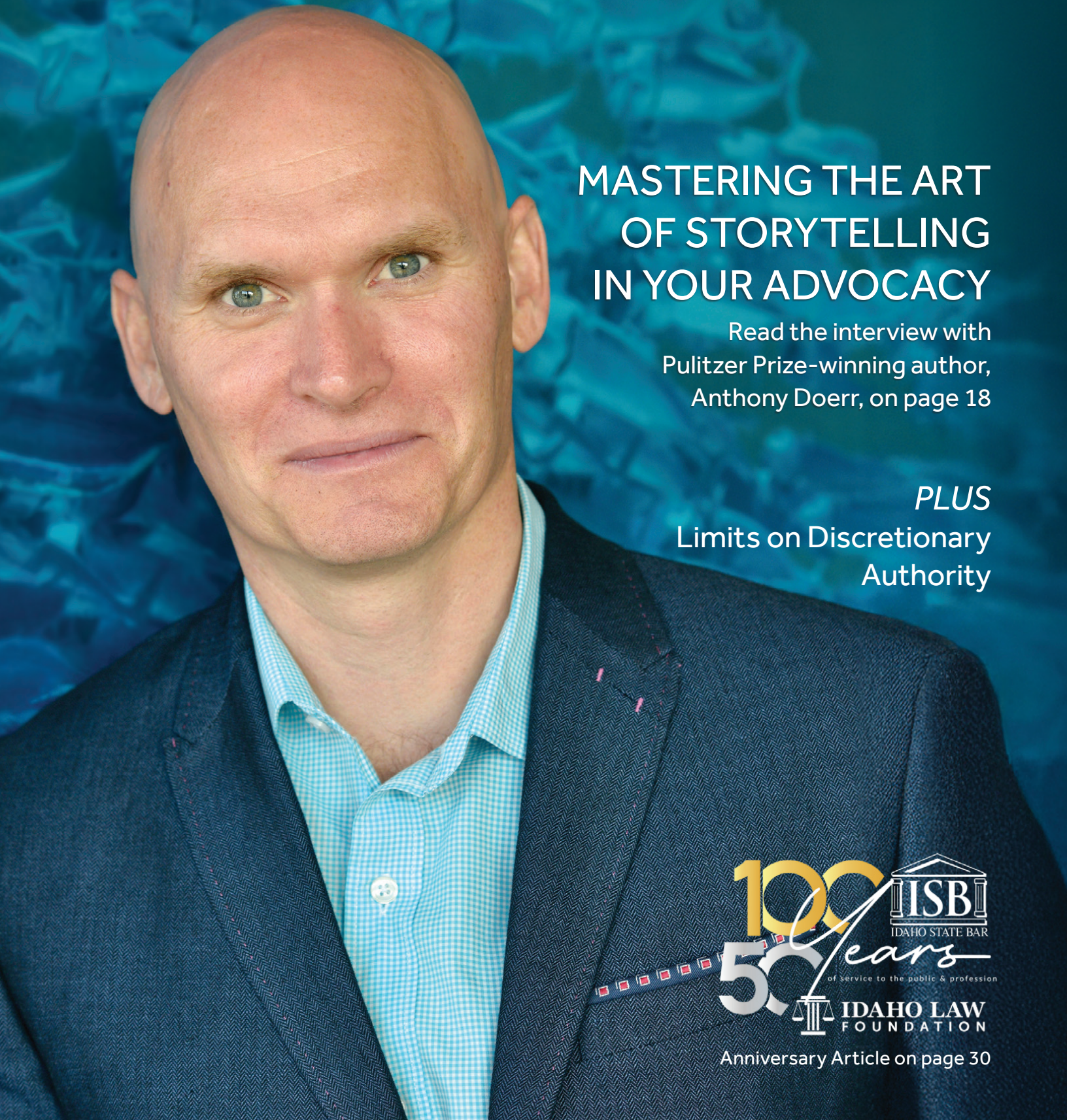


February 2025



MASTERING THE ART OF STORYTELLING IN YOUR ADVOCACY

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Anthony Doerr, on page 18

PLUS
Limits on Discretionary
Authority



Anniversary Article on page 30

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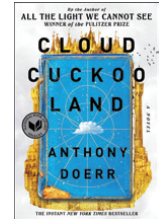
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On the Cover



In this issue's cover story, Pulitzer Prize-winning novelist, Anthony Doerr, spoke with Boise attorney Sarah Tompkins about mastering storytelling as a tool for advocacy. Doerr's recent novel, *All the Light We Cannot See*, was a #1 *New York Times* bestseller, remained on the list for 200 weeks, and was later developed into a series for Netflix. Photo credit: Ulf Andersen.



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Endless February

Lindsey M. Welfley

Thank you for picking up this small but mighty February issue of *The Advocate*! Sponsored by the Appellate Practice Section, this issue features a thought-provoking cover story, an introduction to our new Executive Director, and practical guidance on judicial discretion.

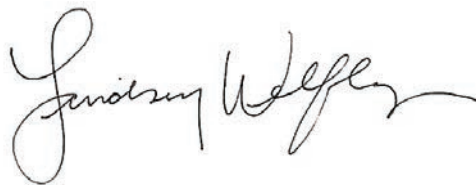
But first, the author of the article titled “The Changing Landscape of Damages for a Child’s Injury,” published in the November/December 2024 issue, accidentally omitted a credit to the team at Gjording Fouser Hall for their work on the issues addressed, which provided the inspiration for the article.

In this second issue of the year, Stephen Adams and Christopher Pooser discuss the ins and outs of judicial discretionary authority—specifically the limits and boundaries. Next, this issue’s feature is an interview by Boise attorney Sarah Tompkins of Pulitzer Prize-winning author Anthony Doerr. Their discussion is a worthwhile read on the importance of storytelling in your practice—something you may not always consider top of mind! I found this interview to be moving and practical, especially if you are an avid reader (I particularly enjoyed *All the Light We Cannot See* and cannot recommend it enough).

Editorial staff member, Carissa Carns, sat down with our new Executive Director, Maureen Braley, for a casual interview to learn and share her vision for the Bar and Foundation. And finally, this issue’s anniversary article covering the Bar’s history explores the challenges of the 1940s.

We hope you enjoy this issue and learn a few things along the way!

Best,



Lindsey M. Welfley

Communications Director

Idaho State Bar & Idaho Law Foundation, Inc.



the ADVOCATE

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ROBIN L. HAYNES

(Suspension)

On January 10, 2025, the Idaho Supreme Court entered a Disciplinary Order suspending former Post Falls attorney Robin L. Haynes from the practice of law for two years. The suspension is effective February 1, 2026, the date Ms. Haynes otherwise would be eligible for reinstatement following a three-year period of suspension imposed in a separate disciplinary case. Ms. Haynes also agreed to provide a \$1,500 refund to one client in the disciplinary case and to comply with additional terms and conditions during her two-year period of probation upon reinstatement.

The Idaho Supreme Court found that Ms. Haynes violated I.R.P.C. 1.2(a) [Failure to abide by client objectives and consult with the client as to the means by which those objectives would be pursued], I.R.P.C. 1.4 [Failure to keep the client reasonably informed about the status

of a matter and failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation], and I.R.P.C. 1.16(d) [Failure to take steps to the extent reasonably practicable upon termination of representation to protect the client's interest, including giving reasonable notice to the client and allowing time for employment of other counsel]. The Idaho Supreme Court's Disciplinary Order followed a stipulated resolution of an Idaho State Bar disciplinary proceeding in which Ms. Haynes admitted that she violated those Rules.

The formal charge case related to Ms. Haynes' conduct during her representation of two clients in separate custody cases. In mid-December 2022, Ms. Haynes executed a stipulation in a formal charge case agreeing to serve a three-year imposed disciplinary suspension effective February 1, 2023, or the date the Idaho Supreme Court entered its

Disciplinary Order, whichever was later. In mid-January 2023, the Idaho Supreme Court entered a Disciplinary Order imposing the three-year suspension, effective February 1, 2023. On or around January 30, 2023, Ms. Haynes sent a certified letter to the two clients consistent with Idaho Bar Commission Rule 517 and filed her Notices of Withdrawal in the two pending custody cases. However, she did not inform either client at any time before January 30, 2023, about the possibility of her disciplinary suspension and the consequent termination of her representation and withdrawal as counsel in the clients' custody cases.

As part of the formal charge case, Ms. Haynes submitted a letter of acknowledgement regarding her professional misconduct. To obtain a copy of that letter or for any other inquiries about this matter, please contact Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701, (208) 334-4500.

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The Critical Role of Civics Education and the Opportunity for Idaho Attorneys to Lead

Mary V. York

As I step into the role of President of the Idaho State Bar, I am continually impressed and humbled by the dedication and excellence of our legal community. Attorneys in Idaho consistently demonstrate their commitment to justice and service, not only in their practices but also in their contributions to our communities and to society at large. One area where our profession has a unique opportunity—and responsibility—to make an enduring impact is in the realm of civics education.

Why Civics Education Matters

Civics education is foundational to the preservation of our democratic ideals and the rule of law.¹ In fact, Chief Justice John Roberts in his recent *2024 Year End Report on the Federal Judiciary*, discusses the

increased attacks on the judiciary and the rule of law and how civic education is one of the important ways to combat these threats.² Unfortunately, recent surveys, such as the 2024 edition of the Annenberg Public Policy Center's *Constitution Day Civics Survey*,³ reveal troubling trends. A significant portion of Americans cannot name the three branches of government or articulate the rights guaranteed by the First Amendment. This knowledge gap undermines public confidence in institutions and weakens our shared commitment to democratic principles.⁴

As lawyers, we are not only advocates for our clients but also stewards of justice and defenders of the rule of law. The Idaho Rules of Professional Conduct remind us of our duty to cultivate knowledge of the law and foster an understanding and confidence in the legal system.⁵ By

promoting civics education, we can help address misconceptions, bridge divides, and empower future generations with the tools they need to be informed, engaged citizens.

Opportunities for Attorneys to Get Involved⁶

Attorneys are uniquely positioned to contribute to civics education, and there are many programs and opportunities through which we can make a difference:

1. Attorneys for Civic Education (“ACE”). Founded in Idaho in 2013, ACE works to enhance and sustain civics education in schools. Attorneys can volunteer as speakers, mentors, or contributors to programs designed to teach students about the Constitution, the justice system, and the Rule of Law.

2. Mock Trial Competitions. The Idaho Law Foundation sponsors mock trial competitions, where students simulate real court cases. Attorneys can serve as mentors, coaches, or judges, helping students gain first-hand experience in legal proceedings and critical thinking.

3. Constitution Day Activities. Each year on September 17, schools and organizations host events to commemorate the signing of the U.S. Constitution. Events are coordinated by the Idaho Law Foundation, Attorneys for Civic Education, and public schools. Attorneys can volunteer to deliver presentations, lead discussions, or assist in organizing interactive activities for students.

4. Idaho Citizen's Law Academy and ABA Civics and Law Academy. The Citizen's Law Academy is a free adult education program that aims to help participants understand the laws and their rights under the law, learn about the legal profession and the judicial system, and appreciate attorneys' public service and pro bono work. Also, the American Bar Association offers programs that connect lawyers with schools to teach students about the Constitution, legal processes, and the importance of civic engagement. Idaho

attorneys can access these resources to enhance their outreach efforts.

5. Local School Partnerships. Many schools are eager to collaborate with professionals to provide real-world insights. Attorneys can reach out to schools in their communities to offer guest lectures, workshops, or mentorship in civics and law-related topics.

6. Public Speaking and Community Events. Beyond schools, attorneys can participate in public forums, community events, or civic organizations to educate adults about their rights and responsibilities as citizens.

A Call to Action

I encourage each of you to consider how you can contribute to this critical endeavor. Whether through formal programs like ACE and mock trials, or informal conversations with students and neighbors, every effort matters.⁷ Your expertise, involvement, and passion can inspire a deeper appreciation for the law and help build a more informed, resilient society.

The challenges we face as a nation—declining trust in institutions, political polarization, and misinformation—

are daunting but not insurmountable. Civics education is a powerful tool to confront these issues, and as attorneys, we are uniquely equipped to lead the charge. Let us take advantage of these opportunities to fulfill our professional obligations and leave a legacy that strengthens both our communities and our democracy.

Through our collective efforts, we can ensure that the principles of justice and the rule of law continue to thrive in Idaho and beyond.



Mary V. York is a litigation partner at Holland & Hart who has nearly 30 years of experience representing clients in condemnation cases, real estate disputes, and

commercial litigation. In her spare time, Mary enjoys hiking, mountain biking, wake-surfing, cooking, and spending time with her family. Mary currently serves as the President of the Idaho State Bar Board of Commissioners, representing the Fourth District.

Endnotes

1. See, 2024 YEAR END REPORT ON THE FEDERAL JUDICIARY (Dec. 31, 2024), <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>.

2. *Id.*

3. <https://www.annenbergpublicpolicycenter.org/political-communication/civics-knowledge-survey/>.

4. *Id.*

5. I.R.P.C. Preamble, ¶6 ("As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.")

6. While this article focuses on opportunities to participate in civic education, I encourage you to take a look at last month's edition of *The Advocate* where outgoing Bar President, Jillian Cairns noted more than a dozen opportunities for attorneys to get involved in Bar-related activities. See Jillian H. Cairns, Resolve to Get Involved in 2025, Outgoing President's Message, 68 *The Advocate* 6 (2025).

7. For more information about the wealth of opportunities to get involved in civic education, contact Carey Shoufler, Development & Law Related Education Director, for the Idaho Law Foundation, at cshoufler@isb.idaho.gov or (208) 334-4500.

By promoting civics education, we can help address misconceptions, bridge divides, and empower future generations with the tools they need to be informed, engaged citizens.



Communications Department Report

Lindsey M. Welfley

Once again, our communications department had a successful (and busy!) year in 2024 as we supported each of our other departments' communications needs. As we head into 2025, we have several important projects noted for our members.

New ISB & ILF Websites

This past September we launched a fresh design for both the Bar's and Foundation's websites. These new templates brought our websites into compliance with ADA requirements, and we are continuing to improve accessibility across both sites. The transition was not seamless—tech projects rarely ever are! If you notice anything functioning improperly on either website, please notify us so that we can fix the issues. Your input is incredibly helpful.

Desk Book Directory Discontinued

2025 will be the first year that we **will not** print a hard copy Desk Book Directory. As part of our phase out plan, we switched to an affirmative "opt-in" system in 2024 and only received opt-in requests from approximately 12% of our membership. Considering this, we've reached the point where it no longer makes fiscal sense to

put staff time and resources into publishing the directory, especially when all the same information is readily available online with more real-time, accurate records. We look forward to providing our membership with these resources in the most easily accessible format digitally!

Anniversary Celebration

As you've seen by now, this year is the 100th anniversary of the Idaho State Bar and the 50th anniversary of the Idaho Law Foundation. Our communications team has been working hard to create branding material, articles, social media campaigns, and email bulletin content to share with our members. This content will celebrate our history and will hopefully be a fun, educational endeavor.

2025 Award Nominations

It is time again to gather up nominations for the various awards presented by the Idaho State Bar Board of Commissioners. Each year, the Board of Commissioners presents awards to members of the Bar who demonstrate exemplary leadership, professionalism, and commitment to the legal profession and to the public. Nominations can be submitted at any time throughout the year,

but the current deadline for the 2025 awards is **Friday, March 28th**.

The Distinguished Jurist, Distinguished Lawyer, Outstanding Young Lawyer, Service, and Section of the Year Awards will be presented during the summer. The Professionalism and Denise O'Donnell Day Pro Bono Awards are presented at the Resolution Meetings in each recipient's judicial district in the fall.

If someone comes to mind who you would like to nominate for an award this year, please fill out the submission form online at isb.idaho.gov/Awards. All the award descriptions are listed on this webpage as well.

We are always open to ways in which we can improve our communication with you. Please don't hesitate to reach out with your input and feedback!



Lindsey M. Welfley is the Communications Director of the Idaho State Bar, overseeing all communications-related initiatives of both the Bar and Foundation. She graduated from Grand Canyon University with a B.A. in history in 2015 and has worked for the Bar ever since. Lindsey lives in Boise with her husband, their two daughters, and two pets.



THE JOB INTERVIEW



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Limits on Discretionary Authority

Stephen Adams

Christopher Pooser

In a recent oral argument before the Idaho Supreme Court, the first question asked was, “Tell me about the discretion available to the magistrate.” This question guided the entire oral argument from that point forward, even though the primary issue before the Court was the interpretation of a statute.

Similarly, a recent pre-trial conference in front of a district court judge resulted in an explanation that he had two trials set at the same time, and that due to limitations on courtrooms and the number of available court reporters, he was required to select one of the trials to go forward. The district judge explained that he had no specific guidelines as to how he made the decision, and that he believed it was likely a discretionary decision. He chose the criminal case because he believed it was the more pressing matter and reset the civil case.

As practitioners, when we submit an issue to a judge, we often think that the only decision available to the trial court

is either the correct decision (*i.e.*, the outcome we advocate for) or the incorrect decision (*i.e.*, the outcome the other side advocates for). However, this is too narrow of a view.

Many decisions made by trial courts are discretionary decisions, and the judge may have substantial authority to choose the option she/he thinks is correct, even if that decision is outside what the parties advocated for. In the situations mentioned previously, a discretionary issue may involve statutory interpretation, which is ultimately a legal issue. And the district judge was probably right that he had discretion to choose which case would go forward.

For us, all of this dredges up questions on how much discretion trial courts have and whether there are situations where trial courts have more discretion than others. This article will discuss the abuse of discretion standard, and then address several applications to show that, in practice, the abuse of discretion standard is situationally dependent.

What Does It Mean That Trial Courts Have Discretion?

In the law, different standards apply based on the issues before the court. Sometimes, the issue is a question of fact, meaning that two or more possible factual scenarios occurred, and someone needs to decide which one is more likely to be true.¹ A common example is whether the light was red or green when the car entered the intersection.² In other situations, the issue is a question of law, meaning that the issue concerns the application of a legal principle. An example of this would be the interpretation of a statute.³

It is tempting to say that discretionary decisions fall somewhere between the two poles of factual and legal issues. However, discretionary decisions are a completely different beast altogether. Questions of fact are for the fact finder, who, again, determines whatever they believe to be most likely to be true.⁴ Questions of law are decided by the court,⁵ and there is typically one correct answer under the circumstances. But for discretionary issues, the question is one for the trial judge, who typically has a broad range of available options.

Discretionary decisions usually, but not exclusively, apply to procedural issues. A judge has discretion to grant or deny a request to amend a pleading,⁶ for punitive damages,⁷ to sanction a party for discovery abuses,⁸ or to set or move a trial date.⁹ Discretion also usually applies to evidentiary decisions.¹⁰ However, unlike factual findings, these decisions are not made because one result is more probable than another, and unlike legal conclusions, there is not one correct answer.

So that begs the question: how much discretion is available to the trial court?

General Guidelines on Applying Discretion

Though it may sound jaded, a trial court has as much discretion as the Idaho Supreme Court allows. Thus, at times, it appears a discretionary decision is only wrong if an appellate court determines that the trial court abused its discretion.

The legal standard of review for determining whether an abuse of discretion has occurred was recently set forth in detail in the *Lunneborg* case: a trial court acts within its discretion if it “(1) correctly perceived the issue as one of discretion; (2) acted within the outer boundaries of its discretion; (3) acted consistently with the legal standards applicable to the specific

choices available to it; and (4) reached its decision by the exercise of reason.”¹¹

These four factors set the boundaries of discretion and make it clear that there is no such thing as unlimited discretion. It follows that every discretionary decision has limits, including the legal standards applicable to the discretionary decision. However, on their own, the four *Lunneborg* factors are not very descriptive.

The first factor requires the trial court to know whether an issue is discretionary. It is rare that a trial judge fails to recognize when a discretionary decision is discretionary, so there is little discussion in Idaho case law regarding the first *Lunneborg* factor. The only time the factor is likely to be an issue is when the trial judge views the decision as mandatory rather than discretionary.

The second *Lunneborg* factor simply requires the trial court to act within the boundaries of the discretion allowed. For example, consider a motion *in limine*. Though motions *in limine* are discretionary with the trial court,¹² a trial court likely could not grant dispositive relief through a motion *in limine*.¹³ Instead, rulings on motions *in limine* typically are limited to granting, denying, or waiting until trial to rule on evidentiary issues.¹⁴ Thus, there are boundaries on what options are available to the trial court.

The third *Lunneborg* factor requires the trial court to act consistently with the legal standards applicable to the choices available. In other words, there is a legal aspect (*i.e.*, a question of law) to discretionary decisions. As discussed in more detail in the following, there are legal limits on discretionary decisions, and this appears to be where most discretion is abused.

Finally, under the fourth *Lunneborg* factor, the trial court must apply some sort of reasoning to its decision, and the decision cannot be based on whim, caprice, or chance. This is a relatively low bar to meet.

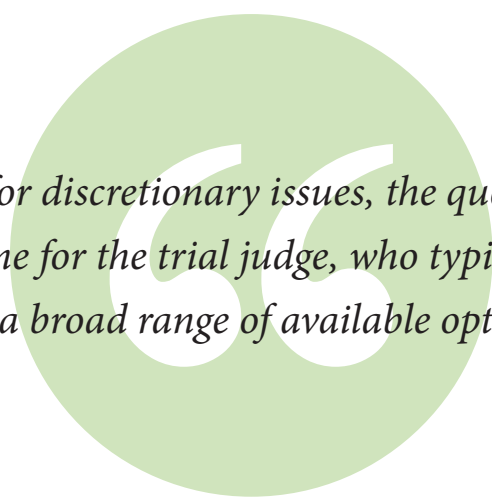
Discretion Can Be Extremely Broad

While there are always limits on discretion, these limits can be very broad. For example, Idaho case law on the review of evidentiary rulings suggests very little in the way of guidelines as to admissibility. “We give our trial courts broad discretion in the admission of evidence at trial and will reverse their decisions on these evidentiary questions only when there has been a clear abuse of discretion.”¹⁵

What sort of broad limits could apply? Well, for starters, one limit is the Idaho Rules of Evidence. But even the rules of evidence should be construed broadly “so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”¹⁶

Not only are the rules to be construed broadly, but the Idaho Supreme Court has dictated that, “[e]ven where a trial court has erred in admitting evidence, [...] error is disregarded unless the ruling affected a substantial right of the party.”¹⁷ This suggests that it is difficult to convince an appellate court to overturn an evidentiary decision of a trial court. And it is.

Similarly, the trial court’s discretion regarding scheduling is very broad. A trial court has “inherent power to regulate its calendar, to efficiently manage the cases before it.”¹⁸ The limits on this inherent power are based on the specific situation. For example, if a scheduling order is being modified, under Idaho Rule of Civil Procedure 16



But for discretionary issues, the question is one for the trial judge, who typically has a broad range of available options.

“the court may expedite justice, but it must always do substantial justice.”¹⁹

Amendments to pre-trial orders under Rule 16 are “to be freely granted, absent bad faith or prejudice to the opposing party.”²⁰ Rule 16 itself states that modification of a scheduling order “must not be modified except by leave of the court on a showing of good cause or by stipulation of all the parties and approval of the court.”²¹

These rules suggest a number of limitations before a scheduling order can be modified. That being said, it is difficult to find an Idaho case indicating that a trial court’s scheduling decisions were an abuse of discretion.

In another example, courts have discretion to allow or deny untimely filings.²² The civil rules, such as Idaho Rules of Civil Procedure 7(b)(3)(H) and 56(b)(3), suggest that variations in timing rules may only be allowed for “good cause shown.” The Idaho Supreme Court has explained that “[t]he purpose [of timing rules] is to give the opposing party an adequate and fair opportunity to support its case.”²³

The Idaho Court of Appeals has further explained, “[w]e do not condone a litigant’s disregard of these time restrictions. However, the purpose of such rules is to provide sufficient notice of issues to be addressed, and relief sought so that the opposing party may adequately prepare to present its position.”²⁴ This language suggests that the limitations on changing deadlines are fairly strict. However, it is difficult to find a case suggesting that a trial court abused its discretion by allowing or disregarding untimely filings.²⁵

These are just a few examples of issues that may arise when a trial court uses its very broad discretion to make decisions. However, even in the broadest of situations, there are still inherent limits on what a court may or may not do.

Discretion Can Be Extremely Narrow

Just as there are situations where discretion can be broad, there are discretionary determinations that can be made where the discretion available is extremely

limited. Two examples of this arise in the area of attorney’s fees and costs.

First, an award of attorney’s fees includes both discretionary and legal issues. Whether a particular attorney fee statute applies is a question of law.²⁶ Who the prevailing party is and whether the requested fees are reasonable are discretionary questions governed by the guidelines provided in Idaho Rule of Civil Procedure 54(d) and (e).²⁷

Despite this, the Idaho Court of Appeals has stated, “[u]nder some circumstances application of these standards requires a holding that one party is the prevailing party on a particular claim as a matter of law.”²⁸ In other words, certain circumstances may actually compel a particular discretionary result.

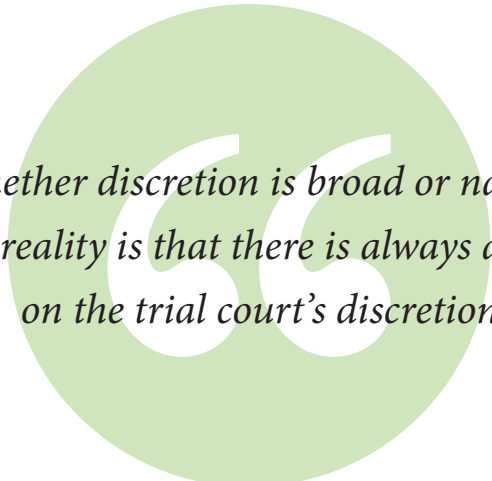
For example, it may be an abuse of discretion for a judge to say that a plaintiff who pursued a single claim, prevailed on that claim, and no counterclaims were asserted by the defendant, was not the prevailing party.²⁹ Similarly, it may be an abuse of discretion for a judge to say that a plaintiff in a personal injury case is a prevailing party if the plaintiff was assigned 50% of the fault (and therefore takes nothing against a defendant per Idaho Code Section 6-802).

A second example relates to discretionary costs. Pursuant to Rule 54(d)(1)(C),

there are 11 types of costs that every prevailing party is entitled to as a matter of law. Any other costs must be requested as “discretionary costs” pursuant to Rule 54(d)(1)(D). Though Rule 54 suggests that the award is discretionary, there are severe limits placed on awards of this nature.

Specifically, the requested discretionary costs must be “necessary and exceptional costs, reasonably incurred, and should in the interest of justice be assessed against the adverse party.”³⁰ Idaho case law places further limits on any discretionary costs awarded. Costs are only exceptional if the case itself is exceptional.³¹ A cost that is ordinary or reasonably expected in a case is not exceptional.³² The trial court is required to consider the costs based on the nature of the case itself, and not from the perspective of cases generally.³³ Also, the trial court is required to consider “whether there was unnecessary duplication of work, whether there was an unnecessary waste of time, the frivolity of issues presented, and creation of unnecessary costs that could have been easily avoided.”³⁴ Further, discretionary costs cannot be awarded without explanation: “The trial court must also make express findings about why discretionary cost items should or should not be allowed.”³⁵

Thus, for something that is labelled “discretionary,” there are a significant



*Whether discretion is broad or narrow,
the reality is that there is always a limit
on the trial court’s discretion.*

number of hurdles that must be surmounted before the trial court can exercise its discretion. That being said, if all the precursors are met, then the trial court does have the ability and the discretion to award such costs.³⁶

When Discretion Is a Matter of Law

The third *Lunneborg* factor requires the trial court to act “consistently with the legal standards applicable to the specific choices available to it.”³⁷ This suggests that discretionary decisions have a legal aspect to them. In some cases, this may be a minimal issue at best. For example, in determining when to set a trial (or whether to reset a trial) in civil cases, there may not be many legal issues involved. However, in criminal cases calendaring is a substantial issue, where speedy trial rights must be considered.

Another example is child support orders. “A magistrate court’s decision to modify child support will be set aside only for an abuse of discretion.”³⁸ If the decision hinges on the interpretation and application of a statute or the Child Support Guidelines,³⁹ “[i]nterpretation of a statute is a question of law.”⁴⁰

Thus, it is possible for a discretionary issue to hinge completely on legal issues, and thus, a discretionary decision can be overturned because the trial court applied the law incorrectly. This may seem strange, as discretionary decisions typically appear to allow the trial court to select what they believe is the best option. The reality is, though, that discretion may be absolutely limited by application of the law.

What to Look for When There Is a Discretionary Decision

Whether discretion is broad or narrow, the reality is that there is always a limit on the trial court’s discretion. Thus, every time a discretionary decision is before a judge, practitioners should have in mind the *Lunneborg* standard.

Further, no discretionary issue is as simple as just trying to convince the trial court that a particular position is the most

logical or most equitable. Instead, parties should be aware (and make the court aware) of any limitations that apply to the exercise of discretion. This means being aware of applicable case law, rules, and statutes that inherently limit discretion.

Understanding a court’s discretion and the limits of that discretion is essential because “[f]ailing to demonstrate that an abuse of discretion occurred under any part of the test is fatal to an argument that the trial court abused its discretion.”⁴¹ In other words, there must be a challenge to an element of the *Lunneborg* abuse of discretion test, and to challenge the elements, the parties and courts must be aware of the limitations placed on the court’s discretion.

In summary, discretionary decisions are not always discretionary, and every discretionary decision has some limit. These limits should be searched and understood by counsel before any discretionary issue is placed before a court.



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Endnotes

1. *Picatti v. Miner*, 165 Idaho 611, 621, 449 P.3d 403, 413 (2019).
2. *Davis v. Blast Props. (In re Certification of Question of Law)*, 551 P.3d 706, 710 (Idaho 2024).
3. *Watkins v. City of Ponderay*, 172 Idaho 461, 463, 533 P.3d 1257, 1259 (2023).

4. *State v. Perry*, 139 Idaho 520, 525, 81 P.3d 1230, 1235 (2003).
5. *Doe v. BSA*, 159 Idaho 103, 105, 356 P.3d 1049, 1051 (2015).
6. *Black Canyon Racquetball Club v. Idaho First Nat’l Bank, N.A.*, 119 Idaho 171, 175, 804 P.2d 900, 904 (1991).
7. *Manning v. Twin Falls Clinic & Hosp.*, 122 Idaho 47, 52, 830 P.2d 1185, 1190 (1992).
8. *Gem State Roofing, Inc. v. United Components, Inc.*, 168 Idaho 820, 830, 488 P.3d 488, 498 (2021).
9. I.R.C.P. 16(a)(3).
10. *Christmann v. State Farm Mut. Auto. Ins. Co.*, 172 Idaho 714, 721, 535 P.3d 1087, 1094 (2023).
11. *Lunneborg v. My Fun Life*, 163 Idaho 856, 863, 421 P.3d 187, 194 (2018).
12. *Puckett v. Verska*, 144 Idaho 161, 167, 158 P.3d 937, 943 (2007).
13. *Wash. Fed. v. Hulsey*, 162 Idaho 742, 747, 405 P.3d 1, 6 (2017).
14. See, e.g., *Noel v. City of Rigby*, 166 Idaho 575, 587–88, 462 P.3d 103, 115–16 (2020) (setting forth rules for preserving an issue for appeal if a motion *in limine* is granted or denied); *Phillips v. Erhart*, 151 Idaho 100, 106, 254 P.3d 1, 7 (2011) (setting forth the process for if the trial court reserves ruling on a motion *in limine* until trial).
15. *Baker v. Shavers, Inc.*, 117 Idaho 696, 698, 791 P.2d 1275, 1277 (1990).
16. I.R.E. 102.
17. *Orthman v. Idaho Power Co.*, 134 Idaho 598, 603, 7 P.3d 207, 212 (2000).
18. *Dep’t of Labor & Indus. Servs. ex rel. Hansen v. E. Idaho Mills, Inc.*, 111 Idaho 137, 139, 721 P.2d 736, 738 (Ct. App. 1986).
19. *Stevenson v. Steele*, 93 Idaho 4, 9, 453 P.2d 819, 824 (1969).
20. *Dep’t of Labor & Indus. Servs. ex rel. Hansen*, 111 Idaho at 139, 721 P.2d at 738.
21. I.R.C.P. 16(b)(3).
22. See, e.g., *Arregui v. Gallegos-Main*, 153 Idaho 801, 804–05, 291 P.3d 1000, 1003–04 (2012).
23. *Sun Valley Potatoes, Inc. v. Rosholt, Robertson & Tucker*, 133 Idaho 1, 5, 981 P.2d 236, 240 (1999).
24. *Matter of Est. of Keaven*, 126 Idaho 290, 296, 882 P.2d 457, 463 (Ct. App. 1994).
25. There are myriad cases discussing the appropriate use of discretion to approve or reject untimely evidence. See, e.g., *Ciccarello v. Davies*, 166 Idaho 153, 456 P.3d 519 (2019); *Summerfield v. St. Luke’s McCall, Ltd.*, 169 Idaho 221, 232, 494 P.3d 769, 780 (2021); *Plasse v. Reid*, 172 Idaho 53, 529 P.3d 718, 727 (2023), reh’g denied (June 8, 2023); *Hickman v. Boomers, LLC*, No. 50543, 2024 WL 3802812, at *9–10 (Idaho Aug. 14, 2024); *Midtown Ventures, LLC v. Capone as Tr. to Thomas & Teresa Capone Living Tr.*, 173 Idaho 172, 539 P.3d 992, 1001–02 (2023).
26. See, e.g., *Merrill v. Gibson*, 139 Idaho 840, 845, 87 P.3d 949, 954 (2004) (explaining that the language of Idaho Code section 12-120(3) is mandatory where the statute applies).
27. “The determination of who is a prevailing party is committed to the sound discretion of the trial court.” *Lower Payette Ditch Co. v. Harvey*, 152 Idaho 291, 295–96, 271 P.3d 689, 693–94 (2012) (cleaned up). “The calculation of reasonable attorney fees is within the discretion of the trial court.” *City of McCall v. Seubert*, 142 Idaho 580, 587, 130 P.3d 1118, 1125 (2006).
28. *Daisy Mfg. Co. v. Paintball Sports*, 134 Idaho 259, 262, 999 P.2d 914, 917 (Ct. App. 2000).

29. *Clarke v. Latimer*, 165 Idaho 1, 6, 437 P.3d 1, 6 (2018).
30. I.R.C.P. 54(d)(1)(D).

31. See *Hayden Lake Fire Prot. Dist. v. Alcorn*, 141 Idaho 307, 314, 109 P.3d 161, 168 (2005); see also *Easterling v. Kendall*, 159 Idaho 902, 917, 367 P.3d 1214, 1229 (2016).

32. *Easterling*, 159 Idaho at 917, 367 P.3d at 1229 ("Because expert testimony is required in every medical malpractice case, expert witness fees in these cases are generally considered ordinary—not exceptional."); *Nightengale v. Timmel*, 151 Idaho 347, 355, 256 P.3d 755, 763 (2011), abrogated on other grounds by *State v. Cox*, 169 Idaho 14, 490 P.3d 14 (2021) ("[C]

ertain cases, such as personal injury . . . generally involve copy, travel and expert witness fees such that these costs are considered ordinary rather than "exceptional."); *Seubert*, 142 Idaho at 588–89, 130 P.3d at 1126–27 ("[R]outine costs associated with modern litigation overhead" are not exceptional).

33. *Hayden Lake Fire Prot. Dist.*, 141 Idaho at 314, 109 P.3d at 168.

34. *Hoagland v. Ada Cnty.*, 154 Idaho 900, 914, 303 P.3d 587, 601 (2013).

35. *Valiant Idaho, LLC v. N. Idaho Resorts, LLC*, 164 Idaho 222, 230, 428 P.3d 800, 808 (2018).

36. See, e.g., *Snap! Mobile, Inc. v. Vertical Raise, LLC*, 544 P.3d 714, 734 (Idaho 2024), reh'g denied (Mar. 28, 2024).

37. *Lunneborg*, 163 Idaho at 863, 421 P.3d at 194.

38. *Margairaz v. Siegel*, 137 Idaho 556, 558, 50 P.3d 1051, 1053 (Ct. App. 2002).

39. I.R.F.L.P. 120.

40. *Chester v. Wild Idaho Adventures RV Park, LLC*, 171 Idaho 212, 222, 519 P.3d 1152, 1162 (2022).

41. *McCreery v. King*, 172 Idaho 598, 607, 535 P.3d 574, 583 (2023).



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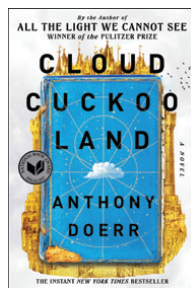
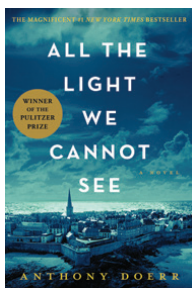
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Reaching the Universal Through the Individual: An Interview with Anthony Doerr About Advocacy and Storytelling

Sarah E. Tompkins



Above: Covers of two of Anthony Doerr's best-selling books. Images provided by Publicist, Kate Lloyd.

Top: Mr. Doerr backpacking in the Tetons. Photo provided by Publicist, Kate Lloyd, on behalf of Mr. Doerr.

Preface

Let me start by acknowledging that there may be a significant chunk of you who look at an interview about “storytelling” and scoff at its place in the world of the Serious Lawyer. And I can understand why. There is an aura surrounding the practice of law of the rational, the dispassionate, the objective, and the reliable. These are all important values in our legal system. They help keep the system fair by treating like-situated people alike.

But almost 20 years of practice and learning from my betters has taught me

this: to do justice, it is as important for us, as advocates, to know our client’s story as it is to know the law. Our cases are not logic problems. They are the embodiment of the most important, and often difficult, moments in the lives of real people.

Effectively telling our clients’ stories acts like a glue that adheres their perspective in the minds of others. Human beings often forget facts, but we remember stories.¹

I could not imagine anyone better placed to talk about the art of great storytelling than Pulitzer Prize-winning novelist, Anthony Doerr. He has won several awards and fellowships for his work, including the Andrew Carnegie Medal of Excellence for Fiction, five O. Henry



everything else: the people, the wildflowers, the rivers, and especially the mountains. Idaho is a state where, pretty much any time I get outside, I can find awe—where I can be reminded of my own smallness in the context of geologic and evolutionary time, where I can transcend the self. There's no more valuable gift in the world than that.

What is the role of story and the storyteller in modern society?

Storytelling is everywhere. Humans have always, and will always, crave story. Nowadays, of course, technology delivers stories to people with different technologies beyond the novel, or the epic poem. Going through the experience of having one of my stories made into a Netflix show, for example—that scale was so enormous compared to what I was used to that I could hardly comprehend it. In the book world, if you sell a hundred thousand copies of a book and have it translated into a few other languages, it's considered an enormous hit. But in the first two weeks that *All the Light We Cannot See* was on Netflix, I think it was being watched in over 80 countries.

And of course, TikTok, YouTube, Instagram, etc. is where so many humans go to satisfy their appetites for narrative—perhaps even more seek those venues than they do TV shows and films.

I don't worry, though, that books will go extinct because of streaming or AI or whatever comes along next. Seemingly every 10 years someone predicts the death of the novel, but there will always be people who love the full immersion that you get from 20 hours spent swimming through a novel. It's so unique.

Video games are the only other thing that offers such a long timetable of immersion. (I don't think we should dismiss video games as just an enormous, zillion dollar industry: the good ones can lift you up out of yourself and make you feel less alone.)

Some thinkers argue that there are evolutionary advantages to being a storytelling species, and I tend to get persuaded by those lines of argument. Sure, maybe our ancestors told scary stories like: "Grandma



Anthony Doerr. Photo credit: Ulf Andersen.

prizes, a Guggenheim Fellowship, an NEA fellowship, four Pushcart Prizes, and three Pacific Northwest Book Awards. His recent novel, *All the Light We Cannot See*, was a #1 *New York Times* bestseller, remained on the list for 200 weeks, and was later developed into a series for Netflix. Mr. Doerr's 2021 novel, *Cloud Cuckoo Land*, was a finalist for the National Book Award. Given this acclaim, it is not surprising that Mr. Doerr's writing has been translated into over 40 languages.

In a truly shocking turn, Anthony Doerr agreed to have a conversation with me about storytelling as a tool for advocacy. Here are some excerpts from that conversation:

First off, would you mind telling us a little bit about your connection to Idaho?

I came to Idaho in the late 90s because I fell in love with the Idaho girl who would become my wife. I soon fell in love with

went down to the river and a crocodile bit her in half, so don't go down to the river, kids" and that helped protect the next generation. But there's more complexity to the argument: myth and story can preserve memory, motivate people to engage in political action, and power the immense might of organized religions. Stories are a deeply influential force in shaping society.

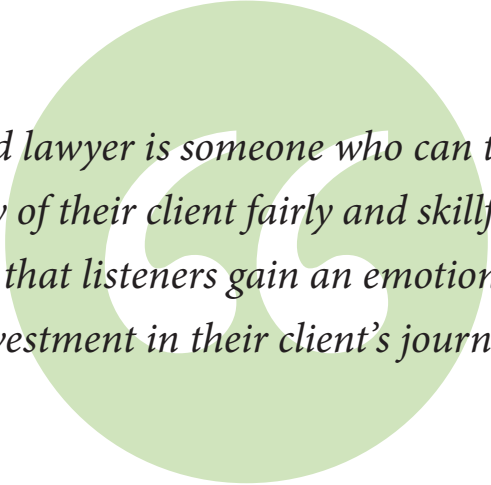
There is a line in your novel *Cloud Cuckoo Land* where one of your characters says, "When a book goes out of the world, the memory dies a second death." This novel also speaks to books being repositories of memory. In these passages, are you speaking directly to the reader?

Of course, absolutely. I'm asking the reader to think of the book as a physical world in Anna's hands. How do these worlds survive? Because of stewards.

When I was in high school, they made us read *The Iliad* and *The Odyssey*, but I didn't really get them. The translations felt lifeless and dry. As an adult, I picked these stories up with newer translations, including a version from one of the first female translators of *The Odyssey*, Emily Wilson. The role of the translator is to drag a seemingly dusty old story up into the contemporary world and inject blood into its veins. It felt like that to read her translation.

When you read the Wilson translations, you get to experience the same characters, the same linguistic pleasures, and the same emotions that a kid listening in some village 3,000 years ago got to experience: that's extraordinary continuity. And the survival rate of old stories is so rare. For every billion trilobites that existed on the Earth during the Cambrian Period, how many fell into the mud with just the right combination of factors to be fossilized?

So many forces are at work around us that try to remove stories from the world: especially the stories of immigrants, of women, of the poor. On the other end, working against those forces, we have stewardship—people protecting and amplifying those stories. Librarians, archivists, advocates: they are memory keepers.



A good lawyer is someone who can tell the story of their client fairly and skillfully, so that listeners gain an emotional investment in their client's journey.

For all of the horrific things that social media is doing, especially to our young people, that's perhaps its greatest selling point, too: everybody is allowed (at least theoretically) to tell their story. Though I remain skeptical that for-profit companies are the right place to store your memories.

Why do libraries and librarians feature so prominently as the heroes of *Cloud Cuckoo Land*?

With the librarians in this novel, in all the diverse forms they take, I tried to invert the characteristics of the classic Greek hero. Achilles, for example, slashes and cuts—that's how you get remembered in a Greek epic: if you're good at slicing up people. Librarians in this novel are a different sort of hero. They're teachers; they're weavers; they're knitters. They connect.

That's also what lawyers can do. A lot of lawyers—certainly not all—come from a privileged place, but they can choose to elevate the stories of their clients. That's a form of connection: a binding of society. A good lawyer is empathetic. A good lawyer is someone who can tell the story of their client fairly and skillfully, so that listeners gain an emotional investment in their client's journey.

On a practical level, are there any core characteristics of good writing, and do you have any advice for people who might not think of themselves as writers but want to improve this skill?

Specificity is the key to good writing. Inexperienced writers often come to fiction, and they want to reach for big things in their writing. What does it mean to be in love? What does it mean to be alive? What does it mean to feel loss? What does it mean to be frustrated?

So, they stay up in the clouds, writing *about* emotion, rather than trying to create it. What they forget, ironically, is that the most convenient way to get to those big universal feelings is through the individual.

The same is true for law. Law is about trying to build universal structures that can fit into all of these idiosyncratic, individual circumstances. Storytelling works in the opposite direction. We try to suggest things that might be universal by telling the idiosyncratic, unrepeatable journey of a single human being. My advice is: get to know your clients, and try to tell their stories with care, empathy, and particularity.

Often beginning writers will say of a piece of writing, "I didn't give any specifics about the house they lived in, and I didn't go into detail about the town they lived in because I wanted the story to

apply to everybody. I wanted it to feel like “Every Town.” But that means the reader has nothing to see or hear or feel. What’s ironic is: the more vividly you can portray, say, a single apartment Meridian, Idaho, the more deeply it will become vivid to a reader in, say, Bangladesh.

In *Cloud Cuckoo Land*, the more specifically I could explain what Lakeport looked like for Zeno in the years that he was growing up, the more a reader living in a different time or culture might be able to imagine what it was like to be closeted in mid-century America and not be allowed to love the people who you want to love.

Bad writing—are there common mistakes or benchmarks of bad writing that we should look for if we are trying to improve our writing?

Probably 100 times a day while I am working, I think about cliché. I try to recognize when I am automatically, unthinkingly choosing the easiest combination of words, and I try to resist that impulse. Clichés may have originally been interesting combinations of words, but they have since become so habitualized to us that they become invisible and ineffective.

As humans, we need habits to get through the day. It’s a lot easier to cook scrambled eggs in your kitchen for the 300th time than on the first day you moved in. It’s a lot easier to find your way to work on your 300th day of employment than on the first day. But I want my writing to feel like it’s your first day in a new house, your first day on your way to work. I want my work to feel *alive*. When a reader is tripping along a sentence, I don’t want her to be able to assume what word is coming next. That little moment of surprise when you think one word might be coming, but another word comes, a more fitting word, is *pleasurable*. It helps you see something that otherwise has become so familiar that you no longer really see it.

That’s the key to fracturing cliché. And I think that can be relevant to high school kids writing a paper and lawyers writing briefs, not just fiction writers trying to write a book. If you want your

writing to last in a reader’s mind, don’t automatically reach into your toolbox for “the sun glinted on the water.” How can you render sun striking water in a way that your reader actually slows down and glimpses the beauty and the mystery of our solar system? Of the sophistication of the human eye? Of the majesty and miracle of being alive?

AI might be useful in many ways—for example to make formulaic writing even more formulaic. But what *humans* can do is recognize when they are sleepwalking through a sentence.

At those times, try to catch yourself and put in a little imaginative work. Rather than saying, “She was upset,” tell me what this one individual client of yours does when she is upset. What does she do with her hands? How does she portray emotions through her face? It takes more effort to write like that, but that’s the type of writing that stays with people. A cliché slides off the mind because it’s too familiar.

Can we talk about writer’s block?

Absolutely! Writer’s block is a shorthand way to talk about fear and I have to fight through some kind of fear every day. What if what I write is lousy? What if no

one cares about what I’m writing about? What if I’m not up to the task? Gathering a series of tools to help fight through those fears is the key to breaking writer’s block. For me, it always goes back to reading.

I go back to Virginia Woolf, back to Melville, I go back to a favorite Anne Carson book on the shelf that, even if I read two pages at random, has that magic that got me interested in writing to begin with.

It also helps to recognize that everybody who makes something must overcome fear. You’re not alone. (And, if all that fails, try caffeine.)

Epilogue

I’d like to leave you with another of my favorite pieces of wisdom. United States Supreme Court Justice David H. Souter, just prior to joining our highest Court, said that there were two key lessons he had learned from his time as a trial judge:

The first lesson, simple as it is, is that whatever court we are in, whatever we are doing, whether we are on a trial court or an appellate court, at the end of our task some human being is going to be affected. Some human life is



Mr. Doerr hiking in the Sawtooth mountains. Photo provided by Publicist, Kate Lloyd, on behalf of Mr. Doerr.

going to be changed in some way by what we do, whether we do it as trial judges or whether we do it as appellate judges, as far removed from the trial arena as it is possible to be.

The second lesson that I learned in that time is that if, indeed, we are going to be trial judges, whose rulings will affect the lives of other people and who are going to change their lives by what we do, we had better use every power of our minds and our hearts and our beings to get those rulings right.²

Not every judge is as wise as Justice Souter, but we can point them down his path through our advocacy. Effectively telling our clients' stories helps judges to do justice and get their rulings right. Telling these stories fairly, completely, and with regard to our clients' humanity lifts our people out of the "faceless, undifferentiated mass" and reveals them as "uniquely individual human beings."³

But it does more than this. It gives our clients a chance to be heard in a world that largely ignores them. And in seeking to understand our clients' history and perspective, we reap a personal benefit. Allowing ourselves to be invested in the hopes and fears and aspirations of the people around us may feel like an uncomfortable stretch for some, but it makes us kinder and wiser as a result.



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Upon graduating from the University of Idaho College of Law, Sarah was a judicial clerk at Division III of the Washington Court of Appeals in her hometown of Spokane, Washington.

Following her clerkship, Sarah left Washington state for Boise to join the Idaho State Appellate Public Defender's Office, where she worked for nearly 10 years. She

handled felony appeals throughout Idaho, including death penalty cases. Next, she served over six years with the Ada County Public Defender's Office, initially as a misdemeanor trial attorney and subsequently as a legal research specialist. As a trial level public defender, Sarah loved engaging directly with clients but found her true joy in helping to build the first legal research and writing specialist position within this office. During this time, Sarah was awarded the John Adams award, recognizing excellence in public defense, by the Idaho Association of Criminal Defense Lawyers. Sarah is currently in private practice.

Endnotes

1. I stole this bit of wisdom from professor, author, and one of the greatest experts on myth and storytelling: Joseph Campbell.
2. Hearing on the nomination of David H. Souter to be Associate Justice of the Supreme Court of the United States, Before the United States Senate Committee on the Judiciary, 101st Congress, pp.51-52 (9/15/90) (Testimony of David H. Souter).
3. *Woodson v. North Carolina*, 428 U.S. 280, 304 (1976).

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Q&A with Idaho State Bar & Idaho Law Foundation Executive Director, Maureen R. Braley

Carissa A. Carns

As an employee of the Idaho State Bar (“ISB”) and an editor for The Advocate, I was excited to start the new year introducing our new Executive Director to the members of the Bar and allowing our readers know her a little bit better. So, on January 2nd and with a cappuccino in hand, I sat down with Maureen and asked her some questions related to her vision for where the Bar is headed and her care for ISB members.

Q. Tell us a little bit about who you are and your background.

A. I was born in the Midwest, raised in the Southwest, and educated in the Northwest. I’ve lived in Idaho for 20 years now, and I’m a member of the Idaho Bar. After I graduated from Gonzaga Law School, I took the Washington Bar but shortly after took the Idaho Bar in 2005

(2025 marks my 20-year anniversary as a member of the Idaho Bar).

I moved to Idaho to clerk for the Chief Justice of the Idaho Supreme Court. After that, I worked in private practice for about five years. I then spent about a year at the Ada County Prosecutor’s office before coming to the Bar in 2011.

Q. What motivated you to work for the Idaho State Bar?

A. I was looking for a way to use my legal skills to serve the profession—a public interest job but outside the traditional legal practice. I wanted to leverage my connections and legal skills in a unique way.

I’d been involved with the Bar since moving to Idaho. I was the chair of the Young Lawyers Section and was on the Fourth District Bar’s Law Day Committee. Working at the Bar always seemed like interesting work, akin to student council in

a way that I had always done growing up. To be within the profession but serving it.

Q. What issue or issues do you believe are most important to the public right now? How do you plan to address their concerns?

A. There’s a need for more attorneys working around the state. When I was traveling for the Roadshow in November, I talked with attorneys who said they were so busy and needed other lawyers to move to their areas to do all types of legal work. There is also a need for attorneys to do pro bono work. I think it’s important to have these conversations with people in their local communities to see how the Bar can address their needs.

Q. What do you believe the ISB is doing well?

A. We have a great team of talented staff that are committed to helping the members

and the public. We do a good job providing opportunities for in-person engagement that mean something to people. For example, in 2025, revamping the Annual Meeting is an exciting opportunity to create programs that people are eager to attend in-person to network and be together because of something we produce.

Q. In what areas does the ISB need to improve?

A. One of my priorities, having worked here, is to modernize some of our systems. We need to think about technology. Are we using it in the best manner? I want to improve our members' digital experience with the Bar. When our lawyers have to engage with us electronically, I want it to be a positive, straightforward, intuitive process.

Q. What is something people may be surprised to learn about you?

A. I was an NCAA Division 1 college athlete at Gonzaga University (conference champions, go Zags!). I also speak un peu de Français and passable Italian.

Q. What are you passionate about outside of work?

A. Obviously, my family! But I also love to travel. My husband is a pilot (and member of the Bar) and we're able to travel to lots of new places, see new things, and meet amazing people across the world. I am fascinated by different cultures and the many ways you can live life.

I'm excited by reading and learning about history and also love the outdoors, especially backpacking in the Sawtooth Mountains and the White Clouds Wilderness. There's nothing like reaching a summit and looking down at a high alpine lake; one of the best feelings in the world. Idaho has some of the most beautiful hiking spots!

Q. What message do you want to convey to ISB members?

A. I'm excited to work with everyone in this new role! I want the Bar to be relevant and meaningful. We rely on so many great volunteers to perform the important work that we do so I'd love to continue building relationships with people. I'd like to work

with younger attorneys to show them how meaningful getting involved with the Bar can be for them and how we, as the Bar, can create opportunities for them.

As I took the last sip of my cappuccino and our interview came to a close, I saw her care for Idaho's attorney's and excitement to be at the helm as we look to the year ahead. Maureen expressed her desire for anyone to reach out with feedback or questions. Her email is mryanbraley@isb.idaho.gov.



Carissa A. Carns currently works in the Communications Department at the Idaho State Bar. She graduated from the University of California, Los Angeles

with a double bachelor's in history and English, and spends too much of her time trying to craft the perfect pour-over.



Maureen with her family at Custer State Park, South Dakota. All photos provided by Maureen Braley.



Maureen and her newest member of the family, Finn.



2025 IOLTA Report IOLTA Grant Summary

The Interest on Lawyers' Trust Account ("IOLTA") program works with members of the Idaho State Bar and the Idaho banking community to place client funds into interest bearing accounts. Participating banks remit interest earned to the Idaho Law Foundation who distributes these funds through the IOLTA grant process to programs serving the public. In accordance with Idaho Bar Commission Rule 1309,

funds are awarded to organizations that provide legal aid to the poor, law related education programs for the public, scholarships and student loans, and improve the administration of justice.

Idaho's IOLTA program has distributed over \$8 million in grants in its almost 40-year history. For 2024, IOLTA granted a record amount for one year, \$600,000 to organizations serving Idaho students, individuals, and families.

IOLTA

Attorneys and law firms can have a significant impact on the IOLTA program's ability to fund important and necessary services for Idaho communities.

Contact Maureen R. Braley at
(208) 334-4500 to find out how you can help.



<i>Organization</i>	<i>2025 IOLTA Grant Summary</i>	<i>Award</i>
ILF Law Related Education program	For support of democracy education for young people. Program components include a statewide mock trial competition for high school students, teacher training, resource materials, Lawyers in the Classroom and Citizens' Law Academy.	\$122,000
University of Idaho College of Law	To award scholarships to encourage and support students to serve in internships and externships or pro bono service in rural communities throughout the state of Idaho.	\$12,000
Idaho Legal Aid Services, Inc.	For civil legal assistance to low-income survivors of domestic violence, sexual assault, and stalking. Funds will be allocated among ILAS offices for client representation, including protection orders, divorce, custody, modifications, wrongful evictions, and other legal actions.	\$223,000
ILF Idaho Volunteer Lawyers program	For general support of Idaho Volunteer Lawyers Program which provides legal services to Idaho's poor through referral of appropriate civil cases to volunteer attorneys statewide.	\$135,000
Treasure Valley YMCA	For scholarship funds for youth who otherwise would not be able to attend the annual statewide model legislative and judicial session for high school students—YMCA Youth in Government.	\$1,500
Idaho 4-H	For general support of the Idaho State 4-H Know Your Government Conference which provides 8th and 9th grade Idaho 4-H members an opportunity to participate in a mock legislative session and learn about the Idaho judicial system.	\$1,500
International Rescue Committee	To strengthen the immigration legal services to support low to moderate income refugee clients in the Treasure Valley, with a specific focus on filing adjustment status applications for refugee clients.	\$50,000
Jesse Tree	To support Jesse Tree's programs in Ada and Canyon County eviction courts, specifically to sustain an Eviction Court Case Manager position.	\$55,000

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1940



-1941-
U.S. joins World War II after attack on Pearl Harbor

-1942
Japanese Americans placed in internment camp near Eden, Idaho

-1940
Bar membership totaled 519

-1941-
Jess Hawley, Jr. presents first ever Legislative Report at the Bar's 17th annual meeting in Sun Valley

-1942
Idaho Attorney General Frank Martin addresses members as annual meeting keynote speaker, encourages participation in the armed forces

THE IDAHO STATE BAR

The 1940s

Kolby K. Reddish

This year represents a celebration of the Idaho State Bar's 100th year anniversary. As part of this rolling recognition of the Bar's impact and history, we enjoyed an article by Judge Oths in the last edition of *The Advocate* highlighting "the early days" of the Bar through the end of the 1930s.¹

Our next chapter in documenting a brief history of the Idaho State Bar

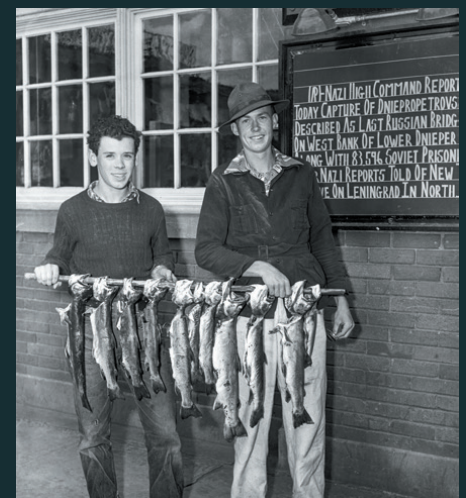
is to highlight a difficult time for both the Idaho State Bar as well as for many Americans: the 1940s. Unsurprisingly, the Bar's minutes and annual meeting transcripts from this decade reflect the grave consequences of World War II and its effect on the legal profession as well as the entire State of Idaho.

DIFFICULTIES OF THE DECADE

Throughout the 1940s the impact of World War II was a significant concern for the membership of the Idaho State Bar influencing discussions on patriotism, legal complexities arising from wartime conditions, and the recruitment of lawyers for military service or other important public policy positions.



Main Street in Boise decorated for the "Idaho Marches On!" celebration in June 1940. Photo credit: MS511 318e, Idaho State Archives.



Two men stand with fish in front of the Statesmen office which has updates from the War. Photo credit: MS511 754, Idaho State Archives.

-1943
No annual meeting held due to the War

-1944
Chairman of Resolutions Committee Laurel Elam recommends increase in licensing fees to \$10 per year

-1945
No annual meeting held due to the War

-1946
Resolutions passed regarding the judicial council, legislative council, and Idaho Code

-1949
National Reactor Testing Station (NRTS) established

-1944
Increase in judicial salaries discussed at the annual meeting, to be discussed again in 1946, 1947, 1948, and 1949

-1945
General MacArthur accepts Japan's unconditional surrender

-1948
Justice Budge gives Keynote on Constitutional role of the judiciary

-1949
Bar membership totaled 528

1950



Judge Robert M. Terrell.⁵

For example, during the opening of the annual meeting in 1940, Robert M. Terrell, who was actively serving as both a District Judge as well as the Mayor of Pocatello,² where the 1940 meeting was held, recognized that attorneys could play an important role in the conflict because of their training to “observe the big and little things and from a mass of facts reach a rational conclusion.”³ According to Judge Terrell, the challenges that the War posed both overseas and domestically placed a unique and heavy responsibility upon the shoulders of judges and attorneys alike.⁴

This theme continued throughout the first half of the decade, with former Idaho Attorney General Frank Martin

delivering the 1942 annual meeting's Keynote address asking the members of the Bar to commit to “any sacrifice necessary” and “active support” of the Country's military forces.⁶ Mr. Martin additionally expressed that “when the war is over the making of a peace is just as important as the conduct of the war.”⁷ As part of his comments, he recognized that standing against “hatred” or “distrust among our own people” would be a necessary ingredient in that peace and the continuing greatness, progress, and “might of our America.”⁸

Due to the ongoing challenges faced by the War, the Bar did not hold annual meetings in either 1943 or 1945. When meetings were held, several trainings were conducted to address specific legal issues posed by the War, like “Interference or Prevention of Contract Performance by War” in the 1942 annual meeting⁹ as well as presentations on the role of law in a society at war and the role of the National War Labor Board in the 1944 annual meeting.¹⁰ At the conclusion of the War, the Secretary of the Bar Sam Griffin of Boise noted that 83 of the Bar's 458 members had served or were still actively serving in the armed services.¹¹

RECURRING TOPICS

Throughout this decade, there was also a focus on the increasing complexities in statutes and the need for modernizing and streamlining legal procedures. This included Committee work on streamlining Title search procedures¹² and updating the rules of evidence.¹³ The economic challenges faced by the Bar, including declining membership and financial pressures,

also prompted discussions on increasing license fees and improving financial management.¹⁴ At the 1944 annual meeting, these needs prompted Laurel Elam Chairman of the Resolutions Committee to recommend an increase in licensing fees to \$10 each year.¹⁵

Additionally, judicial issues were a common thread, with ongoing debates about judicial salaries, retirement, and the need for procedural reforms.¹⁶ The idea of a unified court system and the role of local bar associations were frequently addressed as ways to improve legal practice and administration.¹⁷ The period also saw efforts to enhance participation in Bar activities, with a focus on increasing membership and improving the effectiveness of local bar associations.¹⁸



Mural in Ada County Courthouse, 1940. Photo credit: MS511 42a, Idaho State Archives.



Group of people riding in the War Bond parade carrying war stamps. Photo credit: MS511 250e, Idaho State Archives.

Perhaps the most pressing recurring topic during this decade a concern that continues *to this day* was the need to increase judicial salaries to preserve the integrity of the judiciary. This topic was addressed at the annual meetings in 1944,¹⁹ 1946,²⁰ 1947,²¹ 1948,²² and 1949.²³ At the end of the decade, the salary for Justices of the Supreme Court was set by the Legislature at

\$7,500 and District Judge salaries were set at \$6,500.²⁴ The Bar's President that year R.D. Merrill of Pocatello explained that the Bar "diligently tried to get greater increases, but this was the best we could do."²⁵

CONCLUSION

In conclusion, the 1940s marked a pivotal period in the history of the Idaho

State Bar, shaped by the profound challenges of World War II. As the Bar faced the immediate consequences of the War, such as the sacrifice of many members, the complexities of wartime legal issues, and the disruption of its annual meetings, it also recognized the broader responsibilities of the legal profession in a time of crisis. During this decade, the Bar's total membership remained



Owyhee County Courthouse in 1940. Photo credit: MS511 512f, Idaho State Archives.

WORLD WAR II HONOR LIST OF DEAD AND MISSING

STATE OF
IDAHO

WAR DEPT _____ JUNE 1946 FORM OCA
CLEARANCE 1718

List of World War II Army Casualties for Idaho, 1946. Photo credit (for both images): War Department. The Adjutant General's Office. Administrative Services Division, [National Archives Identifier: 305288].²⁸

largely unchanged, from 519 total members in 1940²⁶ to 528 total members in 1949.²⁷

Despite these hardships, the 1940s also underscored the resilience and dedication of Idaho's legal community, whose focus on maintaining judicial integrity, supporting public policy, and enhancing the profession laid the groundwork for the Bar's bright future. The struggles of this era resonate in the ongoing challenges of today, reminding us of the vital role the legal community plays in navigating both times of peace and turmoil.



Kolby Reddish is the Lead Counsel for Idaho's Division of Occupational and Professional Licenses. Kolby previously represented the Idaho Legislature, the Idaho State Tax Commission, served as a Deputy Prosecuting Attorney, and Idaho Supreme Court Law Clerk. Kolby is a current member of The Advocate Editorial Advisory Board and former chair of the Government and Public Sector Lawyers Section and of the Attorneys for Civic Education. The writing expresses the views of the author alone.

TABULATION BY COUNTIES AND TYPES OF CASUALTIES

COUNTY	KIA	DOM	DDI	DNB	FOD	M	TOTAL
ADA	64						64
ADAMS	8			43		2	119
BANNOCK	58				9		109
BEAR LAKE	13			18		2	21
BENEWAH	11			7			20
BINGHAM	34			14	1		49
BLAINE	6						6
BOISE	29			16	1		46
BONNER	44		1	16	1	1	63
BONNEVILLE							
BOUNDARY	14	1		1	1		17
BUTTE	44						44
CANAS							
CANYON	52	12		37	8	1	120
CARIBOU	5			3			8
CASSIA	18	1		1			20
CLARK	10			1	4		15
CLEARWATER	18			1			19
CUSTER	3						3
ELMORE	9						9
FRANKLIN	8						8
FREMONT	12						12
GEM	16						16
GOODING	14						14
IDAHO	11			100			111
JEFFERSON	12			14			26
JEROME	30			1			31
KOOTENAI	31			1			32
LATAH	30			1			31
LEMHI	9			1			10
LEWIS	15			1			16
LINCOLN	13			1			14
MADISON	13	1		9			23
MINIDOKA	14			1			15
NEZ PERCE	36		1	13			50
ONEIDA	8	1					9
OHYNEE	8						8
PAYETTE	12	1	1				14
POWER	8						8
SHOSHONE	28			14		1	43
TETON	7	2		2			11
TWIN FALLS	44	6		2			52
VALLEY	18				12	1	31
WASHINGTON	15	4					19
YELLOWSTONE N P	1						1
STATE AT LARGE	10			14	3		27
TOTALS	800	111	3	409	88	8	1419

Endnotes

1. Michael J. Oths, The Idaho State Bar 100th Anniversary: The Early Days, 68 *The Advocate* 44-49 (2025).
2. *Former Mayor, Judge Terrell Dies*, IDAHO STATE JOURNAL, Nov. 16, 1971, <https://www.newspapers.com/article/idaho-state-journal-terrell-robert-ob/33268831/>
3. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XVI, p. 4, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_vol_XVI_1940_1911.pdf?Content_ID_1911.
4. *Id.* at 5.
5. Idaho State Journal, TERRELL, ROBERT—OBIT, 1971 [<https://www.newspapers.com/article/idaho-state-journal-terrell-robert-ob/33268831/>] (accessed Jan 9, 2025).
6. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XVIII, p. 127, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_Vol_XVIII_1942_1886.pdf?Content_ID_1886.
7. *Id.*
8. *Id.* at 128.
9. *Id.* at 102-06.
10. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XIX, p. 94, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_Vol_XIX_1944_1903.pdf?Content_ID_1903.
11. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XX, p. 5, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_Vol_XX_1946_1913.pdf?Content_ID_1913.
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14. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XIX, p. 8, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_Vol_XIX_1944_1903.pdf?Content_ID_1903.

15. *Id.* at 138.
16. *Id.* at 8.
17. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XXII, p. 6, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_Vol_XXII_1948_1915.pdf?Content_ID_1915.
18. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XIX, p. 122, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_Vol_XIX_1944_1903.pdf?Content_ID_1903.
19. *Id.* at 136.
20. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XX, p. 125.
21. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XXI, pp. 8, 29, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_Vol_XXI_1947_1914.pdf?Content_ID_1914.
22. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XXII, p. 28, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_Vol_XXII_1948_1915.pdf?Content_ID_1915.
23. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XXIII, p. 6, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_Vol_XXIII_1949_1916.pdf?Content_ID_1916.
24. *Id.*
25. *Id.*
26. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XVI, p. 8, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_vol_XVI_1940_1911.pdf?Content_ID_1911.
27. PROCEEDINGS OF THE IDAHO STATE BAR, Vol. XXIII, p. 3, https://www.id.uscourts.gov/Content_Fetcher/index.cfm/ISB_Vol_XXIII_1949_1916.pdf?Content_ID_1916.
- 28.1. WWII Army Casualties: Idaho, National Archives (2016), <https://www.archives.gov/research/military/ww2/army-casualties/idaho.html> (last visited Jan 9, 2025).

Court Information

OFFICIAL NOTICE SUPREME COURT OF IDAHO

Chief Justice
G. Richard Bevan

Justices
Robyn M. Brody
Gregory W. Moeller
Colleen D. Zahn
Cynthia K.C. Meyer

Regular Spring Term for 2025 1st Amended October 3, 2024

Boise January 8, 10, 13 and 17
Boise February 7, 10 and 14
U of I, Boise February 12
Boise April 2, 4, and 7
Moscow U of I, Lewiston April 9 and 10
Boise May 5, 7, 9, 12 and 14
Boise June 2, 6, 9 and 12
Twin Falls June 4

By Order of the Court
Melanie Gagnepain, Clerk

NOTE: The above is the official notice of the 2025 Spring Term for the Supreme Court of the State of Idaho, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

OFFICIAL NOTICE COURT OF APPEALS OF IDAHO

Chief Justice
David W. Gratton

Judges
Molly J. Huskey
Jessica M. Lorello
Michael P. Tribe

Regular Spring Term for 2025 2nd Amended 01/09/2025

Boise January 14, 16, 21, and 23
Boise February 11 and 13
Boise March 4 and 6
Boise April 8, 10, 15, and 17
Boise May 13, 15, 22, and 29
Boise June 10, 17, 24, and 26
Boise July 10

By Order of the Court
Melanie Gagnepain, Clerk

NOTE: The above is the official notice of the 2025 Spring Term for Court of Appeals of the State of Idaho, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

OFFICIAL NOTICE SUPREME COURT OF IDAHO

Chief Justice
G. Richard Bevan

Justices
Robyn M. Brody
Gregory W. Moeller
Colleen D. Zahn
Cynthia K.C. Meyer

Regular Fall Term for 2025 October 4, 2024

Boise August 20, 22, 25 and 27
Boise September 10 and 12
Coeur d' Alene September 17 and 18
Boise October 1, 3, and 6
Blackfoot October 8
Idaho State University (Pocatello) October 9
Boise November 3, 5 7 and 10

By Order of the Court
Melanie Gagnepain, Clerk

NOTE: The above is the official notice of the 2025 Fall Term for the Supreme Court of the State of Idaho, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

Idaho Supreme Court Oral Arguments for February 2025

01/13/2025

Friday, February 7, 2025 - Boise

8:50 a.m. *Flynn v. The Sun Valley Brewing Co.* #50921
10:00 a.m. *State v. Berry* #51771

Monday, February 10, 2025 - Boise

8:50 a.m. *State v. Popp* #51783
10:00 a.m. *Clark v. Coleman* #51014
11:10 a.m. *Edwards v. IPUC* #51238

Wednesday, February 12, 2025 - U of I, Boise

8:50 a.m. *Bear Crest v. State* #50840
10:00 a.m. *State v. Adams* #50841
11:10 a.m. *Coler v. The Home Depot* #51065

Friday, February 14, 2025 - Boise

8:50 a.m. *Sunnyside Park v. Sorrells* #51049
10:00 a.m. *Milus v. Sun Valley Company* #49693

**Idaho Court of Appeals
Oral Arguments for February 2025**

01/13/2025

February 11, 2025

10:30 a.m. *Perron v. Martinez* #51474
1:30 p.m. *Valdovinos v. State*..... #51308

February 13, 2025

9:00 a.m. *State v. Escobedo* #50157
10:30 a.m. *Needham v. Needham* #51475
1:30 p.m. *Kovacs v. Kootenai County*..... #51293

**Idaho Court of Appeals
Oral Arguments for March 2025**

01/13/2025

March 4, 2025

10:30 a.m. *State V. Hernandez* #50870
1:30 p.m. *Crow v. Crow*..... #51887

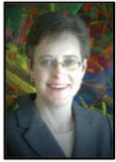
March 6, 2025

10:30 a.m. *Randall v. Woodell*..... #51579
1:30 p.m. *State v. Tellez*..... #51456

March 20, 2025

1:30 p.m. *Katsilometes v. Katsilometes* #52454

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Cases Pending

CASES IN ALPHABETICAL ORDER BY CATEGORY – DECEMBER 2024

CIVIL APPEALS

Attorney Fees

Whether the district court erred by allowing the prevailing parties to supplement their initial deficient memoranda of attorney fees and costs and then awarding those parties attorney fees based on the untimely submitted information.

York v. Kemper NW, Inc.
Docket No. 51532
Supreme Court

Contracts

Whether the district court erred by awarding Plaintiff damages under a theory of unjust enrichment for work performed under an illegal contract.

Ward v. Bishop Constr., LLC
Docket No. 51118
Supreme Court

Divorce

Whether the parties' Separation Agreement is unenforceable because it lacks a precise legal description of the parties' matrimonial home, in violation of the statute of frauds.

Crow v. Crow
Docket No. 51887
Court of Appeals

Insurance

Whether difference in limits underinsured motorist (UIM) policies with coverage limits that exceed \$25,000 are valid and enforceable even where enforcement of the offset provision reduces the UIM benefit to \$0.

Foresee v. Metro. Grp. Prop. and Cas. Ins. Co.
Docket No. 51902
Court of Appeals

Interpleader

Whether the district court erred by awarding 75% of the wrongful death settlement proceeds to the mother of the deceased when there was no evidence that the mother's loss was greater than the father's loss.

Rossmann Law Grp., PLLC v. Holcomb
Docket No. 51745
Supreme Court

Post-Conviction

Whether the district court erred in concluding that Petitioner failed to establish a prima facie case of ineffective assistance of counsel during the plea negotiation process.

Dauber v. State
Docket No. 50672
Court of Appeals

Whether the district court erred by dismissing the post-conviction petition and finding no basis for equitable tolling based on Petitioner's documented mental health problems during the running of the limitations period.

Snyder v. State
Docket No. 51765
Court of Appeals

Statute of Limitations

Whether the district court erred by dismissing Plaintiffs' breach of fiduciary duty claims on statute of limitations grounds when applicable fact-based tolling exceptions were present.

Hyde v. Oxarango
Docket No. 51625
Supreme Court

Wills/Trusts

Whether the district court abused its discretion by removing Defendant as Trustee after she declined to follow a court order requiring her to accept an offer for purchase of a Trust asset because she wished to obtain a higher offer price.

Edwards v. Lane
Docket No. 51237
Supreme Court

CRIMINAL APPEALS

Evidence

Whether the district court abused its discretion by allowing the State to present evidence of Defendant's character of having a "short fuse" and being subject to "mood swings" in order to prove that he acted in conformity with those character traits in the moments leading up to the victim's death.

State v. Claus
Docket No. 49992
Court of Appeals

Motion to Suppress

Whether officers had reasonable suspicion to detain Defendant for trespassing or a parking violation after they observed him walking away from a vehicle that was parked in a dirt lot posted with "no parking" signs.

State v. Stewart
Docket No. 50843
Court of Appeals

Pleas

Whether the district court abused its discretion by finding Defendant's professed ignorance of the deportation consequences of his conviction did not show any manifest injustice entitling Defendant to the post-judgment withdrawal of his guilty plea.

State v. Lami
Docket No. 50912
Court of Appeals

Statutory Interpretation

Whether an out-of-state felony DUI conviction may be used for enhancement purposes under I.C. § 18-8005(9) even if the foreign felony DUI statute does not substantially conform with a felony DUI violation recognized under Idaho law.

State v. Nez
Docket No. 51062
Court of Appeals

Sufficiency of Evidence

Whether the State failed to present substantial and competent evidence to prove beyond a reasonable doubt that Defendant's ability to drive was impaired in some identifiable way by drugs or another intoxicating substance.

State v. Messman
Docket No. 51096
Court of Appeals

Summarized by:

Lori Fleming
Supreme Court Staff Attorney
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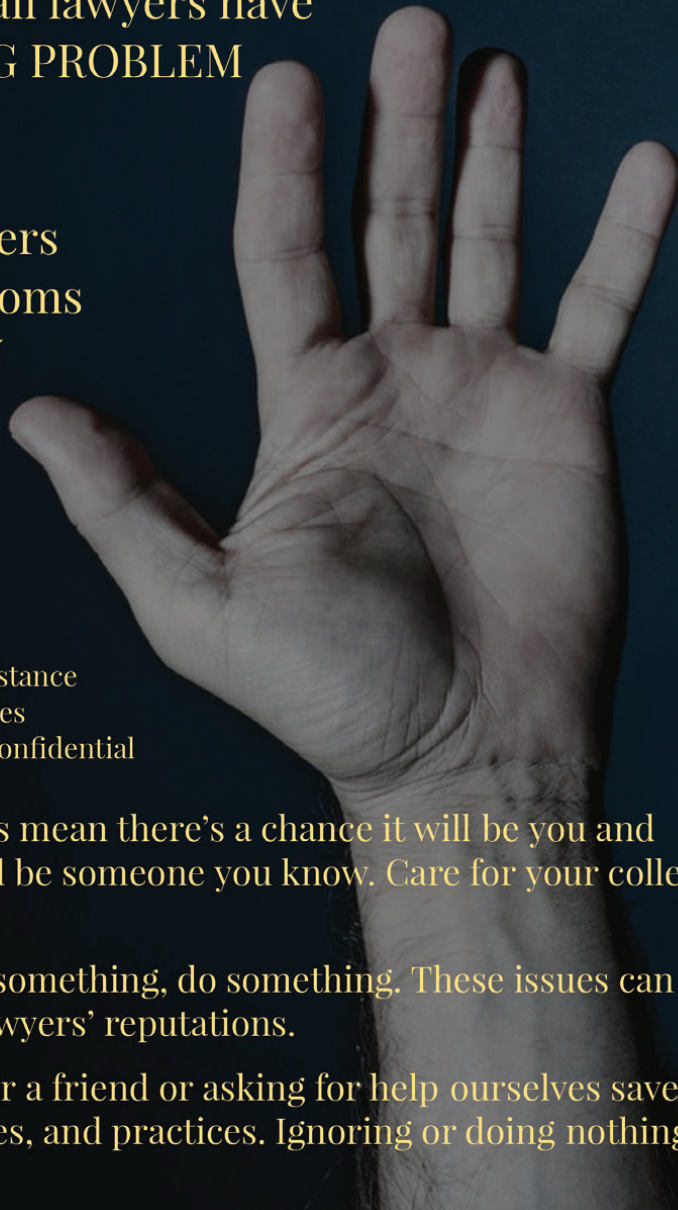
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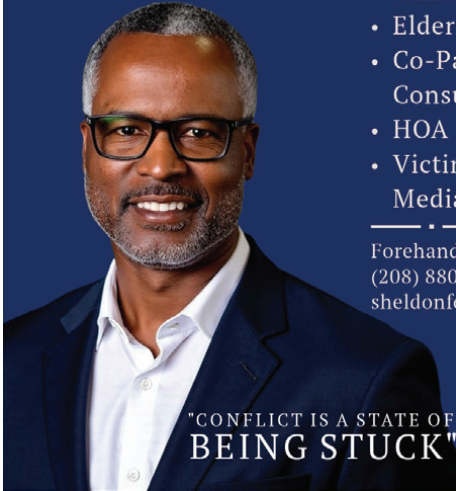


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Jacob has an extensive background in state government affairs, including legislative advocacy on behalf of clients in the energy, healthcare, municipal finance, telecommunications, and transportation industries. He attended the University of Texas at Austin, graduating with a B.A. in Rhetoric and Writing before embarking on his now decade-plus career in government affairs.

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Fred R. Palmer 1946 – 2024



Fred Palmer passed on December 4, 2024, after a long battle with kidney cancer. Fred was born to Fred C. and Margaret Palmer on August 8, 1946, in Yakima, Washington. Fred was the middle child of two sisters, Patricia and Nancy Palmer.

Raised in Yakima, he attended Eisenhower High School. Fred loved to compete and was an outstanding athlete at Eisenhower, where he was awarded two letters in both varsity baseball and football and spent many winter weekends skiing at White Pass.

After graduating, Fred attended the University of Washington from which he graduated after four years in 1968. He was an active member of the Beta Theta Pi Fraternity for his first two years. Fearing the draft, he enrolled in ROTC in his junior year but, due to medical deferment, he was discharged from OTC and deferred from military service in 1968.

After graduating from UW Fred embarked on a two-year adventure, partying and working in South Lake Tahoe, Sun Valley and Waikiki. Unable to find a lifestyle or community in which he felt like pursuing a career, he sailed back to the mainland on a returning Trans-Pac race sailboat and enrolled in Gonzaga Law School.

While attending Gonzaga, Fred was introduced to the world of criminal defense while working as an intern at the Spokane County Public Defenders' office. He found this to be a formative experience. He worked closely with fellow intern, Tom Hillier, who became a lifelong friend. He was drawn to jury trials and search and seizure suppression and developed a passion for both. This was an introduction into what would become a successful career in criminal defense and personal injury. He was admitted into the Idaho State Bar in 1975.

In 1972 he met his future wife, Barbara Johnson from Spokane, at a Liberty Lake party. After his graduation, Fred and

Barbara moved to a small ranch near Snohomish, Washington, with two couples from law school which they dubbed their hippie commune and where they were married in an open hay field in 1975. Fred introduced Barbara to skiing with a low-budget tour of major ski resorts, including Sun Valley, Whitefish, Vail, and Steamboat Springs. Fortunately, she enjoyed skiing. They decided to settle in a community with a lake and ski area. After a winter in Whitefish and traveling through prospective towns in Chelan, Washington, and McCall, Idaho, they moved to Sandpoint in 1976.

Barbara found work at the front office of Sandpoint High School and Fred hung out his attorney shingle in downtown Sandpoint. Shortly thereafter he was hired by Tom Cook and Nick Lamanna, a Priest River partnership, to assist with their public defender contract with Bonner County. After several successful felony and misdemeanor jury trials, Fred decided to enter the fray as a private trial attorney. In 1980 he purchased the practice of Phil Robinson, who took over as the Bonner County Prosecutor. With Barbara having retired, on October 20, 1980, Fred and Barbara welcomed their first child, Ben, into the world. Their daughter, Whitney, followed on August 5, 1984. These are their only children.

Fred continued as a solo practitioner for the remainder of his career. He retired in January 2021. For approximately the last 20 years of his practice, Fred and attorney Ted Diehl owned and practiced together out of their building located at 201 S. Superior St. He will be remembered for his achievements in law. In his personal injury practice, he recovered a wrongful death of a minor verdict which set a record at the time in Idaho. In criminal law, which was the focus of much of his career, he established legal precedents in Idaho's test for mental competency in a murder trial and multiple warrantless search and seizure issues. He was a founding member of the Idaho Attorneys for Criminal Defense Board of Directors and a member of the Federal Board of the Criminal Defender's Association for Eastern Washington and Idaho for 20 years.

Fred loved sports and, with Barbara, endeavored to involve his children in multiple sports from an early age including basketball, swimming, alpine skiing and golf. He and Barbara believed in opening their children up to the world through travel, going together to Costa Rica, Scotland/Ireland and Maui, along with several regional vacations and ski trips.

Robert W. Strauser 1961 – 2024



Robert "Bob" Wayne Strauser was born on July 3, 1961, in Oakland, California to Kenton and Jeannette Strauser. He passed away peacefully at home on December 9, 2024, in Nampa, Idaho.

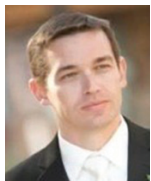
Bob spent most of his life in the Boise, Idaho area graduating from Borah High School in 1980. While in high school, Bob met the love of his life, Annette Slaathaug. They were married on June 23, 1984, and had a loving partnership that spanned more than four decades. Together, they built a life filled with shared memories and enduring love.

He graduated from Boise State University in 1994 and dedicated his professional life to teaching, a career that reflected his passion for education and commitment to shaping young minds. Bob loved being a teacher and coach. It gave him the greatest joy until illness cut his dream short.

Bob worked for the Idaho State bar for 19 years in the Communications Department and with *The Advocate*. Bob's wife, Annette Strauser, has worked for the Bar for over 40 years and currently works as the Licensing/IT Administrator.

Bob loved his wife, their home, and their many pets. His close family and friends meant the world to him. Although he faced many medical issues during the latter part of his life, Bob was a fighter. He was strong and never gave up. He spent his final day helping Annette and making sure all the Christmas presents had been purchased before passing quietly in his sleep. His legacy lives on in the countless lives he touched.

Stephen J. Nemec 1979 – 2024



Stephen Joseph Nemec passed away unexpectedly on December 20, 2024. Stephen was born at Deaconess Hospital in Spokane, Washington on

May 21, 1979 to Eleanor Downs (O’Neal) and Neil Lewis Nemec. He attended Elementary and Middle School in Coeur d’Alene and graduated from Gonzaga Prep High School in Spokane in 1997 and then graduated with honors from Willamette University in Salem, Oregon in 2001.

Steve completed his education at the University of Idaho, College of Law in 2005 where he obtained his Juris Doctor and was a member of the Phi Delta Theta fraternity. Steve went on to join James, Vernon and Weeks Law Firm in 2006 where he made Partner in 2012 and Senior Partner in 2019. Steve was a skilled personal injury attorney specializing in Workers’ Compensation and was authorized as a Workers’ Compensation Specialist by the Idaho Trial Lawyers Association in 2014. He was selected as a Super Lawyer Rising Star in 2015 in Workers’ Compensation, a prestigious award given to only 2.5% of young attorneys in the state every year.

In 2017 he was recognized as one of the Nation’s Top Injured Workers Attorneys by WILG, a non-profit organization dedicated to representing the millions of workers who suffer work-related injuries and was a Distinguished Graduate of the Idaho Industrial Commission. Steve was also a registered Patent Attorney admitted to practice before the United States Patent and Trademark Office.

Steve was married to his wife, Bonte’ Schroeder, on October 5, 2013, whom he loved very much. He was devoted to her daughter, Aubrey Schroeder, from the very beginning. They enjoyed a special bond and spent endless hours skiing, boating, playing basketball and goofing around together.

Steve loved adventure and he was ready to take off in any direction at the drop of a dime for a day of fun with his friends. He became a Kansas City Chiefs

fan via his wife, and they traveled often to cheer them on. Steve was someone you could count on and would do anything to help those in need. He was loved by many and will be deeply missed.

Hon. Peter D. McDermott 1939 – 2025



Peter D. McDermott passed away on January 9, 2025, from pancreatic cancer. He was born in Pocatello on September 23, 1939, the son of P.A. and Emily

McDermott. His father was born in Ireland and Peter D. was very proud of his Irish heritage. He graduated from St. Joseph’s Catholic School, Pocatello High School, Idaho State University (“ISU”), and the University of Idaho College of Law in 1968. He practiced law with the family law firm (father P.A. and sister Patty) until April 2, 1981, when Idaho Governor John Evans appointed him a District Judge for the Sixth District State of Idaho.

While going to ISU and law school he joined Operating Engineers Local 370 and worked many years for several contractors constructing our interstate highway system. During this time, he met and worked for his longtime best friend Bob Vanderboegh. While practicing law he represented many clients. A most memorable case was when he represented a client whose wife passed away after receiving a swine flu shot. The trial was held in Austin, Texas and was one of the first swine flu cases in the United States to go to trial. The verdict was very favorable to his client.

Every year while practicing law, he held a St. Patrick’s Day party at his law firm. Peter D. loved to entertain his friends, and the parties were always well attended.

In 1976 he started a softball team comprised of local attorneys and they, in the local beer league, won several trophies for first place and had lots of fun for over 20 years. The team’s name was the “Sixth District Mouthpieces”.

While a student at ISU he was involved in many campus activities. He joined the

Tau Kappa Epsilon (“TKE”) fraternity and was elected President his senior year.

He was an avid supporter of ISU, established a scholarship fund for students in pre-law and was a lifelong member of the Bengal Athletic Booster Club. He was very pleased and humbled when selected by ISU to be the parade Marshal for the 2013 homecoming parade.

While serving as a District Judge, he believed the most important and significant accomplishment was trying to help people change their lives for the better. He presided over many high-profile cases and sat as a judge on many cases with the Idaho Supreme Court and Idaho Court of Appeals. He served as Administrative Judge for the Sixth Judicial District over 10 years and was a President of the Idaho District Judges Association. As a District Judge he received further legal training at the National Judicial college in Reno, Nevada, and was asked to be an instructor at the college several times.

He retired in 2009, after serving 28 years on the bench and was very pleased the Bannock County Commissioners named his courtroom after him. After his retirement he was asked to be an Appellate Judge for the Shoshone Bannock Tribes and greatly enjoyed his duties for the tribes.

He cared deeply for each of his cases, however, the two that he will always remember were *State v. Hairston & Klipfel* and *State v. Adamcik and Draper*.

The Hairston case involved two individuals on the run from Colorado who stopped at Duke & Delma Fuhrman’s ranch near Downey. Said they needed instructions on some address and as Duke Fuhrman was looking through the phone book James Hairston shot him in the head point blank. Mrs. Fuhrman heard the shot and came running toward Duke and Mr. Hairston shot her in the face. He then shot Duke again. He killed both and the two fled, stealing credit cards and other valuable items. They were arrested & returned to Pocatello and after a week and a half jury trial, both were found guilty of first-degree murder. At the sentencing the entire jury returned and sat in the same seats they sat in during the jury trial.

Judge McDermott sentenced Mr. Hairston to death, and he remains there today. Mr. Klipfel was sentenced to life without parole. The law in Idaho has changed and only a jury can sentence someone to death.

In *State v. Draper and Adamcik*, it involved the brutal stabbing death of Cassie Jo Stoddart who was a classmate of Adamcik and Draper at Pocatello High School. One case involved a Bannock County jury, and the other case was tried by a jury from Twin Falls County. Both jury trials lasted one and one-half weeks and both were found guilty of first-degree murder. Since both were 17,

the death sentence could not be imposed. Both were sentenced to life in prison to be served without parole. All these cases were affirmed by the Idaho Supreme Court.

Peter really enjoyed fly fishing, especially on the Big Lost River near Mackay along with other streams in central Idaho. He loved spending time at his summer home on the Big Lost near Mackay and associating with the people in Mackay, River Bends, and the Lost River Valley. He met his second life best friend Bob "Rookie" Rukavina, who was born in Mackay and could cast a fly with remarkable precision.

Peter D. and his wife Sande were married for 38 years. She passed away on July 14, 2013. He later renewed a friendship with Diane Bilyeu and loved her very much. They went on many trips and especially enjoyed fly fishing together in the rivers around Mackay. They built a new home together with Diane selecting most everything for their home. He really enjoyed weekly coffee with best friend, Tom Dial. His best friend is John Sellman. They went to law school together and spent many days hunting elk and fishing for trout, salmon, and steelhead. He and Diane spent several trips to John and Sher's place in Palm Springs and Boise.

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Nevin, Benjamin & McKay Welcomes Debra Groberg as New Partner



BOISE—Nevin, Benjamin & McKay is honored to announce that Debra Groberg has become a partner. Debra joined the firm in 2016. Her practice includes defending individuals accused of crimes in state and federal courts as well as select civil matters. Debra embodies the firm's principles of excellent, ethical lawyering, unwavering dedication to vindicating the rights of clients, and service to the community.

Yturri Rose, LLP Welcomes Two New Associates.

BOISE—Yturri Rose, LLP welcomes Benjamin K. Harrington and Taylor Ann Skramstad to the firm.



Ben, a University of Idaho College of Law graduate, focused on Environmental, Water, Immigration, Personal Injury, and Business Law. He served eight years in the Army National Guard, including a combat tour in Afghanistan. Originally from Oregon and California, Ben is active in his church and community, raising four children with his wife, Erin. He enjoys camping, hiking, rock climbing, and baseball.



Taylor is a 2024 graduate of the University of Idaho College of Law, where she focused on Agriculture, Business, Land Use, and Water Law. She also served as President of the Idaho Agriculture Law Society and interned with Idaho Senate Majority Leader Kelly Anthon during the 2024 legislative session. Taylor earned her bachelor's

in agriculture science from Oregon State University's outreach program at Eastern Oregon University

Stephen Thompson Takes Over Scanlin Law Offices, PLLC

BOISE—After 40 years of practicing law and 10 years as a medical and psychiatric social worker, Steve Scanlin has elected to have his law license go to Senior status beginning in 2025. Stephen Thompson will take over Scanlin Law Offices, PLLC. Mr. Thompson has offices in Sun Valley and Boise and will be handling Mr. Scanlin's estate planning, probate, guardianship, and advanced directive matters.

Stoel Rives Welcomes Two New Associates to Boise Office

BOISE—Stoel Rives welcomes Rachel Aramburu and Andrew Irvine to their Boise office.



Rachel Aramburu has joined Stoel Rives as an environmental associate in the firm's Boise office. She counsels clients in environmental matters such as financial assurance, compliance assistance, environmental enforcement defense, permitting support, and mergers and acquisitions, among others. She earned her J.D. *cum laude* from Vermont Law School and earned a B.A. *magna cum laude* in environmental studies with a concentration in policy from Green Mountain College.



Andrew Irvine has joined Stoel Rives as of counsel in the firm's Environment, Land Use & Natural Resources group in the firm's Boise office. He advises clients in the mining and energy sectors, specializing in mineral tenure, transactions, permitting, and environmental review and compliance. Andrew

received his J.D. from Lewis & Clark Law School, his M.S. in mineral economics from the Colorado School of Mines, and his B.S. in geological sciences from the University of Notre Dame.

Attorney James Smith Joins Givens Pursley as Partner



BOISE—Givens Pursley is proud to announce that James Smith has joined the firm as a partner. James focuses on land transactions and use entitlements with the firm's Real Estate and Land Use practice group. James also brings experience in technology and software licensing matters. He is licensed to practice in Idaho and California.

C.K. Quade Law Rebrands to Advanced Legal Planning and Announces Partners

BOISE—C.K. Quade Law, PLLC, a leading provider in Elder and Disability Law, Estate Planning, and Special Needs Planning, is excited to announce the launch of its new brand identity, which includes a refreshed logo, updated website, and a renewed commitment to serving our clients with integrity, professionalism, and compassion. This rebranding marks an important milestone in the firm's development, reflecting its growth over the last few years and our continued dedication to adapting to the evolving needs of our clients and the legal landscape.

The Firm's new identity has changed to Advanced Legal Planning, PLLC. The Firm is proud to announce Heather L. Conder, Sean R. Beck, and Evan M.E. Barrett as partners. With the combined knowledge and experience of the partners, along with the outstanding support staff, the Firm believes this will further solidify its position as a trusted advisor for our community and the surrounding areas.

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Advocating at the courthouse, mentoring younger lawyers and even racing bicycles, Kurt has a proven record of success. Idaho Trial Lawyer of the Year and AV-rated, he is top-ranked by Best Lawyers and other rating services. With an unfailing belief in the civil justice system, Kurt combines creative, hard-nosed, client-focused litigation with a sharp wit, easy smile and quick laugh.

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