

CHAPTER 31
ADMISSION TO THE BAR

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Rule 31.15 Permitted practice by law students and recent graduates.

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

a. Appearance by students as defense counsel in a criminal matter in any trial court must be confined to misdemeanors or Class “D” felonies, and the student must be under the direct supervision of licensed Iowa counsel who must be personally present.

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

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

CHAPTER 34
ADMINISTRATIVE AND GENERAL PROVISIONS OF THE GRIEVANCE
COMMISSION AND ATTORNEY DISCIPLINARY BOARD

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REINSTATEMENT FROM SUSPENSION

Rule 34.24 Procedure for reinstatement from suspension of 60 days or fewer. Unless another rule or court order states to the contrary, an attorney whose license to practice law in this state has been suspended for a period not exceeding 60 days may apply for reinstatement subject to the following rules.

34.24(1) Application for reinstatement without hearing. An attorney whose license has been suspended for a period not exceeding 60 days must file an application for reinstatement without hearing with the supreme court clerk, accompanied with a certification from the office of professional regulation that confirms the following:

- a. The attorney has completed all of the requirements for reinstatement set forth in the supreme court's suspension order.
- b. All costs assessed under Iowa Court Rule 36.24 are paid and the reporting and fee payment requirements of rules ~~39.14(2)~~, 39.17, and 41.10(2) are completed, and the attorney has completed all continuing legal education requirements under chapters 41 and 42 of the Iowa Court Rules.
- c. The attorney has complied with the notice requirements of rule 34.23(2).
- d. The attorney is not subject to any denial of reinstatement pursuant to rule 34.20(5), 34.21(5), or 34.22(5).
- e. The attorney is not subject to any other suspension orders.
- f. The attorney has paid a \$200 reinstatement from suspension fee.

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Rule 34.26 Procedure for reinstatement from administrative suspension for failure to file annual forms and pay fees.

34.26(1) Eligibility for reinstatement. An attorney suspended pursuant to Iowa Court Rule 39.8(2) or 41.5(1) for failing to pay annual fees, complete required continuing legal education, or file required annual reports, statements, supplements, or questionnaires, must comply with the following requirements before being eligible for reinstatement:

- a. Complete all continuing legal education required by rules 41.3 and 42.2 ~~through the end of the current calendar year.~~
- b. File the statement required by rule 39.8(1) and the questionnaire required by rule 39.11.
- c. Pay all delinquent fees, assessments, and late filing penalties due under rules 39.5, 39.6, 39.8, 39.17, and 41.4.
- d. Pay a reinstatement from suspension fee of \$200.

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34.26(3) *Application for reinstatement without hearing.* Application for reinstatement without hearing.

a. If the attorney did not comply with rule 34.26(1) within 10 days from the date of suspension, the notice requirements of rule 34.23(2) apply. To be reinstated, the attorney must file an application for reinstatement without hearing with the supreme court clerk, which includes a certification from the office of professional regulation that:

(1) The attorney has completed all continuing legal education required by rules 41.3 and 42.2 ~~through the end of the current calendar year.~~

(2) The attorney has filed the statement required by rule 39.8(1) and the questionnaire required by rule 39.11.

(3) The attorney has paid all delinquent fees, assessments, and late filing penalties due under rules 39.5, 39.6, 39.8, 39.17, and 41.4.

(4) The attorney has paid the reinstatement from suspension fee of \$200.

(5) The attorney has complied with the requirements of rule 34.23(2).

(6) The attorney is not subject to any denials of reinstatement pursuant to rule 34.20(5), 34.21(5), or 34.22(5).

b. Within seven days of the filing of the application for reinstatement without hearing either the disciplinary board or client security commission may file and serve an objection to reinstatement of the attorney without hearing. The filing of an objection stays reinstatement until the supreme court orders otherwise. If the disciplinary board or client security commission files an objection, the supreme court will set the matter for hearing and the supreme court clerk must enter written notice in conformance with rule 34.25, except that the court may waive the requirement of a 60-day waiting period prior to the hearing date.

c. The supreme court will not order reinstatement until all costs assessed under Iowa Court Rule 36.24 are paid and the reporting and fee payment requirements of rules 39.17 and 41.10(2) are satisfied.

CHAPTER 37
COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW

Rule 37.1 Commission on the Unauthorized Practice of Law

Rule 37.2 Injunctions

Rule 37.3 Unauthorized practice of nonadmitted lawyers

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

Rule 37.5 Limited real estate practice

[Rule 37.6 Corporate Transparency Act Beneficial Ownership Information Reports](#)

CHAPTER 37
COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW

Rule 37.1 Commission on the Unauthorized Practice of Law.

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37.1(2) The executive director of the office of professional regulation will designate ~~the director of boards and commissions of the office of professional regulation to serve as~~ the principal administrator for the commission on the unauthorized practice of law. ~~Wherever in this chapter a reference to the “director” appears, it refers to the director of boards and commissions of the office of professional regulation.~~

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

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

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[Rule 37.6 Corporate Transparency Act Beneficial Ownership Information Reports.](#)

[37.6\(1\) Purpose.](#) The purpose of this rule is to clarify that it is not the unauthorized practice of law for nonlawyers to assist clients in determining whether such clients are required to file Beneficial Ownership Information Reports pursuant to the Corporate Transparency Act (31 U.S.C. 5336) and to prepare, complete, and file Beneficial Ownership Information Reports on

behalf of their clients with the Financial Crimes Enforcement Network, a bureau of the U.S. Department of the Treasury.

37.6(2) Beneficial Ownership Information Report defined. For purposes of this Rule 37.6, “Beneficial Ownership Information Report” means any reports or other information that are required pursuant to the Corporate Transparency Act (31 U.S.C. 5336), including, without limitation, initial reports, updated reports, corrected reports, and exempt reports.

37.6(3) Scope of practice authorized. It is not the unauthorized practice of law for nonlawyers to assist their clients in determining whether such clients are required to file Beneficial Ownership Information Reports pursuant to the Corporate Transparency Act (31 U.S.C. 5336) and to prepare, complete, and file Beneficial Ownership Information Reports on behalf of their clients with the Financial Crimes Enforcement Network, a bureau of the U.S. Department of the Treasury.

CHAPTER 38
RULES OF PROCEDURE OF THE COMMISSION ON THE UNAUTHORIZED
PRACTICE OF LAW

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Rule 38.2 Definitions. In this chapter unless the content or subject matter otherwise requires:

38.2(1) ~~“Director”~~ “Administrator” means the ~~director of boards and commissions~~person designated by the executive director of the office of professional regulation pursuant to Iowa Court Rule 37.1(2).

38.2(2) “Chair” means the presiding officer of the commission and includes the chair of the commission, the vice chair, or any acting chair designated by the commission to preside in the absence of the chair.

38.2(3) “Commission” means the Commission on the Unauthorized Practice of Law.

38.2(4) “Respondent” ~~is~~means the person or entity whose conduct is the subject of a complaint to the commission or a proceeding in district court pursuant to Iowa Court Rule 37.2.

38.2(5) “Must” is mandatory and “may” is permissive.

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Rule 38.4 Meetings and quorum.

38.4(1) Meetings of the commission will be called by the chair of the commission and may be attended in person or by ~~telephone~~electronic means. The commission must meet at least once in each calendar quarter. Special meetings may be called by the chairperson or at the request of three or more members of the commission.

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Rule 38.5 Complaints to the commission. Complaints may be accepted from any person or other entity believing that an individual or entity has been engaged in the unauthorized practice of law.

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38.5(3) Complaints must be filed by submitting them to the ~~director~~administrator at the office of professional regulation.

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Rule 38.6 Investigation procedure.

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38.6(3) When considering a complaint, the commission must act in accordance with the following guidelines:

a. If it reasonably appears from the complaint that the respondent is not engaged in the

unauthorized practice of law, the chair or the chair's designee must notify the complainant in writing of the commission's position and that the commission will take no further action.

b. Other complaints may be further investigated and acted upon by the commission consistent with this chapter and, if appropriate, referral may be made to the Iowa Supreme Court Attorney Disciplinary Board, the Iowa Department of Justice, or some other agency or entity.

c. If the commission determines that a complaint should be investigated further, it may direct that the investigation be conducted by a commission member or members or by the ~~director~~administrator.

d. If the commission in its discretion determines that it would be helpful for the respondent to provide a written response to the matters alleged in the complaint, it may direct that the respondent be so notified. In such circumstances the respondent must be notified of the substance of the complaint and that it is requested, but not required, that within 20 days the respondent provide a written response to the commission concerning the matters referred to in the notice.

e. The commission may request the complainant to clarify the complainant's original statement, to furnish additional information, to disclose sources of information, or to verify by affidavit statements of fact within the complainant's knowledge.

f. The commission may also initiate inquiries of other sources.

38.6(4) Nothing in this rule prohibits:

a. ~~the~~The chair of the commission from referring any complaint for investigation in advance of the next commission meeting when, in the chair's discretion, such referral is warranted; ~~or~~

b. The administrator from conducting a preliminary investigation to gather facts prior to presenting the complaint to the commission.

Rule 38.7 Determination following investigation. After the results of an investigation are returned to the commission, the commission may do any of the following:

38.7(1) Close the file and so notify the complainant, and in the commission's discretion reasonably attempt to notify the respondent of the closing of the file.

38.7(2) ~~Contact the respondent to obtain~~Seek an agreement by the respondent to cease and desist from the unauthorized practice of law.

38.7(3) Initiate an action pursuant to Iowa Court Rule 37.2.

38.7(4) Reopen a closed file upon notice to the commission of additional facts that could cause the commission to reconsider its finding that it did not reasonably appear that the respondent was engaged in the unauthorized practice of law.

CHAPTER 42
REGULATIONS OF THE COMMISSION ON CONTINUING LEGAL
EDUCATION

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Rule 42.7 Reinstatement of inactive practitioners.

42.7(1) Inactive practitioners who have been granted a waiver of compliance with these regulations and obtained a certificate of exemption must, prior to engaging in the practice of law in the State of Iowa as defined in Iowa Court Rule 39.7, satisfy the following requirements for reinstatement:

a. Submit written application for reinstatement to the commission upon forms prescribed by the commission together with ~~a reinstatement fee of \$100 and~~payment of all late filing penalties due at the time the exemption was granted.

b. Furnish in the application evidence of one of the following:

(1) Having engaged in the full-time practice of law, as defined in Iowa Court Rule 39.7, in another state of the United States or the District of Columbia and completion of continuing legal education for each year of inactive status substantially equivalent in the opinion of the commission to that required under chapter 41 of the Iowa Court Rules.

(2) Successful completion of an Iowa state bar examination conducted within one year immediately prior to the submission of such application for reinstatement.

(3) Completion of a total number of hours of accredited continuing legal education computed by multiplying 15 by the number of years a certificate of exemption has been in effect for such applicant, but limited to a maximum requirement of 100 hours. The continuing legal education required for reinstatement includes hours devoted specifically to legal ethics, attorney wellness, and diversity and inclusion in accordance with the requirements in effect for the years the attorney was in exempt or inactive status. Alternatively, the legal ethics requirement may be satisfied by obtaining a scaled score of 80 or higher on the Multistate Professional Responsibility Examination within one year immediately prior to submission of the application for reinstatement.

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~~The following records must be retained for each client trust account for a period of six years after termination of the representation:

(1) ~~Receipt~~A receipt and disbursement ~~journals~~journal with a running balance containing a record of all deposits to and withdrawals from the client trust ~~accounts~~account. The journal must specifically identifying~~identify~~ the date, source, amount, and description of each item deposited, as well as the date, payee, amount, and purpose of each disbursement.

(2) ~~Ledger records for all client trust accounts showing~~A ledger record with a running balance for each separate trust client or beneficiary~~;~~The ledger record must show the source of all funds deposited, the names of all persons for whom the funds are or were held, the amount of such funds, the descriptions and amounts of charges or withdrawals, and the names of all persons or entities to whom such funds were disbursed.

(3) Copies of retainer and compensation agreements with clients as required by Iowa Rule of Professional Conduct 32:1.5.

(4) Copies of accountings to clients or third persons showing the disbursement of funds to them or on their behalf.

(5) Copies of bills for legal fees and expenses rendered to clients.

(6) Copies of records showing disbursements on behalf of clients.

(7) ~~The physical or electronic equivalents~~Copies of all ~~checkbook registers~~, bank statements, records of deposit, prenumbered canceled checks, and substitute checks ~~provided by a financial institution~~.

(8) ~~Records~~Record of all electronic transfers to and from the client trust ~~accounts~~account, including ~~the name of the person authorizing for each~~ transfer, the date of transfer, the amount of transfer, the name of the trust client or beneficiary to whom the transfer pertains, the name of the sender, the name of the recipient, the purpose of the transfer, and in the case of disbursement from trust the name of the person authorizing transfer~~and the trust account name or number from which money is withdrawn~~.

(9) Copies of monthly lists of individual client ledger balances and monthly triple reconciliations of bank statement balance to ~~check register receipt and disbursement journal~~ balance to sum of individual client ledger balances ~~of the client trust accounts maintained by the lawyer~~.

(10) Copies of those portions of client files that are reasonably related to client trust account transactions.