



THE

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IOWA LAWYER

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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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Outgoing State Court Administrator David Boyd is pictured in front of the Judicial Branch building in Des Moines. The construction of this building is just one of the many major projects that Boyd oversaw during his 40-year tenure with the Iowa Judicial Branch. You can learn more about his lasting legacy, and about the next person to take over at the helm of the judicial branch, starting on page 6 of this issue.

Kudos

The Iowa State Bar Association congratulates the following for recognition they received:

• Des Moines-based attorneys Philip S. Bubb, Brant M. Leonard, Emily S. Pontius and Brett F. Roberts, for being elected new shareholders at Fredrikson & Byron. Bubb is a member of the Litigation, Construction and Real Estate Groups. Leonard is a member of the Litigation, Energy, Commercial Law and Employment & Labor Litigation Groups. Pontius is a member of the Employment & Labor, Litigation and Internal Investigations Groups with a focus on Higher Education. Roberts is a member of the Mergers & Acquisitions, Private Equity and Public Companies Groups.

• Fredrikson & Byron for being named one of the best law firms for female attorneys in Law360's 2017 Glass Ceiling Report. The report highlights firms that have an exceptionally high representation of female attorneys. Fredrikson ranked in the top 10 for law firms with 150-299 attorneys.

• Timothy McCarthy II for being sworn in as a member of the Board of Directors of the National Association of Criminal Defense Lawyers (NACDL) at the association's annual meeting in San Francisco on July 29. McCarthy is a partner at McCarthy & Hamrock P.C., in West Des Moines, and represents clients charged with both state and federal crimes, including murder, assault, computer crimes, sex crimes, major drug accusations and complex fraud matters. He has also lectured at Drake Law School at the Trial Advocacy Institute and speaks at numerous criminal law seminars throughout Iowa. He is a life member of NACDL and first joined in 1988.

• David M. Ewert, assistant director for admissions for the Iowa Office of Professional Regulation, and member of the Council of Bar Admission Administrators (CBAA), for being honored for his outstanding service as a bar admission administrator at the NCBE/CBAA Annual Meeting in Halifax, Nova Scotia. Ewert has been an active member of the CBAA since 1987 and served as its chair during the 2010-2011 and 2012-2013 terms. He has held the position of assistant director for admissions since 2008 and has worked for the Iowa Supreme Court since 1987.



Bubb



Leonard



Pontius



Roberts

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A Lawyer's Regrets

On our most recent Sunday morning constitutional, fellow ISBA traveler ET and I debated several questions that other members of the bar might benefit from contemplating:

- Are you satisfied with your decision to become a lawyer?
- Are there things you would do differently if you could re-start your legal career?
- Has your practice taken too much of your time?
- Would you advise a family member to join our profession?

For most of us, our degree of satisfaction with becoming a lawyer turns largely on our personal experience with the pluses and minuses of practicing law. The former include income potential, prestige, intellectual stimulation, work variety, diversity of practice areas and work environments, peer interaction, opportunity to help others, chance to excel, choice of location and influence on society. The negative aspects of practicing law include high stress, heavy workload, competition, adversarial work, pressure to attract clients, pressure to

satisfy clients, risk of errors in judgment, feeling of being tethered to a desk and low public perception.

Glass-half-empty types will note that some of the above are beyond our individual control, while those who tend to see the glass as half full will focus on aspects that we can change or influence.

I've been a litigator for 36 years. While I've often wondered whether I would have found a career as a business lawyer even more satisfying, it's probably too late for me to start over. But it's not too late to consider other modifications that might make the practice of law, and hence life generally, more satisfying.

Like my friend ET, I am quite satisfied with my decision to become a lawyer. Yet neither of us encouraged our offspring to follow suit, and none of them have chosen to do so. What happened?

ET and I both coached multiple youth sports teams, and we rarely missed a school activity or church performance. But our kids saw us work many late nights and most Saturdays and Sundays. This makes it tempting to blame the heavy workload and stress long associated with being in private practice. Nearly 200 years ago, the all-consuming nature of the legal profession inspired its comparison to a "jealous mistress." The words still ring true today.


Yet the ranks of the ISBA are replete with examples—in my own experience the names Kenyon, Waterman, Hanson and Spellman come to mind—of families that proudly claim not just multiple lawyers, but multiple generations of lawyers.

I can't speak for ET. But I see now the fault is my own that there won't be another Eckley following in my footsteps. Too often I gave in to the notion that if I wasn't wanted for something else, I'd better be working. Too many times I remarked that one should think twice before choosing an occupation that paid by the hour and offered the opportunity to work unlimited hours. Looking back, I regret the time I missed with family and friends. I regret even more that by succumbing to the 'jealous mistress,' I discouraged my daughter and sons from considering our great profession.

I write in the hope that you will learn from my mistakes. If you would like to share a comment or experience, feel free to email me at sreckley@belinmccormick.com.

"The negative aspects of practicing law include high stress, heavy workload, competition, adversarial work, pressure to attract clients, pressure to satisfy clients, risk of errors in judgment, feeling of being tethered to a desk and low public perception.

Glass-half-empty types will note that some of the above are beyond our individual control, while those who tend to see the glass as half full will focus on aspects that we can change or influence."

A photograph of David Boyd, an older man with white hair and glasses, wearing a dark suit, a light blue shirt, and a green and blue striped tie. He is standing on a set of stone steps with a brass handrail, looking upwards and to the right. The background shows the entrance of a building with a decorative pediment.

David Boyd stands at the steps of the Iowa Judicial Branch building in Des Moines. He helped oversee the consolidation of Iowa's judicial services offices, and construction of this building, in 2003. He is retiring in September after 40 years serving Iowa's Judicial Branch.

Exit interview: State Court Administrator David Boyd retires after 40 years serving Iowa's Judicial Branch

By Melissa Higgins, Communications Director

Forty years is a long time to work for the same boss. For Iowa State Court Administrator David Boyd, that boss has been the taxpayers of Iowa, and the thousands of employees around the state who work for the Iowa Judicial Branch.

As Boyd prepares to retire on Sept. 7, he says he only regrets having to come in to work two days of his 40 years. The first was Nov. 12, 2009, when the judicial branch implemented a 12 percent reduction in employees because of budget cuts. He had to personally oversee the layoffs.

The second was Nov. 3, 2010, the day after the retention election in which three Iowa Supreme Court justices were voted out. This loss was also very personal for Boyd.

"It was like leading a very large family, almost 2,000, through a grieving process. We literally had employees that grieved that election loss and the loss of those justices. But at the same time, we had to move forward and recover from that," he explained.

Boyd had originally planned to retire in 2011, but he said there was no way he could leave the court after that election. Because, to him, the judicial branch was more than a career path.

"It is very personal to me. I'll be honest, when I arrived in August of 1977 as a young fellow born and raised in Southern California, if you had told me I would still be in Iowa 40 years later, still working for the judicial branch, there is no way I ever would have thought that," he said.

Boyd calls himself an Iowan by choice. He arrived in the Northwest corner of the state in 1977 to serve as the first courts administrator for the 3rd judicial district. In 1984, the call came from the state office: they wanted him to serve as Deputy State Court Administrator, serving under William O'Brien and Chief Justice Ward Reynoldson, who Boyd calls a mentor.

“Chief Justice Reynoldson was such a strong leader and a strong supporter of court administration in general,” Boyd recalled. “The important thing he always taught me is: ‘You need to do the right thing. Whether or not it is popular is another matter. If your goal is to be popular, then you are in the wrong business.’”

That creed has served Boyd well, as he has had to charter the ship through rough waters time and time again, specifically when it comes to funding. Most recently, that has involved planning for a \$15 million shortfall in fiscal year 2018.

“We have been through a number of these cycles, so unfortunately I have a fair amount of experience, which maybe has helped at least in the last couple of times,” he said. “But it is an issue that we’re constantly dealing with. Even in good times, I don’t feel like we’re adequately staffed. For example, we’ve never had enough support staff for our trial court judges. That’s always bothered me. So, when you don’t think you have enough resources to start with and you’re losing more, it makes for difficult times and difficult decisions.”

It’s not all funding fights in the administrative office. Boyd had the opportunity

to oversee several major projects during his tenure, including the transition from a county-funded court system to a unified state-funded system, as well as several technological advancements in case management, and the complete system switch-over to electronic-filing.

“I’ve had opportunities to do things in my career that some of my colleagues around the country would have liked to do even one,” he said. “To have the first totally electronic court system in the country is a major accomplishment.”

He did this under the direction of six different Iowa Supreme Court Chief Justices.

“I’m blessed,” he said. “They were all different, in one way or another. But all committed to the same goal or principle of being good stewards of the resources that we do have. They have all said to me: ‘The better you do your job, the better I can do my real job,’ which is their casework or adjudicative work.”

And that’s what he sees his role as: “Our job is to take care of the business side of the courts, trying to keep the court system running as effectively and efficiently as possible so justices and judges have enough time to be judges, doing what they’re supposed to

be doing – deciding cases.”

Boyd’s leadership has been instrumental in all of these projects, but he also credits the support of the entire Iowa legal community.

“We have a high quality and caliber of judges all the way from the supreme court to magistrates. We also have some of the best lawyers in the country,” he said. “The attorneys in this state truly appreciate what they have and they are always there ready to give back. If we ever need something, I’ve always known... one phone call or email and the cavalry is on its way.”

And Boyd now plans to be part of that cavalry. He plans to spend part of his retirement getting involved in the Justice Not Politics group that actively campaigns on behalf of judges during judicial retention battles.

“My wife and I don’t plan to leave Iowa, so we’ll be here,” he said.

Beyond that, he plans to travel, play golf and attend Hawkeye sporting events in his retirement. But first, Boyd spent his final months shoring up projects in advance of his predecessor’s start date, including closing down the legislative session and finalizing contract negotiations with

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FY 2018 judicial branch operating budget

Background. Senate File 508 (Judicial Branch Appropriations Act) appropriated a total of \$175.7 million from the General Fund to the judicial branch for FY 2018. This is no change in funding compared with estimated net FY 2017 and a decrease of \$3.0 million compared with FY 2016.

Operating budget. The Iowa Supreme Court recently approved the judicial branch operating budget for FY 2018. The Office of State Court Administration has indicated that an appropriation of \$191 million would have been required to fully fund the judicial branch operations. In order to balance the \$15 million shortfall, the following actions have been approved for FY 2018:

- Funding all positions on the payroll in April 2017 (including judicial vacancies currently being filled).
- Maintaining a hiring freeze from FY 2017, with limited exceptions.
- Filling remaining vacant judgeships on hold from FY 2017.
- Filling 18 FTE positions identified as most critical.
- Utilizing technology funds to offset some non-personnel information technology (IT) expenses.
- Maintaining reductions instituted in FY 2017 to the following non-personnel line items:
 - 20.0% – Office supplies and postage
 - 10.0% – Telephone service
 - 50.0% – Furniture and non-IT equipment
 - 10.0% – Education and training
 - Restoring funding for travel to FY 2016 actual expenditure levels.
 - Continuing the moratorium on expansion of specialty courts. The State Court Administrator will work with various specialty courts to decrease the amount of time devoted to specialty courts by judges and to develop a way to phase out specialty courts in FY 2018 if there is still a budget deficit.

Salary increases. The approved FY 2018 operating budget includes salary increases for both judicial officers and nonjudicial officer staff, as follows:

• *Judges and Magistrates:* Senate File 508 permits the Iowa Supreme Court to increase the annual salaries of judges and magistrates by a maximum of 2.5 percent during FY 2018. The Supreme Court approved the increase at an estimated cost of \$1.1 million. The most recent salary increase was implemented in FY 2014 and increased the salaries for judges and magistrates by 4.5 percent.

• *Nonjudicial Officer Staff:* The Iowa Supreme Court approved a 1 percent across-the-board salary increase for all contract and noncontract-covered employees at an estimated cost of \$1 million. In addition, all contract and noncontract-covered employees not already at the top step of their pay grade will receive an automatic step increase on their salary review date. This increase is estimated to cost \$876,399.

All increased costs resulting from the salary increases will be covered by holding additional positions vacant. Any district court judgeship that becomes vacant will be held open for the balance of the fiscal year following that judge's retirement, except in cases where there is more than one vacancy in one judicial election district. Over 5 percent of district court judges left the judicial branch last year, and nearly 9 percent more are anticipated to leave in FY 2018. The Office of State Court Administration anticipates a savings of more than \$1.4 million from vacant judgeships held open during FY 2018. There are currently 153 FTE position vacancies, comprising 10 percent of the judicial branch workforce. This number is estimated to increase to about 13 percent by the end of the fiscal year. The current judicial branch employees will take on the extra work created by holding positions vacant at all levels of the judicial branch.

Clerk of court positions. Currently, there are 62 clerks of court who supervise the operations of the clerk's offices in the 100 county courthouses. There are a total of 644 staff members in the clerk's offices around the state, a reduction of about 10 percent from 10 years ago.



employee unions. He wants incoming State Court Administrator Todd Nuccio, who he has personally known for decades, to have an easy transition.

"I think it is important to have someone with a strong trial court background, like Todd, in the job. The work of the Iowa Judicial Branch is done in the trenches," Boyd said. "The state court administrator can sometimes get the headlines, but the real work of administering justice in this state is at the trial court level."

So, what advice would he give Nuccio? "Listen to the people, the people that are under you. They will give you good advice. Don't think you have to solve the problems alone. Use the people around you, because ultimately that's where you'll find the answer. If you're a good listener, before you make a decision, you'll make a good decision."

And when asked what he will miss the most about his time with the judicial branch, Boyd didn't hesitate. "The people. We are a family. Obviously, I won't miss the problems," he said, chuckling. "But fortunately, over the years, I have had some very good people working with me. They make you look good. I get way more credit than I deserve."

Who is Todd Nuccio, Boyd's successor?

Nuccio brings more than 30 years of court administration experience to the position, starting as the assistant court administrator in the Seventh Judicial District of Iowa (Davenport) and most recently completing 25 years as the trial court administrator for the 26th Judicial District of North Carolina (Charlotte).

Outside of his role as trial court administrator, Nuccio was also an adjunct professor at UNC Charlotte teaching court management. Nuccio established Justice Initiatives, an independent nonprofit to educate the public on the needs of the court system, to advocate on its behalf, and to support and advance innovative and nontraditional programs through seed money.

Nuccio will begin his duties Sept. 18.



The opioid epidemic and its impact on the legal profession

By Hugh Grady



In the July 15 issue of the New York Times Business Section, the author, Eilene Zimmerman, reports about the death of her husband, Peter, from a systemic bacterial infection from IV use related to his addiction to heroin. His use was kept hidden from family, friends, partners and colleagues.

I am a recovering heroin/opiate addict since July 1988. I also kept my addiction a secret until multiple complaints were filed by clients and by my neglect. I was intervened on by the-then director of the Oregon Attorneys Assistance program.

The problem

The American Society of Addiction Medicine reported in 2015 that of the 20.5 million Americans 12 or older who had a substance-use disorder, 10 million involved prescription pain relievers and 591,000 had a substance-use disorder involving heroin. There were 52,404 lethal drug overdoses to prescription pain relievers and 12,990 overdose deaths related to heroin in 2015.

In 2015, the ABA Commission on Lawyer Assistance Programs (COLAP) and the Hazelden Betty Ford Foundation surveyed lawyers on mental health, alcohol and drug use. Data was analyzed on a final sample of 12,000 licensed lawyers currently practicing law. Responses by 26.7 percent were so limited on the self-administered drug screening that few conclusions could be drawn. That was not a surprise to those of us working in lawyer assistance programs. Most of those responding identified as low risk, while 20 percent appeared to be intermediate risk. And one in 33 appeared to be at substantial risk.

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The façade

Lawyers, probably more than any other group of professionals, have the ability to look good and not be so. I was an in-patient alcohol and drug counselor for seven years prior to becoming the director of the Iowa Lawyers Assistance Program. I have worked primarily with lawyers, judges, law students and their families on all addictions. Based on that experience as well as my own addiction, I am convinced that there was a significant under-reporting of drug abuse in the ABA COLAP survey.

By education, training, work experience and certain personality characteristics lawyers can deny, justify, minimize, blame and make excuses which prevent them from admitting an addiction problem. This form of denial of the problem is what keeps lawyers from seeking help.

Most people are familiar with denial when a tragic event occurs. Denial of a substance-use problem is different. It tends to be subconscious thought or the frequent blaming of others for use, i.e. blaming a wife, a law partner or others which becomes the excuse to continue to use. Sometimes addiction to opiates begins with a legitimate prescription for pain killers. Some people become physically addicted first and then develop a psychological addiction as they embrace the short-lived feeling of well-being and euphoria that occurs with opiate use.

Warning signs of an addiction can be obvious but frequently they are not. Warning signs eventually become progressive over time. What is almost always seen are these physical symptoms. One sees changes such as a loss of weight, changes in complexion, fatigue, nodding off and frequent scratching of the nose. Symptoms at work may include a change in attendance at work, routinely arriving late or

leaving early, failing to keep scheduled appointments, failing to appear at depositions or court hearings and a decrease in productivity.

In my own case, I exhibited these symptoms. However, I was a solo practitioner and explained to family and others my physical changes were caused by stress. I began to procrastinate and to miss deadlines. I neglected to promptly process mail and timely return phone calls. Clients began filing complaints with the Oregon Bar. I began co-mingling and "borrowing" client's funds. Eventually I could not replace these funds; I was paranoid, became depressed, despondent and hopeless. Yet I somehow kept my family and others at bay.

Help

There is help for lawyers suffering from an opiate addiction or from alcohol or other drug addiction. There are various modalities of treatment both inpatient and outpatient. There are numerous support groups available including the Iowa Lawyer Assistance Program. Return to a successful practice of law can and does happen; relationships with family, friends and colleagues can heal and grow even better.

In my own case I had gone too far and done too much damage to clients to keep my license. That does not have to happen. If you are struggling with these issues, ILAP offers free and confidential services. There is always hope.



Hugh Grady is director of the ISBA's Iowa Lawyers Assistance Program. He can be reached at 800-243-1533, or at help@iowalap.org. Simply ask Grady to contact you; no details are necessary in the initial contact.

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The Path to Lawyer Well-Being: Practical Recommendations for Positive Change

In August, the National Task Force on Lawyer Well-Being released a comprehensive report entitled: The Path to Lawyer Well-Being: Practical Recommendations for Positive Change. The Task Force was conceptualized and initiated by the ABA Commission on Lawyer Assistance Programs (CoLAP), the National Organization of Bar Counsel (NOBC), and the Association of Professional Responsibility Lawyers (APRL). It is a collection of entities within and outside the ABA that was created in August 2016.

The report recommended strategies for all stakeholders in the legal profession to play a part in the transformational process aimed at developing a thriving legal profession, including:

Recommendations for all stakeholders

1. Acknowledge the problems and take responsibility.
2. Use this report as a launch pad for a profession-wide action plan.
3. Leaders should demonstrate a personal commitment to well-being.
4. Facilitate, destigmatize, and encourage help-seeking behaviors.
5. Build relationships with lawyer-well-being experts.
6. Foster collegiality and respectful engagement throughout the profession.
7. Enhance lawyers' sense of control.
8. Provide high-quality educational programs about lawyer distress and well-being.
9. Guide and support the transition of older lawyers.
10. De-emphasize alcohol at social events.
11. Utilize monitoring to support recovery from substance use disorders.
12. Begin a dialogue about suicide prevention.
13. Support a lawyer well-being index to measure the profession's progress.

Recommendations for judges

14. Communicate that well-being is a priority.
15. Develop policies for impaired judges.
16. Reduce the stigma of mental health and substance use disorders.
17. Conduct judicial well-being surveys.
18. Provide well-being programming for judges and staff.
19. Monitor for impaired lawyers and partner with lawyer assistance programs

Recommendations for regulators

20. Take actions to meaningfully communicate that lawyer well-being is a priority.
21. Adjust the admissions process to support law student well-being.
22. Adjust lawyer regulations to support well-being.
23. Add well-being-related questions to the Multistate Professional Responsibility Exam (MPRE).
24. Establish organizational infrastructure to promote well-being.
25. Establish policies and practices to support lawyer well-being.
26. Provide training and education on well-being, including during new lawyer orientation.

Recommendations for law schools

27. Create best practices for detecting and assisting students experiencing psychological distress.
28. Assess law school practices and offer faculty education on promoting well-being in the classroom.
29. Empower students to help fellow students in need.



30. Include well-being topics in courses on professional responsibility.
31. Commit resources for onsite professional counselors.
32. Facilitate a confidential recovery network.
33. Provide education opportunities on well-being-related topics.
34. Discourage alcohol-centered social events.
35. Conduct anonymous surveys relating to student well-being.

Recommendations for bar associations

36. Encourage education on well-being topics in coordination and in association with lawyer assistance programs.
37. Sponsor empirical research on lawyer well-being as part of annual member surveys.
38. Launch a lawyer well-being committee.
39. Serve as an example of best practices relating to lawyer well-being at bar association events.

Recommendations for lawyers' professional liability carriers

40. Actively support lawyer assistance programs.
41. Emphasize well-being in loss prevention programs.
42. Incentivize desired behavior in underwriting law firm risk.
43. Collect data when lawyer impairment is a contributing factor to claims activity.

Recommendations for lawyers assistance programs

44. Lawyers assistance programs should be appropriately organized and funded.

Read the full report online: <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf>

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Challenging excessive court fees in probate

By Ross Tentinger

Recent changes to how court fees in probate matters are calculated have become a growing concern among Iowa's probate attorneys. A state court administrator (SCA) policy expands the scope of what property is included when calculating court fees in probate matters. Significantly, the relatively new policy instructs clerks of court to include certain non-probated property when calculating the court's fee for probate matters. Thankfully, two recent decisions from the Plymouth County probate court provide a foothold to challenge the SCA's directive.

For the unfamiliar, on May 13, 2014 the SCA issued Administrative Directive 2014-1. The directive's stated purpose was to "provide guidance and statewide consistency to clerks of court for calculation of court costs in a probate case as provided in Iowa Code § 633.31(2)(k)." The directive ostensibly adopted the Iowa Supreme Court's ruling in *In re Estate of Martin*, 710 N.W.2d 546 (Iowa 2006), holding that estate executor and attorney fees can be calculated by using the gross assets of the estate, including non-probate assets. In reaching that conclusion, the court addressed Iowa Code §§

633.197 and 633.198 on calculating executor and attorney fees. The SCA took the holding in *Martin* and applied it to the court's fee in probate allowed by § 633.31(2)(k).

Administrative Directive 2014-1 moves away from the long-standing policy of calculating court fees in probate based on total value of all probated assets, and instead, instructs clerks of court to calculate the fee based on the gross assets of the estate. This includes, *inter alia*, certain *inter vivos* property transfers and non-probate assets, including life insurance benefits payable to a beneficiary, property held in joint tenancy, and retirement accounts transferable on death. Under the SCA's new directive, these items, never coming under the subject-matter jurisdiction of the probate court, were now being used to calculate the court fee in connection with probate matters.

An early challenge to Administrative Directive 2014-1 was heard by the Plymouth County Court in *In re Estate of Alvira Tentinger*, Probate No. ESPR 018801. The case stemmed from a challenge by the estate of the inclusion of *inter vivos* property transfers when calculating court fees in probate. In that case, the decedent died on Feb. 8, 2014. The estate was probated and a final report and inventory was filed on Dec. 3, 2014. The probate report listed a single 80-acre parcel of land, valued at \$1,013,200 as the only real property owned by the decedent at the time of her death, along with personal property valued at \$53,000.

However, in the years preceding her death, the decedent made several *inter*

vivos transfers of various parcels of farmland to each of her three children. The total value of the farmland transferred inter vivos was reported as \$6,438,600. These transfers all occurred in 2012 and 2013. The total value of the decedent's gross estate, which included inter vivos transfers within three years of death, was listed as \$7,504,800.

The Plymouth County probate clerk assessed a court fee of \$15,135. The clerk, following the direction of the SCA, calculated that fee by using the fee schedule published in section 633.31(2)(k) and applying it to both the inter vivos property transfers and probated property. The estate argued the probate fee should be calculated using only the value of the probated property, specifically the 80-acre parcel and personal property, amounting to a court probate fee of \$2,130.

The estate challenged the calculation of the probate fee, arguing Administrative Directive 2014-1 contradicted the clear language of § 633.31(2)(k) which instructs that the fee be assessed commensurate to the court's work "in connection with probate matters." In support of its motion, the estate relied on a 1973 Iowa Attorney General opinion that discusses the rationale behind the probate fee in connection with probate matters. The attorney general noted that § 633.31(2)(k) relating to the payment of fees "proceeded on the theory that such payment is enacted for something actually done by the officer for the benefit of the litigant." Iowa Attorney General, Opinion No. 73-1-8. He concluded that probate fees "should only be based on the part of the property of the decedent that is subject to the probate jurisdiction of the Iowa courts." *Id.*

In considering the estate's challenge of Administrative Directive 2014-1, the Plymouth County Court found the SCA's reliance on *Martin* inappropriate; noting that the *Martin* case only addressed fees authorized under §§ 633.197 and 633.198, and did not address probate fees under § 633.31. The court continued, stating "[t]he issues decided in *Martin* and relevant statutes pertaining thereto materially differ from the issues relevant in this case," concluding "the SCA has misread the holding of *Martin* and thus Administrative Directive 2014-1 is not a proper interpretation of the statute." The court granted the estate's motion and directed the fees to be recalculated, based on the value of the property entered into probate, excluding property transferred inter vivos.

A second successful challenge to Administrative Directive 2014-1 arose from *In re Estate of Homan*, Probate No. ESPR 019154, over the inclusion of certain non-probate assets when calculating the fee. In that case, the decedent died on Feb. 6, 2016 and the estate was probated. The probate report listed gross assets as including personal and real property owned by the decedent individually, life insurance payable on death to the decedent's surviving spouse, property held in joint tenancy, and an individual retirement account payable to the decedent's spouse. All told, the listed value of the property on the final report and inventory was \$766,748.52. Of the property listed, only the property not held in joint tenancy, having a value of \$71,486.16, entered probate.

In a similar vein as the previous case, the clerk of court for Plymouth County calculated the court fee due for probating the estates using the value of the gross estate, which included the non-probated assets listed above.

The estate in *Homan* challenged the clerk's calculation of the fee, arguing the fee should be calculated using the value of property actually subject to the jurisdiction of the probate court. The court agreed, holding that "upon the death of the decedent, all jointly held property passed by operation of law to the surviving tenant, his retirement accounts transferred automatically to his surviving spouse, and life insurance benefits became payable to his named beneficiary." The court held that because that property did not require probate, it was not subject

to taxation by the clerk of court under § 633.31(2)(k). Again, the clerk was ordered to recalculate the court's fee using only the property actually entered into probate.

These two decisions by the Plymouth County court provided support for the would-be litigant willing to challenge the SCA's Administrative Directive 2014-1. Readers will also be encouraged to know that Iowa's legislators have taken notice of the SCA's policy as well – proposed changes to section 633.31 were introduced in the Iowa Legislature which would restrict fees to services actually provided to an estate by the court and commensurate to the work performed. Hopefully, we will see the proposed changes enacted soon, but until then, Iowa's probate attorneys have two well-crafted opinions in which to challenge the new policy.



Born in Des Moines, Ross N. Tentinger is an attorney based in Minneapolis, practicing at Tentinger Law Firm. Ross

is licensed to practice law in Minnesota and North Dakota and specializes in civil litigation, focusing primarily in the areas of personal injury and business litigation, along with the occasional probate matter. Jay Tentinger, the owner of Tentinger Law Firm, is also an Iowa native, growing up on a cattle farm in Remsen. Jay is licensed to practice in Iowa, Minnesota and Nebraska, handling civil litigation including probate.

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Pre-mediation planning for mediation success

by Amy L. Van Horne

Mediation can be a very effective way to ensure an efficient resolution of disputes. With a few simple strategies before a mediation, attorneys can ensure their case is well-positioned for the best chance of success.

Select the mediator

One often-overlooked area for discussion between counsel surrounds the selection of a mediator. Many attorneys simply default to their standard list of mediators without giving selection much thought. However, depending on the nature of the case and the personalities of the parties, one mediator may be more appropriate than another. Attorneys should think about the personality of the client, the personalities of the other parties and their attorneys, and the nature of the case, and then decide which mediators might be appropriate. Consider contacting unfamiliar mediators other colleagues have used with success. Many mediators now have online calendars available, which makes it easy for all of the attorneys involved to compare their calendars with open dates on the mediator's calendar.

Select appropriate materials

Pre-mediation submissions are the mediator's first exposure to a case, and are not only an opportunity for advocacy but also an opportunity for each party to begin

analyzing a case's strengths and weaknesses. This analysis ensures the attorney is in the best possible position to articulate the client's position and move the case toward resolution. Two common approaches to mediation position statements fail to take advantage of this analytical opportunity. Some attorneys send a brief statement with little factual information but considerable advocacy. Providing a statement that says something has kept the case from settling thus far, and explaining what the client's position is with supporting factual identification and analysis, will only help in resolving the case.

A second strategy is to provide every document in the case file. A bit of focus will help the mediator's preparation, and help the parties begin the analysis necessary to successfully resolve the case. An attorney taking advantage of the opportunity mediation provides for preliminary trial preparation and case strategy analysis will help make the mediation more successful and also identify additional materials necessary to effectively present the case to a judge or jury should the mediation be unsuccessful.

Consider logistics

Attorneys often overlook logistical considerations that can hinder the mediation process. Mediation location is sometimes a concern. Many mediators have conference facilities that are utilized for mediations,

and normally those facilities work well. However, sometimes conference facilities are not appropriate, such as when a plaintiff is so nervous about the mediation process that mediation in familiar surroundings is advisable, or when an injured party is confined to a bed or to a specific facility. A case may be so contentious that it must be mediated in a courthouse or in an area where extra security is available.

Another logistical issue surrounds the parties that will be present at mediation. If an executive of a major corporation must be present along with an insurance adjuster, both traveling from far-off cities, travel contingencies should be discussed with all parties and the mediator ahead of time. If bad weather delays a flight, will participation via telephone be sufficient to at least get things started? In a personal injury case involving an insurance company with ultimate decision-making authority, may that decision-maker participate via telephone? Under what circumstances?

Will the parties make opening statements during the joint opening session? Consider alternatives to formal opening statements, which sometimes generate an unnecessarily adversarial atmosphere that can hinder resolution. For example, if a "day in the life" video is absolutely necessary to ensure the defense understands a personal injury plaintiff's injuries, consider allowing the mediator to view the video in private caucus

with the defense. Another strategy would be to provide the video or other presentation to the defense a week or so before the mediation, to be viewed ahead of time.

While a joint opening session allows the parties to begin the mediation on a level footing and begin to invest in the process, sometimes a joint opening session is inappropriate. If the parties are volatile or the subject matter is sensitive, a joint opening may be counterproductive.

Logistical details should be worked out ahead of time, perhaps with the mediator's assistance. The participants may need to be creative, and should be absolutely explicit with details, rather than assuming the other parties have the same expectations. If the parties absolutely cannot agree on a location, would they agree to two different locations near enough to each other to allow the mediator to move between them? Mediators are very flexible and will help the parties come up with solutions that will work for everyone.

Prepare the ground

If a case has issues that must be addressed to finalize any settlement, as much as possible ensure those issues are addressed before

the mediation. Ensure lines of communication are open with any necessary third parties, such as lienholders or ex-spouses. Determine if a subrogated health plan is an ERISA plan or a non-ERISA plan. Begin to open a dialogue with Medicare, Medicaid or any state agencies. If records or bills are needed for a party to effectively analyze a case before the mediation starts, provide them. Remember that corporate entities may meet to discuss a case weeks before a scheduled mediation to determine a potential valuation range and determine settlement authority. The more information available to the decision-makers during their pre-mediation meeting, the greater the chance for mediation success.

Mediation involves compromise. It is important for the participants in a mediation to understand that the mediator's job is not to help an attorney force the other side to do exactly what the client wants. If a client will not be comfortable being the decision-maker, ensure the necessary support system is available. If a party's expectations about the value of the claim are unrealistic, some gentle pre-mediation expectation-setting will help avoid "sticker shock" during the mediation itself.

Conclusion

Mediation may be the key to ensuring your client's case reaches a satisfactory resolution without the time and expense of a trial. Spending time before the mediation to properly prepare will be well worth it.



Amy L. Van Horne focuses her practice on mediation and alternative dispute resolution. She has

successfully mediated a wide variety of disputes, and regularly mediates cases in both Iowa and Nebraska. Van Horne has extensive experience in the area of personal injury and products liability, where her years of litigation experience for both plaintiffs and defendants provide insight into how a case will progress to verdict. Van Horne is a member of the American Academy of ADR Attorneys, the Iowa Association of Mediators, and the Nebraska Mediation Association. She is a partner in the Omaha office of Kutak Rock LLP and a proud graduate of the University of Iowa College of Law.

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Law firms becoming a favorite target of cyber criminals

These tips can help you minimize your risk

By Philip D. Brooks, Chair of the ISBA Bar Insurance Committee



Law firms, both big and small, are increasingly vulnerable to the menace of cyber crime. Recent news reports of the devastating attack on the global law firm DLA Piper heightened concerns that hackers are focusing on what they perceive as weak spots in network infrastructures. In DLA Piper's case, hackers literally prevented the firm, and many of its clients, from conducting any business by taking it completely off-line. It has been reported that the attack could cost the firm millions to fully recover.

Similarly, in May a federal court in New York ordered Chinese hackers to pay large fines and penalties for obtaining the emails of senior New York attorneys in a search for insider trading information. According to the ABA, reports of law firm network intrusions are not unusual anymore so lawyers are being advised to take the necessary precautions to protect them and their clients from a threat which doesn't appear to be going away any time soon.

Risk mitigation recommendations

There are ways to help minimize the exposures, many of which are fairly simple to do. Take these steps to help prevent the headaches and cost of dealing with a cyber attack:

Enforce a password policy

Password policies are the simplest, most basic and least costly way to effectively protect sensitive data and decrease your risk. All firm members and employees should adhere to these easy requirements, which include: a combination of letters, numbers and symbols; a minimum of 12 characters; upper and lower case letters. Passwords should be changed on a regular schedule and not be repeated.

Staff education

Most people know to avoid suspicious email, but routinely educating staff on cyber security awareness can be very beneficial. Providing an extensive list of "do's and don't's", and publishing formal policies on acceptable internet usage and social media usage are recommended. Many studies have

shown that regular awareness training can pay dividends.

BYOD policies

Bring Your Own Device (BYOD) policies can be risky if appropriate security measures are not taken. If personal devices are allowed, be sure to:

- Encrypt and password protect company data on personal devices
- Install mobile device management software that remotely wipes the employee's device of the employers' data if the employee leaves the firm
- Limit unsecured WiFi practices

Alternatively, and perhaps most safely, the firm can simply not allow business to be conducted on any device other than those owned and controlled by the firm

Encryption

Lost or stolen laptops/devices are a leading cause of law firm data breaches. With simple file, email and full-disk encryption on all devices, information can be better protected if misfortune occurs.

Cloud service caution

It is becoming increasingly common to use cloud providers for data and network storage. When utilizing this capability, law firms should be asking the following questions:


- Will my information be encrypted?
- Have my clients provided their written consent to place information in the cloud?

- Does the cloud provider employ adequate security measures to protect the data?
- Will the data be stored outside of the U.S.? If not, would it be subject to search and seizure?

Other measures to consider

Cyber criminals are devious and smart. Even firms which take every conceivable preventive measure can still find themselves vulnerable to a determined hacker. This is why many lawyers are buying or considering one of the widely available cyber liability insurance policies in today's market. The Insurance Committee of The Iowa State Bar Association has been focused on this issue for quite some time, as the line between malpractice and cyber exposures is not clearly delineated. In 2011, the ISBA's endorsed broker, Lockton, negotiated for the inclusion of some basic cyber liability coverage in the base policy form available to those Bar members purchasing their professional liability insurance through the Bar program underwritten by CNA Insurance Company. This coverage was very basic but it was included at no additional cost to members and was intended in part to get lawyers thinking about the exposure. Most recently, the carrier has crafted a new endorsement which provides broader coverage, and Lockton is now including a quote with each policy renewal for this enhanced coverage. Regardless of whether you purchase your insurance through the Bar program or another provider, the fact is that this type of insurance provides valuable protection against the types of costs which will be incurred in the event of a cyber breach at your firm. The costs of privacy breach notifications, loss of income, recovery of network infrastructure, potential litigation and regulatory fines/penalties are all expenses which cyber insurance can help pay for. Notifying your clients of a breach is required by law, and with notification costs averaging \$30 per record, a breach can be costly. In addition to the coverage itself, the carriers offering cyber insurance have built extensive networks of providers that can help firms identify cyber security shortcomings, deal with the public relations backlash if the breach becomes public, as well as handle the ministerial duties of the client notifications required by the law.

If you're interested in learning more about your insurance options, call Lockton at 800-679-7154, or contact them via the ISBA website at www.iowabar.org; or consult with your own insurance agent.



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If something goes wrong, your practice will do right: Practical application of Iowa Court Rule 39.18

By Gordon Fischer

My disability, then death

Let's imagine that after I finish writing this article, I suffer a massive heart attack. I barely cling to life for two months in a coma, then die.

Many issues raised

I'm a solo practitioner. What does my disability and death mean for my clients? Is someone prepared to step in and take over my practice? Who are my clients and how does someone reach them? What if there are matters which require immediate attention, or matters with deadlines? Could someone find a way through the maze of my passwords to reach the information needed?

No doubt, my disability and death would raise these questions, and many more. The same, or at least similar issues, would arise for any lawyer in private practice, regardless of firm size.

These are the issues Iowa Court Rule 39.18 is intended to address.

A new era

It's not an exaggeration to say that Dec. 25, 2017, will mark the beginning of a new era for Iowa lawyers. Iowa Court Rule 39.18 represents sweeping change.

Rule 39.18 in summary

Rule 39.18 mandates that Iowa lawyers engage in business succession planning. Under the rule, Iowa lawyers must make certain preparations for their own death or disability.

In short, all active Iowa lawyers in private practice must:

1. Identify and authorize each year either an Iowa lawyer, or Iowa law firm, or a "qualified attorney-servicing association," to serve as the attorney's designated representative(s).

ISBA On-Demand catalog now includes Rule 39.18 seminar

The ISBA catalog of on-demand CLE seminars has recently been updated to include a discussion on death and disability planning required by Iowa Court Rule 39.18.

The seminar offers two state hours of credit, which includes two hours of ethics credit, and features Tre Critelli and Paul Wieck, the current and former directors of the Office of Professional Regulation.

To view the seminar, members should visit iowabar.org.

2. Maintain a current list of active clients, in a location accessible by the designated representative(s).

3. Identify for the designated representative(s):

- (a) the custodian and the location of the client list;
- (b) the custodian and location of electronic and paper files and records; and
- (c) the custodian and location of passwords and other security protocols required to access the electronic files and records.

Note that the custodian can be a different person or entity than the representative(s). While the representative must be either an Iowa lawyer(s) in good standing or a qualified organization, the custodian need not be either.

As a practical matter, a “custodian” (not a defined term, by the way) could be anyone in which you have a high degree of trust, and presumably interact with regularly. A custodian could be your law partner, accountant, financial advisor, paralegal, son/daughter, best friend, spouse, administrative assistant or even your landlord.

Supplemental plan

Further, Rule 39.18 provides non-mandatory options for a “supplemental plan,” which are explicitly recommended. Essentially, Rule 39.18 suggests best practices to follow, so you can not only meet, but exceed, the basic requirements.

Under the rule, your supplemental plan may allow your designated representative(s) to collect fees, pay firm expenses and client costs, compensate staff, terminate leases, liquidate or sell the practice or perform other law-firm administration tasks. The supplemental written plan also may nominate an attorney or entity to serve as trustee. See Rule 39.18(3).

New questions for you on your annual questionnaire

What is the enforcement mechanism for Rule 39.18? An Iowa lawyer must certify every year s/he is meeting the requirements in the Annual Client Security Questionnaire dispensed by the Iowa Client Security Commission.

Per the director of the Office of Professional Regulation, seven new questions will be added to the annual questionnaire for this year (2017) that is due in March 2018:

25. *I am engaged in the private practice of law in Iowa? Yes / No*

26. *I designate the following named active Iowa attorney in good standing, qualified lawyer servicing association, or Iowa law firm that includes Iowa attorneys in good standing, as my representative or representatives under Iowa Court Rule 39.18: • Name of Designated Attorney or Entity: • Address Line 1: • Address Line 2: • Address Line 3: • City: • State: • Zip Code: Zip Plus 4:*

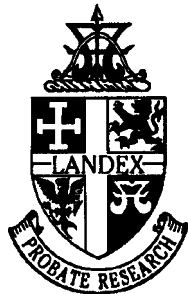
27. *My list of active clients can be found in the custody of the following named person at the location indicated: • Name of Custodian: • Telephone Number of Custodian: • Location of Records Address Line 1: Address Line 2: Address Line 3: City: • State: • Zip Code: Zip Plus 4:*

28. *My electronic files and records can be found in the custody of the following named person at the location indicated: • If the same person and location listed in response to question 27 serve as the custodian and location of your electronic files and records, click the toggle here and proceed to question 29: • Name of Custodian: • Telephone Number of Custodian: • Location of Electronic Files and Records: Address Line 1: Address Line 2: Address Line 3: City: • State: • Zip Code: Zip Plus 4*

29. *My paper files and records can be found in the custody of the following named person at the location indicated: • If the same person and location listed in response to question 27 serve as the custodian and location of your paper files and records, click the toggle here and proceed to question 30: • Name of Custodian: • Telephone Number of Custodian: • Location of Paper Files and Records: Address Line 1: Address Line 2: Address Line 3: City: • State: • Zip Code: Zip Plus 4:*

30. *The passwords and other security protocols required to access my electronic files and records can be found in the custody of the following named person at the location indicated: • If the same person and location listed in response to question 27 serve as the custodian and location of your passwords and other security protocols, click the toggle here and proceed to question 31: • Name of Custodian: • Telephone Number of Custodian: • Location of Passwords and Other Security Protocols: Address Line 1: Address Line 2: Address Line 3: City: • State: • Zip Code: Zip Plus 4:*

31. *Has your designated attorney or entity consented to the designation? Yes / No*



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Mike Mesch
CPA/ABV, ASA, CFF
Partner



Lawyers must undertake *personal estate planning*

Rule 39.18 requires that Iowa lawyers not only engage in business succession planning, but I would argue, in personal estate planning as well. Although not necessarily explicitly mandated by Rule 39.18, it's just about impossible to imagine a lawyer being able to comply with the rule without at least two basic estate planning documents: a will (or trust) and a durable power of attorney.

Lawyers need a will or trust


Rule 39.18 requires lawyers to plan for death or disability. To adequately prepare for the former, Iowa lawyers need a will or trust. To adequately prepare for the latter, Iowa lawyers need a durable power of attorney. For top-notch effectiveness, both the will/trust and the durable power of attorney need to contain specific and special language to address unique aspects of each lawyer's practice.

As all lawyers know, a will is the legal instrument that permits a person, the testator, to make decisions on how his or her estate will be managed after death. Depending on the size and number of assets (both personal and corporate) owned by the attorney, a revocable living trust may make more financial sense. In any case, a lawyer's will or trust must provide direction as to what should be done with the lawyer's practice, if s/he owns all or part of a firm.

You need a durable power of attorney

Further, Iowa lawyers must prepare for the possibility of a disability, either temporary or permanent, that interferes with the ability to practice law. Specifically, Iowa lawyers need a durable power of attorney, granting the designated representative(s) the power necessary to run the law practice in case of disability.

As lawyers also know, a power of attorney is a legal document you can use to give someone else the authority to take specific actions on your behalf. Just as a reminder: there are two categories of powers of attorney. The first is a durable power of attorney for finances, which lets someone else be named to manage



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financial affairs if one becomes incapacitated. The second is a durable power of attorney for health care, which lets someone be named to make medical decisions for another unable to do so. Lawyers should have both documents prepared. Having both durable powers of attorney sets out your wishes for financial decisions and medical care, and ensures that your finances and health matters will stay in the hands of trusted people you choose.

If a power of attorney is durable, it remains valid and in effect even if someone become incapacitated and unable to make decisions. Generally speaking, if a power of attorney document does not explicitly say that the power is durable, it ends if someone becomes incapacitated. Note that under the rule, the power of attorney must be of the “durable” variety, per Iowa Rule 39.18(4).

Don't lawyers already have estate plans?

In my experience, lawyers do not necessarily have estate plans. Lawyers can be so busy taking care of clients, they sometimes neglect their own estate planning and business succession planning. At the very least, lawyers can and should be a model for all Iowans, encouraging responsible adults to engage in estate planning.

Resources galore!

Fortunately, there are plenty of resources available to get fully up to speed on Rule 39.18. And surely more will follow.

A number of resources, including a succession planning handbook, are available directly from the Iowa Client Security Commission, available at iowacourts.gov, under Professional Regulation and then Client Security.

Resources are also available on The Iowa State Bar Association website at iowabar.org.

Most helpful of all?

A “must watch” on this topic is an on-demand video CLE, for sale by The Iowa State Bar Association, for \$50. Here is the web address that will take you directly to the video: <https://iowabar.site-ym.com/store/ViewProduct.aspx?id=9224238>

The video features a quartet of extremely knowledgeable lawyers: Paul Wieck, (former director, Office of Professional Regulation); Tre Critelli (director, Office of Professional Regulation); and Laura Jensen and Travis Cavanaugh (Simmons Perrine Moyer Bergman PLC). The CLE is two hours long.

Wieck discusses the history leading up to Rule 39.18 and provides an excellent explanation of Iowa lawyers’ responsibilities under the new rule. Critelli continues that discussion and talks about upcoming changes to the Annual Client Security Questionnaire. Jensen and Cavanaugh discuss several forms which they helpfully drafted to help Iowa lawyers comply with Rule 39.18.

Final verdict on rule 39.18

Rule 39.18 encourages Iowa lawyers, indeed in some ways requires Iowa lawyers, to face their own mortality, think about death, and imagine a world after they are gone.

Yes, death is guaranteed to all. In a perfect world, it would happen after retirement—after the practice had successfully been passed along and the inheritor would have time to learn from and ask questions. Yet, crippling disability or death could happen at any time, and we have no clue as to when. Sure, wives usually outlive husbands, children outlive their parents, but certainly not always. The grim remark made by estate planners captures it perfectly: “People don’t always die when they’re supposed to.”

Rule 39.18 represents an opportunity for Iowa lawyers, if both the words and spirit of the rule are embraced. It’s smart, sound,

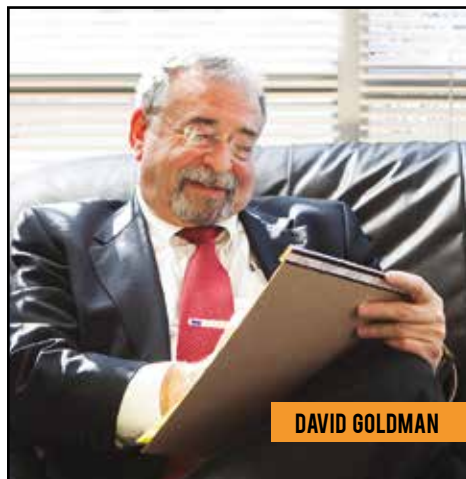
regulation that allow Iowa lawyers to continue serving clients in the most responsible manner, even if something tragic should suddenly happen.

More to come

This is the first article in a series of four articles discussing and dissecting Rule 39.18. Next month, I’ll take an even deeper dive into the responsibilities of Iowa lawyers under this new rule. In November, I’ll write about the optional language of Rule 39.18, and why (and how) a “supplemental plan” should be adopted. In December, I’ll write about not-so-obvious benefits that might accrue by adoption of Rule 39.18, changing not only law practices, but even the state of Iowa.



Gordon Fischer of Gordon Fischer Law Firm, P.C. is proud to have been an Iowa lawyer for more than 20 years. He welcomes discussing any aspect of Iowa Rule 39.18, estate planning, and/or business succession planning. His email is gordon@gordonfischerlawfirm.com and his cell phone number is 515-371-6077.



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2017 ABA Annual Meeting wrap-up

The American Bar Association House of Delegates, made up of 601 delegates from state, local and other bar associations and legal groups from across the country, met in New York on Aug. 14-15 at the close of the ABA Annual Meeting.

The House of Delegates determines association-wide policy, and adopted the following:

- Resolution 10B reaffirms the ABA's opposition of a half century to mandatory minimum sentences because it limits a judge's flexibility to consider circumstances and has a disparate impact on African Americans.
- Resolution 10C urges Congress to amend Section 287 of the Immigration and Nationality Act to expand and codify Department of Homeland Security guidelines regarding immigration enforcement. It would specifically add courthouses to the government's "sensitive locations" list.
- Resolution 10D urges the U.S. State Department to preserve the Office of Global Criminal Justice and the role of war crimes ambassador, including funding and staffing to continue the work of the office.
- Resolution 104 reaffirms opposition

to restructuring the U.S. Court of Appeals for the Ninth Circuit; urges technology to handle caseloads.

- Resolution 106 urges Congress to give the U.S. Department of Justice more powers to ensure compliance with the 1963 U.S. Supreme Court decision in *Gideon v. Wainwright*, which gave defendants in most criminal cases the Sixth Amendment right to counsel.
- Resolution 108 recommends that state courts with authority to regulate admission to the bar admit undocumented law school graduates if they are "seeking legal status."
- Resolution 110 amends Rule 7 of the Model Rules for Disciplinary Enforcement. Lawyers would have to provide more information about trust accounts in which they hold the funds of other people according to model rule changes approved by the House of Delegates on Monday.
- Resolution 112C favors bail reform to prevent punitive measures imposed on those who cannot afford to pay their court fines and fees.
- Resolution 112E urges legislative bodies

and government agencies to enact laws and adopt policies that prohibit solitary confinement of youth under the age of 18.

- Resolution 112F urges governments to allow individuals to petition to expunge all criminal records pertaining to charges of arrests that did not end in a conviction.
- Resolution 112G urges that convictions for minor violations for certain crimes related to homelessness be eligible to be expunged.
- Resolution 115 supports the appointment of counsel at federal government expense to represent all indigent persons in immigration removal proceedings.
- Resolution 118B urges governments to enact statutes, rules and regulations authorizing courts to issue gun violence restraining orders on those who pose a serious threat to himself/herself or others.
- Resolution 119B urges policies that protect the ability of student journalists to make the independent editorial judgments necessary to meaningfully cover issues of social and political importance without fear of retaliation or reprisal.
- Resolution 120 allow due process for correcting military records of tens of thousands of veterans with dishonorable discharges.

To see all resolutions, passed or considered, visit: https://www.americanbar.org/news/reporter_resources/annual-meeting-2017/house-of-delegates-resolutions.html

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YLD Council passes proposal to change law school accreditation standards process

An Iowa YLD-sponsored resolution proposing changes to the ABA group responsible for law school accreditation standards passed via a unanimous vote by the YLD Council in New York City last month. YLD President Tom Hillers argued for the resolution in Manhattan on Aug. 10.

The resolution seeks to guarantee that two of the 21 voting positions on the Legal Ed Section Council, which is responsible for the law school accreditation standards, will be held for young attorneys. Ten of the 21 positions are typically filled with individuals who are members of law school faculties, and this resolution would supplant two of those reserved positions for young attorneys.

Hillers says the next step is to meet with the chair of the Legal Ed Section Council and then get the matter on the council's agenda for its next quarterly meeting.



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Please include a high-resolution (300 dpi) color photo of the individual in the ".jpg" format and the announcement as plain text or as a Microsoft Word ".doc."

E-mail submissions to communications@iowabar.org. Include office phone number and name of person furnishing the copy. Questions? Please call 515-697-7864.



Henry

Jessica L. Henry has joined Parker Law Firm in Nevada. She received her J.D. from Drake University Law School in 2014. Prior to joining the firm, she was an assistant county attorney for Polk County. Henry plans to engage in a general practice, with an emphasis in probate, wills, trusts, real estate, general business law, taxation and mediation.



Johnson

Margaret Johnson has been appointed to serve as executive director of the Iowa Public Information Board in Des Moines. She has been the interim executive director since December 2016. Johnson has worked for the IPIB since 2013 as the deputy director. She is a graduate of Iowa State University and the Marshall/Wythe Law School at the College of William & Mary. Prior to joining the IPIB, Johnson was the Fremont County attorney and a contract prosecutor for the Iowa Attorney Disciplinary Board.



Barnett

Gail L. Barnett has joined the firm of Abendroth Russell Barnett in Urbandale. She received her J.D. from Drake University in 2003 and was formerly with Schott Mauss & Associates. Her practice areas will include Social Security Disability and Medicaid planning and eligibility.



Barondeau

Chris Barondeau has been named partner at Goosmann Law Firm in Sioux City. He received his J.D. from Creighton University School of Law in 2011. He focuses his practice on divorce and family law and currently serves in the Nebraska Army National Guard as commander of HHC of the 126th Chemical Battalion.



Bertrand

Erika Bertrand has joined Belin McCormick, P.C., in Des Moines, as an associate. She graduated from Drake University Law School and clerked for Justice Thomas Waterman prior to joining the firm. She will join the firm's litigation and employment law departments.



Strosche

Lindsay Hecht Strosche has joined Drew Law Firm, P.C., as trial counsel. She earned her J.D. from Drake University Law School in 2009. Prior to joining the firm, she served as a judicial law clerk for the Seventh Judicial District and the Iowa Court of Appeals. Lindsay's practice will focus primarily on personal injury and workers' compensation matters.

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Sharon Greer

Iowa ABOTA Chapter reconnects with its roots

by *Tim Semelroth*



The Iowa Chapter of the American Board of Trial Advocates (ABOTA) spent this year recording video interviews with a number of its founding and early members. During these interviews, prominent Iowa trial lawyers were asked about the traditions of the Iowa ABOTA chapter and the events that led to the chapter's founding in 1989.

ABOTA is a national organization of trial lawyers and judges which stands for the preservation of the 7th Amendment's right to a civil jury trial. Membership in ABOTA is by invitation only and is extended only to those attorneys with significant, documented, first-chair experience in civil jury trials.

The idea for the recorded interview project came from a national ABOTA meeting in Florida where current Iowa chapter

president Tim Semelroth saw a grainy video where the original ABOTA president, California attorney Mark Robinson Sr., described a 1958 discussion in the back room of Los Angeles restaurant which led to the formation of the national ABOTA organization.

"It was enlightening to see one of the founders of ABOTA describe the concerns about attacks on the civil justice system that led to ABOTA's formation almost 60 years ago," said Semelroth.

Around the time of the meeting in Florida, Semelroth was also given a copy of the minutes of the original organizational meeting of the Iowa ABOTA chapter.

"When I looked at the list of the original fifteen founding chapter members, I recognized most of names – I've had cases with almost half of them," said Semelroth, "but I also realized that – with a few notable exceptions – most of them had passed away, retired or were nearing retirement." That led to the chapter leadership's decision to video record interviews with several founding and early members.

Interviews were ultimately recorded with:

- John Bickel, past chapter president, 1997-1998
- David Brown, past chapter president, 1998-1999



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- David Dutton, past chapter president, 1996-1997
- Sharon Greer, past chapter president, 2008-2009
- Dwight James, past chapter president, 1994-1995
- Dale Peddicord, past chapter president, 1995-1996

The interviews focused on memories of the founding and early years of the Iowa ABOTA chapter, the importance of ABOTA's mission and some recommendations for the role of ABOTA going forward.

"Oftentimes when people in the legal community think of ABOTA, they focus on the honor of being selected for membership," said Semelroth. "We wanted to remind people of the important role that this chapter has played in elevating the trial practice in Iowa."

Through this video project – created with the technical assistance of Iowa State Bar Association staff – the Iowa ABOTA chapter learned that many of its traditions were conscious decisions from the very beginning.

For example, the Iowa ABOTA chapter strictly follows a tradition of alternating the office of president between civil plaintiff and defense lawyers every year. Semelroth learned "this was a deliberate choice of the founders to ensure that Iowa's ABOTA chapter would always be considered 'balanced' and never beholden to one side or the other."

Another chapter tradition, annually awarding scholarships to the outstanding trial advocacy students at the Drake and University of Iowa law schools, began as part of the chapter founders' commitment to supporting the training of the next generation of Iowa trial lawyers. This long-held belief in the importance of reaching aspiring trial lawyers early in

their training has also led the Iowa chapter to doing a yearly presentation called "Civility Matters" at each of the Iowa law schools. Civility Matters is a program developed by ABOTA to teach the dos and don'ts of professional civility through vignettes of "real lawyers and judges behaving badly."

The chapter is very excited about the final product of this project. Pieces of it were shown at ABOTA's Masters in Trial CLE seminar at the Drake Legal Clinic in

May and at its Civility Matters program at the University of Iowa College of Law in September. It will be unveiled in its entirety at the chapter's annual dinner at the Wakonda Country Club.

Semelroth hopes these recorded memories will be periodically shown to new members of the Iowa ABOTA chapter so they will "understand the commitment to civility, professionalism and service that has been part of ABOTA in Iowa since its very beginning."

The following 15 Iowa lawyers founded the Iowa Chapter of the American Board of Trial Advocates on April 28, 1989:

John Bickel, Cedar Rapids
David Dutton, Waterloo
Mike Figenshaw, Des Moines
Tom Finley, Des Moines
Edward Gallagher, Jr., Waterloo
Bill Gibb, Fort Dodge
Jack Hall, Eldora
Dwight James, Des Moines

Don Kersten, Fort Dodge
Vern Lawyer, Des Moines
Dale Peddicord, Des Moines
Pete Peters, Council Bluffs
Marion Pothoven, Oskaloosa
Pat Roby, Cedar Rapids
Steve Scharnberg, Des Moines

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Dear ISBA Member,



I write this letter as a member of The Iowa State Bar Association's LawPAC Committee. The committee is comprised of an equal number of Republican and Democratic lawyers. I want to give you the perspective of a general practitioner who has practiced law in Montezuma for more than 30 years.

For many years, I was resistant to making a contribution to LawPAC, partly due to my aversion to political action committees and partly out of inertia. Having now been a member of the LawPAC Committee for the last several years, I can tell you that my contributions, as well as yours, are put to very good use on behalf of the lawyers in the state of Iowa as well as our clients.

As a general practitioner, I can tell you that we really need your support. The Iowa State Bar legislative program deals with issues that concern all of our practices, such as probate, corporate law, real estate, family law and criminal law. We all know that the Bar Association has stood firm concerning title insurance in the state of Iowa and that has been a benefit not only to lawyers, but our clients, abstractors and others who deal with real estate in the state. In addition, through the Affirmative Legislative Program, approximately two-thirds of the Iowa code has been written by The Iowa State Bar Association's various sections in recent years. Annually the Bar usually has 15-20 affirmative legislative proposals that are drafted by the various ISBA sections.

Each year, there are dozens of bills that are introduced by the legislators that are ill-conceived and detrimental to our state. Our lobbyists, on behalf of our clients and us, educate legislators and see that these bills do not advance. Because of these proactive measures, general practitioners such as myself don't have to worry about the negative effects such legislation would have on our clients and our practices. Law PAC is a significant factor in maintaining the ISBA lobby team's efforts to educate legislators and to retain legislators that support ISBA's position.

Unfortunately, only approximately 15 percent of ISBA members contribute to Iowa LawPAC. We could have a far greater impact than the impact we already have if we could simply double the percentage of lawyers that contribute to Iowa LawPAC. Business interests, private and public employee unions, and other professional organizations are as legislatively active as we are and, in many instances, have more money to invest during each election cycle. We must continue to grow our PAC to insure our standing at the Capitol.

I would really like to see us have a bigger war chest, and I can assure you that every member of the LawPAC Committee takes the responsibility of deciding who gets our money very seriously. In our discussions as to who gets the money from LawPAC, we hardly, if ever, discuss the politics in making the contributions. We talk more about how the legislators work with our lobbyists and if they're willing to communicate with us about issues. There is no political test and we support Republicans and Democrats almost evenly depending upon the year and depending on the number of lawyers who are running for the legislature.

Please consider making an investment in LawPAC today. We need your financial support as well as your general support for the good of our practices, the judiciary, our clients and to keep Iowa a place where we truly do live up to the state motto, "Our liberties we prize and our rights we will maintain."

Sincerely,
Michael W. Mahaffey



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ISBA CLE Calendar

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September 14-15

Bridge the Gap Seminar
West Des Moines Marriott
West Des Moines

September 21

Ag Law Seminar
(In-person or Live Webinar)
Quality Inn & Suites
Ames

September 21

**Decoding Software License
Agreements: Tips and Best Practices
when Licensing Software**
(Live Webinar)

September 22

**Corporate Counsel and
Trade Regulation Seminar**
(In-person or Live Webinar)
ISBA Headquarters
Des Moines

September 25

**Boilerplate Provisions – Their
Meaning and Why They Matter**
(Live Webinar)

September 26

Current Issues in Immigration
(Live Webinar)

October 3

**Medicaid Eligibility for Nursing
Home and In-Home Services**
(Live Webinar)

Corporate Counsel and Trade Regulation Seminar

September 22

ISBA Headquarters or Live Webinar

www.iowabar.org/event/2017CorpTradeSeminar

SCHEDULE

8:45 - 9:00 - Welcome

Charlie Nichols, Corporate Counsel Section Chair and Justice Edward Mansfield,
Trade Regulation Section Chair

9:00 - 9:45 - Class Action Litigation Update

Speaker: Chantel Kramme, Faegre Baker Daniels LLP

9:45 - 10:30 - Iowa Supreme Court Update

Speaker: Debra Hulett, Nyemaster Goode PC

10:30 - 10:45 - Break

10:45 - 11:15 - Antitrust and Consumer Fraud Enforcement in Iowa:

Looking Back and Looking Ahead

Speaker: Tom Miller, Iowa Attorney General

11:15 - 12:00 - Internal Corporate Investigations

Speaker: Nick Klinefeldt, Faegre Baker Daniels LLP

12:00 - 12:15 - Lunch (included with registration)

12:15 - 1:00 - Luncheon Speaker - Update on the Affordable Care Act,
Better Care Reconciliation Act of 2017 (BCRA) and American Health Care Act of
2017 (AHCA)

Speaker: Frank Stork, Wellmark

1:00 - 1:45 - New Developments in Antitrust

Speaker: Justice Edward M. Mansfield, Iowa Supreme Court

1:45 - 2:30 - Hot Topics in Immigration Law

Speakers: Elizabeth Van Arkel and Holly Logan, Davis Brown Law Firm

2:30 - 2:45 - Break

2:45 - 3:15 - Franchise Law Update

Speaker: Mark T. Hamer, Hamer Law Office and Emily Alward, Alward Law Office

3:15 - 4:15 - Ethics Panel

Panel: Prof. Maura Strassberg, Drake Law School and TBA

CLE CREDIT (approved):

6.5 state hours which includes 1 ethics hour (5.25 federal hours pending)

Corporate Counsel Institute

November 10

ISBA Headquarters or Live Webinar

www.iowabar.org/event/2017CorpInstitute

SCHEDULE

8:30 - Registration

9:00 - 10:00 - Trademark War Stories: How to Protect Your Company

Speaker: Christopher Proskye, Brown Winick

10:00 - 11:00 - Compliance Programs From Creation to Implementation -

Speakers: Amy Anderson, AVP & CCO - Full Service Accumulation, Principal

Financial Group; Jeff Hicks, Counsel, Principal Financial Group; Keri

Farrell-Kolb, Counsel, Principal Financial Group; and Traci Weldon, AVP

Compliance, Principal Financial Group

11:00 - 12:00 - Protecting the Attorney-Client Privilege: Strategies

for Corporate Counsel to Maximize Privilege Protections While
Maintaining Ethical Standards

Speaker: G. Mark Rice, Whitfield & Eddy

12:00 - 12:30 - Lunch (included with registration)

12:30 - 1:30 - Employment Law Update

Speaker: Emily Pontius, Fredrikson & Byron, P.A.

1:30 - 2:30 - Garbage In/Garbage Out: 8 Types of Waste to

Eliminate from Your Company

Speaker: Jeff Pike, Iowa Lean Consortium Member

CLE CREDIT (pending):

5 state hours which includes 1 ethics hour

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F Family Law Seminar

October 26-27

West Des Moines Marriott

1250 Jordan Creek Pkwy., West Des Moines, IA 50266

www.iowabar.org/event/2017FamilyLaw

TOPICS INCLUDE:

- Family Law Update
- New Changes to the Iowa Child Support Guidelines
- Ethical Pitfalls to Avoid by Maintaining Client Control and Expectations
- Intellectual Property Issues in a Dissolution of Marriage Case
- Making Premarital Agreements Romantic by Taking Out the "D" Word
- How To Cross-examine a Business Valuation Expert
- How To Support or Cross-examine a Psychologist's Report
- Tips For Handling the Grey Divorce (Divorces with Parties Over the Age of 50)
- Ethical Considerations of Legal Services Agreements
- Expert Testimony in Domestic Abuse Cases
- Updates from the Department of Human Services (DHS)



CLE Credit (approved): 15.5 state hours which includes 3.25 ethics and 3 juvenile hours

Registration Form: Family Law Seminar

Name: _____ Member #: _____ Phone #: _____

Address: _____ City, State, Zip: _____

E-mail: _____

Registration Fees:

Prices below reflect the early-bird registration fees. Registering after October 25 will result in a \$50 late fee being added on to your registration fee amount.

Registration and Electronic Materials:

___ Law Students - Free ___ Judges - \$90 ___ YLD Members (Years 1-3) - \$200
___ ISBA Family Law Section Members - \$270 ___ ISBA Members - \$285 ___ Non-ISBA Members - \$385

Registration and Hard Copy Materials (hard copy materials must be purchased prior to event):

___ Law Students - \$35 ___ Judges - \$125 ___ YLD Members (Years 1-3) - \$235
___ ISBA Family Law Section Members - \$305 ___ ISBA Members - \$320 ___ Non-ISBA Members - \$420

Attending Thursday's Lunch (provided with registration)?: ___ Yes ___ No

Attending Thursday's Chair Reception (provided with registration)?: ___ Yes ___ No

Attending Friday's Lunch (provided with registration)?: ___ Yes ___ No

Attending Friday's Juvenile Law Track?: ___ Yes ___ No

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

Credit Card #: _____ Exp. Date: _____

Cardholder Signature: _____

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

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

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

Cancellation policy: Registration refunds will be issued only if written notification is received by the Bar Office by October 19, 2017. Written notification can be mailed, faxed, or e-mailed to the bar office.

Whitfield & Eddy Law moves to historic Union Block building

Attorneys Diana Miller and Phil McCormick relocated the offices of Whitfield & Eddy Law on Monday, Aug. 14, to the historic Union Block building on the square in downtown Mt. Pleasant. The new office address is 111 West Monroe, Suite 201.

The Union Block building is a prominent and important icon to the City of Mount Pleasant and its citizens. The building has a rich history of bringing great change, not only to the community, but to the legal profession as well. After being built in 1861 by William McCandless, the Union Block building became a town hall for abolitionists and women's suffrage activists. In 1869, Arabella B. Mansfield (Belle Babb Mansfield) took the bar exam in the Union Block building, and Iowa became the first state in the Union to admit a woman to practice law.

Whitfield & Eddy's 40+ attorneys work in matters including family law, wills, estates, trusts and probate, real estate, tax and litigation, with offices in both Des Moines and Mount Pleasant.



Thanks to speakers – August 2017

Business Development: Creating, Cultivating and Maintaining

August 15, 2017

Sponsored by The Iowa State Bar Association Intellectual Property Law Section

Frank Gerratana, Fish & Richardson

Rich Goldstein, Goldstein Patent Law

Jonathan Kennedy, McKee, Voorhees & Sease, PLC

A Primer on Creditor Collection Rights in Bankruptcy (Live Webinar)

August 31, 2017

Sponsored by The Iowa State Bar Association Corporate Counsel Section

Jeff Courter, Nyemaster Good PC

David A. Burlage, 64, of Madrid died on May 7.

Burlage was born in 1953 in Denver, Colorado. He worked as assistant general counsel and chief compliance officer for Unity Point Health. He enjoyed raising draft horses, farming, playing golf, weightlifting, target practice, trains, driving ATV's and motorcycles, and playing with his grandchildren.

Jack W. Frye, 96, of Charles City, died on Aug. 2.

Frye was born in 1921 in Oskaloosa. He served in the U.S. Army Signal Corps in China, then received his J.D. from the University of Iowa College of Law in 1948. He served as Floyd County Attorney for about 14 years. In 1973, he was appointed judge for the Iowa District Court for District 2A. He retired in 1989 and continued to serve as a senior judge until 1999.

Arthur Carl Hedberg, 89, of Des Moines, died on Aug. 6.

Hedberg was born in 1928 in Chicago. He served in the U.S. Army in Korea, then graduated from the University of Iowa College of Law in 1954. Hedberg started his law practice in Des Moines in 1954, along with his cousin, Hazel Gurwell, who was his paralegal and remains a paralegal with the firm today. He practiced law in the area of worker's rights, representing injured workers and labor unions throughout the state of Iowa. He was a founding member of the Iowa Trial Lawyers' Association, past president of the Iowa Workers' Compensation Advisory Committee, past president of the Iowa Association of Workers' Compensation Lawyers and an instructor at the University of Iowa's Workers' Compensation School.

Kacy Elizabeth Merseal, 29, of Ames, died on Aug. 6.

Merseal was born in Lincoln, Nebraska, in 1987. She earned her bachelor degrees from Iowa State University, then her J.D. at Drake University Law School in 2016. She was with Anderson Law Firm at the time of her death.

F. Richard Thornton, 78, of Des Moines, died on July 26.

Thornton was born in Iowa City in 1939. He received his J.D. from the University of Iowa College of Law. His career began in the Iowa Attorney General's office where he would develop an interest in politics. This interest took him to the Des Moines law firm of Stewart, Heartney, Jones & Brodsky then the Davis, Hockenber, Wine, Brown and Koehn firm before finally working for himself.

Mary Lou Tracey, 84, of Manchester, died on June 23.

Tracey was born in Manchester in 1933. She earned her J.D. at the University of Iowa College of Law and then joined the Tracey and Tracey Law Firm, established in 1924. She was also a long-time volunteer of the Rotary Club.

PUBLISHER'S NOTE: To submit an ad to CLASSIFIED ADVERTISING, please follow the style of the ads appearing here, indicate the classification where you want your ad to appear and state how long the ad is to run. Each ISBA member receives two free entries annually, except for "Positions Available" ads. Those ads must be posted in the ISBA's Career Center to qualify for publication in the magazine. Once posted in the career center, they will be published in the magazine one time for each posting. Corporate and government attorney members of the association receive the same free privileges for their business, non-employer-related ads. If you have questions, call the Communications Dept. at 515-697-7898. E-mail your copy to communications@iowabar.org. The number appearing in parentheses after each ad indicates the volume and the number of the issue when the ad will be pulled from the magazine. (AL) refers to paid ads. (TF) indicates internal or "house" ads that run indefinitely.

COMMERCIAL ADVERTISERS: For rates, or to place an ad, contact Alex Larson (515) 238-4406; alex@larsonent.com.

POSITIONS AVAILABLE

PARALEGAL – *Board of Regents, State of Iowa, Des Moines, IA* – Seeking highly qualified candidates for the position of paralegal. Tasks include legal research, preparation of memoranda and legal documents, and administrative and general office support. The successful candidate will be required to coordinate and balance overload work with other administrative staff. The position requires, at minimum, graduation from an accredited paralegal program or experience equal to two years of full-time work as a paralegal or similar legal support capacity under the supervision of a practicing attorney. To apply visit <http://careers.iowabar.org/jobs/10157784/paralegal>

ESTATE PLANNING ATTORNEY – *BrownWinick Law Firm, Des Moines* – Seeking a full-time qualified estate planning attorney with 3-5 years of experience to join our firm in our Estate Planning Practice Group. Candidates must be proactive, detail-oriented and organized. Candidates should also have course experience in trusts and estates, and in estate, gift and income tax. Significant consideration will be given to recent judicial clerkships. Responsibilities will include drafting estate planning, business entity and corporate documents, i.e. estate, gift, and income tax planning; estate administration; and business planning. Excellent academic credentials and writing skills required. Confidential inquires, including cover letter, resume and law school transcript (unofficial is acceptable) should be directed to: Brian McCormac, Recruiting Partner, BrownWinick Law Firm, 666 Grand Avenue, Suite 2000, Des Moines, IA 50309, e-mail: mccormac@brownwinick.com

CLAIMS ATTORNEY – *BITCO Insurance Companies, Davenport* – Seeking an experienced property and casualty claims attorney in our home office. This role advises field claims representatives on coverage, damages, subrogation and legal issues in complex auto liability, general liability, property and workers compensation claims. We offer competitive salary and benefits and are an equal opportunity employer. To apply, visit our

website, www.bitco.com and complete an application under employment opportunities.

INTELLECTUAL PROPERTY, DATA SECURITY AND PRIVACY ATTORNEY – *McGrath North Mullin & Kratz, PC, LLO, Omaha, NE* – Seeking an attorney with at least three years of experience in the areas of technology and licensing, privacy and data security, and intellectual property matters, including trademark and copyright matters. Successful applicants must have experience drafting relevant agreements and must have experience in all aspects of trademark/copyright protection. To apply, visit <http://careers.iowabar.org/jobs/10003314/intellectual-property-data-security-and-privacy-attorney>

LEGAL ASSISTANT/ PARALEGAL – *Kum & Go, West Des Moines* – Seeking a Legal Assistant/Paralegal to provide document drafting, research and support activities to attorneys, while also preparing legal documents, contracts related to real estate transactions and other general corporate and transactional matters. This individual will assist in compiling information requests and discovery requests in litigation matters, while also resolving routine legal questions under the direction of an attorney. To apply visit <http://careers.iowabar.org/jobs/10178897/legal-assistant-paralegal>

ASSISTANT CITY ATTORNEY I – *City of Des Moines, Des Moines* – Seeking an attorney to provide professional legal representation for the City of Des Moines, work independently with minimal supervision and perform related work as required. Graduation from an accredited college or university with a Juris Doctorate degree; and a minimum of two to four years of litigation-related work. In addition to your online application at <http://www.dmgov.org/Pages/default.aspx>, submission of your resume is required by the application deadline. You may attach your resume to your online application or submit your resume separately to the City of Des Moines Human Resources Department by email to humanresources@dmgov.org, by fax to 515-237-1680, or by mail or hand delivery to 602 Robert D. Ray Drive, Des Moines, IA 50309 on or before the application deadline date.

CITY ATTORNEY – *City of Ames, Ames* – Seeking an attorney to provide legal advice and services to the Mayor, City Council, City Manager, City Staff, Boards and Commissions and when available, to Mary Greeley Medical Center in matters related to operations, services and activities of the municipality. Five years' experience in general legal practice with exposure to municipal or government law required. To apply visit <http://careers.iowabar.org/jobs/10093461/city-attorney>

EXECUTIVE DIRECTOR – *Iowa Legal Aid, Des Moines* – Seeking an Executive Director to lead this private, not-for-profit corporation that provides low-income and other vulnerable residents of Iowa with high quality free legal services. Applications must include a letter expressing your interest in the position, qualifications and what you hope to contribute to the organization's future, a current resume and a writing sample. Applications will be kept confidential until finalists are chosen. To apply visit <http://careers.iowabar.org/jobs/9094482/executive-director>

ATTORNEY – *Brady Preston Gronlund P.C., Cedar Rapids* – Seeking an associate with two years or less experience to work primarily in litigation, as well as in other practice areas. Competitive salary and benefits. Please send cover letter, resume, transcript and salary requirement, in confidence, to Ann Gronlund, Brady Preston Gronlund PC, 2735 1st Avenue SE, Cedar Rapids, IA 52402 or by email to AGronlund@BPGLegal.com.

REAL ESTATE ATTORNEY – *BrownWinick Law Firm, Des Moines* – Seeking a full-time qualified attorney with 2-4 years of experience in real estate transactions, including commercial purchase and sale transactions; easements; title and survey review; real estate lending and commercial leasing and subleasing; to join our firm in our Real Estate Practice Group. The successful candidate will be an effective communicator (both orally and in writing), have strong contract-drafting skills, and have experience handling complex real estate transactions. Confidential inquires, including cover letter, resume and law school transcript (unofficial is acceptable) should be directed to: Brian McCormac, Recruiting

Partner, BrownWinick Law Firm, 666 Grand Avenue, Suite 2000, Des Moines, IA 50309, e-mail: mccormac@brownwinick.com

STAFF COUNSEL – *Homesteaders Life Company, West Des Moines* – Seeking a Director, Staff Counsel in our West Des Moines office. Successful candidate will be integral to the legal and compliance functions of the organization. Working with the Executive Vice President/General Counsel and the VP of Compliance, the director will be involved in all aspects of a growing and dynamic mutual life insurance company. To apply visit <http://careers.iowabar.org/jobs/10167666/staff-counsel>

EXCHANGE OFFICER – *IPE 1031, West Des Moines* – Seeking an attorney to work with individuals and their advisors in structuring exchange transactions. No experience with exchange transactions is necessary. The position offers significant opportunity for professional growth for candidates with strong credentials. This is a fantastic chance for a self-motivated team player to work in a professional, entrepreneurial and collegial work environment. Candidates should have high integrity; intellectual strength; critical thinking skills with good judgment; be detail oriented, yet have the ability to see the big picture; have the ability to multi-task; have great people skills; and constantly strive for excellence. The position is full-time, and offers competitive compensation and benefits. To apply visit: <http://careers.iowabar.org/jobs/10063437/exchange-officer>.

SPACE AVAILABLE

OFFICE SPACE AVAILABLE – *Waterloo* – Downtown office space available for 1-2 lawyers and staff. Services include reception, internet, access to printers/scanners/copiers/fax, telephone, conference room,

kitchenette and parking. For more information contact Jenny at 319-234-0535 or jenny.zabel@mccrindlelaw.com.

OFFICE SPACE AVAILABLE – *West Des Moines* – Office space available for lawyer and staff. Services include access to printer/scanner/copiers/fax, conference rooms, kitchenette and parking. For more information contact Wendy at 515-224-4999 or wendy@tdufflaw.com.

TRAINING OPPORTUNITIES

COLLABORATIVE LAW / MEDIATOR TRAINING – *Collaborative Law Training (Sep. 7 & 8, 2017)* – The training will help you to develop a basic plan to set up a collaborative law practice. This training is for mediators, lawyers, CPAs, financial planners and child advocates.

Family Law Mediator Training (Sep. 11-15, 2017) A 40-hour comprehensive training that will form a foundation for your mediation practice and provide a thorough background in dispute resolution to enable you to develop your own style and area of mediation. Please visit our website at www.CrillyMediation.com for more information and to download registration forms. If you have any questions, please call Chris Crilly at 319-363-5606.

FOR SALE

SOLO LAW PRACTICE/OFFICE SHARE – Retiring sole practitioner selling rural general law practice in growing southeast Iowa community. Primary practice areas include probate, tax preparation, small corporations and LCs, wills and real estate. Seller will continue for time necessary for effective transition to buyer(s). Price negotiable. Installment terms available. Office share arrangement also considered. For more information please write: The Iowa State Bar Association, Code 866, 625

East Court Ave., Des Moines, IA 50309-1904, or email at isba@iowabar.org. Please include Code 866 on the envelope if mailing and in the subject line if emailing.

PRIVATE DEER & TURKEY HUNTING PRESERVE – Located one mile west of Springbook State Park in Guthrie County, this land includes approximately 1,000 acres of deer-laden timber with 20 acres of crop ground. The property will be sold by private auction, offered in parcels or as a whole. There are two rustic cabins and one barn on either side of the middle Raccoon River, which runs through the land. Bids must be submitted by Sept. 8 and the highest bidders will be invited to an in-house auction. For bid forms and further information contact: John O. Reich, 515-993-4254, James Van Werden, 515-697-4284 or www.hhlawpc.com/resources

SERVICES AVAILABLE

SERVICES AVAILABLE – At trial, when the stakes are high, expert witness testimony can give you the edge. RSM’s financial advisory professionals work with counsel and participate in trials and depositions as expert witnesses in financial and valuation disputes. Our team of experts have significant experience in a full range of industries, and can provide trial exhibits and expert reports. To build and support your case, we use databases of industry financial metrics and trade associations, recognized texts on damages, academic research, electronic databases and financial modeling. Zach Eubank, Director in the financial advisory services group at RSM, provides expert testimony and consulting related to complex commercial litigation, intellectual property infringement litigation, lost profits, commercial damages, business disputes and valuation disputes. Contact Zach at 515-281-9394 for your expert witness needs.

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*Working as Co-counsel with Iowa Lawyers on Personal Injury
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