

Iowa

Firms in the Hawkeye State shift their focus onto more general commercial matters, straying away from the traditional insurance defense that once dominated the area. Capital city Des Moines houses most firms, with ample presence also seen in Cedar Rapids and Ames.

Highly recommended firms

While the litigation group at the century-old Ahlers & Cooney only tallies up a collection of 10 litigators, the talent within the team is almost incomparable in the Iowa marketplace. Practice group head David Luginbill drew praise from competitors, who comment on his heavy caseload in recent years. Noted “legend” Richard Santi now sits of counsel, but is still a visible presence with his general corporate and insurance defense litigation practice, which focuses on products liability and aircraft litigation. From time to time, plaintiffs work is taken, but a majority of the firm’s work comes from insurance defense, products liability and commercial litigation.

Senior partner **Edward Remsberg** is repeatedly recognized for his work in the antitrust and high stakes commercial litigation arenas, but garnered the most acclaim for his construction work. Recently, Remsberg represented Polk County in both litigation and arbitration of multiple claims by contractors resulting from the construction of a \$100 million arena and exhibit hall. He, along with partner Nathan Overberg, currently represents Casey’s General Stores in a nationwide Fair Labor Standards Act collective action now pending in US District Court for the Southern District of Iowa. Remsberg and Overberg also successfully defended several subsidiaries of a Fortune 500 company against claims by a competitor related to the hiring of several of a competitor’s sales people. Before trial, several claims and subsidiaries were dismissed in response to a summary judgment motion. After a two-week trial, the court granted judgment notwithstanding verdict in regards to the last claim against the remaining client company, which is currently on appeal. Local government and employment law attorney Amanda Wachuta worked on that case as well.

Also recognized with a strong practice at the firm was **Randall Stefani**, who focuses on personal injury defense and litigation, with an emphasis on the defense of school

districts. In a recent matter, he assisted in the successful representation of the South Tama Community School District in a federal court trial. After remand from the Eighth Circuit, the US District Court of Iowa found that the plaintiff had proved no damages under the theory of unjust enrichment. Stefani, along with Andrew Bracken and Overberg, successfully defended the Des Moines Area Community College in a race discrimination lawsuit brought by a provost at one of the college’s campuses. The US Court of Appeals for the Eighth Circuit affirmed the District Court’s grant of summary judgment on behalf of the college. Stefani, a member of the firm’s general litigation and education law departments, is a member of the Iowa Academy of Trial Lawyers. Keeping busy at the firm is Wade Hauser III, who has taken on recent matters ranging from trade secret and bank fraud work to representing a major machine manufacturer in an alleged equipment failure and ethanol plant explosion in northern Iowa. In insurance litigation, the firm represents a number of large insurance companies including Employers Mutual, Federated Insurance and Liberty Mutual. The firm also frequently represents Coca-Cola, Kraft, Toshiba, United Airlines and Volvo GM as direct corporate representation in litigation matters.

With offices in both Des Moines and Ames, **Nyemaster Goode West Hansell & O’Brien** is not only the largest law firm in the state, but also the firm with the largest litigation practice group. The firm prides itself as offering all types of litigation services, with its attorneys having bench strength in a variety of subspecialty groups. Peers single out Nyemaster’s general commercial litigation group and environmental and tort cases. General litigator **Hayward Draper** is recognized by clients as “well prepared and good with the jury.” Besides general commercial work, Draper also takes on insurance work, banking litigation and product liability. In recent years, he has developed a concentration in health care litigation and medical malpractice defense

Local litigation firms

Highly recommended

Ahlers & Cooney

Nyemaster Goode West Hansell & O’Brien

Whitfield & Eddy

Recommended

Belin Lamson McCormick Zumbach Flynn

Bradshaw Fowler Proctor & Fairgrave

Craig Hilmes & Gaffney

Finley Alt Smith Scharnberg Craig Hilmes & Gaffney

Hansen McClintock & Riley

Lane & Waterman

Shuttleworth & Ingersoll

Simmons Perrine Albright & Ellwood

“General litigator Hayward Draper is recognized by clients as ‘well prepared and good with the jury.’ Besides general commercial work, Draper also takes on insurance work, banking litigation and product liability.”

-Nyemaster Goode West Hansell & O’Brien



Local litigation stars

Hayward Draper
Nyemaster Goode West Hansell & O'Brien

Jay Eaton
Nyemaster Goode West Hansell & O'Brien

Thomas Finley
Finley Alt Smith Scharnberg Craig Hilmes & Gaffney

Frank Harty
Nyemaster Goode West Hansell & O'Brien

Edward Remsburg
Ahlers & Cooney

Kevin Reynolds
Whitfield & Eddy

Richard Sapp
Nyemaster Goode West Hansell & O'Brien

James Shipman
Simmons Perrine Albright & Ellwood

Randall Stefani
Ahlers & Cooney

Thomas Waterman
Lane & Waterman

Mark Weinhardt
Belin Lamson McCormick Zumbach Flynn

litigation. This year, he obtained a successful result for Wellmark Blue Cross Blue Shield in a highly publicized case regarding hospital construction and Iowa's Certificate of Needs statute. **Jay Eaton's** name comes up frequently when discussing general commercial litigation in Iowa. Peers call him a "fantastic litigator on large commercial litigation, including antitrust and large environmental litigation." Recently, he was involved in a number of class actions in antitrust matters and represented Grinnell College in construction-related litigation. The complex construction dispute involved eight parties, including the architect, construction manager and several general contractors. He represented ongoing client AgriProcessors in a recent combination class action and collective action under the FLSA, which was scrapped after the plaintiffs sought class certification, which Eaton was able to get defeated for his client.

construction, employment, insurance and product liability.

Also garnering acclaim in the product liability realm is **Kevin Reynolds**, who has emerged as a "leader in the pack." He has represented Fisher Price and Walgreens, including a recent case for the former regarding damages after a household fire occurred due to an alleged default in a Barbie Jeep ride-on vehicle for children. Also noted by clients for his product liability work is Robert Bridges, who brings more than 50 years of practicing law to the table. "We bet 1000 percent on them for product liability," said one client of the firm. "We have been very successful in our products work because of them." For insurance work, the firm is ongoing representation for American Equity. Other clients include Townsend Engineering and Inductotherm. Clients also commented on the firm's work ethic, noting that its attorneys are "very responsive, very

"Mark Weinhardt, who splits his practice between complex commercial litigation and white-collar criminal cases, is recommended by peers as a 'great' and 'young' trial lawyer. 'He is definitely an up-and-comer,' says one competitor."
- *Belin Lamson McCormick Zumbach Flynn*

Frank Harty heads the firm's employment litigation practice group and peers hail him as one of the leading employment defense litigators in the state. With more than 45 jury trials to his name, he is "certainly regarded as one of the top litigators in Iowa." He recently won a defense verdict on claims of national origin and race discrimination. Several years ago, Harty successfully won the first jury trial in 20 years under the Iowa Civil Rights Act on state claims of gender discrimination. In the pharmaceutical litigation milieu, **Richard Sapp** stands out as a leader in Iowa. Peers call him "the leading products liability litigator in the state." Sapp was recently retained as special counsel to a government oversight committee in the investigation of a public employee salary scandal. In recent years, he obtained a summary judgment for a pharmaceutical company on claims of alleged transmission of HIV to hemophiliacs through blood factor machines. Other firm clients include Aviva Life and Annuity, John Deere and Burlington Northern Railroad.

Whitfield & Eddy has three locations in the metropolitan Des Moines area, including one downtown. With those, and a smaller office in Mount Pleasant, the firm takes on a high amount of commercial litigation, with an emphasis on insurance disputes. Recently, intellectual property, products liability and banking have become highly active practice groups. The recent addition of Brian Campbell from Faegre & Benson has only added to their bench strength. His general practice includes work on matters relating to

professional and are outstanding at communicating back and forth. It is a great working relationship," according to one client. "It is almost like a working relationship that becomes a personal one."

Recommended firms

Belin Lamson McCormick Zumbach Flynn is not the largest law firm in Iowa, but the lawyers at the firm see that as a positive thing. Instead, they try to provide the highest quality legal services to clients with the most challenging and important issues. More than one-third of the firm's 37 attorneys practice in the litigation group.

The firm maintains its strength in real estate law, but has seen a recent surge in complex litigation matters. Recently, the firm has successfully represented the Iowa Department of Human Services in a \$40 million claim brought by NevadaCare, a health maintenance organization. David Swinton and **Mark Weinhardt** were involved in that case. Weinhardt, who splits his practice between complex commercial litigation and white-collar criminal cases, is recommended by peers as a "great" and "young" trial lawyer. "He is definitely an up-and-comer," says one competitor. The firm also recently represented a client in tort and antitrust suits against Wellmark, which were settled after a preliminary injunction hearing. Other firm clients include General Electric Capital and Unisys.

Its client list includes some of the top local and national insurance firms, making

Future stars

John Clendenin
Nyemaster Goode West Hansell & O'Brien

Frank Grenard
Whitfield & Eddy

David Phipps
Whitfield & Eddy

Patrick White
Nyemaster Goode West Hansell & O'Brien

Bradshaw Fowler Proctor & Fairgrave the go-to firm for insurance defense. Representative clients include Acuity Insurance, EMC Insurance, Nationwide Insurance and the Iowa Insurance Guaranty Association. In addition to its niche in insurance work, the firm also developed strength in products liability defense and toxic torts. Peers give Michael Figenshaw high marks for his professional liability and medical malpractice. Recommendations were also given to Mark Tripp, whose general practice is focused on insurance defense and construction.

Also noted for its insurance work, as well as strength in medical malpractice matters, **Finley Alt Smith Scharnberg Craig Hilmes & Gaffney** represents its fair share of railroad companies in its transportation law practice group. **Thomas Finley** is recognized for his work in healthcare and liability arenas. Besides its civil litigation practice, Finley Alt Smith recently expanded its transactional and business practice.

The small team of seven attorneys at **Hansen McClintock & Riley** takes pride in serving clients throughout the state. Although the firm takes on matters in Polk County and surrounding areas, the civil trial practice is well known in the state as top-notch. Practice areas within the firm's civil trial practice include insurance, products liability, and real estate. John McClintock remains an influential player, whose deep bench strength has only heightened his statewide reputation over the years.

A location outside of Des Moines has not hurt **Lane & Waterman's** role as a powerful Iowa firm. In its Davenport location, the firm has found success on both the defense and plaintiffs side of matters. Brothers Robert and **Thomas Waterman** were repeatedly

singled out by competitors as a family force to be reckoned with. Thomas has worked on defending Philip Morris in its eastern Iowa litigation and recently won a series of trial court rulings in class actions against several Iowa cities. Robert has seen favorable results in breach of contract and fraud cases. The firm has seen a surge in product liability work, adding to its healthy insurance litigation and professional defense practice. Firm clients include national powerhouses like Goodyear and Verizon, as well as growing entities like media group Lee Enterprises.

As one of Iowa's oldest law firms, Cedar Rapids mainstay **Shuttleworth & Ingersoll** developed one of the state's strongest intellectual property practices. The firm's patent litigation clients include Aegon USA, PMX Industries and Stamats Communications. The robust litigation group of nearly 25 attorneys established itself in the arenas of insurance defense and general commercial litigation as well. Robert Houghton is well regarded for his medical work, successfully defending those accused of malpractice. He also specializes in commercial work and products liability.

Another Cedar Rapids firm, **Simmons Perrine Albright & Ellwood**, has a strong presence in medical malpractice, antitrust and insurance defense. Although having lost partner Greg Lederer to his own private practice, Simmons Perrine still has a strong group of litigators, competitors say. James Shipman is recognized for his malpractice work in the medical and dental arenas. The firm also represents a number of financial institutions, insurance companies and businesses in litigation pertaining to products liability, environmental matters and construction.

