Featured CLE presentations not to miss during annual meeting

The ISBA's Annual Meeting Committee has pulled together a number of presenters for the 2015 Annual Meeting who will bring a fresh look at routine issues faced by lawyers daily.

Take, for example, Mary Swander, Iowa’s Poet Laureate, whose one-hour play “Map of My Kingdom” will be presented Tuesday afternoon, June 16, as part of the probate section track. The play features stories portrayed by a professional actress of land transition disputes as encountered by a fictitious lawyer and mediator, and how they were resolved.

Or, take Mark Olson’s presentation to the litigation section on Tuesday morning, June 16, entitled “Big E … little e: Ethics and the Trial Lawyer,” Using movie clips and audience interaction, the partner at Oppenheimer Wolff & Donnelly in Minneapolis, Minn., will examine various ethical issues where the attorney’s own moral values and ethics (“Big E”) come into conflict with the legal profession's ethical rules (“little e”).

Then there’s the presentation on the principles of civility and professionalism that will be a plenary session on Wednesday morning, June 17. A panel made up of attorneys and judges will use video clips to illustrate bad attorney behavior then offer suggestions on how the behavior can be improved.

A short description of these featured presentations follows:

Play examining scenarios of intergenerational land transfer to be part of probate section CLE

“We come and we go. But the land is always here. And the people who love it and understand it are the people who own it … for a little while. It’s a tough conversation on how we end our own little while with the land and let someone else’s little while start.”

Those are the opening words in a play entitled “Map of My Kingdom” that will be performed for those attending the Probate, Trust and Estate Planning Section CLE on Tuesday afternoon, June 16, during the ISBA’s 2015 Annual Meeting.

Although a bit different from the usual fare of probate section CLE offerings, the play touches on so many issues — emotional and legal — that attorneys face, says Stuart, Iowa, practitioner Warren Varley, a member of the section. He recommended the play be included in the annual meeting offerings after seeing the premiere performance with his wife and his parents.

“I think it’s a really great conversation starter,” he says. “It works well for probate attorneys, financial planners and anyone involved in helping landowners pass on their holdings.”

Written by Iowa’s Poet Laureate Mary Swander, the play examines how various families go about transitioning their landholdings from one generation to the next. The scenarios, which are performed by a professional actress, illustrate situations encountered by a fictitious lawyer and farmland mediator, Angela Martin, as she works with clients to pass on their land.

According to Swander, the scenarios range from two brothers fighting over 80 acres of farmland that both think they should own where one brother ends up murdering the other, to a couple who set about finding a sensible and smooth course for their farmland transfer by holding “open full communication with their family, consulting with the proper experts and having all of their papers in order before they even enter their old age.

“It’s urgent for families to have a transfer plan and for each family member to be prepared to assume his/her role in the farmland transfer,” Swander says. “You never know what might happen.

“At the same time, families should spend some real time thinking through their goals and their vision for their land before they set up their transfer plans,” she says. “Each family is unique, and times, tax laws and farming practices are constantly in flux. Often families will just set up the same plan that dad or mom had. That plan might be totally outdated. New visions are necessary. And new options arise.”

The play, which was commissioned by the Practical Farmers of Iowa, has become a hit in the state with 14 performances so far and many more scheduled, according to Swander, who is a professor of English and a Distinguished Professor of Liberal Arts and Sciences at Iowa State University. Other Midwestern states are showing interest in it, too, she says. And, it has been performed in Massachusetts.

“This is not just an Iowa problem, but a universal situation of wealth transfer of vast proportions that is occurring in the next 10 years,” she says. “Farmland transfer cuts across all demographics, from the small family farm to the large operation. Lawyers are a big part of the solution and can provide much needed guidance.”

There is a five-minute trailer on YouTube that shows excerpts of the play. It can be accessed at https://www.youtube.com/watch?v=CeSlRiLrsY.
Principles of civility, professionalism to be featured topic at annual meeting

A number of Iowa judges and attorneys have lamented the decline in civility and professionalism in the legal profession in recent years.

A panel of attorneys and judges will address that issue during a plenary session on Wednesday morning, June 17, at the ISBA’s 2015 Annual Meeting.

Through the use of video clips, the panel will show examples of lawyers behaving badly then offer suggestions on how the behavior can be improved, says Frank Harty, one of the panel members. The discussion will draw upon the “Principles of Civility, Integrity, and Professionalism” published by the American Board of Trial Advocates.

“We hope to describe A BOTA’s campaign to increase the level of civility and competence in the national trial bar,” Harty says. “We believe that civility and competence will make litigation more efficient and, thereby safeguard the future of the American jury trial.”

The Preamble of the ABOTA document states that “civility, integrity, and professionalism are the hallmarks of our learned calling, dedicated to the administration of justice for all. Counsel adhering to these principles will further the truth-seeking process so that disputes will be resolved in a just, dignified, courteous, and efficient manner.”

The Preamble goes on to say that “these principles are not intended to inhibit vigorous advocacy or detract from an attorney’s duty to represent a client’s cause with faithful dedication to the best of counsel’s ability. Rather, they are intended to discourage conduct that demeans, hampers, or obstructs our system of justice.”

It further states that just as lawyers must practice the principles while in court, they should expect judges to do the same.

There are 29 principles directed at lawyers in the ABOTA document. They cover the general areas of behavior in depositions, treatment of clients, communications with opposing counsel and the court, and scheduling of hearings, depositions and meetings. Specific principles include:

- “Never, without good cause, attribute to other counsel bad motives or improprieties.
- “Never seek court sanctions unless they are fully justified by the circumstances and necessary to protect a client’s legitimate interests and then only after a good faith effort to informally resolve the issue with counsel.
- “Consult other counsel on scheduling matters in a good faith effort to avoid conflicts.
- “Never take depositions for the purpose of harassment or to burden an opponent with increased litigation expenses.
- “When called on, draft orders that accurately and completely reflect a court’s ruling, submit them to other counsel for review, and attempt to reconcile any differences before presenting them to the court.

Examples of the civility, integrity and professionalism expected of judges include:

- “Abstain from hostile, demeaning, or humiliating language in written opinions or oral communications with lawyers, parties, or witnesses.
- “Make all reasonable efforts to promptly decide matters under submission.
- “Never impugn the integrity or professionalism of a lawyer based solely on the clients or causes he represents.
- “Require court personnel to be respectful and courteous toward lawyers, parties, and witnesses.”

A complete list of the ABOTA principles of civility, integrity and professionalism for attorneys and judges can be found on the organization’s website at: https://www.abota.org/docDownload/43583