

SUPREME COURT OF IOWA

Iowa Supreme Court Attorney Disciplinary Board v. Bjorklund

725 N.W.2d 1 (Iowa 2006) · No. No. 06-0082 · Decided December 8, 2006

SUMMARY

The Iowa Supreme Court reviewed extensive attorney misconduct by Dennis Bjorklund, including false testimony, misleading advertising, failure to account for and refund client funds, neglect of client matters, misrepresentations, and evasion of service. Applying de novo review and considering Bjorklund’s prior disciplinary history and pervasive misconduct, the court concluded that he lacked the character required to practice law. The court revoked his license to practice law in Iowa.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Ternus, Chief Justice; all participating justices
JURISDICTION	Iowa
DECIDED	December 8, 2006
DOCKET	No. 06-0082
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding in which the Iowa Supreme Court reviewed de novo the Iowa Supreme Court Grievance Commission's findings that Bjorklund committed numerous ethical violations and its recommendation that his license be revoked.
STANDARD OF REVIEW	De novo review of the Grievance Commission's findings.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Iowa
PARTIES	Iowa Supreme Court Attorney Disciplinary Board v. Dennis Bjorklund

TOPICS

- appellate procedure
- standard of review
- administrative law

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility
- legal malpractice and client funds

QUESTIONS PRESENTED

1. Whether the evidence established the charged violations of Iowa's professional-responsibility rules and related statutes.
2. Whether Bjorklund's failure to answer the complaint and respond to requests for admissions permitted the allegations to be deemed admitted.
3. What sanction was appropriate for Bjorklund's numerous, serious, and pervasive ethical violations.

HOLDINGS

1. The Supreme Court reviews the findings of the Grievance Commission de novo.
2. When a lawyer fails to answer the disciplinary complaint or respond to requests for admissions, the allegations in the complaint and the requests for admissions are deemed admitted.
3. Bjorklund committed the charged ethical violations, including dishonesty and misrepresentation, improper advertising and solicitation, failure to account for and return client funds and files, neglect of client matters, and conduct prejudicial to the administration of justice.
4. Revocation of Bjorklund's license to practice law was warranted.

KEY QUOTATIONS

*"A lawyer who employs dishonesty as a routine component of his normal operating procedure clearly lacks the character required of members of the bar." (*13)*

FACTUAL BACKGROUND

Bjorklund had prior disciplinary sanctions and was charged with numerous instances of misconduct involving false testimony and documents, misleading advertising, unsolicited solicitations, misrepresentations to disciplinary authorities, neglect of client matters, failure to account for or refund client funds, failure to return client files, and evasion of service. He failed to answer the disciplinary complaint and did not respond to requests for admissions, resulting in the allegations being deemed admitted. The evidence also showed repeated dishonesty, noncooperation with disciplinary investigations, and serious mishandling of multiple clients' matters and funds.

PROCEDURAL HISTORY

The Iowa Supreme Court Disciplinary Board filed a complaint alleging eight instances of professional misconduct. Bjorklund failed to answer the complaint or respond to requests for admissions, so the Grievance Commission deemed the allegations admitted and, after receiving additional evidence, found the violations proved by a convincing preponderance of the evidence. The commission recommended revocation by a divided vote, and the Supreme Court independently reviewed the record and revoked Bjorklund's license.

DISPOSITION

other

CASES CITED

- Iowa Supreme Ct. Attorney Disciplinary Bd. v. McGrath, 713 N.W.2d 682, 695 (Iowa 2006)
- Iowa Supreme Ct. Attorney Disciplinary Bd. v. Moonen, 706 N.W.2d 391, 396 (Iowa 2005)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Bjorklund, 617 N.W.2d 4, 9-10 (Iowa 2000)
- Comm. on Prof'l Ethics & Conduct v. Wenger, 469 N.W.2d 678, 679 (Iowa 1991)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Aplan, 577 N.W.2d 50, 55-56, 59 (Iowa 1998)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Sullins, 556 N.W.2d 456, 457 (Iowa 1996)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Beckman, 674 N.W.2d 129, 138-139 (Iowa 2004)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Kallsen, 670 N.W.2d 161, 164 (Iowa 2003)
- Comm. on Prof'l Ethics & Conduct v. Hall, 463 N.W.2d 30, 36 (Iowa 1990)
- Comm. on Prof'l Ethics & Conduct v. Crary, 245 N.W.2d 298, 307 (Iowa 1976)

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