



THE IOWA LAWYER

September 2020 VOL 48

THE PATH
TO
well-being

IN THIS ISSUE

7 Taking responsibility for cultivating mindfulness

9 "How I hit bottom and found help for my alcoholism"

15 Coping with stress and depression



17+

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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.

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UPDATED IOWA CODE AND 2020 IOWA COURT RULES NOW AVAILABLE FOR ORDER

The updated Iowa Code books and 2020 Iowa Court Rules are now available for order through the Legislative Services Agency online store (www.legis.iowa.gov/store) or through the printed order form that appears on page 29 of this magazine.

The Iowa Code set is seven hardbound volumes which include all codified statutes (updated through the 2018 session), U.S. and Iowa Constitutions, multiple tables, notes and indexes. The cost is \$50 and comes with the 2020 Iowa Law InfoBase download.

The 2020 Iowa Court Rules book is one softbound volume of rules of practice, judicial administration and professional regulation at a cost of \$25. Also available for purchase is the 2019 Iowa Acts book, a hardbound volume of statutes and joint resolutions, for \$25; and the 2019-2020 Iowa Official Register, a hardbound volume of records and descriptions of Iowa's governmental institutions and officials, history, profiles, election law and educational institutions for \$15.

You can also download the Iowa Law InfoBase for \$15, which includes searchable digital copies of the Iowa Constitution, Iowa Code, Iowa Acts, Iowa Administrative Code, Iowa Court Rules and other archived legal publications.

ISBA ENCOURAGES ALL LAWYERS TO PARTICIPATE IN CADY DAY OF PUBLIC SERVICE

The Iowa State Bar Association has partnered with Drake University Law School to organize the first-ever Cady Day of Public Service on Friday, Oct. 23. The annual day of service, organized in collaboration with Iowa Legal Aid and the Polk County Bar Association Volunteer Lawyers Project, is dedicated to the late Iowa Supreme Court Chief Justice Mark Cady, who passed away unexpectedly in 2019. His career as a public servant spanned nearly four decades and was marked by his devotion to the pursuit of justice for all Iowans.

Members of The Iowa State Bar Association are asked to volunteer alongside Drake Law students, faculty and staff to carry on Cady's legacy. To find out ways you can get involved, please visit: www.drake.edu/law/alumni/events/markscadydayofpublicservice/



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Road trips

LETTER BY ISBA PRESIDENT JERRY SCHNURR III

Road trips are a great way to see the country. They are my favorite way of traveling. A few years ago, my family packed ourselves into our car and drove off to visit family in Phoenix, Arizona. We left at 10 on Christmas night with a plan to drive straight through. We drove through Kansas City in the middle of the night without the hassle of traffic but with the benefit of the lights of the city. We stopped for breakfast at a truck stop in Oklahoma City. We saw large cattle herds in the Texas Panhandle, the beautiful Sandia Mountains in New Mexico and the deserts of Arizona. We arrived at our destination 23 hours and 53 minutes after we left home.

When I travel around Iowa, I try to take two-lane roads as often as I can. They are often the more interesting and more beautiful drives. Recently I had the opportunity to drive from Decorah to Okoboji on Highway 9 across the northern tier of counties. The drive was scenic and the towns I passed through were charming. Each has its own character. I stopped and took pictures of the courthouses in each of the counties I passed through.

The courthouse that sticks in my mind from this venture is the Worth County Courthouse in Northwood. It is a brick courthouse built in 1893 and enlarged and remodeled in 1938 by the WPA.

I thought about the importance of the courthouse to Worth County. And likewise, the importance of all the other courthouses in all the other counties in rural Iowa. These buildings are the heart of the community. They are where the county supervisors decide issues that directly impact the people of the



Worth County Courthouse

community. Lawyers gather with their clients in the courtroom so a judge can decide where a child should live when a marriage dissolves based on the best interests of that child. The courthouse is also where land and contract disputes are resolved, estates are settled, real estate transactions are recorded and votes are counted. The consequences of the activities and decisions in these courthouses cannot be overstated.

The common denominator in all these matters is a lawyer. Yet in our rural counties we are facing a shrinking number of lawyers.

There is no dispute that lawyers are important to our rural communities. We often serve on city councils, school boards and other agencies. We act as advisors to cities, counties, drainage districts, schools, local development corporations and so many other vital organizations. We are there to help guide local businesses and entrepreneurs as they pursue their dreams. Lawyers are critical to the development and ongoing life of rural Iowa.

The growing shortage of lawyers in rural Iowa is not unique. This is a nationwide issue as highlighted in the recently released ABA 2020 Profile of the Legal Profession. The ABA report confirms what we in Iowa probably already knew: The number of lawyers in rural areas is shrinking and the lawyers are aging. This presents rural economic-development and access to justice problems.

In a recent ABA webinar, "Legal Deserts in America: A Threat to Justice for All," ABA Past President Judy Perry Martinez stated, "In fact, rural residents are disproportionately poor, and many are forced to travel long distances to handle routine matters that affect their everyday lives, such as wills, divorces and minor criminal and civil cases."¹

South Dakota attacked the problem in 2012 with Project Rural Practice which combines funding from the state, rural counties and local bar associations to support young lawyers who commit to live and practice in small towns for at least five years.

According to the ABA Profile, large law school debt is a major reason many young lawyers do not move to rural counties. This debt causes many



Pictured left-to-right during a Table for 10 visit on Aug. 13 in Decorah: Attorney Dustin Noble, Winneshiek County Bar President Andrew Casper, ISBA President-elect Anjie Shutts, President Jerry Schnurr and Vice President Henry Hamilton.

young lawyers to postpone or decide not to get married, have children or buy a house. Many will choose a job that pays more or qualifies for loan forgiveness instead of one they really want.

The YLD is working hard with law schools to improve transparency in costs of attending law school. The ISBA Rural Practice Committee will continue to work to address this issue with state and federal officials as well as our law schools. In fact, Drake and the University of Iowa law schools have adopted rural practice initiatives.

We will continue to work to attract lawyers to rural communities. This includes legislative advocacy for increased fees for indigent defense, student loan relief, law school transparency and broadband internet. The ISBA will also continue to provide the best practice resources for solo and small firm lawyers.²

The officers are available to meet with local lawyers in a manner consistent with CDC guidelines in Table for 10 events. Contact the ISBA office if you are interested in having a Table for 10 event in your town.

Let's road trip.

1. The webinar can be viewed at <https://www.americanbar.org/news/abanews/aba-news-archives/2020/07/webinar-video---legal-deserts-in-america--a-threat-to-justice-fo/>.

2. For a list of ISBA Member Benefits see <https://www.iowa-bar.org/page/Benefits>.



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YOU AREN'T ALONE ON THE PATH TO *well-being*

By Kathy Law, ISBA Well-Being
Committee Chair

The Board of Governors of The Iowa State Bar Association created the ISBA Well-Being Committee in 2019. The committee was born out of a well-being small group working committee of the Board of Governors. The purpose of the committee is to identify factors that impact lawyer wellness, recommend programs to promote health and wellness of ISBA members and to educate the bench and bar about wellness issues and resources. It probably comes as no surprise that lawyers suffer a high degree of stress, burn-out, anxiety, depression, physical ailments and addiction. To be a good lawyer, one has to be a “healthy” lawyer – healthy in mind, body, heart and spirit. This committee wants to help each member become a “healthy” lawyer.

I am honored to serve as the first chair of the Well-Being Committee. Over the past year, our hard-working committee has focused on providing high quality CLE on well-being topics, researched and evaluated whether an Employee Assistance Program might be of benefit to our members, started a well-being page on the ISBA website, researched well-being topics and have written wellness articles for the Iowa Lawyer Weekly and print issues.

We are excited to present you with this well-being issue of the Iowa Lawyer. We are very pleased to have personal stories from several Iowa lawyers as well as other articles to provide you guidance as you walk the path to well-being.

Thanks to the ISBA staff for all the help in putting this issue together and helping our committee during its inaugural year. If you have any suggestions for well-being CLEs or articles, please let any committee member know.

Well-Being Committee members:
Kathy Law, Kimberly Blankenship, Hugh Grady, Brynne Howard, Tom Levis, Ryan Mitchell, Dan Moore, Samantha Wagner, Laura Wasson, Justice Thomas Waterman, Margret White and Hope Wood.

WELLNESS CORNER

OCCUPATIONAL WELLNESS

This area of well-being includes job satisfaction, growth and financial stability.

CREATING POSITIVE AND RESILIENT WORK CULTURES

There are many reasons lawyers find themselves under considerable stress these days. All workplaces – from solo firms to huge corporations – have a responsibility to create and maintain positive and resilient work cultures. Fortunately, there are many small and easily implemented strategies that all firms – big, small, solo – can use to greatly improve work cultures.

Individual lawyers and firms can begin by working to develop

psychological and behavioral flexibility.* For example, after a negative interaction with a colleague, we can notice our own negative thoughts and emotions, opt not to be carried away by them and then choose a response. This strategy allows us to create space between our thoughts and behaviors. We can then practice choosing a response that is aligned with our goals and values. Firms can support the development of these skills by providing training, accountability partners or “well-being” book clubs.

Workplaces can also seek to create and nurture positive emotions among staff. A few concrete examples of small but meaningful actions individuals and firms can take include:

- Seeking out occasions to show appreciation and gratitude;
- Using warm, courteous and friendly communication;
- Checking in regularly on colleagues’ priorities and offering to help;
- Looking for opportunities to highlight small wins, accomplishments and progress towards goals;
- Practicing mindfulness and being fully present during meetings, calls and other interactions with each other; and,
- Striving to remove or limit workplace frustrations and barriers to productivity, when possible.

*The ability to be consciously aware of our internal experience and, based on situational demands, to flexibly choose, change or persist in behaviors that align with our values and goals.

Summarized from *Well-Being Strategies for Solos and Small Firms: Building Resilient Work Cultures* by Anne M. Brafford, Esq., MAPP published by the National Task Force on Lawyer Well-Being (<https://lawyerwellbeing.net/2020/03/30/well-being-strategies-for-small-firms-building-resilient-work-cultures/>)

Connect with us: #isbawellness

DON'T

PANIC¹

BY AARON BLAIR

TAKING RESPONSIBILITY FOR CULTIVATING MINDFULNESS

You are a responsible person. How do I know this? Because, at the very least, you managed to make it through seven years of higher education, the bar exam and still, miraculously, you have your license to practice law. You were able to do all of that, so I know you have what it takes to accept responsibility for your Mindfulness. Merriam-Webster defines Mindfulness as “the practice of maintaining a nonjudgmental state of heightened or complete awareness of one’s thoughts, emotions or experiences on a moment-to-moment basis.”²

So our questions are: 1) what stands in our way of cultivating Mindfulness; 2) how do we begin; and 3) what does cultivating Mindfulness look like for *you*?

WE STAND IN OUR OWN WAY

There is a vast difference between calling an attachment an exhibit, a simple scrivener’s error, or forgetting to update the caption, and true malpractice. I get it, we are hard on ourselves; we have to be. So much is riding on the line every day. And we only make things worse when we start to negatively bash ourselves for every little thing. We are inherently kind, wonderful, curious, brave and loved. But we also make mistakes.

The best position we can be in to deal with mistakes or challenges is one in which we are fully aware of what is happening and can consciously determine the optimal next step. This is hard to do when we are berating ourselves relentlessly, feeling like giving up and, perhaps worse, leaving the office, yelling at opposing counsel, or just getting drunk and hoping to deal with it tomorrow. If this is something you struggle with, you are not alone.

Why do we do this to ourselves? As

small children, we have no frontal cortex; the only part of the brain we use is the subconscious, which interprets everything we experience as absolute truth. There is no filter for what is right, wrong, real or imaginary. The result is a lifetime of our subconscious acting out programs based on negative experiences that may or may not even be real or true.

As small children, food and shelter are only two components of what is necessary for survival; the third is love. We develop these behaviors so we can receive love, which is as vital as breath. It is a cruel twist of fate that the behaviors and beliefs that we developed at that young age in order to receive love are actually, in our adult lives, preventing us from giving or receiving love. This is often referred to as negative love syndrome, which “. . . is the adoption of the negative behaviors, moods, attitudes, and admonitions (over and silent) of our parents to secure their love.”³

AWARENESS AND COMPASSION

We have to become consciously aware of these negative beliefs and our reactionary or self-destructive behaviors in order to begin the work of cultivating Mindfulness. For example, you might find yourself at a post-CLE reception—you know, with those little tables and the crowded bar. If you are like me, you might struggle a bit in these social situations. Maybe you find a group of attorneys you know, or maybe you track down the bar president and introduce yourself. I often think things like, “I’m not very good at this kind of stuff,” or, “I’m making a fool of myself,” or even, “I’m talking way too much — and I can’t believe I just said that!” Yikes.

One time, as a second-year associate, I was at the annual meeting, and I recall bragging about all “my” big litigation cases. I remember going back to my hotel room that evening

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and just kicking myself and telling myself how much of a loser I was for trying to show off. In reality, I just wanted to be appreciated, thought well of, cared for and seen as worthy.

This subconscious programing is always there. Sometimes it manifests itself in silly ways, like when I talk a LOT. The healthy way to deal with this behavior is not to beat myself up every time I do this—and trust me, I still do this ALL THE TIME. Instead, I try to remember to listen, to be curious, to be open and to have unwavering compassion for myself when I fall short. I fall short all the time. We all do. To be a successful lawyer requires a lot of tenacity, but it also requires grace. The job is hard, the people are rarely pleasant and the hours are long. The least you can do is be kind to yourself.

CHOOSE TO BELIEVE IN SOMETHING GOOD

Since about our third date (and we are going on 11 years of marriage), my wife and I have been arguing about whether the universe is wholly subjective or objective in nature. I explain, rather artfully in my opinion, how my beliefs influence my thoughts and my behaviors. Then she will turn the light off with an air of smug satisfaction and ask, “Is the light on or off?” I’m so blessed. We may never know which of us is correct (I am, obviously), but in the end, I fear it may be some combination of objective and subjective truth that governs our reality. Therefore, I think it is important to choose to believe in something. And because mostly everything is just happening through our own perceptions in our own heads, I posit that we CHOOSE to believe in something good.

Believe in something that gives you hope and that fills your heart with peace and love. I don’t care what it is, and it doesn’t matter either way, as long as it holds meaning for you. I for one choose

to believe that the world is waking up, slowly, to the gift and wonder that it is to be alive on this planet. I believe that there is good in the world and that we can all experience the fullness of life. I believe that the Universe / God / the Light, whatever you want to call it, is intimately aware of our existence and is directly challenging us in each moment through every interaction to meet us where we are and to help us grow to our fullest potential. I believe that I am worthy of this love and direction, that no matter what I do or say or experience, I am still inherently valuable. I believe that everyone is doing the best they can with what they have been given. You too can choose to replace the subconscious beliefs from your childhood with a new, vibrant and uplifting foundation.

TAKE ACTION

Finally, just take action. Any action. It does not matter what you do, so don’t let that stop you from taking any small step towards Mindfulness. Take a 10-minute break outside with your phone off. Think of three things for which you are grateful. Smile at a stranger. It is about setting your intention to pursue Mindfulness, not about any prescribed path.

There are many paths, but your path is your own. I like to think of all the self-help books, therapy, retreats, meditation, breath-work, exercise, yoga, or whatever it might be, as all viable paths to Mindfulness. What works for others might not work for you, and that is how it is meant to be.

Imagine you are in a dense and dark forest, but you catch a glimpse of just a sliver of light through the trees. That light is your understanding of Mindfulness. You walk towards the light, seeing more and more of it, until eventually, you make your way to the clearing. The path you took was wholly

your own, and it was unique to you.

Mindfulness is gained in much the same way. You start in the dark; maybe you have an experience of joy, of presence, of unconditional love. This experience intrigues you, and perhaps you decide to read a book on the topic (I’m a big fan of Mark Manson, Bob Goff and Patti Henry). You learn and grow a bit more. Then you start seeing a therapist to work on learning even more about this area of your life. After a few years of therapy, you attend a retreat on Mindfulness (check out the Hoffman Process). As the light becomes clearer, your life is filled with more peace and understanding.

Each of us takes our own path to Mindfulness. However, the truths we learn along the way are universal. That is why we all end up in the same clearing. This is comforting because even when all seems lost, when we are confused, or when we are frustrated with the process, we can rest assured that our colleagues, friends and family are facing the same fears, struggles and experiences. We are in this together.

So start with awareness, get to compassion for yourself and others, choose something good to believe in and take steps towards a life full of wonder!

1. Douglas Adams, *The Hitchhiker's Guide to the Galaxy 1* (1979) (“It is said that despite its many glaring (and occasionally fatal) inaccuracies, the Hitchhiker's Guide to the Galaxy itself has outsold the Encyclopedia Galactica because it is slightly cheaper, and because it has the words ‘DON'T PANIC’ in large, friendly letters on the cover.”).
2. Merriam-Webster, Definition of Mindfulness, <https://www.merriam-webster.com/dictionary/mindfulness> (last visited July 26, 2020).
3. Bob Hoffman, *The Hoffman Process: A Path to Personal Freedom and Love 12* <https://www.hoffmaninstitute.org/wp-content/uploads/PPFL-4Email-rev2.pdf> (last visited July 26, 2020).



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Aaron J. Blair practiced law in eastern Iowa from 2016 until summer of 2020. He now resides in Dallas, Texas, with his wife and daughter and is currently the managing partner of Blair Automotive, Inc., a family-owned automotive business.

HOW I HIT **BOTTOM** AND FOUND **HELP** FOR MY **ALCOHOLISM**

From the desk of
an Iowa revoked
attorney

I was full of fear during my time practicing law. Early in my career, I was afraid of public speaking. I was always afraid of making a mistake and not getting a good result for my client. I was afraid of other lawyers and judges who I thought were probably smarter than me. I was mostly just afraid of failure.

Instead of talking to someone about these perfectly normal fears, I tried to hide them away and pretend they didn't exist. I also turned to alcohol in order to cope. Drinking covered up my feelings.

I remember thinking that I was managing my drinking problem well because my career continued to advance. As a young lawyer, I achieved good results for my clients and gained valuable experience in the courtroom. I began trying both civil and criminal jury trials with some success. I became a trial attorney and my colleagues, clients and judges seemed to be genuinely pleased with my work.

Through it all though, I still had an irrational fear that someone would find out that I was not the successful, confident, go-getter that I appeared to be. The truth was that I was drinking too much when I was not working. I remember thinking almost every time I sat down at a bar after work, "I worked extremely hard today, I deserve this!"

Within a few years, I was offered

the position of being a partner in my firm. For me, being a partner was a dream come true and a goal of mine since law school. I eagerly accepted without regard to whether I was ready for that kind of responsibility.

I soon realized that being a partner came with even more stress and fear. As a partner, I was suddenly not only responsible for my billable time, I was also responsible for part of the firm overhead. I became obsessed with the number of hours I billed each month and agonized over whether I measured up. The pressure of always feeling like I had to make more money slowly became the sole focus of my practice, instead of serving clients.

Eventually, because of my drinking problem, my performance at work began to suffer and my relationships with the people I cared about most began to deteriorate. I stopped putting forth effort in my personal life and lied to my family and friends. My marriage failed as did other relationships after. A deadline or client emergency was something I could always work on later.

My practice turned into managing one self-inflicted crisis after another that I always managed to somehow solve at the last minute. For a period of time, despite everything, it seemed like I was invincible because I was still having success and

my career continued to advance. After all, I was still winning cases! I was a partner with a robust practice. At the same time, I was terrified my worsening substance abuse problem would be exposed.

I became what many alcoholics describe as an ego maniac with an inferiority complex. As things grew progressively worse, I became increasingly reckless and fearful. Finally, I made a decision that betrayed the trust of my law partners, my employees, my family, my oath as a member of the Iowa bar and, most of all, my clients. On that day, after reviewing my billing for the month, and feeling desperate about trying to maintain the appearance that everything was normal, I billed time for work that I had not performed. That one decision later cost me my law license.

In the end, I created a problem I could not fix on my own. I was finally out of options. Substance abuse slowly destroyed me morally, physically and spiritually until the person I once was, was no longer functioning in a state of reality. I had created my own reality.

With my legal career in jeopardy and at the insistence of my law partners, friends and family, I finally entered a treatment program. I completed it successfully and began the long journey back to rebuild my life. Most important, I admitted and accepted that I was an alcoholic. I contacted Hugh Grady with the Lawyers Assistance Program who gave me guidance and let me know I was not alone, and other lawyers had gone through similar circumstances. I joined a recovery program. I self-reported

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my unethical conduct to the Iowa Supreme Court Attorney Disciplinary Board. After almost two years of going through the attorney disciplinary process and, despite being in recovery, I was revoked from the practice of law in the State of Iowa.

You may think what happened to me, won't happen to you. That's fair. When I used to read the disciplinary opinions each Friday morning about lawyers being publicly reprimanded, suspended and revoked, I remember thinking the same thing: "This won't happen to me" and "I have this under control" or "I would never do that."

You should know that substance abuse is a progressive disease; it just gets worse. Even if you don't lose your license or face other legal consequences, by ignoring a substance abuse problem, you still have much to lose. I had already lost my self-respect. I lost a marriage. I lost trust and, as a result, I ruined relationships with colleagues and friends. I wasted time

that I can never get back. A law license may be lost and then restored, while other things in life can never be.

The hard truth is that it was very difficult for me to accept that I had a problem that I could not control on my own until my legal career was in peril. I was afraid to ask for help because asking for help meant I had failed. I firmly believe it doesn't always have to be this way. That is why fellow members of the Iowa bar who see a colleague or a friend struggling need to speak up and put that lawyer in touch with another lawyer or person in recovery. I urge those of you who think you may have a problem to pick up the phone and call the Lawyers Assistance Program and talk to a lawyer in recovery.

Today, my life in recovery is unlike anything I could have ever imagined. I am re-married with a wife and children who I love dearly. Most awesome of all, they love me back. I re-joined a church and have become an active member of my local community. My friends and family no longer worry about me.

I now know a new freedom and a new happiness. I do not regret the past nor wish to shut the door on it.

I am beginning to understand the word serenity and finally know peace. I realize that no matter how far down the scales I have gone, I can see how my experience can benefit others.

The feelings of uselessness and self-pity have mostly disappeared. I continue to lose interest in selfish things and have gained interest in helping other people. My self-seeking has slowly slipped away. Fear of people and of economic insecurity has left me. I finally realize that God is doing for me what I could not do for myself. I owe it all to my law partners and friends who urged me to go into treatment, the recovery community and my family who continues to provide me support.

There is help available for Iowa lawyers, if you have the courage to ask for it. The Iowa Lawyers Assistance Program is confidential. It can put you in touch with other lawyers in recovery, who are more than willing to help. I urge you to seek the help you need, before you put your life or legal career in jeopardy.

If you know someone who appears to be struggling, reach out to them. Put them in touch with someone in recovery. You can help. It will change their life.

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"Not Beyond Redemption"

By Mike Reilly, Esq.

On Aug. 25, 2005, the Grievance Commission of the Supreme Court of Iowa filed its "Findings and Order" in the case of *Iowa Supreme Court Board of Professional Ethics & Conduct vs. Michael G. Reilly*. The commission made seven findings in the Order, and the seventh and final finding stated: "The Respondent is not beyond redemption as a person or as an attorney." Although I was already more than three years into my recovery program by that date, the commission's seventh finding became my mantra in the quest to recover.

Chief Justice Susan Christensen asked me to write this article for the attorney wellness edition of the Iowa Lawyer magazine, not to focus on professional discipline, but to address the issue of gambling addiction and how I overcame the addiction. The disciplinary details are well-documented in the revocation order of Jan. 13, 2006, *Iowa Supreme Ct. Atty Disciplinary Bd. v. Reilly*, 708 N.W. 2d 82 (Iowa 2006); and in the provisional reinstatement order of Sept. 2, 2016, *Iowa Supreme Ct. Atty Disciplinary Bd. v. Reilly*, 884 N.W. 2d 761 (Iowa 2016). My purpose and hope in writing this article is to provide a better understanding of the insidious and destructive nature of gambling addiction and provide valuable guidance.

How I got there

I began my law practice in 1981 and by the mid-to-late 1980s and into the 1990s, I had a relatively successful personal injury litigation practice, was trying numerous jury trials each year and was very much enjoying that type of law practice. I was competitive by nature and the personal injury litigation practice seemed to be a perfect fit for me, since it not only brought some financial success, but it also was very satisfying to experience cases being brought to conclusion with happy clients for whom I had obtained a well-deserved measure of justice. Little did I realize then, but the same attributes that had helped me achieve financial, personal and professional satisfaction and success were about to take me in a whole new and dangerous direction.

After the Council Bluffs casinos opened in early 1996, I began to frequent them more and more, and as time went on, I played more and more Blackjack and for greater amounts of money. Playing Blackjack seemed like an innocuous and fun social activity in which to engage. At some point, however, I needed it to unwind, celebrate or party. It felt like a logical extension of my personal injury litigation practice because it involved risk, taking chances and gave me a "high" when I would have a big win. Unfortunately, I began to spend much of my casino time chasing the next win.

By the end of the 1990s and into the year 2000, I was losing excessive amounts of money gambling, primarily playing Blackjack, and was getting plenty of complaints and pressure from my wife, Julie, to cut back my casino gambling or quit altogether. During that period, I thought I could handle the gambling (including the losses) and deflected my wife's attempts to intervene. After extensive treatment for my gambling addiction, I know in hindsight what a senseless and fateful decision that was on my part.

During the year 2000, I gambled more and more as I apparently began to believe that even though casino gambling had created my problem, gambling was the only way I could fix the problem. This became another fateful decision in retrospect. At that time, I never imagined that I could ever cross any legal or ethical lines. Of course, I was very wrong and that all

changed at the tail end of 2000 and into the year of 2001.

Having crossed an ethical line I never thought I could cross, most of my 2001 was spent desperately trying to fix the problem I had created. My addictive and flawed thinking (which I would later learn so much about in my treatment program that began in April of 2002) convinced me that the only way I could fix the problem was by gambling, and even gambling at an increased level. I was so wrong. Thankfully, in 2002 I started my efforts toward recovery and began to deal with the insidious, powerful and destructive gambling addiction.

The ultimatum and treatment

In early 2002, I could no longer ignore my wife Julie's complaints about my gambling. For starters, I knew that I had crossed an ethical line I never thought I could cross and that the consequences were going to be life altering. Secondly, Julie was no longer just expressing concerns about my gambling. Instead, she issued a very clear ultimatum: Either I agree to be evaluated for my gambling and follow all treatment recommendations, or our marriage would be over! Julie is a registered nurse and had already done some research on potential counselors and had gotten some recommendations through her medical/work connections. The name she presented to me was Harlan Vogel of Heartland Family Service in Omaha,

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and I agreed to be evaluated. I had also determined that I had to stop casino gambling, and although I had my doubts as to whether I could do it, I am proud to say that the very last time I ever gambled in a casino was in late February of 2002.

I met with Harlan Vogel on April 1, 2002, for an evaluation and testing. He administered the South Oaks Gambling Screen and The Gamblers Anonymous Twenty Questions and also gathered other pertinent information from me. The information gathered in the evaluation was applied to the DSM-IV criteria for pathological gambling and the results indicated that a diagnostic impression of 312.31 (pathological gambling) was warranted. I began treatment shortly thereafter, which consisted of three parts as described by Harlan Vogel:

1. Part one is based on helping the client establish abstinence while educating him about the cognitive and emotional aspects of pathological gambling and the negative impact they have on his life.
2. Part two is designed to enhance the client's abstinence and to help the client begin to develop the insight needed to discard old impulse-based

coping skills based on escapism, denial, minimization and rationalization. At the same time, the client will be aided in developing new, healthier coping skills based on rational thought, honesty and the rebuilding of relationships.

3. The third part is based on relapse prevention. It consists of reviewing material the client has already learned and scenarios designed to alert the client to possible life situations that could precede a relapse to gambling.

I participated in the Heartland Family Service program for gambling addiction from April 2002 until being discharged in November of 2008; during the same time, Julie attended the program for spouses and significant others. We each attended group meetings on Monday nights, me with gamblers and Julie with the spouse/significant others group. I had regular individual treatment sessions with Harlan Vogel and Julie had regular individual sessions with a counselor assigned to her as a spouse/significant other. And, we periodically had joint counseling sessions with Harlan Vogel.

In addition to my desire to recover, I needed to answer the following question for myself: "How could I, as a well-educated and supposed intelligent person (attorney), cross an ethical line (converting client funds) that I knew was so sacrosanct?"

What I learned in treatment, among many other things, is that my addiction or dependence on gambling strengthened over time and the competitive aspects of gambling would arise, which brought about a delusional thinking process that collapsed my ability to appreciate the broad implications of my actions and my ability to respond logically. In the most simplistic terms, it prohibited me from controlling my gambling activity in spite of the negative consequences. According to Harlan, my strong competitive drive that helped me succeed in life and in the law contributed to me becoming a pathological gambler in that my drive to beat the casino began to supersede ordinary logic, and I was unable to comprehend my action in misappropriating funds because I acted regardless of logic or outcome and for a quick fix.

Conclusion

Unfortunately for me, it took almost complete personal, professional and financial ruin before I saw the light and sought help. It does not have to be that way for others who may read this article and find themselves in similar circumstances. I would be more than happy to meet with, talk to, correspond with, or help in any way I can, anyone who may feel they need help and would care to reach out to me.

In spite of the carnage I created with my gambling addiction, I have been extremely fortunate to come out if it for the better. Although I had a lot of support from family, friends and others, I owe all the credit and thanks to my wonderful wife, Julie Reilly, for not giving up on me and for going the distance with her own participation in the treatment process so that she could better understand and appreciate what she was dealing with in me. Also, Harlan Vogel was tremendous in his treatment of my addiction, and he really helped me to survive and thrive. He always told me, and others in our group, that we have to continue to "keep the addiction in front of us," and I am proud to say that I have been able to do that and continue to do so.

I am now back in private practice, since April of 2017, and have been blessed to have been welcomed into a great law firm with outstanding partners, attorneys and entire staff from top to bottom. I am now in what I like to call "Chapter Two" of my legal career, and I am enjoying it to the fullest!

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A NEW PERSPECTIVE ON LIFE

My part of the plan

By Matthew L.

I grew up afraid of alcohol and alcoholics. By the standards of “real alcoholics,” I was a very late bloomer. I didn’t have my first drink until I was 18. But, on a ski trip to Colorado, and encouraged by the friends I was traveling with from my senior class, I thought there could be no safer place to experiment.

Three cans into the night, I realized I had been unfair and unkind to alcohol with my prejudice against “alcoholics.” It’s alright! I thought to myself. This stuff is harmless. We played drinking games until the late hours. I woke up with a terrible headache. My stomach was on strike. A friend told me I was “hungover.” I decided it was a small price to pay for the fun from the night before.

From that night on, alcohol and I had a deal: I promised to make time to drink. It promised to give me a chance to unwind. When I took that first pull from the ice-cold can, I could physically feel myself exhale and my shoulders release from their constant state of being pinned to my ears. I was no longer worried about tomorrow or next week. I was just “present” – Buddah in a 12-ounce can!

In college, my drinking, which started out as “at parties,” became more regular. I found “reasons” to drink: celebrations, or to drown my sorrows. There were no catastrophic episodes – all harmless (except perhaps a Spring Break trip where I had way too much and embarrassed my friends and myself with blubbering tears shed over a girl to whom I had professed eternal love).

I was accepted to law school and, with that, my drinking changed. I began to drink to escape. I also became aware that the man I wanted to be, and the man I was becoming, were not on the same trajectory. I was feeling ashamed of some of my actions. I thought that I was letting down the people who loved me.

I began obsessing about drinking. In the mornings, during school, at work, I was thinking about when my next drink would be, with whom I would

drink, how much I was going to drink, how and where I was going to get it.

I’m sad to admit, drinking and driving was not unusual for me.

I graduated somewhere above the middle of my class. I never took an exam drunk, but I certainly had skipped classes to drink, and even showed up drunk to classes.

I soon found a job in a law firm with about half a dozen experienced civil trial lawyers. They were the smartest, funniest, best collection of trial lawyers I have ever known. They worked hard, and they played hard. I liked that.

I married a wonderful woman. We started a family. We bought a house.

At work, my caseload increased. I began to look around at the other lawyers and compare myself with them. The “inequities” started to become glaring. At least I could count on a few martinis on Friday (or maybe occasionally at lunch) to sooth my slowly growing resentments about my “unfair treatment.”

At home, as the family grew, I noticed imbalances here, as well. A new house; a bigger mortgage; private schools. Endless running to kid’s activities. If I showed up just 10 minutes late (or, as was more often the case, hours late) for dinner or family functions,

there was icy silence waiting for me.

More imbalance in the order of the universe. It seemed that I had become a victim of a sick God, with a twisted sense of humor.

At this point, alcohol was not the problem. It was the solution!

My mental obsession with “my next drink,” grew. Though I didn’t drink every day, never a day went by without thinking about drinking and planning with whom I’d be drinking. I had no trouble finding others who “drank just like me.”

Through countless vain attempts, I had been startled to learn that once I started drinking I could neither stop when I wanted, nor control how much I drank. I began to have a knot in my gut after drinking: I can’t believe I did it again. I said I was just going to have one. I promised I’d be home by 6. And I saw the disappointment and anger in the eyes of the people I loved. This feeling was infinitely worse than that hangover from the first drink, or any since.

My life was just car payments and mortgage payments, an ungrateful family and ungrateful clients. My once wonderful marriage had nothing to offer me but financial expense and unhelpful criticisms.

My life felt headed for shipwreck.

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My sleep was terrible. It was taking everything I could do to keep my life together. I drank so I could sleep. I never felt a buzz from alcohol anymore.

On July 24, 2005, I went to an annual summer party hosted by good friends. I always looked forward to it! Where I was normally the life of the party, this year I just wanted to be alone. I was completely uncomfortable, self-conscious, useless. It was six hours of misery. When my wife said she was ready to go – hoping I would not give her too much of my don't-be-a-wet-blanket routine – I let out a sigh of relief and set down my half-empty, warm beer (I didn't know it would be my last) and walked out with her.

At home, I dragged myself into the house and changed for bed. Tomorrow would be another Monday. Back on the treadmill. It was my life. A wave of self-pity and regret washed over me – impending doom.

I could not sleep. My mind was racing as I lie in bed: shame, fear, hopelessness, exhaustion – any day, I'll be found out. I covered my head with my pillow. Please, don't wake up. Please don't live through the night. Then, I made a deal – the alcoholic's prayer. Please. Help me.

The next day, I called a friend whom I knew had been in Alcoholics Anonymous for a few years. We drank together a little, in law school. I didn't know if drinking was my problem, but I knew I needed help. He asked me to go with him to a meeting at lunch. I met him there. The group was welcoming, friendly, smiling, joking and laughing.

I listened to them talk about their obsession with alcohol. They talked

about the crazy things, like me, that they went through for their next drink. They had thrown away so much just to keep drinking that when they came to AA, some had no jobs, no homes, no families, no friends; only booze. Insanity!

For a split second, I thought, "I'm not that bad. I still have a job, a wife, kids, a house. I'm good." But they weren't focusing on the stuff they lost. Instead, they were talking about what was left at the end of their drinking: terror, bewilderment, frustration, despair, feelings of uselessness, fear of people and fear of financial ruin. It was like they had been reading my mail.

After a few weeks of meetings, I asked someone how he was able to stay sober and not pull his hair out. I wasn't drinking, but I also wasn't feeling any better.

He told me he read the AA book and then tried, as best he could, to follow the suggestions for recovery: The Twelve Steps. He said he asked for help, and another older member helped guide him through the book and to follow the suggestions. I asked him if he would be willing to help me the same way. He was glad to. He pointed out that helping others is one of the keys to get sober and stay sober. He said I'd be doing him a favor by letting him help me.

Together, we went to meetings and talked before and after. We worked on taking the 12 Steps and going back over them as needed. At some point, I realized I hadn't had a drink, or even thought about drinking, in months.

I was drawn to people in the meetings who were having fun. Those were my people! At first, I went to meetings because it seemed like the only time the

"committee meeting in my head" would shut down. It gave me that same relief and comfort that once came with the first drink. But soon I was also going because that's where my friends were. I needed to see other AAs and to talk with them.

One day, in a meeting – I was maybe two years sober – someone quoted "The Promises." It says, as a result of sobriety, "We are going to know a new freedom and a new happiness. We will not regret the past nor wish to shut the door on it."

As these words were read in the meeting, and as others began to tell their experiences with these promises, I became overwhelmed. I thought about how grateful I was to have my beautiful home. I gave thanks for my four wonderful, healthy, smart, generous kids. I thought of how patient and loving and forgiving my wife had been to me all these years. I could see each of my clients and the amazing amount of trust they had placed in me to help them with incredibly personal problems – what an honor that was for me. Resentments had been replaced by gratitude.

My eyes filled with tears and my throat closed. I began crying, uncontrollably, at the miracle that had transformed the people at my meeting – and had transformed me.

Slowly, by following a few simple (but not easy) directions, my perspective on life had changed. Others saw me change, but I didn't perceive it. I just knew, I hadn't obsessed about drinking for a while. But that day, looking back at where I had been, and where I was, I saw that for the first time in decades I was happy, joyous and free. The Promises had come true for me.

Work for me now is a reward. I love what I do. I don't fear the phone ringing at home or at work. I have relationships with my clients, and rather than worry about whether they are grateful for my work, I am naturally focused on how grateful I am that they asked me – of all people – to help them.

I am filled with gratitude when I pay my mortgage and my taxes. These things are possible because of the gifts I have been given. Tuition, soccer practice, fees for dance lessons are all wonderful chances I get, today, to make my kids' lives a little better than my own childhood.

I have hard days and I still have bad days. Recovery hasn't "improved my batting average" in court. However, it has changed my perspective on everything. Things are not happening "to me." Things are happening around me. When those I love are in pain, my first thought is how I can be of comfort to them. Even if I cannot quite understand what the "Plan of the Universe" may be, I am grateful just knowing that I am part of the plan.

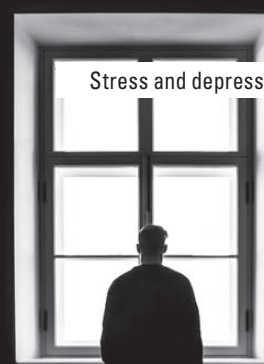
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COPING WITH *Stress* AND *Depression*

By Hugh Grady, Director, Iowa
Lawyers Assistance Program



Lawyers, as a profession, struggle with stress and depression at a rate higher than most professions. In a study from 2015, the American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation did a comprehensive survey of lawyers around the country. The survey included a study of both substance use and mental health issues. The survey found that 28 percent of those responding reported issues of depression, 19 percent described severe anxiety and 11.5 percent reported some suicidal thought during their careers. There was a finding that depression and anxiety began during law school with 17 percent reporting depression, 14 percent severe anxiety and 23 percent mild/moderate anxiety.

Coping with the difficulties inherent with the practice of law has been magnified by the COVID-19 pandemic. Lawyer well-being has been dramatically affected, particularly among younger and newly-admitted lawyers. Law students are feeling

more stressed about having online classes, the bar exam and how the job market is being affected by the pandemic. The Iowa Lawyers Assistance Program (ILAP) and The Iowa State Bar Association through its Well-Being Committee are becoming more and more involved with helping lawyers and students recognize these issues and providing information and resources to deal with them.

DEALING WITH DEPRESSION

It is important to recognize the symptoms of depression in oneself as well as in colleagues, fellow students and loved ones.

There can be a genetic vulnerability inherited from family. In addition, such things as work, family, perfectionism, loss, trauma and alcohol/substance abuse can be factors in depression. There are personality traits of lawyers such as perfectionism, compartmentalized thinking and workaholicism, economic insecurity, as well as the general issues facing the world today that also can cause depression. With young lawyers in particular, financial issues can be overwhelming. Faced with repayment of student loans as well as loss of income and a dependence on court appointments have a severe impact on this vulnerable group.

Depression is a mood disorder that can range from mild temporary episodes of sadness to a severe and persistent state. It is not something you can “snap out of,” is not a sign of weakness and is not a condition to be ignored. It is not a condition that goes away itself. Dysthymia has long-term chronic symptoms that are less disabling than major depression but can also impair functioning and general well-being. The symptoms are the same as major depression but generally less severe.

Depression, alcohol and substance abuse have a high rate of co-morbidity which is the simultaneous presence of two diseases in a person. Untreated depression can result in “self-medicating” with alcohol and drugs.

TREATMENT FOR DEPRESSION

According to the American Psychological Association (APA), treatment for depression includes both medication and psychotherapy. Examples of self-care are emotional support, problem-solving techniques, examining and changing thinking styles, looking at behavior, teaching social skills and meeting basic needs. It is crucial to pay attention to the signs and symptoms of depression and to do self-care. Eating healthy and getting exercise, plenty of rest, stress management and relaxation

techniques, having a support network, activities and reasonable goals increase resilience.

STRESS

When you hear, read or watch news about the COVID-19 pandemic and the current economic conditions, these can cause stress to your family, loved ones and clients. It is important that you monitor the stress in yourself and your loved ones and recognize the signs.

Look for an increase or decrease in your energy and activity levels. You may see an increase in your alcohol or tobacco use or the use of illegal drugs. There may be an increase in irritability, trouble sleeping or relaxing, excessive worry, having difficulty communicating or listening and an inability to feel pleasure or to have fun. You may see the symptoms in your body with stomach aches, headaches, sweating and being easily startled. Your emotions may be exaggerated, and you may feel angry, anxious or fearful. Thinking may become impaired by feelings of confusion, difficulty making decisions, difficulty thinking clearly and difficulty concentrating.

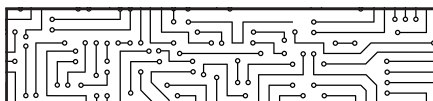
There are many practical ways to relax. Relax your body by taking deep breaths, stretching, meditation and engaging in pleasurable hobbies and physical activity. These activities increase a person’s resilience at combating the stresses lawyers encounter. Learning how to pace yourself during stressful activities is helpful. Use time off to relax, eat a good meal, listen to music, exercise or talk to a family member. It’s very important that you talk about your feelings to your loved ones often.

CONCLUSION

There is help for anyone struggling with stress and depression. You are not alone. The Iowa Lawyers Assistance Program has volunteer lawyers through the ISBA Lawyers Helping Lawyers Committee around the state who have dealt with mental health and substance abuse issues. The Well-Being Committee of the ISBA has numerous resources available. The Iowa Lawyers Assistance Program is free and confidential and has access to numerous resources as well.



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Transference and countertransference in the attorney-client relationship

By Rachel Regenold

Have you ever represented a client you immediately disliked? Or one you instantly adored? This may be about you, not them. The opposite is true as well. If your new client has a strong reaction to you, whether positive or negative, it may not have anything to do with you.

The attorney-client relationship can be intense, particularly in cases where emotions are strong, like criminal, family, juvenile, immigration and bankruptcy law. The problem is, we may not have been educated on why that is. We understand the stakes are high — clients are facing the loss of liberty, the break-up of their family, deportation or homelessness. They're understandably stressed. So are the attorneys representing them.

Part of this strain comes from the power imbalance in the attorney-client relationship; we have greater experience and training by virtue of having a law license. Our clients, on the other hand, are less knowledgeable and often vulnerable.

There is also the one-sided nature of caring that occurs in relationships like attorney-client (including prosecutor-victim), therapist-patient and professor-student. We are expected to, and do, care for their welfare in a way that isn't reciprocated. That's only natural.

All of these factors — the type of case, the power imbalance and one-sided caring — can lead to transference and countertransference, which can cause harm to both attorney and client. We may have heard these terms in the mental health context but have given them little thought in our own work.

Transference is when clients project unresolved feelings or unmet needs onto their attorneys. The attorney may remind the client of someone from his or her own life; in all likelihood, they aren't even aware of what's going on. Transference can be positive or negative.

For example, I was appointed to represent a man on felony charges. We were like oil and water from the initial meeting. It quickly became clear who I reminded him of since he sent me vitriolic letters comparing me to his ex-wife. When it became apparent we weren't going to be able to work together, I traded with another attorney in the public defender's office. In return, I received the case of a

woman facing lesser charges but who had significant mental health and substance abuse issues. From the beginning, she called me her "angel." Obviously, I liked her a lot more than the other client.

Both of these cases are examples of transference — my clients were both under strain from being in custody on criminal charges and both had a strong reaction to me almost immediately. One was positive and one was negative. Neither was really about me. While I wasn't the worst lawyer ever, as the first guy claimed, I'm certainly no angel either.

Countertransference, on the other hand, is when we as attorneys project unresolved feelings or unmet needs onto our clients. These feelings can also be positive or negative. In the first example, I had a very strong negative reaction to the male client almost immediately. I dreaded meeting with him and opening his letters. I tuned out when he talked. I wasn't at all disappointed when my colleague told me the client got hammered by the sentencing judge.

We can also see examples of this phenomenon in cases where attorneys are disciplined for having inappropriate relationships with their clients. Both the attorneys and clients are likely feeling unharnessed emotions, possibly as a result of transference and countertransference, but the attorneys haven't stopped to question why they're experiencing these emotions or to get the help they need before they make unethical choices.

Throughout our lives as students and legal professionals, we've likely been rewarded for thinking instead of feeling and being logical rather than emotional. We pay a price for this in our personal lives but also in our professional lives. While transference and countertransference don't always lead to disciplinary proceedings, they are detrimental to our work and our own well-being.

Consider these steps if you're having difficulty with a client. First, you may need to cultivate the emotional intelligence to recognize something is wrong in the attorney-client relationship, even if you can't identify the cause. Next, if you're experiencing a problematic relationship

with a client, ask yourself the questions in the list provided below. Be willing to talk them over with a trusted friend, colleague or mentor. Give yourself permission to refer the client to another attorney or withdraw from representation. If you're experiencing this problem repeatedly, seek professional help.

If you're experiencing a problematic relationship with your client, ask yourself the following questions:¹

- 1 *How do I feel about the client?*
- 2 *Do I anticipate the client?*
- 3 *Do I over-identify with, or feel sorry for, the client?*
- 4 *Do I feel any resentment or jealousy toward the client?*
- 5 *Do I get extreme pleasure out of seeing the client?*
- 6 *Do I feel bored with the client?*
- 7 *Am I fearful of the client?*
- 8 *Do I want to protect, reject or punish the client?*
- 9 *Am I impressed by the client?*
- 10 *Do I treat the client differently than I would other similarly-situated clients?*

¹Marjorie A. Silver, Love, Hate, and Other Emotional Interference in the Lawyer/Client Relationship, 6 Clinical L. Rev. 259, 296-99 (Fall 1999).



Rachel Regenold has her own practice in Des Moines. She can be reached at regenoldlaw@gmail.com.

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Seven tips for lawyers seeking help for anxiety, depression or substance abuse

By Stan Popovich

A little known secret in the legal community is the mental health crisis that lawyers have been dealing with over the past few years. The fact of the matter is that many lawyers face various mental health issues on a regular basis and many of them are afraid and do not know where to turn for help.

To make things even worse, some lawyers are afraid to ask for help because it could damage their reputations and create a mental health stigma among their peers and clients.

Here are seven suggestions on how lawyers can seek help for their mental health issues without these issues interfering with their careers and reputations:

1. Accept that you have a problem

The first step any lawyer needs to do is to accept he or she has a mental health problem. Making excuses or ignoring your mental health issues is a mistake that will not only ruin your career but can ruin your entire life. Make the smart choice and admit that you need help.

2. Use the services of a professional

Talk to a mental health professional who can help you manage your depression and mental health issues. A mental health counselor will be able to provide you with additional advice and insights on how to deal with your current problem. Most important, listen to what the professionals have to say and follow their advice so you can get your life back on track.

3. You are not alone, join a support group

There are countless numbers of mental health support groups all over the country. Many business professionals (just like you) go to these groups to get help. Go to a support group in your area and meet people who are also struggling with the same issues you are currently dealing with. By going to these groups, you will realize that you are not alone and that there are people who can relate to your situation and are willing to help you out.

4. Communicate your situation to your peers

You have a choice on who you want to talk to about your mental health issues. Your best bet is to keep things confidential while you focus on getting your life back on track. In terms of your job, explain your situation to your supervisors. Be willing to answer their questions so they understand where you are coming from.

5. Do not try to get everyone's approval

Most employers will be understanding with your situation; however there may be some people who will cause some friction. The fact of the matter is that you can't please everybody in life regardless of how much you try. The key is to do what is best for you and for your family.

6. It is about your life

Many lawyers have a lot of time and hard work invested in their current company. As a result, many lawyers will sacrifice their mental health issues for the sake of protecting their investments and their reputation with their employer and peers. Your mental health issues will not go away by themselves. Your life is more important than your career. Jobs come and go, but your physical and mental health is a constant. Make the smart choices and do what is best for you in the long run.

7. Learn from the mistakes of others

If you still feel that your career is more important than your mental health, then follow the lessons from other lawyers who neglected their health. There are countless numbers of people who ignored their mental health issues for various reasons and either committed suicide or they ended up losing everything. Do not make the same mistake.

If you are unsure how to deal with your mental health issues and your career, talk to a professional mental health counselor or your primary care physician for advice. These experts will be able to help you make the right decisions and steer you in the right direction.

Stan Popovich is the author of the popular managing fear book, "A Layman's Guide To Managing Fear." For more information about his book and to get some free mental health advice, please visit his website at www.managingfear.com.

Thank you to the 2020-2021 ISBA Sustaining and Cornerstone members

The ISBA added two new categories of membership for the 2020-2021 year: Sustaining and Cornerstone members.

ISBA staff and leadership thank the following individuals for their generous financial support above the standard dues which assist the ISBA in furthering its mission of supporting Iowa lawyers, the court system and civic education programs statewide.

SUSTAINING MEMBERS

The following individuals have made an additional gift of \$250 to help support the ISBA mission and many projects of the association.

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CORNERSTONE MEMBERS

The following individuals have made an additional gift of \$250 to help support the ISBA mission and many projects of the association plus an additional \$250 annual commitment to Iowa LawPAC.

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The option to join as a Sustaining or Cornerstone member was offered on the 2020-2021 dues renewal statement. Current ISBA members can upgrade to a Sustaining or Cornerstone membership at any time by contacting the ISBA Membership Department at 515-697-7870 or mhill@iowabar.org. Visit iowabar.org/SpecialMembershipCategories for more information.



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AN ULTRAMARATHON PATH TO WELL-BEING

FIND YOUR LEADVILLE

By Thomas Waterman,
Iowa Supreme
Court justice

As the Iowa Supreme Court's liaison to the ISBA Well-Being Committee, I've admired those who help lawyers deal with stress, addiction, depression and other afflictions. I once saw a T-shirt that proclaimed: "Endurance sports are for addicts who can't handle drugs or alcohol." Endurance events indeed provide a healthy choice for lawyers who like to work hard and play hard.

We should do things that scare us. The Leadville, Colorado 100-mile trail run (LT100 or the "Race Across the Sky") scared me. The event starts and ends in America's highest city (9,500 feet) and the out-and-back course, mostly on a single track Colorado mountain trail, twice summits Hope Pass (12,600 feet), Sugarloaf pass (11,060 feet) and never dips below 9,100 feet. Most participants "DNF" (do not finish) the 30-hour event that begins at 4 a.m. on an August Saturday and ends by 10 a.m. Sunday, after climbing and descending over three vertical miles in weather varying from sleet to 95-degree heat. The staged cut-off times allow minimal rest ("beware the chair").

By way of comparison, Ironman (IM) triathlons (2.4-mile swim, 112-mile bike

ride, 26.2-mile run) start at 7 a.m. and over 90 percent of entrants finish that evening; at Leadville I would be a physical wreck Saturday evening with an all-nighter still ahead over difficult terrain to the finish. As of 2008, I had yet to run beyond 26.2 miles or enter any event that took me over 14 hours to complete. But after six IM's (several with Brother Bob, ISBA president 2011-12, our younger siblings and my wife Maria, a family law practitioner and ultramarathoner), IM triathlons simply no longer scared me. The LT100, later featured in Christopher McDougall's epic book *Born to Run*, held a mystique that drew me in.

So that December I attended a motivational talk by John Byrne, a YMCA buddy who had recently earned his LT100 silver buckle (a sub-30-hour finish) with 90 seconds to spare followed by an ambulance ride to Denver. He said things like, "my right knee hurt the last 60 miles." Byrne's enthusiasm for challenges proved contagious, so after consulting ultramarathon coaches who reassured me my long-distance cycling experience, aerobic base and familiarity with fueling for

multi-hour events (see hammernutrition.com) would pay off in the mountains, I joined five fellow Quad Citians to sign up for the 2009 LT100. We trained together for many of the 1,500 miles I ran/walked from January to August, 500 miles fewer than my online coach Scott Weber prescribed (work and family got in the way). Under Weber's guidance, we gradually increased our mileage to include 30/20 weekends (30 miles Saturday, 20 Sunday, Monday rest) and several 50 milers.

Against Weber's advice, in early May I entered a 24-hour run and completed 92 miles at sea level around the North Scott High School track. Infections from my untreated blisters promptly required a three-day hospital stay for IV antibiotics and three weeks without running while I recovered from a tendon injury ultimately resolved by cortisone injections. As Will Rogers said, "Good judgment comes from experience; experience comes from bad judgment." My mistakes vividly imprinted lessons on pacing, hydration, blister care and the relationship between mood and blood sugar. Importantly, I experienced my first all-night effort after going all day.

In June, the weekend of my 50th birthday, I attended the LT100 training camp, three days well spent on the toughest parts of the course. After a 300-mile July, the taper began (my second favorite part of training after sports massages).

I returned to the mountains five days before the event to acclimate (critically important) and was joined by my crew (Maria and Ernie Parr, an IM buddy, and his wife, Nid, a hospice nurse). Their help was indispensable. The race began with 724 runners massed in downtown Leadville, headlamps glowing. Only 274 (38 percent) would complete the race that year. John DeDonker, a former law partner turned bank president, joined me for the first 40 miles. We walked most



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uphill stretches, ran all downhill legs and employed a run/walk 10/two-minute pattern on level ground. The sun rose as we neared Sugarloaf pass. Our quadriceps took a pounding in a high speed, joyous daylight descent on the steep "Power Line," jumping from rock to rock under electrical transmission towers. (As seen from Highway 24, this stretch looks like a white slash on the green mountain-side.) The scenery was gorgeous, and while tedium had been a major issue during training, I happily discovered that I was never bored during the race.

At the mandatory mile-50 weigh-in at Winfield, a ghost town preserved for tourists, I had dropped an alarming 10 pounds in the 90-plus-degree heat. Now joined by Ernie, my first pacer (runners are permitted one pacer at a time during the second 50 miles), we ascended Hope Pass and enjoyed soup at its aid station supplied by 30 pack llamas. We jogged briskly down to Twin Lakes as dusk approached. At mile 60, after the last stream crossing, Nid treated my blisters before I changed into dry shoes. Sadly, four of my fellow Quad Citians, including John, would fail to make the mile 60 cut-off time and ended their race. (John returned a few years later and earned the coveted gold buckle for a sub-25-hour finish). The remaining

runners were dispersed, headlights bobbing on the trail ahead and behind. Solitude turned the struggle inward mentally as physical pain, cramping and vertigo intensified. I passed several participants who were vomiting blood from overdosing on "vitamin I" (Ibuprofen).

I reached mile 74 before 2 a.m., ahead of my pacing plan, surprising my second pacer, Maria. The nighttime climb up Power Line took its toll. I proceeded zombie-like, more staggering than running. The waters of Turquoise Lake turned silver then its namesake color at dawn. In the new day's light, Maria blurted out, "My God, your hands," which had swollen to the size of baseball mitts. At 8:34 a.m. we crossed the finish line over a short red carpet, to a smattering of applause. I was elated and exhausted from my 28.5-hour effort. I had regained the 10 pounds of water weight and the physician at checkout assured me the swollen hands were "normal" and gave me welcome medical advice: go to bed.

Takeaways: such challenges require and enhance your self-discipline, confidence and resilience. You learn that physical, mental and spiritual health are profoundly interrelated and that the laws of nature are immutable. You realize that seemingly insurmountable challenges are overcome

with teamwork, planning, preparation and perseverance. The resulting mental fortitude remains with you as you confront any manner of work/life challenges. U.S. Congressman Dan Crenshaw, a former Navy Seal, aptly observed:

"In difficulty, in adversity, in meaningful suffering—there is transformation. That transformation is one of confidence and mental fortitude, derived from the challenge and hardship we seek out. These challenges are forgotten tools, some of life's finest instructors, wiped away by a society that increasingly values comfort and pleasure over accomplishment and triumph.

Fortitude: American Resilience in the Era of Outrage, Chapter 8, "Do Something Hard" at page 179.

I agree, and urge you to find your own Leadville.



Justice Thomas Waterman, from Davenport, was appointed to the Supreme Court in 2011. He was in private practice at Lane & Waterman LLP in Davenport from 1984 until his appointment.

An avid endurance sports enthusiast, he has completed seven Ironman triathlons and several ultra-marathons.

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Do you really need an office?

by Kimberly Stamatelos

What will the law office (or non-office) of the future look like?



When I entered the practice of law, young lawyers dreamed of partnership and landing the large corner office. We showed up on weekends and stayed late, demonstrating our dedication and work ethic. Framed law degrees were proudly displayed on the walls behind our desks.

Today's young lawyers plunk laptops down in coffee shops and bill hours at their kitchen tables after the kids are in bed. For many solos and startups strapped with student debt, working from home has been a necessity.

Now add to the mix a pandemic, Zoom, closed schools, a crash course in cloud

computing and a study by the National Bureau of Economic Research that says 97 percent of legal occupations are prime jobs for working from home. An important question pops up: Do lawyers really need offices? Here are the considerations:

Safety and liability

With the virus in full swing, returning to the office requires a deep investment in cleaning and safety protocols if you intend to fully integrate back. Floorplans and work spaces must accommodate social distancing and mask policies must be formulated. Now that some studies show the virus can last in the air, considerations should also be explored for areas with limited ventilation. Is it enough to be able to sit in a closed conference room at a distance for several hours in a mediation or deposition wearing a mask? Or is there still a risk of airborne spread? Can windows be opened?

The CDC encourages outside airflow if it's safe, and even has suggestions on its website for how to adapt HVAC systems. Should sterilization protocols include aerosol applications? Don't forget that in addition to general offices, employee restrooms and common areas such as cafeterias should be considered. Work closely with your landlord to identify necessary safety measures.

What about keeping employees and clients safe? Will there be a system for monitoring symptoms? Will a coughing staff member be required to see a doctor? Will temperatures be taken upon arrival?

Some employees may not feel safe at the office. Will they be given an option to work from home indefinitely? The Families First Coronavirus Response Act is in force until Dec. 31, 2020. This Act sets parameters for employees to have paid leave for their own sickness or as a result of needing to care for a child whose school or child care provider is closed due to Covid-19 concerns. You should read the Act and see if it applies

to your firm. As to our clients, will they be required to sign a liability waiver so we can avoid personal injury lawsuits and potential liability in

connection with COVID-19 damages from being in our offices? Such waivers haven't been interpreted by the courts so would they be enforceable in Iowa? Is it professional to ask a client to sign one? Have you discussed this issue with your premises' liability carrier? What if a client refuses to wear a mask? Is it worth all of this to open back up?

Comfort and productivity

I work better from home because my practice is highly conducive to virtual work and I love the flexibility. Some lawyers use the office as their own sanctuary, working from there while having staff work from home and keeping client contacts to the occasional document signing. Knowing where and how you function best is a good first step in making your decision and determining if you need an office at all going forward.

Spaciousness and design

Clients used to expect to enter an opulent law office lobby greeted by a friendly receptionist. Then they'd be led into a spacious conference room with a huge table and overflow of chairs as though they were about to attend a meeting of the United Nations. Today's clients look at such surroundings and wonder if they are being billed for all that overhead. Many clients prefer minimalist surroundings, particularly if it translates to the bottom line. With the possible exception of initial consultations, mediations and depositions, clients are in a law office for short periods of time to sign, drop off or pick up documents. Is it time to downsize?

Accessibility

Even if you've always had in-person appointments, pandemic-era clients now see the benefits of avoiding unnecessary travel.

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Why drive to the lawyer's office when an electronic signature is adequate? Why get time off from work to see the lawyer when you can do a video conference just as easily in half the time? Will your clients, now schooled in these methods, appreciate the ease of doing business outside your office? Or do they want to sit across from you? Now is the time to get feedback from them.

Staff

I have a 100 percent virtual staff and a paperless office, and this has worked well even pre-pandemic. This can require accommodation and flexible scheduling for completing tasks and setting team meetings. Allowing for at least some virtual support can minimize the office space you need. It's possible to rotate staff in to the physical office on different days, having them work from home on other days. This can accommodate servicing clients outside the traditional office hours while making social distancing easier. If you are a person who likes having your support staff at your beck and call in a busy office, virtual staff may not be an option.

Technology

During quarantine, even the least "techie" among us likely expanded our technology resources. Cloud computing, online payment, virtual receptionists, client portals and "flip of the switch" paperless billing look different now than they did before. It's become clear that the office can be fully functioning remotely with a few core technology improvements that don't take up floor space. More technology often equates to less physical space needed.

Future of the Law

While many of us are patting ourselves on the back for learning Zoom and ordering Clio, most of us still are not keeping up with the changes that are quietly happening in our profession. Planning for office space requires us to become aware of these changes, especially if you are contemplating a long-term lease. If you don't become aware you're likely to walk into your office in three years and say, "Whatever made me feel I needed this much space?" (Like many of us are saying now.)

Major technology advances including artificial intelligence (think of "Siri" on your phone) are coming on strong. Listen to podcasts like "The Modern Lawyer," read reports and Twitter feeds from technology lawyers (#legaltech), or attend the ABA Tech Show held in Chicago each year and prepare to have your mind blown. Budgets of the future will be heavily laden in technology instead of comfy chairs and more paralegals.

In "The Compassionate Lawyer" (2014), I wrote about offices of the future. Because I practice primarily in mediation, I used Camp David with its wooded lushness as model office space for peace talks in mediation instead of stale conference rooms. I wrote that Starbucks sprinkled all over town could be replaced with mediation centers where you could schedule an impromptu virtual or in-person appointment with a mediator at the center closest to you to ward off conflict at its inception. If you are redesigning office space, why not think outside the box?

I also suggested multi-disciplinary offices so, for example, a family lawyer shares space with professionals needed by a family in divorce crisis such as an employment lawyer, a realtor, a therapist and a financial advisor. I started to build such a firm a few years ago but it proved difficult to build while managing a busy caseload. Two years after I published my book, the ABA Report on the future of legal services in the United States had the same vision when it made a recommendation for lawyers to partner with members of other disciplines to develop more innovative ways to deliver legal services.

Now, those other professionals may be able to invest in our firms. The ABA and several states are pursuing drastic changes to ABA Model Rule 5.4 which would eliminate the ban on nonlawyer ownership of legal practices. States like Utah have already begun to implement these changes. (See Utah Supreme Court Standing Order No. 15 which passed on August 14, 2020.) Other changes that are proposed and likely to pass are starting in states like Arizona, where nonlawyer legal technicians are able to provide some of the functions currently allowed only by lawyers.

Keeping an eye on these developments to plan future infrastructure is crucial. If you don't, you may be hiring the wrong people

in addition to laying out an office design that won't work in the future to be competitive in the shifting market for legal services.

Courthouses

Now that we've handled hearings and trials virtually, will the courthouse layout change? Experts in courthouse design have been expecting this change. The American Institute of Architects suggested a few years ago that new courthouses should have light, bright, high-tech spaces that incorporate technology. Their model has space mirroring the most fundamental change in law; large accommodation for negotiation and mediation as the primary focus with small judge's chambers and courtrooms nearby.

Conclusion

While the pandemic has caused death and destruction, lawyers on the front lines have been delivering legal services with compassion and empathy. Clients have had continuous access to justice as we've expanded innovative services from many types of offices, or from no office at all. The emphasis now and in the future is on the lawyer as a creative problem solver in all circles of society, not just as the lawyer behind the desk. For this exhilarating chance for lawyers to focus on new ways to be champions of peace and justice in our changing world, many of us are grateful.



Kimberly Stamatelos is a mediator and attorney in West Des Moines. She has trained thousands of mediators across the country for the past 38 years. She can be reached at kim@attorneymediate.com.

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Partner

IN MEMORIAM

Thomas M. Collins, 92, of Tucson, Arizona, died Aug. 5. Collins was born in 1927 in Rock Island, Illinois. He served in the U.S. Navy in the Pacific Theater during World War II and received his J.D. from the University of Iowa College of Law. Collins joined the law firm of Shuttleworth and Ingersoll in 1952 where he served as president and chairman of the law firm for many years until he discontinued full-time practice and became of counsel to the firm in 1999. He was a member of the Federal Practice Committee of the Northern District of Iowa and the Iowa State and American Bar associations. He also served as co-chair and president of the Linn County Bar Association, vice chair of the Iowa Law School Foundation and president of the ISBA Young Lawyers Division. In 1998, he received the University of Iowa College of Law Distinguished Service Award.

Craig Stephen Rogers, 61, of Waukee, died July 30. Rogers was born in Des Moines in 1959. He attended Valley High School and Drake University undergraduate and law school. He was an avid outdoorsman, a member of the Des Moines Izaak Walton Chapter, Za Ga Zig Shrine and worked the Minnow Races at the Iowa Outdoor Expo.

Rodney Shkolnick, 88, of Omaha, Nebraska, died July 29. Shkolnick served in the U.S. Army during the Korean War and received his J.D. from the University of Iowa College of Law. He practiced law for two years in Ottumwa and worked briefly at the University of Michigan Law School in Ann Arbor before applying for a job with Creighton University in 1961. He served as dean of the law school from 1977 to 1988 before returning to the classroom.

Theodore L. Kubicek, 100, of Cedar Rapids, died July 14. Kubicek was born in 1919. He received his J.D. from the University of Iowa College of Law. Following law school, he became a special agent in the FBI. In 1946, he began practicing law with his father and brother-in-law in Cedar Rapids. Kubicek was a member of the Linn County Bar Association and the Iowa State and American Bar associations. In addition, he was a fellow of the American College of Probate Counsel, an arbitrator with the American Arbitration Association, president of the Cedar Rapids Law Club and the Linn County Bar Association and recipient of the Linn County Bar's Distinguished Service Award.

CORRECTION

In the August 2020 Iowa Lawyer magazine Transitions section, attorney Rob Porter's new employer was incorrectly identified. Porter has joined Dickinson Law after practicing law in Iowa for nearly 20 years, most recently as legal director for Des Moines-based Dwolla. His practice will focus on three main areas: employment, education, and representing licensed individuals and organizations in regulated industries.

ISBA CLE CALENDAR

SEPT. 10-11

Bridge the Gap Seminar
(Live Webinar)

SEPT. 14

**Voting Rights, Hard Won,
Not Done: Honoring the
Legacy of the 15th and
19th Amendments**
(Live Webinar)

SEPT. 18

**Corporate Counsel and
Trade Regulation Seminar**
(Live Webinar)

SEPT. 23

Ag Law Seminar
(Live Webinar)

SEPT. 29

**Child-focused
Innovations in Family Law**
(Live Webinar)

OCT. 5

**How Redlining Has
Created the Racial
Wealth Divide in Iowa**
(Live Webinar)

OCT. 6

**Fundamentals of
Federal Practice Seminar**
(Live Webinar)

OCT. 21-23

Family Law Seminar
(Live Webinar)

AG LAW SEMINAR

- › Impact of COVID-19 on the Farm Economy
- › Iowa's New Trust Law Provisions (SF 2232)
- › Legal Issues Impacting Livestock Growers in 2020
- › Wetlands Litigation Considerations
- › An Update from the Field on Iowa's New Partition Law

IOWABAR.ORG/AGLAW

iowabar.org/calendar

Join Iowa attorneys for admission ceremony before the U.S. Supreme Court

Flanked by your Iowa bar colleagues, with U.S. Supreme Court justices seated to witness it, an upcoming opportunity to be sworn in as a member of the U.S. Supreme Court bar promises to be an unforgettable experience.

On May 24, 2021, The Iowa State Bar Association will host a group admission ceremony before the U.S. Supreme Court. Any Iowa Bar Association attorney member with three or more years of practice, in good standing with the Iowa Supreme Court, is welcome to sign up for admittance and to participate in the ceremony.

“Although an Iowa lawyer may never appear before the U.S. Supreme Court, we hope this experience fosters increased interest in Constitutional Law beyond what lawyers learned in law school,” Fifth Judicial District Associate Judge Mark Schlenker said. “It gives a better appreciation for the court as an institution and issues that end up there.”

Judge Schlenker of Indianola organized the first Iowa State Bar Association-sponsored U.S. Supreme Court admission ceremony in 1992. It was born from an idea by the ISBA Legal Heritage Committee. Only two more group ceremonies have been organized since, so this is a rare opportunity.

Attorneys interested in joining on May 24 in Washington, D.C. need to indicate their interest by letter to the ISBA and submit the \$200 registration fee paid to The Iowa State Bar Association before Feb. 1, 2021. Details on the application process will be sent to you after receipt of your admission fee. Send to: ISBA, U.S. Supreme Court Ceremony, 625 E. Court Ave, Des Moines, IA 50309.

The ceremony and a reception afterwards is being organized again this year by Judge Schlenker. He will see that the ISBA provides a suitable person to be the party moving admission and will work with the U.S. Supreme Court Clerk with submission and review of all application materials. In the past, the U.S. Solicitor General has been the party moving admission. The movant's name appears on the admission certificate.

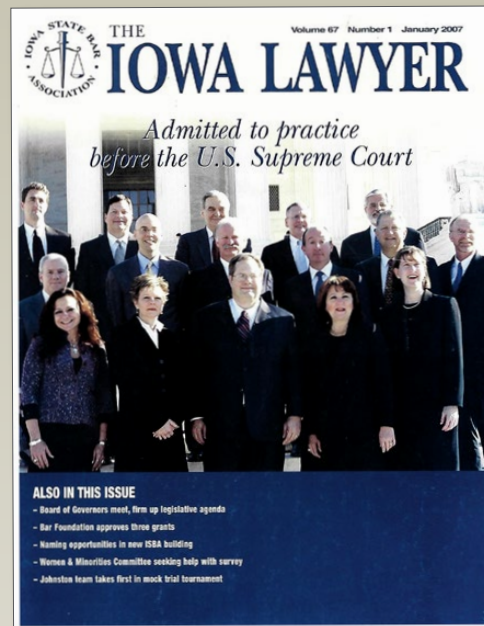
Iowa attorneys are invited to bring guests to witness the ceremony and a limited number of guests are usually allowed in the Supreme Court chamber. Of course, rules controlling admission to the court building are up to the court.

A U.S. Supreme Court justice will be invited to join the group and their families for a reception after the ceremony. In all but one previous ceremony, the Eighth Circuit Liaison Justice has been present. The Iowa Congressional Delegation is also usually invited. At one event, an Iowa Congressman gave participants a personal tour of the U.S. House chambers after the event. The Supreme Court photographer will be asked to do a group photo of admittees on the Supreme Court building's steps.

“One of the reasons we started this is because people go to Washington, D.C. for a vacation anyway. On top of the museum visits and historical sites, they could involve this occasion in their trip,” explained Judge Schlenker. “I was admitted during the first ceremony in 1992. It is impressive to be there – to see all the U.S. Supreme Court justices come out. All the ones you’ve read about and heard about and there they are right there in front of you. Then, to personally meet a justice over coffee afterward makes the Supreme Court a very real and very human institution to you. The memories from that experience are very important to me even now, almost 30 years later.”

The number of admittees is limited by the Supreme Court, so reservations will be taken on a first-come first-served basis. If the COVID-19 pandemic prevents the ability of Iowa attorneys to travel or results in the cancellation of the ceremony, other arrangements for U.S. Supreme Court admission may be made, and cancellation is possible up to the point the funds are sent to the Supreme Court.

Participants will make their own travel arrangements and accommodation reservations. Other than the admission fee, the only other expense will be a small charge to cover the costs of the reception following the ceremony.



The January 2007 cover of The Iowa Lawyer magazine featured the lowans sworn in during the last official Iowa State Bar Association-sponsored ceremony in Washington, D.C.

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Two Iowans elected to American Law Institute

The American Law Institute has elected 38 new members in 2020. From Iowa, those individuals are: **Jerry L. Anderson**, dean and professor at Drake University Law School, and **Emily Hughes**, professor and associate dean for Academic Affairs at the University of Iowa College of Law.

The American Law Institute (ALI) is the leading independent organization in the United States producing scholarly work to clarify, modernize and otherwise improve the law. The Institute's members consist of judges, professors and lawyers, who are elected based on their "outstanding achievement in the legal profession." The Institute's mission is "to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work."



I.O.W.A. announces 2020 award recipients

The Iowa Organization of Women Attorneys (I.O.W.A.) has announced the recipients of its annual awards. The 2020 Arabella Mansfield Award winner is **Mary Pat Gunderson**, retired district court judge. The 2020 Gertrude Rush Award winner is **Helen Miller**, former state representative and current chair of the Iowa Parole Board.

The award recipients were recognized at I.O.W.A.'s annual awards banquet held Tuesday, Aug. 18.



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September 18

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WINNING TRIAL PRINCIPLES

The “Dos” and “Don’ts” of Trying Your Case

BOOK REVIEW
By Hon. Robert J. Blink



It was a hot August day, even in the shade of the tent at the Iowa State Fair. The little train rolled by with kids laughing and yelling. The tent was filled with people in summer garb eating their heart-unhealthy fair treats and waiting to watch “Trial by Jury,” the educational demonstration sponsored by the Young Lawyers Division of The Iowa State Bar Association. Judge Leo Oxberger was on the bench. I was in the well with George LaMarca.

I knew of George but had never tried a case with him before. From the moment he first stood to address the bench, it was apparent I was dealing with the consummate professional trial lawyer. We only worked for about an hour in the “mock trial,” but that impression never left me. Here was a guy who loved his craft and had well-honed his courtroom skills. Here was an advocate after my own heart, who practiced what Vince Lombardi taught: “[I]f we chase perfection we can catch excellence.”

I last tried a case with George in the mid-90s, shortly before I went on the trial bench. It was my last federal trial and George had not lost a step. If anything, he was even more skilled. As time passed, George and I worked together again, this time he as an advocate and me as a jurist. Rock. Solid. Trial advocacy.

It was an honor to be asked to review his new book: *Winning Trial Principles – The “Dos” and “Don’ts” of Winning Your Case*. In less than 90 pages, George has outlined the critical points of courtroom advocacy. He has written this book like he tried his cases: no wasted

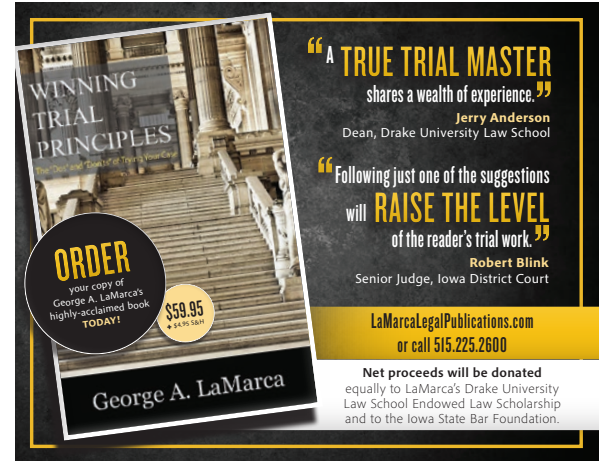
effort, no surplusage – just pointed suggestions. Focus. Focus. Focus.

In nearly 40 years of teaching trial advocacy at Drake Law School, I reminded students that the best courtroom advocate is like a surgeon: superb preparation, efficient presentation and a singular goal of caring for the person who needs help.

In his book, George shares the instruments of his trial surgery. They are universal. They will work in civil cases and criminal cases, jury trials and bench trials, federal cases and state cases and hearings of all types. There is not a wasted sentence in this work. Useful information is neatly, but densely, spread across each page. This is a teaching book, a how-to-do-it book, authored by a fellow who has done it at the highest level for decades. Following just one of the suggestions will unquestionably raise the level of the reader’s trial work.

For what it is worth, I have seen these techniques used to one degree or another by every quality courtroom advocate I have met in my 20 years as a trial lawyer and 25 years as a trial judge. Here are but a few of the foundational observations George makes: find a “moral imperative” in your client’s case, be an engaging storyteller, persuade with simplicity and be efficient in educating the fact-finder.

Winning Trial Principles takes these



premises and applies them to each rudiment of trial, from selecting a jury, to preparing a client for trial and examination.

I have no vested interest in this book. I don’t even know what it costs. I share these thoughts with you because George and I share one important thing in common: We are both committed to the art of advocacy. Follow the teachings of his book and your advocacy will improve. And when that happens, the judicial system works better and the public is better served. What more could a lawyer ask for?

Robert J. Blink is a senior judge in Judicial District 5C. When he's not working as a senior judge, he spends much of his time in his woodworking shop in West Des Moines.



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Senior Counsel – TrueNorth Companies, Cedar Rapids, IA – TrueNorth, an Insurance and Financial Strategies firm, has an immediate opening for a senior counsel to support our legal team in Cedar Rapids. The primary responsibility of the senior counsel is to represent TrueNorth Companies on various matters by advising stakeholders within the organization on the legal and financial implications of business-related transactions, drafting legal entity documents, asset and equity transaction documents and other legal documents, and reviewing and advising on varied vendor arrangements and documents. *To apply, visit <https://careers.iowabar.org/jobs/13747633/senior-counsel>.*

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Legal Counsel – Legislative Services Agency, Des Moines, IA - Effective immediately, applications are being taken by the nonpartisan Legislative Services Agency for the position of legal counsel. Applicants should send a resume and cover letter to the Director, Legislative Services Agency, State Capitol, Des Moines, Iowa 50319, online at <https://www.legis.iowa.gov/careers>. The Legislative Services Agency is an equal opportunity employer. Applications must be received by Sept. 8, 2020.

Associate Attorney – Timmer & Judkins, West Des Moines, IA – Timmer & Judkins, a West Des Moines-based plaintiff's employment

litigation firm, seeks an associate attorney with 0 – 2 years of experience. *Send resume and writing sample to apply@timmerjudkins.com for immediate consideration.*

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Associate Attorney – SouthLaw, P.C., West Des Moines, IA – SouthLaw, P.C., a nationally recognized leader in the mortgage banking and creditor's rights industry, seeks an energetic, highly-motivated and results-oriented attorney who is interested in working in an environment which demands legal reasoning, independent thought and creative problem solving. *To apply, visit <https://careers.iowabar.org/jobs/13812376/associate-attorney>.*

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Attorney – Personal Injury Law – Franklin D. Azar & Associates, Aurora, CO - Franklin D. Azar & Associates, P.C. is the largest personal injury plaintiffs firm in Colorado and has represented thousands of people entitled to recover damages from injuries in all types of accidents, from dangerous and defective products, and from employers not paying adequate wages. *To apply, visit <https://careers.iowabar.org/jobs/13826911/attorney-personal-injury-law>.*

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Associate Attorney – Brekken, Wynia & Hyland, P.C., Story City, IA - A well-established general practice law firm in Story City is looking to add the right candidate as a full-time associate attorney with the intention of fostering a long-term relationship. Our practice involves a wide range of opportunities in the areas of estate and business planning, business transactions, corporate, probate, tax and real estate. Cover letter and resume with references requested. *Please send to jhyland@brekkenlawoffice.com.*

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MEDIATION – Former Justice Michael J. Streit who served for over 27 years on the bench is offering mediation and arbitration services. Streit was appointed as a district court judge in 1983 where he served the Fifth Judicial District. In 1996 he was appointed to the Iowa Court of Appeals and in 2001 to the Iowa Supreme Court where he served until 2010. For information and scheduling please call 515-244-3500 or 515-247-4708.

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Spotlight ON Service

JENNIFER AND JESSICA ZUPP AND THE DENISON MINI GOLF REHAB PROJECT

It was a visit from grandma, and a bit of nostalgia, that sparked a year-long community project for Denison attorneys Jennifer and Jessica Zupp.

The Denison Mini Golf Course Rehab Project began as an idea when the Zupps' mom and dad wanted to take their grandkids to Denison's mini-golf course.

"Our mom had a mini golf course behind her home growing up, so she wanted to enjoy some nostalgia with the kids," Jennifer explained. "When we picked up my son, Jack, later that day, she commented about the state of disrepair of the course. I had never really noticed, because sometimes we get apathetic with busy lives, but when I stopped to think about it, I agreed with her. I figured that if we got a lot of people together and some donations, we could probably get it cleaned up at least, and made-over at best."

Jennifer got to work, first making sure her husband, who owns a concrete company and whose services she would need to enlist,

and her law partner, Jessica, were on board. They contacted the Denison Parks and Rec Director to ask if they could start fundraising immediately.

From there, Jennifer said she treated it like any case she was handling: "You do whatever it takes. We started by forming a small working committee including me, Jessica, the Parks and Rec director, a city council person and a Parks and Rec board member. The committee met at our office and decided to seek hole sponsors for \$1,000 each. We were able to obtain sponsorships for all 18 holes, plus an additional \$4,000+ in cash donations from individuals, groups and businesses."

That group, led by the Zupps, set their sights on a total rehab: new concrete, new picnic tables, new turf, new course obstacles, new balls, clubs and improved landscaping, including repair of some of the old features. They kept project costs low by organizing volunteers on Facebook to provide most of the labor. The first "work night" was held Aug. 26, 2019, and from there the group averaged two to three evenings per week where they met and worked on site. After winter, they picked up again in mid-March with thousands of free labor hours volunteered from members of the community.

"We have splurged on a couple of items, like good-quality blue turf for the course

holes and two heavy-duty cantilever umbrellas to provide a place for families to have a birthday party for a little one, or just catch some shade for a while," Jessica said.

The completely revamped mini golf course had its grand opening on Aug. 7, with the mayor of Denison joining to officially cut the ribbon. The city is charging the same admission price as before to pay for the ongoing maintenance, \$2 per round, and the course is available for private event rental. It's a new attraction for Denison – spearheaded by two local attorneys who just wanted to do something nice for their community.

"Ultimately, we all want it to be a place where kids can go, make memories, have fun and be safe," Jennifer said. "Were it not for the willing and generous spirit of many people and businesses in the community, the project simply would not have happened. We are very proud to be a part of it."



Jessica Zupp (center, with broom) is pictured on one of the "work nights." The majority of rehab work was done by community volunteers during the evenings.



The Denison mayor (right) participated in the grand opening ribbon cutting on Aug. 7. Jennifer Zupp is pictured on the left.



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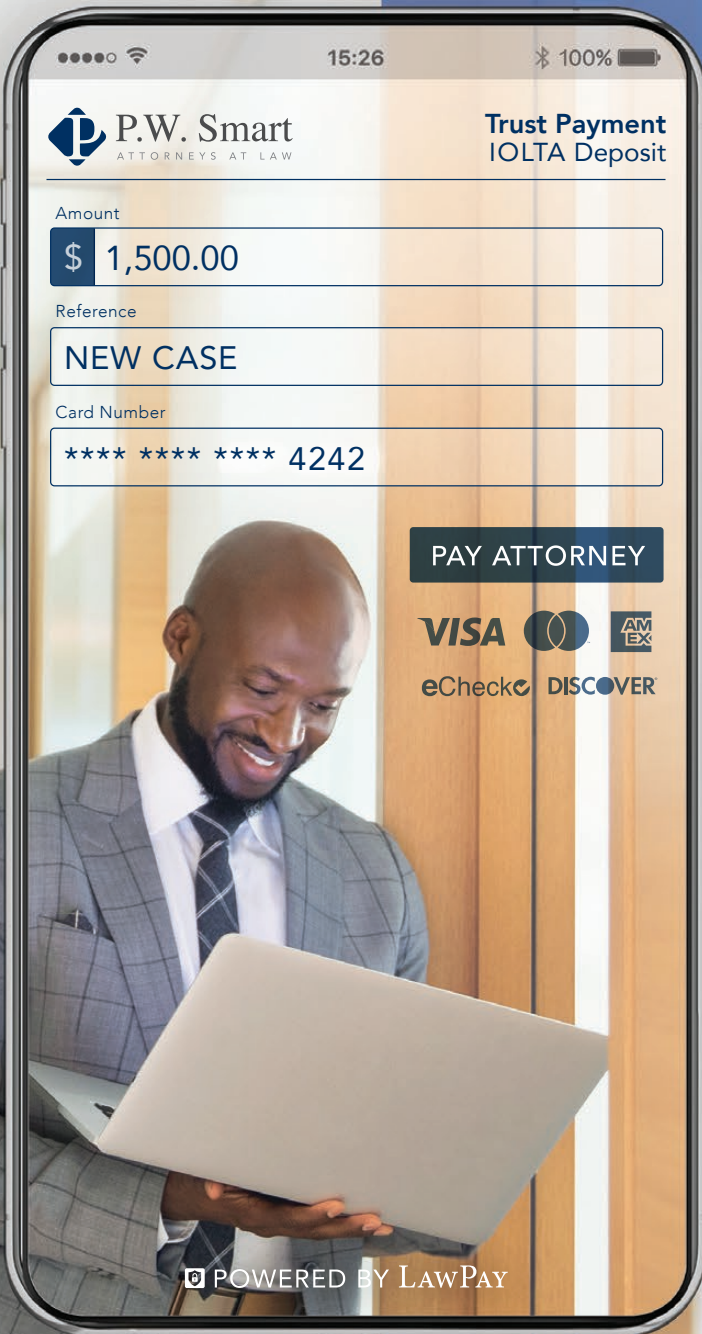
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