Apr. 19	Introduction to Boolean (Keyword) Searches	1	0	0	284175
Apr. 19	Ethics and Legal Research on Fastcase 7	1	1	0	304678
Apr. 26	Ethics and Legal Research on Fastcase 7	1	1	0	304678
May 3	Introduction to Legal Research on Fastcase	1	0	0	284099
May 10	Advanced Tips for Enhanced Legal Research on Fastcase	1	0	0	284156
May 24	Ethics and Legal Research on Fastcase 7	1	1	0	304678
June 7	Introduction to Legal Research on Fastcase	1	0	0	284100

continued on the following page

2018 Fastcase Information

Date	Event Title	State	Ethics	Juvenile	Activity ID
June 14	Advanced Tips for Enhanced Legal Research on Fastcase	1	0	0	284159
June 21	Introduction to Boolean (Keyword) Searches	1	0	0	284176
June 28	Ethics and Legal Research on Fastcase 7	1	1	0	304678
July 5	Introduction to Legal Research on Fastcase	1	0	0	284101
July 12	Advanced Tips for Enhanced Legal Research on Fastcase	1	0	0	284154
July 19	Introduction to Boolean (Keyword) Searches	1	0	0	284174
July 26	Ethics and Legal Research on Fastcase 7	1	1	0	304678
Aug. 2	Introduction to Legal Research on Fastcase	1	0	0	284096
Aug. 9	Advanced Tips for Enhanced Legal Research on Fastcase	1	0	0	284158
Aug. 16	Introduction to Boolean (Keyword) Search	1	0	0	284171
Aug. 23	Ethics and Legal Research on Fastcase 7	1	1	0	304678
Sept. 6	Introduction to Legal Research on Fastcase	1	0	0	284102
Sept. 13	Advanced Tips for Enhanced Legal Research on Fastcase	1	0	0	284150
Sept. 20	Introduction to Boolean (Keyword) Searches	1	0	0	284177
Sept. 27	Ethics and Legal Research on Fastcase 7	1	1	0	304678
Oct. 4	Introduction to Legal Research on Fastcase	1	0	0	284095
Oct. 11	Advanced Tips for Enhanced Legal Research on Fastcase	1	0	0	311477
Oct. 18	Introduction to Boolean (Keyword) Searches	1	0	0	284179
Oct 25	Ethics and Legal Research on Fastcase 7	1	1	0	304678
Nov. 1	Introduction to Legal Research on Fastcase	1	0	0	284103
Nov. 8	Advanced Tips for Enhanced Legal Research on Fastcase	1	0	0	284149

2018 On-Demand CLE Information

Start Date	End Date	Event Title	State	Ethics	Juvenile	Activity ID
Nov. 28, 2017	Dec. 31, 2018	What Family Law Attorneys Need to Know About the New Federal Every Student Succeeds Act	1	0	0	282106
June 21, 2017	Oct. 31, 2018	Nuts and Bolts of Iowa Residential Real Estate	1	0	0	269873
Sept. 15, 2017	Oct. 31, 2018	Avoiding Probate Like the Plague	.5	0	0	272031
Sept. 15, 2017	Oct. 31, 2018	Federal Case Law Update	1	0	0	272992
Sept. 15, 2017	Sept. 15, 2018	Succession Planning/Classification Changes	1	1	0	273012
Sept. 15, 2017	Oct. 30, 2018	State Case Law Update	1	0	0	273276
Oct. 3, 2017	Oct. 3, 2018	Federal Case Law Update	1	0	0	273263
Oct. 6, 2017	Oct. 31, 2018	Medicaid Eligibility for Nursing Home and In-Home Services	1.25	0	0	273315
June 18, 2018	June 18, 2019	Ethical Dilemmas in Estate Planning	1	1	0	308825
June 18, 2018	June 18, 2019	Tax Primer for Estate Planners	1	0	0	308826
June 18, 2018	June 18, 2019	Legislative Update for Estate Planners	5	0	0	308841
June 18, 2018	June 18, 2019	Iowa Medicaid Estate Recovery	.5	0	0	308842
Aug. 24, 2018	Aug. 24, 2019	Saving Your Clients Retirement Savings	1.5	0	0	305701
Sept. 15, 2018	Sept. 15, 2019	Succession Planning/Classification Changes	1	1	0	308470
Dec. 20, 2018	Sept. 12, 2019	Identifying and Avoiding Conflicts of Interest	1	1	0	313405
Dec. 20, 2018	Sept. 12, 2019	Current Issues Regarding Roles of Attorneys and Guardians Ad Litem in Conservatorship and Guardianship Proceedings	1	0	0	313409
Dec. 20, 2018	Oct. 25, 2019	Family Law Update	1.25	0	0	313410
Dec. 20, 2018	Sept. 13, 2019	Iowa Trust Accounts 101	1	1	0	313416

THANKS TO RECENT CLE SPEAKERS

2018 BLOETHE TAX SCHOOL

Dec. 5-7, 2018

Sponsored by The Iowa State Bar Association Tax Law Section

David Bibler, Buchanan Bibler Gabor & Meis
Hon. Emily Dean, District Associate Judge: District 8B
Cody Edwards, Dickinson, Mackaman, Tyler & Hagen, P.C
Jana Evelsizer Olson, Anderson, Wilmarth, Van Der Maaten, Belay, Fretheim, Gipp, Lynch and Zahasky
James Goodman, Moore, McKibben, Goodman & Lorenz LLP
Christine Halbrook, Bradshaw Fowler Proctor & Fairgrave, PC;
Sara Haas, Aspelmeier, Fisch, Power, Engberg & Helling, P.L.C.
Brian Kane, Kane Norby & Reddick PC
Janice Kerkove, Bradley & Riley
Joe Kristan, EideBailly
Prof. Roger McEowen, Kansas Farm Bureau Professor of Agricultural Law and Taxation, Washburn University Law School
Michael Mertens, Iowa Department of Revenue
Bradley Nelson, Norelius & Nelson PC
Michel Nelson, Iowa Savings Bank
Brandon Buck, Moore, McKibben, Goodman & Lorenz LLP
Becky Petersen, IPE 1031
David Repp, Dickinson Mackaman Tyler & Hagen PC
Timothy Reilly, Iowa Department of Revenue
Kristine Tidgren, CALT
Adam Ullrich, Reimer Lohman Reitz Sailer and Ullrich
Kent Vriezelaar, Vriezelaar, Tigges et al LLP
Kyle Wilcox, Simmons Perrine Moyer Bergman PLC
Lee Wilmarth, Anderson, Wilmarth, Van Der Maaten, Belay, Fretheim, Gipp, Lynch and Zahasky

GUILTY PLEA "APPEAL AS BREACH" PROVISIONS: BREACH OF DUTY INSTEAD? (LIVE WEBINAR)

Dec. 10, 2018

Sponsored by The Iowa State Bar Association Criminal Law Section
Theresa Wilson, Office Of the State Appellate Defender

2018 IOWA SUPREME COURT ATTORNEY DISCIPLINARY CASES IN REVIEW (LIVE WEBINAR)

Dec. 11, 2018

Sponsored by The Iowa State Bar Association Government Practice Section
Roger Kuhle, Polk County Attorney's Office

EMERGING ETHICAL CONSIDERATIONS FOR TAX PROFESSIONALS (LIVE WEBINAR)

Dec. 13, 2018

Sponsored by The Iowa State Bar Association and CALT
Kristy Maitre, Center for Agricultural Law and Taxation (CALT)
Kristine Tidgren, Center for Agricultural Law and Taxation (CALT)

EFFECTIVE PRESENTATION BEFORE THE WORKERS' COMPENSATION AGENCY (IN-PERSON OR LIVE WEBINAR)

Dec. 13, 2018

Sponsored by The Iowa State Bar Association Workers Compensation

Joseph Cortese, Iowa Workers' Compensation Commissioner
James Christenson, Deputy Workers' Compensation Commissioner
Stephanie Copley, Deputy Workers' Compensation Commissioner
James Elliott, Deputy Workers' Compensation Commissioner
Erica Fitch, Deputy Workers' Compensation Commissioner
Toby Gordon, Deputy Workers' Compensation Commissioner
Jennifer Gerrish-Lampe, Deputy Workers' Compensation Commissioner
William Grell, Deputy Workers' Compensation Commissioner
Michelle McGovern, Deputy Workers' Compensation Commissioner
Heather Palmer, Deputy Workers' Compensation Commissioner
Erin Pals, Deputy Workers' Compensation Commissioner
Joe Walsh, Deputy Workers' Compensation Commissioner

2018 FEDERAL PRACTICE SEMINAR

Dec. 14, 2018

Sponsored by The Iowa State Bar Association Federal Practice Committee
Chief Magistrate Judge Helen Adams, United States Magistrate Judge for the Southern District of Iowa
Hon. Mark Bennett, U.S. District Court Judge, Northern District of Iowa
Anne Brafford, Aspire, Author of Positive Professionals: Creating High-Performing, Profitable Firms Through the Science of Engagement
Bruce Braley, Leventhal & Puga, P.C.
Hon. Celeste Bremer, United States Magistrate Judge for the Southern District of Iowa
Angela Campbell, Dickey & Campbell Law Firm PLC
Matt Cole, Assistant United States Attorney for the Northern District of Iowa
Gary Dickey, Dickey & Campbell Law Firm, PLC
Laurie Doré, Ellis and Nelle Levitt Distinguished Professor of Law, Drake University Law School
Hon. Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa
Hon. Hugh Hughes, Associate Dean for Faculty and Academic Affairs and Professor and Bouma Fellow in Law, University of Iowa College Of Law
Hon. Stephen Jackson, Jr., United States Magistrate Judge for the Southern District of Iowa
Chief District Judge John Jarvey, United States District Judge for the Southern District of Iowa
Glen Johnson, Nyemaster Goode PC
Gregory Lederer, Lederer Weston & Craig PLC
Chief Magistrate Judge Kelly Mahoney, United States Magistrate Judge for the Northern District of Iowa
Hon. Mark Roberts, United States Magistrate Judge for the Northern District of Iowa
Hon. Stephanie Rose, United States District Judge for the Southern District of Iowa
Hon. Amy St. Eve, 7th Circuit Court of Appeals of Illinois
Chief District Judge Leonard Strand, United States District Judge for the Northern District of Iowa
Gretchen Vetter Scavo, Winston & Strawn LLP

Hon. Ross Walters, United State Magistrate Judge for the Southern District of Iowa
Prof. Sonja West, University of Georgia School of Law
Alfred Willett, Elderkin & Pirnie PLC
Hon. Charles Wolle, Senior United States District Judge for the Southern District of Iowa

CAN I SAY THAT? ETHICAL AND EFFECTIVE COMMUNICATION IN IOWA'S INCREASINGLY DIVERSE LANDSCAPE

Dec. 17, 2018

Sponsored by The Iowa State Bar Association Diversity and Inclusiveness Committee
Rabbi Emily Barton, Tifereth Israel Synagogue
Sarika Bhakta, Nikeya Diversity Consulting LLC
Brad Biren, Johnston Martineau LLP
Gail Braschers-Krug, Simmons Perrine Moyer Bergman PLC
Jenn Carruthers, 11 Eleven Productions
Emily Chafa, Iowa Workforce Development
UI Appeals Bureau
Yenny Diaz Briceno, Polk County Attorney's Office Lui Dutton
Chris Johnston, Johnston Martineau LLP
Will Keeps, Start Right Here Movement
Jamie Langbein, Associate Advisor for the Wealth Management Division at Iron Horse Wealth Management, LLC.
Michelle Meadors, Form Ms Wheelchair Iowa
Drew O'Leary, Department of Veteran Affairs as a registered nurse case manager
Jim Perkey
Linh Tah, Trending News Reporter for the Des Moines Register
Clemen Wilcox, Clemen Wilcox & Associates

A MIND IS A TERRIBLE THING TO CHANGE: EFFECTIVE OPENING STATEMENTS (LIVE WEBINAR)

Dec. 19, 2018

Sponsored by The Iowa State Bar Association Litigation Section
Matthew McDermott, Belin McCormick PC

LATEST TRADE SECRET LITIGATION (LIVE WEBINAR)

Dec. 19, 2018

Sponsored by The Iowa State Bar Association Corporate Counsel Section
Bryan O'Neil, Dickinson Mackaman Tyler & Hagen PC

LAWYER WELLNESS (LIVE WEBINAR)

Dec. 20, 2018

Hugh Grady, Director, Iowa Lawyers Assistance Program (ILAP)

JUVENILE LAW REPLAY (LIVE WEBINAR)

Dec. 31, 2018

Sponsored by The Iowa State Bar Association Family and Juvenile Law Section
Sarah Linder, Bray & Klockau PLC
Ellen Ramsey-Kacena
Dale Woolery, Iowa Governor's Office of Drug Control Policy

CONFIDENTIALITY: A REVIEW OF THE RULES AND CASES (IN-PERSON OR LIVE WEBINAR)

Dec. 31, 2018

Tim Gartin, Hastings Gartin & Boettger LLP

IN SUPPORT OF THE DESIGNEE FOR FINAL DISPOSITION By Blair A. Overton

I have been in funeral service in Iowa for almost 30 years and have witnessed many changes in my industry. The trend that is most prevalent currently is the rise in percentage of people who are choosing to be cremated.

Accompanying that trend is the increase in the number of families – and funeral directors – who are executing an authorization-to-cremate agreement. As this article is for the legal community, I will not bore you with a recitation of the next-of-kin hierarchy and how final disposition decisions are made, but I would like to shine a light on how that becomes an issue during our interaction with the family of a deceased.

Most generally the issue arises during an arrangement for cremation. Iowa law is specific as to who can authorize us to perform the cremation, and only provides one mechanism to supersede the next-of-kin-hierarchy: the Designee for Final Disposition under Iowa Code Chapter 144C.

I can attest to the importance of the Designee for Final Disposition. The absence of the document is when difficulties occur. It is not that cremation cannot be performed

without it; it is the fact that a document that could have prevented the problems wasn't completed.

As an example, the daughter of the deceased comes in to meet with us. Her father has passed on and now her mother has died; she was her mother's power of attorney and is now the executor of her mother's estate. She cared for her mother these last few years and her siblings' role has been diminished due to dysfunction within the family. Because she has been the primary decision-maker during the final years of her mother's life, she assumes that she will be able to make the final decisions regarding burial or cremation, and the disposition of the remains.

You can imagine the emotions she feels when we inform her of the limits of her authority. Where there are multiple heirs who are in the same category of next-of-kin, they all must make a joint decision as to the final disposition of a loved one. With the role you play as an attorney, you can easily identify with our predicament and you can extrapolate from there the problems that occur when other heirs are unavailable, estranged or incapacitated. Disagreement among the next of kin can lead to delays, additional expense and even litigation.

The Final Disposition Designation is the solution to this problem. If we have the opportunity to meet with a family prior to death (such as a pre-need consultation), we strive to make people aware of this option. Unfortunately, many do not have any contact with a funeral director until the death has occurred.

I hope by writing this article for the legal profession, it will help shine the light on the value of the document. As you work with those who are willing to be a power of attorney, please consider presenting the designee document as well. It truly does help.

Thank you for allowing me to address this important but under-utilized document. As a final request, I would pass along that having a copy of the document on file with the funeral or cremation provider is very beneficial to the care and support of the family when the time comes.



Blair A. Overton is a partner in three Des Moines-area funeral homes and the Cremation Society of Iowa.



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	27	28 PM	29	30	31	

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KUDOS

"KNOW YOUR CONSTITUTION" CONTEST WINNERS HONORED; WASHINGTON, D.C. TRIP WINNERS SELECTED

Each year, more than 1,500 Iowa students in grades 9-12 participate in The Iowa State Bar Association Young Lawyers Division "Know Your Constitution" program, demonstrating their understanding of the United States' founding document. The students test their knowledge in a 50-question multiple choice quiz, and submit a short essay analyzing a current constitutional issue.

A Young Lawyer's Division committee grades the entries and selects winners from each of Iowa's 100 legislative districts. These students and their teacher-sponsors were invited to Des Moines for a special luncheon on Jan. 11, where five were also selected at random to participate in an all-expense-paid, week-long trip to Washington, D.C. in February, as part of the Close Up Program.

Congratulations to the following students and their teacher-sponsors who were selected for the trip:

- **Alex Baker**, *Clarinda High School*, Ms. Linda Vanden Bosch
- **Dayne Bergan**, *Edgewood-Colesburg High School*, Mr. Mike Lutgen
- **Moira Buie**, *Cedar Falls High School*, Ms. Traci Lake
- **Jensen Cooper**, *Eagle Grove High School*, Ms. Sarah Teeselink
- **Kate Johnson**, *Sioux City North High School*, Mr. Charles Hoberg
- **Annika Stecker**, of *Spirit Lake High School*, was honored with the Best Essay Award.

The Know Your Constitution program is supported by generous grants from The Iowa State Bar Foundation, Interest on Lawyer's Trust Accounts (IOLTA), The Iowa State Bar Association and county bar associations throughout the state.



DRAKE LAW NAMES NEW DIRECTOR OF AGRICULTURAL LAW CENTER

Drake University Law School selected Jennifer Zwagerman as the next director of its Agricultural Law Center. Neil Hamilton, who served as the director since the founding of the center in 1983, will retire later this year.

Zwagerman is a 2004 graduate of Drake Law School and served as editor-in-chief of the Drake Journal of Agricultural Law. Zwagerman became director of the Career Development Office at the law school in 2011, and associate director of the Drake Agricultural Law Center in 2015. Zwagerman also holds a Master of Laws in Food and Agricultural Law from the University of Arkansas School of Law, and will officially begin her new position in August.

Drake Law School will host a symposium and dinner on March 29 honoring Hamilton and his significant contributions to Drake and the field of agricultural law.



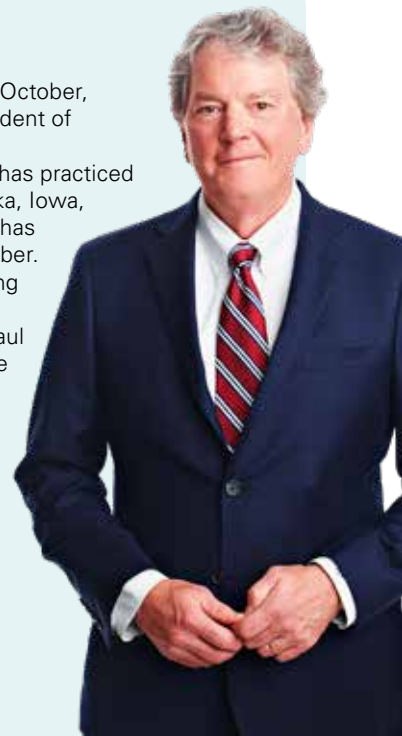
ISBA MEMBER NAMED NEBRASKA STATE BAR ASSOCIATION PRESIDENT

At the Nebraska State Bar Association Annual Meeting in October, J. Scott Paul accepted the gavel to become the new president of the NSBA for 2018-2019.

Paul is a shareholder with McGrath North in Omaha. He has practiced nationwide with extensive litigation experience in Nebraska, Iowa, Alabama, South Dakota, Illinois, Texas and Oklahoma. He has over 36 years of litigation experience and is an ISBA member.

Paul's practice is primarily defense oriented, concentrating on insurance coverage on life, health, long-term care insurance and directors' and officers' liability insurance. Paul also handles commercial litigation and medical malpractice defense cases.

Paul received his undergraduate degree from the University of Iowa in 1978 and received his Juris Doctor degree from Creighton University School of Law in 1981. He was associated with Boland Mullin & Walsh from 1981 to 1988, until that firm merged with McGrath North.



CEDAR RAPIDS ATTORNEY NAMED NEW CHAIRMAN OF COMMISSIONING COMMITTEE OF USS IOWA

Gov. Kim Reynolds has assigned Peter B. Welch, an attorney with Elderkin & Pirnie, P.L.C. law firm in Cedar Rapids and a retired U.S. Naval Captain, as chairman of the Commissioning Committee of USS Iowa (SSN-797).

The new construction is the fourth warship to bear the name Iowa and is a fast attack submarine that will be christened and commissioned at General Dynamics Electric Boat in Groton, Connecticut.



TRANSITIONS

Danni J. Harris, Kay Oskvig and **Gary Goudlock** have joined Whitfield & Eddy Law in Des Moines.



HARRIS

Harris concentrates her practice in family law where she counsels clients regarding dissolution of marriage, custody and visitation, domestic abuse, termination of parental rights, adoption, and general family law litigation. Prior to practicing law in Iowa, Harris focused on criminal prosecution and family law cases in Dallas, Texas.



OSKVG

Oskvig joins the firm after serving in private practice and corporate in-house roles since graduating from law school. She will work as an associate attorney in the firm's Labor & Employment Law practice group.



GOUDLOCK

Goudlock joined as an attorney at law and practices in the firm's Litigation practice group. He has nearly 15 years of wide-ranging legal experience representing individuals, local governments and companies of all sizes in trial work across the state of Iowa.



KOTCHIAN

Luwana Kotchian has joined Smith Law Firm PLC in Altoona as an associate. She received her J.D. from Drake University Law School. She will practice in areas concerning estate law and medicaid planning.



KENNEDY

Jonathan L. Kennedy has become an official Member of McKee, Voorhees & Sease, PLC (MVS) in Des Moines. Kennedy began his career at MVS in Sept. 2012. His practice has spanned intellectual property law, including transactional and litigation work in

patents, trademarks, copyrights and trade secrets. Since then, he has focused his practice in patent prosecution and intellectual property litigation.

Colin L. Hendricks, Jordan D. Nickerson, Brennan R. Block, Jennifer E. Lindberg and **Kirsten E. Johanson** have joined BrownWinick in Des Moines as associates.



HENDRICKS

Hendricks received his J.D. from the University of Iowa College of Law and was selected for membership in the Order of the Coif. While in law school, Hendricks served as the judicial extern for Justice Thomas D. Waterman of the Iowa Supreme Court and worked as a law clerk for the BrownWinick and Kersten, Brownlee, Hendricks law firms.



NICKERSON

Nickerson received his J.D., with honors, from Drake University Law School with a Health Law Certification. He was selected to be a member of the Order of the Barristers. Prior to joining BrownWinick as an associate, Nickerson was a law clerk at UnityPoint Health and served as an intern at Wells Fargo Bank and the Iowa Attorney General's Office.



BLOCK

Block received his J.D. from the Creighton University School of Law, magna cum laude, with a Business Law Certificate in 2018. Prior to joining BrownWinick as an associate, Block obtained a diverse legal background working as a law clerk for the Union Pacific Railroad Company's real estate group, as a summer associate for Abrahams Kaslow & Cassman LLP and as a clerk for Welsh & Welsh PC, LLO.



LINDBERG

Lindberg received her J.D. from DePaul University College of Law in 2011. Prior to joining BrownWinick, Lindberg was the health insurance compliance officer for the Iowa Insurance Division. She was also an associate attorney at the Kanaris, Stubenvoll & Heiss, P.C. law firm in Chicago, Illinois.



JOHANSON

Johanson received her J.D. from the University of Minnesota Law School. Prior to joining BrownWinick, Johanson was an associate attorney at Gray, Plant, Mooty, Mooty & Bennett in St Cloud and Minneapolis, Minnesota.



SMITH

Patrick D. Smith has joined Fredrikson & Byron as a shareholder. He received his J.D. from the University of Iowa College of Law and is licensed in the Northern and Southern Districts of Iowa as well as the Eighth Circuit Court of Appeals. Smith represents public and private sector employers in a broad spectrum of employment and labor matters, both inside and outside the courtroom.



PIETILA

John Pietila was elected by his peers to serve as Davis Brown Law Firm's new president beginning Jan. 1. Pietila, currently chair of the Telecommunications Department, had previously served on the firm's board of directors from 2012-2017 including terms as secretary and vice-president. In addition, **Mike Richards** was re-elected to the 2019 Board. Associate and special counsel attorneys also voted **Maggie Hanson** to serve as their representative to the board. Shareholders also voted to promote two of their colleagues to shareholder: **Matt Coryell**, an intellectual property law attorney, and **Ryan Haaland**, a business attorney practicing in the firm's Ames office.



RICHARDS



HANSON



CORYELL



HAALAND



HILLIGAS

Attorneys **Aaron Hilligas, Rebecca Reif, Kristine Stone** and **Lindsay Vaught** were recently elected shareholders at Ahlers & Cooney, P.C in Des Moines.

Hilligas is a member of the firm's public law practice area, serving municipalities, higher education and K-12 educational institutions. He advises clients on a variety of labor- and employment-related matters and represents employers



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in collective bargaining contract negotiations. Prior to Ahlers & Cooney, Aaron worked in the Office of the General Counsel for the National Labor Relations Board (NLRB) in Washington, DC.



REIF

Reif is a member of the firm's public and private law practice areas, with a focus on employment law, education law and litigation. In the area of employment law, she serves clients in strategic planning and litigation related to employment relationships.



STONE

Stone focuses her practice as part of the firm's Government Law Practice Area, representing cities, counties, utilities and other public entities in the exercise of their powers and in litigation. Prior to joining the Ahlers firm, Stone served as the city attorney for the City of Bettendorf, and as an assistant city attorney for the City of Ames.



VAUGHT

Vaught practices primarily in the areas of Employment Law and Litigation. She works closely with both public and private clients, including institutions of higher education. Vaught counsels employers on various employment law matters and in defending various claims of retaliation, discrimination and harassment, as well as defending administrative complaints.



KASPAR

Bradley J. Kaspar has been named a partner in the firm Pickens, Barnes & Abernathy in Cedar Rapids. He has been with the firm since 2014, having earned his J.D. from the University of Iowa College of Law earlier the same year. His practice is focused in civil litigation with an emphasis in insurance defense and personal injury.



BOWMAN

Michael A. Bowman has joined Bradley & Riley PC, a law firm based in Cedar Rapids. Bowman has served Eastern Iowa for more than 40 years. Therefore, the Monticello office will continue to do business in the name of Shimanek, Shimanek and Bowman, PC.



NORBERG

Megan Norberg has been promoted to managing attorney of Iowa Legal Aid's Volunteer Lawyers Project. She previously worked as a staff attorney

in Iowa Legal Aid's Central Iowa Regional Office in Des Moines. Norberg is a 2010 graduate of DePaul University College of Law. She received a Bachelor of Arts from the University of Notre Dame.



GAVIN

Lisa Gavin has been promoted to managing attorney of Iowa Legal Aid's Cedar Rapids Regional Office. Gavin has been a staff attorney in the office since 1995, focusing on disaster recovery issues over the past 10 years. She received her J.D. from the University of Iowa College of Law and a B.A. in political science from Creighton University.



BROUGHTON
-ROMAIN

Angela Broughton-Romain has been promoted to managing attorney of Iowa Legal Aid's Legal Hotline for Older Iowans. Angela had been working as a staff attorney for the hotline since 2008. She is a graduate of the Indiana University School of Law and has an M.A. in French Studies from New York University. Broughton-Romain filled the position formerly held by Scott Hartsok, who retired from his long-time work with Iowa Legal Aid.



RIMA

Wendy Rima has joined Stamatelos & Associates in Des Moines as an associate attorney practicing in family law, juvenile law and mediation. Rima earned her J.D. from Drake University Law School in 2018. While in law school, she worked in Drake's Children's Rights Clinic, and was the recipient of the 2018 Marsha Ternus Outstanding Child Advocate Award at Drake's Supreme Court Banquet.



PATTON

Leah Patton has been hired as the managing attorney of Iowa Legal Aid's HELP Regional Office in Davenport. Prior to joining the staff of Iowa Legal Aid, Patton worked with Prairie State Legal Services in Rock Island, Illinois. She is a 2005 graduate of Drake Law School. She filled the position formerly held by Janelle Swanberg, who retired after 38 years with HELP Legal Assistance/Iowa Legal Aid.



IRLBECK

Rachael Irlbeck and **Britney Steele** have joined Smith, Mills & Schrock Law as associates.

Irlbeck has joined the firm's Cedar Rapids office. She earned her J.D. from Drake University Law School in 2018. Irlbeck is admitted to practice in Iowa. Her practice consists of insurance defense, municipality law, family law and civil litigation.




THOMAS
-DUSING

Courtney Thomas-Dusing has been promoted to assistant managing attorney of Iowa Legal Aid's Intake Unit. Thomas-Dusing works out of Iowa Legal Aid's Iowa City Regional Office. Prior to her promotion, she worked as a staff attorney in the office. She is a 2014 graduate of the University of Iowa College of Law and received her Bachelor of Arts from the University of Nebraska.




STEELE

Steele has joined the firm's Des Moines office. She earned her J.D. from Drake University Law School in 2018. Steele is admitted to practice in Iowa. Her practice consists of insurance defense, estate planning, family law and civil litigation.



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POSITIONS AVAILABLE

Associate Attorney - Rawlings Law Firm, Sioux City, IA - An established AV-rated law firm in Sioux City is seeking to hire an attorney to work in the areas of business, real estate, probate and estate planning. Candidates will be organized and possess excellent writing and oral skills. We offer competitive salary, 401(k), health insurance, CLE and bar dues. Confidential inquiries, including resume, should be sent to: Kathleen Roe, 522 4th Street, Suite 300, Sioux City, IA, 51101, or to kroe@rawlings-law.com.

Legal Administrator – Paralegal - The Weitz Company, Des Moines, IA - The Weitz Company is seeking a legal administrator to be located out of our Des Moines corporate office. The legal administrator is responsible for maintaining licensing and other filings for the company and providing administrative support to the legal team. This position reports to the general counsel. To apply, visit <https://careers.iowabar.org/jobs/11778780/legal-administrator-paralegal>

Associate Attorney - Wetsch Abbott Osborn Van Vliet PLC West Des Moines, IA - Well established West Des Moines firm seeking an attorney with 0-3 years' experience to join its general practice. Experience in civil litigation, debtor/creditor and real estate

law is preferred. Candidates must possess a strong work ethic and attention to detail and be licensed to practice in Iowa and willing to acquire a license to practice in Nebraska and Missouri. We offer a competitive salary and an opportunity to become a partner. For consideration, please send your resume and cover letter to Tim@midwestlawgroup.com.

Special Assistant United States Attorney (HIDTA/Iowa Attorney General's Office) - United States Attorney Southern District of Iowa, Des Moines, IA - The selected candidate will be assigned as a criminal prosecutor specializing in drug cases pursuant to the High Intensity Drug Trafficking Area (HIDTA) program. This program funds the employment of state or local prosecutors assigned to United States Attorney's Offices who prosecute cases in federal court. The range of basic pay for this position is \$50,980 - \$98,259. The position is a three-year term appointment. Applicants should send resume and cover letter to Vicki.Bahe@ag.iowa.gov or 2nd Flr. Hoover Bldg. Des Moines, IA 50319.

Liability Insurance Defense Attorney - Hopkins & Huebner P.C., Des Moines, IA - The law firm of Hopkins & Huebner, P.C. is seeking an associate attorney with at least three years of litigation experience, including strong writing and research skills, for our Des Moines office. Salary commensurate with experience. Excellent benefits. Applicants will find that Hopkins & Huebner, P.C. emphasizes a professional collegiality and offers opportunity, growth and challenges in its practice areas. To apply, visit <https://careers.iowabar.org/jobs/11798187/liability-insurance-defense-attorney>

Coverage Attorney - Great West Casualty Company, South Sioux City, NE - Great West Casualty Company has a coverage attorney position open with our corporate legal team. As a coverage attorney for Great West, you will focus on the motor carrier policy, providing counsel, training and assistance to the regions' claims departments to foster consistent, efficient and appropriate claims practices. To learn more about Great West and our office locations, please visit our website www.gwccnet.com.

Associate Attorney - Harned & McMeen, Marengo, IA - Well-established central Iowa general practice law firm also serving as a part-time prosecutor's office seeks associate attorney with 0 to 5 years of experience to join the practice. Primary areas of practice include income tax preparation, probate, estate planning, wills, real estate, family law and prosecution of criminal cases. Firm is centrally located within 30 minutes of Iowa City and Cedar Rapids. Interested candidates should send cover letter, resume, transcript and references in confidence to Tim D. McMeen, Harned & McMeen, PO Box 267, Marengo, IA 52301, or email to mcmeenlaw@netins.net.

Lateral Attorney - Confidential Employer, West Des Moines, IA - Established insurance defense law firm in West Des Moines seeks one to two full-time partner-level attorneys to practice primarily in litigation. We welcome inquires with experience in both federal and state courts for the State of Iowa. Having a background in Iowa Workers' Compensation Law would be beneficial. Portable business a plus but not required. Two openings. To apply, visit <https://careers.iowabar.org/jobs/11811274/lateral-attorney>

Associate Attorney - Confidential Employer - Denison, IA - Seeking candidates for an associate attorney position with a general practice law firm located in a county seat in west central Iowa. Our firm offers a broad range of legal services including municipal, education, real estate, probate, taxation and estate planning. Senior partner is willing to mentor new attorney. To apply, visit <https://careers.iowabar.org/jobs/11810871/associate-attorney>

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Corporate Counsel - Great West Casualty Company, South Sioux City, NE - We are hiring a corporate counsel to work in our corporate office. The ideal candidate is someone who has practiced for at least two years post-graduation with a Juris Doctorate. They must be admitted to the bar in at least one state; however, it does not need to be in Nebraska. To learn more about Great West and our office locations, please visit our website www.gwccnet.com.

Law Clerk - Hupy and Abraham, S.C., P.C., West Des Moines, IA - Hupy and Abraham S.C., an AV-rated personal injury law firm is looking for a motivated law clerk for the West Des Moines office. Our law clerks are generally responsible for supporting the attorney by performing a wide range of tasks to assist in the litigation process. To apply, visit <https://careers.iowabar.org/jobs/11923400/law-clerk>

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Attorney - Pasley and Singer Law Firm, L.L.P., Ames, IA – Pasley and Singer Law Firm, L.L.P. seeks to hire a general practice attorney. We have been serving Story County and central Iowa clients since 1906, and we are looking for an attorney who is able to dedicate himself or herself to this mission for the long term. Qualified candidates must be admitted to practice law in the state of Iowa. Applications should include a resume or CV and cover letter sent to Amanda Hassid, Pasley and Singer Law Firm, L.L.P., PO Box 664, Ames, IA 50010 or by email at ahassid@singerlaw.com. Questions are welcome by phone at (515) 232-4732.

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FOR SALE OFFICE EQUIPMENT -

Due to the tornado which hit Marshalltown last July, I have combined my law practice with another firm and am no longer in need of my server, or copier which I leased new last May.

Copier - The copier is a Xerox C8045 color copier/printer/scanner/fax with 5 paper source drawers and a staple finisher which is

subject to a lease/service contract until May, 2023. The lease payment is \$400 per month and includes service and supplies for 120,000 monochrome and 4800 color images per year as well as all parts, labor, toner and supplies with the only exclusions being paper and staples. The monthly payment will increase each May by 3-4 percent due to costs associated with servicing as the copier ages. Anyone interested in this opportunity will work directly with my supplier for delivery and installation to new location which can be virtually anywhere within Iowa.

2U Rackmount Server - Intel Xeon E3-1245 3.7 GHz, 32GB DDR Memory, 2x256 SSD OS Drives, 2x2TB storage drives. The server is 6 months old and in excellent condition. Asking \$2,400 and I will deliver anywhere in Iowa.

Please contact me if interested or have questions about either piece of equipment: Brian Danielson, 641-752-8800; bldanielson@peglowlaw.com



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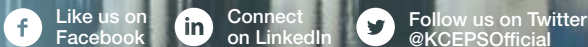
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SPOTLIGHT ON SERVICE

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

The holiday season is often referred to as the most magical time of the year because it provides so many opportunities to bring joy to others by giving. The Linn Law Club, which is the young lawyers' group of the Linn County Bar Association, recognized that there were many in their community who could benefit from the generosity of others, so they decided to get organized.

"The gift drive was first started in 2002 when Jenny Schulz was president of the Linn Law Club," explained current Linn Law Club President Crystal Pound. That year, the Club raised over \$4,000 for its Hawkeye Area

LINN LAW CLUB



Community Action Program (HACAP) family adoption program. Each year, the group tries to increase the number of individuals they are able to help, and amount of cheer they are able to spread.



and was able to sponsor 124 individuals for the holidays. This included a budget for gifts, as well as a Hy-Vee gift card for groceries. The wrapping was hosted and held at RSH Legal in Cedar Rapids on Dec. 14.

"I think the reason the Linn Law Club board has continued and improved the annual gift drive is

because, in the end, it is so rewarding helping families celebrate the holidays. All of these people work so hard all year, and to be able to help and make sure that everyone has a gift to open – that's a gift in and of itself," said Pound.

"The project is especially meaningful to me because, as part of the service, we make home deliveries of the gifts and gift cards to the families we have sponsored," said Linn Law Club Vice President Shannon Powers. "You get to see firsthand the gratitude and relief on the face of the person that will be able to provide a little extra for their families, all thanks to our legal community. It is priceless."

"For me, delivering the presents and seeing the joy in the faces of the families is what makes the holiday season," Pound agreed.

THERE IS A LOT OF MYSTERY FOR A LOT OF PEOPLE WHEN IT COMES TO WHAT EXACTLY ATTORNEYS 'DO,' AND I THINK PROJECTS LIKE HOLIDAY GIFT DRIVES ARE GREAT WAYS TO BUILD BRIDGES INTO PARTS OF THE COMMUNITY WHERE ATTORNEYS WOULD NOT OTHERWISE INTERACT ON SUCH A MEANINGFUL LEVEL.
– Crystal Pound, Linn Law Club President

In 2018, the Linn Law Club, with the help of the Linn County legal community, raised a total of \$13,281

THE 2018 LEADERSHIP OF THE LINN LAW CLUB IS: Crystal Pound, President (Simmons Perrine Moyer Bergman PLC), **Shannon Powers, Vice President** (Lederer Weston Craig), **Vince Geis, Treasurer** (Shuttleworth & Ingersoll PLC) and **Aaron Blair, Secretary** (Day Rettig Martin, PC).



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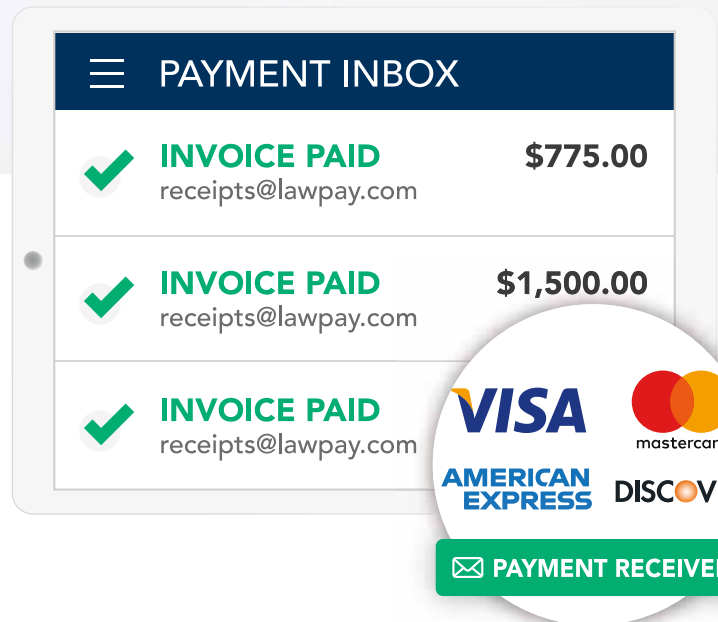


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