



THE ADVOCATE

THE NEWSLETTER OF THE POLK COUNTY BAR ASSOCIATION. • OCTOBER 2002

Fourth Annual "Law Day" Peaks Interest of Local Students

Each year the Young Lawyers Division of the Iowa State Bar Association sponsors "Law Day" in association with one of the state's two law schools. The goal of the event is to encourage current law students to stay and practice in Iowa after graduation by introducing them to the wide variety of legal practices available to them in the state. This year the YLD teamed up with the Drake University Law School to host the Law Day program on Thursday, September 5, 2002, at the Savery Hotel in Des Moines, Iowa.

The event began with panel discussions during which Iowa lawyers shared their own experiences of practicing law in Iowa and why they chose to practice in the state. Panel members included attorneys from a wide range of legal practices, including large and small firms, in-house counsel, legislative lobbying, state public defender's office, and the judiciary. One law student explained how the panel triggered interest in an area of law he had not previously considered. Some of the topics covered included:

- Iowa lawyers are not required to spend several hours per day commuting, giving them time to get their work done while getting to spend significant time with their families and in their communities.
- Iowa lawyers get meaningful client contact and real responsibility on their cases much earlier in their careers than lawyers in many other parts of the country. This includes getting the chance to actually take a deposition or first chair a trial fairly early in the lawyer's career instead of carrying the bags of senior associates and partners for a decade or more.
- Iowa lawyers get the chance to work on significant, meaningful and challenging cases just like lawyers in other parts of the country.

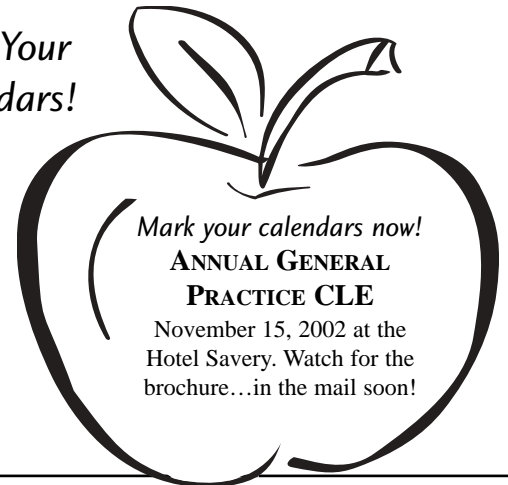
After the panel discussions, the YLD and Drake University hosted a social/recruiting hour for attorneys and law students, which allowed law students to mingle with potential employers from the state of Iowa. YLD plans Law Day early in the interview season so students and employers can use the contacts they make at the event.

The evening culminated in a banquet at which the Honorable Ross Walters, Chief Magistrate for the United States District Court for the Southern District of Iowa, gave the keynote address. Chief Judge Walters provided students and attorneys with his top reasons to stay in Iowa to practice law, which included:

- Quality of Life
- Professionalism and Collegiality of the Lawyers
- Opportunity for Professional Advancement Early in Career
- Good Bench/Bar Relations

Over 160 students and attorneys attended the event, which was a resounding success. Students were able to attend the banquet at no cost through the assistance of firms and attorneys who purchased tables or seats. Law Day provides a unique opportunity for us in the legal profession to do our part in keeping the talented people of this state in Iowa. The University of Iowa College of Law will host Law Day 2003 next fall.

*Mark Your
Calendars!*



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President's Message

After the usual summer hiatus, the Polk County Bar Association is recommencing many of its regular activities. Our monthly luncheon meetings started on September 10. As you know, we meet on the second Tuesday of each month (except December) through June. Although attendance at our monthly meetings is generally good, we would encourage more of our membership to attend. Our speaker in September was David Yepson from the Des Moines Register. In October, we will feature Mary Wisenand who will discuss legal malpractice issues (1/2 hour CLE applied for) and in November we are scheduled to have David Oman speak on judicial redistricting.

The various committees of the Polk County Bar Association have also started their fall activities. Chairs have been appointed for all committees. Committee membership is open to all members. I would encourage any of you who are interested to contact a committee chair and become involved in a committee that interests you.

Several social gatherings will be held throughout the year including cocktail receptions, group outings to the Civic Center, and the annual golf outing benefiting the Volunteer Lawyers Project. We will also be promoting our mediation program, the Speakers Bureau, the Law Day competitions in the schools, and other worthwhile projects during the upcoming year. Please contact me personally if you have any suggestions as to how the Polk County Bar Association can better service its membership and our community. I can be reached at (515) 246-4513 or by e-mail at Ptyler@dickinsonlaw.com.

As a final note, the PCBA website will soon be operational. Its address will be www.PCBAonline.org. Check it out!

Paul R. Tyler



PCWA Basket Auction To Benefit The Young Women's Resource Center

The Polk County Women Attorneys will hold a Basket Auction to benefit the Young Women's Resource Center on Thursday evening, October 24, at the Des Moines Botanical Center. Everyone is welcome to attend this event, which begins at 5:30 p.m. with cocktails and appetizers. Bidding commences at 6:30 p.m. Anyone interested in donating a basket or making a monetary donation, or needing more information, can contact Krista Tanner at ktanner@dickinsonlaw.com or kristakt@mchsi.com or by telephone at 246-4544.

Drake Law School Kicks Off 18th Annual Partners Program

Eighteen years ago, Drake Law School and its Board of Counselors developed the Partners Program to acquaint first-year law students with law school alumni and friends in the legal community, and to assist them in the transition to law school and the legal profession. Many alumni and students have participated and have enjoyed the associations which have developed.

The Partners Program introduces first-year law students to attorneys and judges who are interested in serving as advisors and "Partners" to these new students. The students have many questions, and find it helpful to be able to talk to someone outside the law school who has the perspective of having "been there" before and made it into the profession. The Partners Program is highly rewarding to both lawyers and students and is of genuine benefit to the Drake Law School.

Drake Law School would appreciate the participation of judges and lawyers in the program. For more information, call Linda Quinn at 515/271-2988 or e-mail her at lindaquinn@drake.edu. Those responding will be matched with first-year students. A "get to know you" reception is planned for 5:30 p.m. on October 24, 2002, at the Olmsted Center on the campus of Drake University.

Newsletter Contributors

Contributors to this newsletter include Bob Hanson, Lu Ann White, Katie Overberg, John Wheeler, Aaron Oliver, Jason Letcher, PCBA President Paul Tyler, PCBA Executive Director Carol Burdette, Deputy Clerk of the U.S. District Court, S.D. Iowa, Rob Raker, Beth Baldwin, United Way of Central Iowa President Martha Willits, David Phillips, Rich Webster and Miki McGovern.

NEWS FOR NEWSLETTER WANTED

Anyone wanting to submit news items for the PCBA Newsletter, or wanting to serve on the Newsletter Committee, should contact Newsletter Committee Co-Chairs Bob Hanson and Lu Ann White at Hanson, Bjork & Russell, L.L.P., 405 6th Ave., Suite 1300, Des Moines, Iowa 50309 (telephone: 244-0177) (fax: 244-8258), or contact Carol Burdette at 243-3904.

Des Moines City Council Passes Real Estate Contract Sales Inspection Ordinance

The Des Moines City Council passed the Real Estate Installment Contract Sales Inspection Ordinance, No. 14,146, on October 7, 2002, which deals with the inspection of residential real estate sold on an installment contract. The ordinance requires sellers of property to provide a written inspection report to buyers who purchase by installment contract. Sellers include the person or entity offering or transferring the real property for sale, or anyone acting on behalf of the contract seller. Transfers exempt from the ordinance include those made pursuant to a court order, eminent domain, foreclosure or deed in lieu thereof, forfeiture, between joint owners, spouses, parents or descendants, involving a government or by quitclaim deed. The ordinance will become effective January 1, 2003.

Persons seeking to sell residential real estate by installment contract are required to have an eligible inspector to personally inspect the property and provide the buyer with a written inspection report describing the inspection. The inspection must include but is not limited to a review of the structural components, exterior, roofing, plumbing, heating, cooling, electrical, insulation and ventilation, interior, fireplace and solid fuel burning appliances. The inspection report must be on a form approved by the City Neighborhood Inspection Division [NID]. The NID will create an inspection report form, taking the best elements from HUD inspection forms and others to create a reporting form that is comprehensive and easy to understand. An inspection report is valid for sixty days.

An eligible inspector must be a member in good standing of a non-profit, professional association for home inspectors in order to be approved by the NID. No eligible real estate inspector can be employed by a contract seller or its affiliate. The community development director will have

the discretion to suspend or revoke an inspector's certification to do inspections under this ordinance if the inspector is found to have committed malfeasance or neglect of duty, is disqualified or suspended by an agency of any government, is found to have offered or given gifts to city employees in violation of state law, or is incapacitated.

At least fourteen days before the transfer of the real estate the seller must furnish the inspection report to the proposed buyer and file the inspection report with the NID. Within seven days after the transfer, the seller must file a signed copy of the Installment Purchase Contract with the NID and pay an administrative fee of \$75. Failure to comply with the ordinance is considered a municipal infraction punishable by a civil penalty of not more than \$500.00 for each violation or, if the infraction is a repeat offense, by a civil penalty of not more than \$750.00 for each repeat offense.

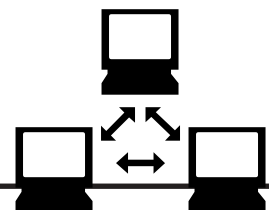
The ordinance presented will provide all installment contract purchasers with extensive additional information regarding the physical condition of the property that is being purchased. In addition, the ordinance will slow down the transaction process to allow the prospective purchaser a minimum of fourteen days to talk to contractors, relatives and anyone else about necessary repairs prior to purchasing the home.

Effective July 1, 2002, state law HF 2565 required, for sales of residential real estate on an installment contract basis, that if a seller makes four or more installment contract sales of residential real estate in a year, considerably greater information must be provided to the contract buyer before the sale.

Polk County Bar Association Website Nearing Completion

Within the next several weeks the Polk County Bar Association will launch its new website at <http://www.pcbaonline.org>. The site will serve as an online resource for members to receive up-to-date information from the PCBA on current items of interest, including CLE opportunities, luncheon speakers, and courthouse happenings. The website will also allow members electronic access to the PCBA newsletter and other items of particular interest to Polk County attorneys. It is hoped that many members will elect to receive electronic mailings from the PCBA rather than traditional mailings, thereby resulting in substantial savings for the association. Additional features planned for the future include areas dedicated to the PCBA Volunteer Lawyers Project, the PCBA Mediation Project, and the online hosting of forms and informational brochures.

Ideas or suggestions for future additions and improvements to the website may be directed to Carol Burdette at cburdett@dwx.com.



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**Public Relations Committee
Seeks Members**

The PCBA Public Relations Committee seeks new committee members, new ideas, and new energy. Anyone interested should contact Chair Steve Serck at 243-7611 or Carol Burdette at 243-3179.

**New Court Administration
Rural Case Scheduling
Telephone Number**



Please be advised that the Fifth District Court Administration's Rural Case Scheduling telephone number now is **(515) 286-3859**. The old telephone number of (515) 286-2108 is no longer in use.

Legal Issues In Rehabilitation Seminar November 8, 2002

The University of Iowa College of Education, the Graduate Programs in Rehabilitation, in cooperation with the Center for Law, Health, Policy and Disability, the University of Iowa College of Law, will present "Legal Issues in Rehabilitation," at the Principal Financial Group Corporate I Auditorium at 711 High in Des Moines on Friday, November 8, 2002. Registration is at 8:30 a.m. The seminar is from 9:00 a.m. until 4:30 p.m.

The keynote speaker will be Professor Peter Blanck, Director of the University of Iowa College of Law, Center for Law, Health, Policy and Disability. He is a professor of law, psychology, and occupational health, and one of the leading legal scholars in the country on disability law. He is former member of the President's Committee on Employment of People with Disabilities, Senior Fellow with the Annenberg Foundation, and former Commissioner on the American Bar Association Commission on Mental and Physical Disability Law. He often provides testimony to Congress and briefs to the U. S. Supreme Court on the ADA and other disability-related legal and policy issues.

Topics include a "Primer on Domestic Violence Laws and Issues for Counselors," "The Family Medical Leave Act and The Americans with Disabilities Act in the Real World: Step into the Workplace," "The Nuts and Bolts of the Civil Rights Claims Process," "The Evolving Americans with Disabilities Act," "Reasonable Accommodations in Education," and break-out sessions on "Applicability of the ADA to Ticket to Work Employment Networks," "Advance Directives in Mental Health Care," and "Lessons Learned from the Ethics Disciplinary Process for Licensed Mental Health Counselors."

The seminar has been approved for 5.5 hours of CLE credit. Cost is \$ 100 for attorneys, with checks made payable to the University of Iowa. To register and for information, contact the Division of Counseling, Rehabilitation and Student Development at the University of Iowa. Telephone is 319 335-5275, fax is 319 335-5291, or e-mail loreta-litton@uiowa.edu.

The Civic Center Presents...

CATS

November 26 - December 1

Midnight. Not a sound from the pavement. Suddenly an explosion of music and lights reveals a larger than life junkyard. Probing car lights tear across the darkened landscape of bottles and boxes, briefly catching the darting image of a running feline. Tonight is the one special night each year when the tribe of Jellicle Cats reunites to celebrate who they are. This is the story of Cats.

Based on T.S. Eliot's Old Possum's Book of Practical Cats, and with music by Andrew Lloyd Webber, Cats won seven 1983 Tony Awards including Best Musical, Best Book of a Musical, Best Lighting and Best Costumes.

Ticket Prices \$44.50

Tuesday, and Wednesday Performances
Friday, Saturday, Sunday Matinees
Friday, Saturday and Sunday Evening Performances

CONTACT

January 14 - 19

Directed and choreographed by Tony® Award-winner Susan Stroman (The Producers & The Music Man), Contact took New York by storm in 2000 winning every major award including the Tony®, Drama Desk, Outer Critics Circle and Drama League Awards for Best Musical.

The show was hailed by Time Magazine for "kicking the dust off a tired old Broadway" and welcomed as "inventive, exuberant, and refreshing." Still, critics were hard-pressed to define it. A musical without singers? A dance play? A dancical? Contact has proven to be simply irresistible to audiences and is now in its second smash year on Broadway.

This dazzling evening consists of three stories, each about people in the wild pursuit of love, brilliantly told through music and dance, everything from ballet to swing, from Tchaikovsky to Robert Palmer.

Ticket Prices \$41.00

Tuesday Evening Performance
Wednesday, Thursday, and Sunday Evening Performances
Friday and Saturday Evening Performances
Saturday and Sunday Matinee Performances

RODGERS & HAMMERSTEIN'S CINDERELLA

March 25 - 30

Rodgers & Hammerstein's Cinderella, the timeless enchantment of the magical fairytale, is reborn with the Rodgers & Hammerstein hallmark of originality, charm and elegance.

This classic story of a young girl who meets her Prince Charming with the help of a fairy godmother, friendly mice and a little magic, will warm the hearts of the entire family.

It is a breathtaking cavalcade of enchanting characters, unforgettable songs, vibrant costumes and a magical set created by the most imaginative talents on Broadway.

Ticket Prices \$34.50

Tuesday Evening Performance
Wednesday, Thursday, and Sunday Evening Performances
Friday and Saturday Evening Performances
Saturday and Sunday Matinee Performances

42nd STREET

May 14 - 18

The 2001 Tony Award for Best Musical Revival, 42nd Street tells the timeless, inspiring tale of plucky, adorable Peggy Sawyer's rise from chorine to Broadway star. And those songs! "Lullaby of Broadway," "We're in the Money," "You're Getting to Be a Habbit With Me," "Dames," "I Only Have Eyse For You," and the spectacular title number, danced down a flight of steps that lights up as brightly as the faces of the cast.

Des Moines will find out what it's like to float up to Musical Comedy Heaven!

Ticket Prices \$43.00

Wednesday, Thursday and Sunday Evening Performances
Thursday Matinee Performance
Friday and Saturday Evening Performances
Saturday and Sunday Matinee Performances

TRIPLE ESPRESSO

October 2 - December 31

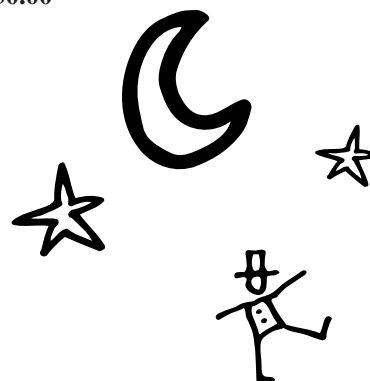
What did 3 guys do in 4 minutes that got them barred from show business for life? And why would they do it again 25 years later?

Explore these and other mysteries of show biz at the Triple Espresso Coffeehouse, where the once-promising comedy team of "Maxwell, Butternut & Bean" is back for a reluctant 25th anniversary reunion.

Laugh along with their comically disastrous performance choices from club luncheons and rodeos to the tragically hilarious appearance on "The Mike Douglas Show" that catapulted them out of the spotlight.

Group ticket prices, **\$30.00**

* **Note:** Riverdance and Mama Mia are SOLD OUT!



Iowa Middle School Mock Trial

The 19th Annual Iowa Middle School Mock Trial competition will take place this Fall. More than 210 teams from schools around the state will participate in 12 regional tournaments in early to mid-November. The top teams from these regionals will advance to the State Tournament in Des Moines on November 22. This year's mock trial problem is a civil suit brought by the parents of a young girl who suffers an asthma attack after being exposed to second-hand smoke at a daycare center. Students will prepare and present both the plaintiff and defense sides of the case during the competition. The Iowa State Bar Association is looking for volunteers to serve as judges for the competitions scheduled for Des Moines. Regional competitions are scheduled for Tuesday, October 29 and Monday, November 4. Regional play-off rounds will be held in the late afternoon of Thursday, October 31 and Tuesday, November 5. These tournaments will take place at Drake University. The State Tournament will be held at the Hotel Fort Des Moines on Friday, November 22. To sign up as a volunteer, visit the ISBA website at www.iowabar.org and look for the 2002 middle school mock trial link. For more information, call or email John Wheeler at the ISBA at 243-3179 or jwheeler@iowabar.org.

Ask Me What's Great About America

On September 11 lawyers, judges, and legal professionals around the state visited more than 150 classrooms to talk to students about the Constitution, the Bill of Rights, and the role of law in our democratic society. The visits were coordinated as part of "Ask Me What's Great About America", an Iowa State Bar Association program borrowed from the Indiana State Bar. Curriculum materials and presentation ideas were posted on-line for use during the classroom visits. In all, close to 10,000 students in grades K-12 interacted with Iowa lawyers on 9/11. In Polk County, there were presentations made in Ankeny, Des Moines, Johnston, Southeast Polk, Urbandale, and West Des Moines public and parochial schools. Dozens of attorneys and judges in Polk County volunteered to participate in the program. In Polk County alone, some 2,500 students benefited from the project.

Advanced Technology Courtroom for Southern District

Construction of the first advanced technology courtroom in the Southern District of Iowa at the federal courthouse in Des Moines will commence on October 14, 2002. The work, which will transform the second floor courtroom of Judge Robert Pratt, is divided into two phases: 1. wiring infrastructure and 2. installation and connectivity of electronic hardware. The project is designed to provide enhanced information presentation, storage and retrieval in the trial court setting. The project is primarily funded by the Washington-based Administrative Office of U.S. Courts (AOUSC) and implemented with the guidance of the Eighth Circuit Executives Office.

The finished project will provide real time court reporting throughout the courtroom including, at counsel tables for attorneys who bring lap top computers, a large plasma display monitor behind the witness stand permitting jurors to see exhibits while viewing witnesses as they testify, simultaneously. Witnesses will be able to mark exhibits while testifying by use of an electronic illustrator similar to that used by John Madden on Monday Night Football. Electronic sound emitters will assist the hearing-impaired or provide discreet translation via wireless headphones. A portable stand will offer counsel compact disc, audio and videotape players and an ELMO presenter. The remodeling includes installation of floor ramping to ease access to the jury and witness box and an electric podium with a work surface that raises and lowers to various heights. Completion of this initial advanced technology courtroom project is scheduled for Spring 2003.

Requests to the AOUSC have been made to also transform Chief Judge Ronald Longstaff's courtroom in Des Moines to receive similar technology and are also included in remodeling plans for new and existing courtrooms of the Southern District's divisional office in Davenport scheduled for completion in 2005.

The United States Clerk's Office plans to provide training in the use of the courtroom when construction is finished. Watch for details in future issues of the PCBA Newsletter.

Young Lawyers Encouraged To Join ISBA Young Lawyers Division

ATTENTION YOUNG LAWYERS: Are you interested in meeting other young lawyers, improving the legal profession, or working with school kids? The Young Lawyers Division (YLD) of the Iowa State Bar Association is a great way to do all of the above. By joining a YLD committee or assisting with a YLD public service project, you can make new friends, help others, enhance your legal career, and make a difference in improving the public's perception of our profession. If you are interested, please call Aaron Oliver, the YLD President-Elect, at 515-244-2141, send an e-mail to him at aoliver@hmrlawfirm.com, or check out the YLD's web site at www.iowabar.org.

New Board of Governors Member and New Iowa Legal Aid Members Appointed by PCBA Board

The Board of Directors of the Polk County Bar Association, at its meeting September 18, 2002, appointed Steve Lytle to replace Tom Zurek on the ISBA Board of Governors, due to the vacancy caused by Zurek's recent move out of state.

The Board of Directors also appointed David Walker, Ivan Webber, and Angela Althoff, to the Iowa Legal Aid Board. Iowa Legal Aid is the newly formed organization that combines Legal Services Corporation of Iowa and the Polk County Legal Aid Society.

United Way Campaign Is Underway

The Polk County Bar Association is again partnering with United Way of Central Iowa to encourage members of the Bar to participate in our community's 2002 campaign. Martha Willits spoke at our noon luncheon on September 10th to update us on this year's campaign plans.

Jim Holcomb of the Bradshaw Firm and Hallie Still-Caris of the Nyemaster Firm are co-chairs of the Legal Division of this year's United Way campaign cabinet under the leadership of Barry Griswell from Principal. Six corporate campaigns, including the Bradshaw campaign, were held early this year as Pacesetter campaigns. Those campaigns are complete and had a collective increase of 20%. The campaign leaders encourage us to think about Leadership Giving and making this year's campaign message "personal" for everyone. Nearly everyone in this community enjoys the services of various United Way programs.

United Way invests in 100 programs in our community throughout the year. Its mission is "to unite our community in measurably improving the condition of people's lives." A great response to this year's community campaign is the key to bringing that mission to life. Thank you to the members of the Bar Association for helping to make this community campaign one of the very best in the country.

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