

SUPREME COURT OF IOWA

Donald Clark v. State of Iowa

Clark v. State · No. 19-1558 · Decided February 26, 2021

SUMMARY

The Iowa Supreme Court considered whether a criminal defendant could use a successful ineffective-assistance-of-counsel ruling to conclusively establish breach of duty in a subsequent legal malpractice action against the State. The court held that issue preclusion did not apply because the State acted in materially different capacities in the postconviction and malpractice proceedings and did not represent the public defender's interests in the earlier proceeding. The court reversed the district court's partial summary judgment and remanded the case.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Oxley, Justice; Oxley, J.; All justices joined
JURISDICTION	Iowa
DECIDED	February 26, 2021
DOCKET	19-1558
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State brought an interlocutory appeal from the Iowa District Court for Johnson County's grant of Clark's motion for partial summary judgment in a legal malpractice action. The district court held that the breach-of-duty element was conclusively established by Clark's prior successful ineffective-assistance-of-counsel ruling through offensive issue preclusion.
STANDARD OF REVIEW	The grant of partial summary judgment and the legal conclusions concerning the elements and mutuality or privity requirements of issue preclusion were reviewed for errors at law.
PRECEDENTIAL VALUE	published
PARTIES	State of Iowa v. Donald Clark

TOPICS

summary judgment

civil procedure

professional negligence

post-conviction relief

appellate procedure

PRACTICE AREAS

Civil procedure

Legal malpractice

Postconviction relief

Appellate procedure

QUESTIONS PRESENTED

1. Whether a criminal defendant who obtains postconviction relief based on ineffective assistance of counsel may use the prior ineffective-assistance findings offensively to establish the breach element of a subsequent legal malpractice action.
2. Whether the State, as the employer of the public defender and defendant in the malpractice action, was the same party or in privity with a party in the prior postconviction proceeding, such that issue preclusion applied.
3. Whether the ineffective-assistance determination necessarily established breach of the professional duty applicable to the malpractice claim.

HOLDINGS

1. A criminal defendant may not use a successful ineffective-assistance-of-counsel determination offensively to preclusively establish that the former defense attorney breached professional duties in a subsequent legal malpractice action.
2. The State, acting as prosecutor in the postconviction proceeding, was not the same party or in privity with the State acting as the public defender's employer in the malpractice action.
3. Obtaining postconviction relief is a prerequisite to Clark's criminal legal malpractice claim, but it does not substitute for proving the elements of negligence or establish breach as a matter of law.

KEY QUOTATIONS

“There is simply no principled basis for treating malpractice claims differently based on the identity of defense counsel’s employer.” (at 20)

“We conclude the State as defendant in this malpractice action was not the same party, or in privity with a party, in the PCR action.” (at 20)

“We merely hold that he cannot rely on the ineffective-assistance findings as a matter of law to avoid even presenting that evidence.” (at 20)

FACTUAL BACKGROUND

Donald Clark was convicted of second-degree sexual abuse after a trial involving an alleged incident with a student at Clark's school. Clark later obtained postconviction relief based on ineffective assistance of his court-appointed public defender, as well as newly discovered evidence; the State did not appeal and the charges were dismissed. Clark subsequently brought a legal malpractice action against the State, his former public defender's employer, seeking to use the ineffective-assistance findings to establish breach of duty as a matter of law.

PROCEDURAL HISTORY

Clark obtained postconviction relief and a new trial after the district court found ineffective assistance of counsel and newly discovered evidence. The State did not appeal and declined to retry him, and the charges were dismissed. Clark then sued the State for legal malpractice and moved for partial summary judgment, arguing that the prior ineffective-assistance ruling established breach as a matter of law. The district court initially denied the motion but granted reconsideration and entered partial summary judgment for Clark. The Supreme Court of Iowa retained the State's interlocutory appeal, reversed, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings. Clark may rely on the evidence used successfully in the postconviction proceeding, but he may not rely on the ineffective-assistance findings as a matter of law to avoid presenting that evidence in the malpractice action.

CASES CITED

- State v. Clark, 814 N.W.2d 551, 554, 560, 567 (Iowa 2012)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Employees Mutual Casualty Co. v. Van Haaften, 815 N.W.2d 17, 22 (Iowa 2012)
- Fischer v. City of Sioux City, 654 N.W.2d 544, 550 (Iowa 2002)
- Grant v. Iowa Department of Human Services, 722 N.W.2d 169, 173, 178 (Iowa 2006)
- Stender v. Blessum, 897 N.W.2d 491, 501 (Iowa 2017)
- Comes v. Microsoft Corp., 709 N.W.2d 114, 117 (Iowa 2006)
- Kraklio v. Simmons, 909 N.W.2d 427, 434, 439 (Iowa 2018)
- Huber v. Watson, 568 N.W.2d 787, 790 (Iowa 1997)
- Barker v. Capotosto, 875 N.W.2d 157, 161 n.2, 165-68 (Iowa 2016)
- Trobaugh v. Sondag, 668 N.W.2d 577, 583 (Iowa 2003)
- Winnebago Industries, Inc. v. Haverly, 727 N.W.2d 567, 571-72 (Iowa 2006)
- Hunter v. City of Des Moines, 300 N.W.2d 121, 123-26 (Iowa 1981)
- Goolsby v. Derby, 189 N.W.2d 909, 913 (Iowa 1971)
- Dettmann v. Kruckenberg, 613 N.W.2d 238, 244 (Iowa 2000) (en banc)
- Casey v. Koos, 323 N.W.2d 193, 197 (Iowa 1982)
- Harris v. Jones, 471 N.W.2d 818, 820 (Iowa 1991)
- Soultz Farms, Inc. v. Schafer, 797 N.W.2d 92, 104 (Iowa 2011)
- Winger v. CM Holdings, L.L.C., 881 N.W.2d 433, 451 (Iowa 2016)
- Gardner v. Hartford Insurance Accident & Indemnity Co., 659 N.W.2d 198, 203 (Iowa 2003)
- Hall v. Barrett, 412 N.W.2d 648, 650-51 (Iowa Ct. App. 1987)
- Stewart v. Elliott, 239 P.3d 1236, 1239-42 (Alaska 2010)

- Noske v. Friedberg, 670 N.W.2d 740, 746 (Minn. 2003) (en banc)
- Stevens v. Horton, 984 P.2d 868, 872-73 (Or. Ct. App. 1999)
- Turpin v. County of Rock, 262 F.3d 779, 782-83 (8th Cir. 2001)
- Duncan v. Clements, 744 F.2d 48, 51-52 (8th Cir. 1984)
- State v. Doherty, 167 P.3d 64, 72 (Alaska 2007)
- Clay v. State, 824 N.W.2d 488, 504 (Iowa 2012) (Mansfield, J., concurring)
- Rhoades v. State, 848 N.W.2d 22 (Iowa 2014)
- State v. Ross, 845 N.W.2d 692 (Iowa 2014)
- Bailey v. Tucker, 621 A.2d 108, 114-15 & n.14 (Pa. 1993)
- Hicks v. Nunnery, 643 N.W.2d 809, 830-31 (Wis. Ct. App. 2002)
- State v. Bynum, 937 N.W.2d 319, 324 (Iowa 2020)
- 33 Carpenters Construction, Inc. v. State Farm Life & Casualty Co., 939 N.W.2d 69, 76 (Iowa 2020)
- Parklane Hosiery Co. v. Shore, 439 U.S. 322, 327, 329 (1979)
- Shaw v. State, 816 P.2d 1358, 1361 (Alaska 1991)
- Sanders v. Malik, 711 A.2d 32, 34 (Del. 1998)
- Belford v. McHale Cook & Welch, 648 N.E.2d 1241, 1246 (Ind. Ct. App. 1995)
- Brewer v. Hagemann, 771 A.2d 1030, 1033 (Me. 2001)
- Gibson v. Trant, 58 S.W.3d 103, 115 (Tenn. 2001)
- Rantz v. Kaufman, 109 P.3d 132, 140, 142 (Colo. 2005) (en banc)