

FIONA A.C. KENNEDY
(Disbarment)

On August 26, 2013, the Idaho Supreme Court entered its Order of Disbarment, ordering that Rathdrum attorney, Fiona A.C. Kennedy, be disbarred. Following a disciplinary hearing, a Hearing Committee of the Professional Conduct Board recommended disbarment. The Idaho Supreme Court Order concluded the reciprocal disciplinary case that was filed on January 17, 2013.

Ms. Kennedy was admitted to practice law in Idaho in November 2005. She was also admitted to practice law in Washington. On January 3, 2013, the Washington Supreme Court entered its Order disbaring Ms. Kennedy. In the Washington disciplinary case, the Hearing Officer concluded that Ms. Kennedy violated Washington Rules of Professional Conduct 1.1 [Competence], 1.3 [Diligence], 1.4(a)(1), (a)(2) and (b) [Communication], 3.3(a)(1) [Candor Toward Tribunal], 8.4(c) [Conduct Involving Dishonesty, Fraud, Deceit or Misrepresentation], 1.16 [Duties Upon Termination of Representation], and 8.4(l) [Duties Imposed by the Rules for Enforcement of Lawyer's Conduct in Connection with the Disciplinary Matter].

In the Washington disciplinary case, Ms. Kennedy listed her client's doctor who had diagnosed the condition at issue, as a witness. Without notice or explanation to her client, Ms. Kennedy removed that doctor as a witness and instead had the case determined by submittal of a deposition of a doctor who did not diagnose or treat Ms. Kennedy's client for that medical condition. As a consequence of Ms. Kennedy's conduct, the client lost the opportunity to have a hearing on her worker's compensation claim, to present relevant medical evidence and to testify. The client's appeal was dismissed and she was denied medical treatment for her condition. Ms. Kennedy also did not deliver the client's file to the client after being terminated, despite two requests for the file by the client's new counsel and despite assuring new counsel that she would do so. Ms. Kennedy also continually failed to cooperate with the disciplinary investigation in Washington, even after the Washington Supreme Court had entered orders suspending her, in part, for similar misconduct.

Consistent with Idaho Bar Commission Rules 506(a) and 513, the Idaho Supreme Court disbarred Ms. Kennedy from the practice of law in Idaho, as a reciprocal sanction. The Court also ordered that Ms. Kennedy reimburse the Idaho State Bar for its costs in the amount of \$674.04. The Court's Order removed Ms. Kennedy from the records of the Idaho Supreme Court as a member of the Idaho State Bar and her right to practice law before Idaho courts was terminated on August 26, 2013.

Ms. Kennedy cannot apply for admission to the Idaho State Bar sooner than five years from the date of her disbarment. If she applies for admission, she will be required to comply with the bar admission requirements in Section II of the Idaho Bar Commission Rules and will have the burden of overcoming the rebuttal presumption of "unfitness to practice law."

This disbarment notice shall be published in the *Advocate*, the *Coeur d'Alene Press*, and the *Idaho Reports*.

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