SUPREME COURT OF IOWA

Iowa Supreme Court Attorney Disciplinary Board v. Joy

728 N.W.2d 806 (Iowa 2007) · No. No. 06-1760 · Decided February 23, 2007

SUMMARY

The Iowa Supreme Court reviews disciplinary charges against attorney Steven B. Joy, including neglect of probate and tax matters, failure to comply with court orders, misrepresentations, failure to turn over client papers, and failure to cooperate with disciplinary inquiries. The court suspends Joy's license indefinitely, with no possibility of reinstatement for eighteen months, imposes conditions for reinstatement, and taxes the costs against him.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Appel, Justice
JURISDICTION	Iowa
DECIDED	February 23, 2007
DOCKET	No. 06-1760
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding in which the Grievance Commission recommended a two-year suspension without possibility of reinstatement. The Iowa Supreme Court conducted de novo review because Joy did not participate in the hearing and did not appeal.
STANDARD OF REVIEW	De novo review of attorney disciplinary proceedings. The Board must prove ethical violations by a convincing preponderance of the evidence, and the Supreme Court may impose a greater or lesser sanction than the Commission recommends.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential authority on attorney discipline under the Iowa Code of Professional Responsibility in effect before July 1, 2005.
PARTIES	Iowa Supreme Court Attorney Disciplinary Board v. Steven B. Joy

TOPICS

estate administration · probate · tax · appellate procedure · remedies

PRACTICE AREAS

legal ethics and professional responsibility | attorney discipline | probate | tax law

QUESTIONS PRESENTED

1. Whether the Board proved by a convincing preponderance of the evidence that Joy committed multiple violations of Iowa's attorney disciplinary rules.
2. Whether Joy violated the disciplinary rules by neglecting probate and tax matters, disregarding court orders, making misrepresentations, failing to turn over client papers and property, and failing to cooperate with the Board.
3. What sanction was appropriate in light of the violations and aggravating and mitigating circumstances.

HOLDINGS

1. Joy neglected four client matters—the Schulista, Williams, Boots, and Svoboda matters—and thereby violated DR 6-101(A)(3), DR 7-101(A)(3), and, for failures prejudicial to the administration of justice, DR 1-102(A)(5).
2. Joy violated DR 7-106(A) by knowingly failing to comply with court orders in the Williams and Boots estate matters and by failing to release funds as ordered in the Williams matter.
3. Joy violated DR 1-102(A)(4), DR 1-102(A)(5), and DR 1-102(A)(6) by making misrepresentations and by making unreliable statements to courts and clients concerning the status of estate work and tax returns.
4. Joy violated DR 2-110(A)(2) and DR 1-102(A)(6) by failing to provide client tax files and an estate file to clients and successor counsel.
5. Joy violated DR 1-102(A)(5) and DR 1-102(A)(6) by repeatedly failing to respond timely and substantively to the Board's inquiries.
6. An indefinite suspension with no possibility of reinstatement for eighteen months was warranted, with reinstatement conditioned on compliance with specified professional, health, and monetary requirements.

KEY QUOTATIONS

> *"While Joy did not participate in the hearing and has not appealed, we review attorney disciplinary matters de novo."* (808)

> *"The persistent pattern of delinquencies, missed deadlines, and evasive and misleading statements by Joy in each of these demonstrates neglect rather than mere inadvertence or mistake."* (812)

> *"In light of all the facts and circumstances, we suspend Joy's license indefinitely, with no possibility of reinstatement for eighteen months."* (816-817)

> *"LICENSE SUSPENDED."* (817)

FACTUAL BACKGROUND

Joy represented clients in three probate estates and prepared tax returns for a married couple. He repeatedly failed to complete estate work, meet deadlines, attend hearings, comply with court orders, file required tax documents, return client funds, and turn over client files. He also made misleading statements to courts and clients and failed to respond substantively to disciplinary inquiries. The neglect caused substantial delays and modest monetary penalties, although the court found that no substantive rights were lost as a result of the neglect itself.

PROCEDURAL HISTORY

The Iowa Supreme Court Attorney Disciplinary Board filed a five-count complaint alleging neglect of three estates, mishandling of tax returns, and failure to cooperate with the Board. After a hearing at which Joy did not appear, the Grievance Commission found multiple ethical violations and recommended a two-year suspension with conditions. The Iowa Supreme Court independently reviewed the record, found the violations proved, and imposed an indefinite suspension with no possibility of reinstatement for eighteen months, together with reinstatement conditions.

DISPOSITION

other

CASES CITED

- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Honken, 688 N.W.2d 812 (Iowa 2004)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Williams, 675 N.W.2d 530 (Iowa 2004)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Moorman, 683 N.W.2d 549 (Iowa 2004)
- Comm. of Prof'l Ethics & Conduct v. Rogers, 313 N.W.2d 535 (Iowa 1981)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Grotewold, 642 N.W.2d 288 (Iowa 2002)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Ruth, 656 N.W.2d 93 (Iowa 2002)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Lesyshen, 712 N.W.2d 101 (Iowa 2006)
- Comm. on Prof'l Ethics & Conduct v. Thomas, 495 N.W.2d 684 (Iowa 1993)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Daggett, 653 N.W.2d 377 (Iowa 2002)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Smith, 569 N.W.2d 499 (Iowa 1997)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Reedy, 586 N.W.2d 701 (Iowa 1998)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Freeman, 603 N.W.2d 600 (Iowa 1999)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Sherman, 637 N.W.2d 183 (Iowa 2001)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. McCann, 712 N.W.2d 89 (Iowa 2006)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Sotak, 706 N.W.2d 385 (Iowa 2005)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Moonen, 706 N.W.2d 391 (Iowa 2005)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Rauch, 650 N.W.2d 574 (Iowa 2002)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. D'Angelo, 619 N.W.2d 333 (Iowa 2000)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Jay, 606 N.W.2d 1 (Iowa 2000)

- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Hohenadel, 634 N.W.2d 652 (Iowa 2001)
