

In Memory of Leonard D. “Len” Lybbert

Leonard D. “Len” Lybbert was born April 26, 1928 in Cresco Iowa, the son of Edward and Genevieve Bacon Lybbert. Judge Lybbert graduated from Cresco High School in 1945 where both he and his brother Gene excelled as athletes. Following High School Judge Lybbert entered the University of Iowa earning a B.A. degree and then his Juris Doctorate in 1951.

Following his graduation from the University of Iowa he married the love of his life Jean Mick on June 26, 1951 in Pocahontas, Iowa. The Lybberts were blessed with two sons, John and Chris of whom they were very proud. Unfortunately both John and Chris predeceased their parents.

Judge Lybbert started his legal career in private practice with the law firm of Elwood, Lyons and Elwood in Cresco, Iowa his hometown. However, shortly after beginning his practice in Cresco Judge Lybbert joined the United States Air Force and served for five years as an officer and staff attorney with the Judge Advocate General’s Corps (JAG Corps). Judge Lybbert served in several capacities as trial counsel and law officer in courts of general courts martial at Clark Air Force Base, the Philippines and stateside at several bases most notably Whiteman Air Force Base Sedalia, Missouri a Strategic Air Command Center.

Following his service in the Air Force Judge Lybbert and Jean settled in Waterloo, Iowa where Judge Lybbert joined the law firm of Kildee, Keith, and Gallagher in 1956, becoming a partner in the firm in 1960. The firm later became Gallagher, Lybbert, Martin, & Burk. During his time in private practice Judge Lybbert was admitted to practice before the United States Supreme Court, served as an assistant city attorney and later as city attorney for Waterloo, Iowa and obtained his commercial pilot’s license. Judge Lybbert was also a member of several service organizations including the Waterloo Sertoma Club and the Elks Lodge, where he was often found on a Saturday afternoon after a round of golf enjoying a beverage or two and a game of cards with his fellow golfers.

In 1975 Judge Lybbert was appointed District Court Judge by Governor Robert D. Ray. Judge Lybbert was highly respected by his fellow judges and reporters who worked with him, the lawyers who practiced before him and the clerk’s of court & court administrators and staff. Judge Lybbert was a mentor to most new judges who followed him on the bench and any young lawyers who sought his critique after a trial or hearing. One attorney commented about Judge Lybbert, “I would call him a judge’s judge. When you were going to law school, he was what you’d picture a judge to be”. The feelings of all

who met Judge Lybbert were summed up by Dave Dutton a well known Iowa trial attorney who stated, "Leonard was a truly great Trial Lawyer, Judge and friend. He was a "Giant" in my eyes and a wonderful human being".

Judge Lybbert presided over a number of major criminal and civil cases, including three notable high profile cases. The Lawrence Hartman case involving the murder of Hartman's spouse, which was one of the first televised trials in Black Hawk County and which was featured in the September 1982 edition of the New Yorker Magazine as well as in a book entitled "Ten Famous Trials". The bench trial of Lori Jean Malloy, who was convicted of murdering her 4 year old daughter in 1985 wherein Judge Lybbert's ruling advised social services of the need to make "periodic visual observations" by other adults when an abused child is returned to the home. And the 1995 Jerry Mark post conviction case where Mark requested a new trial after Mark was convicted in the 1975 Halloween murders of his brother and brother's family.

Judge Lybbert became a senior judge, at age 65 and continued to work often volunteering for difficult cases and assignments. When he reached the mandatory retirement age of 78, he argued his case to the State Court Administrator to allow him to remain a senior judge, offering an interpretation of the Iowa Code concerning senior judges that kept him on the bench for six additional months. Following his eventual retirement as a senior judge he kept a small practice to maintain his law license and worked as a mediator.

Judge Lybbert was not only known for his legal skills but also for his wry sense of humor. He was a master at sharing quips and jokes and delivering a punch line as well as being an inveterate story teller. He loved to play golf and was also an avid hunter.

Judge Leonard D. "Len" Lybbert died February 10, 2019. He was survived by his wife Jean, his brother Gene, several nieces and nephews and many friends.

Mr. President, I move that this memorial be unanimously approved and spread upon the records of the Iowa Judge's Association.