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Basu: Obama's Iowa nominee has been tested

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Written by

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On Thursday, President Obama nominated an Iowa woman to serve on the U.S. Court of Appeals. I described Jane Kelly in a 2004 column as a “real-life hero.” She was also included in my Thanksgiving column that year as one of the people to be most thankful for because of her unwillingness to give up on violent criminals, even after she was brutally attacked.

Nominated for the court’s 8th Circuit, Kelly is the supervising attorney in the federal public defender’s office in Cedar Rapids. She graduated in Obama’s class at Harvard University Law School and could easily have had her pick of positions. But since 1994, when she helped to open the public defender’s office, her commitment to making sure that poor and

marginalized people get the best defense has kept her there.

At the time I wrote it, as you’ll note in the column below, Obama was a new U.S. senator, and none of us had any idea what lay ahead for either of them.

All I know now is that he’s made an excellent choice in Jane Kelly.

Here is my 2004 column on her:

An attack on attorney puts values to the test

Five months ago, on a sun-soaked June morning, attorney Jane Kelly was jogging on a bike trail in Cedar Rapids when a stranger attacked her from behind. He dragged her to a creek and split her face open, leaving her semiconscious in a pool of blood, to be found 20 minutes later by passers-by. The attacker never said a word.

It was the sort of assault that would rob your spirit and your zeal for defending people accused of horrible crimes. Kelly, who just turned 40, is an assistant federal public defender, which immediately raised the specter of some case she had defended returning to haunt her.

One of her more controversial clients was Luke Helder, the young man accused of planting 18 pipe bombs in mailboxes across the Midwest and injuring six people in 2002. He was ruled mentally unfit to stand trial earlier this year.

But police have no suspects in the attack on Kelly, and have offered no motive. And far from retreating from her often thankless, underpaid line of work, she's getting ready to return to it.

She doesn't have to. With a Harvard law degree (she graduated with Illinois' new senator, Barack Obama), a bachelor's from Duke University and 13 years of experience, she could be making a lot more money for a lot less stress. She is, by all accounts, an outstanding lawyer.

But she's sticking with what she loves best. "It's easy to lose compassion," she said last week, "but the problem is bigger than who committed the crime."

Real-life heroes are in short supply these days — not the kind who swoop in and save the day from criminals, but the kind who probe why criminals ended up that way in the first place. The kind who believe even the worst deserve a fair shake in court.

For 10 years, Jane Kelly has represented people charged with federal crimes — mostly drug and firearms offenses — who can't afford private counsel. At an award ceremony honoring her last week, Judge Michael Melloy of the 8th Circuit Court of Appeals said such clients are often tough to work with and unappreciative, and he joked, "Your mother says, 'How could you represent these people?'"

The John Adams Award from the Iowa Association of Criminal Defense Lawyers and Drake University Law School recognizes someone who shows a commitment to the constitutional right to criminal defense. Kelly was this year's unanimous choice. Calling her the "consummate professional," Melloy said. "She puts her heart and soul into every case."

The judge should know. She's appeared before him.

Accepting the award, Kelly quipped that she can't remember a time when she didn't know how to make meth.

And she's spent so much time in jail, she said, she should have enough time served for a couple of simple misdemeanors. "It's challenging, frustrating, infuriating and heartbreaking," she told the gathered lawyers about her work. "It's voyeuristic, but in the end it's real."

Jane Kelly grew up in Indiana some distance from poverty or the situations she now finds herself dealing with. After graduating from law school, she clerked for judges for two years, including Judge David Hansen of the 8th Circuit Court of Appeals, and taught for one year at the University of Illinois College of Law. She helped open the Cedar Rapids federal public defender's office in 1994.

It's easy to mock high-powered lawyers for getting high-profile clients off any way they can. But Kelly is a reminder that the best justice shouldn't only be for those who can afford it, and why even the guilty deserve their day in court. The Constitution, she reminds you, puts the burden of proof on the prosecution.

As for the criminals, without condoning their actions, she acknowledges, "It's poverty, mental illness, people being left behind in school, unable to get jobs, left out of a culture that seems to give [others] everything. I don't understand that level of rage, but it's obviously out there."

That's easy to say until you've been a victim.

The attack on Kelly had a deep impact. She's had two surgeries and may need more. She has yet to fully regain her strength. "They're very personal issues," she said. "When you're talking about crime, you're talking about some of the most personal things that can happen to you."

Someday she hopes to go back out on the jogging trail alone. In the meantime, there's the treadmill.

But more than the violence, what she takes away from the experience is the outpouring of support she got from former clients, colleagues, prosecutors and others. It's "how kind and generous people are," she says.

Morals and values are overused words these days that are easier mouthed than practiced. For some, they mean telling others how to live. But some do live them, ignoring the lure of money and fame to put themselves on the line to advocate for others.

To be that way, you have to fundamentally believe in the good in everyone — which isn't easy when you've been wronged. But when Jane Kelly says, "I have never met a client that I didn't find something redeeming about," it's worth paying attention.