

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

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

3 | ~~c. The members thus appointed shall~~Members must sign a written oath to faithfully and
4 | impartially discharge the duties of the office and ~~shall~~must file the oath in the office of
5 | professional regulation. They ~~shall~~will be compensated for their services in accordance with the
6 | provisions of Iowa Code section 602.10106.

7 | d. The supreme court may appoint temporary examiners to assist the board, who ~~shall~~will
8 | receive their actual and necessary expenses to be paid from funds appropriated to the board.

9 | ~~e. The members~~Members of the board of law examiners and the temporary examiners ~~shall~~
10 | will be paid a per diem in an amount the supreme court sets for each day spent in conducting or
11 | grading the examinations of the applicants for admission to the bar and in performing
12 | administrative and character and fitness investigation duties. They ~~shall~~will also be reimbursed
13 | for additional expenses necessarily incurred in the performance of such duties.

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

18 | g. The director of the office of professional regulation must, at least 60 days prior to the start
19 | of each fiscal year, submit to the court for consideration and approval a budget covering the
20 | board’s operations for the upcoming fiscal year. Approval of the budget by the court authorizes
21 | payment as provided in the budget. A separate bank account designated as the admissions
22 | operating account must be maintained for payment of authorized expenditures as provided in the
23 | approved budget. Fees or other funds received or collected as directed in this chapter or in
24 | accordance with an approved interagency agreement must be deposited in the admissions
25 | operating account for payment of the board’s authorized expenditures.

26 | h. Claims against members of the board and the director, assistant directors, and the staff of
27 | the office of professional regulation are subject to the Iowa Tort Claims Act set forth in Iowa
28 | Code chapter 669.

29 | i. The board of law examiners and its members, employees, and agents; temporary law
30 | examiners; and the director, assistant directors, and the staff of the office of professional
31 | regulation are immune from all civil liability for damages for conduct, communications, and
32 | omissions occurring in the performance of and within the scope of their official duties relating to
33 | the examination, character and fitness qualification, and licensing of persons seeking to be
34 | admitted to the practice of law.

35 | j. Records, statements of opinion, and other information regarding an applicant for admission
36 | to the bar communicated by any entity, including any person, firm, or institution, without malice,
37 | to the board of law examiners, its members, employees, or agents, or to the director, assistant
38 | director, and the staff of the office of professional regulation are privileged, and civil suits for
39 | damages predicated thereon may not be instituted.

40 | **31.1(2) Duties.**

41 | a. The board may adopt rules to govern the method of conducting the bar examination. Such
42 | rules ~~shall~~must be consistent with these rules and are subject to supreme court approval.

1 b. The authority to pass on the sufficiency of applications for permission to take the bar
2 examination is vested in the board of law examiners, subject to supreme court review.

3 c. The members of the board authorized to grade examinations ~~shall~~will make the final
4 decision on passage or failure of each applicant, subject to the rules of the supreme court. The
5 board ~~shall~~must also recommend to the supreme court for admission to practice law in this state
6 all applicants who pass the bar examination and the Multistate Professional Responsibility
7 Examination, and who meet the requisite character and fitness requirements. The board, in its
8 discretion, may permit an applicant to take the bar examination prior to finally approving that
9 person as to character and fitness. It may impose specific conditions for admission based on its
10 evaluation of character and fitness and ~~shall~~must withhold recommendation of admission until
11 those conditions are satisfied. An applicant who passes the bar examination ~~shall~~must satisfy
12 such character and fitness conditions and any other conditions imposed by the board within one
13 year of the date of the applicant's passage of the examination. This period may be extended by
14 the board upon the applicant's showing of good cause. If any conditions imposed are not
15 satisfied within the applicable period of time, the applicant's passage of the examination is null
16 and void and the applicant must retake the bar examination in order to gain admission. The
17 supreme court ~~shall~~will make the final determination as to those persons who ~~shall be~~are
18 admitted to practice in this state.

19 d. An applicant who has passed the examination and is eligible for admission must be
20 administered the lawyer's oath by a supreme court justice within one year of the date the bar
21 examination score was posted or the date of fulfilling all eligibility requirements, whichever is
22 later. An applicant who fails to be administered the oath within this deadline will no longer be
23 eligible for admission and the applicant's passage of the examination will be null and void. This
24 deadline may only be extended by the board upon a showing of exceptional circumstances.

25 **Rule 31.2 Registration by law students.**

26 **31.2(1)** Every person intending to apply for admission to the bar of this state by examination
27 ~~shall~~must, by January 15 of the year after the person commences the study of law in an
28 accredited law school, register with the Iowa board of law examiners on forms furnished by the
29 board and pay the required fee of ~~\$40~~\$50. The board may designate data submitted as a
30 confidential record. Any confidential data ~~shall~~must be segregated by the board and the assistant
31 director from the portion of the registration filed as a public record.

32 **31.2(2)** If any person ~~shall fail~~fails to so register, the board may, if it finds that a strict
33 enforcement of this rule would work a hardship and that sufficient excuse exists for failing to
34 comply with rule 31.2(1), waive the requirements of this rule as to the date of filing. Refusal of
35 the board to waive such requirement ~~shall~~will be subject to supreme court review. If the
36 registration is not on file by the January 15 registration deadline set forth in rule 31.2(1), but is
37 on file by December 1 immediately preceding the registrant's July examination or July 1
38 immediately preceding the registrant's February examination, the registration fee will be \$150. If
39 the registration is not timely filed, but is on file by April 1 immediately preceding the registrant's
40 July examination or November 1 immediately preceding the registrant's February examination,
41 the registration fee will be \$250. This fee is not refundable and ~~shall be~~is in addition to the fee
42 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.

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.

31.3(2) Multistate Professional Responsibility Examination.

a. Each applicant for admission by examination must earn a scaled score of at least 80 on the Multistate Professional Responsibility Examination (MPRE) administered by the NCBE. The applicant's MPRE score must be on file with the board no later than April 1 preceding the July examination or November 1 preceding the February examination. MPRE scores will only be accepted for three years after the date the MPRE is taken.

b. It is the responsibility of the applicant to ensure that a score report from the NCBE is sent to the board by the date indicated above. An applicant who cannot meet the deadline for posting a passing MPRE score must file a petition asking for permission to post a passing score after the deadline. The petition must state why the score could not be timely posted and indicate when the applicant will take the MPRE. A petition to post the score prior to the bar examination may be addressed by the board, but a petition to post a score after the bar examination must be addressed by the supreme court.

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.

31.4(2) Time limits for transferring a UBE score. A UBE score can be transferred to Iowa subject to the following time limits:

a. Any applicant may transfer a qualifying UBE score without a showing of prior legal practice if the score was from a UBE administered within two years immediately preceding the transfer application filing date.

b. An attorney applicant may transfer a qualifying UBE score up to five years after the examination was taken upon proof that the applicant regularly engaged in the practice of law for at least two years of the last three years immediately preceding the transfer application filing

1 date. The board may require the applicant to provide a certificate of regular practice required for
2 motion applicants under Iowa Court Rule 31.13(1)(b) that addresses the period of practice this
3 rule requires.

4 **31.4(3) *Character and fitness investigation.***

5 a. The board will investigate the moral character and fitness of any applicant for admission
6 by transferred UBE score and may procure the services of any bar association, agency,
7 organization, or individual qualified to make a moral character or fitness report on the applicant.
8 The board may require that an applicant obtain, at applicant's expense, an investigative report
9 from the NCBE if, in the board's judgment, the application reveals substantial questions
10 regarding the applicant's character or fitness to practice law. Any applicant obtaining an NCBE
11 investigative report must pay the NCBE required fee in addition to the administrative fee. The
12 board's decision to require an NCBE report is not subject to review.

13 b. The board may impose specific character and fitness or other conditions for admission on
14 the applicant and will withhold recommendation of admission until those conditions are
15 satisfied.

16 **31.4(4) *Time for satisfying admission requirements.*** Applicants for admission by transferred
17 UBE score must satisfy all requirements for admission to the bar of this state within one year
18 after the date of written notification to the applicant that the transfer application has been granted
19 or of the conditions the board has imposed. The one-year period may be extended by the board
20 upon the applicant's showing of good cause. The supreme court will make the final
21 determination as to those persons who will be admitted to the practice in this state.

22 **31.4(5) *Only certified UBE scores will be accepted.*** The board will not accept transferred
23 scores unless they are certified as UBE scores by the NCBE and will not address petitions to
24 treat a noncertified score as a UBE score.

25 **31.4(6) *Oath or affirmation before Iowa Supreme Court; exceptions.***

26 a. An applicant who is granted admission by transferred UBE score must appear for
27 admission by oath or affirmation before an Iowa Supreme Court justice, unless the supreme
28 court orders otherwise based upon the applicant's satisfactory showing of exceptional
29 circumstances.

30 b. An applicant may file a petition seeking permission to be administered the lawyer's oath or
31 affirmation in the jurisdiction in which the applicant is currently licensed or before a judge
32 advocate general if the applicant is currently a member of one of the armed services of the
33 United States. The petition must set forth in detail: the exceptional circumstances that render the
34 applicant unable to appear for admission before an Iowa Supreme Court justice; the name, title,
35 business address, and telephone number of the justice, judge, clerk of court, court administrator,
36 or judge advocate general who will administer the lawyer's oath or affirmation; and the statute
37 or court rule authorizing that person to administer an oath or affirmation.

38 c. If the supreme court grants the petition, the office of professional regulation will forward
39 all required documents to the applicant. The applicant will be deemed admitted to the Iowa bar
40 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 one year after the date the application for admission is granted or the application will be deemed to be denied.

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).

Rule 31.7 Affidavit of intent to practice.

31.7(1) All applicants for the Iowa bar examination must demonstrate a bona fide intention to practice law in Iowa or another UBE jurisdiction. This showing must be by affidavit made before an officer authorized to administer oaths and having a seal.

31.7(2) The affidavit must include the applicant's designation of the clerk of the supreme court as the applicant's agent for service of process in Iowa for all purposes.

Rule 31.8 Degree requirement.

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

7 | **31.8(2)** If an applicant is a student in such a law school and expects to receive the degree of
8 | LL.B. or J.D. within 45 days from the first day of the July or February examination, the applicant
9 | ~~shall~~may be permitted to take the examination upon the filing of an affidavit by the dean of said
10 | school stating that the dean expects the applicant to receive such a degree within this time. No
11 | certificate of admission or license to practice law ~~shall~~can be issued until the applicant has
12 | received the required degree. If the applicant fails to obtain the degree within the 45-day period,
13 | the results of the applicant's examination ~~shall~~will be null and void.

14 | **Rule 31.9 Moral character and fitness.**

15 | **31.9(1)** The Iowa board of law examiners ~~shall~~may make an investigation of the moral
16 | character and fitness of any applicant and may procure the services of any bar association,
17 | agency, organization, or individual qualified to make a moral character or fitness report.

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

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

28 | **31.9(2)** *Denial of permission to take bar examination; denial of recommendation for*
29 | *admission.* When the board of law examiners determines that any person who registers or makes
30 | application should not be permitted to take a bar examination, or that an applicant who has
31 | passed a bar examination should not be recommended for admission to practice law in Iowa, the
32 | board ~~shall~~must notify the applicant in writing of its determination.

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

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

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

40 | d. If a request for hearing is filed, the chair of the board ~~shall~~must appoint an attorney member
41 | of the board to act as a hearing officer. The hearing officer ~~shall~~must promptly set a hearing, and

1 | the assistant director ~~shall~~must notify the applicant by mail at least 10 days before the hearing
2 | date of the time and place of hearing.

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

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

8 | g. At the hearing, the applicant ~~shall have~~ has the right to appear in person and by counsel. The
9 | board may be represented by the attorney general of the ~~state~~ State of Iowa or a duly appointed
10 | assistant attorney general. The hearing ~~shall~~must be reported. The hearing officer ~~shall~~may take
11 | judicial notice of the information the board considered in the case and ~~shall~~may consider such
12 | additional evidence and arguments as may be presented at the hearing. At the hearing, the board
13 | ~~shall~~may first present any additional evidence or information that it deems necessary to the
14 | proceeding. Thereafter the applicant ~~shall~~may present evidence. The attorney for the board may
15 | offer rebuttal evidence at the discretion of the hearing officer. In presiding at the hearing, the
16 | hearing officer ~~shall~~will have the power and authority administrative hearing officers possess
17 | generally.

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

23 | **31.9(3) Supreme court review.** Any applicant aggrieved by a final determination of the board
24 | made pursuant to rule 31.9(2) may file a petition requesting review of the determination in the
25 | supreme court within 20 days of the mailing of notice of final determination. The petition must be
26 | accompanied by a \$150 fee. If no such petition is filed within the 20-day period, the board's
27 | determination ~~shall~~is not ~~be~~ subject to review. A petition for review ~~shall~~must state all claims of
28 | error and reasons for challenging the board's determination. The board ~~shall~~must transmit to the
29 | supreme court its files and the complete record in the case. Unless the court orders otherwise, the
30 | petition ~~shall be~~is deemed submitted for the court's review on the record previously made. After
31 | consideration of the record, the court ~~shall~~may enter its order sustaining or denying the petition.
32 | The order of the court ~~shall~~will be conclusive. No subsequent application for admission by a
33 | person denied under rule 31.9(2) ~~shall~~will be considered by the board unless authorized by the
34 | court upon the applicant's motion accompanied by a prima facie showing of a substantial change
35 | of circumstances.

36 | **31.9(4) Costs of review.** In the event an applicant or person who is registered petitions for
37 | review under rule 31.9(3) and is unsuccessful, the costs of the ~~appeal~~ shall review will be taxed
38 | against the unsuccessful applicant and judgment therefor may be entered in the district court of
39 | that person's county of residence, if an Iowa resident, or in the district court for Polk County if a
40 | nonresident.

41 | **31.9(5) Failure to comply with support order.** The supreme court may refuse to issue a license
42 | to practice law to an applicant for admission to the bar by examination or on motion who fails to
43 | comply with a support order.

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

6 *b. District court hearing.* Upon receipt of an application for hearing from the applicant, the
7 clerk of district court ~~shall~~must schedule a hearing to be held within 30 days of the date of filing
8 of the application. All matters pertaining to the hearing ~~shall~~will be governed by Iowa ~~Ct. R.~~
9 ~~35.20(2)~~ Court Rule 34.20(2).

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

14 *d. Sharing information.* Notwithstanding the provisions of any other rule or statute concerning
15 the confidentiality of records, ~~the clerk of the supreme court and the director of the office of~~
16 professional regulation ~~are~~is authorized to share information with the CSRU for the sole purpose
17 of allowing the CSRU to identify applicants subject to enforcement under Iowa Code chapter
18 252J or 598.

19 **31.9(6)** The supreme court may refuse to issue a license to practice law to an applicant for
20 admission to the bar by examination or on motion who defaults on an obligation owed to or
21 collected by the Iowa College Student Aid Commission.

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

28 *b. District court hearing.* Upon receipt of an application for hearing from the applicant, the
29 clerk of district court ~~shall~~must schedule a hearing to be held within 30 days of the date of filing
30 of the application. All matters pertaining to the hearing ~~shall~~will be governed by Iowa ~~Ct. R.~~
31 ~~35.21(2)~~ Court Rule 34.21(2).

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

36 **31.9(7)** The supreme court may refuse to issue a license to practice law to an applicant for
37 admission to the bar by examination or on motion who defaults on an obligation owed to or
38 collected by the ~~Centralized~~ Central Collection Unit of the Iowa Department of Revenue (CCU).

39 *a. Procedure.* The CCU ~~shall~~may file any certificate of noncompliance that involves an
40 applicant with the ~~clerk of the supreme court office of professional regulation~~. The procedure,
41 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, ~~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.

Rule 31.11 Automatic review.

31.11(1) Score range for review. An applicant whose combined, scaled score on the current examination is at least 260, but less than 266, will have an automatic review of the applicant's written answers in the MEE and MPT components of the bar examination prior to release of the bar examination results. The board will not review any examination with a combined, scaled score that does not fall within this range, and the board will not conduct any review after release of the bar examination results.

31.11(2) Procedures for automatic review. The board will apply the following procedures for an automatic review:

a. The attorney members of the board and any temporary examiners the board may designate will review the applicant's written answers. The answers will be submitted on an anonymous basis without oral argument or hearing. If it appears that an answer should receive a different score (whether higher or lower), that score will be used to determine the applicant's scaled score. The board will maintain a record of any changes made to the scoring of the individual questions on review.

1 b. Following its review, the board will recommend to the supreme court that the applicant be
2 admitted to the practice of law in Iowa if the applicant's combined, scaled score after review is at
3 least 266. An applicant whose combined, scaled score after review is 265 or below will be
4 deemed to have failed the examination.

5 **31.11(3) *Supreme court review.***

6 a. An unsuccessful applicant whose combined, scaled score on the bar examination is at least
7 260, but less than 266, may file a petition in the supreme court requesting review of the board's
8 determination. However, the board's decision regarding an applicant's score is final and will not
9 be reviewed by the court absent extraordinary circumstances. "Extraordinary circumstances"
10 would include issues such as the board's refusal to correct a clear mathematical error, but would
11 not include a claim that the board erred in the grade assigned to a particular answer.

12 b. The petition must be filed with the clerk of the supreme court and served upon the board.
13 The petition must be filed within 20 days of the date the applicant's score is posted in the office
14 of professional regulation and must be accompanied by a \$150 fee. The petition must identify in
15 detail the extraordinary circumstances requiring supreme court review of the board's
16 determination. If a petition is not filed within the 20-day period, the board's determination is not
17 subject to review.

18 c. Upon request of the court, the board will transmit to the supreme court the complete record
19 in the case. Unless the court orders otherwise, the court will review the petition on the record
20 previously made. After consideration of the record, the court will enter its order sustaining or
21 denying the petition. The order of the court is conclusive. All documents submitted for the
22 court's review, other than the applicant's petition, are confidential.

23
24 **Rule 31.12 Admission of attorneys from other jurisdictions—; requirements and fees.**

25 **31.12(1)** An applicant who meets the requirements of this rule and rule 31.13 may, in the
26 discretion of the court, be admitted to the practice of law in this state without examination.

27 **31.12(2)** The applicant ~~shall~~must file the application with the National Conference of Bar
28 Examiners through ~~their~~its online character and fitness application process unless an exception
29 is granted by the ~~Office of Professional Regulation~~office of professional regulation. The
30 applicant ~~shall~~must pay a nonrefundable administrative fee of ~~\$525–\$900~~ to the ~~Office of~~
31 ~~Professional Regulation~~office of professional regulation at the time of filing the application. The
32 character investigation services of the National Conference of Bar Examiners ~~shall~~may be
33 procured in all cases where application for admission on motion is made. The applicant
34 ~~shall~~must pay the investigative fee required by the National Conference of Bar Examiners at the
35 time of filing the application.

36 **31.12(3)** The application and supporting affidavits, ~~which shall~~must contain specific facts and
37 details as opposed to conclusions, ~~and which shall~~must be made before an officer authorized to
38 administer oaths, and must demonstrate the following:

39 a. The applicant has been admitted to the bar of any other state of the United States or the
40 District of Columbia, has practiced law five full years while licensed within the seven years
41 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 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.

31.13(1) *Required certificates, affidavit, and fingerprint card.* The following proofs must be filed

1 with the office of professional regulation to qualify an applicant for admission under rule
2 31.12:

3 a. A certificate of admission in the applicant's state of licensure.

4 b. A certificate of a clerk or judge of a court of record, or of a judge advocate general or an
5 administrative law judge, that the applicant was regularly engaged in the practice of law in said
6 state for at least five of the last seven years immediately preceding the date of the application. If,
7 due to the nature of the applicant's practice, the applicant cannot obtain a certificate from a
8 clerk, judge, judge advocate general, or an administrative law judge, the applicant must file a
9 petition seeking leave to file an alternative certificate demonstrating good cause why the
10 certificate cannot be obtained. If the supreme court grants the petition, the applicant must file an
11 affidavit detailing the nature, dates, and locations of the applicant's practice, along with an
12 affidavit of a supervising attorney or another lawyer attesting to the applicant's practice over
13 that period.

14 c. A certificate of an applicant's good moral character from a judge or clerk of the Iowa
15 district court or of a court where the applicant has practiced within the last five years.

16 d. A completed fingerprint card.

17 **31.13(2) Oath or affirmation.**

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

21 b. An applicant may file a petition seeking permission to be administered the lawyer's oath or
22 affirmation in the jurisdiction in which the applicant is currently licensed or before a judge
23 advocate general if the applicant is currently a member of one of the armed services of the
24 United States. The petition must set forth in detail: the exceptional circumstances that render the
25 applicant unable to appear for admission before a justice of the supreme court of Iowa; the
26 name, title, business address, and telephone number of the justice, judge, clerk of court, court
27 administrator, or the judge advocate general who will administer the lawyer's oath or
28 affirmation; and the statute or court rule authorizing that person to administer an oath or
29 affirmation.

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

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

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

40 **31.14(1) Definitions.**

41 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.

b. An out-of-state lawyer is “eligible” for admission pro hac vice if any of the following conditions are satisfied:

(1) The lawyer lawfully practices solely on behalf of the lawyer’s employer and its commonly owned organizational affiliates, regardless of where such lawyer may reside or work.

(2) The lawyer neither resides nor is regularly employed at an office in this state.

(3) The lawyer resides in this state but (i) lawfully practices from offices in one or more other states and (ii) practices no more than temporarily in this state, whether pursuant to admission pro hac vice or in other lawful ways.

c. An “in-state” lawyer is a person admitted to practice law in this state and is not disbarred or suspended from practice in this state.

d. A “client” is a person or entity for whom the out-of-state lawyer has rendered services or by whom the lawyer has been retained prior to the lawyer’s performance of services in this state.

e. “This state” refers to Iowa. This rule does not govern proceedings before a federal court or federal agency located in this state unless that body adopts or incorporates this rule.

31.14(2) Authority of court or agency to permit appearance by out-of-state lawyer.

a. Court proceeding. A court of this state may, in its discretion, admit an eligible out-of-state lawyer, who is retained to appear as attorney of record in a particular proceeding, only if the out-of-state lawyer appears with an in-state lawyer in that proceeding.

b. Administrative agency proceeding. If practice before an agency of this state is limited to lawyers, the agency may, using the same standards and procedures as a court, admit an eligible out-of-state lawyer who has been retained to appear in a particular agency proceeding as counsel in that proceeding pro hac vice, only if the out-of-state lawyer appears with an in-state lawyer in that proceeding.

c. Subsequent proceedings. Admission pro hac vice is limited to the particular court or agency proceeding for which admission was granted. An out-of-state lawyer must separately seek admission pro hac vice in any subsequent district or appellate court proceeding.

31.14(3) In-state lawyer’s duties. When an out-of-state lawyer appears for a client in a proceeding pending in this state, either in the role of co-counsel of record with the in-state lawyer, or in an advisory or consultative role, the in-state lawyer who is co-counsel or counsel of record for that client in the proceeding remains responsible to the client and responsible for the conduct of the proceeding before the court or agency. It is the duty of the in-state lawyer to do all of the following:

a. Appear of record together with the out-of-state lawyer in the proceeding.

b. Actively participate in the proceeding. *See* Iowa R. of Prof’l Conduct 32: 5.5(c)(1).

c. Accept service on behalf of the out-of-state lawyer as required by Iowa Code section 602.10111.

d. Advise the client of the in-state lawyer’s independent judgment on contemplated actions in the proceeding if that judgment differs from that of the out-of-state lawyer.

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

1 agency where the litigation is filed. The out-of-state lawyer ~~shall~~must serve the application on all
2 parties who have appeared in the proceeding, and ~~shall~~must include proof of service. Application
3 forms for admission pro hac vice can be found in rule 31.25.

4 **31.14(5) Required information for application.** An application filed by the out-of-state lawyer
5 must contain all of the following information:

6 a. The out-of-state lawyer's residence and business addresses.

7 b. The name, address, and phone number of each client sought to be represented.

8 c. The courts before which the out-of-state lawyer has been admitted to practice and the
9 respective period of admission and any jurisdiction in which the out-of-state lawyer has been
10 licensed to practice as a foreign legal consultant and the respective period of licensure.

11 d. Whether the out-of-state lawyer has been denied admission pro hac vice in this state. If so,
12 specify the caption of the proceedings, the date of the denial, and what findings were made.

13 e. Whether the out-of-state lawyer has had admission pro hac vice revoked in this state. If so,
14 specify the caption of the proceedings, the date of the revocation, and what findings were made.

15 f. Whether the out-of-state lawyer has been denied admission in any jurisdiction for reasons
16 other than failure of a bar examination. If so, specify the jurisdiction, caption of the proceedings,
17 the date of the denial, and what findings were made.

18 g. Whether the out-of-state lawyer has been formally disciplined or sanctioned by any court in
19 this state. If so, specify the nature of the allegations, the name of the authority bringing such
20 proceedings, the caption of the proceedings, the date filed, what findings were made, and what
21 action was taken in connection with those proceedings.

22 h. Whether the out-of-state lawyer has been the subject of any injunction, cease-and-desist letter,
23 or other action arising from a finding that the out-of-state lawyer engaged in the unauthorized
24 practice of law in this state or elsewhere. If so, specify the nature of the allegations, the name of the
25 authority bringing such proceedings, the caption of the proceedings, the date filed, what findings
26 were made, and what action was taken in connection with those proceedings.

27 i. Whether any formal, written disciplinary proceeding has been brought against the out-of-state
28 lawyer by a disciplinary authority or unauthorized practice of law commission in any other
29 jurisdiction within the last five years, and as to each such proceeding: the nature of the allegations,
30 the name of the person or authority bringing such proceedings, the date the proceedings were
31 initiated and finally concluded, the style of the proceedings, and the findings made and actions taken
32 in connection with those proceedings.

33 j. Whether the out-of-state lawyer has been placed on probation by a disciplinary authority in
34 any other jurisdiction. If so, specify the jurisdiction, caption of the proceedings, the terms of the
35 probation, and what findings were made.

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

1 *l.* The name and address of each court or agency and a full identification of each proceeding in
2 which the out-of-state lawyer has filed an application to appear pro hac vice in this state within
3 the preceding two years, the date of each application, and the outcome of the application.

4 *m.* An averment as to the out-of-state lawyer's familiarity with the rules of professional conduct, the
5 disciplinary procedures of this state, the standards for professional conduct, the applicable local rules,
6 and the procedures of the court or agency before which the out-of-state lawyer seeks to practice.

7 *n.* The name, address, telephone number, and personal identification number of an in-state lawyer in
8 good standing of the bar of this state who will sponsor the out-of-state lawyer's pro hac vice request.

9 *o.* An acknowledgement that service upon the in-state lawyer in all matters connected with the
10 proceedings has the same effect as if personally made upon the out-of-state lawyer.

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

14 *q.* Any other information the out-of-state lawyer deems necessary to support the application for
15 admission pro hac vice.

16 *r.* A statement that the out-of-state lawyer has registered with the office of professional
17 regulation and paid the fee as required by rule 31.14(11).

18 **31.14(6) *Objection to application.*** A party to the proceeding may file an objection to the
19 application or seek the court's or agency's imposition of conditions to its being granted. The
20 objecting party must file with its objection a verified affidavit containing or describing information
21 establishing a factual basis for the objection. The objecting party may seek denial of the application
22 or modification of it. If the application has already been granted, the objecting party may move that
23 the pro hac vice admission be revoked.

24 **31.14(7) *Standard for admission.*** The courts and agencies of this state have discretion as to
25 whether to grant applications for admission pro hac vice. If there is no opposition, the court or
26 agency has the discretion to grant or deny the application summarily. An application ordinarily
27 should be granted unless the court or agency finds one of the following:

28 *a.* The admission of the out-of-state attorney pro hac vice may be detrimental to the prompt,
29 fair, and efficient administration of justice.

30 *b.* The admission of the out-of-state attorney pro hac vice may be detrimental to legitimate
31 interests of parties to the proceedings other than a client the out-of-state lawyer proposes to represent.

32 *c.* One or more of the clients the out-of-state lawyer proposes to represent may be at risk of
33 receiving inadequate representation and cannot adequately appreciate that risk.

34 *d.* The out-of-state lawyer has appeared pro hac vice in this state in five proceedings within the
35 preceding two years, unless the out-of-state lawyer can show good cause exists for admission.

36 **31.14(8) *Revocation of admission.*** Admission to appear as counsel pro hac vice in a
37 proceeding may be revoked for any of the reasons listed in rule 31.14(7).

38 **31.14(9) *Discipline, contempt, and sanction authority over the out-of-state lawyer.***

39 *a.* During the pendency of an application for admission pro hac vice and upon the granting of
40 such application, an out-of-state lawyer submits to the authority of the courts of this state, the
41 agencies of this state, and the Iowa Supreme Court Attorney Disciplinary Board for all conduct
42 relating in any way to the proceeding in which the out-of-state lawyer seeks to appear. The out-

1 of-state lawyer submits to these authorities for all of the lawyer's conduct (i) within the state
2 while the proceeding is pending or (ii) arising out of or relating to the application or the
3 proceeding. An out-of-state lawyer who has pro hac vice authority for a proceeding may be
4 disciplined in the same manner as an in-state lawyer. *See* Iowa R. Prof'l Conduct 32:8.5.

5 *b.* The authority to which an out-of-state lawyer submits includes, but is not limited to, the
6 enforcement of the rules of professional conduct, the rules of procedure of the Iowa Supreme
7 Court Attorney Disciplinary Board, contempt and sanction procedures, applicable local rules,
8 and court, agency, and board policies and procedures.

9 *c.* An out-of-state lawyer who appears before a court of this state or before an agency of this
10 state when practice is limited to lawyers and who does not obtain admission pro hac vice is
11 engaged in the unauthorized practice of law. *See* Iowa R. Prof'l Conduct 32:5.5 cmt. 9. If an out-
12 of-state lawyer reasonably expects to be admitted pro hac vice, the lawyer may provide legal
13 services that are in or reasonably related to a pending or potential proceeding before a court or
14 agency in this state. *See* Iowa R. Prof'l Conduct 32:5.5(c)(2).

15 | **31.14(10) Familiarity with rules.** An out-of-state lawyer ~~shall~~must become familiar with the
16 rules of professional conduct, the rules of procedure of the Iowa Supreme Court Attorney
17 Disciplinary Board, the standards for professional conduct, local court or agency rules, and the
18 policies and procedures of the court or agency before which the out-of-state lawyer seeks to
19 practice.

20 **31.14(11) Periodic fee.** An applicant for admission to appear pro hac vice in any Iowa Court or
21 before any Iowa agency must first register with the office of professional regulation and pay a fee
22 of \$250 to the client security trust fund. The office of professional regulation may prescribe an
23 electronic format for the registration and require submission of the registration and payment in
24 that form.

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

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

34 **Rule 31.15 Permitted practice by law students and recent graduates.**

35 **31.15(1)** Law students enrolled in a reputable law school as defined by rule 31.8 and Iowa
36 Code section 602.10102 and certified to the office of professional regulation by the dean of the
37 school to have completed satisfactorily not less than the equivalent of three semesters of the
38 work required by the school to qualify for the J.D. or LL.B. degree, may, under the following
39 conditions, engage in the practice of law or appear as counsel in the trial or appellate courts of
40 | this state:-

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

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

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

14 | **31.15(2)** Students who the dean of a reputable law school certifies have completed not less
15 | than the equivalent of two semesters of work required to qualify for the J.D. or LL.B. degree
16 | may appear in a representative capacity in a contested case proceeding before an administrative
17 | agency.

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

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

24 | **31.15(3)** Except as allowed by rule 31.15(4), students may not engage in the practice of law or
25 | appear as counsel in any court of this state or before an administrative agency unless such
26 | practice or appearance is part of an educational program approved by the faculty of the students'
27 | law school and not disapproved by the Iowa Supreme Court, and such program is supervised by
28 | at least one member of the law school's faculty. Students may continue to practice before courts
29 | or administrative agencies of this state after completion of an educational program so long as the
30 | placement is substantially the same as it was during the educational program, approved by the
31 | law school, and performed with the supervision required under ~~rule~~rules 31.15(1) and 31.15(2).

32 | **31.15(4)** Law students may assist licensed Iowa counsel to the same extent as a non-attorney
33 | without being part of an educational program or being certified to the office of professional
34 | regulation, but the students ~~shall~~must be under the general supervision of licensed Iowa counsel
35 | who need not be personally present. Law students may not appear in representative capacities in
36 | contested case proceedings before administrative agencies without complying with ~~rule~~rules
37 | 31.15(2) and 31.15(3), or before trial or appellate courts without complying with rule 31.15(1).

38 | **31.15(5)** Law students ~~shall~~must not receive compensation other than general compensation
39 | from an employer-attorney or from a law-school-administered fund.

40 | **31.15(6)** Graduates of reputable law schools who have applied to take the Iowa bar
41 | 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.

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

9 a. “United States jurisdiction” includes the District of Columbia and any state, territory, or
10 commonwealth of the United States.

11 b. A “domestic lawyer” is a lawyer admitted to practice law in the District of Columbia or in
12 any state, territory, or commonwealth of the United States.

13 c. A “foreign jurisdiction” is any jurisdiction that is not a United States jurisdiction.

14 d. A “foreign lawyer” is a member in good standing of a recognized legal profession in a
15 foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at
16 law or the equivalent and are subject to effective regulation and discipline by a duly constituted
17 professional body or a public authority.

18 **31.16(2) Procedure for registering.** The lawyer must submit to the ~~Office of Professional~~
19 ~~Regulation of the Supreme Court of Iowa~~ office of professional regulation the following:

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

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

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

28 d. A \$200 client security assessment payable to the Client Security Commission.

29 e. Documents proving admission to practice law and current good standing in all
30 jurisdictions, United States and foreign, in which the lawyer is admitted to practice law.

31 f. A certificate from the disciplinary authority of each jurisdiction of admission, United
32 States and foreign, stating that the lawyer has not been suspended, disbarred, or disciplined and
33 that no charges of professional misconduct are pending; or a certificate that identifies any
34 suspensions, disbarments, or other disciplinary sanctions that have been imposed upon the
35 lawyer, and any pending charges, complaints, or grievances.

36 g. If the jurisdiction is foreign and the documents are not in English, the lawyer must submit
37 an English translation and satisfactory proof of the accuracy of the translation.

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

40 (1) The entity will be employing the lawyer.

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

1 (3) To the best of its knowledge the lawyer has not been disbarred or suspended from practice
2 in any jurisdiction, United States or foreign, and has never been convicted of a felony.

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

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

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

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

15 i. Any other document the supreme court requires to be submitted.

16 **31.16(3) Scope of authority of registered lawyer.**

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

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

24 (2) The registered lawyer may not:

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

31 2. Offer or provide legal services or advice to any person other than as described in rule
32 31.16(3)(a)(1), or hold himself or herself out as being authorized to practice law in this state
33 other than as described in rule 31.16(3)(a)(1).

34 3. If a foreign lawyer, provide advice on the law of this state or another United States
35 jurisdiction or of the United States except on the basis of advice from a lawyer who is duly
36 licensed and authorized to provide such advice.

37 b. Notwithstanding the provisions of rule 31.16(3)(a), a lawyer registered under this rule is
38 authorized to provide pro bono legal services through an established not-for-profit bar
39 association, pro bono program or legal services program, or through such organization(s)
40 specifically authorized in this state. This provision does not apply to foreign lawyers registered
41 under this rule.

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

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

- a. The lawyer's employment terminates;
- b. The lawyer is suspended or disbarred from practice in any jurisdiction, United States or foreign, or any court or agency before which the lawyer is admitted; or
- c. The lawyer no longer maintains active status in at least one 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:

- a. An application for reinstatement in a form the office of professional regulation prescribes.
- b. A reinstatement fee in the amount of \$100.

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

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

- a. Subject to professional discipline in this state.
- b. Ineligible for admission on motion in this state.
- c. Referred by the office of professional regulation to the Iowa Supreme Court Attorney Disciplinary Board.
- d. Referred by the office of professional regulation to the disciplinary authority of the jurisdictions of licensure, United States or foreign.

31.16(8) Court's discretion. The supreme court has the discretion to grant or deny an application or to revoke a registration. The court may procure the character investigation services of the National Conference of Bar Examiners, at the lawyer's expense, in any matter in which

1 substantial questions regarding the lawyer's character or fitness to practice law are implicated.
2 The character investigation services will be procured for all foreign lawyer applicants at the
3 applicants' expense. The director of the office of professional regulation must issue a certificate
4 of registration upon the supreme court's approval of the application.

5 **31.16(9) Duration of registration—credit toward admission on motion.**

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

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

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

24 (2) Provide an affidavit giving a detailed description of the lawyer's practice while registered
25 as house counsel and an estimate of how many hours per year the lawyer engaged in the practice
26 of law during that period.

27 (3) Provide an affidavit from an officer, partner, director, or general counsel of the
28 employing entity attesting that the foreign lawyer's affidavit is accurate and that the foreign
29 lawyer possesses the character and fitness to practice law in Iowa.

30 (4) Submit the lawyer's credentials to an ABA-approved law school in this state for a
31 recommendation of what schedule of courses, if any, would render the applicant educationally
32 qualified to sit for the examination. The foreign lawyer may then petition the court to approve
33 the proposed course of study. If the court approves the petition, the foreign lawyer must attach
34 to the bar application a copy of the law school dean's affidavit stating the foreign lawyer
35 successfully completed the approved course of study and is believed to be educationally
36 qualified to sit for the examination. The foreign lawyer will be allowed to sit for the
37 examination provided all other requirements are met.

38 **31.16(10) Lawyers registered under prior version of this rule.** A lawyer registered under the
39 prior version of this rule is not required to register again or pay the registration fee. The
40 adoption of this rule does not affect any existing five-year period for terminating registration as
41 house counsel and applying for admission on motion. That date will run from the date of the
42 lawyer's registration as house counsel. All other provisions of this rule apply.

1 **31.16(11)** *Denial of application or suspension of registration for failure to comply with an*
2 | *obligation owed to or collected by the ~~centralized collection unit~~ Central Collection Unit of the*
3 | *Iowa Department of Revenue. The supreme court may deny a lawyer's application for*
4 | *registration or suspend a lawyer's registration under this rule for failure to comply with an*
5 | *obligation owed to or collected by the ~~centralized collection unit~~ Central Collection Unit of the*
6 | *Iowa Department of Revenue. Rule 31.9(7) governs this procedure.*

7 **31.16(12)** *Denial of application or suspension of registration for failure to comply with an*
8 | *obligation owed to or collected by the Iowa College Student Aid Commission. The supreme*
9 | *court may deny a lawyer's application for registration or suspend a lawyer's registration under*
10 | *this rule for failure to comply with an obligation owed to or collected by the Iowa College*
11 | *Student Aid Commission. Rule 31.9(6) governs this procedure.*

12 | **31.16(13)** *Denial of application or suspension of registration for failure to comply with a*
13 | *support order. The supreme court may deny a lawyer's application for registration or suspend a*
14 | *lawyer's registration under this rule for failure to comply with a support order. Rule 31.9(5)*
15 | *governs this procedure.*

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

17 **31.17(1)** *Determination of existence of major disaster. Solely for purposes of this rule, ~~this~~*
18 | *~~court shall~~ the supreme court will determine when an emergency affecting the justice system, as*
19 | *a result of a natural or other major disaster, has occurred in:*

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

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

27 **31.17(2)** *Temporary practice—pro bono services. Following the determination of an*
28 | *emergency affecting the justice system in this state pursuant to rule 31.17(1), or a determination*
29 | *that persons displaced by a major disaster in another jurisdiction and residing in this state are in*
30 | *need of pro bono services and the assistance of lawyers from outside of this state is required to*
31 | *help provide such assistance, a lawyer authorized to practice law in another United States*
32 | *jurisdiction, and not disbarred, suspended from practice, or otherwise restricted from practice in*
33 | *any jurisdiction, may provide legal services in this state on a temporary basis. Such legal*
34 | *services must be provided on a pro bono basis without compensation, expectation of*
35 | *compensation, or other direct or indirect pecuniary gain to the lawyer. Such legal services*
36 | *~~shall~~ must be assigned and supervised through an established not-for-profit bar association, pro*
37 | *bono program or legal services program, or through such organization(s) specifically designated*
38 | *by ~~this~~ the supreme court.*

39 **31.17(3)** *Temporary practice—legal services arising out of and reasonably related to a*
40 | *lawyer's practice of law in another jurisdiction, or area of such other jurisdiction, where the*
41 | *disaster occurred. Following the determination of a major disaster in another United States*
42 | *jurisdiction, a lawyer who is authorized to practice law and ~~who~~ principally practices in that*

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

6 | **31.17(4) *Duration of authority for temporary practice.*** The authority to practice law in this
7 | state granted by rule 31.17(2) ~~shall~~will end when ~~this the supreme~~ court determines that the
8 | conditions caused by the major disaster have ended except that a lawyer then representing
9 | clients in this state pursuant to rule 31.17(2) is authorized to continue the provision of legal
10 | services for such time as is reasonably necessary to complete the representation, but the lawyer
11 | ~~shall~~may not thereafter accept new clients. The authority to practice law in this state granted by
12 | rule 31.17(3) ~~shall~~will end 60 days after ~~this the supreme~~ court declares that the conditions
13 | caused by the major disaster in the affected jurisdiction have ended.

14 | **31.17(5) *Court appearances.*** The authority granted by this rule does not include appearances
15 | in court except:

16 | a. Pursuant to ~~this the supreme~~ court's pro hac vice admission rule; or

17 | b. If ~~this the supreme~~ court, in any determination made under rule 31.17(1), grants blanket
18 | permission to appear in all or designated courts of this state to lawyers providing legal services
19 | pursuant to rule 31.17(2).

20 | **31.17(6) *Disciplinary authority and registration requirement.*** Lawyers providing legal
21 | services in this state pursuant to rule 31.17(2) or 31.17(3) are subject to ~~this the supreme~~
22 | court's disciplinary authority and the Iowa Rules of Professional Conduct as provided in Iowa
23 | ~~R. of Prof'l~~Rule of Professional Conduct 8.5. Lawyers providing legal services in this state
24 | under rule 31.17(2) or 31.17(3) ~~shall~~must, within 30 days from the commencement of the
25 | provision of legal services, file a registration statement with the office of professional
26 | regulation. A form for the registration statement can be found in rule 31.25. Any lawyer who
27 | provides legal services pursuant to this rule ~~shall~~will not be considered to be engaged in the
28 | unlawful practice of law in this state.

29 | **31.17(7) *Notification to clients.*** Lawyers authorized to practice law in another United States
30 | jurisdiction who provide legal services pursuant to this rule ~~shall~~must inform clients in this state
31 | of the jurisdiction in which they are authorized to practice law, any limits of that authorization,
32 | and that they are not authorized to practice law in this state except as permitted by this rule. They
33 | ~~shall~~must not state or imply to any person that they are otherwise authorized to practice law in
34 | this state.

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

38 | **COMMENT**

39 | [1] A major disaster in this state or another jurisdiction may cause an emergency affecting the justice system
40 | with respect to the provision of legal services for a sustained period of time interfering with the ability of lawyers
41 | admitted and practicing in the affected jurisdiction to continue to represent clients until the disaster has ended. When
42 | this happens, lawyers from the affected jurisdiction may need to provide legal services to their clients, on a
43 | temporary basis, from an office outside their home jurisdiction. In addition, lawyers in an unaffected jurisdiction
44 | may be willing to serve residents of the affected jurisdiction who have unmet legal needs as a result of the disaster

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

7 [2] Under rule 31.17(1)(a), ~~this the supreme~~ court ~~shall will~~ determine whether a major disaster causing an
8 emergency affecting the justice system has occurred in this state, or in a part of this state, for purposes of triggering
9 rule 31.17(2). ~~This The supreme~~ court may, for example, determine that the entirety of this state has suffered a
10 disruption in the provision of legal services or that only certain areas have suffered such an event. The authority
11 granted by rule 31.17(2) ~~shall will~~ extend only to lawyers authorized to practice law and not disbarred, suspended
12 from practice, or otherwise restricted from practice in any other manner in any other jurisdiction.

13 [3] Rule 31.17(2) permits lawyers authorized to practice law in another jurisdiction, and not disbarred, suspended
14 from practice, or otherwise restricted from practicing law in any other manner in any other jurisdiction, to provide pro
15 bono legal services to residents of this state following a determination of an emergency caused by a major disaster,
16 notwithstanding that they are not otherwise authorized to practice law in this state. Other restrictions on a lawyer's
17 license to practice law that would prohibit that lawyer from providing legal services pursuant to this rule include, but
18 are not limited to, probation, inactive status, disability inactive status, or a ~~non-disciplinary nondisciplinary~~
19 administrative suspension for failure to complete continuing legal education or other requirements. Lawyers on
20 probation may be subject to monitoring and specific limitations on their practices. Lawyers on inactive status, despite
21 being characterized in many jurisdictions as being "in good standing," and lawyers on disability inactive status are not
22 permitted to practice law. Public protection warrants exclusion of these lawyers from the authority to provide legal
23 services as defined in this rule. Lawyers permitted to provide legal services pursuant to this rule must do so without
24 fee or other compensation, or expectation thereof. Their service must be provided through an established not-for-
25 profit organization that is authorized to provide legal services either in its own name or that provides representation of
26 clients through employed or cooperating lawyers. Alternatively, ~~this The supreme~~ court may instead designate other
27 specific organization(s) through which these legal services may be rendered. Under rule 31.17(2), an emeritus lawyer
28 from another United States jurisdiction may provide pro bono legal services on a temporary basis in this state
29 provided that the emeritus lawyer is authorized to provide pro bono legal services in that jurisdiction pursuant to that
30 jurisdiction's emeritus or pro bono practice rule. Lawyers may also be authorized to provide legal services in this state
31 on a temporary basis under Iowa R. of Prof'l Conduct 32:5.5(c).

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

40 [5] Emergency conditions created by major disasters end, and when they do, the authority created by rules
41 31.17(2) and 31.17(3) also ends with appropriate notice to enable lawyers to plan and to complete pending legal
42 matters. Under rule 31.17(4), ~~this the supreme~~ court determines when those conditions end only for purposes of this
43 rule. The authority granted under rule 31.17(2) ~~shall will~~ end upon such determination, except that lawyers assisting
44 residents of this state under rule 31.17(2) may continue to do so for such longer period as is reasonably necessary to
45 complete the representation. The authority created by rule 31.17(3) will end 60 days after ~~this the supreme~~ court
46 makes such a determination with regard to an affected jurisdiction.

47 [6] Rules 31.17(2) and 31.17(3) do not authorize lawyers to appear in the courts of this state. Court appearances
48 are subject to the pro hac vice admission rules of ~~this the supreme~~ court. ~~This The supreme~~ court may, in a
49 determination made under rule 31.17(5)(b), include authorization for lawyers who provide legal services in this
50 state under rule 31.17(2) to appear in all or designated courts of this state without need for such pro hac vice
51 admission. A lawyer who has appeared in the courts of this state pursuant to rule 31.17(5) may continue to appear
52 in any such matter notwithstanding a declaration under rule 31.17(4) that the conditions created by major disaster
53 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:

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

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

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

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

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

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

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

14 **31.18(5) Discipline.** A person licensed to practice as a foreign legal consultant under this rule
15 ~~shall will~~ be subject to professional discipline in the same manner and to the same extent as
16 members of the bar of this state. To this end:

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

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

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

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

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

31 3. A duly acknowledged instrument in writing, providing the foreign legal consultant's
32 address in this state and designating the clerk of the supreme court as his or her agent for service
33 of process. The foreign legal consultant ~~shall must~~ keep the ~~Office of Professional~~
34 ~~Regulation~~ office of professional regulation advised in writing of any changes of address in this
35 jurisdiction. In any action or proceeding brought against the foreign legal consultant and arising
36 out of or based upon any legal services rendered or offered to be rendered by the foreign legal
37 consultant within this state or to residents of this state, service ~~shall will~~ first be attempted upon
38 the foreign legal consultant at the most recent address filed with the clerk. Whenever after due
39 diligence service cannot be made upon the foreign legal consultant at that address, service may
40 be made upon the clerk. Service made upon the clerk in accordance with this provision is
41 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. 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

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

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

13 | **31.19(3) Activities.**

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

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

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

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

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

28 | **31.19(4) Supervision and limitations.**

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

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

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

1 **31.19(5) Certification.** Permission for an emeritus attorney to perform services under this
2 chapter ~~shall become~~is effective upon filing with and approval by the ~~Office of Professional~~
3 ~~Regulation~~office of professional of:

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

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

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

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

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

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

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

21 **31.19(6) Withdrawal of certification.**

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

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

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

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

36 **31.19(7) Discipline.** In addition to any appropriate proceedings and discipline that may be
37 imposed upon the emeritus attorney by the Iowa Supreme Court under the court's disciplinary
38 rules, the Iowa Rules of Professional Conduct, or the Code of Iowa, the Iowa Supreme Court
39 may, at any time, with or without cause, withdraw certification under this rule.

40 **31.19(8) Fees and annual statements.**

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

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

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

10 **Rules 31.20 to 31.24** Reserved.