

SUPREME COURT OF IOWA

Iowa Supreme Court Board of Professional Ethics and Conduct v.
Lane

642 N.W.2d 296 (Iowa 2002) · No. No. 01-1929 · Decided April 3, 2002

SUMMARY

The Iowa Supreme Court reviewed disciplinary findings against attorney William J. Lane for plagiarizing substantial portions of a post-trial brief and seeking compensation for work he claimed to have performed. The court found violations involving dishonesty, misrepresentation, conduct prejudicial to the administration of justice, fitness to practice law, and charging a clearly excessive fee. It suspended Lane's Iowa law license for six months.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice
JURISDICTION	Iowa
DECIDED	April 3, 2002
DOCKET	No. 01-1929
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding reviewed de novo by the Supreme Court of Iowa under Iowa Court Rule 118.10 after the Grievance Commission found misconduct and recommended a three-month license suspension.
STANDARD OF REVIEW	De novo review. The court gives respectful consideration to the Grievance Commission's findings and recommendations but is not bound by them. Misconduct must be proven by a convincing preponderance of the evidence.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential authority on attorney discipline, plagiarism in court filings, deceptive fee applications, and the applicable de novo review standard.
PARTIES	Iowa Supreme Court Board of Professional Ethics and Conduct v. William J. Lane

TOPICS

appellate procedure

standard of review

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

legal fees

QUESTIONS PRESENTED

1. Whether Lane violated Iowa disciplinary rules by plagiarizing a treatise in a post-trial brief and presenting the material to the court as his own.
2. Whether Lane violated Iowa disciplinary rules by seeking an illegal or clearly excessive fee for eighty hours of work allegedly spent preparing a largely plagiarized brief.
3. Whether the proven misconduct warranted suspension of Lane's license and, if so, the appropriate length of suspension.
4. Whether the Board proved the separate alleged ethical violations arising from Lane's representation of clients in two bankruptcy matters.

HOLDINGS

1. Knowingly submitting another person's work as one's own in a court filing constitutes misrepresentation and violates Iowa Disciplinary Rule 1-102(A)(4), as well as the related provisions of DR 1-102(A)(1), (3), (5), and (6).
2. A lawyer who knowingly submits a fee application misrepresenting the amount of time spent working on a case violates DR 2-106(A)'s prohibition against charging or collecting an illegal or clearly excessive fee.
3. The Board failed to prove by a convincing preponderance of the evidence that Lane violated ethical rules in representing clients in the two bankruptcy matters.
4. A six-month suspension of Lane's license was warranted for knowingly plagiarizing a brief, attempting to deceive the court, and seeking a clearly excessive fee, particularly in light of the need for deterrence, protection of the public, preservation of the profession's reputation, and Lane's prior discipline.

KEY QUOTATIONS

"Lane plagiarized from a treatise and submitted his plagiarized work to the court as his own." (299)

"We find the record shows Lane knowingly plagiarized and intended to deceive the court." (300)

"A lawyer who knowingly submits a fee application to the court and thereby attempts to misrepresent the amount of time he or she spent working on a case has committed serious ethical violations." (301)

"We conclude a six-month license suspension is warranted." (302)

FACTUAL BACKGROUND

Lane represented Daniel Sicard in federal litigation alleging a violation of the Americans with Disabilities Act. Lane submitted an eighteen-page post-trial brief whose legal argument, including text and footnotes, was copied largely verbatim from a treatise without adequate attribution, then sought compensation for eighty hours of work at \$200 per hour. After a magistrate judge ordered Lane to identify his sources, Lane buried the treatise among a list of more than 200 authorities and continued to seek fees for the purported work. Lane also had a prior public reprimand for failing to respond to an inquiry.

PROCEDURAL HISTORY

The Iowa Supreme Court Board of Professional Ethics and Conduct charged Lane with multiple ethical violations arising from his representation of a client in federal disability-discrimination litigation and in two bankruptcy matters. The Grievance Commission found violations relating to Lane's handling of the federal case and recommended a three-month suspension, but found that the Board failed to prove the alleged violations concerning the bankruptcy matters. On de novo review, the Supreme Court agreed with the findings concerning the federal case, rejected the bankruptcy-related charges, and imposed a six-month suspension.

DISPOSITION

other

CASES CITED

- Iowa Supreme Court Board of Professional Ethics & Conduct v. Sherman, 637 N.W.2d 183, 186 (Iowa 2001)
- Johnson v. Board of County Commissioners, 868 F. Supp. 1226, 1231 (D. Colo. 1994), aff'd in part and disapproved in part, 85 F.3d 489 (10th Cir.), cert. denied sub nom. Greer v. Kane, 519 U.S. 1042 (1996)
- Wesley v. Don Stein Buick, Inc., 987 F. Supp. 884, 886 (D. Kan. 1997)
- Duran v. Carris, 238 F.3d 1268, 1273 (10th Cir. 2001)
- In re Ellingson, 230 B.R. 426, 435 (Bankr. D. Mont. 1999)
- Ricotta v. State, 4 F. Supp. 2d 961, 987 (S.D. Cal. 1998)
- Trigon Insurance Co. v. United States, 204 F.R.D. 277, 292 (E.D. Va. 2001)
- In re Zbiegien, 433 N.W.2d 871, 875 (Minn. 1988)
- In re Lamberis, 93 Ill. 2d 222, 228, 443 N.E.2d 549, 552 (1982)
- Alexander v. Irving Trust Co., 132 F. Supp. 364, 367 (S.D.N.Y. 1955)
- Iowa Supreme Court Board of Professional Ethics & Conduct v. Hoffman, 572 N.W.2d 904, 909-10 (Iowa 1997)
- Lynch v. City of Des Moines, 464 N.W.2d 236, 238-40 (Iowa 1990)
- Landals v. George A. Rolfes Co., 454 N.W.2d 891, 897 (Iowa 1990)
- Iowa Supreme Court Board of Professional Ethics & Conduct v. Lemanski, 606 N.W.2d 11, 13-14 (Iowa 2000)
- Iowa Supreme Court Board of Professional Ethics & Conduct v. Ruth, 636 N.W.2d 86, 89 (Iowa 2001)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/iowa-supreme-court-of-iowa/2002/iowa-supreme-court-board-of-professional-ethics-and-conduct-fi5a0va8>