IN THE COURT OF APPEALS OF IOWA

No. 8-401 / 06-1215
Filed July 16, 2008

JOHN L. ZORTMAN,
Plaintiff-Appellant,

vs.

KATHERINE A. LINDER, MICHAEL J. SEIFERT, PAUL W. ABRAMOWITZ, LEMAN E. OLSON, VERNON H. BENJAMIN, BARBARA ELLEN O'ROAKE, Individually, and Jointly as the IOWA BOARD OF PHARMACY EXAMINERS,
Defendants-Appellees.

Appeal from the Iowa District Court for Pottawattamie County, Jeffrey L. Larson, Judge.

John Zortman appeals from the dismissal of his action for declaratory judgment, injunction, writ of mandamus, and damages against defendants following the suspension of his license to practice pharmacy. **APPEAL DISMISSED.**

John L. Zortman, Henderson, Colorado, pro se.

Thomas J. Miller, Attorney General, and Scott M. Galenbeck, Assistant Attorney General, for appellee.

Considered by Sackett, C.J., and Vogel and Zimmer, JJ.

ZIMMER, J.

In February 2005 John Zortman filed an original petition in district court against the Iowa Board of Pharmacy Examiners and its named members seeking damages due to the allegedly "wrongful, improper, illegal, and unconstitutional" February 2003 suspension of his license to practice pharmacy in Iowa. The defendants filed a motion to dismiss, which was denied by the district court.

Zortman then filed an amended petition against the same defendants, adding claims seeking declaratory relief, injunctive relief, and a writ of mandamus. The defendants filed a second motion to dismiss, asserting Zortman could not proceed with such an action because he did not pursue judicial review under Iowa Code chapter 17A (2005) following the suspension of his license, which they argued is the exclusive means of challenging disciplinary action by the board. The district court agreed and granted the motion, finding it did not have "jurisdiction to entertain an original petition arising out of an agency action." *See IES Utils., Inc. v. Iowa Dep't of Revenue & Fin.*, 545 N.W.2d 536, 540-41 (Iowa 1996); *Salsbury Lab. v. Iowa Dep't of Envtl. Quality*, 276 N.W.2d 830, 835 (Iowa 1979).

Zortman appeals. His brief, however, does not contain a statement of the issues presented for review, references to the record or appendix in the statement of the case or the argument, a standard of review, or a statement regarding how the issues were preserved for review with references to the record where the issues were raised and decided. Nor does his statement of the case indicate the nature of the case, the course of proceedings, the disposition of the

case in the district court, or the facts relevant to the issues presented for review.[1] *See* Iowa R. App. P. 6.14(1)(*c*), (*d*), (*f*).

The Iowa Rules of Appellate Procedure govern the form and manner of briefs filed in our court. *In re Estate of DeTar*, 572 N.W.2d 178, 180 (Iowa Ct. App. 1997). Although Zortman is a non-lawyer, he is bound by the same standards as lawyers. *Id*. Thus, "[s]ubstantial departures from appellate procedures cannot be permitted on the basis that a non-lawyer is handling [his] own appeal." *Id.*

When a party's brief fails to comply with our rules of appellate procedure, we are not bound to consider that party's position. *Id.* at 181. Failures such as those set forth above "can lead to summary disposition of an appeal." *Id*.; *see also Inghram v. Dairyland Mut. Ins. Co.*, 215 N.W.2d 239, 240 (Iowa 1974) (dismissing appeal based on party's failure to cite any authority). We will not proceed to the merits of the appeal if it "would require us to assume a partisan role and undertake the appellant's research and advocacy." *Inghram*, 215 N.W.2d at 240. Proceeding to the merits of Zortman's appeal in this case would require us to do so.

We accordingly dismiss the appeal without reaching its merits.

APPEAL DISMISSED.

[1] We also note that his argument refers to code sections and claims that were not addressed by the district court in its ruling dismissing the action. *See Meier v. Senecaut*, 641 N.W.2d 532, 537 (Iowa 2002) ("It is a fundamental doctrine of appellate review that issues must ordinarily be both raised *and decided* by the district court before we will decide them on appeal." (emphasis added)).