

CHAPTER 32
IOWA RULES OF PROFESSIONAL CONDUCT

FILED

AUG 01 2019

PREAMBLE AND SCOPE

Rule 32:1.0 Terminology

CLIENT-LAWYER RELATIONSHIP

CLERK SUPREME COURT

Rule 32:1.1 Competence
Rule 32:1.2 Scope of representation and allocation of authority
between client and lawyer
Rule 32:1.3 Diligence
Rule 32:1.4 Communications
Rule 32:1.5 Fees
Rule 32:1.6 Confidentiality of information
Rule 32:1.7 Conflict of interest: current clients
Rule 32:1.8 Conflict of interest: current clients: specific rules
Rule 32:1.9 Duties to former clients
Rule 32:1.10 Imputation of conflicts of interest: general rule
Rule 32:1.11 Special conflicts of interest for former and current
government officers and employees
Rule 32:1.12 Former judge, arbitrator, mediator, or other third-party
neutral
Rule 32:1.13 Organization as client
Rule 32:1.14 Client with diminished capacity
Rule 32:1.15 Safekeeping property
Rule 32:1.16 Declining or terminating representation
Rule 32:1.17 Sale of law practice
Rule 32:1.18 Duties to prospective client

COUNSELOR

Rule 32:2.1 Advisor
Rule 32:2.2 (Reserved)
Rule 32:2.3 Evaluation for use by third persons
Rule 32:2.4 Lawyer serving as third-party neutral

ADVOCATE

Rule 32:3.1 Meritorious claims and contentions
Rule 32:3.2 Expediting litigation
Rule 32:3.3 Candor toward the tribunal
Rule 32:3.4 Fairness to opposing party and counsel
Rule 32:3.5 Impartiality and decorum of the tribunal
Rule 32:3.6 Trial publicity
Rule 32:3.7 Lawyer as witness
Rule 32:3.8 Special responsibilities of a prosecutor
Rule 32:3.9 Advocate in nonadjudicative proceedings

1 *TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS*

- 2 Rule 32:4.1 Truthfulness in statements to others
3 Rule 32:4.2 Communication with person represented by counsel
4 Rule 32:4.3 Dealing with unrepresented person
5 Rule 32:4.4 Respect for rights of third persons

6 *LAW FIRMS AND ASSOCIATIONS*

- 7 Rule 32:5.1 Responsibilities of a partners, managers, and or
8 supervisory lawyers
9 Rule 32:5.2 Responsibilities of a subordinate lawyer
10 Rule 32:5.3 Responsibilities regarding nonlawyer assistance
11 Rule 32:5.4 Professional independence of a lawyer
12 Rule 32:5.5 Unauthorized practice of law; multijurisdictional practice
13 of law
14 Rule 32:5.6 Restrictions on right to practice
15 Rule 32:5.7 Responsibilities regarding law-related services

16 *PUBLIC SERVICE*

- 17 Rule 32:6.1 Voluntary pro bono publico service
18 Rule 32:6.2 Accepting appointments
19 Rule 32:6.3 Membership in legal services organization
20 Rule 32:6.4 Law reform activities affecting client interests
21 Rule 32:6.5 Nonprofit and court-annexed limited legal services
22 programs

23 *INFORMATION ABOUT LEGAL SERVICES*

- 24 Rule 32:7.1 Communications concerning a lawyer's services
25 Rule 32:7.2 ~~Advertising~~ Communications concerning a lawyer's
26 services: specific rules
27 Rule 32:7.3 Solicitation of clients
28 Rule 32:7.4 ~~Communication of fields of practice and~~
29 ~~specialization~~ (Reserved)
30 Rule 32:7.5 ~~Firm names and letterheads~~ (Reserved)
31 Rule 32:7.6 Political contributions to obtain government legal
32 engagements or appointments by judges

33 *MAINTAINING THE INTEGRITY OF THE PROFESSION*

- 34 Rule 32:8.1 Bar admission and disciplinary matters
35 Rule 32:8.2 Judicial and legal officials
36 Rule 32:8.3 Reporting professional misconduct
37 Rule 32:8.4 Misconduct
38 Rule 32:8.5 Disciplinary authority; choice of law

1 [5] Political contributions are for the purpose of obtaining or being
2 considered for a governmental legal engagement or appointment by a judge if,
3 but for the desire to be considered for the legal engagement or appointment, the
4 lawyer or law firm would not have made or solicited the contributions. The
5 purpose may be determined by an examination of the circumstances in which
6 the contributions occur. For example, one or more contributions that in the
7 aggregate are substantial in relation to other contributions by lawyers or law
8 firms, made for the benefit of an official in a position to influence award of a
9 government legal engagement, and followed by an award of the legal engagement
10 to the contributing or soliciting lawyer or the lawyer's firm would support an
11 inference that the purpose of the contributions was to obtain the engagement,
12 absent other factors that weigh against existence of the proscribed purpose.
13 Those factors may include among others that the contribution or solicitation was
14 made to further a political, social, or economic interest or because of an existing
15 personal, family, or professional relationship with a candidate.

16
17 **Rule 32:8.2: JUDICIAL AND LEGAL OFFICIALS**

18
19 (a) A lawyer shall not make a statement that the lawyer knows to be
20 false or with reckless disregard as to its truth or falsity concerning the
21 qualifications or integrity of a judge, adjudicatory officer, or public legal
22 officer, or of a candidate for election or appointment to judicial or legal
23 office.

24 (b) A lawyer who is a candidate for judicial office shall comply with
25 the applicable provisions of the Iowa Code of Judicial Conduct.

26
27 **Rule 32:8.4: MISCONDUCT**

28
29 It is professional misconduct for a lawyer to:

30 (a) violate or attempt to violate the Iowa Rules of Professional
31 Conduct, knowingly assist or induce another to do so, or do so through the
32 acts of another;

33 (b) commit a criminal act that reflects adversely on the lawyer's
34 honesty, trustworthiness, or fitness as a lawyer in other respects;

35 (c) engage in conduct involving dishonesty, fraud, deceit, or
36 misrepresentation;

37 (d) engage in conduct that is prejudicial to the administration of
38 justice;

39 (e) state or imply an ability to influence improperly a government
40 agency or official or to achieve results by means that violate the Iowa Rules
41 of Professional Conduct or other law;

42 (f) knowingly assist a judge or judicial officer in conduct that is a
43 violation of applicable rules of judicial conduct or other law; or

44 (g) engage in conduct that the lawyer knows or reasonably should
45 know is harassment or discrimination on the basis of race, sex, religion,
46 national origin, ethnicity, disability, age, sexual orientation, gender

1 **identity, marital status, or socioeconomic status in conduct related to the**
2 **practice of law. This paragraph does not limit the ability of a lawyer to**
3 **accept, decline, or withdraw from a representation in accordance with rule**
4 **32:1.16. This paragraph does not preclude legitimate advice or advocacy**
5 **consistent with these rules**~~**engage in sexual harassment or other unlawful**~~
6 ~~**discrimination in the practice of law or knowingly permit staff or agents**~~
7 ~~**subject to the lawyer's direction and control to do so.**~~

8
9 **Comment**

10
11 [3] Discrimination and harassment by lawyers in violation of paragraph (g)
12 undermine confidence in the legal profession and the legal system. Such
13 discrimination includes harmful verbal or physical conduct that manifests bias
14 or prejudice towards others. Harassment includes sexual harassment and
15 derogatory or demeaning verbal or physical conduct. Sexual harassment
16 includes unwelcome sexual advances, requests for sexual favors, and other
17 unwelcome verbal or physical conduct of a sexual nature. The substantive law
18 of antidiscrimination and anti-harassment statutes and case law may guide
19 application of paragraph (g).~~A lawyer who, in the course of representing a client,~~
20 ~~knowingly manifests, by words or conduct, bias or prejudice based upon race,~~
21 ~~sex, religion, national origin, disability, age, sexual orientation or socioeconomic~~
22 ~~status, violates paragraph (d) when such actions are prejudicial to the~~
23 ~~administration of justice. Legitimate advocacy respecting the foregoing factors~~
24 ~~does not violate paragraph (d).~~

25
26 [4] Conduct related to the practice of law includes representing clients;
27 interacting with witnesses, coworkers, court personnel, lawyers, and others
28 while engaged in the practice of law; operating or managing a law firm or law
29 practice; and participating in bar association, business, or social activities in
30 connection with the practice of law. Lawyers may engage in conduct undertaken
31 to promote diversity and inclusion without violating this rule by, for example,
32 implementing initiatives aimed at recruiting, hiring, retaining, and advancing
33 diverse employees or sponsoring diverse law student organizations.

34
35 [5] A trial judge's finding that peremptory challenges were exercised on a
36 discriminatory basis does not alone establish a violation of paragraph (g)~~this~~
37 ~~rule. A lawyer does not violate paragraph (g) by limiting the scope or subject~~
38 ~~matter of the lawyer's practice or by limiting the lawyer's practice to members of~~
39 ~~underserved populations in accordance with these rules and other law. A lawyer~~
40 ~~may charge and collect reasonable fees and expenses for a representation. Rule~~
41 ~~32:1.5(a). Lawyers also should be mindful of their professional obligations under~~
42 ~~rule 32:6.1 to provide legal services to those who are unable to pay, and their~~
43 ~~obligation under rule 32:6.2 not to avoid appointments from a tribunal except~~
44 ~~for good cause. See Rule 32:6.2(a), (b), and (c). A lawyer's representation of a~~
45 ~~client does not constitute an endorsement by the lawyer of the client's views or~~
46 ~~activities. See Rule 32:1.2(b).—For another reference to discrimination as~~

1 ~~professional misconduct, see paragraph (g).~~

2
3 [4][6] A lawyer may refuse to comply with an obligation imposed by law
4 upon a good faith belief that no valid obligation exists. The provisions of rule
5 32:1.2(d) concerning a good faith challenge to the validity, scope, meaning, or
6 application of the law apply to challenges of legal regulation of the practice of
7 law.

8
9 [5][7] Lawyers holding public office assume legal responsibilities going
10 beyond those of other citizens. A lawyer's abuse of public office can suggest an
11 inability to fulfill the professional role of a lawyer. The same is true of abuse of
12 positions of private trust such as trustee, executor, administrator, guardian,
13 agent, and officer, director, or manager of a corporation or other organization.

14
15 [6][8] It is not professional misconduct for a lawyer to advise clients or
16 others about or to supervise or participate in lawful covert activity in the
17 investigation of violations of civil or criminal law or constitutional rights or in
18 lawful intelligence-gathering activity, provided the lawyer's conduct is otherwise
19 in compliance with these rules. "Covert activity" means an effort to obtain
20 information on unlawful activity through the use of misrepresentations or other
21 subterfuge. Covert activity may be commenced by a lawyer or involve a lawyer
22 as an advisor or supervisor only when the lawyer in good faith believes there is
23 a reasonable possibility that unlawful activity has taken place, is taking place,
24 or will take place in the foreseeable future. Likewise, a government lawyer who
25 supervises or participates in a lawful covert operation which involves
26 misrepresentation or deceit for the purpose of gathering relevant information,
27 such as law enforcement investigation of suspected illegal activity or an
28 intelligence-gathering activity, does not, without more, violate this rule.

29
30 **Rule 32:8.5: DISCIPLINARY AUTHORITY; CHOICE OF LAW**

31
32 **(a) Disciplinary Authority. A lawyer admitted to practice in Iowa is**
33 **subject to the disciplinary authority of Iowa, regardless of where the**
34 **lawyer's conduct occurs. A lawyer not admitted in Iowa is also subject to**
35 **the disciplinary authority of Iowa if the lawyer provides or offers to provide**
36 **any legal services in Iowa. A lawyer may be subject to the disciplinary**
37 **authority of both Iowa and another jurisdiction for the same conduct.**

38 **(b) Choice of Law. In any exercise of the disciplinary authority of**
39 **Iowa, the rules of professional conduct to be applied shall be as follows:**

40 **(1) for conduct in connection with a matter pending before a tribunal,**
41 **the rules of the jurisdiction in which the tribunal sits, unless the rules of**
42 **the tribunal provide otherwise; and**

43 **(2) for any other conduct, the rules of the jurisdiction in which the**
44 **lawyer's conduct occurred or, if the predominant effect of the conduct is**
45 **in a different jurisdiction, the rules of that jurisdiction shall be applied to**
46 **the conduct. A lawyer shall not be subject to discipline if the lawyer's**