

JOHN C. MITCHELL
(Resignation in Lieu of Discipline)

On November 15, 2013, the Idaho Supreme Court entered an Order accepting the resignation in lieu of discipline of Lewiston attorney, John C. Mitchell. The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that resulted from Mr. Mitchell's self-report of professional misconduct.

The misconduct in question related to three matters. In the first matter, Mr. Mitchell failed to inform his law firm about his receipt of client fee payments and failed to deposit those payments into his firm's trust account. Mr. Mitchell admitted that his conduct violated I.R.P.C. 1.15(a) (failure to hold property of client or third person in connection with a representation separate from the lawyer's own property), 1.15(c) (failure to deposit legal fees and expenses into a client trust account), and 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

In the second matter, Mr. Mitchell failed to communicate with his client about the client's pending civil case and settled that case without his client's knowledge or consent. Mr. Mitchell admitted that his conduct violated I.R.P.C. 1.2(a) (failure to abide by client's decision whether to settle a matter) and 1.4 (failure to reasonably consult with client and keep client reasonably informed about the status of a matter). In the third matter, Mr. Mitchell admitted that he paid a client's judgment in a civil case in violation of I.R.P.C. 1.8(e) (lawyer shall not provide financial assistance to a client in connection with pending litigation).

The Idaho Supreme Court accepted Mr. Mitchell's resignation effective November 15, 2013. By the terms of the Order, Mr. Mitchell may not make application for admission to the Idaho State Bar sooner than five years from the date of his resignation. If he does make such application for admission, he will be required to comply with all bar admission requirements found in Section II of the Idaho Bar Commission Rules and shall have the burden of overcoming the rebuttable presumption of "unfitness to practice law."

By the terms of the Idaho Supreme Court's Order, Mr. Mitchell's name was stricken from the records of the Idaho Supreme Court and his right to practice law before the courts in the State of Idaho was terminated on November 15, 2013.

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