Drake Law School



Drake Drake UNIVERSITY

March 179





# Supreme Court Day Problem

Barbara Smith was an employee of Urbandale Creamery, Inc. On September 30, 1995, she arrived early for work and went into the women's locker room to change into her work clothing. While changing her clothing, she heard the door open in the adjacent men's locker room and then noticed a mirror being inserted into an opening in the wall next to piping or vents between the men's and women's locker rooms. She went to the men's locker room and confronted Elroy Kirkwood, who was alone in the adjoining men's locker room. It was later established that he possessed or had access to a telescoping mirror. Mr. Kirkwood was Ms. Smith's supervisor at the creamery, but was not scheduled to work on that particular day.

On the evening before this incident, Ms. Smith had received a telephone call from a friend telling her that Mr. Kirkwood apparently was peeking into the women's locker room. Managers at Urbandale Creamery had been informed that Mr. Kirkwood was acting "suspiciously" in the men's locker room. Although no one had actually observed him "peeping" with the mirror into the women's locker room, the evidence suggests that Mr. Kirkwood may have viewed Ms. Smith on more than one occasion while she was changing her clothes.

Barbara Smith brought this tort action against Urbandale Creamery, Inc., alleging (1) that the creamery negligently failed to repair a hole near a vent or heat pipe that allowed visual access between the men's and women's locker rooms, and (2) that the creamery, through its agents and managers, intentionally inflicted emotional distress upon her. Ms. Smith claims to suffer from psychological problems, including depression, nervousness, anxiety, embarrassment, and mistrust of others.

Urbandale Creamery moved for summary judgment on two grounds, arguing that it is not liable for the common-law claims of negligence and inten-

tional infliction of emotional distress. First, the creamery contends that the workers' compensation statute provides the exclusive remedy for work-related injuries during the course of employment. It argues that Ms. Smith's alleged injury was causally related to her employment because, but for the working relationship, she would not have been exposed to Mr. Kirkwood's misconduct. The course of employment, the creamery argues, includes preparatory or incidental acts by the employee on the premises, such as changing clothes for work. Second, the creamery contends that its failure to repair the hole in the wall was not intentional and does not rise to the level of "outrageousness" necessary for a claim of intentional infliction of emotional distress. Moreover, any outrageous conduct was that of Mr. Kirkwood in going to significant effort to look through the hole, not that of the creamery.

Ms. Smith opposed the motion for summary judgment, arguing that her injury did not arise out of her employment given that she was merely changing clothes in preparation for work, was not yet on duty, and that Mr. Kirkwood had come into the creamery on his day off for the personal and non-work-related purpose of observing her. Moreover, she contends that the workers' compensation statute does not provide an adequate remedy for willful actions directed at an employee for personal reasons. In any event, the workers' compensation statute is not exclusive when an employee is the victim of an intentional tort by the employer. Ms. Smith also asserts that the creamery's failure to repair the hole in the wall between the locker rooms, especially when it had reason to believe that a voyeur was taking advantage of the opening, was reckless or intentional and rose to the level of outrageous conduct.

On March 18, 1998, the district court granted Urbandale Creamery's motion for summary judgment. Ms. Smith then sought review in the Supreme Court of the State of Iowa.

# SUPREME COURT DAY SPEAKERS

COLKE	AL COOK! DAI OI LAKEKO
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	Luction Marmard E. Director Minney C.
1270	Justice Maynard E. Pirsign, Minnesota Supreme
1040	Court and professor, University of Minnesota
1949 1950	Frank E. Homan, president, American Bar Association
	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 1960	William B. Lockhart, dean, University of Minnesota
1900	Justice Thomas Clark, Supreme Court of the United States and
1073	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
1055	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
1070	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,
1005	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
1999	Hon. Richard Matsch, chief judge, United States District Court
	for the District of Colorado

FORMER SUPREME COURT DAY FINALISTS			1981	Gregory L. Biehler	Gerald L. Hammond
1998	Christopher A. Kragnes John Clendenin	Matt Haindfield Ryan Rohlfsen	1980	David W. Hepplewhite John F. Gelson	Helen M. Stirling Kent J. Lund
1997	Matt J. Cole Christopher A. Kragnes	Alan R. Ostergren Ivy Ross Rivello	1979	Steven R. Parrish  Lance D. Ehmcke	Patricia Rutherford Hugh B. Hughes
1996	Jennifer V. Ballengee	Jennifer R. Clark		Kasey W. Kincaid	Shari L. Ulery
1995	Marija Lisnich Michael Clark	Alan R. Ostergren  Michael Iones	1978	Diane M. Henson Nancy Torrey	Thomas E. Stanberry Jack Whitley
1777	Jonathan S. Miles	Matthew R. Scott	1977	Gerald H. Grask Martin W. Kus	Larry J. Handley Marilyn S. Warner
1994	Susan K. Hansen Matthew R. Scott	Matthew M. Johnson Peter J. Thill	1976	James E. Ellefson	Gregory M. Lederer
1993	Rhonda A. Hawkins Mark A. Newman	Anthony S. Mendoza Robert Mihelich	1975	John A. Michelich Susan A. Abel	William S. Vernon  Carter G. Bishop
1992	Venessa F. Kuhlmann	Patricia L. Rensink-Vogel	40=4	Fred L. Dorr	Thomas E. McCurnin
1991	Gregory C. Schodde  John S. Courter	Diana M. Spahr Brian M. F. Kennedy	1974	Iris E. Muchmore Mark W. Schweibert	John M. Perkins Dennis R. Taylor
1000	Curtis O. Roggow	Diana M. Spahr	1973	Earl D. Bellamy II George H. Perry	Marsha L. Johnson Tito W. Trevino
1990	Timothy J. Casey Brian M. F. Kennedy	John S. Courter W. Trent Van Haaften	1972	Richard G. Blane II Vernon L. Traster	Joseph A. Nugent
1989	James A. Benzoni Pamela W. Prager	Gary R. Fischer Jeffrey J. Wolf		Timothy W. Waldeck	Terry N. Trieweiler
1988	Andrew J. Bracken Gregg M. Fishbein	Carmen E. Eichmann Dawn R. Siebert	1971	Arthur L. Buzzell Dennis B. O'Boyle	Ben Thomas Cole Nile C. Williamson
1987	Gregory D. Brandt Steven E. Mauer	Teresa K. Hillary Marcia L. Schober	1970	R. Larry Drake Arvid D. Oliver	John R. Hearn Jack Williamson
1986	Beverly K. Caro Robert K. DuPuy	Debra Chang Steven E. Mauer	1969	Edwin K. W. Ching Albert L. Harvey Richard A. Pundt	Ronald R. Fletcher Robert D. McLaren John C. Wellman
1985	David S. Garms Anita Shodeen Parmeter	John T. Palter Kelly Benson Radetic	1968	Robert M. Holliday Jerome F. Lundren B. Gerald Reynolds	Vivian Jury Lawyer Mark D. Ravreby William L. Schmidt
1984	Debra Egli James Peter H. Thrane	Martha A. Fagg Mark D. Welkler	1967	William H. Huff III	Harold A. Young
1983	Vincent E. Mauer Marlene Triggs Gresh	Steven J. Roy Kristin K. Wright	1966	Lawrence E. Pope  Lyman L. Frick	Thomas E. Leahy, Jr.
1982	Elaine Marquardt Rose Murphy	Martha L. Mertz Stephen P. Swinton		Gary D. Ordway Jon R. Pearce Anna I. Shinkle	Richard G. Pattison Jack R. Schreiber Jo Ann G. Shirley

1965	John R. Baur Fred M. Dawson Thomas Killion Wayne M. Sakai	G. Norman Coder Tom George John L. Rensink Gary L. Wiegel	1954	John D. Culbertson Clyde R. Fickes Donald Running Robert A. Wright	Richard G. Davidson Joseph C. Piper James L. Tyler Donald H. Zarley
1964	Yale H. Iverson Edward J. Reasor Ronald L. Sorenson William N. Twohey	Lyle D. Middleton Stephen R. Smith Gary H. Swanson John T. Ward .	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
1963	Joseph S. Bertroche H. Randolph Duncan J. Robert Hand Peter A. Keller	Thomas Bolton Loren J. Duensing Ronald M. Frykberg Robert R. Montgomery	1952	Audrea M. Bride John W. Carty Hessel Dykstra William M. Parker	G. Arthur Cady, Jr. Albert G. Dunkleberg Rogert L. Kaas Gerold O. Patterson
1962	Marvin F. Heidman Louis A. Lavorato Stanton Sornson	Jack D. Levin R. Dale Peddicord Paul H. Tatz	1951	Robert K. Clark John Tow	Walter E. Stradley Jack C. Wallace
	Brian P. Williams	Thomas A. Renda	1950	Theodore L. Duffield John G. Martin	James D. McKeon William R. Rosecrans
1961	Phillip R. Collett James E. Houser James E. Knox Andrew H. Schill	Charles M. Ferguson Frank E. Kennedy Richard E. Ramsay	1949	Horace G. Booth Paul J. Cooksey John D. Galvin Dale L. Porter	Charles Cardamon Bill E. Davenport Peter B. Larson
1960	R. Don Bertell George A. Goebel George F. Milligan James B. West	Roderick C. Dickinson Randall Handley George R. Sackett James W. Yoder	1947	Robert Daufenbaugh Louis W. Nitchals John K. Watson	Theodore H. Miller Bernard Rodholm
1959	Mark DeRuyter Harlan Max Hockett Thomas Hylan Robert R. Snyder	Philip C. Armknecht James W. Brown A. Hughes Clarence J. May	1941	Norman K. Blatchford John Connolly III Joy Fitzgerald Hix Joe W. Kridelbaugh, Jr. Robert G. Riley	Charles C. Browning, Sr. Russell B. Decker Galen Hesalroad John H. Neiman Lorna L. Williams
1958	Sheldon L. Balman Clarence A. Glotfelty John H. Reuber George W. Sullivan	Lee H. Gaudineer, Jr. Leo E. Gross Dan Stamatelos William J. Yost	1940	Don Wilson John Gannon Roy W. Meadow Virgil L. Siepel	Robert J. Wessells  Arnold Joseph George Rice Robert Southworth, Jr.
1957	Raymond A. Fenton Jerry A. Kasner Carl F. Nielsen Elwood L. Thomas	J. Hawey John R. McGlynn Leo E. Oxberger Paul O. Strand	1939	Florence Wallace  Allor B. Crouch Theodore W. Doran Edward F. McCartan	Eldon A. Woltz  John T. Donahoe A. E. Jensen Donald F. Klein
1956	Robert W. Callies Donald L. Kramer Lawrence E. Myers Rex V. Roupe	Robert E. Drey Walter F. Maley Gordon Nesbit Harley Whitfield		Cecil L. Utterback	Donaid F. Niem
1955	Robert G. Allbee Harry W. Dahl Dwight I. Martin Robert L. Walters	Anthony M. Critelli Durwood W. Dircks Richard F. Mitchell Dirk C. Van Zante		·	

# ALUMNI OF THE YEAR WINNERS

1998 H. Richard Smith 1997 Marvin Duckworth 1996 Justice Marsha Ternus 1995 Benjamin Ullem 1993-94 Louis D. Lavorato Don Muyskens 1992 Robert D. Ray Elwood Thomas William H. Englebrecht 1991 Roscoe Riemenschneider Charles R. Wasker 1990 Robert G. Allbee Donald C. Byers Edwin E. Ferguson, Sr. 1989 Roxanne Conlin J. Rudolph (Steve) Hansen James L. Perkins 1988 Robert Helmick Joseph C. Howard Dwight D. Opperman

1987

1986

1985

1984



Drake University Law School

# AWARDS AND RECOGNITION OF ACHIEVEMENTS

Neal Smith Bea Smith

Jake More Clark Mollenhoff Alfred Sulmonetti

George G. Fagg Don Zarley

M. Gene Blackburn Patrick D. Kelly C. Edwin Moore

# STUDENT BAR ASSOCIATION AWARDS AND RECOGNITION OF ACHIEVEMENT

#### STUDENT BAR ASSOCIATION (SBA) OFFICERS 1998-99

Sandra J. Morris, President
June Owens, Vice President
Rob Livingston, Secretary
William Lemons, Treasurer
T.J. Joaquin, Student/Faculty Liaison
James Daley, University Senator
Kirk Goodwin, ABA/LSD Representative

#### THIRD-YEAR REPRESENTATIVES

Choya Burkley Kimberly Haddox Kimberly Mayes Bryan Tingle

#### SECOND-YEAR REPRESENTATIVES

Stacie Barhorst ConGarry Williams Rob Legislador Sam Marks

#### FIRST-YEAR REPRESENTATIVES

Amy Brunner Broc Dobervich Brian Fagan Darren Romeo

#### FALL BALL

Iune Owens

#### SUPREME COURT DAY CHAIRPERSONS

Sandra J. Morris Rob Livingston

#### STUDENT BAR ASSOCIATION PRESIDENT'S AWARDS

This award honors persons who have made an extraordinary contribution to the success of the programs of the Student Bar Association or to the life of the student body as a whole.

Professor James Albert Rebecca J. Bishop Assistant Dean William Hennan Professor James Monroe

# LAW SCHOOL AWARDS AND RECOGNITION OF ACHIEVEMENT

#### THE FERGUSON PRIZE

This prize is awarded to the student who best exemplifies the commitment of Drake Law School and the legal profession to public service, and who has rendered outstanding service, primarily legal assistance, to eligible individuals or groups in the Law School Clinic or to other public service projects integrated with the Law School. Also, an Honorable Mention shall be given to a second-place student. The Ferguson Prize was established by Edwin Earle Ferguson, Sr., LW'34, and is accompanied by a \$1,000 cash gift and a commemorative plaque.

Winner to be announced at the Supreme Court Day Banquet

1997-98 Recipient: Angela Nasstrom 1997-98 Honorable Mention: Beverly Jones

#### THE TIMOTHY N. CARLUCCI AWARD

This award was established in honor and memory of Timothy N. Carlucci, LW'87. The award is given to the law student who best exemplifies civility and professionalism in his or her dealings with fellow students and others in the profession. The Timothy N. Carlucci Award is accompanied by a \$200 cash gift and a commemorative plaque.

Winner to be announced at the Supreme Court Day Banquet

1997-98 Recipient: David Malinger

#### THE ROBERT J. KROMMINGA AWARD

This award is given to an outstanding clinical student in client representation and advocacy in the Criminal Defense Program. This award is made possible by the Iowa Association of Criminal Defense Lawyers and is accompanied by a \$250 cash gift and a commemorative plaque.

Winner to be announced at the Supreme Court Day Banquet

1997-98 Recipient: Gregory Bailey

#### 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) Hoye Award is accompanied by a \$500 cash gift and a commemorative plaque.

Winner to be announced at the Supreme Court Day Banquet

1997-98 Recipient: Julie Bettenhausen

#### DEAN'S SERVICE AWARDS

These awards are presented to students who have provided outstanding service to the Law School during the 1998-99 school year.

Kirk Goodwin, ABA/LSD Representative Kathy Smith, Agricultural Law Society Joe Galligan, ATLA Law Student Chapter Tabitha Gardner, Alternative Dispute Resolution Society Yugie Gu, Asian Pacific-Islander Law Society Corevia Turner, Black Law Students Association ConGarry Williams, Christian Legal Society Amy VanDuyn, Delta Theta Pi Kimberly Haddox, Drake Association for Public Interest Law Drew Gentsch, Drake Law Art Society Drew Gentsch, Drake Law Democrats Todd McGuire, Drake Law Review June Owens, Drake Law Women Matt Drevlow, Drake Legal Research Nancy Hodge, Environmental Law Society Darren Jacques, Federalist Society Rebecca J. Bishop, The Gavel Andrea Greenwalt, Honor Board Debi Blair, Intellectual Property Law Society Peter Sheehy, International Law Society Scott Laufenberg, Journal of Agricultural Law Daniel Ordonez, Latino Law Society Danielle Latham, Moot Court Board Natalie Cronk, National Lawyers Guild Abran Vigil, National Republican Lawvers Sam Marks, Non-Traditional Students Melanie Keiper, Phi Alpha Delta Trevor Reynolds, Sports and Entertainment Law Society Sandra I. Morris, Student Bar Assocition Michael AuBuchon, Student Development Committee Laura Kelley, 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

1997-98 Recipient: Professor James Monroe

#### 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

1997-98 Recipient: Robert T. DiBlasi

# 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 1998-99**

Todd M. McGuire, Editor in Chief Rebecca Jo Bishop, Executive Editor Yujie Gu, Research Editor William P. Kelly, Managing Editor Robert T. Kleinknecht, Production Editor Stephan Bayens, Projects Editor Colette L. Hunter, Note Editor M. Kathleen Moreland, Note Editor Danielle J. Latham, Article Editor Stephanie Marett, Article Editor

#### ASSOCIATE EDITORS

Justin A. Harris Kelly J. Poff Any L. VanDuyn

#### SENIOR STAFF

Michael J. AuBuchon Matt Drevlow Charles W. Hendricks Matthew Oetker Ryan J. Rolhfsen Mark D. Torché

#### JUNIOR STAFF

Iill Beaird Stacie Barhorst David Buelow Jennifer C. Brooks Christopher W. Dyer leff Ewoldt. David E. Frank Wendy Hamilton Hayley E. Hanson Nova D. Janssen Pat McGraw less Michaelsen Christel Schweitzer Daniel M. Northfield Narhaniel W. Schwickerath Edward R. Sherman **Iennifer Swartz** Stephen Thompson Joel Wiegert

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

1997-98 Recipient: Christine Nierenz

#### THE IEFF 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

1997-98 Recipient: Stephanie Marett

#### THE MORRIS A. HAFT AWARD

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 1997-98 Recipient: Kerry Porter

# 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.

#### EDITORIAL BOARD 1998-99

Scott D. Laufenberg, Editor in Chief David L. Szlanfucht, Executive Editor Cynthia Erno Rolhfsen, Articles Editor Stephanie L. Sandre, Articles Editor Elizabeth S. Hickey, Notes Editor Jamey Pregon, Notes Editor Debra L. Blair, Managing Editor Robert E. Schulenberg, Production Editor Melanie S. Keiper, Computer Projects Editor

#### SENIOR STAFF

Kerry A. Corliss Kirk W. Goodwin Scott B. Manchester Christina M. Shriver

#### JUNIOR STAFF

Margaret M. Brantley Christine M. Carroll Michael S. Fisher Danita L. Galdick Tabitha I. Gardner Nancy C. Hodge Laura E. Kelley Steven L. Mandernach Ann L.A. Menzel Ann Meyer Cynthia A. Miller James Clayton Miller Michelle A. Muller Heather L. Palmer Erin B. Ouillin William M. Ross Sharea M. Sanford Charles Sinnard

Randy W. Smith ConGarry D. Williams Joel Spinney Karin R. Zeigler

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

#### FRIEND OF THE AGRICULTURAL LAW CENTER AWARD

To be announced at the Journal dinner.

#### AGRICULTURAL LAW HALL OF FAME

To be announced at the Journal dinner.

#### IOWA ASSOCIATION OF ELECTRIC COOPERATIVES SCHOLARSHIP

To be announced at the Journal dinner.

#### THE OUTSTANDING BOARD MEMBER AWARD

This award is presented annually to a member of the Editorial Board to recognize outstanding commitment and dedication to the Drake Journal of Agricultural Law.

Award presented at the Journal Dinner

1997-98 recipient: Mindy Larson Poldberg

#### THE OUTSTANDING THIRD YEAR STAFF MEMBER AWARD

This award is presented annually to a member of the Journal staff who is a thirdyear law student. The award recognizes outstanding commitment and dedication to the Journal.

Award presented at the Journal Dinner

1997-98 recipient: Laurie A. Ristau

#### THE OUTSTANDING SECOND YEAR STAFF MEMBER AWARD

This award is presented annually to a member of the Journal staff who is a secondyear student and recognizes outstanding commitment and dedication to the Drake Journal of Agricultural Law.

Award presented at the Journal Dinner

1997-98 recipient: Elizabeth S. Hickey

# 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. 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 1998-1999

Danielle J. Latham, President Randi A. Donaldson, Vice President Shani A Hatfield, Secretary/Treasurer

#### SENIOR BOARD MEMBERS

Desmund D. Adams Gregory C. Guiney R. Scott Johnson Melanie S. Keiper

#### BOARD MEMBERS

Margaret M. Brantley
Amy J. Greiner
Hayley E. Hanson
Chris R. Keenan
Darren A. Page
Donald D. Stanley

Dennis G. Ellison
Kimberly G. Haddox
Jennifer L. Johnson
Charla K. Moltzan
Chris E. Rehak

#### 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

1997-98 Recipient: Matthew J. Haindfield

#### 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 1997-98 Recipients: John T. Clendenin and Ursula A. Koenig

#### 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 1997-98 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 1997-98 Recipient: Anjela Shutts, LW'96

#### 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 1998

Jonathan Barton John Clendenin Torriano Garland Ursula Koenig Ivy Ross Rivello

Mindy Brinker Christine DeLorme James Kirkland Christopher Kragnes Timothy Zarley

### 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 respondent team received the best brief award at the regional competition in South Dakota.

#### PETITIONER

#### RESPONDENT

Randi A. Donaldson Matthew I. Haindfield Jennifer C. Brooks Ryan H. Rohlfsen Donald D. Stanley

Gregory C. Sisk, Faculty Advisor Randi A. Donaldson and Donald D. Stanley, Student Coaches

#### JESSUP INTERNATIONAL MOOT COURT COMPETITION

The Jessup International Moot Court Competition is an inter-law-school appellate competition. The team competed in Minneapolis, Minnesota February 5-7, 1999.

Melanie S. Keiper Kimberly G. Haddox Natalie H. Cronk Charla K. Moltzan

Hunter R. Clark, Faculty Advisor

Kimberly G. Haddox and Melanie S. Keiper, 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 1999.

Margaret Brantley Amy Greiner Jennifer Johnson

Jerry L. Anderson, Faculty Advisor Margaret Brantley, Amy Greiner and Jennifer Johnson, Student Coaches

#### INSURANCE LAW COMPETITION

The Insurance Law Team competed in the William F. Starr Insurance Law Competition in Hartford, Connecticut, in November 1998 and tied for third place in the overall competition.

Lori Loftsgard Andrea Greenwalt Nova Janssen Laurie K. Doré, Faculty Advisor Hayley Hanson, Student Coach

#### **IINTELLECTUAL PROPERTY COMPETITION**

The Giles Sutherland Rich Moot Court Competition is sponsored by the American Intellectual Property Law Association. The team will compete March 12-14, 1999, in regional competition in Chicago, Illinois.

James Canaday
R. Scott Johnson
Bill T. McAdams
Kirk W. Goodwin
Edmund Sease, LA'64, LW'67, Advisor
R. Scott Johnson, Student Coach

### 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.

Christopher T. Cook
Gregory C. Guiney
Charles J. Kenville
Michael S. Russell
Dennis G. Ellison
Danni J. Harris
Clark I. Mitchell
Thomas F. Webster

Denette Kennedy, LW'96, Jeff Noble, LW'90 and Daniel Voogt, LW'87, Alumni Coaches Dennis Ellison, Student Coach

#### NATIONAL MOCK TRIAL COMPETITION

The National Mock Trial Competition is an inter-law-school trial advocacy competition. Drake hosted the tournament this year in Des Moines, February 5-7, 1999.

Randi A. Donaldson Matthew J. Haindfield Lisa R. Lemons Robert Livingston Chris E. Rehak

Mark Godwin, LW'85 and Jamie Bowers, LW'86, Coaches Randi A. Donaldson and Chris E. Rehak, 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 Lincoln, Nebraska, in February 1999.

Lauren McAfee Theresa Grasse Cathy Mansfield, Faculty Coach Matthew G. Doré, Faculty Advisor and Coach

#### **NEGOTIATIONS COMPETITION**

The Negotiations Competition is sponsored by the American Bar Association. The teams competed in the regional competition in Des Moines, in November 1998. LeAnne Krell and Peter Sheehy competed in the national competition held in Los Angeles, California, February 5-7, 1999.

LeAnne K. Krell Karin Zeigler Gregory C. Guiney Peter Sheehy

Laura Birkenholtz, LW'94, Advisor Desmund 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.

Joanne R. Propst, Top Finalist Robert W. Dixon, Finalist Jennifer A. Mills, Finalist Brenda K. Quade, 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.

#### 1997-1998 MEMBERS

Gregory S. Bailey
Mindy K. Brinker
Dana M. Clay
Julie D. Bettenhausen
Christopher T. Byrd
Leah C. Hill
James M. Kirkland
David N. Malinger
David N. May
Tanya C. O'Neill
Mindy Larsen Poldberg
Patricia R. Sneeringer
Todd E. Wiench

# WHO'S WHO AMONG STUDENTS IN AMERICAN UNIVERSITIES AND COLLEGES 1998-99

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.

Stephan K. Bayens Rebecca J. Bishop Darron L. Brawner David I. Buelow Michael Carmonev Randi A. Donaldson Harley C. Erbe Yugie Gu Justin A. Harris Charles W. Hendricks Angela R. Hill Colette L. Hunter Janice J. Kerkove Robert T. Kleinknecht Renee M. Kosslak Danielle J. Latham Stephanie L. Marett Todd M. McGuire Ann L. Menzel Matthew T. Oetker Kelly J. Poff Ryan J. Rohlfsen James R. Wainwright

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 1998

Jill A. Beaird, Civil Procedure II
John E. Brinker, Mass Media Law
John E. Brinker, State & Local Government
Mindy K. Brinker, Administrative Law
Jennifer C. Brooks, Constitutional Law I
David J.S. Buelow, Corporate Tax
John T. Clendenin, Sports Law Seminar
Kristen L. Dieterich, Health Law
Kristen L. Dieterich, Pretrial Advocacy

Randi A. Donaldson, Trial Advocacy

Randi A. Donaldson, Criminal Practice & Procedure

Christopher W. Dyer, Contracts II Harley C. Erbe, Products Liability Cynthia J. Foos, Sexuality & the Law Jayme R. Hadala, Business Planning Cory R. Harris, Contracts II

Nova D. Janssen, Property

Nova D. Janssen, Constitutional Law I Beverly K. Jones, Estate Planning Janice J. Kerkove, Business Associations

Janice J. Kerkove, Ethics

Guy D. Koenig, Agency, Partnership & Unincorporated Business Associations

Scott D. Laufenberg, State & Local Government

David N. Malinger, Payments Systems

Todd M. McGuire, Evidence

Todd M. McGuire, Securities

Todd M. McGuire, Indian Law

Melissa R. Pfeifer, Public International Law

Kelly J. Poff, Income Tax

William A. Porter, Trial Advocacy

Ryan J. Rohlfsen, Trial Advocacy

Nathaniel W. Schwickerath, Civil Procedure II

Nathaniel W. Schwickerath, Property

Rachael E. Seymour, Family Law Seminar

Mark D. Torche, Intellectual Property Litigation

#### **SUMMER 1998**

Maria V. Dominguez, Forensic Toxicology Craig D. Finch, Elements of Law

Thomas P. Graves, Jury Selection

Amy M. Hoffmann, Death Penalty Nova D. Janssen, Wills & Trusts

Tracy R. Justesen, Law & New Agriculture

Janice J. Kerkove, Medical Malpractice

Janice J. Kerkove, Water Law & Agriculture

Charles A. Pieper, Forming Farm Market Cooperatives

Katharine E. Smith, Forming Farm Market Cooperatives

Brian L. Stowe, Evidence

Tiffany A. Stuart, The Jury System

K. Dwayne Vande Krol, Income Tax

Sarah White, The Changing Family & the Constitution

#### **FALL 1998**

Michael AuBuchon, American Constitutional History Jill Beaird, Legislation

Margaret Brantley, Constitutional Law II, Section 302 (tie)

Darron Brawner, Insurance Law I

Jennifer Brooks, Business Associations (tie)

Heather Campbell, Contracts I, Section 301

Kerry Corliss, Trial Advocacy, Section 301

Jill Dashner, Trial Advocacy, Section 303

Apryl DeLange, Business Associations (tie)

Randi Donaldson, Consumer Protection

Drew Gentsch, Income Tax (tie)

John Goodhue, Women & the Law

Theresa Grasse, Employment Discrimination

Yujie Gu, Domestic and International Sales Systems

Greg Guiney, Trial Advocacy, Section 303

Cory Harris, Constitutional Law II

Justin Harris, Evidentiary Suppression Motions

Marty Helle, Evidence

Jeff Himrich, Debtor/Creditor Law

Rebecca Huizenga, Criminal Law, Section 301

Nova Janssen, Constitutional Law II, Section 302 (tie)

Scott Johnson, Trial Advocacy, Section 302

Charles Kenville, Trial Advocacy, Section 304

Janice Kerkove, Estate & Gift Tax

Ianice Kerkove, Modern Real Estate Transactions

Robert Kleinknecht, International Trade

Kathryn (Beth) Lane, Ethics

Eric Loney, Civil Procedure I, Section 301

Allison Martin, Bioethics & the Law (tie)

Todd McGuire, Litigation with the Federal Government

Todd McGuire, Mergers & Acquisitions

Ann Menzel, Federal Tax Procedure

Ann Menzel, Secured Transactions

Angela Morales, Civil Procedure I, Section 302

Heather Palmer, Environmental Law
Heather Palmer, Federal Jurisdiction
Heather Palmer, Labor Law I
Joanne Propst, Torts, Section 301
Ryan Rohlfsen, Advanced Problems in Torts
Vicki Ryan, Trial Advocacy, Section 302
Janean Schaefer, Family Law
Nathaniel Schwickerath, Wills & Trusts
Peter Sheehy, Income Tax (tie)
Christina Shriver, AIDS & the Law
Charles Sinnard, Bioethics & the Law (tie)
Bruce (Mac) Stanfield, Contracts I, Section 302
Bruce (Mac) Stanfield, Criminal Law, Section 302
Shraddha Upadhyaya, Trademarks
Amanda Velazquez, Advanced Problems in International Law

Jane Wright, Introduction to Agricultural Law Problems

# CORPUS JURIS SECUNDUM AWARD FOR SCHOLASTIC EXCELLENCE

Sunny Witham, Torts, Section 302

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

#### **SPRING 1998**

Jill A. Beaird, Civil Procedure II Section 402 Christopher W. Dyer, Contracts II Section 402 Cory R. Harris, Contracts II Section 401 Nova D. Janssen, Property Section 402 Nathaniel W. Schwickerath, Property Section 401 Nathaniel W. Schwickerath, Civil Procedure II Section 401

#### FALL 1998

Rebecca Huizenga, Criminal Law, Section 301 Eric Loney, Civil Procedure I, Section 301 Angela Morales, Civil Procedure I, Section 302 Joanne Propst, Torts, Section 301 Bruce (Mac) Stanfield, Criminal Law, Section 302 Bruce (Mac) Stanfield, Contracts I, Section 302 Sunny Witham, Torts, 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 1998:

Gregory S. Bailey, top of graduating class Nova D. Janssen, top of first-year class David N. Malinger, editor in chief of the Drake Law Review Thomas P. Graves, outstanding first-year oralist Elizabeth Goldin, 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

I. Eric Boehlert Natalie H. Cronk Kirk W. Goodwin R. Scott Johnson LeAnne K. Krell Sandra I. Morris Heather Palmer Rvan I. Rohlfsen Michael A. Carmoney Randi A. Donaldson Kimberly G. Haddox Danielle J. Latham Allison R. Martin Iune L. Owens Christian E. Rehak Mark D. Torché

#### C. EDWIN MOORE INN OF COURT

Laurie K. Doré, Master of the Bench

Rebecca J. Bishop
Harley C. Erbe
Matthew J. Haindfield
Melanie S. Keiper
Renee M. Kosslak
Stephanie L. Maretts
Dana Nelson Snyder

# 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.

1997-98 Recipient: Jocelyn Mary Andreassen

### WEST PUBLISHING AWARDS 1997-98

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

> Law I - Jennifer C. Brooks Law I - Nova D. Janssen Law II - Todd M. McGuire Law III - Gregory S. Bailey

# DRAKE LEGAL RESEARCH SERVICE

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Hanton Walters

Desmund Adams Margaret Brantley Kerry Carliss James Canaday Jeffrey Ewolt Natalie Cronk MaryBeth Kirkland Paul Hauer Charla Moltzan Bill McAdams Michelle Muller Sarah Mueller Christel Schweitzer Matt Oetker Christina Shriver Randy Smith

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# THE DRAKE LEGAL RESEARCH AWARD

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

Awards presented to Charles Hendricks and ConGarry Williams

### HONOR BOARD 1998-99

Professor Cathy Lesser Mansfield Professor Thomas Baker Andrea Greenwalt, 3L Margaret Brantley, 2L Julie Seymore, 1L

# 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 and other events. The committee also is involved in the Law School Annual Fund effort.

Michael J. AuBuchon, Chair

Theresa Grasse
Karl J. Gruse
Loan Huynh
Lawrence James
Alyssa Joneson
Danielle J. Latham
Lauren McAfee
Jamey Pregon
Cathleen J. Reynolds
Amy VanDuyn

#### STUDENT AMBASSADORS

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

#### THIRD YEAR AMBASSADORS

Michael AuBuchon Steve Bavens Dave Brown Randi Donaldson Tabitha Gardner Kirk Goodwin Kimberly Haddox Colette Hunter Danielle Latham Melanie Keiper Tracy Kelly Renee Kosslak Bill Lemons Kim Mayes Todd McGuire Katie Moreland Sandi Morris Chira Olson Kelly Poff Cathleen Reynolds Ryan Rohlfsen Stephanie Sheridan Dana Nelson Snyder Dave Szlanfucht Hanton Walters

#### SECOND YEAR AMBASSADORS

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#### FIRST YEAR AMBASSADORS

Iodi Bell Bradley Bender Wendy Biache Amy Brunner Edward Bull Anne Corcker Adam Davis Amy Duval Lawrence James, Sr. Joanne Propst Brenda Quade Darren Romeo Julie Seymour Kirk Smith Ryan Tang Andrew Wirth

Sunny Witham

# DRAKE UNIVERSITY LAW SCHOOL FACULTY AND ADMINISTRATIVE STAFF

#### **FACULTY**

James A. Adams, Richard M. and Anita Calkins Distinguished Professor

James A. Albert, Professor

Thomas E. Baker, James Madison Professor and Director of the Constitutional Law Resource Center

Tanya K.Bartholomew, Legal Writing Instructor

Martin D. Begleiter, Professor

Andrea S. Charlow, Professor

Hunter Rodney Clark, Associate Professor

Laurie K. Doré, Associate Professor

Matthew G. Doré, Professor

**John D. Edwards**, Professor, Director of the Law Library, Executive Director of Legal Research and Writing

Sally B. Frank, Professor

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Julie A. Thomas, Assistant Professor of Librarianship and Acting Assistant Director of the Law Library and Technical Services Librarian

Marci B.H. Tooman, Assistant Director of Legal Writing

David S. Walker, Dwight D. Opperman Distinguished Professor

Melissa Weresh, Legal Writing Instructor

John J. Yeager, Professor Emeritus

#### ADMINISTRATIVE STAFF

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Christopher Goodale, Director, Law School Alumni and Development

C. Peter Goplerud III, Dean and Professor

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Catherine Paardekooper, Clinic Assistant

Rick Sheriff, Director of Career Services

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

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Constance Cohen	Mark Cory
David Ericson	Mark Godwin
J. Barton Goplerud	Frank Ha <del>r</del> ty
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Valerie Landis	J.W. "Jake" Looney
Harold Lowenstein	Jane McAllister
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