

ISBA's new VP pushes himself in and out of the courtroom, law office

(Editor's note: Robert VP Waterman, Jr., comes from a family name that probably doesn't need much of an introduction for most attorneys in Iowa. As he mentions below, lawyering has been in the family a long time. In fact, he's the fourth generation in the Waterman clan to practice law at a law firm established in 1854.

Many of his colleagues across the state may not know, however, that he pushes himself as hard outside of the courtroom and his office at Lane and Waterman LLP in Davenport as he does inside. His passion for various community activities along with his prior involvement in extreme sports and his current involvement with auto crossing test the limits of his emotional and physical abilities.

Recently the Iowa Lawyer asked Bob to talk about himself as an attorney, citizen, and husband and father in an attempt to let members know what makes this newest member of the ISBA officer ranks tick. Here are his responses:)

Q: Why did you become a lawyer?

A: My dad, grandfather, great-grandfather, three uncles and a cousin were all lawyers. So my interest in becoming a lawyer was fostered at an early age. During the summer following my junior year at Northwestern University, I interned at the Public Defender's Office, Juvenile Division, for the City of San Francisco. Between living with and around lawyers growing up and my exposure to the law at the SF Public Defender's Office, I never thought of being anything but a lawyer.

Q: How has the motivation to become a lawyer and be a lawyer changed over the years — if it has changed?

A: I was initially drawn to the idea of becoming a lawyer because my dad was so passionate about the law. He used to tell me that you spend a great deal of your life working, so you want to choose a field you really enjoy — and for him that was being a lawyer. I also had an interest in carrying on the family tradition as well as the legacy of a law firm established in 1854. Based on what I observed of the lawyers in my family and my internship experience at the SF Public Defender's Office I saw law as an opportunity for a challenging and fulfilling life. For me, it has been both.

Q: What areas of the law do you practice in primarily?

A: I am primarily a civil defense trial lawyer practicing in the areas of professional liability, product liability and insurance coverage litigation.



Bob crosses the finish line with his wife Kim at his side in the 2002 Ironman Triathlon World Championship in Kailua-Kona, Hawaii. His time of 15 hours, 40 minutes and eight seconds is shown in the upper left. An ironman triathlon requires the athlete to bike 112 miles, swim 2.4 miles and run 26.2 miles in under 17 hours.

Q: How did you gravitate to those areas?

A: My dad introduced and helped train me in the area of medical malpractice defense work. Product liability cases followed and the insurance coverage work developed from the Fireman's Fund v. ACC Chemical case discussed below.

Q: After 28 years as an attorney, what have been some of the highlights you've experienced in your career?

A: Initial highlights in my career included second-chairing my dad in medical malpractice jury trials. Those early experiences, with my dad and opposing counsel like Jim Hayes, Lex Hawkins, Tom Vilsack, and Pat Roby, were very exciting and ignited my own passion for being a trial lawyer. I also was so fortunate and grateful to learn from such masters.

After about seven years of practice I was lead counsel in defending a medical malpractice wrongful death case against a well known and difficult opposing counsel from Chicago who had met with a fair amount of success in the Scott and

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Rock Island County courts. What a thrill and boost to my self confidence when the jury returned a defense verdict for my client doctor.

A few years and a dozen jury trials later I was retained as lead counsel to represent one of the target defendants in a complex action involving insurance coverage for environmental claims at a 230-acre superfund site in Clinton County. All of the other lead counsel were from big cities like New York, Washington, D.C., and Los Angeles. After three years and hundreds of depositions, the case went to trial in Clinton County for 10 weeks during the summer of 1993. The policy holder sought more than \$40 million in cleanup costs. After two additional weeks of deliberations, the jury returned a verdict of \$19 million, which was reduced by the trial court to \$5 million because of pollution exclusions in some of the policies. But on appeal, the Iowa Supreme Court, presented with numerous issues of first impression that had divided courts around the country, held that notice by the policy holder was late and prejudicial as a matter of law, defeating coverage. *Fireman's Fund Ins. Co. v. ACC Chemical Co.*, 538 N.W.2d 259 (Iowa 1995).

Following that successful result, I was assigned additional cases from this same client that led to my handling as lead counsel cases in 13 other states, from New York to California. Not only has it been exciting litigating with and against many very competent trial attorneys from around the country, I have made numerous friendships and learned about common issues facing our profession outside of Iowa and Illinois where our offices are located.

Q: What have been some of the frustrations, or things you would do differently, in hindsight?

A: When I started in practice in 1981, it was common for lawyers to have second chairs at trial. This was not only a help for the lead trial lawyer trying the case, it provided excellent training for the second chair. Today, many clients will not approve of second chairs at trial, which has taken away that trial assistance and, more important, the training ground. This coupled with the steep decline in jury trials has made it more difficult for

new lawyers to get the same trial experience today. As a result, we trial lawyers face an increasing challenge in how to best train our new trial lawyers.

Q: Why did you want to become an ISBA officer?

A: I am "a joiner," or one of those people who enjoys being involved in extra-work activities, and have been drawn to leadership positions in a number of professional and community organizations. I also believe in the saying: "To whom much is given, much is required." I have been given a lot in my lifetime and believe I have a duty and obligation to give back. Additionally, I wanted to carry on the tradition of other partners at Lane & Waterman who served as ISBA Presidents, like Bob Van Vooren and Tom Kamp.

Q: What do you hope to accomplish as president, realizing that you're two years away from becoming president and a lot can change in those two years?

A: My goal as president will be to continue the excellent service provided to our almost 8,000 members during a time when our state is suffering from an historic budgetary crisis. But out of this crisis will come opportunities to make improvements in the delivery of legal services in Iowa. I am confident that the ISBA's current Task Force to Study the Enhanced Delivery of Legal

Services Throughout the State of Iowa, with input from our recent member survey, will greatly aid our legislature as it considers ways to most effectively fund the judicial branch budget. As president, I hope to help implement those task force recommendations that best meet the needs of our members.

Q: What would you say are the strengths of the ISBA?

A: As the oldest voluntary bar association in the country, the ISBA has too many strengths to mention here. But to name a few: Its excellent CLE seminars; the IowaDocs and FastCase legal research available to members; its staff leadership directed by Dwight Dinkla and Harry Shipley; its lobbyist Jim Carney who does a superb job representing the ISBA's interests in the legislature; and the leadership provided by the Board of Governors and its officers.

Q: How about areas that could use some improvement?

A: This year the Board of Governors approved certain recommendations from the ABA 2008 Operational Survey of the ISBA that are designed to revitalize, energize and better utilize our sections and committees. I look forward to these changes being implemented, which should lead to improvements in those areas. I also would like to see greater racial diversity on the BOG.



The Waterman siblings (from left) Tom, Jim, Julie and Bob in their wetsuits prepare to start the 2.4-mile swim portion of the Lake Placid Ironman Triathlon in 2001. All four finished.

Q: What kinds of community activities are you involved with?

A: I am past president and currently on the board of directors for the Davenport Friendly House, a social service agency that has been helping less fortunate people from adolescents to the elderly for more than 125 years. I also am a trustee of the Hubbell-Waterman Foundation, a philanthropic organization that supports many charitable causes in the Quad Cities, and am past Senior Warden of Trinity Episcopal Cathedral and current member of its investment committee.

Q: Why those particular activities?

A: These activities reflect my interests in philanthropy in general, helping the poor and less fortunate in particular, and my church.

Q: How do you like to spend your free time? Hobbies? Etc.?

A: Now that my wife Kim and I are empty nesters, we spend more time enjoying one another's company, visiting friends and family and traveling. After completing three Ironman triathlons and numerous marathons, I now try to stay in

shape with running and walking our three dogs. I also have a 1991 Porsche 911 that I enjoy tinkering with and driving on race tracks in Wisconsin, Illinois and Indiana.

Q: On a personal note, where were you born and raised, how many siblings, etc.?

A: I was born in Moline, Ill. and raised in Bettendorf, where I attended the public school system. I have two brothers, Tom (a partner in our law firm) and Jim (Dallas, Texas), and three sisters, Cathy (Annapolis, Md.), Libbet (Red Hook, NY) and Julie (Washington, D.C.). I am second oldest behind Cathy. My mom, Kitty, lives in Bettendorf eight months of the year, spends about four months each year in Naples, Fla, and as much time as she can visiting her six children and 14 grandchildren.



Bob Waterman heads into a turn in his 1991 Porsche 911 at Putnam Park in Indiana. He has participated in road rallies in Illinois, Indiana and Wisconsin.

Q: How many children do you and Kim have, and where are they in life?

A: Kim and I have two sons, David and Michael. David is 22 and graduated summa cum laude and Phi Beta Kappa from George Washington University this past May. He is currently working and studying for the LSAT in Washington, D.C, conducting public policy research, and preparing to attend the University of Cambridge in England starting in October, for a one-year Master of Philosophy (M.Phil.) program in Political Thought and Intellectual History. David hopes to attend law school in the fall of 2010.

Michael is 20 and has completed his sophomore year, also at GWU, is working this summer in Washington, D.C., at RBC Wealth Management and preparing to enter his junior year at GWU.

Q: How about Kim. What does she do?

A: Kim has been a stay-at-home mom since our boys were born. A few years ago she developed a passion for therapy dog work which she does with one or more of our three Cavalier King Charles Spaniels. She currently visits local hospitals, nursing homes, an elementary school and the Hospice House seeing patients and school children with our dogs about four days each week. Kim also is on the board and chair of the Genesis Foundation that supports local healthcare.

Most recently, Kim started a business out of our home working for a privately held network marketing company called Xango which offers healthy products, including Mangosteen juice, a skin care line, vitamins and supplements.



The Waterman family (from left), Michael, Bob, Kim and David with their three dogs (from left) Buddy, Benny and Brady pose for a Christmas card photo in September 2008 outside the couple's home in Bettendorf. Both sons currently live and work in Washington, D.C., where David graduated from George Washington University in May and Michael is a junior at GWU.