



Drake Law School

67TH ANNUAL
SUPREME COURT
CELEBRATION

MARCH 11 - 13, 2004

Drake
DRAKE UNIVERSITY

Supreme Court Banquet

Des Moines Marriott, March 13, 2004

Welcome

Nicholas Cooper
Student Bar Association President and Supreme Court Celebration Chairperson

Entrance of Iowa Supreme Court Justices

Celebration of Moot Court Arguments

Remarks and Announcement of the Rodney L. Hudson Appellate Advocacy Award

Louis A. Lavorato
Chief Justice of the Iowa Supreme Court

Dinner

Greetings

Anjela Shutts
President, Board of Counselors

Remarks and Presentation of the SBA President's Awards

Mr. Cooper

Presentation of the Leland Forrest Outstanding Professor of the Year Award

Mr. Cooper

Remarks and Student Awards:

The Ferguson Prize, The Timothy N. Carlucci Award, The Robert J. Kromminga Award, The Bankruptcy Law Journal Prize, The William and Ellen Cooney Hoye Award, The Martin Tollefson Award, The International Academy of Trial Lawyers Award, and The Jeffrey and Elizabeth Goodman Distinguished Advocate Award

David S. Walker
Dean and Dwight D. Opperman Distinguished Professor of Law

Announcement of the Alumni of the Year Award

Dean Walker

Keynote Address

Honorable Alex Kozinski
U.S. Court of Appeals for the Ninth Circuit

Closing Remarks

Mr. Cooper

SUPREME COURT DAY PROBLEM

Dora and Walter Rockel v. Steven P. Whiting, D.O.

This is a case of first impression for the Iowa Supreme Court. The plaintiffs, Dora and Walter Rockel, appeal the District Court order, which disqualified plaintiffs' counsel from representing them in a medical malpractice suit because of a conflict of interest.

On Feb. 5, 2001, plaintiffs Dora and Walter Rockel filed a medical malpractice claim against the defendant, Stephen Whiting, D.O. On Aug. 5, 2002, Dr. Whiting filed a motion to disqualify the Devolder Law Firm from representation of the Rockels because of a conflict of interest. On Aug. 19, 2002, defendants Iowa Anesthesiologists, P.C., Miles, Rakers, Olson, and Hetzler, in addition to defendant Healthview Corp., filed joinders in defendant Whiting's motion to disqualify. The court granted the motion to disqualify on Dec. 6, 2002 and ordered John Devolder to withdrawal as counsel for the Rockels. The court found that the measures employed by the Devolder Law Firm to prevent legal assistant Mary Jones from sharing confidential information were inadequate to protect against the conflict of interests created from Jones' substantial relationship between her prior involvement in Dr. Whiting's litigation on behalf of USIC and her employment with Devolder. The plaintiffs filed a resistance application for interlocutory review, which was granted on March 19, 2003. On the same day, the plaintiffs also filed a motion to reconsider the ruling on the motion to disqualify. The plaintiffs then filed a motion for limited remand, which was denied on July 9, 2003. The plaintiffs now appeal the District Court order disqualifying plaintiffs' counsel, John Devolder.

Dora Rockel underwent back surgery performed by neurosurgeon Steven P. Whiting, after which she experienced a number of problems including loss of vision, chronic pain, and a host of other complaints arising from the chronic pain. On Feb. 5, 2001, Dora Rockel and her husband Walter Rockel filed a medical malpractice lawsuit against Dr. Whiting, and numerous other defendants, through their attorney John Devolder, for the injuries suffered by Mrs. Rockel and loss of consortium suffered by Mr. Rockel.

On July 8, 2002, Mary Jones began employment as a legal assistant with the Devolder Law Firm. Prior to her employment with the Devolder

Law Firm, Jones was employed as a claims adjuster by United States Insurance Company (USIC), the malpractice insurance carrier for Dr. Whiting. As part of her duties with USIC, Ms. Jones investigated several claims against Dr. Whiting, including the Rockels' claim. This investigation included: conversations with Dr. Whiting, defense counsel and expert witnesses, participations in strategic discussions with defense counsel, and the establishment of monetary reserves for USIC on the claims against Dr. Whiting. Jones' participation in the case for USIC spanned from February 2001 until May 2002 when her employment at USIC ended.

In June 2002, John Devolder contacted Jones as a part of his search for a legal assistant. Devolder knew of Jones' involvement in the case and made attempts to prevent Jones from sharing confidential information and to preserve the integrity of the litigation process.

The appellant, citing *Richers v. Marsh & McLennan Group Assoc.*, states that the general rule in Iowa regarding conflicts of interest is that "an attorney should be disqualified from representing a party against a former client if the two representations bear a substantial relationship" to each other. In the current case, it is not disputed that a substantial relationship exists between the two representations. If Jones was an attorney, both Jones and the Devolder Law Firm would clearly be disqualified under the holding in *Doe v. Perry Community School District*. Neither the Iowa Supreme Court nor the Iowa Supreme Court Board of Professional Ethics and Conduct has directly addressed the issue regarding non-lawyer personnel and imputed disqualification. A majority of commentators, ethics tribunals and courts have determined that non-lawyer screening is sufficient to protect client confidences gained by non-lawyer employees who change employment.

Jurisdictions that allow screening to overcome imputed disqualification when attorneys are involved apply the same standard to non-lawyers. Even in jurisdictions where screening is not sufficient to overcome imputed disqualification when attorneys are involved, it is sufficient in the case of non-lawyer employees. Reasonable steps including signing a confidentiality agreement upon termination of employment and constructing a screening device at the new firm that ensures they will not work on any matter on which they worked during their prior employment. *Herron v. Jones* was the first case directly addressing imputed disqualification of a firm when a non-

lawyer changes firms. While a firm might be disqualified when a lawyer changes firms, the Arkansas Supreme Court applied a different standard to non-lawyer personnel.

The court specifically noted that there was no suggestion of impropriety because the secretary was warned not to disclose confidential information before leaving her former employer and the secretary had not had any contact with the case since being employed by her current employer. Similarly, in the instant case, Ms. Jones signed a confidentiality agreement and was later reminded of her duties under this agreement by USIC. Further, there is no evidence of any confidential information being disclosed. The American Bar Association has endorsed the use of screening devices to overcome imputed disqualification when non-lawyer personnel are involved under either the Model Rules or the Model Code.

The Supreme Court of Iowa will “review a ruling on an attorney disqualification motion for abuse of discretion.” Legal practitioners are not interchangeable commodities. Personal qualities and professional abilities differ from one attorney to another, making the choice of a legal practitioner critical both in terms of the quality of the attorney-client relationship and the type of skillfulness of the professional services to be rendered. Under the holding of *Hayes v. Cent. States Orthopedic Specialist, Inc.*, while a party’s right to choose his own counsel may be set aside under limited circumstances, a showing must first be made that declining to do so would threaten the integrity of the judicial process. The Court has held that a long-standing professional relationship could create a situation where an attorney has an extraordinary and irreplaceable familiarity with the affairs of this client and that a substantial hardship exception to disqualification should be made.

The appellee states the decision should be overturned only if there is an abuse of discretion based on clearly untenable grounds. Dr. Whiting’s motion to disqualify was properly considered and the District Court correctly applied the law. Iowa law has established an attorney must be disqualified from representation if there is a substantial relationship between the former and current representations. A substantial relationship is determined by considering: 1) the nature and scope of the prior representation; 2) the nature and scope of the present lawsuit; and 3) whether the client might have disclosed a confidence to her attorney in the prior representation,

which could be relevant to the present action. Failure to disqualify would raise an appearance of impropriety and undermine public confidence.

The presumption of impropriety cannot be overcome by showing that no confidences were actually revealed. Through the wording and expressed intent of the Iowa Rules of Professional Responsibility for Lawyers, the court has established the applicability of these rules to non-lawyers that switch sides during a legal dispute. Because Ms. Jones switched from being the defendant’s insurance agent to the plaintiffs’ paralegal during ongoing litigation, a substantial relationship arguably exists. Therefore, the Devolder Law Firm must be disqualified.

Iowa courts do not even consider screening mechanisms if a substantial relationship exists. Should this court allow screening mechanisms when a non-attorney switches firms during an ongoing litigation, the Devolder Firm failed to provide adequate screening in this case. The defendant was not notified of the conflict, was not given an opportunity to consent to Ms. Jones’ conflict, no internal memorandum was circulated within the Devolder Firm, and the size of the firm makes any screening measures that were employed inherently suspect.

The fact that Ms. Jones has since left the Devolder Firm does not affect the imputed disqualification under *Arkansas v. Dean Foods Prods. Co.*, holding that imputed disqualification extends to the attorney’s partners and employees and is not cured by departure of the tainted attorney from the firm. Courts have held that the taint created by a disqualified attorney does not evaporate when that attorney leaves the firm. Because Ms. Jones’ departure from the firm does not change the disqualification analysis, plaintiffs’ request for a limited remand is unmerited.

The Rockels’ interest in having their choice of counsel does not outweigh the legal profession’s interest in maintaining its ethical standards. The client’s right to have his choice of counsel must yield to considerations of ethics that run to the very integrity of our judicial process. Although the Rockels certainly have the right to choose the Devolder Firm to represent them, the ethical implications created by Ms. Jones’ conflict must outweigh the Rockels’ right of choice.

SUPREME COURT DAY SPEAKERS

- 2003 United States Senator John Kerry, Massachusetts
- 2002 United States Senator Tom Harkin, Iowa
- 2001 United States Senator John Edwards, North Carolina
- 2000 The Hon. Arthur A. McGivern, chief justice, the Supreme Court of Iowa
- 1999 The Hon. Richard Matsch, chief judge, United States District Court for the District of Colorado
- 1998 United States Senator J. Robert Kerrey, Nebraska
- 1997 Janet Napolitano, U.S. Attorney for the District of Arizona
- 1996 United States Representative James A. Leach, Iowa
- 1995 Roberta Cooper Ramo, president-elect, American Bar Association
- 1994 Janet Reno, United States Attorney General
- 1993 The Hon. A. Leon Higginbotham Jr., former chief judge, 3rd Circuit Court of Appeals; member, State Court of Appeals for the Third Circuit
- 1992 Michael G. Gartner, president, NBC News
- 1991 Richard Thornburgh, United States Attorney General
- 1990 United States Representative Patricia Schroeder, Colorado
- 1989 William S. Session, director, FBI
- 1988 James McElhane, Joseph C. Hostetler Professor of Trial Advocacy
- 1987 United States Senator Dale L. Bumpers, Arkansas
- 1986 Irving Younger, Marvin J. Sonosky Professor of Law, University of Minnesota Law School
- 1985 Justice Sandra Day O'Connor, Supreme Court of the United States
- 1984 Donald Kaul, columnist, The Des Moines Tribune
- 1983 Robert E. White, former United States ambassador, El Salvador
- 1982 United States Senator Charles Percy, Illinois
- 1981 F. Lee Bailey, nationally renowned trial attorney
- 1980 William Webster, director, FBI
- 1979 United States Senator William Proxmire, Wisconsin
- 1978 Gerald Gunther, William Nelson Cromwell Professor of Law at Stanford University Law School
- 1977 William Colby, former director, CIA
- 1976 Chesterfield H. Smith, president, American Bar Association
- 1975 Charles Kuralt, CBS news correspondent
- 1974 Elliott Richardson, Secretary of Defense and former Attorney General of the United States
- 1972 United States Senator Mark Hatfield, Washington
- 1968 Chief Judge Charles S. Desmond, New York Court of Appeals
- 1967 Emile T. Berman, defense attorney
- 1966 Percy Mossle, Houston defense attorney
- 1965 Thomas S. Lambert Jr., counsel, United States Trial at Nuremberg
- 1964 Bert H. Early, executive director, American Bar Association
- 1963 Sylvester C. Smith, president, American Bar Association
- 1960 Justice Thomas Clark, Supreme Court of the United States and former United States Attorney General
- 1958 William B. Lockhart, dean, University of Minnesota
- 1952 Howard L. Barkdull, president, American Bar Association
- 1951 Albert J. Harno, University of Illinois Law School
- 1950 Luther Hill, publisher, The Des Moines Register and Tribune
- 1949 Frank E. Homan, president, American Bar Association
- 1948 Justice Maynard E. Pirsign, Minnesota Supreme Court and professor, University of Minnesota
- 1947 United States Senator Wayne Morse, Oregon
- 1941 Justice Charles F. Wennerstrum, Supreme Court of Iowa
- 1940 Harley Stipp, president, Iowa State Bar Association
- 1916 Judge William H. McHenry

FORMER SUPREME COURT DAY FINALISTS

2003 Jill Alesch Ron Bailly Pat Dillon Rubina Kazi	1995 Michael Clark Michael Jones Jonathan S. Miles Matthew R. Scott	1987 Gregory D. Brandt Teresa K. Hillary Steven E. Mauer Marcia L. Schober	1979 Lance D. Ehmcke Hugh B. Hughes Kasey W. Kincaid Shari L. Ulery	1970 R. Larry Drake John R. Hearn Arvid D. Oliver Jack Williamson	1964 Yale H. Iverson Lyle D. Middleton Edward J. Reasor Stephen R. Smith Ronald L. Sorenson Gary H. Swanson William N. Twohey John T. Ward
2002 Thomas Cope Rubina Kazi Anne Olson Jill Jensen-Welch	1994 Susan K. Hansen Matthew M. Johnson Matthew R. Scott Peter J. Thill	1986 Beverly K. Caro Debra Chang Robert K. DuPuy Steven E. Mauer	1978 Diane M. Henson Thomas E. Stanberry Nancy Torrey Jack Whitley	1969 Edwin K. W. Ching Ronald R. Fletcher Albert L. Harvey Robert D. McLaren Richard A. Pundt John C. Wellman	1963 Joseph S. Bertruche Thomas Bolton H. Randolph Duncan Loren J. Duensing J. Robert Hand Ronald M. Frykberg Peter A. Keller Robert R. Montgomery
2001 Thomas Cope John Danos Jeff Link Brenda K. Quade	1993 Rhonda A. Hawkins Anthony S. Mendoza Robert Mihelich Mark A. Newman	1985 David S. Garms John T. Palter Anita Shodeen Parmeter Kelly Benson Radetic	1977 Gerald H. Grask Larry J. Handley Martin W. Kus Marilyn S. Warner	1968 Robert M. Holliday Vivian Jury Lawyer Jerome F. Lundren Mark D. Ravreby B. Gerald Reynolds William L. Schmidt	1962 Marvin F. Heidman Jack D. Levin Louis A. Lavorato R. Dale Peddicord Stanton Sornson Paul H. Tatz Brian P. Williams Thomas A. Renda
2000 Anne E. Crocker Lisa R. Lemons Brenda K. Quade Donald Stanley, Jr.	1992 Venessa F. Kuhlmann Patricia L. Rensink- Vogel Gregory C. Schodde Diana M. Spahr	1984 Martha A. Fagg Debra Egli James Peter H. Thrane Mark D. Welker	1976 James E. Ellefson Gregory M. Lederer John A. Michelich William S. Vernon	1967 William H. Huff III Harold A. Young Lawrence E. Pope	1961 Phillip R. Collett Charles M. Ferguson James E. Houser Frank E. Kennedy James E. Knox Richard E. Ramsay Andrew H. Schill
1999 Stacie Barhorst Matt Haindfield Ryan Rohlfesen Donald Stanley, Jr.	1991 John S. Courter Brian M. F. Kennedy Curtis O. Roggow Diana M. Spahr	1983 Marlene Triggs Gresh Vincent E. Mauer Steven J. Roy Kristin K. Wright	1975 Susan A. Abel Carter G. Bishop Fred L. Dorr Thomas E. McCurnin	1966 Lyman L. Frick Thomas E. Leahy Jr. Gary D. Ordway Richard G. Pattison Jon R. Pearce Jack R. Schreiber Anna I. Shinkle Jo Ann G. Shirley	1960 R. Don Bertell Roderick C. Dickinson George A. Goebel Randall Handley George F. Milligan George R. Sackett James B. West James W. Yoder
1998 John Clendenin Christopher A. Kragnes Matt Haindfield Ryan Rohlfesen	1990 Timothy J. Casey John S. Courter Brian M. F. Kennedy W. Trent Van Haaften	1982 Elaine Marquardt Martha L. Mertz Rose Murphy Stephen P. Swinton	1974 Iris E. Muchmore John M. Perkins Mark W. Schweibert Dennis R. Taylor	1965 John R. Baur G. Norman Coder Fred M. Dawson Tom George Thomas Killion John L. Rensink Wayne M. Sakai Gary L. Wiegel	
1997 Matt J. Cole Christopher A. Kragnes Alan R. Ostergren Ivy Ross Rivello	1989 James A. Benzoni Gary R. Fischer Pamela W. Prager Jeffrey J. Wolf	1981 Gregory L. Biehler Gerald L. Hammond David W. Hepplewhite Helen M. Stirling	1973 Earl D. Bellamy II Marsha L. Johnson George H. Perry Tito W. Trevino		
1996 Jennifer V. Ballengee Jennifer R. Clark Marija Lisnich Alan R. Ostergren	1988 Andrew J. Bracken Carmen E. Eichmann Gregg M. Fishbein Dawn R. Siebert	1980 John F. Gelson Kent J. Lund Steven R. Parrish Patricia Rutherford	1972 Richard G. Blane II Joseph A. Nugent Vernon L. Traster Terry N. Trieweller Timothy W. Waldeck		
			1971 Arthur L. Buzzell Ben Thomas Cole Dennis B. O'Boyle Nile C. Williamson		

FORMER SUPREME COURT DAY FINALISTS (continued)

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|--|--|---|
| 1959 Mark DeRuyter
Philip C. Armknecht
Harlan Max Hockett
James W. Brown
Thomas Hylan
A. Hughes
Robert R. Snyder
Clarence J. May | 1954 John D. Culbertson
Richard G. Davidson
Clyde R. Fickes
Joseph C. Piper
Donald Running
James L. Tyler
Robert A. Wright
Donald H. Zarley | 1947 Robert Daufenbaugh
Theodore H. Miller
Louis W. Nitchals
Bernard Rodholm
John K. Watson |
| 1958 Sheldon L. Balman
Lee H. Gaudineer Jr.
Clarence A. Glotfelty
Leo E. Gross
John H. Reuber
Dan Stamatelos
George W. Sullivan
William J. Yost | 1953 Melvern E. Anderson
Brian Connell
Mervin J. Flander
Daniel L. Griffen Jr.
Harold J. Lincoln, Sr.
James Van Ginkel
Robert Rydell
Alvin E. Witwer | 1941 Norman K. Blatchford
Charles C. Browning, Sr.
John Connolly III
Russell B. Decker
Joy Fitzgerald Hix
Galen Hesalroad
Joe W. Kridelbaugh Jr.
John H. Neiman
Robert G. Riley
Lorna L. Williams
Don Wilson
Robert J. Wessells |
| 1957 Raymond A. Fenton
J. Hawey
Jerry A. Kasner
John R. McGlynn
Carl F. Nielsen
Leo E. Oxberger
Elwood L. Thomas
Paul O. Strand | 1952 Audrea M. Bride
G. Arthur Cady Jr.
John W. Carty
Albert G. Dunkleberg
Hessel Dykstra
Rogert L. Kaas
William M. Parker
Gerold O. Patterson | 1940 John Gannon
Arnold Joseph
Roy W. Meadow
George Rice
Virgil L. Siepel
Robert Southworth Jr.
Florence Wallace
Eldon A. Woltz |
| 1956 Robert W. Callies
Robert E. Drey
Donald L. Kramer
Walter F. Maley
Lawrence E. Myers
Gordon Nesbit
Rex V. Roupe
Harley Whitfield | 1951 Robert K. Clark
Walter E. Stradley
John Tow
Jack C. Wallace | 1939 Allor B. Crouch
John T. Donahoe
Theodore W. Doran
A. E. Jensen
Edward F. McCartan
Donald F. Klein
Cecil L. Utterback |
| 1955 Robert G. Allbee
Anthony M. Critelli
Harry W. Dahl
Durwood W. Dircks
Dwight I. Martin
Richard F. Mitchell
Robert L. Walters
Dirk C. Van Zante | 1950 Theodore L. Duffield
James D. McKeon
John G. Martin
William R. Rosecrans | |
| | 1949 Horace G. Booth
Charles Cardamon
Paul J. Cooksey
Bill E. Davenport
John D. Galvin
Peter B. Larson
Dale L. Porter | |

ALUMNI OF THE YEAR WINNERS

- | | |
|---|---|
| 2003 Gerard D. Neugent | 1987 Neal Smith
Bea Smith |
| 2002 Michael Huston | 1986 Jake More
Clark Moellenhoff
Alfred Sulmonetti |
| 2001 Edmund J. Sease | 1985 George G. Fagg
Don Zarley |
| 2000 Robert E. Dreher | 1984 M. Gene Blackburn
Patrick D. Kelly
C. Edwin Moore |
| 1999 Ruth Babcock Klotz | |
| 1998 H. Richard Smith | |
| 1997 Marvin Duckworth | |
| 1996 Justice Marsha Ternus | |
| 1995 Benjamin Ullem | |
| 1993 Justice Louis A. Lavorato
-94 Don Muyskens | |
| 1992 Robert D. Ray
Elwood Thomas | |
| 1991 William H.
Englebrecht
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 | |

Drake Law School Awards and Recognition of Achievements

STUDENT BAR ASSOCIATION AWARDS AND RECOGNITION OF ACHIEVEMENT

Student Bar Association 2003-2004

Officers

Nicholas Cooper, *President*

Hannah Rogers, *Vice President*

Kristin Gray, *Secretary*

Dan Luebbering, *Treasurer*

Jennifer Williams, *Student/Faculty Liaison*

Shane Bachelor, *University Senator*

Third-year Representatives

Marc Elcock

Tim Reichwald

Arthur Krimsky

Jessica Reynolds

Second-year Representatives

Gary Goudelock

Adam Parsons

Mitch Kunert

Tara Zager

First-year Representatives

Brooke Burrage

Evan Starcevic

Daniel McCracken

Judy Williams

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.

Winner to be announced at the Supreme Court Day Banquet

2002-2003 Recipient:

Jessica McGill

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

2002-2003 Recipient:

Professor James Albert

LAW SCHOOL AWARDS AND RECOGNITION OF ACHIEVEMENT

The Ferguson Prize

The Ferguson Prize Gold and Silver Awards are presented to the students who best exemplify 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. The Ferguson Prize was established by Edwin Earle Ferguson Sr., LW'34. The Gold and Silver Awards are accompanied by cash gifts and commemorative plaques.

Winners to be announced at the Supreme Court Day Banquet

2002-2003 Recipients:

Gold Award: Gail Barnett

Silver Awards: Della Arriaga, Rosalind Sargent

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 cash gift and a commemorative plaque.

Winner to be announced at the Supreme Court Day Banquet

2002-2003 Recipient: Darin Mahlke

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 cash gift and a commemorative plaque.

Winner to be announced at the Supreme Court Day Banquet

2002-2003 Recipient: Neil Davis

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.

2003-2004 Recipient: Cory Abbas

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 cash gift and a commemorative plaque.

Winner to be announced at the Supreme Court Day Banquet

2002-2003 Recipient: Jill Jensen-Welch

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 cash award is by election of the graduating class. The award is accompanied by a cash gift and a commemorative plaque.

Winner to be announced at the Supreme Court Day Banquet

2002-2003 Recipient: Darin Mahlke

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

2002-2003 Recipient: Ron Bailey

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 cash award.

Winner to be announced at the Supreme Court Day Banquet

2002-2003 Recipient: Rubina Kazi

Dean's Service Awards

These awards are presented to students who have provided outstanding service to the Law School during the 2003-2004 school year.

Leanne Rocque, *Alternative Dispute Resolution Society*

Tracy Gallegos, *Asian Pacific American Law Student Association*

Syeta Glanton, *Black Law Students Association*

Kathleen Law, *Christian Legal Society*

Seth Harrington, *Christian Legal Society*

Nathan Judnic, *Delta Theta Phi*

Mary Christine Ludwig, *Drake Agricultural Law Society*

J.J. Andrighetti, *Drake Environmental Law Society*

Ron Youde, *Drake Federalist Society*

Eric Thomaе, *Drake Law Democrats*

Nate Watson, *Drake Law Republicans*

Michael Carroll, *Drake Law Review*

Beth Myers, *Drake Law Women*

Shea Schreiber, *Drake Outlaws*

Laura Buck, *Intellectual Property Law Society*

Jason Carlstrom, *Intellectual Property Law Society*

Daniel Rewolinski, *International Law Society*

Jennifer Williams, *Journal of Agricultural Law*

Teresa Rickert, *Moot Court Board*

Jason Dunn, *National Lawyers Guild*

Jane Reissen, *National Lawyers Guild*

Nicholas Cooper, *Student Bar Association*

Lisa Weeks, *Students United for Consumer Advocacy*

Public Service Volunteer Recognition

Drake Law School encourages its students, as lawyer-citizens, to actively contribute back to the community. The following students have met the criteria of providing a minimum of 35 hours of volunteer time toward public service during their law school careers.

Jesse Baker

Nicholas Cooper

Bill Even

Tom Hutchins

Kendric Olson

Kathleen Law

Jessica Reynolds

Tara Zager

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 2003-2004

Michael Carroll, *Editor in Chief*

Jill Alesch, *Executive Editor*

Hannah Rogers, *Research Editor*

Emily Swendson, *Managing Editor*

Rocky Robbins, *Production Editor*

Amanda Wachuta, *Projects Editor*

John Moorlach, *Note Editor*

Nichole Miras Mordini, *Note Editor*

Bill Hancock, *Article Editor*

Jon Garner, *Article Editor*

Associate Editors

Erin Sass
Kayla VanCannon
Steve White

Senior Staff

Kendric Olson
Allison Steuterman
Michael Tungesvik

Junior Staff

Julie Bussanmas
Kristy Cole
Bryan Dearing
Adam Doll
Michael Duster
Matthew Eslick
Royce Fichtner
Erik Fisk
Gary Goudelock
Lexi Isaacson
Travis Johnson
Cori Kuhn
Mitch Kunert
Kathleen Law
Kathryn Lindley
Adam McAuley
Ben Miller
Michael Murphy
Leah Patton
Kodi Peterson
Britney Schnathorst
Kurt Van Thomme
Tara Zager

Faculty Advisor

Keith C. Miller

The H.G. Cartwright Law Review Award

This annual cash award 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

2003-2004 Recipient: Michael J. Carroll

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

2003-2004 Recipient: Erik Fisk

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

2003-2004 Recipient: Amanda Wachuta

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 2003-2004

Jennifer Williams, *Editor in Chief*
Kyle C. Jackson, *Executive Editor*
Nikki S. Thompson, *Projects Editor*
Miya Molaison, *Managing Editor*
Jill Zwagerman, *Article Editor*
Lisa Ragen, *Article Editor*
Angela Doss, *Note Editor*
Nate Watson, *Note Editor*
Tim Reichwald, *Production Editor*
Matt Schinzel, *Research Editor*
Jeremy Feitelson, *Associate Editor*

Senior Staff

Nicholas Cooper
Charles Monterio
Nick Podsidaly

Junior Staff

Nate Boulton
Amber Brady
Nicaela Brandt
Keriann Brennand
Autumn Canny
Tracy McNeme Carrothers
Wendy Cooper
Bill Even
Jackie Hruska
Jesse Male
Kurt Olson
Lynn Palmgren
Kathryn Pugh

Lindsey Severson
Scott Thomsen
Joy Tranel
Sandi VanDerhule
Suzanne Van Veen
Joseph Weir
Randy Wilharber
Misty Wilson

Faculty Advisor

Neil D. Hamilton

Friend of the Journal

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

Award presented at the Journal Dinner

2003-2004 Recipient: Professor John Edwards,
Law Library Director

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

2003-2004 Recipient: Kyle C. Jackson

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.

Award presented at the Journal Dinner

2003-2004 Recipient: Charles Monterio

The Outstanding Junior 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

2003-2004 Recipient: Bill Even

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 2003-2004

Teresa Rickert, *President*

Nichole Miras Mordini, *Vice President*

Emily Reiners, *Secretary*

Marc Elcock, *Treasurer*

Senior Board Members

Cory Abbas

Lisa Ragen

Jennifer Williams

Board Members

Amber Brady

Wendy Cooper

Matthew Eslick

Kristin Gray

Anne Hensley

John Hodges

Michele Howard

Kathleen Law

Kathryn Lindley

James Nelsen

Emily Stokes

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.

Award presented at the Supreme Court Celebration Banquet

2002-2003 Recipient: Rubina Kazi

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

2002-2003 Recipient: Jill Jensen-Welch

The M. Gene Blackburn Award

This annual cash award, 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

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

2003-2004 Recipient: Mark Smith, LW'73

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.

2003-2004 Recipient: Charlie Smithson

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 2003:

Ron Bailey
Gail Barnett
Mark Hudson
Jill Jensen-Welch
Rubina Kazi
Scot Kreider
Jessica McGill
Lindsey Moore
Julia Mudeking
Curt Stamp

Honorary Barristers:

Judge Richard Blane
Judge Robert Blink

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 St. Paul, Minn. The team of Alesch, Eslick and Phipps placed first in the region, earning the right to compete in the National Tournament. The team of Garner, Porter and Rickert won Best Respondent's Brief. At the National Tournament in New York City, Alesch, Eslick and Phipps made it to the semi-final round of arguments and won second place for Best Overall Brief.

Blue Team

Jon Garner
David Porter
Teresa Rickert

White Team

Jill Alesch
Matthew Eslick
Janet E. Phipps

Professor Laurie K. Doré, *Faculty Advisor*
Matthew Eslick, *Student Coach*

American Bar Association National Appellate Advocacy

The National Appellate Advocacy Competition is sponsored by the American Bar Association. The teams travel to Atlanta, Ga. for regional competition in March.

Blue Team

Kathryn Lindley
Randy Wilharber
Jill Zwagerman

White Team

Amber Brady
John Hodges
Cori Kuhn

Donn Stanley, LW'00, *Alumni Coach*
Kathryn Lindley, *Student Coach*

National Environmental Law Competition

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

Adam Gill
Randal Goodwin
Carrie Schoenebaum

Jerry L. Anderson, *Faculty Advisor*
Jennifer Johnson LW'93, *Alumni Coach*
Wendy Cooper, *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 in March.

Blue Team

Jeremy Feitelson
Charles Monterio

White Team

Laura Buck
Kurt Van Thomme

Edmund J. Sease, *Faculty Coach*
Wendy Marsh, LW'94, *Alumni Coach*
Cory Abbas, *Student Coach*

TRIAL COMPETITIONS

The National Institute for Trial Advocacy Tournament of Champions

The NITA Tournament of Champions is an invitation-only competition for the 16 best student trial advocacy training law schools in the nation. Schools are selected based on previous performances in open competitions. The team competed in Akron, Ohio in October.

Jessica Chandler
David Porter
Teresa Rickert
Joshua Tomsheck

Mark Godwin, LW'85; Charles Kenville, LW'99;
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 Chicago in February.

Ross Anderson
Wendy Cooper
Matthew Eslick
Arthur Krinsky
James Nelsen
David Porter
Rocky Robbins
Joshua Tomsheck

Charles Kenville, LW'99; and Jeff Noble, LW'90, *Alumni Coaches*
James Nelsen, *Student Coach*

National Mock Trial Competition

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

Jill Alesch
Autumn Canney
Jessica Chandler
Craig Drummond
Syeta Glanton
Kyle Jackson

Mark Godwin, LW'85; and Steve Foritano, *Coaches*
Emily Reiners, *Student Coach*

SKILL COMPETITIONS

Negotiations Competition

The Negotiations Competition is sponsored by the American Bar Association. The 16-team regional tournament was hosted at Drake in November.

Cory Abbas
Mary Christine Ludwig
John Mills
Andrea Rasmussen

Mark Smith, LW'73, *Alumni Coach*
Cory Abbas, *Student Coach*

Client Counseling

The Client Counseling Competition is sponsored by the American Bar Association. The team traveled to Omaha, Neb. in February for regional competition.

Jason Royce Fichtner
Leah Patton
Emily Reiners
Karin Stramel

Matthew Doré, *Faculty 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 10 percent of the graduating class.

Members Elected in 2003

Ron Bailey
Joseph Borg
Karen Bruce
Bethany Currie
Lindsey Davis
Michelle Erhard
Travase Erickson
Abigail Flynn-Kozara
Jason Giles
Mark Hudson
Jill Jensen-Welch
Carey Miller
Amy Omvig
Karen Tournier

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 2003

Ross Anderson, *Death Penalty*
Kathleen Law, *Civil Procedure II*
Kodi Peterson, *Civil Procedure II*
Kathleen Law, *Contracts II*
Kurt Van Thomme, *Contracts II*
Jill Alesch, *Business Associations*
Kurt Van Thomme, *Property I*
Jennifer Williams, *Evidence*
Bryan Dearing, *Constitutional Law I*
Kurt Van Thomme, *Constitutional Law I*
Jill Alesch, *Ethics*
Jennifer Williams, *Ethics*
William Sims, *Trial Advocacy*
Carey Miller, *Sales*
Amanda Mestan, *Education Law*
Carey Erhard, *Patent Office Practices*
Tye Klooster, *Trust Construction*
Darin Mitchell, *Mass Media Law*
Carey Erhard, *Food and the Law*
Abigail Flynn-Kozara, *Criminal Practice & Procedure*
Jill Jensen-Welch, *Employment Discrimination*
Amanda Wachuta, *Employment Discrimination*
Carey Miller, *Will Draft General Practice*
Barry Koopmann, *Workers Compensation*
Jennifer Williams, *Sports Law*
Jill Alesch, *Products Liability*
Ryan Hervey, *Antitrust*
Hannah Rogers, *Business Tax*
Lindsey Davis, *Administrative Law*
Abigail Flynn-Kozara, *Payments Systems*
Buliamin Oyadare, *Public International Law*
Mark Hudson, *Labor Law II*
Wyatt Peterson, *Business Planning*
Jill Alesch, *MT CT SCD Comp*
Thao Trinh, *Children and the Law*

Summer 2003

Joseph Herrold, *Elements of Law*
Brandy Keller, *American Constitutional Interpretation*
Kathleen Law, *Income Tax Law*
Kathleen Law, *Wills and Trusts*
Carrie Rowald, *First Amendment Seminar*
Tara Zager, *Comparative Corporate Law*
Jennifer Williams, *Select Issues in International Litigation*
Kodi Peterson, *Civil Liberties and National Security*

Fall 2003

Matthew Eslick, *Remedies*
Ashley Longnecker, *Civil Procedure I*
Erika Wilkins, *Torts*
Jennifer Thurm, *Torts*
Ashley Longnecker, *Criminal Law*
Anna Wholey, *Contracts*
Tara Zager, *Business Associations*
Amber Brady, *Constitutional Law II*
Erik Fisk, *Constitutional Law II*
Michael Tungsevik, *Estate and Gift Tax*
Amanda Wachuta, *Federal Income Taxation*
Amanda Wachuta, *Wills and Trusts*
Chunping Li, *Patent Law*
Jason Fichtner, *Land Use Control*
Jennifer Williams, *Land Use Control*
Jill Alesch, *Federal Jurisdiction*
Hannah Rogers, *Labor Law*
Bryan Dearing, *Constitutional Litigation*
John Jacobsen, *Advanced Torts*
Pat Dillon, *Secured Transactions*
Cory Abbas, *Debtor/Creditor*
Nikki Thompson, *Insurance Law*
Julie DeVries, *Domestic Violence*
Syeta Glanton, *Women and the Law*

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.

2002-2003 Recipients:

Jill Alesch, *Moot Court Competition finalist*
Ron Bailey, *Moot Court Competition finalist*
Pat Dillion, *Moot Court Competition finalist*
Rubina Kazi, *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*
Cory Abbas
Michael Carroll
Nicholas Cooper
Pat Dillon
Kizzy M. Gaul
Barbara Godbout
Amy Hernandez
Robert Hancock
Amy Houston
David Mathias
Nichole Miras
James Nelsen
David Porter
Teresa Rickert
Joshua Tomscheck
M. Vanessa Unser

C. Edwin Moore Inn of Court

Laurie K. Doré, *Master of the Bench*
Jill Alesch
Marc Elcock
Jon Garner
Kyle C. Jackson
John Moorlach
Rocky Robbins
Amanda Wachuta
Jennifer Williams

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

Lance Becker
Nicholas Cooper
Blaine Doerrfeld
Cathy Drexler
Jeremy Feitelson
Michael Frost
Bill Hancock
Erika Herren-Anderson
Kyle Jackson
Nathan Judnic
Katherine Pronk
David Porter
Charles Monterio
Miya Molaison
Tim Reichwald

Second-year Ambassadors

Jennifer Anderson
Nate Boulton
Wendy Cooper
Mike Devitt
Bill Even
Royce Fichtner
Syeta Glanton
Michele Howard
Lexi Isaacson
Cori Kuhn
Mitch Kunert
Kathleen Law
Kathryn Lindley
Dan Luebbering
Mary Christine Ludwig
Beth Myers
Michelle Nagle
Lynn Palmgren
Andrea Rasmusson
Suzanne Coburn Van Veen
Katie Prey
Misty Wilson

First-year Ambassadors

Brandy Keller
Brian Rosenow
Erika Wilkins
Noreen Bush
Clarissa Rodriguez
Andy LeGrant
Kevin Makalous
Meghan Hanson

Jessica Malott
Megan Drahos
Carolyn Gunkel
Jenny Bennet
Evan Starcevic
Yu-Jui Wu

DRAKE UNIVERSITY LAW SCHOOL FACULTY AND ADMINISTRATIVE STAFF

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William D. Hennan, *Assistant Dean and Director of Continuing Legal Education*
Ann Jarnagin, *Assistant to the Dean*
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 of Law School Marketing and Communications*
James Stepp, *Drake Legal Clinic Operations Manager*

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James A. Albert, *Professor*
Jerry L. Anderson, *Richard M. and Anita Calkins Distinguished Professor*
Martin D. Begleiter, *Professor*
Andrea S. Charlow, *Professor*

Hunter R. Clark, *Professor*
Laurie K. Doré, *Professor*
Matthew G. Doré, *Richard M. and Anita Calkins Distinguished Professor*
John D. Edwards, *Professor and Law Library Director*
Sally B. Frank, *Professor*
C. Peter Goplerud III, *Professor*
Neil D. Hamilton, *Dwight D. Opperman Distinguished Professor and Director of the Agricultural Law Center*
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Cathy Lesser Mansfield, *Professor*
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James R. Monroe, *Professor*
Lisa Penland, *Assistant Professor of Legal Writing*
Lawrence E. Pope, *Professor and Director of the Center for Legislative Practice*

Daniel L. Power, *Neal and Bea Smith Distinguished Professor of Law and Clinical Education; Director of the Center for Public Service Attorneys*

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Melissa Weresh, *Associate Professor of Legal Writing*

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Susan Lerdal, *Reference Librarian and Instructor*

Deborah Sulzbach, *Acquisitions/Reference Librarian and Instructor*

Julie Thomas, *Technical Services Librarian and Assistant Professor*

Karen L. Wallace, *Circulation Reference Librarian*

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Karla Westberg

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John J. Yeager

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Hon. Robert Blink

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Noel McKibbin

Robert Oberbillig

Peter Pashler

Hon. Artis L. Reis

Laura Roan

Roxanne Ryan

Edmund Sease

Charles Smithson

Allan Sobel

Bruce Stanfield

Denise Timmins

Andrew West

Alan White

DRAKE LAW SCHOOL ADVISORY BOARDS

Board of Counselors

Executive Committee Members

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William F. Raisch LW'74, *President Elect*

Elizabeth Kennedy LW'81,

Immediate Past President

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Romonda Belcher

Chip Bellamy LW'74

Rebecca Bishop LW'99

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Marty Ryan

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