



LAW AND BUSINESS:

*How the judicial system is vital to how
Iowa companies operate*

Steven Bradford, senior vice president, HNI Corporation



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The Iowa Association of Business and Industry (ABI) is the voice of Iowa business. It is Iowa's oldest and largest business network, representing 1,500 businesses that employ more than 333,000 Iowans. ABI benefits members by advocating on their behalf at the statehouse, connecting them with decision-makers to share ideas and services, offering solutions and best practices for issues that affect their businesses and developing our state's business and civic leaders.

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A CUSTOM PUBLICATION FOR ABI

A VIEW FROM THE TOP



David Bywater

*ABI Chair
Bankers Advertising/
Tru Art
Iowa City*

ABI Conference: The Best Investment You Can Make in Your Business

You have read before that taken collectively, ABI members and their employees pay more taxes, buy more goods and services, and donate more time and money to Iowa causes than any other single entity in the state. In our case, I am proud of the employees of Bankers Advertising/Tru Art and all they do for our community of Iowa City (and they have been doing it for generations). It is that way with ABI members all over Iowa. They are involved in their community and their state. And that is as it should be.

You will hear much more about what ABI businesses and their employees do for Iowa in less than a month. That is when hundreds of ABI members from across the state and beyond will converge on Ames for the association's 116th annual convention. The 2019 Taking Care of Business Conference will be held June 4-6, and you simply won't believe the incredible program in store for you.

At the conference you will find not one, but several internationally known speakers. You will see fabulous, first-class meeting and event venues. You will dine at terrific restaurants, play golf at one of the state's finest private clubs and experience terrific Ames hospitality. Best of all, you will interact and network with Iowa's top business people. You do NOT want to miss this conference. There is no better investment you can make in your business than to attend this event. Register now at www.ABITakingCareOfBusiness.com.

In the meantime, I hope you enjoy this edition of Business Record Iowa. The feature story this month is about how business can have its voice heard in the legal process. Thank you for your support for ABI. ■

EXPERT ADVICE

In Litigation, Control What You Can

In my experience as a commercial litigator, litigation tends to be a necessary (and often involuntary) evil. It is expensive and stressful, but there are parts you can control to make the process less painful. For example, in some situations you can select the forum (i.e., the court, board, tribunal, etc.) that hears the case. When selecting a forum, you should look for the forum most qualified to hear your case. Specialty courts and arbitration panels were created to provide qualified forums in which to try a case. In Iowa, we are fortunate to have the relatively new Iowa Business Specialty Court (the IBSC).

The ISBC has three district court judges located across Iowa who have experience with complex commercial litigation as attorneys and judges. Each ISBC case is specially assigned to one of those judges. Any party to an Iowa district court case can transfer its case to the ISBC if the case meets the ISBC eligibility requirements (generally \$200,000 or more in controversy involving a business-related legal

issue). The ISBC judge assigned to the case travels to the county where the case is pending, making the process geographically convenient. Another benefit of the ISBC is a mandatory court-sponsored settlement conference, which requires the parties to engage in a settlement conference with another ISBC judge not assigned to the case. More often than not, this settlement conference resolves the case.

So far, experiences with the ISBC have been very positive. My clients and I have been pleased with the ISBC judges' hands-on attention to our cases and the timely, well-reasoned opinions on complicated legal issues.

So, the next time your company is involved in Iowa district court litigation qualifying for the ISBC, take control and consider transferring the case to the ISBC.

More details about the ISBC can be found on the Iowa Judicial Branch website at: <https://www.iowacourts.gov/iowa-courts/district-court/iowa-business-specialty-court/>. ■



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EVENT REWIND

Leadership Iowa

March 7-8 | Cedar Rapids April 4-5 | Cedar Falls/Waterloo

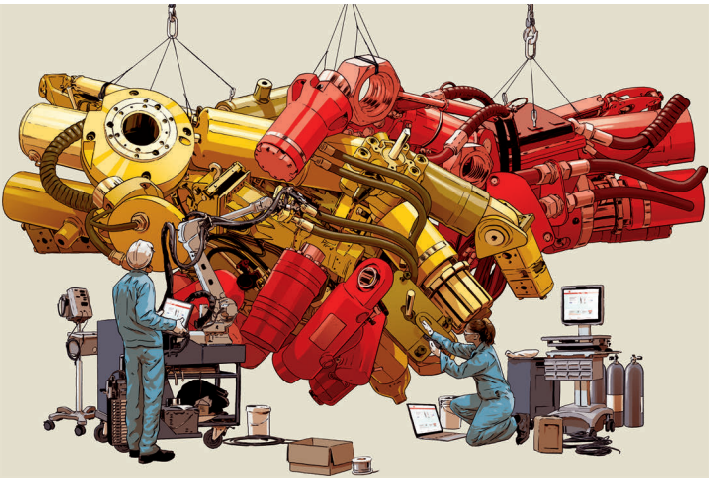
The Leadership Iowa class of 2018-19 continues with two more sessions under their belts, over halfway through the program. In March, the group visited Cedar Rapids to learn more about the city's public safety preparation and response systems, specifically regarding the 500-year flood of 2008 and continued high water threats. In April, they explored education in the Cedar Valley by hearing from elementary and high school students firsthand in cutting-edge programs as the Leadership Iowa class members became better informed on the challenges, opportunities and initiatives of schools and colleges taking place within the state. ■



Left: Waterloo Mayor Quentin Hart (L) and Cedar Falls Mayor Jim Brown (R); Right: Cedar Rapids Mayor Brad Hart



Left: Orange Elementary's 'Leader in Me' program; Right: Mount Trashmore overlook at 948 feet peak in Cedar Rapids, Iowa



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Steven Bradford, senior vice president, HNI Corporation

LAW AND BUSINESS:

How the judicial system is vital to how Iowa companies operate

Business and the legal system are intricately intertwined.

Judicial rulings can often have a profound effect on how businesses operate. And the speed at which courts operate is important in resolving disputes in a cost-effective manner, an obvious priority for companies.

"The judicial system is critically important to business success," said Steven Bradford, senior vice president with HNI Corp. in Muscatine. "Having a fair and efficient legal system provides a stable climate in which business can flourish."

But the legal system can sometimes be challenging for businesses to effectively maneuver. How can all businesses in Iowa have their voices heard? And what's the importance of leveraging Iowa's court system? Luckily for businesses around the state, Iowa's legal system is largely robust, Bradford said.

"If you have to be in court, Iowa is a good place to be" he said. "Businesses want to be treated fairly, and I think Iowa benefits from having a well-run judicial system."

Rulings have broad effects for business

The judicial system is sometimes associated with inconsequential person-to-person or business-to-business disputes, but in the case of the Iowa Supreme Court — the state's highest legal stage — those rulings can mean much more.



A CUSTOM PUBLICATION FOR ABI

Ryan Koopmans, a lawyer with Belin McCormick in Des Moines, specializes in cases at the Iowa Supreme Court level involving antitrust, constitutional law and more. Koopmans worked as a clerk for a judge on the 8th Circuit Court of Appeals, a federal court that covers much of middle America, including Iowa, Minnesota, South Dakota and more. He then served a stint as Gov. Kim Reynolds' chief of staff from 2017 to 2019 before joining his current law firm.

He has seen firsthand how the government operates and how judges come to decisions.

Cases that reach the Iowa Supreme Court often have sweeping effects. The cases may be between two businesses, or involve individuals or a government entity, but depending on the subject, a case could affect regulation and how businesses operate.

"From my perspective, it's about public policymaking," Koopmans said. "Businesses need to start thinking of courts as public policymakers and figure out how to engage them. When we think about shaping public policy, we usually think about the Legislature, the governor, but it's important to understand the court's role, too."

Oftentimes, case law sets precedent for how laws apply to certain situations. Some of the more recent examples have concerned employment law, including rules for at-will versus contract employees. In June 2018, the Iowa Supreme Court ruled for the first time that employees with employment contracts could sue for wrongful termination. Another case

ruled that the 2017 collective bargaining laws passed by the state unconstitutionally favored certain workers.

These rulings could have tremendous effects on certain businesses, which is why it's all the more important that companies are aware of cases moving through the legal system and make their voices heard.

Keeping up with regulations and operating a business is "a balancing act for sure," Bradford said. "My experience has been that most businesses want to make sure they don't get in trouble with the law. They want to make sure they are doing the right thing, compliance-wise. You're always thinking about the next thing that's going to happen because no business is static."

One of the best ways for businesses to voice their opinion or perspective on a potentially sweeping court case is through an amicus curiae brief. An amicus brief, as it's more commonly known, allows an entity who is not a party to a case to submit their views on a case that could have wide-ranging implications.

The reason for these briefs is to give judges, who may not have the historical or broader background to understand the complexity of an issue, more perspectives to consider. That's important, considering that the parties in the case are primarily concerned about winning or losing, not the broader implications, Koopmans said.

"In some cases, we can clearly see in the opinion that an amicus brief has had an effect on the case, or at least the legal



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ruling on the case,” Koopmans said. “And I think we’ve seen amicus briefings become more prevalent in Iowa because people are understanding that public policy is made in the court and not just in the Legislature.

“Businesses need to understand that if they want to affect this ruling, they have to give their opinions to the court.”

New business court helpful for companies

A relatively new addition to the Iowa judicial system is the Business Specialty Court.

In 2013, the business court was started with the idea of having a specific, responsive system for business disputes. Judges appointed to the court have a background in commercial litigation and law, allowing quicker rulings and more consistency.

The business court system is based in part on Delaware’s Court of Chancery, a specialized court that has been hearing business cases for more than 200 years. Delaware’s business climate is notably robust, with more than 1 million businesses registered in the state — that outnumbers Delaware’s population of almost 970,000. The businesses incorporated in Delaware equate to more than 50% of the country’s publicly traded companies and more than 60% of Fortune 500 companies.

Delaware has many different policies that make it an ideal place to incorporate, but the Court of Chancery has a reputation for handling business cases quickly and efficiently.

Iowa’s Business Specialty Court was originally enacted on a trial basis. Both parties had to agree to move the case to the special circuit. But on Jan. 15, the court implemented an option for one party to motion to move a case to the business court. For that reason, we could see more trials move into the business court in the future.

One of the biggest benefits of the Business Specialty Court is its goal to help businesses dispute a legal matter in a cost-effective manner. Going to court is a pricey process, especially when it comes to document discovery and presentation.

“These judges are more familiar in getting those cases teed up to go to trial, and they are more familiar with complicated discovery issues,” said Koopmans, who noted he hasn’t had a case go to the business court yet but is familiar with its processes. “It’s something that drives businesses crazy in the age of electronic discovery. Every email is saved and you have to review thousands of pages of documents.

“It’s very expensive, so anything a judge can do and manage the project better is really important to businesses as they try and keep the costs down.”

Associations give businesses a voice

Small businesses can sometimes find themselves at a disadvantage when it comes to the legal process. Many times, small companies don’t have access to quality inside or outside

legal counsel. Other times, they may not have the budget size of larger businesses around the state.

The bigger the numbers, the easier it is to be heard.

Trade or industry associations provide those numbers. These organizations include the Iowa Association of Business and Industry — the largest business association in the state — local chambers of commerce or industry-specific organizations, all of which have helped or actually taken action via the judicial system on behalf of their members.

Associations can provide a valuable resource for small businesses looking for better representation, whether in the judicial process or at the state Capitol in regards to unfair bills and regulations.

“It’s important simply because you give more power for the more people you’re representing,” said Bill Brown, an attorney specializing in a wide variety of business issues at the BrownWinick Law Firm in Des Moines. “One of the benefits of an association is you get a broad range of companies. It’s not just a cost savings, because you are spreading the cost among different members, but it’s the breadth of representation that matters.”

Associations are also critical for helping companies stay on top of regulatory and judicial matters. Every year, associations all over the state release their policy goals for the upcoming legislative season. An individual business may have a good relationship with its local representative, but that may not be enough.

“If that representative isn’t a committee chair or on a committee you’re interested in, so what?” Brown said. “Associations have the combination of breadth of representation, the cost savings and the relationships built with those legislators. They can bring the right people to the table to bring these concerns to legislators.”

Associations are also critical in helping smaller business be aware of cases moving through the judicial system that could affect them. Many times, associations can submit amicus briefings on behalf of their members.

“It’s not just one business with an issue,” Koopmans said. “It shows that this is important to the business community as a whole. That will maybe force them to dig in a little more and evaluate the case a little closer.”

One adverse ruling can change how a business can operate. Associations can help stop rulings before they happen.

“If businesses want their voices heard, the best way is to join an association. Or you can cobble a lot of businesses together who feel the same way and write a brief,” Koopmans said. “It’s much cheaper to write a brief and stop a bad ruling than it is to go to the Legislature after the ruling has come out and get that case overturned.

“It’s so important to focus on the front end of the court so you don’t have to work hard to overturn rulings bad for business. If the court gets it right in the first instance, you don’t have to do that.” ■





CAPITOL BUSINESS



The Importance of Strong, Clear Laws for the Court to Interpret

The legislative session has just concluded, but the work of ABI never stops. I find it fitting the topic of this month's issue is the business voice in the legal process. As a public policy advocate for ABI, my job is to make sure your voice is heard at the State Capitol. The legal process and the political process are extremely interrelated. However, there is a critical separation. The Legislature's role is to pass the laws, and the court's role is to interpret the laws as they have been written. In the last decade, there have been many instances where the courts have established standards that didn't exist in the law prior to a ruling, or where a law wasn't clear and the courts have all but encouraged the Legislature to act.

As I write this column, I think back to a Supreme Court case late last fall that related to a fall that occurred at a workplace but wasn't caused by work. In the *Bluml vs. Dee Jay's Inc. d/b/a Long John Silver's and Commerce & Industry Insurance*, Justice Mansfield wrote in his opinion that it was happenstance the individual was at work. However, the court ruled for the Claimant and

remanded the case back to the workers' compensation commissioner to look at an increased risk standard for idiopathic or unexplained falls in the workplace. In the dissent, Justice Waterman talked about the "arising out of and in the course of employment" standard that exists in workers' compensation and how this case did not meet that standard. In fact, Justice Waterman used the words "eviscerate," which from ABI's perspective was concerning to read. This isn't the only instance of a ruling where ABI disagreed with the Court's interpretation of workers' compensation law; the workers' compensation reform bill of 2017 addressed five Iowa Supreme Court cases.

As we have seen many times, if the laws aren't clear, and if there isn't case law to help guide legal decisions, it leaves the door open to exposure for businesses and costly legal decisions. When ABI is proposing new laws for the Legislature to consider, we rely on our attorney members to help draft and review language. Whether in public policy or in business, it is important that we have strong, clear laws for the court to interpret. ■



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A Good Night’s Sleep is the Secret to Success

Glowing profiles of entrepreneurs and CEOs often cite the sleep — or lack thereof — that top business leaders get each night. But sleep deprivation is not a reason to applaud; it’s a cause for concern.

Sleeping less than six hours a night increases your risk of early death by 12%. The extra waking hours make it feel like you can accomplish more, but they’re not as productive as you might think.

Poor sleep habits impair your performance.

A lack of quality sleep makes you less alert. You can’t process information as quickly or accurately. Your sleep-deprived state is comparable to someone who is legally drunk. Overall, you’re less effective and efficient at the office.

Sleep deprivation also puts you at greater risk of heart disease, obesity, Alzheimer’s disease, depression, diabetes, fatigue, memory loss and car accidents. Your health can become a liability to your career and your company.

Practice good sleep hygiene to boost your productivity.

A well-rested executive is a more productive executive. Even though you’re spending more hours in bed, you can do more quality work in less time. To restore your sleep and your productivity, follow these healthy habits for a good night’s rest:

- Maintain a consistent sleep schedule. Go to bed and wake up around the same time every day.
- Relax before bedtime. Spend 30 minutes or more winding down to help your body and mind learn to prepare for sleep and expect it.
- Create a better sleep environment. Reduce the light, noise and temperature in your bedroom. Your body sleeps better when it’s cooler and darker.

Make your waking and working hours more meaningful. Get seven to eight hours of restful sleep each night to become a more effective executive. ■

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Decatur County Development Corporation | www.dcdciowa.org

RDG Planning and Design | www.rdgusa.com

Sebern Structural Services, PLLC | www.sebernss.com

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JULY 14-18

Business Horizons
Central College | Pella

AUGUST

Public Policy Committee Meetings
ABI Office | Des Moines | Dates & Times TBD

AUGUST 1-2

Okoboji CEO Forum
Arrowwood Resort & Conference Center | Okoboji

AUGUST 4-8

Leadership Iowa University
Des Moines and Surrounding Areas

AUGUST 26

Executive Open
Des Moines Golf and Country Club | West Des Moines

OCTOBER 1

Legends in Manufacturing Awards Dinner
The Meadows Event Center | Altoona

OCTOBER 2

Advanced Manufacturing Conference
The Meadows Event Center | Altoona

Visit www.iowaabi.org and click the "Events" tab for details on upcoming events.



Michele Farrell

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15 Community College Scholarships Awarded for Manufacturing Training



Elevate Advanced Manufacturing, a non-profit initiative spreading the word about career opportunities in manufacturing, has awarded 15 \$500 scholarships to high school seniors who are attending an Iowa community college in the fall to train for a career in advanced manufacturing.

"Manufacturing firms supply more than 208,858 jobs to Iowans," said Mike Ralston, president of the Iowa Association of Business and Industry (ABI). "These well-paying careers require education and training beyond high school, but don't require the often-burdensome cost of a bachelor's degree. Recent studies have shown that two-year degree holders, especially in high-demand manufacturing occupations, can earn salaries that surpass those of traditional college graduates."

In addition to a \$500 scholarship, Elevate Advanced Manufacturing scholarship recipients will be honored at the Legends in Manufacturing Award Ceremony on October 1, 2019 at the Prairie Meadows Events Center.

The 2019 scholarship awardees are:

1. Konnor Steinick, Des Moines Area Community College, Computer Numerically Controlled Machining
2. Donavon Serram, Eastern Iowa Community College, Industrial Maintenance and Welding Technician & Technology
3. Kean Anderson, Hawkeye Community College, Industrial Automation
4. Aaron Vos, Indian Hills Community College, Industrial Automation and Robotics
5. Noah Webster, Iowa Central Community College, Engineering Design Technology
6. Chase Budach, Iowa Lakes Community College, HVAC
7. Marisol Martinez, Iowa Valley Community College, Welding Technician & Technology
8. Gage O'Connor, Iowa Western Community College, Robotics
9. Cole Miculinich, Kirkwood Community College, HVAC
10. Garrett Koster, North Iowa Area Community College, Computer Numerically Controlled Machining, Machining, Manufacturing Technician/Technology
11. Andrew Hoeger-Pint, Northeast Iowa Community College, Engineering
12. Drew Pierce, Northwest Iowa Community College, Drafting
13. Jalon Lacy, Southeastern Community College, Construction
14. Jacob Hoveland, Southwestern Community College, Welding Technician & Technology
15. Trey Claycamp, Western Iowa Tech Community College, Welding Technician & Technology, Electrical Technician

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NEW HIRES

ABI Foundation Hires Marketing and Engagement Coordinator



McKenzie Kielman
marketing and engagement coordinator

McKenzie Kielman has joined the Iowa Association of Business and Industry (ABI) Foundation as marketing and engagement coordinator. Kielman is responsible for generating community awareness and engagement for ABI Foundation programs, including Leadership Iowa, Leadership Iowa University and Business Horizons. She graduated from Wartburg College in December 2018 with a bach-

elor's degree in communications. Kielman grew up in Waverly, Iowa. "McKenzie has an impressive student resume, with substantial marketing, event and production work," said ABI President Mike Ralston. "Her extensive experience with photography, videography and communication platforms made her stand out in a talented field of candidates."

Wynes Joins ABI Public Policy Team



Drew Wynes
public policy coordinator

Drew Wynes has joined the Iowa Association of Business and Industry (ABI) as its public policy coordinator. "From elections to issues, local to state government, Drew brings a wide variety of experience to benefit ABI members," said ABI President Mike Ralston. "We're excited to have him join the ABI public policy team." He joins Senior Vice President, Public Policy Nicole Crain and Di-

rector, Public Policy Brad Hartkopf in representing ABI members at the Statehouse and promoting economic development and job creation in Iowa. He previously served as a field director responsible for Iowa House candidates in nine districts in southeast Iowa. Wynes is a native of Marshalltown, Iowa, and graduated from Augustana College in Rock Island, Illinois.



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AHEAD OF THE CURVE

Business Horizons: A Student's Perspective

It has been my privilege to attend Business Horizons not just once, but twice! I went for the first time in the summer of 2017, and I won't lie, I was quite anxious showing up. I'd been to other summer camps so I was excited for another, but also very nervous because I didn't know what to expect.

As it turned out, words can't describe how amazing of an experience Business Horizons was, but I'll try as I touch on some of my favorite highlights:

BIG PICTURE

In teams with other students from across the state, we had to invent a product and learn how to create a business plan. We then made infomercials and other marketing materials for a trade show, calculated how the economy could impact our business and ultimately presented our ideas to investors.

While developing our ideas, our work was overseen by our Industry Advisors, who are Iowa professionals who worked with us as they would a colleague and handled our ideas as if in the real business world. We also had the opportunity to network with Iowa business owners for feedback on our pitches and ideas. In addition, we heard from speakers on topics like how to minimize college debt and save for the future, how to get into an entrepreneurial and growth mindset, and even how to give a proper handshake and communicate professionally.

As fun as this all sounds (and I promise, it was!), every day we also had "after hours" activities. During these hours we participated in various activities, from sports competitions (like rugby), to improv shows with the advisors, to an evening at Adventureland.

MY TAKEAWAYS

During Business Horizons, I gained a lot of knowledge that I will cherish for a lifetime. Most important were the teamwork skills that I learned. We had to manage our teams and learn to work with others who have different interests and abilities than our own. Business Horizons also taught me many team building exercises and bonding activities that I will use throughout my professional life. One of my other favorite takeaways was the information on how to best save money, especially with entrepreneurial minds of often wanting to put money back into a business.

By the end, you wouldn't believe we had all just met that week. I continue to cherish the many relationships I made with peers, mentors and business leaders, and now have a network spread all across Iowa.

I loved all these aspects so much that I applied to come back the following summer (2018) as a student ambassador to help staff and work "behind the scenes" during the camp. I was accepted and had another amazing week at Business Horizons. I am now serving as a student representative on the Business Horizons Board—all thanks to my family's encouragement to attend just a few years ago.

Business Horizons 2019 will be held July 14-18 at Central College in Pella, Iowa. Registration is available online now at an early-bird discounted rate at www.BusinessHorizonsIowa.com. Through their participation, students can also receive college credit and a Central College scholarship. ■



Carolyn Mueller

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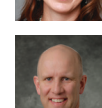
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