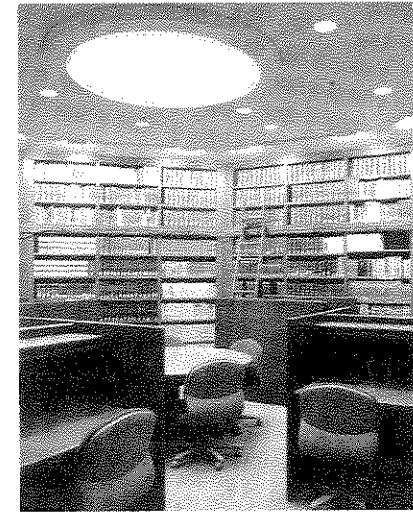




*Drake Law School*

61ST  
ANNUAL  
SUPREME  
COURT  
DAY

*March 6-7, 1998*



## SUPREME COURT DAY PROBLEM

For more than a year, from 1993 to 1994, a series of sexually-explicit telephone calls were made to minor girls in Albany, Iowa, by an unidentified male caller. The calls threatened rape of and sex acts with the children. Although the calls were often intercepted by parents, the intended recipients of these calls were usually elementary school girls who recently had been featured in the local newspaper or the elementary school newsletter. Several of the telephone calls were taped at the direction of the police.

After an investigation of these obscene telephone calls, Stephen Marcus was charged with five counts of criminal harassment. At trial, Marcus was required to participate in a demonstration in which he read from a transcript of one of the obscene telephone calls while the victims listened for voice identification purposes. In addition, again for voice comparison with the tape recordings, Marcus was compelled to read to the jury a transcript of a call, including vulgar and graphic language threatening sex acts with the children. His attorney objected to these demonstrations, arguing that they were prejudicial and falsely identified Marcus in the minds of the victims and the jurors with the obscene nature of the conversation. In addition, again over objection, the

court admitted into evidence photographs of Marcus taken when he was booked after his arrest. The "mug shots" included the name of the police department and a jail number for the defendant. The photograph was admitted for the purpose of establishing that Marcus had a beard at that time, a fact to which Marcus was willing to stipulate. Following the trial, Marcus was found guilty by the jury.

Stephen Marcus has appealed his conviction to the Supreme Court of the State of Iowa. First, he contends that the trial judge abused his discretion by requiring the defendant to participate in the demonstrations and repeat sexually explicit comments directed at children. He argues that his forced repeating of these obscenities was unduly prejudicial and inflammatory. Moreover, he believes that the inclusion of obscene language in the forced recitations was impermissibly suggestive and likely to cause misidentification of him with the harassing comments. The prosecution responds that the demonstration was necessary for the purpose of voice identification by the victims of the obscene phone calls and as a voice exemplar for comparison with the tape recordings.

Second, Marcus contends that the trial judge abused his discretion by allowing the booking photographs to be published to the jury. He argues that the mug shot photograph had little or no probative value, especially since it was not being used for visual identification purposes, and was prejudicial by implying the defendant has a criminal background. The prosecution responds that the photograph was necessary to establish that Marcus had a lengthy beard at the time of the events, given that the defendant's own expert witness had testified that facial hair could distort the sound of a voice through the telephone. The prosecution further argues that it was the province of the jury to weigh all of the evidence, to determine who was telling the truth, and to render the judgment.

## SUPREME COURT DAY SPEAKERS

- 1916 Judge **William H. McHenry**  
 1940 **Harley Stipp**, president, Iowa State Bar Association  
 1941 Justice **Charles F. Wennerstrum**, Supreme Court of Iowa  
 1947 United States Senator **Wayne Morse**, Oregon  
 1948 Justice **Maynard E. Pirsign**, Minnesota Supreme Court and professor, University of Minnesota  
 1949 **Frank E. Homan**, president, American Bar Association  
 1950 **Luther Hill**, publisher, *The Des Moines Register and Tribune*  
 1951 **Albert J. Harno**, University of Illinois Law School  
 1952 **Howard L. Barkdull**, president, American Bar Association  
 1958 **William B. Lockhart**, dean, University of Minnesota  
 1960 Justice **Thomas Clark**, Supreme Court of the United States and former United States Attorney General  
 1963 **Sylvester C. Smith**, president, American Bar Association  
 1964 **Bert H. Early**, executive director, American Bar Association  
 1965 **Thomas S. Lambert, Jr.**, counsel, United States Trial at Nuremberg  
 1966 **Percy Mossle**, Houston defense attorney  
 1967 **Emile T. Berman**, defense attorney  
 1968 Chief Judge **Charles S. Desmond**, New York Court of Appeals  
 1972 United States Senator **Mark Hatfield**, Washington  
 1974 **Elliott Richardson**, Secretary of Defense and former Attorney General of the United States  
 1975 **Charles Kuralt**, CBS news correspondent  
 1976 **Chesterfield H. Smith**, president, American Bar Association  
 1977 **William Colby**, former director, CIA  
 1978 **Gerald Gunther**, William Nelson Cromwell Professor of Law at Stanford University Law School  
 1979 United States Senator **William Proxmire**, Wisconsin  
 1980 **William Webster**, director, FBI  
 1981 **F. Lee Bailey**, nationally renowned trial attorney  
 1982 United States Senator **Charles Percy**, Illinois  
 1983 **Robert E. White**, former United States ambassador, El Salvador  
 1984 **Donald Kaul**, columnist, *The Des Moines Tribune*  
 1985 Justice **Sandra Day O'Connor**, Supreme Court of the United States  
 1986 **Irving Younger**, Marvin J. Sonosky Professor of Law, University of Minnesota Law School  
 1987 United States Senator **Dale L. Bumpers**, Arkansas  
 1988 **James McElhaney**, Joseph C. Hostetler Professor of Trial Advocacy  
 1989 **William S. Session**, director, FBI  
 1990 United States Representative **Patricia Schroeder**, Colorado  
 1991 **Richard Thornburgh**, United States Attorney General  
 1992 **Michael G. Gartner**, president, NBC News  
 1993 The Honorable **A. Leon Higginbotham, Jr.**, former chief judge, Third Circuit Court of Appeals; member, State Court of Appeals for the Third Circuit  
 1994 **Janet Reno**, United States Attorney General  
 1995 **Roberta Cooper Ramo**, president-elect, American Bar Association  
 1996 United States Representative **James A. Leach**, Iowa  
 1997 **Janet Napolitano**, U.S. Attorney for the District of Arizona  
 1998 United States Senator **J. Robert Kerrey**, Nebraska

## FORMER SUPREME COURT DAY FINALISTS

1997	Matt J. Cole Christopher A. Kragnes	Alan R. Ostergren Ivy Ross Rivello	1984	Debra Egli James Peter H. Thrane	Martha A. Fagg Mark D. Welkier
1996	Jennifer V. Ballengee Marija Lisnich	Jennifer R. Clark Alan R. Ostergren	1983	Vincent E. Mauer Marlene Triggs Gresh	Steven J. Roy Kristin K. Wright
1995	Michael Clark Jonathan S. Miles	Michael Jones Matthew R. Scott	1982	Elaine Marquardt Rose Murphy	Martha L. Mertz Stephen P. Swinton
1994	Susan K. Hansen Matthew R. Scott	Matthew M. Johnson Peter J. Thill	1981	Gregory L. Biehler David W. Hepplewhite	Gerald L. Hammond Helen M. Stirling
1993	Rhonda A. Hawkins Mark A. Newman	Anthony S. Mendoza Robert Mihelich	1980	John F. Gelson Steven R. Parrish	Kent J. Lund Patricia Rutherford
1992	Venessa F. Kuhlmann Gregory C. Schodde	Patricia L. Rensink-Vogel Diana M. Spahr	1979	Lance D. Ehmcke Kasey W. Kincaid	Hugh B. Hughes Shari L. Ulery
1991	John S. Courter Curtis O. Roggow	Brian M. F. Kennedy Diana M. Spahr	1978	Diane M. Henson Nancy Torrey	Thomas E. Stanberry Jack Whitley
1990	Timothy J. Casey Brian M. F. Kennedy	John S. Courter W. Trent Van Haaften	1977	Gerald H. Grask Martin W. Kus	Larry J. Handley Marilyn S. Warner
1989	James A. Benzoni Pamela W. Prager	Gary R. Fischer Jeffrey J. Wolf	1976	James E. Ellefson John A. Michelich	Gregory M. Lederer William S. Vernon
1988	Andrew J. Bracken Gregg M. Fishbein	Carmen E. Eichmann Dawn R. Siebert	1975	Susan A. Abel Fred L. Dorr	Carter G. Bishop Thomas E. McCurnin
1987	Gregory D. Brandt Steven E. Mauer	Teresa K. Hillary Marcia L. Schober	1974	Iris E. Muchmore Mark W. Schweibert	John M. Perkins Dennis R. Taylor
1986	Beverly K. Caro Robert K. DuPuy	Debra Chang Steven E. Mauer	1973	Earl D. Bellamy II George H. Perry	Marsha L. Johnson Tito W. Trevino
1985	David S. Garms Anita Shodeen Parmeter	John T. Palter Kelly Benson Radetic	1972	Richard G. Biane II Vernon L. Traster Timothy W. Waldeck	Joseph A. Nugent Terry N. Trieweiler

1971 Arthur L. Buzzell  
Dennis B. O'Boyle

1970 R. Larry Drake  
Arvid D. Oliver

1969 Edwin K. W. Ching  
Albert L. Harvey  
Richard A. Pundt

1968 Robert M. Holliday  
Jerome F. Lundren  
B. Gerald Reynolds

1967 William H. Huff III  
Lawrence E. Pope

1966 Lyman L. Frick  
Gary D. Ordway  
Jon R. Pearce  
Anna I. Shinkle

1965 John R. Baur  
Fred M. Dawson  
Thomas Killion  
Wayne M. Sakai

1964 Yale H. Iverson  
Edward J. Reasor  
Ronald L. Sorenson  
William N. Twohey

1963 Joseph S. Bertroche  
H. Randolph Duncan  
J. Robert Hand  
Peter A. Keller

1962 Marvin F. Heidman  
Louis A. Lavorato  
Stanton Sornson  
Brian P. Williams

Ben Thomas Cole  
Nile C. Williamson

John R. Hearn  
Jack Williamson

Ronald R. Fletcher  
Robert D. McLaren  
John C. Wellman

Vivian Jury Lawyer  
Mark D. Ravreby  
William L. Schmidt

Harold A. Young

Thomas E. Leahy, Jr.  
Richard G. Pattison  
Jack R. Schreiber  
Jo Ann G. Shirley

G. Norman Coder  
Tom George  
John L. Rensink  
Gary L. Wiegel

Lyle D. Middleton  
Stephen R. Smith  
Gary H. Swanson  
John T. Ward

Thomas Bolton  
Loren J. Duensing  
Ronald M. Frykberg  
Robert R. Montgomery

Jack D. Levin  
R. Dale Peddicord  
Paul H. Tatz  
Thomas A. Renda

1961 Phillip R. Collett  
James E. Houser  
James E. Knox  
Andrew H. Schill

1960 R. Don Bertell  
George A. Goebel  
George F. Milligan  
James B. West

1959 Mark DeRuyter  
Harlan Max Hockett  
Thomas Hylan  
Robert R. Snyder

1958 Sheldon L. Balman  
Clarence A. Glotfelty  
John H. Reuber  
George W. Sullivan

1957 Raymond A. Fenton  
Jerry A. Kasner  
Carl F. Nielsen  
Elwood L. Thomas

1956 Robert W. Callies  
Donald L. Kramer  
Lawrence E. Myers  
Rex V. Roupe

1955 Robert G. Allbee  
Harry W. Dahl  
Dwight I. Martin  
Robert L. Walters

1954 John D. Culbertson  
Clyde R. Fickes  
Donald Running  
Robert A. Wright

Charles M. Ferguson  
Frank E. Kennedy  
Richard E. Ramsay

Roderick C. Dickinson  
Randall Handley  
George R. Sackett  
James W. Yoder

Philip C. Armknecht  
James W. Brown  
A. Hughes  
Clarence J. May

Lee H. Gaudineer, Jr.  
Leo E. Gross  
Dan Stamatelos  
William J. Yost

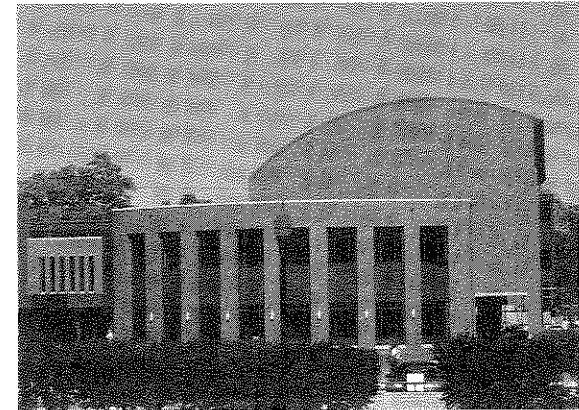
J. Hawey  
John R. McGlynn  
Leo E. Oxberger  
Paul O. Strand

Robert E. Drey  
Walter F. Maley  
Gordon Nesbit  
Harley Whitfield

Anthony M. Critelli  
Durwood W. Dircks  
Richard F. Mitchell  
Dirk C. Van Zante

Richard G. Davidson  
Joseph C. Piper  
James L. Tyler  
Donald H. Zarley

1953	Melvern E. Anderson Mervin J. Flander Harold J. Lincoln, Sr. Robert Rydell	Brian Connell Daniel L. Griffen, Jr. James Van Ginkel Alvin E. Witwer
1952	Audrea M. Bride John W. Carty Hessel Dykstra William M. Parker	G. Arthur Cady, Jr. Albert G. Dunkleberg Robert L. Kaas Gerold O. Patterson
1951	Robert K. Clark John Tow	Walter E. Stradley Jack C. Wallace
1950	Theodore L. Duffield John G. Martin	James D. McKeon William R. Rosecrans
1949	Horace G. Booth Paul J. Cooksey John D. Galvin Dale L. Porter	Charles Cardamon Bill E. Davenport Peter B. Larson
1947	Robert Daufenbaugh Louis W. Nitchals John K. Watson	Theodore H. Miller Bernard Rodholm
1941	Norman K. Blatchford John Connolly III Joy Fitzgerald Hix Joe W. Kridelbaugh, Jr. Robert G. Riley Don Wilson	Charles C. Browning, Sr. Russell B. Decker Galen Hesalroad John H. Neiman Lorna L. Williams Robert J. Wessells
1940	John Gannon Roy W. Meadow Virgil L. Siepel Florence Wallace	Arnold Joseph George Rice Robert Southworth, Jr. Eldon A. Woltz
1939	Allor B. Crouch Theodore W. Doran Edward F. McCartan Cecil L. Utterback	John T. Donahoe A. E. Jensen Donald F. Klein



**DRAKE UNIVERSITY  
LAW SCHOOL  
AWARDS AND RECOGNITION  
OF ACHIEVEMENTS**

### THE WILLIAM AND ELLEN COONEY HOYE AWARD

This award is presented each spring to the graduating senior who, in the opinion of the faculty, demonstrates the greatest promise as an advocate, a public servant and a practitioner. The recipient of this award has demonstrated not only the academic promise, but also leadership ability, the speaking and writing skills of an effective advocate, and a commitment to public service and Drake Law School. The William (LW'86) and Ellen Cooney (LW'87) Hoyer Award is accompanied by a \$500 cash gift and a commemorative plaque.

*Winner to be announced at the Supreme Court Day Banquet*  
1996-97 Recipient: Carrie Wolf

### DEAN'S SERVICE AWARDS

These awards are presented to students who have provided outstanding service to the Law School during the 1997-98 school year.

Sandi J. Morris, ABA/LSD Representative  
Stephan Collins, Agricultural Law Society  
Dennis G. Ellison, ATLA Law School Student Chapter  
D. Michael Dismukes, Alternative Dispute Resolution Society  
Edward B. Calado, Asian Pacific-Islander Law Society  
Kimberly S. Mayes, Black Law Students Association  
Toby J. Gordon, Christian Legal Society  
Tiffany J. Hagen, Delta Theta Phi  
Kimberly Haddox, Drake Association for Public Interest Law  
Timothy A. Poe, Drake Law Democrats  
David N. Malinger, Drake Law Review  
Danielle L. Jaberg, Drake Law Women  
Ivy Ross Ravello, Drake Legal Research  
Nancy C. Hodge, Environmental Law Society  
John N. Kurr, Federalist Society  
Christopher J. Godfrey, Gay and Lesbian Law Students  
Andy Porter, Honor Board  
Debra L. Blair, Intellectual Property Law  
Melanie S. Keiper, International Law Society  
Roni N. Halabi, Journal of Agricultural Law  
Fernando R. Cruz, Latino Law Society  
Julie D. Bettenhausen, Moot Court Board  
Timothy A. Poe, National Lawyers Guild  
Natalie H. Cronk, National Lawyers Guild  
Patricia J. Ashton, National Republican Lawyers Association  
Marla Suddreth, Non-Traditional Students  
Elizabeth E. Goldin, Phi Alpha Delta  
Robert T. DiBlasi, Student Bar Association  
Michael J. AuBuchon, Student Alumni Committee  
Cathleen J. Reynolds, Student Alumni Committee  
D. Michael Dismukes, West Coast Law Society

### THE LELAND FORREST OUTSTANDING PROFESSOR AWARD

The recipient of this award is selected each year by students of the graduating class. The award recognizes outstanding contribution to quality legal education both in and out of the classroom.

*Winner to be announced at the Supreme Court Day Banquet*  
1996-97 Recipient: Professor Robert Hunter

### THE MARTIN TOLLEFSON AWARD

The Student Bar Association created this award to recognize the student leader who best exemplifies the hopes and aspirations of the late Dean Tollefson. This award is the highest form of recognition for leadership and service contributions to Drake Law School. Selection for this \$200 cash award is by election of the graduating class.

*Winner to be announced at the Supreme Court Day Banquet*  
1996-97 Recipient: Carrie Wolf

## LAW REVIEW AWARDS AND RECOGNITION OF ACHIEVEMENT

### THE DRAKE LAW REVIEW

The Drake Law Review is published four times each year. The Review is edited and prepared by student editors and staff. Students are chosen on the basis of high scholastic achievement and writing ability.

### EDITORIAL BOARD 1997-98

David N. Malinger, Editor in chief  
Daniel M. Weddle, Executive Editor  
Steven J. Havercamp, Research Editor  
Kerry A. Porter, Managing Editor  
Christine C. Nierenz, Production Editor  
Julie D. Bettenhausen, Projects Editor  
LaDonna L. Boeckman, Note Editor  
Lee D. Trevis, Note Editor  
Gregory S. Bailey, Article Editor  
Theresa R. Wilson, Article Editor

### ASSOCIATE EDITORS

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David N. May  
Joseph T. Van Horn

### SENIOR STAFF

Nasim Ahmad  
Mark E. O'Neill  
Brian P. Rickert  
Tanya C. Thresher  
Sheryl L. Valadez-Vieyra  
Timothy J. Zarley

Christopher T. Byrd  
Matt J. Reilly  
Ivy Ross Rivello  
Mindy K. Brinker  
Todd E. Wiench

### JUNIOR STAFF

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Stephan Bayens  
Matt R. Drevlow  
Harley C. Erbe  
Justin A. Harris  
Colette L. Hunter  
William P. Kelly  
Renee M. Kosslak  
M. Kathleen Moreland  
Kelly J. Poff  
Ryan J. Rohlfesen  
Amy L. Van Duyn

Todd C. Barsumian  
Rebecca Jo Bishop  
Stephanie L. Maret  
Yugie Gu  
Charles W. Hendricks  
Danielle J. Jess  
Robert T. Kleinknecht  
Todd M. McGuire  
Matthew Oetker  
Jessica E. Rainey  
Mark D. Torché

Keith C. Miller, Faculty Advisor

### THE H.G. CARTWRIGHT LAW REVIEW AWARD

This annual award of \$200 is presented to the student who submits the best Note to the Drake Law Review during the year. The award is named in honor of the late Harold G. Cartwright, LW'25, who participated actively in founding the Law Review and who was a loyal supporter of the Law School.

*Award presented at the Law Review Dinner*  
1996-97 Recipient: Chad V. Horner

### THE JEFF GILBERT MEMORIAL WRITING AWARD

This award is named in honor of the late Jeffrey S. Gilbert, a member of the Class of 1986 who was named to the 1985-86 Editorial Board shortly before his untimely death in 1985. The award is presented to the junior staff member who has made the greatest contribution to the success of the Drake Law Review.

*Award presented at the Law Review Dinner*  
1996-97 Recipient: Steven J. Havercamp

### THE MORRIS A. HAFT AWARD FOR OUSTANDING SERVICE TO THE LAW REVIEW

This award was established by the family of Morris A. Haft, father of Howard Haft, LW'53. The award, named in recognition of Mr. Haft's quality and service to the Drake Law Review and the legal profession, is presented annually to a graduating member of the Law Review staff or Editorial Board who, through individual effort, service and leadership, has contributed most to the overall success and quality of the Drake Law Review.

*Award presented at the Law Review Dinner*  
1996-97 Recipient: Jennifer Benning

### THE DRAKE JOURNAL OF AGRICULTURAL LAW

The Drake Journal of Agricultural Law was initiated in the fall of 1994. The Journal's focus is to provide a quality publication to benefit the courts, practicing attorneys, professors, students and others in the community who are interested in researching international and domestic matters relating to agricultural and food law.

### 1997-98 MEMBERS

#### EDITORIAL BOARD

Roni N. Halabi, Editor in chief  
Patricia R. Sneeringer, Executive Editor  
John H. Judisch, Articles Editor  
Mindy Larsen Poldberg, Articles Editor  
Tiffany J. Hagen, Note Editor  
William C. Wu, Note Editor  
Tyler A. Enstrom, Managing Editor  
Jeffrey C. Oliver, Production Editor  
Jonathan T. Barton, Computer Projects Editor

#### SENIOR STAFF

Wilmer J. Dechant, Jr.  
Danielle L. Jaberg  
H. John Messer



## JUNIOR STAFF

Debra L. Blair  
Kerry A. Corliss  
Cynthia M. Erno  
Harvel N. Golden  
Kirk W. Goodwin  
Elizabeth S. Hickey  
Melanie S. Kieper  
Scott D. Laufenberg  
Scott B. Manchester  
Kristie D. Ouverson  
Jamey Pregon  
Laurie A. Ristau  
Robert E. Schulenberg  
Stephanie L. Sheridan  
Christina M. Shriver  
David L. Szlanfucht  
Shelly Valente

Neil D. Hamilton, Faculty Advisor  
Hunter R. Clark, Faculty Advisor

## MOOT COURT AWARDS AND RECOGNITION OF ACHIEVEMENT

### MOOT COURT BOARD

The Drake Law School Moot Court Program consists of six intramural competitions and ten inter-law-school competitions conducted at various times throughout the school year. The Moot Court Board members are responsible for organizing all aspects of each team's involvement in the moot court competitions. In addition, the members serve as student coaches to the competitors.

#### OFFICERS 1997-1998

Julie B. Bettenhausen, President  
Danielle K. Dixon, Vice President  
John T. Clendenin, Secretary/Treasurer

#### SENIOR BOARD MEMBERS

LaDonna L. Boeckman  
Mindy K. Brinker  
Robert T. DiBiasi  
Christine M. DeLorme  
Torriano N. Garland  
Timothy J. Zarley

#### BOARD MEMBERS

Desmund D. Adams	Jonathan T. Barton
Randi R. Donaldson	Gregory C. Guiney
Shani A. Hatfield	R. Scott Johnson
Melanie S. Keiper	Christopher A. Kragnes
Danielle J. Latham	

#### THE RODNEY L. HUDSON APPELLATE ADVOCACY AWARD

This is an annual cash award from a fund established in honor of Rodney L. Hudson, LW'16, whose career exemplified the skills, dedication and character demanded of the complete advocate. The award, for outstanding student practitioners of the art of appellate advocacy, goes to the student who, in the opinion of the justices of the Iowa Supreme Court, makes the best argument before them on Supreme Court Day. This award is made possible by the Rodney L. Hudson Family Foundation.

*Winner to be announced at the Supreme Court Day Banquet*  
1996-97 Recipient: Matthew J. Cole

### THE RODNEY L. HUDSON SENIOR ADVOCACY AWARD

Each year this award is presented to a senior student who is judged by the moot court advisors to have given outstanding overall performance in moot court competitions throughout his/her law school career. The annual cash award is funded by the Rodney L. Hudson Family Foundation established in honor of Rodney L. Hudson, LW'16, whose career exemplified excellence in advocacy.

*Award presented at the Moot Court Board Luncheon*  
1996-97 Recipients: David P. Lane & Jennifer R. Clark

### THE M. GENE BLACKBURN AWARD

This annual award of \$250, funded by the Cedar Rapids, Iowa, law firm of Moyer & Bergman, is presented to the student who submits the best brief for the Supreme Court Day Moot Court Competition. The recipient is chosen on the basis of superior writing skills that communicate an issue position based upon an innovative, creative and concise approach. The award is named for M. Gene Blackburn, LW'55, in recognition of his dedication to the development of appellate advocacy while a professor at Drake Law School.

*Award presented at the Moot Court Board Luncheon*  
1996-97 Recipient: Gregory S. Bailey

### DRAKE LAW SCHOOL ALUMNI SERVICE AWARD

This award is given annually to an alumna or alumnus for his or her generosity and dedication to the Drake Law School Moot Court Program.

*Award presented at the Moot Court Board Luncheon*  
1996-97 Recipient: Jamie Bowers

### ORDER OF THE BARRISTERS

The Order of the Barristers is a national society whose purpose is to recognize special efforts and contributions to moot court programs in American law schools. Membership is voted on the basis of outstanding participation in moot court competitions and service to the Drake Moot Court Board.

*Award presented at the Moot Court Board Luncheon*

### ORDER OF THE BARRISTERS 1997

Jennifer Benning	Jennifer Clark
Matthew J. Cole	David Hansen
David Lane	Mikkel Long
Danita P. Miller	Leslie Moore
Alan Ostergren	Carrie Wolf

Honorary Barrister: Visiting Professor Dennis Hirsch

## APPELLATE COMPETITIONS

### NATIONAL MOOT COURT COMPETITION

The National Moot Court Competition is an inter-law-school appellate advocacy competition sponsored each year by the Young Lawyers' Committee of the Association of the Bar of the City of New York and the American College of Trial Lawyers. The Petitioner team finished in first place in Regionals and were awarded the best brief. Randi R. Donaldson received the best oralist award. In New York, at the National Competition, the team placed second in the nation. This was the highest award a Drake team has received in this competition.

#### PETITIONER

John T. Clendenin  
Randi R. Donaldson

#### RESPONDENT

Ursula A. Koenig  
Ryan H. Rohlfson  
Timothy J. Zarley

Gregory C. Sisk, Faculty Advisor  
Christine M. DeLorme, Randi R. Donaldson and  
Timothy J. Zarley, Student Coaches

### JESSUP INTERNATIONAL MOOT COURT COMPETITION

The Jessup International Moot Court Competition is an inter-law-school appellate competition. The team competed in Oklahoma City, Oklahoma, February 13-15, 1998.

Melanie S. Keiper  
Kimberly G. Haddox  
Mark L. Belton  
John T. Wendland  
Theresa R. Wilson

Hunter R. Clark, Faculty Advisor  
Melanie S. Keiper and Torriano N. Garland, Student Coaches

### NATIONAL ENVIRONMENTAL LAW COMPETITION

The National Environmental Law Competition is sponsored by the Environmental Law Institute at Pace University. The competition was held in White Plains, New York, in February 1998.

Matt J. Hainfield  
Jennifer L. Johnson

Jerry L. Anderson, Faculty Advisor  
Sandy Zellmer, Faculty Advisor  
R. Scott Johnson and LaDonna L. Boeckman, Student Coaches

### **INSURANCE LAW COMPETITION**

The Insurance Law Team competed in the William F. Starr Insurance Law Competition in Hartford, Connecticut, in October 1997 and received the award for best brief in the nation and second place in overall competition.

Mindy K. Brinker  
Lori E. Cole  
Torriano N. Garland

Laurie K. Doré, Faculty Advisor  
Mindy K. Brinker and Gregory C. Guiney, Student Coaches

### **INTELLECTUAL PROPERTY COMPETITION**

The Giles Sutherland Rich Moot Court Competition is sponsored by the American Intellectual Property Law Association. The team will compete March 20-22, 1998, in regional competition in Chicago.

Ivy Ross Rivello  
R. Scott Johnson  
Bill T. McAdams  
Kirk W. Goodwin

Edmund Sease LA'64, LW'67, Advisor  
Julie D. Bettenhausen and John T. Clendenin, Student Coaches

## **TRIAL COMPETITIONS**

### **AMERICAN TRIAL LAWYERS ASSOCIATION MOCK TRIAL COMPETITION**

The American Trial Lawyers Association Mock Trial Competition is an inter-law-school trial advocacy competition sponsored by the American Trial Lawyers Association.

Kristen A. Boldt  
Christopher S. Crawford  
Ann H. Kendell  
Dennis G. Ellison

Mindy K. Brinker  
Christine M. DeLorme  
Charles J. Kenville  
James Kirkland

Denette Kennedy, Jeff Noble and Daniel Voogt, Alumni Coaches  
Christine M. DeLorme and Danielle Latham, Student Coaches

### **NATIONAL MOCK TRIAL COMPETITION**

The National Mock Trial Competition is an inter-law-school trial advocacy competition. The team competed in St. Louis in January 1998. The team of Jonathan Barton, Randi Donaldson, and Ursula Koenig were regional finalists and are competing in the National Competition in San Antonio, Texas, March 4-8, 1998.

Jonathan T. Barton  
Lori E. Cole  
Randi R. Donaldson  
Torriano N. Garland  
Ursula A. Koenig  
Chris E. Rehak  
Shane P. O'Toole

Mark Godwin and Jamie Bowers, Coaches  
Jonathan T. Barton, Randi R. Donaldson and  
Torriano N. Garland, Student Coaches

## **SKILL COMPETITIONS**

### **CLIENT COUNSELING COMPETITION**

The Client Counseling Competition is sponsored by the American Bar Association. The team represented Drake at the regional level of the competition in Columbus, Missouri, in February 1998.

Dana Nelson Snyder  
Heather Palmer-Dwyer

Matthew G. Doré, Faculty Advisor and Coach  
Cathy Mansfield, Faculty Coach

### **NEGOTIATIONS COMPETITION**

The Negotiations Competition is sponsored by the American Bar Association. The teams competed in the regional competition in Omaha, Nebraska, in November 1997.

Kristen A. Boldt  
Tyler A. Enstrom  
LeAnne K. Krell

Gregory C. Guiney  
Melanie S. Breedlove  
Andy Porter

Laura Birkenholtz, Advisor  
Desmund D. Adams, Student Coach

## INTRAMURAL COMPETITIONS

### C. EDWIN MOORE MOOT COURT INTRAMURAL COMPETITION

The C. Edwin Moore Moot Court Competition is an annual intramural appellate advocacy competition in which all students are eligible to participate.

Tom P. Graves, Top Finalist  
Amy J. Greiner, Finalist  
Charla K. Moltzan, Finalist  
Donald D. Stanley, Finalist

## OTHER STUDENT AWARDS

### THE ORDER OF THE COIF

Drake Law School's chapter of the Order of the Coif, the national law school honor society, was chartered in 1951. Members are selected annually from students who rank in the top ten percent of the graduating class.

#### 1996-1997 MEMBERS

Christopher J. Adam	Jennifer A. Benning
Christa D. Brolley	Cynthia U. Christy
Darla M. Giese	Scott K. Green
Benjamin W. Hopkins	Chad V. Horner
Bennett MacDougall	James R. Nock
Sean W. O'Neill	Daniel A. Rosenberg
Ruth C. Saunders	Scott R. Sinson
William S. Stokes	

## WHO'S WHO AMONG STUDENTS IN AMERICAN UNIVERSITIES AND COLLEGES, 1997-98

This national award is given to students who have been selected by the faculty as being among the country's most outstanding campus leaders. Selection is based on scholarship; participation and leadership in academic and extracurricular activities; citizenship; service to the school; and potential for further achievement.

Gregory Shawn Bailey	Julie Diane Bettenhausen
Mindy Kaye Brinker	Christopher Thomas Byrd
Dana Michelle Clay	John Thomas Clendenin
Lori Elizabeth Cole	Robert Thomas DiBlasi
Roni Nicolas Halabi	William Edward Heidbreder
Matthew Michael Hurn	James Michael Kirkland
Ursula Anne Koenig	David Neil Malingier
David Noel May	Mindy Larsen Poldberg
Matthew James Reilly	Ivy Ross Rivello
Patricia Rae Sneeringer	Tanya Celeste Thresher
Todd Edmund Wiench	Timothy James Zarley

## CALI EXCELLENCE FOR THE FUTURE AWARDS

The CALI Excellence for the Future Awards are given to students attaining the highest grade for selected courses leading to a J.D. degree.

#### SPRING 1997

John L. Acken, Computers and the Law  
Christopher J. Adam, Trial Advocacy  
Gregory S. Bailey, Business Associations  
Gregory S. Bailey, Products Liability  
Tracy L. Bornman, Patent Office Practice  
Melanie S. Breedlove, Trial Advocacy  
Mindy K. Brinker, Trial Advocacy  
Christopher T. Byrd, Ethics  
Christopher T. Byrd, Criminal Practice & Procedure  
Dana M. Clay, Environmental Compliance & Litigation  
Robert T. DiBlasi, Trial Advocacy  
Randi A. Donaldson, Contracts II  
Randi A. Donaldson, Civil Procedure II  
Daria M. Giese, Trust Construction  
Daria M. Giese, Corporate Tax  
Daria M. Giese, Business Planning  
Christopher J. Godfrey, Public International Law  
Yujie Gu, Property  
Justin A. Harris, Constitutional Law I  
Paul M. Hauer, Constitutional Law I  
Steven J. Havercamp, Jurisprudence  
Leah C. Hill, Education Law  
Matthew M. Hurn, Administrative Law  
Lee J. Karge, Trial Advocacy  
Robert T. Kleinknecht, Property  
Todd M. McGuire, Constitutional Law I  
Todd M. McGuire, Civil Procedure II  
Angela N. Nasstrom, Family Law Seminar  
James R. Nock, Mass Media Law  
Travis S. Peterson, Workers' Compensation  
Kelly J. Poff, Contracts II  
Darren K. Sharp, Constitutional Litigation  
Kelly D. Simpson, Evidence  
Kathleen L. Sipich, Advanced Criminal Prosecution  
Lynn M. Smith, Conflicts  
Patricia R. Sneeringer, Income Tax  
Dana Snyder, Constitutional Law I  
William S. Stokes, Payments Systems  
Kenneth E. Thomas, Forensics  
Amy L. VanDuyn, Constitutional Law I  
Todd E. Wiench, Securities

## SUMMER 1997

Thomas P. Graves, Elements of Law  
Nathaniel W. Schwickerath, Death Penalty  
Thomas P. Graves, Changing Family & the Constitution  
Stephan K. Bayens, Evidence  
Michael Carmoney, Income Tax (Tie)  
Janice J. Kerkove, Income Tax (Tie)  
Jocelyn M. Andreassen, Forensics  
H. John Messer, Wills & Trusts  
William W. Carpenter, Cable TV  
Barbara Q. Decker, Immigration Law  
Patricia R. Sneeringer, Water Law & Agriculture  
Tiffany A. Stuart, Agriculture & the WTO  
Michael D. Dismukes, Jury System (Tie)  
Timothy W. Schelwat, Jury System (Tie)  
Virgil J. Jordan, Criminal Defense Mental Disability

## FALL 1997

Krista M. Carlson, Civil Procedure I (301)  
Christopher W. Dyer, Civil Procedure I (302)  
Marshon C. Dubbert, Torts (301)  
Stacie E. Barhorst, Torts (302)  
Nicholas G. Maybanks, Criminal Law (301)  
Carson D. Brackney, Criminal Law (302)  
Jennifer C. Brooks, Contracts I (301)  
Jennifer K. Swartz, Contracts I (302)  
Justin A. Harris, Business Associations  
Rebecca J. Bishop, Evidence  
Stephanie L. Marett, Constitutional Law II (301)  
Randi A. Donaldson, Constitutional Law II (302)  
David J. Buelow, Ethics (Tie)  
Todd M. McGuire, Ethics (Tie)  
Ann L. Menzel, Estate & Gift Tax  
Justin A. Harris, Income Tax  
Timothy J. Zarley, Trial Advocacy (301)  
Tricia L. Dieleman, Trial Advocacy (302)  
Ivy R. Rivello, Trial Advocacy (303)  
Melissa R. Pfeifer, Juvenile Law (Tie)  
Kerry A. Porter, Juvenile Law (Tie)  
Sunho Choi, Natural Resources Law  
James A. Wetterling, Introduction to Agricultural Law  
Jonathan T. Barton, Modern Real Estate Transactions  
John T. Clendenin, Wills & Trusts  
Debra L. Blair, Patent Law  
Mindy L. Poldberg, Environmental Law  
Jessica J. Geil, Legislation  
William E. Heidbreder, State & Local Tax

Todd M. McGuire, Federal Jurisdiction  
Mark E. O'Neill, Family Law  
Christopher T. Byrd, Labor Law I  
James R. Wainwright, Sports Law  
J. Eric Boehlert, Advanced Problems in Torts  
Kristen L. Dieterich, Secured Transactions  
Todd E. Wiench, Debtor/Creditor Law  
Danielle L. Jaberg, Consumer Protection (Tie)  
David N. May, Consumer Protection (Tie)  
David N. Malinger, Taxation of Employee Benefits  
Tanya C. Thresher, Insurance Law  
Todd M. McGuire, Election Law  
Jean M. Mauss, Women & the Law  
David N. Malinger, AIDS & the Law  
Andrea A. Greenwalt, Law & Religion (Tie)  
Theresa R. Wilson, Law & Religion (Tie)  
Janean Schaefer, Law & Literature  
Sunho Choi, Advanced Problems in International Law (Tie)  
Timothy A. Poe, Advanced Problems in International Law (Tie)  
Sandra J. Morris, Pretrial Advocacy  
Tracey L. Hiatt, Law Office Practice (Tie)  
Christopher A. Kragnes, Law Office Practice (Tie)

## CORPUS JURIS SECUNDUM AWARD FOR SCHOLASTIC EXCELLENCE

Corpus Juris Secundum Award certificates are presented by West Group, formerly West Publishing Company, to students attaining the highest grade in specified courses.

## SPRING 1997

Kelly J. Poff, Contracts II Section 401  
Randi A. Donaldson, Contracts II Section 402  
Yujie Gu, Property Section 401  
Robert T. Kleinknecht, Property Section 402  
Todd M. McGuire, Civil Procedure II Section 401  
Randi A. Donaldson, Civil Procedure II Section 402

## FALL 1997

Jennifer C. Brooks, Contracts I Section 301  
Jennifer K. Swartz, Contracts I Section 302  
Marshon C. Dubbert, Torts Section 301  
Stacie E. Barhorst, Torts Section 302  
Nicholas G. Maybanks, Criminal Law Section 301  
Carson D. Brackney, Criminal Law Section 302  
Krista M. Carlson, Civil Procedure I Section 301  
Christopher W. Dyer, Civil Procedure I Section 302

## DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C. AWARDS FOR EXCELLENCE

These five awards, given annually by Davis, Brown, Koehn, Shors & Roberts, P.C., are presented to those students whose law school activities have earned the respect of their professors and peers. Awards for the academic year ending May 1997:

Darla M. Giese, top of graduating class  
Todd M. McGuire, top of first-year class  
Chad V. Horner, Editor in Chief of the Drake Law Review  
Ryan J. Rohlfsen, outstanding first-year oralist  
Karen Atkinson Dales, most improved grade point average from first semester to graduation

## INNS OF COURT

American Inns of Court have been formed throughout the United States for the purpose of promoting and improving trial and appellate advocacy skills, adherence to ethical ideals and professionalism among members. Members, who are limited in number to 65, include judges, senior and new attorneys, and law students who meet regularly throughout the year to participate in demonstrations of forensic techniques, critiques and evaluations, and collegial discussion and dining. Two Inns of Court have been formed in Des Moines, and Drake law students and faculty are members of each.

### BLACKSTONE INN OF COURT

James A. Adams, Master of the Bench

Jonathan T. Barton	Gregory S. Bailey
Julie D. Bettenhausen	LaDonna L. Boeckman
Robert T. DiBlasi	Tyler A. Enstrom
Patrick W. Greenwood	T.J. Joaquin
John H. Judisch	James Kirkland
Ursula A. Koenig	James Marron
Brian Rickert	Ivy Ross Rivello
Thomas Trojan	William C. Wu

### C. EDWIN MOORE INN OF COURT

Laurie K. Doré, Master of the Bench

Mindy K. Trotter	John T. Clendenin
Michael D. Dismukes	Danielle K. Dixon
Neal Freese	Torriano N. Garland
Christopher Kragnes	Matthew J. Reilly

## THE IOWA STATE BAR ASSOCIATION SENIOR AWARD

Each year the association confers this award on the graduating senior who, by service, attitude and ability, is expected to be the most successful member of the class in leadership in the Iowa Bar. The recipient is selected by faculty.

*1996-97 Award presented to Leah Claire Hill*

## WEST PUBLISHING AWARDS 1996-97

West Group, formerly West Publishing Company, annually awards a selected title to the members of the first-year, second-year, and third-year classes who achieve the highest scholastic average during that year.

Law I - Janice Kerkove  
Law I - Todd McGuire  
Law II - Gregory S. Bailey  
Law III - Darla M. Giese

## DRAKE LEGAL RESEARCH SERVICE

### BOARD OF EDITORS 1997-98

Ivy Ross Rivello, Managing Editor  
Beverly K. Jones, Associate Editor  
Scott D. Laufenberg, Jr., Associate Editor  
Timothy A. Poe, Business Editor  
John H. Judisch, Past Managing Editor

### STAFF RESEARCHERS

#### Senior Staff Researchers

Patricia J. Ashton (3L)	Patrick W. Greenwood (3L)
Steven J. Haverkamp (3L)	Lisa M. Lann (3L)
Mindy K. Brinker (3L)	James F. Marron (3L)
Theresa R. Wilson (3L)	

#### Junior Staff Researchers

Claire Cumbie-Drake (2L)	Wilmer J. Dechant (3L)
Tricia L. Dieleman (3L)	Matthew R. Drevlow (2L)
Stephanie L. Maret (2L)	Cynthia J. Foos (3L)
Kimberly G. Haddox (2L)	Paul E. Johnson (3L)
Melanie S. Keiper (2L)	Janice J. Kerkove (2L)
Robert T. Kleinknecht (2L)	LeAnne K. Krell (2L)

Daniel Bogart, Faculty Advisor

## THE DRAKE LEGAL RESEARCH AWARD

This award is presented to an outstanding staff researcher based upon performance. The professionalism displayed by this student represents the type of individual effort and quality work the Drake Legal Research Service seeks to provide.

*Award presented at a future date.*

## HONOR BOARD 1997-98

Andy Porter, Chief Justice  
Melanie Breedlove, 3L Justice  
Dennis Ellison, Justice-at-Large  
Steve Bayens, 2L Justice  
Traci Robinson, 2L Justice  
Margaret Brantley, 1L Justice  
Victoria Dominguez, Preliminary Hearing Investigator  
James Kirkland, Student Body Advocate  
Melissa Pfeiffer, Student Advocate

## AGRICULTURAL LAW CENTER AWARDS 1997-98

### FRIENDS OF THE AGRICULTURAL LAW CENTER AWARD

Chris Kelley  
Susan Schneider

### AGRICULTURAL LAW HALL OF FAME

Professor James Monroe

### IOWA ASSOCIATION OF ELECTRIC COOPERATIVES SCHOLARSHIP

James A. Wetterling

## STUDENT ALUMNI COMMITTEE

The Drake Law School Student Alumni Committee assists the Alumni and Development Office in maintaining a close relationship between Drake law students and alumni. Every year the committee helps plan Law Alumni Weekend festivities, Supreme Court Weekend, the Opperman Lecture, as well as other events. The committee also is involved in the Annual Fund effort. Finally, the committee produces Success, the student newsletter featuring student, faculty and alumni accomplishments.

Michael J. AuBuchon, Chair  
Cathleen J. Reynolds, Co-Chair

Wilmer J. Dechant, Jr.  
Robert T. DiBlasi  
Theresa Grasse  
Karl J. Gruse  
Loan Huynh  
Danielle J. Latham  
Paul E. Johnson  
Alyssa Joneson  
Lauren McAfee  
Jamey Pregon  
Amy VanDuyn

## STUDENT AMBASSADORS

Student Ambassadors is a group of student volunteers selected to assist the Admissions Office in representing the Law School to students visiting the campus.

### THIRD YEAR AMBASSADORS

Ryan Cox	Willie Dechant
Danielle Dixon	Tucker Else
Cynthia Foes	Trent Groetken
Tucker Hummel	Bev Jones
James Kirkland	Guy Koenig
Ursula Koenig	Mindy Larsen Poldberg
Justin La Van	Paul Johnson
Shane O'Toole	Adam Ramsey
Ivy Rivello	Kelly Simpson
Mindy Brinker	Joe Van Horn
Jim Wetterling	

### SECOND YEAR AMBASSADORS

Michael AuBuchon	Stephan Bayens
David Brown	Christopher Coppola
Randi Donaldson	Maria Victoria Dominguez
Tabitha Gardner	Kirk Goodwin
Kimberly Graham Haddox	Colette Hunter
Danielle J. Latham	Melanie Keiper
Tracy Kelly	Renee Kosslak
Steven Lechner	Bill Lemons
Kim Mayes	Todd McGuire
M. Kathleen Moreland	Sandi Morris
Dana Nelson Snyder	Chira Olson
Kelly Poff	Cathleen Reynolds
Stacy Ritchie	Ryan Rohlfen
Stephanie Sheridan	David Szmanfucht
Hanton Walters	

### FIRST YEAR AMBASSADORS

Matthew Caswell	Bernice Corley
James Daley	Jill Dashner
Amy Greiner	Hayley Hanson
Mary Beth Kirkland	Beth Lane
Lisa Lemons	Angela McDonald
Pat McGraw	Sarah Mueller
Erin Quillin	Mike Russell
Christel Schweitzer	ConGarry Williams

## DRAKE UNIVERSITY LAW SCHOOL FACULTY AND ADMINISTRATIVE STAFF

### FACULTY

James A. Adams, Richard M. and Anita Calkins Distinguished Professor  
Juan A. Aguilar, Professor Emeritus  
James A. Albert, Professor  
Tanya K. Bartholomew, Legal Writing Instructor  
Martin D. Begleiter, Professor  
Daniel B. Bogart, Associate Professor  
Keith N. Bystrom, Visiting Scholar in Residence  
Andrea S. Charlow, Professor  
Hunter Rodney Clark, Associate Professor  
Laurie K. Doré, Associate Professor  
Matthew G. Doré, Associate Professor  
John D. Edwards, Professor, Director of the Law Library and Executive Director of Legal Research and Writing  
Sally B. Frank, Associate Professor  
C. Peter Goplerud III, Dean and Professor of Law  
Neil D. Hamilton, Ellis & Nelle Levitt Distinguished Professor and Director of the Agricultural Law Center  
Edward R. Hayes, Professor Emeritus  
Lisa A. Hermann, Assistant Professor of Librarianship and Public Services Librarian in the Law Library  
Robert C. Hunter, Professor  
Russell E. Lovell, Professor and Executive Director of Clinical Programs  
Cathy Lesser Mansfield, Associate Professor  
David E. McCord, Richard M. and Anita Calkins Distinguished Professor  
Keith C. Miller, Ellis & Nelle Levitt Distinguished Professor  
James R. Monroe, Professor  
Sandra B. Placzek, Instructor of Librarianship and Acquisitions/Reference Librarian in the Law Library  
Lawrence E. Pope, Professor  
Daniel L. Power, Neal and Bea Smith Distinguished Professor and Director of the Center for Public Service Attorneys  
Robert R. Rigg, Visiting Associate Professor and Director of the Criminal Defense Program  
Arthur Ryman, Professor Emeritus  
Kevin Saunders, Visiting James Madison Chair and Acting Director of the Constitutional Law Resource Center  
Gregory C. Sisk, Professor  
Maura I. Strassberg, Associate Professor



Julie Thomas, Assistant Professor of Librarianship and Technical Services  
Librarian in the Law Library

Marci B.H. Tooman, Visiting Assistant Professor of Legal Writing

David S. Walker, Dwight D. Opperman Distinguished Professor

Melissa Weresh, Legal Writing Instructor

John J. Yeager, Professor Emeritus

Sandi Zellmer, Visiting Assistant Professor

#### **ADMINISTRATIVE STAFF**

Kara Blanchard, Assistant Director, Admission and Financial Aid

Erica H. George, Assistant to the Dean

Christopher J. Goodale, Director, Alumni and Development Programs

William D. Hennan, Assistant Dean and Director of Continuing Legal  
Education Programs

Stacey Nay, Assistant Director, Alumni and Development Programs

Richard Sheriff, Director, Career Services

Susan Unkrich Guilford, Director, Admission and Financial Aid

John Wheeler, Director, Iowa Center for Law and Civic Education

#### **ADJUNCT PROFESSORS OF LAW 1997-98**

Susan Anderson

Ronni Begleiter

James Benzoni

Robert Blink

Constance Cohen

Zhong-Kuan Gao

Melodee Hanes

Nan Horvat

Valerie Landis

Louis Lorvellec

Eldon McAfee

Edward McConnell

Loree Nelson

Gregory Racette

John Sandre

Scott Simmer

Catherine Thune

Joe Weeg

Joel Barrows

Thomas Bennett

Richard Blane

Beverly Clark

Lylea Critelli

J. Barton Goplerud

Joel Hjelmaas

Becky Knutson

J.W. "Jake" Looney

Edward Mansfield

Kimberly McCandless

Noel McKibben

Peter Pashler

Jaki Samuelson

Edmund Sease

Angela Althoff Swanson

Sarah Vogel

Ta Yu Yang