

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF THE ATTORNEY DISCIPLINARY BOARD AND THE GRIEVANCE COMMISSION OF THE SUPREME COURT OF IOWA)))))	2015 ANNUAL REPORT
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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, 2015, through December 31, 2015.

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, served as the Board's chairperson until the conclusion of his final allowable term of appointment on June 30, 2015. Sarah W. Cochran, Fairfield, was appointed by the Court to serve as the Board's chairperson effective July 1, 2015. Other attorney members serving during this reporting period include Marti Nerenstone, Council Bluffs; John Gosma, Davenport; Eric Lam, Cedar Rapids; Stewart A. Huff, Sioux City; Susan Flander, Mason City; Stephanie L. Cox, Des Moines; Andrew Van Der Maaten,

Decorah; Andrew Chappell, Iowa City; and Jane Rosien Hardy, Winterset. Lay members serving during this reporting period include Carole Waterman, Osceola; Gerald A. Zavitz, Davenport; Ann Knutson, Sioux City; and Dr. Debbie Nanda McCartney, Des Moines. The terms of Mr. Erickson, Mr. Lam, and Ms. Waterman expired June 30, 2015, and they were ineligible for reappointment, having completed two three-year terms on the Board. The Court appointed Dr. Debbie Nanda McCartney, Andrew Chappell, and Jane Rosien Hardy as Board members by order filed July 1, 2015.

New Complaints

The Board opened 389 new complaint files for investigation during 2015, not including probate delinquencies reported by clerks of the district court. This compares with 337 new complaint files opened during 2014, 366 new complaint files opened during 2013, 373 new complaint files opened during 2012, and 554 new complaint files opened during 2011.

The decline in the number of complaint files opened for investigation during the past four 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 2015, the assistant directors exercised their discretion to decline to

open investigations of 199 complaints. Approximately 32 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 167.

Board Determinations

The Board made determinations in 316 complaint files. This total includes 23 determinations upon rehearing. Rehearings generally involve cases in which a respondent takes exception to a private admonition or public reprimand. This compares with 349 determinations (including 18 rehearings) during calendar year 2014, 375 determinations (including 22 rehearings) during calendar year 2013, 431 determinations (including 20 rehearings) during calendar year 2012, and 542 determinations (including 24 rehearings) during calendar year 2011.

The determinations by the Board in 2015 were as follows:

Dismissed upon a finding of no ethical violation	189	(59.81 %)
Private Admonition	47	(14.87 %)
Public Reprimand	35	(11.08 %)
Deferral per Iowa Court Rule 34.13	2	(0.63 %)
Other (Death of Respondent; Contempt Citation)	2	(0.63 %)
Referred to staff counsel for filing with the Grievance Commission	41	(<u>12.97 %)</u>

TOTAL

316 (100.0 %)

During the previous reporting period (2014), the 349 determinations by the Board included 198 dismissals (56.73%); 68 private admonitions (19.48%); 24 public reprimands (6.88%); one deferral under Iowa Court Rule 34.13 (0.29%); and 58 complaints referred to staff counsel for prosecution before the Grievance Commission (16.62%).

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 (425) exceeds the total number of complaints by source (316) 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 (96 complaints, or 30.4 % 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 (41 complaints, or 13.0 %). Other significant sources of complaints included family law clients (31 complaints, or 9.8 %), judges and attorneys (37, or 11.7 %); and beneficiaries and others involved in the probate process (21, or 6.6 %).

As shown in Table B, the ethical violation most often alleged was neglect or incompetence (188 complaints). The second most frequent category of alleged misconduct was misrepresentation or fraud (57 complaints, 13.4%), closely followed by money or trust account issues (54, 12.7%). Other common

allegations were litigation-related misconduct (42 complaints, 9.9%), conflict of interest (26 complaints, 6.1%), and charging or collecting an excessive or illegal fee (24 complaints, 5.6%).

There were 248 complaints pending and under investigation as of December 31, 2015. This compares with 175 complaints pending and under investigation at the end of 2014.

Probate Delinquencies

The Board received certifications from clerks of the district court of 215 lawyers' failures to cure probate delinquencies. A review of court records disclosed that 130 of these delinquencies were cured before the Board received the clerks' certifications. The remaining 85 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 85 lawyers who were contacted regarding the reported delinquencies during 2015:

File closed, without opening formal complaint, upon proof of cure of delinquency	62
Dismissed after opening formal Board complaint	0
Private admonition ¹	0
Public reprimand	0
Referred for filing with the Grievance Commission	0
Files pending at the close of the reporting period	23

In the previous reporting period (2014), the Board received reports of delinquency on the part of 228 lawyers.

¹ One private admonition currently is pending.

Grievance Commission Filings

During calendar year 2015, the Board filed 15 new Grievance Commission filings involving 15 respondent attorneys. During prior calendar years, the Board made Grievance Commission filings against attorneys as follows:

Year	New Case Filings	Number of Respondent Attorneys
2014	20	20
2013	18	18
2012	26	27
2011	27	27

At the end of 2015, there were 36 cases (involving 36 attorneys) assigned for prosecution before the Grievance Commission that had not yet been filed with the Grievance Commission. This compares with 21 cases (involving 21 attorneys) unfiled at the end of 2014, 13 cases (involving 13 attorneys) 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 26, 2015; June 24, 2015; September 24, 2015; and December 14, 2015. 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, 2015 through December 31, 2015 are listed at Table C to this report. Attorney Jane Rosien Hardy served as chairperson until the conclusion of her second allowable term of appointment on June 30, 2015. Attorney Mark Rolinger was appointed by the Court to serve as chairperson effective July 1, 2015.

Grievance Commission Case Experience

Twenty-two cases filed with the Commission were pending final disposition before the Commission or the Supreme Court as of December 31, 2014. During

calendar year 2015 an additional fifteen 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 dismissal² or private admonition. Final disposition of an additional seventeen cases resulted by stipulated or agreed discipline or by decisions of the Supreme Court. As of December 31, 2015, a total of eighteen 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. Graphical data regarding ethics complaint and grievance case filings and dispositions is provided at Table E.

Table F shows a summary of the manner of disposition of the nineteen cases reaching final disposition during the reporting period. One case resulted in revocation of license as a result of court opinion. There were no consent disbarments during 2015. Fourteen cases resulted in suspensions of varying lengths. One case was dismissed by the Commission. One case resulted in the issuance of a private admonition by the Commission. Two cases resulted in written reprimands by court opinion. 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

² Only true dismissals are characterized as such. Cases ultimately dismissed following agreed or stipulated discipline have been categorized based on the discipline imposed.

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 2015, 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	11
Public reprimands issued directly by the Attorney Disciplinary Board, with court approval, under Iowa Court Rule 35.3	21
Temporary suspensions issued under Iowa Court Rule 34.7 based on failure to respond to notice of complaints received by the Attorney Disciplinary Board	2
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	0
Suspensions or revocations issued based on receipt of a certified copy of judgment in a criminal prosecution under the provisions of Iowa Court Rule 35.15	1
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	0

Annual Fee to Finance Disciplinary System

Chapter 39 of the Iowa Court Rules³ 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 2015 annual fee was \$175.00. During the fiscal year July 1, 2014 through June 30, 2015, annual fees and late penalties received to finance the disciplinary system totaled \$1,616,150. Total disciplinary funding received during fiscal year 2014-2015 was \$1,619,184, which included the annual fees, late filing fees, investment income, and reimbursement of disciplinary costs paid.

By court order, the Client Security Commission was directed to pay a total of \$1,318,357.28 for the fiscal year 2014-2015 operating budget of the Iowa Supreme Court Attorney Disciplinary Board. The Board actually made cash disbursements totaling \$1,194,552 during the year. During fiscal year 2014-2015, the Commission also paid operating expenditures for the Grievance Commission totaling \$223,423, operating expenses of the Commission on the Unauthorized Practice of Law totaling \$54,648, and a subsidy for the Iowa

³ Then known as Iowa Court Rule 121.

Lawyers Assistance Program totaling \$97,800. Total expenditures made for the disciplinary system during fiscal year 2014-2015 were \$1,570,423.

The annual fee to be paid by each attorney to support the attorney disciplinary system for calendar year 2016 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 July of 2015, 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, 2015 through June 30, 2016. 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 1, 2016

THE IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD

By 
Sarah W. Cochran, Chair

GRIEVANCE COMMISSION OF THE
SUPREME COURT OF IOWA

By 
Mark S. Rolinger, Chair

- Annex A – Redacted Board Minutes
- Annex B - Approved Operating Budgets for Fiscal Year 2015-2016
- Table A – Source of Complaint and Board Determinations
- Table B – Type of Complaint and Board Determinations
- Table C – Grievance Commission Members During 2015
- 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 2015

ANNEX A
REDACTED BOARD MINUTES

**IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD**

HEARING-MEETING

March 26, 2015

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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 26, 2015, 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, Stephanie L. Cox, Susan R. Flander, Eric W. Lam, Marti Nerenstone, Andrew Van Der Maaten, Ann Knutson, and Carole Waterman. Also present were Board Administrator Charles L. Harrington, Special Ethics Counsel Norman G. Bastemeyer, Assistant Ethics Counsel Wendell J. Harms, Elizabeth A. Quinlan, Amanda K. Robinson, and Susan A. Wendel and Investigators Erin Ross-Johnson and Melissa R. Hill.

The following action was taken:

NEW COMPLAINTS:

2013-127

COMPLAINT SUMMARY: Complainant, a district court judge, alleged that in January 2013, respondent made "a blatant and knowing certification of inaccurate facts to the court" to obtain an order for rule to show cause in a domestic relations case.

BOARD ACTION: The Board concluded that respondent's assertion to the court that the mother of his client's children was "wrongfully" and "unlawfully" withholding visitation was made either knowingly or recklessly, contrary to Rule 32:3.3(a) or 32:8.4(c). The Board further concluded that respondent's misrepresentation resulted in otherwise unnecessary court proceedings, contrary to Rule 32:8.4(d). In mitigation, the Board noted respondent's relative inexperience in the practice of law at the time of the misconduct and the intense pressure from his client's parents to take action with the court before the mother of the client's children left the country with the children. The Board also noted that respondent was assessed a significant financial sanction. Given the unusual circumstances of the matter, the Board determined to admonish respondent for the misconduct.

2014-59

COMPLAINT SUMMARY: Complainant, a criminal defense attorney, alleged that respondent, an assistant county attorney, knowingly offered inadmissible hearsay evidence at the re-trial of complainant's client. Complainant further alleged that respondent knowingly made a dishonest legal argument to attempt to justify the offer of the hearsay evidence.

2014-60

COMPLAINT SUMMARY: Complainant, a criminal defense attorney, alleged that respondent, an assistant county attorney, knowingly offered inadmissible hearsay evidence at the re-trial of complainant's client. Complainant further alleged that respondent knowingly made a dishonest legal argument to attempt to justify the offer of the hearsay evidence.

BOARD ACTION: The Board considered the proceeding two complaints together. The Board concluded that the respondents had a reasonable, good faith belief that the questions asked of the witness were not designed to elicit hearsay. Therefore the Board dismissed the complaints against both respondents.

2014-190

COMPLAINT SUMMARY: Complainant alleged that respondent took over the management of a home owners' association for which complainant served as secretary. According to complainant, respondent was not hired to do any legal work for the association. Complainant alleged that respondent misappropriated funds and had a conflict of interest in writing checks to her law firm on the Association's account without authorization.

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

2014-196

COMPLAINT SUMMARY: Complainant, a Senior District Court Judge, alleged that respondent neglected five estates and one guardianship/conservatorship matter. Complainant further alleged that respondent recently moved to withdraw from representation without filing a formal application and without giving notice to the interested parties.

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

2014-203

COMPLAINT SUMMARY: Complainant alleged that he hired respondent in March 2010 to represent him in a dissolution of marriage action. Complainant alleged that respondent failed to take timely action in the case and repeatedly ignored phone calls and emails.

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

2015-204

COMPLAINT SUMMARY: The respondent self-reported that beginning in October 2008 he borrowed a total of \$160,000.00 from a married couple who were his clients. Only part of this

indebtedness was secured, and respondent failed to inform the clients in writing of the need to consult independent counsel. Respondent also reported that he borrowed \$25,000.00 from another married couple, who were his clients, without informing them in writing of the need to seek independent legal advice.

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

2014-208

COMPLAINT SUMMARY: The Board received documentation that respondent ignored the statute of limitations in his client's personal injury case and then refused to give the file to the client unless the client first paid him \$20,000.00.

2014-265

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

2015-12

COMPLAINT SUMMARY: The Board received information that, more than two weeks after respondent's license to practice law was suspended for misconduct, he filed an application in the district court on behalf of a client, asking for relief pursuant to Iowa Rule of Civil Procedure 1.944 and without disclosing that his license to practice was suspended.

BOARD ACTION: The Board considered the above three complaints together for purposes of disposition. In 2014-208, the Board concluded that respondent's conduct violated his duty of diligence under Rule 32:1.3 and his duty to the client upon termination of representation, contrary to Rule 32:1.16(d). In 2014-265, the Board concluded that respondent's conduct violated Rule 32:1.3, as well as Rules 32:3.2 (duty to expedite litigation) and 32:8.4(d) (conduct prejudicial to administration of justice). In 2015-12, the Board concluded that respondent violated the order suspending his license to practice, contrary to Rules 32:5.5(a) and 32:8.4(d).

In considering an appropriate sanction, the Board noted that the misconduct in 2014-208 and 2014-265 predated respondent's suspension in December 2014, and concluded that had the Court known of these violations at the time of the suspension order, the Court probably would not have imposed a more severe sanction. The Board also noted that respondent has informed the Board that he does not intend to seek reinstatement of his license. Therefore the Board determined that a public reprimand would be a sufficient sanction.

2014-211

COMPLAINT SUMMARY: Complainant alleged that she hired respondent to represent her grandson in a criminal case. According to complainant, respondent neglected the representation and failed to return \$10,000.00 in unearned fees.

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

2014-221

COMPLAINT SUMMARY: Complainant alleged that respondent, a county attorney, had a conflict of interest in pursuing charges against him because the complaining witnesses had connections to respondent's re-election campaign. Complainant further alleged that the charges were filed without probable cause.

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

2014-245

COMPLAINT SUMMARY: Complainant alleged that respondent neglected her dissolution modification action, failed to provide an accounting as to a \$1,500.00 retainer, and only "rarely" returned complainant's phone calls and emails.

2014-272

COMPLAINT SUMMARY: Complainant alleged that respondent neglected the appeal brought by her and her husband in a juvenile court case.

BOARD ACTION: The Board considered the above two complaints together for purposes of disposition. In 2014-245, the Board found no convincing proof of complainant's allegations, but found that respondent initially failed to cooperate with the Board's investigation, requiring the Board to file a certificate with the Court for possible temporary suspension. The Board concluded that respondent's initial failures to respond to the Board violated Rule 32:8.1(b). In 2014-272, the Board found that respondent's conduct violated Rules 32:1.3 (duty of diligence), 32:3.2 (duty to expedite litigation), and 32:8.4(d) (prohibiting conduct prejudicial to administration of justice). The Board determined to issue one public reprimand for the violations in the two files.

2014-247

COMPLAINT SUMMARY: Complainant alleged that respondent failed to return voice messages and emails and neglected her representation of complainant in a dissolution modification action.

BOARD ACTION: The Board concluded that respondent's lack of diligence in preparing for her client's trial violated Rule 32:1.3 and that her failures to reply to and communicate with her client in the two months preceding trial violated Rule 32:1.4(a).

2014-269

COMPLAINT SUMMARY: Complainant alleged that after she paid respondent \$1,000.00 to represent her in a divorce, respondent neglected to serve papers on her husband. Complainant further alleged that after she fired respondent for failing to make progress in her case, respondent refused to return any of her retainer.

BOARD ACTION: The Board concluded there was no convincing proof that respondent neglected her client's divorce, kept unearned fees, or engaged in other misconduct. Nonetheless, the Board's investigation disclosed that respondent failed to send complainant contemporaneous notices and accountings when she withdrew funds from her trust account on two occasions in payment of legal fees, as required by Rules 45.7(4) and 32:1.15(f). The Board determined to admonish respondent for the violation.

2014-271

COMPLAINT SUMMARY: Complainant alleged that respondent, his court-appointed appellate attorney, would not communicate with him and disregarded requests for the trial transcripts.

BOARD ACTION: The Board concluded that respondent failed to represent complainant with reasonable diligence in a post-conviction relief action, but found no merit to complainant's other allegations. The Board determined to admonish respondent for violation of Rule 32:1.3.

2014-276

COMPLAINT SUMMARY: The Board sent its initial communication to the respondent concerning a delinquent Story County Estate on March 21, 2014. Although the respondent replied to that initial communication on April 15, 2014, acknowledging the steps needed to be taken to conclude the estate, he has failed to respond to subsequent communications from the Board dated April 17, 2014, June 5, 2014, and August 1, 2014.

BOARD ACTION: The Board found that respondent's failure to process the estate with reasonable diligence and promptness violated Rule 32:1.3 and that his failure to respond to the Board's initial inquiries violated Rule 32:8.1(b). The Board determined to publicly reprimand respondent for the violations.

2014-277

COMPLAINT SUMMARY: Complainant, a district associate judge, alleged that respondent failed to appear for juvenile court proceedings in which he was counsel of record for the child's father.

BOARD ACTION: The Board concluded that respondent's conduct violated Rules 32:1.3 (duty of diligence), 32:3.4(c) (lawyer shall not knowingly disobey court order), and 32:8.4(d) (prohibiting conduct prejudicial to the administration of justice). The Board considered respondent's youth and relative inexperience in the practice of law in determining to admonish him for the violations.

2014-280

COMPLAINT SUMMARY: Complainant is the attorney for a Guardianship and Conservatorship. She alleged that respondent represents a non-family former caregiver for the ward. She further alleged that respondent's client held the ward's power of attorney and used it to remove funds from the ward's bank account while he was in jail. She also alleged that the former caregiver moved into the ward's home and refused to allow the ward access to the home after he was released from jail. According to complainant, respondent failed to inform his client of complainant's demand for an accounting and for access by the ward to his residence. Respondent also failed to inform his client that the court had ordered her to return the funds in question to one of the attorneys to be held in a trust account until the matter was resolved.

BOARD ACTION: The Board determined to publicly reprimand respondent for failing to inform his client of adverse rulings and other case information, contrary to Rule 32:1.4(a, b); and for conduct prejudicial to the administration of justice, contrary to Rule 32:8.4(d).

2014-282

COMPLAINT SUMMARY: Complainant alleged that respondent, who was appointed to represent him in a pcr appeal, failed to inform him of the representation and did not consult him before filing a brief on his behalf.

BOARD ACTION: The Board concluded that respondent's lack of communication with complainant violated Rule 32:1.4(a).

2014-286

COMPLAINT SUMMARY: Complainant alleged that while the jury was deliberating in a case over which he presided, respondent (defense counsel in the case) posted derogatory comments about the prosecuting attorneys in the case on his Facebook page. Among other things, respondent's posts asserted that "the prosecutors are liars and will do anything to win."

BOARD ACTION: The Board concluded that there was no proof that the jury was aware of respondent's Facebook post and therefore that no prejudice occurred. The Board dismissed the complaint, but cautioned respondent that similar, future conduct could result in discipline.

2014-289

COMPLAINT SUMMARY: Complainant, an attorney, represented the custodial parent in a modification case in which respondent represented the non-custodial parent. Complainant

alleged that respondent engaged in misconduct by submitting a brief drafted mostly by another lawyer without showing that he had permission to borrow the work product. Complainant further alleged that respondent engaged in misconduct by failing to redact the names of several persons mentioned in the borrowed brief.

BOARD ACTION: The Board concluded that respondent did not commit plagiarism because he acknowledged that he was not the original author of most of the brief he submitted. Therefore the Board dismissed the complaint, but cautioned respondent not to re-use language from another attorney's brief without redacting identifying information in that brief.

2014-296

COMPLAINT SUMMARY: The Board received a copy of an order of the Iowa Supreme Court removing respondent as counsel for the appellant in a criminal appeal for failure to cure a notice of default.

BOARD ACTION: The respondent's conduct violated Rules 32:1.3 (duty of diligence), 32:3.2 (duty to expedite litigation), and 32:8.4(d) (prohibiting conduct prejudicial to administration of justice).

2014-301

COMPLAINT SUMMARY: Complainant alleged that respondent, representing the opposing party in a small claims action, filed a last-minute motion to remove the case to district court for the sole purpose of harassing complainant and delaying resolution of her claims.

BOARD ACTION: Following discussion, the Board concluded that further investigation should be conducted and deferred making a determination.

2014-311

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent complainant on appeal, neglected to file a response as directed by the Iowa Supreme Court to a timeliness issue raised by the opposing party.

BOARD ACTION: The Board concluded that although respondent lacked a contract with the state public defender to perform appellate case work, having been appointed to complainant's appeal, he had a duty to diligently represent complainant or move to withdraw from the representation. The Board further concluded that respondent's assertion in his response to the Board was a misrepresentation with respect to his claim that he had filed a motion to withdraw in the district court. The Board determined to publicly reprimand respondent for lack of diligence, contrary to Rule 32:1.3, failure to respond to complainant's communications, contrary to Rule 32:1.4, failure to notify the client that he was terminating the representation, contrary to Rule 32:1.16(d), failure to expedite litigation, contrary to rule 32:3.2, disobeying a court order, contrary to Rule 32:3.4(c), making a false statement to a disciplinary authority, contrary to Rule 32:8.1(a), and conduct prejudicial to the administration of justice, contrary to Rule 32:8.4(d).

2014-313

COMPLAINT SUMMARY: Complainant, on behalf of a Bosnian organization, alleged that respondent neglected the organization's legal matter by failing to follow proper steps to obtain a work Visa for the Imam of the local mosque.

BOARD ACTION: The Board concluded that there was no convincing proof that respondent neglected complainant's legal matter, but that respondent violated Rules 32:1.15(c, f), 45.7(3), and 45.10(3) by withdrawing the entire flat fee from his trust account to apply toward fees when the case was not then completed. The Board determined to publicly reprimand respondent for the misconduct.

2014-317

COMPLAINT SUMMARY: Complainants alleged that they paid respondent to represent one of them in a criminal case but that respondent neglected the matter and failed to return any part of the retainer.

BOARD ACTION: The Board found no convincing proof that respondent neglected his client's case or kept unearned fees. However the Board concluded that respondent violated Rule 32:1.4(a) by failing to keep his client informed and respond to communications. The Board determined to admonish respondent for the inadequate communication.

2014-318

COMPLAINT SUMMARY: The Board received a certification from the Muscatine 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 September 25, 2014. A second letter to the respondent on November 13, 2014, and as of December 12, 2014, the respondent had not replied.

BOARD ACTION: The Board concluded that respondent was not responsible for the delinquent status of the estate, and dismissed the complaint. The Board cautioned respondent, however, that his initial delay in responding to the Board came close to an ethical violation.

2014-320

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 September 18, 2014, and a second communication to the respondent on November 7, 2014. As of December 12, 2014, the respondent had not replied.

2014-327

COMPLAINT SUMMARY: The Board received information that respondent was removed as counsel in two criminal appeals in December 2014 for failure to cure notices of default.

BOARD ACTION: The above two complaints were considered together for purposes of disposition. In 2014-320, the Board concluded that respondent's dilatory handling of an estate violated Rule 32:1.3 and that her failure to reply to inquiries from the Board violated Rule 32:8.1(b). In 2014-327, the Board concluded that respondent's neglect of two criminal appeals violated Rules 32:1.3 & 32:8.4(d). The Board determined to issue one public reprimand to respondent covering the violations in both complaint matters.

2014-333

COMPLAINT SUMMARY: Complainant alleged that respondent, the opposing counsel in a civil lawsuit, disclosed without legitimate purpose that complainant suffers from bi-polar disorder.

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

2014-334

COMPLAINT SUMMARY: Complainant alleged that respondent, defending him against a charge of second degree murder harassed him on the basis of his sexual orientation and attempted to induce him to plead guilty by threatening to "smack him between his eyes."

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

2015-10

COMPLAINT SUMMARY: Complainant, in prison, alleged that his appellate counsel filed a brief on his behalf which failed to comply with appellate rules and which was stricken by the court. Complainant further alleged that respondent failed to assert issues that would show he was convicted of the wrong charge.

BOARD ACTION: The Board concluded that respondent's conduct did not rise to the level of an ethical violation, as she promptly amended the initial proof brief to correct her mistakes and comply with the appellate rules. The Board declined to decide which issues should have been raised in the appeal and noted that complainant had the opportunity to assert his issues pro se. Therefore the Board dismissed the complaint.

2015-16

COMPLAINT SUMMARY: Complainant alleged that respondent, court-appointed to represent him in a criminal case, neglected the case and waived speedy trial without his knowledge or consent.

BOARD ACTION: The Board determined to admonish respondent for failing to keep complainant reasonably informed and failing to consult with him about the means by which complainant's objectives were to be accomplished, contrary to Rules 32:1.4(a)(2) and 32:1.4(b).

2015-19

COMPLAINT SUMMARY: Complainant alleged that shortly after her husband died in a motorcycle accident, respondent submitted a claim (bill) to her husband's estate which contained a number of false charges for phone conversations and other matters that never occurred.

BOARD ACTION: The Board concluded that, although there were inaccuracies in some of the entries in respondent's bill, there was no convincing proof that he intentionally over charged; rather, he did not immediately record his time for various services and later made a good faith attempt to reconstruct the time spent. Therefore the Board dismissed the complaint.

2015-28

COMPLAINT SUMMARY: Respondent is an assistant county attorney. Complainant, a criminal defendant, alleged that respondent's office withdrew from prosecuting him because of complainant's personal relationship with the county attorney. According to complainant, despite the conflict, and the appointment of a special prosecutor, respondent "was spotted lurking" in the courthouse on the day of his trial and providing assistance to the special prosecutor outside of the courtroom.

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

2015-34

COMPLAINT SUMMARY: Complainant, a district associate court judge, alleged that in January 2015, respondent appeared in court intoxicated for an adoption hearing.

BOARD ACTION: The Board determined to offer respondent a deferral agreement pursuant to Rule 34.13.

2015-47

COMPLAINT SUMMARY: Counsel for respondent reported that in February 2015 a federal jury found respondent guilty of 7 counts of bank fraud.

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

REHEARINGS:

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 the report and recommendation of assistant ethics counsel Amanda Robinson, to whom the complaint previously was assigned for prosecution, the Board determined to dismiss the grievance commission count based on this complaint and admonish respondent for advising her client to disregard a court order.

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: Upon the report and recommendation of ethics counsel Wendell J. Harms, to whom the matter had been assigned for prosecution, the Board determined to dismiss these two complaints without prejudice, primarily because of problems with the witnesses.

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: Upon consideration of respondent's exception to the Board's previous determination of an admonition, the Board affirmed the admonition.

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: Upon consideration of respondent's exception to the Board's previous determination to issue an admonition, the Board affirmed the admonition.

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: Upon consideration of respondent's exception to the Board's previous determination to issue an admonition, the Board concluded that further evidence refuted the allegations, and dismissed the complaint.

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 December 11, 2014, and the current meeting on March 26, 2015, twenty-eight (28) complaints were dismissed pursuant to the above policy. These include the following cases:

2014-301

COMPLAINT SUMMARY: Complainant alleged that respondent, representing the opposing party in a small claims action, filed a last-minute motion to remove the case to district court for the sole purpose of harassing complainant and delaying resolution of her claims.

2014-309

COMPLAINT SUMMARY: Complainant alleged that respondent represented her in a divorce until she terminated the representation in late September 2014. Complainant alleged that respondent agreed to settle visitation and other disputes on terms to which she had not agreed.

She further alleged that respondent neglected to take steps to protect her from a contempt action and did not keep her informed.

2014-322

COMPLAINT SUMMARY: Complainant alleged that respondent was appointed to represent him in a post-conviction relief action in September 2004. Complainant further alleged that respondent failed to keep him informed and had not resolved his case after 10 years.

2014-329

COMPLAINT SUMMARY: Complainant alleged that her husband paid respondent "close to \$2,500.00" to represent him in a pcr. Complainant further alleged that respondent did not keep her and her husband informed of the status of the case and did not account for the fees paid.

2014-330

COMPLAINT SUMMARY: Complainant alleged that her husband paid respondent \$4,500.00 to represent him in an immigration matter. Complainant alleged that respondent failed to keep them informed and that they later found out that he had done nothing on the case. Complainant also alleged that respondent failed to account for the fees paid.

2015-1

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent is the prison's contract attorney to assist inmates in drafting legal pleadings. According to complainant, respondent refused to assist him in drafting a complaint against prison officials and this led complainant to file a grievance against respondent with prison officials. Complainant further alleged that, in retaliation for the grievance, respondent refused to assist him in preparing a post-conviction relief application.

2015-2

COMPLAINT SUMMARY: Complainant alleged that he prepared respondent's state and federal income tax returns for many years and that for the past several years respondent refused to pay him. Complainant further alleged that for the year 2012 respondent did not seek his tax preparation services and that respondent failed to file his returns for that year. Complainant also alleged that respondent asked him to hold his collection of antiques so as to conceal the property from the IRS, which complainant declined to do.

2015-7

COMPLAINT SUMMARY: Complainant alleged that his former employer delivered funds to respondent for the purpose of paying compensation owed to complainant. Complainant alleged that respondent failed to deliver the funds to him.

2015-8

COMPLAINT SUMMARY: Complainant, in jail awaiting trial on a felony charge, alleged that respondent waived his right to speedy trial contrary to complainant's instructions.

2015-17

COMPLAINT SUMMARY: Complainant alleged that respondent neglected a paternity/custody matter and misrepresented to an opposing party that complainant denied being the father of the child in question.

2015-18

COMPLAINT SUMMARY: Complainant alleged that respondent, a public defender, neglected his case and failed to respond to his communications.

2015-20

COMPLAINT SUMMARY: Respondent represented complainant in a medical malpractice lawsuit which ended in a verdict for the defendants. Complainant alleged that respondent charged her unreasonable expenses, neglected to prepare adequately for trial, and ignored many of her phone calls.

2015-21

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his criminal cases and failed to communicate with him for a period of several months.

2015-27

COMPLAINT SUMMARY: Complainant alleged that respondent, his attorney in a post-conviction matter, never communicated with him.

2015-30

COMPLAINT SUMMARY: Complainant alleged that respondent, representing the father of complainant's child, falsely alleged in an application to hold complainant in contempt that she (complainant) refused to disclose her daughter's social security number and daycare information.

2015-32

COMPLAINT SUMMARY: Complainant alleged that in the summer of 2013, respondent was appointed to represent him in defending against a charge of domestic assault. Complainant accused respondent of never answering his phone or returning calls.

2015-38

COMPLAINT SUMMARY: Complainant alleged that respondent had a conflict of interest in accepting an appointment to serve as her son's guardian ad litem, while at the same time representing the son's father in a child support case. Complainant also alleged that respondent made misrepresentations to the court regarding the terms of the original divorce decree.

2015-42

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his case during a crucial time involving discovery issues, and this resulted in a motion to compel being filed against complainant.

2015-43

COMPLAINT SUMMARY: Complainant alleged that respondent, a prosecutor, had a conflict of interest in complainant's case because the presiding judge formerly was a member of the same county attorney's office. Complainant further alleged that respondent failed to timely disclose exculpatory evidence.

2015-45

COMPLAINT SUMMARY: Complainant, an out-of-state co-trustee, alleged that the other co-trustee, respondent, refused requests for an accounting of the trust's funds.

2015-50

COMPLAINT SUMMARY: Complainant alleged that respondent, representing complainant in efforts to collect a judgment, "never returned calls" and neglected the matter.

2015-51

COMPLAINT SUMMARY: Complainant alleged that respondent failed to represent her competently in a divorce, in that he did not arrange for expert witnesses to testify on her behalf regarding the value of marital property; that he refused to respond to complainant's reasonable requests for information; and that he was bought off with a "huge amount" of money from complainant's former husband.

2015-54

COMPLAINT SUMMARY: Complainant alleged that respondent was dishonest or incompetent in filing a personal chapter 7 bankruptcy on her behalf, because her business was registered as an LLC. Complainant alleged that respondent lied to her by stating he was filing a business bankruptcy, which would not jeopardize her personal assets.

2015-58

COMPLAINT SUMMARY: Complainant alleged that respondent had a conflict of interest in representing the father of her child in their custody dispute because he represented various claimants in complainant's federal criminal case as to forfeiture issues.

2015-59

COMPLAINT SUMMARY: Complainant alleged that respondent neglected to prepare for trial in his divorce.

2015-62

COMPLAINT SUMMARY: Complainants were the victims of alleged harassment by a neighbor. Respondent is the county attorney. Complainants alleged that, although police filed harassment charges against the neighbor, respondent ignored their communications and failed to keep them informed about the status of the prosecution. Complainants alleged that respondent will dismiss the case because the defendant's husband serves on the County Compensation Board, with special responsibility for the county attorney's office. Complainants alleged that respondent should have referred the case to a special prosecutor.

2015-65

COMPLAINT SUMMARY: Complainant alleged that respondent failed to competently represent him in an OWI case. According to complainant, respondent proposed that he enter a guilty plea to OWI, second offense, and obviously had not reviewed the file, which showed that the charge was OWI, first offense.

2015-67

COMPLAINT SUMMARY: A medical doctor and his current wife alleged that in 2008 respondent undertook to represent the doctor in a dissolution modification action. They accused respondent of neglecting his client's interests, unduly prolonging the proceeding and charging excessive fees.

2015-70

COMPLAINT SUMMARY: Complainant alleged that respondent failed to visit him in the 3 months he has been in jail awaiting a probation revocation hearing.

2015-77

COMPLAINT SUMMARY: Complainant alleged that respondent had a former client conflict of interest in representing her ex-husband in their divorce, because complainant had "been a client of his office for decades." Complainant further alleged that respondent obtained a continuance of the case ex-parte.

2015-81

COMPLAINT SUMMARY: Complainant alleged that respondent, court-appointed to represent him in a criminal case, neglected his interests and refused to let him appear in court for a hearing at which the state presented evidence against him.

2015-82

COMPLAINT SUMMARY: Complainant, residing in jail, alleged that respondent, a public defender, failed to communicate with him and ignored his requests for information.

Complainant further alleged that respondent held some of his personal property in his safe keeping, and that when the property was retrieved, various items were missing.

2015-86

COMPLAINT SUMMARY: Respondent self-reported that he failed to file a client's petition on appeal in a termination of parental rights case, resulting in the dismissal of the client's appeal.

2015-88

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent unduly delayed the progress of his post-conviction relief action, ignored his questions about the case, and generally failed to communicate.

2015-89

COMPLAINT SUMMARY: Complainant alleged that respondent, his attorney in a domestic relations case, improperly handled discovery matters resulting in a monetary sanction against complainant.

2015-94

COMPLAINT SUMMARY: Complainant alleged that respondent represented him in a workers' compensation/social security matter. According to complainant, respondent sent him to mediation without any preparation or advice.

2015-97

COMPLAINT SUMMARY: Complainant alleged that respondent, representing complainant's wife in a divorce, knowingly assisted his client in filing a false financial affidavit.

2015-100

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent, an Assistant United States Attorney, made several false factual statements in a brief in which she resisted complainant's motion to suppress.

2015-104

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent him in a probation violation matter, failed to keep him informed and would not reply to his communications.

2015-117

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his post-conviction relief case and refused over a five month period to answer phone calls and letters.

2015-122

COMPLAINT SUMMARY: Complainant, a party to a juvenile court case, alleged that respondent misrepresented to the court that DHS determined complainant had committed sexual abuse against her son.

2015-129

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent in representing him as defense counsel failed to prepare for trial or contact his witnesses.

OTHER BUSINESS:

The Board members discussed the proposed amendments to Rule 35.14 for reinstatement of license after revocation, but had no suggestions to make to the court for changes in the proposed amendments.

After determining that the Board's next quarterly meeting would be held Wednesday, June 24, 2015, in Des Moines, the members unanimously voted to adjourn the meeting.

s / _____
Charles L. Harrington, Administrator

CLH/scw

**IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD**

HEARING-MEETING

June 24, 2015

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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 24, 2015, 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, Stephanie L. Cox, Susan R. Flander, John Gosma, Stewart A. Huff, 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 Wendell J. Harms, Assistant Ethics Counsel Elizabeth A. Quinlan, Amanda K. Robinson, and Susan A. Wendel and Investigators Renae Herr, Erin Ross-Johnson, and Melissa R. Hill.

The following action was taken:

NEW COMPLAINTS:

2014-38

COMPLAINT SUMMARY: Complainants alleged that in 2011 they and respondent entered into a business venture to perform consulting work for a prosthetics company in Minnesota. The venture was to be pursued through an LLC, which respondent was to create. Complainants alleged that after respondent moved to Minnesota, ostensibly on behalf of the LLC, they learned that he had diverted the income received to another LLC under his control. Complainants subsequently sued respondent for fraudulent misrepresentation and received a default judgment of almost \$700,000.00.

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

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 found no misconduct regarding the alleged jury tampering (respondent having been acquitted of criminal charges arising from that matter), but admonished respondent for the assault leading to the disorderly conduct charge and conviction.

2014-166

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent assisted non-lawyers in marketing estate planning products. Complainant also alleged that respondent neglected to prepare estate plans for clients that would reflect the clients' actual needs.

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

2014-169

COMPLAINT SUMMARY: Complainant alleged that after hiring respondent for representation in a divorce and paying her \$2,500.00, she never received an accounting. Complainant further alleged that respondent over charged her, failed to maintain adequate communication and neglected to competently represent her.

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

2014-288

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in January 2013 to represent her in a custody matter. Complainant alleged that, although she and her son's father reached a settlement, respondent failed to follow through with obtaining a modified decree and the case was dismissed without her knowledge in April 2014.

BOARD ACTION: The Board admonished respondent for neglecting complainant's case and allowing it to be involuntarily dismissed for want of prosecution.

2014-292

COMPLAINT SUMMARY: Complainant alleged that respondent had a conflict of interest in representing the constituents of a closely held corporation.

BOARD ACTION: The Board (Eric W. Lam not participating) determined to publicly reprimand respondent for the conflict.

2014-299

COMPLAINT SUMMARY: Complainant alleged that in April 2014 a local fee arbitration committee ruled that respondent had overcharged him legal fees in excess of \$15,000.00.

According to complainant, respondent made one payment of \$1,000.00 to him in June 2014 but nothing thereafter.

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

2015-22

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent filed a frivolous lawsuit on behalf of a client. He further alleged that respondent failed to comply with discovery requests and made multiple misrepresentations to the court in resisting the opposing party's motions to compel and motions for sanctions.

BOARD ACTION: The Board (Eric W. Lam not participating) determined to file its complaint against respondent with the Grievance Commission.

2014-301

COMPLAINT SUMMARY: Complainant alleged that respondent, representing the opposing party in a small claims action, filed a last-minute motion to remove the case to district court for the sole purpose of harassing complainant and delaying resolution of her claims.

BOARD ACTION: The Board found no ethical violation, and dismissed the complaint.

2014-302

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent withdrew without authorization or explanation \$100,000.00 he was supposed to have held in escrow pending a real estate closing.

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

2014-319

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 9, 2014, and a second communication to the respondent on November 7, 2014. As of December 12, 2014, the respondent had not replied.

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

2014-325

COMPLAINT SUMMARY: Respondent's license to practice law was suspended December 5, 2014, for failure to comply with CLE requirements. The Board received information that on December 15, 2014, while his license remained under suspension, respondent filed an appellate brief with the clerk of the Iowa Supreme Court.

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

2015-4

COMPLAINT SUMMARY: Complainants, the co-executors of a decedent's estate, alleged that respondent failed to timely complete the probate.

BOARD ACTION: The Board determined to publicly reprimand respondent for neglecting the probate matter, ignoring the executors' reasonable inquiries, and failing to timely cooperate with the Board's investigation.

2015-13

COMPLAINT SUMMARY: Complainant provided information that respondent employed a non-lawyer whom he allowed to hold himself out as an attorney and engage in the unauthorized practice of law.

BOARD ACTION: The Board determined to publicly reprimand respondent for failing to adequately supervise his non-lawyer employee.

2015-25

COMPLAINT SUMMARY: Complainant, a district court judge, alleged that respondent had a conflict of interest in representing a family law client in cases involving alleged domestic abuse because he also serves as county attorney. Complainant further alleged that respondent made an ex parte request to modify a temporary custody award on behalf of the same client.

BOARD ACTION: The Board determined to publicly reprimand respondent for the conflict and the ex parte communication with the court.

2015-31

COMPLAINT SUMMARY: Complainant alleged that in February 2014 she paid respondent \$1,500.00 as a retainer for representing her in a dissolution of marriage action. According to complainant, following their initial meeting, respondent never returned her calls or communicated with her. In at least one instance, the lack of communication caused her to miss a court date. Complainant further alleged that after she fired him, he sent her a statement in which he overcharged her for his services.

BOARD ACTION: The Board determined to publicly reprimand respondent for withdrawing complainant's funds from his trust account before earned and for failing to give her contemporaneous notice and accounting when he withdrew the funds.

2015-33

COMPLAINT SUMMARY: Complainant alleged that respondent, who represented his former wife in their 2003 divorce, was directed in the decree to prepare a QDRO to divide the former wife's pension. According to complainant, respondent neglected to complete the QDRO.

BOARD ACTION: The Board admonished respondent for neglect of her client's legal matter.

2015-35

COMPLAINT SUMMARY: Complainant, an attorney, was hired by the administrator of a decedent's estate to conclude a probate for which respondent initially was the attorney. Complainant alleged that respondent took a fee from the administrator without obtaining court approval. Complainant also alleged that respondent unnecessarily opened a guardianship for the administrator's daughter, and charged her a fee for representing the guardianship without obtaining court approval.

BOARD ACTION: The Board admonished respondent for taking unauthorized and premature fees in the probate proceedings. The Board considered in mitigation that respondent fully refunded the fees taken.

2015-36

COMPLAINT SUMMARY: Complainant alleged that an audit of respondent's law office showed that from 2009 to 2013 respondent failed to perform monthly reconciliations of her client trust account, failed to maintain other required records, and lost accountability for client funds. As of March 2014, the trust account was short over \$3,000.00. Complainant further alleged that the audit was not yet finalized because of respondent's lack of records and cooperation.

BOARD ACTION: The Board determined to publicly reprimand respondent for failing to maintain adequate trust account records and perform required reconciliations, and for false answers on her annual client security questionnaires.

2015-37

COMPLAINT SUMMARY: Complainant alleged that respondent neglected and delayed his custody case. Complainant further alleged that respondent failed to forward his answers to interrogatories to the opposing party, resulting in monetary sanctions against complainant.

BOARD ACTION: Although the Board found no convincing proof that respondent neglected complainant's case, the Board determined to publicly reprimand respondent for entering into a

fee agreement allowing him to take an unreasonable fee and for withdrawing complainant's funds from his trust account without providing adequate notices and accountings.

2015-41

COMPLAINT SUMMARY: Complainant alleged that respondent, representing a bank in a foreclosure action against complainant and her husband, filed a motion for default in which he falsely alleged that complainant and her husband had not filed an answer to the petition. According to complainant, their answer was on file 6 days before respondent filed the motion. Complainant also alleged that, although she and her husband were responsible for paying reasonable attorney fees incurred by the bank in collecting amounts due under the note, respondent claimed attorney fees that were unreasonable, false, and inflated.

BOARD ACTION: The Board concluded that misconduct could not be established under the high burden of proof in disciplinary cases, and dismissed the complaint. The Board cautioned respondent, however, that the complaint presented a close question as to the allegation made in the motion for default.

2015-42

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his case during a crucial time involving discovery issues, and this resulted in a motion to compel being filed against complainant.

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

2015-48

COMPLAINT SUMMARY: Complainant alleged that respondent, while employed in state government, falsely certified that her "dependent" was unmarried so as to qualify for health insurance coverage. The dependent, in fact was married, and was therefore ineligible for coverage.

BOARD ACTION: The Board found that respondent relied on instruction from the human resources representative in her department, to whom she (respondent) had fully disclosed the relevant facts. Under these circumstances, a majority of the Board concluded that respondent's conduct did not amount to an ethical violation. Nonetheless, the Board strongly cautioned respondent against future, similar conduct.

2015-49

COMPLAINT SUMMARY: Complainant alleged that respondent had a conflict of interest in serving as guardian ad litem for complainant's children in a custody battle because he previously represented complainant in a simple assault case which is relevant to the current custody dispute.

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

2015-53

COMPLAINT SUMMARY: Respondent previously practiced in the same law firm as complainant. Complainant reported that after respondent's departure from the firm he discovered that in December 2013, respondent directed the firm's comptroller to transfer \$11,635.00 from the trust account into the firm's business account. This sum represented a portion of funds being held in the trust account pending resolution of a Medicare lien on proceeds of the settlement of a client's personal injury case. Complainant further reported that the firm recently transferred \$11,635.00 from the general account back into the trust account.

BOARD ACTION: The Board determined to publicly reprimand respondent for directing his firm's bookkeeper to withdraw disputed funds from the firm's trust account, contrary to rule 32:1.15(e).

2015-56

COMPLAINT SUMMARY: Complainant alleged that respondent was appointed in December 2013 to represent him in a post-conviction relief action. Complainant further alleged that respondent neglected the case and ignored most attempts to communicate with him.

BOARD ACTION: The Board admonished respondent for lack of diligence and failure to answer complainant's reasonable inquiries.

2015-60

COMPLAINT SUMMARY: Complainant alleged that despite cautions from the staff at the Office of Professional Regulation that she could not practice law under her new married name until she applied for and received a new license in her new last name, she continued to do so.

BOARD ACTION: The Board concluded that no client was misled and that respondent's conduct did not amount to an ethical violation, but cautioned her that she should have been more prompt in obtaining a reissued law license in her new last name.

2015-63

COMPLAINT SUMMARY: In December 2014 respondent was appointed as substitute counsel in complainant's pcr appeal. Complainant alleged that respondent failed to comply with the court's order giving him 30 days to file a statement as to whether he would stand on the proof brief filed by complainant's previous counsel or would file an amended brief. According to complainant, respondent assured him he would file an amended brief but failed to do so.

BOARD ACTION: The Board admonished respondent for violating the court's order and neglecting complainant's appeal.

2015-65

COMPLAINT SUMMARY: Complainant alleged that respondent failed to competently represent him in an OWI case. According to complainant, respondent proposed that he enter a guilty plea to OWI, second offense, and obviously had not reviewed the file, which showed that the charge was OWI, first offense.

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

2015-67

COMPLAINT SUMMARY: A medical doctor and his current wife alleged that in 2008 respondent undertook to represent the doctor in a dissolution modification action. They accused respondent of neglecting his client's interests, unduly prolonging the proceeding and charging excessive fees.

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

2015-68

COMPLAINT SUMMARY: Complainant, a county attorney, alleged that on February 2, 2015, respondent filed a written guilty plea on behalf of a client in a traffic case. Complainant further alleged that respondent subsequently admitted that he signed the plea on behalf of the client and did not have the client's authority to plead guilty.

BOARD ACTION: The Board determined to publicly reprimand respondent for filing his client's written plea of guilty knowing he did not have the client's authorization, thereby also make a false statement to the court and engaging in conduct prejudicial to the administration of justice.

2015-69

COMPLAINT SUMMARY: Complainant alleged that after paying respondent a retainer of \$1,500.00 in May 2014 to handle a custody modification matter, respondent did nothing in the case and began ignoring complainant's phone calls and emails. Complainant further alleged that respondent charged excessive fees.

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

2015-70

COMPLAINT SUMMARY: Complainant alleged that respondent failed to visit him in the 3 months he has been in jail awaiting a probation revocation hearing.

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

2015-72

COMPLAINT SUMMARY: Respondent self-reported that in February 2015 he entered a plea of guilty and was sentenced on a charge of OWI Second Offense.

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

2015-73

COMPLAINT SUMMARY: Respondent self-reported that in February 2015 she entered a plea of no contest and was found guilty of Driving Under the Influence, First Offense, in Nebraska.

BOARD ACTION: The Board determined to publicly reprimand respondent.

2015-75

COMPLAINT SUMMARY: Complainant, a bankruptcy court judge, alleged that respondent failed to follow bankruptcy rules in filing petitions for five separate clients in 2014. His filings were deficient in several respects, including failures to include original client signatures. Complainant further alleged that respondent made misstatements in Form 2016 (disclosure of amounts paid by debtors to lawyer). Complainant also alleged that respondent failed to appear for several scheduled hearings.

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

2015-77

COMPLAINT SUMMARY: Complainant alleged that respondent had a former client conflict of interest in representing her ex-husband in their divorce, because complainant had "been a client of his office for decades." Complainant further alleged that respondent obtained a continuance of the case ex-parte.

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

2015-83

COMPLAINT SUMMARY: Respondent self-reported that he had a sexual relationship with a dissolution of marriage client.

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

2015-85

COMPLAINT SUMMARY: The Board received a copy of an order of a justice of the Iowa Supreme Court, removing respondent as counsel for the appellant in a criminal case for failure to cure a notice of default.

BOARD ACTION: The Board determined to offer respondent a deferral agreement, pursuant to Iowa Ct. R. 34.13.

2015-88

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent unduly delayed the progress of his post-conviction relief action, ignored his questions about the case, and generally failed to communicate.

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

2015-94

COMPLAINT SUMMARY: Complainant alleged that respondent represented him in a workers' compensation/social security matter. According to complainant, respondent sent him to mediation without any preparation or advice.

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

2015-100

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent, an Assistant United States Attorney, made several false factual statements in a brief in which she resisted complainant's motion to suppress.

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

2015-102

COMPLAINT SUMMARY: The Board received documentation indicating that respondent may have assisted a "pro se" party to prepare a petition in a civil lawsuit while respondent's license to practice was under suspension. The petition was filed using respondent's EDMS account.

BOARD ACTION: The Board determined to pursue a contempt proceeding before the Iowa Supreme Court for respondent's violation of the order of suspension.

2015-104

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent him in a probation violation matter, failed to keep him informed and would not reply to his communications.

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

2015-107

COMPLAINT SUMMARY: Complainant alleged that an audit of respondent's client trust account showed that respondent failed to perform required reconciliations, had a deficiency in the trust account (which was made good during the audit), and gave false answers on the annual client security questionnaires.

BOARD ACTION: The Board determined to publicly reprimand respondent for the misconduct alleged in the complaint.

2015-108

COMPLAINT SUMMARY: Complainant alleged that an audit of respondent's client trust account showed that respondent failed to perform required reconciliations, had a deficiency in the trust account (which was made good during the audit), and gave false answers on the annual client security questionnaires.

BOARD ACTION: The Board determined to publicly reprimand respondent for the misconduct alleged in the complaint.

2015-109

COMPLAINT SUMMARY: Complainant alleged that an audit of respondent's client trust account showed that respondent failed to perform required reconciliations, had a deficiency in the trust account (which was made good during the audit), and gave false answers on the annual client security questionnaires.

BOARD ACTION: The Board determined to publicly reprimand respondent for the misconduct alleged in the complaint.

2015-110

COMPLAINT SUMMARY: Complainant alleged that an audit of respondent's client trust account showed that respondent failed to perform required reconciliations, had a deficiency in

the trust account (which was made good during the audit), and gave false answers on the annual client security questionnaires.

BOARD ACTION: The Board concluded respondent did not knowingly answer the questionnaires falsely, and determined to admonish her for the other alleged misconduct.

2015-111

COMPLAINT SUMMARY: Complainant reported that an audit of respondent's trust account, which was commenced in 2013, had not been closed because of respondent's failure to respond to the audit or take necessary action with respect to stale funds in the trust account. The audit disclosed that client balances that were stale for more than three years, totaled over \$40,000.00.

BOARD ACTION: The Board determined to publicly reprimand respondent for the misconduct alleged in the complaint.

2015-113

COMPLAINT SUMMARY: Complainant reported that an audit of respondent's client trust account showed that he had over-drafted the account on multiple occasions by distributing funds to the seller before the proceeds of real estate sales had cleared. Complainant also alleged that respondent falsely answered questions regarding overdrafts on his 2014 and 2015 client security questionnaires.

BOARD ACTION: The Board determined to publicly reprimand respondent for the misconduct alleged in the complaint.

2015-114

COMPLAINT SUMMARY: Complainant alleged that an audit of respondent's client trust account showed that no written monthly reconciliations had been completed since April 2012, that respondent had a "moderately stale outstanding deposit" to the trust account (which she promptly funded during the audit), that she improperly kept a moderate amount of earned fees which should have been withdrawn in previous years (she did remove the funds during the audit), and that she made false answers on annual client security questionnaires for 2013 and 2014.

BOARD ACTION: In consideration of mitigating circumstances, the Board determined to admonish respondent for the misconduct alleged in the complaint.

2015-117

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his post-conviction relief case and refused over a five month period to answer phone calls and letters.

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

2015-125

COMPLAINT SUMMARY: Complainant alleged that respondent was appointed to represent her brother in a federal post-conviction case and was to file a response to the government's motion to dismiss by June 17, 2013. Complainant alleged that respondent neglected to file the required response.

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

2015-129

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent in representing him as defense counsel failed to prepare for trial or contact his witnesses.

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

REHEARINGS:

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: Given respondent's exception to a proposed public reprimand, the Board determined to file its complaint against respondent with the Grievance Commission.

2014-271

COMPLAINT SUMMARY: Complainant alleged that respondent, his court-appointed appellate attorney, would not communicate with him and disregarded requests for the trial transcripts.

BOARD ACTION: Upon consideration of respondent's exception to the Board's previous determination of an admonition, the Board affirmed the admonition.

2014-276

COMPLAINT SUMMARY: The Board sent its initial communication to the respondent concerning a delinquent Story County Estate on March 21, 2014. Although the respondent replied to that initial communication on April 15, 2014, acknowledging the steps needed to be taken to conclude the estate, he has failed to respond to subsequent communications from the Board dated April 17, 2014, June 5, 2014, and August 1, 2014.kh 6un

BOARD ACTION: Given respondent's exception to a proposed public reprimand, the Board determined to file its 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 26, 2015, and the current meeting on June 24, 2015, thirty (30) complaints were dismissed pursuant to the above policy. These include the following cases:

2014-309

COMPLAINT SUMMARY: Complainant alleged that respondent represented her in a divorce until she terminated the representation in late September 2014. Complainant alleged that respondent agreed to settle visitation and other disputes on terms to which she had not agreed. She further alleged that respondent neglected to take steps to protect her from a contempt action and did not keep her informed.

2014-322

COMPLAINT SUMMARY: Complainant alleged that respondent was appointed to represent him in a post-conviction relief action in September 2004. Complainant further alleged that respondent failed to keep him informed and had not resolved his case after 10 years.

2014-329

COMPLAINT SUMMARY: Complainant alleged that her husband paid respondent "close to \$2,500.00" to represent him in a pcr. Complainant further alleged that respondent did not keep her and her husband informed of the status of the case and did not account for the fees paid.

2014-330

COMPLAINT SUMMARY: Complainant alleged that her husband paid respondent \$4,500.00 to represent him in an immigration matter. Complainant alleged that respondent failed to keep

them informed and that they later found out that he had done nothing on the case. Complainant also alleged that respondent failed to account for the fees paid.

2015-1

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent is the prison's contract attorney to assist inmates in drafting legal pleadings. According to complainant, respondent refused to assist him in drafting a complaint against prison officials and this led complainant to file a grievance against respondent with prison officials. Complainant further alleged that, in retaliation for the grievance, respondent refused to assist him in preparing a post-conviction relief application.

2015-2

COMPLAINT SUMMARY: Complainant alleged that he prepared respondent's state and federal income tax returns for many years and that for the past several years respondent refused to pay him. Complainant further alleged that for the year 2012 respondent did not seek his tax preparation services and that respondent failed to file his returns for that year. Complainant also alleged that respondent asked him to hold his collection of antiques so as to conceal the property from the IRS, which complainant declined to do.

2015-7

COMPLAINT SUMMARY: Complainant alleged that his former employer delivered funds to respondent for the purpose of paying compensation owed to complainant. Complainant alleged that respondent failed to deliver the funds to him.

2015-8

COMPLAINT SUMMARY: Complainant, in jail awaiting trial on a felony charge, alleged that respondent waived his right to speedy trial contrary to complainant's instructions.

2015-17

COMPLAINT SUMMARY: Complainant alleged that respondent neglected a paternity/custody matter and misrepresented to an opposing party that complainant denied being the father of the child in question.

2015-18

COMPLAINT SUMMARY: Complainant alleged that respondent, a public defender, neglected his case and failed to respond to his communications.

2015-20

COMPLAINT SUMMARY: Respondent represented complainant in a medical malpractice lawsuit which ended in a verdict for the defendants. Complainant alleged that respondent charged her unreasonable expenses, neglected to prepare adequately for trial, and ignored many of her phone calls.

2015-21

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his criminal cases and failed to communicate with him for a period of several months.

2015-27

COMPLAINT SUMMARY: Complainant alleged that respondent, his attorney in a post-conviction matter, never communicated with him.

2015-30

COMPLAINT SUMMARY: Complainant alleged that respondent, representing the father of complainant's child, falsely alleged in an application to hold complainant in contempt that she (complainant) refused to disclose her daughter's social security number and daycare information.

2015-32

COMPLAINT SUMMARY: Complainant alleged that in the summer of 2013, respondent was appointed to represent him in defending against a charge of domestic assault. Complainant accused respondent of never answering his phone or returning calls.

2015-38

COMPLAINT SUMMARY: Complainant alleged that respondent had a conflict of interest in accepting an appointment to serve as her son's guardian ad litem, while at the same time representing the son's father in a child support case. Complainant also alleged that respondent made misrepresentations to the court regarding the terms of the original divorce decree.

2015-43

COMPLAINT SUMMARY: Complainant alleged that respondent, a prosecutor, had a conflict of interest in complainant's case because the presiding judge formerly was a member of the same county attorney's office. Complainant further alleged that respondent failed to timely disclose exculpatory evidence.

2015-45

COMPLAINT SUMMARY: Complainant, an out-of-state co-trustee, alleged that the other co-trustee, respondent, refused requests for an accounting of the trust's funds.

2015-50

COMPLAINT SUMMARY: Complainant alleged that respondent, representing complainant in efforts to collect a judgment, "never returned calls" and neglected the matter.

2015-51

COMPLAINT SUMMARY: Complainant alleged that respondent failed to represent her competently in a divorce, in that he did not arrange for expert witnesses to testify on her behalf regarding the value of marital property; that he refused to respond to complainant's reasonable requests for information; and that he was bought off with a "huge amount" of money from complainant's former husband.

2015-54

COMPLAINT SUMMARY: Complainant alleged that respondent was dishonest or incompetent in filing a personal chapter 7 bankruptcy on her behalf, because her business was registered as an LLC. Complainant alleged that respondent lied to her by stating he was filing a business bankruptcy, which would not jeopardize her personal assets.

2015-58

COMPLAINT SUMMARY: Complainant alleged that respondent had a conflict of interest in representing the father of her child in their custody dispute because he represents various claimants in complainant's federal criminal case as to forfeiture issues.

2015-59

COMPLAINT SUMMARY: Complainant alleged that respondent neglected to prepare for trial in his divorce.

2015-62

COMPLAINT SUMMARY: Complainants were the victims of alleged harassment by a neighbor. Respondent is the county attorney. Complainants alleged that, although police filed harassment charges against the neighbor, respondent ignored their communications and failed to keep them informed about the status of the prosecution. Complainants alleged that respondent will dismiss the case because the defendant's husband serves on the County Compensation Board, with special responsibility for the county attorney's office. Complainants alleged that respondent should have referred the case to a special prosecutor.

2015-81

COMPLAINT SUMMARY: Complainant alleged that respondent, court-appointed to represent him in a criminal case, neglected his interests and refused to let him appear in court for a hearing at which the state presented evidence against him.

2015-82

COMPLAINT SUMMARY: Complainant, residing in jail, alleged that respondent, a public defender, failed to communicate with him and ignored his requests for information.

Complainant further alleged that respondent held some of his personal property in his safe keeping, and that when the property was retrieved, various items were missing.

2015-86

COMPLAINT SUMMARY: Respondent self-reported that he failed to file a client's petition on appeal in a termination of parental rights case, resulting in the dismissal of the client's appeal.

2015-89

COMPLAINT SUMMARY: Complainant alleged that respondent, his attorney in a domestic relations case, improperly handled discovery matters resulting in a monetary sanction against complainant.

2015-97

COMPLAINT SUMMARY: Complainant alleged that respondent, representing complainant's wife in a divorce, knowingly assisted his client in filing a false financial affidavit.

2015-122

COMPLAINT SUMMARY: Complainant, a party to a juvenile court case, alleged that respondent misrepresented to the court that DHS determined complainant had committed sexual abuse against her son.

OTHER BUSINESS:

The Board and staff expressed appreciation for the services of Chair David M. Erickson and Members Eric W. Lam and Carole Waterman, whose terms on the Board expire June 30, 2015.

After determining that the Board's next quarterly meeting would be held Thursday, September 24, 2015, in Des Moines, the members unanimously voted to adjourn the meeting.

**IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD**

HEARING-MEETING

September 24, 2015

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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, September 24, 2015, in room 165 of the Judicial Branch Building, Des Moines, Iowa. Present were Board Chair Sarah W. Cochran, and the following Board members: Andrew Chappell, Stephanie L. Cox, Susan R. Flander, John Gosma, Jane Rosien Hardy, Andrew Van Der Maaten, Ann Knutson, Dr. Deb Nanda McCartney, and Gerald A. Zavitz. Also present were Board Administrator Charles L. Harrington, Special Ethics Counsel Norman G. Bastemeyer, Ethics Counsel Wendell J. Harms, Assistant Ethics Counsel Elizabeth A. Quinlan, Amanda K. Robinson, and Susan A. Wendel, Investigator Erin Ross-Johnson, and incoming administrator Tara van Brederode.

The following action was taken:

NEW COMPLAINTS:

2014-256

COMPLAINT SUMMARY: The Board received a copy of the report of the State Auditor concluding that fee claims filed by respondent with the State Public Defender from August 2009 to March 2013 included excessive hours and duplicate mileage.

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

2014-295

COMPLAINT SUMMARY: Complainant, a judge, alleged that respondent moved to withdraw from his court-appointment cases on the grounds that he was moving out of state and had gone on inactive status as of November 7, 2014. According to complainant, respondent failed to notify his clients of the motions to withdraw and misrepresented the status of his license (since he remained on active status as of November 17, 2014).

BOARD ACTION: The Board determined to admonish respondent for inadequate communication and failure to comply with requirements for termination of representation of clients.

2015-15

COMPLAINT SUMMARY: Complainant alleged that respondent entered into a sexual relationship with complainant's wife while representing her in their divorce.

2015-29

COMPLAINT SUMMARY: Complainant, a district court judge, alleged that respondent failed to file appearances on behalf of one or more clients in criminal and probation revocation matters, despite the judge's instruction that he do so. Complainant further alleged that respondent subsequently misrepresented to the court that he had filed an appearance. Complainant also alleged that respondent failed to appear for a hearing in which he had undertaken to represent the complainant.

2015-146

COMPLAINT SUMMARY: Complainant hired respondent to represent him in defending against controlled substances charges. Complainant alleged that respondent failed to keep him informed, appeared late for court hearings, and discussed his confidential information with other clients. In one instance, respondent told him not to come to court for a scheduled hearing, which resulted in complainant's arrest for failure to appear.

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

2015-24

COMPLAINT SUMMARY: Respondent is a county attorney. Complainants, whose sister is married to respondent, used his public office to deny complainants access to employees and records of a county public health department so as to prevent them from learning information that might have called into question their father's competence to make a will.

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

2015-44

COMPLAINT SUMMARY: Complainant alleged that she and her husband regularly and monthly paid \$500.00 to respondent to apply upon a judgment against them in favor of respondent's client. Complainant further alleged that respondent ignored repeated requests for an accounting of the amounts paid in the last four years and of the unpaid balance due on the judgment.

BOARD ACTION: The Board determined to admonish respondent for a relatively minor violation of the order suspending her license, contrary to Iowa R. Prof'l Conduct 3.4(c) and

32:5.5(a), and for ignoring the Board's request to supplement her initial response to the complaint, contrary to Iowa R. Prof'l Conduct 32:8.1(b).

2015-76

COMPLAINT SUMMARY: Complainant alleged that his father hired respondent to represent him in a criminal case and to assist him in withdrawing a guilty plea previously entered in the case. Complainant alleged that respondent neglected the representation and made deals with the county attorney without his authorization.

BOARD ACTION: Having found that respondent's failure to attend one hearing did not, standing alone, rise to the level of misconduct, and that other allegations of the complaint were not proved, the Board dismissed the complaint.

2015-78

COMPLAINT SUMMARY: Complainant alleged that respondent neglected to obtain important evidence in her child custody case and failed to offer the evidence he did have at her hearing.

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

2015-92

COMPLAINT SUMMARY: Respondent represented the opposing party in complainant's custody case. Complainant alleged, and provided a supporting affidavit from her attorney, that respondent repeatedly made off-the-record demeaning remarks about her in the presence of others. According to complainant, respondent called her "a trailer park slut, trailer park trash and a filthy human being."

BOARD ACTION: The Board found that the evidence was inconclusive as to several of respondent's alleged statements and that other statements did not rise to the level of misconduct. Therefore the Board dismissed the complaint, but cautioned respondent that a continuing pattern of incivility could result in future discipline.

2015-101

COMPLAINT SUMMARY: Complainant alleged that respondent tendered payment of fees due with her annual Client Security Report for 2015 by way of an electronic check. The payment was returned for insufficient funds. OPR twice contacted respondent, who said she would make the payment by cash or cashier's check. Respondent failed to do so.

BOARD ACTION: The Board determined to admonish respondent for conduct contrary to Iowa R. Prof'l Conduct 32:8.4(b).

2015-105

COMPLAINT SUMMARY: Complainant, an attorney, alleged that respondent, the opposing counsel in a replevin action, filed a pleading containing false and misleading statements of material fact. Complainant alleged that respondent either knew the statements were false or later learned they were false and failed to correct them. Complainant further alleged that respondent failed to comply in good faith with discovery. Complainant also alleged that, without authorization, respondent filed with the secretary of state a satisfaction of a lien held by complainant's client.

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

2015-115

COMPLAINT SUMMARY: Complainant reported that an audit of respondent's client trust account showed that client ledger sheets had not been maintained since the last audit in 2005, that respondent had completed no written monthly reconciliations since the 2005 audit, and that respondent gave false answers on annual client security questionnaires for the years 2006 through 2014.

BOARD ACTION: The Board determined to issue a public reprimand for conduct contrary to Iowa R. Prof'l Conduct 32:1.15(a, f), 32:8.4(c), and 45.2(3)(a).

2015-130

COMPLAINT SUMMARY: Complainant, a prosecutor, alleged that respondent made improper extrajudicial statements to a television reporter in which he asserted that his client in a criminal case was innocent. Complainant further alleged that some of the "factual" statements made by respondent in the tv interview were false.

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

2015-148

COMPLAINT SUMMARY: The Board received respondent's self-report and separate complaints from a judge and from respondent's supervisor. Respondent, the judge, and the supervisor reported that respondent engaged in loud and disruptive conduct just outside the courtroom prior to a juvenile court hearing.

BOARD ACTION: The Board determined to admonish respondent for conduct prejudicial to the administration of justice, contrary to Iowa R. Prof'l Conduct 32:8.4(d).

2015-154

COMPLAINT SUMMARY: Complainant, a lawyer, alleged that respondent, the opposing counsel in a domestic relations case, took actions intended only to harass or embarrass respondent and a judge. In particular, respondent made false allegations regarding complainant's relationship with the judge, and in one of her filings listed personal addresses of complainant and the judge together with a picture of their homes from Google Maps.

BOARD ACTION: The Board determined to admonish respondent for failure to make reasonable inquiry, resulting in her assertion of inaccurate conclusions regarding complainant's relationship with a judge.

2015-159

COMPLAINT SUMMARY: Complainants, one of whom is the personal representative of a decedent's estate, alleged that respondent neglected the probate. In particular, complainant alleged that respondent was delinquent in filing the inventory and did not publish notice to creditors until 9 months after the estate was opened.

BOARD ACTION: The Board determined to admonish respondent for failing to represent the estate with reasonable diligence and promptness, contrary to Iowa R. Prof'l Conduct 32:1.3, and for failure to adequately supervise her legal assistant's work, contrary to Iowa R. Prof'l Conduct 32:5.3(b).

2015-164

COMPLAINT SUMMARY: Complainant, whose son was convicted of burglary and other charges, alleged that respondent, her son's attorney, neglected to file a notice of appeal.

BOARD ACTION: Although there was insufficient proof that the client instructed respondent to file a notice of appeal, the Board determined to admonish respondent for failing to timely comply with the Iowa Supreme Court's order to provide a statement responsive to the client's request for a delayed appeal.

2015-165

COMPLAINT SUMMARY: Complainant alleged that she hired respondent to represent her grandson in defending a Class A Felony case. According to complainant, respondent charged excessive fees. Complainant provided copies of notices sent to her grandson when some of the funds were withdrawn from respondent's client trust account to apply toward legal fees. However, these notices did not specify the date on which the funds were withdrawn and did not appear to include a complete accounting.

BOARD ACTION: The Board determined to publicly reprimand respondent for failure to comply with notice and accounting requirements when he withdrew funds from trust to apply toward legal fees and expenses, contrary to Iowa Ct. R. 45.7(4).

2015-167

COMPLAINT SUMMARY: The Board received information that in May 2015, respondent may have operated a motor vehicle while under the influence of alcohol. Respondent was charged with OWI, 3rd offense.

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

2015-170

COMPLAINT SUMMARY: Complainant alleged that in May 2014, while distributing funds from the estate of complainant's son, respondent asked to borrow \$20,000.00 from his son's life insurance proceeds. Complainant agreed to the loan and respondent signed a promissory note. According to complainant, respondent did not make the required payments.

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

2015-177

COMPLAINT SUMMARY: Complainants, the beneficiaries of a decedent's estate, alleged that respondent neglected to timely close the estate. Complainants previously filed a complaint against the same respondent for neglecting the same estate. That complaint was dismissed by the Board in May of 2014 because the Board concluded that the delays were the result of the complicated nature of the probate proceeding and related litigation. Complainants alleged, however, that most of the complicated issues were resolved and that respondent had no excuse for the continuing failure to close the estate.

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

2015-179

COMPLAINT SUMMARY: Complainant alleged that he hired respondent to represent him in a discrimination case after the civil rights commission issued a notice of right to sue. According to complainant, respondent failed to file his lawsuit within the statute of limitations.

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

2015-180

COMPLAINT SUMMARY: Complainant alleged that respondent was assigned to work on his discrimination case after complainant hired the senior member of respondent's firm. According to complainant, respondent delayed working on the case and the statute of limitations expired.

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

2015-181

COMPLAINT SUMMARY: Complainant alleged that in December 2014 he hired respondent to pursue a dissolution of marriage action on his behalf. According to complainant, respondent neglected the matter and then withdrew, making false statements to the court.

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

2015-188

COMPLAINT SUMMARY: Complainant alleged that she and 8 of her siblings hired respondent in May 2013 to open an estate for their late mother in an attempt to recover property that allegedly had been fraudulently transferred to one of their sisters. According to complainant, respondent ignored repeated phone calls and emails, and failed to inform them that their petition for probate was denied in March 2015.

BOARD ACTION: The Board determined to admonish respondent for conduct contrary to Iowa R. Prof'l Conduct 32:1.3 and 32:1.4(a)(3, 4).

2015-191

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in October 2014 to file her divorce action. According to complainant, 8 months went by and respondent made no progress on the case. Complainant then terminated respondent's representation. Complainant alleged that respondent often failed to reply to inquiries and failed to inform her of court-ordered requirements. Complainant also alleged that respondent should have refunded her full retainer.

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

2015-197

COMPLAINT SUMMARY: Complainant alleged that respondent, representing him in a divorce, misrepresented facts to induce him to accept a settlement proposal. Complainant further alleged that respondent charged unreasonable fees.

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

2015-206

COMPLAINT SUMMARY: Complainant alleged that respondent represented him in defending against an eviction action. According to complainant, respondent neglected the case by refusing to ask for a continuance, even though respondent knew that complainant was hospitalized and unable to appear in court.

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

2015-210

COMPLAINT SUMMARY: The Board received information from the Supreme Court Clerk that the appeal of respondent's client in a civil lawsuit was dismissed after respondent failed to cure a notice of default for failure to file and serve the client's proof brief and designation of appendix.

BOARD ACTION: The Board determined to admonish respondent for conduct contrary to Iowa R. Prof'l Conduct 32:3.2 and 32:8.4(d).

2015-230

COMPLAINT SUMMARY: Respondent self-reported that he prepared a client's petition for dissolution of marriage but because of his depression failed to e-file the document and arrange for service. The client was "low functioning" and his brothers assisted him in obtaining respondent's services. In response to a brother's inquiry, respondent misrepresented the status of the case. Thereafter, respondent continued to be "paralyzed" and failed to file the client's petition. After further inquiries from several family members, respondent fabricated a decree by copying a judge's signature page from an order in another case.

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

REHEARINGS:

2012-349

COMPLAINT SUMMARY: Complainant alleged that, trusting in respondent as a lawyer, he deposited \$500,000 in respondent's trust account as a down payment to a business entity of which respondent held an interest. This sum was an advance on the payment complainant would owe if respondent's business entity obtained a \$25,000,000 standby letter of credit to enable the closure of a pending real estate transaction in Illinois. If the standby letter of credit was not obtained, complainant's contract provided that the funds would be returned to him. Complainant alleged that the letter of credit was not obtained and that respondent breached his fiduciary duty by not returning complainant's funds.

BOARD ACTION: Upon the report and recommendation of staff attorney Wendell Harms, to whom the matter had been assigned for prosecution before the Grievance Commission, the Board determined to dismiss the complaint without prejudice.

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: Given the exception to the previous determination of a public reprimand, the Board determined to file its complaint against respondent with the Grievance Commission.

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: Upon consideration of the Iowa Supreme Court's rejection of a public reprimand in this matter, the Board determined to file its complaint against respondent with the Grievance Commission.

2014-280

COMPLAINT SUMMARY: Complainant is the attorney for a Guardianship and Conservatorship. She alleged that respondent represents a non-family former caregiver for the ward. She further alleged that respondent's client held the ward's power of attorney and used it to remove funds from the ward's bank account while he was in jail. She also alleged that the former caregiver moved into the ward's home and refused to allow the ward access to the home after he was released from jail. According to complainant, respondent failed to inform his client of complainant's demand for an accounting and for access by the ward to his residence. Respondent also failed to inform his client that the court had ordered her to return the funds in question to one of the attorneys to be held in a trust account until the matter was resolved.

BOARD ACTION: Upon consideration of respondent's exception to the previous determination to reprimand him, the Board found that respondent did not engage in all of the misconduct previously found. Therefore the Board determined to reduce the reprimand to an admonition.

2014-313

COMPLAINT SUMMARY: Complainant on behalf of a Bosnian organization, alleged that respondent neglected the organization's legal matter by failing to follow proper steps to obtain a work Visa for the Imam of the local mosque.

BOARD ACTION: Upon consideration of respondent's exception to the previous determination to reprimand him, the Board determined that an admonition would be a sufficient sanction.

2015-16

COMPLAINT SUMMARY: Complainant alleged that respondent, court-appointed to represent him in a criminal case, neglected the case and waived speedy trial without his knowledge or consent.

BOARD ACTION: Upon consideration of respondent's exception to a previous determination to admonish him, the Board affirmed the admonition.

2015-25

COMPLAINT SUMMARY: Complainant, a district court judge, alleged that respondent had a conflict of interest in representing a family law client in cases involving alleged domestic abuse because he also serves as county attorney. Complainant further alleged that respondent made an ex parte request to modify a temporary custody award on behalf of the same client.

BOARD ACTION: Given the exception to the previous determination of a public reprimand, the Board determined to file its complaint against respondent with the Grievance Commission.

2015-36

COMPLAINT SUMMARY: Complainant alleged that an audit of respondent's law office showed that from 2009 to 2013 respondent failed to perform monthly reconciliations of her client trust account, failed to maintain other required records, and lost accountability for client funds. As of March 2014, the trust account was short over \$3,000.00. Complainant further alleged that the audit was not yet finalized because of respondent's lack of records and cooperation.

BOARD ACTION: Given the exception to the previous determination of a public reprimand, the Board determined to file its complaint against respondent with the Grievance Commission.

2015-111

COMPLAINT SUMMARY: Complainant reported that an audit of respondent's trust account, which was commenced in 2013, had not been closed because of respondent's failure to respond to the audit or take necessary action with respect to stale funds in the trust account. The audit disclosed that client balances that were stale for more than three years, totaled over \$40,000.00

BOARD ACTION: Given the exception to the previous determination of a public reprimand, the Board (John Gosma not participating) determined to file its complaint against respondent with the Grievance Commission.

2015-125

COMPLAINT SUMMARY: Complainant alleged that respondent was appointed to represent her brother in a federal post-conviction case and was to file a response to the government's motion to dismiss by June 17, 2013. Complainant alleged that respondent neglected to file the required response.

BOARD ACTION: Upon consideration of respondent's exception to a previous determination to admonish him, the Board concluded that his conduct did not amount to a violation, and therefore dismissed the complaint.

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 24, 2015, and the current meeting on September 24, 2015, forty (40) complaints were dismissed pursuant to the above policy. These include the following cases:

2014-328

COMPLAINT SUMMARY: Complainant, in jail awaiting trial, alleged that respondent was appointed to represent him but had neither spoken with nor otherwise communicated with him.

2015-23

COMPLAINT SUMMARY: Complainant alleged that respondent conspired with the judge in a juvenile court case to work against her. Complainant further alleged that respondent had her sign a financial affidavit that he knew provided incomplete information so as to deny her right to court-counsel.

2015-40

COMPLAINT SUMMARY: Complainant alleged that because he previously filed a motion to remove respondent as his counsel in a pcr case, respondent had a "personal" grudge against him and refused to do any work on his case.

2015-55

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent ignored his repeated requests that she communicate with him regarding issues in his post-conviction relief case.

2015-57

COMPLAINT SUMMARY: In June 2014, respondent was appointed to represent complainant in a post-conviction relief action. Complainant alleged that he repeatedly left respondent voice messages and "tried to get in touch with her for months" without success.

2015-90

COMPLAINT SUMMARY: Complainant, sentenced to life in prison as a teenager, alleged that respondent was appointed to represent him after the Iowa Supreme Court held that persons in his situation had to be re-sentenced. According to complainant, respondent failed to communicate with him for over two years and ignored his requests to communicate via the prison's Corrlinks email system.

2015-99

COMPLAINT SUMMARY: Complainant alleged that 2012 she paid respondent \$500.00 to represent her in bringing a contempt action against her former husband for failure to pay their children's medical bills. In 2013, she paid respondent another \$500.00 for legal assistance regarding her abusive current husband. Also in 2013, respondent undertook to represent complainant in defending against a civil lawsuit. Complainant alleged that she fired respondent in October 2014. According to complainant, respondent had not told her what the basis of his fees would be and did not have her sign a fee agreement. Only after she fired respondent did she learn that he claimed she owed him \$22,300.00.

2015-103

COMPLAINT SUMMARY: Complainant alleged that respondent, who represented her in a divorce, neglected her interests and misrepresented to her that she had applied for a guardian ad litem to be appointed for the parties' children.

2015-118

COMPLAINT SUMMARY: Complainant, in jail awaiting trial, alleged that respondent repeatedly ignored his requests for a copy of discovery materials, failed to prepare for trial, and had a conflict of interest in that he represented a co-defendant in a separate matter.

2015-119

COMPLAINT SUMMARY: Complainant alleged that respondent represented her in a foreclosure action. She alleged that he failed to keep her informed and would only tell her that "everything was fine." He also told her she did not need to come to court for the foreclosure hearing. According to complainant, she first learned that everything was not fine when "the sheriff came knocking" at her door with a letter of eviction.

2015-120

COMPLAINT SUMMARY: Complainant alleged that, in defending her against a charge of harassment, respondent lost a video containing evidence that would have exonerated her. Complainant further alleged that respondent subsequently made misrepresentations to her about the video and other aspects of the case.

2015-123

COMPLAINT SUMMARY: Complainant alleged that respondent represented her in bankruptcy and that she received a discharge in November 2010. According to complainant, in November 2014, she received a letter from a creditor demanding payment of a debt that was discharged. Complainant alleged that she spoke with respondent, who told her to tell the creditor to contact her as complainant's counsel. Thereafter, complainant alleged, respondent without explanation would not communicate with her and did nothing to assist her.

2015-124

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed in November 2014 to represent him in a post-conviction relief action, neglected to do anything in the case.

2015-128

COMPLAINT SUMMARY: Complainant alleged that respondent, a public defender, was appointed to represent him in defending against a charge of attempted murder. According to complainant, respondent refused to tell him his name, ignored his requests to review discovery, and would not respond to his letters.

2015-131

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent him in a post-conviction relief action, failed to communicate with him over a period of two years.

2015-132

COMPLAINT SUMMARY: Complainant alleged that respondent, an assistant county attorney, for several years had an affair with a judge before who she appeared in court (and whom she later married).

2015-135

COMPLAINT SUMMARY: Complainant alleged that respondent was appointed in December 2014 to represent him regarding issues arising from a previous criminal conviction. According to complainant, as of April 18, 2015, he had yet to receive any communication from respondent.

2015-136

COMPLAINT SUMMARY: Complainant, an attorney, alleged that respondent met with complainant's terminally ill client at the hospital to have him execute documents amending the client's trust. Respondent did not have permission to meet with the client.

2015-137

COMPLAINT SUMMARY: Complainant alleged that respondent moved to withdraw from representing complainant before the Immigration Court, but failed to notify complainant of the hearing on the motion to withdraw. Consequently, complainant did not attend the hearing.

2015-138

COMPLAINT SUMMARY: Complainant alleged that respondent had improper ex parte communication with the judge during the jury trial of complainant's daughter on a speeding charge.

2015-139

COMPLAINT SUMMARY: Complainant alleged that respondent, while serving as conservator of complainant's relative misappropriated property belonging to complainant. He also alleged that respondent made a false report to the sheriff's office, resulting in his arrest.

2015-140

COMPLAINT SUMMARY: Complainant alleged that respondent, representing the opposing party in the appeal of a custody matter, made a material misrepresentation of fact in her brief.

2015-141

COMPLAINT SUMMARY: Complainant alleged that the lawyer he hired to represent him in a forfeiture case sent respondent as "a replacement" to appear on his behalf at the hearing. According to complainant, respondent "knew very little" about the case and neglected to assist him in contesting the forfeiture.

2015-142

COMPLAINT SUMMARY: Complainant alleged that he hired respondent to represent him in a forfeiture case but that respondent turned the matter over to another lawyer who was unprepared to handle the matter.

2015-143

COMPLAINT SUMMARY: Complainant, as a friend of a man charged with sexual abuse in two counties, alleged that respondent was appointed to represent the man in Scott County.

According to complainant, respondent failed to engage in reasonable consultation and communication with his client. He further alleged that respondent's office blocks all phone calls from the jail where the client was being held.

2015-144

COMPLAINT SUMMARY: Complainant alleged that respondent, a county attorney, pursued charges against him without cause and did so because complainant complained of sexual harassment by a close friend of respondent.

2015-147

COMPLAINT SUMMARY: Complainant, in jail awaiting trial, alleged that respondent, a county attorney, tampered with an audio recording of a purported drug transaction involving complainant.

2015-152

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that he hired respondent to represent him in defending against felony charges. According to complainant, respondent failed to consult with him regarding the defense and allowed the case to go to trial without complainant's personal presence. Complainant further alleged that respondent failed to inform him of his appeal rights.

2015-153

COMPLAINT SUMMARY: Complainant alleged that respondent, a public defender, failed to keep him informed about a promised reduction in sentence contingent on complainant's providing information to the government. According to complainant, he wrote respondent multiple letters that went unanswered.

2015-157

COMPLAINT SUMMARY: Complainant alleged that respondent undertook to represent her in pursuing a personal injury claim arising from an automobile/pedestrian accident. According to complainant, respondent failed to file her petition within the statute of limitations, but misrepresented to her that he had done so.

2015-166

COMPLAINT SUMMARY: Complainant, an inmate in Colorado, alleged that respondent had him brought to Iowa as a material witness on behalf of respondent's client, knowing that complainant had no involvement in the matter.

2015-169

COMPLAINT SUMMARY: Complainant alleged that respondent, who was court appointed to represent him in a probation revocation matter, filed a written "guilty plea" to violation of probation without complainant's authorization.

2015-173

COMPLAINT SUMMARY: Complainant alleged that respondent, the opposing counsel in complainant's divorce, made a knowing misrepresentation to the court regarding when he had received discovery materials regarding the valuation of the property in the case.

2015-174

COMPLAINT SUMMARY: Complainant alleged that respondent, his attorney in a criminal case, misrepresented to him that he was eligible for placement in the Center for Alcohol and Drug Services program, and persuaded him to waive speedy trial on the basis of this misrepresentation.

2015-175

COMPLAINT SUMMARY: Complainant alleged that respondent undertook to represent him for a flat fee of \$3,000.00. According to complainant, respondent never returned phone calls or replied to correspondence. Complainant also alleged that despite their fee agreement, respondent demanded an additional \$3,000.00 to complete the case.

2015-182

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent him in a felony case, "failed to maintain any communication, in writing or in person." Complainant also alleged that respondent failed to competently represent him.

2015-184

COMPLAINT SUMMARY: Complainant alleged that respondent represented her son in a criminal case. She further alleged that respondent ignored her son's appellate counsel's request for the file.

2015-185

COMPLAINT SUMMARY: Complainant alleged that respondent or respondent's firm had a conflict of interest in representing his wife in their divorce action because the firm previously had represented complainant in multiple legal matters.

2015-186

COMPLAINT SUMMARY: Complainant alleged that respondent or respondent's firm had a conflict of interest in representing his wife in their divorce action because the firm previously had represented complainant in multiple legal matters.

2015-200

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent him in a post-conviction relief action, disregarded numerous attempts to communicate with him and failed to keep him informed of the status of the case. Complainant further alleged that respondent refused to amend his petition as requested.

OTHER BUSINESS:

The Board considered whether to open an investigation of K.B.'s complaint against a county attorney, dated June 23, 2015, which was similar to previous complaints that the administrator had declined to investigate. The Board declined to open an investigation.

The Board considered whether to open an investigation of L.S.'s complainant against attorney P.J., dated June 24, 2015, which in part duplicated a complaint (2014-96) previously filed by L.S. The Board declined to open an investigation.

The Board considered whether to re-open the investigation of complaint number 2014-209, which had been dismissed following investigation. The Board declined to re-open the investigation.

After determining that the Board's next quarterly meeting would be held Tuesday, December 15, 2015, in Des Moines, the members unanimously voted to adjourn the meeting.

s / _____
Charles L. Harrington, Administrator

CLH/scw

**IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD**

HEARING-MEETING

December 15, 2015

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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., Tuesday, December 15, 2015, in room 165 of the Judicial Branch Building, Des Moines, Iowa. Present were Board Chair Sarah Cochran, and the following Board members: Andrew Chappell, Stephanie L. Cox, Susan R. Flander, John Gosma, Stewart A. Huff, Jane Rosien Hardy, Debbie Nanda McCartney, Marti Nerenstone, Andrew Van Der Maaten, and Ann Knutson. Also present were outgoing Board Administrator Charles L. Harrington, incoming Board Administrator Tara M. van Brederode, Special Ethics Counsel Norman G. Bastemeyer, Ethics Counsel Wendell J. Harms, Assistant Ethics Counsel Elizabeth A. Quinlan, Amanda K. Robinson, and Susan A. Wendel, and Investigators Renae Herr, Erin Ross-Johnson, and Melissa R. Hill.

The following Board actions were taken:

NEW COMPLAINTS:

2014-114

COMPLAINT SUMMARY: The respondent self-reported that after negotiating a personal injury settlement on behalf of a client, he lost the settlement check. (A search of Iowa Courts Online showed dismissal of the client's case in April 2008, presumably as a result of settlement.) The settlement check was never negotiated. Respondent also reported that, despite his retirement, he continued to hold funds in his trust account and was unable to determine to whom the funds belonged. Finally, respondent reported that he was in "professional hazard" because of "outstanding income tax issues."

BOARD ACTION: Upon consideration of the recent conversion of Respondent's license status to "inactive" with the Supreme Court commissions, the Board dismissed the complaint.

2014-254

COMPLAINT SUMMARY: Respondent self-reported that since 2004 she served as a conservator without posting bond as required by court rule 39.13.

BOARD ACTION: The Board found no ethical violation, and dismissed the complaint.

2014-258

COMPLAINT SUMMARY: The Board received a copy of the report of the State Auditor concluding that fee claims filed by respondent with the State Public Defender from August 2009 to August 2013 included excessive hours and duplicate mileage.

BOARD ACTION: The Board concluded that it would be difficult to prove that respondent *knowingly* filed false fee claims or misrepresented the hours she worked. Unlike rule 32:1.5(a), rules 32:4.1 (making false statement to a third person) and 32:8.4(c) (misrepresentation) require proof that the lawyer *knowingly* made false statements. The Board admonished respondent for charging and collecting unreasonable mileage expenses, contrary to rule 32:1.5(a).

2014-312

COMPLAINT SUMMARY: Complainant alleged that respondent, in representing him in a divorce, neglected the case, failed to keep him informed, did not show up for appointments, failed to comply with discovery, and effectively abandoned him as a client.

2015-52

COMPLAINT SUMMARY: Complainant, respondent's former employee, alleged that respondent failed to report her earnings and make employer contributions for her earnings for 2008, 2009 and part of 2010.

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

2014-336

COMPLAINT SUMMARY: Complainant, a lawyer, represents a party in a dissolution of marriage action in which respondent represents the opposing party. Complainant alleged that respondent obtained an ex parte order of protection from the court in the case without notice to him.

BOARD ACTION: The Board determined to publicly reprimand the respondent for his ex parte communications with the Court in violation of Iowa R. Prof'l Conduct 32:3.3(d), 32:3.5(b), 32:8.4(d), and 32:8.4(f).

2015-74

COMPLAINT SUMMARY: Complainant alleged that respondent settled her personal injury case without her knowledge or consent.

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

2015-112

COMPLAINT SUMMARY: Complainant alleged that an audit of respondent's client trust account showed that respondent failed to perform required reconciliations, failed to provide contemporaneous notices and accountings when funds were withdrawn from trust, and gave false answers on his annual client security questionnaires.

BOARD ACTION: The Board determined to privately admonish respondent for violating client trust account rules, including Iowa R. Prof'l Conduct 32:1.15(a, f) and Court Rules 45.2(3)(a)(2, 9), and 45.7(4).

2015-126

COMPLAINT SUMMARY: Complainant alleged that respondent, as chair of a county zoning adjustment board, misrepresented at a public meeting the extent of her professional relationship with a party seeking a special use permit.

BOARD ACTION: The Board concluded that respondent is to be publicly reprimanded for misrepresenting the extent of her prior representation of the applicant, especially in light of the Board's recognition of the principle that "lawyers do not shed their professional responsibility in their personal lives." *Comm. on Prof'l Ethics & Conduct v. Hall*, 463 N.W.2d 30, 35 (Iowa 1990).

2015-145

COMPLAINT SUMMARY: Complainant alleged that respondent, whom he privately retained to represent him in a criminal case, failed to keep him informed and charged for inflated hours and mileage.

BOARD ACTION: The Board concluded that misconduct was not proved, and dismissed the complaint. The Board determined to suggest to the respondent that he review his mileage calculations for several trips to the Courthouse and Jail, however, as the Board investigator was unable to discover routes that yielded the reported and claimed distances.

2015-151

COMPLAINT SUMMARY: Complainant alleged that respondent had a conflict of interest in representing a trustee in a lawsuit against her and her husband, because he previously represented complainant in substantially related matters. Complainant further alleged that respondent neglected his duties as counsel for an estate.

BOARD ACTION: The Board determined that respondent's response to the complaint supported, rather than refuted, the conclusion that there was a substantial relationship between the former representation and the current action under the definition in comment 3 to rule 32:1.9 (a substantial relationship exists "if there ... is a substantial risk that confidential factual information as would normally have been obtained in the prior representation would materially

advance the client's position in the subsequent matter."'). The Board determined that respondent would be admonished for this violation.

2015-155

COMPLAINT SUMMARY: Complainant alleged that he employed respondent in January 2015 to represent him in a domestic relations matter. According to complainant, respondent assured him she had filed his petition and that the matter had been set for hearing. She later told him that the hearing was continued because service on the opposing party had not been accomplished. Complainant alleged that in April 2015 he learned that respondent had never filed the petition. He then terminated respondent's representation and asked for a bill and a return of at least part of his retainer. He alleged that respondent failed to reply.

BOARD ACTION: The Board determined that respondent misrepresented to complainant that she had filed Court documents that had not been filed, and that she failed to provide competent representation, in violation of Iowa R. Prof'l Conduct 32:1.1 and 32:8.4. The Board further concluded that respondent failed to communicate to her client the scope of her representation and the basis or rate of her fee, in violation of Rule 32:1.5(b), and made a false statement to another state's disciplinary authority in violation of Rule 32:4.1(a). The Board decided to publicly reprimand respondent for these violations.

2015-162

COMPLAINT SUMMARY: Complainant, an attorney, alleged that he represented a client formerly represented by complainant in a dissolution of marriage case. According to complainant, respondent failed to keep his client informed regarding the case, failed to timely acquire and file affidavits in resistance to the opposing party's request for temporary physical care and support, failed to appear for the hearing on his motion to reconsider the order regarding temporary matters, engaged in excessive billing, and failed to notify the client when he withdrew funds from the trust account.

BOARD ACTION: The Board decided to file its complaint against Respondent with the Grievance Commission.

2015-163

COMPLAINT SUMMARY: Complainant alleged that multiple audits of respondent's trust account demonstrated that "despite repeated instruction and assistance from audit staff," respondent failed to comply with trust account record-keeping requirements, including the requirement to perform monthly reconciliations. Complainant further alleged that respondent's answers on recent client security questionnaires regarding reconciliations were untruthful.

BOARD ACTION: The Board determined to publicly reprimand respondent for submitting false answers on the annual Client Security questionnaires, failing to fully cooperate with the auditing process, failing to properly reconcile and maintain records of his two trust accounts, and

failing to train and supervise his office staff as required by Iowa R. Prof'l Conduct 32:1.15(a), (d), & (f), 32:5.3, 32:8.4(c), and Iowa Court Rule 45.2.

2015-171

COMPLAINT SUMMARY: Complainant alleged that respondent failed to inform him of the ruling in his post-conviction relief action and did not advise him of his right of appeal.

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

2015-193

COMPLAINT SUMMARY: Complainant alleged that in July 2011 he hired respondent to represent him in an immigration matter. According to complainant, hearing in the matter was set for April 14, 2014, but respondent failed to notify him. Consequently, respondent failed to attend the hearing.

BOARD ACTION: The Board believed that respondent should have made further effort to inform his client that he had received notice of the hearing. However, as the Iowa Supreme Court has held that an isolated mistake by a lawyer does not normally rise to the level of ethical misconduct, and no pattern of neglect was demonstrated, the Board dismissed the complaint.

2015-194

COMPLAINT SUMMARY: Complainants, the surviving spouse and executor of a decedent's estate, alleged that respondent incompetently prepared a testamentary trust for the decedent, which subsequently was set aside by the court because the terms thereof were so confusing and conflicting that the purposes of the trust were impossible to fulfill.

BOARD ACTION: The Board found no convincing proof of misconduct by respondent and dismissed the complaint. However, as respondent's response to the complaint included an admission that he had misplaced a check to the estate, the Board cautioned respondent to ensure that, in the future, any checks received by his office would be handled in strict accordance with the relevant Iowa Rules of Professional Conduct (in particular, Rule 32:1.15) and the rules governing attorney trust accounts.

2015-196

COMPLAINT SUMMARY: Complainant, the executor of a decedent's estate, alleged that respondent was dilatory in closing the probate.

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

2015-198

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent previously represented him in a post-conviction relief action. According to complainant, respondent had the official court file but failed to return it to the clerk or to complainant's new counsel for over a year.

BOARD ACTION: The Board concluded that respondent's lengthy delay in returning the files to the clerk of court so that new counsel could use them to prepare complainant's case was prejudicial to the administration of justice in violation of Rule 32:8.4(d). The Board decided that respondent should be privately admonished for this violation.

2015-204

COMPLAINT SUMMARY: Complainants alleged that respondent had a conflict of interest in representing the defendants in a lawsuit brought by the owner of an apartment complex because his firm had represented the owner in the transaction that later gave rise to the lawsuit. Complainants further alleged that after respondent purportedly withdrew from the representation, he continued to provide legal assistance to the defendants.

BOARD ACTION: The Board decided to publicly reprimand respondent for his actions in violation of Iowa R. Prof'l Conduct 32:1.10(b), Iowa R. Prof'l Conduct 32:3.3(a)(1), and Iowa R. Prof'l Conduct 32:8.4.

2015-205

COMPLAINT SUMMARY: Complainant alleged that in April of 2014 she retained respondent to represent her in matters arising from her decree of dissolution of marriage. According to complainant, respondent repeatedly failed to communicate timely with her and neglected the case.

BOARD ACTION: The Board decided to publicly reprimand respondent for failing to provide competent representation to complainant (Iowa R. Prof'l Conduct 32:1.1), failing to manage the case with diligence and promptness (Iowa R. Prof'l Conduct 32:1.3), neglecting to keep his client reasonably informed about the progress of the matter (Iowa R. Prof'l Conduct 32:1.4(a)(3)), and not promptly complying with reasonable requests for information (Iowa R. Prof'l Conduct 32:1.4(a)(4)). In addition, respondent falsely advised his client about the filing status of various documents and the overall progress of the case in violation of Iowa R. Prof'l Conduct 32:4.1, by making "false statement[s] of material fact or law," and also violated Iowa R. Prof'l Conduct 32:3.2, in failing to "make reasonable efforts to expedite litigation consistent with the interests of the client." Finally, respondent's failure to properly train and supervise office staff was a violation of Iowa R. Prof'l Conduct 32:5.3, and he violated Iowa R. Prof'l Conduct 32:8.4(c) (lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 32:8.4(d) (lawyer shall not engage in conduct that is prejudicial to the administration of justice).

2015-209

COMPLAINT SUMMARY: Complainant alleged that respondent, who represented her in a custody case, neglected the matter and failed to inform her of the hearing date. Consequently, complainant did not attend the hearing (nor did respondent). Complainant further alleged that respondent ignored her inquiries regarding the tax consequences of the decree.

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

2015-213

COMPLAINT SUMMARY: Complainant alleged that respondent, the opposing counsel in complainant's divorce action, lost documents and otherwise unduly delayed completion of the case.

BOARD ACTION: Having found no evidence of an ethical violation, the Board dismissed the complaint, with a cautionary reminder to respondent to ensure that, in the future, he not assume responsibility for document preparation tasks that he does not subsequently complete and deliver as promised.

2015-216

COMPLAINT SUMMARY: Although responding to the Board's initial communication concerning a certification by the Scott County District Court Clerk of an unresolved probate delinquency, the respondent failed to respond to a subsequent inquiry by the Board dated December 12, 2014, and yet another communication from the Board dated May 28, 2015, advising respondent his failure to respond to the Board's communications was in violation of Rule 32:8.1(b) of the Iowa Rules of Professional Responsibility.

BOARD ACTION: The Board determined to admonish respondent respondent for ignoring the Board's inquiries into the matter contrary to Iowa R. Prof'l Conduct 32:8.1(b) (a lawyer shall not "knowingly fail to respond to a lawful demand for information from... [a] discipline authority").

2015-218

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 30, 2015, a subsequent communication to the respondent on May 28, 2015, and as of July 30, 2015, the respondent had not replied.

BOARD ACTION: The Board determined to admonish respondent respondent for ignoring the Board's inquiries into the matter contrary to Iowa R. Prof'l Conduct 32:8.1(b) (a lawyer shall not "knowingly fail to respond to a lawful demand for information from... [a] discipline authority").

2015-223

COMPLAINT SUMMARY: Complainant, residing in jail, alleged that respondent repeatedly ignored telephone and written communications inquiring about the status of his case.

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

2015-228

COMPLAINT SUMMARY: Complainant alleged that respondent, who formerly represented him in defending against criminal charges, failed to keep him informed and did not consult with him prior to obtaining several continuances of trial. Complainant further alleged that respondent neglected to prepare the case for trial

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

2015-231

COMPLAINT SUMMARY: Complainant, an attorney, alleged that respondent obtained an order in a decedent's estate authorizing her to take fees substantially greater than the statutory maximum for ordinary services. In doing so, respondent in effect took an extraordinary fee without following procedural requirements, including notice and hearing. After a judge vacated the order, respondent failed to place the fee into her trust account or return it to the personal representative. Complainant alleged that respondent subsequently closed the estate without obtaining a new fee order.

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

2015-234

COMPLAINT SUMMARY: Complainant, an attorney, alleged that she represented a client formerly represented by respondent. According to complainant, respondent neglected the client's immigration matter and missed the deadline for filing for asylum.

BOARD ACTION: The Board, having found no convincing evidence of misconduct, dismissed the complaint. However, the Board cautioned respondent to review the requirements of Iowa R. Prof'l Conduct 32:1.3 (diligence) and Iowa R. Prof'l Conduct 32:1.1 (competence) and to adopt a case-management and reminder system that would protect against such oversights in the future.

2015-235

COMPLAINT SUMMARY: Complainant, an attorney, represented a client formerly represented by respondent. According to complainant, respondent turned the matter over to a young associate and failed to supervise her. Consequently, the client missed the deadline for filing for asylum in her immigration matter.

BOARD ACTION: The Board determined to privately admonish respondent for his violations of Iowa R. Prof'l Conduct 32:1.3 (diligence) and Iowa R. Prof'l Conduct 32:1.1 (competence).

2015-236

COMPLAINT SUMMARY: Complainant alleged that respondent, court-appointed to represent him in a criminal case, ignored his phone calls and letters. Complainant further alleged that respondent also ignored a judge's order directing her to respond to complainant within 3 days.

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

2015-239

COMPLAINT SUMMARY: Complainant alleged that respondent was appointed to represent him in 2014 in a post-conviction relief action and failed to reply to most of his communications and keep him informed of orders in the case.

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

2015-243

COMPLAINT SUMMARY: Complainant alleged that respondent, an assistant United States attorney, withheld exculpatory evidence while prosecuting complainant in 2006 and 2007.

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

2015-244

COMPLAINT SUMMARY: Complainant alleged that in April 2013 he hired respondent for \$10,000.00 to represent him with respect to any charges arising from an alleged criminal incident. According to complainant, after the case was transferred to federal court, respondent turned the matter over to the federal public defenders' office without notice to him. Complainant alleged that respondent ignored his subsequent inquiries for an accounting and refund of unearned fees.

BOARD ACTION: The Board concluded that respondent had no experience in federal criminal law, and in the course of representing complainant, he overcharged complainant and took fees

for tasks he said he performed but had either not officially itemized or had written off. These actions violated Rules 32:1.1 (Competence) and 32:1.5 (Fees), and the Board determined to issue a public reprimand.

2015-246

COMPLAINT SUMMARY: Complainant alleged that in July 2015 she hired respondent to prepare an "enhanced life estate deed," whereby she would transfer her residence to her two children as remaindermen but retain a life estate with the ability to sale the property during her lifetime. According to complainant, respondent failed to competently advise her that Iowa does not recognize enhanced life estate transfers. Instead, respondent prepared an ordinary deed for life estate with remaindermen. Complainant alleged that it cost her several hundred dollars to undo respondent's estate.

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

2015-249

COMPLAINT SUMMARY: Complainants alleged that they hired respondent in February of 2012 to file bankruptcy on their behalf. Complainants alleged that three years later they found that respondent included certain creditors in the bankruptcy against their wishes.

BOARD ACTION: The Board decided to admonish respondent for lack of diligence and failure to cooperate with a disciplinary investigation contrary to Iowa Rules of Professional Conduct 32:1.3 and 32:8.1(b).

2015-250

COMPLAINT SUMMARY: Complainant, the co-executor of a decedent's estate, alleged that respondent neglected to timely complete the probate of the estate, which was opened in May of 2012.

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

2015-251

COMPLAINT SUMMARY: Complainant alleged that respondent failed to competently represent him in a dissolution of marriage action. He further alleged that she neglected to pursue an discovery in the case and overcharged him.

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

2015-256

COMPLAINT SUMMARY: Complainant alleged that respondent, court-appointed to represent him in a criminal case, repeatedly failed to reply to communications.

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

2015-261

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that following respondent's appointment to represent him in a post-conviction relief action, the court ordered respondent to file a recasted pcr application not later than June 29, 2015. According to complainant, respondent ignored the court's order and neglected to file the amended application. Complainant further alleged that respondent failed to maintain reasonable communication with him.

BOARD ACTION: The Board determined to admonish respondent for his failure to comply with the court-ordered deadline in complainant's case, in violation of Iowa R. Prof'l Conduct 32:8.4(d).

2015-267

COMPLAINT SUMMARY: Complainant alleged that respondent, her former husband's attorney in their divorce, knowingly assisted her client to present false evidence and testimony to the court. Complainant further alleged that respondent issued several subpoenas for her medical records without providing notice as required by the Iowa Rules of Civil Procedure.

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

2015-288

COMPLAINT SUMMARY: Complainant alleged that she spoke with respondent about possible representation, but did not hire him. According to complainant, respondent pursued litigation on her behalf even though she told him to "drop it."

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

2015-289

COMPLAINT SUMMARY: Complainant alleged that he spoke with respondent about possible representation in a personal injury matter but did not hire respondent. According to complainant, respondent pursued the matter without his authorization.

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

2015-297

COMPLAINT SUMMARY: Respondent self-reported that he was arrested in August of 2015 and charged with soliciting a prostitute. Complainant further reported that he reached a plea agreement and would be entering a plea of guilty.

BOARD ACTION: The Board concluded that the offense is one that reflects adversely on respondent's fitness as a lawyer, contrary to Iowa R. Prof'l Conduct 32:8.4(b), and determined that respondent be admonished for this violation.

2015-306

COMPLAINT SUMMARY: Complainant alleged that an audit of respondent's client trust account disclosed that respondent had failed to perform monthly reconciliations of the trust account checkbook to the client sub-account ledgers since June of 2009. The audit further found negative client balances and credit card fees that had not been properly handled, resulting in a deficiency in the account. Complainant further alleged that respondent provided false answers on his annual Client Security Questionnaires for the years 2010-2014.

BOARD ACTION: The Board decided to admonish respondent for his failure to follow the proper accounting procedures as required by Iowa R. Prof'l Conduct 32:1.15 and Client Trust Account Rule 45.2.

2015-307

COMPLAINT SUMMARY: Complainant alleged that a recent audit of respondent's client trust account disclosed that respondent was not performing monthly reconciliations of the trust account check book to the client sub account ledgers and that there were negative balances in some of the clients' sub accounts. Complainant further alleged that respondent provided false answers on his annual Client Security Questionnaires for the years 2014 and 2015.

BOARD ACTION: The Board decided to privately admonish respondent for his failure to follow proper accounting procedures as required by Iowa R. Prof'l Conduct 32:1.15 and Client Trust Account Rule 45.2, and for his failure to adequately train and supervise his nonlawyer staff's management of the trust account in violation of Iowa R. Prof'l Conduct 32:5.3(a) & (b).

2015-310

COMPLAINT SUMMARY: Complainant received documentation from the Clerk of the Supreme Court that the appeal of respondent's client in a child custody case was dismissed because of respondent's failure to comply with an appellate deadline.

BOARD ACTION: The Board decided to privately admonish respondent for his noncompliance with the Rules of Appellate Procedure and for his lack of diligence.

REHEARINGS:

2015-53

COMPLAINT SUMMARY: Respondent previously practiced in the same law firm as complainant. Complainant reported that after respondent's departure from the firm, he discovered that in December 2013, respondent directed the firm's comptroller to transfer \$11,635.00 from the trust account into the firm's business account. This sum represented a portion of funds being held in the trust account pending resolution of a Medicare lien on proceeds of the settlement of a client's personal injury case. Complainant further reported that the firm recently transferred \$11,635.00 from the general account back into the trust account.

BOARD ACTION: In light of the respondent's exception to the Board's previous determination to publicly reprimand him, the Board determined to file its complaint with the Grievance Commission.

2015-108

COMPLAINT SUMMARY: Complainant alleged that an audit of respondent's client trust account showed that respondent failed to perform required reconciliations, had a deficiency in the trust account (which was made good during the audit), and gave false answers on the annual client security questionnaires.

BOARD ACTION: In light of the respondent's exception to the Board's previous determination to publicly reprimand him, the Board determined to file its complaint with the Grievance Commission.

2015-113

COMPLAINT SUMMARY: Complainant reported that an audit of respondent's client trust account showed that he had over drafted the account on multiple occasions by distributing funds to the seller before the proceeds of real estate sales had cleared. Complainant also alleged that respondent falsely answered questions regarding overdrafts on his 2014 and 2015 client security questionnaires.

BOARD ACTION: In light of the respondent's exception to the Board's previous determination to publicly reprimand him, the Board determined to file its complaint with the Grievance Commission.

2015-115

COMPLAINT SUMMARY: Complainant reported that an audit of respondent's client trust account showed that client ledger sheets had not been maintained since the last audit in 2005,

that respondent had completed no written monthly reconciliations since the 2005 audit, and that respondent gave false answers on annual client security questionnaires for the years 2006 through 2014.

BOARD ACTION: In light of the respondent's exception to the Board's previous determination to publicly reprimand him, the Board determined to file its complaint 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 September 24, 2015, and the current meeting on December 15, 2015, twenty five (25) complaints were dismissed pursuant to the above policy. These include the following cases:

2014-200

COMPLAINT SUMMARY: Complainant alleged that respondent was unprepared for her hearing in a custody and visitation dispute. Complainant further alleged that respondent lied to her by telling her that the judge awarded her child's father only supervised visitation.

2014-297

COMPLAINT SUMMARY: Complainant is a court interpreter. She alleged that respondent employed her services in a criminal case for his meetings with his client (the defendant, pretrial conferences, and guilty plea and sentencing proceedings. According to complainant, respondent assured her that he had received court approval for her services. She later learned this was false when her claim for payment was denied. Complainant also alleged that respondent ignored her requests for compensation.

2015-84

COMPLAINT SUMMARY: Complainant alleged that he delivered \$1,000.00 to respondent, the opposing counsel in complainant's divorce, in satisfaction of a court ordered sanction. Complainant further alleged that respondent wrongfully failed to inform the court that the sanction had been paid, resulting in complainant's arrest for contempt. Complainant also alleged that respondent knowingly submitted false financial information on behalf of his client.

2015-95

COMPLAINT SUMMARY: Complainant alleged that respondent represented him in a workers' compensation/social security matter. According to complainant, respondent sent him to mediation without any preparation or advice.

2015-96

COMPLAINT SUMMARY: Complainant alleged that respondent, a county attorney, knew that an officer had tampered with the wiring on the taillights of a trailer respondent had been towing, but still pursued charges against complainant. Complainant further alleged that respondent directed officers to file several traffic charges against him after the statute of limitations had expired.

2015-150

COMPLAINT SUMMARY: Complainant alleged that she hired respondent in February 2012 to represent her in bringing a personal injury lawsuit against a restaurant. The case settled about 2 years later. According to complainant, respondent failed to fully disclose important information which would have influenced complainant's decision to settle. Complainant further alleged that respondent failed to keep her informed of proceedings in the lawsuit and did not provide a complete copy of her file, as requested.

2015-168

COMPLAINT SUMMARY: Complainant alleged that respondent was appointed to represent him in a criminal case in March 2015. According to complainant, respondent withdrew from the case about one month later. Complainant alleged that respondent subsequently sent him a bill for legal services in which she charged for two conferences with him at the jail. Complainant alleged that respondent never met with him at the jail and submitted a false claim.

2015-189

COMPLAINT SUMMARY: Complainant alleged that in April 2014, he hired respondent to represent him in a foreclosure action. According to complainant, respondent neglected the case and agreed to a receivership without complainant's informed consent.

2015-192

COMPLAINT SUMMARY: Complainant, a deputy sheriff, alleged that his office served legal documents at respondent's request in August 2013. Complainant further alleged that respondent ignored repeated invoices requesting payment of the balance due.

2015-195

COMPLAINT SUMMARY: Complainant alleged that respondent, the opposing counsel in his divorce, communicated directly with him even though he was represented by counsel. Complainant further alleged that respondent delayed the proceeding by failing to attend two court hearings and failed to comply fully with discovery.

2015-201

COMPLAINT SUMMARY: Complainant, residing in prison, alleged that respondent neglected his pcr case and repeatedly disregarded his attempts to communicate with her regarding the status of the case.

2015-207

COMPLAINT SUMMARY: Complainant alleged that respondent, appointed to represent him in a federal criminal case, lied to the court concerning the date complainant was arrested and neglected to file a motion to dismiss on speedy trial grounds, even though the record plainly showed a speedy trial violation.

2015-208

COMPLAINT SUMMARY: Complainant alleged that respondent, representing him in a criminal case, took actions without consulting him, failed to keep him informed, and "lied" to him about the consequences he was facing.

2015-212

COMPLAINT SUMMARY: Complainant objected to expenses incurred by a management company for a homeowners' association to which she belonged. She alleged that respondent, the attorney for the management company, intentionally withheld documents to which she was entitled by the by-laws of the homeowner's association and made knowingly false allegations against her, including the allegation that she left a voicemail with the management company's contractor in which she made hostile, threatening and disparaging statements.

2015-214

COMPLAINT SUMMARY: Complainant, in jail awaiting trial on a charge of robbery in the first degree, alleged that respondent neglected to review a crucial surveillance video. Complainant also alleged that he last spoke with respondent on June 8, 2015, and since then respondent has ignored complainant's attempts to communicate with him.

2015-220

COMPLAINT SUMMARY: Complainant, an elderly disbarred Iowa lawyer, alleged that respondent as counsel for complainant's daughter in his lawsuit against her, unduly delayed resolution of the case in the hope that complainant would die first. Complainant further alleged that respondent without authorization opened mail addressed to complainant at his former Iowa address.

2015-226

COMPLAINT SUMMARY: Complainant, in jail awaiting trial, alleged that respondent failed to investigate or prepare for trial.

2015-227

COMPLAINT SUMMARY: Complainant, in jail awaiting trial, alleged that respondent "coached" him to lie so as to provide a basis for seeking a psychiatric evaluation and diminished responsibility defense.

2015-229

COMPLAINT SUMMARY: Complainant, who is not respondent's client, alleged that respondent violated client confidentiality by mistakenly sending her another client's title opinion.

2015-238

COMPLAINT SUMMARY: Complainants, a married couple, alleged that respondent charged them \$5,000.00 for representation in their immigration matters. They alleged that respondent failed to advise them that a "minor crime" to which he advised them to plead guilty would preclude their eligibility for cancellation of removal.

2015-252

COMPLAINT SUMMARY: The Board sent its initial communication to the respondent with respect to certifications of delinquency in several Buchanan County probate matters on April 17, 2014. Although the respondent replied to that initial communication and was able to resolve several of the delinquent probate matters he was subject to several additional delinquency notices and was again in communication with the Board with respect to those new delinquency notices. The respondent's last communication to the Board was on January 8, 2015, but has failed to respond to additional communications from the Board seeking information dated January 15, 2015, March 19, 2015, and July 30, 2015. The July 30, 2015, communication advising him that his failure to respond to that communication could result in the opening of a formal disciplinary complaint.

2015-272

COMPLAINT SUMMARY: Complainant, an apparently mentally challenged person, alleged that respondent, his attorney in a juvenile court matter, "makes fun" of him because of his poor grammar and writing. Complainant further alleged that respondent would not allow him to communicate his wishes.

2015-273

COMPLAINT SUMMARY: Complainant alleged that respondent, his former attorney in a juvenile court matter, failed to return phone calls and neglected to attend or set up meetings with DHS.

2015-274

COMPLAINT SUMMARY: Complainant alleged that respondent neglected his duties as guardian ad litem for complainant's daughter in a juvenile court case.

2015-276

COMPLAINT SUMMARY: Respondent self-reported that five days after depositing a client's retainer check to his trust account, he withdrew \$250.00 to apply toward attorney fees. He did so without waiting for the retainer check to clear the client's bank. He subsequently received notice from his own bank that the retainer check was returned for insufficient funds, causing a shortage to his client trust account.

OTHER BUSINESS:

The Board considered whether to open a complaint file based on attorney T. D. B.'s self-report to the Board that he had unwittingly failed to comply with reciprocal discipline requirements in neglecting to inform the Board that he had briefly been suspended from the practice of law by California disciplinary authorities in 2001 for failing to timely pay his Bar dues. The Board declined to open an investigation.

After determining that the Board's next quarterly meeting would be held Wednesday, March 9, 2016, in Des Moines, the members unanimously voted to adjourn the meeting.

s / _____
Tara van Brederode, Administrator

TvB/scw

s / _____
Charles L. Harrington, Administrator

CLH/scw

ANNEX B
APPROVED 2015-2016 FISCAL YEAR BUDGETS

ATTORNEY DISCIPLINARY BOARD
FISCAL YEAR 2015-2016 BUDGET

Salary & Employee Expense	
Salaries	\$ 835,512.07
Clerical overtime	\$ 2,500.00
Deferred Compensation	\$ 9,150.00
Employee Insurance	\$ 196,496.79
Employer's Unemployment	\$ 357.50
FICA	\$ 65,933.93
IPERS	\$ 74,611.23
Vacation / Sick Leave Payout	\$ 26,369.40
Total Payroll Expenses	<u>\$ 1,210,930.92</u>
Non-Payroll Expense	
Appellate Brief Printing	\$ 4,000.00
Audit Expense	\$ 2,325.00
Bank Service Charges	\$ 400.00
Board Meeting Expense	\$ 5,200.00
Computer Services & Expense	\$ 4,600.00
Dues & Subscriptions	\$ 3,800.00
Employer Insurance	\$ 4,800.00
Furniture & Equipment	\$ 9,000.00
Investigative & Hearing Expense	\$ 12,000.00
Miscellaneous	\$ 500.00
Office Supplies	\$ 4,000.00
Contract Lawyers	\$ 60,000.00
Payroll Processing	\$ 2,150.00
Postage	\$ 8,500.00
Repairs	\$ 600.00
Rent	\$ 51,600.00
Telephone	\$ 6,200.00
Travel	\$ 14,000.00
Temporary Clerical	\$ -
Total Non-Payroll Expense	<u>\$ 193,675.00</u>
Total Expense	<u>\$ 1,404,605.92</u>

GRIEVANCE COMMISSION
FISCAL YEAR 2015-2016 BUDGET

Salary and Salary Expenses	
Director Salary	\$26,850.41
Assistant Director	\$49,407.51
Clerical Salary	\$36,458.54
Part-Time Call Center Support	\$324.00
FICA	\$8,647.60
IPERS	\$10,065.58
Employee Insurance	\$24,110.26
Deferred Compensation	\$1,215.00
Auditing	\$2,200.00
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	\$600.00
Banking Fees	\$600.00
Misc., Including Moving Expense	\$1,000.00
Internet Application Maintenance & Development	\$4,700.00
Internet Payment Charges	\$32,000.00
Unemployment Insurance	\$100.00
Payroll Processing	\$350.00
TOTAL OPERATING EXPENSES	<u>\$238,110.90</u>
CAPITAL EXPENDITURES	\$800.00
TOTAL EXPENDITURES	<u>\$238,910.90</u>

COMMISSION ON THE UNAUTHORIZED
PRACTICE OF LAW
FISCAL YEAR 2015-2016 BUDGET

Salary and Salary Expenses	
Assistant Director	\$27,681.65
Clerical Salary	\$8,432.11
Investigator	\$1,000.00
FICA	\$2,839.20
IPERS	\$3,314.26
Employee Insurance	\$7,144.42
Deferred Compensation	\$360.00
Rent	\$2,390.00
Auditing	\$900.00
Copier Lease	\$300.00
Repairs & Maintenance	\$100.00
Supplies	\$400.00
Telephone	\$400.00
Travel	\$4,000.00
Training	\$0.00
Postage	\$150.00
Insurance	\$90.00
Investigation Expense	\$300.00
Commission Meeting Expenses	\$500.00
Automation Support	\$285.00
Misc., Including Moving Expense	\$250.00
Unemployment Insurance	\$40.00
Payroll Processing	\$125.00
TOTAL OPERATING EXPENSES	<u>\$61,001.64</u>
CAPITAL EXPENDITURES	\$300.00
TOTAL EXPENDITURES	<u>\$61,301.64</u>

DISPOSITION OF COMPLAINTS OF LAWYERS' MISCONDUCT - 2015
By Source of Complaint (Table A) and Type of Misconduct Alleged (Table B)

TABLE A: BOARD DETERMINATIONS BY SOURCE OF COMPLAINT

Source	Referral to Grievance Commission	Public Reprimand	Admonition	Dismissal	Other*	Total Decisions	% of Total
Client**	1	3	3	32	2	41	13.0%
Adverse Party***	1	0	1	12	0	14	4.4%
PCR or Criminal Client	2	3	12	79	0	96	30.4%
Family Law Client	4	5	3	19	0	31	9.8%
Adverse Family Law Party	0	0	1	13	0	14	4.4%
Probate****	3	3	6	9	0	21	6.6%
Judge or Attorney	11	7	9	10	0	37	11.7%
Self-Report	5	1	1	4	0	11	3.5%
Att'y Disciplinary Bd	3	1	2	0	1	7	2.2%
Other OPR Entity	6	9	6	1	0	22	7.0%
Supreme Ct Clerk	1	2	3	0	0	6	1.9%
Other	4	1	0	10	1	16	5.1%
Total	41	35	47	189	4	316	100.0%

*'Other' refers to contempt proceeding, closure of file upon respondent's death, or deferral per Ct. R. 34.13

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

***Not including adverse family law parties

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

TABLE B: BOARD DETERMINATIONS BY TYPE OF MISCONDUCT ALLEGED

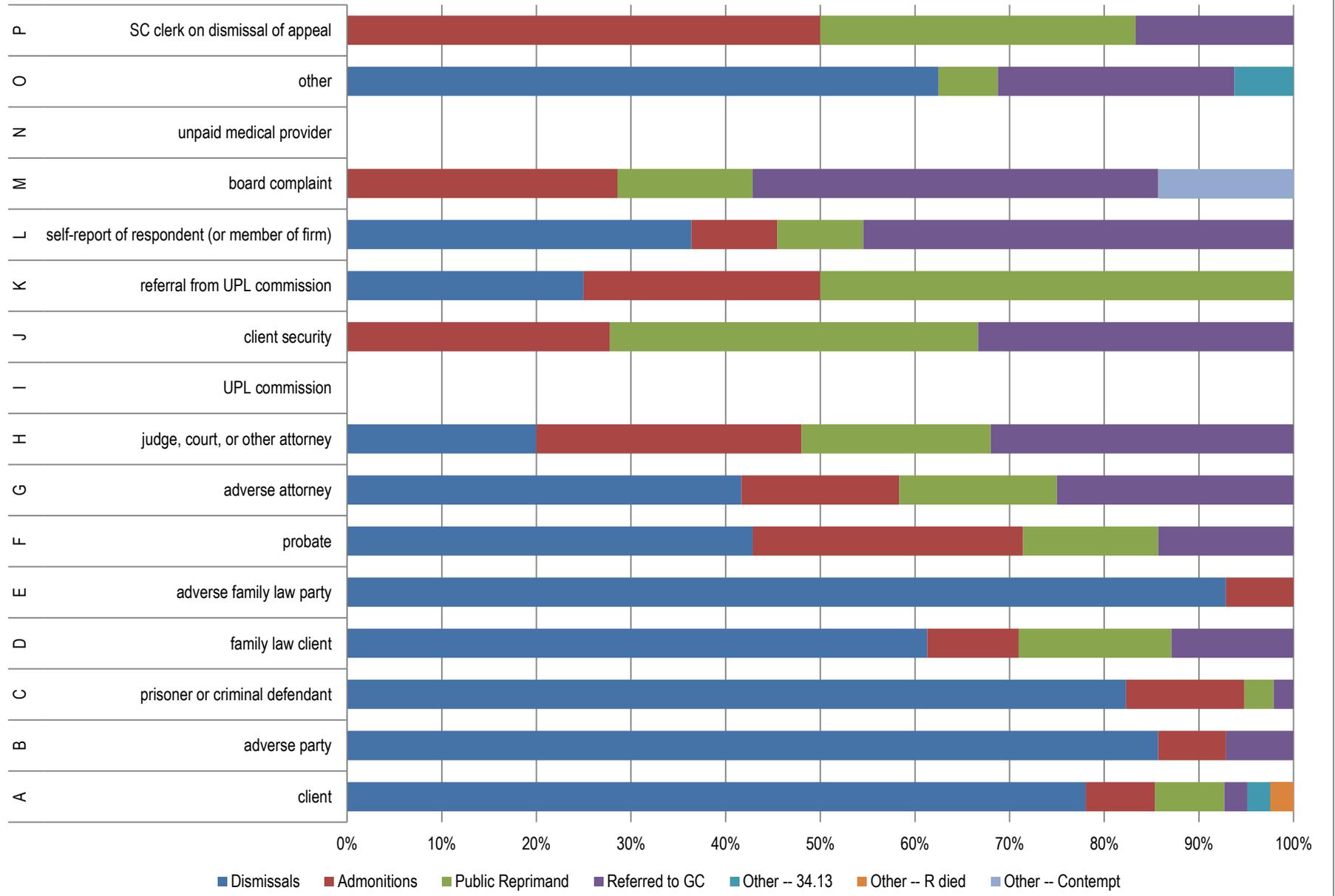
Type	Referral to Grievance Commission	Public Reprimand	Admonition	Dismissal	Other*	Total	% of Total
Misrepresentation, Fraud	14	9	7	27	0	57	13.4%
Money, Trust Account Issues	14	16	11	13	0	54	12.7%
Criminal Conduct	4	1	2	2	0	9	2.1%
Other Misconduct°	0	0	2	6	0	8	1.9%
Excessive or Illegal Fee	5	3	3	12	1	24	5.6%
Assisting or Engaging in UPL	2	2	0		2	6	1.4%
Breach of Confidentiality	1	0	0	0	0	1	0.2%
Conflict of Interest	5	3	2	16	0	26	6.1%
Neglect, Incompetence°°	16	16	32	122	2	188	44.2%
Communication w/ Adverse Party	0	0	0	3	0	3	0.7%
Litigation Misconduct	4	4	7	27	0	42	9.9%
Frivolous Claim or Defense	1	0	0	1	0	2	0.5%
Prosecutorial Misconduct	0	0	0	5	0	5	1.2%
Total °°°	66	54	66	234	5	425	100.0%

° 'Unprofessional' conduct, e.g., rudeness or profanity

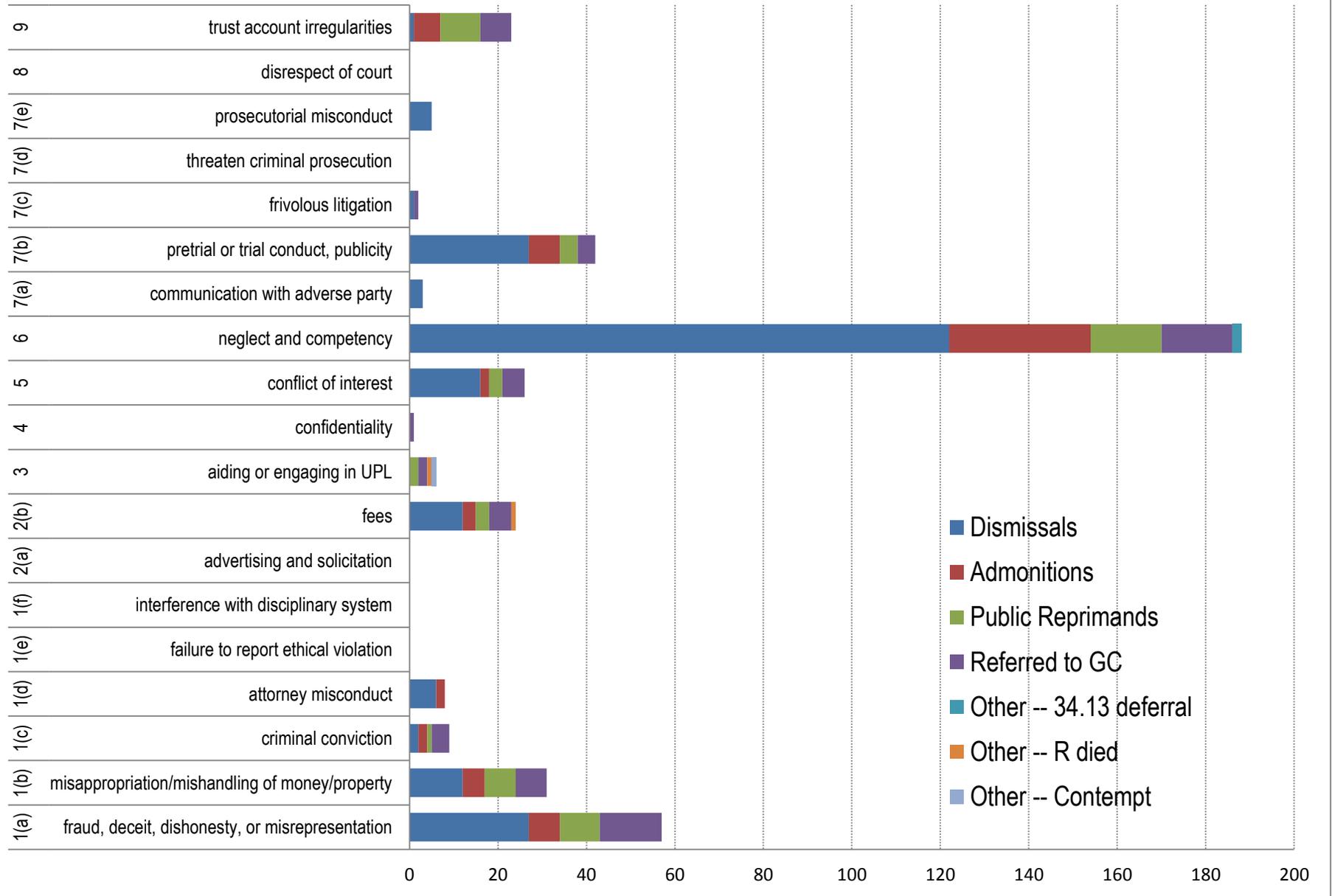
°° Also includes inadequate communication with client

°°° Total complaints by Type exceed total complaints by Source because complaints often include allegations of multiple violations.

2015 Attorney Disciplinary Board Cases: Disposition by Source of Complaint



2015 Attorney Disciplinary Board Cases: Disposition by Type of Complaint



**TABLE C
GRIEVANCE COMMISSION MEMBERS SERVING DURING 2015**

<u>CHAIRPERSON</u>	<u>EXPIRES</u>
Jane Rosien (<i>until end of final term on June 30, 2015</i>)	6-30-15
Mark Rolinger (<i>effective July 1, 2015</i>)	6-30-16
1A	
James Garrett	6-30-18
Brigit Barnes	6-30-16
Jodee R. Dietzenbach (<i>resigned during 2015 due to relocation</i>)	6-30-17
Kimberly S. Lange	6-30-17
Cory Thein	6-30-17
Tiffany Kragnes	6-30-18
1B	
Shawn Harden	6-30-18
Mark Rolinger (<i>chairperson as of July 1, 2015</i>)	6-30-16
Thomas Ferguson (<i>resigned during 2015 due to relocation</i>)	6-30-17
Jennifer Schwickerath	6-30-17
Erin Lyons	6-30-17
Mary Schlicher	6-30-17

2A

<i>Kristen Ollenburg</i>	6-30-18
<i>Patrick Byrne</i>	6-30-16
<i>Adam Sauer</i>	6-30-17
<i>Jacqueline Arthur</i>	6-30-17
<i>Philip Garland</i>	6-30-17

2B

<i>Angelina M. Thomas</i>	6-30-15
<i>Jim Goodman</i>	6-30-17
<i>Jennifer Miller</i>	6-30-17
<i>Bethany J. Currie</i>	6-30-17
<i>Ethan Anderson</i>	6-30-17
<i>Shawn Smith</i>	6-30-18

3A

<i>Scott Buchanan</i>	6-30-18
<i>Abby Walleck</i>	6-30-17
<i>Lyssa Henderson</i> <i>(resigned during 2015 due to relocation)</i>	6-30-17
<i>Micah J. Schreuers</i>	6-30-17
<i>Shawna Nolan Ditsworth</i>	6-30-17
<i>Melanie Summers Bauler</i>	6-30-17

3B

<i>Patricia Vogel</i>	6-30-18
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<i>Roger Sailer</i>	6-30-17
<i>Darin Raymond</i>	6-30-17
<i>Robert Brock</i>	6-30-16
<i>Priscilla Forsyth</i>	6-30-17

4

<i>Jon Heisterkamp</i>	6-30-18
<i>Chad Primmer</i>	6-30-15
<i>Christine Shockey</i>	6-30-17
<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>	6-30-18
<i>Thomas P. Murphy</i>	6-30-18
<i>Jerrold Oliver</i>	6-30-16
<i>Sarah Maxwell Leckband</i> <i>(resigned during 2015 due to relocation)</i>	6-30-17
<i>Kara McClure</i>	6-30-17
<i>Craig Shannon</i>	6-30-17
<i>Chad Boehlje</i>	6-30-18
<i>Janet Burkhead</i>	6-30-18
<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
<i>Stacie Codr</i>	6-30-18
<i>Kristina Stanger</i>	6-30-18

5B

<i>Lisa Hynden-Jeanes</i>	6-30-15
<i>Amy 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
<i>Jenna Lain</i>	6-30-18
<i>Melissa Larson</i>	6-30-18

5C

<i>Jerry Foxhoven</i>	6-30-18
<i>Robert Holliday</i>	6-30-18
<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>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 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>	6-30-18
<i>Carol Moser</i>	6-30-18
<i>Henny Ohr</i>	6-30-18
<i>Felicia Bertin Rocha</i>	6-30-18
<i>Steve Despotovich</i>	6-30-17
<i>Kimberly Bartosh</i>	6-30-17
<i>Julie Pottorff</i>	6-30-18
<i>Wade Hauser III</i>	6-30-18
<i>Loree Nelson</i>	6-30-18
<i>John Fatino</i>	6-30-18
<i>Thomas H. Walton</i>	6-30-18

6

<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>Melody Butz</i>	6-30-18
<i>Mark Fisher</i>	6-30-18
<i>Jennifer Zahradnik</i>	6-30-18
<i>Thomas Hobart</i>	6-30-18
<i>Joseph Schmall</i>	6-30-18
<i>Kevin Collins</i>	6-30-17

7

<i>Leah Patton</i>	6-30-18
<i>Kristine Stone</i>	6-30-18
<i>Rosalinda Eichelberger</i>	6-30-15
<i>M. Anne McAtee</i>	6-30-15
<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>Amy Montgomery</i>	6-30-18
<i>Joni Keith</i>	6-30-15
<i>Katherine Lujan</i>	6-30-18
<i>Allen L. Cook III</i>	6-30-16
<i>Patrick McAvan</i>	6-30-17
<i>Daniel Kitchen</i>	6-30-17

8B

<i>Jennifer Klever-Kirkman</i>	6-30-17
<i>Niko Pothitakis</i>	6-30-17
<i>Sara Lynette Haas</i>	6-30-17
<i>Jonathan Stensvaag</i>	6-30-17
<i>William J. Cahill</i>	6-30-17

LAY MEMBERS

1A

<i>Nancy Fisher</i>	6-30-15
<i>Dianne Gibson</i>	6-30-16
<i>Janet Willenbring</i>	6-30-18

1B

<i>Paul Ehrig</i>	6-30-15
<i>Miriam Brown Tyson</i>	6-30-18

2A

Steve Beecher 6-30-17

Elizabeth Faber 6-30-17

2B

Melissa Nanninga 6-30-17

John Sebastian 6-30-18

3A

Jan Spielman 6-30-16

Tom Underwood 6-30-17

E. John Wittneben 6-30-18

3B

Michael Potash 6-30-16

Douglas VanDerVoort 6-30-18

4

Nancy Mack 6-30-15

Boyd Littrell 6-30-17

Marsha Park 6-30-18

5A

Amy Kelppe 6-30-16

William C. Snyder 6-30-18

G. Dean Austin 6-30-18

5B

Michael Shay 6-30-17

R. Richard Rice 6-30-17

5C

Sanjita Pradhan 6-30-18

Wanda Noble 6-30-18

Sonia Reyes-Snyder 6-30-18

Tom May 6-30-15

Linda Kinman 6-30-15

Joyce Chapman 6-30-15

Melvin Zischler 6-30-16

Joe Henry 6-30-16

Alba Perez 6-30-17
(resigned during 2015 due to relocation)

6

Trish Ellison 6-30-18

D. Suzanne Buffalo 6-30-18

Wendy Dunn 6-30-15

Sara Gaarde 6-30-15

Kathy Maxwell 6-30-18

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

6-30-18

Jerry Droz

6-30-18

8B

Robert Helscher

6-30-18

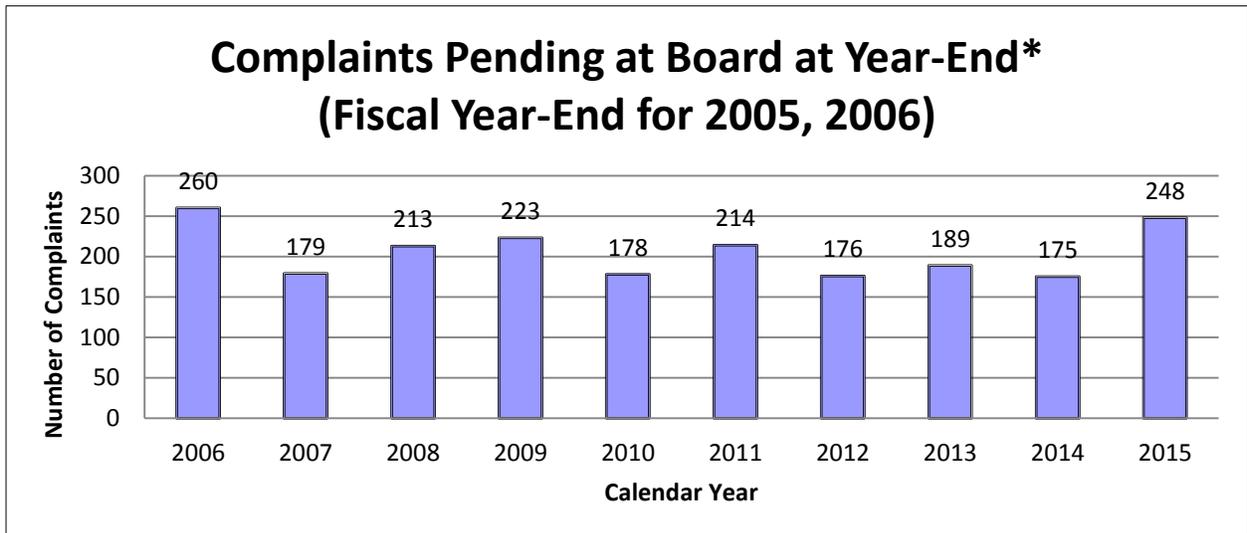
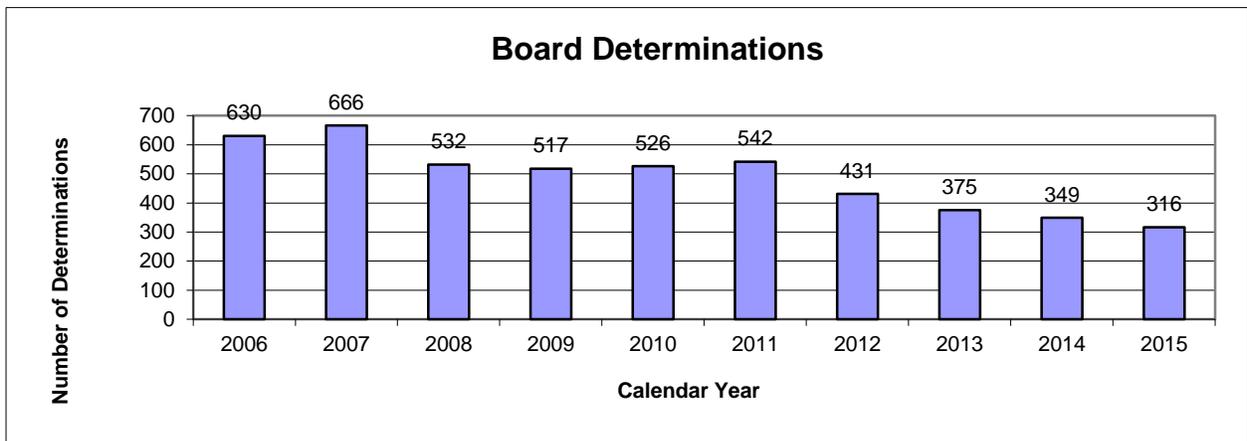
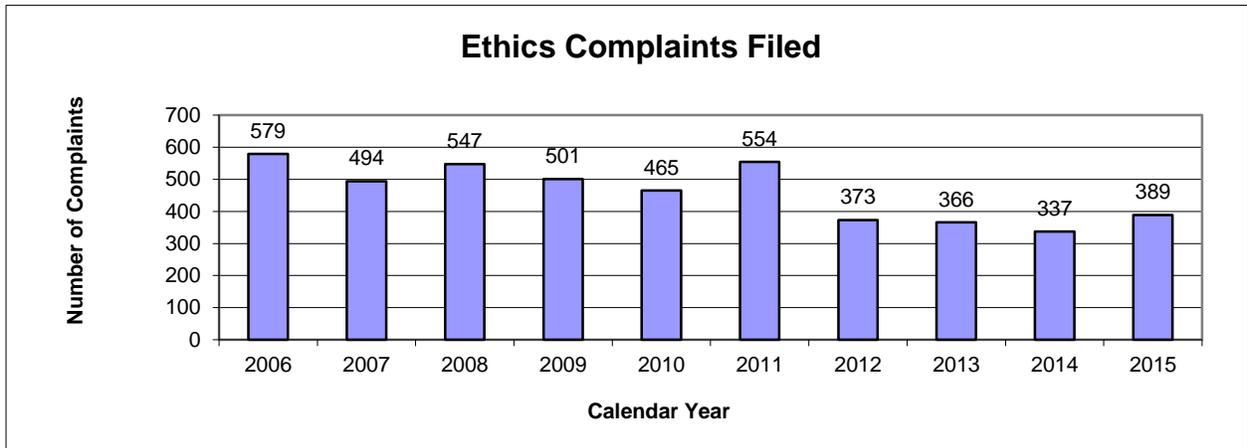
Donna Logan

6-30-15

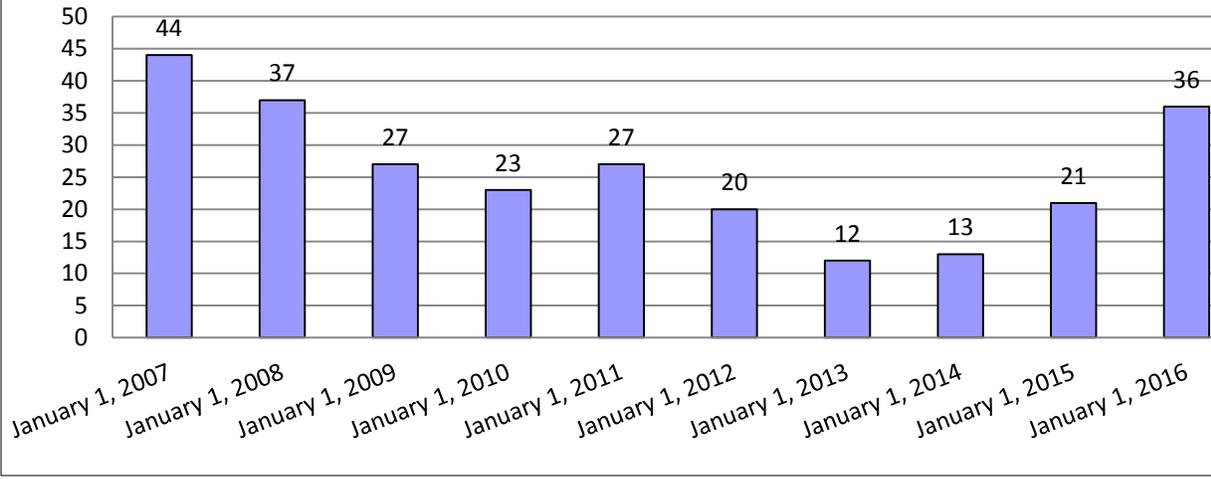
TABLE D				
GRIEVANCE CASE STATUS SUMMARY REPORT 2015				
As of 11302015				
DOCKET NUMBER	PENDING 1/1/15	FILED DURING 2015	FINAL DISPOSITION DURING 2015	PENDING 12/31/15
781	X		X	
784	X		X	
789	X		X	
791	X		X	
792	X			X
793	X		X	
794	X		X	
795	X		X	
796	X			X
797	X		X	
798	X		X	
799	X		X	
800	X		X	
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
810		X		X
811		X		X
812		X	X	
813		X		X
814		X		X
815		X		X
816		X		X
817		X		X
818		X		X
819		X		X
820		X		X
821		X		X
822		X		X
823		X		X
824		X		X
TOTALS	22	15	19	18

TABLE E

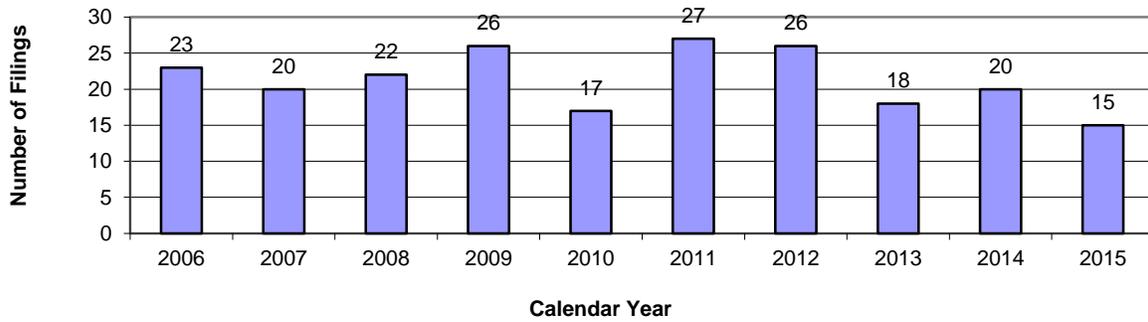
GRAPHICAL INFORMATION REGARDING ETHICS AND GRIEVANCE CASES



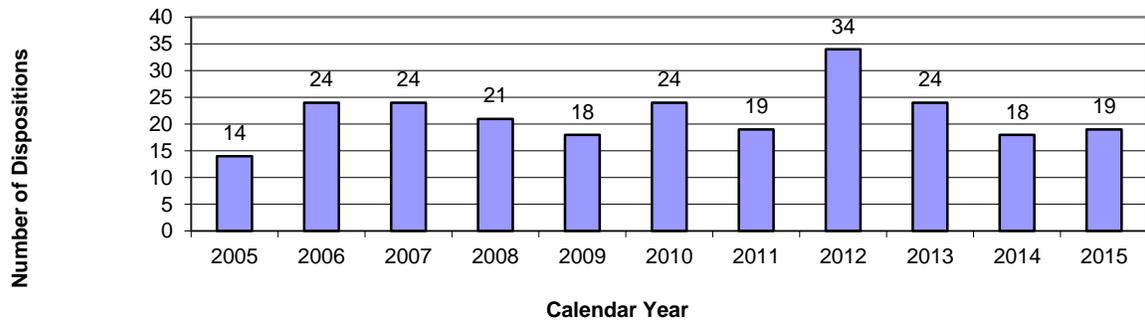
Number of Grievance Commission Complaints Assigned for Prosecution, But Not Yet Filed at Grievance Commission



New Case Filings at Grievance Commission



All Grievance Case Dispositions



Formal Grievance Opinions by Court

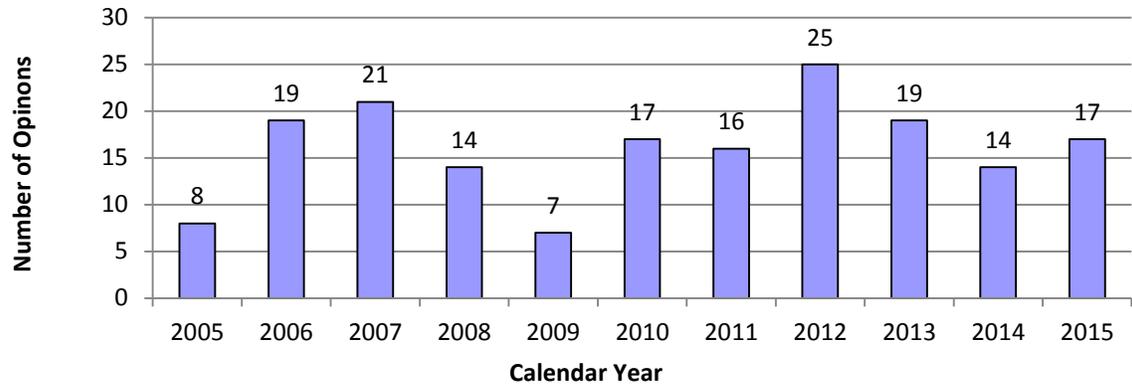


TABLE F													
GRIEVANCE CASE DISPOSITION SUMMARY 2015													
DOCKET NUMBER	DISMISSAL	PRIVATE ADMONITION UPON CONSENT	PRIVATE ADMONITION	REPRIMAND ON CONSENT	REPRIMAND	SUSPENDED 30 DAYS OR LESS	SUSPENDED 31 TO 60 DAYS	SUSPENDED 61 TO 89 DAYS	SUSPENDED 3 TO 6 MONTHS	SUSPENDED 7 TO 11 MONTHS	SUSPENDED 1 YEAR OR MORE	VOLUNTARILY REVOKED	REVOKED
781									X				
784											X		
789											X		
791											X		
793									X				
794						X							
795						X							
797													X
798									X				
799						X							
800					X								
801									X				
802						X							
803	X												
805								X					
806					X								
807						X							
808			X										
812						X							
Totals	1	0	1	0	2	6	1	0	4	0	3	0	1

TABLE G**SYNOPSIS AND REPORT REGARDING CASES REACHING FINAL DISPOSITION DURING CALENDAR YEAR 2015**

GRIEVANCE CASE NUMBER	SYNOPSIS OF CHARGES AND REPORT OF DISPOSITION
781	<p>The board alleged that the respondent engaged in neglect, misrepresentation, and trust account and fee violations in connection with representation of the executors in two separate estates. The case was submitted to the Grievance Commission by stipulation. The commission accepted the stipulation of the parties and recommended a 180-day suspension. The Supreme Court found that the respondent had violated Iowa Rules of Professional Conduct 32:1.3 (diligence), 32:1.5(a) (unreasonable fee), 32:1.15(c) (trust account), 7.2(4) (fees in probate), 32:8.4(c) (dishonest, fraudulent, or deceitful conduct), 32:8.4(d) (conduct prejudicial to the administration of justice), and 32:3.3 (candor with tribunal). Noting in particular the attorney's attempt to conceal the neglect through misrepresentation, the court suspended the respondent's license for a period of six months.</p>
784	<p>The board alleged that the respondent entered into an intimate relationship with a client, physically assaulted the client, did not timely finalize the client's qualified domestic relations order, and mishandled the client's money. Prior to the commission hearing, the attorney pled guilty to assault causing bodily injury, a serious misdemeanor. The commission found that the respondent's conduct violated rules 32:1.8(j) (sexual relations with a client), 32:8.4(b) (criminal act adversely reflecting on the lawyer's fitness to practice law), 32:1.3 (lack of diligence), and 32:1.15(c) (handling of client funds). The commission recommended that the lawyer's license be suspended for four years. The court found that the</p>

	<p>respondent had sex with a client during the existence of the lawyer-client relationship, in violation of rule 32:1.8(j). The court also found that the respondent committed a criminal act adversely reflecting on the lawyer's fitness to practice law in violation of rule 32:8.4(b) and improperly handled client funds in violation of rule 32:1.15(c). The court found the attorney's discounting of his actions at the hearing to be a significant aggravating factor, and suspended his license to practice for eighteen months.</p>
789	<p>The board alleged that the respondent committed multiple violations of the disciplinary rules in connection with interactions and relationships with five women. These charges included sexual harassment in the practice of law, sexual relations with a client, and concurrent conflict of interest. The commission concluded that the attorney had committed all of the alleged violations, and recommended a thirty-month suspension. The commission also recommended that the attorney be required to provide proof of participation in a psychological evaluation and counseling or some other form of treatment indicating fitness to practice law. The court agreed with the commission as to all the violations and as to the recommended sanction. Giving particular consideration to the vulnerability of the attorney's victims, the court suspended the attorney's license for thirty months. Prior to reinstatement, the attorney will be required to provide the court with an evaluation by a licensed health care professional, including proof of participation in a counseling program specific to sexual harassment, verifying his fitness to practice law.</p>
791	<p>The board alleged that the respondent violated multiple rules pertaining to trust account management, filing of employee payroll withholding tax declarations and payment of those taxes, filing of state and federal income tax returns, provision of information to the board, and improperly practicing under a trade name. The respondent did not supply the board with requested documentation in response to the complaint, request for admissions, or production of document and</p>

	<p>interrogatories. Consequently several facts alleged in the board's complaint were deemed admitted and sanctions were imposed. The commission found that the respondent's conduct violated all of the rules alleged by the board, and recommended that a one year suspension be issued. The court found that the respondent's mismanagement of his trust account violated rules 32:1.15(a), (c), and (f), and Iowa Court Rules 45.1(1), 45.2(3) and (4). The court also found that the respondent violated rule 32:8.4(c) by falsely certifying on his client security questionnaire that he properly managed the trust account. Further, the court found that the respondent's conduct with respect to tax matters violated rule 32:8.4(b) (criminal act reflecting adversely on the lawyer's fitness to practice law). Finally, the court found that the respondent's failure to respond to the board violated rule 32:8.1(b) (response to a disciplinary authority). Specifically declining to deem the attorney's asserted personnel, financial and technological difficulties sufficient excuses, the court suspended the respondent's license for one year. As a condition of reinstatement, the attorney must satisfy the court that he has entered into a repayment plan with the appropriate taxing authorities and that he is current with his repayment plans at the time of application for reinstatement.</p>
<p>793</p>	<p>The board alleged that the respondent neglected client matters, failed to follow trust account procedures upon receipt of retainers, and failed to respond to the board. The respondent did not respond to the complaint or to discovery requests. The allegations in the complaint were deemed admitted and the case proceeded to a limited hearing on the issue of sanctions. The commission found the respondent converted client funds without colorable claim to them, and recommended revocation of the attorney's license. After review, the court found that the attorney had violated the alleged rules pertaining to neglect, trust account procedures, and cooperation with the board. Finding that the attorney had not been provided with adequate notice that he was charged with converting client funds, the court did not consider whether the respondent violated the rules of professional conduct pertaining to the</p>

	<p>misappropriation of a retainer without a colorable future claim. The court suspended the attorney's license to practice law for six months.</p>
794	<p>The board alleged that the attorney violated multiple rules pertaining to trust account management. The attorney admitted to all of the violations alleged. The commission found that the respondent's conduct violated the rules pertaining to commingling of personal and client funds, failure to perform trust account reconciliations, failing to deposit advance fees into the trust account, and failing to provide contemporaneous notice and accounting to clients. In light of the attorney's prior reprimand, the commission recommended a thirty-day suspension. After balancing the mitigating and aggravating factors present, the court suspended the attorney's license to practice law for thirty days.</p>
795	<p>The board alleged that the respondent violated rules in connection with his representation of one client and failed failure to follow trust account procedures. The commission found the respondent's representation of clients with no clear fee agreement violated rule 32:1.5(b). The commission found the respondent's failure to maintain trust account records and properly manage client funds violated rules 32:1.15, 45.1, 45.2(3), 45.7(3), and 45.7(4). Noting that similar deficiencies had been found in the prior audit, the commission recommended a sixty-day suspension. The commission also recommended that, as a condition to reinstatement, the attorney be required to prove that office procedures had been instituted to assure compliance with the trust account rules. The court found that the attorney violated the trust account rules and failed to communicate his hourly rate. Declining to recognize animus of the complainant as a mitigating circumstance, the court suspended the attorney's license to practice law for thirty days.</p>
797	<p>The board alleged that the respondent's conduct, including misappropriation of funds belonging to four clients, violated</p>

	<p>multiple rules of professional conduct and trust account rules. The respondent was served with the complaint but failed to answer the complaint or participate in subsequent proceedings. The commission deemed the allegations of the complaint admitted. Based on these admissions, and upon the record developed at a subsequent hearing, the commission found a pattern of neglect, lack of communication, dishonest statements, lack of regard for the administration of justice, and theft by misappropriation without colorable claim to the funds. The commission recommended revocation of the attorney's license. The court found that misappropriation of client funds without colorable claim to those funds had been established. The court revoked the respondent's license.</p>
798	<p>The board alleged that the respondent neglected client matters, failed to expedite litigation, failed to obey a court order, failed to provide timely responses to opposing counsel, did not cooperate with the board, and engaged in conduct prejudicial to the administration of justice. The respondent did not file an answer to the complaint. The allegations in the complaint were deemed admitted and the case proceeded to a limited hearing on the issue of sanctions. The commission found the respondent's conduct violated the rules cited by the board, and the respondent agreed. Noting that many violations were identical to violations that led to prior disciplinary actions, the commission recommended a six month suspension with supervision and continuing legal education (CLE) requirements as a condition of reinstatement. The court found that the attorney's conduct violated rules 32:1.3 (neglect), 32:3.2 (failure to expedite litigation), 32:3.4(c) (failure to obey a court order), 32:3.4(d) (diligent effort to comply with discovery request), 32:8.1(b) (response to disciplinary authority), and 32:8.4(d) (conduct prejudicial to the administration of justice). After comparing this case to cases involving similar conduct, the court suspended the attorney's license to practice law for three months.</p>
799	<p>The board alleged that the attorney violated multiple rules in</p>

	<p>connection with a modification of dissolution action. The commission found that the respondent's conduct violated rules 32:1.5(b) (communication regarding fees), 32:1.15 (trust account management), 45.2(3) (maintenance of trust account records), 45.2(2), 45.7(3) and 45.7 (4) (notice and accounting), 32.8(4) (dishonesty, fraud, deceit, or misrepresentation), and 32:8.1 (failure to respond to disciplinary authority). The commission noted the attorney had previously received public reprimands for fee and trust account issues, and for neglect of criminal appeals. The commission recommended a thirty-day suspension. The court agreed with the commission's findings and recommendation, and suspended the attorney's license to practice law for thirty days.</p>
800	<p>The board alleged that the attorney violated multiple rules in connection with appeal of a domestic relations case. The commission found that the respondent's conduct was prejudicial to the administration of justice in violation of rule 32:8.4(d), and recommended a public reprimand. The court agreed that the attorney's conduct was prejudicial to the administration of justice. The court additionally found that the attorney had failed to make reasonable efforts to expedite litigation in violation of rule 32:3.2. The court, with one justice dissenting, concluded that a public reprimand was appropriate.</p>
801	<p>The board alleged that the attorney had committed multiple violations of the disciplinary rules in connection with her representation of one client. The respondent did not file an answer to the complaint. The allegations in the complaint were deemed admitted and the case proceeded to a limited hearing on the issue of sanctions. The respondent did not appear personally or by counsel at the hearing. The commission found that the attorney's conduct violated rules 32:1.3 (diligence), 32:1.4(a)(3) and (4) (communication), 32:1.16(d) (termination of representation), 32:1.15 (safekeeping property), and 32:1.5(b) (fees). The commission recommended a one year suspension, with conditions upon reinstatement.</p>

	<p>The court found that the attorney had committed all of the violations found by the commission and suspended the attorney's license to practice for six months. Prior to reinstatement, the attorney must reimburse the Client Security Trust Fund in the amount of \$431.06, demonstrate that she has complied with the request of the Client Security Commission to audit her trust accounts, and provide proof of completion of two hours of ethics CLE and two hours of trust account CLE.</p>
802	<p>The board alleged that the respondent violated the rules of professional conduct dealing with communication, candor to a tribunal, and fee and trust account requirements. The commission found the respondent's failure to keep the client reasonably informed and advise the client of options for appeal violated 32:1.4(a)(3) and 32:1.4(b), respectively. The commission also found the respondent's false statement to the tribunal and failure to correct the false statement violated rule 32:3.3(a)(1). Finally, the commission found the respondent's failure to properly manage client funds violated rules 32:1.15(c), 32:1.15(f), 45.2(2), 45.10(3), 45.7(3), and 45.7(4). Noting aggravating factors and a discipline history that included an admonition for trust account violations, the commission recommended a thirty-day suspension. The commission also recommended that, as a condition to reinstatement, the attorney be required to prove that office procedures had been instituted to assure compliance with the trust account rules. The court agreed with the commission's finding of violations and with the commission's recommended sanction. The court suspended the attorney's license to practice law for thirty days.</p>
803	<p>The board alleged that the respondent violated several rules in connection with representation of a client in a dissolution of marriage case. The commission found that there was insufficient evidence to find a violation of the rules by the respondent. The commission dismissed the complaint.</p>

805	<p>The board alleged that the respondent violated eight rules of professional conduct during her representation of more than a dozen clients in multiple matters. The commission found that the attorney committed neglect, failed to keep clients apprised of the status of their case, failed to expedite litigation, engaged in conduct prejudicial to the administration of justice, failed to comply with requests for information from clients, and failed to withdraw from cases when alcoholism materially impaired her ability to represent her clients. The commission recommended the court impose a six month suspension with conditions on any future reinstatement. The court found that the respondent's conduct violated rules 32:1.3 (diligence), 32:1.4(a)(3) (communication regarding status), 32:1.4(a)(4) (requests for information), 32:1.16(a)(2) (withdrawal from representation- physical or mental condition), 32:3.2 (failure to expedite litigation), and 32:8.4(d) (conduct prejudicial to the administration of justice). The court suspended the respondent's license for a period of sixty days. As conditions precedent to reinstatement, the respondent must provide the Board documentation showing compliance with her treatment providers' recommendations and her fitness to practice law, reimburse one client \$347, and provide the board proof of the reimbursement.</p>
806	<p>The board alleged the respondent committed two violations of the Iowa Rules of Professional Conduct by having a witness sign a will outside the presence of the testatrix and the other witnesses, and then giving the will to the executrix to probate without disclosing this fact. The commission found that the attorney's conduct violated rules 32:4.1(b) (disclosure of material fact to a third person) and 32:8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and recommended issuance of a public reprimand. The court found that the respondent violated rule 32:8.4(c). The court also found that, the respondent's stipulation to the violation notwithstanding, the respondent's conduct did not violate rule 32:4.1(b). The court issued a public reprimand to the attorney.</p>

807	<p>The board alleged that the respondent committed several ethics violations by failing to deposit an advance fee into the trust account, transferring unearned fees out of the trust account, and failing to furnish clients with contemporaneous notice and accounting. The case was submitted to the commission by stipulation. The commission accepted the stipulation of the parties recommended a public reprimand rather than the proposed thirty-day suspension. The court found that the respondent's conduct violated rules 32:1.15(a) and (c) (placement of client funds in trust account, withdrawal only as earned) and 32:1.15(f) (trust accounts governed by chapter 45). The court also found that the respondent's conduct violated rules 45.2(3)(a)(9) (monthly trial balances and reconciliations) and 45.7(3) (advance fees). Given the nature and extent of the violations, the court suspended the respondent's license for a period of thirty days.</p>
808	<p>The board alleged the respondent violated several rules regarding trust account management and handling of client funds. The commission found that the respondent's conduct violated rules 45.1, 45.4, 45.7, and 32:1.15(f). In light of the lack of aggravating factors in this case, the respondent's immediate rectification of the accounting system error, and the respondent's full cooperation in the proceedings, the commission issued a private admonition to the respondent.</p>
812	<p>The board alleged that the respondent violated attorney disciplinary rules incident to representation of a client regarding a Medicare lien on a tort settlement, and in the attorney's dealings with the board. At the time of hearing, the respondent's license to practice already was suspended for failure to comply with continuing legal education and client security reporting requirements. The commission found that the attorney violated several rules and court orders during his handling of the lien and in responding to the board. The commission recommended a sixty-day suspension, to be served consecutive to the attorney's suspension in place at the time of hearing. On its de novo review, the court found that</p>

	<p>the attorney's conduct violated rules 32:1.3 (diligence), 32:1.4 (communication), 32:3.2 (efforts to expedite litigation), 32:8.1(b) (demand for information from disciplinary authority), and 32:8.4(d) (conduct prejudicial to the administration of justice). Taking into consideration the lack of prior disciplinary history and fact that the attorney did not plan to return to practicing law, the court suspended the respondent's license for thirty days from the date of the court's opinion.</p>
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