

FILED

FEB 27 2024

IN THE SUPREME COURT OF IOWA

CLERK SUPREME COURT

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IN THE MATTER OF THE	)	
ATTORNEY DISCIPLINARY	)	
BOARD AND THE GRIEVANCE	)	2023 ANNUAL REPORT
COMMISSION OF THE SUPREME	)	
COURT OF IOWA	)	

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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, 2023, through December 31, 2023.

Respectfully submitted,

OFFICE OF PROFESSIONAL REGULATION

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

2023

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 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 2023:

#### *Attorney Members*

Reyne L. See, Marshalltown (Chair)  
Scott Buchanan, Algona (through June 2023)  
Jennifer Clemens-Conlon, Dubuque  
Jennifer Gerrish-Lampe, Waukee  
Robert Livingston, Council Bluffs (appointed July 2023)  
Holly Piper, Des Moines  
Nicholas G. Pothitakis, Burlington (through June 2023)  
Lucas J. Richardson, Ames (through June 2023)  
Janece Valentine, Fort Dodge  
Brian J. Williams, Waterloo (appointed July 2023)  
Jennifer Zahradnik, Belle Plaine

#### *Lay Members*

Maryfrances Evans, Des Moines  
Tim McClimon, DeWitt (through June 2023)  
M. Rafic Sinno, Asbury (appointed July 2023)  
William Van Sloun, Waukee



## 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

Allison A. Schmidt, Deputy Director of Attorney Discipline

Alexis W. Grove, Disciplinary Counsel

Robert A. Howard III, Disciplinary Counsel

Sarah C. Tupper, Disciplinary Counsel

### *Paralegals and Investigators*

Jennifer Anderson (Paralegal/Investigator)

Sara Gilliam (Paralegal/Investigator)

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 2023 may be found in attachment A to this report.

Attorney Elizabeth Kellner-Nelson served as chairperson until June 30, 2023. Attorney Brent Ruther was appointed by the Court to serve as chairperson effective July 1, 2023. Attorney Katie Ervin Carlson was designated to serve as vice-chair effective July 1, 2023.

### 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

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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. 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 627 inquiries from the public (counted as new contact records entered into our case management system) in 2023, 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 for lawyers' disciplinary histories.

The Board provides information to the public through the [www.iowacourts.gov](http://www.iowacourts.gov) website. Among the resources available to Iowans is a publication created by the Board, [Choosing and Working with a Lawyer](#).

### Complaint Intake

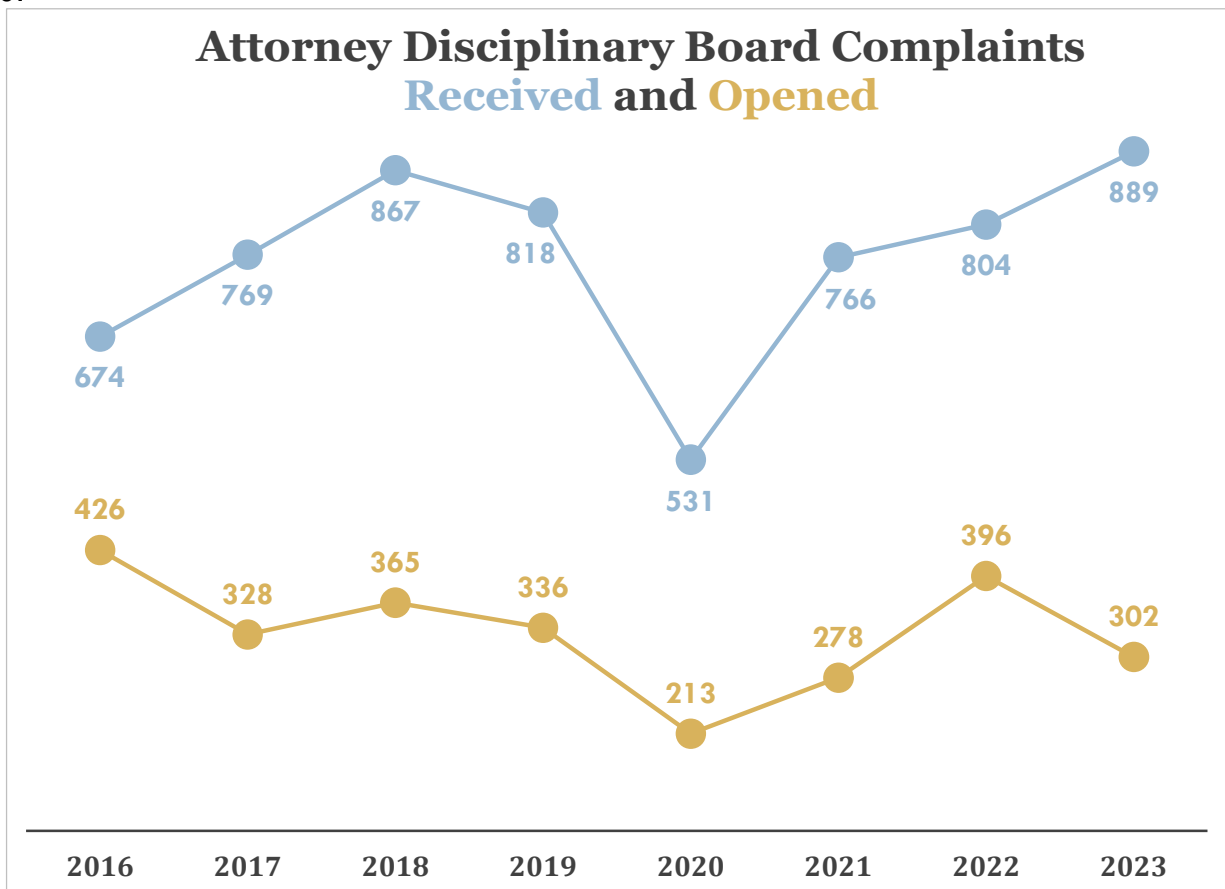
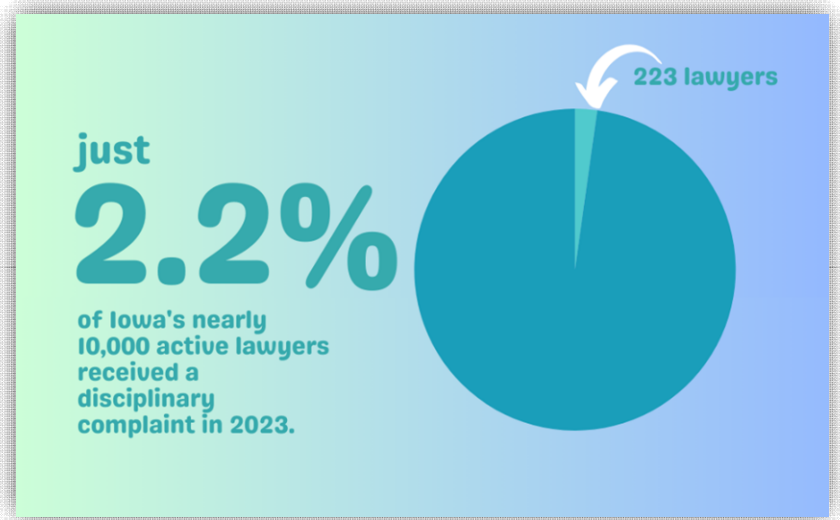
Since 2012, Iowa Court Rule 35.4 has given the director for attorney discipline the discretion not to open an investigation when the information provided by the complainant, "if true, would not constitute misconduct or incapacity, or if the complaint is facially frivolous, stale, lacking in adequate factual detail, duplicative, or outside the board's jurisdiction, or does not otherwise reasonably warrant investigation."

In 2023, at least 889 potential complaints were filed with the Board. The director exercised her discretion to decline to open investigations of at least 587 of them. Each potential complainant was notified of the decision not to investigate; many complainants chose to resubmit complaints with additional documentation.

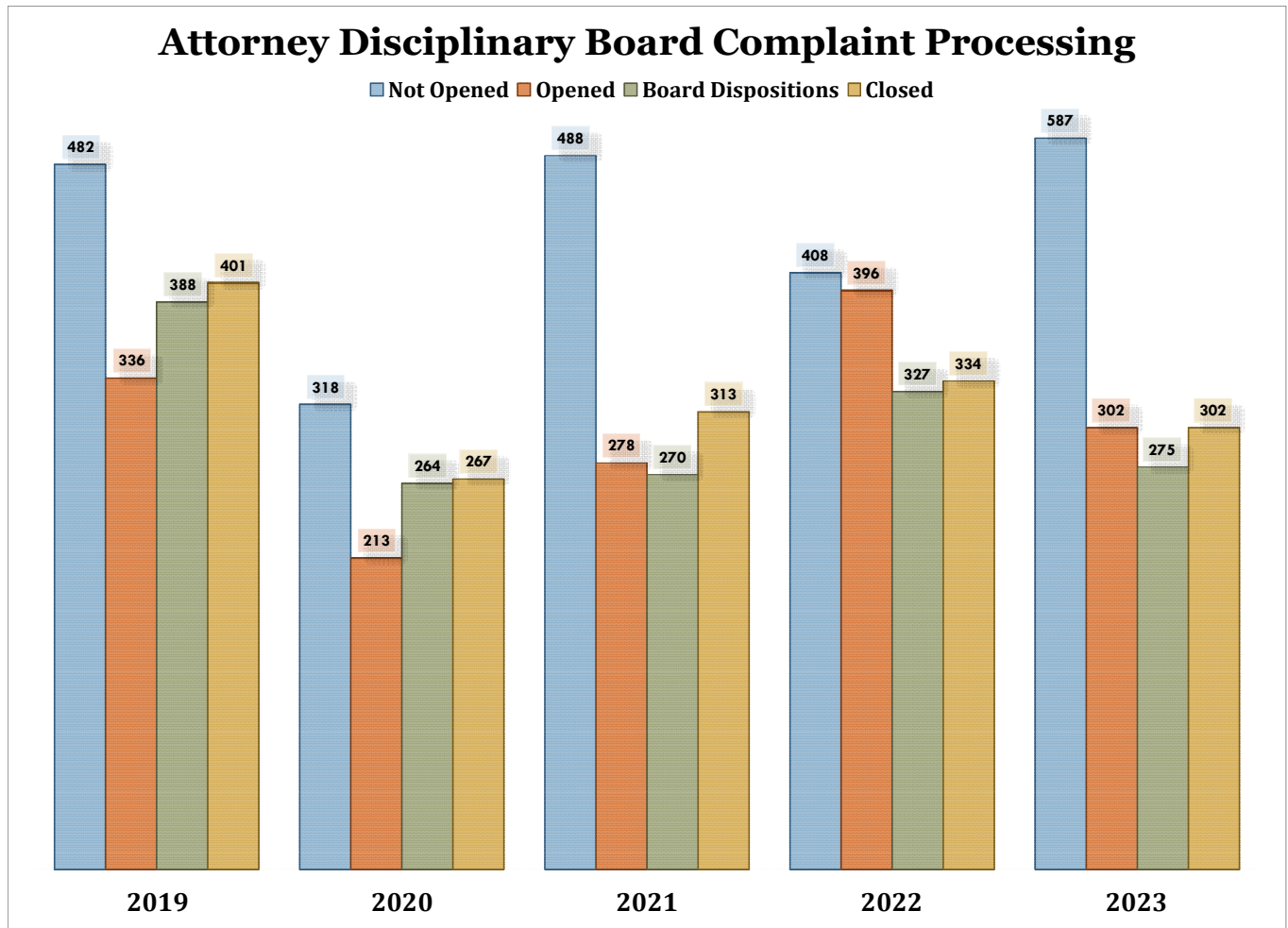


## Investigation and Case Processing

The Board opened 302 Board matters involving 223 individual lawyers for investigation and/or processing during 2023, not including probate delinquencies reported by clerks of the district court. This compares with 396 new complaint files opened during 2022, 278 new complaint files opened during 2021, and 213 new complaint files opened during the pandemic year of 2020.



Since 2017, the Board has worked to eliminate any investigative backlog, resulting in quicker and more efficient prosecutions when warranted. Case-processing times have fallen dramatically for all types of cases. The average age of the Board’s cases is at an all-time low of under 180 days.



### Board Determinations

The Board met quarterly as required by court rule in 2023. All meetings were held in a hybrid format, with members participating via Zoom or in person. The Board made determinations in 275 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 302 matters involving 238 attorneys in 2023. In 2022, the Board closed 334 matters involving 274 attorneys, and in 2021, the Board closed 313 matters involving 233 attorneys.

File closures in 2023 included the following final dispositions:

File Closures – Final Dispositions		Number of Matters	Percentage
Dismissed		121	40.1%
Private Admonition		89	29.5%
Closed Without Adjudication <sup>1</sup>		23	7.6%
Public Reprimand		29	9.6%
Suspensions (26 Board Files/7.8%)	<i>Disability Suspension</i>	3	1.0%
	<i>Suspended 1 Year or More</i>	8	2.6%
	<i>Suspended 3 To 6 Months</i>	3	1.0%
	<i>Suspended 60 Days</i>	3	1.0%
	<i>Suspended 30 Days</i>	9	3.0%
Disbarment/Revocation		2	0.7%
Reinstatement		5	1.7%
Deferral of Discipline		7	2.3%
<b>Grand Total</b>		<b>302</b>	<b>100.0%</b>

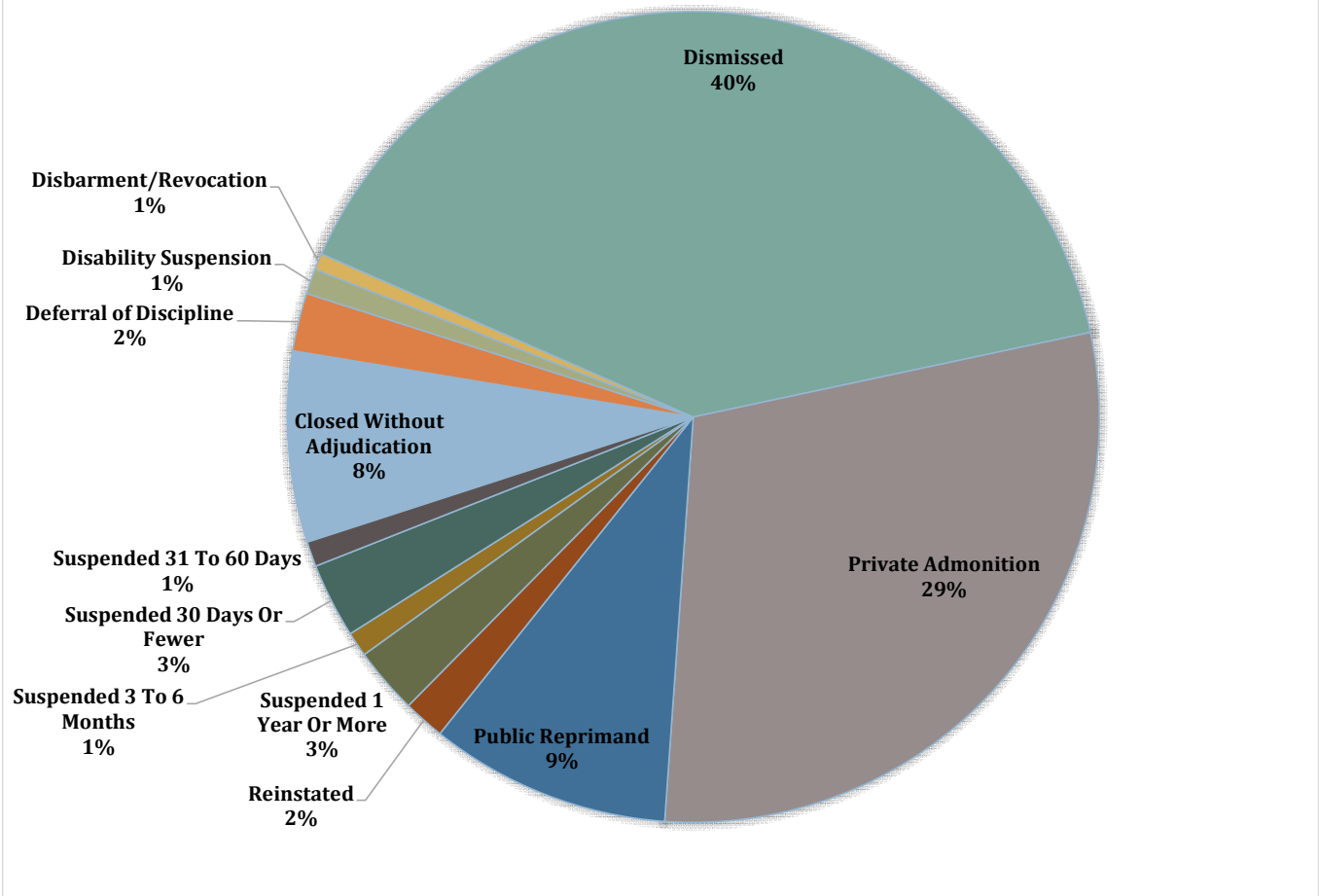
As is typical every year, no public discipline was imposed in well over half of the complaints that were closed in 2023. Dismissals, private admonitions, closures without adjudication, and deferrals of discipline always make up the bulk of the Board’s caseload.

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.

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<sup>1</sup> 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.

**FINAL ADB DISPOSITIONS IN 2023 (N=302 MATTERS; 238 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 that reflect other types of complaints frequently investigated by the Board: “Law Practice Management/Trust Accounting” and “Conduct Outside Practice.” The following are the areas of law from which the 302 Board file closures in 2023 originated:

Area of Law - Matters closed in 2023	Number of Matters	Percentage
Criminal	80	26.5%
Other <sup>2</sup>	37	12.3%

<sup>2</sup> “Other” includes reinstatement applications, reciprocal discipline cases, disability cases, and assorted other matters.

<b>Area of Law - Matters closed in 2023</b>	<b>Number of Matters</b>	<b>Percentage</b>
Family Law	30	9.9%
Appellate	29	9.6%
Civil	28	9.3%
Law Practice Management/Trust Account	22	7.3%
Conduct Outside Practice	21	7.0%
Probate	19	6.3%
Juvenile	11	3.6%
Immigration	6	2.0%
Personal Injury	6	2.0%
Real Estate	6	2.0%
Disability / Work Comp / Social Sec.	3	1.0%
Employment	2	0.7%
Consumer/Bankruptcy	1	0.3%
Contract Disputes	1	0.3%
<b>Grand Total</b>	<b>302</b>	<b>100.00%</b>

### 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.

<b>Sources of complaints - Matters closed in 2023</b>	<b>Number of Matters</b>	<b>Percentage</b>
Client - Criminal Defendant	65	21.5%
Board Complaints	58	19.2%
Client - All Other	31	10.3%
Supreme Court Clerk <sup>3</sup>	24	7.9%
Client Security Commission Referrals (Audit Program)	21	7.0%
Self-Report	19	6.3%
Attorney - Adverse	17	5.6%
Client - Family Law	16	5.3%
Other <sup>4</sup>	14	4.6%
Attorney - All Other	10	3.3%

<sup>3</sup> Typically received when an appeal is dismissed or appellate counsel is removed for failure to comply with appellate rules and deadlines.

<sup>4</sup> Includes reinstatement applications, reciprocal discipline cases, disability determinations, etc.



Sources of complaints – Matters closed in 2023	Number of Matters	Percentage
Judge	9	3.0%
Probate Party/Claimant	7	2.3%
Adverse Party – Family Law	6	2.0%
Adverse Party - All Other	5	1.7%
<b>Grand Total</b>	<b>302</b>	<b>100.0%</b>

### Ethics Violations Alleged

The ethical violation most often alleged was neglect/incompetence/inadequate communication (alleged in 162 of 302 matters, or over 50% of the matters reaching final disposition in 2023). Other alleged misconduct appears in the table below.

Alleged Misconduct	Number of Allegations	Percentage (out of 302 matters)
Neglect/Incompetence/Inadequate Communication	162	53.6%
Fraud/Deceit/Dishonesty/Misrepresentation/Candor	38	12.6%
Disregard of Court Order / Disrespect of Court	37	12.3%
Trust Account Irregularities	24	7.9%
Conflict of Interest	23	7.6%
Confidentiality	19	6.3%
Pretrial or Trial Conduct	15	5.0%
Misappropriation or Mishandling of Money/Property	14	4.6%
Unreasonable/Impermissible Fee	14	4.6%
Other	13	4.3%
Aiding or Engaging In UPL	11	3.6%
Criminal Conviction of Attorney	11	3.6%
Frivolous Litigation/Filings	10	3.3%
Attorney Misconduct (Not Conviction)	7	2.3%
Communication with Represented Party	4	1.3%
Failure to Supervise Staff	1	0.3%
<b>Grand Total</b>	<b>403 allegations in 302 matters</b>	<b>100.0%</b>

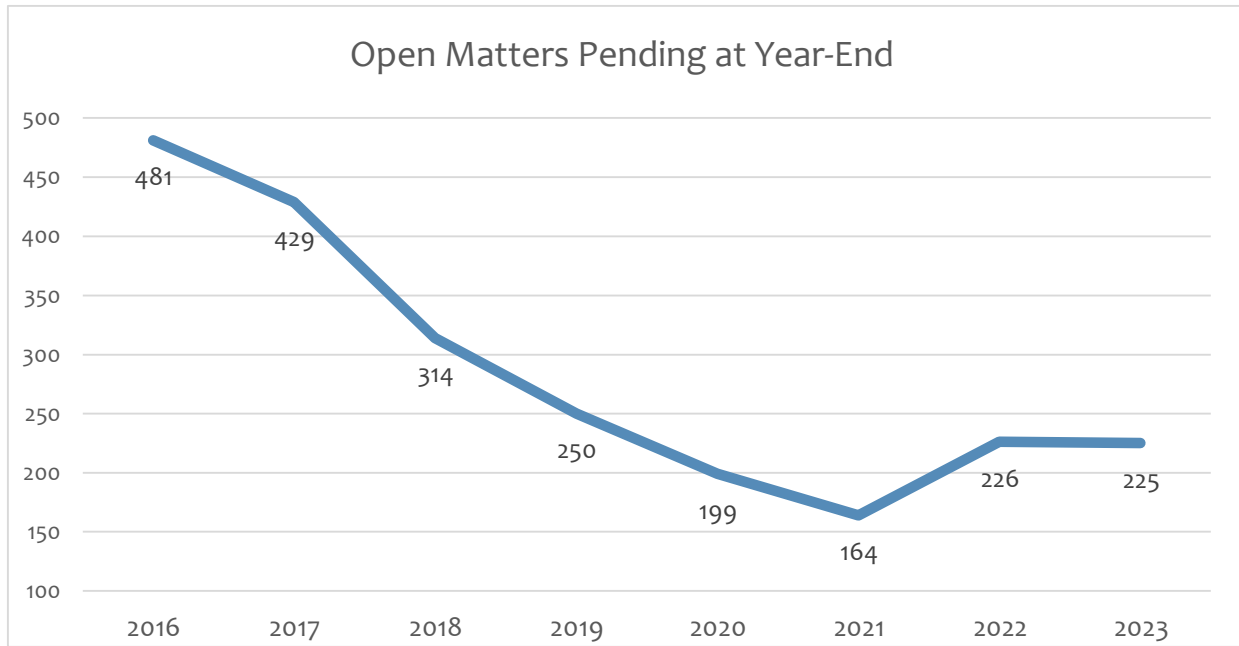
### Ethics Violations Found

In 2023, 118 different attorneys were found to have violated our governing ethics rules in 142 disciplinary matters. In many matters, more than one rule violation occurred.

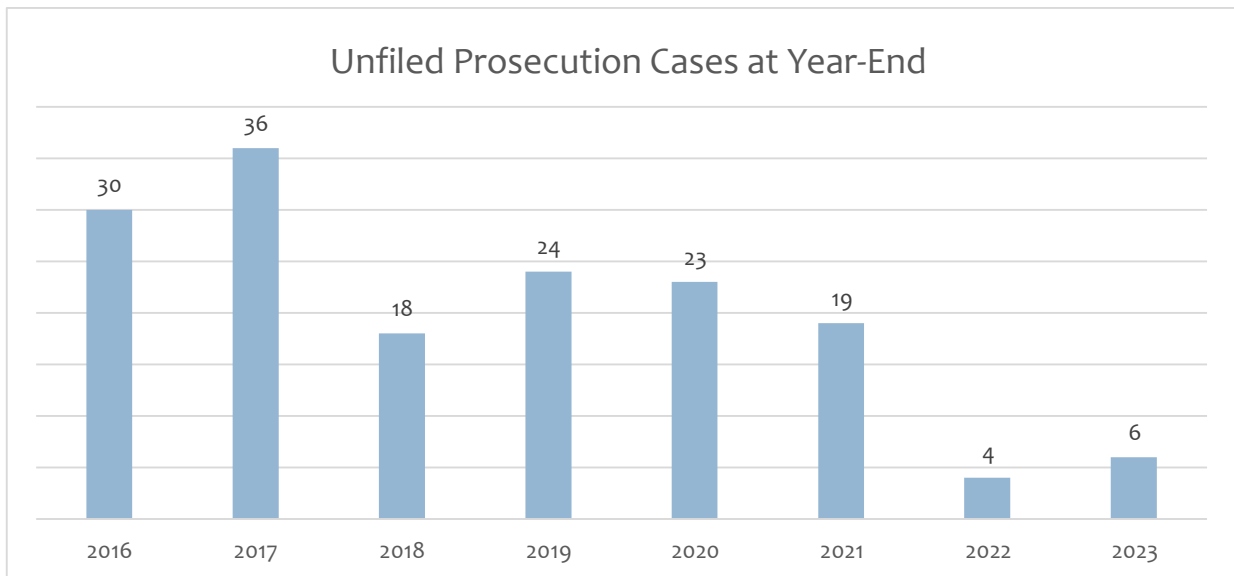
The pattern of actual violations differs notably from the pattern of alleged violations. The most commonly found violations were of Iowa Rules of Professional Conduct 32:8.4 (Misconduct), 32:1.3 (Diligence), 32:1.4 (Communication).

<b>Violations Found - Matters Closed in 2023</b>	<b>Found in this number of Board matters</b>	<b>Percentage (out of 142 matters)</b>
Rule 32:8.4 Misconduct	58	40.8%
Rule 32:1.3 Diligence	45	31.7%
Rule 32:1.4 Communication	40	28.2%
Rule 32:1.15 Safekeeping property	27	19.0%
Rule 32:3.2 Expediting litigation	25	17.6%
Rule 32:1.16 Declining or terminating representation	13	9.2%
Rule 32:8.1 Bar admission and disciplinary matters	9	6.3%
Rule 32:1.1 Competence	8	5.6%
Rule 32:1.2 Scope of representation and allocation of authority between client and lawyer	7	4.9%
Rule 32:3.1 Meritorious claims and contentions	7	4.9%
Rule 32:3.3 Candor toward the tribunal	7	4.9%
Rule 32:3.4 Fairness to opposing party and counsel	7	4.9%
Rule 32:1.7 Conflict of interest: current clients	5	3.5%
Rule 32:5.5 Unauthorized practice of law; multijurisdictional practice of law	5	3.5%
Rule 32:1.5 Fees	4	2.8%
Rule 32:1.6 Confidentiality of information	4	2.8%
Rule 32:1.9 Duties to former clients	4	2.8%
Rule 32:5.3 Responsibilities regarding nonlawyer assistance	4	2.8%
Rule 32:1.8 Conflict of interest: current clients: specific rules	3	2.1%
Rule 32:4.1 Truthfulness in statements to others	3	2.1%
Rule 32:4.2 Communication with person represented by counsel	3	2.1%
Rule 32:4.3 Dealing with unrepresented person	3	2.1%
Rule 32:7.1 Communications concerning a lawyer's services	2	1.4%
Rule 32:3.7 Lawyer as witness	1	0.7%
Rule 32:4.4 Respect for rights of third persons	1	0.7%
<b>Grand Total</b>	<b>295 violations in 142 matters</b>	<b>100%</b>

## Matters Pending at Year-End



Just 225 Board matters were pending, under investigation, awaiting prosecution, or being processed at the Board, Grievance Commission, or Supreme Court levels at the end of 2023. Among those pending matters were just 6 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 2023. 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. When necessary, these probate matters are 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*

Six (6) attorneys entered into deferral of discipline agreements with the Board in 2023, 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.

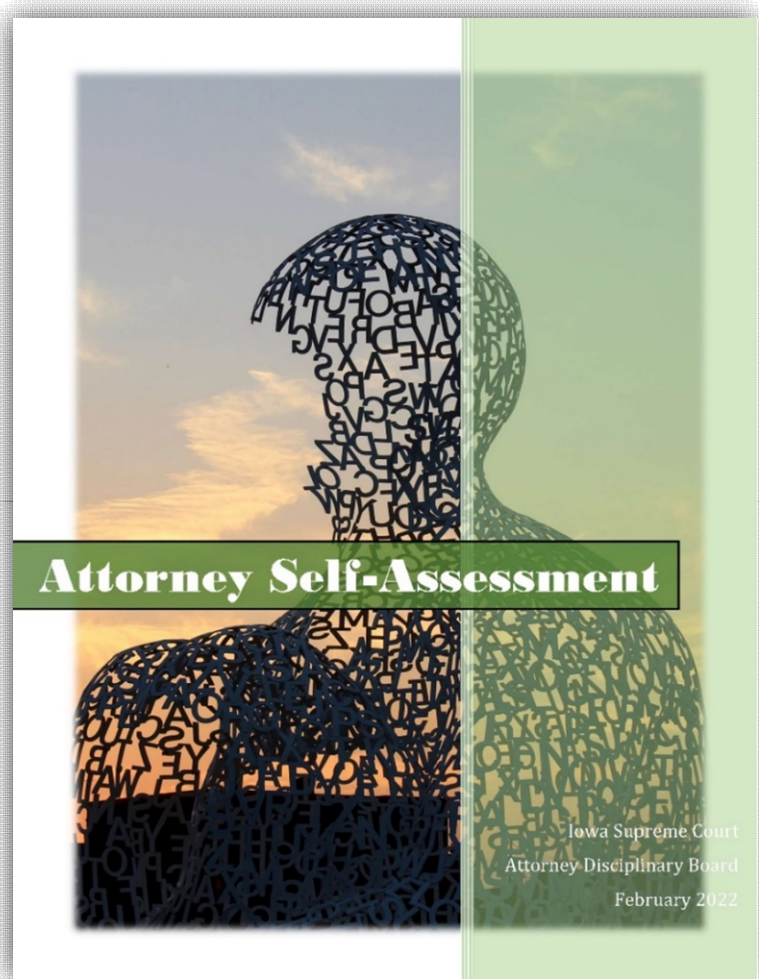
## Educational Outreach & Proactive Management-Based Regulation (PMBR)

### *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 work 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, usually called "proactive 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 [Iowa Attorney Self-Assessment](#) 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 2023, Board staff provided CLE or instruction to the following groups:

January 26, 2023	Drake Law School – Professional Responsibility Class (J. Appel)
February 3, 2023	University of Iowa – Ethics Class (Prof. Elias)
February 24, 2023	Iowa Academy of Trial Lawyers
March 21, 2023	DMACC Paralegals Training (including ADB paralegal Sara Gilliam)
March 24, 2023	Iowa State Public Defender CLE Webinar
March 30, 2023	Polk County Bar Association Solo & Small Firm CLE
April 17, 2023	Lincoln Inne CLE
April 26, 2023	Administrative Law Judges’ CLE
May 5, 2023	Juvenile Judges’ CLE
May 12, 2023	Iowa State Public Defender New Attorney CLE
June 13, 2023	Iowa County Attorneys Association, Okoboji
July 12, 2023	Drake Law School – Internship Class (Lee Schneider)
July 20, 2023	Linn County Bar Association Summer Picnic CLE
July 25, 2023	DMACC Paralegals Training (including ADB paralegal Sara Gilliam)
September 7, 2023	Drake Law School – Professional Responsibility Class (J. Appel)
September 14, 2023	Iowa Defense Counsel Association CLE
September 22, 2023	Iowa State Public Defender New Attorney CLE
September 28, 2023	Judicial Branch Building Lunch & Learn CLE
September 29, 2023	Iowa State Bar Association (ISBA) Corporate Counsel & Trade Regulation
October 20, 2023	8 <sup>th</sup> Judicial District Bench-Bar CLE, Fairfield
October 23, 2023	Drake Law School Ethics Class (Weresh)
October 27, 2023	Iowa Attorney General CLE
November 9, 2023	Iowa Association of Criminal Defense Lawyers (IACDL) CLE
December 14, 2023	Iowa State Public Defender CLE Webinar
December 15, 2023	Iowa State Bar Association (ISBA) Federal Practice Seminar
December 27, 2023	Iowa State Bar Association (ISBA) Webinar – Start 2024 Off Right

# Grievance Commission

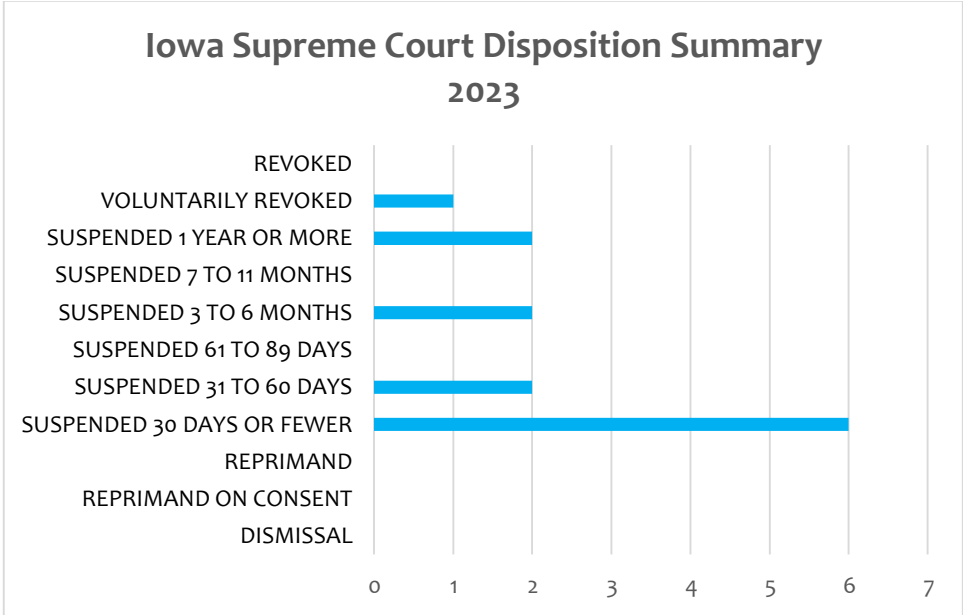
## Annual Filings

During calendar year 2023, the Grievance Clerk recorded 18 new Grievance Commission filings by the ADB. There were three hearings before the Grievance Commission. At the end of 2023, there were 11 matters pending to be resolved:

	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>
Grievance Matters Pending on Jan. 1	7	8	10	17	27	13	15
Grievance Matters Filed During Year	18	18	14	14	19	34	15
Grievance Hearings Held During Year	3	6	3	6	12	9	6
Final Disposition of Grievance Matters During Year	13	16	15	20	29	20	17
Grievance Matters Pending on Dec. 31	11	7	8	10	17	27	13

## Dispositions

In 2023, the Iowa Supreme Court reached final disposition in 13 grievance matters. Of the 12 suspensions issued by the Court, seven were consented to by the Respondents and two suspensions were for more than one year. In one matter before the Grievance Commission, an attorney consented to revocation of his 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 2023, the following orders were entered under these other provisions of the Iowa Court Rules:

	2023	2022	2021	2020	2019
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	15	17	35	23	18
Public reprimands issued directly by the Attorney Disciplinary Board, with court approval, under Iowa Court Rule 35.12	26	17	30	16	28
Temporary suspensions issued under Iowa Court Rule 35.7 based on failure to respond to notice of complaints received by the Attorney Disciplinary Board	7	2	3	6	3
Suspensions issued due to lawyer disability per Iowa Court Rule 34.17	4	5	4	2	3
Reprimands, suspensions, or revocations issued based on the reciprocal discipline provisions of Iowa Court Rule 34.19	4	3	0	3	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	1	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	3	6	1	0	5
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	0	1	1
Suspensions based on a substantial threat of serious harm to the public, based on Iowa Court Rule 34.14	0	0	1	0	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 to 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.

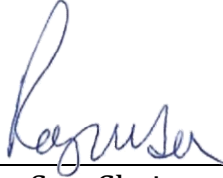
During the fiscal year July 1, 2022, through June 30, 2023, annual fees received to finance the disciplinary system totaled \$1,899,672 which included the annual fees, late filing fees, investment income, and reimbursement of disciplinary costs paid. Total expenditures made for the disciplinary system during fiscal year 2022-2023 were \$1,408,523. The Client Security Commission paid a total of \$980,896 for the fiscal year 2022-2023 operating budget of the Iowa Supreme Court Attorney Disciplinary Board. The Commission also paid operating expenditures for the Grievance Commission totaling \$290,034, operating expenses of the Commission on the Unauthorized Practice of Law totaling \$36,733, 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 05, 2023, 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, 2023, through June 30, 2024. 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 27, 2024.

THE IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD  
By

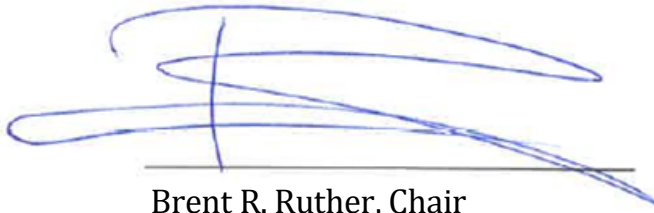


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Reyne See, Chair

GRIEVANCE COMMISSION OF THE SUPREME COURT OF IOWA

By



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Brent R. Ruther, Chair

### **ATTACHMENTS**

Attachment A: Grievance Commission Members During 2023

Attachment B: Synopses and Reports Regarding Grievance Cases Reaching Final Disposition During Calendar Year 2023

Attachment C: OPR Budgets for FY2023-24

**ATTACHMENT A  
GRIEVANCE COMMISSION MEMBERS SERVING DURING 2023**

<u>CHAIRPERSON</u>	<u>TERM EXPIRES</u>
<b><i>Brent R. Ruther (effective 7-1-23)</i></b>	<b>6-30-24 (as chair)</b>
<b><i>Elizabeth A. Kellner-Nelson (until 6-30-23)</i></b>	<b>6-30-23 (as chair)</b>
<b>1A</b>	
<b><i>Maureen Quann</i></b>	6-30-25
<b><i>Natalia H. Blaskovich</i></b>	6-30-26
<b><i>Tonya A. Trumm</i></b>	6-30-24
<b><i>John W. Bernau</i></b>	6-30-24
<b><i>Richard Kirkendall</i></b>	6-30-26
<b>1B</b>	
<b><i>Jennifer Schwickerath</i></b>	6-30-23
<b><i>Adam R. Junaid</i></b>	6-30-24
<b><i>Yeshimebet Abebe</i></b>	6-30-23
<b><i>Adam J. Babinat</i></b>	6-30-24
<b><i>Ronald J. Longmuir</i></b>	6-30-25
<b><i>Erin P. Lyons</i></b>	6-30-26
<b><i>Andrew C. Abbott</i></b>	6-30-26
<b>2A</b>	
<b><i>Matthew F. Berry</i></b>	6-30-25
<b><i>Mark L. Walk</i></b>	6-30-25

***Kelsey A. Beenken*** 6-30-24

***Michael Moeller*** 6-30-26

***Nellie D. O'Mara*** 6-30-26

**2B**

***Mary Howell Sirna*** 6-30-25

***Jessica A. Reynolds*** 6-30-25

***Laura A. Eilers*** 6-30-26

***Amanda B. Knief*** 6-30-26

***James L. Goodman*** 6-30-24

**3A**

***Melanie Summers Bauler*** 6-30-26

***James L. Lauer*** 6-30-24

***Michael L. Sandy*** 6-30-26

***Jennifer A. Bennett Finn*** 6-30-26

***Maggie Schild*** 6-30-24

**3B**

***C. Michelle Venable-Ridley*** 6-30-23

***Ian McConeghey*** 6-30-26

***Richard H. Moeller*** 6-30-26

***Andrea H. Buckley*** 6-30-24

***Lindsey R. Buchheit*** 6-30-24

***Maura Sailer*** 6-30-25

4

<i>Jon J. Narmi</i>	6-30-26
<i>Naeda E. Elliott</i>	6-30-23
<i>Lilly A. Richardson-Severn</i>	6-30-26
<i>William C. Bracker</i>	6-30-24
<i>Brett R. Wessels</i>	6-30-25
<i>Jon E. Heisterkamp</i>	6-30-26

5A

<i>Katie L. Ranes</i>	6-30-23
<i>Tyler L. Eason</i>	6-30-24
<i>Samuel H. Braland</i>	6-30-24
<i>Brent Hinders</i>	6-30-25
<i>Julie J. Bussanmas</i>	6-30-24
<i>Daniel Herting</i>	6-30-24
<i>Kellen Corbett</i>	6-30-24
<i>Patrick B. White</i>	6-30-26
<i>Hilary J. Montalvo</i>	6-30-26
<i>Kristi V. Holzer</i>	6-30-25
<i>Michelle F. Ingle</i>	6-30-25
<i>Joshua R. Strief</i>	6-30-26
<i>John H. Judisch</i>	6-30-26
<i>Megan W. Green</i>	6-30-24

**Thomas W. Mott** 6-30-25

**James G. Rowe** 6-30-26

**5B**

**Kristian E. Anderson** 6-30-26

**Meggen L. Weeks** 6-30-26

**Andrew J. Zimmerman** 6-30-25

**Loretta L. Harvey** 6-30-26

**5C**

**Elizabeth A. Kellner-Nelson** 6-30-24

**Courtney T. Wilson** 6-30-24

**Erin E. Lee Schneider** 6-30-26

**Jonathan E. Kramer** 6-30-26

**Caroline K. Valentine** 6-30-26

**Michael A. Carmoney** 6-30-23

**Katie A. Ervin Carlson** 6-30-26  
(vice-chair effective 7-1-23)

**Tammi Blackstone** 6-30-25

**Christine Lebron Dykeman** 6-30-25

**Mary A. Trick** 6-30-23

**Erin C. Lain** 6-30-25

**Ashley A. Tollakson** 6-30-25

**Jill A. Eimermann** 6-30-24

<b>Mark Gray</b>	6-30-25
<b>Patrick D. Smith</b> <i>(appointed district court judge 6-16-23)</i>	6-30-23
<b>Sharon M. Wegner</b>	6-30-26
<b>Michael A. Dee</b>	6-30-24
<b>Ashley M. Sparks</b> <i>(appointed district court judge 11-17-23)</i>	6-30-24
<b>Mitchell R. Kunert</b>	6-30-24
<b>Nicole A. Riggs</b>	6-30-24
<b>Michelle R. Mackel-Wiederanders</b>	6-30-24
<b>Sarah E. Dewein</b>	6-30-24
<b>Benjamin K. Lynch</b>	6-30-26
<b>James R. Colwell</b>	6-30-26
<b>Dean A. Lerner</b>	6-30-25
<b>Ashley C. Stewart</b>	6-30-26
<b>Sarah E. Wilson</b>	6-30-26
<b>Naeda E. Elliott</b> <i>(moved from district 4 to district 5C)</i>	6-30-26

**6**

<b>Alex J. Anderson</b>	6-30-26
<b>Elizabeth J. Craig</b>	6-30-26
<b>Joseph W. Younker</b>	6-30-24
<b>Eric W. Lam</b>	6-30-25
<b>Matthew D. Dake</b>	6-30-26

**Crystal L. Usher** 6-30-25  
(passed away 6-30-23)

**Lynn M. Rose** 6-30-24

**Kevin C. Rigdon** 6-30-24

**Nekeidra R. Tucker** 6-30-24

**Andrew J. Hosmanek** 6-30-24

**Randall B. Willman** 6-30-26

**7**

**Ralph W. Heninger** 6-30-26

**Elizabeth J. Cervantes** 6-30-24

**Lisa R. Maidak** 6-30-25

**Jean Z. Dickson** 6-30-26

**Jennifer L. Kincaid** 6-30-24

**8A**

**Susan C. Cole** 6-30-24

**Andrew J. Ritland** 6-30-26

**Ryan J. Mitchell** 6-30-26

**Ashley L. Walkup** 6-30-24

**Cynthia D. Hucks** 6-30-24

**8B**

**Darin R. Stater** 6-30-25

**Brent R. Ruther** 6-30-25

**Heidi D. Van Winkle** 6-30-23



**Gregory A. Johnson** 6-30-26

**Terri Quartucci** 6-30-24

**Elaine Gray** 6-30-26

LAY MEMBERS

1A

**Christopher B. Budzisz** 6-30-24

**Marvin Waterhouse** 6-30-25

1B

**David Buck** 6-30-23

**Lee Tolbert** 6-30-24

**Mark Mortenson** 6-30-26

2A

**Scott Flory** 6-30-26

**Terrishane Mathews** 6-30-26

2B

**Nathan Wilson** 6-30-23

**Julie Huisman** 6-30-23

**Paul Gregoire** 6-30-26

**Mary Wertzberger** 6-30-26

3A

**DeNeitt VanDenBroeke** 6-30-26

**William Anderson** 6-30-24

<u>3B</u>	
<b>Carol Clark</b>	6-30-25
<b>Carie LaBrie</b>	6-30-24
<u>4</u>	
<b>Cynthia Keithley</b>	6-30-26
<b>Mary Gunderson</b>	6-30-24
<u>5A</u>	
<b>Denise Rudolph</b>	6-30-24
<b>Rick Barnes</b>	6-30-25
<b>Jodi Baker</b>	6-30-25
<u>5B</u>	
<b>Todd Kale</b>	6-30-23
<b>Katie Davidson</b>	6-30-26
<b>Ann Nielsen</b>	6-30-26
<u>5C</u>	
<b>Carl McPherson</b>	6-30-24
<b>Justine M. Morton</b>	6-30-24
<b>Jane Rider</b>	6-30-25
<b>Scott Arnburg</b>	6-30-26
<b>Anita Allwood</b>	6-30-26
<b>Jerry Lemons</b>	6-30-24
<b>Nathan Wilson</b>	6-30-26
<i>(moved from district 2B to district 5C)</i>	

6

**Julie Hubbell**

6-30-25

**Joy Mauskemo**

6-30-26

**Sidot Shipley**

6-30-24

**Barbara McFadden**

6-30-24

7

**Jim Tiedje**

6-30-26

**Maggie Tinsman**

6-30-25

8A

**Nellie Coltrain**

6-30-26

8B

**Jim DenAdel**

6-30-26

**Kathleen Cahill**

6-30-24

**ATTACHMENT B**

**SYNOPSIS AND REPORTS REGARDING CASES REACHING  
FINAL DISPOSITION  
DURING CALENDAR YEAR 2023**

<p><b>Iowa Supreme Court Atty. Disc. Bd. v. Curt N. Daniels</b> Grievance Case No. 932 Iowa S. Ct. No. 22-1646 – January 20, 2023</p>
<p><b>Attorney Disciplinary Board Allegations:</b> The Board alleged that Daniels engaged in frivolous filings in protracted litigation against a personal adversary, resulting in court-ordered sanctions and injunctions. He had been publicly reprimanded in the past for similar behavior against the same adversary.</p>
<p><b>Grievance Commission Findings, Conclusions, and Recommendations:</b> The Commission found repeated violations of 32:3.1 (prohibiting frivolous pleadings) and 32:8.4 (conduct prejudicial to the administration of justice), recommending a six-month suspension, that Daniels pay off any unpaid court costs and fees, and that he hire an attorney in any future litigation with the same adversary.</p>
<p><b>Iowa Supreme Court Opinion:</b> The Court agreed with the Commission’s recommendation of a six-month suspension and for Daniels to pay off the court-ordered sanctions as a condition of reinstatement.</p>
<p><b>Iowa Supreme Court Atty. Disc. Bd. v. David L. Leitner</b> Grievance Case No. 935 Iowa S. Ct. No. 23-0099 – December 8, 2023</p>
<p><b>Attorney Disciplinary Board Allegations:</b> The Board alleged that Leitner violated multiple rules by assisting a client to deceive creditors, making false statements to the court, intentionally deceiving opposing counsel by fraudulently inserting provisions in a decree, conflicts of interest, repeated contact with a represented party and filling a petition on her behalf, and mishandling client funds.</p>
<p><b>Grievance Commission Findings, Conclusions, and Recommendations:</b> The Commission found violations in nearly all the allegations. The Commission recommended revocation of Leitner’s license.</p>
<p><b>Iowa Supreme Court Opinion:</b> The Court agreed with the Commission’s findings, but instead imposed a two-year suspension. The Court acknowledged the Board’s argument for revocation based on the first count but determined that revocation was not appropriate because Leitner did not actually convert funds from anyone and because there was no actual harm.</p>

**Iowa Supreme Court Atty. Disc. Bd. v. Mike Mulamba Mbanza**

Grievance Case No. 936

Iowa S. Ct. No. 23-0160 – October 20, 2023

**Attorney Disciplinary Board Allegations:** The Board alleged that Mbanza made a false certification on a client’s federal immigration application.

**Grievance Commission Findings, Conclusions, and Recommendations:** The Commission found several violations and recommended a 30-day suspension and that Mbanza complete an additional six hours of continuing legal education on legal ethics and civil procedure. The Commission concluded that Mbanza’s testimony at hearing “was evasive, contradictory, and false,” and that his “obstructionist conduct during litigation” was an aggravating factor.

**Iowa Supreme Court Opinion:** The Court found similar violations and suspended Mbanza for 30 days, without an additional CLE requirement. The Court noted that the underlying conduct would not typically warrant a suspension, but Mbanza’s conduct during the Grievance Commission proceeding was a severely aggravating factor that pushed the case into “suspension territory.”

**Iowa Supreme Court Atty. Disc. Bd. v. Scott A. Johnson**

Grievance Case No. 939

Iowa S. Ct. No. 22-2003 – March, 31, 2023

**Attorney Disciplinary Board Allegations:** The Board alleged nineteen violations related to submitting false time and expense claims to the State Public Defender, neglect of legal matters, failure to communicate with clients, failure to appear at hearings, failure to Respond to the Board, and forgery of a client’s signature on a guilty plea. Johnson failed to participate in the Grievance process.

**Grievance Commission Findings, Conclusions, and Recommendations:** The Commission found violations of all rules alleged by the Board. The Commission recommended a three-year suspension of Johnson’s license, though two members recommended a two-year suspension.

**Iowa Supreme Court Opinion:** The Court agreed with the Commission’s findings and imposed a three-year suspension of Johnson’s license.

**Iowa Supreme Court Atty. Disc. Bd. v. Scott Alden Sobel**

Grievance Case No. 944

Iowa S. Ct. No. 23-0549 – November 9, 2023

**Attorney Disciplinary Board Allegations:** The Board alleged that Sobel violated multiple rules related to diligence and promptness, communicating with clients, withdrawing from representation when impaired, failure to expedite litigation, and conduct prejudicial to the administration of justice.

**Grievance Commission Findings, Conclusions, and Recommendations:**

The parties filed a partial stipulation of facts and exhibits and waived a formal hearing. The Commission found Sobel violated all rules alleged in the Board's complaint and recommended a 30-day suspension.

**Iowa Supreme Court Opinion:** The Court agreed with the Commission's findings and recommendation for sanctions and suspended Sobel for 30 days.

**In the Matter of Beau Alvin Bergmann**

Grievance Case No. 949

Iowa S. Ct. No. 22-2091 – February 10 2023

**Consent to Suspension (Rule 34.16):** Bergmann admitted to rule violations related to diligence and promptness, client communication and consultation, reasonable fees, prompt return of client funds, failure to expedite litigation, and conduct that is prejudicial to the administration of justice. Bergmann consented to a suspension of up to 60 days but requested a public reprimand. The Board recommended a suspension of 30 days. The Court imposed a 30-day suspension.

**In the Matter of Patrick Ryan Anderson**

Grievance Case No. 950

Iowa S. Ct. No. 23-0030 – February 10, 2023

**Consent to Revocation (Rule 34.16):** Anderson admitted to rule violations related to trust accounts, entering into a business transaction with a client, fraudulently inducing a client into loaning him money, and diverting funds for his own benefit and to his client's detriment. Anderson consented to revocation of his law license, with which the Board agreed. The Court revoked Anderson's license.

**In the Matter of Michael M. Sellers**

Grievance Case No. 951

Iowa S. Ct. No. 23-0047 – February 10, 2023

**Consent to Suspension (Rule 34.16):** Sellers admitted to rule violations related to unreasonable fees and frivolous filings. Sellers consented to a suspension of up to 60 days. The Board and Sellers jointly requested a suspension of 30 days. The Court suspended Sellers for 60 days.

**In the Matter of Amy Elizabeth Zenor**

Grievance Case No. 952

Iowa S. Ct. No. 23-0528– April 28, 2023

**Consent to Suspension (Rule 34.16):** Zenor admitted to rule violations related to public intoxication while engaged in the practice of law. Zenor consented to a suspension of up to 60 days. The Board and Zenor jointly

requested a suspension of 30 days. The Court suspended Zenor's license for 30 days.

**In the Matter of Matthew Brick**

Grievance Case No. 955  
Iowa S. Ct. No. 23-1038 – July 25, 2023

**Consent to Suspension (Rule 34.16):** Brick admitted to rule violations related to a conflict of interest in his representation of a municipality. Brick consented to a suspension of up to 30 days. The Board recommended a suspension of 30 days. The Court suspended Brick's license for 30 days.

**In the Matter of Wallace D. Parrish**

Grievance Case No. 956  
Iowa S. Ct. No. 23-1073 July 25, 2023

**Consent to Suspension (Rule 34.16):** Parrish admitted to rule violations related to mismanagement of his client trust account. Parrish consented to a suspension of up to 60 days. The Board recommended a suspension of 60 days. The Court suspended Parrish's license for 60 days.

**In the Matter of Alexandra Maria Nelissen**

Grievance Case No. 957  
Iowa S. Ct. No. 23-1088 – August 18, 2023

**Consent to Suspension (Rule 34.16):** Nelissen admitted to rule violations related to diligence and promptness, neglect, failure to communicate with clients, failure to promptly refund client fees, failure to withdraw when impaired, failure to expedite litigation, failure to respond to Board, misrepresentations to clients, conduct prejudicial to the administration of justice, and false statements to a tribunal. Nelissen consented to the suspension of her license for up to six months. The Board recommended a 90-day suspension. The Court suspended Nelissen's license for six months.

**In the Matter of Steven C. Kohl**

Grievance Case No. 960  
Iowa S. Ct. No. 23-1413 – October 6, 2023

**Consent to Suspension (Rule 34.16):** Kohl admitted to rule violations related to multiple delinquency notices in probate matters and failing to cure the delinquencies. Kohl consented to the suspension of his license for up to 60 days. The Board recommended a 60-day suspension. The Court suspended Kohl's license for 30 days.



ATTORNEY DISCIPLINARY BOARD

FISCAL YEAR 2023-2024 BUDGET

OPERATING EXPENSES

Salary & Employee Expense		
Salaries	\$	819,429.58
Deferred Compensation	\$	8,100.00
Employee Insurance	\$	216,433.23
Employer's Unemployment	\$	4,000.00
FICA	\$	63,680.86
IPERS	\$	77,354.15
Vacation Buyback	\$	13,000.00
Total Payroll Expenses	\$	1,201,997.82
Non-Payroll Expense		
Audit Expense	\$	3,250.00
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	\$	189,222.00
Total Expense	\$	1,391,219.82

GRIEVANCE COMMISSION

FISCAL YEAR 2023-2024 BUDGET

**FILED**  
JUN 05 2023  
CLERK SUPREME COURT

OPERATING EXPENSES

Salary and Salary Expenses	
Director Salary	\$30,429.87
Assistant Director	\$47,846.06
Clerical Salary	\$76,975.48
Vacation Buyback	\$3,014.50
FICA	\$12,107.34
IPERS	\$14,655.73
Employee Insurance	\$41,694.40
Deferred Compensation	\$1,575.00
Auditing	\$3,000.00
Rent	\$13,500.00
Copier Lease	\$1,200.00
Repairs & Maintenance	\$200.00
Supplies	\$1,200.00
Telephone	\$250.00
Travel (Commissioners)	\$2,700.00
Travel (Staff)	\$4,000.00
Postage	\$2,400.00
Insurance	\$650.00
Transcripts (SHR)	\$25,000.00
Automation Support	\$600.00
Banking Fees	\$900.00
Misc., Including Moving Exper	\$1,500.00
Internet App. Maint. & Develop	\$5,000.00
Internet Payment Charges	\$40,000.00
Unemployment Insurance	\$350.00
Payroll Processing	\$350.00

TOTAL OPERATING EXPENSES \$331,098.38

CAPITAL EXPENDITURES \$2,000.00

TOTAL PROJECTED EXPENDITURES \$333,098.38

UPL COMMISSION

FISCAL YEAR 2023-2024 BUDGET

OPERATING EXPENSES

**FILED**  
JUN 05 2023  
CLERK SUPREME COURT

Salary and Salary Expenses	
Assistant Director	\$10,632.46
Clerical Salary	\$10,856.37
Vacation Buyback	\$415.50
FICA	\$1,675.68
IPERS	\$2,028.55
Employee Insurance	\$5,956.34
Deferred Compensation	\$225.00
Rent	\$3,000.00
Auditing	\$1,000.00
Copier Lease	\$300.00
Repairs & Maintenance	\$100.00
Supplies	\$320.00
Telephone	\$50.00
Travel	\$3,000.00
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	\$50.00
Payroll Processing	\$100.00
TOTAL OPERATING EXPENSES	<u>\$41,409.90</u>
CAPITAL EXPENDITURES	\$250.00
TOTAL PROJECTED EXPENDITURES	<u>\$41,659.90</u>