

IN THE SUPREME COURT OF IOWA

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NO. 17-1555  
GRIEVANCE COMMISSION NO. 804

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IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD,  
Complainant-Appellee,

vs.

SANDRA SUAREZ,  
Respondent-Appellant.

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APPEAL FROM THE GRIEVANCE COMMISSION  
OF THE SUPREME COURT OF IOWA

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APPELLANT'S REPLY BRIEF

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**STATEMENT OF THE ISSUES**

**I. LICENSE REVOCATION NOT AN APPROPRIATE  
SANCTION UPON CONSIDERATION OF ALL RELEVANT  
CIRCUMSTANCES**

*Iowa Supreme Court Attorney Disciplinary Bd. v. Kingery*, 871 N.W.2d 109

(Iowa 2015)

## ARGUMENT

### I. LICENSE REVOCATION NOT AN APPROPRIATE SANCTION UPON CONSIDERATION OF ALL RELEVANT CIRCUMSTANCES

Significant weight should be given to the several mitigating factors present in the matter. There are many mitigating factors –namely Sandra’s remarkable record of service to her community– that deserve full consideration by the Court. Revocation of Sandra’s license to practice law is not appropriate given these factors.

There are several factors that are considered by this Court requiring mitigation in this case. These factors are thoroughly discussed in Sandra’s appellate brief. The appellee argues the factors should not be given great weight. Given the relevance and the significance of the factors, the factors should be given extensive weight.

As a preliminary note, the holding in the *Guthrie* case eliminating the consideration of mitigating factors should be reconsidered by the court. *Iowa Supreme Court Attorney Disciplinary Bd. v. Guthrie*, 901 N.W.2d 493, 500 (Iowa 2017). As noted in Sandra’s appellate brief, the *Guthrie* holding needlessly carves out a single category of matters where mitigation is not considered. Eliminating such consideration is not supported by the Iowa Rules of Professional conduct or the rulings of this Court with regards to

every other attorney discipline case. This particular case requires the strong consideration of mitigating factors in order to determine the appropriate sanction.

The appellees argues Sandra’s treatment of her alcoholism should not be considered a mitigating factor. Under the framework established by this Court, Sandra’s treatment of her alcoholism is a significant mitigating factor. “Alcoholism does not justify or excuse ethical misconduct, but it can be a mitigating factor in determining the proper sanction. . . . To be considered in mitigation, the alcoholism must have contributed to the ethical misconduct, and the lawyer must undertake rehabilitative efforts to control his [or her] addiction.” *Iowa Supreme Court Attorney Disciplinary Bd. v. Kingery*, 871 N.W.2d 109, 122 (Iowa 2015) (citations omitted).

This Court has noted the importance of rehabilitative efforts as a strong mitigating factor. Sandra has made “robust” efforts to treat her alcoholism. *See id.* The appellee’s assertion that Sandra’s full efforts should not be given full weight runs afoul to the framework established by this Court.

The numerous mitigating factors have been discussed thoroughly in the parties’ stipulation and Sandra’s appellate brief. They need not be restated here. It is important, however, to restate the profound impact she has

had as an attorney in her community. *Iowa Supreme Court Attorney Disciplinary Bd. v. Boles*, 808 N.W.2d 431, 442 (Iowa 2012). Her work for an underserved community has been an inspiration to many throughout the community. *Iowa Supreme Court Attorney Disciplinary Bd. v. Taylor*, 814 N.W.2d 259, 268, (Iowa 2012). This work has been publicly acknowledged and praised by advocates for greater access to justice and legal services in Iowa. Her remarkable record of service should be considered a strong mitigating factor.

### **CONCLUSION**

Sandra is ready to begin the next chapter of her life as new mother. She has taken the necessary steps to confront her alcoholism in order to prevent her addictions from negatively impacting her personal and professional life. Sandra has a remarkable record of providing legal services to the Hispanic community in Iowa. Her skills as a bilingual attorney have helped numerous Spanish speakers obtain legal services who otherwise would not have access to the legal system. Under the circumstances, a ninety day suspension would be an appropriate sanction.

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME  
LIMITATION, TYPEFACE  
REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

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