

SUPREME COURT OF IOWA

Iowa Supreme Court Attorney Disciplinary Board v. Jamie F. Deremiah

875 N.W.2d 728 (Iowa 2016) · No. No. 15–1917 · Decided February 26, 2016

SUMMARY

The Iowa Supreme Court held that Jamie F. Deremiah violated Iowa Rule of Professional Conduct 32:8.4(b) by committing criminal trespass and a domestic assault causing significant injury. The court applied the Templeton factors and suspended his law license indefinitely, with no possibility of reinstatement for three months, while imposing conditions on reinstatement.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                            |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Iowa                                                                                                                                                                                                                                                                      |
| WRITING FOR THE COURT | Appel, Justice                                                                                                                                                                                                                                                                             |
| JURISDICTION          | Iowa                                                                                                                                                                                                                                                                                       |
| DECIDED               | February 26, 2016                                                                                                                                                                                                                                                                          |
| DOCKET                | No. 15–1917                                                                                                                                                                                                                                                                                |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Attorney disciplinary proceeding on review of the report and sanction recommendation of the Grievance Commission of the Supreme Court of Iowa.                                                                                                                                             |
| STANDARD OF REVIEW    | Attorney disciplinary proceedings are reviewed de novo. Ethical misconduct must be proved by a convincing preponderance of the evidence. The court respectfully considers, but is not bound by, the commission's findings and recommendations and may impose a lesser or greater sanction. |
| PRECEDENTIAL VALUE    | Published and precedential Iowa Supreme Court opinion                                                                                                                                                                                                                                      |
| PARTIES               | Iowa Supreme Court Attorney Disciplinary Board v. Jamie F. Deremiah                                                                                                                                                                                                                        |

TOPICS

- domestic violence
- family law
- family law procedure
- appellate procedure
- standard of review

## PRACTICE AREAS

legal ethics

attorney discipline

domestic violence

professional responsibility

family law

## QUESTIONS PRESENTED

1. Whether Deremiah's domestic assault, trespass, and related criminal conduct violated Iowa Rule of Professional Conduct 32:8.4(b).
2. What professional discipline was appropriate in light of the misconduct, aggravating circumstances, mitigating circumstances, and purposes of attorney discipline.

## HOLDINGS

1. Deremiah's criminal trespass and violent domestic assault reflected adversely on his honesty, trustworthiness, or fitness as a lawyer and therefore violated Iowa Rule of Professional Conduct 32:8.4(b).
2. The appropriate sanction was an indefinite suspension of Deremiah's license to practice law with no possibility of reinstatement for at least three months, together with specified mental-health and substance-abuse evaluations and other reinstatement requirements.

## KEY QUOTATIONS

*“When it comes to the application of rule 32:8.4(b) to violent assaults on intimate partners, one assault is one too many.”* (at 15)

*“domestic abuse by lawyers is out-of-bounds conduct that will not be tolerated by this court.”* (at 21)

*“We impose the increased sanction in part because of the destruction of property and trespass of the home, which occurred prior to the assault, but also to reemphasize what was said in Schmidt”* (at 22)

## FACTUAL BACKGROUND

Deremiah, an Iowa attorney who practiced primarily criminal and family law, engaged in escalating conduct involving an intimate partner, including damaging her property, breaking into her home, and assaulting her in her bedroom. The assault caused substantial facial bruising and swelling, an eye swollen shut, and hair being pulled out. He pleaded guilty to domestic-abuse assault with intent to inflict serious injury and trespass causing bodily injury or property damage. Afterward, he participated in substance-abuse treatment, domestic-assault programming, counseling, and Alcoholics Anonymous.

## PROCEDURAL HISTORY

The Iowa Supreme Court Attorney Disciplinary Board charged Deremiah with violating Iowa Rule of Professional Conduct 32:8.4(b) based on domestic assault and related criminal conduct. After a hearing, the Grievance Commission recommended a thirty-day suspension, a two-year probationary period, and treatment-related conditions; commission members dissented on the sanction. The Iowa Supreme Court independently reviewed the matter de novo, found a violation, and imposed an indefinite suspension with no reinstatement for at least three months, subject to reinstatement conditions.

## DISPOSITION

other

## CASES CITED

- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Stowe, 830 N.W.2d 737 (Iowa 2013)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Englemann, 840 N.W.2d 156 (Iowa 2013)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Wright, 857 N.W.2d 510 (Iowa 2014)
- Comm. on Prof'l Ethics & Conduct v. Patterson, 369 N.W.2d 798 (Iowa 1985)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Keele, 795 N.W.2d 507 (Iowa 2011)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Templeton, 784 N.W.2d 761 (Iowa 2010)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Schmidt, 796 N.W.2d 33 (Iowa 2011)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Weaver, 750 N.W.2d 71 (Iowa 2008)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Marcucci, 543 N.W.2d 879 (Iowa 1996)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Blessum, 861 N.W.2d 575 (Iowa 2015)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Rousch, 827 N.W.2d 711 (Iowa 2013)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Cannon, 821 N.W.2d 873 (Iowa 2012)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Dolezal, 841 N.W.2d 114 (Iowa 2013)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Clarity, 838 N.W.2d 648 (Iowa 2013)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Van Beek, 757 N.W.2d 639 (Iowa 2008)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Grotewold, 642 N.W.2d 288 (Iowa 2002)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Axt, 791 N.W.2d 98 (Iowa 2010)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Cross, 861 N.W.2d 211 (Iowa 2015)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Boles, 808 N.W.2d 431 (Iowa 2012)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Parrish, 801 N.W.2d 580 (Iowa 2011)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Khowassah, 837 N.W.2d 649 (Iowa 2013)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Iversen, 723 N.W.2d 806 (Iowa 2006)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Qualley, 828 N.W.2d 282 (Iowa 2013)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Said, 869 N.W.2d 185 (Iowa 2015)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Bartley, 860 N.W.2d 331 (Iowa 2015)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Kingery, 871 N.W.2d 109 (Iowa 2015)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Johnson, 792 N.W.2d 674 (Iowa 2010)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Lickiss, 786 N.W.2d 860 (Iowa 2010)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Kirlin, 741 N.W.2d 813 (Iowa 2007)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Jones, 368 N.W.2d 157 (Iowa 1985)

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