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IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY
AT COUNCIL BLUFFS

CLAYTON E. RHODES, JR.
and DONNNA R. RHODES, NO. LACV121231

Plaintiffs,

VS

3M COMPANY, et al.,

TRANSCRIPT OF
PROCEEDINGS

Defendants.

The above-entitled case came on for hearing before
the Honorable Richard H. Davidson on March 24, 2021, at
the POTTAWATTAMIE COUNTY Courthouse in the City of
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, Iowa.

A P P E A R A N C E S

JESSICA DEAN, TREY BRANHAM and ETHAN HORN,
Attorneys at Law, 302 N. Market Street, #300, Dallas
TX, 65202, appearing as attorneys for Plaintiffs.

DAVID W. STAMP, Attorney at Law, P.O. Box 2696,
Waterloo, IA, 50704, appearing as local counsel for the
Plaintiffs.

Transcript ordered March 24, 2021
Transcript delivered March 28, 2021

Ellen R. Ross, CSR, RPR
Official Court Reporter

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PROCEEDINGS

(The proceedings commenced at 2:31 p.m. on March 24, 2021, with the Court and the above-listed counsel present, with the exception of Mr. Horn, who appeared telephonically. Also in the courtroom were attorneys Robert Livingston and William Hughes. Other attorneys involved in the case joined by teleconferencing but did not participate and were not identified for the record.)

THE COURT: We're here in the matter of Clayton Rhodes and Donna Rhodes versus 3M Company, Case Number LACV121231. Today is the date and time for a hearing on resubmitted applications to appear as counsel in this matter pro hac vice. With me in the courtroom today are three attorneys: Local counsel, Mr. David Stamp; also appearing, attorneys Jessica Dean, Charles Branham; and also in the courtroom are two local attorneys that are representing various defendants in this matter, William Hughes and Robert Livingston. The only other folks here with me in the courtroom are my court reporter and court assistant.

I'm going to begin by just summarizing why we're here. Attorneys Ms. Dean, Mr. Branham and Mr. Horn had each filed applications to appear pro hac

1 vice in this matter, and the court had approved
2 Ms. Dean's and Mr. Branham's applications the day they
3 were filed on January 29th of this year. And Mr. Horn
4 filed his application on February 15th, and the court
5 summarily granted that application two days later on
6 February 17th. On the 25th of February, counsel for
7 Ford Motor Company, Jason Madden, and counsel for
8 Honeywell International, Jeffrey Peters, moved the
9 Court to require Ms. Dean to resubmit her application
10 based on perceived inaccuracies. Ms. Dean filed a
11 response correcting the inaccurate information as well
12 as correcting inaccuracies in a number of other
13 applications, in fact, informed the Court of the
14 breadth of the issues that we're going to be talking
15 about today.

16 The Court's initial observations. First of all,
17 I want to thank counsel, Mr. Madden and Mr. Peters,
18 counsel for Ford Motor Company and Honeywell
19 International respectively, for bringing this matter to
20 the Court's attention. Their motion is in line with our
21 state's rules of professional conduct and I'm -- was
22 happy to receive the motion. I was also happy to see
23 the response filed by Jessica Dean and her firm. And I
24 appreciate Ms. Dean and Mr. Branham personally
25 appearing today along with their local counsel, David

1 Stamp, for today's hearing.

2 I'm going to stop at this matter and I want to
3 make sure, Mr. Horn, can you hear me all right?

4 MR. HORN: Yes, Your Honor. Loud and clear.

5 THE COURT: All right. And, Ms. Dean and Mr.
6 Branham, you can hear Mr. Horn as well as me?

7 MR. BRANHAM:: Yes, Your Honor.

8 MS. DEAN: Yes, Your Honor.

9 THE COURT: Usually pro hac vice applications
10 are viewed as routine. They're summarily granted. In
11 cases like this, I anticipate receiving 50, 60, maybe
12 more; and I'll review anywhere from five to 10
13 applications and grant -- summarily grant orders
14 approving those each week. I note that just because
15 there's certain things that we're going to be talking
16 about today that are anything but routine. And I don't
17 want to -- to have the misperception that this judge
18 just treats them that way notwithstanding my prior
19 comments because the three applications before the
20 Court today, those of Ms. Dean, Mr. Branham and
21 Mr. Horn, are anything but routine. I take no pleasure
22 in scheduling today's hearing, and I also have no
23 pleasure in requiring -- Ms. Dean, Mr. Branham -- you
24 traveling, I think, from Texas to be here. Again, I
25 appreciate you personally appearing. It's an important

1 matter to not only this case, but to -- to you
2 professionally.

3 I think it's important because it -- this
4 hearing gives the Court a rare opportunity to address
5 and demonstrate how fundamental, if you will, and
6 accurate statements to the Court are for the
7 administration of justice. Indeed, the administration
8 of justice requires all officers before the Court to be
9 candid, professional and always honest. I'm searching
10 for our rules, because I think it's probably important
11 before I hear from the three attorneys involved for me
12 to remind us all what I look at when I'm reviewing pro
13 hac vice applications. And I'm drawn to Rule 31.14(7)
14 of the Iowa Rules, and it gives me direction on how I'm
15 to review applications and approve them. And even by
16 reading this rule, you understand that so often they're
17 rather routine and summarily granted. In fact, if a --
18 if there's no objection to an application for pro hac
19 vice, this rule, although it's clear that it gives the
20 Court the discretion to approve or deny any
21 application, I'm given some direction when there's no
22 objection. And that direction is that an application
23 ordinarily should be granted unless the Court or agency
24 finds one of the following:

25 A, that the admission may be detrimental to the

1 prompt, fair and efficient administration of justice;
2 B, that the admission may be detrimental to legitimate
3 interests of the parties; C, one or more of the clients
4 of this out-of-state attorney may be at risk of not
5 receiving adequate representation; and D, the one that
6 I probably have appear more often than any of them, is
7 that the out-of-state lawyer has appeared pro hac vice
8 in the state of Iowa in five proceedings within the
9 last two years.

10 And if that's the case, then the onus is on
11 that attorney to show good cause why I should let them
12 appear again. And I haven't had that happen very
13 often. I can think of two in particular where my
14 comment was why don't you just get admitted to the
15 state practice, the bar. In fact, I will note that one
16 of you on the line may recall there was one of you that
17 had appeared three times in the last two years, and my
18 note in my order was perhaps you ought to consider
19 admission to the Iowa bar. And it was a neighboring
20 state attorney, and, you know, I wasn't going to deny
21 his motion. It was a male, but, you know, if he's going
22 to continue to practice down here, we'd love to have
23 him a member of the bar.

24 Now, I point out the rule because I'm back to
25 the motion filed by the Ford Motor and Honeywell.

1 Their request to the Court was that I require --
2 Ms. Dean at that point was the only one we knew about
3 -- I require Ms. Dean to resubmit a new application or
4 correct the inaccuracies of the last one. And I don't
5 -- I looked at the file before coming on the record
6 here today, and I noted no other objections to the
7 resubmitted applications. And so I note that at one
8 juncture, but then I'm drawn back to some of my initial
9 comments which was this is not your ordinary
10 application. So I want everyone to know whatever
11 decision I make today on all three of these
12 applications, the guidance I get from that rule only
13 applies to a certain degree, because again, it's my
14 discretion to grant or deny these applications; and
15 I've got some grave concerns about what's transpired.

16 And at this point, Ms. Dean, I'm going to have
17 some questions for you, but I think it's fair to allow
18 you and then Mr. Branham and Mr. Horn to make any
19 statements you wish, or if you prefer, go right to my
20 questions. But if you would like to make any type of
21 professional statement on this, I want you to know I've
22 read your response. Excuse me. I've also read the
23 transcript from the State of Connecticut -- and I have
24 forgotten my colleague's name from that state -- and
25 I've also read the order from the State of Minnesota.

1 And I also appreciate you mentioning the Beverage case
2 -- not the Beverage case.

3 MS. DEAN: Kinseth.

4 (The court reporter asked for clarification.)

5 MS. DEAN: Kinseth.

6 THE COURT: It was the Kinseth case that was
7 tried. And actually, it was a reported case in this
8 state.

9 With that, Ms. Dean, I'd have you speak in the
10 mic so I want to make sure everyone can hear you.

11 MS. DEAN: Is it better to stand or sit?

12 THE COURT: You're fine sitting because it's
13 easier to speak into the mic. This is not Federal
14 Court. I don't require everyone to stand.

15 MS. DEAN: I move more when I stand. I think
16 with the mic it's hard.

17 First, I want to say that I am incredibly
18 grateful to the Court to accommodate a live hearing,
19 particularly when there aren't many now, and for an
20 opportunity for what is probably an unusual
21 circumstance and I do think is very serious. I lost
22 much sleep about it. I had to fire the first person
23 I've ever fired in my career because of it, and I spent
24 hours as the world opens for the first time and I'm
25 going to try my first case in 14 months in a month,

1 stopping everything because it is clear what Ford and
2 Honeywell identified for us led to this series of
3 steps.

4 This is worse than we thought. And what I hope
5 we can do today is make clear to the Court that first,
6 there was no intent to deceive in any of this. And I
7 think the clearest way to evidence this to the Court
8 was -- and why we included the applications in South
9 Carolina is I probably have been pro hac probably more
10 in South Carolina than any other state. We have six
11 since the Connecticut decision. And in four of them,
12 the Connecticut issue was revealed, and in two they
13 were not. And it appears three were shown to me, and
14 three were not.

15 And so when we first looked at this, I remember
16 my initial instinct being how did I miss this. I can't
17 believe I missed this. And then I read every e-mail.
18 I didn't see it. Then I looked at the application.
19 That's not my signature. And then we went to the staff
20 person who did send it in and asked, when did you send
21 this and do you recall the training on this Connecticut
22 thing, and then and then. And I think the Court sees
23 kind of where we went from there. And when I realized
24 the Beverage case, a case I was admitted into, and
25 which I didn't have any involvement, which as I become

1 more of a managerial person and supervising person, I'm
2 involved in more cases in the event I'm needed, but not
3 necessarily involved.

4 I started off in this litigation very much in
5 the role of Kevin Paul, who the Court knows, where I
6 manage cases from the day they came in and now come in
7 more often as a trial attorney or to help when there's
8 a tricky legal issue. And so when I realized this
9 wasn't something that our staff person started doing
10 during the pandemic, which I thought maybe is what
11 happened at the first but went back a year and a half,
12 I agree with the Court. There is a process problem here
13 that we have been able to confirm was limited to one
14 person, but for a long time that went on unnoticed by
15 us. And I think -- I think it is related to the fact in
16 part that these are routine and that there was often
17 the case that we reviewed.

18 And, you know, the Connecticut case was
19 something in the very first months of starting a firm
20 with Mr. Branham and at that time our other partner,
21 Mr. Omar. For a little bit of context, Mr. Omar's
22 application was flatly denied. It was said that they
23 already had a national firm, a linear firm, and didn't
24 need a second. But mine wasn't when the same logic
25 would apply, and I was told to appear live.

1 My paralegal, who was the same paralegal I've
2 worked with for about seven years when I was assigned
3 to Greenstone -- that's where Kevin and I met. And I
4 think you know Lisa Shirley --

5 THE COURT: I do.

6 MS. DEAN: -- a partner from our case over
7 there. You know, she had helped prepare that
8 application, and it was a -- I didn't look at this
9 carefully enough. You can tell from the conversations
10 with the Court. I didn't forget the Fortier case. I'm
11 still friends with Gail Fortier, and I didn't forget
12 the case. It was one of my very first trials. I
13 learned so much from that case. It was an error. And
14 that kind of thing, when the Court deserves full and
15 accurate information, is not okay.

16 And so what -- what is unsettling about all
17 this other than putting this Court in this situation is
18 that was a huge learning experience. It was a writing,
19 a written protocol, talking to the people that did the
20 pro hacs. We didn't have training that you can't file
21 something without getting permission to sign it,
22 genuinely didn't think that would be needed. We now do.
23 But we did have training on you have to look in the
24 system to see what different states have different
25 rules on whether it's five cases or three, that the

1 attorney has to review, and that specifically because I
2 have this issue, there is already a prescribed answer
3 that you need to include.

4 And so -- so when this came through, and I
5 originally thought it was just limited to this
6 Connecticut issue and something more recent with Judge
7 Guthmann in Minnesota, that's the first time a pro hac
8 had called for that situation. I already was so upset
9 that the Court was put in that situation, and then I --
10 then I delved deeper. I realize the -- the Beverage
11 problem had the exact same problem. I'm here to both
12 apologize, to state on the record that this was not
13 intended, and that the process problems that clearly
14 exist are being front and center. All men are on deck,
15 a priority in our firm.

16 Mr. Branham, you know, he'll speak himself, but
17 led the training. I came and did part of the training.
18 We did secondary training with our paralegal manager
19 and us, with our lawyers. We have written protocols.
20 We personally starting with pro hacs that are -- I
21 don't want to say pending -- but in cases where stuff
22 is happening, prioritize those first and understanding
23 exactly what happened and reporting to Courts where
24 there have been mistakes. We found at least two others
25 that have objected mistakes and a third that was about

1 to be filed, and we're still in that effort. But I do
2 want to tell the Court and what I agree is an unusual
3 and serious situation that we are -- we are genuinely
4 doing everything we can think to do so that it is not
5 repeated.

6 So I probably -- I talked more than I intended.
7 I apologize.

8 THE COURT: Well, I appreciate your comments.
9 I'm going to have some questions for you, but I think
10 it's best I allow Mr. Branham and Mr. Horn to be heard
11 as well. And I'll turn first to Mr. Branham.

12 Mr. Branham, do you have any comments for the
13 Court?

14 MR. BRANHAM: Your Honor, I'll echo what
15 Ms. Dean said. I'll also tell you I personally have led
16 the training for a number of hours with our staff and
17 our lawyers. We have implemented the matter in writing.
18 Everyone who has been involved in the training -- which
19 is every staff person from the person who answers the
20 phone to every paralegal to every lawyer -- has
21 executed written acknowledgment of the training. And we
22 have explained to them, I think, the lawyers, you know,
23 sort of as a matter of course understand the issue; but
24 we've impressed upon them the seriousness of the issue
25 and the jeopardy it put the firm in, and it is

1 unacceptable. At the end of the day, our responsibility
2 is to train, manage, advise our support staff and our
3 lawyers. And we acknowledge that at the end of the day
4 the buck stops with us, you know, that it's our job to
5 make sure this is right.

6 We spend our lives in the courtroom, and being
7 candid with the Court -- with Courts is critical for
8 reasons the Court has iterated, but also for reasons
9 that we need the Court to be able to rely on us, both
10 in front of a jury, when we're arguing motions or when
11 we're just having a discussion like this. And so you
12 know, as a firm, I'm sorry this happened. Personally,
13 I'm sorry this happened. And as Jessica mentioned, we
14 are doing everything that we can figure out how to do
15 to, one, correct the problem. We filed a notice in the
16 Beverage Court advising that Court of this issue. We
17 have filed in South Carolina advising that Court of the
18 issues, and I suspect advising additional courts as we
19 have additional information which tells us we need to
20 do that.

21 So I'll stop there, but again, just appreciate
22 the time to come and deal with this.

23 THE COURT: Thank you, Mr. Branham. Your
24 comment that you need the Court to be able to rely on
25 you and your statements is dead on. That's why we're

1 here. We all do business in the courtroom. I have
2 attorneys that appear in front of me often, and some I
3 see once every two or three years, if that, or I meet
4 new ones.

5 You're in this profession for a reason. Part of
6 that reason is you enjoy it. Professionally you know
7 it's candor with the Court that's your tool box.
8 Because if you've got a respect to the Court, respect
9 of the Court, you have so many more opportunities than
10 an attorney that may not have quite that relationship.
11 So your comments, I think, are why it's so important
12 that we're here.

13 Mr. Horn, if you have any initial comments,
14 I'll be happy to hear yours as well.

15 MR. HORN: I do, Your Honor. I would like to
16 take a moment and let the Court know that I appreciate
17 the opportunity to appear on this issue and would like
18 to thank the Court once again for allowing me to do so
19 remotely given where I stand with my foot.

20 I, as well as our firm, take this very, very
21 seriously. I know Ms. Dean, Mr. Branham have discussed
22 with you some of the efforts that have been taken to
23 make sure these types of things don't ever happen
24 again. What happened here was -- was inadvertant, but
25 it does not make it acceptable. I think the rules of

1 professional conduct of Iowa make that clear. 32.5(1),
2 I think, addresses that fairly straight forward
3 process. This ordeal has led our firm, as you've heard,
4 to a renewed focus on the process of pro hac for me
5 professionally and personally, and I'd like to take a
6 moment to convey my sincerest apologies for facing the
7 Court in this situation.

8 THE COURT: Thank you, Mr. Horn. I'll probably
9 have some questions for you and Mr. Branham, but Ms.
10 Dean, it was your application that is really the reason
11 we're all here, and so you're going to get the brunt of
12 those questions.

13 MS. DEAN: Understood.

14 THE COURT: Again, I cannot understand how much
15 concern this has brought to all of us. None of us want
16 to be here, but I would not be doing my due diligence
17 as the Court if I didn't require this.

18 There's probably some of you on the phone that
19 either have your computers on or whatever. Again, I'm
20 going to remind everyone on the phone to please mute
21 your phone.

Ms. Dean, one of the most
22 troubling remarks I found in your response -- and I'm
23 going to paraphrase it, but we're going to talk about
24 this -- was the statement in your response that you
25 stated you held a firm-wide meeting to stress no

1 documents may ever be submitted to any Court without
2 the review and approval of the signing attorney. You
3 needed a meeting for that? I mean, I read that, and I
4 -- I'm -- I have no other response.

5 MS. DEAN: So you echoed my reaction. Do we
6 have to tell people they can't sign my name without
7 asking me, and I never ever thought we did. And six
8 applications were provided to this Court with the same
9 bubbly signatures that are not ours. I realize
10 evidently even though I love the person I let go and
11 have worked with her for a long time, that you should
12 not take anything for granted. I mean, I do not see how
13 I see that.

14 THE COURT: But you better understand the
15 Court's problem here. This is a pro hac vice
16 application which is important to both your client who
17 has hired you and your firm, to you professionally, and
18 to the Court you're going to appear in front of. And so
19 I don't want to belittle the fact that -- that it's a
20 two-page application. But it's just beyond belief that
21 a firm would have to have a meeting that says listen,
22 when an attorney is signing a document to the Court, we
23 need to make sure that it's been properly reviewed and
24 signed. What am I to make of pleadings, motions,
25 response to motions that are fact based? I mean,

1 that's, I think, the underscore here that I haven't
2 really touched on yet I should have some real concern
3 for.

4 And I've got colleagues throughout this
5 district that are probably wondering why I'm even
6 having a hearing on this, but I -- as I stated at the
7 outset, this is a rare opportunity for the Court to not
8 only address you and Mr. Branham and Mr. Horn, who are
9 going to take the brunt of my frustration here, but for
10 the two attorneys that are not involved with this
11 sitting behind you and all those on the phone. They
12 need to know how significant this is to this judge, and
13 I dare say, probably all my colleagues throughout this
14 country and certainly the state.

15 So I just -- you know, I was a trial lawyer.
16 When I filed pleadings with the Court, you know, my
17 personality is way too anal. I probably edited it way
18 too much. I read it, read it, and reread it. And then
19 I signed my name. How often does your firm submit
20 things when it's not approved or reviewed by the
21 attorney whose name is on it? That's my question.

22 MS. DEAN: In our review of this matter, the
23 one person who no longer works with us because of this
24 was the only person that -- I'm sorry -- is the only
25 person that had done that. That the Court's overriding

1 concern, our other people, lawyers, were not -- not
2 reviewing or submitting without the opportunity to
3 review, and we have found that no others have.

4 We've also, in addition to that, trained; and
5 that training had to do with a lot of other issues as
6 well. For instance, this is a summary and routine
7 document that our lawyers see a lot of. That does not
8 mean you can't look at it carefully. In Beverage, for
9 instance, nowhere near 31.14(b). I don't have five in
10 the history of my career. But by not being complete and
11 accurate and thoughtful and just assuming this is
12 routine, we are really creating a problem. So lawyers,
13 you have to review it carefully. Paralegals, I know you
14 checked the cases. We're going to start tracking them
15 in a separate chart. That's the type of thing that I
16 thought we can get better in our system.

17 The base problem that led to this failure was
18 one person who, not on a routine basis, but
19 nonetheless, regularly was submitting things contrary
20 to our instruction.

21 THE COURT: Well, let me interrupt you. I've
22 got a solution. How about drafting the application
23 yourself and reviewing it yourself and then signing it?
24 It wouldn't take probably five minutes, because as you
25 stated, you do this often. You've got a -- I can't

1 remember your statement, but basically you've got a
2 statement already in the system concerning Connecticut,
3 probably one concerning Minnesota, soon to have one
4 concerning Iowa. So there's no real drafting to that.

5 For instance, the opposite side of it, I get
6 these applications and I read them. I'm familiar with
7 the application pro hac vice in this state, and I don't
8 want to make it sound like I don't spend an awful lot
9 of time, but I can go through that application
10 relatively quickly because I know what I'm looking for.
11 I'm looking for a string of nos with a big yes at the
12 bottom saying I'm familiar with the rules of conduct
13 and professional ethics in your state. And when I see a
14 couple of Ys on further up, then I know I've got
15 somebody that's appeared pro hac vice probably in some
16 other district or maybe even my own in the past two
17 years. That's what I normally see.

18 Every once in a while, I get one that says I've
19 been denied pro hac vice, but that's rare. In those
20 cases I wait, make sure I've allowed 10 days to run for
21 any objections, and then I may set the matter for
22 hearing or, more often than not, have my assistant
23 reach out to local counsel and say you're going to have
24 to provide more information. But I can do all that in
25 five minutes, sometimes 10. Sometimes it takes a

1 little longer, but I can do it relatively quickly.

2 I also have probably seven or eight base orders
3 that are my own templates on my laptop. And much like
4 your response, I can go to one of seven, pick out the
5 one that's the best, edit it, and file it. I've done
6 it. I don't know, all you out there probably have a
7 better idea than I do. I bet I've done it 50 times so
8 far in the Rhodes case. It's review. It's my
9 signature. Why in the world shouldn't I require an
10 attorney to do the same thing?

11 MS. DEAN: I don't think that's an unreasonable
12 expectation. And what our protocol had been is that the
13 -- the actual downloading and filling out of the form
14 hashing the answers -- were done by someone else but to
15 be sent by us with a particular note about what
16 happened six years ago in Connecticut. I don't think
17 the Court's recommendation, particularly in light of
18 what happened here, is unreasonable at all.

19 THE COURT: I dare say myself and my colleagues
20 expect it. We're all busy. I get that. A trial attorney
21 that's not busy may not have much of a practice or is
22 on their way out. We're all busy. And I think my
23 caseload would stack up against any of yours. I may
24 not travel as much, but -- or not on an airplane. I get
25 my miles in. But I don't need -- The bottom line is

1 we're all busy. I get that. But there's certain
2 applications that I think demand -- ethically demand
3 the attention of the attorney who is signing it.

4 For instance, everyone in this room that's an
5 attorney in their state submits each year, I'm certain,
6 continuing education hours. I draft my own. Sometimes
7 I'm upset because it takes me too long to go back and
8 find out I was at the trial lawyers meeting or judges
9 conference, and I've got to find the doggone number to
10 get into the system, so it takes me longer than it
11 probably should. I've got colleagues that do it right
12 as they're there at the conference, and those folks
13 probably get theirs submitted a lot easier than I do.
14 But I do it myself, because that's what the Supreme
15 Court is anticipating that the attorney that is
16 submitting this affidavit saying hey, I've gone to
17 these classes and so I should have my license for
18 another year. I mean, that's what the Supreme Court
19 expects of you. And you all do that too. I mean, I'm
20 assuming you don't have your staff do your
21 applications, affidavits to your state of Texas or
22 whomever.

23 Mr. Stamp, you do one to the State of Iowa just
24 like I do.

25 You know, this shouldn't be any different.

1 Should it?

2 MS. DEAN: Well, the applications were
3 routinely every time reviewed by me carefully. The
4 Connecticut issue, which was sent to me -- and I made
5 the mistake. And I think you can tell from that
6 transcript, there was no trying to blame shift to just
7 -- it was my paralegal at the time. It was a I did not
8 look at it carefully enough and a very strong lesson
9 learned. Every application that I have been provided
10 since then was carefully reviewed and never missed. It
11 is something that I am very aware that I need to be
12 conscientious of to make sure whatever Court, here or
13 otherwise, that they are following the habit.

14 The revelation that came from here that I
15 wasn't seeing all of them required a deeper look and to
16 see there was a problem to solve, that problem we did
17 the training both Mr. Branham and I have discussed.
18 If the Court wants to be -- make the point that look,
19 stop having anyone else draft them, I will respect that
20 and vow to do that genuinely. I --

21 THE COURT: I just think it's odd I've got to
22 request it; but yes, I'm requesting it.

23 MS. DEAN: Done. It was genuinely -- Belinda is
24 the name of the paralegal we had to let go. I mean, she
25 was the person since she -- She's kind of a person that

1 assists all of our paralegals when they're busy. She's
2 often doing the pro hacs. She's someone I personally
3 met with. This is what happened.

4 THE COURT: I hate to interrupt you, but as
5 your partner, Mr. Branham, told you, the buck stops
6 here. We don't need to throw anyone under the bus
7 here.

8 MS. DEAN: Agreed. I just want the Court to
9 know that when you say it is critically important that
10 you review what you submit, whether it's one-page or
11 10, that there was a genuine and repeated effort to
12 make sure not only that I review anything that goes
13 out, but that this particular issue is flagged.

14 THE COURT: And you understand the real
15 inference here is in a matter of months I'm going to be
16 faced with phase one and phase two motions for summary
17 judgment, and there's going to be scores of affidavits
18 or other material that I'm going to be reviewing. I
19 want to make sure it's all fact --

20 MS. DEAN: Absolutely.

21 THE COURT: -- and that it's been reviewed by
22 the person that's signed it.

23 MS. DEAN: Absolutely. And in my -- It's weird
24 to say 15-year career. I don't like to feel I'm
25 getting that old. I've never had an issue of that

1 nature. I mean, even with the concerns of Judge
2 Guthmann in Minnesota -- which I'm happy to talk about
3 to the Court, about that more or any others -- the --
4 the veracity of my claims with the Court are never the
5 issue.

6 THE COURT: Let me ask you another question.
7 When you take on the representation of a client in
8 whatever State it is and you file a petition, you've
9 got how many people in your firm?

10 MS. DEAN: Attorneys or all?

11 THE COURT: Attorneys.

12 MS. DEAN: Twenty-six.

13 THE COURT: All right. When do you decide which
14 26 attorneys are going to file pro hac vice motions in
15 the state they're not licensed? And if you want to
16 take this case as an example, that's fine. It's the one
17 I'm familiar with. But this case, I believe, was filed
18 in December by your local counsel, and then I started
19 getting applications. And after it was served, then, of
20 course, I get other applications from -- along with
21 answers from local counsel, defendants and their
22 applications for pro hac vice. I want to know when does
23 your firm decide who is going to either take a lead on
24 the case? And maybe you don't know at that point, but
25 how do you decide when you're going to file pro hac

1 vice applications and by whom?

2 MS. DEAN: So in this case, which is not
3 typical, there was a direct connection with Kevin and
4 family. So Kevin Paul was the lead attorney on the
5 David Foote --

6 (The court reporter asked for clarification.)

7 MS. DEAN: David Foote was a case my
8 predecessor firm, Simon Greenstone -- I was a partner
9 there for 10 years before I went off and joined in
10 Branham and others. And while I don't know that case
11 intimately I know Kevin Paul was a lead lawyer on it,
12 and Mr. Rhodes was a coworker deposed in that case. So
13 when he got sick, he called Kevin. So that case we knew
14 from the get-go was going to be assigned to Kevin.

15 THE COURT: All right. But when do you decide
16 who else is going to make an application, call up David
17 Stamp and say all right, I'm going to be filing pro hac
18 vice in this?

19 MS. DEAN: Typically when a case is assigned to
20 a case manager they're immediately pro hac-ed in the
21 case. And then depending on the complications of the
22 case -- talc defendants, friction defendants tend to be
23 very, very litigious. We then look at the rules of the
24 state, the limits on pro hac, and who in our firm best
25 knows those issues. So if there's a Daubert motion on

1 force to right, which deals with friction or things
2 like that, who best would be able to assist Kevin in
3 those matters if there is particularly a few things
4 heating up at the same time. So in all friction and
5 talk cases I'm going to be added in.

6 And in Iowa, where we -- You know, I've had one
7 case here that I worked on directly. In a second case
8 I pro hac-ed where I didn't. But where we don't have
9 any real concern that we're going to hit that number
10 limitation, we're a little bit more liberal in adding
11 people.

12 THE COURT: My question is going to be pretty
13 simple. When does the attorney in your firm know
14 they're going to make an application pro hac vice?

15 MS. DEAN: For the case manager, when it is
16 assigned. For the rest, there's a case management
17 meeting in which that's determined by the case manager
18 and the supervising attorney and everyone is texted, is
19 e-mailed.

20 THE COURT: So at some point that attorney
21 knows they're making an application?

22 MS. DEAN: Absolutely.

23 THE COURT: What also sticks in my craw a
24 little bit is if I'm a member of your firm and I know
25 that the lead counsel has said I'm going to be involved

1 or one of the partners, I would anticipate the need to
2 be filing that application. And if it -- in the past,
3 apparently, it was a practice that might be prepared by
4 a paralegal -- which I'm telling you now I don't think
5 is appropriate. But understanding that's what your
6 practice was, at some point the attorney's got to ask
7 where is that application. I need to get admitted, and
8 I need to sign an application. I need to review one.
9 Apparently from what you're telling me that these
10 applications were signed by some paralegal unbeknownst
11 to the attorney whose name was on it, and the attorney
12 didn't ask a question about it for weeks --

13 MS. DEAN: And I anticipate --

14 THE COURT: -- months. I don't know. That I
15 just -- I can't get my head around that, Ms. Dean.

16 MS. DEAN: I anticipated that question because
17 we had --

18 THE COURT: I'm glad.

19 MS. DEAN: Well, no. I mean we had six -- or
20 five of us pro hac-ed in the case where none of us
21 realized, wait a second, we didn't review that. And
22 that's part of why I said there's a significant process
23 problem here. I can tell the Court a few things about
24 that first. Many of the places where we do pro hacs,
25 many have a filing system that allows non pro hac-ed

1 attorneys to get notifications on the case because just
2 the answers of this case resulted in 40 notifications.
3 And I am routinely, as is Mr. Horn, Mr. Branham,
4 Mr. Braly, put on those even when we're not pro hac-ed.

5 Second, there is always an effort before a
6 hearing -- and in some states this is very state
7 specific before a deposition -- to verify that that
8 order has been affirmed, and that's usually when that
9 type of checking mechanism comes in place.

10 In some states, like King County in Washington,
11 you don't have to be pro hac-ed to do discovery.
12 Motion required for both. Reminder of that. That's
13 part of our protocol. The other thing I can say we
14 have written instruction through our paralegal that any
15 time something comes in, an answer for instance, the
16 paralegal is to save it, to calendar it. If there's a
17 deadline and if it requires action, to notify the case
18 managing group which is four people. As a result of
19 that, myself, along with many of the other people that
20 are involved here, don't even look at those files
21 because they are -- they are tracked in a way that we
22 are notified so you don't have to look at the 42
23 answers that don't require action. But that if you get
24 a hearing that says Ford and Honeywell discovered
25 something, I knew then within 45 minutes of that e-mail

1 coming in.

2 So that's part of why you see, I think, this
3 pattern with us that we didn't know that a pro hac had
4 been filed that we did not review.

5 THE COURT: My problem -- and I think it's
6 obvious to you or certainly should be -- is how could
7 the attorney not know that either no application had
8 been submitted or how could they be surprised one was
9 submitted without the review and signature when they
10 hadn't reviewed one? I mean, that's -- to say the
11 least, it's troubling.

12 MS. DEAN: And I can say that I think by the
13 fact that there are multiple pro hacs that were filed
14 where the Connecticut issues, for instance, was
15 disclosed, there was no intent clearly not to let me
16 know. And it was this event that allowed us to realize
17 that that was happening. And before -- The reason it
18 happened, particularly for those of us that manage, is
19 we are often pro hac-ed, in many cases, only get pulled
20 in for particular hearings.

21 THE COURT: I know. I get that. That's beyond
22 what I'm really concerned with today.

23 MS. DEAN: There's no question that when I look
24 at this and see that this happened at least five times
25 in the last two years just for me, that, you know, that

1 is a fraction of the pro hacks I have been involved in,
2 but that we have to do something that never allows that
3 to happen again.

4 THE COURT: Right. Because as Mr. Branham
5 stated and I agree with, it jeopardizes your license,
6 your work, your practice.

7 MS. DEAN: And particularly, I mean, I know
8 James Cook well. I know Mr. Hughes -- who I didn't
9 expect to see today -- well. I even know Jeffrey
10 Peters, who filed this on behalf of Honeywell fairly
11 well. Him and I have done a trial together in Minnesota
12 and had lunch in airports when we were lawyers
13 together. You don't know me. Poor Mr. Stamp barely
14 knows me.

15 THE COURT: Mr. Stamp is wondering what the
16 heck he got into.

17 MS. DEAN: And I've spent a long time talking
18 to him before this hearing. It is not lost on me that
19 particularly when you are a stranger to a Court that
20 this is not good. I mean, you don't know me at all.

21 THE COURT: Well, let me interrupt you there
22 again and let you -- I was going to state this at the
23 end. I might as well let you know now. One of the
24 reasons you're getting this personal hearing is my
25 experience with Kevin Paul and one of your partners,

1 Lisa Shirley. I'm familiar with both those people. I
2 tried an asbestos case six or seven years ago. And
3 both of them were intimately involved in the motion
4 trials. Ms. Shirley appeared before me and argued a
5 number of dispositive motions, as did Mr. Paul. I found
6 them both to be well prepared, courteous to the Court,
7 respectful, and what also appeared to be respectful,
8 courteous to opposing counsel. And you need to know
9 that it's that positive experience that probably
10 brought you to Iowa today. And that is why I want to
11 hear from you and your firm, because this cannot happen
12 again. And you've got to realize that if it ever did,
13 you wouldn't be practicing in this state or other
14 states. I hope you appreciate where this puts you
15 professionally.

16 MS. DEAN: It's terrifying.

17 THE COURT: I'll allow you to make some final
18 comments here and let me -- Mr. Branham.

19 MR. BRANHAM: Yes, Your Honor.

20 THE COURT: You probably have no desire to
21 answer any of my questions after my discussion with
22 Ms. Dean, and I don't have much more of you, questions
23 for you. You understand my frustration with why we're
24 here.

25 MR. BRANHAM: Of course.

1 THE COURT: But I think you should be allowed
2 an opportunity to respond to that last question I asked
3 Ms. Dean, and that is at some point either Mr. Paul or
4 Ms. Shirley or Ms. Dean or somebody said hey, there's
5 this case up in Iowa and you need to make application
6 pro hac vice because you either may be trying it with
7 Kevin or may be involved with something else; right?
8 Somewhere along the line you got word or assigned it to
9 yourself. I don't know how it works in your firm. My
10 question is, sir, from the time you decided you were
11 getting involved in the Rhodes v 3M matter, how long
12 was it before you knew that there was a problem with
13 your pro hac vice application?

14 MR. BRANHAM: Ford and Honeywell filed the
15 motion. That's when I knew.

16 THE COURT: And had you believed that you'd
17 been admitted pro hac vice by then?

18 MR. BRANHAM: Candidly, no. The -- While I
19 understand in retrospect there had been discussions
20 about filing pro hac vice for me, I had no recollection
21 of signing one, and when I get -- because I was getting
22 notices from the e-filing system; right? And --

23 THE COURT: Which is, I think, routine in Iowa
24 that once there's an application on file you start
25 getting them is my understanding.

1 MR. BRANHAM: So I don't know the answer in
2 Iowa. What I do know is that my e-mail address is
3 routinely put on cases in which I am not pro hac-ed;
4 right, because you can enter a number of just, like,
5 your inner staff. They're getting things to be able to
6 put in the file, that kind of thing. So in retrospect,
7 it should have tipped me off that there was a problem.
8 But I get lots of e-mails about lots of cases which I'm
9 not pro hac-ed, because my e-mail is simply on there,
10 not as a pro hac lawyer, but as an also notified
11 person. And so it was not something that was surprising
12 to me that I was getting information on the Rhodes
13 case. I knew something about the Rhodes case. In
14 retrospect, what it should have done is make me ask the
15 question where is that pro hac; right?

16 THE COURT: Exactly.

17 MR. BRANHAM: One hundred percent. Absolutely
18 should have been something it did, but that's why it
19 did not. And one of the things that we need to do is
20 come up with a system to make sure that we're
21 differentiating; right, in other words.

22 THE COURT: I'm not following you.

23 MR. BRANHAM: I'm sorry. So as opposed to just
24 getting e-mails because you've been put on an e-mail
25 for a case --

1 THE COURT: Oh, I understand.

2 MR. BRANHAM: Right. Because it should have
3 flagged had it for me, but it didn't. And so to answer
4 the Court's question, the first time I knew there was a
5 pro hac was when Ford and Honeywell filed the motion.

6 THE COURT: Does it make sense to you what I
7 stated earlier to Ms. Dean, that if I know I'm getting
8 in a case pro hac vice that I go to my paralegal, the
9 staff member, secretary, whomever I work the closest
10 with, and give him or her the direction if I don't do
11 it myself, review it right then and there and sign it
12 basically is what I told Ms. Dean. Why aren't you doing
13 these yourself?

14 MR. BRANHAM: It does.

15 THE COURT: I mean, I appreciate the remedial
16 matters that you're taking with the firm and certainly
17 the training, but you've taken a day out of your
18 practice to fly to Iowa to be before a very frustrated
19 judge on this very issue that is so easy to rectify. I
20 got an idea; draft it yourself.

21 MR. BRANHAM: This is what makes it so
22 frustrating in addition to all of the other emotions;
23 right? I dare say that I'm glad that you had a good
24 experience with Lisa and Kevin, because I feel like
25 we're as good as anyone in the country. And this is

1 embarrassing. This is frustrating. It's frustrating for
2 100 reasons, 99 of which are not your problem but ours;
3 because we felt we had done it in a way that would
4 solve this problem. We didn't. It didn't work. I'm
5 embarrassed by that. I'm frustrated by that. I'm
6 frustrated that you're frustrated by that. This gets in
7 the way of us representing our clients and doing the
8 best job that we know how to do for them. And so that's
9 where we are, and that's why we came.

10 THE COURT: Mr. Branham, I appreciate your
11 comments and I believe they're sincere and there's some
12 humility in the words, and I appreciate it.

13 Mr. Horn, this is your opportunity to answer
14 some of the same questions. Let's begin with that one
15 about when you learned you were going to be involved in
16 this case.

17 MR. HORN: Well, I had a unique position in
18 that I helped put together the complaint in the case,
19 Your Honor. Typically, one or a small group of lawyers
20 will get together and put together the complaint. And
21 then from there, a team will be assigned, a case
22 manager will be assigned to oversee the case. So I knew
23 of the case's existence but was not entirely sure when
24 I was going to be pro hac-ed in.

25 THE COURT: At some point, you had to have

1 learned that you were going to make application; right?

2 MR. HORN: I'm sure at some point I did, Your
3 Honor. Typically, when there is something like that
4 when there is a notification given or someone says
5 maybe you should get pro hac-ed in or instructed to be
6 pro hac-ed in, my personal practice is I generally look
7 at the calendar say well, is there anything pressing I
8 need to appear at in the near future. And in that
9 circumstance, I would kick start the process in urgent
10 fashion to make sure it gets done in time so that my
11 appearance or my assistant's can take place. I didn't
12 see anything on the horizon that was going to be
13 involving my either making an appearance or a
14 deposition or something of that nature. So although I
15 knew that there was going to be a time that I was pro
16 hac-ed, I was not under any sort of time obligation to
17 get it done in the near term. And sometimes if you're
18 in a situation where you need to, you know, where
19 there's a limit on the number of pro hacs in a given
20 year, or over a certain amount of time, you know, we
21 try to wait a bit before pro hac-ing in just in case
22 ultimately the pro hac is not necessary.

23 THE COURT: Were you surprised to learn that
24 you had been pro hac-ed into this case?

25 MR. HORN: Yes, Your Honor.

1 THE COURT: When did you learn that you had
2 been admitted pro hac vice?

3 MR. HORN: When it struck me that occurred, it
4 was right around the time of the hearing. I think,
5 obviously, the red flags went up when the motion was
6 filed; and then I think Jeff and Trey discussed
7 measures were taking place.

8 THE COURT: So you're having the Court believe
9 that you were not aware that there had been an
10 application with a signature on it in your name to be
11 admitted pro hac vice? You did not know that?

12 MR. HORN: When I knew that I was going to be
13 admitted pro hac vice, I know the process was sort of
14 in the hoppers of the process to begin. I think -- I'm
15 just going through e-mails right now. Something came
16 from the Court on the 18th of February. I passed that
17 along. And then the next thing that I understood was
18 what ultimately brought us here.

19 THE COURT: Which was what, the motion?

20 MR. HORN: Yes, Your Honor.

21 THE COURT: And so when you received that
22 motion or learned about the motion, you had no
23 understanding that you'd already been admitted pro hac
24 vice in this case by this judge?

25 MR. HORN: I had, like Mr. Branham, received

1 the sort of the notifications that were coming through
2 the Court. So in one sense, I understood that I was on
3 the list, but to the extent that -- that there was an
4 application filed with my name and signature on it, as
5 Mr. Branham pointed out, I did not authorize the
6 signature. So in that context, I did not know.

7 THE COURT: Mr. Horn, when was the last time
8 that you personally completed an application form or
9 drafted an application to appear in any state pro hac
10 vice?

11 MR. HORN: That I personally did so, Your
12 Honor? Is that what you're asking?

13 THE COURT: Yes.

14 MR. HORN: It has been some time since I
15 actually filled out a form. I do answer questions. For
16 instance, last year I can't put my finger on the
17 jurisdiction, but sometimes they require affidavits
18 that are signed and notarized, you know. So those
19 circumstances some were not necessarily all the
20 clerical stuff, but sometimes that involves me
21 providing certain information, and, of course, taking
22 that to get notarized.

23 THE COURT: Would you agree with me, Mr. Horn,
24 it's poor practice to push this down for some paralegal
25 to take care of when ethically and professionally

1 you're the one that ought to be putting together the
2 application?

3 MR. HORN: Yes, Your Honor. I offer no excuse
4 for that.

5 THE COURT: Well, the one thing we've learned,
6 counsel -- not only you, Mr. Horn, but Ms. Dean and
7 Mr. Branham -- there's been -- there's better practices
8 when it comes to applications for pro hac vice. And I
9 appreciate the remedial measures taken by your firm,
10 but this judge doesn't think they go far enough. I
11 think there's a real simple response. Every attorney in
12 your firm ought to draft their own. They're the
13 statement to the Court.

14 I just -- Again, I'm so frustrated to get my
15 head around why someone would draft something to the
16 Court or present something to the Court that wasn't
17 their word. I know you've got plenty of paralegals or
18 young attorneys, associates working on pleadings; but
19 it's the signature at the bottom that this judge is
20 concerned about. Who is the attorney, that officer of
21 the Court, that's reviewed the pleading and any
22 attachments or reference and made sure that it's fair
23 and accurate and honest? That's all this judge or any
24 judge wants.

25 And again, I'll repeat myself, how frustrating

1 it is to be here. I'm not taking any pleasure in this,
2 because I want to do what all of us are in this
3 profession to do is for you and opposing counsel to
4 appear before me, be zealous advocates, present your
5 cases well, brief them well, and put some hard work on
6 my lap; but then I spend time with, put in the time,
7 and write a decision that some of you aren't going to
8 be happy with. Maybe in some cases no ones happy with,
9 but, you know, there's procedures to follow when you're
10 not. And I don't want to make this some huge global
11 issue, but it's important that we pare it down to how
12 important the fundamentals are in the practice of law
13 just like in baseball. You got to handle the
14 fundamentals, and you personally have to handle it.

15 Now, I've said enough and I need to probably
16 make a decision and move on in this, but I wanted to
17 give all three of you an opportunity to make any
18 comments or questions you may have for me. I'll start
19 with Ms. Dean and head to Mr. Branham then Mr. Horn.

20 Ms. Dean?

21 MS. DEAN: Your Honor, at this again, I want to
22 thank you for this time. I was born and raised in St.
23 Louis. I'm one of eight kids, and the first to go to
24 college. And I love what I do, and I hope to keep
25 doing it.

1 THE COURT: I understand.

2 THE COURT: Mr. Branham?

3 MR. BRANHAM: Your Honor, thank you again for
4 the time. I told you what I thought. I hope I've
5 answered your questions and happy to answer anything
6 else you have.

7 THE COURT: Mr. Horn, anything else?

8 MR. HORN: I would like to thank the Court for
9 his candor and sharing his time today. I give our
10 deepest apologies for the situation I not only put the
11 Court in but put ourselves and others in.

12 THE COURT: Thank you, Mr. Horn. I'd ask you
13 all to sit tight, as I am going to as well. I'm going
14 to make some quick notes, and then I'm prepared to make
15 a ruling.

16 (A brief recess was taken at 3:34 p.m.)

17 (The proceedings continued on the record at
18 3:43 p.m.)

19 THE COURT: We're back on the record. The
20 Court, after a brief off the record period of time, sat
21 on the bench and made some final notes, and I am
22 prepared to make a final ruling on each -- prepared to
23 make a final ruling on each of the final -- or the
24 three submissions, applications for pro hac vice.

25 First of all, let me say that with respect to

1 all three of them, of the attorneys that are currently
2 in front of me, all three of you apologized and I
3 accept your apology. I also state with respect to the
4 instances and circumstances surrounding all three
5 applications, that is, the application of Jessica Dean,
6 the application of Charles Branham and the application
7 of Ethan Horn, that I don't find any intent to deceive
8 the Court.

9 However, this is more than a process problem.
10 I think one of you described it as a process problem.
11 This is poor practice. It's unacceptable practice. I
12 think it's unprofessional.

13 Ms. Dean, I again appreciate you traveling to
14 my court to be heard. I believe today, and in your
15 response, you've been candid with the Court, but I'm
16 left with the inaccuracies in your initial application
17 for pro hac vice, and they cannot be ignored. As you
18 note, you now know they initially did not reveal the
19 denial of pro hac vice in Connecticut, and they didn't
20 mention the sanctions in Minnesota. And again, the
21 Court just cannot ignore that as a gatekeeper in this
22 district and the state and probably beyond. And for
23 those reasons, I, in the discretion of the Court, am
24 denying your application for pro hac vice.

25 Mr. Branham, I appreciate your candor with the

1 Court today and you, again, traveling to Iowa. You
2 resubmitted your application voluntarily, and the Court
3 notes that. And you've also assured the Court that you
4 will follow better practice as we've discussed in the
5 future. I think you will understand how unacceptable
6 the procedure that was followed by your firm concerning
7 the pro hac vice application process. The Court also
8 notes that you have less than five admissions, and in
9 the Beverage case, I think brings your total to two in
10 this state. And for all those reasons, the Court is in
11 it's discretion granting your application for pro hac
12 vice.

13 Mr. Horn, I appreciate your candor with the
14 court today. Some of your responses probably were as
15 alarming as Ms. Dean's concerning that you didn't even
16 know that you'd filed the application. However, you too
17 have resubmitted your application voluntarily and have
18 assured the Court that you will follow better practices
19 in the future. And I note that your only other
20 admission in this state is in the Beverage matter. For
21 all those reasons, the Court is granting your
22 application pro hac vice.

23 I want all three of you to leave here knowing
24 that this judge's experience with Mr. Paul and
25 Ms. Shirley is important. As I stated, I found them to

1 be respectful to the Court, zealous advocates, and I
2 also found them respectful of their opposing counsel.
3 And I would expect nothing short of them in the future
4 if they were before me in this case or any of you that
5 have been granted pro hac vice.

6 I'm going to leave with a final observation.
7 Ms. Dean, this is directed at you. I appreciate how
8 this ruling is going to affect you personally and
9 professionally. And that's not lost on me. And I take
10 no pleasure in that. I also think it's important to
11 note the remedial measures that you have taken and your
12 response to me that if I was going to request that you
13 do that personally that you would do so. And I hope
14 you -- you follow that because even though I'm not
15 allowing you to make an appearance in this particular
16 case doesn't mean that that assurance issue be lost.
17 And I say that because I didn't know if I'd have the
18 pleasure of having Mr. Paul or Ms. Shirley in front of
19 me again. I don't know when the next time any of --
20 Mr. Stamp's from Waterloo. I don't know if he'll be
21 back, but he may. And if you have a case in the Fourth
22 District of Iowa, I've been around a while, but I need
23 to be around even longer because I've got kids in
24 school, just getting out of school, so I'll be here
25 until I'm 70, 72.

1 If you have a client in this district, I'm not
2 going to tell you that you should be shying away from
3 Judge Davidson or any of my colleagues in filing an
4 application pro hac vice. Just know that we're going to
5 be reviewing it closely like I hope we do all
6 applications. And with yours, I -- I'd be looking for
7 a track record from February 25th, 2021, forward on how
8 you and your firm make application pro hac vice to this
9 Court or any Court. And if I'm satisfied that you
10 otherwise, based on your application, should be
11 admitted and I see not only remedial measures but the
12 fact you personally are preparing and signing those
13 documents and have had no other problems, then I'm
14 going to follow what I started with today, Rule
15 31.14(7) that states any application ordinarily should
16 be granted unless the Court or agency finds any one of
17 those following -- and I won't repeat them, but you
18 know the four.

19 I don't think I need to say any more about your
20 application, Mr. Branham, or Mr. Horn's. I'm just
21 eager to get to work on this case with attorneys from
22 your firm, Ms. Dean.

23 Mr. Branham, I don't know, maybe you'll be
24 involved personally.

25 Mr. Stamp, I'll probably get a chance to see

1 you as local counsel again, and I'm certain I'll
2 probably see Ms. Shirley and Mr. Paul and maybe others.
3 And I'll get a chance to be in a courtroom with defense
4 attorneys who -- some of whom I know like Mr. Hughes
5 sitting in the back of the courtroom here, Ms.
6 Chaplinsky, who I've worked with before. I'm ready to
7 roll up my sleeves and go to work in this case, and
8 that's where I want to leave this case. Let's go to
9 work. But be ever mindful with this judge, and I dare
10 say any judge, give me the facts, because the only way
11 I can make a decision is based on facts.

12 And with that, we're adjourned.

13 (The proceedings concluded at 3:52 p.m.)

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CERTIFICATE OF REPORTER
STATE OF IOWA)
) ss
COUNTY OF POTTAWATTAMIE)

I, Ellen Ross, a Certified Shorthand Reporter,
Registered Professional Reporter within and for the
State of Iowa, do hereby certify that the proceeding
that appears in the foregoing transcript was duly taken
by me; that the proceeding was taken by me to the best
of my ability and thereafter reduced to typewriting
under my direction; that I am neither counsel for,
related to, nor employed by any of the parties to the
action in which this proceeding was taken, and further
that I am not a relative or employee of any attorney or
counsel employed by the parties thereto, nor
financially or otherwise interested in the outcome of
the action.

/s/ Ellen R. Ross

Court Reporter in and for
The State of Iowa