

FIFTY **50** YEARS
IOWA DEFENSE COUNSEL ASSOCIATION

1964 to 2014

Iowa Defense Counsel Association
50th Annual Meeting & Seminar
September 18 - 19, 2014
West Des Moines Marriott
West Des Moines, Iowa



The Foundation of the IDCA



The Iowa Defense Counsel Association was incorporated in 1964 under an old Iowa Nonprofit Corporation Act. Within a year, the organization voluntarily adopted the new Iowa Nonprofit Corporation Act and then reinstated the IDCA Articles of Incorporation in 1965.

“The first Annual Membership Meeting of the Iowa Defense Counsel Association was held at Des Moines, Iowa, on October 1, 1965, at Johnny & Kay’s Motor Hotel. Approximately seventy-five (75) members of the Association were in attendance at the meeting. The meeting was called to order at 4:30 p.m. by Edward F. Seitzinger, President of the Association.” - Membership Meeting Minutes

Founded in 1964, with the official incorporation date of 1965, so it began 50 years ago. At the first membership meeting, with just over \$2500 in the bank and 147 members, Frank Davis was elected for President, D.J. Goode for Vice President, Paul Wilson for Secretary, and William J. Hancock for Treasurer.

The period was no stranger to significant events. Martin Luther King, Jr. won the Nobel Peace Prize. Lyndon B. Johnson won the election to return as U.S. President. American combat troops were sent to Vietnam. The Civil Rights Act of 1964 was signed, followed by the Social Security Act. The Voting Rights Act became law. Locally, Iowa Governor Harold Hughes signed the bill to abolish the death penalty. And the Iowa Civil Rights Act of 1965 was established.

In the midst of a period where headlines were full of stories about war, racism and civil rights, a group of local defense lawyers met at the first membership meeting of the Iowa Defense Counsel Association. According to its first Articles of Incorporation, “The purposes for which this corporation is organized are to engage in any and all lawful activities of scientific, literary or educational character related to the practice of the profession of law in the State of Iowa.”

As its first president, Edward Seitzinger played a key role in the formal organization of the IDCA. Seitzinger ran the first membership meeting on the 1st of October, and the next day President Frank Davis followed suit. The first few years focused on setting policies, creating programs, establishing membership roles, and defining the mission of the organization.

By December 1965, at a meeting of the Board of Governors at the Fort Des Moines Hotel, panel discussions and law school seminars were introduced. Panels would be held at each law school, and to be related to personal injury defense techniques. Education quickly became a key function of the Iowa Defense Counsel Association.

Setting the Stage for Lasting Relationships

In the early days, members of the Iowa Defense Counsel Association knew exactly where to look to find their board members on meeting days. Throughout the late 1960s and well into the '70s, board members traveled to the familiar Fleur Drive location of Johnny & Kay's Motor Hotel in Des Moines.

Annual Meetings at the hand of Edward Seitzinger also found their home at Johnny & Kay's Motor Hotel, known as Johnny & Kay's Hyatt House by 1970. The atmosphere gave rise to interactive educational sessions, and to late night dining, social hours, and even occasional cocktails and card games.

These early days set the stage for the type of long-term relationships that distinguish the IDCA. Professional and personal, internal and external, relationships have proven key to long-term success.

Beyond the doors of the meeting room at Johnny & Kay's, the IDCA Board of Directors built bridges over time with key players in the profession of defense. Two of the earliest of strategic professional relationships were established with the law schools at Drake University and the University of Iowa. Harry Druker led the charge for years organizing the law school programs. Later, mock trial events and scholarship programs were spawned from these relationships.

Further, the Iowa Defense Counsel Association created a place for itself among Iowa legislators. A board-appointed Legislative Committee tracked and presented legislative issues for a decade before the suggestion was made in 1978 to consider a paid representative for contact at the state legislature. A part-time lobbyist was hired in 1979.

Other relationships dating back to the beginning include those with various defense groups. In 1969, President Philip Willson visited the Illinois Defense Counsel Association in Chicago. Not long after that Willson attended the "Defense Group Convention" in Miami, Florida. By 1978, the IDCA convinced the National Convention of Defense Counsel Associations to hold their annual meeting in Des Moines.

Through its relationship with the Defense Research Institute (DRI) and its publications, IDCA shared information with the state legislators and judges. With education as a great strength of the Iowa organization, other state associations took note. In 1978, the Colorado Defense Counsel Association invited the IDCA to its Annual Meeting. And later that year the Nebraska Defense Counsel Association proposed joint educational programs.

Since its foundation, the Iowa Defense Counsel Association has understood the value of connections, collaboration and relationships.

50 Years of Providing Value through Education

Since it began in 1964, the Iowa Defense Counsel Association has made education a top priority. IDCA organizers moved quickly on ideas for sharing important information. As a statewide association, opportunities for education presented themselves in a variety of means and purposes.

IDCA Annual Meetings are well-stocked with new information and reviews of existing issues. Within the first decade, Annual Meeting sessions grew so valuable that by the middle of the 1970s, the IDCA Board under President Robert Waterman sought and received accreditation for Continuing Legal Education credit. In 1976, for example, suggestions for program topics included “Covenants Not to Sue and Indemnifying Agreements,” “Bad Faith in Refusing to Settle within Limits,” and “Claim Preclusion.”

In the next decade, the 1984 program list included the typical sessions on workers’ compensation, legislative updates and appellate court reviews, but also covered: “Vocational Disability Evaluations,” “Demonstrative Aids in the Courtroom,” “Defense Techniques under Iowa’s Comparative Fault Act,” and “Defense Practice under ABA Model-Rules of Professional Conduct.”

Ten years later, in 1994, members attended sessions on “Trial by Visual Aid,” “Product Liability Developments,” “Crashworthiness,” “Defending Emotional Distress Claims,” and “Commercial Litigation.” And in 2004, rooms around the Marriott Downtown Des Moines were discussing topics such as “Responding to a White Collar Crime Investigation,” “The Ethics of E-mail,” “Using the Internet to Evaluate Damages,” and “Defending the Environmental Claim.” *“I really do believe this is probably one of the premier CLEs - if not the premier CLE experience in the state.”* – Marion Beatty, IDCA President 2000-2001

In between IDC Annual Meetings, news and education reaches IDCA members in other formats. The IDCA provides four quarterly CLE webinars annually, and in 2014 established IDCA Socials—social gathering around the state for members to connect throughout the year.

IDCA’s *Defense Update* provides current case law information quarterly. And throughout the year, involved IDCA committee members network and share experiences and issues of concern. *“We have great networking throughout the state and we have an interest in how young lawyers are coming up through the ranks.”* –Sharon Greer, IDCA President 2004-2005

Members Value the IDCA Annual Meetings



The IDCA Annual Meeting serves as the magnet that draws members together and the glue that provides defense lawyers from across the state a common bond throughout the year. Annual meetings began the year the organization was formed, and continue to be a focus for drawing members together from across the state to discuss issues and policy, for education, recognition, as well as networking and socializing.

In 1965, of the 147 IDCA members, 75 attended the Annual Meeting at Johnny & Kay's Motor Hotel in Des Moines. A decade later, under IDCA President Ralph Gearhart, membership attendance was an issue. A committee was appointed "for the purpose of determining methods to obtain increased attendance at the Association's Annual Meetings and obtain new members." The idea of mandatory continuing legal education was discussed. During that time period, the Board voted to invite the Colorado Defense Counsel to be guests at the 1980 Annual Meeting at the Hyatt House Motel. By 1982, the IDCA Board reported attendance of 172.

In 1985 there were 195 in attendance at the Airport Hyatt in Des Moines. In 1987 they met at the Airport Regency. And under President Thomas Hanson, 1988 meeting moved to the University Park Holiday Inn in West Des Moines.

IDCA is noted for building professional relationships as well as long-lasting friendships. Martha Shaff shared how she has benefited from attending IDCA events. *"What I've found is that I have a lot of friends because of the Iowa Defense Counsel."*

Many return year after year for the social side of the IDCA Annual Meetings. As David Phipps recalls, the social side of the IDCA dates back to his first years of membership. *"It really was quite the social occasion for a defense lawyer. It was kind of THE event of the year."*

A Climate of Acceptance and Achievement

As the dust of the Civil War was settling, Arabella Mansfield of Mount Pleasant, Iowa, advocated for women's right to vote and the right to practice law. She passed Iowa's bar exam before women were permitted to practice law. Shortly after, the Iowa legislature amended its statute to allow women and minorities to practice law in the state, and Belle Babb Mansfield became the nation's first female lawyer in 1869.

A century later, in 1970, just under 5% of the nation's lawyers were women. One of those women, Claire F. Carlson of Fort Dodge, became the first female member of the Iowa Defense Counsel in 1975. *"The late Claire Ferguson Carlson...graduated from the University of Iowa in 1950...one of only three women in her law-school graduating class...was a prominent figure in the Fort Dodge community and in the legal profession in Iowa."* (University of Iowa Foundation News Service). In 1977, Elizabeth Nolan joined IDCA, and in 1978 Marsha Ternus became a member.

For the Iowa Defense Counsel Association, Carlson paved the way for females taking on leadership roles starting in 1980 as a District Director. She served as the organization's Secretary and President-Elect, and in 1985 Carlson accepted the position of the organization's first female President. Each decade that passed the IDCA saw an increase in female membership. At the time of Carlson's presidency, only about 8 of the over 300 IDCA members, or just 2%, were women. Nearly 10 years later, in 1994, membership had increased to over 400 and the number of women to over 40, up to about 10%. Women participated in Annual Meetings and were becoming part of the fabric of the organization. By 1997 Jaki Samuelson accepted the position of IDCA President.

In 1993, Iowa welcomed its first female Supreme Court Justice. IDCA member Marsha Ternus was appointed to the Iowa Supreme Court by Governor Terry Branstad. In 2006 she became the first woman to serve as Chief Justice in the history of the Iowa Supreme Court.

As the century turned, the number of female lawyers in the United States continued to increase, growing to almost 33% according to the 2010 US Census data (per **The Wall Street Journal* online). During this decade, three women were at the helm for the IDCA. Accepting Presidency in 2004 was Sharon Greer, in 2007 Martha Shaff, and in 2008 Megan Antenucci. The IDCA currently has over 360 members, of which close to 20% are now women.

"(IDCA is) so inclusive with women and minorities...it really helps a young woman who's coming up through the ranks..." – Sharon Greer

50 Years of Leadership

"Education is the mother of leadership." - Wendell Willkie

The Iowa Defense Counsel Association has assumed a leadership role in educating defense lawyers on best practices. At the meeting of the Board of Governors on December 3, 1965, in the Capital Room at the Fort Des Moines Hotel, under the leadership of President Frank Davis, "There was considerable discussion of the basic purposes of the organization and it was generally agreed that the organization's primary function was for education of the membership in the best techniques for establishing meritorious defenses," from the IDCA Board Meeting Minutes.

Membership in the IDCA is often the result of encouragement for lawyers to become leaders. As Past President David Phipps recalls, IDCA membership recruitment goes back to founding members like Ed Kelly, *"then president of the organization, who was very mobile in the founding members and he wanted all the young people in the firm to know about the IDCA and be sure we got there."*

IDCA members benefit from the educational programs providing training opportunities and arenas for discussion, growth, and leadership development. IDCA also assists in the development of young lawyers and future leaders via the law school programs at Drake University and the University of Iowa Law School. Members gain leadership experience through participation with organizations at the national level as well. IDCA members join together to participate in regional and national DRI meetings. Mixing with others in the profession gives perspective. The IDCA comes out on top in terms of structure, organization and leadership.

IDCA leaders in recent years are bringing back the committee structure to further strengthen the educational capacity of the organization. Past President Bruce Walker points out, *"The things I've noticed in the last four or five years that I think are fairly significant are the strengthening of the committee structure."*

Younger members mingle with senior members to gain the type of valuable experience lawyers need to become leaders within their firms. Past President Sharon Greer said, *"I think that it's a very strong organization because we again have these committee structures going, we have great networking throughout the state and we have an interest in how young lawyers are coming up through the ranks."*

Jaki Samuelson adds, *"the most significant accomplishment has been...to provide to governmental entities, to the public, probably most importantly to lawyer audiences – a voice on behalf of those who practice in the defense bar. And I think they've done a good job of accomplishing that."*

IDCA Legislative Activity

Looking back at IDCA's 50 years, it is evident that beyond education, another primary purpose that exists for the organization is to engage with Iowa's legislature. The path was not as straight and narrow for the legislative mission, however. At the same board meeting in 1965, the founders wrestled with "whether this organization wished to participate in legislative activities in the future. Opposition to such action was voiced...and the matter was tabled for further discussion."

In June 1966, even with an element of dissent still in the room, President Ed Kelly appointed the first Legislative Committee, but there was little legislative activity reported over the next two years.

IDCA approved a new Legislative Committee in September 1968. Among the first motions approved for the new IDCA Legislative Committee was to "give further encouragement of legislation to authorize arbitration of uninsured motorist coverage provisions in automobile insurance policies..."

In years to follow, the IDCA repeatedly voted to form a Legislative Committee, and continued to incur various forms of opposition along the way. In January 1970 Philip Willson reported to the board after attending the Defense Group Convention in Miami. As part of this report, he stated the general recommendation of the meeting was that local defense groups do not actively support legislation, but rather provide resource materials and technical assistance. To the contrary, a motion was immediately passed by the IDCA Board that their Legislative Committee be authorized to work on legislative proposals for the upcoming session of the Iowa Legislature.

The IDCA Legislative Committee tackled issues in its first decade including death damages, "No-Fault" Reparations Systems, and the Iowa Guest Statute. In years to come, legislative issues took up an increasing amount of time during IDCA Board meetings. In December 1977, for example, there was an extended discussion on products liability and possible legislative action in this area. By June 1978, President Ed Kelly and the IDCA Board discussed the possibility of retaining an individual to keep the association advised as to legislative affairs and to assist in pursuing the association's interest in the legislature. In March 1979, IDCA hired E. Kevin Kelly of Sioux City as a part-time lobbyist. Kelly worked on behalf of the IDCA for over a decade, until his death in August 1992.

In 1980 a Comparative Fault special committee was formed. In 1981 President Herb Selby reappointed the Committee on Comparative Negligence. Other key issues in the 1980s included the Municipal Tort Bill, 10% interest

(Continued on next page...)

on judgments, joint and several liability, workers' compensation, and the Sidewalk Liability Bill. In 1984 lawyer advertising took the floor, followed by the Sunshine in Litigation Act and the Non-Use of Seat Belts later in the decade.

In 1983 the IDCA Board created a committee to investigate an IDCA Political Action Committee, but the idea fizzled. In December 1989, it was suggested the Board should consider establishing a PAC, so President Craig Warner appointed a committee. By October 1991, the PAC raised \$1250. By February 1992, support of the PAC was reportedly poor. In September 1994, Robert Kreamer, the newly hired IDCA lobbyist, requested IDCA disband its PAC.

The IDCA Legislative Committee addressed other issues including *Schwennen v. Abell*, access to medical records, 5% fault cap for failure to wear a seat belt, "Insurance Guidelines," and the proposed addition of "enjoyment of life" to the wrongful death statute. After the sad and sudden loss of Robert Kreamer, Scott Sundstrom carries on as the current IDCA Lobbyist, and will present the Legislative Update at the 50th Annual Meeting.

IDCA Legislative Committee activity continues to be high on the list of priorities for the organization. President Greg Lederer presented one of the best summaries of the IDCA legislative agenda in his President's Message in the July 5, 1995, *IDCA Defense Update* Vol. VIII No. 3. *"Historically, one of the Iowa Defense Counsel Association's most important functions is its legislative program. The valuable work done at the Statehouse in the past by dedicated people like Past President Herb Selby and lobbyist Kevin Kelly has probably gone unnoticed by many IDCA members. Once you become a board member, however, you see legislation as a focal point of activity and responsibility for the IDCA. We have tried, with some success, to help the legislature pass laws that make sense, first, and reflect a conservative view of social, economic, and legal responsibilities second. We also have sought to preserve fairness in the civil justice system and its procedures. Our biggest responsibility, however, has been opposing legislation proposed by the plaintiffs' bar and its allies. IDCA has taken this responsibility seriously. Some of these battles have been hard fought and won at a cost to the comity and reputation. Iowa law is better for our efforts, however."* – Gregory Lederer, IDCA President 1994-1995.

Past President Marion Beatty shared similar thoughts during the 2013 Annual Meeting. *"I think the organization has developed a real presence legislatively, it's developed a real presence in terms of the lawyers in the state as a "go-to" organization...I know from my personal experience working on the Hill over the years and talking to legislators that they know they can trust this organization to give them an unbiased assessment of proposed legislation for instance."* – Marion Beatty

The Past as Groundwork for the Future

IDCA continues to become...

More diverse
More active
More educational
More practical
More involved

The past becomes the future...

“For the first time in a few years we’re going to put on what used to be called a trial academy, which is now more a skills session, for the young people coming out of school before they take the Bar Exam and for the one or two-year associates...I think the future is in good hands...”

- Bruce Walker, IDCA President 2012-2013

A look into the crystal ball...

“I’m not very good at using the crystal ball, but I do think there are some suggestions in our shared history that would tell us something about the future as well. I think we have some tremendous young members. I think we have a lot of interest from young people, and that is very hopeful and very helpful. I think there will be people practicing law in ways I didn’t anticipate when I became a member of the organization or as I progressed along in the organization but I think that is tremendously hopeful for us.”

- David Phipps, IDCA President 1986-1987



IDCA PAST PRESIDENTS

*Edward F. Seitzinger, 1964-1965	*Craig D. Warner, 1989-1990
*Frank W. Davis, 1965-1966	Alan E. Fredregill, 1990-1991
*D.J. Goode, 1966-1967	David L. Hammer, 1991-1992
*Harry Druker, 1967-1968	John B. Grier, 1992-1993
*Philip H. Cless, 1968-1969	Richard J. Sapp, 1993-1994
*Philip J. Willson, 1969-1970	Gregory M. Lederer, 1994-1995
*Dudley J. Weible, 1970-1971	Charles E. Miller, 1995-1996
Kenneth L. Keith, 1971-1972	Robert A. Engberg, 1996-1997
Robert G. Allbee, 1972-1973	Jaki K. Samuelson, 1997-1998
*Craig H. Mosier, 1973-1974	Mark L. Tripp, 1998-1999
*Ralph W. Gearhart, 1974-1975	Robert D. Houghton, 1999-2000
*Robert V.P. Waterman, 1975-1976	Marion L. Beatty, 2000-2001
*Stewart H.M. Lund, 1976-1977	Michael W. Ellwanger, 2001-2002
*Edward J. Kelly, 1977-1978	J. Michael Weston, 2002-2003
*Don N. Kersten, 1978-1979	Richard G. Santi, 2003-2004
Marvin F. Heidman, 1979-1980	Sharon Greer, 2004-2005
*Herbert S. Selby, 1980-1981	Michael W. Thrall, 2005-2006
L.R. Voigts, 1981-1982	Mark S. Brownlee, 2006-2007
Alanson K. Elgar (Hon.), 1982-1983	Martha L. Shaff, 2007-2008
*Albert D. Vasey (Hon.), 1983	*Megan M. Antenucci, 2008-2009
*Harold R. Grigg, 1983-1984	James A. Pugh, 2009-2010
Raymond R. Stefani, 1984-1985	Stephen J. Powell, 2010-2011
*Claire F. Carlson, 1985-1986	Gregory G. Barnsten 2011-2012
David L. Phipps, 1986-1987	Bruce L. Walker 2012-2013
Thomas D. Hanson, 1987-1988	James P. Craig 2013-2014
Patrick M. Roby, 1988-1989	*deceased

IDCA FOUNDERS AND OFFICERS

- * Edward F. Seitzinger, President
- * D.J. Fairgrave, Vice President
- * Frank W. Davis, Secretary
- Mike McCrary, Treasurer
- William J. Hancock
- * Edward J. Kelly
- * Paul D. Wilson

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