

Senate File 379 - Introduced

SENATE FILE 379
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1069)

(COMPANION TO HF 322 BY
COMMITTEE ON JUDICIARY)

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:

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

3 **602.10102 Qualifications for admission.**

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

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

21 **602.10109 Practitioners from other ~~states~~ United States**
22 **jurisdictions.**

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

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

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

10 **602.10111 ~~Nonresident~~ Non-Iowa attorney — appointment of**
11 **~~local~~ Iowa attorney.**

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

27

EXPLANATION

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

30 This bill removes the requirement that an applicant for
31 admission to practice law (be admitted to the bar) in Iowa be
32 a resident of Iowa. The bill, in part, is a response to the
33 United States Supreme Court's decision in Supreme Court of New
34 Hampshire v. Piper, 470 U.S. 274 (1985). That case held that a
35 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.