



THE  
**IOWA LAWYER**

Volume 61 Number 6 June 2001

The Iowa State Bar  
Association  
*Welcomes*  
*ABA President*  
*Martha Barnett*

to our  
128th Annual Meeting  
June 20 - 22  
in Des Moines

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Judge Pratt challenges Hirsch  
on court records;  
Hirsch holds his ground

Supreme Court issues rule on real  
estate documents

President Graves: *"We are the music makers"*

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## About the Cover

**Come greet ABA President Barnett!**  
American Bar Association President Martha Barnett, who will be leaving for a trip to China June 22 on behalf of the ABA, will be in Des Moines for the ISBA's 128th Annual Meeting June 21.

In response to an invitation by President Bruce Graves, Martha graciously agreed to be with us in the middle of her hectic travel schedule. She has been on numerous trips for the bar during her presidency, which winds up in August at the ABA's annual meeting in Chicago. Be sure to attend this star-studded meeting featuring Martha Barnett, our second annual group of Community Service Awards, Entertainer B.J. Thomas, enough CLE hours to satisfy your annual requirement, and to wish President-elect Joe Holland good luck as he leads the ISBA in 2001-2002 as president.

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Bruce Graves

# *We are the music makers*

They call this a “swan song.” Over the years, I’ve wondered about that term and how it applied to occasions like this. Webster’s dictionary supplies this answer: “a song of great sweetness said to be sung by a dying swan.” I’ve never thought of myself as a dying swan, and this last letter will certainly not be a missive of great sweetness. So, I’ll settle for Webster’s alternative definition: “a farewell appearance or final act or pronouncement.”

It has been a thoroughly enjoyable year and there are many people to thank. At the top of the list are Dwight Dinkla, Judi Stout, Harry Shipley, Chuck Corcoran, Kelley Rue, and all of the rest of the staff at the bar office who made my job easier and provided much help and support. Jim Carney and Jenny Tyler also stayed in close touch with me and were very supportive. John Shors, Tom Ferguson, Representative Chuck Larson, Jr., Senator Gene Maddox, Tom Miller, and Brian Gentry played key roles in our Correctional Services Study Group. Our Symposium On Domestic Abuse would not have been a success without the help of Roxann Ryan, Bill Scherle, Deb Neumeyer, Brett Toresdahl, Anjie Shutts, Dennis Groeneboom, and Marti Nerenstone. David Dettman and Dan Moore helped us weather the storm on the electronic real estate records proposal. David Beckman and Quent Boyken provided yeomen’s service on our electronic research service project. Section and committee chairs David Eastman, Greg Kenyon, Ed Blando, Dave Erickson, Mark McCormick, Merle Pederson, Jim Van Werden, Jerry Oliver, Tom Crabb, Joe Joyce, Connie Diekema, Tom Cahill, Bob Downer, Gordon Fischer, Tom Langlas, and Frank Pechacek all provided leadership with distinction. Thanks also to Stephanie Hinz and John Cortesio for the help they provided during the year. And special thanks goes to Roger Stetson, my close friend, confidante, and advisor throughout the past 12 months.

A few years ago, I heard poet-philosopher Maya Angelou say, “In the grand symphony of life, we are all composers. We compose and write our own music with our deeds.” She then asked, “Is that music melodious, or

is it cacophonous? Is it likely to be appreciated, replayed, remembered? Or, like a disposable pop tune, is it likely to be quickly forgotten?” These individuals, through their deeds, have written music for our profession that will be remembered for a long time.

The risk, of course, in thanking specific people is you inadvertently leave someone out. I’m sure I’ve done that, and to all of you who also devoted your service and talents to our association over the past year, please know you are much appreciated. I hope you found it as rewarding as I did.

You may recall that I began this year by talking about how we must work to turn challenges into opportunities. During the last 12 months we confronted the challenge of competition from non-lawyers by petitioning the Iowa Supreme Court to ease restrictions on lawyer advertising, which hopefully will open up more opportunities for lawyers. We confronted the challenge of sentencing reform by exploring opportunities for more community-based corrections. We attacked domestic abuse with a symposium at which 1,000 attendees were given the opportunity to learn how to recognize and deal with abuse. Among other challenges we faced this past year were —

- A proposed new court rule that would have sanctioned drafting of deeds and affidavits by real estate agents
- Legislative demand for a recommendation to accommodate electronic filing of real estate documents
- Endorsement of title insurance by the abstractors’ association
- The funds cut from Legal Services Corporation of Iowa
- A proposal to reduce the 15-year statute of repose to eight years
- Proposals for multidisciplinary and multijurisdictional practice

On each of these, we had our usual share of Chicken Littles who warned that the sky was falling. In most cases

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**“In the  
grand symphony of  
life, we are all  
composers.”**

## THE PRESIDENT'S LETTER

*...Continued from page 5*

we responded with efforts that succeeded in keeping the sky aloft.

But the message I'd like to leave you with is not about success or failure in holding up the sky, but about attitude and mindset. You see, despite all the challenges we continually confront, I'm very optimistic about the future of our profession. I still believe we can meet any challenges that face us and convert them into opportunities for ourselves and our clients. To do so requires us to confront the challenges with a positive attitude, an optimistic outlook, and an upbeat approach.

The only constant, of course, is change. Too often the precedent-oriented nature of our profession causes a knee-jerk negative reaction to change and we come off as naysayers whose feet are irretrievably mired in the past. Some pessimists have said the changes swirling around us challenge even the survival of our profession.

A better approach, even when we oppose an idea, would be to treat changes as challenges and then ask ourselves how we can convert those challenges into opportunities for our profession. For example, many of us opposed unrestricted multidisciplinary practice. Instead of automatically resisting this challenge, we ought to consider the opportunity lawyer-controlled MDPs with adequate ethical safeguards might be for the survival of small-town firms.

To find opportunities within challenges requires one to be a bit of a dreamer, to rise above the status quo and rethink the automatic pilot that generally drives us. New ideas consistent with the goals of the profession and new visions to accomplish those goals are what we will need. Within this association we have an incredible depth of intelligence, talent, energy, commitment, and enthusiasm. I am confident that working together we can meet the future challenges head-on and from them find opportunities for all of our members.

The Irish poet, Arthur Schanasey, is the source of my final words to you, which happen to tie in nicely with Maya Angelou's. "We are the music makers, we are the makers of dreams," he said. Go ahead, my friends, and make your profession your life's music as you achieve your dreams.

Thank you for the wonderful privilege of serving as your president.

## Welcome, President Barnett

The Iowa State Bar Association is pleased to extend a warm welcome to American Bar Association President Martha Barnett as she joins us this month at our Annual Meeting. It will be the first time in many years that a current president of the ABA has appeared in person to speak to our members, and we are honored to have Martha coming to Iowa.

Martha is a lawyer's lawyer. She practices law in Tallahassee, Florida, with the firm of Holland & Knight, specializing in public policy and governmental law. She is a graduate of the University of Florida Law School and was an editor of its law review. For 10 years, she served as a member of the ABA House of Delegates and in 1994 became the first woman to chair that policy-making body.

While serving as ABA president this year, Martha has had to deal with many thorny issues, from the proposal to allow multidisciplinary practice to the Bush administration's decision to no longer involve the ABA in pre-screening federal judicial nominees. She will undoubtedly talk to us about those matters as well as other important activities of the 400,000-member organization. I hope you will join us for this outstanding opportunity to hear from our profession's national leader.

Bruce Graves

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# This is ABA President Martha W. Barnett



**Martha W. Barnett** is a partner in the global law firm of Holland & Knight LLP of Tallahassee, Florida, and is the second female president in the association's history. She is immediate past chair of the public law department at Holland & Knight and is a member of its directors committee.

In her firm, Martha specializes primarily in public policy and governmental law, including state and local taxes, government contracts, ethics, and campaign finance issues. She has experience in all areas of administrative law, as well as legislative lobbying.

**In 1994**, Martha became the first woman to chair the ABA's policy-making House of Delegates, of which she had been a member since 1984. She served on the ABA Board of Governors from 1986 to 1989, and from 1994 to 1996 in her capacity as chair of the House of Delegates. Since 1997 she has served on the Executive Board of the Central and East European Law Initiative, and from 1990-1996 was on the Board of Editors of the *ABA Journal*.

Martha has held leadership positions in a variety of ABA entities, including chair of the ABA Assembly Resolutions Committee (1991-94), the Board of Governors Finance Committee (1988-89), the Commission on Public Understanding About the Law (1990-93), the Consortium on Legal Services

and the Public (1996), and chair of the Section of Individual Rights and Responsibilities (1984-85). She served on the Executive Council of the Section of Legal Education and Admissions to the Bar in 1990-94 and served on the Council from 1996 to 1999.

**She also** has been active in The Florida Bar, the Tallahassee Women Lawyers Association and the Tallahassee Bar Association. She has served on the executive councils of the Tax Section and the Public Interest Law Section of the Florida Bar, and is a past president and former member of the Board of Directors of the Florida Lawyers Prepaid Legal Services Corporation.

She has been involved in a number of national organizations, serving on the Board of Directors for the Lawyers' Committee for Civil Rights Under Law, and as a Life Fellow of The American Bar Foundation and member of the American Law Institute. In addition, she has been listed in *Who's Who in America*, *Who's Who in American Law*, *Who's Who in the South and Southwest*, and *Who's Who in Emerging Leaders in America*. Martha has been on the Legal Advisory Board for Martindale-Hubbell/LEXIS-NEXIS since 1990, and is a member of the National Association of Women Lawyers. She served on the Board of Directors for the American Judicature Society from 1986-89, and was secretary/treasurer and member of the Board of Directors for the National Institute for Dispute Resolution in 1988-94, and participated in the United Nations Fourth World Conference on Women in Beijing in 1995.

**In Florida**, Martha has been a governor's appointee to a number of statewide commissions, including the Constitution Revision Commission (1997-1998), a constitutionally created commission that meets every 20 years to review and propose amendments to the Florida Constitution.

She also served on the Constitutional Taxation & Budget Reform Commission (1990-94), the Governor's Select Committee on Workforce 2000 (1988-89), and the Florida Commission on Ethics (1984-88), serving as chair in 1986-87.

Since 1983, she has served on the

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# This is ABA President Martha W. Barnett

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Board of Trustees of Florida TaxWatch. She is a founding member and past president of the Capital Women's Network, and a founding member of the Board of Directors of the Florida Women's Alliance.

She has received numerous awards for her contributions to society and the legal profession, including the 1996 Arabella Babb Mansfield Award from the National Association of Women Lawyers and the 1996 Hillary Clinton Glass Cutter Award. She was

named to *The National Law Journal* list of "The 50 Most Influential Women Lawyers in America" in 1998.

**Martha graduated** from Newcomb College, Tulane University of Louisiana, with a Bachelor of Arts degree in 1969. She received her Juris Doctorate from the University of Florida, graduating in 1973. She is a member of Phi Kappa Phi and Phi Delta Phi, and was an editor of the *University of Florida Law Review*. The University of Florida named Barnett

an Alumna of Distinction in 1997. Barnett has served as a trustee of the University of Florida College of Law since 1996, and serves on the school's Law Center Advisory Council. Newcomb College selected her to be its Outstanding Alumna for 1999.

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## Protecting the best interests of our children

By Martha Barnett, President,  
American Bar Association\*

For more than 100 years, American law has focused on the "best interests of the child" in deciding cases affecting young people.

Every day, ABA members and staff help the courts and child protection authorities work more effectively for the best interests of children. We help lawyers handling child welfare cases sharpen their trial skills, and offer technical assistance - most of it free - to the courts and child welfare authorities to improve their case-handling. Our volunteer lawyers also work to improve the laws affecting children.

But protecting the best interests of our children will require efforts beyond those of the legal community. It remains vital that business executives, political leaders, and indeed all citizens pay attention to the needs of children involved in the courts.

Children collide with the legal system for a variety of reasons - some beyond their control. They are often in court as victims of crime or the unhappy subjects of custody disputes. Yet these children may be the most ignored in legal proceedings.

More than a half-million children each year are involved in judicial proceedings related to their abuse, neglect or abandonment. Yet the nation's courts are funded inadequately to meet their needs, promptly resolve their cases, or provide them and their often indigent parents with quality legal representation.

And despite sharp declines in youth crime, juveniles are still likely to face punitive over-reactions such as "zero tolerance" school policies. Too frequently, the law ill serves troubled teenagers whose lives are chaotic and who need alternatives, not punishment. Quality legal representation is often unavailable to them as well.

All children involved in the legal system have one thing in common - they need the law's help to ensure not only their health and safety, but their futures. Otherwise, their early experiences of crime, neglect, or violence at home may make them life-long clients of the criminal justice, welfare or health care systems. Our crime victim and domestic relations laws, practices, and policies must be revamped to assist these children bet-

ter. We need stronger laws and tougher enforcement of existing laws to protect children from violence, including gun violence, in the home, at school, and in the community.

"Protecting the Best Interests of Our Children" should be among the highest goals of America's legal profession. I urge those representing litigants in court, enforcing our laws, or serving as judges and court administrators, to take time to consider how we might better serve children throughout our justice system. I hope, too, that more new lawyers and others outside the legal profession will see the importance of working on behalf of children.

In the words of Charles Dickens, "In the little world in which children have their existence...there is nothing so finely perceived and so finely felt, as injustice." Our profession will fight those injustices, but we need your help.

*\*Written by President Barnett for Law Day, May 1, 2001. Visit <http://www.abanet.org/child/abalinks.html> to learn more about the ABA's work on issues affecting children.*

# Pratt says fees for viewing records reasonable

## *U.S. judge takes exception to The Iowa Lawyer article*

By Hon. Robert W. Pratt\*



### COUNTERPOINT

I write to response to David Hirsch's thought provoking article "Public records is public records" in the May, 2001 issue of The Iowa Lawyer. Mr. Hirsch raises several points that, in my opinion, invite further discussion.

First of all, I think that citizen participation in all three branches of our government is essential to a functioning democracy. In the last 10 to 15 years, the computer revolution and the rapid advances in information technology have provided us with unimagined means of obtaining and using information. The executive and legislative branches of government, at both the state and federal levels, already have elaborate information dispensing systems in place, including websites, for use by the general public. So too, many courts have websites where the public can gather information at no cost. In the Southern District of Iowa, the court maintains a website at [www.iasd.uscourts.gov](http://www.iasd.uscourts.gov). This site presents a plethora of information, at no cost to any viewer. Here one can view the court's calendar, opinions, jury instructions, local rules, and a host of other information.

Just as we don't consider ourselves locked in the 18th century when it comes to the practice of medicine or other professional disciplines, the way we in the legal community use information and the means to access that information cannot be tied to the past. All but the youngest readers remember a time when a law office ran on 8½ x 14 inch legal pads and manual typewriters. We watched law office technology advance from manual to electric typewriters and from carbon paper to photocopiers. I'm sure that we all remember when we

bought our first facsimile machine and wondered if it would get enough use to justify the expenditure. Likewise, with computers, there was a time when slow cumbersome computers with tiny monochrome monitors made office secretaries' work a little easier. Today, there is hardly a lawyer worth his or her salt who does not have a PC on the desk. No one gives a second thought when a lawyer walks into the courtroom with a laptop to assist in the presentation of a case. In today's world, it is possible to have an entirely paperless filing system. I remember well the time when the way to keep abreast of the latest opinions from the Eighth Circuit was to subscribe to the slip opinions which arrived at the office on a weekly basis. Later, one could, and still can, view the opinions daily using PACER. Neither the slip opinion subscription nor PACER are free, but each is well worth the small expense in order to keep current on the law.

In other words, as Bob Dylan said, "The times they are a changing." As changes came, everyone in the law office, both lawyers and support staff alike, became more efficient and productive, thus allowing better delivery of legal services to those who seek our skills.

We come, then, to the subjects of Mr. Hirsch's article – electronic case filing and electronic access to court documents. The Southern District of Iowa is experimenting with both of these new forms of communication. Although many misconceptions exist with respect to these new types of legal information technology, based upon comments we have received, they have proved to be a boon to the judicial officers and practitioners

alike. These systems, along with the website mentioned above, have greatly increased the public's ability to access judicial branch information. The systems are available not only to lawyers but to the press and the general public as well. As will be shown, I am of the opinion that these systems greatly enhance a lawyer's ability to practice efficiently and productively.

Recently, the district implemented a system by which documents filed in civil cases can be viewed electronically using a system known as RACER (soon many of the documents on the criminal docket will also be viewable). RACER is an acronym for remote access to court electronic records. After a user is signed up for this ser-

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## Pratt says fees for viewing records reasonable

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vice, a search can be made of the court's docket using, among others, case numbers, party names, or attorney names. The search can be made from any computer with Internet access, 24 hours a day, 365 days of the year. When a case is selected, one can view the docket of that case in its entirety at no cost. In the column next to the description of the docket entry, a blue hyperlink appears for the documents that have been scanned. If one wants to view a document, a charge of, brace yourself, \$0.07 per page is levied. Yes, that's right, seven cents per page. So, if one chooses to look at a brief that is within the 15-page limit, the cost will be \$1.05. If the author of the brief had obtained permission to file a document in excess of the page limit and files, for example, a 50-page brief, it will cost the reader all of \$3.50 to read it. Once that document is on the computer screen, several things can be done with it. First, it can be read immediately. The document also can be printed. Or, using the "Save As" command, the document can be stored in a "PDF" (Adobe Acrobat) format on the user's computer to be retrieved again at no cost whatsoever.

Is there an alternative to paying seven cents per page? Yes. The lawyer who was interested in reading the \$3.50 brief, could have left the office and driven to the courthouse, parked, walked up to the office of the clerk of court, waited for a deputy clerk to take the request, looked through the file – which may be in more than one volume – found the document that was sought, read it in the lobby of the clerk's office and decided if a photocopy was needed, at a cost of 50 cents per page.

What is the most cost effective method of finding what one was looking for in the exercise described above? Each individual must answer that question depending on particular circumstances. How much is that

individual's time worth? Who is picking up the tab for the lawyer's time? Would the client be more interested in paying the lawyer to travel to the courthouse, or to have the lawyer download the file at the cost of seven cents a page? Would the lawyer be

more interested in sending an assistant or runner to the courthouse to look for the document and waiting for a return delivery and hoping that the right document was retrieved? Or would it be better to access RACER,

Continued on next page...

## POINT

### Thinking beyond the box on access to records

*Hirsch says things are changing dramatically, forever*

By David Hirsch\*



Judge Robert Pratt states the case for charging for electronic access as well and as honestly as it can be done. He completely avoids the red herring of privacy that the vendors like to latch onto as justification for charging. His knowledge of the federal docket, and his sincere devotion to bringing the benefits of technology to the system are unquestionable.

The judge's position boils down to three points: 1) Electronic Access is worth the price of admission; 2) If it isn't worth the price of admission, you can get information the old fashioned way; and 3) Fee-based electronic access will increase access.

All three points are correct. But that does not change the position advanced in "Public Records Is Public Records." (*The Iowa Lawyer*, May, 2001; Vol. 61, No. 5 at 10)

#### Electronic access is worth the price of admission

It is. Seven cents a page is a trivial cost for legal professionals who pass the charge on to clients anyway. Some of my PACER bills are not much over the cost of first class postage.

Last week I was among 500 PACER subscribers selected from around the country for a telephone poll that primarily focused on how to charge for access to the docket. The poll was not on whether to charge. While normally I do not respond to polls, I responded to this one. The poll focused on whether to charge by the month/year for unlimited access, or by the case for unlimited access to that case, or by the document, or by the page. The poll then keyed-in on how much the interviewee would "tolerate" being charged for each form of access. What disturbed me about my own responses was that after saying I would pay nearly anything for information that I really needed, most of my "reasonable price answers" were based on a comparison to the cost of a photocopy.

The issue is not whether access is worth seven cents a page. In the right situation it is worth \$100 a page. That does not mean we should have to pay it. It would be worth \$100 a seat per day to get into some trials. Just because it is worth it doesn't mean it should be charged. Seven cents a page is a huge impediment to the blossoming of a resource that has a marginal cost near zero. Seven cents a page is a huge inconvenience to those filling a First Amendment watchdog function, particularly to the lonely pamphleteer.

The greatest loss to society resulting from seven cents a page is in the pages that won't be accessed.

I would like teenagers to freely roam the docket, trying to learn about the legal process. I would like retired people, with enormous life experience, to roam the docket looking for insights. I would like to roam the docket, just like I wander the stacks of a free public library, rather than only using the "card catalog" and going to just what I came to get.

Seven cents a page ties information to old technology, the cost of a photocopy.

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# Pratt says fees for viewing records reasonable

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find the document, and read, print or save it for future use? As they say on TV, we'll have to let our viewers decide.

To whom is that seven cents per page paid? The fee for viewing the public record is paid to the U.S. Courts, not to a vendor. The charge

subsidizes the maintenance costs of a public network. The public views this public record directly off of court-owned and maintained servers and there are no third-party vendors involved. As anyone who has purchased computer equipment can

attest, the cost of buying and maintaining this equipment is not nominal. It is my understanding that Congress has repeatedly refused to allocate funds for the maintenance of this public network. Perhaps the bar can lobby to remedy this situation. In the meantime, however, the court, at least in the Southern District of Iowa, has not in any way sold or leased the docket to "greedy vendors" as Mr. Hirsch suggested in his article.

Does the cost described above limit the access to the courthouse for those who either do not want to spend the money, or who do not have the necessary computer equipment? In my opinion it does not, and the opposite may well be true. First of all, the office of the clerk of court is still open during normal courthouse business hours. Anyone, lawyer or otherwise, can walk in and ask to view anything which is public record. Because many will choose to view documents via the Internet, the deputy clerks will be able to serve those who go to the courthouse with greater efficiency.

In addition to viewing documents via RACER, lawyers are now, or soon will be, able to file documents from their desk to the clerk's office using the services of a vendor known as Courtwatch, LLC. This service costs \$3.00 per document, and 10 cents per page. Electronic filing should be viewed as a delivery service and the

*Continued on page 12...*

That paradigm impedes reaching the full benefit of new technology: electronic access. Many of us remember when Xerox charged 10 cents a page for every photocopy made. The real benefit of xerography came after the patent expired. The docket should not be patented or copyrighted.

When one charges based on something a little less than, but philosophically keyed to, a photocopy charge, one is limiting the utility of electronic access to the conceptual boundaries of an electronic photocopy.

When a car was a horseless carriage, it did a little more than a horse and carriage, but was limited by the concept of a horsed carriage. It was running on roads built for horses. The carriage itself was virtually the same carriage that a horse used to pull.

For new technology to reach its real potential, it must shed its attachment to the old technology. Charging per page shackles electronic filing to the photocopy image. Charging per month, per case, per user, per document is the same philosophically as charging per page because the "reasonableness" of the charge always goes back to how does it compare to a photocopy.

We are thinking in terms of pages, in a medium where that term should lack meaning.

## **If it isn't worth the price of admission, you can get information the old fashioned way**

Maybe for a while, but don't bet on that lasting. Many who have recently unsuccessfully tried to get information over the telephone from county officers look back fondly on the good old days. An Arizona lawyer informed me the other day that when he asked to see a document in a file, the Arizona clerk refused, stating he had to fill out a request form, pay a \$17 minimum clerk's fee, and wait as long as three to five days. That wait is worse than ordering a hamburger at McDonalds with mustard only. We are likely to live to see the day when there is no paper file in the clerk's office.

What is a page, in the electronic context? If I print on my own paper using my own toner and save the clerk money by not having to show me the file, why should I have to pay? When I go into the clerk's office with my own handheld scanner, causing the clerk to have to spend precious time to get the file for me, and I scan it myself and print it out myself when I get back to the office, how is that different than electronic access, except it costs the clerk more and it is free to me?

## **Fee based electronic access will increase access**

It will, at least in the short run, and maybe even in the long run. But it is not enough for a horseless carriage to go twice as far as a horsed carriage without rest and refueling. I want to go coast to coast at the speed of light. I don't want the electronic docket to be a horseless carriage; I want it to become a car.

Judge Pratt deals with day-to-day reality. I pontificate about principle. Shame on all of us that we put judges in the position of having to be creative to find ways to finance necessary judicial services. Truly free electronic access to the docket may educate the lay public to realize the importance of adequately funding the Judicial Branch.

*\*David A. Hirsch practices in the Burlington law firm of Beckman & Hirsch, primarily in the area of litigation. David received his J.D. with distinction from the University of Iowa in 1973; he was a law clerk for former Iowa Supreme Court Justice Clay LeGrand. Along with his partner, Hirsch authors the monthly technology column in the ABA Journal. Email: david@iowalaw.com Web: www.iowalaw.com*

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## Pratt says fees for viewing records reasonable

...Continued from page 11

costs compared to other, more conventional, delivery services.

Let's say that a lawyer drafts a 20 page brief. The cost to file the document electronically would be \$5.00 (20 x \$.10 = \$2 + \$3= \$5). When the document is filed electronically, no photo copies need be made for service on opposing counsel who are notified via e-mail if they have an account with Courtwatch. Nor, do additional copies have to be provided to the court. The document does not have to be delivered for filing, via the lawyer, office support staff, U.S. Postal Service, Federal Express, UPS or other delivery services.

Furthermore, when one files a document electronically, it is delivered to the courthouse and opposing counsel instantaneously. There is no need to drive to the courthouse, or to wait for someone else to deliver the document

for filing and service. The "electronic courthouse" is open 24 hours a day, every day of the year. If a document is due on Monday morning and the lawyer finishes working on it on Sunday afternoon, it can be filed and waiting in the court's and opposing counsel's e-mail boxes first thing Monday morning - although with electronic filing, just like anything else in life, strange things can happen when one waits until the last minute to complete a project (no one wants to explain that their homework was eaten by the dog).

The ability to file documents electronically does not in anyway limit the ability of those who chose not to use that particular vehicle from taking their documents to the courthouse during normal business hours.

So, we have talked about three different services that are now available - an Internet website, electronic viewing of the court's docket via RACER, and electronic document filing via Courtwatch.com. In my opinion, all of these services afford the practitioner the opportunity to use his or her

time in an efficient manner. As Abraham Lincoln said, time and advice are a lawyer's "stock in trade." Although two of the services require a small fee for the convenience they provide, the cost is neither prohibitive nor do the services deprive anyone admittance to the courthouse. The "tollgate" of which Mr. Hirsch writes is really an entrance ramp to a virtual expressway of greater access for everyone involved in the third branch of government.

*\* Robert W. Pratt is a United States District Court judge for the Southern District of Iowa. He was nominated by President Clinton, confirmed by the United States Senate and began service July 1, 1997. Chief Judge Ronald E. Longstaff has appointed him chair of the Southern District's technology committee. Before service as a United States judge he was a practicing lawyer with the Polk County Legal Aid Society and as a private practitioner. He also was active in Iowa and American Bar Association activities including service on The Iowa State Bar Association's Board of Governors. He is a graduate of Loras College and the Creighton University School of law.*

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## Admission on motion

The following out-of-state attorneys have applied for admission on motion in Iowa: Andrew J. Zbaracki whose current employment is with Tikalsky, Raasch & Tikalsky, Waukesha, Wisconsin; Richard F. Koontz, current employment with University of Iowa, College of Law; Douglas R. Walker, current employment with Walker & Walker, Rock Island, IL; James Worthen DeYoung, current employment in practice, Kansas City, MO; James A. Napier, current employment at Brown, Winick, Graves, Gross, et al., Des Moines; Eugene Sheih, current employment at Wells Fargo Financial, Des Moines; and Joseph D. Roach, current employment at Mackall, Counce, Moore, Inc., Minneapolis, MN

Also Patti J. Skolund, current employment with Jardine, Logan & O'Brien, PLLP, St. Paul, MN; Steven J. Thayer, current employment at Handler, Thayer & Duggan, LLC, Chicago, IL; Robert L. Cohen, current employment at Kutak, Rock, LLP, Omaha, NE; James S. Silverman, current employment with Silverman & Silverman, Omaha, NE; Laura L. Myslis, current employment with Gislason & Hunter, Minneapolis, MN; George Benjamin Jones, currently in practice in Atmore, Alabama; Hugo Richard Harmatz of Colts Neck, NJ, whose current practice is in Huntington Valley, PA; and John W. Jones, current employment with Winstein, Kavensky & Wallace, Rock Island, IL.

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# High court limits non-lawyer legal document preparation in granting limited authority in real estate transactions

The Iowa Supreme Court en banc under the signature of Chief Justice Louis A. Lavorato has granted non-lawyers permission to complete certain documents in residential real estate transactions involving four units or less.

The court warned that non-lawyers who stretch the authorization further than intended by the court may find themselves engaged in the unauthorized practice of law.

Here is the complete text of Court Rule, 118A.3, which was signed and filed May 23 —

## UNAUTHORIZED PRACTICE COMMISSION

### **Court Rule 118A.3. Limited Real Estate Practice.**

**a. Purpose.** The purpose of this rule is to authorize non-lawyers to select, prepare, and complete certain legal documents incident to residential real estate transactions of four units or less. The preparation of documents beyond that authorized by this rule may constitute the unauthorized practice of law.

**b. Scope of Practice Authorized.** Except to the extent authorized by this rule, the selection, preparation, and completion of legal documents in connection with real estate transactions by non-lawyers constitutes the unauthorized practice of law unless the non-lawyer is acting on his or her own behalf as a buyer or seller. Upon written request of a buyer or seller, a non-lawyer may select, prepare, and complete form documents for use

incident to a residential real estate transaction of four units or less. Such documents shall be limited to: (1) purchase offers or purchase agreements, provided the parties are given written notice that these are binding legal documents and competent legal advice should be sought before signing; (2) groundwater hazard statements; and (3) declaration of value forms. Non-lawyers may not charge for preparation of the legal documents authorized by this rule. Non-lawyers shall not select, prepare or complete: (1) deeds; (2) real estate installment sales contracts; (3) affidavits of identity or non-identity; (4) affidavits of payment of spousal or child support; or (5) any other documents necessary to correct title problems or deficiencies.

## Justice Snell retiring

Iowa Supreme Court Justice Bruce Snell has announced his retirement from the court effective August 18. He has been a part of the state's highest tribunal since 1987. He served on the Court of Appeals from 1976 to 1987.

Justice Snell will be 72 years old on the day of his retirement, the state's mandatory retirement age for judges.

Nominations are being accepted by the State Judicial Nominating Commission to pick a successor to Justice Snell. The commission meets June 20 in the Supreme Court courtroom to select three names to submit to Governor Tom Vilsack.



## *Successful Partnering Between Inside and Outside Counsel*

By Edgar F. Hansell\*

Published as a joint venture of West Group and the American Corporate Counsel Association, *Successful Partnering Between Inside and Outside Counsel* is an excellent resource for those seeking to enhance the manner in which legal services are provided to corporations by both their in-house and outside counsel. Until now, the literature on this subject consisted largely of brief, anecdotal articles. In this treatise, Editor-in-Chief Robert Haig and more than 200 of the nation's most prominent general counsel and retained counsel have provided over 5,900 pages of insightful perspective on literally every topic of potential interest to a corporate general counsel.

The four-volume treatise presents a

remarkably diverse and detailed treatment of the myriad legal and strategic relationships between businesses and their legal counsel. The greatest virtues of the work are its extraordinary team of authors and its focus on the panoply of options lawyers inside and outside the corporation can utilize to enhance their collective legal services. The work is not just advice on how inside and outside counsel work together. Instead, corporate counsel are shown many of the problems they are likely to encounter and exactly what they should do to resolve them with functional, step-by-step advice.

**While each chapter** is authored by different persons, they are structured uniformly in a user-friendly manner. Broadly speaking, the chapters cover three categories of topics. The first category, as one might surmise given the treatise's name, involves topics concerning the operation and management of in-house legal departments and their interaction with outside law firms. Included among the roughly 40 chapters of this nature are those dealing with pre-litigation management and avoidance, the selection of outside counsel, fee arrangements, engagement letters, benchmarking and the evaluation of legal risks and costs.

The second category is largely comprised of chapters that provide practical advice concerning specific legal subject matter areas likely to be of relevance to corporations and law firms alike. Like the treatment of the subjects in the first category, this category is noteworthy for the breadth and depth of the information covered. Among the more interesting chapters in this category is the comprehensive treatment in Chapter 45 of Opinion Letters, which chapter is authored by Gregg R. Narber and Sarah J. Pitts, senior vice president and counsel of Principal International, Inc. and

counsel of Principal Life Insurance Company, respectively. Other topics within this category range from those dealing with attorney-client privilege and work product to those dealing with particular areas of law such as corporate governance, compliance, joint ventures, commercial finance, bankruptcy, patents and trade secrets, employment law, mass torts and real estate.

**A unique feature** of this treatise is that it concludes with several chapters devoted to case studies drawn from the experience of six major U.S. corporations. Some of the issues considered include the outsourcing of some legal functions, broad attempts to reform or change certain legal principles and accelerated deal-making. Among the most interesting of those chapters is one entitled "Case Study – the Wal Mart Approach to Litigation." After noting that Wal-Mart is a defendant in approximately 99 percent of the cases in which it is involved, the case study goes on to state that Wal-Mart's litigation philosophy is predicated on five basic beliefs that have their origin in the customer service philosophy of company founder, Samuel M. Walton. Ranked in order of importance, those beliefs are integrity, quality, breakneck speed, prevention and economy. The authors go on to describe the way this philosophy is conveyed to retained counsel and how compliance with it is measured. More than just interesting narrative, the case studies provide a useful backdrop for analyzing various sophisticated approaches to legal services "partnering."

The treatise also contains over 200 forms in both loose-leaf and diskette format. The available forms include outside counsel guidelines, engagement letters, early case assessments

*Continued on page 15...*

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# Champs

## *Pocahontas High School Claims National Title*

Pocahontas (Iowa) High won the National High School Mock Trial Championship in Omaha, Nebraska, last month. A Montclair, New Jersey, team bowed to the Iowans who claimed the 18th annual competition.

To advance to the championship round, the Pocahontas team defeated teams from Kalamazoo, Michigan (the eventual 11th place finisher), Asheboro, North Carolina (10th), South Bend, Indiana (9th), and Rhinelander, Wisconsin (7th).

The national championship team includes members Shanna Behrendsen, Kari Johnson, Christine Malacek, Sky Olson, Jayci Pedersen, Sarah Samuelson, Laura Schultes, and Chris Vrba, all seniors and juniors Emily Baade and Dana Thomas. Tim Magill, a teacher and Don Beneke, a practicing attorney, coach the team.

This year's national mock trial problem was a criminal case involving the possession of methamphetamine by a high school honor student.

Forty-four teams competed this year, including high school champi-

ons from 41 states and two territories (Guam and the Northern Marianas). The tournament is conducted annually by the National High School Mock Trial, Inc., and this year was hosted by the Nebraska State Bar Foundation.

The High School Mock Trial is a program of The Iowa State Bar Association Center for Law & Civic Education. Center Director John Wheeler described the Pocahontas performance as "stunning."

"The Pocahontas team faced the toughest competition in the tournament and proved that they were clearly the best in the nation. No one worked harder than these students and coaches to win this award. It's amazing that kids from rural Iowa can go up against teams from much larger schools and bring home the national title. Iowa has a long and proud tradition of mock trial. This win really gives the state the recognition we deserve."

In a mock trial, students aggressively play the roles of attorneys and witnesses on both sides of a complicated,

hypothetical legal problem. Adult, practicing attorneys judge the students' cases on their legal merits and assess student performances. Student participants get exciting hands-on experience learning the legal process and legal issues. Students develop important critical thinking skills and develop fundamental research, preparation, and public speaking and other presentation skills.

The National High School Mock Trial tournament began in Des Moines in 1984. A team from Lincoln High School in Des Moines won the national title in 1986 when the event was held in Phoenix, Arizona. The Pocahontas championship is Iowa's first since the tournament was greatly expanded in 1990.

The 2002 National High School Mock Trial competition will be held in St. Paul, Minnesota.

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## Book review

*...Continued from page 14*

and client satisfaction surveys. Further, each chapter contains "best practices" checklists to give additional focus to the practical aspects of the in-house/outside counsel relationship.

**The level of detail** and practical application contained in this undertaking ensures that the reader will refer to it often. As pointed out by the treatise, references to "successful partnering" are no longer merely euphemistic shorthand for mere pacification and cost control. Rather, successful partnering between in-house and outside counsel in today's practice of law must encompass teamwork and cooperation, communication, professionalism, mutual respect and a

commitment to each other's success for the good of the corporate client. *Successful Partnering Between Inside and Outside Counsel* will empower lawyers with the mind-set and tools to better achieve this partnership.

**West Group & ACCA, 4 vols., 6032 pages and 4 diskettes of forms, \$350, 1-800-344-5009.**

*\*Edgar F. Hansell is a shareholder in the Des Moines law firm of Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. He was president of The Iowa State Bar Association in 1989-1990 and has served the bar in numerous capacities.*

# Sixty-four teams battle in National College Mock Trial Championship

By R. Scott Johnson\*

After hosting the Junior High and High School State Mock Trial Tournaments, members of the Iowa bar kept right on donating their time and expertise to help Des Moines host the 17th Annual American Mock Trial Association Intercollegiate National Championship. Over 200 colleges and 392 teams from 36 states and the District of Columbia battled through 17 preliminary rounds across the country. Only the top 64 teams made it to Des Moines. Competing for three days during four rounds and at two different locations really put these teams through their paces. The championship round to decide the best in the country was held on Sunday, April 1, 2001, at the Drake Legal Clinic.

Five new schools competed this year, including the University of Minnesota-Duluth, Syracuse University, Swarthmore College, the University of North Alabama, and the University of California-Berkley. Initially, the 64 teams were divided into two brackets of 32 each. Miami University of Ohio

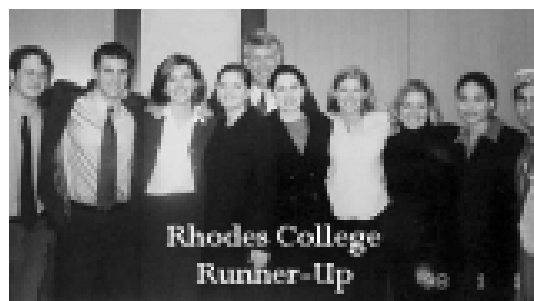
and Rhodes College from Tennessee emerged as the winners of their respective divisions, the George L. Stigler and the Roxanne Conlin divisions (named for the guests of honor from this and the previous year). These two teams squared off in a final round where Miami University took the trophy.

The education these students receive from the National Championship Tournament has been shown to be invaluable. Just recently, two students put their past experience to work and achieved outstanding results. Theodore Simms, a member of the University of Maryland's national championship mock trial team in 1998 and William Shultz, a member of the Drake University mock trial team, combined at Drake Law School to win the National Moot Court Competition in New York City. They beat 198 teams from 160 law schools. Also participating in the ATLA National Mock Trial Competition, they defeated Harvard Law School in the regionals and made it to the final

round in New Orleans. This is the first time any team from the same school has competed in the final rounds of two national tournaments.

The success of these and all mock trial participants is not possible without the continued support from the Iowa legal community. Continually donating time and resources to help programs such as this shows the true educational leadership within the bar. Your support helps programs such as the American Mock Trial Association Intercollegiate National Championship continue producing the best and brightest.

*\* R. Scott Johnson is a patent attorney with Zarley McKee Thomte Voorhees & Sease P.L.C., and a member of the Young Lawyers Division Law-Related Education Committee*



## 17th Annual American Mock Trial Association Intercollegiate National Championship Results

**National Champion: Miami University (OH)**

**National Runner-Up: Rhodes College (TN)**

### GEORGE I. STIGLER DIVISION

- 1st Miami University (OH) 993
- 2nd University of Maryland 668
- 3rd University of Maryland 669
- 4th University of Iowa 613
- 5th University of Chicago 696
- 6th University of Texas 513
- 7th Washington University 632
- 8th Washington University 633
- 9th Furman University 585
- 10th Middle Tennessee State Univ. 660

### ROXANNE B. CONLIN DIVISION

- 1st Rhodes College 872
- 2nd Syracuse University 948
- 3rd Bellarmine University 852
- 4th Drake University 488
- 5th UCLA 965
- 6th George Washington Univ. 756
- 7th Macalester College 576
- 8th Yale University
- 9th Rhodes College
- 10th Univ. of Michigan

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**Philip D. Furlong**  
**Sioux City**  
**18-Month Suspension**  
**Supreme Court Decision**  
**April 25, 2001**

While representing a divorce client, Furlong initiated a sexual relationship with her which continued for approximately twenty months. During this time he continued to represent her on a myriad of other legal problems she was experiencing. The Court held that he violated DR 1-102(A)(6) (conduct adversely reflecting on fitness to practice law) with respect to conduct prior to the adoption of the specific rules regarding attorney-client sex in January 1995. With respect to conduct after January 1995, the relationship was held to violate DR 5-101(B), which generally prohibits a lawyer from engaging in sexual relations with a client. Both the Commission and the Court also found that Furlong had attempted to dissuade his client from following through on her complaint with the disciplinary authorities. The duty imposed by DR 1-103(A) to report disciplinary violations also embraces a responsibility not to frustrate such reporting by others.

A second client also filed a complaint against Furlong, alleging that he sexually harassed her in the course of her personal injury claim. The Grievance Commission and the Court held that this conduct was proven and violated DR 1-102(A)(7) (lawyer shall not engage in sexual harassment).

A third woman client also testified that when she was represented by Furlong, he gave her an uninvited kiss and inserted his tongue in her mouth. Furlong settled her sexual harassment claim for \$5,000.

There was evidence that in connection with a previous complaint by a fourth female client, Furlong had inserted language in the release obligating the client not to disclose the facts to the disciplinary authorities, as a result of which Furlong had received a public reprimand in 1997.

The Grievance Commission recommended an eighteen-month suspension, and the Supreme Court agreed this was an appropriate sanction.

**Luis Herrera**  
**Des Moines**  
**Three-Month Suspension**  
**Supreme Court Decision**  
**April 25, 2001**

Herrera represented Carlos Penuelas-Santos for the sentencing and appeal of a federal drug conviction. After Herrera filed the notice of appeal, he received a check for \$5,000, which he deposited into his personal account. Herrera failed to handle various aspects of the appeal in a timely matter. He was eventually suspended from practicing before the Eighth Circuit for failing to file a brief in another case. Nevertheless, Herrera had his paralegal and another lawyer write the brief for Penuelas-Santos. The paralegal signed Herrera's name to the brief, which was filed but subsequently stricken because Herrera was unauthorized to practice before the Eighth Circuit. Penuelas-Santos was given the option of filing another brief or retaining new counsel. The Commission and the Court found that Herrera had neglected a client's legal matter and failed to supervise his paralegal, in violation of DR 6-101(A) and 3-104(D).

After Herrera's brief was stricken, Penuelas-Santos wrote to Herrera and requested a refund of the \$5,000 fee. Herrera responded to this request by sending his client a check from his office account in the amount of \$4,300; however, the check was returned for insufficient funds. Herrera then issued a second check for \$4,400 from the personal account into which he had deposited the \$5,000 payment, but this check was also returned for insufficient funds. Given the numerous checks which Herrera was bouncing at the time, the issuance of these insufficient funds checks was not inadvertent or excusable neglect. Instead,

the Court held it was dishonest conduct which was prejudicial to the administration of justice and reflected adversely on his fitness to practice law, in violation of DR 1-102(A)(4), (5) and (6).

On another matter, Herrera was considering representing Fernando Lopez on a federal charge of conspiracy to distribute methamphetamine. A co-defendant, Francisco Santos, was represented by the Federal Defender's Office. Upon hearing that Santos was also interested in hiring him, Herrera met with both of these co-defendants jointly in the Polk County Jail. The Supreme Court concluded that Herrera was in the course of representing Lopez at the time he met with Santos. However, the Court stated that the communications between Herrera and Santos did not extend to matters covered within the subject of the representation between Santos and his existing lawyer, but only dealt with the subject of possible new representation by Herrera. Although stating that the "safe course of conduct for a lawyer would be to abstain from any communications under these circumstances," the Court held that the evidence failed to show any communications prohibited by DR 7-104(A)(1).

Citing Herrera's three prior public reprimands and his suspension before the Eighth Circuit, the Court concluded that Herrera "approaches the practice of law fast and loose" and had "failed to use his prior reprimands as a wake-up call." Thus, it suspended his license to practice law indefinitely, with no possibility of reinstatement for three months.



# Transitions

**Sharone Levy**, a student at the University of Iowa College of Law, has been named a recipient of the 2001 Burton Award for Legal Achievement.

The Burton Foundation of New York, N.Y., selected 10 law students and 15 partners in the top 250 largest law firms to cite their abilities as legal writers. The program rewards authors who use plain, modern language and avoid archaic, stilted legalese.

A panel of scholars on legal writing and research reviewed nominations from law school deans and managing partners.

Ms. Levy and the other recipients will receive their awards June 20 at a dinner in Carnegie Hall in New York City.

**Diane DePietro Wilson** has been named managing attorney of the Legal Services Corporation of Iowa Northeast Regional Office in Dubuque.

Diane is a 1990 graduate of Stetson Law School. She has been working as a staff attorney in the Northeast Regional Office since the summer of 2000.

She has worked in Florida and Alaska.

**Theresa Wilson** has joined the Iowa Appellate Defender Office as an assistant appellate defender. She transferred to the office in March after working with the Sioux City Public Defender Office - Adult Division. She is a 1998 graduate of Drake University Law School and the author of a chapter in the upcoming Iowa Legal Research Guide. She recently completed her first year as a member of the Iowa Civil Liberties Union Board of Directors.



*John R. Gilliland*

**John R. Gilliland** has been named vice president - government relations of the Iowa Association of Business and Industry.

John is a graduate of Cornell College and Creighton University College of Law.

He worked as a judicial clerk for the First Judicial District and then, from 1995 to 1999, as deputy Iowa secretary of state.

**Troy A. Skinner** has become affiliated with Carney, Appleby & Nielsen, P.L.C. of Des Moines.

Troy received the bachelor of business administration with an emphasis in finance from the University of Iowa. He earned the Juris Doctorate

at Creighton University College of Law in 1996.

**Allison M. Heffern, Lynn W. Hartman and Kathleen A. Kleiman** have become principals at Simmons Perrine Albright & Ellwood P.L.C. in Cedar Rapids.

**Christine L. Conover, Elizabeth V. Croco, Todd A. Slagter and Matt M. Dummermuth** have become associated with the firm.

Allison earned the B.A. at Clarke College and the J.D. from the University of Iowa College of Law in 1987.

Lynn earned her B.A. and J.D. with distinction from the University of Iowa College of Law. She joined the firm in 1998 after serving as in-house counsel for Firststar Bank Iowa, N.A. She is active in sections of the ISBA.

Kathleen also joined the firm in 1998. She is a 1988 graduate of Yale Law School. She graduated with highest distinction in 1985 from the University of Iowa with a degree in business.

She served as law clerk to the Honorable Walter J. Cummings of the United States District Court of Appeals for the Seventh Circuit. She has been with the law firm of Latham and Watkins in Chicago. She also was in-house counsel to Helene Curtis, inc. and Unitrin, Inc., both of Chicago.

Kathleen recently was vice president and in-house counsel at DeLaRue Systems America, Cedar Rapids.

Christine joined the firm last year. She graduated with distinction in 1995 with a B.A. in English and Spanish literature and with a J.D. with high distinction from the University of Iowa College of Law in 1998.

*Continued on page 19...*



# Transitions

...Continued from page 14

She clerked for Justice J.L. Larson of the Iowa Supreme Court after law school.

Elizabeth, who joined the firm last year, received the B.A. in history and Spanish from Grinnell College in 1996 and the Juris Doctorate with high distinction from the University of Iowa College of Law in 2000.

In 2000, Todd earned the J.D. from the University of Denver College of Law along with an LL.M. in taxation from the University of Denver Graduate Tax Program.

Todd is a summa cum laude graduate of the University of Minnesota-Duluth with a B.A. in political science.

Matt earned the Juris Doctorate from Harvard Law School in 1999 and his B.S. with distinction in agricultural engineering in 1996 from Iowa State University. He interned for the Iowa Attorney General Environmental and Agricultural Law Division. He also clerked for the Honorable David R. Hansen of the U.S. Court of Appeals for the Eighth Circuit.

**Charles A. Blades** and **Brian L. Gruhn** have joined forces, creating Gruhn & Blades Law Firm in Cedar Rapids.

Chuck was with Blades, Carmichael & Rosser in Cedar Rapids. Brian has been the principal in the Gruhn Law Firm, P.C.

The new firm includes attorneys Ann Tompkins, Brett Nitzschke and Laurie Reilly-Gruhn. They are located at 4089 21st Avenue SW, Suite 114, Cedar Rapids, 52404.

**Roxann Bekaert**, a 2000 graduate of Creighton Law School, has joined the Southwest Regional Office of Legal Services Corporation of Iowa in Council Bluffs. She works with survivors of domestic violence through LSCI's Survivors and Families Rural Access Program in 14 southwest Iowa counties.

**Michael J. Koury, Jr.**, has joined Bush, Motto, Creen, Hoffman & Koury, P.L.C., an association of attorneys and counselors at law of Davenport.

**Diane Wilson** has joined the Northeast Regional Office of LSCI in Dubuque. She is a 1990 graduate of Stetson University College of Law and moved to Iowa from Alaska where she was employed as a city administrator.

**William T. Talbot**, of Parker law Firm, Nevada, Iowa, has completed 40 hours of divorce mediation training taught by the Mediation Training & Consultation Institute. He is an approved mediator of the American Academy of Alternative Dispute Resolution.

## ABA annual meeting starts August 2 in Chicago

CHICAGO, (ABA) - Justice Stephen Breyer of the U.S. Supreme Court, U.S. Secretary of Labor Elaine L. Chao, and Harvard Law School Professor Charles Ogletree Jr. will be among featured speakers at the American Bar Association's 123rd Annual Meeting Aug. 2-8 in Chicago.

Breyer will give the keynote address at the Annual Meeting Opening Assembly at 5:30 p.m. Saturday, Aug. 4, at the newly renovated Orchestra Hall at the Symphony Center.

Chao will speak at the ABA Section

of Labor and Employment Law's annual meeting luncheon at 12:15 p.m. Tuesday, Aug. 7, at the Fairmont Hotel.

Ogletree will be the keynote speaker at the Thurgood Marshall Awards Dinner at 8 p.m. Saturday, Aug. 4, in the Crystal Ballroom of the Hyatt Regency Chicago. He also will moderate the ABA Section of Individual Rights and Responsibilities program, "From Illusion to Disillusionment: A Crisis of Confidence in Fairness And Accuracy in Capital Punishment" Sunday, Aug. 6.

# IRS “Problem Solving Day” in Des Moines June 16

MILWAUKEE, WI (IRS) — The Des Moines office of the Internal Revenue Service at 210 Walnut Street is one of 56 offices across the country opening its doors June 16 from 9 a.m. until 3 p.m. for a special session aimed at helping taxpayers resolve tax problems.

During this special Saturday session, taxpayers will have the opportunity to sit down with IRS tax experts who can “cut through the red tape” to resolve their tax problems.

“Although our doors are regularly open Monday through Friday for taxpayers who need tax help, we will also offer assistance on Saturday,” said IRS Wage and Investment Division Commissioner John Dalrymple. “By being available on Saturday, we hope to make it more convenient for taxpayers who

work Monday through Friday.”

At least one Problem Solving Day event is being offered in each state.

To make an appointment to attend this Problem Solving Day, call the IRS toll-free at 1-800-829-1040. Appointments are recommended, but walk-ins are also welcome. People visiting the Problem Solving Day should bring with them any correspondence or documentation they have that will help the IRS resolve their tax problem.

Many taxpayers can resolve their questions or problems by calling the IRS toll-free number without even visiting a Problem Solving Day session. The IRS is working to make the spirit of Problem Solving Day a part of its day-to-day effort to help taxpayers.

“Offering assistance everyday plus this special Saturday reflects our com-

mitment to top-quality, taxpayer centered service,” said Jerry Heschel, IRS Director of Field Assistance. “It’s a direct result of the reorganization of the Internal Revenue Service.”

In November 1997, the IRS held the first Problem Solving Day. What emerged was an innovative approach of opening IRS doors to help taxpayers with long-standing problems, such as not receiving credit for a payment or not receiving a refund.

Since then almost 60,000 taxpayers have had their cases resolved at Problem Solving Days. The most common tax problems that people bring to IRS Problem Solving Days have to do with IRS audits, tax payments, and tax bills.

## Albert chairs ethics board



Drake Law Professor James A. Albert has been elected chairman of the Iowa Ethics and Campaign Disclosure Board. The board is responsible for ensuring the integrity of political campaigns

and campaign fund-raising.

The board also is the state agency charged with assuring campaign contributions are legal, lobbyists file disclosures of their activities and that political action groups (PACS) and political parties file required disclosures. It also monitors the ethics of state executive branch officeholders as well as those of 40,000 state employees.

James was appointed to the six-member board by Gov. Terry Branstad in 1997. His six year term expires in 2003 and he is one of two attorneys on the panel, the other being former Iowa Supreme Court Justice Mark McCormick, who now practices law in Des Moines.

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## *Government lawyers, in-house counsel, litigators, business lawyers targeted*

# Lawyers of color offered education, networking, in business law, litigation

CHICAGO (ABA) — The Third Annual National Conference for the Minority Lawyer, June 18-19 in Washington, D.C., will offer focused training and networking opportunities for lawyers from the novice to the sophisticate, to build on skills for career advancement, shifts or development in business law and litigation.

Jointly sponsored by the American Bar Association sections of Litigation and Business Law and the Commission on Racial and Ethnic Diversity in the Profession, the conference draws a knowledgeable faculty from corporations, government agencies, private law firms and academia, creating an intensive

series of substantive presentations.

Corporate legal departments and courtrooms are two venues that are not always hospitable to minority lawyers, noted Charisse Lillie, chair of the commission, suggesting the conference will help minority lawyers better equip themselves to operate in those environments.

“This conference promises to be the best educational, informational and networking event of the year for minority lawyers seeking to bolster their careers in the fields of business law or litigation,” said Lillie.

For registration information, contact the ABA commission at 312-988-

5508, or visit the commission’s Web site at <http://www.abanet.org/minorities>.

The American Bar Association Commission on Racial and Ethnic Diversity in the Profession is a catalyst to change the legal profession to reflect the society it serves. It helps racially and ethnically diverse lawyers advance their careers and standing in the profession. Its leadership, programs and information help the profession understand and eliminate racism, bigotry and discrimination. The commission works to increase racial and ethnic diversity in the legal profession, and thus enrich it.

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## ABA issues guidelines for handling youth in adult criminal justice system

WASHINGTON, D.C. (ABA) - Charles Andrew “Andy” Williams, the 15-year-old accused of a fatal shooting spree in Santee, Calif., will stand trial as an adult under the terms of a California initiative passed last year. If convicted, he faces the possibility of 50 years in an adult prison before there is even a possibility of parole.

Williams will become one of an estimated 200,000 American youths tried in adult courts every year. The number of juveniles in adult prisons doubled — to 7,400 — between 1985 and 1997, and may well increase as more jurisdictions adopt legislation requiring youth to be tried as adults, according to a U.S. Bureau of Justice report.

Although the American Bar Association generally opposes trying juveniles as adults, an ABA task force has issued a new publication that may help those who deal with young offenders in the adult system.

Published by the ABA’s Criminal Justice Section Task Force on Youth

in the Criminal Justice System, “Youth in the Criminal Justice System: Guidelines for Policymakers and Practitioners” identifies policies and procedures to ensure age-appropriate treatment of juveniles.

The guidelines have not been approved by the ABA’s policy-making House of Delegates. They represent only the views of Task Force members and not the views of the American Bar Association.

Copies of the guidelines are available from the ABA Service Center, 800/285-2221. Ask for product code 509-0082. Starting June 1, there will be a charge for shipping and handling. Since May 15, the publication has been available on the web at <http://www.abanet.org/crimjust/pubs/reports>, by clicking on “Youth in the Criminal Justice System.”

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# ***Flamboyant prosecutor teaches on tape*** **Bugliosi's "Absolutely 100% Guilty" great learning tool**

*By Nan M. Horvat, Assistant Polk County Attorney*

"Absolutely 100% Guilty," a 12-hour video by LA prosecutor Vincent Bugliosi, is a blame-fest for the acquittal of O.J. Simpson in the homicides of Nicole Brown-Simpson and Ron Goldman. Within the first hour, Bugliosi gives the prosecution team of Marcia Clark and Christopher Darden an "F" for their performance on the case, scoffs at the notion that the defense attorneys were "a dream team" and ridicules any thought that the jury who decided the case was unbiased. It is a must see for any trial lawyer, especially prosecutors.

## **THE DEFENSE**

I visibly smirked with some satisfaction when Bugliosi filleted the defense team of Shapiro, Cochran, Bailey and Dershowitz. As a prosecutor, I like nothing more than to see some self-righteous defense attorney cut down to size, at least to the size of their "wormy clients." Bugliosi opines that they were anything but a "dream team." Per Bugliosi, Shapiro had never tried a murder case before, Bailey was called in to resuscitate a failing career and Dershowitz was a prominent appellate attorney; but not a trial lawyer. He called Cochran a "very mediocre defense attorney" who didn't have a firm grasp of the state's burden of proof and who, according to Cochran's mistress, saw racial overtones in everything, whether they exist or not. "Give me one black juror and I'll show you a hung jury," said Cochran. Bugliosi explodes in rage.

Bugliosi denounces the defense for the unethical use of race in the case and Judge Lance Ito for allowing it to happen. Bugliosi points out that Ito's ruling which allowed the cross of LAPD Detective Fuhrman and his use of a racial epithet in 1985 or 86 was clearly an error. Said ruling was contrary to the California Evidence Code and a relevance leap of "Olympian propor-

tions," says Bugliosi.

In the civil lawsuit that followed later, the judge kept the derogatory remarks out of evidence saying they were irrelevant, far more prejudicial than probative, and had a substantial danger of confusion or misleading the jury. Bugliosi pondered aloud, "I wonder if Johnny Cochran is proud of himself?" Obviously, he is: he won the case.

## **THE JUDGE**

Bugliosi critiques Judge Ito carefully. He calls Ito conscientious, intelligent and fair-minded. Then, in the same breath, he calls Ito "goofy." For example, Bugliosi offers that Ito, in an attempt to keep jurors from dropping out of the case and causing a mistrial, planned a recess from court to take all of the jurors for a "joy ride" in a blimp. Also, he notes that Ito refused to cancel a mini-vacation scheduled during closing arguments in the case. Luckily, the blimp crashed before the jurors took the ride and the court "heavy-weights" prevailed upon Ito to change his vacation schedule.

Using concise examples, Bugliosi shows that Ito's rulings had all the "permanency of breath upon a mirror" and that he lost control of the courtroom and Cochran. Ito went out of his way in allowing the defense to do what ever was necessary, so that on appeal, there would be no chance of overturning a guilty verdict. Much to Ito's surprise and Bugliosi's disgust, Simpson was acquitted.

## **THE PROSECUTION**

Make no mistake, the bulk of Bugliosi's biting comments however, are reserved for the prosecution. He is predatory in chasing down their mistakes and devouring their miscues. He is dismayed, angry, and all around overwhelmed with what he calls "the staggering incompetence of the prosecution." Clearly, Bugliosi is the public voice wanting



*Vincent Bugliosi*

to hold someone accountable for the outrageous outcome of this case.

Bugliosi points out that DA Garcetti bungled the case from the start by not returning the venue of the trial to Brentwood, legally allowed but not pursued. Bugliosi surmises that the case was left in downtown LA to avoid riots and give the ultimate verdict some credibility among the black community.

One of the more interesting portions of the Bugliosi critique of the prosecution is the juror analysis. Seventy-five percent of the jurors questioned in Voir Dire believe that since "O.J. Simpson was a professional football player, it was highly unlikely he would commit murder." Additionally, focus groups with black women prior to trial thought Clark "too uppity" and a detriment to the case with her short skirts and "bitchy style." Yet, she wouldn't change and she didn't quit the case. The prosecution ignored huge problems with the jury and Bugliosi pounds them for the error saying "the jury could hardly have been worse." Bugliosi notes that the jurors never took notes during the prosecution's direct of witnesses, only when the defense presented evidence. And, the jurors actually believed that since "domestic violence had nothing to do with this case . . . (it) should have been tried in another court."

Bugliosi calls Clark and Darden the "most incompetent criminal prosecution (he) had ever seen." Saying that the prosecution's presentation of the case "will literally

*Continued on next page...*

## 2001 EASTERN IOWA JUSTICE FOR ALL GOLF TOURNAMENT LAKE MACBRIDE GOLF COURSE, SOLON, IOWA

Friday, July 27, 2001, Starting at noon

The \$50 per person entry fee includes 18 holes of four-person, best-shot golf with a cart, as well as dinner hot off the club's outdoor grill. All profits go to the ISBA's Volunteer Lawyer's Project. Come have a good time supporting a great cause.

Number of Golfers: \_\_\_\_\_

Names of Golfer(s) \_\_\_\_\_

Firm Name (if applicable) \_\_\_\_\_

Street Address \_\_\_\_\_

City/State/Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Golfers who register without a team of four, will be teamed with other players on the day of the tournament.

**Register** — mail, call, fax, or e-mail the above information to Eastern Iowa Justice for All Committee Co-Chair Jason Sawyer, Bradley & Riley PC, 2007 First Avenue SE, Cedar Rapids, Iowa 52402  
Phone 319.363.0101, Fax: 319.363.9824, E-Mail: [jsawyer@bradleyriley.com](mailto:jsawyer@bradleyriley.com) Or register on-line via The Iowa State Bar Association's website — [www.iowabar.org](http://www.iowabar.org)

**Payment** — On the day of the tournament, don't forget to bring the \$50.00 fee, check or cash, for each golfer; or you can pay by credit card by registering on-line.

## Bugliosi's "Absolutely 100% Guilty"

*Continued from previous page...*

affect your physical equilibrium," Bugliosi rails on about how the state failed to present evidence or use the good evidence they had to their advantage with a "final summation worse than I ever thought it could be."

### PRACTICE TIPS

There are practice tips for the practitioner when reviewing this video. Bugliosi demonstrates that a Judge like Ito, constantly demeaning the prosecution in front of the jury, needs to be taken to task. He gives practice pointers on how to do it in chambers.

Bugliosi, quoting Mark Twain that "an expert witness is just some guy from out of town," shows how any trial lawyer can handle expert witnesses who clearly don't know what they're talking about. Referring to defense expert Dr. Henry Lee, Bugliosi shows how impeachment by the state's witnesses on many occasions could have been highlighted.

The video also has some excellent analysis of DNA technology and the lawyers who continued to demean

its value in courts. The DNA technology said O.J.'s blood was at the scene. Brown-Simpson or Goldman's blood was found in O.J.'s vehicle or at his home. The defense attorneys; skillfully diverted the jurors' attention away from the relevance of this evidence and Bugliosi points out how it was done.

The most ridiculous part of this video was Bugliosi doing a sample opening and closing in front of "Hollywood look alikes" who stood in for the major players of the case. Bugliosi's opening and closing arguments were tops. But, the Ito "look-a-like" especially reminded me of the "dancing Ito's" that appeared on the Tonight Show some years ago. It demeaned the work.

The video's not cheap, but it is an excellent instructive tool. I'm keeping it and praying to God Bugliosi never critiques me.

*\*Vincent Bugliosi's "Absolutely 100% Guilty, The Professional Edition," 12 hours in VHS format, ©1999 Platinum Productions, \$129.95 the set of six tapes.*



## Classified Ads

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E-mail submissions to the CLASSIFIED ADVERTISING section are requested. They save your keystrokes, thus cutting down on our production time, and help to assure accuracy.

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 of a private law practice receives two free insertions annually. Corporate and government attorney members of the association receive the same free privileges for their personal, non-employment-related ads. If you have questions, call Chuck Corcoran at 515-243-3179. E-mail your copy to [ccorcoran@iowabar.org](mailto:ccorcoran@iowabar.org)

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**WELL-ESTABLISHED**, small law firm with a national practice in health law and hospital mergers and acquisitions seeks two attorneys – one with 0 to 3 years experience in general corporate law and another with 4 to 7 years experience in corporate, real estate and general business transactions. Both positions offer mentoring and training in health law together with competitive salary and benefits. Send resume and professional references to The Baudino Law Firm, P.C., 1200 Liberty Building, 418 Sixth Avenue, Des Moines, Iowa 50309, Attn: Kristi Downing or email [downing@baudino.com](mailto:downing@baudino.com) (0801)

**ATTORNEY POSITION:** Meardon, Sueppel & Downer P.L.C. of Iowa City seeks an associate licensed to practice in Iowa, with one to four years of experience in the areas of business, tax and civil litigation. Established in 1948, it is an AV-rated, general practice law firm. The position requires applicants with strong academic credentials and writing skills. Competitive salary and benefit package. To apply, send cover letter, resume and references to Richard L. Hill, Office Manager, Meardon, Sueppel & Downer P.L.C., 122 South Linn Street, Iowa City, Iowa 52240. Applications will be kept confidential. (0801)

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**ATTORNEYS:** The Legal Services Corporation of Iowa (LSCI), which has regional offices in Cedar Rapids, Council Bluffs, Des Moines, Dubuque, Iowa City, Mason City, Ottumwa, Sioux City, and Waterloo, is seeking applications for staff attorney positions. Positions are anticipated in some, but not all, offices. Salary is dependent on experience. To apply, submit letter of application, résumé, transcript (recent graduates only), recent representative legal writing sample, and at least three professional references to Dennis Groenenboom, Executive Director, Legal Services Corporation of Iowa, 1111 Ninth Street, Suite 230, Des Moines, Iowa 50314-2527. LSCI is an Equal Opportunity Employer. (0801)

**ATTORNEY POSITION.** NW Iowa county seat law firm seeks a highly motivated, stable, full-time associate interested in general practice. Benefits are negotiable. Salary commensurate with experience. Send resume to Miller, Miller, Miller, P.C., P.O. Box 798, Cherokee Iowa 51012 or inquire at 712-225-5194. All applications and inquiries will be kept confidential. (0801)

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**CEDAR RAPIDS LAW FIRM:** Lynch, Dallas, Smith & Harman, P.C. has an immediate opening for an attorney in the litigation area (e.g., employment, workers' compensation, insurance defense) with at least 2-5 years experience or comparable qualifications. Please send resume and requirements to Wilford H. Stone, P. O. Box 2457, Cedar Rapids, Iowa 52406. All inquiries will be confidential. (0701)

**ATTORNEY WANTED:** AV-rated Cedar Rapids-based law firm has an immediate opening for an attorney with two or more years of experience in a business/corporate practice. Knowledge concerning corporate, individual and/or fiduciary income tax matters desired but not necessary. Candidates should have excellent academic credentials and communication skills. The right candidate must be personable and eager to establish and foster one-on-one client relationships as part of a thriving and growing business practice. Will work with candidate to gain admission to Iowa bar if candidate is not licensed to practice in Iowa. To apply, please submit cover letter, resume, transcript of grades and writing sample in confidence to Gilda Boyer, Suite 500, 115 Third Street SE, Cedar Rapids, Iowa 52401, or by email to [gib@shuttleworthlaw.com](mailto:gib@shuttleworthlaw.com) (TF)

**LITIGATION ATTORNEYS:** Large Des Moines law firm has opportunities for litigation attorneys with 3+ years experience. Firm handles a wide range of personal injury, commercial and corporate litigation. Competitive salary and benefit package. Send all replies in confidence to Code 525, c/o The Iowa Lawyer, 521 East Locust Street, Fl. 3, Des Moines, Iowa 50309-1939. (0701)

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**WATERLOO LAW FIRM** seeks an associate attorney. General practice with emphasis in real estate and corporate law. Mail or e-mail resume to Ken Nelson, Randall & Nelson, PLC, P.O. Box 1020, Waterloo, IA 50701. E-mail [nelson@randall-nelson.com](mailto:nelson@randall-nelson.com) (0701)

**REAL ESTATE FIRM** looking to fill in-house counsel position. Send resumes to 1280 Office Plaza Dr., West Des Moines, IA 50266.

**ACCENT SERVICE COMPANY** is a national collection agency with extensive operations in the State of Iowa. Accent is currently seeking an in-house attorney to handle all facets of collection litigation. The candidate must be licensed in Iowa and have one to three years of litigation experience. Competitive salary and excellent benefits. Accent is an Equal Opportunity Employer. Send your resume and cover letter in confidence to: Legal Department, 444 Regency Parkway Drive, Suite 206, Omaha, NE 68114. No phone calls please.

**JUDGE ADVOCATE POSITION** — U.S. Army Reserve, 19th Theater Support Command, Des Moines, is always interested in qualified lawyers to serve in the Army Reserve Judge Advocate General's Corps. Applicants must have graduated from an ABA accredited law school and have passed a state bar exam; be physically fit, with height corresponding to weight and be able to pass the standard APET; and be able to serve one weekend per month in Des Moines and attend two weeks of overseas training, primarily in Korea, Germany or Italy. Interested persons should send a resume to Command Judge Advocate, 19th Theater Support Command (C), U.S. Army Reserve Center, Bldg. 100, 225 East Army Post Road, Des Moines, Iowa 52704 or contact Lieutenant Colonel David Skilton at [csskilton@sprintmail.com](mailto:csskilton@sprintmail.com) (0801)

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**WANTED TO BUY:** Older conference table, 10 to 14 feet in length. Send details to [byrne@mach3ww.com](mailto:byrne@mach3ww.com) (0801)

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**DOWNTOWN DES MOINES** Law Office — Space available for one attorney in Equitable Building, 604 Locust St. Includes secretarial support, fax, and copier. All inquiries confidential. Contact Patty at 515-282-0230. (0701)

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**WEST DES MOINES** law office space available for one or two attorneys. Convenient to Polk County Courthouse, Federal Courthouse and Polk County and Federal Buildings. Includes receptionist, conference room, copier, facsimile, and parking. All inquiries confidential. Please call 515-681-7722. (0801)

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### UNAUTHORIZED PRACTICE OF LAW VIOLATIONS

For information and to file a complaint, contact:

Mark Godwin, Chair  
Commission on Unauthorized Practice of Law  
400 East First Street  
Des Moines, Iowa 50309  
e-mail: [magodwin@ci.des-moines.ia.us](mailto:magodwin@ci.des-moines.ia.us)

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## Miscellaneous

**NOTICE CRIME VICTIM COMPENSATION SUBROGATION.** Do you represent a client who has received medical benefits, lost wages, loss of support, counseling or funeral and burial assistance from the Crime Victim Compensation Program of the attorney general's office? When your client applied for compensation benefits, a subrogation agreement was signed pursuant to Iowa Code section 912.12 (1995). The attorney who is suing on behalf of a crime victim should give notice to the Crime Victim Compensation Program upon filing a claim on behalf of the recipient. The Crime Victim Compensation Program will pay a pro rated share of the expenses incurred in obtaining a judgment or verdict. Questions? Contact Julie Swanston, MPA Compensation Administrator, Crime Victim Assistance Division, (515) 281-5044.

**NOTICE - MEDICAID LIEN:** The Iowa Department of Human Services has a lien against the recovery recipients obtained from third party tort-feasors pursuant to Iowa Code 249A.6. Questions? Call CONSULTEC, INC., Rocco Russo, 1-515-327-0950 ext. 1114.

### NOTICE - USURY

In accordance with the provisions of Iowa Code section 535.2 subsection 3, paragraph "a," the superintendent of banking has determined that the maximum lawful rate of interest shall be 7.25% on June 1, 2001.

You can find the latest rate at any time on the Iowa Department of Banking Internet website <http://www.idob.state.ia.us>

The department also posts many pages of banking information and links to pertinent state and federal sites.

# Report card celebrates advances of women in the ABA

SAN DIEGO, CA (ABA) – At the turn of the century, women and minorities have attained influential, visible positions throughout the American Bar Association. Progress is most apparent at the highest levels. In the past year, for the second time in association history, women are serving as both ABA president and as chair of the House of Delegates. In addition, the number of women in the House of Delegates has increased for the third year in a row. However, there is still work to be done if women are to achieve full and equal participation in bar association activities.

These are among the findings of the *Goal IX Report Card* released by the ABA Commission on Women in the Profession.

The title of the report refers to the ABA's ninth goal, which promotes full and equal participation in the profession by minorities, women and persons with disabilities.

This year marks the 11th anniversary of the *Goal IX Update*, which has tracked and analyzed women's participation on the association's Board of Governors, its 28 specialty sections and divisions, dozens of standing committees and commissions, and in the 532-member policy-making House of Delegates.

The number of women in the House of Delegates has increased for the third year in a row. Since these positions frequently serve as stepping-stones to higher offices in the ABA, these may translate into important

future opportunities.

"Today, the legal landscape has been transformed. But we still have a version of what I've termed the 'no problem problem,'" said Stanford University Law Professor Deborah L. Rhode, chair of the ABA Commission on Women in the Profession.

"Women's increasing representation and visibility in the profession is taken as evidence that 'the woman problem' has been solved. A widespread assumption is that barriers have been coming down, women have been moving up, and it is only a matter of time before full equality becomes an accomplished fact."

Rhode points out that there is still work to be done. The *Goal IX Report Card* illustrates that one area in which the ABA can improve is within the leadership ranks of the sections. The number of women section chairs dropped from 32.1 percent to 25 percent. Also, the number of women section officers has decreased slightly – from 27.5 percent to 25.9 percent.

Two entities still have never seated a woman chair: the section of Intellectual Property Law and the Senior Lawyers Division.

But despite the overall lack of progress by women in the sections, there were notable successes. The Section of Taxation selected its first woman chair while the Section of Business Law and the Law Practice Management Section appointed their first women chairs since 1987-1988.

# 2001 CONTINUING LEGAL EDUCATION CALENDAR

Date	Program	Number of Hours			Location	Sponsor
		State	Federal	Ethics		

## June

20-22	Annual Meeting	15	9.5	4.5	Des Moines, Downtown Marriott
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## July

16	General Practice CLE/Golf	1		1	Des Moines, Glen Oaks Golf Course
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## August

2-3	YLD Summer Seminar	7.5	2.25	1.25	Okoboji, The Inn Resort
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## September

12	Trade Regulations Seminar				Des Moines, Hotel Fort Des Moines
14	eCommerce Seminar				West Des Moines, Marriott
28	Labor & Employment Law Seminar				West Des Moines, Hy-Vee Conference Center

\*\*Ethics hours depend on session attended.

For information about any Iowa State Bar Association-sponsored event call 1-800-457-3729 or (515) 243-3179 or visit our website: [www.iowabar.org](http://www.iowabar.org) Register online using VISA or MasterCard. **\*Application has been made and approval is pending for CLE hours.**

## Last chance to sign up!



### *ISBA Two Person Best Shot*

**State Championship  
Sponsored by the General Practice Section**

**Monday, July 16, 2001  
Glen Oaks Country Club  
West Des Moines  
Site of the  
Allianz Championship  
Senior PGA Tour**

*To register online go to:  
[www.iowabar.org](http://www.iowabar.org) or call 515-243-3179*

Seminar	One-hour	Ethics CLE	10:30 - 11:30am
Lunch			11:30 - 12:30
Shotgun Start			12:30pm
Cash bar and presentation of Traveling Trophy - after golf			

**ENTRY FEE**  
\$135 per player (includes all of the following: one hour CLE seminar, lunch, green fees, cart rental, use of driving range, use of locker room and personalized cap)

# Summing Up

## YLD's fairy tale mock trial charms elementary students

Young Lawyers Division attorneys put on a fairy tale mock trial of "The Three Bears versus Goldilocks" as a public service project in conjunction with its Spring Quarterly Meeting. About 270 second and third grade students at Central Elementary School in Council Bluffs enjoyed the presentation performed just for them.

These members of the YLD Executive Council participated in the kids' play — Paul Ahlers as Pop A. Bear; Jen Bries, Mom A. Bear; Debbie Neumeyer, Babe E. Bear; Sean Pelletier, Plaintiffs' Attorney; Susan Ahlers, Gold E. Locks; Nicole Claussen, Mrs. Curl E. Locks; Todd Buchanan, Defendant's Attorney; and Edean Murray, Presiding Judge.

The Three Bears brought a suit against Goldilocks for bad manners. The attorneys for the plaintiffs and the defendant presented opening statements. The plaintiffs then called witnesses Pop A. Bear; Mom A. Bear; and Babe E. Bear. The defendant called Gold E. Locks and Mrs. Curl E. Locks. Finally, the attorneys presented closing arguments. After a short



*Three Bears mock trial participants are, left to right in front row, Todd Buchanan, Susan Ahlers, Edean Murray, Debbie Neumeyer and back row, Paul Ahlers, Jen Bries, Sean Pelletier, and Nicole Claussen.*

deliberation, 12 student jurors found that Goldilocks was guilty of bad manners because she entered the Bears' home without invitation when no one was home. After the verdict was read, the student jurors were given the opportunity to address the student assembly on the public address system to explain why they arrived at their verdict.

The trial introduced the students to basic trial procedures, the role of

attorneys, the responsibilities of serving as a juror, and the legal system as a whole. The mock trial has proven to be an effective educational tool by teaching students about the law, questioning techniques, critical thinking and oral advocacy skills. The students and teachers at Central Elementary School said they found the fairy tale mock trial to be a fun and educational program.

## Job seekers! Potential employers!

There is a new CAREER CENTER on the ISBA website just for you and it is free to anyone who wishes to use it.

Need a job? Browse the ads already on the site. If you don't find the perfect position, post your resume, date available and contact information. Change it and update it anytime you wish.

Looking for a summer intern, an attorney to join your practice or a paralegal? Typically these types of jobs and others will be posted as more and more users discover the site. Just go to the bar's webpage –

<http://www.iowabar.org> – and scroll down the home page to the CAREER CENTER story. There is a link at the bottom of the text that takes you there.

Remember the more information you post, the better the chances are you will find an employer or an employee. Try not to leave any spaces blank in the forms provided. You have unlimited room to post as much information as you need to describe yourself or the employee you need.



# Burdette wins national pro bono award



Carol Burdette, director of the Polk County Bar Association Volunteer Lawyers Project, has been cited nationally as Pro Bono Coordinator of

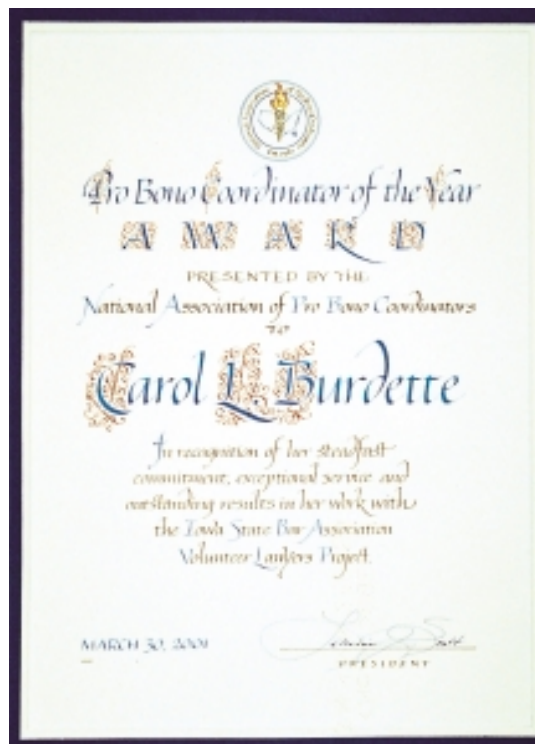
the Year. The National Association of Pro Bono Coordinators (NAPBCO) presents the award annually during the ABA Center for Pro Bono Equal Justice Conference.

Formed in 1987, NAPBCO provides important support services to those who manage pro bono programs throughout the country. The award is presented to a pro bono coordinator who has demonstrated a steadfast commitment to pro bono and given exceptional service and achieved outstanding results. It recognizes outstanding achievement in pro bono leadership and development.

The Polk County Bar Association Volunteer Lawyers Project (PCBA VLP) is a private bar involvement project that works in cooperation with legal service providers and other community service providers in Polk County. The primary objective of the PCBA VLP is to increase the available resources for civil legal assistance for indigent residents of Polk County through case placement with volunteer attorneys. It also assists the Legal Aid Society of Polk County by relieving demands on staff attorneys, providing volunteer attorneys to conduct intake interviews and services to clients who would not be eligible to receive assistance due to conflicts of interest or caseload.

The activities of the program also are designed to meet the needs of the

legal profession by providing a coordinated outlet for the provision of pro bono service to the poor, to assist the court with the increasing demands upon the judiciary and to respond to the changing legal needs of the community. In an effort to utilize the maximum number of volunteer attorneys and meet the needs of as many clients as possible, the PCBA VLP also coordinates services with agencies such as Catholic Charities, Easter Seals, Family Violence Center, and AIDS Coalition of Greater Des Moines.



Carol is the sole staff member of PCBA VLP, a small agency. She took over the program in 1991. The number of volunteer attorneys who participate in her program has grown to over 900 during her tenure, nearly 50 percent of the Polk County Bar Association's membership. Last year the agency's volunteer lawyers assisted over 800 clients. Carol has found ways and developed programs that involve attorneys who practice in all areas of the law. New attorneys as well as sea-

soned veterans willingly agree to accept referrals. She has developed programs which incorporate government, corporate, large firm as well as small firm/sole practitioners.

Carol has developed and directed a variety PCBA programs. Community outreach clinics are held on a routine basis, organized through local churches, social service agencies, community centers and shelters.

These clinics serve as a starting point for clients to receive advice or conduct an intake interview. The PCBA VLP also holds a monthly dissolution of marriage clinic, which provides assistance to clients with uncontested or limited issue divorces. The clinic also builds a pool of attorneys willing to accept family law referrals, providing training and support for attorneys not routinely practicing in the area of family law. Carol has also been successful in the development of training, which enable more attorneys to accept case placements in particular areas of need. She has created trainings in the areas of bankruptcy, family law and domestic violence which have resulted in additional volunteers joining the program. Her agency also has been instrumental in the development of the Pro Se Domestic Abuse Project which has worked to organize and provide assistance to clients at various stages of

civil protective orders. Day to day, client referrals from the legal service program that serves Polk County, of course, are a large part of the agency's work. Private bar involvement is a critical component of the delivery of legal services and Carol's program is filling that role.

To find out more about Carol's program and how to volunteer, contact the PCBA VLP by calling Carol at 515-243-3904.