



THE

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IOWA LAWYER



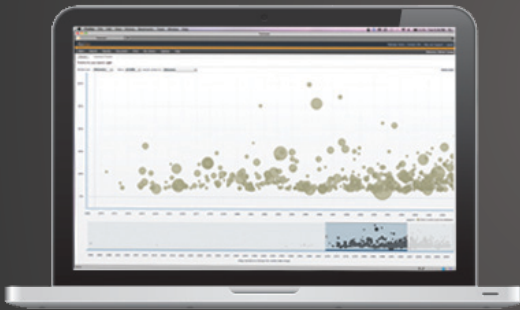
Working toward a more diverse and inclusive ISBA

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Virginia Sipes, J.D., ISBA Communications Department



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Letters from Iowa's law school deans

Drake Law School Dean Benjamin Ullem highlights the law school's world class clinical program and University of Iowa College of Law Dean Gail Agrawal looks ahead to the new academic year.

Drake Law School Dean Benjamin Ullem and University of Iowa College of Law Dean Gail Agrawal



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It runs in the family: five Creston attorneys pass legacy of law to daughters

This story of fathers and daughter attorneys features ISBA President-elect Skip Kenyon and his daughter, Angela Davis.

Part I of a two part series, reprinted with permission, from the Creston News Advertiser.

Ian Richardson, staff reporter at Creston News Advertiser

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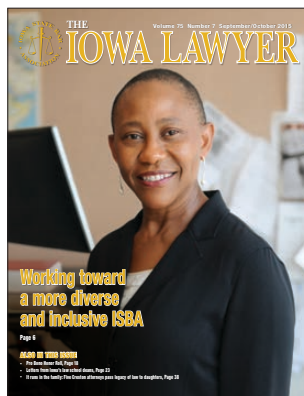
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ABOUT THE COVER

Chinyere Ukabiala pictured in her office at Grinnell College where she established Grinnell College's first Office of the Ombuds in 2013. This past ISBA Women & Minorities Committee Co-Chair shares her experiences and insights on how to work toward a more diverse and inclusive profession and bar association. ISBA members and leaders including Paxton Williams, Maria Brownell, Melissa Lewis, Abhay Nadipuram and Henry Bevel III are also featured. See page 6 to read more.

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ISBA Diversity & Inclusiveness Committee leaders and members, past and present, at the Iowa State Capitol pictured from left to right: Emily Chafa, Felicia Bertin Rocha, Gail Sheridan-Lucht, Miki McGovern, Maria Brownell and Heather Palmer.

CLE to focus on the criticality of diversity, inclusion

Join members of the central Iowa legal community for a CLE on "The Past, Present & Future of Diversity & Inclusion," Friday, Oct. 23, at Drake University from 1 – 6:30 p.m.

This event will examine the criticality of diversity and inclusion in the effective delivery of quality legal services throughout central Iowa. Event speakers, including Iowa Supreme Court Chief Justice Mark Cady, will discuss the key components of an effective and sustainable diversity and inclusion program, and lead participants in a discussion designed to support the development of a tangible community action plan. "The Past, Present, & Future of Diversity & Inclusion," event is open to all legal professionals and human resources personnel.

For more information, visit <http://bit.ly/1EYprTH>. Individuals with questions regarding the event, registration or payment may email DesMoinesLegalDICouncil@wellsfargo.com.



ISBA Diversity & Inclusiveness Committee and YLD Diversity Committee leaders and members, past and present, gather with ISBA President Bruce Walker in the Iowa State Bar Foundation CLE Center at the ISBA. Pictured from left to right, seated: Chinyere Ukabiala, Amber Shanahan-Fricke, Emily Chafa, Mary McGee, Dawn Boucher and Maria Brownell; standing: Eddie Bogaczyk, Miki McGovern, Michael Arleth, Dasha Bernavska, Kathryn Thorson, Maggie White, Al Smith and Bruce Walker.



Bruce L. Walker

is a partner at Phelan, Tucker, Mullen, Walker, Tucker, Gelman, L.L.P., in Iowa City, where he practices primarily in trial law, insurance litigation, personal injury law, employment law and workers' compensation. www.ptmlaw.com

Diversity and inclusiveness, now and for years to come

One of the primary goals set by the ISBA Administrative Committee for this year is to work toward a more diverse and inclusive bar association. This task, in a relatively homogenous state, may seem unachievable, but that is no excuse not to continue to grow as an organization.

Diversity and inclusiveness are hallmarks of our state's history and of our profession in Iowa. For example, in 1839, in the Iowa Territorial Supreme Court's first reported decision, *In re Ralph*, the court held that a former slave was free under Iowa law despite attempts to return him to slavery in Missouri. In 1868, in *Clark v. The Board of Directors*, the Iowa Supreme Court held that the Iowa Constitution guarantees the right of public education to all citizens and that segregated schools are inherently unequal, more than eight decades before *Brown v. Board of Education*. One year later, the Iowa Supreme Court ruled that Iowa may not deny women the right to practice law in Iowa and admitted Arabella A. Mansfield, the first woman admitted to the practice of law in the United States. In 2009, in *Varnum v. Brien*, the Iowa Supreme Court unanimously held that Iowa law allows same-sex couples full access to civil marriage.

It is imperative that diversity and inclusiveness continue to grow as part of our bar association's culture. In an effort to move in the right direction, I have asked Emily Chafa and Henry Bevel to lead the ISBA Diversity & Inclusiveness Committee. After appointing the members of the committees, nine people have volunteered to serve with this group. This response is very gratifying to me, personally. It shows when given the opportunity, members of our association are willing to engage.

In addition, to try to bring geographic diversity to the administrative committee, we have people in all four quadrants of our state as well as in the Des Moines area, actively bringing issues of interest to the members of the board of governors this month. There is a balance of age, youth, gender and practice areas on the administrative committee.

In an effort to engage younger members in The Iowa State Bar Association activities, the Young Lawyers Division leaders have been asked to serve on various fast action teams, committees and sections. Their willingness to serve brings to the ISBA their youth and enthusiasm. More effort needs to be made to include our newest members in section and committee work. As a result, I have asked the YLD to find volunteers to serve as liaisons to the sections and committees along with the board of governor members who have already been appointed. In the process of appointing members of committees and sections, the administrative committee looked not only for younger members, but also actively sought out members with diverse and underrepresented backgrounds.

This issue of the Iowa Lawyer Magazine features current and past ISBA Diversity & Inclusiveness Committee and the YLD Diversity Committee leaders as well as other remarkable ISBA members. Their stories highlight the value and benefits of diversity and inclusiveness in our organization. This issue also includes key insights that were received from ISBA members who responded to requests for input published in the July/August issue of this magazine and in the Iowa Lawyer Weekly. I am asking the administrative committee, ISBA Diversity & Inclusiveness Committee and the YLD Diversity Committee to review the key insights that emerged from all of the responses received as they move toward the achievement of this primary goal.

If the ISBA is to move forward, unity among all of the diverse groups within our association must be achieved. Inclusiveness is required now and for years to come as we work together to enhance the ability of our profession to meet the challenges of the changing society we serve.

Bruce L. Walker

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Working toward a more diverse

edited by Virginia Sipes, J.D., Communications Dept.

This year, the ISBA Administrative Committee identified one of its primary goals as working toward a more diverse and inclusive bar association. ISBA President Bruce Walker asked Emily Chafa and Henry Bevel III to serve as co-chairs of the ISBA Diversity & Inclusiveness Committee.

The Iowa Lawyer Magazine's editorial board collaborated with the ISBA Diversity & Inclusiveness Committee Leadership and invited member input in an effort to learn more about ISBA members' thoughts and experiences related to diversity and inclusiveness.

The invitation to provide input was published in the July/August issue of the magazine and in the Iowa Lawyer Weekly. Special emphasis was placed on reminding members of the value of their input.

Our goal was to better understand where we are today with respect to diversity & inclusiveness and identify where there are opportunities to grow. After receiving input from nearly 30 members, in-depth interviews were conducted. Interview questions focused on challenges that the profession is facing with respect to diversity and inclusiveness and what we can do as an association and as individuals to improve.

The following interviews with ISBA members are cause for each of us to pause and reflect on the importance and value of diversity and inclusion. Additionally, these interviews bring to our attention opportunities for advancements in diversity and inclusion within the ISBA and in our profession.

Paxton Williams

There were no lawyers in my family when I was growing up, but I learned early on the importance of “the law” and the influence those involved with the making, interpreting and enforcing of the law can have in affecting the lives of others.

My great uncle, Douglas J. Williams, was Chief of Police when I was a young boy growing up in Bay St. Louis, a town on the Mississippi Gulf Coast. As family legend tells it, when he was first offered an opportunity to be one of the first two African-American hires on the force in 1965, he was told that he would only be able to arrest black people. Uncle Dougie—who had participated in the Normandy Invasion—rebuffed this, and said if he was going to represent and enforce the law, he was going to do so regardless of race. He would go on to serve 19 years, becoming Chief of Police in 1976. Even after he retired in 1984, people still called him “the Chief.” From him, I learned to respect the law and those whose work is concerned with it, and I learned that serving others is a noble profession. Even as a child, I learned about those individuals who worked with and through the law to increase the civil rights and liberties that I would grow to enjoy.

When I was sworn in to the Illinois Bar, I was struck by the Illinois Supreme Court's motto, “Audi Alternam Partem,” which means “Hear the Other Side.” I believe it is difficult to hear the “other side,” and importantly, the “other sides,” if the voices that could best represent and share those other sides are not involved in the conversation. Typically we are all blinded to our own unconscious biases and so it is helpful to have others who, with their own biases, help illuminate our own.

While the adversarial process makes it likely there will be someone advocating from different viewpoints, it does not address the need for the promotion of additional voices; groupthink, a lack of imagination, human nature and the desire to get the “right” answer, or to appear to have a certain temperament or stance regarding the law, can all stand in the way of promoting an environment that



and inclusive ISBA

encourages a robust conversation in matters where the impact of diversity and inclusion can be seen the most.

I would also posit that in most environments it is necessary, though not sufficient, to have people from different backgrounds and experiences involved in the discourse; those individuals must know that it is okay for them to speak up and share their experiences and insights, which importantly, need not be different for the sake of being different. And that is not to say that seemingly similar people all think the same thing. Many of us can look into our own families for examples of this. Eleanor Roosevelt is a prime example of someone who, because of her own individual circumstance and desire, was able to value, promote, and sympathize with those who came from much different circumstances.

Inclusion and diversity are especially important in the legal profession because diverse opinions help us assess whether we are understanding and addressing the underlying interests—both known and unknown—of our stakeholders, and they help us come up with the nuanced solutions that are often necessary in corporate, civil and criminal matters alike. Diverse opinions also help us understand whether policies and clauses address that which we would have them address. Whenever I think of the impacts and purposes of laws I'm reminded of the quote by the eminent French man of letters Anatole France: "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."

Diversity and inclusion are also important in the legal profession because of the almost-singular role the profession has, can and will play in protecting vulnerable populations from those who would prey on them, and in creating the type of environment and providing the sort of footing on which any number of individual, societal, organizational and corporate changes

can stand. Our profession was—and continues to be—the weapon of choice of attorney Fred Gray, when Rosa Parks and before her, Claudette Colvin, refused to move to the back of the bus in Montgomery, Alabama. Our profession plays and will continue to play a role in the national discourse on how the policing, criminal justice and legal systems affect our communities and families as evidenced by the aftermath of the death of Freddie Gray earlier this year in Baltimore.

Numerous studies have shown the economic virtue of diversity and inclusion within organizations. This is just as true in the legal profession as in any other profession. Most people at some point in their lives have need for legal assistance, and all, even if they recognize it or not, have a stake in what the law is and how the law is applied. It is also not hard to see how more inclusive organizations have a better chance at understanding, retaining and communicating with a broader base of clients and potential clients, not to mention recruiting and retaining high caliber employees.

The arts and humanities can serve a purpose in helping us become a more informed, empathetic and creative profession, all of which can lead us to become more inclusive and open to the ideas and participation of others. To this end, I have been an active participant in what is known as the law and literature movement, directing theatrical excerpts for conferences and authoring a chapter for the book *American Guy: Masculinity in American Law and Literature*. The arts can help us understand and address sensitive issues in non-confrontational ways, as well as help us move beyond our own frames of reference.



Paxton Williams is an Assistant Attorney General with the Iowa Department of Justice.

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Maria Brownell

and towns, including one village that was primarily home to hundreds of Native American children and their foster families, in a span of roughly nine years. I experienced a lot of change in environment and culture at a very young age. Those experiences formed and continue to form my view of the world around me regardless of where I am.

I chose a legal education because for as long as I can remember, I experienced or observed inequality in the community around me. Most of the inequality we experienced or observed could be traced to a lack of access to someone willing and able to navigate our complex laws and provide an answer or at least a general roadmap to solving the problem. I chose a legal education so that I can have the knowledge and tools necessary to help be part of the solutions, primarily through a career focused on providing meaningful access to justice and a fair process for achieving it. No one in my family was a lawyer. I was the first on my mother's side to attend college; finishing high school was the goal.

My mother started a community outreach program in our small town outside of Omaha that was designed to help integrate and welcome individuals who had immigrated to our town from Mexico and Latin America. I volunteered to help make meals, babysit the children, provide homework assistance and help some study for their naturalization tests. We quickly realized we were at a dramatic disadvantage. A local attorney agreed to volunteer several hours of her time to sort through individual questions and explain the process, which differed for nearly every family in the program based on their varying circumstances. It did not solve all the

problems in the room by any means. The language barrier was an additional layer of challenge. But, it was a start. I was instantly inspired. And I set out on an unwavering course to be a lawyer, with my family's encouragement and support.

I can relate to Justice Sonia Sotomayor's self-identification as "the perfect affirmative action baby." Though far from perfect, from where I started, I certainly could have ended up a predictable statistic. However, with perseverance and seizing every opportunity to become educated and achieve my goals, I am now in a position where I can truly give back to my community every day. I received merit and diversity scholarships to both Creighton University and Drake University Law School. I pursued law school from day one of my undergraduate program, enrolling in the Creighton College of Business 3-3 joint degree program to maximize the scholarship dollars. I worked unbelievably hard in those six years to prove that I deserved the opportunity that I was given to study the law and become a member of the bar.

In my experience, I have been fortunate to have had either formal or informal mentors who have taken the initiative to welcome me by creating an open and honest environment in which I could feel comfortable to voice my concerns, challenges, and ideas without fear of repercussion or being treated as less than adequate. Every workplace I have been in has been different. The one thing that remained constant was the presence of individuals who created an avenue of learning that was a two-way street. I am very grateful to those women and men that served as my mentors. They will always be role models to me. It only takes one person to create an environment of inclusiveness, and with a little effort and a positive attitude, one person can change the entire tone of the conversation.

Qualified women and minority populations need to engage in leadership roles and serve on the bench. Bringing representatives of a variety of viewpoints to the decision-making table will offer better problem-solving capacity for the profession as a whole and for the communities we serve.

Maria Brownell is an Administrative Law Judge within the Administrative Hearings Division of the Iowa Department of Inspections and Appeals.

Meeting new people, regardless of race, social status, or other characteristics, is like opening a door to a new world for me. Everyone has ancestors and a story to share. In my experience, that means the more people of differing viewpoints you can add to a conversation, the richer the experience will be for everyone.

I come from a very diverse background. My mother and her family of eight immigrated to the United States from Puerto Rico when she was six years old. None of them knew English at the time, but they had to learn quickly as their family was divided by the foster care system almost immediately. My mother raised me on her own until I was nearly three. While my mother worked during the day, I stayed with my grandfather, who spoke very little English, but provided an unconditionally loving environment in which to learn and grow. I learned English and Spanish simultaneously as a child.

My father, a Lutheran pastor, is a citizen of the Cherokee Nation. He taught me that hard work in the service of others is not an easy road, but always the right one to travel through life. The synod moved us every few years to different cities and towns all across the south and Midwest. The communities were often sharply divided across racial, cultural, or socioeconomic boundaries. We moved to five different states and twice as many cities

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Melissa Lewis

I was born deaf with a 95% hearing loss and wore a hearing aid for 30 years. I grew up on a family farm in Iowa. I was mainstreamed as a student in the public schools, graduated with honors from Iowa State University and earned a master's degree with honors from Illinois State University. I entered the workforce as a clinical dietitian and adjunct professor. Every step of the way, I had to advocate for accommodations. Ultimately, I decided to obtain my J.D. from City University of New York School of Law to help keep other deaf people from having to face the same struggles I experienced in education and the workforce.

After venturing east, I moved back to my hometown and was admitted to the Iowa Bar in 2008. I worked in a general practice for three years in Guthrie Center, and am now corporate counsel for a plastics company in Newton. In addition, I have my own law office where my practice focuses on creating a bridge between the deaf community and legal system. Agencies refer their clients to me when they need assistance navigating reasonable accommodation requests, hopefully, an alternative to litigation. We use American Sign Language to communicate through cameras.

My lifelong struggles and perseverance to be included are motivated by my determination to be able to lead a productive life in a world where the majority of people can communicate with the ability to hear. Since I was young, I have had to fight to pave the way for changes to be included in education and the workforce. In elementary school, college and law school, qualified interpreters were an issue for me to learn because I was a minority.

My advocacy for accommodations in the legal profession are fueled by my desire to be able to practice as an attorney in the court system. After 30 years of weighing my options, I decided to obtain a cochlear implant to rely less on accommodations and to help me achieve my goal to be an active participant in the legal profession, to serve both hearing and deaf populations.

The decision required taking the chance that I could lose my hearing completely. I waited for three weeks before I knew whether the implant might work. I had to retrain myself how to hear and talk.

The Americans with Disabilities Act and state laws have push for diversity and inclusiveness, but the provisions are not perfect. Financial responsibility for the accommodation is always an issue. The barriers to an inclusive professional environment that I experience may be not the same that another attorney faces.

The biggest challenges in diversity and inclusiveness can occur where there are no procedures in place for accommodation requests. If there are procedures in place, the procedures lack uniformity. For example, there was no procedure in place for me to request accommodations for hearings and trials in the rural counties where I began to practice law. It was challenging because each county had their own procedure. Consequently, I worked with court administrators in each county to set up appropriate procedures.

I learned to be proactive and creative. For example, in order to address the financial



concerns related to providing accommodations in the rural counties where I practiced, the court reporters in the counties suggested that they work with me to provide Real Time Reporting services during hearings. If reporters already knew how to perform Real Time Reporting, which is slightly different than the reporting that they usually provided, it created no additional cost. There are still disadvantages to not having an ASL interpreter, which would be far more expensive. Nonetheless, my relationships with the court reporters worked wonders for me and help to include me in the court system as a practicing attorney.

My experience informs my belief that anything that we can do to improve our understanding of how to work effectively with other attorneys who may have different ways of communicating, like me, would benefit our entire profession and the clients we serve. No one should have to be excluded from practice because of a disability, especially when they can offer a different perspective, serve as a zealous advocate for clients and enrich the profession.

Melissa Lewis is corporate counsel for plastics company, EPC, Inc., in Newton, Iowa.

“It is not enough to sit back and simply ‘let diversity happen.’ Without a commitment to diversity, with a constant recognition of different perspectives, the tendency is to return to the default. Change happens only when people are committed to change.”

*— Roxann M. Ryan, J.D., Ph.D.
Commissioner, Iowa Department of Public Safety*



Abhay Nadipuram

Growing up, I didn't feel like there was too much of a difference between me

and everybody else. As time went on, I began to realize that my culture and faith differentiated me the most from my peers. I am Indian-American. I am proud of my family, my culture and our heritage. My parents arrived in the U.S. with very little and worked hard to build practices as physicians, raise two kids and do well for our family.

I appreciate that a person can arrive at a place that may not necessarily be diverse—filled with Indian people, for example—but can still be part of a community, a profession and start a life. I think that by sharing my culture with people, I can broaden my peers' viewpoints. One way I do this is by inviting my colleagues to learn more about the different Hindu holidays that I celebrate with my family in addition to

holidays that they also celebrate with their families. As members of "minority" or "diverse" groups, we may not realize the impact that we have on our communities; ultimately, people learn so much just from being a part of a more diverse community.

I chose to stay in Iowa after graduation from law school because I am adamant about fighting the brain drain. There are many benefits to living in Iowa as a young professional. It is relatively affordable, our legal community is knowledgeable, tight-knit and cordial, and the larger cities like Des Moines and Cedar Rapids are growing quickly. It is fun to be part of that growth and continually see Iowans setting higher goals for what our communities can accomplish.

Being a lawyer, especially a litigator, gives me the opportunity to use my social strengths. Talking with and getting to know new people is one of my favorite things to do, and every case allows me the opportunity to figure out how to work with different types of people.

I am a proud Iowa lawyer and am happy to be a member of this bar. When I became a member of the bar, I wanted to contribute to diversifying the bar because I plan on practicing with the members of the bar in the future. Moreover, I think that a more diverse bar is for our common good.

Last year, several members of the ISBA Young Lawyers Division formed the first ISBA YLD Diversity Committee. In our first year, we created a strategic plan and after only one year, our three subcommittees, focused on law student mentoring, continuing legal education and service, have accomplishments to celebrate.

The law student relations subcommittee's mentoring program connects law students from Drake University Law School and the University of Iowa College of Law, who have diverse backgrounds, with lawyers across the state—many of whom have diverse backgrounds themselves—as a way to help those students develop networks for summer clerkships and, eventually, find permanent jobs. We believe that when law students are connected with Iowa lawyers who are also passionate about diversity in the bar, law students will seriously consider staying in Iowa after graduating.

The education subcommittee created an electronic survey and collected diversity related information from approximately 40 attorneys from around the state, developed a CLE and presented it at the 2015 Annual Meeting and the 2015 YLD Summer Seminar in Okoboji. The YLD Diversity Committee hopes to make the CLE a webinar with the hope that Iowa lawyers will continue to make their work environments more diverse and inclusive.

The service subcommittee worked to assist the Ashcraft Library Project in furthering its mission last year and plans to work with programs aimed at assisting victims of violent crimes this year.

The YLD Diversity Committee is filled with great people and we are continuously looking for more hands to help. Our generation is active and involved and it is important for the young lawyers in the Iowa bar to take the initiative to diversify our bar. By working together as an association, we can continue to be an inclusive bar and diversify our legal community.

Abhay Nadipuram is an attorney at Lederer Weston Craig P.L.C., and the inaugural and immediate past chair of the YLD Diversity Committee.

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Henry Bevel III

The spark to be an attorney. When I was a student at the Des Moines North High School, Alfredo Parrish was starting to make a name for himself as a trial attorney; Nolden Gentry was a partner in a “majority” law firm and a member of the Des Moines School Board; and Judge Luther T. Glanton served on the bench and lived in the Chautauqua Park neighborhood near my home. The names of these men came up from time-to-time during dinner conversations. I read about them in the Des Moines Register and the Des Moines Tribune and I became interested in becoming a lawyer.

While I would not actually meet Mr. Parrish, Mr. Gentry or Judge Glanton until I was an adult, my knowledge of them made me aware of the fact that becoming a lawyer was a realistic goal. One of the benefits of diversity in the legal field is that it proves that our profession is a viable career option.

Mentoring. In 1989, I became an Assistant Public Defender in the Black Hawk County Public Defender’s Office in Waterloo, Iowa. Judge Karl “K.D.” Briner was an attorney in the Black Hawk County Public Defender’s Office when I worked there. K.D. had a Ph.D. in English and taught at Wartburg College before becoming a lawyer. K.D. was not only a fine criminal defense attorney, he was also a natural teacher. He could not help it; he taught all of the time.

There was standing pinocle game during the lunch hour at the Black Hawk County Public Defender’s Office. During these games, cases, trial strategy and other legal issues were discussed, along with life lessons. During one of our pinocle sessions, I mentioned something that I wanted to do in one of my cases and a more senior attorney promptly dismissed the idea. After I had indicated that I had accepted the dismissal, K.D. spoke up.

“Don’t give up on that so quickly,” he said. “I think that is a good strategy. I think that will work.”

It did.

When he could, K.D. would come in to watch me in trial and remark on what he thought I had done well and on occasions would point out

things that he thought I should work on. His interest and encouragement were invaluable to me, both personally and professionally.

In 1993, Gene Yagla, John McCoy, and David Riley took a chance and hired an African-American attorney to work at their law firm. I say they “took a chance” because we always take a chance when we hire an attorney. In my case, my jury trial experience was limited to criminal cases as an assistant public defender and an assistant county attorney and the firm primarily defended civil cases.

As I was starting out as an attorney in private practice, there were experienced attorneys in Waterloo who took an interest in my professional development. Some of this occurred because I showed up at the right places: I went where lawyers would go. For example, several attorneys, Fred White, Ric Miller, Pete Burk and George Lindeman would meet for coffee daily. I would go to these coffee sessions on occasion. I learned that if I showed up, I could listen, learn and participate in the discussions. These informal CLE sessions helped me to realize that I was a part of something that was much larger than me: I was a member of the bar.

Building Relationships. The ISBA is a place where you can build relationships. It is incumbent upon members of the ISBA to encourage new lawyers to become active members of the organization. I accept the fact that the world is a different place now: e-mail, electronic filing,



social media and the changing economics of the practice of law have made it more difficult for us to have personal contact with young attorneys. We must resist the pressures that cause us to live our lives in terms of billable hours. We need to take advantage of the opportunities that we have to give people a chance to learn more about being a lawyer early in their careers.

This year, I am serving as co-chair of the ISBA Diversity & Inclusiveness Committee. I am still learning, but I know that when we talk about this committee’s work, we have to take a long view.

One of our areas of focus this year is the educational pipeline to the practice of law. If we can get even a handful of ISBA members to volunteer to start trial programs at middle schools where there are limited resources or speak to minority youth about the profession, we can have a real impact.

I got a chance. I am committed to making sure that other people get chances too. Please join the Diversity & Inclusiveness Committee in this effort.

Henry Bevel III is a member at Swisher & Cohrt P.L.C., in Waterloo, Iowa, and co-chair of the ISBA Diversity & Inclusiveness Committee.

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Chinyere Ukabiala

My father told my twin brother and me that we were going to law school. I am from that culture and generation of Nigerians where you either trained to be a teacher, a nurse, doctor, a lawyer, an engineer, maybe an architect if your parents were really progressive. Those were considered a solid education that would bode well for economic independence.

My parents actually were really quite liberal considering their generation. Unlike most of my friends whose parents insisted, my parents suggested. I did say I do not want to be a lawyer and Dad said “well, what would you rather be?” My father dearly wanted to go to law school. In his day, he would have had to travel to Britain for a college education. His family responsibilities did not permit such a luxury. His argument was that every family needed a lawyer. His family owned a lot of land. They were constantly embroiled in land matters so quite early on my father dragged us to every court in the land from the magistrate courts to the courts of appeal. They even had a case that went as far as the Nigerian Supreme Court.

I earned my L.L.B. from the University of Buckingham College of Law in Buckinghamshire England, and was admitted to Lincoln’s Inn London. I studied at the Inns of Court School of Law and was called to the British Bar. I then returned to Nigeria and was admitted to the Nigerian Law School in Lagos to be called to the Nigerian Bar. I practiced as a public prosecutor and in a general practice law firm in Nigeria. My husband and I returned to England so he could complete his Fellowship for the Royal College of Surgeons, and I worked with the law firm of

Latin & Masheder in Liverpool, England.

My husband’s career brought my family to Des Moines. I put my career on hold to raise our young family. I wanted to be prepared to pick up my career when my children were grown, I went back to law school at Drake University, to make sure that if I desired to practice law here, I was well prepared to do so. I earned my juris doctor degree in 2001.

I cannot think of a more collegial place to practice law than Iowa. From my law school days at Drake with the most dedicated, thoughtful, hardworking faculty you could ever wish for, to my time in private practice where I could pick up the phone and call a colleague with a question that would be graciously answered and additional resources provided, I was never in a position where I felt I did not have colleagues who were willing to share knowledge of procedure or engage in mentorship.

Too often we tend to think of diversity only in terms of racial and ethnic diversity, and that is very limiting. We do need to constantly bear in mind that inclusiveness really means being thoughtful, respectful and appreciative of all – gender, age, differing abilities, religion and sexual orientation. It is a representation of fairness and equity and the protection of all classes.

Minorities are seriously underrepresented in our profession. Minority underrepresentation is even more pronounced for lawyers than it is for physicians. Minorities often have to perform three times better to be considered as successful as their non-minority counterparts. They are more likely to feel like outsiders. In a more cosmopolitan market this phenomena is

Special thanks to the ISBA Diversity & Inclusiveness Committee, the YLD Diversity Committee, Paxton Williams, Maria Brownell, Melissa Lewis, Abhay Nadipuram, Henry Bevel III, Chinyere Ukabiala, Melissa Thompson, ISBA President Bruce Walker and everyone who provided their time and input for this issue.

less pronounced because of the existence of larger groups who have been exposed to more minorities, and minorities are amongst those they might better identify with. At the end of the day, people just want to be accepted, they want to be treated fairly and equally whether they are black, walk with a cane, or are of a different sexual orientation or generation.

Our profession faces the same problems that are endogenous to our society. Just because lawyers understand the law does not mean that we do not face the same problems that other professions face. We cannot simply tell ourselves, “we are professionals. We do not have to worry because we are more sensitive and thoughtful about inclusion.”

As a policy issue, we need diverse views to ensure that we are focusing on what matters globally. People from different backgrounds bring different perspectives to the table. This is how people become more accepting in a constructive way. If you personally interact with a diverse population, you open yourself up to a worldview that is more receptive. When minorities are underrepresented, diverse perspectives are less likely to be brought to the table and we miss a really important piece.

We have a great bench and bar here in Iowa. When I served as co-chair of the ISBA Women and Minorities Committee, beginning in 2009, and taught negotiations as an adjunct professor at Drake University Law School, I experienced this firsthand. We have judges who support students and young

lawyers and offer their time and services to mentor or build community. We have lawyers who are passionate about what they do, and at the same time very respectful of the ethics of the profession.

When we acknowledge that there is work to be done to be more inclusive as a community, we can create fora for honest and open discussion about issues that are pertinent to minority communities. The challenge is in delving deep, going beyond the surface to ask the hard questions. We must have the courage and willingness to take risks and engage and embrace the relevant issues of diversity and inclusion without shying away from meaningful, and sometimes difficult, conversations. Courage and hard work will lead us not only to better understanding but to more authentic connection.

Chinyere Ukabiala established the first Office of the Ombuds at Grinnell College in 2013. She is a past co-chair of the ISBA Women & Minorities Committee and is the recipient of the Gertrude Rush Award, 2010-11, presented by the Iowa Organization of Women Attorneys and the Iowa National Bar Association.

Key insights

Key insights emerged from all of the input received during this process:

- A broader awareness of resources, including people of diverse backgrounds, is needed.
- Focus on diversity and inclusiveness should not be an event but an ongoing initiative with supporting processes.
- From the top, leadership must continue to communicate its passion and support of improving and growing diversity and inclusiveness throughout the legal system in Iowa, focusing on awareness and promoting diversity and inclusiveness.
- A grassroots commitment to improving and growing diversity and inclusiveness within the legal system in Iowa is critical. This approach will catalyze further growth and success in these areas.
- Individual commitment is needed to experience a greater level of success.

The ISBA Diversity & Inclusiveness Committee Chairs and the YLD Diversity Committee Chairs set ambitious goals to be achieved in the long and short-term. They welcome your input, suggestions and assistance.

To contact the ISBA Diversity & Inclusiveness Committee Chairs, please email Emily Chafa at emily.chafa@iwd.iowa.gov, or Henry Bevel III at bevel@s-c-law.com.

To contact the YLD Diversity Committee Chairs, please email Katheryn Thorson at thorson@brownwinick.com, or Gina Messamer at ginamessamer@gmail.com.

IOWA and PCWA associations presented with national award

By Christina Thompson



Pictured above Christina Thompson (right) and Sarah Laughlin.

The National Conference of Women's Bar Associations (NCWBA) presented the Iowa Organization of Women Attorneys (IOWA) and the Polk County Women Attorneys (PCWA) associations with the annual NCWBA Public Service Award for the Visiting Mom's Project, July 31, in Chicago.

The NCWBA is an affiliate of the American Bar Association. The NCWBA has a vote in the ABA House of Delegates and works closely with the ABA sections, commissions and other ABA affiliate organizations. The first NCWBA Public Service Award was presented in 1985.

Major renovations were made to the Iowa Correctional Institution for Women, located in Mitchellville, Iowa, in 2013. During the summer of 2013, several female Iowa judges visited the facility to learn about the planned renovations, including a brand new visiting room for the inmates to use when visiting with family, including their children. Many residents of Mitchellville are literally parenting their children in this room, because it offers the only contact between mother and child. In speaking with the residents, however, the judges found out the women wanted to have books they could read with their children.

The judges notified IOWA and PCWA about plans at Mitchellville, and the membership responded immediately by forming the Visiting Mom Project in conjunction with the Ashcraft Library project. A steering committee formed of judges and attorneys who were members of IOWA and PCWA examined the issue and formed the plan for carrying out the project. The initial goal was to raise \$10,000.

In less than two months, over \$15,000.00 was raised from over 100 donors—150% of the original goal. Almost half of the funds were donated by women judges, and the remainder of the funds came primarily from

female attorneys and firms.

The Project purchased over 350 books from a local bookstore, and a publishing company donated an additional 350 books. In selecting books, the steering committee focused on books that would contain positive messages and show a wide diversity of people, including African-American and Native American protagonists and books written in Spanish or bilingually in English and Spanish.

The new visiting room is warm and inviting, and allows for the residents to have positive interactions with their children. The importance of this project cannot be understated. The primary goal of the Mitchellville facility is to rehabilitate the residents and allow them to return to society as productive members. Over 50% of the residents have mental health issues, and most of the residents will be released to rejoin society. Offenders who have positive interactions with their families are less likely to reoffend, and offenders with strong family contacts are more easily reintegrated into the community. Strengthening family bonds will also alleviate Adverse Child Experiences for those children.

During 2014, IOWA and PCWA continued to provide support to the visiting rooms through the provision of additional books and games, and are looking forward in 2015 to an exciting new component of this ongoing partnership. Since April of 2015, members of IOWA and PCWA have been hosting twice monthly book clubs with residents of Mitchellville to utilize the new space, to share in the appreciation of literature, and to learn from one another.

The Visiting Mom Project sends a message to the residents that reaffirms their humanity and their roles as mothers. The continued involvement of the Visiting Mom Project with the residents underlines this reaffirmation, and provides a continuing service to the community.



The first child playing in the new visiting room.

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Congratulations to Marsha Ternus (left) and Linda Neuman. They were inducted in the 2015 Iowa Women's Hall of Fame, August 22, in Des Moines, Iowa. (Photo courtesy of Sabina Grenaderova, volunteer for the Office on the Status of Women.)



Chesser

Lori Chesser, a senior shareholder with the Davis Brown Law Firm in Des Moines, Iowa, for being elected to the National Consortium of Immigration Law Firms (IMMLAW). IMMLAW is a group of accomplished and respected immigration lawyers across the U.S., each of whom is dedicated to providing the highest quality legal services. Chesser has been practicing primarily in immigration law in Des Moines for more than 20 years and assists in both employment- and family-related immigration.



Crnic

C. Anthony "Tony" Crnic, an attorney with Klatt, Augustine, Sayer, Treinen & Rastede, P.C., in Des Moines, Iowa, for being selected to the American Legal and Financial Network's (ALFN) 2015 Picture the Future list of young professionals. The Picture the Future list is compiled by ALFN's Junior Professionals & Executives Group, a young professionals network representing the best and brightest of the mortgage banking trade association's attorney/trustee, associate, and service members.

Crnic, a Drake University Law School graduate of 2008, practices primarily in business law, default services and real estate and property law.



Grabchuk

Marina Grabchuk, attorney at Davis Brown Law Firm in Des Moines, for being selected for the 2015-2016 class of the Greater Des Moines Leadership Institute. The Community Leadership Program of the GDMLI is the premier leadership development program in central Iowa. Participants engage in nine months of

education and hands-on learning as they develop leadership skills and lead a transformative project for a local non-profit group.

As a recent transplant to Des Moines from the northwestern United States and originally from Ukraine, Grabchuk's selection for the program is a testament to her commitment to the central Iowa community, and her desire to continue to grow and lead. Over the course of the next nine months, Grabchuk will join a group of fellow dedicated community leaders to select a non-profit group in need of assistance with a large project, engage in fundraising, and develop the project to completion.



Roberts

Steve Roberts, attorney at Davis Brown Law Firm in Des Moines, for his 50 years of service at the Davis Brown Koehn Shors & Roberts Law Firm. Roberts is of counsel at the firm practicing in the areas of administrative law, business organizations, lobbying and federal and state governmental relations and tax.

Steve's name remains a part of the firm name.

An accomplished attorney, Roberts has prevailed for his clients before numerous state administrative agencies and departments including the Iowa Governor's Office, the Iowa Attorney General's Office, the Iowa Department of Public Safety, the Iowa Utilities Board, and more. He has also represented clients before the Internal Revenue Service, the Department of Labor, the Justice Department and the Department of Health and Human Services. Robert's tireless efforts have helped numerous companies, non-profit organizations, and individuals with their relationships with local, state and federal government.

Fredrikson & Byron, a law firm based in Minneapolis, Minn., with offices in Des Moines, Iowa, for being named among the "50 Best Law Firms for

KUDOS

Women" for the fifth year in a row by Working Mother & Flex-Time Lawyers, L.L.C., an international consulting firm that provides advisory, training and speaking services to employers on work-life balance, retaining and promoting women in the legal profession.

Faegre Baker Daniels, an international law firm with offices in Des Moines, Iowa, for being among the 44 U.S. law firms to receive Gold Standard Certification by the Women in Law Empowerment Forum (WILEF) in 2015. This designation recognizes firms that have women in top leadership roles that impact firm management and compensation decisions. WILEF launched the Gold Standard Certification initiative as a change agent for women to rise within their law firms as business developers and leaders.

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How Iowa Legal Aid provides assistance to clients with limited English proficiency

By: Gail R. Klearman, Iowa Legal Aid



This article is the first of a series of articles that will address the growing problem of access to the court system for low-income Iowans and provide information about ways that Iowa Legal Aid helps low-income Iowans gain meaningful access to the civil justice system on issues that most dramatically impact their physical and economic wellbeing.

While low-income Iowans with a problem in the criminal justice system will normally have the right to the assistance of a court appointed attorney, those interacting with the civil justice system usually do not. The impact of the civil justice system on low-income Iowans, however, can also bring about serious consequences, including loss of children, housing, safety, or income, inability to access health care and many others.

The impact of language barriers

Iowa Legal Aid represented “Ishani” in challenging a Department of Human Services’ (DHS) finding that she had committed child abuse. Ishani did not un-

derstand English, but DHS investigators did not use an interpreter when interrogating her, and wrongly determined that she had committed child abuse. She then contacted Iowa Legal Aid. DHS heard Ishani’s words for the first time at the appeal hearing, through her interpreter, which Iowa Legal Aid ensured was provided. DHS then called for a recess, and agreed to change the abuse determination to “not confirmed.” A confirmed finding would have kept Ishani from certain jobs, and put her at risk of losing her children.

In another case, “Ana” lost her claim for unemployment benefits because of lack of language access. Although Iowa Workforce Development (IWD) knew her English was extremely limited, and provided an interpreter for her hearing, it sent the notice of the hearing call-in procedures only in English. Not understanding the notice, even after she took it to the local IWD office, Ana

missed her hearing, and her claim for benefits was denied. Iowa Legal Aid filed a Petition for Judicial Review on Ana’s behalf that resulted in a successful remand proceeding. Ana and her young children would have received the benefits they desperately needed almost a year earlier, had she been able to understand the call-in notice.

A vital component of improving access to justice involves service to Iowa’s diverse, growing limited English proficient (LEP) populations – Iowans who cannot meaningfully access legal help without a skilled interpreter or translator. LEP Iowans confront many of the same legal problems as do those fluent in English, but lack of language access makes their situations even more difficult. While receipt of justice was long delayed for Ishani and Ana, it would have been denied altogether without Iowa Legal Aid’s help.

LEP populations in Iowa and LEP services

The diversity of LEP Iowans has changed greatly. When Iowa Legal Aid was formed in 1977, Iowa had just begun welcoming refugees from Southeast Asia. The genocidal wars in Bosnia, Iraq, Myanmar and Syria were years in the future, and there were fewer than 25,000 Latinos in the state. While recipients of federal funds have long been obligated to afford LEP populations meaningful access to programs and activities available to English speakers, recent demographic changes make this an Iowa issue. Over 5% of Iowa’s poor are LEP. Consistent with federal law, as well as its ethical obligation to zealously represent its clients, Iowa Legal Aid works diligently to ensure that LEP clients understand that quality bilingual services will be provided free of charge – and then provides those quality services.

Close to two-thirds of Iowa Legal Aid’s LEP clients speak Spanish, and for many years the agency has used bilingual staff, volunteers, AmeriCorps members and technology to meet these clients’ language access needs. The remaining third provide unique challenges, since they include so many languages. In 2005, Iowa Legal Aid’s LEP clients spoke a total of eight languages

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IN BRIEF

Women supporting women— the PCWA's 14th annual auction

On Thursday, October 8, the Polk County Women Attorneys (PCWA) will host the 14th Annual "Seasons of Change" Basket Auction at the Forte Banquet & Conference Center to benefit the Young Women's Resource Center (YWRC).

YWRC is a local non-profit organization whose mission is to embrace and inspire young women to become strong, self-confident, and successful. The YWRC helps young women realize their full potential by providing counseling and programming to girls ages 10 to 21 in central Iowa.

PCWA is a non-profit organization of female attorneys in Polk County that promotes the professional growth of women in the legal profession. The organization began in 1986 as a mentoring group for new attorneys, and has evolved into an association of women who are now actively engaged in the community.

The PCWA have raised nearly \$175,000 over time to support the YWRC's mission to embrace and inspire young women to become strong, self-confident and successful – what a difference that makes in our girls' lives, said Bailey Purhmann, YWRC Marketing and Events Coordinator.

The event consists of a silent auction followed by a live auction. Friends and members of PCWA donate items that are packaged into theme baskets and attendees compete for the cause. The baskets are filled with high-value items, including tickets, electronics, designer fashion items, season passes, jewelry, art, memorabilia and fine dining. Last year, PCWA raised more than \$23,000.

The Basket Auction is open to the public and a great opportunity to help a good cause while getting to know other local professionals.

Additional details and ticket information are available on the website at: bidpal.net/pcwabasketauction15

If you or your law firm would like to donate a basket for this event, please email Maggie Hibbs at hibbs@brownwinick.com or Molly Driscoll-Bohman at driscoll@brownwinick.com. To make an individual donation, please email Maggie White at mwhite@babichgoldman.com.

besides Spanish. By 2014, LEP clients spoke a total of 49 languages besides Spanish, with the main languages being Arabic, Bosnian, Laotian, Karen, Nepali, Somali, and Tigrinya.

It is not possible to hire staff fluent in all needed languages, which change as people flee war, famine, drug cartel violence, and terrorism erupting in different parts of the globe. Some bilingual work must be outsourced to professional interpreters/translators. Last year, outsourcing costs for communications with clients of Iowa Legal Aid and the volunteer lawyers projects were over \$26,000. Iowa Legal Aid primarily relies on volunteers to translate non-time-sensitive documents, like client self-help materials on its website, www.iowalegalaid.org, to maximize scarce financial resources.

Restrictions mandated by the Legal Services Corporation (LSC), Iowa Legal Aid's primary funding source, prevent it from providing legal assistance to some immigrants, who often are LEP. LSC recipients cannot represent undocumented low-income people, except in limited situations. These "exceptions" include when the applicant is a victim of domestic abuse, sexual assault, or serious criminal activity, and seeks legal help to ameliorate the victimization. Congress first enacted exceptions in response to the brutal 1996 murder of Mariella Batista. The week before her son's father shot her to death, she had sought representation from a California LSC program. It had to turn her down, because of her lack of citizenship status. Iowa Legal Aid fully uses these exceptions to serve those who could otherwise become the Mariella's of Iowa.

Lack of resources mandate that Iowa Legal Aid turn away thousands of low-income Iowans who seek its help each year, but volunteer lawyers help bridge this gap in service. To ensure language access, Iowa Legal Aid provides interpretation and translation services to volunteer lawyers who need it for LEP clients, as well as technical assistance.

Gail R. Klearman has been a Managing Attorney with Iowa Legal Aid since 1992. She currently is the Project Director for Iowa Legal Aid's AmeriCorps Project, co-directs the Violence Against Women funded Justice for Survivors project, and is Chair of Iowa Legal Aid's Equal Opportunity and Limited English Proficiency committees.



Hit the Ground Running is an after school program that takes place at the YWRC. This 10-week program for girls in 6th & 7th grades promotes a healthy and active lifestyle through fun activities.

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Iowa's Pro Bono Honor Roll 2014/2015

On behalf of The Iowa State Bar Association, the ISBA Public Service Project is pleased to again present the Pro Bono Honor Roll recognizing those Iowa attorneys who helped to make access to the civil judicial system available to hundreds of low-income Iowans in 2014/2015.

The honor roll is compiled from data provided by the Iowa Legal Aid Volunteer Lawyers Project, the Legal Aid Society of Story County, the Polk County Bar Association Volunteer Lawyers Project and the Pro Bono Project of Scott County, and is based on information attorneys reported to these organizations from July 2014 through June 2015.

Included in the honor roll are the names of those attorneys who reported in 2014/2015 that they had closed one or more pro bono referral cases. A case is closed when all work on the case is completed and the final disposition of the case is reported to the volunteer lawyers project. The names that are highlighted in bold type are attorneys who provided 50 or more pro bono hours. This is the aspirational standard established in Rule 6.1 of the Iowa Rules of Professional Conduct

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

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Allison Abbott; Lisa Allison; Angela Althoff;

Della Arriaga; Joe Austen; **Kim Baer**; Scott Bandstra; Lu Ann Barnes; Katherine Beenken; Ben Bergmann; Felicia Bertin Rocha; Merlaine Bissainthe-Mosley; **Tammi Blackstone**; Jaime Borcic; Charles Bottenberg; Dawn Boucher; **Willard Boyd III**; **Christine Branstad**; **Molly Brau**; **Scott Brennan**; Maria Brownell; Kenneth Butters Jr.; Jonathan Causey; **Michael Christians**; **Nicholas Cooper**; Steven Cooper; Christopher Coppola; Garry Cox; David Craig; Jason Craig; Jeff Craig; Valerie Cramer; Claire Cumbie-Drake; J. Michael Deege; Steven Despotovich; Catherine Dietz-Kilen; Raya Dimitrova; **Diane Dornburg**; Theresa Dvorak; Jonah Dyer; **Carmen Eichmann**; Susan Ekstrom; Ben Erickson (law student); **Van Everett**; **Erik Fisk**; Jerry Foxhoven; Sally Frank; Joseph Gamble; Greg Gangestad; Matthew Gardner; Matthew Giles; Robb Goedicke; Thomas Graves; Ashley Grieser; Samantha Gronewald; Justin Gross; Kristen Hall; **Margaret Hanson**; John Harding; Wade Hauser III; Victoria Herring; Amos Hill; Debra Hockett-Clark; Michael Horn; Andrew Howie; Roger Hudson Sr.; Patricia Hulting; Geri Huser; **Sarah James**; Larry James Jr., Larry James Sr., Alex Johnson; Andrew Johnson; Judy Johnson; Earl Kavanaugh; Elizabeth Kellner-Nelson; William Kelly; Kevin Kirlin; Peter Kitundu; Becky Knutson; **Kelsey Knutson**; Jonathan Kramer; Lolani Lekkas; Anthony Leon; Christina Lesko; Thomas Levis.

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

with intake screening or who serve on the Board and committees:

Amanda Atherton, Katherine A. Baier Beenken, Patricia Barry, Brad Beaman, Mark W. Beerman, Kristin Billingsley Cooper, Willard Boyd III, Antonio Colacino, Neal Coleman, Randy Bolin, Michael Boohar, **John R. Bulkley**, Steven E. Clarke, Jennifer Clendenin, Jason L. Comisky, Anne Cook, Jason Craig, Sylwia Dabrowska, Michael Dayton, Christian J. Fassellius, James Fifield, **Tom Fisher**, Ross Gibson, Terry Gibson, Melissa Gillespie, Stacie Gonsalves, Krista Gorsche, Anne Graff, Elizabeth Gregg Kennedy, Elizabeth Grob, **Phil Gross**, Danielle Haindfield, Jim Hanks, Jill Hansen, **Lona Hansen**, Elizabeth Happe, Erin Hardisty, Rajee C. Harris, R. Michael Hayes, Lee Henderson, Gary E. Hill, Joel S. Hjelmaas, Douglas B. Hodgson, Larry I. James Jr., Amanda G. Jansen, Karin A. Johnson, Joe Kiple, Patrick R. Kirchner, Kelsey Knight, Sheila Knoploh-Odole, Robert A. Kohls Jr., Carolyn Kolks, Thomas A. Krause, Brian Lalor, Krista Latta, John F. Lorentzen, Marcy Lundberg, Beth Mack, Wendy M. Marsh, Patricia Martin, Jane McAllister, Amy McCurtain, Matthew McDermott, John McKinney, Denise M. Mendt, Jennifer Mills, Kara Mohs, Guy Montag, Angela J. Morales, Anna Mundy, Steven Nadel, William Noth, Alan Olson, Nathan Overberg, Joelle Palmer, Rachel Parker, David Pargulski, Peter Pashler,

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Drake Law School offers a world class clinical program

By Benjamin B. Ullem, Dean, Drake University Law School

From humble beginnings, the Drake Legal Clinic has soared to a one-of-a-kind world class clinical program at the Drake University Law School. Thirty years ago, the Drake Legal Clinic was housed in a residential facility on Brattleboro Avenue in Des Moines. A new clinical facility was built in 1987 at 2400 University Avenue, and a second expansion completed the construction in 1994. Today, the Neal & Bea Smith Law Center is the envy of every law school in the country. The facility has a state-of-the-art courtroom, four conference rooms, a library, clinical faculty offices, client interview rooms and individual carrels for clinic students.

The Drake Legal Clinic courtroom has a whole host of uses in addition to providing a "practice facility" for students in clinic and as a setting for Drake's Trial Advocacy classes. The clinic courtroom is the setting for regular hearings held before the clinic's "Judge in Residence." Drake Law is the only law school in the country where a judge has chambers on the law school campus, allowing students the opportunity witness hearings and to visit with a judge about the law from a judge's perspective. The clinic courtroom is also the venue for the annual Trial Practicum. The Trial Practicum is another opportunity that is unique to the Drake University Law School, where first-year law students watch a real jury trial, interview the lawyers and judge involved, and even question the jurors at the conclusion of the case. Drake Law students will also observe actual appellate arguments before both the Iowa Supreme Court and the United States Court of Appeals for the Eighth Circuit in the Drake Legal Clinic Courtroom.

The clinic facility is reflective of the substance of our clinical programs at the Drake Law School. The Drake University Law School has a 150-year tradition of providing law students with the practical experience necessary to prepare them for entry into the career of their choice, whether that choice is private practice, government, industry, nonprofit work, public service or being part of an entre-

preneurial enterprise. The legal clinic is an indispensable part of that tradition, and forms the backbone of Drake Law's experiential programs, which also include internships, externships and many other opportunities.

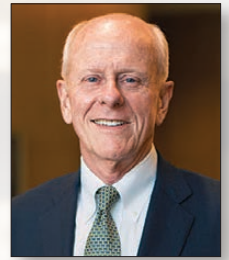
All Drake Law students are guaranteed the opportunity to participate on one of Drake's eight different clinics (Criminal, Advanced Criminal, General Civil, Advanced General Civil, Elder, Children's Rights, Juvenile Delinquency, and Transactional/Nonprofits) under a student practice license granted to them by the Iowa Supreme Court. Students serve hundreds of low-income clients each semester, providing them with high quality, free legal services ranging from criminal representation to wills and the creation of nonprofit organizations. Clinical students provide the full range of legal services to the client under the guidance of our experienced clinical faculty members.

Students begin with the initial client meeting, identifying potential conflicts, pinpointing the legal issues presented, exploring the various legal remedies that may be available, and identifying the goals of the client. Students then proceed to complete the client representation by drafting documents, appearing in court, participating in mediation, negotiating with other lawyers, and implementing the full resolution of the legal issues. Clinic students also learn and participate in the normal office procedures such as file organization, time recordation and scheduling.

The clinical experience makes students apply the substantive and procedural law that they have learned throughout law school to live client situations, allowing them to see the relevance of their entire law school experience. Their clinical experience also allows Drake Law students to be more prepared to enter their professional careers.

I invite all of you to visit the Drake Legal Clinic this year. Come "feel the buzz" as law students take the first step towards their careers by applying their

legal knowledge to solving real legal issues for people. Their enthusiasm and excitement will remind you of why you became a lawyer in the first place, and will give you an optimistic view of the future of our profession.



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Greetings from the Iowa College of Law

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

On August 16, the excitement — and the anxiety — were palpable in the Levitt Auditorium when the 142 members of the Class of 2018 were welcomed by ISBA President, and Iowa Law alumnus, Bruce Walker and inspired by a call to justice from Chief Justice Mark Cady. This class joins us as we continue to celebrate our sesquicentennial, and we hope that like the rest of us in the Boyd Law Building, the newest members of the Iowa Law community will find inspiration in the rich history of the University of Iowa College of Law.

The Class of 2018 is a talented and diverse group. They come from 31 states and 2 foreign countries. The states with the highest representation in the class are Iowa, Illinois, Texas, Minnesota, California and Utah. The academic credentials of these students are strong, with a median LSAT of 161 and a median undergraduate grade point average of 3.61. Twelve students in the entering class have already earned graduate degrees. Eight international graduate students pursuing LLM or SJD degrees also joined us this fall.

These new students along with the Iowa Law community will have the opportunity to hear from a number of prominent

speakers during this academic year. In September, Nina Totenberg presented our Fall 2015 Levitt Lecture to a record crowd. In the spring semester, renowned First Amendment lawyer Floyd Abrams, a partner in the New York office of Cahill, Gordon & Reindel, will share his expertise on freedom of speech as the 2016 Levitt Lecturer. Nobel Laureate Kailash Satyarthi is also making plans to join us as a Levitt Lecturer. He received the 2014 Nobel Peace Prize along with Malala Yousafzai “for their struggle against the suppression of children and young people and for the right of all children to education.” We hope many of you will make plans to join us as we welcome these distinguished guests to Iowa City.

Even though the fall semester has barely started, the spring planning has long been underway. Immediately following spring break, we will host three federal judges back-to-back. We are excited to welcome The Honorable William H. Pryor of the US Court of Appeals for the 11th Circuit as our inaugural Federalist Society Jurist-in-Residence the week of March 21. The Honorable Susan Bolton (Iowa Law Class of 1973) of the US District Court for the District of Arizona will join us the week of March 28, and the



Honorable Kathleen O'Malley of the US Court of Appeals for the Federal Circuit will be in the Boyd Law Building the week of April 4. We are also looking forward to hosting Professor Michael Stein of Harvard Law School as our Disability Scholar-in-Residence in late March. Professor Stein will deliver the Richards Lecture on March 31. This lecture and Professor Stein's visit are funded by the Stanley and Gail Richards Endowed Fund for Disability Law.

Distinguished lawyers and judges enhance legal education at Iowa Law, but day-to-day our students learn from an outstanding faculty of teachers and scholars. The excellence our alumni will remember from their law school days continues, even though retirements are changing the cast of characters. This spring saw the retirement of Professor Barbara Schwartz who has been the matriarch of our Legal Clinic since 1977. Professor Alexander “Sascha” Somek, who has enriched our faculty since 2003, returned home to the University of Vienna at the end of the academic year.



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We plan to continue working with him from afar as a Global Affiliated Professor of Law joining us from time to time to teach intersession and short courses. Associate Dean Linda McGuire (Class of 1982) began her retirement on August 21. Dean McGuire was our Dean of Students from 1996 to 2007 when she became our Associate Dean for Civic Engagement, serving in that role until the day before the start of fall classes. Linda has inspired hundreds of young lawyers to make pro bono service part of their professional lives. This fall will mark Professor Arthur Bonfield's 54th and final year of teaching at Iowa Law as he takes his own advice and moves "upward and onward." And, on June 30, the man for whom the Boyd Law Building is named, Willard "Sandy" Boyd, quietly retired, steadfastly refusing any fanfare (for now), to have "more time to finish his book." We expect to see Arthur and Sandy in the building every day, as always, as they continue their scholarly and service pursuits.

Iowa Law students also benefit from the support of our talented staff. We are grateful for their service and dedication and look forward to introducing you to our new Career Services team. We welcomed Akua Akyea from the Class of 1997 home from the Yale Law School to Iowa Law in July as our new Assistant Dean for Career Services. She was joined by two new assistant directors of Career Services: Melissa Carrington, an Iowa City native and a graduate of the University of Illinois Law School, and Elizabeth Watkins Price, a public interest lawyer and a graduate of the University of North Carolina – Chapel Hill School of Law. Together, they will maintain the strong traditions of our career services office in launching our students into the profession.

Thank you for being part of our first 150 years. All of us at Iowa Law are enormously proud of our history and of the pioneering faculty, staff, students, alumni and friends who helped bring us to where we are today.

The legendary and beloved Sandy Boyd says it best: "To know the future of the Iowa Law School we need to know its history. The Law School will evolve and change. Our aspiration, however, remains constant. EXCELLENCE is the Iowa Law School's never ending frontier." - Willard L. "Sandy" Boyd President Emeritus and Rawlings/Miller Professor of Law Emeritus, University of Iowa.



Iowa ethics opinion available regarding the invocation of the implied waiver of self-defense

The ISBA Ethics and Practice Guidelines Committee released its latest ethics opinion July 15 regarding the implied waiver of self-defense. The eight-page opinion (15-03) provides an introduction to the issue, a review of the implied self-defense waiver, the declination of the ABA's formal opinion regarding the subject, an explanation of the client as a pro-se litigant, an explanation of the self-defense waiver in relation to claims by third parties, and the committee's official opinion.

The opinion is specifically titled, "A lawyer invoking the implied waiver of self-defense must first ensure the client has made a knowing waiver of the attorney-client privilege or rule of confidentiality and then limit the disclosure to only that information which reasonably responds to the adverse allegation." The opinion can be found on the ISBA website by navigating to the Ethics and Practice Guidelines Committee page under the "Member Groups" tab, then "Committees."

The opinion has been linked to the ethics page and a redirect (www.iowabar.org/EthicsOpinion15-03) has been created.

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Al Ryerson
CPA/ABV, CFF, ASA



Greg Weber
CPA/ABV, ASA



Jim Nalley
CPA/ABV, CFF, CVA



Jennifer Julander
ASA

Thanks to speakers

The Iowa State Bar Association would like to thank the following individuals for presenting at the following Continuing Legal Education seminars and webinars:

July

Real Estate Issues in Wind Energy Development (Live Webinar)

July 9, 2015

Sponsored by the YLD Professional Development Committee

Kathleen Law, Nyemaster Goode, P.C.

2015 Summer Seminar

July 23-24, 2015

Sponsored by the YLD Summer Seminar Committee

Corbett Luedeman, RSH Legal, P.C.

Samuel Jones, Shuttleworth & Ingersoll, P.L.C.

David Selmer, Hayek, Brown, Moreland & Smith, L.L.P.

Thomas Viner, Viner Law Firm, P.C.

Rep. Todd Prichard, Prichard Law Office, P.C.

Alison Werner Smith, Hayek, Brown, Moreland & Smith, L.L.P.

Abhay Nadipuram, Lederer, Weston, Craig, P.L.C.
Summer Alchin, Nidey, Erdahl, Tindal & Fisher, P.L.C.

Mark Van Heukelom, Bradley & Riley, P.C.

Crystal Usher, Nazette Mamer Nathanson & Shea, L.L.P.

2015 Two Person Best Shot Golf Tournament and Ethics

July 24, 2015

Sponsored by the General Practice Section

Trinity Braun-Arana, Office of Professional Regulation

August

Maximizing Life Insurance to Minimize Iowa Inheritance Taxes (Live Webinar)

August 7, 2015

Sponsored by the Probate and Trust Law Section

Tim Anderson, Garner, Iowa

8th Circuit Social Security Disability Conference

August 19-21, 2015

Geoffrey C. Wall, Pharm.D., FCCP, BCPS, CGP, Drake University

Stacy Braverman Cloyd, Deputy Director of Government Affairs, NOSSCR

Michael Haller, Haller Law Office, P.C.

Timothy Harlan, Harlan Harlan & Still

Andrew Kinney, Hoglund, Chwialkowski & Mrozik

Melinda Stahr, MS, CRC, Stahr & Associates
Ethel Schaen, Schaen Law Office

Joseph G. Basque, Iowa Legal Aid

Dr. Lori S. Terryberry-Spohr, Ph.D., ABPP, Madonna Rehabilitation Hospital

Dr. Morgan LaHolt, M.D., Madonna Rehabilitation Hospital

Hon. Lynn Adelman, U.S. District Court for the Eastern District of Wisconsin

Hon. John Sandbothe, ALJ, SSA Office of Disability Adjudication and Review

Hon. Denzel R. Busick, ALJ, SSA Office of Disability Adjudication and Review

Timothy J. Cuddigan, Cuddigan Law, P.C.

Blake Parker, Blake Parker Law Office

Mary Hofer, Hofer Law Firm, P.L.L.C.

Gail Barnett, Schott Mauss & Associates, P.L.L.C.

Timothy Tripp, Tripp, P.C.

Mary Hastings, Hastings Law Office

Niki A. Fisher, Fisher Law Office

Edward Olson, Minnesota Disability Attorneys

Thomas A. Krause, Schott, Mauss & Associates, P.L.L.C.

Cleric Sexual Abuse of Children and How to Mediate Such Matters (Live Webinar)

August 25, 2015

Dick Calkins, Calkins Mediation Services & Training

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The profile of a pro bono attorney

By Brett Toresdahl

The month of October is recognized as pro bono month here in Iowa and around the country. It is only fitting that this column be dedicated this month to the many Iowa lawyers who give countless hours of their time to make a difference in the lives of many Iowans.

Each year, the legal profession contributes significant resources to insure that all Iowans have equal access to justice. Attorneys provide a resource to the public that is unmatched by any other profession. The contributions that attorneys make to their communities go far beyond their willingness to represent clients on a pro bono basis. The service that Iowa lawyers provide to their communities and the public in general is priceless. They serve their communities by sharing their skills as attorneys on boards, commissions, committees, as elected officials and by representing clients who are our most vulnerable citizens at no cost. The value of time that attorneys provide annually is immeasurable and the quantity of time is staggering.

The practice of law is a privilege which carries with it certain responsibilities. Every lawyer has a professional responsibility to provide legal services to those unable to pay. Pro bono publico, "...for the public good" is not just a phrase, it is a standard of practice for Iowa's more than 8,000 attorneys. Pro bono service is about the knowledge and assistance that only an attorney can provide. Equal justice for all under the law is not simply a philosophical aspiration. Members of the legal community in Iowa provide hundreds of hours of legal services through various pro bono efforts.

The words "pro bono" seem to be very popular in the legal community these days. These words are heard often in the current climate of budget cuts and reduced resources for the legal assistance programs in our state. The legal profession is being asked, now more than ever, to respond to the needs of Iowa's indigent population. Attorneys are being asked for their time as well as their financial support. Pro bono is not just an aspirational goal for attorneys. It helps define who lawyers are as a profession.

It is important that we continue to engage all Iowa lawyers in organized pro bono efforts. Therefore, we need to continue to strengthen the pro bono culture in Iowa. This will help to address the gaps that exist in services and

lead the way in meeting the need. All citizens deserve access to justice, not just those who can afford it.

The quality and quantity of the pro bono work of Iowa lawyers is one of those great things about the profession. By recognizing the month of October as Pro Bono Month, it gives the opportunity to remind you and the public about the significant impact that the legal profession has in providing access to justice in our state. Each and every lawyer in Iowa plays a critical role in the lives of those around us who struggle and are in need.

Lawyers are frequently reminded about our ethical obligation and the aspirational goal of providing 50 hours a year in free legal service. The Iowa Code of Professional Conduct rule 32:6.1 clearly defines what is expected. But pro bono is more than just a goal or rule, it is part of who you are as lawyers and the way you practice your craft. Rule 6.1 casts a broad brush stroke to define ways in which you can fulfill your obligation. But simply speaking, pro bono publico means "for the public good". Regardless of what type of practice that you have or how busy you are, all of us have room in our schedule to give assistance to someone in need. This is who you are as an Iowa lawyer.

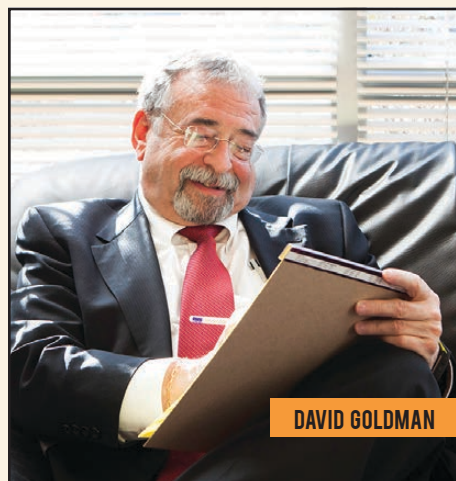
Pro bono legal service takes many forms and Iowa lawyers are always willing to step forward when there is a need. Pro bono is the attorney who is taking an afternoon to sit at the office of Iowa Legal Aid to conduct intake interviews with possible clients. Pro bono is spending a Monday evening once a month at the Hispanic Outreach Clinic in Des Moines. Pro bono is taking that case from one of the volunteer lawyer projects. Pro bono is giving

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

Iowa lawyers are doing good work, but it is important to strive to do great work. As we take this opportunity to celebrate October as Pro Bono Month, be mindful that there is more to be done. Collectively as a profession, all can join together and recommit to serving the needs of our state's most vulnerable citizens. Each of you can make a difference in the life of one person who is seeking access to justice. The next time you see an email or receive a call from one of the VLP programs, be the first to respond and say "yes" by accepting a pro bono case.

Special thanks should go to the many members of this association for recognizing the need and responding by donating their time and resources.

** The ATJ Spotlight is a recurring column that highlights access to justice issues and topics of interest to the legal profession and the citizens of Iowa. Brett Toresdahl, the executive director of the ISBA Public Service Project, a nonprofit organization operating independently of the Iowa State Bar Association, is available for questions at isbavlp@dwx.com or 515-697-7881.*



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References Available On Request



Clark

Brandon W. Clark joined McKee, Voorhees & Sease, P.L.C., in Des Moines, Iowa, as part of the Copyright and Entertainment Law Practice Group. Brandon is a graduate of the University of Northern Iowa and Drake University Law School. Brandon's primary focus is on music industry transactions, copyrights and entertainment law.



Grant

Melissa Grant joined the Goosmann Law Firm in its Sioux City, Iowa, office. Grant received her J.D. from Drake University Law School. Grant provides comprehensive legal advice, creates strategic business plans and executes key transactions for companies

and individuals. Prior to joining Goosman Law Firm, Grant was at UnityPoint Health in West Des Moines. Prior to law school, Grant managed information technology operations for a mid-sized Des Moines company for 10 years.



Kerndt

Allison Kerndt joined the Davis Brown Law Firm in Des Moines as special counsel in the Intellectual Property Department. Her practice focuses on patents, trademarks, and litigation. She received her undergraduate degree in chemical engineering from the University

of Iowa and earned her J.D. at the University of Iowa College of Law. Prior to joining Davis Brown, Allison was an associate at Covington & Burling LLP in Washington D.C., and served as law clerk to

the Honorable Randall R. Rader at the U.S. Court of Appeals for the Federal Circuit.

Likes Meyerson Hatch, L.L.C., of Omaha, Nebraska recently formed to include ISBA members **Bryan Hatch** and **Jarrod Reece**.



Hatch

Hatch obtained his law degree from Creighton University School of Law. With almost 20 years of experience, Hatch handles a broad range of complex tort and business litigation in both state and federal courts. His practice areas include complex commercial litigation, products liability, business torts, employment litigation, insurance litigation, and appellate practice and procedure. Hatch also defends employers in workers' compensation and employment matters.



Reece

Reece attended Washington University School of Law in St. Louis, Missouri. Jarrod focuses

his litigation practice on complex business and employment matters, and he regularly advises employers on compliance with state and federal employment regulations.



Marquardt

Rachel Marquardt recently joined Lynch, Michael & Raiber, L.L.P. in Iowa City, Iowa, as an associate attorney. She earned a B.A. from Luther College in 2008, a Master of Public Health from the University of Iowa College of Public Health in 2010 and a J.D. from the University of Iowa

College of Law in 2013. Marquardt will be engaged primarily in general practice for the firm.



Mazzola

Paul S. Mazzola joined McKee, Voorhees & Sease, P.L.C., in Des Moines, Iowa, as an associate where he practices primarily on patent prosecution in the mechanical arts. Mazzola is admitted to practice in Iowa and Illinois, and is registered to practice before the U.S. Patent & Trademark Office. Paul obtained his J.D. from Michigan State University College of Law and received a B.S. in Mechanical Engineering from the University of Michigan.



Mulder

Amber L. Mulder joined Murphy, Collins, Bixenman & McGill, P.L.C., of LeMars and Rock Valley, Iowa, as an associate attorney. Mulder earned her B.A. from the University of Sioux Falls in 2005. She earned her J.D. in 2009 from Hamline University School of Law, St. Paul, Minn.

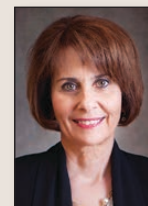
Mulder will have a general practice focusing on family law, litigation and trial practice and personal injury. She was previously employed with the South Dakota Department of Labor and Regulations as a senior staff attorney.



Pontius

Emily Pontius joined the Employment & Labor and Litigation groups at Fredrikson & Byron, in Des Moines, Iowa. Pontius received her J.D. from George Washington University Law School in 2006. At Fredrikson & Byron she defends employers against allegations of sex, age

and race discrimination, FMLA and ADA violations, wrongful termination in violation of public policy, and tortious interference. Pontius partners with clients to provide supervisor and manager training, investigate internal discrimination complaints, provide reasonable accommodations to disabled employees, and navigate issues surrounding family and medical leave. She also provides advice and litigates on behalf of colleges and universities in disputes concerning faculty discipline, tenure and promotion, student conduct, and accommodation of students with disabilities.



Stamatelos

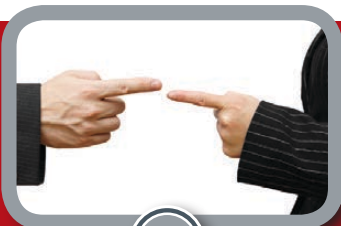
Kimberly Stamatelos and **Ashley Tollakson** recently formed the partnership of Stamatelos & Tollakson. Through their website TheCompassionateAlliance.com, they intend to offer clients peaceful, cost-effective conflict resolution through advocacy and problem solving. Both are trained in mediation and collaborative law. Their office is at 2700 Westown Parkway, Suite 410, West Des Moines, Iowa 50266.



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IN BRIEF

Supreme Court seeks comments on proposed updates and amendments

The Iowa Supreme Court seeks comments on various proposed updates to the Iowa Rules of Professional Conduct, chapter 32 of the Iowa Court Rules, and amendments to the Iowa Court rules on professional regulation.

The proposed amendment to Chapter 42 Regulations of the Commission on Continuing Legal Education, Rule 42.1 would allow ethics credit for more general instruction regarding bias or discrimination in the court system or in attorney professional relationships, without requiring specific reference to the rules of professional conduct or the code of judicial conduct.

The expansion of prohibited categories in proposed Rule 42.1 was prompted in part by recommendations of the Equality in the Courts Task Force, and in part by intervening changes in protected classes set out in chapter 216 of the Iowa Code.

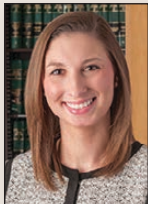
Those interested in providing comments on proposed changes to Rule 42.1 or other proposed rule changes may learn more by visiting the Iowa Judicial Branch website, navigating to "About the Courts," then clicking on "Supreme Court." From the left navigation, click "Orders." Comments may be emailed to rules.comments@iowacourts.gov or mailed to the clerk of the Supreme Court. Those providing input should review the order for specific comment requirements. The comment period deadline is 4:30 p.m., Oct. 21.



Wallace

Allison Wallace joined the Davis Brown Law Firm as special counsel in the Business Division. Allison earned her J.D. at the Drake University Law School and her B.A. at Luther College where she studied political science and economics. Allison brings seven years of business and leadership experience to the firm from her previous positions of Senior Counsel at GeoLearning, Inc. and then General Counsel at SumTotal Systems, LLC, a software technology company. She has significant experience with various business transactions, including the management of litigation, employment matters, corporate governance, mergers and acquisitions, and intellectual property portfolios.

CORRECTIONS:



Maxon

Special Edition II incorrectly listed transition information for **Chandler L. Maxon** and **Kelsey A.W. Marquard**. The following is the corrected information:

Maxon joined the Des Moines office of Hopkins & Huebner, P.C., as an associate attorney. She will practice primarily in personal injury and workers' compensation.



Marquard

Marquard joined the Quad Cities office of Hopkins & Huebner, P.C., as an associate attorney. She will practice primarily in insurance litigation.

TRANSITIONS SUBMISSIONS

To submit a transition item, please follow the same style published here and keep submissions short and to the point. The focus of the announcement should be on the individual involved, not the law firm.

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

E-mail submissions to communications@iowabar.org. Include office phone number and name of person furnishing the copy. Questions? Please call 515-697-7898.



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ISBA CLE Calendar

Visit www.iowabar.org/calendar to register for any of our upcoming CLE opportunities.

October 2 & 5

Nuts and Bolts Seminars
Coralville & Johnston

October 23

Environmental Law Seminar
ISBA Headquarters
Des Moines

October 29-30

Family Law Seminar
West Des Moines Marriott
West Des Moines

November 13

Labor & Employment Seminar
Hilton Garden Inn
Johnston

November 19

Depression and the Need for Balance
(Live Webinar)

November 20

Top 5 Ethical Issues Facing In House Counsel
In-person or Live Webinar
ISBA Headquarters » Des Moines

December 2-4

Bloethe Tax School
Des Moines Marriott Downtown
Des Moines

December 8

Whistleblower Actions
(Telephone CLE)

December 11

eCommerce & Intellectual Property Seminar
In-person or Live Webinar
ISBA Headquarters » Des Moines

December 18

Federal Practice Seminar
Embassy Suites
Des Moines

Labor & Employment Seminar

Friday, November 13

Hilton Garden Inn

8600 Northpark Dr. ▶ Johnston, IA 50131

As employment lawyers and litigators, we experience the constant change of the law and we must adapt our strategies as counsel, advisors, and litigators to that changing landscape. This year we call on our colleagues—all experts in their field—to discuss the evolving landscape, how it has changed substantively in the past year, and how it is affecting their practice. The topics we will discuss include: privacy issues in the workplace, wage and hour laws, emotional distress damages, discovery use and abuse, the new rules of civil procedure, rulings from the courts in the last year, jury instructions in state court, when communications with in-house counsel may not be privileged, and even an hour on ethics.

We have a stellar committee of practitioners who represent employers and employees committed to bringing you practical content that will be useful in your practice. Please join us on November 13th.

• NUTS & BOLTS SEMINARS •

Eastern Iowa Seminar
 Friday, October 2
 Holiday Inn | 1220 1st Ave.
 Coralville, IA 52241

Central Iowa Seminar
 Monday, October 5
 Hilton Garden Inn | 8600 Northpark Dr.
 Johnston, IA 50131



SCHEDULE

8:30 - 9:30	Ethics and Trust Accounts
9:30 - 10:30	Business Court 101
10:30 - 10:45	Break
10:45 - 11:30	Employment Law 101
11:30-12:30	Lunch (not provided with registration)

Litigation Track (select track option below)

12:30 - 1:30	Iowa Rules of Civil Procedure Updates
1:30 - 2:15	Structuring Financial Settlements in Family Law Cases
2:15 - 3:00	Roadmap to Juvenile Representation
3:00 - 4:00	ADR 101
4:00 - 4:15	Break
4:15 - 5:00	General Personal Injury

Transactional Track (select track option below)

12:30 - 1:30	Business Formation
1:30 - 2:45	Real Estate
2:45 - 3:45	Estate Planning
3:45 - 4:00	Break
4:00 - 5:00	Practical Tips for Working with Startup Companies

CLE Credit (pending): 6.25 state hours which includes 1 ethics hour

Registration Form: Nuts & Bolts Seminars

Electronic materials only. A link to the materials will be e-mailed to attendees prior to the event.

Name: _____ Member #: _____ Phone #: _____

Address: _____ City, State, Zip: _____

E-mail: _____

REGISTRATION FEES

Prices below reflect the early-bird registration fees. Registering after October 1st will result in a \$50 late fee being added on to your registration fee amount.

- Law Student (Free)
- Young Lawyers Division Year 1 (\$25) Young Lawyers Division Year 2-3 (\$75) Young Lawyers Division Year 4-5 (\$95)
- Young Lawyers Division Year 6-10 (\$120) Admitted to practice more than 10 years (\$170)
- Non-ISBA Member (\$270)

Please select a location: Coralville (Oct. 2) Johnston (Oct. 5) Please select a track: Litigation Transactional

Method of Payment: Check enclosed Check Number _____
 Master Card Visa American Express

Credit Card #: _____ Exp. Date: _____

Cardholder Signature: _____

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

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

Questions: Phone (515) 697-7874 or e-mail cle@iowabar.org

Cancellation policy: Registration refunds will be issued only if written notification is received by the bar office by September 25, 2015. Written notification can be mailed, faxed, or e-mailed to the bar office.

Family Law Seminar

Sponsored by the ISBA Family and Juvenile Law Section

October 29-30
West Des Moines Marriott
1250 Jordan Creek Pkwy.
West Des Moines, IA 50266

Thursday, Oct. 29

7:30 - 8:00 Registration
8:00 - 9:30 Family Law Update
9:30 - 10:00 Working with Child Support Recovery and the Collection Services Center
10:00 - 10:15 Break (sponsored by Alft & Wilson Publish - Iowa Support Master)
10:15 - 11:45 Technology for Solos and Small Firms
11:45 - 12:00 News From the Family Law Section and Our Sponsors
12:00 - 12:45 Lunch (provided with registration) (sponsored by HDH Advisors LLC)
12:45 - 2:15 The Benefits and Pitfalls of the Guardian Ad Litem in Parenting Disputes
2:15 - 2:30 Break
2:30 - 4:00 Ethical Marketing for Solos and Small Firms in the Internet Era
4:00 - 5:00 Organizing Your Case to Keep Equitable Distribution Simple
5:00 Complimentary Chair's Reception (sponsored by BCC Advisers)

Friday, Oct. 30

8:00 - 8:45 Introduction to the Supreme Court's Family Law Reform Work Groups
8:45 - 9:45 Alimony Guidelines Review
9:45 - 10:00 Break
10:00 - 11:00 What You Always Wanted to Ask a Financial Expert But Were Afraid to Ask
11:00 - 12:00 Advice on Working with Domestic Violence Victims in Your Office and in Court
12:00 - 1:00 Lunch (provided with registration)
1:00 - 2:30 Expert Advice on How to Deal with Parental Alienation in Family Law Cases
2:30 - 2:45 Break
2:45 - 3:45 Mentoring the New Family Lawyer
3:45 - 5:00 Revisiting Joint Physical Care

Juvenile Law Track

8:00 - 8:45 Juvenile Law Topic
8:45 - 9:45 Dealing with Bridge Orders
9:45 - 10:00 Break
10:00 - 11:00 Hot Topics in Juvenile Law

Registration Form: Family Law Seminar

CLE (pending): 15 state hours which includes 1 ethics hour

Name: _____ Member #: _____ Phone #: _____

Address: _____ City, State, Zip: _____

E-mail: _____

REGISTRATION FEES (select either electronic or hard copy materials)

Prices below reflect the early-bird registration fees. Registering after October 28th will result in a \$50 late fee being added on to your registration fee amount.

Registration & Electronic Materials:

Students - Free Judges - \$95 ISBA Family Law Section Members - \$270 ISBA Members - \$285 Non-ISBA Members - \$400

Registration & Hard Copy Materials:

Students - \$35 Judges - \$130 ISBA Family Law Section Members - \$305 ISBA Members - \$320 Non-ISBA Members - \$435

Select Events Attending: Thursday's Lunch Thursday's Chair's Reception Friday's Lunch

Juvenile Law Track (Oct. 30): Yes, I plan on attending

Method of Payment: Check enclosed Check Number _____

Master Card Visa American Express

Credit Card #: _____ Exp. Date: _____

Cardholder Signature: _____

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

Questions: Phone (515) 697-7874 or e-mail cle@iowabar.org

Cancellation policy: Registration refunds will be issued only if written notification is received by the bar office by October 22, 2015. Written notification can be mailed, faxed, or e-mailed to the bar office.

Environmental Law Seminar

Friday, October 23

ISBA Headquarters • 625 E. Court Ave. • Des Moines, IA 50309

8:30 – 9:00 - Registration

9:00 – 10:00 - Update from the Environmental Protection Agency (EPA)

Speaker: David Cozad, Regional Counsel, EPA Region 7

10:00 – 10:30 - Update from the Iowa Department of Natural Resources (IDNR)

Speaker: Chuck Gipp, Director, IDNR

10:30 – 10:45 - Break

10:45 – 11:45 - Case Law Update

Speaker: Connor Wasson, Attorney, Ahlers & Cooney, PC

11:45 – 12:15 - Lunch (provided with registration)

12:15 – 1:15 - Water Update from the EPA

Speaker: Karen Flournoy, Director, Water, Wetlands, and Pesticides Division, EPA Region 7

1:15 – 2:15 - Legal Update from the IDNR

Speaker: Ed Tormey, General Counsel, IDNR

2:15 – 2:30 - Break

2:30 – 3:30 - Eminent Domain in Iowa

Speaker: Kristine A. Tidgren, Staff Attorney, Iowa State University Center for Agricultural Law and Taxation (CALT)

3:30 – 4:30 - Ethics

Speaker: Prof. Emily Hughes, University of Iowa College of Law

CLE Credit (pending): 6.50 state hours which includes 1 ethics and 3 federal hours

Register for the Environmental Law Seminar online at www.iowabar.org/calendar

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To make hotel reservations, simply call 1-888-236-2427 or make your reservations online. When making reservations via the phone, please indicate that you will be attending the ISBA's Tax School and use the registration code of *IBA*. The room rate is \$124 per night (+ tax). Room reservations must be reserved before Tuesday, November 10, 2015.



eCommerce & Intellectual Property Seminar

Friday, December 11

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This seminar, presented by the ISBA eCommerce and Intellectual Property sections, touches on many current headline-making technology news topics such as *Assessing and Addressing Cyber Risk*; *Payment Card Industry Data Security Standards*; *Mobile Application Legal Issues*; *Alice and Software Patents*; *Internet of Things and Privacy Issues* and *Responding to Online Infringements and IP Registration with U.S. Customs and Border Patrol*. *The Ethical Lawyer and the Tao of Technology* will offer attendees the insight they need as legal professionals to practice ethically at a time when technology is changing at a rapid pace.

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and general municipal law for information and precedents; research legal opinions, memoranda, motions and briefs for the benefit of city departments, and communicate and coordinate regularly with appropriate people to maximize the effectiveness and efficiency of interdepartmental operations and activities. For information about job requirements and to apply, visit <http://agency.governmentjobs.com/desmoines/default.cfm>. (75-8)

LEGAL SERVICES REQUEST FOR PROPOSAL – The Des Moines, Iowa, Airport Authority requests proposals for providing legal services to the agency. Sealed proposals will be received at the office of the Des Moines Airport Authority, ATTN: Contracts Manager, 5800 Fleur Drive, Suite 207, Des Moines, IA, 50321 until 10:30 a.m. CDT Sept. 22. Proposers wishing to respond to this RFP or to receive addendums must notify the contract manager no later than 3 p.m. Sept. 11. All proposals must be irrevocable for 90 days from the RFP due date. Submit proposals to: <http://www.dsmaairport.com/about-the-airport/current-airport-rfps.aspx>. (75-8)

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FAMILY LAW ATTORNEY – Arenson & Maas, PLC, Cedar Rapids, Iowa, is looking for an energetic family law attorney with at least one year of real practice experience to join its team. Client base preferred. We seek an attorney who wants to build a family law practice in the Corridor area. A successful candidate will be self-sufficient, organized and have a litigation background, as well as excellent communication skills and entrepreneurial spirit. Ideal applicants will be high energy, with a strong work ethic and willing to work each job in the office. Apply by sending a letter of interest and a résumé/CV with references and salary expectations to Rebecca Feiereisen, at: rfeiereisen@arensonlaw.com. Applications will be kept confidential. (75-8)

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LAW BOOKS – Multiple sets of law books for sale, including West's Iowa Rules Civil Procedure Annotated (Volumes 1-5, 5A, 6-7; last update 1997-1998); Estate Planning for Farmers and Ranchers, 2 volumes, Shepards – West Group (supplemented 2012); Iowa Practice – Probate (volumes 13 and 14, 2012-2013). Many other sets also available. For a list of sets and prices, contact Edward E. (Gene) Eaton, 416 Clay St., Box 429, Sidney, IA 51562; phone: 712-374-264; email: eatonlaw@iowatelecom.net. (76-1)

LIBRARY GIVEAWAY – Retiring Iowa attorney seeks to give away entire library of Iowa Law Reviews dated from 1925 to 1990. Library includes nearly every issue. Please contact John F. Doran at 515-227-4353 or jfatty@windstream.net for inquiries. (75-8)

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Mike Mesch

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Partner

APPLIED

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

Matthew T. Collins, Fabyanske Westra Hart & Thomson, Minneapolis, Minnesota;
Micabil Diaz-Martinez, Diaz Law Firm, Middleton, Wisconsin;
Adam Marvin Miller, Crowley, Texas;
Shanna Palmersheim, Chicago, Illinois;
Justin P. Short, Best & Flanagan, Minneapolis, Minnesota;
Barry Sullivan, Law Offices of Stephenson Acquisti & Colman, Burbank, California;
Cathy Sue Trent-Vilim, Lamson Dugan & Murray, Omaha, Nebraska;
Anastasia Wagner, Lamson Dugan & Murray, Omaha, Nebraska;
Thomas Weerheim, Weerheim Law Office, Sioux Falls, South Dakota.

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

ADMITTED

The following individuals have recently been admitted to the Iowa Bar:

Leila Louisa Hale, Henderson, Nevada;
Christopher Adam Johnston, Roseville, Minnesota;
Nolan Michael McGowan, Des Moines, Iowa;
Joanne Reed, Fairfield, Iowa;
Jay Arthor Rosenberg, Rosenberg LPA, Cincinnati, Ohio;
Ashley Raye Trankle, Omaha, Nebraska;
Douglas Scott Van Zanten, EMC Insurance Companies, Des Moines, Iowa.

Newly admitted attorneys can become Iowa State Bar Association members and could even qualify to receive their first year free of charge by going to <http://www.iowabar.org/newadmittee>.

A tribute to Judge Donald E. O'Brien

By The Honorable Mark W. Bennett, U.S. District Court Judge, Northern District of Iowa

Judge Donald Eugene O'Brien passed away August 18, at the age of 91. Don was one of the finest human beings I have ever known. I was privileged to be one of the first lawyers to appear before him after he was nominated by President Carter and confirmed in 1978. After appearing before him numerous times, I had the honor of succeeding him and observing him up close for over two decades as we chambered down the hall from each other and shared a courtroom at the Sioux City federal courthouse. Anyone who knew Don soon realized that he was one of the most humble and selfless servants on the planet. He had true Mother Teresa qualities. He never once put his own interests over those he served. He was unfailingly passionate about his faith, his family, and his pursuit of justice. He treated the custodians at the courthouse with the same kindness and dignity he treated pro se litigants and U.S. Senators and Presidents (and he knew many personally).

Judge O'Brien's whole life was dedicated to serving others. In 1942, he enlisted in what was then known as the U.S. Army Air Force and was a bombardier on a B-17 operating the Norden bomb-sight. He completed over 30 bombing missions over Germany. Don was a true war hero, receiving the Distinguished Flying Cross and four other air medals for his valor. In all our conversations, he never once mentioned his war record. His nephew, Cedar Rapids trial lawyer, David O'Brien, who was very close to Don, mentioned at Don's visitation that he had just learned of his uncle receiving the Distinguished Flying Cross shortly before Don passed.

Prior to his appointment to the federal bench,

Don served as an assistant Sioux City attorney, municipal judge, and Woodbury County attorney. He also had a private practice in Sioux City. President John F. Kennedy appointed him U.S. Attorney for the Northern District of Iowa in 1961. He served in that capacity for six years.

Judge O'Brien ruled on thousands of matters that came before him. He was nationally known for his compassion, unyielding sense of justice, opposition to mandatory minimum sentencing, and for protecting the rights of people that others often shunned: those accused of federal crimes, mental health patients, and especially state and federal prisoners. He was a champion of the less fortunate and a guardian of their constitutional and statutory rights. He called every decision as he saw it and never once worried about being reversed—only doing justice.

Even as a senior judge, he carried a substantial civil and criminal caseload. He worked to the very end—signing his last order the day before he died. His numerous law clerks went on to become great lawyers, private practitioners, federal prosecutors, and one, John Jarvey, is now the distinguished federal Chief Judge for the Southern District of Iowa.

His wife of 61 years, Ruth, died in 2011. He raised and deeply loved his four children, Teresa and Brien (both Sioux City lawyers who inherited Don's passion for fairness) and John and Shiuvaun, and his numerous grandchildren and great grandchildren.

Judge O'Brien, a true war hero, public servant extraordinaire, family patriarch, and dispenser of unsurpassed justice touched the lives of thousands and is beloved by many more. He blinded everyone he met by his sheer goodness.

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Mahatma Gandhi



IN MEMORIAM

John Ayers, 75, died Aug. 4 at Edgewater Retirement Community in West Des Moines.

Ayers grew up in Waterloo, Iowa. Ayers practiced law for a number of years and later became a Des Moines, Iowa, area magistrate judge. After retirement, he became an adjunct professor at Waldorf College, University of Iowa and Iowa State University.

Joan Lipsky, 96, died Aug. 18.

Lipsky was born in Cedar Rapids, Iowa. She graduated from Northwestern University in 1940 and the University of Iowa College of Law in 1980. Lipsky was the first female elected to serve as a Linn County representative in the Iowa General Assembly in 1966 where she served until 1978. She practiced law at Shuttleworth & Ingersoll, P.C., in Cedar Rapids, Iowa, after law school, and in 1986 she ran for lieutenant governor of Iowa. Among her many honors, Lipsky was awarded an honorary J.D. from Mount Mercy College and a Doctor of Humane Letters from Coe College.

James "Jim" L. McDonald, 89, died Aug. 4 at River Hills Village in Keokuk, Iowa.

McDonald was born in Cherokee, Iowa.

He joined the U.S. Army in 1943, deploying to Europe, fighting in the Battle of the Bulge in France. After World War II, he returned to Iowa and graduated from the University of Iowa and the University of Iowa College of Law. McDonald practiced law in Cherokee from 1951 to 1985. He was then appointed as an Iowa district court judge for the 3rd Judicial District of Iowa until his retirement in 1994.

Donald E. O'Brien, 91, died Aug. 18.

O'Brien was born in Marcus, Iowa. He served during World War II in the U.S. Army Air Forces as a bombardier, flying several missions in Europe and eventually earning the Distinguished Flying Cross. After his time in the military, he received his J.D. from Creighton University Law School in 1948. He then served as a part-time prosecutor for Sioux City, Iowa, and later was elected Woodbury County attorney. O'Brien was appointed as U.S. Attorney for the Northern District of Iowa by President John F. Kennedy in 1961. And, in 1978, President Jimmy Carter nominated O'Brien to be a federal judge in Iowa. He would later serve as chief judge in 1985

until he took senior status in 1992. Although on senior status, O'Brien continued to maintain a substantial caseload up until his death.

Russell Schroeder, Jr., 68, died Aug. 24 in Osage, Iowa.

Schroeder was born in Charles City, Iowa. He graduated from the University of Iowa in 1970 and the University of South Dakota School of Law in 1973. Schroeder taught business and criminal law at North Iowa Area Community College early in his career and practiced law in Charles City, Iowa.

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It runs in the family

Five Creston attorneys pass legacy of law to daughters

By Ian Richardson, staff reporter at Creston News Advertiser



Private attorney and former magistrate Marion James sums it up in two words: “Father’s pride.”

It’s the feeling he had when his daughter, Amanda, began to help him research cases. It’s the feeling he had when she was admitted to the Iowa Bar. And it’s the feeling he had describing how she grew up to take her current position as an assistant attorney at the Sullivan & Ward Professional Corporation.

Marion James is among five proud lawyers in the Creston area who have seen one of their daughters go into the field of law. Along with the Jameses, the other attorney-daughter families are Stephanie Miller, daughter of Ann and the late Stuart Nielsen; Angela Davis, daughter of Skip Kenyon; Elizabeth Lee, daughter of Tim Kenyon; and Loretta Harvey, daughter of Ed Harvey.

How did so many attorneys’ children come to love law like their parents? For each one, it was a different, at times winding, road.

Part I: The journey to law school

Stephanie Miller, now an assistant county attorney in Kossuth County, grew up in Corning with not just one, but two lawyers as parents. Being an attorney’s daughter meant a lot of time hanging out in the office — sometimes being put to work filing papers. It was during those years that the Nielsen love of law began to sink in.

“When she was a baby, she used to walk around with a little suitcase in her hand,” Ann Nielsen said. “She would pull out blank income tax forms, and we had a little

table in the living room, and she would be doing taxes.”

Miller would attend Drake University Law School immediately after her undergraduate studies. She said she knew law was what she wanted to do, but she felt no pressure to follow in her parents’ footsteps.

“There was pressure to not come back home after you’d graduated from undergrad,” she said, “but there was no pressure to be a lawyer.”

Ann Nielsen agreed.

“Did she need to go to college? Yes. Did she need to graduate from college? Yes. But she didn’t necessarily have to be a lawyer,” she said.

Angela Davis, now a government relations attorney with Wasker, Dorr, Wimmer & Marcouiller in West Des Moines, had, like Miller, helped her father with clerical office tasks as a child. Born into a family full of lawyers — her father, grandfather and two uncles all practiced — she said she listened to plenty of shop-talk when the Kenyon family got together.

“I thought it was pretty normal for people to be talking about criminal law scenarios or probate issues,” she said.

Skip Kenyon and his wife, Mary Ann, had a similar perspective to the Niensens when raising Davis.

“We never told any of the kids where we thought they had to go,” Skip Kenyon said. “We always let them choose their own paths.”

But unlike Miller, Davis said law was initially one of the last things she wanted to pursue. Davis attended the University of

Iowa and studied English with an emphasis in creative writing. She would end up in Raleigh, N.C., as a choreographer and creator of her own production company, the result of her love of art and background in dance.

However, after some reconsideration about going back to school, Davis realized she was interested in pursuing a career in law. She came back to Iowa and began studying at Drake University.

Although she was the daughter of a proud University of Iowa College of Law graduate, Davis would choose Drake because, as a single parent going back to school, she felt it would better fit her scheduling needs.

“That was an interesting conversation,” she said. “My uncle Greg went to Drake law school, and my dad (Skip) and my uncle Tim went to Iowa law school. So, they had, I think, a silent bet going how it was going to turn out.”

Davis would graduate in 2010.

Like Davis, Amanda James also had not made her decision right away.

“It’s not one of those things like in fifth grade I said, ‘Oh, I’m going to put on a suit and carry a briefcase when I get older just like my Dad,’” James said. “It was more gradual, like an idea that’s always there in the back of your mind, but because it’s always there it’s kind of like my curiosity — I want to know what all the options are.”

For her undergraduate studies, James majored in international relations, then began to pursue a Master of Fine Arts in painting. At that point, however, she realized she wasn’t being challenged in the way she wanted to be. She soon decided that law would be the career that would “check all the boxes” for her.

“There was intellectual stimulation. I was making a difference. I enjoyed the people that were in that field,” James said. “Those boxes weren’t all checked in the other areas that I researched.”

Like Davis, James attended Drake University, which was where her father had studied. She graduated in 2008.

Elizabeth Lee, daughter of county attorney Tim Kenyon, was open to other careers when she first began attending



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Skip Kenyon (right) stands next to his daughter, Angela Davis (left), at her swearing-in ceremony with the Iowa Bar. Kenyon and Davis are one of five attorney parent-daughter couples from the Creston area.



This father-daughter photo, taken on the day Amanda James (right) was sworn in after passing the bar, hangs in the Creston office of Marion James (left).

the University of Iowa as an undeclared major. However, she soon found that law fit her interests when she took a class that discussed law and civil rights issues.

“You kind of have a moment where you’re looking at this and doing extra homework when you’re like, ‘Okay, this is what I’m meant to be doing, this is going to be my focus area,’” she said.

When Lee told her parents she wanted to go into law, she said they were very supportive, even though they had never told her that was something that she should go into. Her father joked with her about it a bit, as well.

“He kind of laughed and said, ‘I guess you have the disease too. It’s genetic at this point,’” she said.

Lee would, like her father and grandfather, attend law school at Iowa, making herself a third-generation Iowa Law graduate.

Loretta Harvey would be the only daughter not to attend law school in Iowa. She graduated from Creighton University in Omaha, Neb., in 2002.

While these daughters chose to go into law, several of their siblings took other routes, including all of their male siblings. Sometimes, like in the Nielsen family, where Miller’s sister is the only one who did not chose law, it’s a bit of a family joke.

“(Miller’s) older sister is an actuary and calls herself the ‘white sheep’ of the family,” Ann Nielsen said.

All of the daughters, at different times and ages, had chosen to pursue the practice of law. The next part of the story would come when many of them returned home to work alongside their families.

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