

In the Iowa Supreme Court

Request for Public Comment )  
on the Office of Professional )  
Regulation's Proposed )  
Amendments to the Iowa Court )  
Rules )

CLERK SUPREME COURT

Order

The Office of Professional Regulation has submitted to the Iowa Supreme Court proposed amendments to the following chapters of the Iowa Court Rules: chapter 34, Administrative and General Provisions: Grievance Commission and Attorney Disciplinary Board; chapter 36, Grievance Commission Rules of Procedure; and chapter 47, Court Interpreter and Translator Rules. Prior to taking further action, the supreme court seeks public comment on the proposed amendments. The proposed amendments include:

- **Rule 34.16.** This proposed rule change would allow attorneys subject to investigation by the client security commission for trust account violations to have the opportunity to consent to suspension or disbarment as do attorneys under investigation by the attorney disciplinary board. A specific deadline for filing the consent affidavit is proposed so as to halt the practice of filing eve-of-trial consent affidavits as a means of getting a last minute continuance, which is disruptive to both the process and to the volunteer attorney and lay members on the presiding panel. The panel president would also have discretion to decide whether or not an untimely consent affidavit is accepted.

- **Rule 34.18(1).** This proposed rule change would clarify that trusteeships are to be specially assigned only to the chief judge of the relevant district. The proposal would provide the client security commission the ability to notify a chief judge that a trusteeship is necessary.

- **Rule 34.23.** This proposed rule change would allow the client security commission to file an objection to the automatic reinstatement of a suspended

attorney as the commission may have knowledge of disqualifying conduct the attorney disciplinary board does not possess.

- **Rule 36.6.** Proposed minor changes pertain to the use of electronic filing in the grievance process.

- **Rule 36.10(2).** Under the current rules, all hearings are to be held within a 60 to 90 day window after the date the answer is due. The Office of Professional Regulation, however, reports that it is sometimes difficult to find available hearing dates for the seven or more people (five panel members, respondent, board counsel, and perhaps respondent's counsel), leading to hearings being set outside of the designated period. Other times, respondents seek to waive the speedy hearing rule in order to delay the proceedings. The proposed rule change would formalize the process of setting the hearing date to allow for such waivers and allow the panel president to make a formal finding determining whether there is good cause for a waiver and that the respondent has no objection.

- **Rule 47.7.** The Office of Professional Regulation reports that the continuing education requirement for court interpreters has not proven to be beneficial in maintaining the competency level of interpreters on the statewide roster. The Office of Professional Regulation, State Court Administration, and the Language Access in the Courts Advisory Committee recommend removing the continuing education requirement for court interpreters. The proposed rule change removes the continuing education requirement for court interpreters.

- **Rule 47.10.** The Language Access in the Courts Committee, State Court Administrator, and the Office of Professional Regulation jointly proposed rule changes that would make the State Court Administrator the final arbiter in roster suspension and removal matters. Under the proposed changes, the attorney general's office would be removed from involvement in these

proceedings. Lastly, the proposed changes would streamline the removal process, allowing for a quicker removal of interpreters from the roster when necessary but still give interpreters recourse to challenge removal.

The proposed amendments to Iowa Court Rules chapters 34, 36, and 47 are provided with this order and are available on the judicial branch website at <https://www.iowacourts.gov/iowa-courts/supreme-court/orders/>. In addition, copies of the proposed amendments are available at the office of the Clerk of the Iowa Supreme Court.

The supreme court's request for public comment does not imply that the court will adopt any proposed amendment without further consideration.

Any interested organization, agency, or person may submit written comments. Comments about a proposed rule amendment must refer to the specific rule number and line number (for example, rule 41.3(2), lines 16–17). Email comments must be sent to **rules.comments@iowacourts.gov**, must state **“OPR Proposed Amendments”** in the subject line of the email, and must be sent **as an attachment to the email in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Iowa Supreme Court, 1111 East Court Avenue, Des Moines, Iowa, 50319.

Any comments received may be posted on the Iowa Judicial Branch website.

**The deadline for submitting comments is 4:30 p.m. on September 30, 2019.**

Dated this 1st day of August, 2019.

**The Supreme Court of Iowa**

By Mark S. Cady  
Mark S. Cady, Chief Justice