

SUPREME COURT OF IOWA

Iowa Supreme Court Attorney Disciplinary Board v. Jennifer L. Meyer

No. 19-1862 (Iowa May 15, 2020) · No. No. 19-1862 · Decided May 15, 2020

SUMMARY

The Iowa Supreme Court reviewed an attorney disciplinary proceeding involving Jennifer L. Meyer’s billing of the State Public Defender for services and mileage she did not provide or incur. The court found violations of Iowa Rules of Professional Conduct 32:1.5(a), 32:8.4(b), and 32:8.4(c), giving preclusive effect to her Alford plea to third-degree theft by deception. The court imposed a one-year suspension of her law license and required continued restitution payments for reinstatement eligibility.

CASE DETAILS

COURT	Supreme Court of Iowa
JURISDICTION	Iowa
DECIDED	May 15, 2020
DOCKET	No. 19-1862
DISPOSITION	other
PROCEDURAL POSTURE	On review of the report and recommendation of the Iowa Supreme Court Grievance Commission in an attorney disciplinary proceeding.
STANDARD OF REVIEW	Attorney disciplinary proceedings are reviewed de novo. The Board must prove a rule violation by a convincing preponderance of the evidence, which is more demanding than the ordinary civil preponderance standard but less demanding than proof beyond a reasonable doubt. The court respectfully considers but is not bound by the commission's findings and may impose a greater or lesser sanction than recommended.
PRECEDENTIAL VALUE	published
PARTIES	Iowa Supreme Court Attorney Disciplinary Board v. Jennifer L. Meyer

TOPICS

- appellate procedure
- standard of review
- remedies
- criminal procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

criminal law

QUESTIONS PRESENTED

1. Whether Meyer violated Iowa Rule of Professional Conduct 32:1.5(a) by charging or collecting unreasonable fees or expenses.
2. Whether Meyer's theft by deception constituted a criminal act reflecting adversely on her honesty, trustworthiness, or fitness to practice law under rule 32:8.4(b).
3. Whether Meyer engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation under rule 32:8.4(c).
4. What disciplinary sanction was appropriate for the established violations.

HOLDINGS

1. Meyer violated rule 32:1.5(a) by charging unreasonable fees and expenses, including excessive attorney-fee billings and duplicated mileage reimbursements.
2. Meyer's theft by deception was a criminal act that reflected adversely on her honesty, trustworthiness, and fitness to practice law.
3. Meyer violated rule 32:8.4(c) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.
4. A one-year suspension from the practice of law, without possibility of reinstatement during that period, was appropriate.

KEY QUOTATIONS

"We review attorney disciplinary proceedings de novo." (at 9)

" "[S]loppy billing practices" do not excuse violations of rule 32:1.5(a)." (at 10)

"There must be some rational connection other than the criminality of the act between the conduct and the actor's fitness to practice law." (at 12)

"The dispositive question 'is whether the effect of the lawyer's conduct is to mislead rather than to inform.'" (at 13)

FACTUAL BACKGROUND

Jennifer Meyer, a contract attorney for the Iowa State Public Defender, submitted claims for attorney fees and mileage reimbursements that included implausibly high daily and monthly hours and duplicated mileage. An audit identified substantial excessive fee and mileage claims, and Meyer entered an Alford plea to third-degree theft by deception and agreed to pay \$102,989.95 in restitution. She later admitted most of the disciplinary allegations, including the preclusive effect of her criminal plea, while asserting that billing practices caused inaccuracies.

PROCEDURAL HISTORY

The Iowa Supreme Court Attorney Disciplinary Board charged Meyer with violating Iowa Rules of Professional Conduct 32:1.5(a), 32:8.4(b), and 32:8.4(c), based principally on her Alford plea to third-degree theft arising from improper billing of the state public defender. The Grievance Commission found all three violations but recommended a sixty-day suspension. The Iowa Supreme Court conducted a de novo review, found all three violations, imposed a one-year suspension, and assessed costs against Meyer.

DISPOSITION

other

CASES CITED

- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Moran, 919 N.W.2d 754, 756, 758 (Iowa 2018)
- North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160 (1970)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Noel, 923 N.W.2d 575, 580-91 (Iowa 2019)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Mathahs, 918 N.W.2d 487, 489-500 (Iowa 2018)
- Employers Mutual Casualty Co. v. Van Haaften, 815 N.W.2d 17, 28 (Iowa 2012)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Rhinehart, 827 N.W.2d 169, 171, 182 (Iowa 2013)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Templeton, 784 N.W.2d 761, 764, 767 (Iowa 2010)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Sears, 933 N.W.2d 214, 220 (Iowa 2019)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Green, 888 N.W.2d 398, 403-04 (Iowa 2016)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Suarez-Quilty, 912 N.W.2d 150, 158 (Iowa 2018)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Wheeler, 824 N.W.2d 505, 510-11 (Iowa 2012)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Engelhardt, 630 N.W.2d 810, 814 (Iowa 2001)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Guthrie, 901 N.W.2d 493, 498 (Iowa 2017)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Boles, 808 N.W.2d 431, 441 (Iowa 2012)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Casey, 761 N.W.2d 53, 61 (Iowa 2009) (per curiam)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Carroll, 721 N.W.2d 788, 792 (Iowa 2006)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. McGinness, 844 N.W.2d 456, 464 (Iowa 2014)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Tofflemire, 689 N.W.2d 83, 93 (Iowa 2004)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Taylor, 887 N.W.2d 369, 383 (Iowa 2016)