



THE IOWA LAWYER

June 2020 V 80 N5

NEW ISBA PRESIDENT
**JERRY
SCHNURR**

BEGINS YEAR AS
134th PRESIDENT

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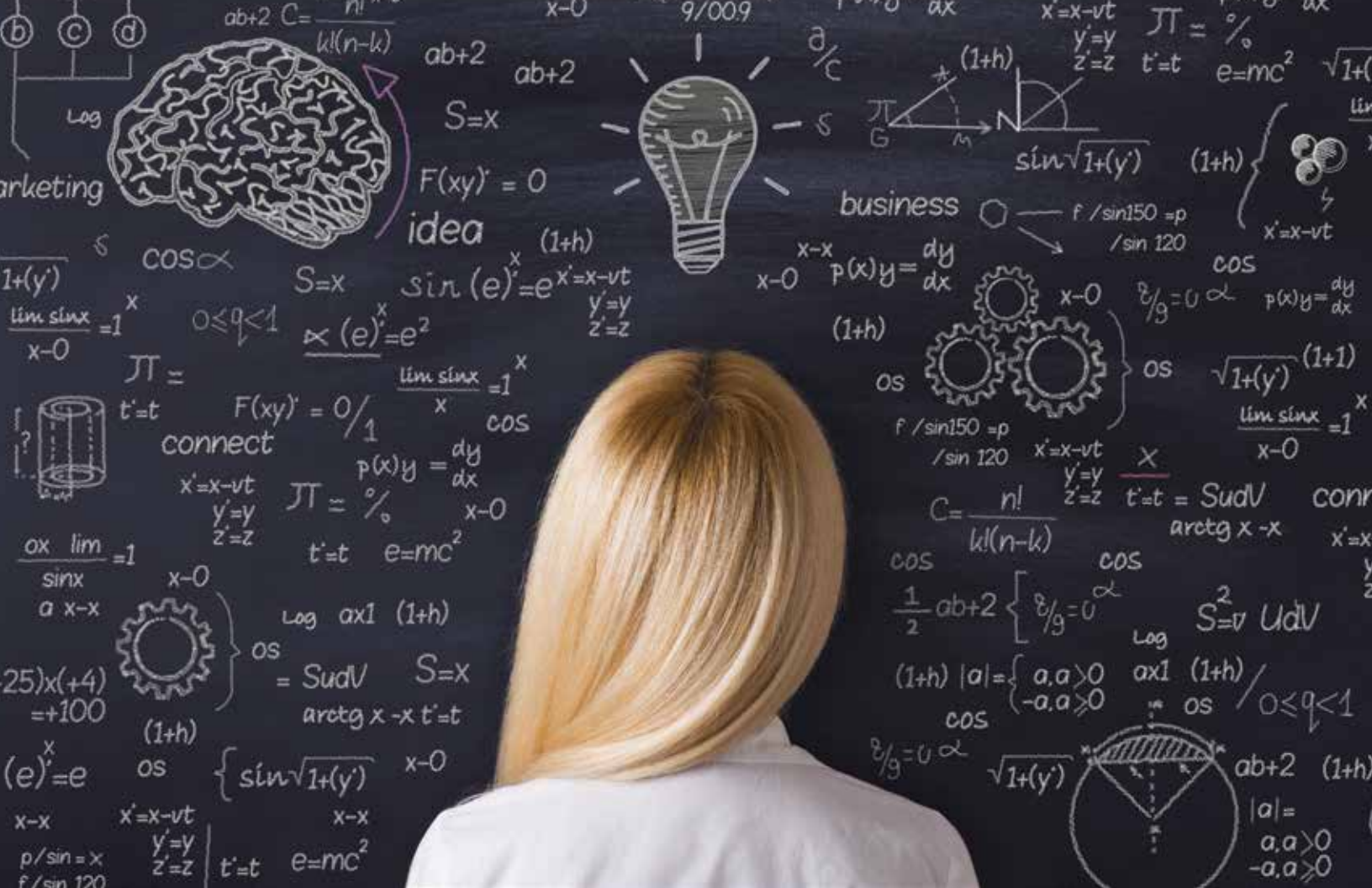
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GENERAL INQUIRIES

isba@iowabar.org or 515.243.3179

EDITORIAL TEAM

Editor-in-Chief

Melissa Higgins

mhiggins@iowabar.org

515.697.7896

Copy Editor

Steve Boeckman

sboeckman@iowabar.org

515.697.7869

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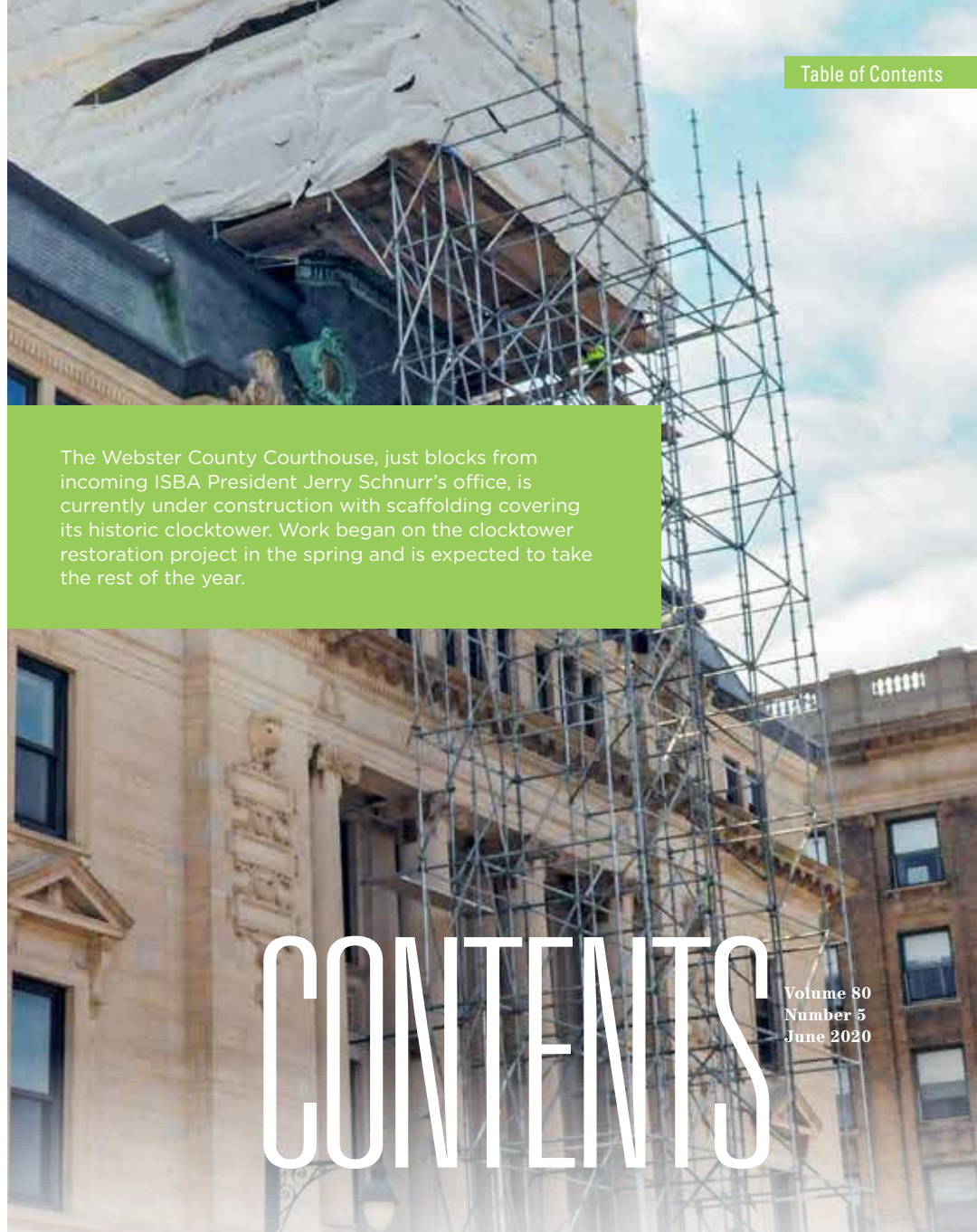
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The Iowa State Bar Association seeks to publish original articles that advance the education, competence, ethical practice and public responsibility of Iowa lawyers. Members are encouraged to submit articles to the editor for possible publication.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

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The Webster County Courthouse, just blocks from incoming ISBA President Jerry Schnurr's office, is currently under construction with scaffolding covering its historic clocktower. Work began on the clocktower restoration project in the spring and is expected to take the rest of the year.

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ABOUT THE COVER

Incoming ISBA President Jerry Schnurr III is pictured in front of the Blanden Memorial Art Museum in Fort Dodge. Schnurr was born and raised in Fort Dodge and now maintains a solo law practice in this community he loves. Learn more about Schnurr and his goals for the 2020-2021 year ahead on [page 6](#).

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IOWA SUPREME COURT CREATES TASK FORCE TO PLAN RESTART OF JURY TRIALS

The Iowa Supreme Court announced the creation of the Jumpstart Jury Trials Task Force, a collaboration of trial lawyers, judges and court staff who will make recommendations to the supreme court regarding temporary policies and procedures for jury trials resuming following the COVID-19 postponements.

The 17 members of the Jumpstart Jury Trials Task Force are:

- Supreme Court Justice Matthew McDermott, chair
- Guy Cook, Des Moines private practice attorney, co-chair
- 4th Judicial District Judge Michael Hooper
- 5th Judicial District Judge David Porter
- Angela Campbell, Des Moines private practice attorney
- Jim Craig, Cedar Rapids private practice attorney
- Janietta Criswell, Clerk of Court, 8th Judicial District
- Kathy Gaylord, District Court Administrator, 7th Judicial District
- Mark Headlee, Information Technology Director of Iowa Judicial Branch
- Patrick Jennings, Woodbury County Attorney
- Julie Kneip, Clerk of Court, 2nd Judicial District
- Bill Miller, Des Moines private practice attorney
- Todd Nuccio, Iowa State Court Administrator
- Jerry Schnurr, Fort Dodge private practice attorney and incoming president of The Iowa State Bar Association
- Jennifer Solberg, Woodbury County Chief Public Defender
- Chad Swanson, Waterloo private practice attorney
- Brian Williams, Black Hawk County Attorney

Members are tasked with developing procedures to protect the health and safety of jurors, court staff, attorneys, judges and visitors throughout the trial process, particularly during the identification of potential jurors, summons of potential jurors, jury selection, trials, jury instructions and jury deliberations.

Currently, face-to-face court proceedings are scheduled to commence July 13, and jury trials will resume Sept. 14. To view the latest information regarding Iowa Judicial Branch court service modifications due to COVID-19, visit <https://www.iowacourts.gov/iowa-courts/covid-19-information-and-updates/>.

JULY 2020 IOWA BAR EXAM STILL ON THE CALENDAR

The Iowa Supreme Court has confirmed that in order to avoid delays in licensing new attorneys, the July 2020 Iowa Bar exam will be administered as scheduled on July 28-29 in Des Moines.

According to the order issued May 6, the court will continue to monitor the pandemic situation to ensure the exam can be administered in compliance with public health directives to protect the health and safety of all participants. In the event the July exam is postponed, it will be held Sept. 9-10.

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



PRESIDENT	Willard "Bill" Boyd III	Des Moines	515-283-3172	wlb@nyemaster.com
PRESIDENT-ELECT	Jerry Schnurr III	Ft. Dodge	515-576-3977	jschnurr@schnurrllawfirm.com
VICE PRESIDENT	Anjela Shutts	Des Moines	515-288-6041	shutts@whitfieldlaw.com
SECRETARY	Dwight Dinkla	Des Moines	515-697-7867	ddinkla@iowabar.org
IMMEDIATE PAST PRESIDENT	Tom Lewis	W. Des Moines	515-274-1450	tom.lewis@brickgentrylaw.com
DISTRICT GOVERNORS				
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	Chris Even	Dyersville	563-875-9112	ceven@locherlaw.com
	Daniel Fretheim	Decorah	563-382-2959	fretheim@andersonlawdecorah.com
DISTRICT 1B				
	Shannon Simms	Waterloo	319-291-6161	simms@nfiowa.com
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DISTRICT 2A				
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	Megan Rosenberg	Hampton	641-456-2555	mrosenberg@hobsoncadyllaw.com
DISTRICT 2B				
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	Bethany Currie	Marshalltown	641-421-0990	bethany.currie@iowacourts.gov
DISTRICT 3A				
	Jill Davis	Spencer	712-262-1150	jill@mbsdslaw.com
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	James Daane	Sioux City	712-252-2424	jdaane@maynelaw.com
DISTRICT 4				
	Kathleen Kohorst	Harlan	712-755-3156	kate@harlannet.com
	Deborah Petersen	Council Bluffs	712-328-8808	deborah@petersenlawcb.com
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DISTRICT 5B				
	Roberta Chambers	Corydon	641-870-0108	roberta.a.chambers@gmail.com
DISTRICT 5C				
	Henry Hamilton III	W. Des Moines	414-403-9082	Hhamil3@aol.com
	David Nelmark	Des Moines	515-988-0447	dnemark@gmail.com
	Joseph Happe	Des Moines	515-288-2500	JoeHappe@davisbrownlaw.com
	Margaret A. Hanson	Des Moines	515-246-7957	maggiehanson@davisbrownlaw.com
	Bridget R. Penick	Des Moines	515-242-8902	bpenick@fredlaw.com
	Adam D. Zenor	Des Moines	515-245-8902	azenor@grefesidney.com
	Dawn Boucher	W. Des Moines	515-267-1174	dawnlarew@hotmail.com
	Kathleen Law	Des Moines	515-283-3116	kklaw@nyemaster.com
	Nathan Overberg	Des Moines	515-243-7611	noverberg@ahlerslaw.com
	Joe Moser	Des Moines	515-288-0145	jmoser@finleylaw.com
	Mary Zambreno	Des Moines	515-246-4512	mzambreno@dickinsonlaw.com
	William Miller	Des Moines	515-283-1000	miller.william@dorsey.com
DISTRICT 6				
	Erin R. Nathan	Cedar Rapids	319-896-4013	enathan@spmlaw.com
	Melvin Shaw	Coralville	319-337-7429	law@melvinshaw.com
	Caitlin Slessor	Cedar Rapids	319-365-9461	cls@shuttleworthlaw.com
	Robert Fischer	Vinton	319-472-2353	rfischerlaw@qwestoffice.net
	Mark Parmenter	Cedar Rapids	319-365-1184	mparmenter@lwclawyers.com
DISTRICT 7				
	David J. Helscher	Clinton	563-243-1243	dave.helscher@clintonnational.net
	Christopher Surls	Lowden	563-941-5301	cls@wbnlaw.com
	Ian J. Russell	Bettendorf	563-324-3246	irussell@l-law.com
DISTRICT 8A				
	Rick Lynch	Bloomfield	641-664-1997	lynchlaw@netins.net
	Ryan J. Mitchell	Ottumwa	641-682-5447	ryan@ommglaw.com
DISTRICT 8B				
	Brian Helling	Burlington	319-754-6587	bhelling@seialaw.com
REPRESENTATIVES AND DELEGATES				
Iowa Judges Association Liaison				
	Cheryl Traum	Davenport	563-326-8777	cheryl.traum@iowacourts.gov
ABA Delegates				
	Alan Olson	Des Moines	515-271-9100	ao@olson-law.net
	David L. Brown	Des Moines	515-244-2141	dlbrown@hmlawfirm.com
	Jane Lorentzen	Des Moines	515-244-0111	jlorentzen@hlawpc.com
	Kay Oskvig	Des Moines	515-288-6041	oskvig@whitfieldlaw.com
LEGISLATIVE COUNSEL TEAM				
	James Carney	Des Moines	515-282-6803	carney@carneyappleby.com
	Doug Struyk	Des Moines	515-282-6803	struyk@carneyappleby.com
	Jenny Dorman	Des Moines	515-282-6803	dorman@carneyappleby.com
ISBA YOUNG LAWYERS DIVISION OFFICERS				
President	Abhay Nadipuram	Des Moines	515-288-1955	nadipurama@ihaonline.org
President-elect	Torey Cuellar	Nevada	515-382-7255	toreycuellar@gmail.com
Secretary	Kristen Shaffer	Coralville	319-365-9461	kas@shuttleworthlaw.com
Immediate Past President	Margret E. White	Des Moines	515-244-4300	maggie.e.white@emcins.com

President's Letter

Ending the year a little differently

The Iowa State Bar Association is concluding its 147th year in June in a different fashion. Typically, the end of the ISBA's year and the start of the new year occurs during the weeklong annual meeting of the ISBA that is filled with CLE programming, receptions, luncheons, a banquet, section and committee organizational meetings, and a Board of Governors and annual meeting of the members.

Due to the COVID-19 pandemic, the CLE programming was moved to May. We thought that a June date might not work well for lawyers given the courts' scheduled resumption of activities. We are ecstatic that almost 1,000 members attended the annual CLE program, and we appreciate all the work by the ISBA staff, Annual Meeting Committee and speakers in making this switch such a success.

On June 24, we will hold the first ever virtual annual meeting of the members of the ISBA. One benefit of proceeding with a virtual meeting is that members from around the state will be able to participate by logging into the meeting from their computers. The annual meeting will last no more than an hour and is expected to include remarks from Chief Justice Susan Christensen, Dean Jerry Anderson of Drake Law School and Dean Kevin Washburn of the University of Iowa College of Law. In addition, Jerry Schnurr will be installed as ISBA president. More information about the meeting will be announced in the Iowa Lawyer Weekly.

While the year is ending differently than ever expected, it has been my great pleasure to serve as president. Having been involved in bar section matters for many years, I thought I had a good understanding of the ISBA's activities and operations. This year, I became much more appreciative of everything the ISBA does to service members, the courts and our communities. In comparison to other state bar associations, we have a small staff, but that does not diminish the effectiveness of the ISBA in serving members. We have seen a lot of changes in the past few months and the ISBA staff

has done an incredible job embracing these changes by enthusiastically focusing on the needs of the membership.

One of the highlights for me this past year was the opportunity to meet with members from around the state. During Tom Levis' year as president, the "Table for Ten" program started. Officers of the organization, together with Dwight Dinkla, executive director, and Harry Shipley, assistant executive director, would travel around the state to meet with members in their communities to discuss issues important to them. This past year, we continued our travels to Spencer, Burlington, Dubuque, Creston, George, Council Bluffs, Sioux City, Fairfield, Cedar Rapids and Fort Dodge. From these trips and other ISBA meetings, I saw firsthand that regardless of the type of practice, Iowa lawyers demonstrate civility, professionalism, devotion to their clients and communities, and belief in the advancement of the rule of law.

The Board of Governors continues to focus on the mission and vision of the ISBA. With almost 50 members, the BOG was divided into work groups this year to address issues important to the ISBA and Iowa lawyers: strategic planning, membership and services, access to justice, rural practice and legislative matters. Their work has positioned the association to move forward more effectively in the future.

I am a very strong believer in the importance of our sections and committees. Without them, we would not be able to be successful as an association. The sections and committees continue to do great work and I am very appreciative of all of the leadership of the section and committee chairs this past year.

Our legislative team works hard every year to support the interests of the ISBA. By this time each year, the legislative session has typically ended. This year, the session has been extended into June. ISBA Chief Legislative Counsel Jim Carney and his team continue to work tirelessly on legislative matters important to the ISBA.

One of the great enjoyments I had this last year was working with Abhay Nadipuram, the Young Lawyers Division president, and the other leaders of the YLD. The YLD has done tremendous work in addressing issues that are important to Iowa's newest lawyers.

A vital part of the mission of the ISBA is to support our members in service to their communities. We started the Lawyers in Libraries program last fall and then added the ISBA's participation in the COVID-19 Iowa Legal Hotline in March in partnership with Iowa Legal Aid and the Polk County Bar Association Volunteer Lawyers Project. The hotline has proven to be an effective means to help individuals around the state facing legal issues caused by the pandemic. To date, over 2,000 calls have been made to the hotline. Our volunteers have worked hard to answer questions, but we are still in need of additional volunteers. Please consider volunteering (email Virginia Sipes at vsipes@iowabar.org if you are interested).

The future is bright for our association. There will be an outstanding leadership team in place this next year working with Dwight and Harry. Jerry Schnurr of Fort Dodge will serve as president. Jerry provided tremendous service this past year as chair of a task force that reviewed and commented on proposed amendments to the Iowa Rules of Professional Conduct. Anjie Shutts, who is a tireless advocate on access to justice issues, will be president-elect, and Henry Hamilton, who ably served as co-chair of the Board of Governors' strategic planning work group, will be vice president.

It has been a great honor for me to serve as president of the ISBA. I thank you for the opportunity!



Willard L. "Bill" Boyd III
Nyemaster Goode, P.C.
wlb@nyemaster.com, 515-283-3172



Solo practitioner from Fort Dodge begins term as 2020-2021 president

Jerry Schnurr III brings service mentality as new ISBA president

By Melissa Higgins, ISBA Communications Director

Jerry Schnurr III has a sincere belief about the practice of law – it is a profession of service.

“It’s almost a calling. If you go into it, you are there to serve your clients,” he said.

“I’m very appreciative and thankful to be able to serve the ISBA. I want to be available and open to anybody’s questions, comments or concerns. My goal is to spend a year in service – serving the lawyers and profession and the courts and entire legal system, and hopefully leave it a little bit better than I found it.”

It’s the message he would tell any young person interested in this career: “If you come into it thinking you will make a lot of money or it’s a path to becoming a senator or governor, you may be disappointed. You need to come into the practice of law with the idea that you are there to serve your clients, whomever they may be. If you do that well, the money

and the rest of it will take care of itself.”

Schnurr’s service to his clients is quite varied – he maintains a general civil litigation law firm in Fort Dodge. He practices in personal injury and workers compensation, some employment law, wills and estates, probate and real estate work. Over the years, he has done family law and criminal defense as well.

He has been a solo practitioner for 28 years – he and two legal assistants in an office on Fort Dodge’s main street. Once he went solo, he never looked back.

“I like having the independence and control over what I do, when I do it and how I do it. I like being able to manage my own office. I can decide what cases I want to take. I can be nimble. I can go into a new practice area if I want. I like having that freedom. If I want to take the afternoon off to go fishing or play golf, I can. Though I rarely, if ever, do. But I still like being accountable only to myself,” he said.

Schnurr moved back to his hometown of Fort Dodge after attending undergrad and law school at the University of Iowa in Iowa City. He worked with a few other attorneys for several years before hanging his own shingle, and he credits The Iowa State Bar Association for helping him get started.

“When I went out on my own in 1992, I didn’t know how to set up a trust account or bill and collect from clients – the business side of things. I called down to the bar association and they had a set of video tapes. It covered these things. They sent those to me, and I was able to

learn. What a great resource,” he said.

Nearly three decades later, Schnurr wants to use his opportunity as the incoming leader of the bar association to continue to give back to the profession that has done so much for him.

“I want to serve the law and lawyers as they go out and serve the communities they live in. I want to be helpful that way,” he said. “It has been fascinating and rewarding to get to know all the people involved in the bar association. It has been a great experience – much better than I ever thought.”

Schnurr has spent the last two years as vice president and then president-elect of the bar, working alongside presidents Bill Boyd and Tom Levis.

“Following Tom and Bill – they have been amazing in their perspective and abilities and wisdom and guidance. One of the greatest rewards has been being able to work with them and become friends with them.”



Schnurr and his wife, Beth, pictured at Rockefeller Center in New York City this past Christmas. The Schnurrs travel to New York City often to visit their oldest son, Will, who lives there and works as an actor/musician.

considers a dire problem for the practice of law in Iowa. He would encourage any young attorney to consider life in a smaller Iowa community.

“It’s a good life – being a lawyer in a community like Fort Dodge,” he said. “There is a lot of exciting legal work to be done and you can have a good life too. I can walk to work or ride a bike. I can get anywhere in town in 10 minutes. There are a lot of advantages like that. Plus, we have an orchestra and community band. We have several theater groups. We have a thriving arts and theater scene. There is always something going on.”

He and his wife, Beth, were high school sweethearts and both grew up in Fort Dodge. They married after college and were expecting their first child as Schnurr finished law school. That made the decision easy to come back home.

“My parents and Beth’s parents and grandparents were all in the Fort Dodge area, so we decided to come back here so our kids could know their grandparents. We also liked being able to come back and be involved in the community we grew up in because it did a lot for us,” he said.

Schnurr enjoys staying active in his community and also in professional associations. In addition to serving on the ISBA Board of Governors, he previously served in leadership roles in the Iowa Association for Justice and the Iowa Association for Workers’ Compensation Lawyers.

“These experiences were rewarding and gave me a glimpse what serving on a bar board was like, but my eyes were opened up when I got onto the ISBA Board of Governors about all the things

SCHNURR’S BACKGROUND

- Grew up in Fort Dodge, attended undergrad and law school at University of Iowa
- Began practicing law in Fort Dodge in 1986; Solo practitioner since 1992
- Practice is civil trial work
- On ISBA Board of Governors since 2012
- Served on Iowa Association for Justice Board of Governors
- Served on Iowa Association of Workers’ Compensation Lawyers Board of Governors

the bar does to help lawyers from all walks and all parts of the state,” he said.

He has enjoyed being part of the “big tent” statewide bar association.

“It helps broaden perspective,” he said. “I see it somewhat as a danger if we as a profession become too specialized. So, it’s nice to mix it up where you get to hear and see other perspectives. It makes us better lawyers, I hope.”

Schnurr would like to use his term as president to focus on topics which include civics education, technology and wellness.

“One of the areas I think is important is civics education and the role we can play in that as an organization. Expanding things like mock trial – getting more schools involved – because it’s a good tool for young people to learn more about the role of the courts and a jury and why they’re so important in our system of government under the Constitution,” he said.

He also wants to accelerate the training of ISBA members on the use of technology in their practices.

After several ISBA presidents in a row hailing from Des Moines, Schnurr says he now brings a different perspective to the table.

“It helps to remind the discussion about how things are outside of Des Moines in smaller communities. Sometimes we might miss that. Things are different in smaller communities. To have that experience and perspective during discussions is helpful to all lawyers,” he said.

Coming from a smaller community, Schnurr hopes to bring a renewed focus to the declining number of rural attorneys around the state, which he

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Schnurr “monkeying around” at Arnolds Park Amusement Park in Okoboji. He calls Lake Okoboji his “happy place.”



exciting. When I go home, I can sign onto the software and do work from there without missing a beat,” he said.

Over the last several months, Schnurr, along with the other officers and ISBA staff, worked to help get members up to speed by producing a variety of CLE

overwhelmed than usual, given the pandemic, which is why Schnurr also wants to use his year as president to focus on attorney wellness.

“I’d like to make a wellness activity part of all CLEs or meetings we have. Some kind of wellness aspect – walk, run, yoga, mindfulness, speakers to talk about nutrition, offering non-alcoholic options for social events,” he said. “We do some of that already, but I’d like to up our game. It’s about education – encouraging lawyers to understand how this makes them a better lawyer, person, spouse, parent, etc.”

At the top of Schnurr’s list of preferred wellness activities is swimming. It is an activity he is relatively new to but has

enjoyed immensely.

“We had our 40th high school class reunion and a group challenged each other to do the Point to Point swim in Okoboji this August. It’s a three-and-a-half-mile swim. I was training for that and got into the swimming. It’s a great exercise,” he said.

Being near the water is also a source of peace for Schnurr.

“We spend a lot of weekends at Lake

Okoboji. My parents have a cottage there. It’s my happy place. My wife, Beth, can tell as we get closer to Okoboji. She says she can see me relax just during the drive. When I open the car door, I can smell the water. I can feel the air. That has a calming effect on me,” he said.

With the overall slowdown due to the pandemic, he and his wife, a retired special education teacher, have also picked up some new hobbies. Schnurr says he baked bread for the first time last month.

“We’ve also rediscovered backgammon – which was big when I was in college. We’re pretty evenly matched. She is really good at cards too. We play cribbage or gin rummy. It’s a lot of fun.”

He also loves spending time with his kids (and their St. Bernard puppies): Will, age 33; Ellen, age 30; and Ben, age 27.

Will lives in New York City, but the younger two live in town. Ellen is a child-care provider and Ben works in the Fort

“One of the things the coronavirus pandemic has done is show us how important it is to not rely so much on paper and be able to utilize technology in such a way that we can serve our clients and stay in touch with them,” he said. “Personal contact is still so important, but as a bar association if we can help our members understand how to use software and help steer them to particular programs that might be most beneficial to their individual situation, that’s so valuable.”

Schnurr had to get a quick lesson on new technology in recent months. As the pandemic forced him to come up with solutions for remote work, he turned to an ISBA-endorsed practice management software.

“We spent some time migrating files and data into Clio in case we needed to work remotely. It has been really

“Lawyers in general need to stay involved – with the legislature, city council and local boards. Lawyers are uniquely trained and positioned, and through their practice, have experience providing information and advice. We can talk to leaders about the real impact proposed legislation may have.”

programs related to COVID-19 issues.

“I’m really proud of our quick response when this pandemic came up – all the CLEs and webinars we put on to help people address the issues they might be facing. The free webinars have been amazing.”

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www.pattersonfirm.com

505 Fifth Avenue, Suite 729
Des Moines, IA 50309

515-283-2147

The Schnurr family: Ben, Jerry, Ellen, Will and Beth.

Dodge school system. He expects they will stay close by — yet another Schnurr generation making a life in Fort Dodge.

It was the previous generation of Schnurrs that inspired Jerry into this career of service.

“My dad worked in a local family business. He would talk about John Mitchell and Gene Blackburn – lawyers that guided them in their business. The business was involved in a lawsuit that went to the U. S. Supreme Court. Dad would sometimes talk about the meetings, strategy and work of the lawyers that seemed interesting and important. I was impressed with the fact that a small business in Iowa could go into court on an equal basis with an agency of the federal government. I thought that if I could help people the way the lawyers helped my dad’s business, I would have a good life,” he said.

And now, he gets to do just that – serve others and improve their lives.

“One of the things I’ve been able to do in a general practice is help people who want to start a business. They have nothing and they’re just starting. To help them get organized and then watch the business grow and become successful, it’s so exciting to be part of that,” he said. “Or standing up in court for your client and advocating for their position – you are helping them resolve disputes in a peaceful and orderly manner. It is so rewarding to be part of the process and part of other peoples’ lives and help them improve their lives through the law.”

Outgoing President Bill Boyd will pass the gavel to Jerry Schnurr III during the Board of Governors and annual meeting of the members on June 24.



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Transformation in child welfare

By Judge Mary Tabor,
Iowa Court of Appeals

Iowa courts' pilot project on juvenile justice shows reduction in termination of parental rights cases

The Iowa Court of Appeals set a record last year — unfortunately, not one we can celebrate. In 2019, we decided 330 child-welfare appeals — mostly brought by mothers and fathers challenging the termination of their parental rights. Those appeals constituted about one quarter of our total caseload. This record high eclipsed our previous annual tallies by about 60 cases.

Numbers aside, the issues in our child-welfare appeals are heartbreaking, repetitive and heartbreaking in their repetition. Over and over we see parents struggle with substance abuse (in Iowa still mostly methamphetamine addictions), untreated mental-health conditions and the scourge of domestic violence. And poverty is a constant thread. Most families whose children are removed lack adequate housing, employment and transportation.

But we have cause for hope. That hope stems from another set of numbers: 4 Questions, 7 Judges. The Iowa Department of Human Services (DHS) and Iowa Children's Justice, a division of the state judicial branch, conducted this pilot project across the state from December 2019 through March 2020. As the title suggests, seven judges—Judge

Linnea Nelson Nicol, Judge Stephanie Forker Parry, Judge Ann M. Gales, Judge Scott D. Strait, Judge Romonda D. Belcher, Judge Cheryl E. Traum and Judge William S. Owens—participated. Before approving a request to remove a child from his or her home, those judges asked social workers these four questions:

- 1 What can we do to remove the danger instead of the child?
- 2 Can someone the child or family knows move into the home to remove the danger?
- 3 Can the caregiver and the child go live with a relative or fictive kin?
- 4 Could the child move temporarily to live with a relative or fictive kin?

The four questions were drafted by Judge Owens and Judge Nicol with help from Dr. Amelia Franck-Meyer of Alia Innovations, a Minnesota-based nonprofit focused on transforming child-welfare systems. The point of the exercise was to prevent the unnecessary removal of children from their parents.

And, if the danger indeed required removal, to minimize the children's trauma by finding relatives or family friends (sometimes called "fictive kin") to be temporary caregivers.

Before sharing the promising results of the 4 Questions, 7 Judges, it may help to digress for a moment. Let's consider why it's important to avoid removing children from their homes if possible.

Here's how an Alia publication describes the trauma of family separation: "The story we tell ourselves is that we are heroes, saving children from their parents who hurt them. In a few cases, this is true; but more often than not separation isn't the answer to a tough situation, and can make things far worse."

To that point, in *The Harm of Child Removal*, published last year in the NYU Review of Law and Social Change, family law clinician Shanti Trivedi, points to studies showing the damage caused by removal from parents may be worse for a child than neglect. Trivedi cites grief experts who believe a single act of removal is often a "significant turning point" for children that they "will relive over and over again in their minds."

But the goal of avoiding removal sometimes faces headwinds. For example, two decades ago, our governor urged the DHS to follow a "remove-first" philosophy—adopting the mantra: "When in doubt, take the children out." That watch phrase followed public outcry over a high-profile tragedy in Spirit Lake. Toddler Shelby Duis died from child abuse. Her daycare had repeatedly reported injuries to the DHS, which declined to remove her from the home.

Our state's understandably risk-averse reaction was to encourage social workers to err on the side of removal. Now we know defaulting to removal can bring even greater harm to a large number of children needlessly separated from their parents. And once



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on that path, many families cannot reunify and end up in court facing an action to terminate parental rights.

Which brings us back to 4 Questions, 7 Judges. Over the four-month pilot, those seven judges received 83 requests for removal—some involving multiple children in one home. After asking the four questions, the judges granted 44 requests, just over half. And of those 44 approved requests, 24 of the children (or sibling groups) were placed with family members. Another five were placed with family friends. Only 15 children (or sibling groups) went to foster families with whom they had no previous relationship.

Foster families provide a wonderful service in our communities. But research shows children generally do better when placed with adults whom they already know and trust. A review of cases in the four months preceding the pilot show the same judges approved 99 removals. While not a controlled study, this data showing a significant reduction in removals gives both the DHS and the court system reason for optimism.

And this data is only part of the story. The judges involved in the pilot found child protective workers asked for removals less often because they reflected on the four questions in advance. Many times the workers sought new solutions to protect children short of removal. Or if the children's safety required separation from their parents, the DHS looked harder for relatives or fictive kin to provide respite care.

DHS division administrator Janee Harvey believes the four questions form “an effective tool to support critical thinking.” The seven piloting judges also shared the four questions with their colleagues. So this more thoughtful practice is spreading.

The emphasis on reducing removals to foster care is likewise spreading across the country. Iowa's 4 Questions, 7 Judges is a

fitting prequel to a bigger structural change on the horizon. In the words of Judge Owens—who is consistently on the front lines of improving children's justice—this pilot project “dovetails perfectly” with new federal legislation known as the Family First Prevention Services Act. Enacted in 2018, Family First transforms the way that the federal government funds child-welfare services. The Iowa DHS has contracted for prevention services to start in July. Technical implementation begins on Oct. 1. Starting then, federal funds will be available for services to prevent children from entering foster care. Before Family First, these federal dollars contributed only to foster care and adoption assistance for children removed from their parents' care because of maltreatment. By contrast, the new act aims to avoid unnecessary removals of children from their families by

allowing federal dollars to pay for prevention services.

“
The story we tell ourselves is that we are heroes, saving children from their parents who hurt them. In a few cases, this is true; but more often than not separation isn't the answer to a tough situation, and can make things far worse.
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The Iowa DHS will offer these prevention services to families whose children are “at imminent risk of placement in foster care.” These families are called “candidates for foster care.” The prevention services fall into three main categories:

1

MENTAL-HEALTH AND SUBSTANCE-ABUSE TREATMENT;

2

IN-HOME SKILL-BASED PARENTING PROGRAMS, AS WELL AS INDIVIDUAL AND FAMILY COUNSELING; AND

3

“KINSHIP NAVIGATOR PROGRAMS” TO GUIDE GRANDPARENTS, OTHER RELATIVES, AND FICTIVE KIN WHO TAKE PRIMARY RESPONSIBILITY FOR THE CARE OF CHILDREN IN NEED OF A SAFE AND STABLE PLACEMENT.

The service models must be evidence-based (which means showing a clear benefit) and follow a “trauma-informed” approach. For families whose children are candidates for foster care, prevention services will be available for up to one year.

In another exciting development, the Children’s Bureau at the U.S. Department of Health and Human Services recently decided to allow states to receive reimbursement for the costs of legal representation for families in the child-welfare system. The American Bar Association praised this action, predicting it would “produce better outcomes for countless children.” The ABA cited several studies showing high quality parent representation—especially as part of legal teams with a social worker and parent peer—often resolves a family’s underlying legal issues that would otherwise lead to a child-in-need-of-assistance petition.

In Iowa, we have a stellar example of that team approach in the work of Michelle Jungers, managing attorney at Iowa Legal Aid in Waterloo. Iowa Legal Aid—in collaboration with Iowa Children’s Justice, the DHS and the State Public Defender—started handling pre-petition child-welfare cases in 2014. Last year, the project closed 62

pre-filing cases, helping 118 children avoid court involvement. Looking to build on the success of the Waterloo model, Iowa State Public Defender Jeff Wright is working closely with the DHS to draw down the new federal dollars and roll out pilot projects across the state.

Another important goal of Family First is to ensure that children who are placed outside their homes stay in the least restrictive environment possible. To achieve that goal, the act creates an incentive for states to stop the misuse of group homes for children in the foster care or juvenile justice systems. The new limited placements in qualified residential treatment programs (QRTPs) come with court supervision. The role of Iowa’s juvenile court judges in ensuring appropriate placement in QRTPs is a topic of ongoing training in the judicial branch. Attorneys for parents and children, as well as guardians ad litem, must also understand the criteria for QRTPs.

Overall, the sweeping reforms under Family First emphasize the importance of children growing up in families or, when dangers in the home do require removal, in the most family-like setting possible. Under the leadership of the late Chief Justice Mark Cady and our new Chief Justice Susan Christensen, the Iowa Judicial Branch has embraced the hope of these reforms. Chief Justice Christensen chaired a task force addressing the courts’ role in the Family First implementation. The initial report of that task force is available on the Iowa Judicial Branch website—thanks to the work of Iowa Children’s Justice Director Kathy Thompson and her staff. My colleague, Judge Julie Schumacher, and I are serving as the new co-chairs for the task force, helping shepherd the ongoing work of the Family First rollout for the courts. We invite you to read the report and let us know if you have any questions or concerns.

If prevention services—including quality legal representation—keep children with their families, fewer cases will move to termination of parental rights. And the Iowa Court of Appeals will happily close the record books on 2019.

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Mary Tabor has been a judge on the Iowa Court of Appeals since 2010. She serves as co-chair of the Iowa Children’s Justice Advisory Committee, along with Judge William Owens.



THE BENEFITS OF A LEGAL PRACTICE SPECIALTY

BY HOPE WOOD

If you are in private practice, your workday may feel like a plinko chip. At the start of the day, you put the chip in a specific spot with the intent to get to a certain designation at the end. You let go of the chip down the peg board. It takes a few bounces in a predictable direction, but then it hits one peg and it goes down a different path. Suddenly, you feel a lack of control and a slight feeling of panic. You are no longer confident where your plinko chip will land.

If you are in private practice, you may feel like you are in a circus. You start the day as the ringmaster, fully in control of the three rings of performances. Then new performers start showing up wanting a place in your show. You don't want to turn them away because it could improve the performance, getting you a bigger audience for upcoming shows. Bigger audiences mean more money.

Throughout the day, you move performers in and out of the rings without being able to form a calculated show. By the end of the day, you no longer feel like the ringmaster, but the performer, juggling torches of fire and trying to keep the lion from eating your head off.

Every day will not be a straight line or a perfect show. Fortunately, you can do something that will improve your chances and save your head. Be special and specialize in a legal practice area.

How am I qualified to give you this advice? I've done both: general practice and specialized practice. I would like to share what I have learned with you. Hopefully, these ideas will help you be the ringmaster of your practice and in

turn be the ringmaster of your life.

I have been a solo, private practice attorney for seven years. I went from law school graduate to law firm owner. I kicked around the idea of specializing in a practice area when I started my law firm. The practice area I wanted for a specialty was contracts. Contracts was the reason I was interested in going to law school. Contracts was my best grade as a 1L. Contracts get me excited about helping others. I have tons of confidence about contracts.

I didn't specialize in contracts. I still don't specialize in contracts. I knew starting out that there was not enough work to make a living as a contracts attorney. Contracts are part of other practice areas but can't stand alone. Practice areas include business, employment, intellectual property, family and

all litigation that results in a settlement.

I thought about specializing in wills and trusts when I started my practice. I distinctly remember attending a CLE early in practice where an experienced and well-known estate planning attorney suggested that I choose a specialty as a solo practitioner. I didn't disagree, but I didn't know how to agree with the suggestion. If I picked one of my current five practice areas to specialize in, then I would lose the revenue of the other four.

I started with these five practice areas: family law, collections, business law, wills and trusts and guardianships. Within the first two years of doing family law, I started to narrow the scope of my services. I decided to leave the litigation and contested cases to the attorneys who specialize in family law. I immediately felt relief when I referred cases to other

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attorneys. I kept with family law by narrowing my scope, and in 2018 I only performed unbundled services.

Last year, I read a book called *The Pumpkin Plan*. It is about growing, caring for and focusing on your best pumpkin and letting all the others go. Adopting the pumpkin plan is not a stop and drop process. I identified that I had already started applying pumpkin plan principles, but I could not ignore the interesting pumpkins. To fully embrace the plan, I needed strong motivators for change. They are summarized below.

If you decide that you are ready to pumpkin plan your practice, give yourself a timeline to do it. You have cases that you need to finish. You may need to take a few cases (pick the small and healthy ones) to keep you in business until you can focus on one great pumpkin. Write down the specific new cases you will take and list out the attorneys to refer everything else.

MOTIVATORS TO SELECT A SPECIALIZED PRACTICE AREA:

1 LESS STRESS

This was the biggest motivator for me to change. Relearning the legal procedures and applicable law for new cases required time that I often couldn't bill the client. Talking with prospective clients about different practice areas was stressful because I didn't always know the answer; it may have been six months since I last had a case similar to their situations. Now, when a prospective client contacts me and the case doesn't fit into a peg that I practice, I have a list of attorneys for a referral.

2 MORE CONFIDENCE

After you finish a law school class you can answer any question about the law of that specific area. If your practice is like that one law school class, confidence about your knowledge of the law will be high and increase with more education. Your clients want a confident lawyer.

BETTER CLIENT SERVICE

Clients want to know if you can help them, how much time it will take and how much it will cost. I go into efficiency and cost more below. When you know what cases you want to take, you can tell the client exactly how you can help them. And if it is a case you don't take, the prospective client will appreciate that you referred them to an attorney you trust to help them.

4 MORE FOCUS

If you spend your workday in one practice area, it takes less energy to focus. Think about your last workday. Go to your email sent items and look at whether the emails of the same day consistently related to the same practice area. If you have a general practice, you were probably bouncing around from one practice area to another. If you feel strongly about keeping more than one practice or you need to in order to

stay in business, you can keep your focus by working on one practice area in the morning and one in the afternoon.

5 BETTER RECEIVABLES

A client wants to know how much the case will cost. You want to make sure you collect all your receivables. When these two goals align, both people are happy. If you stick with the same practice area, you can better estimate your retainer. The client will be happy when you don't have to ask for more money in the middle or at the end of the case. Note: you should get a retainer no matter how small the case so you guarantee your payment.

FOCUSED EDUCATION

When you practice in several areas, it becomes difficult to select your continuing education. If you attend a general practice CLE, you will often keep hearing the same information you already know.

7 LASER SHARP MARKETING

Even if you don't have print or electronic marketing, you still market your services all the time. When someone finds out you are an attorney, he or she will ask, "What practice area?" In all honesty, the person doesn't want to hear a laundry list of areas. And if you give them a laundry list, they are not likely to remember any of them. If you say "wills and trusts," they will probably follow up with questions and will remember you. If you market your services on your own or with the help of a professional, you can build a great campaign if you have one practice area.

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BUILDING KNOWLEDGE

The common phrase we hear is we are in “the practice of law.” It isn’t realistic to expect that we will know everything necessary for every case. It would, however, be nice to be able to have a strong foundation of knowledge in one practice area that you can build and strengthen over time through education and experience. Consider the analogy of a custom home builder. If you have several practice areas, you could have a lot of unfinished houses, a foundation and probably a frame, but lacking in substance.

MORE REFERRALS

Going along with the home building analogy, if you specialize in one service, it is easier for people to refer business to you. If you specialize, there

will be more online reviews around your specialty and people will know what to refer to you and what to refer to someone else. I have my list of attorney referrals sorted by specialty. If it isn’t clear what your specialty is, I won’t think to add you to my list.

10 IMPROVED EFFICIENCY

The more you practice in one area the more efficient you will become; you can utilize forms, delegate work and spend less time relearning information. My specialty is preparing wills and trusts. In the first two years of practicing in this area, I learned that the traditional way was very inefficient and therefore not cost effective. In 2015, I created a program called Will in a Day®. I developed a way for clients to get a will

from start to sign in a short period of time. I created procedures to provide the client with a reasonable flat fee and maintain a return on investment for my business. The flat fees range from \$315 to \$775. If I didn’t have efficient systems, I would not be able to keep my doors open.

Do any of the 10 items above motivate you to specialize your practice? If yes, take the time right now to write down the specific new cases you will take and list out the attorneys to refer everything else. Join the practice group with The Iowa State Bar Association for your specialty. There is an online forum for each group through “Engage.” Reach out to experienced attorneys for mentorship and start mentoring young attorneys. Embrace your new practice area and begin to nurture it like a prized pumpkin.



Hope Wood is a solo-practitioner who operates her law practice in downtown Des Moines and is the founder of Will in a Day®. Wood embraces change to fulfill her passion for solving problems. Her website is www.hopewoodjd.com.

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anxiety in the time of corona

By Lawrence Scanlon, JD MA LPC LMHC

Anxiety can paralyze. It can cause depression. It can cause one to make poor choices. Anxiety has always been around, but it seems more prevalent – personally and professionally – than ever before thanks to COVID-19.

The coronavirus, or whatever name you may be calling it on a regular basis, is a part of our daily lives. COVID-19-caused anxiety has manifested in the economy, schools, family, funerals, religious services and professionally – legal and other professions. The way we do business will never be the same. We must adapt.

This article will teach you a little about anxiety, how it originates in the brain and manifests in your thoughts and actions. This article will also educate you on how to deal with anxiety.

Yes, the title of this article is a thinly-veiled reference to Gabriel García Márquez' acclaimed novel, *Love in the Time of Cholera*. I recently finished reading it. You may have heard of the novel and may have even read it yourself.

Perhaps, in your spare time, you may want to engage in a little “light” reading and enjoy what this novel has to offer. In sum, and in my humble opinion, the novel is a literary exercise in the exploration of love, romantic ideals and pragmatism. Throughout the novel, there is tension between these things. This tension creates anxiety in both the characters and the reader. What will the characters do in the face of their ever-changing dilemmas and anxieties?

As I read the novel in the context of the current pandemic, I found myself reflecting on the tensions and anxieties experienced by the characters and my thoughts drifted to the attorneys in the states of which I am a member of the bar. How were my peers doing when faced with the uncertainties and anxieties caused by COVID-19?

Lawyers are adjusting their practices. Web-based meetings are ubiquitous. Documents are being drafted, explained and signed, all on-line. Some things, however, remain the same. For example, clients may not have changed that much. They are still nervous about the status of their cases: divorces, estate-planning, contract disputes, etc. Attorneys, too, have some of the same or similar concerns. We are still anxious about accounts receivable – can our clients pay? Will they pay in light of COVID-created financial constraints? What about my office rent? Will I have to lay off people?

Generally, change in the legal profession is inevitable. The changes due to COVID-19, however, have come so fast that many are having a difficult time adjusting. The old anxieties have become more extreme because of the rapid change.

Perhaps you, the members of your firm or other people you know are experiencing anxiety. Many ask, “What is anxiety, anyway?” The answer I give to my clients is almost always the same: *Anxiety is the fear of the unknown and how*

we will react to it. In reality, the definition of anxiety is a little more complicated. But I urge you to keep this phrase in mind: *Anxiety is the fear of the unknown and how we will react to it; Instead, plan for the probable and respond accordingly.*

So what do you need to know?

You need to know that anxiety is real. We all experience it. Some handle it better than others. Anxiety can be your friend, or it can be your enemy. The question is whether you are going to react or respond. As attorneys, you will need to deal with your individual anxiety. Then you'll need to deal with systemic or procedural anxiety. Lastly, perhaps, you'll have to deal with your clients' anxiety.

Anxiety is real

It manifests in apathy, loss of concentration, social-skill deficits or even physical complaints. It can feel like a panic attack, which feels like a heart attack or feels like you have difficulty breathing. My personal favorite legal-anxiety-manifestation is waking up at 3 a.m. concerned that I have missed a deadline, blown a statute of limitations or some other irreparable damage to a case I was handling.

Some other ways to describe anxiety would be “worry” or “rumination.” As I practice more in the professional realm of mental health these days, my anxiety includes worry that I have not screened a

client sufficiently for suicide risk, or that I am missing a clinical indicator in a client that might help me to better treat them.

Everyone has anxieties. Anxiety is more pronounced in these crazy times. Please be mindful not to diminish others' anxiety simply because you can handle those same things someone else complains of.

What does the DSM-5 say about anxiety?

No, the DSM-5 is not a Des Moines publication. It is the *Diagnostic and Statistical Manual of Mental Disorders*. It is the book to which (almost) all mental health professionals refer. The DSM-5 tells us that anxiety is a normal reaction to stress. Anxiety can help alert us to and prepare for danger or assist us in paying more attention to certain matters.

The *hurtful* type of anxiety is described as excessive. Although it may not feel like it, anxiety is a normal condition, typically thought of as one's concern about future events and associated with muscle tension and/or avoidance behaviors. A component of anxiety is fear. Fear is a normal emotion stemming from a threat and is associated with fight, flight or freeze behaviors.

Anxiety disorders arise when the normal anxiety and fear evolve to a point where people avoid situations that trigger their anxiety symptoms (which are unpleasant). In order to be diagnosed with an anxiety disorder (different than experiencing anxiety), the fear, anxiety or resulting behaviors must be disproportionate to the situation and hinder one's ability to function normally. Work, school and relationships are adversely affected where one has an anxiety disorder.

The most common anxiety disorder is Generalized Anxiety Disorder ("GAD"). Criteria for GAD include: 1) presence of excessive anxiety and worry for six months or more; 2) one cannot control or stop the worrying; 3) the anxiety and worrying are associated with at least three of the six following criteria for at least four days of the week: a) restlessness or feeling keyed-up, or on edge, b) being easily fatigued, c) difficulty concentrating or mind going blank, d) irritability, e) muscle tension, and f) sleep disturbance, which is difficulty falling or staying asleep or restless, unsatisfying sleep. Do you or someone you know meet the criteria? Consult a physician or mental health professional.

Reacting vs. responding

I often find myself reminding my counseling clients about how to deal with their anxiety. I say to them often, "Anxiety is the fear of the unknown and how we are going to *react* to it; Instead, plan for the probable and *respond*." Yes I have said/written it again. I recently heard that people must hear things 11 times before they truly comprehend it. The exception is judges, who only have to (want to) hear and read things once.

My redundant use of the phrase, "*Anxiety is the fear of the unknown and how we will react to it; Instead, plan for the probable and respond accordingly*," requires a short definition of the words *react* and *respond* as I use them. Simply put, reacting is like a reflex. It is a thoughtless, knee-jerk, automatic action that comes after a stimulus. Responding, on the other hand, is a thoughtful, logical, deliberate decision consciously made after the same stimulus.

What would reacting versus responding look like, as applied to a lawyer's everyday life? Let's look at emails. I am old enough to remember when there were no emails in the practice of law. Oh, I miss those days. Lawyers wrote letters to each other. They were carefully crafted, oftentimes on letterhead with raised lettering resting on thicker-stock paper.

Letters were dictated, typed in draft, reviewed by the author, sometimes commented upon by a partner or other member of the firm. They were re-written, reviewed again, made final and sealed with an actual stamp and placed in the outgoing mail. That letter took time to get to opposing counsel, where it was digested, discussed and a response appropriately crafted. The process repeated itself until the issue was resolved. This was a deliberate process that took time. Issues, and the emotions those issues (or

the author's writing style) evoked, had time to ferment, to steep, to dissipate.

In terms of reacting versus responding, the nature of email seems to generally create a false sense of urgency. Another byproduct of emails is bravado and harsh tone (dare I say, unprofessionalism) from (some) authors. Emails seem to instill a need in the recipient to read and reply in an overly-expedited manner. In some cases, the lack of professionalism and apparent license to attack the person instead of the issues brings out intense emotions in the reader/recipient.

To *react* would be to fire back with an emotionally-charged retort after just one reading; one would take the message personally, and one would demonstrate how smart the present author is and how dumb the original sender is with a snarky comment or obviously-compelling anecdote from the development of the case that utterly destroys the other's argument or position.

To *respond*, on the other hand, is to read the email carefully, feel the consternation or anger in the words used, recognize those feelings and then take a breath. An attorney that responds does not hastily type a reply and does not send that reply immediately. The responding attorney knows that quickly reacting causes one to do things that can't be undone. You cannot "un-ring" the bell, so to speak.

You may, however, do the following: do something else – work on another legal matter, walk away, take a break, talk about it with another attorney, craft a draft response (yes you can actually do that and it is saved by your email program), come back to it later, or something else. Importantly, you may also wish to ask yourself: "Could there be another reason why the email was actually or apparently so offensive?" Could you possibly give your adversary



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the benefit of the doubt? Perhaps he or she is having a bad day. Perhaps he or she isn't yet as developed a wordsmith as you.

The bottom line is that by not reacting you are taking the time to develop a thoughtful, logical, deliberate response. You may even want to send your response using a real paper letter. Wouldn't that be novel?

So now we have learned a little about reacting versus responding. At least in terms of emails. It's a much better world when we *respond*.

Individual Anxiety — What do I do when I am feeling anxious or feeling like I am having a panic attack?

Panic attacks can feel like heart attacks. No one has died from a panic attack. If you have a heart condition or other medical conditions that are life threatening – go see your physician. They can rule out heart disease and refer you to a mental health professional who can help you deal with your anxiety.

There also are many medications that can prevent or lessen anxiety and panic attack symptoms. If you are concerned about the stigma of using medications or seeing a mental health professional, please let it go. First, on meds – it has been shown that anti-anxiety medications like SSRIs (Selective Serotonin Reuptake Inhibitors) promote neuron growth. Wouldn't we all like to maintain and enhance our brain's performance? Second, a counselor or therapist is like a coach. Do you know of any athletes who practice and perform their sport without a coach? CEOs, captains of industry and other executives have coaches. Do yourself a favor and go get a counselor / therapist / coach.

Let's consider the moment when you feel anxious or feel like you are having

a panic attack. Your heart races, your palms are sweaty, your mouth is dry; you are worrying and ruminating, the world is closing in on you and you feel like you'd like to run away or disappear. This is the result of your amygdala taking over your prefrontal cortex. The amygdala is a walnut-shaped part of your brain that is the "caveperson" part of your brain. It is responsible for "fight," "flight" or "freeze" behaviors.

In caveman days, the amygdala's automatic reaction to stimuli promoted survival. The prefrontal cortex, on the other hand, is the place of higher functioning and decision-making. The amygdala works by sending out signals that cause your body to produce chemicals and hormones that prepare you to fight, flight or freeze. Your breathing becomes shallow, adrenaline pumps through your veins, your heart rate increases – all things that would help you in the face of danger.

Most of us aren't facing physically dangerous situations, but our amygdala may kick into gear when faced with an important oral argument, a challenging deposition, or a decision adverse to our client's interests. When our amygdala is driving the bus in these more modern and civil times, we can make poor decisions we will later regret.

So what do you do when your amygdala is firing and you feel panic or anxiety? Breathe deeply and methodically with a style sometimes called "belly breathing." I can anticipate your skepticism as I write this. Studies have proven, however, that the physical process of deep breathing tells the amygdala to cease signaling the body to make chemicals that result in the panic feelings described above. If you are breathing deeply and fully, the amygdala acts as if the source of panic is gone. Your prefrontal cortex then takes over again, and you can make reasoned, calculated decisions. You can employ this technique

and teach it to your clients, if necessary.

And, by the way, if you're ever wondering why your teenager explodes at regular intervals and makes incredibly dumb decisions, this amygdala-based cause is the culprit. The prefrontal cortex does not fully develop until your teenager is somewhere between 18 and 25! Good luck with that.

Anxiety in the System

I think our last topic for today is systemic anxiety. We are part of a robust yet fragile system. In the last few months we have experienced many things that destabilize that system: a possible threat, no threat, actual threat, quarantine, essential worker, face mask, shelter-in-place, CDC directives, confusing and misleading information, gubernatorial directives, appeal and overrule, peaceful protests (bring your gun), closed economies, partially reopening, economic relief, abuse of legislation, mixing of science and politics, etc. What do you do? Tend to your own garden. Follow the rules. Maintain a sense of normalcy and routine. Do the best you can with what you've got. Bend don't break. Humans like familiarity, order and routine. If the old ways change, create new ones and stick to the plan. Help your fellow attorneys, judges and courts by preserving the integrity of the system. Do this by being patient with your clients, adversaries and the courts. Be patient with yourself during these challenging times. And seek help when you need it.

Please expect more articles in the future on these things. In the interim, if you have questions, or are having a hard time dealing with your anxiety or that of another, please contact me. I am here to serve.



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

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

DISCIPLINARY OPINIONS

CASE NO. 19-1862: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. JENNIFER L. MEYER

(Summary adapted from the opinion filed by Justice Thomas Waterman on May 15, 2020)

Attorney Jennifer Meyer was hired as a contract attorney with the State Public Defender's Office in October 2002, and her indigent criminal defense practice included court-appointed work in seven Iowa counties. The SPD contract required that Meyer claim fees only for "actual time and expenses reasonably necessary to properly represent" her clients. She was also required to follow SPD rules for mileage reimbursement. The contract required that Meyer maintain records.

In a letter to Meyer dated September 24, 2013, the state public defender, Samuel Langholz, raised concerns about her billing practices and mileage expenses. It became apparent that improprieties with the SPD billing fees and mileage expenses were not limited to Meyer. As a result, the state auditor conducted a special investigation of the SPD. Meyer and 13 other attorneys were audited, leading to disciplinary charges.

The audit included an examination of

Meyer's fees and expenses from August 2009 through August 2013. The auditor found 30 days on which Meyer billed SPD 24-hours or more. And on 317 days, Meyer billed SPD 12.1 hours or more for combined billings totaling \$101,220. For the same period, the auditor identified 147 trips in which Meyer duplicated her mileage reimbursement, totaling \$2,768.55 for 7,910 miles traveled.

In June 2016, the Iowa Attorney General filed a two-count trial information against Meyer. Count I charged Meyer with first-degree fraudulent practice, a class "C" felony. Count II charged Meyer with first-degree theft, a class "C" felony. Meyer entered a written Alford plea to the lesser included offense of third-degree theft, an aggravated misdemeanor. The parties jointly recommended probation for two years and that Meyer pay restitution. The attorney general requested \$102,989.95 in restitution.

Meyer informed the Iowa Supreme Court Attorney Disciplinary Board of her third-degree theft Alford plea. On May 31, 2019, the Board filed an amended three-count complaint against Meyer, alleging she violated Iowa Rule of Professional Conduct 32:1.5(a) (unreasonable fees or expenses),

32:8.4(b) (commission of a criminal act), and 32:8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). The board alleged Meyer (1) collected an unreasonable fee for billing the SPD for services she did not provide; (2) collected an unreasonable amount for expenses billed to SPD for miles she did not travel; (3) committed a criminal act, theft by deception, that reflected adversely on her honesty, trustworthiness, or fitness as a lawyer; and (4) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation by billing SPD for fees she did not earn and expenses she did not incur.

A division of the Iowa Supreme Court Grievance Commission also found Meyer violated those rules and recommended a 60-day suspension. On the Iowa Supreme Court's de novo review, the court found Meyer violated all three rules and suspended her from the practice of law, with no possibility of reinstatement for one year. The suspension applies to all facets of the practice of law, as provided in Iowa Court Rule 34.23(3), and requires notification to clients, as provided by Iowa Court Rule 34.24.



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THE IMPORTANCE OF EMAIL ENCRYPTION

By Dave Nelson and Sammi LaBello

As an attorney, you are obligated to protect the confidentiality of your clients' private information. While many law firms take this task very seriously, not everyone is doing all they can to ensure the safety of their clients. One way that some firms fall short is by not encrypting emails on a regular basis, or at all. In this article, we'll explain the importance of encryption and how you can start securing your emails now.

WHAT IS EMAIL ENCRYPTION?

Email encryption is sort of a disguise for your correspondence with clients and coworkers. Encryption software turns your text, documents and other data into scrambled code in the eyes of anyone

trying to gain unauthorized access. Some describe the encryption process as creating another language. When a third party tries to open the document, all they will see is a jumble of letters, numbers and symbols.

Encrypting emails ensures the only person who can read your message legibly is the person you intended to receive it. To anyone else who tries to intercept your email it will look like nonsense. Hackers will often try to intercept emails from law firms because they know those can contain very sensitive and valuable information. Without encryption, even the smallest law firms are targets for criminals looking to gain information through this method of communication.

HOW OFTEN DO LAWYERS ENCRYPT?

While there is no steadfast rule for requiring attorneys to use encryption, it is strongly suggested by the American Bar Association for any emails that include private or sensitive data to be protected. According to the 2019 American Bar Association TechReport Survey, 38 percent used email encryption. While this is up from the 29 percent using email encryption in 2018, the ABA says there is still room for improvement.

ABA Formal Opinion 477 does not require the use of encryption in all instances. However, it does state: "The use of stronger protective measures, like encryption, is appropriate in some circumstan-



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es.” (More details about the ABA survey and opinions related to cybersecurity can be found at: https://www.americanbar.org/groups/law_practice/publications/techreport/abatechreport2019/cybersecurity2019/).

RISKS OF NOT ENCRYPTING

The dangers of not encrypting emails for a law firm are numerous. Not only do you put your clients' information at a higher risk of being hacked, but you also put your own practice at risk. If a criminal were to access private information on your client or your practice, they may try to use that information for extortion. They could also utilize certain details found to try and access other areas of your firm. With the right data, a threat actor can hack into systems you may believe are secured.

Attorneys also need to implement encryption when it is required by an agreement with the client, or the nature of the information requires a higher degree of security. Information such as personal information, bank data and other private details about an individual can be used to attempt other scamming methods or hacks into private accounts. Even the smallest detail may be the information a criminal would need to figure out a username or password to a secured account.

It's not just clients you should be considering. Encryption is also advised when handling private information of employees. Documents containing health insurance information or financial records need to be protected. It is in the

best interest of your entire firm to be cautious and secure when handling any private data.

There are also legal ramifications for not encrypting certain correspondence. Not securing your clients' data could violate the attorney-client privilege. This could leave you open to malpractice actions, damage to your reputation and losing clients.

Encrypting all email messages as a default standard practice makes the task of finding sensitive information more daunting to hackers. Going through a long list of emails, one-by-one, will make the job of finding valuable information more time consuming. This tedious task could be enough to cause some hackers to give up more quickly.

FINDING ENCRYPTION SERVICES

Figuring out how to establish a system of encryption doesn't have to be complicated. In fact, The Iowa State Bar Association is offering a subscription to an encryption service called Trustifi to members.

Here's what ISBA Membership Engagement Coordinator Hank Hanson has to say about the process: "With just one-click you can take advantage of military-grade email encryption and inbound protection from phishing attacks, malware and spoofing. Recipients can open a Trustifi-encrypted email on any device, at any time, exactly like any other email. The ISBA believes that cyber-security should be a top priority for all attorneys."

Typically, the ISBA offers a Trustifi account to members for \$25 a year. Right now, the ISBA is offering a few months of free service to members looking for extra protection.

ISBA Information Analyst and Tech Support Dewey Cantrell had this to say about the importance of offering encryption assistance for attorneys at this time: "Many in the legal profession are currently being put in a position to work from home or another alternate location. While it may seem secure on the surface,

these locations likely don't have the luxury of a high-end commercial grade firewall and constant monitoring to mitigate intrusion/hacking attempts."

FULL SECURITY

Creating a safe environment for your staff and clients means considering all aspects of security. Neglecting cybersecurity can be detrimental to your legal practice. Taking the time to protect all data, especially that which is sent through emails, could be the layer of protection your law firm is missing.

If you have any other questions about the cybersecurity of your firm, feel free to reach out to the cybersecurity experts at Pratum. The Ankeny-based business has been working with attorneys across Iowa, and the country, for years. Pratum's team of experienced consultants can help guide you to the right security measures for your firm.

For more information on the email encryption software offered through the ISBA, please visit iowabar.org/Trustifi.



The Iowa State Bar Association is offering a free trial subscription to an encryption service called Trustifi.

For details, visit iowabar.org/Trustifi.



Dave Nelson is the Founder and CEO of information security services firm Pratum. He is a Certified Information Systems Security Professional (CISSP) with over 25 years of cybersecurity and technology experience. His company's mission is to solve information security challenges based on risk, not fear.



Sammi LaBello is a Content Marketing Coordinator at Pratum. She is a former news anchor with nearly 10 years of experience helping communicate complex topics.

DIVIDING THE INTANGIBLE

HOW TO DISCOVER, EVALUATE AND DIVIDE IP ASSETS IN DIVORCE

By La'Cee Conley

With approximately 50 percent of all marriages in the U.S. resulting in divorce, courts look at many factors when deciding how to divide marital property including, but not limited to, the length of the marriage, any misuse of marital property by either spouse, tax consequences, the value assigned to each spouse's share and the ability of each spouse to acquire assets and earn income in the future.

Intellectual property (IP) also falls under this factorial analysis. For example, when one spouse is the sole creator of the IP, such as with a book, the courts often give the creator the copyright, but may award a higher amount of spousal maintenance or give the non-creator spouse additional tangible assets.

However, IP is often overlooked. IP is not regularly considered by the spouses at first because the evaluation and division of IP assets can be complex. Various third-party agreements commonly associated with these types of property rights can be extremely involved and may affect the ability of the owner-spouse to transfer or dispose of his or her interest.

This article aims to simplify and provide a comprehensive review of how to identify, value and divide IP assets in divorce.

The top methods addressed here are:

- IDENTIFYING IP ASSETS
- EVALUATING THE TYPES AND OWNERSHIP OF THE IP ASSETS
- COMMONLY USED VALUATION MECHANISMS
- DIVIDING THE IP ASSETS
- COMMONLY USED DIVISION MECHANISMS
- PROTECTING THE IP ASSETS PROACTIVELY

For framework purposes, it is important to note that Iowa is an equitable distribution state. Specifically, the court generally accepts a fair and reasonable property division the parties agree to, but if they cannot agree, the property is divided by equitable distribution. This means that the court will determine what is fair—note that “equitable” does not mean equal, or even half.

IDENTIFYING IP ASSETS

The general ideal underlying IP law is that of incentive for innovation: Individuals expend more time, energy and resources in innovative, creative pursuits if the fruits of their labor are likely to lead to financial gains. Giving creators limited, monopolistic control over their creations is thought

to enhance the potential for profitable exploitation and increase in creative production. IP interests are acquired when the owning/creator spouse expends the necessary effort and not when they are actually received.

IP includes patents, trademarks, copyright, trade secret, trade dress and various contract rights. A patent is a type of freely assignable personal property that grants property rights to the inventor to exclude others from making, using, selling or importing into the U.S. the patent invention for 20 years. This right to exclude is distinguished from the right of a patent owner to use, make, sell, offer to sell or import the patented invention himself. For patents, there are utility patents for any new and useful process, machine, manufacture or compositions of matter, or any new and useful improvement thereof; design patents for any new, original and ornamental design for an article of manufacture the appearance of which is protected; and lastly plant patents for asexually reproduced and distinct and new varieties of plants. Patents are a form of personal property and are free assignable.

Many entrepreneurs and corporations alike need to distinguish between trademarks and copyrights. A trademark is awarded to any word, name, symbol or device, or any combination thereof that is used by a person or which a person has a bona fide intention to use in commerce and applies to register on the principal trademark register to identify and distinguish the goods or services. In contrast, a copyright requires no formal type of registration, only the creation of a work because copyright is provided for under the U.S. Constitution. However, in order to sue for infringement of a copyright, the material must be registered with the U.S. Copyright Office.

Importantly, a **derivative work** is a work based upon one or more preexisting works, such as a translation, musical



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arrangement, motion picture version, abridgement, condensation or any other form in which a work may be recast, transformed, or adapted. Further, a **joint work** is a work prepared by at least two authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole—this article for example. Also, a **work made for hire** is a work created at the direction of, and with the resources of, a third party such as a company.

Copyrights last for the author's life plus 70 years if created after Jan. 1, 1978.

So what to do? Parties of a divorce should search through the patent, trademark or copyright filing databases to see if there is something that would imply the existence of valuable IP such as new product releases, FDA approvals and license agreements.

Examples when IP arises in divorce:

- A spouse's novel is still in the draft stage on the household computer
- A computer expert after years of experimentation, develops a novel computer game
- A company formed by the spouses develops patentable materials post-divorce
- A spouse designs a specific ornamentation on a mechanical device and invests in a design patent
- An author drafts and completes a novel during the marriage but tours post-divorce to promote the novel
- A spouse dedicates his or her time to invention creation during the marriage and the other spouse pays the household finances

EVALUATING IP ASSETS

There are several initial questions to ask after identifying IP – some of which include:

- **When was the IP created?**
- **Who actually owns the copyright, patent or trademark?**
- **Does the spouse own 100 percent of the rights?**
- **Are there any restriction on third party involvement in the copyrighted or patented property?**
- **Has the IP actually been published, patented or registered?**
- **Are royalties currently being paid? What are the terms of that scheme?**
- **Will post-divorce efforts be required to continue the revenue stream?**
- **What, and how much, are the development costs needed to either complete the IP or to maximize its potential?**
- **What is the risk of the patent being declared invalid?**
- **Has the owner issued any licenses?**
- **What is the status of any derivative works emanating from the original work?**

Arguably, the first two questions are of immediate importance upon discovering potentially divisible IP. The parties should create a timeline of creation that delineates when and to what extent the IP was created in order to determine whether efforts were pre, during or post-divorce.

The second most important question is who owns the property. Patents are freely assignable. In many cases, patents are assigned to the company that funded the research, and that

company reaps the benefits of monetization of the property. Copyrights transfer via an assignment, exclusive license, or any other rights conveyance not including a nonexclusive license. Trademark registrations are assignable and serve as constructive notice of the registrant's claim of ownership thereof.

COMMONLY USED VALUATION MECHANISMS

Once these questions are answered, evaluation of the IP may begin using several methods:

ASSET VALIDATION: Making sure that the assets are still valid. Have Section 8 fees been paid for the trademark?

ASSET OWNERSHIP: Establishing that the spouse retains legal and economic ownership rights in the asset as a co-inventor, shareholder or any other type of ownership

TRANSACTIONS: Discovering and analyzing any transactions that the IP assets have been involved in, for example licensing, litigation, sale, etc.

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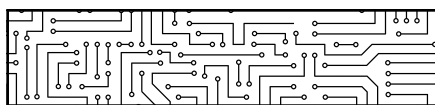
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“THE GENERAL IDEAL UNDERLYING IP LAW IS THAT OF INCENTIVE FOR INNOVATION...”

a timeline of key milestones related to IP assets, for example, the issuance of a patent, continuation applications or FDA approval.

VALUATION: Considering all the information above in order to arrive at a fair value using one of the following methods:

- **Cost Approach:** The cost of replacing the IP is virtually impossible to calculate
- **Market Approach:** Market value is based upon the notion of what a willing buyer and/or seller will pay for the asset with neither having an obligation to sell or purchase.
- **Value to the Owner:** The owner of the IP is qualified to testify as to the market value of the property.
- **Income Approach:** There is consideration of incremental income levels, estimation of relief from royalties income, difference in value of the enterprise without the IP and if the court or valuation expert should choose to treat the value of the IP as a residual.



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- **Offers to Purchase IP:** A valid offer to purchase IP may be a true measure of its value.
- **IP and the Business:** The valuation expert may place a value on the business.

The uncertainty of the length of time the IP will or can be income producing, post-divorce efforts needed to continue an income stream and the legal, functional and economic life of the IP will undoubtedly impact and skew an accurate valuation.

DIVIDING IP ASSETS

After taking into consideration the rights of third parties, the question becomes whether the property was created before, during or after the marriage. IP interests are marital property to the extent that actual marital funds were invested, and separate to the extent they were created before the marriage.

In Iowa, IP created before the marriage is considered separate property; IP created during the marriage is divided equitable; and IP partially created after the marriage is divided once present property values and future incomes are considered. For example, licensing fees from patents and trademarks may present considerable future income opportunities. However, these must be certain and not speculative values.

Specifically regarding post-marital development, a completely developed invention or work may still produce more income if post-marital efforts are spent marketing it to potential buyers. To the extent that future income is traceable to these marketing efforts, the income is separate property. The court reasoned in *In re White*, 537 N.W.2d 744 (Iowa 1995) that a spouse's textbook would require substantial future promotional efforts to maintain sales and the spouse would alone pay the taxes on the royalties so it was proper to award the non-creator spouse only 30 percent of future royalties. A court may also award the non-creator spouse other marital assets to offset the IP given to the creator spouse.

COMMONLY USED DIVISION MECHANISMS

DIRECT TRANSFER/ ASSIGNMENT: Direct transfer or assignment from the creator spouse to the non-creator spouse of the rights affecting any payments.

This is the recommended method.

THIRD PARTY RECIPIENT:

Designate an independent third party to receive any and all payment contemplated by the award.

CONSTRUCTIVE TRUST:

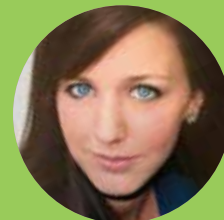
Must order the amount, method of payment, time for payment and place for payment – this language must be included whenever there is an instance for alimony.

PROTECTING IP ASSETS PROACTIVELY

To ensure businesses and their divorcing, IP-owning founders can move forward, there are a number of steps that can and should be taken:

- **Have a pre-nuptial agreement that addresses IP developed during the marriage**
- **File a complaint for divorce quickly once the marriage is over instead of informally separating. The date the complaint is filed serves as the cut-off for equitable distribution.**
- **Have the IP and anything created based on that IP put into a trust, out of the business owner's name.**

The family lawyer is encouraged to employ the services of an IP attorney to assist in assessing the nature, value and rights involved when faced with an IP asset in a divorce case. Every case is different, and the property division also depends on the valuation of the IP value.



La'Cee Conley is an experienced international intellectual property attorney and owner of Conley Consulting & Portfolio Advisors. After earning Bachelor degrees in physical chemistry and in neuroscience, she earned her Juris Doctor and Master of Law at Drake University, specializing in international intellectual property and international law. She completed her Master of Business Administration at Iowa State University. She currently practices in patents, trademarks and copyrights around the world relating to chemical, nanochemical, small molecule, biological, neurological, pharmaceutical, oil & gas and general mechanical applications.

LETTER FROM THE EDITOR

REAFFIRMING THE ISBA'S LONG-STANDING POSITION OF OPPOSING CAPS ON RECOVERIES AND IMMUNITIES

We have received some comments about a “letter to the editor” published in the May issue of *The Iowa Lawyer* magazine that was written by Des Moines attorney James Benzoni, assisted by Dr. Thomas E. Benzoni, D.O (Emergency Room Doctor) and Judge Albert Habhab (former Chief Judge of the Iowa Court of Appeals). In response to these inquiries, The Iowa State Bar Association wants to reaffirm and clearly state that it has been the long-standing legislative policy of the ISBA to oppose arbitrary caps on recoveries and blanket immunities. This position was reaffirmed by the ISBA Board of Governors at its December 2019 meeting when governors voted in opposition to absolute immunity legislation and arbitrary caps on damages ahead of the 2020 legislative session.

We have consistently supported the rights of citizens to have redress for wrongs that have been committed and for injuries they have suffered through no fault of their own. We also support that damages should be determined by a jury based upon the individual facts of a case and not based on arbitrary caps. We are aware that there may be an attempt to seek caps on recoveries in medical malpractice cases and grant immunities for COVID-19-related injuries during the conclusion of this year’s legislative session. The ISBA will be opposing any such legislation based upon the long-standing principles and positions of the ISBA.

The rights of citizens and employees on the front line of providing services during this pandemic should not be

diminished in any manner. It is our belief that in tort the standard of care adapts to a public health crisis. The conduct a jury or judge considers reasonable or negligent depends on circumstances. Thus, a health care professional or other provider is judged under the standard of care of what a reasonable professional would do during a pandemic. Plaintiffs’ attorneys exercise great caution when considering a case under any circumstance, but especially during a pandemic.

The publication of the Benzoni letter to the editor was not intended in any manner to diminish the ISBA’s long-standing positions. We point readers to the language that appears on page three of every issue of the publication indicating, “The statements and opinions in this publication are those of the authors and not necessarily those

of The Iowa State Bar Association.” Letters to the editor are clearly intended to reflect the personal views of the writer(s) and not the opinion of any bar leaders or the association itself. This letter is such an example. We have a diverse bar with thousands of members from all practice areas and all parts of the state, who represent many diverse opinions. We welcome thoughtful and productive discussions in the form of letters to the editor or rebuttals.

You can learn more about the ISBA’s legislative program by visiting iowabar.org/legislative.

Thank you for reading,
Melissa Higgins, *ISBA Communications Director and Editor of The Iowa Lawyer*

Dwight Dinkla, *ISBA Executive Director*

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Partner**

TRANSITIONS



Chris White has joined Klass Law Firm LLP in Sioux City as an associate. White graduated from the University of South Dakota School of Law in 2010. He is licensed in Iowa, Nebraska and South Dakota and will primarily focus on civil litigation.



Thomas L. Slaughter has joined Fredrikson & Byron in the securities, corporate governance and mergers & acquisitions groups. He is a graduate of the University of Iowa College of Law and is admitted to practice in both New York and Iowa.



Krystal R. Mikkilineni has rejoined the Bradshaw Law Firm. Mikkilineni clerked for the U.S. Bankruptcy Court, Western District of Washington for the past year. Prior to her clerkship, she was an associate at Bradshaw Law from 2014 to 2019. Mikkilineni practices primarily in the areas of bankruptcy law, business law and corporate law. She earned her J.D., with honors, from Drake University Law School in 2013.



Nick J. Gral rejoined Whitfield & Eddy Law as an associate attorney in the firm's Litigation practice group. Gral has a background in civil litigation disputes for business owners and managers in transactional, construction and transportation matters. He previously practiced law as an Associate Attorney at Whitfield & Eddy before joining Gallivan, White, & Boyd, P.A., in Charleston, South Carolina.



Evans & Dixon, LLC has announced that effective May 18, Omaha-based Sodoro Daly Shomaker, a firm of four attorneys, will join Evans & Dixon's Omaha office in an effort to bolster the firm's insurance defense practice group. Attorneys **Joseph S. Daly, Thomas J. Shomaker, Mary M. Schott** and **Catherine L. Stegman** will be joining the team, bringing with them years of experience and expertise in handling insurance defense litigation involving personal injury claims, insurance coverage issues and property and other casualty claims.

KUDOS



SPENCER HIGH SCHOOL (TEAM GOLD)

ISBA RECOGNIZES MOCK TRIAL REGIONAL WINNERS AND LOOKS AHEAD TO 2020-2021 SEASON

Due to the COVID-19 pandemic, the 2020 Iowa High School Mock Trial State Tournament was cancelled. However, The Iowa State Bar Association wants to recognize the hard work and accomplishments of the students and coaches who would have participated.

A special recognition page was created on the ISBA website to honor the teams that qualified from the many regional competitions around the state, and to recognize graduating seniors from those teams. Visit <https://www.iowabar.org/2020HSMTRecognition> to view the page, which includes team photos and names of students.

"I am so very thankful to get a chance to work with some of Iowa's top educators and attorneys each year to provide challenging opportunities to students," said ISBA Center for Law & Civic Education Director John Wheeler, who administers the Iowa Mock Trial Program. "While I was heartbroken that we were not able to have a grand high

school celebration this spring, I was pleased that every student who prepared to participate got at least one chance to shine at regionals."

Regarding the 2020-2021 mock trial season for middle school and high school, Wheeler says there will be mock trial in Iowa.

"Somehow, some way, we will offer students opportunities to learn about the law and legal processes and hone their critical preparation and presentation skills next year," he said.

Wheeler has been asked to chair a national committee to explore ways to offer mock trial virtually. The committee has been tasked with generating a set of recommendations for virtual mock trial to offer guidance to states and programs to continue to provide students this opportunity in the event social distancing guidelines remain in place throughout next school year.



Secretary of Agriculture Sonny Perdue has re-appointed **Heidi S. Nebel**, Intellectual Property Attorney, Managing Member and Chair of the Biotechnology & Chemical Practice Group at McKee, Voorhees & Sease, PLC, to continue her service on the Plant Variety Protection (PVP) Board. The PVP Board is composed of farmers, plant breeders, seed industry experts, university professors and lawyers who provide direction to the PVP Office which influences the development of new plant varieties. Nebel will serve on the board until May 1, 2022.



IN MEMORIAM

Gregg Allan Schochenmaier, 59, of Norwalk, died Dec. 16. He was born in 1960 in Gregory, South Dakota. He served in the U.S. Marine Corps after high school and received his J.D. from the University of South Dakota. During law school, he entered Officer Candidate School with the U.S. Army, earned a commission and served as an Artillery Officer. Upon completion of law school, he entered the U.S. Air Force and served honorably across three branches of the armed forces for nearly 30 years. During that time, he was deployed to multiple international theatres and stateside incidents in combat and peacekeeping operations. Some of his highly deserved honors include the Meritorious Service Medal, Air Force Commendation Medal, Air Force Achievement Medal and the Legion of Merit.

William (Bill) Ostlund, 72, of Des Moines, died Jan. 29. Ostlund was born in Hot Springs, Arkansas, in 1947. He received his J.D. from the University of Wyoming. Upon completion of his schooling in 1972, Ostlund was a judicial clerk for Iowa Supreme Court Justice Warren J. Rees. He maintained a private practice for 21 year as well as serving as a magistrate judge for 11 years. He was appointed a district court judge in Judicial

District 2B in 1994. On his 72nd birthday, Judge Ostlund adjourned his court for the final time and began retirement.

Donald R. Payer, 91, of Ames, died April 3. He was born in 1928 in Fargo, North Dakota. He served in the U.S. Navy and received his J.D. from the University of Iowa College of Law. In 1954 he moved to Ames and started his law practice at 214 ½ Main St. He continued a law practice on Main Street for over 50 years with a final address at 535 Main St. He retired from the law practice when he was 80. Payer served on The Iowa State Bar Association Board of Governors, was a founding director of the Story County Legal Aid Society in 1974 and served on the Board of the Ames Emergency Residence.

James L. Krambeck, 81, of West Des Moines, died May 16. Krambeck was born in Clinton. He served in the U.S. Air Force during the Vietnam War and received his J.D. from the University of Michigan School of Law. He was a partner at the Ahlers & Cooney Law Firm for 23 years before joining Kirke Van Orsdel, Inc as general counsel. From there, he became a shareholder at the Belin McCormick Law Firm until moving to Kirke Financial Services, LLC and Wild Rose Entertainment as general counsel before his retirement.

A TALE ONCE TOLD

By Dick Lyford

*A lawyers' good works are oft left unknown.
They are sworn to be buried, tales to them intoned.
Their best actions are to observe and listen
As clients recount their worst afflictions.
They weigh and consider all divulged information
Given to them as privileged communication.
They opine and they divine as legal tacticians
To give clients their best advice for decisions.
And when lawyers reach the end of their careers
Replete with tales told to them over the years,
They lie in repose with tales never to disclose.
Their best work only each client knows.*

WELLNESS CORNER

INTELLECTUAL WELLNESS

This area of intellectual well-being includes engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development.

WHY IT IS IMPORTANT

You have already spent a lot of time sitting in classrooms and taking tests, but it doesn't stop there or with the required CLEs per year. The reason to pay attention to and participate in intellectual wellness is because it promotes creative mental stimulation and the opportunity to learn exciting things.

LOW BARRIER TO ENTRY

Don't worry, these suggestions won't add to your student loan balance. Most suggestions can be done for

little or no cost. Your local library may have books you can check out or read online. The internet has a lot of free content and how-to videos. The biggest barrier is making the time to do it.

TIPS TO TRY

Pick one from each category, or create your own, and pick a month this year that you will do it.

Legal intellect

- Volunteer to present on an emerging legal issue
- Debate with someone but argue opposite your viewpoint
- Improve your legal writing with *The Redbook: A Manual on Legal Style*
- Read a blog in your practice area written by a law professor
- Watch a YouTube video on a litigation skill
- Mentor a new lawyer

Technology intellect

- Learn computer keyboard shortcuts
- Learn a technique in Microsoft Word to save time

- Create filters or rules for your email
- Download the photos from your phone to a secure location
- Join a group online that shares your interests
- Make a video of yourself using your phone or computer

Personal intellect

- Take a class in person or online to learn a new skill
- Read a book or watch a documentary
- Write a letter to a family member
- Make a meal from a recipe
- Learn a dance step
- Try a relaxation technique like yoga or meditation

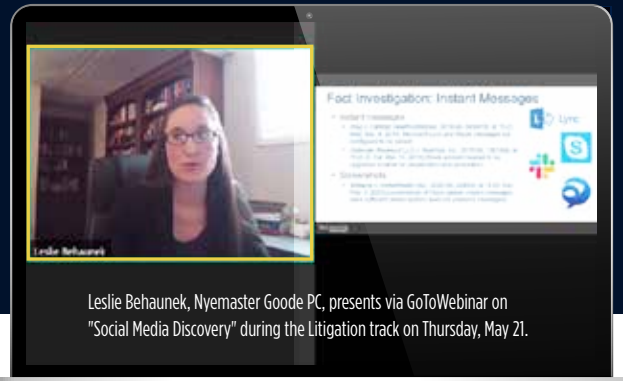
The information for this monthly column is provided by the ISBA Well-Being Committee and the YLD Wellness Committee. Additional resources can be found on iowabar.org/wellbeing.

Connect with us:

#isbawellness

2020 IOWA STATE BAR ASSOCIATION ANNUAL MEETING

GOES VIRTUAL



Leslie Behaunek, Nyemaster Goode PC, presents via GoToWebinar on "Social Media Discovery" during the Litigation track on Thursday, May 21.

The 2020 ISBA Annual Meeting CLE was forced to move to an online-only format due to the COVID-19 pandemic, but that didn't stop Iowa attorneys from signing up in droves for timely, high-quality presentations across 10 different subject matter tracks. Nearly 1,000 attorneys, judges and law students registered for the week of webinars held May 18-22, which offered a total of 30.5 state CLE hours and 4.5 ethics hours.

For the first time ever, the ISBA Young Lawyers Division offered an Annual Meeting Young Lawyers Track, which saw more than 400 attendees.

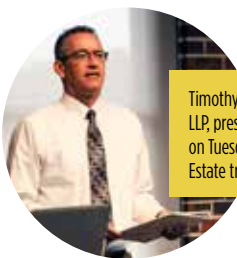
"I particularly enjoyed the focus for young lawyers," said new attorney attendee Zachary Goodrich. "As someone who was just sworn in a month ago, I found those sessions to be very useful and I hope the ISBA will continue to partner with experienced attorneys/judges in the future because their guidance is valuable and very much sought after."

The presentations were recorded and many will be made available in the ISBA On-Demand Catalog (iowabar.org/ondemandcle) in the coming weeks for

those who were unable to attend or those wanting to re-watch specific sessions. The ISBA would like to thank the speakers who moved up their presentations by a month to accommodate the change in date and format:

- Hon. Paul Ahlers**, *Iowa Court of Appeals*
- Chad Ambroday**, *Fredrikson & Byron P.A.*
- Rachel Antonuccio**, *Iowa City Public Defender's Office*
- Hon. Kimberly Ayotte**, *District Associate Judge*
- Michael Bandstra**, *Mike Bandstra Law and Professor at University of Iowa School of Law*
- Leslie Behaunek**, *Nyemaster Goode PC*
- Natalia Blaskovich**, *Reynolds & Kenline LLP*
- Hon. Christopher Bruns**, *District Court Judge, District 6*
- Christine Chalstrom**, *President and CEO, Shepherd Data Services*
- Natalie Cronk**, *Kennedy, Gelner, Cronk & Waterman, P.C.*
- Mark Fisher**, *Howes Law Firm PC*
- Katie Frank**, *Assistant State Public Defender, Linn County*
- Timothy Gartin**, *Hastings Gartin & Boettger LLP*
- Austin Goodnight**, *Fredrikson & Byron, P.A.*
- David Grooters**, *Pappajohn Shriver Eide & Nielsen PC*
- Lindsey Guerrero**, *Iowa Finance Authority*
- Christine Halbrook**, *Bradshaw Fowler Proctor & Fairgrave PC*
- Tom Hillers**, *Hope Law Firm*
- Laura Ingram**, *Belin McCormick PC*
- Dr. Rebecca Lachenmaier**, *Hospice & Palliative Medicine Specialist*
- Eric Langston**, *Simmons Perrine Moyer Bergman*

- Erin Lee Schneider**, *Assistant Dean for Student Services, Drake University Law School*
- Magistrate Jeff Lipman**, *District 5B*
- Greg Kenyon**, *Bradshaw Fowler Proctor & Fairgrave PC*
- Erin Lain**, *Drake University Law School*
- Nena Lenz**, *Fredrikson & Byron P.A.*
- James Meade**, *Meade Law Office*
- Cory McClure**, *Babich Goldman PC*
- William Miller**, *Dorsey & Whitney LLP*
- Paul Morf**, *Simmons Perrine Moyer Bergman PLC*
- Alexander Momany**, *Howes Law Firm PC*
- Sarah Myers**, *Executive Director, Colorado Lawyer Assistance Program*
- Lucas Nelson**, *MedPharm Iowa*
- James Nervig**, *Brick Gentry PC*
- Hon. David Odekirk**, *District Court Judge, District 1B*
- Emily Pontius**, *Fredrikson & Byron P.A.*
- Robin Pruisner**, *Iowa Department of Agriculture and Land Stewardship*
- Wayne Reames**, *Belin McCormick PC*
- Brett Roberts**, *Fredrikson & Byron, P.A.*
- Hon. Karen Salic**, *District Associate Judge, District 2A*
- Kendra Simmons**, *Fredrikson & Byron, P.A.*
- Kristine Tidgren**, *Director, Center for Agricultural Law & Taxation (CALT)*
- Margaret Van Houten**, *Davis Brown Law Firm*
- Tara van Brederode**, *Assistant Director/Administrator, Iowa Supreme Court Attorney Disciplinary Board*
- J. Marc Ward**, *Fredrikson & Byron, P.A.*
- Breanna Young**, *Davis Brown Law Firm*
- Julia Zalenski**, *State Public Defender's Office*



Timothy Gartin, Hastings Gartin & Boettger LLP, presents "Statutory Interpretation" on Tuesday, May 19, as part of the Real Estate track.



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Mark Fisher and Alexander Momany, Howes Law Firm PC, present to a virtual audience on the topic "Default and Setting Aside Defaults" on Tuesday, May 19, as part of the Family Law track.

CLASSIFIEDS

POSITIONS AVAILABLE

Litigation Attorney – Telpner Peterson Law Firm LLP, Council Bluffs, IA – Seeking a litigation attorney with two or more years of experience to work in the areas of personal injury, worker's compensation and commercial litigation. The ideal candidate would have excellent research and writing skills coupled with a strong work ethic. All applications will be handled confidentially. Telpner Peterson Law Firm, L.L.P. is an AV, full-service law firm serving western Iowa and eastern Nebraska since 1952. *Please reply to: Nicole Hughes, 25 Main Place, Suite 200, Council Bluffs, IA 51503 or nhughes@telpnerlaw.com.*

Associate Attorney – Foss, Kuiken, Cochran & Helling, P.C., Fairfield, IA – Foss, Kuiken, Cochran & Helling, P.C., a well-established general practice law firm in Fairfield, is looking to add the right candidate as a full-time associate attorney with the intention of fostering a long-term relationship. Our practice involves a wide range of opportunities in the areas of estate and business planning, business transactions, corporate, probate, tax, real estate, banking, civil litigation and family law. *Cover letter and resume with references requested. Please send to helling@fkgclaw.com.*

Associate Attorney – McDonald, Woodward & Carlson, P.C., Davenport, IA – McDonald, Woodward & Carlson, PC, a boutique AV rated litigation firm in the Quad Cities with an extensive trial practice in the state and federal courts of Iowa and Illinois has an exciting opportunity for 1 to 2 lawyers. The right candidates will have strong research and writing skills together with a desire to prepare, and ultimately, try cases. The opportunities available are partnership track positions, with salary commensurate with experience, performance-based bonus, profit sharing / 401k, health insurance and paid vacation. *Individuals interested in a challenging and fulfilling career should send a cover letter together with a resume and writing sample to hiringpartner@mwilawyers.com. All inquiries will remain confidential.*

Litigation Associate Attorney – Davis Brown Law Firm, Des Moines, IA – Davis Brown, a large law firm with offices in Des Moines, West Des Moines and Ames, seeks a litigation associate attorney for the downtown Des Moines office. Candidates must have between four to six years of experience in general litigation. Candidates should exhibit strong academic performance, work ethic and interpersonal skills. Davis Brown is recognized as a top workplace in Iowa and offers competitive compensation commensurate with experience; client development funds; CLE funds; a moving allotment; fully paid parking; a comprehensive benefit package, including

health, dental and vision insurance; 401(k) and profit sharing plans; long-term and short-term disability; flexible spending and health savings accounts; group life and accidental death insurance; and 12 weeks' parental leave after one year with the firm. *To apply, visit <https://careers.iowabar.org/jobs/13600137/litigation-associate-attorney>.*

SPACE AVAILABLE

Up to three office spaces available for lease. The space has a private entrance on the backside of the building with abundant parking. Included in lease is access to three conference rooms, flex space for administrative staff, filing cabinets, office equipment, direct phone line and a receptionist. Office furniture available if desired. The space includes men's and women's bathrooms for clients and a private bathroom/shower for tenants. This is a prime West Des Moines location with easy access to I-235. *Please contact Mike for appointment at 515-480-5264.*

Attorney interested in an office-share arrangement. Great potential opportunity for a solo practice attorney with an established clientele or a new attorney just out of law school. Low overhead. Nice space. Office located just east of Valley West Mall. Great location. Lots of parking. If interested, email nphifer@walkelaw.com.

Four offices and reception area in a building close to downtown. Ground level, plenty of parking, total of 1400 sf. Includes use of common area conference rooms, full kitchen/break room, bathrooms. All other building tenants are law firms. Excellent professional atmosphere; some furniture available. Rent \$2,000 per month. *Contact David at (515)490-5200.*

FOR SALE

STORE FRONT PRACTICE – Owner of store front law practice, at same location in central Iowa for more than 50 years, is considering retirement. The office is located within 45 minutes of the Polk County Courthouse. Core practice areas include probate, real estate, estate planning, small business entities, criminal, divorce and tax preparation. Excellent opportunity for a confident, industrious, client-oriented attorney with a strong transactional background to mold a practice to suit his or her interests. All terms negotiable. For more information please write: The Iowa State Bar Association, Code 871, 625 East Court Ave., Des Moines, 50309-1904, or email at isba@iowabar.org. Please include Code 871 on the envelope if mailing and in the subject line if emailing.

FOR SALE – TITLE PLANT for Polk County. All digital, no paper, recently inspected and certified, chain of title to 1850's. And new 40-

year digital Plant for Dallas County waiting for inspection. *All inquiries kept confidential. For more information contact titeltechinfo@gmail.com.*

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.

MEDIATOR TRAINING



RICHARD M. CALKINS

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

Primary Mediator Class

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

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

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

Spotlight ON Service



SIoux CITY LAW FIRM DONATES LUNCH FOR COVID-19 TEST FACILITY WORKERS

The Heidman Law Firm in Sioux City donated lunches for staff at the Siouxland Community Health Center (SCHC), which has been at the forefront of that community's response to the COVID-19 pandemic. In addition to providing primary care medical services, SCHC operates and staffs a drive-through COVID-19 testing facility. As a way of showing appreciation, the Heidman Law Firm provided lunch for SCHC's 250 employees at its Sioux City and South Sioux City, Nebraska, clinics.

"We expect our local health workers to address ordinary illnesses such as the flu; We now have asked them to address a pandemic! They deserved some extra care," said Daniel Dykstra, a partner at Heidman law who practices in business, elder and commercial law.

Many of Heidman Law's employees drive by the testing center each day into work and see how busy the SCHC workers are.

"This has been a really difficult time for all of Siouxland, but here at the



Siouxland Community Health Center, they have been the front lines fighting COVID-19 for weeks and weeks. So, we want to thank them for all their time and all their effort," Dykstra said.

SCHC's CEO also shared that "Many employees only have a brief window of time each day to grab something to eat, so when food is readily available, it's a huge boost."

"The pandemic has required all of us to make sacrifices, but they pale in comparison to what individuals and businesses on the front lines are experiencing and doing on our behalf. Not only was it important to Heidman Law Firm to recognize and

give back to the staff at SCHC, it also gave us an opportunity to support a locally-owned restaurant that has been significantly impacted by COVID-19," said Heidman Law partner Cindy Moser, who practices in healthcare law.

The local restaurant tasked with feeding the 250 workers, Aggies Catering in Sergeant Bluff, also commented that they were proud to be part of this effort to thank front line workers.

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



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Know Someone?

The ISBA Public Relations Committee honors an Iowa attorney or group of attorneys each month in this special "Spotlight on Service" feature in The Iowa Lawyer. If you would like to nominate someone to be recognized for his or her work in the community, please contact:

Melissa Higgins,
mhiggins@iowabar.org

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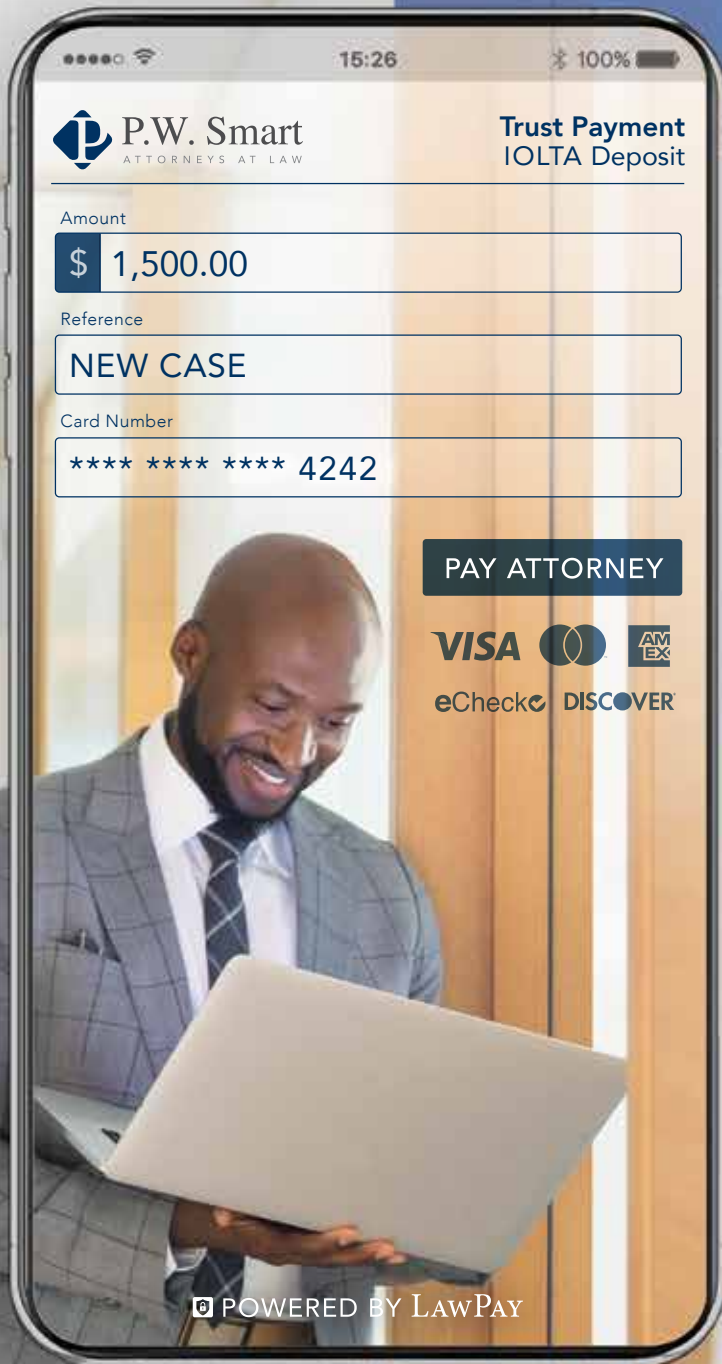
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