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Helping Lawyers Navigate the Dangerous Waters of Professional Ethics

Frequently Asked Questions



Jerry R. Foxhoven

Jerry Foxhoven has sometimes been referred to as a “lawyer’s lawyer.” He has represented numerous lawyers in their professional and personal legal matters. He now focuses his practice largely on advising lawyers on ethical matters and representing lawyers in attorney disciplinary proceedings. Having practiced law for over 23 years, he brings a real-life understanding of the ethical issues that can confront a practicing attorney. He also brings a technical understanding of the rules governing the practice of law as a result of his instruction and service on ethics and professional issues: He has spoken on ethics at numerous legal seminars, taught “Ethics and Professional Responsibility” as well as “Law Office Management” as a full-time law professor at the Drake University Law School, and served as a member of the Iowa Ethics Grievance Commission for 4 years, having been appointed by the late Chief Justice Mark Cady.

When your law license is on the line, you will of course be nervous, scared and perhaps angry. Our goal is to help you calm down and act in a way that will minimize the damage to your career. We can also help you prevent the filing of an ethics complaint in the first place. The following Frequently Asked Questions (FAQs) should help guide you in protecting your law license:

How can I make sure that I never have an ethics complaint filed against me?

Unfortunately, you can only ensure this by not practicing law. Even the best, most ethical lawyers sometimes have ethics complaints filed against them. Your goal should be twofold: (1) minimize the number of ethics complaints filed against you; and (2) make sure that any complaints filed have no foundation to them and are quickly dismissed.

Are there any “practice tips” that can help me ensure that my practice is set up in a way to best comply with the ethics rules?

Yes. You can set up an appointment to meet with us, and we will work through a checklist that can assist you in providing all of the ethical protections possible to reduce the chances of receiving ethical complaints. It is always better to be proactive to ensure that you have incorporated standard practices that will minimize the chance of ethical issues or complaints arising.



IOWA

**RULES OF
PROFESSIONAL
CONDUCT**
2020 EDITION

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The Iowa Rules

The Iowa Rules of Professional Conduct are rules of reason. They should be interpreted with reference to the purposes of legal representation and of the law itself. It is essential for a lawyer to seek the guidance of a lawyer well versed in the ethical rules who is not directly involved with the client to give an impartial and dispassionate review of the case.



What if I am unsure about an ethical issue when it arises?

If you are in doubt as to whether or not your anticipated actions or conduct comply with the Iowa Rules of Professional Conduct, it is essential that you get the advice of an attorney who is deeply familiar with both the rules, the actions of the Iowa Supreme Court Attorney Disciplinary Board, and the ethical rulings of the Iowa Supreme Court. You can contact our offices and set up an appointment to meet privately with us. You can be open and candid with us, as our conversations are protected by attorney/client privilege. You can also share otherwise confidential client information and documents with us without violating clients' rights when you do so to obtain ethics advice. We can give you professional recommendations for handling the issue.

What does it mean when I am served with an ethics complaint?

The Assistant Director of the Iowa Supreme Court Attorney Disciplinary Board has the authority to summarily decline to act on a complaint if the complaint on its face does not support a violation of the Iowa Rules of Professional Conduct. In such an event, you will not even be notified of the filing of the complaint. The fact that you have been served a complaint by restricted, certified mail marked "Confidential" means that the complaint is being taken seriously, and you must file a response to the complaint. This is the time to seek professional help.

What should I do if I am served with an ethics complaint? You should contact us immediately and set up an appointment as soon as possible to discuss the matter. Do not talk to your client about the complaint until you have talked to us. A written response must be filed within twenty (20) days of receipt of the complaint, so time is of the essence. Bring a copy of the complaint, as well as a copy of any client files (including your notes and billings) related to the client matters.

Get an Ethics Checkup

We can meet with you to perform an “ethics checkup” by looking at your firm’s practices and procedures to ensure that you have the best possible preventive practices in place to prevent ethics issues from arising.

Ask for Case-Specific Advice

Most lawyers know when there are possible ethical implications in a case. We can help you BEFORE you decide on a course of action to make sure that you have considered all of the applicable Rules to make you comfortable with the actions you take.

Commission Representation

Litigating the continuation of your law license will be the most important case in your legal career. Do not even consider representing yourself. We have the knowledge and experience to provide you with quality representation.



What are the possible actions that can be taken by the Iowa Supreme Court Attorney Disciplinary Board?

The Board can dismiss the complaint, admonish you on the matter, reprimand you, or file a complaint with the grievance commission and prosecute the complaint to final determination. If you have retained us to represent you in the matter, we will explain the ramifications of any action taken and make recommendations to you as to your future options.

What if the matter is referred to the Grievance Commission?

If the matter has been referred to the Grievance Commission, you will either be personally served with the complaint (like the service of an original notice in a civil lawsuit) or you will be served by restricted certified mail. A written response must be filed within twenty (20) days of receipt of the complaint, so time is of the essence. Again, you should contact us immediately and set up an appointment as soon as possible to discuss the matter. At this point, the matter will proceed almost like a civil lawsuit.

What are the possible actions that can be taken by the Grievance Commission?

At the conclusion of the hearing, the Grievance Commission can either dismiss the complaint, issue a private admonition, or recommend that the Iowa Supreme Court reprimand you or suspend or revoke your law license.

Do I have any options if the Grievance Commission recommends a reprimand, license suspension or revocation?

If such a recommendation is made, the matter goes before the Iowa Supreme Court for final resolution. We can represent you in the proceedings before the Iowa Supreme Court.