

**CHAPTER 34
ADMINISTRATIVE AND GENERAL PROVISIONS**

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**GENERAL DISCIPLINARY RULES OF
GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD**

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Rule 34.17 Disability suspension.

34.17(1) In the event an attorney is at any time in any jurisdiction duly adjudicated a mentally incapacitated person, or a person with a substance-related disorder, or is committed to an institution or hospital for treatment thereof, the clerk of any court in Iowa in which the adjudication or commitment is entered must, within 10 days, certify the adjudication or commitment to the ~~supreme court clerk~~attorney disciplinary board.

**CHAPTER 35
IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD RULES OF
PROCEDURE**

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Rule 35.6 Notification of respondent; response.

35.6(1) The disciplinary board must forward to the respondent a copy of the complaint and ~~copies a copy of chapters chapter 35 and 36~~ of the Iowa Court Rules. However, if a potential complaint is declined pursuant to rule 35.4(1), the disciplinary board need not notify the respondent and no response is required.

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Rule 35.7 Failure to respond; notice; effect.

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35.7(3) *Failure to respond—temporary suspension.*

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d. If the attorney responds to the complaint after a temporary suspension order is entered, the disciplinary board must, within five days of receiving the response, either withdraw the certificate or file with the supreme court a report indicating that the attorney has responded but stating cause why the attorney's license should not be reinstated and the suspension should be continued under the provisions of Iowa Court Rule 34.14, 34.15, or ~~34.16~~34.17.

e. If the disciplinary board seeks to continue the suspension under the provisions of Iowa Court Rule 34.14, 34.15, or ~~34.16~~34.17, the supreme court will either reinstate the attorney or enter an appropriate order under the applicable rule.

CHAPTER 39 CLIENT SECURITY COMMISSION

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Rule 39.7 Exemption; retirement.

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39.7(4) *Transition provisions.*

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d. Attorneys who are in exempt status as of December 31, 2017, will be accorded legacy status. Attorneys in legacy status will have no fee payment or reporting responsibilities. ~~For~~for a period of five years commencing January 1, 2018, and ending December 31, 2022, ~~attorneys in legacy status may apply for conversion to exempt status, emeritus status under rule 31.19, relinquished status under rule 39.7(2), or reinstatement to active status under rule 39.14(3).~~ On or after January 1, 2023, attorneys in legacy status ~~are not entitled to may~~ apply for conversion to exempt status or apply for reinstatement to active status under rule 39.14(3), but will be required to pay the \$50 annual fee for each year they were in legacy inactive status after January 1, 2023. ~~they~~Attorneys in legacy inactive status may apply for emeritus status under rule 31.19 or relinquished status under rule 39.7(2) at any time.

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Rule 39.8 Enforcement.

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39.8(2) Attorneys who fail to timely pay the fees and assessments required under rules 39.5, 39.6, 39.7(1), and 39.17, or fail to file the statement or supplement thereto provided in rule 39.8(1), may have their right to practice law suspended by the supreme court, provided that at least 15 days prior to such suspension, a notice of delinquency has been served upon them in the manner provided for the service of original notices in Iowa Rule of Civil Procedure 1.305, or has been forwarded to them by restricted certified mail, return receipt requested, addressed to them at their last-known address. Such attorneys must be given the opportunity during said 15 days to file in duplicate in the office of professional regulation an affidavit disclosing facts demonstrating the noncompliance was not willful and tendering such documents and sums and penalties which, if accepted, would cure the delinquency, or to file in duplicate in the office of the clerk of the supreme

court a request for hearing to show cause why their license to practice law should not be suspended, accompanied with an affidavit stating why the attorney is not required to comply with the annual filing requirement. A hearing ~~must will~~ be ~~granted if requested~~ held at the discretion of the court. If, after hearing, or failure to cure the delinquency by satisfactory affidavit and compliance, an attorney is suspended, the attorney must be notified thereof by either of the two methods provided above for notice of delinquency.

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Rule 39.10 Investigations; audits.

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39.10(7) The costs of performing a trust account audit must be assessed to the attorney or attorneys who are signatories on the account if the audit reveals the account was not in substantial compliance with Iowa Rule of Professional Conduct 32:1.15 or chapter 45 of the Iowa Court Rules, and one or more of the following circumstances caused performance of the audit:

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d. An attorney signatory on the account was suspended from practice under the provisions of chapter ~~35~~34 of the Iowa Court Rules.

CHAPTER 41 CONTINUING LEGAL EDUCATION FOR LAWYERS

Rule 41.5 Penalty for failure to satisfy continuing legal education requirements.

41.5(1) Attorneys who fail to comply with the provisions of rule 41.4 or who file a report showing on its face that they have failed to complete the required number of hours of continuing legal education may have their right to practice law suspended by the supreme court, provided that at least 15 days prior to such suspension, notice of such delinquency has been served upon them in the manner provided for the service of original notices in Iowa Rule of Civil Procedure 1.305 or has been forwarded to them by restricted certified mail, return receipt requested, addressed to them at their last-known address. Such attorneys must be given the opportunity during said 15 days to file in the office of professional regulation an affidavit disclosing facts demonstrating their noncompliance was not willful and tendering such documents and sums and penalties which, if accepted, would cure the delinquency, or to file in duplicate in the office of clerk of the supreme court a request for hearing to show cause why their license to practice law should not be suspended, accompanied with an affidavit stating why the attorney is not required to comply with the annual filing requirement. A hearing ~~must will~~ be ~~granted if requested~~ held at the discretion of the court. If, after hearing, or failure to cure the delinquency by satisfactory affidavit and compliance, an attorney is suspended, the attorney will be notified thereof by either of the two methods above provided for notice of delinquency.

CHAPTER 45
CLIENT TRUST ACCOUNT RULES

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Rule 45.2 Action required upon receiving funds; accounting; records.

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45.2(3) Maintaining records.

a. A lawyer who practices in this jurisdiction must maintain current financial records as provided in these rules and required by Iowa Rule of Professional Conduct 32:1.15 and must retain the following records for a period of six years after termination of the representation:

(1) Receipt and disbursement journals with a running balance containing a record of deposits to and withdrawals from client trust accounts, specifically identifying the date, source, and description of each item deposited, as well as the date, payee, and purpose of each disbursement.

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CHAPTER 46
RULES OF THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

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Rule 46.3 Organization; meetings; information.

46.3(1) The officers of the Board of Examiners of Shorthand Reporters (board) are a chairperson selected by the supreme court of Iowa and a secretary elected at the September first meeting of the fiscal year, each to serve for a term of one year, or until a successor is elected. Each must perform the duties incumbent upon the office.

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Rule 46.7 Fees.

46.7(1) The fee for each examination is \$200.

46.7(2) The fee for annual renewal is ~~\$85~~\$100.

46.7(3) The fee for late filing of an annual report is \$100.

46.7(4) The fee for reinstatement from a suspension is \$100.

46.7(5) The fee for reinstatement for one granted a certificate of exemption is \$50.

46.7(6) The fee for an extension for obtaining continuing education credit is \$50.