

THERESA A. MARTIN

(Withheld Suspension and Probation)

On June 19, 2013, the Idaho Supreme Court issued a Disciplinary Order suspending Boise attorney, Theresa A. Martin, from the practice of law for one year with the entire year withheld, and placing her on a 2-year probation pursuant to I.B.C.R. 506(f) and 507. The Idaho Supreme Court's Order followed a Professional Conduct Board recommendation and stipulated resolution of an Idaho State Bar disciplinary proceeding.

The Idaho Supreme Court found that Ms. Martin violated I.R.P.C. 1.2(a) [Scope of Representation]; 1.3 [Diligence]; 1.4 [Communication]; 8.1 and I.B.C.R. 505(e) [Failure to respond to Bar Counsel in a disciplinary matter], with respect to five different client matters that constituted the five counts in the Second Amended Complaint filed in the disciplinary case. Four of those client matters involved post-conviction relief claims and client complaints that Respondent did not keep her clients adequately advised about the status of their petitions for post-conviction relief. In each of those four matters, Respondent did not file an appeal of the eventual dismissal of those petitions, despite the clients' express requests to appeal the dismissals. In each of those matters, Respondent failed to abide by the clients' objectives regarding the representation, did not diligently pursue their objectives and failed to reasonably communicate with the clients about the status of their post-conviction proceedings. In the fifth client matter, Respondent was appointed to represent a client in a case to terminate the client's parental rights. In that case, Respondent failed to respond to multiple client letters requesting information about his parental rights case and failed to file an appeal as requested. In addition, during the

investigation of each of those five disciplinary grievances, Respondent also failed to fully respond to Bar Counsel.

The Disciplinary Order provided that the one-year suspension will be withheld and that Ms. Martin will serve a two-year probation, subject to the conditions of probation specified in the Order. Those conditions include that Ms. Martin will serve the entire year suspension if she admits or is found to have violated any of the Idaho Rules of Professional Conduct for which a public sanction is imposed for any conduct during Ms. Martin's period of probation. In addition, if Ms. Martin admits or is found to have violated any of the Idaho Rules of Professional Conduct for which a private sanction is imposed for any conduct during her period of probation, she will serve 90 days suspension for each private sanction, not to exceed one year. Ms. Martin will also practice under the supervision of a supervising attorney during her probation, who will provide quarterly reports to Bar Counsel's Office. Ms. Martin will also certify in writing, under oath, on a monthly basis, that she is representing her clients consistent with her responsibilities under the Idaho Rules of Professional Conduct.

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