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FEB 02 2015

CLERK SUPREME COURT

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF THE)	
ATTORNEY DISCIPLINARY)	
BOARD AND THE GRIEVANCE)	2014 ANNUAL REPORT
COMMISSION OF THE SUPREME)	
COURT OF IOWA)	

This consolidated annual report of the Attorney Disciplinary Board and the Grievance Commission is submitted as required by Iowa Court Rule 35.25 for the reporting period January 1, 2014 through December 31, 2014.

THE ATTORNEY DISCIPLINARY BOARD

Members

Iowa Court Rule 35.2 establishes the Attorney Disciplinary Board of the Supreme Court of Iowa. The Board consists of nine lawyers and three lay members. All Board members are appointed by the Supreme Court. Members are appointed for terms of three years, and no member who has served two full terms is eligible for reappointment.

David M. Erickson, Des Moines, has served as the Board's chairperson during this reporting period. Other attorney members serving during this reporting period include Marti Nerenstone, Council Bluffs; Joseline L. Greenley, Webster City; Arnold O. (Skip) Kenyon III, Creston; John Gosma, Davenport; Eric Lam, Cedar Rapids; Sarah Cochran, Fairfield; Stewart A. Huff, Sioux City; Susan Flander, Mason City; Stephanie L. Cox, Des Moines; and Andrew Van Der Maaten, Decorah. Lay members serving during this reporting period

include Carole Waterman, Osceola; Gerald A. Zavitz, Davenport; and Ann Knutson, Sioux City. The terms of Ms. Greenley and Mr. Kenyon expired June 30, 2014, and they were ineligible for reappointment, having completed two three-year terms on the Board. The Court appointed Stephanie L. Cox and Andrew Van Der Maaten as Board members by order filed June 19, 2014.

New Complaints

The Board opened 337 new complaint files for investigation, not including probate delinquencies reported by clerks of the district court. This compares with 366 new complaint files opened in 2013, 373 new complaint files opened in 2012, and 554 new complaint files opened in 2011.

The decline in the number of complaint files opened for investigation the past three years resulted in large part from an amendment to Iowa Court Rule 34.4(1), adopted in February 2012. The amendment gives the assistant director for attorney discipline the discretion not to open an investigation when the information provided by the complainant, “if true, would not constitute misconduct or incapacity, or if the complaint is facially frivolous, stale, lacking in adequate factual detail, duplicative, or outside the board’s jurisdiction, or does not otherwise reasonably warrant investigation.”

In 2014, the assistant director exercised his discretion to decline to open investigations of 187 complaints. Approximately 60 of these complaints would not have been investigated even without the amendment to rule 34.4(1) because they obviously fell outside the Board’s jurisdiction (for example, complaints against nonlawyers and judges) or because they repeated

allegations of previous complaints that already had been investigated and dismissed. Thus, the impact of the amendment was to reduce the number of new investigations by about 127.

Board Determinations

The Board made determinations in 349 complaint files. This figure includes 18 determinations upon rehearing; for example, in cases involving exceptions to private admonitions or public reprimands. This compares with 375 determinations (including 22 rehearings) by the Board in calendar year 2013, 431 determinations (including 20 rehearings) by the Board in calendar year 2012, and 542 determinations (including 24 rehearings) by the Board in calendar year 2011.

The determinations by the Board in 2014 were as follows:

Dismissed upon a finding of no ethical violation	198	(56.73 %)
Private Admonition	68	(19.48 %)
Public Reprimand	24	(6.88 %)
Deferral per Iowa Court Rule 34.13	1	(0.29 %)
Referred to staff counsel for filing with the Grievance Commission	<u>58</u>	<u>(16.62 %)</u>
TOTAL	349	(100.0 %)

In the previous reporting period (2013), the 375 determinations by the Board included 239 dismissals (63.73%); 57 private admonitions (15.2%); 38 public reprimands (10.13%), one deferral under Iowa Court Rule 34.13 (0.27%), and 40 complaints referred to staff counsel for prosecution before the Grievance Commission (10.67%).

Attached to this report as Table A and Table B are breakdowns of Board determinations by source of complaint (Table A) and type of misconduct alleged (Table B). The total number of complaints by type (453) exceeds the total number of complaints by source (349) because many complaints alleged more than one type of violation.

As shown in Table A, prisoners and criminal defendants were the most frequent source of complaints (74 complaints, or 21.2 % of the complaints in which determinations were made). Clients (other than criminal defendants, prisoners, and family law clients) were the second most frequent source of complaints (63 complaints, or 18.1 %). Other significant sources of complaints included family law clients (51 complaints, or 14.6 %), judges and attorneys (40, or 11.5 %); and beneficiaries and others involved in the probate process (33, or 9.5 %).

As shown in Table B, the ethical violation most often alleged was neglect or incompetence (219 complaints). Tied for second most frequent category of alleged misconduct were conflict of interest and trust account or other money issues (38 complaints each). These categories were closely followed by litigation-related misconduct and dishonesty or misrepresentation (37 complaints each). Another common allegation of misconduct was charging or collecting an excessive or illegal fee (25 complaints).

There were 175 complaints pending and under investigation as of December 31, 2014. This compares with 189 complaints pending and under investigation at the end of 2013.

Probate Delinquencies

The Board received certifications from clerks of the district court of 228 lawyers' failures to cure probate delinquencies. A review of on-line court records disclosed that 160 of these delinquencies were cured before the Board received the clerks' certifications. The remaining 68 lawyers were contacted by the Board and asked to reply with respect to the delinquencies.

The Board took the following action with respect to the 68 lawyers who were contacted regarding the reported delinquencies in 2014:

File closed, without opening formal complaint, upon proof of cure of delinquency	49
Dismissed after opening formal Board complaint	0
Private admonition	2
Public reprimand	1
Referred for filing with the Grievance Commission	0
Files pending at the close of the reporting period	16

In the previous reporting period (2013), the Board received reports of delinquency on the part of 232 lawyers.

Grievance Commission Filings

During calendar year 2014 the Board made Grievance Commission filings against 20 lawyers. The Board made 18 Grievance Commission filings against 18 lawyers in 2013, 26 Grievance Commission filings against 27 lawyers in 2012, 27 Grievance Commission filings in 2011, and 17 Grievance Commission filings in 2010. At the end of 2014, there were 21 cases (involving 21 lawyers) assigned for prosecution before the Grievance Commission that

had not yet been filed with the Grievance Commission. This compares with 13 cases (involving 13 lawyers) unfiled at the end of 2013, 12 unfiled cases unfiled at the end of 2012, 20 unfiled Grievance Commission cases at the end of 2011, and 27 unfiled Grievance Commission cases at the end of 2010.

Minutes

Attached are copies of redacted minutes of the four regular meetings of the Board, held March 27, 2014; June 11, 2014; September 17, 2014; and December 11, 2014. The minutes contain a synopsis of each complaint as to which the Board made a determination, and the disposition thereof.

THE GRIEVANCE COMMISSION

Members

Iowa Court Rule 35.1 establishes the Grievance Commission of the Supreme Court of Iowa (the Commission). Prior to August 24, 2012, the rule provided for a commission consisting of fifteen lawyers from judicial election district 5C, ten lawyers from judicial election district 5A, five lawyers from each other judicial election district, and not less than five but not more than twenty-eight lay persons. Effective August 24, 2012, the rule was amended to provide for a commission consisting of twenty-five lawyers from judicial election district 5C, fifteen lawyers from judicial election district 5A, ten lawyers from judicial election district six, and five lawyers from each other judicial election district, and not less than five nor more than thirty-five lay persons. All commission members are appointed by the Supreme Court. Members are appointed for terms of three

years, and no member who has served two full terms is eligible for reappointment. Those members of the Commission who have served during the reporting period January 1, 2013 through December 31, 2013 are listed at Table C to this report. Lawyer Jane Rosien was appointed by the Court to serve as chairperson effective July 1, 2011.

Grievance Commission Case Experience

Twenty cases filed with the Commission were pending final disposition before the Commission or the Supreme Court as of January 1, 2013. During calendar year 2014 an additional twenty cases were filed with the Commission by the Attorney Disciplinary Board. During the reporting period, the Commission itself made final disposition of two cases by dismissal¹ or private admonition. Final disposition of an additional sixteen cases resulted by stipulated or agreed discipline or by decisions of the Supreme Court. As of December 31, 2014, a total of twenty-two cases filed with the Commission remained pending before the Commission or the Supreme Court without final disposition. A summary report of case status for the reporting year is included with this report as Table D. Historical data regarding ethics complaint and grievance case filings and dispositions is provided graphically at Table E.

Table F shows a summary of the manner of disposition of the eighteen cases reaching final disposition during the reporting period. Four cases resulted in revocation of license as a result of court opinion. There was one

¹ Only true dismissals are characterized as such. Cases ultimately dismissed following agreed or stipulated discipline have been categorized based on the discipline imposed.

consent disbarment during 2014. Nine cases resulted in suspensions of varying lengths. Two cases were dismissed by the Commission, and one case was dismissed by court opinion. One case resulted in a written reprimand by consent and dismissal of the grievance case. The Commission's synopsis of charges and report of disposition regarding those cases reaching final disposition is included with this report as Table G.

Disability and Discipline Orders Based on Other Authority

Authority for disability or disciplinary orders exists in portions of the Iowa Court Rules outside the scope of the Grievance Commission function. During calendar year 2014, the following orders were entered under these other provisions of the Iowa Court Rules:

Suspensions based on failure to comply with continuing legal education or client security reporting and fee payment duties under chapters 39 through 42 of the Iowa Court Rules	8
Public reprimands issued directly by the Attorney Disciplinary Board, with court approval, under Iowa Court Rule 35.3	16
Temporary suspensions issued under Iowa Court Rule 34.7 based on failure to respond to notice of complaints received by the Attorney Disciplinary Board	10
Suspensions issued due to lawyer disability as provided in Iowa Court Rule 35.17	0
Suspensions based on abandonment of practice as provided in Iowa Court Rule 35.18	0
Reprimands, suspensions, or revocations issued based on the reciprocal discipline provisions of Iowa Court Rule 35.19	3
Suspensions or revocations issued based on receipt	0

of a certified copy of judgment in a criminal prosecution under the provisions of Iowa Court Rule 35.15

Suspensions based on failure to comply with auditing or claim investigation requirements of the Client Security Commission, based on the authority of Iowa Court Rule 39.12 2

Suspensions based on failure to honor child support, tax, or college student loan obligations, based on the provisions of Iowa Court Rules 35.20, 35.21, or 35.22 0

Suspensions based on a substantial threat of serious harm to the public, based on Iowa Court Rule 35.4 1

Annual Fee to Finance Disciplinary System

Chapter 39 of the Iowa Court Rules² was amended by order dated December 15, 1994, effective January 3, 1995. The amendment provided that in addition to reimbursing losses caused to the public by the dishonest conduct of members of the bar of Iowa, the Client Security Trust Fund would support administration of the lawyer disciplinary system and other programs that impact the disciplinary system, including the Iowa Lawyers Assistance Program.

Effective in 1995, as a condition to continuing membership in the bar, every bar member, unless exempt, is required to pay to the Client Security Commission an annual fee as determined by the Court to finance the disciplinary system. The 2014 annual fee was \$175.00. During the fiscal year July 1, 2013 through June 30, 2014, annual fees and late penalties received to finance the disciplinary system totaled \$1,594,770. Total disciplinary funding received during fiscal year 2013-2014 was \$1,599,712, which included the annual fees, late filing fees, investment income, and reimbursement of disciplinary costs paid.

² Then known as Iowa Court Rule 121.

By court order, the Client Security Commission was directed to pay a total of \$1,266,324.20 for the fiscal year 2013-2014 operating budget of the Iowa Supreme Court Attorney Disciplinary Board. The Board actually made cash disbursements totaling \$1,231,469 during the year. During fiscal year 2013-2014, the Commission also paid operating expenditures for the Grievance Commission totaling \$208,104, operating expenses of the Commission on the Unauthorized Practice of Law totaling \$39,405, and a subsidy for the Iowa Lawyers Assistance Program totaling \$96,500. Total expenditures made for the disciplinary system during fiscal year 2013-2014 were \$1,575,478.

The annual fee to be paid by each attorney to support the attorney disciplinary system for calendar year 2015 remains set at \$175.00. The annual fee will be used to pay operating expenditures for the Attorney Disciplinary Board, Iowa Lawyers Assistance Program, Grievance Commission, and the Commission on the Unauthorized Practice of Law.

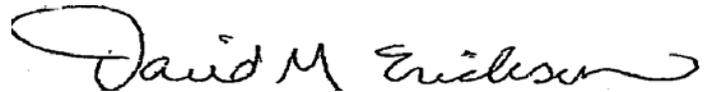
The Client Security Commission has established separate bookkeeping records and accounts for funds received to finance the disciplinary system. A Disciplinary Fund checking account has been established for disciplinary operations. The required annual fees received from attorneys to finance the disciplinary system are deposited initially in the Investment Account of the Client Security Commission, and then transferred to the Disciplinary Fund checking account. When rates of return warrant, funds deposited to the Disciplinary Fund checking account are diverted to interest-bearing certificates of deposit insured by the Federal Deposit Insurance Corporation or a savings account, to the extent

not necessary to support current operations of the Grievance Commission or the other entities supported by the disciplinary fee.

The Grievance Commission and seven other boards, commissions, or functions administered by the main office of the Office of Professional Regulation share staff, files, and equipment to minimize operating expenses. The accounting and budget years for the boards and commissions are standardized on the same fiscal year as state government generally. In April of 2014, the Court approved operating budgets shown at Annex B for the Grievance Commission, the Commission on the Unauthorized Practice of Law, and for the Attorney Disciplinary Board for the fiscal year July 1, 2014 through June 30, 2015. Continued cooperation between all of the boards and commissions administered by the Office of Professional Regulation makes it possible to operate within these budgets.

Dated: February 2, 2015

THE IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD



By _____
David M. Erickson, Chair

GRIEVANCE COMMISSION OF THE
SUPREME COURT OF IOWA



By _____
Jane Rosien, Chair

- Annex A – Redacted Board Minutes
- Annex B - Approved Operating Budgets for Fiscal Year 2014-2015
- Table A – Source of Complaint and Board Determinations
- Table B – Type of Complaint and Board Determinations
- Table C – Grievance Commission Members During 2014
- Table D – Grievance Case Status Summary Report
- Table E – Graphical Information Regarding Ethics and Grievance Cases
- Table F – Grievance Case Disposition Summary
- Table G - Synopsis and Report Regarding Grievance Cases Reaching Final Disposition During Calendar Year 2014

ANNEX A
REDACTED BOARD MINUTES

**IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD**

HEARING-MEETING

March 27, 2014

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MINUTES

The regular quarterly hearing-meeting of the Iowa Supreme Court Attorney Disciplinary Board came to order at 10:00 a.m., Thursday, March 27, 2014, in room 165 of the Judicial Branch Building, Des Moines, Iowa. Present were Board Chair David M. Erickson, and the following Board members: Sarah Cochran, Susan Flander, Joseline Greenley, Stewart A. Huff, Arnold O. Kenyon III, Ann Knutson, Eric Lam, Marti Nerenstone, Carole Waterman, and Gerald Zavitz. Also present were Board Administrator Charles L. Harrington, Special Ethics Counsel Norman G. Bastemeyer, Ethics Counsel David J. Grace, and Investigators Erin Ross-Johnson, and Melissa Hill.

The following action was taken:

NEW COMPLAINTS:

2011-483

COMPLAINT SUMMARY: Complainant, a district court judge, alleged that respondent failed to appear for scheduled hearings in two cases in which he was attorney of record and also failed to produce required documents or make himself available to clients.

2011-519

COMPLAINT SUMMARY: Complainant alleged that he hired respondent to represent his son in a misdemeanor criminal case. Complainant alleged that although respondent initially worked on the case, he failed to maintain communication and did not inform complainant's son of his trial date.

BOARD ACTION: The Board concluded that respondent's neglect and other violations normally would warrant a filing with the Grievance Commission; however, the misconduct in both complaint matters preceded his suspension in February 2012 in a separate matter and the Board believed it was unlikely that suspension would have been longer had the present matters been included in the previous disciplinary action. Therefore the Board determined to publicly reprimand respondent.

2012-320

COMPLAINT SUMMARY: The Board received court documents showing that on September 27, 2012, respondent entered an Alford plea of guilty to a charge of interference with official acts.

BOARD ACTION: A majority of the participating Board members determined to publicly reprimand respondent.

2013-62

COMPLAINT SUMMARY: Complainant alleged that he hired respondent to represent him in seeking to patent a hand and finger washing toy. According to complainant, after several years, respondent informed him that his patent had been granted. Respondent then told him to schedule an appointment to come in and receive the patent. Complainant alleged that since May 2012 he repeatedly telephoned respondent without a return call. In February 2013 complainant went to respondent's office without an appointment to see why respondent would not give him his patent. According to complainant, the office door was locked and a building maintenance worker told him that respondent only worked on a part time basis and was behind approximately \$25,000 in rent on his office.

2013-168

COMPLAINT SUMMARY: Complainant alleged that respondent, a patent lawyer, neglected his patent matter, failed to keep him informed of the status of the matter, abandoned his client without notice, and made various misrepresentations to him.

2013-272

COMPLAINT SUMMARY: Complainant alleged that in September 2012, his company hired respondent to "resolve a trademark infringement issue." Complainant further alleged that "despite many excuses and apologies [respondent] has not completed any work on this case."

BOARD ACTION: The Board determined to file its complaint with the Grievance Commission as to the above three complaint matters.

2013-71

COMPLAINT SUMMARY: Complainant alleged that in June 2012, she retained respondent to represent her in a divorce and paid her \$1,185.00. Thereafter, over the course of four months, complainant left her many phone messages which she rarely returned. In October 2012, complainant hired another lawyer to represent her and asked respondent to forward the remaining portion of her retainer. Complainant alleged that neither she nor her new attorney has received any response.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2013-90

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in December 2010 to represent her in a custody matter. According to complainant, she paid respondent a retainer fee of \$1,000. Complainant alleged that as of October 2011 she was unable to obtain any communication from respondent. After several months of trying to reach her, she learned that respondent "had abruptly left town with no intention of returning" and without refunding the retainer.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2013-116

COMPLAINT SUMMARY: The respondent opened a Chickasaw County probate estate on April 29, 2008. The respondent was subject to a notice of delinquency for failure to have filed a timely interlocutory report on June 1, 2012. The Board sent its initial communication with respect to that probate delinquency to the respondent on October 25, 2012. The respondent replied to that initial communication on November 13, 2012 advising he would secure the signatures of the co-executors on the interlocutory report and file the same. The Board has heard nothing further from the respondent despite subsequent letters dated November 15, 2012; February 25, 2013; and March 14, 2013. As of April 15, 2013, the probate docket for the delinquent Chickasaw County estate proceeding reflects no filings by the respondent since January 27, 2011. The respondent was advised in the Board's letter of March 14, 2013, he should provide a response to the Board no later than April 15, 2013, "failing which the Board will initiate a formal disciplinary complaint." The respondent has failed to respond to the Board and has failed to file anything further in the delinquent probate matter.

2013-205

COMPLAINT SUMMARY: The Board received a certification from the Chickasaw County District Court Clerk that the respondent failed to cure a delinquency in a Chickasaw County Probate matter within 60 days of the clerk's notice to respondent of that delinquency. The Board sent its initial communication to the respondent with respect to that probate delinquency on April 18, 2013. There being no response, the Board sent its second letter to the respondent concerning that delinquency on May 24, 2013, which advised the respondent if there was no response within 20 days of the date of that letter "you can anticipate receipt of a notice of complaint from the Board." As of June 27, 2013, there had been no communication from the respondent.

BOARD ACTION: The Board considered the above two complaints but deferred making a determination, directing the Board's Administrator to communicate with respondent regarding his progress in the delinquent estate.

2013-133

COMPLAINT SUMMARY: Complainant alleged that respondent, who represented the defendant in a lawsuit in which complainant was the plaintiff, made a number of false statements to the local media regarding the lawsuit and a related criminal case in which respondent's client was found guilty of theft and fraudulent practice.

BOARD ACTION: A majority of the participating Board members determined to admonish respondent for making misrepresentations to the news media regarding the victim of her client's crime.

2013-279

COMPLAINT SUMMARY: The Board received a copy of an Order of the Iowa Supreme Court, removing respondent as appellant counsel for a criminal defendant because of her failure to cure a notice of default.

2013-286

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in September 2011 to represent her in bringing a contempt action arising out of a decree of dissolution of marriage. According to complainant, respondent neglected to timely pursue discovery, ignored repeated communications, and refused to deliver the file after complainant fired her.

2013-362

COMPLAINT SUMMARY: Complainant, a county attorney, alleged that over a period of several months, respondent repeatedly failed to appear for scheduled court hearings in cases in which she represented the defendants.

2013-363

COMPLAINT SUMMARY: Complainant, a district court judge, alleged that respondent failed to appear on behalf of clients in four scheduled court service day proceedings. Complainant further alleged that respondent failed to pick up her mail from the clerk's office.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission as to the above four complaint matters.

2013-186

COMPLAINT SUMMARY: The Board received a certification from the Woodbury County District Court Clerk that respondent failed to cure a probate delinquency within 60 days of the Clerk's notice to respondent of that delinquency. The Board sent its initial communication to the respondent with respect to that probate delinquency on March 14, 2013, and a second letter to the respondent on May 9, 2013 advising unless the Board was in receipt of his response within the

next 20 days from May 9, 2013, "you may expect to receive notice of a disciplinary complaint for your failure to respond as well as the underlying probate delinquency." As of June 14, 2013, the respondent had not replied.

BOARD ACTION: The Board determined to admonish respondent for failure to represent an estate with reasonable diligence and for failure to respond to the Board's requests for information.

2013-189

COMPLAINT SUMMARY: The Commission submitted an audit report showing that respondent commingled client funds in an investor savings account from which personal expenses were also paid. To support monthly trust account reconciliations, respondent would briefly transfer the monies from the investor savings account to the trust account once per month.

BOARD ACTION: The Board deferred making a determination, and directed the Administrator to ask the Client Security Commission to perform a further audit of respondent's client trust account.

2013-200

COMPLAINT SUMMARY: Complainant, incarcerated at the Newton Correctional Facility, alleged he filed a pro se post conviction relief application in the Jasper County District Court on December 26, 2012, at which time the respondent was court appointed to represent him. Complainant alleged respondent failed to answer any of his communications or to contact him in any way whatsoever prompting him to file a pleading with the Jasper County District Court clerk on April 19, 2013, and an order was entered on May 14, 2013, granting his wish for change of counsel.

2013-241

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in May 2012 to represent her in seeking primary custody of her daughter. Respondent required that she pay \$2000.00, and this sum was paid in three installments, the last of which was in March 2013. Complainant further alleged that respondent did not complete the paperwork until June 2013. According to complainant, she received no proof that respondent filed the petition with the court, and respondent ignored her subsequent inquiries.

2013-292

COMPLAINT SUMMARY: Complainant alleged that in March 2013 she paid respondent \$1,000.00 to file for divorce. Although respondent told complainant that she has filed her petition, this was not the case. On April 29, 2013, complainant was served divorce papers from her husband. Complainant alleged that the case was ready to proceed to decree in July, but since then complainant heard nothing further from respondent. Complainant alleged that respondent is

holding \$400 paid by her husband and her wedding band, and has ignored complainant's request for their return.

2013-330

COMPLAINT SUMMARY: Complainant alleged that in July 2013 she retained respondent to represent her in a divorce. According to complainant, she paid respondent an initial \$500.00 in July and another \$500.00 in September. Complainant alleged that respondent did nothing for her and ignored her communications.

2013-349

COMPLAINT SUMMARY: Complainant, a district court judge, provided information that in a dissolution of marriage action respondent failed to advise her client of the hearing date, resulting in the entry of a default decree. Complainant also reported that respondent became unavailable to her client and failed to inform her that her license had been suspended.

BOARD ACTION: The Board determined to file with the Grievance Commission against respondent as to the above five complaint matters.

2013-203

COMPLAINT SUMMARY: The Board received certifications from the Polk County District Court Clerk that respondent failed to cure a delinquency in each of five Polk County Probate matters within 60 days of the clerk's notices to respondent of those delinquencies. The Board sent its initial communication to the respondent with respect to those probate delinquencies on April 4, 2013, and a second letter to the respondent on May 23, 2013 advising that unless the Board was in receipt of her response within the next 20 days from May 23, 2013, "you can expect receipt of notice of a formal disciplinary complaint by the Board." As of June 27, 2013, the respondent had not replied.

2013-246

COMPLAINT SUMMARY: Complainant alleged that he hired respondent to bring a defamation lawsuit. Complainant alleged that respondent ignored his requests for copies of documents in his file and generally failed to maintain timely communication.

BOARD ACTION: The Board determined to file its complaint with the Grievance Commission against respondent as to the above two complaint matters.

2013-231

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in August 2011 to represent her in a child support matter. Complainant alleged that respondent failed to deposit the retainer fee to a trust account, sent her inaccurate and excessive invoices, ignored her inquiries

regarding the fee contract and her billing practices, misinformed her of the trial date, and failed to provide accurate and contemporaneous accounting.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2013-265

COMPLAINT SUMMARY: Complainant alleged that respondent neglected to represent him competently in a custody and visitation case and withdrew from the representation at a time when it was impossible for complainant to retain new counsel. Complainant also alleged that respondent failed to account for the retainer he paid her.

BOARD ACTION: The Board found that respondent's fees were reasonable (she even wrote off a sizable amount of fees) but that she did not always give complainant contemporaneous notice when withdrawing his funds from her client trust account to apply toward fees. Therefore the Board determined to admonish respondent.

2013-356

COMPLAINT SUMMARY: Complainant alleged that she called respondent's law office for possible representation in a contemplated divorce. Complainant's husband is an attorney. According to complainant, after she left a message with respondent's office, respondent spoke with complainant's husband and asked him "why did your wife call me for a divorce?"

BOARD ACTION: The Board determined to admonish respondent for divulging confidential information of a prospective client.

2013-285

COMPLAINT SUMMARY: The Board received a copy of a Judge's ruling and order holding respondent's client in contempt and finding that respondent assisted the client in pursuing a false and fraudulent claim. The judge further concluded that respondent lied under oath when questioned about his conduct.

BOARD ACTION: The Board (Arnold O. Kenyon III not participating) determined to file its complaint against respondent with the Grievance Commission.

2013-304

COMPLAINT SUMMARY: Complainant, serving a term of life imprisonment, alleged that respondent was appointed to represent him in a post conviction relief action. According to complainant, respondent neglected the case and waited 3 years to inform him that the matter had been dismissed by the district court for failure to bring the case to trial.

BOARD ACTION: The Board determined to admonish respondent for losing communication with complainant and neglecting his post conviction relief action almost 20 years ago, contrary to the former Code of Professional Responsibility for Lawyers. (Note: the Board's Administrator recused himself from the investigation of this complaint and the staff recommendation to the Board.)

2013-305

COMPLAINT SUMMARY: Complainant alleged that respondent neglected her son's OWI case and charged excessive fees.

BOARD ACTION: The Board found no indication that respondent neglected the case of complainant's son or that he charged excessive fees; to the contrary, not only were the fees reasonable but respondent made a generous refund to settle any dispute. However, the Board determined to admonish respondent for failure to provide required accountings to the client.

2013-306

COMPLAINT SUMMARY: Complainant, a Louisiana lawyer, alleged that in 2010 respondent prepared a deed for a client (now represented by complainant), transferring a farm to the client's son. According to complainant, the client suffered from Alzheimers Disease at the time. In July 2011, a Louisiana court found the client incapable of handling his own affairs and appointed a curator (guardian). The curator hired complainant to bring an action in federal court to rescind the transfer of the farm. Complainant alleged that, as attorney for the curator, he effectively represented the ward, respondent's former client. Complainant further alleged that respondent disregarded his requests for the former client's complete file. Complainant also alleged that, in support of the tranferee's motion to dismiss the federal lawsuit, respondent provided an affidavit in which he breached his former client's confidentiality and made statements directly contrary to the former client's interest.

BOARD ACTION: The Board found no convincing proof of misconduct and dismissed the complaint.

2013-319

COMPLAINT SUMMARY: Complainant alleged that respondent, the attorney for her parents' estates, ignored repeated requests for information from her attorney and neglected the estate.

BOARD ACTION: The Board determined to admonish respondent for neglect of the probate.

2013-320

COMPLAINT SUMMARY: Complainant alleged that respondent, his former criminal defense attorney, wrote him an unethical letter during the course of the representation in which he referred to complainant in various insulting terms, including calling him "a lifelong failure" and a "sh---y customer."

BOARD ACTION: The Board concluded that respondent's isolated sending of a single intemperate letter to a client (which he maintained was an earlier draft sent to complainant by mistake) did not rise to the level of ethical misconduct. Therefore the Board dismissed the complaint but cautioned respondent against similar conduct in the future.

2013-323

COMPLAINT SUMMARY: Respondent self-reported that while serving as a legal assistance attorney for the Iowa National Guard he entered into a sexual relationship with a Guard member who came to him for general legal advice regarding three separate matters. Respondent maintained that the Guard member was not actually a client, but noted that his supervisor initiated action against him for having a sexual relationship with a client.

BOARD ACTION: The Board (David M. Erickson not participating) determined to admonish respondent for conflict of interest with respect to his relationship with a fellow military service member.

2013-325

COMPLAINT SUMMARY: Complainant, a county attorney, alleged that respondent, representing a criminal defendant, falsely accused his office of filing criminal charges and obtaining a no-contact order for improper reasons.

BOARD ACTION: The Board determined to admonish respondent for making a recklessly false accusation against a public official.

2013-358

COMPLAINT SUMMARY: The Board received a copy of an order entered by the Iowa Supreme Court, removing respondent as counsel for a criminal defendant on appeal because of respondent's failure to cure a notice of default.

BOARD ACTION: In view of respondent's disciplinary history, the Board determined to publicly reprimand him for neglecting a client's appeal.

2013-336

COMPLAINT SUMMARY: Complainant, a lawyer representing the petitioner in a custody and visitation matter, alleged that respondent, the opposing counsel, failed to comply with discovery, presented a "doctored" document to the court in an attempt to show her compliance, advised her client to disregard a court order, then had improper ex parte communication with the court.

BOARD ACTION: The Board concluded that most of the allegations of misconduct were without merit. However, the Board determined to publicly reprimand respondent for advising a client to withhold court-ordered visitation from the mother of the client's children.

2013-341

COMPLAINT SUMMARY: Respondent represented complainant in a child guardianship case involving complainant's granddaughter. According to complainant, respondent repeatedly failed to return messages and phone calls. Complainant also alleged that at a court hearing in September 2013, an opposing party requested that complainant's guardianship of the child be taken away because she had not signed the appropriate guardianship documents. Complainant alleged she did sign the papers but respondent lied to the judge.

BOARD ACTION: The Board concluded that respondent's conduct did not rise to the level of an ethical violation. Therefore the Board dismissed the complaint, but cautioned respondent that he should have moved more quickly to obtain his client's signature on an oath of office before he lost contact with him.

2013-342

COMPLAINT SUMMARY: Complainant alleged that respondent represented his business in a small claims action. According to complainant, after judgment was entered against his company, respondent failed to promptly inform him and thus caused him to lose his right of appeal.

BOARD ACTION: The Board determined to admonish respondent for failing to promptly inform complainant of the court's decision.

2013-343

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent, on behalf of complainant's former wife, made several misrepresentations to the court to allow her client to leave the country with the parties' children.

BOARD ACTION: The Board found no convincing proof of misconduct and dismissed the complaint.

2013-345

COMPLAINT SUMMARY: Complainant alleged that respondent failed to keep him informed and did not represent him diligently in a divorce.

BOARD ACTION: The Board determined to admonish respondent for his neglect to prepare a Qualified Domestic Relations Order as directed by the court.

2013-350

COMPLAINT SUMMARY: Complainant alleged that in 1993, respondent conspired with other parties to defraud complainant as a beneficiary of a trust. Complainant further alleged that respondent had non-disclosed conflicts of interest arising from his representation of multiple

parties with respect to the trust and that respondent failed to competently and diligently represent the interests of the trust.

BOARD ACTION: The Board concluded there was a lack of convincing proof of misconduct and dismissed the complaint.

2013-351

COMPLAINT SUMMARY: The Board received a certification from the Polk County District Court Clerk that respondent failed to cure a probate delinquency within 60 days of the clerk's notice to respondent of that delinquency. The Board sent its initial communication to the respondent with respect to that probate delinquency on October 3, 2013. The respondent failed to provide a response to that initial communication so the Board wrote a second letter to the respondent on November 7, 2013. As of December 19, 2013, the respondent had not replied.

BOARD ACTION: The Board determined to admonish respondent for neglect of the probate and for her initial failures to respond to the Board's inquiries.

2013-352

COMPLAINT SUMMARY: Complainant alleged that he and others hired respondent to represent them in resisting a mortgage foreclosure. According to complainant, respondent failed to explain the conflict of interest between the jointly represented parties and arranged for a disposition that was especially unfavorable to complainant.

BOARD ACTION: The Board determined to admonish respondent for failure to obtain his clients' consent confirmed in writing when he undertook to represent them in proceedings in which they potentially had differing interests.

2013-353

COMPLAINT SUMMARY: The Board received information from the Clerk of the Supreme Court that the appeal of respondent's client in a post conviction relief case was dismissed because of respondent's failure to cure a default.

BOARD ACTION: The Board determined to admonish respondent for neglecting his client's appeal, and, for failing to move to withdraw if he truly believed the appeal was frivolous.

2013-354

COMPLAINT SUMMARY: Respondent self-reported that in November 2013 his secretary, at his direction, notarized the signature of a person who had not in fact appeared before her.

BOARD ACTION: The Board (Eric Lam not participating) determined to admonish respondent for directing his secretary to notarize the known signature of a client who had not appeared

before the secretary to sign the document in question. In determining an appropriate sanction, the Board considered that respondent self-reported this matter to the Board.

2013-361

COMPLAINT SUMMARY: Complainant, a district court judge, alleged that in November 2013 respondent appeared before him as counsel for a party in a dissolution of marriage action. According to complainant, during the hearing, respondent cross-examined the opposing party and presented evidence regarding deferred judgments that the party and another person had received. Complainant alleged that the deferred judgments had been expunged and that records regarding the deferred judgments should not have been presented in a public hearing.

BOARD ACTION: The Board determined to admonish respondent for the misconduct referred to in the complaint.

2014-2

COMPLAINT SUMMARY: Complainant alleged that respondent neglected her dissolution of marriage and various post-decree issues, failed to keep her reasonably informed, and advised her to violate the decree by withholding visitation from her former spouse because of his failures to comply with other aspects of the decree.

BOARD ACTION: The Board (Marti Nerenstone not participating) found no merit to most of the allegations but determined to admonish respondent for failing to provide contemporaneous notices and accountings upon withdrawing funds from his client trust account to pay expenses incurred in the case.

2014-5

COMPLAINT SUMMARY: Complainant, a district court judge, alleged that respondent violated Rule 32:3.7 by serving as advocate at a divorce trial in which he was a necessary witness.

BOARD ACTION: The Board determined to admonish respondent for the misconduct as set forth in the complaint.

2014-7

COMPLAINT SUMMARY: Complainant alleged she hired respondent to represent her in a civil rights/employment case in April 2013. According to complainant, respondent neglected to file the case. Complainant further alleged that while he was supposed to be representing her in the employment matter, respondent undertook to represent her son in a matter adverse to her.

BOARD ACTION: The Board determined to admonish respondent for neglecting complainant's legal matter.

2014-8

COMPLAINT SUMMARY: Complainant alleged that she paid respondent an advanced fee of \$600.00 in June 2013, to represent her in seeking a return of a rental deposit from her landlord. According to complainant, she heard nothing further from respondent after June and he ignored her phone calls and emails.

BOARD ACTION: The Board determined to admonish respondent for lack of communication and his initial neglect of complainant's legal matter.

2014-16

COMPLAINT SUMMARY: Complainant alleged that in 2008 he hired respondent to represent him in filing suit for damages incurred in a fall at a hospital. According to complainant, respondent filed suit against the wrong corporate entity and neglected to amend the petition until after the statute of limitations expired. Complainant further alleged that respondent renegeed on a malpractice settlement that was to compensate complainant for the mishandling of the personal injury lawsuit.

BOARD ACTION: The Board concluded that respondent's conduct did not rise to the level of an ethical violation, and therefore dismissed the complaint.

2014-19

COMPLAINT SUMMARY: Complainant, convicted of the crime of eluding, alleged that respondent, the county attorney who prosecuted him, used a false and altered video and audio recording to obtain the conviction.

BOARD ACTION: The Board found no merit to the allegations of misconduct and dismissed the complaint.

2014-22

COMPLAINT SUMMARY: Complainant alleged that respondent undertook to represent complainant's son in a child support matter. According to complainant, respondent twice sent papers to the mother of the son's child using the wrong address. Complainant further alleged that respondent failed to diligently process the matter and repeatedly failed to return calls.

BOARD ACTION: The Board found no merit to the allegations of misconduct and dismissed the complaint.

2014-27

COMPLAINT SUMMARY: Respondent represented complainant in a divorce. Complainant alleged that respondent failed to return phone calls and keep her informed of the status of the case. Complainant also alleged that respondent ignored her request for a bill showing the

balance of fees owed. Complainant further alleged that respondent gave her bad advice regarding temporary support and other matters.

BOARD ACTION: The Board found no convincing proof of misconduct and dismissed the complaint.

2014-40

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent represented him in a juvenile court case in which he faced termination of his parental rights. According to complainant, respondent failed to respond promptly to his inquiries and was not competent to assist him in the case.

BOARD ACTION: The Board found no merit to the allegations of misconduct and dismissed the complaint.

2014-51

COMPLAINT SUMMARY: Respondent self-reported, through his attorney, that he was sentenced in February 2014 following his plea of guilty to OWI, First Offense.

BOARD ACTION: The Board determined to admonish respondent for the conduct referred to in the complaint.

REHEARINGS:

2013-113

COMPLAINT SUMMARY: Complainants alleged that respondent represented them in civil litigation and a subsequent appeal. To pursue the appeal, respondent required that they pay \$1,400.00 for transcripts and filing fees. Complainants allege that they sent this money to respondent, but that he used it to apply toward his bill and not for transcripts and filing fees. Consequently, the court dismissed their appeal.

BOARD ACTION: Given respondent's exception to reprimand, the Board determined to file its complaint against him with the Grievance Commission.

2013-160

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent over charged a client (now represented by complainant) in a criminal case and may have withdrawn disputed funds from his trust account.

BOARD ACTION: In view of respondent's exception to reprimand, the Board (Arnold O. Kenyon III not participating) determined to file its complaint against him with the Grievance Commission.

2013-192

COMPLAINT SUMMARY: The Board received a copy of Findings of Fact, Conclusions of Law and Judgment Entry in a lawsuit brought by respondent against a former client. The court found that respondent failed to credit his client with all the amounts she had paid him and that he ignored her requests for accountings and failed to keep adequate records regarding her payments.

BOARD ACTION: Given respondent's exception to reprimand, the Board determined to file its complaint against him with the Grievance Commission.

2013-228

COMPLAINT SUMMARY: The Board received a copy of a rehearing decision by the Workers' Compensation Commissioner finding that respondent provided deceptive information at an earlier hearing in the case so as to avoid a sanction.

BOARD ACTION: Upon consideration of respondent's exception to admonition, the Board determined to affirm the admonition.

2013-248

COMPLAINT SUMMARY: Complainant alleged that respondent failed to provide competent representation in an immigration matter and overcharged him.

BOARD ACTION: Upon consideration of respondent's exception to admonition, the Board determined to affirm the admonition.

2013-249

COMPLAINT SUMMARY: Complainant represented the wife in a dissolution of marriage action. Respondent represented the husband. Complainant alleged that without his knowledge or consent, respondent induced complainant's client to come to his office to sign a stipulation to resolve the case. While at respondent's office, complainant's client was presented the stipulation by respondent's secretary. Complainant's client signed the stipulation and respondent's secretary notarized it. However, after the secretary told complainant's client also to sign her name on the line provided for complainant's signature, the client refused.

BOARD ACTION: Upon consideration of respondent's exception to admonition, the Board determined to affirm the admonition.

EXPEDITED DISMISSALS:

At the March 2005 quarterly meeting, the Board adopted the policy that a complaint marked with an asterisk in the weekly mailing will be deemed dismissed 20 days after the date of the mailing unless a Board member requests that the complaint be placed on the agenda for discussion at the next meeting.

Between the date of the Board's last quarterly meeting on March 27, 2014, and the current meeting on June 9, 2014, thirty-four (34) complaints were dismissed pursuant to the above policy. These include the following cases:

2012-208

COMPLAINT SUMMARY: Complainant alleged that respondent, who represents complainant's guardian and conservator, ignored his fiduciary duty by failing to submit payment of complainant's debt to the Social Security Administration. The online court docket for the guardianship and conservatorship shows that the matter is delinquent.

2012-296

COMPLAINT SUMMARY: Complainant alleged that she hired respondent to handle a collection matter. According to complainant, respondent neglected to process garnishments and failed to keep her timely informed of the status of the matter.

2012-317

COMPLAINT SUMMARY: Complainant alleged that respondent settled her personal injury claim in late 2011, but thereafter neglected to account for her settlement and pay medical liens. Respondent also was to file their bankruptcy petition and be paid for his services from the settlement proceeds. Complainant alleged that respondent neglected to file their bankruptcy petition. She also alleged that respondent's 50% contingent fee in the personal injury settlement was excessive.

2012-330

COMPLAINT SUMMARY: Complainant alleged that in July 2006 she paid respondent \$1000 to represent her and her husband with respect to a property dispute. She subsequently made additional payments to him. According to complainant, respondent misrepresented to her that he was working on the matter and she learned only in September 2012 that he had filed nothing with the court and had not contacted the opposing party's counsel to discuss settlement.

2012-345

COMPLAINT SUMMARY: The Board received information that respondent prepared a final report for the executor of a decedent's estate in which he misrepresented that all claims against the estate had been paid or otherwise resolved. The information provided to the Board further indicated that respondent received payment of his attorney fees in the estate without court authorization. Finally, the information provided to the Board indicated that respondent failed to notify his client, the executor, that respondent's law license was suspended in September 2012.

2013-26

COMPLAINT SUMMARY: Complainant alleged that respondent represented him in a workers' compensation matter. According to complainant, respondent failed to inform him of discovery requests from the opposing party and failed to resist that party's motion to compel, resulting in a ruling on motion for sanctions that barred complainant from offering any evidence at hearing on his contested claim. Thereafter, complainant's claim was dismissed on summary judgment, a fact of which respondent failed to inform him. Meanwhile, respondent's license was suspended, but respondent failed to inform him of the suspension or of the need to retain new counsel.

2013-41

COMPLAINT SUMMARY: Complainant alleged that she and her late husband hired respondent in October 2006 to represent them in bankruptcy. According to complainant, respondent failed to resolve the matter. Complainant said that beginning in March 2010 she and her husband called respondent "literally hundreds of times to no avail," requesting a refund.

2013-238

COMPLAINT SUMMARY: Complainant alleged that respondent was court appointed to represent him in defending against felony and misdemeanor charges. According to complainant, respondent failed to inform him of the hearing date on the misdemeanor charge and he learned of the hearing only after he received paperwork indicating he had been found guilty.

2013-243

COMPLAINT SUMMARY: Complainant alleged that respondent incompetently mishandled his child support case.

2013-253

COMPLAINT SUMMARY: Complainant, a resident of California, alleged that she and her brothers hired respondent to represent them in litigation involving their mother's trust and father's estate. According to complainant, over the course of 4 years respondent repeatedly refused to respond to phone calls and emails and failed to prepare for trial.

2013-301

COMPLAINT SUMMARY: Complainant alleged that respondent failed to represent her diligently in a divorce modification action. Among other things, complainant alleged that respondent failed to prepare for mediation.

2013-308

COMPLAINT SUMMARY: Complainant alleged that in April 2013 he hired respondent to represent him in a disability case. According to complainant, respondent neglected the case and failed to inform him of the deadline for filing an appeal. Complainant also alleged that respondent failed to return the documents complainant had given him.

2013-314

COMPLAINT SUMMARY: Complainant alleged that she and her husband hired respondent in early 2013 to transfer title to a residence from her son to her husband. Complainant alleged that despite paying respondent \$2,500.00 to handle the matter, he did nothing.

2013-317

COMPLAINT SUMMARY: Complainant alleged that she and respondent represented opposing parties in a dissolution of marriage action. According to complainant, respondent obtained improper ex parte orders from the court. Complainant also alleged that respondent made material misrepresentations in a complaint that he filed against her with the Board.

2013-318

COMPLAINT SUMMARY: Complainant alleged that respondent made material misrepresentations to the Board in a complaint that she and her partner filed against complainant.

2013-326

COMPLAINT SUMMARY: Complainant alleged that respondent, serving as guardian and conservator of the complainant's mother, repeatedly failed to serve notice of hearings on complainant.

2013-339

COMPLAINT SUMMARY: Complainant alleged that respondent, counsel for the guardian of complainant's mother, improperly threatened to file criminal charges against complainant if he visited his mother. According to complainant, there is no legal order or other basis for denying him access to his mother, and she wishes to see him.

2013-340

COMPLAINT SUMMARY: Complainant alleged that respondent, who represented him in a federal criminal case, neglected to investigate, even though complainant provided him the names of witnesses and identified evidence that would have assisted the defense. Complainant further alleged that respondent failed to appeal the case after telling complainant that he would do so.

2013-344

COMPLAINT SUMMARY: Complainant alleged that after the conclusion of his divorce, in which respondent represented him, he encountered respondent's wife at a casino. According to complainant, respondent's wife began talking about details of his divorce and accused him of "stiffing" respondent for his legal fees.

2013-346

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent failed to provide competent representation in complainant's post conviction relief action.

2013-359

COMPLAINT SUMMARY: Complainant, in jail awaiting trial, alleged that respondent failed to communicate with him after he refused a proposed plea bargain.

2013-364

COMPLAINT SUMMARY: Complainant alleged that respondent, the court-appointed Guardian Ad Litem for complainant's son, neglected her duties and misrepresented to the court the efforts she had made to investigate the matter.

2013-365

COMPLAINT SUMMARY: Complainant alleged that in 2007 respondent represented her in a simple misdemeanor case. According to complainant, she entered a plea of guilty on respondent's assurance that the conviction would be expunged after three years. According to complainant, she recently learned that the written plea of guilty, which was signed only by respondent, contained no provision for expungement of the conviction. Complainant further alleged that when she requested her file from respondent's office, respondent delayed sending it to her for several weeks and only did so after she told his secretary that she was filing a complaint against him.

2013-366

COMPLAINT SUMMARY: Complainant alleged that more than 20 years ago, respondent represented complainant and complainant's father. According to complainant, respondent advised him and his father to invest in a company in which respondent was a share holder and officer. Complainant further alleged that respondent, following the death of complainant's father, transferred the father's shares in the company to himself "without purchasing them."

2014-1

COMPLAINT SUMMARY: Complainant, civilly committed as a sex offender following completion of his prison sentence, alleged that respondent was unprepared to represent him in his

annual review hearing, seemed to be intoxicated at the hearing, and did not inform him of the outcome of the hearing.

2014-3

COMPLAINT SUMMARY: Complainant alleged that respondent represented complainant in 2009 in pursuing a claim in the probate of a decedent's estate. According to complainant, respondent withdrew from the representation without advanced notice or explanation to him and subsequently ignored repeated requests for a copy of the application to withdraw.

2014-4

COMPLAINT SUMMARY: Complainant alleged that respondent, her lawyer in a divorce, sent her confidential billings and documents for other clients.

2014-6

COMPLAINT SUMMARY: Complainant alleged that after his conviction and sentence, respondent sent him a letter telling complainant to contact him if he had further questions. Despite this letter, complainant alleged, respondent failed to answer his correspondence regarding what complainant perceived to be an illegal sentence. Complainant further alleged that respondent ignored his requests for original documents he provided to respondent.

2014-11

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in 2011 to represent her in pursuing a claim that a neighbor's field tile was placed into her lawn, causing her home to be flooded. According to complainant, respondent failed to represent her diligently and then refused to return the original tile maps she had provided to him.

2014-12

COMPLAINT SUMMARY: Complainant alleged that following her appointment to represent him in November 2013 in a criminal case, respondent failed to attend court proceedings and spoke with him only once, for less than 5 minutes. Complainant alleged that respondent has not answered letters and phone calls to her office.

2014-13

COMPLAINT SUMMARY: Complainant alleged that respondent, an assistant city attorney, undertook to assist him in pursuing a complaint against IBM under the Americans with Disabilities Act. Complainant alleged that respondent subsequently dismissed his complaint without notice to him. Complainant further alleged that respondent had an undisclosed conflict of interest because the city recently had given several million dollars to IBM to induce that corporation to open a facility in the same city.

2014-17

COMPLAINT SUMMARY: Complainant alleged that respondent, representing him in a criminal case, "never discussed" developments in the case any possible defenses with him. Complainant further alleged that respondent misrepresented that complainant assaulted him.

2014-18

COMPLAINT SUMMARY: Complainant alleged that respondent failed to communicate with him and keep him informed of the status of his criminal case.

2014-21

COMPLAINT SUMMARY: Complainant alleged that he hired respondent in August 2013 to file a petition for dissolution of marriage. Complainant signed the petition on October 4, 2013. Complainant alleged that as of late January 2014, he had no information from respondent regarding the status of the matter and did not know whether the petition had been filed. Complainant also alleged that respondent did not return phone calls.

OTHER BUSINESS:

The Board considered whether to open an investigation of a complaint by C. R. against attorney R. A., for which the Administrator had declined to open an investigation pursuant to Rule 34.4(1). Upon consideration of the materials submitted by C. R., the Board affirmed the Administrator's decision and declined to open an investigation.

Upon determining that the Board's next meeting would be held Wednesday, June 11, 2014, the meeting was adjourned.

s/ _____
Charles L. Harrington, Administrator

CLH/slc

**IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD**

HEARING-MEETING

June 11, 2014

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MINUTES

The regular quarterly hearing-meeting of the Iowa Supreme Court Attorney Disciplinary Board came to order at 10:00 a.m., Wednesday, June 11, 2014, in room 165 of the Judicial Branch Building, Des Moines, Iowa. Present were Board Chair David M. Erickson, and the following Board members: Sarah Cochran, John Gosma, Joseline Greenley, Stewart Huff, Arnold O. Kenyon III, Ann Knutson, Eric Lam, Marti Nerenstone, Carole Waterman, and Gerald Zavitz. Also present were Board Administrator Charles L. Harrington, Special Ethics Counsel Norman G. Bastemeyer, Ethics Counsel David J. Grace, and Wendell Harms, and Investigators Erin Ross-Johnson, and Melissa Hill.

The following action was taken:

NEW COMPLAINTS:

2013-58

COMPLAINT SUMMARY: Complainant, who is both a lawyer and a state official, alleged that respondent had a conflict of interest in representing both the buyer and seller in a real estate transaction.

BOARD ACTION: The Board determined to admonish respondent for conflict of interest and for conduct prejudicial to the administration of justice in obtaining a quiet title default decree without notice to the Iowa Department of Human Services, which had an interest in the property or the proceeds of its sale.

2013-116

COMPLAINT SUMMARY: The respondent opened a Chickasaw County probate estate on April 29, 2008. The respondent was subject to a notice of delinquency for failure to have filed a timely interlocutory report on June 1, 2012. The Board sent its initial communication with respect to that probate delinquency to the respondent on October 25, 2012. The respondent replied to that initial communication on November 13, 2012 advising he would secure the signatures of the co-executors on the interlocutory report and file the same. The Board has heard nothing further from the respondent despite subsequent letters dated November 15, 2012; February 25, 2013; and March 14, 2013. As of April 15, 2013, the probate docket for the delinquent Chickasaw County estate proceeding reflects no filings by the respondent since January 27, 2011. The respondent was advised in the Board's letter of March 14, 2013, he

should provide a response to the Board no later than April 15, 2013, "failing which the Board will initiate a formal disciplinary complaint." The respondent has failed to respond to the Board and has failed to file anything further in the delinquent probate matter.

2013-205

COMPLAINT SUMMARY: The Board received a certification from the Chickasaw County District Court Clerk that the respondent failed to cure a delinquency in a Chickasaw County Probate matter within 60 days of the clerk's notice to respondent of that delinquency. The Board sent its initial communication to the respondent with respect to that probate delinquency on April 18, 2013. There being no response, the Board sent its second letter to the respondent concerning that delinquency on May 24, 2013, which advised the respondent if there was no response within 20 days of the date of that letter "you can anticipate receipt of a notice of complaint from the Board." As of June 27, 2013, there had been no communication from the respondent.

2013-311

COMPLAINT SUMMARY: Complainant alleged that respondent prepared his income tax returns for many years. In April 2013, however, respondent failed to prepare the returns on time. Subsequent inquiries by complainant were ignored. Complainant further alleged that he hired other counsel to represent him but that respondent disregarded his repeated requests for his tax records.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission as to the above three complaint matters.

2013-131

COMPLAINT SUMMARY: Respondent self-reported that his office filed "erroneous claims" with the State Public Defender's Office. According to respondent, the mistakes were made by an employee who he was responsible for supervising.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2013-171

COMPLAINT SUMMARY: Complainant, a district court judge, informed the Board that in May 2013 he held respondent in contempt of court in a dissolution modification proceeding for counseling her client to willfully violate a court order by delaying visitation to the opposing party.

2013-174

COMPLAINT SUMMARY: Complainant alleged that respondent, her lawyer in a dissolution modification action, charged excessive fees and failed to provide accountings when she

withdrew funds from her trust account to apply towards fees. Complainant further alleged that respondent lied to the court and advised complainant to violate court-ordered visitation. (This complaint involves the same modification action as 2013-171.)

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission as to the above two complaint matters.

2013-182

COMPLAINT SUMMARY: The Client Security Commission reported that, following reinstatement of his law license after a suspension for trust account violations, respondent had not improved his record-keeping. Among other things, respondent failed to provide timely notices and accountings to clients upon withdrawal of funds from his trust account and that in some cases he withdrew fees that were not yet earned.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2013-229

COMPLAINT SUMMARY: The Board received information from a local fee arbitration committee that respondent failed to respond initially to their inquiries and subsequently informed the committee, inaccurately, that the fee dispute had been resolved. The client claimed that respondent ignored his requests for an itemized accounting and the return of the unearned portion of the client's \$5,000 retainer fee.

BOARD ACTION: The Board concluded that respondent's conduct did not rise to the level of an ethical violation, and dismissed the complaint.

2013-355

COMPLAINT SUMMARY: Complainant alleged that following conclusion of his legal matter, respondent failed to return over \$500 in unearned fees and ignored complainant's request for an accounting.

BOARD ACTION: The Board found that respondent eventually did return the unearned fees. Although the complaint presented a close question, the Board concluded that the delay in this instance did not warrant a disciplinary sanction. Therefore the Board dismissed the complaint but cautioned respondent that similar future delays in returning unearned fees could result in discipline.

2013-295

COMPLAINT SUMMARY: Complainant, serving life in prison, alleged that respondent neglected to exhaust her state remedies by applying for further review of a decision of the Iowa

Court of Appeals affirming the denial of her application for post conviction relief. Consequently, complainant's federal habeas corpus petition was dismissed.

2013-333

COMPLAINT SUMMARY: Complainant alleged that in September 2011 respondent was appointed to represent him in a PCR appeal. According to complainant, respondent failed to reply to his inquiries. Complainant further alleged that respondent had a conflict of interest because she also represented complainant's former wife.

2013-347

COMPLAINT SUMMARY: Complainant alleged that at the conclusion of his representation by respondent, she ignored his repeated requests for his file.

BOARD ACTION: The Board determined to issue one public reprimand covering misconduct in the above three complaint matters, including failure to comply with rules requiring competent representation, reasonable communication, and timely delivery of the client's file to new counsel following respondent's withdrawal from representation.

2013-307

COMPLAINT SUMMARY: From 2007 until 2012 respondent represented complainant in a dissolution of marriage action and subsequent modification proceeding. Complainant alleged that he and respondent entered into an agreement that complainant would perform body work on vehicles owned by respondent and his family in exchange for legal services. According to complainant, he worked on numerous vehicles pursuant to this agreement. He further alleged that respondent recently sued him for several thousand dollars in legal fees. According to complainant, until shortly before filing suit, respondent had never sent him a bill and had never informed him of his hourly rate. Complainant further alleged that respondent's claim for legal fees was unreasonable given the work complainant had performed pursuant to their agreement.

BOARD ACTION: The Board determined to admonish respondent for failing to clearly explain the basis of his fees within a reasonable time after commencing representation and for representing him for several years without providing him an itemized statement.

2013-312

COMPLAINT SUMMARY: Complainant alleged that respondent neglected her interests in a dissolution modification action and failed to timely submit her interrogatory answers to opposing counsel, resulting in a \$500 sanction assessed against complainant. Complainant also alleged that respondent did not timely respond to her requests for an itemization.

BOARD ACTION: Although the Board concluded there was no convincing proof of complainant's allegations of misconduct, the Board's investigation showed that respondent failed to send her a contemporaneous notice of withdrawal and accounting when he took her funds

from the trust account in May 2009 to apply toward legal fees. The Board determined to admonish respondent for this omission.

2013-329

COMPLAINT SUMMARY: Complainant represented a criminal defendant at trial in November 2013 in a case in which respondent served as special prosecutor. According to complainant, respondent failed to disclose exculpatory photographs and other evidence. Complainant also alleged that respondent pursued a line of cross-examination that was clearly contrary to Iowa Case Law in that it shifted the burden to the defendant.

BOARD ACTION: The Board determined to admonish respondent for failing to produce certain photographs known to him which he should have realized were encompassed within the defendant's discovery request and which were potentially exculpatory.

2013-337

COMPLAINT SUMMARY: Complainant, a lawyer, sent the Board a copy of a letter he received from respondent in November 2013 in which respondent at least indirectly threatened that his clients would file criminal charges against complainant's clients unless they reconsidered their rejection of a demand letter from respondent.

BOARD ACTION: The Board concluded that under current rules of ethics, respondent's conduct did not constitute misconduct. Therefore the Board dismissed the complaint.

2014-9

COMPLAINT SUMMARY: Complainant alleged that respondent was attorney for her and her brother in their capacity as trustees of their late mother's trust. According to complainant, respondent actually promoted the interests of the other trustee to the detriment of complainant and other beneficiaries. Complainant further alleged that respondent arranged to sell trust property to the other trustee at a price lower than it's worth, both to benefit that trustee and to defraud the IRS and the Iowa Department of Revenue.

BOARD ACTION: The Board found no convincing proof of fraud with respect to the sale of trust property to complainant's brother. However, the Board concluded that respondent violated his duty to represent the trust with reasonable diligence as to the trust's income tax returns for 2010 and that he ignored his duty to keep the client reasonably informed and comply promptly with reasonable requests for information. The Board determined to admonish respondent for these violations.

2014-10

COMPLAINT SUMMARY: Complainant, the co-trustee of her late mother's trust, alleged that respondent was hired to handle a real estate transaction for the trust. According to complainant,

respondent took steps to favor the other trustee and to structure the transaction so as to defraud the IRS and the Iowa Department of Revenue.

BOARD ACTION: The Board found no convincing proof of misconduct and dismissed the complaint.

2014-14

COMPLAINT SUMMARY: Complainant, a district court judge, alleged that respondent violated court orders and discovery rules in failing to comply with discovery requirements.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-15

COMPLAINT SUMMARY: Complainant self-reported that in January 2014 she was arrested for possession of marijuana and that for many years she has used marijuana to self-medicate for depression and anxiety.

BOARD ACTION: The Board determined to admonish respondent for criminal conduct reflecting adversely on her fitness as a lawyer.

2014-20

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent appeared to have violated Rules 32:8.4(b), (c), (d) and Rule 32:1.5(a) by submitting excessive and duplicative claims for mileage reimbursement in court-appointed indigent defense matters.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-25

COMPLAINT SUMMARY: Complainant alleged that respondent represented her in a personal injury matter. According to complainant, respondent received a check on her behalf from the insurance carrier in April 2013 but did not inform her to come in and sign the check until June. Complainant further alleged that respondent "never" returned phone calls. Complainant further alleged that respondent ignored requests for the return of her retainer fee. Finally, complainant alleged that respondent neglected a legal matter for her parents.

2014-68

COMPLAINT SUMMARY: Complainant alleged that respondent neglected her divorce and repeatedly ignored her questions regarding the case.

BOARD ACTION: The Board determined to file its complaint against respondent as to both of the above files with the Grievance Commission.

2014-26

COMPLAINT SUMMARY: Complainant alleged that despite receiving information from him and his wife regarding their concerns that a mortgage they held would soon be time-barred, respondent neglected to take action to protect their interest.

BOARD ACTION: The Board determined to admonish respondent for failing to inform complainant that he did not represent his personal interests with respect to complainant's claim against the estate and for ignoring a request for additional information from the Board's investigator.

2014-29

COMPLAINT SUMMARY: Complainant alleged that after the conclusion of a federal criminal case in which respondent represented him, respondent failed to comply with his request for the case file.

BOARD ACTION: The Board concluded there was insufficient proof that respondent's conduct rose to the level of an ethical violation. Therefore the Board dismissed the complaint, but cautioned respondent to be mindful of his duty to promptly return property to which a client is entitled.

2014-35

COMPLAINT SUMMARY: Complainant alleged that respondent, his court-appointed attorney in a post conviction relief matter, had not communicated with him since his appointment to the case in August 2013.

BOARD ACTION: The Board determined to admonish respondent for failing to keep complainant reasonably informed about the status of his legal matter.

2014-36

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent neglected to process his post conviction relief case and engaged in no communication ("absolutely none whatsoever") with him.

BOARD ACTION: The Board determined to admonish respondent for lack of communication with complainant.

2014-29

COMPLAINT SUMMARY: Complainant alleged that after the conclusion of a federal criminal case in which respondent represented him, respondent failed to comply with his request for the case file.

2014-98

COMPLAINT SUMMARY: Complainant alleged that in August 2013, he paid respondent a retainer of \$1,000.00 to undertake his representation in a dissolution of marriage action. According to complainant, respondent took no action, failed to file complainant's petition, and ignored his request for the return of the retainer.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission as to both of the above files.

2014-46

COMPLAINT SUMMARY: Respondent self-reported, through his attorney, that he took fees prematurely from his trust account to cover office operating expenses. Consequently, the software accounting system used by his office was unable to maintain accurate accounts, despite respondent's subsequent deposit back into the trust account of fees taken before earned.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-52

COMPLAINT SUMMARY: Complainant served as executor of his late father's estate, for which respondent served as attorney. Complainant alleged that respondent neglected to timely close the estate, ignored multiple inquiries as to the status of the estate, and attempted to take a percentage of the estate as fees without excluding from the calculation the insurance proceeds paid to a named beneficiary. Complainant also alleged that respondent misrepresented to him that 2% of the estate was the "standard" fee, as opposed to being the maximum fee allowable.

BOARD ACTION: The Board determined, by a majority of participating members, to file its complaint against respondent with the Grievance Commission.

2014-53

COMPLAINT SUMMARY: Complainant reported that respondent, an attorney admitted to practice in Kansas, opened a branch office in Iowa for the purpose of practicing immigration law. Complainant alleged that respondent was provided with paperwork to complete an annual Client Security Commission statement and questionnaire, as now required for out-of-state attorneys engaging in multi-jurisdictional practice in this state. According to complainant, respondent initially completed and filed the paperwork, but then withdrew it before it was

processed and requested a refund of his funds in late January 2014, giving the explanation that he was closing his Iowa office. Complainant reported that respondent's website continues to indicate that he practices in Iowa.

BOARD ACTION: The Board determined to publicly reprimand respondent for violating Iowa's client trust account and multijurisdictional practice rules.

2014-54

COMPLAINT SUMMARY: The Supreme Court Clerk provided documentation to the Board, showing that the appeal of respondent's client in a civil case was dismissed in February 2014 after respondent failed to cure a notice of default.

BOARD ACTION: The Board determined to admonish respondent for lack of diligence and conduct prejudicial to the administration of justice.

2014-56

COMPLAINT SUMMARY: Complainant alleged that in February 2013, he hired respondent to prepare documents conveying a life estate to himself and his children from a family corporation. According to complainant, respondent neglected to prepare the documents for seven months and then prepared them with the wrong legal description. Complainant also alleged that respondent failed to respond to emails and phone calls.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-57

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent failed to keep him informed of the status of his post conviction relief action, misanalyzed the information complainant gave him, and did not diligently protect his interests.

BOARD ACTION: The Board found no indication of misconduct and dismissed the complaint.

2014-75

COMPLAINT SUMMARY: Complainant alleged that in October 2013, he gave respondent a retainer fee of \$2,500.00 to represent him in a child custody case. Complainant alleged that respondent did little work on the case and returned only one phone call during the 6 months of the representation.

BOARD ACTION: The Board concluded that the allegations of complainant were not convincingly established; however, the Board's investigation disclosed that respondent deposited only part of complainant's advance fee payment into his client trust account, withdrew from trust certain funds that had not yet been earned, and failed to provide contemporaneous notice and

accounting to complainant upon withdrawing \$1,000.00 from the trust account to apply towards fees. The Board found that respondent eventually did earn fees and incur expenses exceeding the amount of the advance payment and wrote off approximately \$1,500.00 in fees owed by complainant. It was the determination of the Board to publicly reprimand respondent for the trust account violations.

2014-77

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in October 2012 to commence an action for dissolution of marriage. According to complainant, she and her husband reached an agreement to settle the matter, but respondent neglected to obtain a decree.

BOARD ACTION: The Board found no convincing proof of misconduct and dismissed the complaint.

2014-81

COMPLAINT SUMMARY: Complainant self-reported that he entered pleas of guilty in March 2014 to charges of OWI, first offense, and disorderly conduct.

BOARD ACTION: The Board, by a majority of 10-1, determined to admonish respondent for criminal conduct reflecting adversely on his fitness as a lawyer.

2014-82

COMPLAINT SUMMARY: Complainants, lawyers who represent beneficiaries of an Estate for which respondent serves as counsel, alleged that respondent communicated directly with their clients without authorization. Complainants further alleged that respondent took premature fees in the estate proceeding.

2014-95

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in 2012 to represent her in a child custody case. According to complainant, respondent ignored her requests for copies of documents in the case and for the return of the unearned portion of her retainer fee. Complainant also alleged that she later learned that respondent neglected to obtain a final order in the case.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission as to both of the above files.

2014-85

COMPLAINT SUMMARY: Complainant alleged that respondent, the executor of his father's estate, neglected his duty to protect the estate's assets from his sister's conversion and from other causes.

BOARD ACTION: The Board found no indication of misconduct and the complaint was dismissed.

2014-88

COMPLAINT SUMMARY: Complainant, a beneficiary of an estate for which respondent served as attorney, alleged that respondent took his fee early and failed to timely complete the probate.

BOARD ACTION: The Board determined to publicly reprimand respondent for taking the second half of his fee in a decedent's estate more than 3 years before he was entitled to this portion of the fee pursuant to the Rules of Probate Procedure.

2014-90

COMPLAINT SUMMARY: The Board received a copy of an Opinion of the United States Court of Appeals for the 8th Circuit, reversing a judgment in favor of respondent's client in an unlawful sexual harassment and retaliation lawsuit. In the Opinion, the court found that respondent "clearly violated" Iowa Rule of Professional Conduct 32:3.4 by referring in her final remarks to the jury her own experience of being sexually harassed by a professor in law school, something which had no support in the trial record.

BOARD ACTION: The Board found that respondent made improper statements in final argument to the jury in a hotly contested civil trial. In context, however, concluded that respondent's statements reflected the heat of trial and poor judgment, as opposed to purposeful violation of ethical standards. The Board determined that discipline was not necessary in these circumstances, and therefore dismissed the complaint but cautioned respondent that similar future conduct would result in a sanction.

2014-96

COMPLAINT SUMMARY: Complainant alleged that in January 2014, he consulted respondent regarding representation in a divorce. Respondent requested a retainer of \$7,500.00, of which complainant paid \$5,000.00. Complainant alleged that the following day respondent informed him he had a conflict of interest and could not represent him. According to complainant, respondent ignored his request for a return of the \$5,000.00 partial retainer.

BOARD ACTION: The Board found no convincing proof of misconduct and dismissed the complaint.

2014-113

COMPLAINT SUMMARY: Complainant, a co-executor of her late mother's estate, alleged that respondent, the estate's attorney, ignored her many inquiries and refused to explain why the estate remained open.

BOARD ACTION: The Board concluded there was no convincing proof of misconduct and dismissed the complaint.

REHEARINGS:

2012-190

COMPLAINT SUMMARY: Respondent self-reported that he was charged with an intended to plead guilty to OWI, Second Offense. Respondent also reported that when stopped for the offense in March 2012, he refused a breath test, as a result of which his license was suspended. Respondent further reported that on June 7, 2012, he operated a motor vehicle without a license and was "caught" by police.

BOARD ACTION: The Board previously determined to publicly reprimand respondent. Because of concerns that the Iowa Supreme Court might not accept the reprimand as drafted, the Board determined to issue a revised reprimand letter.

2012-320

COMPLAINT SUMMARY: The Board received court documents showing that on September 27, 2012, respondent entered an Alford plea of guilty to a charge of interference with official acts.

BOARD ACTION: Upon consideration of respondent's exception to the Board's previous determination to reprimand him, a majority (7-3) of the Board concluded that a reprimand was too severe and therefore determined to admonish respondent.

2013-220

COMPLAINT SUMMARY: The Board received information that respondent took fees from her trust account before earned and without timely accountings to clients and that she failed to maintain accurate and timely trust account records.

BOARD ACTION: Upon consideration of the Administrator's request that the Board reconsider its previous determination to issue a public reprimand, the Board declined to change its decision.

2013-336

COMPLAINT SUMMARY: Complainant, a lawyer representing the petitioner in a custody and visitation matter, alleged that respondent, the opposing counsel, failed to comply with discovery, presented a "doctored" document to the court in an attempt to show her compliance, advised her client to disregard a court order, then had improper ex parte communication with the court.

BOARD ACTION: Upon consideration of respondent's exception to the Board's previous determination to issue a public reprimand, a majority (8-3) of the participating Board members determined to file the Board's complaint against respondent with the Grievance Commission.

EXPEDITED DISMISSALS:

At the March 2005 quarterly meeting, the Board adopted the policy that a complaint marked with an asterisk in the weekly mailing will be deemed dismissed 20 days after the date of the mailing unless a Board member requests that the complaint be placed on the agenda for discussion at the next meeting.

Between the date of the Board's last quarterly meeting on March 27, 2014, and the current meeting on June 11, 2014, thirty-five (35) complaints were dismissed pursuant to the above policy. These include the following cases:

2013-19

COMPLAINT SUMMARY: The Board received certifications from the Dubuque County District Court Clerk that the respondent failed to cure 2 probate delinquencies within 60 days of the clerk's notices to respondent of those delinquencies. The Board sent its initial communication to the respondent with respect to those probate delinquencies on October 25, 2012, and a second communication on December 6, 2012. As of January 9, 2013, the respondent had not replied.

2013-348

COMPLAINT SUMMARY: Complainants allege that in March 2013 they spoke with respondent by telephone regarding a family dispute. According to complainants, respondent agreed to represent them. Several months later, respondent on behalf of other family members filed suit against complainants regarding the same matter.

2013-360

COMPLAINT SUMMARY: Complainant alleged that respondent, representing a person against whom complainant obtained a small claims judgment, attempted to effectively reverse the judgment by filing a frivolous lawsuit against him under Iowa Code chapter 714H.

2014-23

COMPLAINT SUMMARY: Complainant alleged that respondent counseled her to violate federal law by having her sign a settlement agreement in her divorce which assigned a social security benefit for the parties' child to the non custodial parent. Complainant further alleged that respondent failed to protect her interests when he had her waive any claim to child support.

2014-24

COMPLAINT SUMMARY: Complainant alleged that respondent, representing him at resentencing, made no arguments on his behalf. Complainant further alleged that respondent had a conflict of interest because a member of his law firm is married to one of the members of the county attorney's office.

2014-28

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent as his court-ordered lawyer lied to him about his eligibility for a program that would allow him to spend his sentence at Fort Des Moines. Complainant later learned he was not eligible for this program. He alleged that respondent lied to him so as to persuade him to enter a plea of guilty.

2014-30

COMPLAINT SUMMARY: Complainant alleged that respondent, representing the co-executors of her late mother's estate, assisted the co-executors in illegally disposing of estate property. Complainant further alleged that respondent refused to give her a copy of the will and that she then learned from the clerk of court that she was supposed to be an executor.

2014-31

COMPLAINT SUMMARY: Complainant, a county auditor, alleged that respondent, the county attorney, permitted a lawyer not licensed in Iowa to hold herself out as an assistant county attorney.

2014-32

COMPLAINT SUMMARY: Complainant alleged that she and her husband purchased a home from respondent and respondent's now ex-husband. According to complainant, respondent and her ex-husband failed to disclose at the time of the sale that the company which had provided the building materials for the home had recommended that a structural engineering evaluation be performed. Complainant alleged that in the course of a subsequent dispute regarding the integrity of the home, respondent misrepresented to complainant's attorney that she had no recollection of ever being told to retain a structural engineer to evaluate the home.

2014-33

COMPLAINT SUMMARY: Complainant alleged that in October 2012 he and his brother-in-law hired respondent to represent them regarding the dissolution of an LLC in which complainant's nephew was the third partner. Complainant's brother-in-law also hired another lawyer in respondent's firm to represent him in bankruptcy. Complainant alleged that this created a conflict of interest. Complainant also alleged that in January 2014 respondent lied to him by denying he had represented complainant's brother-in-law for more than a week or two.

2014-34

COMPLAINT SUMMARY: Complainant alleged that he hired respondent to represent him in filing a personal injury and civil rights lawsuit against various governmental entities and individuals. According to complainant, respondent missed several filing deadlines in the case, failed to keep him informed, and let the case languish in district court for 6 years without decision.

2014-37

COMPLAINT SUMMARY: Complainant alleged that respondent, on behalf of an orthotics company, filed a small claims action against him on an unpaid bill. Complainant further alleged that he and respondent agreed to a settlement of the case whereby complainant would pay a portion of the bill and respondent's client would agree that the dismissal order would include language that respondent's client agreed to provide lifetime servicing for the product. Complainant further alleged that respondent reneged on the agreement, obtained a dismissal order without reference to lifetime servicing of complainant's orthotic inserts and falsely denied that he agreed to include such a provision in the dismissal order.

2014-41

COMPLAINT SUMMARY: Complainant alleged that respondent, in representing him in a dissolution of marriage, showed "lack of control" and "screamed" at him when he disagreed with respondent's advice. Complainant further alleged that respondent failed to request a continuance of trial, despite being unfit on the day of trial because he had been to the emergency room the night before.

2014-42

COMPLAINT SUMMARY: Complainant alleged that respondent failed to provide competent representation in complainant's bankruptcy case. Complainant further alleged that respondent charged excessive fees and refused to discuss complainant's concerns about his bill.

2014-44

COMPLAINT SUMMARY: Complainant alleged that respondent was to take the necessary steps to probate his later mother's estate but failed to do so. Complainant also alleged that respondent ignored repeated inquiries from family members regarding the status of the estate.

2014-45

COMPLAINT SUMMARY: Complainant, in jail awaiting trial on criminal charges, alleged that respondent had a conflict of interest in representing him because he also represented a co-defendant. Complainant also accused respondent of making a false promise to him that he would receive a furlough from jail to visit his sick mother.

2014-47

COMPLAINT SUMMARY: Complainants alleged that respondent, the attorney for the plaintiffs in a quiet title and petition action, unduly delayed final distribution to complainants and other beneficiaries. The property in question, a family farm, sold in December 2012 and a partial distribution was made in January 2013. Complainants alleged that respondent did nothing in the case after May 2013.

2014-48

COMPLAINT SUMMARY: Complainant accused respondent, his lawyer in a divorce, of failing to prepare for trial and neglecting his interests. Complainant also alleged that respondent disclosed confidential details of another client's case to him.

2014-49

COMPLAINT SUMMARY: Complainant, in jail awaiting sentence following a plea of guilty to 2nd Degree Murder, alleged that respondent "intentionally sabotaged" his case and failed to communicate with him for "six months straight."

2014-50

COMPLAINT SUMMARY: Complainant alleged that respondent was appointed to represent him in a post conviction relief action but for months ignored complainant's attempts to communicate with him by phone or mail.

2014-58

COMPLAINT SUMMARY: Complainant, in jail awaiting trial, alleged that respondent failed to investigate and inspect evidence held by the state in his case. Complainant further alleged that during one of their meetings, respondent "screamed" at him and told him he was guilty, in the presence of a co-defendant.

2014-61

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed in a September 2013 to represent him in a criminal appeal, visited him shortly after the appointment but thereafter had no communication with him. Complainant further alleged that respondent ignored complainant's inquiries and "hundreds" of phone calls from complainant's mother.

2014-64

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent, his defense attorney, failed to communicate with him, asked him to lie on the stand, and generally neglected his case.

2014-67

COMPLAINT SUMMARY: Complainant alleged that he hired respondent to represent him in a custody case. According to complainant, respondent failed to keep him informed of court dates and other matters and was extremely rude to him. Complainant further alleged that after he terminated respondent's representation, she sent him a check for \$950 remaining in her client trust account but failed to provide him an accounting, despite his requests.

2014-70

COMPLAINT SUMMARY: Complainant accused respondent of lack of communication and neglecting his post conviction relief action.

2014-71

COMPLAINT SUMMARY: Complainant alleged that respondent neglected her interests in a child custody case, thereby allowing her "porno addicted" husband to obtain primary physical care of their young child.

2014-72

COMPLAINT SUMMARY: Complainant alleged that respondent made misrepresentations to the court and advised his client to withhold the parties' minor child from complainant in violation of a court decree.

2014-74

COMPLAINT SUMMARY: Complainant alleged that respondent made misrepresentations to the court and advised his client to withhold the parties' minor child from complainant in violation of a court decree.

2014-76

COMPLAINT SUMMARY: Complainant alleged that her late mother-in-law paid respondent over \$5,000.00 "to make sure everything was taken care of after her death." According to complainant, respondent was to open probate proceedings upon her mother-in-law's death but neglected to do so.

2014-78

COMPLAINT SUMMARY: Complainant alleged that respondent, serving on a school board, had a conflict of interest in representing two teachers in the same school district in a criminal case involving charges of illegally obtaining prescription drugs.

2014-83

COMPLAINT SUMMARY: Complainant alleged that respondent, court-appointed to represent him in a federal criminal case, neglected to present any crucial defense on his behalf and later ignored his requests for the return of his property.

2014-84

COMPLAINT SUMMARY: Complainant alleged that respondent, the attorney for his father's estate, neglected her duty to protect the estate's assets from his sister's conversion and from other causes.

2014-87

COMPLAINT SUMMARY: Complainant, awaiting trial on a Class A felony charge, alleged that respondent failed to conduct any investigation into his case and did not bother to interview alibi witnesses. Complainant further alleged that respondent failed to keep him informed about the case.

2014-92

COMPLAINT SUMMARY: The complainant alleged that respondent, a county attorney, made a "deal" with a psychiatrist to pursue involuntary hospitalization proceedings against him so as to obtain complainant's "valuable property."

2014-93

COMPLAINT SUMMARY: The complainant alleged that respondent, an assistant county attorney, made a "deal" with a psychiatrist to pursue involuntary hospitalization proceedings against him so as to obtain complainant's "valuable property."

OTHER BUSINESS:

The Board members reviewed the risk management policy of the Office of Professional Regulation. No changes were suggested at this time.

The Board considered the request of the complainant in File No. 2013-253 to reopen the investigation following dismissal of the complaint. The participating Board members unanimously declined to reopen the investigation.

The Board recognized and expressed appreciation of departing members Joseline Greenley and Arnold O. Kenyon, III. Ms. Greenley and Mr. Kenyon each served two 3-year terms on the Board and therefore were ineligible for reappointment.

After determining that the Board's next quarterly meeting would be held September 17, 2014, in Des Moines, the members unanimously voted to adjourn the meeting.

CLH/slc

s/_____
Charles L. Harrington, Administrator

**IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD**

HEARING-MEETING

September 17, 2014

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MINUTES

The regular quarterly hearing-meeting of the Iowa Supreme Court Attorney Disciplinary Board came to order at 10:00 a.m., Wednesday, September 17, 2014, in room 165 of the Judicial Branch Building, Des Moines, Iowa. Present were Board Chair David M. Erickson, and the following Board members: Sarah Cochran, Susan R. Flander, Stewart A. Huff, Stephanie L. Cox, Eric W. Lam, Marti Nerenstone, Andrew Van Der Maaten, Ann Knutson, Carole Waterman, and Gerald A. Zavitz. Also present were Board Administrator Charles L. Harrington, Special Ethics Counsel Norman G. Bastemeyer, Ethics Counsel David J. Grace, Assistant Ethics Counsel Wendell Harms, Elizabeth Quinlan, and Amanda Robinson, and Investigators Erin Ross-Johnson, and Melissa Hill.

The following action was taken:

NEW COMPLAINTS:

2010-336

COMPLAINT SUMMARY: Complainant alleged that respondent took her money to represent her in a civil lawsuit and "failed to perform services." Complainant also alleged that respondent fell asleep during depositions, lied to her regarding a paralegal that works in his firm, and disclosed her confidential information to her roommate.

2011-448

COMPLAINT SUMMARY: Complainant residing in federal prison, alleged through his power of attorney that respondent represented him in seeking to establish his paternity of a young child. According to complainant, respondent failed to move the case forward, and, after moving to withdraw, failed to return complainant's advance fee payment.

BOARD ACTION: The Board found that most of the allegations were not supported by convincing proof but that respondent did fail to provide accountings to the complainants. Given that respondent already had been disciplined for more serious contemporaneous misconduct, the Board concluded that these two complaints should be resolved by issuing an admonition.

2012-149

COMPLAINT SUMMARY: Complainant alleged that she and her husband hired respondent to represent her husband in a criminal case. They initially paid respondent \$10,000. When enhanced or additional charges were filed, respondent required them to pay \$15,000 in additional fees.

2012-315

COMPLAINT SUMMARY: Complainant, a bankruptcy judge, alleged that respondent failed to competently represent bankruptcy clients. Complainant further alleged that after respondent's license was suspended in August 2012 he failed to notify all of his bankruptcy clients of the suspension.

2012-368

COMPLAINT SUMMARY: The Board received information from the court's file in an appeal, indicating that the appeal was filed by respondent without his client's permission.

BOARD ACTION: The Board found that the misconduct alleged in these three complaints either could not be proved or already had been addressed in a previous Grievance Commission action. Therefore the Board determined to dismiss all three of the complaints.

2012-214

COMPLAINT SUMMARY: The Board sent its initial communication to the respondent on April 12, 2012 with respect to certifications by the Polk County District Court Clerk of delinquencies in five separate probate matters: two estates and three guardianship/conservatorships. The respondent replied by letter dated April 23, 2012 providing documentation the delinquent initial report had been filed in one of the guardianship/conservatorships and wrote again on April 25, 2012, providing documentation the two remaining guardianship/conservatorship delinquent initial reports had been filed. The Board wrote the respondent on April 26, 2012 acknowledging receipt of copies of initial reports filed in those guardianship/conservatorships advising that those were but three of the five Polk County probate matters subject to the notices of delinquency. The Board requested at that time that the respondent advise as to the status of the other two probate matters which were estates of decedents, one of which had been subject to six prior notices of delinquency. Hearing nothing further from the respondent the Board wrote again on May 24, 2012 enclosing a copy of the April 26, 2012 letter and advising his continued failure to respond to the Board's inquiry could result in the opening of a formal disciplinary complaint. Respondent was given until June 30, 2012 to provide the information requested. As of July 12, 2012, the respondent has provided nothing further.

BOARD ACTION: The Board found that one of the delinquent guardianship-conservatorships was already closed before the Board opened a formal complaint file and that the other two guardianship-conservatorships were no longer delinquent by the summer of 2012 when

respondent was placed on interim suspension. The two estates were still delinquent when respondent was suspended, and successor counsel was appointed in each estate. The Board determined to admonish respondent for failure to cure the delinquencies in the two estates and for lack of cooperation with the Board's investigation.

2013-181

COMPLAINT SUMMARY: The Board received the Client Security Commission's reports of the recent audit of respondent's trust account. According to the auditor's reports, respondent committed multiple trust account violations, including failures to provide timely notices and accountings, withdrawals of fees that were unearned, and withdrawals causing negative sub-account ledger balances.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2013-189

COMPLAINT SUMMARY: The Commission submitted an audit report showing that respondent commingled client funds in an investor savings account from which personal expenses were also paid. To support monthly trust account reconciliations, respondent would briefly transfer the monies from the investor savings account to the trust account once per month.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2013-221

COMPLAINT SUMMARY: Complainants, two criminal defendants and their attorney, alleged that respondent, a county attorney, pursued campaign finance charges against two of the complainants without probable cause or adequate investigation; had a conflict of interest in deciding not to prosecute an incumbent candidate who was a sitting member of the county board of supervisors and who had engaged in the same conduct; making misrepresentations at trial; making improper statements to the press, and failing to comply with discovery timelines.

BOARD ACTION: The Board concluded that the allegations of misconduct could not be proved by convincing evidence and therefore dismissed the complaint.

2013-331

COMPLAINT SUMMARY: Complainant alleged that in August 2012 he paid respondent a retainer of \$1,000.00 to initiate a contempt proceeding arising out of his divorce decree. According to complainant, respondent failed to fulfill her obligations in the matter and also failed to keep several scheduled appointments. Complainant alleged that respondent promised him a partial refund of his retainer, but did not follow through.

2014-55

COMPLAINT SUMMARY: Complainant alleged that he paid respondent a retainer of \$2,000.00 in May of 2012 to represent him in a child custody case. According to complainant, respondent repeatedly failed to respond to communications and keep him informed. Complainant also alleged that respondent neglected the case, which still has not been concluded.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission as to both of these complaint matters.

2014-65

COMPLAINT SUMMARY: Complainant alleged that in 2013 he paid respondent \$500 to represent him in seeking restoration of his gun rights. According to complainant, respondent told him to gather certain information and then she would file his application. Complainant further alleged that after he gathered the information he repeatedly attempted to communicate with respondent but she ignored his messages.

BOARD ACTION: The Board found that respondent neglected to complete complainant's legal matter, ignored several communications from him, did not deposit his advance fee payment into her trust account, and did not provide complainant an accounting. A majority of the Board determined to publicly reprimand respondent for the violations.

2014-69

COMPLAINT SUMMARY: Complainant, a public defender, alleged that respondent communicated with a client of her office in a criminal case without the consent of the public defender that represented this client.

BOARD ACTION: The Board found that respondent initially had consent to communicate with the client of the public defender's office, but that she violated ethical rules in persisting in her efforts to communicate with the represented party after being instructed by complainant not to do so. The Board determined to issue a public reprimand.

2014-73

COMPLAINT SUMMARY: Complainant alleged that he was a long-time tax client of respondent. According to complainant, respondent neglected to complete his income tax returns for 2013 and ignored complainant's repeated inquiries about the status of the returns.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-94

COMPLAINT SUMMARY: Complainant alleged that respondent neglected the probate of his late mother's estate, which has been opened since 2007.

BOARD ACTION: The Board found no indication that respondent neglected the probate, and dismissed the complaint. The Board cautioned respondent, however, that his advancements to one of the heirs and his personal redemption of the tax sale certificate had the potential for creating a conflict of interest.

2014-99

COMPLAINT SUMMARY: Complainant alleged that respondent made false representations to him and his wife to induce them to sell their property through respondent's real estate company.

BOARD ACTION: The Board found that respondent did make misrepresentations to complainant and his wife. The Board determined to issue a public reprimand.

2014-100

COMPLAINT SUMMARY: The Board received an order of the district court, finding that respondent filed two renunciations by heirs in an estate which respondent suspected (and later knew) contained the forged signatures of the heirs. The judge further found that respondent failed to take reasonable steps to alert the court once he knew that the signatures had been forged. The judge also found that respondent took the full statutory fee in the estate despite not having concluded the probate.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-101

COMPLAINT SUMMARY: Complainant alleged that respondent represented him with respect to claims arising from injuries incurred in a car accident. According to complainant, respondent received insurance proceeds to cover an ambulance bill but failed to pay the bill or account for the insurance proceeds.

BOARD ACTION: The Board found no convincing proof that respondent had a duty to pay the ambulance bill referred to in the complaint. The Board found, however, that respondent's fee contract in the personal injury case failed to specify whether the fee would be taken on the gross or net recovery as required by ethical rules. The Board further found that respondent's fee agreement in complainant's criminal case included an improper provision allowing respondent to change his hourly rate "at any time without notice" to complainant. The Board determined to issue a public reprimand for the misconduct.

2014-112

COMPLAINT SUMMARY: Respondent self-reported that in October of 2012, he was arrested and charged with burglary and criminal mischief. In May 2014, he plead guilty to lesser charges of misdemeanor criminal mischief and misdemeanor trespassing.

BOARD ACTION: The Board determined to admonish respondent for his criminal conduct.

2014-115

COMPLAINT SUMMARY: Complainant alleged that respondent prepared a will for his (respondent's) relative and had her sign it, knowing the will was not valid. Despite this knowledge, respondent allowed the will to be given to another attorney after the testator's death for probate. The will subsequently was ruled invalid.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-120

COMPLAINT SUMMARY: Complainant alleged that respondent failed to file the petition on appeal in complainant's appeal of the termination of his parental rights, resulting in dismissal of the appeal. Complainant further alleged that respondent failed to inform him of the dismissal.

BOARD ACTION: The Board determined to admonish respondent for lack of diligence in pursuing her client's appeal and for inadequate client communication.

2014-121

COMPLAINT SUMMARY: Complainants alleged that in March 2012, respondent undertook to represent them in contesting a will. According to complainants, respondent neglected to file their petition and the matter is now beyond the statute of limitations.

BOARD ACTION: The Board found that by the time the complainants met with respondent, the time for filing a will contest already had expired and that respondent never undertook to represent them. Therefore the Board dismissed the complaint.

2014-122

COMPLAINT SUMMARY: Complainant alleged that respondent neglected to file his divorce for over a year. After complainant fired respondent, he sought the return of his file and papers, but was given only a small portion of the documentation previously provided to respondent. Complainant further alleged that respondent used "crude language" and was disrespectful to complainant and others in his office.

BOARD ACTION: The Board concluded that respondent's prolonged delay in commencing complainant's action for dissolution of marriage violated his duty to represent complainant with reasonable diligence. The Board found that other allegations either were not proved or would not amount to ethical misconduct. The Board determined to admonish respondent for the lack of diligence.

2014-124

COMPLAINT SUMMARY: The Board opened probate delinquency file 13-8-8 with respect to three Palo Alto County probate matters for which the respondent was the designated attorney by initial communication on September 19, 2013. Although the respondent provided a timely response to that initial communication and has since been able to resolve two of those delinquent matters, has yet to resolve the delinquency in the estate of Nettie Banwart and has failed to respond to subsequent communications from the Board on January 23, 2014 and March 20, 2014.

The Board opened probate delinquency file 14-2-1 involving four delinquent Palo Alto County probate matters by letter dated March 21, 2014. The respondent has failed to provide a response to the Board despite a second communication from the Board dated April 25, 2014, advising that unless his response was received within 20 days from the date of that letter the Board would open a formal disciplinary complaint and serve respondent with notice thereof.

BOARD ACTION: The Board determined to publicly reprimand respondent for neglecting the probate matters and for his initial failures to respond to the Board's inquiries.

2014-141

COMPLAINT SUMMARY: Complainant, a district court clerk, alleged that in April 2014, respondent removed exhibits from the official court file in a case he was handling without authorization and without informing the clerk's staff that he was taking the exhibits with him.

BOARD ACTION: The Board determined to admonish respondent for conduct prejudicial to the administration of justice.

2014-143

COMPLAINT SUMMARY: Complainant alleged that in October 2013, he paid respondent \$500.00 to assist his girlfriend in a criminal matter. Complainant further alleged that despite several assurances from respondent, he did nothing in the matter.

BOARD ACTION: The Board found no convincing proof that respondent neglected the client's case, and dismissed the complaint.

2014-146

COMPLAINT SUMMARY: The Board received a certification from the Polk County District Court Clerk that respondent failed to cure a probate delinquency within 60 days of the Clerk's notice to respondent of that delinquency. The Board sent its initial communication to the respondent with respect to that probate delinquency on April 17, 2014, and, there being no timely response the Board sent its second communication to the respondent on June 5, 2014. The Board's second communication to the respondent of June 5 advised that if his response to that second communication from the Board was not received within 10 days of his receipt of that letter, he could anticipate receiving notice of a disciplinary complaint initiated by the Board. The respondent has failed to respond to either of the Board's communications.

BOARD ACTION: The Board found that although respondent cured the probate delinquency, he initially failed to respond to the Board's initial inquiries regarding the matter. The Board determined to admonish respondent for ignoring these inquiries.

2014-147

COMPLAINT SUMMARY: Complainant alleged that respondent neglected complainant's post conviction relief action and repeatedly ignored complainant's inquiries.

BOARD ACTION: The Board concluded there was no convincing proof of misconduct and dismissed the complaint.

2014-152

COMPLAINT SUMMARY: Complainants alleged that respondent as attorney for their late aunt's estate neglected to handle the probate in compliance with statutory deadlines. Complainants further alleged that respondent charged excessive fees.

BOARD ACTION: The Board determined to admonish respondent for taking an unreasonable fee.

2014-154

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his defense in two related federal criminal cases.

BOARD ACTION: The Board determined to admonish respondent for neglecting complainant's legal matters.

2014-155

COMPLAINT SUMMARY: The Board received information from the Supreme Court Clerk that the appeal of respondent's client in a civil matter was dismissed after respondent failed to cure a notice of default.

BOARD ACTION: The Board determined to publicly reprimand respondent for neglect of the appeal.

2014-156

COMPLAINT SUMMARY: Respondent self-reported that while representing a civil litigant, he advanced funds to the client to enable the client to make an insurance payment.

BOARD ACTION: The Board found that although respondent violated the rule respecting financial assistance to a client in connection with pending litigation, the violation was de minimis. Therefore the Board dismissed the complaint but cautioned respondent that future violations of the rule would warrant discipline.

2014-159

COMPLAINT SUMMARY: Complainant alleged that he hired respondent to represent him with respect to a personal injury claim. According to complainant, respondent misrepresented that his treating physicians would accept \$2,611.00 as payment in full. Complainant subsequently learned when he was contacted by a collection agency, that he still owed \$393.00. Complainant surmised that respondent may have misappropriated part of complainant's insurance award.

BOARD ACTION: The Board found no convincing proof that respondent misappropriated any portion of the settlement or engaged in other misconduct as alleged in the complaint. Therefore the Board dismissed the complaint but cautioned respondent regarding certain language in his standard settlement statement.

2014-162

COMPLAINT SUMMARY: Respondent self-reported a sexual relationship with a client. Respondent also reported that she provided information to FBI agents concerning the client.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-164

COMPLAINT SUMMARY: Complainant alleged that respondent was incompetent in opening an unnecessary estate for her late mother, whose property in Iowa was held by a trust. Complainant further alleged that respondent failed to comply with probate deadlines and was incompetent in including Minnesota property in the Iowa inventory.

BOARD ACTION: The Board found that although the complaint presented a close question, his mistakes in the handling of the estate should be viewed as negligence, rather than neglect or incompetence. Therefore the Board dismissed the complaint, but cautioned respondent to avoid similar future mistakes.

2014-171

COMPLAINT SUMMARY: Complainant alleged that respondent, representing the opposing party in a dissolution of marriage action, assisted her client to commit fraud and make false statements to the court. Complainant further alleged that respondent engaged in misconduct by "mislabeling" her as "crazy," "obsessed," and "mentally ill" in filings with the court.

BOARD ACTION: The Board found no indication of misconduct, and dismissed the complaint.

2014-173

COMPLAINT SUMMARY: Complainant alleged that respondent, her attorney in a divorce, neglected to arrange for her timely discovery responses, ignored her interests, and prejudiced her by moving to withdraw one week before trial.

BOARD ACTION: The Board found no indication of misconduct, and dismissed the complaint.

2014-186

COMPLAINT SUMMARY: Complainant alleged that respondent, the opposing counsel in a child custody dispute, covered up important information on copies provided to complainant in response to discovery requests. Complainant accused respondent of "a lie, to get more child support" for her client.

BOARD ACTION: The Board determined to publicly reprimand respondent for the undisclosed alterations to copies of her client's paystubs that were provided through discovery.

2014-187

COMPLAINT SUMMARY: Complainant alleged that respondent neglected an immigration matter she was handling on behalf of complainant's brother.

BOARD ACTION: The Board found no indication of misconduct, and dismissed the complaint.

2014-192

COMPLAINT SUMMARY: The Board received an order of the Iowa Supreme Court, removing respondent as counsel for the appellant in a criminal case because of his failure to cure a notice of default issued for not timely filing an amended appendix.

BOARD ACTION: The Board determined to admonish respondent for neglecting the appeal.

REHEARINGS:

2012-106

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent contacted complainant's client directly to discuss settlement, despite knowing that the client was represented.

BOARD ACTION: Respondent having taken exception to the Board's previous determination of a public reprimand, the Board determined to file its complaint with the Grievance Commission.

2012-190

COMPLAINT SUMMARY: Respondent self-reported that he was charged with an intended to plead guilty to OWI, Second Offense. Respondent also reported that when stopped for the offense in March 2012, he refused a breath test, as a result of which his license was suspended. Respondent further reported that on June 7, 2012, he operated a motor vehicle without a license and was "caught" by police.

BOARD ACTION: Respondent having taken exception to the Board's previous determination of a public reprimand, the Board determined to file its complaint with the Grievance Commission.

2012-262

COMPLAINT SUMMARY: Complainant alleged that respondent, representing her in a dissolution modification action, charged fees in excess of their agreement, disclosed her financial information to another lawyer without her permission, and failed to competently represent her.

BOARD ACTION: Upon the report of staff counsel Wendell Harms, the Board determined not to file with the Grievance Commission but to admonish respondent for charging an unreasonable fee.

2014-26

COMPLAINT SUMMARY: Complainant alleged that despite receiving information from him and his wife regarding their concerns that a mortgage they held would soon be time-barred, respondent neglected to take action to protect their interest.

BOARD ACTION: Upon consideration of respondent's exception to admonition, the Board determined to affirm the admonition.

EXPEDITED DISMISSALS:

At the March 2005 quarterly meeting, the Board adopted the policy that a complaint marked with an asterisk in the weekly mailing will be deemed dismissed 20 days after the date of the mailing unless a Board member requests that the complaint be placed on the agenda for discussion at the next meeting.

Between the date of the Board's last quarterly meeting on June 11, 2014, and the current meeting on September 17, 2014, forty-five (45) complaints were dismissed pursuant to the above policy. These include the following cases:

2013-321

COMPLAINT SUMMARY: Complainant alleged that respondent, opposing counsel in pending civil litigation, communicated with him directly without his lawyer's consent.

2014-79

COMPLAINT SUMMARY: Complainant alleged that respondent neglected to include in her divorce decree some of the negotiated items and further neglected to enforce provisions of the decree after her former husband failed to comply with it.

2014-89

COMPLAINT SUMMARY: Complainants alleged that respondent, the Guardian Ad Litem for a minor child placed in complainants' custody, neglected his statutory duties and provided false information to the court.

2014-91

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his post conviction relief case and failed to inform him of the issues he planned to raise on complainant's behalf.

2014-102

COMPLAINT SUMMARY: Complainant and her five siblings each owned an undivided 1/6 interest in a farm in which their mother held a life estate. Complainant alleged that when one of her sisters passed away, respondent made misrepresentations to the sister's beneficiaries to induce them to sell the sister's interest in the farm to him.

2014-104

COMPLAINT SUMMARY: Complainants alleged that respondent undertook to represent them as guardians and conservators of their adult son. Complainants accused respondent of doing nothing in the case and failing to file required reports.

2014-105

COMPLAINT SUMMARY: Complainants alleged that respondent undertook to represent them as guardians and conservators of their adult son. Complainants accused respondent of doing nothing in the case and failing to file required reports.

2014-106

COMPLAINT SUMMARY: Complainant, in jail awaiting trial, alleged that respondent neglected his case, failed to keep him informed, conspired with the jail administration to plant documents in his cell, and made false statements to the court.

2014-107

COMPLAINT SUMMARY: Complainant alleged that respondent, a county attorney, was "bought off" from pursuing a theft charge against her former husband despite clear evidence that he stole a playhouse from the lawn of her property.

2014-108

COMPLAINT SUMMARY: Complainant alleged that respondent, hired by her in 2008 in a divorce, neglected to timely complete a QDRO.

2014-109

COMPLAINT SUMMARY: Complainant, the former administrator of and one of the heirs to his sister's estate, alleges that respondent, the estate's fourth attorney, is using incorrect numbers, trying to defraud the estate, and lied in signing the Affidavit re Compensation.

2014-111

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent him in a post conviction relief action, was incompetent and failed to communicate with him.

2014-116

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his personal injury lawsuit.

2014-117

COMPLAINT SUMMARY: Complainant, the manager of a limited liability company, alleged that respondent threatened to file an obviously frivolous lawsuit against the limited liability company on behalf of one of its constituents. Complainant further alleged that respondent had a conflict of interest in also operating under a proxy given by that member.

2014-118

COMPLAINT SUMMARY: Complainant, the manager of a limited liability company, alleged that respondent threatened to file an obviously frivolous lawsuit against the limited liability company on behalf of one of its constituents. Complainant further alleged that respondent had a conflict of interest in also operating under a proxy given by that member.

2014-119

COMPLAINT SUMMARY: Complainant alleged that respondent, who represented complainant's wife in their divorce, neglected to prepare two QDRO's as ordered by the district court.

2014-123

COMPLAINT SUMMARY: Complainant alleged that in her court cases, involving protective orders, respondent on behalf of an opposing party engaged in ex parte communications with the judge.

2014-126

COMPLAINT SUMMARY: Complainant alleged that respondent, representing her in a modification of dissolution action, failed to inform her of the hearing date and otherwise neglected the case.

2014-127

COMPLAINT SUMMARY: Complainant alleged that respondent, who represented her in a divorce, neglected to provide for her receipt of personal property, despite assuring her that she would receive what was hers.

2014-128

COMPLAINT SUMMARY: Complainant alleged that respondent represented him in an immigration matter, but failed to keep him informed of hearing dates. Complainant alleged that because of this lack of communication, he failed to appear for his hearing and was ordered removed from the country.

2014-129

COMPLAINT SUMMARY: Complainant alleged that respondent had a conflict of interest in representing her in an involuntary hospitalization proceeding, because he was in practice with the part-time magistrate presiding over the case. Complainant further alleged that respondent refused her request to withdraw, neglected her interests, and disregarded her requests to appeal.

2014-130

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his post conviction relief action.

2014-131

COMPLAINT SUMMARY: Complainant alleged that respondent, who had represented the "alleged father" of complainant's child, committed perjury in complainant's involuntary hospitalization case by making false statements in an affidavit.

2014-132

COMPLAINT SUMMARY: Complainant alleged that respondent neglected to present evidence and make objections that would establish his innocence or reduce the sentence in two criminal cases. Complainant further alleged that in a subsequent post conviction proceeding respondent was found to be ineffective.

2014-133

COMPLAINT SUMMARY: Complainants, a married couple, alleged that respondent represented one of them in a divorce action which eventually was dismissed. According to complainants, respondent ignored her client's requests to dismiss the petition for dissolution of marriage and when the complainants eventually dismissed the case pro se respondent failed to return unearned fees from her client trust account.

2014-134

COMPLAINT SUMMARY: Complainant, an attorney, alleged that the husband of one of his step-children is in business with respondent. Complainant alleged that respondent made a proposal for separation from the business of the step-daughter's husband, which included an illegal condition, namely, that respondent receive "one full barrel of bourbon whiskey" from the business's inventory. Respondent's email to the business partner stated: "for record-keeping purposes, [the barrel] was never filled." The email further suggested that the partner respond to future inquiries by asserting that respondent purchased an empty barrel and "filled it with tax-paid whiskey that [he] bought at various retail locations."

2014-136

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent, who represented him in a criminal case, failed to send him requested documents from his file.

2014-138

COMPLAINT SUMMARY: Complainant alleged that respondent, his attorney in a post conviction relief action, failed to send him notice of the hearing in the case. Consequently, complainant failed to appear and the case was dismissed.

2014-139

COMPLAINT SUMMARY: Complainant alleged that respondent, his attorney in a post conviction relief action, double billed the State Public Defender's Office for work done in the case. Complainant further alleged that respondent ignored his request for return of the trial transcripts and other documents in his file. Complainant also alleged that respondent failed to investigate his case.

2014-140

COMPLAINT SUMMARY: Complainant alleged that respondent, failed to investigate his post conviction claims and ignored numerous attempts to communicate with him by letter and phone.

2014-142

COMPLAINT SUMMARY: Complainant alleged that in May 2012 he hired respondent to prepare two trust documents and a real estate contract, paying him \$500 in advance. According to complainant, respondent failed to perform the work, and so he terminated respondent's services in May 2014.

2014-144

COMPLAINT SUMMARY: Complainant alleged that respondent, his appellate counsel, relied on case authority which had been overruled in the brief she filed on his behalf. Consequently, the Court of Appeals affirmed the denial of complainant's petition for post conviction relief. Complainant further alleged that respondent failed to inform him of the court's decision within the time allowed for requesting further review.

2014-145

COMPLAINT SUMMARY: Complainant alleged that in August 2013 he paid respondent \$1,500.00 to represent him in a divorce. Complainant alleged that respondent failed to file an injunction as requested and did not promptly inform him of an order requiring him to pay child support of \$525.00 per month. Complainant further alleged that respondent failed to inform him of the scope of a restraining order filed against him, which resulted in complainant's arrest for violation of the order.

2014-149

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent him in a criminal case, failed to return calls and answer letters from complainant regarding motions complainant wanted him to file.

2014-151

COMPLAINT SUMMARY: Complainant alleged that while representing him in a civil lawsuit respondent incurred expenses contrary to complainant's instructions and without complainant's knowledge.

2014-157

COMPLAINT SUMMARY: Complainant, the victim of a crime, alleged that he appeared for a restitution hearing in which respondent was to represent the criminal defendant. Shortly before the hearing was to begin, respondent accosted complainant, ordered him to "be silent and back off," in a loud tone told him to "shut up," and demanded complainant leave the court room. Complainant alleged that respondent's unprofessional aggressively abusive behavior required discipline.

2014-160

COMPLAINT SUMMARY: Complainant alleged that respondent represented her and her husband in a personal injury matter. When respondent proposed that they accept a small amount in settlement, complainant returned his letter, writing thereon "this is crap." Complainant alleged that respondent then "got mad" and withdrew from representation, knowing that they would not have time to obtain new counsel.

2014-161

COMPLAINT SUMMARY: Complainant alleged that respondent charged her an unreasonable fee of almost \$15,000.00 for "a simple custody dispute that did not end up in a trial." Complainant further alleged that respondent failed to represent her diligently in the case.

2014-165

COMPLAINT SUMMARY: Complainant alleged that respondent, who represented her from June 2010 to August 2012, refused to give her the complete file for her case on request.

2014-167

COMPLAINT SUMMARY: Complainant alleged that respondent had a conflict of interest in undertaking the representation of complainant's mother in a divorce.

2014-170

COMPLAINT SUMMARY: Complainant, a lawyer, alleged misconduct by respondent as attorney for a decedent's estate. Complainant alleged that respondent sought to collect excessive fees, including unwarranted extraordinary fees. Complainant further alleged that respondent requested ex parte orders against his own client, the executor. According to complainant, respondent encouraged the arrest of his client for felony theft in order to coerce payment of his fees. Complainant also accused respondent of neglecting various aspects of the probate.

2014-181

COMPLAINT SUMMARY: Complainant alleged that respondent, the Guardian Ad Litem of complainant's mother, ignored her mother's interests and allowed her mother to be placed in a nursing home with a history of violations, resulting in her mother's death from lack of care.

2014-182

COMPLAINT SUMMARY: Complainant alleged that respondent, counsel for the guardianship and conservatorship of complainant's parents, had a conflict of interest arising from his representation of a geriatric care manager company. Complainant further alleged that respondent neglected her parents' interests by allowing them to be placed in a nursing home with a history of state violations.

2014-183

COMPLAINT SUMMARY: Complainant alleged that respondent "was appointed by the courts to protect the financial and healthcare needs" of complainant's father. Complainant alleged that respondent neglected the best interests of her father and allowed him to be placed in an unsafe facility where he died.

2014-184

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to serve as Guardian Ad Litem of complainant's father, neglected the father's interests by allowing him to be placed in a nursing home with a history of violations, where he suffered several injuries and died.

OTHER BUSINESS:

The Board welcomed new members Stephanie L. Cox and Andrew Van Der Maaten.

The Board approved the proposed risk management plan of the Office of Professional Regulation.

The Board elected Eric W. Lam to serve as the Board's Vice-Chair.

Upon determining that the Board's next meeting would be held Thursday, December 11, 2014, the meeting was adjourned.

s/_____
Charles L. Harrington, Administrator

CLH/scw

**IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD**

HEARING-MEETING

December 11, 2014

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MINUTES

The regular quarterly hearing-meeting of the Iowa Supreme Court Attorney Disciplinary Board came to order at 10:00 a.m., Thursday, December 11, 2014, in room 165 of the Judicial Branch Building, Des Moines, Iowa. Present were Board Chair David M. Erickson, and the following Board members: Sarah W. Cochran, Susan R. Flander, Stewart A. Huff, Stephanie L. Cox, Eric W. Lam, Marti Nerenstone, Andrew Van Der Maaten, Ann Knutson, Carole Waterman, and Gerald A. Zavitz. Also present were Board Administrator Charles L. Harrington, Special Ethics Counsel Norman G. Bastemeyer, Assistant Ethics Counsel Wendell Harms and Amanda Robinson, and Investigators Erin Ross-Johnson and Melissa Hill.

The following action was taken:

NEW COMPLAINTS:

2013-357

COMPLAINT SUMMARY: Complainant, a judge, alleged that he presided in a probate matter in which respondent was "less than diligent in seeking the release of a Medicare lien."

BOARD ACTION: Given respondent's disciplinary history, the Board determined to file its complaint with the Grievance Commission.

2014-103

COMPLAINT SUMMARY: Respondent self-reported that in March 2014 he was convicted of OWI.

BOARD ACTION: The Board determined to publicly reprimand respondent.

2014-135

COMPLAINT SUMMARY: Complainant alleged that in 2011 she hired respondent to represent her in bringing a personal injury claim. According to complaint, respondent failed to file suit within the statute of limitations and misrepresented to her that he had filed her case in Nebraska.

BOARD ACTION: The Board concluded there was insufficient proof of ethical misconduct, and dismissed the complaint.

2014-137

COMPLAINT SUMMARY: The Board received information from a district court administrator that respondent was convicted of a simple misdemeanor charge of disorderly conduct in March 2014 and thereafter sent a letter to jurors in what may have been an improper attempt to persuade them to attack their own verdict.

BOARD ACTION: The Board concluded that further proceedings should be deferred until the criminal case against respondent is resolved in the district court.

2014-150

COMPLAINT SUMMARY: Complainant, an heir to a decedent's estate, alleged that respondent neglected the probate of the estate and received multiple delinquency notices.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-158

COMPLAINT SUMMARY: Complainant, a district court clerk, alleged that respondent checked out a court file and failed to return it within 5 days as required by a local court rule. Respondent upon inquiry promised to return the file but failed to do so.

BOARD ACTION: The Board determined to admonish respondent for conduct prejudicial to the administration of justice.

2014-175

COMPLAINT SUMMARY: Complainant alleged that respondent represented him and his family in selling their interest in a dairy farm to a corporation. According to complainant, respondent thereafter engaged in a conflict of interest by undertaking to represent the corporation against complainant in matters relating to the previous sale.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-176

COMPLAINT SUMMARY: Complainant alleged that in June 2013 respondent was appointed to represent him in a post-conviction relief action. According to complainant, respondent met with him on July 3, 2013. Thereafter, complainant alleged, his repeated efforts to communicate with respondent by telephone and letter failed to receive any response.

BOARD ACTION: The Board determined to admonish respondent for inadequate communication with complainant.

2014-178

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent had a conflict of interest in representing complainant's law partner in matters adverse to complainant while at the same time representing the Appellee in an appeal in which the law partner and complainant represented the Appellant. Complainant further alleged that respondent made misstatements of law and fact to the appellate court.

BOARD ACTION: The Board found no convincing proof of misconduct, and dismissed the complaint.

2014-179

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent had a conflict of interest in representing complainant's law partner in matters adverse to complainant while at the same time representing the Appellee in an appeal in which the law partner and complainant represented the Appellant. Complainant further alleged that respondent made misstatements of law and fact to the appellate court.

BOARD ACTION: The Board found no convincing proof of misconduct, and dismissed the complaint.

2014-180

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent had a conflict of interest in representing complainant's law partner in matters adverse to complainant while at the same time representing the Appellee in an appeal in which the law partner and complainant represented the Appellant. Complainant further alleged that respondent made misstatements of law and fact to the appellate court.

BOARD ACTION: The Board found no convincing proof of misconduct, and dismissed the complaint.

2014-185

COMPLAINT SUMMARY: Complainant, a district court judge, alleged that respondent had a conflict of interest in operating a bail bond company which posted surety bonds for a number of respondent's clients.

BOARD ACTION: The Board concluded that respondent may have mistakenly relied in good faith on the Board's decision in a prior complaint matter when she undertook the dual role of representing a criminal defendant and acting as the agent for that defendant's bond surety. Therefore, the Board dismissed the complaint, but cautioned respondent that she was ethically

prohibited from representing a criminal defendant for whom she as agent posted bond, unless the client waived the potential conflict following full disclosure of the risks of respondent's dual role and the advantages of having independent counsel.

2014-188

COMPLAINT SUMMARY: Complainant alleged that, although she was designated a co-executor of her late mother's estate, respondent arranged to admit her mother's will to probate without informing her and "left her in the dark" throughout the probate. According to complainant, respondent prepared and filed the final report and other documents without complainant's approval and signature. She also alleged that respondent, who was the husband of the other co-executor (complainant's sister), had a conflict of interest by favoring her sister in the probate proceeding.

BOARD ACTION: The Board determined to admonish respondent for proceeding to the administration of the estate without involving and communicating with complainant as a co-executor.

2014-189

COMPLAINT SUMMARY: Complainant alleged that respondent settled his civil lawsuit for \$12,500.00. According to complainant, more than 6 months passed without distribution of the proceeds. Complainant accused respondent of delaying finalization of the settlement so as to "milk the clock" and charge more fees.

BOARD ACTION: The Board determined to admonish respondent for ignoring complainant's requests for an accounting and copy of the settlement agreement.

2014-191

COMPLAINT SUMMARY: Complainant alleged that respondent, as attorney for the estate of complainant's late father, took fees in the estate without following proper procedures. When the court ordered respondent to refund her fees, respondent informed complainant that she did not have funds available to comply with the order. Complainant then loaned the money (in the amount of almost \$29,000.00) to respondent. Respondent accepted the money without preparing any paperwork to document the loan and without making proper disclosures.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-199

COMPLAINT SUMMARY: The Board received a copy of an order entered by the Workers' Compensation Commissioner, dismissing an appellant's appeal because of respondent's failure to file a brief, even after receiving a notice of default.

BOARD ACTION: The Board determined to admonish respondent for lack of diligence, failure to expedite litigation, and conduct prejudicial to the administration of justice.

2014-206

COMPLAINT SUMMARY: Complainant alleged that respondent neglected to diligently pursue complainant's post-conviction relief action.

BOARD ACTION: The Board determined to admonish respondent for delay and lack of communication with complainant.

2014-207

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in late 2012 or early 2013 to collect a debt. According to complainant, respondent did not return phone calls or respond to emails and let more than a year go by without communicating with her about the case.

BOARD ACTION: The Board determined to admonish respondent for lack of communication with complainant and failure to give complainant reasonable notice upon terminating the client-lawyer relationship.

2014-209

COMPLAINT SUMMARY: Complainant alleged that respondent, who represented an entity which unsuccessfully sought to sue complainant for dues purportedly owed to a property owner's association, made several misrepresentations to the district and appellate courts.

BOARD ACTION: The Board concluded that the complaint presented a close question but that respondent's conduct was not shown to have crossed ethical boundaries. Therefore the Board dismissed the complaint but cautioned respondent to take care to avoid pursuing frivolous claims.

2014-212

COMPLAINT SUMMARY: The Board received information from the Client Security Commission that respondent's client trust account had a deficiency of "nearly \$50,000.00" and that his firm "had clearly lost accountability for client monies." Although respondent repaid the deficiency after the auditor brought it to his attention, respondent allegedly had not noticed it until then. The respondent also did not truthfully answer questions on his annual Client Security forms regarding his trust account management.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-213

COMPLAINT SUMMARY: An audit of the Client Security Commission disclosed that, contrary to respondent's answers on his annual Client Security forms for the years 2009 through 2013, respondent failed to comply with rules regarding monthly reconciliations and other trust account record keeping.

BOARD ACTION: A majority of the participating Board members determined to publicly reprimand respondent for failing to comply with trust account requirements and for misrepresentations in answering his annual Client Security questionnaires.

2014-215

COMPLAINT SUMMARY: Complainant, whose relationship to respondent is unknown, alleged that respondent failed to file income tax returns since 2002 despite grossing several hundred thousand dollars per year.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-216

COMPLAINT SUMMARY: An audit disclosed that respondent failed to conduct monthly reconciliations and other trust account record keeping, contrary to his answers on several annual Client Security questionnaires. The audit further disclosed that respondent apparently had not been training and supervising his non lawyer staff's involvement with the trust account.

BOARD ACTION: The Board determined to publicly reprimand respondent for failing to comply with trust account requirements and for making misrepresentations on his annual Client Security questionnaires.

2014-218

COMPLAINT SUMMARY: The Board learned that respondent, despite his suspension from the practice of law, continued to maintain a website and a LinkedIn profile indicating that he currently is engaged in the practice of law.

BOARD ACTION: The Board (Eric W. Lam not participating) determined to admonish respondent for continuing to advertise his services as an attorney while his license was under suspension.

2014-220

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent neglected his post-conviction relief action. Complainant also alleged that respondent failed to keep him informed and failed to reply to his inquiries.

BOARD ACTION: The Board concluded there was no convincing proof of misconduct, and the complaint was dismissed.

2014-224

COMPLAINT SUMMARY: Complainants, all of whom are administrative law judges, alleged that respondent (referred to as their coworker-pseudo supervisor) improperly tape recorded a telephone call with a co-worker and subsequently swore falsely that she had not recorded the call.

BOARD ACTION: The Board determined to admonish respondent for her recklessly false testimony.

2014-225

COMPLAINT SUMMARY: Complainants, all of whom are administrative law judges, alleged that respondent (referred to as a "co-worker and pseudo supervisor") appeared at a hearing before an Iowa Senate subcommittee together with one of her co-workers. Both respondent and the co-worker were under oath. According to complainants, the co-worker testified falsely before the subcommittee and respondent, who was aware the testimony was false, failed to correct it.

BOARD ACTION: The Board concluded that although the complaint presented a close question, misconduct could not be proved. Therefore the Board dismissed the complaint.

2014-226

COMPLAINT SUMMARY: Complainant, residing in a Missouri correctional facility, alleged that respondent, who represented his former wife in a divorce, was to forward a settlement amount of \$2,400.00 in four monthly payments of \$600.00 to complainant in prison. According to complainant, respondent forwarded the first two monthly payments but failed to forward the balance.

BOARD ACTION: A majority of the participating board members concluded that respondent's delay in forwarding the balance owed to complainant was inadvertent and not the result of intentional misconduct. The majority concluded that discipline was unnecessary, and dismissed the complaint with a caution to respondent that he take care in future to comply with his duty to promptly deliver funds to which a third party is entitled.

2014-227

COMPLAINT SUMMARY: Complainant alleged that respondent on behalf of his uncle prepared a deed with numerous mistakes, and subsequently refused to correct the errors. According to complainant, respondent also caused complainant to file false tax returns on behalf of his late mother's estate.

BOARD ACTION: The Board concluded that respondent's conduct did not amount to a violation of ethical rules, and dismissed the complaint.

2014-229

COMPLAINT SUMMARY: Complainant alleged that respondent, a public defender, neglected his post-conviction and re-sentencing matters.

BOARD ACTION: The Board concluded there was no convincing proof of misconduct, and dismissed the complaint.

2014-234

COMPLAINT SUMMARY: Complainant alleged that respondent undertook to represent him in resisting a claim that he had received an overpayment of social security disability benefits. According to complainant, respondent neglected the case and failed to respond to phone calls.

BOARD ACTION: The Board determined to admonish respondent for inadequate communication with complainant.

2014-237

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his post-conviction relief action. According to complainant, the initial trial date was continued because respondent was not prepared and the case subsequently was voluntarily dismissed because of respondent's lack of preparation. Complainant further alleged that respondent failed to communicate with him.

BOARD ACTION: The Board found no indication that respondent neglected complainant's case or otherwise engaged in misconduct.

2014-241

COMPLAINT SUMMARY: Complainant alleged that he hired respondent to prepare a prenuptial agreement for him, but that no one told him the fees that would be charged. Complainant asserted that the bill of \$1,935.00 was "ridiculous."

BOARD ACTION: The Board concluded that respondent did not engage in misconduct, and dismissed the complaint.

2014-242

COMPLAINT SUMMARY: Complainant alleged that he paid respondent \$100 in August 2013 to commence a contempt proceeding. According to complainant, respondent neglected the matter and ignored multiple phone and text messages.

BOARD ACTION: The Board concluded that respondent's conduct did not rise to the level of ethical misconduct. Therefore the Board dismissed the complaint, but cautioned respondent that

she should have done a better job of communicating with and diligently representing complainant.

2014-243

COMPLAINT SUMMARY: Complainant alleged that respondent represents her husband. According to complainant, respondent engaged in a conflict of interest by representing another family member in a matter adverse to complainant's husband.

BOARD ACTION: The Board concluded there was not convincing proof of misconduct, and dismissed the complaint.

2014-246

COMPLAINT SUMMARY: The Clerk of the Supreme Court provided information showing that the appeal of respondent's client in a juvenile court matter was dismissed for lack of prosecution.

2014-252

COMPLAINT SUMMARY: The Board received documentation showing that respondent moved to withdraw as counsel and moved to dismiss his client's appeal without the client's consent and without serving the client. The appellate court then ordered respondent to file either a voluntary dismissal with his client's signature or file a proper motion to withdraw within ten days of the date of the order. Respondent failed to file the voluntary dismissal or motion to withdraw, and the court then involuntarily dismissed the appeal.

BOARD ACTION: A majority of the participating Board members determined to admonish respondent for neglecting the appeals referred to in the above two complaints.

2014-253

COMPLAINT SUMMARY: Complainant, a public defender, self-reported that he appeared in court while still intoxicated from drinking the previous night.

BOARD ACTION: The Board determined to offer complainant a deferral arrangement pursuant to Iowa Court Rule 34.13.

2014-255

COMPLAINT SUMMARY: Complainant alleged that respondent failed to communicate and neglected her interests in a criminal case.

BOARD ACTION: The Board concluded that there was no convincing proof of misconduct, and dismissed the complaint.

2014-261

COMPLAINT SUMMARY: Respondent represented complainant in resisting a petition to remove complainant as co-trustee of his late mother's revocable trust. According to complainant, respondent failed to present witnesses on his behalf and did not file a timely appeal on his behalf.

BOARD ACTION: The Board (Eric W. Lam not participating) concluded there was no indication of any ethical violation, and dismissed the complaint.

2014-262

COMPLAINT SUMMARY: Complainant alleged that she advanced \$750.00 to complainant in anticipation that her former husband would commence a modification action against her. When the modification action was not filed, complainant requested a refund. She alleged that respondent ignored her requests and never provided her an accounting or itemized bill.

BOARD ACTION: The Board determined to publicly reprimand respondent for failing to promptly return funds to which complainant was entitled.

2014-266

COMPLAINT SUMMARY: Complainant alleged that respondent represented her in a dissolution of marriage action. According to complainant, respondent neglected the case and failed to keep her informed. He also failed to send her monthly billing statements (as he had agreed to do) and his last statement contained falsified charges.

BOARD ACTION: The Board concluded that misconduct was not proved, and dismissed the complaint.

2014-267

COMPLAINT SUMMARY: The Board received a court order denying respondent's motion to continue. The judge noted in the order that respondent failed to appear for two scheduled probation revocation hearings in his client's case.

BOARD ACTION: Given respondent's failure to appear for a previous hearing and his disciplinary history, the Board determined to publicly reprimand respondent for failing to attend a scheduled court proceeding in his client's case.

2014-278

COMPLAINT SUMMARY: Complainant alleged that respondent represented him and his daughter in a personal injury matter. According to complainant, respondent has neglected their case, failed to keep them informed, and ignored their attempts to communicate with him.

BOARD ACTION: The Board determined to admonish respondent for failing to provide a final settlement statement to complainant.

2014-279

COMPLAINT SUMMARY: Complainant, an attorney, represented the husband in a dissolution of marriage action filed by respondent's client. According to complainant, he attempted to discuss the case with respondent on October 22, 2014, but she replied in an email that she was unavailable because she "was going to be in mediation all day." Shortly thereafter, complainant learned from his client that respondent had arrived with her client and the client's father at the home of complainant's property and removed a number of items from the home. Complainant alleged that respondent engaged in misconduct by interacting with his client without permission and by lying about her availability to discuss the case that day.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

2014-294

COMPLAINT SUMMARY: Respondent self-reported to the Board that he was convicted by pleading guilty to charges of Domestic Abuse Assault with Intent to Inflict Serious Bodily Injury Causing Bodily Injury and Trespass Causing Bodily Injury on November 13, 2014.

BOARD ACTION: The Board determined to file its complaint against respondent with the Grievance Commission.

REHEARINGS:

2011-386

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent committed several intentional torts against complainant's client, including harassment, defamation, and intimidation.

BOARD ACTION: Upon consideration of respondent's exception to reprimand, a majority (7-4) of the participating Board members determined to reduce the reprimand to an admonition.

2013-259

COMPLAINT SUMMARY: Complainant is a native of Honduras. She alleged that in early 2011 an employee of respondent personally solicited her to hire respondent to assist her in obtaining a work permit. Complainant alleged that for over a year she had no contact with respondent but only with non-lawyer employees of his office. Complainant further alleged that without her knowledge or consent, respondent applied for asylum on her behalf and that she has since learned that the applications respondent filed for her "are wrong and will get [her] into a lot of trouble."

BOARD ACTION: Upon consideration of respondent's exception to admonition, the Board determined to affirm the admonition as modified.

2014-141

COMPLAINT SUMMARY: Complainant, a district court clerk, alleged that in April 2014, respondent removed exhibits from the official court file in a case he was handling without authorization and without informing the clerk's staff that he was taking the exhibits with him.

BOARD ACTION: Upon consideration of respondent's exception to admonition, the Board determined to affirm the admonition.

2014-186

COMPLAINT SUMMARY: Complainant alleged that respondent, the opposing counsel in a child custody dispute, covered up important information on copies provided to complainant in response to discovery requests. Complainant accused respondent of "a lie, to get more child support" for her client.

BOARD ACTION: Upon consideration of respondent's exception to reprimand, the Board concluded that a reprimand would be too severe. Therefore the Board reduced the reprimand to an admonition.

EXPEDITED DISMISSALS:

At the March 2005 quarterly meeting, the Board adopted the policy that a complaint marked with an asterisk in the weekly mailing will be deemed dismissed 20 days after the date of the mailing unless a Board member requests that the complaint be placed on the agenda for discussion at the next meeting.

Between the date of the Board's last quarterly meeting on September 17, 2014, and the current meeting on December 11, 2014, thirty-one (31) complaints were dismissed pursuant to the above policy. These include the following cases:

2014-43

COMPLAINT SUMMARY: Complainant alleged that respondent, representing complainant's former wife in their divorce, assisted his client in violating a court order that she participate in counseling with a particular therapist along with the children. Complainant further alleged that the therapist would not have provided counseling but for respondent's lie that the court had authorized him to provide the counseling.

2014-66

COMPLAINT SUMMARY: Complainant alleged that in November 2012 respondent was appointed to represent him in a criminal case. Complainant further alleged that respondent

discussed defense strategy at the courthouse in a public area, repeatedly called complainant "stupid," and was not interested in defending him.

2014-163

COMPLAINT SUMMARY: Complainant, a resident of Canada, alleged that his employer forwarded funds to respondent, as the employer's legal counsel, to pay complainant's salary. Complainant alleged that despite the employer's instructions, respondent refused to release the funds.

2014-168

COMPLAINT SUMMARY: Complainant alleged that in October 2012 the court appointed respondent to represent him in a post-conviction relief action. According to complainant, he had a phone conference with respondent in February 2013 and then received one letter from him. Complainant alleged that respondent had no further communication with him.

2014-172

COMPLAINT SUMMARY: Complainant alleged that respondent "had no defense strategy" and failed to investigate possible defenses based on complainant's mental health.

2014-174

COMPLAINT SUMMARY: Complainant alleged that respondent provided incompetent representation to her and her husband in an adoption matter.

2014-177

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent, complainant's father and former law partner, had a conflict of interest in self-dealing with a trust for which he served as counsel. Complainant also alleged that respondent barred him from access to client files even though complainant had hearings scheduled in the clients' cases, embezzled firm funds, and engaged in tax fraud.

2014-193

COMPLAINT SUMMARY: Complainant, a county attorney, alleged that respondent made threats and offered financial inducement to the victim of a crime to obtain the victim's consent to ask that charges be dismissed against respondent's client.

2014-194

COMPLAINT SUMMARY: Complainant alleged that respondent represented her in pursuing a civil rights complaint with the Iowa Civil Rights Commission. After the Commission denied her complaint, complainant and respondent discussed filing a reconsideration letter, which complainant prepared and delivered to respondent. Complainant alleged that respondent

neglected to forward the request for reconsideration to the Commission and ignored several voice mails and messages from complainant. Complainant eventually was able to speak with respondent, who informed her that he did not submit the request because he considered it a "waste of time."

2014-197

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent him in a post-conviction relief action, failed to respond to his inquiries and keep him informed and also neglected the case.

2014-198

COMPLAINT SUMMARY: Complainant alleged that in or about 2007 he hired respondent to represent him in an appeal brought by the opposing party in a family law matter. According to complainant, respondent failed to show for their first appointment, misrepresented to opposing counsel that complainant had not yet retained him (when in fact respondent had received the \$3,000.00 retainer), and treated complainant to hostile behavior, including "yelling" and profanity.

2014-201

COMPLAINT SUMMARY: Complainant alleged that respondent obtained copies of videos that would have proved complainant's innocence in her harassment trial, but failed to produce them.

2014-202

COMPLAINT SUMMARY: Complainant, the vice president of a bank, alleged that respondent falsely assured a debtor of respondent's client that the client would release a mortgage on the debtor's property as part of the settlement of a civil dispute. According to complainant, the bank relied on respondent's false statement to make a loan to the debtor.

2014-205

COMPLAINT SUMMARY: Complainant alleged that respondent, his public defender, repeatedly ignored his letters and requests that she visit him in jail. Complainant also alleged that respondent "promised" him that he would receive only 10 years in prison, but following his guilty plea the judge sentenced him to 30 years.

2014-210

COMPLAINT SUMMARY: Complainant accused respondent of a conflict of interest, based on respondent's failure in her capacity as a city attorney to enforce Iowa elections laws in the case of a mayor who resides outside of the city limits. According to complainant, respondent failed to take action because in her private practice, she represents the mayor.

2014-214

COMPLAINT SUMMARY: Complainants alleged that respondent withdrew from their case about a year after undertaking representation on the basis that a larger firm would be more capable of handling their case. According to complainants, respondent should never have undertaken their representation and failed to competently represent them in settlement negotiations.

2014-217

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent him in a post-conviction relief action, ignored letters he sent her and did not communicate with him once.

2014-219

COMPLAINT SUMMARY: Complainant, an attorney, alleged that respondent made misrepresentations to the Board in a complaint he previously filed against complainant.

2014-222

COMPLAINT SUMMARY: Complainant alleged that respondent on behalf of her client attempted to use "intimidation to coerce [him] into paying her client \$61,000.00." Among other things, complainant alleged that respondent threatened to press criminal charges against him.

2014-223

COMPLAINT SUMMARY: Complainant alleged that respondent coerced her into signing over a benefits check to him. According to complainant, respondent was not entitled to the proceeds of the check.

2014-228

COMPLAINT SUMMARY: Complainant alleged that he paid respondent \$1,500.00 to represent him in defending against a simple misdemeanor charge. According to complainant, respondent failed to appear for him at trial.

2014-230

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his criminal case and had a conflict of interest in representing another defendant against whom complainant was providing evidence to the government.

2014-231

COMPLAINT SUMMARY: Complainant alleged that respondent, a public defender, was assigned to represent him two days prior to his trial in a felony case. According to complainant, respondent was unprepared and failed to request a continuance of the trial.

2014-232

COMPLAINT SUMMARY: Complainant alleged that respondent, a public defender, withdrew from his representation only two days before his felony case went to trial. Complainant alleged that respondent knew for some time that she had a scheduling conflict because of her representation in another client's murder case, and the last-minute withdraw caused his case to go to trial with unprepared substitute counsel. Complainant further alleged that while she represented him respondent failed to keep him informed of developments in the case.

2014-236

COMPLAINT SUMMARY: Complainant alleged that respondent, his court appointed counsel, submitted inflated and fraudulent bills to the state public defender and received over \$11,000.00 more than he was entitled for the work performed.

2014-237

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his post conviction relief action. According to complainant, the initial trial date was continued because respondent was not prepared and the case subsequently was voluntarily dismissed because of respondent's lack of preparation. Complainant further alleged that respondent failed to communicate with him.

2014-238

COMPLAINT SUMMARY: Complainant alleged that respondent, who was appointed in February 2014 to represent him in a post-conviction relief action, "has ignored me and my case for approximately 220 days."

2014-240

COMPLAINT SUMMARY: Complainant, a police officer, said that in August 2014 he went to the jail to conduct an interview with respondent's client. Although the client invoked his Miranda Rights, the client then initiated a conversation with complainant regarding a matter "completely separate from" the case in which respondent was representing him. Complainant alleged that respondent arrived at the jail while he was speaking with the client and was extremely rude and unprofessional, not only with him, but with her client. Complainant stated: "in eight years of law enforcement I have never witnessed a defense attorney act with unprofessionalism as I did that day with [respondent]. As a law enforcement officer I am well

aware and prepared to handle defense attorneys disagreeing with our actions. ...Not only was she rude and unprofessional to me, but I was absolutely appalled with the way she treated her client."

2014-248

COMPLAINT SUMMARY: Complainant alleged that respondent neglected the defense of complainant's criminal case. He further alleged that respondent withdrew from his son's juvenile court case the day before hearing without notice.

2014-270

COMPLAINT SUMMARY: Complainant alleged that respondent, court-appointed to represent him in a criminal case, would not respond to his letters and otherwise failed to communicate with him in any way.

2014-275

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent failed to represent him competently or diligently in that he ignored complainant's requests to challenge for cause three jurors who were related to law enforcement officers. The jury found complainant guilty of the first degree murder of a police officer.

OTHER BUSINESS:

The Board determined that the next quarterly meeting would be held March 26, 2015, at the Judicial Branch Building.

There being no further business, the meeting was adjourned.

s/ _____
Charles L. Harrington, Administrator

CLH/scw

ANNEX B
APPROVED 2014-2015 FISCAL YEAR BUDGETS

ATTORNEY DISCIPLINARY BOARD
FISCAL YEAR 2014-2015 BUDGET

Salary & Employee Expense		
Salaries	\$	804,282.
Clerical overtime	\$	2,500.
Deferred Compensation	\$	9,000.
Employee Insurance	\$	162,825.
Employer's Unemployment	\$	2,722.
FICA	\$	61,527.
IPERS	\$	71,822.
Additional 1 Attorney		
Salaries	\$	-
FICA	\$	-
IPERS	\$	-
Deferred Compensation	\$	-
Employee Insurance	\$	-
Vac/SL Payout	\$	7,552.
Total Payroll Expenses	\$	1,122,232.
Non-Payroll Expense		
Appellate Brief Printing	\$	4,000.
Audit Expense	\$	2,275.
Bank Service Charges	\$	600.
Board Meeting Expense	\$	5,200.
Computer Services & Expense	\$	5,200.
Dues & Subscriptions	\$	3,800.
Employer Insurance	\$	4,800.
Furniture & Equipment	\$	10,000.
Investigative & Hrg Expense	\$	12,000.
Miscellaneous	\$	1,000.
Office Supplies	\$	4,500.
Contract Lawyers	\$	60,000.
Payroll Processing	\$	1,949.
Postage	\$	8,500.
Repairs	\$	600.
Rent	\$	51,600.
Telephone	\$	6,200.
Travel	\$	13,900.
Temporary Clerical	\$	-

Total Non-Payroll Expense	\$ 196,124.
Total Expense	<u>\$ 1,318,357.</u>

GRIEVANCE COMMISSION

FISCAL YEAR 2014-2015 BUDGET

OPERATING EXPENSES

Salary and Salary Expenses	
Director Salary	\$26,457.48
Assistant Director	\$46,588.00
Clerical Salary	\$34,378.03
Part-Time Call Center Support	\$282.67
FICA	\$8,239.52
IPERS	\$9,618.16
Employee Insurance	\$20,876.10
Deferred Compensation	\$1,215.00
Auditing	\$2,150.00
Rent	\$8,126.00
Copier Lease	\$1,500.00
Repairs & Maintenance	\$250.00
Supplies	\$1,500.00
Telephone	\$1,600.00
Travel	\$5,000.00
Training	\$0.00
Postage	\$3,000.00
Insurance	\$506.00
Transcripts (SHR)	\$18,000.00
Automation Support	\$1,088.00
Banking Fees	\$600.00
Misc., Including Moving Expen	\$1,000.00
Internet App. Maint. & Develo	\$8,600.00
Internet Payment Charges	\$30,000.00
Unemployment Insurance	\$225.00
Payroll Processing	\$275.00

TOTAL OPERATING EXPENSES \$231,074.96

CAPITAL EXPENDITURES \$1,000.00

TOTAL PROJECTED EXPENDITURES \$232,074.96

COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW
FISCAL YEAR 2014-2015 BUDGET

OPERATING EXPENSES

Salary and Salary Expenses	
Assistant Director	\$26,558.49
Clerical Salary	\$7,950.93
Investigator	\$1,000.00
FICA	\$2,716.47
IPERS	\$3,170.99
Employee Insurance	\$6,186.79
Deferred Compensation	\$360.00
Rent	\$2,390.00
Auditing	\$900.00
Copier Lease	\$300.00
Repairs & Maintenance	\$100.00
Supplies	\$500.00
Telephone	\$400.00
Travel	\$2,000.00
Training	\$0.00
Postage	\$200.00
Insurance	\$90.00
Investigation Expense	\$200.00
Commission Meeting Exp	\$500.00
Automation Support	\$320.00
Misc., Including Moving Expen	\$250.00
Unemployment Insurance	\$70.00
Payroll Processing	\$90.00
TOTAL OPERATING EXPENSES	<u>\$56,253.67</u>
CAPITAL EXPENDITURES	\$500.00
TOTAL PROJECTED EXPENDITURES	<u>\$56,753.67</u>

DISPOSITION OF COMPLAINTS OF LAWYERS' MISCONDUCT - 2014
By Source of Complaint (Table A) and Type of Misconduct Alleged (Table B)

TABLE A: BOARD DETERMINATIONS BY SOURCE OF COMPLAINT								
Source			Grievance Comm'n	Public Reprimand	Admonition	Dismissal	Other*	Total
Client**			10	1	17	35	0	63
Adverse Party***			0	0	2	12	0	14
PCR or Criminal Client			1	4	8	61	0	74
Family Law Client			14	2	7	28	0	51
Adverse Family Law Party			0	1	1	5	0	7
Probate****			5	2	6	20	0	33
Judge or Attorney			13	4	8	15	0	40
Self-Report			5	2	6	1	1	15
Atty Disciplinary Bd			4	1	4	3	0	12
Other OPR Entity			4	4	0	0	0	8
Supreme Ct Clerk			1	2	6	0	0	9
Other			1	1	3	18	0	23
Total			58	24	68	198	1	349

*"Other" refers to deferral of prosecution pursuant to Iowa Ct. R. 34.13

**Not including criminal, PCR, or family law clients

***Not including adverse family law parties

***Complaints from heirs, beneficiaries, and other interested parties

TABLE B: BOARD DETERMINATIONS BY TYPE OF MISCONDUCT ALLEGED

Type			Grievance Comm'n	Public Reprimand	Admonition	Dismissal	Other	Total
Misrepresentation, Fraud			7	3	3	24	0	37
Money, Trust Acct Issues			16	5	3	14	0	38
Criminal Conduct			3	3	6	2	0	14
Other Misconduct*			0	0	3	5	1	9
Advertising, Solicitation			0	0	1	0	0	1
Excessive or Illegal Fee			10	1	6	8	0	25
Assisting or Engaging in UPL			0	3	1	1	0	5
Breach of Confidentiality			1	0	2	5	0	8
Conflict of Interest			4	1	7	26	0	38
Neglect, Incompetence**			33	12	41	133	0	219
Communication w/ Adverse Party			3	1	1	2	0	7
Litigation Misconduct			6	2	6	23	0	37
Threatening Crim. Prosecution			0	0	0	4	1	5
Frivolous Claim or Defense			1	0	1	6	0	8
Prosecutorial Misconduct			0	0	1	1	0	2
Obstructing Disciplinary Process			0	0	0	0	0	0
Disrespect of Tribunal			0	0	0	0	0	0
Total			84	31	82	254	2	453

*Includes rudeness, profanity, and other "unprofessional" conduct

**Includes inadequate communication with client

Note: Total complaints by type exceed total complaints by source (see Table A) because many complaints allege more than one kind of misconduct.

**TABLE C
GRIEVANCE COMMISSION MEMBERS SERVING DURING 2014**

<u>CHAIRPERSON</u>		<u>EXPIRES</u>
<i>Jane Rosien</i>		6-30-15
	1A	
<i>James Garrett</i>		6-30-15
<i>Brigit Barnes</i>		6-30-16
<i>Jodee R. Dietzenbach</i>		6-30-17
<i>Kimberly S. Lange</i>		6-30-17
<i>Christine O. Corken</i>		6-30-14
<i>Laura Parrish</i>		6-30-14
<i>Cory Thein</i>		6-30-17
	1B	
<i>Shawn Harden</i>		6-30-15
<i>Mark Rolinger</i>		6-30-16
<i>Thomas Ferguson</i>		6-30-17
<i>Erin Lyons</i>		6-30-17
<i>Mary Schlicher</i>		6-30-17
	2A	
<i>Kristen Ollenburg</i>		6-30-15
<i>Patrick Byrne</i>		6-30-16
<i>David Laudner</i>		6-30-14
<i>Karla Shea</i>		6-30-14

Adam Sauer 6-30-17

Jacqueline Arthur 6-30-17

Philip Garland 6-30-17

2B

Angelina M. Thomas 6-30-15

Christine A. Hunziker 6-30-13

Jim Goodman 6-30-17

Jennifer Miller 6-30-17

Marcy R. Lundberg 6-30-14

Cori Jo Kuhn Coleman 6-30-16

Bethany J. Currie 6-30-17

3A

Scott Buchanan 6-30-15

Michael Chozen 6-30-14

Diane Wilson 6-30-14

Abby Walleck 6-30-17

Lyssa Henderson 6-30-17

Micah J. Schreuers 6-30-17

Shawna Nolan Ditsworth 6-30-17

3B

Patricia Vogel 6-30-15

Roger Sailer 6-30-17

<i>Rosalynd Koob</i>	6-30-14
<i>Darin Raymond</i>	6-30-17
<i>Robert Brock</i>	6-30-16
<i>Priscilla Forsyth</i>	6-30-17

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<i>Chad Primmer</i>	6-30-15
<i>Christine Shockey</i>	6-30-17
<i>Andrew Knuth</i>	6-30-14
<i>Kimberly Murphy</i>	6-30-14
<i>Eric J. Nelson</i>	6-30-16
<i>Amy Zacharias</i>	6-30-17
<i>Deborah Petersen</i>	6-30-17

5A

<i>Jeffrey Bump</i>	6-30-15
<i>Thomas P. Murphy</i>	6-30-15
<i>Jerrold Oliver</i>	6-30-16
<i>Nerissa (Nan) Jennisch</i>	6-30-14
<i>Sarah Maxwell Leckband</i>	6-30-17
<i>Ethan Anderson</i>	6-30-17
<i>Carol Wendl</i>	6-30-14
<i>Kara McClure</i>	6-30-17
<i>Craig Shannon</i>	6-30-17

<i>Chad Boehlje</i>	6-30-15
<i>Janet Burkhead</i>	6-30-15
<i>Erika Eckley</i>	6-30-16
<i>Kami M. Petitgoue</i>	6-30-16
<i>Adam Otto</i>	6-30-17
<i>Mollie Pawlosky</i>	6-30-17
<i>Jennifer Gerrish-Lampe</i>	6-30-17

5B

<i>Lisa Hynden-Jeanes</i>	6-30-15
<i>Amy Hughbanks Skogerson</i>	6-30-15
<i>Elisabeth Reynoldson</i>	6-30-16
<i>Tim Kenyon</i>	6-30-17
<i>Clint Spurrier</i>	6-30-17

5C

<i>Jerry Foxhoven</i>	6-30-15
<i>Robert Holliday</i>	6-30-15
<i>Kimberly Baer</i>	6-30-15
<i>Bridget R. Penick</i>	6-30-15
<i>Randall D. Armentrout</i>	6-30-15
<i>Donna R. Miller</i>	6-30-17
<i>Jeanie Kunkle Vaudt</i> <i>(resigned during 2014 due to appointment as a district court judge)</i>	6-30-15
<i>Larry Handley</i>	6-30-16

<i>Jess Vilsack</i>	6-30-16
<i>Kelley A. Rice</i>	6-30-16
<i>George F. Davison, Jr.</i>	6-30-16
<i>Amy Stowe Beattie</i>	6-30-17
<i>Della Arriaga</i>	6-30-17
<i>Mark L. Tripp</i>	6-30-14
<i>Sonya Baccam Streit</i>	6-30-14
<i>Mark Godwin</i>	6-30-17
<i>Stephen Eckley</i>	6-30-17
<i>Thomas Duff</i>	6-30-17
<i>Deborah Svec-Carstens</i>	6-30-17
<i>Erin Herbold</i>	6-30-17
<i>Matthew Whitaker</i>	6-30-15
<i>Donald Beattie</i>	6-30-15
<i>Joseph Gamble</i>	6-30-15
<i>Carol Moser</i>	6-30-15
<i>Henny Ohr</i>	6-30-15
<i>Felicia Bertin Rocha</i>	6-30-15
<i>Steve Despotovich</i>	6-30-17
<i>Kimberly Bartosh</i>	6-30-17
<i>Jessica Rae Roberts</i>	6-30-15

<i>Douglas Davis II</i>	6-30-15
<i>Paula Roby</i>	6-30-16
<i>Renee Sneitzer</i>	6-30-17
<i>Randall B. Willman</i>	6-30-16
<i>Cynthia Sueppel</i>	6-30-17
<i>Jennifer Zahradnik</i>	6-30-15
<i>Thomas Hobart</i>	6-30-15
<i>Joseph Schmall</i>	6-30-15
<i>Kevin Collins</i>	6-30-17

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<i>Rosalinda Eichelberger</i>	6-30-15
<i>M. Anne McAtee</i>	6-30-15
<i>Patrick Driscoll</i>	6-30-14
<i>Monique Gorsline</i>	6-30-14
<i>Jerry Van Scoy</i>	6-30-16
<i>Philip T. Ramirez</i>	6-30-17
<i>Mikki Schiltz</i>	6-30-17

8A

<i>Joni Keith</i>	6-30-15
<i>Katherine Lujan</i>	6-30-15
<i>Allen L. Cook III</i>	6-30-16
<i>Patrick McAvan</i>	6-30-17
<i>Daniel Kitchen</i>	6-30-17

8B

Laura Krehbiel	6-30-14
Jennifer Klever-Kirkman	6-30-17
Roger Huddle	6-30-14
Niko Pothitakis	6-30-17
Robert Reding	6-30-14
Sara Lynette Haas	6-30-17
Jonathan Stensvaag	6-30-17
William J. Cahill	6-30-17

LAY MEMBERS

1A

Nancy Fisher	6-30-15
Dianne Gibson	6-30-16

1B

Paul Ehrig	6-30-15
Arnold Schultz	6-30-14
Brent Wilson	6-30-17

2A

Steve Beecher	6-30-17
Elizabeth Faber	6-30-17

2B

Melissa Nanninga 6-30-17

Steve Wilson 6-30-15
(resigned during his term)

Rod Halvorson 6-30-15

3A

Jan Spielman 6-30-16

James Rosendahl 6-30-14

Tom Underwood 6-30-17

3B

Michael Potash 6-30-16

Douglas VanDerVoort 6-30-15

4

Nancy Mack 6-30-15

Lisa Peters 6-30-14

Boyd Littrell 6-30-17

5A

Amy Kelp 6-30-16

Michael Shay 6-30-17

William C. Snyder 6-30-15

5B

R. Richard Rice 6-30-17

5C

Tom May 6-30-15

Linda Kinman	6-30-15
Joyce Chapman	6-30-15
Melvin Zischler	6-30-16
Ellen Hubbell	6-30-14
Carmen Garcia	6-30-16
Joe Henry	6-30-16
Alba Perez	6-30-17

6

Wendy Dunn	6-30-15
Sara Gaarde	6-30-15
Kathy Maxwell	6-30-15
Yolanda Spears	6-30-16

7

Dr. Joan Marttila	6-30-16
Arnold Shileny	6-30-17

8A

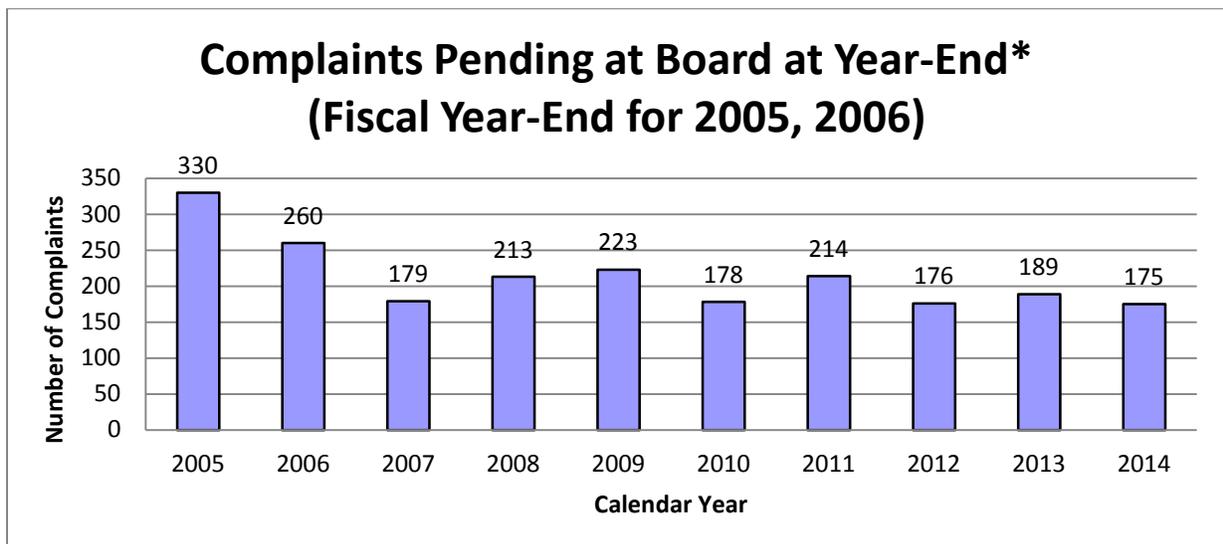
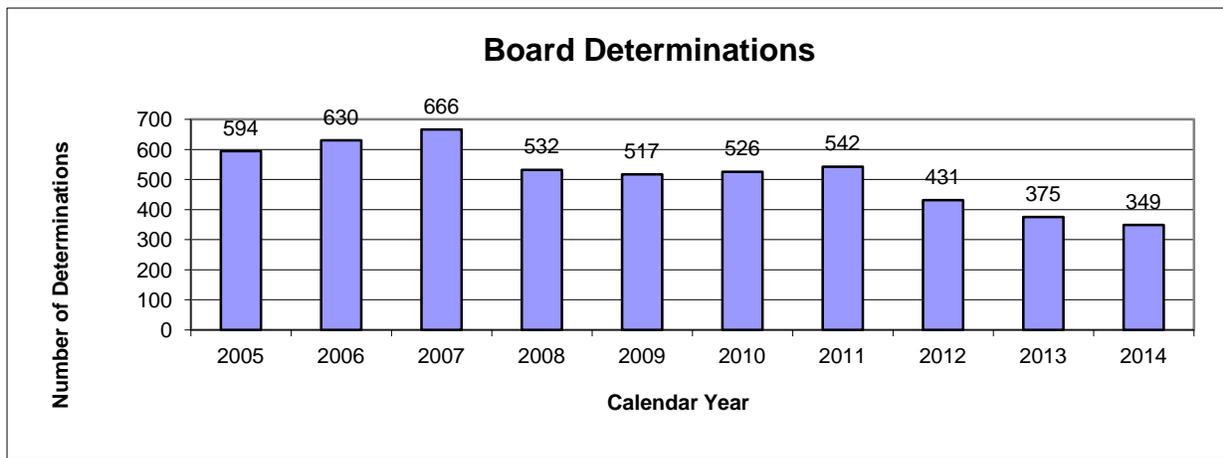
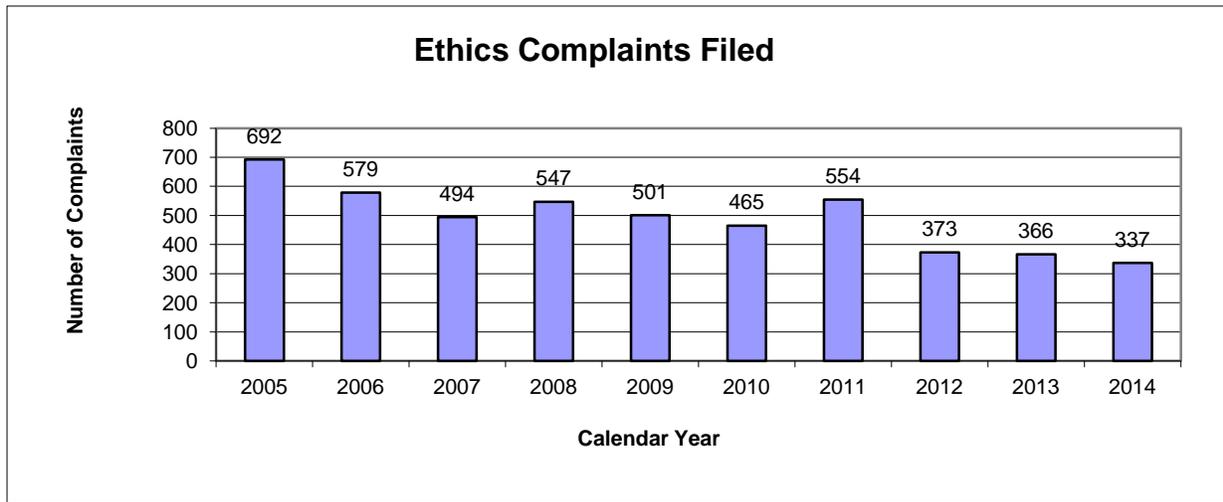
Jim Ross	6-30-17
Tracy Ely	6-30-15
Jerry Droz	6-30-15

8B

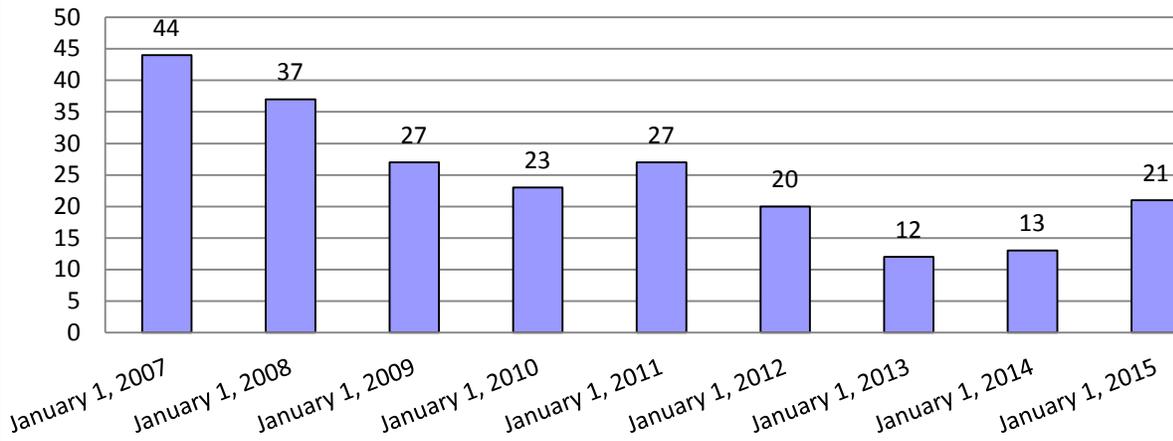
Donna Logan	6-30-15
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TABLE D					
GRIEVANCE CASE STATUS SUMMARY REPORT 2014					
DOCKET NUMBER	PENDING 1/1/14	FILED DURING 2014	FINAL DISPOSITION DURING 2014	PENDING 12/31/14	
756	X		X		
757	X		X		
760	X		X		
762	X		X		
764	X		X		
769	X		X		
774	X		X		
776	X		X		
778	X		X		
779	X		X		
780	X		X		
781	X			X	
782	X		X		
783	X		X		
784	X			X	
785	X		X		
786	X		X		
787	X		X		
788	X		X		
789	X			X	
790		X	X		
791		X		X	
792		X		X	
793		X		X	
794		X		X	
795		X		X	
796		X		X	
797		X		X	
798		X		X	
799		X		X	
800		X		X	
801		X		X	
802		X		X	
803		X		X	
804		X		X	
805		X		X	
806		X		X	
807		X		X	
808		X		X	
809		X		X	
TOTALS	20	20	18	22	

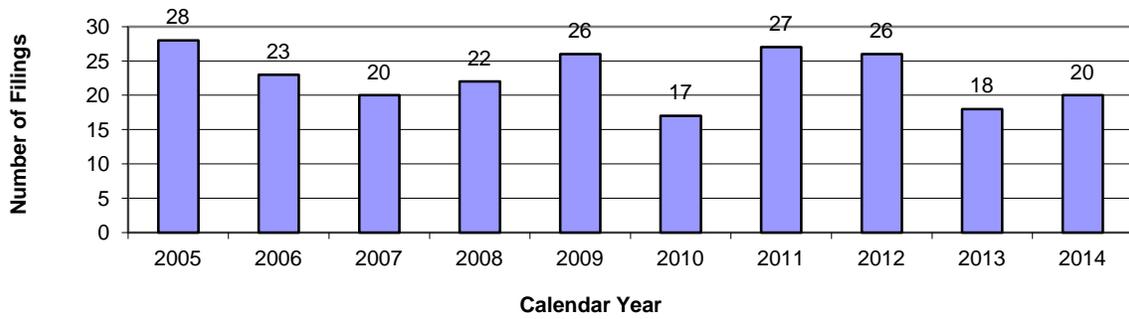
TABLE E
GRAPHICAL INFORMATION REGARDING ETHICS AND GRIEVANCE CASES



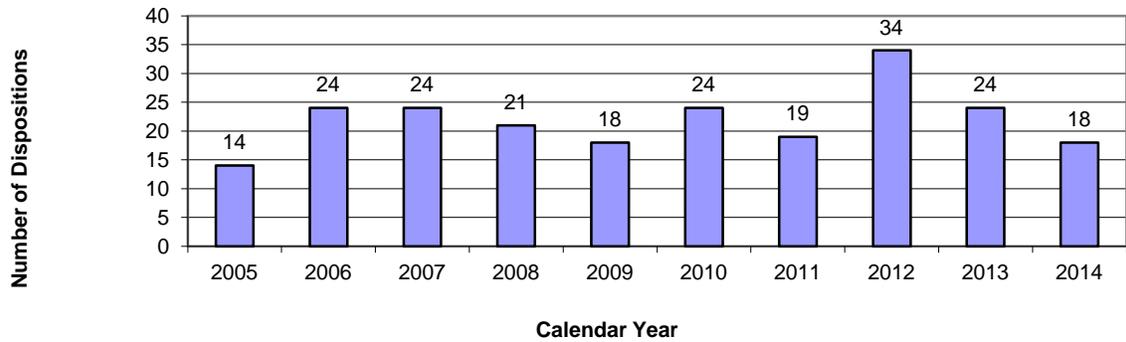
Number of Grievance Commission Complaints Assigned for Prosecution, But Not Yet Filed at Grievance Commission



New Case Filings at Grievance Commission



All Grievance Case Dispositions



Formal Grievance Opinions by Court

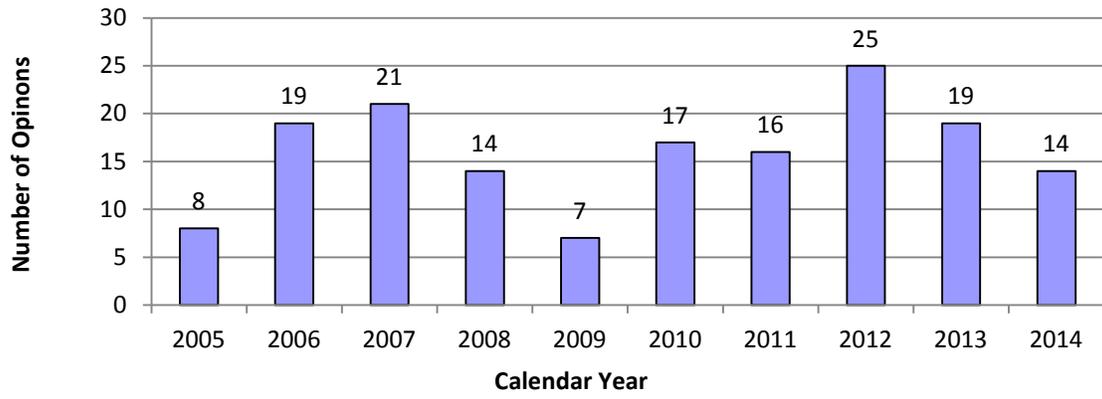


TABLE F													
GRIEVANCE CASE DISPOSITION SUMMARY 2014													
DOCKET NUMBER	DISMISSAL	PRIVATE ADMONITION UPON CONSENT	PRIVATE ADMONITION	REPRIMAND ON CONSENT	REPRIMAND	SUSPENDED 30 DAYS OR LESS	SUSPENDED 31 TO 60 DAYS	SUSPENDED 61 TO 89 DAYS	SUSPENDED 3 TO 6 MONTHS	SUSPENDED 7 TO 11 MONTHS	SUSPENDED 1 YEAR OR MORE	VOLUNTARILY REVOKED	REVOKED
756							X						
757				X									
760	X												
762	X												
764									X				
769													X
774									X				
776													X
778													X
779									X				
780											X		
782	X												
783									X				
785									X				
786													X
787							X						
788									X				
790												X	
Totals	3	0	0	1	0	0	2	0	6	0	1	1	4

TABLE G**SYNOPSIS AND REPORT REGARDING CASES REACHING FINAL DISPOSITION DURING CALENDAR YEAR 2014**

GRIEVANCE CASE NUMBER	SYNOPSIS OF CHARGES AND REPORT OF DISPOSITION
756	<p>The board alleged that the attorney violated multiple ethical rules in connection with four separate legal matters, including misrepresentation, making knowingly false statements, conduct reflecting adversely on fitness to practice, conflicts of interest, taking actions merely to harass or maliciously injure, advancing an unwarranted claim, and failure to safeguard client property. The case was submitted to the Grievance Commission by stipulation. The commission accepted the stipulation of the parties, considered at length the numerous violations discussed in the stipulation, and ultimately recommended a six month suspension. The Supreme Court found that the respondent had committed numerous violations of the rules through overzealousness and sloppy practices. Taking into account the extent to which courts had previously punished the attorney by levying sanctions and imposing punitive damages, the court suspended the respondent's license for a period of sixty days.</p>
757	<p>The board alleged that the attorney failed to provide proper notice and accounting to the client regarding the disposition of client funds held in trust. After the complaint was filed with the commission, the lawyer agreed to accept a public reprimand under the provisions of Iowa Court Rule 35.3, and the complaint before the commission was dismissed.</p>
760	<p>The board alleged that the attorney's conduct in assisting a client in shielding assets from potential creditors violated several ethical rules. The Grievance Commission found that the respondent's representation in one transaction violated rules DR1-102(A)(4) (conduct involving dishonesty, fraud, deceit or misrepresentation) and DR7-102(A)(1) (action serving</p>

	<p>merely to harass or maliciously injure). Noting the existence of significant mitigating factors and the absence of self-dealing in this case, the commission recommended that a public reprimand be issued. Upon de novo review, the Supreme Court found that the board failed to prove any rule violation by a convincing preponderance of the evidence. The court dismissed the complaint.</p>
762	<p>The board alleged that the attorney's conduct violated ethical rules pertaining to sexual relations with a client, and sexual harassment. The Grievance Commission found that the board had not proven the existence of an attorney-client relationship at the time of the alleged sexual encounter. The commission further found that the burden of proof had not been met with respect to the allegation of sexual harassment. The commission dismissed the complaint.</p>
764	<p>The board alleged that the attorney violated multiple rules pertaining to trust account management. The Grievance Commission found that the respondent's conduct violated the rules pertaining to withdrawal of fees from trust before earned, maintenance of trust account records, and notice and accounting to the client. The commission found that the attorney's violations of the trust account rules were a result of sloppiness and oversight, rather than conduct involving dishonesty, fraud, deceit, or misrepresentation. The commission recommended a six month suspension, and that as a condition of reinstatement the attorney institute office procedures that will assure compliance with the trust account rules. The Supreme Court found that the attorney had committed the rule violations found by the commission. In addition, the court found that the attorney's false answers on annual client security questionnaires violated Iowa Rule of Professional Conduct 32:8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). The court suspended the respondent's license for a period of six months.</p>
769	<p>The board alleged that the attorney's handling of client funds violated multiple Iowa Rules of Professional Conduct, as well</p>

	<p>as their counterparts in Nebraska and Maryland. The Grievance Commission found that the attorney violated rules 32:1.8(a) (business transaction with a client without obtaining informed consent), 32:1.8(b) (using information relating to representation to the disadvantage of the client), 32:1.15(a) (misappropriating property), 32:1.15(b) (commingling lawyer and client funds), 32:4.1(a) (making a false statement of material fact to a third person), 32:8.4(a) (violating or attempting to violate the Iowa Rules of Professional Conduct), 32:8.4(b) (committing a criminal act reflecting adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer), 32:8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and 32:8.4(d) (engaging in conduct prejudicial to the administration of justice). In particular, the commission found the attorney converted client funds from his trust account without a colorable future claim. The commission recommended that the attorney's license to practice law in Iowa be revoked. The Supreme Court agreed with the commission as to every violation identified, and found that the attorney converted client funds for personal use without a colorable future claim to them. The court revoked the respondent's license.</p>
774	<p>The board alleged that the respondent falsified certificates of service attached to discovery requests sent to opposing counsel, and then defended the validity of the certificates in judicial proceedings. The Grievance Commission found that the respondent's conduct violated Iowa Rules of Professional Conduct 32:3.3(a)(1) (knowingly making false statements to a tribunal), 32:8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and 32:8.4(d) (conduct prejudicial to the administration of justice). The commission recommended a six month suspension. The court agreed that the respondent had committed the violations found by the commission, and suspended the respondent's license for six months.</p>
776	<p>The board alleged that the respondent misappropriated funds belonging to a client in violation of several rules of professional</p>

	<p>conduct and the client trust account rules. The Grievance Commission found that the attorney committed the crime of misappropriation, which violated Iowa Rules of Professional Conduct 32:1.15(a), (d), 32:8.4(b)–(c), Iowa Court Rule 45.2(2), and Iowa Code section 602.10119. Further, the commission found the attorney violated rules 32:1.4(a)(3)–(4) (communication with client), 32:1.3 (diligence and promptness), and 32:8.1(b) (response to Board’s requests). The commission recommended that the attorney receive a six month suspension, be required to complete a basic skills course that includes the topic of client trust accounts, and be required to associate with a nonrelated mentor with experience in trust accounts and ethics after reinstatement. The court found that misappropriation of client funds for personal use had been established, and that in light of the serious nature of the dishonesty involved it was unnecessary to address the numerous other rule violations found by the commission. The court revoked the respondent’s license.</p>
778	<p>The board alleged that the respondent’s conduct, including misappropriation of funds belonging to two clients, violated twelve rules of professional conduct and two Iowa Court Rules. The respondent was served with the complaint but failed to answer the complaint or participate in subsequent proceedings. The commission therefore deemed the allegations of the complaint admitted. Based on these admissions, and upon the record developed at a subsequent hearing, the Grievance Commission found that the respondent violated numerous ethical provisions. The commission recommended revocation of the attorney’s license. The court found that misappropriation of client funds for personal use had been established. The court revoked the respondent’s license.</p>
779	<p>The board alleged that the respondent violated several ethical rules by failing to maintain proper trust account records, commingling funds, failing to notify clients when withdrawing funds from the trust account, and misrepresenting his trust account practices on the annual client security questionnaire. The Grievance Commission determined that most of the</p>

	<p>alleged violations had occurred and recommended a thirty day suspension. The Supreme Court found that the board had met its burden of proof with respect to all of the allegations except failure to provide notice and accounting to clients. Giving particular consideration to the attorney's failure to rectify his trust account problem despite a prior audit four years before, the court suspended the attorney's license for a period of three months.</p>
780	<p>The board alleged that the respondent violated multiple rules of professional conduct, disregarded the trust account rules, and continued to practice law while suspended. The court had previously issued two suspensions to the attorney for serious disciplinary infractions and one temporary, interim suspension for threat of harm to the public. The attorney had not requested reinstatement from any of these suspensions at the time of the grievance hearing. The Grievance Commission found that the respondent had violated rules 32:5.5(a) (unauthorized practice of law), 32:1.4 (keeping the client informed), 32:1.15(c) (withdrawal of fees before earned), 32:1.16 (termination of representation), 45.2(2) (notice and accounting), 45.7(5) (refund of unearned advance fees), and 45.2(3)(b)(3) (prohibition of withdrawals from trust payable to cash). The commission recommended the respondent's license be suspended for a period of one year. The Supreme Court found that the attorney had practiced law while his law license was suspended and had committed various trust account violations. However, because the length of the attorney's temporary suspension for the same conduct met or exceeded the time the court would have suspended his license, the court decided not to impose further suspension for the same conduct. The court lifted the attorney's prior temporary suspension for threat of harm, as well as the prior suspension for failure to cooperate in the audit of his trust account. The court directed that the respondent's previously-ordered one year suspension would commence on the date of the court's order. Furthermore, the Client Security Commission must certify that the attorney has taken care of any deficiencies in his trust account before the court will reinstate his license.</p>

782	<p>The board alleged that the attorney violated several ethics rules in connection with efforts to protect the separate property interests of a client from potential creditors. The Grievance Commission found that there was insufficient evidence to find a violation of the rules by the respondent. The commission dismissed the complaint.</p>
783	<p>The board alleged that the respondent neglected the appeals of seven clients. The Grievance Commission found that the respondent violated rules 32:1.1 (competence), 32:1.3 (diligence), 32:1.4 (communication with clients), 32:1.16(a) (prohibited representation of a client), 32:3.2 (reasonable efforts to expedite litigation), and 32:8.4(d) (conduct prejudicial to the administration of justice). Noting the attorney's lengthy disciplinary history, the commission recommended that a three month suspension be imposed. The commission also recommended that the respondent be required to complete a basic skills continuing legal education course as a condition of reinstatement. The Supreme Court found that the attorney had violated all the rules alleged by the board except for the alleged violation of rule 32:1.1 in connection with one of the proceedings. Based on the attorney's testimony at hearing that he did not intend to represent clients in appeals after reinstatement, the court declined to adopt the commission's recommendation regarding completion of a basic skills course as a condition of reinstatement. The court suspended the respondent's license for a period of six months.</p>
785	<p>The board alleged that the attorney repeatedly missed appellate deadlines in several criminal cases, failed to pay resulting penalties in a timely fashion, and made a knowingly false statement to the court. The Grievance Commission found the attorney's actions violated several ethical rules and recommended a one year suspension of the attorney's license to practice law. The commission also recommended that the attorney be required to submit an evaluation by a licensed health care professional, verifying fitness to practice law, prior to reinstatement. The Supreme Court found that the attorney's actions violated rules 32:1.3 (diligence), 32:3.2</p>

	<p>(expediting litigation), 32:3.3(a)(1) (candor), 32:8.4(c) (engaging in dishonesty), 32:1.2(a) (failing to abide by a client's decision concerning objectives of representation), and 32:8.4(d) (conduct prejudicial to the administration of justice). The court suspended the attorney's license for a period of six months.</p>
786	<p>The board alleged that the respondent had committed trust account violations incident to representation of a client in an employment law matter. The Grievance Commission found that the respondent's conduct violated the rules alleged by the board. Noting that the respondent had not received public discipline in fifty-one years of practice, the commission recommended that the attorney receive a public reprimand. The Supreme Court found that all of the trust account violations had taken place. The court also found that among those violations, the attorney had converted \$7,500 of client funds to personal use without a colorable future claim to the funds. The court revoked the attorney's license.</p>
787	<p>The board alleged that the respondent, a lawyer allowed to practice immigration law in Iowa pursuant to the multijurisdictional practice rule, violated multiple ethical rules incident to representation of Iowa clients. The Grievance Commission determined that the attorney violated rules governing trust accounts, fees, referrals, conflicts of interest, and neglect. The commission, with one member not participating in its deliberations, recommended the attorney be ordered to cease and desist from the practice of law in Iowa for a period of not less than sixty days. The Supreme Court found that jurisdiction existed pursuant to rule 32:8.5(a). The court also found that the respondent had violated rule 45.7(4) (notice and accounting) and several other trust accounting provisions with regard to forty-three clients. Further, the court found that the attorney had violated rules pertaining to nonrefundable fees, division of fees, diligence, communication, prompt delivery of funds or property, refund of fees, retainer of disputed fees in trust, communication, conflict of interest, referral to outside counsel, and unreasonable fees. The court</p>

	<p>ordered the attorney to cease and desist from the practice of law in Iowa for sixty days.</p>
788	<p>The board alleged that the attorney's representation of a client in several family law matters violated numerous rules of professional conduct. The Grievance Commission found the attorney had violated rules 32:1.1 (competence), 32:1.3 (diligence), 32:1.15(d) (accounting and return of funds or property), 32:1.16(d) (termination of representation), 32:3.4(c) (knowing disobedience of an obligation under the rules of a tribunal), 32:8.4(d) (conduct prejudicial to the administration of justice), and – with respect to handling of client funds – rules 32:1.15(c), 32:1.15(f), 45.7(4) and 45.10(3). The commission recommended a six month suspension. It also recommended that the attorney be required to take and pass the Multistate Professional Responsibility Exam as a condition of reinstatement, be ordered to immediately return all records and files to the client, and be ordered to pay restitution for all attorney fees assessed against the client in her modification action. Upon de novo review, the Supreme Court concurred in most of the findings of rule violations. The court suspended the attorney's license for a period of three months.</p>
790	<p>The attorney engaged in fraudulent billing practices incident to prosecution work for a municipality. The court accepted the respondent's consent to disbarment, and revoked the respondent's license to practice law.</p>