

James C. Hanks

Biography

Jim is retired from the Ahlers & Cooney law firm having worked with clients on a wide range of complex issues.

Jim combined extensive education knowledge with a public/private sector employment and traditional labor practice and served as the Chief Negotiator in State collective bargaining for former Iowa Governors Tom Vilsack and Chet Culver.

In his education practice with Iowa schools, Jim had proven to be a valuable advisor to his clients as a strategic problem-solver on a diversity of issues, while being sensitive to the mission of education organizations. His specialized expertise included counsel on issues such as: reviewing and drafting board policies and procedures, contracts for services, and public contract matters; advising on board/school management responsibilities, open meetings and open records compliance, school finance issues, environmental problems, gift laws and elections laws; representing school boards and administrators on student rights and discipline adjudications, civil rights complaints and various litigation issues; representing school districts in proceedings involving special education programs and services; and counseling school districts on constitutional issues including freedom of speech, freedom of religion, due process requirement, and equal protection. On the legislative level, he had been instrumental in directing and shaping the on-going debate concerning amendments to the Public Employment Relation Act and the teacher contract termination law.

Jim's employment and labor practice included: representing, advising, and counseling school districts in their labor negotiations and labor relations, including negotiating contracts and representing the districts in mediation, fact finding, and arbitration; working with administrators in investigating and responding to allegations of employee misconduct; representing school districts in grievances filed under the collective bargaining agreements with the district's organized employees; advising school districts regarding discipline and discharge of employees in the organized units as well as other employees; preparing personnel policies and administrative procedures; and representing school districts in all matters involving claims of discrimination filed with the EEOC and the Iowa Civil Rights Commission.

Jim was born in Chicago, Illinois. He was nominated for a Rhodes Scholarship in 1972 by the University of Iowa.



Education

J.D. (High Distinction), University of Iowa, 1975

B.A., University of Iowa, 1972

Bar Admissions

Iowa, 1975

Court Admissions

All Iowa Courts

Representative Projects

Education

- Counseled school districts with regard to numerous constitutional issues, including student speech and publication issues, employee and union speech issues, student religious exercise issues, establishment of religion issues, due process procedures, and equal protection claims.
- Counseled school districts with regard to the closing of attendance centers, the restructuring of grades, and workforce reductions, and successfully represented districts in appeals and contested case proceedings regarding such decisions.
- Counseled school districts in the investigation of incidents of student misconduct, including student protests, harassment, acts and threats of violence, possession, sale, and distribution of drugs, student searches and the use of drug-sniffing animals, misuse of computers and other technology, altering of grades, and violations of good conduct policies; successfully represented school districts in appeals of student discipline decisions.
- Counseled school districts with regard to numerous Open Meeting Law and Public Record Law issues, including challenges to compliance with the laws and responses to extensive requests for production of records.
- Successfully represented school districts in appeals of board decisions to the Iowa State Board of Education.

Employment and Labor

- Successfully negotiated multiple collective bargaining agreements for the State of Iowa in each of the negotiations for 1999, 2001, 2003, 2005, 2007 and 2009 while serving as the chief labor negotiator for former Governors Tom Vilsack and Chet Culver. The bargaining agreements cover more than 15,000 employees in the Executive Branch of state government.

- Successfully served as chief negotiator for the Iowa Department of Human Services and successfully bargained a Memorandum of Understanding with the American Federation of State, County and Municipal Employees covering more than 2,000 home health care providers. Also, successfully bargained a Memorandum of Understanding with the American Federation of State, County and Municipal Employees covering more than 6,000 day care providers. Both Memoranda were negotiated to comply with Executive Orders issued by Governor Tom Vilsack.
- Negotiated over 800 collective bargaining agreements, including bargaining agreements for school districts, area education agencies, community colleges, cities, counties, libraries, airports, and for private sector clients.
- Negotiated numerous separation and last chance agreements on behalf of public employers, including agreements with chief executive officers, superintendents, and union-represented employees.
- Successfully represented clients in Fair Labor Standards Act audits and compliance proceedings before the United States Department of Labor.

Memberships

American Bar Association – Sections: State and Local Government Law, Employment and Labor Law

Iowa State Bar Association – Section: Employment and Labor Law

National School Boards Association, Council of School Attorneys (Past Chair)

Iowa Council of School Board Attorneys (Past Chair)

Recognitions

Martindale-Hubbell® – AV® Rating

COSA (National Council of School Board Attorneys) - Lifetime Achievement Award (2018)

Best Lawyers in America© (1995-2019)

- Labor Law - Management
- Employment Law - Management

Chambers USA – Labor & Employment (2008-2019)

Super Lawyers Great Plains – Employment & Labor Law (2007-2018)

Speaking/Presentations

For the past 20 years, Jim has been a frequent and popular speaker on both education and employment topics at the state and national levels for organizations such as:

National

- National School Boards Association
- National Association of State Boards of Education
- Education Law Association
- National Public Employer Labor Relations Association
- American Bar Association

State

- Iowa State Bar Association
- Iowa Association of School Boards
- Council of School Board Attorneys – Iowa, Nebraska, Kansas, Michigan
- School Administrators of Iowa
- Iowa Association of School Business Officials
- Iowa Superintendents Finance and Leadership Consortium
- Iowa League of Cities
- Iowa State Association of Counties
- Iowa County Engineers Association
- Iowa State Association of County Auditors
- Iowa Association of Municipal Utilities
- Iowa Municipal Finance Officers Association
- Iowa Public Employer Labor Relations Association
- Iowa Public Employment Relations Board
- University of Iowa College of Law

Published Articles & Books

American Bar Association, Section of State and Local Government Law, *"School Bullying, How Long is the Arm of the Law? Second Edition,"* Author, 2015

American Bar Association, Section of State and Local Government Law, *"School Bullying, How Long is the Arm of the Law?,"* Author, 2012

American Bar Association, Section of State and Local Government Law, *"School Violence,"* Editor and Contributing Author, 2004

National School Boards Association, Council of School Board Attorneys, Annual Proceedings, *"Ethics and the School Board Lawyer,"* Author, 1995

National School Boards Association, Council of School Board Attorneys, Annual Proceedings, *"Fair Labor Standards Act Amendments of 1985, Inquiry and Analysis,"* Author, 1987

National School Boards Association, Council of School Board Attorneys, Annual Proceedings, *"Employment at Will,"* Author, 1984

Professional, Community and Civic Leadership

Iowa Legal Aid, Volunteer Intake Attorney

American Bar Association, State and Local Government Section Chair (2014-2015), Member of Council, Revenue Enhancement Officer, CLE Coordinator, and Chair of the Public Education Committee

National School Boards Association, Council of School Attorneys, Chair of Board of Directors (1991-1992), Board Member (1984-1995)

Iowa Council of School Board Attorneys, Past Chair of Board of Directors and Past Board Member

Iowa State Bar Association, Past Chair, Employment and Labor Law

Iowa Talented and Gifted, Board of Directors (2000-2008)