

1 **Rule 35.14 Procedure on application for reinstatement.** Any person whose  
2 certificate to practice law in this state was suspended may apply for  
3 reinstatement subject to the following rules:

4 **35.14(1) Application.**

5 a. A proceeding for reinstatement to the practice of law in Iowa must be  
6 commenced by a written application to the supreme court filed with the clerk of  
7 the supreme court not more than 60 days prior to expiration of the suspension  
8 period.

9 b. The application ~~shall~~must state the date of the applicant's original  
10 admission, the date and duration of suspension, and that the applicant has  
11 complied in all respects with the orders and judgment of the supreme court  
12 relating to the suspension.

13 c. The application ~~shall~~must be verified by the oath of the applicant as to the  
14 truth of the statements made in the application.

15 d. The applicant ~~shall~~must also submit to the supreme court satisfactory  
16 proof that the applicant, at the time of the application, is of good moral  
17 character and in all respects worthy of the right to practice law. The application  
18 ~~shall~~must be accompanied by the recommendation of at least three reputable  
19 attorneys currently practicing law in the judicial district in which the applicant  
20 then lives and has lived at least one year prior to filing the application. If the  
21 applicant does not reside in the district in which the applicant lived at the time  
22 of the suspension, the applicant ~~shall~~must also file a recommendation from  
23 three reputable attorneys currently practicing law in the district where the  
24 applicant resided at the time of suspension. The required recommendations  
25 ~~shall~~may not be from judges or magistrates.

26 e. The applicant ~~shall~~must also submit satisfactory proof that the applicant,  
27 at the time of the application, has filed all reports, paid all fees, and completed  
28 all continuing legal education required by the provisions of chapters 39, 41,  
29 and 42 of the Iowa Court Rules.

30 f. The applicant ~~shall~~must submit satisfactory proof that the Client Security  
31 Trust Fund has been repaid in full, or that the Client Security Commission has  
32 approved a repayment plan, for all client security conduct.

33 **35.14(2) Procedure.** Upon filing of such application and recommendations  
34 with the clerk of the supreme court, the clerk ~~shall~~must give written notice  
35 ~~thereof to all of the following:~~ the persons listed below. Such notice must  
36 contain the date of the suspension, the date of filing the application, and the  
37 date of the hearing set by the supreme court, which will be at least 60 days  
38 after the filing of such application for reinstatement.

39 a. The attorney general.

40 b. The county attorney where the applicant resides.

41 c. The county attorney where the applicant resided at the time of suspension.

42 d. The chair of the Iowa Board of Law Examiners.

43 e. The assistant director for attorney discipline of the office of professional  
44 regulation.

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1 f. Each judge of the district in which the applicant resided at the time of  
2 suspension.

3 g. The president of a local bar association where the applicant resides.

4 h. The president of a local bar association where the applicant resided when  
5 the certificate was suspended.

6 i. The president of ~~the~~ The Iowa State Bar Association.

7 **35.14(3)** *Written statements.* Such persons, after receipt of the notice and  
8 before the date fixed for hearing, may submit to the clerk of the supreme court  
9 written statements of fact and comments regarding the current fitness of the  
10 applicant to practice law. ~~Such notice shall contain the date of the suspension,~~  
11 ~~the date of filing the application, and the date of hearing thereon fixed by the~~  
12 ~~supreme court, which shall in no case be less than 60 days after the filing of~~  
13 ~~such application for reinstatement.~~

14 **35.14(4)** *Notices of witnesses and exhibits.* At least 14 days prior to the  
15 scheduled hearing date, the applicant and the Iowa Supreme Court Attorney  
16 Disciplinary Board ~~shall~~must provide notice to the court and the opposing  
17 party of the names and expected testimony of any witnesses they intend to  
18 produce and ~~shall~~must file and serve copies of any exhibits they intend to  
19 introduce at the hearing. The opposing party may provide notice of any rebuttal  
20 witnesses or exhibits no later than 7 days prior to the scheduled hearing date.  
21 The court ~~shall~~may waive these deadlines only upon good cause shown.

22 **35.14(5)** *Hearing.* The reinstatement hearing ~~shall~~will be held at the time  
23 and place designated by the court. The applicant ~~shall bear~~ bears the burden of  
24 demonstrating that the applicant is of good moral character, is fit to practice  
25 law, and has complied in all respects with the terms of the order or judgment of  
26 suspension. The hearing ~~shall~~will be public unless the court orders otherwise  
27 upon motion of a party. The hearing ~~shall~~will be informal and the strict rules  
28 of evidence ~~shall~~will not apply. The court may impose reasonable time limits  
29 on the length of the hearing.

30 **35.14(6)** *Decision.* The court ~~shall~~will render its decision as soon as  
31 practicable after the hearing. The supreme court may require the person to  
32 meet reasonable conditions for reinstatement including, but not limited to,  
33 passing the Multistate Professional Responsibility Examination

34 **35.14(7)** *Reinstatement after revocation.* In the event the supreme court  
35 revokes the license to practice law of an attorney, the attorney is not eligible to  
36 apply for reinstatement until at least five years after the date of revocation. For  
37 purposes of this reinstatement rule, “revoked attorney” includes an attorney  
38 whose license to practice law has been revoked or an attorney who has been  
39 disbarred. Similarly, “revocation” includes “disbarment” and “revoked”  
40 includes “disbarred.”

41 **35.14(8)** *Pre-filing requirements.* Prior to filing the application, the attorney  
42 must:

43 a. File the attorney’s character and fitness application with the National  
44 Conference of Bar Examiners (NCBE) and pay the NCBE’s application fee; and

45 b. Pay an administrative fee of \$525 to the Iowa Board of Law Examiners.

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1 **35.14(9) Filing and contents of application.** An application for reinstatement  
2 by a revoked attorney must:

3 a. Be filed with the clerk of the supreme court and be served on the Iowa  
4 Board of Law Examiners.

5 b. State the date of the applicant's original admission and the date of  
6 revocation, and recite that the applicant has complied in all respects with the  
7 rule 35.23 and any orders and judgment of the supreme court relating to the  
8 revocation.

9 c. Include satisfactory proof that the applicant, at the time of the  
10 application, is of good moral character and is in all respects worthy of  
11 readmission to the bar. The applicant must provide a detailed affidavit  
12 describing the applicant's personal, educational, and work history since the  
13 date of revocation. The application must be accompanied by the  
14 recommendation of at least three attorneys currently practicing law in the  
15 judicial district in which the applicant then lives and has lived at least one year  
16 prior to filing the application. If the applicant does not reside in the district in  
17 which the applicant lived at the time of the revocation, the applicant must also  
18 file a recommendation from three attorneys currently practicing law in the  
19 district where the applicant resided at the time of revocation. The required  
20 recommendations may not be from judges or magistrates.

21 d. Include satisfactory proof that the applicant, at the time of the  
22 application, has paid all fees required by the provisions of chapters 39, 41, and  
23 42 of the Iowa Court Rules.

24 e. Include satisfactory proof that the Client Security Trust Fund has been  
25 repaid in full, or that the Client Security Commission has approved a  
26 repayment plan, for all client security claim payments paid from the Client  
27 Security Trust Fund under rule 39.9 based on the applicant's conduct.

28 f. Include satisfactory proof that the applicant, at the time of the application,  
29 has paid all costs assessed against the applicant under rule 35.27.

30 **35.14(10) Board of law examiners' report.** After the application for  
31 reinstatement is filed with the clerk of the supreme court, the board will file a  
32 report and recommendation with the supreme court regarding the applicant's  
33 character and fitness.

34 **35.14(11) Supreme court actions on application.** Upon review of the  
35 application for reinstatement from a revoked attorney, the court may  
36 summarily deny the application, request further information, or set a hearing  
37 date and direct the clerk to give the notice provided under rule 35.14(12). The  
38 court may appoint a special master or a hearing panel to conduct the hearing.  
39 The hearing date must in no case be less than 60 days after the filing of the  
40 application for reinstatement. Any order denying reinstatement may state  
41 whether the attorney is allowed to file a future application and, if so, the  
42 minimum amount of time before the application can be filed.

43 **35.14(12) Procedure.** Upon direction of the supreme court, the clerk must  
44 give written notice of the revoked attorney's application for reinstatement to the  
45 persons listed below. Such notice must contain the date of the revocation, the

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1 date of filing the application, and the date of the hearing, if any, set by the  
2 court.

3 a. The attorney general.

4 b. The county attorney in the county where the applicant resides.

5 c. The county attorney in the county where the applicant resided at the time  
6 of revocation.

7 d. The chair of the Iowa Board of Law Examiners.

8 e. The assistant director for attorney discipline of the office of professional  
9 regulation.

10 f. Each judge of the district in which the applicant resided at the time of  
11 revocation.

12 g. The president of a local bar association where the applicant resides.

13 h. The president of a local bar association where the applicant resided at the  
14 time of revocation.

15 i. The president of The Iowa State Bar Association.

16 **35.14(13)** Written statements. Such persons, after receipt of the notice and  
17 before the date fixed for hearing, may submit to the clerk of the supreme court  
18 written statements of fact and comments regarding the current fitness of the  
19 applicant to practice law.

20 **35.14(14)** Notices of witnesses and exhibits. At least 14 days prior to the  
21 scheduled hearing date, the applicant and the Iowa Supreme Court Attorney  
22 Disciplinary Board must provide notice to the court, or to the special master or  
23 hearing panel, if applicable, and the opposing party of the names and expected  
24 testimony of any witnesses they intend to produce and file and serve copies of  
25 any exhibits they intend to introduce at the hearing. The parties may provide  
26 notice of any rebuttal witnesses or exhibits no later than 7 days prior to the  
27 scheduled hearing date. The court, or the special master or hearing panel, if  
28 applicable, may waive these deadlines only upon good cause shown.

29 **35.14(15)** Hearing. The reinstatement hearing must be held at the time and  
30 place the court designates. The applicant bears the burden of demonstrating  
31 that the applicant is of good moral character, is fit to practice law, and has  
32 complied in all respects with the terms of the order or judgment of revocation.  
33 The hearing will be public unless the court orders otherwise upon motion of a  
34 party. The hearing will be informal and strict rules of evidence will not apply.  
35 The court may impose reasonable time limits on the length of the hearing,  
36 which must be recorded.

37 **35.14(16)** Decision.

38 a. The court's decision will be determined by majority vote of those justices  
39 participating in the proceeding. Any special master or hearing panel appointed  
40 to conduct a hearing must file a report containing findings of fact with the clerk  
41 within 30 days after the hearing. The court's review of the record made before  
42 the special master or hearing panel will be novo. An attorney's readmission to  
43 practice in another jurisdiction following revocation in Iowa is not binding on  
44 the decision of the Iowa Supreme Court on any application for reinstatement to  
45 practice in Iowa. The decision rests in the sole discretion of the supreme court.

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1 b. The court at its discretion may place conditions on reinstatement,  
2 including but not limited to passing the Iowa Bar examination. If the court  
3 does not require the applicant to pass the bar examination, it will impose a  
4 requirement that the applicant must report up to 100 hours of continuing legal  
5 education. If the applicant refuses or fails to perform any of the conditions, the  
6 court may enter an order summarily denying the application or revoking the  
7 attorney's license, if admitted, without further hearing. The applicant must  
8 post a scaled score of at least 80 on the Multistate Professional Responsibility  
9 Exam (MPRE) as a condition of reinstatement. The MPRE score may be from a  
10 test taken no longer than three years prior to the date of filing of the  
11 application for reinstatement. An applicant may take the MPRE after the  
12 court's reinstatement decision, but the attorney will not be reinstated until the  
13 required score is filed.

14 **35.14(17)** *Applicability of rules to attorneys permanently enjoined from*  
15 *practicing law in Iowa.* Rules 35.14(7) through 35.14(16) also apply to  
16 attorneys not licensed in Iowa who have been enjoined by the Iowa Supreme  
17 Court from practicing law in Iowa on a permanent basis. Such attorneys who  
18 seek to have the injunction lifted must follow the procedures set forth for  
19 revoked attorneys in those rules, and their applications will be processed in the  
20 same manner.

21 **35.14(7) 35.14(18)** *Denial of reinstatement for failure to comply with a*  
22 *support order.* An attorney who fails to comply with a support order may be  
23 denied reinstatement of the attorney's license to practice law in Iowa.

24 a. *Procedure.* The Child Support Recovery Unit (CSRU) ~~shall~~ must file any  
25 certificate of noncompliance ~~which~~ that involves an attorney with the clerk of  
26 the supreme court. The procedure, including notice to the attorney, ~~shall be~~ is  
27 governed by rule 35.20(1), except that the notice ~~shall~~ must refer to a refusal to  
28 reinstate an attorney's license to practice law instead of a suspension of the  
29 attorney's license.

30 b. *District court hearing.* Upon receipt of an attorney's application for hearing  
31 ~~by the attorney,~~ the clerk of district court ~~shall~~ must schedule a hearing to be  
32 held within 30 days of the date of filing of the application. All matters  
33 pertaining to the hearing ~~shall be~~ are governed by rule 35.20(2).

34 c. *Noncompliance certificate withdrawn.* If a withdrawal of certificate of  
35 noncompliance is filed, the supreme court ~~shall~~ must curtail any proceedings  
36 pursuant to the certificate of noncompliance or, if necessary, ~~shall~~ must  
37 immediately reinstate the attorney's license to practice law if the attorney is  
38 otherwise eligible for reinstatement.

39 d. *Sharing information.* Notwithstanding the provisions of any other rule or  
40 statute concerning the confidentiality of records, the clerk of the supreme court  
41 and the director of the office of professional regulation are authorized to share  
42 information with the CSRU for the sole purpose of allowing the CSRU to  
43 identify licensees subject to enforcement under Iowa Code chapter 252J or  
44 598.

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1        **35.14(8) 35.14(19)** *Denial of reinstatement for default on student loan*  
2 *obligation.* An attorney who defaults on an obligation owed to or collected by  
3 the College Student Aid Commission may be denied reinstatement of the  
4 attorney's license to practice law in Iowa.

5        a. *Procedure.* The College Student Aid Commission ~~shall~~may file any  
6 certificate of noncompliance ~~which~~that involves an attorney with the clerk of  
7 the supreme court. The procedure, including notice to the attorney, ~~shall be~~is  
8 governed by rule 35.21(1), except that the notice ~~shall~~must refer to a refusal to  
9 reinstate an attorney's license to practice law instead of a suspension of the  
10 attorney's license.

11        b. *District court hearing.* Upon receipt of an attorney's application for hearing  
12 ~~by the attorney~~, the clerk of district court ~~shall~~must schedule a hearing to be  
13 held within 30 days of the date of filing of the application. All matters  
14 pertaining to the hearing ~~shall be~~are governed by rule 35.21(2).

15        c. *Noncompliance certificate withdrawn.* If a withdrawal of certificate of  
16 noncompliance is filed, the supreme court ~~shall~~must curtail any proceedings  
17 pursuant to the certificate of noncompliance or, if necessary, ~~shall~~must  
18 immediately reinstate the attorney's license to practice law if the attorney is  
19 otherwise eligible for reinstatement.

20        **35.14(9) 35.14(20)** *Denial of reinstatement for failure to comply with an*  
21 *obligation owed to or collected by the Centralized Collection Unit of the*  
22 *Department of Revenue.* An attorney who defaults on an obligation owed to or  
23 collected by the Centralized Collection Unit of the Department of Revenue  
24 (CCU) may be denied reinstatement of the attorney's license to practice law in  
25 Iowa.

26        a. *Procedure.* The CCU ~~shall~~may file any certificate of noncompliance  
27 ~~which~~that involves an attorney with the clerk of the supreme court. The  
28 procedure, including notice to the attorney, ~~shall be~~is governed by rule  
29 35.22(1), except that the notice ~~shall~~must refer to a refusal to reinstate an  
30 attorney's license to practice law instead of a suspension of the attorney's  
31 license.

32        b. *District court hearing.* Upon receipt of an attorney's application for hearing  
33 ~~by the attorney~~, the clerk of the district court ~~shall~~must schedule a hearing to  
34 be held within 30 days of the date of filing of the application. All matters  
35 pertaining to the hearing ~~shall be~~are governed by rule 35.22(2).

36        c. *Noncompliance certificate withdrawn.* If a withdrawal of a certificate of  
37 noncompliance is filed, the supreme court ~~shall~~must curtail any proceedings  
38 pursuant to the certificate of noncompliance or, if necessary, ~~shall~~must  
39 immediately reinstate the attorney's license to practice law if the attorney is  
40 otherwise eligible for reinstatement.