



The Advocate

Official Publication of the Idaho State Bar

Volume 51, No. 3/4

March/April 2008

This issue of *The Advocate* is sponsored by
the Litigation Section



TENANT ADVISOR

COMMERCIAL REAL ESTATE

Current Market Surveys
Objective Counseling
Market Knowledge
Expert Negotiations
Experienced

While most landlords are well represented in a leasing transaction, many tenants are not. Bill Beck, SIOR, of Tenant Realty Advisors represents the interests of commercial **tenants and buyers**. Beck's experience representing over 750 clients enables him to bring a wealth of market knowledge and objective counseling which will help his clients find terms and locations favorable to their needs.

"It was so helpful to have an agent look out for our interests. The only thing I had previously experienced was a real estate agent who looked out for the landlord. I have handled real estate transactions but was unaware of the pitfalls in commercial leases. Your knowledge saved us money."

Carty & Dredge, PA Attorneys at Law



950 West Bannock Street, Suite 620
Boise, Idaho 83702
208-333-7050
www.tenrealad.com



HALL | FARLEY

HALL, FARLEY, OBERRECHT & BLANTON, P.A.

CONGRATULATIONS TO CANDY WAGAHOFF DALE



With great pride the law firm of Hall, Farley, Oberrecht & Blanton, P.A. announces the selection for appointment of **Candy Wagahoff Dale**, shareholder and one of the founders of our firm, as one of the two new United States Magistrate Judges for the District of Idaho.

Candy will leave private practice and take the bench on March 31, 2008. We congratulate Candy for this high honor, knowing she will serve with great dignity, intelligence and fairness. We share this wonderful honor as colleagues and friends of Candy and wish her the best in her service to the people of Idaho and our Federal Judiciary.

We plan to transition Candy's practice to our other shareholders who practice in employment law, **Kevin West** and **Keely Duke**, with support and assistance from our experienced employment law associates, **Karen Sheehan**, **Portia Jenkins** and **Sarah Arnett**, and our new associate, **Megan Mooney**.

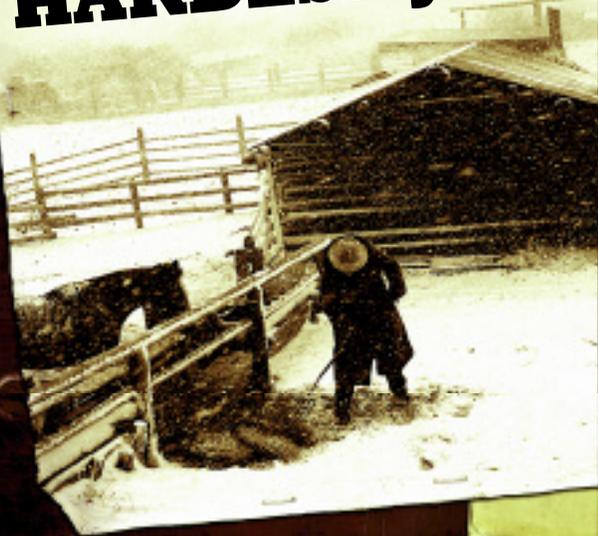
702 West Idaho Street, Suite 700 | Key Financial Center | Boise, ID 83702

P.O. Box 1271 | Boise, ID 83701

Telephone: (208) 395-8500 | Facsimile: (208) 395-8585

www.hallfarley.com

**Remember when
THIS WAS YOUR CLIENT'S
HARDEST JOB?**



Once upon a time, farmers and ranchers didn't need an MBA. But these days their hardest chores have more to do with paperwork than ranch work. Let our agribusiness experts help your client maximize the asset value of his operation with innovative, comprehensive business services, including:

- **Operating/Liquidation Receiverships and Advising**
- Farm & Ranch Management
- Agricultural Real Estate Acquisition and Disposition
- Finance and Accounting
- Risk Management
- FSA & Water Consulting and Management
- Interim Management While Company is Restructuring

Call us today. We're ready to lend a hand anywhere your client needs it. **866.676.3276** | www.ag-management.com



SCYTHE & SPADE CO.

Simplifying Complex Agribusiness Issues

THE ADVOCATE

The Official Publication of the Idaho State Bar
51(3/4), March/April 2008

FEATURE ARTICLES

- 11 Message from the Chair**
Merlyn W. Clark
Welcome from the Litigation Section, the largest section of the Idaho State Bar.
- 12 A Brief Writing Guide for Litigators**
Wyatt B. Johnson
Guidance for improving written advocacy. A synthesis of the substance of observations and concerns shared by local, federal and state judges who agreed to give interviews regarding effective writing for civil trial practice.
- 14 Attorney Fees Under Idaho Code § 12-120 (3) Post *Blimka v. My Web Wholesaler, LLC***
Joshua S. Evett
The Supreme Court's Blimka decision has important implications for the recovery of attorney fees under I.C. § 12-120(3).
- 16 Forewarned is Forearmed: Elimination of the Criminal use Exclusion in the Revised FRE 408**
Larry Westberg
A "red flag" to practitioners negotiating settlements and questions for the parties to consider before entering into negotiations.
- 18 No Ordinary Party Professional Ethics and Errors in Death Penalty Cases**
Kim Wherry Toryanski
The high ethical standards of prosecuting attorneys and how their failures affect the integrity of the criminal justice system.
- 25 Locating Personal Injury Verdicts & Settlements in Idaho**
Linda McLane and Patrick Charles
How and where to locate personal injury verdict and settlement information in both print and electronic formats.
- 35 U. S. Ninth Circuit District Chief U.S. Magistrate Judge Mikel H. Williams to Retire**
Kate Ball and Lisa O'Hara

COLUMNS

- 6** President's Message, *Terrence R. White*
- 10** Executive Director's Report, *Diane K. Minnich*
- 29** State of the Judiciary, *Chief Justice Daniel T. Eismann*
- 37** Federal Court Corner, *Tom Murawski*

NEWS AND NOTICES

- 7** Newsbriefs
- 8** Discipline
- 31** Idaho Supreme Court 4th Amended Spring Terms
- 31** Idaho Supreme Court Fall Terms
- 31** Idaho Supreme Court Oral Arguments
- 31** Idaho Court of Appeals 3rd Amended Spring Terms
- 31** Idaho Court of Appeals Oral Arguments
- 32** March 2008 Amendments to the Idaho Appellate Rules
- 33** Cases Pending
- 38** Idaho Supreme Court Memorial Ceremony
- 40** Of Interest
- 42** IVLP Special Thanks
- 43** Idaho Law Foundation (ILF) Contributions
- 43** 2008 High School Mock Trial Competition
- 45** Directory Updates
- 55** ISB Professional Awards 2008 Nomination Form
- 56** ISB DeskBook 2008-2009 Order Form
- 57** Classifieds
- 59** Continuing Legal Education Information (CLE)
- 59** Coming Events
- 60** 2008 Idaho State Bar Annual Conference

ON THE COVER—

The photograph was taken by Idaho attorney Lane Erickson, Pocatello. He snapped the photo while on a backpacking trip in an area north of Leadore, Idaho. The flowers and the high mountain lake are examples of the pristine and rugged geography in Idaho he loves to explore with a camera.

SECTION SPONSOR

This issue of *The Advocate* is sponsored by the Litigation Section.

Cover Work Wanted

The Advocate seeks front cover original works of art or photography. Photos should be vertical with space at the top left for *The Advocate* logo and the bottom left for the mailing box. The main body should be somewhere in the middle. Please send photos to Bob Strauser at rstrauser@isb.idaho.gov or call (208) 334-4500.

The Advocate

Official Publication of the Idaho State Bar

MANAGING EDITOR

Jeanne S. Barker

EXECUTIVE DIRECTOR

Diane K. Minnich

EDITORIAL

ADVISORY BOARD

Lorna K. Jorgensen, *Chair*

Matthew T. Christensen

Samuel B. Laugheed

Kenneth J. Pedersen

Scott E. Randolph

Pamela J. Tarlow

Mitchell E. Toryanski

Hon. Mikel H. Williams

John N. Zarian

Brian P. Kane

Karin D. Jones

Commissioner Liaison

B. Newal Squyres

BOARD OF

COMMISSIONERS

Terence R. White, *President*

Andrew E. Hawes, *Past-President*

Dwight E. Baker, *Commissioner*

B. Newal Squyres, *Commissioner*

Douglas L. Mushlitz, *Commissioner*

ADVOCATE STAFF

Jeanne S. Barker

Managing Editor

jbarker@isb.idaho.gov

Robert W. Strauser

Advertising Coordinator

Senior Production Editor

rstrauser@isb.idaho.gov

Communications Assistants

Kyme Graziano

kgraziano@isb.idaho.gov

Amber R. B. Kenoyer

akenoyer@isb.idaho.gov

www.idaho.gov/isb

(208) 334-4500



IDAHO STATE BAR

Copyright© 2008 The Idaho State Bar. The editorial contents of this publication are the opinions of the authors and do not necessarily represent or reflect the policies or opinions of the Idaho

State Bar. *The Advocate* has the authority to edit material submitted for publication. Appearance of an advertisement in *The Advocate* does not constitute a recommendation or endorsement by *The Advocate* or the Idaho State Bar of the goods or services offered therein. The Idaho State Bar Editorial Advisory Board reserves the right to reject advertising determined not to be in keeping with the publication's standards.

The Advocate (ISSN 05154987) is published monthly, September through June by the Idaho State Bar, 525 W. Jefferson Street, Boise, Idaho 83702. Subscriptions: Idaho State Bar members receive *The Advocate* as part of their annual dues payment. Nonmember subscriptions are \$45 per year. Periodicals postage paid at Boise, Idaho.

POSTMASTER: Send address changes to:

The Advocate

P.O. Box 895

Boise, Idaho 83701

IDAHO CODE

In 2007, Lexis Nexis, utilized a design review survey, to gather information from Idaho attorneys on ways to improve the way they access the Idaho Code Index (Index), which is the state's official index. Headings are derived from many sources and the Lexis Nexis attorney-indexers create the main headings and cross references. It is often updated and enhanced, but has never been a computer generated index. The Idaho Code is the official source in Idaho for primary law.

THE IDAHO CODE INCLUDES

- 25 volumes plus current cumulative supplement
- The official state statutes, fully annotated
- Idaho Court Rules
- Comprehensive index, replaced annually
- Fully annotated cumulative supplements published annually within 90 days of receipt of all acts from the legislature
- Annotations based on all Idaho cases and federal cases arising in Idaho since statehood and pertinent Attorney General Opinions
- All case citations Shepardized for accuracy

As a result of the survey Lexis Nexis will be implementing the following changes to the Index in 2007 and 2008.

THE 2007 ENHANCEMENTS INCLUDE

1. Main Heading—"Popular names and short titles"—This is a **new** heading and will include phrases like Amber Alert, Lemon Law and Tailgating
2. Common Terms – the **addition** of more common terms such as "antique vehicles" and "cellular telephones"
3. Main Heading—"Fines and other penalties"—This heading will be **enhanced**.
4. Heading—"Computers"—This heading will be **enhanced**.

THE 2008 INDEX WILL INCLUDE

1. Bleed Bars – these are marks on the edges of the pages indicating the letters of the alphabet.

The Index works most efficiently if the attorneys who use it give feedback to those who produce it. If you have any comments about ways to improve the usability of the Index you can contact any of the Lexis-Nexis attorney-indexers through the comment card located in the Idaho Code Index you can email: lng-cho-indexing@lexisnexis.com or call: 1-800-897-7922.

As a public service from the Idaho Legislature, the Idaho Code is available online at www3.state.id.us/idstat/TOC/idstTOC.html



NATIONAL BAR EXAM FOR IDAHO???

Terrence R. White



Should the Idaho Supreme Court and the Idaho State Bar join with the National Conference of Bar Examiners in moving toward a national bar exam? This was basically the question posed at a conference sponsored (as in paid for—including travel and lodging) by the National Conference of Bar Examiners. Personally, I have never been in a meeting room with so many Supreme Court Justices from various states gathered to provide input on this issue.

The first question is, where are we now? Currently, Idaho basically administers a national bar exam that is then supplemented by one-half day of locally prepared questions. Do we really need to continue to spend the money, time, and effort of countless volunteers in writing and grading the Idaho portion of the exam? Statistically they tell us it has no import on the ultimate pass/fail rate of the bar exam. Currently, Idaho additionally requires, as do virtually all other states (except our friends in Washington) passage of the Multistate Professional Responsibility Exam (MPRE). This is administered and graded several times a year and not in conjunction with the bar exam itself. In addition, Idaho administers the Multistate Bar Examination (MBE), the Multistate Performance Test (MPT), and the Multistate Essay Examination (MEE). These take two days and the additional day is a one-half day devoted to Idaho-produced, Idaho law essay exams. It is important to note the Idaho questions are not limited to Idaho law.

What we learned from the National Conference of Bar Examiners is that we are, basically, administering and giving a national bar exam, as they contemplate it, by giving all three components of the

Multistate exams. It seems to be working and working well for us.

The question we need to face is whether we need to continue with the Idaho portion of the exam. Arguments can be made on both sides. Basically times and the practice have changed. We now have reciprocity, so getting admitted from outside the state is now different from the past. Shortening the exam by one-half day would be a great help to staff in overseeing and administering, as well as wear and tear on the applicants. On the other side, good arguments can be advanced that we should require all entering lawyers to be familiar with community property and water law, to name a few of the traditional areas of testing, to practice law in the state. The state Bar is constantly receiving requests to expand the testing areas to, for example, Indian Law, and requests from others to reduce the testing areas covered. Fewer areas means fewer “bar exam courses” and greater flexibility in allowing law schools to offer more specialized courses.

For those of us not familiar with the “new” face of the Idaho Bar exam, let’s take a quick look at the current process. The MEE consists of nine, 30-minute exam questions. The Bar Exam preparation committee selects six of those for use in the Idaho exam. The primary distinction between the MEE and the MBE is the MEE requires the applicant to demonstrate an ability to communicate effectively in writing. The MBE consists of 200 multiple choice questions—190 of these questions are actually scored and ten (10) are inserted for evaluation in future exams. The MPT is designed to test an applicant’s ability to use fundamental skills in a realistic situation. Examples of the MPT include such areas as: memo to a supervising attorney, a discovery plan, a witness examination plan, a will, a closing argument, letter to a client, a brief, a proposal for settlement, and the like. Three distinct areas comprehensively tested using professionally prepared and vetted processes constantly

monitored and reviewed—this is what we have in place.

Just for fun, this is an example of an MBE multiple choice question: A man went into his neighbor’s garage without permission and borrowed a chain saw to clear broken branches on the man’s property. After he finished, the man noticed several broken branches on his neighbor’s trees that were in danger of falling on his neighbor’s roof. While the man was cutting his neighbor’s branches, the saw broke.

The neighbor sued the man for conversion.

Will the neighbor recover?

- (A) Yes, for the actual damage to the saw.
- (B) Yes, for the value of the saw before the man borrowed it.
- (C) No, because when the saw broke the man was using it to benefit his neighbor.
- (D) No, because the man did not intend to keep the saw.

(Answer is on page 59.)

In looking at these questions, I come to the conclusion we are administering a very comprehensive and professional exam to those who have devoted years of their life to obtain a law degree and desire to practice with us. We owe them a fair exam fairly and impartially graded.

The question is whether we still feel a need to continue with the Idaho-prepared questions portion of the exam.

Terrence R. White is a partner in the Nampa law firm of White Peterson, PA. He is serving a six-month term as President of the Idaho State Bar Board of Commissioners. He represents the Third and Fifth Districts. Terry grew up in New Plymouth, Idaho, and received his undergraduate and law degrees from the University of Idaho.

NEWS BRIEFS

NOMINATIONS FOR 2008 ISB COMMISSIONERS—DUE APRIL 1, 2008—Attorneys in the 3rd, 5th and, 4th districts will be electing a new representative to the Idaho State Bar Board of Commissioners this spring. The new commissioners will replace Terry White of Nampa and Andy Hawes of Boise.

Pursuant to Idaho Bar Commission Rule 900, the new commissioner representing the 3rd and 5th districts must reside or maintain an office in the 5th district.

Commissioners of the Idaho State Bar, the elected governing body of the Bar, serve for three years, beginning on the last day of the ISB annual meeting following their elections. The Board of Commissioners is the governing body of the Bar. The commission meets regularly to oversee the functions and responsibilities of the Bar, including admissions, licensing, discipline, section, the annual meeting, and communications.

Nominations must be in writing and signed by at least five members of the ISB in good standing, and eligible to vote in the districts. The executive director must receive nominations no later than the close of business on April 1, 2008. Nominating petitions are available on the Idaho State Bar website or a form may be obtained by calling the office of the executive director at (208) 334-4500.

Ballots will be mailed to all members eligible to vote in the 3rd, 4th and 5th districts on April 14, 2008. All ballots properly cast and returned to the executive director will be counted by a board of canvassers at the close of business on May 6, 2008.

SUBMIT NOMINATIONS FOR 2008 AWARD RECIPIENTS—Each year, the commissioners select individuals to receive awards for their commitment and service to the profession and the public. The awards acknowledge those who have given of themselves to improve the legal profession, provide pro bono legal services, and exemplify the highest standards of professionalism. On page 55, is the description of the awards given and a nomination form. We encourage you to nominate individuals that you feel deserve recognition for their efforts and contributions. Please submit your nominations by March 28, 2008.

DESKBOOK UPDATES—The 2008 Deskbook Directory will be printed soon. Please check your address information on our website at www.state.id.us/isb to make sure it is correct. Send your updates to the Membership Department at (208) 334-4500 or astrouser@isb.idaho.gov by March 11, 2008 for inclusion in this year's Deskbook.

IDAHO LAW FOUNDATION BOARD OF DIRECTORS—The Idaho Law Foundation is a non-profit charitable corporation that administers legal education, IOLTA, pro bono and law related education programs. The Board of Directors consists of 13 members; 10 attorneys or judges, the Dean of the University of Idaho College of Law and two non lawyer members. Each year, current and new members are nominated to serve on the Board. The nominated individuals are then elected by the membership. All members of the Idaho

State Bar are members of the Idaho Law Foundation. If you are interested in serving on the ILF Board of Directors, now or in the future, please contact ILF/ISB Executive Director Diane Minnich at dminnich@isb.idaho.gov

UNITED STATES SUPREME COURT HISTORICAL SOCIETY—The Society is a private non-profit organization dedicated to the collection and preservation of the history of the Supreme Court of the United States. It seeks to accomplish its mission by conducting educational programs; supporting historical research; publishing books, journals, and electronic materials; and by collecting antiques and artifacts related to the Court's history. This mission will increase the public's awareness of the Court's contributions to our nation's rich constitutional heritage.

The Society distributes a quarterly newsletter containing short historical pieces on the Court. It also publishes *The Journal of Supreme Court History*, a scholarly collection of articles and book reviews that is distributed three times a year. Special books of broad general interest are published from time to time. The Society produces an outstanding gift catalogue of books, ornaments, cards, jewelry, clothing, art and gifts for those in the legal profession.

Each year there is an annual dinner in Washington, D.C. with several Supreme Court Justices in attendance. There are a good many other activities as well; but, hopefully this description will adequately illustrate that the initial membership fee of \$50 is little more than nominal. In addition to the benefits you receive, you will be performing a worthwhile service by providing support of the Society's activities.

2008 LICENSING RECEIPTS AND STICKERS

The 2008 licensing receipts and membership card stickers will be mailed in mid-March. Please contact the Membership Department at (208) 334-4500 or astrouser@isb.idaho.gov if you need a new membership card, or if you don't receive them by the end of March.

DO YOU REALLY WANT TO TRY THAT CUSTODY CASE?

Some custody cases have to be tried.
Most can be resolved through mediation.

CHRISTOPHER S. NYE

CHILD CUSTODY AND CIVIL MEDIATION
25 years litigation experience, 17 years family law

WHITE PETERSON, P.A.

Canyon Park at the Idaho Center
5700 E. Franklin Road, Suite 200 Nampa, Idaho 83687
Tel. (208) 466-9272 Fax (208) 466-4405
csn@whitepeterson.com

DISCIPLINE

BOBBY E. PANGBURN **(Suspension)**

On January 17, 2008, the Idaho Supreme Court issued a Disciplinary Order suspending attorney Bobby E. Pangburn from the practice of law. The Idaho Supreme Court's Order imposes a five-year suspension, with three years withheld, based upon professional misconduct. The Idaho Supreme Court's Order followed a disciplinary hearing that culminated with a Hearing Committee of the Professional Conduct Board's recommendation that Mr. Pangburn be suspended for a period of five years, with three years of such suspension withheld. Based upon the hearing record, the Idaho Supreme Court found that in the course of representing seven clients, Mr. Pangburn committed 7 violations of I.R.P.C. 1.2 [Scope of Representation]; 6 violations of I.R.P.C. 1.3 [Diligence]; 7 violations of I.R.P.C. 1.4 [Communication]; 1 violation of I.R.P.C. 1.5(f) [Accounting for fees and costs]; 5 violations of I.R.P.C. 1.16(d) [Obligations following termination of representation]; 2 violations of I.R.P.C. 8.4(c) [Conduct involving dishonesty, fraud, deceit or misrepresentation]; and 1 violation of I.R.P.C. 8.4(d) [Conduct prejudicial to the administration of justice].

The Disciplinary Order followed a three-day hearing before a Hearing Committee of the Professional Conduct Board and another hearing related to the disputed portions of proposed Findings of Fact, Conclusions of Law and Recommendation, which the parties had jointly prepared following hearing, and the parties' sanction recommendations.

On September 8, 2004, with formal disciplinary complaints pending against him in Oregon, Mr. Pangburn voluntarily resigned from the Oregon State Bar and his resignation was accepted by the Oregon Supreme Court. The resignation was not an admission of liability, but by rule, barred him from any future application for reinstatement. The Idaho State Bar commenced this reciprocal discipline case by filing a Motion for Order to Show Cause Why Reciprocal Sanction Should Not be Imposed. Mr. Pangburn filed a Motion to Dismiss arguing that his resignation from the Oregon State Bar did not involve a finding of misconduct and therefore was not a sanction invoking I.B.C.R. 513. The Hearing Committee denied that motion and concluded that Mr. Pangburn's resignation from the Oregon State Bar was a sanction as that term is defined under I.B.C.R. 501(r).

The disciplinary evidentiary hearing primarily focused on the allegations underlying Mr. Pangburn's resignation in Oregon and if the evidence established professional misconduct, the extent of the sanction to be imposed in Idaho.

The conduct at issue related to Mr. Pangburn's representation of seven clients in a variety of criminal post-conviction cases. The representation included post-conviction relief, habeas corpus and appeals of denials of post-conviction relief. The evidence at hearing established that Mr. Pangburn did not abide by all of those seven clients' decisions concerning the objectives of representation, did not consult with those clients as to the means by which those objectives were to be pursued, did not keep those clients reasonably informed about the status of their matters, did not promptly comply with reasonable requests for information from those clients and

did not explain matters to the extent reasonably necessary to permit those clients to make informed decisions regarding the representation. The evidence established that Mr. Pangburn did not act with reasonable diligence and promptness in representing six of those clients. With respect to five of those clients, the evidence established that upon termination of his representation, Mr. Pangburn did not take steps to the extent reasonably practicable to protect those clients' interests, such as giving those clients notice, allowing time for employment of other counsel and surrendering papers and property to which those clients were entitled. With respect to two clients, the evidence established that Mr. Pangburn engaged in conduct involving misrepresentation by receiving money from those clients and not performing the services or the representation that he had represented to his clients he would perform. In one client matter, the evidence established Mr. Pangburn engaged in conduct that was prejudicial to the administration of justice. In another client matter, the evidence established Mr. Pangburn did not, following a reasonable request by his client for an accounting of fees and costs claimed and previously collected, provide his client with an accounting of his attorney's fees.

Based upon that record, the Idaho Supreme Court ordered that Mr. Pangburn be suspended from the practice of law in the State of Idaho for a period of five years, with three years of such suspension withheld and be placed on probation for a period of three years following his reinstatement, if any, upon specified terms and conditions. Those terms and conditions of probation include the conditions which may result in the imposition of the withheld suspension; a requirement to maintain errors and omissions legal malpractice insurance during probation; a requirement for a supervising attorney to supervise Mr. Pangburn's law practice during probation; and reporting requirements for the supervising attorney and Mr. Pangburn during his probation. In addition, the Idaho Supreme Court ordered that to be reinstated, Mr. Pangburn must show that he has fully complied with I.B.C.R. 506(j) and 517(a)-(d); take and pass the Multistate Professional Responsibility Examination; and reimburse the Idaho State Bar for the costs associated with the disciplinary proceeding.

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701, (208) 334-4500.

GARY D. LUKE **(Public Reprimand)**

The Professional Conduct Board of the Idaho State Bar has issued a Public Reprimand to Boise lawyer, Gary D. Luke, based on professional misconduct.

The Professional Conduct Board Order followed a stipulated resolution of an Idaho State Bar disciplinary proceeding, in which Mr. Luke admitted that he violated Idaho Rules of Professional Conduct 8.1 ["Bar Admission and Disciplinary Matters"] and 8.4(c) ["Conduct Involving Dishonesty, Fraud, Deceit or Misrepresentation"].

The Complaint related to Mr. Luke's failure in 2002 to comply with mandatory continuing legal education requirements. Following Mr. Luke's admission to the Bar, he was required to complete a Practical Skills Seminar. Mr. Luke did not attend the applicable Practical Skills Seminars and misrepresented that he completed

the seminar to the Idaho State Bar. The Idaho State Bar records indicated that Mr. Luke had not registered for the seminar, did not sign in at the seminar, there was no indication of any payment for the seminar and he submitted false information to the Bar seeking to confirm his attendance.

When Mr. Luke was unable to demonstrate that he attended the required seminar, the Bar requested Mr. Luke be transferred to inactive status. Mr. Luke did not object and the Idaho Supreme Court transferred Mr. Luke to inactive status in November 2002. Mr. Luke has been on inactive status since 2002. Mr. Luke completed the Practical Skills Seminar in 2003 and is currently transferring his license to active status.

This Public Reprimand does not limit Mr. Luke's eligibility to practice law.

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701, (208) 334-4500.

**J. JOHN ALEGRIA
(Reinstatement to Inactive Status)**

On January 23, 2008, the Idaho Supreme Court issued an Order of Reinstatement to Inactive Status for J. John Alegria. Mr. Alegria is therefore currently an inactive member of the Idaho State Bar.

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701, (208) 334-4500.

Ron Schilling	
Alternative Dispute Resolution Services	
<ul style="list-style-type: none"> • Arbitration • Mediation • Other ADR Services 	<ul style="list-style-type: none"> • Over 24 years judicial experience • Over 200 hours of mediation training including Harvard Law School Program of Instruction for Lawyers & Pepperdine University School of Law Advanced Mediation • Over 650 settlement conferences and mediations conducted
Telephone: (208) 898-0338	P.O. Box 1251
Facsimile: (208) 898-9051	Meridian, Idaho 83680-1251
Email: adresolutions@cableone.net	



University of Idaho
College of Law

2008 LAW SYMPOSIUM IDAHO LAW REVIEW

Law and Healthcare

Bridging the Divisions

April 10-11, 2008

Red Lion Downtowner • Boise, Idaho

The focus of the Idaho Law Review's spring symposium, *Law & Healthcare: Bridging the Divisions* is to discuss important Idaho healthcare topics including patient privacy, standard of care & consent. Panelists include Idaho attorneys, healthcare professionals & nationally renowned scholars. Healthcare professionals & administrators, attorneys, students & the general public are encouraged to attend this unique event.

Please see www.lawreview.uidaho.edu/advisory.html for details.



EXECUTIVE DIRECTOR'S REPORT

2007 — THE IDAHO LAW FOUNDATION YEAR IN REVIEW

Diane K. Minnich

In its 32 years of existence, the Idaho Law Foundation has provided programs and activities that improve the public's access to and understanding of the legal system and enhance the competency of practicing lawyers and judges through the Foundation's system of ongoing education. The financial support and continuing work of volunteers help the Foundation meet its financial and educational goals. Through its programs, the ILF strives to carry out its mission and goals. The following are highlights of the past year's achievements.

LAW RELATED EDUCATION (LRE)

Law Related Education (LRE) is a civic learning program, primarily for K-12, that empowers young people to become effective, knowledgeable citizens who understand both their rights and responsibilities as citizens. The LRE program staff and volunteers coordinate an extensive teacher outreach and training program, the High School Mock Trial Competition, Lawyers in the Classroom, and Law Day activities.

In 2007, nearly 200 educators participated in training programs offered by the LRE program, 35 teams from 22 schools participated in the High School Mock Trial Competitions and 43 teaching teams of lawyers and classroom teachers worked together to teach over 2,200 students about law, government and citizenship.

IDAHO VOLUNTEER LAWYERS PROGRAM (IVLP)

The Idaho Volunteer Lawyers Program continues to provide legal services to low-income individuals, families and groups. Through case representation by volunteer attorneys, brief services, advice and consultation, and workshops, IVLP served nearly 700 individuals last year. The program works

closely with Idaho Legal Aid Services, and the statewide Court Assistance Offices to assist those with legal needs and limited resources.

IVLP has developed several initiatives to create more opportunities for attorneys to provide pro bono services. Included are recruiting law firm liaisons, additional workshops for low-income individuals, and the pro bono challenge for law firms in the 4th District. In 2007, IVLP received a grant from the Idaho Women's Charitable Foundation for Soundstart, a program intended to give young parents, and particularly single mothers, the information and services they need to establish financial security and stable legal structures in their families.

IDAHO VOLUNTEER LAWYERS PROGRAM		
	2006	2007
Requests received	1,026	859
Assistance Provided	812	694
Cases Referred	298	288
Donation Hours	4,855	10,637
Value of Donated Services	\$500,328	\$1,507,644

INTEREST ON LAWYERS TRUST ACCOUNTS (IOLTA)

Over the past 20 years, the IOLTA program has granted over \$4 million to law related programs and services throughout Idaho. The organizations funded in 2007 were: Idaho Legal Aid Services, Idaho Volunteer Lawyers Program, ILF Law Related Education, ILF Legal Resource Line, Second District CASA Program, Idaho YMCA Youth Government, Idaho 4-H Know your Government, and law school scholarships. Funds granted for 2007 increased nearly 45% over 2006 grant funds.

GUARDIAN AD LITEM (GAL)

In 2007, the GAL grant administration was transitioned to the Idaho Supreme Court (ISC). At the request of the ISC, the ILF has served as the GAL grant administrator since 1989. The Court is now administering and monitoring the GAL funds appropriated by the Idaho Legislature.

CONTINUING LEGAL EDUCATION (CLE)

The Idaho Law Foundation and the Idaho State Bar Sections offer legal education programs throughout the state. In 2007, the Foundation offered 25 live seminars; ISB Sections offered 22 live seminars.

FUND DEVELOPMENT

ISB/ILF CONTINUING LEGAL EDUCATION		
	2006	2007
Live Seminars	50	47
Total attendance at live seminars	1,669	1,847
Tape/DVD Rentals	537	518
Online Transactions	518	427

The Idaho Law Foundation is indebted to the attorneys that volunteer their services and donate their resources to ILF programs and activities. The mission and goals of the organization are only realized with the help and support of our members. Thank you!

DONATIONS		
	2006	2007
General Fund/IVLP	\$43,475	\$44,926
Endowment Fund	\$14,535	\$18,395
Total	\$58,010	\$63,321

MISSION STATEMENT

The Idaho Law Foundation supports the right of all people to live in a peaceful community. Our mission is to educate all people about the role of law in a democratic society, to provide opportunities for people to avoid and resolve conflicts; and to enhance the education and competence of lawyers.

- 1. Enhance public understanding of and respect for the law and the legal system.*
- 2. Provide and improve access to legal services.*
- 3. Provide programs and services that enhance the competency of members of the Bar.*
- 4. Aid in the advancement of the administration of justice.*
- 5. Generate the necessary funding to fulfill the mission and goals of the organization.*
- 6. Maintain effective administration and management of the Foundation's resources.*

LITIGATION SECTION-MESSAGE FROM THE CHAIR

Merlyn W. Clark
Hawley Troxell Ennis & Hawley LLP

The Litigation Section of the Idaho State Bar is pleased to sponsor the March issue of *The Advocate*. This issue includes articles pertaining to issues of current interest to attorneys practicing in the field of civil and criminal litigation.

The Litigation Section is one of the largest and most active sections of the Idaho State Bar, with approximately 285 members. The section has an active CLE schedule. The section will co-host a joint seminar with the Idaho Trial Lawyers Association on June 19-20, 2008 in Sun Valley, Idaho. The section is planning joint Ethics Section and Litigation Section regional ethics CLE programs in November and December of 2008 in Eastern Idaho, Northern Idaho and Southwestern Idaho. The section is also planning a two-day seminar on trial skills for young lawyers in March of 2009.

The section maintains a website at www.isblitigation.org containing information about section officers and contacts, announcements and CLE program. The website also includes links to the state of Idaho, Idaho State Bar, ABA Home Page, Idaho courts, Federal courts, research links and the Litigation Section List Serve, which was created to provide a forum for informal communication and discussions among members of the section. On the website, you

will find valuable information about changes in rules and statutes that affect the civil and criminal litigation practice.

Section Council meetings are held on the third Friday of every month at the Idaho State Bar offices in Boise. Section members are always welcome to attend in person or by telephone. Section members receive notice and the agenda for each monthly meeting and information about how to participate via telephone.

The Litigation Section looks forward to continuing to be an active section of the Idaho State Bar and benefiting all who participate. If you have an interest in any aspect of the litigation practice, please consider joining the Section and getting involved to improve your skills and the practice of litigation in Idaho.

ABOUT THE AUTHOR

Merlyn W. Clark is a member of *Hawley Troxell Ennis & Hawley LLP* in Boise, Idaho. He graduated from the University of Idaho College of Law in 1964 with a J.D. He served as Chairperson of the Litigation Section from July 2005 to July 2006 and is serving a second term from July 2007 to July 2008. His litigation practice focuses primarily on commercial civil litigation. He also maintains a significant practice as a mediator and arbitrator.

wyatt@angstman.com

(208) 388-4175
billvanhole@officemax.com

LITIGATION SECTION

CHAIRPERSON

Merlyn W. Clark
Hawley Troxell Ennis & Hawley,
LLP
(208) 344-6000
mwc@hteh.com

VICE CHAIR

Wyatt Benton Johnson
Angstman, Johnson & Associates,
PLLC
(208) 384-8588

SECRETARY

Mark Symington Geston
Stoel Rives, LLP
(208) 387-4291
msgeston@stoel.com

TREASURER

William Remi VanHole
OfficeMax Incorporated

PAST CHAIRPERSON

Michelle Renae Points
Hawley Troxell Ennis & Hawley,
LLP
(208) 344-6000
mpoi@hteh.com

A BRIEF WRITING GUIDE FOR LITIGATORS

Wyatt B. Johnson

Angstman, Johnson & Associates, PLLC

This article answers the question: “Judge, what do you want from me?” More particularly, it describes what should really be in a civil litigation pleading or brief in order to make that document an effective line of communication with the judge.

In preparing this article, I interviewed five local judges, and a federal law clerk to discuss their views about effective writing in civil trial practice. Specifically, I interviewed District Court judges from the First, Fourth and Fifth Judicial Districts of the State of Idaho.¹ Additionally, I met with Chief United States District Judge B. Lynn Winmill, and David Metcalf, Law Clerk to Chief U.S. District Judge Winmill.² The following is a compilation of the substance of these interviews.

HONESTY, PROFESSIONALISM AND CREDIBILITY

Judges have expectations based upon attorneys’ reputations and past conduct. Develop a bad reputation, and it is more difficult to present a clear message, regardless of technical skill or artful craft. In such a case, the judge has first to overcome doubt, before considering any substantive argument. Attorneys that demonstrate competence and integrity, and who consistently act as consummate professionals, do not suffer from such burdens.

A lapse in integrity diminishes credibility. Without exception, each judge I interviewed sternly warned: (1) never misstate the holding of a case; (2) never misrepresent the evidence of a fact; and (3) never ignore controlling adverse case law. Each is viewed as a deceptive device.

During the course of a case, there may be no specific comment by the court in response to a deceptive argument. Your client might even prevail. However, do not mistake silence for ignorance or indifference. The comments generated during the interviews indicate that judges are far more cognizant of these tactics than most attorneys appreciate.³ Employing one of these devices will certainly stain a reputation.

Judges also expect genuine courtesy and respect among counsel. Argument is appropriate, but disparagement is not. Superfluous editorial comments about the nature, quality or character of opponents or their argument have no place in any document. These comments earn no respect from, and tend to annoy, judges. In most cases,⁴ a target of such attacks should waste no time, energy, or personal reputation countering or duplicating the jabs. Judges generally discount and disregard inappropriate comments. It is far more professional not to engage such attacks.

FOCUS ON WHAT IS IMPORTANT

1. *What Do You Want?* The only reason to file any pleading or brief is to seek or oppose court action. Apparently, a frequent failing is an obscure or nonexistent request for court action. When a pleading or brief does not define the request, it does little to advance the process. Thus, attorneys must decide what they want, and, then, make the request plain and prominent in the document.

2. *Decide What Matters.* The most skillful attorneys quickly identify meaningful issues, bring them to the Court’s attention, and focus their time and energy on resolving those matters. As Judge Winmill

aptly observed, nearly every case turns upon only one or two consequential points. The attorney’s art lies, first, in identifying the critical issues, and, second, bringing the important issues to the judge’s attention.

Selectivity about content is critical. Judges have only a limited amount of attention to allocate to any particular case. The content of a brief or pleading should clearly and directly address the matters of substance and significance. Asking a judge to dedicate time and attention to unimportant issues and information takes focus away from the serious disputes.

What you choose *not* to include is as important as the content included in the brief. Do not be afraid to omit inconsequential information. In general, excessive discussion of minor and irrelevant information is a far more prevalent problem than failing to provide the court with all the necessary information to make a decision.

Additionally, the decision process regarding what issues to argue should include determining what points to concede. The judges I interviewed lauded concessions and attorneys with the experience and confidence to appropriately acknowledge and concede undisputable or unnecessary issues. To do so tremendously enhances credibility. Moreover, concessions effectively focus attention on important and winnable issues.

If you are not clear as to what is important, invest more investigation or research into the case. Remember, the judge has not discussed the goals and priorities of the litigation with your client, personally met with or deposed witnesses, or individually struggled with developing a legal theory that best suits a particular client’s needs. The attorney is simply in the best position to separate the meaningful from the mundane.

DEVELOP RELEVANT FACTS

One noteworthy judicial criticism of attorneys involves the development and use of facts in motion practice. This is where attorneys seem most likely to fall short.

Factual development is the attorney’s greatest responsibility because the judge will not personally know the facts of the case. The law is directly available through rules, cases, and statutes. In contrast, a judge cannot independently investigate case facts. The presentation of admissible evidence is the judge’s only resource for that information.

Selecting factual information is as important as choosing any other information in a brief. Determine what facts the judge needs to consider in order to decide the question he or she faces. Scrutinize the universe of testimony, documents, and affidavits to confirm what is relevant to the issue. Cull any irrelevant or unimportant facts and data.

Discussing inconsequential or insignificant information is counterproductive. One commonly cited example was the extensive factual statement belaboring hardship, sympathetic client qualities, repugnant opposition behavior, and other emotionally targeted facts, where such facts have no bearing on the issue at hand. Such recitations do not help the court, or the case. The judge may truly sympathize. However, even in those situations, the extra information is

distracting, at best.

Another ineffective and wasteful activity is filing a complete deposition transcript (or transcripts), or other voluminous raw data, as part of motion practice. The judges interviewed typically expressed frustration with this and similar practices. Dumping volumes of information into the record produces little benefit. Meaningful evidence becomes the figurative needle in a haystack of information. This result does nothing more than make a judge's task exponentially more difficult, and the attorney's position dramatically less persuasive.

In those rare cases where voluminous or abstract information is truly important, charts, illustrations, tables and summaries are indispensable. Graphic depictions can efficiently communicate information much more quickly and effectively than text. For example, depictions are very effective in any type of real property case where the subject property has a physical location, such as an easement, boundary, or structure. Similarly, a chart or graph that illustrates or organizes raw statistical or financial data communicates volumes, even at a glance. Although not necessarily common in motion practice, the judges greatly appreciate and encourage this type of presentation.

LEGAL ANALYSIS IS NO SUBSTITUTE FOR ARGUMENT

For purposes of this article, an "argument" communicates: (1) what the proponent wants; and (2) why the proponent should get what it wants. By comparison, "analysis" is part of the explanation of the "why" of an argument, often through an examination of the intricacies and subtleties of cases and statutes.

It is no surprise that attorneys are naturally inclined to include a disproportionately large amount of legal analysis in their briefs. The law school curriculum consists predominantly of finding and discussing ambiguities and open questions in case law and statutes. Appellate decisions examine questions of law, leaving factual disputes to the finders of fact at trial.

Briefs can easily overemphasize legal analysis. In most cases, this is a mistake. If a brief simply states the legal elements of a claim or contention, with pinpoint citation to the current controlling authority, that will generally satisfy the judge. Beyond that, additional detail is often superfluous. Further, if the legal rule is common and well established (e.g., summary judgment standards), the statement of law may be more brief and condensed. Extensive legal analysis is only necessary if the case turns on novel or uncommon grounds.

Excessive legal analysis often corresponds with inattention to the necessary explanation of why, based upon case facts, the law supports a party's position. A common problem articulated by the judges was that many briefs discuss the law, but make no connection between the law, the facts at issue, and the particular result sought by the proponent. Otherwise stated, many briefs include analysis, but little or no argument. Good writing goes beyond the analysis and completes the argument.

BE CONCISE

Above all else, judges prefer concise argument. Each of the judges interviewed emphasized how time is extremely limited. For that reason, they greatly appreciate writing with brevity and focus.

The keys to brevity are efficient use of language and precise thought. An effective and useful brief immediately orients the judge to the case, and then defines the pertinent point or points of contention. After that, it goes straight to the point.

Use every opportunity to condense your argument to its essence.

Keep issues narrow and focused. State the request for action or relief. Explain why the law and facts warrant the action or relief. Preserve minor issues with appropriately minor discussion. Spend time only on necessary points. Omit any discussion that does not advance the proposition. Proofread the document and file it in a timely manner.

HAVE STYLE

Persuasive writing requires more than mathematical precision and technical skill. The brief needs to engage the reader. It is much harder to persuade a reader who has to labor through the text.

Perhaps the worst, yet most frequent, sin in legal writing is referring to parties as "Plaintiff" and "Defendant." These generic terms have no real meaning or affiliation with either party. Therefore, their use makes it difficult to follow the discussion about who did what. Nondescript acronyms create the same problem. As a general rule, use names that actually identify parties so that readers can follow the argument.

Remember that judges are usually not specialists. Technical jargon, no matter how common within a specialty niche, muddies the message. When the judge stops to figure out what a catchphrase means, or pauses to remember a particular definition, his or her attention is unnecessarily diverted from the pending issue.

Lastly, statements of fact should be more than bulky lists of unrelated events. Use the facts to create a compelling *story*. Thus, a mere catastrophe (a random, cruel event) should be transformed into a tragedy (a story with characters, motivation, plot and conclusion). Most of the time, the law will complement a good story.⁵

CONCLUSION

What should really be in a civil litigation pleading or brief? Since the goal and purpose of these documents is to inform and persuade the court, there should be clear and direct communication. Incorporate this into your writing, and it will improve the communication. Improve the communication, and you will increase your standing with the court, more effectively advocate for your client, and strengthen your reputation in the legal community.

ABOUT THE AUTHOR

Wyatt Johnson, Boise, is a Member of *Angstman, Johnson & Associates, PLLC*. His practice focuses on civil litigation involving real property, land development, construction, contract, and related matters. He is Vice Chair for the Litigation Section and is on the Board of Directors for the Idaho Trial Lawyers Association. He is a member of the Supreme Court's Advisory Committee on the Idaho Rules of Evidence. He received his B.A. degree, *summa cum laude*, from Washington State University, and his J.D. from Northwestern School of Law of Lewis & Clark College.

ENDNOTES

¹ In the interest of judicial integrity, and to encourage openness, I promised not to publish the names of the state judges who participated in these interviews.

² Chief U.S. District Judge B. Lynn Winmill and David Metcalf, both consented to publishing their names.

³ One judge colorfully noted that, when he receives a misleading argument, he wants to "burn the brief."

⁴ The exception to this rule seems to arise where truly serious accusations raise matters of substance, such as an attorney's actual candor to the extent that it may disrupt or harm a proceeding.

⁵ The author credits the excellent outline produced by Judge Winmill and Dave Metcalf for many of these suggestions.

ATTORNEY FEES UNDER IDAHO CODE § 12-120 (3) POST *BLIMKA V. MY WEB WHOLESALER, LLC*

Joshua S. Evett
Elam & Burke, PA

Attorneys who litigate business and commercial disputes in Idaho are often faced with the complexities of recovering attorney fees under Idaho Code § 12-120(3). On its face, this statute, an exception to the American rule on attorney fees, seems simple enough. It requires a mandatory award of attorney fees to a prevailing party in cases involving specifically enumerated transactions. Additionally, it provides “catch all” language for “commercial transactions” that are not specifically enumerated.

The statute reads as follows:

(3) In any civil action to recover on an open account, account stated, note, bill, negotiable instrument, guaranty, or contract relating to the purchase or sale of goods, wares, merchandise, or services and in any commercial transaction unless otherwise provided by law, the prevailing party shall be allowed a reasonable attorney’s fee to be set by the court, to be taxed and collected as costs.¹

The statute defines “commercial transaction” to mean all transactions except transactions for personal or household purposes. Additionally, “party” is defined to mean any person, partnership, corporation, association, private organization, the state of Idaho or political subdivision thereof.²

CONTRACT VS. TORT: DOES THE TYPE OF CLAIM MATTER?

Over the years this simple statute has spawned complex and esoteric case law, which can be confirmed by a glance at the annotations. The Idaho Supreme Court has issued decisions that have complicated recovery of attorney fees under the statute. Recently, in *Blimka v. My Web Wholesaler, LLC*, 143 Idaho 723, 152 P.3d 594 (2007), the Court noted that from “time to time” it had denied fees under the “any commercial transaction” provision of the statute because a claim has either “sounded in tort” or because “no contract was involved.”³ The *Blimka* case involved an out of state defendant that sold salvaged and distressed merchandise at wholesale. Its website made representations about merchandise, the Idaho plaintiff bought that merchandise (blue jeans) based on those representations, and the Idaho plaintiff sued when the blue jeans did not conform to defendant’s representations.⁴

The Court’s case law barring the recovery of attorney fees under Idaho Code § 12-120(3) for claims sounding in tort has presented problems for the business and commercial litigator, as it has foreclosed recovery of fees in a variety of tort based claims frequently utilized in business litigation. Among these are tortious interference with prospective business relations, fraud, breach of fiduciary duty, and breach of the covenant of good faith and fair dealing.⁵

Previous cases rejected fee claims under § 12-120(3) that arose out of a tort claim even though the tort claim was “intimately associated with a commercial transaction.”⁶ Prior to *Blimka*, therefore, the Court’s jurisprudence largely analyzed the form of a claim, rather than the subject matter out of which it arose, in answering whether § 12-120(3) applied to tort-based business claims.

With respect to the Court’s statement in *Blimka* that it has previously imposed a requirement that the commercial transaction ground in I.C. § 12-120(3) involve a contract, the *Blimka* decision unfortunately does not cite to the case that makes this holding.⁷ A number of Court of Appeals decisions and at least one Supreme Court decision provide that a contract based claim relating to the purchase of goods and services must seek to recover on the contract—it is not enough for the transaction to simply relate to the sale of good or services.⁸ Whether the *Blimka* decision had these cases in mind when referring to its previous holdings is unclear.

The *Blimka* decision’s holding regarding the “any commercial transaction” provision is clear, sweeping, and has increased the options available to the business litigator for the recovery of attorney fees. The *Blimka* Court expressly held that the “commercial transaction ground” in the statute “neither prohibits a fee award for a commercial transaction that involves tortious conduct . . . nor does it require that there be a contract.”⁹ (Citation omitted.) The Court then noted that “any previous holdings to the contrary are overruled,” without enumerating those previous decisions affected by the ruling.¹⁰ Ultimately, whether there is a case or two out there that imposes a contract requirement on the “any commercial transaction” provision is unimportant, as the Court in *Blimka* has unequivocally held there is no such requirement.

Blimka is most useful in its overruling of precedent that tort claims were outside the scope of the “any commercial transaction” provision of § 12-120(3). Standard business torts now carry the risk of an attorney fee award under § 12-120(3). Cases such as *Thirsty’s LLC v. Tolerico* and *Rockefeller v. Grabow, supra*, appear to be overruled to the extent they conflict with *Blimka*.

BLIMKA’S UNANSWERED QUESTIONS

An open question is just how far litigators will push the envelope of the *Blimka* decision. Given the understandable desire of most litigants to have the other side pay their attorney fees, we can probably expect that the Court will soon be wrestling with whether a negligence claim arising out of a commercial transaction implicates § 12-120(3).

How far the Court will go is difficult to predict. The *Blimka* transaction was obviously commercial in nature and fit squarely within the statute’s definition of a commercial transaction. The transaction was not for household or personal purposes.¹¹ The facts of *Blimka*, not being particularly unusual, do not help us perceive the boundaries of the decision.

Blimka succinctly held that the award of attorney fees is appropriate under § 12-120(3) if “the commercial transaction is integral to the claim, and constitutes the basis upon which the party is attempting to recover.”¹⁰ Does this mean that the commercial transaction must be between the parties to the case? If a defendant allegedly tortiously misappropriates business from a plaintiff and does business with a third party, does *Blimka* support a fee award under § 12-120(3)? Does *Blimka* simply and narrowly mean that fee awards

under § 12-120(3) are appropriate even for “a commercial transaction ... [that] involves tortious conduct?” Because the Court expressly identified (without naming) its decisions which prohibited fee awards under the statute “because the claim sounded in tort,” it is probably unwise to read the Court’s decision too narrowly. The Court has expressly held that such decisions are overruled.¹³ Therefore, as long as there is a commercial transaction that meets the statute’s definition, and as long as the transaction is the basis upon which a party is attempting to recover, the form of the claim (tort, contract, or otherwise) should not matter.

In conclusion, the *Blimka* decision should prove useful to business litigators in the coming years, as it clearly expands the claims under which fees are recoverable pursuant to § 12-120(3). The boundaries of the decision, however, are unclear, and certain to be litigated in the foreseeable future.

ABOUT THE AUTHOR

Joshua S. Evett is a shareholder at *Elam & Burke, PA*, where his practice centers on the negotiation, resolution, and litigation of business disputes. He is a graduate of *Hastings College of the Law and founder of Elam & Burke’s Commercial Law Group*.

ENDNOTES

¹ I.C. 12-120(3).

² *Id.*

³ *Blimka v. My Web Wholesaler, LLC*, 143 Idaho 723, 728, 152 P.3d 594, 599 (2007).

⁴ *Id.* at 725.

⁵ See, e.g., *Thirsty’s LLC v. Tolerico*, 143 Idaho 48, 137 P.3d 435 (2006) (rejecting 12-120(3) fee claim on a tortious interference claim); *Rockefeller v. Grabow*, 136 Idaho 367, 39 P.3d 577 (2001) (rejecting 12-120(3) fee claim for breach of fiduciary duty claim); *McPheters v. Maile*, 138 Idaho 391, 64 P.3d 317 (2003) (rejecting 12-120(3) fee claim for negligence claim).

⁶ *Erickson v. Flynn*, 138 Idaho 430, 64 P.3d 959 (Ct.App. 2002) (citation omitted).

⁷ 143 Idaho at 728.

⁸ See *Chenery v. Agri-Lines Corp.*, 106 Idaho 687, 682 P.2d 640 (Ct.App. 1984) (decided under 12-120(3)’s predecessor, 12-120(2)); *Property Management West, Inc. v. Hunt*, 126 Idaho 897, 894 P.2d 130 (1995).

⁹ 143 Idaho at 728.

¹⁰ *Id.* at 728-29.

¹¹ *Id.* at 728.

¹² *Id.* (citations omitted)

¹³ *Id.* at 728-29.

ELAM & BURKE ATTORNEYS AT LAW

is pleased to announce

James D. LaRue

has been elected to the position of the firm’s managing director. Mr. LaRue replaces Jeffrey A. Thomson, whose five-year term in that position was completed at the end of 2007. Mr. LaRue joined the firm in 1975. In addition to his role in managing the firm, he will continue an active litigation practice.

Elam & Burke also announces the election of
Joshua S. Evett

as a member of Elam & Burke’s executive committee. Mr. Evett joined the firm in 2003 and has an active practice emphasizing business and commercial litigation.

251 E. Front Street • Suite 300 • Boise, ID 83702
208.343.5454 • www.elamburke.com

Mediation/Arbitration

John C. Lynn

33 years experience

3503 West Grover Court Phone: (208) 860-5258
Boise, ID 83705

Email: johnlynn@fiberpipe.net

IDAHO VALUATIONS, INC. Residential Real Estate Appraisal

- Divorce Settlements
- Estate Settlement
- Bankruptcy Valuation
- Pre/Postnuptial Agreements
- Expert Witness Experience
- PMI Deletion

Julianna Comstock-Niehans, CRA-66
Brent Niehans, CRA-114

208.853.2728

208.859.0180

www.idahovaluations.com

Service • Experience • Quality

FOREWARNED IS FOREARMED: ELIMINATION OF THE CRIMINAL USE EXCLUSION IN THE REVISED FRE 408

Larry Westberg
Westberg McCabe & Collins, Chtd.

What has always been risky disclosing information and strategy during settlement discussions has now become dangerous.

REVISED FRE408

Effective December 1, 2006, Federal Rule of Evidence 408 underwent a major revision which can be expected to have far-reaching consequences for both civil and criminal defense practitioners, their clients, and their errors and omissions carriers. The revision carves out of the settlement negotiation privilege an express exception to the prohibited uses and non-admissibility of the conduct or statements made in compromise negotiations. Such conduct or statements are now privileged:

“except when offered in a criminal case and the negotiations related to a claim by a public office or agency in the exercise of regulatory, investigative or enforcement authority.”¹ (Emphasis added.)

In the federal system, the roots of Rule 408 can be found in *West v. Smith*, an 1879 US Supreme Court case.² During the 128 years since that decision, the principles of a privilege or settlement negotiations have become well-rooted in state and federal law. Idaho adopted IRE 408 in 1985.

The federal rule was first adopted in 1975. The former federal rule is virtually identical to the state rule except that Idaho adopted a mediation privilege not expressly stated in the federal rule.

It seems readily accepted that, even though relevant evidence may be excluded by application of the rule, the privilege does foster settlements. The alternative can be excessive litigation and stress to the judiciary because of the chill imposed by lack of the privilege. Attorneys and clients would be reluctant to discuss and negotiate settlement without the exclusion. Mediation and nonbinding arbitration would probably become extinct.

QUESTIONS RAISED BY FRE 408

What is meant by a “public office or agency?” The official comment suggests that the rule change followed a Seventh Circuit decision in *United States v. Prewitt*, where admissions of fault made in compromise of a civil securities enforcement action were deemed admissible against the accused in a subsequent criminal action for mail fraud.³ In that context, the public agency was a federal regulatory agency. So far, no one has suggested that the term “public office or agency” would include or exclude city, county or state government entities. These are all, of course, “public.” The rule does not track various statutes and other rules that refer to either “the government,” “the United States,” or similar language presumably required to show the federal jurisdiction for such rule or statute. In other words, while it is obvious that the rule applies to United States government regulatory investigative or enforcement agencies, it is not so certain whether it does or does not apply, either directly or indirectly, to local jurisdictions such as cities, counties and states and their departments or subdivisions.

Even more problematic is the indirect application, even if there is no direct application, of Rule 408. For example, the privilege evaporates when the negotiations are “related” to a claim by a federal agency. There may be a related federally-funded project such as a city’s Housing and Urban Development (HUD) block grant. Settlement discussions with a county highway district may relate to a road partially funded by the U. S. Department of Transportation, U.S. Forest Service or Bureau of Land Management. Activities of numerous state agencies are “related” to claims or potential claims by federal agencies. To name a few: Idaho Department of Environmental Quality—Environmental Protection Agency; Idaho State Tax Commission—U.S. Internal Revenue Service; Idaho Department of Agriculture—Environmental Protection Agency and U.S. Department of Agriculture; Idaho Department of Water Resources—Environmental Protection Agency; Idaho Department of Labor—U.S. Department of Labor; Idaho Department of Lands—U.S. Forest Service and BLM; Idaho Fish and Game—U.S. Fish and Wildlife; Idaho Department of Finance—U.S. Securities and Exchange Commission.

The revised Rule 408 presents itself in an environment where over 95-percent of cases filed are settled before trial. Many civil cases settle without filing of a lawsuit. The percentage of total claims negotiated and settled before trial, when unfilled claims are included, makes the 95-percent become almost 100 percent. State and federal courts are encouraging, and in some cases mandating, mediation. Indeed, a number of distinguished Idaho lawyers and judges have shifted a significant portion of their practice to mediation and other forms of alternative dispute resolution. It is easy to conclude that the emphasis placed on resolving disputes prior to trial and even prior to filing of a lawsuit has been encouraged and fostered by the entire judicial system: judges, lawyers and clients. The question now facing us is, what do we do or not do now that FRE 408 has this express exclusion?

It has been pointed out, correctly, that the rule applies both ways. That is, the conduct or statements made by the public office or agency in the course of negotiations is likewise admissible in a subsequent criminal prosecution. However, as with many new or emerging federal laws and rules, it is reasonable to conclude that the government will have a head start on the general population of lawyers. It is hoped that this article will tend to level the playing field. Awareness of the new rule aid the practitioner in making decisions of whether to, in the first instance, enter into negotiations with a public office or agency, and if so, what conduct or statements should be made or not made in those compromise negotiations. In addition, the question must be asked whether the memory of the lawyers, the memoranda of the participants and other writings of nongovernmental participants are sufficient to contradict a government official’s memory, memorandum or writing. Should a court reporter be present so there is no subsequent dispute as to exactly

what statements were made? Obviously, advising a client on any matter that involves conduct which may even remotely be considered criminal behavior leads the lawyer into treacherous waters. Negotiations for settlement have always been somewhat dangerous, but this new amendment to Federal Rule 408 exacerbates that danger to the lawyer and the client, and the mediator who may be a witness. For instance, what if the mediator is also a sitting judge?

Private parties are not public offices or agencies. Thus, a negotiation for settlement between a bank and its customer would not be expected to be covered by the new FRE 408. However, as an example, a bank may be a member of the Federal Reserve System or its deposits may be insured by the Federal Deposit Insurance Corporation. Additionally, the loan being negotiated may be guaranteed by the U.S. Small Business Administration or be purchased by the Government National Mortgage Association (GNMA) or Fannie Mae. Likewise, negotiations with the Idaho National Laboratory, a private party, clearly implicate the U.S. Department of Energy and the Nuclear Regulatory Commission. Therefore, even negotiated settlements with private parties pose a risk if a public office or agency claim related to the negotiations lurks in the background.

Finally, a further unanswered question is whether the rule is retroactive—i.e., must the client know of the public office or agency's claim or must the claim exist at the time of settlement discussions?

CONCLUSION

None of these issues has yet been litigated and probably will not be for some time. Therefore, it is hoped that this article at least alerts the practitioner to the issue and raises awareness to act accordingly. There is no doubt that there will be much more written on this subject.

This article is not intended to be anything more than a "red flag" to each and every practitioner who negotiates a settlement and to pose questions for the parties to consider before entering into negotiations. Forewarned is Forearmed.

ABOUT THE AUTHOR

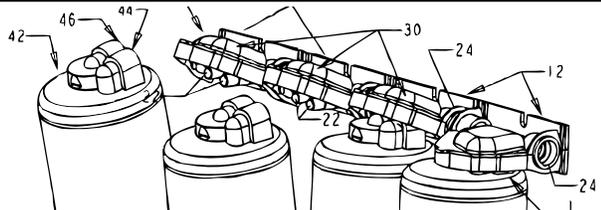
Paul L. ("Larry") Westberg is a graduate of the University of Idaho College of Law. He has served as a federal law clerk, federal agency attorney and Assistant U.S. Attorney for Idaho. He has been in private practice in Boise since 1977, and is a partner in the firm of Westberg, McCabe and Collins, Ctd.

ENDNOTES

- ¹ FRE 408(a)(2) (emphasis added).
- ² 101 US 263, 25 L.Ed. 809 (1879).
- ³ 34 F.3d 436, 439 (7th Cir. 1994).

PEDERSEN & COMPANY, PLLC

INTELLECTUAL PROPERTY LAW



PATENTS • TRADEMARKS
 COPYRIGHTS • LITIGATION

**Ken J.
Pedersen**
Patent Attorney

**Barbara Schaefer
Pedersen**
Patent Agent

208-343-6355

www.pedersenco.com

1410 N. 28th Street • Boise, Idaho 83703

Criminal Case Consultant

From Analysis to Trial Preparation

Thomas J. McCabe

(208) 867-3186

P.O. Box 2836, Boise Id, 83701

FORENSIC DOCUMENT EXAMINER

Full service laboratory to resolve handwriting issues, obliterations, alterations, ink comparisons, etc. The only examiner in ID and the N/W Certified by the American Board of Forensic Document Examiners. Government trained.

James A. Green
(888) 485-0832

PO Box 5379 • Eugene OR • 97405

NO ORDINARY PARTY PROFESSIONAL ETHICS AND ERRORS IN DEATH PENALTY CASES

Kim Wherry Toryanski
Idaho Commission on Aging

This article was formerly printed in the *Federal Lawyer* January 2007. The Hon. Stephen Trott wrote the introduction to be included with this printing of the article in this issue of *The Advocate*.

When we promise to each other in our Constitution that no person shall be deprived of life, liberty, or property without due process and equal protection of the law, we invest our government officials with a solemn obligation to breathe substance into these words, not just pay lip service to them. Nowhere is this obligation more pressing than in the office of the prosecutor whose everyday job it is to bring lawbreakers before the bar of justice for a day of reckoning. In our unique system, the manner in which prosecutors accomplish this task is as important as the objective of requiring offenders to pay for their crimes. Justice cannot be fully served without full respect by the government for our Fourth, Fifth, and Sixth Amendments and all the rules and procedures designed to make them a reality. In the excellent article you are about to read, an experienced prosecutor gives you a useful refresher course covering how your ethical and constitutional objectives play out in the courtroom. My advice? Don't wait for a defense attorney or a judge to remind you of your duty as a prosecutor to dispense justice, take the initiative yourself from your first moment with a case. To paraphrase Justice Sutherland, you may be free to strike hard blows, but only if they are fair. Your goal must not be just to win a conviction but to take responsibility to see that justice is done as justice is defined by our Constitution.

Hon. Stephen S. Trott
United States Court of Appeals for the Ninth Circuit

In 2006, the press reported major instances of misconduct by government lawyers in death penalty cases. One series of reports concerned a highly publicized federal case that was in the sentencing stage.¹ Another report concerned a case that is now before the California Supreme Court on habeas review and involves a 1982 capital murder conviction that state prosecutors won in Los Angeles.²

Readers may wonder how some of the most experienced, seasoned lawyers, skilled enough to be assigned a role in a death penalty prosecution, could inadvertently, ignorantly, or callously stumble into so much trouble and compromise or taint the integrity of their cases. While prosecutors' offices often invest significant resources to bring capital cases to trial, prosecutors can undermine their costly, but necessary, efforts by paying insufficient attention to their ethical obligations. This article discusses the government's important responsibilities in the context of these news-making capital cases, analyzes federal case precedent reminding prosecutors that their highest obligation is to the rule of law—concentrating on principle and process instead of the person—and reviews the American Bar Association's specific ABA Model Rule of Professional Conduct that addresses prosecutors' special ethical obligations.

THE SPECIAL ETHICAL OBLIGATIONS OF A PROSECUTOR AND ABA MODEL RULE 3.8

The U.S. Supreme Court has long observed that a prosecutor's role is unique. The guiding principle for ethical prosecutorial behavior emanates from a case that was heard before World War II: *Berger v. United States*.³ Writing for the Court, Justice George Sutherland emphasized that a prosecutor's role is unique because that individual is:

... the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape, or innocence suffer. He may prosecute with earnestness and vigor indeed, he should do so.

But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

Justice Sutherland's call in 1935 for reasonableness and restraint is echoed in the ABA Model Rules of Professional Conduct, which contain a special provision regarding the ethical obligations of a prosecutor. The provision which is printed below, goes above and beyond what is required of all lawyers.

ABA MODEL RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The prosecutor in a criminal case shall:

- (a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;
- (b) make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;
- (c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing;
- (d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;
- (e) not subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes:
 - (1) the information sought is not protected from disclosure by any applicable privilege;
 - (2) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution; and
 - (3) there is no other feasible alternative to obtain the information;

(f) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.

The commentary to Model Rule 3.8 characterizes a prosecutor as having responsibilities of a "minister of justice and not simply that of an advocate."⁵ But at least one legal scholar has noted that the existing provisions of Rule 3.8 do not adequately cover the full range of troubling prosecutorial conduct.⁵

Rule 3.8 is silent regarding expectations or manner of decorum between the prosecutor and witnesses expected to testify in their cases; nor does the rule define behavior that is improper or inappropriate. Even though ABA Model Rule 8.4(c) states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, and Rule 8.4(d) further prohibits a lawyer from engaging in conduct that is prejudicial to the administration of justice, the commentary indicates that matters relating to the personal morality of an attorney would be of concern if there was a connection to fitness for the practice of law or if the attorney's conduct indicates an "indifference to legal obligation."⁶ However, where those relationship lines are drawn, in terms of manipulating witness testimony or influencing witness behavior seems to be unclear to some government lawyers who have been assigned a role in securing a sentence of death.

MOST IMPORTANT: THE INTEGRITY OF THE CRIMINAL JUSTICE SYSTEM IN AMERICA

*United States v. Moussaoui*⁷

Covered widely in the media in 2006 was the sentencing trial of Zacarias Moussaoui in the Eastern District of Virginia. Moussaoui pled guilty to the charge of conspiring with terrorists to fly airplanes into U.S. buildings. At his sentencing, the U.S. government sought the death penalty, but the government's case erupted into an ethics tailspin when the lead prosecutor became aware of and disclosed to U.S. District Judge Leonie Brinkema that one of the lawyers preparing the government's case had committed misconduct by coaching witnesses who were expected to testify during the sentencing phase.

The offender, an attorney with the Transportation Safety Administration (TSA), had directly violated Judge Brinkema's pre-trial order barring witnesses from exposure to opening statements and trial testimony. Approximately four days into the sentencing trial, the TSA attorney had been caught relaying information to seven upcoming witnesses from her agency; the information included an e-mailed transcript of the proceedings from the first day of the trial. In addition to the transcript, the TSA attorney also e-mailed to the witnesses commentary about the earlier witness' testimony and suggestions regarding the kind of testimony that was needed to enhance or bolster the government's case for the

death penalty.⁸

The TSA attorney's misdeeds were caught by members of the prosecution team, not by the defense. The lead prosecutors came forward and alerted the trial judge and defense counsel that, much to their dismay, a serious problem had arisen. Prosecutors also sent a separate letter to defense counsel, providing some details of the TSA lawyer's improper communications. In their letter to the judge, the assistant U.S. attorneys admitted that they found the TSA lawyer's conduct "reprehensible," stating that they "frankly cannot fathom why she engaged in such conduct. As soon as we learned of her conduct, we contacted her supervisors and engaged in an investigation... ." The prosecutors also reported that the TSA lawyer had been removed from the case.

Judge Brinkema's forceful response was instructive to all prosecutors and litigation practitioners. The judge informed jurors that a TSA attorney had "egregiously breached" her pretrial sequestration order prohibiting witnesses from hearing testimony in advance. The judge temporarily suspended the trial in order to hold a special hearing to determine whether the prospective witnesses had been tainted by the TSA lawyer's improper coaching. Outside the presence of the jury, the judge told lawyers that the rule against witnesses hearing testimony in advance is an important protection of the truth-seeking process. She rebuked the prosecution and noted that it was the government's second significant error affecting the constitutional rights of this defendant and "more importantly the integrity of the criminal justice system of the United States in the context of a death case." Reflecting on her experience covering all her years on the bench, the judge said that she had never seen such an egregious violation of a rule related to witnesses.⁹

As a consequence of this significant error, the judge initially issued an order prohibiting the government from introducing evidence related to aviation, including witness testimony and exhibits. That order was later reconsidered, and the judge allowed the government to call untainted aviation witnesses and to otherwise produce evidence that had not been tainted by the TSA lawyer. The trial resumed several days later, and the jury eventually returned a verdict of life imprisonment for Moussaoui—they did not sentence him to death.

IN RE MIRANDA

Making news in 2006 on the opposite side of the country is a capital murder conviction under habeas review by the California Supreme Court. The appeal alleges errors that the prosecution had made at the sentencing phase of a trial; the errors occurred as a result of the government's presentation of unreliable or untrue witness testimony. The state's problems were compounded by the government's concealment of a handwritten letter containing contradictory facts that could refute the testimony of the government's pivotal witness. But problems in that case do not end there. In addition to the hidden letter, the media reported new information that may propel the defense to also challenge the fairness of the guilt phase of the trial. It is now known—and apparently admitted by members of the prosecutor's office—that the lead prosecutor had a secret, three year romantic relationship with one of the key trial witnesses—the only "eyewitness" to have seen the defendant at the murder scene at the time of the crime.¹⁰

In 1982, the appellant, Adam Miranda, had been convicted of murdering a convenience store clerk during a robbery. To obtain the death penalty, prosecutors alleged a “special circumstance”: that Miranda had committed another murder—he had stabbed a drug dealer to death over a \$10 dispute—two weeks prior to killing the store clerk in 1980. Prosecutors made this allegation, even though a charge against Miranda for the drug dealer’s death had previously been dismissed after a preliminary hearing because of lack of evidence. During the penalty phase of the trial, the only prosecution witness who could testify about the stabbing death of the drug dealer was Miranda’s alleged accomplice, Joseph Saucedo. Saucedo told the jury that Miranda had killed the drug dealer, and Miranda was convicted and sentenced to death.¹¹

However, earlier, Saucedo had given a completely different account of the killing to a jail inmate, Larry Montez. Saucedo told Montez that he, not Miranda, had stabbed the drug dealer, and Montez wrote a letter containing the information that Saucedo had given him. Montez wrote that Saucedo told him that he had stabbed the victim, threw the knife into the Los Angeles River, and arranged for his girlfriend to tell police that he had been with her at a movie. One of the jailers gave Montez’s handwritten letter to a Los Angeles police detective, who forwarded the letter to prosecutors.

Once prosecutors received Montez’s letter, they took action, gathering statements from other inmates who corroborated the letter and implicated Saucedo in the drug dealer’s death. Miranda’s appellate lawyers assert that the government never disclosed Montez’s letter to Miranda’s trial lawyers, never disclosed the names of the other inmates corroborating Saucedo’s jailhouse account, and never provided statements from the other inmates who had confirmed Saucedo’s admission and corroborated Montez’s statements.¹²

The letter finally came to light 18 years after Miranda had been sent to death row, when Miranda’s appellate attorneys discovered its existence. Now, in his fifth habeas appeal, Miranda argues that this letter from Montez, which had been hidden during the trial, had the potential of being used by the defense to discredit Saucedo’s trial testimony and would have given the jury the requisite doubt needed to sentence Miranda to life without parole, instead of death.

The media spotlight on Miranda’s capital murder conviction continues to revolve around nondisclosure of relevant evidence. This time, it is alleged that the lead prosecutor had an ongoing intimate relationship with a key trial witness, and this information, like the Montez letter, had been concealed by the prosecutor’s office for a long time. The key witness, a stripper, was the only trial witness who could place the appellant at the crime scene, a convenience store, near the time of the murder. The stripper testified that she was coming home from work one night in 1980 and happened upon the convenience store where the clerk was murdered. She said she recognized Miranda, her former junior high school classmate, who was leaving the store at the time of the crime with a gun in his hand.

Miranda’s lawyers are currently conducting an investigation in order to determine when the intimacy between the prosecutor and the witness began in relation to the trial or post-conviction proceedings. Already, it is apparently undisputed that their rela-

tionship existed and that the witness bore the prosecutor’s child in the 1980s. Because their investigation is still underway, it is too early to tell whether the appellant’s counsel will move to amend the habeas petition. Reportedly, Miranda’s lawyers are currently investigating other issues that have the potential to overturn the decision, such as witness tampering and undue influence resulting from the relationship between the prosecutor and the key witness. Commentators in the media have speculated that the revelation of this affair may have the potential of bringing down the death penalty conviction.

A PROSECUTOR’S DUTY: MORE THAN DISCLOSURE

In Adam Miranda’s case, the California prosecutor’s misconduct—their influence over witnesses and failure to disclose the inmate’s jailhouse letter—bears certain similarities to the prosecution’s influence with witnesses in a first degree murder conviction overturned by the Ninth Circuit in 2001. In *Commonwealth of Northern Mariana Islands v. Bowie*,¹³ prosecutors had also obtained a potentially exculpatory jailhouse letter that indicated that a co-defendant had committed the murder in question. In that case, however, prosecutors had turned the letter over to the defense before the trial commenced. Nevertheless, the case presented serious constitutional flaws because the prosecutors had done absolutely nothing to investigate or explore the veracity of the jailhouse letter after obtaining it. To make matters worse, at trial the prosecution used a cooperating accomplice witness who conspired to testify falsely against the appellant. Also highly problematic was the manner in which the prosecutor had discredited defense attempts to demonstrate that the jailhouse letter was authentic and exculpatory.

The Ninth Circuit’s 2001 opinion should be significant to criminal law practitioners because it was authored by the Hon. Stephen S. Trott, a judge who speaks with great authority on the topic of prosecutorial ethics. Judge Trott has a distinguished background as a prosecutor, having previously served in Washington, D.C., as associate attorney general, the third highest position in the U.S. Justice Department, and as a federal prosecutor in the Central District of California. Judge Trott and the Ninth Circuit unanimously condemned the Mariana Islands prosecutors’ lack of initiative to guard against violations of Bowie’s due process rights caused by false testimony and their failure to collect evidence that could exonerate him. In overturning Bowie’s murder conviction, the Ninth Circuit received an impressive compilation of U.S. Supreme Court and circuit court precedent relevant to a prosecutor’s duties.

BOTCHED MURDER INVESTIGATION IN THE NORTHERN MARIANA ISLANDS

The Northern Mariana Islands are a U.S. territory located in the Pacific Ocean south of Japan and far to the west of the state of Hawaii. In this distant location, two Filipinos, Elaudio Laude and his friend Nilo Rivera, were driving drunk on a November night in 1992 and narrowly avoided an accident with a car driven by two other drunk men, Joseph Bowie and Efrain Reyes. The four drunk men became embroiled in a dispute, and Bowie and Efrain, pretending to be police officers, tricked the drunken Rivera and Laude to go with them to the home of Efrain’s brother, Mario Reyes. Once in the house, Rivera and Laude were savagely beaten by an array of Chamorros, natives of the Northern Marianas,

including the Reyes brothers and Bowie's friends. The attackers then bound their victims' wrists and deposited them in the trunk of Laude's car. After drinking more beer and talking about how to kill their captives, two of the assailants, Lucas Manglona and Bruce Lee Manglona, drove the car from the area, followed closely by Bowie, who was driving a van owned by a local employer. Mario Reyes was with Bowie in the van. Rivera somehow escaped, but Laude was killed. His mangled and dead body was found the next morning along the side of a road and his abandoned and burned car was recovered at another location.

The local police arrested six individuals believed to be involved in the abduction and murder, including the appellant Joseph Bowie, Efrain and Mario Reyes, John Villagomez, Bruce Lee Manglona, and Lucas Manglona. As the case approached trial, most of the perpetrators and accomplices received favorable plea agreements in exchange for promising their full cooperation and truthful testimony against Bowie and Mario Reyes.

At the jail, shortly after Mario Reyes' arrest, a sergeant who routinely checked on prisoners saw Mario in his cell, holding a piece of yellow writing paper in his hand. When Mario realized the sergeant was watching him, the prisoner crumpled the paper and put it in the trash. The sergeant eventually retrieved the paper and turned it over to one of the chief investigators in the homicide investigation. The sergeant had not seen Mario writing the letter, nor had he seen Mario receiving it from another person. The letter, which was unsigned, read precisely as follows:

Hey brod I want you to help me please for this problem that were facing right now because if they know that Im the one that did this theyre gonna put me in jail for life. I tried this before. Brab this is what we gonna do listen carefully okay if we go to court on Thursday and they ask us questions how the murder happens and who kill the phillipino just say JJ because i already talk to John and Brassley before I was arrested but anyway don't worry about Lucas because I talk to Lucas that don't tell the detectives that Im the one that did this things. You know what brab, don't worry about this case because well win this just imagine four against one. I even lied to my lawyer about the incedent.

The chief investigator took the letter to the local island prosecutor, Assistant Attorney General Ron Hammett, who told the chief investigator to do nothing with the letter—to just keep it until the prosecution needed it. The chief investigator did as instructed. The prosecutor never investigated the source of the letter; none of the cooperating co-defendants were asked anything about the letter; and Mario was never confronted about a possible frame-up of appellant Bowie or about a cover-up in favor of Mario.

The letter was eventually turned over to the defense before trial. Bowie and Mario Reyes were tried jointly, and the chief investigator who had reported the letter to the prosecution was called as a witness. He testified that Efrain Reyes was Mario's brother; that the brothers were both in jail on Nov. 17, 1992, the day the letter was found; and that both the deceased and Rivera were Filipino. The chief investigator also testified that his department had intentionally not conducted an investigation as to who wrote the letter; that the letter had not been submitted to a handwriting expert for analysis; that no one outside the focus of the

investigation had been consulted about the letter; and that no other experts had been consulted to determine the authorship. The chief investigator opined that Mario Reyes had been involved in the case like the others but decided to put the blame on Bowie. The witness also testified that, once the letter was turned over to the attorney general's office, the decision regarding what to do with it remained there.

Four cooperating co-defendants testified against Bowie, but much of the prosecution's other evidence failed to corroborate their stories. Bowie's attorney introduced the jailhouse letter and fought against Mario Reyes' attempt to establish that he was not the author. Mario's attorney tried to introduce handwriting evidence showing that Mario had not written the letter but the government objected, notwithstanding the prosecution's lack of handwriting analysis or expert opinion. The defense counsel had no handwriting analysis either, calculating that the inference already weighed heavily in his favor that Mario had written the letter. The trial judge recognized that the letter suggested possible perjured testimony by accomplices and questioned the prosecutor about the possibility. During closing argument, the prosecutor insinuated that Bowie had written the letter. Bowie's defense efforts failed, and Bowie was convicted of first degree murder, as charged.

NONWAIVABLE DUE PROCESS OBLIGATIONS OF THE PROSECUTOR

On appeal, Joseph Bowie asserted that the government had deprived him of his liberty without due process of law by its inexcusable lack of attention to and investigation of the jailhouse letter. The Ninth Circuit agreed that the prosecutor's lack of diligence resulted in a profound miscarriage of justice. The court determined that the prosecutor's first error had been its failure to conduct a prompt pretrial investigation of the integrity of the government's evidence before the witnesses were called to the stand. At the appeal, the government urged that the error could be cured by remanding the case to the trial court to conduct an evidentiary hearing regarding the extent of the taint. The Ninth Circuit rejected that argument, saying that a "tardy evidentiary hearing after the fact, such as might occur in a post-conviction proceeding" could not satisfy the constitutional requirement. The court reasoned that the prosecution had had leverage before trial to get to the truth with its witnesses; and afterward it was likely that the Fifth Amendment would shield witnesses from the inquiry the prosecution wished to launch. As a result of the government's actions that committed its witnesses under oath to a certain story, a subsequent admission of "untruthfulness might well unveil a crime."

The government's second error occurred at trial, when the prosecution objected to Mario's attorney's efforts to introduce handwriting evidence to establish that Mario had not written the letter. The attorney general's representative blocked evidence on a crucial part of the issue that the government now says it wants to examine. Overall, the record established "bad faith" on the part of the representative of the Mariana Islands attorney general's office prior to and during the trial—that is, knowing violation of its ethical obligations.

The attorney general's office argued in vain that Bowie had waived his right to appeal based on errors that had occurred at trial, errors that included the appellant's failure to obtain and introduce his own handwriting analysis. The Ninth Circuit disagreed and held the prosecution had a nonwaivable duty to protect the

trial process against fraud. The court ruled that even though a person accused of a crime has certain constitutional rights that can be waived or forfeited, an individual cannot waive the “free-standing ethical and constitutional obligation of the prosecutor as a representative of the government to protect the integrity of the court and the criminal justice system.” As the ruling related to Bowie, the government “shirked this duty.” Bowie’s conviction was reversed on grounds much more serious than a trial error; the conviction was overturned because of the prosecutor’s fatal error: failure to ensure the defendant’s due process rights—an error that “contaminated everything that followed.”

A PROSECUTOR’S KNOWING USE OF FALSE WITNESS TESTIMONY

The problems faced by the government in Bowie’s trial were the direct result of the prosecutor’s failure to protect the defendant’s constitutional rights: to guard against improbity in the trial process, a failure that rendered the trial itself patently unfair as far as due process was concerned. Without taking any preventive measures, the prosecution saw fit “to call to the stand witnesses whom it had a clear reason to believe may have conspired to lie under oath.” The manner in which the trial unfolded left the court “with the definite conviction that the process itself lacked fundamental fairness and delivered a palpably unreliable result.” In reversing Bowie’s murder conviction, the Ninth Circuit sought not to punish society for the misdeeds of the prosecutor, but to vindicate the rule of law—“principle and process instead of person.”

The Ninth Circuit’s analysis of the prosecutor’s unethical actions related the case brought in the Commonwealth of the Northern Mariana Islands to a case in Texas, where the prosecutor had acted improperly when, on direct examination, he had knowingly allowed a witness to create a false impression of his disputed relationship with the defendant’s murdered wife. The defendant was convicted of capital murder, but the conviction was overturned by the U.S. Supreme Court in *Alcorta v. Texas*.¹⁴ Because the prosecutor had known before trial that his witness had engaged in sex with the defendant’s wife reportedly five or six times, his testimony, if true, would have corroborated the defendant’s reason for stabbing and killing his wife and may have supported Alcorta’s bid for a manslaughter conviction, rather than the charge of premeditated first degree murder.

The Texas prosecutor had instructed the witness not to volunteer any information about his sexual history with the decedent and then sat quietly by while his witness lied under oath, claiming that his relationship with the defendant’s wife had been just a “casual friendship.” Influenced by the false testimony, the jurors rejected Alcorta’s bid for a manslaughter conviction and found him guilty of capital murder. The Supreme Court held that the false impression that the state had left with the jury violated the defendant’s right to due process; therefore, the Court granted Alcorta’s petition for a writ of habeas corpus.

The commonality shared by each of the cases described in this article is the taint caused by the prosecutors’ actions and influence over witness testimony. In the case of Joseph Bowie, the Ninth Circuit was concerned about taint caused by a number of actions on the part of the prosecutor; having knowledge of facts indicating that another person had confessed to the murder, failing to investigate possible exculpatory evidence, influencing witnesses, and sponsoring the false testimony by accomplices who had been

offered deals for their cooperation. In *Alcorta*, the Supreme Court was concerned about the prosecutor’s knowledge of facts and influence over the witness who had given false and misleading testimony. In the case of Zacarias Moussaoui, the court voiced concern over the taint caused by the TSA lawyer’s efforts to improperly attempt to influence witnesses by coaching their testimony. In Adam Miranda’s case, the California Supreme Court may be concerned about taint stemming from several sources: the prosecutor’s influence over a key witness who may have falsified information to support the state’s sentencing enhancement allegation; the prosecutor’s failure to disclose the letter by another witness, which would have refuted the key witness’ testimony at the sentencing phase; and the prosecutor’s influence over a trial witness with whom a romantic relationship was developing or had already developed. As it stands now, ABA Model Rule 3.8 offers prosecutors no specific guidance that addresses a prosecutor’s behavior with witnesses, nor does the rule suggest measures that should be taken to avoid tainting or compromising highly sensitive cases.

PRECEDENT REVERSING THE DEATH SENTENCE BECAUSE OF THE PROSECUTOR’S FAILURE TO DISCLOSE EVIDENCE

Nondisclosure of exculpatory evidence is currently a critical issue in Adam Miranda’s habeas appeal pending before the California Supreme Court. Miranda is arguing strenuously that prosecutorial errors in his case are as bad as those that occurred in *Brady v. Maryland*,¹⁵ a case in which the U.S. Supreme Court affirmed the lower court’s remand of a death sentence on grounds that the government had committed misconduct by its failure to disclose potentially exculpatory evidence. The facts in *Brady* arose in Anne Arundel County, Md., not long after the Supreme Court’s decision in *Alcorta*. In a neighborhood not far from our nation’s capitol region, a murder suspect confessed to authorities and admitted his responsibility for the crime. The prosecution charged that perpetrator with murder, but they also charged another man, withheld the perpetrator’s confession from the other man, and went on to obtain first degree murder convictions and death sentences against both individuals.

The appellant in the Maryland case was John Leo Brady, a 25-year-old who had a very troubled life, including abandonment by his parents as a baby, involuntary discharge from the Air Force after enlisting, and incapacity to hold down one menial job after another. In 1958, Brady was broke and his girlfriend was pregnant; Brady decided to steal a new car owned by a long-time acquaintance, William Brooks. He planned the theft with Donald Boblit, the developmentally disabled brother of his pregnant girlfriend. The evidence suggested that Brady had no intention of killing Brooks, who had treated him generously in the past. The evidence also suggested that Boblit panicked during the car theft, beating Brooks and then strangling him to death. After their arrests, Brady and Boblit told conflicting stories to the police. Among his various versions, Boblit confessed to authorities that he, not Brady, was responsible for the homicide.¹⁶

The Anne Arundel County prosecutor did not tell Brady’s defense lawyer about Boblit’s confession. Both Brady and Boblit were convicted of first degree murder and ended up on death row. A prison chaplain who believed Brady’s account that Brooks had died at the hands of Boblit convinced attorney E. Clinton

Bamberger Jr., a former student of his, to consider helping with an appeal. Bamberger, a former prosecutor with the Maryland attorney general's office, had come to believe in a level playing field while working for the government.

Bamberger obtained the transcripts from the separate trial of Brady and Boblit. The transcript of Brady's trial yielded no grounds for appeal, but the transcript of Boblit's trial contained a vague reference to a confession made on July 9, 1958, and referred to as the "fifth statement." Examining the exhibits attached to the transcript, Bamberger found four statements, but not the July 9 document. When he obtained that document, which included Boblit's confession, he used it as the basis for John Brady's appeal. In post-conviction proceedings, the Maryland Court of Appeals remanded the case for a new trial on the question of punishment, but affirmed the underlying conviction for first degree murder. When the case ultimately reached the Supreme Court in 1963, Justice William O. Douglas wrote the majority opinion in *Brady v. Maryland*. In affirming the decision by the Maryland Court of Appeals, the Court held that:

The suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution. . . . Society wins not only when the guilty are convicted but when criminal trials are fair; our system of the administration of justice suffers when any accused is treated unfairly.

The California prosecutor's failure to disclose to Adam Miranda's lawyers the jailhouse letter written by Montez is strikingly similar to the Maryland prosecutor's failure to disclose the co-defendant's confession in *Brady v. Maryland*. Both pieces of withheld evidence mostly serve to undermine the death sentence rather than negate the underlying guilt in the charged murder offense. The length of time the prosecutors withheld this evidence from Adam Miranda, however, is potentially a more serious issue than the nondisclosure was in *Brady*. The Montez letter was finally disclosed to Miranda 18 years into his isolation on death row, and Miranda's fate is still unknown.

Certain facts in Adam Miranda's case are similar to facts regarding the jailhouse letter in the *Commonwealth of Northern Mariana Islands v. Bowie* case, which involved due process. California prosecutors are arguing that the jailhouse letter constitutes double hearsay and is therefore inadmissible—an obstacle that Mariana Islands prosecutors had strategically sidestepped regarding the letter found in Mario Reyes' cell when they prosecuted Bowie. Prosecutors in California, like those in the Northern Mariana Islands, seemingly are placing the onus on defense lawyers to prove who wrote the letter and whether this information would constitute admissible, impeaching evidence. However, as the Ninth Circuit emphasized when it overturned Bowie's murder conviction, prosecutors have their own constitutional duty to investigate the source of the letter, not just attack the defense theory of its origination.

Finally, Adam Miranda's appellate attorneys claim that there is evidence of prosecutorial misconduct to warrant a reversal of their client's death sentence. Defense attorneys argue that the state paid an informant to testify against Miranda and then allowed the witness to lie on the stand when asked if he had been compensat-

ed. Attorneys say they have a receipt showing that Saucedo was paid for his testimony and they maintain that, when he was asked on cross-examination whether he was paid, Saucedo said no, which was a lie. Defense attorneys say the prosecutor just stood there and said nothing during Saucedo's testimony.¹⁷ It is yet to be determined whether such evidence equates with the prosecutor's deception and silence while his witness testified falsely, as was done in *Alcorta v. Texas*.

CONCLUSION

American society has high expectations for the country's prosecutors. As Judge Leonie Brinkema recently stressed in the trial of Zacarias Moussaoui, when lawyers on the prosecution's team fail to adhere to high ethical standards, their failure affects not just an individual's constitutional rights, but—more importantly—the integrity of the criminal justice system in the United States. Justice demands that prosecutors seek the truth and act fairly, particularly when they ask a jury of citizens to make the gut-wrenching decision regarding life or death.

Prosecutors and all government lawyers are representatives of a sovereign. As such, they deserve the highest measure of ethical guidance and training. Indisputably, earnestness and vigor are highly prized prosecutorial qualities. But prosecutors should also be trained and sensitized to avoid potential ethical dilemmas and lauded for resisting the temptation to strike foul blows. Fairness in trials, particularly in cases involving the death penalty, serves all interests. As many esteemed jurists have earnestly asserted over the decades, fairness makes society the ultimate winner.

ABOUT THE AUTHOR

Kim Wherry Toryanski is a Boise attorney who received her J.D. from the University of Florida College of Law. She was a federal prosecutor for the Criminal Division of the U.S. Justice Department in Washington, D.C. She had a private practice in Boise, served on the federal Criminal Justice Act panel for the District of Idaho. In 2004, Kim led the defense for the first capital case tried before a death-qualified jury in Idaho State Court. In 2007, Governor Otter appointed her as Administrator of the Idaho Commission on Aging. She is a volunteer in the community alongside Idaho Legal Aid attorneys and other Idaho Volunteer Lawyers in the annual StandDown for the homeless events sponsored locally by the U.S. Veteran's Affairs office.

ENDNOTES

¹ *Government Fights to Preserve Death Penalty for Moussaoui*, www.msnbc.com, March 14, 2006; *Government Case in Moussaoui Trial Hurt*, www.msnbc.com, March 14, 2006.

² Jeffrey Anderson, *Sex, Justice and the D.A.'s Office: Could a Prosecutor's Affair with a Stripper Bring Down a Death-Penalty Conviction and Steve Cooley?* www.laweekly.com, August 16, 2006.

³ *Berger v. United States*, 259 U.S. 78 (1935).

⁴ American Bar Association, MODEL RULES OF PROFESSIONAL CONDUCT, Rule 3.8 cmt. (2006).

⁵ Bruce A. Green, *Prosecutorial Ethics as Usual*, 5 U. ILL. L. REV. 1573, 1575 (2003).

⁶ Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offense carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include

offenses concerning some matters of personal morality, such as the adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate a lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, or breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation." ABA, MODEL RULES OF PROFESSIONAL CONDUCT, Rule 8.4 cmt. (2006).

⁷ *U.S. v. Zacarias Moussaoui*, Crim. No. 01455A(LMB) (E.D. Va.)

⁸ Assistant U.S. Attorney David J. Novak, Letter to U.S. District Judge Leonie M. Brinkema (March 13, 2006), which reads: "Dear Judge Brinkema: We write *ex parte* to inform the Court of a possible violation of the sequestration order as it relates to FAA witnesses. Late in the afternoon on Friday, March 10, 2006, we learned that Carla Martin, an attorney for the Transportation Safety Administration, provided a copy of the transcript from the first day of trial to one of the witnesses from the FAA, Lynne Osmus. Ms. Osmus did not read the transcript. We then investigated Ms. Martin's contact with other current/past employees of FAA, whom Ms. Martin represented in this case (she has since been replaced). ..."

⁹ *Government Fights to Preserve Death Penalty for Moussaoui*, *supra* at 1.

¹⁰ Jeffrey Anderson, *Sex, Justice and the D.A.'s Office*, *supra*, at 2. (The article states that the spokeswoman for the Los Angeles district attorney's office, Sandi Gibbons, said that the prosecutor never hid the three year relationship from his superiors and that he never hid the fact that the relationship led to the birth of his son. Ms. Gibbons is quoted as saying that the relationship began after the trial, and that the prosecutor raised the child on his own.)

¹¹ *Death Penalty News*, California, April 26, 2002. The murder charges against Miranda for the drug dealer's death were later re-filed after the prosecutor met with Saucedo and struck a deal. In exchange for Saucedo's testimony against Miranda in the drug dealer's death, murder charges against Saucedo would be reduced to assault with a deadly weapon and a sentence of probation.

¹² *In re Adam Miranda on Habeas Corpus*, CDC Number S058528. According to the court's docket, on June 27, 2001, the California Supreme Court ordered that a referee be selected to take evidence and make findings of fact on the question of whether Miranda's trial counsel actually received the Montez letter in either case involving the store clerk's murder or the drug dealer's murder. On June 25, 2003, the court expanded the questions for the referee to take evidence, including whether Larry Montez had signed his letter, whether Montez would have been available as a witness to the defense at trial and what he would have said, and what Saucedo told jail inmates Jimmie Barnes, Marvin Sanchez, and Steven McDonald about his role in the drug dealer's killing.

¹³ *Commonwealth of Northern Mariana Islands v. Bowie*, 243 F.3d 1109, amended, 236 F.3d 1083 (9th Cir. 2001).

¹⁴ *Alcorta v. Texas*, 355 U.S. 28 (1957).

¹⁵ *Brady v. Maryland*, 373 U.S. 83 (1963).

¹⁶ Steve Weinberg, *Anatomy of Misconduct: There's Much to Learn When A Trial Goes Terribly Wrong*, Report of the Center for Public Integrity, Washington, D.C., June 26, 2003, www.publicintegrity.org.

¹⁷ Jeffrey Anderson, *A Death Row Inmate Pushes His Claim That L.A. Prosecutors Suppressed Crucial Information*, DAILY JOURNAL, July 25, 2002. (One of Miranda's appellate attorneys, George Hedges, a partner at Quinn, Emanuel, Urquhart, Oliver & Hedges, was appointed to the case in 1988.)

Mediator/Arbitrator

W. Anthony (Tony) Park

·36 years, civil litigator

·Former Idaho Attorney General

·Practice limited exclusively to ADR

P.O. Box 2188
Boise, ID 83701

Phone: (208) 345-7800
Fax: (208) 345-7894

E-Mail: wap@huntleypark.com



Your legal staffing
resource for part-time
and full-time employees.

We are accepting applications and resumes from experienced paralegals and other professional office staff.

Contact Merrily Munther
or Mary Lou Brewton-Belveal
at (208) 344-4566
info@idaholegalstaffing.com

CONFIDENCE?

Send your clients to someone you have confidence in. With over 75 years of experience in fiduciary solutions, your clients will appreciate your referral to an institution they can trust.

Serving Idaho, Washington, & Oregon

- Trustee Appointments
- Estate Settlements
- Investment Management
- Retirement Accounts

Contact us at: 208-415-5705 or 800-795-6512



Panhandle State Bank
Intermountain Community Bank
Magic Valley Bank

...exactly like no other.

NOT A DEPOSIT	NOT FDIC INSURED	NOT GUARANTEED BY THE BANK
NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY		MAY LOSE VALUE

LOCATING PERSONAL INJURY VERDICTS & SETTLEMENTS IN IDAHO

Linda McLane,
Patrick Charles,
Chastek Library, Gonzaga University School of Law

Information about jury verdicts, bench trial judgments and settlements in personal injury cases is important for a variety of reasons.¹ Award or settlement amounts and the facts surrounding these cases are helpful in evaluating how a case may fare at trial and may be used as a bargaining tool in settlement negotiations.

Personal injury verdict and settlement information can be found in both print and electronic formats. Each source supplies different details about the cases; some give only the bare minimum of information, including the type of case, jurisdiction and the award or settlement amount. Other sources may also provide citations to statutes, case name, judge's name, docket number, statement of the facts, award or settlement amount, appellate information and experts used. Most of these resources require either subscription or membership but most law libraries provide access to a variety of these publications.

Almost all publishers accept verdicts and settlement information submitted by the attorneys involved in the cases. In fact, most encourage this practice. In addition, many legal publishers hire individuals to go to local courthouses, retrieve court files and read, summarize and submit the cases. Other legal publishers gather information from reported appellate court opinions.

Jury verdicts and bench trial judgments are generally easier to locate than settlements because the verdict or judgment amount is part of the court file. Settlements tend to be confidential in nature. Even if the settlements are not confidential, it is still difficult in many jurisdictions to find actual dollar amounts because the court files generally don't include that information.

Listed below are some of the national and Idaho specific sources for personal injury verdicts and settlements. Some also include employment cases. If it is available online, that information is also provided.

IDAHO JURY VERDICT & SETTLEMENT RESOURCES

Jury Verdicts Northwest—*Idaho Verdict & Settlement Reports*

Jury Verdicts Northwest publishes verdicts and settlements for Washington, Alaska, Oregon and Idaho dating back to 1962. Idaho cases are in a separate monthly publication called *Idaho Verdict & Settlement Reports* which contains personal injury trials, settlements and arbitrations from Idaho state and federal courts. Cases reported include the type of case, docket number, facts of the case, type of injury, judge's name, expert information and award or settlement amount. It is also available in the LexisNexis database VERDCT;IDJURY and in the Westlaw database JVNID-JV.

Jury Verdicts Northwest offers a fee-based custom search service for Idaho, Washington, Oregon and Alaska cases at: www.juryverdictsnw.com. This site also gives subscription information for their print resources, including the *Idaho Verdict & Settlement Reports*.

Idaho Verdicts & Settlements

Idaho Verdicts & Settlements is a companion publication to *Rocky Mountain Verdicts & Settlements*, which reports state and federal cases from Idaho, Utah, Nebraska and Wyoming. Information includes the type of case, docket number, attorney information, type of injury, judge's name, award or settlement amount, a factual summary of the case and expert information. Each monthly issue has an index of cases reported by case type, injury type, plaintiff and defendant names, attorney names and expert names. For subscription information, visit their web site at: www.rockymtverdicts.com.

The Journal—*Idaho Trial Lawyers Association*

The Journal is the official publication of the Idaho Trial Lawyers Association (ITLA) and is published four times a year. It includes jury verdicts and settlement information from Idaho state and federal cases. Each case reported includes a summary of the facts of the case, type of injury, docket number, court, type of case and award or settlement amount.

ITLA also provides access to TrialSmith, a database that contains federal and state personal injury cases from around the country. It is accessible only to ITLA members. For information about becoming a member of ITLA, visit their web site at: www.itla.org.

LRP's Personal Injury Verdict Survey – Idaho Edition

LRP Publications publishes state-specific personal injury verdicts and settlements annually for approximately 28 states, including Idaho. LRP is a leading publisher of personal injury and employment verdicts and settlements. Each state verdict survey includes award trends for significant injuries and frequently claimed liabilities, million-dollar verdict activity, statistical comparisons of state and national averages, as well as detailed summaries of recent verdicts and settlements. The most recent *Personal Injury Verdict Survey—Idaho Edition* is 2006. It is also available in the Westlaw database LRPID-JV.

NATIONAL JURY VERDICT & SETTLEMENT RESOURCES

JVR Personal Injury Valuation Handbook

The *JVR Personal Injury Valuation Handbook* is an eight-volume set published by LRP Publications. It provides a statistical analysis of verdicts and settlements that is helpful in preparing more effective case strategies. Some of the titles include:

- Comparing Settlements, Verdicts & Statistics in Spinal Nerve Injury Cases
- Current Award Trends in Personal Injury
- Finger and Hand Injury Claims: Getting a Grip on National Verdicts and Statistics
- From Cervical to Lumbar Strains: A Closer Look at Back Injury Litigation and Liability Studies
- Medical Malpractice: Verdicts, Settlements and Statistical Analysis

- Nationwide Trends in Burn Injury Verdicts and Settlements
- Personal Injury and the Hospitality Industry: Verdicts, Settlements and Statistical Analysis
- Personal Injury Case Evaluation
- Personal Injury Valuation Handbooks
- Personal Injury Verdict Reviews
- Personal Injury Verdict Finder
- Products Liability: Verdicts, Settlement and Statistical Analysis
- Tracking the Trends: Jury Awards and Settlements in Spinal Disc Injury Cases
- Vehicular Liability: Verdicts, Settlements and Statistical Analysis

The *Personal Injury Verdict Finder*, listed above, allows a researcher to call LRP's toll-free telephone number or fill out an online form and LRP will locate similar personal injury verdicts and settlements.

LRP's publications can be found in a variety of formats, including newsletters, books, pamphlets and online databases. Subscription and pricing information is available at: www.juryverdictresearch.com. LRP personal injury verdicts and settlements are also available on Westlaw in the LRP-JV database.

AAJ's Law Reporter

The *Law Reporter* is a newsletter published 10 times per year by the American Association for Justice (formerly the Association of Trial Lawyers of America) and covers state and federal cases throughout the nation. The *Law Reporter* covers all types of cases including personal injury cases. Each case reported in the *Law Reporter* includes the type of case, award or settlement amount, jurisdiction, attorney information, facts of the case and access to pleadings and other court documents. It is more of a current awareness tool because there is no comprehensive index of verdicts and settlements.

Lawyers USA

Lawyers USA (formerly *Lawyers Weekly USA*) is a national legal newspaper. It has a section entitled "Verdicts & Settlements" that includes state and federal personal injury and employment verdicts and settlements. Each case reported in *Lawyers USA* includes the facts of the case, award or settlement amount, attorney information and the judge's name.

The verdicts and settlements section is available weekly in each print issue of *Lawyers USA*. There is no comprehensive index; however, there is a keyword searchable database that contains all of the verdicts and settlements reported by *Lawyers USA* available at: www.lawyersweeklyusa.com.

ALM's VerdictSearch National

VerdictSearch National is published by ALM. This monthly newsletter was originally called the *National Jury Verdict Reporter*. It covers state and federal personal injury cases from across the country. Each case reported in the *VerdictSearch National* includes the following information: the award or settlement amount, case name, jurisdiction, docket number, attorney information and a factual description of the case. There is no comprehensive index of verdicts and settlements for the newsletter; however, ALM maintains a keyword searchable database that contains thousands of state and

federal personal injury cases. Subscription information can be obtained at the ALM's web site at: www.verdictsearch.com. The Westlaw database is ALMVS-JV.

ALM also publishes the *National Law Journal*. The *National Law Journal* publishes an annual issue that includes their top 100 verdicts and top 20 defense verdicts.

Stein on Personal Injury Damages 3d

This is a multi-volume set published by Thomson-West that provides information on aspects of personal injury damages for both state and federal verdicts and settlements from around the country organized by type of injury. Each verdict or settlement provides the jurisdiction, court and citation information, type of injury, award or settlement amount, attorney information and a summary of the facts. The Westlaw database is STEIN-DIG.

Verdicts, Settlements & Tactics

This is a monthly newsletter that includes information concerning injury trends, articles on trial strategies and tactics, as well as very detailed and comprehensive verdict and settlement information from state and federal courts from around the country. It is organized into sections dealing with specific types of injuries, further divided into five subsections: damages fixed by court, excessive, not excessive, adequate and inadequate. Each verdict or settlement report includes: jurisdiction, court and citation information, type of injury, award or settlement amount, attorney information and a summary of the facts. It is also available in the LexisNexis database VERDCT;VERST and in the Westlaw database VST.

Dollar Verdicts: Personal Injury

Only reported cases which have generated a published opinion are included. It is organized into sections dealing with specific types of injuries, further divided into five subsections: damages fixed by court, excessive, not excessive, adequate and inadequate. Each verdict or settlement report provides: jurisdiction, court and citation information, type of injury, award amount, attorney information and a summary of the facts. It includes cases from both state and federal courts throughout the country, and is updated annually.

What's It Worth: A Guide to Personal Injury Awards and Settlements

This is an annual publication organized into 28 chapters dealing with specific types of injuries, further divided into four sections: settlements, adequate verdicts, inadequate verdicts and excessive verdicts. Each case provides: jurisdiction, case name, attorney information, facts of the case, type of injury and award or settlement amount. Cases are supplied from AAJ (formerly ATLA) and LexisNexis. It includes both state and federal cases from around the country. The LexisNexis database is 2NDARY;WORTH.

Lane Medical Litigation Guide

This multi-volume set includes "Specimen Awards" related to injuries to various parts of the body. Each verdict or settlement provides: case name, citation, jurisdiction, type of injury and award or settlement amount. Cases are supplied from West reporters and other sources. It is updated annually and includes both state and federal cases from around the country.

Damages in Tort Actions

Volume 7 of this multi-volume set includes "Illustrative Awards and Settlements." In addition to providing access to all aspects of medical malpractice law, it supplies a list of "Illustrative Awards." Verdicts and settlements are organized by type of injury and report

court and docket information, facts of the case, award or settlement amount, specific type of injury and other relevant data. Cases are supplied from AAJ (formerly ATLA) and LexisNexis. It is updated annually and includes cases from both the state and federal level. The LexisNexis database is MATBEN;DAMTOR.

Medical Malpractice

Volume 5 of this multi-volume set supplies a list of "Illustrative Awards." Verdicts and settlements are organized by area of medicine. Each verdict or settlement provides: court and docket information, award or settlement amount, facts of the case, specific type of injury and other relevant data. Cases are supplied from AAJ (formerly ATLA) and LexisNexis. It is updated annually and includes both state and federal cases from around the country. The LexisNexis database is MATBEN;MEDMAL.

Premises Liability

Volume 4 of this multi-volume set supplies a list of "Illustrative Awards." Verdicts and settlements are organized by type of injury. Each verdict or settlement provides: court and docket information, award or settlement amount, facts of the case, specific type of injury and other relevant data. Cases are supplied from AAJ (formerly ATLA) and LexisNexis. It is updated annually and includes both state and federal cases from around the country. The LexisNexis database is 2NDARY:PRLLAP.

Product Liability Advisory

This monthly newsletter reports on recent case developments in the area of product liability law, as well as surveys verdicts and settlements. Each verdict or settlement includes a narrative of the case, award or settlement amount, court information, experts used, attorney information and the docket number. It is part of the multi-volume treatise, *American Law of Products Liability 3d*, and can also be subscribed to separately. It includes both state and federal cases from around the country. The Westlaw database is PLADVISORY.

LEXISNEXIS JURY VERDICT & SETTLEMENT RESOURCES

All Verdicts on LexisNexis (VERDCT;ALLVER)

This database includes jury verdicts and settlements from state and federal cases around the country. This is a combined database which includes cases from over 46 different databases on LexisNexis.

National Jury Verdict Review & Analysis (VERDCT;NTLREV)

The *National Jury Verdict Review & Analysis*, published by Jury Verdict Review Publications contains selected state and federal cases from around the country.

WESTLAW JURY VERDICT & SETTLEMENT RESOURCES

Jury Verdicts: 9th Circuit (JV-9TH)

This database includes both state and federal cases from states in the 9th Circuit. It is a compilation database that includes cases from LRP Publications, *Jury Verdicts Northwest*, Westlaw and *Trials Digest California Jury Verdicts and Judgments*.

National Evaluator Library (NATEVAL-ALL):

This is another combined database that contains a variety of primary and secondary sources for use in the evaluation of civil lawsuits, including personal injury and products liability lawsuits. It includes cases from over six different jury verdict and settlement databases on Westlaw.

National Jury Verdicts (JV-NAT)

This comprehensive database includes many different sources

including LRP's jury verdicts and settlements. This database includes both state and federal cases from around the country.

OTHER ELECTRONIC JURY VERDICT & SETTLEMENT RESOURCES

MoreLaw.com - www.morelaw.com

This is a free service and is maintained Kent Morlan, a Tulsa, Oklahoma trial attorney. The database is searchable by keyword and updated on a daily basis. Each verdict, settlement or judgment lists jurisdiction, a summary of the case, case name, docket number or citation, type of case, attorney names, expert names, injuries and award or settlement amount. This includes both state and federal cases from around the country.

National Association of State Jury Verdict Publishers - www.juryverdicts.com

The National Association of State Jury Verdict Publishers is an organization of publishers of jury verdict summaries from throughout the United States. This site does not contain actual verdict or case information; rather it is a trade association for a number of verdict publishers throughout the United States.

ABOUT THE AUTHORS

Linda McLane, *Director & Assistant Professor of Law, Chastek Library - Gonzaga University School of Law. Prior to becoming the Director of the Chastek Library, she was the Collection Development Librarian and Head of Acquisitions at the University of California, Berkeley, Boalt Hall School of Law Library. She previously worked at the Gallagher Law Library at the University of Washington and the University of Michigan Law Library. She received her Bachelor's degree from the University of Idaho, her Masters in Library Science from the University of Washington, and her J.D. from the University of Idaho College of Law.*

Patrick J. Charles, *Associate Director & Assistant Professor of Law, Chastek Library - Gonzaga University School of Law. Prior to joining Gonzaga University School of Law, he was a Reference Librarian and Legal Research Instructor at Creighton University School of Law in Omaha, Nebraska; and, prior to that he was the Circulation/Reference Librarian at Widener University School of Law in Wilmington, Delaware. He received his Bachelor's degree from Loyola University of New Orleans, his Masters in Library Science from the University of Washington, and his J.D. from the University of Idaho College of Law. He is a member of the Oregon State Bar Association.*

ENDNOTES

¹ For purposes of this article, the term "verdict" will include both jury verdicts and bench trial judgments.

CHASAN



WALTON

ATTORNEYS AT LAW

PROFOUND INJURY CASES

FEE SPLIT ARRANGEMENTS

ANDREW M. CHASAN

*Martindale-Hubbell AV Rated
Past President, Idaho Trial Lawyers Association*

TIMOTHY C. WALTON

*Martindale-Hubbell AV Rated
Past President, Idaho Trial Lawyers Association*

208.345.3760

800.553.3760



1459 Tyrell Lane • PO Box 1069 • Boise, Idaho 83701

www.chasanwalton.com

andrew.chasan@chasanwalton.com • tim.walton@chasanwalton.com



IDAHO COURTS

Chief Justice Daniel T. Eismann
Idaho Supreme Court

STATE OF THE JUDICIARY

Presented on January 7, 2008



Governor Otter, Mr. Speaker, Mr. President, Mr. President Pro Tem, my colleagues on the Supreme Court, Judges of the Court of Appeals, Constitutional

Officers, distinguished members of the Senate and House of Representatives, and fellow citizens of Idaho.

It is an honor to appear before you to report on the state of the judiciary in our great state. This is my first opportunity to do so. I want to begin by acknowledging my immediate predecessors, retired Chief Justices Gerald F. Schroeder and Linda Copple Trout. During their careers they both made significant contributions to the judiciary and to our State. I next want to introduce the two new members of the Supreme Court.

Justice Warren Jones was appointed to the Court by Governor Otter in July. Justice Jones graduated from high school in Arco, earned his undergraduate degree from the College of Idaho and his law degree from the University of Chicago School of Law. After clerking two years for the Idaho Supreme Court, Justice Jones joined one of the pre-eminent Boise law firms and became that firm's senior litigator. During the next 37 years, he tried 122 jury trials in 38 of Idaho's 44 counties.

Justice Joel Horton was appointed to the Court by Governor Otter in September. He graduated from high school in Boise, earned his undergraduate degree at the University of Washington, and his law degree at the University of Idaho College of Law. Justice Horton practiced law in Lewiston, served as a deputy prosecuting attorney in Twin Falls and Ada counties, and as a deputy attorney general. In 1994 he was appointed as a magistrate judge in Ada County and in 1996 as a district judge for the Fourth Judicial District.

Although most of you know Justices Roger Burdick and Jim Jones, I will re-introduce them.

Justice Burdick also graduated from high school in Boise. He earned his undergraduate degree at the University of Colorado and his law degree at the University of Idaho College of Law. He practiced law in the Magic Valley, served as a public defender and as a deputy prosecuting attorney, and was elected the Jerome County Prosecuting Attorney. Justice Burdick served twelve years as a magistrate judge in Jerome County and ten years as a district judge for the Fifth Judicial District, during which time he was elected as the administrative district judge and presided over the Snake River Basin Adjudication. He was appointed to the Supreme Court in 2003 by Governor Kempthorne.

Justice Jim Jones graduated from Valley High School located between Eden and Hazelton. He earned his undergraduate degree from the University of Oregon and his law degree from Northwestern School of Law in Chicago. He served our country as an artillery officer in Vietnam and the citizens of our state during two terms as Attorney General. Prior to being elected Attorney General he practiced law in Jerome, and afterward he practiced law in Boise. The people elected him to the Idaho Supreme Court in 2004.

As you can see, the members of the Court have varied backgrounds, an extensive range of experience, and are committed to excellence in our legal system.

I have been a judge for over twenty-one years, serving as a magistrate judge in Owyhee County, as a district judge and administrative district judge in the Fourth Judicial District, and now as a justice on the Supreme Court. The current state of the judiciary can best be understood by reviewing some of the changes that I have observed during the last 20 years.

Idaho's population has grown almost 60%. A population growth typically causes an increase in court filings, and that has happened in Idaho. Case filings have increased over 40%, so that during 2007 almost one-half million cases were filed in Idaho's state

courts.

For most Idahoans, going to court means appearing before a magistrate judge. They preside over a wide variety of cases, including small claims cases and civil cases seeking \$10,000 or less; infractions, misdemeanors, preliminary hearings, juvenile corrections cases, guardianships and conservatorships, divorces, and probates. They also preside over all cases involving children, such as child abuse and neglect, child support and custody, terminating parental rights and adoptions. During the last 20 years, we have seen average magistrate caseloads increase 17% because the number of cases filed in magistrate court has increased faster than the number of magistrate judges.

District judges preside over all felony cases and over civil cases where the amount sought exceeds \$10,000. During the last 20 years, their average caseloads per judge have increased 57%. The largest increase has been in felony drug cases, which have increased almost 700%.

Idaho's judges are carrying much heavier caseloads than they did twenty years ago. Even with heavier caseloads, they are disposing of cases in a timely manner, often being required to work evenings and weekends. The cases in our trial courts have median ages that are less than half of the time standards we have adopted.

Many of the judges also travel regularly in order to provide judicial resources to the rural counties of our state and to provide additional judicial resources in the more populous counties. Last year, those judges drove over one-half million miles.

We also have retired judges who work as senior judges on a per-diem basis at both the trial and appellate court levels. They are a valuable, short-term judicial resource.

In spite of the increased caseloads, Idaho's judges have taken on additional responsibilities in order to deal more effectively with some of the most challenging problems facing our citizens. One of the most recent examples of this has been the drug and mental health courts, what we call our

problem-solving courts. They include adult and juvenile drug courts, DUI courts, child protection courts, and mental health courts. Twenty years ago, those types of courts did not exist. Now we have 52 such courts in Idaho, with five more starting up.

To preside over these courts, judges must take specialized training, learn new skills, and devote additional hours to their jobs. With offenders returning to court regularly to receive rewards for doing well and consequences when struggling, the judges spend more time with each offender than the traditional manner of handling such cases. That investment in the lives of addicts and the mentally ill by trial judges is paying priceless dividends to our state.

The Ada County Drug Court is our State's largest drug court, with 483 graduates. I had the opportunity to help create that court and presided over it for two years. The typical graduate had been using drugs for almost 17 years, with the overwhelming majority of them addicted to methamphetamine. When they entered drug court, on average they were using over \$3,600 in drugs per person per month. Since only 41% were employed, they were not buying drugs with their paychecks.

It takes the average graduate almost 17 months to complete the drug court program. While they were in drug court, the graduates stopped using drugs and obtained jobs. 97% were employed when they graduated. Those without full-time employment were enrolled in school full-time with the exception of two graduates: one was staying home with her newborn baby and the other was doing community service work because her mental illness precluded employment. On average, the graduates' annual incomes increased almost \$14,000 during the time they were in drug court.

We have seen homeless, unemployed addicts enter the drug court who later graduated drug free with jobs and homes. The graduates also have a significantly reduced recidivism rate.

Statistics cannot reflect, however, the impacts on the addicts' lives. I have been to many drug court graduations, and the most common statement by the graduates is, "Drug court saved my life." As they stopped using drugs, we have also seen familial relationships restored. Family members who have not spoken to each other for years began rebuilding their relationships. In addi-

tion, 50 women have given birth while in the Ada County Drug Court, and all of their babies were born drug free. Other drug courts have achieved similar positive results.

The success of Idaho's drug and mental health courts and other innovations such as Family Court Services and Court Assistance Offices would not have been possible without the cooperation of all three branches of government. Idaho's trial judges have demonstrated their commitment to expand these efforts. I thank you for your support of these vital services.

The increased caseloads over the last twenty years are not limited to our trial courts. During that period, the yearly appellate filings have increased about two-thirds, with no increase in appellate judges. The brunt of that increase has been borne by our Court of Appeals. Judges Karen Lansing, Darrel Perry, and Sergio Gutierrez have gone above and beyond the call of duty. They have implemented various measures to lessen the impact of the increasing caseload, but we have now reached the point where those measures cannot ensure the continued timely justice our citizens deserve.

Last February, the Supreme Court appointed a task force to make recommendations ranging from the future structure and operations of the Court of Appeals to staffing, technology, and facility needs. The task force was chaired by Dean Burnett from the University of Idaho College of Law, and it included the Hon. Denton Darrington, Chair of the Senate Judiciary and Rules Committee and the Hon. Jim Clark, Chair of the House Judiciary, Rules and Administration Committee. I thank them for their wisdom and valuable insights.

Based upon the task force's recommendations, we ask this legislature to add one more judge to the Court of Appeals as the next step in ensuring that it can continue to fulfill its critical role in the judiciary. Our proposal is to move the Court of Appeals into the Supreme Court building and to relocate the law library to a suitable location.

In spite of increasing caseloads, Idaho's judges are fulfilling their Constitutional mandate to serve the citizens of our state and to address some of the most difficult social issues facing our State. We are very fortunate in Idaho to have an outstanding working relationship among the three branches of state government. On behalf of Idaho's judges, I thank you for your support of the

judiciary.

Hon. Daniel T. Eismann, Chief Justice, Idaho Supreme Court. Justice Eismann was raised in Owyhee County and graduated in 1965 from Vallivue High School. In 1967, he left the University of Idaho to enlist in the United States Army. He served two consecutive tours of duty in Vietnam where, as a crew chief/door gunner on a Huey gunship, he was awarded two purple hearts for being wounded in combat and three medals for heroism.

After being honorably discharged from the military, he returned to the University of Idaho where he received his undergraduate degree and then graduated cum laude from law school in 1976. After practicing law for ten years, Justice Eismann was appointed as the Magistrate Judge in Owyhee County. As a magistrate judge, he was a member of the Region III Council for Children and Youth; he helped create Children's Voices, Inc., an organization to recruit, train and oversee guardians ad litem.

In 1995, Governor Batt appointed Justice Eismann as a district judge in Ada County. He began working to set up a drug court in Ada County. In 1998, Ada County was awarded a federal grant, and in February 1999, the drug court began receiving participants. Justice Eismann presided over that drug court until just prior to taking office as a Justice of the Idaho Supreme Court. In 1998, the other district judges elected Justice Eismann as the Administrative District Judge for the Fourth Judicial District, consisting of Ada, Boise, Elmore, and Valley Counties. While a district judge, he also served on the Ada County Domestic Violence Task Force.

In 2000, he was elected to the Idaho Supreme Court. He also serves as chair of the Civil Rules Committee, the Criminal Jury Instructions Committee, and the statewide Drug Court and Mental Health Court Coordinating Committee. He is a member and past-president of the Boise Chapter of the Inns of Court and currently serves on the boards of the Idaho State Bar Lawyers Assistance Program and of the Idaho Law Foundation. He also serves on the Criminal Justice Commission created by Governor Kempthorne in 2005 and the Interagency Committee on Substance Abuse and Treatment. On August 1, 2007, Justice Eismann began serving as the Chief Justice of the Idaho Supreme Court.

Justice Eismann married Sheila Wood, and they have three children.

COURT INFORMATION

OFFICIAL NOTICE SUPREME COURT OF IDAHO

Chief Justice
Daniel T. Eismann

Justices
Roger S. Burdick
Jim Jones
Warren E. Jones
Joel D. Horton

4th AMENDED Regular Spring Terms for 2008

Boise January 2, 4, 7, 9, and 11
Boise February 1, 4, 6, and 8
Lewiston..... March 6 and 7
Boise March 10, 12, and 14
Idaho Falls..... April 1
Pocatello..... April 2 and 3
Boise April 7 and 9
~~**Twin Falls Boise**~~ May 1 and 2
Boise May 5, 7, and 9

By Order of the Court
Stephen W. Kenyon, Clerk

NOTE: The above is the official notice of setting of the year 2008 Spring Terms of the Idaho Supreme Court, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

Regular Fall Terms for 2008

Boise..... June 2, 4, 6, 9, and 11
Idaho Falls September 10
Pocatello September 11 and 12
Boise September 15 and 17
Twin Falls November 6 and 7
Boise November 10, 12, and 14
Boise December 1, 3, 5, 8, and 10

By Order of the Court
Stephen W. Kenyon, Clerk

NOTE: The above is the official notice of setting of the year 2008 Fall Terms of the Idaho Supreme Court, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

IDAHO COURT OF APPEALS ORAL ARGUMENT DATES As of February 13, 2008

Monday, March 10, 2008 – POCATELLO

3:00 p.m. Beehler v. Fremont County #33496
 4:30 p.m. State v. Salazar-Garcia #33893

Tuesday, March 11, 2008 – POCATELLO

9:00 a.m. Archer v. Dept. of Transportation #33725
 10:30 a.m. State v. Parkinson #32651
 1:30 p.m. State v. Savage #34086

IDAHO SUPREME COURT ORAL ARGUMENT DATES

As of February 13, 2008

Thursday, March 6, 2008 – LEWISTON

8:50 a.m. Brewer v. Washington RSA #33642
 10:00 a.m. Jesse v. Lindsley #34037
 11:10 a.m. C Systems, Inc. v. McGee #33233

Friday, March 7, 2008 – LEWISTON

8:50 a.m. Reisenauer v.
 Dept. of Transportation #33678
 10:00 a.m. Akers v. Mortensen #33587/33694
 11:10 a.m. Jorgensen v. Coppedge #33964

Monday, March 10, 2008 – BOISE

8:50 a.m. Curlee v. Kootenai County
 (Petition for Review) #34460
 10:00 a.m. Hei v.
 Joint School District No. 391 #32211
 11:10 a.m. Partout v. Harper #33979

Wednesday, March 12, 2008 – BOISE

8:50 a.m. O'Connor v.
 Harger Construction #33685
 10:00 a.m. State v. Pruss #33617/33618
 11:10 a.m. Giltner Dairy LLC
 v. Jerome County #34020

Friday, March 14, 2008 – BOISE

8:50 a.m. Excell Construction, Inc. v.
 Dept. of Commerce #33574
 10:00 a.m. Bonner County v.
 Kootenai Hospital District #33557

OFFICIAL NOTICE COURT OF APPEALS OF IDAHO

Chief Judge

Sergio A. Gutierrez

Judges

Karen A. Lansing

Darrel R. Perry

3rd AMENDED Regular Spring Terms for 2008

Boise January 8 and 10
Boise February 5, 7, and 12
Pocatello (Eastern Idaho) March 10 and 11 ~~and 12~~
Northern Idaho (Moscow) April 14, 15, 16, 17 and 18
Boise May 6, 8, 13, and 15
Boise June 10, 12, 17, and 19

By Order of the Court
Stephen W. Kenyon, Clerk

NOTE: The above is the official notice of setting of the year 2008 Spring Terms of the Court of Appeals, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

MARCH 2008 AMENDMENTS TO THE IDAHO APPELLATE RULES

Cathy Derden

Idaho Supreme Court Staff Attorney

As a result of recommendations from the Court Reporter Committee and the Administrative Conference and in a continuing effort to ensure the timely resolution of appeals, the court has amended the appellate rules and the court administrative rules addressing the filing of transcripts on appeal. The amendments require the parties to specifically identify each court reporter from whom a transcript is being requested by name and address. This requirement applies to the notice of appeal, the notice of cross-appeal, a motion for additional transcripts under I.A.R. 19 and any motion to augment with additional transcripts. The parties must also certify that each individual reporter from whom a transcript is being requested was served with the notice or motion. This requirement is to ensure that a reporter is promptly notified of the request. In addition, the rules set out a new tiered approach for due dates for transcripts based on the number of estimated pages.

With the new tiered approach, it will be necessary for the Office of the Supreme Court Clerk to have an estimate of the number of pages requested so a due date can be set for the transcript. With the filing of a notice of appeal or cross-appeal, this information will now be included on the clerk's certificate of appeal that is sent to the Supreme Court with the notices. However, a party filing a motion for additional transcript under I.A.R. 19, or a motion to augment with a transcript or transcripts yet to be transcribed, must include an estimate of the number of pages as to each transcript requested in the motion. A form for all motions to augment is now included in I.A.R. 30.

While most cases involve only the official court reporter for the district judge, there are cases that involve more than one reporter.

The names of the court reporters should be in the district court file, along with an estimate of the number of pages for the transcript. I.A.R. 24(b) has always required the court reporter, upon the conclusion of any trial in the district court or proceeding in an administrative agency, to estimate the cost of preparing a transcript, certify the amount in writing and deliver it to the clerk to file. As an alternative, the rule allows the reporter's estimate to be in the minute entry of the hearing or proceeding. In addition, the court reporter's name should be in the minute entry of the hearing and will start appearing on the Register of Actions entry for that hearing.

It is hoped that these amendments will help eliminate delay in the resolution of appeals by ensuring requests for transcripts are communicated to all reporters and that the due dates for the lodging and filing of transcripts are set according to the estimated number of pages. An ad hoc committee will be reviewing the appellate rules in March to determine if other amendments can be made to improve the system with regard to filing notices of appeal and designating the transcript and record. The new rules are effective March 1, 2008. The orders can be found on the court's website at <http://www.isc.idaho.gov/rulesamd.htm>. Updated forms for the notice of appeal and notice of cross-appeal are also on the court's website at <http://www.isc.idaho.gov/rulesfrm.htm>.

Annual Seminar

Business and Corporate Law Section

—Limited Liability Corporations—

May 16, 2008

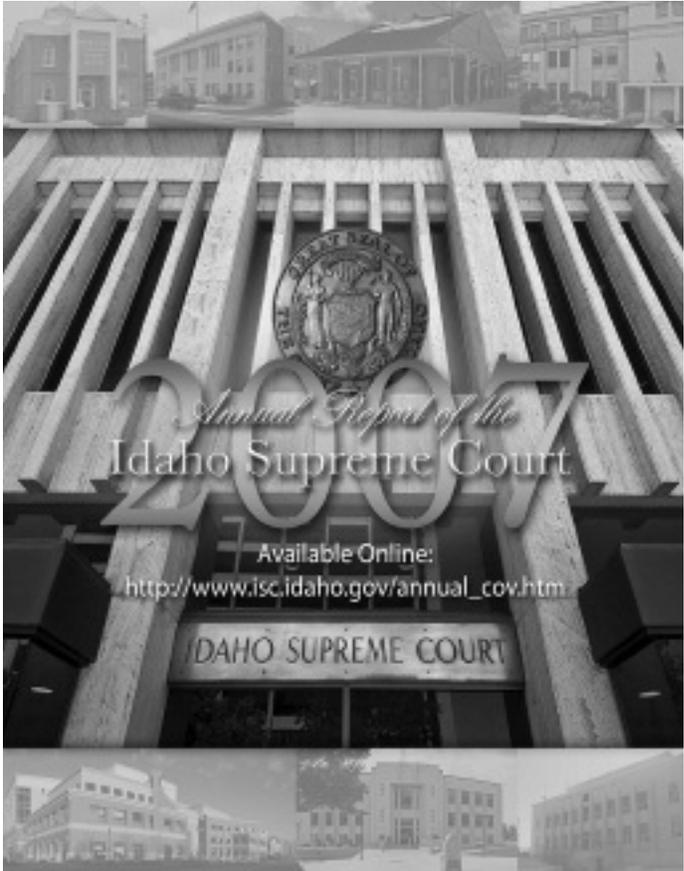
Boise Centre on the Grove



David Kerrick
Attorney - Mediator

1001 Blaine
P.O. Box 44
Caldwell, ID 83606
(208) 459-4574
(208) 459-4573 fax
www.davidkerrick.com

Mediation
Conciliation
Neutral Evaluations



Annual Report of the
Idaho Supreme Court
2007
Available Online:
http://www.isc.idaho.gov/annual_cov.htm
IDAHO SUPREME COURT

Idaho Supreme Court and Court of Appeals
NEW CASES ON APPEAL PENDING DECISION
(UPDATE 02/01/08)

CIVIL APPEALS
PROCEDURE

1. Does I.C. § 6-610 require the posting of a bond before filing suit against a law enforcement officer?

Beehler v. Fremont County
S.Ct. No. 33496
Court of Appeals

CIVIL APPEALS
SUBSTANTIVE LAW

1. Whether the court abused its discretion in failing to grant appellant's motion for default judgment and in allowing the respondent interveners to intervene.

Busby v. City of Driggs
S.Ct. Nos. 33934/34021/34022/34081
Supreme Court

CIVIL APPEALS
SUMMARY JUDGMENT

1. Did the court err in dismissing the claim of Andrus against Stahle/Hipwell on the grounds of res judicata and lack of public use?

Andrus v. Nicholson
S.Ct. No. 33302
Supreme Court

2. Did the district court err by granting summary judgment to State Farm and in finding it had no duty to indemnify?

Deluna v. State Farm Insurance Co.
S.Ct. No. 34202
Supreme Court

3. Did the magistrate court properly rule in granting the IDOC's motion for summary judgment in regard to Brigg's prisoner civil rights complaint?

Briggs v. Kempf
S.Ct. No. 34394
Court of Appeals

4. Did the trial court err in concluding that Cantwell refused to comply with any of the additional conditions imposed upon him by the City for return to work after the first decision of the Hearing Officer because there is a genuine issue of material fact as to the matter?

Cantwell v. City of Boise
S.Ct. No. 34283
Supreme Court

CIVIL APPEALS
EVIDENCE

1. Did the district court err in awarding judgment in favor of the defendants and in finding Fernandez had failed to present sufficient evidence to support her claim?

Fernandez v. Aevermann
S.Ct. No. 34089
Court of Appeals

CIVIL APPEALS
POST-CONVICTION RELIEF

1. Did the court err in summarily dismissing Nevarez's petition for post-conviction relief in which he alleged due process violations and claims of ineffective assistance of counsel?

Nevarez v. State
S.Ct. No. 33509
Court of Appeals

2. Did the court err by dismissing the petition prior to ruling on Heizelman's motion for appointment of counsel?

Heizelman v. State
S.Ct. No. 33518
Court of Appeals

CIVIL APPEALS
PROPERTY

1. Was the City of Boise required to accept the building permit applications that were submitted to it on September 27, 2005?

Euclid Avenue Trust v. City of Boise
S.Ct. No. 33974
Supreme Court

CIVIL APPEALS
INSTRUCTIONS

1. Were the jury instructions confusing as to plaintiff and defendant so as to constitute an unfair trial?

Johannsen v. Utterbeck
S.Ct. No. 34023
Supreme Court

CIVIL APPEALS
NEGLIGENCE

1. Whether Carlson was entitled to a directed verdict or judgment notwithstanding the verdict on the issue of contributory negligence.

Carlson v. Stanger
S.Ct. No. 33607
Court of Appeals

CRIMINAL APPEALS
PLEAS

1. Did the court abuse its discretion in denying Cooper's motion to withdraw his guilty plea?

State v. Cooper
S.Ct. No. 34071
Court of Appeals

CRIMINAL APPEALS
SUBSTANTIVE LAW

1. Did the court err in granting the state's motion to join Runkle's trial with that of his co-defendant?

State v. Runkle
S.Ct. No. 33280
Court of Appeals

CRIMINAL APPEALS
EVIDENCE

1. Was there substantial, competent evidence from which the jury could find beyond a reasonable doubt that Warburton was guilty of conspiring to deliver methamphetamine?

State v. Warburton
S.Ct. No. 32601
Court of Appeals

1. Did the court err by granting the state's motion in limine regarding exclusion of a recorded telephone conversation between the victim and her mother?

State v. Hensley
S.Ct. No. 32902
Supreme Court

2. Did the district court err in allowing Ms. White to testify regarding alleged prior uncharged sexual misconduct of Mr. Grist?

State v. Grist
S.Ct. No. 33652
Supreme Court

CRIMINAL APPEALS
JURISDICTION

1. Did the district court lack jurisdiction to re-examine the facts of the underlying crimes to which Clements pled guilty over ten years previously, to determine if Clements had a defense to one of the enhancements?

State v. Clements
S.Ct. No. 33481
Court of Appeals

CRIMINAL APPEALS
DOUBLE JEOPARDY

1. Whether the imposition of successive penalties, one for excess gross weight and others for excess axle/bridge weight on a commercial vehicle violate double jeopardy by imposing a double punishment for the same offense.

State v. Bryan
S.Ct. Nos. 34315/34316
Court of Appeals

Summarized by:
Cathy Derden
Supreme Court Staff Attorney
(208) 334-3867



Peace of Mind

**Free with
Every Deposition**

With 24 hour expert client service - every day, on call reporters, nationwide scheduling, centralized production and secure archived storage, you will receive an extra benefit no other court reporting firm can provide: **Peace of Mind.**
schedule@naegelireporting.com www.naegelireporting.com

Naegeli Reporting CORPORATION

Court Reporting • Trial Presentation • Legal Videography • Videoconferencing

National (800) 528-3335	Portland, OR (503) 227-1544	Seattle, WA (206) 622-3376	Spokane, WA (509) 838-6000	Coeur d'Alene, ID (208) 667-1163
----------------------------	--------------------------------	-------------------------------	-------------------------------	-------------------------------------

WHITE PETERSON, P.A.

ATTORNEYS AT LAW

The firm is pleased to announce that

**TIMOTHY S. CALLENDER and MATTHEW A. JOHNSON
have joined the firm as associates**

Mr. Callender, is a 2004 graduate of the University of San Diego. He became a member of the Idaho Bar and the U.S. District Court, District of Idaho in 2007. Mr. Callender will focus his practice in the areas of civil litigation, criminal defense, workers' compensation and immigration law. Prior to joining the firm, Mr. Callender was an Assistant City Attorney for the Boise City Attorney's Office.

Mr. Johnson, is a 2007 graduate of the Washington University in St. Louis. He became a member of the Idaho Bar and the U.S. District Court, District of Idaho in 2007. Mr. Johnson will focus his practice in the areas of municipal and local government, administrative law and regulatory compliance, estate planning, environmental, water and land use law.

White Peterson, P.A., is a full service law firm serving clients throughout the region. For over three decades the attorneys of White Peterson, P.A. have offered practical advice and effective litigation to help our clients manage the present and plan for the future.

**5700 E. FRANKLIN ROAD, SUITE 200
NAMPA, IDAHO 83687
TEL: (208) 466-9272
www.whitepeterson.com**

TIMOTHY S. CALLENDER
KEVIN E. DINIUS
JULIE KLEIN FISCHER
WM. F. GIGRAY, III
JILL S. HOLINKA

MATTHEW A. JOHNSON
WILLIAM A. MORROW
WILLIAM F. NICHOLS *
CHRISTOPHER S. NYE

PHILIP A. PETERSON
TODD A. ROSSMAN
SHELLI D. STEWART
TERRENCE R. WHITE **
DENNIS P. WILKINSON

*Also admitted in OR ** Also admitted in WA



CHIEF UNITED STATES MAGISTRATE JUDGE MIKEL H. WILLIAMS

Lisa J. O'Hara, *Clerk for Judge Mikel Williams*

Kate Ball, *Administrative Assistant and Senior Clerk for Judge Larry Boyle*



At the end of March, Chief United States Magistrate Judge Mikel H. Williams will retire after 24 years of service to the federal judiciary and having served as the longest tenured of all the federal judges currently serving in the District of Idaho. He will leave an unquestioned legacy of competence, integrity and commitment to the federal judiciary and the legal profession. Judge Larry M. Boyle observed:

Judge Williams and I have seen each other and conferred nearly every working day for more than 16 years. It has been a great pleasure to work along side a person who is so thoroughly professional, deeply committed and always willing to do more than his share. Over the years I have worked with many lawyers and judges at three different state and federal courts, and Judge Williams is one of the hardest working, capable and most cooperative people I have ever worked with. He has been an exceptionally good law partner to all of us in Idaho's federal judiciary and when he does fully retire, he will be greatly missed.

Fortunately for both the federal bench and the practicing bar, Judge Williams will be recalled back to the federal judiciary, the equivalent of senior status for United States Magistrate Judges, and the only visible change will be his move to a new office on the Sixth Floor of the federal courthouse. As Judge Edward J. Lodge commented:

Judge Williams has a reputation well-known throughout the State and Federal bar as a man of compassion and reasoned judgment. He knows that one's place in history is not determined by the wealth he accumulates or the material things that make one's life more comfortable, but the same is achieved through service to humanity. In this respect, Judge Williams continues to be a dedicated public servant in the best of our traditions. Judge Williams is a Boise native who began his legal career after graduating from the University of Idaho College of Law in 1969. Following law school, he received a commission in the United States Army, Judge Advocate General Corps, and he currently holds the rank of Lieutenant Colonel, retired, in the United States Army Reserves.

After four years of active duty, Judge Williams returned to Boise with a position as an Assistant United States Attorney. He always had a desire to serve in the judiciary and that interest lead him to leave the United States Attorney's Office at the suggestion of the late District Judge Fred Taylor who recommended private practice would provide additional experience. In 1977, Judge Williams became a partner in the Boise firm of Collins, Manly & Williams

where he practiced law until his appointment in 1984 as the first full-time United States Magistrate Judge for the District of Idaho.

While in the federal judiciary, Judge Williams served on many District of Idaho and Ninth Circuit committees including service as the Chair of the Ninth Circuit Magistrate Judges Association, a member of the Ninth Circuit Defenders Committee, and the Chair of the Local Rules Committee for the District of Idaho. He currently is a member of the American Inns of Court and serves on the *Advocate* Editorial Board of the Idaho State Bar.

Chief Judge B. Lynn Winmill has aptly described the quality of Judge Williams' service to the courts and Idaho:

Judge Williams has truly been an outstanding United States Magistrate Judge. During his tenure, Judge Williams made many lasting contributions to the administration of justice and the Court, including chairing our Local Rules Committee and taking a leading role in the planning of the courthouses in Pocatello and Coeur d'Alene. To a large extent, the wonderful facilities we have in the district are due to his creative ideas, his drive, and his persistence.

It has been my privilege to serve with this accomplished jurist, valued colleague, and dear friend. He has treated the attorneys who appear before him with dignity and respect, but without losing sight of the need to control his courtroom and docket. He has been my personal role model as I have struggled to develop my own judicial temperament, demeanor and style. I am so thankful that Judge Williams will be able to continue to serve the District of Idaho on recall status, so that we will not be deprived of his wisdom, vision and commitment to the legal system.

On a personal note, Judge Williams is truly a man for all seasons. In addition to nearly a quarter century of service as a federal judge, he is an accomplished sailor having completed many trips in the Caribbean and the Pacific Ocean off of the California coast. He is also an accomplished skier and white water rafter. After many trips down the Salmon River here in Idaho, several years ago he had the opportunity to float the Colorado River in the Grand Canyon. This past fall, he and his wife, Lorette, completed a two-week bike tour through Austria and Germany.

Closer to home, a visit to the large metal outbuilding adjacent to his house reveals his skills in carpentry and mechanics as well as a love for boats and collectible cars. Like a setting in Popular Mechanics, the visitor will see tools neatly arranged on wall racks for virtually any carpentry or mechanical need. Judges and staff at the federal court know to ask him where the best shop in Boise is for any and all automobile needs, or what the best tools are for a craft or home improvement project. In fact, many home repair and wood-working questions are easily answered with, "Ask Mike, he'll know."

His craftsmanship has come in handy in the recent years as well. After nearly five years of weekend work, he and his wife just completed putting the finishing touches on a beautiful cabin on Lake Cascade. Judge Williams enjoys spending time there with Lorette, their two daughters and sons-in-law, as well as their three grandchildren, all of whom will appreciate the additional time he can spend with them after March.

Judge Williams has made a lasting impression on many individuals throughout his career, including those fortunate enough to work with him. As one former law clerk, Ted Murdock, explained:

I could not have asked for a better experience than clerking for Judge Williams. I learned from him that every case, no matter how small the dispute or how unappealing the subject matter, deserved the court's full attention, preparation and respect. He quickly became more than an

employer, but an example, a mentor, and a friend. Other than my own father, I cannot think of any one person who has shaped my career path more than Judge Williams. Although the federal bar is aware of his unquestionable character and integrity, I am fortunate to be among those who know of his quick wit and sense of humor. He truly is a renaissance man.

The Idaho Bar and its attorneys experienced those same qualities whenever they had a case before him or argued in his courtroom. Judge Williams' dedication to his work will leave an indelible mark on the federal judiciary to be remembered for many years to come.

*Contributions to this article were made by Lisa J. O'Hara, career clerk for Judge Mikel Williams, and Kate Ball, administrative assistant and senior career clerk for Judge Larry Boyle.

RECEPTION FOR UNITED STATES FEDERAL COURT MAGISTRATE JUDGES

Please join members of the Idaho Chapter of the Federal Bar as we celebrate the careers of Magistrate Judges Mikel Williams and Larry Boyle, and welcome Magistrate Judges Ron Bush and Candy Dale

Date: April 3, 2008

Time: 4:00 - 7:00 p.m (heavy hors d'voures)

Program: 6:00 p.m.

Place: Washington Group Plaza Dining Hall, Park Center RSVP Appreciated

Cost: \$10 in advance, or \$15 at door

Contact: Susie Headlee at 334-9373 or Susie_Boring-Headlee@id.uscourts.gov



R. Bruce Owens Attorney at Law

of the Firm,



OWENS & CRANDALL, PLLC

Admitted ID and WA

Malpractice & Serious Injury Cases (Fee split or association arrangements)

Martindale-Hubbell AV rated

Named "Best Lawyers in America" since 1993

Certified Civil Trial Specialist since 1995

208-667-8989

877-667-8989

1859 N. Lakewood Drive, Suite 104

Coeur d'Alene, ID 83814

Email: bruce@cdalawyer.com

MULTI-FACETED EXPERIENCE: IMPARTIAL AND INSIGHTFUL DISPUTE RESOLUTION



Larry C. Hunter
Mediation, Arbitration, Evaluations,
Administrative Hearings
(208) 345-2000
lch@moffatt.com



FEDERAL COURT CORNER

Tom Murawski
U.S. District and Bankruptcy Courts

COMMUNITY GRANT FUNDS AVAILABLE

The District of Idaho has announced that a total of \$8,100 will be available for the Community Grant Program for 2008. The purpose of this Program is to enhance public trust and confidence in the judiciary, promote better understanding of the judiciary and legal processes, and improve communication with the public about the role of courts and the legal process. This grant funding must be related in some way to community education. The application should briefly describe the organization, association or group, the date it was organized, its history, purpose and tax status. The application must be submitted or co-signed by an active member of the Bar of the U. S. District and Bankruptcy Court for the District of Idaho. Only one application can be submitted by a single organization or entity. Preference will be given to non-profit agencies or organizations. Deadline for completed applications is May 1, 2008. All applications should be e-mailed in pdf format to Cam_Burke@id.uscourts.gov. Applications and other information on this Program is available on our website at: <http://www.id.uscourts.gov/docs/GrantProgram08.pdf>.

INVESTITURE CEREMONY FOR NEW U.S. MAGISTRATE JUDGE CANDY W. DALE

New U.S. Magistrate Judge Candy W. Dale will assume her official duties on March 31, 2008. The investiture ceremony will take place in early April. Ms. Dale succeeds retiring Chief U.S. Magistrate Judge Mikel H. Williams, who will continue to assist the District of Idaho in a "recalled" capacity. Ms. Dale graduated from the College of Idaho with honors in 1979. She received her Juris Doctorate from the University of Idaho College of Law in 1982, and also served as Editor in Chief of the Law Review. From 1982 to 1988. She was an associate and shareholder at the Boise law firm of Moffatt, Thomas, Barret & Blanton. Since 1988, she practiced as a commercial and business lawyer in the Boise law firm of Hall, Farley, Oberrecht & Blanton, where she has most recently served as president of the firm.

REVISED DATA FOR BANKRUPTCY "MEANS TESTING"

The Census Bureau's Median Family Income Data necessary to complete the Bankruptcy "means test" has been updated

and will apply to cases filed on or after February 1, 2008. Below is a link to the U.S. Trustee's webpage which contains a drop-down menu for all of the Census Bureau, IRS data and administrative multipliers necessary to complete the Bankruptcy Means Testing requirement for cases filed on or after February 1, 2008, as well as for bankruptcy cases filed during earlier time frames. <http://www.usdoj.gov/ust/eo/bapcpa/meanstesting.htm>

BROWN BAG CLE—ENVIRONMENTAL ISSUES IN THE WEST

The Federal Bar Association is sponsoring a Brown Bag CLE on Environmental Issues in the West on Wednesday, March 19 at 12:00 noon at the Federal Courthouse in Boise. Please see the brochure and registration material under the scrolling announcements on our website at: www.id.uscourts.gov.

NEW COURT TRANSCRIPT POLICY AND PROCEDURES

The Judicial Conference has adopted a new policy regarding the availability of transcripts of court proceedings, but this will not be effective until early summer 2008. Under this policy, a transcript provided to the Court by a court reporter or transcriber will be available at the office of the Clerk of Court for inspection only, for a period of 90 days. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference. The transcript will be available within the Court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the Court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes. After the 90-day period has ended, the filed transcript will be available for inspection and copying in the Clerk's Office and for download from the Court's CM/ECF system through the Judiciary's PACER system.

Within five days of filing of the transcript, attorneys must file a notice of intent to redact information in the transcript. Under these new procedures, attorneys must redact all personal data identifiers from transcripts within 21 days of the transcript being filed. Attorneys are strongly encouraged to avoid or minimize

questioning which would result in certain information being elicited that would subsequently require redaction pursuant to Civil Local Rule 5.5 and Bankruptcy Local Rule 9037.1. Additional details will be provided to attorneys in the future.

ELECTRONIC CASE FILING (ECF) CORNER

Quick PDF Reminder—When filing documents in ECF, please use only documents that are converted or printed to pdf rather than "scanned" to pdf. Not only will this result in a significantly smaller file size, but more importantly, this allows the Court to fully utilize the search capability and other editing features of its Adobe Acrobat software. The only instance where filers should consider scanning to a PDF is if the document exists in paper only, such as a copy of a signed contract that needs to be filed as an exhibit. This policy applies for both Bankruptcy and District court filings.

New Hyperlink Functionality—The new District Court version of ECF contains lots of new enhancements. One of the key changes is the introduction of hyperlinks within documents. Filers may create documents with hyperlinks to other documents, convert the document to PDF and when the document is e-filed, ECF is able to retain the hyperlink functionality. Check our on-line Reference Guide for step-by-step instructions for WordPerfect and Word documents. It is located at www.id.uscourts.gov—Electronic CaseFiling—ECF Reference—District Reference Guides.

Excerpts of Record—Additionally, the new version of District ECF has a process which makes the creation of excerpts of record for appeal simple and manageable, with the ability to print multiple documents to PDF in one step. Detailed instructions appear on the District ECF Reference Guides page.

Tom Murawski is an Administrative Analyst with the United States District and Bankruptcy Courts. He has a J.D. and Masters in Judicial Administration.





Deceased Judges and Attorneys Memorial Ceremony
Thursday, March 20, 2007 at 10:00 a.m.
Idaho Supreme Court Courtroom
Reception following ceremony

Chief Justice Gerald F. Schroeder announced that the Idaho Supreme Court will hold its annual Memorial Ceremony March 20, 2007 at 10:00 a.m., in the courtroom of the Idaho Supreme Court, Boise, Idaho. Those members of the Idaho State Bar who passed away during 2007 will be remembered at this ceremony. A resolution will be presented in memory of the deceased judges and attorneys. The Court invites the friends and family attending the Memorial Ceremony to a reception at the Supreme Court Building immediately following the ceremony. Those being remembered are:

JUDGES

Name	Residence	Deceased
<i>John C. Hohnhorst</i>	Twin Falls	February 3, 2007
<i>Monte B. Carlson</i>	Burley	June 3, 2007
<i>Arnold T. Beebe</i>	Blackfoot	August 12, 2007
<i>Merlin S. Young</i>	Boise	August 14, 2007
<i>James G. Towles</i>	Kellogg	October 3, 2007
<i>Daniel L. Alban</i>	Ketchum	October 7, 2007
<i>Ralph W. Hadfield</i>	American Fork, UT	November 27, 2007

ATTORNEYS

Name	Residence	Deceased
<i>Eli Rapaich</i>	Lewiston	October 7, 2006
<i>Jayson Holladay</i>	Pocatello	January 6, 2007
<i>Carolyn Kay Justh</i>	Post Falls	February 9, 2007
<i>Richard B. Kading</i>	Boise	February 19, 2007
<i>Thomas W. Feeney</i>	Lewiston	February 21, 2007
<i>Janice Hamilton</i>	Coeur d'Alene	February 24, 2007
<i>Perce Hall</i>	Mountain Home	February 28, 2007
<i>Richard H. Seeley</i>	Boise	March 10, 2007
<i>Jerry V. Jensen</i>	Buhl	April 7, 2007
<i>Dwaine L. Welch</i>	Payette	May 7, 2007
<i>Harold Q. "Pete" Noack</i>	Boise	July 10, 2007
<i>George C. Detweiler</i>	Twin Falls	July 11, 2007
<i>Frank E. Chalfant, Jr.</i>	Boise	July 24, 2007
<i>Dale L. Smith</i>	New Plymouth	October 30, 2007
<i>Glenn A. Coughlan</i>	Boise	November 7, 2007
<i>C. Robert Yost</i>	Nampa	November 26, 2007
<i>Kenneth Randall</i>	Williams, CA	December 11, 2007

Do you have clients with
TAX PROBLEMS?

MARTELLE LAW OFFICE, P.A.
represents clients with
Federal and State tax problems

- OFFERS IN COMPROMISE
- APPEALS
- BANKRUPTCY DISCHARGE
- INNOCENT SPOUSE
- INSTALLMENT PLANS
- PENALTY ABATEMENT
- TAX COURT REPRESENTATION
- TAX RETURN PREPARATION

MARTELLE LAW OFFICE, P.A.
208-938-8500
82 E. State Street, Suite F
Eagle, ID 83616
E-mail:attorney@martellelaw.com
www.martellelaw.com

IDAHO ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

I A C D L

STANDING TALL FOR THE ACCUSED

**FOR THOSE WHO TAKE CRIMINAL DEFENSE
SERIOUSLY. BENEFITS INCLUDE:**

- TOP-NOTCH CLEs
- THE TRUMPET NEWSLETTER
- STRIKE FORCE ASSISTANCE
- IDAHO'S BEST CRIMINAL CASES (7TH ED. 2008)
- AMICUS ASSISTANCE
- LIST SERVE
- MEMBERS-ONLY WEBSITE WITH BRIEF BANK

TO JOIN
CONTACT IACDL EXECUTIVE DIRECTOR
DEBI PRESHER
(208) 343-1000 or dpresher@nbmlaw.com

IS YOUR CASE SET FOR TRIAL AND YOU WANT IMMEDIATE HELP?

Personal Injury, Medical Malpractice Cases: over 35 years of Trial Experience; Federal and State Courts, Statewide. Verdicts in Excess of One Million Dollars in Medical, Product Liability and Airline Case. Board Certified Trial Specialist: National Board of Trial Advocacy; American Board of Professional Liability Attorneys. Million Dollar Advocates Club; Pro hac vice in Oregon, Washington, Utah, Montana, California and Nevada. Board of Governors of ABPLA 2007; Special Competence Award, National Board of Trial Advocacy (ABA accredited) 2004.

"Mr. Schlender's teaching and assistance on a medical malpractice case provided both legal and tactical insights that were instrumental in a favorable verdict. I highly recommend his services to anyone."

- Connie Taylor, J.D. (Lewiston, ID)

"Lee's quick review and help has been invaluable."

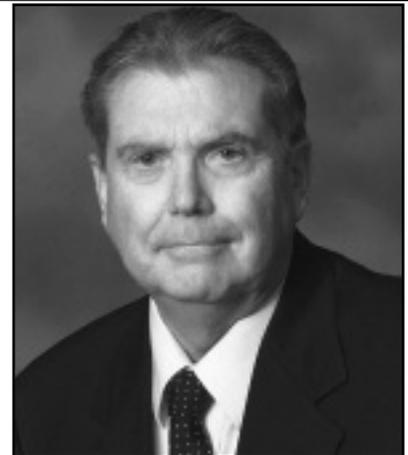
- Ken Coleman, M.D./ J.D. (Spokane, WA)

"E. Lee pulled together for us a medical case of extreme complexity, resulting in an excellent settlement. I definitely will seek Lee's assistance with future cases."

- Kevin Dinius, J.D. (Nampa, ID)

"Lee and I were classmates of the University of Idaho law school more years ago than I'd care to remember. Recently, I had the pleasure of working with Lee as co-counsel on a medical negligence case in Northern Idaho. I would strongly recommend him to anyone going to trial with a major case. His experience and knowledge of the trial practice is hard to match."

- Rick Fancher, J.D. (Spokane, WA)



E. Lee Schlender

Trial Lawyer and Consultant
Flat rate or fee arrangements available. Emphasizing trial and settlement assistance on short notice.

MR. SCHLENDER IS NOW AVAILABLE FOR MEDIATION SERVICES

Call (208) 587-1999 or go to American Board of Professional Attorneys abpla.org, under State of Idaho; Schlender Profile.

ERVEN LEE SCHLENDER, J.D.
2700 Holly Lynn Drive
Mountain Home, ID 83647

OF INTEREST

—RECOGNITION—

Several Idaho attorneys have been chosen as recipients of the Idaho Business Review's 2008 Women of the Year Awards. The annual award celebrates the personal and professional achievements of women statewide in a number of areas, including leadership, mentoring, career advancement and volunteerism. This year's attorney honorees are **Cathy Silak**, CEO, Idaho Community Foundation; **Deborah Ferguson**, Assistant U.S. Attorney, District of Idaho; **Natalie Camacho Mendoza**, solo practitioner, Camacho Mendoza Law; **Deborah Nelson**, partner, Givens Pursley; **Nicole Hancock**, corporate counsel, Syngenta Seeds; **Paula Landholm Kluksdal**, partner, Hawley, Troxell, Ennis & Hawley; and **Kelly Miller**, Legal Director, Idaho Coalition Against Sexual & Domestic Violence. The dinner for the awards is March 13, 2008 at Boise Centre on the Grove. Please call Kathryn Rhead, (208) 639-3520, for more information on attending the dinner.

Dan Kessler, Idaho's Third District trial court administrator, has received the Idaho Judiciary's Kramer Award. This award is given in recognition of excellence in judicial administration, by character and action. The award is named for former Blaine County District Judge Douglas Kramer who was widely recognized during his years on the bench for his contributions to the improvement of the administration of Idaho courts.

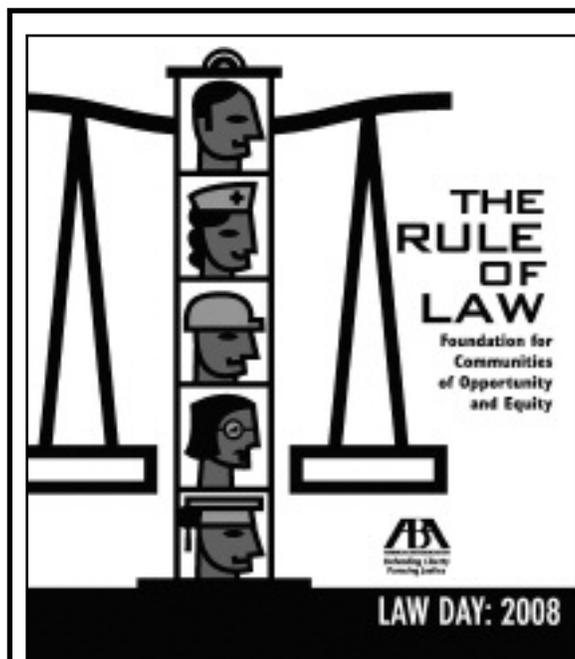
Third District Judges Juneal Kerrick, Renae Hoff, and James Morfitt, and Administrative District Judge Gregory Cutlet nominated Dave for the award. Dan has been a trial court administrator since

1989, and is the longest serving of the current administrators. Before moving to Idaho Dan was the Third District Court Administrator with the Wisconsin Supreme Court (1984-89) and held several positions with the Colorado Judicial Department (1972-84). Prior to his judicial career he served in the U.S. Army and was honorably discharged in 1972. Dan graduated cum laude with a bachelor of science in education from Indiana University. He is a member of the National Association for Court Management and an active participant in his community.

Gregory Tollefson, an attorney in the Stoel Rive's Litigation and Labor & Employment groups, has been named a principal in the firm's Boise office. He represents employers and management in race, disability, age, religion and gender discrimination cases as well as sexual harassment cases, employment contracts, covenants, wrongful discharge cases, workplace torts, labor disputes and wage claims. Gregory can be contacted at 101 S. Capitol Blvd., Ste. 1900, Boise, ID 83702, (208) 389-9000.

—ON THE MOVE—

Perry Waddell has joined the New York City Administration for Children's Services agency as an attorney for Family Court Legal Services. He represents the agency's commissioner in Brooklyn Family Court in hearings and proceedings regarding the safety, permanency and well-being of children in Brooklyn. He earned his J.D. from the University of Idaho and a B.A. from Boise State University. Perry can be reached at 510 Brighton Beach Avenue, Ste. 252, Brooklyn, NY 11235, (718) 802-2750.



Law Day: May 1, 2008

The rule of law refers to a system in which the government is accountable under the law. The Law Day 2008 theme explores the meaning of the rule of law, while fostering public understanding of the rule of law by discussing its role in society and explaining how it is essential in sustaining a free society. The rule of law is not just a matter of concern to lawyers and judges; it affects people from all walks of life and all fields of endeavor.

Join with other members of the Bar in working to advance understanding of the rule of law during the Law Day 2008 celebration.

For more information, or to see if your district is participating in Law Day 2008, contact your district bar president.

1st District: Kenneth D. Brooks, kbrooks@kcgov.us

2nd District: Ken E. Nagy, knagy@lewiston.com

3rd District: Chad W. Gulstrom,
cgulstrom@nampalawyers.com

4th District: Hon. Michael J. Oths, moths@adaweb.net

5th District: Michael F. McCarthy,
mikemccarthy@idaholegalaid.org

6th District: Jack B. Haycock, jack.haycock@usdoj.gov

7th District: Tammie D. Whyte, twwhyte@idahotitle.com



Mediator / Arbitrator

Richard H. Greener

30+ years as an experienced civil litigator; available for ADR

- Mediator on the Supreme Court and Federal Court Civil Case Mediators Rosters
- Certified by Institute for Conflict Management's Mediation training/seminar
- Completed 40 hours of basic civil mediation training at University of Idaho, including 40 hours of IMA core training

Professional Activities and Association

- Best Lawyers in America, 1999 – Present
- Fellow, American College of Trial Lawyers
- American Board of Trial Advocates
- Lawdragon, leading 500 Trial Lawyers in America
- Mountain States Super Lawyers, 2007
- Chambers USA American Leading Business Lawyers (Litigation) 2003 – Present

Dispute Resolution Services

Greener, Burke & Shoemaker, P.A.

rgreener@greenerlaw.com

950 W. Bannock Street, Suite 900 Boise, ID 83702

Phone: (208) 319-2600; Facsimile: (208) 319-2601

For more information see website: www.greenerlaw.com

ZM ZARIAN • MIDGLEY

LOS ANGELES BOISE SALT LAKE CITY

ZARIAN ♦ MIDGLEY specializes in intellectual property law and litigation. Our lawyers have extensive experience handling complex legal matters throughout the country. Our team includes registered patent attorneys and lawyers with technical degrees in areas such as electrical and computer engineering, genetics, chemistry, and mechanical and manufacturing engineering.

AREAS OF PRACTICE

- | | |
|------------------------------------|---------------------------|
| • Intellectual Property Litigation | • Patent Prosecution |
| • Patent Litigation | • Trademark Law |
| • Complex Business Litigation | • Copyright Law |
| • Trials and Appeals | • Technology Licensing |
| • Unfair Competition Law | • IP Strategic Counseling |
| • Trade Secret Law | • IP Portfolio Management |

ZARIAN MIDGLEY & JOHNSON PLLC

University Plaza ♦ 960 Broadway Ave. ♦ Suite 250 ♦ Boise, ID 83706

Tel: (208) 562-4900 ♦ Fax: (208) 562-4901

www.zarianmidgley.com



**Preserving the Civil
Justice System**

**Guarding Individual
Rights**

Membership Has Its Privileges.....

- Practice Forms
- Statewide Networking
- Idaho's Best Seminars
- Legislative Representation
- Amicus Curiae
- Members-Only Listserv
- Nationwide Research Access
- Trial Mentoring
- Daily Legal News Briefs

Mock Trial Seminar — February 23, 2007 — Boise

www.itla.org — itla@itla.org — (208) 345-1890

IDAHO VOLUNTEER LAWYERS PROGRAM (IVLP) SPECIAL THANKS

Special thanks to the following 390 attorneys who accepted or completed cases involving family law, civil rights, immigration, debt defense, or assisted in drafting wills or provided legal services to nonprofit corporations through IVLP in 2007.

The list below also includes volunteer attorneys in Child Protection Act cases closed by the courts prior to 2005, but only recently closed in IVLP's records. We are amazed to note that in 175 cases in this category, volunteer attorneys donated over 5,600 hours of pro bono service representing Court Appointed Special Advocates who were serving as Guardians ad Litem in these cases. At a conservative rate for donated services of \$150/hour, that represents over \$843,000 in donated legal services from IVLP volunteer attorneys in CPA cases alone

More importantly, the value of all of these contributions to the clients served by IVLP far exceeds the monetary value of the legal work. Even though some of these cases were completed several years ago, and some of the volunteer attorneys who worked on them are now judges, or no longer in private practice, we do not want to miss this opportunity to say thank you to these generous

JUDGES AND ATTORNEYS

David E. Alexander	Jody P. Carpenter	Ellen S. Elliott	Lois W. Hart	Virginia S. Lauver
Tyler J. Anderson	William Jeremy Carr	Justin R. Ellis	Stephen S. Hart	William F. Lee
James Annest	E. W. "Skip" Carter	Peter C. Erbland	John R. Hathaway	Naomi M. Leiserowitz
Edwin V. Apel Jr.	Clinton O. Casey	Lane V. Erickson	Lowell Niels Hawkes	Erika Lessing
Larry C. Ashcraft	C. Edward Cather III	Debra A. Everman	Kent L. Hawkins	Kathie A. Levison
Sandra Carol Averill	Valerie Nicole Charles	Joshua S. Evett	Hon. John T. Hawley Jr.	Judith Ann Lewis-Frazer
Scott E. Axline	Aaron C. Charrier	Jennifer A. Ewers	Lauren Shanks Hayden	M. Margaret Lezamiz
Kimberly J. Bailey	Andrew A. Chasan	Suzanne Mary Fegelein	David Allen Heida	Victoria M. Loegering
Michael E. Baldner	Glenna M. Christensen	Michael H. Felton	Douglas Scott Heide	Joette Corriere
Robert R. Ball	Matthew T. Christensen	Sharon Louise Fields	Marla Sari Henken	Lookabaugh
Jeffrey W. Banks	Lisa M. Christon	Michelle R. W. Finch	Steven L. Herndon	Kim B. Loveland
Jeanne C. Baughman	David Michael Church	Brian T. Fischenich	Stephen F. Herzog	Laura E. Lowery
Kevin J. Beaton	John A. Church	Vaughn W. Fisher Jr.	Hon. George G. Hicks	Kenneth E. Lyon Jr.
Stephen L. Beer	David P. Claiborne	Lois K. Fletcher	Thomas B. High	Thomas J. Lyons
William Lyman Belnap	David A. Coleman	William Kent Fletcher	Margaret B. Hinman	Catherine M. Mabbutt
Howard A. Belodoff	Chris D. Comstock	William R. Forsberg Jr.	Craig D. Hobdey	Patrick E. Mahoney
Frederick F. Belzer	John P. Connolly	Kent W. Foster	Hon. Mick Hodges	Kelly D. Mallard
Tessa Jeanean Bennett	Jon R. Cox	Brett R. Fox	Dana L. Hofstetter	Kipp L. Manwaring
Loren D. Bingham	Shelly H. Cozakos	Frederick James Frahm	William R. Hollifield	Shane Tyson Manwaring
Eric R. Bjorkman	Paul T. Curtis	Jay R. Friedly	Keasa L. Hollister	Hon. David D.
Eric R. Bjorkman Jr.	Robert Wade Curtis	Greg Jackson Fuller	Curtis N. Holmes	Manweiler
H. Ronald Bjorkman	William R. Dalling	Steven Ray Fuller	Kevin B. Homer	Trent B. Marcus
Dawn C. Blancaflor	J. Layne Davis	Ruth J. Fullwiler	D. Fredrick Hoopes	Don T. Marler Jr.
Brian R. Blender	Julie A. DeFord	Javier Luis Gabiola	William Lynn Hossner	John M. Marshall
Nicholas Theodore	R. George DeFord Jr.	Laurie B. Gaffney	Pamela S. Howland	LaDawn M. Marsters
Bokides	Jennifer S. Dempsey	David Paul Gardner	Mary S. Huneycutt	James L. Martin
Stephanie J. Bonney	Wiley R. Dennert	Timothy J. Gass	Hon. Eric S. Hunn	Reese Bradley Masingill
Hon. Henry R. Boomer III	Nicole Renee' Derden	Cecelia A. Gassner	Britt E. Ide	Albert Matsuura
Eric J. Boyington	Dane A. DeVeau	Kent W. Gauchay	S. Criss James	Gregory C. May
Alison E. Brace	M. Adelle Franklin Doty	Patrick N. George	D. Samuel Johnson	Heather M. McCarthy
Kevin C. Braley	Margaret "Peg" M. Dougherty	Brad A. Goergen	Joshua David Johnson	Matthew F. McColl
Amanda A. Breen	William G. Dryden	John R. Goodell	Michael R. Johnson	Sandra McDavid
M. Sean Breen	Keely E. Duke	Alan C. Goodman	Russell L. Johnson	Kendal A. McDevitt
Rebecca A. Broadbent	Kristin B. Dunn	Daniel J. Gordon	Terry Lee Johnson	Ryan T. McFarland
Kimberly D. Brooks	Marty Durand	Jon C. Gould	Fonda L. Jovick	Neil D. McFeeley
Jeremy Dean Brown	Douglas K. Dykman	Trent A. Grant	James P. Kaufman	John S. McGown Jr.
Mitchell W. Brown	Malcolm S. Dymkoski	Monte C. Gray	Angela S. Kaufmann	Bernard W. McHugh
Jeffrey D. Brunson	David Brent Eames	Hon. Dan C. Grober	Hon. Thomas D. Kershaw Jr.	Mark T. McHugh
Thomas J. Budge	W. Brent Eames	Mark J. Guerry	Jr.	Curtis David McKenzie
Muriel M. Burke	Matthew S. EchoHawk	Jay Michael Gustavsen	Ty A. Ketlinski	Harlow Joseph
Hon. Ronald E. Bush	Thomas Elgin Eckert	J. Gardiner Hackney Jr.	Joanne M. Kibodeaux	McNamara
John A. Bush	Sara D. Eddie	Jennifer L. K.	Matthew Luke Kinghorn	Craig L. Meadows
Paul Gary Butikofer	John T. Edwards	Haemmerle	Paula A. L. Kluksdal	L. Victoria Meier
D. Kirk Bybee	John T. Edwards	Stephen D. Hall	Hon. Frank Paul Kotyk	Douglas K. Merkley
Dennis L. Cain	Bradford Scott Eidam	Thomas Guy Hallam Jr.	David R. Kress	Weston Brent Meyring
Nancy L. Callahan	Debra L. Eismann	J. D. Hancock	Deborah A. N. Kristal	Kendall L. Miller
Chad A. Campos	Robert O. Eldredge Jr.	Ammon Ray Hansen	Kelly K. Kumm	Mark J. Mimura
Kari M. Campos	Michael J. Elia	Donald L. Harris	Reed W. Larsen	Richard W. Mollerup
	Lyle D. Eliassen	Robert Lynn Harris	Lary S. Larson	Judson Brown

Montgomery
 M. Brent Morgan
 William A. Morrow
 Tobi J. Mott
 Stephen John Muhonen
 Terri L. Muse
 Gary L. Nalder
 Cathy L. Naugle
 Kirtlan G. Naylor
 Benjamin Neilsen
 Deborah E. Nelson
 Charina A. Newell
 Brent B. Nielson
 Jed K. Nixon
 Harold Q. Noack Jr.
 Audrey L. Numbers
 Hon. David C. Nye
 Mary "Molly" O'Leary
 Justin B. Oleson
 Eric Lynn Olsen
 Brooke A. O'Neil
 Kristen J. Ormseth
 Edith L. Pacillo
 Fred R. Palmer
 Penelope Parker
 Zachary G. Parris
 Craig W. Parrish
 Michael F. Peacock
 Alec Thomas Pechota
 Herbert William Pellinen
 David M. Penny
 David K. Penrod
 Mark C. Peterson
 Kira D. Pfisterer
 James Marshall
 Piotrowski
 Steven Bradley Pitts
 Seth Craig Platts
 Michelle R. Points

Bradley B. Poole
 W. Christopher Pooser
 Wendy M. Powell
 James P. Price
 David R. Purnell
 Charlene K. Quade
 Dennis L. Radocha
 Scott E. Randolph
 Lisa B. Rasmussen
 Steven R. Rausch
 David E. Rayborn
 Norman G. Reece Jr.
 Paul E. Remy
 Lauren M. Reynoldson
 Steven A. Richards
 Steven V. Richert
 Corey J. Rippee
 John S. Ritchie
 Cyrus J. Roedel
 Jeffrey E. Rolig
 Angelo Luigi Rosa
 Todd A. Rossman
 James D. Ruchti
 Hysler Cody Runyan
 Maureen G. Ryan
 John H. Sahlin
 Christine M. Salmi
 M. Anthony Sasser
 Katrina Terese Sather
 Edwin Guy Schiller
 Lance J. Schuster
 Justin R. Seamons
 L. Jeff Severson
 Angela M. Shapow
 Amelia A. Sheets
 Ann K. Shepard
 Sara Shepard
 Ronald R. Shepherd
 David H. Shipman

Bret W. Shoufler
 Karen L. Silva
 Paula Brown Sinclair
 Peter C. Sisson
 E. Brent Small
 Curtis R. Smith
 Ellen N. Smith
 Peter J. Smith IV
 Scott Joseph Smith
 Tricia Kay Soper
 Dean C. Sorensen
 Frances R. Stern
 Steven M. Stoddard
 Jason C. Stolworthy
 Laird B. Stone
 Randolph Calvin Stone
 Richard W. Stover
 Michael S. Stoy
 Jay Q. Sturgell
 Jeffrey R. Sykes
 Robert W. Talbot
 Glenda M. Talbutt
 Diane M. Tappen
 Pamela J. Tarlow
 Brendon C. Taylor
 Stanley J. Tharp
 W. John Thiel
 Hon. Steven A. Thomsen
 Dale P. Thomson
 Aaron J. Tolson
 Brian T. Tucker
 Louis L. Uranga
 Robert W. Vail
 Yvonne A. Vaughan
 Reese E. Verner
 Lori A. Villegas
 Carol Tippi Volyn
 Jonathan M. Volyn
 Dennis S. Voorhees

Jacqueline Susan
 Wakefield
 Cydni Waldner
 Bryan K. Walker
 Francis P. Walker
 Robert A. Wallace
 Matthew Lloyd Walters
 Bret Walther
 Jerry M. Ward
 Peter W. Ware Jr.
 Michael P. Wasiko
 Roland Watson
 Andrew M. Wayment
 Larry F. Weeks
 Dennis C. Weigt
 B. Joseph Welton
 Jr.
 William H.
 Wellman
 Stanley W. We
 Carole I.
 Wesenberg
 Jesse M. Whei
 Brent L. Whiti
 Karyn Whyche
 Michael J. Wh
 Mark E.
 Wight
 Todd
 Jennings
 Wilcox

Robert David Williams
 Brent Thomas Wilson
 Dena M. Winfield
 Colette F. Wolf
 Lisa Wood
 Theodore Jason Wood
 Wade L. Woodard
 Robert A. Wreggelsworth
 Elizabeth Diane Wright
 Roger B. Wright
 Christopher E. Yorgason
 Terri R. Yost
 William (Bud) F. Yost III
 Clayne S. Zollinger Jr.



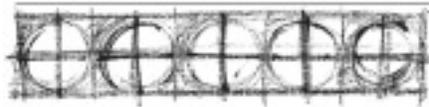
The Fourth District Bar Association

**6.1
 Challenge**

**Law Day
 2008**

For more information:
www.idaho.gov/isb/dist-bars/4th/61challenge.pdf

IDAHO LAW FOUNDATION



Helping the profession serve the public

IDAHO LAW FOUNDATION RECEIVES GENEROUS CONTRIBUTIONS

Since the fundraising year began on July 1, the Idaho Law Foundation has received over 400 contributions, raising more than \$40,000. These donations include gifts to the ILF General Fund as well as donations directed to Idaho Volunteer Lawyers Program, Law Related Education, and the Endowment Fund.

The Idaho Law Foundation would like to thank those who have contributed for their generous gifts. If you would like to make a donation or have any questions about the Idaho Law Foundation's fund development opportunities, please contact, Carey Shoufler, Fund Development Director, at (208) 334-4500 or cshoufler@isb.idaho.gov.

2008 HIGH SCHOOL MOCK TRIAL COMPETITION

During the first two weekends in February, Regional High School Mock Trial Competitions took place in Boise, Twin Falls, and Coeur d'Alene. A total of 12 teams from the regional competitions will advance to the State Competition to be held in Boise on March 13 and 14. We are still in need of some judges for the State Competition. If you are interested in judging for the semi-final round on the morning of Friday, March 14, contact Carey Shoufler, Law Related Education Director, at (208) 334-4500.

**ETHICS and LAWYER
DISCIPLINARY
INVESTIGATION
and PROCEEDINGS**

Stephen C. Smith,
former Chairman of the
Washington State Bar Association
Disciplinary Board, is now
accepting referrals for attorney
disciplinary investigations
and proceedings in
Washington, Idaho, Hawaii, and Guam



877 Main Street • Suite 1000
Boise, Idaho 83701
208-344-6000
ssmi@hteh.com

SELF-DIRECTED RETIREMENT PLAN SERVICES

**Your Success is Our Success:
Help Your Clients
Understand Self-Direction**

For over 25 years, Entrust has assisted professionals just like you with our first-hand knowledge on managing self-directed investments. Benefit from our expertise and exceptional service, and let Entrust help you or your clients open a self-directed retirement account today.

**FREE LEARNING CENTER ANNEX CLASSES
taught by experts from around the valley -
starting in March. Sign up today!**



**Entrust
OF IDAHO**
Your Source for Self-Directed IRAs

10096 W. Fairview Avenue
Suite 160
Boise, ID 83704

(208) 377-3311

www.TheEntrustGroup.com

a member of
EntrustGroup
Self-Directed Retirement Plan Services

**ADR SERVICES
MEDIATION • ARBITRATION • EVALUATION**

JOHN MAGEL



**40 years' experience
Litigation & ADR
Member ISB ADR Governing Council
More than 650 Mediations through 2007
jm@elambuke.com**

Elam & Burke

251 E. Front St., Ste. 300, P.O. Box 1539, Boise, ID 83701
Tel: 208-343-5454 • Fax: 208-384-5844
www.elamburke.com

Experience Matters

**Dykas, Shaver
& Nipper**

Protecting
Intellectual Property
Since 1975

Patents
Trademarks
Copyrights
Licensing
Litigation

dykaslaw.com



208-345-1122 • 1403 W. Franklin • Boise, ID 83702

DIRECTORY UPDATES

1/2/08 - 2/1/08

Willard R. Abbott

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0036
(208) 334-5537
Fax: (208) 334-5548
abbottw@clhw.idaho.gov

Paul Stephen Aita

Ricci Grebe Aita, PLLC
1200 Fifth Avenue, Ste. 625
Seattle, WA 98101
(206) 770-7606 Ext. 109
Fax: (206) 770-7607
steve@aitalaw.com

Brenda Elaine Albert

Moffatt & Nichol
759 Clipper Way
Sacramento, CA 95831
(916) 679-2013
Fax: (925) 944-4732
balbert@moffattnichol.com

Aric Ammaron Alley

Aric Alley Law Firm, PLLC
1211 34th Street, Ste. 13
Woodward, OK 73801
(580) 254-9211
Fax: (580) 254-5557
aric_a_alley@hotmail.com

Jan N. Allred

1933 E. Holladay View Place
Holladay, UT 84117
jnh279@aol.com

Lanny LaMont Anderson

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 334-4539
Fax: (208) 854-8074
lamontanderson@agidaho.gov

Peter Rudge Anderson

Trout Unlimited
1020 Main Street, Ste. 440
Boise, ID 83702
(208) 938-1110 Ext. 12
Fax: (208) 344-0768
panderson@tu.org

Randy S. Anderson

Menill Lynch
13347 W. Elmspring Drive
Boise, ID 83713
(208) 338-3196
Fax: (208) 338-3153
randy_anderson@mnl.com

Edward Joseph Anson

Witherspoon, Kelley, Davenport &
Toole, PS
608 Northwest Blvd., Ste. 401
Coeur d'Alene, ID 83814-2146
(208) 667-4000
Fax: (208) 667-8470
eja@wkdllaw.com

Charles Thomas Arkoosh

Capitol Law Group, PLLC
PO Box 2598
Boise, ID 83701-2598
(208) 934-8872
Fax: (208) 934-8873
tarkoosh@capitolawgroup.net

Kenneth Robert Arment

Valley County Prosecutor's Office
PO Box 1350
Cascade, ID 83611
(208) 382-7120
kament@co.valley.id.us

Robert Richard Audley

3120 Dogwood Drive South
Salem, OR 97302
(503) 339-7929
audleylawclickaudley@msn.com

John Albert Bailey Jr.

Racine, Olson, Nye, Budge &
Bailey, Chtd.
PO Box 1391
Pocatello, ID 83204-1391
(208) 232-6101 Ext. 338
Fax: (208) 232-6109
jab@racinelaw.net

Rick Darren Bailey

Penn Mutual Life Insurance
Company
8410 NW 16 Court
Vancouver, WA 98665
(360) 576-2855
rbailey2911@msn.com

David Gene Ballard

Capitol Law Group, PLLC
PO Box 2598
Boise, ID 83701-2598
(208) 344-8990 Ext. 105
Fax: (208) 344-9140
dballard@capitolawgroup.net

Jay Kevin Barnes

Myler Disability Law
PO Box 127
Lehi, UT 84043
(801) 225-6925
Fax: (801) 225-8417
jbarnes@mylerlaw.com

Diane Louise Barr

Archdiocese of Atlanta
8343 Roswell Rd, Ste. 384
Atlanta, GA 30350
(404) 644-7856
canonistd@aol.com

James Howard Barrett Jr.

Bonneville County Public
Defender's Office
605 N. Capital Avenue
Idaho Falls, ID 83402
(208) 529-1350 Ext. 1105
Fax: (208) 529-1181
jimmy_barrett@hotmail.com

Brian Birdsall Benjamin

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 334-4139
Fax: (208) 854-8073
brian.benjamin@ag.idaho.gov

Randall D Benson

Bank of American Fork
195 East 6100 South
Murray, UT 84107
(801) 838-9887
Fax: (801) 838-9894
randall.benson@bankaf.com

Emil R. Berg

Greener Buke & Shoemaker, PA
950 W. Bannock Street, Ste. 900
Boise, ID 83702
(208) 319-2600
Fax: (208) 319-2601
eberg@greenerlaw.com

Michael Roger Bergmann

Skadden, Arps, Slate, Meagher &
Flom, LLP
1235 Hearthstone Drive
Boise, ID 83702
(202) 371-7133
Fax: (202) 661-9133
mbergman@skadden.com

Delisa Marie Berhow

PO Box 5385
Charlottesville, VA 22905
(509) 499-7402
delisa_berhow@yahoo.com

Heidi M. Berven

Concert Pharmaceuticals
99 Haydn Avenue, Ste. 100
Lexington, MA 02421
(781) 860-0045 Ext. 245
Fax: (781) 860-8923
hberven@concertpharma.com

Laura MacGregor Bettis

1111 N. 9th Street
Boise, ID 83702
(208) 890-1984
lmbettis@hotmail.com

Carl F. Bianchi

2153 Pebble Creek Lane
Boise, ID 83706
carlbianchi@gmail.com

Darwin H. Bingham

Scalley Reading Bates Hansen &
Rasmussen, P.C.
PO Box 11429
Salt Lake City, UT 84147-0429
(801) 531-7870
Fax: (801) 531-7968
dbingham@scalleyreading.net

Erika Birch

Stindberg & Scholnick
3467 Williamsburg Way
Boise, ID 83706
(801) 359-4169
Fax: (801) 359-4313
erika@utahjobjustice.com

Rex Blackburn

Idaho Power Company
PO Box 70
Boise, ID 83707
(208) 388-2713
Fax: (208) 388-6936
rblackburn@idahopower.com

Brian Robert Blender

Affinity, Inc.
PO Box 44417
Boise, ID 83711
bblender@blender-law.com

Richard Lee Bliss

1520 Linden Avenue
Leviston, ID 83501
(208) 816-3686

Kell Erik Bodholt

Ambassadors Group Inc.
2001 S. Flint Road
Spokane, WA 99224
(509) 568-7943
Fax: (866) 792-2281
kell.bodholt@ptprograms.org

Brook Bernard Bond

Zarian Midgley & Johnson, PLLC
960 Broadway, Ste. 250
Boise, ID 83706
(208) 562-4900
Fax: (208) 441-9120
bond@zarianmidgley.com

Allan Ray Bosch

Capitol Law Group, PLLC
PO Box 2598
Boise, ID 83701-2598
(208) 344-8990 Ext. 107
Fax: (208) 344-9140
abosch@capitolawgroup.net

Jo-Ann Leigh Bowen

University of Massachusetts
Office of Equal Opportunity and
Diversity
740 N. Pleasant Street
Amherst, MA 01003-9306
(413) 545-3464
Fax: (413) 545-0802
jleighb@earthlink.net

Allen Vernon Bowles

2120 Highway 95 N
Moscow, ID 83843
(208) 882-1633
Fax: (208) 882-1633
allenbowles@gmail.com

Brian Lawrence Boyle

Thomsen Stephens Law Offices,
PLLC
2635 Channing Way
Idaho Falls, ID 83404
(208) 522-1230
Fax: (208) 522-1277
brianboyle@thomsenstephenslaw.com

Alison Elizabeth Brace

Non - Confrontational Legal
Solutions
PO Box 6061
Boise, ID 83707
(208) 353-5213
ncs@cableone.net

Alison M. Brandt

Alison Brandt, Attorney at Law
PO Box 2482
Orofino, ID 83544
(208) 476-7212
Fax: (208) 476-4642
abrandt@orofinolaw.com

Carol Lynn Brassey

Office of the Attorney General
317 W. Main Street
Boise, ID 83735
(208) 332-3570 Ext. 3444
Fax: (208) 334-6125
carol.brassey@laboridaho.gov

Jonathan P. Brody

Minidoka County Prosecutor's
Office
PO Box 368
Rupert, ID 83350
(208) 436-7187
(208) 436-3177
jrothbrody@cominidkaidus.com

Jerri Lynn Brooks

J. Lynn Brooks, Attorney at Law
PO Box 7057
McMinnville, TN 37111
(931) 473-2992
Fax: (931) 473-2221
lynnbrooks@alumpupuckeud.com

David Leo Brown

David L. Brown, PLLC
152 E. Main, Ste. 103
Rigby, ID 83442
(208) 745-0379
Fax: (208) 745-0379

Amie L. Bruggeman

12550 N. Upper Ridge Place
Boise, ID 83714
(208) 229-2277
Fax: (208) 229-2277
amie_b@ctcweb.net

Gary Milo Bullock

Gary M. Bullock & Associates, PC
1000 SW Broadway, Ste. 2460
Portland, OR 97205
(503) 228-6277
Fax: (503) 228-6280
gary@garybullock.com

Victor Nicholas Bunitsky Jr.

Victor N. Bunitsky & Associates
HC 31, Box 50
Elko, NV 89801
(775) 758-6413
Fax: (775) 758-7689
vbunitsky@ntcinc.net

Janell Janie Seitz Burke

Kootenai County
Dept. DC
PO Box 9000
Coeur d'Alene, ID 83816-9000
(208) 446-1115
Fax: (208) 446-1119
jburke@kcgov.us

Richard Barrett Burleigh

New Albertsons, Inc.
PO Box 20
Boise, ID 83726
(208) 395-5195
Fax: (208) 395-6575
richardburleigh@supervalu.com

Robert A. Bushnell, Jr.

Western World, Inc.
110 Main Street
Boise, ID 83702
(208) 459-0842
bbushnell@circletrailers.com

Paul Gary Butikofer

Butikofer Law Office, PLLC
143 N. State Street, Ste. 2
Rigby, ID 83442
(208) 745-9062
Fax: (208) 745-7497
pbutikofer@gmail.com

Rodney Ted Buttas

Buttas Law Office
3225 McLeod Drive, Ste. 100
Las Vegas, NV 89121
(253) 861-2263
idaholawyer@aol.com

Dale Kirk Bybee

City of Pocatello
PO Box 4169
Pocatello, ID 83205
(208) 234-6148
Fax: (208) 239-6986
kibybee@pocatello.us

Merrilee Beth Caldwell

225 Elizabeth Street, Apt. 1202
Melbourne, Victoria 3000
AUSTRALIA,
61-3-9620-5224
lee@merrilee.net

Christopher Wesley Call

3609 T Street NW
Washington, DC 20007-2247
(202) 361-4143
callchristopher@yahoo.com

John William Campbell

3809 S. Custer
Spokane, WA 99223
(509) 448-5887
Fax: (509) 481-7966
jwdaw@comcast.net

Hon. George David Carey

200 W. Front Street
Boise, ID 83702-7300
(208) 287-7546

Debra Jo Carnahan

Camahan Law Offices
PO Box 2125
Boise, ID 83701
(208) 338-1420
Fax: (208) 338-0762
debra@camahanlawoffice.com

Robert Ross Chastain

PO Box 756
Boise, ID 83701-0756
(208) 345-3110
Fax: (208) 345-1836
memo@chastainlaw.net

Brian James Cheney

May, Rammell & Thompson, Chtd.
PO Box 370
Pocatello, ID 83204-0370
(208) 233-0132
Fax: (208) 234-2961
brian@mtlaw.net

Jeremy Chin Chou

Givens Pursley LLP
PO Box 2720
Boise, ID 83701
(208) 388-1200
Fax: (208) 388-1300
jcc@givenspursley.com

Kay Moore Christensen

825 Brundage Street
Pocatello, ID 83202
(208) 238-1541
chrnkay@isu.edu

Susan Kay Christensen

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 334-4111
Fax: (208) 854-8070
kay.christensen@ag.idaho.gov

Warren Lee Christiansen

3947 SW Greenleaf Drive
Portland, OR 97221
(208) 720-8272
warrenc74@hotmail.com

Lance De Wyn Churchill

967 E. Parkcenter Blvd., #302
Boise, ID 83706
(208) 846-9646
Fax: (208) 384-0285
lance@frontlinecompanies.com

Paul Lawrence Clark

Kirsch & Clark, PLLC
PO Box 9284
Moscow, ID 83843
(208) 882-3598

Fax: (208) 882-2283
pclarke@yahoo.com

Brian John Coffey

Coffey Law Office
1191 E. Iron Eagle Drive
Eagle, ID 83616
(208) 246-8850
Fax: (208) 439-7435
bjc@clearwire.net

Charles Frank Cole

1519 E. Holly Street
Boise, ID 83712
(208) 395-5687
chip.cole@albertsonslc.com

John R. Coleman

2953 East 3400 North
Twin Falls, ID 83301
(208) 733-3842

Heather L. Conder

Neal & Uhl, PLLC
PO Box 1926
Boise, ID 83701
(208) 343-5931 Ext. 109
Fax: (208) 343-5807
hlc@idahorealestatelaw.com

Cameron Davis Cook

Ada County Public Defender's
Office
200 W. Front Street, Rm 1107
Boise, ID 83702
(208) 287-7400
Fax: (208) 287-7409
pdccookcd@adaweb.net

James Lyle Cornwell

PO Box 190627
Boise, ID 83719
(208) 571-9376
comwjl@yahoo.com

Robert Paul Coronado

U.S. Department of Agriculture
2147 Newport Place, NW
Washington, DC 20057
(202) 296-4581
robert123usa@yahoo.com

William Lloyd Coulthard

Hamison, Kemp, Jones & Coulthard
LLP
Wells Fargo Tower, 17th Floor
3800 Howard Hughes Parkway
Las Vegas, NV 89109
(702) 385-6000
Fax: (702) 385-6001
wic@hlkjlaw.com

Christian Robert Cox

Moloney & O'Neill
1206 N. Lincoln, Ste. 200
Spokane, WA 99201
(509) 325-3024
Fax: (509) 325-1803
ccox@moloneyoneill.com

Roger Dee Cox

Cox, Ohman & Brandstetter, Chtd.
1167 N. 1275
Shelley, ID 83274
(208) 522-8606
Fax: (208) 522-8618
rcox162943@aol.com

J. Stephen Grabtree

PO Box 1623
Ketchum, ID 83340
(208) 622-7703

Jeffery John Grandall

Owens & Grandall, PLLC
1859 N. Lakeswood Drive, Ste. 104
Coeur d'Alene, ID 83814
(208) 667-8989
Fax: (208) 667-1939
jeff@cdalawyer.com

Hon. Robert Louis Growley, Jr.

Jefferson County Magistrate Court
210 Courthouse Way, Ste. 120
Rigby, ID 83442-5296
(208) 745-7736
Fax: (208) 745-6636
rrowley@co.jefferson.id.us

Brandon O. Dalling

Latham & Watkins
885 3rd Avenue
New York, NY 10022
(212) 906-1377
Fax: (212) 751-4864
brandon.dalling@lw.com

Paul Wilson Daugharty

Paul W. Daugharty P.A.
110 Wallace Avenue
Coeur d'Alene, ID 83814
(208) 664-3799
Fax: (208) 666-0550
pwd110@aol.com

James C. Daugherty

703 Bellevue Ave. East, #B-41
Seattle, WA 98102
(253) 441-9737
jimcda@yahoo.com

Larry M. Davidson

101 N. 4th Avenue, Ste. 104
Sandpoint, ID 83864
(208) 255-1323
Fax: (208) 263-8509
larry@nidaho.net

J. Layne Davis

Davis & Walker
200 North 4th Street, Ste. 302
Boise, ID 83702
(208) 429-1200
Fax: (208) 429-1100
laynedavis@boiseidlaw.net

Daniel Saul Day

New Albertsons, Inc.
Legal Department
PO Box 20
Boise, ID 83726
(208) 395-5194
Fax: (208) 395-6021
dan.day@supervalu.com

Michael Richard De Angelo

Ada County Public Defender's
Office
1101 N. 16th Street
Boise, ID 83702
(208) 344-2018

Jeffrey Phillip Dearing

Twin Falls Public Defender's Office
385 N. Liberty
Boise, ID 83704
(208) 761-7432
jeffreydearing@gmail.com

Terry L. Derden

U.S. Department of Justice
12426 W. View Ridge Drive
Boise, ID 83709
(202) 514-2121
Fax: (202) 305-4937
teny.derden@usdoj.gov

Thomas Ferron Dial

May, Rammell & Thompson, Chtd.
533 Appaloosa
Pocatello, ID 83201
(208) 221-8855
dialtg@cableone.net

Thomas James Donnelly

440 W. Trillium Court
Stevens Point, WI 54481-3499
(715) 343-2634
pdonnelly@charternet

Warren Willford Dowdle

Dowdle Law Office P.C.
13965 W. Chinden Blvd.
Boise, ID 83713
(208) 888-9457
Fax: (208) 855-0584
wwdlaw@quickidaho.com

Richard Kim Dredge

PO Box 9499
Boise, ID 83707-3499
(208) 489-1704
Fax: (208) 489-1717
idrkid@aol.com

David Roger Ducharme

W. 1110 Park Place, Ste. 220
Coeur d'Alene, ID 83814
(208) 667-0701
Fax: (208) 765-6795
drclaw2@earthlink.net

Roger Thomas Dunaway

Ater Wynne, LLP
601 Union Street, Ste. 1501
Seattle, WA 98101-3981
(206) 623-4711
Fax: (206) 467-8406
rtd@aterwynne.com

Stephen S. Dunn

Merrill & Merrill, Chtd.
PO Box 991
Pocatello, ID 83204-0991
(208) 232-2286
Fax: (208) 232-2499
sldunn@merrillandmerrill.com

Kirstin K. Dutcher

Lawson & Laski, PLLC
PO Box 3310
Ketchum, ID 83340
(208) 725-0055
Fax: (208) 725-0076
kkcl@lawsonlaski.com

Gregory James Ehardt

Gregory J. Ehardt, PA
2805 Valencia Drive
Idaho Falls, ID 83404
(208) 360-3999
(208) 525-6151

greg@ifsurgery.com

Ralph Joseph Eisele

EBI
5632 Old Stump Drive NW
Gig Harbor, WA 98332
(208) 660-2722
Fax: (253) 851-2996
rjesele@aol.com

Deborah Lyn Blewin Eliassen

1822 Farnhouse Way
Florence, KY 41042
(859) 371-2943
deliasen1@gmail.com

Amber Champree Ellis

Ada County Court
200 W. Front Street
Boise, ID 83702
(208) 287-7555
acellis@adaweb.net

Rosemary Emory

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 334-4100
Fax: (208) 854-8082
rosemary.emory@ag.idaho.gov

Steven D. Erdahl

LECG
PO Box 1204
Benton, AR 72018
(501) 249-2834
stevenerdahl@sbglobal.net

Scott Raymond Erekson

1075 Ridge Road
McCall, ID 83638
(208) 475-4782
serekson@yahoo.com

Hyrum Dean Erickson

Ada County Court
200 W. Front Street
Boise, ID 83702
(208) 287-7522
herickson@adaweb.net

Jeremy O. Evans

DBSI Discovery Real Estate Services
12426 W. Explorer Dr, Ste. 100
Boise, ID 83713
(208) 489-2669
Fax: (208) 489-2501
jevans@dcls.net

Jane Parry Ewers

Turner Stoeve & Gagliardi, PS
412 W. Riverside, Ste. 960
Spokane, WA 99201
(509) 326-1552
Fax: (509) 325-1425
mpewers@stglaw.net

Jayne Butler Fallon

PO Box 306
Palmer, AK 99645-0306
jayne@jaynefallon.com

Robert Irving Fallowfield

Lubowski, Wygle, Fallowfield &
Ritzau, PA
PO Box 1172
Ketchum, ID 83340
(208) 726-8219 Ext. 103
Fax: (208) 726-3750
lwf@cox-internet.com

Michael Justus Farrar

Michael J. Farrar, PA
8337 NW 12th Street, #102
Miami, FL 33126
(305) 599-8388
Fax: (786) 225-2517
michaelfarrar@bellsouth.net

John Michael Fedders

Law Office of John M. Fedders
5116 Warren Place NW
Washington, DC 20016
(202) 659-2424
Fax: (202) 659-4959
jfedders@gmail.com

Mary Elizabeth Feeny

4305 Edgemont
Boise, ID 83706
(208) 342-6024
Fax: (208) 334-4623

Jennifer Hughes Fegert

Quane Smith, LLP
PO Box 576
Priest River, ID 83856
(208) 664-9281

Katherine Anne Felix

409 Winged Foot Place
Eagle, ID 83616
(208) 890-8054
kathyfelix@cablone.net

J. Steven Fender

2646 Virginia Avenue
Boise, ID 83705
(208) 514-1294

Lynn Drennan Fender

2646 Virginia Avenue
Boise, ID 83705
(208) 514-1294

Michelle Rae Wakefield Finch

Finch & Associates Law Office, PA
PO Box 1296
Boise, ID 83701
(208) 385-0800
Fax: (208) 389-2186
mfinch@familylegalsolutions.com

Marc D. Fink

Center for Biological Diversity
4515 Robinson Street
Duluth, MN 55804
(218) 525-3884
Fax: (218) 525-3857
mfink@biologicaldiversity.org

Brian Thomas Fischenich

United States Air Force
PO Box 6609
Ketchum, ID 83703
(208) 761-3229
bisheman@hotmail.com

Lori Anne Fleming

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 334-4531
Fax: (208) 854-8074
lori.fleming@ag.idaho.gov

Steven Fogelson

Wiebe & Fouser, PA/Canyon
County Public Defender's Office
PO Box 606
Caldwell, ID 83606
(208) 454-2264 Ext. 3034
Fax: (208) 454-0136
fogelsonlegal@hotmail.com

Robert Marinus Follett

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 332-3086 Ext. 4150
Fax: (208) 334-3107
robert.follett@ag.idaho.gov

William Rudolph Forsberg Jr.

Forsberg Law Offices
49 Professional Plaza
Rexburg, ID 83440
(208) 356-7474

Fax: (208) 656-0010

forsbergw@cableone.net

Robert Edward Franz, Jr.

Law Office of Robert E. Franz, Jr.
PO Box 62
Springfield, OR 97477
(541) 741-8220

Fax: (541) 741-8234

robertfranz@qwestoffice.net

Matthew E. Fredback

Blaine County Prosecutor's Office
201 Second Avenue South, Ste. 100
Hailey, ID 83333
(208) 761-5526
mfredback@hotmail.com

Abigail Roberts Fuller

Abigail Fuller Law, PLLC
PO Box 641
Troy, ID 83871
(208) 301-4787

fullerlaw@icaho.net

Fred William Gabourie Jr.

PO Box 2529
Post Falls, ID 83877-2529
(208) 773-1602

Fax: (208) 773-8907

icahoosprey@cclatwebc.com

Cecelia Ann Gassner

2 Mesa Vista Road
Boise, ID 83707
(208) 869-8113
cece.gassner@gmail.com

Robert Reynolds Gates

Saetrum Law Offices
PO Box 7425
Boise, ID 83707-7425
(208) 336-0484
Fax: (208) 336-0448
bobgates@saetrumlaw.com

Cheryl Diane George

Office of the Attorney General
317 W. Main Street
Boise, ID 83735
(208) 332-3570 Ext. 3138
Fax: (208) 334-6125
cheryl.george@laboridaho.gov

Shelby Christine George

Bryan, Pendleton, Swats &
McAllister
219 Pebble Brook
Nashville, TN 37221
(615) 665-5438
Fax: (615) 665-1650
sc_hamell@yahoo.com

Mary F. Gigray-Shanahan

Bonneville County Prosecutor's
Office
605 N. Capital Avenue
Idaho Falls, ID 83402
(208) 529-1350 Ext. 1348
Fax: (208) 529-1189
mshanahan@cobonnevilleid.us

James Earl Glarborg

PO Box 36
American Falls, ID 83211
(208) 397-4729

Eric Richard Glover

Glover Law Office, PLLC
671 E. Riverpark Lane, Ste. 130
Boise, ID 83706
(208) 336-3117
Fax: (208) 344-7980
glover.eric@gmail.com

Terry Dee Gobel

Terry D. Gobel, Attorney at Law
421 W. Riverside Avenue, Ste. 908
Spokane, WA 99201
(509) 624-4102
Fax: (509) 624-4115

Jeffrey Dennis Gooch

The Gooch Firm
1996 East 6400 South, Ste. 100
Salt Lake City, UT 84121
(801) 424-3800
Fax: (801) 424-4243

jeff@thegoochfirm.com

John C. Grabow

PO Box 6880
Ketchum, ID 83340
(208) 622-7455
jgrabow@mindspring.com

Timothy King Graves

Blaine County Prosecutor's Office
201 2nd Avenue S., Ste. 100
Hailey, ID 83333
(208) 788-5545
Fax: (208) 788-5554
tgraves@co.blaine.id.us

Diane Grecco

PO Box 1196
Post Falls, ID 83854
(208) 773-9461
dgrecco@roadrunner.com

Adam Howard Green

Adam H. Green, Attorney at Law,
PLLC
PO Box 246
Grangeville, ID 83530
(208) 983-3089
Fax: (208) 983-3098
adamhowardgreen@yahoo.com

Michael Clyde Gridley

City of Coeur d'Alene
710 Mullan Ave.
Coeur d'Alene, ID 83814
(208) 769-2330
mgridley@cclaid.org

Sue G. Griffith

Syngenta Seeds, Inc.
PO Box 1060
Manzanita, OR 97130
(763) 593-7807
Fax: (763) 593-7389

sue.griffith@yahoo.com

Joseph Holbrook Groberg

1605 S. Woodruff
Idaho Falls, ID 83404
(208) 522-3571
Fax: (208) 522-3060

joegroberg@hotmail.com

Cathy Ann Guzman

Ada County Prosecutor's Office
200 W. Front Street, Rm 3191
Boise, ID 83702
(208) 287-7542
cguzman@adaweb.net

Bradley H. Hall

Idaho State University
921 S. 8th, Stop# 8410
Pocatello, ID 83209
(208) 282-3234
Fax: (208) 282-4821
hallbrad@isu.edu

Vonda Racine Hall

Supervalu Inc.
PO Box 20
Boise, ID 83726
(208) 395-5710
Fax: (208) 395-4347
vonda.hall@supervalu.com

Michael Laurence Haman

Haman Law Office
PO Box 2155
Coeur d'Alene, ID 83816-2155
(208) 667-4699
Fax: (208) 667-3379
mlhaman.law@gmail.com

Nicole C. Hancock

Syngenta Seeds, Inc.
600 N. Armstrong Place
Boise, ID 83704
(208) 327-7271
Fax: (208) 327-7235
nicole.hancock@syngenta.com

Celeste Ann Hanlin

Jefferson County, Illinois
4332 Lilac Lane
Mount Vernon, IL 62864
(614) 244-8025
Fax: (618) 244-8039
canorbu@yahoo.com

Hon. Timothy Lee Hansen

Fourth District Court
200 W. Front Street
Boise, ID 83702-7300
(208) 287-7475
Fax: (208) 287-7499
tchansen@adaweb.net

Howard Roy Haralson

PO Box 23013
Oklahoma City, OK 73123-2013
(405) 789-2000
Fax: (405) 789-2369
hrhokclaw@aol.com

Rebecca Biddle Wood Hardesty

205 N. Tenth Street, Ste. 300
Boise, ID 83701
(208) 389-6861
Fax: (208) 342-7672
rbwh2@aol.com

Sarah Elizabeth Harris

U.S. Navy
2521 Moser Street
Moscow, ID 83843
(202) 685-8505
sarah.harris@navy.mil

Alan Rexford Harrison

Alan R. Hamson Law, PLLC
497 N. Capital Avenue, Ste. 210
Idaho Falls, ID 83402
(208) 552-1165
Fax: (208) 552-1176
arh@ahamisonlaw.com

Steven A. Hatfield

U.S. Air Force JAG Corps
513 Julian Avenue
Honolulu, HI 96818-4915
(808) 448-2163
steven.hatfield@hickam.af.mil

John Richard Hathaway

PO Box 271
Orofino, ID 83544
(208) 476-9110

Fax: (208) 476-5053
jhath@suddenlink.net

Phillip Brent Heersink

Heersink Law Office
PO Box 195
Payette, ID 83661
(208) 452-4592
Fax: (208) 452-3676
pbheersink@fntc.com

David Allen Heida

Capitol Law Group, PLLC
PO Box 32
Gooding, ID 83330
(208) 934-8872
Fax: (208) 934-8873
dheida@capitolawgroup.net

Ardee Helm Jr.

PO Box 190
Paris, ID 83261
(208) 847-0805
Fax: (208) 847-0140
ardeelaw@yahoo.com

Clinton James Henderson

829 5th Street
Clarkston, WA 99403
(509) 758-0222

Ryan Patrick Henson

Gulstrom & Henson, PC
PO Box 1668
Nampa, ID 83651
(208) 463-0793
Fax: (208) 463-1030
rhenson@nampalawyers.com

Stephen F. Herzog

City of Pocatello
PO Box 4169
Pocatello, ID 83205
(208) 234-6148
Fax: (208) 239-2986
sherzog@pocatello.us

Dennis P. Hession

2818 S. Scott Street
Spokane, WA 99203

Roger Leland Heywood

Heywood & Associates, PC
1440 S. Clearview Avenue, Ste. 101
Mesa, AZ 85209
(480) 807-8700
Fax: (480) 807-8703
rogerh@heywoodlaw.com

Suzanne J. Hickok

U.S. Courts, District of Idaho
Federal Building
550 West Fort Street
Boise, ID 83724
(208) 334-9341
Fax: (208) 334-1334
suzanne_hickok@clscourts.gov

Randolph John Hill

Washington Division of URS
Corporation
PO Box 73
Boise, ID 83729
(208) 386-5466
Fax: (208) 386-6220
randy.hill@wginet.com

Hon. Mick Hodges

Cassia County Magistrate Court
1469 Overland Avenue
Burley, ID 83318
(208) 878-0180
Fax: (208) 878-1013
mhodges@cassiacounty.org

Thomas Joseph Holden

Idaho Department of Labor
317 Main Street
Boise, ID 83735
(208) 332-3572
Fax: (208) 334-6440
tom.holden@laboridaho.gov

Elizabeth Crossley Holman

PO Box 2384
Ketchum, ID 83340
(208) 726-2263
Fax: (208) 726-2264
elizabeth.holman@gmail.com

Arlynn Beatrice Horne

299 W. 97th North
Idaho Falls, ID 83401
(208) 524-3930
klgorekicl@yahoo.com

Henry Ernest Houst Jr.

Carty Law, PA
380 S. 4th Street, Ste. 102
Boise, ID 83702
(208) 368-0800
Fax: (208) 342-3548
chip@cartylaw.net

Matt J. Howard

2125 S. Sumpter Way
Boise, ID 83709
(208) 284-6823
mhoward@fiberpipe.net

Michael Craig Humphrey

Division of URS Corporation
PO Box 73
Boise, ID 83729
(208) 386-5546
Fax: (208) 386-5310
mike.humphrey@wginet.com

Kelly Tolman Hunter

2814 28th Avenue West
Seattle, WA 98199
(206) 285-1616
kellythunter@hotmail.com

Dari Mathews Huskey

Banducci Woodard Schwartzman,
PLLC
802 W. Bannock Street, Ste. 700
Boise, ID 83702
(208) 342-4411
Fax: (208) 342-4455
dhuskey@bwsllawgroup.com

Mark Alan Jackson

Mark A. Jackson P.A.
110 Wallace Avenue
Coeur d'Alene, ID 83814
(208) 664-3626
Fax: (208) 666-0550

Robert Lynn Jackson

Combo & Jackson
PO Box 50190
Idaho Falls, ID 83405-0190
(208) 524-5380
Fax: (208) 524-5451
bob@combolaw.com

Clarence G. Jenkins

Mojave County Public Defender's
Office
PO Box 7000
Kingman, AZ 86401
(928) 753-0734
Fax: (928) 753-0793
cjenkins4746@aol.com

Daniel Mark Johnson

PO Box 36
Nezperce, ID 83543
(208) 937-2454
Fax: (208) 937-2621
dan@danielmjohnson.com

Ian Christopher Johnson

Memill & Menill, Chtd.
PO Box 991
Pocatello, ID 83204-0991
(208) 232-2286
Fax: (208) 232-2499

johnson@menillandmemill.com

Rexford Alan Johnson

Zaarian Midgley & Johnson, PLLC
960 Broadway Avenue
Boise, ID 83706
(208) 433-9121
Fax: (208) 441-9120
johnson@zaarianmidgley.com

Russell L. Johnson

Johnson & Lundgreen, PC
121 N. 9th Street, Ste. 302
Boise, ID 83702
(208) 376-5256
Fax: (208) 376-5907
johnsonlundgreen@clearwient

Bruce Cobb Jones

Jones & Swartz, PLLC
PO Box 7808
Boise, ID 83707
(208) 489-8989
Fax: (208) 489-8988
bruce@jonesandswartzlaw.com

John Kalb

Kootenai Medical Center
2971 W. Loire Drive
Coeur d'Alene, ID 83815
(208) 659-5505
jkalb@aol.com

Brian Patrick Kane

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 334-4523
Fax: (208) 854-8071
brian.kane@ag.idaho.gov

Soo Yong Kang

Greener Burke & Shoemaker, PA
950 W. Bannock Street, Ste. 900
Boise, ID 83702
(208) 319-2600
Fax: (208) 319-2601
skang@greenerlaw.com

Robert John Kannapien

Coldwell Banker Commercial
6129 S. Zuni Drive
Spokane, WA 99206-9363
(208) 765-4300
Fax: (208) 765-9150
rob@ccim.net

Frederick John Karau

U.S. District Court
PO Box 2706
Yakima, WA 98907
(509) 573-6653
Fax: (509) 454-5752

Hon. Michael B. Kennedy

PO Box 441
Rigby, ID 83442
(208) 745-8422
mikennedy7@hotmail.com

Christopher Joseph Kerley

Evans, Craven & Lackie, PS
818 W. Riverside, #250
Spokane, WA 99201
(509) 455-5200
Fax: (509) 455-3632
ckerley@ec-law.com

Michael Thor Kessinger

Goicochea Law Offices, LLP
PO Box 287
Lewiston, ID 83501
(208) 743-2313
Fax: (208) 743-8140
mkessinger@lewiston.com

Ty Anthony Ketlinski

Ketlinski, Massoth & Soper, PLLC
910 E. Cleveland Blvd.
Caldwell, ID 83605
(208) 454-3150
Fax: (208) 454-3149
tketlinski@kms.net

Jay Juhani Kiilha

Capitol Law Group, PLLC
PO Box 2598
Boise, ID 83701-2598
(208) 424-8872
Fax: (208) 424-8874
jkiilha@capitolawgroup.net

Joyce Elaine King

U.S. Navy
10953 Valldomosa Lane
San Diego, CA 92124
(858) 571-6637
Fax: (619) 437-5786
kej17@netzero.net

Frank R. Kornblum

PO Box 1103
Rochester, MN 55903
(507) 529-1910
Fax: (507) 529-1109
fkorn@survalley.net

Kelly Kenneth Kumm

Kumm Law Offices, PLLC
1305 E. Center
Pocatello, ID 83201-5796
(208) 232-4051
Fax: (208) 232-2880
kummnlaw@msn.com

Christopher Robert La Rosa

Sheridan County Attorney's Office
369 W. Brundage Street
Sheridan, WY 82801
(307) 674-2580
Fax: (307) 674-2585
clarosa@sheridancounty.com

Vanessa A. Laird

Medtronic, Inc.
8200 Coral Sea Street
MS MVC42
Mounds View, MN 55112
(763) 526-1252
Fax: (763) 526-5940
vanessalaird@medtronic.com

Jamie A. LaMure

3307 East 3200 North
Kimberly, ID 83341
(208) 420-9644
Fax: (208) 733-8545
lamurelaw@gmail.com

Brian Richard Langford

U.S. Bankruptcy Court
550 W. Fort Street
Boise, ID 83724
(208) 334-9369
Fax: (208) 334-9215
brian_langford@id.uscourts.gov

Danielle S. Larimer

Larimer Law Office
203 12th Avenue Road, Ste. B
Nampa, ID 83686
(208) 465-5411
Fax: (208) 465-5881
larimerlaw@q.com

Tyler James Larsen

Davis County Attorney's Office
800 W. State Street
Farmingington, UT 84025
(801) 451-4300
tlarsen@co.davis.ut.us

A. Bruce Larson

A. Bruce Larson Attorney at Law
PO Box 6369
Pocatello, ID 83205-6369
(208) 478-7600
Fax: (208) 478-7602
ablatty@gmail.com

William Braden Latta Jr.

PO Box 2192
Boise, ID 83701-2192
(858) 484-5234
Fax: (800) 311-9297
lattaslaw@msn.com

Carol Ann Legg

Kneeland, Korb & Collier, PLLC
PO Box 249
Ketchum, ID 83340
(208) 726-9311
Fax: (208) 726-4515
annlegg@ruralnetwork.net

David Henry Leroy

Leroy Law Offices
PO Box 193
Boise, ID 83701
(208) 342-0000
Fax: (208) 342-4200
dave@dleroy.com

Janet Lewis

Janet Lewis, PC
PO Box 11247
Jackson, WY 83002
(307) 733-5130
Fax: (307) 733-5135
janetlewis@bresnan.net

Curtis Lane Liedkie

Asotin County Prosecutor's Office
PO Box 220
Asotin, WA 99402
(509) 243-2061
Fax: (509) 243-2090
diedkie@co.asotin.wa.us

Steven Glade Loertscher

U.S. Air Force
7904 Lushys Tum
Brandywine, MD 20613
(301) 782-3876
steveandbecca@loertscherog

Donald Walter Lojek

Lojek Law Offices, Chtd.
PO Box 1712
Boise, ID 83701
(208) 343-7733
Fax: (208) 343-5200
lojeklaw@aol.com

Cody Allan Long

Long Law Office, PLLC
3006 E. Goldstone Drive, Ste. 108
Meridian, ID 83642
(208) 287-3304
Fax: (208) 287-3304
codya.long@gmail.com

Robin Marcum Long

Martelle Law Offices, PA
2050 N. Justin Way
Meridian, ID 83646
(208) 884-5425
motoace@gmail.com

John Kardell Looze

157 S. Lincoln
Pocatello, ID 83204
(208) 232-7863
jlooze@earthlink.net

Jessica Marie Lorello

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 332-3544
Fax: (208) 854-8074
jessicalorello@ag.idaho.gov

Gregg Earl Lovan

Lovan Roker, PC
717 S. Kinball Avenue, Ste. 200
Caldwell, ID 83605
(208) 459-6795
Fax: (208) 459-6908
gelovan@gmail.com

Barry Jerome Luboviski

Luboviski, Wygle, Fallowfield &
Ritzau, PA
PO Box 1172
Ketchum, ID 83340
(208) 726-8219
Fax: (208) 726-3750
bluboviski@cox-internet.com

Gary D. Luke

Lemna Law Office, PA
PO Box 191347
Boise, ID 83709
(208) 949-3764
Fax: (208) 288-0697
gary_d_luke@msn.com

Catherine Mary Mabbutt

PO Box 9303
Moscow, ID 83843
(208) 883-4744
Fax: (208) 883-4480
cmabbutt@clearwire.net

Henry D. Madsen

Palmer, George & Macken, PLLC
923 N. 3rd Street
Coeur d'Alene, ID 83814
(208) 664-8080
Fax: (208) 664-6258
prohen@hotmail.com

Andrea Cardon Magee

Irish & Cardon, LLP
PO Box 299
Boise, ID 83701-0299
(208) 344-3839
Fax: (208) 344-7100
acardon@irishcardonlaw.com

Paul Roland Mangiantini

Mangiantini & Slomialek, LLP
1471 Shoreline Drive, Ste. 100
Boise, ID 83702
(208) 333-9900
Fax: (208) 386-9944
pmangiantini@msmalegal.com

Andrew G. Martin

Ytumi Rose, LLP
PO Box S
Ontario, OR 97914
(541) 889-5368
Fax: (541) 889-2432
amartin@ytumirose.com

Michael Donovan Mason

Michael D. Mason Law Firm
1817 NE 49th Avenue
Portland, OR 97213
(503) 208-6361
Fax: (503) 208-6361
mchmasonesq@comcast.net

Elisa G. Massoth

Kalinski, Massoth & Soper, PLLC
910 E. Cleveland Blvd.
Caldwell, ID 83605
(208) 454-3150
Fax: (208) 454-3149
emassoth@kms.net

Steven Ray Matthews

Matthews & Associates
1087 W. River Street, Ste. 230
Boise, ID 83702
(208) 344-6100
Fax: (208) 345-0314
presclad203@aol.com

Linsey Elene Mattison

Owens & Grandall, PLLC
1859 N. Lakeswood Drive, #104
Coeur d'Alene, ID 83814
(208) 667-8989
Fax: (208) 667-1939
linsey@cdclawyer.com

Gregory Chris May

May, Rammell & Thompson, Chtd.
PO Box 370
Pocatello, ID 83204-0370
(208) 233-0132
Fax: (208) 234-2961
greg@mtlaw.net

Tom P. May

Law Offices of Tom P. May, P5
621 W. Millon Avenue, Ste. 607
Spokane, WA 99201
(509) 327-3457
Fax: (509) 327-9951
tmaylaw@comcast.net

Stanley Alan McAlister

Alaska Marine Highway System
923 Jordan Avenue
Juneau, AK 99801-8050
(907) 209-8023
michal99801@yahoo.com

Kendal A. McDevitt

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 334-4100
Fax: (208) 854-8082
kendalmcdevitt@ag.idaho.gov

Richard Lawrence McFadden

McFadden Law Offices, PA
1420 Jefferson Avenue
St. Maries, ID 83861
(208) 245-1241
Fax: (208) 245-2144
katherineann@cebridge.net

Mark Thomas McHugh

McHugh Law Office
1555 Shoreline Drive, Ste. 230
Boise, ID 83702
(208) 342-7887
Fax: (208) 344-5527
markmchughlawyer@msn.com

Krista Kay McIntyre

Stoel Rives, LLP
101 S. Capitol Blvd., Ste. 1900
Boise, ID 83702-7705
(208) 389-9000
Fax: (208) 389-9040
klm McIntyre@stoel.com

Curtis David McKenzie

Augustine & McKenzie, PLLC
1004 W. Fort Street
Boise, ID 83702
(208) 367-9400
Fax: (208) 947-0014
cdm@amlawidaho.com

Matthew J. McKeown

U.S. Department of the Interior
1849 C Street NW
MS 6311
Washington, DC 20240
(202) 208-3175
Fax: (202) 208-2225
msplmck34@msn.com

Daniel Patrick McKernan

U.S. Army
1762 Iron Gate Way
El Paso, TX 79936
(915) 568-6126
Fax: (915) 568-4821
danielmckernan@con.usarmymil

Mary M. McKnight

U.S. Department of Energy
1189 Grassland Drive
Idaho Falls, ID 83404-8292
(509) 539-2301
Fax: (509) 376-4590
mcknight@bdhsi.com

Shea Cornelison Meehan

Walker, Heye & Meehan, PLLC
1333 Columbia Park Trail, Ste. 220
Richland, WA 99352
(509) 735-4444
Fax: (509) 735-7140
smeehan@walkerheye.com

Stephen Allen Meikle

Advantage Legal Services, Stephen A.
Meikle, Attorney, PA
482 Constitution Way, Ste. 203
Idaho Falls, ID 83402
(208) 524-3333
Fax: (208) 524-6199
sammeikle@msn.com

Thomas A. Melville

Thomas Melville, PC
PO Box 594
Gresham, OR 97080
(503) 667-6173 Ext: 109
Fax: (503) 667-0321
tom@melvillelaw.com

Hollis A. Mercer

Oregon State Board of Nursing
17938 SW Upper Boones Ferry
Road
Portland, OR 97224-7012
(971) 673-0639
Fax: (971) 673-0681
holly.mercer@state.or.us

David Lewis Metcalf

Chambers of Chief Judge Winnill
Federal Building MSC 040
550 West Fort Street
Boise, ID 83724
(208) 334-9025
Fax: (208) 334-9209
claw_metcalf@icid.uscourts.gov

Mark Jason Michaud

OX/GEN, Inc.
933 N. Kings Road
Nampa, ID 83687
(208) 949-4401
Fax: (208) 439-4957
id3331k@yahoo.com

Kevin William Mickey

Mickey Law Firm, PC
421 W. Riverside Avenue, Ste. 762
Spokane, WA 99201-0410
(509) 747-5605
Fax: (509) 624-8222
kevinmickey@msn.com

Peter McKay Midgley Jr.

Zarian Midgley & Johnson, PLLC
960 Broadway Avenue, Ste. 250
Boise, ID 83706
(208) 562-4900 Ext: 205
Fax: (208) 562-4901
midgley@zarianmidgley.com

James K. Miersma

Routh Grabtree Olsen, PS
3535 Factoria Blvd. SE, #200
Bellevue, WA 98006
(425) 586-1948
Fax: (425) 283-5948
jmiersma@rcoclegal.com

S. Brook Millard

Morton & Millard, PLLC
136 S. Main Street, Ste. 400
Salt Lake City, UT 84101
(801) 708-7000 Ext: 102
Fax: (801) 401-7887
bmillard@mortonmillard.com

Carol Keating Mills

U.S. Bankruptcy Court
550 W. Fort
Boise, ID 83724
(208) 334-9369
carol_mills@id.uscourts.gov

Mark Jon Mimura

Mimura Law Offices, PLLC
2176 E. Franklin Road, Ste. 120
Meridian, ID 83642
(208) 288-0744
Fax: (208) 575-6217
mark@mimuralaw.com

Susan Lynn Mimura

Mimura Law Offices, PLLC
2176 E. Franklin Road, Ste. 120
Meridian, ID 83642
(208) 288-0744 Ext: 103
Fax: (208) 575-6217
susan@mimuralaw.com

Susan Diane Miner

Supervalu, Inc.
Legal Department
PO Box 20
Boise, ID 83726
(208) 395-3909
Fax: (208) 395-6575
susan.miner@supervalu.com

Wade Martin Moller

Washington Mutual Corporate Tax
3721 88th Avenue SE
Mercer Island, WA 98040
(206) 310-1654
wademoller@comcast.net

Gary Lee Morgan

1907 Roosevelt Street
Boise, ID 83705
(208) 250-3368

Thomas Charles Morris

Kastera Development
15711 Highway 55
Boise, ID 83714
(208) 939-5263 Ext. 22
Fax: (208) 939-8170
tom_morris@kastera.com

Michael Joshua Morrissey

Able Law, PC
PO Box 6369
Pocatello, ID 83205-6369
(208) 478-7600
Fax: (208) 478-7602
mjmablelaw@gmail.com

Airon Ann Mothershed

U.S. Air Force
PO Box 4531
Eielson AFB, AK 99702
(907) 488-0298
daph24ne@hotmail.com

Roy Clifton Moulton

Moulton Law Office
PO Box 631
Driggs, ID 83422
(208) 354-2345
Fax: (208) 354-2346
roycmoul@tetonetel.com

Mark Mumford

Mark Mumford, Attorney, LLC
106 W. Main Street, Ste. 1B
Pullman, WA 99163
(208) 310-6688
mmumford@pullman.com

Douglas Roger Nash

Institute for Indian Estate Planning
and Probate
PO Box 222000
Seattle, WA 98122
(206) 398-4284
Fax: (206) 398-4036
dnash@seattleu.edu

Cathy Lynn Naugle

Menis, Naugle & Handon, PLLC
913 W. River Street, Ste. 420
Boise, ID 83702
(208) 331-1840
Fax: (208) 336-2059
nauglaw@mindspring.com

Kirtlan G. Naylor

Naylor & Hales, PC
950 W. Bannock, Ste. 610
Boise, ID 83702
(208) 383-9511
Fax: (208) 383-9516

C. Jon Nees

C. Jon Nees, PLLC
12911 E. Sprague
Spokane Valley, WA 99216
(509) 928-9900
Fax: (509) 928-3665
cnees@msn.com

Angela Sue Nelson

Blaine County Prosecutor's Office
201 2nd Avenue South, Ste. 100
Hailey, ID 83333
(208) 788-5545 Ext. 1146
Fax: (208) 788-5554
anelson@co.blaine.id.us

Lynn Roy Nelson

Kootenai County Public Defender's
Office
Dept. PD
PO Box 9000
Coeur d'Alene, ID 83816-9000
(208) 446-1700 Ext. 1732
Fax: (208) 446-1701
lnelson@kcgov.us

Matthew D. Nelson

EMC
610 Illinois Street, #305
San Francisco, CA 94108
(415) 298-0056
Fax: (415) 495-2299
nelson-matthew@emc.com

Daniel Alan Nevala

Capitol Law Group, PLLC
PO Box 2598
Boise, ID 83701-2598
(208) 424-8872
Fax: (208) 424-8874
dnevala@capitolawgroup.net

Timothy David Neville

PO Box 1933
Boise, ID 83701
(208) 319-6904
Fax: (208) 345-7526

Michael John Newell

212 Ironwood Drive, Ste. D-164
Coeur d'Alene, ID 83814-4918
(208) 667-7650
Fax: (208) 667-7550
snewell14@aol.com

Robert Carroll Nicholson

PO Box 4849
Whitefish, MT 59937-4849
(406) 471-9263
Fax: (406) 257-4742

Hugh Kenneth Nisbet Jr.

20390 Highway D
Eolia, MO 63344
(573) 485-6998
hnisbet@dishmail.net

John Badger Norman Jr.

Utah Mortgage Lenders Association
678 W. 3600 S.
Bountiful, UT 84010
(801) 298-2531
Fax: (801) 363-1352
johnbnormanjr@hotmail.com

Lynn Graham Norton

Ada County Prosecutor's Office
200 W. Front Street, Rm 3191
Boise, ID 83702
(208) 287-7700
Fax: (208) 287-7519
lynnngorton@msn.com

Kenneth Dale Nyman

Arizona Attorney Generals Office
1275 W. Washington, 3rd Floor
Phoenix, AZ 85007-2997
(602) 542-7785
Fax: (602) 542-4084
ken.nyman@azag.gov

Brian James Oakley

Idaho State Department of
Agriculture
PO Box 790
Boise, ID 83701-0790
(208) 332-8552
Fax: (208) 334-4623
boakley@agri.idaho.gov

**Anne Miriam Bedinghaus
O'Brien**

2980 Hartert Drive
Idaho Falls, ID 83404
(208) 522-8178
amoido@svr.net

Robert Edward Onnen

Frist American Exchange Co.
PO Box 2036
Sequim, WA 98382
(360) 417-2767
Fax: (360) 417-9887
robonnen1031@olypen.com

Darwin Overson

Jones & Swartz, PLLC
PO Box 7808
Boise, ID 83707-7808
(208) 489-8989 Ext. 227
Fax: (208) 489-8988
darwin@jonesandswartzlaw.com

Richard Sidney Owen

Richard S. Owen, Attorney at Law
PO Box 278
Nampa, ID 83651
(208) 466-8700
Fax: (208) 466-3399
rscotty@qwest.net

Tessie Ann Page

Ada County Prosecutor's Office
200 W. Front Street, Rm 3191
Boise, ID 83702
(208) 287-7700
Fax: (208) 287-7709
tbuttram@aclaweb.net

Bryan Lonus Pallfreyman

Pallfreyman and Associates, PLLC
6225 Meeker Place, Ste. 210
Boise, ID 83713
(208) 323-0726
Fax: (208) 947-0099
bryan@pandapl.com

Hon. Jim D. Pappas

U.S. Bankruptcy Court
550 West Fort, MSC 042
Boise, ID 83724
(208) 334-9571
Fax: (208) 334-1334
jim_pappas@id.uscourts.gov

Gavin Troy Parkinson

Prince, Yeates & Geldzahler
175 East 400 South, Ste. 900
Salt Lake City, UT 84111
(801) 524-1000
Fax: (801) 524-1099
gtp@princeyeates.com

Bart James Patterson

Nevada System of Higher
Education
300 Canyon Drive
Las Vegas, NV 89107
(702) 889-8426
Fax: (702) 889-8495
bartpat1@aol.com

Kenneth Lee Pedersen

Pedersen & Whitehead
PO Box 2349
Twin Falls, ID 83303-2349
(208) 734-2552
Fax: (208) 734-2772
kpedersen@pedersen-law.com

Jill Marie Petersen

Northwest Justice Project
38 E. Main Street, Ste. 207
Walla Walla, WA 99362
(509) 525-9760 Ext. 202
Fax: (509) 525-9895
jillp@nwjustice.org

Matthew David Pember

Twin Falls County Prosecutor's
Office
PO Box 126
Twin Falls, ID 83303
(208) 736-4103
Fax: (208) 736-4157
mpember@cotwin-falls.co.us

Alexa Jean Perkins

Mimura Law Offices, PLLC
2176 E. Franklin Road, Ste. 120
Meridian, ID 83642
(208) 288-0744
Fax: (208) 575-6217
alexa@mimuralaw.com

Charles Franklin Peterson Jr.

Law Office of Charles F. Peterson
913 West River Street, Ste. 420
Boise, ID 83702
(208) 336-2060
Fax: (208) 336-2059
cfpeterson@mac.com

Gary Earle Peterson

Gary Peterson, Lawyer
130 E. Pecan
Genesee, ID 83832
(208) 285-1258

George Harold Pike III

University of Pittsburgh
404 Law Building
3900 Forbes Avenue
Pittsburgh, PA 15260
(412) 648-1330
Fax: (412) 648-1352
gpik@pitt.edu

Angela Sarah Taylor Pitts

St. Luke's Health System
PO Box 1901
Twin Falls, ID 83303-1901
(208) 733-2462
Fax: (208) 733-2482
anne@taylorlawoffices.net

Steven Bradley Pitts

Law Office of Steven Pitts, PA
450 Falls Ave. Suite 201
Twin Falls, ID 83301
(208) 734-5682
Fax: (208) 733-2482
steve@taylorlawoffices.net

David Rex Purnell

Law Offices of Miller & Har
101 S. Capitol Blvd., Ste. 502
Boise, ID 83702
(208) 336-0123
Fax: (208) 331-6618
clavdipurnell@boiseclaw.net

Larry D. Purviance

1424 E. Sherman Avenue, Ste. 200
Coeur d'Alene, ID 83814
(208) 818-9277
Fax: (208) 676-1276
ticotir@aol.com

Brian Robert Ragen

Brian Ragen, PC
205 N. 10th Street, Ste. 200
Boise, ID 83702
(208) 424-7602
Fax: (208) 331-8391

Carla S. Ranum

Corporate & Transactional
Consulting
10785 W. Bamsdale Court
Boise, ID 83713
(208) 375-5249
carlaranum@msn.com

Lisa Bertoch Rasmussen

Lisa B. Rasmussen, Attorney at Law,
PA

5700 E. Franklin Road, Ste. 100
Nampa, ID 83686
(208) 465-8897
Fax: (208) 465-9893
lisarasmussen@q.com

Steven Ray Rausch

Idaho Estate Planning
1036 E. Iron Eagle Drive, Ste. 105
Eagle, ID 83616
(208) 939-7658
Fax: (208) 939-3248
srausch@idaho-business-law.com

Sonja Kathleen Redmond

Law Office of Sonja Redmond
35865 Sunset Park Street
Soldotna, AK 99669
(907) 262-7846
Fax: (907) 262-7844
skredmond@gmail.com

Jennifer Marie Reinhardt

Stoel Rives, LLP
101 S. Capitol Blvd., Ste. 1900
Boise, ID 83702-7705
(208) 389-9000
Fax: (208) 389-9040
jreinhardt@stoel.com

Paul Allen Revis

Medtronic, Inc.
Legal Department
2600 Sofamor Danek Drive
Memphis, TN 38132

Benjamin Calvin Rice

PO Box 1426
Lincolnton, NC 28093-1426
(980) 241-2343
lonetarice@yahoo.com

Joy Elaine Richards

Idaho Forest Industries
1345 E. Lacey Avenue
Hayden, ID 83835-9406
(208) 772-5110
Fax: (208) 772-0886

Harry Dean Richardson

413 W. Jefferson #3
Boise, ID 83702
(208) 336-8850
Fax: (208) 336-8884
halorichardson@msn.com

William Lee Richardson

Nez Perce Tribal Prosecutor's Office
PO Box 305
Lapwai, ID 83540
(208) 843-7361
Fax: (208) 843-5083
billr@nezperce.org

Paul Everett Riggins

Riggins Law, PA
960 Broadway Avenue, Ste. 210
Boise, ID 83706
(208) 344-4152
Fax: (208) 338-1273
rigginslaw1@yahoo.com

John Arthur Riherd

Riherd Law Office
10940 SW Barnes Road, #142
Portland, OR 97225
(503) 702-0580
Fax: (503) 292-1164
jiherd@riherdlaw.com

Lee Philip Ritzau

Luboviski, Wygle, Fallowfield &
Ritzau, PA
PO Box 1172
Ketchum, ID 83340
(208) 726-8219
Fax: (208) 726-3750
lritzau@cox-internet.com

Kathleen Elizabeth Rivers

Kathleen E. Rivers
PO Box 3531
Ketchum, ID 83340
(208) 578-9250
Fax: (208) 578-9250
kenvers@cox.net

Kenneth M. Robins

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 334-4152
Fax: (208) 334-2942
kenrobins@ag.idaho.gov

David Earle Robinson III

Silva, Clasen & Raffalow
22923 Baltar Street
West Hills, CA 91304-3604
(818) 464-2810 Ext. 2817
drobin6790@aol.com

Philip Henry Robinson

Bonner County Prosecutor's Office
PO Box 1486
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726
robinson@bcpros.org

Douglas John Rock

Coughlin, Leuenberger & Moon,
PC
PO Box 908
Ontario, OR 97914
(541) 889-7621
Fax: (541) 889-7705
drock@dmlaw.net

Michael E. Romani

Micron Technology, Inc.
8000 S Federal Way, MS 1-525
Boise, ID 83707
(208) 368-4543
Fax: (208) 368-5606
mromani@micron.com

Shannon Nicole Romero

Idaho State Appellate Public
Defender's Office
3647 Lake Harbor Lane
Boise, ID 83703
(208) 334-2712
Fax: (208) 334-2985
sromero@sapd.state.id.us

Angelo Luigi Rosa

Capitol Law Group, PLLC
PO Box 32
Gooding, ID 83330
(208) 934-8872
Fax: (208) 934-8873
arosa@capitolawgroup.net

Perry M. Rosen

Akin, Gump, Strauss, Hauer &
Feld, LLP
1333 New Hampshire Ave. NW
Washington, DC 20036
(202) 887-4272
Fax: (202) 887-4288
prosen@akingump.com

Jay Forshaw Rosenthal

516 Locust Street
Boise, ID 83712
(208) 336-4069
jaylaw26@yahoo.com

John William Ruebelmann

5835 Kennyhill Drive
Anchorage, AK 99504
(907) 337-9940
bestmove@gci.net

Judith Kish Ruud

Shippensburg University
187 Old Main Drive
Shippensburg, PA 17257
(717) 530-1610
jkruid@ship.edu

Janine Sarti

Palomar Pomerado Health
15255 Innovation Drive
San Diego, CA 92064
(858) 675-5133
Fax: (858) 675-5225
janine.sarti@pph.org

Kimberly Rae Sayers-Fay

222 W. Seventh Street, Ste. 253
Anchorage, AK 99513
(907) 271-2157
kim.sayers-fay@usdoj.gov

Hon. Richard Allan Schmidt

1770 Charolais Drive
Meridian, ID 83642
k7nsw@msn.com

Maxine G. Schmitz

Coeur d'Alene Indian Tribe
Coeur d'Alene Tribal Justice Center
PO Box 408
Plummer, ID 83851
(800) 829-2202 Ext. 6-2070
Fax: (208) 686-5069
mschmitz@cclatibe-nsn.gov

Steven John Schuster**Office of the Attorney General**

PO Box 83720
Boise, ID 83720-0050
(208) 334-0235
Fax: (208) 334-2297
sschuster@idliclaha.gov

Raymond William Schutts

Safeco Insurance Company
22425 E. Appleway Avenue, #12
Liberty Lake, WA 99019
(509) 944-2171
Fax: (800) 722-1025
raschu@safeco.com

Donna A. Schuyler

C.K. Quade Law, LLC
PO Box 1756
Boise, ID 83701
(208) 367-0723
Fax: (208) 639-6400
donna@charquadelaw.com

Timothy Daniel Scott

Minor & Brown, PC
650 S. Cherry Street, Ste. 1100
Denver, CO 80246
(303) 320-1053
Fax: (303) 320-6330
tscott@minorbrown.com

Michael J. Seib

Jerome County Prosecutor's Office
233 W. Main
Jerome, ID 83339
(208) 644-2630
Fax: (208) 644-2639
mseib@co.jerome.id.us

Kail Queen Seibert

Seibert Law Offices
PO Box 6473
Boise, ID 83707
(208) 342-6401
Fax: (208) 342-6458
kqs@seibertlawoffices.com

Robert Francis Sestero Jr.

Evans, Graven & Lackie, PS
818 W. Riverside, #250
Spokane, WA 99201
(509) 455-5200
Fax: (509) 455-3632
rsestero@ecd-law.com

Lynn Seymour

Tahgeeh Regional Public Transit
Administration
2500 Ross
Idaho Falls, ID 83406
(208) 522-6282
kensey@lpc.myrf.net

Daniel K. Sheckler

Bonner County Public Defender's
Office
PO Box 8
Sandpoint, ID 83864
(208) 255-7889
Fax: (208) 255-7559
dsheckler@cobonnerid.us

Linda S. Sherrill

Law Office of Carter Morey
110 S. Church Avenue, Ste. 2170
Tucson, AZ 85701
(520) 792-4330
Fax: (520) 623-9568
ls@cartemorey.com

Mark Joseph Shuster**PO Box 41**

Hawkins, WI 54530
(208) 286-5860
Michael Rea Silvey
Foster Pepper, LLP
601 SW 2nd Avenue, Ste. 1800
Portland, OR 97204-3171
(503) 221-0607 Ext. 5293
Fax: (503) 221-1510
silvm@fosterpdx.com

Peter Charles Sisson

Sisson & Sisson
The Elder Law Firm
2402 W. Jefferson Street
Boise, ID 83702
(208) 387-0729
Fax: (208) 331-5009
petesisson@iclahaelderlaw.com

Rosalie Crouch Sisson

Sisson & Sisson
The Elder Law Firm
2402 W. Jefferson Street
Boise, ID 83702
(208) 387-0729
Fax: (208) 331-5009
rosaliesisson@iclahaelderlaw.com

Amanda Marie Skiles

Schulz & Skiles, Attorneys at Law
307 Bawden
Ketchikan, AK 99901
(907) 225-9401
Fax: (907) 225-5513
amandaskiles@clhovanclaks.com

Lindsay Jay Slater

Congressman Mike Simpson Chief
of Staff
215 A Street NE
Washington, DC 20002-7305
(202) 544-0719
lindsay.slater@mail.house.gov

Milton Arthur Slavlin

Slavlin Law Office
116 North Center Street
Salmon, ID 83467
(208) 756-2030
slavnlaw@salmoninternet.com

James McCord Smirch

PO Box 112
Challis, ID 83226
(208) 940-1901
jmirch@custatel.net

Thomas Milby Smith

Thomas M. Smith, Inc., PS
West 1402 Broadway
Spokane, WA 99201
(509) 327-9902
Fax: (509) 327-6238
stmilby@qwest.net

Beatrice Elizabeth Solis

Micron Technology, Inc.
8000 S. Federal Way, MS 507
Boise, ID 83716
(208) 368-4512
Fax: (208) 368-4540

Matthew Sonnich Sonnichsen

Envirocon Inc.
101 International Way
Missoula, MT 59808
(406) 523-1761
Fax: (406) 543-7987
msonnichsen@envirocon.com

Tricia Kay Soper

Kelinski, Massoth & Soper, PLLC
910 E. Cleveland Blvd.
Caldwell, ID 83605
(208) 454-3150
Fax: (208) 454-3149
tsoper@klnrs.net

Orin LeRoy Squire

12225 Grand Avenue
Orofino, ID 83544
(208) 476-4487
squire1@suddenlink.net

James Marshal Stanford

SettlePou
3333 Lee Parkway, 8th Floor
Dallas, TX 75219
(214) 520-3300
Fax: (214) 526-4145
jstanford@settlepou.com

Verl R. Stanley II

FBI
4500 Orange Grove Avenue
Sacramento, CA 95841
(916) 977-2298
Fax: (916) 977-2533

Hon. Daniel Lee Steckel

Ada County Magistrate Court
200 W. Front Street, Room 4142
Boise, ID 83702
(208) 287-7627
Fax: (208) 287-7499
dsteckel@adaweb.net

Kristine Louise Stedman

Pro Family Legislative Network
3032 Echo Hills Drive
Lewiston, ID 83501
(208) 746-3877
(208) 743-3581
kristine@profamily.com

Carolyn Seneca Steele

273 E. Indian Creek Road
Boise, ID 83716
(208) 338-7783
Fax: (208) 338-7783
csslaw@sprynet.com

Lance David Stevenson

Bannock County Prosecutor's
Office
624 E. Center Room 308
Pocatello, ID 83201
(208) 860-8983
Fax: (208) 412-4970
lancestevenson@hotmail.com

Gretchen Gail Stewart

411 South Hayes
Moscow, ID 83843

James Richard Stoll

Gulstom & Henson
PO Box 1668
Nampa, ID 83653-1668
(208) 463-0793
Fax: (208) 463-1030
jstoll@nampalawyers.com

Tracy Strickland

1022 Nevada Highway, #128
Boulder City, NV 89005
(702) 293-7658
Fax: (702) 293-5568
txstrickland@bmlbarqmail.com

James Clive Strong

U.S. Department of Justice
Ben Franklin Station
PO Box 7238
Washington, DC 20044
(202) 514-9953
james.c.strong@usdoj.gov

Jay Q. Sturgell

Jay Q. Sturgell, PA
100 E. Neider, Ste. 2
Coeur d'Alene, ID 83815
(208) 209-3940
Fax: (208) 666-8970
sturgellcs@usamedia.tv

J. Ronald Sutcliffe

USDOJ -ENRD Environmental
Grimes
c/o U.S. Attorney's Office
800 Park Blvd., Ste. 600
Boise, ID 83712
(208) 334-9124
Fax: (208) 334-1413
ronald.sutcliffe@usdoj.gov

Ronald Lynn Swafford

Swafford Law Offices, Chtd.
525 9th Street
Idaho Falls, ID 83401
(208) 524-4002
Fax: (208) 524-4131
ron@swaffordlaw.net

Eric Brian Swartz

Jones & Swartz, PLLC
PO Box 7808
Boise, ID 83707
(208) 489-8989
Fax: (208) 489-8988
eric@jonesandswartzlaw.com

Allyn Lloyd Sweeney

Ringert Clark, Chtd.
PO Box 2773
Boise, ID 83701
(208) 342-4591
Fax: (208) 342-4657
als3@cableone.net

Katherine Takasugi

Office of the Attorney General
317 W. Main Street
Boise, ID 83735
(208) 332-3570 Ext: 3183
Fax: (208) 334-6125
kathinetakasugi@icidaho.gov

Anne Chere Taylor

Kootenai County Public Defender's
Office
PO Box 9000
Coeur d'Alene, ID 83814
(208) 446-1700
Fax: (208) 446-1701
ataylor@kcgov.us

Joshua Blake Taylor

Office of the Attorney General
PO Box 85720
Boise, ID 83720-0010
(208) 332-3096
Fax: (208) 854-8083
josh.taylor@ag.idaho.gov

Kumen L. Taylor

Olson & Hoggan, PC
PO Box 525
Logan, UT 84323-0525
(435) 752-1551
Fax: (435) 752-2295
klr@oh-pc.com

Kurt Raymond Taylor

3026 Blue Monaco Street
Las Vegas, NV 89117
(702) 870-4488
Fax: (702) 870-6070
ktaylor@sunburstshutters.com

Julie Shannon Tetric

Stoel Rives, LLP
101 S. Capitol Blvd., Ste. 1900
Boise, ID 83702-7705
(208) 387-4248
Fax: (208) 389-9040
jstetric@stoel.com

Evelyn Bethel Thomas

2522 N. Park Lane
Eagle, ID 83616
(208) 939-0589
haaks@msn.com

Lynn Evan Thomas

2143 Rockridge Way
Boise, ID 83712
(208) 344-3603
lethomas@q.com

Aaron Neal Thompson

May, Rammell & Thompson, Chtd.
PO Box 370
Pocatello, ID 83204-0370
(208) 233-0132
Fax: (208) 234-2961
at@mtlaw.net

Mark Ryan Thompson

Public Power Council
825 NE Multnomah Street, Ste. 1225
Portland, OR 97232
(503) 595-9779
Fax: (503) 239-5959
mthompson@ppcpcdx.org

Christie Ann Timko

Gart Hamey County CASA, Inc.
24060 Hwy 395 S
Canyon City, OR 97820
(541) 575-4119
westernheritagelawfirm@hotmail.com

Judson William Tolman

GCO Servicing Corp.
PO Box 1000
Fruitland, ID 83619
(208) 452-9404

John Ray Topp

PO Box 28
Kootenai, ID 83840
(208) 263-0272
toplaw@gotsky.com

Mitchell Elich Toryanski

Office of the Attorney General
PO Box 893
Boise, ID 83701-0893
(208) 334-4155
Fax: (208) 854-8081
mitch.toryanski@ag.idaho.gov

Marie T. Tyler

Holden, Kidwell, Hahn & Crapo
PO Box 731
Victor, ID 83455
tyler@silverstar.com

James S. Underwood, Jr.

PO Box 1001
Payette, ID 83661
(208) 642-0804
Fax: (208) 642-8249
jamesunderwood@savinnet.com

Omar R. Valverde

U.S. Department of Health &
Human Services
1310 Euclid Street SW
Washington, DC 20009-4804
(202) 357-3514
omarvalverde@aca.hhs.gov

Eric R. Van Orden

Coeur d'Alene Tribe
PO Box 408
Plummer, ID 83851
(208) 686-0400
Fax: (208) 686-9102
ervanorden@cclatnbe-nsn.gov

Douglas R. Varie

Ada County Prosecutor's Office
200 W. Front Street, Rm 3191
Boise, ID 83702
(208) 287-7700
variewhite@clearwire.net

Jeremy C. Vaughn

Twin Falls County Public
Defender's Office
PO Box 126
Twin Falls, ID 83303-0126
(208) 734-1155
Fax: (208) 734-1161
vaughnlaw@gmail.com

Michael Emmett Verhoogen

Land Capital Group, Inc.
1850 Sidewinder Drive, 2nd Fl.
Park City, UT 84060
(435) 214-5540
Fax: (435) 214-5440
mverhoogen@landcapital.com

Gregory James Vietz

2290 N. Stonecrest Way
Eagle, ID 83616-3990
(208) 343-6882 Ext: 25
Fax: (208) 343-6883
gvietz@cableone.net

Richard L. Visser

Idaho Supreme Court
PO Box 83720
Boise, ID 83720-0101
(208) 334-3316
Fax: (208) 334-4019
rvisser@idcourts.net

Karl D. Vogt

Idaho Transportation Department
PO Box 7129
Boise, ID 83707-1129
(208) 334-8018
Fax: (208) 334-4498
karl.vogt@itd.idaho.gov

Perry Waddell

510 Brighton Beach Avenue, Ste.
252
Brooklyn, NY 11235
(718) 802-2750
penytriffids@gmail.com

Donovan Edward Walker

Idaho Power Company
PO Box 83707
Boise, ID 83707-0070
(208) 388-5317
dwalker@idahopower.com

Francis Patrick Walker

Davis & Walker
200 North 4th Street, Ste. 302
Boise, ID 83702
(208) 429-1200
Fax: (208) 429-1100
frankwalker@boiselaw.net

Kevin Scott Walker

Kootenai County Public Defender's
Office
PO Box 9000
Coeur d'Alene, ID 83816
(208) 446-1730
kevinwalker1143@msn.com

Robert A. Wallace

Robert A. Wallace, Lawyer
290 Bobwhite Court, Ste. 260
Boise, ID 83706
(208) 342-0100
Fax: (208) 343-2069
lawyer@iclahocimlaw.com

Carla Ann Warner

4692 Murat Court
San Diego, CA 92117
(858) 483-1485
carwarner@hotmail.com

Shane Kody Warner

DBSI Group of Companies
1550 S. Tech Lane
Meridian, ID 83642
(208) 955-9878
Fax: (208) 955-9834
wamshans88@hotmail.com

Mark Robert Wasden

Goicoechea Law Offices, Chtd.
PO Box 1407
Twin Falls, ID 83303
(208) 734-1352
Fax: (208) 734-9802
g_lo@velocitus.net

Brian T. Watkins

6540 Metro West Blvd. #320
Orlando, FL 32835
btwq7@yahoo.com

Warren C. Webber

Webber Law Office
PO Box 175
Pocatello, ID 83204
(208) 233-7400
Fax: (208) 478-2165
webblaw@qwest.net

Peter Max Wells

May, Rammell & Thompson, Chtd.
PO Box 370
Pocatello, ID 83204
(208) 233-0132
Fax: (208) 234-2961
pete@mtlaw.net

Jarom Anthony Whitehead

Pedersen & Whitehead
PO Box 2349
Twin Falls, ID 83303-2349
(208) 734-2552
Fax: (208) 734-2772
jvwhitehead@pedersen-law.com

Diane Christine Whitney

Whitney & Whitney, LLP
604 South Washington St., Ste. 1
Moscow, ID 83843
(208) 882-6872
Fax: (208) 441-9575
dcw@whitneyllp.com

Janet Kay Whitney

Bonner County Public Defender's
Office
406 S. Ella Street
Sandpoint, ID 83864
(208) 255-7889
Fax: (208) 255-7559
jvhitney@co.bonnerid.us

Thomas W. Whitney

Whitney & Whitney, LLP
604 S. Washington Street, Ste. 1
Moscow, ID 83843
(208) 882-6872
Fax: (208) 441-9575
tww@whitneyllp.com

Mark E. Wight

Idaho Estate Planning
1036 E. Iron Eagle Drive, Ste. 105
Eagle, ID 83616
(208) 939-7658
Fax: (208) 939-3248
mwight@icidhosestateplanning.com

Eric J. Wildman

Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707
(208) 736-3011
Fax: (208) 736-2121
ewildman@srb.state.id.us

Adrienne K. Willems

Latah County Prosecutor's Office
PO Box 8068
Moscow, ID 83843
(208) 883-2246
Fax: (208) 883-2290
astromberg@latahid.us

Paul Ralph Willett

Kussmann & Lindstrom, PS
7350 Cirque Drive West, Ste. 102
University Place, WA 98467
(253) 284-9250
Fax: (253) 284-9251
paul@kllawyers.com

James D. Williams

274 E. Ridgefield Drive
Boise, ID 83706
(208) 344-4905
jdlwilliams@oracle.com

Lance Douglas Wilson

Tucker Ellis & West
135 Main Street, Ste. 700
San Francisco, CA 94105
(415) 617-2400
Fax: (415) 617-2409

lance.wilson@tuckerellis.com

Timothy Bradford Wilson

Timothy B. Wilson, Attorney at
Law, PA

PO Box 3009
Bonners Ferry, ID 83805
(208) 267-1777

Fax: (208) 267-1760
tbwilson@twlawoffice.com

Rachel Jane Winer

Idaho Smart Growth
PO Box 374
Boise, ID 83701
(208) 333-8066
rachel@idahosmartgrowth.org

Dena Michele Winfield

Winfield Law Office, PLLC
16 12th Avenue South, Ste. 208
Nampa, ID 83651
(208) 461-3333

Fax: (208) 461-3922
denawinfield@clearwire.net

Sarah Lynn Clarke Wixson

Stokes Lawrence Velikanje Moore
& Shore

1433 Lakeside Court, Ste. 100
Yakima, WA 98902
(509) 853-3000

sarah.wixson@stokeslaw.com

Everett T. Wohlers

Foreign Investment Advisory
Service

6442 Summer Hill Drive
Boise, ID 83714
(208) 853-0919

ewohlers@earthlink.net

Scott Douglas Woodbury

Idaho Public Utilities Commission
1802 Ridgcrest Drive
Boise, ID 83712

(208) 334-0320

Fax: (208) 334-3762
scottwoodbury@pucidaho.gov

Benjamin Wilbur Worst

City of Ketchum, City Attorney
PO Box 2315

Ketchum, ID 83340
(208) 726-7806

Fax: (208) 726-7845
bworst@ketchumidaho.org

John W. Wreggelsworth

Microsoft
19907 NE Union Hill Road
Redmond, WA 98053

(206) 696-1480

Fax: (425) 836-2412
wreggelsworth@live.com

Elizabeth Diane Wright

1716 SE 56th Avenue

Portland, OR 97215

(503) 989-3687
coopemom@comcast.net

Janet Christine Wygle

Luboviski, Wygle, Fallowfield &
Ritzau, PA

PO Box 1172
Ketchum, ID 83340

(208) 726-8219

Fax: (208) 726-3750
hwf@cox-internet.com

John Naya Zarian

Zarian Midgley & Johnson, PLLC
960 Broadway, Ste. 250

Boise, ID 83706
(208) 562-4900

Fax: (208) 441-9120
jnzarian@zariannidgley.com

Paul D. Ziel

Bonneville County Prosecuting
Attorney's Office

605 N. Capital Avenue
Idaho Falls, ID 83402
(208) 529-1348

paulziel@gmail.com

Mediation and Arbitration Services

D. Duff McKee

Practice limited to alternative dispute resolution services

Post Office Box 941 Telephone: (208) 381-0060
Boise, Idaho 83701 Facsimile: (208) 381-0083

Email: ddmckee@idacomm.net



**MOONLIGHTING
SOFTWARE**

Innovative Custom Software

Home of the best Child Support Program

**PO Box 44930
Boise, ID 83711**

**(208) 376-7728
www.idchildsupport.com**

ALTERNATIVE DISPUTE RESOLUTION

Merlyn W. Clark

Mr. Clark serves as a private hearing officer, federal court discovery master, neutral arbitrator and mediator. He has successfully conducted more than 500 mediations. He received the designation of Certified Professional Mediator from the Idaho Mediation Association in 1995. Mr. Clark is a fellow of the American College of Civil Trial mediators. He is a member of the National Roster of Commercial Arbitrators and Mediators of the American Arbitration Association and the National Panel of Arbitrators and Mediators for the National Arbitration Forum. Mr. Clark is also on the roster of mediators for the United States District Court of Idaho and all the Idaho State Courts.

Mr. Clark served as an Adjunct Instructor of Negotiation and Settlement Advocacy at the Straus Institute For Dispute Resolution, Pepperdine University School of Law in 2000. He served as an Adjunct Instructor at the University of Idaho College of Law on Trial Advocacy Skills, negotiation Skills, and Mediation Advocacy Skills. He has lectured on evidence law at the Magistrate Judges Institute, and the District Judges Institute annually since 1992.

- Arbitration
- Mediation
- Discovery Master
- Hearing Officer
- Facilitation
- Education Seminars
- Small Lawsuit Resolution Act

HTEH

HAWLEY TROXELL
ENNIS & HAWLEY LLP
ATTORNEYS AT LAW

Phone: 208.388.4836
Fax: 208.342.3829
mwc@hteh.com

877 Main Street · Suite 1000
Boise, ID 83702
www.hawleytroxell.com



“Dress for success” isn’t enough.

Looking your best isn't about the suit. It's about competence. Confidence. The assurance that your professional decisions are protected and supported by one of the industry's most respected insurance carriers — a carrier that you can contact *directly*, any time you need us — at

800-299-4331.

Carlín Edelman

Direct for Success

GreatAmericanLawyer.com

**GREATAMERICAN.**
INSURANCE GROUP

Lawyers Professional Group



Idaho State Bar 2008 Professional Awards Nomination Form

The Idaho State Bar Board of Commissioners is now soliciting nominations for the 2008 Professional Awards. These awards were initiated by the Board of Commissioners to highlight members who demonstrate exemplary leadership, direction and commitment in their profession.

2008 DISTINGUISHED LAWYER

This award is given to an attorney (or attorneys) each year who has distinguished the profession through exemplary conduct and many years of dedicated service to the profession and to Idaho citizens.

PROFESSIONALISM AWARDS

The awards are given to at least one attorney in each of Idaho's seven judicial districts who has engaged in extraordinary activity in his or her community, in the state, or in the profession, which reflects the highest standards of professionalism.

PRO BONO AWARDS

Pro bono awards are presented to the person(s) from each of the judicial districts that has donated extraordinary time and effort to help clients who are unable to pay for services.

SERVICE AWARDS

Service awards are given each year to lawyers and non-lawyers for exemplary service to the Bar and/or Idaho Law Foundation.

Recipients of the awards will be notified through the mail and announced at a later date.

Please use a separate form for each nomination.

Nominee: _____

Award: _____

Address: _____

City: _____ **Zip:** _____

Please describe the nominee's activity in your community or in the state, which you believe brings credit to the legal profession and qualifies him or her for the award you have indicated. Attach any other supporting documents to this form.

Your Signature: _____ Date: _____

(Please print your name): _____

Address: _____

City: _____ Zip: _____

Telephone: _____ Email Address: _____

Nominations must be received by April 1, 2008.
Send to: Executive Director, Idaho State Bar, PO Box 895, Boise ID 83701, fax (208) 334-4515

2008-2009
The Advocate
Official Publication of the Idaho State Bar
DeskBook Directory

Mail Form (with payment) to: Idaho State Bar, P.O. Box 895, Boise, ID 83701-0895

Name _____

Address _____

City/State _____ Zip Code _____

Contact Person _____ Telephone _____

Email _____

**UNIT PRICE
BOOK ORDER**

ISB Member: \$20.00 per book _____

Idaho State Sales Tax (6%) _____

Non-Member: \$40.00 per book

 (number books X price = amount)

Idaho State Sales Tax (6%) _____

* Postage & Handling (see chart) _____

TOTAL ENCLOSED \$ _____

* Postage & Handling	
1 book.....	\$6.00
2 books.....	\$7.50
3 books.....	\$9.50
4 or more books....	\$11.50 + \$2.00 for each book over 4

* If you live in the area you can pick your book(s) up at the Law Center. Just let us know that is what you would like to do.

Will pick book(s) up _____

Date books will be picked up _____

METHOD OF PAYMENT

Name: _____ **Phone:** (____) _____

Address: _____ **City:** _____ **Zip** _____

Firm Name: _____

Make **checks payable** to Idaho State Bar

For **credit card payments**, please complete: Visa MasterCard Amount _____

Cardholder's Name as imprinted on the card: _____

Credit Card Billing Address: _____

Acct. No: _____ Expiration Date: _____

Signature: _____

<p style="text-align: center;">For office use only:</p> <p>Authorization No: _____ Date: _____</p> <p>Taken by _____ Amount _____</p> <p><input type="checkbox"/> Cash <input type="checkbox"/> Check No. _____ <input type="checkbox"/> Personal <input type="checkbox"/> Firm Name _____</p>	<p>Mail Form & payment/payment information to: Idaho State Bar P.O. Box 895 Boise, ID 83701-0895</p>
--	--

CLASSIFIEDS

EXPERT WITNESSES

FORENSIC ENGINEERING

EXPERT WITNESS

JEFFREY D. BLOCK, P.E. & ASSOCIATES, INC. Civil, Structural, and Construction Management Consultants. 112 East Hazel Avenue. Coeur d'Alene, ID 83814 Telephone: (208) 765-5592 Email: jdblock@imbris.net Licensed in Idaho, Washington, California.

INSURANCE AND CLAIMS HANDLING

Consultations or testimony in cases involving insurance or bad faith issues. Adjunct Professor Insurance Law; 25-years experience as attorney in cases for and against insurance companies; developed claims procedures for major insurance carriers. IRVING "BUDDY" PAUL, Telephone: (208) 667-7990 or Email: bpaul@ewinganderson.com.

MEDICAL/LEGAL CONSULTANT

GASTROENTEROLOGY

THEODORE W. BOHLMAN, M.D. Licensed, Board Certified Internal Medicine & Gastroenterology Record Review and medical expert testimony. To contact call telephone: Home: (208) 888-6136, Primary Cell: (208) 841-0035 Secondary Cell: (208) 863-1128, or by Email: tbohlman@mindspring.com.

CERTIFIED LEGAL NURSE CONSULTANT

Medical/Legal Consulting. Available to assist with discovery and assistance in Medical/Injury/Malpractice cases; backed by a cadre of expert witnesses. You may contact me by e-mail renaed@cableone.net, (cell) 208-859-4446, or (fax) 208-853-6244. Renae Dougal, MSN, RN, CLNC, CCRP.

EXPERT WEATHER TESTIMONY

Weather and climate data research and analysis. 20+ years meteorological expertise – AMS certified – extensive weather database-a variety of case experience specializing in ice, snow, wind and atmospheric lighting. METEOROLOGIST SCOTT DORVAL, phone: (208) 890-1771.

SERVICES

ARTHUR BERRY & COMPANY

Certified appraiser with 20-years experience in all Idaho courts. Telephone: (208) 336-8000 Website: www.arthurberry.com.

LEGAL ETHICS

~ LEGAL ETHICS ~

Ethics-conflicts advice, disciplinary defense, disqualification and sanctions motions, law firm related litigation, attorney-client privilege. Idaho, Oregon & Washington. MARK FUCILE: Telephone (503) 224-4895, Fucile & Reising LLP Mark@frllp.com

POWERSERVE OF IDAHO

PROCESS SERVERS

Process Serving for Southwest Idaho Telephone: (208) 342-0012 P.O. Box 5368 Boise, ID 83705-5368. Visit our website at www.powerserveofidaho.com.

REGUS

OFFICE SPACE

Fully-furnished private offices or suites. Access to highly trained administrative staff, common areas, meeting rooms and video-conference room. Downtown Boise, two blocks from Idaho State Capital building. Flexible terms; 3 months to 2 years.

(208) 319-3500

GOLF COURSE VIEW

Beautiful Class A Building, 1925 sq. ft. Built out and ready for immediate occupancy. For additional information please call Debbie Martin, SIOR (208) 955-1014 or e-mail debbie@dkcommercial.com

OFFICE SPACE AVAILABLE

300 W. Main Street. Beautiful 2-room Suite overlooking Main Street or 8-office Suite - the space is set-up where you could combine both areas if needing more space. Fun downtown atmosphere—one block from Courthouse. Shower and locker room available to tenants. Full -service building. Contact Cindy at (208) 947-7097. Or, you are welcome to stop by, we are located in Suite 111 of the same building.

OFFICE SPACE AVAILABLE

Office share in Veltex Building down-town. Amenities include reception, phone, copy, fax, conference room, etc. Great location in the heart of downtown Boise. If interested call 343-1211.

ST. MARY'S CROSSING

OFFICE SPACE

OFFICE SUITES

27th & State New Class A building. 1-3 large offices and two secretary stations. Includes: DSL, receptionist, conference, copier/printer/scanner/fax, phone system, basic office and kitchen supplies, free parking, janitorial, utilities. For more information call Bob at (208) 344-9355, or drozdarl@droz-dalaw.com.

MERIDIAN OFFICE SPACE

Office share with several other attorneys. Large offices in new building. Conference room, breakroom, and easy freeway access for clients. Short commute for you! Includes receptionist, utilities, internet and many opportunities for referrals in a light, collegial atmosphere. Month-to-month options. Call (208) 884-1995 or paul@marshall-landstark.com.

EXECUTIVE SUITE OFFICE SPACE!!

Offices with beautiful views of downtown Boise and access to a private wrap-around deck. Office price includes: telephone answering, receptionist, furnished office, local telephone line, T-1 internet access, parking and conference rooms. Secretarial services, copying, etc. also available. Offices start at \$800.00 per month. Call (208) 344-6208 for more information.

PRIME PARKCENTER OFFICE SPACE

1501 Tyrell Lane, four offices available at \$475 to \$750 per month, including high speed T-1 internet, phones and VoPN phone service provided, use of two conference rooms, color copier, b&w copier, fax machine, scanner, postage machine, kitchen/breakroom, additional space for a secretary available. (208) 859-6881.

OFFICE SPACE FOR LEASE

2 Large Offices each 400 square feet and 1 Small Office 150 square feet. 4 blocks from Court House. Use of library, conference room, fax, phone system, internet, shower, breakroom and free parking. Large Office - \$750 All Offices - \$1500 (208) 338-6558.

POSITIONS

University of Idaho

College of Law

EMPLOYER SERVICES

- Job Postings:
- Full-Time / Part Time Students, Laterals and Contract
- Confidential "Blind" Ads Accepted
- Resume Collection
- Interview Facilities Provided
- Recruitment Planning

For more information contact:

CAREER DEVELOPMENT
Phone: (208) 885-2742
Fax: (208) 885-5709
and/or

www.law.uidaho.edu/careers

Employment announcements may be posted at :

careers@law.uidaho.edu

P.O. Box 442321 Moscow, ID 83844-2321

Equal Opportunity Employer

Expert weather and climate data research and analysis

Did the defendant say the sun was in her eyes while she was driving causing her to hit your client in their car? Was the sun shining at the time of the accident or was it cloudy? Better yet, was the sun even where she said it was? Checking weather observations will answer the sky cover question; and, checking sun angle will reveal whether or not the plaintiff was grabbing at thin air with that excuse.

AMS certified with over 20 years of meteorological expertise. Extensive weather observation sites that log everything from temperature and precipitation totals to the number of minutes the sun shines and how much evaporation to expect. For expert weather testimony, including:

- ❖ Ice
- ❖ Sun light and angles
- ❖ Wind
- ❖ Atmospheric lighting
- ❖ Precipitation

Meteorologist Scott Dorval

(208) 890-1771

sdorval@cableone.net

March/April CLE Courses

MARCH 2008

March 5

An Introduction to Liability and Immunities Under 42 U.S.C. §1983
Sponsored by the Government and Public Sector Lawyers Section
8:30 - 9:30 a.m.
1.0 CLE Credits
Law Center, Boise

March 7

Workers Compensation—Annual Seminar
Sponsored by the Workers Compensation Section Sun Valley Resort, Sun Valley Idaho

APRIL 2008

April 25

Idaho Practical Skills Training
Sponsored by the Idaho Law Foundation
5.0 CLE Credits (pending)
Boise Centre on the Grove
Boise, Idaho

April 30

Rule of Law Forum
Sponsored by ISB/ILF
Public Information Committee
Ada County Courthouse, Boise

MAY 2008

May 16

Business and Corporate Law Annual Seminar— Limited Liability Corporations Sponsored by the Business and Corporate Law Section
Boise Centre on the Grove

SAVE THE DATE

June 19-20

Litigation Section Seminar
Sun Valley Resort

September 11-13

Annual Estate Planning Update
Sponsored by the Taxation, Probate and Trust Section
Sun Valley Resort

October 1

Idaho Practical Skills Training
Sponsored by the Idaho Law Foundation
5.0 CLE Credits (pending)
The Grove Hotel Boise, Idaho

October 8-10

ISB Annual Conference
CLE Programs, Guest Speakers, Social Events
Sun Valley Resort

November 21

Annual Headline News-Year in Review
Sponsored by the Idaho Law Foundation
Coeur d'Alene

December 5

Annual Headline News-Year in Review
Sponsored by the Idaho Law Foundation
Idaho Falls

December 12

Annual Headline News-Year in Review
Sponsored by the Idaho Law Foundation

Answer to MBE multiple choice question on page 6 is B.

COMING EVENTS 3/1/2008 - 4/30/2008

These dates include Bar and Foundation meetings, seminars, and other important dates. All meetings will be at the Law Center in Boise unless otherwise indicated. The ISB website (www.idaho.gov/isb) contains current information on CLEs. If you don't have access to the Internet please call (208) 334-4500 for current information. (DATES MAY CHANGE OR PROGRAMS MAY BE CANCELLED)

MARCH			
3	<i>The Advocate</i> Deadline	16	<i>The Advocate</i> Editorial Advisory Board Committee Meeting
3	Final Licensing Deadline	18	Idaho Law Foundation Board of Directors Meeting
3	Initial July Bar Exam Deadline		Idaho State Bar Admission Ceremony, Boise Center on the Grove, Boise
13-14	Mock Trial State Competition: Boise	24	Rule of Law Forum, Ada County Courthouse, Boise
19-22	Western States Bar Conference: Tucson, AZ		
19	<i>The Advocate</i> Editorial Advisory Board Committee Meeting	30	
APRIL			
1	<i>The Advocate</i> Deadline		
4	Board of Commissioners Meeting	1	MAY Law Day, local events check with your district bar president for activities
9	Public Information Committee Meeting		
10	February 2008 Bar Exam Results Released		





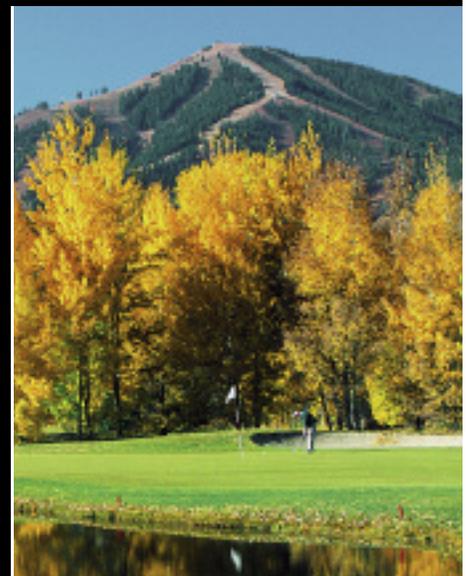
SAVE THE DATE

OCTOBER 8-10



- ⚙ Educational and informative legal seminars
- ⚙ Earn CLE credits
- ⚙ Awards and special events
- ⚙ Connect with old friends and make new ones

2008 Idaho State Bar Annual Conference • Sun Valley Resort





Computer Forensics

Consulting ■ Recovery

Expert Testimony

eDiscovery ■ Imaging

Analysis ■ Presentation

EnCase® Certified Examiner

We identify, collect, recover, preserve and analyze digital information.



CusterAgency

Computer Forensics Division



custeragency.com

208.562.0200



ALPS is your Idaho State Bar endorsed professional liability insurer.

ALPS comprehensive professional liability program offers industry-leading guidance, financial stability and protection to you and your law firm. With ALPS you receive:

- The best coverage, accessibility and guidance possible
- Highly efficient claims management and procurement
- Industry-leading education and risk management programs
- Diligent promotion of programs that benefit the legal profession

CALL ALPS TODAY FOR YOUR NO-OBLIGATION QUOTE:

1-800-FOR-ALPS

www.alpsnet.com



STEVENS PIERCE & ASSOCIATES, CPAs

Bringing More To The Table

Call (208)734-8662 to schedule a consultation!



Ruth S. Pierce, CPA, CVA, FCPA

DOES YOUR CASE NEED ADDITIONAL PERSPECTIVE?

We Bring To The Table the ability to enhance:

- The litigation process
- The negotiating position
- The outcome of the settlement
- The likelihood of a satisfactory out-of-court settlement amount
- The probability of winning the case

All of which
-Enhance the satisfaction of your client!



PO BOX 145
320 Main Ave. N.
Twin Falls, ID 83303
(208) 734-8662
(208) 734-8685 Fax

Are You Up To Date?

Your colleagues across the country have recognized the value of medical record consultation by a CLNC.

Why choose Reliance?

Its simple- Few RNS have the range of analytical skills in conjunction with the ability to communicate the vital information for your cases that Kristin does. Her background is extensive in multiple care areas of all age groups.

Reliance is:

A full service Consulting Company there for you.

Contact Kristin today for a free initial consultation and discover how Reliance can benefit your firm.

Telephone: (888) 328-1333 or (208)761-6640

E-mail: kireliance@hughes.net

From start to finish Reliance can save you time and money. 100% guaranteed!



Kristin C. Inglis RN

**Certified Legal Nurse Consultant
24 YEARS EXPERIENCE**

Reliance Legal
Healthcare Consulting
Member of NACLNC and AALNC
Look for her website listing.



*Professionals with Integrity and Experience,
Who Care*

***Phoenix Group is pleased
to announce the addition of
offices in Boise, Idaho.***

*To learn more about the ways in which
Phoenix can be of service to you,
please contact:*

Michael Roberts

MRoberts@PhoenixAdvisoryLLC.com

(208) 860-9343

or

Stephen W. Bell

SBell@PhoenixAdvisoryLLC.com

(310) 2992-2355

Mergers & Acquisitions

Financial Advisory Services

Turnaround/Crisis Management

Class Action Case Administration

Chapter 11 Bankruptcy Administration

Litigation Support

Noticing Services

Settlement & Claims Management

Printing, Reprographics & Forensics Imaging

Document Collection, Recovery, Tracking

Forensics Computing and Data Mining

Custom Computing Solutions

Settlement and Claims Administration

www.PhoenixAdvisoryLLC.com





Now showing on a single screen: the best medical resources for Idaho litigators.

Now you have access to the **same** peer-reviewed medical information that doctors use — plus an incredibly easy way to find it. The new thesaurus-driven Westlaw[®] search engine adds synonyms, brand/generic drug names, related topics, and medical and scientific terminology to your search terms. So your plain-English description of a disease, injury, device, or drug on Medical Litigator[®] delivers all

relevant content from the world's leading medical journals, abstracts, specialized dictionaries, and more. You even get trial-ready medical illustrations. This library is fully integrated on Westlaw, so one search covers both the legal and medical content. For more information, call our Reference Attorneys at **1-800-733-2889 (REF-ATTY)**.

© 2007 West, a Thomson business L-330094/5-07

THOMSON
WEST

Westlaw[®]