CHAPTER 31

ADMISSION TO THE BAR

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Strike Rule 31.16 in its entirety and replace it with the following:

Rule 31.16. Registration of house counsel.

31.16(1) *Who must register.* A lawyer who is not admitted to practice law in Iowa, but who is admitted to practice law in another United States jurisdiction, and who has a continuous presence in this jurisdiction and is employed as a lawyer by an organization as permitted pursuant to Rule 32:5.5(d)(1) of the Iowa Rules of Professional Conduct, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services, shall register as house counsel within 90 days of the commencement of employment as a lawyer or, if currently so employed, then within 90 days of the effective date of this rule. For purposes of rule 31.16, "United States jurisdiction" includes the District of Columbia and any state, territory, or commonwealth of the United States.

31.16(2) *Procedure for registering.* The lawyer shall submit to the Office of Professional Regulation of the Supreme Court of Iowa the following:

a. A completed application in the form the office of professional regulation prescribes.

b. A $200 registration fee payable to the Client Security Commission.

c. Documents proving admission to practice law and current good standing in all jurisdictions in which the lawyer is admitted to practice law.

d. A certificate from the disciplinary authority of each jurisdiction of admission stating that the lawyer has not been suspended, disbarred, or disciplined and that no charges of professional misconduct are pending; or that identifies any suspensions, disbarments, or other disciplinary sanctions that have been imposed upon the lawyer, and any pending charges, complaints, or grievances.

e. An affidavit from an officer, director, or general counsel of the employing entity attesting as follows:

(1) The entity will be employing the lawyer;

(2) To the best of its knowledge the lawyer has been lawfully admitted to practice and is a lawyer in good standing in another United States jurisdiction;

(3) To the best of its knowledge the lawyer has not been disbarred or suspended from practice in any jurisdiction and has never been convicted of a felony;

(4) While serving as counsel, the lawyer will perform legal services solely for the corporation, association, or other business, educational, or governmental entity, including its subsidiaries and affiliates;

(5) While serving as counsel, the lawyer will not provide personal legal services to the entity's officers or employees, except regarding matters directly related to their work for the entity and only to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct;

(6) The corporation, association, or other business, educational, or governmental entity is not engaged in the practice of law or provision of legal services; and

(7) The entity will promptly notify the Client Security Commission of the termination of the lawyer's employment.

f. Any other document the supreme court requires to be submitted.

31.16(3) *Scope of authority of registered lawyer.*

a. A lawyer registered under this rule shall have the rights and privileges otherwise applicable to members of the bar of this state with the following restrictions:

(1) The registered lawyer is authorized to provide legal services to the entity client or its organizational affiliates, including entities that control, are controlled by, or are under common control with the employer, and for employees, officers, and directors of such entities, but only on matters directly related to their work for the entity and only to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct; and

(2) The registered lawyer shall not:

1. Except as otherwise permitted by the rules of this state, appear before a court or any other tribunal as defined in rule 32:1.0(m) of the Iowa Rules of Professional Conduct. Registration under this rule does not authorize a lawyer to provide services to the employing entity for which pro hac vice admission is required. A lawyer registered under this rule must therefore comply with the requirements for pro hac vice admission under rule 31.14 for any appearances before a court or an administrative agency; or

2. Offer or provide legal services or advice to any person other than as described in rule 31.16(3)(*a*)(1), or hold himself or herself out as being authorized to practice law in this state other than as described in rule 31.16(3)(*a*)(1).

b. Notwithstanding the provisions of rule 31.16(*a*), a lawyer registered under this rule is authorized to provide pro bono legal services through an established not-for-profit bar association, pro bono program or legal services program, or through such organization(s) specifically authorized in this state.

c. A lawyer registered under this rule shall:

(1) File an annual statement and pay the annual disciplinary fee as Iowa Court Rules 39.5 and 39.8 require;

(2) Commencing January 1, 2013, fulfill the continuing legal education attendance, reporting, and fee payment requirements set forth in rules 41.3 and 41.4. However, a lawyer shall not be required to comply with the continuing legal education attendance requirements set forth in rule 41.3 for the calendar year in which the lawyer first registered as house counsel under this rule; and

(3) Report to the office of professional regulation within 90 days the following:

1. Termination of the lawyer's employment as described in rule 31.16(2)(*e*);

2. Whether or not public, any change in the lawyer's license status in another jurisdiction; and

3. Whether or not public, any disciplinary charge, finding, or sanction concerning the lawyer by any disciplinary authority, court, or other tribunal in any jurisdiction.

31.16(4) *Local discipline.* A registered lawyer under this section shall be subject to the Iowa Rules of Professional Conduct and all other laws and rules governing lawyers admitted to the active practice of law in this state. The Iowa Supreme Court Attorney Disciplinary Board has and shall retain jurisdiction over the registered lawyer with respect to the conduct of the lawyer in this state or another jurisdiction to the same extent as it has over lawyers generally admitted in this jurisdiction.

31.16(5) *Automatic termination.* A registered lawyer's rights and privileges under this section automatically terminate when:

a. The lawyer's employment terminates;

b. The lawyer is suspended or disbarred from practice in any jurisdiction or any court or agency before which the lawyer is admitted; or

c. The lawyer fails to maintain active status in at least one jurisdiction.

31.16(6) *Reinstatement.* A registered lawyer whose registration is terminated under rule 31.16(5)(*a*) above, may be reinstated within 180 days of termination upon submission to the office of professional regulation all of the following:

a. An application for reinstatement in a form the office of professional regulation prescribes;

b. A reinstatement fee in the amount of $100; and

c. An affidavit from the current employing entity as prescribed in rule 31.16(2)(*e*).

31.16(7) *Sanctions.* A lawyer under this rule who fails to register shall be:

a. Subject to professional discipline in this state;

b. Ineligible for admission on motion in this state;

c. Referred by the office of professional regulation to the Iowa Supreme Court Attorney Disciplinary Board; and

d. Referred by the office of professional regulation to the disciplinary authority of the jurisdictions of licensure.

31.16(8) *Court's discretion.* The supreme court shall have the discretion to grant or deny an application or to revoke a registration. The court may procure the character investigation services of the National Conference of Bar Examiners, at the lawyer's expense, in any matter in which substantial questions regarding the lawyer's character or fitness to practice law are implicated. The director of the office of professional regulation shall issue a certificate of registration upon the supreme court's approval of the application.

31.16(9) *Duration of registration—credit toward admission on motion.* A lawyer may practice law in Iowa under this registration provision for a period of up to five years. If the lawyer intends to continue practicing law in Iowa, the lawyer must, prior to the expiration of the five-year period, apply for admission on motion. *See* Iowa Ct. R. 31.12. The filing of the application within the five-year period extends the registration period until the lawyer is admitted or the application is denied. The period of time the lawyer practices law in Iowa under the registration provisions of this rule may be used to satisfy the duration-of-practice requirement under rule 31.12(3)(*a*).

31.16(10) *Lawyers registered under prior version of this rule.* A lawyer registered under the prior version of this rule shall not be required to register again or pay the registration fee. The adoption of these amendments shall not affect any existing five-year period for terminating registration as house counsel and applying for admission on motion. That date shall run from the date of the lawyer's registration as house counsel. All other provisions of these amendments shall apply.

31.16(11) *Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the centralized collection unit of the Iowa Department of Revenue.* The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with an obligation owed to or collected by the centralized collection unit of the Iowa Department of Revenue. Rule 31.9(7) shall govern this procedure.

31.16(12) *Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the College Student Aid Commission.* The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with an obligation owed to or collected by the College Student Aid Commission. Rule 31.9(6) shall govern this procedure.

31.16(13) *Denial of application or suspension of registration for failure to comply with a support order.* The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with a support order. Rule 31.9(5) shall govern this procedure.