

Chapter 39

CLIENT SECURITY COMMISSION

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7 **Rule 39.5 Annual disciplinary fee.** As a condition to continuing membership
8 in the bar of the supreme court, including the right to practice law before Iowa
9 courts, every bar member, unless ~~exempted~~, exempt or retired, shall pay to the
10 commission through the office of professional regulation an annual fee as
11 determined by the supreme court to finance the disciplinary system. The
12 annual fee shall be due on or before March 10 of each year, for that calendar
13 year. A calendar year is defined as the period of time from January 1 through
14 December 31. Members of the bar of the supreme court who certify in writing
15 to the commission that they are a justice, judge, associate judge, or full-time
16 magistrate of any court, spend full time in the military service of the United
17 States following admission to the Iowa bar, are admitted on examination to the
18 bar of Iowa during the current calendar year, or are issued a certificate of
19 exemption or a certificate of retirement pursuant to the provisions of rule 39.7
20 shall be exempt from payment of this fee.

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22 **Rule 39.6 Fund assessments.**

23 **39.6(1) Assessments.** As a condition to continuing membership in the bar of
24 Iowa, including the right to practice law before Iowa courts, every bar member,
25 unless ~~exempted~~ exempt or retired under the provisions of rule 39.6(6) or rule
26 39.7, shall pay to the commission through the office of professional regulation
27 the assessment specified in rule 39.6(2), 39.6(3), or 39.6(4), or as provided by
28 court order. The assessment shall be paid annually and deposited in the fund
29 created pursuant to the provisions of rule 39.3. Assessments shall be due on or
30 before March 10 of each year, for that calendar year. A calendar year is defined
31 as the period of time from January 1 through December 31.

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35 **~~Rule 39.7 Certificate of exemption — required statement.~~ Exemption and**
36 **retirement.**

37 **39.7(1) Certificate of exemption.** A member of the bar of the supreme court
38 who is not engaged in the practice of law in the state of Iowa may be granted a
39 certificate of exemption by the commission, and thereafter no fee or assessment
40 except for an annual exemption fee of \$50 and late filing penalties shall be
41 required from such member unless the member thereafter engages in the
42 practice of law in the state of Iowa, in which case the certificate of exemption
43 shall without further order of court stand revoked and the member shall file at
44 once the statement required by rule 39.8(1), and the questionnaire required by
45 rule 39.11 and pay the fee and assessment due under rules 39.5 and 39.6. A
46 member of the bar requesting a certificate of exemption shall file with the

1 ~~director the statement required by rule 39.8(1), and such part of the rule 39.11~~
2 ~~questionnaire as the director may deem necessary to determine the member's~~
3 ~~status. Applications for a certificate of exemption must be submitted~~
4 ~~concurrently under rules 41.7, 42.6, and this rule.~~

5 **39.7(2) Certificate of retirement.** A member of the bar of the supreme court
6 who is fully retired from the practice of law in the state of Iowa and does not
7 intend to ever again practice law in Iowa may be granted a certificate of
8 retirement. Thereafter, no fee, assessment, annual statement, or questionnaire
9 is required from such member. A member granted a certificate of retirement is
10 not entitled to practice law in the state of Iowa and may not apply for
11 reinstatement, but may be certified as an emeritus attorney under rule 31.19.
12 A member granted a certificate of retirement who desires to again practice law
13 other than as an emeritus attorney must seek admission under the provisions
14 of chapter 31 of the court rules. A member of the bar requesting a certificate of
15 retirement shall file with the director such part of the rule 39.11 questionnaire
16 as the director may deem necessary to determine the member's status.
17 Applications for a certificate of retirement must be submitted concurrently
18 under rule 41.13 and this rule.

19 **39.7(3) Practice of law.** The practice of law as that term is employed in this
20 chapter includes the examination of abstracts, consummation of real estate
21 transactions, preparation of legal briefs, deeds, buy and sell agreements,
22 contracts, wills, and tax returns as well as the representation of others in any
23 Iowa courts, the right to represent others in any Iowa courts, or to regularly
24 prepare legal instruments, secure legal rights, advise others as to their legal
25 rights or the effect of contemplated actions upon their legal rights, or to hold
26 oneself out to so do; or to be one who instructs others in legal rights; or to be a
27 judge or one who rules upon the legal rights of others unless neither the state
28 nor federal law requires the person so judging or ruling to hold a license to
29 practice law.

30 **39.7(4) Transition provisions.**

31 a. The provisions of rule 39.7(1) regarding an annual \$50 fee for exempt
32 practitioners, concurrent application for exempt status, and rule 39.7(2)
33 regarding a separate fully retired status are effective January 1, 2018.

34 b. Until December 31, 2017, attorneys in active status may apply for and be
35 granted exempt status without payment of an annual fee, or emeritus status
36 under rule 31.19.

37 c. On or after January 1, 2018, attorneys in active status may apply for and
38 be granted exempt status with payment of an annual fee, emeritus status
39 under rule 31.19, or retired status under rule 39.7(2).

40 d. Attorneys who are in exempt status as of December 31, 2017, will be
41 accorded legacy status. Attorneys in legacy status will have no fee payment or
42 reporting responsibilities. For a period of five years commencing January 1,
43 2018, and ending December 31, 2022, attorneys in legacy status may apply for
44 conversion to exempt status, emeritus status under rule 31.19, retired status
45 under rule 39.7(2), or reinstatement to active status under rule 39.14(3). On
46 or after January 1, 2023, attorneys in legacy status are not entitled to apply for

1 conversion to exempt status or apply for reinstatement to active status under
2 rule 39.14(3), but they may apply for emeritus status under rule 31.19 or
3 retired status under rule 39.7(2).
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5 **Rule 39.8 Enforcement.**

6 **39.8(1)** To facilitate the collection of the annual ~~feefees~~ and
7 ~~assessment~~assessments provided for in rules 39.5, ~~and~~ 39.6, 39.7(1), and
8 39.17, all members of the Iowa bar required to pay the ~~feefees~~ and ~~assessment,~~
9 ~~and those exempted other than by rule 39.7,~~assessments shall, on or before
10 March 10 of each year, file a statement, on a form prescribed by the director,
11 setting forth their date of admission to practice before the supreme court, their
12 current residence and office addresses, and such other information as the
13 director may from time to time direct. In addition to such statement, every bar
14 member shall file a supplemental statement of any change in the information
15 previously submitted within 30 days of such change. All persons admitted to
16 practice before the supreme court shall file the statement required by this rule
17 at the time of admission but no annual fees or assessment shall be payable
18 until the time above provided. All attorneys failing to file the required statement
19 by March 10 of each year shall, in addition to the annual fees and assessment
20 provided for above, pay a penalty as set forth in the following schedule if the
21 statement is filed after March 10. The penalty fees collected shall be used to
22 pay the costs of administering the fund, or for such other purposes within the
23 office of professional regulation as the supreme court may direct.
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25 Penalty Schedule:

26 If Filed:	27 Penalty:
28 After March 10 but before April 12	\$100
29 After April 11 but before May 12	\$150
30 After May 11	\$200

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32 **39.8(2)** Attorneys who fail to timely pay the fees and assessments required
33 under rules 39.5, ~~and~~ 39.6, 39.7(1), and 39.17, or fail to file the statement or
34 supplement thereto provided in rule 39.8(1), may have their right to practice
35 law suspended by the supreme court, provided that at least 15 days prior to
36 such suspension, a notice of delinquency has been served upon them in the
37 manner provided for the service of original notices in Iowa R. Civ. P. 1.305, or
38 has been forwarded to them by restricted certified mail, return receipt
39 requested, addressed to them at their last-known address. Such attorneys
40 must be given the opportunity during said 15 days to file in duplicate in the
41 office of professional regulation an affidavit disclosing facts demonstrating the
42 noncompliance was not willful and tendering such documents and sums and
43 penalties which, if accepted, would cure the delinquency, or to file in duplicate
44 in the office of the clerk of the supreme court a request for hearing to show
45 cause why their license to practice law should not be suspended. A hearing
46 must be granted if requested. If, after hearing, or failure to cure the

1 delinquency by satisfactory affidavit and compliance, an attorney is suspended,
2 the attorney must be notified thereof by either of the two methods above
3 provided for notice of delinquency.

4 **39.8(3)** Any attorney suspended pursuant to this chapter shall do all of the
5 following:

6 a. Within 15 days in the absence of co-counsel, notify clients in all pending
7 matters to seek legal advice elsewhere, calling attention to any urgency in
8 seeking the substitution of another lawyer.

9 b. Within 15 days deliver to all clients being represented in pending matters
10 any papers or other property to which they are entitled or notify them and any
11 co-counsel of a suitable time and place where the papers and other property
12 may be obtained, calling attention to any urgency for obtaining the papers or
13 other property.

14 c. Within 30 days refund any part of any fees paid in advance that have not
15 been earned.

16 d. Within 15 days notify opposing counsel in pending litigation or, in the
17 absence of such counsel, the adverse parties, of the suspension and
18 consequent disqualification to act as a lawyer after the effective date of such
19 discipline.

20 e. Within 15 days file with the court, agency, or tribunal before which the
21 litigation is pending a copy of the notice to opposing counsel or adverse parties.

22 f. Keep and maintain records of the steps taken to accomplish the foregoing.

23 g. Within 30 days file proof with the supreme court and with the Iowa
24 Supreme Court Attorney Disciplinary Board of complete performance of the
25 foregoing, and this shall be a condition for application for readmission to
26 practice.

27 **39.8(4)** Any attorney suspended pursuant to this chapter shall refrain,
28 during such suspension, from all facets of the ordinary law practice including,
29 but not limited to, the examination of abstracts; consummation of real estate
30 transactions; preparation of legal briefs, deeds, buy and sell agreements,
31 contracts, wills, and tax returns; and acting as a fiduciary. Such suspended
32 attorney may, however, act as a fiduciary for the estate, including a
33 conservatorship or guardianship, of any person related to the suspended
34 attorney within the second degree of affinity or consanguinity.

35 **39.8(5)** Attorneys who have been suspended pursuant to this chapter or
36 who currently hold a certificate of exemption or retirement and who practice
37 law or who hold themselves out as being authorized to practice law in this state
38 are engaged in the unauthorized practice of law and may also be held in
39 contempt of the court or may be subject to disciplinary action as provided by
40 chapter 35 of the Iowa Court Rules.

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Chapter 41

CONTINUING LEGAL EDUCATION FOR LAWYERS

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Rule 41.7 Inactive practitioners. A member of the bar who is not engaged in the practice of law in the state of Iowa as defined in Iowa Ct. R. 39.7, upon application to the commission, may be granted a waiver of compliance with this chapter and obtain a certificate of exemption. No person holding such certificate of exemption shall practice law in this state until reinstated. The supreme court will make rules and regulations governing the continuing legal education requirements for reinstatement of attorneys who, for any reason, have not theretofore been entitled to practice law in this state for any period of time subsequent to their admission to the bar. Applications for a certificate of exemption must be submitted concurrently under rules 39.7, 42.6, and this rule.

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41.13 Retired practitioners

41.13(1) *Certificate of retirement.* A member of the bar of the supreme court who is fully retired from the practice of law in the state of Iowa and does not intend to ever again practice law in Iowa may be granted a certificate of retirement. Thereafter, no continuing legal education, annual report, or annual fee is required from such member. A member granted a certificate of retirement is not entitled to practice law in the state of Iowa and may not apply for reinstatement, but the member may be certified as an emeritus attorney under rule 31.19. A member granted a certificate of retirement who desires to again practice law other than as an emeritus attorney must seek admission under the provisions of chapter 31 of the Iowa Court Rules. A member of the bar requesting a certificate of retirement shall file with the director an application in such form as the director may deem necessary to determine the member's status. Applications for a certificate of retirement must be submitted concurrently under rule 39.7(2) and this rule.

41.13(2) *Transition provisions.*

a. The provisions of rule 41.13(1) regarding a separate fully retired status and the provisions of rule 41.7 and 42.6 regarding concurrent applications for exempt status are effective January 1, 2018.

b. Until December 31, 2017, attorneys in active status may apply for and be granted exempt status under rules 41.7 and 42.6 or emeritus status under rule 31.19.

c. On or after January 1, 2018, attorneys in active status may apply for and be granted exempt status under rules 41.7 and 42.6, emeritus status under rule 31.19, or retired status under rule 41.13(1).

1 d. Attorneys in active status under rules 41.7 and 42.6 but exempt status
2 under rule 39.7 as of December 31, 2017, will be administratively transferred
3 to exempt status under rules 41.7 and 42.6 as of January 1, 2018. Attorneys
4 administratively transferred to exempt status under this provision nonetheless
5 will be allowed to record their continuing legal education attendance on their
6 attorney account pages while in exempt status.
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Chapter 42

REGULATIONS OF THE COMMISSION ON CONTINUING LEGAL EDUCATION

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Rule 42.6 Exemptions for inactive practitioners. A member of the bar who is not engaged in the practice of law in the state of Iowa as defined in Iowa Ct. R. 39.7 residing within or without the state of Iowa may be granted a waiver of compliance and obtain a certificate of exemption upon written application to the commission. The application shall contain a statement that the applicant will not engage in the practice of law in Iowa, as defined in Iowa Ct. R. 39.7, without first complying with all regulations governing reinstatement after exemption. The application for a certificate of exemption shall be submitted upon the form prescribed by the commission. Applications for a certificate of exemption must be submitted concurrently under rules 39.7, 41.7, and this rule.