

HAPPY 75th ANNIVERSARY, IOWA STATE BAR FOUNDATION!

*When we and ours have it in our power to do for you
and yours what you and yours have done for us and ours,
then we and ours will do for you and yours what you and
yours have done for us and ours.*

Convolved and verbose though it may be, the message of that Old English toast fittingly expresses the spirit behind the founding of the Iowa State Bar Foundation. Next year the Foundation will mark the 75th, or “Diamond Jubilee,” Anniversary of that visionary and far-reaching event, and the occasion provides us with an opportunity to reflect on how well that goal has been met over those years.

The Foundation’s Birth.

The date was December 29, 1944, and the world was at war. Earlier that month, Hitler’s army in Belgium launched the counteroffensive known as the Battle of the Bulge, and at Bastogne U.S. General Anthony McAuliffe responded to the Germans’ demand for his surrender with a terse, “Nuts!” In the Pacific war the American and Australian navies two months earlier had fought and won the Battle of Leyte Gulf near the Philippines, the largest naval battle of World War II and possibly in history. Back at home, the Green Bay Packers won the NFL championship with an 8-2 record, and Les Horvath of Ohio State won the Heisman Trophy. Franklin Roosevelt had been elected to his fourth term as President of the United States the month before, only to die in office the following April. Bread was 9¢ a loaf, gasoline was 21¢ per gallon, a new car cost \$1,220, and the average annual salary was \$2,600.

That was the era and the date on which the Iowa State Bar Foundation (ISBF) sprang into existence upon the filing of its Articles of Incorporation with the Iowa Secretary of State. The Iowa State Bar Association, whose membership

consisted of 2,100 of the 2,800 lawyers in the state (including 600 who had enlisted in the military), had been incorporated two years before (although its origin went back to 1874), and it was both natural and logical that the Foundation would soon follow.

The idea was first presented at a meeting of the Association's Board of Governors in June, 1944, when a former ISBA president, Burt J. Thompson of Forest City, proposed establishing a "trust fund" to receive gifts and bequests "for the use and benefit of the Association." Demonstrating that some things never change, the idea was promptly referred to a newly-formed committee for study. By September, 1944, the "Committee on Endowment Fund" chaired by Mr. Thompson had prepared Articles of Incorporation for the "Iowa State Bar Foundation" containing a four-paragraph clause enumerating the corporation's specific purposes and powers as was common under the old Iowa corporation statute (Iowa Code, Chapter 491). One of the itemized purposes was "for the benefit, aid, assistance, or maintenance of the Iowa State Bar Association or for the advancement or support of the interests and purposes of said association."

When Mr. Thompson presented the proposed Articles to the Association's Board of Governors that month, they were approved unanimously. Association Vice President Justice Frederic M. Miller of Des Moines then moved that five persons be selected to served as directors and incorporators, but apparently only three persons present were willing to volunteer so Mr. Thompson was authorized to find and appoint the remaining two. The three appointed at the September meeting were Mr. Thompson, Wayne G. Cook of Davenport, then president of the Association, and James W. Bollinger, likewise of Davenport.

Between the September meeting and the date the Articles of Incorporation were actually filed with the Secretary of State, however, a new, more extensive purpose clause had replaced the former one. The new clause had two aspects, the

first of which was to track more closely the purpose clause of the Association with a reference to “the receipt of gifts and devises to be used for the advancement of jurisprudence and the promotion of the administration of justice and uniformity of judicial decisions.” The second was to eliminate the specter of federal taxation, which had apparently raised its ugly head, through the inclusion of the standard boiler-plate recitals obviously designed to secure IRS approval of the Foundation as a nonprofit, nontaxable organization.

The new Articles as filed showed the signatures of the five incorporators and directors, Messrs. Thompson, Cook, and Bollinger, and John A. Senneff of Mason City, and Thomas B. Roberts of Des Moines. They listed Mr. Thompson as President, Mr. Bollinger as Vice-President, and Mr. Roberts as Secretary-Treasurer. These were the same five lawyers comprising the Committee on Endowment Fund that had been directed by the Association to study the idea. The Foundation’s beginning principal fund consisted of contributions totaling \$7,000.

But even more significantly, the five founders also signed a declaration that in part explained the purpose of the Foundation in words much more commendable than the purpose clause in the Articles. The founders in their declaration proclaimed that the Foundation -

is soliciting funds in the hope that a substantial endowment may be built which will be used indefinitely. . . .As long as there are lawyers and a legal profession this corporation will continue to function. . . .[I]t will live long into the future and those who are interested may confidently depend upon a long and useful service of any fund entrusted to its care.

With prescience born of wisdom, they continued -

We are going to live in a new world. There will be new and serious problems. It is hoped that what we do now will be carried forward in greater measure by those who follow us and that we will have in a few years a strong institution

equipped to perform a much greater service than our profession has ever been able to render heretofore.

From their founding documents, and especially from the commonality of their original purposes, the link between the Bar Association and the Foundation is obvious. The Bar Association's primary purposes were "to advance the science of jurisprudence, to promote reform in the law, [and] to facilitate the administration of justice," Like the purposes of the Association, the Foundation's purposes have evolved and broadened over the years. Today, under its Restated Articles, the Foundation exists not only for the purposes originally stated, but also "to support those programs and services of the Iowa State Bar Association and other organizations approved by [it] which . . . facilitate understanding of and compliance with the law, promote the study of the law and research thereof, . . . encourage and promote legal assistance to the poor and disadvantaged people, [and] . . . furnish or manage any building, lands or grounds relative to the administration of justice" The Association and the Foundation are clearly siblings.

Raising Funds.

The Foundation carries out its eleemosynary purposes, of course, by soliciting and accumulating contributions from Iowa lawyers and distributing its earnings through grants for qualifying purposes and organizations. Throughout the Foundation's history, the programs, sections, and committees of the Bar Association have been the recipients of the great majority of the Foundation's grants (\$58,000 out of \$77,000 in FYE 2018), but other worthy entities such as Iowa Legal Aid, the Iowa Law School, and the American Judicature Society have also received significant grants over the years. And over the years the Foundation

has attracted donations from the lawyers of Iowa through a variety of new and innovative fundraising programs.

In 1991, for example, the Foundation's Board of Directors included Ed Hansell of Des Moines, who later became president of ISBA and then ISBF. As all good board members do, Ed thought frequently about how to generate more contributions to increase the Foundation's principal fund. Searching about for ideas, Ed came across the American Bar Association's Fellows program and, after pondering whether the Iowa Foundation might adopt a similar program, consulted with Al Brennecke of Marshalltown, a former member of the ABA Board of Directors and Chairman of its House of Delegates. One fall day (likely on an Iowa football weekend), Ed and Al journeyed together to a Foundation board meeting in Iowa City, proposed the idea to the entire board, and the Fellows program of the Iowa State Bar Foundation was born.

Being a Fellow in the Foundation is an honor, for it recognizes professional achievement, dedication to the profession and the objectives of the Association, and public service and leadership. A Fellow assumes an obligation to make a \$1,000 donation to the Foundation over time, and when that amount is fully paid, he/she becomes a Life Fellow with no required additional contributions. Currently, there are 47 Fellows and 259 Life Fellows.

But the Fellows program was not the last of Ed Hansell's good ideas for the Foundation. A few years later, he and Russ Buchanan of Algona hit upon the idea of engendering more Fellows applications and donations by offering to send each new Life Fellow a signed 20" x 26" print of the Iowa State Law Library at the Capitol by nationally-renowned watercolorist, David Coolidge, a graduate of Drake University. Kirke Van Orsdel, an insurance servicing company in West Des Moines, was persuaded to purchase the original of the painting and donate it to the Foundation, which has loaned it to the Association where it hangs today. The

prints of the beautiful watercolor showing the Law Library's graceful winding staircase on the left and its majestic tall interior pillars on the right were a big hit and very effective in accomplishing their intended purpose. They continue to make nice gifts to new Life Fellows even today.

Twenty years after the creation of the Fellows program, of course, a sum of \$1,000 would not go as far as it did in 1991. Contributions in excess of that sum were needed. So in 2010, during the presidency of Judge John Lloyd of Osceola, he and Foundation board member Paul Tyler of Des Moines proposed an enhancement to the Fellows program known as the Life Fellows Giving Societies to provide gifting incentives to Life Fellows who had completed their initial \$1,000 pledge. Under their proposal, which was unanimously adopted by the Board in 2012, a Life Fellow who contributes or pledges additional contributions totaling at least \$800 is named a Sustaining Life Fellow (14 currently), one who contributes or pledges at least \$2,000 is named a Life Patron Fellow (2 currently), a Life Benefactor Fellow is one who contributes or pledges at least \$5,000 (2 currently), and a Life Leadership Fellow is one who pledges or contributes at least \$10,000. Payments of all Giving Societies pledges, which include any memorial contributions, must be completed over a period not exceeding eight years (27 currently). All Fellows receive from the Foundation a certificate commemorating their status as well as recognition in the Foundation's Annual Reports distributed to all members of the Bar.

Then, in 2012, a new Capital Campaign was proposed by board member Bill Scherle of Des Moines to augment the Foundation's principal fund by one million dollars through pledges of \$10,000 payable \$1,000 per year for 10 years, with all contributions qualifying under the Life Giving Societies program. Mr. Scherle was elected president of the Foundation for 2013-2015, and in that period steered the

new Capital Campaign program to its adoption by the board in late 2014. To date, the Capital Campaign has received pledges totaling \$404,000.

Writing in this magazine later, Mr. Scherle also expressed his observation that “The list of those chosen by [ISBA’s] Board of Governors to serve on the Foundation Board reads like a ‘Who’s Who’ of the ISBA; people who have served with distinction.” The presidents of the Foundation usually come from its board, and Mr. Scherle’s assertion is readily confirmed by looking at the organization’s list of presidents over the past four decades, truly giants of the legal profession in Iowa who generously devoted their time, talents, and treasure to the Foundation:

1975-1988	Shirley A. Webster	Winterset
1988	John Neiman	Des Moines
1992	Marvin Berenstein	Sioux City
1993	Jean Bartley	Iowa City
1995	Annette Scieszinski	Albia
1996	Ed Hansell	Des Moines
1998	Russ Buchanan	Algona
2000	Tom Cahill	Nevada
2003	LuAnn Barnes	Ankeny
2005	Joe Thornton	Council Bluffs
2007	Nan Horvat	Des Moines
2009	John Lloyd	Osceola
2011	Diane Kutzko	Cedar Rapids
2013	Bill Scherle	Des Moines
2015	Paul Tyler	Des Moines
2017	Elizabeth Reynoldson	Osceola

Awarding Grants.

To quantify the Foundation’s progress in achieving its purposes, the table below provides some perspective by comparing a few important numbers from the fiscal year fifteen years ago to the fiscal year that ended in 2018:

	FYE 6/30/2003	FYE 6/30/2018
Value of invested principal fund	\$1,257,776	\$2,157,834
Contributions received	\$47,798	\$70,674
Investment income	\$36,286	\$130,990
Grants awarded - ISBA	\$36,514	\$52,500
Grants awarded – non-ISBA	\$10,000	\$24,175
Pledges receivable	\$47,367	\$180,076

Altogether, the Foundation made grants totaling \$764,000 over those fifteen years, \$591,000 of which were to The Iowa State Bar Association.

Now to put some meat on those numerical bones. All contributions received by the Foundation are added to its principal fund which is invested and managed by a professional investment manager and carefully monitored by the Foundation’s Board of Directors at its quarterly meetings. The investment income earned on that fund, and on occasion a portion of the fund’s capital appreciation, are what are used to fund grants approved by the Board of Directors at those same quarterly meetings. All entities seeking grants, including ISBA, must complete a grant application form explaining the need for and intended use of the funds.

Here are a few examples of grants the Foundation has approved and disbursed in the last decade. The Bar Association during those years has operated a Loan Assistance Program that provides grants to qualifying young lawyers to help them repay their student loans, and each year (except 2009) the Foundation made grants to ISBA of \$15,000 to \$25,000 to fund that program. Also during those ten years and for many years before, the Foundation made annual grants in the neighborhood of \$45,000 in support of ISBA’s Mock Trial program that involves over 4,000 students in 250 schools all across Iowa. Similarly, in each of those years it made grants of \$20,000 or more in support of ISBA’s Know Your

Constitution program in which approximately 900 students from 40-50 Iowa schools participate. Annual grants from \$12,000 to \$15,000 were made to the University of Iowa Law School over three years for its “We the People” project. In 2009, ISBA president Dan Moore of Sioux City sought and was granted a \$50,000 disaster relief grant to assist 250-300 lawyers and 59 law firms in northern Iowa in restoring their offices that had suffered severe damage from early summer tornados and floods. And, while outside our 10-year time frame, remember Hurricane Katrina, the August, 2005, Category 4 storm that hit the Gulf Coast from Florida to Texas and, in the process, devastated New Orleans and other parts of Louisiana? When ISBA’s then-president Marion Beatty of Decorah received a request for financial assistance on behalf of the Louisiana and Mississippi Bar Associations, the Foundation promptly responded with a grant of \$25,000.

Two of the most interesting grants by the Foundation involved two “twin” 1875 law office buildings standing side by side across the street from the Guthrie County Courthouse in Guthrie Center. Both were one-story, white clapboard, two-room buildings that had been occupied continuously as law offices for 127 years. One was built that year as the law office of C.H. Taylor, the progenitor of the firm later known as Taylor & Taylor which also occupied the building. (Much later, when the firm was known as Taylor, Taylor & Feilmeyer, one of its members was none other than Dwight Dinkla, the ISBA’s current, long-time, and esteemed Executive Director.) Around 1969, the Taylor firm sold the building to C. K. Batschelet and thereafter it was known as the Batschelet Law Office. In 1980, through the support of ISBA’s Young Lawyer Division and a \$10,000 grant from the Foundation, the building was taken apart piece by piece and rebuilt at Living History Farms in Urbandale as a part of its 1875 town of Walnut Hill. There the feet of 100,000 visitors tromp through it each year.

But that's not the end of the story. When his office was dismantled and taken to Living History Farms, C.K. Batschelet moved into the "twin" and continued his practice there for several years. Then, in 2005, the Guthrie County Historical Village Foundation decided that building should be moved to its Historical Village complex that consisted of 11 buildings on 4.5 acres on the southwest side of Panora. Once again, this time with the support of ISBA's Legal Heritage Committee, the Foundation helped pay the costs of moving it with a grant of \$2,500.

But perhaps the brightest star in the Foundation's glittering galaxy of grants was the support it provided to the Bar Association in 2007-2008 when ISBA acquired an 1880s abandoned freight warehouse in Des Moines' East Village to remodel into its present headquarters building. Through the leadership of J.C. Salvo of Harlan, it was the Foundation that organized and conducted the "Raise the Bar" fundraising campaign that generated \$1.9 million in donations to help finance that acquisition and refurbishing. It was done through a series of three grants to fund programs to be conducted from the refurbished building. The first was for \$680,000 to endow ISBA's Continuing Legal Education Center, made possible in large part by a \$250,000 gift from Orville Bloethe of Victor. The second was for \$112,000 for ISBA's Center for Law and Civic Education conceived by former ISBA president Jay Eaton of Des Moines as the home of ISBA's Mock Trial and Know Your Constitution projects. The third was in the amount of \$34,000 for ISBA's Lawyer Referral Service. Virtually everyone who has visited ISBA's new headquarters since its opening has come away marveling at what the Association - with the Foundation's support - was able to accomplish.

The Foundation's Future Depends On Iowa Lawyers.

This retrospective on the Foundation's history, then, may serve as a record of its efforts over 75 years to meet the objectives set forth by its founders. But even now, as then, the Foundation must be mindful of the limitations of its finances as well as its charter. And therein lies its greatest challenge, for there are still occasions when its income is not sufficient to fund all the worthy grant applications. To the extent it has been able to assist in meeting the needs of the Bar Association and other organizations with similar objectives of promoting justice and the law, it has always been and likely always will be only through the generosity of Iowa lawyers. And whether it be the Mock Trial or Know Your Constitution participants who become better-educated citizens (and those who become lawyers) or the elegant ISBA headquarters edifice serving the profession, those lawyers are entitled to share in the Foundation's pride for its support.

It is fitting, then, to close with words written 75 years ago by ISBA president Wayne G. Cook at the time of the Foundation's creation that remain as true today as they were then. President Cook insisted that we can –

assure everyone asked to contribute that the income which his contribution makes possible will be used for such purposes as the organized Bar feels to be most important at the moment, not only this year or next, but forever.

I feel sure we will get behind the movement and hasten the day when the endowment of the Foundation will be sufficient to make the voice of the Bar heard throughout the land.

I hope all of you will join me in wishing the Foundation a Happy Diamond Jubilee Anniversary and, better yet, by sending it a substantial pledge marked "Happy Anniversary."