

Opinion

Guest Commentary

(Editor's note: Dmitry Feofanov of ChicagoLemonLaw.com is a lawyer from Lyndon, IL. He sues car dealers for breaches of warranty and consumer fraud. A judicial clerk 15 years ago for the late Iowa Supreme Court Justice David Harris of Jefferson, he submitted the following guest commentary.)

A Day of Shame

By Dmitry N. Feofanov

As a new lawyer fresh out of law school, I landed one of the coveted "first jobs" a lawyer can get—a judicial clerkship. So, in 1994-95 I worked for the second-longest serving Justice of the Iowa Supreme Court, David Harris. Judge Harris (who died this July) was everything a judge should be: impeccably polite to litigants, intellectually curious, and down to earth.

I spent a truly great year in Jefferson, with occasional visits to Des Moines.

On one occasion, it may have been my birthday, Judge Harris gave me a present. It was a 1946 Iowa statehood centennial stamp, denominated at three cents, nicely framed. "When you become a big fancy lawyer," said Judge Harris, "this stamp will be on your big desk, as a reminder that you started your career in Iowa." I did not become a big fancy lawyer, and my desk is just a computer stand in my home office, but the stamp is on it. Even though I am across the border, Iowa has long held a special place in my memory.

Perhaps the most notable characteristic Judge Harris had was his

pride in the history of the Supreme Court and in its institutional integrity. Everything he did, he did with an eye toward the history and traditions of the Court. It was he, who, beaming with pride, showed me the very first case decided by the Supreme Court—*In the Matter of Ralph (A Colored man)*, where, back in 1839, the Court said that a slave who comes to the free territory of Iowa is a free man. It took 29 years and a Civil War for federal law to catch up with Iowa. He pointed out to me that Iowa, by court decision, outlawed segregation 86 (!) years before the *other* Supreme Court (the one in Washington, DC) did. He told me that Iowa, by court decision, admitted women to practice law at the same time when the Supreme Court of my home state, Illinois, declared that women were not temperamentally suited to be lawyers.

When I left Iowa at the end of my year-long appointment, I was imbued with pride for the Iowa Supreme Court, and for Iowans. It came as no surprise to me that, in 2009, the Supreme Court, by a 7 to 0 vote, held that discrimination against gays and lesbians has no more place in Iowa than discrimination against blacks or women. I actually took the time and effort to read the Court's opinion, and my immediate reaction was—it was written for the history books. Twenty or 30 years from now, it would be studied in law schools.

Then came Nov. 2, 2010, when three of the seven justices of the Supreme Court were not retained, obviously as a result of being faithful to their oath of office. It was a day of shame for all Iowans. Should I really take my Iowa stamp off my desk?