

# February Luncheon

The February Luncheon will be a special event honoring **Robert Oberbillig**, retiring Director of Legal Aid Society of Polk County, and all attorneys committed to the provision of legal assistance to the poor in Polk County. The Honorable Robert Pratt, U.S. District Court Judge for the Southern District, will speak in honor of Robert Oberbillig. Chief U.S. Magistrate Celeste Bremer also will speak. Her topic will be "Attorneys and Public Service." It is anticipated that one-half hour of ethics credit will be approved for this portion of the program. Please join us for this special event. Tickets will be \$13 preregistered and \$15 at the door.

February 11, 2003 at 12:00 p.m. at the Savery Hotel

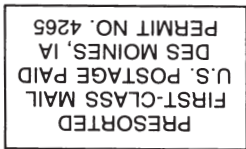
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Additional Guests: \_\_\_\_\_ x \$13 ea. = \_\_\_\_\_

\_\_\_\_\_  
Mail to: Carol Burdette, Polk County Bar Association,  
521 E. Locust St., Suite 302, Des Moines, IA 50309-1939 or fax to 515/244-8845



Polk County Bar Association  
512 E. Locust, Suite #302  
Des Moines, IA 50309-1939



# THE ADVOCATE

THE NEWSLETTER OF THE POLK COUNTY BAR ASSOCIATION. • FEBRUARY 2002

## New Year Brings Challenges, Opportunities

The merger of Legal Aid Society of Polk County and Legal Services Corporation of Iowa became effective with the beginning of the new year. Iowa Legal Aid is now a functioning entity operating under the capable leadership of Dennis Groenenboom. At this juncture, I think it is worthwhile to take a moment to reflect upon the role Polk County attorneys have played in the delivery of legal services to the poor in our community and to think about the challenges that will be presented to us in the future.

First of all, we in the Polk County Bar can be very proud of the services Legal Aid Society of Polk County provided to economically disadvantaged citizens from the time of its creation through its merger into Iowa Legal Aid. The lawyers of Polk County played a large role in its success by contributing hundreds of hours of volunteer time as board members, volunteers, and recipients of in-kind referrals. Of course, Polk County lawyers also need to be thankful for the dedicated service of the Polk County Legal Aid Society lawyers and other employees who often worked under less than perfect conditions to provide legal services to the poor and disadvantaged of Polk County. Polk County Legal Aid Society was extremely fortunate to have Robert Oberbillig as its only director. Bob's dedication and professionalism in providing legal services for the poor in Polk County was exemplary. We wish Bob much happiness in his future endeavors and express deep gratitude for his years of service.

In part because of the merger of Polk County Legal Aid and Legal Services Corporation of Iowa into Iowa Legal Aid and, in part, because of economic conditions, it is anticipated that the volume of work for the Polk County Volunteer Program will increase in 2003. Because of the anticipated increase in need for VLP services, each of you is encouraged to give serious consideration to assisting the Polk County Volunteer Lawyer Program in meeting the challenge. Cash contributions are always welcome and needed. In addition, serving as a volunteer lawyer can be personally quite rewarding. The Polk County Bar Association will be working in close cooperation with the

Polk County Volunteer Lawyer Project to see that the level of legal services to the Polk County poor does not decrease in 2003.

The current year also brings with it new challenges concerning the general administration of justice in Polk County. Anticipated judicial redistricting and an antiquated courthouse present urgent issues. The Board of Directors did authorize our association to become actively involved in working with the County and the judiciary in attempting to find solutions to the issues of overburdened judges with inadequate facilities. Any suggestions you may have in this regard will be appreciated and can be communicated to any member of the Board of Directors.

Finally, I would encourage each of you to attend the monthly luncheon meetings of the association. I think you will find the programs enlightening and the opportunity to visit with your colleagues enjoyable.

— *President Paul Tyler*



### What's Inside...

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# Supreme Court Mulls Advisory Committee's Report Re Redistricting

As we all know, an advisory committee appointed by the Iowa Supreme Court has been formulating proposals for judicial redistricting. On December 13, 2002, the committee issued its Final Report to the Supreme Court. The report, in its entirety, is available for review by the public on the Iowa State Bar Association website ([www.iowabar.org](http://www.iowabar.org)). Amongst other things, the report contains three different proposals for new judicial districts. However, these proposals are by no means the only information contained in the report. Indeed, the report is packed with information relating to the committee's work and supporting its various recommendations.

Of particular interest to Polk County are those portions of the report which suggest that District 5C (Polk County) has an insufficient number of judges to handle its caseload. Of course, one of the main goals of the committee was to come up with a redistricting plan or plans that would address disparities amongst the various districts in the allocation of judges. Obviously, any action taken by the Supreme Court on the committee's proposals could and likely would have a direct effect on how the shortage of judges in District 5C is addressed.

On December 23, 2002, the Supreme Court responded to the committee's final report by way of a press release. That press release is also available on the internet at the Iowa Judicial Branch Website ([www.judicial.state.ia.us](http://www.judicial.state.ia.us)). In that press release, the Supreme Court states,

"It remains to be seen whether redistricting in accordance with any of the plans submitted by the advisory committee will, in fact, achieve the court's goal of distributing more equitably the workload of its judicial officers. For that reason the court intends to deliberate further with interested lawyers, judges, legislators and the public whose insight we value and whose cooperation we seek in all our endeavors."

The press release does not say when or how those further deliberations will take place nor does it say how interested persons should go about offering their input on the subject to the Supreme Court. Nonetheless, it would appear that now is the time to offer such input. Contact the leaders of your county and state bar associations, the leaders of other professional organizations and/or your legislators and let them know how you feel about the final report of the advisory committee specifically and the subject of redistricting generally. The management of judicial resources and the delivery of court services in Polk County is at stake.

# Judge Reade to Federal Bench

On November 26, 2002, the Hon. Linda Reade was sworn in as the newest United States District Court Judge in the Northern District of Iowa. Judge Reade will be stationed in Cedar Rapids. She previously served as district judge in Iowa Judicial District 5C.

Judge Reade, a native of Sioux Falls, South Dakota, received her bachelor's degree in 1970 from Drake University. She also holds a master's degree from Iowa State University. Judge Reade received her law degree from Drake University Law School in 1980 where she was elected to Order of the Coif. Following her graduation from law school, Judge Reade was in private practice in Des Moines until 1986 when she became an Assistant United States Attorney for the Southern District of Iowa. She served in that capacity until 1993 when she was appointed to the Iowa district bench.

Judge Reade will be formally sworn in by the Hon. Mark W. Bennett, Chief Judge of the Northern District of Iowa, at a ceremony on Friday, January 24, at 3 o'clock p.m., which will be open to the public. The ceremony will be held in the 3rd floor courtroom at the United States Courthouse in Cedar Rapids and will be followed by a reception in Judge Reade's honor hosted by the Linn County Bar Association.

The Polk County Bar Association congratulates Judge Reade on her appointment to the federal bench and wishes her the best of luck in her new job.

## NEWS FOR NEWSLETTER WANTED

Anyone wanting to submit news items for the PCBA Newsletter, or wanting to serve on the Newsletter Committee, should contact Newsletter Committee Co-Chairs Bob Hanson and Lu Ann White at Hanson, Bjork & Russell, L.L.P., 405 6th Ave., Suite 1300, Des Moines, Iowa 50309 (telephone: 244-0177) (fax: 244-8258), or contact Carol Burdette at 243-3904.

## Phipps Newest District 5 Judge

On February 7, 2003, the Honorable Sherman W. Phipps will be sworn in as the newest district court judge of the Fifth Judicial District. The swearing-in ceremony is scheduled to take place in Leon at the Decatur County Courthouse beginning at 3:30 p.m. Governor Thomas J. Vilsack appointed Judge Phipps to fill the vacancy created by the retirement of the Honorable Richard Morr effective January 17, 2003. Judge Morr has applied for senior judgeship with the Fifth District. Judge Phipps will be serving in Polk County on occasion in his capacity as a Fifth Judicial District Court Judge in Sub-Election District 5B. His first official day of work in the courtroom as a judge is Tuesday, January 21, 2003.

Judge Phipps and his wife Sheryl reside in Lamoni where he has been in private practice since 1975. His legal partners were George B. Jones and Patrick W. Greenwood, and have included Decatur County Magistrate Robert A. Rolfe. Sherman W. Phipps is a graduate of Graceland College (B.A. 1966), the University of Iowa (M.S.W. 1969) and Drake University (J.D. 1973). Before opening his own private practice firm, Phipps served as an associate with the Whitfield Law Firm, and had worked for the Boys' Training School in Eldora as well as the Girls' Training School in Mitchellville, and for the Union County Department of Human Services. In wrapping up his private practice to assume the bench, Phipps will also be leaving service as the City Attorney for both Leon and Davis City. In addition to his legal practice, Judge Phipps is a member of the Decatur County Bar Association (President '93-'94), the Iowa State Bar Association, the Iowa Trial Lawyers Association, the Iowa League of Municipalities and the Iowa Real Estate Association.

Judge Phipps has been active with students and young people over the past 35 years serving as a guest lecturer and mentor/counselor for students at Graceland College, sponsoring internships at the law firm for students attending Graceland, taking on the responsibilities of a foster parent with his wife Sheryl, acting as a youth camp counselor and administrator over the years, serving as a regional governing board member for his church, and helping local youth attend and participate in local sports events. Judge Phipps has also been active as a Foster Care Review Board member, in the Lions Club, and with the Lamoni Volunteer Fire Department and Chamber of Commerce.

## Oberbillig Retires, (cont...)

Justice Act, and Iowa adoption laws. He worked directly on the various sections of Iowa's Code, including sections of the Consumer Credit Code, the Landlord and Tenant Act, and the Civil Commitment Law.

Bob has also served as an instructor and lecturer in Drake University's graduate and law Schools, and as an adjunct professor for the University of Iowa and Grand View College.

Although retired from his position at the Society, he plans to continue to practice and to be an active member of the Polk County Bar Association's Volunteer Lawyers Project, to which he has had a long commitment. He and Pat will continue to reside in Des Moines.

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## Title Standards Committee Discusses Real Estate Issues

The Polk County Bar Association Title Standards Committee is composed of a number of lawyers located in Polk County for whom real estate tax law is a significant part of their practice. The Committee does discuss title standards, but in recent years, its focus has been on real estate law generally, and not just title standards.

Membership in the Committee is open to any attorney practicing in the area of real estate in Polk County. If you would like to be advised of the schedule for future meetings, please contact: Jim Holcomb, Bradshaw, Fowler, Proctor & Fairgrave, P.C., 801 Grand Ave., Suite 3700, Des Moines, Iowa 50309-2727, Telephone: 515-246-5873, Facsimile: 515-246-5808, Email: holcomb.james@bradshawlaw.com.

The Committee meets quarterly to discuss real estate issues affecting Iowa lawyers, including recent cases, statutory changes, and so forth. The Committee has in the past invited guests to the meetings to discuss specific areas of real estate practice such as a representative from the Title Guaranty Division, abstracters and lending officers; and it is anticipated that this practice will be continued. The Committee is also willing to accept specific real estate questions from members of the Polk County Bar and attempt to provide assistance by responding to the questions.

# 2003 Polk County Judicial Assignments



## District Court:

### Criminal Bench:

Eliza J. Ovrom	Criminal #1	Courtroom 204
D. J. Stovall	Trials	Courtroom 209A
Michael D. Huppert	Trials	Courtroom 208
Douglas F. Staskal	Drug Docket	Courtroom 207

### Domestic-Family Law Bench:

Robert A. Hutchison	Courtroom 413
Karen A. Romano	Courtroom 412

### Juvenile Court Bench:

Robert J. Blink	Courtroom 202B
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### General Trial Bench:

Glenn E. Pille	Jury Judge	Courtroom 302
Donna L. Paulsen		Courtroom 310
Richard G. Blane, II		Courtroom 308
Joel D. Novak		Courtroom 307
Robert W. Wilson		Courtroom 314
Scott D. Rosenberg	(Int. Drug Ct.)	Courtroom 305
Arthur E. Gamble		Courtroom 404
Artis I. Reis		Courtroom 306
George W. Bergeson		Chambers 405*
Pending Vacancy		Courtroom 313

\* By Order of the Supreme Court of Iowa, from January 6 – March 28, 2003, District Court Judges from the Second Judicial District will be providing temporary judicial assistance on a rotating basis in Polk County.

The tentative schedule is as follows:

January 6-10	Chief Judge Ronald H. Schechtman
January 13-24	Judge Michael J. Moon
January 27 – February 7	Judge William J. Pattinson
February 10-21	Judge Dale E. Ruigh
February 24- March 7	Judge David R. Danilson
March 10-21	Judge Timothy J. Finn
March 24-28	Chief Judge Ronald H. Schechtman

## District Associate Court:

January 1-June 27, 2003:

Gregory D. Brandt	Drivers Court	Courtroom 202A
Louise M. Jacobs	Indictables	Courtroom 211
Carol L. Coppola	Probation	Courtroom 109
James D. Birkenholz	Jail	Main Jail Courtroom
Carol S. Egly	Traffic	Courtroom 102
Joe E. Smith	Small Claims	Courtroom 108
Cynthia Moisan	Small Claims	Courtroom 113
Odell McGhee, II	Small Claims	Courtroom 112
William A. Price	Juvenile	Courtroom 110

June 30-December 26, 2003:

James D. Birkenholz	Drivers Court	Courtroom 202A
Joe E. Smith	Indictables	Courtroom 211
Gregory D. Brandt	Probation	Courtroom 109
Odell McGhee, II	Jail	Main Jail Courtroom
Cynthia Moisan	Traffic	Courtroom 102
Carol L. Coppola	Small Claims	Courtroom 108
Louise M. Jacobs	Small Claims	Courtroom 113
Carol S. Egly	Small Claims	Courtroom 112
William A. Price	Juvenile	Courtroom 110

## High Tech Federal Courtroom Update

Remodeling that will provide an advanced technology courtroom for the Southern District of Iowa, at the federal courthouse in Des Moines, has completed the infrastructure phase. The large ceremonial courtroom on the second floor now has over two miles of wiring conduit nearly all buried beneath five yards of new concrete. This conduit will allow for the connectivity of a variety of audio-visual devices designed for presentations by counsel through a series of floor box outlets strategically placed throughout the courtroom. The Southern District of Iowa is the last federal trial court in the Eighth Circuit to have at least one advanced technology courtroom within its district.

Additional remodeling completed during the infrastructure phase includes the installation of a floor ramp for witness and jury box access, a new witness stand and jury box, expansion of the well area by approximately 150 square feet without loss of any fixed spectator seating capacity, increased surface and shelf space at the judges bench, a new court reporter and deputy clerk work station and new carpeting throughout the courtroom.

The winning bidder of the final phase of the project, Exhibit One based in Chandler, Arizona conducted an on-site inspection of the infrastructure work and indicated the desire to proceed to install the required audio-visual equipment. Present scheduling calls for this work to commence the third week of April with completion by May 9, 2003. The court has requested accelerating the present completion date. The project is funded by the Administrative Office of U.S. Courts based in Washington, D.C. with design services provided by Electronic Interiors Inc. of St. Paul, Minnesota.

## Southern District Seeks Input About Website

The United States District Court for the Southern District of Iowa is currently working on revamping its website at [www.iasd.uscourts.gov](http://www.iasd.uscourts.gov). A committee has been formed with representation from the judges, Clerk's office, attorneys, and educators, to work on this project. A survey has been posted to the web site. Input from those practicing in federal court in the Southern District would be appreciated. To complete the on-line survey and offer suggestions, attorneys should go to the website and click on the link to the survey.

## Oberbillig, Legal Aid Director, Retires After 30+ Years

Robert "Bob" Oberbillig has retired, after more than three decades as Executive Director of the Legal Aid Society of Polk County. A graduate of Drake University Law School ('58), Bob began his career in Nebraska, where he was in private practice until 1967. From there, he became Director of Black Hawk County Legal Aid Society. He began his tenure with Legal Aid Society of Polk County in 1969.

Located in Des Moines and now merged with the Legal Services Corporation of Iowa to become Iowa Legal Aid, the firm is a not-for-profit organization providing legal representation in civil matters. Iowa Legal Aid's clients are individuals who, for lack of money or other resources, would not be able to obtain such representation.

For 33 years, Bob oversaw the day-to-day activities of an office that at one time boasted as many as 16 staff attorneys, in several local field offices. When funding reductions and decreases in staff threatened the staff's ability to serve large numbers of clients, he took steps which resulted in the Legal Aid Society becoming the first fully-computerized firm in the state. Changes in funding and guidelines have consolidated the office into a single modern suite located in the United Way Human Service Campus Building with eight full-time attorneys. It now functions as the Central Iowa Office of Iowa Legal Aid.

The roster of former Legal Aid Society staff attorneys, volunteers and interns is long and impressive. It includes U.S. Senator Tom Harkin, U.S. District Court Judge Robert Pratt, members of the Attorneys General's office, the Dorsey & Whitney, Ahlers, Parrish and Belin Law Firms, and counsel from large corporations, including Principal Financial and Meredith Publishing.

At a celebration in honor of his retirement on December 6, 2002, Bob was recognized with a call from the Senator, a Certificate of Appreciation from the City of Des Moines, and the presence of several members of the Polk County Bar Association. Joining him in the festivities at the Des Moines Club were his wife, Pat, and his three children, Robert Jr., Lynn and Ann, along with their spouses, significant others and the Oberbillig grandchildren.

In addition to management of the office, Bob personally pursued a laundrylist of significant cases, including two before the U.S. Supreme Court. He also is the author of many legal articles, among their topics being the rights of the mentally retarded, and family law issues. He participated in the rewriting of the Juvenile

# Success of Polk County Juvenile Drug Court Seen in Results

**P**olk County Juvenile Drug Court was developed in August 1999 to provide a holistic approach of intensive supervision and immediate sanctions and incentives with judicial monitoring to at-risk youth with substance abuse and delinquency issues. The three program pillars are intensive supervision, judicial monitoring, and immediate sanctions and incentives.

Youth who are eligible must be between twelve and seventeen years of age, referred for having committed a delinquent act or acts with a history of drug and alcohol use. They must receive a substance abuse evaluation with a recommendation for treatment services. Youth with dangerous anti-social behavior or sex offenses are not eligible, but prior or pending violent offenses will be evaluated on a case-by-case basis.

Participants live at home while in the Drug Court program. The participants work with a team consisting of the Drug Court Juvenile Court Officer, a case manager, defense attorney, prosecutor, treatment providers, counselors, and the Drug Court judge, Karla Fultz. The program has three phases that take twelve to eighteen months to complete. Participants attend required treatment, participate in twice weekly drug testing, attend school, have nightly curfew requirements, and maintain contact with their case manager and the Juvenile Court Officer. They appear before the Judge weekly until they move to Phase II. The focus of Phase II is to maintain sobriety and recognize the responsibility to others. The requirements of Phase I are continued with the additional requirement of continued participation in twelve-step or other self help meetings and community service. Phase III includes the requirements of the other two phases as well as employment. Focus of Phase III is recovery and responsibility to self and others. After Phase III, participants may be required to complete two 90 day after care/continuing care programs. Participants who are successful after 90 days may not be required to complete the second 90-day segment. Participants may be terminated from Drug Court for violation of the requirements of their probation. Sanctions for non-compliance range from placement in detention or the Violators Program, where they clean MTA buses, to house arrest or roll back of curfew. Incentives include medallions for sobriety, meals, sporting events, and gift certificates.

Polk County Juvenile Drug Court works. The Drug Court reports statistics for compliance with education, curfew, negative drug tests, and attendance at treatment. All are over 90%, with education at 97.7%, curfew at 94.1%, drug tests at 93.7%, and treatment at 90.4%. Drug Court has provided service to 87 youth. Of those 87, 71% graduated successfully, and another 6% discharged partially successfully. Twenty-three percent of the program participants were unsuccessful. Of the participants who completed the program, 82% have had no new delinquent referral with a year of leaving Drug Court. This program breaks the cycle of drugs that leads to drug-dependent and criminal adults.

Drug Court is also fiscally responsible. The participants would likely be placed in residential facilities if not in Drug Court. The cost of maintaining the participants in Drug Court is about \$14 a day as compared to over \$200 a day for residential treatment. The initial funding for the first three years was from a federal grant. Funding is now from a combination of other sources. A community group headed by former Chief Juvenile Court Officer Bert Aunan is seeking both private and public funding to continue the program, which presently has funds to continue until June 2003. It is hoped that a portion of the funds for Drug Courts proposed by Attorney General Tom Miller will be made available.

## NEWSLETTER CONTRIBUTORS

Contributors for this newsletter include Co-Chairs Bob Hanson and Lu Ann White, committee member Beth Baldwin, District Court Administrator, and Carol Burdette, Polk County Bar Association Executive Director, Mike Boohar, Legal Aid Attorney, Robert Raker, Chief Deputy Clerk, U.S. District Court, Paul Tyler, Polk County Bar Association President, and Associate Juvenile Court Judge Karla Fultz.

# Public Relations Committee Seeks Members

The PCBA Public Relations Committee seeks new committee members, new ideas, and new energy. Anyone interested should contact Chair Steve Serck at 243-7611 or Carol Burdette at 243-3179.

## 2002 PCBA CLE Approved

The following CLE programs presented by the Polk County Bar Association in 2002 were approved for credit by the CContinuing Legal Education Commission.

### October 8, 2002 Luncheon Program

"Legal Malpractice 101"

.5 hrs CLE Credit ID# 15004

### November 15, 2002 General Practice CLE

7 hours CLE Credit, 2 hours Ethics Credit, 2 Hours Federal Credit ID# 15612

## New Court Administration Rural Case Scheduling Telephone Number



Please be advised that the Fifth District Court Administration's Rural Case Scheduling telephone number now is **(515) 286-3859**. The old telephone number of (515) 286-2108 is no longer in use.

# Drake Law School and the Robert Gordon University Law School

International and Comparative Law Continuing Legal Education combined with Premier Golf in Aberdeen & St. Andrews, with stay in Edinburgh, Scotland

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Register Now!  
Tee times limited to first  
18 U.S. and 10 U.K. golfers!

### Package Prices

Full Package Price: \$2725\*\*

Includes 15 hours of CLE

5 rounds of Golf, 8 nights Hotel with full Scottish Breakfast – based on double occupancy; Luxury Coach tours of Aberdeen & Royal Deeside; Transport from Aberdeen to St. Andrews & Edinburgh; Welcome Dinner

\*\*CLE Only: \$2160  
(Full package, but no golf)

\*\*Golf Only: \$1960  
(Full package, but no CLE)

\*\*No CLE or Golf: \$1395  
For additional fees, tours can be arranged of Highlands, woolen mills or distilleries.

\*\*Packages require at least one person  
per room to register for CLE.

Not Included:

Transportation to/from Scotland;  
to/from hotel & airports;  
meals, other than full Scottish Breakfasts and Welcome Dinner.

Deposit of \$500 required  
by February 1, 2003

For more details:

Assoc. Dean David McCord  
Drake Law School

515-271-2069 • [www.law.drake.edu/cle/scotland.html](http://www.law.drake.edu/cle/scotland.html)

