

Iowa's Business Court

Two Year Progress Report and Thoughts from the Bench

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Table 1: Ten Cases Concluded by the Iowa Business Court (From June 1, 2013 to June 30, 2015)

#	Case title / District Ct Case # (County)	Dist	Pri-mary Judge*	Settle-ment Judge*	# of Pltfs	# of Defs	Jury / bench trial	Date filed in Dist Ct	Date assigned to Biz Ct	Date set for Trial	Date settled or closed	Months: Biz Ct assignment to dispo.
1	World Food Intern v World Food Proc / EQEQ087352 (Mahaska)	8A	Scies-zinski	Huppert	1	3	Bench	11-Jan-13	28-May-13	18-May-15	Settled 12-Jul-14	13.5
2	Bartling v LWBJ Financial /LACL124872 (Polk)	5C	Huppert	Telleen	2	7	Jury	21-Mar-12	3-Sep-13	28-Jul-14	Settled 14-July-1	10.5
3	Gen Motors v Leep Cheverolet /LACE123778 (Scott)	7	Scies/Hupp**	Huppert	1	1	Jury	17-Sep-13	27-Sep-13	20-Oct-14	Settled 10-Oct-14	13
4	Rothgeb & Meyers v Axis Group Hldgs /LALA006081 (Lee)	8B	Telleen	Scies-zinski	2	10	Jury	10-Oct-12	9-Oct-13	8-Dec-14	Settled 21-Aug-14	10.5
5	WDM School Dist v Weitz Co et al /LACL123417 (Polk)	5C	Huppert	Scies-zinski	1	14	Jury	3-Oct-11	24-Oct-13	29-Sep-14	Settled 23-Sep-14	11
6	Flemmer v US Bank /EQCE074673 (Polk)	5C	Telleen	Huppert	2	2	Jury	10-Jul-13	7-Nov-13	15-Sep-14	Settled 7-Jul-14	8
7	Mettile et al v Caluzzi /EQCV038275 (Dallas)	5A	Huppert	Telleen	1	1	Bench	25-Apr-13	11-Dec-13	6-Aug-14	Settled 17-Jul-14	6.5
8	Desert Flour v Timberline Mgt /LACV078149 (Linn)	6	Telleen	Scies-zinski	2	3	Jury	1-Apr-13	3-Jan-14	17-Jun-14	Settled 11-Apr-14	3
9	Copy Systems Inc v Laser Resourcs et al- /LACL129210 (Polk)	5C	Scies-zinski	Huppert	1	3	Jury	25-Nov-13	11-Mar-14	16-Feb-15	Settled 14-Oct-14	7
10	Goetsch v Circle G Farms /EQCV015164 (Ida)	3B	Telleen	NA	3	4	Bench	5-Sep-14	12-Sep-14	Trial: 11-17-14	Ruling 29-Jan-15	4.5

*Primary judge handles all aspects of a case except settlement negotiations, which are handled by the settlement judge.

**Judge Scieszinski handled this case as the primary judge for a couple months, then recused herself when a conflict arose. Judge Huppert was thereafter assigned as the primary judge.

Table 2: Eleven Cases Active / Pending in the Iowa Business Court (July 2, 2015)

#	Case title / District Ct Case #	Dist.	Primary Judge*	Settlement Judge*	# of Pltfs	# of Defs	Jury / Bench	Date filed in Dist Ct	Date assigned to Biz Ct	Date set for Trial
1	Estate of Willenborg v American Trust /ESPR044243 (Dubuque)	1A	Scies-zinski	Huppert	5	3	Bench	14-Mar-12	5-Dec-13	19-Oct-15 (2 nd)
2	Tai Village v Baccam, et al /EQCE076614 (Polk)	5C	Huppert	Assigned to a Master	3	12	Bench	2-Jun-14	10-Dec-14	
3	Matrixx Mgmt v Highland Meadows /EQCV139151 (Dallas)	5A	Huppert	Telleen	1	1	Bench	9-Dec-14	16-Jan-15	
4	Promat v. FLSmidth et al. /LACV152295 (Woodbury)	3B	Telleen	NA	1	3	Jury	18-Dec-12	16-Jan-15	J Trial: Jun 8-12**
5	Shredlage v Scheerer /LALA074975 (Mahaska)	8A	Scies-zinski	Telleen	3	1	Jury	16-Jan-15	30-Mar-15	
6	Meyer v Peoples Savings Bank, et al. /LACV059252 (Grundy)	1B	Huppert	Telleen	1	3	Jury	5-Mar-15	10-Apr-15	
7	Seaway Bank & Trust v. Layton State Bank / LACV041701 (Clinton)	7	Huppert	Telleen	1	1	Jury	15-Jan-15	29-Apr-15	11-Jul-16
8	Carpenter v. Northwestern Mutual Insur, et al., /LALA018726 (Louisa)	8B	Telleen	Huppert	1	5	Jury	16-Sep-13	29-Apr-15	
9	Copple et al, v Copple et al., /CVCV047906 (4 cases consolidated) (Polk)	5C	Telleen	Huppert	4	4	Jury	24-Jun-14	3-May-15	
10	Dovico et al. v Valley View Swine et al. / LALA105144 (Wapello)	8A	Scies-zinski	Huppert	41	8	Jury	2-Apr-14	2-July-15	1-Feb-16
11	Winburn et al., v Hoksbergen et al., / LALA002187 (Powsheik)	8A	Scies-zinski	Huppert	12	3	Jury	16-May-14	2-July-15	1-Feb-16

*Primary judges handles all aspects of the case except settlement negotiations, which are handled by the assigned settlement judge.

**Still pending on July 2, 2015, due to post-trial motions.

Table 6 - Attorneys' Evaluation of the Business Court Pilot Project (7-13-15)

A. FACTORS THAT LED ME TO SEEK ASSIGNMENT TO THE BUSINESS COURT		
3 = High expectation, 2 = Moderate expectation, 1 = Low expectation, 0 = No expect.	Responses	Avg Rating
<i>I expected that the business court would be more likely than the regular district court to:</i>		
1. Assign one judge to handle all aspects of the case (except settlement negotiations).	30	2.7
2. Provide a judge with experience in managing complex cases.	30	2.8
3. Provide a judge with expertise in relevant business law issues.	30	2.7
4. Be flexible in developing a case management plan.	30	2.6
5. Effectively manage discovery-related issues.	30	2.4
6. Limit the number of continuances.	30	1.8
7. Employ an effective strategy for settling the case.	30	1.4
8. Employ video or telephone conferencing to reduce attorney time and costs.	30	1.5
9. Effectively manage the trial.	30	2.5
10. Reduce delays in bringing our case to trial or settlement.	30	2.3
11. Achieve a resolution of our case at a lower overall cost (work time and expenses).	30	1.6
B. EVALUATION OF BUSINESS COURT PERFORMANCE		
3 = Strongly agree, 2= Agree, 1 = Disagree, 0 = Strongly disagree, NA = Not applicable	Responses	Avg Rating
<i>The business court achieved the goal of:</i>		
13. Assigning a single judge to manage all aspects of the case (except settlement negotiations).	29	2.9
14. Providing a judge with experience in managing complex business cases.	27	2.8
15. Providing a judge with expertise in relevant business law issues.	26	2.5
16. Providing a judge who was flexible in developing a case management plan.	27	2.8
17. Providing a judge who effectively handled discovery-related issues.	18	2.8
18. Providing a judge who effectively limited the number of continuances.	12	2.7
19. Providing a judge who employed an effective strategy for settling the case.	15	2.5
20. Providing a judge who effectively used tele-video conferencing to reduce attorney time and costs	15	2.3
21. Providing a judge who effectively managed the trial.	10	2.6
22. Bringing our case to trial or settlement in less time than it probably would have required through the regular district court process.	25	2.5
23. Bringing the case to a resolution at a lower overall cost (work time and expenses) than it probably would have cost through the regular district court process.	25	2.3
C. EVALUATION OF OTHER JUDICIAL QUALITIES		
3 = Strongly agree, 2= Agree, 1 = Disagree, 0 = Strongly disagree, NA = Not applicable	Responses	Avg Rating
25. The primary judge displayed <i>civility</i> toward all parties in this case.	29	3.0
26. The primary judge displayed <i>fairness</i> toward all parties in this case.	29	3.0
27. The settlement judge displayed <i>civility</i> toward all parties in this case.	15	2.8
28. The settlement judge displayed <i>fairness</i> toward all parties in the case.	15	2.9
D. OVERALL EVALUATION		
3 = Strongly agree, 2= Agree, 1 = Disagree, 0 = Strongly disagree	Responses	Avg Rating
29. The business court should become a permanent component of the Iowa court system.	30	2.9
30. I will seek assignment of qualifying cases to the business court in the future.	30	2.8

Attorneys' Expectations for the Business Court

Section A in Table 6 provides an assessment of what attorneys expected from the business court. They generally expressed high expectations (average rating of 2.5 or higher) that the business court would offer:

- One judge to handle all aspects of the case, excluding settlement negotiations.
- A judge with experience in managing complex cases.
- A judge with expertise in relevant business law issues.
- A judge who would be flexible in developing a case management plan.
- A judge who would effectively manage the trial.

Attorneys generally had lower expectations (average rating of less than 2.0) regarding the likelihood that the business court would:

- Employ an effective strategy for settling the case.
- Limit the number of continuances.
- Achieve a resolution of the case at a lower overall cost in work time and expenses.

Attorneys' Evaluation of Business Court Performance

The responding attorneys *strongly agreed* (average rating of 2.5 or higher) that the business court achieved nine of the eleven performance goals:

- Assigning one judge to handle almost all aspects of the case.
- Providing a judge with experience in managing complex cases.
- Providing a judge with expertise in relevant business law issues.
- Providing a judge who was flexible in developing a case management plan for the case.
- Providing a judge who effectively handled discovery-related issues.
- Providing a judge who effectively limited the number of continuances.
- Providing a judge who employed an effective strategy for settling the case.
- Providing a judge who effectively managed the trial.
- Brought their case to a resolution at an overall lower cost than would have occurred in the regular district court.

They also tended to agree (average rating of 2.3) that the business court:

- Brought their case to a resolution at an overall lower cost than would have occurred in the regular district court.
- Effectively used tele-video conferencing to reduce attorney time and costs.

Attorneys' Evaluation of Other Judicial Qualities

Twenty-nine attorneys *strongly agreed* that the *primary* judge in their case displayed civility (average rating = 3.0) and fairness (average rating = 3.0). Only about half as many attorneys (15 respondents) provided ratings on the fairness and civility of the *settlement* judge in their case. The number of respondents is small on these issues because, among the ten closed cases (the ones in which attorneys were sent questionnaires): (1) a settlement judge was not assigned in two cases

(*Goetsch* and *Promat*) because the attorneys indicated they were ready for trial, and (2) in four of the cases (*Bartling*, *WDM Schools*, *Flemmer*, and *Desert Flour*) the assigned settlement judge did not become involved in each case. (See Table 4 for data on the number of hours reported by the primary and settlement judges.) The ratings of the settlement judges by these 15 attorneys were also very positive: average rating of 2.8 on fairness and 2.9 on civility.

Attorneys' Overall Evaluation of the Business Court

This section of the questionnaire includes just two statements to which attorneys are asked to respond “3 = Strongly agree” – or on the other end of the spectrum -- “0 = Strongly disagree.” On the statement “The business court should become a permanent component of the Iowa court system” – 30 attorneys responded with an average rating of 2.9. On the statement “I will seek assignment of qualifying cases to the business court in the future,” 30 attorneys responded with an average rating of 2.8. Although some of the average ratings discussed earlier on the business court’s performance suggest there are probably areas that require improvement, the overall assessment is strongly supportive of the business court. The 30 attorneys clearly wish to see the business court become a permanent component of the civil litigation system in Iowa.

Joint Consent for Case Assignment to the Business Court Pilot Project

Plaintiffs *Full name: first, middle, last*

Case no. _____

County _____

Submit this form to the Iowa State Court Administrator. Do not file this form with the clerk of district court.

vs.

Defendants *Full name: first, middle, last*

Joint Consent for Case Assignment to the Business Court Pilot Project

1. Pursuant to the Iowa Supreme Court “Memorandum of Operation” for the Iowa Business Specialty Court Pilot Project, the parties to this case hereby request and consent to assignment of this case to the Iowa Business Specialty Court Pilot Project.
2. The parties assert that the claims in this case meet one or both of the criteria set forth in section E of the Memorandum of Operation as follows:
 - A. Claims for compensatory damages totaling \$200,000 or more.
 - B. Claims seeking primarily injunctive or declaratory relief.
3. This case also satisfies one or more of the following criteria as set forth in section E of the Memorandum of Operation, as the case involves (check if applicable):
 - A. Technology licensing agreements or any agreement involving the licensing of any intellectual property right, including patent rights;
 - B. The internal affairs of one or more businesses;
 - C. Claims of breach of contract, fraud, misrepresentation, or statutory violations between businesses;
 - D. A shareholder derivative or commercial class action;
 - E. Commercial bank transactions;
 - F. Trade secrets, or non-compete, non-solicitation, or confidentiality agreements;
 - G. Commercial real property disputes;
 - H. Antitrust or securities-related actions;
 - I. Business tort claims.
4. The following reflect the status of this case:
 - A. Trial scheduling order (Rule 23.5) has been filed: Yes No
 - B. All parties have been joined: Yes No

C. The pleadings have closed: Yes No

If no, explain: _____

D. Discovery has been completed: Yes No

If no, it shall be completed by: _____ / _____ / 20____
Month Day Year

E. A demand for a jury trial has been filed: Yes No

F. Trial date is set: Yes No

If yes, trial is set to begin: _____ / _____ / 20____
Month Day Year

G. The estimated length of the trial is: _____ days.

H. Pleadings have been filed:

- (1) Manually.
- (2) Electronically in the Electronic Document Management System (EDMS).
- (3) Combination *Explain:* _____

5. List the names of plaintiffs and attorneys and the contact information for attorneys of plaintiffs.
Attach additional sheets if necessary.

Plaintiff names	Attorney names and addresses	Attorney email and phone numbers

Check this box if you are attaching a sheet listing additional names and contact information for plaintiff(s).

Continued on next page

