



THE IOWA LAWYER

February 2021 V81 N1

NEW YEAR NEW SESSION

ISBA LEGISLATIVE TEAM OUTLINES AGENDA AND PRIORITIES FOR 2021

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CLAUSE: DOES REMOTE TESTIMONY PASS
CONSTITUTIONAL MUSTER?**

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19+

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SUBMISSIONS

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

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**2020 CLE credit information
available on page 31.**

2020 ISBA CLE CREDIT INFO AVAILABLE; REPORTS DUE MARCH 10

To assist attorneys with the reporting of their 2020 CLE credits, the ISBA has created an event list which includes CLE titles, state, ethics and juvenile credit and activity numbers for each program. Credit information for ISBA On-Demand CLE and Fastcase events can also be found on this list, which appears beginning on page 31.

This information should be used to calculate CLE hours when attorneys file their CLE report with the Commission on Continuing Legal Education. Annual reports are due by March 10.

The Commission on Continuing Legal Education requires Iowa's lawyers and judges to complete a minimum of 15 hours and two ethics hours (ethics reporting required in 2021) of legal education accredited by the commission each calendar year.

Contact the ISBA CLE Department at (515) 697-7874 or email cle@iowabar.org for questions concerning CLE credit of ISBA-sponsored events.

TRUSTIFI EMAIL ENCRYPTION NOW OFFERED FREE TO ISBA MEMBERS

The ISBA is now offering its email security service, provided by Trustifi, free to all members. (Licenses for support staff can be purchased for \$25 annually.) Visit iowabar.org/Trustifi to learn more, or iowabar.org/TrustifiOrdering to sign up.

Trustifi's easy-to-use email encryption service features an array of security and productivity tools that benefit individuals and law firms of all sizes, including single-click encryption, two-factor authentication, secure reply and more. Learn more at Trustifi.com.

JUSTICE CHRISTENSEN RESELECTED AS CHIEF JUSTICE

On Friday, Jan. 8, the Iowa Supreme Court reselected Justice Susan Christensen, Harlan, as chief justice. At the first meeting in each odd-numbered year, the justices of the supreme court by majority vote designate one justice as chief justice for a two-year term.

In addition to judicial duties and writing opinions, the chief justice presides over oral arguments and court conferences, sets the court's oral argument schedule and delivers the Condition of the Judiciary address to the legislature each January, which occurred on Wednesday, Jan. 13. Excerpts from the 2021 Condition of the Judiciary speech can be found on page 12.

Additionally, on Monday, Jan. 25, the Iowa Court of Appeals reselected Judge Thomas N. Bower as chief judge. Chief Judge Bower, from Cedar Falls, has served on the court of appeals since 2012.

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The ISBA's 2021 Legislative Agenda and the Grassroots Advocacy Network

LETTER BY ISBA PRESIDENT JERRY SCHNURR III

In a recent survey of our members, the legislative program of The Iowa State Bar Association was identified as the most important aspect of membership. Every year, the association has an affirmative legislative agenda advancing legislation proposed by sections and approved by the board of governors. This year, the affirmative legislative agenda of the bar association (see page 10) includes bills to address inequities in calculating court costs in probate across the state, amendments to the guardianship and conservatorship legislation and passage of the Uniform Model Corporations Act.

Other issues that often come up that the bar association has positions on include increased indigent defense fees, full funding of the Judicial Branch, funding of Legal Services, opposition to title insurance, opposition to arbitrary caps on damages and immunity legislation. There are often hundreds of bills monitored by the bar association's legislative counsel and staff.

Former Speaker of the House, Tip O'Neill, said, "All politics is local." This is where we come in. The legislators are charged with acting on the numerous bills that come before them, often with little information on the bills, what is in them, what the impact will be, who will be impacted, etc. Our legislative team of Jim Carney, Doug Struyk and Jenny Dorman are effective advocates for the bar association at the capitol. But there is nothing a legislator appreciates more than hearing from constituents. That is why we are implementing the Grassroots Advocacy Network.

The Grassroots Advocacy Network is a system where lawyers can communicate with their legislators to provide a trusted source of

information on pending legislation. The purpose of the network is to develop a statewide group of lawyers to actively engage their local legislators on behalf of the ISBA.

Elected officials are terribly busy. They cannot know all they need to know on legislation that comes before them. They do not have the budget for enough staff, let alone time, to be completely up to speed on all that comes up.

So where do they get their information?

Time and time again, legislators confirm that the most important voices they listen to are the people from their districts. Lawyers are uniquely positioned to be the trusted voice for representatives or senators in the Iowa Statehouse. Lawyers can explain the impact of legislation on the people, businesses, courts and institutions of Iowa.

The Grassroots Advocacy Network starts with the officers and board of governors. As issues come up, the board of governors will be contacted. They will then contact the lawyers in their districts to ask them to contact their representatives and senators. It is often helpful if we can get friends or clients to contact legislators, too. When you receive one of these requests, please take a few moments and send a short email or make a phone call to your legislator.

The foundation of success of this network is the relationships we establish with our legislators. If you have not done so already, please contact them. Let them know you are available as a resource. Attend local legislative forums and coffees. Subscribe to your legislator's newsletters. Maintain regular contact with legislators. Timely contact with legislators when requested by the ISBA. Send a note when you see they do something you

support. Share responses with ISBA legislative counsel and Executive Director Dwight Dinkla. The ISBA has its legislative agenda, position papers and other information available at www.iowabar.org/legislative. If you do not know who your representative or senator is, you can find them at www.legis.iowa.gov/legislators/find. It is as simple as entering your home address.

Every legislative session is fast paced. There is no reason to believe this year will be any different. In fact, there will be greater challenges connecting with legislators in person due to the constraints of the coronavirus pandemic. Therefore, it is most important to be active in the Grassroots Advocacy Network and respond to requests to contact your legislators. The ISBA is dedicated to serving you as you serve your clients, your communities and the court. The ISBA will provide you the information and resources you need to effectively communicate with your representatives. Participation in the Grassroots Advocacy Network is an important way we can serve.

Finally, I want to encourage you to take care of yourselves. Past-President Tom Levis emphasized lawyer wellness as part of his agenda. Wellness is becoming more important during the pandemic.

The pandemic has put pressures on us that are unprecedented. Lawyers already suffer high rates of depression, stress and addiction. Some of us have suffered health setbacks, or financial and business setbacks. Some may be suffering from the effects of prolonged isolation. Working from home makes it seem like it never shuts off.

If you are struggling, or you know someone who is struggling, please contact Hugh Grady at the Iowa Lawyers Assistance Program, 800-243-1533 or help@iowalap.org. All calls and referrals are confidential. There are helpful resources available on the website for the Iowa Lawyers Assistance Program at www.iowalap.org. We need to be vigilant in the care of ourselves and each other. Please find some time to care for yourself, eat right and get plenty of rest. If you need help, ask.

Take care of yourself.



ISBA President Jerry Schnurr (far right) meets with House Speaker Pat Grassley (center) and House Majority Leader Matt Windschitl (left) during a round of ISBA meetings with legislative leaders on Wednesday, Jan. 13 at the Capitol. He also met with the Governor's Legal Counsel Michael Boal, Senate Majority Leader Jack Whitver, Senate President Jake Chapman, Senate Democrat Leader Zach Wahls and House Minority Leader Todd Prichard, to discuss the ISBA's 2021 legislative agenda.





2021 LEGISLATIVE SES

The 2021 Legislative Session began on Jan. 11. When lawmakers gavelled in, there were 26 new legislators between the House and the Senate. This includes the most female members to ever serve in the Iowa Senate, and the first ever Hispanic-American representative to serve in the Iowa Legislature, Representative Mark Cisneros (R) Muscatine. Control of the House (59-41) and the Senate (31-18) will remain Republican, as will the Governor's office. This is the fifth consecutive legislative session under a Republican "trifecta."

The 88th General Assembly has 17 lawyer-legislators serving, with 11 lawyer-legislators in the House and six in the Senate. We are fortunate to have lawyers who are willing to be involved in

public service. Lawyers understand complex issues and can find compromise where others may not. The more lawyers who participate in the legislative process, the better the work product is for the state.

Last session, there were 1,538 bills or study bills introduced between the House and Senate. We expect a similar number to be introduced again this year, if not more. In the first week of session alone, the House and Senate filed over 300 bills combined. The ISBA was registered on over 350 bills last session. These bills were all reviewed by ISBA members serving on section legislative committees. We greatly appreciate the time these attorneys invest in reviewing these bills for our profession. We have included the ISBA's Legislative Flow Chart showing how legislation is reviewed and how the positions of the ISBA are determined on page 7.

2021 SESSION SCHEDULE

The 2021 session is the first half of the 89th General Assembly. It is scheduled to last 110 calendar days running from Jan. 11 to April 30, but sessions have run shorter and longer.

The legislative timetable also has two dates referred to as "funnels." The first funnel (March 5) requires that bills must be reported out of committee in the chamber the bill originated. The second funnel (April 2) requires that Senate-originated bills must be reported out of House committees and House-originated bills must be reported out of Senate committees.

COMMITTEE CHAIRS

For the 2021 session, Rep. Steven Holt (R) Denison will chair the House Judiciary Committee. Serving as vice chair will be Rep. Stan Gustafson (R) Cumming, who is a lawyer-legislator. Ranking member of House Judiciary is lawyer-legislator Rep. Mary Wolfe (D) Clinton. The chair of the Senate Judiciary committee will continue to be Sen. Brad Zaun (R) Urbandale, and vice chair is Sen. Julian Garrett (R), a lawyer-legislator from Indianola. Serving as ranking member is Sen. Kevin Kinney (D) Oxford.

The Justice System Appropriations Subcommittee is a joint committee of House and Senate members. The Senate chair will be Sen. Julian Garrett. The House chair will be Rep. Gary Worthan (R) Storm Lake. Justice System Appropriations is the committee which funds the judicial branch, indigent defense and legal aid.

STATE BUDGET

Iowa Code requires the Revenue Estimating Conference (REC) to meet a minimum of three times a year. They generally meet in October, December and March. By statute, the state budget is predicated upon the estimates provided by the December REC unless the following March REC is lower than the December REC. If that happens, the legislature must use the lower of the two. Additionally, if revenues do not meet the budget passed by the legislature, action must be taken to balance the budget including across the board cuts, gubernatorial transfers (not to exceed \$50 million) or a special session.

The Revenue Estimating Conference held its December meeting on Dec. 11 to review their FY 2021 and FY 2022 estimates.

FY 2021

The December REC adjusted their estimate for FY 2021 in a positive direction vs. their October estimate. The REC increased their FY 2021 estimate by \$57.3 million. This is positive growth compared to actual FY 2020 by 0.5 percent. Available revenue exceeds the FY 2021 enacted budget by \$195.8 million.

ISBA LEGISLATIVE AND ADMINISTRATIVE REVIEW FLOW CHART

Step 1: Chair designates legislative subcommittee of no more than three people. Bills and/or administrative rules are sent to legislative subcommittee by ISBA legislative counsel or ISBA Headquarters.

Step 2: Legislative contact directory prepared by legislative counsel after appointments by section and committee chairs.

Step 3: Bills reviewed daily by legislative counsel and referred to section/committee legislative subcommittee. Proposed administrative rules reviewed upon receipt of Administrative Bulletin and referred by legislative counsel to section/committee legislative subcommittee. Section/committee chair has option to receive copies of bills and proposed administrative rules.

Normal Flow

Step 4: Responses to legislative counsel by chair of legislative subcommittee or section/committee chair. Copies sent to each subcommittee member. If conflict exists, legislative subcommittee chair has responsibility to resolve differences. If consensus is reached, chair reports to legislative counsel with copy to section/committee chair, ISBA officers and bar headquarters.

Step 5: Legislative counsel to present legislative subcommittee position to legislators as official ISBA position.

OR

Step 4: Chair determines issue is of such magnitude or degree of controversy that legislation should be presented to entire section council. Section council to resolve position and report to legislative counsel with copy to ISBA officers and ISBA headquarters.

Step 5: Legislative counsel to present section council's position to legislators as official ISBA position.

OR

Step 4: Section council refers to ISBA Administrative Committee for position. Administrative Committee determines ISBA position.

Step 5: Legislative counsel to present Administrative Committee's position to legislators as official ISBA position.

OR

Emergent Response Needed

Step 4: Administrative Committee calls special Board of Governors meeting to determine position.

Step 5: Legislative counsel to present BOG's position to legislators as official ISBA position.

By James Carney, ISBA Legislative Counsel
Douglas Struyk, Assistant Legislative Counsel
Jennifer Dorman, Assistant Legislative Counsel

LEGISLATION PREVIEW

FY 2022

The December REC also updated their estimate for FY 2022. They predict 3.7 percent growth vs. 2021, which is \$296.4 million in new revenue. This amount is \$492.2 million more in revenue compared to the FY 2021 budget. This will allow modest growth in the state's budget and provide flexibility if revenues decline due to additional COVID pressures or other economic forces. The state also has over \$1.2 billion set aside in various accounts including the cash reserve fund, economic emergency fund and the ending balance.

Based on the December REC and the status of the reserve funds, the state budget and state finances are in a strong position compared to other states. This is a significantly better budget position for the state than many expected during a global pandemic. However, state legislators will likely err on the side of caution when making their budgeting decisions this session.

AFFIRMATIVE LEGISLATIVE PROGRAM

The ISBA Board of Governors has approved the ISBA legislative proposals for the 2021 session. Legislative proposals are prepared by various sections, presented to the BOG for approval and adopted as a part of the ISBA legislative program. A chart outlining the ISBA affirmative legislative program appears on page 10 and 11.

The ISBA has one of the most aggressive affirmative programs of any interest group in the state. Normally, the ISBA has anywhere from 15 to 20 proposals each legislative session. This year, there are nine proposals from the Business Law, Probate & Trust Law, and Construction Law sections. We will keep you updated on the progress of these affirmative bills via the Iowa Lawyer and Iowa Lawyer Weekly e-newsletter.

Issues Impacting the Practice of Law

Indigent defense funding – \$40.76 million in FY 2021

Approximately 670 Iowa lawyers are signed up to take indigent defense cases. During the 2019 Session, the ISBA legislative team successfully advocated for a \$3/hour increase in the reimbursement rate for contract attorneys. This increased rate became effective on appointments made on or after July 1, 2019. While we were hopeful that the initial increase would be more, we have dedicated our efforts to pursue additional increases. Our discussions with legislators

ISBA MEETS WITH LEGISLATIVE LEADERS

TWO LAWYER-LEGISLATORS IN TOP LEADERSHIP POSITIONS

Senate Majority Leader – Jack Whitver (R) Ankeny (pictured center) was elected to lead his caucus again in 2019. Leader Whitver was first elected in 2010. He has a bachelor's degree from Iowa State University, an MBA from Iowa State University and his law degree is from Drake University. Whitver practices law at Whitaker, Hagenow & Gustoff, LLP in Des Moines.

House Minority Leader – Todd Prichard (D) St. Charles (pictured right) was selected by the House Democrats to be their leader in 2019. He was first elected in a special election in 2013. He received his undergraduate and law degrees from the University of Iowa. Leader Prichard is an ISBA member and owns his own general practice law firm in Charles City.

Learn about the other lawyer-legislators serving this session on the next page.



last session emphasized that \$3 was a great start, but we need to do similar increases the next several years to get to a full \$10 increase by FY 2022.

Unfortunately, requesting this increase in the midst of a global pandemic proved difficult. However, while the efforts were unsuccessful, there were many positive conversations with legislators regarding the need to continue increasing the reimbursement rate.

Medical malpractice

During the 2020 session, we saw another push to reform Iowa's medical malpractice law. In 2018, the legislature amended Iowa law to create a "soft cap" of \$250,000 on noneconomic damages. This "soft cap" applies unless the jury

determines there is a substantial or permanent impairment of a bodily function, substantial dismemberment or death. Last February, the Senate passed legislation containing language to remove the "soft cap" and create a hard cap at \$750,000. ISBA members did a tremendous job contacting their legislators in opposition to the caps and, as a result, we were ultimately able to defeat these reform efforts in the Iowa House last session. However, we expect this issue to be back this year.

The ISBA lobbyists and members have continued to work diligently through the summer and fall to educate members of the Iowa Legislature on the detrimental impact a hard cap would have on Iowans. Hearing from their lawyers back home is the single best way to get the ISBA message across.

Contact from constituents

Far too often, constituents fail to appreciate the importance of communication with legislators. Even though a legislator may not agree with you 100 percent of the time, they do value contacts from back home and are concerned about their constituency. Whether it is by email, snail mail, calls to the capitol or meetings back home, we encourage you to maintain communication with your local legislators. Thank them for their public service and discuss issues of importance to the profession.

If you do not know who your legislators are, visit www.legis.iowa.gov/legislators/find.

THE IOWA STATE BAR ASSOCIATION LAW PAC

The ISBA Board of Governors established Iowa LawPAC in 1982. According to its bylaws, 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. The committee provides financial support to individual candidates who are lawyers or who have shown support for the ISBA's legislative priorities.

Learn more at iowabar.org/lawpac.

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The ISBA legislative team is composed of Jim Carney, returning for his 46th year of representing the bar; Doug Struyk, a former lawyer-legislator serving his eighth year as assistant legislative counsel; and Jenny Dorman, who will be lobbying in her fourth session for the ISBA.

If you have any questions regarding the ISBA affirmative legislative program, or any other legislative matter, please feel free to contact us at carney@carneyappleby.com, struyk@carneyappleby.com or dorman@carneyappleby.com.

2021 LEGISLATIVE SESSION

LAWYER-LEGISLATORS

THERE ARE 17 LAWYERS SERVING AS LEGISLATORS IN THE IOWA HOUSE AND SENATE FOR THE 2021 SESSION. THEY ARE LISTED ALPHABETICALLY BELOW.

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1031 EXCHANGE

IOWA STATE BAR ASSOCIATION— 2021 Affirmative Legislative Program *(Updated 1/29/21)*

BILL NO.	SUBJECT	DESCRIPTION	STATUS
HSB 20/ SSB 1011	Probate & Trust Law Calculation of Probate Court Costs	Iowa Code §633.31 is currently being applied inconsistently throughout the state. There are now several district court cases declaring the clerks in at least six counties to be calculating court fees inappropriately. The bill addresses how the clerks of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court fees property over which the court lacks probate jurisdiction and for which the clerk renders no services.	House: Placed on House Judiciary Committee Agenda 2/1/21 Senate: Subcommittee recommended passage 1/26/21
HSB 27/ SSB 1007	Probate & Trust Law Guardianship & Conservatorship Update	Proposed changes to HF 610 to “fix” technical errors and substantive issues with the legislation that passed during the 2019 Legislative Session. This bill only addresses requested changes in Iowa Code 633.	House: Subcommittee assigned Senate: Subcommittee assigned
HSB 14/ SSB 1035	Probate & Trust Law Family Law Guardianship & Conservatorship Update	Proposed changes to HF 591 to “fix” technical errors and substantive issues with the legislation that passed during the 2019 Legislative Session. This bill only relates to amendments to Iowa Code 232D, or the Iowa Minor Guardianship Act. Specially, this bill makes clarifications to the role of “court visitor,” background checks, court confidentiality, and when and how the Court should be notified with regard to minor conservatorships.	House: Subcommittee recommended passage 1/13/21 Senate: Subcommittee assigned
HF 29121/ SF 173	Probate & Trust Law Certification of Trusts	Amends Iowa Code section 633A.4604 (Certification of Trusts) to require these certifications to include names of all currently acting trustees, state how many trustees must agree if there is more than one trustee, and allow signers to certify these documents (no longer will signature notarization be required). Amends Iowa Code section 633A.4703 (general order of abatement) to make trust code provisions for abating shares of surviving spouses who don’t take elective shares of the trust be the same as the probate code provisions for abating shares of surviving spouses who don’t take elective shares under the decedent’s will.	House: Introduced and placed on calendar 1/28/21 Senate: Introduced and placed on calendar 1/28/21
HSB 35/ SSB 1009	Probate & Trust Law Liability of Decedent’s Estate	Amends Iowa Code Section 611.22 to limit the parties who can represent a decedent’s interest in litigation following a decedent’s death to parties who can and must treat the results of litigation as any other asset or liability of the decedent’s estate. Legislation would ensure that a decedent’s liability pursuant to litigation isn’t given a higher priority for payment than any other claim under §633.425 of the Probate Code, and that any additional assets to which a decedent becomes entitled after death as a result of litigation aren’t exempt from taxes or other obligations to which estate assets are subject. As proposed, only a personal representative of a decedent’s estate as defined in Section 633.3 or a “successor” as defined in Section 633.356 (the affidavit procedure for settling estates with probate assets worth \$50,000 or less) because only these parties are obligated to pay the decedent’s financial obligations (taxes, debts, Medicaid claims etc.).	House: Placed on House Judiciary Committee agenda 2/1/21 Senate: Subcommittee recommended passage 1/28/21
HF 295/ SSB 1016	Probate & Trust Law Uniform Custodial Trust Act	Creates a new chapter in Iowa Code called “Uniform Custodial Trust Act.” This legislation would provide a tool to facilitate small gifts to adults akin to the Uniform Transfers to Minors Act (Chapter 565B). Additionally, this act would be used for litigation proceeds, gifts or bequests to vulnerable adults who may not be qualified to manage the new assets, but where a conservatorship isn’t a suitable vehicle. Finally, this proposal will facilitate the management of property for adults and will facilitate estate planning for testators and trust settlors.	House: Placed on calendar 1/28/21 Senate: Subcommittee recommended passage 1/20/21
SSB 1037	Probate & Trust Law Contested Claims in Probate	This proposal amends and updates the Iowa Probate Code that governs contested claims in Probate Proceedings, Iowa Code § 633.68-633.449. More specifically, this legislative proposal updates the required procedures in these proceedings to coordinate with the EDMS electronic court-filing system. Increases the value of contested claims that can be litigated under these statutes from \$300 to the small claims statutory values passed by the legislature in 2019 (\$6,500). Finally, this legislative proposal streamlines the notice requirements in these proceedings by removing outdated provisions regarding the use of USPS.	House: In drafting Senate: Subcommittee recommended passage

BILL NO.	SUBJECT	DESCRIPTION	STATUS
SSB 1006	Construction Law Mechanic's Lien Proceedings	<p>This proposal amends Iowa Code § 572.8 to allow a mechanic's lien involving real property covering multiple counties to be posted once on the centralized, digital MNL system and indexed on all applicable counties.</p> <p>In addition, this legislative proposal amends Iowa Code § 572.32 to provide statutory certainty on the recovery of attorney fees by prevailing claimants in mechanic's lien actions where the lien is discharged by a bond.</p>	<p>House: In drafting</p> <p>Senate: Scheduled for Subcommittee meeting 2/2/21</p>
HSB 39	Business Law Uniform Model Corporations Act	<p>Along with 33 other states and the District of Columbia, Iowa has generally followed the Model Business Corporation Act in enacting the law governing business corporations. It is substantively sound and well drafted, and it offers benefits to Iowa courts, practitioners, and businesses on account of its widespread adoption, court interpretations (although non-binding), and useful Official Comments. In December 2016 the ABA Corporate Laws Committee published a 4th Edition of the MBCA. The 4th Edition amends the MBCA in various substantive ways. It also represents in part a restatement of the MBCA to include amendments approved since publication of the 3rd Edition; and in recognition of continuing developments in the law, the 4th Edition integrates the MBCA with the law governing unincorporated business associations such as LLCs. Finally, some changes were made simply to improve clarity.</p>	<p>House: Subcommittee recommended passage 1/21/21</p> <p>Senate: Subcommittee recommended passage 1/26/21</p>

In addition to the above legislative proposals, The Iowa State Bar Association supports the following positions as part of its 2021 Affirmative Legislative Program:

- Full funding of indigent defense and adoption of legislation providing for \$5 per hour increase with an automatic cost of living increase in indigent defense fees.
- Full funding of the Judicial Branch.
- Full funding for Legal Services.
- Full funding of the IA Secretary of State's Office as requested by IA Secretary of State Paul Pate.
- Full funding for the Office of Substitute Decision Maker through the Aging and Disability Resource Center to protect the interests of Iowans who have no one else to manage their financial and health care needs.
- Support for child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.
- Opposition to the legalization of title insurance.
- Opposition to absolute immunity legislation.
- Opposition to arbitrary caps on the recovery of damages in medical malpractice cases.

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THE 2021 CONDITION OF THE JUDICIARY

On Wednesday, Jan. 13, Iowa Supreme Court Chief Justice Susan Christensen delivered her first Condition of the Judiciary speech to a joint convention of the General Assembly in the House Chambers. She outlined the new procedures the Judicial Branch has implemented to continue operating and providing access to justice during the COVID-19 pandemic, as well as the expansion of implicit bias training for court employees. She also spoke of priorities related to child welfare and elevating family treatment courts. These are excerpts from her address.

ON EXPANSION OF IMPLICIT BIAS TRAINING:

"Over the past six years, the judicial branch dedicated itself to implementing initiatives that are designed to identify and eliminate discriminatory behaviors which may compound the disparities present in our system of justice as a whole. Chief among these initiatives is providing implicit bias training to all judicial branch employees. This training is designed to expose people to their unconscious biases and provide them with tools to adjust automatic patterns of thinking. The judicial branch remains steadfast in its commitment to becoming better public servants."

ON HELPING IOWA'S CHILDREN REMAIN WITH THEIR FAMILIES:

"My first priority is to ensure that Iowa stands out among all the other states in implementing the Family First (Prevention Services Act)."

"Studies show that in many cases, the long-term trauma experienced by children removed from the home and into foster care may, at times, be worse than any trauma associated with staying in the home. With Family First, many Iowa families in crisis will now receive access to services sooner, before a child is removed from the home, rather than after the family is separated."

ON COVID-19 MEASURES TO KEEP COURTS FUNCTIONING SAFELY:

"We have carefully monitored the pandemic and tried our best to balance the need to keep people safe with our steadfast commitment to conduct business as necessary. And I am proud to report today that the judicial branch did not succumb to COVID-19."

"People on the front lines of our judicial branch—juvenile court officers, court administration, clerks of court, judges, court reporters, just to name a few—helped us brainstorm and imagine what kind of guidelines we must establish to ensure everyone's safety when they entered a courtroom in any of our 100 courthouses."

"By adapting to the unprecedented circumstances we've faced this year, we have proven that hope cannot be canceled or kept six feet away. We will continue to provide Iowans with the access to justice they need to turn their hopes into reality."

ON ELEVATING IOWA'S FAMILY TREATMENT COURT:

"A modern system of justice cannot be limited to a traditional adversarial model like you see on TV. Some matters, such as child abuse and neglect, are best addressed through efforts targeting the root causes of the family's crisis. In Iowa, we have 12 family treatment courts scattered across the state. Treatment courts give people the help they need to transition out of the justice system and into a healthier, productive life—this benefits not only the participants but our entire state."

"Estimates show that since 2007, our family treatment courts have generated \$17.7 million dollars in cost avoidance for the state while allowing the strong majority of the families involved to safely stay together as the parents received treatment."

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During the Covid-19 pandemic, Jeff and Mark are hosting ZOOM mediation teleconferences to keep all participants safe.

DOES REMOTE TESTIMONY PASS CONSTITUTIONAL MUSTER?

By Senior Judge
Stephen Carroll

"In all criminal prosecutions, the accused shall enjoy the right. . .to be confronted with the witnesses against him." U.S. CONST. amend VI.

At the near one-year mark of the pandemic, criminal jury trials are just beginning again after a lengthy pause. Our colleges, churches and synagogues have responded to the pandemic by using remote video technology.

Similarly, the judicial branch has kept most wheels of justice turning by remote technology. But criminal jury trials are in a special category; they are subject to constitutional constraints.

I am focusing on one constitutional restraint, the Confrontation Clause. Does it prohibit a virtual trial? To answer this question, we need to review cases involving video testimony.

IT ALL BEGAN IN IOWA

In *Coy v. Iowa*, 487 U.S. 1012 (1988), the court held the defendant's confrontation right to a "face-to-face" meeting with the witness was violated when the trial court, pursuant to a statute with a generalized legislative presumption of trauma, placed a screen between the juvenile victims of sex abuse and the defendant. The witnesses could not see the defendant and he could barely perceive them.

The "right" to a face-to-face meeting with the witnesses in *Coy*, though, became a "preference" in *Maryland v. Craig*, 497 U.S. 836 (1990).

MARYLAND V. CRAIG, 497 U.S. 836 (1990).

Facts and procedure

Craig involved criminal prosecution of an operator of a preschool facility for sexual assault of a six-year-old girl. Pursuant to a Maryland statute,¹ she testified from a separate room, with a one-way, closed-circuit television feed into the courtroom. The defendant could see and hear her, but she could neither see nor hear the defendant. The Supreme Court, by a 5-4 vote, held this procedure did not violate the Confrontation Clause.

ANALYSIS

The court set forth a two-pronged test. The state must prove: (1) the "denial of [face-to-face] confrontation is necessary to further an important public policy," and (2) the "reliability of the testimony is otherwise assured."² As to the first prong, the court added the requirement of a "case specific" finding of necessity,³ saying: "The critical inquiry in this case is, therefore,

whether use of the procedure is necessary to further an important state interest."⁴

The court narrowly defined its holding: "a State's interest in the physical and psychological well-being of child abuse victims may be sufficiently important to outweigh, at least in some cases, a defendant's right to face his accusers in court."⁵

RATIO DECIDENDI

What are the key facts and rationale that drive the outcome in *Craig*?

First, the court employed a cost-benefit balancing approach, weighing the defendant's "right"⁶ to face his accuser in court against the policy of protecting the physical and psychological well-being of a child abuse victim.

Second, the legislature, not the court, identified and defined the policy. That 37 states had similar statutes demonstrated to the court the "widespread belief in the importance of such a public policy."⁷ Implementing a policy that reflected a consensus of the state legislatures, to be sure, gave legitimacy to the court's decision.

Third, the court put a thumb on the scale for the state's interest because it was "buttressed by the growing body of academic literature documenting the psychological trauma by child abuse victims who must testify in court."⁸

Fourth, the court imposed strict limits on this procedure:

- The finding of necessity is case-specific. That is, the trial court must hold a hearing, take evidence and determine necessity to protect the child witness.
- The trial court must make these specific findings:

1. The child would be traumatized, not by the courtroom in general, but by the presence of the defendant;⁹
2. The victim's emotional distress caused by the face-to-face encounter with the defendant will be more than de minimus, more than "mere nervousness or excitement or some reluctance to testify;"¹⁰
3. The presence of the other elements of confrontation – the oath, cross-examination, and observation of the victim's demeanor – ensures the testimony is reliable.¹¹

Justice Scalia penned a strident dissent. He began: "seldom has the Court failed so conspicuously to sustain a categorical guarantee of the Constitution against the tide of prevailing current opinion."¹² He advocated jettisoning the balancing approach¹³ in favor of a bright-line rule. He said: "the purpose of

enshrining this protection in the Constitution was to assure that none of the many policy interests from time to time pursued by statutory law could overcome a defendant's right to face his or her accuser in court."¹⁴

Justice Scalia was apprehensive that *Craig* would create an open-ended exception to face-to-face confrontation if a court determined that an important public policy "outweighed" the defendant's interest in eyeballing his accuser in the courtroom. He was prescient: a number of courts have extended *Maryland v. Craig* to two-way video testimony, both in terms of the age of the victim and the nature and source of the public policy.¹⁵

2002 PROPOSED AMENDMENT TO FEDERAL RULES OF CRIMINAL PROCEDURE

The United States Supreme Court has not decided whether remote two-way testimony satisfies the Confrontation Clause. The court, however, in 2002, expressed doubt about the constitutionality of such a procedure when it rejected a judicial conference-proposed amendment to Rule 26 of the Federal Rules of Criminal Procedure. The proposal would have permitted an unavailable trial witness to testify via video provided there were "exceptional circumstances" and "appropriate safeguards."¹⁶

Justice Scalia explained his "no" vote: "Virtual confrontation might be sufficient to protect virtual confrontation rights; I doubt whether it is sufficient to protect real ones."

Two years later, in 2004, Justice Scalia, who dissented in *Craig*, authored the majority opinion in *Crawford v. Washington*, rejecting the court's earlier reliability test for the admission of hearsay under the Confrontation Clause.¹⁸

CRAWFORD V. WASHINGTON, 541 U.S. 36 (2004).

Facts

Crawford was accused of assault. He urged self-defense. His spouse told investigating officers the victim did not have a weapon. Owing to the spousal privilege, she was "unavailable" to testify. The state offered her statement. He was convicted. The Washington Supreme Court affirmed, holding that her out-of-court statement, made without an opportunity for Mr. Crawford to cross-examine, had "sufficient indicia of reliability."¹⁹

ANALYSIS

Justice Scalia, writing for the majority, reversed the Washington Court, concluding the Confrontation Clause allows:

“testimonial statements of witnesses absent from trial only where the declarant is unavailable, and only where the defendant has had a prior opportunity to cross-examine.”²⁰

Before *Crawford*, under *Roberts* and *Craig*, whether a statement violated the Confrontation Clause depended on a judicial determination of reliability under a totality-of-circumstances approach. By contrast, *Crawford* endorsed categorical rules rather than balancing. Under the new categorical approach, the standard is clear: “a witness against an accused must testify face-to-face with the accused, under oath and subject to cross-examination, if reasonably possible at trial and not in any other way, such as speaking to the police at the stationhouse.”²¹

As Professor Richard Friedman of Michigan Law School puts it: “The basic conception of *Crawford* is simple. The Confrontation Clause does not speak in terms of hearsay, or reasonableness, or reliability. Rather, it says in straightforward terms that the accused has a right to be confronted with the witnesses against him.”²²

HAS CRAIG SURVIVED CRAWFORD? SHOULD IT?

The analytic approaches to, and conceptions of, the Confrontation Clause in the two decisions are substantially different. *Craig* involved a balancing of interests: the public policy interest in protecting young victims of child abuse weighed against the defendant’s interest rooted in the Confrontation Clause. Under this balancing scheme, face-to-face confrontation was a preference, not an absolute requirement of the defendant’s confrontation rights.

Crawford unequivocally rejected the second prong (reliability) of the *Craig* analysis. Much of Justice Scalia’s dissent in *Craig* became his opinion in *Crawford*. He condemned subjective judicial balancing: “by replacing categorical constitutional guarantees with open-ended balancing tests, we do violence to their design.”²³ “Whether a statement is deemed reliable,” he observes, “depends heavily on which factors the judge considers and how much weight he accords each of them.”²⁴

The United States Supreme Court has not decided whether *Craig* survives *Crawford*. But both Justice Scalia and Justice Thomas have resisted extending *Craig* beyond its facts.²⁵ They would prefer that *Craig* remain an outlier, barren of any progeny.

But, in the common law, cases have a generative effect; they beget later cases. *Craig* is no exception. Both federal lower courts and state courts have held that *Craig* survives *Crawford* and applies to determining the constitutionality of two-way remote testimony.²⁶ They have not limited *Craig* to its facts and have held these “public policy” interests warrant eliminating the face-to-face requirement of the Confrontation Clause in other situations, such as protecting national security in terrorism cases,²⁷ effectively prosecuting international drug smuggling,²⁸ protecting health of witness with serious health condition,²⁹ protecting witnesses from defendant’s intimidation.³⁰

STATE V. ROGERSON, 855 N.W. 2D 495 (IOWA 2014)

Facts

In *State v. Rogerson*, our Supreme Court considered the issue of whether the defendant was denied his constitutional right to be confronted with the witnesses against him when prosecution witnesses were allowed, over objection, to testify via two-way video transmission.

In this prosecution for serious injury by operating a motor vehicle while intoxicated, the state moved pretrial to allow three out-of-state victims and three state lab analysts to testify via a two-way conferencing system. After a hearing with no evidence presented, the trial court approved the motion; on interlocutory appeal, the Supreme Court reversed the trial court.

ISSUES FRAMED

The state argued testimony via two-way video conference was the functional equivalent of testimony in the courtroom, in the defendant’s presence. Defendant argued video testimony was not an adequate substitute for face-to-face confrontation and urged the court to adopt a standard requiring the state to prove necessity before allowing witnesses to testify via two-way video. Deciding the defendant had the better argument, the court adopted the analytical framework of *Maryland v. Craig*,³¹ concluding:

“Hence, before permitting a witness to testify via two-way videoconference, the court must make a case-specific determination that the denial of the defendant’s confrontation right is necessary to further an important public interest. If the court finds such an interest, it must assure the reliability of the remote testimony.”³²

Applying *Craig*, the court held the state failed to meet the necessity prong of that standard.³³ Arguments of convenience and cost-savings just do not cut it, the court said.

APPLICATION FOR THE BENCH AND BAR

As a trial judge applying *Rogerson*, what would I consider important?

First, the state did not present any evidence, making only arguments of convenience, efficiency and cost-saving. Based on this record, it is difficult, if not impossible, to predict what our court would consider to be a

sufficient and necessary public policy to deny face-to-face confrontation.

Second, the court referred to, without adopting, some justifications other courts have found sufficient to satisfy the *Craig* “necessity” prong: serious illness, predisposition to panic attacks, being elderly and infirm.³⁴

Third, no empirical evidence was presented on the technology of two-way videoconferencing. Justice Hecht, in his special concurrence, pointed out that we are not close to having enough scientific knowledge to be confident virtual confrontation is the functional equivalent of confrontation in the courtroom.

He raised three relevant empirical questions. First, does real-time video testimony diminish the fact-finders’ ability to assess credibility? Second, is a witness less likely to tell the truth when the confrontation is by video? And third, how, if at all, is the ability to cross-examine affected?³⁵

Fourth, because the litigants did not raise the issue of the effect, if any, the *Crawford* decision may have on *Craig*, our court did not have the opportunity to rule on this important question.

But the Michigan Supreme Court, in *People v. Jemison*, had the recent opportunity to do that in a clear, categorical, persuasive ruling filed June 22, 2020.³⁶

PEOPLE V. JEMISON, 2020 WL 3421925.

Facts

Jemison was convicted of rape. The DNA analyst, located in Utah, testified, over objection, via Skype. Applying *Craig*, the trial court reasoned it would have been costly and difficult to bring the expert to Michigan to testify.

The Michigan Supreme Court quickly dispatched this necessity argument: “Such a rule would have perverse consequences: the prosecution could deprive a criminal defendant of confrontation rights by using out-of-state analysts to save money and then cite cost-savings as a justification for not providing face-to-face testimony.”³⁷

Notably, the Michigan Supreme Court confined *Craig* to its specific facts: “We will apply *Craig* only to the specific facts it decided:



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a child victim may testify against the accused by means of one-way video (or a similar *Craig*-type process) when the trial court finds, consistently with statutory authorization and through a case-specific showing of necessity, that the child needs special protection.”³⁸

The court determined *Crawford* “did not specifically overrule *Craig*, but it took out its legs. To reconcile *Craig* and *Crawford*, we read *Craig*’s holding according to its narrow facts.”³⁹

When *Crawford* overruled *Roberts* and did away with reliability balancing, it put *Craig*’s reliability-focused rule into doubt.⁴⁰

Richard Friedman, professor of law at Michigan Law, in his blog on the Confrontation Clause, put it succinctly: “The categorical, procedural approach of *Crawford* is entirely antithetical to the balancing-reliability approach that underlay *Craig*.”⁴¹

HAS CRAIG SURVIVED CRAWFORD?

Most courts have continued to apply *Craig*. Those decisions can be sorted into three categories: (1) where, like *Rogerson*, *Crawford* was not raised; (2) where *Crawford* was argued but the court concluded that, had the Supreme Court intended to overrule *Craig*, it would have done so explicitly; and (3) where, like *Jemison*, the court reconciled *Craig* and *Crawford* by confining *Craig*’s application to its specific facts.

SO, WHAT IS THE LAW?

Well, we don’t know. It is unsettled. Questions remain in Iowa: Has *Craig* survived *Crawford*? If so, should *Craig* be confined to its facts? If not, how do trial courts determine what is an “important policy?” Once the public policy is identified, what factors should the trial court use in balancing the state’s interest against the defendant’s “right” to confrontation?

WHAT TO DO?

In our current crisis, the primary consideration is the necessity of keeping masked people a sufficient distance apart. But this is not a sufficient public policy to conduct criminal trials remotely. Under *Craig*, there must be a “case-specific” finding, an individualized determination. A blanket rule is not permitted.

Fortunately, as Chief Justice Christensen noted in her Jan. 13 Condition of the Judiciary address, the judicial branch has not succumbed to COVID-19. Judges Badding (2B), Latham (7) and Reidel (7) successfully conducted pilot jury trials. Masks were required. Participants “socially distanced.” When social distancing was not possible, plexiglass dividers were used.

With these precautions, most courtrooms could accommodate the judge, court reporter, parties, attorneys and jury. These precautions satisfy the primary aim of keeping masked people a sufficient distance apart, and the defendant’s confrontation right remains intact.⁴²

¹ Md. Cts. & Jud. Proc. Code Ann. § 9-102(a)(1)(iii) (1989)

² *Maryland v. Craig*, 497 U.S. 836, 850 (1990) (citing to *Ohio v. Roberts*, 448 U.S. 56, 64 (1980))

³ *Id.* at 855-56.

⁴ *Id.* at 852.

⁵ *Id.* at 853.

⁶ By “right” I share Judge Richard Posner’s view that “Constitutional rights are created mainly by the Supreme of the United States by ‘interpretation’ of the constitutional text.” See Richard A. Posner, Not a Suicide Pact: The Constitution in a Time of National Emergency, at p. 18.

⁷ *Id.* at 853.

⁸ *Id.* at 855.

⁹ *Id.* at 856.

¹⁰ *Id.*

¹¹ *Id.* at 856-857.

¹² *Id.* at 860.

¹³ *Ohio v. Roberts*, 448 U.S. 56 (1980), positively sanctioned the balancing or reliability analysis. *Crawford v. Washington*, 541 U.S. 36 (2004) expressly overruled *Roberts*.

¹⁴ *Maryland v. Craig*, 497 U.S. at 861.

¹⁵ See e.g., *State ex rel. Montgomery v. Kemp*, 371 P.3d 660 (Ariz. 2016) (permitted adult victim of kidnapping and sexual assault victim to testify via two-way video); *White v. State*, 116 A.3d 5201 (Md. Ct. Spec. App. 2015) (witness in cold case allowed to testify via two-way conferencing because it would be “cruel and unusual to require her to fly” given her health concerns); *Missoula v. Duane*, 355 P.3d 729 (2015) (allowing video testimony on grounds of cost-saving and efficiency); *Bush v. State*, 193 P.3d 203 (Wyoming 2008) (not violative of Confrontation Clause when physician warned against traveling); For additional cases see: Jessica Smith, “Remote Testimony and Related Procedures Impacting a Criminal Defendant’s Confrontation Rights,” ADMIN. OF JUST. BULL. No. 2013/02 (UNC School of Government, Feb. 2013 at Notes 45 and 46).

¹⁶ Order of the Supreme Court, 207 F.R.D. 89, 94 (2002).

¹⁷ See Amendments to Rule 26(b) of the Fed. R. Crim. Pro., statement of Scalia, J. (April 29, 2002).

¹⁸ See Professor Wayne LaFave, 6 Crim. Proc. § 24.2(f) (4th ed.).

¹⁹ *Crawford v. Washington*, 541 U.S. 36, 41 (2004).

²⁰ *Id.* at 59.

²¹ Friedman, Richard D., “Rescued from the Grave and Then Covered with Mud: Justice Scalia and the Restoration of the Confrontation Right,” Minn. L. Rev. Headnotes 101, Scalia Symposium (2016): 39 at 43.

²² *Id.* at 42.

²³ *Crawford*, 541 U.S. 68.

²⁴ *Id.* at 37.

²⁵ See 44-MAY Champion 56, “Ain’t Nothing Like the Real Thing: Will Coronavirus Infect the Confrontation Clause?” See also *Marx v. Texas*, 528 U.S. 1034 (1999) (Scalia, J. dissenting from denial of certiorari); *Danner v. Kentucky*, 525 U.S. 1010 (1998) (Scalia, J. dissenting from denial of certiorari).

²⁶ See Jessica Smith, *Remote Testimony and Related Procedures Impacting a Criminal Defendant’s Confrontation Rights*, ADMIN. OF JUST. BULL. No. 2013/02 (UNC School of Government, Feb. 2013).

²⁷ *United States v. Abu Ali*, 528 F.3d 210, 240-41 (4th Cir. 2008).

²⁸ *United States v. Rosenau*, 870 F. Supp. 2d 1109, 1113 (W.D. Wash. 2012).

²⁹ See cases listed note 63, in Smith, *supra* note 26.

³⁰ *State v. Johnson*, 958 N.E. 977, 989 (Ohio Ct. App. 2011).

³¹ Given there was no evidence, once the Court adopted the Craig standard, “Les Jous Sont Faites” (the game is over).

³² *State v. Rogerson*, 855 N.W. 2d 495, 505 (Iowa 2014).

³³ *Id.* at 507.

³⁴ *Id.* at 502-03.

³⁵ *Id.* at 508-10.

³⁶ *People v. Jemison*, 505 Mich. 352, 2020 WL 3421925 (2020).

³⁷ *Id.* at 364.

³⁸ *Id.* at 365.

³⁹ *Id.* at 356.

⁴⁰ *Id.* at 363.

⁴¹ Friedman, Richard, “A Significant Decision on Remote Testimony,” *The Confrontation Blog*, June 23, 2020, <http://confrontationright.blogspot.com/2020/06/a-significant-decision-on-remote.html>.

⁴² If a witness is ill with COVID-19, Iowa R. Crim. P. 2.13(2)(a) might be used. It permits, under special circumstances, the taking of a deposition of a witness to preserve the testimony for use at trial. See *Rogerson*, at FN 5 and *State v. Rainsong*, 807 N.W.2d 283 (Iowa 2011) (discussing this provision).

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Stephen Carroll is a senior judge in District 2A and was appointed to the bench in 1985. He is a member of the Benchbook Executive Committee and Adjunct Professor at Simpson College and Mitchell Hamline School of Law.

The opinions and views expressed in this article are the author’s and not those of the Iowa Judicial Branch, the Benchbook Executive Committee, Simpson College or Mitchell Hamline Law School.



PRACTICE TIPS FROM NEW JUDGES

Much of this content was originally shared at a Polk County Bar Association virtual luncheon called “I Wish I Knew Then... New Judges’ Tips for Practitioners” on Oct. 13, 2020.

Hon. David Nelmark

In private practice, I often heard (and sometimes made) the complaint that a particular client acts as if he or she is your only client and expects you to drop everything to help. As a judge, I can tell you that a number of attorneys act as if their cases are the only ones on the judge’s docket.

In reality, my docket has 278 open civil cases. That does not include any cases where I might be covering for another judge – in Polk County or elsewhere in District 5. That does not include any family law trials (which, in Polk County, are assigned to a judge the day before they begin). So, as in private practice, judges have a lot of work to do. Unlike most law firms, there is not a lot of staff to assist in doing it.

In District 5C, due to turnover, we currently have one staff attorney and one law clerk. Even when fully staffed, we will have only four law clerks. When I was a federal clerk, there were four of us supporting one judge. In Polk County, our four clerks will support 17 district court judges and 14 district associate judges.

With that preface, here are six tips designed to help lawyers make judges’ lives easier. When you save us time, it results in faster rulings on your cases.

1. Two words: Proposed orders

If you remember nothing else from this article, remember the usefulness of proposed orders. We do have some

templates we can use, but working from a submitted Word document is much easier. In complex cases, being able to repurpose a statement of facts speeds up opinion writing a great deal. Even if we use little content from your document, you will have saved us the time of creating the caption (which you already have at your disposal from creating the motion).

Proposed orders have the added benefit of showing up separately in a judges’ queue and are thus less likely to be overlooked than a motion standing alone.

When you submit proposed orders, do not include dates, blanks for dates or signature lines. All orders are signed and dated electronically, so we have to delete any such things you include.

2. Note whether your motion is resisted

If you do not indicate whether your motion is resisted or unresisted, the motion is likely to sit in the judge’s queue

until after the deadline for a resistance passes. Most judges, even new judges, have been burned by assuming that a motion was unresisted. So, we wait. On the other hand, if you note that your motion is unresisted, it is likely to be ruled on quickly (especially if you include a proposed order with the filing)!

If you cannot get consent from the opposing side, note that the motion is resisted. It prevents the judge from wondering.

And, if the other side fails to follow this advice and files something without asking you first, but you do not resist, file your own short notice indicating there is no resistance. It will keep the docket moving and you will score points for cooperation.

3. Use case numbers in correspondence

Judges’ preferences vary as far as receiving email, but one thing is consistent: If you are going to email a judge about a matter, include the case number.

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The case number (including the four letter prefix of LACL, DRCV, etc.) is by far the easiest way for us to look up a case. The faster we can pull up the docket and get context for your message, the faster you will get a response.

4. Cite cases accurately

Most judges do not care if you underline or italicize cases, or if your abbreviations are completely consistent with The Bluebook. It is frustrating, however, to enter the numbers from a citation in a brief into Westlaw and come up empty. Before submitting a brief, double check these numbers yourself by cutting and pasting them into your legal research tool to make sure it pulls up what it is you want the judge to read.

5. File attachments and exhibits properly

First and foremost, if your brief references an exhibit, make sure it is electronically filed along with the brief. Second, make sure it is filed under the right tab; the “Proposed Exhibits” tab should be used for hearings and trials where the judge will rule on the admissibility of the exhibit. If it is a document accompanying a brief, it is generally an “attachment” rather than an exhibit. Third, reference attachments in the brief, but file them as separate documents. When they are all included as part of a single PDF, it is hard to find and review them later.

6. Be aware of EDMS protocols

Upon taking the bench, I also learned that, while judges and lawyers both use EDMS, the interface for judges is decidedly different. When you file something, it does not go to the judge, it goes to the clerk. We only know it exists if the clerk approves it and puts it in our queue or you email us and tell us it is there.

If you are experiencing a delay and it is not just due to the judge having a backlog, it may be one of these reasons:

- a) The clerk’s office is delayed. This is especially likely with clerk staff working remotely during the pandemic. If you have filed something that is time-sensitive, most judges are fine with you alerting them or their assistants that the filing has been made. If we are alerted to a filing, we can generally see it even if the clerk’s office has not approved it.
- b) The clerk’s office did not realize the motion required judicial action. Only things that a judge has to deal with are pushed through to the queue. For example, we do not see Petitions, but we do see Motions to Compel. If the request for action is buried in something else (such as a request for hearing in the middle of a status report), the staff member assigning the filing may not get it to the right place. This is another reason to provide proposed orders – they are always placed in the judge’s queue!

EDMS does feature an “emergency” designation which moves a filing to the top of the list and is highlighted within the judge’s queue. Please be aware that “emergency” means time-sensitive, not just important to your case. If you overuse the emergency designation, it is like crying wolf too many times and your real emergencies may get overlooked.

Hon. Coleman McAllister

I will also offer six tips to help improve your advocacy.

1. Motion hearings

Keep in mind that district court judges are generalists who come from varied practice backgrounds. Sometimes I have prior experience dealing with a legal issue

as a judge or lawyer that I can draw upon in deciding a motion. But sometimes I do not. So don’t be afraid to explain the applicable law, especially if the issue presented is uncommon or involves a specialized area of the law. My sole goal is to make a correct decision. Ultimately, I will make a decision on your motion based on my own independent review of the law and the facts, but your advocacy is a critical component of this process.

In fact, as a judge, it has been a revelation to learn how important oral arguments can be to my decision making. It is not uncommon for me to reach a different conclusion than I had anticipated going into a hearing. My advice therefore is to be prepared, take motion hearings seriously, and use your time to provide the court with the law it needs to make a correct decision.

2. Bench trials

When a bench trial begins, no one in the courtroom should know the case or the issues better than the lawyers. I certainly do not. I am typically notified which case I am going to preside over late the day before or even the morning of trial. I always give lawyers an opportunity to present an opening statement. Surprisingly, most lawyers decline my invitation, perhaps out of fear that they will be perceived as wasting the court’s time.

All judges are different, but I for one welcome a concise, non-argumentative opening statement in a bench trial. If efficiently done, in a minute or two, you can give me a preview of what the case is about, what evidence I am going to hear and why I am going to hear it. I find this to be valuable. Even if you are not asked to present it, preparing an opening statement will force you to think and focus on the important evidence and issues in your case. Frankly, if you are unable to explain succinctly and precisely what your case is about in a minute or two, then you may not be ready to effectively present your case.

Once the bench trial begins, don’t strain the court’s patience by wasting time and energy on extraneous matters not germane to the issues to be decided. It seems overly simplistic, but effective advocates identify the factual and legal issues before the court and focus their presentation of evidence on those issues alone while avoiding needless repetition. Choose your witnesses and exhibits accordingly. Less is usually more. You don’t always have to use every arrow in your quiver.

3. Jury trials

Jury service, while an important civic duty, causes an interruption and disruption in jurors’ lives. Be respectful of and avoid



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wasting the jury's time. Have your witnesses ready so that court can begin on time and continue without any delays between witnesses. Be organized and prepared in your witness examinations. Consider utilizing an outline to improve your pace of questioning. I can tell you that it is much easier to keep the interest and attention of the jury if there are not long pauses between questions.

Think through in advance any evidentiary issues that may arise during your trial and address them in pre-trial motions. Doing so will avoid the need to take up matters outside the jury's presence, will keep the trial moving along and will avoid inconveniencing the jurors. It will also give the court the necessary time to make an informed decision on any evidentiary issues that may arise in the trial.

4. Punctuality

Be on time. While punctuality has always been important, it is especially important in the time of COVID-19. If your hearing is in-person, arrive at the courthouse early so that if your case is moved you can still make it to the new courtroom on time. If your hearing is by phone or an online video platform and you

are a few minutes late, it feels like an eternity because everyone is just sitting and waiting for you. If a litigant is incarcerated, the staff at the jail or correctional facility is likely juggling multiple hearings, so your delay impacts more than just your case.

5. Courtesy

Lawyers have a duty to be zealous advocates. I admire and expect zealous advocacy in my courtroom because I truly believe it leads to better decision making. Be respectful and courteous to other lawyers. No judge enjoys presiding over matters where lawyers spend their court time litigating their grievances with each other instead of arguing about the law and the facts of the case. Don't confuse the advocate with the advocacy. As a lawyer I was privileged to develop friendships with many of the lawyers that I tried cases against. I hope you endeavor to do the same.

6. Avoid personal attacks

Related to the previous tip, we have probably all been involved in cases where a lawyer or litigant acts discourteously or is difficult to deal with. When this happens, resist the temptation to respond

in kind and do not make personal attacks in your pleadings or arguments to the court – even if the other side is engaging in them. Frankly, if a personal attack is justified, it is likely already clear to the judge who is to blame. Take the high road. Doing so will earn you the judge's respect.



Judge David Nelmark was appointed to the bench in 2019. He received his Bachelor of Arts degree from Drake University in 1999 and his law degree from Stanford Law School in 2005. His past experience includes working for Gislason & Hunter LLP and Belin McCormick, PC. He is a past president of the American Mock Trial Association and a past president of the Polk County Bar Association. He is a member of the ISBA Board of Governors.



Judge Coleman McAllister was appointed to the bench in April 2019. He received his undergraduate degree in History from the University of Missouri-Columbia in 1990 and his J.D. from the University of Missouri Law School in 1993. Before his appointment to the bench, he worked as a judicial law clerk, four years in private practice, and 20 years prosecuting cases as Sioux County Attorney and with the Iowa Attorney General's Office. He is a member of The Iowa State Bar Association.

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ABA RELEASES ETHICS OPINION ON RESPONDING TO NEGATIVE ONLINE REVIEWS

On Jan. 13, the American Bar Association (ABA) Standing Committee on Ethics and Professional Responsibility released Formal Opinion 496 regarding responses to online criticism.

In summary, the opinion states: Model Rule of Professional Conduct 1.6(a) prohibits lawyers from disclosing information relating to any client's representation or information that could reasonably lead to the discovery of confidential information by another. A negative online review, alone, does not meet the requirements of permissible disclosure in self-defense under Model Rule 1.6(b)(5) and, even if it did, an online response that discloses information relating

to a client's representation or that would lead to discovery of confidential information would exceed any disclosure permitted under the rule.

As a best practice, lawyers should consider not responding to a negative post or review, because doing so may draw more attention to it and invite further response from an already unhappy critic. Lawyers may request that the website or search engine host remove the information. Lawyers who choose to respond online must not disclose information that relates to a client matter, or that could reasonably lead to the discovery of confidential information by another, in the response. Lawyers may

post an invitation to contact them privately to resolve the matter. Another permissible online response would be to indicate that professional considerations preclude a response.

The Iowa Supreme Court has stated that when the ABA issues an ethics opinion covering an area of practice, the ISBA should refer Iowa lawyers to that opinion for guidance. For the latest ABA formal ethics opinions, visit www.americanbar.org/groups/professional_responsibility/committees_commissions/ethicsandprofessionalresponsibility/.

DISCIPLINARY OPINIONS

CASE NO. 20-0824: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. R. SCOTT RHINEHART

Filed Jan. 8, 2021

(Summary adapted from the opinion by Justice McDonald)

The Iowa Supreme Court Attorney Disciplinary Board filed a two-count complaint against attorney Richard Rhinehart arising out of Rhinehart's conduct in two separate litigation matters. Each count of the complaint corresponded to one of the litigation matters. In each count, the board alleged multiple violations of the rules of professional conduct. A division of the Iowa Supreme Court Grievance Commission found Rhinehart violated the rules in five respects and recommended the Iowa Supreme Court suspend Rhinehart's license to practice law for not less than 90 days. On de novo review, the court concluded the board failed to prove the alleged violations and **dismissed the complaint**.

CASE NO. 20-0797: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. MICHAEL H. SAID

Filed Jan. 8, 2021

(Summary adapted from the opinion by Justice Appel)

The Iowa Supreme Court Attorney Disciplinary Board filed a complaint against attorney Michael Said, an Iowa attorney admitted to the bar in 1994. Said formed his own law firm in 1999, focused on immigration law. The board alleged 26 violations of the Iowa Rules of Professional Conduct arising out of representation of four clients in immigration matters, including violations related to competence, diligence, promptness, client disclosures and communication, conflict of interest and charging unreasonable fees.

After a hearing, the Iowa Supreme Court Grievance Commission found that

Said violated a number of disciplinary rules that require an attorney keep his client adequately informed about the representation. The commission further found that Said revealed client information without the client's consent. The commission held that the remainder of the charges were not supported by a convincing preponderance of the evidence. As a result, the commission recommended that the Supreme Court publicly reprimand Said. Based on a de novo review, and with a prior disciplinary record as an aggravating factor, the court **suspended the license of Said for thirty days**.

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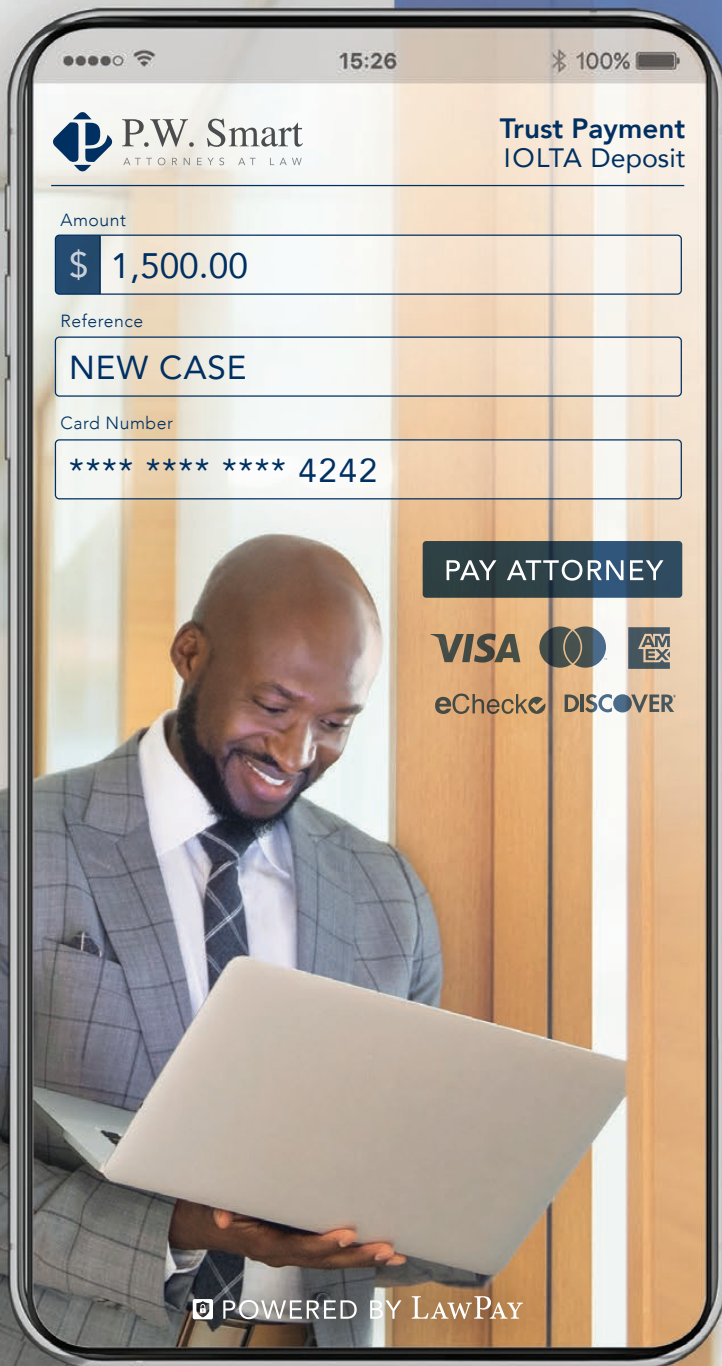
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New Iowa nonprofit seeks to educate youth of color on their Fourth Amendment rights

By Crystal Pound

Predating our county's inception, color, race and class have shaped how people view their role in society and have, in turn, been a catalyst for animosity for both citizens and law enforcement. While egalitarianism is the goal, sadly not all childhoods are created equal.

Research published in 2014 by the American Psychological Association shows that black boys as young as 10 are more likely than their white peers to be perceived as both older and guilty, and face law enforcement use of force when accused of a crime. As

the study's author stated: "[c]hildren in most societies are considered to be in a distinct group with characteristics such as innocence and the need for protection. Our research found that black boys can be seen as responsible for their actions at an age when white boys still benefit from the assumption that children are essentially innocent."

In 2015, 44 percent of American youth killed during law enforcement interaction were black or Hispanic — despite only comprising 38 percent of the 2014 youth population. This disparity is growing. By October 2017, 71 percent of youth under 18 killed during law enforcement interactions were black or Hispanic. These statistics illustrate that all youth, but especially youth of color, are in dire need of education on the rules governing what actions law enforcement may take and under which conditions. This is the need Justice101 aims to fill.

Justice101 is an extension of Street Law — a curriculum my law school classmate and I developed and taught in 2016 in response to an increase in publicized cases of lethal interactions between law enforcement and people of color. Street Law aims to teach youths of color the fundamentals of the Fourth Amendment — specifically what the law requires of both law enforcement and citizens during those interactions.

In a lot of ways, Street Law began with Michael Brown's August 2014 death and resulting turmoil in Ferguson, Missouri. Similarly, Justice101 began with George Floyd's May 2020 murder and the resulting worldwide unrest. After developing the curriculum, we taught the first Street Law class at City High in Iowa City in March 2016. It has since been taught at both City High and Metro High in Cedar Rapids to classes of high school students. Justice101 incorporated and achieved nonprofit status in June 2020.

According to the Washington Post, between 2015 and 2021, roughly 95

percent of persons killed during law enforcement interactions were black males between the ages of 20 and 40. Statistics from North Carolina may help explain this to some extent. Between 2002 and 2016, black persons were 63 percent more likely than white persons to be pulled over even though, as a whole, they drive 16 percent less. Taking into account less time on the road, blacks were roughly 95 percent more likely than whites to be pulled over. On the whole, victims of deadly law enforcement interactions are more than twice as likely to be black instead of white.

America has recently been rocked by a series of well-reported deaths of persons of color as a result of law enforcement interactions — George Floyd, Breonna Taylor, Ahmaud Arbery, Philando Castile, Alton Sterling, Freddie Gray, Tamir Rice, Sandra Bland and Michael Brown, among countless others. A common thread in these tragedies are law enforcement interactions marked by escalations leading to loss of life.

Justice101 aims to break the cycle by giving youths of color the tools needed to understand and contextualize the events occurring during an interaction with law enforcement, what their specific rights are at different points in the interaction and the appropriate time to advocate for those rights — namely after the interaction has ended and they are speaking with legal counsel. A main Street Law objective is teaching youths what the law allows and prohibits during various types of contact with law enforcement. By teaching youths to internally catalogue law enforcement violations, while respectfully complying with orders, youths are better able to navigate their conversation with law enforcement as well as actively participate in their own defense.

Most people experience the stress of a traffic stop at some point in their lives — the uncertainty of a ticket, the

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anxiety of its impact on insurance, perhaps the fear of disappointing a spouse or a parent. Law enforcement also face the unease of the unknown — an unknown person of indeterminate motive, in an anonymous car, who may or may not have a weapon. Imagine being a person of color going into a traffic stop knowing, perhaps innately, that the likelihood of a catastrophic outcome is higher than that of your peers. Street Law makes the unknown more familiar. It gives youths confidence in knowing how a law enforcement interaction is meant to proceed so they are better able to identify when the rules are not followed.

Justice101's Street Law classes focus on the four main situations where youths come into contact with law enforcement — while walking on the street, traveling in a vehicle, at school or at home. Street Law explores the different power dynamics inherent in interactions based on the setting, as well as the expanding and restricting nature of their Fourth Amendment rights in those same environments. The curriculum is built to allow law students to teach substantive classes explaining the characteristic distinctions between being free to leave a law enforcement interaction, a detainment and an arrest.

De-escalation, especially during traffic stops, is one of a handful of Justice101's key objectives on the path to save lives. For instance, in the event youths are unsure about whether they are being detained, they are taught to respectfully ask the officer. In the event they are free to go, youths are taught to immediately leave. In the event they are being either detained or placed under arrest, youths are taught to: 1) ask for their parent or guardian, 2) ask for an attorney, 3) tell the officer they wish to remain silent.

In teaching youths what the Fourth Amendment protects — and what it does not — youths gain a clearer understanding of their role and responsibilities during contact with law enforcement. Street Law challenges youths to place themselves in the shoes of others and imagine how they might perceive the same situations differently. Area attorneys volunteer during the classes, answering legal questions as the youths make specific inquiries.

Street Law's goal has always been to empower youths with knowledge, and thereby enable them to accurately convey the events to their lawyers once the interaction is over. Knowledge



The last in-person Street Law class occurred at Metro High in January 2020. Pictured: Heaven Chandler, Crystal Pound and Maliya Rattliffe. The ISBA Young Lawyers Division Executive Council recently approved a funding request from Justice 101 to help cover some of the cost of moving its programming into an online format.

breeds confidence and ensures that law enforcement and the communities they serve are working from the same base understanding of civil liberties.

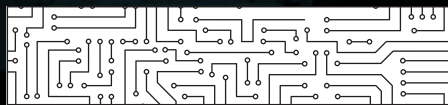
Justice101's vision moving forward includes expanding the reach, accessibility and impact of its Street Law classes. Justice101's current and most immediate goal is converting the curriculum into a virtual format available on its website — www.justice-101.org. It is currently working to record a virtual Street Law course to be used during the continued COVID pandemic and beyond.

The organization believes its core mission is vital to area youth of color across the state of Iowa. We are also reaching out and forging relationships with Iowa schools and other educational organizations that may be interested in utilizing and encouraging the use of Justice101's Street Law classes for youths, clientele and interested area residents. Now more than ever, people need to learn how to empathize and commiserate with those holding divergent views. Only when law enforcement and the communities they serve truly understand each other can unwarranted law enforcement violence end.

Lawyers who wish to get involved may contact us on the website about volunteering or email me directly at crystal@justice-101.org. Of course, the process of expanding Justice101 requires resources, and monetary donations are welcome to fund our efforts. Donations are also being accepted on Justice101's website. As Martin Luther King Jr. said, "our lives begin to end the day we become silent about things that matter." Let your voice be heard.



Crystal Pound is a litigation attorney at Simmons Perrine Moyer Bergman whose practice includes guardianships and conservatorships, business and commercial litigation, transportation law and municipal law. She earned her law degree from the University of Iowa College of Law in 2016 where she was awarded the Philip G. Hubbard Human Rights Award.



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Deutmeyer appointed to USPTO Trademark Public Advisory Committee

Fredrikson & Byron shareholder Tracy L. Deutmeyer has been sworn in as a member of the United States Patent and Trademark Office (USPTO) Trademark Public Advisory Committee (TPAC) for a three-year term through December 2023.

As a committee member, Deutmeyer will advise the Under Secretary of Commerce for Intellectual Property and the Director of the USPTO on matters relating to the policies, goals, performance, budget and user fees of the trademark operation.

Deutmeyer has practiced trademark and copyright law for more than 18 years. She regularly represents parties before the United States Patent and Trademark Office Trademark Trial and Appeal Board.



Rastelli Appointed to IAPP National Advisory Board

Dickinson Law Attorney Andrea Rastelli, a member of the International Association of Privacy Professionals (IAPP), has been selected to serve on the Privacy Bar Section of its Advisory Board.

Comprised of legal-focused privacy professionals, the section leads and develops content for the organization, provides guidance and strategic input on how the IPP can best serve professionals working in privacy law and related fields, and serves as leaders in promoting programs and activities.

Rastelli was also appointed to a two-year term as a chair of the Des Moines KnowledgeNet Chapter that provides local educational and networking opportunities for privacy professionals.

Rastelli's practice at Dickinson focuses on providing solutions for businesses and financial institutions.



Drake Law Professor Andrew Jurs elected to the American Law Institute

Andrew Jurs, the Drake University Law School Associate Dean for Academic Affairs, Clemens J. Smith Faculty Research Scholar and a Professor of Law, has been elected as a member of the prestigious American Law Institute (ALI).

The Institute's members consist of judges, professors and lawyers, who are elected based on their outstanding achievement in the legal profession. The Institute's mission is to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work.

The ALI selected Professor Jurs, who joined the Drake Law faculty in 2011, based on his expertise in expert evidence, criminal law, criminal procedure and evidence.

IN MEMORIAM

James Marty "Jim" Adams, 89, formerly of Burlington, died Dec. 17. Adams was born in 1930 in Council Bluffs. He served in the U.S. Army and received his J.D. from the University of Iowa College of Law. Following law school, he was employed by Burlington Truck Lines in Galesburg, Illinois; the law firm of O'Connor, Thomas, McDermott & Wright in Dubuque; and by the American Can Co. in Neenah, Wisconsin. In 1965, he moved to Burlington where he worked as an associate for the law firm of Hirsch, Riepe, & Wright (today known as Hirsch, Adams, Putnam, Cahill & Wiley), becoming a partner in 1968. Adams enjoyed his practice with this firm until 2010 when he retired.

Harry Perkins III, 73, of Des Moines, died Dec. 25. Perkins was born in Des Moines in 1947. He received his J.D. from Drake University Law School. He was a partner of the Patterson Law Firm from 1973 to retirement in January 2018. During his 45-year career, he practiced in civil litigation and trial law. Perkins was a member of the American Bar Association, the Federation of Insurance Council and the Iowa Academy of Trial Lawyers.

Gary A. Norton, 67, of Norwalk, died Dec. 23. Norton was born in Fort Meade, Maryland, in 1953. He received his J.D. from Washburn University Law School. In 1985, Norton joined the law firm that is currently known as Whitfield and Eddy, PLC,

where he practiced law for 32 years. He was consistently included in the publication "The Best Lawyers in America" in the area of bankruptcy and creditor-debtor rights. In 2017, he joined the legal team at Farm Credit Services of America as associate general counsel.

Lee "Ken" McKinney Walker, 70, of Newton, died Nov. 10. Walker was born in 1950 in Clarksville, Georgia. He received his J.D. from Drake University Law School. Beginning in 1975, he had a 41-year law practice in Newton. Walker focused most of his time helping clients with divorces, real estate, estate planning, probate and many other legal matters. Throughout the years, he served on a number of volunteer boards including the United Way, Jaycees, Capstone, Legal Aid and the Knoxville Hall of Fame.

Dennis Parmenter, 69, of Des Moines, died Dec. 12. Parmenter was born in Des Moines in 1950. He received his J.D. from Drake University Law School. He started his legal career as a lawyer for the Laborer's Union Local 353 in Des Moines and was a proud union member and supporter throughout his life. He worked as an Assistant Story County Attorney and started his own law practice in Huxley in 1979, where he worked until his death.

D. William (Bill) Thomas, 72, of Indianola, died Dec. 11. Thomas was born in Des Moines in 1948. He received his J.D. from Drake University Law School. He was an officer in the U.S. Navy from 1970 to 1972 and the U.S. Naval Reserve until 1984. He then served as an attorney in the greater Des Moines Area until his retirement in 2015.

Robert Edward Feilmeyer, 82, of Atlantic, died Nov. 29. Feilmeyer was born in Guthrie Center in 1938. He was a life-long member of St. Mary's Parish, a member of the original planning and zoning board in Guthrie County, a member and past president of the Lions Club, member and past president of the Board of Directors of the New Homestead, and a volunteer for Legal Aid of Iowa.

Marci Beth Tooman, 50, of Des Moines, died Jan. 1. Tooman was born in 1970 in Oscoda, Michigan. She received her J.D. from Drake University Law School. She served in the Iowa Air National Guard after high school, and eventually shifted to the Army National Guard stationed at Camp Dodge. Tooman served as a JAG officer until her retirement in 2014.



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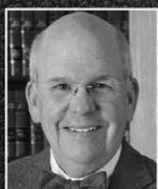
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Just. Lou LAVORATO
WEST DES MOINES



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Su	Mo	Tu	We	Th	Fr	Sa
	1	2 AM	3	4	5 PM	6
7	8 PM	9	10	11	12	13
14	15	16	17 AM	18 AM	19 AM	20
21	22	23 AM	24 AM	25	26	27
28	29	30				

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Patrick T. Vint has been elected a partner at Woods Aitken LLP in Omaha. Vint focuses his practice on commercial litigation and construction law. He received his J.D. from the University of Iowa College of Law and his B.B.A. from the University of Iowa. He is admitted to practice law in the state and federal courts of Nebraska, Iowa and Illinois, as well as the United States Court of Appeals for the Eighth Circuit.



Quinn Eaton has joined Koley Jessen P.C., L.L.O. in Omaha. He received his J.D. from Creighton University Law School. Eaton's practice focuses on serving clients in commercial and employment litigation.



Joan Fletcher and Jeff Krausman, shareholder attorneys at Dickinson, Mackaman, Tyler & Hagen P.C., retired from the firm on Dec. 31.

Fletcher's practice focused on litigation and employment, with experience in state and federal courts. Prior to joining Dickinson law in 2002, Fletcher was a partner attorney at Nyemaster Goode for 12 years.



Coreen K. Sweeney and Hallie Still-Caris have been elected as the newest leaders of Nyemaster Goode, P.C. in Des Moines, marking the first time the two highest leadership roles at Iowa's largest law firm will be held by women.

Sweeney was elected as chair and is a member of the firm's litigation department. She is a past president of the Iowa Association of Workers' Compensation Lawyers and has held multiple leadership positions in the Workers' Compensation Section of The Iowa State Bar Association. Sweeney joined Nyemaster Goode in 2000.



Krausman's practice focused primarily in the areas of employment and education law. He began his law career at the Iowa Public Relations Board (PERB), which administers the Iowa law governing employment relations and collective bargaining in the public sector. In 1977, he entered private practice, focusing primarily on labor and employment issues.



Still-Caris, elected as president, joined Nyemaster Goode in 1996 and practices in the business, finance and real estate department. A past chair of The Iowa State Bar Association's Environmental and Natural Resources Law Council, Still-Caris has held board positions with numerous community organizations including the United Way of Central Iowa, the Greater Des Moines Partnership and the Downtown Community Alliance.



John W. Hofmeyer IV and Michelle L. Arenson became shareholders of the firm Arenson Law Group, PC, in Cedar Rapids.

Hofmeyer IV initially joined Arenson Law Group, PC as an intern in 2010. His practice focuses primarily on automobile dealership counseling and transactional work, as well as business/corporate, construction, mergers and acquisitions and real estate law. He received his J.D. from the University of Iowa College of Law in 2012.



Clarissa Bierstedt was named partner at Peddicord Wharton in Des Moines. She focuses her practice on civil litigation, including personal injury, commercial litigation, products liability, professional liability, contract disputes and employment law.



Arenson joined Arenson Law Group, PC as an associate in 2017. Her practice focuses primarily on automobile dealership, business/corporate, renewable energy, mergers and acquisitions and commercial and contracts law. Arenson received her J.D. from Drake University in 1993.



Jordan M. Talsma has been named a partner at Beecher, Field, Walker, Morris, Hoffman & Johnson, P.C. in Waterloo. Talsma joined the firm in March 2017. He is licensed to practice law in both Iowa and Nebraska and primarily practices in civil litigation, personal injury, worker's compensation and family law.



Dillon Besser and Anthony Dopp have recently joined Riccolo, Semelroth, & Henningsen, P.C. (RSH Legal) in Cedar Rapids.

Besser joined RSH Legal as a trial attorney and his practice will focus on workers' compensation. He received his J.D. from the University of Iowa College of Law in 2016.



Carrie Weber has been elected a shareholder at Ahlers & Cooney, P.C. in Des Moines. Weber is a member of the firm's education law practice area, serving K-12 school districts, with an emphasis in special education. She currently leads the firm's student issues practice group. Prior to joining Ahlers & Cooney, Carrie served as a law clerk to the Hon. Robert Pratt, senior judge, United States District Court for the Southern District of Iowa from 2014-2016, and the Hon. Natalie Hudson, Minnesota Court of Appeals, from 2013-2014.



Dopp joined RSH Legal as an associate attorney and his practice will focus on plaintiff civil litigation. He received his J.D. from the University of Iowa College of Law in 2020.



Fredrikson & Byron announced Jan. 14 that it has moved into a new office space in the One Eleven East Grand building located at 111 E. Grand Avenue in Des Moines, where it occupies the third floor.

Carolyn Gunkel and Scott Halbur have been named counsel at Faegre Drinker Biddle & Reath LLP in Des Moines.

Gunkel is a litigator who represents and advises clients on critical legal and business issues. She represents businesses in product liability, agribusiness and toxic tort matters in state and federal courts.



Halbur represents clients in food and agribusiness litigation, including product liability, mass torts, environmental and natural resources litigation, biotechnology, agricultural contracts and regulatory disputes. He also practices real estate law with a focus on sale, acquisition and development.



Andrew Patton has been named shareholder at the Finley Law Firm in Des Moines. He maintains a civil litigation practice, representing clients in Iowa's state and federal courts. Patton's practice focuses on trial work, primarily defending individuals and businesses in a wide range of matters.



Beth Coonan has joined Davis Brown Law Firm in Des Moines as a shareholder attorney in the labor and employment and immigration departments. She is an experienced labor and employment and immigration lawyer assisting businesses across a variety of industries including technology, manufacturing and agriculture. Before joining the Davis Brown team, Coonan practiced at BrownWinick Law Firm for over 15 years.



Jessica A. Board has been named a partner at Heidman Law Firm in Sioux City. Board is a member of the firm's litigation practice group. She is a member of the American Bankruptcy Institute, Defense Research Institute, Iowa Defense Counsel Association, Iowa Organization of Women Attorneys. She is admitted to practice in U.S. Bankruptcy Courts and U.S. District Courts in Nebraska, South Dakota, and the Northern and Southern Districts of Iowa.



Grant Rodgers has joined Laird Law Firm in Mason City. Rodgers' practice includes corporate transactions, estate planning, probate and trust administration, real estate, family law and litigation. He received his J.D. from Drake University Law School.



Leland G. Slawson and Zachary Martin have joined Heidman Law Firm in Sioux City as associate attorneys.

Slawson earned his J.D. from Drake University Law School and a B.A. in History from Briar Cliff University. His general practice areas include insurance defense, torts, landlord-tenant matters and general litigation.



Martin earned his J.D. from the University of Iowa College of Law and has a B.A. of Arts in Philosophy from the University of Northern Iowa. His general practice areas include but are not limited to, cases involving torts, contracts, insurance, and landlord-tenant law.



Charles P. Romano, Ph.D. has joined McKee, Voorhees & Sease, PLC, in Des Moines as a senior patent agent. Romano, who is a registered patent agent, will bring over 30 years of biotech industry experience and a doctorate in biochemistry to serve clients in the biotech industry and university sectors.



Christine L. Conover has been elected to serve on the board of directors at Simmons Perrine Moyer Bergman PLC in Cedar Rapids. Conover joined the firm in 2000 where she is a medical malpractice defense attorney. She is a graduate of the University of Iowa College of Law and clerked for the Honorable Justice Jerry L. Larson on the Iowa Supreme Court. Conover is a fellow of the American College of Trial Lawyers, a fellow of the Iowa Academy of Trial Lawyers and a member of the American Board of Trial Advocates. She is also a member of the Iowa State Judicial Nominating Commission.



Krystal Mikkilineni has been named a shareholder at Bradshaw, Fowler, Proctor & Fairgrave, P.C. in Des Moines. Mikkilineni practices primarily in the areas of bankruptcy law, business law and corporate law. She earned her J.D. from Drake University Law School in 2013. Prior to joining the Bradshaw Law Firm in 2014, she clerked for the Hon. Anita L. Shodeen, chief judge at the Southern District of Iowa Bankruptcy Court.

Tyler L. Coe, Zach Hermesen, Alecia Meuleners, Kay Oskvig and Justin Sullivan were named the newest member-attorneys of the Whitfield & Eddy Law Firm.



Coe joined the firm in 2017 as an associate attorney. He is active in the firm's family law practice group and regularly represents clients in divorce, child custody, modifications and high conflict disputes including litigation. He is a mental health advocate for Iowa's youth as president of Please Pass The Love.



Hermesen joined the firm in 2013 as a law clerk, and became an associate attorney in 2015. He is an active member of the litigation practice group and serves clients as a trial attorney representing individuals and businesses in civil litigation. He has been recognized by The Iowa State Bar Association Pro Bono Honor Roll for serving the Polk County Bar Association Volunteer Lawyers Project.



Meuleners joined the firm in 2017 after practicing for several years with the United States Department of Agriculture. She is a member of the firm's real estate practice group, where she devotes herself to residential, commercial, municipal and agricultural legal issues. She co-authored the Mechanic's Lien chapter of The Iowa State Bar Association Real Estate Law Manual in 2019. Meuleners is a 2020 graduate of the West Des Moines Leadership Academy.



Oskvig joined the firm in 2018 as an associate attorney and is a member of the firm's Labor & Employment practice group representing businesses in a wide range of workforce and COVID-19 issues. She has served on nonprofit boards across the state of Iowa and is currently a board member of Junior League of Des Moines. Oskvig is a graduate of Leadership Fairfield and Leadership Siouxland, an active member of The Iowa State Bar Association and is an elected Delegate in the American Bar Association's governing body, the House of Delegates.



Sullivan joined the firm in 2019 as an attorney at law and is a member of the firm's Construction practice group representing individuals and businesses in a wide range of construction, roofing and real estate-related issues. He is Executive Secretary for the Iowa Roofing Contractors Association which represents over seventy companies involved in the Iowa residential and commercial roofing industry.



Jenny L. Winterfeld, Zachary Clausen and Clifton Kephart have all become partners at the Klass Law Firm in Sioux City.

Winterfeld earned her B.A. in Sociology and Criminal Justice from Northwestern College, and her J.D. from the University Of South Dakota School of Law in 2010. She is licensed to practice in Iowa and is a member of the Sioux County Bar Association, The Iowa State Bar Association and the Northwest Iowa Collaborative Law.



Clausen received his undergraduate degree from the University of Iowa, and his law degree from Drake University Law School in 2018. He worked for the Klass Law Firm as a clerk during law school and started full-time after graduation as an associate. He is licensed to practice law in Iowa, Nebraska, South Dakota and in the United States District Court for the Northern District of Iowa and United States Court of Appeals for the 8th Circuit. He maintains a litigation practice with a focus on civil, commercial, workers' compensation and employment law.



Kephart received a Bachelor's Degree from Mount Marty College and a Master's Degree and J.D. from the University of South Dakota. He started working for the Klass Law Firm after graduation as an associate. He is licensed to practice law in Iowa, Nebraska, South Dakota and in the United States District Court for the Northern District of Iowa. He maintains a civil litigation practice with a focus on insurance and workers' compensation defense.



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Board of Governors Winter Quarterly Meeting — ISBA BOG readies grassroots network, establishes Centralized Diversity Initiative Task Force

Members of the ISBA Board of Governors (BOG) approved a resolution and recommendations submitted by committees, sections and others at the winter ISBA BOG quarterly meeting held virtually on Dec. 16. BOG members also prepared strategies to navigate the 2021 legislative session.

ACTIONS

Resolution approved by the ISBA Board of Governors:

- Honoring deceased members (July – December 2020)

ISBA Section recommendations for the 2021 ISBA Affirmative Legislative Program were approved as follows:

Probate, Trust & Estate Planning

- Proposal to amend Iowa Code sections 633.68 through 633.449 to update and expand the procedure for filing and processing contested claims within probate proceedings to coordinate with the EDMS electronic court-filing system.
- Proposal to amend Iowa Code section 633.641 to clarify powers available to conservators from the effective date of appointment until a court approves the conservator's initial financial plan.
- Proposal to move the subsection currently codified as 633.641(4) to become 633.670(4) since this subsection relates to reports that

conservators must file with the Iowa Department of Human Services).

- Proposal to amend 633.642 to clarify that powers which require court approval upon and after approval of conservator's initial financial plan must also be added to the conservator's financial plan.
- Proposal to amend 633.635 to require that guardians obtain prior court approval for any major elective surgery or other nonemergency major medical procedures.

Additional actions approved:

- Email security and encryption services as free member benefit (see page 4)
- Virtual format for 2021 Annual Meeting
- Centralized Diversity Initiative Task Force established

REPORTS

President's report

ISBA President Jerry Schnurr III provided governors with a detailed list of his activities including notes from meetings and the topics discussed with various groups.

Schnurr reported on efforts to address the barriers to rural practice that recent law school graduates experience and issues related to lawyers retiring from rural practice. He highlighted South

Dakota's Recruitment Assistance Program that offers law students loan forgiveness for a five-year commitment to practice in an eligible rural county and opportunities that may exist to establish a similar program in Iowa.

Dialogue with Iowa Supreme Court

Molly Kottmeyer, Iowa Supreme Court Counsel to the Chief Justice, provided governors with highlights from the Iowa Judicial Branch FY 2022 Budget Request. The FY 2022 budget focuses on investing in rural counties, human capital and the maintenance of current service levels; the request for \$190,112,527 includes a five percent increase from the FY 2021 appropriation. Additional funding is needed to provide an additional 17 staff clerks who will be distributed to counties that have fewer than 2.5 clerks on staff.

Dialogue with Office of Professional Regulation

Office of Professional Regulation Director Tré Critelli provided governors with updates including information regarding the February 2021 Iowa Bar Exam and the upcoming OPR filing season. Iowa's remote UBE exam will consist of the same components as the in-person exam and will require the same passing score as provided for in Iowa Court rule 31.3(1)(b)-(c). Critelli reported that there will no longer be an ethics biennium CLE requirement. Instead, Iowa lawyers will be required to meet annual ethics CLE requirements which may include either one hour of diversity and inclusion or one hour of attorney wellness training.

Legislative counsel's report

ISBA Legislative Counsel Jim Carney highlighted opportunities for the ISBA Grassroots Advocacy Network's efforts during the upcoming legislative session. ISBA President Schnurr also stressed the importance of participation in the ISBA's Grassroots Advocacy Network (see page 5 President's Letter). The ISBA Grassroots Advocacy Network has one or two ISBA members in each Senate district assigned



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to be an “advocate.” Advocates communicate with their state representatives and senators about matters important to the ISBA. The ISBA provides information to advocates on points to raise with legislators. Schnurr asked governors and members to serve as trusted sources of information for their legislators before and throughout the upcoming legislative session.

Also reported was a proposal from the Construction Law Section recommending the amendment of Iowa Code section 572.8 as part of the 2021 ISBA Affirmative Legislative Agenda. Construction Law Section Legislative Subcommittee Chair Jodie McDougal explained that the proposed amendment would eliminate the need to file duplicative liens to cover multiple counties.

McDougal also told the governors that the Construction Law Section Council’s view is that an amendment to Iowa Code section 572.32 would allow for recovery of attorney fees in mechanic’s liens actions where a lien is discharged by a bond. She acknowledged, however, that district courts disagree on this issue.

Additional details can be found on page 10 and 11.

Iowa LawPAC

Iowa LawPAC Committee Chair Tom Henderson and Michael Mahaffey described how LawPAC works to support all lawyer-legislator candidates regardless of their political affiliation. The board consists of 10 members appointed by the ISBA President with no more than five LawPAC board members registered with any one political party. Henderson reviewed LawPAC’s 2020 contributions to candidates and noted that \$59,700 in contributions went to support Republicans – with 18 candidates for Senate and 36 candidates for House – and that \$56,300 went to Democrats – with 15 candidates for Senate and 30 candidates for House.

ISBA executive director’s report

ISBA Executive Director Dwight Dinkla and ISBA Assistant Executive Director Harry Shipley provided governors with highlights from the 2020 State & Local Bar Benchmarks Survey conducted by the ABA Division for Bar Services and noted how the ISBA compares in terms of declines in membership, budget cuts and staff furloughs.

Dinkla updated governors on the ISBA Insurance Committee’s December meeting and efforts to explore bar association health plans for members. Any program would be limited by insurers in Iowa, their willingness to participate

and related federal regulations.

Shipley provided updates on the conversion of IowaDocs® from Hotdocs to XpressDox and Trustifi, the email security and encryption service available to members.

ISBA Ways & Means Committee Chair Gary Streit provided governors with an overview of the ISBA Financial Statements and the ISBA Annual Audit. While overall income is down due to the pandemic, expenses relating to the ISBA BOG, CLEs, administrative expenses, sections and the YLD are also down due in part to converting to virtual meetings and engaging in less travel.

YLD president’s report

YLD President Torey Cuellar reported that the YLD helped Iowa Legal Aid provide pro bono legal services to more than 100 clients through the inaugural Cady Day Expungement Clinic. YLD members also assisted with the first-ever virtual middle school mock trial finals. Cuellar provided an update on the Derecho Legal Hotline and asked for more lawyers to volunteer. She also described efforts to help YLD members with any concerns related to the upcoming February 2021 Iowa Bar Exam.

ABA delegate report

ABA Delegate David L. Brown is currently vice chair of the Standing Committee on the Federal Judiciary (FJC) of the American Bar Association. The FJC evaluates the professional qualifications of all nominees to the Supreme Court of the United States, circuit courts of appeals, district courts (including territorial district courts) and the Court of International Trade. Brown noted that nominees are evaluated on the basis of their competence, temperament and integrity. Brown provided updates on the committee’s work between Sept. 26 and Oct. 26, 2020, and related efforts.

Consolidation and centralization of diversity and inclusion

ISBA President-elect Anjie Shotts reported that there is a need for a task force to work on the identification of challenges and opportunities for diversifying the legal profession in the state of Iowa and encouraging a more inclusive environment for the members of the legal community who are women or minorities. She recommended the creation of an ad hoc Centralized Diversity Initiative Task Force with members to be appointed by the ISBA President.

Iowa Title Guaranty

Iowa Title Guaranty Director Lindsay Guerrero provided information about policy updates and reported that ITG contributed to local Iowa communities in 2020 by investing \$1.75 million into Iowa Finance Authority’s affordable housing programs, providing 2,581 homebuyers with down payment assistance, partnering with 1,137 Iowa real estate attorneys, 138 Iowa abstractors and 428 Iowa closers and by paying \$3.9 million to participating field issuers across the state of Iowa. She also commented on efforts in rural areas.

Annual meeting committee

ISBA Annual Meeting Committee Co-Chair Kathy Law reported on the success of the 2020 annual meeting’s virtual format, and submitted the committee’s recommendation that the 2021 annual meeting be held virtually in early to mid-June 2021. The committee may explore options for outdoor social gatherings and remote events as more information becomes available regarding the availability of vaccines and the course of the COVID-19 virus.

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Thank you to the speakers from ISBA CLE events in December 2020 and January 2021.

2020 Bloethe Tax School – Dec. 2-4, 2020

Brandon Buck, Moore McKibben Goodman & Lorenz LLP
David Brown, IPE 1031
Daniel Fischer, Kohorst & Fischer Law PLLC
Alan Gregerson, IRS, Senior Stakeholder Liaison
Maureen Gronstal, Bradley & Riley
Kurt Konek, Iowa Department of Revenue
Joe Kristan, Eide Bailly LLP
Jenna Lain, Meyer & Lain
Shawn Leisinger, Washburn Law Associate
Dean for Centers and External Programs
Externship Director
Prof. Roger McEowen, Washburn University School of Law
David Repp, Dickinson, Mackaman, Tyler & Hagen, P.C.
Brandon Ruopp, Moore, McKibben, Goodman Lorenz, LLP
Alyssa Stewart, Anderson, Roberts, Porth Wallace & Stewart, LLP
Jason Stone, Davis Brown Law Firm
Kristine Tidgren, Iowa State University Center for Agricultural Law and Taxation
Adam Ullrich, Reimer Lohman Reitz Sailer and Ullrich
Kenton Vriezelaar, Vriezelaar Tigges
Edgington Bottaro Boden & Ross LLP
Kyle Wilcox, Simmons Perrine Moyer Bergman PLC

Legal Ethics and Civility in a Pandemic – Dec. 9, 2020

Celeste Bremer, U.S. Magistrate Judge, U.S. District Court, Southern District of Iowa

2020 Federal Practice Seminar – Dec. 11, 2020

Chief Magistrate Judge Helen Adams, U.S. District Court of Southern District of Iowa
Leslie Behaunek, Nyemaster Goode PC

Magistrate Judge Celeste Bremer, U.S. District Court of Southern District of Iowa
Hon. Steven Colloton, United States Court of Appeals for the Eighth Circuit
Kimberly Cullen, University of Iowa Law Student
Prof. Laurie Doré, Drake University Law School
Andrew Dunn, Parrish Kruidenier
Jack Dusthimer, Dusthimer Law Office
Susan Elgin, Faegre Drinker Biddle & Reath
Megan Flynn, Coppola, McConville, Carroll, Hockenberry & Flynn, P.C.
District Judge Rebecca Goodgame Ebinger, U.S. District Court of Southern District of Iowa
Diane Helphrey, Federal Public Defender's Office, Southern District of Iowa
Tim Hill, Bradley & Riley PC
Prof. Emily Hughes, University of Iowa Law School
Magistrate Judge Stephen Jackson, U.S. District Court of Southern District of Iowa
Andrea Jaeger, Keegan, Tindal & Jaeger
Chief District Judge John Jarvey, U.S. District Court of Southern District of Iowa
Hon. Jane Kelly, United States Court of Appeals for the Eighth Circuit
Gilbert King, Pulitzer Prize-winning author of "Devil in the Grove"
Hon. Michael Melloy, United States Court of Appeals for the Eighth Circuit, Senior Judge
Nate Nieman, Nieman Law
Alfredo Parrish, Parrish Kruidenier
Ed Prill, Crowley & Prill
District Judge Linda Reade, U.S. District Court for the Northern District of Iowa
Magistrate Judge Mark Roberts, U.S. District Court for the Northern District of Iowa
District Judge Stephanie Rose, U.S. District Court of Southern District of Iowa
Chief District Judge Leonard Strand, U.S. District Court for the Northern District of Iowa
Hon. Ignacio Torteya III, United States Magistrate Judge for the Southern District of Texas

Magistrate Judge Ross Walters, U.S. District Court of Southern District of Iowa
District Judge C.J. Williams, U.S. District Court for the Northern District of Iowa

Well-Being and Substance Issues During COVID-19 – Dec. 14, 2020

Hope Wood, Hope Wood JD, P.L.L.C.
Hugh Grady, Lawyer Assistance Program

Ethical Multigenerational Interactions: Challenges and Opportunities – Dec. 17, 2020

Emily Chafa, Chair, ISBA Diversity & Inclusiveness Committee
Deanna Clingan-Fischer
Marlene Garvis, Marlene Garvis, LLC
Roxann Ryan
Martha Shaff, Betty Neuman & McMahon PLC
Chantelle Smith, Assistant Attorney General, Iowa Attorney

Drug Testing from a Parent Perspective – Dec. 21, 2020

Sara Person, Iowa Parent Partner State Director, Children & Families of Iowa

Furloughs, Reductions in Force and Layoffs – Dec. 29, 2020

Kay Oskvig, Whitfield & Eddy, P.L.C.

Avoiding the Ditches of Zealous Advocacy: A Review of the Rules and Cases – Dec. 31, 2020

Timothy Gartin, Hastings Gartin & Boettger LLP

2021 Legislative Session Preview – Jan. 11, 2021

Doug Struyk, Carney & Appleby PLC
Jenny Dorman, Carney & Appleby PLC

A Review of the Consolidated Appropriations Act – Jan. 14, 2021

Kristine Tidgren, Director of the ISU Center for Agricultural Law and Taxation

Current Issues with the Paycheck Protection Program – Jan. 21, 2021

Steve Dickinson, Cozen O'Connor

COVID-19 Current Workplace Issues – Jan. 28, 2021

Mary Funk, Nyemaster Goode PC
Melissa Hasso, Sherinian & Hasso
Rod Kubat, Nyemaster Goode PC
Emily Pontius, Fredrikson & Byron PA



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2020 CLE INFORMATION

Live webinar program unless labeled otherwise

The CLE credit information contained in the following chart is for the 2020 year. This information should be used to calculate CLE hours for 2020 when filing your CLE report with the Commission on Continuing Legal Education. **Filing deadline is March 10, 2021.**

Date	Event Title	State	Ethics	Juvenile	Activity ID
Jan. 21	Home Rule Issues (In-person event)	1	0	0	340274
Jan. 21	Home Rule Issues	1	0	0	340275
Jan. 22	Use of Mental Health Professionals in Family Law	1	0	0	340276
Jan. 31	Corporate Counsel Institute (In-person event)	5.50	0	0	342530
Jan. 31	Corporate Counsel Institute	5.50	0	0	342529
Feb. 3	Objectivity: First, Third and Fifth (In-person event)	1	1	0	343020
Feb. 3	Objectivity: First, Third and Fifth	1	1	0	343018
Feb. 6	Safe Harbors and Calm Seas: Navigating Risk in Law Practice	2	2	0	342991
Feb. 11	Ballot Measures and Elections Following the Young/Iowa City School District Decision (In-person event)	1	0	0	340278
Feb. 11	Ballot Measures and Elections Following the Young/Iowa City School District Decision	1	0	0	340277
Feb. 12	Estate Planning Considerations for Closely-Held Business Documents	1	0	0	340280
Feb. 14	Transformation as a Process	1	0	0	340281
Feb. 26	The Most Notable Unnotable IP Licensing Cases of 2019	1	0	0	342528
March 9	Executive Compensation Incentives and Section 409A	1	0	0	343021
March 11	Construction Law Seminar	3.75	0	0	344336
March 11	Construction Law Seminar	3.75	0	0	344337
March 24	Hints and Tips on Practicing Remotely	1.75	1.75	0	345841
March 27	Practicing Law in the Shadow of COVID-19	0.5	0.50	0	346107
March 30	Round-Table Question/Answer About COVID-19 and Impact on Local Government	1.50	0	0	346028
March 31	How to Stay Cybersecure While Working from Home	0.75	0	0	346113
April 1	Practical Steps to Make Your Firm Profitable and Efficient (...and Remote)	1.50	0	0	346061
April 1	Assisting Family Law Clients with COVID-19 Related Issues	1	0	0	346005
April 2	Juvenile Law Seminar	7.25	1	7.25	343106
April 3	Criminal Law Seminar	5.5	0	0	342992
April 3	Effective Ethical Behaviors in the Pursuit of Conflict Resolution	0.50	0.50	0	346108
April 6	Small Business Assistance Under the CARES Act	1	0	0	346329
April 7	How to Practice Remotely and Securely Amid COVID-19	1	0	0	346352
April 9	The CARES Act and Other COVID-19 Developments	2	0	0	346333
April 9	Remote Online Notary	1.50	0	0	346816
April 10	Coronavirus Considerations for Litigators	1	0	0	346355
April 10	Client Relations and Law Firm Finances	0.50	0.50	0	346085
April 14	TeleMediation Training	2	0	0	346490
April 16	The Coronavirus Outbreak is a Referendum on Virtual Practice	1	0	0	346357
April 17	Ethics of Contract Negotiation	0.50	0.50	0	346110
April 20	Drug Testing Law for Public Employers in Iowa	1	0	0	346952
April 21	The FFCRA and Other COVID-19 Considerations for Employers	1	0	0	346638
April 22	Domestic Violence	1	0	0	343022
April 23	Using Arbitration to Resolve International Commercial Disputes	1	0	0	347228
April 24	The Danger of Boilerplate Contract Provisions	0.50	0	0	346111
April 30	Force Majeure Clauses and Contractual Non-performance as a Result of COVID-19	1	0	0	347460
May 1	Litigating in a Divided Nation	0.50	0	0	346112
May 8	Preparing and Cross-Examining Witnesses	0.50	0	0	346086

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2020 CLE INFORMATION		Live webinar program unless labeled otherwise			
Date	Event Title	State	Ethics	Juvenile	Activity ID
May 18-22	Annual Meeting	30.50	4.50	2	347459
May 26	Modifications of Custody and Support: Weighing the Impact of COVID-19	1	0	0	349158
May 29	Commercial and Bankruptcy Law Seminar	6.75	1	0	348069
June 1	Effective Communication and the Elderly Client	1	0	0	349313
June 8	FFCRA: The Families First Coronavirus Response Act	1	0	0	349342
June 11	Mental Health Post-Pandemic: Attorneys, Staff and Clients	1	0	0	349670
June 16	Summer Tax School	6	0	0	349947
June 19	Government Practice Seminar	6	1	0	349671
June 25	The Current and Future Privacy Landscape in the U.S.	1	0	0	350299
July 13	Arbitration in the Time of COVID-19	1.50	0	0	350300
July 14	Unemployment Hearings in the Time of COVID	1	0	0	350974
July 15	Farmland Leasing: Nuts and Bolts of Working Your Farmland Owners and Operators	1	0	0	350975
July 22	Ethics and the Older Client	1	1	0	350301
July 23	Representations and Warranties Insurance Trends and What's Next	1	0	0	350976
Aug. 5	Financial Planning for Young Lawyers: How to Pay Down Debt, Save and Maximize Employer Benefits	1	0	0	352310
Aug. 6	Ensuring Due Process for Litigants with Mental Impairments and Cognitive Disorders	1	0	0	350977
Aug. 10	Iowa Land Records and E-Submission 101	1.50	0	0	353208
Aug. 17	Lawyers and Loans: Managing Your Student Debt	1	0	0	352309
Aug. 18	COVID-19 Legislative Relief: Where Are We Now?	1.50	0	0	353535
Aug. 19	ITG: Commercial Services Overview and Residential Update	1	0	0	350271
Aug. 28	Financial Planning for Solo Practitioners/Small Firms: How to Maximize Growth and Minimize Tax While Maintaining Liquidity	1	0	0	352311
Sept. 1	Sweeping Changes to Court Debt Assessment and Collection	1	0	0	353913
Sept. 10-11	Bridge the Gap Seminar	15	3	1	353894
Sept. 14	Voting Rights, Hard Won, Not Done: Honoring the Legacy of the 15th and 19th Amendments	1	0	0	350978
Sept. 17	Safe at Home Program	1	0	0	354526
Sept. 18	Corporate Counsel and Trade Regulation Seminar	6.25	2	0	353914
Sept. 23	Agricultural Law Seminar	6.50	1	0	353131
Sept. 29	Child-focused Innovations in Family Law	1	0	0	353915
Sept. 30	Recognizing and Managing Burnout	1.50	1.50	0	354835
Oct. 2	Navigating Life and the Legal Profession as a Young Lawyer: A Panel Discussion	1	1	0	354836
Oct. 5	How Redlining Has Created the Racial Wealth Divide in Iowa	1	1	0	353916
Oct. 6	Fundamentals of Federal Practice Seminar	3.75	1	0	353893
Oct. 9	Open Meetings/Public Records in the Time of COVID-19	1	0	0	354818
Oct. 19	Drug and Alcohol Testing 101	1	0	0	354837
Oct. 21-23	Family Law Seminar	15	2	4.50	355009
Oct. 26	Slowing the Avalanche: Gain Control of Your Email Before it Buries You	1	0	0	354820
Oct. 27	The Limitations and Pitfalls of Hair and Sweat Testing to Detect Drug Use	1	0	1	355244
Nov. 2	The Language of Judicial Opinion Writing	2	2	0	354838
Nov. 9	City Annexation from Simple to Complex	1	0	0	355973
Nov. 12	POWER Act + Gender and Judicial Opinion Writing	3	3	0	355245
Nov. 16-17	Corporate Counsel Institute	5.50	0.75	0	356599
Nov. 17	Drug Testing in Child Welfare Cases: Chemistry, Methodology and Legal Implications	1	0	1	354839

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2020 CLE INFORMATION		Live webinar program unless labeled otherwise			
Date	Event Title	State	Ethics	Juvenile	Activity ID
Nov. 18	Unemployment Insurance Appeals During COVID-19	1	0	0	354823
Nov. 19	Safe Harbors and Calm Seas: Navigating Risk in Law Practice	2	2	0	353356
Nov. 19-20	Labor and Employment Law Seminar	6.75	1	0	354841
Nov. 23	Kids, Custody and COVID-19	1	0	0	355975
Dec. 2-4	Bloethe Tax School	16.25	2	0	356643
Dec. 9	Legal Ethics and Civility in a Pandemic	1	1	0	357251
Dec. 11	Federal Practice Seminar	7	1.50	0	356747
Dec. 14	Well-Being and Substance Issues During COVID-19	1.50	1.50	0	354843
Dec. 17	Ethical Multigenerational Interactions: Challenges and Opportunities	3	3	0	358033
Dec. 21	Drug Testing from a Parent Perspective	1	0	1	355243
Dec. 29	Furloughs, Reductions in Force and Layoffs	1	0	0	358502
Dec. 31	Avoiding the Ditches of Zealous Advocacy: A Review of the Rules and Cases	1	1	0	358503

2020 ON-DEMAND CLE INFORMATION						
Start Date	End Date	Event Title	State	Ethics	Juvenile	Activity ID
July 1, 2019	July 1, 2020	Legislative Update for Probate	0.75	0	0	331747
July 8, 2019	July 8, 2020	Easements: A Panel Discussion of Particular Problems and Solutions	1	0	0	332137
July 8, 2019	July 8, 2020	When Technical Objections Should Cloud Title Under Iowa Land Title Standard 1.1	1	0	0	332112
July 8, 2019	July 8, 2020	The Myths of Joint Physical Care Presumptions	0.75	0	0.75	332113
July 8, 2019	July 8, 2020	Hot Topics from the Probate Section Listserv	1	0	0	332111
July 8, 2019	July 8, 2020	Professional Fiduciary's Guide to the Do's and Don'ts of Drafting	0.50	0	0	332114
July 8, 2019	July 8, 2020	Introduction to Termination of Parental Rights and Adoption Pursuant to Iowa Code Section 600 and 600A	0.50	0	0.50	332138
July 8, 2019	July 8, 2020	Advising Clients on a Fixed Income About Dealing with Debt	0.50	0	0	332139
July 31, 2019	April 3, 2020	Behind the Scenes at Attorney Disciplinary Board	1	1	0	333413
July 31, 2019	April 3, 2020	Criminal Law Update	1	0	0	333405
July 31, 2019	April 4, 2020	Actual Innocence Claims and Successive PCR Application	1	0	0	333408
July 31, 2019	April 17, 2020	Estate and Tax Planning Basics for Modest Non-Taxable Estate	2	0	0	333404
July 31, 2019	June 12, 2020	Medicaid Eligibility for Nursing Home and Other Long-Term Care	1	0	0	333406
July 31, 2019	June 12, 2020	One of These is Not Certain: Death. Taxes. IDR Purgatory.	1	0	0	333407
Aug. 12, 2019	April 4, 2020	Criminal Immigration issues	1	0	0	333905
Aug. 12, 2019	April 5, 2020	Mechanic's Liens for Lenders	0.75	0	0	333892
Aug. 12, 2019	April 5, 2020	Commercial Law Update	0.50	0	0	333904
Nov. 12, 2019	Sept. 12, 2020	Substance Abuse and the Profession	1	1	0	338413
Nov. 12, 2019	Sept. 12, 2020	Entrepreneurship and Startup Law Discussion	0.75	0	0	338408
Nov. 12, 2019	Sept. 12, 2020	Iowa's Dram Shop Act	0.50	0	0	338358
Nov. 12, 2019	Sept. 12, 2020	Corporate Deposition: You Can't Say "I Don't Know"	0.50	0	0	338405
Nov. 12, 2019	Sept. 12, 2020	Drug Testing and Employment Law	0.50	0	0	338403
Nov. 12, 2019	Oct. 26, 2020	Family Law Update	1.25	0	0.75	338402

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2020 ON-DEMAND CLE INFORMATION

Start Date	End Date	Event Title	State	Ethics	Juvenile	Activity ID
Dec. 11, 2019	Oct. 24, 2020	The Intersection of Elder Law and Family Law	1.25	0	0	340289
Dec. 11, 2019	Oct. 26, 2020	Juvenile Appeals	0.75	0	0	340287
Dec. 12, 2019	Nov. 18, 2020	Dealing with Digital Assets: What Estate Planners Need to Know	1	0	0	340285
Dec. 12, 2019	Dec. 11, 2020	Ethics! Considerations When Representing Estate Planning Clients	0.50	0.50	0	340282
Dec. 24, 2019	Nov. 19, 2020	Mediation Ethics: Stories from the Trenches	1	1	0	341181
Dec. 24, 2019	Dec. 20, 2020	Ideas for Improving Mental Health Through Self-Care	1	1	0	341183
Dec. 30, 2019	Dec. 30, 2020	Lawyer Wellness	1	1	0	341505
Jan. 8, 2020	Dec. 31, 2020	The Attorney-Client Relationship: A Review of the Rules and Cases	1	1	0	341992
March 27, 2020	March 27, 2021	Practicing Law in the Shadow of COVID-19	0.50	0.50	0	346328
April 3, 2020	April 3, 2021	Effective Ethical Behaviors in the Pursuit of Conflict Resolution	0.50	0.50	0	346327
April 10, 2020	April 10, 2021	Client Relations and Law Firm Finances	0.50	0.50	0	346351
April 17, 2020	April 17, 2021	Ethics of Contract Negotiation	0.50	0.50	0	346350
April 24, 2020	April 24, 2021	The Danger of Boilerplate Contract Provisions	0.50	0	0	346349
May 1, 2020	May 1, 2021	Litigating in a Divided Nation	0.50	0	0	346348
May 8, 2020	May 8, 2021	Preparing and Cross-Examining Witnesses	0.50	0	0	346347
May 18, 2020	May 18, 2021	Civil Case Law Update	1	0	0	349975
May 18, 2020	May 18, 2021	Criminal Case Law Update	1	0	0	349974
May 18, 2020	May 18, 2021	Recent Legal Updates Impacting Agricultural Procedures	1.50	0	0	349669
May 18, 2020	May 18, 2021	Hemp Farming in Iowa	1	0	0	349680
May 19, 2020	May 19, 2021	Statutory Interpretation	1	0	0	349910
May 19, 2020	May 19, 2021	Iowa Tax Sale Law	1	0	0	349760
May 19, 2020	May 19, 2021	Family Law Update	1	0	0	349674
May 20, 2020	May 20, 2021	Iowa Trust Code	1	0	0	349948
May 20, 2020	May 20, 2021	Ethics During COVID-19	1	0	0	350118
May 21, 2020	May 21, 2021	Delinquency and Immigration	1	0	1	349728
May 21, 2020	May 21, 2021	Coronavirus Considerations for Litigators	1	0	0	350119
May 22, 2020	May 22, 2021	Medicaid Issues	1	0	0	350336
May 22, 2020	May 22, 2021	The State of Diversity and Inclusion in the Legal Profession	1	1	0	350335
May 22, 2020	May 22, 2021	Medical Cannabis in Iowa	1	0	0	349709
May 22, 2020	May 22, 2021	Ethical Time Management and Billing	1	1	0	349951
July 1, 2020	April 21, 2021	Employment Law Issues During COVID-19	1	0	0	351028
July 24, 2020	June 1, 2021	Case Law Update	1	0	0	352290
July 28, 2020	June 19, 2021	Public Employment	1	0	0	352474
July 29, 2020	June 19, 2021	The Year in Ethics Opinions	1	1	0	352510
Sept. 10, 2020	Sept. 10, 2021	State Case Law Update	1	0	0	358221
Sept. 21, 2020	Aug. 6, 2021	Ensuring Due Process for Litigants with Mental Impairments and Cognitive Disorders	1	0	0	354652
Sept. 21, 2020	Aug. 19, 2021	ITG: Commercial Services Overview and Residential Update	1	0	0	354642
Oct. 9, 2020	Sept. 14, 2021	Voting Rights, Hard Won, Not Done: Honoring the Legacy of the 15th and 19th Amendments	1	0	0	355358
Oct. 9, 2020	Oct. 5, 2021	How Redlining Has Created the Racial Wealth Divide in Iowa	1	1	0	355357

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2020 ON-DEMAND CLE INFORMATION

Start Date	End Date	Event Title	State	Ethics	Juvenile	Activity ID
Oct. 15, 2020	Oct. 9, 2021	Open Meetings/Public Records in the Time of COVID-19	1	0	0	355359
Nov. 16, 2020	Nov. 16, 2021	Legal Issues with a Remote Workforce	1	0	0	357250
Nov. 17, 2020	Nov. 17, 2021	Cybersecurity Enforcement Perspective from Iowa Attorney General's Office	0.50	0	0	357245
Nov. 17, 2020	Nov. 17, 2021	Employees: Your Biggest Cybersecurity Threat	0.50	0	0	357267
Nov. 18, 2020	Nov. 18, 2021	Unemployment Insurance Appeals During COVID-19	1	0	0	357249
Nov. 19, 2020	Nov. 19, 2021	Safe Harbors and Calm Seas: Navigating Risk in Law Practice	2	2	0	357266
Dec. 9, 2020	Dec. 9, 2021	Legal Ethics and Civility in a Pandemic	1	1	0	357921
Dec. 15, 2020	Sept. 10, 2021	Federal Case Law Update	1	0	0	358292
Dec. 15, 2020	Sept. 10, 2021	COVID-19 and Employment Law	0.75	0	0	358249
Dec. 16, 2020	Sept. 10, 2021	Estate Recovery	0.50	0	0	358276
Dec. 16, 2020	Sept. 10, 2021	Title Opinion Basics	1	0	0	358306
Dec. 17, 2020	Sept. 10, 2021	Grandparents and DHS	0.75	0	0.75	358429
Dec. 17, 2020	Dec. 2, 2021	Like-Kind Exchanges	0.75	0	0	358410
Dec. 17, 2020	Dec. 2, 2021	Estates and Trusts	0.75	0	0	358426
Dec. 17, 2020	Dec. 2, 2021	Title XIX Issues	1	0	0	358428
Dec. 17, 2020	Dec. 17, 2021	Ethical Multigenerational Interactions: Challenges and Opportunities	3	3	0	358032
Dec. 18, 2020	Sept. 2, 2021	Family Law from Start to Finish	0.50	0.50	0	358560
Dec. 18, 2020	Sept. 2, 2021	Your Mental Health	0.75	0.75	0	358531
Dec. 18, 2020	Nov. 19, 2021	Case Law Update	1	0	0	358523
Dec. 18, 2020	Dec. 2, 2021	Depreciation	0.50	0	0	358525
Dec. 21, 2020	Nov. 19, 2021	Iowa Workforce Development COVID-19 and Unemployment Insurance	0.50	0	0	358642
Dec. 22, 2020	Sept. 10, 2021	Ethics for Young Lawyers	1	1	0	358692
Dec. 22, 2020	Sept. 10, 2021	Using Demonstrative Evidence at Trial	1	0	0	358694
Dec. 22, 2020	Sept. 10, 2021	Guardianships and Conservatorships	0.50	0	0	358676
Dec. 22, 2020	Nov. 16, 2021	We were Supposed to Do What? Tracking Regulatory Change Through the Organization	0.75	0	0	358683
Dec. 22, 2020	Nov. 19, 2021	Settlement Agreements and Non-compete Agreements	0.50	0	0	358672
Dec. 23, 2020	Nov. 16, 2021	Director Fiduciary Duty and Governance Update	0.75	0	0	358777
Dec. 28, 2020	Dec. 1, 2021	Paycheck Protection Program	0.50	0	0	358894
Dec. 28, 2020	Dec. 2, 2021	Business Entity	1	0	0	358853
Dec. 28, 2020	Dec. 1, 2021	Retirement Planning in 2020 Following the S.E.C.U.R.E. Act and COVID-19	1.25	0	0	358857
Dec. 28, 2020	Dec. 1, 2021	Key Tax Considerations Heading in 2021	0.50	0	0	358897
Dec. 29, 2020	Dec. 2, 2021	Tax Forms and Examples	1.50	0	0	358922
Dec. 30, 2020	Dec. 2, 2021	2020 Legislation and Tax Issues Related to COVID-19 and Other Casualties	3	0	0	359024

2020 FASTCASE CLE INFORMATION

Start Date	End Date	Event Title	State	Ethics	Juvenile	Activity ID
Jan. 1, 2020	Dec. 31, 2020	Introduction to Legal Research on Fastcase 7	1	0	0	358499
Jan. 1, 2020	Dec. 31, 2020	Data Analytics: Fastcase and Docket Alarm	1	0	0	358481
Jan. 1, 2020	Dec. 31, 2020	Introduction to Boolean on Fastcase 7	1	0	0	358495
Jan. 23, 2020	Dec. 31, 2020	Ethics and Legal Research on Fastcase	1	1	0	358479

CLASSIFIEDS

POSITIONS AVAILABLE

Chief Human Resources Officer – West Des Moines Community Schools, West Des Moines, IA – The West Des Moines Community School District seeks a collaborative leader to serve as chief human resources officer. Working with and reporting to the superintendent, the chief human resources officer will join a leadership team that is committed to the principle of continuous improvement and excellence in creating and maintaining a learning community. *To apply, visit <https://careers.iowabar.org/jobs/14249327/chief-human-resources-officer>*

Real Estate Paralegal – Ahlers & Cooney, P.C., Des Moines, IA – Seeking an experienced real estate paralegal. The candidate will be assisting the firm's real estate group with all aspects of real estate transactions as well as assisting other departments with various transactional duties. Bachelor's degree or associate degree with a paralegal certificate preferred. Must have two-plus years of legal assistant or paralegal experience in a transactional capacity, with real estate experience preferred. *To apply, visit <https://careers.iowabar.org/jobs/14157643/real-estate-paralegal>*

Tax & Estate Planning Attorney – McGrath North, Omaha, NE – McGrath North, a growing Omaha-based law firm, is seeking a lateral attorney to join its growing and nationally-recognized tax and estate planning practice. Relevant legal experience should include assisting clients with federal and state tax planning and advocacy (with an emphasis on business transactions), estate planning, wealth transfer planning, business succession planning, charitable planning, estate and trust administration and related work. A successful candidate works well individually and as part of a team and should expect and be comfortable with direct client interaction and advice. Strong research, writing, and communication skills are necessary. *To apply, visit <https://careers.iowabar.org/jobs/14166242/tax-estate-planning-attorney>*

Paralegal – Care Initiatives, West Des Moines, IA – Care Initiatives is now hiring a paralegal to join our legal department in

West Des Moines. This person will assist in providing legal services on a variety of corporate matters and will be capable of juggling a task load that requires shifting priorities as necessary. The ideal candidate will possess a go-getter attitude, thrive in a fast-paced environment and bring amazing organization/communication skills with them. *To apply, visit <https://careinitatives.hcshiring.com/jobs/ESfH-tTXv02bdQezP7NxLw>*

Associate Attorney – Donahoe Law Firm, P.C., Sioux Falls, SD – Donahoe Law Firm, P.C. is seeking an associate attorney to assist in litigation, including appeals, plus estate planning and business law/commercial matters. In addition to research and brief writing, associate will have significant client contact and responsibility, including hearings, motion practice, trials and appeals before public bodies or agencies, and the state and federal courts mainly in South Dakota, plus Minnesota and Iowa. All applications will be held confidential. *Please send a cover letter, resume, and writing sample to: brian@donahoelawfirm.com or Donahoe Law Firm, P.C., 401 East 8th Street, Suite 215, Sioux Falls, SD 57103.*

Deputy Counsel or Associate/Assistant Counsel (classified based on experience) – Transactional – University of Iowa Health Care, Iowa City, IA – University of Iowa Health Care seeks a health care attorney. Reporting to the chief legal counsel for UI Health Care, this attorney will be responsible for providing legal advice in a fast-paced environment in support of UI Health Care and its affiliated entities as part of a collaborative team. This position will provide a broad range of health care legal services with an emphasis on complex and high impact health care transactions as well as health care regulatory analysis and strategic legal advice. *For more information about this position and to apply, please visit: <http://jobs.uiowa.edu/>. If you have fewer than seven years' experience, please reference Requisition # 20004521. If you have at least seven years' experience, please reference Requisition # 20004397.*

Risk Manager – University of Iowa Health Care, Iowa City, IA – University of Iowa Health Care seeks a risk manager. Reporting to the chief legal counsel for UI Health Care,

the risk manager will be responsible for identifying, tracking and mitigating risk across UI Health Care and its affiliated entities. As part of a collaborative team, this position will perform a broad range of health care risk management services in a fast-paced environment. *For more information about this position and to apply, please visit: <http://jobs.uiowa.edu/> and reference Requisition # 20004500.*

Law Clerk 1 – State of Iowa Judicial Branch, Sioux City, IA – The Third Judicial District is seeking qualified applicants to fill a law clerk position in the Woodbury County Courthouse in Sioux City. This is intended to be a 12-month clerkship opportunity beginning March 1, or earlier if available. Depending on funding, availability and performance, this clerkship may be extended up to an additional year. Submit resume, cover letter, Iowa Judicial Branch Application for Employment, transcripts and short writing sample to District Court Administrator Peggy Frericks at peggy.frericks@iowacourts.gov. Please add "Law Clerk – Woodbury County" in the subject line of your email.

Corporate Health Law Attorney – Hy-Vee, Inc., West Des Moines, IA – Hy-Vee, Inc., a 284-store supermarket retailer based in West Des Moines with 276 pharmacies and 60 dietitians, seeks a health law attorney. This individual will primarily be responsible for providing advice on health law compliance, establishing, communicating and monitoring compliance with policies and procedures, contract review and assisting with related transactions. Qualified candidates should send a resume, description of legal experience, salary history and cover letter to: *Mic Jurgens, senior vice president, secretary, chief counsel, Hy-Vee, Inc., 5820 Westown Parkway, West Des Moines, Iowa 50266, or electronically to mjurgens@hy-vee.com. Applications for the position will be accepted until midnight February 5, 2021.*

District Court Judge – Iowa Judicial Branch, Webster City, IA – The Bar and public are hereby notified that Governor Reynolds and the commissioner of elections have certified a judicial vacancy in Judicial Sub-District 2B. The Honorable Kurt L. Wilke has retired and this judgeship will now be filled. This district court position will primarily cover the counties in the eastern portion of 2B, including but not limited to the counties of Marshall, Story, Boone, Hardin and Hamilton. Nominations opened Friday, Jan. 15, and close Friday, Feb. 5, at 4:00 PM. Any interested member of the Bar of 2B is encouraged to apply. Applicants may download from the commission website a copy of the application form, background information form and the Uniform Rules of Procedure of the District Court Nominating Commission. The commission website is found at <https://www.iowajnc.gov/district-commissions/judicial-district-2>

Corporate/Transactional Attorney – BrownWinick Law Firm, Des Moines, IA – Seeking a full-time qualified attorney with 2-5 years of experience to join our corporate practice group. Candidates must be



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

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

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

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proactive, detail oriented and organized. Candidates should also have experience in transactional work, including mergers and acquisitions and securities. Excellent academic credentials and writing skills required. Confidential inquires, including cover letter, resume and law school transcript (unofficial is acceptable) should be directed to: *Tia Calhoun, Recruiting Coordinator; BrownWinick Law Firm; 666 Grand Avenue, Suite 2000; Des Moines, IA 50309; E-mail: tia.calhoun@brownwinick.com*

Transactional/Real Estate Associate

– Davis Brown Law Firm, Des Moines, IA – Davis Brown Law, a 78-attorney law firm with offices in Des Moines, West Des Moines and Ames, seeks an associate attorney for the Des Moines office. A minimum of two-three years of transactional experience is preferred. Specific real estate experience is not required, however, a desire to work in real estate is required. *To apply, visit <https://careers.iowabar.org/jobs/14137994/transactional-real-estate-associate>*

First Assistant Attorney General – Iowa Department of Justice – Attorney General, Des Moines, IA – Iowa Attorney General Tom Miller seeks a first assistant attorney general. The first assistant attorney general is part of the senior management team in the attorney general's office. Duties include supervision of divisions, coordinating criminal justice and other public policy initiatives, working with the attorney general on special priority projects and working with the Iowa Legislature and local officials. *To apply, visit <https://careers.iowabar.org/jobs/14333140/first-assistant-attorney-general>*

Litigation Attorney – BrownWinick Law Firm, Des Moines, IA – Seeking a full-time qualified attorney with at least three years of experience (5+ years is preferred) to join our litigation practice group. Candidates must have excellent academic credentials and be proactive, detail oriented and organized. Candidates should also have advanced research and writing skills and experience with pleadings, motions and discovery, including depositions. Prior courtroom experience strongly preferred. Confidential inquires, including cover letter, resume and law school transcript (unofficial is acceptable) should be directed to: *Tia Calhoun, Recruiting Coordinator; BrownWinick Law Firm; 666 Grand Avenue, Suite 2000; Des Moines, IA 50309; E-mail: tia.calhoun@brownwinick.com*

Health Law Attorney – BrownWinick Law Firm, Des Moines, IA – Seeking a full-time qualified health law attorney with a minimum of three years of experience to join our firm in our health law practice group. Candidates must be proactive, detail oriented and organized. Candidates should also have experience in representing health care providers in transactional and regulatory matters. Medicare and Medicaid reimbursement and fraud and abuse experience a plus. Responsibilities will

include researching and analyzing health law issues, drafting and negotiating various contracts and transactional documents and advising clients regarding compliance issues. Excellent academic credentials and writing skills required. Confidential inquires, including cover letter, resume and law school transcript (unofficial is acceptable) should be directed to: *Tia Calhoun, Recruiting Coordinator; BrownWinick Law Firm; 666 Grand Avenue, Suite 2000; Des Moines, IA 50309; Email: tia.calhoun@brownwinick.com*

Probate/Estate Planning Attorney – Bradshaw Fowler Proctor & Fairgrave, Des Moines, IA – The Bradshaw Fowler Proctor & Fairgrave estate planning & probate practice group is seeking an experienced mid-level attorney to join its practice. The appropriate candidate ideally has four-plus years' experience in estate planning, tax, corporate and real estate work. We offer a competitive salary and benefits commensurate with experience. The right attorney need not provide a book of business. *To apply, send resume and cover letter to Chris Long at long.christine@bradshawlaw.com.*

Litigation Attorney – Bradshaw Fowler Proctor & Fairgrave, Des Moines, IA – Bradshaw Fowler Proctor & Fairgrave seeks an attorney with three-plus years of experience with insurance coverage matters and/or appeals. Bradshaw attorneys in the insurance law and litigation practice area serve as members of the board of directors or provide counsel to insurance companies on corporate matters including M&A, licensure with state insurance departments, compliance with regulatory requirements, rate hearings, filings with governmental entities and risk management, among other areas. *To apply, send resume and cover letter to Sean M. O'Brien at OBrien.Sean@bradshawlaw.com.*

FOR SALE

Office Transition Offer – Opportunity for new or experienced lawyer to take over a 45+ year practice in a northwest Iowa multicultural county seat community which

offers recreational, educational, and cultural opportunities. The community is located on the shore of a 3,200-acre natural lake and is home to an extensive public park system, bike trail, resort and golf courses, a university, public and parochial schools and airport. Retiring sole practitioner will assist and mentor as requested with the goal of providing continuing legal services to existing clients and developing new clients. Current core areas of practice focus on real estate, wills, trusts, estate planning and probate. Move-in, ready-to-go office with equipment and furnishings available. Transition arrangements are negotiable. This is an opportunity for a new lawyer to develop areas of interest while continuing to serve an existing client base.

SERVICES OFFERED

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

PERSONAL

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

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Spotlight ON Service

The Iowa Lawyers Assistance Program and its volunteer board and committee members



Dan Moore

The Iowa Lawyers Assistance Program (ILAP) has always been, and especially now at this time of world-wide crisis, ready, willing and able to offer help to Iowa lawyers, judges and law students who may be struggling.

"The members of the ILAP Board of Directors continue to offer to share their experience, strength and hope with other Iowa lawyers," said Dan Moore, president of the ILAP Board of Directors. "The ILAP members are a safe, confidential and important resource to our profession. We have an awareness of serving Iowa lawyers who may be struggling with alcohol or drug addiction, depression, burn out or similar stresses in our law profession. We truly care and hope you will contact us for help."

In addition to the ILAP Board, the Lawyers Helping Lawyers Committee "offers tremendous support to the ILAP program and serves as an integral part of our successes," said Moore. "Its members are always ready to help Iowa lawyers when called upon by ILAP's Executive Director Hugh Grady, or directly by any of our colleagues. It is reassuring for someone who may be struggling to know there are people in our profession who are ready to help."

The ISBA recognizes the following members of the ILAP Board of Directors for their service to the profession. Their contact information is provided for attorneys who wish to reach out. All contact is confidential.

Dan Moore, President: dmoore@moorecorbett.com or (712) 899-4678

Emily Dean: emily.dean0200@gmail.com or (319) 470-3350

Amber Hegarty: amber.l.hegarty@gmail.com or (712) 301-6503

Laura Roan: loloroan@yahoo.com or (515) 360-8342

Scott Bandstra: sbandstra@bandstralaw.com or (515) 480-6504

Tom Murphy: tpjlmurphy@hotmail.com or (515) 865-3913

Steve Belay: steve.belay@andersonlawdecorah.com or (563) 380-0816

Hugh Grady, Director: hugh@iowalap.org or (800) 243-1533

The Iowa State Bar Association's Lawyers Helping Lawyers Committee has the following lawyers who are willing to talk with anyone who needs assistance. All communication is confidential.

James Benzoni: jamesbenzoni@aol.com or (515) 971-4431

Diane Dornburg: Diane@iaccj.org or (515) 249-7581

Jerry Crawford: jerryclf@aol.com or (515) 778-5420

Paige Fiedler: paige@employmentlawiowa.com or (515) 240-1442



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