



THE IOWA LAWYER

SEPTEMBER 2018 V 78 N 8

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Protecting Iowa's Agriculture

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This issue of The Iowa Lawyer is all about retirement. There are approximately 2,300 ISBA members who are 60 and older, an age where many are at least thinking about when they might want to start winding down their careers. Retiring can be a daunting prospect, but the articles contained in this issue hope to provide a beginning roadmap. The information begins with a special retirement-themed President's Letter on page 5.

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NEW ISBA BOARD OF GOVERNORS MEMBERS ELECTED FOR DISTRICT 6

Three new Iowa State Bar Association Board of Governors were elected for Judicial District 6 in August. **Erin Nathan** and **Caitlin Slessor** were elected to represent Linn County. **Melvin Shaw** was elected to represent Johnson County. The outgoing governors for this district include: Linda Kirsch, Lori Klockau and Jonathan Schmidt.



ERIN NATHAN



CAITLIN SLESSOR



MELVIN SHAW

ISBA YLD RESOLUTION PASSES UNANIMOUSLY AT ABA ANNUAL MEETING

The ISBA Young Lawyers Division presented a resolution to the ABA YLD Assembly at the ABA Annual Meeting in Chicago in early August, asking for the endorsement of its report on transparency in legal education. The report is co-authored by Law School Transparency and makes five recommendations to the ABA and law schools to improve legal education, increase diversity and reduce student loan debt.

The ABA YLD unanimously voted to endorse the report, a first-step victory in drawing attention to the ISBA YLD's recommendations. For the next step, the YLD will be asking the ISBA Board of Governors to endorse the report during its September meeting.

If you have questions or want to get involved in the YLD's efforts, please contact YLD President Maggie White at Maggie.E.White@emcins.com or 515-345-4630.



ISBA YLD member Kyle Fry presenting the resolution at the ABA YLD Assembly in Chicago.

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GOODBYE TENSION, HELLO PENSION

TOM LEVIS, PRESIDENT

This month's issue of The Iowa Lawyer magazine is retirement themed. In it you will find a great article by Tré Critelli, the head of the Office of Professional Regulation, dealing with ethics and maintaining your law license after retirement. The magazine also has a series of personal stories and anecdotes from retired ISBA members that will give you some practical tips about retirement. The magazine also contains some "nuts and bolts" articles about how to sell/transfer/merge your law-practice when you finally decide to "take down the shingle." In following this month's

new can be downright stressful.

I am 65 years old. I have been practicing law for 41 years. That's a lot of days of learning something new. Some days I wish I could learn something that I wasn't "required" to learn. Some days I wish I could spend the time needed to learn how to play the piano. Some days I think I'd like to take a course at Drake and learn a new language, like Spanish. Some days, I think I'd like to learn how to paint or take good photos. Some days, if I had the time, I think I'd like to learn how to cook and cook well. Does that sound like a lawyer looking at retirement?

most about your years in the law.

Which cases or deals meant the most to you? Which clients did you most identify with – or maybe even envy a little? What were your favorite pastimes? What civic or non-profit causes did you support with your time or money or both? According to Ms. Rich Heisler, a common thread among all successful transitioning lawyers is that each lawyer pursued something that truly mattered to him or her.

The trouble with retirement is that you never get a day off.

A couple of retired lawyer friends of mine told me how they eagerly anticipated having more leisure time, once they turned off the old time clock. Unfortunately, they both soon learned that a daily routine of golf, movies and restaurants started to feel older than they did. They admitted that they needed something more than leisure in their lives. They agreed with Cheryl Rich Heisler. They needed to be doing something that truly mattered to them.

In writing this newsletter, I read a number of articles about retirement for lawyers. Of course, all the articles talked about making sure your financial situation is ready for retirement. As Tennessee Williams once said: "You can be young without money but you can't be old without it." But, most articles I read focused on what to do with your time after a hard-charging legal career. Each article had dozens of ideas for what lawyers could do in retirement, but every article acknowledged that a retired lawyer must engage in activities that personally matter to them.

"HALF OUR LIFE IS SPENT TRYING TO FIND SOMETHING TO DO WITH THE TIME WE HAVE RUSHED THROUGH LIFE TRYING TO SAVE. "

—Will Rogers

theme, I thought I'd tell you a little bit about my thoughts on retirement.

One of the wonderful aspects of being a lawyer is we never stop learning. Just about every case requires us to learn something new. Yesterday, I had to learn how dental offices are valued. The day before, I learned why hedge trees are valuable to farmers! (Who would have guessed that scrubby old hedge trees make great fence posts?) Last week, I learned how to sell (or not sell) a \$250,000 vintage 1968 Dodge Charger at an Arizona car auction. It seems that nearly every day I am required to learn something new to effectively represent my clients.

What is not to like about learning something new everyday? Well, sometimes the process of learning something new is not so terrific. In fact, sometimes learning something new can be pretty darn difficult, especially when you are under a time deadline and you are dealing with emotional clients. Sometimes learning something

What's the biggest advantage of going back to school as a retiree?

If you cut classes, no one calls your parents.

I have to finish this Presidency gig first, but I won't deny it, I am thinking about learning something new that doesn't involve "required learning." Some may call that retirement. I like to call it "transitioning." But, whatever you call it, I am starting to think about it. I'd also be lying if I didn't tell you I am a little apprehensive about transitioning. A 2015 Harvard study published in the Harvard Health Blog cited retirement as number 10 on the list of the top 43 most stressful life events! Jeez, who needs to go from one stressful event to another? I also read an article by Cheryl Rich Heisler entitled "Turning Your Hobby into Your Job B" (ABA "Experience" Magazine, January/ February 2018). Ms. Rich Heisler says that when considering transitioning to retirement, a lawyer should take a step backward instead of forward. Ask yourself what you enjoyed

"REMEMBER, RETIREMENT MEANS NO PRESSURE, NO STRESS, NO HEARTACHE... UNLESS YOU PLAY GOLF."

SO, HERE ARE 10 THINGS I AM THINKING ABOUT DOING WHEN I RETIRE:

1. Provide pro bono mediations;
2. Mentor law students and young lawyers;
3. Get training in immigration law from the American Immigration Lawyers Association Justice Campaign and help with pro bono immigration cases;
4. Take a class on painting and photography;
5. Teach civics at a local school;
6. Volunteer for a conservation organization;
7. Learn how to play the piano;
8. Learn Spanish;
9. Learn how to cook-well;
10. Go back to Nepal and help the Nepalese people any way I can.



The Levis family pictured during a trip to Nepal.



TAKING STOCK: THINGS TO CONSIDER BEFORE DECIDING IF IT'S REALLY TIME TO RETIRE

(from *Why Plan for Succession and Retirement, Part I* By Lori Owens)

HOW IS YOUR PHYSICAL HEALTH?

HOW IS YOUR MENTAL HEALTH; DO YOU HAVE THE SAME PASSION?

HOW IS YOUR SIGNIFICANT OTHER'S OR FAMILY MEMBERS' HEALTH?

IS IT TIME TO GIVE BACK IN THE FORM OF PRO BONO OR A CAREER SHIFT?

DO YOU DESIRE MORE FAMILY TIME OR WISH TO SPEND MORE TIME ON HOBBIES, REST OR RELAXATION?

I am sure I'll also play plenty of golf, see the most current movies, eat in some great restaurants and travel to exotic places. I might even run for office, although my wife would have to buy in to that crazy commitment! But, one thing I know about my retirement plan

is that I will be learning something new everyday as I engage in something that matters to me. What will you do?

If you want to chat with me about your transitional plans, please don't hesitate to contact me. I'd love to hear your retirement ideas.

Thanks for letting me serve.



Tom Levis

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RETIRING 101

What you need to know about your law license

By **Nicholas (Tré) Critelli, III**, Director of the Office of Professional Regulation

E: Tre.Critelli@iowacourts.gov P: 515.348.4670

At least once a week I receive a call from an attorney who is thinking about retiring from the practice of law. Often times it is a difficult call for the attorney to make, particularly as they contemplate ending decades of practice and “giving up being a lawyer.” Other times it is pretty straightforward and they are looking to wrap things up as quickly as possible.

The advice I give to both types of attorneys is pretty much the same. First, they need to close out their trust account unless the law firm will continue on without them. Second, they need to contact their malpractice carrier and find out how to best handle returning files to clients or archiving them. Lastly, they need to let us here at OPR know that they are ending their law practice and wish to put their law license on an “inactive” status or relinquish it altogether.

In regards to this latter requirement, there are three primary client security classifications most attorneys fall into: “active,” “exempt” and “retired/relinquished.” Iowa Court Rules 31.7, 41.7 and 42.6 set forth the requirements of each client security classification.

An attorney in “active” status is able to practice law. Attorneys in this category are required to file an annual CLE report showing they attended 15 hours of CLE, file an annual Client Security report and questionnaire, and pay the annual CLE fee (\$10), attorney disciplinary fee (\$200) and client security assessment (\$50).

Attorneys who are in “exempt” status are no longer authorized to practice law. They are exempt from the CLE reporting requirements and some of the Client Security requirements. Exempt attorneys need not attend any CLE, file the annual CLE report, nor pay the \$10 CLE fee. They do not need to file the regular Client Security report and questionnaire, but instead

file an Annual Exempt Attorney Report which primarily confirms their contact information and that they are not practicing law. Finally, attorneys in exempt status do not need to pay the attorney disciplinary fee nor the client security assessment. They do, however, need to pay an annual \$50 exempt attorney fee.

The last client security classification is “retired” or relinquished. In this category, attorneys are giving up their law license. There are no fees, reports or any other requirement to keep in touch with the Office of Professional Regulation. Relinquishing one’s law license essentially reverts the lawyer back to layperson status. They are no longer lawyers nor officers of the court. They are unable to engage in the practice of law (with one exception—see Rule 31.19 regarding emeritus attorneys).

The primary difference between exempt and retired status is how you regain the ability to practice law. Generally speaking, attorneys who are in exempt status can be reinstated by showing that they have made up the CLE requirements for the years they were inactive and by paying the attorney disciplinary fee, client security

assessment and a reinstatement fee. Attorneys who are in retired/relinquished status, on the other hand, cannot reinstate their law licenses. Instead, they are required to seek readmission. For most attorneys this equates to retaking the bar examination.

CLIENT SECURITY STATUS



One of the reasons lawyers decide to relinquish their law licenses is that it enables them to do work that they would otherwise be prohibited from doing in exempt status. Some activities, such as the preparation of tax returns or mediations, are considered the



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practice of law when done by a lawyer but not the practice of law when done by a non-lawyer. If the lawyer is in exempt status, they are prohibited from practicing law and thus cannot engage in those activities. A lawyer who has relinquished his or her law license, on the other hand, is no longer considered a lawyer and is thus free to engage in those activities.

The decision as to when to go inactive or whether or not you should relinquish your law license can be a difficult one to make. It often helps to have someone with whom you can talk through your options. That is one of the services we here at the Office of Professional Regulation provide. Please do not hesitate to give us a call at 515-348-4670.

Checklist for Attorneys Wanting to Take Exempt or Retired Status

- ☐ Inform your professional liability carrier of your plan to end your practice
- ☐ Return all original documents (e.g. abstracts, wills) and any other items to clients or their legal representative
- ☐ Request clients either collect their file by a date certain or give you written authority to transfer the file to another attorney on their behalf
- ☐ File notices of withdrawal on all cases in which you are counsel of record before any administrative agency, district or appellate court, and remove your name from any court appointment lists you are on
- ☐ Zero out your trust account if you are the only authorized attorney signer, then send written notice to OPR of the date your trust account was closed
- ☐ Follow ISBA Opinion 08-02 regarding destruction of old files so you have as few paper files as possible for your archival purposes
- ☐ Call OPR (515-348-4670) to resolve any outstanding fee obligations due to the judicial branch or other entity
- ☐ Inform OPR if you have sold your practice to another attorney or law firm so we can note the transition in our records
- ☐ If you are requesting exempt status, mark your calendar so that you don't forget to file your Annual Exempt Attorney Report by March 10th of next year
- ☐ File your application for exempt or retired status at the OPR website: www.iacourtcommissions.org

If you have any questions, please contact OPR at 515-348-4670

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August 1-3, 2018

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Barbara Silverstone, NOSSCR (National Organization of Social Security Claimants' Representatives), Executive Director

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Wednesday, August 8, 2018

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Kendra Erkema, Triangle Financial Services, Inc.

GENE EDITING: IP AND REGULATORY CONSIDERATIONS (LIVE WEBINAR)

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Cassandra Edgar, McKee, Voorhees & Sease

THOSE AFFECTED BY DEMENTIA: UNDERSTANDING THEIR NEEDS (LIVE WEBINAR)

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Linda Brown, Program Director,
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AVOIDING PITFALLS: OFTEN OVERLOOKED CONTRACT TERMS (LIVE WEBINAR)

Thursday, August 30, 2018

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HOW THEY DID IT

Four attorneys on what they went through to retire

Compiled by Steve Boeckman
Communications Director Emeritus

Making the decision to retire and when is, for most people, one of the most difficult challenges they face in a lifetime. Aside from the financial concerns, what to do with the practice and the legalities of exiting the practice, there are the emotional/psychological issues. Though often not discussed, many retiring attorneys wonder what their stature in the community will be when they are retired, what will they do to occupy their time, and how will clients – many of whom have become friends over the years – handle their departure.

The four stories that follow focus on the emotional/psychological aspects of leaving the law practice. They are told in their own words by attorneys who have been retired varying lengths of time. While their stories differ, the common denominator is that all four have retired successfully, and have entered the next phase of their lives with optimism and satisfaction.

MICHAEL PAUL JENSEN, ONAWA (SOLO PRACTICE)

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"I stopped taking new clients on Dec. 31, 2016, and announced my retirement in the local newspaper on that date. However, I still had four cases I had to finalize, mostly for friends. I was the executor and attorney in one case not related to friends that had 26 beneficiaries. I finished those cases, turned the practice over to the new owners and went on inactive status on Dec. 31, 2017.

"My wife was urging me to retire. It was just getting too stressful. I was losing sleep at night. With the kids gone, she had to listen to me squawk about the legal business. She never had to do that before when the kids were home. *(He and wife, Debbie, a retired teacher, have two daughters and a son. Their son had Downs Syndrome and died. One daughter is an attorney in Cedar Rapids. The other daughter is a junior high school principal in Iowa City. The couple have two granddaughters in Iowa City.)*

TECHNOLOGY CHALLENGES

"Technologically I was falling behind. I felt I would need to get more sophisticated or get out of the practice. Plus, the practice of law had changed from when I started in 1977.

"It was also a personal decision. My mom died at age 66 and my dad at 72. I am hoping to live out my last days on the farm raising crops, flowers, garden and sheep.

"I'd been thinking about retiring two or three years before I actually retired. Finding someone to take over the practice who would take care of the clients and the staff was my main concern. My plan was to hire a young associate who would eventually take over the practice, and I would slide out the door in two-to-five years. Unfortunately, I couldn't find anyone. I exchanged one email with a young attorney, but nothing after that. With another young attorney, I exchanged about eight emails – a lot of information. He and his wife came to visit the office and the community several times. I thought his wife was very excited about the prospects. He decided he wanted a guaranteed salary. I told him he would be better off someplace else.

"I put an ad in the Iowa Lawyer magazine advertising my practice for sale. I got four contacts – two of them

very serious. I chose one – a firm out of Council Bluffs – because its practice is in real estate, wills, trusts and taxes, which was the bulk of my practice. Also, the firm seemed to be compatible with the community. It has offices in five or six other smaller communities. According to my contract with them, I receive a percentage of the revenue from my previous clients and rental income from the lease of my building. The same attorney comes to the office, which I think is good. He comes two days a week.

LIFE AFTER LAW

"Part of deciding when to retire was weighing what kind of life I would have outside of the office and in the office. After the response from my ads, I decided if I was going to turn over my practice, maybe this would be the only opportunity.

"As I said, I'd been thinking about retiring, but always thought the method would be having a young person take over and me going out the door – maybe working five days a week, then four days and finally Thursday afternoons until I was 85.

"I just couldn't find anybody. They all wanted salaries in the six figures and guarantees. I told them – even showed them my last three years of tax returns – that if they wanted to work six days a

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week, 70 hours a week sometimes, they could make the salary they wanted. I told them it's all up to them, not to me.

"I think you just have to be lucky with the right person who understands that and is willing to do it.

"I never really thought about what my retirement would mean for my status in the community. My sense, though, is where people used to tread lightly around me because 'he's a lawyer,' they now just say 'whatever Mike.' I was not prepared for that, but maybe I should have been.

FROM LAWYER TO FARMER

"Farming gets me excited now. I've lived on a farm all my life. The other day I went to a CRP meeting, had a cup of coffee and a doughnut and talked about farming. Even though I loved my clients, the law practice wasn't doing that for me toward the end.

"I really wish I'd had some lawyer counselors to talk with about why I was

doing what I was doing. There are financial counselors you can talk with to make sure the financial end of things is in good shape. There are also counselors you can talk with about changes in yourself. But I would really like to see mentors – retired attorneys like me – who could talk about how to close a trust account, what license status to choose when retired, CLE and other issues that come up. A checklist of what to do, particularly for solo practitioners would be really helpful, too."



J.C. SALVO, HARLAN (SIX-ATTORNEY PRACTICE)

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"I retired on Dec. 30, 2017. I'd been thinking about it for two-to-three years, but never really knew the best way to proceed. I talked to several attorneys who had been retired for varying lengths of time and got a lot of good information from them.

"I was trying to find the best time to retire. Finally, I arbitrarily picked my birthday. I turned 70 in December.

"Once I decided on a date, I talked to the office staff about that. Then for the last year before I retired, I stopped taking cases that I couldn't finish before I was to leave unless the client was okay with another lawyer finishing the case. If I took a case, I brought in another lawyer from my firm (*Salvo Deren Schenck Gross Swain, & Argotsinger, PC* had six attorneys when J.C. was active). Any money from any cases after my date of retirement went to others in the office. I was finished, and I wanted to make sure the lawyers in the office were successful.

"I also sold my interest in the building – diverted my ownership in the building to the other lawyers in the firm who own the building. We also made adjustments within the staff so

everyone had a job.

"I have a couple of cases that I tried that are now on appeal. Other lawyers in the office are handling the appeal, but I told them I would be available to consult with them and handle oral arguments if needed. I was concerned about how I could do that if I was no longer licensed to practice.

"As my retirement date was approaching, Tré Critelli (*director of the Office of Professional Regulation*) gave a seminar in Council Bluffs on the license statuses available to lawyers who leave the practice. I learned that I could choose a 'suspended' status that would allow me to be involved with the appellate cases if needed. If I had surrendered my license, I would have to go through the whole process, including taking the bar exam, if I wanted to practice again.

"Most people go through some kind of angst when they retire. There's the financial worry, and what am I going to do with my time. There's also the impact on the spouse, how is it going to interfere with her routine. And, there's the identity issue.

IDENTITY ISSUES

"A piece of counsel I received when talking to other retired attorneys was: 'You're still J.C. Before you became a lawyer, you were J.C. When you're not a lawyer, you're still J.C. However, it's difficult disassociating from the persona of being a lawyer.

"In a small town, you can't hide very well. You're either in or out. Most people say 'lucky you' when they find out I'm retired. I'm quite surprised, but I've never had anyone say: 'Oh my God.' Unless they're unusual, most people work in order to retire.

"I'm still new at this, and I don't know what I want to do yet when I grow up, but so far, I always seem to have something to do. I wash my car pretty much every week. I used to do it on Saturdays. Now I can do it on Tuesday or Wednesday.

"Trudy (my wife) and I go to Florida from the middle of January until March, and usually spend a couple of weeks in Arizona. My father is in a care facility now, and I go see him frequently.

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"We babysit the grandkids on Tuesdays for our daughter and son-in-law, who are both school principals in Omaha. Sometimes our daughter will call and say: 'Hey, dad, can you and mom babysit'? And, I'll say 'sure.' I have the flexibility to do that now.

"I didn't retire because I didn't enjoy it (the practice) anymore. If I miss it too much, I may go down and sign up for legal aid. Or I may volunteer at the self-help desk in the Douglas County Courthouse. Volunteers at the desk help people figure out where to go when they come in if they aren't sure.

RETIRED LAWYERS AS SOURCES

"Most retired lawyers have a lot to offer in the way of handholding. However, they may wonder if they are relevant, given all the changes in the practice. Most lawyers would be receptive to having people come to them. Whether the seniors would go to them, I'm not sure.

"When I was a young lawyer, one thing that made young lawyers relevant was the Nuts & Bolts seminar that the ISBA offered every year. It was pretty basic stuff, but it provided a taste of everything in the law practice. I think it would be a good service to have a Nuts & Bolts seminar for senior lawyers who are thinking about slowing down with topics such as: How to get out of a case, how to keep clients happy so the money keeps coming in, insurance coverage, etc.



JAY EATON, DES MOINES (LARGE URBAN PRACTICE)

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SHOULD I RETIRE?

"I believe the most important question to ask yourself when deciding whether to retire and when to retire: Is being a lawyer what you do, or who you are?' The answer to this question will best inform you about how and when you choose to retire, and the scope of your retirement planning.

"Although I didn't know it at the time, I began preparing for 'life after law,' as I prefer to call retirement, quite a long time ago. I developed non-law activities, friendships with lawyers and non-lawyers that do not depend on law and a greater sense of who I am. Even though I didn't realize it at the time, these became the building blocks for my eventual retirement, which occurred on the last working day in December 2013 at age 67. I remain of counsel with Nyemaster Goode, P.C., in Des Moines.

"An important factor in structuring client relationships is managing client expectations. The same mindset applies to retirement. You need to be

realistic about your financial situation, your health, your likes and dislikes and what you plan to do.

"If being a lawyer is what you do, which it was for me, disengagement is more objective. If being a lawyer is who you are – if your self-concept depends on being a lawyer – your transition needs to account for the change in identity you will encounter when moving into retirement. You may need to consider semi-retirement or do volunteer legal work.

"For me, it has been very fulfilling to move from 'doing' to 'being.' What I mean by that is a lawyer's life is wrapped up in schedules and commitments and getting work done – 'doing.' 'Being' is more introspective – understanding who I am, my values, my spirit,



Jay Eaton speaks at the podium during the Retirement track of ISBA's 2018 Annual Meeting at the Iowa Events Center.

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AND I DON'T KNOW
WHAT I WANT TO DO
YET WHEN I GROW
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"The transition from doing to being seems easier in life after law. I now dwell in many new possibilities that continue to open.

TIMING

"With regard to the timing of retirement, it could take a day or five years. In my case, one day – it was a Friday in June 2013 – I decided that I owed it to myself to at least think about retirement. Our firm inquires each year what the members of a certain age are planning to do regarding retirement. It's for business purposes and to make sure clients are protected and well cared for. I would always report that I will retire, but I have no plans for when.

"At the end of that Friday, I couldn't think of a reason that I should continue working even though I loved it. I didn't tell anyone, including Kathy (my wife). I slept on it over the weekend, and Monday morning I hadn't changed my mind, so I wrote a memo that week to the firm. I said in the memo that I would retire at the end of the year, if my work could be completed and clients transitioned by that time. I still had some cases, and said I would stay as long as needed until the cases were finished or transitioned to someone else. It turned out that all of the pieces fell into place and I retired at the end of the year.

"As much as I loved the practice, I just decided I wanted to free up more time. I wanted to spend more time with

Kathy and our family (*he and Kathy have four children, three of whom live out of town*), do more traveling and spend more time on activities I enjoy, such as woodworking, motorcycle riding and boating.

LIFE AFTER LAW

"Don't get me wrong. I very much enjoyed my law practice right up until I turned the lights out and closed my office door. Yet retirement, for me, is completely liberating because that chapter is done, and I am now moving into a new chapter. I intentionally did not plunge too far into volunteer opportunities lest I remain tethered to my last chapter and miss the freedom to fully explore my expanded boundaries in my new chapter.

"I do miss the people I worked with regularly. I miss the relationships because they were fun and stimulating. Working together with people who had different ways of solving problems and various personalities was always enjoyable for me.

"I also miss working with young people because it gives a different perspective on your life, on your work, on problem solving than you have when working with people your same age.

"As far as transitioning my practice, I was fortunate to be in a firm with a number of great lawyers so I didn't have to look far. I could just walk down the hall to transition clients. Sometimes it took a couple of tries before finding a lawyer who matched up with a client, but fortunately it all worked out.

ADVICE

"The advice I would give to anyone contemplating retirement is: 1) Work with the question, 'Is being a lawyer what you do or who you are?' 2) Be realistic in managing your own expectations. That includes finances, how to transition clients and your practice to other attorney(s) and what you want to do in life after law. 3) Find your passion(s). The answers in these areas will best inform if, and when, you are ready to retire and the scope of your retirement planning."



JARED BAUCH, TRAER (TWO-PERSON PRACTICE)

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I retired in July 2016 and surrendered my license, after practicing for 51 years. I enjoyed the practice; it was rewarding, I liked our clients and it was hard to say goodbye, but I had reached the point where I just did not want to learn any more new law and I realized I was not being as careful as I needed to be if I was going to keep practicing. There were other things I wanted to do and my horizons were closing in. Not having a license made it possible for me to decline to advise old clients and to explain why I could not just do that 'Simple Will.'

"We had hired an associate (Brent Lechtenberg) a couple of years before with the goal that he would take over the practice. He was ready to take over in 2015, so we sold him the practice. I stayed on in an advisory role and to help him with the 2016 tax season.

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PURCHASING THE PRACTICE

"Brent bought the assets of the practice – mainly the building. There was no separate valuation of the practice. I did it in a way that he could afford to make it work. Brent had some savings for a down payment, the local bank financed a portion and we personally carried the balance on an installment contract and fair terms.

"When we made the decision to take in an associate we made it clear in our advertisement and discussions that we were looking for someone to take over the practice. We agreed we had to make our practice an attractive proposition and that meant being generous in our employment terms and being deliberate in making ourselves available for discussions and questions which covered not only the law and practice in question but also client history and quirks and personality issues.

"Our first two associates did not work out for valid reasons. One of them realized as a single lawyer that life in a small town, while attractive, just wasn't socially acceptable. The other had a huge student debt and realized it could not be serviced in most practices and chose the public-service debt-forgiveness route. Our third stab brought us a new lawyer, recently married, both from small-town rural Iowa and desiring to have a rural Iowa practice. We are exceptionally pleased with the results.

ASSOCIATE COMPENSATION/ INCORPORATION INTO THE PRACTICE

"As far as compensation for the associate, we wanted something simple and direct. We had read about a number of plans but didn't want a lot of recordkeeping. We agreed to pay a reasonable starting salary. We paid all of the expenses and we kept whatever amounts the associate earned by way of court appointments, etc.

"Since we were older and weren't trying to build a practice, we did not have a lot of new work coming in. We realized we had to be more aggressive in making client and associate introductions and turning existing work over to the associate. I discovered our

clients were wondering what steps we were taking to assure continuity since we were getting older. Clients were open to working with our associate and accepting of our plan of succession. The result of this is that when the time eventually came for a complete transition our clients were fully prepared and agreeable. I don't think even a half dozen left the office. They were pleased to know that they could continue in the same office. Their records were there, and they knew the secretaries.

CASH FLOW

"Since our method of paying our associate substantially reduced our personal cash flow we were much more aware of our cash requirements for retirement. Since we did not have any expensive habits, our cash flow needs were about the same as when we were working.

"It's better to figure out your cash flow while you're still working. You might want to delay retirement if it doesn't look like the cash flow will be adequate. I read articles that said you don't need as much money in retirement as you did when working. That's not true. You better plan on replacing most of the income you had while working.

"If cash flow is an issue and you have someone to take over the practice, you could cut back and take a salary. The new person may not want you around, though. I told Brent to pay attention to the way we do things because you'll want to do them differently.

ACTIVITIES

"My wife, Marilyn, and I are doing more traveling. We took a two-week trip to Ireland last year, and plan to go to Wales this year. We also took a road trip through the western part of the country last summer. We've done some camping within the state. And, we planted 90 trees in the last two years. In July we took two young grandsons camping in Colorado.

"Some of our activities require physical stamina. We like to hike. Now we hike one-to-two miles in the mountains where we used to hike five or six. My muscle mass is declining despite my efforts to keep it up. The cardio-vascular stamina is still good, but the legs and knees aren't what they used to be. I had an ankle replacement last January and it's taking longer to recover than I thought. Marilyn tried fishing two years ago. She liked it and so now that takes up more pleasant time.

"One of the surprises to me in retirement was rediscovering how dependent I was on my secretaries to keep my schedule. I have had to discipline myself to note on a large monthly calendar my appointments, meetings and plans. Then I had to discipline myself to look at it every morning and every evening. It has been an adjustment but I am making it. Maybe I will have to switch from a flip-phone to a smart-phone, but then that might defeat the purpose of retirement.

"Overall, I'm just trying to be able to do some things that I want to do."



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Retiring from Practice:

UNDERSTANDING YOUR OPTIONS

By Matthew Fitterer

An attorney, like anyone else, looks toward retirement with mixed emotions. Retirement means bidding farewell to angry client phone calls and late night brief writing, but it also means stepping away from your life's work. Although the decision of whether to retire can be a difficult one, the decision of how to retire need not be.

The reasons for closing a practice are as diverse as the practices themselves. As a result, there is no one-size-fits-all approach. Attorneys must carefully consider when they wish to retire, how much effort they are willing to put into the process, and whether their practice could ever survive without them. Among all attorneys, however, one thing is true: failing to prepare is preparing to fail. Without adequate planning, attorneys may be stuck putting out fires long after they planned to retire, or worse, dragged out of retirement to face a malpractice claim. Deciding on and committing to the right plan is a critical step in ensuring your financial wellbeing and peace of mind after you turn the lights off for good.

CLOSING THE PRACTICE

The most common exit plan, and the simplest one, is to close down the practice. Closure may be the only option for attorneys who cannot sell their practice, have not lined up a successor, or lack the time to arrange for either. Regardless, winding down a practice takes time and requires careful attention to both the needs of clients and of the business itself.

INITIATING THE PROCESS

The first step in closing a practice is setting a target date, typically six to twelve months in advance, at which point the closure process will be entirely concluded. Whether more or less time is required will depend upon the nature of the practice. For example, transactional attorneys may only need a few months, while litigators may need

far more time to wrap up most or even some of their cases. In any event, upon selecting a date the attorney should cease taking on any new clients.

Of course, it is unrealistic to presume that all client matters will come to a conclusion before the attorney retires. An initial part of this process, then, requires the attorney working with staff to create an inventory of all active matters. The inventory should indicate:

- **The identity of the client and nature of the matter**
- **The current status and any unresolved issues**
- **Any time limitations or deadlines**
- **Whether client property or funds are being held**
- **The amount of any outstanding fees**

Based on this information, the attorney can decide whether a matter should remain with the practice or be transferred to another attorney.

CLIENT MATTERS

The attorney should notify all clients that he or she is planning to retire. Long-time clients may call for an in-person meeting or, at the very least, a telephone conversation. Nevertheless, each notification should be memorialized in a written letter. It may be wise to address outstanding fees before the retirement announcement, especially if they have mounted over time, as clients can be less willing to pay when they know the practice will soon be dissolving.

Active clients who will need to retain new counsel should be notified of any deadlines, what property or funds the firm is holding, how they can obtain their files, and the current status of fees. The attorney must notify former clients as well, and provide them with instructions on how they can receive their files or a date on which the files will be destroyed. For litigation matters, attorneys must notify the relevant courts and opposing counsel that

they are transitioning off of the case, and file a motion to withdraw and/or substitute counsel as appropriate.

Pursuant to American Bar Association Model Rule of Professional Conduct ("Model Rule") 1.16(d), the attorney must fully cooperate with successor counsel and ensure that the client's interests are protected post-termination. This means giving the client plenty of advance warning and promptly turning over to the client his or her file, unearned portions of fees and any other property the attorney may be holding for the client. Upon transferring any documents or property to a client, the attorney should request a signed receipt from the client and maintain a record of each transaction.

TYING UP LOOSE ENDS

When all cases have been transferred or finalized, the attorney can begin taking stock of final billings and closing operating and trust accounts, preferably in consultation with the firm's accountant. The procedure for addressing unclaimed or unidentifiable trust funds varies by jurisdiction, but initially requires a reasonable effort to ascertain and contact the rightful owner. After a certain period of time, typically two or three years, the property will most often escheat to the state. A growing trend, however, places unidentifiable (but not merely unclaimed) property with a local lawyer's trust or client protection fund.

Even setting aside client matters, the list of tasks an attorney must complete before closing a practice will accumulate quickly: an attorney must terminate the firm's lease, discontinue utilities and subscription services, notify the local attorney registration authority, remove the firm's name from any marketing publications and arrange a sale of the firm's physical assets. Attorneys may also want to arrange for their telephone company to provide their new phone number when their disconnected number is called.

Last, but not least, attorneys should discuss purchasing tail coverage, also known as an extended reporting period, from their professional liability insurer. An extended reporting period provides coverage for legal malpractice claims made after the termination of a professional liability policy and during the tail coverage period, provided that the acts or omissions which form the basis of the claim occurred prior to the termination date.

SELLING THE PRACTICE

Building a practice takes hard work, especially if it was built from the ground up. As a result, an attorney will understandably want to extract as much value as possible from the practice before shuttering its doors. Selling the practice to another attorney or firm allows an attorney to reap the benefits of years or decades of hard work and enter retirement with a little extra cash in hand. The process, however, can be lengthy, and attorneys must understand

the numerous ethical limitations that can delay a sale or prevent it entirely.

THE DECISION TO SELL

Not all practices can be sold. Whether a practice is salable depends on the answers to a number of questions, including:

- Does the practice generate revenue sufficient to justify a sale?
- How likely are the clients to remain with the purchasing attorney?
- How specialized is the practice area?
- Does the practice have a strong reputation and marketing presence?
- Is the goodwill of the practice too closely linked to an individual attorney?

A firm providing a niche service with a strong marketing presence and few local competitors will be more likely to attract a buyer than a general practice in an area saturated with

lawyers. These factors may be largely out of the attorney's hands, but other factors, like the firm's recent annual revenues and the organization of the firm's client files and records, can be improved closer to the time of sale. Even minor cosmetic improvements to the office itself can enhance the firm's marketability.

THE PROCESS

The sale process, from making initial preparations to finalizing the transaction, can take as long as two years. Finding the right buyer can be especially difficult. While local bar association newsletters and online marketplaces are available, many attorneys wisely turn to a broker, who will often not only help to locate a buyer, but also assist with valuing the firm, setting an asking price and negotiating the sale. As one might expect, valuing a law practice is a complicated task requiring an evaluation of the firm's market demographics, location, sources of business, reputation, practice area, profitability and infrastructure, among other factors, and the ultimate figure can vary anywhere from 50 to 300 percent of the firm's annual revenue.

Early on in the process, the seller and prospective buyer must exchange information in order to detect and resolve conflicts of interest. Disclosure of such information, including the identities of clients and adverse parties, a high-level summary of the general issues involved, and whether the matter has terminated, is authorized under Model Rule 1.6(b)(7) absent harm to any client.

While the seller can furnish tax returns and financial statements to prospective buyers to give them a sense of the firm's value, disclosure of any specific fee arrangements, or any other details pertaining to a particular representation, requires client consent pursuant to Model Rules 1.6 and 1.17. A few states, however, have relaxed their confidentiality rules to allow for broader disclosure in the event of a sale. Maine and Oregon, in their versions of Model Rule 1.6, specifically permit a seller to provide a description of "the nature and extent of the legal services involved" and "fee and payment

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information” without consent as long as the client is not harmed.¹ Pennsylvania is even more liberal, permitting disclosure of any information “the lawyer reasonably believes necessary... to effectuate the sale of a law practice,”² up to and including a complete review of the client file.³ Attorneys should consult their local rules, or assume limited authority to disclose client information in sale negotiations.

OTHER LIMITATIONS

Prior to 1989, attorneys were ethically precluded from selling any part of their practice apart from physical assets such as books or furniture. Although most states have since adopted Model Rule 1.17 (including Iowa), which permits the sale of a law practice, Alabama and Texas have yet to adopt such a rule.

Model Rule 1.17 is not without limitations, however, some more onerous than others. First, Model Rule 1.17 authorizes a sale of either the entire practice or a specific area of the practice. This provides attorneys with flexibility when, for example, a partner who led a highly specialized practice group decides to retire, or when an attorney seeks to scale back his or her hours by narrowing the scope of his/her professional activities before fully retiring. A number of states⁴ require a sale of the entire practice, however, and attorneys should refer to their local ethics rules for specific guidelines.

Next, Model Rule 1.17(a) requires the seller to refrain from practicing law, either entirely or in the practice area sold, within the geographic location where the firm was sold. Jurisdictions vary on whether they define “geographic location” as the city, county or even the entire state where the seller had practiced, and a handful of states⁵ have not adopted any geographic limitation at all. As far as the scope of the rule in terms of “ceas[ing] to engage in the private practice of law,” Comment 3 to Rule 1.17 clarifies that an attorney may work for a public agency, for a legal organization that serves the poor or as in-house counsel to a business. Moreover, in Formal Opinion 468, the American Bar Association has clarified that engaging in “transition activity,” that is helping to transition active client

matters to the purchasing attorney after a sale, does not violate the rule.⁶

Subsection (b) requires that the purchaser be a lawyer or law firm, a mandate that has been adopted uniformly across all jurisdictions. Model Rule 1.17(c) requires the seller to give written notice to each client describing the sale, acknowledging the client’s right to retain other counsel and retrieve the file, and explaining that the client’s consent to transfer the file is presumed, absent an objection within 90 days. Subsection (c) can vary as well, with perhaps the most dramatic difference found in Virginia’s version of the rule which presumes the client’s refusal after 90 days of inaction.⁷ Finally, subsection (d) requires the buyer to honor the existing fee agreements between the seller and each client, and expressly forbids any increase in fees on account of the sale.

THE GRADUAL TRANSITION

A third option, and one that is often overlooked, is to transition the practice to an associate-purchaser. This exit plan offers several benefits to the existing owner, including consistency for the firm’s clients, continued employment for staff, the opportunity to pass on a legacy, the ability to cut back hours rather than immediately retire and the increased likelihood of an orderly sale in the end. The associate, in turn, is able to inherit an established office infrastructure and stream of business, learn from a seasoned attorney and eventually own a practice without having to start from scratch. Like all exit plans, however, this option

is not for everyone and requires considerably more time and effort than a simple closure or sale.

THE IDEAL CANDIDATES

The ideal predecessor attorney will be eyeing a retirement date at least three years, but preferably five to seven years, down the road. The attorney should also prefer, or be willing, to assume a more diminished role as time goes on. Although the outgoing attorney has ultimate control in terms of selecting a successor, the attorney must have the patience to allow the associate to grow into the role and the humility needed to hand over the reins of the practice. Too little trust will scare off potential successors; too much will result in a failed business during or shortly after the transition. The practice itself should enjoy revenue adequate to attract and support a new employee, and be organized and situated as if it was being prepared for a traditional sale.

The ideal successor should be qualified in the relevant practice area and motivated to take on the challenges of firm ownership. It is unrealistic, however, to expect a successor with a lengthy and proven track record or experience running his or her own practice. Most importantly, the owner and associate should share the same priorities and vision that will forge a successful partnership moving forward. The predecessor’s role, particularly at the outset, is that of a mentor, which is why setting aside time for professional growth, and possible false starts, is so important.



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THE TRANSITION IN PRACTICE

The transition process entails gradually ceding greater responsibility, ownership and control of the practice to an associate who will ultimately become the majority owner. This requires developing a timeline, memorialized in a written agreement, which begins with the hiring of a successor and ends with the predecessor's retirement or permanent "of counsel" status. The timeline will be punctuated with performance benchmarks, at which point the associate will be allowed to purchase a greater share of ownership in the practice. The table below exemplifies one way that a predecessor and successor attorney might structure such a transition.

SAMPLE TRANSITION TIMELINE

Years 0 to 1: Successor works as non-owner associate
End Year 1: Successor offered 15% (owns 15%)
End Year 2: Successor offered 15% (owns 30%)
End Year 3: Successor offered 15% (owns 45%)
End Year 4: Successor offered 15% (owns 60%—majority ownership)
Year 5 & Beyond: Successor continues purchasing shares until full owner-

ship, or Predecessor retains minority share until fully retiring; Predecessor assumes a salaried "of counsel" role as long as minimum revenue goals are met.

The performance benchmarks are based upon earned revenue and will vary depending on the practice. If the successor fails to meet any of the established benchmarks, or one of the parties seeks to terminate the relationship before the successor reaches majority ownership, the agreement should allow that party to sell back or retake the transferred shares at their original purchase price. Once the successor has complete or near-complete ownership of the practice, the agreement should guarantee the predecessor an "of counsel" role as long as minimum revenue goals are met.

ETHICAL CONCERNS

In a nutshell, the arrangement is a gradual sale with "transition activity" built into the transaction. Some authorities, however, have reasoned that the transaction is not a "sale" as contemplated by Rule 1.17 and is therefore exempt from the rule's requirements. The North Carolina Bar, for example, explained in 98 Formal Ethics Opinion 6 that when a firm is purchased by a current employee, "there is no potential for harm to the interests of the clients of the firm due to conflicts of interests, breaches of confidentiality, or abuse of fee agreements."⁸ The Nebraska Supreme Court Lawyers' Advisory Committee in Opinion 13-03 agreed that Rule 1.17 is not applicable, although it cautioned that "attorneys should be mindful of the fact that a client of one attorney in a law practice may not wish to become a client of another attorney in the same law practice for a variety of reasons."⁹

These opinions are premised on the fact that the associate-purchaser will continue the existing firm. In Opinion 07-02, the Illinois State Bar Association considered slightly different facts in which an associate sought to purchase the practice from the retiring owner with plans to reconstitute it into a new practice.¹⁰ Keeping the owner on "of counsel" in this scenario, according to the opinion, would violate the

"cessation from practice" provision of Illinois' Rule 1.17.

CONCLUSION

Even after retiring, an attorney's duties never truly end. Attorneys must keep careful records, preserve copies of client files and forever adhere to a strict standard of confidentiality. But by choosing a plan that works for you and putting in the necessary effort before you retire, you can be sure that your ethical obligations will be met, your legacy will remain intact and your transition into retirement will be a smooth one.

¹ Maine Rule of Prof. Cond. 1.6(b)(6); Oregon Rule of Prof. Cond. 1.6(b)(6).

² Pennsylvania Rule of Prof. Cond. 1.6(c)(6).

³ Pennsylvania Formal Ethics Op. 2010-100 (2010).

⁴ Maryland, Minnesota, New Jersey, Ohio, and South Carolina

⁵ California, Georgia, Maine, Nebraska, and Washington

⁶ ABA Formal Opinion 468 (2014).

⁷ Virginia Rule of Prof. Cond. 1.17(c)(5).

⁸ North Carolina Ethics Op. 98-6 (1998).

⁹ Nebraska Ethics Op. 13-03 (2013) (finding that 117 does not apply, but also noting that Nebraska's Rule 1.17 does not contain a "cessation from practice" provision).

¹⁰ Illinois Ethics Op. 07-02 (2007).

This article was originally authored for the benefit of CNA by Matthew Fitterer.

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IN MEMORIAM

Frederick G. White, 91, of Waterloo died July 25. White was born in Waterloo in 1927. He served in the U.S. Army Air Corps during World War II and received his J.D. from the University of Chicago Law School in 1951. He practiced law in the Waterloo area for over 60 years. He worked as a trial attorney, trying hundreds of cases all over northeast Iowa and served as the Assistant County Attorney in Black Hawk County. He helped found Iowa Legal Aid; was a member of the Iowa, American and Black Hawk County Bar Associations, the Iowa Academy of Trial Lawyers, Iowa Board of Bar Examiners and the American Civil Liberties Union.

Kenneth Arthur Johnsen, 66, of Des Moines died in early June. Johnsen was born in 1951 in Council Bluffs. Ken spent most of his life in Des Moines working as an attorney in private practice. He worked tirelessly on behalf of Iowans in his specialty of social security/disability law and was a mentor in Big Brothers/Big Sisters of Greater Des Moines.



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Succession planning for small law firm owners: **THE ASSOCIATE BUYOUT**

By Roy S. Ginsburg and Paul Floyd

(originally written for Bench & Bar of Minnesota, the official magazine of the Minnesota State Bar Association)

Looking ahead to retirement? Sometimes the answer is already close at hand

Small firm owners planning ahead for retirement would do well to consider whether any of the firm's current associates could fit into their succession planning. This article dispels some common concerns about that approach and suggests a three-stage process for exploring and executing an internal succession plan.

If you are a small law firm owner in your 50s or 60s, the time to plan for your retirement is now. One of the biggest decisions you must make is succession planning—who will step into your shoes once you leave?

The lowest hanging fruit for you may be an attorney currently working for you. After all, an associate buyout accomplishes three of your main goals:

- Ensures your clients continue to receive good service
- Preserves your legacy
- Enhances your retirement nest egg

Yet pursuing the associate-buyout option is easier said than done. First, you need to make sure the successor lawyer has the “right stuff.” After all, one doesn’t want to turn over the reins to someone who, instead of preserving a legacy, destroys it. Further, even with the right candidate, how do you structure such a transition to make the numbers work? That is, how do you arrive at a fair price and fair terms?

Before moving forward with an associate buyout, it’s important to face and dispel a couple of fears you may have.

COMPENSATION

One of the most misunderstood consequences of adding a new partner is compensation. Many owners wrongly assume that once you make someone a partial equity owner, the new partner automatically participates in the firm’s profits based upon ownership percentage.

You can simply let this fear go. Why? Big Wall Street partnerships don’t automatically share profits based on ownership percentages. You don’t need to, either.

Compensation decisions remain completely within your discretion as a majority owner. Thus, in the early years of a buy-out, when you typically remain the majority owner, fundamental changes to the new junior partner’s compensation are unnecessary.

GOVERNANCE

The same principle that applies to compensation also holds true for firm governance. Only when the successor lawyer owns a majority of the firm can he or she call the shots. Of course, in most situations, the hope is that you and your successor will collaborate on major decisions, irrespective of control.

IS THIS THE RIGHT SUCCESSOR?

Hiring a great “worker bee” attorney hardly ensures you are also hiring a great attorney owner. Being a successful owner requires a skill set entirely different from that of a good working attorney.

As a senior owner, you must consider the following about your potential successors:

- Do they have good business judgment? Among other things, will the successor keep expenses low, screen clients effectively, get bills out in timely fashion, pursue collections diligently, etc.?

• Do they have marketing sense? Does the successor understand that the phone doesn’t ring just because one practices law well? As you already know, the phone rings only when others (potential clients and referral sources) know that you are a good lawyer. Getting the word out requires business development skills. Does your potential successor have them?

Your answers to these questions will likely fall within one of the following:

- Are you kidding? Not on your life! And it isn’t even worth trying to teach them.
- I’m reasonably confident that, with enough training and mentoring, my successor can get to where he or she needs to be to achieve success.

If your answer is close to the first, there is no need to think any more about an insider deal. Many insider deals are partially funded from the firm’s future profits in order to make it feasible for successors to pay the retiring lawyer. There will be no future profits for funding if the successor mismanages the firm. Time for Plan B—whatever that might be.

If your answer is much closer to the second, it is time to consider next steps.

CREATE A MULTI-PHASE, MULTI-YEAR SUCCESSION PLAN

A multi-phase, multi-year scheme works best for most associate buyouts. The phases, explained in the hypothetical below, can vary in length depending upon the full timing of your wind-down strategy.

Additionally, a multi-year approach offers two main benefits:

- First, buy-in obligations are more manageable when there is more time to make payments.
- Second, a successor’s mental shift from employee to owner (along with the increased responsibilities) does not happen overnight. The adjustment often takes years.

The total timeframe can range from one to 15 or so years. Take this hypothetical as an example of the items to address and steps to take during a multi-year succession.

Assume a 56-year-old sole owner wants to transition the firm to one associate. The retiring lawyer seeks to completely retire at 65. This provides for a nine-year succession plan.

In general, there are three main phases in a successful transition. In this situation, each phase can last three years. Negotiations occur on a discrete phase-by-phase basis; Negotiations for each subsequent phase begin only after successful completion of the prior phase.

PHASE ONE (YEARS 1-3)

This phase is more or less a probationary period. It gives the owner time to evaluate whether the new partner does, in fact, have the “right stuff.”

The associate starts to buy in at the outset. The cost is modest, as well as the ownership percentage the new partner receives. The owner begins to transfer some management responsibilities and to provide any necessary training and mentoring.

If this does not go according to plan and either the owner or new partner want to back out, the financial consequences for both parties will be minor. With a minimal buy-in during Phase One, buying out the new owner will similarly be minimal.

So what is the initial price of admission to become a minority partner? You will not find the answer in any bean-counter formula. Instead, focus on what the successor can realistically afford. Most successors probably won’t have personal bank accounts with large balances. Additionally, traditional bank loans are rarely available. Most banks won’t go near a law firm buy-in because they view them as too risky.

What most successors can afford is going without bonuses or a bump in salary during Phase One. This option is often affordable for the new partner, and should not affect cash flow or lifestyle too much. Many successors will balk at any proposed deal that requires a significant up-front financial sacrifice.

As for the ownership percentage to sell to the successor, there is no magic number. Once again, keep the number modest. A few percentage points are usually all that is necessary. Practically speaking, there is no difference between being a five-, 15- or 25-percent owner. In all three instances, the successor lawyer cannot overrule the majority owner regarding any significant management issues. Further, these three instances do not impact the successor’s compensation since, as noted earlier, ownership percentage does not affect compensation.

PHASE TWO (YEARS 4-6)

By now, the owner is gaining confidence that the new partner has the “right stuff” and the deal proceeds. During Phase Two, the ownership percentage of the successor starts to

creep closer to 50 percent, but never actually reaches it. The buy-in amount also increases. Note, however, this is still usually not the time to create huge financial sacrifices for the successor. That will come in Phase Three.

PHASE THREE (YEARS 7-9)

Phase Three is the tipping point. The retiring partner loses majority status and, with it, legal and practical control of the law firm. Retiring owners can now envision their firm successfully moving forward without them; many begin to work part-time when this phase begins. Successor lawyers can now foresee a firm that is completely their own.

This is the time for payments to increase substantially. These three years of the buyout overshadow the earlier sums and are the key financial terms of an insider deal.

FINALIZE THE NUMBERS TO COMPLETE THE DEAL

There is no plug-in formula to determine the firm’s value. Anecdotally, parties often arrive at a figure that seems “fair.”



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“Fair” may seem way too ill-defined a way to reach a deal. But the marketplace itself can help the parties come up with their own definition of “fair” and prevent both parties from overplaying their hands.

For example, senior lawyers should realize that if they ask for too much, the buyer will start to make completely new calculations. For example, how much will it cost to start a new firm as compared to pursuing the buyout? Insiders certainly realize the advantages of staying in place, but also recognize those advantages are only worth so much. In short, buyers will compare the risk and associated costs of hanging out their own shingle to the known cost of buying in.

On the other side of the table, the successor lawyer can’t try to steal the firm away from the senior lawyer. Should the junior lawyer offer too little, most senior lawyers will still have the time to sell the practice to another lawyer or law firm and obtain a higher price.

In other words, the marketplace prevents the selling and buying lawyers from being too greedy. Accordingly, level-headed minds should be able to reach a fair price and reasonable terms.

There is often concern over whether successor owners can afford the substantial increase in buy-in amounts. As an initial matter, the successor is presumably now making more money.

Unlike during the early phases of the transition, most of the firm’s profits are now going directly to the successor. Additionally, negotiations can include extending payments beyond the term of Phase Three, thereby making yearly amounts more affordable.

OTHER CONSIDERATIONS

Timing, cost and compensation are not the only major considerations that you will face when pursuing an associate buyout.

TAXES

Your law firm’s accountant may not be of much help in determining your firm’s value for a buyout. But your accountant is critical to ensuring that both you and your successor fully understand the tax consequences as the deal reaches completion. Do not proceed with any deal without their advice.

FIRM NAME

It is usually best to change your law firm’s name by adding the junior name sooner rather than later. Even doing so during Phase One is not necessarily too early, since changing the name actually benefits both parties.

The senior lawyer’s name presumably has attained a considerable amount of goodwill. The successor wants to ride the coattails of the retiring lawyer’s name so that the marketplace can begin to recognize the association of the names. Further, it will be significantly easier for successors to create

their own goodwill when their name is attached to an already well-known brand (the senior lawyer’s goodwill). And the sooner the successor attains goodwill in the market, the more likely the successor will be able to maintain the firm’s book of business.

CONCLUSION

If you are considering retirement in the near future, and you have lawyers working under you, an associate buyout is potentially an excellent exit strategy. It rewards the loyalty of a dedicated associate, puts cash in your pocket and provides uninterrupted service to your clients.

Before you move forward, however, you need to ensure your associate is the best fit for your firm, and then be sure to allow enough time to make a smooth transition. This will provide you the time you need to adjust to a life of retirement and for your associate to adjust to the life of a law firm owner.



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RETIRE WITH REASON:

How retirement benefit plans fit with charitable giving goals

By Gordon Fischer and Mackensie Graham

After the desk is cleared, cake eaten, gold watch given, business transitioned and the toasts finished, retirement begins... and with it, a heavy dose of reflection. As related by clients, friends and family alike who have gone through it, the sunset of a career prompts contemplation on the legacy built thus far.

The lifestyle change also prompts retirees to consider what sort of impact they're going to make in their golden years, and even after they're gone. Often this results in philanthropy and charitable bequests to a favorite nonprofit, such as a school, church, hospital, museum, social services organization or animal welfare group.

A question many retirees consider: What can I give to charity during life and at death? To answer this, we must acknowledge that not all assets are created equal for charitable giving, for tax reasons. Some assets may be better granted to heirs, while it's more strategic for other assets to be charitably gifted.

In general, retirement benefit plans, such as IRAs and 401(k)s, can make excellent charitable gifts, particularly in comparison with taxation of other assets.

OLD MAN LEAR AND HIS THREE BENEFICIARIES

Consider the simple story of Old Man Lear and his three beloved daughters: Cordelia, Goneril and Regan. (Feel free to take a break and brush up on your Shakespeare!) Lear, no fool, engages in estate planning with the intention of helping each of his daughters. He has three major assets: a castle, stock and an IRA. Each asset is conveniently worth roughly the same value:

- Lear's castle is worth \$100,003. He purchased it for only \$20,000.
- Lear owns shares of stock in Globe Theatre Company valued at \$100,002. He bought the stock for just \$50,000.

- Lear has dutifully paid into an IRA that's now up to \$100,020.

Nothing if not fair, Lear divvies up his assets to each daughter. Do all three daughters get more or less the same deal?

THREE TAX CONCEPTS TO CONSIDER

Before answering, we need to consider three important tax concepts:

1. Inheritance as income
2. Income in respect of a decedent
3. Step-up in basis (also called, stepped up basis)

The interplay of these concepts may make charitable gifts of retirement benefit plan assets more attractive to you (and your clients) than charitable gifts of other kind of assets. Let's see how each of these tax concepts play into our hypothetical.

INHERITANCE AS INCOME

Under federal income tax rules, receipt of almost every type of asset counts as income. A rare exception is inheritance of property, and (most) inherited property passes tax-free. (It is true Iowa has an inheritance tax, but it does not apply to lineal descendants, and so would not apply to our hypothetical.)

INCOME IN RESPECT OF A DECEDENT (IRD)

With every rule in federal tax law, there's an exception. Most inherited property passes tax-free, but not all. IRD is income that the deceased was entitled to, but had not yet received, at time of death. IRD can come from various sources, including:

1. Unpaid salary, fees, commissions, and/or bonuses;
2. Deferred compensation benefits;
3. Accrued, but unpaid interest, dividends, and rent; and
4. Distributions from retirement benefit plans.

You read that right...retirement benefit plans are IRD.

Federal tax law provides for IRD to be taxed when it's distributed to the deceased's beneficiaries. (Note that

IRD retains the character it would have had in the deceased's hands.)

STEP-UP IN BASIS

Step-up in basis refers to the readjustment of value of an appreciated asset for tax purposes upon inheritance. With a step-up in basis, the value of the asset is determined to be the fair market value (FMV) of the asset at the time of inheritance, and not the value at which the original party purchased the asset.

THREE HEIRS AND THREE ASSETS

Back to Lear's beneficiaries, we have Goneril inheriting the castle. As we discussed, there's no federal tax on inheritance. Goneril sells the castle for \$100,003. Although Lear purchased the castle for only \$20,000, recall that

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his daughter receives a step-up in basis to \$100,003, the FMV of the castle. Since Goneril sells it for \$100,003, there is nothing to tax.

When Regan inherits the stock, there is no tax, as there's no taxable event. Soon after Lear's death, Regan decides to sell the stock. Although Lear purchased the stock for \$50,000, Regan also receives a step-up in basis. Regan's stepped-up basis is \$100,002, the stock's FMV. Since Regan sells the stock for its new basis, there's nothing to tax.

How about Cordelia and the IRA? If Cordelia withdraws money from the IRA, it is a different story. Cordelia will have to pay federal income tax of up to 37 percent. (It is true that Cordelia could defer withdrawals from the IRA for a long time, and of course such deferral reduces the impact of taxes.)

To sum up, in this hypothetical, the castle and stock pass to their respective beneficiaries without any taxable event, and the daughters were able to sell the property and retain the proceeds without tax consequences. The IRA passed to the third daughter, but she will have to pay taxes when she withdraws funds, so in the end she's inherited substantially less than her sisters. This was not the equitable distribution Lear was looking for.

What could Lear have done differently? He could have donated the IRA to his favorite castle preservation society (a 501(c)(3)), and the nonprofit could accept without negative tax consequences for his daughter.

Just as there were takeaways from King Lear (the play), there are important lessons here: In estate planning and charitable giving, consider tax implications. A secondary moral to this story: Considering talking to your heirs about these issues; not all assets are equally beneficial to heirs and this could cause family infighting or even litigation over the estate plan.

So, how does one go about donating a retirement benefit plan to charity? This can be done at time of death through beneficiary designations. Charitable gifts of retirement benefit plan assets can also be made during life, using the IRA charitable rollover federal law, or simply gifting required

minimum distributions (RMDs). There are four key avenues for gifting retirement benefit plan assets.

BENEFICIARY DESIGNATIONS

No matter what age, retired status or what type of retirement benefit plan (IRA, 401(k), 403(b), etc.), there is a very simple way for you to help your favorite charity. Simply contact the account holder and name your favorite nonprofit as beneficiary! This is so simple. No lawyer or drafting of legal documents is required—the owner of the retirement benefit plan simply has to direct the account holder to change the beneficiary. However, if the account holder is married, the spouse should be informed and may need to consent to the designation.

REQUIRED MINIMUM DISTRIBUTIONS

A way to give retirement assets during life is through RMDs. Generally, an account holder must start taking RMDs after age 70½. Sometimes even much younger folks must take RMDs when they inherit a retirement benefit account. If you're already having to take RMDs, why not use those funds to support a preferred charity? For example, a donor may use the RMDs as charitable donations, and then claim an offsetting federal income tax charitable deduction.

BENEFIT PLAN GIVING DURING LIFE

For the budding philanthropist who wants to give earlier in life, (as in before your seventh decade!) persons age 59½ may choose to disperse some of their retirement plan assets. Such a donation avoids the 10 percent early distribution tax penalty. Be aware though, this penalty is applied to donors looking to withdraw prior to age 59½ regardless if the intent is charitable or otherwise.

IRA CHARITABLE ROLLOVER

The IRA charitable rollover federal law permits taxpayers, beginning at age 70½, to make donations directly to public charities from their IRAs without counting the donations as part of adjusted gross income (AGI) and, consequently, without paying taxes on them. The IRA charitable rollover

can also fulfill RMDs! Note that this federal law applies only to IRAs, and not any other type of retirement benefit plans. And, there are additional limitations on this option, including an annual cap of \$100,000 per IRA owner, and contributions to private foundations and donor-advised funds do not qualify.

CHARITABLE GIFTING OF RETIREMENT BENEFIT PLANS, NOW OR LATER

As you, and your clients, plan ahead for retirement, and conduct estate planning, consider the impact you want to make both during life and at death, as well as the tax implications for you, your estate and your heirs. Retirement benefit plans may be an ideal way to help the causes you care about most.



Gordon Fischer is an Iowa attorney with more than 20 years of experience, focused on estate planning, charitable giving, and nonprofit formation/compliance. His firm's mission is to promote and maximize charitable giving in Iowa. He welcomes discussion on every aspect of charitable giving, including strategic estate planning; he can be contacted at gordon@gordonfischerlawfirm.com and his cell phone is 515-371-6077.



Mackensie Graham serves as chief content officer at Gordon Fischer Law Firm, PC and is currently a student at University of Iowa College of Law. She's an Iowa native, graduate of Drake University and holds a master's degree in public policy. She may be contacted at mackensie-graham@uiowa.edu.



THE IMPORTANCE OF PREPARING FOR RETIREMENT

From Lockton Affinity, the ISBA's endorsed provider of professional liability insurance

Attorneys must carefully consider when they wish to retire, how much effort they are willing to put into the process and whether their practice can survive without them. When setting yourself up for retirement, preparation is key.

Without adequate planning, you may be stuck putting out fires or facing a malpractice claim long after you had planned to retire. Committing to the right plan is critical to your financial wellbeing and peace of mind after you retire.

THE MOST COMMON OPTIONS WHEN ENTERING RETIREMENT INCLUDE:

- FINDING A SUCCESSOR
- CLOSING THE PRACTICE
- SELLING THE PRACTICE

While no one decision is easy, each has its benefits.

FINDING A SUCCESSOR

Oftentimes there is a business partner or family member who can take over operations when you choose to leave. While this process takes a lot of planning to identify and develop the new leaders, it increases the availability of experienced and capable employees that are prepared to assume these roles.

In your succession plan, identify an assisting attorney and share it with your support staff, others in the firm and your clients.

CLOSING THE PRACTICE

Logistically speaking, closing your practice is often the simplest option. It may be the only option for attorneys who cannot sell their practice or did not line up a successor.

IF CLOSING YOUR FIRM, TAKE THE FOLLOWING STEPS:

- **SET A CLOSING DATE—SELECT A DATE, TYPICALLY SIX TO TWELVE MONTHS IN ADVANCE.**
- **CEASE TAKING NEW CLIENTS—ONCE A DATE IS PICKED, AVOID TAKING NEW CLIENTS.**
- **CREATE AN INVENTORY OF ACTIVE MATTERS—MAKE A LIST OF MATTERS TO WRAP UP AND INCLUDE PLENTY OF DETAILS.**
- **NOTIFY CLIENTS—INFORM ALL CLIENTS ABOUT THE CLOSING SOONER THAN LATER, AND ALWAYS INCLUDE A WRITTEN LETTER.**
- **TIE UP LOOSE ENDS—TAKE STOCK OF FINAL BILLINGS, TERMINATE THE FIRM'S LEASE, ETC.**

SELLING THE PRACTICE

IF YOU ARE CONSIDERING SELLING, ASK YOURSELF THESE QUESTIONS BEFORE STARTING THE PROCESS:

- **DOES YOUR PRACTICE GENERATE SUFFICIENT REVENUE?**
- **HOW LIKELY ARE CLIENTS TO REMAIN WITH THE PURCHASING ATTORNEY?**
- **HOW SPECIALIZED IS THE PRACTICE AREA?**

• DOES THE PRACTICE HAVE A STRONG REPUTATION AND MARKETING PRESENCE?

• IS THE GOODWILL OF THE PRACTICE TOO CLOSELY LINKED TO AN INDIVIDUAL ATTORNEY?

From initial preparations to the final transaction, a sale can take as long as two years, as finding the right buyer can be especially difficult. Consider turning to a broker who can help locate a buyer, value the firm, set an asking price and negotiate the sale.

Regardless of which path you choose to follow, it is critical to ensure your professional liability insurance offers an extended reporting period, or a retirement tail. A retirement tail provides coverage from legal malpractice claims made after the termination of a professional liability policy. Some professional liability insurance providers such as Lockton Affinity, the ISBA's endorsed professional liability insurance provider, offer retirement tails for the remainder of your life, or until you return to practicing law.

For more information about preparing for retirement and extended reporting periods, contact **Lockton Affinity** at **ISBAInsurance@LocktonAffinity.com** or **800-679-7154**.



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CLE Calendar

September 12

Dealing with the 'A' Word:
How to Calculate
Spousal Support
(Live Webinar)

September 13-14

Bridge the Gap Seminar
West Des Moines

September 18

Prudence vs. Negligence:
Managing Risk in
Concussion Response in
School Sports
(Live Webinar)

September 20

Ag Law Seminar
Ames

September 26

Preparing for
Mediation
(Live Webinar)

October 2

Wind Farm Easements: A
Review of Provisions in
Wind Farm Documents
(Live Webinar)

October 4

Fundamentals of
Federal Practice
Seminar
(Video Conference)

October 10

Parenting Coordination
(Live Webinar)

October 11

Bitcoin Trends and IP
(Live Webinar)

October 19

Corporate Counsel and
Trade Regulation Seminar
(In-person or Live Webinar)

October 24

Probate Mediation
(Live Webinar)

iowabar.org/calendar



Fundamentals of Federal Practice Seminar

October 4

1:30 - 5:00 PM

U.S. District Courthouses - Video Conference

www.iowabar.org/event/2018Fundamentals

This CLE program is designed for attorneys who are new to federal practice as well as experienced attorneys who are looking to brush up on the basics of practicing in federal court. Presenters include members of Iowa's federal judiciary and federal court staff providing attendees an opportunity to learn about the judges, their preferences and how to best litigate a case in federal court in Iowa.

TOPICS INCLUDE

- Role of a Magistrate Judge and Case Management
- Motions Practice Tips and Warnings/Local Rules
- Motions for Summary Judgment
- Ethics of Settlement

MARK THOSE CALENDARS



Corporate Counsel and Trade Regulation Seminar

October 19

ISBA Headquarters or Live Webinar

Sexual Harassment and First Amendment Issues in the Workplace
Current Immigration Issues
New Developments in Antitrust
Data Privacy



Environmental and Natural Resources Law Seminar

November 9

ISBA Headquarters or Live Webinar

Don't Touch That Monarch! Endangered Species
Designation Issues for Iowa
Avoiding U.S. Army Corps Traps for Developers

Family Law Seminar

October 25 - 26

West Des Moines Marriott | 1250 Jordan Creek Pkwy.

www.iowabar.org/event/2018FamilyLaw

FEATURING



Dr. Arnold Shienvold
Riegler Shienvold and Associates

Dr. Shienvold is recognized nationally as an expert in the areas of custody evaluations and family mediation. In addition to his direct clinical practice in those areas, he has consulted to public and private agencies, taught and lectured at a multitude of professional conferences and published a variety of papers on these topics.

TOPICS

Family Law Update
Child Custody Evaluation Cases
DHS Adoptions
Drug Trends and Policies

Representing Incarcerated Parents
Proposed Changes in Minor Guardianships
Surrogacy Agreements in Iowa: The Baby H Case
Collaborative Law, Early Neutral Evaluation and Other Alternatives



POSITIONS AVAILABLE

LITIGATION ATTORNEY – Crary Huff Law Firm, Sioux City, IA – Crary Huff Law Firm is seeking an experienced litigation attorney for its office located in Sioux City. Candidates should have at least two years of practice, primarily in civil litigation. Excellent research and writing skills are required, and trial experience is preferred. Iowa bar admission required. All applications will be handled confidentially. Send resume and cover letter to Crary Huff Law Firm, Attention Mick Connealy, Personnel Partner, PO Box 27, Sioux City, IA 51102 or mconnealy@craryhuff.com. Equal Opportunity Employer.

BUSINESS AND ESTATE PLANNING ATTORNEY – Crary Huff Law Firm, Sioux City, IA – Crary Huff Law Firm is seeking an experienced business and estate planning attorney for its office located in Sioux City. Candidates should have at least two years of legal practice. Experience with estate planning, corporate law and real estate transactions is preferred. Applicants should have a strong work ethic and favor a collaborative team-oriented approach to the practice. Iowa bar admission required. All applications will be handled confidentially. Send resume and cover letter to Crary Huff Law Firm, Attention Mick Connealy, Personnel Partner, PO Box 27, Sioux City, IA 51102 or mconnealy@craryhuff.com. Equal Opportunity Employer.

IMMIGRATION ATTORNEY – McGrath North, Omaha, NE – Seeking an attorney to join its immigration practice. Candidates should work well independently and within a team environment. Experience in business-related immigration law is required, including preparing and filing petitions for non-immigrant employment, immigrant status, lawful permanent-resident status and dependent-work authorization. The position also requires a working knowledge of Form I-9 and I-9 audit practices. To apply, visit <http://careers.iowabar.org/jobs/11244887/immigration-attorney>

ASSOCIATE DEBT RESTRUCTURING & BANKRUPTCY ATTORNEY – Ag & Business Legal Strategies, Cedar Rapids, IA – Seeking an experienced attorney to join a cutting-edge agricultural, business debt restructuring and bankruptcy law firm. The ideal candidate will have at least three years of practice experience, which can include a judicial clerkship. This candidate would be self-motivated,

have a solid income tax background, knowledge of business bankruptcy and typical real property law—including experience closing complicated real estate transactions—as well as knowledge of farming. A demonstrated background in at least two of these areas is required. Please direct questions to Joe Peiffer by e-mail at recruiting@ablsonline.com. Apply via email including a resume, unofficial transcript and writing sample to recruiting@ablsonline.com.

STAFF ATTORNEY – Iowa Legal Aid, Des Moines, IA – Iowa Legal Aid has staff attorney openings in its offices located in Cedar Rapids, Davenport, Des Moines and Waterloo. Staff attorney positions in other Iowa Legal Aid regional offices may open as the year progresses. Staff attorneys provide free legal assistance and community legal education to low-income people. To apply, visit <http://careers.iowabar.org/jobs/11301834/staff-attorney>

FELLOWSHIP: EQUAL JUSTICE WORKS AMERICORPS VETERANS PROJECT – Iowa Legal Aid, Des Moines, IA – Iowa Legal Aid seeks two attorneys for a fellowship sponsored by Equal Justice Works AmeriCorps to focus on serving Iowa's veteran population. The term of the fellowship is one year, and it may be renewed for a second year. The Fellows may be located in Cedar Rapids, Council Bluffs, Des Moines or Iowa City. The fellowship must begin by Oct. 31, 2018 and the Fellows must serve a minimum of 1,700 hours during the one-year fellowship. To apply, visit <http://careers.iowabar.org/jobs/11301856/fellowship-equal-justice-works-ameri-corps-veterans-project>

ASSOCIATE COUNSEL – Farm Bureau Financial Services, West Des Moines, IA – The Associate Counsel position will provide legal assistance and solutions to the Farm Bureau insurance companies primarily in the areas of sales force matters, property casualty operations, human resource and employment matters, as well as regulatory compliance and litigation management. The associate counsel reports to the associate general counsel and the general counsel. One to five years' experience required. To apply, visit <http://careers.iowabar.org/jobs/11322516/associate-counsel>

LEAD ESTATE PLANNING ATTORNEY – Thompson Law, P.C. Sioux Falls, SD – The Estate Planning Attorney is the cornerstone of the law firm's

service fulfillment efforts. This person is responsible for helping people achieve their estate planning goals. The estate planning attorney consults with prospective clients, drafts and reviews estate planning documents and manages estate administration and probate matters. To apply, visit <http://careers.iowabar.org/jobs/11326562/lead-estate-planning-attorney>

ATTORNEY – Gislason & Hunter, LLP, Des Moines, IA – Gislason and Hunter LLP is expanding its Des Moines office and is seeking a full-time attorney to practice primarily in the corporate area. The ideal candidate will have at least three years' experience in a corporate or transactional practice. Some portable business is required along with the desire to develop more. Interest or experience in health law or banking law is a plus. For consideration, please send your resume and cover letter to careers@gislason.com.

LATERAL HIRE – Phelan, Tucker, Mullen, Walker, Tucker & Gelman, L.L.P., Iowa City, IA – Phelan, Tucker, Mullen, Walker, Tucker & Gelman, L.L.P., an "AV" rated Iowa City firm, is seeking a seasoned attorney practicing in areas of business and transactional law, including contracts, commercial transactions, real estate development and transfers, business and non-profit entities, and estate and gift planning. Candidates with a portable book of business and the capacity to take on more are particularly encouraged to apply. All inquiries will be kept strictly confidential. To be considered, contact Christine Gaudet at 319-354-1104 or gaudet@ptmlaw.com.

STAFF ATTORNEY – Rawlings Law Firm, Sioux City, IA – Rawlings, Ellwanger, Mohrhauser, Nelson & Roe, L.L.P., an established "AV" rated law firm in Sioux City is seeking to hire an attorney with three or more years of experience, with some specific experience in business, real estate, probate and estate planning preferred. Candidates will be organized and possess excellent writing and oral skills. We offer competitive salary, 401(k), health insurance, CLE and bar dues. Membership in Nebraska and/or South Dakota bars a plus. Confidential inquiries, including resume, should be sent to Kathleen Roe, 522 4th Street, Suite 300, Sioux City, Iowa, 51101, or to kroe@rawlings-law.com.

ASSOCIATE ATTORNEY – Craig, Smith & Cutler, LLP, Eldora, IA – "AV" rated general practice law firm in

north central Iowa county seat seeks an associate attorney. We are looking for a recent law school graduate or an attorney with up to three years of experience who has an excellent academic record, good work ethic, and strong interpersonal, organizational and communication skills. Competitive salary and benefits will be provided. All inquiries will be kept confidential. Please send a resume to Craig, Smith & Cutler, LLP, P.O. Box 431, Eldora, IA 50627-0431 or email a resume to bcutler@cslawllp.net.

HELP DESK TECHNICIAN – Brown-Winick Law Firm, Des Moines, IA – Seeking a technician to provide information technology help desk support to attorneys and staff related to desktop hardware, software, mobile devices and other end-user systems. Support includes prioritizing, researching, escalating and resolving issues based on feedback from end-users. Provide end-user application training individually or in a group setting. To apply, visit <http://careers.iowabar.org/jobs/11369634/help-desk-technician>

DIRECTOR OF STUDENT ACCOUNTABILITY AND TITLE IX INVESTIGATOR – University of Iowa, Iowa City, IA – The Director of Student Accountability provides vision, leadership and operational direction for the Office of Student Accountability, including operational and administrative oversight, administering the Code of Student Life and Student Judicial Procedure, and supervising conduct staff members. Provides oversight of student conduct investigations, including but not limited to, violations of the code, Title IX, and student organization misconduct. To apply for these positions, visit our website at <http://jobs.uiowa.edu> and search for Requisition # 73203 for the Director of Student Accountability and Requisition, and # 73201 for the Title IX Investigator.

ASSOCIATE ATTORNEY – Confidential Employer, Storm Lake, IA – Seeking candidates for an associate attorney position with a general practice law firm located in Northwest Iowa. Our firm offers a broad range of legal services. These include civil litigation, business and commercial matters, educational law, municipal law and estate/ trust law. Candidates should have 1 - 5 years of practice experience. We offer a competitive salary with an excellent benefit package and an opportunity to become a shareholder. To apply visit <http://careers.iowabar.org/jobs/11382821/associate-attorney>

ASST/ASSOC/PROFESSOR OF LAW IN THE FIELD OF AGRICULTURAL LAW & DIRECTOR OF AGRICULTURAL LAW CENTER – Drake University Law School, Des Moines, IA – Drake University Law School invites applications for a tenured/tenure-track position as assistant/associate/professor of law in the field of agricultural law and director of the Drake Agricultural Law Center beginning in the fall of 2019. Applicants must hold a J.D. degree (or the equivalent) and should have outstanding records of accomplishment in scholarship, teaching and service, as well as substantial practice experience. Qualified candidates should apply via Hiretouch. <https://drake.hiretouch.com/job-details?jobID=50195&job=professor-of-law-director-of-the-drake-agricultural-law-center-999731>

CORPORATE ASSOCIATE – Faegre Baker Daniels, Des Moines, IA – Faegre Baker Daniels LLP is actively recruiting an associate to join the corporate group in our Des Moines office. Faegre Baker Daniels is an Am Law 100 firm with offices located throughout the U.S., Europe and China. Our ideal candidate will have 4-5 years of substantial legal experience in complex mergers & acquisitions. Excellent written and verbal communication skills, attention to detail and strong academic credentials are required. To apply, visit <http://careers.iowabar.org/jobs/11400018/corporate-associate>

LEGISLATIVE LEGAL COUNSEL – Legislative Services Agency, Des Moines, IA – Effective immediately, applications are being taken by the nonpartisan Legislative Services Agency for the positions of legal counsel working in multiple areas of the law. One position will involve drafting income and sales tax legislation. Applicants should send a resume and cover letter indicating their interest in working in certain subject matter areas of the law to the Director, Legislative Services Agency, State Capitol, Des Moines, Iowa 50319, or online at <https://www.legis.iowa.gov/careers>. The Legislative Services Agency is an equal opportunity employer. Priority consideration will be given to applications received by Sept. 14, 2018.

ATTORNEY - Profitable ongoing county seat practice looking for entrepreneurial attorney with 3-5 years' experience to join firm with transition to ownership. This county seat firm is located near a major university in a community with

excellent schools and amenities. The firm currently practices in real estate, estate planning (including wills and trusts), POAs, estate administration, income tax, business organization, farm leases and a myriad of other matters. Principal attorney wishes to slow down and transition into retirement in the near future and is willing to mentor and help new associate transition into community. Principal's plans are flexible and would be willing to transition to "Of Counsel" basis indefinitely if agreeable. If you are interested in an opportunity of this nature please send communication of interest to communications@iowabar.org, reference code 901.

LATERAL HIRE – Confidential Employer, Des Moines, - Established downtown Des Moines AV rated law firm looking for 1-2 laterals to join our practice. Would your practice complement our civil, probate, estate planning, real estate and business-related firm? Do you have 4-7 years of experience and not appreciated or frustrated at your current location? If so, we would love to visit with you about partnership opportunities. Our offices combine beauty and efficiency. Come join a winning team. All inquiries will be kept confidential. To apply, visit <http://careers.iowabar.org/jobs/11420538/lateral-hire>

SPACE AVAILABLE

OFFICE SPACE AVAILABLE - Berger Law Firm, PC at 7109 Hickman Rd. in Urbandale has many options available for office space and potential referrals. For more information, call 515-288-888.

OFFICE SPACE AVAILABLE - Pleasant, spacious office space for 1 or 2 lawyer firm available near downtown Iowa City. Reasonable rent includes parking, garage, utilities and plenty of storage. Available immediately. For more information contact Dai Gwilliam at 319-354-6000 or by email at dai@daigwilliam.com.

OFFICE SPACE FOR RENT - Dubuque law firm has two offices to sublease. Nice location off the North Arterial. Internet connection provided. Office has shared breakroom and reception area. Perfect space for an attorney or financial planner. For details call 563-583-9101.

SPOTLIGHT on SERVICE



Christina Thompson

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

Christina Thompson is passionate about mock trial. In particular, she's passionate about the growth and success of the team of students she has been coaching for seven years.

Thompson started with the Roosevelt High School Mock Trial team when most of them were sixth graders. "Just pipsqueaks," she called them, thinking back to their start together. Last year, her team came in sixth in the Iowa High School State Mock Trial Tournament.

Her team practices nearly year-round, but this year they are doing their first-ever national invitational during the off-season. Coaching the team is a significant time commitment for Thompson, but she enjoys it.

"Over the years, these kids have become my kids in a very special way," she said. "When we volunteer, we show other people that they are worth something – worth our time and worth our attention. The generations behind us are not going to understand or learn how much benefit they can give and receive from volunteering unless they see active, caring volunteers in their lives. They also don't learn what commitment is unless we demonstrate

it for them. I promised my mock trial students in sixth grade I would stay with them if they stayed together – and most of them stayed together, so I stayed with them."

In addition to her work with mock trial students, Christina is also active in music and youth ministry at her church, and she was a troop leader and service unit leader with the Girl Scouts of Greater Iowa.

"I grew up in a family where my mom was a Girl Scout leader and a volunteer at the school, and it was a regular part of small town life (in Elkader). There were always plenty of hands for whatever job needed doing at school, activities or church. It was just 'what you do,'" Thompson said. "Volunteering opens me up to meeting new people and learning more about the world and how we all fit into it."

Thompson maintains a general practice and is a mediator for Phil Watson, P.C. in Des Moines. She is active in the ISBA Young Lawyers Division, the Iowa Organization of Women

Attorneys (Immediate Past-President), Polk County Bar Association and Polk County Women Attorneys.

"As attorneys, when we volunteer we help change the perception in the community about who attorneys are and what we care about, and when we volunteer within the profession we can help make our profession better," she said.

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THE DES MOINES ROOSEVELT HIGH SCHOOL MOCK TRIAL TEAM LAUNCHED A GOFUNDME EFFORT TO HELP FUND ITS TRIP TO COMPETE IN THE EMPIRE MOCK TRIAL NATIONAL INVITATIONAL IN ATLANTA, GEORGIA SEPT. 21-24.

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Thompson's mock trial team waits to hear the announcement that they would be regional champions at the tournament last year.



Thompson's mock trial team in their 8th grade season, posed with their 9th place tournament trophy.

Success is making
it to the game on time...and
getting paid while you're there.



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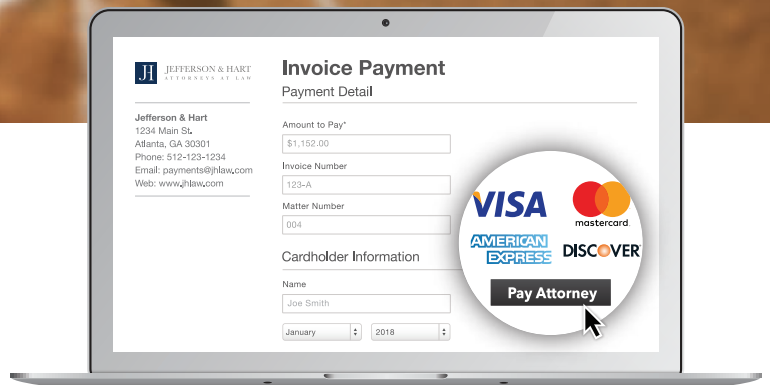
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