

Iowa's chief justice retires end of the month -

Louis A. Lavorato says goodbye to black robes, hello



Iowa Supreme Court Chief Justice Louis A. Lavorato points to the scale of justice in this painting entitled "Justice" that adorns the main floor west of the rotunda in the Judicial Branch Building. This mural is one of several that once decorated the ceiling in the old Supreme Court courtroom in the state capitol but were removed in 1904 because of a fire. All now hang in public rooms in the judicial building.

(Editor's note: Iowa Supreme Court Chief Justice Louis A. Lavorato retires on the 29th of this month after serving slightly more than 20 years as a Supreme Court justice, the last six as chief justice.

Justice Lavorato, who reaches the mandatory retirement age of 72 on that date, has seen many changes in Iowa's judicial system during his 20-year tenure, a number of which he was involved in implementing.

The Iowa Lawyer asked the chief to reflect on accomplishments he feels the court has made in the last two decades, as well as on challenges still ahead. We also asked him to share his advice for new attorneys and for attorneys who may be thinking about becoming judges. He was also gracious enough to share with us some of his personal plans for the future.)

Q. *Of your many achievements, which ones have brought you the greatest satisfaction during your years on the Supreme Court?*

A. Taking the oath of office as a Supreme Court justice was really a high point in my life. As a member of the court I've had the opportunity to contribute to some significant improvements in the administration of justice. But this is a team effort. If anybody gets any credit for achievements as far as the court system is concerned, it ought to be the Court and the rest of the judicial family – approximately 2,000 people in all.

We've had a lot of improvements as a result of information technology.

We started by automating all of our clerks' offices and administrative offices. This process began in 1987 and was done in 1997. We have dozens of electronic interfaces that share court records with state and local agencies. We moved nearly all of our legal research resources for all judges from books to electronic legal research. We set up e-mail for judges and court employees back in the mid-1990s when e-mail wasn't as common as it is today.

We have a website that just won an award as one of the top 10 court websites in the world, online access to court dockets that enables the public to search most of our court dockets free of charge, e-pay that enables people to pay their fines online and online viewing of the supreme court's oral arguments. Now, we're in the process of planning for electronic filing and document retrieval.

Our 1993 Equality in the Courts Task Force was another achievement. The task force examined the court and legal system for gender and racial bias. I was privileged to be the liaison justice for that committee. Then I chaired the court's implementation subcommittee.

Our 1996 Report on Planning for the 21st Century was a watershed. The report contained more than 90 recommendations designed to serve as a blueprint for reform

to a host of new activities

and innovation to lead the judicial branch for the next 20 years. The court has adopted most of the recommendations in some fashion and we use the report as a guide for our administrative decisions.

I'm especially proud of our judicial branch building. I was fortunate and privileged to co-chair that building committee along with Bill O'Brien, the state court administrator at the time. The building is a highly functional and beautiful structure, a structure that the people of Iowa should be mighty proud of.

Another major achievement of the Court was the recent update of the Code of Ethics for attorneys in line with the ABA model rules. It was four years in the making.

There are a number of exciting projects coming up. One I want to mention is our Child Welfare Initiative aimed at improving court processes for child welfare cases. Supreme Court Justice Marsha Ternus is heading up this project.

Q. How would you like to be remembered for your time on the court and particularly as chief justice?

A. I'd like to be remembered as an advocate for equal justice for everyone, for a fair and impartial court system and for the rule of law. That's important today because of the attacks we see on the judiciary and judicial independence. It's very important that we preserve our fair and impartial court system.

We have a wonderful judiciary in this state because it's based on merit selection. Judges are appointed based on merit not because of some political affiliation or ideology. And as result, it's not surprising that in the last five consecutive years, the judges in the state of Iowa have been selected by the national chamber of commerce as one of the top five states in the country for fair and impartial judges, and judges of competency and integrity.

The court is now embarking on a state outreach program. We're going to go out to the public and talk with them about

Iowa's great judicial system. If we're going to maintain the trust and confidence of the public, we've got to start a public dialogue about the role of our courts and the importance of preserving our fair and impartial courts. We need to explain how fair and impartial courts protect their rights.

I'd also like to be remembered as someone who worked to improve access to the court system. To me that's very important as far as the private citizen is concerned. We need to keep improving access, making it easier for citizens to use the court system.

Q. What are some of the major issues that Iowa's judicial system needs to address in the next decade?

A. One of the biggest problems that we face now and we're going to face – it's becoming more and more acute – is the organized attacks on our impartial courts by special interest groups seeking to control and dominate our third branch of government. We've always had attacks on the judiciary. But they've never been as intense as they are today. People are doing this for political gain. We have to do everything in our power to preserve the impartiality of our court system and the rule of law.

Judges swear to uphold the Constitution of the United States and the Constitution of the State of Iowa. To the extent that we deviate from the rule of law, we're violating our oath.

I'm sure judges keep that in mind constantly. I know I do. I just try my darnedest to make sure that my decisions are according to the rule of law and not because some special interest group wants me to vote this way or that way regardless of how much it might hurt me from a career standpoint, or the criticism it might draw. I think all Iowa judges feel that way.

You know what's the nice part of this? Talking to business people who have lawsuits tried all over the country, they love to come to Iowa to have their cases tried because they know they're going to get a fair shake. I hear this from business people

who have business interests in numerous states. They can walk away knowing that they got a fair shake.

Pro se litigation is another issue we must address. The number of pro se litigants is growing by leaps and bounds. That is an access to justice issue. We've just started work on this issue through our pro se family law forms committee. But we have to keep going in that direction.

Another access to justice issue is courthouse security. I recognize that small counties don't have the financial resources to do the kind of courthouse security they need. The state has got to recognize that it has an obligation to step in and help these counties get the job done. If security in courthouses is absent, people are going to be afraid to come to the courthouse. To that extent you're denying access to the public.



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Q. What advice would you give attorneys who may be thinking about seeking a judgeship?

A. Let me give you what I did. I don't know if this is what everybody should do, but I think they should:

- Do everything they can as far as Bar activities are concerned. I was on the Uniform Jury Instruction Committee for 10 years; I chaired it at one time.
- Develop a reputation for fairness and honesty. When a lawyer asks you to do something and you give him or her your word, do it. Don't back off.
- Take part in community activities.
- Follow the professional standards of civility as standards of conduct and live by them. The underlying rule is the golden rule – do unto others as you would have them do unto you.
- Do the best job you possibly can, especially as far as your clients are concerned. The minute you start slacking off and being unprepared, it'll come back to haunt you.
- Find a mentor. That's very important.

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With the big firms, it may not be so much of a problem. But young lawyers going into solo practices or small firms really need the mentors. They need to call up an older lawyer and get some advice from him or her.

When I was a young lawyer my mentors were judges. If I was trying a case in a judge's court, after it was all said and done, I'd ask the judge to critique my trial work and tell me what I was doing wrong. I wasn't afraid to ask questions. I wasn't afraid to ask for advice. The lawyers and the judges loved it. They had time for me. They answered my questions. They critiqued my performances.

Q. What do you plan to do in your retirement?

A. September 29 is my birthday. I'll be 72, which is the mandatory retirement age for judges. At midnight my judicial career ends and I ride into the sunset. If the court approves my application for a senior judgeship, I'll be a senior judge.

My primary duties, if I'm approved as a senior judge, will be to rule on motions, work with the justices on screening cases – cases that need to be kept here, cases that need to be sent to the Court of Appeals.

I love our judicial building so much that I probably will continue to give tours.

For recreation, I love golf. I'll continue to play with my foursome on weekends and maybe pick up a day or two during the week.

I love to read and I want to get away from reading just law materials. I want to read



Chief Justice Lavarato will sit in this chair in the Supreme Court courtroom for the last time on Sept. 29, the day he reaches mandatory retirement age.

something that doesn't have anything to do with the law.

I want to do some traveling. I haven't been able to do much traveling because of my position. The chief has to be around; you never know what's going to come up.

I can take some golf junkets, which my wife, Janis, won't want to go on. I've always wanted to go on some of those, but have never been able to do so.

Janis is a court reporter at Polk County who works for Judge Scott Rosenburg. She can retire in about eight years. So, I'm going to be home cleaning house, cutting grass, shoveling sidewalks, doing the grocery shopping and the laundry, and cooking. These are all things I know how to do.

I'm not going to rot away.

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Patrick W. O'Bryan • O'BRYAN LAW FIRM

patrickobryanlaw@msn.com

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300 Walnut Street, Suite 125, Des Moines, Iowa 50309

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