

IOWA LAW

MAGAZINE / 2022



Brave New World

Artificial intelligence may be here to stay, but what happens when the ever-present algorithms in our lives actually cause us harm? Experts from Iowa Law weigh in.

PLUS:

Game-changing innovations in clinical education / A new era for antitrust law / The sweet spot between good lawyering and good writing

DEAR IOWA LAW ALUMNI AND FRIENDS:

I am pleased to present the 2022 *Iowa Law* magazine. Even before I joined Iowa Law, the long-standing *Iowa Advocate* was paused as Iowa Law refocused resources on our website first and then on social media. We have since developed a strong digital presence on multiple channels: LinkedIn, Facebook, Twitter and Instagram. We hope you will follow us there, where we can share news more quickly.



But something has been missing. An occasional long-form magazine is nice to tell more complex stories. As you turn the pages of this magazine, we hope you enjoy stories on the “Writing Law School,” on rich and varied Iowa Law clinical programs, on rapid changes in antitrust law, and on the legal implications and harms of ubiquitous algorithms in our lives. I am also delighted to share news about the largest financial gift in the history of Iowa Law, for the Hubbell Environmental Law Initiative. But we can’t possibly describe all the good work of our talented faculty, students and alumni in a short magazine, so please connect on social media as well.

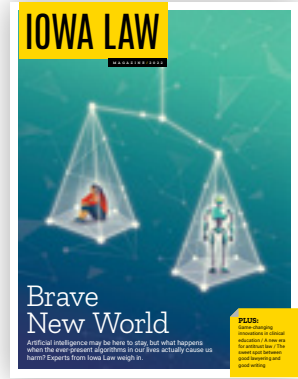
As I enjoy a fifth year as dean of Iowa Law, I am grateful for your support through a difficult time. The pandemic was disruptive, but our community

helped us keep students on track and major initiatives in motion. Iowa Law has continued investing in the Writing Law School idea, and we will enter the coming presidential election season with a better focus on election law and a growing program to spend a semester in Washington, D.C. We have celebrated retirements of beloved faculty like Professors Bauer, Jones, Kurtz, Reitz, Stensvaag and Tomkovicz, and we have a bumper crop of new scholars making a national impact. We hope that you enjoy reading about today’s faculty and accomplished alumni.

Thank you for supporting Iowa Law. And GO HAWKS!

Kevin Washburn
N. William Hines Dean and Professor of Law

“The pandemic was disruptive, but our community helped us keep students on track and major initiatives in motion.” — DEAN KEVIN WASHBURN



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NEW FACULTY MEMBERS

THE UNIVERSITY OF IOWA COLLEGE OF LAW WAS PLEASED TO WELCOME THREE NEW LEGAL SCHOLARS TO THE FACULTY THIS FALL



► **MAKING PHILOSOPHY FOUNDATIONAL**

Professor Andrew Jordan joined the faculty as an associate professor. Professor Jordan has an extensive background in both philosophy and law, holding a PhD from the University of Washington and a JD from Michigan Law.

His research explores issues in legal and moral philosophy, constitutional theory, and contract law. Professor Jordan’s work has appeared in peer-reviewed philosophy journals and leading law reviews such as *Philosophical Quarterly*, *Erkenntnis*, the *Canadian Journal of Law and Jurisprudence*, and the *Georgetown Law Journal*.

He served as a faculty fellow at Michigan Law School and has clerked for Judge Ronald Gould of the Ninth Circuit Court of Appeals and for Justice Pat DeWine of the Ohio Supreme Court. Professor Jordan is a member of the Ohio Bar.

► **NEW PERSPECTIVES ON BUSINESS LAW**

Professor Diane Lourdes Dick, who teaches tax, business and commercial law courses, joined the faculty as a professor. For just over a decade, she served on the faculty at Seattle University School of Law and recently served as chair of the Business Law Section of the Washington State Bar Association.

Professor Dick’s scholarship focuses on commercial finance, business bankruptcy and out-of-court restructuring, and business entity taxation. Her articles have appeared in law reviews and peer-reviewed journals, and her scholarship has been cited in courts and has been featured in *The New York Times* and *Reuters Breaking Views*. She has been invited to speak at the Harvard Kennedy School and the Brookings Institution, as well as for professional associations and law schools.



► **HOLDING AI ACCOUNTABLE**

Iowa Law welcomed Associate Professor Alicia Solow-Niederman, who is expanding the school’s offerings in an increasingly important area: law and technology, including topics such as artificial intelligence and information privacy. She explores ways of ensuring accountability; promoting ethical development; and reckoning with social, political and economic power as algorithmic technology advances.

Professor Solow-Niederman arrived from Harvard Law School, where she was a Climenko fellow and lecturer on law. She served as the inaugural fellow in artificial intelligence, law and policy for UCLA Law’s Program on Understanding Law, Science and Evidence and clerked for the U.S. District Court for the District of Columbia. A cum laude graduate of Harvard Law School, she was forum editor for the *Harvard Law Review*. Her scholarship has been published or is forthcoming in law reviews including the *Northwestern University Law Review*, the *Southern California Law Review* and the *Yale Law Journal Forum*.

MEET THE CLASS OF 2025: IOWA LAW'S INCOMING CLASS CONTINUES A TRADITION OF EXCELLENCE. THIS FALL, IOWA LAW WELCOMED THE CLASS OF 2025—GOING HEAD TO HEAD WITH LAST YEAR'S CLASS AS THE MOST ACADEMICALLY QUALIFIED FIRST-YEAR STUDENTS IN SCHOOL HISTORY.

22

Advanced Standing students from 9 countries: Brazil, China, India, Kyrgyzstan, Nigeria, South Korea, Taiwan, Ukraine and Uzbekistan. The largest class of Advanced Standing students ever.

20 PERCENT
OF STUDENTS IDENTIFY AS A MINORITY

30%

of incoming students came from three leading undergraduate institutions, all of which are governed by the Board of Regents: the University of Iowa, Iowa State University and the University of Northern Iowa. The distinction of Iowa's regents schools in the top three is a result of the college's efforts to keep top talent in the state of Iowa.



141

Total number of students. Smaller by design than previous years (160 in 2021, 161 in 2020, 151 in 2019).

THE CLASS OF 2025 IS STRIKINGLY SIMILAR TO LAST YEAR'S ENTERING CLASS—THE MOST ACADEMICALLY QUALIFIED IN IOWA LAW HISTORY—WITH A **MEDIAN LSAT SCORE OF 163** AND A **MEDIAN UNDERGRADUATE GPA OF 3.66**. FOR COMPARISON, THE CLASS OF 2024 HAD A **MEDIAN LSAT SCORE OF 163** AND A **MEDIAN UNDERGRADUATE GPA OF 3.69**.



Above: Anne Parrish (22JD), the fourth Parrish to graduate from Iowa Law, was the student speaker.

“In some infinite loop of privilege, luck and hard work, we have arrived here today. This school, this degree, they are not things to be taken lightly. They are things to be grasped, to be understood, to be mastered. We are lucky and we worked hard.”

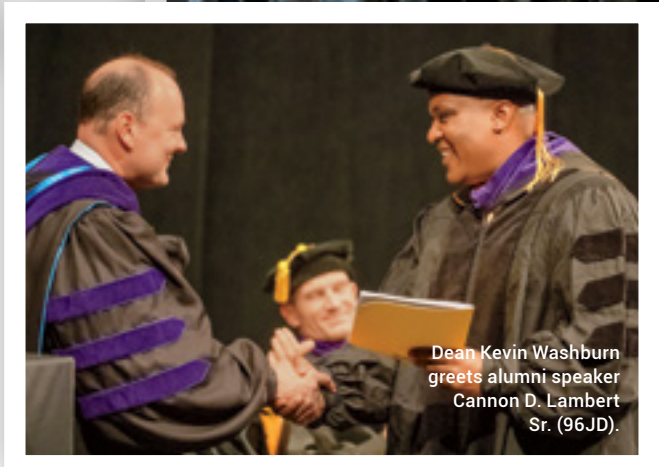
— ANNE PARRISH (22JD)



CLASS OF 2022: IN MAY, WE WELCOMED THE CLASS OF 2022 TO OUR ALUMNI COMMUNITY. THEY ACHIEVED A TREMENDOUS AMOUNT AND DEMONSTRATED UNFAILING RESILIENCE AND INGENUITY. WE LOOK FORWARD TO SEEING THEM CONTINUE TO THRIVE AS THEY MAKE THE WORLD A BETTER AND MORE JUST PLACE.



“Your accomplishments come with a cost. You must lead. You will be the voices of the voiceless. Your critical thinking will give birth to important policy that will forge this nation. You will help to resolve disputes. And you will take care of people in their moments of need.” — CANNON D. LAMBERT SR. (96JD)



Dean Kevin Washburn greets alumni speaker Cannon D. Lambert Sr. (96JD).

WELCOMING NEW FELLOWS

A REVIVED FELLOWSHIP PROGRAM AIMS TO INCREASE DIVERSITY AT IOWA LAW AND BEYOND

Iowa Law has a long-standing commitment to diversity, having awarded law degrees to diverse students since the 1870s. Diversity in the legal profession, however, continues to move sluggishly.

With hopes of making the legal field more inclusive and interdisciplinary, the law school relaunched the Iowa Law Faculty Fellowship in 2020, and was supported by the school's Antiracism Action Committee.

The fellowship—which focuses on diversity, equity and inclusion—provides emerging scholars with teaching opportunities and supports their research, including access to the school's law library. Fellows also receive faculty mentoring and career development assistance.

In the past two years, Iowa Law has hired two extraordinary fellows as visiting assistant professors. In 2020, Phoebe Jean-Pierre came aboard from Northwestern University to continue her research exploring the intersection of health, law and communication. “This program was a great opportunity for me to continue my interdisciplinary research, connect with scholars across the university at large, and receive invaluable support and guidance as I begin my academic career,” Jean-Pierre said. “I realize this fellowship extends beyond me and opens the doors of legal academia to minority and marginalized voices.”

This summer, she accepted a tenure-track position at the Kelley School of Business at Indiana



Visiting Assistant Professors Phoebe Jean-Pierre (above) and Christopher Mathis (below).



University in Bloomington, where she is an assistant professor in the department of Business Law and Ethics.

In 2021, the law school hired Christopher Mathis, whose scholarly projects lie at the intersections of tort law, reparations and higher education. Mathis is now embarking on his second year at Iowa Law.

“The faculty have been supportive, helpful and critical as I discuss and think about these complex topics,” Mathis said. “The Iowa Law Fellowship has been the ideal place to focus and increase my scholarly productivity. Iowa Law has phenomenal students, and I am impressed by each interaction with them.”

“We are delighted that we could restart the Faculty Fellows program after almost 20 years,” said Adrien Wing, associate dean for international and comparative law programs and the Bessie Dutton Murray Professor of Law. “Our initial fellows all went on to distinguished careers in legal academia. Our current fellows all have interdisciplinary interests, which makes them highly marketable in these competitive times.”

FELLOWSHIP ALUMNI

The previous, decade-long Iowa Law Faculty Fellows program, which concluded in the early 2000s, helped prepare seven fellows who have gone on to assume leadership roles in legal academia.

- **Laura Beny**, Earl Warren DeLano Professor of Law and associate director, University of Michigan African Studies Center at Michigan Law
- **Devon Carbado**, the Honorable Harry Pregerson Professor of Law at UCLA Law
- **Sumi Cho**, retired law professor and current director of strategic initiatives at the African American Policy Forum
- **Angela Gilmore**, senior accreditation counsel at the ABA Section of Legal Education and Admissions to the Bar
- **Creola Johnson**, Presidents Club Professor of Law at The Ohio State University Moritz College of Law
- **Cynthia Nance** (90JD, 91MA), dean and Nathan G. Gordon Professor of Law at University of Arkansas School of Law
- **Harold Rocha**, US-EU (Spain) legal academic in Madrid, Spain

THE POWER OF THE PEN

THE LAW SCHOOL'S EMPHASIS ON SUPERIOR WRITING SKILLS GIVES ITS GRADUATES A SIGNIFICANT ADVANTAGE **|| By Dan Fost ||**

Writers everywhere know the University of Iowa as a mecca, with its world-renowned Iowa Writers' Workshop producing published authors like an Iowa farm growing stalks of corn.

It should come as no surprise, then, that the university's law school also produces accomplished writers, as a national leader in teaching writing to prospective lawyers.

"We're rare among top law schools to have dedicated legal writing faculty," said Dawn Anderson (95JD, 18EdS), one of six Legal Analysis, Writing & Research (LAWR) professors and the director of the law school's Writing and Academic Success Center. "We have probably about 120 years of legal writing teaching experience among the six of us."

For the College of Law, it has always made perfect sense. According to Christopher Liebig (99MFA)—another LAWR professor—the late Professor Randall Bezanson (71JD), who taught at the school for many years, "believed that, if it is poorly written, necessarily it is poorly reasoned."

"While that may be an overstatement," Liebig said, "the ability to write clearly is tied to the ability to think clearly. We hope we are developing both of those skills in the way we are teaching the program."

Liebig is committed to writing: After earning a law degree from Harvard and practicing law, he switched directions and earned his MFA in fiction at the Iowa Writers' Workshop. While there, he started helping out in the law school's writing center, and

then teaching writing courses. Eventually, the law "pulled me back in," he said with a laugh.

"I'd put Iowa up against any program when it comes to how much individualized feedback we give," Liebig said, citing small class sizes. "That's a main strength of the program."

Iowa Law has emphasized writing since David Vernon's tenure as dean in the late 1960s, Liebig said. Anderson

said legal writing was a core class, but Dean Carolyn Jones moved the program into a higher gear in 2006 by hiring dedicated faculty. Dean Kevin Washburn doubled down on this core strength by expanding the LAWR faculty and infusing writing elsewhere in the curriculum. He nicknamed Iowa Law the "Writing Law School" to differentiate it from other American law schools.

"I'd put Iowa up against any other program when it comes to how much individualized feedback we give. That's a main strength of the program." — CHRISTOPHER LIEBIG (99MFA)



Christopher Liebig (99MFA) teaches legal analysis, writing and research at the law school.

WALK ACROSS THE RIVER

Many writers use “the river” as a powerful metaphor in their work, whether crossing it, like the Rubicon, or watching it flow endlessly to the sea. For Mary Jane White (77MFA, 79JD), however, crossing the Iowa River was how she connected her life as a writer and a lawyer.

White left Duke Law School in 1974, where she felt uncomfortable as one of the first women law students. She came to the Iowa Writers' Workshop to shift gears. “I noticed a law school across the river from the English department,” she said. “I thought, maybe I can take a few courses and graduate faster.”

White wound up staying in Iowa with a successful career as a published author, poet and translator—and as an attorney with criminal defense stories that could fill a John Grisham novel. One eight-year murder case ended in acquittal, thanks to a yellow plastic cup she found in the getaway car that placed her client away from the scene of the crime.

“I used to write opening statements as if they were poems and phrases,” White said. “I would think: How would I get the basic story across to the jury in a convincing enough way that they would believe me and all the witnesses I vouched for?”

“In the murder case we said: ‘People see things and talk about them differently. And people lie. But a cup cannot lie to you. And it can’t move, except if it’s carried by a person.’”

“The line ‘The cup cannot lie,’ helped the jury fasten onto something in what was a very confusing situation,” she said.

THE NEXT GENERATION

Iowa native Kate Conlow graduated from Vassar College and had a decade-long career as a writer and editor, including a four-year stint as

“I came from a heavy writing background, but it was surprising to find out there’s a lot of writing in law school. It was helpful to have that foundation.” — 3L KATE CONLOW



3L Kate Conlow, editor-in-chief of the *Iowa Law Review*, with contributing writer 3L Mark Hart.

the managing editor at *The Iowa Review*, the university’s literary magazine. At an Iowa Law open house, she fell head over heels. Now a third-year law student, Conlow is editor-in-chief of the *Iowa Law Review*, one of four student-run journals at the school.

“I came from a heavy writing background, but it was surprising to find out there’s a lot of writing in law school,” she said. “It was helpful to have that foundation.”

While Conlow already knows some pillars of writing—use the active voice!—the legal approach required some retraining. In her first semester, she learned the foundational structure: Write a thesis sentence, state the legal rule, then give your analysis, then write a conclusion that restates your thesis sentence.

Having that formula down helped

in her other classes. She also credits the small class sizes and the writing center, where everyone from fellow students to center director Dawn Anderson have proved helpful.

Conlow recalls her experience in her second-semester legal writing course—taught by Professor Lorie Schweer (03JD)—in which she found herself writing an appellate brief. “That was so much fun,” she said.

The case involved a gas pipeline explosion that killed several campers; the firefighters responding to the fire sued the gas company for negligent infliction of emotional distress. “I was, unfortunately, on the gas company’s side,” Conlow said. “But Professor Schweer taught me to write an effective argument even when the sympathies are not on the side of your client.”

THE CLINICAL ADVANTAGE

Experiential education is thriving in Iowa Law's six innovative legal clinics. **By Mark Gamin**

At Iowa Law, students in the clinical education program receive real-world training while providing much-needed service to the community. Consisting of six clinics, each dedicated to a distinct practice area, the Law Clinic program gives students the opportunity to represent clients (under the supervision of licensed attorneys) at all stages of the legal process. Read on for a look at how the clinics continue to raise the bar for experiential education—despite the many challenges posed by COVID. →

L **Federal Criminal Defense Clinic: "Enriching, gut-wrenching and motivating"**

An officer in the U.S. Army Infantry after four years in the service, Evan Zalenski (15BA, 22JD) was contemplating a career change. Then he learned of an Army program that provides law school scholarships to soldiers.

That led him to the University of Iowa College of Law and, ultimately, to the Federal Criminal Defense Clinic, which represents indigent individuals charged with federal crimes in the U.S. District Courts of Iowa and engages in post-conviction and decarceration litigation in various federal District Courts as well as the U.S. Courts of Appeals for the 6th, 7th and 8th Circuits.

Zalenski worked on three cases during his year in the clinic, including a "crimmigration" case that had been pending for several years. It involved a Central American who had been deported by Immigration and Customs

Enforcement while being sought for prosecution by the Justice Department. Zalenski moved for dismissal for violation of the client's right to a speedy trial—and he won.

The successful outcome was the result of teamwork: Zalenski's co-counsel, Nouha Ezouhri (22JD), worked on drafting briefs and participated in hours of moot courts to prepare for oral argument. "We had different working styles," she recalled, "but a great working relationship."

Many hours were spent, as well, in consultation with the clinic's director, Professor Alison Guernsey (08JD). She returned the first draft of their brief "covered in red," Zalenski said, but most of the red ink consisted of questions. "She gave us suggestions and listened to our ideas, but she would almost never tell us, outright, what to do." As he put it, "the clinic puts ownership of a case on the students."

Guernsey is a forceful proponent for experiential legal training. In the

clinic, she said, “skill sets meet real human beings.” Indeed, she thinks it essential to a law school education: “You can’t truly comprehend the power you have in this service profession unless you understand the stakes. And you can’t understand the stakes until a legal problem has a face. It can be—it should be—enriching, gut-wrenching and motivating,” she said.

And her mentee echoes her: Legal training, Ezouhri says, “needs to be raw and real.”

Zalenski will now return to the Army in the Judge Advocate General’s Corps, with his first posting in Tacoma, Washington. Ezouhri has accepted a federal public defender position in Austin, Texas.

Even with his previous military training, Zalenski admits that he was, at first, a little intimidated at the hearing in federal district court. But as his argument proceeded, he realized that his excellent training had armed him well. “I was glad not to be treated with kid gloves,” he said, “either in the clinic or in court.”

2. Law and Policy in Action Clinic: “Guts and resilience”

3L Amber Crow (19BA) paid a visit to the Iowa Legislature in February 2022, and though the result was not what she had hoped for, the lessons learned were invaluable.

She was there to advocate on behalf of residents of mobile home parks who own their manufactured homes but rent the land on which they sit. Under then-existing law, landlords could raise their rent or end their lease for any reason or no reason on short notice, often forcing families to move at great expense or abandon their home.

That issue, and other inequitable aspects of Iowa’s mobile home law,



“You can’t truly comprehend the power you have in this service profession unless you understand the stakes. And you can’t understand the stakes until a legal problem has a face.” — PROFESSOR ALISON GUERNSEY (08JD)



“It is important that lawyers not move through the world always thinking they know what’s best.” — PROFESSOR DARIA FISHER PAGE

has been an ongoing project of the Law and Policy in Action Clinic, which works with grassroots organizations, nonprofits and others to solve problems that cannot be addressed through litigation.

Under the direction of Clinical Professor Len Sandler, the students learn, and use, varied skills such as engaging with the public and private sector, distilling complex issues into materials tailored to specific audiences, running workshops, creating alliances, and building trust—things that “can’t be done well at a distance,” Sandler said. They’re best done face to face, over coffee or meals, in community meeting halls, the state Capitol, houses of worship or people’s homes—and not via Zoom, which Sandler believes can be a deterrent to honest and candid conversation.

The work of each of the LPA clinics is never limited to one academic semester or year. It’s a collaboration, with many students working on one or two projects over time. Crow says she benefited from groundwork done by her student predecessors, including Zack Martin (20JD), who surveyed mobile home laws of the 50 states.

When she went to Des Moines, she was prepared to tell a compelling story of how the manufactured housing market and Iowa law are unfairly skewed to favor out-of-state equity and real estate investors. Homeowners are held hostage by laws that allow park owners to raise rents or end a lease with only 60 days’ notice. The clinic advocated for a mandatory one-year lease or a law that would allow homeowners to live in the community until the landlord had specific good-cause grounds to end the lease. Crow and her colleagues also sought to give mobile homeowners the same rights as renters of apartments, houses or mobile homes.

However, her efforts to bolster the law were unsuccessful. The bill that was enacted only extended the notice period from 60 to 90 days and added a few other protections. Bills proposed by the advocacy network were killed by the industry lobby, which has powerful sway in the Legislature. It was a valuable lesson learned and knowledge gained through firsthand experience. As Sandler observed, litigation has rules for all parties to follow, unlike advocacy of this kind, in which “uncertainty is part and parcel of what we do.”

This was not the first time clinic students had pushed for reforms in mobile home and affordable housing laws and policies. Their efforts date back to 2011. And they devote significant time and resources to each initiative. Sandler’s experience told him, he says, that if there is no traction on a subject after three legislative sessions, “we find other issues to address.” So that’s what the LPA students will do now, even though they will continue to assist the residents’ network on an issue-by-issue basis.

Though clinical work doesn’t always result in wins, it still benefits the students and their clients. From her experience, Crow learned “guts and resilience” and, as she put it, “skills you don’t get from a book.” For his part, Martin said, “there’s a reason that lawyers are called ‘counselors at law.’” Now that he’s in practice, he uses the counseling skills he honed in the clinic, he said, “every single day.”

3. **Community Empowerment Law Project: “Fresh and unique perspectives”**

Clinical Professor Daria Fisher Page created the Community Empowerment Law Project when she came to the law school in 2017. She believes

that “it is important that lawyers not move through the world always thinking they know what’s best.” So a guiding principle of her clinic is that there is value in finding out what people want or don’t want by going into the community and spending real time there.

CELP works with and represents nonprofits and other agencies on a variety of social justice programs. A recent collaborator was True Second Chances, a coalition seeking to reform the prisoner commutation process in Iowa. It advocated for legislation that would have allowed decisions of the Iowa Board of Parole to be binding on a majority vote (instead of, as now, requiring unanimity) and would have made certain other salutary changes in the law.

The legislation failed to pass, but the clinic members, including Vera Barkosky and Adam Garcia (22JD), continued to press for the changes. They used the knowledge base they had built to draft two petitions for administrative rule-making at the Board of Parole; those petitions are, as of this writing, pending.

Barkosky is not a law student but a junior at the University of Iowa (and student body vice president). CELP allows participation by a few undergraduates each spring semester. Often clinic students are learning about subject matter with which they’re unfamiliar, and Fisher Page thinks it’s useful for law students to work with nonlawyers, to be nimble in their thinking and plans of action.

Barkosky was glad to have an inside look at the clinic, and the law school experience as a whole. She particularly admired the “bullpen”—the well-designed office space dedicated to the clinic program, where she spent 15 to 20 hours a week.

She was a welcomed and valued member of the team, said Garcia. “She had never taken Criminal Law

and didn’t know legal jargon, and her brain was not molded by law school,” he said. (She is, however, contemplating attending law school someday.) “She brought a fresh and unique perspective to the project.”

Garcia participated in both CELP and the Civil and Employment Litigation Clinic, so he was able to interact with, as he put it, “an array of client perspectives.” The value of the dual-clinic experience, for him, was “to figure out different ways to counsel clients in different circumstances.”

4. **Immigration Law Clinic: “How to be a lawyer, how to be yourself”**

Barbi Rodriguez (22JD) was a non-traditional law student, entering law school after a 10-year career devoted to international women’s rights and empowerment issues. At Iowa Law, she sought out clinic-related endeavors because she was eager for direct involvement with clients.

The Immigration Law Clinic was right up her alley. The daughter of immigrants herself, Rodriguez has long had an interest in the field, though it can be “super-confusing,” she said, even to American lawyers. Imagine, then, how opaque it appears to Afghan nationals, evacuated to the United States at the end of American involvement in the war there.

Assisting these evacuees with resettlement and immigration law services has been a focus of the Immigration Law Clinic since they began arriving in great numbers in August 2021.

Working alongside Rodriguez on the project was 3L Emily Bushman (20BBA). Bushman said she has always had a passion for human rights work and policy and feels strongly that “the need to protect human rights exists no matter what administration is in office.”

▶ THE CLINICAL ADVANTAGE

Clinic students helped conduct workshops on American immigration law and held one-on-one sessions to address individual situations. Many of the evacuees had worked for the American government, but there were language barriers nevertheless. It helped that Catholic Charities of Cedar Rapids (with whom the students coordinated their work) provided excellent interpreters, Bushman said.

The Immigration Law Clinic is directed by Clinical Professor Bram Elias, and both Rodriguez and Bushman used the same words to describe him: “the best.” Elias attended the counseling sessions, Rodriguez said, but made clear to all that he was not the “go-to guy”—she was.

Bushman particularly valued the substantial counseling skills she had to learn through the work, especially with clients who were often confused and frustrated. That training increased her knowledge of “how to be a lawyer, how to be yourself” in ways that a classroom lecture can’t.

Often the Afghans that Rodriguez and Bushman represented were men only, but families were present as well. The children taught Rodriguez a couple of words in the two main languages of Afghanistan: Pashto (“*manana*”) and Dari (“*tashakur*”).

“Thank you.”

5. **Civil and Employment Litigation Clinic: “Good things you can do as a lawyer”**

The ability to take pleasure in the success of others does not come naturally to all people, much less all lawyers. But Iowa Law’s clinical professors possess it, according to John S. Allen, the Herschel G. Langdon Clinical Professor of Law.

“Nothing pleases me more,” he said, “than when a student makes a

presentation in court and leaves me thinking, wow, I couldn’t have done any better than that.”

Allen directs the Civil and Employment Litigation Clinic, where students represent clients before courts and administrative agencies in a broad range of civil matters with a focus on advocacy for workers in employment matters, including race and gender discrimination, wage theft, and unemployment insurance claims. Those opportunities were constrained in 2020; with COVID raging, jury trials were continued indefinitely, by order of the Iowa Supreme Court.

Finally, in February 2021, trials were allowed to resume, including one in Linn County in which the plaintiff was represented by Jacob Bennington (21JD) and Joseph Clarke (18BA, 21JD).

The client, a recently retired postal worker, had bought a house, the first she had ever owned. Later, an electrical fire caused significant damage. The reconstruction and repairs, she alleged, were shoddy and took too long, and she sued the contractor.

The trial presented many logistical challenges. Among others, distance requirements meant that jurors were seated all around the courtroom, some in the jury box, a few in the public gallery and others wherever they could find a seat 6 feet away from anyone else.

But the courtroom configurations didn’t faze Bennington and Clarke. In fact, Bennington said, they were able to take advantage of the situation. With jurors and judge at every corner of the compass, “it let us move around and use the energy in the room.”

And it worked: The jury awarded the plaintiff everything she had sought. She was delighted with the result and proud of having been the students’ first-ever client.

Bennington was also on the Iowa Law Trial Advocacy team but gave up his place to litigate the Linn County matter. He’s still not sure if he wants to pursue a career as a litigator, but he’s glad to have had the experience in law school.

“There are lots of good things you can do as a lawyer,” Bennington mused, “and I’d like to try some others, as well.”

6. **Estate Planning Clinic: “Creativity that you can cultivate but not teach”**

During the pandemic, Zoom proved to be a marvelous technological innovation for business meetings, job interviews and family catch-ups.

For lawyering purposes, though, remote communication has been problematic. Confidentiality, privacy, attorney-client privilege, candor and security are obvious concerns. And there are other, more basic worries, especially when the client is unfamiliar with technology or not fluent in English. How can you be sure the client understands you? Or vice versa?

Elizabeth Estey (18BA, 22JD) saw those potential difficulties as a challenge, as a way to “develop my client interaction skills.” She worked in the Estate Planning Clinic under the guidance of Professor Len Sandler. It’s an area of the law she enjoys because she can bring peace of mind to her clients, even while they’re contemplating their own mortality (even via Zoom), though, she said, “I had to get pretty good at reading body language.”

For a time during 2020, the inside of the Boyd Law Building was “like the middle of the desert,” Sandler recalled. There were few people allowed in the law school because of COVID. Classrooms had buckets of sanitizer; hallways had designated pathways, directions and signage;

and the university distributed masks, shields and sanitizer to faculty and staff. For the safety of students, faculty and clients, the clinicians adhered strictly to COVID-prevention protocols.

But Iowa law requires certain in-person formalities, and the students were nothing if not resourceful. They interviewed clients by remote video or phone and corresponded and shared documents by mail, email and fax. After confirming the clients' wishes and instructions, they conducted document review and will-signing ceremonies in the building's atrium, alfresco at picnic tables outside the Boyd Law Building and in the parking lot. Some consultations were held on a drive-by basis, with clients in the car, one student on either side and Clinic Administrator Mishelle Eckland as notary. Improvisation is key to serving clients whose ages range from their 20s to late 90s. "It's the kind of creativity that you can cultivate but not teach," Sandler said.

Estey (along with other clinic students) worked for a client couple whose estate planning was complicated, with many moving parts; last-minute changes; and issues of citizenship, custody, guardianship and international law. The clients' primary goal was to care for each other and provide for their childrens' future, finances, custody and well-being.

Estey and her co-counsel helped them understand the options available to help them prepare for absence, injury, disability and death. She prepared wills with trust provisions; medical, financial, and end-of-life directives; beneficiary forms; and other transactions.

"Finally, we produced a set of documents and transactions that effectuated everything the clients wanted," she recalled. "It was a very satisfying feeling." □



“Nothing pleases me more than when a student makes a presentation in court and leaves me thinking, wow, I couldn't have done any better than that.” — PROFESSOR JOHN S. ALLEN



A NEW ERA FOR

ANTITRUST

EXPERTS FROM THE IOWA LAW COMMUNITY SHARE THEIR PERSPECTIVES ON HOW THE DYNAMIC FIELD OF ANTITRUST LAW CONTINUES TO EVOLVE [[By Mark Schapiro]]

From macaroni to film screenings, from baby food to who controls the trails you follow on the internet, the issue of companies consolidating without igniting the skepticism of the government touches virtually every American's day-to-day life. All of these matters, and many more, have been sculpted over the past half-century by the battles of legions of lawyers specializing in antitrust law. Among the most important prizes in the balance is who gets to merge with whom.

Iowa Law has trained many of those now in a position to execute and navigate these laws at a time of enormous change in the priorities and guidelines of antitrust enforcement. As Robert Miller, the F. Arnold Daum Chair in Corporate Finance and Law and a longtime practitioner of mergers and acquisitions who contends regularly with antitrust regulations, said, "Antitrust is currently in a degree of flux that hasn't existed for at least 50 years."

American antitrust law was born with the Sherman Antitrust Act, signed into law in 1890 by President Benjamin Harrison. The Sherman Act boasted sweeping language, declaring that "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade" would be illegal. It also said that "every person who shall monopolize, or attempt to monopolize, or combine or conspire ... to monopolize" would be guilty of a felony.

The act was signed at the height of the Gilded Age, as the government awoke to the possibility that if corporations—then usually organized as "trusts"—were left untethered to grow ever larger, they could potentially strangle competition by colluding to bolster prices and profits. The act gave the federal government the power to prevent collusion, but it was only in 1914, with the passage of the Clayton Antitrust Act and the Federal Trade Commission Act, that the government's authority was expanded—and expanded again in the 1950s—to include potentially anticompetitive consequences from mergers and acquisitions. The government obtained the power to prevent business combinations that could result in the "restraint of trade or commerce among the several states, or with foreign nations," as well as to prohibit any "monopolization" of such trade.

But what constitutes a restraint of trade? How do we, as Iowa Law Professor Sean Sullivan has considered in several papers, define the market that's being constrained?



Where does constraint end and competition—competitors slugging it out and a winner and loser emerging from the fight—begin?

These questions have bedeviled legions of lawyers, not to mention Congress and the courts, for more than a century. Ultimately, as Professor Miller points out, it's the Supreme Court that determines how the antitrust laws are interpreted. The first two decades of the Sherman Act did not lead to many enforcement actions, but during the Progressive Era the act was used to break up the Standard Oil monopoly. In the 1950s, movie producers were forced to release their hold over movie theaters, and in the '60s, two macaroni companies were encouraged to end their cooperation, which ensured that both used the same grade of flour for their macaroni to avoid competing over alternative flour sources. In those days, the government often acted after the fact—that is, it attacked a merger as anticompetitive only after the merger was completed.

In 1976 Congress enacted the Hart-Scott-Rodino Antitrust Improvements Act, which requires, among other things, that all large transactions be reported to the Federal Trade Commission and the Department of Justice for review before a merger or acquisition goes through. The idea was to prevent anticompetitive mergers before they occurred, thus protecting consumers from harm and even saving the costs to the companies of completing a merger that would later be undone. The HSR Act sought to obviate the need to retroactively break up consummated mergers, such as it famously struggled to do in the 1964 El Paso Natural Gas case, where it took the government more than a decade of effort to unwind a merger. With HSR, the hope was to prevent such mergers from being formed in the first place.

Since the '70s and '80s, according to Miller, "there has been very broad agreement" around the principles governing when government intervention in such deals was warranted. Restraint on trade came to be defined as whether a merger or acquisition could have the impact of raising prices (or lowering product quality) for the consumer, or what became known as the "consumer welfare" standard. If that was the case, the government could act. If not, mergers were permitted—and many occurred during the mergers and acquisitions boom years of the Reagan, George W. Bush and Clinton administrations. Merger activity in the United States has risen steadily, from \$152 billion in deal volume in 1984 to more than \$2.1 trillion in 2019.

The consumer welfare standard, however, is now being challenged by the Biden administration's two highest appointees to the government agencies charged with enforcing antitrust rules: Lina Khan, chair of the Federal Trade Commission, and Jonathan Kanter, assistant attorney general of the Antitrust Division at the Department of Justice. They are expected to introduce new merger guidelines in the fall that will signal a redirection of antitrust enforcement attention to factors other than consumer welfare, such as whether a merger might increase income inequality or potentially weaken the position of organized labor.

Here, prominent members of the Iowa Law community—all of whom are deeply engaged with these shifts—discuss the state of antitrust law today.

ANTITRUST SCHOLAR AND PROFESSOR

→ PROFESSOR SEAN SULLIVAN WAS AN ANTITRUST ATTORNEY AT THE FTC BEFORE JOINING IOWA LAW IN 2017. HE HAS WRITTEN EXTENSIVELY ON THE INTEGRATION OF ECONOMICS AND ANTITRUST LAW, PARTICULARLY IN THE AREAS OF MARKET DEFINITION AND THE DETECTION OF MARKET POWER FROM MARKET CONCENTRATION.

Q: Antitrust law seems to be in a period of flux. Can you summarize its evolution?

A: In one sense, antitrust law has not evolved at all. With only a few important exceptions, the antitrust statutes are the same today as they were in early 1900s. All the major evolutions in antitrust law have come from changing interpretation of the statutes. And in this sense antitrust has changed a lot. The evolving norms of antitrust are particularly easy to spot in merger enforcement.

For example, a lot of recent commentary waxes nostalgic about merger cases of the 1960s. Back then, the Warren Court cared deeply about the interests of small competitors and about preventing increases in concentration. In the first major merger case following the Celler-Kefauver Act, the Warren Court held a merger to be illegal largely on the basis that it would make the merged firm more efficient—better able to outcompete less efficient rivals. The 1960s were a period of aggressive merger intervention, but also a time when consumers could be made to suffer for the benefit of propping up inefficient competitors.

In the 1980s, a seismic shift occurred in antitrust enforcement. The Reagan administration jettisoned many previous considerations, like the protection of small competitors, to focus exclusively on “harm to consumers.” In many cases, the “consumer” part of the consumer welfare standard was forgotten, and the objective was taken to be the equivalent of promoting economic efficiency. At any rate, courts largely accommodated these changes, and from the 1980s to the present day, some version of the consumer welfare standard has served as the primary normative concern of antitrust law.

But decades of consensus on the consumer welfare standard have not persuaded the Biden administration, and populist views reminiscent of the 1960s once again seem to be motivating the agencies. Decisional law moves slower than politics, though, and it remains to be seen whether courts will accommodate this attempt to change antitrust law as they did in the 1980s. If not, then political enthusiasm for changing antitrust standards will hit a wall when arguments based on new standards are argued in court.

Q: What’s it like to teach antitrust law?

A: I love teaching antitrust. It’s a class that rewards immersion. To really understand the facts and arguments in a case, one must understand the trade involved. Who makes the product? Who buys it and for what? How is the product made, stored and shipped, and how are sales completed? You need to understand what would happen if prices rose, or product variants were discontinued, or some of the players exited the market. A lot of learning antitrust is coming to grips with just how small our own view is of the



“A lot of learning antitrust is coming to grips with just how small our own view is of the immense economy we inhabit. My students leave the class unable to look at trash, baby food or plastic wrap the same way they did before.”

— PROFESSOR SEAN SULLIVAN



“I learned from antitrust class that a supreme evil of antitrust is not necessarily just price fixing; it’s also fixing the quality of goods. Pricing is easier to quantify ... but quality is equally relevant.”

– MILLY DICK (15JD)

immense economy we inhabit. My students leave the class unable to look at trash, baby food or plastic wrap the same way they did before. It is a thrill to join them on this journey.

Q: How have students today changed from previous generations?

A: I try to structure my classes as extended conversations—and the conversation feels different today than it did a few years ago. One difference is that students need a bit more of a runway to get free of imprecise assumptions about competition that they pick up from blogs and social media. Antitrust is too complicated to be reduced to anything that would fit in a tweet, and students need to get comfortable with the complexity of the world around them. Iowa Law students combine humility and diligence better than any students I’ve ever met, though, and once we get rolling, there’s nothing we can’t master.

ANTITRUST ENFORCER

→ MILLY DICK (15JD) IS AN ATTORNEY WITH THE BUREAU OF COMPETITION AT THE FTC AND PREVIOUSLY WORKED IN THE ANTITRUST DIVISION OF THE DEPARTMENT OF JUSTICE. SHE PARTICIPATED IN THIS ARTICLE IN HER PERSONAL CAPACITY;

HER OPINIONS EXPRESSED ARE HER OWN AND DO NOT REFLECT THE VIEW OF THE FTC.

Q: What’s it like to go from studying antitrust regulations in law school to enforcing them?

A: Being in antitrust enforcement is one of the best jobs in the field, especially out of law school. As a government lawyer, there are a lot of opportunities. Unlike law firms, there isn’t a billable hour rate. Senior lawyers take mentorship seriously and devote time to training you. And antitrust enforcement is a unique thing. When we review mergers, one of the questions is about the future of a particular industry. Very few areas of the law ask you to predict the future. When we go to court, much of the evidence comes in through the defendant’s executives, who usually are not happy to find themselves on the witness stand defending their company’s behavior.

Q: When the first antitrust laws were written over a century ago, most businesses were huge enterprises producing physical goods. What’s changed?

A: Businesses have evolved. How companies make money is changing. And who their customers are has evolved. Now you have companies giving consumers a free product in order to collect data to sell targeted advertising or, say, providing core government services like health care. It’s different from when the antitrust rules were written 100 years ago.

Q: What does “consumer protection” mean from an enforcement perspective?

A: There’s a different perspective now. Twenty or 30 years ago, the question was: Will the prices go up or down? I learned from antitrust class that a supreme evil of antitrust is not necessarily just price fixing; it’s also fixing the quality of goods. Pricing is easier to quantify, so a lot of case law relies on that, but quality is equally relevant. Today, we’re identifying better ways to capture quality, which matches what consumers care a lot about. Over

the years, the weight we put on each of those factors has changed. And I think a lot of debate today boils down to how much weight you give each factor.

ANTITRUST LAW PRACTITIONER

→ JAMES FISHKIN (83BA, 86JD) IS ANTITRUST PARTNER AT DECHERT, LLP IN WASHINGTON, D.C., AND A FORMER STAFF ATTORNEY WITH THE BUREAU OF COMPETITION AT THE FTC. HE HAS HAD KEY ROLES IN SEVERAL OF THE MOST SIGNIFICANT MERGER TRIALS OF THE PAST 25 YEARS, INCLUDING IN PRIVATE PRACTICE REPRESENTING WHOLE FOODS MARKET INC. IN *FTC V. WHOLE FOODS MARKET, INC.* AND REPRESENTING THE FTC AS A TRIAL ATTORNEY IN *FTC V. STAPLES, INC.* AND *FTC V. H.J. HEINZ CO.*

Q: You've been doing antitrust work for decades, both for the government and in private practice, sometimes opposing the government. What changes have you seen?

A: I was very interested in antitrust law when I started law school based on what I learned as an economics major studying industrial organization and price theory. I had written an economics paper on the FTC for my industrial organization class. I was able to get a summer internship at the FTC between my second and third year after taking antitrust law. The first time I saw the FTC headquarters in Washington, D.C., I was thrilled. I had learned a lot about the FTC and then you see it and are part of it. Since then, I have had the opportunity to lead high-profile antitrust matters for the FTC and in private practice. This work has contributed to developing antitrust law in cases that law students now learn about in class, policymakers and academic scholars discuss, and judges cite to in their opinions.

I have seen the full arc of antitrust enforcement, going from when I started in the late '80s under the relatively new consumer welfare standard at that time to the current administration's focus on a wider band of potential harm resulting from mergers. When I started my career, merger enforcement was based on the principle of the consumer welfare standard, and the key questions were whether a merger would likely result in higher prices or lower quality for consumers. But now the current administration is saying, hold on, there has been lax antitrust enforcement because the consumer welfare standard may not capture all of the potential harm resulting from a merger.

Q: What questions is the current administration asking about antitrust?

A: One of the issues is to what extent mergers may harm workers. Could the merged firm, for example, have monopsony power enabling it to potentially reduce wages, or not raise them as much as it would otherwise have to if it were competing for the same workers as the acquired company? There is also a concern about a decrease in innovation. Could certain types of mergers lead to less rather than more innovation in their particular sectors because acquiring firms would not have to compete against acquired firms that are developing new and better products?

“We are seeing significant changes in the government's approach to merger enforcement. ... Now is a fantastic time to be an antitrust lawyer.”

– JAMES FISHKIN (83BA, 86JD)



“Companies are waking up to the new principles. They are realizing: Oh, we can’t exchange wage information? ... The enforcement of antitrust laws is changing. And the reconceptualization of antitrust is here to stay.”

— AMANDA HAMILTON (O2BA, O5JD)

The FTC and DOJ are also similarly focusing on the impact of acquisitions of nascent competitors; that is, but for the merger, would the acquired much smaller company with a newly developed and innovative product grow into a strong competing rival, especially in the Big Tech sector.

Another issue is the impact of a merger on competition from small and independent businesses that may not be able to compete effectively against a much larger firm after a merger. For example, a larger merged company may be able to access sources of supply that are not available to a small business, or the small business may not be able to obtain the same supply as the merged firm at competing prices. The FTC and DOJ are also looking at whether a merger could harm disadvantaged or “marginalized consumers” by, for example, no longer operating retail stores in their neighborhoods or by not offering those consumers the same products and services after an acquisition at the same prices. We are also seeing the FTC and DOJ approve fewer consent agreements to resolve merger issues and bring more cases to trial. The FTC and DOJ strongly favor divesting complete ongoing business units, and the standards for approving buyers of divested assets has increased to minimize the risk of failure by the divestiture buyer.

Q: It appears that corporate consolidations—after being celebrated for years—are now receiving a more skeptical look. What’s it like to be an attorney in this climate?

A: We are seeing significant changes in the government’s approach to merger enforcement. These changes require constantly keeping up with developments at the FTC, DOJ and jurisdictions outside the U.S. for cross-border mergers. Every morning I spend a lot of time reviewing antitrust updates, including policy statements from the FTC and DOJ leadership as well as recent enforcement actions. Government antitrust enforcement is rapidly changing. You cannot be an effective antitrust attorney by relying on what happened in the past—even as recently as a year ago—since so much is changing. Antitrust law has always been exciting work and now is a fantastic time to be an antitrust lawyer.

ANTITRUST JOURNALIST

→ AMANDA HAMILTON (O2BA, O5JD), A FORMER STAFF ATTORNEY WITH THE FTC, BECAME A JOURNALIST WITH INSIDERS’ KNOWLEDGE AS A SENIOR ANTITRUST CORRESPONDENT FOR THE *CAPITOL FORUM*, A SUBSCRIPTION-ONLY PUBLICATION COVERING ANTITRUST LAW, MERGERS AND POLICIES.

Q: What inspired you to go from government regulator to journalist?

A: At some point I realized that it wasn’t the government saying, “Hmm, that’s wrong.” Journalists were the ones saying, “Hey, people are not looking at this. This shouldn’t be the case; it’s abuse.” And then cementing that was the MeToo movement. I saw great women working in journalism and at *Capitol Forum* calling out bad people and corporate acts. I realized that reporting is actually exposing things and moving Congress to act and companies to reform.

Q: How has your work with the FTC informed your journalism?

A: The Federal Trade Commission is kind of an antitrust training school.

NEXT-GENERATION ANTITRUST LEADERS

This fall, *Kassandra DiPietro* and *Lauren Knudson*, both members of the Class of 2022, will join the newest ranks of the antitrust bar.

DiPietro will start her new position at the Federal Trade Commission in the Bureau of Competition soon after finishing her internship at the agency this summer. *Knudson* will join *Mayer Brown's* antitrust litigation team in the firm's Washington, D.C. office, after spending a year as a law clerk for Senior Judge *Michael J. Melloy (74JD)* of the U.S. Court of Appeals for the 8th Circuit.

DiPietro and *Knudson* say their law school experience made it easier for them to decide early on an antitrust focus.

"I knew I wanted to do something related to consumers because of my previous work in marketing, but I didn't know what that would look like," *DiPietro* said.

After taking an antitrust course with Professor *Sean Sullivan*, a Housing and Law Policy course with Professor *Larisa Bowman*, and a Consumer Finance class with Professor *Christopher Odinet*, *DiPietro*



KASSANDRA DIPIETRO (22JD)



LAUREN KNUDSON (22JD)

said she knew what she wanted to do after law school.

"The professors focused on the experiences of consumers and how the law impacts them on a daily basis," *DiPietro* recalled.

Knudson, who has an undergraduate degree in political theory and economics, knew she would find antitrust law interesting. But, like *DiPietro*, she found herself immersed in the area after taking several courses that allowed her to use her economics background.

She said the class that really inspired her was *Sullivan's Law and Economics* course. "We did not set out to learn a specific area of the law," she explained. "Our goal was to see how we could use economics to evaluate the effectiveness of the law."

"I developed an appreciation for the nuances of the arguments involved," *Knudson* said. "Each case is so fact dependent, and lawyers must learn how each fact fits into the case." —*Xenia Kobylarz*

I'll look at a deal and analyze it from an antitrust enforcer's perspective. And I'll be able to consider any theories that the FTC or the DOJ might have when they look at the deal and assess their viability from my experience. And if I don't know, I know whom to call. My eyes are open for anything that the agencies may or may not be looking at. Many of my stories have the same rigor as if I were an FTC lawyer. But at the FTC, I couldn't talk with anyone until [the case] became public. Now, I can call a public interest group, federal agency or a congressional representative and get a response.

Q: How have the antitrust principles changed since you were at the FTC?

A: [FTC] Chairwoman *Khan* and [DOJ Assistant Attorney General] *Jonathan Kanter* share the frustration of a lot of enforcement-minded antitrust lawyers with what they perceive as a lack of action. Companies are waking up to the new principles. They are realizing: Oh, you mean we can't exchange wage information? Competitors can't use the same agency rep to sell ad time? Oh, you mean labor has a seat at the table? The enforcement of antitrust laws is changing. And the reconceptualization of antitrust is here to stay. □

"Our goal was to see how we could use economics to evaluate the effectiveness of the law."

— **LAUREN KNUDSON (22JD)**

When Algorithms

WHILE THE ARTIFICIAL INTELLIGENCE REVOLUTION HOLDS GREAT PROMISE, WHAT HAPPENS WHEN THE NOW-UBIQUITOUS ALGORITHMS WREAK HAVOC IN OUR LIVES? IOWA LAW PROFESSORS ON THE CUTTING EDGE OF THIS FIELD OFFER INSIGHTS. **By Carrie Kirby**

Harm Us



ILLUSTRATION BY DAVIDE BONAZZI



IN this age of artificial intelligence, Isaac Asimov's first law of robotics is receding in the rearview mirror.

"A robot may not injure a human being ..." begins the directive laid out in the sci-fi visionary's work *I, Robot*.

They may not look like the humanoid machines portrayed in classic science fiction, but independently operating robots surround us, working away in nearly every industry. They're called artificial intelligence algorithms. Algorithms are the brains behind "robots" we can see, like self-driving cars and assembly-line robotic arms, but they more often work invisibly: approving or denying loans, setting insurance rates, matching mugshots with security camera footage, cranking out basic media articles.

Sometimes, those algorithms hurt people.

Just ask Robert Julian-Borchak Williams, wrongfully arrested when a facial recognition algorithm incorrectly matched his face with that of a shoplifter. Or middle school teacher Will Johnson, who was incorrectly identified as a white nationalist. Or ask the Black loan applicants who, along with countless other members of marginalized groups, missed out on the chance to buy homes or attend college because algorithms unfairly discriminated against them.

You can't ask Elaine Herzberg. The 49-year-old died when an algorithm-driven Uber struck her in Tempe, Arizona, in 2018.

In fact, legal scholars now believe it's impossible to enforce Asimov's first law. We can't completely prevent artificial intelligence from ever harming anyone. Instead, four Iowa College of Law professors tell us, we must create a legal framework where victims of algorithm harm can find justice, and where corporations are compelled to use care when deploying their AI bots.

You might be surprised to find out how little regulation or law currently constrains the use of algorithms, even those with the clear potential to harm.

ALGORITHM HARM CAN BE INVISIBLE

When an algorithm harms someone, the victim is often at a loss to get compensation or justice. In fact, victims might not even know they were harmed by an algorithm.

For instance, life insurance companies are banned from considering race when setting policy rates. But if an algorithm, tasked with assigning risk level to applicants, absorbs enough data about life expectancy across races, it might figure out ways to flag Black applicants and charge them more even if they never explicitly take into account the applicant's race. Such proxy discrimination could easily be missed by the insurance company, customers and regulators.

"So many AI decisions are 'black box,' meaning that even the company using [them] might not know that anything is happening," said Iowa College of Law Professor Anya Prince, whose research explores the privacy and discrimination issues surrounding genomic testing and big data, including the role of algorithms.

Algorithms may even pose invisible threats to the economy as a whole. In his paper "Securitizing Digital Debts," Christopher Odinet, professor of law and the Michael and Brenda Sandler Fellow in Corporate Law, points out that lenders are using algorithms to qualify borrowers—despite the fact that these algorithms don't have a long track record and that the people deploying them may not fully understand how the algorithms work.

Beyond the risk of accidental discrimination, Odinet points to an ominous fact: The startup lenders that tout their use of algorithms tend to finance their operations by selling bundles of consumer debt to investors

as securities. This means that if the algorithms making loan decisions aren't as good as the lenders think they are, the consequences could reach far beyond these companies.

"The broader concern is when major nodes of the economy become exposed to these complex products that are backed by inscrutable or difficult-to-scrutinize algorithms—and then they fail," said Odinet, who studies commercial/consumer finance and property law.

Think 2008 and the securitization of mortgage loans.

WHO'S IN CHARGE OF THIS THING?

When an apparently malfunctioning algorithm-driven robot killed mechanic Wanda Holbrook at work in 2015, the harm was obvious—so obvious that the funeral home recommended a closed casket.

Less obvious: Who was responsible for Holbrook's death? Of course, widower Bill Holbrook could not sue the algorithm controlling the robotic arm. Unlike a corporation, an algorithm is not legally considered a person. Nor could the police arrest the algorithm.

The solution to this roadblock might seem simple: Find the person who wrote an algorithm without including Asimov's first law: "Don't hurt anyone." But in reality, finding a human responsible for an algorithm's actions is rarely simple.

Holbrook's case is an example of the "many hands problem" that Iowa Law Professor Mihailis Diamantis describes in his paper "Employed Algorithms: A Labor Model of Corporate Liability for AI." A single algorithm might be designed by "distributed teams of hundreds or thousands of employees" within a single corporation, and multiple corporations could have a hand in creating, marketing and using various parts of a single algorithm-driven machine, like an industrial robot, explains Diamantis, who researches

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If it operates correctly 99 out of 100 times, the choice to use that algorithm looks pretty reasonable. But that's cold comfort to the 1 out of 100 who was injured.” — PROFESSOR CRISTINA TILLEY

corporate crime and criminal theory.

Indeed, Bill Holbrook sued five robotics companies involved in the rogue machine—but seven years later, he has not been successful in obtaining compensation from any of them.

WHAT IF EVERYONE DID WHAT THEY WERE SUPPOSED TO DO?

Another challenge in legally confronting harm by algorithms: Tort law as used today generally requires evidence of negligence or intent in order to award compensation. But it's possible that every human involved with an algorithm made every reasonable effort to create and operate it safely—yet something still went wrong.

"In the vast majority of cases, algorithms are designed to operate without causing injury. If it operates correctly 99 out of 100 times, the choice to use that algorithm looks pretty reasonable," said Iowa College of Law Professor Cristina Tilley, who focuses on tort and media law. "But that's cold comfort to the 1 out of 100 who was injured."

Programmers shouldn't be considered negligent simply for designing algorithms that sometimes act unpredictably, scholars agree, because intelligent algorithms' unpredictability is the heart of their value.

"That's why we use them—because

they can do things better than we can in ways that we can't anticipate," Diamantis said. "But that also means that machine-learning algorithms are sometimes going to do things that we don't want them to do and that we couldn't anticipate. When you place too many barriers on an algorithm's action, you end up limiting the power of the algorithm."

WHAT TO DO?

If the conversation ended with the frustrated loan applicants, accident victims and the wrongly accused, the solution to harm by algorithm would be crystal clear: Get rid of the algorithms.

However, algorithms hold great promise for society. If self-driving technology can be perfected, traffic deaths should plummet. Machine-learning algorithms could help humans wrap our brains around huge, complex problems such as climate change, pandemics and maintaining healthy economies.

That promise makes a return to Asimov's zero-tolerance policy a no-go.

Instead, Iowa Law's scholars are exploring ways our current system could adapt to minimize the potential for algorithmic harm and to bring justice to victims when it does happen.

SOLUTION: VICARIOUS CORPORATE LIABILITY

Diamantis proposes a solution that would require no new legislation or regulation: vicarious corporate liability. That is, the law should hold corporations liable for the faulty actions of algorithms they use, much as they are held liable for the faulty actions of their human employees.

This does not mean, Diamantis stresses, that algorithms should be seen as employees. He calls them “employed algorithms.”

“It’s important to respect the human beings we have in our workplaces. They have rights that I don’t think algorithms have,” he explained.

SOLUTION: STRICT LIABILITY

Another way that courts could address algorithmic harm: Embrace strict liability, an age-old concept little used in today’s courtrooms. Unlike with typical liability, a judge using the strict liability standard could hold a company using an algorithm liable for harm even if no one at the company acted carelessly. Tilley suggests that judges consider a corporation liable simply because they chose to outsource a task to a computer program, which is incapable of exercising human care.

Tilley reasons that deploying an algorithm resembles another situation where strict liability has been applied in the past: igniting dynamite.

But what do dynamite and algorithms have in common?

“Once they’re unleashed, they can’t be clawed back,” Tilley explained. She raises the example of a crew taking down a brick building when a toddler wanders near the site.

“If I’m taking them down by hand, I can call the workers off. But once I press the button on the dynamite, there’s nothing I can do to help that toddler.”

SOLUTION: TECH-SAVVY REGULATORS

In the realm of lending policy, Odinet thinks regulators such as the Consumer Financial Protection Bureau and the Treasury Department’s Financial Stability Oversight Council (FSOC) could help safeguard borrowers and the economy at large—if they had staff with the technical knowledge to understand what algorithms are doing and what they could do next.

“FSOC needs to become more apprised of the use of algorithms in the financial market. To do that, they need computer scientists who have the necessary expertise,” Odinet said.

SOLUTION: HARD-CODING FAIRNESS

Companies could address algorithm harm in-house by adjusting how they design and use the programs, Prince suggests.

Take the example of insurance algorithms discriminating against

customers based on race. Remember that AI algorithms may independently identify and discriminate against applicants in ways that disproportionately impact protected groups, such as Black applicants, even when applicant race isn’t provided to the algorithm.

One way to prevent discrimination in this scenario, Prince says, is to proactively add the protected trait to the data set. Users would provide the algorithm with applicant race along with other information and allow the algorithm to calculate the rate using race as a factor. Then, they can remove that specific price difference.

“You control for the protected trait in your algorithm. And then at the back end, you take it out,” Prince explained.

For that to happen, industry groups might have to adopt new guidelines, or regulators might need to step in. Some laws would need to change.

“In many states right now, insurance companies can’t collect information about protected traits. You would have to flip the model on its head and change the law in those states to allow insurers to collect that data so that they can test the models,” Prince said.

CONCLUSION

Whether through the courts, laws and regulations, or the improvement of industry standards, it’s clear that some things must change if the future of intelligent algorithms is to deliver on the promise.

If the legal system holds back, customers and victims could be increasingly at risk as corporations transfer more and more tasks to algorithms, which can’t be sued or prosecuted. Yet if authorities are too heavy handed, they could rob our future of the many benefits algorithms could bring.

“We need to encourage corporations to invest in algorithms, but to do so responsibly,” Diamantis said. □

WHAT IS AN ALGORITHM?

At its most basic, an algorithm is a set of instructions designed to accomplish something. A recipe is an algorithm; so is the process we all learned in school for long division. But today’s AI algorithms can be far more complex, learning and making decisions without human guidance. Algorithms used in many industries today have abilities surpassing those of the human mind: They can take in vast amounts of data and come up with solutions we could not predict. Even though humans create algorithms, the bots’ “thought” processes can be opaque to us. The result: Increasingly, algorithms can surprise us with their behavior.

SCHOLARLY ACHIEVEMENTS

A SELECT LOOK AT THE LAW FACULTY'S MANY ACCOMPLISHMENTS

AWARDS & APPOINTMENTS

- Professor **Ann Lacquer Estin** was appointed an associate reporter for the American Law Institute's Restatement of the Law Third, Conflict of Laws, with primary responsibility for the family law sections of the project.
- Professor **Andy Grewal** was elected a fellow of the American College of Tax Counsel, an elite group of America's top tax attorneys who have made remarkable contributions in their field.
- Professor **Chris Odinet** was elected as a member of the American Law Institute and accepted as a new member of the European Law Institute, where he served on a drafting committee developing principles for governing transactions involving digital assets.
- Associate Dean **Adrien Wing** was named to the Council of the ABA Section of Legal Education and Admissions to the Bar. Wing's service includes six years on the ABA Accreditation Committee and participating on 20 accreditation teams.

FACULTY IN WASHINGTON, D.C.

- Professor **Alison Guernsey** testified before the House Committee on the Judiciary on The First Step Act.
- Professor **Derek Muller** testified before the Senate Rules Committee, addressing the proposed changes in the Electoral Count Act Reform of 2020.
- Dean **Kevin Washburn** testified in the first-ever Congressional Hearing on Tribal Co-Management of Public Lands. Spurred by his scholarship, the hearing examines tribal land dispossession by the U.S. government.

SCHOLARSHIP & GRANTS

- Professor **Stella Burch Elias**, "Law as a Tool of Terror," *Iowa Law Review* (2021). The article explores immigration laws and policies of the United States from January 2017 through January 2021 and the use of immigration law as a tool of terror with expansive legal powers and little oversight or constitutional checks.
- Professor **César Rosado Marzán**, "Quasi Tripartism," *University of Chicago Law Review* (forthcoming). The article

describes two recent co-enforcement experiments that generated excitement from labor advocates and two purported sectoral bargaining experiments to evaluate the extent to which tripartism is developing in the United States.

- Professor **Robert Miller**, "How Would Directors Make Business Decisions Under a Stakeholder Model?," *Business Lawyer* (2022). The article reveals how the stakeholder model uniquely disadvantages shareholders. Instead of being based on normative and rational considerations, many of the decisions made under the stakeholder model tend to be essentially political in nature.
- Professor **Todd Pettys**, "Serious Value, Prurient Appeal, and 'Obscene' Books in the Hands of Children," *William & Mary Bill of Rights Journal* (forthcoming). The article looks at the book censorship controversies of today through First Amendment rights of the government to block books and obscenity cases that have challenged the courts for years.
- Professor **Anya Price**, "Beyond the Medical: The ELSI of Polygenic Scores for Social Traits" awarded by the National Human Genome Research Institute at NIH (2022). The R01 research grant, with Prince serving as the co-principal investigator, seeks to better understand the ethical and social impacts of new technology that can develop scores (sociogenomic PGS) to predict polygenic contributions to complex behaviors and traits.

"It doesn't mean [that those with public defense experience] are going to rule in favor of criminal defendants. It means they bring a different perspective. Their experience on the other side of a case is just as important as a prosecutor's experience on the opposite side."

— SENIOR ASSOCIATE DEAN EMILY HUGHES, QUOTED IN *THE NEW YORK TIMES*

- Professor **Jason Rantanen**, "Studying Nonobviousness," *Hastings Law Journal* (2022). The article examines the reliability of empirical studies of judicial decisions by closely comparing two recent studies of the patent law doctrine of nonobviousness.
- Professor **Shannon Roesler**, "State-Created Environmental Dangers and Substantive Due Process," *Florida Law Review* (2021). The article focuses on the litigation arising out of contaminated drinking water in Flint, Michigan; lead paint in public housing in New York City; and harm to young people from the impacts of climate change.
- Professor **Gregory H. Shill**, "Diversity, ESG, and Latent Board Power," *Delaware Journal of Corporate Law* (2022). The article provides a novel account of how boards might recover their latent powers and promote diversity and ESG in corporate law.
- Professor **Joseph Yockey**, "Resolving Regulatory Threats to Tenure," *University of Richmond Law Review* (forthcoming). The article examines the growing anti-tenure sentiment among state officials and develops a framework for response, specifically with novel legal strategies and collaborative governance.

NATIONAL MEDIA COVERAGE

- Senior Associate Dean **Emily Hughes** quoted in "As Jackson Faces Senators, Her Criminal Defense Record Is a Target," by *The New York Times*.
"[Professor Hughes] said it was wrong to assume that those with public defense experience would side with criminals. "It doesn't mean they are going to rule in favor of criminal defendants," she said. "It means they bring a different perspective. Their experience on the other side of a case is just as important as a prosecutor's experience on the opposite side."
- Professor **Robert Miller** quoted in "Judge in Twitter, Elon Musk Case Known for Quick Work" in *The Wall Street Journal*.
"Delaware's reputation as an impartial arbiter of corporate disputes is on the

"The [Electoral Count Act] is going to hit the high notes and offer dramatic improvement and clarity on how we administer elections."

— PROFESSOR DEREK MULLER, QUOTED IN *THE WASHINGTON POST*

line," said Miller, who is also a corporate law professor at the University of Iowa.

- Professor **Derek Muller** quoted in "Senators Prepare to Unveil Changes to Electoral Count Act," in *The Washington Post*.
"The bill is going to hit the high notes and offer dramatic improvement and clarity on how we administer elections," said Muller, professor of law at the University of Iowa, who has been advising negotiators on the legislation.
- Professor **Chris Odinet** quoted in "Crypto Order Pushes Biden's Consumer Watchdogs to More Oversight" in *Bloomberg Law*.
An "unfair, deceptive, or abusive acts or practices" (UDAAP) violation can carry major penalties, and the standard can also be applied beyond the privacy sphere, said Odinet, a professor at the University of Iowa College of Law.

GLOBAL ENGAGEMENT

- Professor **Tom Gallanis** was invited by Chuo University in Tokyo to deliver two public lectures on trust law. The lectures will be delivered in March 2023. Chuo was founded in 1885 as a law school and expanded in 1905 to become Chuo University.
- Professor **Maya Steinitz** convened an international panel to discuss commercial arbitration in the Middle East. The discussion, titled Practical Insights into Commercial Arbitration in the Abraham Accords Economy, included industry leaders from around the world.

2022 NAMED PROFESSORSHIPS

Professor **Lea VanderVelde** was named a University of Iowa Distinguished Chair,



an award that recognizes tenured scholars of national and international distinction who are making a significant positive impact within the university, the state of Iowa and beyond through scholarship, teaching and/or service.

On the recommendation of Dean Kevin Washburn, Provost Kevin Kregel appointed five members of the faculty to named professorships in the College of Law. Professorships are awarded to faculty who, through their scholarship, have substantially altered the fields in which they work and who have received national or international recognition from their scholarly peers.

- **John Allen**: renewed as Herschel G. Langdon Clinical Professor of Law
- **Andy Grewal**: Orville L. and Ermina D. Dykstra Professor in Income Tax Law
- **Emily Hughes**: Edward Howrey Professor of Law
- **César Rosado Marzán**: Edward Carmody Professor of Law
- **Derek Muller**: Ben V. Willie Professorship in Excellence
- **Shannon Roesler**: Charlotte and Frederick Hubbell Professor of Environmental and Natural Resources Law

To read more about the 2022 professorships, visit law.uiowa.edu/professorships.

ADVANCING ENVIRONMENTAL LAW IN IOWA

THE HUBBELL ENVIRONMENTAL LAW INITIATIVE,
FUNDED BY THE MOST GENEROUS GIFT IN IOWA LAW

HISTORY, BRINGS AN INTERDISCIPLINARY FOCUS TO TODAY'S ECOLOGICAL PROBLEMS **By Carrie Kirby**

As environmental problems mount worldwide—including in Iowa—we look to science and technology for solutions. But it's becoming increasingly clear that scientists and engineers can't solve the crisis on their own.

Legal and policy thinkers are needed to work out issues such as how to transition equitably to clean power, or how to share the responsibility fairly for cleaning waterways that run through multiple states and nations.

"The nexus between science and law in the areas of clean air, clean water and clean energy is becoming more and more important," said Fred Hubbell (76JD).

That's why Hubbell and spouse Charlotte Beyer Hubbell (76JD) gave \$5 million—the largest gift in Iowa Law history—to establish the Hubbell Environmental Law Initiative (HELI). The program will nurture an interdisciplinary approach to solving environmental problems.

Under the leadership of faculty director Professor Shannon Roesler and program director Blake Rupe, HELI has already started building relationships with other campus groups, including the law school's Center for Human Rights (UICHR) and Labor Center. In the future, the Labor Center has plans to foster more cooperation on the environment by hosting events and publishing white papers. Within Iowa Law, HELI will identify and nurture tomorrow's environmental attorneys.

The Hubbells, who met while studying at Iowa Law and married after completing their degrees, share a long-standing dedication to the environment. Beyer Hubbell has served on and chaired the Iowa Environmental Protection Commission, co-founded the Iowa Environmental Council, and has served on the board of the Iowa Nature Conservancy. Hubbell has served as the interim director of the Iowa Department of Economic Development, as chairman of the Iowa Power Fund Board, and on the board of directors of the Community Foundation of Greater Des Moines. Both serve on the Iowa Advisory Council of the Environmental Law and Policy Center based in Chicago.

The couple has funded environmental work previously, including a \$3 million gift from Beyer Hubbell in 2020 to the Department of River-Coastal Science and Engineering at Tulane University, where she

received her undergraduate degree. That department studies how climate change and human activities affect waterways and explores green engineering solutions.

Recognizing the urgency of today's many threats to the environment, the Hubbells opted not to make their gift an endowment.

"It is money designed to be spent over the next 10 years. When it's gone, if we're still here, we'll have to see how successful the program has been and decide if further contributions are necessary to continue the work," Beyer Hubbell said.

One issue where HELI will likely focus in the first year is solar power adoption in Iowa, Hubbell said.

"Iowa is one of the states with the best sun on a consistent basis for solar production, and yet we're way behind on solar," he said.

Another urgent issue for HELI will be the significant pollution of Iowa's waterways.

"This initiative is one step we can take to give future Iowans a place they are proud to call home."

— FRED HUBBELL (76JD) AND CHARLOTTE BEYER HUBBELL (76JD)



Fred Hubbell (76JD) and Charlotte Beyer Hubbell (76JD)

“We have rivers, lakes and streams that are so polluted Iowans can’t recreate in them. Our rivers—which provide a lot of the drinking water to the state—are heavily polluted with nitrates from hog confinement facilities and farming operations,” Beyer Hubbell said. “Those nitrates end up going down the Mississippi River into the Gulf of Mexico and contributing to the dead zone.”

In addition to funding the two director positions, HELI will fund a one-year Hubbell Environmental Law Fellowship, scholarships for Iowa Law students interested in environ-

mental law, and \$5,000 grants for students serving in unpaid environmental law summer internships at government agencies or nonprofits.

HELI has already begun developing events to foster interdisciplinary thinking on environmental issues. This spring, HELI partnered with the University of Iowa Center for Human Rights to sponsor a series of webinars, “Human Rights and Climate Change.” The discussions addressed the intersection of law and the environment, for example: What rights do today’s youth have in determining climate policy for the

planet where they will spend the rest of their lives?

Although environmental issues are by nature global, the Hubbells emphasize that HELI will work toward cleaner water, cleaner air and more efficient energy for their home state.

“This initiative is one step we can take to give future Iowans a place they are proud to call home,” the couple said in a joint statement.

THE FRIESTAD SCHOLARSHIP

A NEW ENDOWMENT HONORS THE LEGACY OF SEC VETERAN AND DEDICATED ALUMNUS SCOTT FRIESTAD

As Scott Friestad (83BBA, 86JD) moved through the legal world, from private practice to a leadership role at the Securities and Exchange Commission, he left deep, positive impressions on colleagues, mentees and even his opponents.

When Friestad succumbed to cancer in 2018, he was memorialized in a *Wall Street Journal* obituary that described the 23-year SEC veteran continuing his duties as associate director of the Division of Enforcement—from his deathbed.

“We all knew what Scott was going through, and he faced it with such grace and dignity and steadfastness,” recalled Iowa Law classmate Greg Bruch (85JD). The two young lawyers roomed together when they were

summer associates in the 1980s.

Friends of Friestad chose an Iowa Law scholarship for the native Iowan’s legacy and raised more than \$100,000 to create the endowment. This remembrance perfectly fits Friestad’s character, Bruch noted: “Scott really brought the best values of Iowa: how he treated his family and how he treated his oath of office.”

3L Charlie Doyle (20BBA), the inaugural recipient of the Friestad Scholarship and current third-year law student, had the opportunity to meet many of Friestad’s friends, along with his widow, Kimberly Sanders, on a recent call.

“Hearing stories about Scott, I think he encompasses exactly what Iowa Law students are at their best: hard-



3L Charlie Doyle, inaugural recipient of the Friestad Scholarship

working people with integrity. Great lawyers, great people who keep their Iowa roots and do great things all over the country,” Doyle said.

Doyle’s story echoes Friestad’s in many ways. Both grew up in large families in small Iowa cities—Friestad in Johnston, Doyle in Fort Dodge—and attended the University of Iowa for both their undergraduate business degrees and their law degrees. Both impressed those around them with their capacity for hard work.

Doyle came to Iowa Law, engaged fully and achieved top grades. Two summers ago, he worked for Nye-master Goode in Des Moines, then worked last summer for Sullivan & Cromwell in New York City, where he will start as an associate in 2023 after graduating and passing the bar.

The scholarship will provide Doyle with \$10,000 each year for his second and third year, covering about one-third of each year’s tuition.

“It’s such an honor to receive the award and learn about Scott’s legacy,” Doyle said. “He was always doing the right thing, and he truly loved the law.”



Scott Friestad (83BBA, 86JD), pictured with his wife, Kimberly Sanders, and sons Wilson and Thomas, received a Distinguished Service Award from the SEC.

“Scott really brought the best values of Iowa: how he treated his family and how he treated his oath of office.” — GREG BRUCH (85JD), A CLASSMATE OF SCOTT FRIESTAD

ALUMNI NOTES

STAY CONNECTED:    

[[1968]]

Illinois Supreme Court Justice **Rita Garman** retired in July after nearly 49 years on the bench. Her career included service at every level of the Illinois courts, from associate judge to chief justice of the Illinois Supreme Court.

[[1976]]

The University of Iowa Vice President for Legal Affairs and General Counsel **Carroll Reasoner** announced her retirement in March. Reasoner has served in that role since October 2010 after serving two years as an interim in the position.

[[1979]]

The Gazette featured **Neil Hamilton**, professor emeritus of law at Drake University, and his new book, *The Land Remains: A Midwestern Perspective on Our Past and Future*. In the book, Hamilton talks about the history of Iowa land conservation and the changes in agriculture and public policy that have shaped it.

[[1981]]

Cornell College in Mount Vernon, Iowa, announced the reelection of **Sheryl Stoll** to the Cornell College board of trustees.

[[1982]]

Dennis Shields was named the president of the Southern University System and chancellor of Southern University and

A&M College in Baton Rouge, Louisiana. Shields previously served as the chancellor of the University of Wisconsin-Platteville since 2010. He has devoted his career to advocating for better access to higher education, especially for those who have been historically underrepresented. Shields held administrative positions in admissions at the University of Iowa College of Law, University of Michigan Law School and Duke University School of Law. He also held a deanship and a teaching position at Phoenix School of Law and acted as the vice president for student affairs at the City College of New York.

[[1984]]

Legal Aid Chicago honored **Maja Eaton** as a Champion of Justice in June. Her commitment to pro bono legal work and to Legal Aid Chicago began four decades ago. She served on Legal Aid Chicago's board for many years, including two terms as co-chair.

[[1986]]

Georgia-Pacific Senior Vice President and General Counsel **Tye Darland** was appointed to the Georgia Judicial Nominating Commission by Gov. Brian Kemp. The commission makes recommendations to the governor to fill vacancies in the state courts in Georgia. Darland was previously a member of the Judicial Nominating Commission from 2008 to 2010.

[[1988]]

Karl Armstrong was appointed to lead the Nevada Taxicab Authority as its administrator. Prior to that he served as an appeals officer with the Nevada Department of Administration where he primarily conducted hearings to adjudicate workers' compensation disputes.

IntelinAir Inc., an agricultural technology company, hired **Ken Isley** to serve as chief legal officer, executive vice president and corporate secretary. Isley most recently served as USDA's administrator of the Foreign Agricultural Service for two years in Washington, D.C. He previously worked in legal roles for Dow Chemical Co. and Dow AgroSciences.

[[1989]]

XPEL announced the appointment of **Stacy L. Bogart** to its board of directors. Bogart currently serves as senior vice president, general counsel, corporate secretary and corporate responsibility officer at Winnebago Industries Inc. She also serves as president of the Winnebago Industries Foundation, a director of the Great Twin Cities United Way and a member of the Leadership Council for the Mayo Clinic.

Johnson County Attorney **Janet Lyness** announced her plans to retire from public office at the end of her term on Dec. 31, 2022. In 2006, she was the first woman elected county attorney for Johnson County. She was reelected in 2010, 2014 and 2018.

[[1990]]

Cynthia Nance was named interim dean of the University of Arkansas School of Law; she also was dean from 2006 to 2011.

LEADING IOWA LAW

In 2021 the College of Law launched the Alumni DEI Council, which is committed to increasing and supporting diversity, equity and inclusion at Iowa Law. This group is committed to developing key programs to help recruit underrepresented students to Iowa Law, connect with current students and recent graduates with alumni mentorship, and work with faculty and staff to support DEI efforts.

- Akua Akyea (97JD)
- Dr. Tess Barker (09JD)
- Brad Biren (11JD)
- Kayla De Loach (18JD)
- Tiffany Ferguson (96JD)
- Eugenia Hernández (99JD)
- Anthony Hightower (85JD)
- McCeil Johnson (99JD)
- Justin McCorvey (20JD)
- Julie Mehta (13JD)
- Steven Nelson (07JD)
- Corinna Ochsmann (10LLM)
- Erick Orantes (18JD)
- Laura Pattermann (93JD)
- Crystal Pound (16JD)
- Jason Sanders (02JD)
- Lata Setty (91JD)
- Jerome Taylor (10JD)
- Winnie Uluochoa (18JD, 19MHA)
- Neva Wagner (17JD)
- Margaret Acosta Weirich (11JD)

[1991]

The University of Iowa's Tippie College of Business honored **Jeff Lorenger** with the Oscar C. Schmidt Iowa Business Leadership Award. This award went to Lorenger as well as the HNI Corp. leadership team, which Lorenger joined in 1998. The Oscar C. Schmidt Iowa Business Leadership Award was established in 1980 to recognize outstanding Iowa business leaders.

[1992]

Michigan Gov. Gretchen Whitmer appointed attorney **Kenneth S. Hoopes** to the 14th Circuit Court. He practiced with Ladas & Hoopes Law Offices, specializing in personal injury, probate and estate planning, and Social Security disability.

Principal Financial Group named **Chris Littlefield** as president of Retirement and Income Solutions (RIS). Prior to that he served as executive vice president and general counsel of Principal Financial Group.

[1994]

Massachusetts Bar Foundation (MBF) elected **Angela McConney Scheepers** as president. She is the first president of color in the

organization's history. She joined the MBF Society of Fellows in 2007 and the board of trustees in 2013. She is an administrative magistrate for the Division of Administrative Law Appeals, an independent agency that conducts due process adjudicatory hearings for other Massachusetts state administrative agencies.

[1995]

The Illinois Supreme Court appointed **Ruth I. Gudino** as at-large circuit judge of Cook County. Gudino practiced law for more than 25 years, including 20 years in the Cook County State's Attorney's Office. She most recently served as the supervisor of the Criminal Prosecutions Bureau for the 4th District-Maywood.

[1996]

Gov. Kim Reynolds appointed **Clinton Boddicker** as district court judge for Iowa's Judicial Election District 8B. He previously served as the Lee County attorney. District 8B serves Des Moines, Henry, Lee and Louisa counties.

Coe College named **David T. Hayes** (09LLM) as its president in October 2021. Previously, he served as vice president for advancement

and professor of business administration and economics.

[1997]

Iowans for Tax Relief announced the promotion of **Chris Hagenow** to president. Prior to joining ITR, Hagenow served 12 years in the Iowa House, representing parts of Dallas and Polk counties. During his time at the Capitol in Des Moines, he served in various leadership roles, including House majority leader from 2016 to 2019.

Evangeline M. Mitchell's short documentary "Becoming Black Lawyers" has been on the film festival circuit, receiving more than 20 awards, including more than a dozen "Best Documentary Short" recognitions. The documentary shares the personal stories, perspectives and experiences of five Black lawyers who must overcome additional challenges beyond the rigors of studying law in a hypercompetitive environment.

[2000]

Vanessa Benavides was named chief legal officer of Kaiser Permanente at the end of 2021. Benavides is responsible for managing the legal, compliance and regulatory functions and developing and implementing an integrated

approach to foster a better understanding of enterprise risks and solutions while advancing support of the organization's business strategies. She will continue to serve on the organization's National Executive Team.

Brian Galligan was elected to serve on the Judicial Nominating Commission for District 5A in Iowa.

[2001]

Jeffrey Armistead was appointed as a magistrate judge for the U.S. District Court for the District of Oregon. He previously served as a staff attorney and senior staff counsel for the Oregon Court of Appeals for more than eight years.

[2003]

Tyson & Mendes LLP announced longtime partner **Jacob Felderman** was promoted to equity partner. Felderman has served as head of legal operations since 2021 in the firm's Denver office.

Dan Schoeni reviewed *Fulfillment: Winning and Losing in One-Click America* by Alec MacGillis in an article titled "Nothing. Everything." The article was published in *The JAG Reporter* on Feb. 17, 2022.

Sarah Sidwell joined Maslon LLP's Labor & Employment Group in Minneapolis as partner.

[2004]

Beau Brindley argued before the Supreme Court of the United States in defense of Shakeel Kahn, in *Kahn v. United States* on March 1, 2022.

United Fire Group Inc. announced the promotion of **Sarah Madsen** as chief legal officer in February 2022.



RACHELLE KECK (95JD)

Grand View University named **Rachelle Keck** as its 14th president. Keck is the first woman to be president of this Des Moines liberal arts college in its 125-year history. Prior to joining Grand View, she was executive vice president and university counsel of Briar Cliff University in Sioux City.

Madsen oversees UFG's legal, regulatory, governance, compliance and vendor management matters. She has served as assistant general counsel at UFG since 2018.

Minnesota Gov. Tim Walz appointed **Sarah Wheelock** to the Minnesota Court of Appeals. She is the first Native American ever appointed to this court.

2005

Nate Johnson was featured on Minneapolis's KARE 11 for his organization FreeWriters, which teaches freewriting at the Hennepin County Jail. He is a former prosecuting attorney, veteran, and lifelong lover of literature and creative writing.

Professor **Jill Wieber Lens** was named the Robert A. Leflar Professor at the University of Arkansas School of Law.



ERICA L. HARRIS (07JD)

Erica L. Harris was promoted to colonel in the Air Force on June 1, 2022. She is chief, Civil Law and Policy Division in the Air Force, stationed at Joint Base Andrews, Maryland. Col. Harris previously served at numerous assignments at installation, Major Command and Air Staff levels, including as chief of legal assistance and senior legislative counsel.

The University of Oklahoma College of Law named Professor **Megan Wischmeier Shaner** the Arch B. and Jo Anne Gilbert Professor of Law. Professor Shaner teaches business associations, contracts, corporate drafting and unincorporated business entities.

2006

The University of Northern Iowa recognized **Jeff Scudder** with the 2021 President's Philanthropy Award. Scudder is a partner in the Phoenix-based law firm of Snell & Wilmer LLP with concentrations in corporate and securities law and a focus on complex business transactions.

2007

University of Nevada-Las Vegas welcomed **Dr. Steven L. Nelson** as an associate professor of education policy and leadership studies. His work investigates the intersection of education law, education policy and race in urban educational settings.

2008

Tai Duncan, vice president of community integration at Cresco Labs, was named among Crain's 2022 Notable Leaders in Community Development. The UNBOSSSED podcast featured her in February. Prior to joining Cresco, she was a founding member of the adult basketball fitness company Swish House and served as its vice president of business and legal affairs.

Snell & Wilmer opened a new office location in Dallas, led by partner **Scott Hancock**. Hancock was previously a shareholder at Winstead PC and an associate in Snell & Wilmer's Phoenix office focusing on trust and estate planning, business succession planning, and charitable planning.

Illinois Gov. J.B. Pritzker announced the appointment of **Chad Long** to serve as public

LEADING IOWA LAW

The Iowa Law School Foundation (ILSF) is governed by a volunteer board of directors consisting of graduates and friends of the College of Law, law faculty, law students, and the dean of the college. The board is led by **Maja J. Eaton (84JD)**; other members are listed below.

- David W. Alberts (91JD)
- Robert "Andy" Andersen (76JD)
- Robert D. Beach (73JD)
- Elizabeth R. Boyd (87JD)
- Craig A. Cook (89JD)
- Jeff W. Courter (87JD)
- H. Mitchell D'Olier (71JD)
- Renee Dotson (06JD)
- Angela L. Fontana (89JD)
- Kelly M. Hnatt (89JD)
- Terry A. Jacobs (81JD)
- Mary K.W. Jones (93JD)
- Douglas P. Kintzinger (86JD)
- Cynthia Lande (10JD)
- Darrel A. Morf (69JD)
- Abhay M. Nadipuram (13JD)
- Karin Nelsen (93JD), Vice President
- Timothy Ray (94JD)
- Suzette Recinos (99JD)
- Roy P. Roth (76JD)
- James G. Sawtelle (91JD), Secretary
- Jeffrey A. Scudder (06JD)
- S. Lata Setty (91JD)
- William Smith (71JD)
- Tina B. Solis (97JD)
- Leena Soni (92JD)
- Annette G. Stewart (04JD), Treasurer
- Lowell V. Stortz (83JD)
- Gary J. Streit (75JD)
- Joel S. Telpner (83JD)
- Winnie Uluocha (18JD)
- John F. Wicks (98JD)
- Amy Taylor Wilson (09JD)
- Gretchen Wolf (02JD)
- Robert E. Youle (76JD)

administrator and public guardian of Henderson, Knox and Warren counties. Long is an administrative hearing officer for the city of Galesburg and the owner and member of Statham & Long, LLC. He is president of the Knox County Bar Association.

Christa Moseng was appointed an administrative law judge for the state of Minnesota. Moseng is known for her technical expertise, commitment to public service, excellence in legal writing, and commitment to inclusion and equity, particularly for the LGBTQIA+ community.

[[2009]]

Ben Finholt was honored by the North Carolina Bar Association with its 2022 Law School Pro Bono Award. He shared the award with members of Duke Law's Juvenile Sentence Review Board Clemency Project. Finholt directs the Just Sentencing Project at Duke Law's Wilson Center for Science and Justice.

[[2010]]

California Gov. Gavin Newsom appointed **Christie Canales Norris** to serve as judge in Kern County Superior Court. Norris has served as a senior attorney at the Kern County

Superior Court since 2018. She was a sole practitioner from 2013 to 2020 and served as a deputy public defender at the Kern County Public Defender's Office from 2011 to 2013.

Rob Sand published *The Winning Ticket: Uncovering America's Biggest Lottery Scam* with Reid Forgrave. It traces the investigation of a complex fraud case.

[[2011]]

Medium's *Authority Magazine* interviewed **Brad Biren** on urban farming and community-supported agriculture in April.

Iowa Gov. Kim Reynolds appointed **Meghan Corbin** as district court judge in Iowa's 7th Judicial District, representing Cedar, Clinton, Jackson, Muscatine and Scott counties.

Jennifer Hennessy was promoted to partner at Foley & Lardner LLP in Milwaukee. She is a data privacy and cyber security attorney, advising clients ranging from multinational corporations to startups.

Nicole Saleem was promoted to partner at Katten Muchin Rosenman LLP in Chicago. She focuses on litigation and enforcement matters in the financial services industry, federal securities law, and

regulatory and internal investigations.

Jennifer C. Wang joined Fountain House as senior director of national policy and advocacy. She previously served as chief strategic partnerships and research officer for the National Asian Pacific American Women's Forum.

[[2013]]

Michelle A. Halverson was promoted to senior vice president, general counsel, chief legal officer and corporate secretary at GreatAmerica Financial Services in Cedar Rapids.

Samantha Rollins was promoted to partner at Faegre Drinker in Minneapolis. She is a labor and employment attorney defending employers across the country.

[[2014]]

Jake Halverson was promoted to the rank of major in the U.S. Army. Maj. Halverson serves as the senior trial counsel for the 101st Airborne Division.

Iowa Gov. Kim Reynolds appointed **Joshua Schier** as district court judge in Iowa's Judicial Election District 8B, representing Des Moines, Henry, Lee and Louisa counties.

[[2015]]

Rosa Newman-Ruffin joined Elon School of Law as a property and contracts professor. Her research and teaching focus primarily on property, land use and business transactional law with additional interest in affordable housing development.

[[2016]]

Alex Lodge co-authored an article, "Creating a More Diverse and Equitable Legal System," for the *Wisconsin Lawyer*. He advocates for underserved clients through pro bono clinics, such as WAAL's expungement and arrest-record-correction clinics, and provides workshops about Fourth Amendment rights to high school and law students through the Justice101 nonprofit that he co-founded. He practices law in Minneapolis for Cargill Inc.

[[2018]]

Erick Orantes is serving as the 2022 president of the Hispanic Bar Association for the Greater Kansas City Area. He practices with Stinson in the areas of business litigation, esports, sports technology and wagering, and sports and recreation.

[[2022]]

Sarah Castle received the National Association of Women Lawyers Outstanding Law Student Award. She is clerking for Judge Mark Houle on the U.S. Bankruptcy Court for the Central District of California.

.....
Did we miss your achievement? We'd love to hear from you. Please share your news with us at law.uiowa.edu/alumninotes.



CHRIS BLANCO (12JD)

Vikings Assistant Director of Pro Scouting **Chris Blanco** has been selected to participate in the inaugural NFL Coach and Front Office Accelerator Program. The program provides leadership development sessions with football operations experts and facilitators.

IN MEMORIAM

IOWA LAW PAYS SPECIAL TRIBUTE TO THE FOLLOWING ALUMNI,
WHO PASSED AWAY BETWEEN JAN. 1, 2021, AND JUNE 30, 2022.

1948

- Alice Traeger Koempel
- John R. Thornell

1949

- Donald L. Goranson

1950

- F. James Bradley
- Richard T. Jordan
- John M. Sagers
- Asher E. Schroeder

1951

- James R. Hoyman

1952

- Ted R. Enabnit

1953

- Eugene B. Marlett
- Albion J. Young

1954

- Donald J. Becker
- Dick L. Jensen

1955

- Richard W. Carey
- Dean L. Meine
- F. Gerald Nilles
- Theodore M. Seldin

1956

- Richard J. Wells

1957

- Ernie J. Buresh
- Park R. Davidson
- David L. Foster
- Walter C. Schroeder
- Robert J. Stone

1958

- Vernon J. Gericke
- James G. Milani

1959

- John H. Allen
- Richard W. Baskerville
- William L. Matthews

1960

- James W. Frost
- David F. Halbach

1961

- Allen E. Brennecke
- William H. Carmichael
- Dr. Neil E. Harl
- Roger L. Lande
- Gordon H. Newman
- John M. Pierson

1962

- David J. Fisher
- Donald L. Johnson
- William D. Kurth
- John E. Landess

1963

- David L. Brodsky
- James H. Dailey
- Lester C. Johnson

1964

- J. Richard Eversman

1965

- Peter W. Burk
- James F. Fowler
- Joseph K. Meusey
- The Hon. Ronald T. Y. Moon
- William C. Oldaker
- Karl H. Seesser
- Robert P. Solheim

1966

- William R. Bailey

1967

- A. Randolph Comba
- Don E. Gottschalk
- James L. Nepl
- William J. Snyder

1968

- Barry M. Anderson
- John S. Gosma
- Noel K. Mumm
- Thomas F. Stone

1969

- James R. N. Clatterbaugh
- Gerald A. Martin

1970

- William D. Blomker
- Michael R. Hellige
- James G. Schilling
- Gary L. Vanderhoof

1971

- The Hon. Carl D. Baker
- Richard E. Braun
- D. Bradley Kieseey
- Lawrence L. Lynch
- Troyce A. Wheeler

1972

- Thomas D. Hunter
- John F. Locher

1973

- Dean Hannah R. Arterian
- C. Peter Hayek
- Terry L. Hinman
- Robert MacDonald Smith

1974

- Joseph A. Dailing
- James E. Konsky
- Douglas D. Mustain
- Dr. Sue A. Sturtz

1975

- Thomas F. Kintigh
- John L. Timmons
- Gregory L. Vranicar

1976

- The Hon. Michael G. Dieterich
- Wendell J. Harms
- Lt. Col. Edward A. Havens

1977

- The Hon. Jeffrey L. Harris

1979

- Linda T. Lowe
- Thomas M. Plaza

1980

- The Hon. Annette J. Scieszinski

1981

- Charles L. A. Cox
- Vicki L. Seeck

1982

- Janice E. Rutledge

1983

- Andrew R. Apel
- Harry K. Baum
- John C. Hinson III
- Allan L. Knudsen
- David V. Tiffany

1984

- W. Jon Henson
- Janice Hanrahan Roemer
- Hanna B. Weston

1985

- Delena Edwards
- Mark W. Fransdal

1986

- Stephen H. Moline

1987

- Thomas J. Vivone

1988

- Michael J. Rielly

1989

- Rojelio V. Garza

1991

- Kate Corcoran

1992

- Dr. James G. McCullagh

1993

- Mary Baird Krafka

1994

- Lon A. Burke

1995

- Brian Keith Jackson

1998

- Benny F. Hawkins Jr.

1999

- Sharon A. Sinnard



CROWN JEWEL

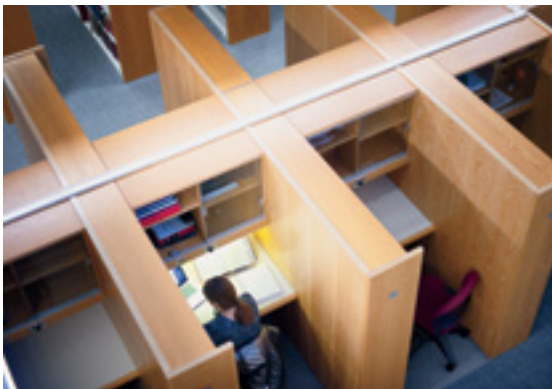
APPRECIATION FOR THE UNIVERSITY OF IOWA LAW LIBRARY

Iowa Law faculty, students and alumni and the larger Iowa legal community are lucky to have access to one of the most comprehensive and in-depth legal information resource centers in the United States. The University of Iowa Law Library is one of the best places in the nation to conduct legal research, hosting one of the largest and most comprehensive collections of such resources among all public and private law school libraries in the nation.

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Above: 3L Kelsey Demel is grateful for the law librarians' extensive knowledge and support with her legal research. Left: Anayo Umeh (22JD) browses the shelves.



“Amy Koopman (09JD) and the library staff have been instrumental in the completion of my seminar papers. The library staff is friendly and can provide cutting-edge research techniques for general and specific legal research, giving me the tools to expand my research to its full potential.” — 3L KELSEY DEMEL



Above: Professor Joseph Yockey, an expert in corporate governance, organizational compliance and social enterprise, depends on the library's resources for his scholarship. Below: Librarian Ted Potter assists 2L Michael Schelderup.

“The Iowa Law Library is in a league of its own and a jewel in the university's crown. I'm thankful every day for the resources and support it provides. Amy Koopman, Ted Potter and all our world-class librarians seem to know what I need for my scholarship before I do! They've enriched my professional life in more ways than I can count.”

— PROFESSOR JOSEPH YOCKEY





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Theodore "Ted" M. Seldin (53BA, 55JD) was an entrepreneur with a passion for giving back. During his 89 years, he made a lasting impact on all the communities he served. Read more about Ted and his wife Sarah's many contributions to the University of Iowa and the College of Law.

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