

CHAPTER 31
ADMISSION TO THE BAR

Rule 31.1 Board of law examiners.

31.1(1) Composition.

a. The board of law examiners shall consist of five persons admitted to practice law in this state and two persons not admitted to practice law in this state. Members shall be appointed by the supreme court. A member admitted to practice law shall be actively engaged in the practice of law in this state.

b. Appointment shall be for three-year terms and shall commence on July 1 of the year in which the appointment is made. Vacancies shall be filled for the unexpired term by appointment of the supreme court. Members shall serve no more than three terms or nine years, whichever is less.

c. The members thus appointed shall sign a written oath to faithfully and impartially discharge the duties of the office and shall file the oath in the office of professional regulation. They shall be compensated for their services in accordance with the provisions of Iowa Code section 602.10106.

d. The supreme court may appoint temporary examiners to assist the board, who shall receive their actual and necessary expenses to be paid from funds appropriated to the board.

e. The members of the board of law examiners and the temporary examiners shall be paid a per diem in an amount ~~to be set by the supreme court~~ sets for each day spent in conducting or grading the examinations of the applicants for admission to the bar and in performing and conducting administrative and character and fitness investigation duties, ~~and~~ They shall also be reimbursed for additional expenses necessarily incurred in the performance of such duties.

f. The assistant director for admissions of the office of professional regulation shall serve as the principal administrator for the board of law examiners. Wherever in this chapter a reference to the "assistant director" appears, it shall refer to the assistant director for admissions of the office of professional regulation.

. . .

31.1(2) Duties.

a. The board may adopt rules to govern the method of conducting the bar examination. Such rules shall be consistent with these rules and are subject to supreme court approval.

b. The authority to pass on the sufficiency of applications for permission to take the bar examination is vested in the board of law examiners, subject to review by the supreme court.

c. The members of the board authorized to grade examinations shall make the final decision on passage or failure of each applicant, subject to the rules of the supreme court. The board shall also recommend to the supreme court for admission to practice law in this state all applicants who pass the bar examination and the Multistate Professional Responsibility Examination, and who meet the requisite character and fitness requirements. The board, in its discretion, may permit an applicant to take the bar examination prior to finally

1 approving that person as to character and fitness. It may impose specific
2 conditions for admission based on its evaluation of character and fitness and
3 shall withhold recommendation of admission until those conditions are
4 satisfied. An applicant who passes the bar examination shall satisfy such
5 character and fitness conditions and any other conditions imposed by the
6 board within one year of the date of the applicant's passage of the examination.
7 This period may be extended by the board upon the applicant's showing of
8 good cause. If any conditions imposed are not satisfied within the applicable
9 period of time, the applicant's passage of the examination is null and void and
10 the applicant must retake the bar examination in order to gain admission. The
11 supreme court shall make the final determination as to those persons who
12 shall be admitted to practice in this state.

13 d. An applicant who has passed the examination and is eligible for admission
14 must be administered the lawyer's oath by a supreme court justice within one
15 year of the date the bar examination score was posted or the date of fulfilling
16 all eligibility requirements, whichever is later. An applicant who fails to be
17 administered the oath within this deadline will be no longer be eligible for
18 admission and the applicant's passage of the examination will be null and void.
19 This deadline may only be extended by the board upon a showing of
20 exceptional circumstances.

21 **Rule 31.2** *Registration by law students.*

22 **31.2(1)** Every person intending to apply for admission to the bar of this
23 state by examination shall, by November 1 of the year in which the person
24 commences the study of law in an accredited law school, register with the Iowa
25 board of law examiners on forms furnished by the board and pay the required
26 fee of \$25. The board may designate data submitted as a confidential record.
27 Any confidential data shall be segregated by the board and the assistant
28 director from the portion of the registration filed as a public record.

29 **31.2(2)** If any person shall fail to so register, the board may, if it finds that a
30 strict enforcement of this rule would work a hardship and that sufficient
31 excuse exists for failing to comply with rule 31.2(1), waive the requirements of
32 this rule as to the date of filing. Refusal of the board to waive such requirement
33 shall be subject to review by the supreme court. If the registration is not on file
34 by the November 1 registration deadline set forth in rule 31.2(1), but is on file
35 by December 1 immediately preceding the applicant's July examination or July
36 1 immediately preceding the applicant's February examination, the registration
37 fee will be \$75. If the registration is not ~~on~~ timely filed ~~by the November 1~~
38 ~~registration deadline~~, but is on file by April 1 immediately preceding the
39 applicant's July examination or November 1 immediately preceding the
40 applicant's February examination, the registration fee will be \$150. This fee is
41 not refundable and shall be in addition to the fee required under rule 31.6. The
42 failure to file the registration by the November 1 deadline of rule 31.2(1) may
43 result in delays in conducting the board's character and fitness investigation.
44 The board will not expedite its character and fitness investigation because the
45 registration form is not timely filed. The board may conclude the applicant
46 should not be permitted to take the bar examination until the investigation is

1 completed. The registrant will not be eligible for admission to the bar until the
2 character and fitness process is completed.

3 **31.2(3)** Registration as a law student under this rule is not deemed an
4 application for permission to take the bar examination.

5 **31.2(4)** The registration shall be accompanied by letters prepared by three
6 persons not related to applicant by consanguinity or affinity attesting to the
7 registrant's good moral character. The letters must be signed and shall include
8 contact information for the reference provider. The letters shall state how the
9 reference knows the registrant, how long the reference has known the
10 registrant, and the basis for concluding the registrant possesses good moral
11 character.

12 **31.2(5)** The board shall review each registration and may require the
13 personal presence of any registrant at such time and place as the board may
14 prescribe for interview and examination concerning the registrant's character
15 and fitness. The board may at any time find it advisable to make further
16 inquiry into the character, fitness and general qualifications of the registrant,
17 and with regard to each registration, the board shall have all of the powers
18 given it in respect to inquiry and investigation of candidates for admission to
19 the bar.

20 **Rule 31.3 Required examinations.**

21 . . .

22 **31.3(2)** *Multistate Professional Responsibility Examination.* Every applicant
23 for admission to practice law in the state of Iowa must have on file with the
24 assistant director examination results from the Multistate Professional
25 Responsibility Examination (MPRE) administered by the National Conference of
26 Bar Examiners no later than April 1 preceding the July examination or
27 November 1 preceding the February examination. Each applicant must obtain
28 a scaled score of at least 80 in order to be admitted to practice law in Iowa.
29 MPRE scores shall only be accepted for three years after the date the MPRE is
30 taken. It is the responsibility of the applicant to ensure that a score report from
31 the National Conference of Bar Examiners is sent to the assistant director by
32 the date indicated above. An applicant who cannot meet the deadline for
33 posting a passing MPRE score must file a petition asking for permission to post
34 a passing score after the deadline. The petition must state why the score could
35 not be timely posted and indicate when the applicant will take the MPRE. A
36 petition to post the score prior to the examination may be addressed by the
37 board, but a petition to post a score after the examination must be addressed
38 by the supreme court.

39 . . .

40 **Rule 31.5 Bar examination application—contents and deadlines.**

41 **31.5(1)** The board of law examiners and the assistant director shall prepare
42 such forms as may be necessary for application for examination. The
43 application shall require the applicant to demonstrate the applicant is a person
44 of honesty, integrity, and trustworthiness, and one who appreciates and will
45 adhere to the Iowa Rules of Professional Conduct as adopted by the supreme

1 court, together with such other information as the board and the assistant
2 director determine necessary and proper.

3 **31.5(2)** Every applicant for admission to the bar shall make application,
4 under oath, and upon a form furnished by the assistant director. The applicant
5 shall file the application with the assistant director no later than April 1
6 preceding the July examination or November 1 preceding the February
7 examination. An applicant who fails the Iowa bar examination and wants to
8 take the next examination must file a new application within the above
9 deadlines or within 30 days of the date the applicant's score is posted in the
10 office of professional regulation, whichever is later. There shall be no waiver of
11 these deadlines. If any changes occur after the application is filed which affect
12 the applicant's answers, the applicant must amend the application. A new and
13 complete application shall be filed for each examination for admission.

14 . . .

15 **Rule 31.9 Moral character and fitness.**

16 **31.9(1)** The Iowa board of law examiners shall make an investigation of the
17 moral character and fitness of any applicant and may procure the services of
18 any bar association, agency, organization, or individual qualified to make a
19 moral character or fitness report.

20 a. Immediately upon the filing of the application, the chair of the Iowa board
21 of law examiners shall notify the president of a local bar association and the
22 county attorney of the county in which the applicant resides of the filing of the
23 application. If either of said officers is possessed of information which reflects
24 adversely on the moral character or fitness of the applicant, such information
25 shall be transmitted to the chair of the board of law examiners not less than 60
26 days in advance of the holding of the examination.

27 b. The Iowa board of law examiners shall, subject to supreme court review,
28 determine whether or not the applicant is of good moral character and fitness.
29 In making its determination, the board shall consider the applicant's candor in
30 the application process and in any interactions with the board or its staff.

31 . . .

32
33 **Rule 31.12 Admission of attorneys from other jurisdictions—requirements**
34 **and fees.**

35 **31.12(1)** An applicant who meets the requirements of this rule and rule
36 31.13 may, in the discretion of the court, be admitted to the practice of law in
37 this state without examination.

38 . . .

39
40
41 **31.12(7)** For purposes of this rule, the practice of law shall not include
42 work that, as undertaken, constituted the unauthorized practice of law in the
43 jurisdiction in which it was performed or in the jurisdiction in which the clients
44 receiving the unauthorized services were located.

45 **31.12(8)** The following applicants shall not be eligible for admission on
46 motion:

1 a. An applicant who has failed a bar examination administered in this state
2 within five years of the date of filing of the application under this rule.

3 b. An applicant who has failed five or more bar examinations.

4 c. An applicant whose Iowa license is in exempt or inactive status under the
5 provisions of rule 39.7 or rule 41.7.

6 d. An applicant who has been disbarred and not reinstated or whose license
7 is currently suspended in any other jurisdiction.

8
9 **Rule 31.13 Proofs of qualifications; oath or affirmation.**

10 **31.13(1)** *Required certificates, affidavit, and fingerprint card.* The following
11 proofs must be filed with the Office of Professional Regulation to qualify an
12 applicant for admission under rule 31.12:

13 a. A certificate of admission in the applicant's state of licensure.

14 b. A certificate of a clerk or judge of a court of record, or of a judge advocate
15 general or an administrative law judge, that the applicant was regularly
16 engaged in the practice of law in said state for at least five of the last seven
17 years immediately preceding the date of the application. If, due to the nature of
18 the applicant's practice, the applicant cannot obtain a certificate from a clerk,
19 judge, judge advocate general, or an administrative law judge, the applicant
20 shall file a petition seeking leave to file an alternative certificate demonstrating
21 good cause why the certificate cannot be obtained. If the supreme court grants
22 the petition, the applicant shall file an affidavit detailing the nature, dates, and
23 locations of the applicant's practice, along with an affidavit of a supervising
24 attorney or another lawyer attesting to the applicant's practice over that period.

25 c. A certificate of an applicant's good moral character from a judge or clerk of
26 the Iowa district court or of a court where the applicant has practiced within
27 the last five years.

28 d. A completed fingerprint card.

29 **31.13(2)** *Oath or affirmation.*

30 a. An applicant whose application for admission without examination is
31 granted must appear for admission before a supreme court justice unless the
32 supreme court orders otherwise based upon a satisfactory showing of
33 exceptional circumstances.

34 b. An applicant may file a petition seeking permission to be administered the
35 lawyer's oath or affirmation in the jurisdiction in which the applicant is
36 currently licensed or before a judge advocate general if the applicant is
37 currently a member of one of the armed services of the United States. The
38 petition must set forth in detail: the exceptional circumstances that render the
39 applicant unable to appear for admission before a justice of the supreme court
40 of Iowa ~~in light of the applicant's professed intention to practice law in Iowa;~~
41 the name, title, business address, and telephone number of the justice, judge,
42 clerk of court, court administrator, or the judge advocate general who will
43 administer the lawyer's oath or affirmation; and the statute or court rule
44 authorizing that person to administer an oath or affirmation.

1 c. If the supreme court grants the petition, the Office of Professional
2 Regulation shall forward all required documents to the applicant. The applicant
3 will be deemed admitted to the Iowa bar on the date the completed documents
4 are filed with the Office of Professional Regulation.

5 d. The applicant must take the lawyer's oath or affirmation from an Iowa
6 justice, or file the completed paperwork from an out-of-state oath or
7 affirmation, within six months after the date the application for admission on
8 motion is granted or the application will be deemed to be denied.

9
10
11
12
13
14
15
16
17
18
19
20
21
22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

CHAPTER 34

**RULES OF PROCEDURE OF THE IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD**

Rule 34.4 Procedure.

. . .

34.4(3) The board shall keep all files ~~in permanent form and~~ confidential, unless otherwise provided or directed in writing by the chair of the board, or the chair's designee, for disciplinary purposes or by a specific rule of the supreme court. All such files shall be available for examination and reproduction, by the designated officer or agent of the Client Security Commission, pursuant to proceedings under chapter 39 of the Iowa Court Rules.

Any such files, except for the work product of staff counsel, investigators, or administrators of the board, shall be provided to the respondent within a reasonable time upon the respondent's request. For purposes of this rule, "work product" does not include a written statement signed or otherwise adopted or approved by the person making it or a contemporaneous and substantially verbatim transcript or recording of a person's oral statement.

. . .

1 **CHAPTER 35**
2 **ATTORNEY DISCIPLINE, DISABILITY, AND REINSTATEMENT**

3
4 **Rule 35.14 Procedure on application for reinstatement.**

5 Any person whose certificate to practice law in this state was suspended
6 may apply for reinstatement subject to the following rules:

7
8 . . .

9
10 **35.14(1) Application.**

11
12 . . .

13
14 f. The applicant shall submit satisfactory proof that the Client Security
15 Trust Fund has been repaid in full, or that the Client Security Commission has
16 approved a repayment plan, for all client security claim payments paid from the
17 Client Security Trust Fund under rule 39.9 based on the applicant's conduct.

18
19 . . .

20
21 **Rule 35.29 Retention of records.**

22 **35.29(1)** Board files and records relating to allegations of misconduct by an
23 attorney shall be retained by the board until destruction is authorized
24 pursuant to the following schedule:

25 a. Files and records relating to complaints dismissed by the assistant
26 director pursuant to rule 34.4(1) shall be destroyed one year from the date of
27 the last action on the file.

28 b. Files and records relating to all other complaints dismissed by the board
29 shall be destroyed five years from the date of the last action on the file.

30 c. All other files and records relating to allegations of misconduct by an
31 attorney shall be destroyed after the death of the respondent attorney.

32 d. For purposes of this section, destruction of paper files after such files
33 have been transferred to computer storage is permitted immediately after such
34 transfer.

35 **35.29(2)** Notwithstanding any required destruction of documents, the board
36 shall permanently maintain a summary of all complaint matters containing the
37 name of the complainant and respondent-attorney, the disposition, and the
38 respective dates the matter was opened and closed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

CHAPTER 36

RULES OF THE GRIEVANCE COMMISSION

Rule 36.15 Action upon complaint — report of decision. At the conclusion of a hearing upon any complaint against an attorney, the commissioners are empowered to dismiss the complaint, issue a private admonition, or recommend that the supreme court reprimand the respondent or suspend or revoke the respondent’s license. If the commissioners recommend a reprimand, suspension, or revocation, they shall file with the supreme court clerk a report of their findings of fact, conclusions of law, and recommendations within 60 ~~30~~ days of the date set for filing of the last responsive brief and argument. As part of its report, the commission may recommend additional or alternative sanctions such as restitution, costs, practice limitations, appointment of a trustee or receiver, passage of a bar examination or the Multistate Professional Responsibility Examination, attendance at continuing legal education courses, or other measures consistent with the purposes of attorney discipline. The report shall contain a proof of service showing it was served upon the respondent as provided in Iowa R. App. P. 6.31. The matter shall then stand for disposition in the supreme court.

Any commissioner has the right to file with the supreme court clerk a dissent from the majority determination or report. The clerk shall promptly cause a copy of a dissent to be served on the respondent.

If the commissioners dismiss the charges, no publicity shall be given to any of the proceedings except at the request of the respondent. All reports and recommendations of the commissioners shall be concurred in by at least 3 members of the division or at least 12 members of the commission, as the case may be, all of whom shall have been present throughout the proceedings.

Rule 36.19 Retention of records.

36.19(1) The commission shall permanently retain the complaint, answer, amendments to the complaint and answer, and the commission recommendation for discipline or other disposition for each docketed grievance case. Commission files and records relating to a docketed grievance complaint otherwise shall be destroyed after the death of the respondent attorney. For purposes of this section, destruction of paper records after such records have been transferred to computer storage is permitted immediately after such transfer.

36.19(2) Notwithstanding any required destruction of documents, the commission shall permanently maintain a summary of all docketed grievance matters containing the name of the respondent attorney, the disposition, and the respective dates the matter was opened and closed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

CHAPTER 37

COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW

Rule 37.1 Commission on the Unauthorized Practice of Law.

37.1(1) There is created a commission for the abatement of the unauthorized practice of law, which shall be known as the Commission on the Unauthorized Practice of Law. This commission shall be comprised of ~~no fewer than 10 nor more than 20~~ seven lawyer members, and ~~no fewer than three nor more than five~~ two nonlawyer members who shall be appointed by the supreme court. The supreme court shall accept nominations for appointment to the commission from any association of lawyers which maintains an office within the state of Iowa or any attorney licensed in Iowa. The court shall designate annually one lawyer commission member to be the chair. Members shall serve no more than three three-year terms, and a member who has served three full terms shall not be eligible for reappointment. The commission shall receive complaints and make investigations with respect to the alleged unauthorized practice of law within this state.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

CHAPTER 38

**RULES OF PROCEDURE OF THE COMMISSION ON THE
UNAUTHORIZED PRACTICE OF LAW**

Rule 38.4 Meetings and quorum.

. . .

38.4(2) The commission shall act only upon the concurrence of a majority of the members present, except in the case of a vote to initiate an action pursuant to Iowa Ct. R. 37.2, in which case the commission shall act only upon the concurrence of a minimum of four ~~eight~~ members ~~or a majority of the members present, whichever is greater.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

CHAPTER 39

CLIENT SECURITY COMMISSION

Rule 39.9 Claims.

39.9(1) The commission shall consider for payment all claims resulting from the dishonest conduct of a member of the bar of this state acting either as an attorney or fiduciary, provided that all of the following are established:

a. Said conduct was engaged in while the attorney was a practicing member of the bar of this state and the claim arises out of the practice of law in this state. The commission shall not consider any claim resulting from conduct engaged in after an attorney's license to practice in Iowa has been revoked. For purposes of this rule, a practicing member of the bar of this state is:

(1) A member of the bar of Iowa whose license is active and in good standing at the time of the dishonest conduct giving rise to the claim, or

(2) A member of the bar of Iowa whose license has been suspended and whom the client reasonably believes to be licensed, active, and in good standing at the time of the dishonest conduct giving rise to the claim. If the attorney has been suspended more than six months prior to the time of the dishonest conduct giving rise to the claim, it shall be presumed that the client was unreasonable in believing that the attorney was licensed, active, and in good standing at the time of the dishonest conduct.

(3) an attorney who establishes an office or other systematic and continuous presence in Iowa for the practice of law under the provisions of rule of professional conduct 32:5.5(d)(2) and pays the annual fee and assessment due under rules 39.5 and 39.6.

. . .

Rule 39.16 Attorneys Practicing in Iowa Under the Multijurisdictional Practice Rule.

An attorney who establishes an office or other systematic and continuous presence in Iowa for the practice of law under the provisions of rule of professional conduct 32:5.5(d)(2) shall file the annual statement required by rule 39.8(1) and annual questionnaire required by rule 39.11, pay the annual fee and assessment due under rules 39.5 and 39.6, comply with all provisions of chapter 45, cooperate with investigations and audits under rule 39.10, and be subject to the provisions of rule 39.12.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

CHAPTER 42

**REGULATIONS OF THE COMMISSION ON
CONTINUING LEGAL EDUCATION**

Rule 42.7 Reinstatement of inactive practitioners.

42.7(1) Inactive practitioners who have been granted a waiver of compliance with these regulations and obtained a certificate of exemption shall, prior to engaging in the practice of law in the state of Iowa as defined in Iowa Ct. R. 39.7, satisfy the following requirements for reinstatement:

a. Submit written application for reinstatement to the commission upon forms prescribed by the commission together with a reinstatement fee of \$25 and all late filing penalties due at the time the exemption was granted.

b. Furnish in the application evidence of one of the following:

(1) Having engaged in the full-time practice of law, as defined in Iowa Ct. R. 39.7, in another state of the United States or the District of Columbia and completion of continuing legal education for each year of inactive status substantially equivalent in the opinion of the commission to that required under chapter 41 of the Iowa Court Rules.

(2) Successful completion of an Iowa state bar examination conducted within one year immediately prior to the submission of such application for reinstatement.

(3) Completion of a total number of hours of accredited continuing legal education computed by multiplying 15 by the number of years a certificate of exemption shall have been in effect for such applicant, but limited to a maximum requirement of 100 hours. The continuing legal education required for reinstatement shall include hours devoted specifically to the area of legal ethics, computed as follows: three ~~two~~ hours for every two calendar years following January 15, 1988, in which a certificate of exemption shall have been in effect, but limited to a maximum requirement of 10 hours. Alternatively, the legal ethics requirement may be satisfied by obtaining a scaled score of 80 or higher on the Multistate Professional Responsibility Examination within one year immediately prior to the submission of the application for reinstatement.

35
36
37
38
39
40
41
42

CHAPTER 44

**LAWYER TRUST ACCOUNT COMMISSION
GRANT CRITERIA AND GUIDELINES**

43
44
45
46

Rule 44.1 Interest on lawyers' trust account program (IOLTA).

. . .

44.1(3) Grant applications are available from the commission at the following addresses:

1 Lawyer Trust Account Commission
2 Iowa Judicial Branch Building
3 1111 East Court Avenue
4 Des Moines, Iowa 50319

5
6 ~~(515) 725-8029 (515) 281-3718~~

7 http://www.iowacourts.gov/Professional_Regulation/Attorney_RegulationCommissions/IOLTA/
8

9
10 **Rule 44.3 Grant criteria.**

11 . . .

12 **44.3(13)** The commission examines applications based on the general return on investment and an overall emphasis on legal services for the poor. The general priorities are as follows.

13
14 a. Pro bono programs that involve volunteer lawyer services normally receive first priority. These programs generally provide the most return on investment.

15
16 b. Legal assistance programs in which lawyers provide services at low hourly rates with a cap on total charges, and legal assistance programs in which lawyers are paid employees normally receive second priority. These programs generally provide the second-best return on investment.

17
18 c. Applications in the purpose areas of law-related education and administration of justice normally receive the lowest priority.
19
20
21
22
23
24
25
26

27 **Rule 44.8 Inquiry.** Questions should be directed by mail to: Director, Office of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319, or by electronic mail to:
28
29 iolta@iowacourts.gov.
30
31

32 **Rule 44.9 Copies of applications, signature.** One electronic copy and one paper copy ~~Eight copies~~ of a grant application will be required. Applications ~~These copies~~ should be signed by an official who has authority to bind the organization to the proposed obligations. Applications must state that they are valid for a minimum period of 60 days from the date of submission. Applications should be transmitted to the email address and postal address designated in rule 44.8.
33
34
35
36
37
38
39

40 . . .

41 **Rule 44.15 Grant application procedures.** To aid in the comparative evaluation of proposals, all grant applications must ~~be submitted in writing and~~ contain the ~~following~~ information set forth in Rule 44.15(1) in the order listed.
42
43

44 **44.15(1) Organization and contents of proposal.**

45 a. Cover sheet (Rule 44.21, Form 1).

1 b. Summary of grant request (Rule 44.21, Form 2).

2 c. A written narrative proposal on 8½ x 11 inch paper, not to exceed ten
3 double-spaced typewritten pages, which sets forth:

4 (1) The objectives of the project/organization for which funds are requested.

5 (2) The methods by which the objectives are to be accomplished.

6 (3) The qualifications of key individuals responsible for the
7 project/organization.

8 (4) The period of time expected to complete the project (if applicable).

9 (5) Whether support has been or is being requested from other funding
10 sources.

11 (6) The audit mechanism which will be utilized to provide accountability for
12 the requested funds.

13 (7) The extent to which the program serves a reasonable number of clients,
14 its service area, the nature and scope of legal services provided and its impact
15 on the community's demonstrated needs.

16 (8) The extent to which two or more programs in the service area cooperate in
17 the provision of legal assistance.

18 (9) The extent of participation from the bar within the program's service area
19 in the program.

20 (10) The extent to which the program has systems to assure the quality of
21 services provided.

22 (11) The plans for evaluating the success of the project/organization in
23 meeting the objectives.

24 (12) Such additional information as the applicant believes desirable.

25 d. Financial budget form (Rule 44.21, Forms 3, 4, and 5).

26 e. Funding sources (Rule 44.21, Form 6).

27 f. Legal problem categories (Rule 44.21, Form 7).

28 g. Program activity (Rule 44.21, Form 8).

29 h. Nondiscrimination statement (Rule 44.21, Form 9).

30 i. Checklist of enclosures (Rule 44.21, Form 10).

31 **44.15(2) Processing of grant applications.**

32 a. ~~Grant Applications~~— One written copy and one electronic copy of the
33 Application should be directed to the director of the office of professional
34 regulation Executive Director of the commission at the following addresses:

35
36 Lawyer Trust Account Commission
37 Iowa Judicial Branch Building
38 1111 East Court Avenue
39 Des Moines, Iowa 50319

40
41 iolta@iowacourts.gov

42
43 The commission will make all recommendations on grant awards, subject to
44 final approval by the supreme court.

1 *b.* Applicant must submit one original written copy and one electronic copy
2 ~~and eight complete copies~~ of its proposal.

3 There can be no extensions of or exceptions to established deadlines.

4 *c.* Grant awards will be announced by the supreme court or by the
5 commission with the approval of the court.

6
7
8
9
10
11

1
2
3
4
5
6
7
8
9
10
11
12
13

CHAPTER 45
CLIENT TRUST ACCOUNT RULES

Rule 45.11 Designation of Successor Signatories. A lawyer who is the sole lawyer signatory on an attorney trust account may designate, in an instrument acceptable to the depository for the trust account, a successor signatory, who shall be a member of the bar in good standing and admitted to the practice of law in Iowa, and whose authority shall become effective upon the occurrence of an event or events described in the instrument. The event or events described in the instrument may include death, disappearance, abandonment of law practice, temporary or permanent incapacity, suspension, or disbarment.

**Summary of Amendments to
Division III of the Iowa Court Rules
August 2012**

Rule 31.1(1)

The changes to rule 31.1(1)(e) clarify that board members and temporary examiners are entitled to per diem for grading the examination and for performing character and fitness investigations. This reflects current practice for normal board duties.

Rule 31.1(2)

The changes to rule 31.1(2)(c) clarify that applicants must also pass the MPRE before the board can recommend them to the court for admission to the practice of law. The addition of rule 31.1(2)(d) provides that successful bar examination applicants must be sworn in within one year or their passing score will be null and void. The purpose of the rule is to ensure the court does not have to monitor indefinitely those applicants who take the Iowa bar then neglect to get admitted. A similar provision is already present for admission on motion applicants in rule 31.13(2)(d).

Rule 31.2(2)

The changes in rule 31.2(2) clarify the late fee dates for law student registrations and indicate that the board may determine an applicant must complete the character and fitness process before being allowed to sit for the examination. The latter change is necessary to prevent students with substantial character and fitness problems from gaining an advantage by waiting to file their law student registration until the last possible moment.

Rule 31.2(4)

The changes in rule 31.2(4) provide guidance on acceptable content for a reference letter for law students. This topic yields many questions and too often reference letters have no discernible content.

Rule 31.3(2)

The changes in rule 31.3(2) explain the system for requesting permission to post a late MPRE score. This change mirrors the existing, unwritten system.

Rule 31.5(2)

The changes clarify that an unsuccessful applicant has until the later of the ordinary bar application deadline or 30 days after the scores are posted in the office of professional regulation to file a new application. For some examinations, an unsuccessful applicant would have to file earlier than other applicants, which is not the intent behind the rule.

Rule 31.9(1)(b)

The change clarifies that the board, in making its character and fitness assessment, can consider the applicant's candor in preparing the application and interacting with the board and its staff. This change reflects current unwritten policy.

Rule 31.12

The change to rule 31.12(8) makes clear that Iowa lawyers who have placed their Iowa license in inactive status under the provisions of chapter 41 pertaining to continuing legal education and chapter 39 pertaining to client security may not use the admission on motion rules to avoid the reinstatement provisions of chapters 39 and 42. In conjunction with this amendment, chapter 42 is amended to place a cap on the continuing legal education requirements associated with reinstatement for those lawyers who have been inactive for several years. The change to rule 31.12(8) makes clear that an applicant who has been disbarred and not reinstated or whose license is currently suspended in any other jurisdiction is not eligible for admission on motion.

Rule 31.13

Non-substantive amendments to rule 31.13 conform the rule to other provisions and current practice.

Rule 34.4

The change in rule 34.4(3) eliminates the requirement that files of the Attorney Disciplinary Board be retained permanently. More specific instructions regarding file retention, including destruction authority in defined circumstances, are provided in rule 35.29.

Rule 35.14

The new subparagraph of rule 35.14 requires that applicants for reinstatement from suspension submit satisfactory proof that the Client Security Trust Fund has been repaid in full, or that the Client Security Commission has approved a repayment plan, for all client security claim payments paid from the Client Security Trust Fund under rule 39.9 based on conduct of the applicant.

Rule 35.29

The new rule 35.29 provides specific retention and destruction standards for files and records of the Attorney Disciplinary Board. The board will be required to maintain a permanent summary of all complaint matters, containing the name of the complainant and respondent-attorney, the disposition, and the respective dates the matter was opened and closed. Files and records relating to complaints dismissed by the assistant director pursuant to rule 34.4(1) may be destroyed three years from the date of the last action on the file. Files and records relating to all other complaints dismissed

by the board may be destroyed five years from the date of the last action on the file. All other files and records relating to allegations of misconduct by an attorney may be destroyed after the death of the respondent attorney. The board also will be permitted to immediately destroy any paper record if it has been transferred to computer storage.

Rule 36.15

The new 60 day deadline for Grievance Commission panel decisions was included in the revised and renumbered rule 35.10, but not in rule 36.15, which also addresses the deadline for panel decisions. The revision to rule 36.15 makes the appropriate conforming correction.

Rule 36.19

The new rule 36.19 provides specific retention and destruction standards for files and records of the Grievance Commission. The commission will be required to maintain a permanent summary of all docketed grievance matters containing the name of the respondent attorney, the disposition, and the respective dates the matter was opened and closed. The commission also will be required to permanently maintain the complaint, answer, amendments to the complaint and answer, and the commission recommendation for discipline or other disposition for each docketed grievance case. All other commission files and records relating to a docketed grievance complaint may be destroyed after the death of the respondent attorney. The commission also will be permitted to immediately destroy any paper record if it has been transferred to computer storage.

Rule 37.1

The current size of the Commission on the Unauthorized Practice of Law has proven too unwieldy to operate effectively. The normal case load generally requires administration of three to four substantive complaints each quarter. In addition, there is greater staff involvement in case administration since the Office of Professional Regulation undertook support of the commission. The result is that many current commission members no longer personally handle complaints and do not participate meaningfully in meetings and investigations, making it difficult to achieve quorum and initiate action. The change adopts the operational model of other commissions such as the Client Security Commission and the Lawyer Trust Account Commission. These commissions have smaller membership that facilitates engagement, maintenance of quorum requirements and more effective processing of complaints. The change will reduce the commission size to seven lawyers and two lay members. To allow transition in current commission membership, this change will be not effective until July 1, 2013.

Rule 38.4

The reduction in the size of the commission necessitates amendment of provisions pertaining to minimum voting requirements for commission action.

The amendment to rule 38.4 preserves the current provision for action based on concurrence of a majority of the members in attendance, but requires a minimum of four members to approve commencement of injunction actions in district court. To allow transition in current commission membership, this change will not be effective July 1, 2013.

Rule 39.9

The changes in rule 39.9 will extend coverage by the Client Security Trust Fund to claims resulting from actions of an attorney who establishes an office or other systematic and continuous presence in Iowa for the practice of law under rule of professional conduct 32:5.5(d)(2) and pays the annual fee and assessment due under rules 39.5 and 39.6. A related change in rule 39.16 requires such persons to file an annual client security report and pay the annual fee for support of the disciplinary system and normal assessments for the Client Security Trust Fund.

Rule 39.16

Iowa Rule of Professional Conduct 32:5.5 allows lawyers who are admitted in some other state to practice before federal agencies in Iowa without being admitted here. The new rule 39.16 provides that an attorney who establishes an office or other systematic and continuous presence in Iowa for the practice of law under the provisions of rule of professional conduct 32:5.5(d)(2) shall file the annual client security statement required by rule 39.8(1) and annual client security questionnaire required by rule 39.11, pay the annual fee and assessment due under rules 39.5 and 39.6, comply with all provisions of chapter 45 pertaining to trust accounts, cooperate with investigations and audits under rule 39.10, and be subject to the provisions of rule 39.12.

Rule 42.7

Some lawyers who had been inactive longer than 6 years have found the current reinstatement requirement of 15 CLE hours per year of inactive status too onerous and expensive, and instead have simply applied for admission on motion if they meet those requirements. Rule 42.7 is amended to limit the continuing legal education required for reinstatement from inactive status to 100 hours of regular CLE, including 8 hours of ethics. This amount is comparable to the education time associated with attendance of the current bar review course.

Rule 44.1

The change in rule 44.1 updates the contact information for the Lawyer Trust Account Commission to include the correct telephone number, email address, and uniform resource locator (URL).

Rule 44.3

The change to rule 44.3 incorporates the general grant priorities developed by the Lawyer Trust Account Commission over the past few years of declining receipts. Due to competition for declining resources every year for the past three years, the commission has prioritized applications based on the general return on investment and an overall emphasis on legal services for the poor. The general priorities used the commission are as follows:

a. Pro bono programs that involve volunteer lawyer services received first priority (Polk County Bar VLP, Iowa State Bar Association PSP). These programs provide the most return on investment because the lawyers provide their services for free.

b. Legal assistance programs in which lawyers provide services at low hourly rates with a cap on total charges (2nd District Civil Legal, Sioux County Bar Association, Centerville Community Betterment), and legal assistance programs in which lawyers are paid employees (Iowa Legal Aid, HELP, Muscatine Legal Services, Kids First Law Center), received second priority. These programs provide the second-best return on investment.

c. Programs focused on law-related education and administration of justice generally are accorded third priority.

Rules 44.8, 44.9 and 44.15

The changes update the address information for the commission to include its electronic mail address, reduce the number of paper copies required for grant applications to one, and require parallel submission of grant applications by electronic mail.

Rule 45.11

The new rule 45.11 facilitates planning by sole practitioners for administration of their law practice in the event of their death or disability. Planning for death or disability is required on the part of most sole practitioners, based on comment 5 to Iowa Rule of Professional Conduct 32:1.3. The new rule allows a sole practitioner to designate another Iowa lawyer as a stand-by signatory on his or her trust account, with that authority to become effective upon the occurrence of an event or events described in the instrument, which might include death, disappearance, abandonment of law practice, temporary or permanent incapacity, suspension, or disbarment.

Rule 49.3

The change in rule 49.3 provides authority for reallocation of fees collected by the office of professional regulation between commissions when needs and fund balances warrant, with court approval. The rule chapters listed in the amended rule 49.3 (39, 41, and 42) encompass fees collected as part of the CLE, client security, and disciplinary system functions. The current transitional provisions of rule 49.3 no longer are needed, and are stricken.