

JAMES A. SHINAULT
(Suspension)

On April 3, 2024, the Idaho Supreme Court entered a Disciplinary Order suspending Idaho Falls attorney James A. Shinault from the practice of law for a period of three years, with two years of that suspension withheld, effective retroactively to February 26, 2024, the date Mr. Shinault ceased practicing law.

The Idaho Supreme Court found that Mr. Shinault violated I.R.P.C. 1.7(a)(2) [Conflict of interest based on the lawyer's personal interests], 1.4 [Failure to reasonably communicate with client], and 8.4(d) [Engaging in conduct prejudicial to the administration of justice]. The Idaho Supreme Court's Disciplinary Order followed a stipulated resolution of an Idaho State Bar disciplinary proceeding in which Mr. Shinault admitted that he violated those Rules.

The formal charge case related to Mr. Shinault's representation of a client, "J.H.," in a pending criminal case. Shortly after finalizing a plea agreement for J.H. in the criminal case, Mr. Shinault engaged in sexual relations with J.H.'s wife on one occasion. As J.H. awaited sentencing, Mr. Shinault also exchanged explicit and personal text messages with J.H.'s wife and suggested in those messages that J.H.'s wife keep their relationship secret from J.H. Approximately one month after her intimate relationship with Mr. Shinault commenced, J.H.'s wife disclosed that relationship to J.H. Mr. Shinault then filed a motion to withdraw, informing the court that a conflict of interest had come to his attention and requesting that the motion to withdraw be granted without a hearing. Mr. Shinault did not consult with J.H. about the conflict of interest and did not inform J.H. about the motion to withdraw. The court granted the motion to withdraw without a hearing and appointed new counsel for J.H. in the criminal case. Mr. Shinault's lack of any prior discipline and his acknowledgement of the misconduct were considered as mitigating factors.

The Disciplinary Order provided that upon reinstatement after the one-year period of imposed suspension, Mr. Shinault will serve a two-year period of probation with terms and conditions that include counseling, the completion of six CLE credits relating to conflicts of interests, and the immediate imposition of the two-year withheld period of suspension if Mr. Shinault violates the terms of his probation or admits or is found to have violated any Idaho Rules of Professional Conduct for which a public sanction is imposed for conduct that occurred 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.