

CHAPTER 31 ADMISSION TO THE BAR

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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~~consists of five persons admitted to practice law in this state and two persons not admitted to practice law in this state. Members ~~shall be~~ are appointed by the supreme court. A member admitted to practice law ~~shall~~must be actively engaged in the practice of law in this state.

b. ~~Appointment shall be~~ Appointments are for three-year terms ~~and shall that~~ commence on July 1 of the year in which the appointment is made. Vacancies ~~shall~~must be filled for the

unexpired term by supreme court appointment-of-the-supreme-court. Members ~~shall~~may serve no more than three terms or nine years, whichever is less.

c. ~~The members thus appointed shall~~Members must sign a written oath to faithfully and impartially discharge the duties of the office and ~~shall~~must file the oath in the office of professional regulation. They ~~shall~~will 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~~will receive their actual and necessary expenses to be paid from funds appropriated to the board.

e. ~~The members~~Members of the board of law examiners and the temporary examiners ~~shall~~will be paid a per diem in an amount 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 administrative and character and fitness investigation duties. They ~~shall~~will also be reimbursed for additional expenses necessarily incurred in the performance of such duties.

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

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31.1(2) Duties.

a. The board may adopt rules to govern the method of conducting the bar examination. Such rules ~~shall~~must 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 supreme court review.

c. The members of the board authorized to grade examinations ~~shall~~will make the final decision on passage or failure of each applicant, subject to the rules of the supreme court. The board ~~shall~~must 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 approving that person as to character and fitness. It may impose specific conditions for admission based on its evaluation of character and fitness and ~~shall~~must withhold recommendation of admission until those conditions are satisfied. An applicant who passes the bar examination ~~shall~~must satisfy such character and fitness conditions and any other conditions imposed by the board within one year of the date of the applicant’s passage of the examination. This period may be extended by the board upon the applicant’s showing of good cause. If any conditions imposed are not satisfied within the applicable period of time, the applicant’s passage of the examination is null and void and the applicant must retake the bar examination in order to gain admission. The supreme court ~~shall~~will make the final determination as to those persons who ~~shall~~beare admitted to practice in this state.

d. An applicant who has passed the examination and is eligible for admission must be administered the lawyer’s oath by a supreme court justice within one year of the date the bar examination score was posted or the date of fulfilling all eligibility requirements, whichever is

later. An applicant who fails to be administered the oath within this deadline will no longer be eligible for admission and the applicant's passage of the examination will be null and void. This deadline may only be extended by the board upon a showing of exceptional circumstances.

Rule 31.2 Registration by law students.

31.2(1) Every person intending to apply for admission to the bar of this state by examination ~~shall~~must, by January 15 of the year after the person commences the study of law in an accredited law school, register with the Iowa board of law examiners on forms furnished by the board and pay the required fee of ~~\$40~~\$50. The board may designate data submitted as a confidential record. Any confidential data ~~shall~~must be segregated by the board and the assistant director from the portion of the registration filed as a public record.

31.2(2) If any person ~~shall fail~~fails to so register, the board may, if it finds that a strict enforcement of this rule would work a hardship and that sufficient excuse exists for failing to comply with rule 31.2(1), waive the requirements of this rule as to the date of filing. Refusal of the board to waive such requirement ~~shall~~will be subject to supreme court review. If the registration is not on file by the January 15 registration deadline set forth in rule 31.2(1), but is on file by December 1 immediately preceding the registrant's July examination or July 1 immediately preceding the registrant's February examination, the registration fee will be \$150. If the registration is not timely filed, but is on file by April 1 immediately preceding the registrant's July examination or November 1 immediately preceding the registrant's February examination, the registration fee will be \$250. This fee is not refundable and ~~shall be~~is in addition to the fee required under rule 31.6. The failure to file the registration by the January 15 deadline of rule 31.2(1) may result in delays in conducting the board's character and fitness investigation. The board will not expedite its character and fitness investigation because the registration form is not timely filed. The board may conclude the registrant should not be permitted to take the bar examination until the investigation is completed. The registrant will not be eligible for admission to the bar until the character and fitness process is completed.

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

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

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

Rule 31.3 Required examinations.

31.3(1) Iowa bar examination. The provisions of this rule apply to the dates and content of the Iowa bar examination beginning with the February 2016, examination administration.

a. Written examinations for admission to the bar will be held in Polk County, Iowa, commencing with a mandatory orientation session on the Monday preceding the last Wednesday in February and on the Monday preceding the last Wednesday in July.

b. The Iowa ~~Bar Examination~~ bar examination will be the Uniform Bar Examination (UBE) prepared and coordinated by the National Conference of Bar Examiners (NCBE). The UBE is given and graded according to standards agreed upon by all UBE jurisdictions and consists of three components: the Multistate Essay Examination (MEE), the Multistate Bar Examination (MBE), and the Multistate Performance Test (MPT). Applicants must take all three components in the same examination administration to earn a UBE score that is transferable to other UBE jurisdictions. The three-hour MEE component consists of six essay questions, the three-hour MPT component consists of two performance tests, and the MBE component consists of two three-hour sessions of 100 multiple-choice questions each. The schedule may vary for applicants who are granted testing accommodations. Transferred or banked MBE scores are no longer accepted.

c. The MEE portion of the examination consists of questions from subjects the NCBE designates. Some MEE questions may include issues from more than one area of law. Subject matter outlines for the MEE are available on the NCBE ~~web site~~ website.

d. Applicants must achieve a combined, scaled score of 266 or above to pass the examination. The bar examination results require a vote of at least four members of the board of law examiners admitted to practice law in Iowa.

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Rule 31.4 Admission by transferred UBE score.

31.4(1) UBE score transferability. An applicant who has earned a UBE score in another jurisdiction may transfer the UBE score and file an application for admission by transferred UBE score at any time on or after December 1, 2015, provided:

a. The transferred UBE score is NCBE-certified and is a combined, scaled score of 266 or above.

b. The application includes a nonrefundable administrative fee of ~~\$525~~ \$900.

c. The applicant causes the NCBE to transfer the UBE score no later than three months after the application is filed.

d. The applicant has received an LL.B. or a J.D. degree from a reputable law school fully or provisionally approved by the American Bar Association at the time the applicant graduated. Proof of this requirement will be by affidavit of the law school's dean on ~~an Iowa~~ the board's dean's affidavit form. The affidavit must be made before an officer authorized to administer oaths and having a seal.

e. The applicant has earned a scaled score of at least 80 on the ~~Multistate Professional Responsibility Examination (MPRE)~~ MPRE administered by the NCBE.

f. The applicant has not been denied admission or permission to sit for a bar examination by any jurisdiction on character and fitness grounds.

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Rule 31.5 Bar examination application—; contents and deadlines.

31.5(1) The board of law examiners and the assistant director ~~shall~~will prepare such forms as may be necessary for application for examination. The application ~~shall~~must require the applicant to demonstrate the applicant is a person of honesty, integrity, and trustworthiness, and one who appreciates and will adhere to the Iowa Rules of Professional Conduct as adopted by the supreme court, together with such other information as the board and the assistant director determine to be necessary and proper.

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

31.5(3) The board may designate portions of the data submitted for this purpose by the applicant or third parties as a confidential record. The board and the assistant director ~~shall~~must segregate that portion of the application data deemed confidential from the portion ~~which~~that is filed as a public record. In the event of a request for a hearing on character or fitness under rule 31.11(4) following an initial determination by the board, it may designate any additional information received at the hearing and all proceedings before the board as a confidential record.

Rule 31.6 Fee. Every applicant for admission to the bar upon examination must, as a part of the application, remit to the Iowa board of law examiners an application fee. For applicants not previously admitted to practice law in any other state or the District of Columbia, the fee is ~~\$425~~\$550. For applicants previously admitted to practice law in another state or the District of Columbia, the fee is ~~\$525~~\$800. This fee is not refundable and cannot be applied to a subsequent application. The full fee must be remitted within the deadline for filing the bar application under rule 31.5(2).

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Rule 31.8 Degree requirement.

31.8(1) No person ~~shall~~will be permitted to take the examination for admission without proof that the person has received the degree of LL.B. or J.D. from a reputable law school fully approved by the American Bar Association. Proof of this requirement ~~shall~~must be by affidavit of the dean of such law school, and ~~shall~~must show that the applicant has actually and in good faith pursued the study of law resulting in the degree required by this rule. The affidavit must be made before an officer authorized to administer oaths and having a seal.

31.8(2) If an applicant is a student in such a law school and expects to receive the degree of LL.B. or J.D. within 45 days from the first day of the July or February examination, the applicant

~~shall~~may be permitted to take the examination upon the filing of an affidavit by the dean of said school stating that the dean expects the applicant to receive such a degree within this time. No certificate of admission or license to practice law ~~shall~~can be issued until the applicant has received the required degree. If the applicant fails to obtain the degree within the 45-day period, the results of the applicant's examination ~~shall~~will be null and void.

Rule 31.9 Moral character and fitness.

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

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

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

31.9(2) *Denial of permission to take bar examination; denial of recommendation for admission.* When the board of law examiners determines that any person who registers or makes application should not be permitted to take a bar examination, or that an applicant who has passed a bar examination should not be recommended for admission to practice law in Iowa, the board ~~shall~~must notify the applicant in writing of its determination.

a. The notice ~~shall~~must provide that the applicant is entitled to a hearing to challenge the determination upon filing a written request for hearing with the assistant director within 10 days after service of the notice.

b. The assistant director ~~shall~~must serve the notice on the applicant by mail to the address shown on the applicant's application.

c. If no request for hearing is filed, the board's determination ~~shall~~will be final and not subject to review.

d. If a request for hearing is filed, the chair of the board ~~shall~~must appoint an attorney member of the board to act as a hearing officer. The hearing officer ~~shall~~must promptly set a hearing, and the assistant director ~~shall~~must notify the applicant by mail at least 10 days before the hearing date of the time and place of hearing.

e. Not less than 10 days before the hearing date, the board ~~shall~~must furnish the applicant with copies of all ~~document~~documents and summaries of all other information the board relied on in making its determination.

f. The clerk of court in the county where the hearing is held ~~shall have~~has authority to issue any necessary subpoenas for the hearing.

g. At the hearing, the applicant ~~shall have~~has the right to appear in person and by counsel. The board may be represented by the attorney general of the ~~state~~State of Iowa or a duly appointed

assistant attorney general. The hearing **shall must** be reported. The hearing officer **shall may** take judicial notice of the information the board considered in the case and **shall may** consider such additional evidence and arguments as may be presented at the hearing. At the hearing, the board **shall may** first present any additional evidence or information that it deems necessary to the proceeding. Thereafter the applicant **shall may** present evidence. The attorney for the board may offer rebuttal evidence at the discretion of the hearing officer. In presiding at the hearing, the hearing officer **shall will** have the power and authority administrative hearing officers possess generally.

h. Within 30 days after completion of the hearing, the hearing officer **shall must** provide the board with a hearing transcript, exhibits, and findings of fact and conclusions of law. Based on this information, the board **shall will** prepare and file its final determination with the assistant director. The assistant director **shall must**, by mail, promptly notify the applicant of the board's final determination.

31.9(3) Supreme court review. Any applicant aggrieved by a final determination of the board made pursuant to rule 31.9(2) may file a petition requesting review of the determination in the supreme court within 20 days of the mailing of notice of final determination. The petition must be accompanied by a \$150 fee. If no such petition is filed within the 20-day period, the board's determination **shall is** not ~~be~~ subject to review. A petition for review **shall must** state all claims of error and reasons for challenging the board's determination. The board **shall must** transmit to the supreme court its files and ~~the~~ complete record in the case. Unless the court orders otherwise, the petition ~~shall be is~~ deemed submitted for the court's review on the record previously made. After consideration of the record, the court **shall may** enter its order sustaining or denying the petition. The order of the court **shall will** be conclusive. No subsequent application for admission by a person denied under rule 31.9(2) **shall will** be considered by the board unless authorized by the court upon the applicant's motion accompanied by a prima facie showing of a substantial change of circumstances.

31.9(4) Costs of review. In the event an applicant or person who is registered petitions for review under rule 31.9(3) and is unsuccessful, the costs of the ~~appeal shall review will~~ be taxed against the unsuccessful applicant and judgment therefor may be entered in the district court of that person's county of residence, if an Iowa resident, or in the district court for Polk County if a nonresident.

31.9(5) Failure to comply with support order. The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who fails to comply with a support order.

a. Procedure. The Child Support Recovery Unit (CSRU) **shall may** file any certificate of noncompliance that involves an applicant with the ~~clerk of the supreme court office of professional regulation~~. The procedure, including notice to the applicant, **shall will** be governed by Iowa ~~Ct. R. 35.20(1)~~ Court Rule 34.20(1), except that the notice **shall must** refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of district court **shall must** schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing **shall will** be governed by Iowa ~~Ct. R. 35.20(2)~~ Court Rule 34.20(2).

c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court ~~shall~~will curtail any proceedings pursuant to the certificate of noncompliance; or, if necessary, ~~shall~~may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the supreme court.

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

31.9(6) The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who defaults on an obligation owed to or collected by the Iowa College Student Aid Commission.

a. Procedure. The Iowa College Student Aid Commission ~~(the commission)~~ ~~shall~~may file any certificate of noncompliance that involves an applicant with the ~~clerk of the supreme court~~ office of professional regulation. The procedure, including notice to the applicant, ~~shall~~will be governed by Iowa ~~Ct. R. 35.21(1)~~ Court Rule 34.21(1), except that the notice ~~shall~~must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of district court ~~shall~~must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing ~~shall~~will be governed by Iowa ~~Ct. R. 35.21(2)~~ Court Rule 34.21(2).

c. Noncompliance certificate withdrawn. If a withdrawal of certificate of noncompliance is filed, the supreme court ~~shall~~may curtail any proceedings pursuant to the certificate of noncompliance, or, if necessary, ~~shall~~may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the court.

31.9(7) The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who defaults on an obligation owed to or collected by the ~~Centralized-Central~~ Collection Unit of the Iowa Department of Revenue (CCU).

a. Procedure. The CCU ~~shall~~may file any certificate of noncompliance that involves an applicant with the ~~clerk of the supreme court~~ office of professional regulation. The procedure, including notice to the applicant, ~~shall~~will be governed by Iowa ~~Ct. R. 35.22(1)~~ Court Rule 34.22(1), except that the notice ~~shall~~must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of the district court ~~shall~~must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing ~~shall~~will be governed by Iowa ~~Ct. R. 35.22(2)~~ Court Rule 34.22(2).

c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court ~~shall~~may curtail any proceedings pursuant to the certificate of noncompliance, or, if necessary, ~~shall~~may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the supreme court.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, ~~the clerk of the supreme court and~~ the director of the office of professional regulation ~~are~~is authorized to share information with the CCU for the sole purpose of allowing the CCU to identify applicants subject to enforcement under Iowa Code chapter 272D.

Rule 31.10 Preservation of anonymity. Each applicant permitted to take the bar examination ~~shall~~will be randomly assigned a number at the beginning of the examination, by which number the applicant ~~shall~~will be known throughout the examination.

Either the assistant director or the director of the office of professional regulation, or ~~their representatives~~a representative, ~~shall~~must prepare a list of the applicants, showing the number assigned to each at the beginning of the examination, certify to such facts, seal said list in an envelope immediately after the beginning of said examination, and retain the same sealed, in their possession, unopened until after the applicant's score has been properly recorded. The envelope ~~shall~~must then be opened in the presence of the Iowa board of law examiners and the correct name entered opposite the number assigned to each applicant, in the presence of the Iowa board of law examiners.

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Rule 31.12 Admission of attorneys from other jurisdictions—; requirements and fees.

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

31.12(2) The applicant ~~shall~~must file the application with the National Conference of Bar Examiners through ~~their~~its online character and fitness application process unless an exception is granted by the ~~Office of Professional Regulation~~office of professional regulation. The applicant ~~shall~~must pay a nonrefundable administrative fee of ~~\$525–\$900~~ to the ~~Office of Professional Regulation~~office of professional regulation at the time of filing the application. The character investigation services of the National Conference of Bar Examiners ~~shall~~may be procured in all cases where application for admission on motion is made. The applicant ~~shall~~must pay the investigative fee required by the National Conference of Bar Examiners at the time of filing the application.

31.12(3) The application and supporting affidavits, ~~which shall~~must contain specific facts and details as opposed to conclusions, ~~and which shall~~must be made before an officer authorized to administer oaths, ~~and~~must demonstrate the following:

a. The applicant has been admitted to the bar of any other state of the United States or the District of Columbia, has practiced law five full years while licensed within the seven years immediately preceding the date of the application, and still holds a license.

b. The applicant is a person of honesty, integrity, and trustworthiness, and one who will adhere to the Iowa Rules of Professional Conduct. In evaluating this factor the court may consider any findings filed with the ~~Office of Professional Regulation~~office of professional regulation by the Commission on the Unauthorized Practice of Law pursuant to Iowa ~~Ct. R.~~Court Rule 37.3.

c. The applicant is not currently subject to lawyer discipline in any other jurisdiction.

31.12(4) The applicant ~~shall~~must provide such information as the court deems necessary and proper in connection with the application. If any changes occur that affect the applicant's answers, the applicant must immediately amend the application.

31.12(5) The applicant ~~shall~~must designate the supreme court clerk for service of process.

31.12(6) For purposes of this rule, the practice of law ~~shall include~~includes the following activities:

a. Representation of one or more clients in the practice of law.

b. Service as a lawyer with a local, state, or federal agency.

c. The teaching of law as a full-time instructor in a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association in this state or some other state.

d. The discharge of actual legal duties as a member of one of the armed services of the United States, if certified as the practice of law by the judge advocate general of such service.

e. Service as a judge in a federal, state, or local court of record.

f. Service as a judicial law clerk.

g. Service as corporate counsel.

h. Service as an employee or officer of any business, but only if such service would ordinarily constitute the practice of law and was performed in a jurisdiction in which the applicant has been admitted to practice.

31.12(7) For purposes of this rule, the practice of law ~~shall~~does not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

31.12(8) The following applicants ~~shall~~are not ~~be~~ eligible for admission on motion:

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

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

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

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

Rule 31.13 Proofs of qualifications; oath or affirmation.

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31.13(2) Oath or affirmation.

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

b. An applicant may file a petition seeking permission to be administered the lawyer's oath or affirmation in the jurisdiction in which the applicant is currently licensed or before a judge advocate general if the applicant is currently a member of one of the armed services of the

United States. The petition must set forth in detail: the exceptional circumstances that render the applicant unable to appear for admission before a justice of the supreme court of Iowa; the name, title, business address, and telephone number of the justice, judge, clerk of court, court administrator, or the judge advocate general who will administer the lawyer's oath or affirmation; and the statute or court rule authorizing that person to administer an oath or affirmation.

c. If the supreme court grants the petition, the office of professional regulation ~~shall~~will forward all required documents to the applicant. The applicant will be deemed admitted to the Iowa bar on the date the completed documents are filed with the office of professional regulation.

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

Rule 31.14 Admission pro hac vice before Iowa courts and administrative agencies.

31.14(1) Definitions.

a. An "out-of-state" lawyer is a person who:

(1) Is not admitted to practice law in this state but who is admitted in another state or territory of the United States or of the District of Columbia, or is licensed to practice as a foreign legal consultant in any state or territory of the United States or of the District of Columbia; ~~and~~.

(2) Is not disbarred or suspended from practice in any jurisdiction.

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31.14(4) Application procedure. An eligible out-of-state lawyer seeking to appear in a proceeding pending in this state as counsel pro hac vice ~~shall~~must file a verified application with the court or agency where the litigation is filed. The out-of-state lawyer ~~shall~~must serve the application on all parties who have appeared in the proceeding, and ~~shall~~must include proof of service. Application forms for admission pro hac vice can be found in rule 31.25.

31.14(5) Required information for application. An application filed by the out-of-state lawyer must contain all of the following information:

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k. Whether the out-of-state lawyer has been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to its rules or orders, and, if so: the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings. A copy of the written order or transcript of the oral rulings ~~shall~~must be attached to the application.

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p. If the out-of-state lawyer has appeared pro hac vice in this state in five proceedings within the preceding two years, the application ~~shall~~must contain a statement showing good cause why the out-of-state attorney should be admitted in the present proceeding.

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31.14(10) Familiarity with rules. An out-of-state lawyer ~~shall~~must become familiar with the rules of professional conduct, the rules of procedure of the Iowa Supreme Court Attorney Disciplinary Board, the standards for professional conduct, local court or agency rules, and the policies and procedures of the court or agency before which the out-of-state lawyer seeks to practice.

31.14(11) Periodic fee. An applicant for admission to appear pro hac vice in any Iowa Court or before any Iowa agency must first register with the office of professional regulation and pay a fee of \$250 to the client security trust fund. The office of professional regulation may prescribe an electronic format for the registration and require submission of the registration and payment in that form.

a. Registration and payment of the fee required by this rule ~~qualifies~~qualify the out-of-state lawyer to file applications for admission pro hac vice in any Iowa court or before any Iowa agency for a period of five years commencing with the date of registration. Upon expiration of the five-year period, the out-of-state lawyer becomes ineligible to file an application for admission pro hac vice in any Iowa court or before any Iowa agency without first registering and paying another fee as required by this rule.

b. An out-of-state lawyer admitted pro hac vice after registration and payment of the fee as required by this rule who later is fully admitted to the bar of Iowa must pay initial, special, and regular assessments to the client security trust fund as required by rule 39.6.

Rule 31.15 Permitted practice by law students and recent graduates.

31.15(1) Law students enrolled in a reputable law school as defined by rule 31.8 and Iowa Code section 602.10102 and certified to the office of professional regulation by the dean of the school to have completed satisfactorily not less than the equivalent of three semesters of the work required by the school to qualify for the J.D. or LL.B. degree, may, under the following conditions, engage in the practice of law or appear as counsel in the trial or appellate courts of this state:—

a. Appearance by students as defense counsel in a criminal matter in any trial court ~~shall~~must be confined to misdemeanors, and the student ~~shall~~must be under the direct supervision of licensed Iowa counsel who ~~shall~~must be personally present.

b. Appearance by students in matters before the Iowa Supreme Court or the Iowa Court of Appeals ~~shall~~must be under the direct supervision of licensed Iowa counsel who ~~shall~~must be personally present. A student presenting an oral argument before the supreme court or the court of appeals ~~shall~~must file with the clerk of the supreme court an appearance with proof of compliance with rule 31.15(1). The appearance must be filed no less than seven days prior to the argument and ~~shall~~must be served upon all counsel of record and parties not represented by counsel.

c. Appearance or assistance by students in other matters ~~shall~~must be under the general supervision of licensed Iowa counsel, but such counsel need not be personally present in court unless required by order of the court.

31.15(2) Students who the dean of a reputable law school certifies have completed not less than the equivalent of two semesters of work required to qualify for the J.D. or LL.B. degree may appear in a representative capacity in a contested case proceeding before an administrative agency.

a. Appearance by students who have completed only two semesters of work ~~shall~~must be under the direct supervision of licensed Iowa counsel who ~~shall~~must be personally present.

b. Students who have completed at least three semesters may appear in a representative capacity in a contested case proceeding before an administrative agency under the general supervision of licensed Iowa counsel, but such counsel need not be personally present unless required by order of the tribunal.

31.15(3) Except as allowed by rule 31.15(4), students may not engage in the practice of law or appear as counsel in any court of this state or before an administrative agency unless such practice or appearance is part of an educational program approved by the faculty of the students' law school and not disapproved by the Iowa Supreme Court, and such program is supervised by at least one member of the law school's faculty. Students may continue to practice before courts or administrative agencies of this state after completion of an educational program so long as the placement is substantially the same as it was during the educational program, approved by the law school, and performed with the supervision required under ~~rule~~rules 31.15(1) and 31.15(2).

31.15(4) Law students may assist licensed Iowa counsel to the same extent as a non-attorney without being part of an educational program or being certified to the office of professional regulation, but the students ~~shall~~must be under the general supervision of licensed Iowa counsel who need not be personally present. Law students may not appear in representative capacities in contested case proceedings before administrative agencies without complying with ~~rule~~rules 31.15(2) and 31.15(3), or before trial or appellate courts without complying with rule 31.15(1).

31.15(5) Law students ~~shall~~must not receive compensation other than general compensation from an employer-attorney or from a law-school-administered fund.

31.15(6) Graduates of reputable law schools who have applied to take the Iowa bar examination are authorized to perform all activities described in this rule on behalf of the public defender's office, the attorney general's office, county attorney offices, or approved legal aid organizations under the following conditions:

a. Supervision of graduates ~~shall~~must be the same as supervision of law students under ~~rule~~rules 31.15(1) and 31.15(2), but graduates do not need to meet the requirements of rule 31.15(3).

b. Graduates may perform under this rule beginning with the receipt of a law school dean's certification of graduation and terminating either upon the withdrawal or denial of their application to take the Iowa bar examination, their failure of the next administration of the Iowa bar examination, or upon the date of the admissions ceremony for those who pass that examination.

c. Graduates may practice up to 25 hours per week from receipt of a J.D. or LL.B. degree until the administration of the next Iowa bar examination.

d. Graduates are not limited in hours of practice under this rule from administration of the bar ~~exam examination~~ until the date the bar ~~exam examination~~ results are posted for those who fail or the date of the admissions ceremony for those who pass.

e. Graduates who have failed any state bar examination in the past are not eligible to practice under this provision.

f. The supervising organizations listed in rule 31.15(6) ~~shall~~must file a certificate with the ~~Office of Professional Regulation of the Iowa Supreme Court (OPR)~~office of professional regulation listing the starting dates for all graduates practicing under rule 31.15(6) and ~~shall~~must file a second certificate indicating when the practice under this rule has terminated.

31.15(7) ~~Approved Legal Aid Organization.~~ For purposes of this rule, an “approved legal aid organization” includes a program sponsored by a bar association, law school, or a not-for-profit legal aid organization, approved by the Iowa Supreme Court, whose primary purpose is to provide legal representation to low-income persons in Iowa.

a. A legal aid organization seeking approval from the court for the purposes of this rule ~~shall~~must file a petition with ~~OPR~~the office of professional regulation certifying that it is a not-for-profit organization and reciting with specificity the following:

- (1) The structure of the organization and whether it accepts funds from its clients.
- (2) The major sources of funds the organization uses.
- (3) The criteria used to determine potential clients’ eligibility for legal services the organization performs.
- (4) The types of legal and nonlegal services the organization performs.
- (5) The names of all members of the Iowa bar who are employed by the organization or who regularly perform legal work for the organization.
- (6) The existence and extent of malpractice insurance that will cover the law student or graduate.

b. An organization designated as an approved legal aid organization under the provisions of rule 31.19(2)(c) is an approved legal aid organization for purposes of this rule.

31.15(8) A law student or law graduate practicing under this rule must be identified by the title “Law Student” or “Law Graduate” in any filing made in the courts of this state.

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 or is a foreign lawyer, and who has a continuous presence in this jurisdiction and is employed as a lawyer by an organization as permitted pursuant to ~~Rule~~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, must 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:

••••

31.16(2) *Procedure for registering.* The lawyer must submit to the ~~Office of Professional Regulation of the Supreme Court of Iowa~~office of professional regulation the following:

a. If a domestic lawyer, a completed application in the form the office of professional regulation prescribes.

b. If a foreign lawyer, a foreign-licensed attorney application with the National Conference of Bar Examiners through its online character and fitness application process. The applicant must pay the investigative fee that the National Conference of Bar Examiners requires at the time of filing the application.

c. A nonrefundable application fee in the amount of ~~\$500~~\$800 payable to the Iowa board of law examiners.

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31.16(3) Scope of authority of registered lawyer.

• • • •

c. A lawyer registered under this rule must:

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

(2) Fulfill the continuing legal education attendance, reporting, and fee payment requirements set forth in rules 41.3 and 41.4. However, a lawyer is not 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.

(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)(h);;

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

• • • •

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:

• • • •

31.16(9) Duration of registration—credit toward admission on motion.

• • • •

b. *Foreign lawyer.* A foreign lawyer registered under this rule is not subject to the five-year limit on house counsel practice and may remain in that status subject to rule 31.16(5), withdrawal of the registration, or admission following successful completion of the Iowa bar examination. The foreign lawyer is not eligible for admission on motion based on practice while registered in Iowa. The foreign lawyer may either remain as house counsel or may attempt to establish academic equivalency allowing the lawyer to sit for the Iowa bar examination. A foreign lawyer seeking to take the bar examination must:

(1) Obtain a scaled score of at least 80 on the ~~Multistate Professional Responsibility Examination (MPRE)~~MPRE before seeking permission to take the bar examination. The MPRE score must be from an examination taken within three years immediately preceding the filing date of the application.

.....

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~~ Central 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~~ Central Collection Unit of the Iowa Department of Revenue. Rule 31.9(7) governs 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 Iowa 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 Iowa College Student Aid Commission. Rule 31.9(6) governs 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) governs this procedure.

Rule 31.17 Provision of legal services following determination of major disaster.

31.17(1) *Determination of existence of major disaster.* Solely for purposes of this rule, ~~this court shall~~ the supreme court will determine when an emergency affecting the justice system, as a result of a natural or other major disaster, has occurred in:

a. This state and whether the emergency caused by the major disaster affects the entirety or only a part of the state; or

b. Another jurisdiction but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction. The authority to engage in the temporary practice of law in this state pursuant to rule 31.17(3) ~~shall~~ will extend only to lawyers who principally practice in the area of such other jurisdiction determined to have suffered a major disaster causing an emergency affecting the justice system and the provision of legal services.

31.17(2) *Temporary practice—pro bono services.* Following the determination of an emergency affecting the justice system in this state pursuant to rule 31.17(1), or a determination that persons displaced by a major disaster in another jurisdiction and residing in this state are in need of pro bono services and the assistance of lawyers from outside of this state is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice, or otherwise restricted from practice in any jurisdiction, may provide legal services in this state on a temporary basis. Such legal services must be provided on a pro bono basis without compensation, expectation of compensation, or other direct or indirect pecuniary gain to the lawyer. Such legal services ~~shall~~ must be assigned and supervised through an established not-for-profit bar association, pro bono program or legal services program, or through such organization(s) specifically designated by ~~this~~ the supreme court.

31.17(3) *Temporary practice—legal services arising out of and reasonably related to a lawyer's practice of law in another jurisdiction, or area of such other jurisdiction, where the disaster occurred.* Following the determination of a major disaster in another United States

jurisdiction, a lawyer who is authorized to practice law and ~~who~~ principally practices in that affected jurisdiction, and who is not disbarred, suspended from practice, or otherwise restricted from practice in any jurisdiction, may provide legal services in this state on a temporary basis. Those legal services must arise out of and be reasonably related to that lawyer's practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster occurred.

31.17(4) Duration of authority for temporary practice. The authority to practice law in this state granted by rule 31.17(2) ~~shall~~will end when ~~this~~ the supreme court determines that the conditions caused by the major disaster have ended except that a lawyer then representing clients in this state pursuant to rule 31.17(2) is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation, but the lawyer ~~shall~~may not thereafter accept new clients. The authority to practice law in this state granted by rule 31.17(3) ~~shall~~will end 60 days after ~~this~~ the supreme court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

31.17(5) Court appearances. The authority granted by this rule does not include appearances in court except:

- a. Pursuant to ~~this~~ the supreme court's pro hac vice admission rule; or
- b. If ~~this~~ the supreme court, in any determination made under rule 31.17(1), grants blanket permission to appear in all or designated courts of this state to lawyers providing legal services pursuant to rule 31.17(2).

31.17(6) Disciplinary authority and registration requirement. Lawyers providing legal services in this state pursuant to rule 31.17(2) or 31.17(3) are subject to ~~this~~ the supreme court's disciplinary authority and the Iowa Rules of Professional Conduct as provided in Iowa ~~R. of Prof.~~Rule of Professional Conduct 8.5. Lawyers providing legal services in this state under rule 31.17(2) or 31.17(3) ~~shall~~must, within 30 days from the commencement of the provision of legal services, file a registration statement with the office of professional regulation. A form for the registration statement can be found in rule 31.25. Any lawyer who provides legal services pursuant to this rule ~~shall~~will not be considered to be engaged in the unlawful practice of law in this state.

31.17(7) Notification to clients. Lawyers authorized to practice law in another United States jurisdiction who provide legal services pursuant to this rule ~~shall~~must inform clients in this state of the jurisdiction in which they are authorized to practice law, any limits of that authorization, and that they are not authorized to practice law in this state except as permitted by this rule. They ~~shall~~must not state or imply to any person that they are otherwise authorized to practice law in this state.

The comment accompanying this rule explains and illustrates the meaning and purpose of the rule. The comment is intended as a guide to interpretation, but the text of the rule is authoritative.

COMMENT

[1] A major disaster in this state or another jurisdiction may cause an emergency affecting the justice system with respect to the provision of legal services for a sustained period of time interfering with the ability of lawyers admitted and practicing in the affected jurisdiction to continue to represent clients until the disaster has ended. When this happens, lawyers from the affected jurisdiction may need to provide legal services to their clients, on a temporary basis, from an office outside their home jurisdiction. In addition, lawyers in an unaffected jurisdiction

may be willing to serve residents of the affected jurisdiction who have unmet legal needs as a result of the disaster or, though independent of the disaster, whose legal needs temporarily are unmet because of disruption to the practices of local lawyers. Lawyers from unaffected jurisdictions may offer to provide these legal services either by traveling to the affected jurisdiction or from their own offices or both, provided the legal services are provided on a pro bono basis through an authorized not-for-profit entity or such other organization(s) specifically designated by ~~this the supreme~~ court. A major disaster includes, for example, a hurricane, earthquake, flood, wildfire, tornado, public health emergency, or an event caused by terrorists or acts of war.

[2] Under rule 31.17(1)(a), ~~this the supreme~~ court ~~shall will~~ determine whether a major disaster causing an emergency affecting the justice system has occurred in this state, or in a part of this state, for purposes of triggering rule 31.17(2). ~~This-The supreme~~ court may, for example, determine that the entirety of this state has suffered a disruption in the provision of legal services or that only certain areas have suffered such an event. The authority granted by rule 31.17(2) ~~shall will~~ extend only to lawyers authorized to practice law and not disbarred, suspended from practice, or otherwise restricted from practice in any other manner in any other jurisdiction.

[3] Rule 31.17(2) permits lawyers authorized to practice law in another jurisdiction, and not disbarred, suspended from practice, or otherwise restricted from practicing law in any other manner in any other jurisdiction, to provide pro bono legal services to residents of this state following a determination of an emergency caused by a major disaster, notwithstanding that they are not otherwise authorized to practice law in this state. Other restrictions on a lawyer's license to practice law that would prohibit that lawyer from providing legal services pursuant to this rule include, but are not limited to, probation, inactive status, disability inactive status, or a ~~non-disciplinary nondisciplinary~~ administrative suspension for failure to complete continuing legal education or other requirements. Lawyers on probation may be subject to monitoring and specific limitations on their practices. Lawyers on inactive status, despite being characterized in many jurisdictions as being "in good standing," and lawyers on disability inactive status are not permitted to practice law. Public protection warrants exclusion of these lawyers from the authority to provide legal services as defined in this rule. Lawyers permitted to provide legal services pursuant to this rule must do so without fee or other compensation, or expectation thereof. Their service must be provided through an established not-for-profit organization that is authorized to provide legal services either in its own name or that provides representation of clients through employed or cooperating lawyers. Alternatively, ~~this-The supreme~~ court may instead designate other specific organization(s) through which these legal services may be rendered. Under rule 31.17(2), an emeritus lawyer from another United States jurisdiction may provide pro bono legal services on a temporary basis in this state provided that the emeritus lawyer is authorized to provide pro bono legal services in that jurisdiction pursuant to that jurisdiction's emeritus or pro bono practice rule. Lawyers may also be authorized to provide legal services in this state on a temporary basis under Iowa R. of Prof'l Conduct 32:5.5(c).

[4] Lawyers authorized to practice law in another jurisdiction, who principally practice in the area of such other jurisdiction determined by ~~this the supreme~~ court to have suffered a major disaster, and whose practices are disrupted by a major disaster there, and who are not disbarred, suspended from practice or otherwise restricted from practicing law in any other manner in any other jurisdiction, are authorized under rule 31.17(3) to provide legal services on a temporary basis in this state. Those legal services must arise out of and be reasonably related to the lawyer's practice of law in the affected jurisdiction. For purposes of this rule, the determination of a major disaster in another jurisdiction should first be made by the highest court of appellate jurisdiction in that jurisdiction. For the meaning of "arise out of and reasonably related to," see Iowa R. of Prof'l Conduct 32:5.5, cmt. [14].

[5] Emergency conditions created by major disasters end, and when they do, the authority created by rules 31.17(2) and 31.17(3) also ends with appropriate notice to enable lawyers to plan and to complete pending legal matters. Under rule 31.17(4), ~~this the supreme~~ court determines when those conditions end only for purposes of this rule. The authority granted under rule 31.17(2) ~~shall will~~ end upon such determination, except that lawyers assisting residents of this state under rule 31.17(2) may continue to do so for such longer period as is reasonably necessary to complete the representation. The authority created by rule 31.17(3) will end 60 days after ~~this the supreme~~ court makes such a determination with regard to an affected jurisdiction.

[6] Rules 31.17(2) and 31.17(3) do not authorize lawyers to appear in the courts of this state. Court appearances are subject to the pro hac vice admission rules of ~~this the supreme~~ court. ~~This-The supreme~~ court may, in a determination made under rule 31.17(5)(b), include authorization for lawyers who provide legal services in this state under rule 31.17(2) to appear in all or designated courts of this state without need for such pro hac vice admission. A lawyer who has appeared in the courts of this state pursuant to rule 31.17(5) may continue to appear

in any such matter notwithstanding a declaration under rule 31.17(4) that the conditions created by major disaster have ended. Furthermore, withdrawal from a court appearance is subject to Iowa R. of Prof'l Conduct 32: 1. 16.

[7] Authorization to practice law as a foreign legal consultant or in-house counsel in a United States jurisdiction offers lawyers a limited scope of permitted practice and may therefore restrict that person's ability to provide legal services under this rule.

[8] The ABA National Lawyer Regulatory Data Bank is available to help determine whether any lawyer seeking to practice in this state pursuant to rule 31.17(2) or [31.17\(3\)](#) is disbarred, suspended from practice, or otherwise subject to a public disciplinary sanction that would restrict the lawyer's ability to practice law in any other jurisdiction.

Rule 31.18 Licensing and practice of foreign legal consultants.

31.18(1) *General regulation as to licensing.* In its discretion, the supreme court may license to practice in the State of Iowa as a foreign legal consultant, without examination, an applicant who:

a. Is, and for at least five years has been, a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;

b. For at least five years preceding his or her application has been a member in good standing of such legal profession and has been lawfully engaged in the practice of law in the foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country;

c. Possesses the good moral character and general fitness requisite for a member of the bar of this state; ~~and~~

d. Intends to practice as a foreign legal consultant in this state and to maintain an office in this state for that purpose.

31.18(2) *Application and fee.*

a. The applicant ~~shall~~**must** file an application for a foreign legal consultant license with the National Conference of Bar Examiners through ~~their~~its online character and fitness application process, ~~at <http://www.ncbex.org/ea>,~~ unless an exception is granted by the ~~Office of Professional Regulation~~office of professional regulation. The applicant ~~shall~~**must** pay the investigative fee required by the National Conference of Bar Examiners at the time of filing the application.

b. In addition, the applicant ~~shall~~**must** file the following documents and fee with the ~~Office of Professional Regulation~~office of professional regulation:

(1) A certificate from the professional body or public authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted, certifying the applicant's admission to practice, date of admission, and good standing as a lawyer or counselor at law or the equivalent, and certifying that the applicant has not been disciplined and no charges of professional misconduct are pending, ~~or identifying any disciplinary sanctions that have been imposed upon the applicant or any pending charges, complaints, or grievances;~~

(2) A letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction in the foreign country in which the applicant is admitted;

(3) Duly authenticated English translations of the certificate required by rule 31.18(2)(b)(1) and the letter required by rule 31.18(2)(b)(2) if they are not in English;

(4) The requisite documentation establishing the applicant's compliance with the immigration laws of the United States;

(5) Other evidence as the supreme court may require regarding the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of rule 31.18(1); ~~and.~~

(6) An administrative fee of ~~\$500~~\$800 payable to the ~~Office of Professional Regulation~~office of professional regulation at the time the application is filed.

31.18(3) Scope of practice. A person licensed to practice as a foreign legal consultant under this rule may render legal services in this state, but ~~shall will~~ not be considered admitted to practice law here, ~~or may not~~ in any way hold himself or herself out as a member of the bar of this state, ~~or and may not~~ do any of the following:

a. Appear as a lawyer on behalf of another person in any court, or before any magistrate or other judicial officer, in this state, ~~(except when admitted pro hac vice pursuant to Iowa Ct. R. Court Rule 31.14);~~

b. Prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;

c. Prepare:

(1) Any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof, ~~or.~~

(2) Any instrument relating to the administration of a decedent's estate in the United States of America;

d. Prepare any instrument in respect of the marital or parental relations, rights, or duties of a resident of the United States of America, or the custody or care of the children of such a resident;

e. Render professional legal advice on the law of this state or of the United States of America, ~~(whether rendered incident to the preparation of legal instruments or otherwise);~~

f. Carry on a practice under, or utilize in connection with such practice, any name, title, or designation other than one or more of the following:

(1) The foreign legal consultant's own name;

(2) The name of the law firm with which the foreign legal consultant is affiliated;

(3) The foreign legal consultant's authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of that country; ~~and.~~

(4) The title "foreign legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]."

31.18(4) Rights and obligations. Subject to the limitations listed in rule 31.18(3), a person licensed under this rule ~~shall will~~ be considered a foreign legal consultant affiliated with the bar of this state and ~~shall will~~ be entitled and subject to:

a. The rights and obligations set forth in the Iowa Rules of Professional Conduct or arising from the other conditions and requirements that apply to a member of the bar of this state under the Iowa Court Rules; ~~and.~~

b. The rights and obligations of a member of the bar of this state with respect to:

(1) Affiliation in the same law firm with one or more members of the bar of this state, including by:

1. Employing one or more members of the bar of this state; ~~;~~

2. Being employed by one or more members of the bar of this state or by any partnership ~~for~~ professional corporation} that includes members of the bar of this state or that maintains an office in this state; ~~and.~~

3. Being a partner in any partnership ~~for~~ shareholder in any professional corporation} that includes members of the bar of this state or that maintains an office in this state; ~~and.~~

(2) Attorney-client privilege, work-product privilege, and similar professional privileges.

31.18(5) Discipline. A person licensed to practice as a foreign legal consultant under this rule ~~shall will~~ be subject to professional discipline in the same manner and to the same extent as members of the bar of this state. To this end:

a. Every person licensed to practice as a foreign legal consultant under this rule:

(1) ~~Shall Will~~ be subject to the jurisdiction of the supreme court and the Iowa Supreme Court Attorney Disciplinary Board and to reprimand, suspension, removal, or revocation of his or her license to practice by the supreme court and ~~shall will~~ otherwise be governed by the Iowa Rules of Professional Conduct and the Iowa Court Rules; ~~and.~~

(2) ~~Shall Must~~ execute and file with the clerk of the supreme court, in the form and manner as the court may prescribe:

1. A commitment to observe the Iowa Rules of Professional Conduct and the Iowa Court Rules to the extent applicable to the legal services authorized under rule 31.18(3);

2. A written undertaking to notify the court of any change in the foreign legal consultant's good standing as a member of the foreign legal profession referred to in rule 31.18(1)(a) and of any final action of the professional body or public authority referred to in rule 31.18(2)(b)(1) imposing any disciplinary reprimand, suspension, or other sanction upon the foreign legal consultant; ~~and.~~

3. A duly acknowledged instrument in writing, providing the foreign legal consultant's address in this state and designating the clerk of the supreme court as his or her agent for service of process. The foreign legal consultant ~~shall must~~ keep the ~~Office of Professional Regulation~~ office of professional regulation advised in writing of any changes of address in this jurisdiction. In any action or proceeding brought against the foreign legal consultant and arising out of or based upon any legal services rendered or offered to be rendered by the foreign legal consultant within this state or to residents of this state, service ~~shall will~~ first be attempted upon the foreign legal consultant at the most recent address filed with the clerk. Whenever after due diligence service cannot be made upon the foreign legal consultant at that address, service may be made upon the clerk. Service made upon the clerk in accordance with this provision is effective as if service had been made personally upon the foreign legal consultant.

b. Service of process on the clerk under rule 31.18(5)(a)(2)~~“3”~~(3) ~~shall~~must be made by personally delivering to the clerk’s office, and leaving with the clerk, or with a deputy or assistant authorized by the clerk to receive service, duplicate copies of the process. The clerk ~~shall~~must promptly send one copy of the process to the foreign legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the foreign legal consultant at the most recent address provided in accordance with rule 31.18(5)(a)(2)~~“3.”~~(3).

31.18(6) Required fees and annual statements. A person licensed as a foreign legal consultant ~~shall~~must pay a \$200 registration fee to the Client Security Commission. The person licensed under this rule ~~shall~~must file an annual statement and pay the annual disciplinary fee as required by Iowa ~~Ct. Rs. Court Rules~~ 39.5 and 39.8.

31.18(7) Revocation of license. If the supreme court determines that a person licensed as a foreign legal consultant under this rule no longer meets the requirements for licensure set forth in rule 31.18(1)(a) or (b), it ~~shall~~will revoke the foreign legal consultant’s license.

31.18(8) Admission to bar. If a person licensed as a foreign legal consultant under this rule is subsequently admitted as a member of the bar of this state under the rules governing admission, that person’s foreign legal consultant license ~~shall~~will be deemed superseded by the license to practice law as a member of the bar of this state.

Rule 31.19 Certification and pro bono participation of emeritus attorneys.

31.19(1) Purpose. ~~The following~~This rule establishes the emeritus attorneys pro bono participation program.

31.19(2) Definitions.

a. *Emeritus attorney.* An “emeritus attorney” is any person who is admitted to practice law in Iowa and is on inactive, active, or retired status at the time of application, or who is or was admitted to practice law before the highest court of any other state or territory of the United States or the District of Columbia, and:

- (1) Does not have a pending disciplinary proceeding~~;~~
- (2) Has never been disbarred or had a license to practice law revoked in any jurisdiction~~;~~
- (3) Agrees to abide by the Iowa Rules of Professional Conduct and submit to the jurisdiction of the Iowa Supreme Court, the Iowa Supreme Court Attorney Disciplinary Board, and the Iowa Supreme Court Grievance Commission for disciplinary purposes~~;~~
- (4) Neither requests nor accepts compensation of any kind for the legal services to be rendered under this chapter~~;~~ ~~and~~.
- (5) Is certified under this rule.

b. *Active.* For purposes of this rule, “active” describes lawyers with the status of corporate, full-time, part-time, government, judge, or military service for purposes of the Client Security Commission.

c. *Approved legal aid organization.* For purposes of this rule, an “approved legal aid organization” ~~shall include~~includes a program sponsored by a bar association, law school, or a not-for-profit legal aid organization, approved by the Iowa Supreme Court, whose primary purpose is to provide legal representation to low-income persons in Iowa. A legal aid organization seeking approval from the court for the purposes of this rule ~~shall~~must file a petition

with the ~~Office of Professional Regulation~~ office of professional regulation certifying that it is a not-for-profit organization and reciting with specificity:

- (1) The structure of the organization and whether it accepts funds from its clients~~;~~
- (2) The major sources of funds the organization uses~~;~~
- (3) The criteria used to determine potential clients' eligibility for legal services the organization performs~~;~~
- (4) The types of legal and nonlegal services the organization performs~~;~~
- (5) The names of all members of the Iowa bar the organization employs or who regularly perform legal work for the organization~~;~~
- (6) The existence and extent of malpractice insurance that will cover the emeritus attorney~~;~~
- (7) The number of attorneys on the organization's board of directors~~;~~ and
- (8) The availability of in-house continuing legal education.

31.19(3) Activities.

a. Permissible activities. An emeritus attorney, in association with an approved legal aid organization, may perform the following activities:

(1) The emeritus attorney may appear in any court or before any administrative tribunal in this state on behalf of a client of an approved legal aid organization.

(2) The emeritus attorney may prepare pleadings and other documents to be filed in any court or before any administrative tribunal in this state in any matter in which the emeritus attorney is involved. Such pleadings ~~shall~~ must include the attorney's status as emeritus attorney and the name of the approved legal aid organization, except as permitted by Iowa Rule of Civil Procedure 1.423.

(3) The emeritus attorney may provide advice, screening, transactional, and other activities for clients of approved legal aid organizations.

b. Determination of nature of participation. The presiding judge or hearing officer may, in the judge's or officer's discretion, determine the extent of the emeritus attorney's participation in any proceedings before the court.

31.19(4) Supervision and limitations.

a. Supervision by attorney. An emeritus attorney must perform all activities authorized by this chapter under the general supervision of the approved legal aid organization.

b. Representation of status. Attorneys permitted to perform services under this chapter may only hold themselves out as emeritus attorneys.

c. Payment of expenses and award of fees. The prohibition against compensation for the emeritus attorney contained in rule 31.19(2)(a)(4) ~~shall~~ does not prevent the approved legal aid organization from reimbursing the emeritus attorney for actual expenses incurred while rendering services under this chapter or from paying continuing legal education attendance fees on behalf of the emeritus attorneys, nor ~~shall~~ does it prevent the approved legal aid organization from making such charges for its services as it may otherwise properly charge. The approved legal aid organization ~~shall be~~ is entitled to receive all court-awarded attorneys' fees for any representation rendered by the emeritus attorney.

31.19(5) Certification. Permission for an emeritus attorney to perform services under this chapter ~~shall become~~ effective upon filing with and approval by the ~~Office of Professional Regulation~~ office of professional regulation of:

a. A certification from an approved legal aid organization stating that the emeritus attorney is currently associated with that legal aid organization and that all activities of the emeritus attorney will be under the general supervision of the legal aid organization;

b. A certificate from the highest court or agency in the state, territory, or district in which the emeritus attorney previously has been licensed to practice law, certifying that the emeritus attorney is in good standing, does not have a pending disciplinary proceeding, and has never been disbarred or had the license to practice law revoked; ~~and~~.

c. A sworn statement from the emeritus attorney that the emeritus attorney:

(1) Relinquishes status as an inactive, active, or retired lawyer and requests placement in emeritus status for purposes of the Client Security Commission and Commission on Continuing Legal Education;

(2) Understands and will abide by the provisions of the Iowa Rules of Professional Conduct;

(3) Submits to the jurisdiction of the Iowa Supreme Court, the Iowa Supreme Court Attorney Disciplinary Board, and the Iowa Supreme Court Grievance Commission for disciplinary purposes; ~~and~~.

(4) Will neither request nor accept compensation of any kind for the legal services authorized under this chapter.

31.19(6) Withdrawal of certification.

a. *Withdrawal of permission to perform services.* Permission to perform services under this chapter ~~shall~~ **must** cease immediately upon the filing with the office of professional regulation of a notice either:

(1) From the approved legal aid organization stating that the emeritus attorney has ceased to be associated with the organization, which notice must be filed within 30 days after such association has ceased; or

(2) From the Iowa Supreme Court, in its discretion, at any time, stating that permission to perform services under this chapter has been revoked. A copy of such notice ~~shall~~ **must** be mailed by the office of professional regulation to the emeritus attorney involved and to the approved legal aid organization.

b. *Notice of withdrawal.* If an emeritus attorney's certification is withdrawn for any reason, the approved legal aid organization ~~shall~~ **must** immediately file a notice of such action in the official file of each matter pending before any court or tribunal in which the emeritus attorney was involved.

31.19(7) Discipline. In addition to any appropriate proceedings and discipline that may be imposed upon the emeritus attorney by the Iowa Supreme Court under the court's disciplinary rules, the Iowa Rules of Professional Conduct, or the Code of Iowa, the Iowa Supreme Court may, at any time, with or without cause, withdraw certification under this rule.

31.19(8) Fees and annual statements.

a. *Annual report to Client Security Commission.* A lawyer certified under this rule ~~shall~~ **must** file the annual questionnaire required by Iowa ~~Ct. R.~~ Court Rule 39.11 and the annual statement

required by Iowa ~~Ct. R.~~Court Rule 39.8(1); but ~~shall be~~is exempt from the annual disciplinary fee and fund assessment provided in Iowa ~~Ct. Rs.~~Court Rules 39.5 and 39.6.

b. Annual ~~Report~~report to Commission on Continuing Legal Education. A lawyer certified under this rule ~~shall~~must fulfill the continuing legal education attendance, reporting, and fee payment requirements set forth in Iowa ~~Ct. Rs.~~Court Rules 41.3 and 41.4. However, a lawyer ~~shall~~is not ~~be~~ required to comply with the continuing legal education requirements set forth in Iowa ~~Ct. R.~~Court Rule 41.3 for the calendar year in which the lawyer is first certified under this rule. The approved legal aid organization may pay the continuing legal education reporting fee on behalf of the emeritus attorney.

Rules 31.20 to 31.24 Reserved.