

Table of Contents

PART I INTRODUCTION TO LAWYER ETHICS AND MORALITY

CHAPTER 1 INTRODUCTION: ETHICS, RULES, AND MORALITY

- § 1:1 Ethical rules, morality, and character
- § 1:2 The classic tension in rules of professional conduct: the zealous advocate versus the officer of the court
- § 1:3 Moral deliberation and the attorney-client relationship

PART II REGULATION OF LAWYERS AND THE DISCIPLINARY PROCESS

CHAPTER 2 REGULATION OF LAWYERS AND LEGAL PRACTICE

- § 2:1(a) Admission to the practice of law—In Iowa
- § 2:1(b) Admission to the practice of law—By examination
- § 2:1(c) Admission to the practice of law—Without examination (on motion)
- § 2:1(d) Admission to the practice of law—Admission pro hac vice
- § 2:1(e) Admission to the practice of law—Registration of house counsel
- § 2:1(f) Admission to the practice of law—Law student practice rule
- § 2:1(g) Admission to the practice of law—In United States District Courts for the Northern and Southern Districts of Iowa
- § 2:1(h) Admission to the practice of law—Providing legal services following a major disaster
- § 2:1(i) Admission to the practice of law—License as a foreign legal consultant
- § 2:1(j) Admission to the practice of law—Certification as emeritus attorney for Pro Bono practice
- § 2:2 Continuing legal education requirements
- § 2:3(a) Unauthorized practice of law—Commission on unauthorized practice of law
- § 2:3(b) Unauthorized practice of law—Definition of practice of law
- § 2:4 Client trust accounts
- § 2:5 Client Security Commission
- § 2:6(a) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—The former disciplinary procedure in Iowa

- § 2:6(b) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—Attorney Disciplinary Board
- § 2:6(c) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—Making a complaint against a lawyer
- § 2:6(d) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—Notice of and response by the attorney to a complaint
- § 2:6(e) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—Review of the complaint, investigation, and action by the board
- § 2:6(f) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—Interim suspension for threat of harm
- § 2:6(g)(1) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—Order for mental or physical examination, disability suspension, and deferral of proceedings—Early intervention procedures for lawyers with problems
- § 2:6(g)(2) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—Order for mental or physical examination, disability suspension, and deferral of proceedings—Order for physical or mental examination or treatment
- § 2:6(g)(3) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—Order for mental or physical examination, disability suspension, and deferral of proceedings—Disability suspension
- § 2:6(g)(4) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—Order for mental or physical examination, disability suspension, and deferral of proceedings—Deferral of disciplinary proceedings (probation)
- § 2:6(h) Attorney discipline—The complaint against a lawyer, the response by the lawyer, and the process before the Attorney Disciplinary Board—Formal Board complaint to Grievance Commission
- § 2:7(a) Attorney discipline—The process before the Grievance

TABLE OF CONTENTS

	Commission—Overview of the Grievance Commission process
§ 2:7(b)	Attorney discipline—The process before the Grievance Commission—Appointment of division of Grievance Commission to hear complaint
§ 2:7(c)	Attorney discipline—The process before the Grievance Commission—Scheduling the hearing
§ 2:7(d)	Attorney discipline—The process before the Grievance Commission—Discovery
§ 2:7(e)	Attorney discipline—The process before the Grievance Commission—Pre-hearing motions and rulings
§ 2:7(f)	Attorney discipline—The process before the Grievance Commission—Presentation of evidence at the hearing
§ 2:7(g)	Attorney discipline—The process before the Grievance Commission—Burden of proof of misconduct and issue preclusion
§ 2:7(h)	Attorney discipline—The process before the Grievance Commission—Decision by the Grievance Commission
§ 2:7(i)	Attorney discipline—The process before the Grievance Commission—Confidentiality
§ 2:7(j)	Attorney discipline—The process before the Grievance Commission—Immunity to participants in disciplinary process
§ 2:8(a)	Attorney discipline—Review by the Supreme Court—Overview of Supreme Court review
§ 2:8(b)	Attorney discipline—Review by the Supreme Court—Instituting or seeking Supreme Court review
§ 2:8(c)	Attorney discipline—Review by the Supreme Court—Scope of and standards for Supreme Court review
§ 2:9(a)	Attorney discipline—Disciplinary sanctions—Statistics concerning disciplinary sanctions
§ 2:9(b)	Attorney discipline—Disciplinary sanctions—Standards for and factors in evaluating the appropriate sanction
§ 2:9(c)	Attorney discipline—Disciplinary sanctions—Private admonition
§ 2:9(d)	Attorney discipline—Disciplinary sanctions—Public reprimand
§ 2:9(e)	Attorney discipline—Disciplinary sanctions—Suspension
§ 2:9(f)	Attorney discipline—Disciplinary sanctions—License revocation
§ 2:9(g)	Attorney discipline—Disciplinary sanctions—Suspension or disbarment on consent
§ 2:9(h)	Attorney discipline—Disciplinary sanctions—Payment of court costs
§ 2:10	Attorney discipline—Reinstatement after suspension
§ 2:11	Attorney discipline—Reciprocal discipline
§ 2:12	Ethics opinions

§ 2:13 The Iowa State Bar Association

PART III THE IOWA RULES OF PROFESSIONAL CONDUCT

SUBPART A THE HISTORY OF LAWYER ETHICS IN IOWA

CHAPTER 3 THE HISTORY OF ETHICS RULES FOR LAWYERS IN IOWA

- § 3:1 A brief history of professional rules of ethics for lawyers
- § 3:2 The movement to adopt the Model Rules in Iowa
- § 3:3 The transition to the Model Rules format in Iowa

SUBPART B THE IOWA RULES OF PROFESSIONAL CONDUCT

CHAPTER 4 PREAMBLE, SCOPE, AND TERMINOLOGY OF THE IOWA RULES OF PROFESSIONAL CONDUCT

- § 4:1 Preamble: A lawyer's responsibilities
 - § 4:1(a) Comparison of the Preamble with the Model Rules
 - § 4:1(b) The Preamble and the diverse roles and multiple responsibilities of lawyers
- § 4:2 Scope
 - § 4:2(a) Comparison of Scope with the Model Rules
 - § 4:2(b) The nature of the Iowa Rules of Professional Conduct
 - § 4:2(c) The government lawyer's client and litigating authority
- § 4:3 Rule 1.0: Terminology
 - § 4:3(a) Comparison of Rule 1.0 with the Model Rules
 - § 4:3(b) Scier: The lawyer's state of mind
 - § 4:3(c) Firms, partners, and tribunals
 - § 4:3(d) Informed consent and confirmation in writing

CHAPTER 5 ARTICLE I OF THE IOWA RULES OF PROFESSIONAL CONDUCT—CLIENT-LAWYER RELATIONSHIP

- § 5:0 Overview of Article I
- § 5:1 Rule 1.1: Competence
 - § 5:1(a) Comparison of Rule 1.1 with the Model Rules
 - § 5:1(b) The fundamental expectation of professional competence
 - § 5:1(c) The need for expertise in certain fields of law
 - § 5:1(d) Lawyer mistakes, personal problems, and competence
 - § 5:1(e) Competence in using technology
- § 5:2 Rule 1.2: Scope of representation and allocation of authority

TABLE OF CONTENTS

between client and lawyer

- § 5:2(a) Comparison of Rule 1.2 with the Model Rules
- § 5:2(b) Allocation of decision-making authority between the client and the lawyer
- § 5:2(c)(1) Limiting the scope of legal representation—
Agreements to limit the scope of representation and informed consent by client
- § 5:2(c)(2) —Notifying the client about related matters outside the scope of the representation
- § 5:2(c)(3) —“Unbundled legal services” and assisting pro se litigants
- § 5:2(c)(4) —Collaborative lawyering agreements
- § 5:2(c)(5) —Limitation on scope must be reasonable
- § 5:2(d) Lawyer’s representation as not endorsing client’s views
- § 5:2(e) Counseling a client on the requirements of the law while not assisting a client in fraudulent or criminal conduct
- § 5:3 Rule 1.3: Diligence
 - § 5:3(a) Comparison of Rule 1.3 with the Model Rules and the former Iowa Code
 - § 5:3(b) Zealous advocacy on behalf of the client
 - § 5:3(c) Diligent action to protect the substantive rights of the client
 - § 5:3(d) Diligent action to avoid unnecessary anxiety to the client
 - § 5:3(e) Diligence and the scope of and termination of the representation
 - § 5:3(f) Protecting the client in the event of the lawyer’s death, disability, or suspension
 - § 5:3(g) Diligence, zealous advocacy, professionalism, and civility
- § 5:4 Rule 1.4: Communications
 - § 5:4(a) Comparison of Rule 1.4 with the Model Rules
 - § 5:4(b) The duty to communicate and showing respect for the client
 - § 5:4(c) The duty to communicate with the client to affirm the client’s authority
 - § 5:4(d) The duty to maintain regular communication and respond to client requests
 - § 5:4(e) The lawyer’s duty to keep the client informed about material errors by the lawyer
 - § 5:4(f) Confirming with the client that the lawyer will not assist in the violation of the law and will abide by professional expectations
 - § 5:4(g) Withholding information from a client: When permissible (to prevent unusual harm) and when definitely impermissible (to conceal neglect)

- § 5:5 Rule 1.5: Fees
 - § 5:5(a) Comparison of Rule 1.5 with the Model Rules
 - § 5:5(b)(1) Reasonableness and legality of fee and expenses—The objective standard of a reasonable fee
 - § 5:5(b)(2) —Honesty in fee billing
 - § 5:5(b)(3) —Complying with legal restrictions on fees
 - § 5:5(b)(4) —Reasonableness of expenses
 - § 5:5(c) The lawyer’s duty to communicate the basis for or rate of fee to the client
 - § 5:5(d)(1) Contingency fees—The legitimacy of the contingency method for legal fees
 - § 5:5(d)(2) —Standard of reasonableness applied to contingency fee
 - § 5:5(d)(3) —Requirement that contingency fee agreement be in writing
 - § 5:5(d)(4) —The prohibition on contingency fees in criminal and domestic relations cases
 - § 5:5(e) Division of fee among lawyers not in the same firm
 - § 5:5(f)(1) Advance fee deposit, client trust account, general retainer, and the prohibition on nonrefundable advances for future services—Introduction to advance payments and the duty to refund unearned fees
 - § 5:5(f)(2) —Depositing advance payments into client trust account and withdrawing funds as earned
 - § 5:5(f)(3) —The general retainer paid for lawyer availability
 - § 5:5(f)(4) —The illegitimacy of nonrefundable “special retainer” for future services
 - § 5:5(g) Fee disputes
- § 5:6 Rule 1.6: Confidentiality of information
 - § 5:6(a) Comparison of Rule 1.6 with the Model Rules
 - § 5:6(b)(1) Introduction to and recent developments in confidentiality in Iowa—The fundamental principle of confidentiality
 - § 5:6(b)(2) —The necessarily narrow nature of exceptions to confidentiality
 - § 5:6(b)(3) —Recent changes to the confidentiality rules in Iowa
 - § 5:6(c) The scope of confidentiality
 - § 5:6(d)(1) The attorney-client privilege—The special immunity given to attorney-client communications
 - § 5:6(d)(2) —The statutory codification of the testimonial privilege and its relation to the common-law privilege
 - § 5:6(d)(3) —The elements of the attorney-client privilege

TABLE OF CONTENTS

§ 5:6(d)(3)(A)	— —Seeking legal advice
§ 5:6(d)(3)(B)	— —From a professional legal advisor in that capacity
§ 5:6(d)(3)(C)	— —Communications relating to the purpose of legal advice
§ 5:6(d)(3)(D)	— —Made in confidence
§ 5:6(d)(3)(E)	— —By the client (or the lawyer)
§ 5:6(d)(3)(F)	— —At the client’s insistence are permanently protected
§ 5:6(d)(3)(G)	— —Protected from disclosure by the client or the lawyer
§ 5:6(d)(3)(H)	— —Except the protection be waived
§ 5:6(d)(4)	— —Exceptions to the attorney-client privilege
§ 5:6(d)(4)(A)	— —Crime-fraud exception
§ 5:6(d)(4)(B)	— —Joint client privilege
§ 5:6(d)(4)(C)	— —Identity of client and payment of fees exceptions
§ 5:6(d)(4)(D)	— —Lawyer self-defense
§ 5:6(d)(4)(E)	— —Exceptions to confidentiality under the rules and the independent protection of the attorney-client privilege
§ 5:6(e)	Attorney work-product
§ 5:6(f)(1)	Acting competently to preserve confidentiality— General duty to safeguard confidential information
§ 5:6(f)(2)	—Use of modern technology
§ 5:6(f)(3)	—Inadvertent disclosure
§ 5:6(g)	Exceptions to confidentiality to prevent death or substantial bodily harm
§ 5:6(h)(1)	Exceptions to confidentiality to prevent or rectify substantial financial or property injury by crime or fraud—History, controversy surrounding, and overview of client crime-fraud economic harm exceptions
§ 5:6(h)(2)	—Strict standards for application of client crime-fraud economic harm exceptions
§ 5:6(h)(3)	—Interaction of Rule 1.6(b)(2) and (3) with Rule 4.1(b): When the permission to disclose becomes a mandatory duty
§ 5:6(h)(4)	—Counseling the client before disclosure
§ 5:6(i)	Exception to confidentiality to obtain legal advice about lawyer compliance with ethics rules
§ 5:6(j)	Lawyer self-defense and fee collection exceptions to confidentiality
§ 5:6(k)	Exception to confidentiality for compliance with other law or court order

- § 5:6(l) Exception to confidentiality to check for conflicts of interest
- § 5:6(m) General principles governing disclosure pursuant to exceptions to confidentiality
- § 5:6(n) Disclosure to the client about the exceptions to confidentiality
- § 5:6(o) Confidentiality as a pervasive concern throughout the rules
- § 5:6(p) Concluding thoughts on changes in confidentiality
- § 5:7 Rule 1.7: Conflict of interest: Current clients
 - § 5:7(a) Comparison of Rule 1.7 with the Model Rules
 - § 5:7(b)(1) The general standard for concurrent conflicts of interest—The duty of loyalty and protecting confidentiality
 - § 5:7(b)(2) —Checking for conflicts, withdrawal, and imputation to associated lawyers
 - § 5:7(c)(1) Direct adversity conflicts of interest—The nature and purpose of the direct-adversity conflict rule
 - § 5:7(c)(2) —Clients engaged in economic competition
 - § 5:7(d)(1) Materially-limited representation conflicts of interest—The nature of the materially-limited representation conflict rule
 - § 5:7(d)(2) —Lawyer personal interest conflicts
 - § 5:7(d)(3) —Representing multiple clients in criminal matter
 - § 5:7(d)(4) —Representing multiple clients in civil litigation
 - § 5:7(d)(5) —Representing multiple clients in non-litigation matter
 - § 5:7(d)(6) —Conflicts of interest in the insurance defense and subrogation contexts
 - § 5:7(d)(7) —Positional conflicts of interests
 - § 5:7(e)(1) Client consent to conflict of interest—The general nature of informed consent or conflict waivers
 - § 5:7(e)(2) —The lawyer’s continuing duty to provide competent and diligent representation
 - § 5:7(e)(3) —Informed consent by the client confirmed in writing
 - § 5:7(e)(4) —Nonconsentable conflicts
 - § 5:7(e)(5) —Advance conflict waivers
 - § 5:7(f) Motions to disqualify for conflicts of interest
- § 5:8 Rule 1.8: Conflict of interest: Current clients: Specific rules
 - § 5:8(a) Comparison of Rule 1.8 with the Model Rules
 - § 5:8(b) Introduction to specific conflict rules in Rule 1.8
 - § 5:8(c) Business transactions with clients
 - § 5:8(d) Use of confidential information to the disadvantage of the client
 - § 5:8(e) Gifts from clients and preparation of instruments giving gifts

TABLE OF CONTENTS

§ 5:8(f)	Obtaining literary and media rights about representation
§ 5:8(g)(1)	Providing financial assistance to a client—The general prohibition on giving or loaning money for living expenses or otherwise to a client
§ 5:8(g)(2)	—The exception for advancing court costs and litigation expenses to a client
§ 5:8(h)	Accepting compensation from a person other than the client
§ 5:8(i)	Aggregate settlement of claims involving multiple clients
§ 5:8(j)	Agreements to limit and settlements of malpractice
§ 5:8(k)	Acquiring a propriety interest in client’s claim
§ 5:8(l)	Sexual relations with a client
§ 5:8(m)	Family or romantic relationship with lawyer for adverse party
§ 5:8(n)	Imputation of conflicts under Rule 1.8
§ 5:9 Rule 1.9:	Duties to former clients
§ 5:9(a)	Comparison of Rule 1.9 with the Model Rules
§ 5:9(b)(1)	Successive conflicts of interest—The rule regarding former clients—The history of the successive conflict rule in Iowa
§ 5:9(b)(2)	— —Successive conflicts when matters are the same
§ 5:9(b)(3)	— —Successive conflicts when matters are substantially related
§ 5:9(b)(4)	— —Changing a current client to a former client: The “hot potato” scenario
§ 5:9(b)(5)	— —Former client consent to conflict
§ 5:9(c)	The former client conflict rule as applied to a lawyer who moves to a new firm
§ 5:9(d)	The prohibitions on using or revealing confidential information regarding a former client representation
§ 5:10 Rule 1.10:	Imputation of conflicts of interest: General rule
§ 5:10(a)	Comparison of Rule 1.10 with the Model Rules
§ 5:10(b)	The general rule of imputed disqualification to all lawyers in a law firm
§ 5:10(c)	The availability of ethical screening of a prohibited-lawyer to avoid imputed disqualification to associated lawyers
§ 5:10(d)	Removal of imputed disqualification when personally-prohibited lawyer departs from law firm
§ 5:11 Rule 1.11:	Special conflicts of interest for former and current government officers and employees
§ 5:11(a)	Comparison of Rule 1.11 with the Model Rules
§ 5:11(b)	Conflict of interest rules for former government officers and employees

- § 5:11(c) The imputed disqualification rule in the context of former government officials and employees and ethical screening
- § 5:11(d)(1) Conflict of interest rules for current public officers, government employees, and prosecutors—General conflict of interest standard for current public officers and government employees
- § 5:11(d)(2) —Conflict of interest rules for prosecutors regarding criminal defense representation
- § 5:12 Rule 1.12: Former judge, arbitrator, mediator, or other third-party neutral
 - § 5:12(a) Comparison of Rule 1.2 with the Model Rules
 - § 5:12(b) Conflict of interest rules for former judges, law clerks, arbitrators, mediators, and third-party neutrals
 - § 5:12(c) Conflict of interest rule for current judges, law clerks, arbitrators, mediators, and third-party neutrals in negotiating for employment
- § 5:13 Rule 1.13: Organization as client
 - § 5:13(a) Comparison of Rule 1.13 with the Model Rules
 - § 5:13(b) Introduction to the lawyer's responsibilities to organization clients
 - § 5:13(c) Lawyer responsibilities during the formation of an entity
 - § 5:13(d) The lawyer's responsiveness to the organization client acting through its duly authorized constituents
 - § 5:13(e)(1) The lawyer's responsibilities when a person's unlawful acts are likely to cause substantial injury to the organization—Introduction to the problem of constituent misconduct threatening the organization
 - § 5:13(e)(2) —Triggering the lawyer's duty to proceed in the best interest of the organization
 - § 5:13(e)(3) —Addressing the problem within the organizational structure
 - § 5:13(e)(4) —Disclosing confidential information to correct the problem when the highest authority fails to prevent injury
 - § 5:13(e)(5) —Prohibition on disclosure of confidential information if lawyer retained for investigation of or defense against charge of wrongdoing
 - § 5:13(e)(6) —Lawyer's responsibilities when discharged for taking corrective action or withdrawing from representation
 - § 5:13(e)(7) —Rule 1.13, the problem of the miscreant constituent, and the lawyer's general duty of diligence to the organization

TABLE OF CONTENTS

§ 5:13(f)	The lawyer's responsibilities when serious conflicts arise among the constituents of an organization
§ 5:13(g)	Protecting the confidences and defining the attorney-client privilege of the organization client
§ 5:13(h)	Dual representation of an organization and an individual constituent
§ 5:13(i)	Government lawyers representing government entities or offices
§ 5:14	Rule 1.14: Client with diminished capacity
§ 5:14(a)	Comparison of Rule 1.14 with the Model Rules
§ 5:14(b)	Maintaining an attorney-client relationship with and respecting the dignity of persons with diminished capacity
§ 5:14(c)	Taking legal action to protect the interests of the client with diminished capacity
§ 5:15	Rule 1.15: Safeguarding property
§ 5:15(a)	Comparison of Rule 1.15 with the Model Rules
§ 5:15(b)	Safekeeping and separating client funds and property
§ 5:15(c)	Accounting for and promptly delivering client funds and property
§ 5:15(d)(1)	Disputes regarding funds or property held by the lawyer—Disputes between lawyer and client over funds or property held by the lawyer
§ 5:15(d)(2)	—Disputes between client and third person over funds or property held by the lawyer
§ 5:15(d)(3)	—Disputes between the lawyer and a third person over funds held by the lawyer
§ 5:16	Rule 1.16: Declining or terminating representation
§ 5:16(a)	Comparison of Rule 1.16 with the Model Rules
§ 5:16(b)(1)	Termination of the lawyer by the client—The near-absolute right of the client to terminate the lawyer for any or no reason
§ 5:16(b)(2)	—The employment law rights of lawyers employed by a client or a law firm
§ 5:16(c)(1)	Withdrawal by the lawyer from representing the client—Mandatory withdrawal from (or declining of) representation
§ 5:16(c)(2)	—Permissive withdrawal from representation
§ 5:16(c)(3)	—Protecting the client's interests upon withdrawal
§ 5:17	Rule 1.17: Sale of law practice
§ 5:17(a)	Comparison of Rule 1.17 with the Model Rules
§ 5:17(b)	Background to and overview of the rule permitting sale of a law practice
§ 5:17(c)	The circumstances under which a law practice may be sold—The termination of the seller's practice

- § 5:17(d) Valuing the law practice and paying the sale price
- § 5:17(e) The requirement that the entire practice or entire area of practice be sold to one or more lawyers
- § 5:17(f) Providing notice to each client of the seller and protecting client confidences
- § 5:17(g) The condition that fees charged clients not be increased
- § 5:18 Rule 1.18: Duties to a prospective client
- § 5:18(a) Comparison of Rule 1.18 with the Model Rules
- § 5:18(b) Overview of the lawyer's responsibilities to prospective clients
- § 5:18(c) Defining the prospective client
- § 5:18(d) The prospective client and confidentiality
- § 5:18(e) The prospective client and conflicts of interest
- § 5:18(f) Controlling the prospective client's disclosure of information or obtaining an advance waiver of a conflict

CHAPTER 6 ARTICLE II OF THE IOWA RULES OF PROFESSIONAL CONDUCT—COUNSELOR

- § 6:0 Overview of Article II
- § 6:1 Rule 2.1: Advisor
 - § 6:1(a) Comparison of Rule 2.1 with the Model Rules
 - § 6:1(b) Providing candid advice to the client and encouraging moral deliberation
 - § 6:1(c) Professional humility and assistance by other professionals
- § 6:2 Rule 2.2: (Reserved)
 - § 6:2(a) Comparison of reserved Rule 2.2 to Model Rules
 - § 6:2(b) Omission of former Model Rule 2.2 on intermediation
- § 6:3 Rule 2.3: Evaluation for use by third persons
 - § 6:3(a) Comparison of Rule 2.3 with the Model Rules
 - § 6:3(b) The responsibilities of the lawyer in preparing an evaluation for use by a third person
- § 6:4 Rule 2.4: Lawyer serving as third-party neutral
 - § 6:4(a) Comparison of Rule 2.4 with the Model Rules
 - § 6:4(b) The lawyer's role as a third-party neutral

CHAPTER 7 ARTICLE III OF THE IOWA RULES OF PROFESSIONAL CONDUCT—ADVOCATE

- § 7:0 Overview of Article III
- § 7:1 Rule 3.1: Meritorious claims and contentions
 - § 7:1(a) Comparison of Rule 3.1 with the Model Rules
 - § 7:1(b) Presenting only meritorious claims and contentions in civil litigation

TABLE OF CONTENTS

§ 7:1(c)	Putting the prosecution to its proof in criminal proceedings
§ 7:2	Rule 3.2: Expediting litigation
§ 7:2(a)	Comparison of Rule 3.2 with the Model Rules
§ 7:2(b)	Expediting litigation and avoiding unreasonable delay
§ 7:3	Rule 3.3: Candor toward the tribunal
§ 7:3(a)	Comparison of Rule 3.3 with the Model Rules
§ 7:3(b)	The lawyer's duty of candor to the tribunal in making statements of fact
§ 7:3(c)	The lawyer's duty of candor to the tribunal in making legal arguments
§ 7:3(d)(1)	The lawyer's duty of candor to the tribunal in presenting evidence—The prohibition on presenting evidence the lawyer knows is false
§ 7:3(d)(2)	—The discretion to decline to present evidence the lawyer reasonably believes is false
§ 7:3(e)(1)	The lawyer's duty to take reasonable remedial measures to correct false evidence and to disclose confidential information if necessary—Reasonable remedial measures, confidentiality, and the recent change in Iowa expectations
§ 7:3(e)(2)	—The standard of knowledge as applied to the falsity of evidence
§ 7:3(e)(3)	—Taking reasonable steps to remedy false evidence
§ 7:3(e)(4)	—The duration of the obligation to remedy false evidence
§ 7:3(e)(5)	—Closing thoughts: the likely impact of the rule change mandating disclosure of false evidence
§ 7:3(f)	The lawyer's duty to counteract client fraudulent or criminal conduct before the tribunal
§ 7:3(g)	The lawyer's duty of candor to the tribunal in an ex parte proceeding
§ 7:4	Rule 3.4: Fairness to opposing party and counsel
§ 7:4(a)	Comparison of Rule 3.4 with the Model Rules
§ 7:4(b)(1)	Concealing, destroying, falsifying, and discovering evidence—The lawyer's general duty with respect to access to evidence
§ 7:4(b)(2)	—Preservation or destruction of evidence held by a client
§ 7:4(b)(3)	—Evidence of of criminal conduct by a client
§ 7:4(b)(4)	—Proper requests and responses to civil discovery of evidence
§ 7:4(b)(5)	—The prohibition against falsification of evidence
§ 7:4(b)(6)(A)	—The lawyer's handling of witnesses or potential witnesses—Witness preparation and witness coaching

- § 7:4(b)(6)(B) — —Improper inducements to a witness
- § 7:4(b)(6)(C) — —Discouraging a person from voluntarily providing information to another party
- § 7:4(c) Prohibited trial tactics: improper allusions and expressions of personal opinions by the lawyer
- § 7:4(d) Obeying court rules and rulings
- § 7:5 Rule 3.5: Impartiality and decorum of the tribunal
 - § 7:5(a) Comparison of Rule 3.5 with the Model Rules
 - § 7:5(b) The prohibition against improper influence on a tribunal
 - § 7:5(c) The prohibition against ex parte communications with a tribunal
 - § 7:5(d) Lawyer communications with jurors after discharge
 - § 7:5(e) The prohibition against disrupting a tribunal
- § 7:6 Rule 3.6: Trial publicity
 - § 7:6(a) Comparison of Rule 3.6 with the Model Rules
 - § 7:6(b) The problem of extrajudicial statements: balancing the lawyer’s freedom of expression against the right to a fair trial
 - § 7:6(c)(1) The prohibition on extrajudicial statements likely to prejudice an adjudicative proceeding—The standard of a substantial likelihood of material prejudice
 - § 7:6(c)(2) —The likelihood of prejudice and the nature of the proceeding
 - § 7:6(c)(3)(A) —The likelihood of prejudice and the content of extrajudicial statements—Statements authorized as non-prejudicial
 - § 7:6(c)(3)(B) — —Statements more likely to be prejudicial
 - § 7:6(d) The right of reply to correct prejudice generated by another
 - § 7:6(e) Additional factors to be considered by a lawyer in deciding whether to make an extrajudicial statement about litigation
- § 7:7 Rule 3.7: Lawyer as witness
 - § 7:7(a) Comparison of Rule 3.7 with the Model Rules
 - § 7:7(b) The advocate-witness rule and avoiding confusion of the lawyer’s role
 - § 7:7(c) The “necessary witness” standard for disqualification under the advocate-witness rule
 - § 7:7(d) Exceptions to the advocate-witness rule
 - § 7:7(e) Conflicts of interest arising from a lawyer’s testimony as a witness
- § 7:8 Rule 3.8: Special responsibilities of a prosecutor
 - § 7:8(a) Comparison of Rule 3.8 with the Model Rules
 - § 7:8(b) The ethical responsibilities of the prosecutor and government litigator

TABLE OF CONTENTS

§ 7:8(c)	Prosecutor's duty to ensure that a charge is supported by probable cause
§ 7:8(d)	Prosecutor's duties in dealing with an unrepresented accused
§ 7:8(e)	Prosecutor's duty to disclose exculpatory and mitigating evidence
§ 7:8(f)	Restrictions on issuance of subpoenas to lawyers
§ 7:8(g)(1)	Prosecutor's duties regarding extrajudicial statements—Extrajudicial statements by prosecutors
§ 7:8(g)(2)	—The prosecutor's duty to take reasonable care to prevent assistants and law enforcement from making prejudicial statements
§ 7:8(h)	Prosecutor's duty to respect attorney—Client privilege
§ 7:8(h)(1)	Interception by the government of privileged communications
§ 7:8(h)(2)	Demand by government of waiver of privileged communications—The corporate investigation scenario
§ 7:9	Rule 3.9: Advocate in nonadjudicative proceedings
§ 7:9(a)	Comparison of Rule 3.9 with the Model Rules
§ 7:9(b)	The duties of the advocate in nonadjudicative proceedings

CHAPTER 8 ARTICLE IV OF THE IOWA RULES OF PROFESSIONAL CONDUCT—TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

§ 8:0	Overview of Article IV
§ 8:1	Rule 4.1: Truthfulness in statements to others
§ 8:1(a)	Comparison of Rule 4.1 with the Model Rules
§ 8:1(b)	The lawyer's fundamental duty of honesty in dealing with others
§ 8:1(c)	Avoiding false statements of material fact or law to others
§ 8:1(d)	Avoiding assisting client in crime or fraud
§ 8:2	Rule 4.2: Communication with person represented by counsel
§ 8:2(a)	Comparison of Rule 4.2 with the Model Rules
§ 8:2(b)(1)	General principles underlying and elements of the "no-contact" rule—Protecting the attorney-client relationship against outside interference by another lawyer
§ 8:2(b)(2)	—Communications between represented persons
§ 8:2(b)(3)	—The "no-contact" rule applies only when lawyer is representing a client
§ 8:2(b)(4)	—The "no-contact" rule applies only to communications on subject of representation
§ 8:2(b)(5)	—The "no-contact" rule applies only when lawyers knows person is represented by counsel

- § 8:2(b)(6) —Consent by person’s counsel to contact by other lawyer
- § 8:2(c)(1) Defining “represented person” for entities in applying the “no-contact” rule—Determining the alter ego of the entity
- § 8:2(c)(2) —Former employees of an entity
- § 8:2(c)(3) —Limitations on communications with current or former constituents of an entity
- § 8:2(d) The “no-contact” rule as applied to law enforcement investigations by government lawyers
- § 8:2(e) The “no-contact” rule and the right to petition government
- § 8:2(f) Exceptions to the “no-contact” rule
- § 8:3 Rule 4.3: Dealing with unrepresented person
 - § 8:3(a) Comparison of Rule 4.3 with the Model Rules
 - § 8:3(b) Lawyer communications with unrepresented persons
- § 8:4 Rule 4.4: Respect for rights of third persons
 - § 8:4(a) Comparison of Rule 4.4 with the Model Rules
 - § 8:4(b) The prohibition on using means that are intended to embarrass, delay, or burden another person
 - § 8:4(c) The prohibition on using methods of obtaining evidence that violate another’s legal rights
 - § 8:4(d)(1) The lawyer’s obligations with respect to unsolicited receipt of another’s privileged or confidential materials—Distinguishing unsolicited receipt of protected materials from procurement of protected materials by improperly encouraging another
 - § 8:4(d)(2) —The lawyer’s receipt of inadvertently transmitted privileged or confidential information
 - § 8:4(d)(3) —The lawyer’s receipt of confidential information taken by another without authority
 - § 8:4(d)(4) —The problem of metadata

CHAPTER 9 ARTICLE V OF THE IOWA RULES OF PROFESSIONAL CONDUCT—LAW FIRMS AND ASSOCIATIONS

- § 9:0 Overview of Article V
- § 9:1 Rule 5.1: Responsibilities of a partner or supervisory lawyer
 - § 9:1(a) Comparison of Rule 5.1 with the Model Rules
 - § 9:1(b) The responsibilities of managing and supervisory lawyers in the ethical guidance of other lawyers
 - § 9:1(c) Lawyer responsibility for the misconduct of another lawyer
- § 9:2 Rule 5.2: Responsibilities of a subordinate lawyer
 - § 9:2(a) Comparison of Rule 5.2 with the Model Rules

TABLE OF CONTENTS

§ 9:2(b)	The subordinate lawyer's duty to follow the ethics rules
§ 9:3	Rule 5.3: Responsibilities regarding nonlawyer assistants
§ 9:3(a)	Comparison of Rule 5.3 with the Model Rules
§ 9:3(b)	The lawyer's duties of instruction, protective measures, and supervision over nonlawyer assistants
§ 9:4	Rule 5.4: Professional independence of a lawyer
§ 9:4(a)	Comparison of Rule 5.4 with the Model Rules
§ 9:4(b)	Protecting professional independence of lawyers by avoiding financial entanglements with nonlawyers
§ 9:4(c)(1)	The prohibition on sharing legal fees with nonlawyers and the exceptions—The general prohibition on sharing fees with nonlawyers
§ 9:4(c)(2)	—The exception for payments by a firm to an estate or survivors upon the death of a lawyer
§ 9:4(c)(3)	—The exception for payment of the purchase price for a law practice to the estate or representatives of a lawyer
§ 9:4(c)(4)	—The exception for a compensation or retirement plan for nonlawyer employees
§ 9:4(c)(5)	—Iowa's rejection of exception for sharing court-awarded legal fees with nonprofit organizations
§ 9:4(d)(1)	The bar on practicing law in partnership with or through other business associations involving ownership or control by nonlawyers—The general prohibition on practicing law with nonlawyers in a partnership, corporation, or other association
§ 9:4(d)(2)	—Employing other professionals and assistants under supervision of a lawyer
§ 9:4(d)(3)	—Lawyer employed by client as house counsel
§ 9:4(d)(4)	—Lawyer's duty to preserve independent judgment when accepting payment from a third party
§ 9:5	Rule 5.5: Unauthorized practice of law; multijurisdictional practice of law
§ 9:5(a)	Comparison of Rule 5.5 with the Model Rules
§ 9:5(b)	The unauthorized practice of law by a lawyer
§ 9:5(c)(1)	The multijurisdictional practice of law—Introduction to the multijurisdictional practice of law
§ 9:5(c)(2)	—Temporary practice in association with an Iowa lawyer
§ 9:5(c)(3)	—Temporary practice before a tribunal (admission pro hac vice)
§ 9:5(c)(4)	—Legal services in alternative dispute resolution proceeding related to the lawyer's practice in the lawyer's home jurisdiction
§ 9:5(c)(5)	—Other temporary legal services incidental to the lawyer's practice in the lawyer's home jurisdiction

- § 9:5(c)(6) —Providing legal services following a major disaster
- § 9:5(c)(7) —Legal services by house counsel for an entity
- § 9:5(c)(8) —Legal services authorized by Federal or other law
- § 9:6 Rule 5.6: Restrictions on right to practice
 - § 9:6(a) Comparison of Rule 5.6 with the Model Rules
 - § 9:6(b) The prohibition on law firm agreements restricting a lawyer's right to practice and the exception for retirement benefits
 - § 9:6(c) The prohibition on settlement agreements restricting a lawyer's right to practice
- § 9:7 Rule 5.7: Responsibilities regarding law-related services
 - § 9:7(a) Comparison of Rule 5.7 with the Model Rules
 - § 9:7(b)(1) Defining "law-related services"—Stating the issue and identifying the categories of services
 - § 9:7(b)(2) —Services constituting the practice of law by a lawyer
 - § 9:7(b)(3) —Unrelated business activities engaged in by a lawyer
 - § 9:7(b)(4) —Defining law-related services engaged in by a lawyer
 - § 9:7(c) Law-related services provided as part of a law practice
 - § 9:7(d) Law-related services provided distinct from a law practice

CHAPTER 10 ARTICLE VI OF THE IOWA RULES OF PROFESSIONAL CONDUCT—PUBLIC SERVICE

- § 10:0 Overview of Article VI
- § 10:1 Rule 6.1: Voluntary pro bono publico service
 - § 10:1(a) Comparison of Rule 6.1 with the Model Rules
 - § 10:1(b) The moral obligation and professional responsibility to provide pro bono legal services
 - § 10:1(c) Aspirational expectations for pro bono legal services
 - § 10:1(d) Pro bono legal services in Iowa
- § 10:2 Rule 6.2: Accepting appointments
 - § 10:2(a) Comparison of Rule 6.2 with the Model Rules
 - § 10:2(b) The lawyer's duty to accept appointment to represent a client absent good cause
- § 10:3 Rule 6.3: Membership in legal services organization
 - § 10:3(a) Comparison of Rule 6.3 with the Model Rules
 - § 10:3(b) Lawyer serving in governance with a legal services organization and recusal in matters raising a conflict of interest
- § 10:4 Rule 6.4: Law reform activities affecting client interests
 - § 10:4(a) Comparison of Rule 6.4 with the Model Rules

TABLE OF CONTENTS

- § 10:4(b) Lawyer serving with a law reform organization and the interests of a client
- § 10:5 Rule 6.5: Nonprofit and court-annexed limited legal services programs
 - § 10:5(a) Comparison of Rule 6.5 with the Model Rules
 - § 10:5(b) Providing short-term limited pro bono services and conflict of interest rules

CHAPTER 11 ARTICLE VII OF THE IOWA RULES OF PROFESSIONAL CONDUCT—INFORMATION ABOUT LEGAL SERVICES

- § 11:0 Overview of Article VII
- § 11:1 Rule 7.1: Communications concerning a lawyer's services
 - § 11:1(a) Comparison of Rule 7.1 with the Model Rules
 - § 11:1(b) The lawyer's duty not to make a false or misleading statement about professional services
 - § 11:1(c) Firm designation by lawyer names or trade names
 - § 11:1(c)(1) Firm designation by lawyer names
 - § 11:1(c)(2) Firm designation by trade name
 - § 11:1(d) Claims of partnership or association
- § 11:2 Rule 7.2: Communications Concerning a Lawyer's Services:
Specific Rules
 - § 11:2(a) Comparison of Rule 7.2 with the Model Rules
 - § 11:2(b) History of and Background to Lawyer Advertising in Iowa
 - § 11:2(c) Advertising legal services—General authorization
 - § 11:2(c)(1) —Advertising by broadcast media
 - § 11:2(c)(2) —Advertising by internet, including social media
 - § 11:2(c)(3) —Elimination of prior requirement that information be presented in a “dignified style” and not rely on “emotional appeal”
 - § 11:2(c)(4) —Elimination of prior requirements of advertising disclaimers
 - § 11:2(d) Taking personal responsibility for lawyer advertising
 - § 11:2(e) The general prohibition on paying for referrals
 - § 11:2(e)(1) The exception for paying the costs of advertising
 - § 11:2(e)(2) The exception for paying the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service
 - § 11:2(e)(3) The exception for purchasing a law practice
 - § 11:2(e)(4) The exception for reciprocal professional referral agreements
 - § 11:2(f) Background to identification of practice areas and certification as a specialist in Iowa
 - § 11:2(g) Communicating that a lawyer practices in particular fields of law

- § 11:2(h) Communicating that the lawyer has been certified as a specialist in a field of law
- § 11:3 Rule 7.3: Solicitation of clients
 - § 11:3(a) Comparison of Rule 7.3 with the Model Rules
 - § 11:3(b) The purpose and nature of the prohibition on direct solicitation
 - § 11:3(b)(1) Exemptions in the rule from the direct solicitation prohibition
 - § 11:3(b)(2) Communications with members of a class or potential class in litigation
 - § 11:3(b)(3) Direct solicitation for public interest purposes
 - § 11:3(b)(4) Public communications by the lawyer about legal topics
 - § 11:3(c) Direct mail and e-mail advertising—The evolution of regulation of lawyer direct mail in Iowa: From prohibition to strictly-regulated solicitation to simple treatment as a form of advertising
 - § 11:3(c)(1) —Targeted mail to persons known to need legal services
 - § 11:3(d) Lawyer participation with legal service plan that solicits memberships
- § 11:4 Rule 7.4: Reserved
 - § 11:4(a) Comparison of Rule 7.4 with the Model Rules
- § 11:5 Rule 7.5: Reserved
 - § 11:5(a) Comparison of Rule 7.5 with the Model Rules
- § 11:6 Rule 7.6: Political contributions to obtain government legal engagements or appointments by judges
 - § 11:6(a) Comparison of Rule 7.6 with the Model Rules
 - § 11:6(b) Prohibition of “pay-to-play” political contributions in exchange for legal work

CHAPTER 12 ARTICLE VIII OF THE IOWA RULES OF PROFESSIONAL CONDUCT—MAINTAINING THE INTEGRITY OF THE PROFESSION

- § 12:0 Overview of Article VIII
- § 12:1 Rule 8.1: Bar admission and disciplinary matters
 - § 12:1(a) Comparison of Rule 8.1 with the Model Rules
 - § 12:1(b) Duty of candor with respect to regulation of the bar
 - § 12:1(c) Exceptions to the duty to provide information relating to admissions and disciplinary matters: The privilege against self-incrimination, confidentiality, and unlawful demands
- § 12:2 Rule 8.2: Judicial and legal officials
 - § 12:2(a) Comparison of Rule 8.2 with the Model Rules
 - § 12:2(b) The prohibition on dishonest statements with respect to

TABLE OF CONTENTS

- qualifications and integrity of judicial and legal officers
- § 12:2(c) A lawyer's duty to follow the code of judicial conduct when a candidate for judicial office
- § 12:3 Rule 8.3: Reporting professional misconduct
 - § 12:3(a) Comparison of Rule 8.3 with the Model Rules
 - § 12:3(b) The duty to report professional misconduct
 - § 12:3(c) Confidentiality as an exception to the duty to report
 - § 12:3(d) Protection of information gained within an Approved Lawyers Assistance Program
- § 12:4 Rule 8.4: Misconduct
 - § 12:4(a) Comparison of Rule 8.4 with the Model Rules
 - § 12:4(b) The general definition of professional misconduct
 - § 12:4(c) Criminal conduct as professional misconduct
 - § 12:4(d)(1) Conduct prejudicial to the administration of justice and biased manifestations or conduct as professional misconduct—Conduct prejudicial to the administration of justice
 - § 12:4(d)(2) —Manifestations of bias prejudicial to the administration of justice and not constituting legitimate advocacy
 - § 12:4(d)(3) —Sexual harassment and illegal discrimination
 - § 12:4(e) Approval of covert activity to investigate violations of the law or intelligence-gathering
- § 12:5 Rule 8.5: Disciplinary authority; choice of law
 - § 12:5(a) Comparison of Rule 8.5 with the Model Rules
 - § 12:5(b) Introduction to disciplinary jurisdiction and choice of law
 - § 12:5(c) Disciplinary jurisdiction of Iowa
 - § 12:5(d) Choice of law for exercise of disciplinary authority

PART IV LAWYER MALPRACTICE AND LIABILITY

CHAPTER 13 LAWYER MALPRACTICE AND LIABILITY

- § 13:1 Introduction to lawyer liability
- § 13:2(a) Introduction to lawyer malpractice—The elements of lawyer malpractice
- § 13:2(b)(1) Introduction to lawyer malpractice—Statute of limitations and accrual of claim—Identifying the statute of limitations
- § 13:2(b)(2) Introduction to lawyer malpractice—Statute of limitations and accrual of claim—Accrual of the malpractice claim and the discovery rule
- § 13:3(a)(1) The first element: The attorney-client relationship—Creation of the attorney-client relationship—Creation of the attorney-client relationship in the ordinary manner

- § 13:3(a)(2) The first element: The attorney-client relationship—
Creation of the attorney-client relationship—
Contrasting the attorney-client Relationship with
business and other relationships
- § 13:3(a)(3) The first element: The attorney-client relationship—
Creation of the attorney-client relationship—Creation
of a quasi-attorney-client relationship with a non-
lawyer engaged in the unauthorized practice of law
- § 13:3(b) The first element: The attorney-client relationship—The
scope of the legal representation
- § 13:3(c) The first element: The attorney-client relationship—
Lawyer responsibility for avoiding misunderstandings
regarding the existence or nature of the relationship
- § 13:3(d) The first element: The attorney-client relationship—The
general rule of privity
- § 13:3(d)(1) The first element: The attorney-client relationship—The
general rule of privity—The estate-planning exception
- § 13:3(d)(2) The first element: The attorney-client relationship—The
general rule of privity—Assignment of a claim for
legal malpractice
- § 13:4(a) The second element: Breach of the professional duty of
care—Determining the standard of care for the
lawyer
- § 13:4(b) The second element: Breach of the professional duty of
care—Proving breach of the professional standard of
care
- § 13:4(c) The second element: Breach of the professional duty of
care—Violation of ethical rules as evidence of breach
of duty of care
- § 13:5(a) The third element: Proximate causation—The general
requirement of proving the attorney's negligence was
a proximate cause of the client's injury
- § 13:5(b) The third element: Proximate causation—The "suit-
within-a-suit" rule for litigation malpractice cases
- § 13:5(c) The third element: Proximate causation—Proximate
causation in cases alleging violation of ethical rules
- § 13:6(a) The fourth element: Damages—The general
measurement of damages
- § 13:6(b) The fourth element: Damages—Reputational or
emotional distress damages
- § 13:6(c) The fourth element: Damages—Punitive damages
- § 13:7(a) Breach of fiduciary duty—Definition and available
damages
- § 13:7(b) Breach of fiduciary duty—Fiduciary duty without
attorney-client relationship
- § 13:8(a) Fraud—The lawyer's duty of honesty and liability for
fraud
- § 13:8(b) Fraud—Cases of mutual attorney and client fraud: The
doctrine of *in pari delicto*

TABLE OF CONTENTS

- § 13:9(a) Breach of contract—Contract claims and professional negligence claims compared
- § 13:9(b) Breach of contract—Contract claims by the lawyer against the client

PART V JUDICIAL ETHICS

CHAPTER 14 JUDICIAL DISCIPLINE

- § 14.01 Background and foundation of discipline
- § 14.02 Iowa Constitution
- § 14.03 Inherent authority
- § 14.04 Statutory authority
- § 14.05 Codes of judicial conduct
- § 14.06 Iowa code of judicial conduct
- § 14.07 Grounds and form of discipline

CHAPTER 15 JUDICIAL DISCIPLINARY PROCESS

- § 15.01 Form and procedures of disciplinary commission
- § 15.02 Initial inquiry
- § 15.03 Formal investigation
- § 15.04 Investigative file
- § 15.05 Formal disciplinary proceedings
- § 15.06 Burden of proof
- § 15.07 Confidentiality
- § 15.08 Supreme court application
- § 15.09 Informal admonishment

CHAPTER 16 IMPOSITION OF DISCIPLINE

- § 16.01 Purpose of discipline
- § 16.02 Factors to consider
 - § 16.02(a) Aggravating factors
 - § 16.02(b) Mitigating factors
- § 16.03 Type of discipline

PART VI JUDICIAL MISCONDUCT

CHAPTER 17 JUDICIAL INDEPENDENCE, INTEGRITY, IMPARTIALITY, AND AVOIDING IMPROPRIETY

- § 17.01 Introduction
- § 17.02 Obey the law
- § 17.03 Avoid impropriety
- § 17.04 Prestige of office

CHAPTER 18 PERFORMANCE OF JUDICIAL DUTIES

LAWYER AND JUDICIAL ETHICS

- § 18.01 Introduction
- § 18.02 Judicial priority
- § 18.03 Fair and impartial
- § 18.04 Avoid discrimination and Bias
- § 18.05 External influence
- § 18.06 Performance of duties
- § 18.07 Equal treatment before court
- § 18.08 Hearing all cases
- § 18.09 Judicial decorum
- § 18.10 Out of court communication
- § 18.11 Judicial statements
- § 18.12 Disqualification
- § 18.12(A) General standard.
- § 18.12(A)(1) Personal bias.
- § 18.12(A)(2) Party, lawyer, interest, or witness in proceeding.
- § 18.12(A)(3) Financial interest in proceeding or party.
- § 18.12(A)(4) Campaign disqualifications.
- § 18.12(A)(5) Public statements.
- § 18.12(A)(6) Judge's prior experiences.
- § 18.12(b) Duty to keep informed.
- § 18.12(c) Disclosure requirements.
- § 18.13 Administrative duties
- § 18.14 Making administrative appointments
- § 18.15 Impairment response
- § 18.16 Misconduct response
- § 18.17 Disciplinary action behavior

CHAPTER 19 EXTRAJUDICIAL CONDUCT

- § 19.01 Introduction
- § 19.02 Extrajudicial activities
- § 19.02(a) Inhibit proper performance of judicial duties.
- § 19.02(b) Frequent disqualifications.
- § 19.02(c) Undermine independence, integrity, or impartiality.
- § 19.02(d) Coercive conduct.
- § 19.02(e) Misuse of court resources.
- § 19.03 Public testimony
- § 19.04 Character witness
- § 19.05 Government appointment
- § 19.06 Nonpublic information disclosure
- § 19.07 Discriminatory affiliation
- § 19.08 Extrajudicial participation
- § 19.08(a) Permitted activities.
- § 19.08(a)(1) Assisting in planning for fund-raising and managing and investing funds.

TABLE OF CONTENTS

§ 19.08(a)(2)	Soliciting contributions.
§ 19.08(a)(3)	Appearing, speaking at, or receiving an award at an event.
§ 19.08(a)(4)	Making recommendations.
§ 19.08(a)(5)	Serving as an officer, director, trustee or nonlegal advisor.
§ 19.08(b)	Encouraging pro bono publico legal services.
§ 19.08(c)	Additional law-related activities.
§ 19.09	Fiduciary positions
§ 19.10	Arbitrator or mediator
§ 19.11	Practice of law
§ 19.12	Personal financial activities
§ 19.12(a)	Investments held by the judge or members of the judge's family.
§ 19.12(b)	Serving as an officer, director, manager, general partner, advisor, or employee.
§ 19.12(c)	General limitations.
§ 19.13	Extrajudicial Compensation
§ 19.14	Gifts, loans, etc.
§ 19.15	Fee reimbursement

CHAPTER 20 POLITICAL ACTIVITY

§ 20.01	Introduction
§ 20.02	Rule 51:4.1 General political activity
§ 20.02(a)(1)	Leadership in political organizations.
§ 20.02(a)(2)	Making Speeches
§ 20.02(a)(3)	Public Endorsement of Candidate for Public Office
§ 20.02(a)(4)	Fundraising and Contributions
§ 20.02(a)(5)	Attend or purchase tickets to political dinners or other events sponsored by political organizations.
§ 20.02(a)(6)	Publicly identifying oneself as a candidate of a political organization.
§ 20.02(a)(7)	Endorsements from a political organization.
§ 20.02(a)(8)	Personally soliciting campaign contributions.
§ 20.02(a)(9)	Using campaign contributions for private benefit.
§ 20.02(a)(10)	Court resources.
§ 20.02(a)(11)	False or misleading statements.
§ 20.02(a)(12)	Statements on pending and impending matters.
§ 20.02(a)(13)	Promises.
§ 20.02(a)(14)	Caucuses.
§ 20.02(a)(15)	Contributions from judicial branch employees.
§ 20.02(b)	Activities of other persons on a judge's behalf.
§ 20.03	Retention election
§ 20.03(a)	General Conduct During Election.

- § 20.03(b) Election Behavior.
- § 20.04 Judicial candidate activity
- § 20.05 Campaign committees
- § 20.06 Nonjudicial office candidacy

CHAPTER 21 JUDICIAL DISABILITY AND RETIREMENT

- § 21.01 Introduction
- § 21.02 Judicial process of retirement
- § 21.03 Consequences of disability retirement
- § 21.04 Other forms of judicial retirement
- § 21.05 Effect on judicial discipline

Table of Laws and Rules

Table of Cases

Index