

**JONATHAN C. CALLISTER**  
(Suspension)

On December 7, 2017, the Idaho Supreme Court entered a Disciplinary Order suspending Las Vegas, Nevada attorney, Jonathan C. Callister, from practicing law in Idaho for 35 days. Following a disciplinary hearing, a Hearing Committee of the Professional Conduct Board recommended that Mr. Callister be suspended for 35 days. The Idaho Supreme Court Order concluded a reciprocal disciplinary case.

Mr. Callister was admitted to practice law in Nevada in 2002 and in Idaho in 2012. In the Nevada disciplinary case, the Nevada Supreme Court concluded that Mr. Callister intentionally, or at least knowingly, violated Nevada Rules of Professional Conduct (N.R.P.C.) 3.4(b) and 8.4(d), which are identical to I.R.P.C. 3.4(b) and 8.4(d).

In the Nevada disciplinary case, Mr. Callister was counsel for a party who contested the legitimacy of a will in probate. In that case, Mr. Callister sent a letter to the witnesses of that will who had also submitted affidavits. In exchange for their honest testimony that they never witnessed the decedent signing a will, the letter offered to pay \$5,000 to each witness, release all claims against them for their allegedly erroneous affidavits, and offered a further incentive of \$2,000 to the first witness who called to accept the offer and “provide required testimony.” The letter also threatened the witnesses with personal liability and the “legal implications of perjury” if they failed to disavow the will.

The Nevada Supreme Court found that it is unethical for a lawyer to offer money to a fact witness contingent on the content of the witness’s testimony under N.R.P.C. 3.4(b), and that a lawyer may not threaten a witness with criminal prosecution for refusing to testify as a lawyer directs under N.R.P.C. 8.4(d).

In the Idaho hearing, Mr. Callister contended that the Nevada disciplinary proceedings were so lacking in notice or opportunity to be heard as to constitute a deprivation of due process and that imposing a reciprocal 35-day suspension would result in grave injustice. The Hearing Committee of the Professional Conduct Board and the Idaho Supreme Court concluded the Nevada procedure was not so lacking in notice or opportunity to be heard as to constitute a deprivation of due process and that imposing an identical sanction in Idaho would not result in grave injustice.

The Idaho Supreme Court ordered that Mr. Callister be suspended from the practice of law in Idaho for 35 days and conditioned his readmission upon completion of 6 hours of CLE on the Nevada or Model Rules of Professional Conduct during the suspension period.

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