

In the Supreme Court of the State of Idaho

IDAHO STATE BAR,

Petitioner,

v.

FREDRICK W. FREEMAN,

Respondent.

Amended Disciplinary Order

Docket No. 46025-2018

ISB File No. 18-03

A CERTIFICATE OF RECORD with attachments of proceedings before the Professional Conduct Board of the Idaho State Bar was filed by Petitioner on June 5, 2018, which includes a STIPULATION and attachments entered by counsel for Petitioner and Respondent Fredrick W. Freeman on May 8, 2018; and a RECOMMENDATION approving the agreement of the parties filed on June 4, 2018.

After review, the Court finds that Respondent Fredrick W. Freeman has violated the rules of professional conduct set forth below and the recommended sanction is appropriate. The Court finds that in the course of his practice of law in the State of Idaho, Respondent Fredrick W. Freeman violated I.R.P.C. 1.2(a) [Failure to abide by client objectives], I.R.P.C. 1.3 [Failure to act with reasonable diligence and promptness], and I.R.P.C. 1.4 [Failure to reasonably communicate with client] with respect to Counts One, Two, Three and Four of the Complaint. Allegations 5.2(a) [Count One], 8.4(c) [Count Two], 3.4(c) and 5.3(b) [Count Three] and 1.16(a)(2), 1.16(d) and 3.4(c) [Count Four] are dismissed. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the appropriate sanction in this matter, pursuant to I.B.C.R. 506 and 507, is a five-year suspension, with two (2) years of that suspension withheld pursuant to I.B.C.R. 507, effective retroactively to February 7, 2018, the date Respondent transferred to inactive status and voluntarily ceased practicing law, and public notice thereof. Upon reinstatement, Respondent Fredrick W. Freeman shall be placed on disciplinary probation pursuant to I.B.C.R. 506(f), for a period of two (2) years, with the following probationary terms and conditions as supervised by Bar Counsel's Office:

(a) Respondent Fredrick W. Freeman shall conduct his practice and representation of his clients in a fashion that seeks to prevent any grievances being submitted to Bar Counsel's Office. However, understanding that such grievances are always a possibility, if Bar Counsel's Office determines that any grievances submitted against Respondent relating to his conduct during the period of probation are meritorious and result in formal charges, then, if Respondent admits or is found to have violated any of the Idaho Rules of Professional Conduct for which a public sanction under I.B.C.R. 506(a)-(e) is imposed for any conduct during Respondent's period of probation, regardless whether that determination occurs after the expiration of the probation, then the entire withheld suspension shall be immediately imposed and served by Respondent, in addition to any other sanction that may be imposed for any such admission or determination of misconduct during that time period;

(b) Respondent Fredrick W. Freeman shall make arrangements satisfactory to Bar Counsel for a supervising attorney to supervise Respondent's law practice during the probationary period. The supervising attorney shall be approved by Bar Counsel and shall indicate to Bar Counsel his or her willingness to supervise Respondent during his probation, consistent with the terms and conditions set forth in this Order. Bar Counsel and Respondent agree that the supervising attorney is neither expected to assume any responsibility for handling Respondent's cases nor serve as co-counsel. Respondent shall meet on a regular basis, but not less than monthly, with the supervising attorney regarding Respondent's representation of his clients to assure that Respondent is (i) abiding by his clients' objectives; (ii) acting with reasonable diligence and promptness in representing his clients; (iii) keeping his clients reasonably informed about the status of their matters; and (iv) promptly complying with reasonable requests from his clients for information about his representation. The supervising attorney shall report to Bar Counsel, on a quarterly basis, that Respondent: (A) is complying with conditions (i) through (iv) above; (B) is arranging to meet with the supervising attorney on a regular, but not less than monthly, basis; and (C) has demonstrated to the supervising attorney reasonable assurances that Respondent's representation of his clients is consistent with his responsibilities under the Idaho Rules of Professional Conduct;

(c) Respondent Fredrick W. Freeman shall avoid any alcohol or drug-related criminal acts or alcohol or drug-related traffic violations;

(d) Respondent Fredrick W. Freeman shall continue treatment with April Dillon, D.O., or another health care provider approved by Bar Counsel. Respondent shall also make arrangements to provide to Bar Counsel a report on Respondent's treatment regimen and shall ensure those reports are provided to Bar Counsel during the term of any prescribed treatment regimen. Such reports shall be provided to Bar Counsel by Dr. Dillon or other approved health care provider on a quarterly basis, or if Dr. Dillon or other approved health care provider recommends, on a less frequent basis as approved by Bar Counsel; and

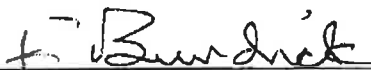
(e) If Respondent fails to comply with any of the above probationary terms and conditions, the entire two-year withheld suspension shall be automatically and immediately imposed.

IT IS FURTHER ORDERED that as a condition of reinstatement, Respondent Fredrick W. Freeman must show that he has fully complied with the requirements of I.B.C.R. 517(a)-(d) and otherwise satisfies all requirements of I.B.C.R. 518(b).

IT IS FURTHER ORDERED that the parties will assume their own costs and fees incurred in this matter.


DATED this 9th day of August, 2018.

By Order of the Supreme Court



Roger S. Burdick, Chief Justice

ATTEST:



Karel A. Lehrman, Clerk

cc: Idaho State Bar
Fredrick Freeman

EXHIBIT A:

FREDRICK W. FREEMAN

(Suspension/Withheld Suspension and Probation)

On AUGUST 9, 2018, the Idaho Supreme Court issued a Disciplinary Order suspending Boise attorney Fredrick W. Freeman for three years, with an additional two years of suspension withheld, and a two-year probation upon reinstatement to active status. The suspension is effective retroactively to February 7, 2018, the date Respondent transferred to inactive status and voluntarily ceased practicing law.

The Idaho Supreme Court found that Mr. Freeman violated I.R.P.C. 1.2(a) [Failure to Abide by Client Objectives], I.R.P.C. 1.3 [Failure to Act with Reasonable Diligence and Promptness], and I.R.P.C. 1.4 [Failure to Reasonably Communicate with Client] with respect to four different client matters that constituted the four counts in the Complaint. With respect to the first client matter, Mr. Freeman failed to file pleadings in the client's custody modification case, reasonably communicate with the client about the case status, and promptly respond to the client's inquiries. With respect to the second client matter, Mr. Freeman failed to timely serve discovery responses in the client's divorce case, timely file a responsive Affidavit to the opposing party's Motion for Temporary Orders, reasonably communicate with the client about the case status, and promptly respond to the client's inquiries. With respect to the third client matter, Mr. Freeman failed to promptly file the client's custody modification petition, timely serve discovery responses, reasonably communicate with the client about the case status, and promptly respond to the client's inquiries. With respect to the fourth client matter, Mr. Freeman failed to timely file the client's answer and counterclaim in a custody modification case, timely serve discovery responses, reasonably communicate with the client about the case status, and promptly respond to inquiries from the client's new attorney.

The Disciplinary Order provided that upon reinstatement to active status after the three-year suspension period, Mr. Freeman will serve a two-year probation subject to the terms and conditions specified in the Order. Those conditions include that Mr. Freeman will serve two years of suspension if he 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 his period of probation. In addition, Mr. Freeman must arrange for a supervising attorney to supervise his law practice during the probationary period.

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