SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

1 An Act relating to qualifications to practice law in Iowa
2 and regulation of persons admitted to practice law in a
3 jurisdiction of the United States other than Iowa.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 602.10102, Code 2019, is amended to read as follows:

602.10102 Qualifications for admission.

Every applicant for such admission shall be a person of honesty, integrity, trustworthiness, truthfulness and one who appreciates and will adhere to a code of conduct for lawyers as adopted by the supreme court. The applicant ~~shall be an inhabitant of this state, and~~ shall have actually and in good faith pursued a regular course of study of the law and shall have graduated from some reputable law school. The application form shall not contain a recent photograph of the applicant. An applicant shall not be ineligible for registration because of age, citizenship, sex, race, religion, marital status or national origin although the application form may require citizenship information. The board may consider the past record of guilty pleas and convictions of public offenses of an applicant. Character references may be required; however, such references shall not be restricted to lawyers.

Sec. 2. Section 602.10109, Code 2019, is amended to read as follows:

602.10109 Practitioners from other ~~states~~ United States jurisdictions.

Any person who ~~is a resident of this state, and~~ has been admitted to the bar of any other state in the United States, ~~or~~ the District of Columbia, or a territory of the United States, may, in the discretion of the court, be admitted to practice in this state without examination or proof of a period of study. The person, in the application for admission to practice law in this state, in addition to all other requirements stated in this chapter, shall establish that the person has practiced law for five full years under license in such jurisdiction within the seven years immediately preceding the date of application and still holds a license to practice law. The teaching of law as a full-time instructor in a recognized law school in this state or some other state shall for the purpose of this section

be deemed the practice of law. Any person who has discharged actual legal duties as a member of the armed services of the United States shall be deemed to have practiced law for the purposes of this section if certified to as such by the judge advocate general of the service. The court may charge an investigation fee based upon the cost of conducting the investigation as determined by the court.

Sec. 3. Section 602.10111, Code 2019, is amended to read as follows:

602.10111 ~~Nonresident~~ Non-Iowa attorney — appointment of ~~local~~ Iowa attorney.

Any member of the bar of another state, the District of Columbia, or a territory of the United States actually engaged in any cause or matter pending in any court of this state, may be permitted by such court to appear in and conduct such cause or matter ~~while retaining the attorney's residence in another state~~, without being subject to this article; provided that at the time the attorney enters an appearance the attorney files with the clerk of such court the written appointment of some attorney ~~resident and~~ admitted to practice in the state of Iowa, upon whom service may be had in all matters connected with said action, with the same effect as if personally made on such foreign attorney within this state. In case of failure to make such appointment, such attorney shall not be permitted to practice as provided in this section, and all papers filed by the attorney shall be stricken from the files.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill removes the requirement that an applicant for admission to practice law (be admitted to the bar) in Iowa be a resident of Iowa. The bill, in part, is a response to the United States Supreme Court's decision in Supreme Court of New Hampshire v. Piper, 470 U.S. 274 (1985). That case held that a state residency requirement to be admitted to the bar violated

1 the Privileges and Immunities Clause of the United States
2 Constitution.
3 The bill provides that people who are qualified to be
4 admitted to practice law in Iowa at the discretion of the
5 court include not only persons who have been admitted to the
6 bars of any other state or the District of Columbia but also a
7 territory of the United States.
8 Finally, the bill provides that an out-of-state attorney
9 admitted to the bar of the District of Columbia or a territory
10 of the United States may apply to appear pro hac vice in an Iowa
11 case and removes the requirement that the local attorney be a
12 resident of Iowa; however, it maintains the requirement that
13 the local attorney be admitted to practice law in the state of
14 Iowa.