JEFFREY J. HEPWORTH
(Suspension)

On October 2, 2026, the Idaho Supreme Court issued an Opinion suspending attorney Jeffrey J. Hepworth for a period of eighteen (18) months, with the first six (6) months enforced and the next twelve (12) months conditionally withheld, provided that he: (1) not engage in the practice of law during the term of his suspension; and (2) attend an additional ten (10) hours of continuing legal education focusing on ethics.

This Idaho State Bar discipline case related to Mr. Hepworth's conduct in *Hilliard v. Twin Falls County Sheriff's Office*, No. 1:18-cv-00550-CWD (D. Idaho 2022). During trial, Mr. Hepworth's non-retained expert witness offered inaccurate testimony regarding her compensation by stating that she had been paid $40. Rather than correcting the record, Mr. Hepworth referenced and emphasized the witness's testimony that she had been paid $40 in his closing argument. Mr. Hepworth did so despite his knowledge that his firm had subpoenaed the witness to testify over two days of trial and paid her the statutory $40/day fee plus mileage, and that he had promised the witness that he would pay her more. The day after receiving a significant favorable jury verdict, Mr. Hepworth paid the witness an additional $500. Mr. Hepworth then submitted a memorandum of costs disclosing these payments. The opposing party filed a motion for a new trial, which the federal court granted, setting aside the jury verdict in favor of Mr. Hepworth's client.

During post-trial proceedings, Mr. Hepworth submitted an affidavit that stated he had "promised to pay a reasonable fee for [the witness's] time as we had the other expert fact witnesses." Mr. Hepworth also argued in a federal court hearing that he told the witness "multiple times" before trial that he would pay her for her time. One month later, Mr. Hepworth sent an email to Bar Counsel describing what occurred in federal court and stating he had "no specific memory of a discussion about paying [the witness] for the time she spent with [him] preparing for trial and testifying" and that it was possible he "forgot to tell her we would pay for her time."

The Idaho Supreme Court affirmed the Hearing Committee of the Professional Conduct Board's determination that Mr. Hepworth violated Idaho Rules of Professional Conduct 3.3(a)(1) and 3.3(a)(3) by failing to correct and the false impression created by the witness' testimony, Rule 4.1(a) and Rule 8.4(c) by knowingly making a misleading statement to the court and opposing counsel, Rule 8.4(d) by engaging in conduct prejudicial to the administration of justice, and Rule 8.1(a) by making false statements to the Bar when he self-reported the matter. However, the Court determined that the Hearing Committee's sanction recommendation of a one-year suspension fully withheld was inadequate, finding that Mr. Hepworth's actions after the discovery of his misrepresentations in federal court to be "deeply concerning." After considering Mr. Hepworth's failure to comply with a protective order issued during disciplinary proceedings, his forty (40) years of practice, that he violated six Rules in multiple ways over an extended period, his consistent decisions to prolong the legal process and deny responsibility for his actions at the expense of the legal system and opposing counsel, and that Mr. Hepworth engaged in other deceptive practices in answering the federal court's questions about the witness's compensation, the Court concluded the appropriate sanction is an eighteen (18) month suspension, with the first six (6) months enforced and the next twelve (12) months conditionally withheld.

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