

SUPREME COURT OF IOWA

Iowa Supreme Court Attorney Disciplinary Board v. Thomas F. Ochs

804 N.W.2d 720 (Iowa 2011) · No. No. 11–0636 · Decided October 14, 2011

SUMMARY

The Iowa Supreme Court reviewed disciplinary proceedings involving attorney Thomas F. Ochs's neglect of seven estates, two guardianships, and one conservatorship. The court found violations of Iowa's professional-conduct rules involving diligence, expediting litigation, compliance with court rules, cooperation with the disciplinary board, and conduct prejudicial to the administration of justice. The court suspended Ochs's license to practice law for thirty days and taxed the costs to him.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Cady, Chief Justice
JURISDICTION	Iowa
DECIDED	October 14, 2011
DOCKET	No. 11–0636
DISPOSITION	other
PROCEDURAL POSTURE	On review of the report of the Grievance Commission of the Supreme Court of Iowa in an attorney-discipline proceeding.
STANDARD OF REVIEW	Attorney disciplinary actions are reviewed de novo. The Board must prove misconduct by a convincing preponderance of the evidence. The court gives respectful consideration to, but is not bound by, the commission's findings and recommendations.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Iowa Supreme Court Attorney Disciplinary Board v. Thomas F. Ochs

TOPICS

[probate procedure](#)[estate administration](#)[guardianship procedure](#)[guardianships](#)[estate litigation](#)

PRACTICE AREAS

[legal ethics and professional responsibility](#)[attorney discipline](#)[probate](#)[guardianships](#)

QUESTIONS PRESENTED

1. Whether Ochs violated the Iowa Rules of Professional Conduct by repeatedly neglecting probate, guardianship, and conservatorship matters.
2. Whether Ochs violated the rules by failing to expedite litigation, disobeying court-imposed duties, failing to respond to Disciplinary Board inquiries, and engaging in conduct prejudicial to the administration of justice.
3. What sanction was appropriate for Ochs's repeated neglect and related ethical violations.

HOLDINGS

1. Ochs violated the Iowa Rules of Professional Conduct as charged, including the rules concerning diligence and promptness, expediting litigation, compliance with court rules, responding to disciplinary inquiries, and conduct prejudicial to the administration of justice.
2. A thirty-day suspension from the practice of law was an appropriate sanction for Ochs's repeated neglect of ten probate-related matters, considering the prolonged and consistent neglect, the absence of significant aggravating circumstances, his lack of prior discipline, and his contrition.

KEY QUOTATIONS

“On our de novo review, we find Ochs violated the rules of professional conduct. We suspend Ochs’ license to practice law for a period of thirty days.” (at 721)

“This case centers almost entirely on the abject failure of an attorney to comply with the basic structural rules governing the processing of numerous probate cases over a prolonged period of time.” (at 725)

“Considering all the relevant factors in the case, we agree with the commission that a thirty-day suspension is an appropriate discipline.” (at 726)

FACTUAL BACKGROUND

Ochs handled seven estates, two guardianships, and one conservatorship over approximately eight years. He repeatedly missed legally required deadlines, allowed matters to remain open for years, failed to send documents to essential parties, and generally ignored inquiries from the Disciplinary Board. He admitted the allegations, was honest and contrite, and had no prior disciplinary history, but his repeated neglect substantially delayed completion of the matters.

PROCEDURAL HISTORY

The Iowa Supreme Court Attorney Disciplinary Board filed a ten-count complaint alleging that Ochs violated multiple Iowa Rules of Professional Conduct through repeated neglect of probate, guardianship, and conservatorship matters and failure to respond to Board inquiries. The Grievance Commission found violations and recommended a thirty-day suspension, while two commissioners recommended a public reprimand. On de novo review, the Iowa Supreme Court agreed that the violations were proven and imposed a thirty-day suspension.

DISPOSITION

other

CASES CITED

- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Dolezal, 796 N.W.2d 910, 913 (Iowa 2011)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Thomas, 794 N.W.2d 290, 294 (Iowa 2011)
- Iowa Supreme Court Bd. of Prof’l Ethics & Conduct v. Winkel, 542 N.W.2d 252, 254-55 (Iowa 1996)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Lickiss, 786 N.W.2d 860, 871 (Iowa 2010)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Marks, 759 N.W.2d 328, 332 (Iowa 2009)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Moonen, 706 N.W.2d 391, 402 (Iowa 2005)
- Iowa Supreme Court Bd. of Prof’l Ethics & Conduct v. Hovda, 578 N.W.2d 673, 674-75 (Iowa 1998)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Lustgraaf, 792 N.W.2d 295, 297 (Iowa 2010)

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