

SUPREME COURT OF IOWA

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

Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Daggett, 653 N.W.2d 377 (Iowa 2002) · No. No. 02-0951 ·
Decided November 14, 2002

SUMMARY

The Iowa Supreme Court reviewed attorney disciplinary proceedings against Douglas D. Daggett for neglecting a client's appeal, misrepresenting the status of an application to the court, and failing to respond to court and disciplinary inquiries. The court found violations of multiple Iowa disciplinary rules and suspended Daggett's license to practice law for sixty days, subject to payment of assessed costs.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice
JURISDICTION	Iowa
DECIDED	November 14, 2002
DOCKET	No. 02-0951
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding initiated by the Iowa Supreme Court Board of Professional Ethics and Conduct and reviewed by the Supreme Court of Iowa following the Grievance Commission's recommendation of a sixty-day license suspension.
STANDARD OF REVIEW	Attorney disciplinary proceedings are reviewed de novo. The court gives respectful consideration to the Grievance Commission's findings and recommendations but is not bound by them. The Board must prove misconduct by a convincing preponderance of the evidence.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Iowa; precedential authority.
PARTIES	Iowa Supreme Court Board of Professional Ethics and Conduct v. Douglas D. Daggett

TOPICS

sanctions

appellate procedure

standard of review

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Daggett committed professional misconduct by neglecting his client's legal matters and failing to comply with appellate deadlines.
2. Whether Daggett committed professional misconduct by knowingly misrepresenting to a court that an application for reinstatement had been filed.
3. Whether Daggett committed professional misconduct by failing to comply with a court order and failing to respond to the Board's disciplinary inquiries.
4. What sanction was appropriate in light of the violations, aggravating circumstances, and mitigating circumstances.

HOLDINGS

1. Daggett violated DR 1-102(A)(5) and (6), DR 6-101(A)(3), and DR 7-101(A) by failing to file the certiorari petition, failing to respond to the clerk's default notice, and failing to pursue reinstatement of the appeal.
2. Daggett violated DR 1-102(A)(4) by falsely representing that he had filed an application to reinstate the certiorari proceedings when he had only prepared it.
3. Daggett violated DR 1-102(A)(5) and (6) and DR 7-106(A) by failing to comply with the district court's clear order to file a written response and by failing to respond to the Board's inquiries.
4. Daggett's license to practice law was suspended for sixty days, with reinstatement permitted after the suspension period subject to payment of costs and the exceptions governing automatic reinstatement.

KEY QUOTATIONS

“Fundamental honesty is the base line and mandatory requirement to serve in the legal profession.” (653 N.W.2d at 380)

“We suspend his license with no possibility of reinstatement for a period of sixty days from the date of the filing of this opinion.” (653 N.W.2d at 382)

FACTUAL BACKGROUND

Daggett was appointed to handle Raymond Birden's appeal but failed to file a petition for writ of certiorari by the extended deadline and did not correct the default after notice from the supreme court clerk, resulting in dismissal of the appeal. During a later district-court hearing, Daggett falsely represented that he had filed an application to reinstate the certiorari proceedings, although he had only prepared the application. He also failed

to respond to a district-court order requiring a written response and repeatedly failed to respond to the Board's disciplinary inquiries. His neglect contributed to dismissal of Birden's appeal, revocation of the appeal bond, and Birden's return to custody.

PROCEDURAL HISTORY

The Board filed a disciplinary complaint alleging that Daggett neglected a client's legal matters, misrepresented the status of a filing to a court, and failed to respond to court and Board inquiries. The Grievance Commission found multiple ethical violations and recommended a sixty-day suspension. The Supreme Court of Iowa conducted the required de novo review, agreed with the Commission's findings and recommendation, and suspended Daggett's license for sixty days.

DISPOSITION

other

CASES CITED

- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Rauch, 650 N.W.2d 574, 576 (Iowa 2002)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Grotewold, 642 N.W.2d 288, 293 (Iowa 2002)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Hohenadel, 634 N.W.2d 652, 653-56 (Iowa 2001)
- Comm. on Prof'l Ethics & Conduct v. Thomas, 495 N.W.2d 684, 686 (Iowa 1993)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Adams, 623 N.W.2d 815, 818-19 (Iowa 2001)
- 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. Alexander, 574 N.W.2d 322, 326-27 (Iowa 1998)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Lesyshen, 585 N.W.2d 281, 288 (Iowa 1998)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Freeman, 603 N.W.2d 600, 603 (Iowa 1999)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Sherman, 637 N.W.2d 183, 187 (Iowa 2001)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Jay, 606 N.W.2d 1, 4 (Iowa 2000)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Sullins, 648 N.W.2d 127, 135-36 (Iowa 2002)
- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Thompson, 595 N.W.2d 132, 134 (Iowa 1999)

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