



THE

IOWA LAWYER

Volume 77 Number 2 March 2017

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*“Protecting a musical legacy
is as important as the
creation of it.”*

- Brandon W. Clark

*Copyright, Entertainment and
Media Law*



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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 and manuscripts 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 a make a determination of suitability for publication. Email all submissions to communications@iowabar.org in Microsoft Word format.

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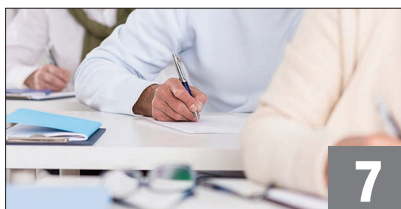
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ABOUT THE COVER

Iowa has three delegates representing the state during the ABA House of Delegates meetings that occur twice per year. On page 6, you will learn how Jane Lorentzen, David L. Brown and Alan Olson are serving the legal profession on a national stage, and about a recent controversial ABA proposal regarding bar exam passage standards for law schools.

The Iowa State Bar Association congratulates:

Des Moines-area members who appeared on the Business Record's Forty Under 40 list:

- **Nathan Boulton** – Partner at Hedberg & Boulton P.C. and an Iowa State Senator
- **Marina Grabchuk** – Attorney at Belin McCormick P.C.
- **Karen Karr** – Attorney at BrownWinick PLC
- **Joshua Mandelbaum** – Environmental Law and Policy Center
- **Eldwin (Charlie) Nichols** – Counsel at The Principal Financial Group
- **William Scales** – Member attorney at Whitfield & Eddy PLC
- **Maggie White** – Staff attorney at EMC Insurance Companies

Brandon W. Clark, chair of the Copyright, Entertainment and Media Law Practice Group at McKee, Voorhees & Sease, P.L.C. in Des Moines, for being selected for the "Industry Supporter of the Year" Award by the Greater Des Moines Music Coalition. Clark is a 2010 graduate of Drake University Law School, where he now also serves as an adjunct professor. He represents a wide variety of clients, including artists, songwriters, producers and record labels.

McKee, Voorhees & Sease, P.L.C., for being selected for the 2016 Des Moines Small Business Excellence Award in the lawyers' classification, by the Des Moines Small Business Excellence Award Program. MVS practices in intellectual property rights through patents, trademark and copyright registrations worldwide; represents clients in transactional work such as licensing when these rights are transferred; and litigates when these rights are involved in controversy.

CORRECTION

On page 13 of the February 2017 issue of *The Iowa Lawyer*, State Representative Rick Olson (D-Des Moines) was listed as serving on the Polk County Magistrate Appointing Commission. He no longer serves on this commission.

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Arnold “Skip” Kenyon III

is in-house counsel at the Iowa State Savings Bank in Creston and head of the trust department.

Flag on the play: In defense of the judiciary

No matter your political beliefs, there can be no doubt that we are living in incredibly polarized times. Friends and family, whether Republican, Democrat, Libertarian or Green Party members, have all commented on the erosion of basic civility in public discourse. I certainly share their concerns. But as an attorney, I also know that we are the world’s longest-running republic because our founding fathers took great pains to craft a durable system.

Frequently, this system is described in nebulous terms, such as “checks and balances.” I find it more useful to think of it as

dynamic tension. Our three branches of government—executive, legislative and judicial—were created as coequal institutions. The executive branch has some unilateral authority and an army at its command, but must defer to legislators on larger policy questions, and to fund that army. The legislative branch has much more policy-making authority than the executive branch. It can also hedge presidential initiatives through the power of the purse. But it cannot use the armed forces to implement its will. Meanwhile, the judicial branch controls neither our coffers nor our military. It has the authority to strike down any moves by the other two branches to unconstitutionally limit our freedoms.

That’s Civics 101. What many people don’t realize, however, is that our government operates entirely on an honor system. Traditionally, our congressmen and senators have understood that for our government to function as intended, they should not engineer a military coup if they don’t like the president, or attempt to financially starve the Supreme Court out of existence if they don’t like a ruling. Our Supreme Court justices have understood that they should not comment on policy until they are presented with a constitutional question. And our president has understood that despite any differences he might have with Congress or the Supreme Court, he should acknowledge the legitimacy of these institutions.

Unfortunately, we are beginning to see this baseline understanding erode along with our political civility. Disagreement is not just healthy—it’s essential to the functioning of a fair and just system. In fact, the founding fathers designed this republic to be fueled by argument. But no matter our political beliefs, it is incumbent upon us as attorneys to vociferously defend the role of the courts at all levels of government. We have witnessed disputes, argued merits, defended clients; we understand that fair, impartial courts keep the structure of our government strong.

Take sports—we are fiercely loyal to our team, to our favorite players in the game. But no sports fan really likes referees. When there are tough calls to be made, one side is always unhappy. Although refs strive for fairness, they sometimes make questionable, or outright bad, calls. But without a referee, it’s not a game—it’s a melee. That’s the role judges and justices play in our democratic system. You might agree or disagree with individual calls. Just as a sports fan might think a ref is “blind,” we might question an individual justice’s understanding of the Constitution. But at the same time, these jurists are essential to upholding “fair play” in our system.

Regardless of your training or career path, a period of great social change creates an emotionally charged uncertainty about the future. And it is in times like these that trust in a fully legitimate, fair-minded judicial system is needed the most.

Thank you for allowing me to serve.

Arnold O. Kenyon, III
President, The Iowa State Bar Association
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“Without a referee, it’s not a game—it’s a melee. That’s the role judges and justices play in our democratic system.”

ABA rejects changes to bar passage standards for law schools

From the American Bar Association

The American Bar Association House of Delegates rejected a major change in the bar passage standard for ABA-accredited law schools at its recent midyear meeting on Feb. 7.

The proposal from the Council of the ABA Section of Legal Education and Admissions to the Bar failed on a divided voice vote. The change would have simplified and strengthened the bar passage rate – considered a measure of the quality of a law school education – by requiring that ABA-approved law schools have 75 percent of its graduates who take the bar exam pass it within two years of graduation.

The House action on Resolution 110B followed more than an hour of debate, and reflected the national debate in legal education for striking the best balance between goals of diversity in the profession and consumer protection of students. The ABA sets standards and accredits more than 200 law schools. Both the schools and ABA, because of its singular national accreditation role, are being criticized for enrolling and graduating too many law students who cannot pass the bar exam, and who leave law school with significant debt.

Under ABA rules, the proposed change goes back to the council for consideration and can be brought up one more time to the House. Regardless of the outcome of that potential action, the council has the final decision on how to proceed.



The House of Delegates gathered in Miami, FL on Feb. 7. Photo provided by the American Bar Association Communications Division.

What is the ABA House of Delegates?

The control and administration of the American Bar Association is vested in the House of Delegates, the policy-making body of the association. The House meets twice each year, at ABA Annual and Midyear Meetings. At each meeting, the House considers and adopts new policy resolutions on a broad range of issues related to the legal profession. The House was established in 1936 and currently consists of nearly 600 members. There are more than 400,000 ABA members nationwide.

Meet Iowa's ABA Delegates



David L. Brown
David is an attorney practicing primarily in professional negligence, commercial torts and general liability at Hansen, McClintock & Riley in Des Moines. He has been a member of the ABA House of Delegates since 1997, but first became involved with the ABA as a law student in the 1970s.



Alan O. Olson
Alan is a personal injury and medical malpractice attorney and managing partner/owner at Olson Law Office, P.C. in Des Moines. He has been an ABA bar delegate since 2006.



Jane V. Lorentzen
Jane is an attorney specializing in workers' compensation at Hopkins & Huebner, P.C. in Des Moines. She has been a member of the ABA House of Delegates since 2015 and is a past president of The Iowa State Bar Association.

“Our current ABA team discusses the important issues going before the House of Delegates in order that we have a consensus when we vote on pending resolutions. Other delegations from other states that have many more delegates come to us for guidance and leadership. It truly is an honor to serve on the national legal stage representing Iowa.”

***-David L. Brown,
Iowa ABA Delegate***

** The Iowa delegation voted in opposition to the bar passage standard proposal.*

Clearing the final hurdle: Law schools and the Bar Exam

The concept of “passing the bar” goes back to early English courts, in which a wooden barrier separated the audience from the officers of the court. In the early Inns of Court, those who were training to be lawyers were “called to the bar” in order to receive instruction from the barristers. Later, passing the bar referred to those who were permitted to cross over this barrier and engage in the practice of law.

The form of the qualification has changed over the centuries, but the problem remains the same: How can we ensure that those who practice law have sufficient competence. In Iowa, many practitioners remember the “good old days” when Iowa lawyers drafted the entire exam – all essay, of course. The exams were all graded immediately and those who passed were sworn in on Friday the same week. This was truly a remarkable process, but even those overcome by nostalgia will admit the old system had significant drawbacks.

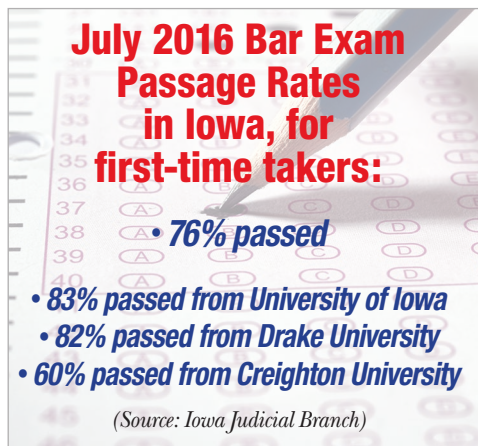
Today, Iowa bar applicants take the Uniform Bar Exam, which has the advantage of being accepted by 26 jurisdictions, making bar admission much more portable. It’s not perfect either, of course. Its multi-state nature means that applicants do not study Iowa law specifically, but rather the general principles of law in effect in most jurisdictions. Instead of finding out whether you passed the day after you finish, Iowa examinees must now wait approximately eight weeks to receive results and be sworn in. This delay can cost budding practitioners quite a bit of money as they wait to start their careers.

There may be ways we can lessen those drawbacks. The Iowa Supreme Court, along with the Iowa Board of Bar Examiners, is actively exploring ideas to improve the system. One idea, for example, is to add an Iowa-specific online test that a student could take multiple times, until he or she exhibits mastery of the subject. The idea would be to ensure that every Iowa practitioner knows the basics of Iowa law, rather than trying to weed out incompetent practitioners.

From the law schools’ perspective, perhaps the biggest issue on the horizon is

the impact of the ABA’s greater scrutiny of bar passage rates. In February, the ABA House of Delegates rejected a proposal to require 75 percent of a law school’s graduates to pass a bar exam within two years. Clearly, however, the issue will arise again as there is much support for holding law schools accountable for poor bar pass rates.

The ABA’s interest in a tougher revised standard raises a larger question: What role should the accrediting body play in ensuring that law schools adequately prepare students for the final hurdle of bar passage? Why is the ABA considering tightening the standard now?



The desire to get tougher regarding bar passage rates arises from a genuine concern about quality control. Consider this: The number of applicants to ABA-accredited law schools dropped from a peak of over 100,000 for the entering class of Fall 2004 to just over 54,500 applicants for Fall 2015, the lowest total since 1972. That may not sound too significant until you consider that there are now 52 more accredited law schools than there were in 1972 (1972 – 149 schools; 2015 – 201 schools, an increase of about 35 percent). As a result, some schools are dipping deeper into the applicant pool than ever before to fill their classes.

It is not surprising, therefore, that the ABA is taking a greater interest in making sure that law schools are not accepting students who have little chance to qualify to practice law. The ABA rightly wants to crack down on law schools that

Authors



Jerry L. Anderson, Dean and Richard M. and Anita Calkins Distinguished Professor of Law, Drake University Law School



Erin E. Lee Schneider, Director of Academic Success, Drake University Law School

accept virtually any student, allow them to build up huge amounts of debt and then send them out to almost certain bar failure, as well as dismal job prospects.

Exactly how to accomplish that greater oversight is open to legitimate debate. Setting one national 75 percent standard for bar passage raises fairness concerns,

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because some jurisdictions have very high threshold scores for bar passage, while other jurisdictions are more lenient. There are concerns that the standard may discourage law schools from looking beyond mediocre LSAT scores to admit those who may bring other desirable qualities to the law school and to the profession.

Regardless of how the ABA's new requirement plays out, law schools need to pay much more attention to ensuring that students clear the final hurdle to law practice. Historically, law schools have treated bar preparation as something that was "beneath" the high-minded, scholarly-oriented mission of an academic institution. Students therefore have had to rely almost completely on private companies to prepare them for the bar.

At Drake Law School, we believe that it is our responsibility to create a culture of bar readiness from the first day of orientation until our graduates are sworn in to the bar. To reach our bar exam success goals, our faculty, staff, alumnae and students must be part of our team. Our faculty and staff have committed to bar exam success, led in recent years by Assistant Dean of Student Services, Erin Lain. Through a generous grant from the Iowa State Bar School, Inc, we brought Director of Academic Success Erin Lee Schneider to the team in September 2016. Our Bulldog Bar Prep Program, a series of review sessions in the weeks leading up to the bar exam, taught in-person by



Drake Law School, pictured here, had an 82 percent bar passage rate for first-time takers in July 2016.

Drake Law faculty, is a useful resource for our recent alumnae. Many faculty members have found innovative ways to incorporate bar exam-style questions into their course curriculum.

Drake Law's orientation programming provides our entering students with an introduction to the learning techniques supported by education scholars, designed to ensure that the information learned their first year stays with them well into practice. 1Ls receive academic support and review of the most challenging first-year legal concepts through our Integrated Study Group program. Beginning this spring, 2Ls will be encouraged to participate in a bar exam readiness assessment. We hope that the assessment informs our students' course selections and bar preparation plan during their


remaining semesters.

Drake Law's bar preparation course, designed by Dean Lain and Professor Schneider, focuses on review of bar exam subjects, exam skill building and significant essay and multiple choice practice. Students in this course also receive one-on-one support to identify their potential academic and personal barriers to bar exam success.

Personal barriers to bar exam success can be significant and we are trying to find innovative ways to help students address them. Looking to next year, we hope to provide support to our graduates in the areas of food security, mental health treatment access, child care, managing personal relationships and tools to remain physically healthy during their study period. We plan to invite our alumni and friends to support our examinees through mentoring, as well as providing financial support for Drake Law bar exam programming. It is also essential that Iowa employers recognize the need for examinees to study full-time during their bar exam preparation period.

Bar examination pass rates will continue to be a hot topic for law schools and the legal community in the years to come. Drake Law School will continue to explore ways to build a culture of bar readiness. We understand that our responsibility includes doing all we can to help students clear the final hurdle.

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Survey shows young lawyers support early 3L testing, citing cost of legal education

By Kyle Fry, Staff Attorney at American Equity Investment Life Insurance Company and a 2011 graduate of Drake University Law School

**Views expressed in this article belong solely to the author.*

Iowa's young attorneys support a proposal that would provide third-year law students the opportunity to take the bar exam prior to their graduation.

A January survey sent to members of the ISBA's Young Lawyers Division found that 78 percent of respondents favor 3L testing. The survey tied the proposal to the issue of student debt. Third-year bar testing could allow graduates to avoid expensive bar prep courses and enter the workforce at graduation, rather than studying for the exam for months and waiting longer for exam results.

Of the 256 survey respondents, 199 support allowing third-year law students to take the bar exam in the February prior to their expected May graduation. Another question asked the same group whether they graduated law school with more than \$50,000 in student loan debt. Some 196 lawyers, or 76 percent, said they did.

In September 2014, the Iowa Supreme Court declined to adopt the diploma privilege, which would have allowed graduates of Iowa's two law schools to become Iowa lawyers without taking the bar exam.¹ At the same time, the court asked the Iowa Board of Law Examiners to explore the Uniform Bar Exam and 3L testing. Iowa adopted the UBE in August 2015.²

In a July 2016 report, the Board of Law Examiners recommended that the court "give strong consideration to adopting 3L testing for Iowa students." The report cited the recent success of a 3L testing pilot program in Arizona.

3L testing in Arizona

Faculty at the University of Arizona College of Law generated the 3L testing idea in 2011. Other states, such as Georgia, had tried 3L testing in the 1990s without success. In a 2013 article, a dean and a professor at Arizona Law cited several reasons for proposing a 3L testing program: "the cost of legal education, an increasingly complex and tight job market, the persistent critique that law schools do not pay enough at-

YLD membership survey

78% support allowing 3Ls to sit for exam early

54% would have considered taking exam early

44% relied on loans between graduation and passing bar



tention to producing graduates who are ready to practice law and doubts about the distinctive purpose and value of the third year of law school."³

The University of Arizona has changed its approach to the third year of law school, in part to accommodate 3L testing. According to the school's website:

Under the early bar plan, the first semester of the third year does not change. After finals in December, students prepare for the bar in January and February, and take a specially-created writing class to assist them with essay practice. After the exam, students spend eight to 10 weeks in an intensive 'theory-to-practice' residency, a capstone program that explores practice-oriented topics including: serving the needs of clients, applied ethics and professionalism, cutting-edge issues in law and policy, the economics of modern legal practice, and issues at the intersection of doctrine and practice.⁴

For third-year students who do not want to take the February bar exam, the traditional curriculum is available.

The University of Arizona cites several advantages for students who take the February exam. These students enter the legal job market sooner, avoid the costs associated with post-graduate bar study, and have the option of taking another state's exam in July or transfer-

ring their score to another UBE state to begin practicing while that state's law students are still awaiting their exam results (including Iowa).

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In December 2012, The Arizona Supreme Court approved a pilot program to allow law school students to take the bar exam in the February of their 3L year, the first state to do so. The rule change became permanent Jan. 1, 2017.



The number of first-time February exam-takers in Arizona increased from 185 in 2011 to 257 in 2016. According to the Arizona Board of Law Examiners' report, 29 of those 257 students were third-year law students. Twenty-one of the 29 3Ls, or 72 percent, passed the February bar exam last year (the overall pass rate for first-time applicants was 61.1 percent). February exam pass rates for first-time applicants in the years immediately preceding the rule change were 73.6 percent (2010), 68.6 percent (2009) and 72.8 percent (2008).

The Arizona Supreme Court approved the pilot program in late 2012 by modifying a court rule. The amended rule allows students to sit for the bar exam if, among other requirements, the students are expected to graduate within 120 days of the day they sit for the exam. At the request of Arizona's law schools, the Arizona Supreme Court made the rule change permanent, effective Jan. 1, 2017.

Iowa Rule 31.8 currently prohibits third-year law students from sitting for the bar exam unless they are expected to graduate within 45 days.

YLD survey responses

The YLD survey connected 3L testing to student debt in several ways. First, many students take a 10-week bar review course offered by companies like BarBri and Kaplan. BarBri costs students \$3,995 and Kaplan costs \$999, and bar prep was considered a full-time job by numerous survey respondents. Some graduates take out expensive private gap loans to cover this and other living expenses because their student loan money ended at graduation.

Second, everyone who takes the Iowa bar exam in July has to wait at least

six weeks for their exam results. This timetable is inflexible due to scoring of the multi-state portion of the exam. This means recent graduates typically must wait four to five months before becoming an Iowa lawyer.

While 78 percent of survey respondents support 3L testing, they also offered a wide range of comments about the legal education. The survey responses were anonymous.

Some of the survey respondents who oppose 3L testing said that the third-year curriculum was a valuable part of their legal education and should not be changed. Other respondents said they did not want to see the third year of law school turned into a bar review course. Still others said they did not see 3L testing as a viable solution to the problem of student debt.

Of those who support the change, many wrote that bigger changes are necessary to address the student debt problem. One respondent wrote, "I understand that law school debt is an important matter, but allowing law students to sit for the bar exam early does not get to the heart of the matter. In fact, such an action would only serve to delay or postpone the conversation that should be had concerning the tuition costs associated with legal education."

Another respondent wrote about graduating with \$180,000 in debt, even after accepting more than \$60,000 in scholarships and working during law school. The person earns \$45,000 a year as an attorney and said: "These outcomes are not acceptable. The bar and the Iowa Supreme Court must do something about this."

Costs

Consider an in-state law student graduating this coming May who received a Direct Unsubsidized Loan at a blended interest rate of 5.81 percent for each year of law school and who has incurred \$100,000 in law school loans. The student would incur an additional 1.936 percent in interest on the principal (or \$1,936.67) solely due to the delay in time from graduation to the date he or she is presumptively sworn in as an Iowa attorney. Assuming a 10-year repayment plan, the student would pay a total of \$2,593.20 solely tied to this passage of time.

A law student who could take the exam in February of their 3L year would also be able to begin earning an income and avoid taking any gap loans to cover living and bar exam studying costs. This would result in a five-figure savings for the student.

Given the associated costs and overwhelmingly supportive response from young attorneys, the YLD has invited the deans and faculty of Creighton, Drake and Iowa law schools to further discuss this and other options to reduce costs for law students.

¹ <http://www.iowacourts.gov/wfdata/frame9042-1263/File195.pdf>

² <http://www.ncbex.org/news/iowa-adopts-the-uniform-bar-examination-ube/>

³ http://www.ncbex.org/assets/media_files/Bar-Examiner/articles/2013/820313RiderMiller.pdf

⁴ <https://law.arizona.edu/february-bar-exam>

⁵ https://c.ymcdn.com/sites/iowabar.site-ym.com/resource/resmgr/IA_Lawyer_Weekly/2013_Dec_Board_Meeting_mate.pdf

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Honoring an Iowa LawPAC commitment

The Skinner family continues to fulfill the pledge made two years ago by its patriarch before his death

By Steve Boeckman, Communications Director, Emeritus



Ed Skinner passed away in January 2015.

The Skinner family of Altoona defies the often-occurring practice of ignoring commitments once the person who made them dies.

Shortly before his death in January 2015, Ed Skinner committed to writing a personal check for \$2,500 each year for five years to Iowa LawPAC. The commitment was made in response to a 2014 initiative by the Iowa LawPAC Committee asking donors to pledge a contribution of \$500 per year for five years. Ed's commitment covered the Skinner family.

In mid-November, Ed's widow, Lois, wrote the \$2,500 check for 2016. It was the third payment of the

five in Ed's original commitment.

"If Ed committed to something – an issue or a project – he made sure it came to fruition," Lois says. "All I know is he told us we had to take care of that."

And, very likely, the contributions will continue after the five years are up. As daughter, Geri Huser, explains: "Our commitment to the legal profession isn't going to end just because our dad's pledge is fulfilled."

Lois adds: "We want to follow through with Ed's commitment, and I'm sure he would have gone ahead after five years."

Ed's love for, and commitment to, LawPAC is legendary. In addition to his financial commitment, he devoted hundreds of hours of his time to serve on the Iowa LawPAC board off and on for many years. The former two-term Iowa House representative (1968-1972), longtime Iowa Democratic Party leader and philanthropist saw Iowa LawPAC as helping to accomplish what The Iowa State Bar Association does for the general public.

In an article published in the December 2014 Iowa Lawyer, he said that the purpose of LawPAC is "to provide creditability and education to the general assembly" so the legislative proposals developed by volunteers on the ISBA's various sections and approved by the board of governors to address legal issues affecting citizens can be adopted into rules and laws for the governance of the state.

His family – Lois, Geri, son Brad and granddaughter Kelli – share Ed's passion for encouraging more lawyers to run for the legislature, and the benefits he saw from having lawyers involved in writing laws. As Brad puts it: "Lawyers know both sides of an issue when putting a law together because of their training and their experience practicing law." He believes that is a valuable trait whenever there is disagreement over how to address an issue.

"It has to do with the knowledge that attorneys bring to the legislature when writing the laws and explaining to individuals



The Skinner family (from left) Kelli, Brad, Lois and Geri.

who aren't part of the legal community what the terms mean," says Geri, who served seven terms in the Iowa House, and currently chairs the Iowa Utilities Board. "If you don't have lawyers there interpreting the Iowa code, or providing interpretations, it becomes problematic."

"Lawyers provide a different perspective when reading and interpreting statutes and understanding the impact they have on all parties," she adds. "It's important to have attorneys in the legislature, but it's also important to have other professions, obviously."

Ed was well known for his bull-dog-like tendencies to stick with issues he believed in until they were completed. "Fight" is the word Kelli uses to describe her grandfather's approach. "Support" is the more politically correct word her mother, Geri, suggests.

One reason Ed liked Iowa LawPAC so much was its bipartisan makeup, according to Geri. It was about attorneys, not about politics.

Iowa LawPAC contributes money to candidates for the Iowa Legislature, regardless of political party, who support the ISBA's initiatives. Preference is given to candidates who are lawyers. The PAC is governed by a board made up equally of directors from the state's Democratic and Republican parties.

The Skinner family hopes that continuing to fulfill the pledge Ed made two years ago will encourage other attorneys to contribute to Iowa LawPAC.

As Lois explains: "We're hoping more attorneys will feel that they should contribute because it benefits their clients, whatever bills might be passed."



Henderson is a member of Whitfield & Eddy, P.L.C., in Des Moines

Learn more about Iowa LawPAC

By Thomas Henderson Chair, Iowa LawPAC

In 1982, The Iowa State Board of Governors established a voluntary, nonprofit, unincorporated committee of individual lawyers and others not affiliated with any political party. The committee was named the Iowa Lawyers' Political Action Committee (Iowa LawPAC).

According to its bylaws, which were most recently amended in 2011, the committee's purposes in part are to:

- Promote and strive for the improvement of government by encouraging lawyers and others to take a more active role in governmental affairs;
- Encourage lawyers and others to understand the nature and actions of their government;
 - Assist lawyers and others in organizing themselves for more effective political action in carrying out their civic responsibilities;
 - Support officially adopted policies of the ISBA;
 - Provide financial support to individual candidates for nomination or election to legislative offices in the state;
 - Restrict all activities to the promotion of the legal profession in Iowa.



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Who is on the Iowa LawPAC Board and how is the board appointed?

The board consists of 10 members appointed by the ISBA President. It is independent from The Iowa State Bar Association Board of Governors. There are an equal number of Republican and Democrat board members. Members are selected from all areas of the state so that the board can call on each member's regional knowledge of candidates.

To whom does Iowa LawPAC give money?

Iowa LawPAC contributes only to state legislative races – Iowa House and Senate candidates. It does not give to Congressional races. And, it does not give to statewide races such as those involving the governor or attorney general.

How does Iowa LawPAC select the individuals who receive money?

LawPAC's first priority is to support lawyer-legislative candidates, especially those who are members of The Iowa State Bar Association and have supported LawPAC prior to running for

office. The next priority is to legislative candidates who have been supportive of the bar's legislative efforts in the past, or have indicated support for these efforts as a first-time candidate. LawPAC especially appreciates recommendations for contributions that come from ISBA members on a candidate's behalf. If you know of legislators or legislative candidates who deserve our support, please let us know.

How do ISBA legislative policies fit in with the operation of Iowa LawPAC?

The Iowa State Bar Association Board of Governors determines the legislative policies of the Iowa Bar. Iowa LawPAC deals only with contributions to political candidates and does not make legislative policy. However, it takes into consideration a candidate's prior support for the ISBA's legislative priorities.

What is a typical Iowa LawPAC contribution to a legislator?

Amounts of \$1,000 to \$2,000 would be a significant contribution to lawyer-legislative candidates. LawPAC would also make significant contributions to the House and Senate leadership of both parties from \$500 to \$1,000 or \$2,000,

regardless of political affiliation. Many contributions are made to candidates in the amount of \$100 to \$200. It is dependent upon whether the candidate has a significant race, where he or she is located, what legislative committees the individual is serving on and if a local lawyer has suggested support.

What is the level of LawPAC participation among ISBA members?

The participation rate by ISBA members is approximately 15


percent. PACS are prohibited from accepting corporate contributions, and payments have to be made by individuals.

To learn more about how to donate, go to <http://www.iowabar.org/WhatIsLawPAC>.

You may also fill out this form below to send in a donation.

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IOWA STATE BAR ASSOCIATION — 2017 Affirmative Legislative Program

Bill No./Subject	Description	Status
SF 221/HF62 Benefit Corporations	Amends IA Business Corporation Act (Chapter 490) to authorize formation of "Benefit Corporations", which are formed not only for the purpose of shareholder profitability but also for a social purpose or public benefit.	Assigned to Senate Subcommittee 2/14/17.
HF 252 Calculation of Probate Court Costs	Relates to how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court costs property over which the court lacks probate jurisdiction and for which the clerk renders no services. Specifies that for purposes of calculating the costs for other services performed by the court in the settlement of the estate of any decedent, minor, person with mental illness, or other persons laboring under legal disability, the value of such a person's personal property and real estate is equal to the gross assets of the estate listed in the probate inventory minus, unless the proceeds of the gross assets are payable to the estate, joint tenancy property, transfers made during such person's lifetime such as to a revocable trust, and assets payable to beneficiaries.	Passed House Judiciary Committee on 2/01. Referred to Ways and Means Committee.
SSB 1086 Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA)	Adopted by the Uniform Law Commissioners in July 2014, the Act ensures that legally appointed fiduciaries can access, delete, preserve, and pass along a person's digital assets (i.e., documents, photographs, e-mail, and social media accounts) as appropriate.	Passed Senate Judiciary Subcommittee 2/15/17.
Probate 3 Iowa Department of Revenue Inheritance Tax Withholding	Provides for mandatory withholding of Iowa inheritance tax from joint tenancy, payable on death, transfer on death and other assets transferable to non-exempt persons through use of a withholding form developed with the Iowa Department of Revenue.	
HF 135 Waiver of Spousal Share	Amends the Iowa Uniform Power of Attorney Act by adding a new subsection (10) to 633B.204 to clarify that an agent under a power of attorney may waive or relinquish a spousal right, homestead, and elective share if the principal has granted the agent Gen. Powers under the real property section 204 to 633B.	Passed out of Judiciary 1/30/17.
HF 183 Emergency Orders – Clarification of the Priority of Notice	Amends Iowa Code section 235B.19(3)(a) regarding notice requirements where an emergency order has been issued for protective services. The proposed amendment would clarify the priority of notice in such situations.	Passed House 98-0 2/14/17.
HF 184 Information to File a Small Probate Estate	The Petition to open a small probate estate (less than \$100,000) currently requires more information under section 635.2 than is required for a Petition to open a regular estate (above \$100,000). This legislation amends section 635.2 to keep the Petition information requirements for small estates consistent with those of a regular estate.	Passed House 98-0 2/14/17.
HF 195 Requests for Notice	Amends Iowa Code section 633.42 to allow for electronic notice to be provided in response to a request for notice filed and clarifies that no standing is granted.	Passed House 98-0 2/14/17.
HSB 31 Attorney Fees and Court Costs in Action to Quiet Title After Request for a Quitclaim Deed.	Updates Code Section 649.5, which relates to attorney fees and court costs for a party who succeeds in an action to quiet title and who requested a quitclaim deed from the party holding an apparent adverse interest prior to bringing the action to quiet title. Brings the dollar amounts closer to current market rates and maintains the moving party's ability to request attorney fees.	Passed House Judiciary Subcommittee 2/2/17.
HSB 63 Forcible Entry & Detainer Actions After Forfeiture of Real Estate Contracts	Makes changes to procedures for eviction after forfeiture of a real estate contract. Grants statutory authority under Code Chapter 648 for a vendor in a real estate installment contract to seek Forcible Entry & Detainer action against holdover vendee who fails to vacate after forfeiture proceedings are complete, while affording holdover vendees proper due process. Allows small claims magistrates to hold preliminary hearings in forfeiture cases and to enter judgments of removal only if the defendant defaults or appears and does not raise facts which would constitute a defense to eviction.	
Real Estate 3 Redemption from Tax Sale of Property Owned by Persons with Disabilities	Remedies issues arising from Iowa Court of Appeals decision <i>Firestone v. FT13</i> (Filed 4-30-14) relating to redemption issues arising from ownership of property by minors or persons of unsound mind.	
Real Estate 4 Requirements for Timely Filing of Releases or Satisfactions of Mortgages	Remedies ambiguities and inconsistencies in existing statutes & provides remedies for failure of mortgagees to issue releases of mortgages.	
HF 133 Clarification of Roles in Child Representation	Amends Code Section 598.12 to clarify roles of child's attorney, guardian ad litem, and custody investigator. Existing 598.12 provisions for child representation are not compliant with ABA standards for child representation.	Passed House 98-0 2/14/17.
SSB 1102 90-Day Waiting Period in Dissolutions Involving Collaborative Law	Amends Code Section 589.19 to add that a court may grant a divorce 90 days after the parties execute an agreement to participate in collaborative law. Currently, 598.19 requires a 90-day waiting period from the time of service of an original notice or acceptance of service is filed with the court before the court can grant a decree dissolving a marriage. Parties participating in collaborative divorce often do not file a petition or execute an acceptance of service until a final agreement has been reached.	Assigned to subcommittee 2/14/17.
HSB 30 Updates to Chapter 600B – Children in the Middle & Attorney's Fees in Contempt Cases Uniformity	A recent appellate court decision determined that the trial court could not award attorney fees in a contempt action pertaining to a chapter 600B contempt, but it would be allowed if the parties had been divorced under chapter 598. The legislation adds attorney fees to actions for contempt under chapter 600B. The other bill requires parents who were never married to each other but are involved in a child custody lawsuit to take the children in the middle class.	Passed House Judiciary Committee on 2/01/17.

Updated 2/17/17

In addition to these legislative proposals, the Iowa State Bar Association supports the following positions as a part of its 2017 Affirmative Legislative Program:

- Full funding of indigent defense and adoption of legislation providing for an automatic, periodic increase in indigent defense fees.
- Full funding of the Judicial Branch.
- Full funding for Legal Services.
- Funding for the IA Secretary of State's Office to include the creation of a revolving fund provided that the ISOS fees are increased to hold the general fund harmless.
- Full funding for the Office of Substitute Decision Maker to protect the interests of Iowans who have no one else to manage their financial and health care needs.
- Child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.
- Opposition to the legalization of title insurance.
Will monitor issues regarding lawyer abstracting under Iowa Title Guaranty.
- Opposition to absolute immunity legislation.

2017 ISBA Lawyer-Legislator Dinner



ISBA President Skip Kenyon seated with House Majority Leader Chris Hagenow at the 2017 Lawyer-Legislator dinner, hosted by the ISBA's legislative counsel team.



Rep. Chip Baltimore (R) speaks with ISBA President-Elect Stephen Eckley.



Pictured left-to-right: Sen. Nate Boulton (D), ISBA Past President Bill Scherle and Rep. Brian Meyer (D).

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The facts about caps on damages

Currently, Iowa law does not have a statutory damage cap that would limit the recovery of damages by an injured plaintiff. There has been discussion in the Statehouse about implementing a cap this legislative session.

ISBA Position:

The Iowa State Bar Association opposes arbitrary caps on damages, because every Iowa citizen should get the opportunity to have his or her case decided on its own merits. It is the ISBA's position that it should be up to a jury of the parties' peers to determine an appropriate award, based on the facts of the case.

Concerns:

1. It's a solution in search of a problem.

2. From 1994 to 2013, the amount of civil jury trials in Iowa decreased 63%. In 2013, Iowa had only 191 civil jury trials.
- There are several mechanisms already in place for inappropriate awards in Iowa to be invalidated or reduced.
- It has constitutionality concerns, based on arguments about violating equal protection, access to courts, right to jury trial and the separation of powers clause.
- Eight states have struck down statutorily enacted medical malpractice caps.
- Two states (Ohio and Oklahoma) have constitutional provisions not allowing for a limit on damages in wrongful death cases.
- Five states have provisions in their constitution that prohibit damage caps.

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Thanks to speakers

January

January 13, 2017

How To Do Unemployment Insurance Appeals (Live Webinar)
Sponsored by The Iowa State Bar Association Government Practice Section

Emily Chafa, UI Appeals Manager, Iowa Workforce Development, Unemployment Insurance Appeals Bureau

January 18, 2017

Some of the Lesser Known Secrets to Litigating Before the USPTO (Live Webinar)
Sponsored by The Iowa State Bar Association Intellectual Property Law Sections

Bernard J. Knight, Jr., McDermott Will & Emery LLP
Jason R. Sytsma, Shuttleworth & Ingersoll, PLC

February

February 17, 2017

2017 Environmental Law Seminar
Sponsored by The Iowa State Bar Association Environmental Law Section

Dave Cozad, Regional Counsel, Environmental Protection Agency
Ryan S. Fisher, Bradley & Riley, PC
Chuck Gipp, Director, Iowa DNR
Erin Herbold-Swalwel, Brick Gentry PC
Charles Hostetler, PDC Technical Services, Inc.
Judy Joyce, EarthView Environmental, Inc.

Eldon McAfee, Brick Gentry PC
Brian McCormac, BrownWinick PLC
Greg Sindt, Bolton & Menk, Inc.
Ed Tormey, General Counsel, Iowa Department of Natural Resources

February 22, 2017

Insider's Overview of 337 Investigations at the U.S. International Trade Commission (Live Webinar)
Sponsored by The Iowa State Bar Association Intellectual Property Law Section

Sarah Sladic, U.S. International Trade Commission, Office of Unfair Import Investigations
Jason Sytsma, Shuttleworth & Ingersoll, PLC

February 27, 2017

Update on Immigration for Corporate Counsel Commission (Live Webinar)
Sponsored by The Iowa State Bar Association Corporate Counsel Section

Lori Chesser, Davis Brown Law Firm
Elizabeth Van Arkel, Davis Brown Law Firm

February 28, 2017

Technological Competence – Rule 32 (Live Webinar)
Sponsored by The Iowa State Bar Association Government Practice Section

Lisa Reel Schmidt, Assistant Attorney General, Iowa Attorney General's Office


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Disciplinary OPINIONS

Prepared by a YLD committee:

Rebecca Reif, Ahlers & Cooney, P.C. – Chair
Kelsey Crosse, Davis Brown
Patrick McElyea, Assistant Scott County Attorney
Sam Charnetski, Shindler, Anderson, Goplerud & Weese
Bryan O'Neill, Dickinson Law Firm
Laura Wasson, Dickinson Law Firm

Pamela Ann Vandel

Jan. 27, 2017

No. 16-1704

License Suspension

Pamela Vandel was licensed to practice law in Iowa in 1996. This disciplinary action arises from her representation of a client in a family law matter.

In 2012, Vandel represented Nicole Phillips when her former husband filed a petition for modification of child support and application to show cause. Vandel advised Nicole to deny her former husband visitation. The morning the court was to hear Nicole's motion to suspend visitation, Vandel contacted opposing counsel and the court to request a continuance due to her need to undergo a blood transfusion. No medical records substantiated Vandel in fact underwent this procedure.

During trial, Vandel repeatedly told Nicole she would withdraw representation if Nicole did not pay additional fees. Nicole told the judge the threats put her under "extreme stress." Vandel also presented Nicole with a promissory note, attorney fee lien, assignment of income, judgment by confession and assignment of wages on the first day of trial, but later denied doing so to the trial judge.

Following trial, Vandel was found guilty of nine counts of contempt for willfully counseling Nicole to deny her former husband visitation.

In its investigation, the Attorney Disciplinary Board also found Nicole made five payments to Vandel in the course of representation without a written fee agreement, and Vandel did not (1) deposit the payments into her trust account, (2) maintain a check register, (3) perform monthly reconciliations of her trust

account, nor (4) maintain client ledgers.

The Supreme Court found Vandel violated Rules 32:1.4(b) (reasonably explaining matters to clients) and 32:8.4(d) (conduct prejudicial to the administration of justice) by repeatedly telling Nicole she would withdraw if she did not make additional payments. Vandel did not explain the likelihood the court would deny a motion to withdraw during trial.

The court also found a violation of Rule 32:3.3(a)(1) (knowingly making a false statement of fact to a tribunal) for (1) telling the court she underwent a blood transfusion when she did not, and (2) falsely telling the court she did not present Nicole with documents on the first day of trial. An additional violation of Rule 32:4.1(a) (knowingly making a false statement to a third person) was found for falsely claiming a medical emergency to opposing counsel. The court also found a violation of Rule 32:3.4(c) for Vandel's advising Nicole to deny her former husband visitation before the motion to suspend visitation was granted.

Finally, the court found a number of trust account violations under Rules 32:1.5(a), (b), (c) and (f), and Rule 32:8.4(c), for Vandel's failure to have a written fee agreement and properly account for Nicole's payments of fees.

Regarding sanctions, the court held that Vandel's multiple rule violations involving dishonesty were aggravating factors, as well as her prior discipline, substantial experience and failure to appreciate the wrongfulness of her actions. Mitigating factors included the fact Vandel had experienced an illness near the time she requested a continuance and performed pro bono services. Vandel's license was suspended for six months.

Bruce A. Willey

Jan. 27, 2017

No. 16-1228

License Suspension

Bruce A. Willey practices law at Willey O'Brien, L.C. in Linn County and is also a CPA. This disciplinary opinion arises from his representation of two clients in a business transaction.

David Wild was a client and business partner of Willey since at least 2006. In 2006, Willey incorporated Synergy: Projects, Inc. on Wild's behalf, with Wild as the president and Willey as the original registered agent. Willey continued in this capacity until April 2015.

Willey began providing legal services to Henry J. Wieniewitz, III in 2008. Willey provided legal advice on corporate business and tax structure for companies owned by Wieniewitz. Willey also prepared income tax returns for Wieniewitz and advised him regarding companies he was exploring for purchase.

In June 2010, Willey learned Wieniewitz was interested in possible investment opportunities and told Wieniewitz he knew of an investment opportunity that other clients of his had been involved with, and said that it was a safe and common investment. Willey convinced Wieniewitz to invest \$100,000 in Synergy for a \$400,000 return within weeks. Willey did not disclose his relationship with Synergy or Wild. After two years of frequent communications with Wieniewitz, Wieniewitz was never paid a return for his investment.

The Supreme Court found violations of Rules 32:1.7(a)(2) (concurrent conflict of interest), and 32:1.7(b)(4) (informed consent) because Willey represented both Synergy and Wieniewitz on opposing sides of the same transaction, and the two parties had competing interests. Willey was receiving attorneys' fees from Wieniewitz, but was unable to adequately pursue Wieniewitz's interests in obtaining his investment return. Moreover, Willey never informed Wieniewitz of his conflict and relationship with Synergy.

In determining sanctions, the court considered mitigating factors of Willey's cooperation with the disciplinary board's investigation and his regret and remorse. The aggravating factors cited were the financial harm to Wieniewitz and Willey's experience at an attorney and CPA. Willey's persistence in perpetuating his representations to Wieniewitz and longtime failure to disclose the conflict of interest were also considered aggravating factors. Willey's license was suspended for 60 days.



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IN MEMORIAM

Theodore Ralph Boecker, 69, of Des Moines, died Jan. 30.

Boecker was born in 1947 in Des Moines. He received his J.D. from Drake University Law School in 1973. Boecker served in the Iowa Attorney General's Office for six years before entering private practice, working in real estate law as a partner at Petosa, Petosa & Boecker.

James R. Heiny, 88, of Mason City, died Dec. 29.

Heiny was born in Albert Lea, Minnesota, in 1928. He received his J.D. from the University of Iowa College of Law in 1953, where he was also Notes Editor for the Iowa Law Review during his senior year. He served two years in the Army after graduation, then returned to the Westfall Firm in Burlington where he became a partner in 1958. Heiny served on the Board of Governors of the ISBA, the Board of Directors of the Iowa State Bar Foundation and was President of the Cerro Gordo County Bar Association.

David C. Tracey, 82, of Manchester, died Jan. 17.

Tracey was born in Manchester in 1934. He received his J.D. from the University of Michigan Law School in 1962. Tracey served two years in active duty in the Army and another 35 years in the Reserves. After receiving his law degree, he joined his family's practice in Manchester, served as a county attorney and as a military liaison for West Point Military Academy.

Harley A. Whitfield, 86, of Spirit Lake, died Jan. 9 in Sarasota, Florida.

Whitfield was born in Des Moines in 1930. He graduated from Roosevelt High School and Iowa State University. He served for two years in the Air Force, then graduated from Drake University Law School in 1956. Whitfield was a practicing attorney for more than 40 years, specializing in business and corporate law. He spent his entire legal career with the Des Moines law firm of Whitfield and Eddy, from 1956 until his retirement in 1995.

Harold R. Winston, 84, of Austin, Texas, died Feb. 2.

Winston was born in Atlantic in 1932. He graduated from the University of Iowa College of Law in 1958. He also served as a captain in the Air Force from 1955 to 1957. Winston then built his practice in Mason City, where he also served as a police judge for 12 years. He also served as president of the Cerro Gordo County Bar Association.

Members who know of a colleague passing should email the membership department at membership@iowabar.org and include a link to the obituary and/or funeral information. To sign up for the ISBA obituary notification service, log into your iowabar.org account, click on "Manage Profile" and choose the "Edit Bio" option. Scroll down to the option "Obituary Notification," select "yes," then save the changes. Once the option is elected, you will receive an email notification anytime a member passes away, the same day the ISBA receives the notification.

Paul Kevin Waterman

Feb. 10, 2017

No. 16-1911

License Suspension

Paul Waterman practices law in Iowa City and was admitted to the Iowa bar in 2006. Waterman practices primarily in the area of family law, and this matter arises from an intimate relationship with a client during a dissolution proceeding.

In this matter, a client went to Waterman for assistance with her dissolution of marriage and custody dispute. Waterman filed a dissolution petition, and his relationship with the client "began to diverge from professional topics." Through the next several months, Waterman recognized the client should retain new counsel, but the dissolution case appeared close to resolution at many junctures, and the client did not follow through on hiring a new lawyer. Waterman and the client began a sexual relationship, and Waterman remained her attorney of record. Eventually, Waterman withdrew his representation and self-reported the relationship to the disciplinary board.

The Supreme Court found a clear and undisputed violation of Rule 32:1.8 (sexual relations with a client). Mitigating factors were Waterman's lack of a disciplinary record, self-report and acceptance of responsibility, pro bono work, lack of client harm and willingness to seek therapy. The principal aggravating factor was the fact the relationship occurred during the course of a domestic relations representation. Waterman's license was suspended for 30 days.

www.gislason.com

Congratulations to our new partner.

David W. Nelmark

David has added his intellectual property, personal injury, appellate and civil litigation practice to our Des Moines office. He will also support our medical malpractice defense team. His addition brings the firm to 42 attorneys across Iowa and Minnesota.

To make a referral or discuss partnering on a matter, please email dnelmark@gislason.com or call David at 515-244-6199.

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TRANSITIONS



Borland

Nate Borland has returned to Fiedler & Timmer, P.L.L.C. in Johnston as an attorney. He received his J.D. from Drake University Law School in 2013 and previously worked for the firm from 2013-2016, then in the United States Attorney's Office for the Southern District of Iowa. He will practice plaintiffs' side employment law and civil rights.



Lande

John E. Lande, Cody J. Edwards and **Laura C. Wasson** have changed positions or joined Dickinson, Mackaman, Tyler & Hagen, P.C. in Des Moines.

Lande was elected shareholder at the firm. He graduated from the University of Iowa College of Law in 2011. His practice includes a diverse array of civil litigation matters, as well as bank regulatory issues. Lande has appeared and argued in numerous hearings and trials in Iowa district and federal courts, as well as the Iowa Court of Appeals and Iowa Supreme Court.

Edwards joined the firm as an associate. He graduated from the University of Iowa College of Law in 2011. He was a manager at RSM US LLP for three years and also served as an attorney for the Iowa Department of Revenue. Edwards will practice primarily in taxation.

Wasson joined the firm as an associate. She graduated from Drake University Law School in 2016. She worked as a clerk for the firm prior to her graduation. Wasson has joined the firm's business law group.

Cordell & Cordell has opened a new location in downtown Des Moines. The firm, based out of St. Louis, has over 100 offices across the United

States and focuses on domestic litigation. The firm has hired Katherine Daman to lead the Iowa branch, which opened Jan. 9. Five attorneys from the firm are licensed in Iowa and have previously represented clients via the Omaha office.



Hahn

Jeremy B. Hahn has joined Petersen Law, PLLC in Council Bluffs as an associate. He received his J.D. from Valparaiso University Law School in 2016. Hahn will maintain a general practice including estate planning, real estate, business transactions and corporate formation.



Burroughs

Justin K. Burroughs, Kristina K. Kamler and **Garrett A. Lutovsky** have been named senior associates at Engles, Ketcham, Olson & Keith, P.C. in Omaha, Neb.

Burroughs received his J.D. from the University of Missouri School of Law. He has been an associate with the firm since 2008 and practices in the firm's workers' compensation defense group.

Kamler received her J.D. from Creighton University School of Law and has been an associate with the firm since 2008. Kamler practices in the areas of insurance coverage and defense litigation, concentrating on construction defect, transportation, contract disputes and Medicare/Medicaid matters.

Lutovsky received his J.D. from the University of Nebraska College of Law and has been an associate with the firm since

2012. Lutovsky practices in the firm's workers' compensation defense group.



Plaisance

Lara Q. Plaisance and **Courtney T. Wilson** have joined Hopkins & Huebner, P.C. **Plaisance** received her J.D. from the University of Missouri-Kansas City School of Law and has joined the firm as a shareholder in the Des Moines office. Her practice will focus primarily on workers' compensation.



Wilson

Wilson received her J.D. from Drake University Law School and has joined the firm's Davenport office as an associate. She will practice primarily in liability defense.



Deabler

Kelsey Deabler and **Kristie Kunstman-Stern** have joined Iowa Legal Aid as staff attorneys.

Deabler joined ILA in the Council Bluffs office. She graduated in 2016 from the University of Nebraska College of Law. While in law school, she clerked with the ACLU of Nebraska.

Kunstman-Stern joined ILA in the central office in Des Moines. She received her J.D. from the University of Dayton Law School. Prior to joining ILA, she was director of legal services at the Center for Law & Social Work in Chicago.



Kunstman-Stern



Leidinger

Steven C. Leidinger has become a shareholder at Lynch Dallas, P.C. in Cedar Rapids. He received his J.D. in 2006 from The Ohio State University Moritz College of Law. He has been with the firm since 2012. Leidinger practices primarily in municipal law, insurance

defense, real estate and the representation of homeowners' associations.

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Al Ryerson
CPA/ABV, CFF, ASA



Greg Weber
CPA/ABV, ASA



Jim Nalley
CPA/ABV, CFF, CVA



Jennifer Julander
ASA

Shayla L. McCormally and **Maureen C. Cosgrove** have formed McCormally & Cosgrove, P.L.L.C. in Des Moines.



McCormally

McCormally earned her J.D. from the University of Iowa College of Law in 2007. She previously worked at Wandro & Associates, P.C. and as a trial attorney with the United States Department of Justice. She maintains a general practice, including civil litigation, family law, surrogacy and personal injury.



Cosgrove

Cosgrove earned her J.D. from Hamline University School of Law in 2009. Cosgrove has been a corporate attorney, an assistant with the Iowa Attorney General's Office and an associate at the Baer Law Office in Des Moines. She maintains a general practice that includes litigation and transactional work in the areas of family law, business law, personal injury and probate.



Steadman

Casey W. Steadman has joined Rush & Nicholson P.L.C. in Cedar Rapids as an associate. Steadman received his J.D. from the University of Nebraska College of Law in 2016 and will be practicing primarily in workers' compensation and personal injury litigation.

Brian Bergstrom has been named president of Shuttlesworth & Ingersoll, P.L.C. in Cedar Rapids. **Gary Streit**, former president, has been named chair of the firm's board of directors.



Bergstrom

Bergstrom joined the firm in 1998 after practicing for nine years in Chicago. He received his J.D. from Harvard Law School in 1989. Bergstrom maintains a general practice that includes litigation and transactional work in the areas of family law, business law, personal injury and probate.



Streit

Streit began his career with the firm in 1975 and has served on the board of directors since 1985. He was named president in 2002.



White

Maggie White has joined EMC Insurance Companies in Des Moines as a staff attorney. She received her J.D. from Drake University Law School in 2013. Prior to joining EMC, she worked in private practice with a focus on employment litigation.



Wilson

Becky E. Wilson joined Fitzsimmons & Vervaecke Law Firm, PLC in Mason City as an associate. Wilson received her J.D. from Southern Illinois School of Law in 2016. Her practice will focus on plaintiff's work in personal injury and workers' compensation.



Bierstedt

Clarissa A. Bierstedt, Nicholas Cooling and **Marshall W. Tuttle** have joined Peddicord Wharton, LLP in West Des Moines as associates.



Cooling

Bierstedt earned her J.D. from Drake University Law School and will practice primarily in personal injury and workers' compensation litigation.



Tuttle

Cooling earned his J.D. from Drake University Law School and will also practice primarily in personal injury and workers' compensation litigation.

Tuttle earned his J.D. from Drake University Law School and will practice primarily in personal injury and workers' compensation litigation.



Hilligas

Aaron Hilligas has joined Ahlers & Cooney, P.C. as an associate attorney. He received his J.D. from the University of Wisconsin in 2002 and previous worked in the Office of the General Counsel for the National Labor Relations Board.

Hilligas is a member of the firm's Employment & Labor Law practice area, serving public entities, higher education and K-12 educational institutions. He will advise clients on a variety of labor and employment related matters.



Lally

Elizabeth Lally has joined the Goosmann Law Firm, PLC in Sioux City. She received her J.D. from DePaul University College of Law in 2005 and previously worked as defense counsel for Class I Railways, and as a litigation counsel handling

commercial insolvency and restructuring with an emphasis on fraud investigation. Lally will focus her practice on helping clients find creative solutions to their banking and business problems.

TRANSITIONS SUBMISSIONS

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

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

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



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Is Windows 10 spying on you?

by Sharon D. Nelson, Esq. and John W. Simek

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How many people are currently running Windows 10? According to Microsoft, at the end of 2016, Windows 10 was installed on 400 million devices around the globe. There were 14 million downloads within 24 hours of the release. It sure appears that Microsoft has added another hit operating system to its list. But is everything about Windows 10 a good thing? Not so fast. When Microsoft released Windows 10, it also updated its privacy policy. Should attorneys be concerned? The answer attorneys love to hate is...it depends. Perhaps if more people read the terms of service for software and services that they use, they would be a lot more informed as to the data vendors are collecting.

Microsoft is no exception. Suffice it to say, Windows 10 collects a lot of data and you agreed to it when you installed the operating system. According to the privacy policy, Microsoft collects information about your use of the software and services as well as about the devices and networks on which they operate. Some examples of

the type of collected information include your name, e-mail address, preferences and interests; location, browsing, search and file history; phone call and SMS data; device configuration and sensor data; voice, text and writing input; and application usage. Many experts say that the data is anonymously sent to Microsoft and is primarily composed of telemetry data.

The one section of the privacy statement that attorneys should be aware of states:

“We may also access, disclose and preserve information about you when we have a good faith belief that doing so is necessary to:

1. comply with applicable law or respond to valid legal process from competent authorities, including from law enforcement or other government agencies;
2. protect our customers, for example to prevent spam or attempts to defraud Microsoft’s customers, or to help prevent the loss of life or serious injury of anyone;

3. operate and maintain the security of our products and services, including to prevent or stop an attack on our computer systems or networks; or
4. protect the rights or property of Microsoft, including enforcing the terms governing the use of the services. However, if we receive information indicating that someone is using our products or services to traffic in stolen intellectual or physical property of Microsoft, we will not inspect a customer’s private content ourselves, but we may refer the matter to law enforcement.”

This would suggest that the data really isn’t anonymous and could be turned over to law enforcement or some other government entity. The good news is that you can actually opt out of all the features that might be considered invasions of privacy. Of course, most users will find that they are opted in by default.

It’s a fairly simple matter to adjust the privacy settings in Windows 10. First, open Settings and then click on Privacy. From there just walk through all the options and turn off anything that you are not comfortable having Microsoft collect. We would certainly also suggest that users dump Cortana, Siri, Alexa and any other voice-assisted service. After all, you really don’t know what the vendor is doing with the data or how long it will be retained.

The authors are the President and Vice President of Sensei Enterprises, Inc., a legal technology, information security and digital forensics firm based in Fairfax, VA. 703-359-0700 (phone) www.senseient.com



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Bar Foundation helps fund organization that aids Iowa immigrants

By Kristi Kenyon, writer for the Iowa State Bar Foundation



Frank Camp, committee chairperson for the IJFON standing committee

With a new president in the White House, there have been many changes in policy taking place, and one that has raised a lot of discussion recently is immigration. Immigrants in Iowa have somewhere to turn for assistance, thanks to the support of the Iowa State Bar Foundation.

Iowa Justice For Our Neighbors (IJFON) has been working with immigrants for more than 50 years. It's a program that stems from the Iowa Annual Conference of the United Methodist Church and provides free immigration services throughout the state of Iowa.

Frank Camp, committee chairperson for the IJFON standing committee, describes it as "a tiny law firm that specializes in high quality immigration legal services."

Camp has been chairperson since 2012, but has been involved with the organization for over three decades. After going through the process of adopting his son from Korea, he came to know how difficult it was to go through the immigration process. Before becoming more involved in 2010, Camp was a corporate attorney. He heard of the committee chair opening during the annual conference in 2012 and decided he wanted to be fully involved with IJFON.

The committee oversees the program, and all members are volunteers. There are six locations in Iowa: Cedar Rapids, Des Moines, Ottumwa, Decorah, Columbus Junction and Storm Lake. The doors open six times a month, 10 months of the year, with varied ad hoc clinics held to address newly-arising special needs or changes in government rules during the year. To get the most out of the financial and human resources, clinics are usually held in local churches which donate their facilities.

If the client qualifies during the intake process, he or she is able to be seen by an IJFON lawyer. There are specific volunteers who are fluent in different

native languages to help. Each clinic provides more than just a one-on-one with an attorney -- there is a meal or snacks provided by the volunteer staff as well. The conversations can range from providing basic information to taking on individuals as clients.

"Although anyone is welcome to take a meeting, there are usually only 10-11 appointments available, and they fill up pretty quickly," stated Camp. "Every location is full each week."

The newest project IJFON started is to represent unaccompanied minors who have arrived in Iowa from El Salvador, Honduras and Guatemala. Many IJFON clients who received their legal permanent residence with the help of IJFON attorneys have now become citizens.

IJFON is the only statewide non-profit program that provides free, high-quality immigration legal services to low-income families. The grant awarded by the Iowa State Bar Foundation helps the program with its operational costs. It also receives support from other lawyers and law firms, as well as a grant from the Department of Justice for the Victims of Crime Act, to focus specifically on immigrants and refugees. Since IJFON never charges for services, all the money donated is used to provide direct legal services.

IJFON will soon be opening its seventh location, in Marshalltown. "We're hoping to open yet another this year as well," Camp said happily. "There is definitely a demand for these services."

With the additional openings, IJFON will also need additional volunteers. You don't have to have a practice related to immigration in order to volunteer. Please visit the website to learn more: <http://www.iowajfon.org/volunteer/>.

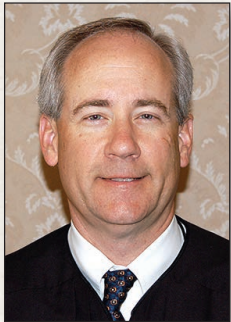
If you are interested in learning more about or donating to the Iowa State Bar Foundation, please visit iowabar.org/ ISBAFoundation or call 515-697-7870.



An IJFON clinic in Cedar Rapids.

View from the bench: A judge's perspective on the impact of electronic filing

Judge Robert B. Hanson, District 5C, wrote this letter to *The Iowa Lawyer* in response to the February 2017 article on the implementation of EDMS.



Judge Robert Hanson

I read Tim Eckley's article in the most recent issue of *The Iowa Lawyer* regarding EDMS with great interest. Certainly, the implementation of EDMS is a tremendous achievement for the court system. Having said that, EDMS is not without its detractors including certain members of the judiciary and yours truly. Judges decry the decreased contact with attorneys, increased incivility amongst attorneys, unrealistic expectations as to the amount of time required for judicial action on filings, difficulty of correcting errors in orders, and continuing need for counsel to indicate whether matters are resisted and to supply proposed orders, amongst other things.

Personally, I find email communication with counsel through EDMS to be quite cumbersome. The court can send emails to counsel through EDMS but counsel's replies are received in the court's regular email, thus requiring the court to monitor both its EDMS queue and its email to ensure prompt action on filings. If the court does not have two computer monitors, this can be challenging.

Nonetheless, the positives appear to outweigh the negatives. Court files are now much more easily and quickly accessed. They are more likely to be up to date and can be accessed remotely, making preparation easier and rulings more prompt. There are fewer misfilings and lost files are a thing of the past. Now unburdened by filing, mailing and file retrieval/return tasks, court staff have more time to tend to other important duties.

All users of EDMS will need continued training and experience with the system to exploit its potential, and attorneys would be well advised to: a) continue visiting the courthouse and having personal contact with judges, b) inform the court as to whether motions are resisted, and c) supply the court with proposed rulings. But, overall, the arrival of EDMS has resulted in a significantly more efficient court system and greater access to justice for those using it.

Other District 5 judges weigh in on EDMS:

"EDMS and all technology has made lawyers, mostly younger lawyers, less civil in their communications with each other. Some of the emails and letters I see attached to motions to compel are downright nasty. Lawyers no longer pick up the phone and talk to opposing counsel. If they did, I think there would be many fewer motions to compel or for sanctions and the like."

– Judge Karen Romano

"As a rural judge, EDMS lets me peek ahead to my next court service day. This gives me a chance to see what unusual or difficult issues await and thus be better prepared. I can imagine how much more difficult it was for the judge to arrive at the courthouse to a pile of files and perhaps only minutes to get up to speed."

– Judge Patrick Greenwood

"My observation is that lawyers, particularly young lawyers, forget the phones still work (besides texting). If an attorney wants something right away, the smart thing to do is either to call the judge, or, better yet, go to the courthouse to talk to the judge."

– Judge Marti Mertz

"With EDMS, our handling of cases is becoming more uniform throughout the district. This is good, in my opinion."

– Judge Randy Hefner

"The human error element that resulted in misfiling of documents in the wrong file is almost completely eliminated with EDMS."

– Judge Eliza Ovrom



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If you would like to share your opinion in a Letter to the Editor to *The Iowa Lawyer*, please contact the Communications Department: communications@iowabar.org.



ISBA CLE Calendar

Visit www.iowabar.org/calendar for more information on any of our upcoming CLE opportunities.

April 7

Construction Law Seminar
(In-person or Live Webinar)

April 19

Addressing Cybersecurity Threats to IP Firms
(Live Webinar)

April 19

Juvenile Law Seminar
(In-person or Live Webinar)

April 20

Criminal Law Seminar
(In-person or Live Webinar)

May 8

The Intersection of Workers Compensation and Unemployment Insurance Benefits
(Live Webinar)

May 12

Commercial and Bankruptcy Law Seminar
(In-person or Live Webinar)

May 17

Copyright/Entertainment Law
(Live Webinar)

May 19

Government Practice Seminar
(In-person or Live Webinar)

Construction Law Seminar

(In-person or Live Webinar)

Friday, April 7

In-person attendance: ISBA Headquarters
(625 E. Court Ave., Des Moines, IA 50309)

- 1:00 - 1:30 Registration**
- 1:30 - 1:30 Welcome and Introductions**
Speaker: Brent Soderstrum, Brown, Winick, Graves, Baskerville and Schoenebaum P.L.C.
- 1:30 - 2:20 The Basics and Fundamentals of Construction Law**
Speakers: Philip Bubb, Fredrikson & Byron P.A. and Brandon Underwood, Fredrikson & Byron P.A.
- 2:20 - 3:05 Mechanic's Liens in Iowa**
Speaker: Brian Rickert, Brown, Winick, Graves, Baskerville and Schoenebaum P.L.C.
- 3:05 - 3:15 Break**
- 3:15 - 3:45 Carts and Horses: Common Issues in American Institute of Architects (AIA) Dispute Resolution Procedures**
Speaker: Adam Tarr, Pugh, Hagan, Prahm P.L.C.
- 3:45 - 4:30 Construction Case Law Update**
Speaker: John Templar, Whitfield & Eddy
- 4:30 - 5:30 Networking Reception**

REGISTRATION FEES

Prices below reflect the early-bird registration fees. Registering after April 6 will result in a \$25 late fee being added on to your registration fee amount.

ISBA Construction Law Section Members - \$100

ISBA Members - \$125

YLD Members (Years 1-5) - \$75

Non-ISBA Members - \$175

Students - Free

*Sponsored by The Iowa State Bar Association
Construction Law Section*

www.iowabar.org/event/2017ConstructionLaw

Why pay MORE?

Save big on registration fees by registering for both the Juvenile and Criminal Law Seminars.

Juvenile Law Seminar

(In-person or Live Webinar)

Wednesday, April 19

8:30 a.m. - 4:30 p.m.

In-person attendance will take place at the ISBA Headquarters (625 E. Court Ave., Des Moines, IA 50309)

For legal professionals practicing in the areas of juvenile and family law, this annual seminar, with its quality presenters and timely topics, is one that should not be missed. Now being offered as a live webinar, as well as an in-person event, attorneys from throughout the state of Iowa can participate and learn from the location of their choosing.

8:00 - 8:30 **Registration**

8:30 - 9:30 **Juvenile Ethics**

Speaker: Hon. Colin Witt, District Associate Judge, District 5C

9:30 - 10:30 **Trends in Marijuana: Mixed Signals**

Speakers: Matthew Boleyn, Reynolds & Kenline LLP and Dr. Rizwah Shah, MD, Former Director, Child Abuse Program at Blank Children's Hospital

10:30 - 10:45 **Break**

10:45 - 11:45 **Effective Parent Representation: Spotlight on Engaging with DHS**

Speakers: Cory McClure, Babich Goldman PC; Ellen Ramsey-Kacena, Ramsey-Kacena Law and Mike McInroy, Iowa Department of Human Services (DHS)

11:45 - 12:15 **Lunch (included with registration)**

12:15 - 1:15 **Reasonable Efforts - Spotlight on Services 0-3 Approach: Growing Services and Best Practices**

Speakers: Hon. Joseph Seidlin, District Associate Judge, District 5C; Jami Hagemeyer, Williams & Hagemeyer PLC; Hon. Susan Larson Christensen, District Court Judge, 4th Judicial District and Justin Wyatt, Woods & Wyatt PLLC

1:15 - 2:00 **Delinquency/Shackling: Importance of Best Practices in Detention Hearings**

Speakers: Prof. Brent Pattison, Director of the Joan and Lyle Middleton Center for Children's Rights, Drake University Law School; Erin Romar, Drake University Law School Student; and Rachel Antonuccio, Iowa City Public Defender's Office, Juvenile Division

2:00 - 2:15 **Break**

2:15 - 3:15 **Breakouts**

In-person attendees: please indicate which session you plan

on attending when registering. Live webinar attendees will automatically be placed in the session with the highest number of in-person attendees.

Trial Techniques: Best Practices

Speakers: Charles Phillips, Attorney General's Office and Rachel Antonuccio, Iowa City Public Defender's Office, Juvenile Division

Indian Child Welfare Act (ICWA) Changes

Speaker: Felicia Bertin Rocha, Bertin Rocha Law

3:30 - 4:30 **Juvenile Case Law and Legislative Update**

Speaker: Prof. Brent Pattison, Director of the Joan and Lyle Middleton Center for Children's Rights, Drake University Law School

CLE Credit (pending):

6.75 state hours which includes 1 ethics hour

Criminal Law Seminar

(In-person or Live Webinar)

Thursday, April 20

9:00 a.m. - 4:00 p.m.

In-person attendance will take place at the ISBA Headquarters (625 E. Court Ave., Des Moines, IA 50309)

The ISBA Criminal Law Seminar features well-rounded presenters and timely topics particularly intriguing to both prosecutors and defense attorneys.

The CLE programming includes some familiar topics that are relevant to Iowa criminal law including updates on case law, in rem forfeiture procedures, bond, and cell phone forensic discovery. An additional topic this year focuses on forensic metrology (the study of measurement) presented by one of the country's leading legal scholars on scientific measurement for lawyers, judges, and criminalists.

8:00 - 9:00 **Registration**

9:00 **Welcome & Announcements**

ISBA Criminal Law CLE Committee

9:00 - 10:00 **Criminal Law Case Law Update**

Speaker: B. John Burns, Iowa Federal Public Defenders Office

10:00 - 12:00 **Introduction to Forensic Metrology**

Speaker: Ted Vosk

12:00 - 1:00 **Lunch (included with registration)**

1:00 - 2:00 **Cell Phone Discovery**

Speakers: Angela Campbell, Dickey & Campbell Law Firm PLC and Chad Brewbaker, IT Specialist

2:00 - 3:00 **In Rem Forfeitures**

Speaker: Glen S. Downey, The Law Offices of Glen Downey, LLC

3:00 - 4:00 **Bond: Constitutional Considerations**

Speaker: Steven Drahozal, State Public Defender's Office

CLE Credit (pending):

6 state hours

Registration Form: Juvenile and Criminal Law Seminar Registration Form

Name: _____ Member #: _____ Phone #: _____

Address: _____ City, State, Zip: _____

E-mail: _____

Registration Fees (only register from one of the options below):

Both Seminars

Prices below reflect the early-bird registration fees. Registering after April 18 will result in a \$50 late fee being added on to your registration fee amount.

ISBA Family and Juvenile Law and Criminal Law Section Members - \$290

ISBA Members - \$325

YLD Members (Years 1-5) - \$200

Non-ISBA Members - \$450

Students - Free

Attendance Preference (Juvenile Law): In-person Live Webinar

Attendance Preference (Criminal Law): In-person Live Webinar

Attending Provided Lunches (in-person attendees only): Yes No

Juvenile Law Breakout Session Preference (in-person attendees only):

Trial Techniques: Best Practices Indian Child Welfare Act (ICWA) Changes

Register online at
[www.iowabar.org/
event/2017JuvenileAndCriminal](http://www.iowabar.org/event/2017JuvenileAndCriminal)

Juvenile Law Seminar - Individual Seminar

Prices below reflect the early-bird registration fees. Registering after April 18 will result in a \$50 late fee being added on to your registration fee amount.

ISBA Family and Juvenile Law Section Members - \$170

ISBA Members - \$180

YLD Members (Years 1-5) - \$125

Non-ISBA Members - \$275

Students - Free

Attendance Preference: In-person Live Webinar

Attending Provided Lunch (in-person attendees only): Yes No

Juvenile Law Breakout Session Preference (in-person attendees only):

Trial Techniques: Best Practices Indian Child Welfare Act (ICWA) Changes

Criminal Law Seminar - Individual Seminar

Prices below reflect the early-bird registration fees. Registering after April 18 will result in a \$50 late fee being added on to your registration fee amount.

ISBA Criminal Law Section Members - \$170

ISBA Members - \$180

YLD Members (Years 1-5) - \$125

Non-ISBA Members - \$275

Students - Free

Attendance Preference: In-person Live Webinar

Attending Provided Lunch (in-person attendees only): Yes No

Method of Payment:

Check enclosed Check Number: _____

Master Card Visa American Express CLE Season Pass

Credit Card #: _____ Exp. Date: _____

Cardholder Signature: _____

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

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

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

Cancellation policy: Registration refunds will be issued only if written notification is received by the bar office by April 12, 2016. Written notification can be mailed, faxed or e-mailed to the bar office.

PUBLISHER'S NOTE: To submit an ad to CLASSIFIED ADVERTISING, please follow the style of the ads appearing here, indicate the classification where you want your ad to appear and state how long the ad is to run. Each ISBA member receives two free entries annually, except for "Positions Available" ads. Those ads must be posted in the ISBA's Career Center to qualify for publication in the magazine. Once posted in the career center, they will be published in the magazine one time for each posting. Corporate and government attorney members of the association receive the same free privileges for their business, non-employer-related ads. If you have questions, call the Communications Dept. at 515-697-7898. E-mail your copy to communications@iowabar.org. The number appearing in parentheses after each ad indicates the volume and the number of the issue when the ad will be pulled from the magazine. (AL) refers to paid ads. (TF) indicates internal or "house" ads that run indefinitely.

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POSITIONS AVAILABLE

ASSOCIATE ATTORNEY – *Aspelmeier, Fisch, Power, Engberg & Helling PLC, Burlington* – Seeking candidates for an Associate Attorney position. AFPE&H is a general practice firm with an emphasis on transactional work and litigation. Qualified candidates will preferably have 1-3 years experience, but all candidates will be considered. Seeking highly motivated candidates with an intent on long term growth with a well-established firm. Send resumes and cover letters to Brent Ruther at ruther@seialaw.com. (77-02)

SENIOR COUNSEL (WORKERS' COMPENSATION DEFENSE ATTORNEY) – *Travelers', West Des Moines* – Seeking an attorney with 7 years of litigation practice or equivalent legal experience. Successful candidate will provide the highest quality and cost-effective legal representation, demonstrates exceptional knowledge and expertise in all phases of litigation and trial and provides superior service to the insured client and claim partner as part of a legal team. Must have exceptional and articulate presentation skills as well as strong and persuasive oral

advocacy and writing skills. To apply, visit: <http://careers.iowabar.org/jobs/8811080/senior-counsel-workers-compensation-defense-attorney>. (77-02)

FAMILY LAW ATTORNEY – *Confidential Employer, Dubuque* – Seeking an associate attorney with three to five plus years of experience for a full or part-time non-partnership or partnership track position to assist the firm's family law practice. The family law practice includes unique situations, complex financial matters and custody issues. The firm has a strong reputation for representing clients in the successful resolution of divorce and domestic relations matters, whether through mediation or litigation at trial or on appeal. To apply, visit: <http://careers.iowabar.org/jobs/8808006/family-law-attorney>. (77-02)

EQUITY COORDINATOR – *Des Moines Public Schools, Des Moines* – Seeking an experienced attorney to assist in the development and execution of programs, initiatives and training that promote and support diversity in the school district. Successful candidate will provide information, requirements, training and support to school district leaders and staff to ensure compliance with all diversity initia-

tives and legal mandates. To review the full job description, requirements and to apply online, please visit: <http://www.dmschools.org/jobs-dmps/>. (77-02)

SR. CASUALTY CLAIMS ADJUSTER – *York Risk Services Group, Johnston* – Seeking an individual with a minimum of 5 years of industry experience in Property and Casualty Claims. Experience handling workers compensation claims is a plus. Candidates should have a knowledge of claim handling principles and legal concepts. Bachelors in a related field preferred, JD is a plus. To apply, visit: <http://www.yorkrisk.com>. (77-02)

ASSOCIATE ATTORNEY – *Confidential Employer, Des Moines* – Seeking an attorney with more than two years of practice experience. The ideal candidate is a hard-working, self-motivated professional willing to assist in a wide variety of civil litigation practice, and is determined to build his/her own litigation practice. This is a long-term practice opportunity with a well-established firm, including partnership track potential for the right candidate. To apply, visit: <http://careers.iowabar.org/jobs/8804331/associate-attorney>. (77-02)

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SPECIAL ASSISTANT UNITED STATES ATTORNEY (HIDTA/IOWA ATTORNEY GENERAL'S OFFICE) – *United States Attorney Southern District of Iowa, Des Moines* – The selected candidate will be assigned as a criminal prosecutor specializing in drug cases pursuant to the High Intensity Drug Trafficking Area (HIDTA) program. This program funds the employment of state or local prosecutors assigned to United States Attorney's Offices who prosecute cases in federal court. Accordingly, although the successful candidate will NOT be employed by the Department of Justice and instead will be employed as an Assistant Attorney General by the State of Iowa, the successful candidate will work full time in the United States Attorney's Office. HIDTA attorneys working in the Southern District of Iowa traditionally have prosecuted a full range of drug cases, including complex prosecutions involving significant drug trafficking organizations. Applicants should send a resume and cover letter to: Vicki.Bahe@Iowa.gov or Vicki Bahe, Iowa Attorney General, 2nd Floor Hoover Building, Des Moines, IA 50319. (77-02)

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LAW CLERK (LEGAL ASSISTANT I) – *Marshall County Courthouse, Marshalltown* – Seeking a law clerk. Successful candidate will perform legal research, draft memoranda, decisions, findings and orders, and other duties as assigned. This is intended to be a 12-month intern opportunity starting July 28, 2017. Graduation from an accredited law school is required, though applicants may apply before they have officially graduated. All applicants must submit the "Iowa Judicial Branch Application for Employment," resume, cover letter, transcripts and a short writing sample. Application forms are available online via the Judicial Branch website at: www.iowacourts.gov. Mail application and supporting materials to: Nicole Berman, Law Clerk, Story County Justice Center, 1315 So B Avenue, Nevada, IA 50201 (77-02)

STAFF ATTORNEY – *Federal Home Loan Bank of Des Moines, Des Moines* – Seeking an attorney to provide legal advice and counsel to the Bank's business units in order to support Bank operations and objectives while minimizing legal, regulatory and compliance risk. Juris doctorate degree from an accredited law school and bar admission in Iowa, Washington or another state (if requirements for limited practice as House Counsel in Iowa or Washington are met) required. Three to five years of experience with law firm or corporate law department; focus on financial institutions, regulatory, commercial and corporate law preferred. To apply send resume and cover letter to: lshoop@fhlbdm.com. (77-02)

ATTORNEY – *McGrath North, Omaha* – Seeking an attorney with at least three years of experience in the areas of technology and licensing, and privacy and data security. Related experience in the areas of intellectual property and/or healthcare is a plus. To apply send resume and cover letter to: ppepper@mcgrathnorth.com. (77-02)

PERSONAL

IF DEPRESSION, STRESS, ALCOHOL OR DRUGS are a problem for you, we can help. We are a non-profit corporation offering attorneys free help in a totally confidential relationship. We are the Iowa Lawyers Assistance Program. Under order of the Iowa Supreme Court, all communication with us is privileged and private. Our director is a former lawyer, a recovering alcoholic and drug addict. He

is a trained substance abuse counselor. We cannot help unless you call – 515-277-3817 or 800-243-1533 – or message (in confidence) help@iowalap.org. All you have to do is ask us to contact you. No other details are necessary. We will call you. The Iowa Lawyers Assistance Program also can provide speakers for local bar associations. Just ask. (TF)

SPACE AVAILABLE

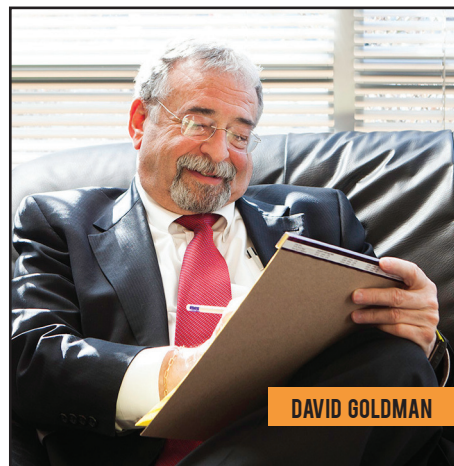
OFFICE SPACE AVAILABLE – *West Des Moines* – Office space available for lawyer and staff. Services include access to printer/scanner/copies/fax, conference rooms, kitchenette and parking. For more information, contact: Wendy at 515-224-4999 or wendy@tdufflaw.com. (77-02)

OFFICE SPACE AVAILABLE – *Waterloo* – Downtown office space available for 1-2 lawyers and staff. Services include reception, internet, access to printers/scanners/copiers/fax, telephone, conference room, kitchenette and parking. For more information contact Jenny at 319-234-0535 or jenny.zabel@mccrindlelaw.com. (77-02)

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SOLO LAW PRACTICE FOR SALE/OFFICE SHARE – Retiring solo practitioner selling rural general law practice in growing northwest Iowa community. Primary practice areas include real estate, estate planning, business, and tax preparation. Seller will continue for time necessary for effective transition to buyer(s). Price negotiable, installment terms available. Office share arrangement also considered. For more information, please write The Iowa State Bar Association, Code 865, 625 East Court Avenue, Des Moines, IA 50309, or email at isba@iowabar.org. Please include Code 865 on the envelope if mailing and in the subject line if emailing. (77-02)



IN BRIEF

Seminars this spring will assist attorneys with succession planning

The ISBA will hold regional seminars around the state this spring to help members understand the new succession planning process mandated by Iowa Court Rule 39.18 that goes into effect on Jan. 1, 2018.

Iowa Court Rule 39.18 now requires attorneys in private practice to complete their annual questionnaire, pursuant to rule 39.11, whereby the attorney identifies the attorney's designated representative to act in the attorney's stead in the event of death or disability. While attorneys are no longer required to execute a written supplemental succession plan, they are encouraged to do so.

The Iowa Academy of Trust & Estate Counsel has prepared a form succession plan agreement that you can access on iowabar.org/news. Click on the story about succession planning seminars to access the link to the documents.

The seminars, which are yet to be scheduled, will discuss succession planning, the new court rules and these documents. Look for more details in upcoming issues of the ISBA's e-newsletter.

Conducting Mediations
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DAVID GOLDMAN
Phone: 515.309.6850
Email: dgoldman@babichgoldman.com

References Available On Request

No ordinary lobby

The story behind Schott Mauss & Associates' new artwork

By Melissa Higgins, Communications Director

"I HAVE THIS IMAGE IN MY MIND ABOUT THE GAP BETWEEN THE INJURED WORKERS AND DISABLED INDIVIDUALS THIS FIRM REPRESENTS AND THE SYSTEMS SOCIETY HAS PUT IN PLACE IN AN ATTEMPT TO ADDRESS THEIR NEEDS. PICTURE A TABLE ON ONE SIDE SITS A PERSON WITH NO VOICE, ON THE OTHER SIDE IS A PERSON WITH NO EARS."

One of the framed quotes that hangs in the lobby of Schott Mauss & Associates is an excerpt from a letter written by the firm's founder, Max Schott, in 1987. Graphic artist Shannon Finnegan selected the quotes and designed their layout.

to know that we are with them and beside them and will help them rebuild their lives," said attorney Jean Mauss, Schott Mauss president and owner.

Mauss commissioned the work of Des Moines-area fine art photographer Dylan Huey to complete the project, which involved taking black-and-white photos of six of the firm's past Social Security Disability and Worker's Compensation clients. The firm also commissioned the work of New York graphic artist Shannon Finnegan to take quotes from founding attorney Max Schott and turn them into companion pieces to the photographs.

The framed quotes are excerpts from letters Schott wrote home to his parents in his early days of practicing law. In 1987, during his first year as an attorney, Schott wrote a one-page letter nearly every day describing the challenges of advocating for the rights of working class Iowans. Finnegan, the graphic artist, sifted through the 200-some letters and selected the most meaningful quotes.

One in particular, that now hangs as a framed piece in the lobby, stands out: "I have this image in my mind about the gap between the injured workers and disabled individuals this firm represents and the systems society has put in place in an attempt to address their needs. Picture a table – on one side sits a person with no voice, on the other side is a person with no ears," Schott wrote back in 1987.

It is so obvious that the attorneys at Schott Mauss & Associates care about their clients that the writing is literally on the walls. The firm, which specializes in Social Security Disability and Workers' Compensation law, recently commissioned artwork to reflect its dedication to injured workers and disabled Iowans and it now proudly hangs in its office in Windsor Heights.

"I want people to come in and see those faces and see themselves in those faces. We want them



New black and white photographs hang in the lobby of Schott Mauss & Associates in Windsor Heights, part of a display to recognize the firm's clients and highlight their struggles and successes. Photo Courtesy: Rusty Martin

"The quote about having no voice is a common experience of people before they get here. The injured worker or disabled individual is coming up against a system they've never encountered before in their lives and that they don't understand well. The forces they face are well established to limit or deny their benefits," Mauss explained.

The quotes from Schott express the difficulties and challenges of the legal process, but the companion photographs are meant to inspire injured and disabled Iowans to see their claims through. Incidentally, they also help inspire the firm's seven attorneys and 14 support staff employees.

"One of the things this project has handed back to the firm is an understanding, not of the effect of a successful outcome on the day that it comes down, but how much it meant to (the clients) long after our daily interactions had ended," noted Mauss.

When photographer Dylan Huey took the photographs of these clients, he wanted to show them in their home environment, showcasing how they spend their days in ways that bring meaning to their lives now that their cases have



Worker's compensation client Greg Bissell from Colfax pictured next to his photograph during an unveiling ceremony at Schott Mauss & Associates in August 2016.

concluded. For example, client Maria Bivens is shown working on a puzzle, at her home in Nevada. Schott Mauss & Associates attorneys helped her with a claim for Social Security Disability benefits. Greg Bissell from Colfax is pictured seated on a bench with his dog. His worker's compensation claim went all the way to the Iowa Court of Appeals and took more than four years to resolve.

It is so important to see the light at the end of the tunnel during a lengthy legal battle like this, Mauss explained, and it is just when she's shutting off the firm's lights at the end of a long day that she truly thinks about this.

"I get to (the quotes) when I'm shutting off the lights at night and it's not uncommon for me to pause long enough and breathe in the message of it. They continue to carry meaning for me," she said.



Social Security disability client Maria Bivens from Nevada pictured next to her photograph during an unveiling ceremony at Schott Mauss & Associates in August 2016.



Pictured left to right: Attorney Jean Mauss, graphic artist Shannon Finnegan, firm founder Max Schott, photographer Dylan Huey.

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