

IN THE SUPREME COURT OF IOWA

CLERK SUPREME COURT

IN THE MATTER OF THE
ATTORNEY DISCIPLINARY
BOARD AND THE GRIEVANCE
COMMISSION OF THE SUPREME
COURT OF IOWA

2022 ANNUAL REPORT

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, 2022, through December 31, 2022.

Respectfully submitted,

OFFICE OF PROFESSIONAL REGULATION

By: Nutrelan Conteth

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Attorney Disciplinary Board & Grievance Commission OF THE SUPREME COURT OF IOWA

2022 ANNUAL REPORT



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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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 public 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 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 2022:

Attorney Members

Reyne L. See, Marshalltown (Chair)
Scott Buchanan, Algona
Jennifer Clemens-Conlon, Dubuque (appointed July 2022)
Karen J. Erger, Cedar Rapids (through June 2022)
Jennifer Gerrish-Lampe, Waukee
Holly Piper, Des Moines (appointed July 2022)
Nicholas G. Pothitakis, Burlington
Lucas J. Richardson, Ames
Mark C. Smith, Des Moines (through June 2022)
Janece Valentine, Fort Dodge
Jennifer Zahradnik, Belle Plaine

Lay Members

Maryfrances Evans, Des Moines Tim McClimon, DeWitt Reginald Roberts, Algona (through June 2022) William Van Sloun, Waukee (appointed July 2022)

Attorney Disciplinary Board Staff

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

Attorneys

Tara M. van Brederode, Administrator/ Director of Attorney Discipline
Crystal W. Rink, Deputy Director of Attorney Discipline until March 2022
Allison A. Schmidt, Disciplinary Counsel; Deputy Director of Attorney Discipline from March 2022
Lawrence F. Dempsey IV, Disciplinary Counsel until July 2022
Alexis W. Grove, Disciplinary Counsel
Robert A. Howard III, Disciplinary Counsel

Paralegals and Investigators

Jennifer Anderson (Paralegal) Sara Gilliam (Paralegal) Melissa Hill (Investigator) Erin Ross-Johnson (Investigator)

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 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 2022 may be found in attachment A to this report.

Attorney Brian J. Williams served as chairperson until June 30, 2022. Attorney Elizabeth Kellner-Nelson was appointed by the Court to serve as chairperson effective July 1, 2022. Attorney Brent Ruther was designated to serve as vice-chair effective July 1, 2022.

Grievance Commission Staff

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

What We Do

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. The procedural rules governing attorney disciplinary matters are found in Chapters 34, 35, and 36 of the Iowa Court Rules.

Attorney Disciplinary Board

Public Inquiries

Board staff responded to at least 602 inquiries from the public (counted as new contacts entered into our case management system) in 2022, 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. The Board also informally assisted hundreds of telephone callers with information about how to file complaints or search lawyers' disciplinary histories.

The Board provides information to the public through the www.iowacourts.gov website. Among the resources available to Iowans is a publication created by the Board, <u>Choosing and Working with a Lawyer</u>.

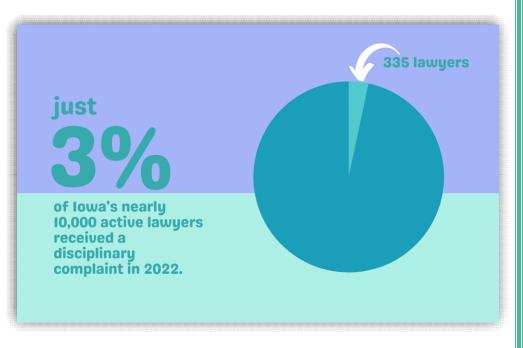
Complaint Intake

Since 2012, Iowa Court Rule 35.4 has given the 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."

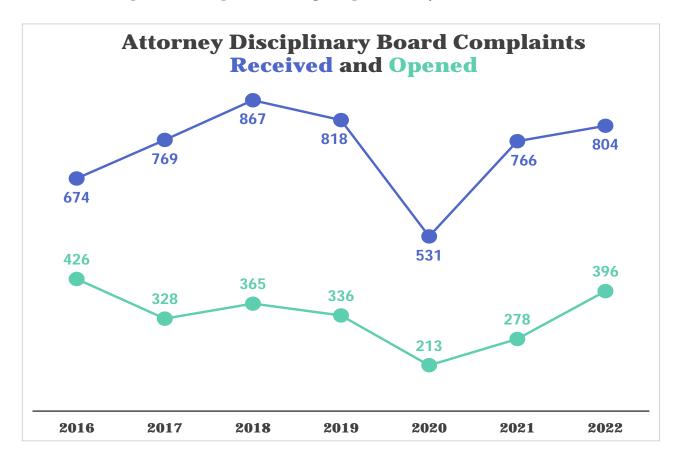
In 2022, at least 804 potential complaints were filed with the Board. The director exercised her discretion to decline to open investigations of at least 408 of them. Each potential complainant was notified of the decision not to investigate; many complainants chose to resubmit complaints with additional documentation.

Investigation and Case Processing

The Board opened 396 Board matters involving 335 individual lawyers for investigation and/or processing during 2022, not including probate delinquencies reported by clerks of the district court. This compares with 278 new complaint files opened during 2021,

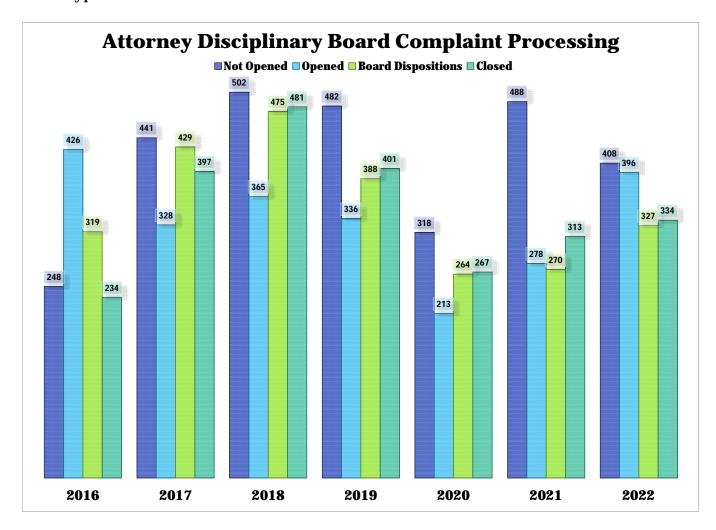


and 213 new complaint files opened during the pandemic year of 2020.



The COVID-19 pandemic resulted in reductions in both incoming and opened complaints to approximately 2/3 of typical numbers in 2020. By 2021, however, incoming and opened complaints had rebounded almost completely to pre-pandemic levels. In 2022, the rebound was complete and the Board opened more investigations than in any of the prior 5 years.

During each of the five years preceding 2022, the Board closed more matters than it opened. This pattern 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 met quarterly as required by court rule in 2022. All meetings were held in a hybrid format, with members participating via Zoom or in person. The Board made determinations

in 327 complaint files. "Determinations" are decisions by the Board as to what subsequent action should be taken on a particular complaint.

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 334 matters involving 274 attorneys in 2022. In 2021, the Board closed 313 matters involving 233 attorneys.

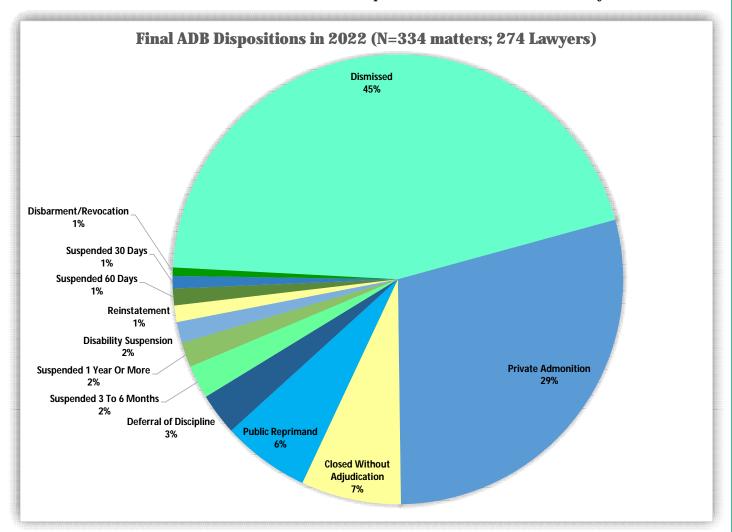
File closures in 2022 included the following final dispositions:

File Closures – Final Dispositions		Number of Matters	Percentage
Dismissed		150	44.9%
Private Admonition		97	29.0%
Closed Without Adjudicat	ion ¹	24	7.2%
Public Reprimand		21	6.3%
	Disability Suspension	5	1.5%
C	Suspended 1 Year or More	6	1.8%
Suspensions (26 Board Files/7.8%)	Suspended 3 To 6 Months	8	2.4%
(20 Doald Files/ 7.6 /0)	Suspended 60 Days	4	1.2%
	Suspended 30 Days	3	0.9%
Disbarment/Revocation		2	0.6%
Reinstatement		4	1.2%
Deferral of Discipline		10	3.0%
Grand Total		334	100.0%

As is typical, no public discipline was imposed in well over half of the complaints that were closed in 2022. Dismissals, private admonitions, closures without adjudication, and deferrals of discipline make up the bulk of the Board's caseload.

¹ Closures without adjudication often occur due to the death, disability, disappearance, or disbarment of the Respondent or when a particular complaint is combined into or consolidated with other pending matters. In addition, when new complaints arrive while a prosecution is underway, the Board may wait for disposition by the Court and make a later determination about whether to take further action.

Public reprimands, suspensions, and disbarments are more time-consuming on a case-by-case level, but involve far fewer individual complaints and far fewer Iowa lawyers.



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. In 2022, the Board added two important categories: "Law Practice Management/Trust Accounting" and "Conduct Outside Practice." The following are the areas of law from which the 334 Board file closures in 2022 originated:

Area of Law – Matters closed in 2022	Number of Matters	Percentage
Criminal	96	28.7%
Law Practice Management / Trust Acct.	53	15.9%

Area of Law – Matters closed in 2022	Number of Matters	Percentage
Family Law	38	11.4%
Civil/Commercial/Consumer/Contracts	37	11.1%
Probate	23	6.9%
Real Estate	13	3.9%
Juvenile	12	3.6%
Other ²	12	3.6%
Appellate - Criminal	11	3.3%
Conduct Outside Practice	11	3.3%
Personal Injury	10	3.0%
Employment	8	2.4%
Appellate - Juvenile	3	0.9%
Immigration	3	0.9%
Professional Liability	2	0.6%
Disability / Work Comp / Social Sec.	1	0.3%
Health Care	1	0.3%
Grand Total	313	100.00%

Sources of Complaints

The Board tracks both criminal defendant 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 with their lawyers' efforts in those cases.

Sources of complaints – Matters closed in 2022	Number of Matters	Percentage
Client - Criminal Defendant	62	18.6%
Board Complaints	48	14.4%
Client Security Commission Referrals (Audit Program)	48	14.4%
Client - All Other	46	13.8%
Client - Family Law	16	4.8%
Self-Report	16	4.8%
Attorney - Adverse	12	3.6%
Supreme Court Clerk ³	12	3.6%
Attorney - All Other	11	3.3%

 $^{^2}$ "Other" includes reinstatement applications, reciprocal discipline cases, disability cases, and assorted other matters.

³ Typically received when an appeal is dismissed for failure to comply with appellate rules and deadlines.

Sources of complaints – Matters closed in 2022	Number of Matters	Percentage
Adverse Party – Family Law	9	2.7%
Adverse Party - All Other	9	2.7%
Probate Party/Claimant	8	2.4%
Judge	7	2.1%
UPL Commission	1	0.3%
Other ⁴	29	8.7%
Grand Total	334	100.0%

Ethics Violations Alleged

The ethical violation most often alleged was neglect/incompetence/inadequate communication (alleged in 140 of 334 matters, or over 40% of the matters reaching final disposition in 2022). Other alleged misconduct appears in the table below.

Alleged Misconduct	Number of Allegations	Percentage (out of 334 matters)
Neglect/Incompetence/Inadequate Communication	140	41.9%
Fraud/Deceit/Dishonesty/Misrepresentation/Candor	50	15.0%
Trust Account Irregularities	47	14.1%
Conflict of Interest	38	11.4%
Disregard of Court Order / Disrespect of Court	35	10.5%
Pretrial or Trial Conduct	25	7.5%
Misappropriation or Mishandling of Money/Property	24	7.2%
Attorney Misconduct (Not Conviction)	22	6.6%
Aiding or Engaging in the Unauthorized Practice of Law	13	3.9%
Other	13	3.9%
Unreasonable/Impermissible Fee	12	3.6%
Criminal Conviction of Attorney	11	3.3%
Confidentiality	3	0.9%
Communication with Represented Party	2	0.6%
Interference with Disciplinary System	2	0.6%
Prosecutorial Misconduct	2	0.6%
Frivolous Litigation/Filings	1	0.3%
Grand Total	440 allegations in 334 matters	100.0%

⁴ Includes reinstatement applications, reciprocal discipline cases, disability determinations, etc.

Ethics Violations Found

In 2022, 125 different attorneys were found to have violated our governing ethics rules in 140 disciplinary matters. In many matters, more than one rule violation occurred.

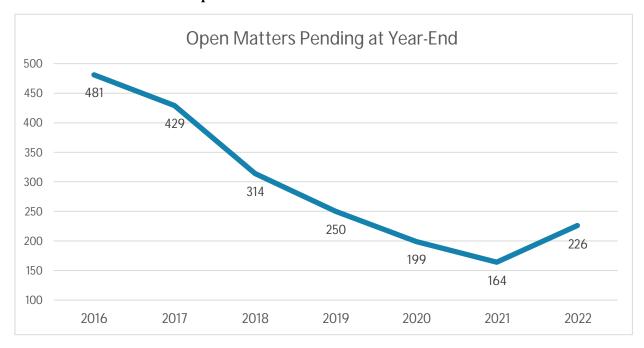
The pattern of actual violations differs notably from the pattern of alleged violations. The most commonly found violations were of Iowa Rules of Professional Conduct 32:8.4 (Misconduct), 32:1.15 (Safekeeping Property), and 32:1.3 (Diligence).

Violations Found – Matters Closed in 2022	Found in this number of Board matters	Percentage (out of 140 matters)
Rule 32:8.4 Misconduct	55	39.3%
Rule 32:1.15 Safekeeping property	44	31.4%
Rule 32:1.3 Diligence	40	28.6%
Rule 45.2 Action required upon receiving funds	35	25.0%
Rule 32:3.2 Expediting litigation	24	17.1%
Rule 32:1.4 Communication	23	16.4%
Rule 45.7 Advance fee and expense payments	18	12.9%
Rule 45.1 Requirement for client trust account	13	9.3%
Rule 32:1.8 Conflict of interest: current clients: specific rules	6	4.3%
Rule 32:1.2 Scope of representation and allocation of		
authority between client and lawyer	5	3.6%
Rule 32:3.1 Meritorious claims and contentions	5	3.6%
Rule 32:3.4 Fairness to opposing party and counsel	5	3.6%
Rule 32:5.3 Responsibilities regarding nonlawyer assistance	5	3.6%
Rule 32:1.7 Conflict of interest: current clients	4	2.9%
Rule 32:4.2 Communication with person represented by	4	0.00/
counsel	4	2.9%
Rule 32:5.1 Responsibilities of partners	4	2.9%
Rule 32:8.1 Bar admission and disciplinary matters	4	2.9%
Rule 32:1.1 Competence	3	2.1%
Rule 32:1.9 Duties to former clients	3	2.1%
Rule 32:1.5 Fees	2	1.4%
Rule 32:5.5 Unauthorized practice of law; multijurisdictional		
practice of law	2	1.4%
Rule 32:7.1 Communications concerning a lawyer's services	2	1.4%
Rule 45.10 Flat fee	2	1.4%

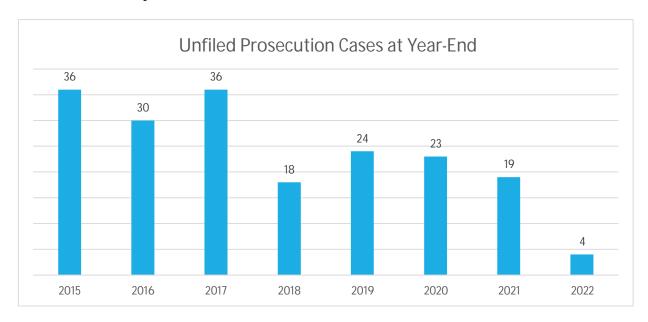
Violations Found – Matters Closed in 2022	Found in this number of Board matters	Percentage (out of 140 matters)
Rule 45.3 Type of accounts and institutions where trust		
accounts must be established	2	1.4%
Rule 32:1.6 Confidentiality of information	1	0.7%
Rule 32:1.13 Organization as client	1	0.7%
Rule 32:1.16 Declining or terminating representation	1	0.7%
Rule 32:2.1 Advisor	1	0.7%
Rule 32:3.3 Candor toward the tribunal	1	0.7%
Rule 32:3.5 Impartiality and decorum of the tribunal	1	0.7%
Rule 32:3.7 Lawyer as witness	1	0.7%
Rule 32:3.8 Special responsibilities of a prosecutor	1	0.7%
Rule 32:4.4 Respect for rights of third persons	1	0.7%
Grand Total	319 violations in 140 matters	100%

Matters Pending at Year-End

Despite having opened nearly 400 investigations during 2022, just 226 Board matters were pending, under investigation, awaiting prosecution, or being processed at the Board, Grievance Commission, or Supreme Court levels at the end of 2022.



Among those pending matters were just 4 cases assigned for prosecution before the Grievance Commission that had not yet been filed with the Grievance Commission. Prosecutions have been moving forward more rapidly and efficiently than at any time in the Board's recent history.



Probate Delinquencies

The Board received certifications from clerks of the district court of hundreds of individual lawyers' failures to cure probate delinquencies during 2022. Each certification of delinquency represents a probate matter that an attorney allowed to become delinquent as of December 1 or June 1, the dates on which the clerks of the district courts must issue notices of delinquency in individual dockets.

Typically, these certifications are provided to the Board by State Court Administration approximately 90 days after their filing in the district courts. For each certification, a formal Attorney Disciplinary Board "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. Fourteen (14) such probate delinquency matters involving 7 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

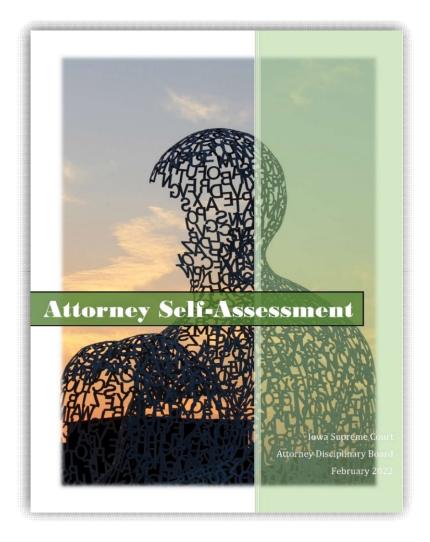
Eight (8) attorneys entered into deferral of discipline agreements with the Board in 2022, as authorized by Court Rule 35.14. Compliance with the terms of deferral agreements is monitored by the Board's administrator and paralegal.

The Board includes a paragraph about the deferral rule in every notice of disciplinary complaint it generates, as a reminder and invitation to respondent lawyers to review the rule and propose a deferral if the circumstances might warrant that option. The Board also suggests deferral in appropriate matters.

Educational Outreach & Proactive Management-Based Regulation (PMBR)

Publications and Resources

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 productively with Iowa attorneys. The web link to this handbook is supplied by the Board to all members of the public who request attorney complaint forms. In 2019, both the American Bar Association and the **National** Conference of Chief Justices adopted resolutions urging legal regulators to consider proactive approaches to prevention of ethics problems before they occur, called "proactive usually management-based regulation" or PMBR. The Board has joined



national and international regulators in developing proactive regulatory resources. During 2020, the Board created and circulated an <u>Iowa Attorney Self-Assessment</u> tool for Iowa lawyers to review their understanding of and compliance with our governing ethics rules.

The Self-Assessment addresses the following areas: competence, communication, confidentiality, conflicts of interest, records management, staff and office management, financial management, access to justice, client development, well-being, and inclusivity. It contains 314 questions, commentary on the applicable ethics rules, and links to rules and resources.

The Self-Assessment tool is a required component of every deferral agreement and has received national attention from other regulatory entities.

The Board continues to provide continuing education (CLE) programming and outreach to Iowa's law schools and legal organizations. The Board's staff are actively involved with the National Organization of Bar Counsel (NOBC) and the Organization of Bar Investigators (OBI) and serve in leadership/committee positions in both organizations.

Continuing Legal Education

In 2022, Board staff provided CLE or instruction to the following groups:

January 28, 2022	Story County Bench-Bar Seminar, Ames
February 11, 2022	National Organization of Bar Counsel (NOBC) – PMBR
February 25, 2022	Iowa Academy of Trial Lawyers
April 7, 2022	Iowa State Bar Association (ISBA) Juvenile Law Seminar
April 8, 2022	Iowa State Bar Association (ISBA) Criminal Law Seminar
April 12, 2022	Dubuque County Bar Association Lunch & Learn
April 22, 2022	Iowa State Bar Association (ISBA) Commercial & Bankruptcy
	Seminar
April 28, 2022	Iowa Juvenile Judges CLE, Ames
May 6, 2022	Drake Law School 10-year reunion CLE, Class of 2012
May 12, 2022	Iowa Bench-Bar CLE, Sioux City
May 16, 2022	Iowa State Bar Association (ISBA) Construction Law Seminar
May 19, 2022	Iowa State Bar Association (ISBA) Tax Seminar
May 20, 2022	Iowa State Public Defender CLE
June 3, 2022	Iowa Lawyers' Chautauqua, Okoboji
June 14, 2022	Iowa County Attorneys Association, Okoboji

June 22, 2022	Iowa State Bar Association (ISBA) Annual Meeting ADB Prosecutors'
	Panel
June 24, 2022	Iowa State Bar Association (ISBA) Annual Meeting Well-Being Panel
July 12, 2022	DMACC Paralegals Training (including ADB paralegal Sara Gilliam)
July 14, 2022	Linn County Bar Association Seminar, Cedar Rapids
August 3, 2022	National Organization of Bar Counsel (NOBC) – Ongoing
	Competence
September 23,	Iowa State Bar Association (ISBA) Corporate Counsel & Trade
2022	Regulation
September 29,	Iowa Association of Justice (prerecorded for meeting)
2022	
September 30,	Iowa State Public Defender CLE
2022	
October 5, 2022	Drake Law School - Law Practice Management Class
October 6, 2022	Iowa Child Support Recovery Unit CLE, Ankeny
October 7, 2022	Iowa/Nebraska Association of Immigration Lawyers CLE (remote)
October 10, 2022	Lincoln Inne CLE (remote)
October 20, 2022	Workers' Compensation CLE
October 21, 2022	Iowa Attorney General/Government Conference, Des Moines
October 21, 2022	Iowa State Bar Association (ISBA) Family Law Seminar, West Des
	Moines
October 27, 2022	Judicial Branch Building Lunch & Learn (with Dan Saar)
October 28, 2022	Woodbury County/ Iowa Legal Aid Seminar, Sioux City
November 10,	Iowa Association of Criminal Defense Lawyers (IACDL)
2022	
December 8, 2022	Linn County Bar Association Last Chance CLE (remote)

Grievance Commission

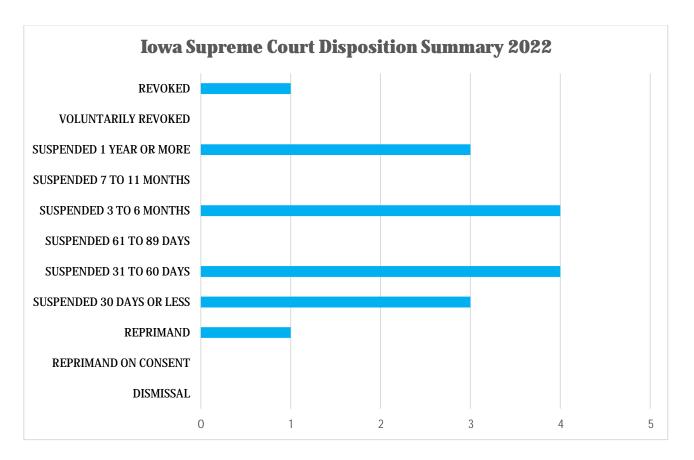
Annual Filings

During calendar year 2022, the Grievance Clerk recorded 18 new Grievance Commission filings by the ADB. There were six hearings before the Grievance Commission. One case was voluntarily dismissed by the ADB. At the end of 2022, there were five matters pending to be resolved:

	2022	2021	2020	2019	2018	2017	2016
Grievance Matters	8	10	17	27	13	15	18
Pending on Jan. 1	0	10	1 /	21	13	13	10
Grievance Matters	18	14	14	19	34	15	11
Filed During Year	10	14	14	19	34	13	11
Grievance Hearings	6	3	6	12	9	6	11
Held During Year	O	3	O	12	9	O	11
Final Disposition of				29			
Grievance Matters	16	15	20	29	20	17	13
During Year							
Grievance Matters	5	8	10	17	27	13	15
Pending on Dec. 31	3	0	10	1 /	21	13	13

Dispositions

In 2022, the Iowa Supreme Court reached final disposition in 16 grievance matters. In one matter before the Grievance Commission, the Court issued a public reprimand. Of the 14 suspensions issued by the Court, eight were consented to by the Respondents and three suspensions were for more than one year. One case resulted in revocation of an attorney's law license.



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 2022, the following orders were entered under these other provisions of the Iowa Court **Rules:**

	2022	2021	2020	2019	2018
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	17	35	23	18	14
Public reprimands issued directly by the Attorney Disciplinary Board, with court approval, under Iowa Court Rule 35.12	17	30	16	28	14
Temporary suspensions issued under Iowa Court Rule 35.7 based on failure to respond to notice of complaints received by the Attorney Disciplinary Board	2	3	6	3	5
Suspensions issued due to lawyer disability per Iowa Court Rule 34.17	5	4	2	3	3
Suspensions based on abandonment of practice as per Iowa Court Rule 34.18	0	0	0	0	0
Reprimands, suspensions, or revocations issued based on the reciprocal discipline provisions of Iowa Court Rule 34.19	3	0	3	1	1
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	0	0	0
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	6	1	0	5	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	0	0	1	1	4
Suspensions based on a substantial threat of serious harm to the public, based on Iowa Court Rule 34.14	0	1	0	0	2

Financial Overview

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, 2021, through June 30, 2022, annual fees received to finance the disciplinary system totaled \$1,867,885, 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 2021-2022 were \$1,597,818. The Client Security Commission paid a total of \$1,181,111 for the fiscal year 2021-2022 operating budget of the Iowa Supreme Court Attorney Disciplinary Board. The Commission also paid operating expenditures for the Grievance Commission totaling \$283,688, operating expenses of the Commission on the Unauthorized Practice of Law totaling \$33,059, 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 June 30, 2022, 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, 2022, through June 30, 2023. 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 22, 2023.

THE IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD By

Reyne See, Chair

THE GRIEVANCE COMMISSION OF THE SUPREME COURT OF IOWA By

Witabeth Kellner-Rebon

Elizabeth Kellner-Nelson, Chair

Attachments

Attachment A: Grievance Commission Members During 2022

Attachment B: Synopses and Reports Regarding Grievance Cases Reaching Final

Disposition During Calendar Year 2022

Attachment C: OPR Budgets for FY2022-23

ATTACHMENT A GRIEVANCE COMMISSION MEMBERS SERVING DURING 2022

<u>CHAIRPERSON</u>	TERM <u>EXPIRES</u>
Brian J. Williams (until 6-30-22)	6-30-22
Elizabeth A. Kellner-Nelson (effective 7-1-22)	6-30-23 (as chair)
1A Maureen Quann	6-30-25
Natalia H. Blaskovich	6-30-23
Tonya A. Trumm	6-30-24
John W. Bernau	6-30-24
Richard Kirkendall	6-30-23
1B	
Susan M. Abernathy	6-30-22
Jennifer Schwickerath	6-30-23
Adam R. Junaid	6-30-24
Brian J. Williams	6-30-22
Yeshimebet Abebe	6-30-23
Adam J. Babinat	6-30-24
Ronald J. Longmuir	6-30-25
2A	
Matthew F. Berry	6-30-25
Mark L. Walk	6-30-25

Kelsey A. Beenken		6-30-24
Michael Moeller		6-30-23
Nellie D. O'Mara		6-30-23
	2B	
Mary Howell Sirna		6-30-25
Jessica A. Reynolds		6-30-25
Laura A. Eilers		6-30-23
Amanda B. Knief		6-30-23
James L. Goodman		6-30-24
	3A	
Kristi J. Busse		6-30-22
Melanie Summers Bauler		6-30-23
James L. Lauer		6-30-24
Michael L. Sandy		6-30-23
Jennifer A. Bennett Finn		6-30-23
Maggie Schild		6-30-24
	3B	
C. Michelle Venable-Ridley		6-30-23
Ian McConeghey		6-30-23
Richard H. Moeller		6-30-22
Andrea H. Buckley		6-30-24
Lindsey R. Buchheit		6-30-24
Maura Sailer		6-30-25

4

Jon J. Narmi	6-30-23
Naeda E. Elliott	6-30-23
Katherine Murphy	6-30-22
Lilly A. Richardson-Severn	6-30-23
William C. Bracker	6-30-24
Brett R. Wessels	6-30-25
5A	
Beatriz A. Mate-Kodjo	6-30-22
Peter W. Blink	6-30-22
Katie L. Ranes	6-30-23
Tyler L. Eason	6-30-24
Samuel H. Braland	6-30-24
Brent Hinders	6-30-25
Julie J. Bussanmas	6-30-24
Daniel Herting	6-30-24
Kellen Corbett	6-30-24
Patrick B. White	6-30-23
Hilary J. Montalvo	6-30-23
Kristi V. Holzer	6-30-25
Michelle F. Ingle	6-30-25
Joshua R. Strief	6-30-23

John H. Judisch		6-30-23
Megan W. Green		6-30-24
Thomas W. Mott		6-30-25
	5B	
	OD.	
Kristian E. Anderson		6-30-23
Meggen L. Weeks		6-30-23
Andrew J. Zimmerman		6-30-22
	5C	
Elizbeth A. Kellner-Nelson		6-30-24
Courtney T. Wilson		6-30-24
Erin E. Lee Schneider		6-30-23
Gregory A. Witke		6-30-22
David M. Erickson		6-30-22
Jonathan E. Kramer		6-30-23
Caroline K. Valentine		6-30-23
Michael A. Carmoney		6-30-23
Katie A. Ervin Carlson		6-30-23
Amy S. Montgomery		6-30-22
Tammi Blackstone		6-30-25
Christine Lebron Dykeman		6-30-25
Mary A. Triick	,	6-30-23

Erin C. Lain		6-30-25
Ashley A. Tollakson		6-30-25
Jill A. Eimermann		6-30-24
Mark Gray		6-30-25
Patrick D. Smith		6-30-23
Sharon M. Wegner		6-30-23
Michael A. Dee		6-30-24
Ashley M. Sparks		6-30-24
Mitchell R. Kunert		6-30-24
Nicole A. Riggs		6-30-24
Michelle R. Mackel-Wiederanders		6-30-24
Sarah E. Dewein		6-30-24
Benjamin K. Lynch		6-30-23
James R. Colwell		6-30-23
Dean A. Lerner		6-30-25
	6	
Lisa M. Epp		6-30-22
Alex J. Anderson		6-30-23
Elizabeth J. Craig		6-30-23
Joseph W. Younker		6-30-24
Eric W. Lam		6-30-25
Matthew D. Dake		6-30-23

Crystal L. Usher		6-30-25
Lynn M. Rose		6-30-24
Kevin C. Rigdon		6-30-24
Nekeidra R. Tucker		6-30-24
Andrew J. Hosmanek		6-30-24
	7	
Ralph W. Heninger		6-30-23
Elizabeth J. Cervantes		6-30-24
Lisa R. Maidak		6-30-22
Jean Z. Dickson		6-30-23
Jennifer L. Kincaid		6-30-24
	8 <i>A</i>	
Susan C. Cole	OA	6-30-24
Andrew J. Ritland		6-30-23
Ryan J. Mitchell		6-30-23
Ashley L. Walkup		6-30-24
Cynthia D. Hucks		6-30-24
	8B	
Darin R. Stater	6B	6-30-25
Brent R. Ruther		6-30-25
Heidi D. Van Winkle		6-30-23
Gregory A. Johnson		6-30-23
Terri Quartucci		6-30-24

LAY MEMBERS

<u>1A</u>	
Christopher B. Budzisz	6-30-24
Kelly Francois	6-30-22
Marvin Waterhouse	6-30-25
<u>1B</u> David Buck	6-30-23
Lee Tolbert	6-30-24
Lee Tolbert	0-30-24
<u>2A</u> Scott Flory	6-30-23
Terrishane Mathews	6-30-23
<u>2B</u> Nathan Wilson	6-30-23
Julie Huisman	6-30-23
<u>3A</u> DeNeitt VanDenBroeke	6-30-23
William Anderson	6-30-24
<u>3B</u> Flora M. Lee	6-30-22
Carol Clark	6-30-25
Carie LaBrie	6-30-24

1	
$rac{4}{ extsf{Cynthia}}$ Keithley	6-30-23
Mary Gunderson	6-30-24
T.A.	
<u>5A</u> Luke Behaunek	6-30-22
Kathrine A. Brown	6-30-22
Denise Rudolph	6-30-24
Rick Barnes	6-30-25
Jodi Baker	6-30-25
<u>5B</u> Todd Kale	6-30-23
Katie Davidson	6-30-23
<u>5C</u> Carl McPherson	6-30-24
Justine M. Morton	6-30-24
Jane Rider	6-30-25
Scott Arnburg	6-30-23
Anita Allwood	6-30-23
Jerry Lemons	6-30-24
$\frac{6}{ extsf{Julie}}$ Hubbell	6-30-25
Joy Mauskemo	6-30-23
Sidot Shipley	6-30-24

Barbara McFadden	6-30-24
$rac{7}{ extsf{Amy McClure Swearington}}$	6-30-22
Jim Tiedje	6-30-23
Maggie Tinsman	6-30-25
8A Nellie Coltrain	6-30-23
<u>8B</u> Jim DenAdel	6-30-23
Kathleen Cahill	6-30-24

ATTACHMENT B

SYNOPSES AND REPORTS REGARDING CASES REACHING FINAL DISPOSITION DURING CALENDAR YEAR 2022

Iowa Supreme Court Atty. Disc. Bd. v. John Karl Fischer Grievance Case No. 910 Iowa S. Ct. No. 21-1068 – April 15, 2022

Attorney Disciplinary Board Allegations: The board alleged multiple rule violations, including misappropriation and conversion of client funds.

Grievance Commission Findings, Conclusions, and Recommendations: The commission found multiple rule violations, including conversion of client funds. The commission recommended revocation of Fischer's license.

Iowa Supreme Court Opinion: The Court agreed with the Commission's findings that Fischer converted client funds without a colorable future claim, among other violations, and revoked his license.

Iowa Supreme Court Atty. Disc. Bd. v. Brien P. O'Brien Grievance Case No. 919 Iowa S. Ct. No. 21-1410 – March 18, 2022

Attorney Disciplinary Board Allegations: The board alleged multiple rule violations related to neglect and "ghosting" a client in the middle of representation. The board requested a suspension of 18 months.

Grievance Commission Findings, Conclusions, and Recommendations: O'Brien did not participate in the proceedings. The commission found violations of all rules alleged by the board and outlined a number of aggravating circumstances, including a significant disciplinary history, to support a recommendation of revocation of O'Brien's license.

Iowa Supreme Court Opinion: The Court found the same violations as the commission, but imposed a three-year suspension.

Iowa Supreme Court Atty. Disc. Bd. v. Bonnie J. Heggen

Grievance Case No. 920 Iowa S. Ct. No. 22-0376 – November 10, 2022

Attorney Disciplinary Board Allegations: The board alleged multiple rule violations related to management of Heggen's client trust account and a retainer paid by a client. The board argued that Heggen converted client funds and that her license should be revoked.

Grievance Commission Findings, Conclusions, and Recommendations: The commission found violations of several rules, but also found that the board failed to prove several others. The commission recommended suspending Heggen's license for six months.

Iowa Supreme Court Opinion: The Court agreed with the commission's findings and recommended sanction, and imposed a six-month suspension.

Iowa Supreme Court Atty. Disc. Bd. v. Scott L. Bixenman Grievance Case No. 922 Iowa S. Ct. No. 21-1641 – April 22, 2022

Attorney Disciplinary Board Allegations: The board alleged multiple violations related to criminal domestic assault and child endangerment charges, as well as violations related lack of diligence in a family law matter.

Grievance Commission Findings, Conclusions, and Recommendations: The parties stipulated to the facts, rule violations, and mitigating and aggravating factors. The commission recommended a sanction of a public reprimand.

Iowa Supreme Court Opinion: The Court determined that a suspension was necessary to send a message that domestic assault and child endangerment are not acceptable in the legal profession. The Court imposed a sixty-day suspension.

Iowa Supreme Court Atty. Disc. Bd. v. Andrew Gatton Aeilts Grievance Case No. 923 Iowa S. Ct. No. 21-1799 – May 13, 2022

Attorney Disciplinary Board Allegations: The board alleged multiple rule violations related to Aeilts receiving an OWI, falsely reporting a crime, and misrepresenting his professional experience to the court.

Grievance Commission Findings, Conclusions, and Recommendations: The parties filed a stipulation to the facts and some, but not all, rule violations. The commission found that Aeilts violated all of the rules alleged by the board and recommended a six-month suspension.

Iowa Supreme Court Opinion: The Court agreed with the commission's findings and recommended sanction, and imposed a six-month suspension.

Iowa Supreme Court Atty. Disc. Bd. v. William Wayne Ranniger Grievance Case No. 929

Iowa S. Ct. No. 22-0796 - October 14, 2022

Attorney Disciplinary Board Allegations: The board alleged violations related to entering into improper business transactions with a client and preparing a will that included a gift to Ranniger's son.

Grievance Commission Findings, Conclusions, and Recommendations: The commission found a violation of both rules alleged by the board and recommended a public reprimand.

Iowa Supreme Court Opinion: The Court agreed with the commission's findings and recommended sanction. The Court publicly reprimanded Ranniger.

Iowa Supreme Court Atty. Disc. Bd. v. Jeffrey Michael Janssen Grievance Case No. 930 Iowa S. Ct. No. 22-0965 – October 14, 2022

Attorney Disciplinary Board Allegations: The board alleged violations related to making misrepresentations to the court, filing meritless motions, neglecting to keep clients informed, and disparaging opposing counsel.

Grievance Commission Findings, Conclusions, and Recommendations: Janssen did not participate in the proceedings. The commission found violations of all rules alleged by the board and recommended an eighteenmonth suspension.

Iowa Supreme Court Opinion: The Court agreed with the commission's findings, but imposed a twelve-month suspension.

Iowa Supreme Court Atty. Disc. Bd. v. Wesley Alan Johnson Grievance Case No. 933 Iowa S. Ct. No. 22-1011- October 14, 2022

Attorney Disciplinary Board Allegations: The board alleged rule violations related to Johnson's substance abuse; in particular, his criminal convictions for controlled substance violations, OWI, and driving while revoked.

Grievance Commission Findings, Conclusions, and Recommendations: The parties stipulated to the facts, rule violations, mitigating and aggravating factors, and a suspension of 12-18 months. The commission recommended an eighteen-month suspension.

Iowa Supreme Court Opinion: The Court agreed with the commission's findings, but imposed a one-year suspension.

In the Matter of Adam Elliot Kehrwald

Grievance Case No. 934 Iowa S. Ct. No. 22-0264 – April 25, 2022

Consent to Suspension (Rule 34.16): Kehrwald admitted to rule violations due to substance abuse and criminal charges of interference with official acts resulting in bodily injury, assault on a law enforcement officer, harassment, disorderly conduct, public intoxication, and driving under the influence. Kehrwald consented to a suspension of up to one year. The Court imposed a ninety-day suspension.

In the Matter of Gerald E. Jackson

Grievance Case No. 937 Iowa S. Ct. No. 22-0552 – April 25, 2022

Consent to Suspension (Rule 34.16): Jackson admitted to rule violations related to more than 60 criminal charges of first-degree harassment, third-degree harassment, and stalking of a former paramour. Jackson consented to a suspension of up to sixty days. The board recommended a suspension of thirty days. The Court imposed a sixty-day suspension.

In the Matter of Jason Thomas Carlstrom

Grievance Case No. 940

Iowa S. Ct. No. 22-0893 - June 6, 2022

Consent to Suspension (Rule 34.16): Carlstrom admitted to rule violations related to his substance abuse and criminal convictions for OWI, disorderly conduct, and violation of a no contact order. Carlstrom consented to a suspension of up to thirty days. The Court imposed a thirty-day suspension.

In the Matter of Kevin R. Hitchins

Grievance Case No. 941

Iowa S. Ct. No. 22-1289 – August 19, 2022

Consent to Suspension (Rule 34.16): Hitchins admitted to rule violations related to his representation of a client in two quiet title actions that were not well grounded in fact or law. Hitchins consented to a suspension of up to sixty days. The board recommended a thirty-day suspension. The Court imposed a thirty-day suspension.

In the Matter of Deanna Kay Steinbach

Grievance Case No. 942 Iowa S. Ct. No. 22-1300 – August 19, 2022

Consent to Suspension (Rule 34.16): Steinbach admitted to rule violations related to her substance abuse and criminal convictions of OWI and bribery. Steinbach consented to a suspension of up to ninety days. The Court imposed a ninety-day suspension.

In the Matter of Brian Edward Tackett

Grievance Case No. 945 Iowa S. Ct. No. 22-1830- December 9, 2022

Consent to Suspension (Rule 34.16): Tackett admitted to rule violations related to a prohibited sexual relationship with a client. Tackett consented to a suspension of up to sixty days. The board recommended a suspension of thirty days. The Court imposed a thirty-day suspension.

In the Matter of Kylie Marie Liu

Grievance Case No. 947 Iowa S. Ct. No. 22-1912 – December 9, 2022

Consent to Suspension (Rule 34.16): Liu admitted to rule violations related to a prohibited sexual relationship with a client. Liu consented to a suspension of up to ninety days. The Court imposed a ninety-day suspension.

In the Matter of Bradley J. Nelson

Grievance Case No. 948 Iowa S. Ct. No. 22-2005 – December 9, 2022

Consent to Suspension (Rule 34.16): Nelson admitted to rule violations related to a prohibited sexual relationship with a client. Nelson consented to a suspension of up to sixty days. The Court imposed a sixty-day suspension.

ATTACHMENT C: OPR Budgets for FY22-23

ATTORNEY DISCIPLINARY BOARD

FISCAL YEAR 2022-2023 BUDGET

OPERATING EXPENSES

Salary & Employee Expense		
Salaries	\$	773,671.88
Clerical overtime	\$	-
Deferred Compensation	\$	8,100.00
Employee Insurance	\$	202,168.23
Employer's Unemployment	\$	5,000.00
FICA	\$	59,185.90
IPERS	\$	73,034.63
Vac/SL Payout	\$ \$ \$	_
Total Payroll Expenses	\$	1,121,160.63
Non-Payroll Expense		
Audit Expense	\$	2,940.00
Bank Service Charges	\$	500.00
Board Meeting Expense	\$	4,900.00
Case Management Software	\$	15,000.00
Computer Services & Expense	\$	4,600.00
Copier Lease	\$	4,000.00
Dues & Subscriptions	\$	5,000.00
Employer Insurance	\$	4,800.00
Furniture & Equipment	\$	9,000.00
Investigative & Hrg Expense	\$	10,000.00
Miscellaneous	\$ \$ \$	500.00
Office Supplies	\$	3,000.00
Contract Lawyers	\$	35,000.00
Payroll Processing	\$ \$	1,000.00
Postage	\$	6,800.00
Repairs	\$	500.00
Rent	\$	65,172.00
Telephone	\$	1,200.00
Travel	\$	15,000.00
Total Non-Payroll Expense	\$	188,912.00
Total Expense	\$	1,310,072.63

GRIEVANCE COMMISSION

FISCAL YEAR 2022-2023 BUDGET

OPERATING EXPENSES

Salary and Salary Expenses Director Salary Assistant Director Clerical Salary Vacation/Sick Leave Payout Part-Time Call Center Support FICA IPERS Employee Insurance Deferred Compensation	\$28,964.25 \$45,541.69 \$74,419.11 \$0.00 \$0.00 \$11,392.77 \$14,058.52 \$40,370.24 \$1,575.00
Auditing Rent Copier Lease Repairs & Maintenance Supplies Telephone Travel (Commissioners) Travel (Staff) Postage Insurance Transcripts (SHR) Automation Support Banking Fees Misc., Including Moving Exper Internet App. Maint. & Develop Internet Payment Charges Unemployment Insurance Payroll Processing	\$2,775.00 \$13,500.00 \$1,200.00 \$200.00 \$1,200.00 \$250.00 \$3,000.00 \$3,700.00 \$650.00 \$650.00 \$600.00 \$900.00 \$1,500.00 \$40,000.00 \$350.00
TOTAL OPERATING EXPENSES	\$318,896.58
CAPITAL EXPENDITURES TOTAL PROJECTED EXPENDITURES	\$2,000.00 <u>\$320,896.58</u>

UPL COMMISSION

FISCAL YEAR 2022-2023 BUDGET

OPERATING EXPENSES

Salary and Salary Expenses Assistant Director Clerical Salary FICA IPERS Employee Insurance Deferred Compensation	\$10,120.38 \$10,461.39 \$1,574.51 \$1,942.92 \$5,789.05 \$225.00
Rent Auditing Copier Lease Repairs & Maintenance Supplies Telephone Travel Training Postage Insurance Investigation Expense Commission Meeting Exp Automation Support Misc., Including Moving Exper Unemployment Insurance Payroll Processing	\$3,000.00 \$925.00 \$300.00 \$100.00 \$320.00 \$50.00 \$3,000.00 \$100.00 \$100.00 \$500.00 \$500.00 \$250.00 \$50.00 \$100.00
TOTAL OPERATING EXPENSES	\$39,658.24
CAPITAL EXPENDITURES	\$250.00
TOTAL PROJECTED EXPENDITURES	\$39,908.24