

SUPREME COURT OF IOWA

Iowa Supreme Court Attorney Disciplinary Board v. Tarek A. Khowassah

890 N.W.2d 647 (Iowa 2017) · No. No. 16–1266 · Decided February 17, 2017

SUMMARY

The Iowa Supreme Court reviewed disciplinary charges against attorney Tarek A. Khowassah arising from public intoxication and operating while intoxicated convictions. The court found that the conduct violated Iowa Rule of Professional Conduct 32:8.4(b), considering it part of a pattern of alcohol-related criminal conduct that adversely reflected on his fitness to practice law. The court indefinitely suspended Khowassah’s license, barring reinstatement for six months and requiring medical documentation of sobriety and fitness to practice.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Cady, Chief Justice
JURISDICTION	Iowa
DECIDED	February 17, 2017
DOCKET	No. 16–1266
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary appeal from the report and recommendation of the Grievance Commission of the Supreme Court of Iowa.
STANDARD OF REVIEW	Attorney disciplinary matters are reviewed de novo. The court is bound by stipulations of fact but not by stipulations to violations or by the commission's findings and recommended sanction. The Board must prove misconduct by a convincing preponderance of the evidence.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Iowa
PARTIES	Tarek A. Khowassah v. Iowa Supreme Court Attorney Disciplinary Board

TOPICS

- appellate procedure
- standard of review

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

administrative and regulatory law

appellate procedure

QUESTIONS PRESENTED

1. Whether Khowassah's public intoxication and OWI, second offense, constituted a violation of Iowa Rule of Professional Conduct 32:8.4(b).
2. Whether the appropriate sanction was a one-year suspension, a thirty-day suspension, or an indefinite suspension with conditions for reinstatement.

HOLDINGS

1. Khowassah's public intoxication and OWI, second offense, were part of a pattern of criminal conduct related to alcohol abuse and reflected adversely on his fitness to practice law, violating Iowa Rule of Professional Conduct 32:8.4(b).
2. The appropriate sanction was an indefinite suspension from the practice of law, with no possibility of reinstatement for six months, subject to proof of compliance with suspension requirements and medical documentation of sobriety and fitness to practice.

KEY QUOTATIONS

"There must be some rational connection other than the criminality of the act between the conduct and the actor's fitness to practice law." (at 4)

"The stipulated facts and record establish a pattern of criminal conduct that reflects adversely on Khowassah's fitness to practice law." (at 5)

"Considering all relevant factors, we conclude Khowassah's conduct in this matter warrants an indefinite suspension from the practice of law with no possibility of reinstatement for a period of six months." (at 8)

FACTUAL BACKGROUND

Khowassah, an Iowa attorney, was involved in two alcohol-related incidents in June 2014. He pleaded guilty to public intoxication after intervening in a police encounter and later pleaded guilty to OWI, second offense, after police found him intoxicated and sleeping in the driver's seat of a running vehicle. He had previously received discipline related to OWI conduct, including a three-month suspension, and committed the new offenses less than four months after reinstatement.

PROCEDURAL HISTORY

The Iowa Supreme Court Attorney Disciplinary Board charged Khowassah with violating Iowa Rule of Professional Conduct 32:8.4(b) based on public intoxication and OWI-related criminal conduct. Khowassah stipulated to the violation, and the Grievance Commission found a violation and recommended a one-year suspension, along with medical documentation requirements for reinstatement. On de novo review, the Iowa

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

DISPOSITION

other

CASES CITED

- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Pederson, 887 N.W.2d 387, 391 (Iowa 2016)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Bartley, 860 N.W.2d 331, 335, 337 (Iowa 2015)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Khowassah, 837 N.W.2d 649, 652, 658 (Iowa 2013)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Said, 869 N.W.2d 185, 190, 193 (Iowa 2015)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Wheeler, 824 N.W.2d 505, 509–510 (Iowa 2012)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Keele, 795 N.W.2d 507, 512 (Iowa 2011)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Templeton, 784 N.W.2d 761, 767–769 (Iowa 2010)
- In re Conduct of White, 815 P.2d 1257, 1265 (Or. 1991) (en banc)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Cannon, 821 N.W.2d 873, 876, 879, 882–883 (Iowa 2012)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Weaver, 812 N.W.2d 4, 11–12, 15–16 (Iowa 2012)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Johnson, 774 N.W.2d 496, 500–501 (Iowa 2009) (per curiam)
- Iowa Supreme Ct. Bd. of Prof’l Ethics & Conduct v. Marcucci, 543 N.W.2d 879, 880–883 (Iowa 1996)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Powell, 830 N.W.2d 355, 358 (Iowa 2013)