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WALT SHOTWELL



D.M. lawyer's supreme case

To The Des Moines Register it was a headline, "Iowa Case Draws Focus Of World Law," but to Richard H. Doyle IV, a Des Moines lawyer, it was "like going to the Super Bowl or the World Series; not many people have an opportunity to appear before the United States Supreme Court."

Most lawyers go through entire careers without appearing before the high court, but at age 37, after about 10 years in practice, "Rick" Doyle was there for the first time a few weeks ago, and he admits to being a bit nervous.

"You have butterflies when you go before any appellate court," Doyle says, "but more so in the United States Supreme Court — it's the highest court in the land."

So, just as a golfer might shoot a practice round on a strange course, Doyle spent a day observing in the hallowed chamber. He is an associate in the Des Moines firm of Verne Lawyer Associates.

Greatly oversimplified, the case involves difficulty in getting information from a French aircraft manufacturer regarding a crash by one of its planes in Warren County. The case involves the "Hague Evidence Convention," and international procedures for obtaining evidence. Because the outcome could have far-reaching effects, even the U.S. Solicitor General argued briefly as a "friend of the court," Doyle says.

Although Verne Lawyer is the firm's "old pro," Doyle says he was chosen to present the oral argument because he had prepared the written brief, filed in October.

The Supreme Court hears only a small fraction of cases filed, Doyle says, but he received about two months of notice that this case would be heard.

"The day before, I went to the Supreme Court and heard four cases," Doyle says. "This helps you learn procedures, and you become familiar with the surroundings so you don't feel you're in an alien atmosphere.

"The anticipation really builds up, but the butterflies are gone when you step up" to argue the case, Doyle says. "Each side is given half an hour. A white light goes on when you have five minutes left, then a red light comes on when you're through. Chief Justice William Rehnquist allows no extra time — when you're done, you sit down."

Doyle says Lawyer and Roland D. "Dale" Peddicord, another Des Moines lawyer involved in the case, sat with Doyle and could have been consulted by him, but they weren't.

"It would be distracting to do that. Once you're there, you're on your own."

Although well prepared to argue, Doyle says, "It was more of an inquisition than an argument; the justices constantly question you from the very start."

Doyle has argued cases before lower appellate courts, including the Iowa Supreme Court, and he says he was more comfortable before the U.S. Supreme Court because the bench is a sort of semi-circle ("half a hexagon"). The Iowa Supreme Court bench is in a straight line.

"So the U.S. Supreme Court justices are easier to see, and it's a bigger room."

Doyle emphasizes that he is not the first, or youngest, of his acquaintances to appear before the high court, mentioning Mark W. Bennett, Norman Jesse, the late Richard Turner and others, but this doesn't diminish the thrill.

When the high court issues its ruling in Doyle's case, the decision will be published in the "U.S. Supreme Court Reporter," which goes to law firms and legal libraries throughout the nation, and Doyle's name will be mentioned.

"It's very satisfying," says Doyle.

Just satisfying?

"Well, I guess your name does go down in posterity."



Richard H. Doyle IV