

UNDERSTANDING THE ETHICS COMPLAINT PROCESS

**Polk County Bar Association
Des Moines, IA
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COMPLAINTS TO THE IOWA SUPREME COURT
ATTORNEY DISCIPLINARY BOARD

- I. Make-up and purpose of the Board. Iowa Supreme Court Attorney Disciplinary Board (the “Board”) consists of nine lawyers and three laypersons appointed by the Supreme Court. The Supreme Court designates one of the lawyers, annually, as chair. The Supreme Court accepts nominations for appointment to the Board from any association of lawyers that maintains an office within Iowa or any attorney licensed in Iowa. Members serve no more than two three-year terms, and no member who has served two full terms is eligible for reappointment. The board members are appointed commissioners of the Supreme Court to initiate or receive complaints, and process complaints against any attorney licensed to practice law in Iowa for alleged violations of the Iowa Rules of Professional Conduct, laws of the United States, or Iowa state laws. The members may also initiate/receive and process complaints against any attorney not licensed to practice law in Iowa but who engages in the practice of law in Iowa for alleged violations of the Iowa Rules of Professional Conduct. (Rule 35.2(1)).

- II. Complaints to the Board. Complaints are accepted from any person, firm, or other entity alleging that a lawyer has committed a disciplinary infraction. The Board may, upon its own motion, initiate any investigation or disciplinary action. (Rule 34.1).
 - a. Form and filing of the complaint. Complaint forms are found in rule 34.23, and are available to the public. A copy of the complaint form is attached at the end of these materials. Complaints must be certified under penalty of perjury, except when filed by an officer of the court, and must include whatever exhibits the complainant desires to submit. (Rule 34.2). Complaints are filed, without charge, with the Board. (Rule 34.3).

- III. Board procedure upon receiving the complaint and confidentiality.
 - a. Upon receiving a complaint, the Board must make a record indicating the date filed, the name and address of the complainant, the name and address of the respondent lawyer, and a brief statement of the charges made. This record ultimately must show the final disposition of the matter when it is completed. (Rule 34.4(1)).
 - b. The Board must keep all files confidential, unless otherwise directed in writing by the chair of the Board, for disciplinary purposes, or by a specific rule of the Supreme Court. Any such files, except for the work product of staff counsel, investigators, or administrators of the Board, must be provided to the respondent within a reasonable time upon the respondent’s request. Under the rule, “work product” does not include a

written statement signed or otherwise adopted or approved by the person making it or a contemporaneous and substantially verbatim transcript or recording of a person's oral statement. (Rule 34.4(2)).

IV. Notification of respondent and response requirements.

- a. Upon receipt of any complaint, the Board must notify the complainant in writing that the complaint has been received and will be acted upon. (Rule 34.5). Specifically, the Board shall forward to the respondent a copy of the complaint and copies of chapters 34 and 35 of the Iowa Court Rules. (Rule 34.6(1)).
- b. The Board may forward the complaint to the respondent by restricted certified mail, marked "Confidential," to the respondent's last address as shown by records accessible to the court or by personal service in the manner of an original notice in civil suits. (Rule 34.6(2)). If service cannot be obtained in this manner, the Board may serve the complaint on the clerk of the Supreme Court who is appointed to receive service on behalf of lawyers subject to Iowa's disciplinary authority under Iowa R. of Professional Conduct 32:8.5, comment [1]. Service upon the clerk of the Supreme Court is deemed to be receipt of the complaint by the respondent. (Rule 34.6(3)). Simultaneously with serving a complaint on the clerk of the Supreme Court, the Board must forward the complaint to the respondent by restricted certified mail, marked "Confidential," to the respondent's last address as shown by records accessible to the Court, and the Board must file with the clerk of the Supreme Court an affidavit attesting that it has done so.
- c. The respondent is required to provide a written response within 20 days of receipt of the complaint. (Rule 34.6(4)).

V. Beware -- failure to respond to the Board is its own separate ethical violation. If after 20 days no response has been received, the respondent is notified by restricted certified mail that unless a response is made within 10 days from receipt of notice, the Board may file a complaint with the Grievance Commission for failure to respond, and concerning all or any portion of the matter about which the original complaint was made. (Rule 34.7(1)). The Board may grant an enlargement of time to respond for good cause shown. (Rule 34.7(2)).

VI. Failure to respond may lead to a temporary suspension.

- a. If a response is not provided within 10 days of receipt of the notice issued by the Board, the Board must certify the respondent's failure to respond to the clerk of the Supreme Court. The clerk then issues a notice to the

attorney that the attorney's license to practice law will be temporarily suspended unless the attorney causes the board to file a withdrawal of the certificate within 20 days of the date of issuance of the clerk's notice.

- b. If the attorney responds to the complaint within the 20-day period, the board immediately withdraws the certificate and no suspension occurs. If the 20-day period expires without response, the court enters an order temporarily suspending the attorney's license to practice law in the state of Iowa.
- c. If the attorney responds to the complaint after a temporary suspension order is entered, the Board will, within 5 days of receiving the response, either withdraw the certificate or file with the Supreme Court a report indicating that the attorney has responded, but stating cause why the attorney's license should not be reinstated and the suspension should be continued.

VII. Upon receipt of a response, the Board does one of the following:

- a. **Dismisses the complaint**, and so notify the complainant and the respondent in writing.
- b. **Dockets the complaint** for consideration by the Board at its next hearing-meeting.
- c. **Further investigates of the complaint** either by the Board's counsel or a local bar association. The results of the investigation are forwarded to the Board along with any recommendation for final action by the Board. The Board has subpoena power during any investigation conducted on its behalf to compel the appearance of witnesses or the production of documents before the person designated to conduct the investigation on behalf of the Board. (Rule 34.8(2)). The district court for the county in which the investigation is being conducted has jurisdiction over any objection or motion relating to a subpoena and authority to punish disobedience of a subpoena in a contempt proceeding. (Rule 34.8(4)).
 - 1. Upon conclusion of any investigation, the report and recommendation of the investigator is returned to the Board. The Board then may:
 - 2. Dismiss the complaint, and so notify the complainant and the respondent, or cause the case to be docketed for consideration by the board at its next hearing-meeting. (Rule 34.9 (1)-(2)).

- VIII. Hearing-meetings by the Board must be held at least quarterly, and may be held telephonically. The record of these meetings becomes part of the permanent files of the Supreme Court.
- IX. Upon completion of the consideration of any matter before the Board, the members, by majority vote of those present, proceed with one of the following:
- a. **Dismissal of the complaint**, with notice to the complainant and the respondent. (Rule 34.11(2)).
 - b. **Private admonition of the lawyer**, who is notified in writing that the lawyer has 30 days from the date of mailing of the notice to file exceptions with the Board, who then refers the matter to the Board. If the lawyer takes exception, the Board then again must decide to dismiss, admonish, reprimand, or file a formal complaint with the Grievance Commission. (Rule 34.11(3)).
 - c. **Public reprimand of the lawyer**, with filing of the reprimand with the Grievance Commission as provided in Iowa Ct. R. 35.3. The lawyer may file an exception to the reprimand with the Grievance Commission. (Rule 34.11(4)).
 - d. **File a complaint before the Grievance Commission** and prosecute the complaint to final determination. This “complaint” is the formal complaint *filed by* the Board before the Grievance Commission, and is not to be confused with the complaint *made to* the Board initiating the entire chain of events. (Rule 34.11(5)).
 1. **Deferral of further proceedings.** The Board may determine to defer further proceedings pending the attorney’s compliance with conditions imposed by the Board for supervision of the attorney for a specified period of time not to exceed one year. (Rule 34.13(1)). Proceedings may not be deferred in several enumerated situations, including when the conduct under investigation involves misappropriation of funds or property of a client or third party or a criminal act that reflects adversely on the attorney’s honesty, trustworthiness, or fitness as a lawyer in other respects.

**ACTIONS BY THE GRIEVANCE COMMISSION
OF THE SUPREME COURT OF IOWA**

- I. Make-up and purpose of the Grievance Commission. The Grievance Commission of the Supreme Court of Iowa (the “Grievance Commission”) consists of 15 lawyers from judicial election district 5C and 5 lawyers from each other judicial election district. They are appointed by the Supreme Court. The Court designates one of them, annually, as chair of the Grievance Commission. The Supreme Court accepts nominations for appointment to the Grievance Commission from any association of lawyers that maintains an office within the state of Iowa or any attorney licensed in Iowa. The Grievance Commission also must contain no fewer than 5 nor more than 28 laypersons appointed by the Court. Members serve no more than two three-year terms, and no member who has served two full terms shall be eligible for reappointment. (Rule 35.1(1)).
- II. Reprimands by the Board. When an attorney is given a **public reprimand** by the Board (discussed above), a copy of the reprimand is filed with the clerk of the Grievance Commission who serves a copy on the attorney, with a notice attached stating that the attorney has 30 days from the date of completed service to file exceptions to the reprimand with the clerk of the Grievance Commission.
- a. If the attorney fails to file an exception, such failure constitutes a waiver of any further proceedings and consent that the reprimand be final and public. In that event, the clerk of the Grievance Commission sends a copy of the reprimand to the clerk of the Supreme Court, together with proof of service of the reprimand upon the attorney and a statement that no exceptions were filed within the time prescribed. The Supreme Court then includes the reprimand in the records of the court as a public document unless the Court remands the matter to the Board for consideration of another disposition.
- b. If the attorney concerned files a timely exception to the reprimand, no report of the reprimand is made to the clerk of the Supreme Court, and the reprimand is stricken from the records. The Board then may proceed further by filing a complaint against the attorney before the Grievance Commission. When an exception to a reprimand has been filed, such reprimand is not admissible in evidence in any hearing before the Grievance Commission. (Rule 35.3).
- III. Grievance Commission “divisions.” The chair of the Commission, upon receiving a case from the Board, appoints a “division” of four lawyers, one layperson, and an alternate layperson and alternate attorney. (Rule 36.2).

The alternate members of the division only serve on the division if a primary division member is unable to serve for some reason. The chair appoints one of the members to serve as president of the division. The president conducts the hearing, rules on motions and objections, and writes the final opinion (unless the president is not in the majority). The division appointment is announced in an order stating the names of the primary and alternate members of the division and specifying the president. Members of the division generally are selected from areas other than the community of the respondent attorney, but close enough to minimize travel time and expenses.

IV. Notice of the complaint before the Grievance Commission and answer.

- a. Upon the filing of a complaint before the Grievance Commission, the clerk of the Grievance Commission serves a written notice with a copy of the complaint and copies of chapters 35 and 36 of the Iowa Court Rules upon the respondent. (Rule 36.6(1)).
- b. The clerk may serve notice of the complaint by personal service in the manner of an original notice in civil suits or by restricted certified mail to the respondent's last address as shown by records accessible to the court. The notice must also notify the respondent to file a written answer to the complaint within 20 days after service. (Rule 36.6(2)).
- c. If service cannot be obtained as described above, the clerk of the Grievance Commission may serve notice of the complaint on the clerk of the Supreme Court who is appointed to receive service on behalf of lawyers subject to Iowa's disciplinary authority. As with a complaint to the Board, service of the complaint before the Grievance Commission upon the clerk of the Supreme Court is deemed to be completed service of the notice on the respondent. Simultaneously with serving notice on the clerk of the Supreme Court, the clerk of the Grievance Commission must forward the notice and a copy of the complaint to the respondent by restricted certified mail to the respondent's last address as shown by records accessible to the court. The notice shall notify said respondent to file a written answer to the complaint within 20 days after completed service of the notice. The clerk must file with the clerk of the Supreme Court an affidavit attesting that notice was sent to the respondent by restricted certified mail. (Rule 36.6(3)).
- d. The respondent must file a written answer to the complaint within 20 days from the completed service of notice. For good cause shown upon written application, the Grievance Commission may grant an extension of time for filing an answer. If the respondent fails or refuses to file such answer within the time specified, the allegations of the complaint are

considered admitted, and the matter proceeds to a hearing on the issue of the appropriate sanction. (Rule 36.7).

V. Discovery in matters before the Grievance Commission. In any disciplinary proceeding or action taken by the Board, discovery shall be permitted as provided in Iowa Rules of Civil Procedure 1.501 to 1.517, 1.701, 1.702, and 1.714 to 1.717. The attorney against whom a complaint has been filed is not required to provide answers to discovery on subjects if those answers would be self-incriminatory. Any discovery must be commenced within 30 days after service of the complaint. The Grievance Commission may permit amendments to the complaint to conform to the proof or to raise new matters as long as the respondent has proper notice and a reasonable time to prepare a defense prior to the date set for hearing. The Grievance Commission may receive motions and may enter orders to enforce discovery or to perpetuate any evidence. The attorney against whom a complaint has been filed has a right to obtain a copy of the Board's investigation file. (Rule 35.6).

VI. Hearings before the Grievance Commission.

- a. Thirty days after service of the complaint, the Grievance Commission sets the matter for hearing and notifies the parties by restricted certified mail or personal service. The notice must be provided at least ten days prior to the scheduled hearing date. After a division of the Grievance Commission is appointed to hear the matter, the clerk of the Grievance Commission arranges a telephone conference with members of the division and the parties to schedule the hearing. The hearing must be held not less than 60 days nor more than 90 days after the service of the complaint before the Grievance Commission. The commission may grant reasonable continuances upon written application supported by affidavit. Proceedings, hearings, and papers filed before the Grievance Commission are confidential, subject to disclosure under Iowa Ct. R. 36.18. (Rule 35.7(1)).
- b. In the event an attorney previously has been publicly reprimanded, or an attorney's license has been suspended or revoked, or the attorney has been disbarred, a certified copy of the previous action shall be admitted into evidence at any hearing involving disciplinary proceedings without the necessity of a bifurcated hearing. The Grievance Commission and the Supreme Court consider this evidence along with all other evidence in the case in determining the attorney's fitness to practice law in Iowa. (Rule 35.7(2)).
- c. Principles of issue preclusion may be used by either party in a lawyer disciplinary case if all of the following conditions exist:

1. The issue has been resolved in a civil proceeding that resulted in a final judgment, or in a criminal proceeding that resulted in a finding of guilt, even if the Iowa Supreme Court Attorney Disciplinary Board was not a party to the prior proceeding.
2. The burden of proof in the prior proceeding was greater than a mere preponderance of the evidence.
3. The party seeking preclusive effect has given written notice to the opposing party, not less than ten days prior to the hearing, of the party's intention to invoke issue preclusion. (Rule 35.7(3)).

VII. Conduct of hearing.

- a. At the hearing, the division hears the evidence, briefs of authorities and arguments. The hearing is not open to the public. (Rule 36.14(1)).
- b. The respondent may present character evidence by sworn affidavit, which must be filed as part of the respondent's exhibits. The affidavit is admitted into evidence unless the complainant indicates, at least three days prior to the scheduled hearing date, that it intends to cross-examine the affiant. In that case, the affidavit is not received into evidence, and the affiant must testify in the manner of all other witnesses. The respondent may similarly offer the character evidence of a subpoenaed judge by sworn affidavit, subject to the same constraints if the complainant timely indicates its intention to cross-examine the affiant judge. All other witnesses must testify at the hearing after administration of an oath, and their testimony is then taken in writing by a duly qualified reporter. (Rule 36.14(2)).
- c. The respondent has the right to participate in the hearing in person and by counsel, to cross-examine, to be confronted by witnesses, and to present evidence in accordance with the Iowa Rules of Civil Procedure and the Iowa Rules of Evidence. (Rule 36.14(3)). All questions of procedure, including objections to evidence, are determined by the chair of the commission or president of the division. 36.14(4)

VIII. Subpoenas. The clerk of the district court of the county in which any disciplinary hearing is to be held must issue subpoenas of all kinds upon request of the Grievance Commission, the complainant, or the attorney against whom a complaint has been filed. Any member of the Grievance Commission is empowered to administer oaths or affirmations to all witnesses, and may cause such testimony to be officially reported by a court reporter. The Grievance Commission must report to the Supreme Court the

failure or refusal of any person to attend or testify in response to any subpoena. (Rule 35.8).

IX. Decision by the Grievance Commission. At the conclusion of a hearing upon any complaint against an attorney, the Grievance Commission may permit a reasonable time for the parties to file post-hearing briefs and arguments. (Rule 35.9). Once it has made its decision, the Grievance Commission is empowered to:

a. **Dismiss the complaint;**

b. **Issue a private admonition; or**

c. **Recommend to the Supreme Court that the attorney be reprimanded or the attorney's license to practice law be suspended or revoked.**

X. Reprimand, suspension, or revocation. If the Grievance Commission recommends a reprimand or suspension or revocation of the attorney's license, it files with the Supreme Court its written findings of fact, conclusions of law, and recommendations. The disposition or report of the Grievance Commission must be made or filed with the Supreme Court within 30 days of the date set for the filing of the last responsive brief and argument. If the Grievance Commission cannot reasonably make its determination or file its report within this time limit, it shall report that fact and the reasons to the parties and the clerk of the Supreme Court. Any determination or report of the Grievance Commission need only be concurred in by a majority of the commissioners sitting. Any commissioner has the right to file with the Supreme Court a dissent from the majority determination or report. Such matter shall then stand for final disposition in the Supreme Court. Any report of reprimand or recommendations for license suspension or revocation shall be a public document upon its filing with the clerk of the Supreme Court. (Rule 35.9).

a. Alternative sanctions. As part of its report, the Grievance Commission may recommend additional or alternative sanctions such as restitution, costs, practice limitations, appointment of a trustee or receiver, passage of a bar examination or the Multistate Professional Responsibility Examination, attendance at continuing legal education courses, or other measures consistent with the purposes of attorney discipline. (Rule 35.9).

b. No report for dismissal or private admonition. If the Grievance Commission dismisses the complaint or issues a private admonition, no specific report is made to the Supreme Court except at the request of the respondent. If no appeal is applied for by the complainant within ten days

after such service, the Grievance Commission's determination shall be final. (Rule 35.9).

XI. Disposition by the Supreme Court.

- a. Any report filed by the Grievance Commission with the Supreme Court shall be served upon the complainant and the attorney concerned. Within 14 days after a report is filed with the clerk of the Supreme Court, the clerk of the Grievance Commission must transmit to the clerk of the Supreme Court the entire record made before the Grievance Commission. (Rule 35.10(1)).
- b. If no appeal is taken or application for permission to appeal is filed within ten days, the Supreme Court shall proceed to review *de novo* the record made before the Grievance Commission and determine the matter without oral argument or further notice to the parties. Upon such review *de novo* the Supreme Court may impose a lesser or greater sanction than the discipline recommended by the Grievance Commission. (Rule 35.10(1)).

XII. Report / recommendation appeal rights and procedure.

- a. The respondent may appeal from the report or recommendation filed by the Grievance Commission. The respondent's notice of appeal must be filed with the clerk of the Grievance Commission within ten days after service of the report or recommendation. Promptly after filing the notice of appeal with the clerk of the Grievance Commission, the respondent shall mail or deliver a copy of the notice to the clerk of the Supreme Court. (Rule 35.11(1)).
- b. The complainant may apply to the Supreme Court for permission to appeal from a determination, ruling, report, or recommendation of the Grievance Commission. The application must be filed within ten days after service of the determination, ruling, report, or recommendation on the complainant. The Supreme Court may grant this appeal in a manner similar to the granting of interlocutory appeals in civil cases under the Iowa Rules of Appellate Procedure. The filing fee and the docket fee can be waived upon the complainant's written request. (Rule 35.11(2)).
- c. An appeal of the Grievance Commission's dismissal of a complaint or of the Grievance Commission's decision to issue a private admonition shall remain confidential. In making such application, and in any subsequent briefs, the complainant shall refer to the respondent as "Attorney Doe No. (insert grievance commission number)," instead of using the respondent's name. All references to the respondent during oral arguments shall be to "Attorney Doe." In the event the Supreme Court reverses or modifies the

report of the Grievance Commission, the court order of reversal or modification becomes a public record. (Rule 35.11(3)).

- d. After a notice of appeal is filed or permission to appeal is granted, the appeal proceeds largely pursuant to the Iowa Rules of Appellate Procedure. Appellant must cause the appeal to be docketed within ten days after the filing of the notice of appeal or the order granting permission to appeal. The abbreviated time limits specified in Iowa Rule of Appellate Procedure 6.17 apply. Review is *de novo*. If a respondent's appeal is dismissed for lack of prosecution pursuant to Iowa Rule of Appellate Procedure 6.19 or for any other reason, the Supreme Court proceeds to review and decide the matter pursuant as if no appeal had been taken. (Rule 35.11(4)).

XIII. Suspension by the Supreme Court.

- a. In the event the Supreme Court suspends an attorney's license to practice law, the suspension continues for the minimum time specified in the order and until the Supreme Court has approved the attorney's written application for reinstatement. In the order of suspension or by order at any time before reinstatement, the Supreme Court may require the suspended attorney to meet reasonable conditions for reinstatement including, but not limited to, passing the Multistate Professional Responsibility Examination. (Rule 35.12(1)).
- b. An attorney whose license has been suspended for a period not exceeding 60 days is not be required to file an application for reinstatement, and the Court instead orders reinstatement of the attorney's license on the day after the suspension period has expired. There are exceptions, however. The Board may file and serve within the suspension period an objection to the automatic reinstatement of the attorney. The filing of an objection stays the automatic reinstatement until ordered otherwise by the Court. If the Board files an objection, the Court shall set the matter for hearing and the clerk shall enter written notice, except that the Court may waive the requirement of a 60-day waiting period prior to the hearing date. Also, automatic reinstatement shall not be ordered until all assessed costs have been paid. (Rule 35.12(2)).
- c. Any attorney suspended must refrain, during such suspension, from all facets of the ordinary law practice "including, but not limited to, the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; and acting as a fiduciary. Such suspended attorney may, however, act as a fiduciary for the estate, including a

conservatorship or guardianship, of any person related to the suspended attorney within the second degree of affinity or consanguinity.” (Rule 35.12(3)).

- d. An attorney, law firm, or professional association may employ a suspended attorney to perform only services that may be ethically performed by laypersons employed in attorneys’ offices, but then only under all of the following conditions:
 1. Notice of employment, together with a full job description, must be provided to the Board before employment commences.
 2. Informational reports, verified by the employer and employee, must be submitted quarterly to the Board. These reports must contain a certification that no aspect of the employee’s work has involved the unauthorized practice of law.
 3. A suspended attorney must not have direct or personal association with any client and shall not disburse or otherwise handle funds or property of a client. (Rule 35.12(4)).

XIV. Notification of clients and counsel by disbarred or suspended attorneys.

- a. In every case in which an attorney is ordered to be disbarred or suspended, the attorney must do all of the following:
 1. Within 15 days notify in writing the attorney’s clients in all pending matters to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another lawyer. (Rule 35.22(1)).
 2. Within 15 days deliver to all clients being represented in pending matters any papers or other property to which they are entitled or notify them and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property. (Rule 35.22(1)).
 3. Within 30 days refund any part of any fees paid in advance that have not been earned. (Rule 35.22(1)).
 4. Within 15 days notify opposing counsel in pending litigation or, in the absence of such counsel the adverse parties, of the attorney’s disbarment or suspension and consequent disqualification to act as

a lawyer after the effective date of such discipline or transfer to disability inactive status. (Rule 35.22(1)).

5. Within 15 days file with the court, agency, or tribunal before which the litigation is pending a copy of the notice to opposing counsel or adverse parties. (Rule 35.22(1)).
6. Keep and maintain records of the steps taken to accomplish all of the requirements described above. (Rule 35.22(1)).
7. Within 30 days file with the Board copies of the notices sent pursuant to the requirements of this rule and proof of complete performance of the requirements, as this shall be a condition for application for readmission to practice. (Rule 35.22(1)).

XV. Confidentiality.

- a. All records, papers, proceedings, meetings, and hearings of the Grievance Commission are to remain confidential, unless the Grievance Commission recommends that the Supreme Court reprimand the respondent or suspend or revoke the respondent's license. (Rule 36.18(1)). In that case, the Grievance Commission's report of reprimand or recommendations for license suspension or revocation shall be a public document upon its filing with the clerk of the Supreme Court. In addition, if the Grievance Commission recommends the Supreme Court reprimand the respondent or suspend or revoke the respondent's license, the complaint filed with the commission by the Board also becomes a public document. (Rule 36.18(2)).
- b. Any other records and papers of the Grievance Commission concerning any complaint remain privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the respondent, the attorneys, or the attorneys' agents involved in the proceeding before the Grievance Commission. The respondent, the attorneys, or the attorneys' agents involved in the proceeding before the Grievance Commission may not disclose any records and papers of the Grievance Commission concerning any complaint unless disclosure is required in the prosecution or defense of disciplinary charges. The confidential records and papers of the Grievance Commission concerning any complaint are not admissible in evidence in a judicial or administrative proceeding other than the formal Grievance Commission's proceeding. (Rule 36.18(3)).
- c. Every witness in every Grievance Commission proceeding must swear to tell the truth and not to disclose the existence of the proceedings or the

identity of the respondent unless and until the proceeding is no longer confidential. (Rule 36.18(4)).

- d. Nothing in Chapter 36 prohibits the Grievance Commission from releasing any information regarding possible criminal violations to appropriate law enforcement authorities, to attorney disciplinary and bar admission authorities in other jurisdictions, or any information regarding possible violations of the Iowa Code of Judicial Conduct to the Commission on Judicial Qualifications. (Rule 36.18(7)).