

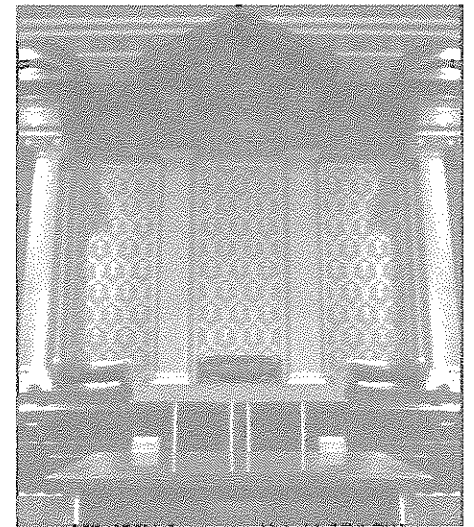


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SIXTY-SIXTH ANNUAL  
SUPREME  
COURT  
*celebration*

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Drake  
DRAKE UNIVERSITY



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DRAKE LAW SCHOOL

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SIXTY-SIXTH ANNUAL  
SUPREME  
COURT  
*celebration*

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MARCH 6-8, 2003

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## SUPREME COURT DAY PROBLEM

### State of Iowa v. Iowa District Court

Wilson B. Streeterman was convicted in Iowa District Court in 1997 on three counts of lascivious acts with a child and is currently serving three consecutive five-year sentences in the Mount Pleasant Correctional Facility.

Participation in a sex offender treatment program was not a specific element of his sentence nor was it required under correctional statutes or prison rules at the time that Streeterman began serving his sentence. However, in 2001, pursuant to a new state statute, Iowa Code § 903A.2, the Iowa Department of Corrections issued a new disciplinary rule mandating that sex offenders participate in a treatment program during their incarceration.

Streeterman declined to participate and accordingly was disciplined by the correctional facility. As a sanction for his purported misconduct, Streeterman lost 90 days of time previously earned for good conduct, that is, time that would have been applied to reduce his overall prison sentence. Moreover, unless Streeterman participates in the treatment program, he will not continue to accumulate good-time credit as he did previously.

Streeterman filed an application for post-conviction relief in Iowa District Court. He alleged that revised Iowa Code § 903A.2 and the prison rule violated the Ex Post Facto Clause of the United States Constitution, Art. I, § 9, cl.3, by imposing a punishment retroactively for conduct that was not improper (refusing to participate in a treatment program) when he was initially sentenced.

Streeterman contends the new rule, by effectively increasing the length of his sentence, is an unconstitutional ex post facto law. By depriving him of earned good conduct time and denying him future credit on the same terms—thereby delaying the date upon which the prisoner will be released from custody—the rule changes the quantum of punishment from what the law attached at the time of Streeterman's criminal conduct and sentence. Thus, Streeterman says, the new rule is both retroactive and imposes a substantive disadvantage upon a prisoner.

Streeterman argues that this case is similar to *Weaver v. Graham*, 450 U.S. 24 (1981), in which the Supreme Court invalidated a state statute revising the calculation of good time credit for state prisoners. In *Weaver*, the Court held that retroactive application of the new good time rule to diminish

the opportunity to obtain early release violated the Ex Post Facto Clause because the statute made "more onerous the punishment for crimes committed before its enactment."

"By definition," the Court said, the "reduction in [good]-time accumulation lengthens the period that someone in [the prisoner's] position must spend in prison."

The State of Iowa responds that the rule change does not increase the penalty for any crime but merely is a modest change in prison disciplinary standards. Requiring treatment does not constitute punishment, the State says, even if refusal to comply with the rule has consequences. Under the Supreme Court's decision in *Dobbert v. Florida*, 432 U.S. 282 (1977), a procedural change in the rules that does not change the actual quantum of punishment attached to a crime does not constitute an impermissible ex post facto law. The State contends that the provision of early release by earning good conduct time is a privilege and one that is extended only to those prisoners who comply with the rules in effect during incarceration. Accordingly, while good conduct time may be forfeited or withheld for failure to participate in a treatment program, Streeterman's actual sentence is not extended.

Moreover, the State claims that the rule change was not retrospective in effect. Streeterman was not disciplined for his failure to participate in a treatment program in the past. Rather, it was his conduct after adoption of the new rule and his refusal to comply with disciplinary standards after that date that resulted in the discipline and the loss of good conduct time. Given the urgent needs of prison administration, the State says it must have authority to revise the standards of behavior that will be expected of prisoners to promote "legitimate penological interests." *Turner v. Safley*, 482 U.S. 78 (1987). According to the State, ensuring treatment and rehabilitation of offenders, making prisoners productive and not idle, and undertaking necessary reforms are legitimate penological measures, not imposition of aggravated punishment for past crimes.

The Iowa District Court ruled that the statute and prison rule did impose an unconstitutional ex post facto punishment and ordered both that all previously earned good conduct time be reinstated to Streeterman and that good conduct time should continue to be credited to Streeterman under the prior prison rule.

The State of Iowa has filed a petition for a writ of certiorari with the Supreme Court of Iowa seeking to overturn the District Court's ruling.

## FORMER SUPREME COURT DAY FINALISTS

- |  |  |   |   |  |   |
|--|--|---|---|--|---|
| <b>2002</b> Thomas Cope<br>Rubina Kazi<br>Anne Olson<br>Jill Jensen-Welch                      | <b>1994</b> Susan K. Hansen<br>Matthew M. Johnson<br>Matthew R. Scott<br>Peter J. Thill                  | <b>1986</b> Beverly K. Caro<br>Debra Chang<br>Robert K. DuPuy<br>Steven E. Mauer                  | <b>1978</b> Diane M. Henson<br>Thomas E. Stanberry<br>Nancy Torrey<br>Jack Whitley                                    | <b>1969</b> Edwin K. W. Ching<br>Ronald R. Fletcher<br>Albert L. Harvey<br>Robert D. McLaren<br>Richard A. Pundt<br>John C. Wellman                                      | <b>1963</b> Joseph S. Bertroche<br>Thomas Bolton<br>H. Randolph Duncan<br>Loren J. Duensing<br>J. Robert Hand<br>Ronald M. Frykberg<br>Peter A. Keller<br>Robert R.<br>Montgomery |
| <b>2001</b> Thomas Cope<br>John Danos<br>Jeff Link<br>Brenda K. Quade                          | <b>1993</b> Rhonda A. Hawkins<br>Anthony S. Mendoza<br>Robert Mihelich<br>Mark A. Newman                 | <b>1985</b> David S. Garms<br>John T. Palter<br>Anita Shodeen<br>Parmeter<br>Kelly Benson Radetic | <b>1977</b> Gerald H. Grask<br>Larry J. Handley<br>Martin W. Kus<br>Marilyn S. Warner                                 | <b>1968</b> Robert M. Holliday<br>Vivian Jury Lawyer<br>Jerome F. Lundren<br>Mark D. Ravreby<br>B. Gerald Reynolds<br>William L. Schmidt                                 | <b>1962</b> Marvin F. Heidman<br>Jack D. Levin<br>Louis A. Lavorato<br>R. Dale Peddicord<br>Stanton Sornson<br>Paul H. Tatz<br>Brian P. Williams<br>Thomas A. Renda               |
| <b>2000</b> Anne E. Crocker<br>Lisa R. Lemons<br>Brenda K. Quade<br>Donald Stanley, Jr.        | <b>1992</b> Venessa F. Kuhlmann<br>Patricia L. Rensink-<br>Vogel<br>Gregory C. Schodde<br>Diana M. Spahr | <b>1984</b> Martha A. Fagg<br>Debra Egli James<br>Peter H. Thrane<br>Mark D. Welker               | <b>1976</b> James E. Ellefson<br>Gregory M. Lederer<br>John A. Michulich<br>William S. Vernon                         | <b>1967</b> William H. Huff III<br>Harold A. Young<br>Lawrence E. Pope   | <b>1961</b> Phillip R. Collett<br>Charles M. Ferguson<br>James E. Houser<br>Frank E. Kennedy<br>James E. Knox<br>Richard E. Ramsay<br>Andrew H. Schill                            |
| <b>1999</b> Stacie Barhorst<br>Matt Haindfield<br>Ryan Rohlfesen<br>Donald Stanley, Jr.        | <b>1991</b> John S. Courter<br>Brian M. F. Kennedy<br>Curtis O. Roggow<br>Diana M. Spahr                 | <b>1983</b> Marlene Triggs Gresh<br>Vincent E. Mauer<br>Steven J. Roy<br>Kristin K. Wright        | <b>1975</b> Susan A. Abel<br>Carter G. Bishop<br>Fred L. Dorr<br>Thomas E. McCurnin                                   | <b>1966</b> Lyman L. Frick<br>Thomas E. Leahy Jr.<br>Gary D. Ordway<br>Richard G. Pattison<br>Jon R. Pearce<br>Jack R. Schreiber<br>Anna I. Shinkle<br>Jo Ann G. Shirley | <b>1960</b> R. Don Bertell<br>Roderick C.<br>Dickinson<br>George A. Goebel<br>Randall Handley<br>George F. Milligan<br>George R. Sackett<br>James B. West<br>James W. Yoder       |
| <b>1998</b> John Clendenin<br>Christopher A.<br>Kragnes<br>Matt Haindfield<br>Ryan Rohlfesen   | <b>1990</b> Timothy J. Casey<br>John S. Courter<br>Brian M. F. Kennedy<br>W. Trent Van Haaften           | <b>1982</b> Elaine Marquardt<br>Martha L. Mertz<br>Rose Murphy<br>Stephen P. Swinton              | <b>1974</b> Iris E. Muchmore<br>John M. Perkins<br>Mark W. Schweibert<br>Dennis R. Taylor                             | <b>1965</b> John R. Baur<br>G. Norman Coder<br>Fred M. Dawson<br>Tom George<br>Thomas Killion<br>John L. Rensink<br>Wayne M. Sakai<br>Gary L. Wiegel                     | <b>1959</b> Mark DeRuyter<br>Philip C. Armknecht<br>Harlan Max Hockett<br>James W. Brown<br>Thomas Hyland<br>A. Hughes<br>Robert R. Snyder<br>Clarence J. May                     |
| <b>1997</b> Matt J. Cole<br>Christopher A.<br>Kragnes<br>Alan R. Ostergren<br>Ivy Ross Rivello | <b>1989</b> James A. Benzoni<br>Gary R. Fischer<br>Pamela W. Prager<br>Jeffrey J. Wolf                   | <b>1981</b> Gregory L. Biehler<br>Gerald L. Hammond<br>David W. Hepplewhite<br>Helen M. Stirling  | <b>1973</b> Earl D. Bellamy II<br>Marsha L. Johnson<br>George H. Perry<br>Tito W. Trevino                             | <b>1964</b> Yale H. Iverson<br>Lyle D. Middleton<br>Edward J. Reasor<br>Stephen R. Smith<br>Ronald L. Sorenson<br>Gary H. Swanson<br>William N. Twohey<br>John T. Ward   |   |
| <b>1996</b> Jennifer V. Ballengee<br>Jennifer R. Clark<br>Marija Lisnich<br>Alan R. Ostergren  | <b>1988</b> Andrew J. Bracken<br>Carmen E. Eichmann<br>Gregg M. Fishbein<br>Dawn R. Siebert              | <b>1980</b> John F. Gelson<br>Kent J. Lund<br>Steven R. Parrish<br>Patricia Rutherford            | <b>1972</b> Richard G. Blane II<br>Joseph A. Nugent<br>Vernon L. Traster<br>Terry N. Trieweiler<br>Timothy W. Waldeck |  |   |
| <b>1995</b> Michael Clark<br>Michael Jones<br>Jonathan S. Miles<br>Matthew R. Scott            | <b>1987</b> Gregory D. Brandt<br>Teresa K. Hillary<br>Steven E. Mauer<br>Marcia L. Schober               | <b>1979</b> Lance D. Ehrmcke<br>Hugh B. Hughes<br>Kasey W. Kincaid<br>Shari L. Ulery              | <b>1971</b> Arthur L. Buzzell<br>Ben Thomas Cole<br>Dennis B. O'Boyle<br>Nile C. Williamson                           |  |   |
|  |  |   | <b>1970</b> R. Larry Drake<br>John R. Hearn<br>Arvid D. Oliver<br>Jack Williamson                                     |  |   |

FORMER SUPREME COURT DAY FINALISTS *(continued)*

- |  |  |   |
|--|--|---|
| <b>1958</b> Sheldon L. Balman<br>Lee H. Gaudineer Jr.<br>Clarence A. Glotfelty<br>Leo E. Gross<br>John H. Reuber<br>Dan Stamatelos<br>George W. Sullivan<br>William J. Yost    | <b>1953</b> Melvern E. Anderson<br>Brian Connell<br>Mervin J. Flander<br>Daniel L. Griffen Jr.<br>Harold J. Lincoln, Sr.<br>James Van Ginkel<br>Robert Rydell<br>Alvin E. Witwer | <b>1941</b> Norman K. Blatchford<br>Charles C. Browning, Sr.<br>John Connolly III<br>Russell B. Decker<br>Joy Fitzgerald Hix<br>Galen Hesalroad<br>Joe W. Kridelbaugh Jr.<br>John H. Neiman<br>Robert G. Riley<br>Lorna L. Williams<br>Don Wilson<br>Robert J. Wessells |
| <b>1957</b> Raymond A. Fenton<br>J. Hawey<br>Jerry A. Kasner<br>John R. McGlynn<br>Carl F. Nielsen<br>Leo E. Oxberger<br>Elwood L. Thomas<br>Paul O. Strand                    | <b>1952</b> Audrea M. Bride<br>G. Arthur Cady Jr.<br>John W. Carty<br>Albert G. Dunkleberg<br>Hessel Dykstra<br>Rogert L. Kaas<br>William M. Parker<br>Gerold O. Patterson       | <b>1940</b> John Gannon<br>Arnold Joseph<br>Roy W. Meadow<br>George Rice<br>Virgil L. Siepel<br>Robert Southworth Jr.<br>Florence Wallace<br>Eldon A. Woltz   |
| <b>1956</b> Robert W. Callies<br>Robert E. Drey<br>Donald L. Kramer<br>Walter F. Maley<br>Lawrence E. Myers<br>Gordon Nesbit<br>Rex V. Roupe<br>Harley Whitfield               | <b>1951</b> Robert K. Clark<br>Walter E. Stradley<br>John Tow<br>Jack C. Wallace   | <b>1939</b> Allor B. Crouch<br>John T. Donahoe<br>Theodore W. Doran<br>A. E. Jensen<br>Edward F. McCartan<br>Donald F. Klein<br>Cecil L. Utterback  |
| <b>1955</b> Robert G. Allbee<br>Anthony M. Critelli<br>Harry W. Dahl<br>Durwood W. Dircks<br>Dwight L. Martin<br>Richard F. Mitchell<br>Robert L. Walters<br>Dirk C. Van Zante | <b>1950</b> Theodore L. Duffield<br>James D. McKeon<br>John G. Martin<br>William R. Rosecrans  |   |
| <b>1954</b> John D. Culbertson<br>Richard G. Davidson<br>Clyde R. Fickes<br>Joseph C. Piper<br>Donald Running<br>James L. Tyler<br>Robert A. Wright<br>Donald H. Zarley        | <b>1949</b> Horace G. Booth<br>Charles Cardamon<br>Paul J. Cooksey<br>Bill E. Davenport<br><br>John D. Galvin<br>Peter B. Larson<br>Dale L. Porter                               |   |
|  | <b>1947</b> Robert Daufenbaugh<br>Theodore H. Miller<br>Louis W. Nitchals<br>Bernard Rodholm<br>John K. Watson   |   |

## ALUMNI OF THE YEAR WINNERS

- |   |   |
|---|---|
| <b>2002</b> Michael Huston  | <b>1986</b> Jake More<br>Clark Mollenhoff<br>Alfred Sulmonetti      |
| <b>2001</b> Edmund J. Sease   | <b>1985</b> George G. Fagg<br>Don Zarley                            |
| <b>2000</b> Robert E. Dreher  | <b>1984</b> M. Gene Blackburn<br>Patrick D. Kelly<br>C. Edwin Moore |
| <b>1999</b> Ruth Babcock Klotz  |   |
| <b>1998</b> H. Richard Smith  |   |
| <b>1997</b> Marvin Duckworth  |   |
| <b>1996</b> Justice Marsha Ternus   |   |
| <b>1995</b> Benjamin Ullem  |   |
| <b>1993</b> Justice Louis A. Lavorato<br><b>-94</b> Don Muyskens                        |   |
| <b>1992</b> Robert D. Ray<br>Elwood Thomas  |   |
| <b>1991</b> William H.<br>Englebrecht<br>Roscoe<br>Riemenschneider<br>Charles R. Wasker |   |
| <b>1990</b> Robert G. Allbee<br>Donald C. Byers<br>Edwin E. Ferguson, Sr.               |   |
| <b>1989</b> Roxanne Conlin<br>J. Rudolph (Steve)<br>Hansen<br>James L. Perkins          |   |
| <b>1988</b> Robert Helmick<br>Joseph C. Howard<br>Dwight D. Opperman                    |   |
| <b>1987</b> Neal Smith<br>Bea Smith   |   |

## STUDENT BAR ASSOCIATION AWARDS AND RECOGNITION OF ACHIEVEMENT

### Student Bar Association 2002-2003

#### Officers

Darin Mahlke, *President*

Josh Tomsheck, *Vice President*

Jessica McGill, *Secretary*

Marc Elcock, *Treasurer*

Hannah Rogers, *University Liaison*

#### Third-year Representatives

Kerry Carskadon

Michelle Engler

Neil Davis

Korissa Newell

#### Second-year Representatives

Nick Cooper

Kendric Olson

Arthur Krinsky

Jessica Reynolds

#### First-year Representatives

Nate Boulton

Mitch Kuhnert

Mark Bowman

Adam Parsons

### 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.

#### 2001-2002 Recipients:

Professor Thomas Baker

William Miller

Jerry Herold

Anne Olson

Paul Love

## LAW SCHOOL AWARDS AND RECOGNITION OF ACHIEVEMENT

### The Ferguson Prize

The Ferguson Prize Gold Award is given 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, a Silver Award 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*

#### 2001-2002 Recipients:

**Gold Award:** Tara Elcock

**Silver Award:** Michelle Saveraid

### 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*

**2001-2002 Recipients:** John Danos and Paul Love

### 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*

**2001-2002 Recipients:** Kami Henke and Paul Love

### American Bankruptcy Law Journal Prize

This award is given to a student, as selected by each accredited law school, who excels in bankruptcy studies. The American Bankruptcy Institute provides a certificate and a complimentary subscription to the American Bankruptcy Law Journal, which publishes a list of award winners in one of its issues.

**2002-2003 Recipient:** William Sims

### The William and Ellen Cooney Hoye Award

This award honors Justice David Harris, who served on the Iowa Supreme Court from 1972 to 1999. It 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. Like Justice Harris, the recipient of this award has demonstrated not only 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*

**2001-2002 Recipient:** Gary Dickey, Jr.

### International Academy of Trial Lawyers

Each year the academy awards a certificate to the student who best demonstrates the qualities of a good trial practitioner based on his or her excellence in legal clinic courses.

*Winner to be announced at the Supreme Court Day Banquet*

**2001-2002 Recipient:** William Schultz

### Jeffrey and Elizabeth Goodman Distinguished Advocate Award

This award was established in 2003 by Jeffrey and Elizabeth Goodman, 1985 graduates of the Drake Law School. Its purpose is to recognize a Drake Law School student who demonstrates excellence and proficiency in client representation and advocacy. The recipient receives a \$1,000 cash award.

*Winner to be announced at the Supreme Court Day Banquet*

### Dean's Service Awards

These awards are presented to students who have provided outstanding service to the Law School during the 2002-2003 school year.

#### **2002-2003 Dean's Service Award Winners**

Matt Dekkers, *Alternative Dispute Resolution Society*

Erica Parkey, *Black Law Students Association*

Jeremy Kuhn, *Christian Legal Society*

Nathan Tucker, *Christian Legal Society*

Scott Kaspar, *Delta Theta Phi*

Wyatt Peterson, *Drake Agricultural Law Society*

Hollis Luzecky, *Drake Environmental Law Society*

Jason Giles, *Drake Federalist Society*

Jane Riessen, *Drake Law Democrats*

Scott Kaspar, *Drake Law Republicans*

Tye Klooster, *Drake Law Review*

Kristol Ginapp, *Drake Law Women*

DEAN'S SERVICE AWARDS *(continued)*

- Nhyx-Selene Webb, *Drake Outlaws*
- Andreas Commins, *Federal Bar Society*
- Jeremy Feitelson, *Intellectual Property Law Society*
- Brett Warcholak, *International Law Society*
- Wyatt Peterson, *Journal of Agricultural Law*
- Jessica McGill, *Moot Court Board*
- Jason Dunn, *National Lawyer's Guild*
- Mike Worrall, *National Lawyer's Guild*
- Darin Mahlke, *Student Bar Association*

**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*

**2001-2002:** Professor Laurie K. Doré

**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*

**2001-2002 Recipient:** Gary Dickey, Jr.

**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 2002-2003**

- Tye Klooster, *Editor in Chief*
- Mark Parmenter, *Executive Editor*
- Barry Koopmann, *Research Editor*
- Kristie Meyer, *Managing Editor*
- Amy Larkey, *Production Editor*
- Karen Tournier, *Projects Editor*
- Carey Erhard, *Note Editor*
- Amy Omvig, *Note Editor*
- Joseph Borg, *Article Editor*
- Mark Hudson, *Article Editor*

**Associate Editors**

Carey Miller	Laura Harper
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**Senior Staff**

Jason Giles	Scot Kreider
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**Junior Staff**

Jill Alesch	David Mathias
Sarah Baker	Nichole Miras
Nichole Biglin	John Moorlach
Mike Carroll	Allison Musser
E. Jacob Cummings	Kendric Olson
Daniel Flynn	Rocky Robbins
Jon Garner	Hannah Rogers
Robert Hancock	Erin Sass
Amy Hernandez	Kristina Stanger
Dawn Boucher	Emily Swendson

DRAKE LAW REVIEW *(continued)*

Mike Tungesvik	Steve White
Kayla VanCannon	Ron Youde
Amanda Wachuta	

**Faculty Advisor**  
Keith C. Miller

**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*

**2001-2002 Recipient:** William Miller  
**2002-2003 Recipient:** Carey Erhard

**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*

**2001-2002 Recipient:** Tye Klooster  
**2002-2003 Recipient:** Amanda Wachuta

**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*

**2001-2002 Recipient:** Jessica Braeger  
**2002-2003 Recipient:** Barry Koopmann

**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 2002-2003**

Wyatt P. Peterson, *Editor in Chief*  
Kristol Bradley Ginapp, *Executive Editor*  
Julia J. Muedeking, *Projects Editor*  
Neil S. Davis, *Managing Editor*  
Abigail D. Flynn-Kozara, *Article Editor*  
Sarah M. Kouri, *Article Editor*  
Adam W. Jones, *Note Editor*  
Rosalind A. Sargent, *Note Editor*  
Thomas Sarver, *Production Editor*  
Todd E. Chelf, *Research Editor*  
Kerry M. Carskadon, *Associate Editor*

**Senior Staff**

Jeremy Reppy



DRAKE JOURNAL OF AGRICULTURAL LAW *(continued)***Junior Staff**

Angela Doss	Charles J. Montiero, Jr.
Nicholas O. Cooper	Nicholas J. Podsiadly
Patrick B. Dillon	Lisa Ragen
Jeremy Feitelson	Tim Reichwald
Bernardo Granwehr	Matthew C. Schinzel
Natalie Hall	Nikki S. Thompson
Kyle Jackson	Nathan R. Watson
Arthur Krimsky	Jennifer Williams
Jason E. McCollough	Michael S. Worrall
Miya H. Molaison	Jill Zwagerman

**Faculty Advisor**

Neil D. Hamilton

**Friend of the Journal**

For the first time this award is presented to an individual who has offered their support and assistance to the Agricultural Law Journal. This individual is not a staff member of the Journal, but through their time and effort helped to make it a success.

**2002-2003 Recipient:** Sherry VonBehren

**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*

**2001-2002 Recipient:** Amy Nelson

**2002-2003 Recipient:** Wyatt Peterson

**The Outstanding Third-year Staff Member Award**

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

**2002-2003 Recipient:** Jeremy Reppy

**The Outstanding Second-year Staff Member Award**

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

*Award presented at the Journal Dinner*

**2001-2002 Recipients:** Sarah Kouri and Wyatt Peterson

**2002-2003 Recipient:** Jennifer Williams

**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 2002-2003**

Jessica McGill, *President*

Scot Kreider, *Vice President*

Marc Elcock, *Secretary*

Elizabeth Neugent, *Treasurer*

MOOT COURT BOARD *(continued)***Senior Board Members**

Joseph Borg	Jill Jensen-Welch
Mark Hudson	Curt Stamp
Rubina Kazi	

**Board Members**

Jason Butler	Lisa Ragen
Cory Abbas	Teresa Rickert
E. Jacob Cummings	Kristina Stanger
Michelle Engler	Jennifer Williams
Nikki Miras	

**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 Celebration Banquet*

**2001-2002 Recipient:** Jill Jensen-Welch

**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*

**2001-2002 Recipients:** Jeff Link and William Schultz

**2002-2003 Recipient:** Jill Jensen-Welch

**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*

**2001-2002 Recipient:** Lindsey Moore

**2002-2003 Recipient:** Jill Alesch

## Drake Law School Alumni Service Award

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

*Award presented at the Moot Court Board Luncheon*

**2001-2002 Recipients:** Jeff Noble, LW'90 and Mark Godwin, LW'85

**2002-2003 Recipient:** Donald Stanley, Jr., LW'00

## Honorary Member of the Order of the Barristers

This award is given annually to an alumnus or friend of Drake in recognition of his or her contribution to the Moot Court Program and their example as an outstanding advocate in practice.

**2001-2002 Recipient:** Judge Artis Reis

**2002-2003 Recipient:** Judge Robert Blink and Judge Richard Blane

## 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.

*Awards presented at the Moot Court Board Luncheon*

### Order of the Barristers 2002:

John Danos	Amelia Nelson
Gary Dickey, Jr.	Michael Salvner
Constance Grignon	Holly Schaffter
Jeff Link	Will Schultz
Paul Love	Alexandra Spalding

**Honorary Member:** Judge Artis Reis

## APPELLATE COMPETITIONS

### National Moot Court Competition

The National Moot Court Competition is an inter-law-school appellate 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. Both teams competed in regional competition in November in Iowa City. The team of Kazi, Porter and Rickert were semi-finalists at the regional competition. The team of Alesch, Jensen-Welch, and Hancock placed first in regional competition and competed in nationals in New York in January where they placed in the Top 16.

#### Blue Team

Jill Alesch  
Robert Hancock  
Jill Jensen-Welch

#### White Team

Rubina Kazi  
David Porter  
Teresa Rickert

Laurie K. Doré, *Faculty Advisor*

### American Bar Association National Appellate Advocacy

The National Appellate Advocacy Competition is sponsored the American Bar Association. The teams traveled to San Francisco for regional competition in February.

#### Blue Team

Jonathan Garner  
Mark Hudson  
Carrie Schoenebaum

#### White Team

Marc Elcock  
Lindsey Moore  
Jill Zwagerman

Gregory C. Sick, *Faculty Coach*

Donald Stanley Jr., LW'00, *Alumni Coach*

Marc Elcock, *Student Coach*

## National Environmental Law Competition

The National Environmental Law Competition is sponsored by the Environmental Law Institute at Pace University. The team competed in the national competition in White Plains, New York in February.

Ron Bailey  
Scot Kreider  
Randall Goodwin

Jerry L. Anderson, *Faculty Advisor*

Jennifer Johnson LW'93, *Alumni Coach*

Scot Krieder, *Student Coach*

## Intellectual Property Competition

The Giles Sutherland Rich Moot Court Competition is sponsored by the American Intellectual Property Law Association. The team travels for regional competition this month.

### Blue Team

Adam Jones  
Jean Anne Zarn

Edmund J. Sease, LA'64, LW'67, *Faculty Coach*

Michelle Engler, *Student Coach*

### White Team

Jeremy Feitelson  
David Mathias

## TRIAL COMPETITIONS

### The National Institute for Trial Advocacy Tournament of Champions

The NITA Tournament of Champions is an invitation-only competition for the sixteen best student trial advocacy training law schools in the nation. Schools are selected based on previous performances in open competitions. The team competed in Austin, Texas in November.

Jason Butler  
Todd Chelf  
Rubina Kazi  
Julia Muedeking

Mark Godwin, LW'85 and Jeff Noble, LW'90, *Alumni Coaches*

### The 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. The team competed in Kansas City in February.

Jason Butler  
E. Jacob Cummings  
Amy Houston  
James Nelson  
David Porter  
Teresa Rickert  
Curt Stamp  
Josh Tomschek

Chuck Kenville, LW'99 and Jeff Noble, LW'90, *Alumni Coaches*

Teresa Rickert, *Student Coach*

## National Mock Trial Competition

The National Mock Trial Competition is an inter-law-school trial advocacy competition. The team traveled to Columbia, Missouri in February for regional competition.

Gail Barnett  
 Jessica Bonnett  
 Todd Chelf  
 Randal Goodwin  
 Julia Muedeking  
 Chad Ray

Steve Foritano and Mark Godwin, LW'85, *Coaches*

Kristina Stanger, *Student Coach*

## SKILL COMPETITIONS

### Negotiations Competition

The Negotiations Competition is sponsored by the American Bar Association. The team traveled to Omaha, Nebraska in November for regional competitions.

Cory Abbas  
 Matt Dekkers  
 Jill Eimmerman  
 Matt Schinzel

Mark Smith, LW'73, *Alumni Coach*

Cory Abbas, *Student Coach*

## OTHER STUDENT AWARDS AND RECOGNITION OF SERVICE

### 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.

#### Members Elected in 2002

John Danos	Tara Moffit
Jessica Braeger	Kami Sinnard
Megan Peterson	Anne Nielsen Olson
Patrick White	K. Dwayne Vande Krol
William Miller	William Schultz

### 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 2002

Jill Alesch, *Civil Procedure II*  
 Jill Alesch, *Law Contracts II*  
 Nichole Biglin, *Constitutional Law I*  
 Joseph Borg, *Products Liability*  
 Michael Carroll, *Civil Procedure II*  
 Michael Carroll, *Property I*  
 Bethany Currie, *Ethics*  
 John Danos, *Land Use Control*  
 Matthew Dekkers, *Public International Law*  
 Patrick Dillon, *Property I*  
 Carey Erhard, *Evidence*  
 Carey Erhard, *Criminal Practice and Procedure*  
 Carey Erhard, *Environmental Regulation*  
 Travase Erickson, *Unicorp's Business Association*

CALI EXCELLENCE FOR THE FUTURE AWARDS *(continued)*

Travase Erickson, *Arbitration*  
 Kari Jones, *Trial Advocacy*  
 Jeff Link, *Labor Law II*  
 Adnan Mahmutagic, *Estate Planning*  
 Alison Marwitz, *Pretrial Advocacy*  
 Jessica McGill, *Constitutional Protection Practice*  
 Carey Miller, *Business Associations*  
 Carey Miller, *Education Law*  
 Mark Parmenter, *First Amendment Seminar*  
 Megan Peterson, *Business Tax*  
 Christine Sand, *Children and the Law*  
 Thomas Sarver, *Mass Media Law*  
 Thomas Sarver, *Administrative Law*  
 Kirsten Schmit, *Banking Law and the Internet*  
 Randall Schueller, *Workers Compensation*  
 William Schultz, *Intellectual Property Litigation*  
 Amanda Wachuta, *Contracts II*

**Summer 2002**

Patrick Dillon, *Livestock Regulation*  
 Jill Flaherty, *First Amendment Seminar*  
 Jason Giles, *Wills & Trusts (tie)*  
 Amy Houston, *Criminal Defense: Mental Disability*  
 Lisa Mattsson, *Comparative Consumer Law*  
 Steve Newlander, *Wills & Trusts (tie)*  
 James Ries, *State Local Food Policy*  
 Alison Sapp, *American Constitutional Interpretation*  
 Kristina Stanger, *Ethics (tie)*  
 Julie Thomas, *Ethics (tie)*

**Fall 2002**

Jill Alesch, *Constitutional Law II*  
 Jill Alesch, *Litigation with Federal Government*  
 Gail Barnett, *Domestic Violence*  
 Jason Butler, *Trial Advocacy*  
 Patrick Bousquet, *Civil Procedure I*  
 Michael Carroll, *Constitutional Law II*

Bethany Currie, *Estate and Gift Tax*  
 Patrick Dillon, *Agricultural Law*  
 Travase Erickson, *Conflicts of Law*  
 Matthew Eslick, *Contracts I*  
 Matthew Eslick, *Criminal Law*  
 Matthew Eslick, *Torts*  
 Abigail Flynn-Kozara, *Secured Transactions*  
 Jonathan Garner, *State and Local Government*  
 Gary Goudelock, *Torts*  
 Jeffrey Hamilton, *Current Issues Family Law*  
 Laura Harper, *Income Tax (tie)*  
 Josef Hoffmann, *Trial Advocacy*  
 Mark Hudson, *Federal Jurisdiction*  
 Mark Hudson, *Labor Law I*  
 Amy Houston, *Trial Advocacy*  
 Kerri Keyte, *Business Associations*  
 Barry Koopman, *Aids and the Law*  
 Michael Marquess, *Evidentiary Suppression Motions*  
 Carey Miller, *Income Tax (tie)*  
 Carey Miller, *Securities Law*  
 Nichole Miras, *Women and the Law*  
 Darin Mitchell, *Natural Resources*  
 Johannes Moorlach, *Constitutional Litigation*  
 Kodi Petersen, *Contracts I*  
 Jeremy Reppy, *Constitutional Protection Practice*  
 Erin Sass, *Environmental Law*  
 William Sims, *Debtor Creditor*  
 William Sims, *Trademarks and Copyrights*  
 Randall Schueller, *Advanced Torts*  
 Randall Schueller, *Family Law*  
 Michael Tunesvik, *Wills & Trusts*  
 Kurt Van Thomme, *Civil Procedure I*  
 Kurt Van Thomme, *Criminal Law*  
 Brett Warcholak, *Public International Law I*  
 Heather Wood, *International Trade*

## Davis, Brown, Koehn, Shors & Roberts P.C. Awards for Excellence

This award is presented to the four finalists in the Supreme Court Day Moot Court Competition.

### 2001-2002 Recipients:

Thomas Cope, *Moot Court Competition finalist*

Rubina Kazi, *Moot Court Competition finalist*

Jill Jensen-Welch, *Moot Court Competition finalist*

Anne Olson, *Moot Court Competition finalist*

## 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*

Ronald Bailey

Whitney Bogdanski

Jason Butler

Todd Chelf

E. Jacob Cummings

Jason Foster

Gabriel Ginapp

Kristol Ginapp

Scot Kreider

Julia Muedeking

Elizabeth Neugent

Amy Omvig

Erin Parmelee

James Ries

Annette D.M. Stanley

Karen Tournier

J. Lance Young

### C. Edwin Moore Inn of Court

Laurie K. Doré, *Master of the Bench*

Gail Barnett

Jason Giles

Mark Hudson

Jill Jensen-Welch

Adam Jones

Bonnie McDougall

Lindsey Moore

Chad Ray

## 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

Kerry Carskadon

E. Jacob Cummings

Bethany Currie

Michelle Engler

Wendy Johnson

Kari Kruml

Darin Mahlke

Michael Marquess

Carey Miller

Lindsey Moore

Elizabeth Neugent

Korissa Newell

Lyssa Pelinski

Wyatt Peterson

Chad Ray

Rosalind Sargent

Thao Trinh

Jean Ann Zarn

### Second-year Ambassadors

Lance Becker

Nick Cooper

Pat Dillon

Blaine Doerrfeld

Cathy Drexler

Marc Elcock

Jeremy Feitelson

Michael Frost

Bill Hancock

Erika Herren-Anderson

Amy Hernandez

Kyle Jackson

Nathan Judnic

Lisa Maatson

James Nelson

Sara Nelson

Katherine Pronk

David Porter

## STUDENT AMBASSADORS (continued)

**First-year Ambassadors**

Jennifer Anderson	Mitch Kunert
Nate Boulton	Kathy Law
Autumn Canny	Katie Lindley
Kristy Cole	Mary Christine Ludwig
Mike Devitt	Jennifer Merritt
Bill Even	Beth Myers
Royce Fichtner	Michelle Nagle
Syeta Glanton	Lynn Palmgren
Michele Howard	Andrea Rasmusson
Cori Kuhn	Suzanne Van Veen
Tara Zager	Venus Vendoures

## DRAKE UNIVERSITY LAW SCHOOL FACULTY AND ADMINISTRATIVE STAFF

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 Kara Blanchard, *Director of Admission and Financial Aid*  
 Terry Kruse, *Assistant Director of Admission and Financial Aid*  
 Rick Sheriff, *Director of Career Services*  
 Kris Fettkether, *Director, Law School Marketing and Communications*  
 James Stepp, *Drake Legal Clinic Operations Manager*

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**Faculty Emeriti**

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 John J. Yeager  
 Edward R. Hayes

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 Hon. Mark Bennett  
 Hon. Richard Blane  
 Hon. Robert Blink  
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 Alain Fenet  
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 Larry James, Sr.  
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 Noel Mckibbin  
 Loree Nelson  
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