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Volume 72 Number 10 November 2012

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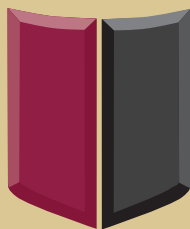
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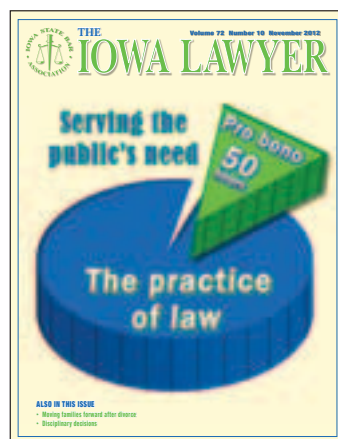
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ABOUT THE COVER

The graphic on this month's cover illustrates the small slice of time that the aspirational goal of 50 hours annually of pro bono service constitutes in the overall law practice. Rule 6.1 of The Iowa Rules of Professional Conduct states that "every lawyer has a professional responsibility to provide legal services to those unable to pay." The rule does not require attorneys to provide 50 hours annually, but strongly encourages it. For information on how to volunteer to provide pro bono services, see the article on page 14. Also, check out the list of attorneys who have provided pro bono services during the past year in the Pro Bono Honor Roll starting on page 8. (Cover illustration by Chris Fritz.)

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Standing up for the courts not new; remarks from a leader of yesteryear

“The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.”

Martin Luther King

Much has been written and said about the retention vote in 2010 and 2012. There is little more I can add other than to once again express my heartfelt thanks for the support and encouragement Bar leadership received over the past five months from an overwhelming number of ISBA members.

The opening quote from Martin Luther King is a favorite of mine. Although it was delivered by Rev. King in a much different context, I've concluded it could also be applied to The Iowa State Bar Association. The retention election was certainly fraught with challenge and controversy, but the ISBA learned from the difficult lessons of 2010, and in 2012 we stood up and aggressively spoke out in support of the 74 judges and justices on the ballot. It is truly gratifying to know that Iowa voters listened and overwhelmingly voted to reject the efforts of anti-retention groups to politicize and demonize our courts.



2012 is not the first time, however, that the ISBA has been out in front on an issue central to Iowa's judicial system. In 1967 and 1968 the Iowa legislature was embroiled in a debate over whether to transform and consolidate Iowa's courts into a unified system. David Elderkin, a prominent Cedar Rapids lawyer, was the ISBA's



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president and on behalf of the ISBA, led the successful effort to lobby the legislature to pass the legislation. Mr. Elderkin passed away on Nov. 3, two days short of his 99th birthday. He was a gifted and eloquent writer and lecturer and many of the president's letters he penned during his term remain relevant and worthy of reading today, some 45 years later.

The following excerpts from his 1967 speech as the outgoing ISBA president particularly resonated with me in light of the Bar Association's decision to assume a prominent role in the judicial retention election effort. In tribute to Mr. Elderkin, I want to share a few of his remarks with you:

We spent an immense amount of time and not a little of your money through the Iowa Bar Foundation supporting the unified court proposal. I needn't tell you that it was the most controversial, including being controversial within our own group insofar as the individual members were concerned.

Change is not an easy thing in the law, and particularly in our court system. Old habits and familiar ties are not disrupted easily. But as an association we were asked two years ago for a professional opinion as to our court system and upon a two year study by our committees we responded that the system of minor courts, including justice of the peace courts and including, if you please, municipal courts, was inefficient and expensive.

Now we did this because of one reason: It was honest.

When I became president, I borrowed words of immortal passages from Winston Churchill and I said that I had no intention of becoming president of the Iowa Bar Association to make any apologies for the legal profession. . . . Since that time I have been advised in most parts of the state and I have either talked with or to most of the lawyers, and my reflection when I took office still stands. I don't mean to tell

you that the lawyers of the State of Iowa have spent the year embracing each other, and I don't mean to tell you they have been embracing me especially. If there has been a year of more controversy and more controversial matters facing the Iowa Bar Association I am not aware of it.

Now, lawyers are combative, a combative group. . . . If any of you think you are not, you are fooling yourself because it's one of the reasons we all became lawyers in the first place. We have had controversial matters about the state and we have done combat and I think it's good. It has been done in a most, and I assure you, in a most professional sense.

Bankers know banking laws; real estate men know real estate laws and of course CPA's know everything, but they

aren't lawyers because they do not take a direct influence by way of the philosophical aspect in the guiding and controlling the shape and the future of people they represent. To litigants he is a professional warrior and to all people who come before him he is a non-critical friend, and only a lawyer will understand that I am not talking about a personal friend but a professional friend.

Only a lawyer, I think, can truly understand this type of vicarious conduct save and except the understanding and occasionally grateful recipient thereof. It is the type of thing that forces the lawyer at any cost to stand alone if need be and defend the rights of his fellowmen. At the risk of many, many repetitious statements along the same line, ladies and gentlemen, where there are no

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lawyers there is no liberty. . . . Liberty, in the words of Learned Hand, lies in the hearts of men and women and as long as it does the lawyer will be needed to protect it.

To borrow from David Elderkin, as lawyers we worked this year to protect the liberty and justice that Iowa's stable, fair and impartial courts deliver day in and day out. Our efforts have strengthened the relationship between the bench and bar. As Iowa lawyers, we

honored our ethical obligations and our oath to support the constitution of the state of Iowa, maintain the respect due to the courts and further the public's understanding of and confidence in the rule of law and the justice system. Finally, our actions have solidified the ISBA's reputation around the state as a legitimate and powerful voice.

But we do not have the luxury of resting on our laurels. We fully anticipate that the anti-retention

forces will continue their efforts to remove the remaining three justices who participated in the Varnum decision. We know that their long term goal is to secure fundamental changes in the way in which Iowa judges are selected.

The ISBA will continue to honor its commitment to educate Iowans on the critical importance of maintaining Iowa's fair and impartial courts. We will continue to speak the truth to those who unfairly and untruthfully attack the judicial system or the judges and justices who serve in it and we will continue to stand shoulder-to-shoulder with Iowa's judges to work for adequate funding of the judicial branch and to guard against these ongoing threats to the independence and quality of our judiciary.

By the time you read this Thanksgiving will have come and gone and the holiday season will be upon us. Among the many blessings for which I will give thanks this Thanksgiving is the privilege to serve as ISBA president during such a momentous time and for your friendship and support.

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Pro Bono: The most needed 50 hours of law practice in a year.

By Brett Toresdahl, Executive Director, ISBA Public Service Project

ISBA presidents frequently have commented that one of the pleasures of the job is to be able to share with others the great things about Iowa lawyers. The quality and quantity of the pro bono work of Iowa lawyers is one of those great things about the profession.

Recognizing pro bono activities during the month of October provides an opportunity to remind lawyers and the public about the significant impact that the legal profession has in providing access to justice in the state. Every lawyer in Iowa plays a critical role in the lives of those who struggle and are in need.

Iowans of limited means face urgent legal problems such as foreclosures, loss of parental rights, consumer debt, evictions and lives paralyzed by domestic violence. They have rights, but 80 percent of the time those rights are lost because they cannot get the legal help they need to enforce or defend them. To help bridge that "Justice Gap," Iowa's lawyers last year donated more than 17,000 hours of pro bono legal help to the poor, but it was far from enough.

Attorneys are frequently reminded about the ethical obligation and the aspirational goal of providing 50 hours a year in free legal service as defined in Rule 32:6.1 of the Iowa Rules of Professional Conduct. Regardless of the type of practice, most everyone can find room in their schedules to assist someone in need.

Pro bono legal services take many forms and Iowa lawyers have always been willing to step forward when there is a need. Pro

bono is taking an afternoon to sit at the office of Iowa Legal Aid to conduct intake interviews with possible clients. Pro bono is spending a Monday evening once a month at the Hispanic Outreach Clinic in Des Moines. Pro bono is taking a case from one of the volunteer lawyer projects.

Pro bono is giving guidance to a new attorney who is working on a case pro bono. Pro bono is accepting a VLP referral for a case outside of your normal area of practice because your law degree makes you more capable than the client who has not finished high school. Pro bono is helping your neighbors with a legal matter when you know they have fallen on hard times. Pro bono is reviewing the pro se forms before the client enters the courtroom without representation. Pro bono is saying yes to the judge who asks you to assist a client who is struggling to navigate the judicial system. Pro bono is talking with a victim on a disaster hotline.

In Iowa, there are several programs which organize and place pro bono cases with attorneys. Each of the pro bono programs: Iowa Legal Aid Volunteer Lawyers Project, Polk County Bar Association Volunteer Lawyers Project and the Pro Bono Project of the Scott County Bar Association serves as many clients as possible with the volunteer resources that are available. (See story on page 14 for details about these projects and how to volunteer.)

Last year, these combined programs served more than 2,200 Iowans. Rough estimates put the value of time donated

by volunteer lawyers last year at nearly \$2 million. This number does not reflect the thousands of other Iowans who received assistance from Iowa lawyers last year outside of these organized programs.

On more than one occasion the people served have expressed how grateful they are for the assistance they received from an attorney who took their cases on a pro bono basis. And in turn, many lawyers comment about how they feel that their pro bono efforts were some of the most rewarding parts of their practices.

Unfortunately, there are still many unmet needs. The difficult economic times of the past few years have resulted in more individuals seeking legal assistance. This demand is putting pressure on legal service providers. Iowa Legal Aid, for example, is having to turn clients away because there are not enough resources to serve all who have a need. More volunteers are always needed, especially in the area of family law.

As an Iowa lawyer, taking an additional case, or taking your first case, can make a difference in one person's life. Collectively, each attorney giving their 50 hours of free legal service can change the entire landscape of access to justice in Iowa.

Clearly there is more to be done. As a profession, let us join together and recommit to serving the needs of the state's most vulnerable citizens. Each lawyer can make a difference in the life of one person who is seeking access to justice.

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Pro Bono Honor Roll 2011/2012

On behalf of The Iowa State Bar Association, the ISBA Public Service Project is pleased to again present the Pro Bono Honor Roll recognizing those Iowa attorneys who helped to make access to the civil judicial system available to hundreds of low-income Iowans in 2011/2012. Their donation of thousands of hours of legal assistance through Iowa's three volunteer lawyer projects and other pro bono activities is a critical component in making legal services available to the state's indigent citizens.

The honor roll is compiled from data provided by the Iowa Legal Aid Volunteer Lawyers Project, the Polk County Bar Association Volunteer Lawyers Project and the Pro Bono Project of Scott County, and is based on information attorneys reported to these organizations from July 2011 through June 2012. These are the three entities in Iowa that place cases with volunteer attorneys.

Included in the honor roll are the names of those attorneys who reported

in 2011/2012 that they had closed one or more pro bono referral cases. A case is closed when all work on the case is completed and the final disposition of the case is reported to the volunteer lawyers project.

Some attorneys who participate in a volunteer lawyers project report cases through their firm, and these firms are included on the list. Other Iowa attorneys worked on volunteer lawyers project cases in 2011/2012, but are not listed as the case was not closed during this period.

The names that are highlighted in bold are attorneys who provided 50 or more pro bono hours. This is the aspirational standard established in Rule 6.1 of the Iowa Rules of Professional Conduct (see page 13).

In addition to taking cases, many attorneys provide pro bono services in other ways. They provide valuable assistance to the legal services community by doing intake, talking with clients at clinics, training and research, assisting with

funding efforts, providing leadership on boards, and serving as mediators and as support to the court.

We thank all Iowa attorneys for their generous commitment and support of pro bono services to the public.

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Pro bono case reinforces good fortune of being an attorney

By Anjela Shutts, president Polk County Bar Association

As has often been the case in our 13 years of marriage, I volunteered my husband Peter to do something for an organization that is near and dear to my heart. I convinced my insurance-company-in-house-counsel husband to handle a divorce case through the Polk County Bar Association Volunteer Lawyers Project (PCBA VLP).

Obviously this was something that he did not deal with every day, but the parties had no assets and no children.

After meeting with the client for her to sign the petition, Peter came home a little wide-eyed. He told me that having no money for the bus and no other way to get to their meeting spot, she had walked from the far north side of Des Moines to downtown just so she could sign the divorce petition. It was at least a three-mile walk — one way.

It was a great reminder to both of us of the following:

- We have a lot to be thankful for; as attorneys we have been given great opportunities and tremendous gifts.
- We should be generous with those gifts.
- While family law makes up a substantial amount of the PCBA VLP cases, everyone can handle a case — even if family law is not your area of expertise.

This Thanksgiving remember to be thankful. But also remember to help those who are not as fortunate. Consider volunteering for the PCBA VLP.



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POLK: *The following attorneys have volunteered with the Polk County Bar Association Volunteer Lawyers Project:*

Everett Albers, Fred Anderson, Jessica Armstrong, Della Arriaga, Ryan Babich, Todd Babich; **Kathryn Barnhill**, Ben Bergman, Tammi Blackstone, Matthew Bollman, Eric Borseth, Dawn Boucher, Christine Branstad, **Scott Brennan**, Michael Burdette, Jacob Byland, Espanola Cartmill, Lori Cole Magerko, **Nicholas Cooper**, Steven Cooper, Garry Cox, David Craig, Ted Craig, Valerie Cramer, Sara Crane, Luke Craven, Claire Cumbie-Drake, Steve Despotovich, Connie Diekema, Catherine Dietz-Kilen, Diane Dornburg; Thomas Duff, **Carmen Eichmann**, Susan Ekstrom, Ted Engel, Nicholas Einwalter, Jeremy Feitelson, Tina Fisher, Erik Fisk, Professor Sally Frank.

Also: Robert Gainer; Joseph Gamble, Ryan Genest, **Drew Gentsch**, Elena Greenberg, Samantha Gronewald, Christine Halbrook, John Harding, Johni Hays, Alice Helle, David Hellstern, Kathy Hiatt, Amos Hill, Mark Hinshaw, Debra Hockett-Clark,



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A special thank you to the officers and board members of the Polk County Bar Association Volunteer Lawyers Project: Nicholas Cooper – president, Victoria Nwasike – secretary, Greg Page – treasurer, Anjela Shutts – liaison, Hon. Larry Eisenhauer, Alexander Johnson, Austin Kennedy, Holly Logan – past president, Bill Miller,

Robert Oberbillig, Tim Pearson, Roxann Ryan, Krista Tanner – past president.

The following attorneys have volunteered with Iowa Legal Aid in Polk County, many of whom assist with intake screening:

Garth Adams, Helen Adams, Lila Akrad, Richard Ballinger, Patricia Barry, William Bartine, Michelle Berends, Susan Bernau, Kristin Billingsley Cooper, Michael Boohar, Sara Bowe, Willard Boyd, Cynthia Boyle, David Brown, Minnette Bucklin, **John Bulkley**, John Bunz, Steven Callistein, Espnola Cartmill, Megan Claypool, Jennifer Clendenin, **Kristin Collinson**, Anne Cook, Jason Craig, Sendil Devadas, Leah Ervanian, Krista Ferguson, **Tom Fisher**, Louise Foutch, Terry Gibson, Melissa Gillespie, James Gorsche, Krista Gorsche, Andrew Graap, Anne Graff, Linda Grathwohl, Elizabeth Gregg Kennedy, Elizabeth Grob, Timothy Gruenisen,

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Iowa Rules of Professional Conduct: Public Service

Rule 32:6.1: voluntary pro bono publico service

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least 50 hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial majority of the 50 hours of legal services without fee or expectation of fee to:
 - (1) persons of limited means or
 - (2) charitable, religious, civic, community, governmental, and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and
- (b) provide any additional services through:
 - (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties, or public rights, or charitable, religious, civic, community,

governmental, and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

- (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
- (3) participation in activities for improving the law, the legal system, or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

(Comments applicable to Rule 6.1 can be found in the complete Iowa Rules of Professional Conduct document on the judicial branch website at <http://www.iowacourts.gov/wfdata/frame2397-1066/File1.pdf> Scroll down to page 72.)

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How to volunteer for Iowa's pro bono programs

In Iowa, there are more than 2,800 attorneys enrolled with pro bono programs. Each year, volunteer attorneys serve more than 2,000 clients through these programs who otherwise would not have access to legal assistance.

The ISBA Public Service Project (ISBA PSP) would like to join the ISBA in thanking each of Iowa's pro bono programs for their long history serving people in need around the state. These programs are on the front line daily providing access to justice. They make it possible for Iowa's legal profession to meet its pro bono obligations.

Rule 6.1 of the Iowa Rules of Profession Conduct encourages lawyers to provide 50 hours annually of pro bono legal services. The ISBA PSP was created in 1988 to organize the pro bono efforts of Iowa's legal profession. The ISBA PSP will connect you with one of the volunteer lawyer projects in Iowa serving clients in need.

The following organizations and programs provide services in counties throughout Iowa. The ISBA is proud to recognize these organizations for what they have contributed to the profession. Iowa lawyers do make a difference in the lives of Iowans.

Iowa Legal Aid Volunteer Lawyers Project

The Iowa Legal Aid Volunteer Lawyers Project serves residents of 96 Iowa counties (all counties except Polk, Scott and Clinton). The Iowa Legal Aid Volunteer Lawyers Project was launched in 1982.

There are currently nearly 1,700 attorneys participating in the Iowa Legal Aid Volunteer Lawyers Project. These attorneys are called upon to handle a variety of cases from domestic issues to debt concerns to tax and probate matters.

The Iowa Legal Aid Volunteer Lawyers Project is designed to give participating attorneys control over the number of pro bono referrals to be accepted and the decision as to whether to accept a given referral at a given time. Volunteer lawyers are initially contacted by a referral coordinator and are given the opportunity to accept or decline each referral.

Contact Julie Hernandez, coordinator, at 800-798-0311 to volunteer.

Polk County Bar Association Volunteer Lawyers Project

The Polk County Bar Association Volunteer Lawyers Project (PCBA VLP) was established in 1985 to expand the availability of civil legal assistance for low-income residents of Polk County. Based on recent census information, more than 40,000 Polk County residents meet the financial criteria of the PCBA VLP.

Clients access the services of the PCBA VLP through telephone interviews, referrals from Iowa Legal Aid or other social service programs. Each month, the PCBA VLP hosts a legal advice clinic for Spanish-speaking families. Attorneys are paired with volunteer interpreters to conduct interviews and provide legal advice.

Clients receive assistance with a wide range of legal issues, including family law, housing, consumer, immigration, employment and taxes. Almost 1,100 attorneys are currently registered with the PCBA VLP program.

Over the past several years, volunteers through the PCBA VLP have donated an average of 4,500 hours of their time each year. Using a conservative estimate of \$160 per hour of attorney time, volunteers contribute almost \$750,000 of service an-

nually to Polk County residents.

Contact Carol Burdette, executive director, at 515-243-3904 to volunteer.

Pro Bono Project of the Scott County Bar Association and HELP Legal Assistance

The Pro Bono Project of the Scott County Bar Association and HELP Legal Assistance in Davenport started in 1980. The HELP office, in conjunction with the Clinton County Bar Association, recently began a Clinton County Pro Bono Project to serve Clinton county residents.

In Scott County, there are 100 individual attorneys, plus three firms with a total of 60 attorneys participating. There are eight attorneys from Clinton County participating.

In addition to making referrals to private attorneys who have their own practices, the HELP office has historically had attorneys volunteering in-house at the HELP office. Currently HELP has three in-house volunteer attorneys. Referrals are made in many areas of the law, including family law, housing, consumer, elder law and income tax matters.

Contact Bob Heimer, deputy director, 563-322-6216 to volunteer.

ISBA Public Service Project

The ISBA Public Service Project (f/k/a ISBA Volunteer Lawyers Project) is a non-profit organization created in 1988.

The ISBA PSP does not provide direct services to clients. It works to represent the concept of pro bono legal services and advance the professionalism of the legal community by coordinating the pro bono efforts of existing agencies, educating lawyers and the public as to pro bono needs and services, and by providing a vehicle for efficient participation of the members of The Iowa State Bar Association in pro bono and other public service activities.

The mission statement reads: "The ISBA Public Service Project highlights every lawyer's responsibility to regularly provide pro bono professional service in the community. The ISBA PSP also promotes public education to ensure that Iowans enjoy reasonable access to justice and place trust and confidence in the administration of justice."

Contact Brett Toresdahl, executive director, at 515-244-8617 or via e-mail at isbavlp@dwx.com for more information.

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SCHEDULE - DECEMBER 5

- 12:45 - 1:30** **Tax Update**
Speaker: Prof. Neil Harl, Iowa State University
- 1:30 - 2:00** **View From the Iowa Department of Revenue**
Speaker: Jim McNulty, IDR
- 2:00 - 2:30** **International Tax Law for the Iowa Lawyer**
Speaker: Christopher James, Davis Brown Law Firm
- 2:30 - 3:30** **Tax Manual**
Speakers: Dave Bibler, Buchanan, Bibler, Buchanan & Gabor and Lee Wilmarth Anderson, Wilmarth, Van Der Maaten & Belay
- 3:30 - 3:45** **Break**
- 3:45 - 5:30** **Tax Manual (cont'd)**
Speakers: Dave Bibler, Buchanan, Bibler, Buchanan & Gabor and Lee Wilmarth Anderson, Wilmarth, Van Der Maaten & Belay

SCHEDULE - DECEMBER 6

- 8:00 - 8:30** **IRS Update**
Speaker: Kristy Maitre, IRS
- 8:30 - 9:00** **Worker Classification**
Speaker: Frank B. Harty, Nyemaster Goode, PC
- 9:00 - 10:00** **Forms and Examples**
Speakers: James Goodman, Moore, McKibben, Goodman, Lorenz LLP and Maureen Kenney, Bradley & Riley PC
- 10:00 - 10:15** **Break**
- 10:15 - 11:15** **Forms and Examples (cont'd)**
Speakers: James Goodman, Moore, McKibben, Goodman, Lorenz LLP and Maureen Kenney, Bradley & Riley PC
- 11:15 - 11:35** **IATEC Panel to Discuss Post-2014 Affordable Healthcare Act Individual Tax Topics**
Speakers: Frank Comito, Neu, Minnich, Comito & Neu PC and J. Michael Deege, Wilson Deege Dollar Despotovich & Riemenschneider
- 11:35 - 12:05** **IRS Collection Issues**
Speaker: Tamara A. Borland, Iowa Legal Aid
- 12:05 - 1:35** **Lunch**
- 1:35 - 2:25** **Estate Tax Update**
Speaker: Ronni F. Begleiter, BrownWinick Law Firm
- 2:25 - 3:25** **ACTEC Panel - Impact of Federal Legislative Action (or lack thereof) on 2013-2015 Tax Preparation**
Panelists: C. Kevin McCrindle, Law Offices of C. Kevin McCrindle; Robert N. Downer Meardon Sueppel & Downer; and Darrel A. Morf
- 3:25 - 3:40** **Break**
- 3:40 - 4:30** **Affordable Healthcare Act for Pass Through Entities**
Speaker: Joe Kristan, Roth & Company P.C.
- 4:30 - 5:00** **1031 and Related Capital Gains Taxes for 2013 and Beyond**
Speaker: David Brown, IPE1031

SCHEDULE - DECEMBER 7

8:00 - 8:35	Section 83 Classification of Sweat Equity for Urban and Rural Tax Preparers Speaker: Michael Thompson, Thompson & Thompson LLP
8:35 - 9:45	Ethics Speaker: Prof. Emily Hughes, University of Iowa College of Law
9:45 - 10:00	Break
10:00 - 10:30	2013 Fiduciary Tax Manual Rollout Teaser Speaker: Brian Kane, Kane Norby & Reddick PC
10:30 - 11:00	Probate Without Present Administration Speaker: Steven Hendricks, Kersten Brownlee Hendricks LLP
11:00 - 12:00	Blue Ribbon Panel Panelists: James Lohman, Reimer Lohman & Reitz; John O'Connor, O'Connor & Thomas PC; and Margaret Van Houten, Davis Brown Law Firm

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Federal Practice Seminar

Friday, December 14, 2012

Downtown Des Moines Marriott • 700 Grand Avenue • Des Moines, Iowa 50309

SCHEDULE

8:00 – 8:30

Registration

8:30 – 9:30

Article III Judges' Panel

Chief Judge James E. Gritzner (SDIA)

Chief Judge Linda R. Reade (NDIA)

Judge John A. Jarvey (SDIA)

Judge Stephanie Rose (SDIA)

Judge Mark Bennett (NDIA)

Senior Judge Robert W. Pratt (SDIA)

9:30 – 10:45

Emerging Technologies, Law and Ethics

Speaker: Professor Gary E. Marchant, Lincoln Professor of Law, Sandra Day

O'Connor College of Law Arizona State University

10:45 – 11:00

Break

11:00 – 12:00

Topic TBA

Speaker: Judge J. Paul Oetken, Southern District of New York

12:00 – 1:15

Lunch presentation with Judge Linda R. Reade (NDIA)

1:15 – 2:15

Magistrate Judges' Panel

Chief Magistrate Judge Thomas J. Shields (SDIA)

Chief Magistrate Judge Jon S. Scoles (NDIA)

Magistrate Judge Leonard T. Strand (NDIA)

Magistrate Judge Ross A. Walters (SDIA)

2:15 – 3:15

Former Juror Panel

Moderator: Judge John A. Jarvey (SDIA) and Former Jurors from the NDIA and SDIA

3:15 – 3:30

Break

3:30 – 4:30

Ethics of Advocacy: Guiding Principle or Oxymoron?

Speaker: Robert A. DuPuy, Esq., Foley & Lardner, LLP



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NOVEMBER 29

**Seller Beware: Raising Capital Under Federal and State Securities Laws
(Telephone CLE)**

Speaker: Jay Marcus, Marcus Law Offices

NOVEMBER 30

**Tips and Strategies for Practitioners Appearing
Before the Iowa Civil Rights Commission
(Telephone CLE)**

Speakers: Jacqueline Samuelson, Whitfield & Eddy PLC,
Hon. Jean Davis, Administrative Law Judge and
Grant Dugdale, Assistant Attorney General

DECEMBER 10

**The Independent Medical Examination - What You Should Know
(Webinar)**

Speaker: Dr. John Kuhnlein, Occupational and Environmental Medicine Specialist

DECEMBER 11

Ethics, Civility and Sanity (Webinar)

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DECEMBER 13

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Law school dean reflects on challenges facing legal education

By Gail Agrawal, Dean, University of Iowa College of Law

I recently celebrated my second anniversary as dean of the University of Iowa College of Law, and I have been giving odometers a workout.

I have traveled to literally all four corners of the state in these past two years — Dubuque, Burlington, Okoboji, Sioux City, Council Bluffs and nearby Omaha — with many visits also to friends in Des Moines, Cedar Rapids and Mason City. I have met with hundreds of alumni and other members of the ISBA during my visits who express both pride and concern about the future of Iowa's only public law school.

As you all know, these are trying times for the legal profession and legal education. Our state has long enjoyed the presence of an excellent public law school providing an educational experience that ensures our graduates are highly valued by legal employers. Our challenge is to maintain that quality in the face of economic pressures on the College of Law and our students.

We have taken several steps as a result, including bringing our expanded career development services for students up to full strength and next year rolling out revamped programmatic support for career and professional development. We are also reducing class size while maintaining our levels of financial aid.

We have added opportunities for students to gain practical lawyering experience that better prepare them for the job market, while maintaining our traditional strengths in legal analysis and writing. Through an expanded offering of externships, partnerships with government and social service agencies, clinical work and our innovative Citizen Lawyer Program, students can participate in the practice of law while still in law school to prepare them for their first professional job and the early days of their professional careers. We also design our curriculum to provide the strong intellectual foundation that will

be required for our students' success over a lifetime in the law.

Our students alone contribute more than \$1.5 million in pro bono legal aid during their three years at the university. That's about \$8,500 per student, with much of the work providing vital legal services at little or no cost to state and local governments. For example, our students worked with the Iowa Civil Rights Commission to write two reports that were recently forwarded to 27 local human rights commissions in Iowa for consideration. Our students work as public defenders on misdemeanor cases, and as law clerks in the State Defender's office. They represent dozens of victims of domestic violence each year, helping them live safely in their homes with their children.

Many of our law students also help maintain operations of the state's court system, providing legal services as volunteers that were once performed by paid law clerks, earning valuable experience while filling the court's gaps.

Our faculty works with the state legislature, too, to help them pass better laws. In recent years, the legislature has drawn on the expertise of our faculty when considering open records and open meeting laws, and updating laws regarding organ donation.

We are also excited to participate in a new summer rural clerkship program with the ISBA, enabling some students to follow their dreams to go home to their communities as lawyers, and encouraging other students to consider careers in rural parts of the state where fewer and fewer attorneys are practicing. One of our students — Kelsey Hollingshead — has been key in getting this partnership off the ground and we are very proud of her work.

Despite all our challenges, this is an exciting time for the law school. We are trying new ways of doing our job as legal educators and helping our students have the kinds of expe-

riences that law students of the past would envy.

We added four tenure or tenure-track faculty members last year and will add four more next year. In September, we hosted the Iowa Supreme Court as justices heard oral arguments in several "real" cases in the Boyd Law Building as well as hearing arguments in a mock case from our top student advocates.

Of course, I will continue to travel the state and meet many of our friends. If I have not met you yet, I hope to have that opportunity soon. Road trips that give me the opportunity to talk with you about the Iowa College of Law and the many achievements of our students will always be near the top of my agenda.

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Patricia J. Meier

Patricia J. Meier has joined the Cedar Rapids law firm of Nidey Erdahl Tindal & Fisher, PLC as an associate. Patty graduated from the University of Iowa College of Law in 2008. She earlier earned a B.A. and an M.A. from the University of Iowa. Before joining Nidey Erdahl Tindal & Fisher, PLC, she was a staff attorney at Iowa Legal Aid in Cedar Rapids. Patty will be practicing primarily in family law and civil law.



Laura B. Latham

Laura B. Latham has joined the Des Moines office of Faegre Baker Daniels LLP as an associate in the corporate group. Laura earned a bachelor's degree in finance from the University of Iowa Tippie College of Business in 2009 and received her J.D. from the University of Iowa College of Law in 2012. During law school, she served as a judicial extern to Judges David Danilson and Edward Mansfield at the Iowa Court of Appeals.

Donald N. Laing and **D. Scott Railsback** have sold their law office in Keota to Bordwell Law Office, P.L.C. Trevaneil J. Temple, a native of Keota who has worked in the Bordwell Law Office at its location in Washington will be the primary attorney

in Keota. All contact information and office staff for the Keota location remain the same.



Benjamin D. Copley

Benjamin D. Copley has joined Agricredit Acceptance LLC in Johnston as corporate counsel. Ben received his B.A. in Political Science from Iowa State University in 2009 and earned his J.D. from Drake University in 2012. He will be primarily involved in providing a broad range of legal guidance to Agricredit, a finance company serving the agriculture, food production and golf and turf industries.



Travis M. Armbrust

Travis M. Armbrust is now an associate at the law firm of Brown, Kinsey, Funkhouser & Lander, P.L.C. in Mason City. Travis received his undergraduate degree, majoring in Political Science, from St. Cloud State University in 2008. He went on to earn his J.D. from Drake University Law School in 2012. Travis joins the law firm to practice primarily in probate, real estate and commercial transactions.

Travis Cavanaugh, Allison Slager, and Lisa Stephenson have all become associates with the law firm of Simmons Perrine Moyer Bergman PLC in Cedar Rapids.



Travis Cavanaugh

Travis earned his B.B.A. in 2007 from the University of Iowa College of Business and his J.D. in 2012 from the University of Iowa College of Law. He worked as a public accountant for PricewaterhouseCoopers for two years in Chicago, Ill. He is engaged primarily in a general practice, including but not limited to estate and wealth transfer planning, wills, trusts, probate, taxation, contracts, general business and corporate law, and mergers and acquisitions.



Allison Slager

Allison earned her B.B.A. in Finance in 2009 from the University of Iowa College of Business and her J.D. in 2012 from the University of Iowa College of Law. Allison's practice will be primarily a general practice, including but not limited to family law.



Lisa Stephenson

Lisa earned her B.A. from Mount Mercy College in 1995 and her J.D. in 1998 from the University of Iowa College of Law. Before joining Simmons Perrine, Lisa worked for United States District Judge John A.

Jarvey (Southern District of Iowa) as his career law clerk. Prior to her clerkship with Judge Jarvey, Lisa was in private practice with Moyer & Bergman, PLC for several years.



Kevin B. Patrick

Kevin B. Patrick recently joined the firm of Gonzalez Saggio & Harlan LLP in the West Des Moines office as an associate practicing in the areas of public law and litigation. Kevin earned a B.A. in Psychology in 2008 from

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If it is to be digital, please use the ".jpg" format only. Make all submissions in plain text or Microsoft Word ".doc" format via e-mail to cfritz@iowabar.org and please do not expect late submissions to be published immediately. We need at least a 30-day interval before publication. Include office phone number and name of the person furnishing the copy. Questions? Call Chris Fritz at 515-697-7873. Thank you for your assistance.

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Rutgers University and received his J.D. from Drake University Law School in 2012.



Nicholas C. Thompson

Nicholas C. Thompson has joined the Dubuque law firm of Fuerste, Carew, Juergens & Sudmeier, P.C. Nicholas graduated from the University of Iowa in 2004 and received his law degree from DePaul University College of Law, Chicago, Ill. in 2011.



Adam Kaduce

Adam Kaduce has joined R&R Realty Group as a Marketing Representative. Adam earned his B.S. in Business from Drake University in 2009 and went on to study at Drake University Law School where he received his J.D. in 2012. At R&R Realty Group, he provides a broad range of commercial brokerage and consulting services.



Abbie M. Schurman

Abbie M. Schurman has joined the Omaha law firm of Gross & Welch as an associate. Abbie has been a law clerk with Gross & Welch since 2010. She earned her undergraduate degree from Iowa State University and went on to earn her J.D. from Creighton University in 2012.



Nicholas T. Maxwell

Nicholas T. Maxwell has recently joined the firm of Harrison, Moreland, Webber & Simplot in Ottumwa as an associate attorney. Nick received his B.A. from San Diego State University and earned his J.D. from the University of Iowa College of Law. Nick maintains a general practice, including but not limited to, litigation, family law, real estate and estate planning.



Scott M. Wadding

Scott M. Wadding has joined the Cedar Rapids firm of Shuttleworth & Ingersoll, P.L.C. as an associate attorney. Scott is a 2006 graduate of the University of Northern Iowa where he received a B.A. In 2010, he graduated from Drake University Law School, where he received his J.D. Prior to joining Shuttleworth, he clerked for Justice Brent Appel of the Iowa Supreme Court from 2010 to 2012. Scott has a general practice including but not limited to litigation.



Maria Brownell


Maria Brownell has joined Brick Gentry P.C. in Des Moines as an associate. Maria is focusing her practice primarily in family law, municipal law and business litigation.

The Iowa State Bar Association congratulates the following individuals and/or firms for the recognition they have received:

Nolden Gentry for being named to the list of "Sages Over 70" by Des Moines magazine. The former University of Iowa basketball star, began his legal career as an assistant attorney general, then went on to become a founding partner of the Brick Gentry Law Firm in Des Moines. He was honored along with the other seven members of this year's class at a special event earlier this month at the World Food Prize Hall of Laureates.

The Belin McCormick Law Firm in Des Moines and the **Shuttleworth and Ingersoll** firm in Cedar Rapids for having members listed in The Best Lawyers in America 2013. Belin had 22 attorneys and 32 practice areas listed. Shuttleworth & Ingersoll had 26 attorneys listed. Inclusion in Best Lawyers is based on a peer-review survey by lawyers in the practice areas evaluated, and cannot be influenced by paying a fee to be listed.


Tricia Hoffman-Simanek, who was chosen by her alma mater, Mount Mercy University, to be honored at the 31st annual Waypoint Tribute to Women of Achievement. Tricia is an attorney and vice president at Shuttleworth & Ingersoll, P.L.C. in Cedar Rapids with a general practice including but not limited to litigation and health law. She is the Advisory Council President for the Visiting Nurses Association of Linn County. She also serves as president of the Mount Mercy University Alumni Association.



General Practice Review

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Ending marriages respectfully through collaborative divorce

By Kimberly Stamatelos*

Recently, after signing their final divorce papers with both lawyers present, a couple left my office together to take their children camping. We'd had four meetings over the prior three months and at each meeting the parties indicated there were no third parties involved; they had simply grown apart. Their settlement involved the mother staying in the marital home post-divorce while her new home was being built. Once built, they would implement the terms of the divorce and begin their new lives in separate residences.

During a four-way meeting on another case, with two lawyers and each party present to discuss settlement, the divorcing husband and wife presented their plans for parenting the children and asked us for guidance on whether it made sense. We were able to explain that for their children, ages 4 and 6, a week on/week off parenting schedule might not be in the children's best interest. The next hour was spent examining other possible schedules that resulted in the children having no more than three consecutive overnights away from mom or dad.

We also gave the parents information on how to make the transition from house to house seamless for the children, while creating an expectation for each that their own style of parenting would likely be different from the other. We further explained things that cause conflict in two-parent households, such as shuffling clothes back and forth and what to do if a child really needed to see the other parent

but it wasn't "his or her day."

Welcome to collaborative law, a method for couples to respectfully dismantle their marriages. Parties use their family lawyers as experienced resources to move them from a place of anxiety and confusion through a process that allows them to divorce and also to see how to work out issues calmly.

By opting for collaborative divorce, parties take the idea of "out of court settlement" so seriously, they sign a Participation Agreement stating that they will not take the divorce to court. They agree to cooperatively and openly share all information. If the collaborative process breaks down, the contract provides that the collaborative lawyers will be dismissed and new lawyers will be hired for the litigation.

Collaborative negotiations involve four-way meetings, where the parties and their lawyers are in the same room discussing the terms of settlement. Terms of divorce are put into final documents drafted with input from everyone.

About five years ago, a small group of Iowa family lawyers became trained in the collaborative law process. A lawyer who says he or she will "work collaboratively" is different than one who has been specially trained in the format of Collaborative Law. Unlike cases with traditional discovery, a collaborative meeting might involve the parties making a joint financial affidavit by reviewing all the documents together, or by developing a parenting plan that includes input from the lawyers' experiences to meet the specific needs of the parties.

Ideas are generated that move the family forward with lawyers advocating for their clients, but also being problem solvers for the family as a whole. Emotions are honored and discussed, and the pacing of the process is determined by consensus.

When issues become conflicted, the parties meet independently with their lawyers and come back to the four-way meetings more clearly able to articulate their concerns and with proposals to remedy the conflict. If necessary, outside experts are hired for the collective, without the cost and adversity of dueling opinions.

In jurisdictions where collaborative law has been practiced for years, it's not

uncommon to have a full collaborative divorce team including a divorce coach

to deal with the parties' emotions, a mental health professional to look out for and advise on children's issues and financial experts to run scenarios showing how different distributions of finances will effect both parties long term.

Cindy Gleason, a collaboratively-trained Certified Divorce Financial Analyst and mediator in Waterloo, has served as the financial expert in collaborative divorce.

"It's a delight to develop solutions that help everyone survive financially post-divorce," says Gleason. "I'm able to show the lawyers and parties various property distributions and explain tax ramifications and future retirement savings to see where everyone lands five or 10 years after the dust settles. People who opt for collaborative divorce ask questions that help them understand their own settlement is not in a vacuum; it effects their spouses and as a result effects the children."

Collaborative clients come up with extraordinary arrangements for children. In the calm environment of the four-way meetings, parties are able to relax and work together using the experience and expertise of their lawyers in formulating plans that endure.

In a recent case, the other lawyer and I were hard pressed to explain to the couple why the court counted "overnights" in calculating child support. The couple thought that made no sense for them. The four of us dug in to develop a comprehensive parenting plan that left a dad who worked nights as the parent in charge while the mother worked during the day. Then, mom picked up the kids and kept them overnight.

This was truly a joint physical care plan but dad could not have credit for the overnight in the traditional child support formula. By looking at child support numbers but also identifying what the children would need under each party's care, we identified a fair financial arrangement that was logical to explain to the judge. As a



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lawyer this was exciting, allowing my guidance to be highly specific to my client and responsive to one family's unique needs.

The collaborative process unfolds over two or more or several meetings. Once the terms have been finalized, the legal documents are filed all at once so the divorce is started and finished the same day. The divorce is filed with wording indicating it is being requested by BOTH parties, without one having to be the person bringing the divorce and the other accepting service. Even the wording of the final documents is softer, more dignified and more referencing "the parties" rather than "one versus the other." In most instances the cost is less than a standard divorce.

Since being trained in collaborative law, I have not had one collaborative case

reach impasse resulting in the collaborative lawyers being dismissed to seek litigators. Some were more emotional than others, and in a few, a mediator has had to be brought in to resolve some of the issues. In the last custody case I took to trial, opposing counsel submitted a fee affidavit summarizing how he had charged his client \$55,000. My own client's fees were extensive as well. Most of my collaborative cases have cost the family \$15,000 or less TOTAL for both lawyers.

As a lawyer, I find in collaborative law a way to legitimize how I have always tried to practice law; I am a problem solver not just a hired gun. I am invited into a family's most intimate stories while they are possibly in their deepest life pain. I believe my role in that position is to be a conduit of

healing, rather than a creator of additional pain and anxiety.

As any family lawyer will tell you, dealing with people who want to fight and to destroy the people they're divorcing, often putting children front and center in the fight, can damage a family law attorney's psyche over time. Watching couples calmly end marriages, with a respected family attorney as my teammate in the legal process, is some of the most gratifying work I do after 30 years in practice.

For more information on Collaborative Law, check these websites: www.iacollaborativeattorneys.org, www.collaborativepractice.com, or contact me at Kim@attorneymediate.com.

**Kimberly Stamatelos is an attorney and mediator practicing in West Des Moines.*



National ABOTA president visits Iowa

The 2012 officers of the Iowa ABOTA (American Board of Trial Advocates) chapter stand with National ABOTA President Bob Stone (fourth from left) during the chapter's annual banquet at the Wakonda Club in Des Moines. Officers are (from left) Jim Carney, president-elect; Jim Gerk, president; Frederick James, secretary and treasurer; Stone; Tom Drew, past president; and Steve Doohen, vice president. The Iowa ABOTA chapter has 50 members.

ISBA President-elect and ABOTA member Guy Cook discusses retention election efforts going on around the country with National ABOTA President Bob Stone before the Iowa ABOTA chapter's annual banquet. Guy presented a detailed report of Iowa's retention efforts during the chapter's annual meeting in Des Moines.



Remembering their legacy

One of the best ways to remember a deceased lawyer is through a memorial gift to the profession to which he or she devoted an entire life.

Surviving family members can point with pride to the accomplishments memorialized in a tangible form.

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

To memorialize a respected colleague, a spouse, a parent, a grandparent, or just a friend, send contributions to: The Iowa State Bar Foundation, 625 East Court, Des Moines, IA 50309. A representative of the Foundation will contact the family, acknowledge the gift, and a permanent record will be made.

For more information, contact The Iowa State Bar Foundation at the address above, or via phone at 515-697-7870, or e-mail at mhill@iowabar.org.



Book Review –

ABA publishes third edition of business and commercial litigation in federal courts

By Mark McCormick*

The Litigation Section of the American Bar Association has published a Third Edition of its monumental treatise entitled “Business and Commercial Litigation in Federal Courts” as a joint project with Thomson Reuters. The First Edition of the treatise was published in 1998, and the Second Edition was published in 2005. The treatise has grown from six volumes in the First Edition to 11 volumes in the Third Edition. The publication is unique because there is no other book on commercial litigation in federal courts.

The Third Edition adds 34 new chapters to the treatise and updates the 96 chapters carried forward from the Second Edition. New chapters in the Third Edition cover bread and butter subjects of substantial importance in federal court practice.

The chapters include such topics as internal investigations, a comparison of federal commercial litigation with state court commercial litigation, coordination of commercial litigation between state and federal courts and the interplay between commercial litigation and criminal proceedings. New and timely substantive topics include medical malpractice, tax, white collar crime, immigration, prior restraints on speech, sports, entertainment law, money laundering and the Foreign Corrupt Practices Act.

The treatise contains the work of 251 authors including such luminaries as David Boies and University of Iowa law graduate John Bouma. Boies is known for his work in the Microsoft antitrust case, in *Bush v. Gore*, and more recently in the California same-sex marriage case. He has written an informative chapter on litigation technology.

Bouma is chairman of the Arizona law firm of Snell & Wilmer, where he handles complex business litigation. He has written a chapter on the topic of investigation of the case.

The treatise also includes scholarly writing of 22 distinguished federal judges. All of the authors contributed their time to the project,

and all proceeds from sales of the treatise go to the ABA Section on Litigation.

In addressing each topic, the authors outline strategies for representation of plaintiffs and defendants, discuss the advantages and ramifications and pitfalls of various actions and offer their own perspective on the issues.

The treatise provides a step-by-step practice guide covering every aspect of a commercial case from the initial assessment through pleadings, discovery, motions, trial and appeal. The chapters include in-depth

discussion of law and procedure accompanied by procedural and practice checklists. Checklists include delineation of essential allegations and defenses, sources of proof and hundreds of pages of helpful litigation forms and sample jury instructions. The format makes the treatise useful as

a resource for study and also for efficiently obtaining a quick answer to a specific question. The treatise comes with a CD-ROM that contains all of the checklists, forms and jury instructions that are included in the printed volumes.

The editor-in-chief of the publication is Robert L. Haig, a partner in the New York City law firm of Kelley Drye & Warren LLP. He has served as editor for all three editions of the treatise and devotes a significant amount of his time to reviewing and commenting on the work product produced by the authors. He also coordinates the massive effort to assemble the materials for publication, and supervises and coordinates the publication of annual pocket parts.

The 12,742-page treatise is a valuable addition to the library of any lawyer with a federal or state court practice in business or commercial litigation. It can be ordered by calling 1-800-344-5009, or by going online at www.store.westlaw.com. The retail price is \$1,351.

*Former Supreme Court Justice Mark McCormick is a principal with Belin McCormick in Des Moines.



A tribute to Judge Paul A. Zoss

By Hon. Mark W. Bennett*

I have a suspicion that Socrates knew Judge Paul Arthur Zoss. Judge Paul Zoss retired from active service on his 65th birthday — June 8, 2012 — becoming just the second full-time magistrate judge in Iowa to retire.

He served the Northern District of Iowa as a U.S. Magistrate Judge for 15 years. Few, if any, lawyers had a more diversified background and were more qualified to serve as a judge than Judge Zoss. None served better.

Paul was born in South Bend, Ind., where his father, Abraham, played football at Notre Dame for the legendary Knute Rockne. Paul graduated with honors from the University of Texas Law School and, upon graduation, was accepted into the Department of Justice Honors Program, where he worked in the Court of Claims Section as a trial attorney.

A few years later, in 1974, he came to Iowa, after being hired by Barney Donaldson as an Assistant U.S. Attorney. As an AUSA, Paul tried a wide variety of criminal cases from simple, single defendant cases to complex, multi-defendant conspiracy cases.

For a brief stint in 1977, he served as the acting U.S. Attorney for Iowa. As was the custom then (there were very few career federal prosecutors — which was a good thing), he left after three years to go into private practice in the county seat of Ottumwa, where he joined the highly regarded trial firm Keith, Dull, and Beaver. Paul tried every type of case imaginable while in private practice.

He then moved to Des Moines and, in 1984, became a founding partner of Adams, Howe, and Zoss. There, he tried everything from complex civil commercial cases to personal injury cases — equally comfortable and effective on either side. He also did federal criminal defense work, including court-appointed Criminal Justice Act (CJA) cases, remaining a member of the CJA panel long after most, less talented lawyers dropped off because they could no longer afford to take CJA cases at dramatically below market rates.

Paul stayed on the CJA panel until he left the partner position at his firm to become the first Federal Public Defender in Iowa in 1993. On January 23, 1997, Paul was sworn in as the first full-time U.S. Magistrate Judge in Sioux City.

One of the great highlights of my legal career has been the opportunity to work

with and learn from my amazing federal judge colleagues in both the Northern and Southern Districts of Iowa. Paul A. Zoss was one of the greatest judges I have ever known. From the perspective of experience, he had tried every type of case known to an Iowa trial lawyer. He was not a plaintiff's lawyer, he was not a defense lawyer, he was not a civil lawyer, he was not a criminal lawyer, he was not an office or transactional lawyer. No, Judge Zoss was all of that and much more. In my view, he was the most qualified Iowa lawyer ever to become a federal judge.

But, it was not this amazing breadth and depth of experience that made Judge Z. such a wonderful judge; it was his unflinching commitment to fairness. Judge Z. simply lacked the capacity to be unfair. It is not in his DNA — not even with the most ill-prepared, ill-mannered, excuse-ridden lawyer or a bond-skipping, lying, drug-addicted, spouse-battering thief.

While Judge Z. could make a spit-second decision that would almost always be right on the money, that was not his way either. He was deeply reflective and measured in his approach to solving legal issues. He could see a legal problem from many perspectives, like a twirling diamond's many facets, and then, with clarity, make the right call.

He tried some very complex civil jury trials and, most often, the parties never appealed. First, there was simply no error in a Judge Zoss-tried case. More important, the lawyers and parties knew that they had been given the fairest trial possible and had been treated with the utmost respect and courtesy.

Paul obviously never served in the

military because he was constantly volunteering to help out our court. Whether it was a complex re-write of the Local Rules, tracking down an innovation Chief Judge Reade had heard about in another district, or the myriad other projects large and small, we always knew one thing: the project would be done before it was due and done exceptionally well with no stone left unturned.

I had the wonderful privilege of working with Judge Z virtually every day for 15 years. He was my colleague, my confidant, my faithful and abiding friend, but, most important, my guiding partner in dispensing justice. We in Iowa will miss his powerful intellect, unparalleled and colorblind passion for justice and constant commitment to leave our court a much better place for his 15 years of extraordinary service.

He touched the lives of thousands of litigants and gave them each reason to have faith in our legal system. Paul was a giant among the great trial lawyers of Iowa, an extraordinary jurist and an even better person.

In early July of this year, Judge Zoss moved back to the state where he was raised — Indiana. He has four adult children and four children in secondary school. He parents like he judged — with great wisdom, passion and eternal optimism.

Oh, I almost forgot — back to Socrates. Socrates wrote: “Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly and to decide impartially.” That's Judge Z !!!

**Judge Bennett is in his 18th year as a U.S. District Court Judge in the Northern District of Iowa.*

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(Editor's Note: The Iowa Lawyer is making a change to the "Positions Available" in the classified ad section of the magazine. Beginning with the November issue, all job openings that are published will come through the ISBA's online job service – the Career Center. To use the Career Center to see what jobs are available or to post a job, go to the ISBA's website (www.iowabar.org) and click on "Career Center" in the blue bar at the top of the page.

There is a charge for posting a job on the Career Center, but feedback from employers who have posted jobs there indicates they receive more applicants from the online posting than from the printed version. In addition, thanks to technology, the online posting is instant; there is no waiting for the next issue of the magazine to arrive in the mail. Plus, it reaches more prospective job candidates.

Employers who elect to have their jobs featured in the Career Center's "Job Flash" newsletter that is sent out to prospective job seekers on the first and third Mondays of each month will have those jobs posted in the next issue of the Iowa Lawyer unless they indicate otherwise. All other categories – Law Practice for Sale, Office Space for Rent, etc. – in the classified ad section will continue to be published in the magazine as they have in the past, and ISBA-member firms will continue to receive two free listings in these categories each calendar year. We trust you will find this new arrangement to be more efficient and to provide more qualified candidates than the previous arrangement.)

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MISCELLANEOUS

NOTICE: — MEDICAID PROGRAMS: Casualty Lien Recovery — Iowa Code 249A.6 provides that the Iowa Department of Human Services has a lien against the recovery that Medicaid recipients obtain from third party tortfeasors. An attorney representing an applicant for, or recipient of, assistance on a claim upon which the department has a lien under this section shall notify the department of the claim, including medical malpractice claims for injuries sustained on or after July 1, 2011. For further information, contact 515-256-4620 or 888-543-6742.

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from Medical Assistance Special Needs Trusts and Medical Assistance Income Trusts may be made for reasonable and necessary expenses of the trust, not to exceed ten dollars per month without court approval. For special needs trusts, funds may be used for the special needs of the beneficiary attributable to the beneficiary's disability and approved by the district court. The state shall be a beneficiary of these trusts. Regardless of the terms of the trust, the trustee shall not take any action that is not prudent in light of the state's interest in the trust. For further information, contact Ben Chatman, 515-246-9748 or 855-318-7878, www.iowa-Medicaidtrusts.com

Estate Recovery — Iowa Code 249A.5(2) provides that the provision of medical assistance creates a debt due the Iowa Department of Human Services from the individual's estate for all medical assistance provided on the individual's behalf for those recipients 55 years of age or older or a resident of a facility. The personal representative or executor may be held personally liable for the amount of medical assistance paid on behalf of the recipient if a distribution is made without having executed the obligations pursuant to section 633.425. For further information, contact: Ben Chatman, 515-246-9841

or 877-463-7887, www.iowa-estates.com. (SE)

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(1) Mailed Outside-County Paid Subscriptions (Based on PS Form 3841) (Include paid distribution above household rate, advertiser's proof copies, and exchange copies)		6,054	6,161
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(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)		939	1000
e. Total Free or Nominal Rate Distribution (Sum of 12d(1)-(4))		137	160
f. Total Distribution (Sum of 12c and 12e)		8,448	8,623
g. Copies Not Distributed (See Instructions to Publishers at page 10)		145	27
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i. Percent Paid (12c divided by 12f times 100)		96.71%	97.83%

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In Memoriam

Frank Bittorf "Bit" Comfort, 88, died Oct. 26 at Deerfield Health Center in Des Moines.

Born in Des Moines, Frank spent his whole life in his native city except for the time spent in the Pacific Theater during World War II, and in Iowa City while attending college. After graduating from the University of Iowa with a bachelor's degree and a J.D., he practiced with his father and uncle until their deaths. After that, he joined the former Parrish Law Firm, now Nyemaster Goode. He retired in the 1990s, but remained of counsel.

David M. Elderkin, 98, died Nov. 3 at Cottage Grove Place in Cedar Rapids, two days short of his 99th birthday.

David received his B.A. and J.D. degrees at the University of Iowa, the latter in 1937. He began a general law practice in 1937 with the law offices of L.D. Dennis and W.J. Barngruver in

Cedar Rapids, then formed the firm of Elderkin and Locher one year later. The firm eventually became known under its current name of Elderkin and Pirnie, P.L.C. in 1993. He practiced with the firm until the age of 90.

The Cedar Rapids native and long-time resident was elected president of The Iowa State Bar Association in 1967. He was awarded the association's highest honor, its Award of Merit, in 1972. A prolific writer, he wrote many guest columns in The Gazette in Cedar Rapids and the Des Moines Register. He was associate editor of the ISBA's Trial Practice Handbook.

He also lectured extensively on legal subjects mostly to legal, medical, civic and school groups. He was a staunch defender of the courts' role in protecting liberty from anarchy, and believed strongly in lawyers and their role in society.

ADMISSION ON MOTION

The following individuals have applied for admission on motion to the Iowa Bar:

Stuart Dornan, Dornan, Lustgarten & Troia, P.C., Omaha, Neb.; **Jane Montieth Hudson**, Disability Rights Iowa, Des Moines; **John Stanley Anderson**, Lacey, Wash.; **Michael Laufenberg**, Laufenberg, Stombaugh & Jassak, Milwaukee, Wisc.; **Amy Crawford**, Council Bluffs; **Katherine Drummond**, Weinstein, Kavensky & Cunningham, LLC, Rock Island, Ill.; **Eric Tostrud**, Lockridge, Grindal Nauen, Minneapolis, Minn.; **Stuart Dornan**, Dornan, Lustgarten & Troia, P.C., Omaha, Neb.; **Philip S. Bubb**, Bubb Litigation, Carrollton, Ga.; **Jodie Lee Haferbier-McGill**, McGill Law, Omaha, Neb.; **Robert Barnett Evnen**, Woods & Aitken, Lincoln, Neb.; **Brandon D. Derry**, Hupy and Abraham, Madison, Wisc.; **Molly R. Hamilton Cawley**, Messerli & Kramer, Minneapolis, Minn.

Anyone with questions or comments should contact: Dave Ewert at the Office of Professional Regulation, 1111 East Court Avenue, Des Moines, IA 50319; 515-725-8029.

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Online tool helps small businesses with resources for growth and economic development

By Meg Fitz, Craig Block & John Shors*

An ongoing challenge in the area of economic development and business growth has been the absence of a central information portal for those seeking assistance or information to help their businesses grow.

Thanks to the collaborative effort between the Iowa Economic Development Authority (IEDA) and the Greater Des Moines Partnership, small businesses will now have a single touch point to find expert information on starting and establishing a successful venture. Central Iowa (CI) SourceLink was launched in May, and the state-wide version, Iowa (IA) SourceLink, was launched in early November by Governor Terry Branstad.

Both programs include links to The Iowa State Bar Association as a resource for new and expanding businesses. Plans are under-way to develop a process within the ISBA whereby businesses seeking attorneys can be connected to the appropriate individuals.



The Partnership and IEDA have contracted with U.S.SourceLink to provide Iowa with a web platform and technology that is specifically designed around helping entrepreneurs and small businesses find resources. The tool provides a comprehensive calendar of classes and training opportunities, templates, relevant articles, information on incentives and tax credits, podcasts and more.

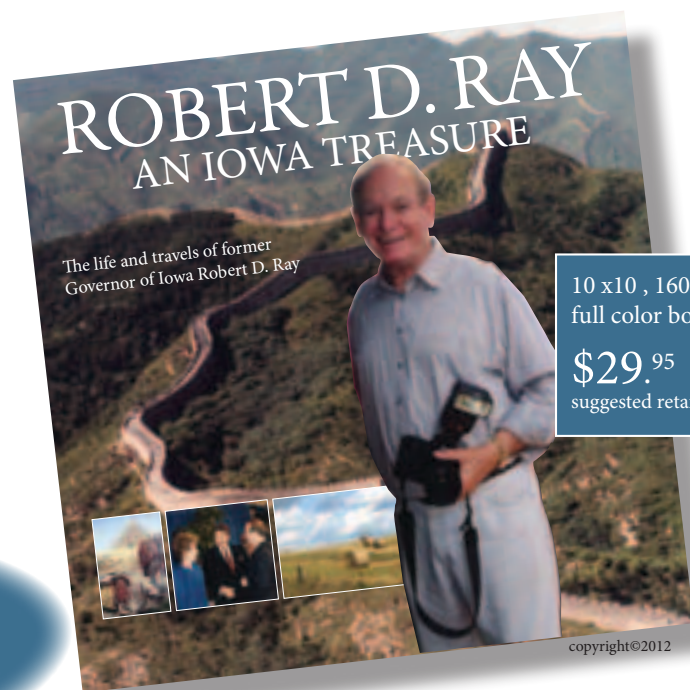
U.S. SourceLink is the nation's most extensive entrepreneurial network, and is a collaboration between the Kauffman Foundation for Entrepreneurship, the U.S. Small Business Administration, and the University of Missouri-Kansas City.

Greater Des Moines Partnership, the regional economic development organization for Central Iowa, was a key leader in the SourceLink initiative with its investigation

Robert D. Ray

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into programs that would pull together fragmented resources for entrepreneurs and small business. The drive to investigate programs came out of the message from 5,000 surveys that went into forming Capital Crossroads, a five-year vision plan for central Iowa, that available business resources lacked “connectivity.”

“As part of our goal to promote economic development within Greater Des Moines, the Partnership wants to provide the small businesses of Central Iowa with resources that help enable growth and prosperity,”

said Jay Byers, CEO of the Partnership and member of the Capital Crossroads coordinating committee. “Every start-up enterprise or entrepreneurial endeavor has the potential to one day become a major employer. We need to support our local start-ups in all facets of the development process.”

At the state level, efforts to create additional support for small business provided the impetus for Iowa SourceLink. Debi Durham, director of the IEDA said, “small businesses are the backbone of the state’s economy, accounting for 51 percent

of private sector jobs. We must create an environment where small businesses can flourish, and connect the dots for those who want to start their operations with the vast amount of resources that are already available in our state. Taking SourceLink statewide will do that.”

IASourceLink’s delivery of statewide service is being assisted by the University of Northern Iowa MyEntre.Net which is integrating its services under the IASourceLink initiative. IASourceLink services will be enhanced by this collaboration and will include webinars, blogs and resource pages dedicated to small business. A business concierge is also available to those seeking a bit more individualized support. By calling a toll free number or using a click and chat option a small business can be connected to competitive business intelligence such as mailing lists, GIS mapping of customers and competitors and other demographics.

The Iowa State Bar Association’s Committee on Economic Development has worked with IEDA and the Partnership to be a resource provider within the SourceLink network, and will continue to work with these entities to further develop the Bar’s role within this important work.

“The Bar extends its gratitude and compliments for launching this terrific product,” said John Shors, Chair of the ISBA Economic Development Committee. “I encourage members of the bar to use it as a resource for themselves as well as for their clients.”

Central Iowa and Iowa SourceLink currently have more than 300 civic, higher education, and not-for-profit resource providers in the network to help emerging entrepreneurs and small businesses with their growth and development needs. You can view the websites at www.cisourcelink.com and www.iasourcelink.com.

Representatives from SourceLink will be at the 73rd Annual Bloethe Tax School December 5-7 to answer questions about the program.

**Meg Fitz is senior vice president of the Greater Des Moines Partnership. Contact her at mfitz@desmoinesmetro.com*

**Craig Block is chief operating officer and general counsel for the Iowa Economic Development Authority. Contact him at craig.block@iowa.gov*

**John Shors is chair of the ISBA’s Economic Development Committee. Contact him at johنشors@davisbrownlaw.com*



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