

In the Iowa Supreme Court

CLERK SUPREME COURT

In the Matter of Adopting)	
the Office of Professional)	Order
Regulation's Proposed)	
Amendments to the Iowa)	
Court Rules)	

On August 1, 2019, the Iowa Supreme Court requested public comment on 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. Upon close of the public comment period and after further consideration of the proposed amendments, the court adopts amendments as provided with this order to be effective January 1, 2020.

The amendments include:

- **Rule 34.16.** This rule change allows 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 adopted 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 also has discretion to decide whether or not an untimely consent affidavit is accepted.

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

- **Rule 34.23.** This rule change allows 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.** This rule change adopts minor changes pertaining 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 sixty- to ninety-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. This rule change formalizes 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 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. With this rule change, the attorney general's office is removed from involvement in these proceedings. This change streamlines the removal process, allowing for a quicker removal of interpreters from the roster when necessary but still gives interpreters recourse to challenge removal.

The amendments to the Iowa Court Rules provided with this order are effective January 1, 2020.

Dated this 24th day of October, 2019.

The Iowa Supreme Court

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