

the **ADVOCATE**

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June/July 2026



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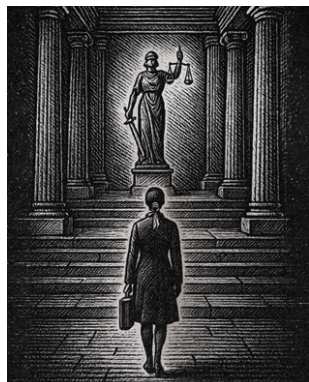


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On the Cover



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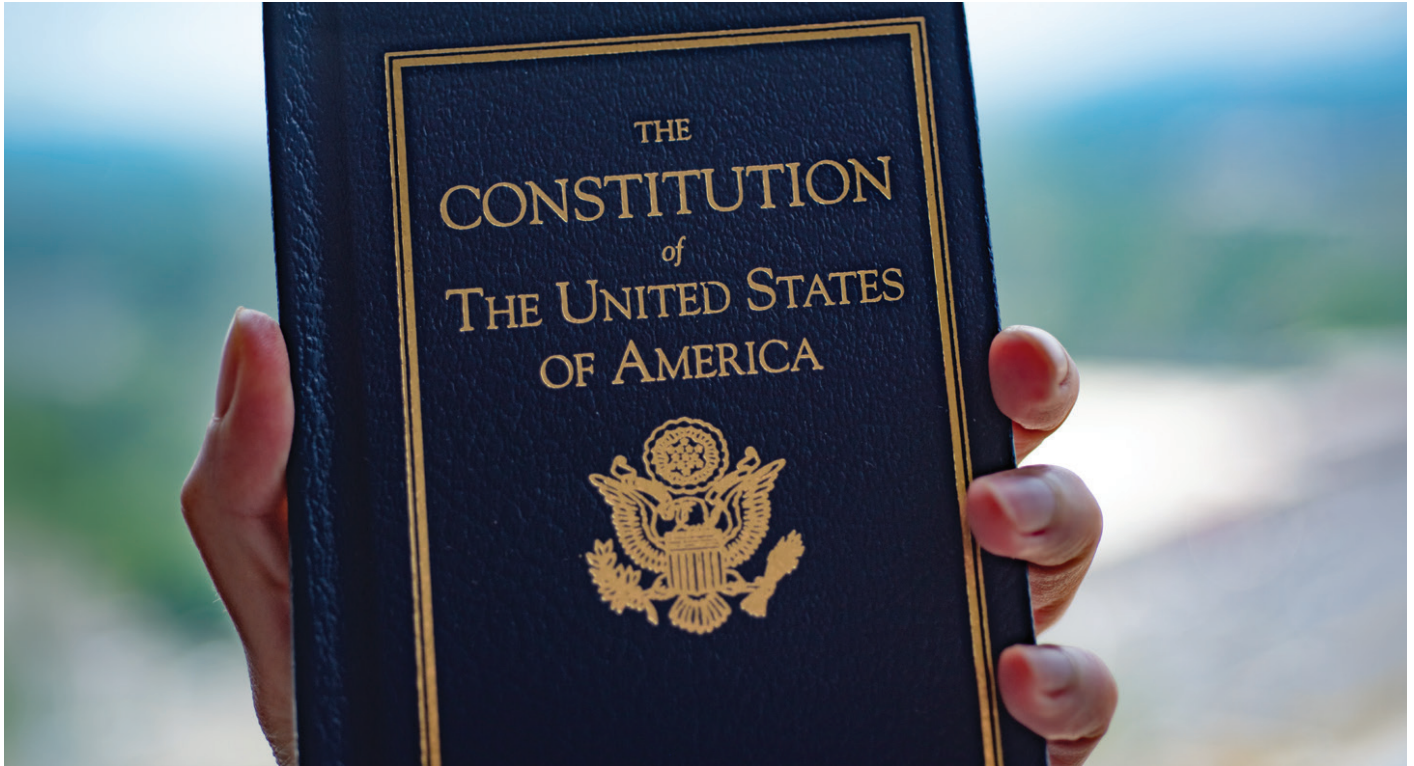
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Outgoing President's Message

Hon. Robert L. Jackson

This is my parting column as President of the Idaho State Bar. I have to say that the last three years on the Board of Commissioners have been very rewarding, not only because of the comradery with my fellow commissioners, executive directors, all of the Bar Counsel attorneys, and the entire Law Center staff, but because of the opportunity to better understand the inner workings of the Bar. I have a newfound appreciation for those Bar employees' desires, attitudes and actions to perform their jobs with the goal of promoting the interests and wellbeing of not only our Bar members, but also the public. Those employees have shown such dedication to running and improving the workings of this organization. I applaud, commend, and respect them.

The Religion Clauses

As you may have come to notice, I have an appreciation (some might say

a zeal) for our founders who developed the Constitution and the Bill of Rights. Specifically, with the research help of 2L University of Idaho College of Law student, Logan Graham, I have channeled my élan to the First Amendment, one of the foundational provisions of the Bill of Rights ratified on December 15, 1791.

There are four major topics addressed by that one-sentence amendment. One of those core protections is "religion". Establishing protection for religious freedom was of paramount importance to many of the founders for good reason.¹ During British colonialism, England had established "official" churches within the colonies and persecuted those who observed sects and faiths outside of the churches created by the Crown.² With an eye towards ensuring that the new federal government would not make such infringements upon religious independence, the founders added the free exercise and establishment clauses to the very first amendment of the newly written Bill of Rights.³

At first glance, the two clauses appear in tension with one another; the free exercise clause requires government to respect

individual religious exercise, while the establishment clause in essence requires it to restrain itself from the official recognition of religion. Yet, the very history of these clauses affirms that there is no conflict at all. The indelibly personal nature of this right was readily understood by the founders in the wake of England's authoritarian control over their independent ability to decide how best to express and observe their faith. Therefore, both of the religion clauses contained in the First Amendment were drafted to recognize "that religious beliefs and religious expression are too precious to be either proscribed or prescribed by the State."⁴

Justice William Douglas once summarized the cohesion between the religion clauses quite simply: "Government may not . . . force one or some religion on any person. But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence. The government must be neutral . . . It may not thrust any sect on any person."⁵ Considering the effect of government regulation on free exercise, it is

true, as Judge Michael W. McConnell of the 10th Circuit Court of Appeals noted, that “government support and control are bad for religion.”⁶ Thus, the founders protected and preserved the full independence of this most sacred right by “erect[ing] ‘a wall of separation between church and State.’”⁷

Idaho’s Religious Guarantees

Here in Idaho, nearly a century later, the importance of the guarantees contained within the First Amendment was not lost on the 64 residents of the Idaho Territory who signed the document which is now known as the Constitution of the State of Idaho. They did it “in open convention at Boise City, in the territory of Idaho, this sixth day of August, in the year of our Lord, one thousand eight hundred and eighty-nine.”⁸

There are three Sections in the Idaho Constitution which track the protection of religious liberty and separation of church and state guaranteed in the First Amendment. For the sake of space, I will only highlight the key language here. That said, please read the entire document as any attorney should.

Article I, Section 4 of the Idaho Constitution asserts that “[t]he exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions.”⁹ Moreover, our state government is prohibited from requiring a person “to attend or support any ministry or place of worship, religious sect or denomination, or pay tithes against his consent[,]” as well as from granting “any preference . . . by law to any religious denomination or mode of worship.”¹⁰

Article IX, Section 5 adds that the political bodies of this State cannot “pay from any public fund or moneys whatever, anything in aid of any church or sectarian or religious society, or for any sectarian or religious purpose . . .”¹¹

Article IX, Section 6 provides that “no teacher or student of any such institution shall ever be required to attend or participate in any religious service whatever [,]” nor shall “sectarian or religious tenets or doctrines . . . be taught in the public schools.”¹²

These provisions embody the First Amendment’s core concept of restraining government from imposing itself upon the individual autonomy of religious observance. By the protection guaranteed in both our state and federal constitutions, Idahoans are assured that their liberty with respect to their personal religious choices is shielded from unrestrained commandeering by the State.

“Erecting the ‘wall of separation between church and state’... is absolutely essential in a free society.”
– Thomas Jefferson

Keep Our Constitution at Hand

In recognition of the fundamental role that our constitutional protections play in our everyday lives, I encourage you to obtain a copy of the Idaho Constitution and treat it as the special document it is. Our Secretary of State, Phil McGrane, has elected to present a special pocket-sized edition of the Idaho Constitution as part of the continued celebration of the two hundred and fiftieth anniversary of our democracy! You won’t have to pack this article with you when you have your own complete publication!

In the words of Secretary McGrane, “It is my hope that this edition inspires more Idahoans to engage with our state’s founding document, to understand it, carry it, and honor the responsibility it represents.”¹³

In keeping with the theme of my first article as President, I want to remind the lawyer’s reading this that they have subscribed to an oath to support the Constitution of the United States and the Constitution of the State of Idaho. As your Bar President for the past few months, I want to thank you for the opportunity you gave me to serve. I hope that I have provided some inspiration for you to engage with our constitutions and to appreciate the responsibility they bestow upon us.



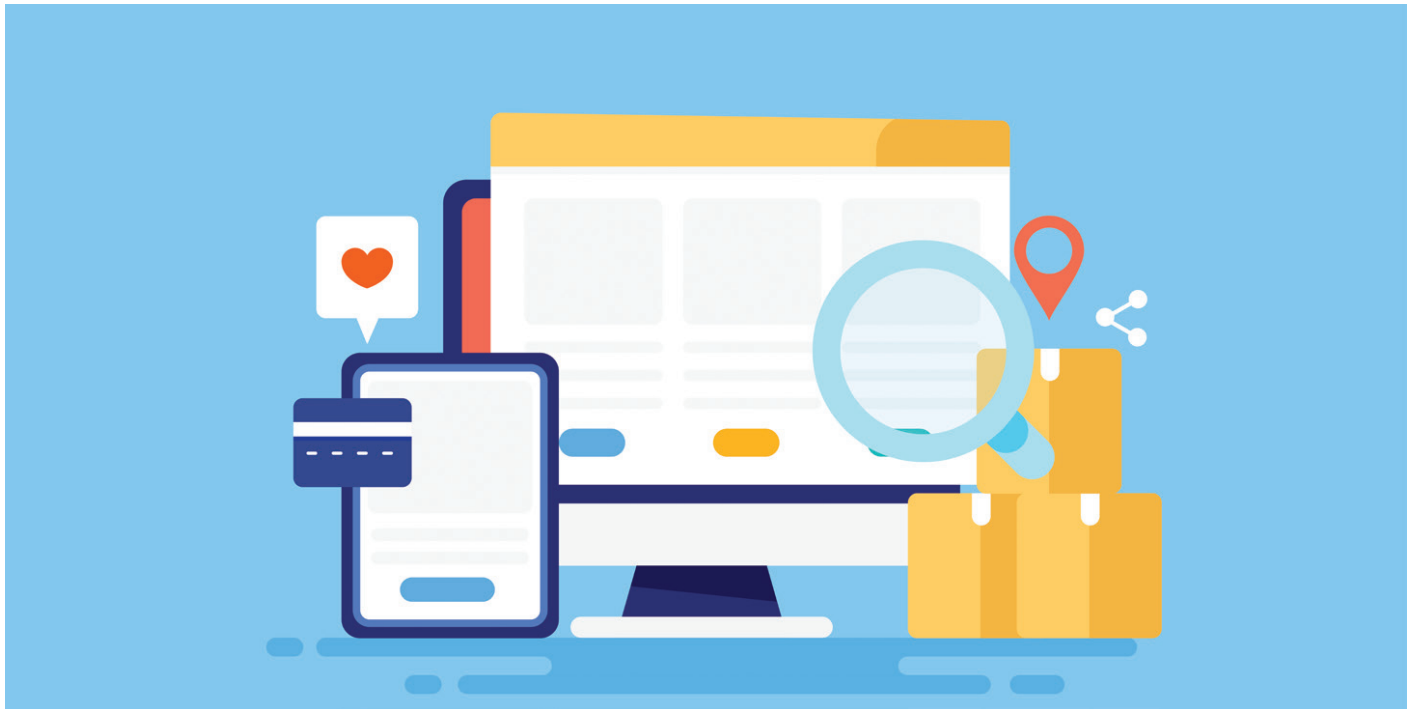
Judge Robert L. Jackson practiced law in Idaho from 1983 until going on the bench as a magistrate in Payette County in August 2013. His varied practice included criminal prosecution, criminal defense, assistant city attorney, personal injury (plaintiff and defense), medical malpractice, insurance law, and workers’ compensation. Judge Jackson also serves as the current Idaho State Bar President of the Board of Commissioners, representing the Third and Fifth Districts. When not engaged in legal work you can find him, with family members or friends, at a concert, hiking, backpacking, farming, or traveling.



Logan Graham is a second-year student at the University of Idaho College of Law. Logan earned his bachelor’s degree in history from Idaho State University and his associate’s degree in political science from the College of Western Idaho. His interests in law include constitutional law, land use, and personal injury.

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Member Services Department Report

Teresa A. Baker

Members of the Idaho State Bar have access to a variety of programs, resources, discounts, and services available. These resources can help improve your practice, your personal life, your leadership, and your community involvement.

Join a Practice Section

Probably the most helpful resource to practitioners in Idaho are our 24 practice sections. The members of these sections offer support for each other in a myriad of ways including educational opportunities through monthly CLE sessions and annual conferences. Additionally, many of the sections offer a Listserv to their members wherein questions are answered almost immediately by those practicing in the same area of the law. However, the most beneficial reason to join a section is to become better acquainted with other bar members, as this contributes to keeping the practice of law civil and professional in Idaho.

Approved Benefit Providers

The Idaho State Bar works with various organizations to offer benefits that

we think our members would utilize and assist them in their practice, their career, and for their clients. Click on the “Approved Benefit Providers” tab on our website under

PRACTICE SECTIONS

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- Water Law
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This unlimited online legal research library is available to all active and judicial members as a free benefit and the service is available for all other members for just \$30 a year. The search engine now includes advanced capabilities from Vincent AI, the award-winning research assistant from vLex. Members now benefit from automated headnotes, case summaries, and Vincent's ability to identify similar legal documents.

Idaho Academy of Leadership for Lawyers (IALL)

Our interactive leadership training program is designed specifically for lawyers. Each class consists of a diverse group of 12-20 members of the Idaho State Bar.

The mission of IALL is to promote diversity and inspire the development of leadership within the legal profession. IALL brings together lawyers from different practice areas with a variety of backgrounds from across Idaho. IALL will build upon the participant's leadership skills and promote leadership experiences by:

- Teaching accepted and recognized leadership skills and philosophies;
- Fostering professional relationships within the Idaho legal community and the greater community;
- Promoting professional obligations and community service;
- Raising awareness among lawyers of the broad range of issues and challenges facing leaders today; and
- Engaging in the community through each member's legacy project as part of the IALL practicum.

Applications for the 2026-2027 Class are now available on our website (<https://isb.idaho.gov/member-services/programs-resources/iall/>).

Lawyer Assistance Program

A 100% confidential program, the Lawyer Assistance Program (LAP) supports lawyers and judges who are experiencing problems associated with alcohol, substance abuse, depression, anxiety, and/or mental health issues in a safe manner. LAP has a committee member in each judicial district to talk with members and a 24/7/365 hotline at (866) 460-9014.

Mentor Program

The Mentor Program assists new lawyers in the transition from law school

to a successful law practice. The program pairs new lawyers with an experienced lawyer in their local community. Experienced lawyer mentors agree to respond to general questions from the new lawyers and to give suggestions and offer guidance where appropriate about the practical aspects of practicing law. If you are interested in sharing your expertise with a newer member of the bar, please contact our program liaison, Teresa Baker.

Attorney Well-Being Resources

Maintaining well-being is part of lawyers' ethical duty of competence. It calls for healthy, positive choices to assure that lawyers can be their best for their clients, families, organizations, and communities. Further, to be their best, lawyers depend on a large number of important contributors who are not lawyers. Therefore, well-being across the legal profession is an important goal.

The Attorney Well-Being page of our website provides many resources for all members of the legal community to maintain their well-being. This includes free on-demand CLEs on topics such as stress management and trauma-informed lawyering. You can also find activities to stay strong, align your spirit, grow your mind and career while connecting with others, and improve your emotional well-being. The members of the ISB Well-Being Committee invite you on this journey with us to live better lives!



Teresa A. Baker is a member of the Idaho State Bar. After practicing law for 20 years, she decided to serve her fellow attorneys and currently is the Program and Legal Education Director for the Idaho State Bar and Idaho Law Foundation.

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Authors interested in writing for *The Advocate* are encouraged to contact Carissa Carns at ccarns@isb.idaho.gov.

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Introductory Letter

Milestone birthdays invite us to reflect, not just on how far we've come, but on the people and purpose that carried us here. This year, Idaho Women Lawyers (IWL) celebrates its 40th anniversary. For us, it's a milestone that feels less like a number and more like a testament to the power of community.

The trajectory of women in Idaho's legal profession over the past 40 years is a story of meaningful, deliberate progress, however not without its share of challenges. When IWL was founded in 1986, its early members were seen as threats to the well-established status quo, and some women avoided joining to avoid the career-limiting associations with feminism.¹ These attitudes resounded in an era that was both decades removed from when Hon. Mary Smith Oldham became the first woman lawyer to serve as a judge in Idaho in 1945, but was also just three years after the Hon. Deborah A. Bail became Idaho's first female district court judge. Against this backdrop, IWL's early members did something remarkable. They built something anyway. In the late 1980s, the organization formed its first committee to encourage women to pursue judicial appointments. Through acts of bravery in the face of professional risk, progress has followed. In 1990, Justice Cathy Silak became Idaho's first female appellate court judge, followed two years later by Justice Linda Coppel Trout's appointment to the Idaho Supreme Court.² 31 years later, the Supreme Court achieved the huge milestone of its first female majority.

This initial determined effort to create opportunity and access has grown into something much larger: a sustained movement.

That growth is reflected not only in leadership, but in the legal pipeline. Law school admission trends show more women entering the profession during the last few decades. In the same year IWL was created, women represented just over one-third of law students nationwide; as of 2023-2024, we make up a clear majority at approximately 56 percent.³ Idaho's legal education pipeline has seen similar movement towards near-parity in 2023-2024, when 46 percent of University of Idaho College of Law students were

women.⁴ These numbers tell a story of doors opening wider than ever before.

As we celebrate the progress made over the last four decades, we also look forward to the potential the next 40 years holds. However, progress is not always linear. For example, recent statistics suggest that many of Idaho's female students either leave the profession or the state. By 2008, women comprised approximately 24 percent of Idaho attorneys.⁵ Sixteen years later, in 2024, the percentage of Idaho's lawyers who are women had increased slightly, to 31 percent,⁶ but lagged behind the national average of 41 percent.⁷ According to the American Bar Association, this represents the second-greatest disparity between female and male attorneys in the nation; at 69 percent male, our bar is second only to Utah, where 74 percent of lawyers are men.⁸ In other words, the work is not finished.

And yet, there is still so much to celebrate.

Alongside these benchmarks of progress and possibility, the IWL community has grown to more than 350 members from every corner of this state and many others. In accordance with IWL's mission to advance diversity and opportunity within the legal profession, our coalition welcomes people of all genders, backgrounds, and career paths. What started with the original Judicial Recruitment Committee in the 1980s has expanded to three additional permanent committees and three ad hoc committees that offer members advancement opportunities, leadership experience, continuing education, and a support system for every phase of their career, from student to shareholder and beyond. For example, IWL has facilitated relationships between the bench, bar, and new lawyers; sponsored childcare stipends for parents studying for the bar exam; and funded a scholarship for the Idaho Academy of Lawyers.

Most importantly, IWL has become something harder to quantify, but easier to feel.

It's the mentor who takes the call.

The colleague who champions and advocates behind closed doors.

The relief of recognizing a familiar face across the room.

Friendships that form access generations and practice areas.

It is a community where members celebrate one another's successes, show up in times of need, and ensure that no one must navigate this profession alone.

Anniversaries like this one are not just about looking back. They are about the opportunity to recommit to what comes next. The first 40 years of Idaho Women Lawyers were shaped by persistence, courage, and community. The next 40 and beyond will be defined by how we continue that legacy. We must continue to expand opportunities, strengthen and advocate for our community, and make the path forward wider for those who follow. As one of our founding members, Justice Patricia Young, once said, "some ideas click, some don't, but nothing would happen if we didn't talk. That's the most important part; to get together and exchange ideas."⁹ That sentiment has always been the heart of IWL. We look forward to many more years of serving our community and many more opportunities to get together, connect, then turn that talk into action. We hope you will join us along the way. Cheers to 40 years and the story that lies ahead!

Kendall Bjornsen, IWL President
Jaime Matier, IWL Vice President

Endnotes

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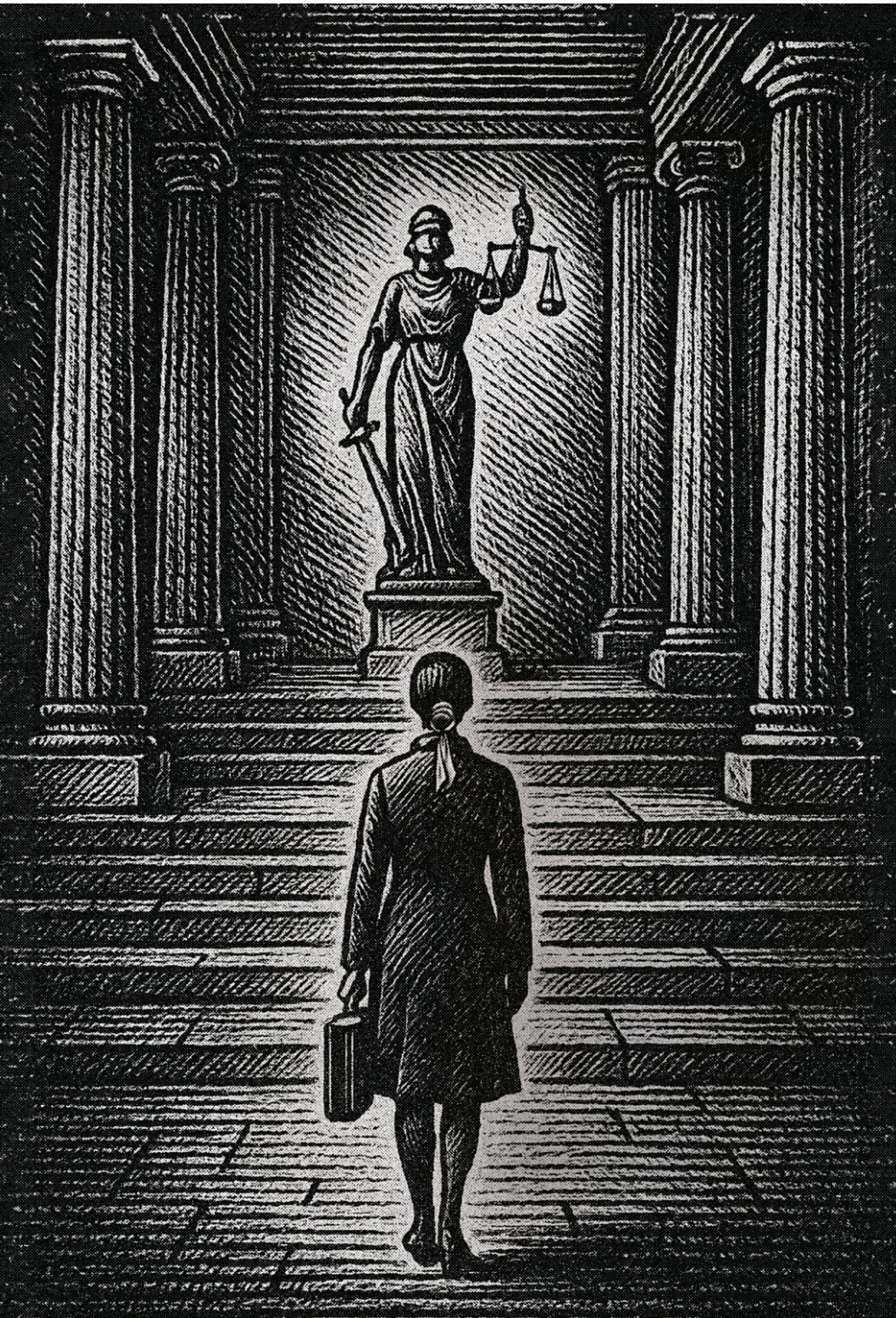


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What My Mother's Generation Fought For, What Mine Took for Granted, What the Next Generation Shouldn't Have to Fight For

Randi Johnson
Penelope Gaffney



Since Idaho Women Lawyers' (IWL) founding 40 years ago, women have made tremendous strides in representation, responsibilities, and leadership across the legal field. This article honors the contributions of past generations of women lawyers by detailing how far women have come and examines the work that must still be done on behalf of future generations of women lawyers.

The Battles Already Fought by Women in Law

Past generations of women lawyers have trailblazed a more inclusive path forward for future generations. At the time of Idaho Women Lawyers' founding in 1986, women comprised less than half of law students—approximately 40 percent.¹ In 1980, just six years before its founding, only eight percent of all lawyers were women.² A likewise small percentage of women worked as law associates and law firm partners. In 1991, when the American Bar Association began tracking these statistics, a mere 38.4 percent of all law firm associates and 11 percent of all law firm partners were women.³

This gap in women's representation in the legal field meant women had to work harder to be included, taken seriously, and considered leaders. The stark underrepresentation of women in positions of influence meant women lawyers lacked role models, mentorship, and sponsorship. Additionally, networking, which relied almost exclusively on informal relationships, proved more difficult for women given that it required them to enter primarily male circles. It was not uncommon for women to create their own support systems because the profession did not yet offer built-in ones.

These challenges were made greater by women's unique role in family life. Pregnancy and maternity leave often hindered the professional opportunities available to women. Whether due to logistical concerns



Helen Young. Idaho's first woman admitted to the Bar.



Mary Jensen Smith Oldham. In 1945, Mary Oldham became the first female attorney to serve as a judge in Idaho after being elected as Justice of the Peace for Madison County.

surrounding extended leave times or outright bias, women generally feared that taking time off to have children would negatively impact their ability to make partner at their firm. This reality often forced women to pick between having a family and having a fulfilling career.

These hardships persisted long after childbearing. 40 years ago, even more so than today, women were viewed as the primary caregiver for children and spouses. Due to the high costs of childcare, women frequently had to wait to return to the workforce, or even wait to enter it altogether, until after their children were old enough to attend school. These especially long lapses in working years immensely impacted a woman's ability to promote and earn higher wages.

Regardless of childbearing, women had to balance the expectations of "doing it all." In addition to proving herself in the legal field, a woman bore the responsibilities traditionally placed upon mothers and wives. From excelling at work to making a home, these largely unrealistic ideals, which disproportionately affected women, caused unsustainable workloads and an unattainable work-life balance.

The past generations of women lawyers made the paths of women today more walkable by persevering through the roadblocks they encountered. Their steadfastness broke through the barriers inherent in a previously male-dominated field and challenged society's idea of a woman's place in it. Today, women no longer need to fight for a sense of belonging in the legal profession but can more easily and confidently step into the shoes of those who have already trodden down the path.

The Benefits Experienced by Women Lawyers Today

Today, women lawyers reap the benefits of a more welcoming environment made possible by previous generations. Recent statistics demonstrate just how much progress has been made in the inclusivity of women throughout the profession. In law school, the number of female law students has steadily increased since 2016.⁴ On the contrary, the number of male law students has decreased since 2010.⁵ With these trends, it is not altogether surprising that women first outnumbered men in law school in 2016, making up 50.3 percent of all law students.⁶ This gap, which has historically always fallen in the opposite direction, has only continued to grow with women comprising 56 percent of all law students as of 2024.⁷

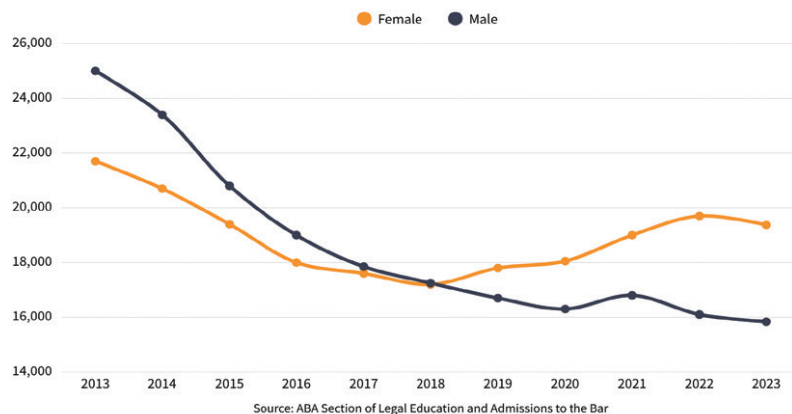
Trends in positions throughout the legal field have likewise shifted. From 2019 to 2023, 12,175 more women earned

Juris Doctor degrees than men, meaning approximately 12,175 more women than men entered the legal field during that timeframe.⁸ Shortly following this trajectory, in January 2024, the National Association for Law Placement, which surveys firms to track diversity amongst lawyers, announced a record-breaking milestone: women officially represented the majority of law firm associates for the first time ever.⁹

Around this turning point, a multitude of other legal professions saw similar changes. As of December 2023, the majority of lawyers in the executive branch of the federal government (51.5 percent) were women and only slightly less than half of full-time law school faculty (49.2 percent) were women.¹⁰

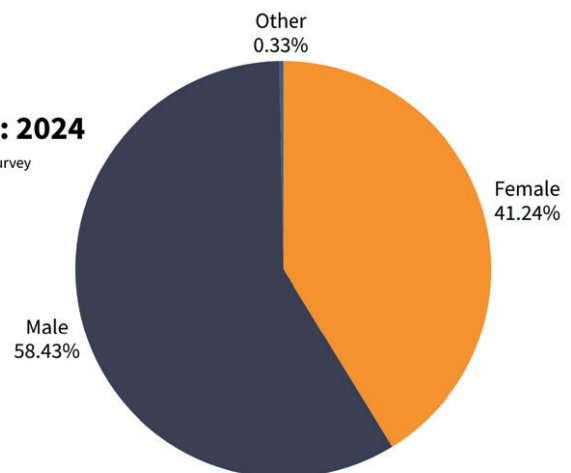
The percentage of women lawyers overall has grown exponentially in just over 40 years. While women comprised a mere eight percent of all lawyers in 1980, they comprised 41 percent in 2024.¹¹

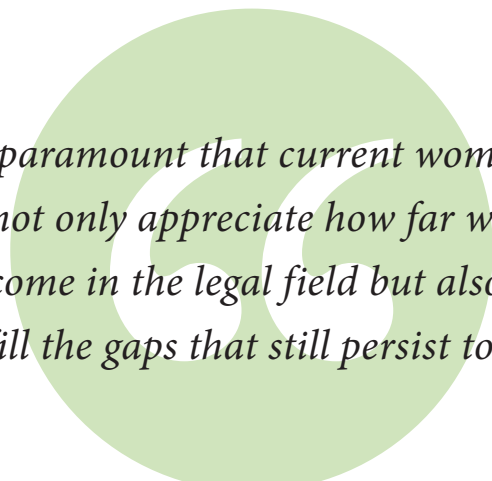
Juris Doctor Degrees by Gender 2013-2023



Lawyers by Gender: 2024

Source: ABA National Lawyer Population Survey





It is paramount that current women in law not only appreciate how far women have come in the legal field but also strive to fill the gaps that still persist today.

Despite still making up less than half of lawyers, this 33 percent jump has made a tremendous difference in women's representation in the legal field.¹²

This greater embodiment of women in law directly affects the impact female lawyers are able to make today. Rather than having to fight for a seat at the table, women can more easily find their spot and contribute meaningfully to the conversation happening there. It is very easy for women lawyers today to take for granted the place past generations fought for them to have. It is paramount that current women in law not only appreciate how far women have come in the legal field but also strive to fill the gaps that still persist today.

The prevalence of Diversity, Equity, and Inclusion (DEI) today likewise contributes to a more welcoming environment for women in law. Through DEI frameworks, legal professions of all kinds promote the fair treatment and full participation of historically underrepresented groups in the workforce, including women. The focus on these three values—diversity, equity, and inclusion—has helped positively reshape expectations in the legal field, especially around access to work, retention, and the possibility of building a sustainable career. Women in law today, importantly, no longer need to create these initiatives for themselves.

Instead, they are interwoven and commonplace across legal workforces.

The benefits reaped by women through DEI efforts are far reaching. From more flexible work policies to accommodate varying stages of family life to leadership development programs aimed at promoting women, the impact of DEI is significant. Women today must not take this progress lightly but rather appreciate it for what it is: a profound step forward for women and a reality that was not readily available to those who made it possible.

Due to these DEI initiatives and the work of past generations, the conversation among women in law today surrounding family life has shifted considerably. There is less fear surrounding the impact that having a family will have on a woman's ability to promote or make partner in her firm. However, the disproportionate responsibilities placed upon wives and mothers are still prevalent. Women's unique role in life of bearing children will always mean to some extent that women must manage periodic disruptions in their careers that are not shared by men.

A mother's disproportionate responsibilities after childbearing; however, do not have to persist to the same extent. Through the progress made by women who have excelled in their careers, the ideology surrounding both men and women's roles in society has greatly evolved. Men

today play a greater role in child rearing such that the responsibilities do not fall as heavily on mothers but are rather shared more equitably. While the costs and availability of childcare still pose difficulties for families today, increased flexibility in work policies allow parents to navigate these challenges together as opposed to letting the burden fall on mothers alone.

Through reflection and appreciation, women in law today can recognize not just how far they have come but how far they are capable of going. This mindset will allow the current generation of female lawyers to continue to pave the path of the women at their heels.

The Battles Yet to Be Won for Future Women Lawyers

Despite all the great progress made, there is still considerable room for growth for women in law today. This growth is primarily attributable to the present gap in the representation of women in leadership roles. Although women comprise the majority of law associates, they make up a distinct minority of all law firm partners. This area has seen less growth historically; in 2013, a mere 20 percent of law firm partners were women and in 2023, a whole decade later, that percentage grew only to 28 percent.¹³

This underrepresentation of women in leadership perpetuates additional disparities for women in respect to equitable pay, responsibilities, and mentorship. According to the ABA Journal, women lawyers earned 29 percent less than men lawyers in 2024.¹⁴ This gap fell only five percent from 2022, when women in the legal field were earning 34 percent less than men.¹⁵

With fewer women in positions of power, fewer female mentors in the upper echelons of firms likewise exist both for current and future women lawyers. This reality necessitates that women currently in leadership positions accept the responsibility of developing fellow female lawyers. However, this burden is not theirs to bear alone. Men and women in leadership alike must work to uplift and prepare current and future women to be leaders through outreach, mentorship, and programs.

The everchanging landscape of law through technological advancements including Artificial Intelligence (AI) make it more important than ever for women to have a voice in how new systems affect the day-to-day work of lawyers. While AI has the potential to level the playing field of present workloads by cutting down on monotonous tasks and making legal services more efficient, it likewise has the potential to widen gaps in workplace responsibilities if women are not included in shaping how these tools are used, adopted, and valued.

Technological advancements have also placed greater expectations on lawyers generally. Clients' access to lawyers and the law is at the tip of their fingers, more so than ever before, especially given the pervasive use of AI. All lawyers now feel the pressure of meeting the ever-growing demands of clients through immediate communication and constant availability. Without input from women regarding managing client expectations, this burden may disproportionately impact a group that already tends to carry a greater share of family responsibilities.

The legal field today still needs a culture that values outcomes over constant visibility. Through the accessibility of technology, this shift is possible but will require

open mindedness and continued efforts by leadership and women to reshape what is valued and how it is rewarded.

Creating a legacy for women today will in turn leave one for the women still to come. Only by striving to make the legal field more inclusive for all humans—men and women alike—can we better serve our communities, one another, and our future generations.



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Safeguarding the Right to Vote: Accessibility in the Pursuit of Equal Protection

Erin E. Tomlin

Women have long been experts on the importance of “access” and what that means to dignity, equal protection under the law, and justice. Shirley Chisholm, the first Black congresswoman, is famously known to have said, “If they don’t give you a seat at the table, bring a folding chair,” directed at women and minorities through her advocacy to eliminate sexism and racism during her career and lifetime.¹

A Seat at the Table: The Right to Vote

The recent iteration of 2025’s Safeguard American Voter Eligibility (SAVE) bill—meant to significantly amend the National Voter Registration Act of 1993—emerged in early 2026 as the SAVE America bill, with an underlying goal: to impose additional

restrictions for determining voter eligibility.² The legislation is described by critics as voter suppression marketed to the American people with fear-mongering catch phrases and insufficient data to support the need for such an overhaul on voting rights in the United States, accelerating conspiracy instead of truth.³

Proponents argue that illegal voting and election fraud are rampant. Data, however, does not support the proponents’ claims, which seem to have accelerated in 2016, in an unprecedented upheaval, when President-elect Trump insisted several weeks after that November’s election, “In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.”²⁴ As the claim evolved into a widespread message that noncitizens vote illegally in federal elections there remains a concern about how such polarizing assertions become normalized, potentially jeopardizing accessible rights guaranteed to all U.S. citizens.

Amplifying a message in support of a restrictive voting law serves as a reminder to the legal community, those tasked with advocacy and trained in objectivity and analysis, that justice and the application of law must occur prismatically. If the SAVE America bill, or any complex legal situation were a prism held up to the light, all its facets would be exposed and visually demonstrate that the adversarial two-sided nature of legal tension is often much more complex, requiring additional considerations for those willing to see them.

Is There a Problem to Solve?

In 2016, 42 areas in the U.S. with high immigrant populations were scrutinized for voter and election fraud; approximately only 0.0001 percent of votes cast in those areas were flagged as “suspected noncitizen voting.”²⁵ An additional 2016 election audit in North Carolina found approximately

0.00085 percent of ballots cast were by Green Card holders, or non-citizen voters, and this miniscule percentage was due to misinformation or human error, not a conspiratorial attack on election integrity.⁶

In 2022, the state of Georgia's elections were also analyzed. Resulting data helped determine that between 1997 and 2022, only 1,634 non-citizens attempted to vote in Georgia, but none were allowed to do so, due to regularly established election processes and safeguards already in place.⁷ Again, misinformation and human error were identified as factors rather than something else.

The recent efforts to legitimize the SAVE America bill as necessary are not supported by factual data, yet the rhetoric persists, despite its potential negative effect on certain voters. A recent study's findings in Utah reported that one non-citizen was found on Utah's most recent voter rolls, which encompassed a total of approximately 1.8 million other active and eligible voters.⁸

Known in part for its disproportionate burden on married women, the SAVE America bill also included provisions more likely to affect poor people, rurally isolated people, and those whose legal name is not the same name on their birth certificate.⁹ Recent estimates indicate that 21.3 million Americans don't have proof of citizenship documents readily available.¹⁰ For those in favor of the SAVE America bill, it was continually touted as a necessary law to ensure that only citizens vote, despite pre-existing laws already prohibiting noncitizens from voting in state and federal elections.¹¹

In comprehensive analytical review of available data, there is no evidence to suggest that noncitizens voting is a problem affecting the outcomes of elections and the overall integrity of American elections. In fact, data across various sources, nonpartisan and partisan, shows that noncitizens voting is a "non-issue."¹²

Similar Legislative Efforts by States

By the end of April 2026, and at the time of this writing, the SAVE America bill did not pass the Senate after passing the House in early 2026.¹³ It is unclear whether the same impositions will be attempted

nationwide by Executive Order, but the State of Florida announced passage of the State of Florida Save Act on April 1, 2026, requiring proof of citizenship to vote (which immediately was met with an opposing lawsuit).¹⁴ While current litigation over very recent legislative efforts continue, history and precedence prove insightful, yet another set of facets available to enrich our collective understanding.

In Kansas, between 2013 and 2016, the Safe and Fair Elections Act (SAFE Act) was in effect, which ultimately resulted in blocked voter registrations of more than 31,000 citizens who were otherwise eligible to vote, denying them a constitutional right.¹⁵ This doomed Kansas law requiring voter registration applicants to provide documentary proof of citizenship (birth certificate, U.S. passport, or naturalization records) was struck down. On appeal, the U.S. Court of Appeals for the Tenth Circuit affirmed the district court's judgment, holding that the requisite documentary proof of citizenship unconstitutionally burdened the right to vote and was pre-empted by the National Voter Registration Act (which the SAVE America bill intended to amend).¹⁶ The U.S. Supreme Court declined further review of the case.¹⁷

Arizona's House Bill 2492, a 2022 law barring Arizonians who registered to vote without documentary proof of citizenship (e.g., a birth certificate or U.S. passport) from voting for president in any federal election was ultimately struck down by the Ninth Circuit in 2025.¹⁸

A state law requiring documentary proof of citizenship for voter registration remains unconstitutional if it imposes a significant burden on the right to vote without sufficient justification. If states, regardless of any additional federal action on the topic, attempt to legislate like Florida, which Utah, North Dakota, and Mississippi also have recently done, and how Kansas tried over 10 years ago, it is a valuable opportunity in Idaho to emphasize how access to justice is a legacy worth advocating for and to reject laws that are a "solution in search of a problem" like critics of the SAVE America bill have suggested. When laws disproportionately affect the rights of a few without justification, it is alarming.

Perspective Is Important

The SAVE America bill would have required individuals in the United States to provide documentary proof of citizenship at the time of voter registration, and a photo ID at the time of actual voting.¹⁹ Without thinking about this from the perspective of the most affected, this may seem relatively harmless. After all, photo ID is required for alcohol or tobacco purchases, opening a bank account, picking up a package at the Post Office, or even purchasing some over-the-counter cold medicines. But, importantly, none of those activities are rights guaranteed by the federal constitution of the United States.

It's the documentary proof of citizenship requirement during a voter registration process, as attempted to be imposed on all U.S. voters by the SAVE America bill, that is frightening for individuals most affected. Documentary proof of citizenship includes "primary citizenship evidence," such as a birth certificate, a U.S. passport, a Consular Report of Birth Abroad, a Certificate of Citizenship, or a Naturalization Certificate.²⁰ While Real IDs are assumed to be reliable evidence of primary citizenship, they do not definitively establish citizenship.²¹ Critics have become increasingly concerned about the likelihood of a person registering to vote who has a birth certificate with one last name and an ID with a different last name.

This is a major discrepancy for people who have been married or divorced, potentially more than once, and whose last name has changed once, or several times, during their lifetime. Women disproportionately change their name after marriage.²² In 2023, approximately 80 percent of U.S. women in opposite-sex marriages to men changed their name to that of their husband, whereas in the same year 92 percent of U.S. men married to women retained their last name.²³

History Is Meant to Be Learned From, Not Repeated

In medieval England, the Doctrine of Coverture was part of the existing patriarchal and common law framework foundational to this discussion.²⁴ Coverture refers to a woman's legal existence or identity

becoming merged into that of her husband's upon marriage, indicating a common patriarchal transfer from a father to a husband.²⁵ A married woman under this archaic doctrine could not own property, enter into contracts, or retain her own legal identity, as she was literally "covered" by the identity of her husband.²⁶ Despite acknowledging that over 20 U.S. states still had some kind of coverture laws in place at the time of his opinion in 1966, Supreme Court Justice Abe Fortas stated, "The institution of coverture is peculiar and obsolete." In that case, Texas law prohibiting married women from contracting or binding their separate property without obtaining a court decree removing their "disability to contract" was at issue.²⁷

As archaic as coverture is, many recent legislative efforts are consistent with Project 2025, written and advocated for by the Heritage Foundation.²⁸ For example, Project 2025 prioritizes a definition of "family" more aligned with coverture principles, discrediting families with a single parent or other composure as "less than" their ideal. One of its many goals is to eliminate nearly all civil rights offices in federal agencies, which are charged with enforcing protections against discrimination on the basis of sex, race, disability, and more.²⁹ These hard-fought protections are part of a legal legacy at risk despite the progress made since the 11th century.

Change Your Name. No, Don't Change Your Name.

The practice of changing surnames upon marriage, especially for women, is a well-established standard, even expectation, in western culture and has persisted despite women's identities and autonomy becoming distinctly different from that of their spouse over time. Before the 1970s, women who married in certain U.S. jurisdictions were not allowed to keep their birth surnames to accomplish certain objectives, like being able to vote. Rose Palermo, a female attorney in Nashville, Tennessee, was stricken from the state's voter rolls after keeping her birth surname following marriage.³⁰ She sued. Ultimately, the Tennessee State Supreme Court agreed with her; she became one of many women experiencing increased access and equal rights under the law during that decade.

Legal changes in the 1970s brought options where none had existed before and women experienced breakthroughs in equal protection and more equitable laws and social norms.³¹ Women seeking equal protection under the law and advocating for gender equality still change their name after marriage because it's simply a popular current tradition and is an unreliable indicator of how independent or autonomous a woman is. If laws like the SAVE America bill gain traction, it could be another catalyst affecting name changes following marriage, and perhaps name changes following marriage will become less common moving forward if they create an unequal burden on certain citizens.

If the SAVE America bill passed and was not found unlawful after the inevitable lawsuits challenging its validity were filed, questions about how to navigate compliance were likely and already being asked, preemptively, pending the Senate's actions. They included:

Do women need to also have a marriage certificate on their person to register to vote? If a person does not have a passport due to their inability to afford one, are they restricted from voting despite their established right to do as a U.S. citizen? In 2024, only 48 percent of Idahoans had a passport. More specifically, in 2024, the number of citizens without a passport in Idaho was approximately 991,000 people.³² Average costs to obtain a passport book are \$165.00 before any expedited costs or photo fees.³³ For an Idahoan on a fixed income, especially

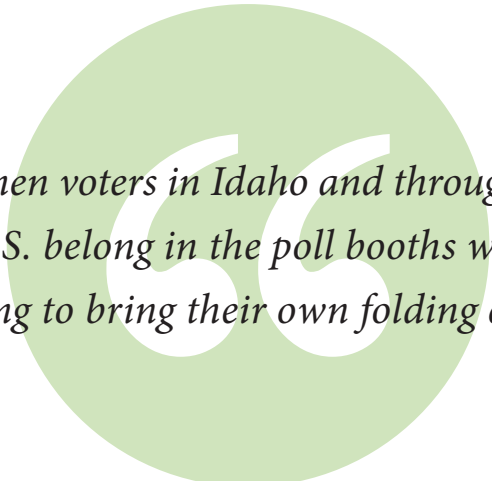
if inflation, gas prices, and grocery costs continue to rise, this is a significant amount to extract from a month-to-month budget.

Impacts for Rural Idahoans and Local Election Officials

Are rural Idahoans, perhaps also elderly, more restricted from voting than before upon passage of a law like the SAVE America bill due to potential barriers in ordering these vital documents, often requiring in-person appointments at various government offices? Idaho is a mostly rural state, often defined by its vast geography. For many Idahoans, the distance to access in-person services is significant.

Travel, age, safety, disability, and other barriers supplement opponents' concerns for the SAVE America Bill, and similar laws, where the increased requirements extend beyond paperwork and costs. In addition to impacts on individual voters, legislators' consequential awareness can be demonstrated through asking the right questions before passage of such a significant amendment.

The likelihood of increased waiting times for voters or bureaucratic complexities for poll workers, many of whom are volunteers, is yet another facet the SAVE America bill arguably overlooked. Do election officials, poll workers, and volunteers become underwriters of voter registration legitimacy, having to review a myriad of documents pieced together by a voter with a right, but now a burden of proof? The SAVE America bill did



*Women voters in Idaho and throughout
the U.S. belong in the poll booths without
having to bring their own folding chair.*

little to address the foreseeable chaos it would cause if it had passed. Idaho's pragmatic history reminds us to reflect on our own data before civic volunteers and public servants must manage unnecessary chaos, all while restricting access to eligible voters, especially women and others affected inequitably.

Regarding noncitizens voting in Idaho, Secretary of State Phil McGrane reported that "Out of the million-plus registered voters we started with, we're down to 10 thousandths of a percent in terms of this number. ... This is very rare, it's very limited," in response to voter roll reviews and related findings of noncitizen voters in Idaho.³⁴

Seeing the Forest for the Trees

For all those who sighed with relief upon the SAVE America bill's death in the 2026 Senate, others remain concerned that the only way to prevent noncitizens from voting is to impose additional requirements in voter eligibility and registration criteria. In the spirit of perspective, it may be helpful to assess this kind of polarizing disparity as not being able to see "the forest for the trees."

Registering to vote and voting are two distinct acts. They can be done at different times, or at the same time on election day in Idaho. For instance, illegal voting is distinguished from incidents in which noncitizen voter registration is reported, with each being subject to certain oversight and various scrutiny. These safeguards are, at both steps (the registration and the actual voting) intended to protect election integrity and ensure that applicable laws are followed. Laws that already prohibit or limit noncitizens from voting are effective, and illegal voting by noncitizens is not a pervasive or impactful occurrence.

If unfounded concern about noncitizens voting illegally is the "trees," then entitled rights afforded to eligible voters is the "forest" here. Ensuring the preservation of rights is a noble cause, one many in the legal profession take to heart daily. Laws like the SAVE America bill that erode rights or prevent more lawful citizens from registering to vote than will prevent noncitizens from registering to vote, or voting, should be scrutinized instead of touted with the same kind of blind loyalty that one has to tacky political merch with little regard for what it may represent beyond rally cries and anti-immigrant hyperbole.³⁵ The

false claims in justification of the Save America bill are a red flag for those willing to see it.

This is especially true if the lawful citizens prevented from registering to vote are only certain groups of people disproportionate to others, people who have been historically marginalized or treated unfairly. Are Americans comfortable with restrictive voter laws, negatively affecting access to a constitutional right for themselves or their neighbor, when the data to support such change is nearly non-existent but repeatedly misrepresented as otherwise? Whether these misrepresentations have become a large-scale unifying message is concerning as the data is clear: noncitizen voting is not something America needs to be saved from as it occurs so infrequently, with no bearing on election outcomes. If motivations for laws like the SAVE America bill are rooted in anti-immigrant rhetoric, given the overwhelming insufficient data to support its overhaul on voting, what kind of beliefs does the bill appeal to?

Without Access, What Is a Right?

In 1896, Idaho became the fourth state to grant women full suffrage—the right to vote in local, state, and federal elections through a constitutional amendment voted upon by Idaho voters.³⁶ 24 years later, Idaho ratified the 19th Amendment to the federal constitution, which made a woman's right to vote guaranteed nationwide.³⁷ In this profound early example of Idaho's commitment to the rights of women over two decades *before* the federal government affirmed the same right, there may be remnants of a historical thread to pull on in safeguarding women's access to places they belong as part of a heritage to be proud of. Women voters in Idaho and throughout the U.S. belong in the poll booths without having to bring their own folding chair.

It remains worthwhile to call upon Idahoans, especially those who practice law and who swore the oath, in part, upon Idaho state bar admission, "I will support the Constitution of the United States and the Constitution of the state of Idaho."³⁸ In celebration of the Idaho Women Lawyers' active charter and existence for forty years since 1986, the same year that Congress designated an inaugural Women's History Week, it remains important to protect access as much as championing the rights secured in the law to date.³⁹

The Idaho Women Lawyers advocates for the promotion of equal rights and opportunities for women in the legal profession but also champions those who advocate for the rights of others that are at risk of being inaccessible. Without equitable access to lawful rights, injustice tips the scales. It is this imbalance that Justice Ruth Bader Ginsburg perhaps referenced in an Academy of Achievement interview she gave in discussing her legal advocacy during the 1970s: "So I had legal education, and I could use that education to help move this movement for change, for allowing women to realize their full potential, help move that along. So it was that 10 years of my life that I devoted to litigating cases about, I don't say women's rights, I say the constitutional principle of the equal citizenship stature of men and women. I was tremendously fortunate to be able to participate in that movement for change."⁴⁰

As proposed laws, and those enacted, enforced, and affirmed continue to reflect societal discourse, they also generate important discussions challenging us to think more critically and to weigh all pieces of information and consequential reverberations. Requiring any lawful voter to overcome access barriers for a talking point rooted in propaganda, but somehow legitimized enough to threaten the right to vote, is a lesson to learn from. Just as a prism refracts light through transparent angles, equitable access ensures seats at the table remain saved.



Erin Tomlin lives in Moscow with her husband, where they raised their three sons. She has been practicing law since 2012 and previously served as the University of Idaho College of Law's Assistant Dean of Student Affairs (Moscow) and is currently in private practice. She loves to raft, vote, and spend time with her family and their well-intentioned Aussie named Huckleberry.

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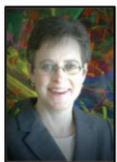
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When My Signature Altered Outcomes: Building Credibility as a Female Attorney in Rural Practice

Jessica Perez

The day I passed the bar, I became a lawyer. The day I successfully tried my first case, I became one in the eyes of the judge. In between those two distinct moments, I learned that credibility in a courtroom is not automatic, it is tested and earned through the crucible of trial.

When My Signature Altered Outcomes

I spent nearly 10 years as a legal assistant before becoming an attorney in Oregon and Idaho, where I now practice family law and civil litigation. During that time, I drafted pleadings, observed hearings, and helped prepare cases for trial. By the time I was licensed, I was already familiar with courtroom procedures and the practical realities of litigation in both Oregon and Idaho.

Not long after I began signing pleadings in my own name, I prepared a motion for entry of default in an Oregon divorce.

A nearly identical motion, prepared a week earlier and signed by the male managing partner of my firm, had been granted. Mine was denied for failure to attach a Servicemembers Civil Relief Act certificate. After adding the attachment, the motion was granted. Although the lack of certificate was an admitted oversight on my part, the only meaningful difference between the two otherwise substantively identical filings was the name in the signature block.

My procedural oversight was correctly acknowledged by the judge. Nevertheless, the question is clear. Why was the exact same procedural oversight missed or ignored by the same judge when my male supervisor made it just a week prior? Could this have anything to do with bias?

Reflecting on this and other experiences prompted me to examine whether such discrepancies reflect broader patterns. Research in the social sciences has identified a phenomenon referred to as “prove-it-again” bias, a phenomenon across industries where women must repeatedly demonstrate competence before receiving

the same level of trust afforded to their male colleagues.¹

Building Credibility in a Small Legal Community

On another occasion, I had an Oregon protection order case and a divorce case involving the same parties and children. I researched the issues and discussed with my supervisor my plan to move to consolidate the two cases. We agreed that consolidation was the right strategic move. This is common practice in Oregon, and the rules strongly support it. Additionally, I had drafted similar motions to consolidate as an assistant.

I filed the motion and it was denied. This surprised even my supervisor, who had previously consolidated many identical cases. The order denying the motion did not provide a rationale, and to be fair, I do not recall the reasons stated on the record. However, a separate judge who later dealt with the case, and who I had already had trials with, wondered aloud

on the record why the cases had never been consolidated. I was dumbfounded.

These were not isolated experiences. While individual rulings vary, such outcomes align with studies showing that identical strategies or filings by female attorneys can face heightened scrutiny or the “prove-it-again” bias. In this context, the heightened scrutiny newer female attorneys face may not be intentional, yet it can shape how attorney credibility develops in the courtroom.

Sometime later, I had an upcoming trial against a seasoned attorney. I decided this was my opportunity to establish credibility. I overprepared—not just to advocate for my client, but to demonstrate that I was capable, reliable, and credible despite my perceived inexperience. I received a favorable ruling at the conclusion of that trial.

After that trial, something seemed to change. Judges listened more carefully to my arguments and engaged more thoughtfully with my positions. As I tried additional cases before other judges, I experienced similar shifts. Trial became not just a forum for resolving disputes, but a proving ground for credibility.

These experiences illustrate a common dynamic for newer female attorneys, which is that credibility often requires visible success in trial advocacy, a “proving ground” that may demand more from women due to prove-it-again bias. As the profession has seen increasing numbers of women enter

practice over the past 40 years, data suggests that while overt barriers have diminished, subtle perceptual hurdles in building trust in the courtroom remain.

With judges before whom I have tried cases, I feel I have established credibility. With those before whom I have not had a trial, I recognize that I am still working on building that foundation. Every time I walk into the courtroom, my goal is to know that I have done my research, and I am the most prepared person in the room.

These experiences raise a broader question: to what extent is early-career scrutiny simply part of professional development, and to what extent might implicit bias influence how credibility is initially assigned? Upon reflection and research, I have come to believe that “prove-it-again” bias has played a meaningful role in my career thus far.

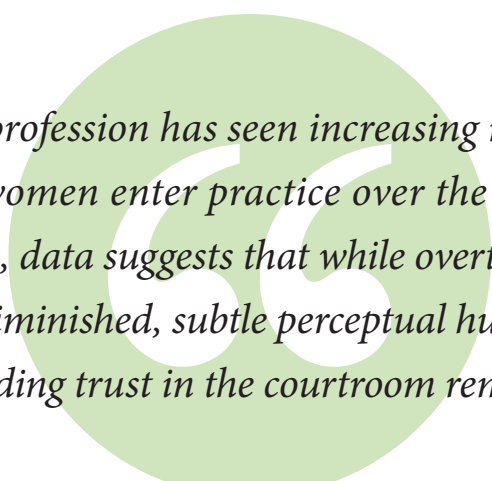
Studies show that perceptions of competence in courtroom settings are influenced by implicit bias.² In her article on Gender Bias in the Courtroom, Connie Lee discusses research showing that identical advocacy styles are often evaluated differently depending on the attorney’s gender.³ One study of note evaluated whether an attorney’s emotional expressions, particularly anger, impacted the jury’s view of that attorney’s competence.⁴ Sadly, though not surprisingly, the male attorneys were viewed as being more competent than the female attorneys when they presented as angry or firm.

A 2020 gender-based survey of over 5,000 attorneys in New York state courts revealed a stark difference in how men and women perceive the credibility gaps.⁵ Among its findings was that 51 percent of female attorneys agreed with the proposition that judges appear to give more credibility to the arguments/statements of male attorneys over female attorneys. Only 13 percent of male attorneys agreed with that statement. The pattern was similar when asked if this same phenomenon occurs when the judge is female. In that instance, 29 percent of female attorneys reported that female judges do appear to give more credibility to male attorneys. Only seven percent of male attorneys agreed. Approximately 35 percent of female attorneys reported that judges appear to impose a higher burden of proof on female litigants, versus six percent of male attorneys. Overall, the study concluded that gender bias continues to negatively impact fairness in the treatment of women in the judicial system.

The crux of these studies is that implicit gender biases have the effect of undermining the female attorney’s credibility in the courtroom. If the female attorney’s credibility is in question right out of the gate based on gender biases, this ultimately impacts the client’s ability to receive a fair trial.

A more recent study has produced mixed findings on gender and credibility. In 2024, IMS Legal Strategies conducted a similar experiment to those discussed by Connie Lee.⁶ It involved 199 participants who served as mock jurors in a fictitious toxic tort case. They watched pre-recorded opening statements and expert testimony, with either a female or male plaintiff’s counsel and female or male experts. The defense attorney was always female and the script was identical. After viewing the recordings, the participants were asked which side they favored, how they would describe the attorneys, and whether they believed there should be more diversity in the courtroom. The study found no significant difference in how the attorneys were perceived.

However, the authors cautioned that these particular findings do not mean that implicit gender biases have been eliminated from the practice of law. In fact, they note that gender research in the legal field continues to raise more questions than answers.



As the profession has seen increasing numbers of women enter practice over the past 40 years, data suggests that while overt barriers have diminished, subtle perceptual hurdles in building trust in the courtroom remain.

For instance, a 2010 Politics & Gender study explored whether attorney gender is relevant to the types of cases being tried.⁷ In that study, the authors note that women are more likely to appear before the Supreme Court when the cases involve perceived women's issues, such as reproductive rights, equal employment issues and sex discrimination. While this study helps to shed light on case-type effects and gender, important questions remain about how attorney gender operates across different litigation contexts.

Regardless of whether bias directly affects outcomes, these studies highlight how perceptions of credibility can still shape courtroom dynamics, particularly in smaller legal communities where professional reputation develops over time.

Another challenge faced, primarily in Oregon courts, is that I am addressed by my client's surname when my client is Hispanic. While I presume these incidents are unintentional, they serve as reminders that knee-jerk assumptions still shape courtroom interactions. This ties into another concept discussed in Lee's article, the "double bind" of race and gender in the legal community.⁸ Lee discusses some extreme examples of the double bind bias, but my anecdotal experience demonstrates that these issues still exist today. These incidents, even if unintentional, echo the "double bind" of intersecting biases discussed in the literature and highlight an area where the profession can continue to improve awareness.

Lessons Learned

These experiences have taught me several lessons that may be helpful.

- Credibility is earned, not conferred.
- Newer attorneys may face heightened scrutiny.
- Preparation is both advocacy and reputation-building.
- Implicit bias can shape courtroom perception, even unintentionally.
- Professional credibility is built collectively within the legal system.

The legal profession has made outstanding strides in welcoming women into practice. Yet individual experiences,

and supporting research, suggest that challenges around professional credibility and implicit bias persist. My experiences in rural practice have shaped how I view credibility in the courtroom. I learned that while passing the bar grants a license to practice law, the credibility we need to be effective is earned over time. In smaller legal communities, that credibility often develops through trial advocacy where preparation, professionalism, and performance are visible to the court. Even with the progress our profession has made thus far, the experiences discussed in this article suggest that perceptions of competence and trust are still formed in ways that can take longer for newer attorneys, and particularly women, to establish.

For newer attorneys, and perhaps disproportionately for young women, the "prove-it-again" bias means that credibility may take longer to establish. My experiences in the courtroom reflect this exact dynamic. These experiences also reinforced the importance of preparation. Preparation became not only a tool for effective advocacy, but also a way to build professional credibility.

At the same time, these experiences prompted reflection about how we, as legal professionals, evaluate one another. Judges and attorneys alike strive to be fair and impartial, yet implicit biases can influence how we perceive credibility, experience, and competence. When pleadings demonstrate thoughtful research and sound legal reasoning, they deserve consideration regardless of the name or bar number in the signature block.

Rural practice offers unique opportunities to build relationships and professional trust. It also offers an opportunity to be mindful of how we welcome and evaluate female and newer attorneys. By recognizing our own assumptions and focusing on the merits of the arguments presented, we can build on the four decades of progress, strengthen our profession, and maintain fairness in the judicial process.

Ultimately, the lesson I learned is that credibility is built through preparation, professionalism, and persistence. Trial advocacy became the crucible through which I continue to earn credibility. The responsibility to evaluate arguments fairly belongs

to all of us who participate in the legal system. This is particularly true when implicit bias might play a role that we should all recognize and seek to keep in check.



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She grew up in Weiser, Idaho and stayed in Payette, County, Idaho. When she is not practicing law Jessica enjoys spending time with her family and pets, gardening in the summer and snowboarding in the winter.

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Why Fault Divorce Is Unpopular in Idaho

Jennifer E. Neyenhouse

Fault divorce is unpopular because it is a contest with no direct prize pot. Courts may consider the effect of facts related to marital misconduct when determining property division, alimony, or child custody, but fault grounds for divorce do not trigger—nor are they necessary to justify—an award of more money, time, or decision-making rights to one spouse. An official finding of adultery or extreme cruelty in family law cases does not have the gravity of a guilt, fault, or breach in criminal, tort, or contract matters respectively.

Depending on the facts of the case, securing a fault basis for a divorce could be easy or hard and expensive. But even if one meets the burden to prove fault, there is no presumption that carries forth into the division of assets, alimony, or custody. So why discuss a valueless legal theory?

Because without the broader context of other legal subspecialties, it is hard for distressed family law clients to believe this short answer is true, that marital misconduct could be irrelevant. For the purposes of this article, we will assume that Idaho marriages without prenuptials to the contrary are agreements between two people to exclusively divide labor, share resources, and love and care for each other.

This article explores the unique nature of the concept of fault in the context of marital misconduct, division of community property, child custody, and alimony and compares it to the structure of awarding damages in tort. I will explain the family law statutes, and review four illustrative cases.

Title 32 covers domestic relations in Idaho, including eight grounds for divorce in §§ 32-603-09, child support, court costs and attorneys' fees in 32-704, alimony and child support in §§ 32-705-6, distribution

of community property in §32-712, and child custody in §32-717. There are seven causes of fault-based divorce in § 32-603, and fault can even be assigned in the eighth option of “[i]rreconcilable differences.” Adultery is defined in § 32-604 as “the voluntary sexual intercourse of a married person with a person other than the offender’s husband or wife” and requires “very clear and conclusive evidence” of a “specific act.”¹ Adultery is not a crime in Idaho.²

“Extreme cruelty” is described in § 32-605 as “the infliction of grievous bodily injury or grievous mental suffering...”³ In divorces initiated following a domestic violence incident resulting in a guilty plea or verdict, establishing fault by extreme cruelty seems straightforward. But to fully recover from a domestic violence issue would theoretically require three separate court cases: a criminal, family, and civil tort claim. In criminal court, only the state can

prosecute crimes which carry the possibility of jail time and probation conditions and are recorded as part of a person's criminal record. The criminal court can award restitution for economic loss including lost wages and medical expenses under §19-5304. Pain and suffering and emotional distress are expressly excluded from §19-5304, so a victim would have to initiate a separate civil tort claim for those losses. Finally, the family court would adjudicate the divorce, but its role is limited to fairly distributing the parties' community property and children. The right to a trial by jury applies to both criminal and tort matters, but not in family court.

Judges may consider "the fault of either party" when awarding maintenance or assigning attorneys' fees. Caselaw clarifies that fault here is not interchangeable with the fault as the grounds for divorce.⁴

This fault grounds for divorce is distinguished from the "fault of either party" description of non-exclusive, non-mandatory factors for consideration regarding spousal maintenance and attorneys fees. Often judges have applied this to mean fault with direct financial consequences.

The concept of fault enters the analysis for distribution of property only if either spouse "dissipated or wasted marital assets by spending marital funds in some improper way, thus reducing the amount of marital assets available for distribution."⁵ "Expenditures made and indebtedness incurred during the marriage are presumed to be for the benefit of the community unless the spouse alleging dissipation can demonstrate that the dissipating spouse spent community funds on something other than the community."⁶ The financial cost of flowers, hotels, and gifts for an affair partner, for example, can be reimbursed in the distribution of property, but the emotional distress, pain and suffering, loss of consortium or enjoyment, even loss of earning capacity or missed work cannot.

A finding of fault does not affect custody. Custody is determined by a factual analysis of the best interest of the child under § 32-717. The child's best interest—not the rights of the parents—is of paramount importance. To determine the child's best interest, the court must "consider all relevant factors" related to their custody, care, and education.⁷ Though the court is required to consider "domestic

violence" in § 32-717(1)(a)-(g), "unless one parent is a habitual perpetrator of domestic violence, courts are required to apply Idaho's presumption that an award of joint custody is in the children's best interests."⁸ It is possible to overcome this presumption with evidence that declining to award joint custody would actually serve the children's best interest.⁹

In 2024 in *Farnsworth v. Farnsworth*, the husband stipulated to fault by adultery and extreme cruelty, but it had no effect on the distribution of property.¹⁰ The court did award the wife attorneys fees under § 32-704, but only for those fees related to the time she wasted preparing to pursue the claims of adultery and extreme cruelty at trial, because the husband stipulated only once trial began.¹¹ The court went further stating "it is tempting to vindicate a sense of justice and award [wife] all attorney's fees on fault grounds....However,... the Court believes it would be improper to have the determination of attorney's fees issue turn on one factor."¹² The wife still had to split the equity in their house and the earnings from a trust fund she had owned before the 21-year marriage.¹³

In *O'Halleran v. O'Halleran*, the wife filed for a fault divorce and husband countered based on "habitual intemperance, extreme cruelty, and irreconcilable differences."¹⁴ The magistrate granted wife's motion to amend her complaint to add a tort claim requesting damages for emotional trauma, physical abuse, and stress

the husband allegedly caused her during the marriage.¹⁵ Eventually the magistrate granted the divorce based on irreconcilable differences, divided the property and awarded alimony to the wife but was silent on her tort claim.¹⁶ On remand, the magistrate found that the husband "physically battered, intimidated, and harassed" the wife and awarded her \$20,000 in damages.¹⁷

However, the Idaho Supreme Court ultimately reversed the tort award for multiple reasons. It noted that the magistrate had jurisdiction over the case but still lacked the authority to rule on it because it had never been assigned the case. I.C.A.R. 5 requires District judges to approve the assignment of cases to magistrates and "the amount of damages or value of the property claimed does not exceed \$10,000."¹⁸ "The order of the district judges stating the assignment of cases to magistrates must be posted in a conspicuous place in the clerk's office in each county in the district..."¹⁹ The wife sought more than the damage limit set by the Seventh District's order assigning cases to the magistrate, and her tort claim could not be bootstrapped to the divorce proceeding as an ancillary matter.²⁰

The Court determined that "[t]ort claims are not ancillary to divorce proceedings because tort claims are not necessary to aid, decide, or enforce the divorce or any divorce-related matters such as spousal maintenance, child custody, child support, or community property."²¹



A finding of fault does not affect custody.

The Idaho Rules of Family Law Procedure 102 further provides that the Idaho Rules of Civil Procedure do not apply unless expressly incorporated by reference within the IRFLP.²² Because of this, I.R.C.P. 18 permitting joinder of claims is not incorporated by reference within the I.R.F.L.P., and so “specifically preclude[s] joinder of other, non-divorce claims in a divorce action.”²³

Finally, the Idaho Supreme Court noted that the divorce court is one of equity and so lacks the right of a jury trial necessary to adjudicate questions of law. “The right to a jury trial applies only to legal claims, and not equitable claims.”²⁴ “Marital tort actions may not be joined into a divorce action because a civil action in tort is fundamentally different from a divorce proceeding, and that the respective issues involved are entirely distinct.”²⁵

In *Danti v. Danti*, the parties separated, and the husband admitted to an intimate relationship with the person other than his spouse.²⁶ In an apology attempt gone wrong, the husband was charged with domestic battery for an incident that took place in front of one of the children.²⁷ The husband pled guilty to the lesser charge of disturbing the peace, a no contact order precluded him from living with his wife, and husband moved in with his mistress.²⁸ Custody exchanges were fraught with conflict between the parties, and they reported each other to the police alleging various crimes.²⁹

The wife then filed for a fault divorce based in part on adultery, and extreme cruelty.³⁰ After a trial, the court granted wife a divorce on those grounds.³¹ The court awarded the parties joint legal custody of the children, but sole physical to wife with permission to relocate to California.³²

The husband appealed and the court determined that that the factor of “domestic violence [was] of little consequence” to its decision awarding custody to the wife.³³ The court allowed her to move back to California with the children because it found evidence that rebutted the presumption of joint custody, based on a separate inquiry, that joint custody was not in the best interest of the children.³⁴ This evidence included that the father was “condescending, dictatorial and confrontational” with his older daughter, and had “poor impulse control, an alarming lack of insight

into how his behavior affected [his older daughter] and an inappropriate manner of attempting to manipulate [her] feelings.”³⁵

In *Larson v. Larson*, the husband “began to develop a more personal relationship” with an assistant in his medical office.³⁶ The parties separated, and the husband’s extramarital relationship became intimate.³⁷ Meanwhile, the wife’s accountant told her that she was entitled to 50 percent of the husband’s earnings, so she increased her spending on cars, travel, clothing, gifts, and loans to friends.³⁸

The husband filed for divorce on the basis of irreconcilable differences, and the wife countered for a fault divorce based on adultery and extreme cruelty. The court denied wife a finding of fault under § 32-603 despite noting that the husband did engage in an “intimate” relationship with someone other than the wife while the parties were still married. The wife did not appeal this portion of the case.

Instead, the appeals court focused on Mrs. Larson’s expenditures during the separation. The court determined that the wife “had intentionally diverted, without [husband’s] consent or approval, approximately \$390,727.92 of community funds to her own use during the period of separation” and so that sum was credited toward the wife’s allocation of community property.³⁹ Otherwise, the distribution of community property was equal.

Siloing the various recoveries for the damage caused by marital misconduct between the criminal, civil, and family courts makes procedural sense. To the client, the idea that their faithfulness—the core value of their most sacred relationship—has no monetary value is almost insulting, but if family law attorneys can get their clients to accept the fact, it does spare the client the emotional turmoil of hiring a private detective to document evidence of penetration of the marital veil.



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Endnotes

1. See *Rice v. Rice*, 46 Idaho 418, 267 P. 1076 (1928); *Brown v. Brown*, 27 Idaho 205, 148 P. 45 (1915).
2. Session Laws 2022, Ch. 124, Section 1 repealing portions of Idaho Code 18-6601.
3. *Farnsworth v. Farnsworth*, 174 Idaho 822, 840, 560 P.3d 565, 581 (Idaho App. 2024).
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8. *Id.* citing I.C. § 32-717B(1), (4) & (5); see also *Hopper v. Hopper*, 144 Idaho 624, 626, 167 P.3d 761, 763 (2007).
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10. *Farnsworth v. Farnsworth*, 174 Idaho 822, 829, 560 P.3d 565, 572 (Idaho App. 2024).
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12. *Id.*
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14. *O'Holleran v. O'Holleran*, 171 Idaho 671, 672, 525 P.3d 709, 710 (2023).
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16. *Id.* at 672-73, 525 P.3d at 710-11.
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20. *Id.* at 675, 525 P.3d at 713.
21. *Id.*
22. *Id.*
23. *Id.*
24. *Id.* at 676, 525 P.3d at 714.
25. *Id.* citing *Ward v. Ward*, 155 Vt. 242, 583 A.2d 577, 580-81 (1990).
26. *Danti*, 146 Idaho at 932 204 P.3d at 1143.
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28. *Id.*
29. *Id.*
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32. *Id.*
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36. *Larson*, 139 Idaho at 974, 88 P.3d at 1214.
37. *Id.*
38. *Id.* at 976, 88 P.3d at 1216.
39. *Id.* at 977, 88 P.3d at 1217.

THANK YOU!

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A Seat at the Table: Credibility and the Invisible Work of Women in Transactional Practice

Sarah M. Ford

In transactional practice, credibility is often established before the negotiation even begins. The conference room fills. Introductions are exchanged. Business cards slide across the table. In those first moments, the participants in a deal quietly assess one another—who represents whom, who holds decision-making authority, and who will ultimately guide the direction of the negotiation.

For many women transactional lawyers, this moment carries an additional layer of complexity. These early assessments are rarely neutral. Studies have shown that implicit assumptions about authority and expertise can influence how individuals are perceived in leadership and negotiation settings, especially for women.¹ Similar dynamics have been observed within the legal profession, especially in roles that require establishing authority in traditionally male-dominated environments.

Transactional practice is no exception. Even as women have become increasingly visible throughout the legal profession, subtle assumptions about authority and leadership can still surface at the negotiation table. A woman lawyer leading a transaction may still encounter moments—often brief and unspoken—where her role is not immediately recognized or is quietly tested.

These moments are rarely overt. They may appear in small interactions: questions directed to a male colleague instead of the woman leading the transaction, assumptions about who holds decision-making authority, or subtle shifts in tone once roles become clear. Individually, these moments may seem minor, but over time they illustrate how credibility in professional settings is often shaped not only by expertise, but also by the expectations others bring to the room.

These dynamics do not prevent women from leading successful transactions, but

they can influence how credibility is established and maintained throughout the life of a deal. Over time, many women transactional lawyers often develop ways of navigating these dynamics. For many women transactional lawyers, credibility is therefore built through legal expertise, but also through a form of professional labor that is far less visible: the relational and strategic work that keeps transactions moving forward. This work includes managing relationships among parties, anticipating points of tension, and guiding negotiations toward workable solutions.

Organizational research has increasingly described this type of effort as “relational” or “invisible” labor—work that supports collaboration and effective outcomes but is often undervalued in formal performance metrics and attributed to luck.² In transactional practice, this work becomes a powerful tool for building credibility and effectiveness in negotiations and is frequently central to whether a deal succeeds.

Establishing Authority at the Negotiation Table

Transactional lawyers do not advocate before juries or judges. Our advocacy occurs through negotiation—through the careful structuring of agreements and the steady process of guiding a deal from concept to closing.

In this setting, credibility is foundational. Clients and opposing counsel look for signals about who understands the issues, who is directing the strategy, and who can resolve the inevitable challenges as they arise.

Research on gender and negotiation has found that women are often evaluated differently than men when demonstrating authority.³ Behaviors that are perceived as confident and effective in male counterparts may be interpreted differently when exhibited by women, creating a narrower range of behaviors that are consistently received as authoritative. For example, assertive negotiation tactics that are viewed as decisive when used by male attorneys may be interpreted as overly aggressive when used by women, while collaborative approaches are not always credited as authoritative, even when they produce effective outcomes.

Within transactional practice, these dynamics can influence how women lawyers establish credibility at the outset of a negotiation.

As a female transactional lawyer still in the earlier stages of my career, I have occasionally made small strategic choices to keep the focus on the substance of the deal rather than on perceptions about who I am. For example, I often keep my camera off during initial video negotiations so that the conversation centers on my understanding of the transaction and the strategy I am advancing for my client rather than opposing counsel's perception of my authority based on how I look. My goal is simple: I want opposing counsel to evaluate my credibility based on preparation, judgment, and the quality of the negotiation—not on assumptions about my age or gender.

While these dynamics can present challenges, they also highlight an important aspect of transactional practice:



Even as women have become increasingly visible throughout the legal profession, subtle assumptions about authority and leadership can still surface at the negotiation table.

credibility is not established through a single moment, but through the consistent demonstration of judgment, preparation, and the ability to guide a transaction forward. For many women, that demonstration often includes relational choices that keep negotiations focused, productive, and moving toward resolution.

The Invisible Work of Moving a Deal Forward

Every transaction involves more than the terms written into an agreement. People shape deals—clients with competing priorities, business partners navigating risk, lenders balancing financial considerations, and opposing counsel working toward solutions within their own priorities, constraints, and communication styles.

For many women lawyers, these relational skills become an important part of establishing credibility within transactional practice. The ability to guide conversations, maintain constructive dialogue, and build trust among parties can transform the dynamic of a negotiation.

Research in negotiation theory has long recognized that complex, multi-party negotiations depend not only on technical expertise but also on the ability to manage relationships and maintain trust among participants.⁴ Transactional lawyers frequently perform this work in ways that are difficult to quantify. It may

involve identifying and addressing points of friction before they escalate, reframing issues to facilitate agreement, or sustaining constructive dialogue among parties with competing interests. The most effective transactional lawyers combine technical expertise with the ability to manage the human dynamics of a deal.

Women professionals are often more likely to be asked to perform—and to accept—this work because it can serve as a powerful mechanism for building credibility. Many women transactional lawyers develop strong capabilities in this area, in part because navigating the legal profession has required careful attention to how authority is perceived and exercised.

Despite its importance, however, this work is not always recognized in the same way as more visible aspects of legal performance.

Transactional Practice and the Limits of Traditional Metrics

The legal profession has long relied on measurable indicators—billable hours, collections, and client originations—to evaluate performance and determine advancement. These metrics provide important benchmarks for productivity and financial contribution. At the same time, they do not always capture the full scope of contributions required for effective legal practice.

In transactional work, this gap can be particularly pronounced. Transactions rarely progress in a straight line from initial agreement to closing. Instead, they involve ongoing conversations among clients, lenders, business partners, and opposing counsel, each bringing different priorities, timelines, and risk tolerances to the negotiation.

Moving a deal forward often requires careful coordination and the ability to maintain productive working relationships among parties whose interests do not always align. Much of this effort falls outside the traditional metrics used to evaluate legal performance. This relational and strategic work is less visible than drafting documents or recording billable hours, even though it can significantly influence whether a transaction ultimately succeeds.

The lawyer who recognizes a point of tension early and reframes the conversation may prevent a negotiation from breaking down entirely. Similarly, the ability to build trust among negotiating parties can allow discussions to move forward when positions initially appear far apart.

For women lawyers, who are often more likely to engage in or be asked to perform this relational work, the disconnect between contribution and recognition can be especially noticeable. This collaborative, relationship-centered work supports credibility and authority, but is less consistently reflected in formal systems of evaluation. Within transactional practice, this dynamic can mean that some of the most important contributions to a successful deal remain largely invisible within the profession's traditional measures of success.

Owning a small law firm brings these dynamics into particularly sharp focus. Relational work—the conversations that keep negotiations productive, the strategic concessions that build trust, and the effort required to keep parties aligned—is not always easy to quantify for clients.

Clients understandably focus on results. Accordingly, I have found it helpful to discuss these dynamics early in a representation and explain how relationship-building can help secure more efficient and effective outcomes. When clients understand that this work often helps resolve disputes before they escalate and keeps negotiations moving forward, they are far more likely to recognize its value.

Recognizing the Work Behind the Work

Because these contributions are rarely reflected in traditional performance measures, women often must establish credibility through work that is simultaneously essential and undervalued. These forms of professional judgment frequently shape whether negotiations remain productive and whether agreements can ultimately be reached.

For many women transactional lawyers, this dynamic can feel particularly familiar. Establishing credibility in negotiations often requires not only legal expertise but also the relational leadership that keeps discussions constructive and focused on problem solving. These contributions are not ancillary to transactional practice. They are often central to the success of the deal itself and necessary for women to establish credibility within a negotiation.

Recognizing this dimension of legal practice does not diminish the importance of technical expertise. On the contrary, the most effective transactional lawyers combine deep legal knowledge with the ability to navigate complex human dynamics. Negotiations frequently involve competing interests, shifting priorities, and moments of uncertainty. Lawyers who can guide both the legal and relational aspects of these conversations provide an essential form of leadership within the deal process.

When relational and strategic labor is acknowledged as a core component of effective negotiation—and of how credibility is earned—the profession can better

recognize the full scope of leadership required to close complex transactions. Expanding the profession's understanding of what constitutes valuable legal work can therefore benefit not only women lawyers but transactional practice more broadly and encourage lawyers of all backgrounds to develop the full range of skills required to bring complex transactions to completion.

Fully recognizing credibility in transactional practice requires firms and clients to look beyond traditional metrics and intentionally value the relational and strategic work that often determines whether complex deals succeed. Making this work visible in evaluation and advancement more accurately reflects how transactions are actually brought to completion.

For many women lawyers practicing today, these forms of leadership have long been part of how credibility is established and maintained within transactional practice. As the profession continues to evolve, recognizing this work more fully will not only support the advancement of women lawyers—it will strengthen the practice of transactional law itself.



Sarah Ford is an attorney and owner of a small law firm focusing on corporate and real estate transactions. Her practice includes representing developers, investors, and businesses in complex transactional matters. She is a member of Idaho Women Lawyers and the Idaho State Bar.

Endnotes

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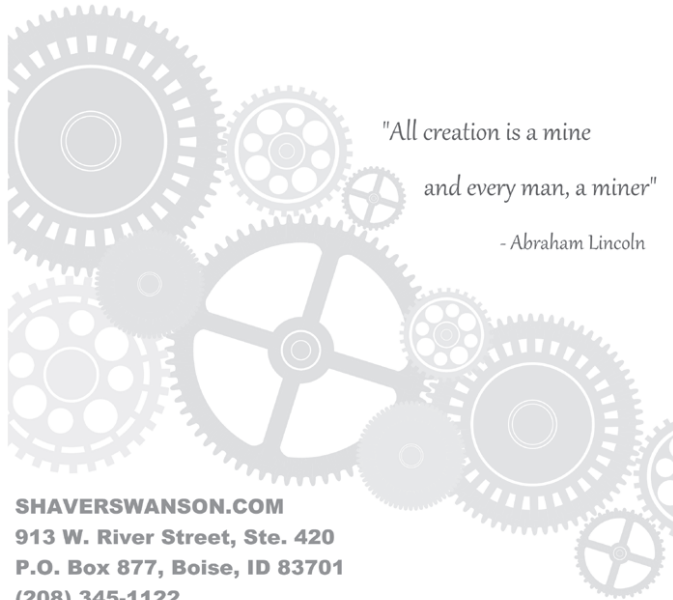
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From Access to Advancement: Mentorship and Sponsorship for Women Lawyers in Idaho

Lindsey A. Morgan, Kathleen M. Carr,
Alycia Moss, Catherine Renshaw, and
Katie Sheftic

A young associate wins her first motion. Her supervising partner nods approvingly, then turns to a male colleague and says, “This is your client—can you take the lead on the client call to discuss the win?” The associate did the work. Someone else gets the visibility. That moment captures why entry into the legal profession is no longer the central challenge for many women lawyers. Advancement is.

As Idaho Women Lawyers marks its fortieth anniversary, the progress is remarkable. Women in Idaho now serve across the profession as judges, firm leaders, bar leaders, public officials, professors, and trusted counsel. In many respects, the question of entry has changed. Women are no longer seeking a place at the margins of the profession. They are already part of its leadership, service, and daily work.

But entry is not the same as advancement.

A profession can open its doors without changing how careers develop once inside. It can celebrate inclusion while leaving intact the less visible systems that shape who receives meaningful opportunities, who builds credibility, who remains

in practice, and who ultimately leads. For many women, the central question is no longer whether they can enter the profession. It is what helps them build durable, advancing careers within it.

That is where mentorship and sponsorship matter. Lawyers do not grow through credentials alone. They grow through guidance, trust, feedback, advocacy, and opportunity. If the first 40 years of progress focused heavily on access, the next 40 should focus more deliberately on advancement.

What Effective Mentorship Looks Like in Practice

Mentorship happens in the details. A senior lawyer does not just assign a deposition. She takes 15 minutes to explain the themes that will matter most. She does not simply mark up a brief. She explains why the opening loses force or why the judge will want the conclusion sooner. She does not just invite an associate to a client meeting. She debriefs afterward and explains what changed in the room and why. These moments teach judgment, not just tasks.

In the first years of practice, the gap between law school and actual lawyering can feel enormous. A new lawyer may know how to research an issue or draft a motion,

but not how to manage a difficult client, navigate firm dynamics, or gauge whether a piece of work is merely competent or truly ready. A good mentor closes those gaps. She offers practical guidance, candid feedback, and context that law school cannot provide.

A good mentor does more than encourage. She is both an excellent lawyer and a capable teacher. She gives honest assessments, explains strategy, and creates opportunities for a less experienced lawyer to understand how legal practice actually works. She does not simply assign a task. She explains why it matters, how it fits into the broader representation, and what separates an adequate performance from an excellent one.

That mentorship often appears in ordinary moments. A senior lawyer invites a junior lawyer to a meeting or includes her on client emails because she understands the value of modeling excellent lawyering. A supervisor returns a draft with edits and explains the rationale behind them. A partner gives an associate a meaningful role in a hearing and creates space for her to handle it. A senior associate shares the practical insight that makes a difficult working relationship manageable. None of these moments are dramatic on their own, but together they shape judgment, confidence, and professional identity.

Effective mentorship also requires trust. Lawyers do not develop through observation alone. They develop when someone gives them meaningful responsibility and allows them to grow into it. That does not mean abandoning quality or exposing a younger lawyer to unreasonable risk. It means recognizing that passing the bar sets the floor, not the ceiling, for a new lawyer's potential. The best mentors build confidence and judgment rather than fear or dependence.

Good mentorship also changes over time. A first-year associate may need specific instruction about communication, deadlines, and basic professional judgment. A midcareer lawyer may need help deepening client relationships, refining executive presence, or moving from strong technical work into leadership. Even senior lawyers benefit from mentorship as they take on management, business development, or broader institutional responsibilities. Professional development is not confined to the first few years of practice.

Associates also benefit from mentorship outside the direct reporting structure. A junior lawyer often needs an objective sounding board when navigating firm dynamics, professional uncertainty, or career decisions. For that reason, mentorship outside one's organization can be just as valuable as mentorship within it. A trusted mentor who can identify blind spots and offer candid guidance with a lawyer's long-term interests in mind provides a different but equally important form of support.

For women lawyers in particular, effective mentorship may also include candor about the profession itself. A mentor can name realities that are often left unspoken, including questions of credibility, visibility, leadership, and the practical pathways by which lawyers move from competence to influence. Those conversations can accelerate growth in ways formal training rarely does.

Why Sponsorship Is Different

Mentorship and sponsorship are closely related, but they are not the same. Both matter, but they do different work.

A mentor helps a lawyer develop. A sponsor helps a lawyer advance.

A mentor teaches. She gives feedback, explains strategy, helps a younger lawyer develop judgment, and often helps decode firm culture, courtroom culture, or the unwritten rules of the profession. A sponsor does something more concrete with her capital. She puts the younger lawyer in the room, advocates for her, recommends her for the visible assignment, pushes her name forward for leadership, and lends credibility when it matters.

The distinction matters because a lawyer may have excellent mentors and still stall if no one is actively advocating for her advancement. That is especially true in environments where the most meaningful opportunities do not arrive through formal postings or neutral distribution. They flow through relationships, trust, and visibility. A lawyer may receive guidance without receiving access. She may be told she is doing well, but never be given the assignments, introductions, or institutional backing that would allow others to see it.

Skill and hard work are essential, but careers are also shaped by access to experience, networks, and institutional confidence. Sponsorship helps translate talent into trajectory.

In practice, sponsorship can take many forms. It may mean inviting a younger lawyer to a pitch meeting or client call. It may mean asking her to coauthor an article or present on a webinar. It may mean making her the client point person

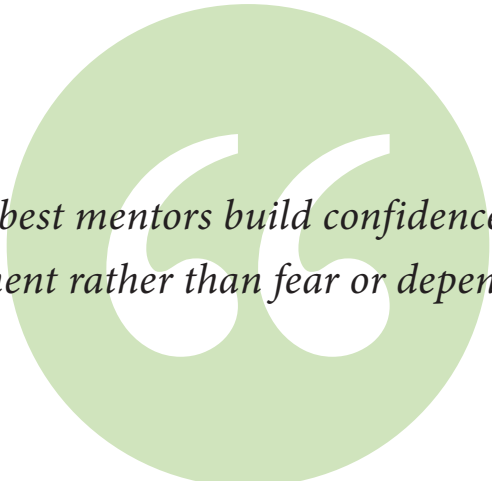
on a matter, advocating for her to receive the stretch assignment that will attract real notice, or encouraging her to pursue a role before she believes she is ready. In a larger firm, sponsorship may involve client exposure, leadership opportunities, or business development access. In a smaller firm, government office, or solo setting, it may take the form of referrals, courtroom opportunities, bar appointments, or introductions to professional networks. The form varies. The function does not. Sponsorship opens doors that merit alone does not always open on its own.

Sponsorship is not charity. It is a professional judgment. The younger lawyer must make herself someone worth sponsoring by delivering strong work, being prepared, and becoming a trusted extension of the sponsor's judgment. A sponsor is not looking for perfection. She is looking for readiness, reliability, and the ability to grow into a larger role.

Because sponsorship requires a more senior lawyer to share influence and accept some risk, it is often less common than mentorship. But it is often the factor that changes a career. For a profession serious about advancement, that distinction deserves attention.

The Moments That Change a Career

Careers rarely unfold in neat timelines. A lawyer steps away for family



The best mentors build confidence and judgment rather than fear or dependence.


responsibilities and returns to find her peers have moved ahead. Another loses a position or watches a practice group dissolve and ends up building something better elsewhere. A third spends years doing excellent work in relative obscurity, then receives one visible opportunity that changes everything. The moments that define careers are rarely the ones anyone plans for.

Career shaping moments often look ordinary. A senior lawyer invites a younger attorney to shadow a mediation. A partner gives honest feedback on a brief that materially improves a lawyer's writing. A colleague refers a client that becomes a lasting relationship. Small moments can carry enormous consequences. Other moments arrive less gently. A professional pause changes momentum. A workplace proves not to have room for a lawyer or her practice. A path that once seemed stable comes to an end.

These moments matter because law remains an apprenticeship profession. Lawyers learn from experience, but they also learn from being seen. They grow when someone notices promise and responds with challenge, trust, and opportunity. They also grow when circumstances force them to reimagine success and build something new.

For many women lawyers, career development has never occurred in a vacuum. It has always been shaped by caregiving, family responsibilities, and the reality that professional identity and personal identity cannot be cleanly separated. The profession has come a long way in recognizing that truth, but not far enough. Too often, commitment is still measured by uninterrupted visibility rather than resilience, judgment, and long-term contribution.

The same is true of professional setbacks. Not making partner, losing a position, or watching a promised opportunity go elsewhere can feel like failure in the moment. In hindsight, those moments may prove to be turning points. Many successful women lawyers can identify a setback that forced them to build something on their own terms, move into a better professional fit, or claim a different kind of authority. A good mentor helps a lawyer see that possibility while she is still in the middle of the disruption.



The most meaningful mentors do not simply encourage lawyers when things are going according to plan. They help them interpret the moments when they are not.

That is why mentorship matters so much. The most meaningful mentors do not simply encourage lawyers when things are going according to plan. They help them interpret the moments when they are not. They remind a lawyer that being underestimated, interrupted, sidelined, or required to begin again does not mean the story is over. Sometimes it means the real story is just beginning.

This is especially true early in practice, when confidence and belonging are fragile. A junior lawyer often remembers very clearly the first time someone trusted her with meaningful responsibility. That trust sends a message. It says she is not merely helping from the sidelines. She is becoming someone others rely on. But career shaping moments do not end with early practice. Midcareer and senior lawyers also benefit from sponsorship when a colleague advocates for a leadership role, a client relationship, or a broader platform within the profession. Advancement at those stages may turn less on basic competence and more on whether someone with influence is willing to say she is ready.

Over the last 40 years, women lawyers have expanded what leadership in this profession looks like. That progress is real and worth celebrating. But one enduring challenge is that women are often expected to convert adversity into legitimacy, to prove that the setback made them stronger, the detour made them wiser, or the exclusion

made them more entrepreneurial. There is truth in that, but there is also cost. The profession can celebrate resilience without romanticizing the barriers that made such resilience necessary.

A career is not defined only by what happens when doors open. It is also defined by what a lawyer does when they close, and by who helps her find the next one.

Mentorship Beyond the Office

Some of the most important mentoring relationships in a lawyer's career are built outside the office.

Not every lawyer begins in a workplace with a strong mentoring culture or clear development paths. Many lawyers, especially in Idaho, build their careers in smaller offices, government settings, or practices where day-to-day demands leave little room for intentional mentorship. For women lawyers in particular, growth often depends on building relationships beyond a firm's organizational chart. Mentorship does not become less meaningful because it happens outside formal structures. Often, it becomes more durable and more influential.

Some of the most meaningful professional development comes from more senior attorneys who make a deliberate choice to include newer lawyers. An invitation to attend an event, meet a client, join a bar function, or simply be present in a room that might otherwise remain closed can make a

lasting difference. Those invitations communicate trust, create visibility, and allow a younger lawyer to observe how experienced attorneys build relationships and carry themselves in professional settings.

This kind of mentorship often develops through bar associations, volunteer work, and community involvement. State and local bar sections, our state bar's Idaho Academy of Leadership of Lawyers, Inns of Court, nonprofit boards, interest groups like Idaho Women Lawyers, continuing legal education programs, alumni networks, and community organizations create opportunities to work alongside lawyers from other offices, practice areas, and generations. Relationships that begin through a committee meeting or volunteer project can grow into something much more significant: a trusted source of advice, a future sponsor, or a colleague who opens a door at the right time.

Outside mentorship also allows younger lawyers to be seen in a fuller way. A case file may show that someone is hardworking, but service outside the office can reveal initiative, judgment, reliability, and leadership. Those experiences can lead to introductions, referrals, opportunities for visibility, and lasting professional relationships.

For women lawyers building families while building careers, these examples matter in another way as well. It matters to see lawyers who are both excellent practitioners and whole people. Watching more experienced attorneys navigate professional demands alongside family responsibilities, community commitments, and personal boundaries can make the profession feel more sustainable. It offers a model of a long and healthy legal career, rather than one defined only by endurance.

This broader understanding of mentorship is especially important in Idaho's legal community. In a bar that is both connected and geographically diverse, relationships across firms and practice settings can have lasting influence. If the profession is serious about advancement over the next 40 years, mentorship must be intentional, expansive, and holistic. More experienced attorneys must do more than offer advice. They must include newer lawyers in the spaces and opportunities where professional growth actually happens.

The Next 40 Years

As Idaho Women Lawyers reflects on 40 years of progress, it is worth recognizing both what has changed and what still matters. Women have earned visibility, leadership, and influence throughout the profession. But progress should not be measured by entry alone. It should also be measured by whether lawyers are being developed, trusted, advocated for, and invited to lead.

Mentorship and sponsorship are not optional niceties. They are forms of professional leadership. They improve retention. They strengthen institutions. They improve service to clients. They help convert individual promise into durable professional advancement.

40 years of progress means women lawyers are no longer fighting for entry. But advancement still requires intention. It depends on whether experienced lawyers are willing to teach, include, advocate, and open doors. Progress becomes durable when the next generation is developed not as a favor, but as a professional responsibility.



Lindsey Morgan is an Of Counsel Attorney in Fennemore's Business Litigation practice group. She represents businesses, business owners, and industry participants in complex disputes, with a practice focused on ownership and control conflicts, commercial litigation, real estate and land-related disputes, insurance issues, and outside general counsel support. She regularly handles matters involving fiduciary duties, governance failures, professional liability, insurance coverage, and business breakups.



Kathleen Carr is a highly experienced attorney in Fennemore's Natural Resources practice group, where she advises clients on litigation and regulatory matters across the environmental, energy, and natural resources sectors. Her practice focuses on the environmental review and permitting of major federal

infrastructure and development projects—spanning water, energy, nuclear, and renewable energy systems—with a particular emphasis on geothermal energy.



Alycia Moss is a Director in Fennemore's Immigration practice group, focusing her practice on guiding businesses, families, and individuals through the complexities of U.S. immigration law. With more than a decade of immigration experience, she has represented clients before the United States Citizenship & Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), the Executive Office of Immigration Review (EOIR), the Board of Immigration Appeals (BIA), the Administrative Appeals Office (AAO), the Board of Alien Labor Certification Appeals (BALCA), and federal courts.



Catherine Renshaw is an immigration attorney whose practice focuses on immigration law, with extensive experience representing clients in matters before U.S. Citizenship and Immigration Services, immigration court, Immigration and Customs Enforcement, and the federal courts. She has represented individuals in asylum, family-based, and employment-based visa petitions, as well as in litigation before the U.S. Court of Appeals for the Ninth Circuit.



Katie Sheftic is a mining and natural resources attorney with a background in energy, law, and policy. From transactional matters to litigation, Katie enjoys helping clients navigate the complex legal, tribal, and regulatory landscape of Idaho's natural resources industry. She has assisted domestic and international stakeholders with mineral title opinions and helped secure successful quiet title actions for mineral rights and hard rock mining claims.

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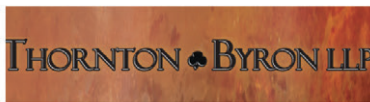


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Ryland Clif Alberda

University of Idaho College of Law

Hannah Elizabeth Anderson

Gonzaga University School of Law

Johannah Audrey Anderson

AKA Johannah Audrey Durst

Indiana University - Indianapolis

Payton William Randolph Anderson

University of Idaho College of Law

McKenzie Dale Ankrom

The University of Mississippi School of Law

Josiah Aponte

Creighton University School of Law

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AKA Annette Paula Steinback,

Annette Paula Bieghler-Lamadrid,

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Keri Lee Mills

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Colleen D. Zahn
Cynthia K.C. Meyer

Regular Spring Term for 2026 3rd Amended December 22, 2025

Boise January 7, 9, 14 and 23
Boise February 13 and 18
Boise (University of Idaho) February 11
Boise April 6, 15 and 17
Moscow (University of Idaho) April 8
Lewiston April 9
Boise May 6, 8, 11, 13 and 15
Boise June 3, 5 and 8
Rexburg (BYU Idaho) June 10
Twin Falls June 11

By Order of the Court
Melanie Gagnepain, Clerk

NOTE: The above is the official notice of the 2026 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.

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Chief Judge
Michael P. Tribe

Judges
David W. Gratton
Molly J. Huskey
Jessica M. Lorello

Regular Spring Term for 2026 4th Amended 01/15/2026

Boise January 13
Boise February 10
Boise April 7, 9, 14 and 16
Boise May 12, 14, 19 and 21
Boise June 16, 18, 23 and 25
Boise July 9

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

Regular Fall Term for 2026 November 10, 2025

Boise August 14, 19, 21 and 24
Boise September 9 and 11
Coeur d' Alene September 16 and 17
Boise October 2, 7 and 9
Idaho Falls October 14
Pocatello October 15
Boise November 2, 4, 6 and 9

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Hawley Troxell is pleased to announce that Melanie Anderson has rejoined the firm as a Partner in the Litigation and Workers' Compensation practice groups.

Melanie's practice focuses primarily on complex litigation. Before earning her J.D. from the University of Idaho in 2022, Melanie gained 20+ years of litigation experience as a paralegal, legal assistant, & court clerk.

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**Idaho Supreme Court
Oral Arguments for June 2026**

05/14/2026

June 3, 2026

8:45 a.m. *State v. Satterfield*..... #53632
10:30 a.m. *Ludwig v. Howard*..... #52067
11:15 a.m. *State v. Hardt*..... #53609

June 5, 2026

8:45 a.m. *ISB v. Hepworth*..... #53451
11:15 a.m. *State v. Kawano*..... #52919

June 8, 2026

8:45 a.m. *Bryd v. Coffey*..... #52453
10:30 a.m. *Schuster v. Milbrath*..... #52545
11:15 a.m. *Cheung v. Pena*..... #52986

June 10, 2026

8:45 a.m. *State v. Crombie*..... #53425
10:30 a.m. *Bowen v. Penrod*..... #52886
11:15 a.m. *Smith v. Penny Manning in Her Official Capacity*.... #53443

June 11, 2026

8:45 a.m. *Whiteley v. Life Care Centers*..... #53061

**Idaho Court of Appeals
Oral Arguments for June 2026**

05/14/2026

June 16, 2026

10:30 a.m. *Rugged Rentals v. Paxia*..... #52889

June 18, 2026

9:00 a.m. *State v. Worosz*..... #52402
10:30 a.m. *State v. Nevarez*..... #51907

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Cases Pending

CASES IN ALPHABETICAL ORDER BY CATEGORY – APRIL 2026

CIVIL APPEALS

Contracts

Whether the district court erred in concluding that the title insurance policy was unambiguous and only insured title to the land on which a manufactured home sat, not to the manufactured home itself.

Johnson v. Stewart Title Guaranty Co.
Docket No. 53126
Court of Appeals

Whether the district court erred in ruling that the City has an exclusive right to provide electric service to the Moyie Springs Mill under Idaho Code section 61-332B when the IPUC has not approved the placement of the mill within the City's service territory under Idaho Code section 61-333.

Idaho Forest Group, LLC v. City of Bonners Ferry
Docket No. 52965
Supreme Court

Damages

Whether the district court erred by refusing to consider Plaintiffs' motion for a new trial based on Plaintiffs' claim under I.R.C.P. 59(a)(1)(F) that the jury's damage award was excessive and was the result of passion or prejudice.

Stone v. Clagg
Docket No. 52958
Supreme Court

Notice

Whether an admittedly forged document can impart an innocent party with knowledge sufficient to make it subject to a vendee's lien.

Quinlan v. Meridian Indemnity, Inc.
Docket No. 52761
Supreme Court

Punitive Damages

Whether the trial court abused its discretion by denying Plaintiff's motion to amend the complaint to add a claim for punitive damages where Plaintiff submitted admissible, undisputed evidence establishing a reasonable likelihood of proving fraudulent conduct.

Clark v. Anderson
Docket No. 53408
Court of Appeals

Summary Judgment

Whether the district court erred by denying summary judgment after improperly requiring Plaintiff to show that the amount charged to repair the damage was reasonable.

Cope Automotive, Inc. v. Auto-Owners Ins. Co.
Docket No. 52991
Supreme Court

CRIMINAL APPEALS

Evidence

Whether the district court erred by admitting I.R.E. 404(b) evidence of prior alleged sexual misconduct of which Defendant had been acquitted almost 20 years earlier.

State v. Rodriguez
Docket No. 52379
Supreme Court

Whether the district court abused its discretion by admitting irrelevant evidence that Defendant was on probation for possession of a controlled substance and by allowing the State to impeach a defense witness with his two felony guilty pleas, which were still pending sentencing at the time of Defendant's trial.

State v. Zimmerman
Docket No. 52292
Court of Appeals

Whether the district court abused its discretion by excluding evidence that drugs and paraphernalia were found throughout the house where Defendant was staying, not just in Defendant's room.

State v. Weeks
Docket No. 52051
Court of Appeals

Whether the district court abused its discretion by admitting I.R.E. 404(b) evidence of Defendant's alleged uncharged sexual misconduct with a different alleged victim more than 17 years earlier.

State v. McKim
Docket No. 52472
Court of Appeals

Jury Instructions

Whether the district court committed fundamental error by failing to give an unanimity instruction when the lewd conduct charge alleged numerous distinct acts upon which the jury could rest its verdict.

State v. Bauer
Docket No. 52871
Court of Appeals

Sixth Amendment Right to Counsel

Whether the district court erred in allowing Defendant to represent herself at trial because her waiver of her Sixth Amendment right to Counsel was not knowing, intelligent, and voluntary.

State v. Baumgartner
Docket No. 50833
Court of Appeals

Sufficiency of Evidence

Whether the State failed to present sufficient evidence to prove that the victim suffered permanent disfigurement as a result of Defendant's battery.

State v. Lake
Docket No. 52386
Court of Appeals

ADMINISTRATIVE APPEALS

Judicial Review

Whether the district court erred by concluding that the church's leasing of its property to third parties constituted nonexempt commercial use under I.C. § 63-602B and that partial taxation did not substantially burden its exercise of religion in violation of FERPA.

Intermountain Dist. Advisory Bd. Church of the Nazarene, Inc. v. Valley County
Docket No. 53196
Supreme Court

Summarized by:

Lori Fleming
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In Memoriam

Gary Pigman 1938 – 2026



Gary Howard Pigman was born on December 8, 1938, in Morton, Washington, and died on May 5, 2026, in Coeur d'Alene, Idaho.

Gary graduated from high school in Morton, WA, and joined the US Navy in 1958. He served at Naval Base, Kwajalein Island, 1958-1959, and on board the USS Lyman K. Swenson (DD-729) as a Radarman Second Class Petty Officer, from 1959-1962.

He graduated from Montana State University in 1966 and became a probation officer in Chehalis, Washington, until his acceptance to Northwestern School of Law at Lewis & Clark College in 1970. Gary was admitted to the Idaho State Bar in 1973 and opened his practice in Hayden Lake, Idaho.

An avid outdoorsman, Gary enjoyed the outdoors of North Idaho and Western Montana; kayaking, fishing, hunting, hiking,

camping, and motorcycle riding. He was a member of the Hayden Eagles. A memory that he recalled was fishing on Hayden Lake when Mount Saint Helens erupted.

Gary was preceded in death by his parents; his sister, Helen Thompson; and great-grandson, Cedar James Gabriel.

He is survived by his sister, Sandra Aiton; his four children: Lisa (Randy) Kinsey; Phil (Heather) Pigman; Eric (Yvette) Pigman, and Cami (Micah) Maxwell, as well as many grandchildren and great-grandchildren.

James R. Bennetts 1934 – 2026

James Robert "Jim" Bennetts, 91, passed away peacefully and surrounded by his loving family, on Tuesday, April 28, 2026. Born on September 3, 1934, Jim was raised in Challis, Idaho, where he lived, worked, and served his community throughout his life.

Jim graduated from Challis High School in 1952 and attended Idaho State

University, earning his undergraduate degree in 1956 while participating in the ROTC program. He proudly served in the United States Army, was deployed to Germany, and attained the rank of First Lieutenant as part of one of the first surface-to-air missile battalions guarding Western Germany during the early Cold War.

Jim earned his law degree from the University of Idaho College of Law, was admitted to the Idaho State Bar in 1963. He practiced law in Challis for more than 60 years, building a reputation for integrity, compassion, and service. He was recognized as a 60-Year Milestone Attorney by the Idaho State Bar.

Jim loved the outdoors, especially hunting and fishing, and enjoyed sharing the Idaho wilderness with his family. He was preceded in death by his wife JoAnn Sabini Bennetts; his parents James Bennetts Sr. and Anna Ellis Bennetts; and his sisters Alice Ling and Beth O'Brien. He is survived by his children Jeff, Jan, Jon, and J.D.; five grandchildren; and three great-grandchildren.

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The Judicial Conference of the United States has authorized the appointment of a full-time United States magistrate judge for the District of Idaho to be chambered in Pocatello. The position will start on either April 1, 2027, or whenever the District of Idaho receives its FY 2027 budget, whichever is later. The current annual salary of the position is \$229,908. The term of office is eight years.

A full public notice for the magistrate judge position is posted in the office of the clerk of the district court at one of the three courthouses. The notice and application forms are available on the court's website at www.id.uscourts.gov. Interested persons may contact the clerk of the district court for additional information. Applications must be received by August 31, 2026.

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Winston & Cashatt, Lawyers Welcomes New Associate Michelle Newby

SPOKANE, WASHINGTON—Winston & Cashatt is proud to announce that Michelle Newby has joined the firm as an associate attorney. Michelle's practice focuses on estate planning, probate, trust & estate litigation.



Michelle Newby helps families ensure their loved ones are provided for. Focusing on customized estate plans, Michelle specializes in integrating estate planning into her clients' total financial picture. She works directly with trusted professionals to ensure that one's estate plan aligns with one's financial plan. This collaboration optimizes tax efficiency, ensures smooth asset distribution, avoids probate, and keeps plans updated. When not in the office, Michelle spends time with her family, skiing at Schweitzer, boating on Lake Pend Oreille, or hiking in the mountains.

Celebrating the 2025-2026 Class of the Idaho Academy of Leadership for Lawyers

BOISE—The 2025-2026 class of Idaho Academy of Leadership for Lawyers (IALL) graduated on April 24th, making it the 14th class to participate in the Academy. The class began in October with five classes being held throughout the winter and spring.

The class has been working on their legacy projects with an emphasis on helping those with legal assistance in the more rural areas of the state by establishing a form library for adult guardianships, providing a blog for the public to learn about legal issues in housing and probate, providing legal resources for LGBTQ+ organizations in southeastern Idaho, providing mediation in small towns, helping pro se family law litigants, creating the Coeur Foundations to provide legal infrastructures of community nonprofit organizations, and providing attorneys for victims through the newly created Southeastern



The IALL Class of 2025-2026 - Pictured (L-R) in the front: ISB Staff Liaison Teresa Baker, Steering Committee member Teri Jones, Anya Perret, Susan Sanders-Young, Lindsey Morgan, Erin Simnitt, Jordan Hendry, Katie Franklin, Kayla Hermann, Steering Committee member Matt Romrell, and DeLon Lee.

Second row (L-R) Amanda Siegwein, Ronnie Keller, Steering Committee Member Gordon Holland, Evan Barrett, Mark Kubinski, Alyssa Jones, Steering Committee Member Michael Hanby, and Tyler Beck. Not pictured are: Megan Mignella, Brooke Roberts, and Steering Committee Members Judge Fafa Alidjani and Samantha Schmitt.

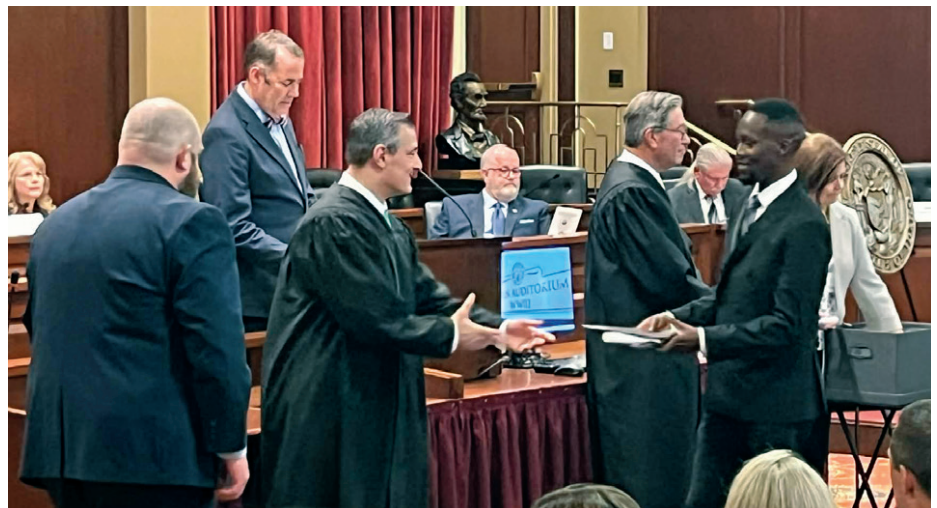
Idaho Constituent of Justice. Other projects involve providing estate planning for victims of domestic violence, revitalizing participation in Idaho Women Lawyers in north Idaho, creating a curriculum for middle school mock trial, providing self-help guides in English and Spanish for administrative hearings, and launching a forum for the community to understand the role of the judiciary.

The application for the next IALL class is available on the Idaho State Bar website, starting this fall.

2026 Spring Admissions Ceremony

STATEWIDE—The Idaho Supreme Court and the United States Courts, District of Idaho, held a joint admissions ceremony alongside the Idaho State Bar on Friday, May 1, 2026, at the Lincoln Auditorium at the Idaho State Capitol, in Boise.

22 attorneys were admitted to the Idaho State Bar. United States Supreme Court, Chief US Magistrate Judge Raymond E. Patricco presided over the ceremonies. Hon. Robert Jackson, President



New admittees sworn in inside the Lincoln Auditorium at the Idaho Capitol Building. Photo credit: Teresa Baker.

of the Board of Commissioners of the Idaho State Bar, Kimberlee Bratcher, President of the Board of Directors of the Idaho Law Foundation, Bart M. Davis, US Attorney for the District of Idaho, Idaho Court of Appeals Chief Judge Michael P. Tribe. Friends and family of the new Idaho lawyers attended the ceremony to celebrate their success with a reception held afterward.

Two New Idaho State Bar Commissioners

STATEWIDE—Voting members of the Idaho State Bar in the Northern and Central Districts of Idaho recently elected new members of the Board of Commissioners. The new Commissioners will serve three-year terms, beginning in June 2026.



Twin Falls attorney, Matthew Wolfe, was elected to represent the Third and Fifth Districts, replacing Commissioner Hon. Robert Jackson. Matt is a graduate of Concordia University

Law School. He is an attorney with Twin Falls Estate Planning. After becoming a practicing attorney, Matt continued that involvement by serving as Chair of the Idaho Military Legal Alliance and being elected to the Fourth District Bar Association.



Boise attorney, Taylor Mossman-Fletcher, was elected to represent the Fourth District, replacing Commissioner Kristin Bjorkman. Taylor is a graduate of the University

of Idaho College of Law. She began her career clerking for Judge Ronald Bush in Pocatello. She then had the privilege of working alongside outstanding attorneys at Comstock and Bush before taking over her father, Hugh Mossman's, firm in 2011. Over the course of her 20-year legal career, she has devoted herself primarily to serving disabled and injured clients throughout Idaho.

Idaho Volunteer Lawyers Program (IVLP) Welcomes Attorney Jane Hochberg

BOISE—Jane Hochberg joins the staff of IVLP as its new Case Coordinator. Jane has

over 25 years of legal experience and spends significant time volunteering with a non-profit equestrian organization.



Jane has dedicated the majority of her career to public service and will continue serving the public in this role. Jane will be conducting investigative interviews with Idahoans

who financially qualify for legal services and will act as the liaison between the individuals and attorneys interested in performing pro bono work. Jane will additionally coordinate the IVLP telephone advice and counsel clinics as well as manage other partner clinics.

Jane is excited to use her experience and knowledge in this role and to work with the public to address their legal needs. If you are interested in volunteering in a clinic, limited representation, or taking a case, please reach out to Jane at jhochberg@isb.idaho.gov.

Attorney Teresa Baker Receives the Bertha Stull Green Award



BOISE—Teresa Baker, Program and Legal Education Director for the Idaho State Bar and the Idaho Law Foundation, was recognized by the Idaho Women Lawyers during their 2026 Gala on April 16, 2026. Teresa was honored with the Bertha Stull Green Award for her continued service to the public and her community.

The Bertha Stull Green Award recognizes an individual who is well respected in the legal field for demonstrated commitment to their community and public service. The award honors those who, through their profession or community engagement, invest significant time to public service and make a positive impact on their communities.

After practicing law for 20 years, Teresa decided to serve her fellow attorneys and currently is the Program and Legal Education Director for the Idaho State Bar and Idaho Law Foundation. She has been in this role since 2019.

Law Related Education Director, Carey Shoufler, Receives National Mock Trial Award



BOISE—Carey Shoufler, Law Related Education Director for the Idaho Law Foundation, received the Justice Gene Franchini Golden Gavel Award for 2026. This award is given out by the National High School Mock Trial Championship. The Justice Gene Franchini Golden Gavel Award recognizes any adult individual who has demonstrated exemplary dedication and commitment to the goals and ideals of the national high school mock trial program.

Carey has spent the last 21 years working as the Law Related Education Director for the Idaho Law Foundation. Carey utilizes her experience as an educator to provide leadership and management for a statewide civic education program. During her tenure on the national board for high school mock trial, she has been an advocate for inclusion, fairness, and ensuring every student feels welcomed and valued at each competition.




Carey obtained her bachelor's degrees in English literature from Mills College in Oakland, California and her master's degree in instructional design from Boise State University. A native Idahoan, Carey returned to Boise in 1999 after working for 13 years as a teacher and educational administrator in Boston.

CONTINUING LEGAL EDUCATION







June

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| <p>5 <i>Lawyer Ethics and Email</i>
1.0 Ethics credit
</p> <p>17 <i>Ligertown: The Escape and the Legal Saga That Followed</i>
JUMP - Boise
1.25 CLE credit – NAC Approved
</p> <p>17 <i>AI and its Use in the Legal Profession</i>
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</p> <p>17 <i>NextGen Bar Exam: What Attorneys Need to Know</i>
JUMP - Boise
1.25 CLE credit – NAC Approved
</p> | <p>17 <i>Bar Counsel Panel: Decades of Ethics</i>
JUMP - Boise
1.25 Ethics credit – NAC Approved
</p> <p>22 <i>When Clients Ghost: Managing Communication Breakdowns and Withdrawal Obligations</i>
1.0 Ethics credit
</p> <p>26 <i>How Ethics Rules Apply to Lawyers Outside of Law Practice</i>
1.0 Ethics credit
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-  = In Person
-  = Live Webcast
-  = Live Audio Stream

July

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| <p>1 <i>The Ethics of Bad Facts and Bad Law</i>
1.0 Ethics credit
</p> <p>13 <i>Lawyer Ethics of Working Remotely</i>
1.0 Ethics credit
</p> | <p>30 <i>Ethical Issues When You Have a Dishonest Client</i>
1.0 Ethics credit
</p> <p>31 <i>How Ethics Rules Apply to Lawyers Outside of Law Practice</i>
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A professional portrait of Hon. John R. Stegner, a middle-aged man with short, light-colored hair, wearing a dark blue suit jacket, a white dress shirt, and a patterned tie. He is looking directly at the camera with a slight smile. The background is a solid, muted blue color.

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