

John T. Nolan
314 S Summit St
Iowa City, IA 52240

D.C. NOLAN (1902-1973)
EDWARD W. LUCAS (1909-1980)

TELEPHONE (319) 351-0222
FAX (319) 351-0224

July 8, 2006

Paul McLaughlin, esq.
Suite 100
1370 NW 114th
Clive, IA 50325

RE: Mediation

Dear Paul

Enclosed my resume, plus my paper based on 43 years experience of WHY AVOID LITIGATION, in absolute favor of Mediation.

If anyone is interested I could go on for hours citing the dreadful mistakes and consequences of human error by those involved including the amazing Iowa S Supreme Court acknowledgement to the effect that WE'VE BEEN DOING IT WRONG FOR SO LONG THAT WE WON'T CHANGE SETTLED LAW, much to the surprise of trial judge Gafney and disappointment of yours truly; see General v Campbell 138 NW 2d 416 IA .

I've recently been involved with client case mediation which seemed to have little chance of resolution, and to our surprise, the compromise by the parties, and with the help and encouragement of the mediator, it got done every time.

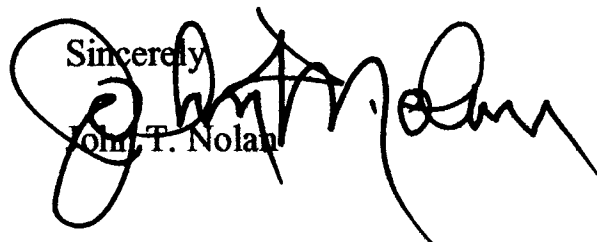
A favorite shiboleth of long-time experienced trial attorneys, was and should be "a poor settlement is better than a good lawsuit any day!" because it reflects the primary importance of the client's interest. I've heard more than one self important trial attorney brag "I don't get paid to settle lawsuits"; which in my view, unethically disrespects the client's primary interest; and is diametrically opposite and contrary to mediation which promotes arrival at agreement.

In the belief that I can help contestants arrive at agreement and thereby avoid Litigation I request that you include me on your mediators list.

With best regards, I am,

Sincerely

John T. Nolan



John T. Nolan

314 S. Summit St.
Iowa City, IA 52240

319-351-6218

johnnolan@yahoo.com

- Objective:** To obtain a career change after retirement.
- Education:** Marquette University - Milwaukee, Wisconsin
B.S. Economics and Philosophy, 1958
- The University of Iowa - Iowa City, Iowa
Juris Doctor, 1962
- Employment:** U.S. District Court, Federal Building, Cedar Rapids, Iowa
-Law Clerk (1962-1963)
Nolan, Lucas and Nolan, 405 ISBN&T Building
-Atty. Assoc. (1963-1977)
Lucas, Nolan and Bohanan, 405 ISBN&T Building
-Atty. Assoc. (1977-1982)
Rate, Nolan, Bohanon, Moen, Lucas
-Atty. Assoc. (1982-89)
Nolan Law Office
-Atty. at Law (1989-2005)
- Teaching Experience:** -U.S. Army of Engineers
-University of Iowa College of Law
-Iowa Academy of Trial Lawyers
-State Appellate Court
-Federal Trial and Appellate Courts
- Achievements/Honors:** -42 successful years representing clients in trial and appellate courts
-Johnson County Bar Association, President, (1998-1999)
-Elected and served as member on the 6th and 8th Judicial Nomination Committee (1982-1987)
-Appointed to the Finkbine Society for University of Iowa Leaders
-Elected President, Phi Delta Theta Law Fraternity
-Voted "Most Witty" of high school graduating class
- Professional Activities:** -Army Engineers (reserve), 1st Lieutenant 1958-59
-Phi Delta Theta Law Fraternity
-Iowa State Bar Association (1962-current)
-American Trial Lawyers Association
-Iowa Academy of Trial Lawyers
-Johnson County Bar Association
- Personal Activities:** -President of McLean Company, product marketing, farm and apartment rental
-Elks Club Board Member
-Iowa City High School Alumni Association
-Johnson County Quarterback Club
-Saint Patrick's Parish Council Board Member
-Chess, golf, gardening

Resume**High School-Iowa City High School, Graduated 1954**

Academics: C+, middle of the class

Athletics: Baseball, Starting Pitcher 1953-54
Football, Lineman of the week
State champs, 1953

Other: Senior Hall of Fame elected "Most Witty" of graduating Class

Undergraduate-University of Marquette, Graduated 1958

Academics: C+ average, middle of class
B.S. Economics, minor in Philosophy

Other: Elected to Executive Council in charge of recruiting Alpha Kappa Psi Professional Business Fraternity

University of Iowa College of Law-Graduated 1962, Juris Doctor

Academics: C+ average, middle of class

Other: Elected President, Delta Theta Phi Fraternity

Appointed by Dean Mason Ladd to Finkbine Society for University of Iowa Leaders

Nominated by Dean Ladd as law clerk, US District Court 1959

Appointed initial law clerk for the Hon. William J. McMannus, US District Court Judge, 1962-8/63.

- 1963-present Admitted and practiced before the District Courts of Iowa, primarily Civil jury trials in Johnson, Iowa, Cedar, Muscatine, Crawford, Benton, Cherokee, Audubon, Guthrie, Black Hawk, Dubuque, Linn, Scott, Washington, Henry, Lee, Jefferson, Keokuk, Powsheik, Mahaska, Polk, and Warren Counties, and Supreme Court of Iowa
- US Hearing Office, Packers and Stockers act and ICC, US District Court of Appeals (8th Cir), Court of Claims of the United States, and admitted to the Supreme Court of the United States (January 1981 denied oral hearing)
- Colorado District Court, Jefferson and Eagle Counties
- 1963-present Law practice has primarily involved private, general practice of law involving prosecution and defense, primarily of civil cases, including audit and oversight on behalf of insurance companies, of the defense trial attorneys retained by insurance companies, with a minor practice in juvenile and misdemeanor criminal cases.
- 1963-1990 Primary investigation reference insurance claims (primarily auto liability investigation)
- 1964 Nominee and candidate for Johnson County Attorney; defeated by Robert A. Jansen
- c. 1965 Accepted as Fellow, Iowa Trial Lawyers Academy
- 1968 Presented a guest lecture at University of Iowa College of Law on adverse possession by invitation and supervision of Professor Charles W. Davidson
- c. 1974 Seminar Speaker, subject: Iowa law of business fiduciaries and punitive damages for breach, Iowa Academy of Trial Lawyers
- c. 1982 Received Martindale Hubbel AV rating

Citation

1. General Mortg. Corp of Iowa vs. Campbell; 138 NW 2d 416 (Iowa 1965)
2. Moffitt v. Future Assurance Associates, Inc; 140 NW 2d 108 (Iowa 1966)
3. Merchant's Nat. Bank of Cedar Rapids v. Waters and Boeing; 447 F. 2d 234 (8th cir. 1971)
4. Ganrud v. Smith; 206 NW 2d 311 (Iowa 1973)
5. Hellmer v. Siever; 261 NW 2d 527 (IA App. 1977)
6. Heelan v. Johns Mansville; 451 F. Supp. 1382 (D. Colo 1978)
7. Bartz v. U.S.; 224 Ct. Cl. 583, 633 F. 2d 571 (Ct. Cl. 1980)
8. Poulson v. Russell; 300 NW 2d 289 (Iowa 1981)
9. Pirkl v. Northwestern Mut. Ins. Ass'n; 348 NW 2d 633 (Iowa 1984)
10. Conroy v. Iowa unpublished

Salient Issue

- Mechanic's Lien v. Mtgee Priority**
- Adverse Possession
- Agency
- Expert Testimony
- Jury Instructions
- Sexual Discrimination
- Eminent Domaine Inverse
Condemnation
- Fiduciary Duty
- Bad Faith Refusal
- Jury Instructions

**John Knox et al v. First Presbyterian Church, State of Iowa Board of
Regents, et al
Johnson County
Subject matter successful historic preservation of OLD BRICK**

**Counsel for successful preservation of Cosgrove Institute from Cosgrove
Community School**

judicial nominating committee, Hon. William Eads
Presiding

1998-99

Elected and served as President, Johnson County Bar
Association

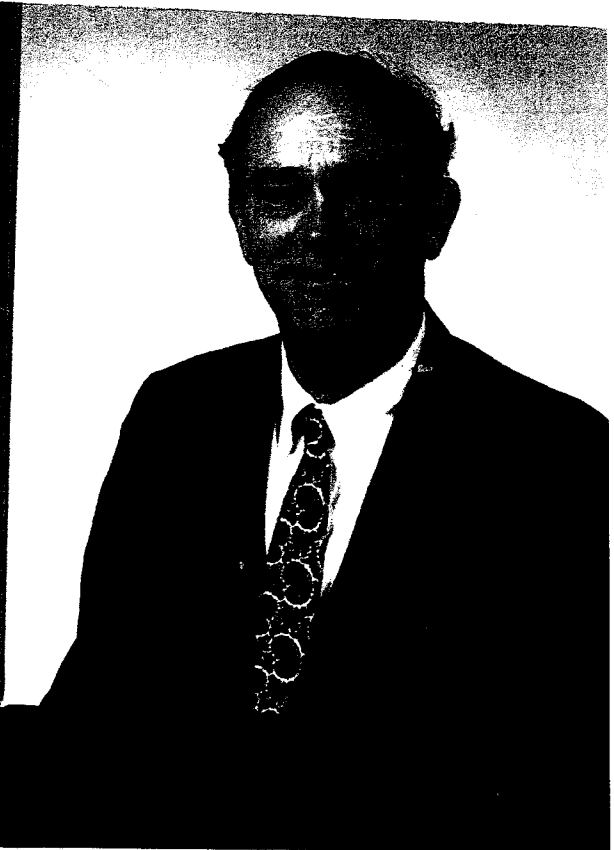
References

Honorable Louis J. Schultz, retired
Honorable Edward J. McMannus
Senior Status US Dist. Ct ND IA

3-9-02 Resume Update

-Past President, Johnson County Bar Association, (elected 1999-2000)

-Service as Trustee BEOE Lodge #590 (elected 4/1/2002-4/1/2005)



Mediation Services of Eastern Iowa and
The Sixth Judicial District Family Mediation Program

Recognizes

John Nolan

For completing

Dealing Effectively with Disrespect in Mediation and Public
Education and Marketing of Mediation

On June 26, 2006 for 7 hours

7 Hours of Continuing Legal Education and 7 Hours of Continuing
Social Work Education and 7 Hours of Roster Mediator credit applied for.

Annie Tucker

Annie Tucker, Director
Mediation Services of Eastern Iowa

WHY AVOID LITIGATION

MEDIATION VS LITIGATION

MEDIATION is superior for the following reasons:

1 less time expended

2 far less \$ cost

3 attorneys:

a. are sometimes obstructive to resolution

b. any means to win

c. uncivilly combative

d. inexperienced

e. incompetent at trial practice

f. inherent conflict of interest

"I don't get paid to settle cases"

4 witnesses

a. fact witnesses-subject to memory loss, honest mistake
& mendacity

b. experts influenced by paycheck, and very expensive
and sometimes required by judge order

5 judges

a may be imperious, inattentive and/or error prone

b favoritism for opponent or counsel

c unpredictable judicial activists

6 appellate court judges

a unpredictable judicial activists

b admitted error as final word

Barbara Smed, MSW

912 Countryside Estates SW
P.O. Box 83
Waukon, IA 52172

Phone: (563)568-7159
Fax: (563)568-4259
E-mail: barb_smed@yahoo.com

Objective

To make a positive difference in the world by empowering others to reach their full potential. Use skills built through social work education and grown through life and further educational experiences to be of service to a variety of people. Act as an agent of change in both local and global communities.

Education and Training

May 2009 Iowa Real Estate Broker License
2008-2009 Designated Practitioner Mediator, Wisconsin Association of Mediators
May 2007 Licensed Real Estate Sales Agent – Iowa
January 2007 Facilitator Training through Iowa State University
Fall 2006 Allamakee County Leadership Training Program
March 2006 Advanced Mediation Training
August 2005 Certified Family and Civil Mediator, Iowa
April 2005 Divorce and Family Mediation Training
1987 Masters Degree in Social Work, Eastern Washington University
1984 Bachelor of Arts Degree in Sociology, Loras College

Positions Held

Managing Broker, Waukon Office - A Perfect House Realty, Decorah, IA
May 2009 through present

Adjunct Social Work Professor - Luther College, Decorah, Iowa
Spring 2008, Fall 2008, Spring 2009 Semesters

Real Estate Sales Agent - May 2007 through present

Family and Civil Mediator - Smed Mediation
May 2005 through present

Life Coach & Motivational Speaker - Life Analyst Coaching Service
January 2004 through present

Mental Health Counselor - Northeast Iowa Behavioral Health Center, Decorah, Iowa
March 2003 through May 2005

Academic Intake Advisor - Northeast Iowa Community College, Calmar, Iowa
October 1991 through June 1998

Taught 'Treatment of Alcohol and Drug Dependency' - Northeast Iowa Community College,
Calmar, Iowa - Summer 1992

Social Work Consultant - Makee Manor and Northgate Care Center, Waukon, Iowa; and
Ossian Senior Hospice, Ossian, Iowa 1989 through 1991

Family, Individual and Group Counselor - Catholic Charities, Dubuque, Iowa
1987 through 1988; 1984 through 1985

Barbara Smed, MSW

Professional Organizations

Member of Iowa Association of Mediators and listed on roster as a Certified Mediator
Former member of Wisconsin Association of Mediators, Practitioner Status
Member - national mediation organization, Association for Conflict Resolution. 2005-July 2009
Former Board Member for Mediation Services of Eastern Iowa
Former Qualified Neutral listed with Minnesota Court System Roster
National and Iowa Realtor Associations

Professional Presentations

Spring 2008, 2009 - Women Adding Value to Agriculture panel - ISU Extension, Decorah
Mediation Trainer with Sovern Mediation - Fall and Spring of each year since 2005-2007
Spring, Fall 2008 - Luther College guest lecture to education and social work classes
February 2007 - Importance of Volunteering - Ecumenical Women's Breakfast
October 2007 - Coordinated continuing education for lawyers, mediators in Decorah
July 2007 and on-going - After the Storm—presented to parents stuck in conflict
Spring 2007 - Small Business Team Mediations
April 2007 - Coaching for the Health Care Professionals - Northeast Iowa Community College
January 2007 and on-going - Developed and offered Marriage Prep 101
August 2006 - Women's Retreat, Natural Gait
August 2006 and 2007 - Luther College Resident Assistants—Conflict and Confrontation
March 2006 - Girls Conference - Northeast Iowa Community College
March 2006 - Women's Only Weekend, featured speaker
2006 - Team Building for administrative staff - Eagle Ridge Community School District
Fall 2005 and 2006 - Diabetes Support Group, Waukon Hospital, Guest speaker
October 2005 - Presenter at Annual Diabetes Conference - Veterans Memorial Hospital, Waukon, Iowa

References - Available Upon Request

Steve Sovern, Sovern Mediation Resolution Center - Cedar Rapids, Iowa (319) 841-5151
Greg Lonning, Director of the Nena Amundson Lifetime Wellness Program, Luther College
Decorah, Iowa (563) 387-2075
Lee Zook, Social Work Professor, Luther College and former colleague at Northeast Iowa
Behavioral Health Center - Decorah, Iowa (563) 387-5680

Boards, Grants, and Volunteer Experiences

Planned/implemented American Red Cross Fundraiser to benefit Northeast Iowa flood victims -
Summer 2008
Participated in clean up of Parkersburg area following tornadoes - Summer 2008
2007 Governor's Volunteer Award Recipient - State of Iowa
Northwest Area Foundation Horizons Program, trained facilitator, group leader and volunteer -
2007 through present
Served on the board of Eastern Iowa Mediation Services - 2005-2007
Diabetes Advisory Council, Veterans Memorial Hospital - 2003 through present
Allamakee County Dollars for Scholars Board - 2003 through present
Friends of St. Patrick School fundraising group, charter member - 2000 through present
Grant writing assistance for area school and community projects - 1993 through present
Co-chair Hide-Away Park, community built playground project, Waukon, Iowa - 1993

Hobbies, Interests and Activities

Grant writing, fundraising, and volunteer for community and church activities. I enjoy golfing, walking, reading, writing, sudoku, baking, art and theater events, holding babies, traveling, family activities, meeting people, learning new things and discussing ideas/issues with others.