

SCOTT COUNTY BAR ASSOCIATION NEWSLETTER

FEBRUARY 2017

MINUTES OF MEETING: Attached are the Minutes of the Regular Meeting of the Executive Council for the month of January 2017. These Minutes have yet to be approved by the Executive Council and will be submitted to the Executive Council at its next meeting.

INFORMAL TRIALS IN DISSOLUTIONS: The Supreme Court has provided the Seventh Judicial District will be the pilot program for informal trials in Dissolution of Marriage cases. Both parties must opt into this proceeding, which would be anywhere from 1 hour to 1½ hours in duration. Lawyers and participants may submit questions to the Judge, but only the Judge will ask the questions. All exhibits would be admitted regardless of any exception and would be given weight deemed appropriate by the Judge. There would be a limitation of two witnesses; Affidavits would be accepted. The final rules of this program are yet to be determined. In March scheduling will commence for trials to be held later in the year.

FURLOUGH DATE: There is a furlough date being considered for May 26, 2017, however, it is hopeful it will not occur.

LUNCH AND LEARN: There is now a requirement of defense attorneys and the County Attorneys to provide Criminal Jury Instructions for each trial. It was suggested staff or those actually preparing the Instructions should also attend. More information will be forthcoming.

BOND REVIEWS: All felony bond review hearings are going to be Tuesday afternoons at 1:30 p.m. in Video Courtroom #1 on the first floor. All misdemeanor cases will be held in Associate Court on Thursday afternoons at 1:30 p.m. Some misdemeanor cases might be scheduled with a District Court Judge, depending on the number of hearings.

BARRISTER BALL: Everyone should plan on being in attendance at the Barrister Ball in 2017. Any attorney, who is a member of our Association practicing less than ten years can attend without cost along with no cost for a non lawyer guest. For those members practicing more than ten years the cost is \$50 per ticket. Your Bar Association is donating \$50 per ticket to HELP Legal Assistance any amount received in excess of expenses will also be donated to HELP.

CHANGES: Everyone should provide any changes in your address, telephone, e-mail or other information to Wing at spwing@iabar.org so current information can be used on the website.

NEED HELP?: Problems with alcohol, drugs, stress or depression? Call Iowa Lawyers Assistance Program at 1-800-243-1533. All calls are confidential.

Any member having any comments may contact the President or an Executive Council member for comments on any matters. Further, any member may request a reservation at the monthly meeting for a presentation to the Executive Council by contacting the President.

SCOTT COUNTY BAR ASSOCIATION

MINUTES

REGULAR MEETING OF THE EXECUTIVE COUNCIL

January 31, 2017

Present: Corbin, Furlong, McElyea, Walker, Aitken, Kaplan, Samuelson, Copell, Jasper

Guests: Judge Mark J. Smith

The meeting of the Executive Council was held at the Front Street Brewery and was called to order at 12:15 p.m. by President Kaplan.

Judge Smith was welcomed to our meeting.

The minutes of the meeting of the Executive Council of November 29, 2016, were unanimously approved without amendment.

Jacobs was not present, but did submit a Treasurer's Report for the first month of the year.

The awards for the two separate \$1,000 grants to law students should occur next month. Cobie will be present with those qualified and then a random selection will be made of the two recipients.

Kaplan has received several requests for copies/lists of our membership. Historically, we have never provided same and there is concern it may not be used appropriately on every occasion if it is disseminated. It was the general consensus this request would be denied. There have also been requests for placing ads in our monthly Newsletter. It was the general consensus this would not be appropriate as it would be hard to monitor and could result in negative responses.

Judge Smith was present and he had several issues to present as follows:

1. The Seventh Judicial District has been selected as a pilot program for informal trial Dissolutions of Marriage. Both parties would have to elect to participate in this type of proceeding. Attorneys may participate, but only the Judge can ask questions. They will start the scheduling in March for trials later in the summer. At this time they will be 1 to 1½ hours long; lawyers and the participants may submit questions to the Judge; all exhibits would be admitted regardless of any exception and would be given weight deemed appropriate by the Judge; the participants would be limited to two witnesses; and Affidavits would be allowed.

2. Mediation is becoming mandatory in dissolution of marriage cases. It will most likely become effective next year. This will eliminate settlement conferences. More information will be forthcoming.
3. Jury instructions are required to be prepared by both counsel in criminal and civil trials. The legislature has cut three million dollars \$3,000,000 from the Judicial budget, which must be absorbed by July 1, 2017. There is a tentative furlough date set for May 26, 2017, but that is not finalized.
4. There will be a Lunch and Learn to educate individuals in preparing Criminal Jury Instructions. Staff members are welcome to attend.
5. Bond reviews for Class A, B and C felonies will most likely be held in District Court starting in February 2017.

The issue of our local Grievance Committee and Fee Dispute Committee is being considered. The State prefers everything be referred to the State for proceedings. It was suggested simple matters and some issues can be resolved locally. This will be discussed at a later date.

There is a Mental Health Court for criminal matters. Copell is the attorney representing those individuals. More information will be provided as Copell stated she may want to have a written information provided to attorneys.

Kaplan is to notify the Nominating Committee for the elections that will occur later this year. This Committee consists of the last five presidents of our association.

The meeting was adjourned at approximately 12:50 p.m.

Respectfully submitted,

Dennis D. Jasper

Secretary

DDJ/jg

Steve Wing

From: Steven Jacobs [SHJ@bettylawfirm.com]
Sent: Monday, February 06, 2017 4:23 PM
To: Steven Jacobs
Subject: FW: SCBA

Members....

It appears they may have been some "unintentional inaccuracies" in the minutes I just sent you. Please see below:

-----Original Message-----

From: Marlita.Greve@iowacourts.gov [<mailto:Marlita.Greve@iowacourts.gov>]
Sent: Monday, February 06, 2017 4:07 PM
To: Steven Jacobs
Subject: Re: SCBA

Steve:

There are a couple of unintentional inaccuracies in what Judge Smith reported to the Executive Council. First, the Informal Family Trials will be scheduled for one hour, a half day or a full day. We are hopeful to get those scheduled soon, but I do not know if there will be any scheduled in March yet. Second, there has not yet been a decision by the Iowa Supreme Court that mediation will be mandatory in all districts. That may happen, but it has not happened yet. The 7th district has a mediation committee working to determine what kind of mediation would be desired here in this district, but nothing definite has yet been decided. We set up that committee just to be ready in case mediation does become mandatory. We will let the Bar know as soon as we know whether mediation will become mandatory at some point.

Would you mind passing on these corrections to the minutes?

Thanks,
Marlita

Marlita A. Greve
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