

SUPREME COURT OF IOWA

Iowa Supreme Court Attorney Disciplinary Board v. Ronald F. Walker

Iowa Supreme Court Attorney Disciplinary Board v. Walker · No. 31 / 05-1989 · Decided April 14, 2006

SUMMARY

The Iowa Supreme Court reviewed a Grievance Commission report concerning Ronald F. Walker’s neglect of three estate matters and another client matter, misrepresentations, and failure to respond to disciplinary inquiries. The court found violations of multiple Iowa disciplinary rules and suspended Walker’s license indefinitely, with no possibility of reinstatement for six months, subject to specified reinstatement conditions. Costs were taxed against Walker.

CASE DETAILS

COURT	Supreme Court of Iowa
JURISDICTION	Iowa
DECIDED	April 14, 2006
DOCKET	31 / 05-1989
DISPOSITION	other
PROCEDURAL POSTURE	On review of the report of the Iowa Supreme Court Grievance Commission in an attorney-discipline proceeding.
STANDARD OF REVIEW	The record made before the Grievance Commission is reviewed de novo. The Board must prove ethical violations by a convincing preponderance of the evidence; the Commission's factual findings and discipline recommendations are considered but are not binding.
PRECEDENTIAL VALUE	Published opinion; precedential Iowa Supreme Court decision
PARTIES	Iowa Supreme Court Attorney Disciplinary Board v. Ronald F. Walker

TOPICS

- estate administration
- probate
- appellate procedure
- remedies

PRACTICE AREAS

- attorney discipline
- legal ethics
- probate and estate administration

QUESTIONS PRESENTED

1. Whether the stipulated facts established violations of Iowa's professional-conduct rules.
2. What discipline was appropriate for Walker's repeated neglect, misrepresentations, failure to carry out client matters, and failure to respond to the Attorney Disciplinary Board.
3. What conditions should govern any reinstatement of Walker's law license.

HOLDINGS

1. Walker violated DR 1-102(A)(1), DR 1-102(A)(4), DR 1-102(A)(5), DR 1-102(A)(6), DR 6-101(A)(3), DR 7-101(A)(1), DR 7-101(A)(2), and DR 7-101(A)(3) through neglect of estate and client matters, misrepresentations to the court and a client, and failure to carry out client objectives and respond to the Board.
2. Walker's license to practice law must be suspended indefinitely, with no possibility of reinstatement for six months, because his repeated neglect was compounded by misrepresentations, failure to respond to the Board, and harm to clients.
3. Before reinstatement, Walker must establish that he did not practice law during the suspension and complied with Iowa Court Rule 35.13, provide a licensed-health-care-professional evaluation verifying his fitness to practice law after prior approval of the evaluator and evaluation by the Board, and comply with Iowa Court Rule 35.21.

KEY QUOTATIONS

"The record made before the Commission is reviewed de novo." (at 2)

"When deciding on an appropriate sanction for an attorney's misconduct, we consider 'the nature of the violations, protection of the public, deterrence of similar misconduct by others, the lawyer's fitness to practice, and [the court's] duty to uphold the integrity of the profession in the eyes of the public.'" (at 5)

"In light of the above facts and circumstances surrounding Walker's conduct, we suspend Walker's license to practice law in this state indefinitely with no possibility of reinstatement for six months." (at 7)

FACTUAL BACKGROUND

Walker neglected three separate estate matters, resulting in repeated delinquency notices and inaccurate representations in final reports that statutory state and federal tax requirements had been satisfied. One estate incurred penalties and interest, for which Walker made restitution, and the district court eventually removed him as attorney for each estate. In a separate client matter, Walker failed to record a contract and deed or update the abstract and repeatedly misrepresented the status of those tasks. Walker also failed twice to respond to the Board's disciplinary inquiries.

PROCEDURAL HISTORY

The Attorney Disciplinary Board charged Walker with multiple violations of Iowa's professional-conduct rules. The parties stipulated to the facts, violations, and a proposed four-month suspension, and the Grievance Commission recommended an indefinite suspension with no reinstatement for four months. The Supreme Court

of Iowa reviewed the record de novo, found the violations established, and imposed a six-month suspension with conditions for reinstatement.

DISPOSITION

other

CASES CITED

- Iowa Supreme Ct. Attorney Disciplinary Bd. v. Moonen, 706 N.W.2d 391 (Iowa 2005)
- 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. Moorman, 683 N.W.2d 549 (Iowa 2004)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Pracht, 656 N.W.2d 123 (Iowa 2003)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Bernard, 653 N.W.2d 373 (Iowa 2002)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Rylaarsdam, 636 N.W.2d 90 (Iowa 2001)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Hohenadel, 634 N.W.2d 652 (Iowa 2001)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Sullins, 613 N.W.2d 656 (Iowa 2000)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Stein, 586 N.W.2d 523 (Iowa 1998)
- Comm. on Prof'l Ethics & Conduct v. Horn, 379 N.W.2d 6 (Iowa 1985)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Rauch, 650 N.W.2d 574 (Iowa 2002)
- Comm. on Prof'l Ethics & Conduct v. Nadler, 467 N.W.2d 250 (Iowa 1991)

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