

SUPREME COURT OF IOWA

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

642 N.W.2d 288 (Iowa 2002) · No. No. 01-1430 · Decided February 27, 2002

SUMMARY

The Iowa Supreme Court reviewed attorney disciplinary findings that Lance Grotewold neglected client matters, misrepresented the status of an estate to the district court, and failed to respond timely to disciplinary inquiries. Although the court recognized Grotewold's major depression and successful treatment as mitigating circumstances, it imposed a sixty-day suspension rather than the Commission's recommended public reprimand.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Cady
JURISDICTION	Iowa
DECIDED	February 27, 2002
DOCKET	No. 01-1430
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding before the Iowa Supreme Court on the report of a division of the Iowa Supreme Court Grievance Commission.
STANDARD OF REVIEW	Attorney disciplinary proceedings are reviewed de novo. The court is not bound by the Commission's findings or recommended discipline, although it gives them weight and respectful consideration. The Board bears the burden of proving disciplinary violations by a convincing preponderance of the evidence.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Iowa; precedential attorney-discipline decision.
PARTIES	Iowa Supreme Court Board of Professional Ethics and Conduct v. Lance Grotewold

TOPICS

probate procedure

estate administration

guardian ad litem

default

civil procedure

PRACTICE AREAS

legal ethics and professional responsibility

probate

attorney discipline

civil procedure

QUESTIONS PRESENTED

1. Whether Grotewold violated the Iowa Code of Professional Responsibility by neglecting the estate and small-claims matters.
2. Whether Grotewold violated the Code by making misrepresentations to the district court concerning the estate's tax filings and status.
3. Whether Grotewold violated the Code by failing to respond to the Board's disciplinary inquiries.
4. What discipline was appropriate in light of the violations, his depression, treatment, and other mitigating circumstances.

HOLDINGS

1. Grotewold violated the Iowa Code of Professional Responsibility by repeatedly failing to perform required functions, meet deadlines, and close the estate within a reasonable period.
2. Grotewold violated the Code by failing to file a timely answer for the Fowlers and failing to move to set aside the resulting default judgment after assuming responsibility to represent them.
3. Grotewold violated DR 1-102(A)(4) and (5) by making false statements about the status of the estate's tax filings and related documentation.
4. Grotewold violated DR 1-102(A)(5) and (6) by failing to timely respond to the Board's complaints and follow-up notices.
5. A sixty-day suspension of Grotewold's license was warranted; depression was mitigating but did not excuse the misconduct or justify limiting discipline to a public reprimand.

KEY QUOTATIONS

"Our law contemplates that an estate proceeding should be closed within three years following notice to creditors." (642 N.W.2d at 293)

"Our system of justice requires "absolute reliability and an impeccable reputation for honesty" by its officers." (642 N.W.2d at 294)

"While depression does not minimize the seriousness of unethical conduct, it can impact our approach to discipline." (642 N.W.2d at 295)

FACTUAL BACKGROUND

Grotewold represented the administrator of an estate that remained open for nearly nine years, during which he failed to publish notice to creditors, delayed payment of a claim, omitted an accounting from the final report, delayed filing the inheritance tax return, and made inaccurate statements to the district court about the status of

the estate. In a separate small-claims matter, he failed to timely answer for prospective clients, allowed a default judgment to be entered, and did not move to set it aside. He also failed to respond to the Board's disciplinary inquiries, while evidence showed that he had suffered from major depression, later obtained treatment, and was considered fit to practice law.

PROCEDURAL HISTORY

The Grievance Commission found that Grotewold neglected client matters, misrepresented the status of an estate to the district court, and failed to respond to the Board's inquiries. It recommended a public reprimand. The Supreme Court independently reviewed the matter de novo, agreed that the violations occurred, and imposed a sixty-day suspension instead.

DISPOSITION

other

CASES CITED

- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Mulford, 625 N.W.2d 672, 679 (Iowa 2001)
- Hyler v. Garner, 548 N.W.2d 864, 871 (Iowa 1996)
- Comm. on Prof'l Ethics & Conduct v. Bitter, 279 N.W.2d 521, 526 (Iowa 1979)
- Comm. on Prof'l Ethics & Conduct v. Ramey, 512 N.W.2d 569, 571 (Iowa 1994)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Hohenadel, 634 N.W.2d 652, 655-657 (Iowa 2001)
- In re Inquiry Concerning McCormick, 639 N.W.2d 12, 17 (Iowa 2002)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Stein, 603 N.W.2d 574, 576 (Iowa 1999)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Erbes, 604 N.W.2d 656, 658-659 (Iowa 2000)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Adams, 623 N.W.2d 815, 817-818 (Iowa 2001)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Thompson, 595 N.W.2d 132, 134 (Iowa 1999)
- Comm. on Prof'l Ethics & Conduct v. Sytsma, 405 N.W.2d 844, 845 (Iowa 1987)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Rylaarsdam, 636 N.W.2d 90, 92-93 (Iowa 2001)
- Comm. on Prof'l Ethics & Conduct v. O'Callaghan, 436 N.W.2d 51, 51 (Iowa 1989)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Stowers, 626 N.W.2d 130, 134 (Iowa 2001)