



64TH ANNUAL  
DRAKE LAW SCHOOL

# SUPREME COURT

MARCH 1-3, 2001



## SUPREME COURT DAY PROBLEM

Sarah Munns was injured when she tripped on an elevated portion of a sidewalk abutting private property, which had been concealed by grass growing between the cracks in the walkway.

Munns filed suit for her personal injuries in the Iowa District Court for Cassville County against Bobby P. Burton, the owner of the property adjoining the sidewalk, and against the city of Cassville, in which the sidewalk was located.

By municipal ordinance, the city of Cassville requires the owner of the adjoining property to maintain the sidewalk in good repair. The ordinance further makes the property owner liable for any injuries that occur by reason of unrepaired defects in the sidewalk.

Defendant Burton moved for summary judgment, contending that pursuant to an Iowa statute each municipality is solely liable for injuries caused by poorly maintained sidewalks. Burton argued that the Cassville ordinance shifting liability to the adjoining property owner is thus invalid and unconstitutional.

Municipalities in Iowa derive their authority to enact ordinances to manage affairs within their communities from the municipal Home Rule Amendment to the Iowa Constitution. The Home Rule Amendment grants cities "authority, not inconsistent with the laws of the General Assembly, to determine their local affairs and government." Iowa Constitution, article III, section 38A.

Iowa Code section 364.12(2)(c) expressly authorizes a municipality to adopt an ordinance that requires the adjoining property owner to maintain the sidewalk. However, that section includes no language addressing liability for injuries suffered by pedestrians using a defective sidewalk. By contrast, another paragraph in the same statutory section, Iowa Code section 364.12(2)(b), both makes property owners responsible for removal of snow and ice that naturally accumulates on an abutting sidewalk and liable for the failure to keep the sidewalk clear of snow and ice.

Defendant Burton contends that the Cassville ordinance, by shifting liability for improper sidewalk maintenance to the adjoining property owner, encroaches upon the state statute and therefore is an invalid exercise of municipal power. Because the pertinent Iowa statute authorizes municipalities to shift responsibility for sidewalk maintenance but does not shift liability, Burton argues that Cassville lacks authority to expand duties upon adjoining landowners beyond those permitted under the plain language of the statute. Moreover, Burton says, the underlying purpose of the statute is to establish municipal responsibility and liability for public walkways. Although the statute permits a city to hold the adjoining property owner responsible for maintaining the sidewalk, the property owner's obligation runs to the city and not to the traveling public. If the Iowa legislature believed that the adjoining landowner should also have a duty to the passerby traveling on the sidewalk, it would have said so directly. Indeed, by expressly extending liability of adjoining landowners to pedestrians for failure to clear the sidewalk of snow and ice, while notably failing to include any provision for similar liability based upon poor sidewalk maintenance, the Iowa Legislature clearly expressed its intention not to impose liability in the latter circumstance. The express mention of one thing in a statute implies the exclusion of others not mentioned.

Plaintiff Munns responds that the city's authority comes directly from the Home Rule Amendment to the Iowa Constitution, does not depend on

delegation of power from the state legislature, and is withdrawn only if a state statute expressly limits that authority. There is no facial conflict between the Cassville ordinance imposing liability on adjoining property owners who fail to maintain sidewalks and the state statute that authorizes a city to impose maintenance responsibility on property owners. Munns further suggests that the adjacent snow-and-ice-removal provision in the statute, which directly shifts liability from the city to adjoining landowners for failure to remove ice and snow build-up, was enacted in response to certain cases involving that common problem in Iowa and cannot be read to create an implicit limitation on municipal authority in other contexts. Because the Iowa statute does not address the question of liability for defective sidewalks, the city's power to enact an ordinance on that subject is undiminished. Munns contends that limitations on municipal power may not be inferred from statutory silence. Especially when an ordinance addresses the health and safety of residents, the city's constitutional power may be removed only by a clear and express prohibition in a state statute.

District Judge Mike Harris granted Burton's motion for summary judgment, holding that the Cassville ordinance "conflicts with the underlying intent of Iowa Code § 364.12 and attempts to expand the statute's liability allocation." The district court accordingly held that the ordinance is an "invalid and unconstitutional exercise of the city's power and cannot give rise to a duty in the defendant [Burton]."

Plaintiff Munns appeals to the Supreme Court of the state of Iowa.

## SUPREME COURT DAY SPEAKERS

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

## FORMER SUPREME COURT DAY FINALISTS

2000	Lisa R. Lemons Brenda K. Quade	Donald D. Stanley, Jr. Anne E. Crocker	1982	Elaine Marquardt Rose Murphy	Martha L. Mertz Stephen P. Swinton
1999	Stacie E. Barhorst Ryan J. Rohlfen	Matt J. Haindfield Donald D. Stanley	1981	Gregory L. Biehler David W. Hepplewhite	Gerald L. Hammond Helen M. Stirling
1998	Christopher A. Kragnes John Clendenin	Matt Haindfield Ryan Rohlfen	1980	John F. Gelson Steven R. Parrish	Kent J. Lund Patricia Rutherford
1997	Matt J. Cole Christopher A. Kragnes	Alan R. Ostergren Ivy Ross Rivello	1979	Lance D. Ehmcke Kasey W. Kincaid	Hugh B. Hughes Shari L. Ulery
1996	Jennifer V. Ballengee Marija Lisnich	Jennifer R. Clark Alan R. Ostergren	1978	Diane M. Henson Nancy Torrey	Thomas E. Stanberry Jack Whitley
1995	Michael Clark Jonathan S. Miles	Michael Jones 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 John A. Michelich	Gregory M. Lederer William S. Vernon
1993	Rhonda A. Hawkins Mark A. Newman	Anthony S. Mendoza Robert Mihelich	1975	Susan A. Abel Fred L. Dorr	Carter G. Bishop Thomas E. McCurnin
1992	Venessa F. Kuhlmann Gregory C. Schodde	Patricia L. Rensink-Vogel Diana M. Spahr	1974	Iris E. Muchmore Mark W. Schweibert	John M. Perkins Dennis R. Taylor
1991	John S. Courter Curtis O. Roggow	Brian M. F. Kennedy 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 Haften	1972	Richard G. Blane II Vernon L. Fraster Timothy W. Waldeck	Joseph A. Nugent Terry N. Trieweiler
1989	James A. Benzoni Pamela W. Prager	Gary R. Fischer Jeffrey J. Wolf	1971	Arthur L. Buzzell Dennis B. O'Boyle	Ben Thomas Cole Nile C. Williamson
1988	Andrew J. Bracken Gregg M. Fishbein	Carmen E. Eichmann Dawn R. Siebert	1970	R. Larry Drake Arvid D. Oliver	John R. Hearn Jack Williamson
1987	Gregory D. Brandt Steven E. Mauer	Teresa K. Hillary Marcia L. Schober	1969	Edwin K. W. Ching Albert L. Harvey Richard A. Pundt	Ronald R. Fletcher Robert D. McLaren John C. Wellman
1986	Beverly K. Caro Robert K. DuPuy	Debra Chang Steven E. Mauer	1968	Robert M. Holliday Jerome F. Lundren B. Gerald Reynolds	Vivian Jury Lawyer Mark D. Ravreby William L. Schmidt
1985	David S. Garms Anita Shodeen Parmeter	John T. Palter Kelly Benson Radetic	1967	William H. Huff III Lawrence E. Pope	Harold A. Young
1984	Debra Egli James Peter H. Thrane	Martha A. Fagg Mark D. Welkder	1966	Lyman L. Frick Gary D. Ordway	Thomas E. Leahy Jr. Richard G. Pattison
1983	Vincent E. Mauer Marlene Triggs Gresh	Steven J. Roy Kristin K. Wright			

	Jon R. Pearce Anna I. Shinkle	Jack R. Schreiber Jo Ann G. Shirley		Dwight I. Martin Robert L. Walters	Richard F. Mitchell Dirk C. Van Zante
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	Melvorn 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 Roger L. Kaas Gerold O. Patterson
1962	Marvin F. Heidman Louis A. Lavorato Stanton Sornson Brian P. Williams	Jack D. Levin R. Dale Peddicord Paul H. Tatz Thomas A. Renda	1951	Robert K. Clark John Tow	Walter E. Stradley Jack C. Wallace
1961	Phillip R. Collett James E. Houser James E. Knox Andrew H. Schill	Charles M. Ferguson Frank E. Kennedy Richard E. Ramsay	1950	Theodore L. Duffield John G. Martin	James D. McKeon William R. Rosecrans
1960	R. Don Bertell George A. Goebel George F. Milligan James B. West	Roderick C. Dickinson Randall Handley George R. Sackett James W. Yoder	1949	Horace G. Booth Paul J. Cooksey John D. Galvin Dale L. Porter	Charles Cardamon Bill E. Davenport Peter B. Larson
1959	Mark DeRuyter Harlan Max Hockett Thomas Hylan Robert R. Snyder	Philip C. Armknecht James W. Brown A. Hughes Clarence J. May	1947	Robert Daufenbaugh Louis W. Nitchals John K. Watson	Theodore H. Miller Bernard Rodholm
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	1941	Norman K. Blatchford John Connolly III Joy Fitzgerald Hix Joe W. Kridelbaugh Jr. Robert G. Riley Don Wilson	Charles C. Browning, Sr. Russell B. Decker Galen Hesalroad John H. Neiman Lorna L. Williams Robert J. Wessells
1957	Raymond A. Fenton Jerry A. Kasner Carl F. Nielsen Elwood L. Thomas	J. Hawey John R. McGlynn Leo E. Oxberger Paul O. Strand	1940	John Gannon Roy W. Meadow Virgil L. Siepel Florence Wallace	Arnold Joseph George Rice Robert Southworth Jr. Eldon A. Woltz
1956	Robert W. Callies Donald L. Kramer Lawrence E. Myers Rex V. Roupe	Robert E. Drey Walter F. Maley Gordon Nesbit Harley Whitfield	1939	Allor B. Crouch Theodore W. Doran Edward F. McCartan Cecil L. Utterback	John T. Donahoe A. E. Jensen Donald F. Klein
1955	Robert G. Allbee Harry W. Dahl	Anthony M. Critelli Durwood W. Dircks			

## ALUMNI OF THE YEAR WINNERS

2000	Robert E. Dreher
1999	Ruth Babcock Klotz
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
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
1987	Neal Smith Bea Smith
1986	Jake More Clark Mollenhoff Alfred Sulmonetti
1985	George G. Fagg Don Zarley
1984	M. Gene Blackburn Patrick D. Kelly C. Edwin Moore



## STUDENT BAR ASSOCIATION AWARDS AND RECOGNITION OF ACHIEVEMENT

### STUDENT BAR ASSOCIATION 2000-2001

#### OFFICERS

Brenda K. Quade, President  
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William Miller, Secretary  
Matthew Pittenger, Treasurer  
Alexandra Spaulding, Student/Faculty Liaison  
Edward W. Bull, Law School Liaison to University Senate  
Elizabeth Katz, ABA/LSD Representative

#### THIRD-YEAR REPRESENTATIVES

Brad Bender  
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#### SECOND-YEAR REPRESENTATIVES

Gary Dickey, Jr.  
Miranda Lundeen  
Huong Vu  
Alexander Williams III

#### FIRST-YEAR REPRESENTATIVES

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Darin Mahlke  
Wendy Johnson  
James Kirby

### 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.

Drake Legal Clinic  
Black Law Students Association  
Larry James, Sr.

## 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*

1999-2000 Recipient: Bernice A. Corley  
Honorable Mention: Darren A. Page

### 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*

1999-2000 Recipients: Hayley E. Hanson and ConGarry D. Williams

### 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*

1999-2000 Recipient: Jill S. Dashner

### AMERICAN BANKRUPTCY LAW 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.

2000-2001 Recipient: Christopher Low  
Medal of Excellence: Ryan Tang

### 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*

1999-2000 Recipient: Jennifer C. Brooks

#### 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*

1999-2000 Recipient: Christel M. Bender

#### DEAN'S SERVICE AWARDS

These awards are presented to students who have provided outstanding service to the Law School during the 2000-2001 school year.

Elizabeth A. Katz, ABA Representative  
Elizabeth A. Crocker, Agricultural Law Society  
Daniel J. Rothman, ATLA Law Student Chapter  
Holly C. Schaffter, Alternative Dispute Resolution Society  
Paul B. Love, Black Law Students Association  
Jessica L. Braeger and William P. Smith, Christian Legal Society  
Daniel T. Donnelly, Delta Theta Phi  
Koriambanya S. Carew, Drake Association for Public Interest Law  
Scott R. Kaspar, Drake Intellectual Property Law Society  
Marc E. Christopher, Drake Law Democrats  
Bradley M. Bender, Drake Law Republicans  
Brian J. Fagan, Drake Law Review  
Rebecca A. Brommel, Drake Law Women  
Lawrence I. James, Jr., Drake Urban-Environmental Law Society  
Timothy R. Coonan, Federalist Society  
Koriambanya S. Carew, International Law Society  
Brandi M. King, Journal of Agricultural Law  
Erin L. Weber, Moot Court Board  
Brenda K. Quade, 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*

1999-2000 Recipient: Professor James A. Albert

#### 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*

1999-2000 Recipient: Marty G. Helle

#### LAW REVIEWS 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 2000-2001

Brian J. Fagan, Editor in Chief  
Joanne R. Propst, Executive Editor  
B. MacPaul Stanfield, Research Editor  
Jodi L. Bell, Managing Editor  
Broc Dobervich, Production Editor  
Jason M. Hunt, Projects Editor  
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Brooke A. Sams, Note Editor  
Rebecca A. Brommel, Article Editor  
Dennis T. Olson II, Article Editor

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Lisa D. Kirkpatrick  
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Michael Leinz  
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Heather Mowery  
Cheryl Murad  
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Brad Perri  
Megan Peterson  
Lisa Sanders  
Holly Schaffter  
William Schultz  
Kara Sinnard  
Alexandra Spaulding  
Huong Vu  
Patrick White  
Renee Wiszowaty

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*

1999-2000 Recipient: Nathaniel W. Schwickerath

#### 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*

1999-2000 Recipients: Apryl M. DeLange and Brian J. Fagan

#### 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*

1999-2000 Recipients: Hayley E. Hanson and Joel T. Wiegert

#### 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 2000-2001

Brandi M. King, Editor in Chief  
Tonya A. Oetken, Executive Editor  
Bryon Gleisner, Articles Editor  
Brett T. Osborn, Articles Editor  
Anne E. Crocker, Notes Editor  
Daniel S. Vaillant, Notes Editor  
Bradley M. Bender, Managing Editor  
Mark A. King, Production Editor  
Michael A. Safris, Research Editor

#### JUNIOR STAFF

Madonna J. Backstrom  
Susan E. Brindle  
Koriambanya S.A. Carew  
Chengfei Ding  
Elizabeth A. Katz  
S. Leighton Kirby  
Paul Love  
Alison Marwitz  
Rita R. Morales  
Amelia P. Nelson  
Brian Oakey  
Samantha M. Ohlgart  
Darren Michael Romeo  
Lori Sanderson  
Ryan Tang  
Camille A. Valley  
Alexander Williams III  
Andrew T. Wirth  
Michael A. Wunn

Neil D. Hamilton, Faculty Advisor

#### 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*

1999-2000 Recipient: Danita L. Galdick

### 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. The award recognizes outstanding commitment and dedication to the Journal.

*Award presented at the Journal dinner*

1999-2000 Recipient: Margaret M. Brantley

### 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*

1999-2000 Recipient: Anne E. Crocker

## 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 2000-2001

Erin L. Weber, President  
Wendy F. Biache, Vice President  
Joanne R. Propst, Secretary/Treasurer

#### SENIOR BOARD MEMBERS

Brian J. Fagan  
Thomas P. Graves  
James F. Hall  
Brenda K. Quade

#### BOARD MEMBERS

Megan Bergstrom  
Tim Coonan  
Beth Crocker  
Gary Dickey, Jr.  
Lonnie Johnson  
Beth Katz  
Vie Khammanivong  
Jeff Lavalley  
Mike Richards

Dan Rothman  
Nekeidra Tucker  
Huong Vu

### 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*

1999-2000 Recipients: Anne E. Crocker and Donald D. Stanley, Jr.

### 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*

1999-2000 Recipients: Lisa R. Lemons and Donald D. Stanley, Jr.

### 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*

1999-2000 Recipient: Donald D. Stanley, Jr.

### 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*

1999-2000 Recipient: Edmund J. Sease

## 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 2000

Stacie Barhorst	Chris Keenan
Margaret Brantley	Lisa Lemons
Jennifer Brooks	Donald Stanley, Jr.
James Canady	Charla Tadlock
Amy Greiner	Thomas Webster

## 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. The team of Link, Schultz and Simms won first place in the national competition in New York. Link also was named Best Oralist. The team of Danos, Dickey and Huizenga finished third in the regional competition.

#### MEMBERS

John Danos	Gary Dickey, Jr.
Rebecca L. Huizenga	Jeff Link
William Schultz	Theodore C. Simms II

Gregory C. Sisk, Faculty Advisor  
Joanne R. Propst, Student Coach

### JESSUP INTERNATIONAL MOOT COURT COMPETITION

The Jessup International Moot Court Competition is an inter-law-school appellate competition. The team finished second in regional competition in February. Carew was named Best Oralist.

Koriambanya S. Carew  
Constance Grignon  
Alexandra Spaulding  
Huong Vu

Andrea Charlow, Faculty Advisor  
James F. Hall, 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.

Wendy Biache  
Paul Love  
Erin L. Weber

Jerry L. Anderson, Faculty Advisor  
Jennifer Johnson, Alumni Coach  
Erin L. Weber, Student Coach

## INTELLECTUAL PROPERTY COMPETITION

The Giles Sutherland Rich Moot Court Competition is sponsored by the American Intellectual Property Law Association. The team competes in March in Chicago.

Weldon MacDougall  
James J. Paige  
Jeff Rowe  
Kirk D. Smith

Edmund Sease, LA'64, LW'67, Faculty Coach  
Michael C. Richards, Student Coach

## TRIAL COMPETITIONS

### 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 competes in March in Boston.

Edward W. Bull  
Gary Dickey, Jr.  
Michael C. Richards  
Daniel J. Rothman  
Holly Schaffter  
William Schultz  
Theodore C. Simms II  
Ryan Tang

Jeff Noble, LW'90, and Daniel Voogt, LW'87, Alumni Coaches  
Daniel J. Rothman, Student Coach

## NATIONAL MOCK TRIAL COMPETITION

The National Mock Trial Competition is an inter-law-school trial advocacy competition. The team of Brunner, Quade and Stodghill won the regional competition in Lincoln, Nebraska, in February and will compete in the national competition in March.

Jodi Bell  
Amy J. Brunner  
Koriambanya S.A. Carew  
Brenda K. Quade  
Mike Salvner  
Bryan K. Stodghill

Mark Godwin, LW'85, and Steve Foritano, Coaches  
Brenda K. Quade, Student Coach

## SKILL COMPETITIONS

### NEGOTIATIONS COMPETITION

The Negotiations Competition is sponsored by the American Bar Association. The team competed in regional competition in St. Paul, Minnesota, in November.

Margery Hanes  
Lonnie Johnson  
Jon Kramer  
Dan Transier

LeAnne K. Krell, LW'99, Coach  
Lonnie Johnson, 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.

1999-2000 Members  
Stacie Barhorst  
Jill Beaird  
Jennifer Brooks  
David E. Frank  
Apryl DeLange  
Cory Harris  
Nova Janssen  
Nathaniel Schwickerath  
Jennifer Swartz

Kathryn Walker  
Joel Wiegert

## 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 2000

Wendy Biache, Products Liability  
Wendy Biache, Ethics  
Jennifer Brooks, Administrative Law  
Amy Brunner, Trial Advocacy  
Heather Campbell, Health Law  
Anne Crocker, Moot Court SCD Competition  
John Danos, Contracts II  
Jessica DuRocher, Civil Procedure II  
Byron Gleisner, Constitutional Litigation  
Doug Gradisar, Constitutional Law I  
Kelly Helwig, Constitutional Law I  
Mark King, Mass Media Law  
Lisa Kirkpatrick, Criminal Practice and Procedure  
Lisa Kirkpatrick, Ethics  
Kristi Knaack, Advanced Corporate Law  
David Kuehner, Property I  
Angela Morales, Evidence  
Brenda Quade, Trial Advocacy  
Brooke Sams, Education Law  
B. MacPaul Stanfield, Securities Regulation  
B. MacPaul Stanfield, Business Associations  
B. MacPaul Stanfield, Sports Law  
Keith Vande Krol, Business Tax  
Huong Vu, Contracts II  
Patrick White, Civil Procedure II  
Patrick White, Property I

### SUMMER 2000

Karen Bruce, Bioethics and the Law  
Thomas Cope, Income Tax  
Jill Jensen-Welch, American Constitutional Interpretation  
Jill Jensen-Welch, Death Penalty  
Brett Osborn, Wills and Trusts  
Mark Roth, Wills and Trusts  
Robyn Steger, Criminal Defense — Mental Disability

### FALL 2000

Megan Bergstrom, Constitutional Law II  
Jessica Braeger, Trademarks  
Rebecca Brommel, Family Law  
Rebecca Brommel, Income Tax  
Karen Bruce, Death Penalty  
Karen Bruce, Criminal Law  
Edward Bull, Medical Malpractice  
Thomas Cope, Federal Tax  
Bethany Currie, Contracts I

Bethany Currie, Criminal Law  
 John Danos, Constitutional Law II  
 John Danos, Litigation/Federal Government  
 Carey Erhard, Contracts I  
 Douglas Gradisar, Environmental Law  
 Laura Harper, Civil Procedure I  
 Kelly Helwig, Legislation  
 Adam Jones, Torts  
 Lisa Kirkpatrick, Federal Jurisdiction  
 Lisa Kirkpatrick, Labor Law I  
 Lisa Kirkpatrick, Supreme Court Seminar  
 Christopher Low, Debtor Creditor Law  
 Edward Manzetti, Introduction to Agricultural Problems  
 Carey Miller, Civil Procedure I  
 Byron Miller, Payment Systems  
 Tara Moffit, Evidence  
 Tara Moffit, Secured Transactions  
 Lindsey Moore, Torts  
 Tonya Oetken, Business Associations  
 Megan Peterson, Ethics  
 Julia Pulling, Family Law Seminar  
 Brenda Quade, State and Local Government  
 Robert Rehkemper, Advanced Torts  
 Darren Romeo, European Community Law  
 Mark Roth, Estate and Gift Tax  
 Brooke Sams, Women and the Law  
 William Sims, Contracts I  
 Holly Streeter-Schaefer, Wills and Trusts  
 Daniel Vaillant, Evidentiary Suppression Motions  
 Keith Vande Krol, Insurance Law  
 Sarah White, AIDS and the Law  
 Sarah White, Modern Real Estate

**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 2000:

Nova D. Janssen, top of graduating class  
 Patrick B. White, top of first-year class  
 Jennifer C. Brooks, editor in chief of the Drake Law Review  
 Jeffrey Link, outstanding first-year oralist  
 Danita Galdick, 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  
 Crystal D. Beelner  
 Rebecca A. Brommel  
 Amy J. Brunner  
 Edward W. Bull  
 Koriambanya S.A. Carew  
 Amy M. Duval  
 Brian J. Fagan  
 Matthew A. Leddin  
 Eric J. Loney  
 Brett T. Osborn  
 Joanne R. Propst  
 Brenda K. Quade  
 Darren M. Romeo  
 Kirk Smith  
 Bryan K. Stodghill  
 Daniel S. Vaillant  
 Andrew T. Wirth

C. EDWIN MOORE INN OF COURT  
 Laurie K. Doré, Master of the Bench  
 Bradley M. Bender  
 Heather Campbell  
 Anne Elizabeth Crocker  
 Ben Dvergsten  
 Lawrence I. James, Sr.  
 Dennis T. Olson II  
 Theodore C. Simms II  
 Joni Kay St. Pierre  
 Erin L. Weber

**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.

1999-2000 Recipient: Donald D. Stanley, Jr.

**WEST PUBLISHING AWARDS 1999-2000**

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

Law I: Patrick B. White  
 Law II: B. MacPaul Stanfield  
 Law III: Nova D. Janssen

## HONOR BOARD 2000-2001

Professor James Albert  
Professor Sally Frank

Brandi King, 3L  
John Danos, 2L  
Lyssa Pelinski, 1L

## 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

Jodi Bell  
Bradley Bender  
Wendy Biache  
Amy Brunner  
Edward Bull  
Beth Crocker  
Adam Davis  
Amy Duval  
Joanne Propst  
Brenda Quade  
Darren Romeo  
Julie Seymour  
Kirk Smith  
Drew Speicher  
Daniel Vaillant  
Andrew Wirth  
Sunny Witham

### SECOND-YEAR AMBASSADORS

Madonna Backstrom  
Jessica Braeger  
Nga Bui  
Aaron Charrier  
Marc Christopher  
Tim Coonan  
John Danos  
Gary Dickey  
Doug Gradisar  
Chad Hutchings  
Beth Katz  
Jamie Kirby  
Bill Miller  
Heather Mowery  
Amie Nelson  
Anne Nielsen  
Samantha Oblgart  
Brad Perri  
Megan Peterson  
Lisa Sanders  
Lori Sanderson

Holly Schaffter  
Will Schultz  
Karen Sisson  
Bill Smith  
Jason Smith  
Camille Valley

### FIRST-YEAR AMBASSADORS

Sara Anderson  
Gail Barnett  
Jason Butler  
Kari Calabrese  
Kerry Carskadon  
Andy Commins  
E. Jacob Cummings  
Bethany Currie  
Michelle Engler  
Mark Hudson  
Wendy Johnson  
Brian Kohlwes  
Kari Kruml  
Darin Mahlke  
Michael Marquess  
Carey Miller  
Darin Mitchell  
Lindsey Moore  
Elizabeth Neugent  
Korissa Newell  
Amy Omvig  
Erin Parmelee  
Lyssa Pelinski  
Wyatt Peterson  
Whitney Poston  
Chad Ray  
Joshua Root  
Rosalind Sargent  
Jean Ann Zarn

## DRAKE UNIVERSITY LAW SCHOOL FACULTY AND ADMINISTRATIVE STAFF

### ADMINISTRATION

David E. Maxwell, President of the University  
C. Peter Goplerud III, Dean and Professor  
Jerry L. Anderson, Associate Dean and Professor  
William D. Hennan, Assistant Dean and Director of Continuing Legal  
Education  
Ann Jarnagin, Assistant to the Dean  
Carol Sipfle, Director, Law School Alumni and Development  
Kara Blanchard, Director of Admission and Financial Aid  
Rick Sheriff, Director of Career Services  
Catherine Paardekooper, Clinic Assistant

### FACULTY

James A. Adams, Richard M. and Anita Calkins Distinguished Professor  
James A. Albert, Professor  
Thomas E. Baker, James Madison Chair in Constitutional Law, Professor  
and Director of the Constitutional Law Center  
Tanya K. Bartholomew, Associate Director of the Center for Legislative  
Practice and Legal Writing Instructor  
Martin D. Begleiter, Professor  
Andrea S. Charlow, Professor  
Hunter Rodney Clark, Professor  
Laurie K. Doré, Professor  
Matthew G. Doré, Professor  
John D. Edwards, Professor, Director of the Law Library and Executive  
Director of Legal Research and Writing  
Sally B. Frank, Professor  
Neil D. Hamilton, Ellis and Nelle Levitt Distinguished Professor and  
Director of the Agricultural Law Center  
David B. Hanson, Information Technology, Reference Librarian and  
Instructor  
Robert C. Hunter, Professor  
Susan N. Lerdal, Reference Librarian and Instructor of Librarianship  
Suzanne J. Levitt, Professor and Executive Director of Clinical Programs  
Russell E. Lovell II, Professor  
Cathy Lesser Mansfield, Associate Professor  
Karnale Manuel, Visiting Assistant Professor  
David E. McCord, Professor  
Keith C. Miller, Ellis and Nelle Levitt Distinguished Professor  
James R. Monroe, Professor  
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 and Director of the Center for Public Service Attorneys  
Elizabeth Quinlan, Legal Writing Instructor  
Robert R. Rigg, Visiting Associate Professor and Director of Criminal  
Defense Program  
Gregory C. Sisk, Richard M. and Anita Calkins Distinguished Professor  
Maura I. Strassberg, Associate Professor  
Julie A. Thomas, Technical Services Librarian and Assistant Professor  
Karen L. Wallace, Circulation/Reference Librarian and Instructor of  
Librarianship

David S. Walker, Dwight D. Opperman Distinguished Professor  
Melissa Weresh, Assistant Director of Legal Writing

### FACULTY EMERITI

Juan F. Aguilar  
Edward R. Hayes  
John J. Yeager

### ADJUNCT PROFESSORS OF LAW 2000-2001

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Steven Foritano  
J. Barton Goplerud  
Linda Hanson  
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James Holcomb  
Julia H. Johnston  
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Louis Lorvellec  
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Philippe Sands  
Edmund J. Sease  
Paul Thune  
Catherine H. Thune  
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## DRAKE LAW SCHOOL ADVISORY BOARDS

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### LAW ENDOWMENT TRUST BOARD

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Scott Peters LW'75  
Edmund Sease LW'67  
H. Richard Smith LW'58  
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Hon. Gene Maddox  
Daryn McBeth LW'96  
Brice Oakley  
Julie Pottorff  
Dennis C. Prouty BN'68  
Marty Ryan  
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Frank Stork  
Charles Wasker LW'52  
James West LW'60  
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