

SUPREME COURT OF IOWA

Iowa Supreme Court Attorney Disciplinary Board v. Abraham K. Watkins

Watkins · No. No. 19-1438 · Decided June 19, 2020

SUMMARY

The Iowa Supreme Court reviewed attorney disciplinary proceedings arising from Abraham K. Watkins’s sexual harassment of female employees while practicing law and serving as the Van Buren County Attorney. The court held that Watkins violated Iowa Rule of Professional Conduct 32:8.4(g) and imposed an indefinite suspension of his law license, with no possibility of reinstatement for six months from the filing of the opinion.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Christensen, Chief Justice
JURISDICTION	Iowa
DECIDED	June 19, 2020
DOCKET	No. 19-1438
DISPOSITION	other
PROCEDURAL POSTURE	Watkins appealed the Iowa Supreme Court Grievance Commission's recommendation of a thirty-day license suspension in an attorney disciplinary proceeding. He requested a public reprimand, while the Iowa Supreme Court Attorney Disciplinary Board sought a six-month suspension.
STANDARD OF REVIEW	De novo review. The Board must prove alleged misconduct by a convincing preponderance of the evidence. The court is bound by stipulated facts but not by a stipulation to an ethical violation or by the commission's recommended sanction.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Abraham K. Watkins v. Iowa Supreme Court Attorney Disciplinary Board

TOPICS

sexual harassment

employment law

appellate procedure

standard of review

PRACTICE AREAS

attorney discipline

professional responsibility

employment law

sexual harassment

appellate procedure

QUESTIONS PRESENTED

1. Whether Watkins violated Iowa Rule of Professional Conduct 32:8.4(g) by engaging in sexual harassment in the practice of law.
2. What sanction was appropriate for Watkins's misconduct.

HOLDINGS

1. Watkins violated Iowa Rule of Professional Conduct 32:8.4(g), which prohibits an attorney from engaging in sexual harassment or other unlawful discrimination in the practice of law.
2. Watkins's license to practice law was suspended for an indefinite period, with no possibility of reinstatement for six months from the filing of the opinion.

KEY QUOTATIONS

“We define “sexual harassment” broadly, and it “encompasses ‘any physical or verbal act of a sexual nature that has no legitimate place in a legal setting.’ ” (at 8)

“To be clear, there is no “preferred” form of sexual harassment.” (at 15)

“Sexual harassment in all forms is unacceptable and unethical.” (at 21)

“The proper sanction in this case is the suspension of Watkins’s license to practice law for an indefinite period with no possibility of reinstatement for six months from the filing of this opinion.” (at 21-22)

FACTUAL BACKGROUND

Watkins, an Iowa attorney and elected Van Buren County Attorney, operated his county-attorney and private-law practices from his home. Over approximately two years, he subjected a young legal assistant and another female assistant to repeated sexually explicit comments, degrading gender-based remarks, exposure while wearing only boxer briefs, and sexually explicit images and videos. The legal assistant resigned and reported approximately fifty-five complaints, including the harassment. Watkins stipulated to the relevant facts and to violating the professional-conduct rule.

PROCEDURAL HISTORY

After Watkins's employees reported repeated sexually harassing conduct, a county board petitioned to remove him as Van Buren County Attorney. The district court ordered his removal, but the Iowa Supreme Court reversed because the statutory burden for removing an elected official was not met. The Disciplinary Board then charged Watkins with violating Iowa Rule of Professional Conduct 32:8.4(g). The parties stipulated to the facts and rule violation, and the Grievance Commission recommended a thirty-day suspension. On de novo review, the

Supreme Court found the violation and imposed an indefinite suspension with no possibility of reinstatement for six months.

DISPOSITION

other

CASES CITED

- State v. Watkins, 914 N.W.2d 827, 847-48 (Iowa 2018)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Stansberry, 922 N.W.2d 591, 593, 597-600 (Iowa 2019)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Nine, 920 N.W.2d 825, 828 (Iowa 2018)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Johnson, 884 N.W.2d 772, 777 (Iowa 2016)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Moothart, 860 N.W.2d 598, 602-04 (Iowa 2015)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Powell, 726 N.W.2d 397, 408 (Iowa 2007)
- Disciplinary Counsel v. Skolnick, 104 N.E.3d 775, 776, 778 (Ohio 2018)
- People v. Lowery, 894 P.2d 758, 758, 760-61 (Colo. 1995) (en banc) (per curiam)
- In re Henderson, 343 P.3d 518, 520-22, 524, 529 (Kan. 2015) (per curiam)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Lynch, 901 N.W.2d 501, 511 n.5 (Iowa 2017)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Clarity, 838 N.W.2d 648, 661 (Iowa 2013)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Sears, 933 N.W.2d 214, 225 (Iowa 2019)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Howe, 706 N.W.2d 360, 378 (Iowa 2005)
- Comm. on Prof'l Ethics & Conduct v. Vesole, 400 N.W.2d 591, 593 (Iowa 1987)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Templeton, 784 N.W.2d 761, 769 (Iowa 2010)
- Meritor Sav. Bank v. Vinson, 477 U.S. 57, 67-68, 106 S. Ct. 2399, 2406 (1986)
- State v. Watkins, 914 N.W.2d 827, 836 (Iowa 2018)
- Comm. on Prof'l Ethics & Conduct v. Tompkins, 415 N.W.2d 620, 623 (Iowa 1987)