

ERICA M. KALLIN

(Suspension, Withheld Suspension and Probation)

On December 11, 2020, the Idaho Supreme Court issued a Disciplinary Order suspending Caldwell attorney, Erica M. Kallin for nine (9) months with three (3) months of that suspension withheld, and with a one-year probation upon reinstatement. The suspension is effective retroactively to July 18, 2020, the date Ms. Kallin voluntarily ceased practicing law. The Idaho Supreme Court's Order followed a stipulated resolution of an Idaho State Bar reciprocal disciplinary proceeding.

The Idaho Supreme Court found that Ms. Kallin violated I.R.P.C. 3.3(a)(1) [Knowingly making a false statement of fact or law to a tribunal or failing to correct a false statement of material fact or law previously made to the tribunal by the lawyer], I.R.P.C. 3.3(d) [In an ex parte proceeding, failing to inform the tribunal of all material facts known to the lawyer to enable the tribunal to make an informed decision], and I.R.P.C. 8.4(d) [Engaging in conduct prejudicial to the administration of justice].

The disciplinary case related to Ms. Kallin's conduct as a deputy prosecuting attorney in a criminal case involving a defendant who had allegedly sexually assaulted a minor. The defendant was indicted by a grand jury, arraigned and filed a motion to reduce bond. The district court granted that motion and the defendant posted bond and was released. Less than one month later, Ms. Kallin obtained a second indictment against the defendant alleging the same facts and criminal violation as set forth in the first indictment. Ms. Kallin held the second indictment for two weeks so it could be returned before a different district judge rather than in the pending criminal case.

During the return hearing on the second indictment, Ms. Kallin did not disclose to the new district court judge that the first case against the defendant was still pending, that trial in the first

case was scheduled to commence in less than two weeks, and that bond had been reduced in the first case and posted by the defendant. Also during that hearing, Ms. Kallin misrepresented that the State had filed a motion to dismiss the first case or that an order dismissing the first case was pending and she requested that bond be set at the amount originally set in the first case. The district court judge in that second case granted that request.

The defendant was again arrested, based on the second indictment, and Ms. Kallin then filed a motion to dismiss the first case. As part of that motion, she did not disclose the pendency of the second case to that judge. That district court judge initially entered an order dismissing the first case but rescinded that order upon discovering that Ms. Kallin had obtained the second indictment. The State ultimately stipulated to dismiss the criminal charges with prejudice, based in part on Ms. Kallin's conduct.

Upon reinstatement, Ms. Kallin will serve a one-year probation, subject to the conditions of probation specified in the Order. Those conditions include that Ms. Kallin will serve three (3) months of 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 the period of probation.

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