

**FILED**

FEB 27 2020

**IN THE SUPREME COURT OF IOWA**

**CLERK SUPREME COURT**

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<b>IN THE MATTER OF THE</b>	)	
<b>ATTORNEY DISCIPLINARY</b>	)	
<b>BOARD AND THE GRIEVANCE</b>	)	<b>2019 ANNUAL REPORT</b>
<b>COMMISSION OF THE SUPREME</b>	)	
<b>COURT OF IOWA</b>	)	

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The attached consolidated annual report of the Attorney Disciplinary Board and the Grievance Commission is submitted as required by Iowa Court Rule 35.25 for the reporting period January 1, 2019, through December 31, 2019.

Respectfully submitted,

OFFICE OF PROFESSIONAL REGULATION

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Attorney Disciplinary Board  
& Grievance Commission

OF THE SUPREME COURT OF IOWA

2019 ANNUAL REPORT



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Compliance with the rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion, and finally, when necessary, upon enforcement through disciplinary proceedings. The rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The rules simply provide a framework for the ethical practice of law.

*Preamble, Iowa Rules of Professional Conduct*

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# Who We Are

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## Attorney Disciplinary Board

The Iowa Supreme Court Attorney Disciplinary Board (ADB) is authorized and created by the Iowa Supreme Court in Court Rule 34.6. The Board is responsible for receiving and investigating ethics complaints against attorneys whose practice falls within the Board's jurisdiction. Each formally-opened complaint is investigated, and the Board then dismisses the complaint, privately admonishes the attorney, or seeks formal discipline (a public reprimand, a term of suspension, or license revocation). All public discipline is imposed by the Supreme Court in the form of a publicly-accessible court order.

### Board Members

The Board meets quarterly to review allegations of attorney misconduct by Iowa's lawyers. At these meetings, the Board also reviews policies and procedures for attorney discipline. The Board consists of nine volunteer attorneys and three volunteer lay members, all of whom are formally appointed by the Court for up to two 3-year terms. The following people served on the Board during 2019:

#### *Attorney Members*

Jane Rosien, Winterset (Chairperson)  
Michael J. Chozen, Spirit Lake (until 6/30/19)  
Stephanie L. Cox, Des Moines  
Karen J. Erger, Cedar Rapids  
Nicholas G. Pothitakis, Burlington  
Lucas J. Richardson, Ames  
Reyne L. See, Marshalltown  
Mark C. Smith, Des Moines  
Janece Valentine, Fort Dodge (appointed 7/5/19)  
Andrew F. Van Der Maaten, Decorah

#### *Lay Members*

Ann Knutson, Sioux City (until 6/30/19)  
Tim McClimon, DeWitt  
Dr. Debbie Nanda McCartney, Des Moines  
Reginald Roberts, Algona (appointed 7/5/19)

## Attorney Disciplinary Board Staff

The Board also includes four full-time ethics prosecutors, several investigators and support staff, and an administrator.

### *Attorneys*

Tara M. van Brederode (Administrator/Assistant Director for Attorney Discipline)

Wendell J. Harms (Senior Ethics Counsel)

Elizabeth E. Quinlan (Ethics Counsel until June 2019)

Crystal W. Rink (Ethics Counsel)

Amanda K. Robinson (Ethics Counsel until November 2019)

Allison A. Schmidt (Ethics Counsel beginning October 2019)

Charles L. Harrington (Special Ethics Counsel)

Norman G. Bastemeyer (Special Ethics Counsel)

### *Paralegal and Investigators*

Sara Gilliam

Melissa R. Hill

Erin Ross-Johnson

### *Legal Assistants*

Shari Craven-Webb

Myskal Kanietova

# Grievance Commission

The Iowa Supreme Court Grievance Commission is authorized and created by Iowa Court Rule 34.1. The Grievance Commission holds fact-finding hearings on ethical complaints that were not able to be resolved through the ADB investigative process. It does not accept complaints directly from the public. Grievance Commission hearings are closed to the public and its filings are confidential. The Grievance Commission may dismiss, admonish, or recommend discipline up to revocation of license to the Supreme Court. The Supreme Court reviews and imposes or approves all discipline above a private admonition. All discipline above a private admonition is reported in a public opinion. There is no set schedule of meetings for the Grievance Commission as panels are convened on an "as needed" basis.

## Commission Members

105 lawyers currently serve on the Grievance Commission. 25 lawyers are appointed from district 5C, 15 lawyers from 5A, 10 lawyers from 6, and 5 lawyers from each other judicial election district. 35 additional lay members are appointed from across the state. All grievance commission members are unpaid volunteers appointed by the Supreme Court for three-year terms. A complete list of all members of the Grievance Commission during 2019 may be found in attachment A to this report.

Attorney Jennifer L. Zahradnik served as chairperson until June 30, 2019. Attorney Chad Boehlje was appointed by the Court to serve as chairperson effective July 1, 2019. Attorney Beatriz A. Mate-Kodjo was selected to serve as vice-chair effective July 1, 2019.

## Grievance Commission Staff

The Grievance Commission staff consists of one attorney and one assistant. Assistant Director Jessica Taylor serves as administrator and Clerk of the Grievance Commission. Dorrie Marshall assists as her program manager.

# What We Do

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As part of its responsibility to supervise lawyers and in the interest of promoting public confidence in the legal system, the Iowa Supreme Court has created procedures for addressing complaints concerning alleged violations of the Iowa Rules of Professional Conduct. The Iowa Rules of Professional Conduct are located in Chapter 32 of the Iowa Court Rules.

## Attorney Disciplinary Board

### Public Inquiries

Board staff responded to at least 482 inquiries from the public in 2019, in each instance either directing the inquiring party to the appropriate resource or providing the party with a complaint form and/or information about the function and role of the Board.

### Complaint Intake

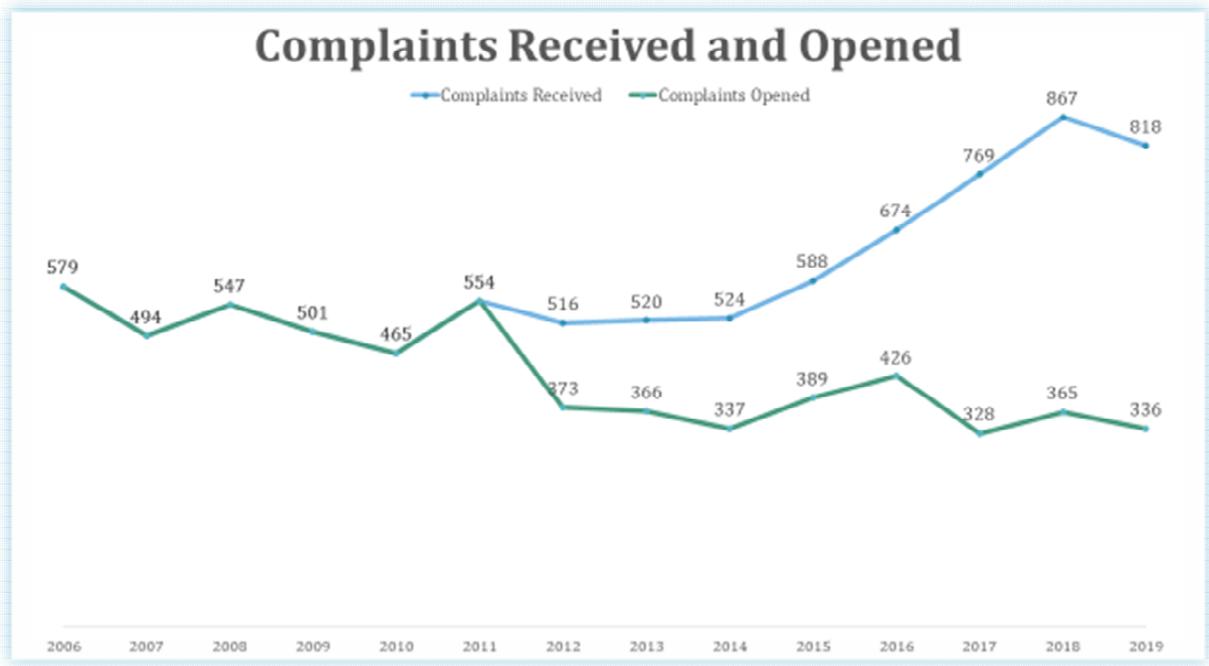
Since 2012, Iowa Court Rule 35.4 has given the assistant director for attorney discipline the discretion not to open an investigation when the information provided by the complainant, “if true, would not constitute misconduct or incapacity, or if the complaint is facially frivolous, stale, lacking in adequate factual detail, duplicative, or outside the board’s jurisdiction, or does not otherwise reasonably warrant investigation.” In 2019, 818 potential complaints were filed with the Board. The assistant director exercised her discretion to decline to open investigations of at least 482 of them. Each potential complainant was notified of the decision not to investigate; many complainants choose to resubmit complaints with additional documentation.

### Investigation and Case Processing

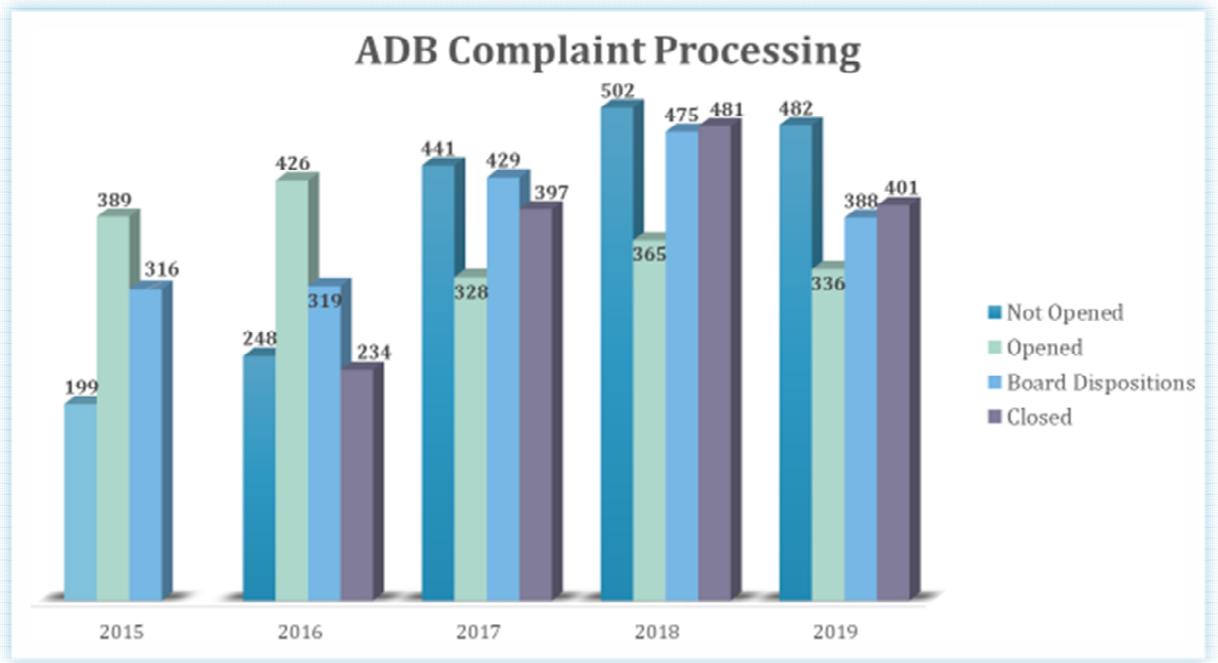
The Board opened 336 Board matters for investigation and/or processing during 2019, not including probate delinquencies reported by clerks of the district court. This compares with 365 new complaint files opened during 2018.

The graphic below reflects the impacts of two significant changes in case processing by the Board. First, as noted above, in 2012, the Iowa Supreme Court granted the assistant director for attorney discipline the discretion to decline to open certain types of investigations (see Court Rule 35.4). Second, in 2016, the Board adopted a new electronic case-processing system that allowed the Board to more accurately log and count every individual incoming complaint, even if a potential complainant filed more than one. This

resulted in an apparent (but not actual) increase in the number of complaints submitted to the Board.



For the third consecutive year, the Board has closed more matters than it has opened. This pattern has now eliminated the Board's investigative backlog and has resulted in quicker and more efficient prosecutions when warranted. Case-processing times have fallen dramatically for all types of cases.



### *Board Determinations*

The Board made determinations in 388 complaint files. “Determinations” are decisions by the Board as to what action should be taken on a particular complaint.

Board Determinations	Number of Matters	Percentage
Dismissed	186	47.9%
Private Admonition	96	24.7%
Referred to Grievance Commission	57	14.7%
Public Reprimand	24	6.2%
Closed Without Adjudication	16	4.1%
Deferral of Discipline	3	0.8%
Resist or Agree to Reinstatement	3	0.8%
Initiate Disability Suspension	2	0.5%
Initiate Reciprocal Discipline	1	0.3%
<b>Grand Total</b>	<b>388</b>	<b>100.0%</b>

During the previous reporting period (2018), the 475 determinations by the Board included 259 dismissals (54.5%); 84 private admonitions (17.7%); 52 public reprimands

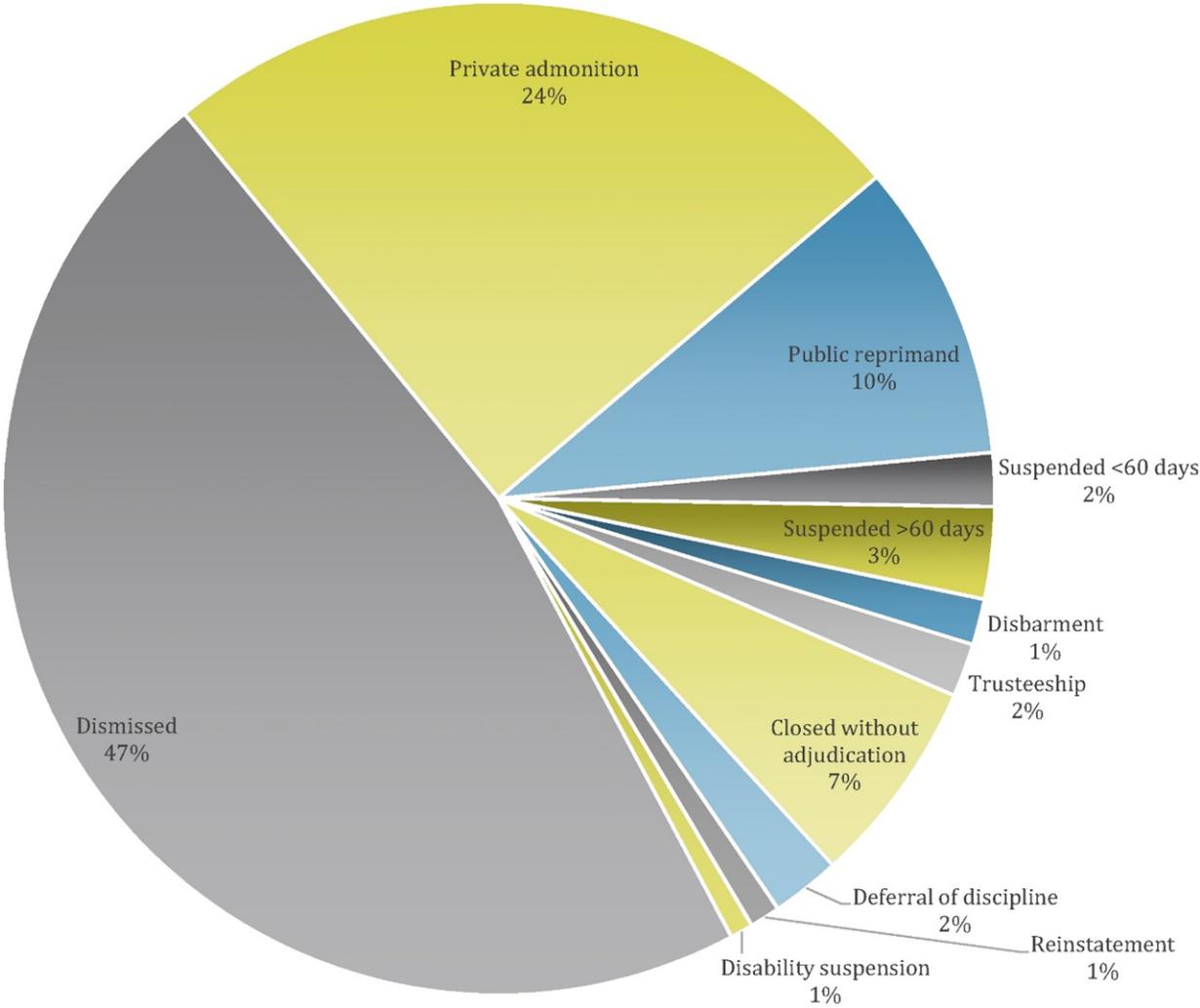
(11%); and 45 complaints referred to staff counsel for prosecution before the Grievance Commission (9.5%).

### *File Closures*

In addition to tracking dispositions by the 12-member Board, the Board has tracked file closures since mid-2016. The number of file closures is different from the number of Board dispositions because some dispositions (e. g., referrals for prosecution or public reprimands) require further action by Board counsel, the Grievance Commission, or the Supreme Court before the matter may be completely closed. The Board closed 401 matters in 2019. In 2018, the Board closed 481 matters. The decrease in file closures in 2019 reflects the Board’s declining investigative and prosecutorial backlog. File closures included the following final dispositions:

<b>File Closures – Final Dispositions</b>		<b>Number of Matters</b>	<b>Percentage</b>
Dismissed		188	46.9%
Private Admonition		99	24.7%
Closed Without Adjudication		27	6.7%
Public Reprimand		39	9.7%
Suspensions (22 Board Files/5.5%)	<i>Disability Suspension</i>	3	0.8%
	<i>Suspended 1 Year Or More</i>	9	2.2%
	<i>Suspended 3 To 6 Months</i>	3	0.8%
	<i>Suspended 31 To 60 Days</i>	3	0.8%
	<i>Suspended 30 Days Or Fewer</i>	4	1.0%
Disbarment/Revocation		6	1.5%
Reinstatement		4	1.0%
Deferral of Discipline		9	2.2%
Trusteeship		7	1.8%
<b>Grand Total</b>		<b>401</b>	<b>100.0%</b>

### Final ADB Matter Dispositions 2019 (n=401)



### Areas of Law

As of April, 2016, the Board began tracking the areas of law that give rise to disciplinary complaints that are opened and investigated. The following are the areas of law from which the 401 Board file closures in 2019 originated:

Area of Law	Number of Matters	Percentage
<i>Opened before April 2016</i>	<i>11</i>	<i>not included</i>
Criminal	100	25.6%
Family Law	62	15.9%
Probate	52	13.3%
Other	50	12.8%

Civil	37	9.5%
Appellate	27	6.9%
Personal Injury	12	3.1%
Juvenile	12	3.1%
Immigration	9	2.3%
Real Estate	9	2.3%
Foreclosure/Bankruptcy	8	2.1%
Employment	4	1.0%
Disability	3	0.8%
Commercial Lit.	2	0.5%
Professional Malpractice	2	0.5%
Wrongful Death	1	0.3%
<b>Grand Total</b>	<b>401</b>	<b>100.0%</b>

### *Sources of Complaints*

The Board tracks both prisoner and family law client complaints separately from complaints received from other types of clients. Criminal cases and family law cases are often emotionally wrenching for clients, and they are frequently disappointed in the outcomes and their lawyers' efforts in those cases.

<b>Source of Complaint</b>	<b>Number of Matters</b>	<b>Percentage</b>
Client (other than criminal or family law)	58	14.5%
Prisoner or criminal defendant	51	12.7%
Other	41	10.2%
Supreme Court Clerk (upon dismissal of appeal)	39	9.7%
Judge or other attorney	36	9.0%
Family law client	34	8.5%
Probate	34	8.5%
Board-initiated complaint	33	8.2%
Adverse attorney	21	5.2%
Attorney or member of attorney's firm (self-report)	21	5.2%
Adverse family law party	14	3.5%
Adverse party (other than family law)	11	2.7%
Commission on Unauthorized Practice of Law	4	1.0%
Client Security Commission	3	0.7%
Unpaid Medical Provider	1	0.2%
Commission on Unauthorized Practice of Law	1	0.2%
<b>Grand Total</b>	<b>401</b>	<b>100.0%</b>

## *Ethics Violations Alleged*

The ethical violation most often alleged was neglect or incompetence (alleged in 197 of 401 matters, or 49% of the matters reaching final disposition). The second most frequent category of alleged misconduct was misrepresentation or fraud (alleged in 99 matters, 25% of the total reaching final disposition). Other alleged misconduct appears in the table below. The category “disrespect of Court” typically includes disregard of Court orders or deadlines, not necessarily disrespectful behavior toward a judicial officer.

<b>Alleged Misconduct</b>	<b>Number of Allegations</b>	<b>Percentage (out of 401 matters)</b>
Neglect and incompetence	197	49.1%
Fraud, deceit, dishonesty, or misrepresentation	99	24.7%
Disrespect of Court	56	14.0%
Conflict of interest	39	9.7%
Misappropriation or mishandling of money or property	38	9.5%
Attorney misconduct	35	8.7%
Fees	33	8.2%
Pretrial or trial conduct	32	8.0%
Other	17	4.2%
Confidentiality	16	4.0%
Criminal conviction	12	3.0%
Aiding or engaging in unauthorized practice of law	11	2.7%
Communication with adverse party	9	2.2%
Prosecutorial misconduct	8	2.0%
Advertising and solicitation	4	1.0%
Frivolous litigation	4	1.0%
Trust account irregularities	3	0.7%
Failure to report ethical violation	1	0.2%
Interference with disciplinary system	1	0.2%
Threatening criminal prosecution	1	0.2%
<b>Grand Total</b>	<b>616 allegations in 401 matters</b>	<b>100.0%</b>

## *Violations Found*

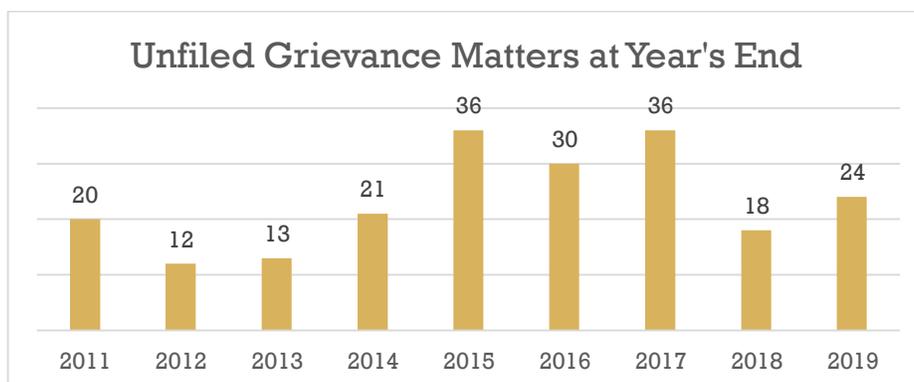
In 2019, 120 different attorneys were found to have violated our governing ethics rules in 141 disciplinary matters. The pattern of actual violations differs significantly from the pattern of alleged violations. The most commonly found violations were of Iowa Rules of Professional Conduct 32:8.4 (Misconduct), 32:1.3 (Diligence), 32:3.2 (Expediting Litigation), 32:3.4 (Fairness to Opposing Party and Counsel), and 32:1.4 (Communication).

<b>Violations Found – 2019 Closed Matters</b>	<b>Found in this number of Board matters</b>	<b>Percentage (out of 141 matters)</b>
Rule 32:1.1 Competence	11	7.8%
Rule 32:1.2 Scope of representation and allocation of authority between client and lawyer	3	2.1%
Rule 32:1.3 Diligence	60	42.6%
Rule 32:1.4 Communication	16	11.3%
Rule 32:1.5 Fees	5	3.5%
Rule 32:1.6 Confidentiality of information	2	1.4%
Rule 32:1.7 Conflict of interest: current clients	11	7.8%
Rule 32:1.8 Conflict of interest: current clients: specific rules	1	0.7%
Rule 32:1.9 Duties to former clients	3	2.1%
Rule 32:1.10 Imputation of conflicts of interest: general rule	1	0.7%
Rule 32:1.11 Special conflicts of interest for former and current government officers and employees	1	0.7%
Rule 32:1.14 Client with diminished capacity	1	0.7%
Rule 32:1.15 Safekeeping property	5	3.5%
Rule 32:1.16 Declining or terminating representation	6	4.3%
Rule 32:3.1 Meritorious claims and contentions	6	4.3%
Rule 32:3.2 Expediting litigation	34	24.1%
Rule 32:3.3 Candor toward the tribunal	11	7.8%
Rule 32:3.4 Fairness to opposing party and counsel	18	12.8%
Rule 32:3.5 Impartiality and decorum of the tribunal	2	1.4%
Rule 32:4.2 Communication with person represented by counsel	3	2.1%
Rule 32:4.4 Respect for rights of third persons	1	0.7%
Rule 32:5.1 Responsibilities of partners	1	0.7%
Rule 32:5.3 Responsibilities regarding nonlawyer assistance	5	3.5%
Rule 32:5.5 Unauthorized practice of law; multijurisdictional practice of law	8	5.7%
Rule 32:7.1 Communications concerning a lawyer's services	1	0.7%
Rule 32:7.3 Solicitation of clients	2	1.4%

Rule 32:8.1 Bar admission and disciplinary matters	10	7.1%
Rule 32:8.2 Judicial and legal officials	4	2.8%
Rule 32:8.4 Misconduct	77	54.6%
Rule 34.23	2	1.4%
<b>Grand Total</b>	<b>311 violations in 141 matters</b>	<b>100%</b>

### *Matters Pending at Year-End*

250 Board matters were pending, under investigation, awaiting prosecution, or being processed at the Board, Grievance Commission, or Supreme Court levels at the end of 2019. This compares with 314 such matters at the end of 2018, 429 at the end of 2017, and 481 at the end of 2016.



Among those pending matters were 24 cases assigned for prosecution before the Grievance Commission that had not yet been filed with the Grievance Commission. Fourteen (14) of those matters were referred by the Board to prosecutors during the latter half of 2019 (7 as recently as December of 2019). This slight increase in unfiled matters in comparison with the end-of-2018 total reflects approximately 5 months in 2019 during which the Board had 3, rather than 4, full-time prosecutors on staff.

### *Probate Delinquencies*

The Board received 310 certifications from clerks of the district court of 220 lawyers' failures to cure probate delinquencies during 2019. For each such certification, a formal "notice to cure" letter was generated and mailed to the attorney. The attorney was notified that failure to certify to the Board within 30 days that the matter was no longer delinquent would result in the opening of a formal disciplinary investigation. 15 such probate delinquency matters (involving 12 attorneys) were converted to Board matters upon the attorneys' failures to cure the delinquencies. This procedure allows the Board to identify

problems more rapidly than in the past and gives the Board the opportunity to consolidate matters involving the same attorney for Board consideration.

### *Deferrals of Discipline*

Five attorneys entered into deferral of discipline agreements with the Board in 2019, as authorized by Court Rule 35.14. Compliance with the terms of deferral agreements is monitored by the Board’s administrator and paralegal. The Board revoked one deferral agreement and took action to secure a public reprimand upon the attorney’s failure to comply with the terms of the agreement.

## Educational Outreach and CLE Programming

During 2019, the Board prepared and published a handbook entitled “[Choosing and Working with a Lawyer](#),” which is available to the public online. The handbook is designed to help clients and potential clients work productively with Iowa attorneys.

The Board supports education and outreach to help attorneys identify and prevent unethical conduct. Unless otherwise specified, the following presentations were provided by the Board’s administrator, Tara van Brederode, during 2019:

January 18, 2019	Story County Bench-Bar Conference, Ames, IA (Crystal Rink)
February 5, 2019	Des Moines Exchange Club, Des Moines, IA (Crystal Rink)
February 15, 2019	State Public Defender webinar, Ethics and Social Media, Des Moines, IA
February 22, 2019	Iowa Academy of Trial Lawyers CLE, Des Moines, IA
March 8, 2019	Webster County Bar CLE, Fort Dodge, IA
April 3, 2019	ISBA Juvenile Law CLE, Des Moines, IA
April 5, 2019	ISBA Commercial and Bankruptcy CLE, Des Moines, IA
April 8, 2019	Drake Law – guardianship and conservatorship class at Drake Legal Clinic, Des Moines, IA
April 10, 2019	Black Hawk County Bar CLE, Cedar Falls, IA
April 11, 2019	Educational Meeting with Legal Professionals from Georgia (former USSR) along with State Court Administration, Des Moines, IA
April 17, 2019	Drake Law – Law Practice Management course, Des Moines, IA
May 3, 2019	State Public Defender new attorney training, Des Moines, IA
May 29, 2019	Federal Courts CLE (SDIA, NDIA), Des Moines, IA
May 30, 2019	Lawyers’ Chautauqua, Okoboji, IA
June 12, 2019	ISBA Annual Meeting, Des Moines, IA – joint presentation with Hugh Grady of Iowa Lawyer Assistance Program
June 12, 2019	ISBA Annual Meeting, Des Moines, IA – joint presentation with Matt McDermott
June 12, 2019	ISBA Annual Meeting, Des Moines, IA – trust account presentation with Client Security Commission
June 26, 2019	Iowa Legal Aid new advocate training, Des Moines, IA

September 27, 2019	ISBA Corporate Counsel/Trade Regulation CLE, Des Moines, IA
September 30, 2019	Pottawattamie County Bench-Bar, Council Bluffs, IA
October 2, 2019	Iowa Legal Aid advocate training, Des Moines, IA
October 4, 2019	Justice Christensen 4 Our Kids CLE in Harlan, IA
October 11, 2019	Iowa Association of ALJs CLE, Des Moines, IA (well-being)
October 11, 2019	Iowa Association of ALJs CLE, Des Moines, IA (disciplinary procedures)
October 17, 2019	PCBA New Lawyers Seminar, Des Moines, IA
October 18, 2019	ISBA New Lawyers Seminar, Des Moines, IA
October 25, 2019	ISBA Family and Juvenile Law seminar, Des Moines, IA
October 29, 2019	Story County Bar Association CLE, Ames, IA
November 5, 2019	PCBA Lunch and Learn CLE, Des Moines, IA
November 8, 2019	Iowa Association of Criminal Defense Lawyers, Des Moines, IA
November 20, 2019	Iowa County Attorneys & AG CLE, Altoona, IA
November 21, 2019	Polk County Women Attorneys CLE - well-being, Des Moines, IA
November 22, 2019	8 <sup>th</sup> Judicial District Bench-Bar, Fairfield, IA
December 5, 2019	ISBA Tax School - with Hugh Grady (well-being), Des Moines, IA
December 13, 2019	State Public Defender webinar, Des Moines, IA

# Grievance Commission

## Annual Filings

During calendar year 2019, the Grievance Clerk recorded 19 new Grievance Commission filings by the ADB.. There were 12 hearings before the Grievance Commission. Nine cases were voluntarily dismissed by the ADB and one case was dismissed by the Grievance Commission after hearing. At the end of 2019, there were 17 matters pending to be resolved:

	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>
Grievance Matters Pending on Jan 1st	27	13	15	18	22	20	26
Grievance Matters Filed During Year	19	34	15	11	15	20	18
Grievance Hearings Held During Year	12	9	6	11	13	15	16
Final Disposition of Grievance Matters During Year	29	20	17	13	19	18	24
Grievance Matters Pending on 12/31	17	27	13	15	18	22	20

## Dispositions

In 2019, the Iowa Supreme Court reached final disposition in 19 grievance matters. The Court issued one public reprimand. Of the 11 suspensions issued by the Court, three were consented to by the Respondents. Six cases resulted in revocation, two of which were by consent of the Respondent. Finally, the Court enjoined one out-of-state attorney from the practice of law in Iowa for a period of six months.

**IOWA SUPREME COURT - GRIEVANCE CASE DISPOSITION SUMMARY 2019**

DOCKET NUMBER	DISMISSAL	PRIVATE ADMONITION UPON CONSENT	PRIVATE ADMONITION	REPRIMAND ON CONSENT	REPRIMAND	SUSPENDED 30 DAYS OR LESS	SUSPENDED 31 TO 60 DAYS	SUSPENDED 61 TO 93 DAYS	SUSPENDED 3 TO 6 MONTHS	SUSPENDED 7 TO 11 MONTHS	SUSPENDED 1 YEAR OR MORE	VOLUNTARILY REVOKED	REVOKED	OTHER
844											X			
848											X			
849											X			
858														X
862													X	
863											X			
865													X	
866													X	
867					X									
868									X					
869						X								
871							X							
872									X (consent)					
876													X	
879											X			
886												X		
895						X (consent)								
897							X (consent)							
898												X		
Totals	0	0	0	0	1	2	2	0	2	0	5	2	4	1

Attachment B to this report sets forth the allegations made against each respondent by the Board, the Grievance Commission panel’s findings and recommendation, and the ultimate disposition by the Iowa Supreme Court.

## Disability and Other Discipline Orders

Authority for disability or disciplinary orders exists in portions of the Iowa Court Rules outside the scope of the Grievance Commission function. They include matters such as suspensions for failure to comply with the mandatory reporting requirements, failure to comply with specific court obligations or temporary suspensions for failing to respond to inquiries by the attorney disciplinary board or client security commission. During calendar year 2019, the following orders were entered under these other provisions of the Iowa Court Rules:

	2019	2018	2017	2016	2015
Suspensions based on failure to comply with continuing legal education or client security reporting and fee payment duties under chapters 39 through 42 of the Iowa Court Rules	18	14	15	13	11
Public reprimands issued directly by the Attorney Disciplinary Board, with court approval, under Iowa Court Rule 35.12	28	14	18	25	21
Temporary suspensions issued under Iowa Court Rule 35.7 based on failure to respond to notice of complaints received by the Attorney Disciplinary Board	3	5	8	8	2
Suspensions issued due to lawyer disability per Iowa Court Rule 34.17	3	3	2	0	0
Suspensions based on abandonment of practice as per Iowa Court Rule 34.18	0	0	1	0	0
Reprimands, suspensions, or revocations issued based on the reciprocal discipline provisions of Iowa Court Rule 34.19	1	1	0	2	0
Suspensions or revocations issued based on receipt of a certified copy of judgment in a criminal prosecution under the provisions of Iowa Court Rule 34.15	0	0	3	1	1
Suspensions based on failure to comply with auditing or claim investigation requirements of the Client Security Commission, based on the authority of Iowa Court Rule 39.12	5	2	1	0	2
Suspensions based on failure to honor child support, college student loan obligations, or tax based on the provisions of Iowa Court Rules 34.20, 34.21, or 34.22	1	4	0	0	0
Suspensions based on a substantial threat of serious harm to the public, based on Iowa Court Rule 34.14	0	2	0	2	0

# Financial Overview

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Since 1995, every bar member, unless exempt, has been required to pay to the Client Security Commission an annual fee as determined by the Court to finance the disciplinary system. The annual fee is used to pay operating expenditures for the Attorney Disciplinary Board, Iowa Lawyers Assistance Program, Grievance Commission, and the Commission on the Unauthorized Practice of Law. The annual fee was increased from \$175 to \$200 in 2018. Attorneys pay the annual fee as part of the filing of their annual Client Security report.

The Client Security Commission has established separate bookkeeping records and accounts for funds received to finance the disciplinary system. A Disciplinary Fund checking account has been established for disciplinary operations. The required annual fees received from attorneys to finance the disciplinary system are deposited initially in the Investment Account of the Client Security Commission, and then transferred to the Disciplinary Fund checking account. When rates of return warrant, funds deposited to the Disciplinary Fund checking account are diverted to interest-bearing certificates of deposit insured by the Federal Deposit Insurance Corporation or a savings account, to the extent not necessary to support current operations of the Grievance Commission or the other entities supported by the disciplinary fee.

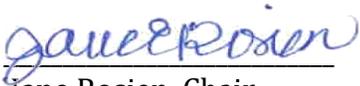
During the fiscal year July 1, 2018 through June 30, 2019, annual fees received to finance the disciplinary system totaled \$1,850,646, which included the annual fees, late filing fees, investment income, and reimbursement of disciplinary costs paid.

Total expenditures made for the disciplinary system during fiscal year 2018-2019 were \$1,690,138. The Client Security Commission paid a total of \$1,351,604 for the fiscal year 2018-2019 operating budget of the Iowa Supreme Court Attorney Disciplinary Board. The Commission also paid operating expenditures for the Grievance Commission totaling \$208,442, operating expenses of the Commission on the Unauthorized Practice of Law totaling \$30,132, and a subsidy for the Iowa Lawyers Assistance Program totaling \$99,960.

The Grievance Commission and seven other boards, commissions, or functions administered by the main office of the Office of Professional Regulation share staff, files, and equipment to minimize operating expenses. The accounting and budget years for the boards and commissions are standardized on the same fiscal year as state government generally. On May 30, 2019, the Court approved operating budgets attached at Attachment C for the Grievance Commission, the Commission on the Unauthorized Practice of Law, and for the Attorney Disciplinary Board for the fiscal year July 1, 2019 through June 30, 2020. Continued cooperation between all of the boards and commissions administered by the Office of Professional Regulation makes it possible to operate within these budgets.

Dated: February 25, 2020

THE IOWA SUPREME COURT  
ATTORNEY DISCIPLINARY BOARD

By   
Jane Rosien, Chair

GRIEVANCE COMMISSION OF THE SUPREME COURT  
OF IOWA

By   
Chad Boehlje , Chair

- Attachment A – Grievance Commission Members During 2019
- Attachment B – Synopsis and Report Regarding Grievance Cases Reaching Final Disposition During Calendar Year 2019
- Attachment C – OPR Budgets for FY2019-20

**ATTACHMENT A  
GRIEVANCE COMMISSION MEMBERS SERVING DURING 2019**

<u>CHAIRPERSON</u>	<u>TERM EXPIRES</u>
<b>Jennifer L. Zahradnik</b> (until June 30, 2019)	6-30-21
<b>Chad Boehlje</b> (effective July 1, 2019)	6-30-21

**1A**

<b>Jill M. Kistler</b>	6-30-19
<b>Natalia H. Blaskovich</b>	6-30-20
<b>Gary Mick</b>	6-30-20
<b>Tonya A. Trumm</b>	6-30-21
<b>John W. Bernau</b>	6-30-21
<b>Maureen Quann</b>	6-30-22

**1B**

<b>Brian J. Williams</b>	6-30-22
<b>Jennifer Schwickerath</b>	6-30-20
<b>Alice Koempel</b>	6-30-20
<b>Tiffany Kragnes</b>	6-30-21
<b>Susan M. Abernathy</b>	6-30-22

**2A**

<b>Greg M. Lievens</b>	6-30-19
<b>Jacqueline Arthur</b>	6-30-20
<b>Philip L. Garland</b>	6-30-20

**Mark L. Walk** 6-30-20

**Kelsey A. Beenken** 6-30-21

**Matthew F. Berry** 6-30-22

**2B**

**Mary Howell Sirna** 6-30-22

**Jessica A. Reynolds** 6-30-22

**Dennis Parmenter** 6-30-20

**Laura A. Eilers** 6-30-20

**Shawn Smith** 6-30-21

**3A**

**Kristi J. Busse** 6-30-22

**Micah J. Schreuers** 6-30-20

**Shawna Nolan Ditsworth** 6-30-20

**Melanie Summers Bauler** 6-30-20

**James L. Lauer** 6-30-21

**3B**

**Richard H. Moeller** 6-30-19

**C. Michelle Venable-Ridley** 6-30-20

**Ian McConeghey** 6-30-20

**Andrea H. Buckley** 6-30-21

**Lindsey R. Buchheit** 6-30-21

**4**

<b><i>Eric J. Nelson</i></b>	6-30-19
<b><i>Deborah Petersen</i></b>	6-30-20
<b><i>Jon J. Narmi</i></b>	6-30-20
<b><i>Naeda E. Elliott</i></b>	6-30-20
<b><i>Jon Heisterkamp</i></b>	6-30-21
<b><i>Katherine Murphy</i></b>	6-30-22

**5A**

<b><i>Erika Eckley</i></b>	6-30-19
<b><i>Peter W. Blink</i></b>	6-30-22
<b><i>Beatriz A. Mate-Kodjo</i></b>	6-30-22
<b><i>Kara McClure</i></b>	6-30-20
<b><i>Craig Shannon</i></b>	6-30-20
<b><i>Adam Otto</i></b>	6-30-20
<b><i>Mollie Pawlosky</i></b>	6-30-20
<b><i>Jennifer Gerrish-Lampe</i></b>	6-30-20
<b><i>Katie L. Ranes</i></b>	6-30-20
<b><i>Chad Boehlje</i></b> ( <i>chair effective July 1, 2019</i> )	6-30-21
<b><i>Janet Burkhead</i></b>	6-30-21
<b><i>Stacie Codr</i></b>	6-30-21
<b><i>Tyler L. Eason</i></b>	6-30-21
<b><i>Samuel H. Braland</i></b>	6-30-21
<b><i>Brent Hinders</i></b>	6-30-22

**Julie J. Bussanmas** 6-30-21

**5B**

**Clinton C. Hight** 6-30-19

**Kristian E. Anderson** 6-30-20

**Michelle Murphy Rivera** 6-30-19

**Jenna Lain** 6-30-21

**Melissa Larson** 6-30-21

**Diana L. Rolands** 6-30-20

**5C**

**Kelley A. Rice** 6-30-19

**George F. Davison, Jr.** 6-30-19

**Gregory A. Witke** 6-30-22

**David M. Erickson** 6-30-22

**John McCormally** 6-30-22

**Amy T. Montgomery** 6-30-22

**Tammi Blackstone** 6-30-22

**Christine Lebron Dykeman** 6-30-22

**Thomas Duff** 6-30-20

**Deborah Svec-Carstens** 6-30-20

**Erin Herbold** 6-30-20

**Steve Despotovich** 6-30-20

**Erin E. Lee Schneider** 6-30-20

<b><i>Jonathan E. Kramer</i></b>	6-30-20
<b><i>Caroline K. Bettis</i></b>	6-30-20
<b><i>Michael A. Carmoney</i></b>	6-30-20
<b><i>Katie A. Ervin Carlson</i></b>	6-30-20
<b><i>Elizabeth A. Kellner-Nelson</i></b>	6-30-21
<b><i>Joseph Gamble</i></b>	6-30-21
<b><i>Carol Moser</i></b>	6-30-21
<b><i>Julie Pottorff</i></b>	6-30-21
<b><i>Loree Nelson</i></b>	6-30-21
<b><i>John Fatino</i></b>	6-30-21
<b><i>Thomas H. Walton</i></b>	6-30-21
<b><i>Mary A. Triick</i></b>	6-30-22
<b><i>Erin C. Lain</i></b>	6-30-22
<b><i>Ashley A. Tollakson</i></b>	6-30-22
<b>6</b>	
<b><i>Randall B. Willman</i></b>	6-30-19
<b><i>Lisa M. Epp</i></b>	6-30-22
<b><i>Cynthia Sueppel</i></b>	6-30-20
<b><i>Alex J. Anderson</i></b>	6-30-20
<b><i>Elizabeth J. Craig</i></b>	6-30-20
<b><i>Melody Butz</i></b>	6-30-21
<b><i>Mark Fisher</i></b>	6-30-21
<b><i>Jennifer Zahradnik</i></b> ( <i>chair until June 30, 2019</i> )	6-30-21

***Thomas Hobart*** 6-30-21

***Joseph W. Younker*** 6-30-21

***Eric W. Lam*** 6-30-22

**7**

***Jerry Van Scoy*** 6-30-19

***Mikki Schiltz*** 6-30-20

***Ralph W. Heninger*** 6-30-20

***Courtney T. Wilson*** 6-30-21

***Elizabeth J. Cervantes*** 6-30-21

***Lisa R. Jones*** 6-30-22

**8A**

***Allen L. Cook III*** 6-30-19

***Ryan J. Mitchell*** 6-30-20

***Andrew J. Ritland*** 6-30-20

***Susan C. Scieszinski*** 6-30-21

***Ashley L. Walkup*** 6-30-21

***Cynthia D. Hucks*** 6-30-21

**8B**

***Jonathan Stensvaag*** 6-30-20

***Darin R. Stater*** 6-30-19

***Brent R. Ruther*** 6-30-19

***Heidi D. Van Winkle*** 6-30-20

***John C. Miller*** 6-30-21

LAY MEMBERS

1A

**Kelly Francois** 6-30-21

**Christopher B. Budzisz** 6-30-21

1B

**David Buck** 6-30-20

**Miriam Brown Tyson** 6-30-21

2A

**Elizabeth Faber** 6-30-20

**Scott Flory** 6-30-20

2B

**Nathan Wilson** 6-30-20

**Julie Huisman** 6-30-20

3A

**Tom Underwood** 6-30-20

**E. John Wittneben** 6-30-21

3B

**Flora M. Lee** 6-30-22

**Douglas VanDerVoort** 6-30-21

4

**Boyd Littrell** 6-30-20

**Marsha Park** 6-30-21

5A

<b>Kathrine A. Brown</b>	6-30-22
<b>Luke Behaunek</b>	6-30-22
<b>Denise Rudolph</b>	6-30-21

5B

<b>R. Richard Rice</b>	6-30-20
<b>Todd Kale</b>	6-30-20

5C

<b>Joe Henry</b>	6-30-19
<b>André G. Allen</b>	6-30-19
<b>Kendra Erkamaa</b>	6-30-20
<b>Wanda Noble</b>	6-30-21
<b>Carl McPherson</b>	6-30-21
<b>Justine M. Morton</b>	6-30-21
<b>Elizabeth Todd</b>	6-30-22
<b>Jane Rider</b>	6-30-22

6

<b>La Shanta Boyce</b>	6-30-20
<b>Trish Ellison</b>	6-30-21
<b>D. Suzanne Buffalo</b>	6-30-21
<b>Kathy Maxwell</b>	6-30-21
<b>Julie Hubbell</b>	6-30-22

7

**Amy McClure Swearingen**

6-30-22

**Jim Tiedje**

6-30-20

8A

**Nellie Coltrain**

6-30-20

**Jerry Droz**

6-30-21

8B

**Jim DenAdel**

6-30-20

**Robert Helscher**

6-30-21

**ATTACHMENT B**

**SYNOPSIS AND REPORTS REGARDING CASES REACHING FINAL DISPOSITION  
DURING CALENDAR YEAR 2019**

Iowa Supreme Court Atty. Disc. Bd. v. Benjamin J. Stansberry Grievance No. 849 Iowa S. Ct. No. 18-1719 – January 25, 2019		
Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
This assistant county attorney stole a woman colleague's undergarments from her home and photographed, for his personal sexual gratification, the undergarments of her and another woman colleague that were in their office gym bags. He pled guilty to theft and criminal trespass. The board alleged violations of four ethical rules: 32:8.4(b) (criminal conduct), 32:8.4(c) (dishonesty, fraud, deceit, and misrepresentation), 32:8.4(g) (sexual harassment or other unlawful discrimination), and 32:8.4(d) (conduct prejudicial to the administration of justice).	The commission found violations of all four rules. The commission found no mitigating factors and considered as aggravating factors his role as a county attorney, his attempt to minimize his actions, and his lack of understanding of how his actions affected his victims. The commission recommended a 90-day suspension.	The Court agreed with the commission's findings of violations of all but 32:8.4(d) (conduct prejudicial to the administration of justice). In determining sanctions, the court considered the similar misconduct in past cases <i>Templeton</i> 784 N.W.2d 761 (2010) (90-day suspension) and <i>Tompkins</i> 415 N.W.2d 620 (1987) (2-year suspension). The Court suspended the attorney's license for one year and required that he provide an evaluation from a licensed healthcare professional verifying his fitness to practice law.

Iowa Supreme Court Atty. Disc. Bd. v. Bryan J. Humphrey

Grievance Case No. 863

Iowa S. Ct. No. 18-1830 – January 25, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
The board alleged the attorney failed to prosecute an appeal, failed to communicate with a client, and failed to address a loss of a client's abstract of title, failed to respond to the board, and misrepresented his actions to the board. The board alleged violations of ten ethical rules.	The parties stipulated and the commission accepted all but the stipulated sanction of a 60-day suspension. The commission found the attorney's disciplinary history and aggravating circumstances to warrant a suspension of eighteen months.	The Court agreed with the commission that a 60-suspension was too lenient. The Court imposed a one-year suspension and required that the attorney take and pass the MPRE prior to reinstatement.

Iowa Supreme Court Atty. Disc. Bd. v. Soo-Hyun Jung a/k/a Jay Jung

Grievance Case No. 886

Iowa S. Ct. No. 19-0102 – February 12, 2019

Consent to Disbarment (Rule 34.16)

Attorney pled guilty in federal district court to felonies including mail fraud and making a false claim to a governmental agency. Rule violations included 32:8.4(b) (criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); and 32:8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). The court accepted the attorney's consent to disbarment, and revoked the attorney's license to practice law.

Iowa Supreme Court Atty. Disc. Bd. v. Matthew L. Noel

Grievance No. 848

Iowa S. Ct. No. 18-1229 – February 15, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
<p>Attorney overbilled the state public defender for services he did not perform and made excessive mileage claims. He pled guilty to theft. The board alleged violations of rule 32:1.5(a) (unreasonable fees); rule 32:8.4(b) (conduct reflecting adversely on fitness to practice law); and rule 32:8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation).</p>	<p>The commission found violations of all three rules and recommended a one-year suspension of the attorney's license.</p>	<p>Upon de novo review, the Court agreed with the commission's findings of rule violations. The Court also agreed with the commission's recommended sanction and suspended the attorney's license for one year.</p>

Iowa Supreme Court Atty. Disc. Bd. v. Eric K. Parrish

Grievance No. 844

Iowa S. Ct. No. 18-0319 –March 22, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
<p>The board alleged that the attorney violated five ethical rules by converting client funds that were intended for payment of costs of a transcript preparation. Rules 32:1.15(d) (lawyer shall promptly deliver funds to client); 32:3.3(a)(1) (false statement to tribunal); 32:8.4(b) (conduct reflecting adversely on fitness to practice law); 32:8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation); and 32:8.4(d) (conduct prejudicial to the administration of justice).</p>	<p>The commission found violations of all five rules and recommended revocation of the attorney's license because it found the attorney misappropriated funds to which he did not have a future colorable claim.</p>	<p>Upon de novo review, the Court found violations of rules 32:1.15(d), 32:3.3(a)(1), and 32:8.4(d). The Court declined to find that theft or misappropriation occurred because prior cases did not clearly hold that a future colorable claim of right was not a defense to a claim of theft or misappropriation when limited use client funds are involved. The Court emphasized that in future cases, a future colorable claim of right will not be a defense to a charge of theft or misappropriation of specific purpose funds. The Court considered several aggravating factors, including a lengthy disciplinary history, and suspended the attorney's license for two years.</p>

Iowa Supreme Court Atty. Disc. Bd. v. Anthony R. Johnson

Grievance Case No. 862

Iowa S. Ct. No. 18-2113 – April 19, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
Attorney entered an Alford plea to felony fraudulent practice. As a result, the board alleged violations of rule 32:8.4(b) (criminal act that reflects adversely on a lawyer's honesty); and 32:8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation).	The commission, after hearing at which the attorney did not appear, found that he violated both alleged rules. The commission recommended that the attorney's license be revoked.	The Court agreed with the commission's recommendation and revoked the attorney's license.

Iowa Supreme Court Atty. Disc. Bd. v. Don R. J. Bauermeister

Grievance Case No. 865

Iowa S. Ct. No. 18-2219 – May 3, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
Attorney pled guilty to conspiring to possess and distribute a controlled substance in federal district court. The board alleged a violation of rule 32:8.4(b) (criminal act that reflects adversely on a lawyer's honesty).	The parties stipulated to the facts and the violation of the rule, but disagreed on sanction. The commission recommended revocation.	The Court agreed with the commission's recommendation and revoked the attorney's license.

Iowa Supreme Court Atty. Disc. Bd. v. Donald H. Capotosto

Grievance Case No. 871

Iowa S. Ct. No. 19-0249 – May 3, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
The board alleged that the attorney neglected several probate cases, in violation of rules 32:1.3 (diligence and promptness); 32:1.4(a)(3) (keep client reasonably informed); 32:1.4(a)(4) (comply with reasonable requests for information); and 32:8.4(d) (conduct prejudicial to the administration of justice).	The parties stipulated to the facts and rule violations, and briefed the issue of sanctions. The commission recommended suspending the attorney's license for 60 days.	The Court agreed with the commission's recommendation and suspended the attorney's license for 60 days.

Iowa Supreme Court Atty. Disc. Bd. v. Paul A. Caghan

Grievance Case No. 858

Iowa S. Ct. No. 18-2191 – May 10, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
The board alleged that this attorney from Illinois who appeared pro hac vice violated rule 32:3.1 (prohibition on frivolous proceedings); 32:3.3(a)(1) (false statements to a tribunal); and 32:8.4(d) (conduct prejudicial to the administration of justice). The attorney made false assertions to the district court to avoid summary judgment.	The commission found violations of all three rules and recommended that the attorney be enjoined from practicing law in Iowa for one year. The commission also recommended that he be required to pay the sanctions ordered by the district court in the underlying case.	The Court enjoined the attorney from practicing law in Iowa for six months and required that he pay the sanctions prior to reinstatement. Three justices concurred in part and dissented in part, agreeing with the one-year injunction as recommended by the commission.

Iowa Supreme Court Atty. Disc. Bd. v. David L. Scieszinski

Grievance Case No. 872

Iowa S. Ct. No. 19-0361 – July 1, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
The board alleged that the attorney charged unreasonable fees in a probate case in violation of rule 32:1.5(a) (lawyer shall not charge an unreasonable fee).	Prior to hearing, the attorney filed an affidavit consenting to suspension for six months, to which the board agreed.	The court accepted the attorney's consent and ordered a six-month suspension.
<p>Iowa Supreme Court Atty. Disc. Bd. v. Michelle M. Rivera</p> <p>Grievance Case No. 895</p> <p>Iowa S. Ct. No. 19-1282 – September 3, 2019</p>		
<p>Consent to Suspension (Rule 34.16)</p>		
<p>Attorney appeared in court intoxicated and two months later was arrested while operating her vehicle while intoxicated. The attorney was under a disability suspension shortly after her OWI arrest. The attorney consented to a six-month suspension of her license. Rule violations included 32:8.4(b) (criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); and 32:8.4(d) (conduct prejudicial to the administration of justice). The court accepted the attorney's consent to suspension, but ordered a 30-day suspension running concurrently with her disability suspension.</p>		

Iowa Supreme Court Atty. Disc. Bd. v. Matthew L. Noel

Grievance Case No. 867

Iowa S. Ct. No. 19-0661 – September 6, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
The board alleged a number of rule violations related to the attorney's representation of a client in a civil matter, including 32:1.2(a)(scope of representation); 32:1.3 (diligence); 32:1.4(a)(2), (a)(3), (a)(4), and (b) (communications); 32:3.4(d) (fairness to opposing party and counsel); 32:8.4(c)(conduct involving dishonesty, fraud, deceit, or misrepresentation); 32:8.4(d) (conduct prejudicial to the administration of justice).	The commission found that the board proved all but three of the rule violations it alleged. The commission recommended a 30-day suspension.	The Court agreed with some, but not all, of the commission's findings of rule violations. The Court imposed a public reprimand rather than the suspension recommended by the commission.

Iowa Supreme Court Atty. Disc. Bd. v. Kyle L. Earley

Grievance Case No. 876

Iowa S. Ct. No. 19-0662 – September 6, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
Attorney converted client funds for personal use without a colorable future claim. The board alleged violations of around a dozen rules involving two different clients. The attorney did not raise a colorable future claim defense.	The commission found violations of all rules alleged by the board. The commission recommended revocation of the attorney's license.	The Court agreed with the commission's findings and recommendations and revoked the attorney's license.

Iowa Supreme Court Atty. Disc. Bd. v. Johnathan L. Sears

Grievance Case No. 879

Iowa S. Ct. No. 19-0712 – September 6, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
<p>Attorney was arrested for and later plead guilty to operating a vehicle while intoxicated, domestic abuse assault causing bodily injury. The board also alleged the attorney violated a no-contact order, though he was not arrested for that violation. The board alleged violations of rule 32:8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer); and 32:3.4(c)(knowingly disobeying an order of a tribunal).</p>	<p>The commission found violations of rule 32:8.4(b) (The board subsequently abandoned its position alleging a violation of rule 32:3.4(c)). The commission recommended a one-year suspension.</p>	<p>The Court agreed with the commission's findings, but imposed a two-year suspension due to significant aggravating factors. Prior to reinstatement, the attorney is required to provide the Court with both substance abuse and mental health evaluations indicating his fitness to practice law, and proof of completion of probation and no further criminal charges or convictions.</p>

Iowa Supreme Court Atty. Disc. Bd. v. Curtis W. den Beste

Grievance Case No. 868

Iowa S. Ct. No. 19-0360 – September 13, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
Attorney accepted cash payments from clients and kept proceeds rather than depositing payments into the firm's accounts. The board alleged violations of rules 32:8.4(b) (criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness); and 32:8.4(c)(conduct involving dishonesty, fraud, deceit, or misrepresentation).	The parties entered into a stipulation of facts. The commission found violations of both rules and recommended a four-month suspension of the attorney's license.	The Court found violations of both rules and imposed a four-month suspension.

Iowa Supreme Court Atty. Disc. Bd. v. Tina H. Muhammad

Grievance Case No. 866

Iowa S. Ct. No. 19-1032 – October 25, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
Attorney deposited funds received from a client for expenses into her personal account without a colorable claim. The board alleged violations of rules 32:8.4(b) (criminal acts) and 32:8.4(c) (honesty, fraud, deceit, and misrepresentation), in addition to a series of trust account violations.	The commission found that the attorney violated all of the rules alleged by the board and recommended suspension of the attorney's license for one year. The commission further recommended that the attorney reimburse the client, obtain a mentor, and attend CLE focusing on trust accounts and fee agreements.	The Court found that because the attorney converted client funds with no colorable claim, revocation of her license was appropriate.

Iowa Supreme Court Atty. Disc. Bd. v. Eric J. Dale

Grievance Case No. 897

Iowa S. Ct. No. 19-1645 - October 25, 2019

Consent to Suspension (Rule 34.16)

Attorney failed to comply with deadlines in two appellate cases. In a third case, he forged a client's signature, entered a plea of not guilty, and waived speedy trial without the client's consent. The attorney consented to a three-month suspension of his license. Rule violations included 32:1.3 (diligence); 32:3.2 (expedite litigation consistent with interests of client); 32:8.4(d) (conduct prejudicial to the administration of justice); 32:3.3(a) (false statement to tribunal); 32:8.4(b) (criminal act); 32:8.4(c) (conduct involving dishonest, fraud, deceit, or misrepresentation); 32:1.2(a) (consult with client and abide by client's decisions); and 32:1.4(b) (explain matter so client can make informed decision). The court accepted the attorney's consent to suspension, but ordered a 60-day suspension.

Iowa Supreme Court Atty. Disc. Bd. v. Scott E. Smith

Grievance Case No. 898

Iowa S. Ct. No. 19-1739 – November 13, 2019

Consent to Disbarment (Rule 34.16)

Attorney deposited proceeds from a settlement into his personal account, withdrew a significant amount for his personal use, and misled clients about the status of the settlement. The attorney was charged with first degree theft, a class C felony. The attorney consented to revocation of his license. Rule violations included 32:1.15 (safekeeping property); 32:8.4(b) (criminal act); 32:8.4(c) (conduct involving dishonest, fraud, deceit, or misrepresentation); and various provisions of the Client Trust Account Rules in Chapter 45. The court revoked the attorney's license.

Iowa Supreme Court Atty. Disc. Bd. v. Edward F. Noyes

Grievance Case No. 869

Iowa S. Ct. No. 19-0499 – December 13, 2019

Attorney Disciplinary Board Allegations	Grievance Commission Findings, Conclusions, and Recommendations	Iowa Supreme Court Opinion
Attorney had a number of trust account violations under Rule 45, as well as rule 32:1.8(e) (no financial assistance to clients); 32:1.15(a) (hold client funds separate); 32:1.15(f) (client trust accounts governed by Chapter 45); 32:5.3(a) (supervision of nonlawyer by lawyer); and 32:5.3(c)(2) (lawyer responsible for nonlawyer conduct in violation of rules).	The parties entered into a joint stipulation of facts. The commission found violations of all rules alleged and recommended a 60-day suspension.	The Court found violations of all alleged rules and suspended the attorney's license for 30 days.

**In the Supreme Court of Iowa**

CLERK SUPREME COURT

<b>In the Matter of Budgets</b>	)	
<b>for the Boards and</b>	)	
<b>Commissions of the</b>	)	<b>Order</b>
<b>Office of Professional</b>	)	
<b>Regulation</b>	)	

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The Director of the Office of Professional Regulation has proposed fiscal year 2019-2020 budgets for the boards and commissions subject to the provisions of Iowa Court Rule 49.2.

Pursuant to Iowa Court Rule 49.2, the fiscal year 2019-2020 budgets for the following boards and commissions of the Office of Professional Regulation are approved as proposed:

- Attorney Disciplinary Board
- Board of Examiners of Shorthand Reporters
- Board of Law Examiners
- Client Security Commission
- Commission on Continuing Legal Education
- Office of Professional Regulation, Court Interpreter Function
- Grievance Commission
- Lawyer Trust Account Commission
- Commission on the Unauthorized Practice of Law

A copy of each approved budget is attached to this order.

These boards and commissions are authorized and directed to expend monies and other receipts collected under the provisions of the Iowa Court Rules in execution of the approved budgets, in each case in an amount up to but not exceeding the applicable budget total as approved.

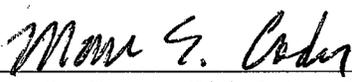
The court is advised that as of June 30, 2019, the Attorney Disciplinary Board (the Board) will have a remaining unobligated balance

in its bank operating account, representing that portion of the fiscal year 2018-2019 budget authorization it will not expend during the period July 1, 2018 through June 30, 2019. The Board is authorized and directed to expend this remaining unobligated bank operating account balance, as verified by independent audit, against the Board's authorized budget for the period July 1, 2019 through June 30, 2020. The Client Security Commission is authorized and directed to pay to the Board during the period July 1, 2019 through June 30, 2020, a sum equal to the Board's total approved budget for that period, reduced by the Board's unobligated bank operating account balance as of June 30, 2019, as verified by independent audit. Such payment shall be divided into equal semimonthly installments, which the Client Security Commission shall be authorized to adjust to reflect the remaining operating account balance already available to the Board.

Dated this 30th day of May, 2019.

THE SUPREME COURT OF IOWA

By

  
\_\_\_\_\_  
Mark S. Cady, Chief Justice

**FILED**

MAY 30 2019

ATTORNEY DISCIPLINARY BOARD

CLERK SUPREME COURT

FISCAL YEAR 2019-2020 BUDGET

OPERATING EXPENSES

Salary & Employee Expense		
Salaries	\$	955,665.90
Clerical overtime	\$	-
Deferred Compensation	\$	9,180.00
Employee Insurance	\$	206,145.23
Employer's Unemployment	\$	415.00
FICA	\$	73,108.44
IPERS	\$	90,214.86
Vac/SL Payout	\$	-
Total Payroll Expenses	\$	1,334,729.43
Non-Payroll Expense		
Appellate Brief Printing	\$	-
Audit Expense	\$	2,600.00
Bank Service Charges	\$	500.00
Board Meeting Expense	\$	4,900.00
Case Management Software	\$	7,500.00
Computer Services & Expense	\$	4,600.00
Copier Lease	\$	4,500.00
Dues & Subscriptions	\$	4,000.00
Employer Insurance	\$	4,800.00
Furniture & Equipment	\$	13,000.00
Investigative & Hrg Expense	\$	10,000.00
Miscellaneous	\$	500.00
Office Supplies	\$	3,000.00
Contract Lawyers	\$	40,000.00
Payroll Processing	\$	2,250.00
Postage	\$	6,800.00
Repairs	\$	500.00
Rent	\$	65,172.00
Telephone	\$	1,200.00
Travel	\$	12,500.00
Temporary Clerical	\$	-
Total Non-Payroll Expense	\$	188,322.00
Total Expense	\$	1,523,051.43

GRIEVANCE COMMISSION

FISCAL YEAR 2019-2020 BUDGET

OPERATING EXPENSES

Salary and Salary Expenses	
Director Salary	\$27,207.67
Assistant Director	\$34,392.44
Clerical Salary	\$71,002.67
Vacation/Sick Leave Payout	\$0.00
Part-Time Call Center Support	\$0.00
FICA	\$10,144.11
IPERS	\$12,517.70
Employee Insurance	\$35,499.44
Deferred Compensation	\$1,530.00
Auditing	\$2,400.00
Rent	\$12,700.00
Copier Lease	\$1,500.00
Repairs & Maintenance	\$200.00
Supplies	\$1,200.00
Telephone	\$250.00
Travel	\$4,000.00
Training	\$0.00
Postage	\$2,400.00
Insurance	\$650.00
Transcripts (SHR)	\$18,000.00
Automation Support	\$600.00
Banking Fees	\$600.00
Misc., Including Moving Exper	\$1,000.00
Internet App. Maint. & Develop	\$30,250.00
Internet Payment Charges	\$40,000.00
Unemployment Insurance	\$60.00
Payroll Processing	\$350.00
TOTAL OPERATING EXPENSES	<u>\$308,454.04</u>
CAPITAL EXPENDITURES	\$500.00
TOTAL PROJECTED EXPENDITURES	<u>\$308,954.04</u>

UPL COMMISSION

FISCAL YEAR 2019-2020 BUDGET

OPERATING EXPENSES

Salary and Salary Expenses	
Assistant Director	\$8,598.11
Clerical Salary	\$9,948.81
Investigator	\$0.00
FICA	\$1,418.84
IPERS	\$1,750.83
Employee Insurance	\$5,215.30
Deferred Compensation	\$225.00
Rent	\$3,000.00
Auditing	\$900.00
Copier Lease	\$300.00
Repairs & Maintenance	\$100.00
Supplies	\$320.00
Telephone	\$50.00
Travel	\$2,000.00
Training	\$0.00
Postage	\$100.00
Insurance	\$100.00
Investigation Expense	\$500.00
Commission Meeting Exp	\$500.00
Automation Support	\$250.00
Misc., Including Moving Exper	\$250.00
Unemployment Insurance	\$9.00
Payroll Processing	\$125.00
TOTAL OPERATING EXPENSES	<u>\$35,660.89</u>
CAPITAL EXPENDITURES	\$250.00
TOTAL PROJECTED EXPENDITURES	<u>\$35,910.89</u>