



THE IOWA LAWYER

July 2020 V88 N6

A MONUMENTAL JOURNEY

RIGHTING INJUSTICES OF THE PAST AND PRESENT

PAGE 10

IN THIS ISSUE

2020 LEGISLATIVE
SESSION IN REVIEW
PAGE 6

+

CIVILITY IN THE TIME
OF CORONA
PAGE 14

+

BUILDING DIVERSE
AND INCLUSIVE
NONPROFIT BOARDS
PG 16



17+

MVS professionals with
STEM-related degrees
(6 engineering, 9 science,
2 pharmacists)

4,460+

U.S. and foreign patent
applications filed in the
last five years by MVS

Biotechnology Patents

The patent process for biotechnology inventions can be complex. Inventions in this area are often embryonic and require foresight to effectively protect downstream commercial products.

The MVS Biotechnology practice group is comprised of attorneys with a number of advanced degrees (2 Ph.D.'s, 2 Pharm.D.'s, 3 Masters). The group's specialized training, industry knowledge, and technical experience help clients all over the world overcome such complexities to effectively protect their biotechnology inventions. Because countries have widely varying biotechnology patent laws, we have the experience and team to prosecute and protect these patents all over the world and can craft a strategy to protect your innovations both at home and abroad.

Contact MVS for your intellectual property needs.

1,430+

Trademark applications
filed by MVS in the last
five years



www.ipmvs.com

THE OFFICIAL PUBLICATION OF
THE IOWA STATE BAR ASSOCIATION

GENERAL INQUIRIES

isba@iowabar.org or 515.243.3179

EDITORIAL TEAM

Editor-in-Chief

Melissa Higgins

mhiggins@iowabar.org

515.697.7896

Copy Editor

Steve Boeckman

sboeckman@iowabar.org

515.697.7869

THE IOWA LAWYER

(ISSN 1052-5327) is published monthly, except for the combined December-January issue, by The Iowa State Bar Association, 625 East Court Ave., Des Moines, IA 50309-1904. One copy of each issue is furnished to association members as part of their annual dues. Non-member subscription rates are \$40 per year. Periodicals postage paid at Des Moines, Iowa.

POSTMASTER

Send address changes to The Iowa Lawyer Magazine, 625 East Court Avenue, Des Moines, IA, 50309-1904. Members can contact the membership department to change their addresses by emailing membership@iowabar.org.

PRINTER

The Iowa Lawyer Magazine is printed by Mittera Iowa, 10776 Aurora Avenue, Des Moines, IA, 50322. Telephone 515.270.0402. Design and Production: Mittera Creative.

ADVERTISING

CLASSIFIED. Qualifying ISBA members receive two free non-job listings annually as a member benefit. Members should contact the ISBA Communications Department for ad placement: communications@iowabar.org. For Career Center postings, visit <http://careers.iowabar.org/>

DISPLAY. Display advertising in The Iowa Lawyer Magazine is handled by Larson Enterprises, 909 50th Street, West Des Moines, IA, 50265. For display advertising and non-member classified ad rates, contact Alex Larson at 515.238.4406 or alex@larsonent.com.

SUBMISSIONS

The Iowa State Bar Association seeks to publish original articles that advance the education, competence, ethical practice and public responsibility of Iowa lawyers. Members are encouraged to submit articles to the editor for possible publication. Submissions should be no longer than 1,500 words, although exceptions can be made. Footnotes should be kept to a minimum. Include a short bio of the author(s) and professional photo(s) when submitting. NOTE: Not all submissions are guaranteed publication. The editors and bar leaders review all submissions to make a determination of suitability for publication. Email all submissions to mhiggins@iowabar.org in Microsoft Word format.

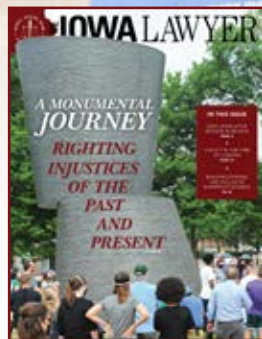
STATEMENTS OR OPINIONS

The statements and opinions in this publication are those of the authors and not necessarily those of The Iowa State Bar Association. Readers should consult original sources of authority to verify exactness. Advertising in this publication does not constitute endorsement of a product or service unless specifically stated.



CONTENTS

Volume 80
Number 6
July 2020



ABOUT THE COVER

ISBA officers participated in the Drake University Law School student-organized #TakeAWalk event on June 20, to show support for the causes of racial equality and equal justice for all. Pictured on the cover is the location where the march ended in front of "A Monumental Journey," the sculpture which honors the 12 African American attorneys who founded the National Bar Association in Des Moines in 1925 at a time when the American Bar Association and other national legal associations denied membership to African American lawyers.

IN BRIEF

Upgrade your ISBA membership
Outgoing Board of Governors

4

FEATURES

- 6 2020 Legislative Session in review
- 10 ISBA's commitment to diversity and inclusion
- 11 Guest Essay: George Floyd's death will change Iowa
- 12 Letter to the Editor: Let my people go...vote
- 14 Civility in the time of Corona
- 16 Building diverse and inclusive nonprofit boards
- 18 Digital forensics
- 20 Board of Governors Annual Meeting
- 22 New ISBA leadership
- 24 YLD President's Message

COLUMNS

- 5 President's Letter
- 9 Affirmative Agenda Chart
- 19 CLE Information
- 26 Kudos
- 27 Transitions
- 27 Wellness Corner
- 28 Disciplinary Opinion
- 28 In Memoriam
- 29 Classifieds
- 30 Spotlight on Service

SHOW YOUR SUPPORT FOR THE PROFESSION BY UPGRADING YOUR ISBA MEMBERSHIP TODAY!

By ISBA Executive Director Dwight Dinkla

You may have noticed that our 2020-2021 dues renewal notices look a little different this year. We have added two new categories of membership: Sustaining and Cornerstone members.



Sustaining members are asked to make a gift of \$250 to help support the ISBA mission and many projects of the association, on top of the standard dues amount. Sustaining members will receive a 10 percent discount on all services and receive recognition in The Iowa Lawyer magazine. Cornerstone members are asked to make a gift of \$250 plus an additional \$250 commitment to Iowa LawPAC. Cornerstone members receive the added benefit of being invited to the annual Lawyer-Legislator Dinner.

We thank the members who have already demonstrated support for the legal profession by contributing above and beyond the standard dues in order to assist the ISBA in furthering its mission of supporting Iowa lawyers, the court system and civic education programs statewide. On behalf of the entire ISBA staff and leadership, we thank these individuals for their generous financial support. You may view the list of contributors by visiting:

www.iowabar.org/SpecialMembershipCategories

The option to join as a Sustaining or Cornerstone member is offered on the 2020-2021 dues renewal statement you should have received in the mail in May. Current ISBA members can also upgrade to a Sustaining or Cornerstone membership by contacting the ISBA Membership Department at **515-697-7870** or membership@iowabar.org.

THANK YOU TO THE OUTGOING BOARD OF GOVERNORS MEMBERS

The Iowa State Bar Association leadership and staff would like to recognize and thank the outgoing members of the Board of Governors leaving their positions in 2020 for their service to this organization:

Victoria Feilmeyer – District 2B

Jill Davis – District 3A

John Flaten – District 3A

Kathleen Kohorst – District 4

Roberta Chamber – District 5B

Dawn Boucher – District 5C

Nathan Overberg – District 5C

Mary Zambreno – District 5C

Robert Fischer – District 6

Mark Parmenter – District 6

Ryan Mitchell – District 8A

Brian Helling – District 8B

The new incoming members of the Board of Governors are introduced beginning on page 22 in this issue of The Iowa Lawyer.

The Iowa State Bar Association
625 East Court Avenue, Des Moines, Iowa, 50309-1904
Main: 515-243-3179 Fax: 515-243-2511
www.iowabar.org isba@iowabar.org



PRESIDENT

Jerry Schnurr III Ft. Dodge 515-576-3977 jschnurr@schnurrllawfirm.com

PRESIDENT-ELECT

Anjela Shutts Des Moines 515-288-6041 shutts@whitfieldlaw.com

VICE PRESIDENT

Henry Hamilton III W. Des Moines 414-403-9082 hhamil3@aol.com

SECRETARY

Dwight Dinkla Des Moines 515-697-7867 ddinkla@iowabar.org

IMMEDIATE PAST PRESIDENT

Willard "Bill" Boyd III Des Moines 515-283-3172 wlb@nyemaster.com

DISTRICT GOVERNORS

DISTRICT 1A

Chris Even Dyersville 563-875-9112 ceven@locherlaw.com
Daniel Fretheim Decorah 563-382-2959 fretheim@andersonlawdecorah.com

DISTRICT 1B

Shannon Simms Waterloo 319-291-6161 simms@nfiowa.com
Heather Prendergast Waterloo 319-234-4600 heather@neilaw.com

DISTRICT 2A

Matthew F. Berry Clear Lake 641-357-7296 berrylaw@cltel.com
Megan Rosenberg Hampton 641-456-2555 mrosenberg@hobsoncadylaw.com

DISTRICT 2B

John Werden Carroll 717-792-3424 jwerden@eichlaw.us
Bethany Currie Marshalltown 641-421-0990 bethanycurrie@aol.com

DISTRICT 3A

Jack Bjornstad Spirit Lake 712-322-5225 jack@bjornstad.legaloffice.pro
Kevin R. Sander Andover 712-362-7215 ksander@fitzgibbonslawfirm.com

DISTRICT 3B

Maura Sailer Denison 712-263-4627 msailer@frontiernet.net
James Daane Sioux City 712-252-2424 jdaane@maynelaw.com

DISTRICT 4

DeShawne Bird Sell Glenwood 712-527-4026 deshawne@selllaw.com
Deborah Petersen Council Bluffs 712-328-8808 deborah@petersenlawcb.com

DISTRICT 5A

Gilbert Caldwell III Newton 641-792-4160 gcaldwell@caldwellandbrierly.com
Miki McGovern Woodward 515-490-9081 MikiMcGovern50@gmail.com

DISTRICT 5B

Andrew Zimmerman Corning 641-322-4712 andrew@nielsenzimmerman.com

DISTRICT 5C

David Nelmark Des Moines 515-988-0447 dnemark@gmail.com
Joseph Happe Des Moines 515-288-2500 joe@happemediation.com
Margaret A. Hanson Des Moines 515-246-7957 maggiehanson@davisbrownlaw.com
Bridget R. Penick Des Moines 515-242-8902 bpnick@fredlaw.com
Adam D. Zenor Des Moines 515-245-8902 azenor@grefesidney.com
Donna Miller Des Moines 515-809-9699 dmiller@mzelaw.com
Kathleen Law Des Moines 515-283-3116 kklaw@nyemaster.com
Cindy Rybolt Mitchellville 515-243-1193 crybolt@iowalaw.org
Joe Moser Des Moines 515-288-0145 jmoser@finleylaw.com
Stacey Warren Altoona 515-414-8918 stacey@cashattwarren.com
William Miller Des Moines 515-283-1000 miller.william@dorsey.com

DISTRICT 6

Erin R. Nathan Cedar Rapids 319-896-4013 enathan@spmblaw.com
Melvin Shaw Coralville 319-337-7429 law@melvinshaw.com
Caitlin Slessor Cedar Rapids 319-365-9461 cls@shuttleworthlaw.com
Kristofer Lyons Monticello 319-462-3961 klyons@co.jones.ia.us
Chad Brakhahn Cedar Rapids 319-896-4002 cbrakhahn@spmblaw.com

DISTRICT 7

David J. Hellscher Clinton 563-243-1243 dave.hellscher@clintonnational.net
Christopher Surls Lowden 563-941-5301 cls@wbnlaw.com
Ian J. Russell Bettendorf 563-324-3246 irussell@i-wlaw.com

DISTRICT 8A

Rick Lynch Bloomfield 641-664-1997 lynchlaw@netins.net
Mike Mahaffey Montezuma 641-623-5425 mwm_mahaffeylaw@zumatel.net

DISTRICT 8B

Tim Liechty Mount Pleasant 319-367-2251 bellortliechtylaw@gmail.com

REPRESENTATIVES AND DELEGATES

Iowa Judges Association Liaison

Rustin Davenport Mason City 641-494-3621 rustin.davenport@iowacourts.gov

ABA Delegates

Alan Olson Des Moines 515-271-9100 aao@olson-law.net
David L. Brown Des Moines 515-244-2141 dlbrown@hmlawfirm.com
Jane Lorentzen Des Moines 515-244-0111 jlorentzen@hhlawpc.com
Kay Oskvig Des Moines 515-288-6041 oskvig@whitfieldlaw.com

LEGISLATIVE COUNSEL TEAM

James Carney Des Moines 515-282-6803 carney@carneyappleby.com
Doug Struyk Des Moines 515-282-6803 struyk@carneyappleby.com
Jenny Dorman Des Moines 515-282-6803 dorman@carneyappleby.com

ISBA YOUNG LAWYERS DIVISION OFFICERS

President Torey Cuellar Nevada 515-382-7255 toreycuellar@gmail.com
President-elect Kristen Shaffer Coralville 319-365-9461 kas@shuttleworthlaw.com
Secretary Kyle Fry Muscatine 563-564-4982 Kyle.Fry@kentww.com

Immediate Past President

Abhay Nadipuram Des Moines 515-288-1955 nadipurama@ihaonline.org

President's Letter July 2020

FROM NEW PRESIDENT JERRY SCHNURR III

I am writing this in the wake of the tragic death of George Floyd and other incidents of brutality and mistreatment of people because of the color of their skin. The ISBA leadership issued a statement on the death of George Floyd and the resulting unrest expressing deep sadness over Mr. Floyd's senseless death at the hands of the police in Minneapolis and other acts of violence against people of color. That statement, republished on page 10 in this issue of The Iowa Lawyer, ends with the following:

"As lawyers, we must hold ourselves accountable to the cause of righting injustices of the past and present. Now is the time to do all we can to help bring equality to our communities by serving as leaders as we work to rebuild trust and faith in our justice system and legal institutions."

I hope to carry this forward into the next year as an important mission of this association. There is no group or profession that is so well qualified to take on this important work than Iowa lawyers. Together, in this association, we can band together and accomplish so much to address underlying issues of inequality under the law. We have important sections of our society that have not been treated equally because of the color of their skin, the place of their birth, their sexual orientation or the faith they follow. Too many do not have faith that they are equal under law. The faith of all people in the fundamental principle of equal justice under law is essential to our society.

I pledge to work on this issue to build trust in the justice system so that people are assured that they will be treated fairly regardless of the color of their skin. Education of the public on issues including the rule of law, the role of courts and our constitutional framework is essential to building trust in, and reforming institutions as needed. We will work to expand our efforts in civics education through The ISBA Center for Law & Civic Education.

One of the first things we need to do is listen to our friends who have lived with systemic prejudice and racism. We must examine ourselves. Perhaps a good starting point would be to take the Harvard Implicit Association Test which measures unconscious bias. It

may be uncomfortable to discover and acknowledge our unconscious bias, but it is the first step in growth.

Equal justice and the rule of law are the hallmarks of our nation. They go back to the Declaration of Independence that begins with the statement of self-evident truth "that all men are created equal." The Preamble to the Constitution sets out a purpose of the Constitution to "form a more perfect Union, establish Justice ..." The drafters recognized that the Union was not perfect. But they gave us the framework to continue the work they aspired to: "Form a more perfect Union" in justice. Justice is the first essential element necessary to make this "more perfect Union." And there can be no real justice unless there is equal justice. Only then can we reaffirm that all men are created equal. This takes constant vigilance and effort.

As Americans, we are not bound by a common language, religion or ethnicity. Our strength comes from our diversity. We are bound together by a common commitment to the rule of law. No person is king. Thomas Paine said, "In America, law is king." We must do all we can so that our laws and institutions treat everyone fairly and equally regardless of the color of the person's skin. There is no better time to be a lawyer in Iowa. We can strengthen our institutions and public trust in the rule of law by working together for equal justice.

I look forward to working on this important issue with the 7,500 lawyers of The Iowa State Bar Association to "rebuild trust and faith in our justice

system and legal institutions."

I am grateful for the opportunity to serve the lawyers of Iowa as president of this association over the next year. I am grateful for the role The Iowa State Bar Association plays in our profession and our state. That is possible because of each member of the association.

I want to thank Past President Bill Boyd for his service over this past year. None of us could have foreseen how this year would unfold. Bill has been an excellent leader through some difficult times for our association. His steady hand and cool head have been just what we needed at this time. He has put the association in a position to meet the needs of the future and succeed.

I look forward to working with President-elect Angie Shutts, Vice President Henry Hamilton, YLD President Torey Cuellar, our Executive Director Dwight Dinkla, Assistant Executive Director Harry Shipley and the rest of the talented staff of The Iowa State Bar Association, as well as each of you over the next year. We have much work to do.

Please contact me if you have any thoughts or concerns on how the ISBA can better serve the lawyers, people or courts of Iowa. My email is jschnurr@schnurrlawfirm.com. My phone number is 515-576-3977.



Jerry Schnurr III
Schnurr Law Firm P.C.
jschnurr@schnurrlawfirm.com
515-576-3977



HANSEN, MCCLINTOCK & RILEY LAWYERS

*All Types Civil Litigation
Mediation & Arbitration Services, including
commercial and employment disputes*

Chester C. "Trip" Woodburn, III
Fifth floor, U.S. Bank Building
520 Walnut Street
Des Moines, Iowa 50309
515-244-2141
515-244-2931 (Fax)
hmrlawfirm.com

2020 Legislative Session in Review

James Carney, *ISBA Chief Legislative Counsel* • Douglas Struyk, *Assistant ISBA Legislative Counsel* • Jenny Dorman, *Assistant ISBA Legislative Counsel*

The Iowa General Assembly adjourned on Sunday, June 14. This adjournment comes nearly three months after the legislative session was suddenly suspended amidst the coronavirus global pandemic and almost two months after their original scheduled session end-date of April 20. **To say that this legislative session brought about unprecedented challenges would be an understatement.**

The 2020 session was the fourth consecutive session with Republicans controlling the House, Senate and Governor's Office. However, the coronavirus pandemic forced Republican legislative leadership to deviate from their agenda and instead focus on only the most important and pressing policy legislation, as well as finalizing the state's budget.

In addition to a shift in focus, the legislative process also had to adapt to the coronavirus. When they returned, the building was open to the public, but the chambers were locked. No clerks or doormen were present. No notes could be sent into legislators. Committees and subcommittees met in the respective chambers and lobbyists had to speak from the gallery. It was a new way of transacting business and it moved at lightning speed. When the legislature gavelled back in on June 3, they passed over 100 bills in 10 days.

The governor has 30 days from adjournment to act on all legislation received within three days of adjournment and she has been reviewing and signing bills throughout the month of June. A summary of how the ISBA's Affirmative Agenda fared appears on page 9. Additional information

of interest to Iowa lawyers from the 2020 session follows in this article.

MEDICAL MALPRACTICE AND COVID IMMUNITY – SF 2338

This session saw another push to reform Iowa's medical malpractice law. In 2018, the legislature amended Iowa law to create a "soft cap" of \$250,000 on noneconomic damages. This "soft cap" applies unless the jury determines there is a substantial or permanent impairment of a bodily function, substantial dismemberment or death. In February, the Senate passed SF 2338 containing language to remove the "soft cap" and increase the cap to \$750,000. The bill also contained language regarding the use of medical expenses in evidence and recoverable damages for medical expense.

After returning from the COVID suspension, the House Commerce Committee passed an amended SF 2338 with the medical malpractice provisions removed. The ISBA worked diligently through the suspension to continue to educate the committee members on the detrimental impact the cap change would have on Iowans. ISBA members did a tremendous job contacting their legislators in opposition to the caps.

The amended version of SF 2338 contained the medical expense evidentiary provisions and had provisions on COVID immunity inserted into the bill to address legislative concerns for property owners, businesses and employers. The amended bill passed out of subcommittee and committee in the first few days after the legislature returned. The ISBA officers, Administrative Committee and the Litigation Section Legislative

Committee worked to review the COVID provisions and offer constructive suggestions to perfect the language without adversely impacting the rights of Iowans.

Ultimately, the legislature rejected the ISBA's suggestions, instead adopting provisions which provide the following:

- Defines minimum medical condition to mean diagnosis of COVID-19 requiring "in-patient hospitalization or results in death." This definition excludes doctor visits and all other medical care, including emergency room visits.
- Premises liability limited — "shall not be liable for civil damages for any injuries..." unless:
 - Recklessly disregards risk
 - Exposes persons with actual malice
 - Exposes with intention to infect
- Safe harbor provides "shall not be held liable for any injuries..." if in "substantial compliance" or consistent with standards.
- Healthcare providers "shall not be liable for civil damages causing directly or indirectly..." including off-label use and five or six other items, including practicing outside of their scope of practice which eviscerates the standard-of-care requirements.
- Does not relieve healthcare provider for acts which are reckless or willful misconduct.
- Suppliers and manufacturers "shall not be liable in civil action..." and "shall not be liable for failure to provide instructions or warnings..." but does not apply if:
 - Had actual knowledge of defect
 - Recklessly disregarded a substantial and unnecessary risk
 - Acted with malice

The legislation does nothing to address frivolous lawsuits or litigation. It provides blanket immunities, excluding only willful, wanton, malicious, intentional or reckless conduct, which is virtually impossible to prove and is an extremely high standard.

HOPKINS & HUEBNER, P.C.

ATTORNEYS AT LAW
Des Moines – Adel – Quad Cities

Mediation and Arbitration Services

Attorneys specializing in workers' compensation, civil litigation, and family law cases



E.J. Kelly
Workers' Compensation



Valerie A. Landis
Workers' Compensation



Matthew A. Grotnes
Workers' Compensation



Jane V. Lorentzen
Workers' Compensation



M. Anne McAtee
Workers' Compensation



Jeff H. Jeffries
Civil Litigation



Karla J. Fultz
Family Law



Paul L. Macek
Civil Litigation & Family Law

Our offices are available with Wi-Fi, convenient free parking, and accommodations for large mediations
Phone: (515)-244-0111

www.hhlawpc.com

BUDGET AND FUNDING

The Revenue Estimating Conference (REC) held a special meeting on May 29, to update its estimates from March 12. The March REC met just as COVID was starting to hit Iowa and the members were reluctant to significantly alter the numbers with such limited information being available at that time. The May REC reported the following numbers and adjustments to net receipts plus transfers:

NET RECEIPTS PLUS TRANSFERS

FY 2018 Actual	\$7,384 billion
FY 2019 Actual	\$7,859 billion
FY 2020 March REC	\$8,091 billion
FY 2020 May 29 REC	\$7,941 billion (-\$149 million vs. March)
FY 2021 March REC	\$8,237 billion
FY 2021 May 29 REC	\$7,877 billion (-\$360 million vs. March)

FY 2020 had significant growth over the previous fiscal years. Much of that growth was consumed by the May REC adjustments and the \$89 million supplemental appropriation for managed care/Medicaid. The actual budget for FY 2020 including adjustments is \$7,733 billion. This is still \$129 million below 99 percent of the May REC numbers. The legislature did not need to pass a deappropriations bill to adjust the FY 2020 budget after the May REC.

The legislature passed a total FY 2021 budget of \$7,778 billion. This is \$20 million below the May REC estimate for FY 2021 with the 99 percent expenditure limitation applied. Various budget areas broke down as follows:

Administration & Regulation	\$54,057,536
Ag & Natural Resources	\$43,250,777
Economic Development	\$41,595,830
Education	\$945,837,630
Health & Human Services	\$1,988,254,399
Justice Systems	\$768,576,150
State aid to schools & other standing appropriations	\$3,936,921,325
General Fund Total	\$7,778,493,647

Additionally, the state still has funds in the following areas:

Cash Reserve Fund	\$587.9 million
Economic Emergency Fund	\$196.0 million
Taxpayer Relief Fund	\$73.4 million
Ending Balance FY 2020	\$208.0 million
Total	\$1.065 billion

Finally, the state has received \$1.25 billion in Federal CARES Act funding to address COVID-related expenses and to encourage economic activity in response to COVID. The legislature provided the governor and the Department of Management significant authority in the budget to use the CARES Act funding and other federal dollars to supplement and supplant spending in the FY 2021 budget.

JUDICIAL BRANCH & INDIGENT DEFENSE FUNDING

This bill appropriates virtually flat funding for the Iowa Judicial Branch. The judicial branch will receive \$102,556 less than they did last year for their general fund appropriation. The judicial branch appropriation for FY 2020 was \$181.1 million. This session the legislature appropriated \$181,023,737 million. This is a decrease of 0.057 percent in funding year on year.

However, the bill also did not backfill increased charges from the Office of the Chief Information Officer which had previously been backfilled. These unreimbursed charges total \$397,444 making the net impact to the judicial branch a reduction of \$500,000. The legislature also maintained the \$3.1 million appropriation to the Jury & Witness Revolving Fund.

In addition, the judicial branch received an appropriation of \$400,000 for major maintenance, an appropriation of

\$211,000 to the court for furniture in Polk County and an appropriation of \$163,000 to the court for voiceover internet protocol upgrades in county courthouses.

The State Public Defender's office, indigent defense contracts, poverty grants and Secretary of State business services were all flat funded:

State Public Defender	\$26,995,139
Indigent Defense Contracts	\$35,144,448
Poverty Grants	\$2,634,601
SOS Business Services	\$1,405,530

SIGNIFICANT LEGISLATION OF INTEREST TO THE ISBA THAT PASSED

HF 2474 – Arrest Warrant Confidentiality: This bill was pre-filed by the State Public Defender's Office, supported by the Criminal Law Section of the ISBA. The legislation expressly allows a court to restrict access to confidential information used to obtain an arrest warrant by court order. This bill includes a court-appointed private attorney for a defendant on the list of individuals who can access this information after a warrant has been issued but not served, if the person is in custody.

SF 2360 – Addressing Classroom Behavior/School Immunity: This legislation requires teacher preparation programs to include the development of individualized education programs (IEP) and other strategies on behavioral interventions. Additionally, the legislation directs the DOE to develop standards on responses to imminent threats of bodily injury at school and made a requirement that teacher preparation programs must include strategies on using the least restrictive environment as of July 2021. This legislation grants immunity from civil liability for a school district and the board of directors, and for non-public schools,

SET YOURSELF
UP FOR SUCCESS.

BUSINESS VALUATION
EXPERT WITNESS
LITIGATION SUPPORT SERVICES



EUBANK CAPITAL, LLC
(515) 669-0594
EUBANKCAPITAL.COM
ZACH@EUBANKCAPITAL.COM

for physical contact between a student and school employee that is covered by immunity provisions for the school employee.

HF 684 – Immunity in Alcohol Cases:

This proposal establishes Iowa Code section 701.12, which provides that a person under the age of 21 shall not be charged with the specified violations if the person in good faith sought emergency assistance due to an alcohol overdose, or because the person or another person is a victim of a crime prohibited by Iowa Code chapter 708 (assault), 709 (sexual abuse) or 710A (human trafficking). The alcohol-related criminal offenses covered by this section are public intoxication, possession of alcohol by a minor, underage use of a driver's license to purchase alcohol and possession of an open container in a motor vehicle. The ISBA Criminal Law Section supported this legislation. This bill also requires the person to fulfill certain conditions to be eligible for immunity, including cooperating with the police, and that if the person receiving immunity is under 18 and was drinking, or in possession of alcohol, that a juvenile court officer be informed.

SF 2296 – Independent Truckers: This legislation defines the owner-operator of a vehicle as an independent contractor when the owner-operator meets certain conditions for owning the vehicle and uses that definition for current exclusions from worker's comp and employer liability insurance, wage payment and minimum wage and other matters.

SF 457 – Criminal Surcharges and Civil Fees Reform: This bill details a comprehensive reform to Iowa's Criminal and Civil surcharge and fee system. Specifically, the legislation makes changes to scheduled fines for certain traffic violations and decreases court surcharges from 35 percent to 15 percent and decreases court costs for a scheduled violation to \$55. Additionally, this legislation amends the distribution of fines from 90 percent to 80 percent to cities and increases the distribution to 20 percent to the state court administrator, among other changes. This bill increases the allocation to the Court Tech & Modernization Fund.

SF 2337 – Asbestos Claims: This bill requires asbestos/silica plaintiffs to cite specific evidence that forms the basis of the claim against each defendant. Additionally, this bill stipulates the information and protocols that must be provided on worksites, including contacting the additional people exposed and the products to which the worker was exposed and the sellers. It requires the dismissal of complaints, without prejudice, due to the failure of a complaint to meet these requirements.

SF 2182 – SPD Family Legal Representation Pilot Project: This bill was unanimously passed by both chambers. It authorizes the State Public Defender (SPD) to establish a four-year pilot project (2020-2024) on innovative models of legal representation for children and parents for families in the child welfare system. Additionally, the bill directs the SPD to select six counties and to seek grant funding. Moreover, the SPD is given discretion to appoint a lawyer for an indigent person prior to the initiation of proceedings and without a court order, if the SPD deems it appropriate, for the purposes of the pilot project. It allows participating attorneys appointed through the project to be paid from the Indigent Defense Fund. This legislation was heavily supported by the Family Law Section of the ISBA.

HF 2647 – Plan for a More Perfect Union:

This legislation was a bipartisan Police Reform bill, passed to address the problem of systemic racism in the justice system. *Chokeholds:* This bill limits the use of chokeholds by police in making arrests except in circumstances when deadly force is justified (the person has used or threatened deadly force in committing a felony or the officer has a reasonable belief that the person would use deadly force unless immediately arrested).

Certification: Directs the ILEA Council to appoint ALJs and sets forth grounds for the revocation or suspension of an officer's certification. Ensures the Council sets up a process for examining officers certified in another jurisdiction, includes required disclosures about discipline and other matters and prohibits certification if an officer has committed various kinds of misconduct. *Training:* This bill creates a new mandate that law enforcement agencies must include training for officers on de-escalating situations and on preventing bias annually. Moreover, the bill requires ILEA to establish training standards in consultation with the Civil Rights Commission and other groups. *Attorney General:* This legislation allows the AG to prosecute officers for criminal offenses for actions that result in death, regardless of whether the county attorney requests assistance.

SF 458 – Mechanics Liens in Homestead Sales:

This legislation was proposed by a construction law member of The Iowa State Bar Association. This legislation clarifies that a homestead sold to settle any claims secured by a mechanic's lien includes attorney's fees, so long as the attorney's fees resulted from work done for the improvement of the home.

SIGNIFICANT LEGISLATION THAT FAILED TO PASS

HSB 596 – Medical Malpractice Caps:

This bill would have created a hard-cap of \$250,000 for medical malpractice claims by striking the language which provides Iowa juries discretion on whether non-economic damages are appropriate in medical malpractice cases that result in a substantial or permanent injury or death of a patient. SSB 3085 was the amended Senate version that increased the hard cap to \$750,000 dollars.

SF 545 – Reinstatement of Parental Rights after Termination:

This bill provided for the reinstatement of parental rights following the granting of a termination of parental rights order, under

Grow your nest egg, not your tax bill.



Qualified intermediary
services for all types of
Section 1031 exchanges



IFEA
INDEPENDENT
FINANCIAL
EXCHANGE
ASSOCIATION

800-805-1031 • 515-224-5259



2900 Jordan Grove
West Des Moines IA 50265

iowaequityexchange.com



Standard Exchanges • Reverse Exchanges •
Construction & Improvement Exchanges •
Title Parking Exchanges



**IOWA
EQUITY EXCHANGE**

INTEGRITY. PRECISION. SECURITY.

certain circumstances. Additionally, the bill would have required that DHS or a guardian ad litem notify any eligible children over the age of 12 of their right to petition the court to do so. The bill also directed the court to find by clear and convincing evidence that suspending the termination of parental rights is in the child's best interests, among other things.

SF 571 – Presumption of Joint Physical Care:

This legislative proposal creates a rebuttable presumption that joint physical custody is in the best interest of the child in instances where the court previously awarded joint legal custody. This presumption can only be overcome if the court finds by clear and convincing evidence that joint physical custody is not in the best interests of the child. This legislation is adamantly opposed by the Family Law section of the ISBA

as it would remove the “best interests of the child standard” to presume that 50/50 joint physical custody is in their best interests in every circumstance.

HJR 11 – Marsy’s Law: This is a proposed “Victim’s Rights” amendment to the Iowa Constitution – calling for a constitutional amendment for victims to be treated fairly, to be notified of proceedings and to appear at those proceedings.

HF 2047 – Grain Warehouse Liens: This bill includes language creating a warehouse lien.

HF 2248 – Age of Consent, 16: This proposed law was a constituent bill that would have had far-reaching consequences. If passed, it would essentially change the age of consent, without changing the age of the consent. More specifically, it

makes it an aggravated misdemeanor to have sex with a 16 or 17-year-old if the other person is not living with the minor as a spouse and is over the age of 27. It deems the adult to not be guilty of a special sentence. The ISBA Criminal Law Section was opposed to this legislation.

The ISBA legislative team appreciates the countless hours that ISBA legislative committee members invest in reviewing legislation, providing comments and participating in hearings. The ISBA continues to be very well-respected at the capitol due to the expertise and accessibility of the ISBA members. Thank you all for your efforts this session and your great support.

IOWA STATE BAR ASSOCIATION— 2020 Affirmative Legislative Program *(Updated 6.23.2020)*

BILL NO.	SUBJECT	DESCRIPTION	STATUS
SF 2187	Business Law Uniform Protected Series Act Clean-Up	Corrective Provisions to the Uniform Protected Series Act that passed last year, that provides a comprehensive framework for the formation and operation of a protected series limited liability company. To amend the Iowa Uniform Protected Series Act (UPSA) [SF569] to add section 489.14801 that will read, “In applying and construing the Iowa Uniform Protected Series Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the Uniform Protected Series Act.”	Signed by Governor 3/12/20
HF 2402	Business Law Registered Agent Clean-up	The proposal deals with the effective date of resignation by a registered agent of (1) a corporation and also (2) other business entities. The MBCA 4th edition makes the resignation effective “on the earlier of (1) 12:01 a.m. on the 31st day after the day on which it is filed by the secretary of state; or (2) the designation of a new registered agent for the corporation.” That will change current Iowa corporate law (§490.503), which makes the resignation effective immediately upon filing by the secretary of state, but the change is consistent with current Iowa law for limited liability partnerships (§ 486A.1213) and cooperative associations (§ 499.74). It is not consistent, however, with the law for limited partnerships (§ 488.116), limited liability companies (§ 489.116), unincorporated nonprofit associations (§ 501B.11(4)), and nonprofit corporations (§ 504.503), for all of which the agent’s resignation is effective immediately upon filing by the Secretary of State.	Signed by Governor 6/17/20
SF 604	Probate & Trust Law Calculation of Probate Court Costs	Iowa Code §633.31 is currently being applied inconsistently throughout the state. There are now several district court cases declaring the clerks in at least six counties to be calculating court fees inappropriately. The bill addresses how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court fees property over which the court lacks probate jurisdiction and for which the clerk renders no services.	Passed House Ways & Means Committee on 3/12/20
SSB 3038 HF 2453 & SF 2321	Probate & Trust Law Family Law Guardianship & Conservatorship Update	Proposed changes to HF 610 & HF 591 to “fix” technical errors and substantive issues with the legislation that passed last year.	SSB 3038: Funneled HF 2453: Was not debated by House SF 2321: Incorporates the ISBA changes for the Adult Guardianships and Conservatorships – Passed House, died on Senate Calendar
SF 2339/ HF 2357	Business Law Uniform Model Corporations Act	Along with 33 other States and the District of Columbia, Iowa has generally followed the Model Business Corporation Act in enacting the law governing business corporations. It is substantively sound and well drafted, and it offers benefits to Iowa courts, practitioners, and businesses on account of its widespread adoption, court interpretations (although non-binding), and useful Official Comments. In December 2016 the ABA Corporate Laws Committee published a 4th Edition of the MBCA. The 4th Edition amends the MBCA in various substantive ways. It also represents in part a restatement of the MBCA to include amendments approved since publication of the 3rd Edition; and in recognition of continuing developments in the law, the 4th Edition integrates the MBCA with the law governing unincorporated business associations such as LLCs. Finally, some changes were made simply to improve clarity.	SF 2339: Passed the Senate HF 2537: Passed House Judiciary, did not advance from House Ways & Means.

THE ISBA'S COMMITMENT TO DIVERSITY AND INCLUSION

A statement from The Iowa State Bar Association leadership on the death of Mr. George Floyd and resulting unrest

The following statement was issued jointly by the elected officers of the ISBA on June 3; Bill Boyd, President; Jerry Schnurr III, President-elect, Anjie Shutts, Vice President; Henry Hamilton III, Vice President-elect, Abhay Nadipuram, YLD President

"We are deeply disturbed by the tragic death of George Floyd in our neighboring state at the hands of police — ruled a homicide by medical examiners — and other acts of violence and police brutality against people of color in recent days. We take great pride that our state has been a pioneer in the advancement of civil rights, but we recognize there is much more work to be accomplished.

"We acknowledge that most people involved in law enforcement and our justice system carry out their jobs with honor, integrity and fairness. Likewise, most protesters exercise their constitutional rights to assemble, speak out and demand accountability in a peaceful manner. The rule of law is essential for our society to function, and a key principle is that all persons,

institutions and entities are accountable to laws that are equally and fairly enforced.

"Last summer, the late Chief Justice Mark Cady delivered the inaugural address at the Iowa National Bar Association's annual diversity celebration held at the Monumental Journey sculpture in Des Moines, which was erected to honor the courageous African American attorneys who, after being denied entry to the American Bar Association, started their own legal organization in 1925. Chief Justice Cady began his remarks by stating that of all the values expressed in our Constitution, none is more important or more enduring than equality. It embodies the foundation of our hope and aspirations as a people. It is our self-evident truth.

"As lawyers, we must hold ourselves accountable to the cause of righting injustices of the past and present. Now is the time to do all we can to help bring equality to our communities by serving as leaders as we work to rebuild trust and faith in our justice system and legal institutions."



ISBA officers Henry Hamilton III, Bill Boyd, Anjie Shutts and Jerry Schnurr III pose in front of "A Monumental Journey" sculpture at the conclusion of the June 20 rally in support of racial equality in Des Moines.

HOW YOU CAN GET INVOLVED

ISBA Diversity & Inclusiveness Committee

By Emily Chafa, Chair

An ISBA committee focused on diversity in the legal profession has existed in one form or another for more than 20 years. I've been actively involved in the committee for at least 15 years and served as chair or co-chair for several of those years. The committee's mission and activities evolved, but are always focused on making the Iowa bar more diverse, welcoming and truly inclusive. We often remind Iowa lawyers and judges of our proud history of firsts.

For the past several years, we focused on presenting CLE programs featuring our diverse committee members on topics that other ISBA sections or committees were not as likely to present. Examples include: Cultural Competence, Language Access, Transgender 101,

Implicit Bias, Interrupting Bias & Reclaiming Civility, Pipeline to the Legal Profession, Can I Say That?, Immigration 101, What's New With the Indian Child Welfare Act?, etc. We traditionally sponsor a three-hour ethics CLE program each December to encourage Iowa lawyers to learn how to communicate and competently represent Iowa's increasingly diverse population. We also focus on wellness topics, to help Iowa lawyers care for themselves so they can better care for their clients and colleagues.

We always welcome more active committee members. Please join us! You can email me at emilychafa@msn.com.

YLD Diversity Committee

By Gabe Walsh, Chair

The Iowa Young Lawyers Division Diversity Committee exists for one main purpose: to increase understanding of the need for a more diverse and inclusive legal community. We believe the public is better served when our profession looks more like the diverse public we serve, and when Iowa lawyers are more aware of why inclusion issues are so important. As such, the YLD Diversity Committee is committed to sponsoring events and furthering causes in support of this mission.

Last year, the committee partnered with the Drake OUTlaws, an LGBTQ+ student organization, to host a Charity Drag Show. The Young Lawyers Diversity Committee hosted a forum prior to the show to honor the Varnum Decision, which legalized same-sex marriage in Iowa. Attendees heard from Judge Robert Hanson, the judge who ruled in favor of same-sex couples in this case which ultimately was affirmed by the Iowa Supreme Court's decision in *Varnum v. Brien*, authored by the late Chief Justice Mark Cady.

This year, the committee has continued its efforts by drafting a Diversity Checklist that will be circulated to law firms and legal departments in our state. This checklist will outline key tasks that lawyers and managers can do to further the goal of creating a more diverse and inclusive bar in Iowa.

The recent death of George Floyd reminds us of the critically important work we have to do. To get involved in our committee, please reach out to the Committee Chair Gabe Walsh by emailing gabrieljameswalsh@gmail.com.

We would love to have your voice on this committee to help us make a difference in our profession!



Hon. Mark W. Bennett

(Ret. U.S. district judge)

Mediation, Arbitration and Legal Consulting

45 years of combined judicial and private practice experience in more than 30 federal district courts and multiple state and appellate courts.

National experience
— Midwestern work ethic and rates

515-414-1186
mark@mbennett.us
www.mbennett.us

Virtual mediation and arbitration available
Recruited member of both FedArb & Resolute Systems

GEORGE FLOYD'S DEATH WILL CHANGE IOWA

STOP LOOKING PAST POLICE MISCONDUCT



A guest essay by Alfredo Parrish, founder and senior partner of Parrish Kruidenier Law Firm in Des Moines

The killing of George Floyd in Minneapolis by a police officer has brought the racial divide in America to Iowa's front door. A black man dies by excessive force in our neighboring state, and Iowans bleed.

Mr. Floyd's death was incredibly barbaric. With an expressionless look on his face and his hand in his pocket, this police officer, with 18 previous complaints against him, kept his knee on Mr. Floyd's neck for eight minutes and 46 seconds. Three police officers stood by in silence. The audacity of racism led to this monumental tragedy.

The pandemic and racial unrest have placed us at a critical moment in history. Every citizen has the responsibility of serious reflection in order to prevent a similar tragedy from occurring. This tragedy and its aftermath is Iowa's problem. Introspection and leadership are required.

As Iowans, we pat ourselves on the back because of our long and rich history of eradicating racial injustices. However, Iowa, like other states, is in the cross-hairs. Leadership at the top of our country has failed. The civil rights leadership is no longer a monolithic movement to facilitate calm. Therefore, Iowans must exercise strong, compassionate and intelligent leadership to forge a pathway out of this crisis.

Destruction of property must stop. Tensions need to be eased. Understanding how we got to this point must be acknowledged. Finally, our political, business, religious and community leaders must agree to meet and remain at the table until a workable resolution to this crisis is on the table. This time is different. Press releases are a waste of time. It is a time for courage and action.

Law enforcement officers are undertrained and underpaid. Society's expectation is that the enforcement of the law must be fair or the fabric that binds us will rip apart. This difficult job is not for the untrained,

underpaid and unprepared.

As a member of the legal profession, I struggle with whether we are doing all we can to ferret out problematic officers. We are not.

My colleagues and I are fully aware that it is the little things we ignore in officers' conduct that can lead to tragedy. Defense lawyers, prosecutors and judges have seen inaccuracies in testimony from law enforcement officers bordering on lies. We listen to the testimony of their fellow officers supporting these inaccuracies. When these inaccuracies risk ruining a case, lawyers cut deals. The conduct is not reported, and the officers are empowered. As experienced professionals, we contribute to this empowerment.

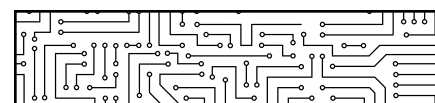
In a sense, it is a form of silence. The majority of the law enforcement personnel are wonderful, dedicated people who want to do the right thing. However, the idea that all officers are truthful and are in the law enforcement profession to help is absurd. It is the responsibility of the police department to weed out these bad seeds. It is the legal profession's responsibility to report these officers' conduct. A board must be established in order to report these officers for an investigation. Founded complaints against officers ought to be released as part of trial preparation. They should also be released to the public. All complaints should be reviewed by the court before an officer testifies.

A tragedy like Mr. Floyd's does not happen out of the blue. It begins with a jacked-up speeding ticket, rudeness to minorities, abusive language, testifying in court differently than what the original report states, filing simple drug charges to arrest black people, patting a tainted officer on the back after a trial, taking a deal because of flawed testimony without reporting the misconduct and seeing the same officer's name related to misconduct in transcript after transcript. We recognize these bad actors and do nothing.

In our close legal world, we form alliances, friendships and circles of respect. We are comfortable with this existence and are defensive when challenged. Our comfort zone must end.

Defense lawyers, prosecutors and judges must do a better job of recognizing and calling out these bad apples. It is not difficult; we can take this action to supplement the body cameras and mobile phones that have revolutionized identifying police misconduct.

(This essay was originally published in the Des Moines Register on June 5, 2020 and is reprinted in The Iowa Lawyer with permission. The views expressed are the author's own.)



DIGITAL FORENSICS & INCIDENT RESPONSE


Through our digital forensics service, we enable clients to make informed decisions about security incidents by identifying, preserving, analyzing, and presenting digital evidence.

- Forensic Investigations
- Forensic Imaging
- Expert Case Review

Pratum®

pratum.com/digital-forensics

Letter TO THE EDITOR

 n Election Day—no more than 60 years ago—four unanswerable questions awaited Mr. Clarence Gaskins, an African American voter hoping to cast his ballot in a general election. Upon arrival at his designated polling location, he was ushered by a group of dutiful white men down a narrow corridor and into a small room.

In that room, he found a jar of corn, a cucumber, a watermelon and a bar of soap. All had been so neatly arranged as if in anticipation of his arrival. As he sat with a half-smile—staring at the still objects—the dutiful white men sat silently behind him, staring at his back. In that moment of silence, it became quite clear that white supremacy was both power and desperate. Desperate enough that it could tie the funda-

mental right to vote to something as arbitrary as guessing the number of corn kernels in a jar. Powerful enough that it could do anything to keep people who looked like this man sitting beneath the power and those who wield it.

no matter the right answer, there were none. And that election year, his vote was neither cast nor counted.

As we approach another election day, the moment—or movement, rather—that we find ourselves in right now is poignantly similar to the moments leading up to the civil rights movement. In addition to wrestling with and recovering from the tragic, heinous lynchings of people who look like me, it feels that there is something louder that our society is trying to tell us.

America's streets are filled with protestors exercising their First Amendment right to peacefully assemble and protest because many of us believe that our voices are not otherwise being heard. In fact, in our everyday lives, many of these loud cries are met with resounding

their concerns at the polls. There is no right more fundamental than the right to vote, if our government and our laws and our leaders are to have legitimacy. Yet today, there are still insurmountable challenges of securing such civil and political rights for African Americans. And in Iowa, voter suppression feels a little less by chance, and more so by design.

Therefore, to understand why Iowa is the only state in the nation with a lifetime ban on voting for people with a felony conviction—a conviction that disproportionately affects African Americans—we must first examine and then wrestle with Iowa's profound history of suppressing virtually every right of its African American citizens. Only then can we better understand that the legislature's attempt to silence

LET MY PEOPLE

mental right to vote to something as arbitrary as guessing the number of corn kernels in a jar. Powerful enough that it could do anything to keep people who looked like this man sitting beneath the power and those who wield it.

“How many kernels of corn are in the jar? How many bumps on the cucumber? How many seeds in the watermelon? And how many bubbles in the bar of soap?”

As the dutiful white men sat silently behind him, staring at his back, the polling official made very clear that,

silence from our peers, our classmates, our neighbors or our colleagues.

The problem with silence, however, is that it does not stand out, and therefore, cannot stand up and say why it is silent. So that resounding silence collects, almost like dust in an old system, and becomes amplified with vibrations of indifference and avoidance and then eventually passes over into forgetting. But we, the people, will not let them forget.

See, when our system is working, Americans can express themselves and

the voices of Iowa's most marginalized groups began well over 150 years ago.

The insurmountable challenges of securing civil and political rights for African Americans in Iowa preceded its statehood. The Territorial Legislature of Iowa made its first attempt at suppressing the rights of African Americans beginning in 1838, when the legislature required that all African Americans entering Iowa after April 1, 1839, produce a *certificate of freedom* and post a \$500 bond.

The legislature would soon make another successful attempt at suppressing the rights of its African American citizens on January 6, 1840, when Iowa passed a law prohibiting interracial marriage, followed by its rejection of African American voting rights in 1844, and again in 1845. Soon thereafter, the legislature would strip virtually every right left to African Americans, namely barring African Americans from holding office in the Iowa General Assembly, serving in the military and testifying in court. And by 1851, the legislature passed a law prohibiting the migration of African Americans to the state.

By 1857, the Iowa Legislature would reconsider whether to grant voting rights to African Americans by allowing citizens to cast a ballot to decide whether to strike the word “white” from

EXCELLENCE in Expert Litigation and Business Valuation (USPAP)

Contact Mike at mmesch@tld-inc.com.

 **Terry Lockridge & Dunn**
Accountants and Business Consultants
www.tld-inc.com
Cedar Rapids • 221 3rd Avenue, Suite 215 • 319.364.2945
Iowa City • 2225 Mormon Trek Blvd. • 319.339.4884



Mike Mesch
CPA/ABV, ASA, CFF
Partner

the Iowa Constitution. The citizens weighed in; African Americans were again refused the right to vote. It was not until more than a decade later, in 1868 that the Iowa Legislature would eliminate the word “white” from the Iowa Constitution, finally granting the right to vote to African American men.

Today, more than 150 years later, Iowa is the only state in the nation with a lifetime ban on voting for people with a felony conviction—a conviction that disproportionately affects African Americans. Not only has the Iowa Legislature considered a measure eerily reminiscent of the 1838 certificate of freedom and bond, the legislature has gone as far as proposing a law that requires those with a felony conviction—a conviction that disproportionately

percent of its prison population, tying the right to vote to the injustice system—a system, which at its inception, did not consider African Americans in the calculus of persons worthy of citizenship, rights or decency—further disenfranchises African Americans, and by its very design, makes Iowa’s voting base overwhelmingly white.

While the proposed measure is just that—a proposal—it allows the people to bear witness to what is in the hearts and the minds of our government. Further, it allows us to predict precisely what is to come down the legislative pipeline, in the nearing future. It also might help to explain why for the second year in a row, Iowa Senate Republicans have killed a proposed constitutional amendment to restore voting rights

attorney, I fight because it was the African American citizens of Iowa, who fought to make the words of the Iowa Constitution true, especially the part about all people being free and equal. The legislature could undoubtedly learn something from the 1868 Iowa Legislature, in a moment of self-reflection. Perhaps that might move the legislature to ask itself: Why is it that in Iowa, before 1868, my forefathers could not vote, and more than 150 years later, neither can my father?

While the question is rhetorical, as we approach this election year, I hope the answer makes the people of Iowa want to run. Not for the hills, but for office. And to the state of Iowa and those oppressed so hard they could not stand, let my people go...vote.

LE GO...VOTE

By Cierra Newman

affects African American citizens—to produce a certificate of restoration of rights and pay every cent of any restitution they might owe to have their voting rights restored. The legislature—like in 1838—would like to effectively tie one’s rights to the ability to repay.

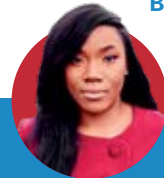
Iowa is rarely successful in collecting debt from those required to repay restitution. Where I am from, an overwhelming majority of people charged with a non-violent crime are indigent offenders who cannot afford legal counsel, let alone payment in restitution for the crimes they committed. Penalizing a person for the same crime twice—otherwise known as double jeopardy—is illegal. With a current lifetime ban on voting for people with a felony conviction, Iowa mutes and suppresses African Americans from meaningful participation in democracy, unreasonably restricts their constitutional right to vote and imposes unrealistic requirements for people with felony convictions to surmount arbitrary statutory barriers—even after having paid their mandated societal debt. Today, just as in 1838, Iowa has considered tying one’s rights to the ability to pay.

In a state that disproportionately jails its African American citizens, where African Americans make up less than four percent of the population but 25

to more than 60,000 felons—many of whom are African Americans who cannot participate in the upcoming election.

As a young girl who grew up with an incarcerated father, I felt the effects of his absence. From missed basketball games and cello recitals to the financial burden placed on my mother, I experienced firsthand the challenges that awaited him long after serving his time and re-entering his community. My father’s struggle to obtain full citizenship rights after incarceration is in part why I became an attorney. My father, just like his forefathers, cannot vote.

As an African American woman



Cierra Newman is an attorney in Washington, D.C. and licensed in Iowa. She is a 4th generation Iowan who previously served as an aide to U.S. Senator Chuck Grassley and as an Attorney-Advisor to the Office of the Comptroller of the Currency, an independent bureau of the U.S. Treasury. The views and opinions expressed in this letter are her own.

Letters to the editor are intended to reflect the personal views of the writer(s) and not the opinion of the association itself. The ISBA welcomes thoughtful and productive discussions in the form of letters to the editor and will publish them when possible.



Andrew B. Howie APPELLATE LAWYER

- ▶ Fellow, American Academy of Appellate Lawyers
- ▶ Fellow, American Academy of Matrimonial Lawyers

SHINDLER, ANDERSON,
GOPLERUD & WEESE, P.C.
515-223-4567
howie@sagwlaw.com
www.sagwlaw.com
Accepting Referrals

CIVILITY IN THE TIME OF CORONA

By Lawrence Scanlon, JD MA LPC LMHC

Without trying to sound grandiose, the basis for our culture is the reliance upon the rule of law. Precedent allows for predictability. Our economic, social and political engines run on the fuel we know: the laws we follow, and the reasonable reliance upon others also agreeing to follow the same or similar set of laws.

As we have observed, stressors to the system throw that reliance upon precedent out the window. The system bends, and hopefully does not break, as it adjusts.

During these times of stress, people behave differently. Behavior typically follows thought or emotion or both. When there is high emotion, strained thoughts and stress, the behaviors tend to be bad – unpredictable and outside the confines of what we reasonably expect in society. Unfortunately, lawyers are not immune to these times of stress.

Lawyers are officers of the court. Attorneys are self-governing. You were granted a law license because you were adjudged to be of good character and

passed an ethics exam. I have seen many attorneys denied admission to the bar (despite great grades and bar passage) because of poor choices in the past. Arguably, it is not fair to hold one to a standard they did not know about before they applied to law school. But what about those who have graduated and then choose to misbehave?

Recently, an attorney in one of our sister states was arrested for spitting on someone at a protest. Think this impossible? Think again. Stories of attorneys gone bad (or at least acting badly) are legion. Unfortunately, I have this penchant for looking for this type of behavior – perhaps to somehow offer advice and to prevent similar events in the future.

Here are a few more examples: *(I will attempt to minimize identifying information because it's not about the lawyer, personally, but about the behavior).*

- Upon being investigated by a state office of professional regulation (let's use OPR, generally in this article), one replies by stating that it

would be an honor to be disbarred and then to insult the OPR panel.

- Driving drunk through a late-night fast food restaurant (after attempting to enter an adult dancing establishment), communicating one's ire at a neighboring vehicle by using the middle digit of one's hand, and then fighting with the recipient of that gesture and ultimately getting shot by that same recipient.
- Getting sanctioned (almost) by a judge for "tendentious bickering." Not even during trial or depositions, but motions in limine, no less!
- Objecting to opposing counsel's request for a continuance based on the birth of a child (motion granted, by the way).
- Punching opposing counsel three times in a courthouse stairwell after being called stupid and bald. The puncher was suspended by OPR. The name-caller was not (but that behavior is unacceptable, as well, right?).

TRUE STORIES. THESE ARE JUST A FEW.

Let's return to our spitter. Can you imagine? Spitting at another person? These certainly are trying times, but lawyers and judges are expected to behave in a way that sets the standard for public behavior. With any example of poor behavior, I always try to get past the salaciousness (and it can be difficult) and ask: "What else might be going on here?" There has to be an explanation for such behavior. In this case, spitting at another is behavior that not only is inappropriate, but in today's pandemic environment, it will be more than simply



HONORABLE DOUGLAS F. STASKAL (Ret.) MEDIATION AND ARBITRATION SERVICES

Twenty-two years of experience on Polk County District Court presiding over all subjects of litigation.

Seventeen years of experience in public and private practice of law.

Contact me at 515-491-6081 or
staskalmediation@gmail.com to schedule your
mediation or arbitration.

assault and/or battery. It is probable that a suspension of this attorney's law license will eventually accompany any criminal charges. Why then, would an attorney place himself or herself in such jeopardy by spitting at or on someone? I have to think that lawyers jeopardizing their licenses is the result of a breakdown in one of the basic pillars of our society – empathy for our fellow humans.

What I see and have seen, in my counseling and legal careers, is a progression from stylized discourse or argument to an increase in ad hominem attacks. Weren't we taught to look at the judge during a hearing and not at opposing counsel? Weren't we supposed to direct oral argument and all communication to the bench?

In another article I have spoken about the potential incivility that may come with electronic mail. The efficiencies (and necessities) we see with electronic hearings come at the expense of our traditions. Law is, by nature, a fairly adversarial process. With increased competition and the financial stressors of a law practice, the lofty and noble profession has been victimized by our baser selves. Again, a lack of empathy may be the culprit.

Empathy is simply standing in the shoes of another. We treat another attorney well because we would like to be treated equally well. If we really do not like the adversary, then at least we can behave in a way that follows codes of ethics, rules of procedure and to otherwise act with civility.

In the case of the recent protests, we often see two sides shouting at each other. The noise leaves no room for empathy. The state of empathy, or being empathic, is to perceive the internal frame of reference of another with accuracy and with the emotional components and meanings which pertain thereto as if one were the person, but without ever losing the "as if" condition. Credit to Carl Rogers, here. If you are busy attacking the person – or even his or her position without attempting to empathize, you may never come to a fruitful resolution of any actual or apparent problem.

The key to communication problems and solving our societal problems is grounded in empathy and the use of empathic responses. To do so is to listen, to try to understand, to convey to the other your understanding by capturing the emotion behind the speaker's words, and to allow the speaker to agree to your understanding, correct

your understanding, or enhance the speaker's own earlier representations.

Please allow me to suggest a process for empathic responding or empathic communication:

Party 1: talks, says how he or she feels.

Party 2: listens, and when appropriate, provides an empathic response: "You feel ..." "You are ..." "It's angering that ..." NOT: "I see what you're saying ..." "I understand ..." because when you utilize the word "I," you are putting the other's words, feelings and emotions in your own terms, as viewed through your own lens. The goal is to accurately capture and comprehend what the other is saying.

Repeat this process until Party 1 feels heard and understood. At some point, Party 1 has fully expressed himself or herself and Party 2 can begin speaking, with Party 1's permission. This is accomplished with a sincere and artfully chosen time to ask, "Are you finished?" And "May I offer my thoughts?" Then the roles reverse.

HOW DOES THIS HELP YOU IN YOUR PRACTICE?

If you understand your client better, you can represent them more successfully. If you can assist mediating parties understand each other better, then you can resolve those cases faster and more efficiently. If you demonstrate to your adversary that you are willing to listen and attempt to understand the client's position or interests, you may get concessions that would otherwise be unavailable with a belligerent or unbending attitude. When you employ empathy, you will get more clients and keep them. By taking the time to listen to and understand a client, you are validating him or her. By dismissing another's thoughts or opinions, you are invalidating them. When you treat a client

like a problem, you invalidate them. Clients are not problems; they are people with problems. Treat them as such.

Perhaps this brings us back to our expectorating attorney for one last time. Civility was lost when that attorney chose to spit at another person. Why make that choice? I do not know, exactly. I imagine there was anger, frustration, disgust, fear, among other emotions. Through all the shouting, only a few emotions get conveyed. Neither side gets a sufficient opportunity to be heard and understood. That is invalidating. When you feel like you don't count or don't exist, you get desperate. Then you act out in a ham-fisted attempt to get attention. And then bad things happen.

So what am I calling for? What's the solution? Civil discourse begins with attorneys. As the final, peaceful advocates and arbiters of disputes, we must set the example for others in society. We cannot allow ourselves to resort to crude modes of argument. We must understand the emotion of others and then gently persuade with logic. We must validate others by listening and hope that the favor is returned. If it is not, at least we have sown the seeds for future communication. Empathy and the process by which we understand another – and conveying that understanding – could diffuse the powder keg that has been set alight in society.



Lawrence Scanlon is a mental health professional and lawyer who strives to help attorneys live more fulfilling personal and professional lives. He has logged hundreds of hours with lawyers, judges and law students over the years.

Web: www.InsightCounseling.Me
Email: Larry@InsightCounseling.Me



Landex Research, Inc.
PROBATE RESEARCH

**Missing and Unknown Heirs Located
With No Expense to the Estate**

Domestic & International Service for:

*Courts *Trust Officers
*Lawyers *Executors

1345 Wiley Road, Suite 121, Schamburg, Illinois 60173
Telephone: 800-844-6778 FAX: 847-519-3636
www.landexresearch.com

BUILDING DIVERSE AND INCLUSIVE NONPROFIT BOARDS

By Gordon Fischer and Jacque Judickas

INTRODUCTION

This article suggests best practices to make nonprofit boards more diverse and inclusive. Recent instances of police brutality starkly show racism must be confronted in every aspect of American life. Nonprofits of all kinds should be leaders in the fight for racial justice and towards a fairer society.

DIVERSITY AND INCLUSIVENESS DEFINED

Diversity and inclusivity are related concepts but not the same thing. BoardSource, whose stated mission is to support excellence in nonprofit leadership, defines diversity and inclusivity as follows:

Diversity - The condition of being different; the fact or quality of being diverse; variety. Diversity includes, but is not limited to: gender, age, religion, sexual orientation, race/ethnicity, language, socio-economic status, legal status, disability, geographic base, political viewpoint.

Inclusivity - The involvement of diverse individuals and the

incorporation of diverse perspectives, needs, contributions and viewpoints.

Diversity is simply having a mix of people while inclusion makes sure all of those people feel like they belong. Being inclusive means bringing people together, so each person contributes to and feels part of a connected whole. Without inclusion, diversity doesn't work.

STATISTICS ARE STUNNING

The lack of diversity and inclusion on nonprofit boards is stunning. According to a 2017 study, nonprofit boards across the nation are overwhelmingly white—78.6 percent to be exact. The boards were found to be 7.5 percent African American, 4.2 percent Hispanic, 2.6 percent Asian, 0.9 percent Native American and 0.4 percent Hawaiian or Pacific Islander. The remaining 5.8 percent of respondents selected an “other” category or chose not to provide racial information.

To put these numbers into perspective, at the time of the study, the United States population was 76.9 percent white, 13.3 percent African American, 17.8 percent Hispanic and 5.7 percent Asian. Plainly, minorities of all kinds are severely under-represented on nonprofit boards.¹

WHY DIVERSITY MATTERS

There are several reasons these statistics are deeply troubling, beyond that it is simply not right that nonprofits are unreflective of society as a whole. Non-diverse boards can lead to “group think” and “near-sightedness.” A non-diverse board increases the chances the nonprofit is out of touch with community needs.

A diverse board is composed of individuals from a wide range of backgrounds, with a variety of skills, experiences, perspectives and resources. Studies have shown a positive correlation between diversity and inclusivity with fundraising efforts, advocacy and engagement.² Diverse and inclusive nonprofit boards allow for more creative solutions as voices of differing backgrounds are heard.

In addition, forming a board of people who come from various backgrounds broadens the opportunity for establishing connections in different communities. Compare a board with members all running in the same social circle and professional network with a diverse and inclusive board. Clearly, the nonprofit with a diverse and inclusive board is

more likely to succeed. To pick out one obvious area, diverse and inclusive boards are more likely to be more successful in fundraising, as they can reach more and different potential donors.

PUT IT INTO ACTION

1

Plan

One of the best ways to ensure progress is being made is to set concrete goals and objectives. Start by performing a diversity audit to get a clear picture of your demographics. Are different races and ethnicities represented? Are genders equally represented? Does the board have members under the age of 35? If the answer to any of these questions is no, start there. Develop a plan which includes strategies, tasks and a timeline with diversity and inclusivity in mind. One strategy may pertain to work-life flexibility which considers the time and place meetings are held to accommodate members with care-giving responsibilities. Further, decide if you want to set numeric goals, such as aiming for 25 percent of the board to be millennials within one year. While doing so can help define the target, it can also mislead board members into thinking once the board looks a certain way, the “diversity box” has been checked and the work is done. Remember, inclusivity requires more action. Set up a system to hear from board members about their feeling of belongingness with the organization, whether that be emailed surveys, informal gatherings and/or monthly meetings. This allows you to measure and monitor progress. In addition, make it a point to emphasize your commitment to diversity and inclusivity early on with potential new board members, as well as with long-time members. Encourage all board members to speak up if they ever feel the board is losing sight of this vision.

2

Open communication

Start a conversation around diversity and inclusion. Before asking the board, “How do we become more diverse and inclusive?” ask, “Why are diversity and inclusivity important?”

MEDIATOR TRAINING



RICHARD M. CALKINS

Former dean and adjunct professor,
Drake University Law School,
invites applications for:

Primary Mediator Class

August 3-7, 2020
(40 hrs. of CLE, 2 hrs. Ethics)
Des Moines, Iowa

Mr. Calkins has conducted his 40 – hour course over 100 times throughout the Midwest. He has also trained law students throughout the nation and internationally in Australia, United Kingdom, India, Ukraine, UAE, Poland and Irish Republic.

The class includes mediator and advocacy training, with students doing two full mediations before being certified by the International Academy of Dispute Resolution.

For information, contact Susan Ewing at:
amta@dw.com.

BoardSource has offered a list of questions to introduce these topics:³

- Are people of color comfortable serving on the board?
- Does the board consider issues relating to race and ethnicity when it sets policies and makes decisions for the organization?
- What could the board do differently to become more inclusive and welcoming?
- What could the board do differently to address the needs of communities of color?

3 Require diversity training
A recent study found only 19 percent of nonprofits provide board members with training concerning diversity and inclusion.⁴ Diversity training supports cultural sensitivity and helps combat unconscious bias. Requiring board members, staff, key volunteers, donors and stakeholders alike to complete such training should help eliminate personal bias, as well as biases which may be embedded in the board's culture. Further, requiring such training emphasizes a value of compassion. Consider requiring biannual training and encourage board members to attend workshops surrounding diversity and inclusion when possible. As reaching diversity and inclusivity is a continual feat, these learning opportunities should be recurrent as opposed to one-time occurrences.

4 Prevent Tokenism
Tokenism can be understood as “the practice of doing something only to prevent criticism and to give the appearance that people are being treated fairly.”⁵ Tokenism can occur when diversity exists without inclusivity. Are you recruiting diverse board members just to meet a quota or to appear progressive? Or are all board members appreciated for their perspectives and recognized as valuable additions to the board who help drive the organization's mission? If all you're doing is recruiting a heterogeneous mix of people and calling it good, you're masking inactivity and acting for the wrong reasons. Reflect on why you want different people on your board and be conscious of this purpose when recruiting diverse members.

Consider the words of Jermaine Smith, a black, millennial, nonprofit board member: “If you recruit me simply because I am a black man, it will not take me long to realize that was the only prerequisite. I want to fundraise for you—not be black for you.”⁶

5 Be expansive in the search for new members
Look at both traditional and non-traditional sources for potential candidates. Avoid merely reaching out to friends who might seem to diversify the board on its face, but who might be bringing experiences already represented from your own circle. Doing so increases the likelihood of retaining a like-minded, homogenous group. The following steps are ways to broaden your recruiting process:^{7,8}

- Engage in frequent networking with community organizations;
- Refer to your volunteer network to identify potential leaders;
- Reach out to members of the community you serve, volunteers and staff to ask who they might recommend as a board member;
- Post your board position opening on a nonprofit listing site or through your local community foundation;
- Advertise in diverse publications;
- Host events and conferences and work to attract individuals from all backgrounds.

6 Who has a say?
Who has the decision-making power when it comes to taking on new members? Is it one or two individuals? Or are all voices, opinions and perspectives being considered? The most diverse and inclusive board will hear from all members when it comes time to fill open spots. Take all suggestions of potential board members seriously. Ensure at least two or three members are interviewing candidates together, the entire board participates in a full discussion and the entire board votes on the decision.

7 Tactful onboarding
Onboarding is a crucial step in acclimating new members to ensure expectations are set, adequate guidance is offered and equity is guaranteed.

Onboarding can also involve mentoring new members to help bring together a diverse group and creates an opportunity for the veteran board members to get to know the new board members. Remember to emphasize diversity and inclusion as top priorities for your organization when you are welcoming new members to the board. Inclusive practices can positively influence retention rates of diverse individuals, so it is important to engage in these practices from the beginning.

CONCLUSION

Nonprofits must be purposeful in the pursuit of increasing diversity and inclusion. Now, more than ever, it is time for nonprofits to prioritize diversity and inclusiveness.



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 and can be contacted at gordon@gordonfischerlawfirm.com or 515-371-6077.



Jacquie Judickas is a law clerk at Gordon Fischer Law Firm and in her second year at Drake University Law School. She graduated with honors from the University of Iowa with a degree in Communication Studies. She is a native of Bettendorf.

1. “Three Strategies for Diversifying Your Nonprofit Board,” *Forbes* June 2019; <https://www.forbes.com/sites/forbesnonprofitcouncil/2019/06/20/three-strategies-for-diversifying-your-nonprofit-board/#6da302e163eb>
2. “Nonprofit Boards Don't Resemble the Rest of America,” *The Nonprofit Times* February 2018; https://www.thenonprofittimes.com/npt_articles/nonprofit-boards-dont-resemble-rest-america/
3. “Beyond Political Correctness: Building a Diverse and Inclusive Board,” BoardSource April 2017; <https://boardsource.org/resources/building-diverse-inclusive-board/>
4. “Report Urges Nonprofit Boards to Turn Diversity Awareness into Action,” *Philanthropy News Digest* February 2019; <https://philanthropynewsdigest.org/news/report-urges-nonprofit-boards-to-turn-diversity-awareness-into-action>
5. “Calling out Tokenism: 9 Thoughts,” *Becker's Hospital Review* January 2020; <https://www.beckershospitalreview.com/hospital-management-administration/calling-out-tokenism-9-thoughts.html>
6. “How to Catch a Unicorn: Diversify Your Nonprofit Board Like You Mean It,” BoardSource February 2016; <https://blog.boardsource.org/blog/how-to-catch-a-unicorn>
7. “Vital Voices: Lessons Learned from Board Members of Color,” BoardSource November 2010; <https://www.racialequitytools.org/resourcefiles/boardsource.pdf>
8. “10 Things to Know About Board Diversity – Lessons From ‘Building A Diverse Board Of Directors: Turning Intention To Results,’” Maryland Nonprofits December 2019; <https://www.marylandnonprofits.org/10-things-to-know-about-board-diversity-lessons-from-building-a-diverse-board-of-directors-turning-intention-to-results/>

Digital forensics

GETTING THE MOST FROM CYBER EVIDENCE

By Lucas Woodland, MBA, CISSP

Senior Digital Forensics & Incident Response Analyst



The legal system is evolving with the constant advances in technology, which means the way attorneys handle each case will also need to change. One way to ensure you have the best possible evidence is through the proper use of digital forensics, but how do you know which digital evidence to use and how to handle it properly?

Let's start with the basics. Digital forensics is the process of preserving and analyzing electronic data. The goal is to preserve any evidence in its most original form, then perform an investigation to answer questions and understand past events.

Digital forensics can be used in any case where digital media such as computers, laptops, servers, cell phones and tablets are involved. It is most commonly used in incident response when a company or individual's system has been compromised by a hacker. It is also commonly used for employment matters such as data loss or theft, policy violations and any litigation matter that includes email communication and document sharing. A digital forensics expert can retrieve information from these devices to discover information on who last used it, what has been saved, what has been deleted and more.

Now that you understand what digital forensics is, let's look at how it can change the course of your next case.

First, make sure you are acquiring the digital evidence properly. There are best practices laid out by national groups like Scientific Working Group on Digital Evidence (SWGDE) and the National Institute of Justice (NIJ). It is beneficial to bring in a digital forensic expert as soon as possible to ensure you are evaluating all relevant pieces of evidence.

For example, if a case involves a cell phone, the owner's computer might

also be of value. Backups of the phone may be found on the computer, or documents created on the computer may be on the phone. Looking at all possible angles could help you discover new evidence.

Digital evidence can be volatile, so preserving the data as soon as possible is very important. The best-case scenario is to segregate the device quickly by removing it from the network, while keeping the device power on. If the device cannot be removed from the network for a business reason, work with a digital forensics expert to preserve the data as soon as possible.

You should also be careful with how you store the physical device. Keep track of everything in a log of activities. That includes serial numbers, the make and model, who has had access to the digital evidence and where it has been. When it is not being examined, keep the device locked up to make sure only authorized individuals have access to it. There is a chance the important information you need to win a case may be lost without proper handling of the evidence. You also run the risk of spoliation of evidence.

Be sure to create a chain of custody. When it is time for trial you must be able to show and explain everything that happened to evidence while it was in your care. Evidence can be thrown out if a chain of custody does not exist.

Once you have the digital evidence, a forensics investigator can make an "image" of the information. This is sort of a bit-by-bit copy of the device data, but it is much more than just a copy. Preserving as much of the data as possible in its exact state, including metadata, enables forensics teams to perform thorough investigations at any time following the imaging process. For example, the text of an email is necessary

but so is the time it was sent or how many times it was modified. This is the sort of information metadata can provide.

A digital forensics expert may also find other clues left on a device. This can show what the user did that is not in clear text. Devices such as external hard drives can leave evidence about the activity of the user. Depending on the type of computer used, a digital investigator can often create a list of every device plugged into that computer. Many times, it is possible to find the make, model and serial number of each device attached over time.

In order to get the most out of your forensics investigator, you need to share as much information as possible with him or her. Important dates, names, documents, filing systems; these are critical for the case and for your digital forensics expert. The expert needs to understand exactly what they're working with and how it is being used in the proceedings.

Following the proper steps and working with the right experts can help you make your case even stronger. Having a digital forensics expert on your team will give you a clearer vision of what evidence is available and how to get the most out of it. Being able to fully utilize digital evidence could be the key to winning your next case.



Lucas Woodland is a computer forensic expert with over 15 years' experience in digital forensics and incident response. He can be reached at sales@pratum.com or 515-965-3756.

Pratum®

Pratum has been an information security leader in Iowa for 12 years, specializing in security consulting, digital forensics and incident response. You can find out more about Pratum's services at Pratum.com.

IMPORTANT NOTE:

Just because a device has been physically damaged does not mean the information is lost forever. With the help of a digital forensics expert, you may be able to retrieve information even if the device appears to be broken or destroyed.



2020 ANNUAL MEETING

▶ **VIDEOS ON-DEMAND**



View many of the
2020 ISBA Annual Meeting videos
wherever and whenever you'd like on the
ISBA On-Demand CLE Catalog.

VIDEO CATEGORIES AVAILABLE:

- ▶ Criminal Law
- ▶ Elder Law
- ▶ Ethics
- ▶ Family and Juvenile Law
- ▶ Litigation
- ▶ Probate, Trust and Estate Planning Law
- ▶ Real Estate and Title Law
- ▶ Taxation Law

SPECIAL
BUNDLE
PRICING
AVAILABLE

IOWABAR.ORG/ONDEMANDCLE

BOARD OF GOVERNORS ANNUAL MEETING

ISBA BOG approves legislation and establishes task force at annual meeting

Members of the ISBA Board of Governors (BOG) approved resolutions and recommendations submitted by committees, sections and others as part of the annual meeting of the ISBA Corporation and The Iowa State Bar Foundation. During the course of the meeting, a variety of reports were presented, and 13 new BOG members were seated (named on page 22-23).

ACTIONS

Resolutions approved by the ISBA Board of Governors:

- Honoring ISBA Immediate Past President Willard L. Boyd III in recognition of his service as ISBA President.
- Authorizing check signing privileges and banking.
- Honoring deceased members (December 2019-present).

Deceased members honored: Frank A. Comito, Charles R. Coulter, Robert R. Eidsmoe, Todd A. Elverson, Daniel Pearson Ernst, Hon. Robert E. Ford, Gordon J. Forsyth, Edward T. Harvey Jr., William M. Hildreth, James E. Houser, William J. Kamps, James L. Krambeck, Hon. William C. Ostlund, Robert M. Otto, Donald R. Payer, David L. Scieszinski, Retired Justice Bruce M. Snell, Ronald L. Sutphin, Melanie Thwing-Eastman, and Nancy L. Watkins.

- Honoring Hope Wood with the 2020 Rolland E. Grefe Pro Bono Publico Award.

Additional actions taken by the BOG:

- Approval of the 2020-2021 budget.
- Approval to include SF 2339 as part of the ISBA's 2021 Affirmative Legislative Program subject to any changes that the Business Law Section Council deems appropriate.
- Approval of the appointment of Mark Schuling, Deb Petersen and Guy Cook to The Iowa State Bar Foundation Board of Directors.
- Approval of recommendations by the Iowa Jury Instructions Committee including new Iowa Civil Jury Instruction 100.24; revision, consolidation and renumbering of Criminal Jury Instruction Chapter 400 and amendment to 1900.7; and correction to Criminal Jury Instruction 900.4.
- Establishment of Transitioning from the Practice of the Law Committee.

REPORTS

President's Report – Bill Boyd

ISBA President Bill Boyd welcomed members of the ISBA to the first-ever virtual annual meeting and reflected on the events of the last several months. He noted that almost 1,000 members attended the annual meeting CLE programming virtually in May. Boyd reported on the BOG work toward the mission and vision of the ISBA over the past three years while he was an officer, the leadership provided by the sections and committees and the YLD.

YLD President's Report – Abhay Nadipuram

YLD President Abhay Nadipuram reported on the YLD's efforts to find alternative options for the in-person July 2020 Iowa bar examination given the unprecedented situation applicants face due to the pandemic. Iowa Court Rule 31.6 was temporarily modified to allow applicants currently registered for the July 2020 exam to defer their fees to the February 2021 exam. The exam is currently scheduled for July 27-29, in Des Moines; the back-up dates are Sept. 9-10. Nadipuram highlighted the accomplishments of the YLD's leadership and members including their partnership with Law School Transparency and the work of the YLD Diversity Committee.

Legislative Counsel's Report

Jim Carney, ISBA legislative counsel, provided governors with a summary of the last legislative session including the proposals in the 2020 ISBA Affirmative Legislative Program. *See pages 6-9 of this issue of The Iowa Lawyer for a full update on the 2020 legislative session.*

Annual Meeting of the Corporation

ISBA Executive Director Dwight Dinkla and ISBA Assistant Executive Director Harry Shipley reported on membership trends and recruitment efforts underway, including the New Attorney Guide. Dinkla provided an update on the ISBA's COVID-19-related activities including the creation of a member resource webpage and 14 free webinars, which served 5,300 attendees and offered 7,954 hours of free CLE.

Dinkla reported on the election of President-elect Anjela Shutts, Vice President Henry Hamilton III, ABA Delegate David L. Brown and YLD ABA Delegate Kay



Outgoing President Bill Boyd passes the gavel to Jerry Schnurr III during the ISBA Annual Meeting on June 24.

Oskvig by the membership.

Shipley reported on renovations that are nearly complete at the ISBA Bar Headquarters since a water fountain cooler break at the beginning of the year. He also provided an update on work since AbacusNext's purchase of HotDocs® and efforts to create an alternative option for ISBA members.

ISBA Ways and Means Committee Chair Eric Turner presented the 2020-2021 budget for approval by the ISBA Board of Governors and reported that with a declining membership and concerns related to COVID-19, the committee suggested the need to reduce the budget by 13 percent, a net loss of \$34,624.

The Iowa State Bar Foundation Annual Meeting

Iowa State Bar Foundation Board of Directors' member Eric Turner convened the annual meeting of the ISBF and requested approval of the appointment of Mark Schuling, Deb Petersen and Guy Cook to The Iowa State Bar Foundation Board of Directors. Turner provided an update on the ISBF's finances and grants that were presented in March.

Incoming President's Remarks

– Jerry Schnurr III

Incoming ISBA President Jerry Schnurr thanked Immediate Past President Bill Boyd for his leadership during 2019-2020. Schnurr outlined his priorities for the year including building public trust and education on the rule of law, the role of courts and our constitutional framework.

Schnurr introduced a resolution to establish the Transitioning from the Practice of Law Committee. The ad hoc committee was established to help bar members fulfill their ethical obligations to protect clients' interest in the event of the member's death, disability, impairment or incapacity. In addition, Schnurr noted that BOG work groups will continue this year.

President Schnurr's report is summarized on page 5 in his first President's Letter.

Incoming YLD President's Remarks – Torey Cuellar

Incoming YLD President Torey Cuellar highlighted her goals to build on the work of past YLD presidents and the YLD as a whole. She highlighted the efforts of the revitalized diversity committee, the Parental Leave Task Force, law school transparency and legal education debt reform, and targeted professional development. *Cuellar's report is summarized on page 24 of this issue of The Iowa Lawyer.*

Dialogue with Iowa Supreme Court Chief Justice Susan Larson Christensen

Iowa Supreme Court Chief Justice Susan Larson Christensen provided an overview of supervisory orders issued to minimize the impact of coronavirus/COVID-19 on the services the judicial branch provides to Iowans. She reported on the progress of two task forces established to jumpstart jury and family law trials, and The Iowa State Association of Counties' and the Iowa Judicial Branch's collaboration on a checklist that can be used so members of the public and state and county employees can safely return to Iowa's courthouses.

Reports from the law school deans

Drake University Law School Dean Jerry

Anderson provided highlights of recent accomplishments and events including the June 20 #TakeAWalk event organized by the Drake Black Law Student Association and the Drake Law OUTLaws (LGBTQ+ law student organization) to further the dialogue on racial justice. He noted that the Institute for Justice Reform and Innovation is working with the Drake Student Bar Association to provide free implicit bias training to local police departments. Anderson also reported on the creation of the Cady Law Opportunity Fellow Program and plans for the first Cady Day of Public Service.

University of Iowa College of Law School Dean Kevin Washburn reported on the work that the leadership team is doing to prepare for this fall and noted that the school will welcome three lateral tenured faculty, a new library director, two new LAWR professors and a faculty fellow. The Class of 2023 is expected to be larger and more diverse. Washburn reported that Iowa is currently 11th in the country for full time employment of recent law school graduates.

American Bar Association President-elect's Remarks

ABA Delegate David L. Brown introduced ABA President-elect Patricia Lee

Refo. She will become ABA President in August. Refo is a partner at Snell & Wilmer in Phoenix and served as chair of the ABA House of Delegates and the ABA Section of Litigation. She spoke to governors about efforts underway to address issues related to privatization of fees and fines in the criminal justice system, racial equity, the independence of the judiciary, access to justice and diversity and inclusion in the profession.



Henry Hamilton III was elected as vice president of the ISBA for 2020-2021, then will serve as president-elect for an additional year before becoming the 136th president during the 2022-23 fiscal year. He will be the first African American attorney to serve as ISBA President.

Business Valuation & Litigation Support



1707 High Street | Des Moines, IA 50309
515.282.8019 | www.bccadvisers.com



BUSINESS VALUATION • LITIGATION SUPPORT • MERGER & ACQUISITION CONSULTING

Real Estate Appraisal



**Iowa
Appraisal and Research
CORPORATION**

1707 High Street | Des Moines, IA 50309
515.283.0146 | www.iowaappraisal.com



COMMERCIAL & AGRICULTURAL REAL ESTATE APPRAISAL • APPRAISAL REVIEW • MARKET/FEASIBILITY STUDIES

WELCOME TO THE NEW 2020-2021 ISBA LEADERS

NEW GOVERNORS



DISTRICT 2B – JOHN WERDEN, CARROLL

Contact: jwerden@eichlaw.com or 712-792-3424

Firm: Eich Werden Steger & Ahrendsen PC

Practice area: Tax, business and estate planning

Why did you decide to get involved in the bar association?

I have enjoyed being on the Jury Instruction Committee and saw this as another opportunity for professional service.

What do you like to do for fun?

Activities with my children and grandchildren, boating, hunting and fishing.



DISTRICT 5A – MIKI MCGOVERN, WOODWARD

Contact: MikiMcGovern50@gmail.com or 515-490-9081

Employer: I retired from the Iowa Department of

Workforce Development, Division of Workers' Compensation on Feb. 28, 2020 after more than 38 years with the State of Iowa. For most of my career, I served as a Deputy Workers' Compensation Commissioner.

Practice area: My practice areas have been limited to workers' compensation, administrative law and some very narrow areas of employment law.

Why did you decide to get involved in the bar association?

I have been involved in The Iowa State Bar Association, as well as other specialty bar associations, because as attorneys we must maintain the integrity of our profession. It is up to us to ensure the legal profession is ever ready to meet the challenges of the future. Additionally, I have a very selfish reason. I never tire of meeting new people. The ISBA is the best way to make new friends across the entire state and in all areas of practice!

What do you like to do for fun?

As far as my free time is concerned, I adore reading mystery and spy stories. I can become lost in a challenging mystery and forget about time or other household chores. I also delight in traveling with my cohort and fellow attorney, Emily Chafa. The two of us have had many memorable journeys to legal seminars and meetings across the country.



DISTRICT 3A – JACK BJORNSTAD, SPIRIT LAKE

Contact: jack@bjornstad.legaloffice.pro or 712-332-5225

Firm: Jack Bjornstad Law Office

Practice area: Civil litigation and criminal defense

Why did you decide to get involved in the bar association?

Like every Iowan, I benefit from all of the good work the ISBA does to protect justice. I wanted to pitch and help in any way I can.

What do you like to do for fun?

Ice fishing, hunting, kayaking, snow shoeing, cross country skiing



DISTRICT 3A – KEVIN R. SANDER, ANDOVER

Contact: ksander@fitzgibbonslawfirm.com or 712-362-7215

Firm: Fitzgibbons Law Firm, LLC.

Practice area: A general county seat practice in areas of real estate, probate, transactional, as well as family law, criminal defense and some civil litigation.

Why did you decide to get involved in the bar association?

I decided to become involved in the ISBA to volunteer time to representing the lawyers of my district and in northwest Iowa, and further my contacts with other Iowa lawyers.

What do you like to do for fun?

Hobbies include attending the sports/activities of my children, golf, reading.



DISTRICT 5B - ANDREW ZIMMERMAN, CORNING

Contact: andrew@nielsenzimmerman.com or 641-322-4712

Firm: Partner/Owner of Nielsen & Zimmerman, PLC and Adams County Magistrate

Practice area: General practice

Why did you decide to get involved in the bar association?

It has been my fortune to have a number of local attorneys share their time and knowledge with me when I was just starting out in the practice of law. A common thread among each of these attorneys was that they had also contributed time to The Iowa State Bar Association in one way or another, including serving on committees, as well as the Board of Governors. I feel that becoming more involved with the Iowa bar, and serving on the Board of Governors, is one way I can follow their example.

What do you like to do for fun?

I enjoy bird hunting, golf, traveling and spending time outdoors with my family.



DISTRICT 4 - DESHAWNE BIRD SELL, GLENWOOD

Contact: deshawne@selllaw.com or 712-527-4026

Firm name: Sell Law, PLC

Practice area: General practice including: criminal, real estate, family law, estates

Why did you decide to get involved in the bar association?

I have always been involved with the bar association. I have been the president of the bar in Mills County for quite some time and have been an active participant in the Fourth Judicial Bar Association as well as the Pottawattamie County Bar Association. I believe that because our practice is becoming more and more online, it is important to see the individuals you are working with and against. It is far easier to settle matters with those you know on a personal level as opposed to just email and phone correspondence.

What do you like to do for fun?

We have four children and vaguely remember what hobbies are. My husband and I like to golf, fish and travel when we have the chance.



DISTRICT 5 C – DONNA MILLER, DES MOINES

Contact: dmiller@mzelaw.com or 515-809-9699

Firm: Miller, Zimmerman & Evans, PLC

Practice area: Family law, workers' compensation, personal injury defense

Why did you decide to get involved in the bar association?

I wanted to increase my involvement in the legal community, meet attorneys outside my areas of specialization and further the interests of the bar association.

**DISTRICT 5C – CINDY RYBOLT**, MITCHELLVILLE**Contact:** crybolt@iowalaw.org or 515-243-1193**Position:** Iowa Legal Aid Managing Attorney**Why did you decide to get involved in the bar association?**

Bar associations are great partners for Iowa Legal Aid in all respects of our work. Being an active member of bar associations is a valuable way to make those connections, continue to build one's knowledge and give back to the profession.

What do you like to do for fun?

I'm a huge sports fan, aspirational gardener and active in Grinnell College Alumni events and social justice activities.

**DISTRICT 5C – STACEY WARREN**, ALTOONA**Contact:** stacey@cashattwarren.com or 515-414-8918**Firm:** CashattWarren Family Law, P.C.**Why did you decide to get involved in the bar association?**

I feel that the ISBA is an integral part of the practice of law in Iowa. I've been involved in the Family & Juvenile Law Section for over 20 years, as a past chair, serving on the legislative committee for over 20 years, and assisting with bringing in speakers from around the country for our annual section CLE events.

What do you like to do for fun?

Like many others, our travel plans have been significantly curtailed (or eliminated in 2020). I like to play golf (but I am not competitive on the golf course). I read a lot, with about six books going at any one time (mostly non-fiction) between hard copy, my Kindle and Audible. More than anything, I prefer to spend time with family – being a grandparent is the best thing ever.

**DISTRICT 6 - KRISTOFER LYONS**, MONTICELLO**Contact:** klyons@co.jones.ia.us or 319-462-3961**Position:** Jones County Attorney, Jones County, Iowa**Why did you decide to get involved in the bar association?**

I strongly agree with the central mission of the bar association that wants to see all Iowa lawyers succeed.

What do you like to do for fun?

I am always planning the next Disney vacation with my wife and four children.

**DISTRICT 6 - CHAD BRAKHAHN**, CEDAR RAPIDS**Contact:** cbrakhahn@spmbllaw.com or 319-896-4002**Firm:** Simmons Perrine Moyer Bergman PLC**Practice area:** Litigation**Why did you decide to get involved in the bar association?**

I am really impressed by all that the state bar association does for our profession and lawyers. I am excited to have the opportunity to give back.

What do you like to do for fun?

I like watching football, playing golf, and spending time with my wife and five boys.

**DISTRICT 8A - MIKE MAHAFFEY**, MONTEZUMA**Contact:** mwm_mahaffeylaw@zumatel.net or 641-623-5425**Firm:** Michael W. Mahaffey, P.C. - Mahaffey Law Office**Practice area:** General practice, including agricultural, probate and estate planning, corporate, real estate, family law, litigation**Why did you decide to get involved in the bar association?**

I have been involved in the bar association in the past and have been a member since 1975. Several years ago, I became a member of the Iowa LawPAC and have enjoyed that role. I have past political experience and I hope that will be helpful as a member of the Board of Governors.

What do you like to do for fun?

My wife Patti and I have been married for almost 49 years. We have three children, one of whom, P.J., practices law with me. My wife would say that I really don't have any hobbies, but I do enjoy spending time with my family, including grandchildren, reading, running and being part of the Grinnell Community Theater.

**DISTRICT 8B - TIM LIECHTY**, MOUNT PLEASANT**Contact:** bellortliechtylaw@gmail.com or 319-367-2251**Firm:** Bell, Ort & Liechty Law Office**Practice area:** Probate, real estate, family law**Why did you decide to get involved in the bar association?**

I decided to get involved in the bar association to represent Southeast Iowa and to insure we have a voice in matters affecting attorneys and the public concerning their legal issues, to stay better informed of current issues impacting the legal profession and to gain knowledge through other attorneys outside my area.

What do you like to do for fun?

My hobbies include antique hunting, doing projects with my children, watching my children's activities, traveling with my wife and sports, especially the St. Louis Cardinals and anything concerning the Iowa Hawkeyes.

NEW SECTION CHAIRS

Administrative Law - David Ranscht**Agricultural Law** - Allyson Dirkson**Criminal Law** - Theresa Wilson**eCommerce** - Kate Lyon**Elder Law** - Thomas Tarbox**Environmental and Natural Resources** - Kelly Cwiertny**Family and Juvenile** - Ellen Ramsey-Kacena**Labor and Employment** - Melissa Hasso**Litigation** - Nathan Borland**Probate, Trust and Estate Planning** - Carla Hughes**Real Estate & Title Law** - Lilly Richardson-Severn**Taxation** - Alyssa Stewart**Trade Regulation** - Lance Lange

NEW COMMITTEE CHAIRS

Federal Practice - Leslie Behaunek**Iowa Jury Instructions** - Hon. Andrew Chappell**Judicial Administration** - Becky Knutson**Public Relations** - Gordon Fischer**Scope and Correlation** - James Daane**Ways and Means** - Gary Streit



A Letter From

THE NEW PRESIDENT OF THE YOUNG LAWYERS DIVISION

Torey Cuellar

I didn't feel like I had a place in The Iowa State Bar Association after I was sworn in as a new attorney in 2014. I just started my career at Iowa Legal Aid, and I felt like the bar association was geared toward attorneys in private practice. I didn't think I'd be able to help advance any causes that were important to the Young Lawyers Division.

I was wrong. I realized it immediately after I attended my first YLD Executive Council meeting in 2015. The group was hard at work on issues like free membership for public service workers, the early stages of what is now known as the Ask-An-Advocate listserv, and attracting and retaining nonprofit, government and in-house attorneys.

I'm thankful for the past leaders of the organization who took the time to show me that every member of the organization – whether in private

practice or not – can get as much out of the bar association as they put into it.

It's an exciting time to get involved in the Young Lawyers Division. We're entering the 2020-21 year with a lot of momentum on projects both big and small. I'm excited to build on what past presidents Tom Hillers, Maggie White and Abhay Nadipuram started, and work to make the practice of law better for all young attorneys in Iowa.

DIVERSITY AND INCLUSION IN THE PROFESSION... AND MORE TO COME

YLD Diversity Chair Gabe Walsh revitalized the Diversity Committee this year. The committee developed a working draft of a pledge Iowa's legal employers may take to hire and retain a more diverse workforce. It will continue those efforts by adapting different initiatives



Cuellar is pictured with the YLD president's gavel after a (virtual) celebration of her election during the June 26 YLD Executive Council Meeting.

and goals

for different size employers, while expanding its efforts in the law student diversity program.

But even more work is needed. Like many, I am horrified by the deaths of black Americans at the hands of law enforcement and the injustices that exist in our modern society. Attorneys are uniquely situated to advocate and create change within our complex legal system and legal institutions. At its June meeting, the YLD Executive Council discussed how best to develop and implement tangible measures to ensure equal protection under the law and access to justice alike, as well as how to support existing efforts in the same vein. We will keep the membership updated on what those measures include and how you can get involved.

PARENTAL LEAVE TASK FORCE

The Iowa YLD recognizes that young attorneys should not have to choose between balancing a career and starting a family. A recent survey by the Parental Leave Task Force revealed that 75 percent of Iowa law firms do not have any type



REYNOLDS & REYNOLDS INC.
INSURANCE AGENTS & BROKERS

Partnering with



REYNOLDS & REYNOLDS INC., IS THE ENDORSED BROKER FOR THE IOWA STATE BAR ASSOCIATION

- Medical Insurance
- Dental Insurance
- Life Insurance
- Vision Insurance
- Long Term Disability
- Personal Accident
- Long Term Care
- Medicare Supplement Plans

Contact: David A. Fini, Vice President
d.a.fini@reynolds-reynolds.com 515-557-1252
or Kristi Rullestad, Account Manager
k.a.rullestad@reynolds-reynolds.com 515-557-1251
or Steve Sypal, Partner
s.e.sypal@reynolds-reynolds.com 515-557-1204

300 Walnut Street, Suite 200
Des Moines, IA 50309
800-767-1724 FAX 515-243-6664

NEW ATTORNEY LOOKING TO JOIN THE BAR? CHECK OUT THE NEW GUIDE TO MEMBER BENEFITS

The ISBA has created a new guide to show newly-admitted attorneys all the benefits of belonging to the state's largest and oldest attorney membership association. The ISBA provides great opportunities to build your practice and network in the legal community.

Newly-admitted attorneys in Iowa can join today at no cost for their first calendar year of membership. Simply visit www.iowabar.org/join or call the ISBA Membership Department at 515-697-7870 to activate your membership. You can learn more and view the New Attorney Guide by visiting iowabar.org/admittee.



of paid leave for employees. I started the Parental Leave Task Force as an officer of the Iowa YLD when work-life balance emerged as a top priority for our membership. In addition to distributing a survey to get a better idea of the parental leave landscape among Iowa employers, the Parental Leave Task Force authored and released several articles about baseline rights for parents in the workplace, as well as compiled templates for practicing attorneys. The Parental Leave Task Force plans to continue its efforts in advocating for paid parental leave for all young attorneys in the coming year. It also plans to expand efforts by focusing on breastfeeding education for employers, identifying locations and allies for breastfeeding within Iowa's courthouses, exploring the possibility of widely-available short-term disability policies for employers, and additional professional development opportunities to showcase how paid parental leave leads to long-term employee retention and loyalty.

LAW SCHOOL TRANSPARENCY AND LEGAL EDUCATION DEBT REFORM

The Iowa YLD is a national leader in the conversation about law student debt and legal education reform. Iowa YLD continues its partnership with Law School Transparency, a nonprofit in North Carolina advocating for more transparent, affordable and fair entry into the legal profession. After \$30,000 in donations from the YLD and ISBA Board of Governors, Law School Transparency and YLD Secretary Kyle Fry authored LST's 2025 Vision, an 86-page report that outlines specific plans and proposals to combat structural and institutional barriers that stand in the way of making law school more affordable and fair. We look forward to continuing our progress on these issues with Law School Transparency as well as Iowa's law schools.

TARGETED PROFESSIONAL DEVELOPMENT

The Professional Development Committee has worked hard over the past few years to provide practical CLEs for young attorneys in a lunch-and-learn format. The Iowa YLD built on that and hosted

its first ever track at the ISBA Annual Meeting this summer. We had more than 400 attendees join the virtual session. Programming included presentations on ethical time management, how to get the most out of discovery practices beyond copying and pasting templates and a judges panel about common mistakes young attorneys make in writing and in the courtroom. We will continue to prioritize professional development opportunities for our membership.

CONTINUED CONNECTIVITY

One of the most meaningful aspects of my membership in the Iowa YLD has been the opportunity to meet, network with and exchange ideas with other young attorneys across the state. In the age of EDMS, it can be difficult to meet and connect with our peers. In addition to hosting various service events and happy hours with local judges, each YLD district will host at least one social event in the coming year to allow all members to meet other young attorneys in their areas. Be on the lookout for correspondence about these events from your district representative. Don't know who that is? Let us know and we will get you connected.

We're just getting started. President-elect Kristen Shaffer, Secretary Kyle Fry and I look forward to an exciting year of working with our engaged and motivated Executive Council, the ISBA Board of Governors and ISBA President

Jerry Schnurr to fulfill our mission of improving the lives of young lawyers and law students, but we do not want to limit conversations to just those groups. If you're a young attorney under 36 or in your first 10 years of practice, let's chat. Better yet: Join us for a quarterly meeting. We want to hear what we can do better and what we can do for you.

Torey Cuellar

Assistant County Attorney,
Story County Attorney's Office
toreycuellar@gmail.com
515-382-7255



The members of the Young Lawyers Division have elected **Kyle Fry**, Assistant General Counsel for Kent Corporation and chair of the ISBA Innovation Committee, as the new YLD Secretary. He joins YLD President Torey Cuellar and President-elect Kristen Shaffer as officers for the 2020-2021 fiscal year.

PATTERSON LAW FIRM, L.L.P.

Mediations and Arbitrations

Patrick V. Waldron

Workers' Compensation and Civil Litigation

*Member of American Academy of ADR Attorneys,
AV Rated with 25 years of civil litigation and
workers' compensation experience*

pwaldron@pattersonfirm.com

Gregory A. Witke

*Civil Litigation including Personal Injury,
Construction and Professional Negligence*

*Member of International Academy of Dispute Resolution,
AV rated with over 30 years of litigation experience*

gwitke@pattersonfirm.com

www.pattersonfirm.com

505 Fifth Avenue, Suite 729
Des Moines, IA 50309

515-283-2147

BRADSHAW LAW SUPPORTS FRONTLINE HEALTHCARE WORKERS

In an act of kindness and solidarity, Bradshaw, Fowler, Proctor & Fairgrave, P.C. had 17 dozen cupcakes from Crème delivered to Primary Health Care (PHC) in early June. It was an expression of support for the medical professionals who continue to work with the underserved.

"The attorneys and professional staff at Bradshaw Law are committed to our community. We know that physicians, dentists, nurse practitioners and others continue to work around the clock serving our community," said Jeffrey Goetz, the Bradshaw attorney spearheading the effort. "Our shareholders are supporting those who

deserve our support," added Goetz, who leads the Bradshaw Law Firm's Bankruptcy Law practice area.

PHC provides medical and dental care to underserved individuals and families in Ames, Marshalltown and Des Moines, employing 52 full-time physicians, dentists, physician assistants, nurse practitioners, dental hygienists and licensed social workers.

"We're grateful for this wonderful act of kindness. It is uplifting to our staff and providers to see our community recognize their efforts during this challenging time," said

Primary Health Care CEO Kelly Huntsman.

Is your firm doing something special to help the community during the pandemic? Let the ISBA Communications Department know by emailing mhiggins@iowabar.org.



The University of Iowa College of Law and Drake University Law School have named their Outstanding Law Students for the 2020 graduating class. These students are typically honored at the ISBA Annual Meeting Awards Gala in June, but due to the COVID-19 pandemic, that event was cancelled.



Austin Carlson earned a B.A. in History from St. Ambrose University in 2016 and his A.A. from Black Hawk Community College in 2014. Prior to starting law school, he was a receptionist at the Pastnak Law Firm in Davenport. During law school, he was a Research Assistant for Professor Ann Estlin and interned with the Scott County Office of the Iowa State Public Defender after his first and second years. Carlson was a student writer and executive editor for the *Journal of Corporation Law*. His note "The Way Forward After Wayfair" was selected for publication. Following graduation, Carlson will be clerking for the Iowa 7th Judicial District in Davenport.



Joel Aschbrenner began his professional career as a journalist. He earned a B.A. in journalism from Kansas State University in 2010. Prior to starting law school, he worked as a reporter for The Des Moines Register and was named a 2017 Outstanding Young Iowa Journalist by the Iowa Newspaper Association. During his time at Drake, Aschbrenner expanded his writing skills as a junior staff member of the Drake Law Review. He was a member of the Moot Court Board, and he was a finalist in the First Year Oral Argument Competition. Aschbrenner served as Campaign Chair for Des Moines Mayor Frank Cownie and serves as a member of the City of Des Moines Historic Preservation Commission. He clerked at Davis Brown Law Firm and has accepted a position there following graduation.

EXPERIENCED LITIGATION SUPPORT

LWBJ
INTELLECTUAL CAPITAL AT WORK
lwbj.com

- Expert Witness
- Valuations
- Economic Damages
- Forensic Accounting
- Court Appointed Receiver

Litigation Support Team I-r:

Paul Juffer, CPA, David Hove, CPA, Cyril Mandelbaum, CPA/ABV/CFF, ASA,
Eric Engstrom, CPA/ABV, CFA, David Watson, CPA, JD Geneser, CPA



Scott A. Roberts and **Scott Johnson** have joined Fredrikson & Byron in Des Moines as shareholders.



Roberts served as assistant general counsel and assistant secretary at Archer-Daniels-Midland before joining the firm. He assists clients with mergers, acquisitions, joint ventures, strategic collaborations, domestic and cross-border transactions, antitrust, FCPA, complex internal and external investigations, governance, complex commercial matters and business strategy.



Johnson is an experienced trial attorney, certified licensing professional and registered patent attorney with expertise in patent, trademark, copyright and trade secret litigation, and licensing. He prosecutes mechanical, software and business method patents, as well as trademark and copyright applications.

CHANGES AT IOWA LEGAL AID



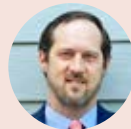
Brynne Howard joined Iowa Legal Aid as the managing attorney for the Volunteer Lawyers and Pro Bono Limited Scope Projects. In addition to overseeing these projects, Howard practices primarily in immigration law.



Ericka Petersen has returned to Iowa Legal Aid after completing a two-year fellowship at Georgetown University Law Center where she taught in the Health Justice Alliance Law Clinic. Her new role at Iowa Legal Aid is as assistant litigation director. She is a graduate of the University of California, Berkeley School of Law.



Andrea Buckley has been promoted to managing attorney of Iowa Legal Aid's Farmworker Rights Project and Low-Income Taxpayer Clinic. She has worked as a staff attorney in the Sioux City office since 2009 and will continue working on tax litigation matters as well as employment and tax issues affecting low income farmworkers. She received her J.D. from the University of Nebraska College of Law.



Jason Burdick has been promoted to managing attorney of the Central Iowa Regional Office in Des Moines. He has been with Iowa Legal Aid for six years. Previously he practiced in California. He is a graduate of the University of Iowa College of Law.



Josh Gaul has been promoted to managing attorney of Iowa Legal Aid's Disaster Project. Gaul has been with Iowa Legal Aid since 2009. He received his law degree from Drake University Law School.

WELLNESS CORNER

SOCIAL WELLNESS

This area of social well-being is developing a sense of connection, belonging and a well-developed support network while also contributing to groups and communities.

RESILIENCE AND SOCIAL WELLNESS

The availability of social support matters when you face a challenge. When you are suffering, having support helps you feel less stressed. The ability to pull yourself out of a difficult situation can always be helped when you have support from those who share your concern and can empathize with you.

CONNECTIONS

When you feel more connected to others, your self-esteem increases and anxiety decreases. Lack of social connection is associated with declines in physical and psychological health. Feeling connected is an internal experience; it doesn't depend on your number of friends or frequency of social activities.

PAST AND FUTURE CONNECTIONS

Creating new relationships or reviving existing bonds through any means of communication establishes prosocial behavior and empathy. These behaviors decrease negative emotions and help your own coping and recovery.

TIPS TO TRY

- Take care of yourself first
- Take a screen vacation for certain parts of the day
- Ask for help when you are stuck with what to do next
- Make a list of people who you can call on for support
- Schedule a regular time each month to meet with someone who shares your values
- Connect with a mentor in the legal profession
- Write a personal note to someone sharing how you feel about his or her friendship

- Seek out a group of individuals who share your interests
- Decide that certain relationships no longer support your life journey

CONNECTING DURING COVID

- Use the communication method you prefer to contact a friend
- Create a social distance meetup with another person - bring your own chair and meet at a park
- Schedule an online reunion of people you want to see
- Establish a text chain with someone you want to support who you know will support you back

The information for this monthly column is provided by the ISBA Well-Being Committee and the YLD Wellness Committee. Additional resources can be found on iowabar.org/wellbeing.

Connect with us:
#isbawellness

CASE NO. 19-1934: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. MICHAEL D. KOZLIK

Adapted from the opinion by Justice Christopher McDonald filed May 22, 2020

The Iowa Supreme Court Attorney Disciplinary Board filed a complaint against Michael D. Kozlik, who was admitted to practice law in Nebraska in 1979 and in Iowa in 2000. His law office is located in Omaha, but he practices regularly in Iowa. Kozlik's primary practice is estate planning and administration.

The ethical violations in this case arise out of Kozlik's service as the administrator of his uncle's estate. Duane and Frances Slightam, Kozlik's uncle and aunt, had no children of their own. Toward the end of their lives, Duane and Frances began to lose their ability to live independently. Kozlik and other family members convinced Frances that Duane had to move to a care facility in 2013. Kozlik was appointed Duane's guardian, and

Treynor State Bank (TS Bank) was appointed Duane's conservator. Duane passed away in June 2015, and Frances was the sole beneficiary of his estate. Attorney Leo Martin opened Duane's estate in March 2016 in Pottawattamie County. Kozlik was appointed administrator of Duane's estate, and TS Bank was appointed executor. Six months after Duane's estate was opened, Kozlik began to write checks from the estate's bank account to himself. Over the next two years, Kozlik wrote a total of 12 checks on the estate's account made payable to himself in the total amount of \$39,350. Kozlik did not obtain court authorization prior to making any of these payments to himself. Kozlik testified two or three of the checks were deposited into his personal checking account and the remainder into his operating account at his law firm. He testified he used the funds "for paying bills and living expenses" and for expenses and disbursements related to his law practice.

The unauthorized payments came to light at the end of 2018, when Frances

passed away and her will was admitted to probate. Kozlik self-reported his behavior to the Iowa Supreme Court. The complaint alleged Kozlik knowingly converted funds in violation of Iowa Code sections 714.1(2) and 714.2(2). The complaint charged Kozlik with violating Iowa Rules of Professional Conduct 32:8.4(b) (committing "a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer") and (c) (engaging "in conduct involving dishonesty, fraud, deceit, or misrepresentation").

The Iowa Supreme Court concluded Kozlik violated rules 32:8.4(b) and (c) by misappropriating funds from the estate without a future colorable claim to said funds.

The court revoked Kozlik's license to practice law in the State of Iowa. Kozlik may apply for readmission after a period of at least five years. In the event of application for readmission, Kozlik must demonstrate that he is "of good moral character" and "worthy of readmission to the bar."

Todd A. Elverson, 64, of Des Moines, died June 15. He was born in 1956 in Bloomington, Minnesota, and received his J.D. from Drake University Law School. He was active in community improvement through the Contributors Breakfast Club and as a leader of his fraternity, Theta Chi. He was a partner and founding member of Elverson Vasey Law. His clients and partners knew him as possibly the hardest working attorney in the world.

James Edward Houser, 85, of Belmond, died May 4. Houser was born in Des Moines in 1934. He served in the U.S. Army and received his J.D. from Drake University Law School. Houser joined his father-in-law, Roy Henderson, in the practice of law in Belmond where he served for nearly 60 years. He was the city attorney in Belmond and Goodell for many years and an assistant and second assistant Wright County Attorney. He also was active in the

local and state bars holding multiple positions including president of the Wright County Attorney Association and the Wright County Bar Association.

William (Bill) M. Hildreth, 95, of Burlington, died May 27. He was born in 1925 in Centralia. He served with the 101st Airborne Division in WWII and graduated from the University of Iowa College of Law in 1952. Hildreth established his law practice in Burlington and was Des Moines County Attorney for six years.

Frank A. Comito, 80, of Johnston, died May 25. Comito was born in Des Moines in 1939. He served in the U.S. Navy and Iowa National Guard and received his J.D. from Drake University Law School in 1963. He had over 40 years of courtroom experience in civil and criminal cases, and he was the only certified fellow in Iowa of the Charter Institute of Arbitrations, London, England. In 1982, he was appointed as Ethics Counsel for the Iowa Supreme Court. He was a member of The Iowa State Bar Association, the Polk County Bar Association and the Iowa Academy of Trial Lawyers and was often called upon to mediate complex disputes. In his career, Comito mediated and arbitrated well over 2,000 cases throughout the Midwest.

Melanie Arlene Thwing-Eastman, 31, of Le Claire, died June 5. Thwing-Eastman was born in Racine, Wisconsin in 1989. She received her J.D. from Drake University Law School in 2015. While there she served as the Student Bar Association president from 2014-2015 and was the distinguished recipient of The Iowa State Bar Association Award in 2015. Following law school, she became an attorney for the Iowa State Public Defender's Office. She began her career at the Black Hawk County Office before moving to the Scott County Office.

Robert (Bob) R. Eidsmoe, 88, of Sioux City, died May 28. Eidsmoe was born in South Dakota in 1931. In 1952, he attended New York University Law School on a full-ride scholarship and graduated with honors in 1955, then served in the U.S. Navy. He became a legal associate with the Sioux City Law Firm of Harper, Gleysteen and Nelson in October 1958. In 1981 he became the senior partner in the law firm which then was named Eidsmoe, Heidman, Redmond and Fredregill, where he practiced until retirement in October 1994.

NEED A QUALIFIED VALUATION? EXPERT WITNESS?

HDH Advisors is focused on delivering high quality business valuation, litigation support, mergers & acquisitions, exit planning, ESOP's, economic damages, and related professional services. Our 35+ professionals on staff serve clients across the country from offices in Des Moines, Iowa and Atlanta, Georgia.

Call one of our professionals in Des Moines:



Duane Tolander
CPA/ABV, CVA



Brian Crotty
ASA,CBA,
CVA,CFE, CDFA



Chad Hoekstra
CPA/ABV,
ASA,CFF



Greg Patterson
ASA



Alex Davis

HDH

ADVISORS LLC

Business Appraisal | Litigation Support | Mergers & Acquisitions | ESOP's

www.HDHadvisorsllc.com

DES MOINES | 1601 22nd Street, Suite 305, West Des Moines, Iowa 50266 | 515.225.3796
ATLANTA | 2002 Summit Boulevard, Suite 950, Atlanta, Georgia 30319 | 770.790.5000

CLASSIFIEDS

POSITIONS AVAILABLE

Director, Corporate Tax – Mayo Clinic, Rochester, MN – Mayo Clinic is seeking a Director of Corporate Tax. The successful candidate will provide tax and compliance support for entity physician leaders, administrative leaders, finance leaders and consolidated group leaders in all corporate tax areas, and will monitor tax compliance reporting for all entities. This position reports to the chair - Division of Financial Reporting and Consolidation and supervises the Corporate Tax Unit Staff. Five to 10 years of financial management experience required, and at least five of those years in corporate tax with experience in health care setting preferred. J.D. preferred. *To apply, visit <https://careers.iowabar.org/jobs/13669333/director-corporate-tax>.*

Environmental Attorney – McGrath North, Omaha, NE – McGrath North, a growing Omaha-based law firm, is seeking a lateral attorney to join its busy environmental compliance practice. Environmental legal experience should include permitting, regulatory, transactional and enforcement matters. Ability and willingness to assist with litigation is also beneficial. *To apply, visit <https://careers.iowabar.org/jobs/13676021/environmental-attorney>.*

Associate Attorney – McEnroe, Gotsdiner, Brewer, Steinbach & Rothman, P.C., West Des Moines, IA – We are in our 32nd year and we are looking to hire an additional associate attorney. We are looking for a full-time attorney with a minimum of two years of general law practice experience to work with our largest client. Optimal practice areas include bankruptcy, tax or immigration. Representation includes telephone consultation with members of national legal services plan, document review, correspondence and preparation of legal documents. Starting salary is \$65,000, 401K plan, no health insurance, but other benefits available. *Send resumes to Daniel Rothman at drothman@mcenroelaw.com.*

Associate Attorney – McDonald, Woodward & Carlson, P.C., Davenport, IA – McDonald, Woodward & Carlson, PC, a boutique AV-rated litigation firm in the Quad Cities with an extensive trial practice in the state and federal courts of Iowa and Illinois has an exciting opportunity for one to two lawyers. The right candidates will have strong research and writing skills together with a desire to prepare, and ultimately, try cases. The opportunities available are partnership track positions, with salary commensurate with experience, performance-based bonus, profit sharing/401k, health insurance and paid vacation. *Individuals interested in a challenging and fulfilling career should send a cover letter together with a resume and writing sample to hiringpartner@mwilawyers.com. All inquiries will remain confidential.*

Litigation Associate Attorney – Davis Brown Law Firm, Des Moines, IA – Davis Brown, a large law firm with offices in Des Moines, West Des Moines and Ames, seeks a litigation associate attorney for the downtown Des Moines office. Candidates must have between four and six years of experience in general litigation. Candidates

should exhibit strong academic performance, work ethic and interpersonal skills. Davis Brown is recognized as a top workplace in Iowa and offers competitive compensation commensurate with experience; client development funds; CLE funds; a moving allotment; fully paid parking; a comprehensive benefit package, including health, dental and vision insurance; 401(k) and profit sharing plans; long-term and short-term disability; flexible spending and health savings accounts; group life and accidental death insurance; and 12 weeks' parental leave after one year with the firm. *To apply, visit <https://careers.iowabar.org/jobs/13600137/litigation-associate-attorney>.*

Attorney – Carmony Law Firm, PLLC, Des Moines, IA – Carmony Law Firm, PLLC, a law firm specializing in civil trial practice and insurance defense, seeks a litigation attorney with zero to three years of experience for the Des Moines office. The ideal candidate would have strong academic performance, excellent research and writing skills, along with a strong work ethic. Candidate must show demonstrated interest in litigation and trial practice. Carmony Law Firm offers a competitive salary based on experience, along with a benefits package. *Cover letter and resume with references requested. Please send those materials to lisa@carmonylaw.com.*

Assistant Attorney General – Iowa Department of Justice – Attorney General, Des Moines, IA – Iowa Attorney General seeks attorney to provide advice and litigation support to Iowa Department of Revenue. The attorney will handle administrative tax protests, judicial reviews and appellate work. Excellent academic credentials required. *To apply, visit <https://careers.iowabar.org/jobs/13648561/assistant-attorney-general>.*

SPACE AVAILABLE

Four offices and reception area in a building close to downtown Des Moines. Ground level, plenty of parking, total of 1,400 square feet. Includes use of common area conference rooms, full kitchen/break room, bathrooms. All other building tenants are law firms. Excellent professional atmosphere, some furniture available. Rent \$2,000 per month. *Contact David at (515) 490-5200.*

Office share with up to three offices available in the beautiful Ingersoll district alongside Subway and Ted's Coney Island. One large office and two medium offices now open. Great for new attorneys. Within walking distance to shops, restaurants, groceries and office supplies. Includes TV, lobby, kitchen, parking, conference room, and is already set up for secretary if desired. *Please contact Adam at (515) 473-4530.*

Office-sharing space available July 1. We are looking for attorneys interested in hanging out shingles as sole practitioners in an office-sharing environment in Ames. We offer flexible rental arrangements, particularly for attorneys building their practices. Shared amenities include convivial continuing occupants – attorneys Dario Zaffarano, John Dirks and, occasionally, Joan White; small conference room; large conference room/library with shared printers; break room; VOIP telephone

system; and all utilities. Come for a visit and cup of coffee, but remember to mask up. (We have hand sanitizer on site.) *For more information contact Dario Zaffarano at 621 Main Street, PO Box 1870, Ames IA 50010, or dario@white-zaffarano.com, or 515-233-6960.*

FOR SALE

FOR SALE – TITLE PLANT for Polk County Iowa. All digital no paper, recently inspected and certified, chain of title to 1850's. New 40-year digital Plant for Dallas County waiting for inspection. All inquiries kept confidential. *For more information contact titletechninfo@gmail.com*

PERSONAL

If depression, stress, alcohol or drugs are a problem for you, we can help. We are a non-profit corporation offering attorneys free help in a totally confidential relationship. We are the Iowa Lawyers Assistance Program. Under order of the Iowa Supreme Court, all communication with us is privileged and private. Our director is a former lawyer, and a recovering alcoholic and drug addict. He is a trained substance abuse counselor. We cannot help unless you call – 515-277-3817 or 800-243-1533 – or message (in confidence) help@iowalap.org. All you have to do is ask us to contact you. No other details are necessary. We will call you. The Iowa Lawyers Assistance Program also can provide speakers for local bar associations.

MANAGE EXCHANGE AND PROFESSIONAL RISK WITH THE MIDWEST'S PREMIER EXCHANGE RESOURCE



QUALIFIED
INTERMEDIARY
SERVICES

IPE 1031
6150 VILLAGE VIEW DRIVE • SUITE 113
WEST DES MOINES, IA 50266
515.279.1111 • 888.226.0400

FAX 515.279.8788
WWW.IPE1031.COM
INFO@IPE1031.COM



1031 EXCHANGE

Spotlight ON Service

COVID-19 LEGAL ADVICE HOTLINE

The COVID-19 Legal Advice Hotline is a project developed by Iowa Legal Aid, The Iowa State Bar Association and the Polk County Bar Association Volunteer Lawyers Project. The hotline is a free service available to Iowans who are experiencing legal issues due to the public health crisis. Hosted by Iowa Legal Aid, working closely with the ISBA and the Polk County Bar Association's Volunteer Lawyers Project, this hotline aims to give all Iowans access to the key legal information and advice they need during this crisis.

The COVID-19 Legal Advice Hotline opened for calls on March 31, 2020. As of June 26, the hotline has received over 3,000 calls. See the accompanying chart for a breakdown of which legal issues represented the majority of calls.

Several volunteer lawyers have each helped close to 100 Iowans with their COVID-19-related legal issues. Some make calls nearly every day. Volunteers say that they find it rewarding to serve the people of Iowa, especially now, and that they hope that someone would do the same for them.

STATISTICAL BREAKDOWN OF INQUIRIES TO THE COVID-19 LEGAL ADVICE HOTLINE



Three volunteer lawyers from two solo and small Iowa law firms have taken over 400 hotline calls to date.

Molly Hamilton and Steve D. Hamilton, as part of the Hamilton Law Firm, P.C., were among the first volunteer lawyers to take calls. In total, so far they have taken over 140 calls.

Carmen Eichmann, the owner of Eichmann Law Firm and a solo practitioner, has taken 280 calls. Her commitment to pro bono service through this project shows that one person can help many people with urgent legal needs.

Every COVID-19 Legal Advice Hotline Volunteer Lawyer is willing to offer his or her valuable time and expertise to serve the people of Iowa, and they are being recognized on the ISBA's COVID-19 Legal Advice Hotline webpage www.iowabar.org/COVIDLegalHotline.

HOW THE COVID-19 LEGAL ADVICE HOTLINE WORKS

Iowans experiencing any type of legal problem related to the coronavirus/COVID-19 crisis, such as eviction, unemployment benefits, employment issues or income maintenance, can call the hotline. They will be instructed to leave a voicemail with their name, phone number, a brief description of their legal problem and whether the issue is urgent. Callers receive a call back from experienced Iowa Legal Aid staff to go through a screening. Callers who meet Iowa Legal Aid's guidelines are connected with an Iowa Legal Aid attorney; those who are outside of Iowa Legal Aid's guidelines are connected with hotline project volunteer lawyers through the ISBA and the Polk County Bar Association Volunteer Lawyers Project.

Iowa Legal Aid, the ISBA and the Polk County Bar Association are providing ongoing training opportunities on COVID-19/coronavirus-related legal issues for project volunteer lawyers. Any Iowa lawyer, regardless of his or her area of expertise, may learn the information needed to serve through this project. To date, there have been over 20 unique, virtual training and discussion sessions that qualify for CLE credit.

Volunteer lawyers only commit to answering questions via brief return phone calls. If a volunteer lawyer wants to provide additional pro bono assistance to a hotline caller beyond the scope of one return call, the volunteer lawyer may contact the COVID-19 Legal Advice Hotline Project Team for more information.

If you are interested in volunteering your valuable time and expertise to provide legal help during this crucial time, please contact Virginia Sipes, ISBA Innovation & Community Outreach Director, at vsipes@iowabar.org.



COVID-19 LEGAL ADVICE HOTLINE

Free legal advice on coronavirus-related legal issues

- Unemployment
- Housing
- Utilities
- Domestic Violence
- Public Benefits
- Small Business
- Taxes
- Custody/Visitation and more

1-800-332-0419

Iowa Legal Aid, in partnership with the Iowa State Bar Association and Polk County Bar Association's Volunteer Lawyers Project, has developed a hotline for coronavirus/COVID-19 related legal questions. Iowans who are experiencing legal problems due to the pandemic can call the phone number listed above and leave a voicemail. A representative will contact you for additional information and to connect you to an attorney.



For more information on legal issues, please visit www.iowalegalaid.org



Volunteer Lawyers Project

LAWPAY[®]

AN AFFINIPAY SOLUTION

POWERING PAYMENTS FOR THE LEGAL INDUSTRY

The easiest way to accept credit,
debit, and eCheck payments

The ability to accept payments online has become vital for all firms. When you need to get it right, trust LawPay's proven solution.

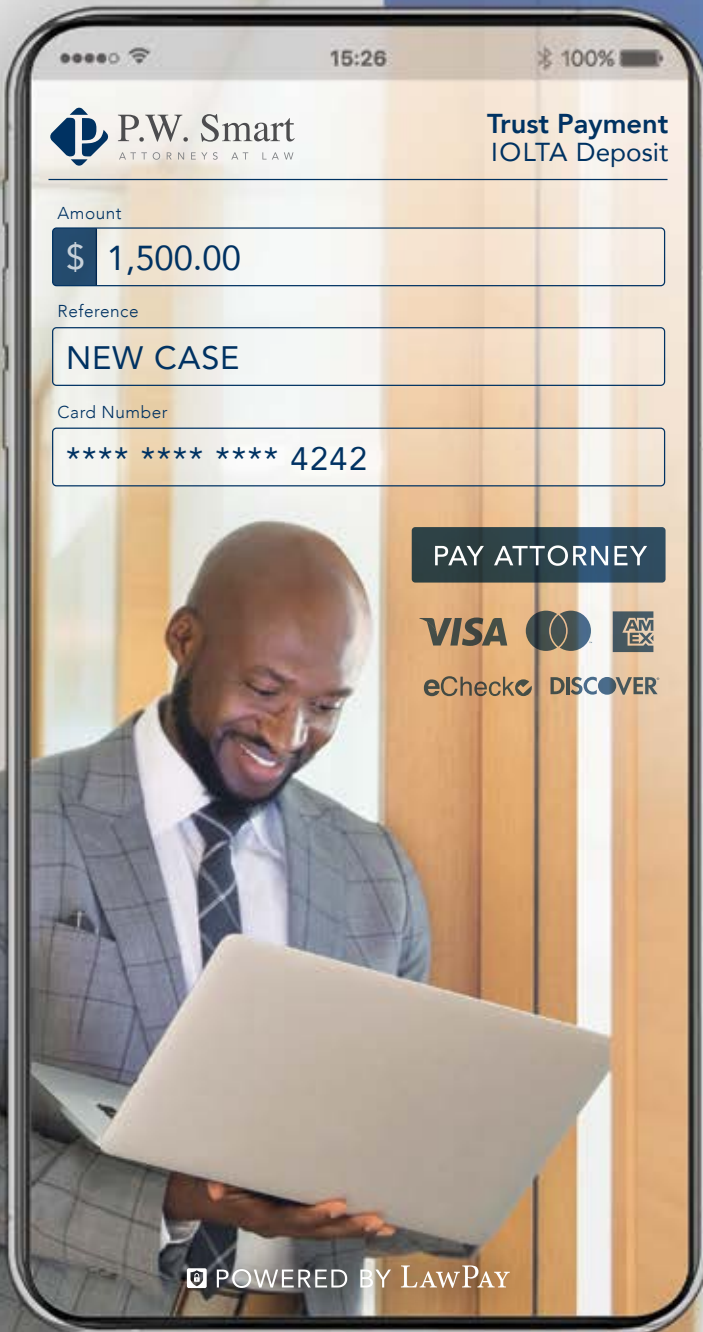
As the industry standard in legal payments, LawPay is the only payment solution vetted and approved by all 50 state bar associations, 60+ local and specialty bars, the ABA, and the ALA.

Developed specifically for the legal industry to ensure trust account compliance and deliver the most secure, PCI-compliant technology, LawPay is proud to be the preferred, long-term payment partner for more than 50,000 law firms.



ACCEPT MORE PAYMENTS WITH LAWPAY

888-883-1225 | lawpay.com/iabar



LawPay is a registered agent of Wells Fargo Bank N.A., Concord, CA and Citizens Bank, N.A., Providence, RI.

*Working as Co-counsel with Iowa Lawyers on Personal Injury
and Workers' Compensation cases for over 30 years.*



TOM L. DREW

535 40th Street, Des Moines, IA 50312

Phone: (515) 323-5640

Fax: (515) 323-5643

Email: tdrew@drewlawfirm.com