

CHAPTER 37
COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW

Rule 37.1	Commission on the Unauthorized Practice of Law
Rule 37.2	Injunctions
Rule 37.3	Unauthorized practice of non-admitted attorneys <u>nonadmitted lawyers</u>
Rule 37.4	Domestic violence and sexual assault victim counselors
Rule 37.5	Limited real estate practice

CHAPTER 37

COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW

Rule 37.1 Commission on the Unauthorized Practice of Law.

37.1(1) There is created a commission for the abatement of the unauthorized practice of law, which ~~shall be~~ known as the Commission on the Unauthorized Practice of Law (commission). This commission ~~shall comprise~~comprises seven lawyer members and two nonlawyer members, all of who shall be whom are appointed by the supreme court. The supreme court ~~shall~~may accept nominations for appointment to the commission from any association of lawyers ~~which that~~ maintains an office within the ~~state~~State of Iowa or any ~~attorney~~lawyer licensed in Iowa. The court ~~shall~~will designate annually one lawyer commission member to be the chair. Members ~~shall~~may serve no more than three three-year terms, and a member who has served three full terms ~~shall~~is not ~~be~~ eligible for reappointment. The ~~commission shall~~commission's purpose is to receive complaints and make investigations with respect to the alleged unauthorized practice of law within this state.

. . . .

37.1(3) Commission expenses must be paid from the disciplinary fee account of the ~~client security fund~~Clients' Security Trust Fund of the Bar of Iowa. The director of the office of professional regulation must, annually on or before May 1 or on a date otherwise specified by the supreme court, submit a budget to the supreme court for the next fiscal year.

Rule 37.2 Injunctions.

. . . .

37.2(2) The complaint ~~shall~~must be filed with the clerk of the district court, be given a docket number, and be captioned in the Iowa District Court for _____ County. The commission ~~shall~~must be designated as the complainant. The respondent ~~shall~~must be named and designated as the respondent. The complaint ~~shall~~must be presented to the chief judge of the judicial district for entry of an order to be served on the respondent requiring that person to appear before the court and show cause why that person should not be enjoined from such activity. The show-cause hearing ~~shall~~will be held before the chief judge or another judge designated by the chief judge.

37.2(3) If it appears that the facts are incapable of being adequately developed at a summary hearing, the matter may be set for trial before that judge, who ~~shall~~will hear the evidence and make findings of fact and an appropriate dispositional order.

[Court Order April 17, 1990, effective June 1, 1990; November 9, 2001, effective February 15, 2002]

Rule 37.3 Unauthorized practice of ~~non-admitted attorneys~~nonadmitted lawyers. If the commission makes a determination that any person who is admitted to practice in another jurisdiction but is not admitted to practice in this state has violated an injunction issued in compliance with rule 37.2, the commission ~~shall~~must report its findings to the office of

professional regulation, and the court may, in its discretion, use such information for purposes of admissions under Iowa ~~Ct. R. Court Rule~~ 31.12.

Rule 37.4 Domestic violence, ~~and sexual assault, and sexual abuse~~ victim counselors.

37.4(1) In all proceedings under Iowa Code chapters 236, 236A, and 664A, a victim counselor, as defined in Iowa Code section 915.20A(1)(d), who is affiliated with a member domestic violence program of the Iowa Coalition Against Domestic Violence or a member of the sexual assault program of the Iowa Coalition Against Sexual Assault, and whose program has registered with the Iowa Coalition Against Domestic Violence or the Iowa Coalition Against Sexual Assault as providing services under this rule, ~~shall be~~ is allowed to do the following:

a. To distribute the pro se forms prescribed by the department of justice pursuant to Iowa Code ~~section-sections~~ 236.3A and 236A.4 and to assist victims of domestic violence in the preparation of such forms.

b. To describe to victims the proceedings under chapters 236, 236A, and 664A and to assist them in their role as witnesses.

c. To accompany victims throughout all stages of proceedings under Iowa Code chapters 236, 236A, and 664A.

d. To attend all court proceedings, including sitting in chambers and at counsel table, to confer with the plaintiffs, and, at the judge's discretion, to address the court; however, domestic violence and sexual assault victim counselors ~~shall not~~ cannot examine witnesses, make arguments to the court, or otherwise act in a representative capacity for victims of domestic violence.

37.4(2) The Iowa Coalition Against Domestic Violence and the Iowa Coalition Against Sexual Assault ~~shall~~ must provide to the director of the office of professional regulation, on an annual basis and more frequently as necessary, an updated list of its member programs ~~which~~ that perform the services provided under this rule.

••••

Rule 37.5 Limited real estate practice.

••••

37.5(2) Scope of practice authorized. Except to the extent authorized by this rule, the selection, preparation, and completion of legal documents in connection with real estate transactions by nonlawyers constitutes the unauthorized practice of law unless the nonlawyer is acting on his or her own behalf as a buyer or seller.

a. Upon written request of a buyer or seller, a nonlawyer may select, prepare, and complete form documents for use incident to a residential real estate transaction of four units or less. Such documents ~~shall be~~ are limited to:

(1)Purchase offers or purchase agreements, provided the parties are given written notice that these are binding legal documents and competent legal advice should be sought before signing;

(2)Groundwater hazard statements;~~and,~~

(3)Declaration of value forms.

~~Nonlawyers may not charge for preparation of the legal documents authorized by this rule.~~

b. Nonlawyers ~~shall not~~ cannot select, prepare or complete:

- (1) Deeds~~;~~₂
- (2) Real estate installment sales contracts~~;~~₂
- (3) Affidavits of identity or nonidentity~~;~~₂
- (4) Affidavits of payment of spousal or child support~~;~~₂~~of~~₂
- (5) Any other documents necessary to correct title problems or deficiencies.

c. Nonlawyers may not charge for preparation of the legal documents authorized by this rule.