

SUPREME COURT OF IOWA

Iowa Supreme Court Board of Professional Ethics & Conduct v. Lett

674 N.W.2d 139 (Iowa 2004) · No. No. 03-1646 · Decided January 22, 2004

SUMMARY

The Iowa Supreme Court reviewed attorney-discipline proceedings against Stacie L. Lett, who admitted or was found to have misappropriated client funds, neglected client matters, violated court orders, and failed to cooperate with the disciplinary investigation. Applying de novo review, the court agreed with the Grievance Commission that the misconduct warranted permanent revocation of Lett's license to practice law. Costs were taxed to Lett.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, J.; Lavorato, C.J.; Wiggins, J.
JURISDICTION	Iowa
DECIDED	January 22, 2004
DOCKET	No. 03-1646
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from a Grievance Commission recommendation to permanently revoke Lett's Iowa law license. Lett did not appeal, but the Supreme Court of Iowa was required to conduct de novo review.
STANDARD OF REVIEW	De novo review of the record made before the Grievance Commission. The Board must prove attorney misconduct by a convincing preponderance of the evidence. The Supreme Court gives respectful consideration to, but is not bound by, the Commission's findings and recommendations.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Iowa.
PARTIES	Iowa Supreme Court Board of Professional Ethics and Conduct v. Stacie L. Lett

TOPICS

- administrative law
- remedies
- criminal procedure

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

legal malpractice and client protection

QUESTIONS PRESENTED

1. Whether the Board proved by a convincing preponderance of the evidence that Lett violated the Iowa disciplinary rules.
2. Whether permanent revocation of Lett's license, rather than a lesser suspension, was the appropriate sanction for her repeated misappropriation of client funds and other misconduct.

HOLDINGS

1. The Board proved by a convincing preponderance of the evidence that Lett violated multiple mandatory disciplinary rules by misappropriating client funds, failing to return retainers and client property, failing to provide accountings, neglecting client matters, failing to appear or comply with court orders, and failing to cooperate with the Board's investigation.
2. Permanent revocation of Lett's license to practice law was warranted.

KEY QUOTATIONS

"We agree with the findings and recommendation of the Commission and revoke Lett's license to practice law." (140)

"In light of the factual findings set forth above, we agree with the Commission: the Board has proved, by a convincing preponderance of the evidence, Lett violated each of the foregoing disciplinary rules." (144)

"There is no place in our profession for lawyers who convert funds entrusted to them. It is almost axiomatic that we revoke licenses of lawyers who do so." (144-145)

"We must, therefore, revoke Stacie L. Lett's license to practice law." (146)

FACTUAL BACKGROUND

Lett misappropriated approximately \$5,000 entrusted by clients as a down payment for a house and later stole \$13,300 entrusted for the purchase of a mobile home. She neglected multiple client matters, failed to return retainers and client documents, failed to provide accountings, disregarded court discovery orders, lied to clients, and failed to cooperate with the disciplinary investigation. Her misconduct caused substantial harm, including a judgment against a client who did not learn of the trial until afterward, and she made little effort to reimburse the victims.

PROCEDURAL HISTORY

After Lett pleaded guilty to second-degree theft involving approximately \$5,000 in client funds, the Supreme Court temporarily suspended her license. The Board filed a formal disciplinary complaint alleging multiple violations of Iowa's professional-responsibility rules. Lett failed to answer the complaint and requests for admissions, thereby admitting the allegations; after a hearing, the Grievance Commission recommended

permanent revocation. The Supreme Court independently reviewed the record de novo, agreed with the Commission's findings, and revoked Lett's license.

DISPOSITION

other

CASES CITED

- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Reese, 657 N.W.2d 457, 458-59 (Iowa 2003)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Vinyard, 656 N.W.2d 127, 130-31 (Iowa 2003)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. D'Angelo, 619 N.W.2d 333, 337-39 (Iowa 2000)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Bell, 650 N.W.2d 648, 650 (Iowa 2002)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Schatz, 595 N.W.2d 794, 796 (Iowa 1999)
- Comm. on Prof'l Ethics Conduct v. Blomker, 379 N.W.2d 19, 21 (Iowa 1985)
- Comm. on Prof'l Ethics Conduct v. Ottesen, 525 N.W.2d 865, 866 (Iowa 1994)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Allen, 586 N.W.2d 383, 389-90 (Iowa 1998)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Sylvester, 548 N.W.2d 144, 147 (Iowa 1996)
- Comm. on Prof'l Ethics Conduct v. Cody, 412 N.W.2d 637, 640-41 (Iowa 1987)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Winkel, 599 N.W.2d 456, 459 (Iowa 1999)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Lesyshen, 585 N.W.2d 281, 288 (Iowa 1998)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Leon, 602 N.W.2d 336, 339 (Iowa 1999)
- Comm. on Prof'l Ethics Conduct v. Freed, 341 N.W.2d 757, 759 (Iowa 1983)
- Comm. on Prof'l Ethics Conduct v. Martin, 375 N.W.2d 235, 238-39 (Iowa 1985)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Fleming, 602 N.W.2d 340, 342 (Iowa 1999)